

**IN THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE**

IN RE:)	
)	
PETITION OF TENNESSEE)	
AMERICAN WATER COMPANY TO)	
CHANGE AND INCREASE CERTAIN)	
RATES AND CHARGES SO AS TO)	DOCKET NO. 08-00039
PERMIT IT TO EARN A FAIR AND)	
ADEQUATE RATE OF RETURN ON)	
ITS PROPERTY USED AND USEFUL IN)	
FURNISHING WATER SERVICE TO)	
ITS CUSTOMERS)	

**CONSUMER ADVOCATE AND PROTECTION DIVISION’S MOTION TO ASK
ADDITIONAL DISCOVERY QUESTIONS**

Robert E. Cooper, Jr., Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”), pursuant to TRA Rule 1220-1-2-.11(5)(a), hereby moves for leave to ask additional discovery questions of Tennessee American Water Company (“TAWC” or “Company”).

For cause, petitioner would show the following:

1. This is a complex rate case in which TAWC is seeking to substantially increase customers’ water bills by \$7,644,859 each year, which represents an average bill increase of 21%. This annual rate increase proposal follows very closely on the heels of the 12% increase in water bills granted to TAWC by this Authority last year in Docket 06-00290.

2. The Company has proffered the direct testimony of nine witnesses in support of the proposed rate increase. The Company’s petition and related testimony and exhibits total 970 pages; the Company has also submitted an additional 1,668 pages of information in support of its proposed

rate increase in response to TRA staff data requests.

3. The initial round of discovery -- which is the only round of discovery prior to the filing of the Consumer Advocate's direct testimony -- is essential for the Consumer Advocate to adequately and fully investigate the positions taken by the Company in its petition and filings, to rebut the veracity of the Company's witnesses, to explore the purported deficiency of the sizeable rate increase the TRA awarded to TAWC just last year, and to formulate and present the Consumer Advocate's own expert opinions on material issues affecting just and reasonable water rates for TAWC's customers.

4. Although the Consumer Advocate has not determined all of the issues that it may investigate or litigate in this docket, its preliminary review of the case has revealed a substantial number of issues that are material to TAWC's petition. Currently, the Consumer Advocate is without sufficient information to analyze these material issues, primarily because most of the information that is pertinent to such analyses is in the hands of the Company.

5. Additionally, the important issues under consideration in this matter include issues relating to the Company's proposed depreciation study and weather normalization adjustments. The Consumer Advocate has hired outside consultants to respond to these material and complex issues and has included questions in its initial round of discovery that these experts have drafted in order to gather information that is essential for their analyses of these important issues.

6. Filed contemporaneously with this motion is the Consumer Advocate's Memorandum in Support of Motion to Ask Additional Discovery Questions, as well as the Consumer Advocate's initial discovery questions to TAWC.

WHEREFORE, the Consumer Advocate requests the Hearing Officer to approve its motion to ask additional discovery questions of TAWC.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Ryan L. McGehee", is written over a horizontal line.

RYAN L. McGEHEE
Assistant Attorney General
Office of the Attorney General and Reporter
Consumer Advocate and Protection Division
P.O. Box 20207
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Dated: May 12, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing is being served via U.S. Mail and/or electronic mail upon:

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This the 12 day of MAY, 2008.



RYAN L. McGEHEE
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