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April 30, 2009

Hearing Officer Gary Hotvedt  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

Re: TRA Docket No. 08-00202  
Petition of Tennessee Wastewater Systems, Inc. for  
Approval to Amend Its Rates and Charges

Dear Judge Hotvedt:

As was discussed during the pre-hearing conference on April 27, 2009, Tennessee Wastewater Systems ("TWS") will proceed with the presentation of its evidence on Monday, May 4, 2009, at 9:00 a.m. The order of witnesses will be (1) Charles Pickney; (2) Matt Pickney; and (3) Charles Hyatt. Rebuttal testimony, as necessary, will be presented live from the witness stand.

TWS and the Consumer Advocate Division ("CAD") have resolved all disagreements concerning the confidentiality of filings. There is no need for your assistance on that issue.

You noted at the pre-hearing conference that King's Chapel, an intervenor in the case, would be able to participate in the hearing subject to certain restrictions. I have listed here those restrictions as I understand them. First, King's Chapel's intervention is limited to the issue of the relationship between TWS and its affiliated companies.<sup>1</sup> Second, TWS' use of affiliates "is not an issue that belongs in the instant rate case" except as the use of affiliates affects "the discovery or determination of regulated income in this rate case."<sup>2</sup> Third, King's Chapel may not

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<sup>1</sup> The affiliate issue is the "one new question" raised by King's Chapel in this docket. Order of January 22, at 9; affirmed by the TRA, Order of April 29, 2009.

<sup>2</sup> Order of January 22, 2009, at 9; Order of March 13, 2009, at 5; affirmed by Order of April 29, 2009.

participate in the hearing except through counsel.<sup>3</sup> Fourth, King's Chapel cannot have access to any proprietary information except through counsel. Such information cannot be shared by counsel with Mr. John Powell.<sup>4</sup> Finally, since King's Chapel did not pre-file any testimony, the company cannot submit evidence.<sup>5</sup>

Taken collectively, these restrictions mean that King's Chapel's participation in the hearing is limited to counsel's being able to cross-examine witnesses concerning TWS' use of affiliates as it affects "the determination of regulated revenue in this rate case." To the extent that such cross-examination involves the use of confidential financial information, the cross-examination may not occur in the presence of Mr. Powell (or any others who are not parties to the confidentiality agreement). Counsel for King's Chapel may also, of course, make opening and closing statements and otherwise participate in the hearing within those limitations.

I hope that setting these matters out prior to the hearing will assist the Hearing Officer and the Authority and reduce the need for objections during the hearing.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

By:

  
Henry Walker

HW/cas

cc: Vance L. Broemel  
Charles B. Welch, Jr.

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<sup>3</sup> Order of January 22, 2009; affirmed by Order of April 29, 2009.

<sup>4</sup> Order of January 22, 2009, at 7; affirmed by Order of April 29, 2009.

<sup>5</sup> This was ruled upon during the pre-hearing conference on April 27, 2009.