

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**January 22, 2009**

**IN RE:**

|                                           |                            |
|-------------------------------------------|----------------------------|
| <b>PETITION OF TENNESSEE WASTEWATER )</b> |                            |
| <b>SYSTEMS, INC. TO CHANGE AND )</b>      |                            |
| <b>INCREASE CERTAIN RATES AND )</b>       | <b>DOCKET NO. 08-00202</b> |
| <b>CHARGES SO AS TO PERMIT IT TO )</b>    |                            |
| <b>RECOVER COSTS ASSOCIATED WITH )</b>    |                            |
| <b>FURNISHING WASTEWATER SERVICE TO )</b> |                            |
| <b>ITS CUSTOMERS )</b>                    |                            |

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**KINGS' CHAPEL CAPACITY'S FIRST DISCOVERY REQUEST FOR INFORMATION  
FROM THE CONSUMER ADVOCATE & PROTECTION DIVISION**

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**DEFINITIONS**

1. **"PERSON(S)"** means all individuals and entities, including, without limitation, individuals, sole proprietorships, associations, companies, partnerships, joint ventures, corporations, authorities, and government or municipal entities.
2. **"Or"** means "and/or." **"And"** means "and/or."
3. **"STAFF"** shall mean the Tennessee Regulatory Authority staff, and each of its attorneys, agents, representatives, employees, subsidiaries, accountants, analysts, economists, and any other PERSONS acting or purporting to act on its behalf.
4. **"CAPD"** shall mean the Consumer Advocate and Protection Division of the Attorney General's Office, and each of its attorneys, agents, representatives, employees, subsidiaries, accountants, analysts, economists, and any other PERSONS acting or purporting to act on its behalf.

5. **"COMPANY"** Or **"TWS"** shall mean Tennessee Wastewater Service, and each of its attorneys, agents, representatives, employees, subsidiaries, accountants, analysts, economists, and any other PERSONS acting or purporting to act on its behalf.
6. **"KINGS' CHAPEL CAPACITY"** Or **"KCC"** shall mean Kings' Chapel Capacity and all attorneys, agents, representatives, staff, employees, subsidiaries, accountants, and any other PERSONS or entities acting or purporting to act on its behalf.
7. **"REFER(S) TO"** or **"RELATE(S) TO"** or **"RELATING TO"** shall mean to be in any way logically or factually connected with the matter stated in describing the document or information, including, but not limited to, referring to, sharing, describing, concerning, containing, embodying, evidencing, analyzing, supporting, identifying, stating, reflecting, contradicting, rebutting, inconsistent with, dealing with, bearing upon, or in any way pertaining to, directly or indirectly.
8. Terms in the plural include the singular, and terms in the singular include the plural.
9. Terms referring to a gender include all genders.
10. The term **"COMPUTER FILES"** means all computer files and written, recorded, and graphic materials of every kind in your possession, custody or control and includes any medium upon which intelligence or information can be recorded or retrieved, electronic correspondence, and drafts of documents, copies of documents that are not identical duplicates of the originals, and copies of the documents the originals of which are not in your possession, custody or control. The term "computer files" includes, but is not limited to, information stored in, or accessible through, computer or other information retrieval systems. The term "computer files" includes documents that exist in machine-readable form, including documents stored in personal computers, portable computers, workstations, minicomputers, mainframes, servers, backup disks and tapes, archived disks

and tapes, CD Rom, worm drives, DVD drives, and other forms of offline storage, whether on or off your premises. Electronic mail messages should also be provided, even if only available on backup or archived tapes or disks. The computer files shall be printed and produced in hard copy and produced in machine-readable form, together with instructions and all other materials, means and devices necessary to use, gather, or interpret the data or format of the computer files.

11. **“DOCUMENT”** means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limiting the generality of the foregoing, COMPUTER FILES and every writing or record of every type and description in your possession, custody or control, or in the possession, custody or control of your attorneys or agents, including, but not limited to, the original and each copy, regardless of origin and location, of any COMPUTER FILES; correspondence; letter; memorandum; invoice; bill; order form; receipt; financial statement; depreciation schedule; appraisal; accounting entry; diary; calendar; travel calendar; telex; telegram; notes or sound recording of any type of personal or telephone conversation or of meetings or conferences; cable; report; record; study; analysis; results of investigation; review; contract; agreement; deed; financing statement; continuation statement; termination statement; loan inquiry or request; loan approval; loan commitment; list of inventory, equipment, materials, supplies, property or assets of any nature or type; statistical record; ledger; book of accounts; voucher; travel voucher; bank check (whether canceled or otherwise); invoice; stenographer notebook; desk calendar; appointment book; diary; expense account record; handwritten note; chart; paper; print; drawing; sketch; index; list; tape; photograph; microfilm; data sheet or data processing card; discovery responses, TRA filings, testimony, working papers, spreadsheets, tariffs, drafts and rate filings; or papers similar to any of the foregoing; or any

other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody or control or which was, but is no longer in your possession, custody or control.

12. **“IDENTIFY”** when used with respect to a DOCUMENT(s) or written communication means:

- A. Specify the nature of the DOCUMENT (e.g., letters, memoranda, press release, written agreements, telegrams, etc.);
- B. State the date, if any, appearing on the DOCUMENT when it was prepared;
- C. Identify each PERSON who wrote, signed, dictated, or otherwise participated in the preparation of the DOCUMENT;
- D. Identify each PERSON, if any, who was an addressee of the DOCUMENT or otherwise received a copy of the DOCUMENT;
- E. If it now exists, identify each PERSON having custody of the DOCUMENT;
- F. State when and how it came to be in your possession or subject to your control; and,
- G. State the substance of the information contained in the DOCUMENT or communication. If such DOCUMENT was, but no longer is, in your possession or subject to your control, state what disposition was made of it.

13. **“IDENTIFY”** when used with respect to a PERSON or PERSONS means:

- A. State the name, address(es), and day-time telephone number(s) of such PERSON; and
- B. Note the name of the present employer(s) and job title, if any, of such PERSON.

## **REQUESTS**

**REQUEST NO. 1.** PRODUCE all DOCUMENTS related to the TWS Rate Case Petition, or to these proceedings which were exchanged by and between any member of one or more of the following: (i) the CAPD, (ii) the STAFF, and/or TWS. This request includes all DOCUMENTS, as defined above, including e-mails, correspondence, notes, memoranda, drafts, edits, and other COMMUNICATIONS between or among the foregoing PERSONS.

**ANSWER:**

**REQUEST NO. 2.** Provide the dates, times along with attendees from any member of one or more of the following: (i) the CAPD, (ii) the STAFF, and/or TWS from all meetings (both electronically and in person) related to the TWS Rate Case Petition.

**ANSWER:**

**REQUEST NO. 3.** Produce all DOCUMENTS that you relied upon, referenced, created, or otherwise reviewed in preparation of a settlement agreement with TWS.

**ANSWER:**

**CERTIFICATE OF SERVICE**


The undersigned hereby certifies that the foregoing document has been served upon the following persons by hand delivery or by United States Mail, with proper postage thereon.

Henry Walker  
Boult, Cummings, Conners & Berry, PLC PLC  
1600 Division Street, Ste. 700  
Nashville, TN 37203

Tim Phillips  
Office of Attorney General  
Consumer Advocate and Protection Division  
P.O. Box 20207  
Nashville, TN 37202

Rebecca Montgomery  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

This 7<sup>th</sup> day of January, 2009.

  
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