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June 26, 2009

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Eddie Roberson, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

*Via E-mail and Hand Delivery*

filed electronically in docket office on 06/26/09

Attention: Sharla Dillon

Re: Petition of Lynwood Utility Corporation to Change and Increase Rates and  
Charges  
Docket No. 09-00034

Dear Chairman Roberson:

I have enclosed for filing the original and five copies of the Discovery Request of  
Lynwood Utility Corporation to the Consumer Advocate and Protection Division.

This Discovery Request and this cover letter are being filed electronically by electronic  
mail this same date. A copy has been served on the Ryan McGehee, Counsel for the Consumer  
Advocate. Please return the additional copy of the Response stamp filed to me.

Thank you for your assistance.

Sincerely yours,



DONALD L. SCHOLES

Enclosures

c: Ryan McGehee  
Tyler Ring  
Jim Ford

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

**IN RE:** )  
 )  
**LYNWOOD UTILITY CORPORATION'S ) DOCKET NO. 09-00034**  
**PETITION FOR ADJUSTMENT OF )**  
**RATES )**

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**DISCOVERY REQUEST OF LYNWOOD UTILITY CORPORATION TO THE  
CONSUMER ADVOCATE AND PROTECTION DIVISION**

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To: Ryan McGehee  
T. Jay Warner  
Counsel for Consumer Advocate  
Office of the Tennessee Attorney General and Reporter,  
Consumer Advocate and Protection Division  
425 Fifth Avenue North  
Nashville, TN 37243

This Discovery Request is hereby served upon the Consumer Advocate and Protection Division pursuant to Rules 26, 33, 34 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg. 1220-1-2-.11. We request that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the office of Donald L. Scholes, Branstetter, Stranch and Jennings, PLLC, 227 Second Avenue North, Nashville, TN 37201 on behalf of Lynwood Utility Corporation ("Lynwood") on or before July 17, 2009.

## **PRELIMINARY MATTERS AND DEFINITIONS**

Each discovery request calls for all knowledge, information and material available to Consumer Advocate and Protection Division (Consumer Advocate), as a party, whether it be the Consumer Advocate's, in particular, or knowledge, information or material possessed or available to Consumer Advocate's attorney or other representative.

These discovery requests are to be considered continuing in nature, and are to be supplemented from time to time as information is received by Consumer Advocate which would make a prior response inaccurate, incomplete, or incorrect. In addition, Lynwood requests that Consumer Advocate supplement responses hereto with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert at hearing, the subject matter on which the expert is expected to testify, and the substance of the expert's testimony.

These discovery requests are to be interpreted broadly to fulfill the benefit of full discovery. The singular of any discovery request includes the plural and the plural includes the singular. To assist you in providing full and complete discovery, Lynwood provides the following definitional guidelines.

The terms "and" and "or" shall be construed conjunctively or disjunctively as necessary to include any information that might otherwise be construed outside the scope of these requests.

The term "communication" means any transmission of information by oral, graphic, pictorial or otherwise perceptible means, including but not limited to personal conversations, telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, or otherwise.

For purposes of these discovery requests, the term "you" shall mean and include: Consumer Advocate and all employees, agents and representatives thereof.

The term "person" or "persons" as used herein refers to any natural person, corporation, firm, company, sole proprietorship, partnership, business, unincorporated association, or other entity of any sort whatsoever. *A complete answer must provide a response which includes all*

*matters known or reasonably available to the Consumer Advocate.*

The term “identity” and “identify” as used herein, with respect to any person, means to provide their name, date of birth, current residence address, current residence telephone number, current business address, current business telephone number, and the occupation or job title of that person; with respect to an entity, those terms mean to provide the name by which said entity is commonly known, the current address of its principal place of business, and the nature of business currently conducted by that entity; with respect to any document, those terms mean to provide the date of the document, the nature of the document, the title of the document, the reference number (if any) of the document, and the current location of the document, including the identity of the person or entity in possession of the document.

The term “document” as used herein, means any medium upon which intelligence or information can be recorded or retrieved, such as any written, printed, typed, drawn, filmed, taped, or recorded medium in any manner, however produced or reproduced, including but not limited to any writing, drawing, graph, chart, form, workpaper, spreadsheet, e-mail, note, photograph, tape recording, computer disk or record, or other data compilation in any form without limitation. Produce the original and each copy, regardless of origin or location, of any book, pamphlet, periodical, letter, note, report, memorandum (including memoranda, note or report of a meeting or conversation), spreadsheet, photograph, videotape, audio tape, computer disk, e-mail, or any other written, typed, reported, 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. If any such document was, but no longer is, in your possession or control, state what disposition was made of it and when. If a document exists in different versions, including any dissimilar copies (such as a duplicate with handwritten notes on one copy), each version shall be treated as a different document and each must be identified and produced.

If you produce documents in response to these discovery requests, produce the original of each document or, in the alternative, produce a copy of each document and identify the location

of the original document. If the “original” document is itself a copy, that copy should be produced as the original.

If any objections are raised on the basis of privilege or immunity, include in your response a complete explanation concerning the privilege asserted.

If you contend that you are entitled to refuse to fully answer any of this discovery, state the exact legal basis for each such refusal.

If any of the interrogatories are not answered on the basis of privilege or immunity, include in your response to each such interrogatory a written statement evidencing:

- (a) the nature of the communication;
- (b) the date of the communication;
- (c) the identity of the persons present at such communication; and
- (d) a brief description of the communication sufficient to allow the Authority to rule on a motion to compel.

If, for any reason, you are unable to answer a discovery request fully, submit as much information as is available and explain why your answer is incomplete. If precise information cannot be supplied, submit 1) your best estimate, so identified, and your basis for the estimate and 2) such information available to you as comes closest to providing the information requested. If you have reason to believe that other sources of more complete and accurate information exist, identify those sources.

If any information requested is not furnished as requested, state where and how the information may be obtained or extracted, the person or persons having knowledge of the procedure and the person instructing that the information be excluded.

## DISCOVERY REQUESTS

1. Please explain why the Consumer Advocate is treating tap fees as revenue for Lynwood in this rate case when the NARUC chart of accounts provides that tap fees should be classified as contributions in aid of construction and when the Authority has treated tap fees as contributions in aid of construction in Lynwood's previous rate cases.

### RESPONSE:

2. Explain the reasons why the Consumer Advocate reduced Lynwood's regulatory expense for this docket from \$36,000 to \$18,000 in light of the regulatory expense in the amount of \$45,000 accepted for Lynwood's 2007 rate case, Docket No. 07-00007.

### RESPONSE:

Respectfully submitted,



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DONALD L. SCHOLES BPR #10102  
Branstetter, Stranch & Jennings, PLLC  
227 Second Avenue North, Fourth Floor  
Nashville, TN 37219  
615-254-8801

*Attorney for Lynwood Utility Corporation*

Dated: June 26, 2009.

**CERTIFICATE OF SERVICE**

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

Ryan L. McGehee  
T. Jay Warner  
Associate Attorney General  
Office of the Attorney General  
Consumer Advocate and Protection Division  
P.O. Box 20207  
Nashville, Tennessee 37202-0207

This the 26th day of June, 2009.

  
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DONALD L. SCHOLES