

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

**March 18, 2010**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF CHATTANOOGA GAS</b>	)	
<b>FOR GENERAL RATE INCREASE,</b>	)	<b>Docket No. 09-00183</b>
<b>IMPLEMENTATION OF THE</b>	)	
<b>ENERGYSMART CONSERVATION</b>	)	
<b>PROGRAMS, AND IMPLEMENTATION OF</b>	)	
<b>A REVENUE DECOUPLING MECHANISM</b>	)	
	)	

**CHATTANOOGA GAS COMPANY'S OBJECTIONS TO  
CAPD'S SUPPLEMENTAL DISCOVERY REQUESTS**

Pursuant to the Hearing Officer's Modified Procedural Schedule, Chattanooga Gas Company ("CGC" or "Company") files these Objections to the Supplemental Discovery Requests of the Consumer Advocate and Protection Division ("CAPD") of the Office of the Attorney General and Reporter. To assist the Hearing Officer in evaluating this matter, CGC is setting forth its objections in two parts. Part I sets forth general objections applicable to CGC's discovery responses. Part II sets forth objections to specific discovery requests propounded by the CAPD.

**I. GENERAL OBJECTIONS**

CGC objects generally to any definitions or instructions to the extent that they are inconsistent with and request information that is beyond the scope of the Tennessee Rules of Civil Procedure. CGC's responses will comply with the requirements of the Tennessee of Rules of Civil Procedure.

Any requests for production of documents are interpreted to describe each item or category of items requested with reasonable particularity as required by Tenn. R. Civ. P.

34.02, and the terms used in the requests are not interpreted “broadly”. CGC will produce non-privileged, responsive items and/or data in its possession, custody, or control as required by Tennessee Rules of Civil Procedure.

CGC further objects to these discovery requests to the extent they seek information or documents that are beyond the scope of legitimate discovery in this rate case or that is subject to any privilege, including the attorney-client privilege and/or attorney work product doctrine. Without waiving any of these General Objections, the Company will respond to the CAPD’s discovery requests by providing responsive, non-privileged information. The Company reserves its right to object to the use and admissibility of the information or documents at the hearing on the merits or at any other proceeding in this docket.

These General Objections are continuing and are incorporated by reference into CGC’s responses to all discovery requests to the extent applicable. The statement of the following additional objections to specific discovery requests shall not constitute a waiver of these General Objections.

Additionally, CGC objects to the scope of the terms “identity” and “identify” as used by the CAPD. In particular, CGC objects to providing the date of birth, the current residential address, and the current residential telephone number of persons to be identified on the grounds that the scope of information requested is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. CGC further objects to the CAPD’s instructions to produce the “original” of “each copy” of each document requested on the grounds that the request is overly broad, unduly

burdensome, and not calculated to lead to the discovery of admissible evidence. CGC intends to provide copies of original documents as available.

CGC objects to any request in the CAPD's second set of discovery requests that seeks information and/or documents that have already been provided to the CAPD in any form whatsoever in this docket or that are already in the CAPD's possession, custody, or control. It is unduly burdensome to require CGC to re-produce the information or to produce it in another specified format.

CGC further objects to the discovery requests to the extent that they seek information and/or documents that are not in the Company's possession, custody, or control.

Further, to the extent that any of the requests seek information that is confidential, CGC's will produce confidential information pursuant to the Agreed Protective Order entered in this docket on February 19, 2010. Any confidential information must be used only for purposes of this docket and must be disclosed only to the persons designated in the Agreed Protective Order.

## **II. OBJECTIONS TO SPECIFIC DISCOVERY REQUESTS**

CGC is specifically objecting to the following discovery request propounded by the CAPD as explained in detail below.

### **REQUEST NO. 1:**

Please provide complete and unaltered original documentation or complete and unaltered copies of such original documentation of any and all billings of counsel, underlying records, litigation costs, or other documentation that supports any costs, for which Chattanooga Gas Company is currently seeking reimbursement and/or recovery in Docket 09-00183, which were incurred by Chattanooga Gas Company in connection with TRA Docket 07-00224, including but not limited to

the original and unaltered bills submitted by counsel for payment in relation to Docket 07-00224, or full and complete copies thereof, and, upon which, Chattanooga Gas Company bases its requested recovery of \$744,743.81.

**Response:** CGC objects to this request as seeking privileged information to the extent it seeks “unaltered original documentation or complete and unaltered copies.” (Emphasis added). The documents the CAPD is seeking contain privileged information, including but not limited to information protected from disclosure by the attorney client privilege and the attorney work product privilege, and as such, CGC will be redacting them to protect the privileged information.

Respectfully submitted,

LUNA LAW GROUP, PLLC

By: 

J.W. Luna, Esq. (BPR 5780)

Jennifer L. Brundige, Esq. (BPR 20673)

333 Union Street, Suite 300

Nashville, TN 37201

(615) 254-9146

*Attorneys for Chattanooga Gas Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of March 2010, a true and correct copy of the foregoing was served on the persons below by electronic mail:

Gary Hotvedt  
Hearing Officer  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-00505

Cynthia Kinser, Deputy  
C. Scott Jackson  
Ryan McGehee  
T. Jay Warner  
Consumer Advocate and Protection Division  
Office of Attorney General  
2<sup>nd</sup> Floor  
425 5<sup>th</sup> Avenue North  
Nashville, TN 37202

Henry M. Walker  
Bradley Arant Boult Cummings, LLP  
1600 Division Street, Suite 700  
Nashville, TN 37203



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