

BASS

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November 1, 2010

VIA E-MAIL & HAND DELIVERY

Chairman Mary W. Freeman
c/o Ms. Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

filed electronically in docket office on 11/01/10

Re: *Petition of Tennessee American Water Company To Change And Increase Certain Rates And Charge So As To Permit It To Earn A Fair And Adequate Rate Of Return On Its Property Used And Useful In Furnishing Water Service To Its Customers*
Docket No. 10-00189

Dear Chairman Freeman:

Enclosed please find an original and five (5) sets of copies of Tennessee American Water Company's discovery requests to the (1) Consumer Advocate and Protection Division of the Attorney General for the State of Tennessee, (2) City of Chattanooga, (3) Chattanooga Manufacturers Association, (4) Walden's Ridge Utility District, (5) Town of Signal Mountain, Tennessee, and (6) the Utility Workers Union of America, AFL-CIO and the UWUA Local 121, which were filed electronically today.

Please return one (1) copy of each of these discovery requests to me by way of our courier, which I would appreciate you stamping as "filed."

Should you have any questions concerning any of the enclosed, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,



R. Dale Grimes

Enclosures

cc: Hon. Sara Kyle (w/o enclosure)
Hon. Eddie Roberson (w/o enclosure)

Mr. David Foster, Chief of Utilities Division (*w/o enclosure*)
Richard Collier, Esq. (*w/o enclosure*)
Mr. Jerry Kettles, Chief of Economic Analysis & Policy Division (*w/o enclosure*)
T. Jay Warner, Esq. (*w/enclosure*)
David C. Higney, Esq. (*w/enclosure*)
Henry M. Walker, Esq. (*w/enclosure*)
Michael A. McMahan, Esq. (*w/enclosure*)
Frederick L. Hitchcock, Esq., (*w/enclosure*)
Mark Brooks, Esq., (*w/enclosure*)
Scott H. Strauss, Esq., (*w/enclosure*)
Donald L. Scholes, Esq., (*w/enclosure*)
Mr. John Watson (*w/o enclosure*)
Mr. Michael A. Miller (*w/o enclosure*)

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

IN RE:

**PETITION OF TENNESSEE AMERICAN
WATER COMPANY TO CHANGE AND
INCREASE CERTAIN RATES AND
CHARGES SO AS TO PERMIT IT TO
EARN A FAIR AND ADEQUATE RATE
OF RETURN ON ITS PROPERTY USED
AND USEFUL IN FURNISHING WATER
SERVICE TO ITS CUSTOMERS**

Docket No. 10-00189

**TENNESSEE AMERICAN WATER COMPANY'S FIRST DISCOVERY REQUESTS
TO UTILITY WORKERS UNION OF AMERICA, AFL-CIO AND UWUA LOCAL 121**

Petitioner Tennessee American Water Company ("Petitioner" or "TAWC") serves these Discovery Requests on the Utility Workers Union of America, AFL-CIO and the UWUA Local 121 (the "UWUA"), and asks that the UWUA provide responses to each request separately, fully, and in writing. The UWUA is also called upon to produce all documents and evidence requested herein. Furthermore, the UWUA is called upon to fulfill its duty to supplement its answers as far in advance of the beginning of any hearing as is reasonably possible if it is learned that any response is in any material respect incomplete, incorrect or has changed.

In these discovery requests, the terms "document" or "documents" or "documentation" refers to all written, reported, recorded or graphic matter (including all drafts, originals and nonconforming copies that contain deletions, insertions, handwritten notes or comments, and the like) however produced or reproduced to any tangible or intangible, permanent or temporary record and, without limitation, shall include the following: all letters, correspondence, records of conferences or meetings, memoranda, notes, printed electronic mail ("e-mail"), telegrams, telephone logs, teletypes, telexes, banking records, notices of wire transfer of funds, canceled

checks, books of account, budgets, financial records, contracts, agreements, invoices, speeches, transcripts, depositions, press releases, affidavits, communications with government bodies, interoffice communications, working papers, newspaper or magazine articles, computer data, tax returns, vouchers, papers similar to any of the foregoing, and any other writings of every kind and description (whether or not actually used) and any other records from which information can be obtained and translated into reasonably usable form, including without limitation, e-mail, voice recordings, video and audio recordings, photographs, films, tapes, data compilations and any other electronically stored information.

As used herein, the term "identify" in reference to any individual requires you to provide that individual's name, occupation, current and last known residential and business addresses, and current or last known residential and business telephone numbers. In reference to any other place, thing, concept, fact, or occurrence, the term "identify" requires you to provide all significant information concerning the subject matter of the interrogatory or request, in clear and unambiguous terms, to the fullest extent reasonably calculated to convey the requested information.

Pursuant to the Procedural Schedule in this matter, please respond to all discovery requests by November 15, 2010.

DISCOVERY REQUEST NO. 1:

Identify each document that you anticipate you will rely on in opposition to the request(s) for relief, including any increase in rates, made by TAWC in TRA Docket No. 10-00189.

RESPONSE:

DISCOVERY REQUEST NO. 2:

Identify all persons known to you who have or claim to have knowledge, information, or possess any document(s) that support your answer to Discovery Request No. 1 above.

RESPONSE:

DISCOVERY REQUEST NO. 3:

Identify any person you intend to call as a fact witness, the subject matter of the witness' testimony, the substance and basis of the facts to be testified to, the data, documents, materials or other information shown to, relied upon, created by or considered by the witness as part of this case, any exhibits to be used by the witness, a full resume for the witness, the compensation to be paid for the testimony, and a listing of any other cases in which the witness has testified at trial or by deposition.

RESPONSE:

DISCOVERY REQUEST NO. 4:

Identify any person you intend to call as an expert witness, the subject matter of the witness' testimony, the substance and basis of the facts and opinions to be expressed, the data, documents, materials or other information shown to, relied upon, created by or considered by the witness as part of this case and/or as a basis in forming his or her opinions, any exhibits to be used as a summary of or support for each such opinion, the qualifications of the witness, including a full resume, a list of all publications authored by the witness, the compensation to be paid for the study and testimony, and a listing of any other cases in which the witness has testified at trial, by deposition or submitted written testimony.

RESPONSE:

DISCOVERY REQUEST NO. 5:

Please identify and produce any and all engagement letters, expert reports and work papers (including drafts) created by or provided to any expert or other witness.

RESPONSE:

DISCOVERY REQUEST NO. 6:

Please produce in electronic media (Word, Excel, or other Microsoft Office compatible format) and in hard copy all work papers and other documents, created by or relied upon by all UWUA witnesses.

RESPONSE:

DISCOVERY REQUEST NO. 7:

Please identify and produce a copy of all trade articles, journals, treatises, speeches and publications of any kind in any way utilized or relied upon by any UWUA proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter as well as all articles, journals, speeches, or books written or co-written by any UWUA witness.

RESPONSE:

DISCOVERY REQUEST NO. 8:

Please identify and produce any and all documentation, items, reports, data, communications, and evidence of any kind that the UWUA intends to offer as evidence at the hearing or to refer to in any way at the hearing.

RESPONSE:

DISCOVERY REQUEST NO. 9:

If you believe that TAWC has made any admission or statement against interest that contradicts the request(s) for relief, including any increase in rates, made by TAWC in TRA Docket No. 10-00189, please state with specificity any and all admissions or statements against interest allegedly made by TAWC. For each such admission or statement against interest state:

- a. The identity of the person making each admission or statement;
- b. The location where each admission or statement was made;
- c. The date and time each admission or statement was made;
- d. The identity of all persons present when each admission or statement was made;
and
- e. Identify all documents which refer or relate to each admission or statement and
attach copies of said documents hereto.

RESPONSE:

DISCOVERY REQUEST NO. 10:

With respect to the statement on Page 2 of the Petition to Intervene filed by the Utility Workers Union of America, AFL-CIO and UWUA Local 121, that the "UWUA has participated in proceedings before state utility commissions throughout the Nation," please identify and produce a copy of all testimony (with supporting exhibits) that UWUA has filed in the referenced proceedings.

RESPONSE:

DISCOVERY REQUEST NO. 11:

With respect to the statement on Page 3 of the Petition to Intervene filed by the Utility Workers Union of America, AFL-CIO and UWUA Local 121, that “the Company remains unwilling to address a central problem impeding its ability to deliver reliable and high quality water services to customers: the lack of an adequate complement of hourly staff,” please state the following:

- a. Each and every fact upon which you base your allegations;
- b. Identify each and every person with knowledge relating to these allegations and set forth a summary of each person’s knowledge, along with a source of such person’s knowledge; and
- c. Identify each and every document supporting, contradicting and/or relating to this discovery request and attach copies of such document to your answers to these discovery requests.

RESPONSE:

DISCOVERY REQUEST NO. 12:

With respect to the statement on Page 3 of the Petition to Intervene filed by the Utility Workers Union of America, AFL-CIO and UWUA Local 121, that “[t]he UWUA is uniquely positioned to address the staffing needs and practices of the Company, including both whether current staffing levels are adequate and whether the present staffing complement is being utilized in an effective manner calculated to promote the delivery of safe and reliable service,” please state the following:

- a. Each and every fact upon which you base your allegations;
- b. Identify each and every person with knowledge relating to these allegations and set forth a summary of each person’s knowledge, along with a source of such person’s knowledge; and
- c. Identify each and every document supporting, contradicting and/or relating to this discovery request and attach copies of such document to your answers to these discovery requests.

RESPONSE:

DISCOVERY REQUEST NO. 13:

Please identify, other than your attorneys, each person who provided information or participated in the preparation of the responses to each of these discovery requests, and for each such person specify the responses for which he or she provided information or participated in preparing.

RESPONSE:

DISCOVERY REQUEST NO. 14:

Identify all persons with whom you consulted prior to answering these discovery requests.

RESPONSE:

DISCOVERY REQUEST NO. 15:

Please identify all documents reviewed by you to respond to these discovery requests.

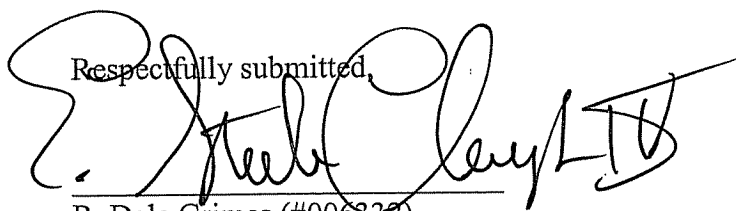
RESPONSE:

DISCOVERY REQUEST NO. 16:

Produce all documents identified or specified in your answers or responses to the discovery requests.

RESPONSE:

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read "E. Steele Clayton". The signature is written over a horizontal line.

R. Dale Grimes (#006332)

E. Steele Clayton (#017298)

C. David Killion (#026412)

BASS, BERRY & SIMS PLC

150 Third Ave. South, Suite 2800

Nashville, TN 37201

(615) 742-6200

Counsel for Petitioner

Tennessee American Water Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via the method(s) indicated, on this the 1st day of November, 2010, upon the following:

☐ Hand-Delivery	T. Jay Warner, Esq.
☒ U.S. Mail	Ryan McGehee, Esq.
☐ Facsimile	Mary L. White, Esq.
☐ Overnight	Counsel for the Consumer Advocate and Protection Division
☒ Email	Office of the Attorney General
	P.O. Box 20207
	Nashville, TN 37202

☐ Hand-Delivery	David C. Higney, Esq.
☒ U.S. Mail	Counsel for Chattanooga Manufacturers Association
☐ Facsimile	Grant, Konvalinka & Harrison, P.C.
☐ Overnight	633 Chestnut Street, 9th Floor
☒ Email	Chattanooga, TN 37450

☐ Hand-Delivery	Henry M. Walker, Esq.
☒ U.S. Mail	Counsel for Chattanooga Manufacturers Association
☐ Facsimile	Boult, Cummings, Conners & Berry, PLC
☐ Overnight	1600 Division Street, Suite 700
☒ Email	Nashville, TN 37203

☐ Hand-Delivery	Michael A. McMahan, Esq.
☒ U.S. Mail	Valerie L. Malueg, Esq.
☐ Facsimile	Special Counsel
☐ Overnight	City of Chattanooga (Hamilton County)
☒ Email	Office of the City Attorney
	100 East 11 th Street, Suite 200
	Chattanooga, TN 37402

☐ Hand-Delivery	Frederick L. Hitchcock, Esq.
☒ U.S. Mail	Harold L. North, Jr., Esq.
☐ Facsimile	Counsel for City of Chattanooga
☐ Overnight	Chambliss, Bahner & Stophel, P.C.
☒ Email	1000 Tallan Building
	Two Union Square
	Chattanooga, TN 37402

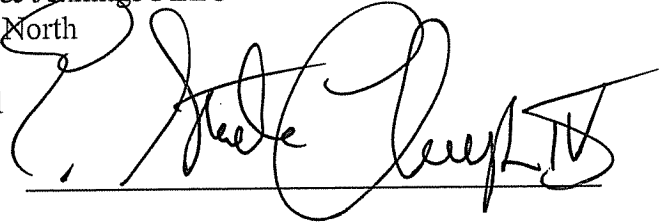
☒ Hand-Delivery	Mark Brooks
☐ U.S. Mail	Counsel for Utility Workers Union of America,
☐ Facsimile	AFL-CIO and UWUA Local 121
☐ Overnight	521 Central Avenue
☒ Email	Nashville, TN 37211

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- ☒ Email

Scott H. Strauss
Katharine M. Mapes
Counsel for UWUA, AFL-CIO and UWUA Local 121
Spiegel & McDiarmid LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036

- ☐ Hand-Delivery
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- ☒ Email

Donald L. Scholes
Counsel for Walden's Ridge Utility District and Signal Mountain
Branstetter, Stranch & Jennings PLLC
227 Second Avenue North
Fourth Floor
Nashville, TN 37201

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