

# BASS

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January 14, 2011

Via Hand-Delivery

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

filed electronically in docket office on 01/14/11

**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**

Dear Chairman Freeman:

Enclosed you will find an original and five (5) copies of Tennessee American Water Company's Motion for Permission to Propound Additional Discovery Requests. This material is also being filed today by way of email to the Tennessee Regulatory Authority Docket Manager, Sharla Dillon.

Please file the original and four copies of this material and stamp the additional copy as "filed". Then please return the stamped copies to me by way of our courier.

Should you have any questions concerning this matter, please do not hesitate to contact me at the email address or telephone number listed above.

With kindest regards, I remain

Very truly yours,



R. Dale Grimes

RDG:smb  
Enclosures

Chairman Mary Freeman

January 14, 2011

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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*)  
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Mark Brooks, Esq. (*w/enclosure*)  
Scott H. Strauss, Esq. (*w/enclosure*)  
Katharine M. Mapes, Esq. (*w/enclosure*)  
Donald L. Scholes, Esq. (*w/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**

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**TENNESSEE AMERICAN WATER COMPANY'S MOTION FOR PERMISSION TO  
PROPOUND ADDITIONAL DISCOVERY REQUESTS**

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Tennessee American Water Company ("TAWC"), by and through counsel, hereby moves for leave to propound additional discovery beyond the 40 question limit set forth in Rule 1220-1-2-.11(5)(a) to the extent that any of its discovery requests exceed the limit when including subparts.

For cause, TAWC would show the following:

1. The intervenors have proffered the direct testimony of seven (7) witnesses to challenge the testimony submitted by TAWC that supports its requests for a rate increase to allow it to earn an adequate rate of return. The intervenor witnesses' testimonies cover many complex issues pertinent to this rate case and are voluminous.

2. TAWC has reviewed the testimony of the intervenor witnesses and has diligently attempted to limit its discovery requests to the 40 question limit required by Rule 1220-1-2-.11(5)(a). Indeed, TAWC has only proffered 40 requests to the City of Chattanooga, 35 requests to the Consumer Advocate, 20 requests to the Chattanooga Regional Manufacturers' Association and four (4) requests to the UWUA. To the extent, however, that any of these requests exceed

the 40 question limit when counting subparts, TAWC requests that the Authority grant TAWC leave to propound the discovery requests submitted by TAWC.

3. TAWC's Motion is consistent with the Authority's prior orders in this case allowing the intervenors to propound more than the 40 question limit to TAWC. Indeed, the intervenors and TRA have propounded 420 numbered discovery requests to TAWC to date (not including subparts).

4. TAWC is afforded only one opportunity to propound discovery on the testimony submitted by the intervenors' witnesses to support their positions in this rate case. Without the opportunity to propound its discovery on the many issues raised in these witnesses' testimony regarding the substance and basis for their testimony as well as their qualifications to render such opinions, TAWC will not be able to adequately prepare and respond during the Hearing on the merits.

For these reasons, TAWC respectfully requests that the Authority grant this Motion.

Respectfully submitted,



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*Attorneys for Petitioner  
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### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by way of the method(s) indicated, on this the 14<sup>th</sup> day of January, 2011, upon the following:

<input checked="" type="checkbox"/> Hand-Delivery	Ryan McGehee, Esq.
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