

January 18, 2011

Via E-Mail and USPS
Chairman Mary Freeman
c/o Ms. Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

filed electronically in docket office on 01/18/11

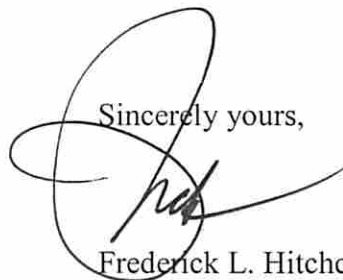
**Re: Petition of Tennessee American Water Company
Docket No. 10-00189**

Dear Chairman Freeman:

Enclosed please find an original and five (5) copies of The City of Chattanooga's Motion that Witness be Ordered to Appear for Deposition. I would appreciate you stamping the extra copy of the document as "filed," and returning it to me in the enclosed, self-addressed, stamped envelope.

With best regards, I am

Sincerely yours,



Frederick L. Hitchcock

FLH:pgh
Enclosures

Chairman Mary Freeman
c/o Ms. Sharla Dillon
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cc: Mr. J. Richard Collier (w/encl.)
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Ms. Monica Smith-Ashford (via email)
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**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)	
)	
PETITION OF TENNESSEE AMERICAN)	
WATER COMPANY TO CHANGE AND)	Docket No. 10-00189
INCREASE CERTAIN RATES AND)	
CHARGES.)	

**CITY OF CHATTANOOGA'S MOTION THAT WITNESS BE ORDERED TO APPEAR
FOR DEPOSITION**

The City of Chattanooga ("Chattanooga"), by and through counsel, submits this Motion seeking an Order that the representative of Schumaker & Company that Tennessee American Water Company ("TAWC") wishes to call as a witness, Ms. Patricia Schumaker, be ordered to appear in Chattanooga, Tennessee for a deposition. Chattanooga requests that the deposition be scheduled at the offices of TAWC or at the offices of Chattanooga's counsel in this matter.

On January 12, 2011, TAWC submitted its Motion that it be permitted to call a representative of Schumaker & Company ("Schumaker") as a witness at a hearing of this cause. TAWC never submitted any pre-filed testimony from the proposed representative of Schumaker and filed its motion only after the deadlines for the first round of discovery and for the intervenors to submit their pre-filed testimony had long passed. Indeed, the Motion was filed only two (2) days before the deadline for the second round of written discovery and while TAWC continued to withhold at least 95 documents and sets of documents discussing the management audit that would be the subject of Ms. Schumaker's testimony. Accordingly, the parties have received no notice of the testimony to be presented by the proposed witness, and they have had no meaningful opportunity to propound discovery requests concerning the proposed testimony.

Pursuant to T.R.A. Rule 1220-1-2-.11, any party may petition for discovery. A discovery deposition would be the most efficient way to accomplish the needed discovery. Because of the late nature of TAWC's request, it is difficult to imagine a circumstance in which the discovery sought would be more appropriate. A deposition is the closest thing to prefiled testimony available to the parties and the Authority at this point. Rate cases such as the present one include voluminous and complicated material. In order to properly evaluate and document whatever evidence Ms. Shumaker might offer, a deposition is a virtual necessity for the parties and the Authority.

Chattanooga requests that the discovery deposition of Patricia Schumaker be scheduled promptly in Chattanooga, Tennessee at the offices of TAWC or at the offices of Chattanooga's counsel, located within two blocks of TAWC's headquarters. Chattanooga, after all, is the location of TAWC and the location of those affected by the decision in this case, the ratepayers.

Chattanooga further requests that the Hearing Officer or her designee be available by telephone at the time scheduled for the deposition in order to address and resolve any issues that may arise during its course.

Respectfully Submitted,

OFFICE OF THE CITY ATTORNEY

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing pleading was emailed and was served upon the following person(s) via ☐ hand delivery or ☒ United States first class mail with proper postage applied thereon to ensure prompt delivery:

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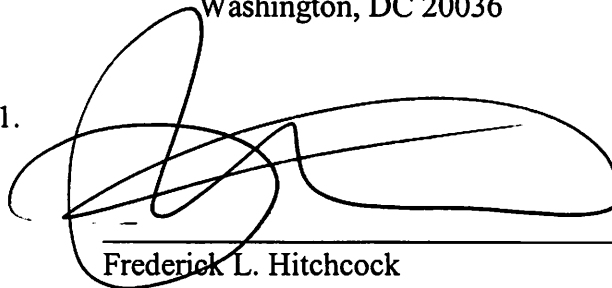
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This 18th day of January, 2011.



Frederick L. Hitchcock