

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**February 11, 2011**

**IN RE:**

**PETITION OF TENNESSEE AMERICAN WATER  
COMPANY FOR A GENERAL RATE INCREASE**

**DOCKET NO.  
10-00189**

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**ORDER SETTING DEPOSITION OF PATRICIA H. SCHUMAKER**

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This matter is before the Hearing Officer upon the motion filed by the City of Chattanooga ("City") on January 18, 2011 requesting the setting of the deposition of Patricia H. Schumaker and the subsequent agreement of the parties as to the taking of Ms. Schumaker's deposition. The City's motion was filed after Tennessee American Water Company ("TAWC") filed its motion asking that it be permitted to call Ms. Schumaker as a witness at the hearing in this matter. On January 28, 2011, the parties to this action filed their letter advising the Hearing Officer that they had reached an agreement as to setting a deposition of Ms. Schumaker and as to her being called as a witness to testify during the evidentiary hearing in this docket. A copy of the January 28, 2011 letter is attached to this Order.

Subsequent to receipt of that letter, General Counsel for the Tennessee Regulatory Authority ("TRA") had a telephone conversation with Ms. Schumaker in an effort to determine Ms. Schumaker's availability for deposition prior to the hearing in this docket set to begin on February 28, 2011 in Chattanooga, Tennessee. General Counsel conveyed to the parties via e-mail the dates available to Ms. Schumaker and also raised the issue of payment of Ms. Schumaker's expenses and the offer by the parties to provide Ms. Schumaker with pre-filed

testimony to assist her in preparing for the deposition. General Counsel's e-mail drew multiple and varied responses with respect to the payment of expenses and the amount of material to be provided to Ms. Schumaker in advance of the deposition. The responses of the parties, together with General Counsel's e-mails are being made a part of the record in this docket.

Based upon the agreement of the parties as set forth in the January 28, 2011 letter and the subsequent communications between General Counsel and the parties, the Hearing Officer hereby orders the following:

1. The agreement of the parties as set forth in the attached letter of January 28, 2011 is incorporated as a part of this Order with the exceptions as set forth herein.

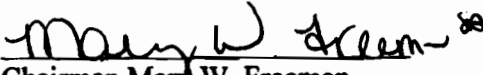
2. The deposition of Patricia H. Schumaker will take place in the Hearing Room of the Tennessee Regulatory Authority located at 450 James Robertson Parkway, Nashville, Tennessee, on **Friday, February 18, 2011**, commencing at **8:30 a.m. (CST)** and ending at **5:00 p.m. (CST)**, with appropriate breaks in between those times.

3. The TRA will make the necessary arrangements for the attendance of a court reporter during the deposition. All parties participating in the deposition of Ms. Schumaker will be responsible, in equal amounts, to reimburse and/or compensate Ms. Schumaker for the expenses she incurs and for the time she expends in preparation for and attendance at the deposition on February 18, 2011.

4. TRA General Counsel Richard Collier will preside over the deposition. The conduct of the deposition, including the amount of time allotted to each party for questions, will be determined at the start of the deposition or by agreement of the parties in advance of the deposition.

5. Because the intervening parties have requested this deposition, they are responsible for providing to Ms. Schumaker those parts of pre-filed testimony in this docket to assist her preparing for the deposition. Such materials shall be provided to Ms. Schumaker electronically or sent to her via overnight delivery on **Monday, February 14, 2011**. Responses to discovery or data requests are not considered a part of the agreement to provide materials as set forth in the January 28, 2011 letter.

**IT IS HEREBY ORDERED.**

  
Chairman Mary W. Freeman  
Hearing Officer



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January 28, 2011

filed electronically in docket office on 01/28/11

Mary Freeman, Chairman  
c/o Ms. Sharla Dillon  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

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

Dear Chairman Freeman:

The parties to Docket 10-00189 jointly propose the following procedure addressing the Motion filed by the City of Chattanooga on January 18, 2011 asking that Ms. Schumaker be directed to appear for a deposition. I am authorized to state that all parties concur in this recommendation. The proposed procedure is as follows:

Ms. Schumaker will be requested to come to Nashville to give a deposition and also will be called as a witness live at the evidentiary hearing where she can be questioned by the parties, the staff, and the Directors.

Any witness who seeks to respond to Ms. Schumaker's testimony, as provided in the deposition, will submit that response in writing prior to the evidentiary hearing.

The deposition will be taken before Richard Collier in the TRA's hearing room. The deposition will be limited to a single day, and Richard will equitably divide the time among the parties.

Richard Collier and Dale Grimes will jointly call Ms. Schumaker to request her appearance for the deposition and at trial, and a representative of the other parties may also be on the call upon request. In that call, as a courtesy Ms. Schumaker will be advised which witnesses have provided testimony about the Service Company, and she will be offered copies of that testimony for her review prior to the deposition.

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Mary Freeman, Chairman  
January 28, 2011  
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We submit this proposal for your consideration

Very truly yours,

BRADLEY ARANT BOULT CUMMINGS LLP

By:   
Henry Walker

HW/dnr

cc: Richard Collier, General Counsel  
All Parties (as listed on Exhibit A attached hereto)