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April 17, 2015

Via Email and FedEx

Hon. Herbert H. Hilliard, Chairman
c/o Ms. Sharla Dillon
Tennessee Regulatory Authority
502 Deaderick Street, 4th Floor
Nashville, TN 37243

Re: TRA Docket No. 14-00121

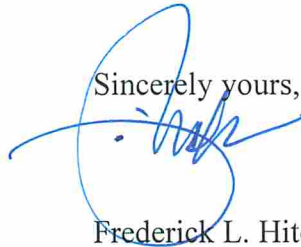
Dear Chairman Hilliard:

Enclosed please find an original and five (5) copies of the City of Chattanooga's Opposition to TAWC Motion In *Limine*. I would appreciate you filing this document electronically and stamping the extra hard copy of the document as "filed," and returning it to me in the enclosed, self-addressed and stamped envelope.

Thank you for your assistance.

With best regards, I am

Sincerely yours,



Frederick L. Hitchcock

FLH:pgH
Enclosures

cc: Ms. Kelly Cashman-Grams (w/ encl.)
Mr. Wade Hinton (w/ encl.)
Mr. Vance Broemel (w/ encl.)
Mr. Wayne Irvin (w/ encl.)
Mr. Melvin Malone (w/ encl.)
Ms. Valeria Gomez (w/ encl.)

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

IN RE:

PETITION OF TENNESSEE-AMERICAN
WATER COMPANY REGARDING THE
2015 INVESTMENT AND RELATED
EXPENSES UNDER QUALIFIED
INFRASTRUCTURE INVESTMENT
PROGRAM RIDER, THE ECONOMIC
DEVELOPMENT INVESTMENT RIDER,
AND THE SAFETY AND
ENVIRONMENTAL COMPLIANCE RIDER

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Docket No. 14-00121

**CITY OF CHATTANOOGA'S OPPOSITION TO TAWC MOTION IN *LIMINE*
REGARDING LEGISLATIVE HISTORY**

The City of Chattanooga ("Chattanooga") files this brief memorandum in opposition to what appears to be a motion in *limine* that Tennessee-American Water Company ("TAWC") included in its Response to the Notice that the Authority will grant Chattanooga's request to take judicial notice of the legislative history of enactment of Tenn. Code Ann. § 65-5-103(d). The grounds for Chattanooga's Opposition to TAWC's apparent motion in *limine* are:

- TAWC agrees that the Authority properly took judicial notice of the legislative history.
- If TAWC agrees with Chattanooga's interpretation of the plain meaning of Tenn. Code Ann. § 65-5-103(d), and the Authority concurs with the parties' interpretation, there may be little or no need for the Authority to refer to the legislative history. Mr. Allen's November 25, 2013 letter (Chattanooga Exhibit B) indicated that TAWC agreed with Chattanooga's interpretation of the plain meaning of key provisions of the statute. However, TAWC's positions asserted in

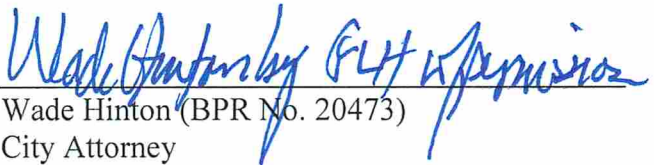
this proceeding, including those asserted in its pre-filing brief, suggest that TAWC now may not agree with Chattanooga's interpretation of the plain meaning of the statute.

- TAWC's argument appears to be one of relevance. The relevance of the judicial history to the Authority's consideration should be determined in the context of the proof and the argument of the parties at the hearing.

Therefore, the City respectfully requests that the Authority deny TAWC's motion in *limine* and address the issue of the use of the judicially noticed legislative history at the hearing, as necessary.

Respectfully Submitted,

CITY OF CHATTANOOGA

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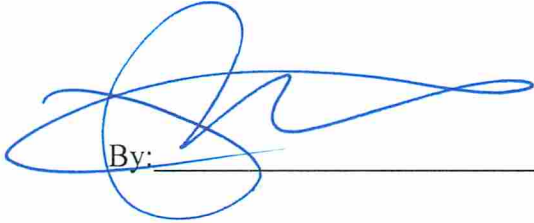
CERTIFICATE OF SERVICE

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

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Wayne Irvin
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Consumer Advocate and Protection Division
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150 3rd Avenue South, Suite 1600
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This 17th day of April, 2015.

By:  _____