

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

June 13, 2008

IN RE:)	
)	DOCKET NO.
DOCKET TO EVALUATE CHATTANOOGA)	07-00224
GAS COMPANY'S GAS PURCHASES AND)	
RELATED SHARING INCENTIVES)	

ORDER GRANTING CHATTANOOGA GAS COMPANY'S MOTION FOR LEAVE
TO SERVE MORE THAN FORTY (40) DISCOVERY REQUESTS

This matter came before the Hearing Officer upon the *Chattanooga Gas Company's Motion for Leave to Serve More than Forty (40) Discovery Requests ("Motion")* filed by the Chattanooga Gas Company (the "Company" or "CGC") on June 6, 2008, requesting leave to serve upon the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") more than forty discovery requests pursuant to TRA Rule 1220-1-2-.11.

TRA Rule 1220-1-2-.11 states as follows:

No party shall serve on any other party more than forty (40) discovery requests including sub-parts without first having obtained leave of the Authority or a Hearing Officer. Any motion seeking permission to serve more than forty (40) discovery requests shall set forth the additional requests. The motion shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or requests for production. If a party is served with more than forty (40) discovery requests without an order authorizing the same, such party need only respond to the first forty (40) requests.

In its *Motion*, CGC attaches its additional discovery requests as Exhibit 1 for the review of the Hearing Officer and asserts that they represent approximately sixteen requests beyond the standard forty. Further in support of its request, CGC asserts, as good cause, that the Consumer

Advocate was previously granted in excess of fifty additional discovery requests, in contrast to the sixteen questions requested by the Company, and that the information requested is necessary to CGC's development of testimony in defense of certain positions asserted in this docket. On June 13, 2008, *Consumer Advocate's Response to Chattanooga Gas Company's Motion for Leave to Serve More than 40 Discovery Requests* ("Response") was filed with the Authority. In its *Response*, the Consumer Advocate indicated that it does not oppose CGC's request to propound the additional discovery requests.

As a general rule, the TRA allows a minimum of forty discovery requests to be served upon a party. Nevertheless, upon compliance with TRA Rule 1220-1-2-.11 and a showing of good cause, the TRA has been flexible in permitting supplemental discovery to occur. In light of the foregoing, the Hearing Officer finds that CGC has met the requirements set forth by the Rule for the service of additional interrogatories or requests for production upon the Consumer Advocate, including demonstration of good cause, and therefore grants the *Motion*.

IT IS THEREFORE ORDERED THAT:

The *Chattanooga Gas Company's Motion for Leave to Serve More than Forty (40) Discovery Requests* is granted.


KELLY CASHMAN-GRAMS
Hearing Officer