

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

**June 22, 2009**

**IN RE:**

**DOCKET TO EVALUATE  
CHATTANOOGA GAS COMPANY'S  
GAS PURCHASES AND RELATED  
SHARING INCENTIVES**

)  
)  
)  
)  
)  
)  
)

**DOCKET NO. 07-00224**

**CHATTANOOGA GAS COMPANY'S MOTION  
FOR CLARIFICATION RELATING TO ISSUES OF  
ACCUMULATED AND DEFERRED LITIGATION COSTS**

Chattanooga Gas Company ("CGC" or "Company") files this Motion seeking clarification as to the appropriate timing and process for argument before the Hearing Officer concerning CGC's position that it should be allowed to recover litigation costs associated with this matter through the Purchased Gas Adjustment Rules ("PGA"), TRA Rule § 1220-4-7. CGC previously requested, by Motion dated February 28, 2008, that it be allowed to accumulate and defer these costs. This issue was discussed at the March 7, 2008 Status Conference, and through the subsequent Order dated March 11, 2008, the Hearing Officer allowed CGC to accumulate and defer its litigation costs, but stated that the issue of whether CGC may recover these costs in the future from ratepayers "is a determination that the panel will make at a later date." See March 11, 2008 Order on March 7, 2008 Status Conference, p. 3.

Because such costs will extend beyond the hearing to the close of the proceeding, CGC respectfully moves for clarification as to when, and how, the Hearing Officer would like the Company to proceed in this regard. More specifically, at what point in the

proceeding should the Company submit affidavits detailing such costs or otherwise be prepared to address this issue.

Respectfully submitted,

FARMER & LUNA, PLLC

By: 

J.W. Luna, Esq. (BPR 5780)

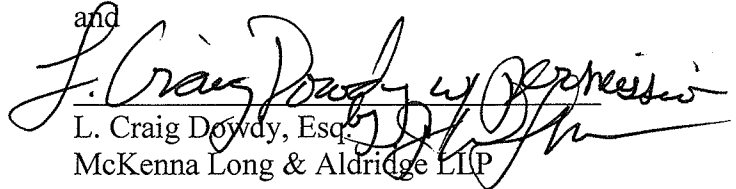
Jennifer L. Brundige, Esq. (BPR 20673)

333 Union Street, Suite 300

Nashville, TN 37201

(615) 254-9146

and



L. Craig Dowdy, Esq.

McKenna Long & Aldridge LLP

303 Peachtree Street

Suite 5300

Atlanta, GA 30308

(404) 527-4180

*Attorneys for Chattanooga Gas Company*

#### CERTIFICATE OF SERVICE

I hereby certify that on this 22<sup>nd</sup> day of June, 2009, a true and correct copy of the foregoing was served on the persons below by electronic mail:

Kelly Cashman-Grams  
Hearing Officer  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-00505

Cynthia Kinser, Deputy  
Mary L. White  
T. Jay Warner  
Consumer Advocate and Protection Division  
Office of Attorney General  
425 5<sup>th</sup> Avenue North, 2<sup>nd</sup> Floor  
Nashville, TN 37243-0491

