

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**March 28, 2008**

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

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**ORDER GRANTING CONSUMER ADVOCATE'S MOTION FOR LEAVE  
TO SERVE MORE THAN FORTY (40) DISCOVERY REQUESTS**

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This matter came before the Hearing Officer upon the *Consumer Advocate's Motion for Leave to Serve More than Forty (40) Discovery Requests ("Motion")* filed by the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") on March 18, 2008, requesting leave to serve upon Chattanooga Gas Company (the "Company" or "CGC") 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*, the Consumer Advocate attaches its discovery requests, approximately ninety in total or an additional fifty requests beyond the standard forty, for the review of the Hearing Officer, and further states that it "relies on the reasoning set out in the Consumer

Advocate's Motion for Leave to Serve More Than Forty (4) Discovery Requests, dated February 28, 2008, filed in TRA Docket 07-00224."<sup>1</sup> In the *Consumer Advocate's Motion for Leave to Serve More than Forty (40) Discovery Requests ("Motion for Additional Discovery")* filed previously with the Authority, pursuant to TRA Rule 1220-1-2-.11, the Consumer Advocate asserts that its motion should be granted due to the complexity of the subject matter, necessity of developing the record in light of the absence of an initial substantive filing in the docket, and Authority precedent. During the Status Conference convened on March 7, 2008, the *Motion for Additional Discovery* was denied by the Hearing Officer for failure to comply with TRA Rule 1220-1-2-.11, and such denial was thereafter memorialized in the *Order on March 7, 2008 Status Conference* issued on March 11, 2008.

Pursuant to TRA Rule 1220-1-2-.06 (2), "any party opposing a motion shall file and serve a response within seven (7) days after service of the motion. . ." As of the date of the issuance of this Order, no response to the *Motion* has been filed with the Authority. The Hearing Officer can only assume that such silence and lack of a response indicates a corresponding absence of objection or opposition to the *Motion* by CGC.

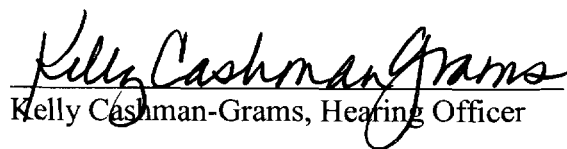
Therefore, procedurally, the TRA allows a minimum of forty discovery requests to be served upon a party. Nevertheless, upon compliance with TRA Rule 1220-1-2-.11 and a showing of good cause, the TRA has been flexible in permitting supplemental discovery to occur. In light of the foregoing, the Hearing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

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<sup>1</sup> *Motion*, p. 1 (March 18, 2008).

**IT IS THEREFORE ORDERED THAT:**

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

  
Kelly Cashman-Grams, Hearing Officer