

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 1, 2008

IN RE:)	
)	
REQUEST OF CHATTANOOGA GAS COMPANY)	DOCKET NO.
FOR APPROVAL OF ASSET MANAGEMENT)	08-00012
AGREEMENT)	
)	

ORDER GRANTING CONSUMER ADVOCATE'S PETITION TO INTERVENE

This matter is before the Hearing Officer upon the filing of a *Petition to Intervene* by the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") with the Tennessee Regulatory Authority ("TRA" or the "Authority") on January 29, 2008.

BACKGROUND

In Docket No. 05-00322, in an order issued April 24, 2007, the Authority required Chattanooga Gas Company ("CGC" or "Company") to re-bid its asset management agreement prior to its termination date of March 31, 2008 and to submit the new agreement to the TRA for approval.¹ On January 14, 2008, in accordance with that order, CGC filed its new asset management agreement under seal with the Authority. To facilitate its review, and in light of the completion of the audit in Docket No. 05-00322, the Authority opened Docket No. 08-00012 for consideration of the Asset Management Agreement.

¹ *In re: Chattanooga Gas Company's Annual Incentive Plan Filing for the Twelve Months Ended June 30, 2005*, Docket No. 05-00322, *Order Adopting IPA Report of Tennessee Regulatory Authority's Utilities Division* (April 24, 2007).

On January 28, 2008, at a regularly scheduled Authority Conference, the voting panel assigned to the docket voted unanimously to convene a contested case proceeding and to appoint the Authority's General Counsel or his designee to act as Hearing Officer to handle preliminary matters, including entering a protective order. The panel further directed CGC to submit a proposed protective order no later than 2:00 p.m. on January 31, 2008. On January 28, 2008, CGC filed its proposed protective order with the Authority.

On January 29, 2008, the Consumer Advocate filed its *Petition to Intervene* in the docket. On January 31, 2008, the Hearing Officer held a brief telephone conference with the Company and the Consumer Advocate to discuss the proposed protective order that had been filed by the Company. Also during the telephone conference, CGC stated that it did not oppose the petition for intervention filed by the Consumer Advocate. On February 1, 2008, the Company and the Consumer Advocate filed a proposed Agreed Protective Order with the Authority, which was adopted by the Hearing Officer and entered in the record that same day.

PETITION TO INTERVENE

In its *Petition to Intervene*, the Consumer Advocate states that it seeks the opportunity to advocate the consumers' perspective for the consideration of the Authority during its deliberations regarding the proposed asset management and gas purchase agreements submitted by CGC under seal. Accordingly, the Consumer Advocate seeks intervention pursuant to Tenn. Code Ann. § 65-4-118, which authorizes the Consumer Advocate to intervene in proceedings to represent the interests of Tennessee consumers. The Consumer Advocate further states that it can protect the public interest in this regard only by participating in this proceeding.

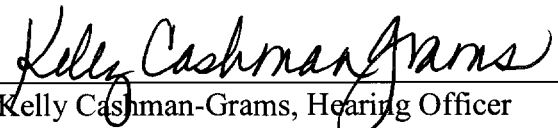
In its *Petition to Intervene*, the Consumer Advocate asserts that CGC has verbally advised that it will not oppose the *Petition to Intervene*, and the Hearing Officer confirmed the

same during the telephone conference held on January 31, 2008. Further, no party or person has filed any objection to or opposed the Consumer Advocate's intervention request in the docket.

The Hearing Officer finds that the legal rights and interests of Tennessee consumers may be determined in this proceeding and that the Consumer Advocate's petition is timely and its intervention will not impair the orderly and prompt conduct of these proceedings. For the foregoing reasons, the Hearing Officer grants the Consumer Advocate's *Petition to Intervene*.

IT IS THEREFORE ORDERED THAT:

The Consumer Advocate and Protection Division of the Office of the Attorney General is hereby granted leave to intervene in this docket and receive copies of any notices, orders or other documents herein.


Kelly Cashman-Grams, Hearing Officer