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November 19, 2009

VIA EMAIL AND HAND DELIVERY

Chairman Sara Kyle
c/o Ms. Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

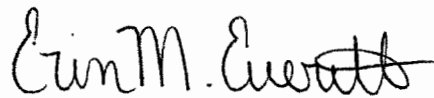
**Re: Petition of Piedmont Natural Gas, Inc. for Approval of Service Schedule
No. 317 and Related Energy Efficiency Programs
Docket No. 09-00104**

Dear Chairman Kyle:

Enclosed please find an original and five (5) copies of Piedmont Natural Gas, Inc.'s Motion to Compel for filing in Docket No. 09-00104. An electronic copy of the public filing has also been transmitted electronically to the Tennessee Regulatory Authority Docket Manager, Sharla Dillon. Please stamp one copy as "filed" and return to me by way of our courier.

Should you have any questions concerning any of the enclosed, please do not hesitate to contact me.

Sincerely,



Erin M. Everitt

Enclosures

cc: Hon. Mary Freeman (w/o enclosure)
Hon. Eddie Roberson, Ph.D. (w/o enclosure)
Hon. Kenneth C. Hill (w/o enclosure)
James H. Jeffries, Esq.

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

IN RE)	
)	
PETITION OF PIEDMONT NATURAL GAS COMPANY, INC. FOR APPROVAL OF SERVICE SCHEDULE NO. 317 AND RELATED ENERGY EFFICIENCY PROGRAMS))))))	Docket No. 09-00104

PIEDMONT NATURAL GAS COMPANY’S MOTION TO COMPEL

Piedmont Natural Gas Company, Inc. (“Piedmont” or the “Company”), through counsel, respectfully submits the following Motion to Compel and requests that the Hearing Officer compel the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”) to fully respond to Piedmont’s Discovery Requests 2, 4, 6, 8, 10 and 12 for the reasons stated below.

INTRODUCTION

Piedmont served thirteen discovery requests with subparts on the Consumer Advocate that were specifically targeted to the revenue decoupling issues identified by the Hearing Officer in this proceeding. Piedmont essentially requested that the Consumer Advocate state its position on the issues, provide the factual and legal basis for those positions, identify witnesses and produce materials relied on to support its positions. Despite the straightforward nature of Piedmont’s Discovery Requests, the Consumer Advocate failed to provide meaningful answers or produce responsive documents. The Consumer Advocate neglected to articulate how it arrived at the positions it will assert at the hearing and did not identify all the witnesses it intends to call at the hearing. Further, instead of producing responsive documents, the Consumer

Advocate provided approximately five inches of paper that consist primarily of orders and decisions from other jurisdictions, revealing nothing about the Consumer Advocate's positions. The Consumer Advocate's refusal to respond meaningfully is perplexing in light of the fact that Piedmont provided substantive answers and produced responsive documents to over one hundred discovery requests served by the Consumer Advocate. Moreover, and as a result of discussions between the parties, Piedmont has supplemented its responses and production to the Consumer Advocate three times. In contrast, the Consumer Advocate has neglected to supplement its discovery responses and fulfill its own discovery obligations. Because Piedmont's efforts to engage the Consumer Advocate have not resulted in any supplements to the Consumer Advocate's responses, Piedmont requests a status conference to resolve these issues.

DISCUSSION

Tenn. R. Civ. P. 26.02 states that "[p]arties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things, and electronically stored information..." The "relevancy requirement" under Rule 26 "has been construed broadly to encompass any matter that bears on, or that reasonably could lead to other matters that could bear on any of the case's issues." *Kuehne & Nagel, Inc. v. Preston*, No. M1998-00983-COA-R3-CV, 2002 Tenn. App. LEXIS 457, at *8 (Tenn. Ct. App. June 27, 2002).

THE CONSUMER ADVOCATE'S DISCOVERY DEFICIENCIES

In its discovery requests, Piedmont requested that the Consumer Advocate state its position with respect to the underlying issues in this proceeding. Following the "position" Discovery Requests, Piedmont requested that the Consumer Advocate provide the factual and legal basis to support these positions, the identity of witnesses it intends to call to support its positions, and to produce documents the Consumer Advocate reviewed or relied on to reach its positions. For ease in reviewing this Motion, Piedmont has grouped together Piedmont's original Discovery Requests and the Consumer Advocate's responses and has attached these as Attachment 1 to this Motion. As the Consumer Advocate's responses to these Discovery Requests are repetitive, Piedmont will provide a single explanation as to why the Consumer Advocate's responses to these Discovery Requests are substantially incomplete.

The Consumer Advocate's Responses to Discovery Requests 2, 4, 6, 8, 10 and 12 (and their subparts) share common defects. First, the responses do not provide meaningful answers to Piedmont's requests that the Consumer Advocate state the factual and legal foundations relied upon to establish its positions in this case. The Consumer Advocate generally responds to these Discovery Requests by instructing Piedmont to "see" its response to the previous questions of a similar nature. While the previous responses provide some explanation about the Consumer Advocate's positions, the Consumer Advocate did not provide the legal and factual foundations for its positions. Absent this information, Piedmont has no way of knowing how the Consumer Advocate arrived at its positions on these issues.

Second, the Consumer Advocate failed to identify or produce documents that the Consumer Advocate relied on to determine its positions. The only documents that the Consumer Advocate has produced consist primarily of orders and decisions from other jurisdictions that are nonresponsive and irrelevant to Piedmont's Data Requests. Consequently, Piedmont cannot evaluate the propriety of the process the Consumer Advocate used to reach its positions or to analyze the background information the Consumer Advocate used to support its positions.

Third, the Consumer Advocate has failed to identify expert witnesses or produce related information in response to Piedmont's discovery requests. On October 29, 2009, Piedmont identified its primary outside expert witness and produced a significant amount of information and data related to that expert's past publications, presentations and testimony. Piedmont also identified Company employees that may provide expert opinion testimony. In contrast, in the Consumer Advocate's response to Piedmont's discovery requests, the Consumer Advocate identified just one witness from its own staff even though it has informally identified two outside experts. Piedmont and the Consumer Advocate engaged in discussions related to expert witnesses and their findings, including Piedmont's proposal that the parties agree to a mutual supplementation date. The Consumer Advocate, however, refused to agree to a date. Despite knowing the identity and background of Piedmont's primary expert for almost three weeks, the Consumer Advocate has failed to identify its own expert witnesses or produce related information in response to the Company's discovery requests. Piedmont cannot prepare its examination of witnesses without knowing who the witnesses are and what subjects the witnesses intend to testify about.

The net result of the Consumer Advocate's unjustified refusal to provide this information is that Piedmont is faced with the unenviable task of preparing for the hearing with little or no information about the Consumer Advocate's positions and potential arguments at trial; one of the very things modern discovery practice is intended to stop. *Hickman v. Taylor*, 329 U.S. 495, 507 (1947) ("Mutual knowledge of all the relevant facts gathered by both parties is essential to proper litigation." Discovery procedures are in place to "reduc[e] the possibility of surprise."); *Walls v. Conner*, No. E2007-01917-COA-R3-CV, 2008 Tenn. App. LEXIS 637, at *17-18 (Tenn. Ct. App. Oct. 27, 2008) ("Avoiding trial by ambush was a primary reason for the adoption of the modern rules of discovery. In discussing the then relatively-new Rules of Civil Procedure, the United States Supreme Court stated in *Hickman*: 'Thus civil trials in the federal courts no longer need be carried on in the dark. The way is now clear, consistent with recognized privileges, for the parties to obtain the fullest possible knowledge of the issues and facts before the trial.'").

The information requested is relevant and necessary for Piedmont to address the Consumer Advocate's arguments and objections. Piedmont should not be forced to prepare for hearing without knowing how the Consumer Advocate arrived at its stated positions, what documents the Consumer Advocate relied on, and what witnesses the Consumer Advocate intends to call to support these positions. The discovery rules clearly and unequivocally permit Piedmont's access to this information in advance and do not permit the Consumer Advocate to withhold this information until the eleventh hour.

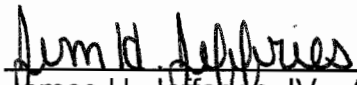
CONCLUSION

For the foregoing reasons, Piedmont respectfully requests that the Hearing Office compel the Consumer Advocate to fully respond to Discovery Requests 2, 4, 6, 8, 10 and 12.

Respectfully submitted this 19th day of November, 2009.



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Attorneys for Piedmont Natural Gas, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of **Piedmont's Motion to Compel** was served upon the following parties by depositing a copy of the same in the United States Mail, First Class Postage Prepaid, on the 19th day of November, 2009:

Ryan L. McGehee
C. Scott Jackson
Assistant Attorney General
Office of the Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, Tennessee 37202

A handwritten signature in black ink, appearing to read "Ryan L. McGehee", is written over a horizontal line.

ATTACHMENT 1
TO PIEDMONT'S MOTION TO COMPEL

Piedmont's Original Data Requests Numbers 2, 4, 8, 10, 12 and the Consumer Advocate's Responses to Same

2. With respect to the position stated in response to the foregoing data request:

(a) Identify each and every factual basis relied upon by the Consumer Advocate in reaching such position;

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. Without waiving the aforementioned objections, the Consumer Advocate responds as follows: See Response to Request 1. The Consumer Advocate reserves the right to produce more information as it becomes available to it.

(b) Identify each and every legal basis relied upon by the Consumer Advocate in reaching such position;

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. Without waiving the aforementioned objections, see Response to Request 1.

(c) Identify each and every witness the Consumer Advocate intends to call to support such position; and

RESPONSE:

The Consumer Advocate, consistent with the General Objections above, the Consumer Advocate objects to the extent that no decision has been made as to what witness will testify on any particular issue in this matter. Without waiving any objection, the Consumer Advocate responds as follows: At this time, it is possible Terry Buckner may provide testimony in support of a modified decoupling mechanism or in support of an alternative proposal. Mr. Buckner's opinion will be based on an analysis of information that is not currently within the possession of the Consumer Advocate, but rather in possession of the Company. The Consumer Advocate has requested this information from Piedmont. In addition, the Consumer Advocate has engaged consultants; however no decision has been made to whether such consultants will be engaged to provide testimony in this docket.

- (d) **Identify each and every document relating to, or reviewed or relied upon in reaching, such position.**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. The Consumer Advocate also objects to this Request as it is currently worded as being unduly broad and burdensome and beyond the scope of reasonably allowable discovery. It is unduly burdensome, unnecessary for the preparation of this Docket and practically unworkable for the Consumer Advocate to be required to produce every document in its possession that relates to the any position it might take in this Docket or that was reviewed by any consultant or other witness it may call in the Hearing on this Docket. The Consumer Advocate will produce for Piedmont all documents relied upon by any witness in formulating any opinion to be expressed by that witness in this Docket as soon as any such witness is finally selected by the Consumer Advocate and their opinions fully formed and decided. The Consumer Advocate is well aware of the compressed time frame that was requested by Piedmont in this Docket and will do its best to finalize the witnesses it intends to call and supplement this response with the required documents as quickly as possible and as far ahead of the deadline for filing Direct Testimony as possible. The Consumer Advocate's ability to finalize its plans for presenting any witnesses in this Docket is at least partially dependent upon receiving the information it seeks from Piedmont in Discovery. The earlier that the requested information is produced for the Consumer Advocate, the earlier that the Consumer Advocate can supplement its response to this request.

Without waiving the aforementioned objections, the Consumer Advocate responds as follows: See Response to Request 1. The Consumer Advocate reserves the right to produce more information as it becomes available to it.

4. **With respect to the position and any identified alternative mechanism stated in response to the foregoing data request:**

- (a) **Identify each and every factual basis relied upon by the Consumer Advocate in reaching such position;**

RESPONSE:

See Response and objections to Request 1 and 2(a).

- (b) **Identify each and every legal basis relied upon by the Consumer Advocate in reaching such position;**

RESPONSE:

See Response and objections to Request 1 and Request 2(b).

- (c) **Identify each and every witness the Consumer Advocate intends to call to support such position; and**

RESPONSE:

See Response and objections to Request 1 and Request 2(c).

- (d) **Identify each and every document relating to, or reviewed or relied upon in reaching, such position.**

RESPONSE:

See Response and objections to Request 1 and Request 2(d).

6. **With respect to the position stated in response to the foregoing data request:**

- (a) **Identify each and every factual basis relied upon by the Consumer Advocate in reaching such position;**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. Without waiving the aforementioned objections, the Consumer Advocate responds as follows: See Response to Request 5. The Consumer Advocate reserves the right to produce more information as it becomes available to it.

- (b) **Identify each and every legal basis relied upon by the Consumer Advocate in reaching such position;**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. Without waiving the aforementioned objections, see Response to Request 5.

- (c) **Identify each and every witness the Consumer Advocate intends to call to support such position; and**

RESPONSE:

The Consumer Advocate Consistent with the General Objections above, the Consumer Advocate objects to the extent that no decision has been made as to what witness will testify on what issue in this matter. Without waiving any objection, the Consumer Advocate responds as follows: At this time, it is possible Terry Buckner will provide testimony either agreeing with Piedmont's proposed benchmark or proposing an alternative. Any opinion put forth by Mr. Buckner will be based on an analysis of information that is not currently within the possession of the Consumer Advocate, but

rather in possession of the Company. The Consumer Advocate has requested this information from Piedmont. In addition, the Consumer Advocate has engaged consultants; however no decision has been made to whether such consultants will be engaged to provide testimony in this docket.

- (d) Identify each and every document relating to, or reviewed or relied upon in reaching, such position.**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. The Consumer Advocate also objects to this Request as it is currently worded as being unduly broad and burdensome and beyond the scope of reasonably allowable discovery. It is unduly burdensome, unnecessary for the preparation of this Docket and practically unworkable for the Consumer Advocate to be required to produce every document in its possession that relates to the any position it might take in this Docket or that was reviewed by any consultant or other witness it may call in the Hearing on this Docket. The Consumer Advocate will produce for Piedmont all documents relied upon by any witness in formulating any opinion to be expressed by that witness in this Docket as soon as any such witness is finally selected by the Consumer Advocate and their opinions fully formed and decided. The Consumer Advocate is well aware of the compressed time frame that was requested by Piedmont in this Docket and will do its best to finalize the witnesses it intends to call and supplement this response with the required documents as quickly as possible and as far ahead of the deadline for filing Direct Testimony as possible. The Consumer Advocate's ability to finalize its plans for presenting any witnesses in this Docket is at least partially dependent upon receiving the information it seeks from Piedmont in Discovery. The earlier that the requested information is produced for the Consumer Advocate, the earlier that the Consumer Advocate can supplement its response to this request.

Without waiving the aforementioned objections, the Consumer Advocate responds as follows: See Response to Request 5. The Consumer Advocate reserves the right to produce more information as it becomes available to it.

- 8. With respect to the position stated in response to the foregoing data request:**

- (a) Identify each and every factual basis relied upon by the Consumer Advocate in reaching such position;**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. Without waiving the aforementioned objections, the Consumer Advocate responds as follows: See

Response to Request 1, Request 6(c) and 7. The Consumer Advocate reserves the right to produce more information as it becomes available to it.

- (b) Identify each and every legal basis relied upon by the Consumer Advocate in reaching such position;**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. Without waiving the aforementioned objections, see Response to Request 7.

- (c) Identify each and every witness the Consumer Advocate intends to call to support such position; and**

RESPONSE:

The Consumer Advocate Consistent with the General Objections above, the Consumer Advocate objects to the extent that no decision has been made as to what witness will testify on any particular issue in this matter. Without waiving any objection, the Consumer Advocate responds as follows: At this time, it is possible Terry Buckner may provide testimony regarding this issue. Any opinion offered put forth by the Consumer Advocate will be based on an analysis of information that is not currently within the possession of the Consumer Advocate, but rather in possession of the Company. The Consumer Advocate has requested this information from Piedmont. In addition, the Consumer Advocate has engaged consultants; however no decision has been made to whether such consultants will be engaged to provide testimony in this docket.

- (d) Identify each and every document relating to, or reviewed or relied upon in reaching, such position.**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. The Consumer Advocate also objects to this Request as it is currently worded as being unduly broad and burdensome and beyond the scope of reasonably allowable discovery. It is unduly burdensome, unnecessary for the preparation of this Docket and practically unworkable for the Consumer Advocate to be required to produce every document in its possession that relates to the any position it might take in this Docket or that was reviewed by any consultant or other witness it may call in the Hearing on this Docket. The Consumer Advocate will produce for Piedmont all documents relied upon by any witness in formulating any opinion to be expressed by that witness in this Docket as soon as any such witness is finally selected by the Consumer Advocate and their opinions fully formed and decided. The Consumer Advocate is well aware of the compressed time frame that was requested by Piedmont in this Docket and will do its best to finalize the

witnesses it intends to call and supplement this response with the required documents as quickly as possible and as far ahead of the deadline for filing Direct Testimony as possible. The Consumer Advocate's ability to finalize its plans for presenting any witnesses in this Docket is at least partially dependent upon receiving the information it seeks from Piedmont in Discovery. The earlier that the requested information is produced for the Consumer Advocate, the earlier that the Consumer Advocate can supplement its response to this request.

Without waiving the aforementioned objections, See Response to Request 7.

10. With respect to the position stated in response to the foregoing data request:

- (a) Identify each and every factual basis relied upon by the Consumer Advocate in reaching such position;**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. Without waiving the aforementioned objections, the Consumer Advocate responds as follows: See Response to Request 9. The Consumer Advocate reserves the right to produce more information as it becomes available to it.

- (b) Identify each and every legal basis relied upon by the Consumer Advocate in reaching such position;**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. Without waiving the aforementioned objections, the Consumer Advocate responds as follows: See Response to Request 9. The Consumer Advocate reserves the right to produce more information as it becomes available to it.

- (c) Identify each and every witness the Consumer Advocate intends to call to support such position; and**

RESPONSE:

The Consumer Advocate Consistent with the General Objections above, the Consumer Advocate objects to the extent that no decision has been made as to what witness will testify on any particular issue in this matter. Without waiving any objection, the Consumer Advocate responds as follows: Any opinion offered by the Consumer Advocate will be based on an analysis of information that is not currently within the possession of the Consumer Advocate, but rather in possession of the Company. The Consumer Advocate has requested this information from Piedmont. In addition, the Consumer Advocate has engaged consultants; however no decision has been made to

whether such consultants will be engaged to provide testimony in this docket. The Consumer Advocate reserves the right to supplement this response as information becomes available to it.

- (d) Identify each and every document relating to, or reviewed or relied upon in reaching, such position.**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. The Consumer Advocate also objects to this Request as it is currently worded as being unduly broad and burdensome and beyond the scope of reasonably allowable discovery. It is unduly burdensome, unnecessary for the preparation of this Docket and practically unworkable for the Consumer Advocate to be required to produce every document in its possession that relates to the any position it might take in this Docket or that was reviewed by any consultant or other witness it may call in the Hearing on this Docket. The Consumer Advocate will produce for Piedmont all documents relied upon by any witness in formulating any opinion to be expressed by that witness in this Docket as soon as any such witness is finally selected by the Consumer Advocate and their opinions fully formed and decided. The Consumer Advocate is well aware of the compressed time frame that was requested by Piedmont in this Docket and will do its best to finalize the witnesses it intends to call and supplement this response with the required documents as quickly as possible and as far ahead of the deadline for filing Direct Testimony as possible. The Consumer Advocate's ability to finalize its plans for presenting any witnesses in this Docket is at least partially dependent upon receiving the information it seeks from Piedmont in Discovery. The earlier that the requested information is produced for the Consumer Advocate, the earlier that the Consumer Advocate can supplement its response to this request.

Without waiving the aforementioned objections, see Response to Request 9. The Consumer Advocate reserves the right to supplement this request as information becomes available and an analysis is performed.

- (e) Identify what method or evaluation tools the Consumer Advocate contends should be utilized to quantify an adjustment to Piedmont's rate of return and why such methods or tools are appropriate.**

RESPONSE:

Any opinion offered by the Consumer Advocate will be based on an analysis of information that is not currently within the possession of the Consumer Advocate, but rather in possession of the Company. The Consumer Advocate has requested this information from Piedmont. The Consumer Advocate reserves the right to supplement this request as information becomes available and an analysis is performed.

12. With respect to the position stated in response to the foregoing data request:

- (a) Identify each and every factual basis relied upon by the Consumer Advocate in reaching such position;**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. Without waiving the aforementioned objections, the Consumer Advocate responds as follows: See Response to Request 11. The Consumer Advocate reserves the right to produce more information as it becomes available to it.

- (b) Identify each and every legal basis relied upon by the Consumer Advocate in reaching such position;**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. Without waiving the aforementioned objections, the Consumer Advocate responds as follows: See Response to Request 11. The Consumer Advocate reserves the right to produce more information as it becomes available to it.

- (c) Identify each and every witness the Consumer Advocate intends to call to support such position; and**

RESPONSE:

The Consumer Advocate, consistent with the General Objections above, the Consumer Advocate objects to the extent that no decision has been made as to what witness will testify on any particular issue in this matter. Without waiving any objection, the Consumer Advocate responds as follows: At this time, it is possible Terry Buckner may provide testimony in support of Piedmont's conservation programs or in support of alternative conservation measures or modifications. Any opinion offered by the Consumer Advocate will be based on an analysis of information that is not currently within the possession of the Consumer Advocate, but rather in possession of the Company. The Consumer Advocate has requested this information from Piedmont. In addition, the Consumer Advocate has engaged consultants; however no decision has been made to whether such consultants will be engaged to provide testimony in this docket.

- (d) Identify each and every document relating to, or reviewed or relied upon in reaching, such position.**

RESPONSE:

Consistent with the General Objections above, the Consumer Advocate objects to the extent this request seeks privileged information or information protected from disclosure by attorney work product doctrine or other applicable law. The Consumer Advocate also objects to this Request as it is currently worded as being unduly broad and burdensome and beyond the scope of reasonably allowable discovery. It is unduly burdensome, unnecessary for the preparation of this Docket and practically unworkable for the Consumer Advocate to be required to produce every document in its possession that relates to the any position it might take in this Docket or that was reviewed by any consultant or other witness it may call in the Hearing on this Docket. The Consumer Advocate will produce for Piedmont all documents relied upon by any witness in formulating any opinion to be expressed by that witness in this Docket as soon as any such witness is finally selected by the Consumer Advocate and their opinions fully formed and decided. The Consumer Advocate is well aware of the compressed time frame that was requested by Piedmont in this Docket and will do its best to finalize the witnesses it intends to call and supplement this response with the required documents as quickly as possible and as far ahead of the deadline for filing Direct Testimony as possible. The Consumer Advocate's ability to finalize its plans for presenting any witnesses in this Docket is at least partially dependent upon receiving the information it seeks from Piedmont in Discovery. The earlier that the requested information is produced for the Consumer Advocate, the earlier that the Consumer Advocate can supplement its response to this request.

Without waiving the aforementioned objections, See Response to Request 11 and comments and reports contained in Docket 06-00309. Further, the Consumer Advocate's investigation in this matter is on-going. No specific, verifiable, measurable energy efficiency goals have been identified. The Consumer Advocate has requested pertinent information regarding the proposed conservation program from the Company in order to evaluate the need for and scope of specific, verifiable, measurable energy efficiency goals.