

11/20/2009

**IN THE TENNESSEE REGULATORY AUTHORITY
AT 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

**CONSUMER ADVOCATE'S REPLY TO PIEDMONT'S RESPONSE TO THE
CONSUMER ADVOCATE'S MOTION TO COMPEL**

The Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") herein replies to Response of Piedmont Natural Gas Company, Inc. ("Piedmont", "Company") to the Consumer Advocate's Motion to Compel. This response is limited to the Company's claims the Consumer Advocate seeks to force Piedmont to perform a regression analysis. The Consumer Advocate and the Company have indeed had communication and resolved many discovery issues. Some issues have been resolved through communication through the respective counsel for the Company and the Consumer Advocate.

Furthermore, there has been extensive communication between Terry Buckner, the Consumer Advocate's expert witness, and Company personnel regarding the substantive and specific nature of the information requested by the Consumer Advocate. With respect to Piedmont's objection to performing a regression analysis, the Consumer Advocate was of the understanding that it had an agreement with Piedmont, reached on November 6, 2009, for the Company to provide the necessary data to enable the Consumer Advocate to perform a regression analysis for the requested time period related to discovery requests 4, 5, 6, 7, 8 and 10. However, not all of the information has been provided to conduct a regression analysis for the period of time requested.¹

¹ The Consumer Advocate submits that the substance of Piedmont's responses to discovery request #5 is satisfactory, however the question was moved to be compelled by the Consumer Advocate for the response to be provided in a working excel format.

The issue is not "forcing" the Company to perform a regression analysis, but rather providing the information necessary for the Consumer Advocate to perform such a calculation as the Consumer Advocate has agreed to do. Having waited for the requested information for ten days, on November 16, 2009, the Consumer Advocate filed the Motion to Compel.² Given the expedited procedural schedule in this matter, further delay harms the preparation of the Consumer Advocate's pre-filed testimony in this matter.³ The Consumer Advocate is willing to conduct a regression analysis itself if the requested information necessary to conduct an analysis is provided by the Company.

RESPECTFULLY SUBMITTED,

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Dated: November 20, 2009.

² While the Company claims the Consumer Advocate did not communicate with the Company it intended to file a Motion to Compel, Terry Buckner informed Company personnel on November 13, 2009, a Motion to Compel would be filed.

³ The Consumer Advocate now has ten days, which covers the Thanksgiving Holiday, to prepare pre-filed testimony for a November 30, 2009 deadline.

CERTIFICATE OF SERVICE


I hereby certify that a true and correct copy of the foregoing Statement of Issues was served via U.S. Mail or electronic mail upon:

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This the 20th day of November, 2009.



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