

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 24, 2009

IN RE:

PETITION OF PIEDMONT NATURAL GAS COMPANY,  
INC. TO IMPLEMENT A MARGIN DECOUPLING  
TRACKER (MDT) RIDER AND RELATED ENERGY  
EFFICIENCY AND CONSERVATION PROGRAMS

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DOCKET NO.  
09-00104

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ORDER GRANTING MOTION FOR ENTRY OF A PROTECTIVE ORDER  
AND MODIFYING PROCEDURAL SCHEDULE

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These matters came before the Hearing Officer upon the filing by Piedmont Natural Gas Company, Inc. ("Piedmont") of its *Motion for Entry of a Protective Order* ("Motion") on November 20, 2009. The Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") filed its *Proposed Protective Order* on November 20, 2009, which agreed with Piedmont's proposed protective order in all aspects except for certain language in paragraphs 1 and 10.

In both filings, the parties argued their respective positions and provided proposed protective orders. Piedmont states that its protective order is essentially identical to the protective orders previously entered in many of the Authority's dockets, and the Hearing Officer should not break with precedent. The Consumer Advocate states that the model protective order advocated by Piedmont would give the "producing party" too much discretion, and proposes the inclusion of language limiting protection to confidential information specifically "protected by state or federal law, regulation or rule."

While the arguments of both parties have merit, the inclusion of additional language as requested by the Consumer Advocate in the Authority's standard protective order would

establish a precedent that does not appear necessary for the purposes of this docket. Because the Hearing Officer finds that this docket does not differ substantially from the other dockets cited by Piedmont that have utilized the model protective order, the Hearing Officer concludes that there is no reason to break with precedent at this time. As such, Piedmont's Motion is granted and the Hearing Officer will enter Piedmont's proposed protective order.

Due to various discovery disputes and the lack of agreement on a protective order, the procedural schedule needs to be extended. The procedural schedule is hereby modified as follows:

<b>November 30, 2009</b>	<b>Status Conference to resolve all outstanding discovery disputes (if necessary)</b>
<b>December 4, 2009</b>	<b>Direct Testimony of both parties</b>
<b>December 11, 2009</b>	<b>Rebuttal Testimony of both parties</b>
<b>December 14, 2009</b>	<b>Pre-hearing Conference</b>
<b>December 17-18, 2009</b>	<b>Hearing on the Merits</b>

All direct testimony should include page and line numbers and state which specific issue (from the adopted list) is being addressed. Likewise, rebuttal testimony should state the page and line number(s) of testimony being rebutted.

**IT IS THEREFORE ORDERED THAT:**

1. Piedmont's *Motion for Entry of a Protective Order* is granted.
2. The procedural schedule is modified as stated herein.
3. All filings are due no later than **2:00 p.m.** on the dates indicated in the procedural schedule.



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Gary Hotvedt, Hearing Officer