

**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

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DOCKET NO. 09-00104

**RESPONSE TO PIEDMONT NATURAL GAS COMPANY, INC.'S OPPOSITION TO
COMPLAINT AND PETITION TO INTERVENE**

Robert E. Cooper, Jr., Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"), submits this response to Piedmont Natural Gas Company Inc.'s ("Piedmont") Opposition to the Complaint and Petition to Intervene of the Consumer Advocate and Protection Division of the Tennessee Attorney General's Office. The Attorney General and Reporter for the State of Tennessee having approved the Complaint and Petition, the Consumer Advocate is statutorily authorized to intervene in this proceeding before the Tennessee Regulatory Authority ("TRA").

The Consumer Advocate is created by statute at Tenn. Code Ann. § 65-4-118(a). Subsection (b) of that statute outlines the duties and authority of the Consumer Advocate. Among those applicable to this Docket is the Consumer Advocate's ability to intervene in any matter or proceeding before the TRA. Tenn. Code Ann. § 65-4-118(b)(1). Once the Attorney General and Reporter has given his approval to intervene in any particular matter pending before the TRA, then the Consumer Advocate has both the duty and the authority to do so. The Complaint and Petition to Intervene in this Docket was personally signed by Robert E. Cooper,

Jr., the Attorney General and Reporter, which clearly evidences his approval. Having received the Attorney General's approval, the Consumer Advocate is then authorized to intervene in this Docket. Simply put, Piedmont does not have the power or authority to deny the Consumer Advocate's right to participate.

Piedmont asserts in its Opposition to the Consumer Advocate's Intervention that it is proposing its margin decoupling tracking mechanism because it is mandated by both Federal and State law. For this reason Piedmont claims that the Consumer Advocate is without grounds to object. Even assuming for the sake of argument you accept Piedmont's claim that decoupling is legally required, it does not necessarily follow that the plan presented by Piedmont is also required. This issue, which has been the subject and focus of much discussion and legislation, both enacted and still pending, surely warrants a review by the TRA, in the open and with all viewpoints present and represented.

Piedmont's Opposition to the Consumer Advocate's Intervention is really nothing more than an attempt by Piedmont to have the TRA find that the facts support its position and enter an Order in Piedmont's favor without hearing from any other parties and before even holding any deliberations. In essence, because Piedmont asserts that the "facts" they allege support their position are so overwhelming, they ask the TRA to deny the Consumer Advocate the chance to contest them. As discussed above, the Consumer Advocate has the undeniable authority to intervene in this docket and Piedmont is without standing to object. Additionally, Piedmont's assertion that the "facts" alleged in its opposition so overwhelmingly demand a finding in its favor merely strengthen the inevitable conclusion that the TRA convene a contested case hearing in this Docket. Where the TRA is called upon to address factual, legal or policy issues raised by the parties, then a contested case hearing is appropriate. *Office of the Attorney General v.*

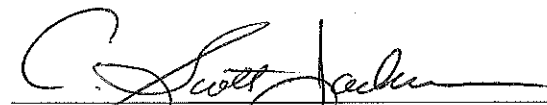
Tennessee Regulatory Authority, No. M2003-01363-COA-R12-CV, 2005 WL 3193684 at *11 (Tenn.Ct.App.).

The Consumer Advocate, having received the approval of the Attorney General, rightfully intervened in this proceeding in the manner indicated. Sufficient factual, legal and policy issues having already been highlighted by Piedmont in its Objection to the Petition to Intervene, a contested case proceeding is certainly warranted.

WHEREFORE, the Consumer Advocate respectfully asks the Authority to convene a contested case proceeding and grant the Consumer Advocate's Petition to Intervene.

RESPECTFULLY SUBMITTED,

ROBERT E. COOPER, JR. (BPR #010934)
Attorney General and Reporter
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CERTIFICATE OF SERVICE

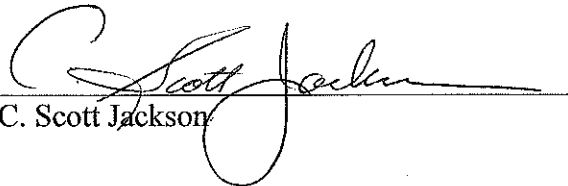
I hereby certify that a true and correct copy of the foregoing Response to Piedmont Natural Gas Company Inc.'s Opposition to Complaint and petition to Intervene was served via U.S. Mail or electronic mail upon:

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This the 21st day of August, 2009.


C. Scott Jackson