

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

<b>IN RE:</b>	)	
	)	
<b>PETITION OF CHATTANOOGA GAS</b>	)	
<b>FOR GENERAL RATE INCREASE,</b>	)	
<b>IMPLEMENTATION OF THE</b>	)	<b>DOCKET NO. 09-00183</b>
<b>ENERGYSMART CONSERVATION</b>	)	
<b>PROGRAMS AND IMPLEMENTATION</b>	)	
<b>OF A REVENUE DECOUPLING</b>	)	
<b>MECHANISM</b>	)	

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**SUPPLEMENTAL DISCOVERY REQUEST OF THE CONSUMER ADVOCATE TO  
CHATTANOOGA GAS COMPANY**

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**To: Chattanooga Gas Company  
c/o J. W. Luna, Esq.  
Jennifer L. Brundige, Esq.  
Luna Law Group, PLLC  
333 Union Street, Suite 300  
Nashville, TN 37201**

This Supplemental Discovery Request is hereby served upon Chattanooga Gas Company ("CGC," or "Company"), pursuant to Rules 26, 33, 34 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg. 1220-1-2-.11. This Supplemental Discovery Request is made pursuant to the rulings of the Hearing Officer at the telephone conference on Monday, March 8, 2010. We request that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate and Protection Division, 425 Fifth Avenue North, Nashville, Tennessee 37243, c/o C. Scott Jackson on or before March 22, 2010.

## **PRELIMINARY MATTERS AND DEFINITIONS**

Each discovery request calls for all knowledge, information and material available to Company, as a party, whether it be the Company's, in particular, or knowledge, information or material possessed or available to Company's attorney or other representative.

These discovery requests are to be considered continuing in nature, and are to be supplemented from time to time as information is received by CGC which would make a prior response inaccurate, incomplete, or incorrect. In addition, the Consumer Advocate and Protection Division of the Tennessee Attorney General ("Attorney General" or "Consumer Advocate") requests that CGC supplement responses hereto with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert at hearing, the subject matter on which the expert is expected to testify, and the substance of the expert's testimony.

These discovery requests are to be interpreted broadly to fulfill the benefit of full discovery. The singular of any discovery request includes the plural and the plural includes the singular. To assist you in providing full and complete discovery, the Attorney General provides the following definitional guidelines.

The terms "and" and "or" shall be construed conjunctively or disjunctively as necessary to include any information that might otherwise be construed outside the scope of these requests.

The term "communication" means any transmission of information by oral, graphic, pictorial or otherwise perceptible means, including but not limited to personal conversations, telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, or otherwise.

For purposes of these discovery requests, the term "you" shall mean and include: CGC and all employees, agents and representatives thereof.

The term "person" or "persons" as used herein refers to any natural person, corporation, firm, company, sole proprietorship, partnership, business, unincorporated association, or other entity of any sort whatsoever. Where a company or organization is the party being served, all responses must include the company's response. Moreover, the company's designated person for responding must assure that the company provides complete answers. *A complete answer must provide a response which includes all matters known or reasonably available to the Company.*

The term "identity" and "identify" as used herein, with respect to any person, means to provide their name, date of birth, current residence address, current residence telephone number, current business address, current business telephone number, and the occupation or job title of that person; with respect to an entity, those terms mean to provide the name by which said entity is commonly known, the current address of its principal place of business, and the nature of business currently conducted by that entity; with respect to any document, those terms mean to provide the date of the document, the nature of the document, the title of the document, the reference number (if any) of the document, and the current location of the document, including the identity of the person or entity in possession of the document.

The term "document" as used herein, means any medium upon which intelligence or information can be recorded or retrieved, such as any written, printed, typed, drawn, filmed, taped, or recorded medium in any manner, however produced or reproduced, including but not limited to any writing, drawing, graph, chart, form, workpaper, spreadsheet, e-mail, note, photograph, tape recording, computer disk or record, or other data compilation in any form

without limitation. Produce the original and each copy, regardless of origin or location, of any book, pamphlet, periodical, letter, note, report, memorandum (including memoranda, note or report of a meeting or conversation), spreadsheet, photograph, videotape, audio tape, computer disk, e-mail, or any other written, typed, reported, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody or control or which was, but is no longer, in your possession, custody, or control. If any such document was, but no longer is, in your possession or control, state what disposition was made of it and when. If a document exists in different versions, including any dissimilar copies (such as a duplicate with handwritten notes on one copy), each version shall be treated as a different document and each must be identified and produced.

If you produce documents in response to these discovery requests, produce the original of each document or, in the alternative, produce a copy of each document and identify the location of the original document. If the "original" document is itself a copy, that copy should be produced as the original.

If any objections are raised on the basis of privilege or immunity, include in your response a complete explanation concerning the privilege asserted.

If you contend that you are entitled to refuse to fully answer any of this discovery, state the exact legal basis for each such refusal.

If any of the interrogatories are not answered on the basis of privilege or immunity, include in your response to each such interrogatory a written statement evidencing:

- (a) the nature of the communication;
- (b) the date of the communication;
- (c) the identity of the persons present at such communication; and

- (d) a brief description of the communication sufficient to allow the Authority to rule on a motion to compel.

If, for any reason, you are unable to answer a discovery request fully, submit as much information as is available and explain why your answer is incomplete. If precise information cannot be supplied, submit 1) your best estimate, so identified, and your basis for the estimate and 2) such information available to you as comes closest to providing the information requested. If you have reason to believe that other sources of more complete and accurate information exist, identify those sources.

If any information requested is not furnished as requested, state where and how the information may be obtained or extracted, the person or persons having knowledge of the procedure and the person instructing that the information be excluded.

## **DISCOVERY REQUESTS**

### **REQUEST NO. 1:**

Please provide complete and unaltered original documentation or complete and unaltered copies of such original documentation of any and all billings of counsel, underlying records, litigation costs, or other documentation that supports any costs, for which Chattanooga Gas Company is currently seeking reimbursement and/or recovery in Docket 09-00183, which were incurred by Chattanooga Gas Company in connection with TRA Docket 07-00224, including but not limited to the original and unaltered bills submitted by counsel for payment in relation to Docket 07-00224, or full and complete copies thereof, and, upon which, Chattanooga Gas Company bases its requested recovery of \$744,743.81.

### **RESPONSE:**

**REQUEST NO. 2:**

With regard to the testimony filed by Chattanooga Gas Company in Docket 09-00183 on March 5, 2010, witness Archie R. Hickerson is quoted as saying:

The \$500,000 cap included in the settlement was based on the costs incurred as of that date and does not include additional costs incurred subsequent to the filing of the proposed settlement.

*Prepared Direct Testimony of Archie Hickerson, Docket 09-00183, p.19:17-19 (March 5, 2010).*

Please provide any and all portions of the *Proposed Settlement Agreement*, referred to in that testimony, which support Mr. Hickerson's assertion that the \$500,000 cap amount was based on costs incurred by Chattanooga Gas Company as of that date, or, if none exists, please provide any evidence in the possession of Chattanooga Gas Company that may support this assertion.

**RESPONSE:**

**REQUEST NO. 3:**

Admit or Deny. The total \$744,743.81 recovery requested by Chattanooga Gas Company as a result of TRA Docket 07-00224, consists solely of the billings of Chattanooga Gas Company's legal counsel. For purposes of these interrogatories, the term "legal counsel" shall include all counsel for Chattanooga Gas Company whether hired for the complete rate case, on a limited basis, in an advisory capacity, or in any other capacity, as well as the support staff, paralegals, investigators, secretaries, associate attorneys, of counsel, or any other employees or affiliated parties of any such counsel.

If denied, please provide a detailed explanation of why the above statement is not true, as well as a specific listing of any and all costs for which recovery is requested which are not "billings of Chattanooga Gas Company's legal counsel," as well as any documentation in the possession of Chattanooga Gas Company supporting those costs.

**RESPONSE:**

**REQUEST NO. 4**

Please provide the hourly rates charged for each member of Chattanooga Gas Company's legal counsel, as defined in the preceding interrogatory, as well as the hourly rates of any other party for whom Chattanooga Gas Company is currently seeking reimbursement. In providing this data, please indicate if any of these hourly rates have changed since the initiation of these proceedings in Docket 07-00224, and, if so, the dates on which any such rate changes were instituted, as well as the amounts of those changes and the date on which any such rate changes took effect in the billings submitted by Chattanooga Gas Company's legal counsel or other entities for whom Chattanooga Gas Company now seeks reimbursement.

**RESPONSE:**

**REQUEST NO. 5**

Please describe in detail the process by which Chattanooga Gas Company receives billings from its legal counsel, reviews those billings, approves those billings and ultimately pays

those billings, including a description of any reviews for reasonableness or managerial approval which may occur prior to payment of such billings.

**RESPONSE:**

**REQUEST NO. 6**

Please indicate what specific business entity actually pays or has paid the billings submitted by counsel in relation to Docket 07-00224, whether it is Chattanooga Gas Company, its parent corporation, Atlanta Gas and Light Resources, an affiliated corporation, such as Atlanta Gas and Light Services, or any other corporation, organization or entity, whether or not affiliated, as well as the account charged when such payments are made, and the amount of those payments by month and by company making each payment.

**RESPONSE:**

**REQUEST NO. 7**

Admit or Deny. TRA Docket 07-00224 was not a rate case proceeding.

If denied, please provide a detailed and specific explanation of how Docket 07-00224 was, in fact, a rate case proceeding, and an explanation of how and why the characterization of Docket 07-00224 by Chattanooga Gas Company as a non-rate case has changed.

**RESPONSE:**



**REQUEST NO. 8**

Admit or Deny. TRA Docket 07-00224 was opened to consider asset management and capacity release issues raised in Docket 06-00175, which was closed at the request of Chattanooga Gas Company.

If denied, please explain why Docket 07-00224 was opened by the TRA, what issues were intended to be addressed in that Docket, the origin of those issues, as well as why Docket 06-00175 was closed and at what party's request, citing specific references in the record.

**RESPONSE:****REQUEST NO. 9**

Please provide any precedent, law, legal principle, or legal foundation, in the form of Tennessee State case law, prior TRA rulings, sections of the Tennessee Code Annotated, or any other legal documents, treatises, or citations, which supports the contention that an award of litigation costs is proper before the TRA outside the context of a traditional rate case docket.

**RESPONSE:****REQUEST NO. 10**

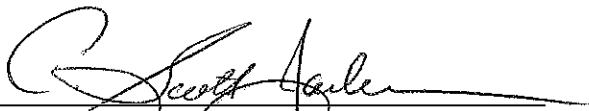
Please provide any and all precedents, laws, legal principles, or legal foundation, in the form of Tennessee State case law, prior TRA rulings, sections of the Tennessee Code Annotated,

or any other legal documents, treatises, or citations, which support CGC's recovery of litigation costs in Docket 09-00183, as requested by Chattanooga Gas Company.

**RESPONSE:**

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 was served via U.S. Mail or electronic mail upon:

Steven L. Lindsey, Vice President-Operations  
Chattanooga Gas Company  
2207 Olan Mills Drive  
Chattanooga, TN 37421

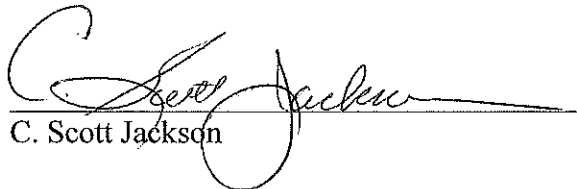
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This the 15th day of March, 2010.

  
C. Scott Jackson