

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

**August 9, 2013**

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

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**JOINT PROPOSED PROCEDURAL SCHEDULE**

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Chattanooga Gas Company (“CGC” or “Company”), the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate” or “CAPD”), and the Tennessee Regulatory Authority (“TRA” or “Authority”) Staff designated as a Party in this proceeding (hereinafter collectively referred to as the “Parties”) respectfully submit this joint proposed procedural schedule as requested by the Hearing Officer in the August 1, 2013 Notice. The proposed procedural schedule is attached hereto as Exhibit A. As explained further below, the Parties respectfully request that the deadline for filing an issues list occur after all of the TRA-required reports regarding CGC’s conservation programs and alignment and usage adjustment (“AUA”) mechanism have been completed and filed.

During the June 17, 2013 Authority Conference, the TRA found that “an evidentiary hearing is needed before considering an increase in the annual cap of 2 percent of gross revenue” and “information related to the thermostat education programs

is needed before [the TRA] consider[s] an extension.”<sup>1</sup> The TRA unanimously voted to maintain the existing AUA mechanism during the interim period and to appoint the General Counsel or her designee as hearing officer to prepare this case for hearing.<sup>2</sup>

The procedural schedule proposed by the Parties furthers the directions of the TRA voting panel – to complete the reports ordered by the TRA and then proceed to a hearing on modifying the annual cap provision in the AUA. First, the proposed procedural schedule allows the necessary time for all of the required reports and evaluations to be completed and filed. Then, after the Parties have had the opportunity to review and set forth their positions, it allows the issues list to be developed. The Parties believe that it would be premature to establish the issues list at this time and that it would be more efficient and cost effective at this time not to assert positions regarding anticipated issues and not to engage in discovery (with the exception that, prior to the filing of certain reports, the CAPD and CGC will continue to engage in discussions regarding the possibility of limited informal discovery about the impact of the AUA on CGC’s revenues). It is possible that, once all of the reports have been completed, positions and recommendations stated at the onset of the extension request could change. Past practice has demonstrated that it is often difficult to abandon or change publicly stated issues and theories once they have been initiated and advanced in a contested case proceeding.

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<sup>1</sup> See Excerpt of Transcript of June 17, 2013 TRA Conference, Docket No. 09-00183, p. 3.

<sup>2</sup> See *id.* at p. 3-4.

In conclusion, the Parties believe that the attached proposed procedural schedule advances the objectives of the TRA voting panel in a timely yet cost efficient manner and respectfully request that the attached proposed procedural schedule be adopted.

Respectfully submitted,

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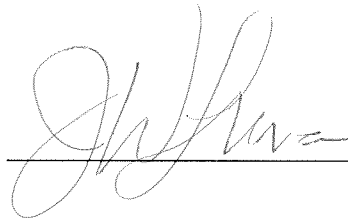
**CERTIFICATE OF SERVICE**

I hereby certify that on this 9 day of August 2013, a true and correct copy of the foregoing was served on the persons below by email and U.S. Mail first class postage prepaid:

Kelly Cashman Grams  
Hearing Officer  
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**EXHIBIT A**

**PROPOSED AMENDED PROCEDURAL SCHEDULE  
TRA DOCKET 09-00183  
(August \_\_, 2013)**

| <b>DUE DATE</b>                                       | <b>FILING</b>   |
|---|---|
|   | <b>TRA Staff Report</b>   |
| <b>45 Days After the TRA Staff Report is Filed</b>    | <b>Chattanooga Gas Company's Report on the AUA Mechanism, including its impact and effect on both consumer classes and the Company, and Recommendations as to whether the AUA Mechanism should be continued (<i>See</i> Nov. 8, 2010 TRA Order (Docket 09-00183), at p. 57.)</b>  |
| <b>30 Days After CGC's Report is Filed</b>            | <b>TRA Party Staff's, CAPD's, and Any Other Intervening Party's Position Papers on CGC's Report and Recommendations</b>   |
| <b>2 Business Days Prior to the Status Conference</b> | <b>Parties' Joint Proposed Issues List and Procedural Schedule Going Forward (If after engaging in discussion and attempting to reach agreement, any party is unable to agree as to either the issues or a procedural schedule, such party shall separately file a proposed issues list and/or proposed procedural schedule.)</b> |
| <b>TBD</b>  | <b>Status Conference to Discuss Procedural Schedule Going Forward and Issues List</b>   |