

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 23, 2009

IN RE:

PETITION OF CHATTANOOGA GAS COMPANY FOR
A GENERAL RATE INCREASE, IMPLEMENTATION
OF THE ENERGYSMART CONSERVATION
PROGRAMS AND IMPLEMENTATION OF A
REVENUE DECOUPLING MECHANISM

DOCKET NO.
09-00183

ORDER GRANTING PETITIONS TO INTERVENE AND
ESTABLISHING PROCEDURAL SCHEDULE

These matters came before the Hearing Officer at the December 14, 2009 Status Conference. A *Petition to Intervene* ("Petition") by the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") was filed on December 8, 2009. The Chattanooga Manufacturers Association ("CMA") filed its *Petition of the Chattanooga Manufacturers Association for Leave to Intervene* ("CMA's Petition") on December 11, 2009. No response to either Petition was filed, and Chattanooga Gas Company ("CGC") lodged no objection to either intervention at the Status Conference, therefore the Hearing Officer granted the respective petitions of the Consumer Advocate and CMA, without objection.

During the Status Conference, the Hearing Officer reminded the parties that pursuant to action taken by the panel at the December 14, 2009 Authority Conference, the two PURPA standards set forth in Docket No. 09-00065 need to be presented by CGC and addressed by all parties for consideration as part of the instant docket, as previously agreed to by the parties.

Prior to the Status Conference, CGC filed a proposed procedural schedule and a proposed protective order. At the Status Conference, the Consumer Advocate stated that it was not

prepared to agree to such filings, and CMA concurred. The Hearing Officer directed the parties to file either a joint proposed procedural schedule or separate proposed procedural schedules by December 21, 2009, and further directed the Consumer Advocate to file its proposed protective order at its earliest convenience. In light of the modifications to the model protective order proposed by the Consumer Advocate, the Hearing Officer will then establish a public comment period on the opposing protective orders, and a decision will then be made as to which version will be used by the Authority going forward as a model protective order.

The following joint proposed procedural schedule was filed by the parties on December 21, 2009, and subject to certain modifications (see * below), is hereby approved and adopted:

January 6, 2010	First round of discovery requests¹
January 13, 2010 *	Objections to discovery (if necessary)
January 20, 2010 *	Motions to Compel (if necessary)
January 25, 2010 *	Status Conference (if necessary)²
February 5, 2010	Response to first round of discovery requests³
March 12, 2010	Intervening parties Pre-filed Direct Testimony
March 19, 2010	Second round of discovery requests
March 24, 2010	Objections to discovery (if necessary)
March 26, 2010	Motions to Compel (if necessary)
March 29, 2010	Status Conference (if necessary)
March 31, 2010	Intervening parties' response to second round of discovery requests

¹ If more than the allotted number of discovery requests as permitted by rule are served and filed, a motion for permission to exceed the allotment provided by rule shall accompany such request(s), and unless an objection is timely lodged, such motion will be deemed granted.

² If a discovery dispute arises, the parties are admonished to attempt to resolve it, and if a resolution can not be reached, then a motion to compel shall be filed with the Authority, and the Hearing Officer shall resolve such dispute at a specially set status conference.

³ The parties agreed that if CGC should serve discovery on the intervening parties during the first round of discovery, the intervening parties' responses will be due on February 5, 2010 or upon the date after February 5, 2010 when the data or requested information becomes available which will be no later than March 12, 2010.

April 9, 2010	CGC's Rebuttal Testimony and CGC's response to second round of discovery requests
Week of April 12-16, 2010 *	Public Service Standard Hearing to be scheduled and held in the City of Chattanooga
April 19, 2010 *	Pre-Hearing Motions
April 21, 2009 *	Pre-Hearing Conference (tentative)
April 26-27, 2010 *	Hearing on the Merits (tentative)⁴

The Pre-Hearing Conference will be set by the Hearing Officer and the Hearing will be set by the panel; a specific notice will announce the precise dates and times. Further, a Public Hearing concerning service standards and other consumer issues will be held in the City of Chattanooga during the week of April 12-16, 2010, time and place to be specifically noticed.

IT IS THEREFORE ORDERED THAT:

1. The Petitions to Intervene of the Consumer Advocate and CMA are granted.
2. CGC will present and the parties will address the two PURPA standards from Docket No. 09-00065 for consideration by the panel.
3. The procedural schedule is established as stated herein.
4. All filings are due no later than 4:00 p.m. on the dates indicated in the procedural schedule. One copy of all discovery requests, objections and responses shall be filed with the Authority.



Gary Hotvedt, Hearing Officer

⁴ In the proposed procedural schedule, the parties suggested that the Authority set a "settlement hearing before the panel" 2-3 days prior to the Hearing on the Merits, if necessary. While the Hearing Officer understands the reason for such a request, it must be pointed out that the Authority (as well as CGC) has an obligation to notify the public of the dates and times of all hearings that may affect their rates. Therefore, the Hearing Officer admonishes the parties to file any proposed settlement no later than April 19, 2010, when other pre-hearing motions are due. Such a proposed settlement could then be preliminarily discussed at the Pre-Hearing Conference and an appropriate schedule could then be set without disregarding the public's right to notice.