

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**August 27, 2010**

<b>IN RE:</b>	)	
	)	
<b>APPLICATION OF PIEDMONT NATURAL GAS</b>	)	<b>DOCKET NO.</b>
<b>COMPANY, INC. FOR APPROVAL OF NEGOTIATED</b>	)	<b>10-00015</b>
<b>GAS REDELIVERY AGREEMENT WITH</b>	)	
<b>BRIDGESTONE/ FIRESTONE</b>	)	

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**ORDER ON AUGUST 12, 2010 STATUS CONFERENCE**

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This matter came before the Hearing Officer during a Status Conference on August 12, 2010 to determine the status and issues in dispute, rule on intervention requests, and set a procedural schedule in the docket.

**BACKGROUND**

On February 2, 2010, Piedmont Natural Gas Company, Inc. ("Piedmont") filed with the Tennessee Regulatory Authority ("TRA" or the "Authority") an application for approval of the Gas Redelivery Agreement negotiated between Piedmont and Bridgestone/Firestone. Thereafter, on February 24, 2010, the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") filed a *Petition to Intervene*.

On March 30, 2010, the Authority issued an *Order Convening a Contested Case and Appointing a Hearing Officer*. On August 6, 2010, the Company filed a *Proposed Agreed Protective Order*, and the Hearing Officer issued a *Protective Order* on August 9, 2010.

## **STATUS CONFERENCE**

The Status Conference began as noticed at approximately 11:00 a.m. in the Hearing Room on the Ground Floor of the Tennessee Regulatory Authority at 460 James Robertson Parkway, Nashville, Tennessee. The parties participating were as follows:

**Piedmont – R. Dale Grimes, Esq.**, Bass Berry and Sims PLC, 150 Third Avenue South, Suite 2800, Nashville, TN 37219, **James H. Jefferies, Esq.**, Moore & Van Allen PLLC, 100 North Tyron Street, Ste. 4700, Charlotte, NC 28202. (Mr. Jeffries participated telephonically.)

**Consumer Advocate - Mary White, Esq.**, Office of the Attorney General, P.O. Box 20207, Nashville, Tennessee, 37202. (Ms. White participated telephonically.)

### **I. CONSUMER ADVOCATE’S PETITION TO INTERVENE**

In its *Petition to Intervene*, the Consumer Advocate seeks intervention pursuant to Tenn. Code Ann. § 65-4-118, which authorizes the Consumer Advocate to intervene in proceedings to represent the interests of Tennessee consumers. The Consumer Advocate asserts that additional investigation and discovery may be needed to determine whether the contract is reasonable and in the best interest of Tennessee consumers. The Consumer Advocate further asserts that it can protect the public interest only by participating in this proceeding. Piedmont did not file an objection in the docket file, nor did it oppose the Consumer Advocate’s intervention request during the Status Conference.

Therefore, the Hearing Officer finds that the legal rights and interests of Tennessee consumers may be determined in this proceeding, the Consumer Advocate’s petition is timely, and its intervention will not impair the orderly and prompt conduct of these proceedings. For the foregoing reasons, the Hearing Officer granted the Consumer Advocate’s *Petition to Intervene* during the Status Conference, and herein affirms the ruling. At this time, no other petitions to

intervene have been filed in the docket.

## **II. ISSUES TO BE RESOLVED**

The parties agreed that the primary issue for the panel to determine is whether the contract is consistent with the public interest and is otherwise just and reasonable. The Consumer Advocate stated that while it did not anticipate a vigorous challenge to the provisions of the contract, it needed additional time to complete its review.

## **III. PROCEDURAL SCHEDULE**

The parties agreed that there was no need for discovery or testimony in this docket. They further agreed to the following timeline for moving this docket forward:

**August 20, 2010 – Company Clarification of Petition Due<sup>1</sup>**

**August 27, 2010 - Consumer Advocate's Notice of Intent to Contest Contract Due**

**September 3, 2010 – Company Response to Consumer Advocate's Filing Due (optional)**

**IT IS SO ORDERED.**

  
Kelly Cashman-Grams, Hearing Officer

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<sup>1</sup> The Company stated that it would be filing a clarification regarding the issue of margin recovery because its initial filing contained erroneous citations regarding this issue.