

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 29, 2013

IN RE:)	
)	DOCKET NO.
PETITION OF PIEDMONT NATURAL GAS COMPANY,)	13-00118
INC. FOR APPROVAL OF AN INTEGRITY)	
MANAGEMENT RIDER TO ITS APPROVED RATE)	
SCHEDULES AND SERVICE REGULATIONS)	

ORDER GRANTING CONSUMER ADVOCATE'S PETITION TO INTERVENE

This matter is before the Hearing Officer upon the *Petition to Intervene* filed by the Consumer Advocate and Protection Division of the Office of the Tennessee Attorney General ("Consumer Advocate") on September 30, 2013.

BACKGROUND

On August 30, 2013, under Tenn. Code Ann. § 65-5-103(d)¹ and TRA Rule 1220-4-1-.04, Piedmont Natural Gas Company ("Piedmont" or the "Company") filed a petition for approval of proposed Service Schedule 317 *Integrity Management Rider* allowing it to recover certain costs that it has incurred in complying with federal and state pipeline safety requirements.² During the regularly scheduled Authority Conference held on September 9, 2013, the panel of Directors voted unanimously to convene a contested case proceeding and appoint General Counsel or her designee to act as Hearing Officer to handle any preliminary matters arising in the proceedings. On September 10, 2013, the Hearing Officer suspended the effective

¹ The Authority is authorized to implement alternative regulatory methods to allow public utility rate reviews and cost recovery in lieu of a general rate case proceeding, and is required to make a final determination on any such alternative regulatory method no later than one hundred twenty (120) days from the initial filing by the public utility. Tenn. Code Ann. § 65-5-103(d)(1)(A) (2013).

² *Petition of Piedmont Natural Gas Company, Inc. for Approval of an Integrity Management Rider to Its Approved Rate Schedules and Service Regulations* (August 30, 2013).

date of the *Integrity Management Rider* through December 30, 2013. To expedite the flow of information and protect proprietary and confidential materials that are entitled to protection under law, a Protective Order was entered in the docket file on September 27, 2013.

CONSUMER ADVOCATE'S PETITION TO INTERVENE

In its *Petition to Intervene*, the Consumer Advocate seeks to intervene in these proceedings pursuant to Tenn. Code Ann. § 65-4-118, which authorizes the Consumer Advocate to intervene in proceedings before the Authority in order to represent the interests of Tennessee consumers of public utility services.³ The Consumer Advocate asserts its intervention is necessary because, if approved, the *Integrity Management Rider* proposed by Piedmont will affect the rates that Tennessee consumers pay to Piedmont for natural gas utility service. The Consumer Advocate states that only by participating in this proceeding can it work to adequately protect the interests of consumers.

FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria to be considered in reviewing a petition to intervene in Authority proceedings:

- (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if;
 - (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
 - (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and

³ Tenn. Code Ann. § 65-4-118(b)(1) states, "The consumer advocate division has the duty and authority to represent the interests of Tennessee consumers of public utilities services. The division may, with the approval of the attorney general and reporter, participate or intervene as a party in any matter or proceeding before the authority or any other administrative, legislative or judicial body and initiate such proceeding, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the rules of the authority."

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.⁴

Under TRA Rule 1220-1-2-.06, any party opposing a motion in a contested case must file and serve a response to the motion within seven days of service of the motion. Piedmont has not objected to the Consumer Advocate's request to intervene.

Therefore, upon due consideration, the Hearing Officer finds that the legal rights and interests of Tennessee consumers of public utility services may be affected in this proceeding, and that the Consumer Advocate's petition is timely filed, its intervention shall not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer agrees that the Consumer Advocate's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The Consumer Advocate and Protection Division of the Office of the Attorney General is granted leave to intervene in this proceeding and shall receive copies of any notices, orders, or other documents herein.



Kelly Cashman-Grams, Hearing Officer

⁴ See also Tenn. Code Ann. § 65-2-107: "All persons having a right under the provisions of the laws applicable to the authority to appear and be heard in contested cases as defined in this chapter shall be deemed parties to such proceedings for the purposes of this chapter. In addition, the authority may upon motion allow any interested person to intervene and become a party to any contested case."