

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 19, 2013

IN RE:

**PETITION OF PIEDMONT NATURAL GAS COMPANY,
INC. TO ADJUST THE JUNE 30, 2012 ACA ENDING
BALANCE FOR PRIOR PERIOD ADJUSTMENTS**

)
) **DOCKET NO.**
) **13-00119**
)
)

ORDER GRANTING TRA STAFF'S MOTION TO INTERVENE

This matter is before the Hearing Officer upon the *Motion to Intervene* filed by the Tennessee Regulatory Authority ("Authority" or "TRA") Staff Participating as a Party ("Party Staff") on November 20, 2013. In its *Motion to Intervene*, Party Staff requests to intervene in these proceedings and asserts that, pursuant to Tenn. Code Ann. § 65-4-101 and 117(a), which authorize the TRA to investigate any public utility and to file a motion to intervene and become a party in contested case proceedings. Further, Party Staff asserts that its intervention is necessary because, in its petition filed in this docket, Piedmont is attempting to alter the settlement terms reached with Party Staff in TRA Docket No. 07-00174. Therefore, Party Staff requests to raise certain issues in the proceedings and conduct discovery.

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

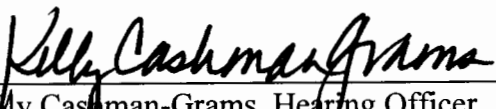
(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.¹

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.

Upon review and due consideration, the Hearing Officer finds that Party Staff has been designated in accordance with TRA Rule 1220-1-2-.21, and is, therefore, qualified to participate as an intervenor in this proceeding. Further, the Hearing Officer finds that Party Staff's motion is timely filed and 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 Party Staff should be permitted to intervene in these proceedings.

IT IS THEREFORE ORDERED THAT:

1. The *Motion to Intervene* filed by Tennessee Regulatory Authority Staff Participating as a Party is granted.
2. The parties are directed to file a proposed procedural schedule by January 8, 2014.


Kelly Cashman-Grams, Hearing Officer

¹ 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."