

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 15, 2014

IN RE:

**PETITION OF PIEDMONT NATURAL GAS COMPANY,
INC. FOR AUTHORIZATION TO AMORTIZE AND
REFUND TO CUSTOMERS EXCESS ACCUMULATED
DEFERRED INCOME TAXES**

)
) **DOCKET NO.**
) **14-00017**
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)
)

ORDER GRANTING CONSUMER ADVOCATE’S PETITION TO INTERVENE

This matter is before the Hearing Officer upon a *Petition to Intervene* filed by the Consumer Advocate and Protection Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on February 28, 2014.

BACKGROUND

On February 21, 2014, pursuant to TRA Rule 1220-01-01-.08, Piedmont Natural Gas Company (“Piedmont” or the “Company”) filed a petition for authorization to amortize and refund to customers \$4,667,413 in excess accumulated deferred income taxes currently reflected on Piedmont’s books through a decrement to rates over a three (3) year period.¹ During the regularly scheduled Authority Conference held on April 14, 2014, the assigned 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 and prepare the case for a hearing before the panel.

¹ *Petition of Piedmont Natural Gas Company, Inc. for Authorization to Amortize and Refund to Customers Excess Accumulated Deferred Income Taxes* (February 21, 2014).

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.² The Consumer Advocate requests intervention because it asserts that Piedmont's petition and requested relief may affect the rates that Piedmont's customers pay to Piedmont for natural gas utility service. The Consumer Advocate states that only by participating in this proceeding can it adequately carry out its statutory duty to represent the interests of Tennessee consumers of public utility services.

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.³

² 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 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

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. To-date, Piedmont has not objected to the Consumer Advocate's request to intervene.

Therefore, upon due consideration, the Hearing Officer finds that 1) the petition is timely filed, 2) the legal rights and interests of Tennessee consumers of public utility services may be affected in this proceeding, and therefore, the Consumer Advocate qualifies under law as an intervenor, and 3) its intervention should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer concludes 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

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.”