

Kelly Grams

From: Kelly Grams
Sent: Saturday, January 10, 2015 4:33 PM
To: Jim Jeffries; Wayne Irvin (Wayne.Irvin@ag.tn.gov); Melvin.Malone@butlersnow.com; Brian Heslin; Grimes, Dale
Cc: Monica Smith-Ashford; Jean A. Stone
Subject: RE: Disclosure of Unfiled Documents in Docket Nos. 14-00086 & 14-00087

Mr. Jeffries,

Thank you for providing notice in accordance with the requirements set forth in the Pre-Hearing Order. As the filing deadline has now passed, no objections to the documents listed in this notice will be considered. Thank you.

Kelly Cashman-Grams
TRA Hearing Officer

From: Jim Jeffries [jimjeffries@mvalaw.com]
Sent: Friday, January 09, 2015 3:49 PM
To: Kelly Grams; Wayne Irvin (Wayne.Irvin@ag.tn.gov); Melvin.Malone@butlersnow.com; Brian Heslin; Grimes, Dale
Subject: Disclosure of Unfiled Documents in Docket Nos. 14-00086 & 14-00087

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Dear Hearing Officer Grams:

Pursuant to Section C of the Prehearing Order in this proceeding, Piedmont Natural Gas Company hereby provides notice that it may seek to present each of the attached documents as exhibits or illustrative evidence (in addition to any of the documents already filed in this proceeding) at the hearing of this matter. These documents and an explanation of the basis for potentially utilizing them at the hearing are as follows:

1. Red-lined version of Rate Schedule 342 proposed revisions. Piedmont intends to use the red-lined Rate Schedule 342 attached hereto to illustrate the changes to its existing Rate Schedule 342 proposed in this docket. A proposed revised Rate Schedule 342 was filed with the Authority as part of Piedmont's initial filing in Docket No. 14-00087 as well as a "marked" version but the attached red-line shows the proposed tariff changes more clearly and will be a benefit to the Authority and the Parties in understanding what changes are proposed.
2. Summary of Class Rates of Return. Piedmont intends to use the schedule attached hereto showing then current and proposed class rates of return from Piedmont's last general rate case which was Exhibit 9 to the direct testimony of Piedmont witness Daniel P. Yardley. The purpose of this schedule, which is intended to be used on cross-examination, is to illustrate the fact, otherwise testified to by Piedmont witness Powers in this docket, that Piedmont's rates are not established upon and do not reflect the cost of serving individual classes of natural gas customers. This fact is a critical component of understanding what constitutes a subsidy between customer classes and whether any subsidy exists in this case, as alleged by TFCA and the Consumer Advocate.
3. NGV MOU. Piedmont intends to use the attached MOU executed by the Governors of several states as a cross-examination exhibit. This MOU, which is specifically referenced in Piedmont's Petition in Docket No. 14-00086 and in the direct testimony of Piedmont witness Valentine is directly relevant to TFCA and CA witness assertions that Piedmont's CNG IR mechanism is in the public interest and is also corroborative evidence of the assertions of Piedmont that these mechanisms are in the public interest.

4. Novak Rate Case Testimony. Piedmont intends to potentially refer to CA witness Novak's testimony in Piedmont's last general rate case proceeding on cross-examination. This testimony is referenced in Mr. Novak's testimony in this case and is relevant to a number of issues in this case including whether CNG should be a regulated service.
5. Novak Water Case Testimony. Piedmont may refer to Mr. Novak's water case testimony on cross-examination as it relates to the interpretation of T.C.A. 65-5-103 and the public interest standard thereunder both of which are directly at issue in this docket.

In addition to these documents, Piedmont also may use one or more of the following Tennessee statutes in cross-examination and redirect:

4-3-1109
4-22-101
65-4-101
65-4-104
65-4-106
65-4-115
65-4-122
65-5-101
65-5-103
65-5-104
67-5-601

The majority of these statutes are referenced in testimony and/or included in filed discovery responses but several are not. Those that are not relate to expressions of public interest in the promotion natural gas vehicles as alternative motor fuel vehicles and the authority of the TRA to regulate Piedmont and its CNG operations. Both of these issues are pending and active in this case. Piedmont has not provided these statutes as attachments to this email because they are readily available to counsel for the parties. If we determine to use them, we will provide copies in the hearing room. If counsel for the TFCA and CA are unable to locate these statutes or Hearing Officer Grams directs, we will provide electronic copies.

If counsel for the CA or the TFCA have objections to the potential use of any of these documents at the hearing of this matter, we are happy to discuss those objections at the convenience of counsel. I will be available at my office phone or my mobile number (listed below) throughout the rest of the day and over the weekend.

Jim

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