



September 29, 2014

VIA ELECTRONICALLY

Hon. Herbert H. Hilliard, Chairman
Tennessee Regulatory Authority
c/o Sharla Dillon, Dockets and Records Manager
502 Deaderick Street, 4th Floor
Nashville, TN 37243

**RE: In Re: Tariff to Revise the Natural Gas Vehicle Fuel Tariff and Introduce an
Experimental Motor Vehicle Fuel Service Tariff, TRA Docket No. 14-00087**

Dear Chairman Hilliard:

Enclosed for filing please find the *Amended Petition to Intervene of Tennessee Fuel and Convenience Store Association* in the above-captioned matter.

As required, an original of this filing, along with four (4) hard copies, will follow. Should you have any questions concerning this filing, or require additional information, please do not hesitate to let me know.

Very truly yours,

BUTLER SNOW LLP



Melvin J. Malone

clw
Attachment

*The Pinnacle at Symphony Place
150 3rd Avenue South, Suite 1600
Nashville, TN 37201*

MELVIN J. MALONE
615.651.6705
melvin.malone@butlersnow.com

T 615.651.6700
F 615.651.6701
www.butlersnow.com

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)	
)	
TARIFF TO REVISE THE)	
NATURAL GAS VEHICLE FUEL)	
TARIFF AND INTRODUCE AN)	DOCKET NO. 14-00087
EXPERIMENTAL MOTOR)	
VEHICLE FUEL SERVICE TARIFF)	

AMENDED PETITION TO INTERVENE

On September 24, 2014, pursuant to Tenn. Code Ann. §§ 65-4-104, 65-2-107, 65-5-103 *et. seq.*, 4-5-310 and TRA Rules 1220-1-2-.02 and 1220-1-2-.08, the Tennessee Fuel and Convenience Store Association (“TFCA”), respectfully and timely petitioned the Tennessee Regulatory Authority (“TRA” or “Authority”) to grant TFCA full intervention into this proceeding, as the interests of TFCA and its members may be adversely affected by Piedmont Natural Gas Company, Inc.’s (“Piedmont”) proposed Tariff to Revise the Natural Gas Vehicle Fuel Tariff and Introduce an Experimental Motor Vehicle Fuel Service Tariff (“*Tariff*”). For its cause, and in support of its Amended Petition to Intervene, TFCA would show as follows:

1. Originally chartered in 1929, TFCA currently represents more than 250 member companies, including wholesalers, retailers, truck stops, heating oil businesses, lubricant distributors and bulk storage facilities, as well as the many companies that supply products and services to these businesses.

2. TFCA maintains its principal offices at 430 Enos Reed Drive, Nashville, Tennessee 37210.

3. TFCA members offer varieties of vehicular fuel for sale to the general public throughout the State of Tennessee, including in the area in which Piedmont transports, distributes and sells natural gas to Tennessee consumers, and TFCA competes against other businesses that provide vehicle fuel for sale to the general public. And, many TFCA members are natural gas customers of Piedmont.¹

4. Piedmont is a public utility regulated by the Authority and is engaged in the business of transporting, distributing and selling natural gas in the State of Tennessee.

5. On September 4, 2014, Piedmont filed the *Tariff*, including Rate Schedules, requesting approval from the TRA of proposed new Rate Schedule 343 (Experimental Motor Vehicle Fuel Service) and changes to Rate Schedule 342 (Natural Gas Vehicle Fuel), as well as the applicable rate components to those Rate Schedules as reflected in proposed revised tariff sheets attached to Piedmont's September 4, 2014, filing (collectively the "*Petition*").

6. In the *Petition*, Piedmont notes that the "revised and new Rate Schedules are related to Piedmont's provision of natural gas to customers as a motor fuel. New Rate Schedule 343 is being submitted as an Experimental Motor Vehicle Fuel Service to all existing and qualified potential customers."² Piedmont further provides that the "purpose of the experimental rate schedule is to determine the relative need for sales/transportation service for natural gas vehicles and to determine whether the Company's existing facilities can accommodate the market demands of that service."³

¹ The second sentence of this paragraph is the only modification herein to the Petition to Intervene filed in this docket on September 24, 2014.

² *Piedmont's September 4, 2014, Petition*, TRA Docket No. 14-00087 (cover letter, p. 1, ¶2) (hereinafter the "*Petition*").

³ *Id.*

7. Pursuant to the *Tariff*, Piedmont intends on making available at “[Piedmont]-operated public stations to the public natural gas for “placement into the fuel tank of a motor vehicle.”⁴

8. Moreover, under the *Tariff*, Piedmont “may at its discretion offer a rate discount on a not unduly discriminatory basis to customers . . . in order to compete with alternative fuel providers and further develop the market demand for natural gas vehicular fuel or the facilities available to serve such demand.”⁵

9. TFCA’s and its members’ legal rights, duties, privileges, immunities or other legal interests will be determined in this proceeding. Only by participating in this proceeding can TFCA work adequately to protect its interests and the interests of its members.

10. Due to TFCA’s and its members’ direct interest in this proceeding, TFCA respectfully seeks full intervention rights and the convening of a contested case.⁶

11. The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing Petitioner’s request.

WHEREFORE, Petitioner Tennessee Fuel and Convenience Store Association

⁴ *Id.* (attachments to the *Petition* described therein as Rate Schedules).

⁵ *Petition* (attachments to the *Petition* described therein as Rate Schedules).

⁶ The Authority suspended the *Tariffs/Rate Schedules sua sponte* on or about September 15, 2014.

respectfully ask the Authority to grant this Petition to Intervene.

RESPECTFULLY SUBMITTED,



MELVIN J. MALONE (BPR #013874)

VALERIA GOMEZ (BPR #032131)

Butler Snow LLP

150 3rd Avenue South, Suite 1600

Nashville, TN 37201

melvin.malone@butlersnow.com

(615) 651-6705

valeria.gomez@butlersnow.com

(615) 651-6739

Attorneys for Petitioner

Dated: September 29, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Jane Lewis-Raymond, Esq.
Senior Vice President and Chief Legal, Compliance,
and External Relations Officer
Piedmont Natural Gas Company, Inc.
P.O. Box 33068
Charlotte, NC 28233
Jane.Lewis-Raymond@piedmontng.com

R. Dale Grimes, Esq.
Bass, Berry & Sims PLC
150 Third Avenue South, Suite 2800
Nashville, TN 37201
dgrimes@bassberry.com

James H. Jeffries, IV, Esq.
Moore & Van Allen PLLC
100 North Tryon Street, Suite 4700
Charlotte, NC 28202-4003
jimjeffries@mvalaw.com

Wayne Irvin, Esq.
Assistant Attorney General
Office of the Tennessee Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, TN 37202-0207
Wayne.Irvin@ag.tn.gov

This the 29th day of September, 2014.



Melvin J. Malone