

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**December 15, 2014**

**IN RE:**

**JOINT REQUEST OF CHATTANOOGA GAS COMPANY  
AND VOLKSWAGEN GROUP OF AMERICA  
CHATTANOOGA OPERATIONS, LLC FOR APPROVAL  
OF SPECIAL CONTRACT**

)  
)  
)  
)  
)  
)

**DOCKET NO.  
14-00118**

---

**ORDER GRANTING CONSUMER ADVOCATE’S PETITION TO INTERVENE**

---

This matter is before the Hearing Officer of the Tennessee Regulatory Authority (the “Authority”) to consider the *Petition to Intervene* filed by the Consumer Advocate and Protection Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on December 9, 2014.

**BACKGROUND**

On October 23, 2014, pursuant to TRA Rule 1220-04-01-.07, Chattanooga Gas Company (“CGC” or “Utility”) and Volkswagen Group of America Chattanooga Operations, LLC (“Volkswagen”) filed a Joint Request seeking Authority approval of a special contract for natural gas services between CGC and Volkswagen.<sup>1</sup> On November 20, 2014, CGC and Volkswagen further requested that a protective order be entered in the docket file in order to ensure the confidentiality of certain documents that were filed under seal. Thereafter, during a regularly scheduled Authority Conference held on December 1, 2014, the voting panel of Directors assigned in the docket voted unanimously to convene a contested case proceeding and appoint General Counsel or her designee as

---

<sup>1</sup> TRA Rule 1220-04-01-.07 states, “Special contracts between public utilities and certain customers prescribing and providing rates, services and practices not covered by or permitted in the general tariffs, schedules, or rules filed by such utilities are subject to supervision, regulation and control by the Authority. A copy of such special agreements shall be filed, subject to review and approval.”

Hearing Officer to prepare the matter for hearing, including the issuance of a protective order. On December 10, 2014, the Hearing Officer entered a Protective Order in the docket file.

### **PETITION TO INTERVENE**

In its *Petition to Intervene*, the Consumer Advocate states that, pursuant to Tenn. Code Ann. § 65-4-118, it seeks to intervene in the docket “because consumers’ interests, rights, duties or privileges may be determined or affected by the proceeding.” Further, the Consumer Advocate asserts that its intervention is necessary because although the Joint Request states that the Utility’s customers will not be adversely affected by the special contract, it otherwise fails to specify how consumers may or may not be affected. Therefore, in order that it may have access to review the confidential information that has been filed in the docket file, the Consumer Advocate requests that the Authority grant its petition. Noting that the Authority intends to timely act on the Joint Request, the Consumer Advocate further affirms that it will comply with all procedural schedules and guidelines of the Authority. In conclusion, the Consumer Advocate states that only by participating in this proceeding can it adequately represent the interests of consumers.<sup>2</sup>

### **FINDINGS & CONCLUSIONS**

Requests to intervene in contested case proceedings before the Authority are governed according to the Authority’s statutes and Rules, including Tenn. Code Ann. § 65-2-107 and TRA Rule 1220-01-02-.08, and Tenn. Code Ann. § 4-5-101, *et. seq.*, also known as the Tennessee Uniform Administrative Procedures Act (“UAPA”). Thus, applying these provisions, because certain legal rights or interests held by the Utility’s consumers may be determined in conjunction with the Authority’s consideration of the special contract for natural gas services between CGC and Volkswagen, and based upon the Consumer Advocate’s compliance with the provisions of Tenn. Code Ann. § 65-4-118(b)(1), the Hearing Officer finds that the Consumer Advocate qualifies as an

---

<sup>2</sup> *Petition to Intervene* (December 9, 2014).

intervenor in this matter.

Furthermore, in its petition, the Consumer Advocate acknowledged the TRA's readiness to proceed in this matter and affirmed that it will adhere with the orderly administration and prompt resolution of the docket. Further, the Hearing Officer notified CGC, Volkswagen, and the Consumer Advocate, via email correspondence on December 11, 2014, of certain timing considerations relevant to the docket, including the Authority's decision to place this matter for the panel's consideration during its January 12, 2015 Conference Agenda. In response, the Consumer Advocate indicated that it did not anticipate any issues concerning such action by the Authority. Finally, neither CGC nor Volkswagen objects to the Consumer Advocate's intervention request.

Therefore, upon due consideration, the Hearing Officer finds that the *Petition to Intervene* is timely, the Consumer Advocate qualifies as an intervenor under law, and that its intervention should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer finds that the Consumer Advocate's request to intervene in these proceedings should be granted.

**IT IS THEREFORE ORDERED THAT:**

- 1) The *Petition to Intervene* filed by the Consumer Advocate and Protection Division of the Office of the Attorney General is granted.
- 2) The Consumer Advocate and Protection Division of the Office of the Attorney General may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.

  
Kelly Cashman-Grams, Hearing Officer