

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

October 6, 2017

IN RE:

ACA FILING FOR THE NAVITAS TN NG, LLC
JELICO AND BYRDSTOWN SYSTEMS

)
)
) DOCKET NO.
) 17-00027

ORDER DENYING PETITION FOR RECONSIDERATION

This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition for Reconsideration* filed by Navitas TN NG, LLC (“Navitas”) on September 27, 2017. Navitas seeks reconsideration of a portion of the Hearing Officer’s *Order Denying Petition to Intervene* (“Order”) issued on September 22, 2017. Navitas agrees with the Order to the extent that it denies the Petition to Intervene filed by FWM Energy, LLC (“FWM”) but seeks reconsideration of the portion of the Hearing Officer’s *Order* recommending that a new docket be opened to address Navitas’s gas purchases. Navitas also seeks to clarify its position regarding the opening of a new docket by “reiterating that Navitas is opposed to the convening of a contested case”¹ Navitas seeks reconsideration by the Commission pursuant to Commission Rule 1220-1-2-.20 and Tenn. Code Ann. § 4-5-317 and states “the Commission should reconsider so the Commission can correct or clarify the statement ‘neither FWM nor Navitas object to the prudence of Navitas’s gas purchases being addressed in a new docket.’”²

¹ *Petition for Reconsideration*, p. 1 (September 27, 2017).

² *Id.*

In *FWM's Response to Petition for Reconsideration* (“*FWM's Response*”) filed on September 28, 2017, FWM maintains “the Hearing Officer should not change her recommendation and that it is irrelevant whether or not Navitas opposes an audit of the company’s gas purchases.”³ FWM asserts “there is certainly probable cause to question the prudence of the utility’s actions and to open an investigation of the company’s purchasing practices.”⁴

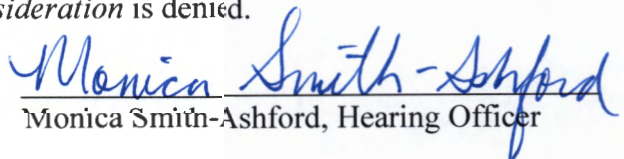
FINDINGS & CONCLUSIONS

Commission Rule 1220-1-2-.06(6) establishes the process for interlocutory review of a Hearing Officer order. It provides, “[a]ny party who wishes to seek interlocutory review by the Authority [Commission] of a Hearing Officer decision on a preliminary motion shall make application by motion to the Hearing Officer. Permission for interlocutory review shall not be unreasonably withheld.”

The Hearing Officer finds that the *Petition for Reconsideration* by the Commission is improper and unnecessary. The Hearing Officer agrees with Navitas’s clarification of the *Order* regarding its position on convening a contested case proceeding to review Navitas’s gas purchases. However, this clarification does not impact the Hearing Officer’s *Order* or her recommendation that the Commission convene a contested case proceeding in a new docket to review Navitas’s gas purchases. The Hearing Officer concludes that the *Petition for Reconsideration* should be denied, however, the Hearing Officer determines that it is appropriate to issue an Amended Order to clarify Navitas’s position relative to convening a contested case proceeding in a new docket.

IT IS THEREFORE ORDERED THAT:

Navitas TN NG, LLC’s *Petition for Reconsideration* is denied.


Monica Smith-Ashford, Hearing Officer

³ *FWM's Response*, p. 1 (September 28, 2017).

⁴ *Id.* at 2.