

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

April 12, 2018

IN RE:	)	
	)	
PETITION OF CHATTANOOGA GAS	)	DOCKET NO.
COMPANY FOR APPROVAL OF AN	)	18-00017
ADJUSTMENT IN RATES AND TARIFF; THE	)	
TERMINATION OF THE AUA MECHANISM	)	
AND THE RELATED TARIFF CHANGES AND	)	
REVENUE DEFICIENCY RECOVER; AND AN	)	
ANNUAL RATE REVIEW MECHANISM	)	

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ORDER GRANTING CONSUMER ADVOCATE'S MOTION FOR LEAVE  
TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS

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This matter is before the Hearing Officer upon the *Motion for Leave to Issue more than Forty Discovery Requests* ("Motion") filed by the Consumer Protection and Advocate Division of the Office of the Attorney General ("Consumer Advocate") on March 20, 2018 requesting leave to serve more than forty discovery requests on Chattanooga Gas Company ("CGC" or the "Company") pursuant to Tennessee Public Utility Commission ("Commission" or "TPUC") Rule 1220-1-2-.11. The Consumer Advocate also filed a *Memorandum in Support of the Consumer Advocate's Motion for Leave to Issue more than Forty Discovery Requests* ("Memo") on March 20, 2018.

In its *Memo*, the Consumer Advocate states that the "limitation of discovery to forty questions in this Docket would severely limit the Consumer Advocate's ability to analyze and present a complete case, and would severely limit the Consumer Advocate's ability to provide that analysis and additional information that is vital to the TPUC for the protection of Tennessee

consumers.”<sup>1</sup> In addition, the Consumer Advocate maintains that the discovery sought is not unreasonable cumulative or duplicative, and to the extent possible, the Consumer Advocate has attempted to obtain the information from other sources.<sup>2</sup>

On March 27, 2018, CGC filed *Chattanooga Gas Company Response to Consumer Advocate Motion for Leave to Issue more than Forty Discovery Requests* (“CGC Response”). CGC states it “does not object to this initial set of 198 requests, plus subparts, to the extent the Motion is seeking approval of its ability to serve and receive responses to this First Discovery Request.”<sup>3</sup> However, CGC “reserves its right to make any particular objections to specific requests that may be objectionable on other grounds (such as burdensome, overbroad, relevancy, etc., as may be applicable).”<sup>4</sup> Further, CGC maintains that it reserves its right to “object to any future discovery requests to the extent this Motion is open ended as to the total number of requests that CPAD may serve in this matter.”<sup>5</sup>

TPUC Rule 1220-1-2-.11 states as follows:

No party shall serve on any other party more than forty (40) discovery requests including sub-parts without first having obtained leave of the Commission or a Hearing Officer. Any motion seeking permission to serve more than forty (40) discovery requests shall set forth the additional requests. The motion shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or requests for production. If a party is served with more than forty (40) discovery requests without an order authorizing the same, such party need only respond to the first forty (40) requests.

TPUC Rules allow a minimum of forty discovery requests to be served upon a party. Nevertheless, upon compliance with TPUC Rule 1220-1-2-.11 and a showing of good cause, the Commission has been flexible in permitting supplemental discovery to occur. In light of the

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<sup>1</sup> *Memo*, p. 5 (March 20, 2018).

<sup>2</sup> *Id.* at 5-6.

<sup>3</sup> *CGC Response*, p. 1 (March 27, 2018).


<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 2.

foregoing, the Hearing Officer finds that the Consumer Advocate met the requirements of the Rule by showing good cause to issue additional discovery requests to CGC. Further, the Company has not opposed the Consumer Advocate's *Motion*. Therefore, based on these findings, the Hearing Officer grants the *Motion*.

**IT IS THEREFORE ORDERED THAT:**

The *Motion for Leave to Issue more than Forty Discovery Requests* filed by the Consumer Protection and Advocate Division of the Office of the Attorney General is granted.

  
Monica Smith-Ashford, Hearing Officer