

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

January 25, 2019

NASHVILLE, TENNESSEE

January 25, 2019

IN RE:

DOCKET TO INVESTIGATE AND CONSIDER
MODIFICATIONS TO ATMOS ENERGY
CORPORATION'S ANNUAL RATE REVIEW
MECHANISM UNDER TENN. CODE ANN. 65-5-
103(6)

)
)
) DOCKET NO.
) 18-00112
)
)
)

ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE
CONSUMER ADVOCATE

This matter is before the Hearing Officer of the Tennessee Public Utility Commission ("Commission" or "TPUC") to consider the *Petition to Intervene* filed by the Consumer Advocate Unit of the Office of the Attorney General ("Consumer Advocate") on January 8, 2019.

RELEVANT BACKGROUND

In Docket No. 18-00067, the parties, Atmos Energy Corporation ("Atmos") and the Consumer Advocate, were asked to respond to three specific questions concerning modifications to Atmos' Alternative Rate Review Mechanism ("ARM"). Both Atmos and the Consumer Advocate submitted pre-filed testimony in response to the questions posed to the parties concerning possible modification to the ARM process. In its *Order Approving 2018 Annual Rate Review Filing* issued on December 4, 2018, the Commission ordered that a new docket be opened to examine and consider a one-step approach for Atmos' ARM and other changes and/or modifications necessary to implement a more streamlined and transparent process.

CONSUMER ADVOCATE'S *PETITION TO INTERVENE*

On January 8, 2019, the Consumer Advocate filed a *Petition to Intervene* seeking to intervene in this docket pursuant to Tenn. Code Ann. § 65-4-118, which qualifies the Consumer Advocate to represent the interests of Tennessee consumers of public utility services in proceedings before the Commission. The Consumer Advocate asserts that “[a]s set out in the Consumer Advocate’s Direct and Rebuttal Testimony in TPUC Docket No. 18-00067, the interests of consumers may be affected by the determinations and orders made by the TPUC with respect to the Investigation of modifications to the ARM.” Neither Atmos nor Commission Party Staff oppose the Consumer Advocate’s *Petition to Intervene*.

FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

- (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
- (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
- (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the

interests of justice and shall not impair the orderly and prompt conduct of the proceedings.¹

Although it is not an automatic or absolute right to participate in proceedings before the Commission, Tenn. Code Ann. § 65-4-118(b)(1) provides a general basis for the qualification of the Consumer Advocate to be permitted to intervene as a party to represent the interests of Tennessee public utility consumers. It provides as follows:

The consumer advocate division has the duty and authority to represent the interests of Tennessee consumers of public utilities services. The division may, with the approval of the attorney general and reporter, participate or intervene as a party in any matter or proceeding before the commission or any other administrative, legislative or judicial body and initiate such proceeding, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the rules of the commission.²

The Hearing Officer finds that there is a sufficient factual basis to find that the legal rights or interests held by those consumers may be determined in this proceeding. Further, since the Consumer Advocate was an Intervenor and filed testimony in Docket No. 18-00067, the docket that gave rise to the present docket, the Hearing Officer concludes that it was the intent of the Commission for the Consumer Advocate to be a party in this docket as well.

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of Tennessee consumers may be determined in this proceeding. Further, the Hearing Officer finds that the Consumer Advocate qualifies under law as an intervenor for the purpose of representing those consumer interests, there is no opposition to its intervention, and its *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer concludes that the Consumer Advocate's *Petition to Intervene* should be

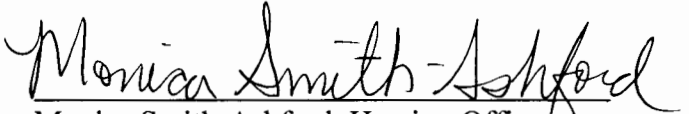
¹ Tenn. Code Ann. § 4-5-310.

² Tenn. Code Ann. § 65-4-118(b)(1).

granted.

IT IS THEREFORE ORDERED THAT:

The *Petition to Intervene* filed by the Consumer Advocate Unit of the Office of the Attorney General is granted. The Consumer Advocate Unit 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.


Monica Smith-Ashford, Hearing Officer