IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE

IN RE:	)	
	)	
DOCKET TO INVESTIGATE AND CONSIDER MODIFICATIONS TO ATMOS ENERGY CORPORATION'S ANNUAL RATE REVIEW MECHANISM (ARM) UNDER TENN. CODE ANN. § 65-5-103(6)	)	**DOCKET NO. 18-00112**

THE CONSUMER ADVOCATE'S MOTION FOR MORE DEFNITE STATEMENT

Comes now the Consumer Advocate Unit in the Financial Division of the Office of the Attorney General (Consumer Advocate) and respectfully moves the Tennessee Public Utility Commission (TPUC or Commission), in accordance with Tenn. R. Civ. P. 12.05, for an order directing that Chattanooga Gas Company (CGC) file a more definite statement with respect to the allegations in its *Petition to Intervene* (Petition). The grounds for this motion are that CGC's Petition is vague and ambiguous in respect to the facts demonstrating CGC's "legal rights, duties, privileges, immunities or other legal interests" as required under Tenn. Code. Ann. § 4-5-310(a)(2) such that the Consumer Advocate, as intervenor, cannot reasonably frame its response to the CGC Petition. Additionally, CGC's Petition raises concerns that the intervention may impair the "orderly and prompt conduct of the proceedings" as described under Tenn. Code Ann. § 4-5-310(a)(3). In support of its *Motion for More Definite Statement* (Motion), the Consumer Advocate submits the following:

I. CGC NEEDS TO PROVIDE SUFFICIENT FACTS DEMONSTRATING THAT ITS "LEGAL RIGHTS, DUTIES, PRIVILEGES, IMMUNITIES OR OTHER LEGAL INTERESTS" MAY BE DETERMINED BY THIS DOCKET AS REQUIRED UNDER TENN. CODE. ANN. § 4-5-310(a)(2).

This Docket was opened for the investigation and consideration of modifications specifically to the Atmos' ARM.[1] However, CGC expressed concern that this Docket "may have significant and far reaching ramifications for any other natural gas utility with an annual rate review mechanism (emphasis added)."[2] It appears CGC draws this conclusion from the lack of "any [TPUC] procedural or substantive rules" on the implementation of alternative regulatory methods or annual rate review mechanisms (ARM).[3] Furthermore, CGC proposes that a decision in this Docket "may be considered precedential (emphasis added)"[4] since Atmos Energy Corporation (Atmos) is the only utility with an annual rate review mechanism. Beyond the speculation that this Docket may have far reaching ramifications or may be precedential, CGC has not provided sufficient facts demonstrating that "it holds a legal right, duty, privilege or other legal interest, which may be determined in this proceeding, that is not common generally"[5] to utilities interested in annual rate review mechanisms.

II. CGC NEEDS TO PROVIDE SUFFICIENT FACTS TO SUPPORT A DETERMINATION THAT ITS INTERVENTION WILL NOT IMPAIR "THE ORDERLY AND PROMPT CONDUCT OF THE PROCEEDINGS" AS DESCRIBED UNDER TENN. CODE ANN. § 4-5-310(a)(3).

CGC attempts to provide assurances that its intervention is not intended "to impede Atmos or the Commission"[6] in this Docket. Rather CGC says it seeks "to obtain first-hand knowledge and experience as to the particular details and considerations going into any

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[1] CGC does acknowledge that this Docket "formally focuses on specific changes to the annual rate review process." *Id.* at pg. 2, ¶4.
[2] *Chattanooga Gas Company's Petition to Intervene*, pg. 2, ¶4, TPUC Docket No. 18-00112 (January 23, 2019).
[3] *Id.*
[4] *Id.* at pgs. 2-3.
[5] *Order Granting Intervention to the Tennessee Solar Energy Industries Association Subject to Certain Limits and Conditions*, pg. 7, TPUC Docket No. 15-00093 (December 7, 2015).
[6] Petition at pg. 3, ¶6.

modified"[7] Atmos ARM. If CGC is permitted to intervene as a Party, a question arises as to whether CGC would have standing to prevent a settlement being reached in this Docket due to any objections it might raise to the terms and conditions it finds objectionable for its specific situation. This is a legitimate concern since CGC states that it "shall be filing for approval with the Commission its own annual rate review mechanism this year, and likely in the next 60 days (emphasis added)."[8]

Furthermore, CGC does not state whether it intends to file testimony responding to the three questions posed by the Commission Staff in Docket No. 18-00067.[9] These three questions provided the basis for the current Docket. Specifically, the Commission's questions asked for the Parties to provide their position on whether a single filing on an annual basis is acceptable for an ARM, identify any concerns of a single annual filing, and provide proposed modifications.[10] If CGC does intend to respond to these three questions, it would have to do so on an expedited basis so as not to impede the progress of this Docket. If it does not intend to respond to these questions, CGC should provide guidance as to how it can meaningfully participate in this Docket as a Party.

III. CONCLUSION

For the reasons set out above, the Consumer Advocate respectfully asks the Commission to grant this *Motion for More Definite Statement* in TPUC Docket No. 18-00112.

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[7] *Id.* at pgs. 3-4, ¶6.
[8] *Id.* at p. 3, ¶5.
[9] The questions were presented in the procedural schedule. *Order Establishing Procedural Schedule*, pgs. 2-3, TPUC Docket No. 18-00067 (Aug. 28, 2018).
[10] Both Atmos and the Consumer Advocate filed Direct Testimony and Rebuttal Testimony responding to the three questions posed. Direct Testimony of Gregory K. Waller on Behalf of Atmos Energy, TPUC Docket No. 18-00067 (Sept. 17, 2018); Direct Testimony of David Dittemore on Behalf of the Consumer Advocate, TPUC Docket No. 18-00067 (Sept. 17, 2018); Rebuttal Testimony of Gregory K. Waller on Behalf of Atmos Energy, TPUC Docket No. 18-00067 (Sept. 26, 2018) and Rebuttal Testimony of David Dittemore on Behalf of the Consumer Advocate, TPUC Docket No. 18-00067 (Sept. 26, 2018).

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

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This the 31st day of January 2019.

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