

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

May 21, 2019

IN RE:)	
)	
PETITION OF CHATTANOOGA GAS COMPANY)	DOCKET NO.
TO OPT INTO AN ANNUAL REVIEW OF RATES)	19-00047
MECHANISM PURSUANT TO TENN. CODE ANN.)	
§ 65-5-103 (d) (6))	

ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE
CHATTANOOGA REGIONAL MANUFACTURERS ASSOCIATION

This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider Chattanooga Regional Manufacturers Association’s (“CRMA”) *Petition of the Chattanooga Manufacturers Association for Leave to Intervene* (“*Petition to Intervene*”), which was filed on May 10, 2019.

RELEVANT BACKGROUND

Chattanooga Gas Company (“CGC” or the “Company”) is a wholly-owned subsidiary of Southern Company Gas and is incorporated under the laws of Tennessee.¹ CGC is a public utility under the jurisdiction of the Commission and is in the business of transporting, distributing, and selling natural gas in the greater Chattanooga and Cleveland, Tennessee areas within Hamilton and Bradley Counties.² On April 15, 2019, CGC filed the *Chattanooga Gas Company Petition to Opt into an Annual Review of Rates Mechanism Pursuant to Tenn. Code Ann. § 65-4-103(d)(6)* (“CGC Petition”).

¹ *Chattanooga Gas Company Petition to Opt into an Annual Review of Rates Mechanism Pursuant to Tenn. Code Ann. § 65-4-103(d)(6)*, p. 1 (April 15, 2019).

² *Id.*

CRMA's *PETITION TO INTERVENE*

According to the *Petition to Intervene*, CRMA is a one-hundred year old trade association representing over 250 manufacturers and other businesses supporting, servicing and associated with the manufacturing sector.³ Many of CRMA's members are customers of CGC. According to CRMA, it has a "legal interest in the outcome of this docket, and desires to intervene in order to fully protect the interests of its members."⁴ In support of its *Petition to Intervene*, CRMA states that CGC seeks "approval by the Commission to adopt an annual rate review procedure ("ARM") that may result in an annual adjustment in certain rates and charges, including increases or changes that may adversely affect CRMA ratepayers."⁵

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.

³ *Petition to Intervene*, p. 1 (May 10, 2019).

⁴ *Id.*

⁵ *Id.*

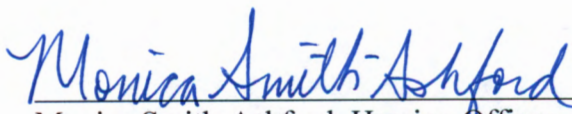
(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.⁶

Because granting *CGC's Petition* will allow the Company to enter into an annual rate review mechanism whereby CRMA's members' rates will be adjusted without CGC filing and litigating a full blown rate case, the Hearing Officer finds that there is a sufficient factual basis to find that the legal rights or interests held by CRMA members may be determined in this proceeding.

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of CRMA members may be determined in this proceeding. According to CRMA, CGC takes no position on the intervention and the Consumer Advocate and Party Staff do not object to its intervention. Further, the Hearing Officer finds that CRMA's *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings, and CRMA concurs with the *Joint Filing of Proposed Procedural Schedule* filed on April 24, 2019. For these reasons, the Hearing Officer concludes that CRMA's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition to Intervene* filed by the Chattanooga Regional Manufacturers Association is granted. The Chattanooga Regional Manufacturers Association 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

⁶ Tenn. Code Ann. § 4-5-310.