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December 10, 2019

**VIA EMAIL**

Kelly Grams  
General Counsel  
Tennessee Public Utility Commission  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243

In Re: Docket No. 19-00084

Dear Kelly:

In Docket 19-00084, the Commission voted on October 14, 2019 to change, effective immediately, the intrastate rates charged by B&W Pipeline to Navitas TN. The monthly flat charge was eliminated altogether and the volumetric charge was increased from \$0.3081 to \$1.23248 per Mcf. On November 5, 2019, B&W filed new intrastate tariffs consistent with the Commission's decision and, in a letter dated November 7, 2019, <http://share.tn.gov/tra/orders/2019/1900084ao.pdf> the Commission Staff (Joe Shirley) stated that the revised tariff correctly reflected the Commission's order and, therefore, the new tariff would be effective October 14, 2019. A copy of the Staff's letter to B&W was sent both to the Consumer Advocate and to Don Baltimore, counsel for Navitas TN. Moreover, on November 8, 2019, I personally wrote Mr. Thomas Hartline, president of Navitas TN, to inform him of the revised tariff and the Staff's letter and sent him copies of both.

Despite these efforts by the Staff and B&W to inform Navitas of the new rates, Navitas TN has thus far declined to pay any charges (intrastate or interstate) to BW Pipeline gas transportation in September, October, or November, 2019. (It is not yet clear whether Navitas has paid anything for transportation during August, 2019.) When asked about the non-payment of the Tennessee charges during this period, Mr. Hartline stated the following in an email sent to B&W on December 9, 2019:


"With regard to September and beyond we've been waiting to see the order from TPUC to ensure that payments are made exactly correctly, at this writing we are under the impression that TPUC has not finalized the order."

In light of the Staff's letter confirming the applicability and effective date of the new tariff, Mr. Hartline's reason for non-payment has no legal basis. Navitas TN must pay the prior Tennessee rates (the flat charge and the smaller volumetric charge) for intrastate transportation through October 13, 2019 and the new, higher volumetric charge for intrastate transportation thereafter. (The portion of the flat charge that is allocated to Kentucky will be used to offset what Navitas KY owes for interstate transportation under the new FERC rate.)

Under the circumstances, I believe it would be futile for the Commission staff or me to try to persuade Mr. Hartline that he is legally required to pay the Tennessee tariffed rates even though no final order has yet been issued by the Commission. While B&W has, of course, the right to suspend service for non-payment, the better solution would be for the Commission to issue a final order in Docket 19-00084 as soon as possible so that there can be no further excuse for this unwarranted delay.

Sincerely,

BRADLEY ARANT BOULT CUMMINGS LLP

By:   
Henry Walker  
Counsel for B&W Pipeline

HW/dbi

cc: Don Baltimore (via email)  
David Foster (via email)  
Joe Shirley (via email)  
Daniel Whitaker (via email)  
Klint Alexander (via email)  
Juan Duran (via email)