

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

July 1, 2020

IN RE:

CHATTANOOGA GAS COMPANY PETITION
FOR APPROVAL OF ITS 2019 ANNUAL RATE
REVIEW FILING PURSUANT TO TENN. CODE
ANN. § 65-5-103 (d)(6)

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DOCKET NO.
20-00049

ORDER GRANTING CONSUMER ADVOCATE’S *MOTION TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS*

This matter is before the Hearing Officer upon the *Consumer Advocate’s Motion to Issue More than Forty Discovery Requests* (“*Motion*”) filed by the Consumer Unit in the Financial Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on June 12, 2020 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 its *Motion* (“*Memo*”) on June 12, 2020.

MOTION

In its *Memo*, the Consumer Advocate states that this is CGC’s first Annual Rate Review Mechanism (“ARRM”) filing after its initial approval in Docket No. 19-00047 and “more review is necessary to understand the filing and its contents and to develop positions concerning the mechanism of the ARRM and its public interest.”¹ In addition, the Consumer Advocate maintains that “[t]he consequences of the denial of the additional discovery requested would

¹ *Memo*, p. 7 (June 12, 2020).

include the inability of the Consumer Advocate to test the merits of CGC's proposed rate increase and to evaluate the impact on consumers and related policy issues presented in the Company's *Petition*.”² According to the Consumer Advocate “additional discovery is necessary in order for the Consumer Advocate to take informed positions in representing consumers in any potential settlement negotiations.”³

CGC RESPONSE

On June 24, 2020, CGC filed *Chattanooga Gas Company Response to Consumer Advocate Motion for Leave to Issue More Than Forty Discovery Requests* (“CGC Response”). CGC ultimately states it does not object to the Consumer Advocate's *Motion* but expresses concern regarding the second round of discovery.⁴ While CGC does not object to the *Motion*, it reserves the right to object to the second round of discovery to the extent that it exceeds forty requests, including subparts.⁵

FINDINGS AND CONCLUSIONS

Commission 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.

Commission Rules allow a minimum of forty discovery requests to be served upon a party. Nevertheless, upon compliance with Commission Rule 1220-1-2-.11 and a showing of

² *Id.* at 4.

³ *Id.* at 5.

⁴ *CGC Response*, pp. 2-3 (June 24, 2020).

⁵ *Id.* at 3.

good cause, the Commission has been flexible in permitting supplemental discovery to occur. In light of the 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 does not oppose the Consumer Advocate's *Motion*. Therefore, based on these findings, the Hearing Officer grants the *Motion*.

IT IS THEREFORE ORDERED THAT:

The *Consumer Advocate's Motion to Issue More than Forty Discovery Requests* is **GRANTED**.

A handwritten signature in black ink that reads "Monica Smith-Ashford". The signature is written in a cursive, flowing style.

Monica Smith-Ashford, Hearing Officer