

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

October 16, 2020

IN RE:

PETITION OF PIEDMONT NATURAL GAS  
COMPANY, INC. FOR APPROVAL OF AN  
ADJUSTMENT OF RATES, CHARGES, AND  
TARIFFS APPLICABLE TO SERVICE IN  
TENNESSEE

)  
)  
)  
)  
)  
)  
)

DOCKET NO.  
20-00086

---

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

---

This matter is before the Hearing Officer upon the *Consumer Advocate's Second Motion for Leave to Issue More than Forty Discovery Requests* ("Motion") and a *Memorandum in Support of the Consumer Advocate's Second Motion for Leave to Issue More than Forty Discovery Requests* ("Memo"). The *Motion* and *Memo* were filed by the Consumer Advocate Unit in the Financial Division of the Office of the Tennessee Attorney General ("Consumer Advocate") on September 23, 2020, requesting permission to issue additional discovery requests on Piedmont Natural Gas Company, Inc. ("Piedmont" or the "Company") pursuant to Tennessee Public Utility Commission ("Commission" or "TPUC") Rule 1220-1-2-.11(5)(a).

**MEMO**

In its *Memo*, the Consumer Advocate states that it seeks to put forth a complete case to adequately represent the interests of consumers. According to the Consumer Advocate, additional discovery is necessary for the Consumer Advocate to adequately evaluate the docket and present a complete case. The Consumer Advocate maintains that denying its *Motion*, would severely limit its ability to analyze and provide additional information to the Commission

to protect Tennessee consumers.<sup>1</sup> The Consumer Advocate argues that the discovery sought is not unduly burdensome or expensive when taking into account the needs of the docket.<sup>2</sup> Piedmont did not object to the *Motion*.

### ***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 good cause, the Commission has been flexible in permitting supplemental discovery. In light of the foregoing, the Hearing Officer finds the Consumer Advocate has met the requirements of the Rule by showing good cause to issue additional discovery requests to Piedmont. 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 Second Motion for Leave to Issue More than Forty Discovery Requests* is **GRANTED**.



Monica Smith-Ashford, Hearing Officer

---

<sup>1</sup> *Memo*, p. 6 (September 23, 2020).

<sup>2</sup> *Id.* at 8.