

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

November 10, 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

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DOCKET NO.
20-00086

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

This matter is before the Hearing Officer upon the *Consumer Advocate's Third Motion for Leave to Issue More than Forty Discovery Requests* ("Motion") and a *Memorandum in Support of the Consumer Advocate's Third 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 October 21, 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 additional discovery is necessary due to Piedmont's previous responses to discovery. The Consumer Advocate states

that in its third discovery request, 43 requests are follow-up requests to the previous two rounds of discovery and 19 requests are follow-up questions to Piedmont's initial filing requirements.¹ The Consumer Advocate argues the discovery is necessary its gain understanding of Piedmont's 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.² The Consumer Advocate argues that the discovery sought is not unduly burdensome, duplicative, or expensive when taking into account the needs of the docket.³ 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

¹ *Memo*, p. 5 (October 21, 2020).

² *Id.* at 6.

³ *Id.* at 9.

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 Third Motion for Leave to Issue More than Forty Discovery Requests* is **GRANTED**.

A handwritten signature in black ink that reads "Monica Smith-Ashford". The script is cursive and fluid, with the first name "Monica" and last name "Smith-Ashford" clearly legible.

Monica Smith-Ashford, Hearing Officer