



Waller Lansden Dortch & Davis, LLP  
511 Union Street, Suite 2700  
P.O. Box 198966  
Nashville, TN 37219-8966

615.244.6380 main  
615.244.6804 fax  
wallerlaw.com

Paul S. Davidson  
615.850.8942 direct  
paul.davidson@wallerlaw.com

**Electronically Filed in TPUC Docket Room on December 3, 2020 at 1:04 p.m.**

December 3, 2020

**Via Email and U. S. Mail**

Executive Director Earl Taylor  
c/o Ectory Lawless  
Tennessee Public Utility Commission  
502 Deaderick Street, Fourth Floor  
Nashville, Tennessee 37243

***Re: Piedmont Natural Gas Company, Inc. Petition for an Adjustment of Rates, Charges,  
and Tariffs Applicable to Service in Tennessee; Docket No.: 20-00086***

Dear Mr. Taylor:

Enclosed for filing is the *Discovery Request of Piedmont Natural Gas Company to the Consumer Advocate* in the above-referenced docket, which has been served on the Consumer Advocate. A copy of the request has also been provided to the TPUC Docket Room for electronic filing.

Thank you for your assistance with this matter. If you have any questions about this filing, you may reach me at the number shown above.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Paul S. Davidson".

Paul S. Davidson

Enclosures

cc: David Foster  
Daniel Whitaker  
Vance Broemel  
Bruce Barkley  
Pia Powers  
James H. Jeffries IV  
Melinda McGrath

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION  
NASHVILLE, TENNESSEE**

IN RE:	)	
	)	
PIEDMONT NATURAL GAS COMPANY,	)	
INC. PETITION FOR AN ADJUSTMENT	)	Docket No. 20-00086
OF RATES, CHARGES, AND TARIFFS	)	
APPLICABLE TO SERVICE IN TENNESSEE	)	
	)	
	)	

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**DATA REQUESTS OF PIEDMONT NATURAL GAS COMPANY, INC.  
TO THE CONSUMER ADVOCATE**

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Pursuant to the Order Establishing Procedural Schedule issued by the Hearing Officer on August 25, 2020, Rules 26, 33, 34 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R & Reg. 1220-1-2-.11, Piedmont Natural Gas Company, Inc. ("Piedmont" or the "Company") hereby submits the following Data Requests upon the Consumer Advocate Unit in the Financial Division of the Office of the Attorney General ("Consumer Advocate"). Piedmont requests that the Consumer Advocate respond to the following Data Requests under oath and in accordance with the Instructions and Definitions below by December 11, 2020. The Consumer Advocate's responses and documents should be produced at the offices of Waller Lansden Dortch & Davis, LLP, 511 Union Street, Suite 2700, Nashville, TN 37219, Attn: Paul S. Davidson.

**DEFINITIONS**

1. "You" or "your" or "Consumer Advocate" refers to the Consumer Advocate Unit in the Financial Division of the Office of the Attorney General, its officers, employees, agents, witnesses or representatives during the period of time covered by the Data Request, and any other person acting on the Consumer Advocate's behalf or subject to its control, now or in the past.

2. “Document” is intended to have the broadest permissible meaning and includes, without limitation, the original and all copies of all communications and any written, printed, electronically recorded, typed or graphic matter of any kind or nature however produced or reproduced, and whether or not claimed to be privileged or otherwise excludable from discovery; specifically, including but not limited to, emails; notes; letters; correspondence; memoranda; books of any character; summaries or records of telephone conversations; summaries or records of personal conversations; diaries; routing slips or memoranda; reports and notebooks; periodicals; publications; invoices; bills; receipts; specifications; shipping papers; purchase orders; minutes or records of meetings; reports and/or summaries of interviews; agreements and contracts; electronic recordings; audio and video tapes; journals; ledgers; or any other type of data compilation from which information can be obtained and translated, if necessary, by you through computers, detection devices or any other mechanical device into reasonably usable form.
3. “Person” means any natural person, corporation, partnership, business, governmental body, and all types and kinds of entities of any kind.
4. “Communication” includes without limitation, any oral, electronic, visual, or written exchange of work, thoughts, ideas or Documents between persons or entities by any means.
5. “Proceeding” refers to TPUC Docket No. 20-00086, Petition of Piedmont Natural Gas Company, Inc. for Approval of an Adjustment of Rates, Charges, and Tariffs Applicable to Service in Tennessee.
6. Any reference to a filing or Order means a filing or Order in this Proceeding unless otherwise indicated.
7. “Identify” or “identification” when used in reference to a natural person means to provide that person’s full name, present or last known business address (or, if no business

address, home address), and that person's employer and position at the time in question with respect to the particular Data Request involved.

8. "Identify" or "identification" when used in reference to a Document means to provide the title, date, author, signatories, recipients, a general description of such Document sufficient to permit it to be identified with particularity in a request for the production of Documents, the present or last known location of such Document, and the identity of the person or persons having custody, control, or possession thereof.
9. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun so used, and vice versa; and the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb so used.
10. Whenever the terms "all", "any" or "each" are used herein, each of these terms shall be construed to include each of the other terms.
11. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery all responses which might otherwise be construed to be outside of its scope.

### **INSTRUCTIONS**

1. These Data Requests are continuing in nature, and are to be supplemented or amended promptly if information is received or a position held by the Consumer Advocate changes, which would make a prior response or production of documents inaccurate, incomplete, or incorrect.
2. Each Data Request calls for all knowledge and documents in the possession, custody and control of the Consumer Advocate, including all information and documents in the possession of your attorneys, agents, or representatives. When asked to answer a Data Request, the request pertains to information within your actual or constructive possession, control, or custody, including information which may be held by your attorneys,

representatives, and all persons acting under, by, or through you, or subject to your control or supervision, and all persons acting on your behalf.

3. Documents that are responsive to a particular Data Request should be labeled with the corresponding number of the Data Request. All documents produced shall be consecutively numbered on each page with alphanumeric characters identifying your company and with numerical characters identifying the page.
4. Where all or a portion of a document is responsive to one or more of these Data Requests, produce the entire document together with any attachments or exhibits thereto.
5. Whenever you object to a particular Data Request, or portion thereof, you must respond to the extent you have not objected.
6. If you object to responding to a Data Request, in whole or in part, on the grounds of privilege, provide your objection in writing with sufficient specificity to permit a determination concerning the validity of the claim of privilege, together with the factual and legal basis for each objection asserted. If you object to providing a response in part, respond to that portion of the Data Request to which no objection is made.
7. If you cannot fully answer any Data Request, then you should answer such Data Request to the fullest extent possible, and should indicate the reason for failing to answer fully. Further, you should provide all available information relating to the Data Request and should identify the person or persons who can more fully answer such Data Request.
8. In each instance in which you aver insufficient knowledge or information as a grounds for not providing information or for providing only a portion of the information requested by a Data Request, please set forth a description of the efforts made to locate information needed to answer the Data Request. In addition, identify each person, if any, who is known by you to have such knowledge.
9. If a Data Request specifically calls for an answer in response rather than the production of documents, an answer is required. The production of documents will not suffice.

## **DATA REQUESTS**

1. Please provide copies of all Data Requests from other parties in this Proceeding when they are received by the Consumer Advocate.
2. Please provide copies of all the Consumer Advocate's responses to Data Requests from other parties in this Proceeding as soon as they are transmitted to the party making the request.
3. Please provide all Data Requests issued by the Consumer Advocate to other parties in this Proceeding as soon as they are submitted to the party.
4. Please provide all responses received by the Consumer Advocate to Data Requests issued by it to other parties as soon as the responses are received.
5. Please provide the Consumer Advocate's docket filings (including testimony and exhibits) in native format (Word, Excel (with formulae intact and working macros)). Please consider this an ongoing request, and applicable to any revised, additional, supplemental, rebuttal, etc., filings.
6. Please identify and provide copies of all Documents and workpapers (including all related Excel files with working formulae and links intact) supporting and/or underlying all testimony, exhibits (including initial, revised, additional, supplemental, updated, rebuttal, etc.) filed by the Consumer Advocate in this Proceeding. Please consider this request ongoing.
7. Please provide support for the Consumer Advocate's quantification of zero lag days on federal income tax expense in the Consumer Advocate's working capital computation.
8. In reference to Witness Bradley's recommendation that 75% of STIP costs be disallowed on page 4 of his testimony, please (i) explain how he arrived at his 75% figure, and (ii) produce, in native format, with formulas active and intact, any studies, analyses, or workpapers supporting his recommendation.
9. In reference to Witness Bradley's recommendation that 75% of LTIP costs be disallowed on page 5 of his testimony, please (i) explain how he arrived at his 75% figure, and (ii) produce,

in native format, with formulas active and intact, any studies, analyses, or workpapers supporting his recommendation.

10. In reference to Witness Bradley's assertion on page 6 of his testimony that his proposed incentive compensation adjustments are consistent with prior Commission findings, please identify and produce a copy of each Order or other Commission finding or precedent he relied upon in making such an assertion.

11. In reference to Witness Bradley's proposed increased disallowance for lobbying expense on page 7 of his testimony; please (i) explain the basis for his conclusion that 75% of the subjects duties are lobbying/governmental relations related, and (ii) produce, in native format, with formulas active and intact, any studies, analyses, or workpapers supporting such conclusion.

12. In reference to the discussion of prepaid taxes on page 49 of Witness Novak's testimony; please explain how the Consumer Advocate has treated the prepaid taxes (inspection fee and GRT) in its proposed revenue decrease. If not included, please explain why this item does not need to be included in the revenue requirement in this general rate case.

13. Please identify and provide copies of any evidence in the possession of the Consumer Advocate indicating that ROEs were lowered in general rate case orders issued by the TPUC as a result of a regulated utility's stated intent to seek an Annual Rate Mechanism. Also provide all evidence supporting ROE reductions ordered by the TPUC in conjunction with the approval of an Annual Rate Mechanism.

14. In reference to question 13 on page 11 of Witness Novak's testimony in this docket, please provide the normalization calculations for the industrial tariffs for the last six (6) years.

15. In reference to Witness Novak's reliance on historical financial results of Piedmont prior to the 12-month test period ended March 31, 2020 on page 5 of his testimony, please provide copies of any legal or administrative precedent or academic discussions supporting such approach, which Witness Novak relied upon in adopting such an approach.

16. In reference to Witness Novak's calculation of attrition period billing determinants on pages 8 and 9 of his testimony, please provide, in native format with formulas active and intact, any studies, analyses, or workpapers supporting the conclusion that Piedmont's attrition period billing determinants for industrial tariffs should be normalized for weather.
17. In reference to Witness Novak's assertion that Piedmont's minimum margin agreements are unlawful gas surcharge agreements, please identify and provide copies of all Commission rulings, rules, statutes, or other legal or administrative precedent relied upon by Witness Novak in arriving at such conclusion.
18. In reference to Witness Novak's assertions regarding rate design on pages 51-53 of his testimony, please identify and provide, in native format, with formulas active and intact, any studies, analyses, or workpapers supporting his recommendations.
19. In reference to Witness Klein's assertion on pages 18-19 of his testimony that adoption of an ARM will reduce Piedmont's business risk in a way that reduces its cost of equity, please identify each and every Document, publication, study, analysis, statute, administrative regulation, or ruling known to the Consumer Advocate or Witness Klein supporting such conclusion.
20. In reference to Witness Klein's recommendation on pages 20 and 21 of his testimony that the Commission reduce the ROE established in this docket prospectively in the event an ARM mechanism for Piedmont is ultimately established, please identify each and every Document, publication, study, analysis, statute, administrative regulation, or ruling upon which such recommendation is based.
21. In reference to Witness Klein's recommendation on page 21 of his testimony that the Commission establish a 50 basis point reduction in ROE for Piedmont if an ARM is adopted, please identify each and every Document, publication, study, analysis, statute, administrative regulation, or ruling upon which such recommendation is based.
22. Please provide any and all workpapers, in native format and with all formulas active and intact, used by Witness Klein for the preparation of his testimony in the proceeding.



23. With regard to Witness Dittmore's recommendation on page 7 of his testimony that the Commission should authorize a ROE at the lower end of the range to factor in Piedmont's intent to request an ARM, please identify each and every Document, publication, study, analysis, statute, administrative regulation, or ruling upon which such recommendation is based.

24. Please explain the rationale for including both of the following A&G expense adjustments into the Consumer Advocate's proposed revenue requirement adjustment computation, as these two A&G expense adjustments appear to be partially duplicative:

WHN Expense Workpapers-Final A&G Analysis-1 Excel cell H24: (\$3,057,594)  
WHN Expense Workpapers-Final A&G Analysis-1 Excel cell H38: (\$4,024,982)

25. Please explain how, if at all, the information and calculations shown in the following tabs within the file "WHN Rate Base Workpapers-FINAL.xlsx", were ultimately used for the computation of the Consumer Advocate's proposed revenue requirement adjustment. The tab names are as follows:

DEBS Normal Adds  
DEBS Historical Additions-1  
DEBS Historical Additions-2  
DEBS Normal Rets  
DEBS Historical Retirements – 1  
DEBS Historical Retirements – 2  
DEBS Historical Balance – 1  
DEBS Historical Balance – 2  
DEBS Historical Plant Data

This the 3rd day of December, 2020.

**Piedmont Natural Gas Company, Inc.**



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Paul S. Davidson  
Waller Lansden Dortch & Davis, LLP  
511 Union Street, Suite 2700  
Nashville, TN 37219  
Telephone: (615)-850-8942  
Email: paul.davidson@wallerlaw.com

*James H. Jeffries IV*

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James H. Jeffries IV  
McGuireWoods LLP  
201 North Tryon Street, Suite 3000  
Charlotte, NC 28202  
Telephone: 704-343-2348  
Email:  
[jjeffries@mcguirewoods.com](mailto:jjeffries@mcguirewoods.com)