

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

August 25, 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 *MOTION TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS*

This matter is before the Hearing Officer upon the *Consumer Advocate’s Motion and Memorandum in Support of Motion for Leave to Issue More than Forty Discovery Requests* (“*Motion*”). This *Motion* was filed by the Consumer Unit in the Financial Division of the Office of the Attorney General (“Consumer Advocate”) on August 17, 2020, requesting permission to 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).

MOTION

In its *Motion*, the Consumer Advocate states that since this is Piedmont’s first rate case filing since 2011 and the Company has stated it intends to file an Annual Review of Rates Mechanism (“ARM”), “more review is necessary to understand the filing and its contents and to develop positions concerning the mechanism for how an ARM may operate.”¹ In addition, the Consumer Advocate maintains that “[t]he consequences of the denial of the additional discovery

¹ *Memo*, p. 7 (August 17, 2020).

requested would include the inability of the Consumer Advocate to test the merits of Piedmont'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

PIEDMONT RESPONSE

On August 21, 2020, Piedmont filed its *Response to Consumer Advocate's Motion and Memorandum in Support of Motion for Leave to Issue More than Forty Discovery Requests* (“*Piedmont's Response*”) on August 21, 2020. Piedmont states that while it does not necessarily agree with the Consumer Advocate's rationale in requesting additional discovery, the Company does not oppose the *Motion*.⁴ The *Piedmont Response* reserves its right to object to individual requests and to future discovery requests.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 4-5.

⁴ *Piedmont Response*, p. 1 (August 21, 2020).

⁵ *Id.* at 2.

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 Motion and Memorandum in Support of Motion for Leave 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