

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE**

IN RE:)
)
DOCKET TO COLLECT AND CONSIDER)
INFORMATION RELEVANT TO)
COMMISSION PRACTICE AND) **DOCKET NO. 21-00018**
PROCEDURE FOR RULEMAKING ON)
TENN. R. AND REGS. 1220-01-01, 1220-01-02,)
AND OTHER SECTIONS AS DETERMINED)
RELEVANT)

STATUS REPORT OF THE CONSUMER ADVOCATE

Comes now the Consumer Advocate Unit in the Financial Division of the Office of the Tennessee Attorney General (“Consumer Advocate”), pursuant to Tenn. Code Ann. § 65-2-102(a)(4) and the *Notice of Rule Development Workshop on Commission Practice and Procedure*, and respectfully submits this *Status Report*.

March 11, 2021, Informal Meeting

At the *Rule Development Workshop* on February 25, 2021, the participants discussed having a follow-up informal meeting to collaborate on rulemaking amendments to propose to the Tennessee Public Utility Commission (TPUC or the “Commission”). At the conclusion of the Workshop, the attendees were directed to provide a status report to the Commission of the participants’ progress on reaching an agreement on proposed rule amendments by March 19, 2021.¹

¹ Tr. at 52, *Rule Development Workshop* (“And as we discussed, the next step will be for you all to get together off the record and then someone send me a progress report on March 19, and we’ll take it from there as to how much more time is needed before we move on from there to kind of doing the revision of the rule and moving forward in the rulemaking part of the docket.”).

On March 11, 2021, the Consumer Advocate, counsel for the major utilities, and Commission Staff participated virtually in an informal meeting. Unfortunately, the participants were unable to reach an agreement on any proposed amendments to the rules.

To date, Chattanooga Gas Company and the Consumer Advocate are the only parties who have filed written comments in the Docket. At the informal meeting on March 11, 2021, the Consumer Advocate discussed its four primary amendment suggestions, which were originally set forth in the Consumer Advocate's February 21, 2021, comment filing. To summarize:

- First, the Consumer Advocate suggests that the current rules regarding discovery be modified to better serve the needs of public utilities and the various interested parties appearing before this Commission. Specifically, the Consumer Advocate suggests the Commission revise the discovery rule to eliminate the arbitrary limit of 40 requests and instead tie the discovery standard to reasonableness. The Consumer Advocate proposes the discovery rules to be amended to read as follows:

Parties to proceedings are encouraged to exchange information informally. Parties will also be permitted to serve formal discovery requests as deemed reasonable and necessary by the hearing officer. While there is no limit within these rules to the number of discovery requests that may be issued, discovery requests must be reasonable and pertain to issues relevant to the proceeding. Upon motion and a showing of good cause, a party from whom discovery is sought may seek to limit the number of discovery requests it is required to provide.

- Second, the Consumer Advocates suggests the rules be amended to require utilities to provide a 60-day notice to the Commission, the Consumer Advocate, and any other party from the most recent rate case of any non-scheduled filings requesting a change in rates. As clarified within the meeting, the Consumer Advocate recommends this rule be defined as a notification of intent to file no sooner than within sixty days, such that, e.g., a filing made on the seventieth day after submission of notice would meet the intent of the rule.
- Third, the Consumer Advocate proposes that the Commission adopt new rules, as other states have done, to modernize notice requirements to customers when utilities seek to change their rates or tariffs. The Consumer Advocate recommends the rules be revised to require public utilities to place notice on bill inserts (on either their electronic pdf bill or their printed bill) and to include public notice on their websites (provided the public utility maintains a website)—in lieu of newspaper publications. The Consumer Advocate also suggests the amended rules lay out specific requirements for that public notice—such as a statement that the utility has requested a change in rates, a statement of the amount requested, a comparison of the current and proposed rates, and the general reason for the request. The customer notices should also include easily understandable statements explaining to customers their right to

make public comments to the Commission and how they can do so. This will boost participation in these proceedings and will ensure that consumers have better knowledge concerning their providers of essential utility services. Furthermore, the Consumer Advocate suggests that the proposed customer notice be filed with the Commission at the time the public utility files their initial application, so the public notice can be approved by Commission staff prior to dissemination.

- Fourth, the Consumer Advocate proposes that the Commission's rules be revised to include standardized minimum filing requirements. Implementing standardized minimum filing requirements will allow interested parties more time and opportunity to prepare for hearings and could reduce the amount of discovery requests that are needed.

Proposed Steps to Resolve Matter

The Consumer Advocate agreed at the February 25 workshop—after requests from utility participants—to engage in a discussion at a later date and attempt to find common ground. The discussion has taken place, but at present there is no agreement on any of the points noticed by the Commission for consideration. It is the Consumer Advocate's understanding that the deadline for written comment has passed, the workshop has taken place on the record after appropriate notice, and the promised group discussions have occurred. Therefore, the Consumer Advocate respectfully avers that this matter is ripe for consideration by TPUC. The Consumer Advocate reaffirms its positions summarized above, which were included in more detail in its February 23 *Comments*.

While the February 23 deadline to file written comments has passed, the Consumer Advocate understands that other participants may be planning to file additional proposals or comments in this docket. If the Commission should permit additional participation of interested parties, the Consumer Advocate would appreciate the utilities continuing to involve the Consumer Advocate in efforts to reach consensus on issues involved in this docket. And in the event that future filings are accepted by the Commission, the Consumer Advocate requests the opportunity to review and respond to those filings. This request is just and reasonable, as the Consumer

Advocate met the Commission-established comment deadline and participated in the recorded workshop.

CONCLUSION

The Consumer Advocate thanks the Commission for allowing its participation in this matter and respectfully requests the opportunity to respond to any later-filed comments in this Docket.

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RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail,
with a courtesy copy by email on March 19, 2021.

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