BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE

April 19, 2021

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

CHATTANOOGA GAS COMPANY'S SUPPLEMENTAL COMMENTS

Chattanooga Gas Company ("CGC" or "Company) hereby submits its Supplemental Comments in this matter as were authorized by the Commission General Counsel at the February 25 workshop in this matter. CGC generally reaffirms its comments but provides some further supplemental information relevant to this proceeding as follows:

1. On February 23, 2021, CGC submitted written comments in this matter ("CGC Comments) pursuant to the Notice of Rule Development Workshop on Commission Practice and Procedure, issued February 11, 2021 ("Notice"). CGC was the only utility to provide written comments in advance of the workshop.

2. On February 25, 2021, CGC participated in the Commission's Rule Development Workshop and provided additional information regarding its written comments and further responsive information to questions by the Commission Staff and comments by other participants. One area of clear agreement at the workshop was that the current minimum filing guidelines should be reviewed and updated and be adopted as minimum filing requirements. CGC would support

such an effort. The Commission should convene a meeting with the utilities, Consumer Advocate, Commission Staff, and any other interested persons to review, update, and finalize a comprehensive and practical set of minimum filing requirements.

3. At the end of the workshop, the General Counsel of the Commission encouraged the utilities and Consumer Advocate to meet and to see where agreement or clarification could be reached.

4. Pursuant to that request, CGC met with the Consumer Advocate and other utility representatives on March 11, 2021. While the utility companies had some degree of agreement or consensus among them regarding certain rule revisions, there was no ultimate agreement or proposal for specific rule changes.

5. In view of the written comments of CGC and the Consumer Advocate, the verbal information provided by various utilities at the February 25, 2021, workshop, and a review of other information on this subject, CGC has the following supplemental comments:

a. There is agreement that the current 40 discovery questions limit is impractical and unrealistic, but no agreement on what should replace the limit. CGC reaffirms that the 40 limit can be lifted, but that it should be replaced with two key components beyond the existing discovery requirements for relevancy. First, CGC reaffirms that discovery requests should reasonably relate to the case presented to the Commission for its approval, and clearly identify the information that being sought and what it relates to in the case. Whenever possible, discovery requests should cite to the specific testimony or exhibit when clarification or documentation is being sought. Finally, requesting parties should only seek documentation or analyses that already exist, and utilities should not be required

to perform analyses or provide documents it does not prepare in the normal course of business. Some of the utilities have discussed providing "guard rails" on discovery requests, and the above limitations that go to the heart of relevance and obtaining information useful for trial are consistent with those guard rail principles.

b. The other part of removing the 40 limit on discovery is to establish some maximum number of requests that does not require leave of the Hearing Officer. Even with guard rails, there still should be an absolute number limitation – not that all discovery up to that number is permissible, as discovery must still be relevant, comply with the "guard rail" requirements such as CGC has outlined, and meet the other evidentiary standards. But an absolute limit, subject to leave to seek further questions above the limit where such need can be demonstrated, helps focus the requesting party on questions that are truly necessary in order to understand and challenge another party's case or position. In this light and based upon an informal review of Commission dockets and policies and practices in some other states, CGC would propose that in rate cases or annual rate review cases that discovery be limited to 400 questions, including sub-parts, and that all other cases would be limited to 100 questions, including sub-parts.

c. Second, the Consumer Advocate has proposed excessive, burdensome, and unnecessary public notice requirements. While some light editing of the notice rule may be appropriate to reflect things like posting of tariffs and rate case/ARM information on utility websites, the level of detail proposed by the Consumer Advocate would be so extensive no one would read it. The far reaching changes

proposed by the Consumer Advocate should be rejected.

d. Third, at the workshop there appeared to be some agreement that advance notice of rate cases may be appropriate and useful. While CGC spoke to a 60-day notice, the key to any notice of 30, 45, or 60 days is that it be a true notice and nothing more. In other words, it could be a simple one or two line letter or petition indicating that Company X intends to file a rate case on or by a date certain and requesting that a docket be opened to process the case. To be required to preview the case or provide details about the anticipated scope of the case in the notice letter is entirely unnecessary and impractical, since a company's rate case proposal may not be known by the utility until days prior to its filing.

e. As CGC noted in its written comments, after some reluctance, CGC has had a fair degree of success in engaging in informal discovery via authorized emails or phone calls or informal discovery meetings that have helped clarify the case, testimony, or discovery responses. It is not clear whether such a procedure needs to be formalized in the rule. But if added to the rule, parties should have the option and be encouraged, but not required, to engage in informal discovery as a means of helping to limit written discovery and facilitate settlement.

6. CGC believes it is time to update the Commission's rules, including such matters as true electronic filing, email service, and such other matters. CGC looks forward to continuing to assist the Commission as it conducts this important process to review, update, and modernize its rules of practice and procedure.

WHEREFORE, CGC urges the Commission to adopt the rule changes CGC has presented herein.

Respectfully submitted this 19th day of April, 2021.

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