

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

November 12, 2021

IN RE:)	
)	
JOINT REQUEST OF CHATTANOOGA)	
GAS COMPANY AND KORDSA, INC.)	DOCKET NO. 21-00094
FOR APPROVAL OF SPECIAL)	
CONTRACT)	
)	

**CHATTANOOGA GAS COMPANY'S
RESPONSES AND OBJECTIONS TO THE CONSUMER ADVOCATE'S
SECOND DISCOVERY REQUESTS**

Chattanooga Gas Company ("CGC" or "Company") files these Responses and Objections to the Second Discovery Requests of the Consumer Advocate Unit ("CA") of the Office of Attorney General & Reporter provided by email on October 27, 2021.

To assist the Hearing Officer in evaluating this matter, CGC is setting forth its objections in two parts. Part I sets forth general objections applicable to CGC's discovery responses. Part II sets forth objections to specific discovery requests propounded by the Consumer Advocate.

I. GENERAL OBJECTIONS

CGC objects generally to any definitions or instructions to the extent that they are inconsistent with and request information that is beyond the scope of the Tennessee Rules of Civil Procedure. CGC's responses will comply with the requirements of the Tennessee of Rules of Civil Procedure.

Any requests for production of documents are interpreted to describe each item or category of items requested with reasonable particularity as required by Tenn. R. Civ. P. 34.02, and the

terms used in the requests are not interpreted “broadly”. CGC will produce items and/or data in its possession, custody or control as required by Tennessee Rules of Civil Procedure.

CGC further objects to these discovery requests to the extent they seek information that is beyond the scope of legitimate discovery in this rate case or that is subject to any privilege, including the attorney-client privilege and/or attorney work product doctrine. However, without waiving any of these General Objections, the Company will respond to the Consumer Advocate’s discovery requests by providing responsive, non-privileged information.

These General Objections are continuing and are incorporated by reference in CGC’s responses to all discovery requests to the extent applicable. The statement of the following additional objections to specific discovery requests shall not constitute a waiver of these General Objections.

Additionally, CGC objects to the scope of the terms “identity” and “identify” as used by the Consumer Advocate. In particular, CGC objects to providing the date of birth, the current residential address, and the current residential telephone number of persons to be identified on the grounds that the scope of information requested is overly broad and not calculated to lead to the discovery of admissible evidence. CGC further objects to the Consumer Advocate’s instructions to produce the “original” of “each copy” of each document requested on the grounds that the request is unduly burdensome and overly broad. CGC intends to provide copies of original documents as available.

Further, CGC is proceeding in the traditional course of providing information that it deems to be confidential pursuant to the terms of the TPUC’s model protective order by marking the information as confidential. Along with its initial case filing, the Company filed the TPUC’s model protective order for the Hearing Officer’s consideration in this case. The Company has provided

and will continue to provide confidential documents in in good faith reliance on the issuance of the TPUC's standard protective order as proposed by the Company. As the Consumer Advocate has chosen to object to the model TPUC protective order and has moved to change that protective order, and the TPUC has invited all interested parties to provide comments in this present docket rather than convening a separate docket, CGC is relying upon the TPUC's model protective order in responding to these discovery requests as it has in filing its petition and responding to the minimum filing guidelines. In the event that such protective order is not entered and these documents are no longer deemed protected, CGC reserves the right to demand the return of these documents and to assert an objection to the discovery of this material.

II. SPECIFIC RESPONSES AND OBJECTIONS

- 2-1. Refer to the spreadsheet attachment provided with CGC's response to Consumer Advocate's Informal DR 1-5 regarding the pro forma calculation of monthly revenues from Kordsa. The formulas in the spreadsheet attachment appear to have been converted to hard-coded values making it impossible to follow the Company's audit trail calculation. For example, Cell T4 of the "Revenue Detail" tab in the spreadsheet attachment shows \$13,055 as a hard-coded value without any formula for how this amount was calculated. Please provide a copy of this same spreadsheet attachment with all formulas intact.

CGC RESPONSE:

See Attachment CONFIDENTIAL CA DR 2-1 for the pro forma calculation of monthly revenues with formulas.

- 2-2. Refer to CGC's response to Consumer Advocate's Informal DR 1-9 regarding "additional services" between the parties under the proposed contract. CGC's response to this discovery request indicates that it "anticipates increased usage of natural gas by Kordsa."

Provide all communication related to this increased usage including the anticipated volumes and expected monthly deliveries.

CGC RESPONSE:

During meetings with Kordsa some possible additional usage was discussed, but no details of additional volumes of expected monthly deliveries were provided. There are no written communications concerning additional usage.

- 2-3. Refer to CGC's response to Consumer Advocate's Informal DR 1-10 regarding CGC's analysis and workpapers related to Kordsa's cost to bypass. CGC's reply to this request appears to be non-responsive since no workpapers or analysis was provided. Therefore, please provide a copy of CGC's analysis and workpapers of Kordsa's cost to bypass, including any communication with CGC's affiliates with experience in constructing such facilities, whether or not this review was fully completed.

CGC RESPONSE:

See Attachment CONFIDENTIAL CA DR 2-3 for CGC's analysis for Kordsa's cost to bypass including screenshot of communication from Company engineers who helped develop the cost to bypass estimate.

- 2-4. Refer to CGC's response to Consumer Advocate's Informal DR 1-11 regarding CGC's chronological order of events on this case. Specifically refer to the May 13, 2021 event which states that "CGC sent Kordsa email of additional info needed for supporting info." Please provide a copy of all email from CGC to Kordsa requesting additional information.

CGC RESPONSE:

See Attachment CA DR 2-4 for the requested email.

- 2-5. Refer to CGC's response to Consumer Advocate's Informal DR 1-11 regarding CGC's chronological order of events on this case. Specifically refer to the May 19, 2021 event which states that "Kordsa met CGC and provided additional supporting documentation; Kordsa mentioned the possibility of an acceptable rate in between their old rate and tariff rate." Please provide the following information related to this event:
- a. Identify all individuals physically or electronically present at this meeting.
 - b. Provide a copy of all information provided to CGC from this meeting.

CGC RESPONSE:

- a. **CGC's documentation of the May 19, 2021 meeting indicates that the following individuals were present:**
 - CGC: Paul Teague, Director, External Affairs (TN); Lane Woodall, Manager, Major Accounts.**
 - Kordsa: Chance Donahue, Power Engineer; Ben Gibson, Supply Chain Manager; Amy Mohn, Finance Manager; Earl Burton, Consultant (Tennessee Energy Consultants) (by phone).**
- b. **All responsive documentation has already been provided.**

RESPECTFULLY SUBMITTED this 12th day of November, 2021.



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and

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Tallahassee, FL 32301
(850) 561-3010
fself@bergersingerman.com

Attorneys for Chattanooga Gas Company

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Responses and Objections to the Consumer Advocate's Second Discovery Requests have been forwarded via electronic mail on this the 12th day of November, 2021 to the following:

Henry Walker, Esq.
Bradley Arant Boult Cummings, LLP
Roundabout Plaza
1600 Division Street, Suite 700
Nashville, TN 37203
hwalker@bradley.com

Rachel C. Bowen, Esq.
Vance L. Broemel, Esq.
Office of the Tennessee Attorney General
Financial Division, Consumer Advocate Unit
P.O. Box 20207
Nashville, TN 37202-0207
rachel.bowen@ag.tn.gov
vance.broemel@ag.tn.gov



From: Teague, Paul M.
Sent: Thursday, May 13, 2021 4:39 PM
To: Chance Donahue <Chance.Donahue@kordsa.com>
Cc: Woodall, Lane H. <LHWOODAL@southernco.com>
Subject: RE: Request for meeting to discuss plans for E Tennessee station and pipeline.

Chance,

In preparation for next week's meeting, our team has gathered some questions/requests for updated info that we'll need from Kordsa in order to further evaluate the possibility of bypass Please see below and let me know if you need any clarifications. We look forward to seeing you. Thanks.

1. Identify the site of the planned tap station and the route of the proposed pipeline installation.
2. Provide support that Kordsa owns the site of the proposed tap station or otherwise has the land rights necessary for the construction of the tap station.
3. Provide support that Kordsa has the complete right-of-way for the pipeline and the necessary permits to cross streets and roadways.
4. A copy of the agreement with East Tennessee for installation of the tap station.
5. Provide a copy of the bid or bids that have been submitted to Kordsa for construction of the tap station, regulators, metering, and pipeline facilities required to serve Kordsa.
6. Provide detailed engineering plans and cost for the construction of the tap station, and all other facilities required to serve Kordsa.
7. Identify the cost of any land or land rights required for the construction of the facilities to serve Kordsa.
8. Provide an estimate of the annual cost to operate the facilities to be installed to serve Kordsa.

Paul Teague, P.E.
Director, External Affairs
Chattanooga Gas

404.693.5986 mobile
pteague@southernco.com



From: Chance Donahue <Chance.Donahue@kordsa.com>
Sent: Thursday, May 13, 2021 4:31 PM
To: Woodall, Lane H. <LHWOODAL@southernco.com>
Cc: Teague, Paul M. <pteague@southernco.com>
Subject: RE: Request for meeting to discuss plans for E Tennessee station and pipeline.

EXTERNAL MAIL: Caution Opening Links or Files

Hey Lane,

Since it is an in person meeting, this email is sufficient. We will plan to see you at 1PM on 5/19.

Chance Donahue
Power Engineer

A: 4501 North Access Road
Chattanooga TN 37415-9990
T: 423-643-2746



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From: Woodall, Lane H. <LHWOODAL@southernco.com>

Sent: Thursday, May 13, 2021 2:42 PM

To: Chance Donahue <Chance.Donahue@kordsa.com>

Cc: Teague, Paul M. <pteague@southernco.com>

Subject: RE: Request for meeting to discuss plans for E Tennessee station and pipeline.

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Hi Chance,

Both Paul and I are good with that date and time. Do you want to send out an invite or are you good with just our email confirmation?

Lane Woodall
Manager
Major Accounts

706.552.2879 mobile
lhwoodal@southernco.com

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From: Chance Donahue <Chance.Donahue@kordsa.com>
Sent: Thursday, May 13, 2021 11:43 AM
To: Woodall, Lane H. <LHWOODAL@southernco.com>
Cc: Teague, Paul M. <pteague@southernco.com>
Subject: RE: Request for meeting to discuss plans for E Tennessee station and pipeline.

EXTERNAL MAIL: Caution Opening Links or Files

Hello Lane,

I talked with the key folks here at Kordsa and we would like to meet Wednesday 5/19 at 1PM eastern at the Kordsa facility. Please confirm this date and time, and let me know who will be coming so I can inform our security to be expecting you.

Thanks,



Chance Donahue
Power Engineer

A: 4501 North Access Road
Chattanooga TN 37415-9990
T: 423-643-2746

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From: Woodall, Lane H. <LHWOODAL@southernco.com>

Sent: Thursday, May 13, 2021 9:36 AM

To: Chance Donahue <Chance.Donahue@kordsa.com>

Cc: Teague, Paul M. <pteague@southernco.com>

Subject: RE: Request for meeting to discuss plans for E Tennessee station and pipeline.

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Hi Chance,

I am a Manager of Major Accounts with Atlanta Gas Light. I work with Gary McLeod and recently took over coverage for Chattanooga and Cleveland working with our Industrial customers such as yourself. As we discussed over the phone, Paul Teague who is Director of External Affairs and I would like to see if we can set a date to meet with you and any you feel necessary to discuss plans for the tap station and pipeline installation with E Tennessee. We would like to meet next week if possible at your convenience. The only schedule constraints we have is Monday morning and Thursday afternoon. Other than that we are available any other time. I hope to hear back soon if you can accommodate us.

Sincerely,

Lane Woodall
Manager
Major Accounts

706.552.2879 mobile
lhwoodal@southernco.com

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