

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

February 4, 2022

IN RE:)	
)	
CHATTANOOGA GAS COMPANY PETITION FOR)	DOCKET NO.
APPROVAL OF TARIFF AMENDMENTS TO ITS)	22-00004
T-1, T-2 AND T-3 TARIFFS)	

ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE
CHATTANOOGA REGIONAL MANUFACTURERS ASSOCIATION

This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider Chattanooga Regional Manufacturers Association’s (“CRMA”) *Petition of the Chattanooga Regional Manufacturers Association for Leave to Intervene* (“*Petition to Intervene*”), which was filed on January 21, 2022.

RELEVANT BACKGROUND

Chattanooga Gas Company (“CGC” or the “Company”) is a wholly-owned subsidiary of Southern Company Gas and is incorporated under the laws of Tennessee.¹ CGC is a public utility under the jurisdiction of the Commission and is in the business of transporting, distributing, and selling natural gas in the greater Chattanooga and Cleveland, Tennessee areas within Hamilton and Bradley Counties.² On January 14, 2022, CGC filed the *Chattanooga Gas Company Petition for Approval of Tariff Amendments to its T-1, T-2, and T-3 Tariffs* (“*CGC Petition*”). According

¹ *Chattanooga Gas Company Petition for Approval of Tariff Amendments to its T-1, T-2, and T-3 Tariffs*, p. 1 (January 14, 2022).

² *Id.*

to the *CGC Petition*, CGC previously sought to change the Special Terms and Conditions sections of its T-1, T-2, and T-3 tariffs in TPUC Docket No. 21-00048, its second annual rate review pursuant to the Annual Rate Review Mechanism approved in Docket No. 19-00047.³ However, upon recognizing the proposed changes were controversial for its transportation customers, CGC withdrew the revisions without prejudice and expressed an intent to re-file them at a later date in a new docket.⁴

CRMA's *PETITION TO INTERVENE*

According to the *Petition to Intervene*, CRMA is a one-hundred-year-old trade association representing over 250 manufacturers and other businesses supporting, servicing and associated with the manufacturing sector.⁵ Many of CRMA's members are customers of CGC. According to CRMA, it has a "legal interest in the outcome of this docket, and desires to intervene in order to fully protect the interests of its members."⁶ In support of its *Petition to Intervene*, CRMA states that CGC seeks approval "to amend certain tariffs that may adversely impact CRMA ratepayers."⁷ CRMA also states CGC does not oppose the *Petition to Intervene*.

FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

³ *Id.* at 2-3.

⁴ *Id.* at 3.

⁵ *Petition to Intervene*, p. 1 (January 21, 2022).

⁶ *Id.*

⁷ *Id.*

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.⁸

Because granting *CGC's Petition* will change the Special Terms and Conditions Section of certain tariffs and such changes may impact CRMA's members, the Hearing Officer finds that there is a sufficient factual basis to find that the legal rights or interests held by CRMA members may be determined in this proceeding.

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of CRMA members may be determined in this proceeding, and CGC does not oppose the intervention. Further, the Hearing Officer finds that CRMA's *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer concludes that CRMA's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition of the Chattanooga Regional Manufacturers Association for Leave to Intervene* is granted. The Chattanooga Regional Manufacturers Association may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or

⁸ Tenn. Code Ann. § 4-5-310.

other documents filed herein.

Monica Smith-Ashford

Monica Smith-Ashford, Hearing Officer