

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

March 2, 2023

IN RE:

**PETITION OF PIEDMONT NATURAL GAS
COMPANY, INC. TO OFFER THE VOLUNTARY
GREENEDGE PROGRAM AND FOR THE
COMMISSION TO ISSUE AN ACCOUNTING
ORDER AUTHORIZING THE COMPANY TO
MAINTAIN A DEFERRED ACCOUNT FOR
RECORDING ASSOCIATED COSTS AND
REVENUES**

**DOCKET NO.
22-00130**

**ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE
CONSUMER ADVOCATE**

This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition to Intervene* filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on January 5, 2023.

RELEVANT BACKGROUND

On November 29, 2022, Piedmont Natural Gas Company, Inc. (“Piedmont” or the “Company”) filed the *Petition of Piedmont Natural Gas Company, Inc. for Approval of Service Schedule No. 319 to its Tennessee Service Regulations*. Piedmont is a public utility providing natural gas to customers in Nashville and the remainder of Davidson County and portions of Cheatham, Dickson, Robertson, Rutherford, Sumner, Trousdale, Williamson, and Wilson counties, as well as, in certain incorporated towns and cities located therein. Service Schedule 319 creates a Rider for a new, voluntary customer program called GreenEdge which allows customers

to offset their carbon emissions associated with their natural gas usage through direct funding of Piedmont's purchase of environmental attributes. Piedmont also requests deferred accounting treatment for costs and revenues associated with the Rider.

CONSUMER ADVOCATE'S *PETITION TO INTERVENE*

On January 5, 2023, the Consumer Advocate filed a *Petition to Intervene* seeking to intervene in the docket pursuant to Tenn. Code Ann. § 65-4-118, which qualifies the Consumer Advocate to represent the interests of Tennessee consumers of public utility services in proceedings before the Commission. The Consumer Advocate states it would like to review the details of the accounting proposal to affirm that customers who do not participate in the GreenEdge Program will not be harmed by the deferral of the costs. In addition, the Consumer Advocate would like to evaluate the reasonableness of the \$3.00 fee proposed for customers to participate in the GreenEdge program and whether the environmental attributes produce the claimed carbon offsets. The Consumer Advocate maintains that:

[t]he interests of consumers will be affected by the Commission's determinations and orders concerning (a) the interpretation, application, and implementation of Tenn. Code Ann. § 65-5-103(a), Tenn. Comp. R. Regs. 1220-04-01-.06, and other relevant statutory and regulatory provisions, and (b) the review and analysis of Piedmont's proposed tariff, supporting, financial and accounting records, and other materials.¹

Further, the Consumer Advocate asserts that only by participating in this docket can it adequately represent the interests of Tennessee consumers.²

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 *Petition to Intervene*, p. 3 (January 5, 2023).

² *Id.*

(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;

(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.³

Although it is not an automatic or absolute right to participate in proceedings before the Commission, Tenn. Code Ann. § 65-4-118(b)(1) provides a general basis for the qualification of the Consumer Advocate to be permitted to intervene as a party to represent the interests of Tennessee public utility consumers. It provides as follows:

The consumer advocate division has the duty and authority to represent the interests of Tennessee consumers of public utilities services. The division may, with the approval of the attorney general and reporter, participate or intervene as a party in any matter or proceeding before the commission or any other administrative, legislative or judicial body and initiate such proceeding, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the rules of the commission.⁴

Because Piedmont seeks a deferral of costs and revenues for the GreenEdge program and the implementation of the program may have unintended consequences for customers who do not participate, the Hearing Officer finds there is a sufficient factual basis to establish that the legal rights or interests held by those consumers may be determined in this proceeding.

³ Tenn. Code Ann. § 4-5-310.

⁴ Tenn. Code Ann. § 65-4-118(b)(1).

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of Tennessee consumers may be determined in this proceeding. Further, the Hearing Officer finds that the Consumer Advocate qualifies under law as an intervenor for the purpose of representing those consumer interests, there is no opposition to its intervention, and its *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 the Consumer Advocate's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition to Intervene* filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General is granted. The Consumer Advocate Division of the Office of the Tennessee Attorney General may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.

A handwritten signature in black ink, reading "Monica Smith-Ashford". The signature is written in a cursive, flowing style.

Monica Smith-Ashford, Hearing Officer