

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

June 23, 2023

IN RE:)	
)	
PETITION OF PIEDMONT NATURAL GAS)	DOCKET NO.
COMPANY, INC. FOR APPROVAL OF ITS 2023)	23-00035
ANNUAL REVIEW OF RATES MECHANISM)	
PURSUANT TO TENN. CODE ANN.)	
§ 65-5-103(d)(6))	

**ORDER GRANTING CONSUMER ADVOCATE’S MOTION
TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS**

This matter is before the Hearing Officer upon the *Consumer Advocate’s Motion to Issue More than Forty Discovery Requests* (“*Motion*”) filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on June 5, 2023, requesting permission to serve more than forty discovery requests on Piedmont Natural Gas Company, Inc. (“Piedmont” or the “Company”) pursuant to Tennessee Public Utility Commission (“Commission” or “TPUC”) Rule 1220-1-2-.11(5)(a). The Consumer Advocate also filed a *Memorandum in Support of the Consumer Advocate’s Motion for Leave to Issue more than Forty Discovery Requests* (“*Memo*”) on June 5, 2023.

In its *Memo*, the Consumer Advocate states it seeks to present a complete case to the Commission. The Consumer Advocate states that Piedmont seeks a rate increase to recover a Historic Base Period Revenue Requirement deficiency of \$11.7 million and an Annual Base Rate Reset Requirement deficiency of \$29.9 million. The Consumer Advocate argues that with such a large potential rate increase impacting customers, not only this year but for subsequent years, it is “vitally important for the Consumer Advocate to have sufficient information to adequately analyze the *Petition*. Therefore, the Consumer Advocate having more than 40 questions in its

initial round of discovery is reasonable and meets the ‘good cause’ standard alone.”¹ In addition, the Consumer Advocate maintains that “[t]he consequences of the denial of the additional discovery requested would include the inability of the Consumer Advocate to test the merits of Piedmont’s 2023 ARM Filing. Therefore, the Consumer Advocate would not have the ability to develop fully prepared positions on the myriad of issues presented in the *Petition* and its accompanying direct testimonies.”² According to the Consumer Advocate, “[w]ithout the requested discovery – and without receiving discovery responses in the format requested – the Consumer Advocate will be severely constrained in representing the interests of households that constitute the Company’s consumers.”³ On June 6, 2023, Piedmont filed *Piedmont’s Notice of No Opposition to Consumer Advocate’s Motion to Issue More Than Forty Discovery Requests* (“*Notice*”) stating it did not oppose to the Consumer Advocate’s *Motion*.

TPUC Rule 1220-1-2-.11 (5)(a) provides as follows:

No party shall serve on any other party more than forty (40) discovery requests including sub-parts without first having obtained leave of the Commission or a Hearing Officer. Any motion seeking permission to serve more than forty (40) discovery requests shall set forth the additional requests. The motion shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or requests for production. If a party is served with more than forty (40) discovery requests without an order authorizing the same, such party need only respond to the first forty (40) requests.

TPUC Rules allow a minimum of forty discovery requests to be served upon a party. Nevertheless, upon compliance with TPUC Rule 1220-1-2-.11(5)(a) and a showing of good cause, the Commission has been flexible in permitting supplemental discovery to occur. In light of the foregoing, the Hearing Officer finds that the Consumer Advocate has met the requirements of the Rule by showing good cause to issue additional discovery requests to

¹ *Memo*, pp. 4-5 (June 5, 2023).

² *Id.*

³ *Id.* at 5.

Piedmont. Further, the Company filed a *Notice* stating it did not object the *Motion*. Therefore, based on these findings, the Hearing Officer grants the *Motion*.

IT IS THEREFORE ORDERED THAT:

The *Consumer Advocate's Motion to Issue More than Forty Discovery Requests* is **GRANTED**.

A handwritten signature in cursive script that reads "Monica Smith-Ashford".

Monica Smith-Ashford, Hearing Officer