

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

**June 24, 2024**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF PIEDMONT NATURAL GAS</b>	)	<b>DOCKET NO.</b>
<b>COMPANY, INC. FOR APPROVAL OF ITS 2024</b>	)	<b>24-00036</b>
<b>ANNUAL REVIEW OF RATES MECHANISM</b>	)	
<b>PURSUANT TO TENN. CODE ANN. § 65-5-</b>	)	
<b>103(d)(6)</b>	)	

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

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This matter is before the Administrative Judge 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 6, 2024, 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 6, 2024.

In its *Memo*, the Consumer Advocate maintains that it has good cause to issue more than forty discovery requests. The Consumer Advocate states it seeks to present a “complete case” to the Commission which means “a case that not merely opposes selected parts of a company’s petition, but one that presents a virtually parallel case that sets forth an alternative number for every number presented by the company.”<sup>1</sup> The Consumer Advocate states the Company seeks a rate increase to recover “(1) Historic Base Period (“HBP”) Revenue Requirement Deficiency of

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<sup>1</sup> *Memo*, p. 4 (June 6, 2024).

approximately \$13.5 million, plus carrying costs which together represent approximately \$14.6 million.”<sup>2</sup> 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.”<sup>3</sup> In addition, the Consumer Advocate contends that “depreciation rates are improperly included in this filing. Because the calculations bearing the appropriate depreciation rates were not provided in this filing, the Consumer Advocate must resort to seeking those calculations from the Company via discovery.”<sup>4</sup> 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 proposed 2024 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.”<sup>5</sup> 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.”<sup>6</sup> Piedmont 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

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<sup>2</sup> *Id.* at 4-5.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 5.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

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 Administrative Judge finds that the Consumer Advocate has met the requirements of the Rule by showing good cause to issue additional discovery requests to Piedmont. Further, the Company did not object to the *Motion*. Therefore, based on these findings, the Administrative Judge 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, Administrative Judge