

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

April 28, 2025

IN RE:	)	
	)	
CHATTANOOGA GAS COMPANY PETITION FOR	)	DOCKET NO.
EXTENSION OF ITS PIPE REPLACEMENT	)	25-00021
PROGRAM	)	

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ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE  
CONSUMER ADVOCATE

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This matter is before the Administrative Judge 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 April 10, 2025.

**RELEVANT BACKGROUND**

On March 13, 2025, Chattanooga Gas Company (“CGC” or the “Company”) filed the *Chattanooga Gas Company Petition for Extension of Its Pipe Replacement Program* (“CGC Petition”). CGC is a wholly-owned subsidiary of Southern Company Gas and is incorporated under the laws of Tennessee.<sup>1</sup> 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.<sup>2</sup>

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<sup>1</sup> *CGC Petition*, p. 2 (March 14, 2025).

<sup>2</sup> *Id.*

## CONSUMER ADVOCATE’S *PETITION TO INTERVENE*

On April 10, 2025, 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. According to the *Petition to Intervene*, CGC sought approval to replace seventy-three miles of mains over seven years at an estimated cost of \$118 million.<sup>3</sup> The actual cost of CGC’s Pipeline Replacement Program (“PRP”) would be recovered through the Company’s Annual Rate Review Mechanism (“ARRM”).<sup>4</sup> The Consumer Advocate states that in order to reach its initial goal, CGC maintains it would need to “accelerate the number of miles replaced each year and its PRP investment” which would result in greater rate impacts to its customers.<sup>5</sup> In order to avoid a greater impact on rates, CGC seeks to extend the timeframe for completing the project by an additional three years.<sup>6</sup>

The Consumer Advocate maintains that the:

interests of consumers may be affected by determinations and orders made by the Commission with respect to: (1) the interpretation, application, and implementation of Tenn. Code Ann. § 65-5-103(d)(6) and other relevant statutory and regulatory provisions; and (2) the review and analysis of the supporting schedules and other documentation, financial spreadsheets, and materials provided by CGC.<sup>7</sup>

Further, the Consumer Advocate asserts that only by participating in this docket can it adequately represent the interests of Tennessee consumers.<sup>8</sup> CGC did not oppose the Consumer Advocate’s *Petition to Intervene*.

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<sup>3</sup> *Petition to Intervene*, p. 2 (April 10, 2025).

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

<sup>5</sup> *Id.* at 2-3.

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

<sup>7</sup> *Id.* at 3.

<sup>8</sup> *Id.*

## 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;

(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.<sup>9</sup>

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

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<sup>9</sup> Tenn. Code Ann. § 4-5-310.

Act, compiled in title 4, chapter 5, and the rules of the commission.<sup>10</sup>

By extending CGC's PRP, the Company would be allowed to seek reimbursement for eligible expenses through its ARRM for an additional three years. Such recovery would have an impact on the rates of CGC customers for an additional three years.

THEREFORE, upon due consideration, the Administrative Judge concludes that the legal rights, duties, privileges, immunities, or other legal interest of Tennessee consumers may be determined in this proceeding. Further, the Administrative Judge 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 Administrative Judge 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.

  
Monica Smith-Ashford, Administrative Judge

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<sup>10</sup> Tenn. Code Ann. § 65-4-118(b)(1).