

BEFORE THE TENNESSEE PUBLIC SERVICE COMMISSION
AT NASHVILLE

IN RE: PETITION OF NASHVILLE GAS COMPANY, A)
 DIVISION OF PIEDMONT NATURAL GAS)
 COMPANY, INC., FOR REVIEW AND APPROVAL)
 OF FRANCHISE ORDINANCE NO. 95-44 OF THE)
 CITY OF BRENTWOOD, TENNESSEE,)
 GRANTING TO NASHVILLE GAS COMPANY, ITS)
 SUCCESSORS, AND ASSIGNS THE RIGHT,)
 PRIVILEGE, AUTHORITY AND CONSENT TO)
 PLACE, CONSTRUCT, ERECT, ACQUIRE,)
 EXTEND, MAINTAIN, REPAIR AND RELOCATE)
 GAS LINES, WORKS, MAINS, ETC. AND)
 OPERATE AND MAINTAIN A SYSTEM OF GAS)
 MAINS AND A DISTRIBUTION SYSTEM ON,)
 UNDER AND ALONG THE STREETS, ALLEYS)
 AND HIGHWAYS OF THE CITY OF BRENTWOOD)
 FOR THE SALE AND DISTRIBUTION OF NATURAL)
 GAS PURSUANT TO T.C.A. 65-4-107)

DOCKET NO. 96-00219

FEBRUARY 20, 1996

ORDER

This matter is before the Tennessee Public Service Commission (the "Commission") upon the petition of Nashville Gas Company, a Division of Piedmont Natural Gas Company, Inc. (the "Company") seeking the Commission's approval, pursuant to T.C.A. § 65-4-107, of Franchise Ordinance No. 95-44 (the "Ordinance") passed by the City of Brentwood, Tennessee (the "City"), granting to the Company, its successors and assigns, the nonexclusive right, authority, privilege and franchise, to erect, construct, operate and maintain a system of gas mains, service, pipes, etc. for the transmission and distribution of gas in, upon, across, along and under the highways, streets, access road, etc. of the City, as set out in the Petition and Exhibits thereto. The Ordinance was passed on final reading on December 11, 1995 and is

for a period of twenty-five (25) years and is attested by the City Recorder.

The Commission considered this matter at its regularly scheduled Commission Conference on March 2, 1996. The Commission reviewed the petition, the exhibits thereto and the staff's recommendation and finds and concludes that the approval of the Ordinance granting to the Company the right to serve the City of Brentwood and to use the public streets, alleys, etc. of the City for a period of twenty-five (25) years is fair, necessary, proper and reasonable and will serve the public interest and therefore should be approved. The Commission further finds and concludes that the one time franchise payment to be made to the City and the 5% of annual gross receipts franchise fee, if adopted by the City, as set out in Ordinance 95-44 and the Petition to the City are fair and reasonable and the Company's plan of recovering same, as set out in the Petition, pursuant to T.C.A. § 65-4-105(e), is fair and reasonable.

IT IS THEREFORE ORDERED:

1. That Franchise Ordinance No. 95-44 adopted by the City of Brentwood, Tennessee granting to Nashville Gas Company, a Division of Piedmont Natural Gas Company, Inc., its successors and assigns certain rights as set out therein is approved pursuant to T.C.A. § 65-4-107, and the payment of the franchise fees provided therein to the City and the plan for the recovery thereof by the Company, be and the same are hereby approved

pursuant to T.C.A. § 65-4-105(e). The revenues that the Company shall derive from its customers from sales within the city limits of Brentwood shall not be included in computing franchise payments to any other city or town except the City of Brentwood, Tennessee.

2. That any party aggrieved with the Commission's decision in this matter may file a Petition for Reconsideration within ten (10) days from the entry of this Order.

3. That any party aggrieved with the Commission's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.



CHAIRMAN



COMMISSIONER



COMMISSIONER

ATTEST:




EXECUTIVE DIRECTOR

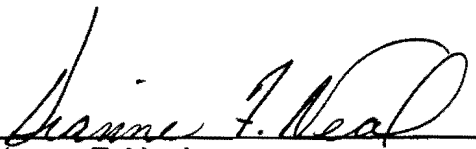
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March 7, 1996

The preceding page, (Number 2), in Order dated February 20, 1996, Docket No. 96-00219, is being substituted as corrected agreement between the Commission and Counsel for Piedmont Natural Gas Company. It sets forth correctly the date of the regularly scheduled Commission Conference as February 20, 1996. The incorrect date of March 2, 1996 was not material to the Order which the Commissioners signed and is cured by this submission.

 *by DFN with permission*

T. G. Pappas
Counsel for Petitioner



Dianne F. Neal
General Counsel
Tennessee Public Service Commission

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