

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION  
NASHVILLE, TENNESSEE

June 24, 2020

IN RE: )  
)  
CHATTANOOGA GAS COMPANY )  
PETITION TO OPT INTO AN ) DOCKET NO. 20-00049  
ANNUAL REVIEW OF RATES )  
MECHANISM PURSUANT TO )  
TENN. CODE ANN. § 65-5-103(d)(6) )

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CHATTANOOGA GAS COMPANY RESPONSE TO CONSUMER ADVOCATE  
MOTION FOR LEAVE TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS

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Chattanooga Gas Company (“Company” or “CGC”), pursuant to Rules 1220-01.02.06(2) and 1220-01.02.11(5)(a), of the rules of the Tennessee Public Utility Commission (“TPUC” or “Commission”), hereby files this response to the Motion for Leave to Issue More Than Forty Discovery Requests (“Motion”) filed by the Consumer Advocate Unit in the Financial Division of the Tennessee Attorney General’s Office (“Consumer Advocate”), and states as follows:

1. On June 12, 2020 the Consumer Advocate filed its Motion seeking to expand the scope of its permissible discovery beyond the 40 discovery requests authorized by Rule 1220-01.02.11(5)(a). Simultaneously received with the Motion and its supporting memorandum was the Consumer Advocate’s First Discovery Request to CGC, constituting 69 numbered requests. Counting subparts, the Consumer Advocate has served on CGC in excess of 120 discrete requests for information. On Friday, June 19, 2020, the Consumer Advocate served what it styled its “First (Informal) Discovery Request,” which consisted of five additional written, numbered discovery requests, some of which included subparts. While styled “Informal”

requests, because of their written nature, CGC is giving the Consumer Advocate the benefit of the doubt and assuming its Motion includes this additional written discovery as well. For the convenience of the Hearing Officer, CGC is responding to both discovery requests herein.

2. CGC respects the Consumer Advocate's role in this process and its need to conduct meaningful discovery. Accordingly, CGC does not object to this initial set of 69 requests, plus subparts, or its self-styled First (Informal) Discovery requests consisting of 5 additional requests (not counting subparts), to the extent the Motion is seeking approval of its ability to serve and receive responses to all 74 these numbered requests and their subparts. On June 23, 2020, CGC submitted Responses and/or Objections to 68 of the 69 numbered requests and their subparts in the First Discovery Request. CGC expects to respond as appropriate to the sole remaining request (CA 1-38) of the First Discovery Request and to a majority of the First (Informal) Discovery Request on Friday, June 26, or at the latest, June 29.

3. In not objecting to these 74 numbered discovery requests, the Company reserves its right to make any particular objections to specific requests that may be objectionable on other grounds (such as burdensome, overbroad, relevancy, privilege, etc.), as may be applicable. CGC shall certainly work cooperatively and in good faith with the Consumer Advocate to resolve any specific objections the Company may have to individual requests to the extent possible.

4. Further, in not objecting to these 74 numbered requests, CGC certainly intends to continue the informal discovery process the parties have utilized to date, involving phone calls, emails, or meetings, as may be applicable independent of the usual 40 limitation.

5. CGC's real concern with respect to the Motion is the next set of written discovery. The present tentative schedule of the parties contemplates a second round of formal discovery by the Consumer Advocate to be served July 8, 2020. In not objecting to the present

74 numbered requests, CGC respects the Consumer Advocate's right to pursue that second round of formal discovery on July 8. However, CGC also reserves its right to object to that second round of discovery to the extent it exceeds 40 requests, including subparts. In other words, CGC is not objecting to the present 74 numbered requests and subparts, but CGC's agreement herein is not open-ended, allowing unlimited future discovery.

6. The parties to Docket No. 19-00047 drafted a very comprehensive list of documentation that CGC was to provide in its initial case filing in order to help intervenors avoid having to ask for backup and other supporting information. CGC has fully complied with its filing obligations and appreciates that its documents will naturally generate some level of follow up questions via discovery. However, CGC requests that the Hearing Officer, in granting the Consumer Advocate's request for these 74 numbered questions, expressly requires the Consumer Advocate to limit its second round on July 8<sup>th</sup> to 40 questions, including subparts, and that if the Consumer Advocate wishes to exceed 40 questions, including subparts, the Consumer Advocate should comply with the terms of Rule 1220-01.02.1(5)(a) and establish good cause by motion for why it needs to serve more than 40 questions including subparts in the second round. Without this motion for more than 40 in the second round, the Consumer Advocate will have issued what will then be more than 160 discrete questions, and discovery in excess of that should not proceed without the approval of the Hearing Officer for service of such additional requests in excess of 40 in number.

**WHEREFORE**, Chattanooga Gas Company advises the Hearing Officer that it does not object to the number of requests being made in the Consumer Advocates' First Discovery Request or the First (Informal) Discovery. At this time, the Hearing Officer may further authorize up to and including 40 additional requests, including subparts, for any subsequent

discovery without any further motion or demonstration of good cause from the Consumer Advocate or objection as to number by CGC up to 40, including subparts. In so authorizing such 40 additional requests, plus subparts, the Consumer Advocate should be directed to file a motion and provide good cause for service of additional requests in excess of 40 in number for the second round.

Respectfully submitted,



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*Attorneys for Chattanooga Gas Company*

**CERTIFICATE OF SERVICE**

I hereby certify that per agreement of parties, a true and exact copy of the foregoing document has been served by electronic mail on this the 24<sup>th</sup> day of June, 2020, to:

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