

**BEFORE THE  
TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**In Re:**

filed electronically in  
docket office on 07/25/12

**PETITION OF KINGSPORT POWER KGPCO  
FOR APPROVAL OF DEMAND RESPONSE  
PROGRAMS AND ASSOCIATED DEMAND  
RESPONSE TARIFFS**

**DOCKET No. 12-00012**

**In Re:**

**PETITION OF ENERNOC, INC. AND AIR  
PRODUCTS AND CHEMICALS, INC., FOR  
EXPEDITED REVIEW TO ALLOW CERTAIN  
END USE CUSTOMERS OF KINGSPORT  
POWER KGPCO TO PARTICIPATE IN PJM  
INTERCONNECTION DEMAND RESPONSE  
PROGRAMS**

**DOCKET No. 12-00026**

**RESPONSES OF DEMAND RESPONSE PARTNERS, INC. TO KINGSPORT POWER  
KGPCO D/B/A AEP APPALACHIAN POWER'S REQUESTS FOR PRODUCTION  
(FIRST SET).**

Demand Response Partners, Inc., ("DRP") provides the following responses and objections to the first set of Requests for Production of the Kingsport Power KgPCo d/b/a AEP Appalachian Power ("KgPCo"), pursuant to the Tennessee Rules of Civil Procedure.

**GENERAL OBJECTIONS**

1.     DRP objects to the discovery requests for production as improper, overbroad, and unduly burdensome to the extent that they attempt to impose on DRP a burden or obligation greater than that required by the Tennessee Rules of Civil Procedure and applicable statutes and Tennessee Regulatory Authority regulations governing contested case hearings.
2.     DRP objects to the discovery requests as improper, overbroad, and unduly burdensome to the extent that they call for information and the production of documents which are protected from disclosure by the attorney-client privilege, the attorney work product doctrine or any other applicable privilege or protection. DRP objects to the KgPCo's discovery requests to the extent that the KgPCo is attempting to impose on DRP obligations with regard to identification of

privileged documents beyond those required by the Tennessee Rules of Civil Procedure and applicable statutes and Tennessee Regulatory Authority regulations governing contested case hearings.

3.     DRP objects to the KgPCo's discovery requests as improper, overbroad, and unduly burdensome to the extent that they seek information to matters not at issue in this litigation or to the extent they are not reasonably calculated to lead to the discovery of admissible evidence. By providing information in response to these requests, DRP does not concede that such information is relevant, material or admissible in evidence. DRP reserves all rights to object to the use of such information as evidence.

4.     DRP objects to the KgPCo's discovery requests as improper, overbroad, and unduly burdensome to the extent that the KgPCo is attempting to impose on DRP obligations to supplement its responses beyond those required by the Tennessee Rules of Civil Procedure and applicable statutes and Tennessee Regulatory Authority regulations governing contested case hearings.

5.     DRP objects to the KgPCo's discovery requests to the extent that the KgPCo is attempting to require DRP to provide information and produce documents beyond those in its possession, custody or control as that phrase is used in the Tennessee Rules of Civil Procedure and applicable statutes and Tennessee Regulatory Authority regulations governing contested case hearings.

6.     DRP objects to the KgPCo's discovery requests to the extent that they seek information and documents that are readily available through public source or are in the KgPCo's own possession, custody or control. It is unduly burdensome and oppressive to require DRP to respond or produce documents that are equally or more available to the KgPCo.

7.     DRP objects to the requests to the extent that they contain vague and ambiguous terms.

8.     DRP objects to the production of any documents prepared by it subsequent to the filing of this litigation or contested case.

9.     DRP's objections and responses to these requests are based on information now known to it. DRP reserves the right to amend, modify or supplement its objections and responses if it learns of new information.

#### **RESPONSES AND ADDITIONAL OBJECTIONS TO SPECIFIC DISCOVERY REQUESTS**

Subject to and without waiving any of the objections stated above, DRP responds to the specific discovery requests as follows:



**1. Produce copies of all current contracts between Demand Response Partners, Inc., and any Demand Response Partners, Inc., customer within the service territory of KgPCo.**

Response

DRP objects to the request as improper, overbroad, and unduly burdensome to the extent that it seeks competitive information and confidential proprietary information beyond the scope of the Petitions and therefore requests information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections or any general objection, DRP does not have any current contracts within the service territory of KgPCo.

**2. Produce copies of all current contracts between Demand Response Partners, Inc., and any Demand Response Partners, Inc., customers located within the KgPCo service territories which were effective at any time for the six (6) year period prior to the current contracts requested in Request No. 1.**

Response

DRP does not have any current contracts within the service territory of KgPCo. DRP did have one contract from 2009 through May 31, 2012 which is no longer current. This contract was for participation in PJM's Interruptible Load for Reliability Program (ILR) which is no longer in existence. Since the ILR program is no longer in existence and DRP's contract for participation in PJM's current Emergency Load Response Program is materially different from the ILR contract it is beyond the scope of the Petitions.

**3. Produce records of all demand response service curtailments experienced by each Demand Response Partners, Inc., customer within the KgPCo service territory for the period 2006-to date.**

Response

DRP objects to the request as improper, overbroad, and unduly burdensome to the extent that it seeks competitive information and confidential proprietary information beyond the scope of the Petitions and therefore requests information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections or any general objection, DRP customers are subject to any and all load reduction events called by PJM. PJM provides the history of activation of load reduction events on their website, which is public information already available to KgPCo.

**4. Produce all financial records which disclose the financial cost/benefit received by Demand Response Partners, Inc., as a result of participation of its customers, located in the KgPCo service territory, in any PJM Demand-Response program for the period 2006-to date.**

Response

DRP objects to the request as improper, overbroad, and unduly burdensome to the extent that it seeks competitive information and confidential proprietary information beyond the scope of the Petitions and therefore requests information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections or any general objection, DRP is paid on a resource basis by PJM based the megawatt size of the resource and the zonal payment rate, not for specific customers according to the PJM tariff, which is public information already available to KgPCo. DRP has met the financial requirements of PJM, and the financial information of DRP is not relevant to any issue presented by the Petitions.

**5. Produce copies of all correspondence between Demand Response Partners, Inc. and all of its customers located in the KgPCo service territory for the period 2006-present, concerning, in any manner, the FERC rules and the Open Access Transmission Tariff of PJM Interconnection, LLC, requirement that an end-user customer which receives service from an electric distribution company which delivers 4 million MWh or less per fiscal year, must receive approval from the “Relevant Electrical Retail Regulatory Authority” in order to participate in any demand-response program.**

Response

DRP objects to the request as improper, overbroad, and unduly burdensome. Without waiving the foregoing objections or any general objection, DRP had one customer in the KgPCo service territory and all correspondence regarding this requirement was communicated verbally with the customer.

**6. Provide all rules, regulations, and contract provisions currently used by your Company which detail the respective duties and responsibilities of you as a demand-response provider and those of your customers receiving such services.**

Response

DRP objects to the request as improper, overbroad, and unduly burdensome to the extent that it seeks competitive information and confidential proprietary information beyond the scope of the Petitions, as well as public information already in the possession of or available to KgPCo, and therefore requests information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections or any general objection, DRP’s contracts conform to PJM rules for participation in the demand response program. The exact language is proprietary information and outside the scope of this case.

**7. Produce your Company’s financial statements for 2009-to date.**

Response

DRP objects to the request as improper, overbroad, and unduly burdensome to the extent that it seeks competitive information and confidential proprietary information beyond the scope of the Petitions and therefore requests information not reasonably calculated to lead to the discovery of



admissible evidence. Without waiving the foregoing objections or any general objection, DRP is a private closely held entity and this is confidential information and outside the scope of this case since KgPCo has no financial exposure to DRP. DRP has met the financial requirements of PJM, and the financial information of DRP is not relevant to any issue presented by the Petitions.

**8. Provide a copy of the application submitted by your Company to become a member of PJM. The response should include all attachments and appendices as well as a copy of the financial security (i.e. parental guarantee, letter of credit, etc.) provided to PJM by your KgPCo.**

Response


DRP objects to the request as improper, overbroad, and unduly burdensome to the extent that it seeks competitive information and confidential proprietary information beyond the scope of the Petitions and therefore requests information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections or any general objection, DRP meets all of PJM's member requirement. DRP's status as a PJM member is not at issue in this proceeding.

**9. Provide a copy of all documents received by your Company in 2011 and 2012 from PJM detailing conditions upon your Company which allow you to continue to be a member in good standing, particularly with regard to financial and technical resources.**

Response

DRP objects to the request as improper, overbroad, and unduly burdensome to the extent that it seeks competitive information and confidential proprietary information beyond the scope of the Petitions and therefore requests information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections or any general objection, DRP meets all PJM requirements and is a member in good standing. DRP's status as a PJM member is not at issue in this proceeding.

Respectfully submitted,



Andrew W. Dorn, IV  
President  
Demand Response Partners, Inc.