

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

**IN RE: PETITION OF KINGSFORT POWER )**  
**COMP ANY d/b/a AEP APPALACHIAN ) Docket No. 15-00024**  
**POWER FOR APPROVAL OF )**  
**A STORM DAMAGE RIDER TARIFF )**

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**PETITION TO INTERVENE**

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Herbert H. Slatery III, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Regulatory Authority (“TRA” or “Authority”) to grant the Consumer Advocate’s intervention into this proceeding because consumers’ interests, rights, duties or privileges may be determined or affected by the proceeding. For cause, Petitioner would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utilities services by initiating and intervening as a party in proceedings before the Authority in accordance with the Uniform Administrative Procedures Act (“UAPA”), Tenn. Code Ann. § 4-5-101 *et seq.*, and Authority rules.

2. Kingsport Power Company, d/b/a AEP Appalachian Power (“Kingsport Power” or “Company”), is a public utility regulated by the Authority. It provides electric utility services to consumers located in the state of Tennessee.

3. In its *Petition for Approval of a Storm Damage Rider Tariff* (“*Petition*”), filed on February 19, 2015, in TRA Docket 15-00024, Kingsport Power has requested permission to

recover costs incurred as a result of a severe winter storm in January 2013 as well as the remaining unrecovered balance from winter storms in December 2009. As background, in TRA Docket 12-00051, the TRA approved deferred accounting for storm damage costs incurred in 2009. *Order Approving Request to Defer Storm Costs*, TRA Docket No. 13-00121 (October 16, 2014), at page 1. The Company has recovered almost all of those costs from consumers. *Id.* The remaining unrecovered costs from 2009 and the storm damage costs incurred in 2013 were then approved for deferral in TRA Docket 13-00121. *Id.* at page 2. In Docket No. 13-00121, though, the TRA panel explicitly stated that “the deferral of costs in this docket does not guarantee recovery of these costs in the future; therefore, Kingsport [Power] should keep sufficient and appropriate financial records and documentation supporting any future request for recovery of the cost that has been deferred in this docket.” *Id.* at page 2. Thus, the recovery of the storm damage costs requested in the current *Petition* is not a foregone conclusion. Consumers have an interest in knowing whether the recovery of the storm damage costs from 2009 and 2013 is justified and the Consumer Advocate is entitled to represent that interest.

4. The *Petition* also states that the storm damage costs are to be recovered from “all retail customer classes except for Industrial Power-Transmission.” *Petition* at 4-5. No reason is given as to why the proposed recovery is not spread among all customer classes. Consumers who are being asked to pay for the storm damage recovery have an interest in knowing why some other consumers are not being asked to pay and the Consumer Advocate is entitled to represent that interest.

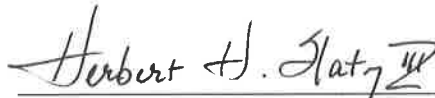
5. In addition, the *Petition* does not state whether Kingsport Power was earning in excess of its authorized rate of return at relevant times. If Kingsport Power was earning in excess of its authorized rate of return, this would be a factor in reviewing the request for the

recovery of storm damage costs. Consumers have an interest in knowing whether Kingsport Power has been overearning and whether the increase in rates from the requested storm damage rider is appropriate, and the Consumer Advocate is entitled to represent that interest.


6. Only by participating as a party to this proceeding can the Consumer Advocate adequately carry out its statutory duty to represent the interests of Tennessee consumers.

WHEREFORE, the Consumer Advocate requests the Authority to grant this Petition to Intervene.

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

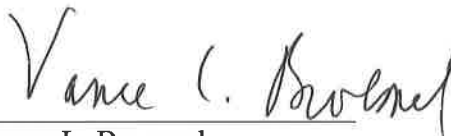
I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

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This the 4<sup>th</sup> day of March, 2015.

  
Vance L. Broemel