

FARRIS BOBANGO, PLC

ATTORNEYS AT LAW

Nashville • Memphis

BANK OF AMERICA PLAZA
414 UNION STREET, SUITE 1105
NASHVILLE, TENNESSEE 37219

(615) 726-1200 telephone • (615) 726-1776 facsimile

Charles B. Welch, Jr.
cwelch@farris-law.com

Filled Electronically TRA
Docket Office 10/26/15

Direct Dial:
(615) 687-4230

October 26, 2015

Via Electronic and Hand Delivery

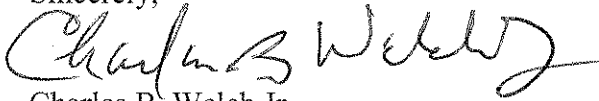
Honorable Herbert Hilliard
Chairman
Tennessee Regulatory Authority
c/o Sharla Dillon, Dockets and Records Manager
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

Re: TRA Docket 15-00093

Dear Chairman Hilliard:

Enclosed please find the Energy Freedom Coalition of America, LLC Petition to Intervene in the above referenced docket. Please file this document electronically and the extra hard copy original of the document as "filed" on October 26, 2015.

Sincerely,



Charles B. Welch Jr.
Attorney

BEFORE THE TENNESSEE REGULATORY AUTHORITY

IN RE:

**PETITION OF KINGSPORT POWER
COMPANY d/b/a AEP APPALACHIAN
POWER GENERAL RATE CASE**

DOCKET NO. 15-00093

**THE ENERGY FREEDOM COALITION OF AMERICA
PETITION TO INTERVENE**

The Energy Freedom Coalition of America files this Petition to Intervene in the above-referenced proceeding.

I. Basis for Intervention

The Energy Freedom Coalition of America ("EFCA"), pursuant to Tenn. Code Ann. §§ 4-5-310 and 65-2-107 and the Rules of the Tennessee Regulatory Authority 1220-1-1 and 1220-1-2-08, by and through its undersigned counsel, respectfully petitions the Tennessee Regulatory Authority ("TRA") to grant EFCA's intervention in this proceeding. EFCA members' legal rights, duties, privileges, immunities and other legal interests will be determined in this proceeding. Further, EFCA is so situated that the disposition of this case may as a practical matter impair or impede its ability to protect its interest. EFCA's interests would not be adequately represented if it were not granted intervention. EFCA's admittance as a new party would not interfere with the interests of justice and the orderly and prompt conduct of the proceedings. On the contrary, EFCA's participation will ensure that there is a robust record related to important changes to Kingsport Power Company's tariff that could have significant financial impacts on its customers and EFCA. For cause EFCA would show:

A. EFCA has initiated an application to do business in Tennessee and EFCA members have a legal right to do business in the state, including with customers who are

provided net metering service. Further, EFCA members are currently participating in solar requests-for-proposals in Tennessee. EFCA members include full-service distributed rooftop solar providers and solar product manufacturers that currently serve customers in multiple U.S. states. EFCA members have a growing customer base throughout the country and a material interest in expanding the distributed rooftop solar market nationwide by preserving their right to contract and do business with customers through non-discriminatory net-metering service in the Kingsport Power service territory.

B. EFCA member customers invest in rooftop solar facilities to generate and use their own solar energy and, through net-metering policies, receive retail credit for the surplus energy provided to the grid. While net metering policies and utility tariffs implementing net metering vary by state, discriminatory net metering tariffs discourage customers from investing in solar energy and remove from the public significant benefits that stem from these customers' private investments. These public benefits include avoided utility costs associated with generation, transmission and distribution infrastructure, transmission losses, compliance with state renewable portfolio standards, and others.

C. Kingsport Power's rate case application contains proposed changes to its NMS tariff that would close the existing NMS rider to new customers effective December 31, 2016 and require new customers who wish to use net metering to take service under the company's proposed Rider N.M.S.2, which would take effect on or after January 1, 2017. Customers taking service under N.M.S.2 would be assessed a demand charge based on their highest peak demand realized during the month, in addition to their basic service charge.¹

D. Kingsport's N.M.S.2 rider would directly impact the cost of electric service paid by customers seeking to develop rooftop solar and have a chilling effect on the expansion of the rooftop solar market in Tennessee by imposing discriminatory charges on rooftop solar customers that will discourage consumer choice and investment in self-generation and stifle the development of distributed rooftop solar energy resources in Tennessee.

¹ Direct Testimony of William K. Castle on behalf of Kingsport Power Company D/B/A AEP Appalachian Power, Tenn. Reg. Authority Docket No. 15-00093 (Sept. 28, 2015) at 10 - 11.

E. The proposed N.M.S.2, and other changes in Kingsport Power's Petition, would affect EFCA member interests in preserving consumer choice and expanding the distributed solar market. EFCA member interests are directly related to the broader public interest of reliable electric service provided at just and reasonable rates.

F. EFCA's participation in this proceeding would allow the TRA to bring EFCA's extensive expertise gained through its work on distributed solar and net metering issues in similar proceedings in other states, as well as its perspective on protecting the public interest in ensuring that consumers who invest in rooftop solar are free from unfair practices and discriminatory charges that reduce consumer choice and discourage the development of distributed rooftop solar.

G. EFCA has a justiciable interest in the disposition of this case that may be impaired or impeded by the outcome of this proceeding. Therefore, EFCA should be granted, and respectfully requests, party status.

II. Notice of Appearance

EFCA requests that the Commission and all parties serve all communications, pleadings, and discovery responses to their authorized representatives in this proceeding, as follows:

Charles B. Welch Jr.
618 Church Street
Suite 300
Nashville, TN 37219
(615) 726-1200 (voice)
(615) 726-1776 (fax)
cwelch@farris-law.com

James M. Van Nostrand
275 Orchard Dr.
Pittsburgh, PA 15228
(304) 293-4694 (voice)
(510) 225-3848 (fax)
jvannostrand@eq-research.com

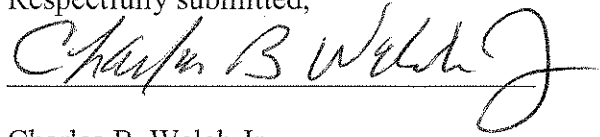
Beren Argetsinger
401 Harrison Oaks Blvd.
Suite 100

Cary, North Carolina 27513
(919) 825-3344 (voice)
(510) 225-3848 (fax)
bargetsinger@kfwlaw.com

III. Conclusion

Wherefore, EFCA respectfully requests that it be granted intervenor status to participate as a party in this proceeding.

Respectfully submitted,

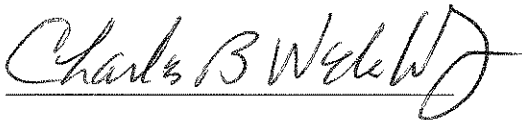


Charles B. Welch Jr.
BPR No. 5593
(615) 726-1200 (voice)
(615) 726-1776 (fax)
cwelch@farris-law.com

Attorney for the Energy Freedom Coalition
of America

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served via facsimile or first-class mail to all parties of record in this proceeding on October 26, 2015.



Charles B. Welch Jr.