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**PLEASE RESPOND TO:**  
KINGSPORT OFFICE

November 3, 2015

*VIA EMAIL & FEDEX*

Sharla Dillon, Dockets & Records Manager  
Tennessee Regulatory Authority  
502 Deaderick Street, 4th Floor  
Nashville, TN 37243

Re: Petition of Kingsport Power Company d/b/a AEP Appalachian  
Power General Rate Case; **Docket No.: 15-00093**

Dear Sharla:

Please find enclosed Kingsport Power Company d/b/a AEP Appalachian Power's Objection to Petitions of Intervenor for filing in the captioned docket. The original and four (4) copies are being shipped via FedEx for overnight delivery.

If you have any questions, please do not hesitate to contact the writer.

Very sincerely yours,

**HUNTER, SMITH & DAVIS, LLP**

A handwritten signature in black ink, appearing to read 'W. Bovender', is written over the printed name.

William C. Bovender

Enclosure

November 3, 2015

c: Kelly Grams, Hearing Officer *(via email)*  
Wayne M. Irvin, Esq. *(via email)*  
Henry Walker, Esq. *(via email)*  
Michael J. Quinan, Esq. *(via email)*  
Charles B. Welch, Jr., Esq. *(via email)*  
David Foster *(via email)*  
James R. Bacha, Esq. *(via email)*  
William Castle *(via email)*  
Larry Foust *(via email)*  
Brian West *(via email)*  
John Shepelwich *(via email)*

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

IN RE:

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

DOCKET NO.: 15-00093

**OBJECTION TO PETITIONS TO INTERVENE**

Comes Petitioner, Kingsport Power Company d/b/a AEP Appalachian Power (“Kingsport”), and, objects to the Petitions to Intervene of The Energy Freedom Coalition of America (“Coalition”) and Sunrun, Inc., (“Sunrun”). As grounds for these objections, Kingsport asserts the following:

1. Neither Coalition nor Sunrun are authorized to do business in Tennessee.
2. Neither Coalition nor Sunrun are actually doing business in Tennessee.
3. Neither Coalition nor Sunrun have any customers actually doing business in Tennessee.
4. Neither Coalition nor Sunrun have any offices in or any connection with the Kingsport service area.

If Kingsport were attempting to sue Coalition and/or Sunrun in the Courts of Tennessee, it would be unsuccessful because neither has sufficient contacts with the State of Tennessee so as to confer personal jurisdiction over them by the Tennessee Courts. *State v. NV Sumatra Tobacco Trading Co.*, 403 S.W.3d 726 (Tenn. 2013).

Similarly, the lack of contacts with the State of Tennessee means that Coalition and Sunrun lack constitutional standing to pursue their “claims” in the Tennessee Regulatory Authority. See, *City of Memphis v. Hargett*, 414 S.W.3d 88, 98-99 (Tenn. 2013). Indeed neither potential intervenor can show it will suffer “distinct and palpable” injuries. Their alleged potential injuries are “conjectural, hypothetical, or predicated upon an interest...” they share with other solar companies. *Id.* Coalition and Sunrun lack standing to pursue their hypothetical claims. *Id.*

Allowing Coalition or Sunrun standing in this case would significantly and inappropriately broaden the scope of intervention to, by extension, allow any manufacturer of electricity consuming or producing devices to have standing comparable to actual customers of Kingsport. Coalition and Sunrun should have no different standing than a manufacturer of any electricity consuming device (e.g. a toaster or a clothes dryer) that may (or may not) sell such a product to customers in the Kingsport service territory sometime in the future.

Premises considered, the Petitions to Intervene of Coalition and Sunrun should be denied.

IN THE ALTERNATIVE, if the Petitions to Intervene are granted, the intervention and participation in this base rate case by Coalition and Sunrun should be strictly limited to issues concerning the proposed net metering tariff.

Coalition has filed an Amendment which seeks the opportunity not only to delve into the net metering tariff issue, but, also to participate as a full party to the proceeding by challenging “...any cost of service or rate design proposals from Kingsport Power that seek to distinguish between customer generators (i.e., customers with distributed energy resources) and non-generating customers.” (Amendment, pp. 1, 2).

Limited intervention for purposes of opposing the net metering tariff should be sufficient. The open-ended nature of the Amendment claim would provide Coalition with the opportunity to engage in costly and duplicative discovery. The Amendment which seeks to expand Coalition's participation, when it lacks standing, should be denied.

Neither Coalition nor Sunrun should be permitted to participate generally in the Docket and they, also, should not be permitted to participate in discovery of Kingsport or other parties relative to all other issues in the base rate case.

Moreover, Coalition and Sunrun should not be permitted to receive confidential discovery responses or confidential responses to staff data requests from Kingsport which do not relate to the net metering tariff.

PREMISES CONSIDERED, Kingsport Power Company d/b/a AEP Appalachian Power requests the actions prayed for herein.

Respectfully submitted,

**KINGSPORT POWER COMPANY d/b/a AEP  
APPALACHIAN POWER**

By: 

William C. Bovender, Esq. (BPR #000751)

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing **OBJECTION TO PETITIONS TO INTERVENE** has been served upon the following by emailing a true and accurate copy on this the 3<sup>rd</sup> day of November, 2015:

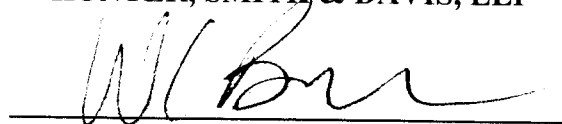
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