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NASHVILLE, TENNESSEE

15-00093-3 0112:16

T.R.A. DOCKET ROOM

IN RE:

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

DOCKET NO.: 16-00001

OBJECTION TO PETITIONS TO INTERVENE

Petitioner, Kingsport Power Company d/b/a AEP Appalachian Power (“Kingsport”) objects to the unlimited participation of The Energy Freedom Coalition of America (“EFCA”), Tennessee Alliance for Solar Choice (“TASC”), and Tennessee Solar Energy Industries Association (“TenneSEIA”) (collectively referred to as the “Solar Intervenors”) based on Petitions to Intervene filed by them. As grounds for these objections, Kingsport asserts the following:

I. Introduction

1. Because the Hearing Officer in the prior case (Docket No.: 15-00093) permitted limited intervention by EFCA, SunRun, Inc. (now a member of TASC), and TenneSEIA, Kingsport does not oppose intervention by the Solar Intervenors in this matter, provided their participation is limited to reflect their particular interest in the case. Specifically, the Solar Intervenors’ participation in this matter should be limited exclusively to Kingsport’s proposed net metering tariff and net metering issues.

2. Such a limitation on the Solar Intervenors' participation in this case is consistent with the Hearing Officer's Orders issued in the previous base rate proceeding, Docket No. 15-00093, which case has been withdrawn. A copy of the Hearing Officer's Orders in Docket No. 15-00093, on the very issues presented here, are attached hereto as Exhibit 1 and Exhibit 2.¹

II. Background

3. On January 4, 2016, Kingsport filed the Petition of Kingsport Power Company d/b/a AEP Appalachian Power General Rate Case (the "Petition"). In its Petition, Kingsport seeks approval to adjust its rates and charges for electric service to its residential, commercial and industrial customers; to implement revised tariffs (including its net metering service rider tariff); and to change certain of its Terms and Conditions of Service. The rate increase requested by Kingsport is designed to allow Kingsport an opportunity to earn a reasonable rate of return for providing electric service to its 47,000 customers in its service area.

4. Of Kingsport's 47,000 customers, less than twenty (20) residential and commercial customers currently have service under the net metering tariff. Thus, this matter, which involves such issues as proposed increases to base rates for residential, commercial and industrial customers; allocation of costs among classes; and revisions to Kingsport's Terms and Conditions of Service, includes many subjects in which the Solar Intervenors have no interest.

5. Kingsport's Petition seeks the approval of several different tariffs, the majority of which are unrelated to the net metering tariff and net metering issues. Kingsport has proposed a new net metering tariff that would apply to new net metering customers who begin their service

¹ Exhibit 1 is the Hearing Officer's Order with respect to limited intervention by EFCA (and Sunrun, Inc.). Exhibit 2 is the Hearing Officer's Order with respect to limited intervention by TenneSEIA.

on or after January 1, 2017. This tariff is referred to as “Rider N.M.S.-2.” Current net metering customers, and those who become net metering customers in 2016, would not be impacted by Kingsport’s proposed net metering Rider N.M.S.-2. (See Pre-filed Testimony of Will Castle, p. 5-6.) In other words, Kingsport’s less than 20 net metering customers and those who become net metering customers in 2016 will remain on Kingsport’s existing net metering tariff and only those new customers after 2017 will be impacted by Kingsport’s proposed net metering tariff.

6. On February 4, 2016, the Solar Intervenors filed their Petitions to Intervene in this matter.

- The Petition filed by EFCA states that it has an interest in this matter because Kingsport’s proposed net metering tariff “would be a strong disincentive to customer investment in rooftop solar.” EFCA asserts that the proposed net metering tariff may be discriminatory to rooftop solar customers and will stifle the development of distributed rooftop solar energy in Tennessee.
- The Petition filed by TASC states that it has an interest in this matter because it “leads advocacy across the country for the rooftop solar company.” TASC asserts that its interest is in “the detrimental impact the proposed changes in Kingsport’s net metering tariff would have on Kingsport’s customers who wish to install and utilize onsite solar.”
- The Petition filed by TenneSEIA states that it has an interest in this matter because it “represents the interests of the solar energy industry in Tennessee.” TenneSEIA asserted interests relate solely to Kingsport’s proposed net metering tariff.

7. Thus, the Solar Intervenors acknowledge (either explicitly or implicitly) that their interests in this matter are limited to Kingsport's proposed net metering tariff and net metering issues. Additionally, TASC and TenneSEIA are represented by the same counsel.

III. Discussion

8. When intervention is granted, the Tennessee Uniform Administrative Procedures Act authorizes the "hearing officer [to] impose conditions upon the intervenor's participation in the proceedings." Tenn. Code Ann. § 4-5-310(c). The conditions the hearing officer is specifically authorized to impose include "[l]imiting the intervenor's participation to designated issues in which the intervenor has a particular interest." Tenn. Code Ann. § 4-5-310(c)(1).²

9. In this case, the Solar Intervenors' "particular interest" is limited to the net metering tariff and net metering issues. Just as the Hearing Officer found in Docket No. 15-00093, the Solar Intervenors' interests in this matter, as articulated in their Petitions to Intervene, are limited to "the effect that the TRA's determinations in this case might have on potential future business or expansion of the solar energy market, but do not involve any specific rights or interests held by . . . EFCA." (See Exhibit 1, p. 9.) For these reasons, the Solar Intervenors are not entitled to mandatory intervention or intervention of right under § 4-5-310(a). Accordingly, the Solar Intervenors' participation in this matter should be limited to those subjects in which they have a particular interest, *i.e.*, the net metering tariff and net metering issues.

10. EFCA asserts that its participation in this case should not be limited to the net metering issues because "EFCA's membership has since grown in significant ways related to

² The statute also authorizes the agency to "[l]imit[] the intervenor's use of discovery, cross-examination and other procedures so as to promote the orderly and prompt conduct of the proceedings." Tenn. Code Ann. § 4-5-310(c)(2).

party standing as a matter of right.” Notably, of the four entities identified in EFCA’s petition, three of them were referenced in EFCA’s Petition to Intervene in the prior case. The only addition is Ecological Energy Systems, a company located in Bristol, Tennessee, miles outside Kingsport’s service area. But even if EFCA’s membership has increased, that has not changed its *interests* in this matter. Because EFCA’s *interests* have not changed, its *limited participation*, also, should not change.

11. Under discretionary intervention, the Solar Intervenors should not be permitted to participate generally in discovery in this matter and 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 and net metering issues.

12. In the Hearing Officer’s Order in the prior case, Docket No. 15-00093, the Hearing Officer found as follows:

In the instant proceeding, the Hearing Officer agrees with Kingsport that . . . EFCA [has not] demonstrated that it holds a legal right, duty, privilege, immunity or other legal interest, which may be determined in this proceeding, that is not common generally to other solar companies providing similar products or services.

. . .

As the scope of intervention is limited to the particular issue in which . . . EFCA has an interest, the Hearing officer finds that the “use of discovery, cross-examination, and other procedures” should be limited “so as to promote the orderly and prompt conduct of the proceedings.” (See Exhibit 1, p. 10; quoting Tenn. Code Ann. § 4-5-301(c)(1) and (2).)

13. Accordingly, the Hearing Officer ruled as follows:

The Hearing Officer finds it appropriate, and in the interests of justice, that access to confidential discovery responses and information produced by Kingsport under seal, which are unrelated to the proposed net metering tariff and the net metering issues should be protected. (See Exhibit 1, p. 10.)

The Hearing Officer's decision with respect to the Petition filed by TenneSEIA is substantially the same. (See Exhibit 2.)

14. TASC and TenneSEIA have the same interests and are represented by the same counsel. To avoid unnecessary and burdensome discovery, TASC and TenneSEIA should be required to submit only one (1) set of discovery requests on behalf of both intervenors. Such a limitation is consistent with the Hearing Officer's orders in the prior case. (See Exhibit 2, p.8 ("As committed to by TenneSEIA in its Response, the Hearing Officer finds it acceptable that Sunrun and TenneSEIA shall combine its discovery, cross-examination and other procedures, and confer and cooperate with counsel for EFCA to combine, if possible, and/or avoid duplication in discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings").)

15. Because precisely the same issues are presented in this case, the Solar Intervenors' participation in this case and their access to confidential information should be limited just as it was in the prior case. (See Exhibit 1, p. 12-14; and Exhibit 2, p. 9-11.) Specifically:

- a. The Solar Intervenors' participation in this proceeding should be limited to the net metering tariff and net metering issues, *i.e.*, the designated issue in which each has a particular interest; and
- b. TASC and TenneSEIA should combine their use of discovery, cross-examination, and other procedures because they are represented by the same counsel, and they should confer with counsel for EFCA so as to combine, if possible, and/or avoid duplication in discovery, cross-examination, and other procedures.

- c. The Solar Intervenors should not have access to confidential data, documents, or any other information produced by Kingsport in this matter that are not related to the net metering tariff or net metering issues.

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**

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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 8th day of February, 2016:

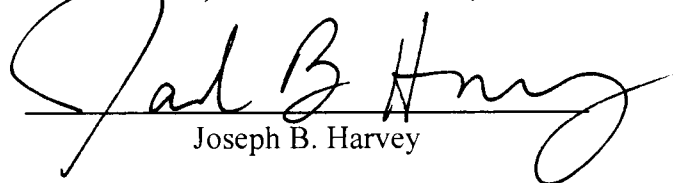
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BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 07, 2015

IN RE:)	
)	DOCKET NO.
PETITION OF KINGSPORT POWER COMPANY)	15-00093
D/B/A AEP APPALACHIAN POWER FOR A)	
GENERAL RATE INCREASE)	

**ORDER GRANTING INTERVENTION TO SUNRUN INC. AND
THE ENERGY FREEDOM COALITION OF AMERICA
SUBJECT TO CERTAIN LIMITS AND CONDITIONS**

This matter came before the Hearing Officer of the Tennessee Regulatory Authority ("Authority" or "TRA") during a status conference held on October 28, 2015 to consider, among other things, the petitions to intervene filed in the docket file. Along with the petitioner, Kingsport Power Company d/b/a AEP Appalachian Power ("Kingsport"), the following parties attended the status conference and also filed petitions to intervene: the Consumer Protection and Advocate Division of the Office of the Tennessee Attorney General ("Consumer Advocate"), East Tennessee Energy Consumers ("ETEC"), Sunrun Inc. ("Sunrun"), and the Energy Freedom Coalition of America ("EFCA") (collectively, the "Parties").¹

BACKGROUND

Kingsport is a public utility, subject to TRA jurisdiction, engaged in the business of distributing electric power service to approximately 47,000 customers in its service area, which includes portions of Sullivan, Washington and Hawkins Counties, Tennessee, the City of Kingsport, Tennessee, and the Town of Mount Carmel, Tennessee. On September 28, 2015,

¹ This Order considers the petitions to intervene filed by Sunrun and EFCA. A separate Order on the interventions of the Consumer Advocate and ETEC is entered in the docket file.

Kingsport filed a *Petition of Kingsport Power Company d/b/a AEP Appalachian Power General Rate Case* (“*Petition*”) seeking approval to adjust its rates and charges for electric service in the amount of approximately \$12 million, or 13.2%, and to implement revised tariffs, including its net metering service rider tariff. Included in its *Petition*, Kingsport gives notice of its intention to file 120 days prior to the completion of this rate case, a request for a Variable Cost Rider under Tenn. Code Ann. § 65-5-103(d) and a Rate Realignment Surcharge.

During the regularly scheduled Authority Conference held on October 19, 2015, the voting panel of Directors appointed General Counsel or her designee to act as Hearing Officer to prepare this matter for hearing.² On October 20, 2015, the Hearing Officer entered a *Notice of Status Conference* setting a status conference with the parties on October 28, 2015. During the status conference, the Hearing Officer heard and considered the petitions to intervene discussed below and made a verbal ruling permitting their intervention, limited to the net metering issue, with a formal Order to follow.³

PETITIONS TO INTERVENE

Sunrun

In its *Petition to Intervene*, Sunrun seeks intervention as of right under Tenn. Code Ann. § 4-5-310(a). Sunrun asserts that it is the largest dedicated residential solar company in the United States, and that it installs, monitors and maintains the solar panels on a homeowner’s roof. Sunrun currently offers its services in South Carolina and fourteen other states, and would like to expand its business into Tennessee, including the Kingsport service area. Further, Sunrun notes that, in this case, Kingsport proposes changes to its “Net Metering Service Rider” tariff,

² *Order Convening a Contested Case and Appointing a Hearing Officer* (October 28, 2015).

³ To the extent that Sunrun and EFCA assert in their written filings made after the status conference that the Hearing Officer’s verbal ruling granting intervention was premised particularly upon Tenn. Code Ann. 4-5-310(a) or made pursuant to mandatory intervention as a matter of right, this assertion is incorrect. Any confusion as to the basis of the Hearing Officer’s grant of intervention or the scope of such intervention is clarified in this Order.

which includes closing its current net metering service to new customers after 2016 and offering a new, different net metering service to customers in 2017.

According to Sunrun, the new tariff will make customer-generated solar power a less attractive option and therefore have a detrimental impact on Sunrun's ability to offer its services to Kingsport's customers. Sunrun asserts that it has a financial interest in the outcome of this case, and therefore its "legal rights, duties, privileges, immunities, or other legal interest" may be determined in this proceeding. Further, it states that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by its intervention. As such, Sunrun requests permission to intervene and participate in this case.

Energy Freedom Coalition of America ("EFCA")

According to its *Petition to Intervene*, EFCA asserts that it has initiated an application to do business in Tennessee and that its members are participating in requests for proposals in the state. EFCA states that its members include full-service distributed rooftop solar providers and solar product manufacturers that serve customers in multiple states. According to EFCA, Kingsport's revised net metering service tariff 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 solar market in Tennessee. EFCA asserts that the revised tariff is discriminatory to rooftop solar customers, will discourage consumer choice and investment in self-generation of energy, and stifle the development of distributed rooftop solar energy resources in Tennessee. As such, EFCA contends that its members' interests in preserving consumer choice and expanding the solar market are directly related to the broader public interest of reliable electric service at just and reasonable rates. Finally, EFCA asserts that the TRA would benefit from its participation and perspective in this proceeding due to its experience in similar proceedings in other states,

and that it has a justiciable interest in the disposition of the case. As such, ETEC requests permission to intervene and participate in this case.

In an amendment to its petition to intervene, filed on October 30, 2015, EFCA identifies itself as an organization that seeks to promote public awareness of the benefits of solar and alternative energy through public advocacy, and notes that its membership includes SolarCity Corporation, Silveo Solar, and Zep Solar. In addition, EFCA clarifies that its interests are affected by proposed changes the net metering tariff and by any cost of service or rate design changes that distinguish between customer generators.

Kingsport's Objections to Intervention

During the Status Conference, Kingsport discussed its objections to the requests to intervene filed by Sunrun and EFCA. With the hearing officer's permission, Kingsport filed its *Objection to Petitions to Intervene* ("Objection") in the docket file on November 3, 2015. In its Objection, Kingsport contends that neither Sunrun nor EFCA are authorized to or actually doing business in Tennessee, have any Tennessee customers, or any offices in or any connection with the Kingsport service area. Neither Sunrun nor EFCA have sufficient contacts with the state of Tennessee to confer personal jurisdiction over them by Tennessee Courts. Likewise, both lack standing to pursue their claims, which are hypothetical and shared in common with other solar companies. Kingsport contends that Sunrun and EFCA are comparable to any other manufacturer of electricity consuming devices (e.g., a toaster or a clothes dryer) that may, or may not, sell products to customers in the Kingsport service area. And, allowing them to have standing in this case, like actual customers, would significantly and inappropriately broaden the scope of intervention.

In the alternative, Kingsport states that if the petitions are granted, they should be limited

to the issues concerning the proposed net metering tariff. Intervention should not extend to cost of service, rate design, or other issues in the base rate case. In addition, Kingsport raises an additional issue in asserting that Sunrun and EFCA should not be permitted to receive Kingsport's confidential responses that do not relate to the net metering tariff.

Responses to Objection

Sunrun

In its response, filed on November 10, 2015, Sunrun noted that the Hearing Officer's decision, made verbally during the status conference, allowed Sunrun to intervene but limited its participation to the net metering service rider tariff issue. Further, upon Sunrun's statement that its interest concerns the tariff but that it could not predict whether other issues impacting Sunrun might arise, the Hearing Officer noted that should other issues arise, Sunrun could request that the Hearing Officer review the limits of its intervention. In addition, Sunrun asserts that it does not intend to submit discovery questions on issues unrelated to the net metering tariff, but should be entitled to receive copies of all discovery responses, whether confidential or non-confidential, by any party. And, that only by reviewing this information can it determine what, if any, other issues might impact Sunrun. As such, Sunrun asks that Kingsport's request to limit its access to discovery responses be denied.

EFCA

In its response, filed on November 10, 2015, EFCA states that it was issued a certificate authorizing it to transact business in Tennessee by the Tennessee Secretary of State on October 29, 2015. EFCA asserts that its members are attempting to expand business to Tennessee and are engaged in business development efforts in the Kingsport service area. EFCA contends that its member business expansion efforts are sustained over a multi-year period, thereby demonstrating

a distinct and palpable interest. Its members work with customers who seek to generate electricity through the installation of solar panels. EFCA asserts that the adjustments to Kingsport's rates and charges will significantly impact a customer's decision to install rooftop solar, and that its interests are distinguishable from that of a manufacturer of electricity consuming devices like a toaster or clothes dryer.

In addition, EFCA requests clarification of the scope of its limited intervention made during the status conference. EFCA asserts that its participation in this case should not restrict its ability to address fundamental rate making issues raised by the net metering tariff, including measures proposed by Kingsport to reduce or eliminate cross-subsidization of rates between customer classes. EFCA contends that its participation should include the net metering service tariff as well as issues related to cost of service, rate design, and ratemaking practices and principles that relate to rates that affect the proposed net metering tariff, and that it should be allowed unlimited participation in and access to discovery and the information that it produces.

Kingsport's Reply

In its reply, filed on November 12, 2015, Kingsport notes that, despite the limits to intervention imposed by the Hearing Officer in her verbal oral ruling during the status conference, both Sunrun and EFCA have requested unlimited access to Kingsport's discovery and data responses, including confidential responses, and to take unlimited discovery. Further, Kingsport contends that as Sunrun and EFCA are not actually doing business in Tennessee, but are challenging the effect that the rider could have on electric rates to potential customers, both lack standing in this proceeding. Further, as the Consumer Advocate is positioned to represent the interests of consumers who have or will engage in solar energy activities, the participation of Sunrun and EFCA is, at least, redundant.

Kingsport contends that Sunrun and EFCA should not be permitted unlimited access to all information Kingsport submits in response to data and discovery requests, particularly confidential information under the Protective Order, and should be restricted to propounding discovery related only to net metering issues. In light of the limited grant of intervention, Kingsport proposes that the following discovery limits should be placed on Sunrun and EFCA: 1) allow Sunrun and EFCA to submit discovery on the net metering issue; 2) permit Kingsport to respond and/or object; and 3) information can be properly disseminated. Finally, Kingsport asserts that access to all information divulged by Kingsport should be limited and should not include information subject to the Protective Order that is not related to net metering.

FINDINGS & CONCLUSIONS

Under Tenn. Code Ann. § 65-2-107, “All persons having a right under the provisions of the laws applicable to the authority to appear and be heard in contested cases as defined in this chapter shall be deemed parties to such proceedings for the purposes of this chapter. In addition, the authority may upon motion allow any interested person to intervene and become a party to any contested case.” Along with its own statutes and rules, contested case proceedings before the Authority are governed by the provisions of Tenn. Code Ann. § 4-5-101, *et seq.*, known as the Tennessee Uniform Administrative Procedures Act (“UAPA”). Tenn. Code Ann. § 4-5-310 establishes the following criteria for considering requests for mandatory and permissive intervention:

- (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:
 - (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
 - (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be

determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

- (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.
- (b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.⁴
- (c) If a petitioner qualifies for intervention, the administrative judge or hearing officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:
 - (1) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;
 - (2) Limiting the intervenor's use of discovery, cross-examination and other procedures so as to promote the orderly and prompt conduct of the proceedings; and
 - (3) Requiring two (2) or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery and other participation in the proceedings.
- (d) The administrative judge, hearing officer or agency, at least twenty-four (24) hours before the hearing, shall render an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The administrative judge, hearing officer or agency may modify the order at any time, stating the reasons for the modification. The administrative judge, hearing officer or agency shall promptly give notice of an order granting, denying or modifying intervention to the petitioner for intervention and to all parties.

Similarly, TRA Rule 1220-01-02-.08 directs that requests for intervention before the Authority are to be made and considered as follows:

- (1) Petitions for intervention shall be granted in accordance with T.C.A. § 4-5-310 and T.C.A. § 65-2-107.
- (2) A petition for intervention shall set forth with particularity those facts that demonstrate that the petitioner's legal rights, duties, privileges,

⁴ Tenn. Code Ann. § 4-5-310.

immunities or other legal interests may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law. Intervention may be denied or delayed for failure to provide such specific facts.

- (3) A petition for intervention shall be filed at least seven (7) days prior to the date of the contested case hearing.⁵

Tenn. Code Ann. 4-5-310(a)(2) and TRA Rule 1220-01-02-.08(2) require that a petition to intervene state particular facts that demonstrate that a legal right or interest held by the petitioner is at stake in or may be determined in the proceeding or otherwise qualifies as an intervenor under any provision of law. In the instant proceeding, the Hearing Officer agrees with Kingsport that neither Sunrun nor EFCA have demonstrated that it holds a legal right, duty, privilege, immunity or other legal interest, which may be determined in this proceeding, that is not common generally to other solar companies providing similar products or services. While Sunrun and EFCA both state that they are making efforts and seek to expand into Tennessee, including the Kingsport service area, neither is actually doing business or has customers in Tennessee. The claims of legal interest presented by Sunrun and EFCA relate to the effect that the TRA's determinations in this case might have on potential future business or expansion of the solar energy market, but do not involve any specific rights or interests held by Sunrun or EFCA. Thus, while Sunrun and EFCA might have a general interest in participating in this proceeding, such interest does not meet the requirements of mandatory intervention, or intervention of right, under Tenn. Code Ann. § 4-5-310(a).

Nevertheless, under Tenn. Code Ann. § 4-5-310(b) and § 65-2-107, the Authority may allow any interested person to intervene "upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings." Consistent with this discretionary authority, during the status conference, the Hearing Officer

⁵ Tenn. Comp. R. & Regs. 1220-01-02-.08.

granted the intervention requests of Sunrun and EFCA, but limited their participation to the net metering tariff and issues. As the petitions filed by Sunrun and EFCA were received in the early stages of the case, before a procedural schedule was established, and well in advance of the anticipated hearing date, the Hearing Officer considers the petitions timely-filed. Upon review of the filings, the Hearing Officer recognizes that the net metering tariff and issue is of particular importance and interest to Sunrun and EFCA. Moreover, as the net metering issue is somewhat new or unique in proceedings before the Authority, the Hearing Officer finds participation by Sunrun and EFCA would be helpful to the TRA's understanding of the issue and beneficial to the proceedings overall. Further, their participation should not impair the interests of justice or the orderly and prompt conduct of the proceedings.

In addition, as the scope of intervention is limited to the particular issue in which Sunrun and EFCA has an interest, the Hearing Officer finds that so too their "use of discovery, cross-examination, and other procedures" should be limited "so as to promote the orderly and prompt conduct of the proceedings."⁶ As such, the Hearing Officer finds acceptable Kingsport's proposed procedure for taking discovery, as follows:

1. Sunrun and EFCA are permitted to submit formal discovery on the net metering tariff and net metering issues;
2. Kingsport may respond or object (or both), consistent with the Procedural Schedule; and
3. Information shall be properly disseminated, as further discussed below.

Further, the Hearing Officer finds it appropriate, and in the interests of justice, that access to confidential discovery responses and information produced by Kingsport under seal, which are unrelated to the proposed net metering tariff and the net metering issues should be protected. In considering how best to balance the interests of the utility in protecting its confidential

⁶ Tenn. Code Ann. § 4-5-310(c)(1) and (2).

information and those of Sunrun and EFCA, who have been granted discretionary intervention limited to the net metering tariff and net metering issues, to adequately review and prepare the case, the Hearing Officer finds that, while not directly applicable because Sunrun and EFCA are not competitors of Kingsport, the Authority's directive in previous cases concerning access to confidential discovery by competitors is analogous and helpful.⁷

Therefore, consistent with Authority precedent, the Hearing Officer finds that the parties, Kingsport, Sunrun, and EFCA, should confer, craft, and submit for the Hearing Officer's consideration, an revised agreed protective order that adds a provision, or provisions, specific to Sunrun and EFCA that limits access to confidential discovery responses and information not related to the net metering tariff or net metering issues to outside counsel for Sunrun and EFCA. Further, the new provision/s should, at a minimum, expressly prohibit disclosure of such confidential information by outside counsel for Sunrun and EFCA to their respective clients, company representatives and personnel, and anyone else that does not have a need to know the information for purposes of participating in this case. In the event that an objection to whether certain confidential information is included for protection is lodged, the Hearing Officer will review the information *in camera* and rule as to whether such information is protected from disclosure to Sunrun and EFCA. To the extent that it is not already part of the Protective Order, and not addressed herein above, the parties should discuss and incorporate any other language that is reasonable and serves to appropriately protect Kingsport's confidential information that is

⁷ For example, see *In re Application of Telemate, LLC for a Certificate of Authority to Provide Operator Services and/or Resell Telecommunications Services in Tennessee*, Docket No. 11-00181, *Initial Order of the Hearing Officer Granting Limited Intervention to Pay-Tel Communications, Inc.* (August 9, 2012); see *In re Docket to Evaluate Atmos Energy Corporation's Gas Purchases and Related Sharing Incentives*, Docket No. 07-00225, *Order on Protective Order Disputes* (February 14, 2008); and see *In re Petition to Open an Investigation to Determine Whether Atmos Energy Corp. Should be Required by the TRA to Appear and Show Cause that Atmos Energy Corp. is not Overearning in Violation of Tennessee Law and that It is Charging Rates that are Just and Reasonable*, Docket No. 05-00258, *Order Resolving Discovery and Protective Order Disputes and Requiring Filings*, pp. 15-19 (June 14, 2006).

not related to the net metering tariff or net metering issue.

Finally, the Hearing Officer further finds that Sunrun and EFCA should be required to confer so as to combine and/or avoid duplication in discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings.

THEREFORE, upon due consideration, and consistent with her verbal ruling during the status conference, the Hearing Officer concludes that the requests to intervene filed by Sunrun and EFCA were timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. As such, the Hearing Officer further concludes that Sunrun and EFCA should be permitted intervention under Tenn. Code Ann. § 4-5-301(b) and 65-2-107, but that intervention should be conditioned and limited as follows:

- 1) Participation by Sunrun and EFCA in this proceeding is limited to the net metering tariff and net metering issue, i.e., the designated issue in which each has a particular interest;

- 2) Sunrun and EFCA are permitted to submit formal discovery on the net metering tariff and net metering issue. Access to confidential discovery responses and information produced by Kingsport that are unrelated to the proposed net metering tariff and the net metering issues is limited as discussed above. The parties, Kingsport, Sunrun, and EFCA, shall confer, craft, and submit to the Hearing Officer, an agreed revised protective order that includes the elements discussed herein above as well as any other provisions that are reasonably necessary to protect Kingsport's confidential information that is unrelated to the net metering tariff or net metering issue; and,

- 3) Sunrun and EFCA should confer so as to combine and/or avoid duplication in discovery, cross-examination, and other procedures so as to promote the orderly and

prompt conduct of the proceedings.

Also, as noted during the status conference, upon good cause and a sufficient showing that intervention should be altered or expanded, Sunrun and EFCA are not precluded from requesting that the Hearing Officer review the conditions and limitations imposed on their interventions.

BE IT THEREFORE ORDERED THAT:

1) The *Petition to Intervene* filed by Sunrun Inc. and the *Energy Freedom Coalition of America Petition to Intervene and Amendment*, requesting intervention pursuant to Tenn. Code Ann. 4-5-310(a) are denied.

2) Sunrun Inc. and the Energy Freedom Coalition of America may intervene and each participate as a party in this proceeding in accordance with Tenn. Code Ann. 4-5-310(b) and (c) and 65-2-107, subject to the conditions and limits discussed herein above in this Order.

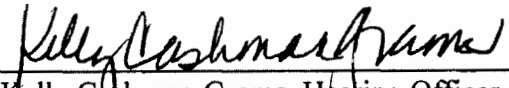
3) The participation of Sunrun Inc. and the Energy Freedom Coalition of America shall be limited to the net metering tariff and net metering issues, and each shall as much as possible confer so as to combine and/or avoid duplication in discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings.

4) Kingsport Power Company d/b/a AEP Appalachian Power, Sunrun Inc., and the Energy Freedom Coalition of America shall confer, craft, and submit to the Hearing Officer, an agreed revised protective order that includes the elements discussed herein above as well as any other provisions that are reasonably necessary to protect Kingsport's confidential information that is unrelated to the net metering tariff or net metering issue, by **December 17, 2015**.

5) Sunrun Inc. and the Energy Freedom Coalition of America shall receive copies of any notices, orders, or other documents filed in the docket file, subject to the conditions and limits discussed herein and as conforming with the Protective Order, and any amendments and

revisions made thereto, ordered by the Hearing Officer.

6) Any party aggrieved by the decision of the Hearing Officer in this Order may file a petition for Appeal with the Tennessee Regulatory Authority within fifteen (15) days from the date of this Order.



Kelly Cashman-Grams, Hearing Officer

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 07, 2015

IN RE:)	
)	DOCKET NO.
PETITION OF KINGSPORT POWER COMPANY)	15-00093
D/B/A AEP APPALACHIAN POWER FOR A)	
GENERAL RATE INCREASE)	

**ORDER GRANTING INTERVENTION TO
THE TENNESSEE SOLAR ENERGY INDUSTRIES ASSOCIATION
SUBJECT TO CERTAIN LIMITS AND CONDITIONS**

This matter is before the Hearing Officer of the Tennessee Regulatory Authority ("Authority" or "TRA") upon the *Petition to Intervene* filed by the Tennessee Solar Energy Industries Association ("TenneSEIA") on November 17, 2015.

BACKGROUND

Kingsport Power Company d/b/a AEP Appalachian Power ("Kingsport") is a public utility, subject to TRA jurisdiction, engaged in the business of distributing electric power service to approximately 47,000 customers in its service area, which includes portions of Sullivan, Washington and Hawkins Counties, Tennessee, the City of Kingsport, Tennessee, and the Town of Mount Carmel, Tennessee. On September 28, 2015, Kingsport filed a *Petition of Kingsport Power Company d/b/a AEP Appalachian Power General Rate Case* seeking approval to adjust its rates and charges for electric service in the amount of approximately \$12 million, or 13.2%, and to implement revised tariffs, including its net metering service rider tariff. Included in its *Petition*, Kingsport gives notice of its intention to file 120 days prior to the completion of this

rate case, a request for a Variable Cost Rider under Tenn. Code Ann. § 65-5-103(d) and a Rate Realignment Surcharge.

PETITION TO INTERVENE

In its *Petition to Intervene*, TenneSEIA seeks intervention as of right under Tenn. Code Ann. § 4-5-310(a). TenneSEIA is the Tennessee state chapter of the national Solar Industries Association, which promotes solar energy, and represents the interests of the solar energy industry in Tennessee. Further, TenneSEIA notes that it will supplement its filing with a list of the specific members that have elected to participate in this proceeding, which includes companies that design, install, monitor, and maintain solar panels on a customer's roof that are located in Tennessee and currently serving and seeking to serve customers in the Kingsport service area. TenneSEIA asserts that Kingsport's proposed changes to its "Net Metering Service Rider" tariff will make customer-generated solar power a less attractive option and would therefore have a direct financial impact on TenneSEIA's ability to offer services to customers in the Kingsport service area. As such, TenneSEIA asserts that it has a financial interest in the outcome of this case, and therefore its "legal rights, duties, privileges, immunities, or other legal interest" may be determined in this proceeding. Further, it states that it agrees to abide by the Procedural Schedule established in the docket and that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by its intervention.

OBJECTION TO INTERVENTION OF TENNESEIA

In its *Objection to Petition to Intervene of TenneSEIA*, filed on November 18, 2015, Kingsport contends that two other solar industry-related entities have been allowed intervention in this proceeding and there is nothing in TenneSEIA's petition that suggests that the Consumer Protection and Advocate Division of the Office of the Tennessee Attorney General ("Consumer

Advocate”), Sunrun Inc. (“Sunrun”), and/or the Energy Freedom Coalition of America (“EFCA”) are incapable of sufficiently representing solar interests on net metering issues. Particularly as the same counsel represents Sunrun and TenneSEIA, there is no need for yet another solar party to participate and conduct duplicative discovery. There is no need for four intervenors whose interests are the net metering tariffs, and requiring Kingsport to respond to four sets of discovery on the same issue is contrary to Tenn. Code Ann. 4-5-310(c). As such, Kingsport asserts that the interests of solar companies will be adequately represented and that TenneSEIA’s request be denied.

Alternatively, Kingsport states that if the petition is granted, that the three solar intervenors should be required to submit one joint set of discovery requests limited to net metering issues, including the two tariffs, Rider N.M.S. and Rider N.M.S.2. And, that the solar intervenors, including TenneSEIA, should not have unlimited access to discovery or to Kingsport’s confidential responses to data and discovery requests that do not directly relate to net metering issues filed under the Protective Order.

RESPONSE TO OBJECTION

In its response, filed on November 23, 2015, TenneSEIA reiterates its intention to file a list of TenneSEIA members who have elected to participate in this intervention, and that member service firms are not included in the intervention. Further, TenneSEIA asserts that Kingsport’s argument that the interests of solar providers are sufficiently represented by at least three other intervenors is without logical or legal support. TenneSEIA admits that solar providers are similar to other vendors of products utilizing electricity in that they “design, install and maintain behind-the-meter solar equipment which, like thermal windows or extra layers of insulation,

reduce the homeowner's electric bill.”¹ Nevertheless, TenneSEIA contends that its members, which are currently providing rooftop solar panels to customers located in Kingsport's service area, have a more direct interest than either Sunrun or the EFCA. Further, TenneSEIA contends that, in light of Kingsport's pre-filed testimony that justifies its changes to the net metering tariff on the basis of cross-subsidization of costs, Kingsport's assertion that the Consumer Advocate can adequately represent the interests of solar customers while at the same time representing the interest of customers' interests that conflict is not plausible. Further, TenneSEIA asserts that under Tenn. Code Ann. 4-5-310(a), any person with a “legal interest” which “may be determined in the proceeding” is entitled to intervene as a matter of right, and such right may not be denied because other parties with similar interests are already in the case.²

TenneSEIA states that it will accept a decision by the Hearing Officer that, like that of Sunrun and EFCA, limits its intervention to net metering issues and allows it to ask for expanded participation should circumstances warrant. TenneSEIA asserts that it should not be denied access to information that would inhibit its ability to monitor the proceedings and determine whether or not to request expanded intervention. Further, since TenneSEIA and Sunrun are represented by the same counsel, it states that those two intervenors can readily combine their discovery requests. But as EFCA has separate counsel with a different approach to the case, it would be burdensome and impractical to combine into one filing discovery requests with EFCA, but admits that reasonable steps to cooperate with counsel to avoid duplication of requests is appropriate.

¹ *Petition to Intervene*, pp. 2-3 (November 23, 2015).

² To the extent that TenneSEIA asserts that the Hearing Officer's verbal ruling, made during the status conference on October 28, 2015, granting intervention to Sunrun and EFCA was premised particularly upon Tenn. Code Ann. 4-5-310(a) or made pursuant to mandatory intervention as a matter of right, such assertion is incorrect. Any confusion as to the basis of the Hearing Officer's grant of intervention as to Sunrun and EFCA or the scope of such intervention is clarified in the *Order Granting Limited Intervention to Sunrun Inc. and the Energy Freedom Coalition of America Subject to Certain Conditions and Limitations* (December 7, 2015).

FINDINGS & CONCLUSIONS

Under Tenn. Code Ann. § 65-2-107, “All persons having a right under the provisions of the laws applicable to the authority to appear and be heard in contested cases as defined in this chapter shall be deemed parties to such proceedings for the purposes of this chapter. In addition, the authority may upon motion allow any interested person to intervene and become a party to any contested case.” Along with its own statutes and rules, contested case proceedings before the Authority are governed by the provisions of Tenn. Code Ann. § 4-5-101, *et seq.*, known as the Tennessee Uniform Administrative Procedures Act (“UAPA”). Tenn. Code Ann. § 4-5-310 establishes the following criteria for considering requests for mandatory and permissive intervention:

- (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:
 - (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
 - (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
 - (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.
- (b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.³
- (c) If a petitioner qualifies for intervention, the administrative judge or hearing officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

³ Tenn. Code Ann. § 4-5-310.

- (1) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;
 - (2) Limiting the intervenor's use of discovery, cross-examination and other procedures so as to promote the orderly and prompt conduct of the proceedings; and
 - (3) Requiring two (2) or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery and other participation in the proceedings.
- (d) The administrative judge, hearing officer or agency, at least twenty-four (24) hours before the hearing, shall render an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The administrative judge, hearing officer or agency may modify the order at any time, stating the reasons for the modification. The administrative judge, hearing officer or agency shall promptly give notice of an order granting, denying or modifying intervention to the petitioner for intervention and to all parties.

Similarly, TRA Rule 1220-01-02-.08 directs that requests for intervention before the Authority are to be made and considered as follows:

- (1) Petitions for intervention shall be granted in accordance with T.C.A. § 4-5-310 and T.C.A. § 65-2-107.
- (2) A petition for intervention shall set forth with particularity those facts that demonstrate that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law. Intervention may be denied or delayed for failure to provide such specific facts.
- (3) A petition for intervention shall be filed at least seven (7) days prior to the date of the contested case hearing.⁴

Tenn. Code Ann. 4-5-310(a)(2) and TRA Rule 1220-01-02-.08(2) require that a petition to intervene state particular facts that demonstrate that a legal right or interest held by the petitioner is at stake in or may be determined in the proceeding or otherwise qualifies as an intervenor under any provision of law. In the instant proceeding, the Hearing Officer finds that

⁴ Tenn. Comp. R. & Regs. 1220-01-02-.08.

TenneSEIA has not demonstrated that it holds a legal right, duty, privilege, immunity or other legal interest, which may be determined in this proceeding, that is not common generally to solar providers and companies providing similar products or services. While TenneSEIA asserts that its members currently have customers in the Kingsport service area, such does not rise to the level of an actual right or legal interest at stake that may be determined in the proceeding. Thus, while TenneSEIA has a general interest in participating in this proceeding, such interest does not meet the requirements of mandatory intervention, or intervention of right, under Tenn. Code Ann. § 4-5-310(a).

Nevertheless, under Tenn. Code Ann. § 4-5-310(b) and § 65-2-107, the Authority may allow any interested person to intervene “upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.” As TenneSEIA consents to the Procedural Schedule established in the docket, and the limitation of its intervention to the net metering tariffs and net metering issues. The Hearing Officer recognizes that the net metering tariffs and issue is of particular importance and interest to TenneSEIA, and finds that its participation would be helpful to the TRA’s understanding of the issue and beneficial to the proceedings overall.

Further, as both Sunrun and TenneSEIA are represented by the same counsel and can therefore readily combine its “use of discovery, cross-examination, and other procedures,” and has stated that it will cooperate with EFCA counsel to avoid duplication, the Hearing Officer finds that its participation should not impair the interests of justice or the orderly and prompt conduct of the proceedings. Finally, its petition was filed well in advance of the anticipated hearing date, and the Hearing Officer considers its petition timely-filed. Therefore, consistent with her discretionary authority, the Hearing Officer finds it appropriate to grant intervention

under Tenn. Code Ann. 4-5-310(b) and 65-2-107, limited to the net metering tariffs and net metering issues and subject to the conditions and limits discussed below.

As the scope of intervention is limited to the particular issue in which TenneSEIA has an interest, the Hearing Officer finds that the “use of discovery, cross-examination, and other procedures” should be limited “so as to promote the orderly and prompt conduct of the proceedings.”⁵ As committed to by TenneSEIA in its Response, the Hearing Officer finds it acceptable that Sunrun and TenneSEIA shall combine its discovery, cross-examination and other procedures, and confer and cooperate with counsel for EFCA to combine, if possible, and/or avoid duplication in discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings.

Further, the Hearing Officer finds it appropriate, and in the interests of justice, that access to confidential discovery responses and information produced by Kingsport under seal, which are unrelated to the proposed net metering tariff and the net metering issues should be protected. In considering how best to balance the interests of the utility in protecting its confidential information and the interests of TenneSEIA to adequately review, monitor and prepare its case, the Hearing Officer finds that, while not directly applicable because TenneSEIA is not competitor of Kingsport, the Authority’s directive in previous cases concerning access to confidential discovery by competitors is analogous and helpful.⁶

As has also been ordered of Sunrun and EFCA, TenneSEIA should, together with

⁵ Tenn. Code Ann. § 4-5-310(c)(1) and (2).

⁶ For example, see *In re Application of Telemate, LLC for a Certificate of Authority to Provide Operator Services and/or Resell Telecommunications Services in Tennessee*, Docket No. 11-00181, *Initial Order of the Hearing Officer Granting Limited Intervention to Pay-Tel Communications, Inc.* (August 9, 2012); see *In re Docket to Evaluate Atmos Energy Corporation’s Gas Purchases and Related Sharing Incentives*, Docket No. 07-00225, *Order on Protective Order Disputes* (February 14, 2008); and see *In re Petition to Open an Investigation to Determine Whether Atmos Energy Corp. Should be Required by the TRA to Appear and Show Cause that Atmos Energy Corp. is not Overearning in Violation of Tennessee Law and that It is Charging Rates that are Just and Reasonable*, Docket No. 05-00258, *Order Resolving Discovery and Protective Order Disputes and Requiring Filings*, pp. 15-19 (June 14, 2006).

Kingsport, Sunrun, and EFCA, confer, craft, and submit for the Hearing Officer's consideration, an revised agreed protective order that adds a provision, or provisions, specific to TenneSEIA that limits access to confidential discovery responses and information not related to the net metering tariff or net metering issues to outside counsel. Further, the new provision/s should, at a minimum, expressly prohibit disclosure of such confidential information by outside counsel for TenneSEIA to its respective client, members, company representatives and personnel, and anyone else that does not have a need to know the information for purposes of participating in this case. In the event that an objection to whether certain confidential information is included for protection is lodged, the Hearing Officer will review the information *in camera* and rule as to whether such information is protected from disclosure to TenneSEIA. To the extent that it is not already part of the Protective Order, and not addressed herein above, the parties should discuss and incorporate any other language that is reasonable and serves to appropriately protect Kingsport's confidential information that is not related to the net metering tariff or net metering issue.

THEREFORE, upon due consideration, the Hearing Officer concludes that TenneSEIA's request to intervene was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. As such, the Hearing Officer further concludes that TenneSEIA should be permitted intervention under Tenn. Code Ann. § 4-5-301(b) and 65-2-107, but that intervention should be conditioned and limited as follows:

- 1) Participation by TenneSEIA in this proceeding is limited to the net metering tariff and net metering issue, i.e., the designated issue in which each has a particular interest;
- 2) TenneSEIA is permitted to submit formal discovery on the net metering tariff

and net metering issue, and shall combine its discovery with Sunrun, who is represented by the same counsel. Access to confidential discovery responses and information produced by Kingsport that are unrelated to the proposed net metering tariff and the net metering issues is limited as discussed above. TenneSEIA shall confer with Kingsport, Sunrun, and EFCA, to craft and submit to the Hearing Officer, an agreed revised protective order that includes the elements discussed herein above as well as any other provisions that are reasonably necessary to protect Kingsport's confidential information that is unrelated to the net metering tariff or net metering issue; and,

3) TenneSEIA shall combine its use of discovery, cross-examination, and other procedures with Sunrun, who is represented by the same counsel, and should confer with counsel for EFCA so as to combine, if possible, and/or avoid duplication in discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings.

Also, upon good cause and a sufficient showing that intervention should be altered or expanded, TenneSEIA is not precluded from requesting that the Hearing Officer review the conditions and limitations imposed on its intervention.

BE IT THEREFORE ORDERED THAT:

1) The *Petition to Intervene* filed by the Tennessee Solar Energy Industries Association for intervention pursuant to Tenn. Code Ann. 4-5-310(a) is denied.

2) Tennessee Solar Energy Industries Association may intervene and participate as a party in this proceeding in accordance with Tenn. Code Ann. 4-5-310(b) and (c) and 65-2-107, subject to the conditions and limits discussed in this Order.

3) The participation of Tennessee Solar Energy Industries Association is limited to

the net metering tariffs and net metering issues, and shall combine its use of discovery, cross-examination, and other procedures with Sunrun Inc., who is represented by the same counsel, and confer with counsel for the Energy Freedom Coalition of America so as to combine as much as possible and/or avoid duplication in discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings.

4) Tennessee Solar Energy Industries Association shall confer with Kingsport Power Company d/b/a AEP Appalachian Power, Sunrun Inc., and the Energy Freedom Coalition of America to craft and submit to the Hearing Officer, an agreed revised protective order that includes the elements discussed herein above as well as any other provisions that are reasonably necessary to protect Kingsport's confidential information that is unrelated to the net metering tariff or net metering issue, by **December 17, 2015**.

5) Tennessee Solar Energy Industries Association shall receive copies of any notices, orders, or other documents filed in the docket file, subject to the conditions and limits discussed herein and as conforms with the Protective Order, and any amendments and revisions made thereto, ordered by the Hearing Officer.

6) Any party aggrieved by the decision of the Hearing Officer in this Order may file a petition for Appeal with the Tennessee Regulatory Authority within fifteen (15) days from the date of this Order.


Kelly Cashman-Grams, Hearing Officer