

IN THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

IN RE:)
)
PETITION OF KINGSPORT POWER)
COMPANY d/b/a AEP APPALACHIAN) DOCKET NO. 16-00001
POWER GENERAL RATE CASE AND)
MOTION FOR PROTECTIVE ORDER)

MOTION FOR EXTENSION OF TIME TO FILE
SECOND ROUND OF DISCOVERY REQUESTS

Comes the Consumer Protection and Advocate Division of the Office of the Attorney General (“Consumer Advocate”), and hereby requests an extension of time until April 5, 2016, to file its second round discovery request,¹ in the above-captioned docket.

In support of this Motion, the Consumer Advocate would show:

1. On February 2, 2016, the Consumer Advocate filed and served Kingsport Power Company d/b/a AEP Appalachian Power (“Company” or “KgPCo”) with a *First Discovery Request*.
2. The Company failed to file all of its responses to that *First Discovery Request* by the due date set by the Hearing Officer in this Docket, with the last such filing being made on February 25, 2016.
3. In its responses to the First Discovery Request, the Company failed to file complete responses and made claims that certain information was not available in the requested format, which necessitated the filing by the Consumer Advocate of a *Motion to Compel* to require the Company to file complete responses and to provide all of the requested information.
4. A status conference was held on March 17, 2016, in which the Hearing Officer

¹ At this time, the Consumer Advocate does not propose a modification of other dates in the procedural schedule, but reserves its right to make such a request if necessary.

ordered the Company to provide complete responses in the format requested to a number of the Consumer Advocate's requests as set out in the *Motion to Compel*.

5. The due date for providing the responses ordered by the Hearing Officer, according to the procedural schedule in this Docket, was March 23, 2016.

6. The Company failed to provide the ordered responses by the March 23, 2016, due date.²

7. The Consumer Advocate, upon receiving the ordered responses on March 24, immediately sent the responses to its experts.

8. The Company's delay in providing the ordered responses to the Consumer Advocate has resulted in the shortening of the time that the Consumer Advocate and its experts have to review responses before being required to file its second discovery requests, which are due on March 31, 2016. It also must be noted that a significant number of the ordered responses provided information that the Company had previously said was not available. Thus, the Company's assertion of unavailable information, when such information was available and should have been produced on February 23, has cost the Consumer Advocate substantial time that could have been spent more efficiently.

9. As of the date of this Motion, the Company has still not provided all of the ordered responses – in particular, all of the minutes to the Board of Directors meetings requested in unredacted form. It should be noted that the Company has provided such minutes with redactions (for various categories of information) not allowed by the Hearing Officer and without a privilege

² The certificate of service to the responses that were eventually received by the Consumer Advocate on March 24, 2016, states that the responses were e-mailed to the Consumer Advocate on March 23, 2016, but the Consumer Advocate has no record of receiving such responses by e-mail on that date and, further, the packages containing the responses were sent by the Company on March 23 for overnight delivery on March 24, demonstrating that the Company failed to provide the ordered responses on March 23.

log. After follow-up by the Consumer Advocate, the Company has promised to provide unredacted pages addressing categories other than privilege and a privilege log, but as of the filing of this Motion such items are six (6) days late. The Consumer Advocate would like to perform at least a partial review of the unredacted minutes before filing its second discovery request.

10. The Consumer Advocate has endeavored to work with the Company and assess as quickly as possible the information that the Company provides as it is provided, so that it may provide meaningful second round discovery requests to the Company, with those requests ultimately benefiting the Tennessee Regulatory Authority Directors and Staff by enabling the Consumer Advocate to make more complete and thoughtful recommendations.

11. The Consumer Advocate attempted by email and telephone this afternoon (March 29, 2016) to consult with the Company concerning the extension of time requested in this Motion. By reply email, the Company indicated that it is unwilling to agree to this extension.

In view of the foregoing, the Consumer Advocate respectfully requests that the Hearing Officer extend the due date for the referenced second round discovery request until April 5, 2016. And in view of the immediacy of the current deadline, expedited consideration is respectfully requested.

RESPECTFULLY SUBMITTED,



WAYNE M. IRVIN (BPR #30946)
Assistant Attorney General
Office of the Attorney General
Consumer Protection and Advocate Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
(615) 532-5512
wayne.irvin@ag.tn.gov

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:

William K. Castle
Appalachian Power Company
Director, Regulatory Services VA/TN
Three James Center
1051 E. Cary Street, Suite 1100
Richmond, VA 23219-4029
wkcastle@aep.com

James R. Bacha, Esq.
Hector Garcia, Esq.
American Electric Power Service
Corporation
One Riverside Plaza
P.O. Box 16637
Columbus, OH 43216
jrbacha@aep.com
hgarcia1@aep.com

William C. Bovender, Esq.
Joseph B. Harvey, Esq.
Hunter, Smith & Davis, LLP
1212 N. Eastman Road
P.O. Box 3740
Kingsport, TN 37664
bovender@hstdlaw.com
jharvey@hstdlaw.com

Michael J. Quinan, Esq.
Christian & Barton, LLP
909 East Main St., Suite 1200
Richmond, Virginia 23219
mquinan@cblaw.com

Henry Walker, Esq.
Bradley Arant Boult Cummings LLP
1600 Division Street, Suite 700
Nashville, TN 37203
hwalker@babco.com

Charles B. Welch, Jr., Esq.
Farris Bobango, PLC
Bank of America Plaza
414 Union Street, Suite 1105
Nashville, TN 37219
cwelch@farris-law.com

James M. Van Nostrand
275 Orchard Dr.
Pittsburgh, PA 15228
jvannostrand@eq-research.com

Beren Argetsinger
401 Harrison Oaks Blvd., Suite 100
Cary, NC 27513
bargetsinger@kfwlaw.com

This the 29th day of March, 2016.



Wayne M. Irvin