

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:

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

DOCKET NO.: 16-00001

PETITIONER'S RESPONSE IN OPPOSITION TO
CONSUMER PROTECTION AND ADVOCATE DIVISION'S MOTION FOR
EXTENSION OF TIME TO SERVE DISCOVERY REQUESTS

Petitioner, Kingsport Power Company d/b/a AEP Appalachian Power ("Kingsport") respectfully submits the following Response in opposition to the "Motion For Extension Of Time To File Second Round Of Discovery Requests" (the "Motion") filed by the Consumer Protection and Advocate Division ("Consumer Advocate" or "CPAD"). The Consumer Advocate's Motion is unjustified, misleading, and should be denied.

1. Introduction

Beginning on February 17, 2016, the Company has produced thousands upon thousands of pages of documents, spreadsheets, and information to the Consumer Advocate in a timely and good faith manner. The Consumer Advocate's instant Motion is based solely on the incredible claim that, despite Kingsport's voluminous production, the Consumer Advocate is unable to prepare any discovery requests for its second round of discovery, by the established deadline, until it received twelve (12) pages of unredacted minutes from the meetings of the Board of Directors of Kingsport's parent corporation, AEP. These twelve pages include a few additional

lines of unredacted information that are unrelated to Kingsport in any respect and are completely irrelevant to this rate case. The minutes from Kingsport's Board of Directors meetings had already been produced weeks ago.

The Consumer Advocate's Motion is disingenuous and grossly misrepresents the facts of this case. Although the Consumer Advocate claims that the Company has not provided "all the ordered responses," its Motion is really limited to a single, insignificant item: a few lines in 12 pages of meeting minutes from Kingsport's parent corporation's Board of Directors that have been in the possession of the CPAD unredacted since the morning of March 30. Based entirely on the irrelevant information contained on those few lines of Board meeting minutes, the Consumer Advocate has requested a five-day delay to serve the entirety of its second round of discovery requests, and as a result, unjustifiably shorten the time Kingsport has to respond to all of those requests from twenty-one (21) days to sixteen (16) days.

The Consumer Advocate failed to disclose in its Motion that Kingsport offered to give the Consumer Advocate until April 5, 2016, to send reasonable discovery requests directly related to, and that stemmed solely from, the few lines of non-privileged information that was redacted in the AEP Board of Director Meeting minutes Kingsport produced on March 23, 2016. Kingsport's proposal would have eliminated any need for a delay in the Procedural Schedule. The Consumer Advocate's request for a five-day delay for flimsy or non-existent reasons suggests that the Consumer Advocate's purpose in filing its Motion is to unnecessarily shorten Kingsport's time to respond to discovery, delay this case and deprive Kingsport of a hearing on the merits of this case within the time limits imposed by the statute, or both.

The Consumer Advocate's request to delay a deadline that has been established since the Procedural Schedule was entered on February 24, 2016 is another example of its pattern of unreasonableness and abusive tactics during discovery in this matter.

2. There Is No Basis For The Consumer Advocate's Requested Delay

On March 23, 2016, the Company sent the Consumer Advocate *via* overnight delivery its production of documents based on the Hearing Officer's March 17, 2016, ruling on the Consumer Advocate's Motion to Compel. The production was delivered to the Consumer Advocate before 10:00 a.m. on March 24, 2016. Included in the production, was a complete copy of meeting minutes for the Board of Directors for American Electric Power Company, Inc. ("AEP"), from January 1, 2014 to the present, which was 376 pages in total. A very limited amount of information in the meeting minutes was redacted to protect: (a) information covered by the attorney client privilege, (b) AEP's earnings information that would subject the Consumer Advocate to the SEC's insider trading rules, and (c) highly sensitive commercial information that, if disclosed, could result in hundreds of millions of dollars in competitive injury to AEP (Kingsport's publicly traded parent corporation). The redacted information was not related to Kingsport in any respect and is completely irrelevant to any matter at issue in this rate case. The redactions of non-privileged information is limited to a few lines of information on just twelve (12) pages out of 376 pages of Board meeting minutes that were produced on March 23, 2016.

On Thursday, March 24, 2016, at 3:00 p.m., the Consumer Advocate had "glanced" at the 376 pages Board meeting minutes in sufficient detail to review the redacted information and for the first time ask for a privilege log for the matters that were redacted for privilege. (See email from Consumer Advocate to counsel for Kingsport dated March 24, 2016, attached as Exhibit A.) In other words, the Consumer Advocate reviewed 376 pages of AEP's Board meeting

minutes in just about 5 hours. That same day, the Company agreed to provide a privilege log within a matter of days. (See letter from Kingsport's Counsel dated March 24, 2016, attached as Exhibit B.)

Apparently unsatisfied, on Monday morning March 28, 2016, at 9:37 a.m., the Consumer Advocate asked about the redactions and requested a privilege log "asap." (See email from Consumer Advocate to Counsel for Kingsport dated March 28, 2016, attached as Exhibit C.) Counsel for the Company responded that they would be willing to discuss the redactions in the meeting minutes and the privilege log with the Consumer Advocate and did so later that afternoon. During the call on Monday, March 28, 2016, the Company explained the extraordinarily sensitive nature of the non-privileged information that had been redacted. The Company also pointed out that the redacted information was not related to Kingsport or any other matter at issue in this case. However, in an effort¹ to avoid disputes, the Company agreed to produce unredacted copies of the few pages of meeting minutes that contained redactions of confidential, irrelevant, but non-privileged information if the Consumer Advocate assured the Company that the information would be kept confidential and that the Consumer Advocate would take extra steps to protect the information from disclosure. Receiving adequate assurances of confidentiality from the Consumer Advocate and a description of its measures to prevent disclosure, the Company agreed to produce the unredacted lines and a privilege log *via* overnight delivery on Tuesday, March 29, 2016 for delivery the following day.

Then, at 1:59 p.m. on Tuesday, March 29, 2016, when the Consumer Advocate was well aware that the Company had agreed to provide the information that would be overnighted to

¹ Unfortunately, the Consumer Advocate's unreasonableness has rendered Kingsport's efforts to avoid disputes futile.

them in a matter of hours, the Consumer Advocate requested that Kingsport agree to a five-day delay in the deadline for the Consumer Advocate to serve its second round of discovery requests. The basis for the request was that the Consumer Advocate had not received the 12 pages of unredacted meeting minutes or the privilege log. (*See* email from Consumer Advocate to counsel for Kingsport dated March 29, 2016, attached as Exhibit D.) The Consumer Advocate's requested delay would prejudice Kingsport by limiting its time to respond to the second round of CPAD discovery requests.

The Company's counsel responded that the Consumer Advocate's request for delay was unreasonable and unnecessary. (*See* Exhibit D.) Additionally, the Consumer Advocate failed to mention in its Motion that the Company offered to allow the Consumer Advocate to have until April 5, 2016, to serve any reasonable discovery requests that "directly related to, and stem solely from, non-privileged information that was redacted in the AEP Board of Director Meeting minutes we produced on March 23, 2016." After all, other than the few lines on 12 pages of unredacted Board minutes, the Consumer Advocate has not stated any basis for changing the Procedural Schedule. (*See Id.*) Out of the thousands and thousands of pages of documents produced by Kingsport, it was only these few lines of irrelevant information on which the Consumer Advocate based its request for a five-day delay to serve the entirety of its second round of discovery requests. The Company's reasonable proposal eliminated even the Consumer Advocate's flimsy basis for requesting delay. The Consumer Advocate never responded to the Company's suggestion.

Then, just 47 minutes after receiving the Company's response, the Consumer Advocate filed the instant Motion – timing which suggests that the Consumer Advocate's Motion had been started, if not finished, before the Consumer Advocate contacted the Company's Counsel.

It was not until after the Company agreed to provide the 12 pages of unredacted Board minutes, and was very nearly “on its way,” that the Consumer Advocate seized on this trivial issue in an effort to delay this case and prejudice Kingsport by shortening the time Kingsport has to respond to the Consumer Advocate’s second round of discovery requests. The Consumer Advocate’s Motion is careful to state that it had not received unredacted lines of Board meeting minutes and privilege log “as of the due date of this Motion,” because the Consumer Advocate was well aware that the documents and privilege log were being overnighted for delivery the very next day. It is apparent that the Consumer Advocate gave no serious consideration to the Company’s proposal and was simply searching for some excuse to request a change to the Procedural Schedule. Indeed, for the Consumer Advocate to claim that it needs a five-day delay in preparing its second round of discovery because of irrelevant information contained in a few lines out of 12 pages of documents is absurd and indicative of the Consumer Advocate’s objective to prejudice Kingsport by delaying the procedural schedule and shortening Kingsport’s time to respond to the CPAD’s second round of discovery requests.

Furthermore, the Consumer Advocate does not need an additional five days to review a few lines on 12 pages of Board minutes to prepare discovery requests. It is not unreasonable to expect the Consumer Advocate to review these few lines of irrelevant information in 12 pages of documents on March 30, 2016 and still have more than enough time to prepare discovery requests that are not due until March 31, 2016. The Consumer Advocate “glanced” at all 376 pages in about 5 hours. Also, earlier in this case, the Consumer Advocate repeatedly requested a Procedural Schedule that would have required Kingsport to review hundreds of discovery requests and provide objections within three (3) days.

The Consumer Advocate's request to delay the Procedural Schedule is completely unnecessary and the Consumer Advocate's request should be denied.

3. The Consumer Advocate's Suggestion That The Company Failed To File Its Responses By The Due Date In The Procedural Schedule Is Ridiculous.

Beyond the lack of support for the Consumer Advocate's requested delay, the Consumer Advocate's Motion begins with several specious statements whose sole purpose appears to be to disparage Kingsport. Kingsport feels compelled to respond to the Consumer Advocate's derogatory remarks, which, without exception are baseless and misrepresent the facts.

First, the Consumer Advocate reiterates its incorrect and misleading argument that the Company did not submit its responses to the Consumer Advocate's First Discovery Request by the due date in the Procedural Schedule. Kingsport responded to the Consumer Advocate's discovery requests on a "rolling basis" beginning on February 17, 2016. On that date, Kingsport responded to fifty-four (54) of the numbered Discovery Requests. On February 23, 2016, Kingsport responded to one hundred and nineteen (119) of the numbered Discovery Requests. Kingsport produced responses to the remaining Discovery Requests on February 25, 2016. On February 24, 2016 the Hearing Officer entered an Order Establishing Procedural Schedule, which provided that Kingsport's responses to the Consumer Advocate's Discovery Requests were due February 23, 2016 -- the day *before* the Procedural Schedule was entered. In other words, Kingsport was unaware of the deadline until the day after it expired.

Kingsport served responses to 173 of 207 Discovery Requests on or before February 23, 2016, and completed its responses to all 207 (385 including subparts) Discovery Requests on February 25, 2016. For the Consumer Advocate to now claim Kingsport failed to file its Discovery Responses by the deadline in the Procedural Schedule because just 32 of 207

responses were served after a February 23, 2016 deadline that was unknown until February 24, 2016, is absurd. The Consumer Advocate has had Kingsport's responses to the Staff Data Requests since the beginning of the case and has had Kingsport's Responses to 173 of the 207 Discovery Requests since February 23, 2015 or before. Reiterating this untimeliness argument is an example of the Consumer Advocate's unreasonableness in this case.

4. The Consumer Advocate's Motion to Compel Was Unnecessary And Harassing

The Consumer Advocate's Motion to Compel was not necessary. Before filing its Motion to Compel, the Consumer Advocate made no attempt to confer with Kingsport about the allegedly inadequate discovery responses -- no letter, no email, not even a phone call. The Consumer Advocate did not reach out to Kingsport in any way to discuss Kingsport's discovery responses and narrow the disputes before filing its 78-page Motion to Compel. Many of the issues in the Consumer Advocate's Motion to Compel could have been resolved by a simple phone call or inquiry because the information the Consumer Advocate sought to compel was already in its possession or publicly available. The Consumer Advocate's lack of reasonableness and cooperation is contrary to the Hearing Officer's stated desire and normal practice in discovery.

Additionally, in several cases, the Consumer Advocate's Motion to Compel discovery sought documents different from the information that it later said that it actually needed. For example, Request No. CPAD 1-005 sought "monthly trial balances" from 2009 to 2015 in Excel format. The term "monthly trial balances" is an accounting term that has a specific meaning, and it was accordingly construed to have that meaning in the Company's discovery responses. The Company does maintain some "monthly trial balances" but not in the format or for the full date range requested in the Consumer Advocates' Discovery Requests. However, following

discussions with the Consumer Advocate and its expert regarding these requests, it became clear that what the Consumer Advocate really wanted was the information contained in the Company's monthly Income Statements and Balance Sheets. Monthly Income Statements and Balance sheets are also specific documents that have a definite meaning to accountants. Once the Consumer Advocate clarified the information it actually wanted, the Company promptly provided the documents (monthly Income Statements and Balance Sheets) in Excel format for the time period of January 2009 to December 2015. This production satisfied the Company's obligation to respond to CPAD 1-005, 1-044, and 1-045. Any delay in getting the information the Consumer Advocate wanted was a direct consequence of the questions it asked, not any delay on the part of the Company.

5. The Company Provided Its Responses To The Motion To Compel In A Timely Manner

During the Status Conference on March 17, 2016, the Hearing Officer denied, granted, and granted in part the Consumer Advocate's Motion to Compel. Under the Procedural Schedule, the deadline for the Company to supplement its discovery based on the ruling on the Motion to Compel was March 23, 2016. On March 23, 2016, the Company sent its responses to the Consumer Advocate. Due to the confidential nature of the information being sent, it was sent via overnight delivery and was delivered to the Consumer Advocate's office before 10:00 a.m. on March 24, 2016.

The Consumer Advocate now complains that "the Company failed to provide the ordered responses by March 23, 2016." Notably, the Consumer Advocate has not cited any authority suggesting that responses overnighted on the due date and actually received before 10:00 a.m. the next morning are untimely. There is no such authority. Under Rule 5.02(1) of the Tennessee

Rules of Civil Procedure, “**Service by mail is complete upon mailing.**” *See Tenn Rules and Regs.* § 1220-1-2-.1 (“discovery shall be sought and effectuated in accordance with the Tennessee Rules of Civil Procedure”); *see also Kirby v. O'Dens*, No. 14-CV-388-GKF-PJC, 2015 WL 2341535, at *3-4 (N.D. Okla. May 14, 2015) (finding that defendants properly served their discovery responses as required by the court’s order requiring production on April 7, 2015, because defendants placed their responses in the mail on April 7, 2015, in accordance with the Federal Rules of Civil Procedure, which contain language identical to the Tennessee Rules of Civil Procedure that service is complete upon mailing). The Company’s responses were served when placed for overnight delivery and they were placed for delivery on March 23, 2016. The Consumer Advocate’s suggestion that the Company’s response was somehow untimely is patently unreasonable and contrary to well-established law.

Furthermore, it is hard to understand how receiving the responses on the morning of March 24, 2016, “resulted in the shortening of the time that the Consumer Advocate and its experts have to review” the information. The Consumer Advocate is complaining about a difference of a matter of hours, and certainly less than a single day. The infirmity of the Consumer Advocate’s position is more striking given that, weeks before, as an accommodation, the Company offered to make the minutes of the Board of Directors available for review by the Consumer Advocate. The Consumer Advocate’s complaint is unjustified. Such timing does not justify a 5-day change to the Procedural Schedule. And the Consumer Advocate’s filing this Motion is not indicative of a cooperative and good faith approach to discovery in this case.

6. Conclusion

Out of the thousands and thousands of pages of documents produced by Kingsport in this matter, the Consumer Advocate has requested a 5-day delay to serve the entirety of its second

round of discovery requests based solely on the fact that a few lines in 12 out of 376 pages of AEP's Board meeting minutes had highly confidential and irrelevant information redacted. Furthermore, the Consumer Advocate received the 12 unredacted pages before the Consumer Advocate's second round of discovery requests were due and had an offer from the Company to consider on April 5, 2016, any reasonable discovery requests that directly related to and stemmed from the unredacted information that was delivered to the Consumer Advocate on March 30, 2016. Given these facts, the Consumer Advocate's Motion should be denied.

Perhaps in recognition of the weakness of its Motion, at 5:03 p.m. EDT (while the Public Hearing in Kingsport was underway), the Consumer Advocate sent an email to counsel for the Company agreeing to "file the discovery requests that we have before the deadline tomorrow." However, the Consumer Advocate essentially requested to put its Motion on hold for the time being and raise it at a later time by "reserve[ing] the right to petition to make follow up, clarifying, and additional requests on issues developed from our continuing review and analysis." The crux of the Consumer Advocate's response is to abandon its current Motion at the last minute but make an identical request later. The Company requests that that the Hearing Officer deny the Consumer Advocate's request and follow the Procedural Schedule that has been in place since February 24, 2016, unless modified by the Hearing Officer or with agreement of all parties and the Hearing Officer's approval.

The Consumer Advocate's aggressive tactics do not appear to advance the Consumer Advocate's legitimate role in this case, but rather appear to be designed to harass and oppress Kingsport in this proceeding. The Consumer Advocate's attempt to unnecessarily delay should not be allowed to result in unlawfully depriving Kingsport of a hearing on the merits of its case within the statutory time period.

PREMISES CONSIDERED, Kingsport Power Company d/b/a AEP Appalachian Power requests that the Consumer Advocate's Motion be denied.

Respectfully submitted,

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

By: 

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

Joseph B. Harvey, Esq. (BPR # 028891)

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Email: jrbacha@aep.com

Email: hgarcia1@aep.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing **RESPONSE TO CONSUMER ADVOCATE'S MOTION FOR DELAY** has been served upon the following by emailing a true and accurate copy on this the 31st day of March, 2016:

Wayne M. Irvin (BPR #30946)
Assistant Attorney General
Consumer Advocate and Protection Division
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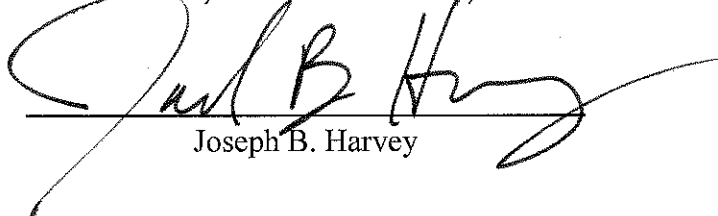
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Additionally, a hand-delivered copy of the foregoing was provided to the Hearing Officer on the 31st day of March 2016, and will be so delivered to any representative of the Consumer Advocate and Protective Division present at the Public Hearing held in Kingsport, Tennessee.

HUNTER, SMITH & DAVIS, LLP



Joseph B. Harvey

Joseph B. Harvey

From: Wayne Irvin <Wayne.Irvin@ag.tn.gov>
Sent: Thursday, March 24, 2016 3:01 PM
To: William C. Bovender; Joseph B. Harvey; Larry C Foust; Will Castle (wkcastle@aep.com); hgarcia1@aep.com
Cc: Vance Broemel; Alex Bradley; Emily Knight
Subject: 16-00001 discovery responses

Bill, thanks for sending the tracking info, the supplemental discovery response on request 159, and responses.

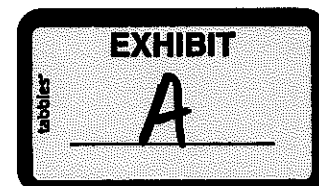
Concerning the minutes, we received the redacted paper copies. While I've only had a chance to glance at them, we appear to be missing the privilege log, and there's a reference to some information being redacted that deals with matters that do not appear to be privileged (in the supplemental response dated 3/23/16). Please provide a reference to the privilege log in the materials -- and please provide asap unredacted copies of all pages that are not privileged. We do not recall the Hearing Officer making any exception to the data request, and the only agreement between us was to not make copies (unless we told you the pages we were copying) and to keep the paper minutes and compensation studies thumb drive in a locked cabinet.

And we received the thumb drive, but have not had a chance to review it yet.

I expect that we'll have additional questions as our review progresses.

Best regards,

Wayne



S. Morris Hadden
William C. Bovender
William C. Argabrite
Jimmie Carpenter Miller
Mark S. Dessauer
Gregory K. Haden
Michael L. Forrester
Stephen M. Darden
Edward J. Webb, Jr.
James N. L. Humphreys
Suzanne Sweet Cook
Michael S. Lattier
Scott T. Powers

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Michael A. Eastridge *
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KPOW.92585

March 24, 2016

VIA EMAIL:

Wayne M. Irvin
Assistant Attorney General
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Re: Petition of Kingsport Power Company d/b/a AEP Appalachian Power General Rate Case;
TRA Docket No.: 16-00001

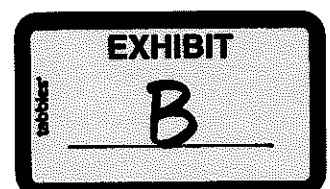
Dear Wayne:

We have passed your comments on to Hector Garcia, Esquire. Hector will be preparing and will forward the privilege log next week.

The redactions include:

- A. Discussion of legal matters, which are marked as privileged;
- B. Extraordinary sensitive commercial information unrelated to Kingsport, which, if even inadvertently released would result in significant competitive injury to American Electric Power Company and/or affiliates unrelated to this case; and
- C. Earnings information, the disclosure of which is highly restricted under SEC Rules and does not pertain to Kingsport or the issues in this proceeding.

We did not raise the issue last week that Kingsport had no control over these minutes. We, instead, attempted to comply with the Order of the Hearing Officer and move this case along.

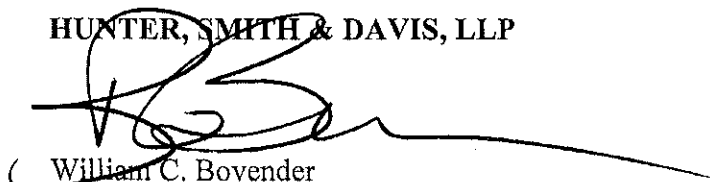


Wayne M. Irvin
Page 2
March 24, 2016

We hope the Consumer Advocate's office is working with us in good faith.

Very sincerely yours,

HUNTER, SMITH & DAVIS, LLP



William C. Bovender

c: Hector Garcia, Esq.
James R. Bacha, Esq.
William Castle
Larry Foust
Joseph B. Harvey, Esq.

Joseph B. Harvey

From: Wayne Irvin <Wayne.Irvin@ag.tn.gov>
Sent: Monday, March 28, 2016 9:40 AM
To: William C. Bovender
Cc: Hector Garcia; James R. Bacha; William K. Castle; Larry Foust; Joseph B. Harvey; Shawn E. Long; Vance Broemel; Emily Knight
Subject: RE: KgPCo General Rate Case (Privilege Log)
Attachments: 2016-03-24 L to Wayne Irvin.pdf

Bill, thank you for your letter dated March 24, 2016 (copy attached for ease of reference), concerning the corporate minutes. While we are willing to work with you on documents that are actually privileged, the Hearing Officer made no exception for the other two categories you describe in your letter (labelled as B and C) – please provide unredacted copies of the minutes in those categories asap. At this point, those documents are five days late after the compelled discovery response due date. And while, as we said, we are willing to work with you on documents that are privileged, we have noticed a number of documents that are labelled privileged, but that in context may not actually be privileged – but we will await the privilege log to take a closer look. Please provide that log asap. Best regards, Wayne

From: Shawn E. Long [mailto:slong@hsdlaw.com]
Sent: Thursday, March 24, 2016 3:42 PM
To: Wayne Irvin <Wayne.Irvin@ag.tn.gov>
Cc: Hector Garcia <hgarcia1@aep.com>; James R. Bacha <jrbacha@aep.com>; William K. Castle <wkcastle@aep.com>; Larry Foust <lcfoust@aep.com>; Joseph B. Harvey <jharvey@hsdlaw.com>; William C. Bovender <bovender@hsdlaw.com>
Subject: KgPCo General Rate Case (Privilege Log)

Good afternoon Mr. Irvin,

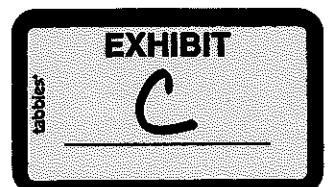
Please see attached correspondence for your review.

Please send any questions or comments directly to Mr. Bovender at bovender@hsdlaw.com or 423-378-8858.

Thank you,

HUNTER·SMITH·DAVIS
SINCE 1916 LLP

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Jimmie Carpenter Miller
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Gregory K. Haden
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KPOW.92585

March 24, 2016

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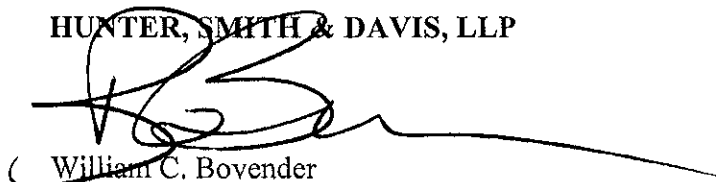
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Wayne M. Irvin
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Very sincerely yours,

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William C. Bovender

c: Hector Garcia, Esq.
James R. Bacha, Esq.
William Castle
Larry Foust
Joseph B. Harvey, Esq.

Joseph B. Harvey

From: Joseph B. Harvey
Sent: Tuesday, March 29, 2016 4:05 PM
To: Wayne Irvin; William C. Bovender
Cc: Vance Broemel; Emily Knight; Henry Walker (hwalker@babbc.com); Michael Quinan (mquinan@cblaw.com); Charles Welch (cwelch@farris-law.com); Larry Foust (lcfoust@aep.com); Wayne Allen (awallen@aep.com); William Castle (wkcastle@aep.com)
Subject: RE: 16-00001 request for delay re second round discovery requests

Wayne –

We disagree that there has been any delay in providing discovery responses to you, nor do we see any reason to change the current procedural schedule. We are going to great lengths to satisfy the CPAD's demands in a timely manner and have done so. Also, we believe your request to delay serving your discovery requests, which will shorten the time for us to respond, without even giving us an idea of what you plan to request, is unfair and unreasonable.

However, as a show of good faith, if you have any discovery requests that are directly related to, and stem solely from, non-privileged information that was redacted in the AEP Board of Director Meeting minutes we produced on March 23rd, we would be willing to consider those requests on April 5th if reasonable. The total number of pages of minutes that contained redactions based on highly sensitive commercial information is just 11 pages. These pages, which contain only a few lines of additional unredacted material unrelated to this case, will be delivered to you tomorrow (but still subject to confidential treatment) along with the privilege log. We are offering this proposal not because we believe you are entitled to, or deserve any additional time, but because we are trying to be reasonable, wish to be cooperative, and want to keep this case on its current schedule. We hope you share that goal.

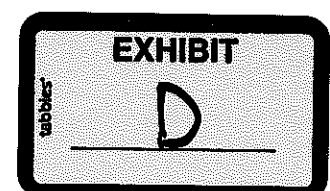
Best,

Joe

From: Wayne Irvin [<mailto:Wayne.Irvin@ag.tn.gov>]
Sent: Tuesday, March 29, 2016 2:02 PM
To: William C. Bovender; Joseph B. Harvey
Cc: Vance Broemel; Emily Knight; Henry Walker (hwalker@babbc.com); Michael Quinan (mquinan@cblaw.com); Charles Welch (cwelch@farris-law.com); Larry Foust (lcfoust@aep.com); Wayne Allen (awallen@aep.com); William Castle (wkcastle@aep.com)
Subject: 16-00001 request for delay re second round discovery requests

Bill and Joe, in view of the delay in getting the compelled discovery responses to us, would you consider a delay in providing our second round discovery requests to the company until April 5, 2016? At this time, that is the only date that we propose be changed on the procedural schedule. Please call or let me know asap. Thanks and best regards, Wayne

Wayne M. Irvin
Assistant Attorney General
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Office of the Attorney General & Reporter
Consumer Protection and Advocate Division



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