

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 19, 2016

IN RE:	)	
	)	
PETITION OF KINGSPORT POWER	)	DOCKET NO.
COMPANY D/B/A AEP APPALACHIAN POWER	)	16-00001
FOR A GENERAL RATE CASE	)	

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ORDER GRANTING CONSUMER ADVOCATE'S MOTION FOR LEAVE  
TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS

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This matter came before the Hearing Officer upon the *Consumer Advocate's Motion for Leave to Issue More than Forty Discovery Requests* ("Motion") filed by the Consumer Protection and Advocate Division of the Office of the Attorney General ("Consumer Advocate") on April 1, 2016, requesting leave to serve Kingsport Power Company d/b/a AEP Appalachian Power (the "Company" or "KPC") more than forty discovery requests pursuant to TRA Rule 1220-1-2-.11.

TRA Rule 1220-1-2-.11 states as follows:

No party shall serve on any other party more than forty (40) discovery requests including sub-parts without first having obtained leave of the Authority or a Hearing Officer. Any motion seeking permission to serve more than forty (40) discovery requests shall set forth the additional requests. The motion shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or requests for production. If a party is served with more than forty (40) discovery requests without an order authorizing the same, such party need only respond to the first forty (40) requests.

In its *Motion*, the Consumer Advocate attaches its discovery requests, approximately 302 in total, including subparts, and asserts it has good cause to issue more than forty discovery requests. The Consumer Advocate notes that it has been over 20 years since KPC has had a rate

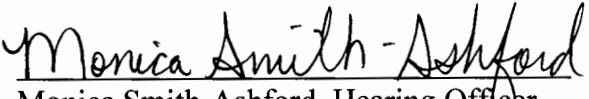
case and “the magnitude of the rate increase that KgPCo is requesting and the complexity of the issues in this general rate case justify substantial discovery by the Consumer Advocate.”<sup>1</sup>

On April 4, 2016, KPC filed *Petitioner’s Response in Opposition to Consumer Advocate Division’s Motion to Serve More than Forty (40) Discovery Requests* (“KPC Response”) stating “[t]he Company does not oppose the Consumer Advocate’s request to exceed forty (40) discovery requests for its Second Round of Discovery, but feels compelled to document for the record the unreasonable conduct of Consumer Advocate in this matter.”<sup>2</sup>

TRA Rules allow a minimum of forty discovery requests to be served upon a party. Nevertheless, upon compliance with TRA Rule 1220-1-2-.11 and a showing of good cause, the TRA has been flexible in permitting supplemental discovery to occur. In light of the foregoing, the Hearing Officer finds that the Consumer Advocate has met the requirements of the Rule by showing good cause to issue additional discovery requests to KPC. Further, the Company does not oppose the Consumer Advocate’s *Motion*. Therefore, based on these findings, the Hearing Officer grants the *Motion*.

**IT IS THEREFORE ORDERED THAT:**

The *Consumer Advocate’s Motion for Leave to Issue More than Forty Discovery Requests* is granted.

  
Monica Smith-Ashford, Hearing Officer

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<sup>1</sup> *Motion*, p. 10 (April 1, 2016).

<sup>2</sup> *KPC Response*, p. 1 (April 4, 2016).