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KPOW.92585

July 8, 2016

**VIA EMAIL & FEDEX:**

Herbert Hilliard, Chairman  
c/o Sharla Dillon, Dockets & Records Manager  
Tennessee Regulatory Authority  
502 Deaderick Street, 4th Floor  
Nashville, TN 37243

Re: Petition of Kingsport Power Company d/b/a AEP Appalachian Power General Rate Case  
TRA Docket No.: 16-00001

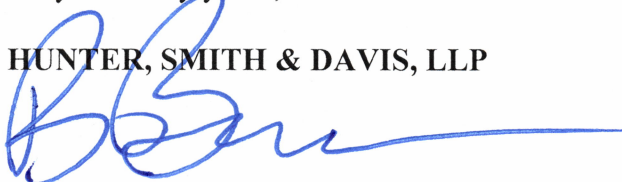
Dear Chairman Hilliard:

We transmit herewith Kingsport Power Company's Motion for Leave to Issue More than Forty Discovery Requests and Memorandum in Support. The originals and four (4) copies are being sent via Federal Express.

Please contact the writer with any questions.

Very sincerely yours,

**HUNTER, SMITH & DAVIS, LLP**



William C. Bovender

Enclosures

Sharla Dillon, Docket Manager

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July 8, 2016

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**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

IN RE:

PETITION OF KINGSPORT POWER COMPANY  
d/b/a AEP APPALACHIAN POWER  
GENERAL RATE CASE AND MOTION FOR  
PROTECTIVE ORDER

DOCKET NO. 16-00001

**MOTION FOR LEAVE TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS**

Kingsport Power Company d/b/a AEP Appalachian Power ("Kingsport"), pursuant to TRA Rule 1220-1-2-.11(5)(a), hereby submits this motion requesting permission to issue more than forty discovery requests to the Consumer Protection and Advocate Division of the Office of the Attorney General. Kingsport seeks leave of the Hearing Officer by this motion and has filed a memorandum establishing good cause for service of the additional discovery requests.

Respectfully submitted,

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

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*Attorneys for Kingsport Power Company*

*d/b/a AEP Appalachian Power*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing **MOTION FOR LEAVE TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS** has been served upon the following by emailing a true and accurate copy on this the 8<sup>th</sup> day of July, 2016:

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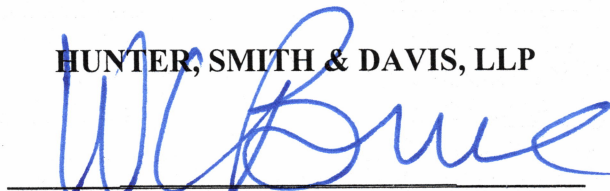
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**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

IN RE:

PETITION OF KINGSPORT POWER COMPANY  
d/b/a AEP APPALACHIAN POWER  
GENERAL RATE CASE AND MOTION FOR  
PROTECTIVE ORDER

DOCKET NO. 16-00001

**MEMORANDUM IN SUPPORT OF THE MOTION OF KINGSPORT POWER  
COMPANY d/b/a AEP APPALACHIAN POWER FOR LEAVE TO ISSUE MORE  
THAN FORTY DISCOVERY REQUESTS**

Petitioner, Kingsport Power Company d/b/a AEP Appalachian Power (“Kingsport”) has filed herewith a MOTION FOR LEAVE TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS. This Memorandum is submitted in support of said MOTION:

TRA Rule 1220-1-2-.11 permits a party to a TRA proceeding to Petition to take discovery “in accordance with the Tennessee Rules of Civil Procedure”. TRA Rule 1220-1-2-.11 (5)(a) requires that a party must obtain leave from the TRA before serving more than forty (40) requests.

This general rate case has seen the Consumer Protective and Advocate Division (“CPAD”) serve a large number of discovery requests on Kingsport. In response to the direct testimony of various Kingsport witnesses, CPAD witnesses William H. Novak, Ralph Smith, and Dr. Chris Klein have challenged significant portions of Kingsport’s case and have submitted approximately 200 pages of direct testimony and exhibits which conflict with

Kingsport's case-in-chief, requiring that Kingsport be permitted to probe the merits, or lack thereof, of that CPAD direct testimony.

Mr. Novak points out in footnote 3 of his direct testimony at page 4, that CPAD served three hundred eight (308) total discovery requests with subparts. The subjects covered by those discovery requests appear throughout the testimony of Novak, Smith and Klein and require that Kingsport test the bases for said testimony beyond that which could be derived by forty (40) discovery requests. Kingsport anticipates its discovery requests, including subparts, may exceed forty (40), but same will be nowhere close to that served on Kingsport by CPAD, and will, indeed be in the neighborhood of sixty (60) requests.

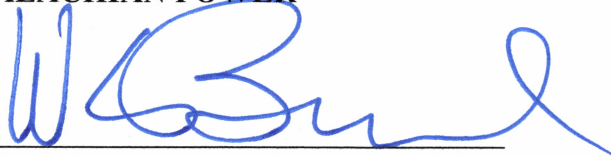
In its Memorandum In Support of its Motion For Leave To Issue More Than Forty Discovery Requests, CPAD asserted that, in good faith, it needed to serve the three hundred eight (308) requests, plus subparts, so it could "... put forth a complete case based on a factual record in order to adequately represent the interests of consumers." (Memorandum, p. 5) CPAD also notes: "...[T]he limitation of discovery to forty questions in this Docket would severely limit the Consumer Advocate's ability to analyze and present a complete case." (Id.).

Similarly, given the scope and breadth of the subject matter of the testimony of Novak, Smith, and Klein, and the fact CPAD has raised a number of issues and challenged many of the numbers put forth by Kingsport, it is imperative that Kingsport be allowed to inquire as to the validity of the Novak/Smith/Klein theories and numbers as well. Good cause exists for the Motion of Kingsport, particularly since the number of requests which exceed forty (40) will be minimal compared to CPAD.

Premises considered, Kingsport prays that its Motion to Exceed Forty Discovery Requests be granted.

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 **MEMORANDUM IN SUPPORT OF THE MOTION OF KINGSPORT POWER COMPANY d/b/a AEP APPALACHIAN POWER FOR LEAVE TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS** has been served upon the following by emailing a true and accurate copy on this the 8<sup>th</sup> day of July, 2016:

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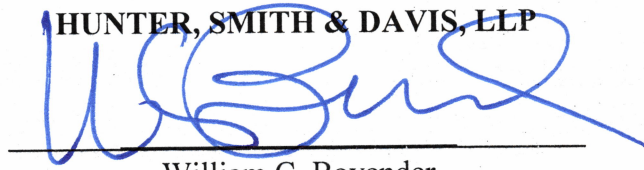
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