

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:	August 5, 2016	)	
		)	
PETITION OF KINGSPORT POWER COMPANY D/B/A		)	DOCKET NO.
AEP APPALACHIAN POWER FOR A GENERAL RATE		)	16-00001
CASE		)	

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PRE-HEARING ORDER

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This matter came before the Hearing Officer of the Tennessee Regulatory Authority (“Authority” or “TRA”) during a Pre-hearing Conference held on August 1, 2016. In accordance with Tenn. Code Ann. § 4-5-306 and TRA Rule 1220-1-2-.12, the Pre-Hearing Conference was held to resolve certain matters prior to the commencement of a hearing on the merits on the Petition for a general rate increase filed by Kingsport Power Company d/b/a AEP Appalachian Power (“Kingsport Power”), including any outstanding procedural matters or pending motions, and to establish the orderly conduct of the hearing, which is scheduled to be heard at 9:00 a.m. CDT on August 8, 2016.

All parties had representatives participating. The parties in attendance were as follows:

**Kingsport Power** – William C. Bovender, Esq. and John B. Harvey, Esq., Hunter, Smith & Davis, LLP, P.O. Box 3704, Kingsport, TN 37664.

**Consumer Advocate** – Wayne Irvin, Esq. and Vance Broemel, Esq., Office of the Attorney General, P.O. Box 20207, Nashville, TN 37202.

**ETEC** (by phone) – Michael J. Quinan, Esq., Christian & Barton, LLP, 909 East Main Street, Suite 1200, Richmond, VA 23219.

**Tennessee Solar Energy Industries Association (“TenneSEIA”)** - Henry W. Walker, Esq., Bradley Arant Boult Cummings LLP, 1600 Division Street, Suite 700, Nashville, TN 37203.

**The Alliance for Solar Choice (“TASC”)** - Henry W. Walker, Esq., Bradley Arant Boult Cummings LLP, 1600 Division Street, Suite 700, Nashville, TN 37203.

**Energy Freedom Coalition of America (“EFCA”)** – Charles B. Welch, Jr., Esq., Farris Bobango PLC, 414 Union Street, Suite 1105, Nashville, TN 37219.

## **I. PROCEDURAL MATTERS**

During the Pre-Hearing Conference, the length and timing of the order of proof was discussed. The following order of the hearing was then established and agreed upon:

### **A. NOTICE OF HEARING & PUBLIC COMMENT**

On July 29, 2016, a *Notice of Hearing* was issued notifying the public that a hearing will be held at **9:00 a.m. CDT on Monday, August 8, 2016**. Members of the public are encouraged to participate by filing written comments in the docket file and/or presenting verbal comments during the hearing.

### **A. OPENING STATEMENTS**

After any preliminary matters are considered, Kingsport, ETEC, and the Consumer Advocate will be permitted a maximum of twenty (20) minutes to present opening statements. TASC, TenneSEIA, and EFCA will have a combined total of twenty (20) minutes to present opening statements. Opening Statements will be presented by the parties in the following order: Kingsport Power, ETEC, TASC/TenneSEIA, EFCA, and Consumer Advocate.

### **B. EXHIBITS & DOCUMENTS**

The parties should exchange any demonstrative exhibits related to a witness’s pre-filed testimony by Thursday, August 4, 2016 at noon (CDT). Each party should have its own copy of all exhibits, including those appended to pre-filed testimony, available for reference during the hearing and is responsible for supplying a sufficient number of copies of any exhibits that it intends to reference or discuss with a witness. A party should use its own judgment and discretion in

determining the total number of copies to have on hand, but at a minimum, ten (10) copies of an exhibit should be provided for the court reporter, each Director on the panel, Legal Staff, and the Utilities Division staff. Additional copies will be needed to provide to the other parties.

#### **C. TECHNOLOGICAL AND OTHER SPECIAL REQUESTS**

The parties should inform the Hearing Officer of any requirements as to visual display aids and technology that might be needed during the hearing. So that the appropriate arrangements may be made, all such requests and information should be provided via email to the Hearing Officer at [monica.smith-ashford@tn.gov](mailto:monica.smith-ashford@tn.gov) by August 4, 2016.

#### **D. WITNESSES**

During direct examination, each witness for Kingsport Power will be permitted ten (10) to fifteen (15) minutes to summarize his/her pre-filed testimony; and each witness for the Consumer Advocate and ETEC will have a maximum of twenty (20) minutes each to summarize his pre-filed testimony; and TASC's witness will have a maximum of twenty (20) minutes to summarize her testimony. TenneSEIA and EFCA will not present any witnesses. In addition, each witness remains subject to recall for rebuttal purposes and should remain available throughout the length of the proceedings. The parties will provide the order in which witnesses will be called by noon (CDT) on August 3, 2016.

- **Kingsport Power** will present thirteen (13) witnesses:
  1. Isaac J. Webb, III (Direct)
  2. William K. Castle (Direct, Rebuttal, and Adoption of Direct, Pre-Filed Testimony of Garry H. Simmons)
  3. Dr. Phillip R. Daves (Direct and Rebuttal)
  4. Renee V. Hawkins (Adoption of Direct, Pre-Filed Testimony of Patrick M. Bourke and Rebuttal)

5. Philip A. Wright (Direct and Rebuttal)
  6. Jason A. Cash (Direct)
  7. Chad M. Burnett (Rebuttal)
  8. Cheryl L. Strawser (Rebuttal)
  9. Jeffrey B. Bartsch (Rebuttal)
  10. A. Wayne Allen (Direct and Rebuttal)
  11. Douglas R. Buck (Direct and Rebuttal)
  12. Teresa A. Caudill (Direct)
  13. Alex E. Vaughan (Rebuttal)
- **ETEC**
    - Stephen Baron
  - **TASC**
    - Kimberly R. Sanders
  - **Consumer Advocate** will present three (3) witnesses:
    1. William H. Novak
    2. Ralph Smith
    3. Dr. Christopher C. Klein

#### **E. EXAMINATION OF WITNESSES AND QUESTIONS BY THE AUTHORITY**

While redirect examination of a witness is allowed, the parties are reminded to limit questions on redirect to matters elicited during cross-examination that require clarification. It is not appropriate to raise new issues during redirect examination. Re-cross examination is not permitted except in the event that a new issue is raised during the immediately preceding redirect examination. The Authority's Advisory Staff has the opportunity to ask questions following cross-examination, before redirect examination. The parties should be aware that the Directors might ask

questions at any time during a witness's testimony, as well as following cross-examination.

#### **F. CLOSING ARGUMENTS**

The parties will present closing arguments and forgo filing post-hearing briefs. Closing arguments will be presented in the following order: ETEC, TASC/TenneSEIA, EFCA, Consumer Advocate, and Kingsport Power. Each party will be given a maximum of twenty (20) to twenty-five (25) minutes to present closing arguments.

#### **G. PRELIMINARY MATTERS/MOTIONS**

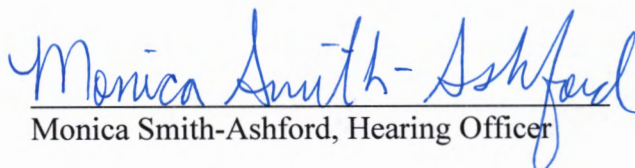
The parties should make the Hearing Officer aware of any preliminary matters as soon as possible in advance of the hearing.

#### **H. SUMMARY OUTLINE OF HEARING**

For the convenience of the presiding panel and the parties, a *Procedural Outline of Hearing* will follow the issuance of this Order.

#### **IT IS THEREFORE ORDERED THAT:**

1. The parties shall provide the order in which they will call their witnesses by noon (CDT) on August 3, 2016.
2. Parties should provide exhibit lists by noon (CDT) on August 4, 2016.
3. Requests for visual aids, the use of technology, and information concerning the technical requirements of the parties shall be provided by electronic mail to the Hearing Officer at [monica.smith-ashford@tn.gov](mailto:monica.smith-ashford@tn.gov) by August 4, 2016.
4. The hearing scheduled for **9:00 a.m. CDT on August 8, 2016**, shall be conducted in accordance with this Pre-Hearing Order unless otherwise ordered by the Chairman/Presiding Director.

  
Monica Smith-Ashford, Hearing Officer