

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE**

IN RE:

**PETITION OF KINGSPORT POWER COMPANY
D/BA/ AEP APPALACHIAN POWER FOR A
GENERAL RATE CASE – TARIFF CHANGES TO
FUEL AND PURCHASED POWER ADJUSTMENT
RIDER.**

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DOCKET NO. 16-00001

PETITION TO INTERVENE

The Consumer Advocate Division of the Office of the Tennessee Attorney General (the “Consumer Advocate”), by and through Jonathan Skrmetti, Attorney General and Reporter for the State of Tennessee, pursuant to TENN. CODE ANN. § 65-4-118, respectfully petitions the Tennessee Public Utility Commission (“TPUC” or the “Commission”) to grant the Consumer Advocate’s intervention into this proceeding because consumers’ interests, rights, duties, or privileges may be determined or affected by the *Petition of Kingsport Power Company d/b/a AEP Appalachian Power for a General Rate Case – Tariff Changes to Fuel and Purchased Power Adjustment Rider* (“Petition”) filed by Kingsport Power Company d/b/a Appalachian Power (“Kingsport Power” or the “Company”) in this Docket. For cause, the Consumer Advocate would show as follows:

1. The Consumer Advocate is authorized by TENN. CODE ANN. § 65-4-118 to represent the interests of Tennessee consumers of public utility services by initiating and intervening as a party in any matter or proceeding before the Commission in accordance with the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101, *et seq.*, and TPUC rules.

2. Kingsport Power, a public utility regulated by the Commission, distributes electric

power to approximately 50,000 retail customers in its service area, which includes the City of Kingsport, Tennessee; the Town of Mt. Carmel, Tennessee; and parts of Sullivan County, Washington County and Hawkins County, Tennessee.¹ All of Kingsport Power's electric power requirements are purchased from Appalachian Power Company.² Kingsport Power is a Virginia corporation with its principal office located in Kingsport, Sullivan County, Tennessee.³

3. The Commission approved the creation of the Fuel and Purchased Power Adjustment Rider ("FPPAR") in its *Order Approving Stipulation and Settlement Agreement*.⁴ Under the Settlement Agreement the "FPPAR Rates shall be reviewed, recalculated, and implemented no less often than annually upon a filing by the Utility."⁵ Additionally, "[n]o Party to this Settlement Agreement shall be precluded from filing any action with respect to the Utility's filing."⁶

4. On September 29, 2022, the Company filed changes to its existing tariff regarding its FPPAR charges.⁷ In its Notice to the Public, filed with the Commission, Kingsport Power states that proposed changes will result "in an approximate increase of 15.34% to 30.76% for Kingsport's residential, commercial, and industrial customers."⁸ The Company requests that its proposed

¹ *Petition of Kingsport Power Company d/b/a AEP Appalachian Power General Rate Case*, p. 2, ¶ 2, TPUC Docket No. 21-00107 (Nov. 17, 2021).

² *Id.* at p. 2, ¶ 2. The Company states that Appalachian Power Company's rates and charges are subject to the jurisdiction of the Federal Energy Regulatory Commission. *Id.*

³ *Id.*

⁴ *Order Approving Stipulation and Settlement Agreement*, p. 3, TRA Docket No. 16-00001 (Oct. 19, 2016). The Tennessee Regulatory Authority, or TRA, is the predecessor agency to the TPUC, just as the Tennessee Public Service Commission predated the TRA. While the nomenclature has changed, the scope and function of these entities has remained essentially the same.

⁵ *Id.* at Exhibit A, p. 6, ¶ 16d and Exhibit A, Attachment B, Original Sheet Number 2-13, ¶¶ 1, 3.

⁶ *Id.* at Exhibit A, p. 6, ¶ 16d.

⁷ Email from Roberta Davis, Legal Assistant with Hunter, Smith & Davis, LLC, to David Foster, Director of Utilities Division with TPUC, (Sept. 29, 2022, 12:18 CDT).

⁸ *Kingsport Power Company d/b/a AEP Appalachian Power Affidavit of Publication*, TRA Docket No. 16-00001 (Oct. 7, 2022).

FPPAR Rates become effective on November 1, 2022.⁹

5. The interests of consumers may be affected by determinations and orders made by TPUC with respect to the following; (i) the interpretation, application, and implementation of TENN. CODE ANN. § 65-5-103(a), TENN. CODE ANN. § 65-5-103(d), and other relevant statutory and regulatory provisions; (ii) the review and analysis of the Company's documentation, financial spreadsheets, and materials; and (iii) the interpretation, application, and/or implementation of the terms and conditions of the Commission's Order in TPUC Docket No. 16-00001, as well as any related settlement agreement applicable to this docket.

6. Only by participating as a party to this proceeding can the Consumer Advocate adequately carry out its statutory duty to represent the interests of Tennessee consumers.

7. Finally, the Consumer Advocate requests that the proposed tariff be suspended until a hearing in this matter is concluded.

Wherefore, the Consumer Advocate requests the Commission grant this Petition to Intervene and to grant the Consumer Advocate and the consumers of Tennessee such other relief as may be deemed appropriate under the circumstances.

Signature on following page.

⁹ Letter from William C. Bovender, Esq., Hunter, Smith & Davis, LLP, to David Foster, Director of Utilities Division with TPUC, TRA Docket No. 16-00001 (Sept. 30, 2022).

RESPECTFULLY SUBMITTED,



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Consumer Advocate's Petition to Intervene
Docket No. 16-00001 – 2022 FPPAR Tariff Changes

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by U.S. Mail, with a courtesy copy by email, upon:

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This the 28th day of October 2022.

Karen H. Stachowski / W. Permissen
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