

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**June 2, 2017**

**IN RE:**

**PETITION OF KINGSPORT POWER COMPANY  
D/B/A AEP APPALACHIAN POWER FOR  
APPROVAL OF ITS TARGETED RELIABILITY  
PLAN, AND ITS TRP & MS RIDER, AN  
ALTERNATIVE RATE MECHANISM AND  
MOTION FOR PROTECTIVE ORDER**

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**DOCKET NO.  
17-00032**

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**ORDER GRANTING PETITION TO INTERVENE FILED BY EAST TENNESSEE ENERGY  
CONSUMERS**

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This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition to Intervene of East Tennessee Energy Consumers* (“*Petition to Intervene*”) filed by East Tennessee Energy Consumers (“ETEC”) on May 4, 2017.

**RELEVANT BACKGROUND**

Kingsport Power Company d/b/a AEP Appalachian Power (“Kingsport” or the “Company”) is a public utility, subject to TPUC jurisdiction, engaged in the business of distributing electric power service to approximately 47,000 customers in its service area, which includes portions of Sullivan, Washington and Hawkins Counties, Tennessee, the City of Kingsport, Tennessee, and the Town of Mount Carmel, Tennessee. On April 19, 2017, Kingsport filed a *Petition of Kingsport Power Company d/b/a AEP Appalachian Power for Approval of its Targeted Reliability Plan, and its TRP & MS Rider, an Alternative Rate Mechanism and Motion for Protective Order General Rate Case* (“*Petition*”) seeking approval an alternative rate mechanism (“ARM”) pursuant to Tenn. Code Ann. § 65-5-103(d).

## ***ETEC’S PETITION TO INTERVENE***

ETEC is a group of Kingsport’s large industrial power customers, and its members include Air Products and Chemicals, Inc., Domtar Paper Company, Inc., Eastman Chemical Company, and Wellmont Health Systems. ETEC asserts that it would be directly and adversely impacted by the implementation of programs and ARM requested by Kingsport in its *Petition*. According to ETEC, its “members’ interests are not represented by any other party in this proceeding.”<sup>1</sup> Further, it states that its intervention will not impair the interests of justice or the orderly and prompt conduct of the proceedings. As such, ETEC requests permission to intervene and participate in this case.

## **FINDINGS AND CONCLUSIONS**

Under Tenn. Code Ann. § 65-2-107, “All persons having a right under the provisions of the laws applicable to the authority to appear and be heard in contested cases as defined in this chapter shall be deemed parties to such proceedings for the purposes of this chapter. In addition, the authority may upon motion allow any interested person to intervene and become a party to any contested case.” Along with its own statutes and rules, contested case proceedings before the Commission are governed by the provisions of Tenn. Code Ann. § 4-5-101, *et seq.*, known as the Tennessee Uniform Administrative Procedures Act (“UAPA”). Tenn. Code Ann. § 4-5-310 establishes the following criteria for considering petitions to intervene, it reads in part:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

- (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
- (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

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<sup>1</sup> *Petition to Intervene*, p. 3 (May 4, 2017).

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.

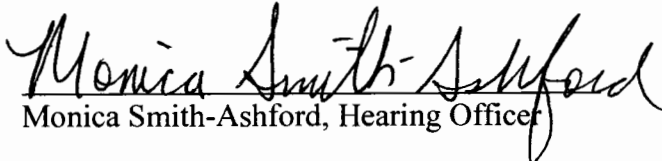
Similarly, TPUC Rule 1220-01-02-.08 directs that requests for intervention before the Commission be made and considered as follows:

- (1) Petitions for intervention shall be granted in accordance with T.C.A. § 4-5-310 and T.C.A. § 65-2-107.
- (2) A petition for intervention shall set forth with particularity those facts that demonstrate that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law. Intervention may be denied or delayed for failure to provide such specific facts.
- (3) A petition for intervention shall be filed at least seven (7) days prior to the date of the contested case hearing.

Upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of ETEC's members may be determined in this proceeding. Further, there is no objection to ETEC's intervention, and its *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer concludes that ETEC's *Petition to Intervene* should be granted.

**IT IS THEREFORE ORDERED THAT:**

1. The *Petition to Intervene of East Tennessee Energy Consumers* is granted.
2. The East Tennessee Energy Consumers may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.

  
Monica Smith-Ashford, Hearing Officer