

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

December 22, 2017

IN RE:	)	
	)	
PETITION OF KINGSPORT POWER COMPANY	)	DOCKET NO.
D/B/A AEP APPALACHIAN POWER	)	17-00087
REQUESTING THE TENNESSEE PUBLIC	)	
UTILITY COMMISSION COMMENCE A	)	
CONTESTED CASE TO RESOLVE IN	)	
KINGSPORT'S FAVOR A BOUNDARY DISPUTE	)	

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ORDER HOLDING PROCEEDINGS IN ABEYANCE

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This matter came before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) during a Status Conference held on December 1, 2017, with Kingsport Power Company d/b/a Appalachian Power Company (“KPC”) and Bristol Tennessee Essential Services (“BTES”), the parties in this matter. Both parties were represented by counsel.

At the Commission Conference held on October 23, 2017, the Commission denied BTES’s *Motion to Dismiss*, convened a contested case proceeding and appointed General Counsel or her designee as Hearing Officer to prepare the matter for hearing before the panel.<sup>1</sup> The Commission also gave the Hearing Officer the authority to consider any motions to hold the matter in abeyance if the condemnation action in Sullivan County progresses quickly. The

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<sup>1</sup> See *Order Convening a Contested Case and Denying Motion to Dismiss or Suspend Proceedings* (December 5, 2017).

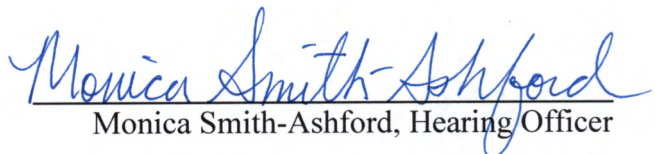
Commission also instructed the parties to keep the Commission docket updated regarding the status of the Sullivan County Circuit Court proceeding.<sup>2</sup>

On November 30, 2017, KPC filed a letter with the Commission indicating that the parties had rescheduled the Motion to Dismiss in Sullivan County Circuit Court to January 4, 2018. The Hearing Officer held a Status Conference on December 1, 2017 to discuss the status of the docket and the status of the matter in Sullivan County Circuit Court. During the Status Conference, the parties confirmed the Circuit Court hearing date on the Motion to Dismiss. The parties also stated that a date had not been set to break ground on the new school in Sullivan County.

Based on information provided by the parties, the Hearing Officer found that matters in the Sullivan County Circuit Court proceeding were not being delayed. In light of the fact that there was not a clear start date on construction of the school in Sullivan County and after considering concerns expressed by the Commission panel, the Hearing Officer concluded that this docket, including any pending motions and upcoming Procedural Schedule deadlines, should be held in abeyance pending the outcome of proceedings in Sullivan County Circuit Court. The Hearing Officer informed the parties that should further action be required by TPUC, such action would be expedited.

**IT IS THEREFORE ORDERED THAT:**

All proceedings in this matter, including but not limited to, any outstanding motions and Procedural Schedule deadlines, shall be held in abeyance pending further notice of the Commission.

  
Monica Smith-Ashford, Hearing Officer

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<sup>2</sup> *Id.*