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Filed Electronically in TPUC Docket Room on 10/23/2017

KPOW.94403

October 23, 2017

VIA EMAIL (Sharla.Dillon@tn.gov) & FEDEX

Mr. David Jones, Chairman
c/o Sharla Dillon, Dockets & Records Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243

Re: Resolution of Boundary Dispute Between Kingsport
Power Company d/b/a AEP Appalachian Power and
Bristol Tennessee Essential Services
Docket No. 17-00087

Dear Chairman Jones:

On behalf of Kingsport Power Company, we transmit herewith the following:

Motion for Temporary Injunction on Behalf of Petitioner Kingsport Power Company
d/b/a AEP Appalachian Power

Affidavit of Andrew Shaffron, Jr. in Support of Petitioner's Motion for
Temporary Injunction

Memorandum In Support Of Motion For Temporary Injunction On Behalf Of Petitioner
Kingsport Power Company D/B/A AEP Appalachian Power

Motion for Expedited Proceedings

The originals and four (4) copies of the above documents are being Hand Delivered.

Very sincerely yours,

HUNTER, SMITH & DAVIS, LLP

William C Bovender
William C. Bovender by JBH

Mr. David Jones, Chairman

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Enclosure: As enumerated

cc: Henry Walker, Esq. (w/enc.)
C. Thomas Davenport, Jr., Esq. (w/enc.)
Mark W. Smith, Esq. (w/enc.)
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Andrew Shaffon, Jr. (w/enc.)
Joseph B. Harvey, Esq. (w/enc.)

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

IN RE:)	
)	
RESOLUTION OF BOUNDARY DISPUTE)	
BETWEEN KINGSPORT POWER COMPANY)	DOCKET NO.: 17-00087
d/b/a AEP APPALACHIAN POWER AND)	
BRISTOL TENNESSEE ESSENTIAL SERVICES)	
AS AUTHORIZED BY T.C.A. § 65-34-105)	

**MOTION FOR TEMPORARY INJUNCTION ON BEHALF OF PETITIONER
KINGSPORT POWER COMPANY d/b/a AEP APPALACHIAN POWER**

Comes Petitioner, Kingsport Power Company, d/b/a AEP Appalachian Power ("KPC") and, pursuant to Rule 65.04 of the Tennessee Rules of Civil Procedure and the rules, regulations and procedures of the Tennessee Public Utility Commission ("TPUC"), moves for a temporary injunction which would enjoin Bristol Tennessee Essential Services ("BTES") from:

taking any further action to provide electric power to the site of the new Sullivan County, Tennessee high school including, but not limited to, constructing plant, basing equipment, cooperating with the construction of said school, and/or taking any further steps beyond those taken as of the date of the filing of this Motion, to provide or attempt to provide electrical service to the site, until TPUC determines whether KPC or BTES has the right and obligation to provide electric service to the school and school site pursuant to the jurisdiction granted to TPUC by T.C.A. § 65-34-105.

In support of this Motion, KPC submits the following:

- (1) Affidavit of Andrew Shaffron, Jr.;
- (2) EXHIBITS 1-13 to KPC Petition filed in this Docket, said EXHIBITS being incorporated herein by reference; and,
- (3) Memorandum in Support.

Unless restrained, BTES will continue to construct electric plant, install equipment and construct electric infrastructure for use at the new school even though BTES has no right to provide service to said school site.

The new school site is within KPC's service territory and has been since at least 1945; and, clearly said site was part of KPC's service territory as of February 16, 1989, as discussed in a certain 1989 Act, T.C.A. § 65-34-101 et seq.

Only KPC has the exclusive right and obligation to provide electric service to the school and school site. Indeed, KPC has provided service to the school site since 1947.

Immediate and irreparable injury, loss, and damage will result to KPC by reason of the continued acts by BTES to construct and maintain the electric infrastructure and sell electricity to the school, as more particularity discussed in the Petition of KPC filed in this Docket and in the supporting Affidavit of Mr. Shaffron.

The temporary injunction should remain in place until the Commission decides the boundary dispute between KPC and BTES pursuant to T.C.A. § 65-34-105. KPC has no adequate remedy at law as, without the injunctive relief sought herein, BTES will continue its

efforts to construct facilities and electric infrastructure within the exclusive service territory of KPC. TPUC should order BTES to maintain the status quo until this dispute can be resolved.

PREMISES CONSIDERED, Petitioner, Kingsport Power Company, d/b/a AEP Appalachian Power prays that the Commission grant the temporary injunction sought by this Motion and a reasonable bond.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY RELIEF

Respectfully submitted this the 23rd day of October, 2017

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

By: 

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d/b/a AEP Appalachian Power

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **Motion for Temporary Injunction on Behalf of Petitioner Kingsport Power Company d/b/a/ AEP Appalachian Power** has been served upon the following by mailing a copy of same by United States mail, postage prepaid, and by Email, as follows, on this the 23rd day of October, 2017.

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