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KPOW.94403

November 8, 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:

Petitioner Kingsport Power Company d/b/a AEP Appalachian Power's
Request for Leave to File a Reply

The original and four (4) copies are being sent via Federal Express.

Very sincerely yours,

HUNTER, SMITH & DAVIS, LLP


William C. Bovender

Enclosure: As stated

cc: Henry Walker, Esq. (w/enc.)
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Mr. David Jones, Chairman

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November 8, 2017

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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	)	

**PETITIONER KINGSPORT POWER COMPANY d/b/a AEP APPALACHIAN
POWER'S REQUEST FOR LEAVE TO FILE A REPLY**

Petitioner, Kingsport Power Company, d/b/a AEP Appalachian Power ("KPC"), pursuant to Commission Rule 1220-1-2-06(3), respectfully requests leave of the Commission or Hearing Officer to submit a brief reply to BTES's "Response" to KPC's Motions for Temporary Injunction. In support of its request, KPC would show the Hearing Officer as follows:

1. At the Conference of the Tennessee Public Utility Commission ("TPUC" or the "Commission") on October 23, 2017, the Commission convened a contested case in the above-captioned matter and appointed a hearing officer "to handle preliminary decisions, *including, but not limited to*, establishing a procedural schedule" (See Transcript, p.15, attached as Exhibit A (emphasis added).)

2. Also on October 23, 2017, Petitioner KPC filed two motions with the Commission: (1) a Motion for Temporary Injunction, and (2) a Motion for Expedited Proceedings.

3. On October 30, 2017, BTES filed what it titled a "Response of Bristol Tennessee Essential Services to Motions for Temporary Injunction and For Expedited Proceedings."

4. Despite its title, BTES's initial "Response" does not actually respond to or address KPC's request for temporary injunctive relief. Rather, BTES's initial Response dodges the issue, first by claiming that no written order has been issued, even though a transcript of the Commission's ruling at the Conference reflects the Commission's ruling. BTES's initial Response then discusses BTES's discovery requests submitted in the state court action, which have no bearing on KPC's request for a temporary injunction. BTES's initial Response also makes allegations that are factually incorrect that must be addressed for the record. KPC submits that its Reply Brief would narrow the issues and materially assist the Hearing Officer in deciding KPC's Motion for Temporary Injunction.

In addition to the foregoing, KPC attempted to persuade BTES to enter into a "maintenance of the status quo" agreement by both parties relative to any activity on the school site up through the December 12, 2017 hearing date. BTES refused and will be filing a supplemental response on Thursday, November 9, 2017 – or so KPC has been told by Attorney Walker.

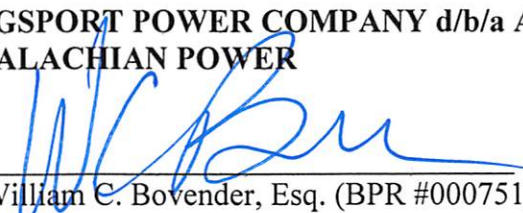
KPC respectfully requests leave to file a reply to both the currently-filed response of BTES and the supplemental response, the filing of which KPC has not opposed. KPC was also told by Attorney Walker that BTES does not oppose a reply brief being filed by KPC to its responses.

Because both Attorneys Bovender and Harvey will be at an off-site partnership meeting on Thursday and Friday, November 9 and 10, 2017, KPC requests permission to file said Reply by the end of the business day on November 14, 2017, assuming BTES files its response on November 9, 2017.

5. For these reasons, KPC respectfully requests leave to file a Reply to address BTES's responses.

Respectfully submitted this the 8th day of November, 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 **Petitioner Kingsport Power Company d/b/a/ AEP Appalachian Power's Request for Leave to File a Reply** 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 8th day of November, 2017.

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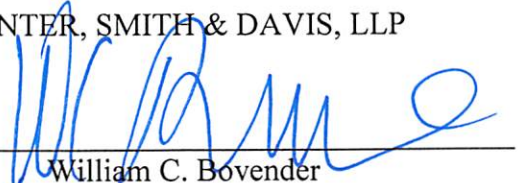
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