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KPOW.94403

November 21, 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:

First Discovery Requests of Kingsport Power Company d/b/a AEP Appalachian Power
Company Directed to Bristol Tennessee Essential Services

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

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Mr. David Jones, Chairman

Page 2

November 21, 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)	

**FIRST DISCOVERY REQUESTS OF KINGSPORT POWER COMPANY
d/b/a AEP APPALACHIAN POWER DIRECTED TO
BRISTOL TENNESSEE ESSENTIAL SERVICES**

Comes Petitioner Kingsport Power Company d/b/a AEP Appalachian Power and submits the following Discovery Requests to Bristol Tennessee Essential Services, to be responded to in accordance with the applicable Tennessee Rules of Civil Procedure.

DEFINITIONS

1. As used in this document, the terms “Bristol,” “BTES,” “you,” and/or “your” shall refer to Bristol Tennessee Essential Services, a party to this matter, including all employees, managers, supervisors, owners, agents, representatives, and other persons acting or purporting to act on its behalf.

2. As used in this document, the terms “KPC,” “Kingsport Power,” or “Petitioner” shall refer to Petitioner Kingsport Power Company d/b/a AEP Appalachian Power, including all employees, managers, supervisors, owners, agents, representatives, and other persons acting or purporting to act on its behalf.

3. As used in this document, the “Petition” means Petitioner Kingsport Power Company’s Petition filed with the Tennessee Public Utilities Commission on or about August 30, 2017 and assigned Case No. 17-00087.

4. As used in this document, the term “Browder Testimony” refers to the Pre-filed Testimony of Dr. Michael Browder filed with the Tennessee Public Utility Commission in this matter on or about November 16, 2017.

5. As used in this document, the term “New School Site” refers to those parcels of land designated by the assessor of property for Sullivan County, Tennessee, as:

- a. Tax Map 079, Parcel No. 036.00 (“Parcel 79-036.00”), see Tax Map attached as EXHIBIT A hereto;
- b. Tax Map 079, Parcel No. 036.20 (“Parcel 79-036.20”), see Tax Map attached as EXHIBIT B hereto;
- c. Tax Map 079, Parcel No. 036.15 (“Parcel 79-036.15”), see Tax Map attached as EXHIBIT C hereto; and
- d. Tax Map 064, Parcel No. 024.00 (“Parcel 64-024.00”), see Tax Map attached as EXHIBIT D hereto.

6. As used herein, Tax Map 079, Parcel No. 035.00 shall refer to that parcel of land designated by the assessor of property for Sullivan County, Tennessee with said numbers and shown in the Tax Map attached hereto as EXHIBIT E.

7. As used herein, Tax Map 064, Parcel No. 023.00 shall refer to that parcel of land designated by the assessor of property for Sullivan County, Tennessee with said numbers and shown in the Tax Map attached hereto as EXHIBIT F.

8. As used herein, “document” is used in its customary broad sense to mean every writing, record, document, or thing of every type and description that is in your possession, custody or control, whether hard copy or electronic, whether in draft or final form, and every

copy of every such writing or record where such copy contains any commentary or notation whatsoever that does not appear on the original.

9. As used herein, “relate” or “relating to,” when used with respect to a person, document, agreement, subject, or fact, means reflecting, embodying, containing, evidencing, concerning, pertaining to, regarding, reciting, recording, supporting, refuting, or referring to such matter.

10. The term “person” includes natural persons, partnerships, limited partnerships, associations, limited liability companies, leagues, corporations, companies, governments (including all instrumentalities, offices, agencies, subdivisions thereof), trusts, funds, and all other business, legal or artificial entities.

11. “Communications” means any transmission of thoughts, opinions, or information by speech, writing or signs, and includes and incorporates the definition of “document” defined above. The terms “communications” and “documents” are not intended to be mutually exclusive, and both terms should be interpreted to overlap where both definitions are applicable.

12. The word “identify” with respect to:

- a. Any natural person, means to state the full name, telephone number, and the last known residence and business addresses of the person and that person’s relationship, whether business, commercial, professional, or personal with you;
- b. Any legal person, business entity or association, means to state the full name, telephone number, and last known address of such person or entity;
- c. Any document, means to state the type of document (e.g., a letter), the title, the subject matter, the date the document bears and the date it was written; and
- d. Any oral communication, means to state the date when and the place where it was made, the identity of the person who made it, the identity of the person to

whom it was made, the identity of any other person or persons who were present or who heard it, and the substance of it.

COMPLETE ANSWERS

13. In answering these discovery requests you are requested to furnish all information available to BTES, including that which has been obtained by and that which is now in the possession of BTES's attorneys, employees, agents and other representatives, and not merely the information known by the individual(s) preparing this response.

14. If you are unable to answer any of these discovery requests fully and completely, after exercising due diligence to secure the information necessary to make such full and complete answers, so state, and in addition, answer each such discovery request to the fullest extent possible specifying your knowledge, and the reason for your inability to answer the remainder, and state whatever information or knowledge you may have concerning the answered portions thereof.

DUTY TO SUPPLEMENT

A. Each of the following discovery requests is a continuing one. If you later obtain, or become aware of, any further information responsive to any of these interrogatories, you are requested to serve upon KPC amended answers setting forth such information.

B. KPC requests that counsel for the responding party confer with counsel for all parties affected by a discovery request and make a reasonable effort to resolve any discovery disputes prior to filing a motion or seeking court intervention regarding any discovery request or objection submitted.

II.

DISCOVERY REQUESTS

REQUEST NO. 1:

Please state the date (or dates) on which BTES first began and completed installing electric distribution equipment or facilities on and to the New School Site for purposes of providing electric service to any person.

RESPONSE:

REQUEST NO. 2:

Please describe in detail what (if any) investigation BTES conducted to determine whether the New School Site was in BTES's service territory before installing electric distribution equipment or facilities across Interstate 81.

RESPONSE:

REQUEST NO. 3:

Please produce a map, drawing, diagram, or other depiction of BTES's electric distribution equipment or facilities in the vicinity of the New School Site as such equipment or facilities existed on February 16, 1989.

RESPONSE:

REQUEST NO. 4:

Please produce a map, drawing, diagram, or other depiction of BTES's electric distribution equipment or facilities in the vicinity of the New School Site as such equipment or facilities currently exist.

RESPONSE:

REQUEST NO. 5:

Please state the rate(s), and/or approximate amount on a monthly basis, BTES will charge (or anticipates charging) to supply internet service to the New School.

RESPONSE:

REQUEST NO. 6:

Please identify each and every customer of BTES that, as of February 16, 1989, was taking electricity from BTES on the New School Site, and for each customer, please provide the name, the billing address, the service address, account number, a copy of the customer's monthly bill for the billing period that included February 16, 1989, and a description of and location of the premises where such power was utilized.

RESPONSE:

REQUEST NO. 7:

Does BTES contend that it was providing electric service on February 16, 1989 to any parcel of property included within the New School Site? If so, please state each and every fact and produce each and every document relating to your contention.

RESPONSE:

REQUEST NO. 8:

Please state what electric facilities, including, without limitation, poles, transformers, conductors, capacitors, meters and similar equipment BTES owned, maintained or otherwise utilized on the parcels of land that make up the New School Property as of February 16, 1989. Please produce all system maps, drawings, work orders or job orders evidencing the existence of such facilities on February 16, 1989.

RESPONSE:

REQUEST NO. 9:

Admit that the parcels of land designated by the assessor of property for Sullivan County, Tennessee, as Tax Map 079, Parcel No. 036.00; Tax Map 079, Parcel No. 036.20; and Tax Map 079, Parcel No. 036.15 (as defined above and shown in the attached EXHIBITS A to C); are within the "Current Geographic Territory" of KPC as that term is defined in TENN. CODE ANN. § 65-34-102(1).

RESPONSE:

REQUEST NO. 10:

Admit that the parcels of land designated by the assessor of property for Sullivan County, Tennessee, as Tax Map 079, Parcel No. 035.00; and Tax Map 064, Parcel No. 023.00 (as defined above and shown in the attached EXHIBITS E to F); are within the “Current Geographic Territory” of KPC as that term is defined in TENN. CODE ANN. § 65-34-102(1).

RESPONSE:

REQUEST NO. 11:

Admit that BTES could not provide electric service to the parcel of land designated by the assessor of property for Sullivan County, Tennessee, as Tax Map 064, Parcel No. 024.00 (as defined above and shown in the attached EXHIBIT D) without placing electric distribution equipment or facilities on parcels of land that are within the “Current Geographic Territory” of KPC as that term is defined in TENN. CODE ANN. § 65-34-102(1).

RESPONSE:

REQUEST NO. 12:

Please produce a copy of each and every agreement entered into between KPC, BTES, and/or Johnson City Power Board on or after February 16, 1989 that relates in any way to the respective retail electric service areas of one or more such parties in Sullivan County, Tennessee.

RESPONSE:

REQUEST NO. 13:

Please state the date on which BTES first “realized that part of the school site might be within Kingsport’s ‘current geographic territory’ as that term is defined in T.C.A. § 65-34-102,” as stated on page 3 of the Browder Testimony.

RESPONSE:

REQUEST NO. 14:

Please identify and describe any evidence you have that the New School Site is in BTES’s “Current Geographic Territory” as that term is defined in TENN. CODE ANN. § 65-34-102(1).

RESPONSE:

REQUEST NO. 15:

Please identify and describe any evidence you have that the New School Site is not within KPC’s “Current Geographic Territory” as that term is defined in Tenn. Code Ann. § 65-34-102(1).

RESPONSE:

REQUEST NO. 16:

Please produce any and all documents or other evidence that support the assertion on page 6 of the Browder Testimony that “Kingsport had contacted the developer and persuaded him to try to get Bristol to release the area to Kingsport.”

RESPONSE:

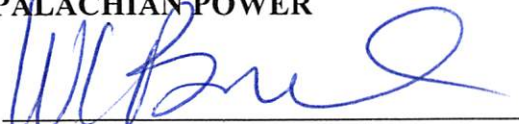
REQUEST NO. 17:

Please state the amount BTES’s anticipates charging the Sullivan County Board of Education for construction and/installation of equipment or facilities to provide permanent electric service to the New School Site.

RESPONSE:

Respectfully submitted this the 21st day of November, 2017

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

By: 

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*Attorneys for Kingsport Power Company
d/b/a AEP Appalachian Power*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **Discovery Requests Of Kingsport Power Company d/b/a AEP Appalachian Power to Bristol Tennessee Essential Services** 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 21st day of November, 2017.

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HUNTER, SMITH & DAVIS, LLP

By

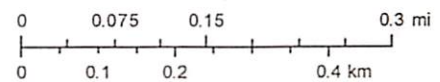

William C. Bovender

Sullivan County - Parcel: 079 036.00



Date: November 20, 2017
County: Sullivan
Owner: SULLIVAN COUNTY BOARD
Address: HENRY HARR RD 899
Parcel Number: 079 036.00
Deeded Acreage: 0
Calculated Acreage: 89
Date of Imagery: 2015

1:9,028

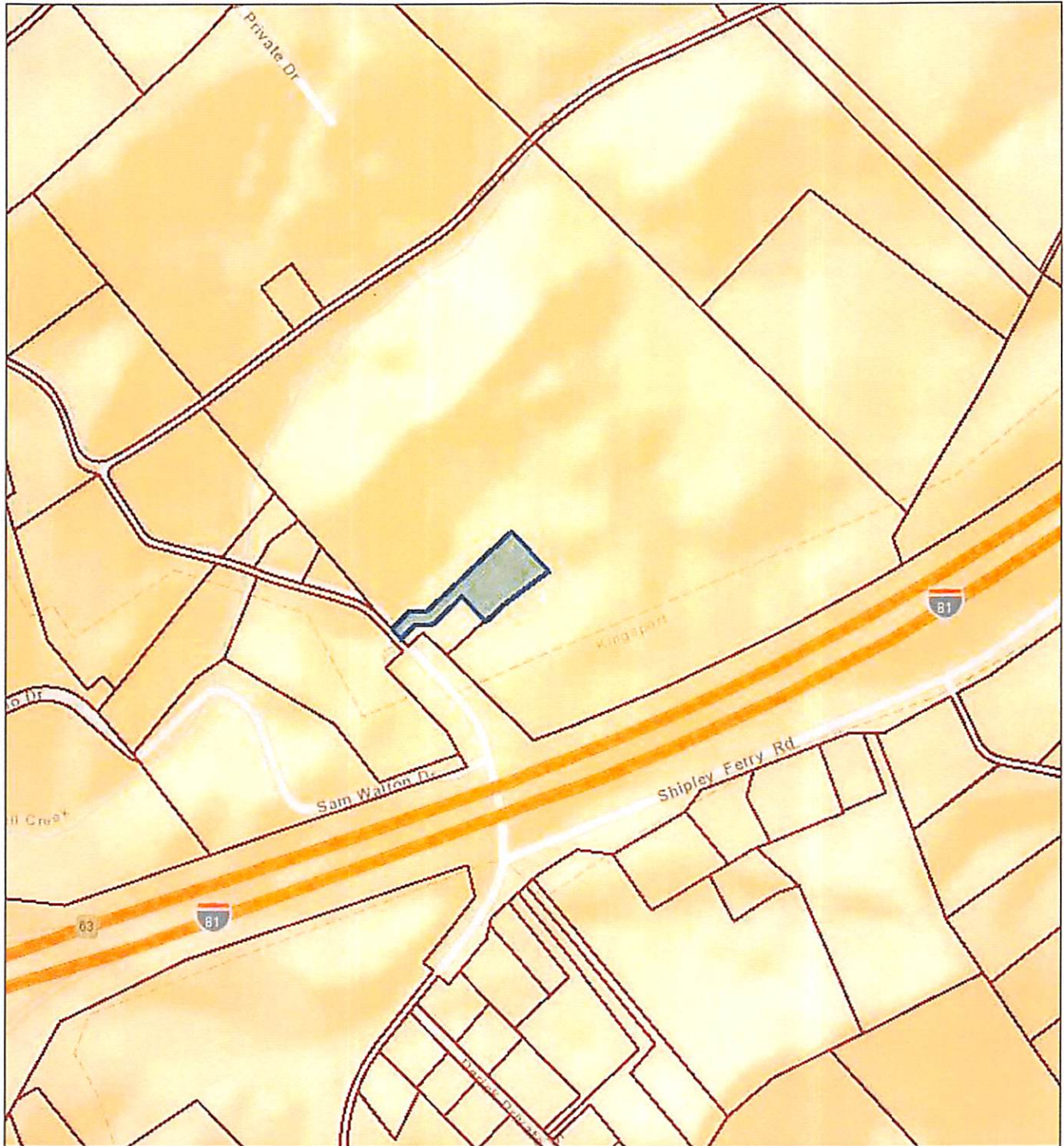


TN Comptroller - OLG
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

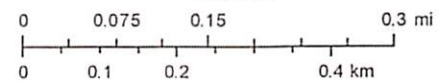
KPC 00497

Sullivan County - Parcel: 079 036.20



Date: November 20, 2017
County: Sullivan
Owner: SULLIVAN COUNTY BOARD
Address: LYNN RD 386
Parcel Number: 079 036.20
Deeded Acreage: 2.05
Calculated Acreage: 0
Date of Imagery: 2015

1:9,028



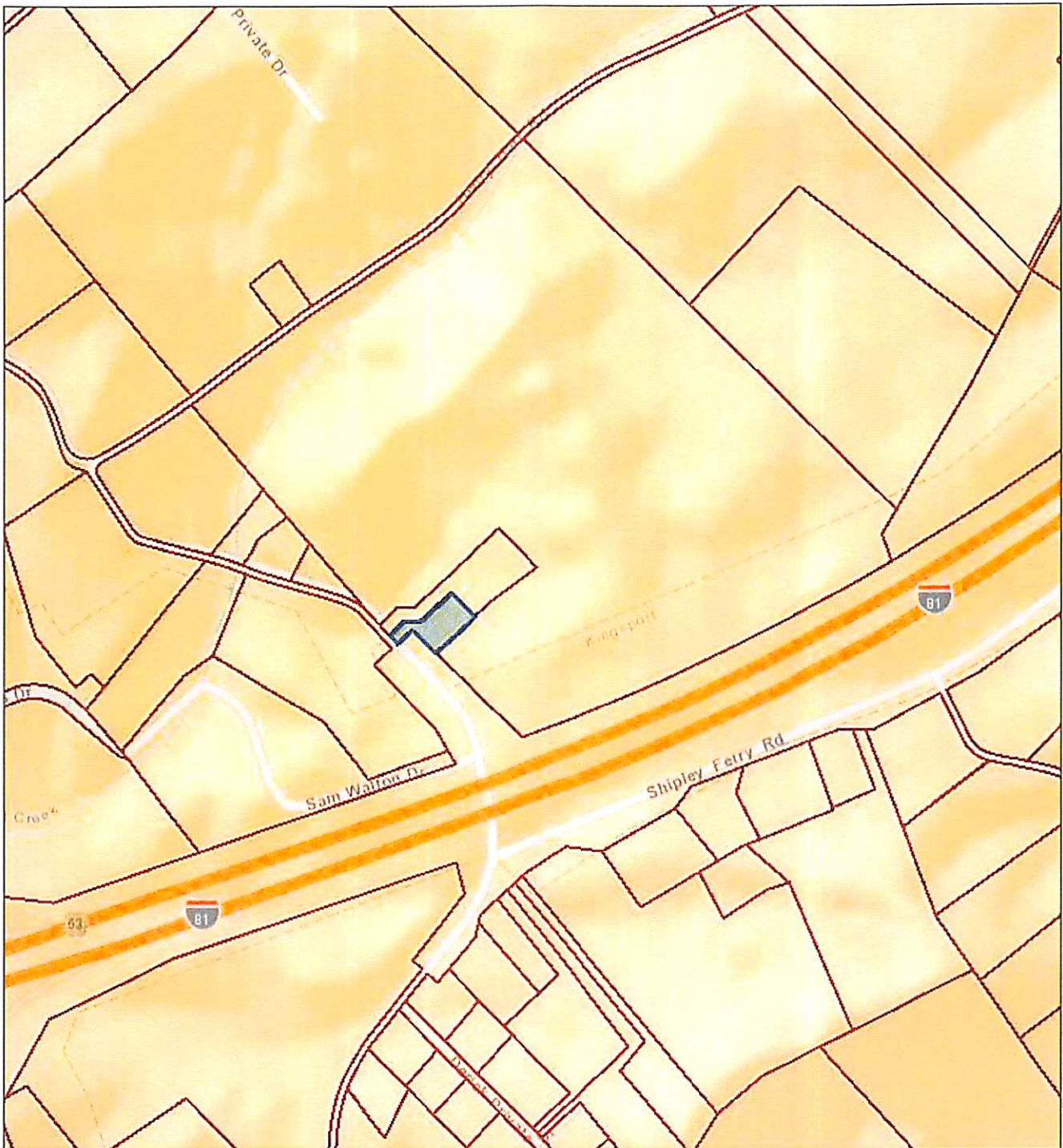
TN Comptroller - OLG
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

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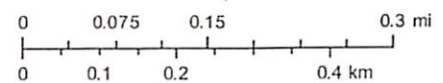
KPC 00498

Sullivan County - Parcel: 079 036.15



Date: November 20, 2017
County: Sullivan
Owner: SULLIVAN COUNTY BOARD
Address: LYNN RD 380
Parcel Number: 079 036.15
Deeded Acreage: 1.03
Calculated Acreage: 0
Date of Imagery: 2015

1:9,028

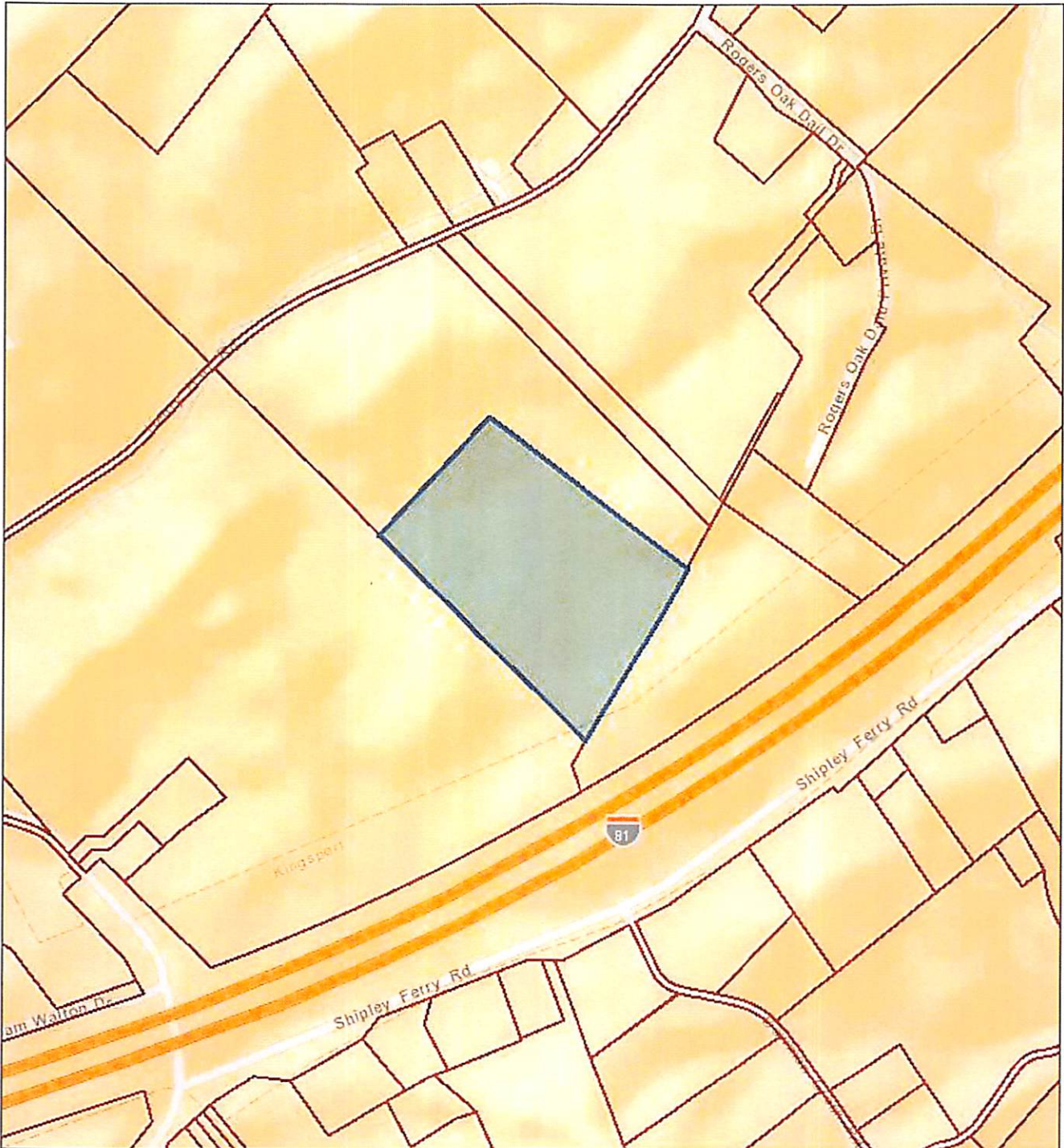


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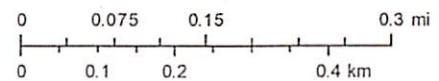
KPC 00499

Sullivan County - Parcel: 064 024.00



Date: November 20, 2017
County: Sullivan
Owner: SULLIVAN COUNTY BOARD
Address: HENRY HARR RD S OF
Parcel Number: 064 024.00
Deeded Acreage: 20
Calculated Acreage: 0
Date of Imagery: 2015

1:9,028



TN Comptroller - OLG
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

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KPC 00500

Sullivan County - Parcel: 079 035.00



Date: November 20, 2017
County: Sullivan
Owner: TALBERT OSCAR WILLIAM &
Address: RODGERS OAK DAIL PVT DR
Parcel Number: 079 035.00
Deeded Acreage: 12.94
Calculated Acreage: 0
Date of Imagery: 2015

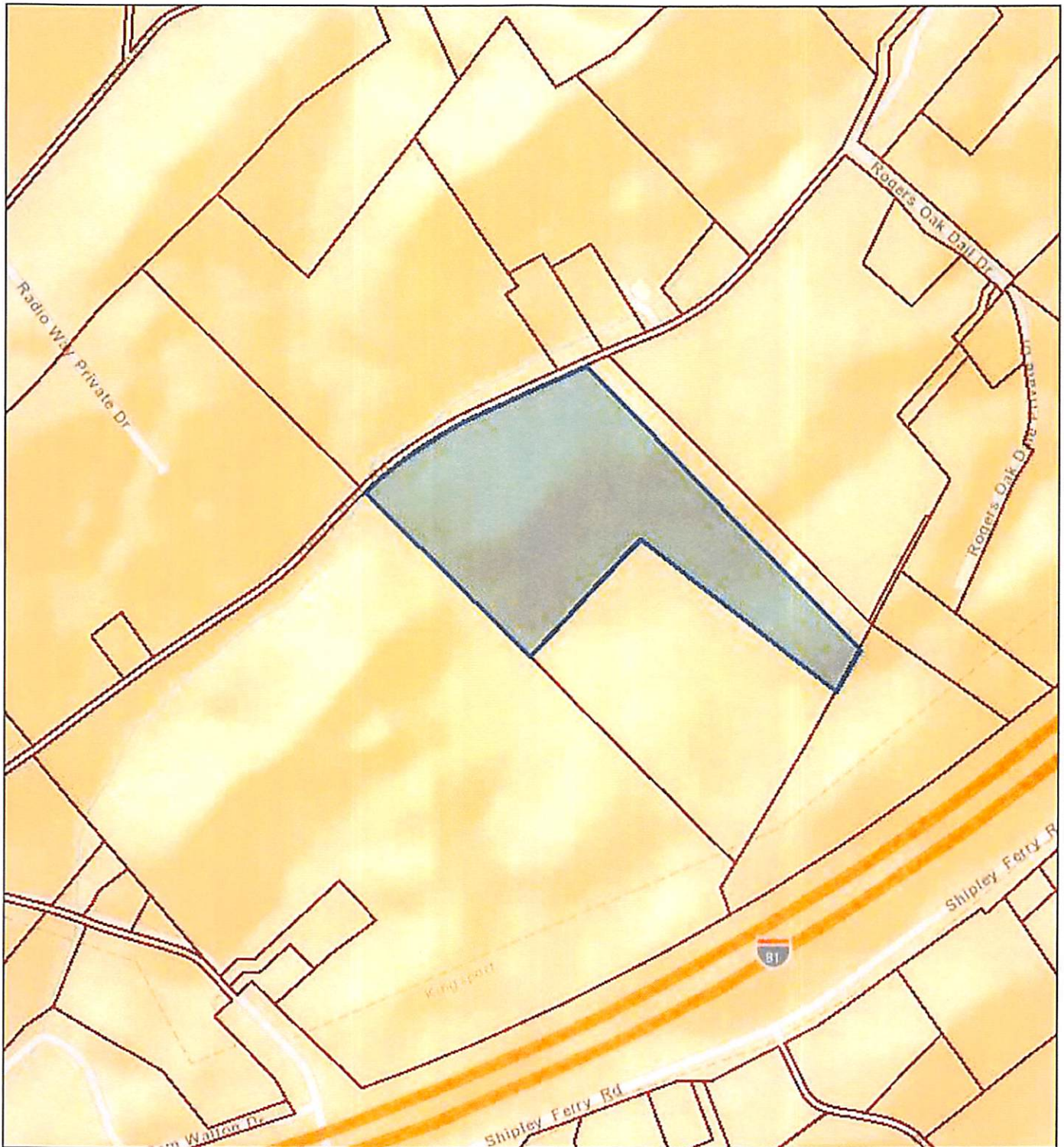


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KPC 00501

Sullivan County - Parcel: 064 023.00



Date: November 20, 2017
County: Sullivan
Owner: HARR HELEN MARIE
Address: HENRY HARR RD 743
Parcel Number: 064 023.00
Deeded Acreage: 27.25
Calculated Acreage: 0
Date of Imagery: 2015

1:9,028

0 0.075 0.15 0.3 mi
0 0.1 0.2 0.4 km



TN Comptroller - OLG
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

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KPC 00502