

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

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

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

Comes Bristol Tennessee Essential Services ("BTES") and submits the following
Responses to First Discovery Requests of Kingsport Power Company.

DISCOVERY RESPONSES

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:

*On or about July 18, 2017 a 3 phase pole and primary electric wires were installed on the
parcel sold to Sullivan County for the new High School.*

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:

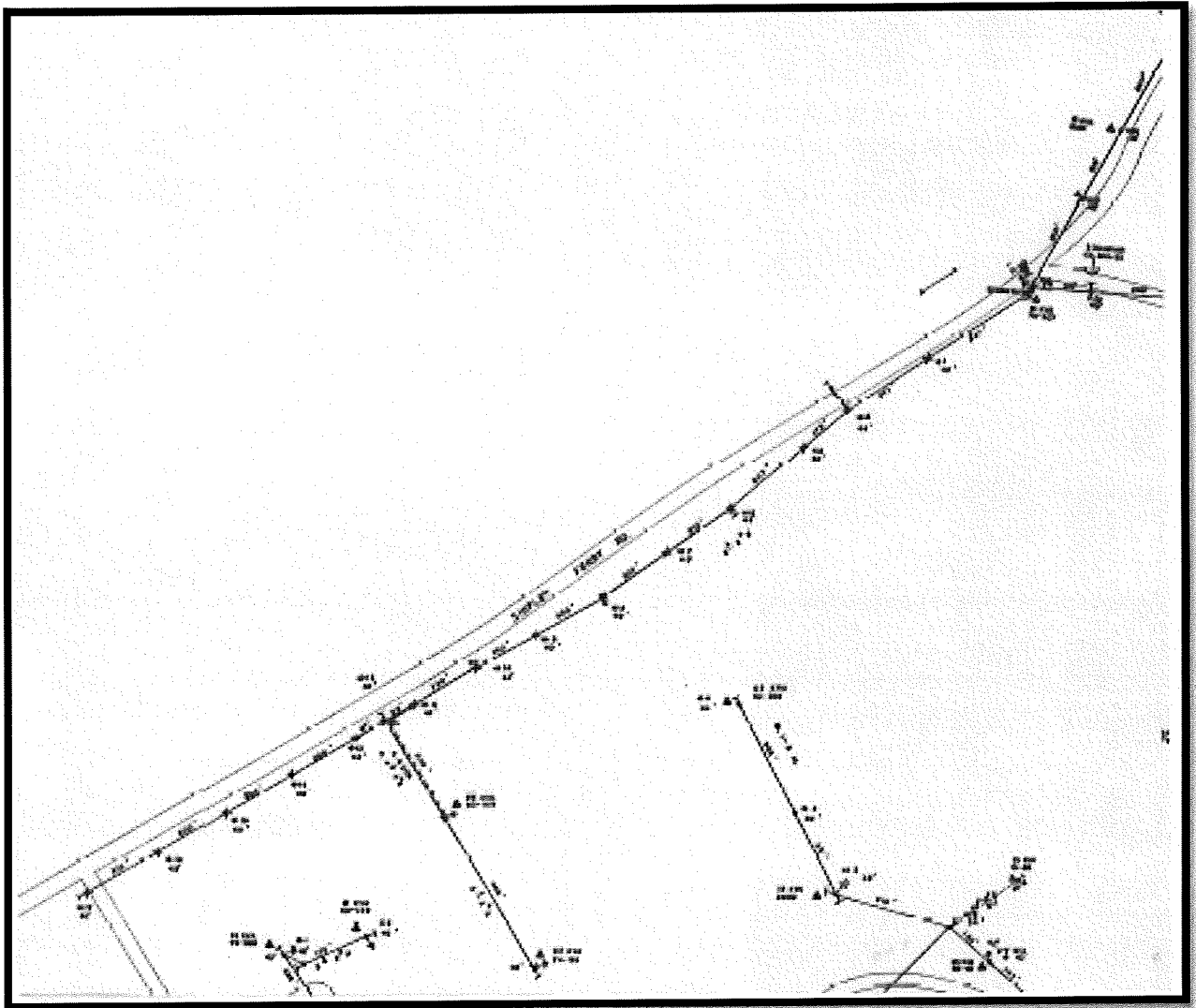
From its investigation, BTES understood that Kingsport Power did not provide service to the parcel identified as Tax Map 079, Parcel No. 036.00 nor Tax Map 064, Parcel No. 024.00 and that these parcels are located in Sullivan County but were not in the City of Kingsport. From its review of tax maps and examination of the site, BTES understood that residential power service, which appeared to have been in place for some time, was being provided to two small parcels on the school site. Those parcels are identified as Tax Map 079, Parcels No. 036.15 and 036.20. Based on school system drawings reviewed, BTES knew that those services would not be used when the school was built, and it was unlikely there would be service on those small parcels. However, it was recognized that the service area comprised by those small parcels might have to be condemned to bring the entire site within BTES service territory.

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:

Map below shows BTES service area around new high school site as of February 16, 1989.

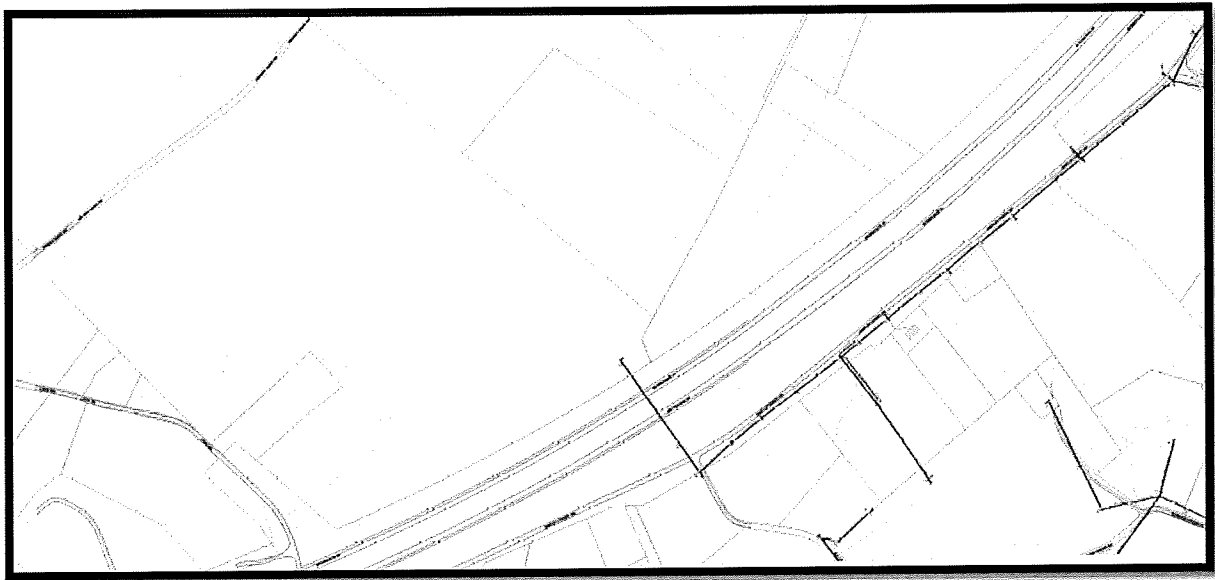


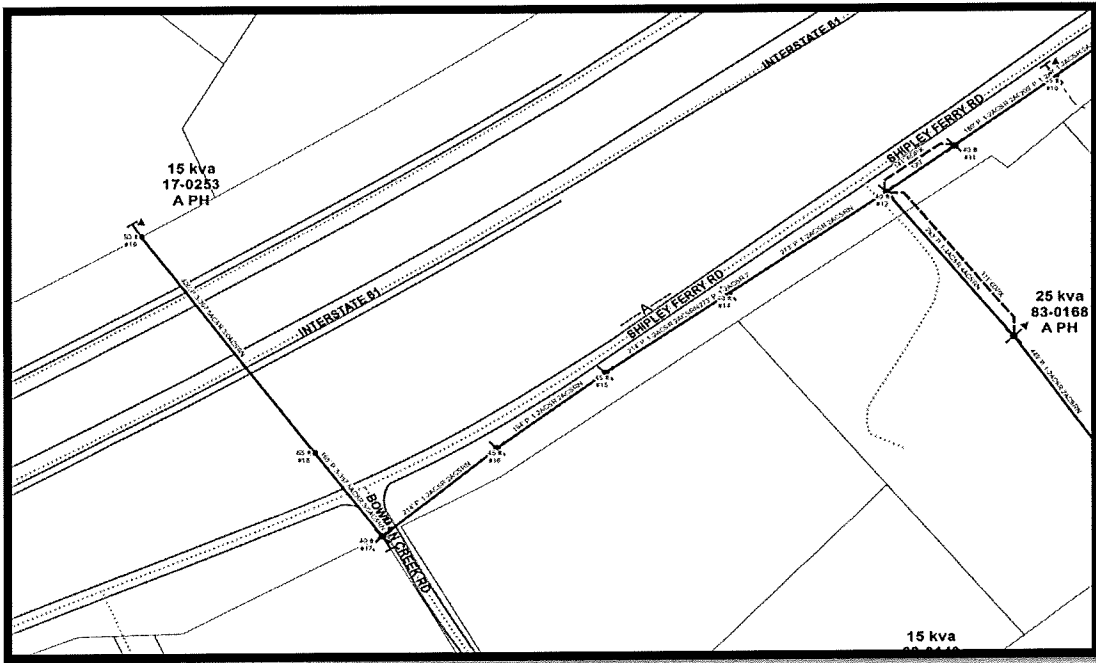
REQUEST NO. 4:

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:

Maps below shows BTES service area around new high school site as of November 28th, 2017.





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:

BTES does not now and doesn't anticipate that it will provide internet services directly to the Sullivan County Board of Education. BTES does provide fiber services to schools in Sullivan County that are within BTES' service area. A national third party provider of network services to schools purchases Virtual Local Area Network services from BTES and uses these connections to provide Internet and other data services between the schools.

In addition to providing the infrastructure for speeds up to 10 Gigabits per second if needed, if BTES is the service provider for the new high school, then all of the Sullivan County High Schools will be utilizing the fiber optic network system provided by BTES, and inter-school data traffic would not have to traverse other service providers. This would result in a significantly better quality and more reliable service to all schools. The third party provider would be able to more effectively manage their services for the schools such that data traffic from the schools could

be aggregated within a single system using the BTES fiber network. BTES does not know what the needs of the third party provider will be at this time for the new school, so we are not able to provide the rates to be charged to the provider.

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:

None.

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:

No.

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:

None.

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:

Based on information provided by Kingsport Power Company, and the 1988 Sullivan County Tax Map, BTES believes that may be true, but it has no independent knowledge of the status of power service to those properties as of February 16, 1989. Therefore, BTES has insufficient knowledge to either admit or deny.

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:

Based on information provided by Kingsport Power Company, and the 1988 Sullivan County Tax Map, BTES believes that may be true, but it has no independent knowledge of the status of power service to those properties as of February 16, 1989. Therefore, BTES has insufficient knowledge to either admit or deny.

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:

Based on information provided by Kingsport Power Company, and the 1988 Sullivan County Tax Map, BTES believes that may be true, but it has no independent knowledge of the status of power service to those properties as of February 16, 1989. Therefore, BTES has insufficient knowledge to either admit or deny.

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:

The April 19, 1989 letter of intent produced by Kingsport Power Company as Exhibit 10 to its Petition is the only known documentation of such an attempt to agree.

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:

In December of 2016 BTES learned of the proposed site on Lynn Road and went to the site to look it over. At that time it was recognized that those two parcels depicted in Exhibits B and C might well be in Kingsport Power Company's service area (as it is defined in the statute) depending on the date of installation. On November 6, 2017 copies of the 1988 and 1989 Sullivan County Tax Maps were obtained from the Tax Assessor's Office and BTES realized for the first time that Tax Map 079 Parcel 036.15 appears to have been carved out of Tax Map 079 Parcel 036.00 in the course of one or more replats after February 16, 1989.

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:

It appears that Tax Map 064 Parcel 024.00 has never been served with electricity, was outside the corporate limits of the City of Kingsport as of February 16, 1989, and is so today.

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. § 6534-102(1).

RESPONSE:

It appears that Tax Map 064 Parcel 024.00 has never been served with electricity, was outside the corporate limits of the City of Kingsport as of February 16, 1989, and is so today.

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:

In late January of 1990, the letter attached as Exhibit I hereto was received relating to the Carolina Pottery shopping center. R. Michael Browder placed a call to the author of the letter and was informed by him that he had been approached by Kingsport Power who told him that the cost of power from Kingsport Power would be fifty percent less than the cost of the same power from BTES. Mr. Berryman said that his letter of January 23, 1990, and the noted copies was the result of that contact. After a back and forth exchange of information and further study by BTES based on comparable facilities, the letter attached as Exhibit II was the result.

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:

Once the architects and engineering consultants designing the new school are ready to engage BTES on the discussion for permanent electric service, BTES will provide a preferred plan of service to the site. The BTES preferred plan of service would not have any construction or installation charges to the SCBOE. If the SCBOE would desire to make changes to the BTES preferred plan of service (that are of good engineering design practices and meet BTES requirements), additional charges may apply.

Respectfully submitted,

By:



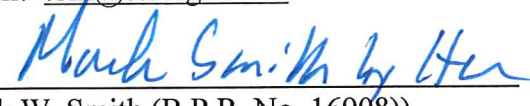
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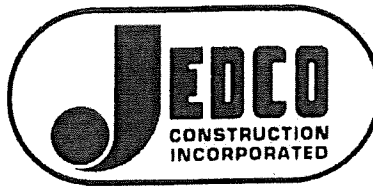
*Attorneys for Bristol Tennessee Essential
Services*

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of November, 2017, a copy of the foregoing document was served on the parties of record, via electronic delivery and U.S. Mail, postage prepaid, addressed as follows:

William C. Bovender, Esq.
Joseph B. Harvey
HUNTER, SMITH & DAVIS, LLP
1212 N. Eastman Road
P.O. Box 3740
Kingsport, TN 37664
bovender@hsdlaw.com
jharvey@hsdlaw.com


Henry Walker



P.O. BOX 31088 ZIP 27622-1088
1400 NOWELL ROAD RALEIGH, N.C. 27607

BRISTOL TENNESSEE ELECTRIC SYSTEM

January 23, 1990

Mr. R. Michael Browder
General Manager
Bristol Tennessee Electric Service
P. O. Box 549
Bristol, TN 37621

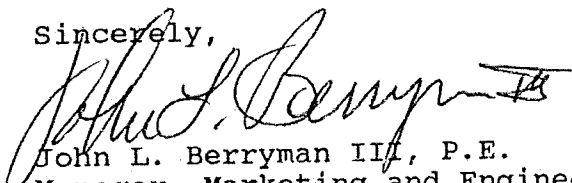
Dear Mr. Browder:

We are currently planning to develop an 87-acre site at the southwest corner of the intersection of I81 and Highway 126 for multiple uses. Our first project is planned to be an outlet shopping center.

Due to the extremely competitive nature of development, we are very sensitive to energy costs. To that end, the rate information we have available indicates that having Kingsport Power company provide electric service would help our competitive edge, making the project more viable. Based on this, we request that you allow Kingsport Electric Company to provide electric service to this site.

We appreciate your assistance on this matter.

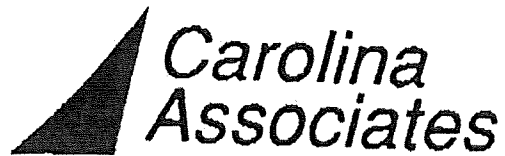
Sincerely,


John L. Berryman III, P.E.
Manager, Marketing and Engineering

JLB/smf

cc: Keith Westmoreland
Jim Fesmier
Dixon Fleming
Honorable Ned McWherter

EXHIBIT I



June 1, 1990

Mr. Mike Browder
Bristol Tennessee Electric System
P.O. Box 549
2470 Volunteer Pkwy.
Bristol, TN 37621

Dear Mike:

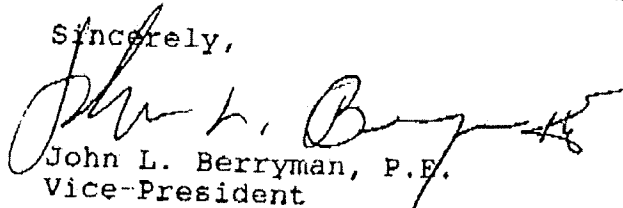
Thank you for your time and the information on projected costs.

It appears that there may be as much as 12% difference in rates in Kingsport Power's favor. However if the 8% increase comes into play in September this difference will be reduced further.

In order not to continue delaying our construction schedule we would appreciate it if you would provide power for our site at the earliest possible time. Currently, we expect to need permanent power by early August of this year.

Again thanks for your time and we look forward to a mutually beneficial relationship.

Sincerely,


John L. Berryman, P.E.
Vice-President

3117 Poplarwood Ct. • Suite 326 • Raleigh, N.C. 27604
Telephone (919)790-8500 • Fax# (919)790-8504

EXHIBIT II