

S. Morris Hadden
William C. Bovender
William C. Argabrite
Jimmie Carpenter Miller
Mark S. Dessauer
Gregory K. Haden
Michael L. Forrester
Stephen M. Darden
Edward J. Webb, Jr.
James N. L. Humphreys
Suzanne Sweet Cook
Michael S. Lattier
Scott T. Powers

Respond to:
Kingsport Office
William C. Bovender
423-378-8858
bovender@hdsdlaw.com

HUNTER·SMITH·DAVIS
SINCE 1916 LLP

Kingsport Office
1212 North Eastman Road
P.O. Box 3740
Kingsport, TN 37664
Phone (423) 378-8800
Fax (423) 378-8801

Johnson City Office
100 Med Tech Parkway
Suite 110
Johnson City, TN 37604
Phone (423) 283-6300
Fax (423) 283-6301

Leslie Tentler Ridings
Christopher D. Owens
Chad W. Whitfield
Jason A. Creech
Meredith Bates Humbert
Joseph B. Harvey
Rachel Ralston Manc
Caroline Ross Williams
Marcy E. Walker
Matthew F. Bettis
Sarah Blessing Valk
Sydney B. Gilbert
Teresa Mahan Lesnak *
Michael A. Eastridge *
Jeannette Smith Tysinger*

**Of Counsel*
www.hsdllaw.com

Electronically Filed In TPUC Docket Room on July 3, 2019 at 9:00 a.m.

KPOW.94841

July 3, 2019

VIA EMAIL (tpuc.docketroom@tn.gov) & FEDEX

Ms. Robin Morrison, Chairman
c/o Ectory Lawless, Dockets & Records Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243

Re: Petition of Kingsport Power Company d/b/a AEP
Appalachian Power for Approval of a Storm Damage
Rider Tariff (Rider SDR)
Docket No. 17-00143

Dear Chairman Morrison:

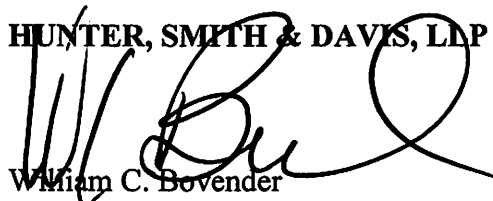
On behalf of Kingsport Power Company, we transmit herewith the following:

Motion to Withdraw Petition

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: Kelly Grams, General Counsel (w/enc.)
David Foster (w/enc.)

Via U.S. Mail and Email: Kelly.Grams@tn.gov
Via U.S. Mail and Email: david.foster@tn.gov

Ms. Robin Morrison, Chairman

Page 2

July 3, 2019

Monica L. Smith-Ashford, Esq. (w/enc.)	<i>Via U.S. Mail and Email: monica.smith-ashford@tn.gov</i>
Michael J. Quinan, Esq. (w/enc.)	<i>Via U.S. Mail and Email: mquinan@cblaw.com</i>
Karen H. Stachowski, Assistant Attorney General (w/enc.)	<i>Via U.S. Mail and Email: Karen.Stachowski@ag.tn.gov</i>
James R. Bacha, Esq. (w/enc.)	<i>Via Email: jrbacha@aep.com</i>

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE: PETITION OF KINGSPORT POWER)	
COMPANY d/b/a AEP APPALACHIAN)	
POWER FOR APPROVAL OF)	DOCKET NO.: 17-00143
A STORM DAMAGE RIDER TARIFF (RIDER SDR))	

MOTION TO WITHDRAW PETITION

Comes Petitioner, Kingsport Power Company, d/b/a AEP Appalachian Power (herein, “KgPCo” or “Kingsport”), and respectfully requests that it be allowed to withdraw the Petition it filed in this proceeding, as discussed herein:

(1) KgPCo filed its PETITION FOR APPROVAL OF A STORM DAMAGE RIDER TARIFF on December 15, 2017 before the Tennessee Public Service Commission (“TPUC”). The purpose of the filing was to seek approval of a Storm Damage Rider Tariff (“Rider SDR”) which would have allowed KgPCo to recover costs incurred as a result of a severe winter storm in January, 2013 and to allow KgPCo to recover remaining unrecovered costs incurred as a result of December, 2009, winter storms.

(2) Thereafter, on January 8, 2018, Herbert H. Slatery, III, Attorney General and Reporter for the State of Tennessee, by and through the Financial Division, Consumer Advocate Unit of the Office of the Attorney General (“Consumer Advocate”), filed a Petition to Intervene in DOCKET NO. 17-00143. Also, on January 16, 2018, a Petition to Intervene in said DOCKET was filed on behalf of East Tennessee Energy Consumers (“ETEC”). On February 7, 2018, by separate Orders, said Petitions to Intervene were granted by TPUC.

(3) On February 6, 2018, in DOCKET NO. 18-00001, TPUC, in IN RE: TENNESSEE PUBLIC UTILITY COMMISSION INVESTIGATION OF IMPACTS OF FEDERAL TAX REFORM ON THE PUBLIC UTILITY REVENUE REQUIREMENTS, ordered KgPCo and other utilities regulated by TPUC to:

“a. Track and accumulate monthly in a deferred account the portion of its revenue representing the difference between the cost of service approved by the Tennessee Public Utility Commission in its most recent rate case and the cost of service that would have resulted had the provision for federal income taxes been based on 21% rather than 35%; and

b. Calculate the excess deferred tax reserve caused by the reduction in the corporate federal income tax rate and recognize as a deferred liability the estimated reduction of the utilities' revenue requirement resulting from the 2017 Tax Cuts and Jobs Act; and,

c. Calculate and defer any other tax effects resulting from the 2017 Tax Cuts and Jobs Act on revenue requirement that are not included in the preceding calculations.”

ORDER, pages 5-6. The filing required of KgPCo was to include “...proposals to reduce rates or make other ratemaking adjustments to account for the tax benefits resulting from the 2017 Tax Cuts and Jobs Act.” *Id.* A new DOCKET, NO. 18-00038, was opened relative to KgPCo.

(4) Thereafter, on March 29, 2018, in said DOCKET NO. 18-00038, KgPCo made the requested filing in response to the TPUC Order in DOCKET No. 18-00001. In said filing, KgPCo proposed crediting its customers with tax savings by reducing or eliminating uncollected regulatory asset balances. FILING OF KINGSPORT POWER COMPANY, d/b/a AEP APPALACHIAN POWER (“KgPCo”) IN RESPONSE TO TENNESSEE PUBLIC UTILITY COMMISSION INVESTIGATION OF IMPACT OF FEDERAL TAX REFORM ON THE REVENUE REQUIREMENTS OF KgPCo, March 29, 2018. Both the Consumer Advocate and

ETEC petitioned to intervene in DOCKET NO. 18-00038; and, said Petitions were granted by TPUC. KgPCo, the Consumer Advocate, and ETEC, thereafter, agreed upon and filed a STIPULATION AND SETTLEMENT AGREEMENT on December 7, 2018. On April 18, 2019, TPUC, following a hearing, issued an Order approving the STIPULATION AND SETTLEMENT AGREEMENT.

(5) The STIPULATION AND SETTLEMENT AGREEMENT approved by TPUC in DOCKET No. 18-00038 required KgPCo "...to flow back TCJA benefits to customers as quickly as possible." To accomplish this, KgPCo was ordered to use its "Excess Unprotected ADIT amount of \$3,936,829 to offset...two regulatory asset balances...", including "Storm Damage Costs". TPUC ordered KgPCo to use "...\$1,504,282 of the Excess Unprotected ADIT to offset its deferred costs primarily associated with the 2013 winter storm. This offset eliminates the need to recover these storm damage costs through the rider proposed in TPUC Docket No. 17-00143 which benefits both Kingsport and its customers...". ORDER APPROVING STIPULATION AND SETTLEMENT, pages 9-10 (footnotes omitted).

(6) As a result of TPUC's actions in Docket No. 18-00038, all issues before TPUC in this DOCKET No. 17-00143 have, thus, been resolved.

(7) Accordingly, KgPCo seeks permission to withdraw its Petition in DOCKET NO. 17-00143 and have the DOCKET closed/dismissed by TPUC.

(8) In addition, KgPCo hereby represents to TPUC that the Intervenor in both DOCKET NO. 17-00143 and DOCKET NO. 18-00038, the Consumer Advocate and ETEC, do not object to KgPCo's MOTION TO WITHDRAW PETITION.

PREMISES CONSIDERED, Petitioner KgPCo, hereby requests TPUC permit it to withdraw its Petition in this DOCKET NO. 17-00143, and that said Docket be closed/dismissed by TPUC.

Respectfully submitted,

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

By: 

William C. Bovender, Esq. (BPR # 000751)

Joseph B. Harvey, Esq. (BPR # 028891)

HUNTER, SMITH & DAVIS, LLP

PO Box 3740

Kingsport, TN 37665

Ph: (423) 378-8858

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing *Motion to Withdraw Petition* has been served by Email and by mailing a copy of same by United States mail, postage prepaid, to below on this the 3rd day of July, 2019, as follows:

Kelly Grams, General Counsel
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243
Email: Kelly.Grams@tn.gov

David Foster, Chief-Utilities Division
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243
Email: David.Foster@tn.gov

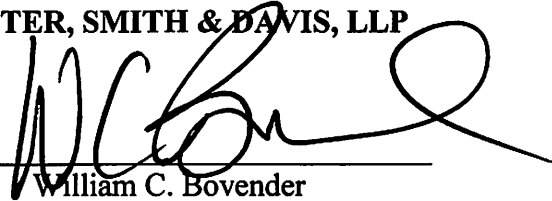
Monica L. Smith-Ashford
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243
Email: monica.smith-ashford@tn.gov

Michael J. Quinan, Esq.
Christian & Barton, LLP
909 East Main Street, Suite 1200
Richmond, VA 23219
Email: mquinan@cblaw.com

Karen H. Stachowski, Esq.
Assistant Attorney General
Office of the Tennessee Attorney General
Public Protection Section
Consumer Advocate and Protection Division
Nashville, Tennessee 37202
Email: karen.stachowski@ag.tn.gov

HUNTER, SMITH & DAVIS, LLP

By: _____


William C. Bovender