

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

February 7, 2018

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

**ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE
EAST TENNESSEE ENERGY CONSUMERS**

This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition to Intervene of East Tennessee Energy Consumers* (“*Petition to Intervene*”) filed on January 16, 2018.

RELEVANT BACKGROUND

On December 15, 2017, Kingsport Power Company d/b/a AEP Appalachian Power (“KPC”) filed a *Petition for Approval of a Storm Damage Rider Tariff (Rider SDR)* (“*SDR Petition*”). In its *SDR Petition*, KPC seeks approval to implement a Storm Damage Rider Tariff to “recover costs incurred as a result of a severe winter storm in January 2013 and to allow KgPCo [KPC] to recover remaining unrecovered costs incurred as a result of December, 2009 winter storms.”¹

EAST TENNESSEE ENERGY CONSUMERS’ (“ETEC”) *PETITION TO INTERVENE*

On January 16, 2018, ETEC filed its *Petition to Intervene* seeking to intervene in the docket. According to the *Petition to Intervene*, ETEC is a group of Kingsport’s largest Industrial

¹ *SDR Petition*, p. 1 (December 15, 2017).

Power Customers, and includes Air Products and Chemicals, Inc., Domtar Paper Company, Inc., Eastman Chemical Company, and Wellmont Health Systems.² ETEC asserts that it would be directly impacted by the implementation of the Storm Damage Rider. In addition, ETEC asserts its “members’ interests are not represented by any other party in this proceeding.”³ Further, ETEC states that its intervention will not impair the interests of justice or the orderly and prompt conduct of the proceedings.⁴ As such, ETEC requests permission to intervene and participate in this case. KPC did not oppose ETEC’s *Petition to Intervene*.

FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.⁵

² *Petition to Intervene*, p. 2 (January 16, 2018).

³ *Id.*

⁴ *Id.*


⁵ Tenn. Code Ann. § 4-5-310.

Because granting KPC's *SDR Petition* will impact the rates of ETEC members, the Hearing Officer finds that there is a sufficient factual basis to find that the legal rights or interests held by ETEC members may be determined in this proceeding.

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of ETEC members may be determined in this proceeding. There is no opposition to its intervention, and its *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer concludes that ETEC's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition to Intervene* filed by the East Tennessee Energy Consumers is granted. The East Tennessee Energy Consumers may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.


Monica Smith-Ashford, Hearing Officer