

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

January 11, 2022

IN RE:

**PETITION OF KINGSFORT POWER
COMPANY D/B/A AEP APPALACHIAN POWER
COMPANY FOR A GENERAL RATE
INCREASE**

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**DOCKET NO.
21-00107**

**ORDER GRANTING CONSUMER ADVOCATE’S MOTION FOR LEAVE
TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS**

This matter is before the Hearing Officer upon the *Consumer Advocate’s Motion for Leave to Issue More than Forty Discovery Requests* (“*Motion*”) filed by the Consumer Advocate Unit in the Financial Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on January 4, 2022, requesting leave to serve more than forty discovery requests on Kingsport Power Company d/b/a AEP Appalachian Power Company (“Kingsport Power” or the “Company”) pursuant to Tennessee Public Utility Commission (“Commission” or “TPUC”) Rule 1220-1-2-.11(5)(a). The Consumer Advocate also filed a *Memorandum in Support of the Consumer Advocate’s Motion for Leave to Issue more than Forty Discovery Requests* (“*Memo*”) on January 4, 2022.

In its *Memo*, the Consumer Advocate states it seeks to present a complete case to the Commission. The Consumer Advocate maintains that Kingsport Power seeks a \$14.4 million increase to its base rates; therefore, substantial discovery is necessary, and “[a]ccordingly, the Consumer Advocate’s requests are reasonable and meet the ‘good cause’ standard alone.”¹ In addition, the Consumer Advocate maintains that “[t]he consequences of the denial of the additional discovery requested would include the inability of the Consumer Advocate to test the merits of

¹ *Memo*, pp. 4-5 (January 4, 2022).

Kingsport's proposed rates. Therefore, the Consumer Advocate would not have the ability to develop fully prepared positions on the myriad of issues presented in the Petition."² According to the Consumer Advocate, "[w]ithout the requested discovery – and without receiving discovery responses in the format requested – the Consumer Advocate will be severely constrained in representing the interests of households that constitute Kingsport's consumers."³

TPUC Rule 1220-1-2-.11 (5)(a) provides as follows:

No party shall serve on any other party more than forty (40) discovery requests including sub-parts without first having obtained leave of the Commission or a Hearing Officer. Any motion seeking permission to serve more than forty (40) discovery requests shall set forth the additional requests. The motion shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or requests for production. If a party is served with more than forty (40) discovery requests without an order authorizing the same, such party need only respond to the first forty (40) requests.

TPUC Rules allow a minimum of forty discovery requests to be served upon a party. Nevertheless, upon compliance with TPUC Rule 1220-1-2-.11(5)(a) and a showing of good cause, the Commission has been flexible in permitting supplemental discovery to occur. In light of the foregoing, the Hearing Officer finds that the Consumer Advocate has met the requirements of the Rule by showing good cause to issue additional discovery requests to Kingsport Power. Further, the Company filed a response to the *Motion* on January 6, 2022 stating it did not object the *Motion*. Therefore, based on these findings, the Hearing Officer grants the *Motion*.

IT IS THEREFORE ORDERED THAT:

The *Consumer Advocate's Motion for Leave to Issue More than Forty Discovery Requests* is **GRANTED**.



Monica Smith-Ashford, Hearing Officer

² *Id.* at 5.

³ *Id.*