



Michael J. Quinan
Direct Dial: (804) 799-4127
Facsimile: (804) 780-1813
E-mail: mquinan@t-mlaw.com

100 Shockoe Slip, Richmond, Virginia 23219-4140
Telephone: 804.649.7545 Facsimile: 804.780.1813
Website: www.t-mlaw.com

January 12, 2022

Via Electronic Filing & UPS 2-Day

David Foster, Chief – Utilities Division
c/o Tory Lawless
Dockets and Records Manager
Tennessee Public Utility Commission
502 Deaderick St., 4th Floor
Nashville, TN 37243

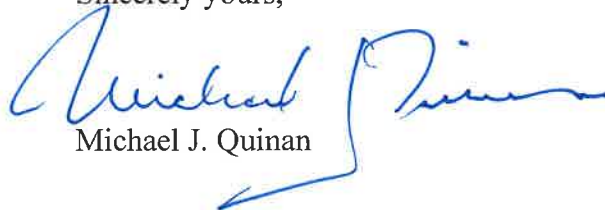
Re: PETITION OF KINGSPORT POWER COMPANY d/b/a AEP APPALACHIAN
POWER COMPANY FOR A GENERAL RATE INCREASE
(Docket No. 21-00107)

Dear Ms. Lawless:

Enclosed please find an original and four copies of East Tennessee Energy Consumers' Motion to Modify Scope of Previously Issued Protective Order to be filed on behalf of East Tennessee Energy Consumers in the above-referenced docket.

Thank you for your kind attention to this request.

Sincerely yours,



Michael J. Quinan

MJQ
Enclosures

cc: Mr. William C. Bovender
Mr. Joseph B. Harvey
Mr. James R. Bacha
Mr. Vance L. Broemel
Ms. Rachel C. Bowen
Ms. Noelle J. Coates

TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE

In Re:

PETITION OF KINGSFORT POWER
COMPANY d/b/a AEP APPALACHIAN
POWER COMPANY FOR A GENERAL
RATE INCREASE

Docket No. 21-00107

**EAST TENNESSEE ENERGY CONSUMERS' MOTION
TO MODIFY SCOPE OF PREVIOUSLY ISSUED PROTECTIVE ORDER**

East Tennessee Energy Consumers (“ETEC”), by counsel, pursuant to Tenn. Code Ann. §§ 65-2-101 *et seq.* and the Tennessee Public Utility Commission’s (the “Commission’s”) Rules and Regulations of Practice and Procedure, 1220-01-01-01 *et seq.*, hereby moves to modify the scope of the Commission’s protective order issued on September 17, 2021 (“Protective Order”) so that its protections and obligations extend to and be binding upon ETEC should ETEC be allowed to participate as party to this case. In support of this motion, ETEC states as follows:

1. This proceeding was instituted upon the petition of Kingsport Power Company, d/b/a AEP Appalachian Power (“Kingsport” or “Company”) for a general rate case.
2. On September 10, 2021, Kingsport filed a petition for issuance of a protective order to govern the Company’s own confidential and proprietary information and trade secrets filed in support of the rate changes and other relief that Kingsport is seeking in this case.
3. On September 17, 2021, the Commission issued the Protective Order, which provides, in relevant part, that “[i]f other Parties are permitted to intervene, they will be allowed access to [the Company’s] Confidential Information only to the extent and under the conditions permitted by a separate order consistent with this [Protective] Order.”¹

¹ Protective Order ¶ 5.

4. Contemporaneously with the instant motion, ETEC is filing a petition for leave to participate as a party to this proceeding (“Petition to Intervene”).

5. As noted in its Petition to Intervene, ETEC must undertake discovery to properly evaluate the implications of the Company’s proposals in this case, and to determine and address the reasonableness of such proposals. In view of Kingsport’s representations that its requests for relief in this case are supported by confidential information and documents (defined as “Confidential Information” in the Protective Order),² ETEC’s ability to access such Confidential Information is integral to its proper evaluation of the Company’s Petition and the various issues that are or may be presented in the course of this proceeding.

WHEREFORE, ETEC respectfully requests that the Commission, if it grants ETEC’s accompanying Petition to Intervene, issue a second order expanding the scope of the Protective Order such that its terms apply to ETEC. A proposed order is attached as Exhibit A for the Commission’s consideration.

Respectfully submitted,

**EAST TENNESSEE ENERGY
CONSUMERS**

Dated: January 12, 2022

By: 

Michael J. Quinan

(Tenn. Sup. Ct. No. 11104)

ThompsonMcMullan, P.C.

100 Shockoe Slip, Third Floor

Richmond VA 23219

Tel.: (804) 799-4127

mquinan@t-mlaw.com

Counsel for East Tennessee Energy Consumers

² Protective Order ¶ 1.A.

CERTIFICATE OF SERVICE


I certify that, on January 12, 2022, this document was served by prepaid U.S. Mail, and by electronic mail, on the following:

William C. Bovender, Esq.
Joseph B. Harvey, Esq.
Hunter, Smith & Davis, LLP
P.O. Box 3740
Kingsport, TN 37655
bovender@hdsdlaw.com
jharvey@hdsdlaw.com

Vance L. Broemel, Esq.
Rachel C. Bowen, Esq.
Office of the Tennessee Attorney General
Financial Division, Consumer Advocate Unit
P.O. Box 20207
Nashville, TN 37202-0207
vance.broemel@ag.tn.gov
rachel.bowen@ag.tn.gov

James R. Bacha, Esq.
American Electric Power Service Corp.
1 Riverside Plaza
Columbus, OH 43215
jrbacha@aep.com

Noelle J. Coates, Esq, Senior Counsel
American Electric Power Service Corp.
Three James Center
1051 E. Cary Street, Suite 1100
Richmond, VA 23219-4029
njcoates@aep.com



Michael J. Quinan

TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE

In Re:

PETITION OF KINGSPORT POWER
COMPANY d/b/a AEP APPALACHIAN
POWER COMPANY FOR A GENERAL
RATE INCREASE

Docket No. 21-00107

[PROPOSED] **ORDER**

East Tennessee Energy Consumers (“ETEC”) filed a motion (“Motion”) to modify the scope of the protective order that was issued in this case on September 17, 2021 (“Protective Order”). Contemporaneously with its Motion, ETEC filed a petition seeking leave to participate as a party to this proceeding. By separate order, that petition was granted.

Upon consideration of the Motion and the record of this case, for the reasons that justified issuance of the Protective Order as stated therein, and finding good cause to do so, the Commission hereby grants the Motion as follows:

Going forward, ETEC shall be subject to the Protective Order as though it were expressly named, as were Kingsport Power Company, d/b/a AEP Appalachian Power and the Consumer Advocate Unit in the Financial Division of the Office of the Tennessee Attorney General, in paragraph 5 of the Protective Order.

Monica Smith-Ashford,
Hearing Officer

This ____ day of _____, 2022