

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

January 24, 2022

IN RE:

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

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DOCKET NO.
21-00107

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 by the East Tennessee Energy Consumers (“ETEC”) on January 12, 2022.

ETEC’S *PETITION TO INTERVENE*

On January 12, 2022, ETEC, a group consisting of three of Kingsport Power Company d/b/a AEP Appalachian Power’s (“Kingsport”) largest industrial power customers, filed a *Petition to Intervene* seeking to intervene as a party in this docket. Members of ETEC take service under Kingsport’s Industrial Power rate schedules. ETEC asserts that “ETEC’s members are directly interested in the issues to be decided in this case, including those relating to the reasonableness and implementation of any rate changes that the Commission may approve and the allocation of rate responsibility among the Company’s customer classes.”¹ In addition, ETEC maintains that

¹ *Petition to Intervene*, p. 2 (January 12, 2022).

“...because there is no other party that exclusively represents the interests of its members, ETEC’s participation as a party to this contested case is in the public interest.”² There is no opposition to 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.³

The Hearing Officer finds that the determinations made in this docket will directly impact ETEC’s members. Therefore, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of ETEC’s members may be determined in this proceeding. Further, the Hearing Officer finds that there is no opposition to ETEC’s

² *Id.*

³ Tenn. Code Ann. § 4-5-310.

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 of 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.

A handwritten signature in black ink, reading "Monica Smith-Ashford". The script is cursive and fluid, with the first name "Monica" being the most prominent.

Monica Smith-Ashford, Hearing Officer