

2. Kingsport Power, a public utility regulated by the Commission, distributes electric

power to approximately 50,000 retail customers in its service area, which includes the City of Kingsport, Tennessee; the Town of Mt. Carmel, Tennessee; and parts of Sullivan County, Washington County and Hawkins County, Tennessee.¹ All of Kingsport Power's electric power requirements are purchased from Appalachian Power Company.² Kingsport Power is a Virginia corporation with its principal office located in Kingsport, Sullivan County, Tennessee.³

3. The Commission approved the creation of the Fuel and Purchased Power Adjustment Rider ("FPPAR") in its *Order Approving Stipulation and Settlement Agreement*.⁴ Under the Settlement Agreement the "FPPAR Rates shall be reviewed, recalculated, and implemented no less often than annually upon a filing by the Utility."⁵ Additionally, "[n]o Party to this Settlement Agreement shall be precluded from filing any action with respect to the Utility's filing."⁶

4. On September 29, 2022, the Company filed changes to its existing tariff regarding its FPPAR charges.⁷ In its Notice to the Public, filed with the Commission, Kingsport Power states that proposed changes will result "in an approximate increase of 15.34% to 30.76% for Kingsport's residential, commercial, and industrial customers."⁸ The Company requests that its proposed

¹ *Petition of Kingsport Power Company d/b/a AEP Appalachian Power General Rate Case*, p. 2, ¶ 2, TPUC Docket No. 21-00107 (Nov. 17, 2021).

² *Id.* at p. 2, ¶ 2. The Company states that Appalachian Power Company's rates and charges are subject to the jurisdiction of the Federal Energy Regulatory Commission. *Id.*

³ *Id.*

⁴ *Order Approving Stipulation and Settlement Agreement*, p. 3, TRA Docket No. 16-00001 (Oct. 19, 2016). The Tennessee Regulatory Authority, or TRA, is the predecessor agency to the TPUC, just as the Tennessee Public Service Commission predated the TRA. While the nomenclature has changed, the scope and function of these entities has remained essentially the same.

⁵ *Id.* at Exhibit A, p. 6, ¶ 16d and Exhibit A, Attachment B, Original Sheet Number 2-13, ¶¶ 1, 3.

⁶ *Id.* at Exhibit A, p. 6, ¶ 16d.

⁷ Email from Roberta Davis, Legal Assistant with Hunter, Smith & Davis, LLC, to David Foster, Director of Utilities Division with TPUC, (Sept. 29, 2022, 12:18 CDT).

⁸ *Kingsport Power Company d/b/a AEP Appalachian Power Affidavit of Publication*, TRA Docket No. 16-00001 (Oct. 7, 2022).

FPPAR Rates become effective on November 1, 2022.⁹

5. The interests of consumers may be affected by determinations and orders made by TPUC with respect to the following; (i) the interpretation, application, and implementation of TENN. CODE ANN. § 65-5-103(a), TENN. CODE ANN. § 65-5-103(d), and other relevant statutory and regulatory provisions; (ii) the review and analysis of the Company's documentation, financial spreadsheets, and materials; and (iii) the interpretation, application, and/or implementation of the terms and conditions of the Commission's Order in TPUC Docket No. 16-00001, as well as any related settlement agreement applicable to this docket.

6. Only by participating as a party to this proceeding can the Consumer Advocate adequately carry out its statutory duty to represent the interests of Tennessee consumers.

7. Finally, the Consumer Advocate requests that the proposed tariff be suspended until a hearing in this matter is concluded.

Wherefore, the Consumer Advocate requests the Commission grant this Petition to Intervene and to grant the Consumer Advocate and the consumers of Tennessee such other relief as may be deemed appropriate under the circumstances.

Signature on following page.

⁹ Letter from William C. Bovender, Esq., Hunter, Smith & Davis, LLP, to David Foster, Director of Utilities Division with TPUC, TRA Docket No. 16-00001 (Sept. 30, 2022).

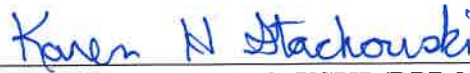
RESPECTFULLY SUBMITTED,



JONATHAN SKRMETTI (BPR No. 031551)

Attorney General and Reporter

State of Tennessee



KAREN H. STACHOWSKI (BPR No. 019607)

Senior Assistant Attorney General

MASON C. RUSH (BPR No. 039471)

Assistant Attorney General

Office of the Tennessee Attorney General

Consumer Advocate Division

P.O. Box 20207

Nashville, Tennessee 37202-0207

Phone: (615) 741-2357

Fax: (615) 741-8151

Email: Mason.Rush@ag.tn.gov

Email: Karen.Stachowski@ag.tn.gov

Consumer Advocate's Petition to Intervene
Docket No. 16-00001 – 2022 FPPAR Tariff Changes

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by U.S. Mail, with a courtesy copy by email, upon:

William C. Bovender
Joseph B. Harvey
Hunter, Smith & Davis, LLP
P.O. Box 3704
Kingsport, TN 37664
Phone: (423) 378-8800
Email: bovender@hdsdlaw.com
Email: jharvey@hdsdlaw.com

Noelle J. Coates
American Electric Power Service
Three James Center
Suite 1100 1051 E. Cary Street
Richmond, VA 23219-4029
Phone: (804) 698-5541
Email: njcoates@aep.com

William K. Castle
American Electric Power Service
Three James Center
1051 E. Cary Street – Suite 1100
Richmond, VA 23219-4029
Phone: (804) 698-5540
Email: wkcastle@aep.com

James R. Bacha
American Electric Power Service
1 Riverside Plaza
Columbus, OH 43215
Phone: (614) 716-1615
Email: jrbacha@aep.com

This the 28th day of October 2022.

Karen H. Stachowski / W. Permissen
KAREN H. STACHOWSKI
Senior Assistant Attorney General