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VIA EMAIL (tpuc.docketroom@tn.gov) & FEDEX

Herbert H. Hilliard, Chairman
c/o Ectory Lawless, Dockets & Records Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243

Re: Petition of Kingsport Power d/b/a AEP Appalachian Power for a General Rate Case
– Tariff Changes to Fuel and Purchased Power Adjustment Rider
Docket No.: 22-00111

Dear Chairman Hilliard:

We submit herewith electronically for filing the *Motion to File Reply Brief to Consumer Advocates Response to Motion to Dismiss on or Before November 16, 2022* relative to the above-styled proceeding.

The original and four copies will be sent on via Federal Express. Please file in the Docket.

Very sincerely yours,

HUNTER, SMITH & DAVIS, LLP



William C. Bovender

Enclosure

cc: Kelly Grams, General Counsel (w/enc.)
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BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

IN RE:

PETITION OF KINGSPORT POWER COMPANY
D/BA/ AEP APPALACHIAN POWER FOR A
GENERAL RATE CASE -TARIFF CHANGES TO
FUEL AND PURCHASED POWER ADJUSTMENT RIDER

Docket No.: 22-00111

**MOTION TO FILE REPLY BRIEF TO CONSUMER ADVOCATE'S RESPONSE TO
MOTION TO DISMISS ON OR BEFORE NOVEMBER 16, 2022**

Comes Kingsport Power Company d/b/a AEP Appalachian Power ("Kingsport") and, intending to file a Reply Brief, requests up to and through Wednesday, November 16, 2022, within which to reply to the CONSUMER ADVOCATE'S RESPONSE IN OPPOSITION TO MOTION TO DISMISS.

Kingsport moved to dismiss the Petitions to Intervene in the original Docket No. 16-0001, filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General ("Consumer Advocate") and East Tennessee Energy Consumer ("ETEC"), which Petitions Kingsport contends are untimely and should be denied for that and other reasons.

Kingsport was subsequently informed by email from the Honorable Hearing Officer that those Petitions would be granted. Then, the Consumer Advocate responded to Kingsport' Motion to Dismiss.

Kingsport requires to reply to the response of the Consumer Advocate and any response to be filed by the ETEC. However, in order for fairness and due process to prevail, it is necessary for the Hearing Officer to set the deadline for any ETEC response to be Wednesday, November 9, 2022, to be followed by a reply deadline on behalf of Kingsport on Wednesday, November 16, 2022.

Moreover, the tariff, which has been approved by the Commission, should not be suspended. The tariff is a true-up mechanism and suspending the tariff implemented on November 1, 2022, will result in a larger increase later. Moreover, to the extent any adjustment is later found to be necessary, which Kingsport disputes, that adjustment can be made as part of a subsequent true up after it has been found to be appropriate.

FOR GOOD CAUSE SHOWN.

Respectfully submitted,

KINGSPORT POWER COMPANY
d/b/a AEP APPALACHIAN POWER

BY: 

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **MOTION TO FILE REPLY BRIEF TO CONSUMER ADVOCATES RESPONSE TO MOTION TO DISMISS ON OR BEFORE NOVEMBER 16, 2022** has been served upon the following by emailing a copy of same as follows, on this the 4th day of November, 2022.

Karen H. Stachowski, Esq.

Vance L. Broemel, Esq.

Office of the Tennessee Attorney General

Public Protection Section

Consumer Protection and Advocate Division

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