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April 24, 2024

## Via Electronic Filing & UPS 2-Day

Electronically Filed in TPUC Docket Room on April 24, 2024 at 2:17 p.m.

Dr. Kenneth C. Hill, Chairman c/o Tory Lawless Dockets and Records Manager Tennessee Public Utility Commission 502 Deaderick St., 4<sup>th</sup> Floor Nashville, TN 37243

Re:

PETITION OF KINGSPORT POWER COMPANY d/b/a AEP APPALACHIAN POWER COMPANY FOR JANUARY, 2023 DECEMBER, 2023 ANNUAL RECOVERY UNDER THE TARGETED RELIABILITY PLAN AND MAJOR STORM RIDER ("TRP&MS"), ALTERNATIVE RATE MECHANISMS APPROVED IN DOCKET NO. 17-00032

(Docket No. 24-00010)

#### Dear Chairman Hill:

Enclosed please find one original and four copies of *Petition to Intervene of the East Tennessee Energy Consumers*, in the above-referenced docket. In addition, we have enclosed the \$25.00 filing fee.

Sincerely yours

Michael J. Quinan, TN BPR No. 011104

MJQ Enclosures

cc: Certificate of Service

## TENNESSEE PUBLIC UTILITY COMMISSION NASHVILLE, TENNESSEE

In Re:

PETITION OF KINGSPORT POWER COMPANY d/b/a AEP APPALACHIAN POWER COMPANY FOR JANUARY, 2023 -DECEMBER, 2023 ANNUAL RECOVERY UNDER THE TARGETED RELIABILITY PLAN AND MAJOR STORM RIDER ("TRP&MS"), ALTERNATIVE RATE MECHANISMS APPROVED IN DOCKET NO. 17-00032 Docket No. 24-00010

# PETITION TO INTERVENE OF THE EAST TENNESSEE ENERGY CONSUMERS

East Tennessee Energy Consumers ("ETEC"), by counsel, pursuant to Tenn. Code Ann. §§ 4-5-310 and 65-2-107 and the Rules and Regulations of the Tennessee Public Utility

Commission ("TPUC" or the "Commission"), hereby petitions the Commission for leave to intervene as a party of record in the above-captioned proceeding because the interests, rights, duties, or privileges of the ETEC members may be determined or affected by the Petition of Kingsport Power Company d/b/a AEP Appalachian Power for January, 2023 -December, 2023

Annual Recovery Under The Targeted Reliability Plan And Major Storm Rider ("TRP&MS"),

Alternative Rate Mechanisms Approved In Docket No. 17-00032 ("Petition") filed by Kingsport Power Company d/b/a Appalachian Power ("Kingsport Power" or the "Company") in this

Docket. In support of its petition, ETEC states as follows:

1. Kingsport Power, a public utility regulated by the Commission, distributes electric power to approximately 49,000 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.<sup>1</sup> All of Kingsport Power's electric power requirements are purchased from Appalachian Power Company.<sup>2</sup> Kingsport Power is a Virginia corporation with its principal office located in Kingsport, Tennessee.<sup>3</sup>

- 2. On March 5,2024, the Company filed the instant Petition to request recovery of \$5,917,276 of deferred actual Targeted Reliability Plan ("TRP") costs and Major Storm ("MS") expenses that are not offset by cumulative TM&MS revenues and have not been recovered through base rates.<sup>4</sup>
- 3. The Company proposes to recover the TRP&MS costs beyond the amount recovered through base rates by means of the TRP&MS Rider, approved as an alternative rate mechanism in TPUC Docket No. 17-00032.<sup>5</sup>
- 4. On March 22, 2024, the Consumer Advocate Division of the Office of Attorney General filed a Petition to Intervene in this proceeding.
- 5. ETEC is a coalition of three of the Company's largest Industrial Power customers in Tennessee: Air Products and Chemicals, Inc.; Domtar Paper Company, Inc.; and Eastman Chemical Company. Accordingly, the interests of ETEC and its members may be affected by the Commission's orders and determinations in this proceeding, including as to the following:

  (i) the interpretation, application, and implementation of Tenn. Code Ann. §§ 65-5-103 and other

Petition of Kingsport Power Company d/b/a AEP Appalachian Power for January 2023 Through December 2023 Annual Recovery, Under the Targeted Reliability Plan and Major Storm Rider (TMP&MS") Alternative Rate Mechanisms Approved in Docket No. 17-00032 ("Petition"), p. 2, TPUC Docket No. 24-00010, (March 5, 2024).

Id. at 3. The Company states that Appalachian Power Company's rates and charges are subject to the jurisdiction of the Federal Energy Regulatory Commission. Id.

<sup>&</sup>lt;sup>3</sup> *Id.* at 2.

<sup>&</sup>lt;sup>4</sup> *Id.* at 1, 4.

<sup>&</sup>lt;sup>5</sup> Petition at 3 and Direct Testimony of Jason E. Baker on Behalf of Kingsport Power Company d/b/a AEP Appalachian Power, at 2,TPUC Docket No. 24-00010 (March 5, 2024) (attached to Petition); Direct Testimony of John A. Stevens on Behalf of Kingsport Power Company d/b/a AEP Appalachian Power, at 2, TPUC Docket No. 24-00010 (March 5, 2024) (attached to Petition).

relevant authorities; and (ii) the analysis and significance of Kingsport Power's documentation

and workpapers, financial records and spreadsheets, and other materials offered in support of rate

proposals at issue in the case.

6. ETEC must undertake discovery to properly evaluate the implications of the

Company's proposals and address the reasonableness of such proposals.

7. Accordingly, and because there is no other party that exclusively represents the

interests Industrial Power customers of the Company, ETEC's participation as a party in this

contested case is in the public interest.

8. Granting ETEC's petition will not impede the prompt and orderly conduct of

these proceedings or otherwise prejudice or impair the interests of justice. ETEC does not seek

any change to the Proposed Procedural Schedule submitted by Kingsport and the Consumer

Advocate.

9. If ETEC's petition is granted, copies of all notices, correspondence, pleadings,

orders, and other materials or communications filed or distributed to parties in this matter should

be addressed to ETEC's legal counsel, as follows:

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WHEREFORE, ETEC respectfully requests that the Commission enter an order granting

this petition and allowing ETEC to participate as a party in this case and granting such other

relief as may be deemed appropriate under the circumstances.

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Respectfully submitted,

EAST TENNESSEE ENERGY CONSUMERS

Bv:

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(Tenn. Sup. Ct. No. 11104)

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Counsel for East Tennessee Energy Consumers

## **CERTIFICATE OF SERVICE**

I certify that, on April 24, 2024 this document was served by electronic mail, on the following:

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