

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION  
NASHVILLE, TENNESSEE**

<b>IN RE:</b>	<b>May 21, 2024</b>	)	
		)	
<b>PETITION OF KINGSPORT POWER COMPANY</b>		)	<b>DOCKET NO.</b>
<b>d/b/a AEP APPALACHIAN POWER FOR JANUARY</b>		)	<b>24-00010</b>
<b>2023 THROUGH DECEMBER 2023 ANNUAL</b>		)	
<b>RECOVERY UNDER THE TARGETED</b>		)	
<b>RELIABILITY PLAN AND MAJOR STORM RIDER</b>		)	
<b>(“TRP&amp;MS”), ALTERNATIVE RATE</b>		)	
<b>MECHANISMS APPROVED IN DOCKET NO.</b>		)	
<b>17-00032</b>		)	

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**ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE  
EAST TENNESSEE ENERGY CONSUMERS**

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This matter is before the Administrative Judge 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 April 24, 2024.

**ETEC’S *PETITION TO INTERVENE***

On April 24, 2024, 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 “the interests of ETEC and its members may be affected by the Commission’s orders and determinations in this proceeding.”<sup>1</sup> According to ETEC, “ETEC must undertake discovery to properly evaluate the implications of the

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<sup>1</sup> *Petition to Intervene*, p. 2 (April 24, 2024).

Company's proposals and address the reasonableness of such proposals."<sup>2</sup> In addition, ETEC maintains that "...because there is no other party that exclusively represents the interests [of] Industrial Power customers of the Company, ETEC's participation as a party in this contested case is in the public interest."<sup>3</sup> 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.<sup>4</sup>

The Administrative Judge finds that the determinations made in this docket will directly impact ETEC's members. Therefore, upon due consideration, the Administrative Judge concludes

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<sup>2</sup> *Id.* at 3.

<sup>3</sup> *Id.*

<sup>4</sup> Tenn. Code Ann. § 4-5-310.

that the legal rights, duties, privileges, immunities or other legal interest of ETEC's members may be determined in this proceeding. Further, the Administrative Judge finds that there is no opposition to ETEC's 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 Administrative Judge 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.

  
Monica Smith-Ashford, Administrative Judge