

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE**

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

**CONSUMER ADVOCATE’S RESPONSES TO
KINGSPORT’S FIRST SET OF DISCOVERY REQUESTS**

The Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”), by and through counsel, pursuant to Rules 26, 33, and 34 of the Tennessee Rules of Civil Procedure, Tennessee Public Utility Commission (“TPUC” or the “Commission”) Rule 1220-1-2-.11, and the Agreed Procedural Schedule entered by the Hearing Officer in this Docket, hereby submits its responses to the *First Set of Discovery Requests of Kingsport Power Company* (“Kingsport” or the “Company”) filed on May 30, 2024.

General Objections

All of the General Objections made herein are applicable to and are hereby incorporated into each and every response herein, and each response herein is made subject to and without waiver of these General Objections.

- A. The Consumer Advocate objects to each of the Company’s requests on the grounds that each is overly broad, unduly burdensome, and oppressive.
- B. The Consumer Advocate objects to the Company’s discovery requests to the extent that they purport to impose the obligations upon the Consumer Advocate beyond

those contemplated by the Tennessee Rules of Civil Procedure, TPUC Rules, and Tennessee law.

- C. The Consumer Advocate objects to each of the Company's requests to the extent that each purports to call for information and/or documents prepared in anticipation of litigation, and/or information and/or documents protected by the attorney-client privilege, the work product doctrine, the common-interest doctrine, or any other applicable protection or privilege.
- D. The Consumer Advocate objects to each of the Company's requests to the extent that they are not applicable in the context of a proceeding before the TPUC, cite an incorrect legal conclusion, or mischaracterize or improperly summarize statements made by the Consumer Advocate's expert witnesses in their pre-filed direct testimonies.
- E. By providing the objections contained herein, the Consumer Advocate does not waive or intend to waive, but rather, intends to preserve, all objections with regard to competence, relevance, materiality, and admissibility of the discovery information or documents in any subsequent proceeding on the related subject matter. Moreover, the Consumer Advocate intends by this set of responses to preserve all objections to vagueness, ambiguity, and undue burden in connection with requests to produce documents, including those that are not in the Consumer Advocate's possession, custody, or control.
- F. The responses made herein are made to the best of Consumer Advocate's present knowledge after a reasonably diligent search for responsive information. The Consumer Advocate will supplement its responses in line with the requirements of the Tennessee Rules of Civil Procedure as well as TPUC Rules and expressly reserves its right to supplement or amend its answers, if and as appropriate, including with respect to objections that may arise at a later time than this filing.

Without waiving these General Objections as they apply to each individual request, the Consumer Advocate presents the following responses:

CONSUMER ADVOCATE'S RESPONSES

1-1. Supporting Data. Reference Consumer Advocate Witness Novak's testimony at page

7 and provide the following information:

- a. Please provide the methodology or rationale for the determination (inclusion or exclusion) of members of the "Kingsport Power Tennessee Peer Group."**
- b. Please explain how the members of the Peer Group are "similarly situated."**

RESPONSE:

- a. The fourteen members of the “Kingsport Power Tennessee Peer Group” were first identified in Mr. Novak’s testimony in Docket No. 17-00032 at 8:17 - 19, Table 1 and FN9. Although there is no specific mention in this testimony as to how these specific members were chosen, it is Mr. Novak’s recollection that they were selected based on their geographic proximity to Kingsport, Tennessee.
- b. As stated above, the members of the “Kingsport Power Tennessee Peer Group” are in relatively close geographic proximity to Kingsport, Tennessee. As a result, these 14 members would generally be faced with the same vegetation management constraints that Kingsport Power experiences.

1-2. Supporting Data. Please provide any data or analysis performed that quantifies the level of vegetation management spending of each of the Peer Group utilities for each of the years 2017-2022.

RESPONSE:

Neither the Consumer Advocate nor Mr. Novak has any data that quantifies the level of vegetation management spending by each member of the Peer Group, and no such data has been cited in Mr. Novak’s testimony in this Docket.

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

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

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This the 6th day of June, 2024.



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