

October 19, 2021

VIA E-FILING

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: *Athens Utilities Board v. Tennessee Valley Authority*, Docket Nos. EL21-40-000,
TX21-1-000

Dear Ms. Bose:

We write to make three brief points regarding the Petitioners' motion for leave to supplement the record, which they filed on Friday, October 15, 2021, the day after the Commission placed this case on the agenda for the upcoming open meeting this Thursday.

First, the timing of the motion suggests that the Petitioners think the proffered supplements to the record should be factored into the Commission's consideration of this case culminating at the Commission's October 21 open meeting. That would be unfair and unlawful. By rule, any party has 15 days to file an answer to this motion—a deadline falling well after the Commission's open meeting. The Commission needs to await the filing of timely answers before acting on the motion. The Commission therefore should not rely on the new material attached to the motion unless and until the motion is granted. We plan to file a timely answer (unless Commission action before the due date makes the motion moot).

Second, TVA's provision of delivered power service to Volunteer Energy Cooperative is governed by a power contract between the two. TVA has honored and is honoring all of its commitments under that contract, and Volunteer has not claimed otherwise. TVA's service to Volunteer already meets a high standard for reliability. TVA has recently made a number of investments in elements of the TVA transmission grid supporting service to Volunteer, with plans to make additional such investments in the near future. TVA has not sought and is not seeking to penalize Volunteer for filing the petition that began this case.

Third, the Petitioners should publicly file an unredacted version of their submission. We see no basis for any of these redactions, which appear crafted to give the impression that something problematic—but secret—has happened. Not so. As we look forward to explaining in our answer to the motion, the Petitioners' mischaracterization of TVA's actions does not support their attempt to distort the record.

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Respectfully submitted,

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cc: Service List (by email)