

**BASS BERRY SIMS**

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February 11, 2022

**Via Electronic Filing and U.S. Mail**

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February 11, 2022 at 1:06 p.m.

Hon. Kenneth C. Hill, Chairman  
c/o Ectory Lawless, Docket Manager  
Tennessee Public Utility Commission  
502 Deaderick Street, 4th Floor  
Nashville, TN 37243  
[tpuc.docketroom@tn.gov](mailto:tpuc.docketroom@tn.gov)

***Re: Petition of Jackson Sustainability Cooperative to Determine if a Certificate of  
Convenience and Necessity Is Needed  
Docket No. 21-00061***

Dear Chairman Hill:

Enclosed please find a copy of Tennessee Electric Cooperative Association's Second Set of Discovery Requests to Jackson Sustainability Cooperative.

Should you have any questions concerning the enclosed, please do not hesitate to contact me.

Sincerely,



Matthew J. Sinback

Enclosure

cc: All Counsel of Record

**BEFORE THE  
TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

<b>THE APPLICATION OF JACKSON</b>	)	
<b>SUSTAINABILITY COOPERATIVE</b>	)	
<b>FOR A DETERMINATION OF</b>	)	
<b>EXEMPTION AND IN THE</b>	)	Docket No. 21-00061
<b>ALTERNATIVE, FOR A CERTIFICATE</b>	)	
<b>OF PUBLIC CONVENIENCE AND</b>	)	
<b>NECESSITY</b>	)	

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**TENNESSEE ELECTRIC COOPERATIVE ASSOCIATION’S SECOND SET OF  
DISCOVERY REQUESTS TO JACKSON SUSTAINABILITY COOPERATIVE**

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Tennessee Electric Cooperative Association (“TECA”) respectfully submits the following discovery requests to Petitioner Jackson Sustainability Cooperative (“JSC”), to be answered in writing in accordance with the parties’ agreed schedule.

**DEFINITIONS APPLICABLE TO ALL DISCOVERY REQUESTS**

1. The terms “You,” and “Your,” shall include JSC, as well as any agent, employee, representative or other person or entity acting on behalf of or under the control of any such party.
2. “Person” means any natural person or entity including, but not limited to, any individual, firm, corporation, company, partnership, member, association, trade association, trust, public agency, department, bureau, board or any other form of public, private or legal entity.
3. “CDE” means Community Development Enterprises.
4. “Docket” means Tennessee Public Utility Commission Docket 21-00061.
5. “Petition” means the Petition for a Solar Facility for Supplemental Energy, and all exhibits thereto, filed on May 24, 2021.

6. "JSC's Response" means the Response by Jackson Sustainability Cooperative to the Filed Statements, filed on July 13, 2021.

7. When referring to a person, "Identify" means to state the person's full name, present or last known address.

8. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

9. The use of the singular form of any word includes the plural and vice versa.

10. "Concerning" means relating to, referring to, describing, evidencing or constituting.

11. "Communicate" or "communication" means any transmittal of information (in the form of facts, ideas, inquiries or otherwise).

12. The term "document" shall have the broadest meaning possible and includes every original (or copies if you do not have originals) and each non-identical copy, whether different from the original because of marginal notes or other material inserted or attached, and drafts and both sides of any written, printed, typed, recorded or graphic matter, however produced or reproduced, of any kind or description, including all attachments and appendices, whether sent or received or neither, including, but not limited to: communications of any kind, notes, books, memoranda, records, papers, pamphlets, brochures, circulars, advertisements, drawings, sketches, graphs, charts, plans, ledger accounts, audits, financial statements, reports, workpapers, studies, analyses, plans, policies, permits, calendars, appointment books, diaries, telephone bills and toll card records, expense reports, itineraries, agendas, checkbooks, canceled checks, receipts, contracts, agreements, instrument assignments, applications, offers,



acceptances, bids, proposals, requests for proposal, financing statements, documents of title, appraisals, purchase orders, invoices, bills of lading, work orders, statements of work, service orders, floor plans, written memorials of oral communications, recasts, photographs, photographic slides or negatives, films, filmstrips, tapes, recordings, voice mail, letters, facsimiles, correspondence, electronic mail ("email"), text messages, spreadsheets, calculations and information stored in, or accessible through, computer or other information storage or retrieval systems.

13. "Including" and "includes" means "including without limitation" or "including, but not limited to."

#### **INSTRUCTIONS FOR REQUESTS FOR PRODUCTION**

1. Each request for production below encompasses and includes all responsive electronically stored information within Your possession or control. Such electronically stored information may be produced in the form most convenient and economical to You, including, for example, .pdf, .tiff or native formats.

2. All documents responsive to these requests should be produced to the attention of Brant Phillips or Matt Sinback at Bass, Berry & Sims PLC, 150 Third Avenue South, Suite 2800, Nashville, TN 37201.

3. If You have produced a responsive document in response to another party's discovery requests, you do not need to separately produce it in response to these requests.

#### **INTERROGATORY INSTRUCTIONS**

1. The following interrogatories seek information available to JSC, or the agents, attorneys, consultants, investigators and/or employees of either. If the answer to an interrogatory

is not within the personal knowledge of the signatory to the interrogatory answer, state the name, address and title of the person from whom the information was obtained.

2. If any interrogatory, including subparts thereof, cannot be answered after exercising due diligence to secure the information necessary to respond, state with respect to each interrogatory subpart that you have answered to the fullest extent possible, specifying in detail your inability to answer the remainder of the interrogatory and stating whatever information, material, or knowledge you have concerning the unanswered portion, and further stating that efforts were made, and by whom, to obtain the information requested in those unanswered portions.

3. These interrogatories are continuing in character and require you to provide additional responsive information if such additional information is obtained by you after the time of your original response to these interrogatories.

4. If any interrogatory is deemed to call for the disclosure of privileged information and such privilege is asserted, please provide the following information: (a) a statement of the basis for the claim of privilege, work product or other ground of nondisclosure; (b) the author(s), recipient(s) and general nature of the information for which privilege or protection from disclosure is claimed; and (c) any other information necessary to establish the privilege or protection claimed.

#### **REQUESTS FOR PRODUCTION AND INTERROGATORIES**

40. Produce—or if publicly available, identify—all sustainability policies and other documents supporting Your contention that national companies’ sustainability policies “prevent national companies from expanding in cities where renewable energy is not available” or “could eventually force companies to leave such cities altogether,” which “bodes ill for Jackson,” as

referenced on page 10 of the Direct Testimony of Dennis Emberling, Part II (“Emberling Part II”) (JSC-000426).

**RESPONSE:**

41. Identify the “electrical contractors who service the heavy machinery of these manufacturers in Jackson” who told You that “they suffer from poor power quality from the grid,” as stated on page 11 of Emberling Part II (JSC-000427) and produce all communications with these electrical contractors.

**RESPONSE:**

42. State all facts supporting Your contention that “[f]or Jackson manufacturers, installing their own renewable generation, such as solar, is impractical and uneconomical,” as stated on page 11 of Emberling Part II (JSC-000427) and produce all documents concerning this contention. As a part of your response, identify all “Jackson manufacturers” about whom you contend “installing their own renewable generation, such as solar, is impractical and uneconomical.”

**RESPONSE:**

43. State all facts supporting Your contention that a major reason TVA’s resellers, including JEA, are refusing to sign TVA’s new long-term agreements and considering not renewing their current TVA contracts is “so that they can look elsewhere for renewables,” as stated on page 11 of Emberling Part II (JSC-000427) and produce all documents concerning this contention.

**RESPONSE:**

44. Produce all documents concerning the feasibility research performed by David Shimon and/or “large solar developers,” as referenced on page 12 of Emberling Part II (JSC-000428).

**RESPONSE:**

45. Produce all documents concerning the efforts and analysis performed by Dennis Emberling and/or his “friends and colleagues in the solar industry” to “make it work,” as referenced on page 12 of Emberling Part II (JSC-000428) and identify these “friends and colleagues in the solar industry.”

**RESPONSE:**

46. Identify the “foundations eager to help in Jackson” referenced on page 12 of Emberling Part II (JSC-000428) and produce all documents, including communications, with or concerning these foundations.

**RESPONSE:**

47. Identify all facts concerning your contention that “We and our partners committed to contribute a share of the project’s revenue to help redevelop East Jackson, upgrade its housing, and improve its dilapidated infrastructure,” as referenced on page 12 of Emberling Part II (JSC-000428) and produce all documents concerning such commitments.

**RESPONSE:**



48. Identify the “companies, organizations, individuals, advocacy groups, and governmental agencies” that “have been so eager to help with this project,” and the people and businesses that are “so enthusiastic,” as stated on page 13 of Emberling Part II (JSC-000429) and produce all documents concerning such entities’ support for and help with the project.

**RESPONSE:**

49. State all facts that support Your contention that “[t]he only way right now for businesses that need a lot of electricity to get uninterrupted, high-quality, renewable energy is to share a facility with other similar companies,” as stated on page 14 of Emberling Part II (JSC-000430), including whether You are aware of businesses that need a lot of electricity that have gotten uninterrupted, high-quality, renewable energy without sharing a facility with similar companies, and, if so, identify these businesses.

**RESPONSE:**

50. Explain how a co-operative, as opposed to some other corporate form, “serves its members as a useful nonprofit vehicle to contribute in many ways to the redevelopment and economic improvement of their community,” as referenced on page 14 of Emberling Part II (JSC-000430).

**RESPONSE:**



51. Identify all persons and entities included in the term “we,” as used in the sentence, “[s]ince all these goals fit perfectly with what we and our partners want to do for Jackson, we launched the co-operative,” as stated on page 15 of Emberling Part II (JSC-000431).

**RESPONSE:**

52. Explain how “our engineers” will choose the group of companies that will be served, as referenced on page 15 of Emberling Part II (JSC-000431) and produce all documents concerning the criteria for membership and the process for choosing members (*e.g.*, checklists, criteria lists, scoring sheets, analysis of existing conditional members or potential members).

**RESPONSE:**

53. Produce all documents concerning the award received by the Jackson Solar Project, as referenced on page 19 of Emberling Part II (JSC-000435).

**RESPONSE:**

**VERIFICATION**

I swear and affirm that the answers to interrogatories contained herein are true, complete and accurate to the best of my knowledge. I also understand it is my duty to promptly notify my attorney should I later learn that any of these answers are incomplete, inaccurate or misleading.

\_\_\_\_\_

**STATE OF TENNESSEE            )**  
**COUNTY OF \_\_\_\_\_        )**

Subscribed and sworn to before me  
on this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:\_\_\_\_\_

Respectfully submitted,



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W. Brantley Phillips, Jr. (18844)  
Matthew J. Sinback (23891)  
Caleb H. Hogan (37412)  
**BASS, BERRY & SIMS PLC**  
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(615) 742-6200  
bphillips@bassberry.com  
msinback@bassberry.com

*Counsel for Tennessee Electric Cooperative  
Association*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 11th day of February, 2022, the foregoing document was served on the following persons via email, hand delivery, overnight delivery and/or U.S. Mail, postage prepaid:

John A. Beam, III  
**EQUITUS LAW ALLIANCE, PLLC**  
P.O. Box 280240  
Nashville, TN 37208  
beam@equituslaw.com

Henry Walker  
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CUMMINGS, LLP**  
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Kimberly Bolton  
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