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Chairman Kenneth C. Hill
Attn: Ectory Lawless, Esq.
Docket & Records Manager
Tennessee Public Utility Commission
Andrew Jackson State Office Building
502 Deaderick Street, 4th Floor
Nashville, TN 37243-0001


RE: Application of Jackson Sustainability Cooperative for a Determination of
Exemption and in the Alternative, for a Certificate of Public Convenience
and Necessity – Docket No. 21-00061

Dear Chairman Hill:

Enclosed is a copy of the Second Discovery Requests from Jackson Energy Authority to the Petitioner, Jackson Sustainability Cooperative.

By copy of this letter, we are serving all counsel of record.

Sincerely,



Mark W. Smith

MWS:cjb
Enclosure
cc: All Counsel of Record

**BEFORE THE
TENNESSEE PUBLIC UTILITY COMMISSION**

NASHVILLE, TENNESSEE

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

**JACKSON ENERGY AUTHORITY’S SECOND DISCOVERY REQUESTS TO
JACKSON SUSTAINABILITY COOPERATIVE**

Comes Jackson Energy Authority (“JEA”), by and through counsel, and submits the following Second Discovery Requests to the Applicant, Jackson Sustainability Cooperative (“JSC”):

DEFINITIONS

1. “You” or “your” means and includes Jackson Sustainability Cooperative, and its agents, representatives, attorneys and those persons in active concert or participation with them.

3. “Person” or “persons” means and includes any individual, partnership(s), corporation(s), company(ies), association(s), government agency(ies) (whether federal, state, local or any agency of the government of a foreign country) or other entity(ies).

3. “Record” and “document” are used in the broadest sense and mean the original and any non-identical copy, regardless of origin or location, which is within the scope of Tennessee Rule of Civil Procedure 34. Typical categories of material included within the term “document” are: e-mails and other electronically stored or generated records of any kind, books, pamphlets, periodicals, memoranda (including those of telephone and oral conversations), letters, reports, notes, telegrams, records, diaries, minutes, bulletins, circulars, brochures, studies, instructions, working papers, charts, work assignments, drawings, designs, prints, flow sheets, graphs,

invention disclosures, photographs, photomicrographs, microfilm, drafts, advertisements, catalogs, papers, indices, tapes, disks, data sheet or data processing material, or any handwritten, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced in your possession, custody or control.

5. "Communication" includes all documents and all kinds of non-written transfer or receipt of information, including but not limited to every discussion, conversation, conference, meeting, interview, or telephone call.

6. "Identify," "identity," or "identification," when used with reference to a person means to state the full name, last known address and telephone number, and, where applicable, the present position and business, and each prior position and business.

7. "Identify," "identity" and "identification" when used with reference to a document means to state:

a. the general nature of the document or object, i.e., whether it is a letter, a memorandum, a report, a drawing, a chart or tracing, a pamphlet, an email, etc.;

b. the general subject matter of the document or object;

c. the name, and the current or last known business address and home address of the original author or draftsman (and, if different) the signer or signers, any person who has edited, corrected, revised or amended, and any person who has entered any initials or comment or notation thereon;

d. the date, including any date of any editing, correcting, amending, or revising;

e. the source, system, and meaning of any numerical designation appearing thereon, such as a file reference;

f. the name and identification of each recipient of a copy of the document or object;
and

g. the place where and the person now having custody or control of each such document or object or, if such document or object has been destroyed, the place of and reason for such destruction.

8. “Emberling – Part II” means the Direct Testimony of Dennis Emberling, Part II, filed in this Docket.

INSTRUCTIONS

1. All information is to be divulged which is in your possession or control or can be ascertained upon reasonable investigation of sources or areas within your control. The knowledge of your attorney is deemed to be your knowledge so that, apart from privileged matters, if your attorney has knowledge of the information sought to be elicited herein, that information must be incorporated into these answers even if such information is unknown to you individually.

2. Where a request calls for a response in more than one part, each part should be separated so that the response is clearly understandable.

3. Each request is to be construed independently. No request should be construed by reference to any other request for the purpose of limiting the scope of the response to such request.

4. “And” and “or” are to be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request all responses which might otherwise be construed to be outside its scope.

5. If objection is made to any request, in whole or in part, or if information responsive to a request is withheld, on the ground of privilege or otherwise, set forth fully each objection,

describe generally the information which is withheld, and set forth the facts upon which you rely as the basis for each objection.

6. “Relate to,” related to,” and “relating to” and “relation to” mean in the broadest possible sense referring to, connected to, associated with, involving, in any way concerning or pertaining to the matter discussed or described in the request.

7. These requests shall be deemed continuing in order to require supplemental responses, in accordance with Rule 26 of the Tennessee Rules of Civil Procedure.

DISCOVERY REQUESTS

1. Beginning on page 11 of Emberling – Part II, Mr. Emberling refers extensively to manufacturers. Is membership in JSC exclusively limited to manufacturers? If so, please identify all sources of that limitation and provide copies of all documents relating to such limitation.

ANSWER:

2. On page 13 of Emberling – Part II, Mr. Emberling states: “We reached out to TVA and JEA when first researching the project. ... They totally refused.” Please state the name and job title of any such TVA and/or JEA representative which JSC contacted or with whom JSC otherwise discussed these matters. Please also state the date or dates of such contact and provide copies of all documents provided to or received from TVA and/or JEA relating to each such communication.

ANSWER:

3. Has JSC discussed with TVA or JEA the possibility of providing solar power through TVA programs that are available in Jackson or has JSC evaluated the possibility of providing solar power through such programs? If so, please provide copies of any documents

provided to or received from TVA and/or JEA relating to each such communication and provide copies of all documents relating to such evaluations.

ANSWER:

4. On page 14 of Emberling – Part II, Mr. Emberling refers to JSC as a “nonprofit co-operative corporation.” Does JSC claim a federal tax exemption under Section 501(c)(12) or any other provision under Section 501(c) of the Internal Revenue Code? If so, please state which exemption JSC claims and provide copies of all documents relating to such exemption. If not, please state why JSC either has not claimed such an exemption or does not plan to claim such an exemption and provide copies of all documents relating to JSC’s federal tax status.

ANSWER:

5. On page 15 of Emberling – Part II, Mr. Emberling indicates that all wiring for the JSC project will be underground. Will this wiring be located in or cross federal, state or local streets or property, public rights of way, or utility or other similar easements? If so, please identify which of the foregoing streets, property, rights of way or utility or other easements that these underground facilities will cross or be located within and provide all documents relating to such underground facilities.

ANSWER:

6. Has JSC applied for or otherwise requested a franchise from the City of Jackson? If so, please provide copies of all documents relating to any such application or request. If not, please state why JSC has not applied for other otherwise requested a franchise from the City of Jackson.

ANSWER:

7. On pages 15-16 of Emberling – Part II, Mr. Emberling refers to commercial entities that “may be a suitable fit with those of other potential members.” Please identify all such commercial entities and provide copies of all documents relating to such entities, including without limitation, communications with such entities.

ANSWER:

8. On page 16 of Emberling – Part II, Mr. Emberling indicates that, once an entity referred to in Request 8, above, is identified, “Jackson Sustainability Cooperative initiates a discussion with that entity.” Please identify all entities with whom JSC has initiated such a discussion and provide copies of all documents relating to such discussion or discussions.

ANSWER:

9. On page 16 of Emberling – Part II, Mr. Emberling indicates that “[if] the entity indicates a desire to become a member, it is given a Conditional Member Agreement to sign and required to provide Jackson Sustainability Cooperative with all the electricity usage information needed to evaluate its suitability for membership.” Please identify all entities that have been given a Conditional Member Agreement and provide copies of all documents relating to each proposed Conditional Member Agreement and each executed Conditional Member Agreement, including without limitation, all documents provided to evaluate each entity’s suitability for membership and all analysis done regarding each entity’s suitability for membership.

ANSWER:

10. On page 16 of Emberling – Part II, Mr. Emberling references Section 2.1 of the JSC bylaws and indicates that JSC “will analyze the energy profile and energy demands of the conditional Member to see if the conditional Member’s electricity needs are a suitable fit with the

other members and the Solar project.” Has JSC undertaken or caused to be undertaken such an analysis? If so, please provide all documents related to each such analysis.

ANSWER:

11. On page 16 of Emberling – Part II, Mr. Emberling references Section 2.1 of the JSC bylaws and indicates that “Qualifying conditional members may be invited to become full Members who receive supplemental energy after they sign a Full Member Agreement” Has JSC invited any such conditional members to become full Members of JSC? If so, provide all documents relating to each such invitation of full membership.

ANSWER:

12. Referring to Request 12, above, please identify all full Members of JSC and provide all documents relating to each such member’s membership in JSC.

ANSWER:

13. On page 17 of Emberling – Part II, Mr. Emberling indicates that “Once Northern Reliability informs Jackson Sustainability Cooperative that sufficient electrical usage information from a sufficient number of Conditional Members has been received, Northern Reliability begins to analyze all relevant information submitted by all Conditional Members.” Has Northern Reliability informed JSC that it has received sufficient information to perform its analysis? If so, please provide all documents relating to Northern Reliability’s analysis. Please also provide all documents relating to communications with Northern Reliability, irrespective of whether Northern Reliability has completed such an analysis.

ANSWER:

14. On page 17 of Emberling – Part II, Mr. Emberling indicates that, following Northern Reliability’s analysis referenced above, “Northern Reliability then selects a set of

Conditional Members whose electrical usage patterns form a good fit for the capabilities of the solar facilities.” Has Northern Reliability selected such a set of Conditional Members? If so, please identify each such Conditional Member and provide all documents relating to Northern Reliability’s analysis as well as all documents relating to communications with such Conditional Members.

ANSWER:

15. On page 17 of Emberling – Part II, Mr. Emberling indicates that if all of the selected Conditional Members sign Full Member Agreements, “they become the only Full Members.” Has JSC completed this process? If so, please identify all Full Members, provide copies of all Full Member Agreements and provide all documents relating to such Full Member Agreements. If JSC does not have a “complete set of Full Members,” please describe the status of JSC’s efforts to complete its set of Full Members and provide all documents relating to the identification and selection of such members.

ANSWER:

16. On page 17 of Emberling – Part II, Mr. Emberling states “When the grid fails and Jackson Sustainability Cooperative continues to provide power, it is not competing with JEA” Does JSC plan to limit its operations to times when the “grid” has failed (i.e., will JSC only provide power when JEA is unable to do so because of a system outage)?

ANSWER:

VERIFICATION

_____, under penalty of perjury, deposes and says:

1. I am _____, the _____ of Jackson Sustainability Cooperative, the defendant in the above-styled action, and I am the agent of that Cooperative for the purpose of answering the Discovery Requests served upon the Cooperative by Jackson Energy Authority and for making this verification.

2. I have read the Discovery Requests, and the foregoing answers thereto are true according to the best of my knowledge and information.

Executed on this ____ day of _____, 2022.

Respectfully submitted,

JACKSON ENERGY AUTHORITY

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CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2022, a copy of the foregoing document was served on the following persons via email, hand delivery, overnight delivery or U.S. Mail, postage prepaid, addressed as follows:

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