

BEFORE THE
TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE

IN RE:

APPLICATION OF JACKSON)	
SUSTAINABILITY COOPERATIVE FOR A)	DOCKET NO. 21-00061
DETERMINATION OF EXEMPTION AND,)	
IN THE ALTERNATIVE, FOR A)	
CERTIFICATION OF PUBLIC)	
CONVENIENCE AND NECESSITY)	

PETITION FOR LEAVE TO INTERVENE OF
THE TENNESSEE MUNICIPAL ELECTRIC POWER ASSOCIATION

The Tennessee Municipal Electric Power Association (“TMEPA”), by and through its undersigned counsel, hereby seeks leave to intervene in the above-captioned proceeding (the “Application”) pursuant to Tenn. Code Ann. § 4-5-310 and 65-2-107. In support of this petition, TMEPA states as follows:

1. TMEPA is a trade organization whose membership consists primarily of municipal electric systems, municipal energy authorities, county electric utilities, and other governmental utility systems (collectively “municipal electric utilities”) throughout the State of Tennessee.

2. TMEPA members sell electric power as authorized by Chapters 36 or 52 of Title 7 of the Tennessee Code or pertinent provisions of various Private Acts or city charters. Together, TMEPA members serve 2.4 million homes and businesses in Tennessee, or 67% of the state’s electric power customers, and sell 75% of the electric power sold in Tennessee. All of these municipal electric utilities purchase electric power at wholesale from TVA and sell the

electric power at retail to customers in Tennessee. Additionally, many TMEPA members have entered into contracts to purchase electric power generated directly from solar facilities that will be built or operated by third party entities.

3. In the Application, Jackson Sustainability Cooperative (“JSC”) seeks to establish an electric utility that will generate and sell electric power in Jackson, Tennessee, in the territorial boundaries of a municipal electric utility, Jackson Energy Authority (“JEA”). JSC claims it has been formed under the Tennessee Electric G&T Cooperative Act (the “G&T Act”), Tenn. Code Ann. § 48-69-101, *et seq.*

4. TMEPA strongly challenges the Application as JSC’s establishment as a G&T cooperative and its operation would be in violation of state law. By attempting to generate and sell electric power in the territorial boundaries of a municipal electric utility while purporting to be a G&T cooperative entity, JSC’s Application seeking an exemption from Tennessee Public Utilities Commission (“TPUC”) regulation or a Certificate of Public Convenience and Necessity directly impacts TMEPA’s interests and its members’ interests. Accordingly, the subject of this proceeding would directly affect TMEPA and the operations of TMEPA members.

5. As a trade association whose members are authorized to sell electric power in Tennessee, TMEPA’s legal rights, duties, privileges, immunities or other legal interests or responsibilities would be affected or determined by the outcome of this proceeding, and TMEPA’s interest will not be adequately represented unless it is allowed to intervene.

6. Because of its interest in this proceeding, TMEPA respectfully seeks to intervene in this matter.

7. The interests of justice and the orderly and prompt conduct of the proceedings

will not be impaired by allowing the requested intervention.

8. Should the requested intervention be granted, all notices, pleadings, orders, documents, correspondence, and the like in this proceeding should be provided to:

Jeremy L. Elrod (BPR No. 029146)
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Tennessee Municipal Electric Power Association
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Based on the foregoing considerations, TMEPA requests that the Commission grant this request for intervention.

Respectfully submitted,

**TENNESSEE MUNICIPAL ELECTRIC
POWER ASSOCIATION**

By: 

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Dated: June 25th, 2021

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been forwarded via hand delivery, electronic mail, overnight delivery or U.S. Mail, postage prepaid, to the following on the 25th day of June, 2021.

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