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December 19, 2022

Via Electronic Filing and U.S. Mail

Hon. Herbert H. Hilliard, Chairman
c/o Ectory Lawless, Docket Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243
tpuc.docketroom@tn.gov

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December 19, 2022 at 12:18 p.m.

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

Dear Chairman Hilliard:

Enclosed please find an original and four copies copy of the following, which was filed electronically on December 19, 2022: Joint Response to Jackson Sustainability Cooperative's Motion for Interlocutory Appeal.

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 (via email)

**BEFORE THE
TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

IN RE:)	
)	
PETITION OF JACKSON)	DOCKET NO. 21-00061
SUSTAINABILITY COOPERATIVE)	
FOR DETERMINATION OF)	
EXEMPTION OR, ALTERNATIVELY,)	
CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY)	

**JOINT RESPONSE TO JACKSON SUSTAINABILITY COOPERATIVE’S
MOTION FOR INTERLOCUTORY APPEAL**

Jackson Energy Authority (“JEA”), Tennessee Electric Cooperative Association (“TECA”), Tennessee Valley Authority and Tennessee Municipal Electric Power Association (collectively, “Intervenors”) submit this response to the Motion for Interlocutory Appeal to the Full Public Utility Commission (“Motion”) filed by Jackson Sustainability Cooperative (“JSC”) on December 12, 2022.

Pursuant to Rule 1220-01-02-.06(6), the Motion seeks interlocutory review by the Tennessee Public Utility Commission (“Commission”) of multiple Hearing Officer decisions on preliminary motions, including (i) the August 20, 2021 orders granting the Intervenors’ petitions to intervene; (ii) the September 8, 2021 Order Establishing Procedural Schedule and subsequent orders amending the procedural schedule; and (iii) the November 14, 2022 order granting JEA’s and TECA’s motions to compel.

While the substantive issues raised in the Motion are completely without merit, Intervenors acknowledge that Rule 1220-01-02-.06(6) provides “[p]ermission for interlocutory review shall not be unreasonably withheld.” Tenn. Comp. R. & Regs. 1220-01-02-.06(6). Accordingly,

Intervenors do not take a position on JSC's Motion and leave the decision to allow interlocutory review to the sound discretion of the Hearing Officer.

If the Hearing Officer grants interlocutory review, Intervenors will strongly oppose JSC's Motion on the merits and its effort to evade the consequences of its discovery misconduct, undo the standard discovery sequence used in contested cases, and *eliminate the Intervenors* from this proceeding. Intervenors will explain to the Commission that JSC's substantive arguments are, among other things, contrary to the law and based on gross mischaracterizations of the Hearing Officer's orders.

If interlocutory review is granted, Intervenors request the opportunity to discuss or propose a schedule for submitting merits briefs to the Commission. Intervenors will be prepared to discuss this schedule at the status conference set for December 20, 2022 or at a future status conference.

DATED this 19th day of December, 2022.

Respectfully submitted,

 b.r./MJS

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CERTIFICATE OF SERVICE

I hereby certify that on this the 19th day of December, 2022, the foregoing document was served on the following persons via email, hand delivery, overnight delivery and/or U.S. Mail, postage prepaid:

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