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Ectory Lawless, Esq.
Tennessee Public Utility Commission
Andrew Jackson State Office Building
502 Deaderick Street, 4th Floor
Nashville, TN 37243-0001

RE: **Jackson Sustainability Cooperative**
Docket No. 21-00061

Dear Ms. Lawless,

We enclose the original and four copies of the Intervenor Jackson Energy Authority's Response to Motion and Memorandum in Support of Motion to Dismiss and in Opposition to Briefs of JEA and TECA Filed by Dennis Emberling.

Thank you as always for your help.

Sincerely yours,

Larry L. Cash

LLC/ksr

Enclosures

cc: William S. Forgety, Esq.
Karl E. Pulley, Esq.
John A. Beam, III, Esq.
Steven L. Lefkovitz, Esq.
Henry Walker, Esq.
W. Brantley Phillips, Jr., Esq.
Matthew Sinbeck, Esq.
Caleb Hogan, Esq.
Jeremy L. Elrod, Esq.

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

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

**RESPONSE OF JACKSON ENERGY AUTHORITY TO MOTION AND
MEMORANDUM IN SUPPORT OF MOTION TO DISMISS AND IN OPPOSITION TO
BRIEFS OF JEA AND TECA FILED BY DENNIS EMBERLING**

On October 30, 2023, Dennis Emberling filed his Motion to Dismiss and Memorandum in Support of the Motion to Dismiss, both filed in opposition to the briefs of JEA and TECA.

Under Mr. Emberling’s Motion to Dismiss, he contests both Tennessee Electric Cooperative Association’s (“TECA”) and Jackson Energy Authority’s (“JEA”) right to recover attorney’s fees and expenses from him for the following reasons: (1) he was not subject to a Motion to Compel or any sanctions; (2) he is not a party to an action before the Public Utility Commission; (3) he has not been personally served with process to appear before the Public Utility Commission; (4) the Public Utility Commission does not have personal jurisdiction of him; (5) the Public Utility Commission does not have subject matter jurisdiction to pierce the corporate veil of JSC; (6) subject matter jurisdiction of the Public Utility Commission is limited to disputes concerning the geographic boundaries of non-consumer electric systems. (See Memorandum of Dennis Emberling, at p. 2).

While Mr. Emberling raises a number of issues which are addressed in the TECA brief filed on November 17, 2023, Mr. Emberling raises no issues, and presents no evidence, to refute proof submitted by TECA and JEA that the attorney’s fees and costs incurred by TECA and JEA are reasonable and necessary. On November 23, 2022 TECA filed its memorandum supporting its

claim for attorney's fees, with attached affidavit from W. Brantley Phillips of Bass, Berry & Sims. On that same date, JEA filed its brief in support of its attorney's fees with an affidavit from Larry L. Cash of Miller & Martin PLLC. The JEA brief was supplemented on November 28, 2022. In their memorandum and brief filed almost one year ago, both TECA and JEA proved the necessity and reasonableness of their fees and expenses, and Mr. Emberling has come forth with no evidence to refute that such fees were necessary and reasonable. Accordingly, such fees and expenses are undisputed and uncontradicted and should be awarded to TECA and JEA.

Respectfully submitted,

MILLER & MARTIN PLLC

By: /s/ Larry L. Cash
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CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of November, 2023, 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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