

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

November 21, 2023

IN RE:

PETITION OF JACKSON SUSTAINABILITY  
COOPERATIVE TO DETERMINE IF A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY IS NEEDED

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DOCKET NO.  
21-00061

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ORDER GRANTING MOTION FOR COUNSEL TO WITHDRAW

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This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) upon the *Motion to Withdraw as Counsel* filed by John Beam, David Wood, and Equitus Law Alliance, PLLC (together “Attorneys for JSC”) on October 9, 2023. The Attorneys for JSC seek to withdraw as counsel for Jackson Sustainability Cooperative (“JSC”) stating that JSC has “filed Chapter 7 bankruptcy making its request for a declaratory ruling under T.C.A. §65-4-101(6)(A)(v) moot.”<sup>1</sup>

Commission Rule 1220-01-02-.04(6) requires that written notice be given to the Commission if counsel wishes to withdraw from representing a client and that permission to withdraw shall not be unreasonably withheld. Although, JSC filed *Applicant’s Motion to Dismiss with Prejudice* (“*Applicant’s Motion to Dismiss*”) on August 14, 2023, there are ongoing proceedings relative to establishing the amount of reasonable attorneys’ fees to be awarded to Tennessee Electric Cooperative Association (“TECA”) and Jackson Energy Authority (“JEA”) as


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<sup>1</sup> *Motion to Withdraw as Counsel*, p. 1 (October 9, 2023).

ordered by the Hearing Officer in the Order issued on November 14, 2022, and affirmed by the Commission in an Order issued May 8, 2023. However, Mr. Steven Lefkovitz, JSC's attorney in the bankruptcy proceeding, filed the *Applicant's Motion to Dismiss* on behalf of JSC and has subsequently represented JSC in proceedings before the Commission. Based on these facts, the Hearing Officer concludes that the *Motion to Withdraw as Counsel* filed by John Beam, David Wood, and Equitus Law Alliance, PLLC should be **GRANTED**.

Nothing in this Order shall be construed to impact or limit arguments made in the pending proceedings regarding the amount of attorneys' fees to be paid to TECA and JEA, nor shall this Order be used to release a party from liability if found liable for such fees.

**IT IS HEREBY ORDERED.**

  
Monica Smith-Ashford, Hearing Officer