

**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)	

**PETITION FOR LEAVE TO INTERVENE OF
JACKSON ENERGY AUTHORITY**

Jackson Energy Authority (“JEA”), by and through counsel, hereby seeks leave to intervene in the above-captioned proceeding pursuant to Tenn. Code Ann. § 4-5-310 and Tenn. Code Ann. § 65-2-107 and in accordance with the Hearing Officer’s June 10, 2021 *Notice of Filing Deadline for Petitions to Intervene*.

JEA has also filed a *Statement in Opposition to Commencement of a Contested Case and Requesting the Denial of a Declaratory Order* (the “JEA Statement”). JEA submits that, for the reasons outlined in the *JEA Statement*, the Commission should not convene a contested case in this matter and should refuse to issue a declaratory order. Should the Commission elect to convene a contested case, however, JEA seeks permission to intervene in the case. JEA avers that it meets the required standards to intervene and that its intervention will not impair the interests of justice and the orderly and prompt conduct of the proceedings.

In support of this petition, JEA states as follows:

1. JEA is an energy authority created by a private act of the Tennessee General Assembly. JEA is headquartered in Jackson, Tennessee and provides various utility and other services. JEA provides retail electric service throughout the City of Jackson, Tennessee.

2. JEA purchases electric power from the Tennessee Valley Authority (“TVA”) under a wholesale power contract with TVA and resells that power within the City of Jackson, Tennessee.

3. JEA has the exclusive right to provide retail electric service within the City of Jackson pursuant to provisions of Tennessee law.

4. Jackson Sustainability Cooperative (“JSC”) has filed its *Application of Jackson Sustainability Cooperative for a Determination of Exemption and, in the Alternative, for a Certificate of Public Convenience and Necessity* (the “*Application*”) in this Docket, seeking to “construct and operate a solar facility with battery-energy storage and shared interconnection (the “Facility” or “Solar Facility”) located on Roosevelt Parkway in Jackson, Madison County, Tennessee” in order to “provide supplemental electricity to select Members of the Jackson Sustainability Cooperative.” *Application* at p. 1.

5. JSC has targeted retail customers in the area shown on Exhibit 3 to its *Application*, and all of these customers are current customers of JEA.

6. JSC contends that it has established itself as a G & T cooperative under Tenn. Code Ann. § 48-69-101, *et seq.* (the “G&T Act”). *See* Section 3(a) of the Charter of JSC, filed as Exhibit 1 (“The Corporation is a not for profit corporation organized for the benefit of its members pursuant to the provisions of the Tennessee Electric G&T Cooperative Act of 2009, T.C.A. § 48-69-101, *et seq.*”).

7. While JSC proposes to provide electric service to retail customers in JEA’s service area, the G&T Act clearly prohibits JSC from providing these services. The G&T Act plainly and clearly states “[no] G&T cooperative shall provide electrical power and energy

services to retail customers in the Tennessee Valley Authority (TVA) area.” Tenn. Code Ann. § 48-69-118(a).

8. As is discussed in greater detail in the *JEA Statement*, there are other fundamental flaws in JSC’s basic corporate structure based upon the provisions of the G&T Act.

9. Additionally, the Tennessee General Assembly established the electric system service areas of electric providers decades ago, and JSC’s proposed provision of retail electric service within JEA’s service area would be in violation of State law.

10. As the provider of retail electricity to customers in the City of Jackson, Tennessee, any decision on the *Application* will have a direct and significant impact on JEA.¹

11. Because of its interest in this proceeding, JEA respectfully seeks to intervene in this proceeding, should the Commission elect to convene a contested case.

12. The interests of justice and the orderly and prompt conduct of these proceedings will not be impaired by allowing this requested intervention.

For the above reasons, JEA asks that this Petition be granted and that it be allowed to intervene as a party to this proceeding should the Commission decide to convene a contested case.

¹ For a more detailed discussion of these issues, please see the *JEA Statement* that has been filed in this Docket.

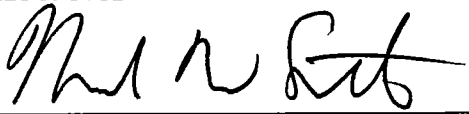
Respectfully submitted,

JACKSON ENERGY AUTHORITY

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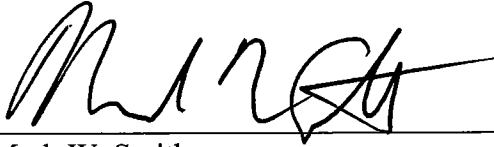
Attorneys for: Jackson Energy Authority

Dated: June 25, 2021

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of June, 2021, 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:

John A. Beam, III
Equitus Law Alliance, PLLC
P.O. Box 280240
Nashville, TN 37208

A handwritten signature in black ink, appearing to read 'Mark W. Smith', written over a horizontal line.

Mark W. Smith