

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

IN RE:

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

**PETITION FOR LEAVE TO INTERVENE OF
TENNESSEE ELECTRIC COOPERATIVE ASSOCIATION**

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

1. TECA is a trade association organized under Tennessee law and established to serve the needs of Tennessee's consumer-owned electric cooperatives by providing leadership, advocacy, and support.
2. TECA maintains its corporate offices at 2964 Sidco Drive, Nashville, Tennessee 37204.
3. TECA represents 23 individual power distributors, including Tennessee's 22 electric cooperatives and one municipal system. Together, these distributors serve millions of Tennesseans in both urban and rural areas of the state.
4. On May 24, 2021, Petitioner Jackson Sustainability Cooperative ("JSC") filed a petition seeking permission to build and operate a combined solar and battery-energy storage facility in Jackson, Tennessee, that would generate electric energy for JSC to sell to various

industrial and commercial customers at retail. Consistent with this request, JSC claims to be organized as a “G&T Cooperative” – that is, an entity that generates and distributes electricity – pursuant to Tenn. Code Ann. § 48-69-101, *et seq.*, the so-called Tennessee Electric G&T Cooperative Act (the “Act”).

5. TECA has reviewed and considered the many claims JSC has advanced in support of its petition.

6. Based on its review, TECA opposes JSC’s petition on several grounds, including that the relief sought in the petition is clearly prohibited as a matter of law. Indeed, the Act expressly bars G&T Cooperatives from engaging in the sale of “electrical power and energy services to retail customers in the Tennessee Valley Authority (TVA) area.” Tenn. Code Ann. § 48-69-118(a). In addition, based on the materials JSC has filed in support of the Petition, there appear to be serious questions concerning the legality of JSC proposed corporate structure. If JSC is allowed to obtain the relief sought in its Petition despite these several fundamental legal flaws, the interests of both TECA and its members would be directly and negatively impacted.

7. For all of the reasons explained above, the legal rights, duties, privileges, immunities or other legal interests of both TECA and its members may be determined in this proceeding. None of those legal rights, duties, privileges or interests, however, can be adequately represented in the absence of TECA’s participation.

12. Because of its own interest and its members’ interests in this proceeding, TECA respectfully seeks to intervene in this matter on behalf of itself and its members.

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

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

W. Brantley Phillips, Jr. (18844)
BASS BERRY & SIMS PLC
150 Third Avenue South, Suite 2800
Nashville, TN 37201
(615) 742-6200
(615) 742-6293 (facsimile)
bphillips@bassberry.com

and

David Callis
Executive Vice President and General Manager
TENNESSEE ELECTRIC COOPERATIVE ASSOCIATION
2964 Sidco Drive
Nashville, TN 37204
(615) 515-5533
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Based on the foregoing considerations, TECA requests that the Commission to grant this request to intervene.

DATED this 25th day of June, 2021.

Respectfully submitted,



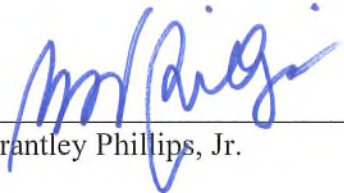
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*Attorneys for Tennessee Electric
Cooperative Association*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy has been forwarded via U.S. Mail to the following on this the 25th day of June, 2021.

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



W. Brantley Phillips, Jr.