

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

**THE APPLICATION OF THE
JACKSON SUSTAINABLE
COOPERATIVE FOR A
DETERMINATION OF EXEMPTION
AND IN THE ALTERNATIVE, FOR A
CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY**

Docket No. 21-00061

**RESPONSE OF TENNESSEE VALLEY AUTHORITY AND JACKSON
ENERGY AUTHORITY IN OPPOSITION TO JACKSON SUSTAINABLE
COOPERATIVE'S MOTION FOR EXTENSION OF TIME**

The Tennessee Valley Authority ("TVA") and the Jackson Energy Authority ("JEA") respectfully oppose the Motion filed July 7, 2021 by the Jackson Sustainability Cooperative ("JSC" or the "Applicant") requesting "an additional ten (10) days to file a response and/or amend its petition in response to the intervening Petitions and Statements submitted in this matter pursuant to Tennessee Public Utility Commission rule 1220-01-02-.06." TVA and JEA oppose JSC's Motion for three reasons.

First, on June 25, 2021, JEA asked the Commission to decline to open a contested case proceeding in this docket because the "relief which the petition seeks is on its face barred as a matter of law." See Commission Rule 1220-01-02-02(2). JSC had seven (7) days---until July 2, 2021--- to respond. See Commission Rule 1200-01-02-.06(2). That deadline has passed. JSC's request for a ten-day extension was not timely filed and is now moot.

Second, the Commission must decide by July 23, 2021, whether or not to hear JSC's declaratory judgement request. See T.C.A. § 4-5-223(c). If the Commission does not set the matter

for hearing by that date, the agency shall “be deemed to have denied the petition and to have refused to issue a declaratory order.” Id. Given this pending deadline, there is insufficient time to grant JSC’s request for a ten-day extension. A ten-day delay, even if made effective on the day the request was filed, would give JSC until July 19 to file “a response and/or amend its petition.” The Commission’s deadline falls only four days later. That would not give the other participants in this docket sufficient time to respond to JSC nor would the Commission have sufficient time to analyze the filing and issue a decision as to whether or not to set a hearing on JSC’s declaratory judgment request.

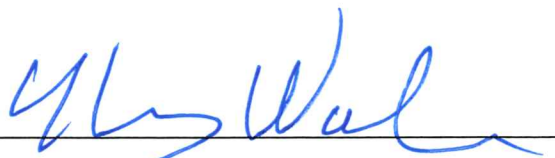
Third, JSC states that it may “amend its petition” in response to the filings made by the other participants in this proceeding. Any such amendments should be made, if at all, in a new docket.

The Applicant purports to be a “generation and transmission” cooperative (“G&T Cooperative”) organized pursuant to the Tennessee Electric G&T Cooperative Act, T.C.A. § 48-69-101 et seq. A G&T Cooperative is exempt from the jurisdiction of the Tennessee Public Utility Commission and prohibited from selling electricity to retail customers in Jackson. No amendment to the Application---other than changing the Applicant from a G&T Cooperative to some other entity--- will alter those facts.

At a later date, JSC may choose to reorganize as something other than a G&T Cooperative and file another application with the Commission. Given the state laws that assign exclusive service areas to retail distributors of electricity, it is unlikely that JSC, regardless of its corporate form, will ever be allowed to sell electricity to end-users in Jackson, but any such amended request should be made in a separate docket. This matter should be closed.

Respectfully Submitted,

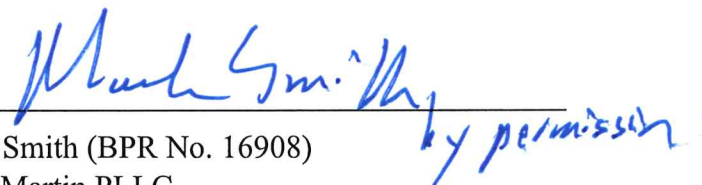
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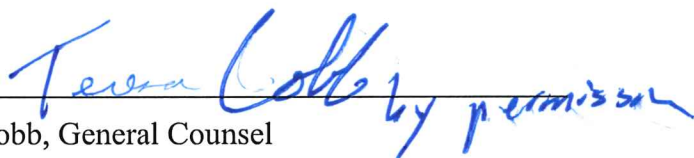
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via either U.S. Mail, postage prepaid, or email to the following this 9th day of July, 2021:

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