

Electronically Filed in TPUC Docket Room  
on July 21, 2021 at 9:37 a.m.



502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243-0001

## NOTICE OF HEARING

### In re: Petition for Declaratory Ruling

Pursuant to Tennessee Code Annotated § 4-5-224, the Tennessee Public Utility Commission gives the following notice of hearing on a petition for declaratory ruling:

1. Docket Number and Style:

**TPUC Docket No. 21-00061**

***In re: Petition of Jackson Sustainability Cooperative to Determine if a Certificate of Convenience and Necessity is Needed***

2. Date, Time and Place of Hearing:

A contested case hearing in the above matter has been scheduled before a Hearing Officer of the Tennessee Public Utility Commission at **2:00 p.m. CDT on October 26, 2021**, in Hearing Room G.201 on the Ground Floor of the Andrew Jackson State Office Building located at 500 Deaderick Street, Nashville, Tennessee 37243.

3. Petitioner: Jackson Sustainability Cooperative

4. Attorney for Petitioner: John A. Beam, III, Esq.  
Equitus Law Alliance, PLLC  
P.O. Box 280240  
Nashville, Tennessee 37208  
Ph: (615) 251-3131

5. Summary of Relief Requested:

Jackson Sustainability Cooperative (“Petitioner”) requests an order from the Tennessee Public Utility Commission (“Commission”) declaring that it is not a public utility and exempt from Commission regulation because it is a non-profit electric cooperative and covered by an express exemption under Tenn. Code Ann. § 65-4-101(6)(A)(v)<sup>1</sup>. Or, if the Petitioner is not exempt as an electric cooperative, it seeks a determination that it is not a public utility because it distributes supplemental electrical energy and is not “affected by and dedicated to the public use” as required under Tenn. Code Ann. § 65-4-101(6)(A).

---

<sup>1</sup>Jackson Sustainability Cooperative erroneously cited the statute as Tenn. Code Ann. § 65-4-101(6)(E) in its Petition for a Declaratory Order. Such statute does not exist. The Petitioner noted this error and correctly cited the statute as Tenn. Code Ann. § 65-4-101(6)(A)(v) in its *Response by Jackson Sustainability Cooperative to the Filed Statements* that was filed with the Commission on July 13, 2021.

6. The statute the Tennessee Public Utility Commission is called upon to interpret or upon which it is to rule:

- **Tenn. Code Ann. §§ 65-5-101(6)(A) and 65-5-101(6)(A)(v)** state, in pertinent part:

(6)

(A) "Public utility" means every individual, copartnership, association, corporation, or joint stock company, its lessees, trustees, or receivers, appointed by any court whatsoever, that own, operate, manage or control, within the state, any interurban electric railway, traction company, all other common carriers, express, gas, electric light, heat, power, water, telephone, telegraph, telecommunications services, or any other like system, plant or equipment, affected by and dedicated to the public use, under privileges, franchises, licenses, or agreements, granted by the state or by any political subdivision thereof. "Public utility" as defined in this section shall not be construed to include the following nonutilities: \*\*\*

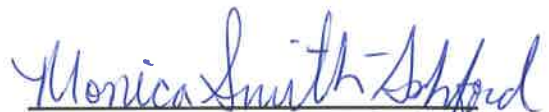
(v) Any cooperative organization not organized or doing business for profit, cooperative association not organized or doing business for profit, or cooperative corporation not organized or doing business for profit. For purposes of this subdivision (6)(A)(v), "cooperative" shall mean only those nonprofit cooperative entities organized under or otherwise subject to the Rural Electric and Community Services Cooperative Act, compiled in chapter 25, part 2 of this title, or the Telephone Cooperative Act, compiled in chapter 29 of this title.

Submitted for publication by:

Monica Smith-Ashford (BPR # 017567)  
Deputy General Counsel/Hearing Officer  
Tennessee Public Utility Commission  
500 Deaderick Street  
Nashville, TN 37243-0505  
Ph: (615) 741-2904

The Notice of Hearing on Petition for Declaratory Ruling set out herein was properly filed in the Office of the Secretary of State, Publications Division, on this the 21<sup>st</sup> day of July 2021.

By:

  
Monica Smith-Ashford, Esq.