

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**August 20, 2021**

**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 THE PETITION TO INTERVENE FILED BY THE  
JACKSON ENERGY AUTHORITY**

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This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition for Leave to Intervene of Jackson Energy Authority* (“*Petition to Intervene*”) filed by the Jackson Energy Authority (“JEA”) on June 25, 2021.

***PETITION TO INTERVENE***

On May 24, 2021, Jackson Sustainability Cooperative (“JSC”) filed a *Petition for a Solar Facility for Supplemental Energy* (“*Petition*”) seeking a determination whether it is a public utility and if so, requesting a Certificate of Public Convenience and Necessity (“CCN”) to construct and operate a solar facility with battery storage for sharing among its members located on leased property in Madison County, TN. JEA is an energy authority located in Jackson, TN that provides various utility and other services. JEA purchases electric power from the Tennessee Valley Authority (“TVA”) and has exclusive right to provide retail electric service within the City of Jackson, TN. According to JEA, the customers targeted by JSC are current customers of JEA and JSC is prohibited by law from serving them. Therefore, JEA asserts any decision on JSC’s *Petition*

will have a direct and significant impact on JEA and asks that it be allowed to intervene in the docket if a contested case is convened.<sup>1</sup>

## **FINDINGS & CONCLUSIONS**

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.<sup>2</sup>

Because JSC's *Petition* seeks a determination whether it is a public utility, and its intent is to ultimately provide electric power in JEA's service area. JSC providing supplemental electric service to customers in JEA's service area could have a direct impact on JEA's ability to serve those customers, therefore, the Hearing Officer finds that there is a sufficient factual basis to find that the legal rights or interests held by JEA may be determined in this proceeding.

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<sup>1</sup> *Petition to Intervene*, p. 3 (June 25, 2021).

<sup>2</sup> Tenn. Code Ann. § 4-5-310.

Upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of JEA may be determined in this proceeding. The Hearing Officer finds that JEA's *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer concludes JEA's *Petition to Intervene* should be granted.

**IT IS THEREFORE ORDERED THAT:**

The *Petition for Leave to Intervene of Jackson Energy Authority* is granted. Jackson Energy Authority may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.

A handwritten signature in black ink that reads "Monica Smith-Ashford". The signature is written in a cursive, flowing style.

Monica Smith-Ashford, Hearing Officer