

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**

**ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE
TENNESSEE ELECTRIC COOPERATIVE ASSOCIATION**

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 Tennessee Electric Cooperative Association* (“*Petition to Intervene*”) filed by the Tennessee Electric Cooperative Association (“TECA”) 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. TECA is a trade association serving consumer-owned electric cooperatives by providing leadership, advocacy, and support. TECA’s members include Tennessee’s 22 electric cooperatives and one municipal system. TECA asserts that JSC is prohibited by law from providing the services it seeks to offer. TECA maintains “[i]f 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.”¹ Therefore, TECA seeks to intervene in the docket on behalf of its members.²

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.³

Because JSC’s *Petition* seeks a determination whether it is a public utility, and its intent is to ultimately provide electric power in the Tennessee Valley Authority (“TVA”) area and TECA members purchase wholesale power from TVA, the Hearing Officer finds that there is a sufficient factual basis to find that the legal rights or interests held by TECA may be determined in this proceeding.

¹ *Petition to Intervene*, p. 2 (June 25, 2021).

² *Id.*

³ 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 TECA may be determined in this proceeding. The Hearing Officer finds that TECA'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 TECA's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition for Leave to Intervene of Tennessee Electric Cooperative Association* is granted. The Tennessee Electric Cooperative Association 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