



**Larry L. Cash**

Direct Dial (423) 785-8394  
Direct Fax (423) 321-1694  
Larry.Cash@millermartin.com

September 8, 2021

Electronically Filed in TPUC Docket  
Room on September 8, 2021 at 1:53 p.m.

**Via Electronic Filing and Via U.S. Mail**

Chairman Kenneth C. Hill  
Attn: Ectory Lawless, Esq.  
Docket & Records Manager  
Tennessee Public Utility Commission  
Andrew Jackson State Office Building  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243-0001

RE: Application of Jackson Sustainability Cooperative for a Determination of  
Exemption and in the Alternative, for a Certificate of Public Convenience and  
Necessity – Docket No. 21-00061

Dear Chairman Hill,

Enclosed is a copy of the Discovery Requests from Jackson Energy Authority to the Petitioner,  
Jackson Sustainability Cooperative.

By copy of this letter, we are serving all counsel of record.

Sincerely,

Larry L. Cash

LLC/dac  
Enclosure  
cc: All Counsel of Record

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

<b>THE APPLICATION OF JACKSON</b>	)	
<b>SUSTAINABILITY COOPERATIVE</b>	)	
<b>FOR A DETERMINATION OF</b>	)	
<b>EXEMPTION AND IN THE</b>	)	Docket No. 21-00061
<b>ALTERNATIVE, FOR A CERTIFICATE</b>	)	
<b>OF PUBLIC CONVENIENCE AND</b>	)	
<b>NECESSITY</b>	)	

**JACKSON ENERGY AUTHORITY’S FIRST SET OF DISCOVERY REQUESTS TO  
JACKSON SUSTAINABILITY COOPERATIVE**

Comes Jackson Energy Authority (“JEA”), by and through counsel, and submits the following First Set of Discovery Requests to the Applicant, Jackson Sustainability Cooperative (“JSC”):

**DEFINITIONS**

1. “You” or “your” means and includes Jackson Sustainability Cooperative, and its agents, representatives, attorneys and those persons in active concert or participation with them.

3. “Person” or “persons” means and includes any individual, partnership(s), corporation(s), company(ies), association(s), government agency(ies) (whether federal, state, local or any agency of the government of a foreign country) or other entity(ies).

3. “Record” and “document” are used in the broadest sense and mean the original and any non-identical copy, regardless of origin or location, which is within the scope of Tennessee Rule of Civil Procedure 34. Typical categories of material included within the term “document” are: e-mails and other electronically stored or generated records of any kind, books, pamphlets, periodicals, memoranda (including those of telephone and oral conversations), letters, reports, notes, telegrams, records, diaries, minutes, bulletins, circulars, brochures, studies, instructions, working papers, charts, work assignments, drawings, designs, prints, flow sheets, graphs,

invention disclosures, photographs, photomicrographs, microfilm, drafts, advertisements, catalogs, papers, indices, tapes, disks, data sheet or data processing material, or any handwritten, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced in your possession, custody or control.

5. “Communication” includes all documents and all kinds of non-written transfer or receipt of information, including but not limited to every discussion, conversation, conference, meeting, interview, or telephone call.

6. “Identify,” “identity,” or “identification,” when used with reference to a person means to state the full name, last known address and telephone number, and, where applicable, the present position and business, and each prior position and business.

7. “Identify,” “identity” and “identification” when used with reference to a document means to state:

- a. the general nature of the document or object, i.e., whether it is a letter, a memorandum, a report, a drawing, a chart or tracing, a pamphlet, an email, etc.;
- b. the general subject matter of the document or object;
- c. the name, and the current or last known business address and home address of the original author or draftsman (and, if different) the signer or signers, any person who has edited, corrected, revised or amended, and any person who has entered any initials or comment or notation thereon;
- d. the date, including any date of any editing, correcting, amending, or revising;
- e. the source, system, and meaning of any numerical designation appearing thereon, such as a file reference;

f. the name and identification of each recipient of a copy of the document or object;  
and

g. the place where and the person now having custody or control of each such document or object or, if such document or object has been destroyed, the place of and reason for such destruction.

### **INSTRUCTIONS**

1. All information is to be divulged which is in your possession or control or can be ascertained upon reasonable investigation of sources or areas within your control. The knowledge of your attorney is deemed to be your knowledge so that, apart from privileged matters, if your attorney has knowledge of the information sought to be elicited herein, that information must be incorporated into these answers even if such information is unknown to you individually.

2. Where a request calls for a response in more than one part, each part should be separated so that the response is clearly understandable.

3. Each request is to be construed independently. No request should be construed by reference to any other request for the purpose of limiting the scope of the response to such request.

4. "And" and "or" are to be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request all responses which might otherwise be construed to be outside its scope.

5. If objection is made to any request, in whole or in part, or if information responsive to a request is withheld, on the ground of privilege or otherwise, set forth fully each objection, describe generally the information which is withheld, and set forth the facts upon which you rely as the basis for each objection.

6. “Relate to,” “related to,” and “relating to” and “relation to” mean in the broadest possible sense referring to, connected to, associated with, involving, in any way concerning or pertaining to the matter discussed or described in the request.

7. These requests shall be deemed continuing in order to require supplemental responses, in accordance with Rule 26 of the Tennessee Rules of Civil Procedure.

### **DISCOVERY REQUESTS**

1. Please provide all documents relating to the organization and/or formation of JSC, including all draft and final versions of the charter, bylaws, membership agreements, resolutions, actions by written consent, and minutes of JSC and all communications with prospective, current and former members of the Board of Directors of JSC.

#### **ANSWER:**

2. Please provide all documents relating to the amendment of the charter of JSC, including all drafts and final versions of the amendments to the charter, bylaws, membership agreements, resolutions, actions by written consent, and minutes of JSC and all communications with prospective, current and former members of the Board of Directors of JSC.

#### **ANSWER:**

3. Please identify all current members of JSC and, for each such member, provide copies of all communications with each member, all draft, proposed or current membership agreements and all other proposals, solicitations and other documents relating to each member's participation in JSC.

#### **ANSWER:**

4. Please state all eligibility requirements for members of JSC and explain in detail what factors which are considered in deciding what entities qualify for membership in JSC.

**ANSWER:**

5. Please identify all potential members of JSC and all other current or potential customers of JSC not already identified and, for each such potential member or current or potential customer, provide copies of all communications with such member or customer and all draft or proposed proposals, solicitations, customer agreements and membership agreements.

**ANSWER:**

6. Please identify the “4 to 8 suitable, heavy users of electricity” and the “approximately 38 public and private operators who are prospects” that are referenced in Paragraph 11 of the Petition and provide copies of all communications with or documents relating to such users and prospects.

**ANSWER:**

7. Please state the names and addresses of all Jackson community members and businesses that have showed strong support for the JSC solar and storage project (the “Project”) as stated on page 6 of the Pre-filed Testimony of Dennis Emberling, and for each such community member or business, provide copies of all communications with or documents relating to such community member or business.

**ANSWER:**

8. Please provide copies of all feasibility studies, business plans, financial plans, operational plans, engineering plans, power supply plans and any other documents relating to the formation, capitalization, and/or operation of JSC.

**ANSWER:**

9. Please provide copies of all engineering studies, power supply studies, surveys, technical drawings, and specifications and any other documentation relating to the design, location,

construction or configuration of the solar facility or the interconnection of the solar facility with the facilities of JEA or any customer or member of JSC.

**ANSWER**

10. Please provide copies of all engineering studies, power supply studies, surveys, technical drawings, and specifications and any other documentation relating to the design, location, construction or configuration of the storage facility or the interconnection of the storage facility with the facilities of JEA or with any customer or member of JSC.

**ANSWER**

11. Please provide copies of all engineering studies, power supply studies, surveys, technical drawings, and specifications and any other documentation relating to the design, location, and configuration of the underground distribution system that JSC discusses in Paragraph 2 of its Petition and/or any distribution or other facilities for the delivery of electricity from JSC's solar and/or storage facility to JEA and/or a member or customer of JSC.

**ANSWER:**

12. Please provide copies of all draft, current or proposed franchise agreements with the City of Jackson, Tennessee and copies of all other draft, current or proposed agreements with the City of Jackson, Tennessee, Madison County, Tennessee, the State of Tennessee or one or more third parties relating to the installation of utility or other facilities within State or local rights of way and/or the crossing of any State or local streets and/or the utilization of any other publicly or privately held rights of way, together with all documents relating to such agreements.

**ANSWER:**

13. Please state all prior places of employment of Dennis Emberling.

**ANSWER:**

14. Please explain in detail how the members of JSC are located in an underserved area of Jackson, Tennessee as set forth on page 1 of in the Pre-filed Testimony of Dennis Emberling and identify all facts which support your contention that they are under-served.

**ANSWER:**

15. On page 10 of the Response by Jackson Sustainability Cooperative to the Filed Statements filed in this Docket on July 13, 2021, JSC states that “[the] evidence will show that JEA and TVA are not able to deliver quality, stable power during peak demand, and have frequent outages that result in sending employees home and lengthy restart protocols.” Please describe such service quality and outage problems in detail and provide all documents relating to this statement.

**ANSWER:**

16. On page 4 of the Pre-filed Testimony of Dennis Emberling, Mr. Emberling indicates that “JSC is evaluating additional solar and storage sites in Tennessee”. Please identify and provide all documents relating to JSC’s identification, consideration, and/or evaluation of such sites and/or the provision of solar, storage or any other generation, power supply or other energy service from any of these sites or from any other site or sites within the State of Tennessee.

**ANSWER:**

17. Has JSC considered and rejected any other sites for the development of a solar and/or storage project in Tennessee? If so, please describe each such project, state the city and county of any such consideration and state the basis for any such decision not to move forward in that location.

**ANSWER:**



18. Please provide copies of all draft, current or proposed rate schedules for the sale and/or supply of electricity, energy and/or capacity from the solar generation portion of the Project and provide all other draft, current or proposed power purchase agreements, membership agreements, terms & conditions of service, tariffs and any other documents relating to the purchase and sale and/or supply of such power.

**ANSWER:**

19. Please provide copies of all draft, current or proposed rate schedules and/or pricing for the sale and/or supply of energy and/or capacity from the storage portion of the Project and provide all other draft, current or proposed power purchase agreements, membership agreements, terms & conditions of service, tariffs and any other documents relating to the sale and/or supply of such power.

**ANSWER:**

20. Please provide copies of all documents relating to the formation or development of Community Development Enterprises-Jackson I (“CDE”), the joint venture agreement creating CDE, the financing of the Project, the construction of the Project or the actual or proposed lease arrangements between CDE and JSC.

**ANSWER:**

21. Please provide copies of all feasibility studies, business plans, financial plans, operational plans, engineering plans, power supply plans and any other documents relating to the formation, capitalization, and/or operation of CDE.

**ANSWER:**

22. Please provide copies of all contracts, letters of intent, memoranda of understanding or other similar documents between CDE and JSC and/or one or more directors, officers, employees, agents, representatives or contractors of JSC.

**ANSWER:**

23. Provide copies of all contracts, letters of intent, memoranda of understanding or other similar documents between JSC and CDE and/or one or more directors, officers, employees, agents, representatives or contractors of CDE or joint venture participant in CDE.

**ANSWER:**

24. Have JSC, CDE or any of the participants, directors, officers, employees, agents, representatives or contractors of been involved in the financing, construction or development of a solar and/or storage project in Tennessee or in any other state? If so, please describe each such project and identify the state, the city and county where each such project was or is located.

**ANSWER:**

26. Do you dispute that the area where JSC proposes to serve has been within JEA's service area since March 6, 1968?

**ANSWER:**

25. If you dispute that the area that JSC proposes to serve has been within JEA's service area since March 6, 1968, please provide the basis for such denial and identify and produce all documents which support the denial.

**ANSWER:**

Respectfully submitted,

**JACKSON ENERGY AUTHORITY**

Teresa Cobb, General Counsel  
P. O. Box 68  
Jackson, Tennessee 38302  
Telephone: (731) 422-7500  
Facsimile: (731) 488-7221  
E-mail: [tcobb@jaxenergy.com](mailto:tcobb@jaxenergy.com)

**MILLER & MARTIN PLLC**

By:



---

Larry L. Cash (BPR No. 9386)  
Mark W. Smith (BPR No. 16908)  
832 Georgia Avenue, Suite 1200  
Chattanooga, Tennessee 37402  
Telephone: (423) 756-6600  
Facsimile: (423) 785-8480  
E-mail: [larry.cash@millermartin.com](mailto:larry.cash@millermartin.com)  
[mark.smith@millermartin.com](mailto:mark.smith@millermartin.com)

*Attorneys for: Jackson Energy Authority*

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2021, a copy of the foregoing document was served on the following persons via email, hand delivery, overnight delivery or U.S. Mail, postage prepaid, addressed as follows:

John A. Beam, III  
[beam@equituslaw.com](mailto:beam@equituslaw.com)  
Equitus Law Alliance, PLLC  
P.O. Box 280240  
Nashville, TN 37208

Henry Walker  
[hwalker@bradley.com](mailto:hwalker@bradley.com)  
Bradley Arant Boult Cummings, LLP  
1600 Division Street, Suite 700  
Nashville, TN 37203

Kimberly Bolton  
[kabolton@tva.gov](mailto:kabolton@tva.gov)  
Office of the General Counsel  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, TN 37902-1401  
*Attorneys for Tennessee Valley Authority*

W. Brantley Phillips, Jr.  
[bphillips@bassberry.com](mailto:bphillips@bassberry.com)  
Bass Berry & Sims PLC  
150 Third Avenue South, Suite 2800  
Nashville, TN 37201

David Callis  
[dcallis@tnelectric.org](mailto:dcallis@tnelectric.org)  
Executive Vice President and General Manager  
Tennessee Electric Cooperative Association  
2964 Sidco Drive  
Nashville, TN 37204

Jeremy L. Elrod  
[jelrod@tmepa.org](mailto:jelrod@tmepa.org)  
Director of Government Relations  
Tennessee Municipal Electric Power Association  
212 Overlook Circle, Suite 205  
Brentwood, TN 37027

**MILLER & MARTIN PLLC**

