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September 8, 2021

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

Hon. Kenneth C. Hill, Chairman  
c/o Ectory Lawless, Docket Manager  
Tennessee Public Utility Commission  
502 Deaderick Street, 4th Floor  
Nashville, TN 37243  
[tpuc.docketroom@tn.gov](mailto:tpuc.docketroom@tn.gov)

Electronically Filed in TPUC Docket  
Room on September 8, 2021 at 3:33 p.m.

***Re: Petition of Jackson Sustainability Cooperative to Determine if a Certificate of  
Convenience and Necessity Is Needed  
Docket No. 21-00061***

Dear Chairman Hill:

Enclosed please find a copy of Tennessee Electric Cooperative Association's First Set of  
Discovery Requests to Jackson Sustainability Cooperative.

Should you have any questions concerning the enclosed, please do not hesitate to contact  
me.

Sincerely,



Matthew J. Sinback

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>	)	

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**TENNESSEE ELECTRIC COOPERATIVE ASSOCIATION’S FIRST SET OF  
DISCOVERY REQUESTS TO JACKSON SUSTAINABILITY COOPERATIVE**

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Tennessee Electric Cooperative Association (“TECA”) respectfully submits the following discovery requests to Petitioner Jackson Sustainability Cooperative (“JSC”), to be answered in writing in accordance with the parties’ agreed procedural schedule submitted to the Hearing Officer on August 20, 2021.

**DEFINITIONS APPLICABLE TO ALL DISCOVERY REQUESTS**

1. The terms “You,” and “Your,” shall include JSC, as well as any agent, employee, representative or other person or entity acting on behalf of or under the control of any such party.
2. “Person” means any natural person or entity including, but not limited to, any individual, firm, corporation, company, partnership, member, association, trade association, trust, public agency, department, bureau, board or any other form of public, private or legal entity.
3. “CDE” means Community Development Enterprises.
4. “Docket” means Tennessee Public Utility Commission Docket 21-00061.
5. “Petition” means the Petition for a Solar Facility for Supplemental Energy, and all exhibits thereto, filed on May 24, 2021.

6. "JSC's Response" means the Response by Jackson Sustainability Cooperative to the Filed Statements, filed on July 13, 2021.

7. When referring to a person, "Identify" means to state the person's full name, present or last known address.

8. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

9. The use of the singular form of any word includes the plural and vice versa.

10. "Concerning" means relating to, referring to, describing, evidencing or constituting.

11. "Communicate" or "communication" means any transmittal of information (in the form of facts, ideas, inquiries or otherwise).

12. The term "document" shall have the broadest meaning possible and includes every original (or copies if you do not have originals) and each non-identical copy, whether different from the original because of marginal notes or other material inserted or attached, and drafts and both sides of any written, printed, typed, recorded or graphic matter, however produced or reproduced, of any kind or description, including all attachments and appendices, whether sent or received or neither, including, but not limited to: communications of any kind, notes, books, memoranda, records, papers, pamphlets, brochures, circulars, advertisements, drawings, sketches, graphs, charts, plans, ledger accounts, audits, financial statements, reports, workpapers, studies, analyses, plans, policies, permits, calendars, appointment books, diaries, telephone bills and toll card records, expense reports, itineraries, agendas, checkbooks, canceled checks, receipts, contracts, agreements, instrument assignments, applications, offers,



acceptances, bids, proposals, requests for proposal, financing statements, documents of title, appraisals, purchase orders, invoices, bills of lading, work orders, statements of work, service orders, floor plans, written memorials of oral communications, recasts, photographs, photographic slides or negatives, films, filmstrips, tapes, recordings, voice mail, letters, facsimiles, correspondence, electronic mail ("email"), text messages, spreadsheets, calculations and information stored in, or accessible through, computer or other information storage or retrieval systems.

13. "Including" and "includes" means "including without limitation" or "including, but not limited to."

#### **INSTRUCTIONS FOR REQUESTS FOR PRODUCTION**

1. Each request for production below encompasses and includes all responsive electronically stored information within Your possession or control. Such electronically stored information may be produced in the form most convenient and economical to You, including, for example, .pdf, .tiff or native formats.

2. All documents responsive to these requests should be produced to the attention of Brant Phillips or Matt Sinback at Bass, Berry & Sims PLC, 150 Third Avenue South, Suite 2800, Nashville, TN 37201.

3. If You have produced a responsive document in response to another party's discovery requests, you do not need to separately produce it in response to these requests.

#### **REQUESTS FOR PRODUCTION**

1. Produce all documents upon which You intend to rely in support of Your Petition or JSC's Response in this Docket.

#### **RESPONSE:**

2. Produce all documents referenced or relied upon in Your answers to TECA's interrogatories to JSC in this Docket.

**RESPONSE:**

3. Produce all documents that support Your position that JSC is a non-profit cooperative entity subject to the Rural Electric and Community Services Cooperative Act, as codified at T.C.A. § 65-25-101 *et seq.*

**RESPONSE:**

4. Produce all documents that support Your position that JSC is not a public utility.

**RESPONSE:**

5. Produce all documents, including studies, analyses, policies, and plans, concerning JSC's operations; market; competition; competitors; potential and current members, patrons, or other customers; and projected customer demand.

**RESPONSE:**

6. Produce all documents, including studies, analyses, policies, and plans, concerning the benefits JSC may deliver to members, patrons, and the community, including documents relating to the document titled "Economic Impact of the Jackson Solar Facility," attached as Exhibit 13 to the Petition.

**RESPONSE:**

7. Produce all documents concerning the impact of JSC's solar facility on JEA with respect to that entity's finances, facilities, future costs, and sales of electricity.

**RESPONSE:**

8. With respect to JSC's solar facility, produce all contracts, draft contracts, letters of intent, and memoranda of understanding to which JSC is, or is contemplated to be, a party, as well as communications concerning each of the foregoing.

**RESPONSE:**

9. Produce all documents concerning the relationship between JSC and CDE.

**RESPONSE:**

10. Produce all documents, including requests for proposals and contracts, memoranda of understanding, or letters of intent to which JSC or CDE is a party, concerning the construction or operation of solar facilities, or the generation, transmission, or sale of electricity in the state of Tennessee by JSC, CDE, or any entity affiliated with JSC or CDE.

**RESPONSE:**

11. Produce all documents concerning the financing of JSC, CDE, or the solar facility, including all documents provided to potential funders, as referenced on page 14 of the Petition.

**RESPONSE:**

### INTERROGATORY INSTRUCTIONS

1. The following interrogatories seek information available to JSC, or the agents, attorneys, consultants, investigators and/or employees of either. If the answer to an interrogatory is not within the personal knowledge of the signatory to the interrogatory answer, state the name, address and title of the person from whom the information was obtained.

2. If any interrogatory, including subparts thereof, cannot be answered after exercising due diligence to secure the information necessary to respond, state with respect to each interrogatory subpart that you have answered to the fullest extent possible, specifying in detail your inability to answer the remainder of the interrogatory and stating whatever information, material, or knowledge you have concerning the unanswered portion, and further stating that efforts were made, and by whom, to obtain the information requested in those unanswered portions.

3. These interrogatories are continuing in character and require you to provide additional responsive information if such additional information is obtained by you after the time of your original response to these interrogatories.

4. If any interrogatory is deemed to call for the disclosure of privileged information and such privilege is asserted, please provide the following information: (a) a statement of the basis for the claim of privilege, work product or other ground of nondisclosure; (b) the author(s), recipient(s) and general nature of the information for which privilege or protection from disclosure is claimed; and (c) any other information necessary to establish the privilege or protection claimed.



### **INTERROGATORIES**

12. Identify each person that You reasonably believe may possess knowledge of facts or information relevant to this Docket.

#### **RESPONSE:**

13. Identify each person who provided information or otherwise participated in creating the documents submitted by JSC in this Docket, including the Petition, the Direct Testimony of Dennis Emberling, filed on May 24, 2021, JSC's Bylaws and Amendment to the Bylaws, JSC's Charter and the Articles of Amendment to the Charter, JSC's Conditional Member Agreement, and JSC's Full Member Agreement.

#### **RESPONSE:**

14. Identify all facts that support Your position that JSC is a non-profit cooperative entity subject to the Rural Electric and Community Services Cooperative Act, as codified at T.C.A. § 65-25-101 *et seq.*

#### **RESPONSE:**

15. Identify all facts that support Your position that JSC is not a "public utility" as defined by T.C.A. § 65-4-101 *et seq.*

#### **RESPONSE:**



16. Identify all facts that support Your position that JSC's proposed solar facility is not "affected by and dedicated to the public use," as stated on page 17 of the Petition and page 8 of JSC's Response.

**RESPONSE:**

17. Identify all facts that support Your position that JSC "does not hold itself out to the general public," as stated on page 10 of JSC's Response.

**RESPONSE:**

18. Identify all facts that support Your position that JSC's proposed solar facility project does not violate the Geographic Territories of Electric Utility Systems act, as codified at T.C.A. § 65-34-101 *et seq.* (the "GTL").

**RESPONSE:**

19. Identify all language in the GTL that supports the statement "the legislature did not intend to prevent this kind of Solar Facility project," which appears on page 12 of JSC's Response.

**RESPONSE:**

20. Identify all facts that support Your position that JSC's proposed solar facility project does "not 'duplicate' the local distribution system except in a very minor way," as stated on page 11 of JSC's Response.

**RESPONSE:**

21. Explain whether and how JSC will adhere to the seven cooperative principles, as adopted by the International Co-operative Alliance, available at: <https://www.ica.coop/en/cooperatives/cooperative-identity>.

**RESPONSE:**

22. Explain whether and how JSC will accept requests for its services.

**RESPONSE:**

23. Identify the maximum number of users that may be served by JSC's solar facility as members, patrons, or in any other capacity.

**RESPONSE:**

24. Explain whether and how JSC will operate the solar facility on an area coverage basis.

**RESPONSE:**

25. Explain whether JSC members, patrons, and other customers will draw power from the solar facility only during outages on the JEA distribution system and, if not, explain when JSC members, patrons, and other customers will draw power from the solar facility, the person who decides when to draw power from the solar facility, and the standards that govern such decisions.

**RESPONSE:**

26. Explain whether full members will be obligated to purchase “supplemental electric energy generated by JSC’s solar facility” under Section 2 of the Full Member Agreement, attached as Exhibit 4 to the Petition, and whether there is any contractual cap on the amount of electricity that a member, patron, or other customer can purchase from the JSC solar facility.

**RESPONSE:**

27. Explain whether and how JSC members will benefit from the “[f]ederal tax credits and accelerated depreciation benefits” referenced on page 14 of the Petition.

**RESPONSE:**

28. Explain whether and how JSC will be in competition with JEA or any other local power company once JSC’s solar facility is operational.

**RESPONSE:**

29. Explain whether and how JEA or TVA is a “competing enterprise that distributes electric energy” under Section 5.3.2. of the Bylaws of Jackson Sustainability Cooperative, attached as Exhibit 2 to the Petition.

**RESPONSE:**

30. Identify all facts that support Your statement that JEA and TVA “have frequent outages that result in sending employees home and lengthy restart protocols,” as stated on page 10 of JSC’s Response.

**RESPONSE:**

31. For the period January 1, 2019 through June 30, 2021, specify by date and duration each instance in which a member, prospective member, patron, prospective patron, or other customer or prospective customer of JSC: (a) lost electric power; and (b) was required to “send employees home as they begin lengthy restart protocols,” as stated on page 7 of the Petition.

**RESPONSE:**

32. Specify the “peak demand profile[]” for each member or prospective member of JSC, as referenced on page 8 of the Petition.

**RESPONSE:**

33. Explain how JSC will provide “supplemental electric service” to its members through “advanced metering,” “load control,” and “equipment monitoring,” as stated on page 5 of JSC’s Response.

**RESPONSE:**

34. Identify all facts that support the statements made on pages 11-12 of JSC’s Response about the benefits of JSC’s proposed solar facility project, including that it:



“positively supports ... the local distribution system,” “lowers costs of the local distribution system,” will defer “capital costs associated with growth demand,” will lengthen “service life of system components,” and will reduce “costs associated with meeting peak system demands.”

**RESPONSE:**

35. Identify all facts that support the purported community benefits of JSC’s proposed solar facility project, as listed on pages 14 and 15 of the Petition and in the document titled “Economic Impact of the Jackson Solar Facility,” attached as Exhibit 13 to the Petition.

**RESPONSE:**

36. Describe the “long working relationship” that JSC’s officers/directors have with the Community Redevelopment Agency, as stated on page 15 of the Petition.

**RESPONSE:**

37. Identify all venture participants in CDE and, for CDE and each venture participant, state whether the entity is a non-profit entity.

**RESPONSE:**

38. According to a press release issued by iSun, Inc., available at <https://isunenergy.com/news/isun-selected-by-northern-reliability-and-community-development-enterprises-for-pv-installation-of-one-of-americas-largest-solar-plus-storage-microgrid-projects>, JSC’s solar facility is “phase one of one of the nation’s largest solar plus storage microgrid

projects underway in Jackson, TN” and “Phase one of the multi-phase project ....” Explain in detail all current and future “phases” of JSC’s solar facility.

**RESPONSE:**

39. Identify all facts that support CDE’s public statements, available at <https://communitydevelopmententerprises.com/>, that: “JSC will get all its power from CDE’s solar facility, so around half of Members’ power will come from renewables”; “CDE will pay for the entire solar facility, underground wiring to Members’ buildings, and smart meters in each building”; “Guaranteed to lower your total cost of electricity for 30 years”; “Higher quality, tightly regulated solar power improves reliability and extends the life of costly machinery”; and “This 17 MW solar facility will be the most productive per acre in the entire world.”

**RESPONSE:**

**VERIFICATION**

I swear and affirm that the answers to interrogatories contained herein are true, complete and accurate to the best of my knowledge. I also understand it is my duty to promptly notify my attorney should I later learn that any of these answers are incomplete, inaccurate or misleading.

\_\_\_\_\_

**STATE OF TENNESSEE**                    )  
**COUNTY OF** \_\_\_\_\_            )

Subscribed and sworn to before me  
on this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:\_\_\_\_\_

Respectfully submitted,



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W. Brantley Phillips, Jr. (18844)

Matthew J. Sinback (23891)

**BASS, BERRY & SIMS PLC**

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*Counsel for Tennessee Electric Cooperative  
Association*



**CERTIFICATE OF SERVICE**

I hereby certify that on this the 8th day of September, 2021, the foregoing document was served on the following persons via email, hand delivery, overnight delivery and/or U.S. Mail, postage prepaid:

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