

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

DOCKET NO. 19-~~UA~~-125

FILED
AUG 08 2019
MISS. PUBLIC SERVICE
COMMISSION

IN RE: PETITION OF DELTA'S EDGE SOLAR, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT, OPERATE, AND MAINTAIN A SOLAR GENERATING FACILITY IN CARROLL COUNTY, MISSISSIPPI

**PETITION FOR CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY**

COMES NOW, petitioner Delta's Edge Solar, LLC ("Delta's Edge"), by and through its undersigned counsel and pursuant to RP 7 of the Commission's Public Utilities Rules of Practice and Procedure, files with the Mississippi Public Service Commission (the "Commission") this petition for a certificate of public convenience and necessity (the "Petition") for a proposed 100 MW (AC) solar generating facility located in Carroll County, Mississippi (the "Facility") and would show unto the Commission the following:

INTRODUCTION

1. Delta's Edge Solar, LLC, a Delaware limited liability company registered as a foreign limited liability company and authorized to and qualified to do business in the State of Mississippi, is a special purpose entity created for the purpose of owning and operating the facilities proposed for certification in this proceeding.

2. Mississippi Code § 77-3-14 provides that, among other things, "[N]o public utility or other person shall begin the construction of any facility for the generation and transmission of electricity to be directly or indirectly used for the furnishing of public utility service in this state . . . without first obtaining [a certificate of public convenience and necessity]" from this Commission. Delta's Edge is not, and does not intend to become, a public utility under the laws of the State of Mississippi. Delta's Edge, however, is an "other person" within the meaning of Miss. Code Ann. § 77-3-14. It is thus seeking a certificate of public convenience and necessity for construction of the Facility, as more fully described below. All required information and documentation required for a facility's certificate proceeding relating to Delta's Edge is provided herein and in the attached testimony and exhibits.

3. The entire electricity output of the Facility will be sold to Cooperative Energy (a cooperative of eleven-member electric power associations serving a 55-county area) under a Power Purchase Agreement, dated as of September 19, 2018 (“PPA”), between Delta’s Edge and Cooperative Energy, which PPA has a fifteen-year term.

**PROJECT DESCRIPTION AND CERTIFICATE
REQUEST--SOLAR FACILITIES**

4. Delta’s Edge hereby requests Commission approvals related to the construction of the Facility, which it will initially own, operate, and maintain. An affiliate of Delta’s Edge will construct the Facility pursuant to the PPA. Because Delta’s Edge is not a public utility and its rates are not subject to the Commission’s jurisdiction, the Commission’s jurisdiction is limited to the issuance of a certificate of public convenience and necessity to construct the Facility.

5. The Facility will generate solar power through solar panels mounted directly on the ground, via steel support structures, and will be built to industry standards. Solar energy is a clean, reliable energy source. Solar electricity generated at the Facility will not produce greenhouse gas or other dangerous air pollutants, it comes with no fuel costs and thus avoids the risk of fuel price volatility, and is generally less susceptible to regulatory or compliance disruptions. For these reasons, among others, the Facility will serve Mississippi’s public interests.

6. The estimated construction cost of the Facility is \$109,900,000. The Facility will be constructed beginning in the first quarter of 2021, and the Facility’s commercial operation will be on or before December 31, 2021. It is estimated that the construction of the Facility will take approximately ten months.

7. Delta’s Edge will fund the entire cost of the solar array.

8. Delta’s Edge will obtain all necessary environmental and health permits for the construction and operation of the Facility.

9. The Facility’s solar array will be constructed on approximately 930 acres of land in Carroll County, Mississippi, as shown on the vicinity map attached hereto as Exhibit B, and the solar array will cover approximately 693 of those acres.

10. Delta's Edge will construct the interconnection facilities and transmission line modifications required to interconnect the solar project to the Cooperative Energy transmission system as queue position J679 following an interconnection study with MISO, all of which Delta's Edge will construct and convey to Entergy Mississippi pursuant to an Oversight and Transfer Agreement.

SUPPORTING DOCUMENTATION AND INFORMATION

11. In support of this Petition, Delta's Edge hereby submits the following information on which it will rely at any hearing on this request, all of which is incorporated herein by reference as if fully set forth herein:

a. The sworn pre-filed direct testimony and exhibits of Michelle Matthews, Project Manager for Development, RES America Developments Inc., attached hereto as Exhibit F describes the solar facility and its overall benefits.

12. Delta's Edge further submits the following information and data pursuant to RP 7.102(2) and in satisfaction of the filing requirements listed in Schedules 1 and 3 of Appendix A of the Commission's Rules:

a. Schedule 1, Items 1 and 2: A copy of Delta's Edge's Certificate of Formation and Certificate of Authority to do business in Mississippi are provided in Exhibit A.

b. Schedule 1, Item 3: N/A¹ - The Facility is a non-utility generating facility from which Delta's Edge will sell power exclusively to Cooperative Energy.

c. Schedule 1, Item 4: The sole member/owner of Delta's Edge is RES America Developments Inc. and its address is 11101 w. 120th Avenue, Suite 400, Broomfield, Colorado 80021. The names and addresses of all of the Board of Directors, Officers, and any person owning 15% or more of the stock of RES America Developments, Inc. is also provided in Exhibit A.

d. Schedule 1, Item 5: N/A²; however, a copy of the Facility site map and a general map of the vicinity in which the Facility is located is attached as Exhibit B.

¹ See, Order Granting Facilities Certificate, dated January 13, 2015, in HKCR, LLC, MSPSC Docket No. 2014-UA-266.

²Id.

e. Schedule 1, Items 6 and 7: N/A: Petitioner will be selling at wholesale and will not have a service area.

f. Schedule 1, Item 8: Details of the Facility are contained in Ms. Matthews's testimony attached hereto as Exhibit F, in this Petition, and are further provided in the engineering plans and specifications, as discussed below.

g. Schedule 1, Item 9: N/A³

h. Schedule 1, Item 10: N/A⁴

i. Schedule 1, Item 11: N/A⁵

j. Schedule 1, Item 12: N/A⁶

k. Schedule 1, Item 13: Subject to final engineering review and sign-off, a copy of the layout, electrical design, and a general description of the proposed facility's components is attached as Exhibit C.

l. Schedule 1, Item 14: Petitioner is in the process of obtaining all relevant permits and approvals. Prior to construction, Petitioner will acquire all necessary environmental and other permits for the construction and operation of the Facility. Petitioner has determined that the approvals listed in Exhibit D are required.

m. Schedule 1, Item 15: A list of the names and addresses of all interested persons as defined in RP 2.115 is attached as Exhibit E.

n. Schedule 1, Item 16: A copy of all testimony on which Delta's Edge will rely at a hearing is attached hereto as Exhibit F.

o. Schedule 1, Item 17: N/A⁷

13. Pursuant to Mississippi law and the Commission's rules, Delta's Edge is only attaching the non-confidential portions of the exhibits for filing in the public records of the Commission. Copies of such exhibits that contain confidential, commercial, proprietary, and financial information or information in the nature of a trade secret have been appropriately marked and are being filed under separate cover in accordance with RP 4.100(3) and 4.101(3) of

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

the Commission's Rules. Delta's Edge requests that the Commission and Staff maintain this information as confidential and that, to the fullest extent permitted by law, it not be disclosed to any third parties.

14. Delta's Edge has provided herewith all the information relevant to the Petition and, therefore, request a waiver of each and every other filing requirement that may be prescribed by the Commission's Rules.

15. The name, address and telephone number of the person from Delta's Edge responsible for the Petition and from whom information may be obtained is:

Michelle Matthews
612-590-8653
michelle.matthews@res-group.com

and in the alternative and with a copy to:

Baker Donelson
Attn: H. Lee Hill II
100 Vision Drive, Suite 400
Jackson, MS 39211
601-351-2400

16. As evidence herein and supported by the attached exhibits, the public convenience and necessity require the construction of the Facility.

WHEREFORE, PREMISES CONSIDERED, Delta's Edge prays that this Petition be received and filed; that notice thereof be given by the Commission in the manner and form prescribed by law, returnable to a date certain; that the Commission consider the same as soon after that date as reasonably possible; and that after having fully considered all the relevant evidence, following a hearing on this Petition, the Commission enter an order as follows:

1. Finding that Delta's Edge is not a public utility, and the Facility is not utility property under the laws of the State of Mississippi.

2. Finding that Delta's Edge is not subject to the Commission's jurisdiction except for the requirement of obtaining a Certificate of Public Convenience and Necessity as set forth in Miss. Code Ann. § 77-3-14.

3. Finding that, in submitting this Petition, Delta's Edge has complied with all of the rules and regulations of the Commission concerning the issuance of such Certificate; and
4. Finding that Delta's Edge should be and is hereby granted a Certificate of Public Convenience and Necessity for the construction and operation of the Facility for the generation, transmission, and wholesale sale of electricity in interstate commerce; and
5. Finding that such other, further, and general relief is granted, as may be required.

Respectfully submitted this the 8th day of August, 2019.


DELTA'S EDGE SOLAR, LLC

By its counsel:
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CERTIFICATE OF SERVICE

I, H. Lee Hill II, do hereby certify on this day that:

a. I have caused to be hand-delivered the original and twelve copies of the above and foregoing Petition to Katherine Collier, Executive Secretary of the Mississippi Public Service Commission, 1st Floor, Woolfolk State Office Building, 501 N. West Street, Jackson, Mississippi 39201.

b. An electronic copy of the filing will be filed with the Commission via email at efile.psc@psc.state.us.us.

c. Delta's Edge has served via U.S. Mail, postage prepaid, a copy of the filing upon such "interested person" as defined in Rule 2.115.

d. Delta's Edge has complied with or requested filed an electronic copy of the Petition and that in the filing of said Petition, I have complied with Rule 6 of the Commission's Rules of Practice and Procedure

This the 8th day of August, 2019.



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