

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSISSIPPI

FILED

DOCKET NO. '20-UA-190

NOV 24 2020

MISS. PUBLIC SERVICE
COMMISSION

TUNICA WINDPOWER LLC

IN RE: PETITION OF TUNICA WINDPOWER LLC
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO
CONSTRUCT AND OPERATE AN ELECTRIC GENERATING FACILITY IN
TUNICA COUNTY, MISSISSIPPI

PETITION

COMES NOW, the Petitioner, Tunica Windpower LLC ("Tunica Windpower"), pursuant to Section 77-3-14, Mississippi Code of 1972, as amended, and files this Petition for a certificate of public convenience and necessity to construct the hereinafter described electric generating facility in Tunica County, Mississippi, and in support of said Petition, would respectfully show the following:

1. Tunica Windpower is a Delaware Limited Liability Company duly authorized and qualified to do business in the State of Mississippi. A copy of Tunica Windpower's authorization to do business in this state is attached as Exhibit "A" and is incorporated by reference. Correspondence or inquiries concerning the construction, operation and maintenance of the hereinafter described facilities shall be directed to:

Chris Rogers
Tunica Windpower LLC
1417 NE Everett Street,
Portland, Oregon 97209

Telephone (503) 327-2000

With copy to:

Dennis W. Miller
Jones Walker LLP
Post Office Box 427
Jackson, Mississippi 39205-0427
Telephone (601) 949-4776

2. Though Tunica Windpower is not and does not intend to become a public utility under the laws of the State of Mississippi, it does intend to construct and operate an up to 200MW wind turbine electricity generating facility on certain real property owned or leased by Tunica Windpower in Tunica County (the "Facility") and sell the capacity and related energy by the Facility solely to wholesale customers in interstate commerce. Accordingly, all sales of capacity and related energy by Tunica Windpower will be pursuant to agreements and rates approved by the Federal Energy Regulatory Commission and such rates will not be subject to the jurisdiction of the Mississippi Public Service Commission ("Commission"). Tunica Windpower will operate the Facility as a "non-utility generator" within the meaning of Section 77-3-3, Mississippi Code of 1972, as amended. Construction of the Facility will begin only after all required regulatory permits, approvals and other authorizations, including the certificate of public convenience and necessity which is the subject of this Petition, have been obtained. Tunica Windpower is currently in the process of obtaining all such permits and approvals which are required to own, construct, operate and maintain the Facility. It is anticipated that the Facility will be operational on or about October 1, 2021. There is an increasing demand for alternative energy sources in the region and the public convenience

and necessity requires the construction of the Facility. Tunica Windpower comes to this Commission under the direction of Section 77-3-14, Mississippi Code of 1972, as amended, which provides among other things, that “no public utility or other person shall begin construction of any facility for the operation 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. Tunica Windpower reasonably believes that the electric energy which is generated by the facility may ultimately be consumed by end users in Mississippi and, therefore, will be used indirectly for the furnishing of public utility service in the state. Accordingly, Tunica Windpower respectfully requests the Commission to issue to Tunica Windpower a certificate of public convenience and necessity for construction of the Facility.

3. The Facility will be located on approximately thirteen thousand (13,000) acres within Tunica County. No above ground transmission line will be constructed for the Facility as the point of interconnection is within the project boundary.
4. The Facility will consist of up to one hundred (100) wind turbines.
5. It is anticipated that the Facility will be interconnected through the Midcontinent Independent System Operator, Inc. (MISO). The transmission owner is Entergy Mississippi. Cooperative Energy is an affected system within MISO that will be upgrading some of its facilities to accommodate the output from this facility as

well as three (3) additional projects. Finally, TVA is an affected system as well. TVA is currently performing a facility study to evaluate the necessary upgrades.

6. Revenues from state and local taxes will increase as a result of the construction and operation of the Facility and additional jobs will be created, thereby increasing the personal income of numerous citizens of the State of Mississippi. Construction and operation of the Facility will be beneficial to the State of Mississippi and to the people of the state, therefore, construction is in the public interest.
7. The names and the business address of the officers of Tunica Windpower are set forth in the Exhibit "B" and incorporated by reference. As a Limited Liability Company, Tunica Windpower has no directors. Tunica Windpower is a wholly owned subsidiary of Steelhead Wind 2 LLC.
8. A listing of the names and addresses of all interested persons as defined in the Commission's Rules along with a Certificate that notice of this filing has been served upon each is attached as Exhibit "C" and incorporated by reference.
9. Petitioner attaches the pre-filed testimony of Elon Hasson, Principal Developer, designated as Exhibit "D" and incorporated herein by reference.
10. Petitioner would request that the Commission find that information requested in paragraphs 1, 2, 4, 8, 15, and 16 of Appendix "A", Schedule 1 of the Commission's Rules of Practice and Procedure are addressed in this Petition. In view of the proposed status of Tunica Windpower, Petitioner would further request that the Commission find that paragraphs 3, 5, 6, 7, 9 through 14 and 17 of


Appendix "A", Schedule 1 of the Commission's Rules of Practice and Procedure are not applicable to the Petitioner, and therefore, should be waived.

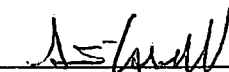
WHEREFORE, PREMISES CONSIDERED, Tunica Windpower prays that this Commission will, after due and proper notice fixing a time and place in the manner prescribed by law, enter an Order granting unto Tunica Windpower a Certificate of Public Convenience and Necessity for construction of the herein described Facility.

The Petitioner prays for general relief.

Respectfully submitted this the 24th day of November, 2020.

TUNICA WINDPOWER LLC


BY: Chris Rogers
President


BY: Steve Caspell
Treasurer

ATTORNEYS FOR TUNICA WINDPOWER LLC

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CERTIFICATE OF SERVICE

I, Dennis W. Miller, of Jones Walker LLP, attorney for the Petitioner, do hereby certify that I have hand delivered the appropriate number of copies and exhibits required by the Public Service Commission's Rules of Practice and Procedure to Katherine Collier, Executive Secretary of the Mississippi Public Service Commission, for distribution to members of the Public Service Commission, its staff, and the Public Utilities Staff.

SO CERTIFIED, this the 24th day of November, 2020.



DENNIS W. MILLER