



**FILED**

**DEC 23 2020**

**MISS. PUBLIC SERVICE  
COMMISSION**

LEO E. MANUEL  
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December 23, 2020

Katherine Collier, Esq., Executive Secretary  
Mississippi Public Service Commission  
501 North West Street, Suite 201A  
Jackson, MS 39201

**Re: Petition of Pearl River Solar Park LLC for a Certificate of Public  
Convenience and Necessity Authorizing Construction, Ownership, and  
Operation of a Solar Electric Generating Facility in Scott County,  
Mississippi**

Dear Katherine:

On behalf of Pearl River Solar Park LLC please find the attached petition for filing. Pursuant to the Commission's Order of March 12, 2020, this filing is only being made electronically. Physical copies shall be made only upon further order of the Commission.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Leo E. Manuel".

Leo E. Manuel

LEM:hr

cc: Sally Birchfield Doty, Esq. (sally.doty@mpus.ms.gov)  
David Tad Campbell, Esq. (tad.campbell@mpus.ms.gov)  
Mr. Jared Hibshman (jared.hibshman@edpr.com)  
Mr. Rajiv Desai (raj.desai@edpr.com)  
Caitlyn Dockendorf, Esq. (caitlyn.dockendorf@edpr.com)  
Mr. Rorik Peterson (rorik.peterson@edpr.com)

DEC 23 2020

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

MISS. PUBLIC SERVICE  
COMMISSION

PEARL RIVER SOLAR PARK LLC

DOCKET NO.

'20-UA-211

RE: PETITION OF PEARL RIVER SOLAR PARK LLC FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
AUTHORIZING CONSTRUCTION, OWNERSHIP, AND  
OPERATION OF A SOLAR ELECTRIC GENERATING FACILITY  
IN SCOTT COUNTY, MISSISSIPPI

PETITION

COMES NOW, Pearl River Solar Park LLC ("Petitioner"), by and through its undersigned counsel, and files this Petition for a Certificate of Public Convenience and Necessity ("Petition") pursuant to Section 77-3-14 of the *Mississippi Code of 1972, as amended*, authorizing the construction, ownership, and operation of a 175 MW<sub>AC</sub> solar photovoltaic electric generating facility (the "Facility") in Scott County, Mississippi. In support, Petitioner states:

**INTRODUCTION**

1. Petitioner is a Delaware limited liability company duly authorized and qualified to do business in the State of Mississippi.
2. Section 77-3-14 of the *Mississippi Code of 1972, as amended*, provides, among other things, that "no 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 the Commission.
3. Petitioner is not, and does not intend to become, a "public utility" under the laws of the State of Mississippi. Petitioner is, however, an "other person" within the meaning of Section 77-3-14 of the *Mississippi Code of 1972, as amended*.

## PROPOSED FACILITY

4. Petitioner intends solely to construct, own, and operate the Facility, which will be funded by Petitioner's parent company, in Scott County, Mississippi. The Facility is expected to be located on a total of approximately 1,760 acres that is currently under control by the Petitioner and generally located in Sections 13, 24, and 25 of Township 8 North, Range 5 East, and Section 19, 30, and 31 of Township 8 North, Range 6 East of Scott County, Mississippi. The energy offtake of the Facility is still yet to be determined, but Petitioner is currently in discussions with potential offtakers for the full output of the Facility.

5. Because Petitioner is not a public utility in the State of Mississippi and its rates are not subject to the jurisdiction of the Commission, the Commission's jurisdiction over Petitioner and the Facility is limited to the issuance of a Certificate of Public Convenience and Necessity for the construction of the Facility. All other requirements of Section 77-3-14 of the *Mississippi Code of 1972, as amended*, such as the requirement to report on the costs of construction, the progress of construction, and any revisions of cost estimates for construction do not apply to Petitioner and Petitioner respectfully requests a waiver of such requirements.

6. The initial investment in Mississippi necessary to develop and construct the Facility will be approximately \$235,000,000. The Facility will be a reliable source of clean energy for the State of Mississippi, and the solar electricity generated by the Facility will produce electricity without greenhouse gas or other emissions. The Facility is not subject to the risk of regulatory disruption or compliance costs faced by generating facilities that produce hazardous waste. Solar energy has no fuel costs and is therefore free of any risk of volatility in fuel prices. Finally, Petitioner expects to sell the output of the Facility at or below the cost of traditional resources. As

a result, construction of the Facility is in the public interest of the State of Mississippi and its citizens.

7. As evidenced herein, the public convenience and necessity require the construction of the Facility. Because Petitioner is not a public utility in the State of Mississippi and its rates are not subject to the jurisdiction of the Commission, Schedule 1 of Appendix A of the Commission's Procedural Rules is not applicable to Petitioner and Petitioner respectfully requests of waiver of the requirements of Schedule 1 of Appendix A.

#### **SUPPORTING DOCUMENTATION AND INFORMATION**

8. In accordance with the requirement of Appendix "A", Schedule 3, of the Commission's Procedural Rules, Petitioner submits and/or requests specific disposition of each individual item as follows:

(a) Appendix "A", Schedule 3, Item 1 – This filing requirement concerning the Petitioners' previous documentation of a certificate to operate issued by the Commission is not applicable, as Petitioner is not a public utility under the laws of the State of Mississippi and does not intend to operate as a public utility in the State of Mississippi. Petitioner, therefore, requests a waiver of Item 1 to Appendix "A", Schedule 3 of the Commission's Procedural Rules.

(b) Appendix "A", Schedule 3, Item 2 - The owner of Petitioner is EDP Renewables North America, LLC ("EDPR NA") with its principal business address 1501 McKinney Street, Suite 1300, Houston, Texas 77010. The names and addresses of all Officers of the Petitioner is provided in Exhibit A to this Petition.

(c) Appendix "A", Schedule 3, Item 3 - The Facility does not have an "existing certificated area" because it is a non-utility generating facility that intends to sell power solely for

resale in one or more wholesale power markets. An outline map depicting the general location of the proposed new Facility is attached as Exhibit B.

(d) Appendix "A", Schedule 3, Item 4 - A detailed description of the Facility proposed is included in the pre-filed direct testimony of Mr. Rajiv Desai, Senior Development Project Manager of EDPR NA which will be relied upon at hearing, attached as Exhibit C.

(e) Appendix "A", Schedule 3, Item 5 - Prior to commencing construction, Petitioner will obtain a Large Construction Stormwater General Permit from the Mississippi Department of Environmental Quality and any other local permits or approval required, but these approvals are not expected to be obtained prior to the Commission's consideration of this Petition. Petitioner, therefore, requests a waiver of Item 5 to Appendix "A", Schedule 3 of the Commission's Procedural Rules to extent obtaining said approvals are required prior to Commission approval of this Petition.

(f) Appendix "A", Schedule 3, Item 6 - The initial investment in Mississippi necessary to develop and construct the Facility will be approximately \$235,000,000. Petitioner's overall financing plan and sources of funding for the Facility is discussed in the pre-filed direct testimony of Mr. Rajiv Desai, Senior Development Project Manager of EDPR NA, attached hereto as Exhibit C.

(g) Appendix "A", Schedule 3, Item 7 - Petitioner does not and will not have a complete set of engineering plans and specifications for the Facility until just before the notice to proceed construction phase of the project. Solar facilities like the Facility proposed herein are common facilities that have been developed across the country and world. The design, materials and construction techniques are well-established in the industry. Petitioner, therefore, requests a waiver of Item 7 to Appendix "A", Schedule 3 of the Commission's Procedural Rules.

(h) Appendix “A”, Schedule 3, Item 8 - This filing requirement concerning the Facility’s impact to rate base and rates is not applicable, as Petitioner is not a public utility under the laws of the State of Mississippi and does not intend to operate as a public utility in the State of Mississippi. Petitioner, therefore, requests a waiver of Item 8 to Appendix “A”, Schedule 3 of the Commission’s Procedural Rules.

(i) Appendix “A”, Schedule 3, Item 9 - Consistent with the Certificate of Service below a complete copy of the Petition, pre-filed testimony and exhibits is being sent to all interested persons. A list of the names and addresses of all interested persons, as defined in RP 2.115, is attached as Exhibit D, together with a certificate of service with respect to each.

(j) Appendix “A”, Schedule 3, Item 10 – Petitioner hereby submits the pre-filed direct testimony of Mr. Rajiv Desai, Senior Development Project Manager of EDPR NA, which will be relied upon at hearing, attached as Exhibit C.

(k) Appendix “A”, Schedule 3, Item 11 – Exhibit E to this Petition is a copy of the balance sheet and income statement through October 31, 2020 of Petitioner’s parent, EDP Renewables. As explained by Mr. Desai, Petitioner will be funding construction of the proposed Project with funds provided by its parent.

9. Petitioner has provided herewith all the information relevant to its certificate Petition and, therefore, requests a waiver of each and every other filing requirement that may be prescribed by the Commission’s Procedural Rules.

### CONCLUSION

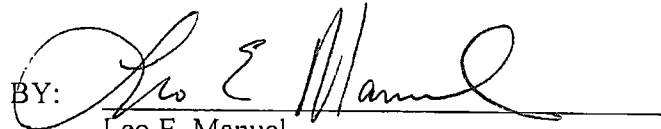
WHEREFORE, Petitioner further prays that, following a hearing on this Petition pursuant to the requirements of the Procedural Rules and applicable law, the Commission enter an Order as follows:

1. Finding that Petitioner is not a public utility and the Facility is not utility property under the laws of the State of Mississippi;
2. Finding that Petitioner 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 Section 77-3-14 of the *Mississippi Code of 1972, as amended*;
3. Finding that, in submitting the Petition, Petitioner has complied with all of the rules and regulations of the Commission concerning the issuance of such certificate; and
4. Finding that Petitioner should be and is hereby granted a Certificate of Public Convenience and Necessity for the construction, ownership and operation of the Facility for the generation, transmission, and wholesale sale of electricity in the State of Mississippi.

Respectfully submitted this 23<sup>rd</sup> day of December, 2020.

PEARL RIVER SOLAR PARK LLC

BY: BALCH & BINGHAM LLP


BY:   
Leo E. Manuel

RICKY J. COX  
Mississippi Bar No. 9606  
LEO E. MANUEL  
Mississippi Bar No. 101985  
MARY-KATHERINE BLACK  
Mississippi Bar No. 105906  
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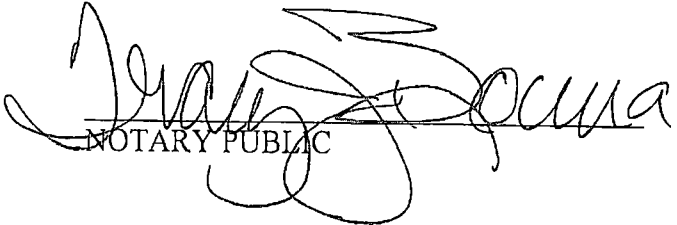
STATE OF MISSISSIPPI

COUNTY OF HARRISON

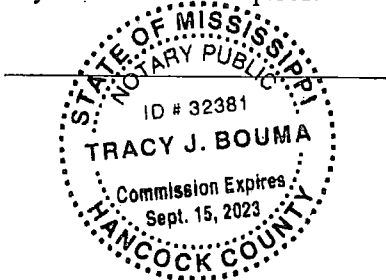
PERSONALLY appeared before me, the undersigned authority in and for the said County and State, within my jurisdiction, the within named Leo E. Manuel, who after being duly sworn on oath acknowledged that he is Attorney for PEARL RIVER SOLAR PARK LLC and that for and on behalf of the said PEARL RIVER SOLAR PARK LLC and as its act and deed, he signed and delivered the above and foregoing filing for the purposes mentioned on the day and year therein mentioned, after first having been duly authorized by said PEARL RIVER SOLAR PARK LLC so to do, and that the statements contained in the foregoing instrument are true and correct to the best of his knowledge, information and belief.

  
LEO E. MANUEL

SWORN TO AND SUBSCRIBED BEFORE ME, this the 23 day of December, 2020.

  
NOTARY PUBLIC

My Commission Expires:





CERTIFICATE OF SERVICE

I, LEO E. MANUEL, counsel for Pearl River Solar Park LLC (the "Petitioner") in its Petition filed with the Mississippi Public Service Commission on even date herewith, do hereby certify that in compliance with RP 6 of the Mississippi Public Service Commission Public Utilities Rules of Practice and Procedure, as modified and suspended by that certain Order Temporarily Suspending Rules and Encouraging Use of the Commission Electronic Filing System issued on March 12, 2020:

(1) An electronic copy of the Petition, including schedules, testimony and exhibits attached thereto, has been filed with the Commission via e-mail to:

Katherine Collier, Esq.  
Executive Secretary  
Mississippi Public Service Commission  
501 North West Street, Suite 201A  
Jackson, MS 39201  
katherine.collier@psc.ms.gov

(2) An electronic copy of the Petition, including schedules, testimony and exhibits attached thereto, has been filed with the Mississippi Public Utilities Staff via e-mail to:

Sally Doty, Esq.  
Executive Director  
Mississippi Public Utilities Staff  
501 North West Street, Suite 301B  
Jackson, MS 39201  
sally.doty@mpus.ms.gov

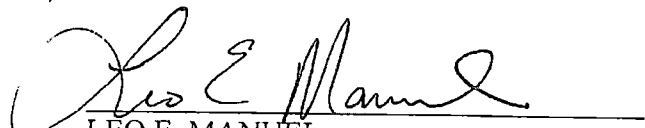
(3) An electronic copy of the Petition, including schedules, testimony and exhibits attached thereto, has been filed with the Mississippi Public Service Commission via e-mail to the following addresses:

efile.psc@psc.state.ms.us

(4) A copy of this filing has been sent to all "interested persons" as defined under RP 2 and as set forth in Exhibit D.

(5) Petitioner has complied with or requested a waiver of all other requirements of the Mississippi Public Service Commission Public Utilities Rules of Practice and Procedure.

So certified this the 23<sup>rd</sup> day of December, 2020.

  
LEO E. MANUEL