

JUN 04 2021

June 4, 2021

MISS. PUBLIC SERVICE
COMMISSIONVia Email efile.psc@psc.state.ms.us

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

Re: Petition of MS Solar 4, LLC, for a Certificate of Public Convenience and
Necessity Authorizing the Construction and Operation of a Solar Electric
Generating Facility in Covington County, MS

Dear Ms. Collier:

On behalf of MS Solar 4 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. Delivery of physical copies shall be made only upon further order of the Commission.

Please let me know if you have any questions. Thank you for your assistance in this matter.

Sincerely,

BUTLER SNOW LLP



R. Wilson Montjoy II

RWM:vgj
Enclosure

cc: All Interested parties listed on Exhibit C to Petition (via U. S. Mail)
Sally Burchfield Doty, Executive Director (via email) – sally.doty@psc.state.ms.us
David Tad Campbell, General Counsel (via email) – tad.campbell@mpus.ms.gov
Brandi Myrick, Division Director (via email) – brandi.myrick@psc.state.ms.us
Cora-Lisa Weathersby, Exec. Sec.'s Staff (via email) – cora-lisa.weathersby@psc.state.ms.us

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BUTLER SNOW LLP

FILED
JUN 04 2021

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

MISS. PUBLIC SERVICE
COMMISSION

MS SOLAR 4, LLC

DOCKET NO. **21-UA-109**

RE: PETITION OF MS SOLAR 4, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING THE CONSTRUCTION AND OPERATION OF A SOLAR ELECTRIC GENERATING FACILITY IN COVINGTON COUNTY, MISSISSIPPI

PETITION

COMES NOW, MS Solar 4, LLC ("Petitioner" or "MS Solar 4"), by and through its undersigned counsel, and files this petition for a Certificate of Public Convenience and Necessity ("CPCN") pursuant to Miss. Code Ann. § 77-3-14, for the construction and operation of an approximate 96 MWac solar electric power generation facility (the "Facility") in Covington County, Mississippi. In support, Petitioner states:

1. Petitioner is a Delaware limited liability company duly authorized and qualified to do business in the State of Mississippi.
2. Miss. Code Ann. § 77-3-14 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.
4. The Facility will be an approximate 96 MWac solar electric generation facility which Petitioner intends to construct, own, and operate in Covington County, Mississippi.

5. Petitioner plans to enter into a Virtual Power Purchase Agreement (“VPPA”) with a company that seeks to obtain certain renewable energy benefits for one or more of its facilities without directly purchasing energy from Petitioner (the “VPPA Buyer”). Under the VPPA structure, Petitioner will sell the entire electric generation output of the Facility, at wholesale, into the interstate electricity market of Midcontinent Independent System Operator (“MISO”) through an interconnection with Cooperative Energy, a MISO member. Petitioner will not make any direct sale of electricity to the VPPA Buyer or to any Mississippi retail customer. Rather, the VPPA Buyer will continue to purchase electricity as a retail ratepayer from its utility provider or pursuant to the local market rules of the jurisdiction in which it is located. Consequently, neither Petitioner’s energy pricing, nor the proposed wholesale sale of electricity into the MISO market under the VPPA structure, nor the VPPA Buyer’s participation in the VPPA are subject to the Commission’s jurisdiction.

The VPPA is a purely contractual vehicle which creates a price hedging mechanism for the parties. By virtue of the VPPA, the VPPA Buyer is deemed to have purchased renewable energy (without directly purchasing from Petitioner) and takes title to Renewable Energy Certificates, if any.

6. Because the Petitioner is not and will not be 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 CPCN for the construction of the Facility. All other requirements of Section 77-3-14, 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 waiver of such requirements.

7. The construction of the Facility is in the public interest of the State of Mississippi and residents thereof. Facility construction will create up to 100 full-time equivalent construction

jobs at its peak. After completion, there will be approximately 3 permanent jobs and significant annual sourcing and procurement of goods and services in the local economy. The capital investment necessary to develop and construct the Facility is estimated to be Ninety Million Dollars (\$90,000,000), resulting in a taxable value in Covington County which will generate significant ad valorem tax revenue to Covington County and the local school district. The Facility will be a reliable source of clean energy for MISO wholesale electricity market and, pursuant to the VPPA, the VPPA Buyer will be deemed to have purchased renewable energy. As a renewable resource, the Facility will produce electricity at competitive rates, without greenhouse gas or other emissions, has no fuel costs, and is free of any risk of volatility in fuel prices. Petitioner was selected by the VPPA Buyer in a competitive process, assuring that the Facility will meet that party's objectives of obtaining the benefits of low-cost, reliable and clean power within a VPPA structure.

8. Petitioner will obtain all necessary environmental permits for the construction and operation of the Facility and will make the same available once available. Facility interconnection to Cooperative's transmission system will be governed by MISO and Cooperative standards and in accordance with local, state and Federal laws. Cooperative Energy has filed its petition with the Commission for a CPCN to construct facilities necessary to interconnect with MS Solar 4. *In re: Petition of Cooperative Energy for Certificate of Public Convenience and Necessity Authorizing It to Acquire, Construct, Own and Operate Electrical Transmission Lines and a Switching Station in Covington County, Mississippi* (MS Solar 4 161 KV Switching Station), Docket No. 2021-UA-33.

9. As evidenced herein, the public convenience and necessity require the construction of the Facility. The issuance of a CPCN is in the public interest and is consistent with the relief granted by the Commission with respect to similar petitions for other non-utility solar generating facilities in Mississippi.

10. In accordance with the requirement of Appendix "A," Schedule 1, of the Commission's Procedural Rules Petition submits and/or requests specific disposition of each of the individual items as follows:

- a. Appendix "A," Schedule 1, Item 1 – A copy of Petitioner's Certificate of formation (Delaware) is provided in **Exhibit A**.
- b. Appendix "A," Schedule 1, Item 2 – A copy of Petitioner's Certificate of Authority to do business in the State of Mississippi is provided in **Exhibit A**.
- c. Appendix "A," Schedule 1, Item 4 – The name and address of the sole owner of the membership interests of Petitioner are provided in the pre-filed direct testimony of Chris Santiago, Director of Project Development, which will be relied upon at hearing, and is attached as **Exhibit B**.
- d. Appendix "A," Schedule 1, Item 6 – Neither Petitioner nor the Facility will have a "service area" because Petitioner will not directly serve retail ratepayers. The Facility is a non-utility generating facility that intends to directly sell power solely into the MISO wholesale electricity market.
- e. Appendix "A," Schedule 1, Item 8 – A general description of the Facility is included in the pre-filed direct testimony of Chris Santiago, Director of Project Development, which will be relied upon at hearing, and which is attached as **Exhibit B**.
- f. Appendix "A," Schedule 1, Item 13 – At this stage of project development, detailed engineering plans and specifications are currently under development but have not been completed. Petitioner will make available its initial civil design and solar layout drawings when available.

- g. Appendix "A," Schedule 1, Item 14 – Copies of required approvals from Health or Environmental Quality authorities will be made available once the same have been received.
- h. Appendix "A," 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 C**, together with a certificate of service with respect to each.
- i. Appendix "A", "Schedule 1, Item 16 – The pre-filed direct testimony of Chris Santiago, Director of Project Development, will be relied upon at the hearing and is attached as **Exhibit B**.

11. As reflected in numerous prior Orders issued by the Commission, items 3, 5, 7, 9, 10, 11, 12, and 17 of Appendix "A," Schedule 1, to the Procedural Rules are 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.

12. Petitioner has provided herewith all the information relevant to its 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:

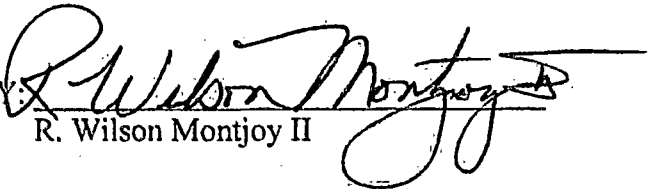
- 1. Finding that Petitioner is not a public utility and the Facility is not public utility property under the laws of the State of Mississippi.
- 2. Finding that Petitioner is not subject to the Commission's jurisdiction except for the requirement of obtaining a Certificate of Public Convenience and Necessity as set forth in Section 77-3-14.

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.

MS SOLAR 4, LLC

BY: BUTLER SNOW, LLP

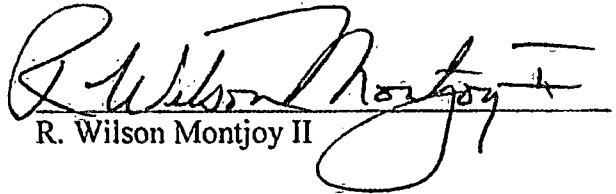
BY: 
R. Wilson Montjoy II

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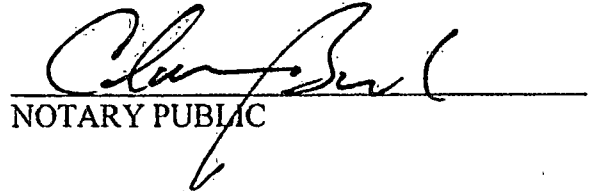
STATE OF MISSISSIPPI

COUNTY OF MADISON

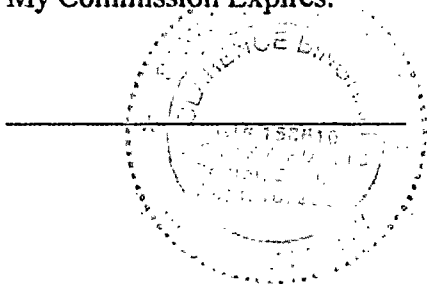
PERSONALLY. appeared before me, the undersigned authority in and for the said County and State, within my jurisdiction, the within named R. Wilson Montjoy II, who after being duly sworn on oath acknowledged that he is Attorney for MS SOLAR 4, LLC and that for and on behalf of the said MS SOLAR 4, LLC 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 MS SOLAR 4, 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.


R. Wilson Montjoy II

SWORN TO AND SUBSCRIBED BEFORE ME, this the 4th day of June, 2021.


NOTARY PUBLIC

My Commission Expires:



CERTIFICATE OF SERVICE

I, R. WILSON MONTJOY II, counsel for MS Solar 4, LLC in the foregoing filing on even date herewith do hereby certify that in compliance with Rule 6.112 of the Mississippi Public Service Commission's Public Utilities Rules of Practice and Procedure:

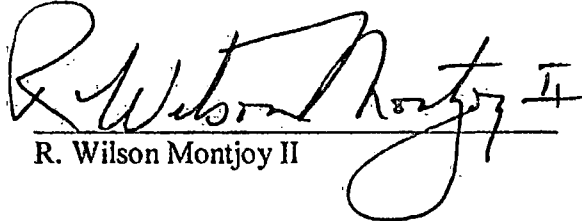
(1) An electronic copy of the filing has been filed with the Commission via e-mail to the following address:

efile.psc@psc.state.ms.us

(3) MS Solar 4, LLC has served via U.S. Mail, postage prepaid, a copy of the filing upon each "interested person" as defined in Rule 2.115 and as listed in Exhibit "C" to this filing.

(4) MS Solar 4, LLC has complied with or requested a waiver of all other requirements of this Commission's Rules.

This the 4th day of June, 2021.


R. Wilson Montjoy II

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