

**BEFORE THE PUBLIC SERVICE COMMISSION
OF
THE STATE OF MISSISSIPPI**

PEARL RIVER SOLAR PARK LLC

DOCKET NO. 2020-UA-211

IN 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

**REPORT AND RECOMMENDATION ON ORDER
OF THE HEARING EXAMINER**

THIS CAUSE came on for consideration by the Mississippi Public Service Commission ("Commission"), upon referral to Commissioner Brent Bailey, on the request of Pearl River Solar Park LLC (the "Company," "Petitioner" or "Pearl River Solar Park") for a certificate that the present and future public convenience and necessity requires or will require the construction, ownership, and operation of a solar electric generating facility in Scott County ("Solar Project" or "Facility"), as described herein. This Commission, acting through its hearing examiner, being fully apprised in the premises, having considered the documents and record before it, and upon recommendation of the Mississippi Public Utilities Staff ("Staff"), finds that the certificate of public convenience and necessity requested by the Company should be granted, and further finds as follows:

INTRODUCTION

1. Pearl River Solar Park intends solely to construct, own, and operate the Solar Project, which will be funded by Petitioner's parent company in Scott County, Mississippi. Petitioner has secured a virtual power purchase agreement with a third-party commercial and/or industrial client for the output of the facility. The Company plans to sell all physical power produced by the Solar Project into the MISO open market.

PROCEDURAL BACKGROUND

2. The Company filed its Certificate Petition in this docket on December 23, 2020.
3. Notice of the matter was given to all persons interested therein in accordance with Mississippi law by emailing such notice to each public utility which may be affected.
4. Central Electric Power Association intervened in the case on or around January 8, 2021, and no objection to the Solar Project was submitted, formally or informally, with the Commission or Staff.
5. On February 2, 2021, the matter was referred to Commissioner Bailey as hearing examiner pursuant to Section 77-3-40(6) of the *Mississippi Code of 1972, as amended*.

FINDINGS

6. Petitioner is a Delaware limited liability company duly authorized and qualified to do business in the State of Mississippi. 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*.
7. Petitioner intends to construct, own, and operate a solar electric generating facility in Scott County, Mississippi. The Solar Project includes a 175 megawatt (MW) solar generating facility and interconnection switchyard. Petitioner intends to sell all physical power produced by the Solar Project into the Midcontinent Independent System Operator (MISO) open market. Neither the rates charged by the Petitioner nor the proposed wholesale sale of electricity from the Facility to MISO are subject to the Commission's jurisdiction.
8. Pursuant to Sections 77-3-11, 77-3-13, and 77-3-14 of the *Mississippi Code of 1972, as amended*, the Commission is equipped with statutory authority to approve applications for certificates of public convenience and necessity. 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 Solar Project is limited to the issuance of a Certificate of Public Convenience and Necessity for the construction of the Solar Project. 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 such requirements are waived.

9. This Commission has jurisdiction over the parties and subject matter pursuant to Sections 77-3-11 and 77-3-13 of the *Mississippi Code of 1972, as amended*.

10. The Commission further finds that Petitioner's Certificate Petition and other supporting information comply with all applicable filing requirements and Rules of this Commission; with the exception of relevant permits and approvals, which Pearl River Solar Park has not yet acquired for the Solar Project. To the extent any filing requirement was not fully met in this proceeding the Commission finds good cause to waive such requirement as authorized by the Rules.

11. Upon filing, the Staff conducted its investigation as required by law, and, following this investigation, recommends approval of the Solar Project as proposed by the Company in its Certificate Petition.

12. The Commission recognizes that Central Electric Power Association has the exclusive right to provide electric service within its certificated service area, including to Pearl River Solar Park, and finds that the mutual agreement between Central Electric Power Association and Pearl River Solar Park, protecting Central's rights under its area certificates, shall be reflected in this Order. The agreement between Central Electric Power Association and Pearl River Solar Park dated September 7, 2021 and filed in this Docket is incorporated herein by reference.

13. The Commission finds that the proposed Solar Project will serve the public convenience and necessity. The uncontroverted evidence before the Commission indicates that the

Solar Project described herein is in the public interest. In reaching this finding, the Commission has taken into account the utilities' arrangements with other electric utilities for the interchange of power and other methods for providing reliable, efficient, and economical service.

14. The construction of the Solar Project is in the public interest of the State of Mississippi and residents thereof. The Facility will include 450,000 to 575,000 ground mounted photovoltaic panels. The panels will be mounted via steel racking, single-axis tracking systems and connected via AC/DC inverters that connect the project to a step-up transformer and onto the grid at 115kV. The Facility will be a reliable source of clean energy for MISO members and those ratepayers in the State of Mississippi served by MISO. As a renewable resource, the Facility will produce electricity, without greenhouse gas or other emissions, has no fuel costs, and is free of any risk of volatility in fuel prices.

15. The Commission recognizes that the Solar Project is nearing completion of the MISO Definitive Planning Process review and is expected to received final MISO approval in December 2021.

16. The Commission finds that no objections or protest to the petition have been filed, and no objections have been made to the granting of this Order.

17. The Commission also finds that the Solar Project's cost estimates are reasonable and, therefore, are approved.

18. The Commission hereby finds that the public convenience and necessity requires and will require the Solar Project proposed in the Company's Certificate Petition.

19. Based upon the foregoing, the Commission hereby approves the certification of the Solar Project addressed above.

IT IS THEREFORE, ORDERED, that based upon all of the above, including all of the testimony filed in this proceeding and the data request responses submitted by the parties, and as

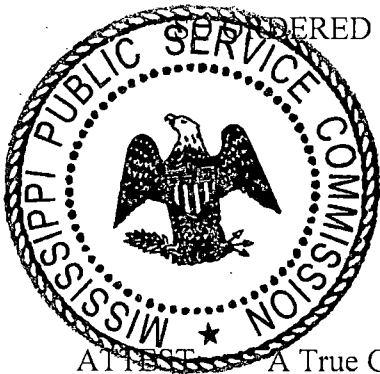
found by this Commission as is more fully described in this order, the public convenience and necessity requires or will require the construction, ownership, and operation of the Solar Project in Scott County. Therefore, the Commission hereby grants Pearl River Solar Park LLC a certificate of public convenience for the construction, ownership, and operation of the Solar Project as described in further detail in the Company's Certificate Petition.

Shall Pearl River Solar Park LLC fail to complete all phases of the MISO Definitive Planning Phase process, the Petitioner shall notify the Commission in writing within fifteen (15) days from the date of notification from MISO.

Exceptions to this Recommended Order may be filed with the Commission within a period of fifteen (15) days from the date of issuance of this Recommended Order, in accordance with the provisions of Section 77-3-40 of the *Mississippi Code of 1972, as amended*. If exceptions are not timely filed, this Recommended Order shall become the Final Order of the Commission.

This Order shall be deemed issued on the day it is served upon the parties herein by the Executive Secretary of this Commission who shall note the service date in the file of this Docket.

ORDERED by this Commission on this the 16th day of September, 2021.



MISSISSIPPI PUBLIC SERVICE COMMISSION

Brent Bailey

Brent Bailey, Hearing Examiner

ATTEST A True Copy

Katherine Collier

Katherine Collier,
Executive Secretary

Effective this the 16th day of September, 2021.