

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

ENTERGY MISSISSIPPI, LLC
EC123008200

DOCKET NO. 2021-UA-166

IN RE: APPLICATION OF ENTERGY MISSISSIPPI, LLC, FOR APPROVAL OF AN
AMENDMENT TO THE AGREEMENT FOR SERVICE WITH NISSAN
NORTH AMERICA, INC.

**ORDER APPROVING SECOND AMENDMENT
TO AGREEMENT FOR SERVICE**

COMING THIS DAY to be considered is Entergy Mississippi, LLC's ("Entergy Mississippi" or the "Company") Application for Approval by the Commission ("Application") of an Amendment to the Agreement for Service (the "Second Amendment to Agreement") between Entergy Mississippi and Nissan North America, Inc. ("Nissan") for the provision of electric service to Nissan's manufacturing facilities located at Canton, Mississippi, within Entergy Mississippi's certificated service area in Madison County, Mississippi. The Commission, having considered the application and all evidence presented to this Commission in the proceeding and being fully advised on the premises, and upon the recommendation of the Mississippi Public Utilities Staff, finds as follows:

1. The Application was filed on October 13, 2021. In support of the Application, Entergy Mississippi filed as an Attachment the pre-filed Direct Testimony of Katrina S. Huttie, Manager of Regulatory Affairs of Entergy Mississippi.

2. Notice of the matter was given to all persons interested therein by publication in *The Clarion-Ledger*, a newspaper of general circulation published in Jackson Mississippi, on October 13, 2021; and by mailing such notice to each "interested person," as defined by this Commission's Public Utilities Rules of Practice and Procedure ("Procedural Rules") 2.115, and to

each public utility interested therein that may be affected by an order resulting from said Application and the disposition thereof, said notice having been in strict compliance with the law and having been, in the judgment of this Commission, such reasonable notice to all persons interested therein as is necessary under the law and under the Procedural Rules.

3. The Staff propounded Data Requests to Entergy Mississippi on October 18, 2021, and Entergy Mississippi responded thereto.

4. No interventions were filed in this Docket. After the deadline for filing interventions had passed, the Commission considered the Application at its regularly scheduled meeting on December 7, 2021, without requiring a hearing, as provided in Procedural Rule 10.103.

FINDINGS AND CONCLUSIONS

5. Entergy Mississippi provides electric service to Nissan under the Agreement for Electric Service (“Agreement for Electric Service”) as a special contract pursuant to Miss. Code Ann. § 77-3-35(1) and Procedural Rule 27.100, and as approved by Commission Order in Docket 2011-UA-368. The first amendment to the Agreement for Electric Service (“First Amendment to Agreement”) was approved by the Commission in Docket 2016-UA-215. The Agreement for Electric Service and the First Amendment to Agreement referred to as “the Agreement”, contain the terms and conditions of electric service including the price to be charged, which constitute trade secrets and/or confidential commercial or financial information, and a copy is on file under confidential seal with the Commission, pursuant to Procedural Rule 4.100.3.

6. In its Application and supporting testimony, Entergy Mississippi stated that the Second Amendment to Agreement contains trade secrets and/or confidential commercial or financial information and a copy was filed separately as confidential EXHIBIT A to the Application, pursuant to Procedural Rule 4.100.3. The Agreement and Second Amendment to

Agreement derive independent economic value from not being generally known, and not being readily ascertainable by proper means, by other persons who can obtain economic value from their disclosure or use. In order for Entergy Mississippi to successfully negotiate special contracts, and thereby achieve the benefits to be derived from such special contracts, including those benefits related to the overall economic development of the State of Mississippi, as well as the more direct benefits to Entergy Mississippi's other customers, the terms and conditions of EXHIBIT A to the Application must remain confidential pursuant to RP 6.109. Such confidential treatment of EXHIBIT A to the Application likewise protects Nissan from having its competitors obtain the information contained in EXHIBIT A to the Application that is proprietary in nature to Nissan.

7. Katrina Huttie testified in her pre-filed Direct Testimony that the terms and conditions of the Second Amendment to Agreement, including the prices for electric service, are the result of confidential negotiations and discussions between Entergy Mississippi and Nissan. As explained by Mrs. Huttie, the Second Amendment to Agreement achieves the necessary goals of a special contract, including that it recovers sufficient revenues to meet incremental costs of service to Nissan, that it contains a price sufficiently competitive to attract the customer, Nissan, and that the revenues received by Entergy Mississippi from the Second Amendment to Agreement will provide a contribution margin above Entergy Mississippi's incremental cost of service. According to Mrs. Huttie, these contribution margins will benefit Entergy Mississippi's other retail customers.

8. Having considered Entergy Mississippi's Application, testimony, and responses to data requests, the Commission finds that the Second Amendment to Agreement between Entergy Mississippi and Nissan is in the public interest and should be approved.

IT IS, THEREFORE, ORDERED AND ADJUDGED by this Commission that:

(1) The Second Amendment to Agreement between Entergy Mississippi and Nissan is in the public interest.

(2) Entergy Mississippi's Application for Approval of an Amendment to the Agreement for Service between Entergy Mississippi and Nissan hereby is approved, and the Second Amendment to Agreement is hereby approved, effective on and after January 1, 2022.

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

COMMISSION VOTE

Chairman Dane Maxwell voted

Aye X

Nay _____

Commissioner Brent Bailey voted

Aye X

Nay _____

Commissioner Brandon Presley voted

Aye X

Nay _____

SO ORDERED, this the 7th day of December, 2021.

MISSISSIPPI PUBLIC SERVICE COMMISSION




DANE MAXWELL, CHAIRMAN


BRENT BAILEY, COMMISSIONER


BRANDON PRESLEY, COMMISSIONER

ATTEST: A TRUE COPY


KATHERINE COLLIER, EXECUTIVE SECRETARY

Effective this the 7th day of December, 2021.