

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

ATTALA SOLAR, LLC

DOCKET NO. 2024-UA-137

**IN RE: PETITION OF ATTALA SOLAR, LLC FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY AUTHORIZING THE
CONSTRUCTION AND OPERATION OF A SOLAR ELECTRIC
GENERATING FACILITY IN ATTALA 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 Chris Brown, on the request of Attala Solar, LLC (the “Petitioner” or “Attala”) for a certificate that the present and future public convenience and necessity requires or will require the construction, ownership, and operation of a 200 MWac solar electric generating facility in Attala County (the “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 (“CPCN”) requested by Attala should be granted, and further finds as follows:

1. The Petition was filed with the Commission on November 25, 2024. Notice of the matter was given to all persons interested therein by posting the Petition to the electronic docket herein and by mailing the same to each “Interested Person” as defined in RP 2.115 of the Mississippi Public Service Commission Public Utility Rules of Practice and Procedure (the “Procedural Rules”). A public hearing was held on May 22, 2025, in the Attala County Courthouse in Kosciusko, Mississippi.

2. No objections or protest to the petition have been filed, and no objections have been made to the granting of this Order.

3. Petitioner is a Delaware limited liability company duly authorized and qualified to do business in the State of Mississippi. A copy of its certificate of formation, certificate of good standing, and the names and addresses of its board of directors and officers, and the names of all persons owning fifteen (15%) or more of its stock, as applicable, are on file with the Commission and are hereby incorporated by reference.

4. Petitioner is not, and does not intend to become, a public utility under the laws of the State of Mississippi. Miss. Code Ann. Section 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 this Commission. Even though Petitioner is not a public utility, it is an “other person” within the meaning of Section 77-3-14.

5. Petitioner intends to construct, own, and operate the Facility in Attala County, Mississippi. Petitioner plans to sell the electric generation output from the Facility at wholesale in interstate commerce to a prospective buyer (“Buyer”). Petitioner will deliver its electric generation output from the Facility via an interconnection with Entergy Mississippi, LLC (“Entergy”), a Midcontinent Independent System Operator (“MISO”) member. The interconnection will be governed by the standards of MISO and Entergy and will be made in accordance with local, state and federal laws. Consequently, neither Petitioner’s energy pricing, nor the prospective sale of wholesale electricity to the Buyer, are subject to the Commission’s jurisdiction.

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 has requested a 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 300 full-time equivalent construction jobs at its peak. After completion, there will be approximately 10-12 permanent jobs. The capital investment in Mississippi necessary to develop and construct the Facility is estimated to be approximately One Hundred Seventy-Five Million Dollars (\$175,000,000), and the Facility's taxable value will result in significant ad valorem tax revenue to Attala County and the local school district. The Facility will be a reliable source of clean energy for the Buyer and its customers. 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.

8. Petitioner has reasonably complied with all applicable filing requirements and has provided information sufficient for this Commission's and the Staff's consideration of this matter. The Commission specifically finds that Items 3, 5, 7, 9, 10, 11, 12 and 17 of Appendix "A", Schedule 1, to the Procedural Rules are not applicable to Petitioner because 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. Therefore, for good cause shown, this Commission waives all other requirements that may be prescribed by the Procedural Rules not otherwise provided by the Company.

ACCORDINGLY, IT IS THEREFORE ORDERED by the Mississippi Public Service Commission as follows:

1. Petitioner is not a public utility and the Facility is not utility property under the laws of the State of Mississippi;

2. 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 Miss. Code Ann. § 77-3-14;

3. Petitioner has complied with all rules and regulations of the Commission concerning the issuance of such Certificate;

4. Petitioner should be and is hereby granted a Certificate of Public Convenience and Necessity for the construction and operation of the Facility for the generation, transmission, and wholesale sale of electricity in interstate commerce contingent upon the following: (1) the Company filing all necessary approvals/permits with the Commission once obtained, and (2) the Company filing a complete set of engineering plans and specifications with the Staff, once complete, but before construction on the Project begins;

5. As previously stated, Petitioner is not a public utility, thus the processes and requirements governing sales, assignments, leases or transfers of Certificates of Public Convenience and Necessity as outlined in Miss. Code Ann. § 77-3-23 are not applicable to the Petitioner. However, for informational purposes only and to keep the Commission updated, Petitioner and its successors shall notify the Commission of a transfer of (i) the Facility, (ii) the CPCN, or (iii) more than 50% ownership interest of Petitioner at the parent, grandparent or great-grandparent level. Said Notification shall be filed with the Commission in the Docket; and

6. The parties may within fifteen (15) days from the date of entry of this Recommended Order file exceptions to the Recommended Order for the review of the full

Commission in accordance with Miss. Code Ann. § 77-3-40. If no exceptions are filed, the Recommended Order shall become the Order of the Commission.

Dated this the 18th day of June 2025.



MISSISSIPPI PUBLIC SERVICE COMMISSION

CHRIS BROWN, COMMISSIONER

ATTEST, A TRUE COPY

Katherine Collier, Executive Secretary

Effective this the 18th day of June 2025.