

FILED

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MISS. PUBLIC SERVICE
COMMISSION

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

ATTALA SOLAR, LLC

DOCKET NO. _____

'24-UA-137

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

PETITION

COMES NOW, ATTALA SOLAR, LLC (“Petitioner” or “Attala Solar”), 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 approximately 200 MWac solar electric power generation facility (the “Facility”) in Attala
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 approximately 200 MWac solar electric generation facility
which Petitioner intends to construct, own, and operate in Attala County, Mississippi.

5. Petitioner expects to sell the output from the Facility at wholesale under a power purchase agreement or into the wholesale interstate market via a virtual power purchase agreement with a prospective buyer. Petitioner will deliver its electric generation output from the Facility via an interconnection with Entergy Mississippi, LLC, a Midcontinent Independent System Operator (“MISO”) member. Consequently, neither Petitioner’s energy pricing, nor the proposed wholesale sale of electricity 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 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 300 full-time equivalent construction jobs at its peak. After completion, there will be approximately two permanent jobs and significant annual sourcing and procurement of goods and services in the local economy. Further, approximately 10-12 full time equivalent jobs will be created during operations. The capital investment necessary to develop and construct the Facility is estimated to be in excess of One Hundred Seventy-Five Million Dollars (\$175,000,000) resulting in a taxable value in Attala County which will generate 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 MISO wholesale electricity market and, pursuant to either a power purchase agreement or a virtual power purchase agreement, the prospective 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.

8. Petitioner will obtain all necessary environmental permits for the construction and operation of the Facility and will make the same available once received. Facility interconnection to Entergy Mississippi's transmission system will be governed by MISO and Entergy Mississippi standards and in accordance with local, state and Federal laws.

9. Upon the conclusion of commercial operations Petitioner has contractual obligations under its leases with private landowners to decommission the Facility. Upon the commencement of the Facility's operations, Attala Solar will supply to the landowners a performance bond, letter of credit, or other form of financial security in an amount sufficient to cover the full decommissioning of the Facility, including removal of all physical infrastructure on the site, down to two feet below grade, and final stabilization and revegetation of the site. The amount of the financial security will be determined by a cost estimate to complete the decommissioning obligations provided by a Professional Engineer, less the estimated salvage value of the components of the Facility. Further, Attala Solar will develop a recycling plan to best determine how to repurpose and recycle the Facility's components and equipment following the end of commercial operations. The majority of components making up a utility scale solar facility are highly recyclable and have considerable salvage value that can only be realized through recycling and / or repurposing. The following components and their primary constituent materials are expected to be recycled:

- Inverters and Transformers: steel cabinets, copper and steel core and windings
- Racking: steel posts, steel torque tubes, brackets, plates, bolts
- Racking Foundations: steel foundation screes or posts
- Conductors: copper and aluminum

The materials in solar modules are generally recyclable (glass, aluminum, silver, copper, tin, plastic) and the feasibility of recycling the modules is dependent on the market pricing of those

components. Petitioner will pursue all reasonable options to recycle or repurpose modules that are decommissioned from the Facility and any that are not will be properly disposed of in accordance with applicable laws and regulations.

10. 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.

11. 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 Jonathan Willson, Head of 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 Jonathan Willson, Head of

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 which is attached as **Exhibit D**.
- 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 Jonathan Willson, Head of Development, will be relied upon at the hearing and is attached as **Exhibit B**.

12. 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.

13. 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.

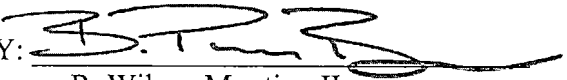
CONCLUSION

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.

ATTALA SOLAR, LLC

BY: BUTLER SNOW, LLP

BY: 


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B. Parker Berry

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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 B. Parker Berry, who after being duly sworn on oath acknowledged that he is an Attorney for ATTALA SOLAR, LLC and that for and on behalf of the said ATTALA SOLAR, 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 ATTALA SOLAR, 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.

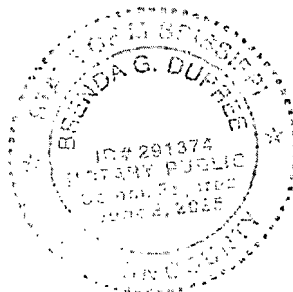

B. Parker Berry

SWORN TO AND SUBSCRIBED BEFORE ME, this the 25th day of November, 2024.


NOTARY PUBLIC

My Commission Expires:

6/8/2025



CERTIFICATE OF SERVICE

I, B. Parker Berry, counsel for ATTALA SOLAR, 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:

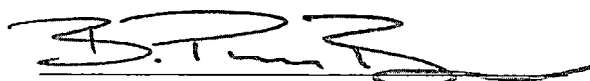
(1) An electronic copy of the filing has been filed with the Commission via e-mail to the following address:

efile.psc@psc.state.ms.us

(2) ATTALA SOLAR, 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.

(3) ATTALA SOLAR, LLC has complied with or requested a waiver of all other requirements of this Commission's Rules.

This the 25th day of November, 2024.


B. Parker Berry

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