

November 9, 2022

Dear MLGW Board members,

Our organizations have closely followed and participated in the proceedings of MLGW's power supply considerations over the last few years, through the integrated resource plan (IRP) and request for proposals (RFP) processes. We have weighed in numerous times with comments to the staff and you on the Board, to the press, and have done extensive work providing educational materials to our members and the Shelby County community. One of our organizations served on MLGW's Power Supply Advisory Team that helped inform the IRP. With our understanding of MLGW's deliberations, we write to you to ask you to take actions to address some deep concerns we have with the approaching vote on MLGW's power supply.

The decision facing you on the future power supply for Memphis and Shelby County is one of the most consequential single decisions that any Southeast community has made in recent history. Billions of dollars, millions of tons of pollution, and most importantly hundreds of thousands of individuals' quality of life are on the line with this decision.

Numerous local residents have emphasized in recent public comments to MLGW the importance and magnitude of this decision, and how signing TVA's never-ending long-term contract, as MLGW's staff and consultant have recommended, would impact them and the entire community for decades to come.

Given this significance, it is essential that MLGW uphold a high level of diligence and transparency to ensure that the final decision made is in the community's best interest.

Part of this duty is meaningfully incorporating public input and diverse perspectives, as MLGW has previously done at several key points in the alternative power supply process. Yet as a final decision in the process approaches, it appears that MLGW staff has grown less transparent and forthright with fundamental information, which makes community input difficult—and on some topics impossible.

For example, while MLGW proactively sought community input on technical matters in the IRP process through the Power Supply Advisory Team in 2019 and 2020, the RFP process thus far has not allowed such input over the past year. What we thought was going to be a more informal free and open information exchange with MLGW staff has not materialized, and now MLGW is requiring formal public records requests to receive answers to questions submitted to MLGW staff several months ago. Specifically, the Southern Alliance for Clean Energy submitted questions following GDS's September 1 presentation by email to MLGW staff on September 12 that have gone unanswered. We were told October 3 that we would have to submit the questions as a public records request, which we did that same day. We have not received responses to our original questions submitted September 12, and our public records request has yet to be fulfilled. It is concerning to us that answers to fundamental questions about the RFP analysis are being withheld from the public. Without MLGW staff and

contractors showing all of their work, the public—and ultimately you as decision makers—are left in the dark and unable to effectively provide valuable input on critical issues.

We request you intervene to have GDS and MLGW staff publicly share the assumptions, calculations, and analysis used to come to their power supply recommendation. This information is key to public understanding of essential components of MLGW staff and contractors' recommendations.

We appreciate you allowing the public the opportunity to submit comments following MLGW staff's power supply recommendation given on September 1 until you take a vote. Yet as your vote scheduled for November 16 approaches, major questions remain unanswered and the public remains unable to fully engage with essential material in the public input process. The timing of the vote and end of the comment period preclude public comment that would be informed by the publication of MLGW's underlying analysis. The public must have both forthcoming and transparent information about MLGW's analysis including underlying assumptions and enough time to understand and respond to that information. We do not think that it could be in the community's best interest for this issue to be decided while there remain serious gaps in the information MLGW has provided to the public and in light of the public's inability to provide input on topics of information being withheld.

Therefore, we additionally request that the public has at least 30 days of public comment period following the publication of GDS's and MLGW's assumptions, calculations, and analysis informing their recommendation so that the information provided can be interpreted, understood, and translated into helpful commentary.

In order for you to have the opportunity to meaningfully incorporate perspectives from the community into your decision making, we request further that you take at least 30 days after closure of the comment period before voting. We appreciate that you gave two weeks' public notice before your scheduled November 16 vote, and we request that at least two weeks' public notice be given before a rescheduled Board vote is held so that the community can be aware of and prepared for your actions on this incredibly significant issue. Finally, with year-end holidays quickly approaching, we ask that you set your timeline for taking public comment and voting on this issue such that holiday schedules do not impede public participation.

MLGW staff's recommendation to sign TVA's never-ending long-term contract, which would commit tens of billions of Memphians' dollars for decades to come, deserves the utmost transparency, deep deliberation, and community input.

Given MLGW staff has yet to adequately respond to our requests, we are now asking for your help as directors to encourage MLGW staff to share their assumptions, calculations, and analysis underlying their recommendation with the public, allow time for the public to understand and respond to the information, and give certainty that there will be adequate time for MLGW staff and you to respond to public input before your vote.

Thank you for your consideration.

Stephen Smith, Executive Director
Southern Alliance for Clean Energy

Pearl Eva Walker,
Environmental Justice Chair, Memphis Branch NAACP

Marquita Bradshaw, Executive Director
Sowing Justice

Paul Klein, Member
Climate Reality Project: Memphis and Mid-South Regional Chapter

Herman Morris
Attorney at Law
Sr. Consultant for Friends of the Earth

Cc:
Memphis Mayor Jim Strickland
Memphis City Council