

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

**DOCKET NO. 2019-UA-
231 RE: MISSISSIPPI
POWER COMPANY'S NOTICE OF IRP
CYCLE PURSUANT TO COMMISSION
RULE 29**

**SOUTHERN ALLIANCE FOR CLEAN ENERGY'S RESPONSE IN OPPOSITION TO
MISSISSIPPI POWER COMPANY'S OBJECTION TO SOUTHERN ALLIANCE FOR
CLEAN ENERGY'S MOTION TO INTERVENE**

Now comes the Southern Alliance for Clean Energy. On January 2nd, 2020, the Mississippi Public Service Commission ("Commission") provided notice that Mississippi Power Company ("MPC") had filed with the Commission the Notice of IRP Cycle Pursuant to Commission Rule 29. Southern Alliance for Clean Energy ("SACE") on January 21, 2020 filed a timely Motion to Intervene pursuant to RP 6.121 of the Public Utility Rules of Practice and Procedure of the Mississippi Public Service Commission. On January 24, 2020, MPC filed an Objection to SACE's Motion to Intervene in the above-captioned docket, as well as opposing other organizations' motions to intervene. SACE by and through its undersigned representative files its Response In Opposition to Mississippi Power Company's Objection to Southern Alliance for Clean Energy's Motion to Intervene. SACE's Response in Opposition supports and clarifies SACE's substantial interest to participate as a full party in the above proceeding. As further described below, SACE meets the requirements for the Commission to grant it party status.

MPC's objection to SACE's Motion to Intervene is misplaced

MPC's contention that SACE has a mere generic interest in this docket is misplaced. In fact, SACE has an organizational interest, both on behalf of itself and on behalf of its members. SACE works to ensure clean, safe and healthy communities in the Southeast, including Mississippi. It brings significant technical expertise to the proceeding as evidenced by the other technical proceedings in which it has been granted party status across the region and in Mississippi, including concerning energy efficiency in Docket No. 2010-AD-2 and the integrated resource planning rulemaking in Docket No. 2018-AD-64, which preceded

and precipitated the present docket. SACE brings its expertise to this resource planning proceeding on behalf of it itself and its members who receive electric service from Mississippi Power. SACE meets the associational standing requirements as described below. There is no other party that brings the same technical expertise, and same mission statement and focus to this proceeding. Therefore, no other party can adequately represent SACE and its members.

Moreover, MPC's misplaced motion to exclude participation is contrary to the Commission's stated public policy goal and intent for an open and transparent stakeholder engagement process in its integrated resource plan rules. Clearly, from a public interest perspective it is best for the Commission to have more information, not less, to ensure the best planning results for MPC customers. Unfortunately, MPC seeks to deny public interest organization participation in a regressive move towards the kind of closed door planning processes that history has shown narrowed consideration of available energy resource options and resulted in significant customer dollars wasted on the Kemper coal plant debacle.

SACE meets the requirements for the Commission to grant it party status

It is well settled that Mississippi's standing requirements are quite liberal. In Mississippi, parties have standing to sue when they assert a colorable interest in the subject matter of the litigation or experience an adverse effect from the conduct of the defendant, or as otherwise provided by law. *City of Jackson v. Allen*, 242 So.3d 8, 26 (Miss 2018) (emphasis added) (citing *In Burgess v. City of Gulfport*, 814 So.2d 149, 152–53 (¶ 13) (Miss. 2002).

Additionally, Mississippi has adopted the federal test to determine associational standing. The federal test provides that "[a]n association has standing to bring suit on behalf of its members when (1) its members would otherwise have standing to sue in their own right, (2) the interest it seeks are germane to the organization's purpose, and (3) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *Mississippi Manufactured Hous. Ass'n*, 870 So.2d 1189, 1192 (Miss. 2004).

In the instant case, SACE has a colorable interest in the subject matter of the proceeding and has associational standing to represent its members as further described below. SACE is a non-profit clean energy organization. The mission of SACE, as reflected in its bylaws, is to advocate for energy plans, policies, and systems that best serve the environmental, public health, and economic interest of communities in the Southeast, including Mississippi, and recovery of costs associated with such plans policies and systems.

SACE's mission is to promote responsible energy choices to ensure clean, safe, and healthy communities throughout the Southeast, including Mississippi. As part of that mission, SACE strongly supports and advocates for utility resource decisions that transition away from high cost, high risk fossil fuel generation and supports meaningful levels of cost-effective clean, renewable energy development, and meaningful energy efficiency implementation that provide environmental benefits, economic and operational system benefits to the utility, and help customers reduce energy use and save money on bills.

In the above-captioned proceeding, the Commission will consider MPC's integrated resource plan that will significantly influence the future direction of resource decisions pursued by MPC. Participation is particularly critical during the formative planning phase because it will directly impact which resources MPC will bring forward for later Commission approval. Therefore, SACE has a substantial interest in the subject matter and outcomes of this particular proceeding. SACE has staff that work to advance resource choices that ensure clean, safe and healthy communities in Mississippi. This includes advancing the goal of transitioning away from fossil-fueled power generation towards meaningful development of renewable energy and energy efficiency. Clearly, the subject matter of this proceeding before the Mississippi Public Service Commission is well within the scope and mission of SACE.

In addition, SACE has more than 100 members in Mississippi, including members in MPC's Service territory who are dedicated to advancing low cost, low risk clean energy solutions. Not only do SACE and its members advocate for energy plans and policies that ensure clean, safe and healthy communities, but SACE's members will also necessarily be directly impacted financially as ratepayers of MPC from the outcome of the proceeding. If MPC pursues high-risk resource choices such as continued dependence on

fossil fuel generation, this will ultimately place undue risk and costs onto the shoulders of MPC customers through higher electricity bills, including for MPC customers that are SACE members. If MPC pursues lower cost, lower risk resource options, such as meaningful renewable energy development and energy efficiency implementation, then MPC customers, including MPC customers who are SACE members, will receive system and hedge benefits that lead to lower risk and ultimately lower electricity bills. Due to the unique rights to be protected for SACE and its members, and because of SACE's subject matter expertise, the rights and interests of SACE and its members cannot be adequately represented by any other party in this docket. Intervention will not unduly delay or prejudice the rights of other parties.

The subject matter of this docket is well within the scope of interest and activities of SACE, and the relief requested is the type of relief appropriate for SACE to receive on behalf of itself and its members. Therefore, SACE meets the three-pronged test for associational standing utilized by this Commission. First it has a colorable interest and its members may be adversely impacted by the outcome in this docket. Moreover, SACE has members that could intervene on their own right, and the subject matter of this proceeding is germane to SACE's organizational mission and scope, and the claim asserted does not require the participation of SACE members.

SACE is authorized by its bylaws to represent its interests and the interests of its members in legal actions, including formal administrative actions such as these. To further its mission, SACE has presented experts and provided technical testimony in numerous forums throughout the Southeast, including right here in Mississippi when SACE was granted party status by the Commission on June 5, 2018 (2018-AD-64) in *In Re: Order Establishing Docket to Investigate the Development and Implementation of an Integrated Resource Planning Rule*. MPC did not object to SACE's participation in the IRP rulemaking docket and there is no unique reason for doing so now.

SACE has participated in similar resource planning dockets throughout the Southeast, including but not limited to, Georgia Public Service Commission Docket No. 42310 and North Carolina Utilities Commission Docket No. E-100, Sub 157. SACE can only effectively represent its interest by being a full

party with the right to discovery, filing testimony, participation in related meetings. evidentiary hearings, and briefing.

WHEREFORE, SACE respectfully requests that the Commission enter an order granting it leave to intervene in the above-styled docket as a full party, and further requests parties to provide the undersigned with all pleadings, testimony, evidence and discovery filed in the docket.

Respectfully submitted January 31, 2020



Forest Bradley Wright

CERTIFICATE OF SERVICE

I, Forest Bradley-Wright, hereby certify that the parties listed below have been served via email with a copy of the Motion to Intervene of the Southern Alliance for Clean Energy this 31st day of January, 2020:

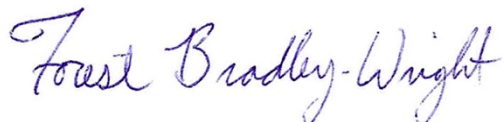
Pursuant to Commission Rule 6.102.2, an original and twelve (12) copies of this Motion have been filed with the Commission by delivery and electronic correspondence provided to the same:

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An electronic copy has also been filed with the Commission via email to efile.psc@psc.state.ms.us

In the filing of the foregoing, I certify that I have complied with Rule 6 of the Commission's Public Utilities Rules of Practice and Procedure. This 31st day of January, 2020.



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