

**BEFORE THE
ALABAMA PUBLIC SERVICE COMMISSION**

SOUTHERN RENEWABLE ENERGY ASSOCIATION

Docket No. 32953

In re: Petition for Certificate of Convenience
and Necessity

**SOUTHERN RENEWABLE ENERGY ASSOCIATION'S RESPONSE TO ALABAMA
POWER COMPANY'S OBJECTION FOR LEAVE TO INTERVENE**

On September 6, 2019, Alabama Power Company (“Alabama Power”, or “Company”) filed a petition for a certificate of convenience and necessity in the above-captioned docket. On September 27, 2019, the Southern Renewable Energy Association (SREA) filed a motion to intervene in the above-referenced docket. Our motion was timely filed and, as required by the Alabama Public Service Commission, “set forth the basis for the proposed intervention, including the position and interest of the petitioner in the proceeding.” On October 2, 2019, Scott Grover notified SREA that Alabama Power objects to our motion to intervene. SREA responds that our request for intervener status follows APSC Rules, that our interests were outlined as and are more specific than “general interest” as asserted by the Company, and that denial of our motion to intervene will cause real harm to SREA and/or its members. We reiterate our request to be allowed to intervene in the above-referenced docket.

1. On September 16, 2019, SREA contacted Walter Thomas, Jr., APSC’s Secretary, to request the requirements for intervention in Docket Number 32953. Mr. Thomas expeditiously provided Notice of Pending Petition of Alabama Power, Rules of Practice of the Commission, and Rules of Practice related to Electronic Filing. We provide this information to show our earnestness in reviewing and following APSC’s Rules of Practice.
2. According to the Rules of Practice, Rule 5(A) shows that, “Any person or party may appear before the Commission on his, her, or its own behalf in any matter pending before the Commission.” Because Docket Number 32953 is a matter pending before the commission, Simon Mahan, Executive Director of the SREA, has the ability to appear before the Commission. Rule 5(A) further states that, “Any member of a partnership which is party to any proceeding may appear for the partnership and any bona fide officer or full-time employee of a corporation, association, or of an individual may appear for such corporation, association or individual.” Rule 8(A) reiterates that, “Any individual may appear for himself and any member of a partnership which is a party to any proceeding may appear for the partnership. A bona fide officer or a full-time employee of a corporation, association, or an individual may appear for such corporation, association, or individual. Simon Mahan is a full-time employee of SREA, and SREA is an approved Internal Revenue Service (IRS) 501(c)6 non-profit trade

association. As an individual, Simon Mahan has the right to appear on his own behalf, and the SREA has a right to appear as an official association.

3. According to the Rules of Practice, Rule 8(C) states that, “Petitioners permitted to intervene, as hereinafter provided, are styled intervenors. Anyone entitled under the law to complain to the Commission may petition for leave to intervene in any pending proceeding prior to or at the time it is called for hearing, but not after, except for good cause shown. Petitions shall set forth the grounds of their proposed intervention; the position and interest of the petition in the proceeding; and if affirmative relief is sought, should conform to requirements for a formal complaint.” SREA’s previous motion to intervene fulfills the plain reading of Rule 8(C); however, we provide the additional information below to further explain our grounds for proposed intervention and our position and interest in the proceeding.
4. As stated in our original motion to intervene, “SREA’s rights and interests cannot be adequately represented by any other party to this docket. Specifically, SREA’s expertise and interest in solar energy, wind energy, energy storage and transmission are unmatched in this docket. Its participation in this matter will not unduly delay these proceedings or prejudice any other party.” The Company did not dispute this statement.
5. As stated in our original motion to intervene, “SREA’s individual members would have standing to intervene in their own right; however, neither the claim asserted nor the relief requested requires the participation of individual members in this docket. Our interest in intervention is germane to the organization’s purpose.” The Company did not dispute this statement.
6. The Company asserts that Ala. Code § 37-1-87 restricts intervention only if a party “party has a direct, personal interest in the subject matter of the proceeding that will be affected by the outcome of the proceeding.” However, Ala. Code § 37-1-87 only states that, “Every person, firm, corporation, copartnership, association, or organization affected thereby may by petition intervene and become a party to any proceeding before the commission.” Regardless, SREA meets both the plain reading of Ala. Code § 37-1-87, and the interpretation of the Company.
 - a. As stated in our original motion to intervene, the Commission’s actions in this docket will affect development, deployment, or use of the various energy resources in the region and thus will affect the investment decisions made by members of SREA. Moreover, SREA’s members want to ensure that they can provide low cost energy resources in Alabama to reduce prices for consumers, and create economic development for the state. As a result, SREA and its individual members have substantial interests in the outcome of this proceeding and desire to intervene in order to protect those interests. As such, we meet the plain reading of Ala. Code § 37-1-87.
 - b. Regarding the more stringent assertion of the Company, SREA and its members have “a direct, personal interest in the subject matter of the proceeding that will be affected by the outcome of the proceeding.” SREA’s members include independent power

producers (IPP's) that support the association's mission to support the responsible use and development of utility-scale wind energy, solar energy, energy storage and transmission solutions in the South, including Alabama. SREA's members formed this association as a 501(c)6 nonprofit trade association specifically to advance the business interests of its members. According to the Internal Revenue Service, "Reg. 1.501(c)(6)-1 defines a business league as an association of persons having a common business interest, whose purpose is to promote the common business interest and not to engage in a regular business of a kind ordinarily carried on for profit. Its activities are directed to the improvement of business conditions of one or more lines of business rather than the performance of particular services for individual persons." SREA's request to intervene in Docket Number 32953 is in keeping with its IRS 501(c)6 determination, and representing

7. As stated in our original motion to intervene, "As part of the filing of this CCN [Certificate of Convenience and Necessity], Alabama Power has appended its Integrated Resource Plan (IRP) as an exhibit. Substantial quantities of its filed Direct Testimony depends heavily on the IRP analysis. A number of witnesses that have filed Direct Testimony in this docket also filed in the Georgia Power Company IRP earlier this year, of which SREA was an intervening party to. SREA has participated extensively in IRP proceedings for the Arkansas Electric Cooperative Company, Big Rivers Cooperative Corporation (Kentucky), Cleco Corporation (Louisiana), Entergy Arkansas, Entergy Louisiana, Georgia Power Company, Kentucky Power, Southwestern Electric Power Company (Louisiana) and the Tennessee Valley Authority. Our expertise regarding utility-scale wind energy, energy storage, solar energy, transmission, utility resource planning, and specific knowledge of the Georgia Power IRP, would be valuable in this proceeding. "The Company did not dispute these statements of fact.
 - a. The Company asserts that "A 'public interest' shared 'in common with the general public' does not confer standing." However, SREA did not assert a "general public" interest. SREA has extensive experience with utility resource planning, and long-term power procurement activities. SREA has intervened, and our interventions have been approved, in other utility proceedings in other states including in Georgia¹, Louisiana² and Mississippi.³ Some of those proceedings affect Georgia Power Company and Mississippi Power Company, sister-companies to Alabama Power. In none of our interventions has SREA's motion to intervene been objected to by any Southern Company affiliate company, until now with Alabama Power's objection. SREA has also been active in Arkansas, Kentucky and the Tennessee Valley Authority; those jurisdictions do not necessarily require formal intervention for involvement in long-term power and resource planning practices. In none of those states, proceedings or activities, has our involvement been opposed by any utility. However, because Alabama does not have a formal stakeholder process regarding IRP's, SREA has no ability to represent its members interests in Alabama, outside of this CCN. Because

¹ See Georgia PSC Docket #42310

² See Louisiana PSC Docket I-34694

³ See Mississippi PSC Docket #2018-AD-64

this CCN includes Alabama Power's 2019 IRP as Exhibit JBK-1, and because substantial portions of various witnesses' written testimony depend on the Company's IRP to support its long-term power procurement plans, this docket is the only way for SREA members to represent their interests, whereas other states and jurisdictions have other dockets, practices, procedures and rules that allow us to participate. SREA provides this information to show that our request to intervene in Docket Number 32953 is substantially similar to activities we have already engaged with, even with Alabama Power sister-companies, to protect our member's interests, and much more specific than the "general public" standard asserted by the Company.

- b. Recently, SREA intervened and participated in Georgia Power Company's 2019 IRP.⁴ Several of the witnesses provided by Georgia Power Company are the same witnesses provided in Alabama Power's CCN, and SREA was allowed to cross-examine those witnesses, including Jeff Weathers and Michael Bush. Several of the same issues brought to Georgia Power Company's 2019 IRP are similar to the issues brought by Alabama Power, including the handling of a winter reserve margin, resource planning, and capacity procurement. Through SREA's work on the Georgia Power Company's 2019 IRP, we were able to proactively and successfully able to protect the interests of our members and to support our association's mission. Just as SREA's members had a "a direct, personal interest in the subject matter of the proceeding that will be affected by the outcome of the proceeding" in the Georgia Power Company IRP docket, our members have the same, or similar, interest in Alabama Power's CCN.
8. The Company states that, "Unlike other associations that have sought to intervene in this proceeding, SREA identifies no member that is a current customer of Alabama Power." Alabama Power customers are not the only parties that would be affected by this proceeding. As noted by Alabama Power, "...reliance on customer status is not the only way to demonstrate standing..." As noted in our motion to intervene in this docket, "SREA believes that the Alabama Power service territory market for utility-scale wind energy, energy storage, solar energy and transmission, is large enough to incorporate significant quantities of these resources. SREA members have a vital interest in the pending dockets inasmuch as its members develop and deploy facilities to generate and produce energy."
- a. In order for IPP's to develop projects, companies are required to enter into a balancing authority's interconnection process, even potentially prior to designating a customer. Approximately 40 individual renewable energy and energy storage resource projects, representing approximately 4,000 megawatts (MW) of new nameplate capacity are in Southern Company's Generator Interconnection Queue, specifically in Alabama. Each project represents the potential for millions of dollars of private investment. IPP's may spend hundreds of thousands of dollars, if not millions of dollars, in the beginning phases of project development.

⁴ See Georgia PSC Docket #42310

- b. Additionally, individual renewable energy projects directly affect local landowners that opt to lease their own private property for project development, and SREA's members have a direct interest in developing projects that have a direct benefit for local Alabama landowners. Because many of these projects in the Southern Company queue would be interconnected directly with Alabama Power, and because Alabama Power represents the most likely customer for those projects, this CCN represents a threat and opportunity for SREA's members' direct business interests.
9. SREA's members have already been harmed by this CCN filing. As noted in Alabama Power's IRP, "Intermittent resources, such as solar and wind, were not included as selectable technologies for the expansion planning model, but instead are evaluated pursuant to a separate analysis."⁵ While SREA supports the solar photovoltaic plans in the CCN, our contention is that renewable energy resources would be utilized at a higher rate if Alabama Power had conducted a fully integrated resource plan. This CCN docket is the only means available to expand utility-scale renewable energy procurement in Alabama Power territory, and the only way for SREA to represent its interests in this CCN is to intervene.
10. SREA has established both a position and an interest in the above docket. SREA therefore possesses standing to intervene and respectfully requests the Commission's permission to intervene as a party and to submit written testimony and/or comments in these dockets, and all rights granted via intervenor status.
11. SREA respectfully requests that the following be included on the service list in this docket and that all communications regarding this docket be directed to:

Simon Mahan
Southern Renewable Energy Association
PO Box 14858
Haltom City, TX 76117
(337) 303-3723
simon@southernwind.org

⁵ See Exhibit JBK-1, Footnote #9, Page 31.

WHEREFORE, SREA respectfully requests that the Commission grant its application for leave to intervene and admit it as a full party of record in these proceedings with all right attendant thereto.

Respectfully submitted this 10th day of October, 2019

A handwritten signature in black ink, appearing to read "Simon Mahan", is positioned above a horizontal line.

Simon Mahan
Executive Director
Southern Renewable Energy Association
PO Box 14858
Haltom City, TX 76117
(337) 303-3723
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CERTIFICATE OF SERVICE

I, Simon Mahan, hereby certify that I have on this day filed with the Alabama Public Service Commission the original of the Southern Renewable Energy Association's Response Regarding a Motion to Intervene and that in compliance with the Alabama Public Service Commission's Rules of Practice and Procedure, I have served a copy via electronic mail or via United States Postal Service, to all parties of Docket No. 32953. I have caused an original and one (1) copies of the Motion to Intervene to be filed with:

Walter L. Thomas
Executive Secretary
Alabama Public Service Commission
100 North Union Street
P.O. Box 304260
Montgomery, AL 36130

and that I have transmitted on this day one copy of the above Motion to Intervene Response to:

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Respectfully submitted this 10th day of October, 2019



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