**BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION**

**STATE OF GEORGIA**

**GEORGIA POWER'S 2016 INTEGRATED )**

**RESOURCE PLAN AND APPLICATION )**

**FOR DECERTIFICATION OF PLANT )**

**MITCHELL UNITS 3, 4A AND 4B, PLANT ) Docket No. 40161**

**KRAFT UNIT 1 CT, AND INTERCESSION )**

**CITY CT )**

**)**

**AND )**

**)**

**GEORGIA POWER COMPANY'S )**

**APPLICATION FOR THE CERTIFICATION, ) Docket No. 40162**

**DECERTIFICATION, AND AMENDED )**

**DEMAND SIDE MANAGEMENT PLAN )**

**MOTION BY THE MZC FOUNDATION, INC. D.B.A. THE RAY**

**FOR RECONSIDERATION AND/OR CLARIFICATION OF A PORTION OF THE COMMISSION’S AUGUST 2, 2016 IRP ORDER**

COMES NOW MZC Foundation, Inc. d.b.a. The Ray (“The Ray”), an Intervenor in the above-styled dockets, and, pursuant to Rule 515-2-1-.08 of the Rules of the Georgia Public Service Commission (“Commission”), files this Motion for Reconsideration and/or Clarification only as to the below-described portion of the Commission’s Final Order in these dockets, entered August 2, 2016 (“the IRP Order”). In support of its motion, The Ray respectfully states the following:

**SUMMARY OF MOTION**

By this motion, The Ray asks the Commission to confirm that the one megawatt solar pilot project ultimately finalized between The Ray, Georgia Power Company, and Commission Staff and brought to the Commission for approval does not have to meet the avoided cost requirement of Paragraph 11 of the Stipulation. If the Commission intended for the IRP Order to treat this pilot project the same as the other two pilot projects in which avoided costs are not a factor, i.e., those described in Paragraph 10 of the Stipulation, then The Ray asks the Commission to clarify that fact. If the Commission did intend for the IRP Order to treat The Ray pilot project differently from those other two pilot projects, then The Ray respectfully seeks reconsideration so that its pilot project is not subject to the avoided cost restriction.

**FACTUAL BACKGROUND**

The Ray is a Georgia nonprofit corporation that was recognized as a tax-exempt public charity under section 501(c)(3) of the Internal Revenue Code by the Internal Revenue Service on January 14, 2016. The Ray is an initiative to create the world’s most environmentally sustainable and regenerative stretch of highway, utilizing as a proving ground the Interstate 85 corridor from Exit 2 “West Point” through Exit 18 “LaGrange” in Georgia. This initiative will address energy generation, carbon mitigation, human safety, wildlife safety, and community improvement, amongst other areas, and prove what is possible and transform transportation infrastructure nationally.

The Ray intervened in these dockets for the purpose of requesting that the Commission include a solar pilot project involving The Ray when approving the IRP. In its July 28, 2016 Special Administrative Session, the Commission approved the 2016 IRP, including a pilot project involving The Ray. In successfully moving to include that pilot project in the IRP, Commissioner Echols moved that “[t]he company shall work with The Ray and the Commission staff to finalize a one megawatt pilot project to be brought before the Commission for approval. The pilot project shall be completed by the end of 2019.” 7/28/2016 Transcript, pp. 24, 35, 38. Commissioner Echols stated the motion three times, always specifically referring to the project as a “pilot project.” 7/28/2016 Transcript (“Transcript”), pp. 24, 35, 38. Likewise, in the IRP Order’s Findings of Fact and Conclusions of Law and in its ordering paragraphs, the Commission labels the project involving The Ray as a “pilot project.” IRP Order, pp. 9, 12.

However, the IRP Order discusses The Ray pilot project in the context of Paragraph 11 of the Stipulation, relating to Georgia Power Company’s self-build solar projects, rather than in the context of Paragraph 10 of the Stipulation, referring to pilot projects. IRP Order, p. 9, ¶ 3. Paragraph 11 includes a requirement that those projects “be at or below avoided costs,” while Paragraph 10 does contain the avoided cost restriction for the other two pilot projects. Stipulation, p. 3, ¶¶ 10, 11.

**ARGUMENT AND CITATION OF AUTHORITY**

Under Commission Rule 515-2-1-.08, a motion for reconsideration must be filed within ten days of the Order to be reconsidered. The IRP Order was signed and docketed on August 2, 2016, so The Ray’s motion for reconsideration and/or clarification is timely filed.

The Ray’s request is that the Commission confirm that the one megawatt solar pilot project involving The Ray is not required to be at or below avoided costs in order to be approved. The Ray understands that the IRP Order may make reference to Paragraph 11 of the Stipulation because there was a discussion at the Special Administrative Session about the 75 megawatts discussed in Paragraph 11 of the Stipulation and the intention to include The Ray project in that 75 megawatts. Transcript, pp. 41-42. However, Commissioner Echols’ motion

did not include an avoided cost restriction for The Ray pilot project, and, in fact, during the discussion, he specifically referenced the UGA pilot project, which, to the best of The Ray’s knowledge, was not done at or below avoided costs. Likewise, it does not appear that the two pilot projects requested by Georgia Power Company and approved in Paragraph 10 of the Stipulation will meet the avoided cost restriction either. In fact, is highly unlikely that a pilot project could ever meet a requirement that it be done at or below avoided costs. The very nature of a pilot project – an experiment to see if an idea will work and can be replicated on a broader scale – makes the avoided costs requirement unworkable.

The Ray pilot project offers a unique opportunity for the Commission and the Georgia Department of Transportation to work together to investigate a new source of power that does not involve the highest cost component: the expense of acquiring land. If the IRP Order is not clarified or amended to make clear that there is no avoided costs restriction, the collaboration between the Commission and GDOT on this project may never come to fruition, leaving the State with a missed opportunity of significant proportion.

WHEREFORE, The Ray respectfully requests either that (1) the Commission clarify that under the IRP Order, The Ray pilot project is not subject to the avoided costs restriction of Paragraph 11 of the Stipulation, or (2) if the Commission intended the avoided cost restriction to apply to The Ray pilot project, the Commission reconsider and amend the IRP Order to state that The Ray pilot project is not subject to the avoided costs restriction of Paragraph 11 of the Stipulation, as is the case with the other two pilot projects.

This 11th day of August, 2016.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing **MOTION BY THE MZC FOUNDATION, INC. D.B.A. THE RAY FOR RECONSIDERATION OR CLARIFICATION OF COMMISSION’S AUGUST 2, 2016 IRP ORDER** via hand delivery and/or by United States Mail, properly addressed with adequate postage affixed thereto, upon the following as reflected:

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This 11th day of August, 2016.

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