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DOCKET # 4822, 16573, 19279
DOCUMENT # 184608, 184609,
184610

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In Re the Matter of:

Docket No. 4822: Capacity and Energy Payments to Cogenerators under PURPA

Docket No. 16573: Georgia Power Company's Green Energy Program

Docket No. 19279: Biomass Gas & Electric, LLC's Petition to Establish Docket Regarding Forsyth County Renewable Energy Plant

ORDER ON HEELSTONE'S PETITION FOR DECLARATORY RULING

I. Factual and Procedural Background

The Georgia Public Service Commission ("Commission") ordered the reopening of a proceeding in Docket No. 4822 as part of the July 29, 2019 Amended Final Order for Georgia Power Company's ("Georgia Power" or "Company") 2019 Integrated Resource Plan ("IRP"). Given the overlapping nature of the issues, and to ensure all impacted programs and avoided cost calculations are addressed, Docket Nos. 16573 and 19279 were re-opened as well. On August 20, 2020, the Commission issued its Procedural and Scheduling Order ("PSO") establishing a review of the Company's avoided costs in Docket No. 4822 ("Avoided Cost Proceeding"). Due to the overlapping nature of the issues and to ensure all impacted programs and avoided costs are

addressed, the Commission extended its avoided cost review to Docket Nos. 16573 and 19279.

The PSO identified four issues involved:

- By using the current avoided cost methodologies, are renewable energy and energy efficiency resources being evaluated correctly?
- Should the Commission approve any modifications to the current methodologies that are used to calculate PURPA avoided costs?
- Should the Commission approve any modifications to the three (3) Standard Offer Contracts available for a Qualifying Facility project which include: (1) Standard Contract for the Purchase of Non-Firm Energy from a Qualifying Facility [the “Energy-Only PPA”], (2) Standard Contract for the Purchase of Firm Capacity and Energy from a Qualifying Facility [the “Firm Capacity and Energy PPA”], and (3) Standard Contract for the Purchase of Firm Capacity and Energy from a Renewable Qualifying Facility Utilizing the Proxy Unit Methodology [the “Proxy PPA”]?
- All other issues that impact the valuation, application, and/or calculation of avoided costs regarding renewable energy or energy efficiency resources.

On September 17, 2020, Heelstone Renewable Energy, LLC (“Heelstone”) filed a motion to intervene in the Avoided Cost Proceeding. On December 4, 2020 Heelstone filed Rebuttal Testimony of the Panel of Justin S. Gravatt, Jennifer L. Kerrigan and W. Austin Scheffy. On February 10, 2021, Heelstone filed a Petition for Declaratory Relief requesting that the Commission issue declaratory rulings as to the interpretation of orders applicable to certain “Standard Contract[s] for the Purchase of Non-Firm Energy from a Qualifying Facility” (the “Heelstone PPAs”). On February 17, 2021 Heelstone filed its post hearing brief and recommended order for this docket.

In its Petition for Declaratory Relief, Heelstone seeks the following: (1) Declaration that the Company’s “Top of Stack” lambda is not an accurate proxy for the Company’s “utility system lambda,” (2) Declaration that the QF PPAs previously executed between Heelstone and Georgia Power shall be governed by the compensation formula as it existed when those contracts

were executed, and (3) Declaration that Heelstone complied with all requirements of interconnection for each of its Projects.

II. Jurisdiction

The Commission has general jurisdiction over electric light and power companies under O.C.G.A. § 46-2-20 and 46-2-23.

The Georgia Administrative Procedure Act, O.C.G.A. § 50-13-1 through 23, directs agencies to provide by rule for the filing and prompt disposition of petitions for declaratory rulings. O.C.G.A. § 50-13-11. The Commission's duly promulgated Rule 515-2-1-.12 identifies what must be included in a petition for declaratory ruling, sets forth the requirements for service on interested parties and establishes that no evidentiary hearings shall be held if there is no dispute as to any material fact.

III. Conclusion

The issues raised by Heelstone in their Petition for Declaratory ruling are the same issues that Heelstone raised in their testimony in the ongoing Avoided Cost Proceeding. These issues have already been presented to Commissioners in the form of written testimony, briefs, and testimony given orally from the stand in the underlying Avoided Cost Proceeding.

Furthermore, in Georgia Power's February 22, 2021 response to Heelstone's Petition the Company points out that the issues requested for the Commission to "declare" in the Petition are simply a reformatted presentation of the identical issues raised by Heelstone in its Rebuttal Testimony and reiterated in its post-hearing brief in the Avoided Cost Proceeding. The Company notes in its response that the underlying Avoided Cost Proceeding is the appropriate venue to decide these issues on the merits.

IV. Ordering Paragraphs

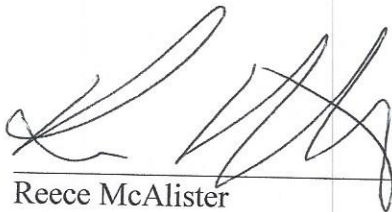
WHEREFORE, IT IS ORDERED, that the Commission finds and concludes that Heelstone's Petition for Declaratory Relief is denied and that these issues will be considered by the Commission in the appropriate venue, the underlying Avoided Cost Proceeding.

ORDERED FURTHER, that all findings, conclusions, statements, and directives made by the Commission and contained in the foregoing sections of this Order are hereby adopted as findings of fact, conclusions of law, statements of regulatory policy, and orders of this Commission.

ORDERED FURTHER, that a motion for reconsideration, rehearing, or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over these matters is expressly retained for the purpose of entering such further order or orders as this Commission may deem proper.

The above by action of the Commission in Administrative Session on the 2nd day of March, 2021.



Reece McAlister
Executive Secretary

3-8-21
Date



Chuck Eaton
Chairman

3/8/21
Date