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DOCKET NO. 43814

### PROCEDURAL AND SCHEDULING ORDER

#### GEORGIA POWER COMPANY'S APPLICATION FOR THE CERTIFICATION OF THE 2022/2023 UTILITY SCALE RENEWABLE POWER PURCHASE AGREEMENTS

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The Georgia Public Service Commission (the "Commission") hereby issues this Procedural and Scheduling Order in accordance with the authority and duty conferred upon it by the Integrated Resource Plan Act ("IRP Act"), O.C.G.A. § 46-3A-1 et seq., as well as Commission Utility Rule Chapter 515-3-4, Integrated Resource Planning, and for the purpose of scheduling pleadings and a hearing to consider the matters described herein. Notification of the following matter is hereby given:

#### Background

On April 29, 2021 Georgia Power Company ("Georgia Power" or "Company") will file an application requesting the Commission to issue an order:

- (1) Granting a certificate of public convenience and necessity for the Utility Scale Power Purchase Agreements ("PPA") from the recent Requests for Proposals; and
- (2) Approving an Additional Sum amount which is based on 8.5 percent of the levelized net savings from the 2022/23 Utility Scale PPAs.

#### Legal Authority and Jurisdiction

The Commission has jurisdiction over electric utilities. O.C.G.A. §§ 46-2-20 and 46-2-21. The Commission has exclusive ratemaking authority over utilities. O.C.G.A. § 46-2-23(a). The Commission administers the IRP Act, O.C.G.A. §§ 46-3A-1 through 11.

### **Applicable Statutes**

O.C.G.A. § 46-2-23(a) provides the Commission with “exclusive power to determine what are just and reasonable rates and charges to be made by any person, firm, or corporation subject to its jurisdiction.

The IRP Act, O.C.G.A. §§ 46-3A-1 through 11, including O.C.G.A. § 46-3A-5 (b), which allows 180 days after a certificate filing for the Commission to render a decision. Further, O.C.G.A. § 46-3A-4 states, “The utility's application for a certificate shall be accompanied by its current integrated resource plan, whether or not previously filed.”

O.C.G.A. § 46-3A-3 (a) provides that no utility shall commence the construction of an electric plant, sell an existing plant or any portion thereof which is included in the retail rate base or which has been certified, enter into a long-term purchase of electric power, or make expenditures for a demand-side capacity option for serving the utility's Georgia retail customers without having first obtained from the commission a certificate that public convenience and necessity requires, or will require, such construction, sale, purchase, or expenditure.

O.C.G.A. § 46-3A-8 provides that the approved or actual cost, whichever is less, of purchase of any certificated long-term power purchase shall be recovered in rates by the utility, along with an additional sum as determined by the commission to encourage such purchases. The Commission shall consider lost revenues, if any, changed risks, and an equitable sharing of benefits between the utility and its retail customers.

### **Issues Involved**

Should the Commission issue an order approving the requests made by the Company in its April 29, 2021 application?

The issues to be addressed shall include those which are required pursuant to the IRP Act, O.C.G.A. § 46-3A-1 *et seq.*, and the Commission’s implementation of Rule 515-3-4 as well as all other related issues this Commission deems appropriate.

### **Standard Certification Issues**

Pursuant to O.C.G.A. § 46-3A-3(a), after January 31, 1992, no utility shall commence the construction of an electric plant, sell an existing plant or any portion thereof which is included in the retail rate base or which has been certified, enter into a long-term purchase of electric power,

or make expenditures for a demand-side capacity option for serving the utility's Georgia retail customers without having first obtained from the commission a certificate that public convenience and necessity requires, or will require, such construction, sale, purchase, or expenditure.

O.C.G.A. § 46-3A-4(b) requires that the utility's application for a certificate be accompanied by its current integrated resource plan, whether or not previously filed. Further, the utility's application for a certificate shall contain a cost-benefit analysis covering the estimated useful life of all capacity resource options considered in developing its current integrated resource plan. Each certificate shall describe the capacity resource, its approximate construction or implementation schedule, and its approved cost. The estimated cost of the capacity resource proposed to be certificated shall be presented in such reasonable detail as the commission may require. The Commission shall issue an order adopting a forecast of future Georgia retail electricity requirements of the utility and describing in what manner the prospective certificate relates to the integrated resource plan and either granting the requested certificate or denying the requested certificate and authorizing a specific alternative means of supplying the requirements found by the commission to exist.

### **Hearing Schedule and Filing Dates**

#### **April 20, 2021**

At its regularly scheduled Administrative Session, the Commission will establish the fee in this docket pursuant to O.C.G.A. § 46-3A-5(c).

#### **April 29, 2021**

Georgia Power shall file an application requesting certification of the PPAs for the 2022/23 Utility Scale RFP.

#### **May 7, 2021**

Georgia Power Company shall file any pre-filed direct testimony in Docket No. 43814 by 4:00 p.m.

#### **May 21, 2021**

The Public Interest Advocacy Staff and all other Intervenors shall file separate direct testimony by 4:00 p.m.

**June 4, 2021**

Georgia Power may file any rebuttal testimony by 4:00 p.m.

**June 15, 2021**

Beginning at 9:30 a.m., immediately following Administrative Session, the Commission will hear applications to intervene and any objections thereto, and any motions concerning the utilities pre-filed testimony and other appropriate motions. Following these preliminary matters, the Commission will conduct hearings on the direct case of Georgia Power, followed by the direct cases of the Public Interest Advocacy Staff and all other Intervenors, and then followed by any rebuttal/amended application testimony filed by Georgia Power.

**June 24, 2021**

Filings of briefs and/or proposed orders by all parties are due by 4:00 p.m.

**July 1, 2021**

At its regularly scheduled Energy Committee, the Commission will consider this matter.

**July 6, 2021**

At its regularly scheduled Administrative Session, the Commission will render a decision in this matter.

**Discovery**

This proceeding also shall be deemed “complex litigation” as that phrase is used in O.C.G.A. § 9-11-33(a). Discovery procedures shall accordingly apply. The Commission authorizes Staff to issue discovery pursuant to O.C.G.A. 46-2-57(a). The Staff may conduct depositions and use any other methods of formal and informal discovery in this docket. The use of any informal discovery methods shall not augment or abridge existing discovery rights and responsibilities.

**Notice**

Pursuant to the Commission’s Utility Rule 515-2-1-.04(3), Georgia Power is directed to give first notice of the proceedings in this docket no later than May 6, 2021.

### **Public Interest Advocacy Staff Designations**

Pursuant to O.C.G.A. § 50-13-13, this proceeding shall be considered a contested case. As such, the Commission hereby designates the following Staff members to act as Public Interest Advocacy Staff in this proceeding:

Jamie Barber (Lead)  
John Kaduk  
Tim Cook  
Preston Thomas

The Public Interest Advocacy Staff shall be responsible for performing an independent evaluation of the filed case from the standpoint of promoting the public interest and just and reasonable rates and advocating for that position. The Public Interest Advocacy Staff is considered a party to the case and may negotiate settlements with other parties, in the public interest.

Pursuant to Commission Rule 515-3-4-.06(2), copies of the executive summary and technical volumes shall be made available by the utility for public inspection at its region offices located throughout the state.

### **Statutory Deadline for Commission Orders**

The Statutory deadline for a certificate review is 180 days after the utility remits the fee, pursuant to O.C.G.A. § 46-3A-05(c).

### **Intervention**

#### **Intervention Period**

- (a) Any person or party, on whom a statute does not confer an unconditional right to intervene, must file an application for leave to intervene within 30 days following the first published notice of the proceeding. Pursuant to Rule 515-2-1-.04, Georgia Power will be directed to give first notice of their proceedings in this case not later than May 6, 2021.

#### **Application Requirements**

- (b) In addition to the requirements prescribed by O.C.G.A. § 46-2-59 for applications for leave to intervene, the application must (1) identify other intervening parties or intervening party applications whose interest is similar to that of the applicant, along with an explanation of why the identified intervening party or intervening party applicant will not adequately represent the applicant's interest; and (2) state the applicant's present intention to submit

direct testimony and by whom and on what subject. The requirements identified herein shall constitute a continuing obligation of the applicant or intervening party.

### **Late Applications for Intervention**

- (c) Any application for leave to intervene filed late must state the reason why such application was not submitted within 30 days of first published notice. Objections to late intervention applications must be filed in conformance with the requirements of O.C.G.A. § 46-2-59-(d).

### **Rulings on Intervention Applications**

- (d) The Commission will take up and rule on applications for leave to intervene at the first hearing date set in these dockets.

### **Filing and Service**

An original and fifteen copies of all filings, including direct testimony, rebuttal testimony, briefs and proposed orders, shall be accompanied by an electronic version of the filing that shall be made on a 3 ½ inch diskette or CD ROM using Microsoft Word ® format for text documents and Excel ® for spread sheets. This filing shall be made at the office of the Executive Secretary, Georgia Public Service Commission, 244 Washington St., SW, Atlanta, Georgia 30334-5701.

Each party has the responsibility to serve copies of any documents filed with the Commission upon each intervenor and intervenor applicant. Furthermore, in the case of documents filed prior to the deadline for intervention established above, copies shall also be served upon each party indicated in the Certificate of Service accompanying this Order.

### **Witnesses' Testimony**

- (a) Summations of direct testimony will take no longer than fifteen (15) minutes or, at the discretion of the Commission, no longer than thirty (30) minutes.
- (b) Summations should be limited to testimony and exhibits in the pre-filed testimony.
- (c) Demonstrative handouts intended to be used during summations of the pre-filed testimony or in opening or closing statements, if applicable, must be pre-filed at least five (5) days prior to the hearing and must be limited to the scope of the testimony and exhibits in the pre-filed testimony.
- (d) Except for good cause shown, corrections to testimony must be pre-filed at least five (5) days prior to the hearing.

- (e) In the absence of a valid objection made and sustained to pre-filed testimony, the pre-filed testimony and exhibits, with corrections, will be admitted into the record as if orally given prior to the witness' summation, subject to a motion to strike after admission or other relevant objection.
- (f) Where the testimony of a panel of witnesses is presented, cross-examination may either be addressed to the panel, in which case any member of the panel may answer, or cross-examination may be addressed to an individual panel member, in which case that panel member shall give the answer.
- (g) Motions to strike any portion of pre-filed testimony must be filed at least two days prior to the hearing.

### **Hearing Exhibits**

For the record in all hearings, it shall be the responsibility of the parties sponsoring any hearing exhibits to ensure that the Hearing Reporter and all parties of record receive copies of the hearing exhibits at the time of introducing the exhibits at the hearings. (Exhibits filed with pre-filed testimony should already have been provided in fifteen (15) or more copies, as per Commission Rule 515-2-1-.04(3)).

### **Procedures and Forms for Making an Application to Intervene**

Applications to intervene and Commission approval thereof are addressed in O.C.G.A. § 46-2-59 and the Commission's Utility Rule 515-2-1-.06. Each applicant shall submit an original and fifteen (15) copies of its application to intervene to the Commission, addressed to the Executive Secretary, Mr. Reece McAlister, 244 Washington St. S.W., Atlanta, Georgia 30334-5701.

In addition, each applicant shall submit a copy of its application to the Georgia Power Company<sup>1</sup>, and all other parties who have applied to intervene, and submit a Certificate of Service to the Commission certifying that these copies have been served on the other parties. To obtain a list of other applicants that have intervened, contact Ms. Quawanda Boyer, Assistant to Utility Division Director, Georgia Public Service Commission, 244 Washington St., S.W., Atlanta, Georgia 30334-5701, (Telephone Number: (404) 656-0977).

### **Establishment of Fee**

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<sup>1</sup> The Georgia Power Company, as the applicant in their respective dockets, is a party of record upon which applications to intervene must be served. Failure to serve the applicant, or any other party, tolls a fifteen (15) day limit for objections to interventions until this defect is corrected.

With regard to the establishment of a fee in a proceeding in which a utility is seeking a certificate, O.C.G.A. § 46-3A-5(c) states:

(c) Within 60 days after the filing of an integrated resource plan or an application has been made with the commission for a certificate or amendment, the commission shall establish a fee therefor and notify the applicant thereof. The fee amount so established shall be in an amount reasonably necessary to defray the expense of the commission in reviewing the plan or determining whether to grant the application, including but not limited to the expense of conducting any certification proceedings required for such application. The fee so established shall not be recoverable from ratepayers of the applicant if the application or certification is denied nor shall the fee for review of the plan or any subsequent amendment thereto be recoverable from ratepayers. Such fee must be remitted to the commission before the commission may take any further action upon the application. For purposes of any time periods established in subsection (b) of this Code section and subsection (c) of Code Section 46-3A-2, an application shall be deemed to have been filed only when the fee established therefor has been remitted to the commission. In the event a joint application is filed by more than one utility, a single such fee only shall be required. The funds assessed and collected pursuant to this subsection shall be deposited in the state's general fund.

Accordingly, the Staff estimated the cost to review the filing at \$68,829.

The Commission has determined that a fee should be established for review of the application of Georgia Power Company in the above-captioned docket. This Commission has established the fee for review of this application within sixty days of filing the application. The fee amount so established is in an amount reasonably necessary to defray the expenses of the Commission in reviewing the application, including but not limited to the expense of conducting any proceedings required for such application.

Therefore, the Commission finds and concludes that based on the Staff's recommendation, the fee amount necessary to defray the costs to this Commission in review of Georgia Power Company's Certificate filing shall be \$68,829. In accordance with O.C.G.A. § 46-3A-5 (c), *this fee will be remitted to the State Treasury.*

**WHEREFORE, IT IS ORDERED**, that the procedures and schedule contained within this Procedural and Scheduling Order are hereby adopted by the Commission to govern these hearings.

**ORDERED FURTHER**, that the issues to be addressed in Docket No. 43814 shall include, at a minimum, those related issues and directives of the Commission pursuant to its previous orders and all other issues that are expressly required pursuant to the IRP Act and Utility Rule Chapter 515-3-4, as well as those specific issues identified in this Procedural and Scheduling Order.

**ORDERED FURTHER**, that the Commission will evaluate the cost-effectiveness of the solar resources in its determination of whether to certify the requested resources.

**ORDERED FURTHER**, that the fee to be paid by Georgia Power Company for the Commission's review of its Application for the Certification of the 2022/2023 Utility Scale Power Purchase Agreements shall be in the amount of sixty-eight thousand and eight hundred and twenty-nine dollars (\$68,829.00).

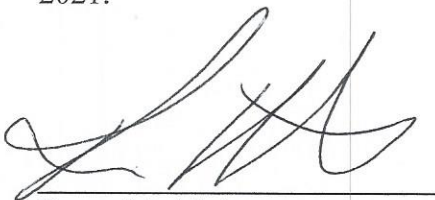
**ORDERED FURTHER**, that this Order shall constitute notice to Georgia Power Company of the fee pursuant to O.C.G.A. § 46-3A-5(c) to be remitted to the State Treasury.

**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 this matter is expressly retained for the purpose of entering such further Order or Orders as the Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 20th day of April 2021.



Reece McAlister  
Executive Secretary



Chuck Eaton  
Chairman

4-20-21  
Date

4/20/21  
Date