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**AUG 23 2022**

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## Georgia Public Service Commission

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**DOCKET NO. 43899**

**IN RE: Sawnee Electric Membership Corporation v. Georgia Power Company**

### **ORDER AFFIRMING AND ADOPTING HEARING OFFICER'S INITIAL DECISION**

This proceeding was initiated by Sawnee Electric Membership Corporation ("Sawnee") upon its submission, on May 21, 2021, to the Georgia Public Service Commission ("Commission") of Sawnee EMC's Petition with Regard to Matters arising under the Georgia Territorial Electric Service Act, O.C.G.A. §§ 46-3-1 through 46-3-15 ("Petition"). The Petition alleged that the Georgia Power Company ("Georgia Power") violated the Georgia Territorial Act ("the Act") by installing four electric vehicle ("EV") charging stations in territory exclusively assigned to Sawnee. Georgia Power claimed that it was rightfully serving the Premises under the Act's large load exception. The Commission assigned the matter to a Hearing Officer pursuant to 50-13-13(5) on July 7, 2021.

The Hearing Officer issued an Initial Decision on May 21, 2022 denying Sawnee's Petition and finding that Georgia Power had met its burden of proof in support of the use of the Act's large load exception<sup>1</sup>.

On June 23, 2022, Sawnee EMC filed an Application for Full Commission Review of the Hearing Officer's Initial Decision pursuant to O.C.G.A. § 50-13-17(a).

On July 29, 2022, Georgia Power filed a Response to Sawnee EMC's Application for Full Commission Review. Responses were also received from Electrify America, LLC and Tesla, Inc.

<sup>1</sup> At the request of the parties, the hearing was delayed from November, 2021 to January, 2022 and a Revised Notice of Hearing was issued on November 19, 2021:

<https://services.psc.ga.gov/api/v1/External/Public/Get/Document/DownloadFile/187719/69545>

The Commission heard arguments from the parties during its Energy Committee on August 11, 2022 and voted to affirm and adopt the Hearing Officer's Initial Decision in its Administration Session on August 16, 2022.

**WHEREFORE IT IS ORDERED** that Commission affirms the Initial Decision of the Hearing Officer issued on May 21, 2022 and hereby adopts the Initial Decision in its entirety. By affirming the Initial Decision, the Commission expressly adopts the Hearing Officer's findings of facts and conclusions of law set forth in the Initial Decision.

**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 just and proper.

The above by action of the Commission in its Administrative Session on the 16th day of August, 2022.



Sallie Tanner  
Executive Secretary



Tricia Pridemore  
Chairman

8-23-22  
Date

8-23-22  
Date