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**BEFORE THE PUBLIC SERVICE COMMISSION**
**STATE OF GEORGIA**

**DOCKET NO. 44319**

**ATLANTA GAS LIGHT COMPANY'S 2022-2025 CAPACITY SUPPLY PLAN**

**ORDER ADOPTING PARTIES' STIPULATION**

**BY THE COMMISSION**

On July 1, 2022, Atlanta Gas Light Company ("AGL" or the "Company") filed with the Georgia Public Service Commission ("Commission"), its Petition for Approval of AGL's 2022-2025 Capacity Supply Plan pursuant to O.C.G.A. § 46-4-155(e) et. seq.

## JURISDICTION AND AUTHORITY

The Commission has jurisdiction over this matter pursuant to *inter alia* O.C.G.A. §§ 46-2-20 and 46-4-155. More specifically, the Commission has general supervisory authority over natural gas utilities under O.C.G.A. § 46-2-20. Additionally, the Commission has jurisdiction to review and approve the Capacity Supply Plan under O.C.G.A. § 46-4-155(e).

O.C.G.A. § 46-4-155 (e) provides that at least every third year following the date when the rates for commodity sales service within a delivery group(s) become no longer subject to Commission approval nor to the provisions of O.C.G.A. § 46-2-26.5, AGL shall file on or before August 1 of such year, a capacity plan that designates the array of available interstate capacity assets selected by AGL for the purpose of making gas available on its system for firm distribution service to retail customers in such delivery group(s).

O.C.G.A. § 46-4-155(e)(6) provides that any Capacity Supply Plan approved or adopted by the Commission shall:

(a) Specify the range of the requirements to be supplied by interstate capacity assets;
(b) Describe the array of interstate capacity assets selected by the electing distribution company to meet such requirements;
(c) Describe the criteria of the electing distribution company for entering into contracts under such array of interstate capacity assets from time to time to meet such requirements; provided, however, that a capacity supply plan approved or adopted by the commission shall not prescribe the individual contracts to be executed by the electing distribution company in order to implement such plan; and
(d) Specify the portion of the interstate capacity assets which must be retained and utilized by the electing distribution company in order to manage and operate its system.

In addition, Commission Rule 515-7-11-.04 specifies the Minimum Filing Requirements ("MFRs") to be filed with a Capacity Supply Plan.

## STATEMENT OF PROCEEDINGS

On April 5, 2022, the Commission issued its Procedural and Scheduling Order ("PSO") in this Docket setting forth the dates for filing of testimony and briefs, as well as the dates for the hearings in this matter. This proceeding was deemed complex litigation pursuant to O.C.G.A. § 9-11-33(a). The proceeding was assigned Docket Number 44319.

On July 1, 2022, AGL filed with the Commission its Petition for Approval of the 2022-2025 Capacity Supply Plan.

Applications for Leave to Intervene in this proceeding were filed by: SouthStar Energy Services, LLC d/b/a Georgia Natural Gas; FireSide Natural Gas, LLC and EMC Natural Gas, Inc., d/b/a True Natural Gas; Gas South, LLC; SCANA Energy Marketing, Inc.; Walton Energy, Inc. d/b/a Walton EMC Natural Gas; Texican Industrial Energy Marketing, LLC; and, Mansfield Power and Gas, LLC.

On July 14, 2022, the Georgia Public Service Commission Staff ("Staff") propounded interrogatories and requests for production of documents to AGL. The Company filed responses to Staff's discovery requests on July 29, 2022.

On July 26, 2022, at the request of the parties, the Commission revised the PSO by extending the due date for filing Intervenor testimony from August 3, 2022 to August 9,

2022. On September 12, 2022 at the request of the parties, the Commission revised the PSO to delay the start of the hearing from September 14 to September 15, 2022.

On September 13, 2022, a Stipulation (the "Joint Stipulation") that had been executed on behalf of the Company, Commission Staff, and natural gas marketers was filed.[1] A copy of the Stipulation is hereto attached as Attachment A. The parties to the Joint Stipulation are referred to herein as the "Stipulating Parties." The Joint Stipulation addressed the issues the Commission must determine in this proceeding pursuant to O.C.G.A. § 46-4-155(e)(6) and was filed as an exhibit to Pre-filed Joint Testimony in support of the Stipulation of Gregory Becker and Rich Klaus.

The Commission conducted a hearing on the 2022-2025 Capacity Supply Plan and the Joint Stipulation filed by the Company on September 15, 2022. The Pre-Filed Testimony of the panel consisting of Gregory Becker on behalf of AGL and Richard Klaus or SCANA and the stipulation were admitted into evidence without objection. Additionally, all other pre-filed testimony, exhibits, minimum filing requirements and other supporting documents pre-filed in this docket were admitted into evidence without objection.

On September 29, 2022, the Commission voted on the Final Order for this matter at a Special Administrative Session held for this purpose.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

To ensure that the competing interests of all parties were properly considered, the Commission carefully considered the Stipulation entered into by the Stipulating Parties, the testimony, and the various exhibits, minimum filing requirements and other supporting materials entered into the record.

The Commission finds and concludes that the terms of the Stipulation are supported by the evidence in the record and is a fair and reasonable resolution of the issues in this Docket. Therefore, the Commission approves and adopts the Stipulation subject to the terms and conditions herein.

The Commission finds and concludes that the terms approved herein are reasonable and that the resolution of this matter as provided herein is appropriate and is in the public interest.

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[1] In addition to AGL and Staff, the following intervening Marketers signed and supported the Stipulation: SouthStar Energy Services, LLC d/b/a Georgia Natural Gas; FireSide Natural Gas, LLC and EMC Natural Gas, Inc., d/b/a True Natural Gas; Gas South, LLC; SCANA Energy Marketing, Inc.; Walton Energy, Inc. d/b/a Walton EMC Natural Gas; Texican Industrial Energy Marketing, LLC; and, Mansfield Power and Gas, LLC. Additionally, CENNAT, Inc. d/b/a Fuel Georgia, and Constellation NewEnergy Gas Division, although not intervenors in this docket, signed and supported the Stipulation.

*******

**WHEREFORE IT IS ORDERED**, that all findings, conclusions, and statements made by the Commission and contained in the foregoing sections of this Order are hereby adopted as findings of fact, conclusions of law, and statements of regulatory policy of this Commission

**ORDERED FURTHER**, that the Commission adopts the Stipulation (Attachment A to this Order) as a fair and reasonable resolution of the issues in Docket No. 44319 subject to the terms and conditions herein.

**ORDERED FURTHER**, that the Commission hereby approves AGL's 2022-2025 Capacity Supply Plan as modified by the Stipulation under the terms and conditions herein.

**ORDERED FURTHER**, that the Stipulating Parties shall abide by the 2022-2025 Capacity Supply Plan and the terms and conditions as set forth herein.

**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 on entering such further Order or Orders as to this Commission may seem just and proper.

The above by action of the Commission during its Special Administrative Session on the 29th day of September 2022.

Sallie Tanner
Executive Secretary

9-29-22
Date

Tricia Pridemore
Chairman

9-29-22
Date

**BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION**
**STATE OF GEORGIA**

| | | |
|---|---|---|
| **IN RE: Atlanta Gas Light Company's 2022 - 2025 Capacity Supply Plan** | ) ) ) ) | **Docket No. 44319** |

## STIPULATION

**WHEREAS**, as part of the Natural Gas Competition and Deregulation Act enacted in 1997 (the "1997 Act"), the General Assembly of Georgia (the "General Assembly") directed, under O.C.G.A. § 46-4-155(e)(3), Atlanta Gas Light Company ("AGL" or the "Company") to file at least every third year "a capacity supply plan which designates the array of available interstate capacity assets selected by [AGL] for the purpose of making gas available on its system for firm distribution service to retail customers …"; and

**WHEREAS**, AGL is currently operating under its 2019 – 2022 Plan, which was approved by the Commission in Docket No. 42317 on September 30, 2019; and

**WHEREAS**, on April 5, 2022, the Commission issued a Procedural and Scheduling Order in Docket No. 44319, directing AGL to file its 2022 – 2025 Plan and pre-file its direct testimony on or before July 1, 2022; and

**WHEREAS**, AGL filed its 2022 – 2025 Plan on July 1, 2022, including but not limited to the pre-filed direct testimony of Witness Gregory Becker, together with exhibits (including the Minimum Filing Requirements as required by this Commission); and

**WHEREAS**, the Commission's Natural Gas Staff ("Staff"), AGL, and the Certificated Marketers attempted to work together and met in an attempt to reach agreements on certain issues; and

**WHEREAS**, the undersigned Parties (which include Staff, AGL, and the Certificated Marketers, collectively the "Stipulating Parties") have reached agreement on the issues set forth herein; and

**WHEREAS**, the Stipulating Parties are requesting that the Commission approve this proposed Plan without setting new precedents for future capacity supply plans except as expressly stated herein; and

**NOW THEREFORE**, in consideration of the mutual promises and covenants contained herein, the Stipulating Parties agree as follows:

**1.**

The Stipulating Parties agree and recommend that the Commission accept and adopt this Stipulation in its entirety as its final order in Docket 44319.

**2.**

The Stipulating Parties agree to the admissibility into evidence of: the pre-filed direct testimony of witness Gregory Becker, the accompanying exhibits, and the Minimum Filing Requirements filed on July 1, 2022; the pre-filed direct testimony of witnesses Richard "Rich" Klaus and Freddy Cardozo, and the accompanying exhibits filed August 9, 2022; and, the pre-filed rebuttal testimony of Gregory Becker and the accompanying exhibits filed September 2, 2022.

**3.**

The Stipulating Parties agree and recommend that the Commission accept and adopt the Company's 2022 – 2025 Plan, as proposed, subject only to the modifications, requirements and adjustments identified and set forth in the agreed-to terms by the Stipulating Parties in Section 4 of this Stipulation.

**4.**

Unless otherwise defined, the defined terms in this Stipulation shall be defined as set forth in Title 46 of the Georgia Code, AGL's Tariff, the interstate pipelines' tariffs, or common understanding within the industry. Through the negotiation process, the Parties made certain concessions in exchange for the following agreed-to terms of settlement for the 2022-2025 Capacity Supply Plan. The agreed-to terms are as follows:

a) Transco-Dalton within MARS: As AGL committed to do in the Stipulation and the Addendum to the Stipulation in the 2019-2022 Capacity Supply Plan (Docket No. 42317), AGL moved 70,000 Dth/day of the Transco-Dalton Asset to a position within MARS effective November 1, 2019 for the duration of the 2019-2022 Plan. Going forward, the Parties agree that this 70,000 Dth/d will be modified as follows:

   i. Year 1 of the 2022-2025 Capacity Supply Plan = 70,000 Dth/d

   ii. Year 2 of the 2022-2025 Capacity Supply Plan = 60,000 Dth/d

   iii. Year 3 of the 2022-2025 Capacity Supply Plan = 30,000 Dth/d

   iv. The Stipulating Marketers were provided notice that AGL intends to file zero (0) in the 2025-2028 Capacity Supply Plan and end this provision.

b) Trigger Points that Allow AGL to Instruct Marketers to Flow Magnolia FT: The Parties agree to modify a carryover related to Magnolia FT capacity (sometimes called "the Elba capacity" or "Elba FT"). In the 2019-2022 Capacity Supply Plan, there is a trigger that allows AGL to instruct the Marketers to flow a package of released Magnolia FT. The current trigger within the 2019-2022 Plan is set at an aggregate dispatch of 840,000 Dth/d of sendout from the LNG Peaking facilities. AGL's filed position was to reduce this threshold to 100,000 Dth/d of

sendout from the LNG plants in each of the three years of the plan. In exchange for concessions from each Party, the new agreed-to triggers that allow AGL to instruct Marketers to flow a package of released Magnolia FT are:

i. Year 1 of the 2022-2025 Capacity Supply Plan = 800,000 Dth/d

ii. Year 2 of the 2022-2025 Capacity Supply Plan = 650,000 Dth/d

iii. Year 3 of the 2022-2025 Capacity Supply Plan = 500,000 Dth/d

iv. There is no commitment from any Party regarding what the triggers may be for Years 1 through 3 of the 2025-2028 Capacity Supply Plan.

c) Maximum Number of Days AGL Can Require Marketers to Use Magnolia FT: In addition to the there being a level of LNG peaking utilization that triggers the use of the Magnolia FT capacity, there also has been a cap on the number of days that AGL can require the Marketers to deliver gas on that Magnolia capacity to the system in a heating season. AGL's filed position was to raise that maximum number of days from 5 days to 10 days in each heating season of the 2022-2025 Capacity Supply Plan. This change to the number of days was discussed in the negotiations process, and the Stipulating Parties agree to the following:

i. Year 1 of the 2022-2025 Capacity Supply Plan = 5 days

ii. Year 2 of the 2022-2025 Capacity Supply Plan = 7 days

iii. Year 3 of the 2022-2025 Capacity Supply Plan = 10 days

d) New Elba Express FT: AGL contracted for new, winter-only FT supply source on Elba Express to support Southeast Georgia's new and existing customers and to work in tandem with the existing Magnolia FT capacity, which was initially supported by the Staff but opposed by the Marketer Working Group. This new FT capacity was discussed in the negotiations process. Provision for this FT was accepted by Staff and the Stipulating Marketers agree not to oppose.

e) Seasonal Release of Transco Dalton FT: The Marketers in the Working Group requested that AGL release the Transco Dalton FT that is associated with Cove Point from December 1 to December 15, and for the full month of April in each Capacity Supply Plan Year, and remove it from the BPPSS service. This request was discussed in the negotiations process, and was specifically rejected by the Company and the Staff.

f) Advance Notice of CSP Filing Changes: The Marketer Working Group requested that AGL share "Any proposed modification to the 'Stack' order / priority / numbers / etc." with the Working Group 30 days prior to filing the 2025-2028 Capacity Supply Plan. This request was also specifically discussed in the negotiations process, and was specifically rejected by the Company. In lieu of any commitment to share information, AGL and the other Stipulating Parties agreed

that AGL will share 30 days prior to such filing bullet points describing as much of its planned changes to the Asset Stack and Array as it can without, in AGL's sole discretion, affecting AGL's decisions on what will be filed in the 2025-2028 Capacity Supply Plan.

g) FINSS: Consistent with 2019-2022 Capacity Supply Plan provisions regarding FINSS flexibility, FINSS Utilizations Enhancements from 2010-2013 plan will continue. AGL will temporarily assign the transportation capacity associated with the components of the FINSS service in the event FINSS is depleted or if one or more of the components of the FINSS service suffers a force majeure event that renders it wholly inoperable, subject to AGL and the Marketers mutually agreeing on the mechanics ofhow this would work. Such assignments shall be made by AGL to Marketers in proportion to each Marketer's allocated portion of FINNS service.

h) LNG:

i. LNG top off requirement shall continue to be as late in summer refill period as operationally feasible without jeopardizing the ability to reach targeted inventory levels.

ii. LNG boil-off continues to be an offset to DSR. This reduction will be reflected on days where there is no planned operational use of the LNG facilities as boil-off is not additive to system supply when there is vapor sendout from an LNG plant.

i) CSS Inventory Transfers

- **Transfer of CSS Inventory from Retained Storage** – Each Certificated Marketer shall be entitled to purchase CSS inventory in MARS above the targets at the dates listed below at the weighted average cost of gas ("WACOG") in MARS. The target levels shall be: January 31st (66%), February 15th (63%), February 28th (60%), March 15th (45%), and March 31st (30%). The purchase price shall be the weighted average cost of gas in MARS on the day the purchase occurs. The Company may elect, at its sole discretion, to allow an inventory purchase prior to January 31st. The Company may further elect, at its sole discretion, to manage the aggregate MARS inventory level by buying or selling gas into or out of inventory at a prevailing market price to ensure the ability to safely and reliably operate its system. To the extent the prevailing market price is less than the effective MARS WACOG the difference in cost will be added to the calculation of the updated MARS WACOG. To the extent the prevailing market price is greater than the effective MARS WACOG the difference in cost will be deducted from the calculation of the updated MARS WACOG.

- The amount of available gas that each Certificated Marketer may acquire will be based on its share of AGL released CSS storage capacity on SNG for the month. AGL will provide each Certificated Marketer an estimate of its share of the available inventory three (3) business days prior to the target dates. The Certificated Marketer has three (3) business days from provision of the estimate in which to agree to purchase all or a portion of its allocated inventory. The Company will transfer said amount to the Certificated Marketer's CSS account using DART (or any subsequent pipeline EBB replacement), and Certificated Marketer will accept such transfer utilizing DART (or any subsequent pipeline EBB replacement). AGL will bill the Certificated Marketer for the agreed upon volumes on the following month's invoice.
- Consistent with reliable operations and the flexibility needs of the system, at its sole discretion, the Company will attempt to fill the CSS storage portion of MARS to ninety percent (90%) by November 1st and to the extent possible maintain inventories in CSS. AGL will be under no obligation to maintain CSS inventories to make gas available for transfer to Certificated Marketers.

j) DSR Change Minimization: The Company agrees to continue to minimize the need for changes in the DSR in each pool group. If a pool's DSR for the gas day would not change by more than +/- 5 Dth/d and +/- 10% of the Marketers' previously determined DSR, the DSR in that pool shall remain the same as set on the previous day. Continuing this agreed-to change comes with an understanding that the Company will be held harmless on the current service standard.

k) Post-winter meetings: AGL will continue to host post-winter meetings to discuss load analytics and observations of the previous heating season.

l) Carryover items that will remain in effect from the previous CSP order:

i. Discretionary nominations from Cove Point continue.

ii. CSS Inventory transfers continue.

iii. Macon / Atlanta LNG flex nomination and inventory transfer provisions

| Minimum Peaking Inventory for ATL/MAC LNG | | |
|---|---|---|
| Date | Current Inventory Level % Full | |
| December 1 | ATL: 95% | MAC: 95% |
| December 15 | ATL: 95% | MAC: 95% |
| January 1 | ATL: 80% | MAC: 80% |
| January 15 | ATL: 70% | MAC: 60% |

| | | |
|---|---|---|
| February 1 | ATL: 50% | MAC: 40% |
| February 15 | ATL: 30% | MAC: 20% |
| March 1 | ATL: 15% | MAC: 10% |
| March 15 | ATL: 10% | MAC: 10% |
| April 1 | ATL: 0% | MAC: 0% |

iv. Reduce minimal changes to DSR

a) If DSR does not change by +/- 5 Dth and +/- 10% of previous DSR then DSR remains the same.

b) Company held harmless on current service standard.

v. Additional AGL Commitments:

m) Post-winter Use-Per-Billing-Unit analysis continues.

n) LNG top off requirement shall continue to be as late in the summer refill period as possible.

o) Boil-off continues to be an offset to DSR.

**5.**

The Stipulating Parties agree to support this Stipulation, and seek its approval by the Commission as filed, without modification. The Stipulating Parties acknowledge that each Party made concessions to obtain the agreed-to terms of this Stipulation, no Party got all that it wanted, and any modification to this Stipulation as filed would potentially deprive a Party of benefits for which such Party made one or more concession to obtains. Any changes not agreed to by the Stipulating Parties would deprive a Party of one or more benefits of the negotiated Stipulation.

**6.**

If the Commission does not adopt this Stipulation as filed without modification in an Order (or in an Order on Reconsideration), that resolves this proceeding, this Stipulation shall be null and void and shall not constitute an admission, consent or agreement by any of the Stipulating Parties with respect to any issue in the above docket. The negotiation and execution of this Stipulation is based on the understanding and expectation by the Stipulating Parties that

it constitutes a privileged offer of settlement and compromise. If this Stipulation is not adopted by the Commission in its entirety, the Stipulation shall not be admissible and shall not prejudice the respective positions of the Stipulating Parties in any future proceeding in this or any other jurisdiction, unless related to a Petition for Reconsideration or appeal seeking to have the Commission adopt the Stipulation in its entirety.

**7.**

This Stipulation may be executed in several counterparts, which shall be considered one agreement.

**8.**

This Stipulation is the Stipulating Parties full and final expression of their agreement and shall not be contradicted by any representation outside of this document or prior agreement.

**9.**

Notwithstanding the foregoing, the Stipulating Parties agree that all existing tariff provisions not specifically addressed by this Stipulation or AGL's 2022-2025 Capacity Supply Plan, as filed, will remain in effect. The Stipulating Parties request that the Commission approve the Company's 2022-2025 Capacity Supply Plan as filed and as modified by the agreed-terms set forth above. If this Stipulation is not accepted by the Commission in accordance with the provisions hereof, this Stipulation shall be void and of no further effect and shall not prejudice any position taken by either Party and shall not be admissible evidence in this or in any other proceeding.

Agreed to:

Agreed to:

Stipulating Party: Atlanta Gas Light

By: Pedro Cherry, CEO

Date: 9-13-22

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Agreed to:

Stipulating Party: Staff of the Georgia Public Service Commission

By: _____

Date: September 13, 2022

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Agreed to:

Stipulating Party: FireSide Natural Gas, LLC

By: Brandi Kirkpatrick, Vice President

Date: 9-13-2022

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Agreed to:

Stipulating Party: CENNAT, Inc. d/b/a Fuel Georgia

By: _____

Date: 09/13/2022

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Agreed to:

Stipulating Party: Gas South, LLC

By: Freddy S. Cardozo S.

Date: 09/13/22

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: Georgia Natural Gas

By: Shannon O. Pierce, VP, Growth & Chief External Affairs Officer

Date: September 13, 2022

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Date: _____

Stipulating Party: MANSFIELD POWER AND GAS LLC

By: Stu 2 Moore

Date: 09/13/2022

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Agreed to:

Stipulating Party: SCANA Energy Marketing, LLC

By: T Britt Newsom - VP

Date: 9/13/2022

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: Walton EMC Natural Gas

By: Jim Beth

Date: 9/14/22

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Agreed to:

Stipulating Party: Constellation NewEnergy Gas Division

By: _____

Date: September 13, 2022

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____

Stipulating Party: _____

By: _____

Date: _____