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JASON SHAW

REECE McALISTER
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Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

In Re:	)	
	)	Docket No. 29324
Cobb County-Wide Safety Plan	)	
	)	
In Re::	)	
	)	
Application of Atlanta Gas Light Company for Amended Certificate of Public Convenience and Necessity for Cobb County	)	Docket No. 30702

FINAL ORDER ON COUNTY-WIDE SAFETY PLAN AND CERTIFICATE AMENDMENT REQUEST

This matter comes before the Georgia Public Service Commission ("Commission") as a result of the Consent Agreement ("CA") entered into between the intrastate natural gas operators located in Cobb County, Georgia. The Cobb County operators are Atlanta Gas Light ("AGLC") and the City of Austell ("Austell") (collectively referred to herein as "Operators" or "Parties").

The purpose of the filings in these related dockets, is to concurrently amend the Cobb County-Wide Safety Plan ("CWSP"), as well as to address AGLC's Application for Amended Certificate of Public Convenience and Necessity[1] in order to amend AGLC's Certificate to its proposed safety-based boundaries established in the consented CWSP. The consensus agreements of the parties adopts the Cobb County-Wide Safety Plan and Map, and the executed Consent Agreement memorializing such agreements is attached to this Order as "Attachment One." The consented CWSP is attached to the "Attachment

[1] The City of Austell resides in Cobb County and claims "Home County" exemption from Certification requirements in Cobb County, GA.

One" Consent Agreement as "Exhibit 'A'" (*see also*, Attachments "A" and "C" thereto, respectively, for the Cobb Plan and Map). The Cobb County-Wide Safety Plan and Map are incorporated into this Order as if specifically written herein.

Based on the Consent Agreement entered into by all of the Cobb County natural gas operators, and the lack of objection from the Commission's Facilities Protection Unit and Natural Gas Staff ("Commission Staff") and/or any other interested persons, the Commission hereby approves the stipulated CWSP as well as AGLC's, request to conform its certificated boundaries to the Cobb CWSP approved herein.

I. JURISDICTION

The Commission has general jurisdiction over natural gas utilities. O.C.G.A. § 46-2-20. Specifically, the Commission maintains safety jurisdiction over all natural gas transmission and distribution facilities within Georgia, including those natural gas facilities which are owned and operated by municipalities. O.C.G.A. § 46-2-20(i). The Commission further has jurisdiction over Georgia intrastate natural gas operators pursuant to *inter alia*: 49 U.S.C.S. §§ 60105 and 60122, 49 C.F.R. Part 191, 49 C.F.R. Part 192; O.C.G.A. §§ 46-2-21, 46-2-30, 46-2-53, 46-2-90, 46-2-91, 46-4-1, 46-4-31, 50-13-1 *et seq.*; and Commission Rules 515-7-1-.01 *et. seq.*, 515-9-1-.01*et.seq.*, 515-9-3-.01 *et. seq.*, 515-9-6-.01 and 515-9-7-.01 *et. seq.*

The Commission has further jurisdiction pursuant to Commission Rules 515-9-1-.01 and 515-9-3-.03; both adopting the Rules and Regulations prescribed by the United States Department of Transportation applicable to the "Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards" (49 C.F.R. Parts 40, 191, 192, 193 and 199) for the safe installation and operation of all natural gas transmission and distribution facilities by companies subject to the jurisdiction of the Commission.

II. PROCEDURAL HISTORY

On June 13, 2022 Atlanta Gas Light Company and the City of Austell filed a Joint Petition for Approval of Proposed Amendment to Cobb County Wide Safety Plan (Docket 29324, Document 190398). The Joint Petitioners also requested that the Commission waive the hearing requirement set forth in Commission Rule 515-9-7-.01(4). The Cobb CWSP was previously amended on May 9, 2019.

On June 16, 2022 AGLC filed an Application of Atlanta Gas Light Company for Amended Certificate of Public Convenience and Necessity for Cobb County (Docket 30702, Document 190462). On May 9, 2019, the Commission approved the current Cobb CWSP and AGL's Application for an Amended Certificate. Austell entered into a contract

with the developer to serve all four (4) phases of the tract at issue (Kyle Farm). Subsequently, Austell has served the development since 2015 and construction has continued in the backend of the subdivision. This fourth phase is currently located in AGLC's service territory and was inaccurately described in the original Cobb CWSP. Accordingly, AGLC and Austell request that the Commission revise the Cobb CWSP. Specifically, Boundary 1 should be revised to expand Austell's service territory to include the 25 new customers in the backend of the Kyle Farm subdivision. There will be no customer transfers.

Austell has Home County status in Cobb County.

The Commission's Facility Protection Unit has reviewed the proposed requests and have no objection.

III. STATUTES AND COMMISSON RULES INVOLVED

The Commission has the power and authority to enforce the provisions of: Ga. Const. Art. 9, § 6, ¶ 2, O.C.G.A. §§ 46-2-20 *et. seq.*, 46-2-30, 46-2-50, 46-2-51, 46-2-52, 46-2-53, 46-2-71, 46-2-90, 46-2-91, 46-4-20 *et. seq.*, 46-4-30 *et. seq.* and 50-13-1 *et. seq.*, applicable to Certificates of Public Convenience and Necessity and Safety of Natural Gas Pipelines/Distribution systems regulated by the Commission. The Commission has further power and authority to enforce the Commission's Natural Gas Certification and Safety Rules: 515-7-1 *et. seq.*, 515-9-1 *et. seq.*, 515-9-3 *et. seq.* and 515-9-7 *et. seq.* The Commission's specific Constitutional and statutory authorities can be found *inter alia*, at Ga. Const. Art. 9, § 6, ¶ 2, O.C.G.A. §§ 46-2-20, 46-2-21, 46-2-30, 46-2-51, 46-2-53, 46-2-54, 46-2-57, 46-2-58, 46-2-59, 46-2-71, 46-2-90, 46-2-91, 46-2-92, 46-2-93, 46-4-21, 46-4-22, 46-4-23, 46-4-24, 46-4-25, 46-4-26, 46-4-27, 46-4-28, 46-4-29, 46-4-30, and 46-4-31. The applicable Commission Rules involved are, *inter alia*, at 515-7-1-.01 *et. seq.*, 515-9-1-.01 *et. seq.*, 515-9-3.01 *et seq.*, and 515-9-7-.01.

IV. COMMISSION CONSIDERATION

No objections have been raised by Commission Staff or any other interested third persons and, as of the date of this Order, there are no known safety issues regarding the Cobb County natural gas Operators' consensus CWSP and/or appurtenant Certificate amendment. Accordingly, the Commission grants approval of the Cobb CWSP and AGLC's requested Certificate amendment and waiver of the hearing requirements associated with these filings.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. THE COMMISSION FINDS AND CONCLUDES that as relates to Cobb County, Georgia, the Commission has safety jurisdiction over all Cobb County, Georgia natural gas operators named herein.

2. THE COMMISSION FURTHER FINDS AND CONLUDES that it has certificate jurisdiction over Atlanta Gas Light Company.

3. THE COMMISSION FURTHER FINDS AND CONLUDES that AGLC and Austell are each individually and collectively subject to the jurisdiction of the Commission.

4. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Facilities Protection Unit Staff of the Commission has the authority to inspect the facilities of all Georgia natural gas providers pursuant to the legal citations contained *supra*.

5. THE COMMISSION FURTHER FINDS AND CONCLUDES that AGLC's Distribution Certificate of Public Convenience and Necessity shall be amended to conform to the safety-based boundaries agreed to by Commission Staff and the Cobb County Operators in accordance with the CWSP/Map attached hereto. (Exhibit "A" (Joint Consent Agreement and Attachments "A" and "C" thereto respectively (for the Plan and Plan Map)).

6. THE COMMISSION FURTHER FINDS AND CONLUDES that the Consent Agreement attached as "Exhibit 'A'" hereto, along with the County-Wide Safety Plan and Maps attached to Exhibit "A," are hereby approved and adopted by the Commission, and shall constitute a final resolution of all Operators' petitions for a Cobb County-Wide Safety Plan currently pending before the Commission.

7. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Consent Agreement attached as "Exhibit 'A,'" along with the CWSP and Map attached thereto, are incorporated herein by reference, as if specifically written herein.

8. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Certificate amendment and CWSP safety-based boundaries granted herein are in the public interest and have been granted in part, upon the Parties' representation of a consensus among the Operators. *(supra.)*

9. THE COMMISSION FURTHER FINDS AND CONCLUDES that the affected Cobb County, GA operators hereby waive any hearings and/or further conclusions of law with respect to the above-styled matters and have raised no objections to the Commission's entering an order based upon the requests pending in AGLC's Certificate amendment request and/or the consensus CWSP (attachments to Exhibit "A" to this Order); all without the necessity of receiving evidence in support thereof.

10. THE COMMISSION FURTHER FINDS AND CONCLUDES that the County –Wide Safety Plan for Cobb County (see attachments to "Exhibit 'A'" to this Order), shall be the County-Wide Safety Plan for Cobb County until otherwise ordered by the Commission.

11. THE COMMISSION FURTHER FINDS AND CONCLUDES that compliance with all parts of the Cobb County CWSP *(id.)* shall begin immediately upon issuance of this Commission Order.

12. THE COMMISSION FURTHER FINDS AND CONCLUDES that all changes to the Cobb County-Wide Safety Plan *(id.)* shall be made in accordance with *inter alia,* Commission Rule 515-9-7-.01. *et. seq.*

13. THE COMMISSION FURTHER FINDS AND CONCLUDES that based on the Commission's review of the stipulated agreements of the Parties and/or lack of any written objections thereto, the Certificate amendment requested and/or County-Wide-Safety Plans and Maps attached hereto, such Certificate and CWSP are a reasonable and appropriate resolution of the Certificate amendment and County-Wide Safety Plan proceedings currently pending before the Commission for Cobb County, Georgia.

14. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Cobb Natural Gas Operators shall abide by all of the terms of this Order and that failure to so comply may subject them to civil penalties pursuant to O.C.G.A. § 46-2-91.

VI. ORDERING PARAGRAPHS

WHEREFORE, IT IS HEREBY ORDERED that all findings of fact and conclusions of law contained within the preceding sections of this Order are hereby adopted as the findings and conclusions 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 this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 18th day of October 2022.

Sallie Tanner
Executive Secretary

10-18-22
Date

Tricia Pridemore
Chairman

10/18/22
Date