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In Re:

Application of Tri-County Natural Gas Authority for a Distribution System Certificate of Public Convenience and Necessity in Taliaferro County, Georgia

Docket No. 44615

ORDER ON GRANTING TRI-COUNTY NATURAL GAS AUTHORITY CERTIFICATE AND WAIVER OF THE HEARING REQUIREMENT

These matters come before the Georgia Public Service Commission ("Commission") as a result of Tri-County Natural Gas Authority ("Tri-County Authority") filing an Application for a Distribution System Certificate of Public Convenience and Necessity and a waiver to the hearing requirement.

I. PROCEDURAL HISTORY

On August 25, 2022, Tri-County Authority filed this application (Docket 44615, Document 191317) seeking authority to continue providing natural gas service in Taliaferro County, Georgia as the Tri-County Natural Gas Authority. Previously, Tri-County Natural Gas provided service in Taliaferro County. Tri-County Natural Gas was created in 1963 by an Intergovernmental Agreement entered between the City of Greensboro, Georgia and the City of Union Point, Georgia (the "Cities"), both of which owned and operated a natural gas distribution system in Greene County, Georgia. Creating Tri-County Natural Gas, the Cities' continued to own their own, separate natural gas distribution systems (the "Legacy Systems") and an undivided interest in the Tri-County Natural Gas distribution system. Tri-County Natural Gas acquired the City of Crawfordville, Georgia's

("Crawfordville") natural gas system which it owned and operated, providing natural gas service in Taliaferro County to the present. Tri-County Natural Gas maintained its principal place of business at 107 Scott Street, Union Point, Georgia 30669, and it grew to distribute natural gas to residential and commercial customers in Greene, Taliaferro, Oglethorpe and Madison counties.

Ultimately, the Cities desired to integrate their natural gas systems into Tri-County Natural Gas, and they transferred the control, operation and maintenance of the Legacy Systems thereto.[1] To facilitate the integration of the Cities' systems and Tri-County Natural Gas, the General Assembly enacted House Bill 625[2] -- the "Tri-County Natural Gas Authority Act" (the "Act") in 2021. To enhance the provision and availability of natural gas service, the Act set out a new organizational structure for Tri-County Natural Gas, and it changed its name to "Tri-County Natural Gas Authority." To implement the Act, the Cities and the newly enacted and constituted Tri-County Authority entered an "Intergovernmental Contract for the Lease, Operation and Maintenance of the Tri-County Joint Service Project"[3] (the "Intergovernmental Agreement"). The Tri-County Authority came into being upon execution of the Intergovernmental Agreement.[4] Based thereon, Tri-County Authority will continue to provide natural gas service in Taliaferro County. Natural gas service to customers of Tri-County Natural Gas in Taliaferro County will be unaffected by this change. Tri-County Authority files this Application to confirm its authority and ability to provide natural gas service in Taliaferro County.

Currently, Tri-County Authority and Atlanta Gas Light Company ("AGLC") are the only natural gas distribution system operators serving Taliaferro County. Pursuant to Commission Utility Rule 515-9-7-.01, Tri-County and AGLC developed the Taliaferro County Countywide Safety Plan[5] ("CWSP") which was approved by the Commission.[6] The CWSP was amended once to allow AGLC to serve three agricultural sites.[7] Tri-County Authority only wishes to secure authority to provide natural gas service in Taliaferro County under its name and within the safety boundaries currently set for Tri-County Natural Gas set forth in the current Taliaferro County CWSP. The obligations of Tri-County Authority under the

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[1] Intergovernmental Contract for the Lease, Operation and Maintenance of the Tri-County Joint Service Project (December 21, 2021), Introductory Paragraphs 2,3 and 5. The Cities' Legacy Systems are delineated on Exhibit "A" to the Intergovernmental Agreement.

[2] The Tri-County Natural Gas Authority Act; 2021 Bill Text GA; HB 625 (May 3, 2021).

[3] The Intergovernmental Agreement is attached hereto as Exhibit "A."

[4] The Tri-County Natural Gas Authority Act; 2021 Bill Text GA; HB 625 (May 3, 2021), Section 6.

[5] "Joint Consent Agreement;" *In re: Taliaferro County County-Wide Safety Plan*; Docket 29287 (May 25, 2011).

[6] "Final Order on Consent Agreement;" Docket 29287 (June 13, 2011).

[7] "Order Approving Certificate and County-Wide Safety Plan Amendments in Taliaferro County, Georgia;" Docket 29287 (December 15, 2015).

CWSP remain unchanged, and no safety boundary changes will result if this Application is approved.

Further, Tri-County Authority requested that the Commission waive the hearing required by Commission Utility Rule 515-7-1-.04(2).

Atlanta Gas Light Company is the only other Operator in Taliaferro County. Atlanta Gas Light Company has no objection to the requests.

As of the date of this Order, no objections or safety concerns related to this Petition have been raised by Staff or any interested persons.

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

II. 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) having been made the Rules and Regulations of the Commission for the safe installation and operation of all natural gas transmission and distribution facilities by companies subject to the jurisdiction of the Commission.

III. STAFF REVIEW AND RECOMMENDATION

The Staff has reviewed and performed its due diligence on the Petition. The Facilities Protection Unit has inspected the proposed boundaries and waivers and has no objections to the requests. Staff recommends that the Commission should grant the request and waiver of the hearing requirement.

IV. STATUTES AND COMMISSION 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.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. THE COMMISSION FINDS AND CONCLUDES that it has 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, 46-4-20 *et. seq.*, 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.*

2. 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*.

3. THE COMMISSION FINDS that the Tri-County Natural Gas Authority and Atlanta Gas Light Company currently serve in Taliaferro County and are subject to the jurisdiction of the Commission in this matter.

4. THE COMMISSION FURTHER FINDS that as of the date of this Order, there are no known safety violations or issues caused by granting Tri-County Natural Gas Authority a Certificate of Public Convenience and Necessity to serve in the area delineated in its Application for Certificate of Public Convenience and Necessity.

5. THE COMMISSION FURTHER FINDS that as of the date of this Order, Tri-County Natural Gas Authority's Application for a Certificate of Public Convenience and Necessity as requested in this Docket, does not limit or otherwise interfere with any of the other current Taliaferro County natural gas pipeline and/or distribution systems.

6. THE COMMISSION FURTHER FINDS that it is in the public interest to grant the Certificate of Public Convenience and Necessity requested by the Tri-County Natural Gas Authority.

7. THE COMMISSION FURTHER FINDS that the Tri-County Natural Gas Authority's request for informal disposition and waiver of hearing pursuant to O.C.G.A. § 50-13-13(4) is granted.

8. THE COMMISSION FURTHER FINDS that the amicable resolution to the Tri-County Natural Gas Authority's certificate request in this Docket is in the best interest of the public and facilitates the ongoing provision of necessary utility services by the multiple providers in Taliaferro County.

9. THE COMMISSION FURTHER FINDS that the map attached hereto ("Attachment A"), as filed by Tri-County Natural Gas Authority on August 25, 2022, is hereby approved as the certificated territory for Tri-County Natural Gas from the date of this Order forward, unless and until otherwise ordered by the Commission.

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 17th day of November 2022.

Sallie Tanner
Executive Secretary

11-17-22
Date

Tricia Pridemore
Chairman

11-22-22
Date