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In Re:)
) Docket No. 29329
Greene County-Wide Safety Plan)

ORDER ON PETITION TO TERMINATE THE GREENE COUNTY-WIDE SAFETY PLAN

This matter comes before the Georgia Public Service Commission ("Commission") as a result of a filing on August 25, 2022, by the Tri-County Natural Gas Authority to Terminate the Greene County-Wide Safety Plan.

I. Procedural History

On November 2, 2009, the Operators of Tri-County Natural Gas, the City of Union Point, and the City of Greensboro (collectively referred to herein as "Operators") filed an Application for a proposed Consent County Wide Safety Plan ("CWSP") for Greene County, which was assigned to the above-styled docket.

On October 20, 2011, the Commission entered a Final Order on Consent Agreement accepting the Joint Consent Agreement agreed by the Operators and Commission's Facilities Protection Unit Staff ("Staff"). The Final Order established the CWSP for Greene County.

In 1963 and by means of an Intergovernmental Agreement entered between the City of Greensboro, Georgia and the City of Union Point, Georgia (the "Cities"), Tri-County Natural Gas was created. Both Cities owned and operated a natural gas

distribution system in Greene County, Georgia. After creating Tri-County Natural Gas, the Cities continued to own their separate natural gas distribution systems (the "Legacy Systems") and an undivided interest in and to the Tri-County Natural Gas distribution system. Tri-County Natural Gas maintained its principal place of business at 107 Scott Street, Union Point, Georgia 30669, and it distributed natural gas to residential and commercial customers in Greene, Taliaferro, Oglethorpe, and Madison counties.

The Cities desired to integrate their Legacy Systems into Tri-County Natural Gas. In 2021, the General Assembly enacted House Bill 625,[1] -- the "Tri-County Natural Gas Authority Act" (the "Act"). To enhance the provision and availability of natural gas service, the Act set out a new organizational structure for Tri-County Natural Gas, changing 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"[2] ("Intergovernmental Agreement"). Pursuant to the Act, Tri-County Authority came into being with the execution of the Intergovernmental Agreement.[3] To complete the integration of their Legacy Systems into Tri-County Authority, the Cities transferred the control, operation, and maintenance of their Legacy Systems thereto.[4] Based thereon, Tri-County Authority, as the successor of Tri-County Natural Gas and the Cities' Legacy Systems pursuant to the Act and Intergovernmental Agreement, will continue to provide natural gas service in Greene County.

Currently, the Cites and Tri-County Natural Gas are the only natural gas distribution system operators serving Greene County. Pursuant to Commission Utility Rule 515-9-7-.01, Tri-County Natural Gas and the Cities developed the Greene County Countywide Safety Plan[5] ("CWSP") which was approved by the Commission.[6] The Cities have now transferred all responsibility for the operation and maintenance of their Legacy Systems to Tri-County Authority which only wishes to secure authority to provide natural gas service in Greene County under its name. Having assumed all responsibility for the operation of the Cities' Legacy Systems, Tri-County Authority is deemed to be the only Operator providing natural gas distribution service in Greene County. Per the petition, the Countywide Gas

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

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

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

[4] Intergovernmental Agreement, Article II.

[5] "Greene County: Countywide Natural Gas Safety Plan Agreement;" *In re: Greene County County-Wide Safety Plan*; Docket 29329 (October 16, 2009).

[6] "Final Order on Consent Agreement;" Docket 29329 (October 20, 2011).

Safety Plan Rule no longer applies in Greene County and the existing Greene County CWSP should be terminated.

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.

II. STATUES 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.

III. 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 termination of the CWSP. Accordingly, the Commission grants approval for the termination of the Greene County-Wide Safety Plan.

IV. STATEMENTS OF FACT AND CONCLUSIONS OF LAW

1. THE COMMISSION FINDS AND CONCLUDES that the Facilities Protection Unit Staff of the Commission has the authority to inspect the facilities of municipal gas providers pursuant to the legal citation contained *supra* and that such authority is in no way altered or negated by the Commission's elimination of the Greene CWSP.

2. THE COMMISSION FURTHER FINDS AND CONCLUDES that based on the Commission's review of Tri-County Natural Gas Authority's Petition for Elimination of County-Wide Safety Plan, that the relief requested therein is reasonable and appropriate given Cities have now transferred all responsibility for the operation and maintenance of their Legacy Systems to the Tri-County Natural Gas Authority which only wishes to secure authority to provide natural gas service in Greene County under its name.

3. THE COMMISSION FURTHER FINDS AND CONCLUDES that Tri-County Natural Gas Authority's "sole provider" status is created by circumstance, is not absolute, and may change by the filing of any party with the Commission, Application for Certification of Public Convenience and Necessity and/or the filing of a CWSP by any future Greene home county municipals natural gas operator(s)/provider(s).

4. THE COMMISSION FURTHER FINDS AND CONCLUDES that absent objections or representation of any safety issues caused by this Petition, the Commission may enter an order based upon the representations contained in the Petition for Elimination of County-Wide Safety Plan pursuant to inter alia the Commission's CWSP Rules (515-9-7-.01 et. seq.) without the necessity of receiving evidence in support, thereof.

5. THE COMMISSION FURTHER FINDS AND CONCLUDES that based on the Commission's review of the Petition and/or lack of any written objections, known safety violations or issues caused by Tri-Natural Gas Authority's "sole provider" status granting the Petition for Elimination of the Greene CWSP is reasonable and appropriate.

V. 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, the Petition's request is granted because Tri-County Natural Gas Authority is now the only operator located within the county and thus the CWSP is not required.

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