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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

In Re: Douglas County-Wide Safety Plan	)	Docket No. 29326
In Re: Application of Atlanta Gas Light Company for Amended Certificate of Public Convenience and Necessity for Douglas County	)	Docket No. 30703

FINAL ORDER ON COUNTY-WIDE SAFETY PLAN AMENDMENT, CERTIFICATE AMENDMENT AND WAIVER OF HEARING

These matters come before the Georgia Public Service Commission ("Commission") as a result of Atlanta Gas Light Company ("AGL") andthe City of Austell ("Austell") ("Operators") filing a Joint Petition for Approval of the Proposed Amendment to the Douglas County-Wide Safety Plan. ("CWSP"). In addition, AGL filed an Application for an Amended Certificate of Public Convenience and Necessity for Douglas County to conform its boundaries to the proposed boundaries in the proposed CWSP amendment. The Operators have requested waivers of the hearing requirements.

The purpose of these filings is to request approval of the Douglas County-Wide Safety Plan ("Douglas CWSP to waive the hearing requirement and to amend the Certificate to conform with the proposed Douglas CWSP boundaries. The consensus agreement of the parties adopts the Douglas CWSP and Map, and the executed Consent Agreement memorializing such agreements is attached to this Order as "Attachment One." The consented CWSP is attached to "Attachment One" as "Exhibit 'A'" (*see also*, Attachments "A" and "C" thereto, respectively, for the Douglas Plan and Map). The proposed Douglas CWSP was negotiated in good faith by the operators. The Douglas CWSP and Map are incorporated into this Order as if specifically written herein.

Based on the Consent Agreement entered into by all of the Douglas County natural gas operators respectively, and the lack of objection from Commission Staff and/or any other

interested persons, the Commission hereby approves the stipulated amendment CWSP as well as AGL's request to conform its certificated boundaries to the Douglas CWSP approved herein.

I. PROCEDURAL HISTORY

On September 6, 2022, AGL and Austell each respectively filed a proposed County-Wide Safety Plan (Docket No. 29326, Document No.191408). Also on this date, AGL filed its Application to Amend its Certificate of Public Convenience and Necessity to conform its certificated boundaries to the boundaries the Company proposed in its recommended CWSP. (Docket No. 30703, Document No. 191407).

On November 9, 2018, the Commission approved the current Douglas CWSP and AGL's Application for an Amended Certificate of Public Convenience and Necessity. Since then, a developer and new AGL customer purchased land in Douglas County for a new warehouse at the current dead end of Westmoreland Plaza, which will be extended for the new warehouse. Under the current Douglas CWSP, the parcel being developed in Douglas County is located in Austell's service territory. Austell does not have facilities in place to serve the warehouse. As part of good faith negotiations, Austell has agreed to allow AGL to serve the new customer. AGL currently has an existing 2-inch plastic natural gas main along Westmoreland Plaza to its current dead end.

In addition, it has since been determined that there are four commercial buildings on one parcel of land along Westmoreland Plaza that were inadvertently left out of AGL's service territory when the Commission adopted the original Douglas CWSP. These commercial buildings are located at 5493 Westmoreland Plaza, Douglasville, GA and have been served by AGL since 2001. AGL and Austell are requesting Boundary 2 of the Douglas CWSP be revised to expand AGL's service territory to include the one new customer at the dead end of Westmoreland Plaza and the four commercial buildings (one parcel of land) at issue.

Under O.C.G.A. § 46-4-28(a) and Commission Rule 515-7-1-.13, the Commission may amend a Certificate. Accordingly, AGL submits this Application to amend its Certificate boundaries to conform its current Certificate boundaries to the safety-based boundaries requested under the Commission's County-wide Safety Plan Rule.

Additionally, AGL and the City of Austell request that the Commission waive the hearing requirement set forth in Commission Rule 515-9-7-.01(4).

As stated above, the Commission last amended these dockets on November 9, 2018.

As of the date of this Order, the Commission has not received for filing, any written objections to the Operators' proposed Douglas CWSP and/or appurtenant certificate application.

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. 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.

IV. STAFF REVIEW AND RECOMMENDATION

The Staff has reviewed and performed its due diligence on the Petitions. 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 requests and waivers of the hearing requirement.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. THE COMMISSION FINDS AND CONCLUDES that as relates to Douglas County, Georgia, the Commission has certificate jurisdiction over AGL and safety jurisdiction over all of the above-named Georgia natural gas operators.

2. THE COMMISSION FURTHER FINDS AND CONCLUDES that AGL and Austell are each individually and collectively subject to the jurisdiction of the Commission.

3. 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*.

4. THE COMMISSION FURTHER FINDS AND CONCLUDES that AGL's Distribution Certificate of Public Convenience and Necessity shall be amended to conform to the safety-based boundaries agreed to by Staff and the Douglas 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)).

5. THE COMMISSION FURTHER FINDS AND CONCLUDES that given the consent of Staff, the Douglas County Operators and lack of objection from any interested third persons, waivers of Commission Rule 515-7-1.03 (which requires hearings on certificate applications) are hereby granted.

6. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Douglas CWSP safety-based boundaries and Map(s) established in the CWSP/Map are adopted and included in this Order as if specifically written herein.

7. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Executed Consent Agreement and the CWSP/Map (all attached hereto), are hereby approved and adopted by the Commission, and shall constitute a final resolution of the Douglas CWSP.

8. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Operators hereby waive any hearings and/or further findings/conclusions of law with respect to the above-styled matter and

agree that the Commission may enter an order based upon the agreements contained in the Consent Agreement (Exhibit "A") and County-Wide Safety Plan (attached as "Attachment 'A'" to "Exhibit 'A'" to this Order) and Certificate Applications and all Exhibits attached respectively, without the necessity of receiving evidence in support thereof.

9. THE COMMISSION FURTHER FINDS AND CONCLUDES that the CWSP for Douglas County (attached as "Attachments 'A' – 'E'" to "Exhibit 'A'" to this Order) agreed to by the Douglas County Natural Gas Operators, shall be the CWSP for Douglas County until otherwise ordered by the Commission.

10. THE COMMISSION FURTHER FINDS AND CONCLUDES that all changes to the Douglas CWSP *(id.)* shall be made in accordance with *inter alia,* Commission Rule 515-9-7-.01. *et. seq.*

11. THE COMMISSION FURTHER FINDS AND CONCLUDES that based on the Commission's review of the proposed CWSP/Maps submitted by the Operators and the Certificate Application submitted by AGL, that such agreements by the Operators are a reasonable and appropriate resolution of the CWSP proceedings for Douglas County, Georgia.

12. THE COMMISSION FURTHER FINDS AND CONCLUDES that AGL and Austell shall abide by all of the terms of this Order and that failure to so comply may subject the Operators 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 6th day of December 2022.

Sallie Tanner
Executive Secretary

12-6-22
Date

Tricia Pridemore
Chairman

12-6-22
Date