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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

DOCKET# 43453
DOCUMENT# 192635

Docket No. 43453

In Re: Generic Proceeding to Implement House Bill 244

ORDER ADOPTING STIPULATION

The Georgia Public Service Commission (the "Commission") issues this Order to approve and adopt the Stipulation agreed to in Docket No. 43453 by Georgia Electric Membership Corporation ("GEMC") on behalf of its 38 Member Companies, Georgia Cable Association ("GCA"), and Bellsouth Telecommunications, LLC d/b/a AT&T Georgia ("AT&T Georgia"). A copy of the Stipulation is attached hereto as Attachment A.

I. JURISDICTION & AUTHORITY

The Commission has jurisdiction over this proceeding under O.C.G.A. § 46-3-200.4. House Bill 244, the "Georgia Broadband Opportunity Act," amended Chapter 3 of Title 46 relating to the corporate purposes and powers of electric membership corporations ("EMCs") to require EMCs to comply with certain requirements in determining the rates for attachments to utility poles by communications service providers in order "to promote the deployment of broadband services in this state." O.C.G.A. § 46–3–200.4(b). Under House Bill 244, the Commission shall determine the rates, fees, terms, conditions, and specifications in any pole attachment agreement entered into by a communications service provider and an EMC on and after July 1, 2021, "after consideration of what is just, reasonable, nondiscriminatory, and commercially reasonable." O.C.G.A. § 46–3–200.4(b).

II. BACKGROUND

On December 30, 2020, the Commission issued an Order Implementing House Bill 244 ("Order") in the above-referenced docket setting rates, fees, terms, conditions, and specifications for any pole attachment agreement entered into by a communications service provider and an EMC on and after July 1, 2021. The Order provided that "[t]wo years from the effective date of the new rates, and every two years thereafter, the Commission will review the status of broadband

deployment in Georgia and the impact of the Commission's Order on that deployment." Order at 22. To facilitate the Commission's review, the Order required each EMC (or GEMC on behalf of each EMC) to file, by June 1, 2022, "its total pole attachment revenue and total number of attachments broken out by served and unserved areas pursuant to the Georgia Broadband Map for the prior two years." *Id.* Finally, the Order directed each communications provider that participated in the biennial review to file, on June 1st, 2022, and every other June 1st thereafter, "its total new broadband investment in EMC territory and a total number of broadband customers in EMC territory, broken out by served and unserved areas pursuant to the Georgia Broadband Map for the prior two years." *Id.*

On June 1, 2022, GEMC, on behalf of its 38 Member Companies, and GCA submitted filings with the Commission as called for by the Commission's two-year review. AT&T Georgia filed a letter stating that it elected not to participate in the biennial review. Since then, GEMC and GCA worked together to propose the Stipulation included in Attachment A. Under the Stipulation, which was filed in this docket on November 29, 2022, GEMC and GCA agreed to forgo the current two-year review. AT&T Georgia later signed the Stipulation, which was filed again on December 7, 2022. Georgia Telecommunications Association did not participate in the two-year review and did not object to the Stipulation.

The Commission Staff presented a recommendation in which it stated that it did not object to the Stipulation.

III. COMMISSION DECISION

Based on the Stipulation, the Commission finds and concludes that it is reasonable to forgo the initial two-year review of the status of broadband deployment.

IV. ORDERING PARAGRAPHS

WHEREFORE, it is

ORDERED that the Stipulation attached hereto as Attachment A is hereby approved and adopted as the Commission's decision in this docket for the two-year review of the status of broadband deployment.

ORDERED FURTHER, that this Order does not address any future two-year review of the status of broadband deployment in Georgia in Docket No. 43453.

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 20th day of December 2022.

Sallie Tanner
Executive Secretary

1-6-23
DATE

Tricia Pridemore
Chairman

1-6-23
DATE

ATTACHMENT A

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

In Re:	)	
	)	
	)	**Docket No. 43453**
Generic Proceeding to Implement House Bill 244	)	
	)	
	)	

STIPULATION

WHEREAS, the Georgia General Assembly passed House Bill 244 ("HB 244"), the Georgia Broadband Opportunity Act, in the 2020 legislative session so as to require electric membership corporations to comply with certain requirements in determining the rates, fees, terms, conditions, and specifications for attachments to utility poles by communications service providers; to provide for certain rates, fees, terms, conditions, and specifications for such attachments to be determined by the Georgia Public Service Commission (the "Commission"); to provide for the commission to promulgate certain rules and regulations; to provide for definitions; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes; and

WHEREAS, HB 244 charged the Commission with setting certain rates, fees, terms, conditions, and specifications for such attachments; and

WHEREAS, the Commission issued a Procedural and Scheduling Order in Docket No. 43453 on September 8, 2020 and held hearings in this proceeding from November 17, 2020 through November 20, 2020; and

WHEREAS, Georgia Electric Membership Corporation ("GEMC") on behalf of its 38 Member Companies (the "Georgia EMCs"), Georgia Cable Association ("GCA"), Georgia Telephone Association ("GTA"), BellSouth Telecommunications, LLC d/b/a AT&T Georgia ("AT&T") all intervened, were parties to the proceeding, and set forth arguments; and

WHEREAS, the Commission issued an Order on December 30, 2020 setting rates, fees, terms, conditions, and specifications for any pole attachment agreement entered into by a communications service provider and an EMC on and after July 1, 2021 (the "December 30, 2020 Order"); and

WHEREAS, the Order stated that two years from the effective date of the new rates, and every two years thereafter, the Commission will review the status of broadband deployment in Georgia and the impact of the Commission's order on that deployment; and

WHEREAS, GEMC on behalf of the Georgia EMCs and GCA submitted filings to the Commission on June 1, 2022 as part of the Commission's biennial review, and AT&T filed a letter stating that it elected not to participate in the biennial review; and

WHEREAS, the undersigned parties have reached an agreement on the terms set forth herein; and

WHEREAS, the Stipulating Parties are requesting that the Commission approve this Stipulation as expressly stated herein; and

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

1.

The rates, terms, conditions, and specifications in the Commission's December 30, 2020 Order will remain in place. Nothing in this Stipulation prevents a party from bringing forth a complaint as provided under a Commission order, Commission rule, or Georgia law.

2.

The Stipulating Parties agree that the current two-year review required by the Commission's December 30, 2020 Order need not continue and request that the Commission dispose of any hearing that would have been associated with the two-year review. The Stipulating Parties recognize that the Commission maintains the authority to review the status of broadband deployment in Georgia and the impact of the Commission's order on that deployment if it so chooses at any time.

3.

In the event the Commission does not approve the Stipulation, it will be void and have no binding precedential effect. Further, if the Commission does not approve the Stipulation, it shall not be presented as evidence in any matter before this Commission.

4.

This Stipulation, if approved, shall not have any precedential effect in any future proceeding or be binding on either party except to the limited extent necessary to implement the provisions hereof.

5.

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

6.

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.

Agreed to:

Stipulating Party: Georgia Electric Membership Corporation
on behalf of its 38 Member Companies

By: [signature] - PRESIDENT/CEO

Date: 11-29-22

Stipulating Party: Georgia Cable Association

By: [signature] - Executive Director

Date: 11/28/22

Stipulating Party: BELLSOUTH TELECOM, LLC DBA AT&T GEORGIA

By: Patrick Turner - GENERAL ATTORNEY GEORGIA

Date: 1/2/2022

Stipulating Party: _____

By: _____

Date: _____