FILED
JAN 17 2023
EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 44902
DOCUMENT# 192757

COMMISSIONERS:
TRICIA PRIDEMORE, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
JASON SHAW

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

# 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 NO. 44902

## PROCEDURAL AND SCHEDULING ORDER

**In Re:** **Docket No. 44902: Georgia Power Company's Fuel Cost Recovery (FCR) Application**

## I. BACKGROUND

Georgia Power Company ("Georgia Power" or "Company") will file with the Georgia Public Service Commission ("Commission") its application to modify its FCR rate, with the new rate Schedule FCR-26, on or before February 28, 2023 with revised rates to become effective June 1, 2023.[1] By filing its application, Georgia Power has the burden of proof in this matter.

Georgia law requires a public hearing on each electric utility's FCR proposal, not less than 10 days after the utility's filing. Not later than 90 days after the utility's filing, this Commission must issue an order that states the rates to be used by the utility during the next three consecutive calendar months, or until changed as provided in the Code. Otherwise, the rates proposed by the utility become effective. O.C.G.A. § 46-2-26, as amended.

## II. PRELIMINARY DIRECTIVES

The Commission orders this Procedural and Scheduling Order to establish discovery procedures and establish a hearing schedule. The Public Interest Advocacy ("PIA") Staff is appointed as the agent for the Commission for discovery purposes. Georgia Power Company is hereby made a party and shall be bound by the Commission's rulings in this docket and is directed to publish notice of this proceeding.

Pursuant to the Commission's Utility Rule 515-2-1-.04(3), Georgia Power is directed to give first notice of the proceedings in this docket no later than 30 days after filing its application.

[1] Docket No. 43011, Order Adopting Stipulation, p. 4, decided May 28, 2020

These proceedings shall be considered as a contested case under O.C.G.A. § 50-13-13. These proceedings also encompass complex litigation as that term is used in O.C.G.A. § 9-11-33(a) and discovery procedures apply accordingly.

Pursuant to O.C.G.A. § 50-13-13, this proceeding shall be considered a contested case. As such, the Commission hereby designates the following staff members to act as Public Interest Advocacy Staff in this proceeding:

Tom Newsome (Lead)
Rob Trokey
Preston Thomas
Jason Forsythe
Mugendi Gitonga
Nicholas Hall
Joseph Schneider
William Threatt
Anna Vukmanovic

The Public Interest Advocacy Staff shall be responsible for performing an independent evaluation of the filed case from the standpoint of promoting the public interest and just and reasonable rates and advocating for that position. The Public Interest Advocacy Staff is considered a party to the case and may negotiate settlements with other parties, in the public interest.

The Commission hereby designates the following Staff members to act as Commissioner Advisory Staff in this proceeding:

Nancy Gibson
Blair Fink
George Brown.

The Commissioner Advisory Staff shall not be a party to this case, but shall act as a technical advisor to the Commissioners, and shall advise Commissioners upon request based exclusively on its own independent evaluation of the facts contained in the record.

The Commission authorizes the PIA Staff to issue discovery pursuant to O.C.G.A. 46-2-57(a). The PIA Staff may conduct depositions and use any other methods of formal and informal discovery in this docket. The use of any informal discovery methods shall not augment or abridge existing discovery rights and responsibilities.

O.C.G.A. 46-2-26(d) provides that "[t]he staff and formal intervenors shall have the right to examine all utility records used in the preparation of the testimony and exhibits of the utility."

## III. HEARING SCHEDULE, FILING DATES AND PROCEDURES

**February 28, 2023**

Georgia Power shall file its application and direct testimony with the Commission for adjustments to the Company's Fuel Cost Recovery Tariffs.

**April 14, 2023**

The Commission PIA Staff and other Intervenors will file by 4:00 p.m. with the Commission direct testimony in response to the application and direct testimony of Georgia Power Company. Accompanied therewith shall be an electronic version of the party's filing, using Microsoft Word format for text documents and Excel for spread sheets. This filing shall be made at the office of the Executive Secretary, Georgia Public Service Commission, 244 Washington St. S.W., Atlanta, Ga. 30334-5701.

**April 24, 2023**

Georgia Power Company may file by 4:00 p.m. with the Commission its rebuttal testimony. Accompanied therewith shall be an electronic version of the party's filing, using Microsoft Word format for text documents and Excel for spread sheets. This filing shall be made at the office of the Executive Secretary, Georgia Public Service Commission, 244 Washington St. S.W., Atlanta, Ga. 30334-5701.

Georgia Power shall also serve a copy of its rebuttal testimony to all parties of record by electronic mail.

**May 2-3, 2023**

Following its Administrative Session on May 2, 2023, the Commission will convene the hearing in this docket. The Commission will hear applications to intervene, any objections thereto, and any appropriate motions concerning Georgia Power's pre-filed testimony. Following these motions, the Commission will conduct hearings on Georgia Power's direct testimony. Immediately following hearings on Georgia Power's direct testimony, the Commission will commence with hearings on Commission PIA Staff and Interveners direct testimony.

Thereafter, the Commission will hear any rebuttal testimony filed by Georgia Power. In the event that all of the testimony is not heard on May 2, 2023, the hearing will continue on May 3, 2023 at 9:30am.

**May 8, 2023**

All briefs and/or proposed orders shall be filed with the Commission by 4:00 p.m. Accompanied therewith shall be an electronic version of the party's filing, using Microsoft Word format for text documents and Excel for spread sheets. This filing shall be made at the office of the Executive Secretary, Georgia Public Service Commission, 244 Washington St. S.W., Atlanta, Ga. 30334-5701.

**May 11, 2023**

This matter shall be considered at a scheduled Energy Committee Meeting, which begins at 9:30 a.m. and shall be held in the Commission's hearing room.

**May 16, 2023**

A Final Decision on this proceeding will be made by the Commission at its May 16, 2023 Administrative Session, which begins at 9:30 a.m. and shall be held in the Commission's hearing room.

## Statutory Deadline for Commission Order

Pursuant to O.C.G.A. § 46-2-26(e), the statutory deadline for a Commission decision in this proceeding is 90 days from the date that the Company files its application with the Commission. As set forth above, Georgia Power filed its application on February 28, 2023; therefore, the statutory deadline is May 31, 2023.

## INTERVENTION AND HEARING PROCEDURES

The following are procedures to which the parties should adhere with respect to this docket.

### 1. Intervention

**Intervention Period**

(a) Any person or party, on whom a statute does not confer an unconditional right to intervene, must file an application for leave to intervene within 30 days following the first published notice of the proceeding. Pursuant to Rule 515-2-1-.04(3), Georgia Power will be directed to give first notice of its proceedings in this case not later than March 30, 2023.

**Application Requirements**

(b) In addition to the requirements prescribed by O.C.G.A. § 46-2-59 for applications for leave to intervene, the application must (1) identify other intervening parties or intervening party applications whose interest is similar to that of the applicant, along with an explanation of why the identified intervening party or intervening party applicant will not adequately represent the applicant's interest; and (2) state the applicant's present intention to submit direct testimony and by whom and on what subject. The requirements identified herein shall constitute a continuing obligation of the applicant or intervening party.

**Late Applications for Intervention**

(c) Any application for leave to intervene filed late must state the reason why such application was not submitted within 30 days of first published notice. Objections to late intervention applications must be filed in conformance with the requirements of O.C.G.A. § 46-2-59-(d).

**Rulings on Intervention Applications**

(d) The Commission will take up and rule on applications for leave to intervene at the first hearing date set in this docket.

2. **Service**

Each party has the responsibility to serve copies of any documents filed with the Commission upon each intervenor and intervenor applicant. Furthermore, in the case of documents filed prior to the deadline for intervention established above, copies shall also be served upon each party indicated in the Certificate of Service accompanying this Order.

3. **Witnesses' Testimony**

(a) Summations of direct testimony will take no longer than fifteen (15) minutes or, at the discretion of the Commission, no longer than thirty (30) minutes.

(b) Summations should be limited to testimony and exhibits in the pre-filed testimony.

(c) Demonstrative handouts intended to be used during summations of the pre-filed testimony or in opening or closing statements, if applicable, must be pre-filed at least five (5) days prior to the hearing and must be limited to the scope of the testimony and exhibits in the pre-filed testimony.

(d) Except for good cause shown, corrections to testimony must be pre-filed at least five (5) days prior to the hearing.

(e) In the absence of a valid objection made and sustained to pre-filed testimony, the pre-filed testimony and exhibits, with corrections, will be admitted into the record as if orally given prior to the witness' summation, subject to a motion to strike after admission or other relevant objection.

(f) Where the testimony of a panel of witnesses is presented, cross-examination may either be addressed to the panel, in which case any member of the panel may answer, or cross-examination may be addressed to an individual panel member, in which case that panel member shall give the answer; provided, however, that any other panel member shall be allowed to supplement the answer given.

(g) Motions to strike any portion of pre-filed testimony must be filed at least two days prior to the hearing.

(h) Any individual that presents testimony during this proceeding may not conduct cross examination of other parties.

4. **Hearing Exhibits**

For the record in all hearings, it shall be the responsibility of the parties sponsoring any hearing exhibits to ensure that the Hearing Reporter and all parties of record receive copies of the hearing exhibits at the time of introducing the exhibits at the hearings. (Exhibits filed with pre-filed testimony should already have been provided in fifteen (15) or more copies, as per Commission Rule 515-2-1-.04(3).)

## Procedures and Forms for Making an Application to Intervene

Applications to intervene and Commission approval thereof are covered by Official Code of Georgia Annotated § 46-2-59, and the Commission's Utility Rule 515-2-1-.06. Each applicant shall submit their application to intervene to the Commission, addressed to the Executive Secretary, Ms. Sallie Tanner, 244 Washington St. S.W., Atlanta, Georgia 30334-5701.

In addition, each applicant shall submit a copy of their application to Georgia Power[2], and all other parties who have applied to intervene, and submit a Certificate of Service to the Commission certifying that these copies have been served on the other parties. To obtain a list of other applicants to intervene, contact Ms. Quawanda Boyer, Georgia Public Service Commission, 244 Washington St., S.W., Atlanta, Georgia 30334-5701, (Telephone: (404) 656-0977).

## Specialized Testimony and Assistance

Specialized testimony and assistance is required to review Georgia Power Company's Fuel Cost Recovery Application in this proceeding. Accordingly, the Commission hereby sets forth the scope and budget for such testimony and assistance. The scope is testimony and assistance necessary for the Public Interest Advocacy Staff to make an informed presentation and recommendation to the Commission regarding evaluation of Georgia Power Company's FCR-26 filing. The budget for such testimony and assistance is $274,784.

O.C.G.A. § 46-2-33(b) provides that all invoices relating to the testimony and assistance shall be subject to Commission review and approval, and no utility shall be required to pay any invoice not approved by the Commission. Accordingly, the consultants providing the testimony and assistance shall submit their invoices to the Commission. Such invoices shall be reviewed and approved using the Commission's existing process for approval of consultant invoices, as such process may be modified by the Commission from time to time. Upon receiving approved invoices, Georgia Power Company shall promptly remit payment to the consulting firm.

---

[2] Georgia Power Company, as the applicant in its docket, is the party of record upon which applications to intervene must be served. Failure to serve the applicant, or any other party, tolls a fifteen (15) day limit for objections to interventions until this defect is corrected.

O.C.G.A. § 46-2-33(c) provides that the amounts paid by regulated companies under this Code section shall be deemed a necessary cost of providing service, and the utility shall be entitled to recover the full amount of any costs charged to the utility pursuant to this Code section. O.C.G.A. § 46-2-33(c) further provides that, at the election of the utility, the utility shall be entitled to recover all such costs promptly through a reasonably designed rider designated for such purpose.

The Commission hereby determines that specialized testimony and assistance is required in Docket No. 44902.

**WHEREFORE, it is**

**ORDERED,** that the procedures and schedules contained within this Procedural and Scheduling Order are hereby adopted by 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,** 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 its Administrative Session on the 17th day of January 2023.

**SALLIE TANNER**
**EXECUTIVE SECRETARY**

1-17-23
**Date**

**TRICIA PRIDEMORE**
**CHAIRMAN**

1-17-23
**Date**