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In Re:

Jackson Countywide Safety Plan	)	**DOCKET NO. 29334**
Application of Atlanta Gas Light Company for Amended Certificate of Public Convenience and Necessity for Jackson County	)	**DOCKET NO. 30709**
Liberty Utilities Application for Amended Certificate of Public Convenience and Necessity.	)	**DOCKET NO. 31852**

ORDER ON AMENDING THE COUNTYWIDE SAFETY PLAN, CERTIFICATE AMENDMENTS, AND WAIVING THE HEARING REQUIREMENTS

These matters come before the Georgia Public Service Commission ("Commission") as a result of the filings by Atlanta Gas Light Company ("AGL"), Liberty Utilities ("Liberty"), the City of Buford ("Buford") the City of Commerce ("Commerce") for Amendment to the Countywide Safety Plan ("CWSP"), Amendment to the affected Certificates, and waiver of the associated hearing requirements.

I. 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.

II. PROCEDURAL HISTORY

On November 1, 2022, AGL, Buford, Commerce, and Liberty, filed a Joint Petition for Approval of the Proposed Amendment to the Jackson Countywide Safety Plan (Docket 29334, Document 184933). The Joint Petitioners requested that the Commission waive the hearing requirement set forth in Commission Rule 515-9-7-.01(4). The Jackson CWSP was previously amended on January 18, 2022.

On November 1, 2022, AGL filed an Application for an Amended Certificate of Public Convenience and Necessity for Jackson County (Docket 30709, Document 191971). Under O.C.G.A. § 46-4-28(a) and Commission Rule 515-7-1-.13, the Commission may amend a Certificate. AGL submitted its Application to amend its Certificate boundaries to conform its current Certificate boundaries to the safety-based boundaries requested under the Commission's Countywide Safety Plan Rule. AGL's Certificate was previously amended on January 18, 2022.

Since then, as part of a pressure improvement project, AGL plans to supply more gas from AGL's territory on the east side of Liberty's territory in Jackson County to AGL's territory on the west side of Liberty's territory in Jackson County due to an increase in demand for natural gas in that area. AGL seeks to install an 8-inch steel pipeline across Liberty's territory along the south side of Highway 124 as Pipeline Only Right of Way.

Specifically, AGL seeks to amend Boundary 3 to include a Pipeline Only Right of Way across Liberty's territory along Highway 124 in Jackson County.

AGL, Liberty, Buford, and the City of Commerce are the Operators in Jackson County. AGL, Liberty, and Buford (the Joint Petitioners) have worked in good faith to reach an agreement on these amendments.

The City of Commerce has home county status and does not object to the amended Jackson CWSP. Buford's boundaries are unaffected by the proposed revisions. Liberties certificate boundaries will be amended to reflect the proposed revisions to the CWSP. Liberties' Certificate was previously amended on January 18, 2022.

The Joint Petitioners request that the Commission approve the amended Jackson CWSP and waive the hearing requirement. There are no customer transfers involved in any of the petitions.

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

III. STAFF REVIEW AND RECOMMENDATION

The Natural Gas Staff has performed its due diligence on the above-listed Petitions. The Facilities Protection Unit has inspected the proposed boundaries and waivers and has no objections to the requests.

Staff recommends that the Commission grant the petitions and waivers to the associated hearing requirements.

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 AGL, Liberty, Buford and the City of Commerce are each individually and collectively subject to the safety 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, Liberty, Buford, and the City of Commerce hereby waive any hearings and/or further findings or conclusions of law with respect to the above-styled matters and agree that the Commission may enter an order based upon the agreement of AGL and Liberty, to comport their respective certificated territories to the safety-based boundaries agreed to in the Joint Consent Agreement attached hereto and the Countywide Safety Plan agreed to by AGL, Liberty, Buford, the City of Commerce and Staff (attached as Exhibit "A" to the Consent Agreement and "C" (Maps) thereto). The Jackson Countywide Safety Plan Consent Agreement, Plan, and Plan Map(s) are all incorporated into this order as if specifically written herein.

5. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Countywide Safety Plan for Jackson County (see Exhibit "A" to the Consent Agreement (Attachment "One")) agreed to by the Operators and Staff, shall be the Countywide Safety Plan for Jackson County until otherwise ordered by the Commission.

6. THE COMMISSION FURTHER FINDS AND CONCLUDES that compliance with all parts of the Countywide Safety Plan for Jackson County (*id.*) shall begin immediately upon issuance of this Commission Order. All timelines and action items contained within the Consent Agreement and Jackson Countywide Safety Plan shall be incorporated by reference into the body of this Order Adopting Consent Agreement as if specifically written herein and the failure of the Operators to meet all such timelines and/ or act on all such action items shall be a violation of this Order.

7. THE COMMISSION FURTHER FINDS AND CONCLUDES that all changes to the Countywide Safety Plan for Jackson County shall be made in accordance with *inter alia*, Commission Rule 515-9-7-.01 *et. seq.*

8. 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 Jackson County Operators in accordance with the Countywide Safety Plan /Maps attached hereto. (Exhibit "A" to the Joint Consent Agreement and Attachments "A" and "C" thereto respectively (for the Plan and Plan Maps)).

9. THE COMMISSION FURTHER FINDS AND CONCLUDES that Liberty Utilities' Distribution Certificate of Public Convenience and Necessity shall be amended to conform to the safety-based boundaries agreed to by Staff and the Jackson County Operators in accordance with the Countywide Safety Plan /Maps attached hereto. (Exhibit "A" to the Joint Consent Agreement and Attachments "A" and "C" thereto respectively (for the Plan and Plan Maps)).

10. THE COMMISSION FURTHER FINDS AND CONCLUDES that based on the Commission's review of the proposed Countywide Safety Plan /Maps and Certificate Application Amendments submitted, that such agreements by the Operators are respectively, a reasonable and appropriate resolution of the Countywide Safety Plan and Certificate proceedings for Jackson County, Georgia.

11. THE COMMISSION FURTHER FINDS AND CONCLUDES that the executed Joint Consent Agreement and the Jackson Countywide Safety Plan /Maps attached hereto, are hereby adopted by the Commission, and shall constitute a final resolution of the Jackson Countywide Safety Plan and related Certificate dockets.

VII. 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 4h day of April 2023.

Sallie Tanner
Executive Secretary

4-6-23
Date

Tricia Pridemore
Chairman

4.6.23
Date