BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

Sandersville Railroad Company Hancock County, Georgia **In re: Sandersville Railroad Company's Petition for Approval to Acquire Real Estate by Condemnation**	Docket No.: 45045

ROBERT DONALD GARRETT SR. AND SARAH VEAZEY GARRETT'S RESPONSE TO SANDERSVILLE RAILROAD COMPANY'S PETITION TO ACQUIRE REAL ESTATE BY CONDEMNATION

On March 8, 2023, Sandersville Railroad Company ("Sandersville Railroad" or "Petitioner") filed with the Georgia Public Service Commission (the "Commission") a Petition to Acquire Real Estate by Condemnation (the "Petition") seeking approval from the Commission to take property owned by Robert Donald Garrett Sr. and Sarah Veazey Garrett (together, the "Garretts") in proceedings pursuant to O.C.G.A. §§ 46-8-120 and 46-8-121 (the "Proceeding"). The Petition alleges that Sandersville Railroad proposes to build an industrial spur (the "Hanson Spur" or the "Project") and require the Garretts' and others' property to complete the Project. Petition ¶¶ 2, 11-12. On March 24, 2023, the Commission assigned Hearing Officer Nancy Gibson to the Proceeding. *See* Order Assigning Hearing Officer. On April 5, 2023, pursuant to O.C.G.A. §§ 46-2-59 and 50-13-14 as well as Ga. Comp. R. & Regs. 515-2-1-.06, the Garretts filed a Verified Application for Leave to Intervene related to the Proceeding (the "Garrett Intervention"). The Garretts respond to the Petition below, and respectfully request that the Commission deny the Petition.

RESPONSE TO PETITION

1. The Garretts lack sufficient knowledge to respond to Paragraph 1 of the Petition and therefore deny the allegations in Paragraph 1.

2. The Garretts admit the allegation in Paragraph 2 of the Petition that Petitioner proposes to build the Hanson Spur. The Garretts lack sufficient knowledge to respond to the remaining allegations in Paragraph 2 and therefore deny those allegations.

3. The Garretts lack sufficient knowledge to respond to Paragraph 3 of the Petition and therefore deny the allegations in Paragraph 3.

4. Petitioner's allegation in Paragraph 4 of the Petition that the Hanson Spur will serve a public purpose is a legal conclusion and is denied. The Garretts lack sufficient knowledge to respond to the remaining allegations in Paragraph 4 and therefore deny those allegations.

5. Petitioner's allegations in Paragraph 5 of the Petition that the Hanson Spur will serve a public purpose is a legal conclusion and is denied. The Garretts lack sufficient knowledge to respond to the remaining allegations in Paragraph 5 and therefore deny those allegations.

6. The Garretts admit the allegation in Paragraph 6 of the Petition that Petitioner submitted a memorandum as Exhibit "A" of the Petition. However, the allegation that the memorandum outlines a business necessity for the Hanson Spur Project is a legal conclusion and is denied.

7. The Garretts admit the allegations in Paragraph 7.

8. The Garretts lack sufficient knowledge to respond to Paragraph 8 of the Petition and therefore deny the allegations in Paragraph 8.

9. The Garretts lack sufficient knowledge to respond to Paragraph 9 of the Petition and therefore deny the allegations in Paragraph 9.

10. In response to Paragraph 10, the Garretts admit that a list of parcels and addresses is attached to the Petition as Exhibit "C" and that it is a list of mailing addresses for the owners of, and other holders of interest in, various parcels that Petitioner alleges it must acquire to complete the Hanson Spur as it is currently designed. As to the other allegations in Paragraph 10, the Garretts lack sufficient knowledge to respond, and therefore deny those allegations.

11. The Garretts admit the allegations in Paragraph 11 of the Petition.

12. The Garretts lack sufficient knowledge to respond to Paragraph 12 of the Petition and therefore deny the allegations in Paragraph 12.

13. The Garretts lack sufficient knowledge to respond to Paragraph 13 of the Petition and therefore deny the allegations in Paragraph 13.

14. The Garretts deny the allegations in Paragraph 14 of the Petition.

15. In response to Paragraph 15, the Garretts admit that Petitioner delivered the 10-Day Letter to them. The Garretts lack sufficient knowledge as to the consistency of Petitioner's actions relating to Georgia Department of Transportation's practice in acquiring property for right of way, and therefore they deny such allegations. Additionally, the 10-Day Letter contains legal conclusions and the Garretts deny all allegations suggested by the content of the 10-Day Letter.

16. In response to Paragraph 16, the Garretts admit that Petitioner delivered the Regrets Letter to them. The Garretts lack sufficient knowledge as to the consistency of Petitioner's actions relating to Georgia Department of Transportation's practice in acquiring property for right of way, and therefore they deny such allegations. Additionally, the Regrets Letter contains legal conclusions and the Garretts deny all allegations suggested by the content of the Regrets Letter.

17. The Garretts admit the allegation in Paragraph 17 of the Petition that the Garretts have not engaged in negotiations with Petitioner regarding the acquisition of the Garretts' property. The Garretts deny the allegation in Paragraph 17 that Petitioner's efforts have been in good faith.

18. The Garretts admit the allegation in Paragraph 18 that that they have refused to sell their property. The Garretts deny all other allegations in Paragraph 18.

19. The allegations in Paragraph 19 are legal conclusions and the Garretts deny the allegations in Paragraph 19.

AFFIRMATIVE DEFENSES

1. The Garretts reserve the right to assert any affirmative defense to the extent that facts discovered in the course of this Proceeding support such an affirmative defense.

2. The Garretts reserve the right to assert any affirmative defense raised by any other intervening party.

3. The Hanson Spur Project is not a public use.

4. Condemnation of the Garretts' land is not a business necessity.

5. Condemnation of the Garretts' land is not necessary.

REQUEST FOR RELIEF

WHEREFORE, the Garretts respectfully request that this Commission, either through the Hearing Officer or its own authority, enter an order in favor of the Garretts

1. DENYING the Petition;

2. Entering an order stating that Sandersville Railroad may not condemn the Garretts' property;

3. Awarding the Garretts any and all such other relief as the Commission deems just and equitable, including, but not limited to, an award of attorneys' fees and costs to the extent provided by Georgia law.

DATED this 2nd day of May, 2023.



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Signed digitally pursuant to Ga. Code Ann. § 10-12-7

**Pro hac vice* applications to be filed

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of May, 2023, a copy of the foregoing *Robert Donald Garrett Sr. and Sarah Veazey Garrett's Response to Sandersville Railroad Company's Petition to Acquire Real Estate by Condemnation* has been served via electronic mail and U.S. First-Class Mail on the following pursuant to GA. COMP. R. & REGS. 515-16-16-.02; 515-2-1-.04(4)(b), (3):

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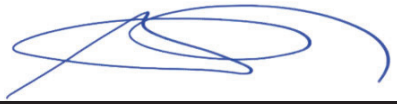
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Executive Secretary of the Public Service Commission

DATED this 2nd day of May, 2023.



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Signed digitally pursuant to Ga. Code Ann. § 10-12-7