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In Re:

Cobb Countywide Safety Plan	)	**DOCKET NO. 29324**
Joint Application of the City of Austell, Georgia and Atlanta Gas Light Company for Exception from Commission Utility Rule 515-7-1-.15(6)	)	**DOCKET NO. 44561**

ORDER FOR WAIVER OF RULE 515-7-1-.15(6) AND HEARING REQUIRMENTS

These matters come before the Georgia Public Service Commission ("Commission") as a result of the joint filing by the City of Austell, Georgia ("Austell") and Atlanta Gas Light Company ("AGL"), for Waiver to the Rule 515-7-1-.15(6) ("80 Ft. Rule") 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 July 27, 2022, the City of Austell and Atlanta Gas Light Company filed a Joint Petition for Exception to Commission Utility Rule 515-7-1-.16(6) ("the 80 Foot Rule") (Docket 44561, Document 190931).

Austell will install a natural gas line on property between Bond Road and Caneridge Drive Marietta, Georgia 30064 in Cobb County. The city of Austell has a contract to install 5,808 feet of four (4) inch pipe. This proposed installation will run within eighty (80) feet of AGL's current pipe. (Exhibit "B"). The Commission's granting of an exception to the 80 Foot Rule is appropriate in this case because the proposed pipeline facilities are located within Austell's service areas as designated in the Cobb County CWSP (Attachment "A"). Additionally, both Austell and AGL have agreed to respond to natural gas emergencies in the area to ensure the appropriate service provider responds. This is confirmed by a statement in a note shown on the Emergency Response Map, attached hereto as Exhibit "C." This proposed exemption is safe and will present no danger to the public safety and welfare of the community.

The City of Austell resides in Cobb County and claims "Home County" exemptions for Certification. AGL's certificate boundaries are unaffected by this requested waiver. The Cobb CWSP was previously amended on January 18, 2022 and is only amended to reflect the waiver requested in this petition.

The Joint Petitioners request that the Commission approve the requested waiver waive the hearing requirement. There are no customer transfers involved in the petition.

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 waiver to the Rule 515-7-1-.15(6) ("80 Ft. Rule") and waiver of 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 the City of Austell and Atlanta Gas Light Company 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 the Countywide Safety Plan for Cobb County (see Exhibit "A" to the Consent Agreement (Attachment "One")) agreed to by the Operators and Staff reflecting the proposed installation of facilities in Austell's service area, shall be the Countywide Safety Plan for Cobb County until otherwise ordered by the Commission.

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

6. THE COMMISSION FURTHER FINDS AND CONCLUDES that based on the Commission's review of the proposed petition Countywide Safety Plan /Maps and submitted, that such agreements by the Operators are respectively, a reasonable and appropriate.

7. THE COMMISSION FURTHER FINDS AND CONCLUDES that the executed Cobb Countywide Safety Plan /Maps attached hereto, are hereby adopted by the Commission, and shall constitute a final resolution of the Cobb Countywide Safety Plan.

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 1st day of May 2023.

Sallie Tanner
Executive Secretary

Tricia Pridemore
Chairman

5/4/23
Date

5/5/23
Date