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May 5, 2023

Via Alternative Electronic Filing

Ms. Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington Street S.W.
Atlanta, GA 30334

In Re: Sandersville Railroad Company; Hancock County, Georgia Acquisition
Docket No. 45045

Dear Ms. Tanner:

For filing in the above-styled docket, please find the enclosed Response to Intervenors Robert Donald Garrett Sr. and Sarah Veazey Garrett's Objection to Petitioner Sandersville Railroad Company's Proposed Procedural and Scheduling Order and Notice of Hearing. As required by the electronic filing procedures, a physical copy of this filing will be mailed to the Commission. Thank you for your attention to this matter.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

L. Craig Dowdy
For TAYLOR ENGLISH DUMA LLP

LCD:WF
Enclosure

cc: Nancy Gibson, Esq. (ngibson@psc.ga.gov)

BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

In re: Sandersville Railroad Company; Hancock County, Georgia Acquisition	**Docket No.: 45045**

RESPONSE TO INTERVENORS ROBERT DONALD GARRETT SR. AND SARAH VEAZEY GARRETT'S OBJECTION TO PETITIONER SANDERSVILLE RAILROAD COMPANY'S PROPOSED PROCEDURAL AND SCHEDULING ORDER AND NOTICE OF HEARING

Despite these Intervenors' Objection, Sandersville Railroad Company's Proposed Procedural and Scheduling Order and Notice of Hearing ("Proposed Order") is consistent with the Public Service Commission's (the "Commission") precedent, practice, and custom and the Hearing Officer should adopt it to ensure a full and efficient hearing process.

I. Sandersville Railroad's Proposed Order is Consistent with the Commission's Practice and Custom in Railroad Condemnation and Other Cases.

Sandersville Railroad Company's ("Sandersville Railroad's") Proposed Order is consistent with and modeled after the Commission's Procedural and Scheduling order in railroad condemnation and other contested cases. *In re: The Great Walt Railroad Company, Inc. d/b/a The Hartwell Railroad Company's Petition for Approval to Acquire Real Estate by Condemnation* ("*In re: Hartwell RR*"), the most recent Commission railroad condemnation case, involved a request to condemn a portion of the property of a church with a large congregation in a city center. The Hearing Officer set the hearing in *In re: Hartwell RR* **only thirty three (33) days after the**

date of the Procedural and Scheduling Order.[1] At issue here is a request to condemn a small portion of rural, undeveloped timber land. Yet Intervenors' Objection would schedule the hearing almost 365 days after the Hearing Officer signs the Procedural and Scheduling Order—on May 1, 2024. The Intervenors argue that extensive discovery and a lengthy hearing schedule are required, even though Sandersville Railroad, not the Intervenors, bears the burden to prove that the Hanson spur serves a public purpose.

The Commission has a proven process and procedure for contested hearings that has been effective and successful in cases with far more voluminous records and complex issues than those involved in this matter. In *In re: Hartwell RR,* the Hearing Officer held a hearing within five (5) weeks after the Hartwell Proposed Scheduling Order was signed.[2] The Intervenors, however, state that "[a] sufficient schedule will provide at least 11 months for this proceeding." Garretts' Objection, para. 12. Past Commission decisions show that this length of time is unnecessary.

Sandersville Railroad's Proposed Order provides a realistic schedule in which Intervenors and Sandersville Railroad can develop a robust factual record through the prefiling of testimony, and subpoenaing documents and witnesses, as is customary in Public Service Commission proceedings. The Proposed Order is consistent with the Commission's established and proven practice and procedure. It

[1] Notice of Hearing and Procedural and Scheduling Order In re: Petition of the Great Walton Railroad Company, Inc. d/b/a The Hartwell Railroad Company for Approval to Acquire Real Estate by Condemnation, Docket 41607, Document 170620 (December 21, 2017).

[2] *Id.*

allows enough time for the Hearing Office and the Commission, like in previous railroad condemnation cases, to determine the necessity and public interest involved in the condemnation requested. The Public Service Commission regularly decides issue of upmost importance to the public, and does so within the approximately 6 months' time period the Proposed Order provides.

II. Sandersville's Proposed Order Does Not Limit or Prevent Intervention.

The Intervenors' Objection decries that Sandersville Railroad "proposes procedural rules in order to exclude people whose properties Sandersville Railroad seeks to take." Garretts Objection, p. 6. That is simply not true. Sandersville Railroad's proposed Procedural and Scheduling Order explicitly provides for the intervention of interested parties within 30 days following the first published notice of the proceedings. In fact, on pages 1 and 2 of Sandersville Railroad's Proposed Order, Sandersville proposes an intervention process that is consistent with O.C.G.A. § 46-2-59(c), the Commission's historical practice, and the *In re: Hartwell Railroad* Procedural and Scheduling Order. Intervenors mischaracterize the Proposed Order to encourage the Public Service Commission to deviate from its normal procedures. Instead, the Public Service Commission should abide by the Proposed Order provided by Sandersville Railroad.

[SIGNATURES ON NEXT PAGE]

This 5th day of May 2023.



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BEFORE THE

GEORGIA PUBLIC SERVICE COMMISSION

In Re: Sandersville Railroad Company's Petition For Approval to Acquire Real Estate by Condemnation	**Docket No.: 45045**

CERTIFICATE OF SERVICE

Pursuant to GPSC Rule 515-16-16-.02, I hereby certify that I have served Grant E. McBride, Esq., counsel for Robert Donald Garrett, Sr. and Sarah Veazey Garrett, with a copy of the Proposed Procedural and Scheduling Order and Notice of Hearing filed in this Docket by email and via U.S. First Class Mail addressed as follows:

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This 5th day of May 2023.



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