FILED
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EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 45045
DOCUMENT# 194511

BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

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

PROCEDURAL AND SCHEDULING ORDER AND NOTICE OF HEARING

The above-referenced proceeding is hereby set for hearing before the undersigned Hearing Officer at 10:00 a.m. on **November 27 and 28, 2023,** at the Georgia Public Service Commission's ("Commission") main hearing room located at 244 Washington Street, S.W., 2nd Floor, Atlanta, Georgia 30334.

LEGAL AUTHORITY FOR HEARING

This hearing will be held under the authority and jurisdiction conferred upon the Commission by O.C.G.A. §§ 46-2-50, 46-2-58, 46-2-59, 46-8-120, 46-8-121, and 50-13-13, including the Commission's authority to appoint a hearing officer to hear this case and issue an initial or recommended decision subject to Commission review, as well as Commission Utility Rules 515-2-1-.04, 515-2-1-.05, et seq., and 515-16-16-.01, *et. seq.*

PROCEDURE

The following are the procedures to which any party to this hearing should adhere with respect to this docket:

1. Intervention

The Parties to this proceeding are Petitioner Sandersville Railroad Company ("Sandersville") and Respondents R. Donald Garrett, Sr. and Sarah Veazey Garrett ("Garrett"). The following procedures apply to any other person seeking to be a Party to this proceeding:

(a) Any person or party upon whom a statute does not confer an unconditional right to intervene must file an application to intervene within thirty (30) days following the first published notice of the proceedings;

(b) Applications must clearly specify the docket in which the applicant seeks to intervene. In addition to the requirements prescribed in O.C.G.A. § 46-2-59 for

applications for leave to intervene, the applicant must: (1) identify other intervening Parties or intervening party applicants whose interests are similar to the applicant along with an explanation of why the identified intervening Parties 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. Any objections to applications must be filed in accordance with O.C.G.A. § 46-2-59(d);

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

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

2. Service and Notice of Proceeding

In addition to filing an original and **five (5) copies** of documents, accompanied by an electronic version of such documents, with the Commission's Executive Secretary before 4:00 P.M. on the date such filing is due, copies of all pleadings, filings, correspondence, and any other documents related to, and/or submitted in, the course of this docketed matter shall be served upon the Hearing Officer and all intervenors and Parties of record in this docket via electronic service. Notice of Publication of the proceeding shall be issued by the Petitioner by June 1, 2023.

3. Hearing Exhibits

For the record in all hearings, it shall be the responsibility of the Party sponsoring any hearing exhibits to see that the court reporter and all Parties of record, in addition to the Hearing Officer, receive copies of all exhibits at the time of their introduction at the hearing. (Exhibits filed with pre-filed testimony should previously have been provided in five (5) or more copies, per Commission Rule 515-2-1-.04(3).

4. Assignment to Hearing Officer

Pursuant to O.C.G.A. Â§ 46-2-58, the Commission has appointed the undersigned Hearing Officer to conduct a hearing in this proceeding and to make findings of fact and conclusions of law and present the same to the Commission in the form of a recommended decision for adoption by the Commission or an initial decision, subject to Commission review and reconsideration upon timely petition by any Party for such.

5. Schedule and Filings

July 21, 2023

Petitioner files Direct Testimony with the Commission's Executive Secretary.

August 17, 2023

Respondent and Intervenors file Responsive Testimony with the Commission's Executive Secretary.

September 14, 2023

Petitioner may file Rebuttal Testimony. Parties may submit Subpoenas with the Commission's Executive Secretary.

September 28, 2023

Objections to Subpoenas must be filed with the Commission Executive Secretary.

October 14, 2023

Objections to pre-filed Testimony and Exhibits must be filed with the Commission's Executive Secretary.

October 19, 2023

Site Visit. - to be discussed

October 26, 2023

Responses to Subpoenas must be filed with the Executive Secretary.

November 27th and 28th, 2023

The Hearing will commence at 10:00 A.M. on November 27th and, if necessary, continue on November 28th.

6. Other Pre-Hearing Procedures:

(a) No continuances will be granted, except in an order signed by the Hearing Officer and for good cause shown only if such continuance will not unduly delay the proceedings.

(b) Upon the Hearing Officer's own motion, or at the request of either Party, a pre-hearing conference may be scheduled and convened, either in person or by telephone, by the Hearing Officer to rule on motions and to consider and, where appropriate, issue orders on other preliminary matters which will tend to facilitate the orderly, efficient, and expeditious adjudication or other resolution of this matter.

RIGHTS OF THE PARTIES

The Parties and permitted interveners in this proceeding have the following rights in connection with this hearing:

(a) To respond in writing and by appearance at the hearing to the matters at issue in this docket and to present evidence on any relevant issue;

(b) To be represented by counsel at each Party's expense;

(c) To subpoena witnesses and documentary evidence through the Commission by filing requests to the Hearing Officer with the Executive Secretary of the Commission.

(d) To cross-examine thoroughly any witness offering testimony at the hearing contrary to the Party's interests or legal position; and

(e) To exercise such other rights as are conferred by law and the rules and regulations of the Commission.

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WHEREFORE, pursuant to the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-13, and in furtherance of the orderly, efficient, and expeditious resolution of this matter, **IT IS HEREBY ORDERED** as follows:

Procedural and Scheduling Order
And Notice of Hearing

(a) This Notice of Hearing and Procedural and Scheduling Order shall be served upon all Parties of record via e-mail. Public notice of this hearing shall be given by the Commission on the Commission Calendar posted on the Commission's website.

(b) The Hearing Officer hereby adopts and issues the schedule, procedures, and statements regarding the issues set forth within this Order.

(c) A motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

(d) Jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as the Hearing Officer or the Commission may deem just and proper.

SO ORDERED, this 18th day of May, 2023.

Nancy Gibson, Hearing Officer

Georgia Public Service Commission