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DOCKET# 45199
DOCUMENT# 204915

Docket No. 45199

Green Mountain Energy Company Application
Natural Gas Marketer Certificate of Authority

PROCEDURAL AND SCHEDULING ORDER

I. Applicable Statutes

Pursuant to O.C.G.A. § 46-4-153 of the Georgia Natural Gas Competition and Deregulation Act of 1997 (the "Act"), a Certificate of Authority is necessary prior to providing or offering to provide gas service to firm retail customers in Georgia. As provided in O.C.G.A. § 46-4-153(a)(2), the Georgia Public Service Commission ("Commission") has authority to approve natural gas certificates of authority. In order to be certificated, an applicant must demonstrate to the Commission that it meets the criteria set forth in the Act. Those criteria include that the applicant "(p)ossesses satisfactory financial and technical capability to render the Certificated service;" (O.C.G.A. § 46-4-153(a)(2)(A) "(h)as a sufficient gas supply to meet the requirements of such service;" (O.C.G.A. § 46-4-153(a)(2)(B) and "(w)ill offer such service pursuant to rules and contract terms which the commission finds economically viable for the territory which the marketer proposes to serve." O.C.G.A. §46-4-153(a) (2) (C).

II. Background

On January 23, 2023, a representative of Green Mountain Energy Company ("GMEC") contacted the Staff with the intension to file an Application for a Natural Gas Marketer Certificate of Authority. On January 18, 2023, the Staff and GMEC had a meeting to discuss the application process and to obtain more information about GMEC. On January 19, 2023, the Staff provided the marketer application to GMEC, and on March 16, 2023, GMEC provided a draft application for review. The Staff and GMEC worked together in an attempt to craft an application that would be determined as whole and complete. As a result of this collaboration, on May 23, 2023, GMEC

filed its application with the Commission. The Staff thoroughly reviewed the application , and on June 1, 2023, the Staff informed GMEC that it found the application to be whole and complete.

GMEC is a United States company that sells electricity products, carbon offsets, and sustainable energy. It is a 100% renewable energy company providing clean electricity to consumers and businesses in Texas, Illinois, Pennsylvania, New York, Massachusetts, New Jersey, Maryland, and Oregon. Additionally, GMEC intends to sell Carbon Conscious gas with 100% carbon-offset natural gas. The customer will use Carbon Conscious gas, and GMC will buy carbon offsets from U.S. projects that work to remove or prevent carbon emissions from entering the atmosphere. NRG is the parent company of GMEC as well as the parent company for Stream Energy and Xoom Energy that are both certificated marketers in the Georgia natural gas market.

O.C.G.A. § 46-4-153(c)(5) requires that the Commission conduct a public hearing on any Application for a Natural Gas Certificate of Authority within sixty (60) days and within ninety (90) days following such expiration date, the Commission shall issue its order approving or disapproving each application for a certificate of authority. Upon approval of this Procedural and Scheduling Order ("PSO"), the ninety (90) day clock will commence.

III. Discovery

Discovery procedures shall apply accordingly. The Commission authorizes the Staff to issue discovery pursuant to O.C.G.A. § 46-2-57(a). The Staff may conduct depositions and use any other methods of formal and informal discovery in this docket. The use of any informal discovery methods shall not augment or abridge existing discovery rights and responsibilities. Given the short statutory deadline, GMEC and Staff have agreed that data request responses will be expedited and returned within 10 days for the period of July 6, 2023 to August 5, 2023 after issuance to the Company.

IV. Notice

Pursuant to the Commission's Utility Rule 515-2-1-.04, GMEC is directed to give notice of this proceeding in this docket.

V. Hearing Schedule

Thursday, July 6, 2023

GMEC and any other interested party shall file by 4:00 p.m. with the Executive Secretary's Office using the Commission's Alternative e-File system, file its direct testimony using Microsoft Word® format for text documents and Excel® for spread sheets.

Thursday, August 15, 2023

Immediately following its regularly scheduled Committees, the Commission will commence its hearing in Docket No. 45199, beginning with the testimony of any public witnesses pursuant to O.C.G.A. §46-2-59(g), and the hearing of any pending motions. After these preliminary matters, the Commission will hear the direct testimony of GMEC and any other interested party by whom testimony was filed in this docket.

Thursday August 24, 2023

All parties are to file their briefs and any proposed Orders in one simultaneous round by 4:00 p.m. on this date with the Executive Secretary's Office using the Commission's Alternative e-File system using Microsoft Word® format for text documents and Excel® for spread sheets.

VI. Commission Decision

Tuesday September 19, 2023

The Commission shall consider and decide the issues involved in this matter and vote on the application at its regularly scheduled Administrative Session.

VII. Procedures

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

1. Intervention:

(a) Any person or party upon whom a statute does not confer an unconditional right to intervene must file a Petition to intervene within 30 days following the first published notice of the proceedings using the Commission's e-File system.

(b) Petitions to intervene and Commission approval thereof are covered by O.C.G.A. §46-2-59 and Commission Utility Rule 515-2-1-.06. Each petitioner shall submit to the Executive Secretary's Office using the Commission's Alternative e-File system using Microsoft Word® format for text documents and Excel® for spread sheets.

Petition to intervene to the Commission using the Commission's e-File system, addressed to

Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

(c) Petitions must clearly specify the docket in which the petitioner seeks to intervene. In addition to the requirements prescribed in O.C.G.A. §46-2-59 for Petitioners for leave to intervene, the petitioner must: (1) identify other intervening parties or intervening party petitioners whose interest is similar to that of the petitioner along with an explanation of why the identified intervening parties or intervening party petitioner will not adequately represent the petitioner's interest: and (2) state the petitioner'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 petitioner or intervening party.

Any objections to Petitions must be filed in accordance with O.C.G.A. § 46-2-59(d).

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

(e) The Commission will take up and rule on Petitions for leave to intervene at the first hearing date scheduled in this docket.

2. **Service:** In addition to filing with the Executive Secretary's Office by 4:00 p.m. using the Alternative E-filing using Microsoft Word® format for text documents and Excel® for spread sheets. Electronic copies of all pleadings, filings, correspondence, and any other documents related to and submitted in the course of this docketed matter should be served upon the following individuals, in their capacities as indicated below, and all other intervenors recognized by the Commission in this docket using the Commission's e-File system:

Ginny Davis
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, GA 30334

Pre-filed testimony shall be filed in conformity with Commission Rule 515-2-1-.04(3), except as expressly stated in this Order using the Commission's e-File system.

3. **Testimony of Witnesses:**

(a) Summations of direct testimony will take no longer than ten (10) minutes, unless the Commission, in its discretion, allows for a longer period of time.

(b) Summations should be limited to testimony and exhibits in the pre-filed testimony.

(c) Demonstrative handouts intended to be used during summations of the pre-filed testimony or in opening or closing statements, if applicable, must be pre-filed at least five (5) days prior to the hearing and must be limited to the scope of the testimony and exhibits in the pre-filed testimony.

(d) Except for good cause shown, corrections to testimony must be pre-filed at least five (5) days prior to the hearing.

(e) In the absence of a valid objection made and sustained to pre-filed testimony, the pre-filed testimony and exhibits, with corrections, will be admitted into the record as if orally given prior to the witness' summation, subject to a motion to strike after admission or other relevant objection.

(f) Where the testimony of a panel of witnesses is presented, cross-examination may either be addressed to the panel, in which case any member of

(g) Only upon the authorization of the Commission shall any witnesses who have filed separate testimony be permitted to sit as a panel. The number of persons sitting on any panel shall not exceed four (4) persons, unless specifically authorized by the Commission.

(h) Absent good cause, motions to strike any portion of pre-filed testimony must be filed at least two (2) days prior to the hearing.

(i) Except for good cause shown, all exhibits to be used in the hearing must be pre-filed at least five (5) days prior to the hearing.

4. **Hearing Exhibits:** 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 individual Commissioners, receive paper copies of all exhibits at the time of their introduction at the hearing. [**Note**: Exhibits included with pre-filed testimony should already have been provided in the requisite number of copies filed with the Commission in accordance with Rule 515-2-1-.04(3) using the Commission's Alternative e-File system.]

VIII. Procedures to Intervene

Petitions to intervene and Commission approval thereof are covered by O.C.G.A. § 46-2-59 and Commission Utility Rule 515-2-1-.06. Each petitioner shall submit its Petition to intervene using the Commission's Alternative E-filing system using Microsoft Word® format for text documents and Excel® for spread sheets. The petition(s) shall be addressed to:

Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

In addition, each petitioner shall submit an electronic copy of its Petition to GMEC and all other parties who have applied to intervene, and submit a Certificate of Service to the Commission certifying that these electronic copies have been served on the other parties. To obtain a list of other intervenor petitioners, contact Ms. Diana Cain, Georgia Public Service Commission, 244 Washington Street, SW, Atlanta, GA 30334 (Telephone 404-656-0945).

IX. Ordering Paragraphs

WHEREFORE, IT IS ORDERED, that the Commission hereby adopts the procedures, schedule, and statements regarding the issues set forth within the Procedural and Scheduling Order.

ORDERED FURTHER, that 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.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order(s) as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 20th day of June 2023.

Sallie Tanner

Executive Secretary

6-22-23

Date

Tricia Pridemore

Chairman

6/26/23

Date