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Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

SUBPOENA TO TESTIFY AND DUCES TECUM

GEORGIA – FULTON COUNTY
DOCKET NO. 45045

PETITION FOR APPROVAL TO ACQUIRE REAL ESTATE BY CONDEMNATION

TO: Sandersville Railroad Company;

GREETINGS:
Pursuant to O.C.G.A Section 46-2-58(b): In all utility proceedings commenced after July 1, 1981, any hearing may be conducted by a hearing officer, who shall have authority to:
(1) Administer oaths and affirmations;
(2) Sign and issue subpoenas for discovery or trial;
(3) Rule upon offers of proof;
(4) Regulate the course of the hearing, setting the time and place for continued hearings;
(5) Permit persons to make limited appearances as provided in Code Section 46-2-59;
(6) Take official notice of judicially recognizable facts;
(7) Reprimand or exclude from the hearing any person for any indecorous or improper conduct committed at or during a hearing;
(8) Exercise such other powers necessary for the efficient and expeditious conduct of the hearing, to the end that a complete and orderly record may be developed; and
(9) Make written findings of fact based upon evidence in the record.

And, in accordance with O.C.G.A 50-13-13. Opportunity for hearing in contested cases; notice; counsel; subpoenas; record; enforcement powers; revenue cases.
(a) In addition to any other requirements imposed by common law, constitution, statutes, or regulations:
(1) In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice served personally or by mail;
(2) The notice shall include:
(A) A statement of the time, place, and nature of the hearing;
(B) A statement of the legal authority and jurisdiction under which the hearing is to be held;
(C) A reference to the particular section of the statutes and rules involved;
(D) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time, the notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished; and
(E) A statement as to the right of any party to subpoena witnesses and documentary evidence through the agency;

(3) Opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence on all issues involved;
(4) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default;
(5) Unless specifically precluded by statute, in addition to the agency, any contested case may be held before any agency representative who has been selected and appointed by the agency for such purpose. Before appointing a hearing representative, the agency shall determine that the person under consideration is qualified by reason of training, experience, and competence;
(6) The agency, the hearing officer, or any representative of the agency authorized to hold a hearing shall have authority to do the following: administer oaths and affirmations; sign and issue subpoenas; rule upon offers of proof; regulate the course of the hearing, set the time and place for continued hearings, and fix the time for filing briefs; dispose of motions to dismiss for lack of agency jurisdiction over the subject matter or parties or for any other ground; dispose of motions to amend or to intervene; provide for the taking of testimony by deposition or interrogatory; and reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the presence of the agency or the hearing officer;
(7) Subpoenas shall be issued without discrimination between public and private parties. When a subpoena is disobeyed, any party may apply to the superior court of the county where the contested case is being heard for an order requiring obedience. Failure to comply with such order shall be cause for punishment as for contempt of court. The costs of securing the attendance of witnesses, including fees and mileage, shall be computed and assessed in the same manner as prescribed by law in civil cases in the superior court;

You are required to appear at the Hearing Room of the Georgia Public Service Commission, First Floor, 244 Washington Street S.W., Atlanta, Georgia 30334 on the 27th day of November 2023, at 10:00 a.m., and continuing as necessary to testify at the hearing in the above-entitled action pending before the Georgia Public Service Commission. You are also required to file with the Executive Secretary of the Commission the documents requested in Exhibit "A" on or before 4:00 p.m. on August 16, 2023.

As a corporate entity, you should designate one or more persons to testify regarding the authenticity of each document and the facts relevant to its creation.

HEREIN FAIL NOT, UNDER PENALTY OF LAW, BY ORDER OF THE GEORGIA PUBLIC SERVICE COMMISSION, this 21st day of July, 2023.

Nancy Gibson (Hearing Officer)
GEORGIA PUBLIC SERVICE COMMISSION

RETURN OF SERVICE

Received this subpoena at _____, 2023 and on _____, 2023, at _____ served it on the within named _____ by delivering a copy to him/her and tendering to him/her the fee for attendance and mileage as required by law[2]

_____ _____

By: Date:

Fees:

Service _____ $_____ Mileage_____ $_____

Total _____ $_____

I certify that the foregoing is true and correct. Executed on _____, 2023.

_____

[2] For a subpoena issued on behalf of a party other than the Georgia Public Service Commission to be valid, service and mileage fees must be tendered to the witness upon service of the subpoena (O.C.G.A. Section 24-10-24).

Exhibit A

Docket No. 45045
Amended Petition for Approval to Acquire Real Estate by Condemnation
Subpoena to Testify and Duces Tecum

1. Please provide any documents related to or relied upon with respect to providing funds to construct the proposed Hanson Spur.
2. Please also provide a copy of any contracts, memorandum of understanding, written commitment, promises, or other similar documents memorializing the intent or obligation of any customer to use the Hanson Spur, including any drafts of such documents.
3. Please provide a copy of any market survey in your possession or control, as well as any documents relied upon or supporting such any market survey for each entity or customer expected to use the Hanson Spur.
4. Please provide any documents related to or relied upon that Sandersville Railroad has for each customer's estimated volume of material that will move along the Hanson Spur
5. Please provide any documents related to any customer's expected destination market or markets for materials moved by each customer Sandersville Railroad expects to use the Hanson Spur,
6. Please provide copies of any documents relating to the rail services needed for each customer Sandersville Railroad expects to use the Hanson Spur, including the frequency of service and extra switching services.
7. For materials expected to be moved along the Hanson Spur, please provide any analysis, study, or communications regarding the economic feasibility of using trucks, as opposed to rail, to move such materials.
8. In Paragraph 3 of the Amended Petition, Sandersville Railroad states that the Hanson Spur "will permit (a) Heidelberg Materials to send by rail approximately five hundred thousand (500,000) additional tons of aggregate per year from the Hanson Quarry." Please provide documentation of the factual basis for this assertion. Your answer should include any document containing information regarding the current tonnage output from the Hanson Quarry and any document addressing whether, or to what extent, the production of such additional tons is dependent on an expansion of Hanson Quarry.
9. Please provide any documentation as to the nature and amount of such interest for each person identified: Benjamin Tarbutton or any shareholders, owners, or officers of Sandersville Railroad own stock, shares, bonds, or other interests in Southern Chips LLC (or any other timber producers indicated in Paragraph 3 of the Amended Petition); Pittman Construction Company; Heidelberg Materials; Veal Farms Transload, LLC; Revive Millings, LLC; or any of the "other shipper[s] on property adjacent to the Hanson Spur" discussed in the Amended Petition or identified as a potential customer since the Amended Petition was filed?
10. Please provide documentation that describes which of the potential customers noted in Paragraph 3 of the Amended Petition, and which of any potential customers identified since the Amended Petition was filed, will be able to load products directly to rail using the Hanson Spur. Please include any documents which provide the locations along the Hanson Spur at which such potential customers will be able to load their products, and the expected markets for such products.

11. Please provide any documents related to or relied upon to provide the factual basis for your assertion in Paragraph 3 of the Amended Petition that the Hanson Spur will reduce the number of trucks that would otherwise be required to move products on Hancock County roads.

12. Please provide any documents related to or relied upon to provide the factual basis for your assertion in Paragraph 4 of the Amended Petition that the train providing Sandersville Railroad's switching service will make approximately one round trip daily between CSXT and the Hanson Quarry during normal business hours, and that the train will travel less than 20 miles per hour.

13. Please provide any documents related to or relied upon to form the factual basis for your assertion in Paragraph 5 of the Amended Petition that the Hanson Spur will create at least one and a half million dollars ($1,500,000.00) in annual direct economic impact in Hancock County. Please provide documents related to the Project Parcels which Sandersville Railroad has in fact acquired or has written or verbal agreements to acquire.

14. Please identify and describe any analysis Sandersville Railroad has conducted regarding the historical importance of each of the Project Parcels. Please provide any documents related to or relied upon to provide your answer.

15. Please provide any documents related to or relied upon for any analysis Sandersville Railroad has conducted regarding the benefit of the Hanson Spur versus the concomitant disruption of the status quo.

16. Please provide any documents related to or relied upon for any analysis Sandersville Railroad has conducted on the health effects of the Hanson Spur on the residents of Hancock County, Georgia. Please include any documentation with respect to the phrase "health effects" includes, without limitation, any physical or psychological effects caused by the Hanson Spur.

17. Please provide any documents related to or relied upon to recount any communications with residents of Hancock County to come onto their land to survey for the construction of the Hanson Spur.

18. Please provide any documents related to to any services or improvements, including but not limited to modifications or improvements to tracks, property, or other rail services, CSXT must make that will be necessary for the successful operation of the Hanson Spur.

19. Please provide any feasibility analysis, study, or communications produced or analyzed for the Hanson Spur project.

20. Please provide a copy of all communications with each owner or person having ownership or any other property interest in each of the Project Parcels.

21. Please produce a copy all documents relating to the determination of the selected route for the Hanson Spur, including but not limited to the considerations asserted on Page 2 of the Memorandum attached to the Amended Petition as Exhibit A (it "conform[s] with railroad design standards, minimize[s] impacts to wetlands and streams, avoid[s] environmentally sensitive areas near the upper Ogeechee River northeast of the planned route, and give[s] wide berth to occupied dwellings") as well as documents related to any change or changes to the selected route of the Hanson Spur since the inception of the project.

22. Please provide any documents concerning the construction, design, cost, and effects of the Hanson Spur project, including but not limited to the proposed berms described in page 2 of the Memorandum attached to the Amended Petition as Exhibit A, and the proposed "at grade crossing" described in Paragraph 8 of the Amended Petition.

23. Please provide any documents concerning the effect of the Hanson Spur on the environment of Hancock County, including, without limitation, any effects on water, wetlands, soil, pollutants, litter, and light pollution.

24. Please provide any documents concerning the prevention, mitigation, evacuation, and clean-up plans in the event of a derailment or accident on the Hanson Spur.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Subpoena To Testify and Duces Tecum** in the above-referenced Docket was filed with the Commission's Executive Secretary, an electronic copy of same was served upon all parties and persons listed below via electronic mail, or unless otherwise indicated, as follows:

Sallie Tanner*
Executive Secretary
Georgia Public Service Comm.
244 Washington Street, SW
Atlanta, GA 30334
stanner@psc.state.ga.us

Rob Trokey
Director, Electric Unit
Georgia Public Service Comm.
244 Washington Street, SW
Atlanta, GA 30334
rtrokey@psc.state.ga.us

Nancy G. Gibson
Georgia Public Service Comm.
244 Washington Street, SW
Atlanta, GA 30334
ngibson@psc.state.ga.us

L. Craig Dowdy
Steven L. Jones
TAYLOR ENGLISH DUMA, LLP
1600 Parkwood Circle Suite 200
Atlanta, Georgia 30339
cdowdy@taylorenglish.com
sjones@taylorenglish.com

Robert Highsmith
Laura Flint
HOLLAND & KNIGHT LLP
1180 West Peachtree Street NW
Suite 1800
Atlanta, Georgia 30309
robert.highsmith@hklaw.com
laura.flint@hklaw.com

Mr. R. Donald Garrett, Sr.
1335 Shoals Road
Sparta, Ga 31087
sallygarrett45@yahoo.com

Blaine and Diane Smith
823 Chatsworth Drive
Accokeek, MD 20607
Wbs 10408@aol.com
hdianesmith@gmail.com

Grant E. McBride
Smith Welch Webb & White
2200 Keys Ferry Court
McDonogh, GA 30523
gmcbridge@smithwelchlaw.com

Elizabeth L. Sanz
Institute for Justice
901 N. Glebe Road
Suite 900
Arlington, Virginia 22203
bsanz@ij.org

Marvin and Pat Smith
15500 Avery Road
Rockville, MD 20855
marvin.smithjr@yahoo.com
pjsmax@hotmail.com

William R. Maurer
Institute for Justice
600 University Street
Suite 1730
Seattle, WA 98101
wmaurer@ij.org

Renee Flaherty
Institute for Justice
901 N. Glebe Road
Suite 900
Arlington, VA 22203
rflaherty@ij.org

Sally G. Wells
140 Dunn Road
Sparta, GA 31087
sllywells@yahoo.com

Verne Kennedy Hollis
373 Hamilton Street
Sparta, GA 31087
Vkenn41@yahoo.com

Thomas Ahmad Lee
8201 Brookriver Drive
Suite 246
Dallas, TX 75247
tlee1827@yahoo.com

Leo and Georgia Briggs
4500 Hidden Stream Drive
Loganville, GA 30052
lgbriggs@earthlink.net

Joel and Kathy Reed
5 Dogwood Lane
Chatsworth, GA 30705
jbreed48@yahoo.com

Donna N. Garrett
154 Lakeview Drive
Sparta, GA 31087
Ngarrett64@yahoo.com

Grant E. McBride
Smith Welch Webb & White
2200 Keys Ferry Court
McDonogh, GA 30523
gmcbride@smithwelchlaw.com

Jamie Rush
Malissa Williams
Miriam Gutman
The Southern Poverty Law Center
150 E. Ponce de Leon Avenue
Suite 340
Decatur, GA 30030
jamie.rush@splcenter.org
malissa.williams@splcentr.org
miriam.gutman@splcenter.org

Tom Bond
Georgia Public Service Comm.
244 Washington Street, SW
Atlanta, GA 30334
ngibson@psc.state.ga.us

Ray-Kelle Preston
Georgia Public Service Comm.
244 Washington Street, SW
Atlanta, GA 30334
RPreston@psc.ga.gov

Robert Baker
Robert Baler, PC
2480 Briarcliff Rd., NE
Atlanta, GA 30329
bobby@robertbaker.com

So certified, this 26th day of July.

Nancy Gibson
Hearing Officer