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July 28, 2023

Via Alternative Electronic Filing

Ms. Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington Street S.W.
Atlanta, GA 30334-5701

RE: Amended Petition For Approval to Acquire Real Estate By Condemnation
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 *Objection to Respondent's Purported Data Requests* on behalf of Sandersville Railroad Company. 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 G. Gibson (w/encl.)
Rob Trokey (w/encl.)
Steven L. Jones (w/encl.)
Robert Highsmith/Laura Flint (w/encl.)

Don and Sally Garrett (w/encl.)
Blaine and Diane Smith (w/encl.)
Grant E. McBride, Esq. (w/encl.)
Elizabeth L. Sanz/Renee D. Flaherty (w/encl.)
Marvin and Pat Smith (w/encl.)
William R. Maurer (w/encl.)

BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

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

OBJECTION TO
RESPONDENTS' PURPORTED DATA REQUESTS

Sandersville Railroad Company ("Sandersville Railroad"), a corporation owning and operating a railroad in the State of Georgia, files this Objection to Respondents' Purported Data Requests as follows:

1.

On Friday, July 21, 2023, Robert Baker, counsel for Respondents, sent a letter to the hearing officer requesting the Commission issue Data Requests to Sandersville Railroad on behalf of Mr. Baker's clients, the Respondents in the above matter. Mr. Baker's letter, however, does not appear in the above-styled docket. On July 25, 2023, Grant McBride filed in the docket apparently the same purported Data Requests to Sandersville Railroad on behalf of the same Respondents.

2.

Sandersville Railroad objects to Respondents' overzealous effort to direct the Commission Staff to issue discovery on behalf of parties that do not have discovery rights of that nature in this proceeding.

3.

The parties to this proceeding do not have a right to the Interrogatories presented by Respondents, even if they are labeled as Data Requests. Instead, the Procedural and Scheduling Order and Notice of Hearing ("PSO") in this matter states plainly that the parties to this proceeding have a right "to Subpoena **witnesses** and **documentary evidence**." (PSO, p. 4). Mr. Baker's and Mr. McBride's clients do not have the right to propound Interrogatories under the PSO, the Commission rules, the Georgia Administrative Procedure Act, or any applicable statute. *E.g.*, *id.* As former Commissioner Baker knows, the type of discovery he seeks on behalf of his clients is improper.

4.

Further, the Respondents' purported Data Requests were filed prematurely given that the PSO clearly provides that the "Parties may submit Subpoenas with the Commission's Executive Secretary" on September 14, 2023 and that "Objections to any Subpoenas must be filed with the Commission['s] Executive Secretary" on September 28, 2023. The PSO requires "[R]esponses to Subpoenas . . . [to] be filed with the Executive Secretary" on October 14, 2023. Therefore, **under the PSO, Sandersville Railroad has and reserves the right to respond further to the purported Data Requests and any requested Subpoenas on or before that date**. Accordingly, the Data Requests sought by Respondents are premature according to the terms of the PSO in this proceeding.

5.

Finally, the purported Data Requests filed in the docket by Mr. Baker and Mr. McBride create significant confusion in the administrative record because they are drafted as if issued by Commission staff, when in fact they were drafted by counsel for the Respondents.

6.

On July 26, 2023, the Hearing Officer issued her Subpoena to Testify and Duces Tecum (the "Subpoena"), which is substantively similar to the Respondents' proposed Data Requests though the interrogatories have been rephrased as Requests for Production of Documents. Sandersville Railroad will shortly file separate objections to the Subpoena.

7.

Accordingly, Sandersville requests that the Respondents' proposed Data Requests be stricken from the Docket with the direction that Respondents comply with the PSO as to the timing and scope of Subpoenas.

[SIGNATURE ON NEXT PAGE]

This 28th day of July 2023.



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Counsel for Petitioner Sandersville Railroad Company

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

I certify that I have this day served a copy of the foregoing **OBJECTION TO RESPONDENTS' PURPORTED DATA REQUESTS** upon the following persons by causing electronic copies of the same to be transmitted to each party that has supplied a valid email address and upon all other parties via first class mail with adequate postage affixed thereon and deposited in the United States Mail addressed as follows:

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This 28th day of July 2023.



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