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DOCKET NO. 8044-U

NOTICE OF PROPOSED RULEMAKING

MARKETERS' CERTIFICATE OF AUTHORITY

Amendments to Georgia Public Service Commission Utility Rules Chapter 515-7-3

TO:
(a) Legislative Counsel—State of Georgia
(b) All Parties of Record—Docket No. 8044-U
(c) All Certificated Natural Gas Marketers
(d) Local Gas Companies
(e) Affected Commission Staff
(f) All Parties on Rulemaking List

FROM: Georgia Public Service Commission
244 Washington Street
Atlanta, GA 30334

IN RE: Adoption of Amendments to Commission Utility Rule 515-7-3 (Marketers' Certificate of Authority) ~~Following the Enactment of House Bill 1568 by the 2002 Georgia General Assembly~~

All interested parties are hereby notified pursuant to ~~Ga. Laws 1964, pp. 338, 342, as amended (~~Official Code of Georgia Annotated ("O.C.G.A.") § ~~Section~~ 50-13-4~~)~~ that the Georgia Public Service Commission ("Commission") intends to consider the adoption of proposed rule amendments regarding Commission Utility Rule 515-3-.03.~~has considered and adopted amendments to its rules incorporating changes adopted by~~

~~the Georgia Legislature in House Bill 1568, signed into law on April 25, 2002. The new rules shall become effective as provided by law twenty days after its adoption pursuant to the Commission's regularly scheduled Administrative Session on June 18, 2002 and subsequent filing with the Secretary of State.~~

BY THE COMMISSION:

At its regularly scheduled **July 20, 2023** Administrative Session, the Commission issued this Notice of Proposed Rulemaking ("NOPR"). The rules proposed in this NOPR for Utility Rule 515-7-1-3-.03 shall be considered for adoption at the Commission's regularly scheduled **Administrative Session on October 17, 2023, at 9:30 a.m.** to be held in the Commission's hearing room on the first floor of 244 Washington Street SW., Atlanta, Georgia 30334. This rule shall become effective as provided for by law twenty (20) days after their adoption by the Commission and subsequent filing with the Secretary of State.

The general authority for adoption of these Rules is found in O.C.G.A. § 46-2-30. Upon request by any interested parties either prior to the exception of the Rules or within thirty (30) days thereafter, pursuant to O.C.G.A. § 50-13-4-(a)(2), the Commission shall issue a concise statement of the principal reasons for and against adoption of the Rules and incorporating the reasons for overruling the consideration, if any, urged against their adoption.

I. NOTICE OF PROPOSED RULEMAKING

A. Introduction and Jurisdiction

Since 1997, the Georgia Public Service Commission has been charged with the implementation and administration of the state's "Natural Gas Competition and Deregulation Act," O.C.G.A. § 46-4-150 et seq. ~~As part of this implementation, the Commission is charged with adopting any changes or amendments made to the Act.~~

~~On April 25, 2002, Governor Roy E. Barnes signed into law House Bill 1568, which is known by the short title of "Natural Gas Consumers' Relief Act." The enactment of this law has made it necessary for the Commission to amend a number of its existing rules regarding the issuance of certificates of authority to market natural gas in order to expand the scope of what persons are eligible to apply for and obtain this such authority.~~

B. Synopsis and Explanation of Proposed Rules

The Commission's primary goal in issuing this NOPR is to amend existing Rule 515-7-3-.03 to require additional background information in marketer applications for certificates of authority to market natural gas.

C. Rule

Pursuant to the requirements of the Georgia Administrative Procedures Act at O.C.G.A. § 50-13-4(a)(1), the Commission proposed to adopt amendment to Chapters 515-7-3 of its Utility Rules. The full text of the proposed amended rules is set forth hereinafter.

RULES OF GEORGIA PUBLIC SERVICE COMMISSION
515-7 GAS UTILITIES
CHAPTER 515-7-3
MARKETERS' CERTIFICATE OF AUTHORITY

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515-7-3-.03 Application for a Certificate of Authority

Rule 515-7-3-.03 Application for a Certificate of Authority

(1) Any person seeking to sell or offer to sell natural gas on a firm basis pursuant to O.C.G.A. § 46-4-153 is required to file an application with the Commission on a form approved for a certificate of authority. No person other than a gas company or a regulated provider shall sell or offer to sell natural gas to any person who primarily receives firm service in any delivery group(s) in Georgia unless and until such time as a certificate of authority has been issued by the Commission.

(2) Applications shall contain the following:

(a) the legal name of the Aapplicant and the name under which it proposes to do business in Georgia, as well as its mailing and business address(es), telephone number(s), facsimile number(s), and Internet e-mail address, if any;

(b) the name(s) and current business address(es) of the Aapplicant's principal corporate officers;

(c) the name(s) and current business address(es) of the Aapplicant's principal and corporate officer(s) in Georgia, if different from those identified in subparagraph (b) above;

(d) the name, title, address, and telephone number(s), facsimile number(s), and Internet e-mail address of employee designated to receive and respond to

Commission requests and who will notify the Commission of any changes to the information provided in this application while pending;

(e) If the Aapplicant is a non-resident of Georgia, give name, address, and telephone number(s), facsimile number(s), and internet e-mail address of an agent or attorney in fact in this state upon whom process may be served in any suit against Aapplicant;

(f) a description of the Aapplicant's business, ownership structure, affiliates, date of formation, tax identification number, Georgia Secretary of State's charter or identification number and Georgia revenue sales tax number;

(g) Attach a list of principle officers, whether the Applicant is a corporation or other legal entity. If ; if a corporation, attach a copy of the charter, marked as **Exhibit A**;. Also attach a list of all directors and principal stockholders with the number of shares held by each, marked as **Exhibit B**, and givethe name and addresses of the pPresident, vVice pPresident, tTreasurer, and sSecretary;

~~(g) Attach a list of principle officers, whether the applicant is a corporation or other legal entity. principal stockholders with the number of shares held by each, marked as Exhibit B, and give name and addresses of the President, Vice President, Treasurer, and Secretary;~~

(h) State and date of incorporation for corporate entities and formation for non-corporate entities, and attach ~~provide~~ an organizational chart marked as **Exhibit C**;

(i) If applicable, ~~provide~~ the name(s) and business address(es) of the Aapplicant's principle and corporate officers in Georgia, if different from those above;

(j) If Aapplicant is a partnership or cooperative, give names and addresses of partners, officers and/or members;

(k) the financial capability information shall include, but is not limited to:

1. a demonstration that the Aapplicant's capital base or other financial resources are sufficient to withstand the business risk, financial risk and absorb losses that might be incurred in providing primarily firm gas service to retail customers. Such demonstration should include lines of credit, letters of credit, or other financial instruments, as well as loans from financial institutions, a parent corporation or affiliate, a subsidiary, or other entity. In the event that start-up costs and expected losses projected during the initial period of operations may require working capital, detailed and comprehensive documentation of the sources of such anticipated working capital shall be provided in hard copy and

electronic format (Excel format with all formulas unlocked). Any and all documentation required by an Aapplicant's lender, line of credit or surety provider shall be included as part of the application;

~~Please include all that applies:~~

i. Credit facilities/Credit Agreements~~: Provide~~ that include the total credit facility dollar amount of the facility and the dollar amount available for use.

ii. Loans/Loan Agreements that ~~: Breakout~~ include a breakdown of the dollar amount(s) of each loan, ~~and~~ the name of the lender, and provide the terms of the loan(s).

iii. Parental Guarantees / Terms of Guarantees~~: Provide~~ that include any parental guarantee as a separate attachment with a dollar amount, if any, and any written terms. A **sworn statement** must be signed by a corporate officer of the parent company affirming the parental guarantee.

iv. ~~Actual~~ The Applicant shall provide Bank Statements generated by the Applicant's bank ~~: that include~~that are no more than 30 days old prior to the filing date of the application.

v. Other Liquid Assets / List of Assets

2. a sworn statement that the Applicant has met or has the ability to meet the creditworthiness standards of the interstate pipelines serving the State of Georgia and the Commission-approved creditworthiness standards, and the EDC's credit-worthiness standarnds, and the ~~A sworn statement, as to whether the~~ Applicant has been or is currently participating in discussions with the EDC and/or interstate pipeline regarding the Applicant's creditworthiness~~:~~.; ~~The Applicant shall provide a sworn statement that it can meet the creditworthiness standards;~~

3. An explanation of how the Applicant's financial backing, plans and resources provide the requisite support for the implementation of the business/marketing plans for providing primarily firm gas service to retail customers, including a **36-month breakeven analysis in electronic ~~format in~~ Excel format with all formulas unlocked, demonstrating projected customer growth, gas volumes in therms, revenues, costs, expenses, and net income.** Any and all documentation required by ~~the an~~ Applicant's lender, line of credit or surety provider shall be included. The breakeven analysis must include monthly projections for customers and gas load in therms.

~~2. an explanation of how the applicant's financial backing, plans and resources provide the requisite support for the implementation of the business/marketing plans for providing primarily firm gas service to retail customers, including a breakeven analysis in electronic format (Excel format with all formulas unlocked) demonstrating projected customer growth, revenues, costs, expenses, and net income;~~

4. Aapplicant's credit rating and/or bond rating made by a national rating agency. If such rating is not available, or is not equivalent to or greater than a rating of BBB- (Standard and Poor's scale) or a rating of Baa3 (Moody's scale)~~, the applicant shall submit any financial support agreements between the applicant and its parent or other affiliate, documentation of the applicant's access to lines of credit, or agreements between the applicant and other parties to provide financial support~~;

5. the audited financial statements (balance sheets, income statements, and cash flow statements) of the Aapplicant for the last three (3) years; if audited financial statements are unavailable, then unaudited financial statements supported by the sworn statement~~certification~~ of an officer, general partner, or managing agent will be accepted. If a parent corporation, Aapplicant affiliate or other entity will support the Aapplicant, the parent corporation, affiliate or other entity's audited financial statements for the last three (3) years should be provided;~~.~~

6. ~~6.~~ the most recent annual reports filed with the stockholders and the Securities and Exchange commission (Form 10K/Form 10Q) if Aapplicant and/or parent corporation is a publicly held company;~~.~~

~~5.~~7. detailed pro forma balance sheets, income statements and statements of cash flow for the next three (3) years for the Applicant as well as the Applicant's business and marketing plans for the certificated area of service in Georgia;

~~9.~~8.~~8.~~ the details of any unconditional purchase obligations that require payments by the Aapplicant in future periods;

~~10.~~9. ~~9.~~ a schedule of the Aapplicant's non-cancelable operating lease commitments;

~~11.~~10. ~~10.~~ the schedules detailing the Aapplicant's long-term debt and available credit facilities, including installments due on long-term debt; for five (5) years following the date of this application;

~~12.~~11. ~~11.~~ the details of any joint ventures or general partnership agreements between the Aapplicant and other parties;

~~14.~~12. ~~12.~~ the information as to whether an estimated claim from a loss contingency has been accrued by a charge to income as it relates to any pending or known litigation or actual claims;

~~15.~~13. ~~13.~~ the management's plan for dealing with matters relating to an Aapplicant's ability to continue as a going concern;

~~13.~~

~~17.~~14. ~~14.~~ the Aapplicant's plan to provide for funds to be held in escrow by an independent third party in the event that prepaid services are to be offered or deposits are required; ~~and~~

~~19.~~15. ~~15. any other information that the Aapplicant believe is relevant to the evaluation of its financial capability.~~ If the Applicant hasd any of the following conditions or events in the past ten (10) years or anticipates any of the following conditions or events within the next twelve months, ~~please provide~~ the Applicant's plans (with respect to the Applicant's ability to continue as a going concern) for dealing with any of the following conditions or events:~~.~~

(i) Recurring operating losses.;

(ii) Working capital deficiencies;

(iii) Negative cash flows from operating activities;.

(iv) Denial of credit from suppliers;.

(v) Restructuring of debt;.

(vi) Need to dispose of substantial assets;.

(vii) Substantial dependence on the success of a particular project;.

(viii) Uneconomic long-term commitments;.

(ix) Need to significantly revise operations;

(x) Legal proceedings, legislation or similar matters that might jeopardize the Applicant's ability to continue operations;.

(xi) Loss of a key franchise;

(xii) Loss of a certificate of authority to provide natural gas or electricity in another jurisdiction;.

(xiii) Loss of a principal or key customer or supplier;. or

(xiv) Loss of principal or key management or technical personnel.

16. any other information that the Applicant believes is relevant to the evaluation of its financial capability.

(l) the technical information shall include, but is not limited to:

1. the names, current business address(es), and principal place(s) of business of employees that will direct the Georgia operations, including an employee of the Aapplicant that will serve as a contact person for the Commission;

2. in the past ten (10) years, the information as to whether certificates of authority for the sale of natural gas have ever been issued by any other state(s) and whether such certificates are current. An Aapplicant shall also disclose to the Commission whether any application for certification has ever been denied and whether any certificate of authority issued to it or an affiliate has ever been suspended, revoked, modified, or sanctioned;

3. a list of the Aapplicant's comparable gas marketing activities by jurisdiction, to include the name of the companies with annual sales revenueswith quantification of annual sales, volumes of gas in therms or other measures of activity;

4. select the delivery group(s) that the Aapplicant seeks to serve;

5. Select the customer classes the Applicant seeks to serve: residential, commercial, and/or industrial;

6. The Applicant's forecast of estimated or anticipated gas supply and capacity needed to serve the Georgia market based upon the Applicant's marketing strategy to acquire customers, as well as limitations, if any, on gas supply. This data and can be included in the 36-month breakeven analysis located in 515-7-3-.03(2)(k)(2). This may include providing Staff and Consumers' Utility Counsel access to applicable gas supply and capacity contracts. If applicable, these items may be filed pursuant to Commission Rule 515-3-1-.11 as trade secret material;

~~6. the applicant's forecast of estimated or anticipated gas supply and capacity needed to serve the Georgia market based upon the applicant's marketing strategy to acquire customers, as well as limitations, on gas supply. This may include providing Staff access to applicable supply and capacity contracts. If applicable, these items may be filed pursuant to Commission Rule 515-3-1-.11 as trade secret material;~~

7. a list of all current contracts with interstate pipelines that the Aapplicant may use in conjunction with or in lieu of those provided by the EDC upon acquisition of market share in the respective delivery groups. If applicable, these items may be filed pursuant to Commission Rule 515-3-1-.11 as trade secret material;

8. a detailed description of the tools, strategy, and/or other information that the Aapplicant will utilize to mitigate natural gas price volatility;

9. a detailed description of the Aapplicant's natural gas purchasing strategy for the various customer classes (fixed, variable, commercial, etc);

10. a projection of the percentage of base load, seasonal, and spot gas supply contract the Aapplicant plans to utilize in its operations. Please The Applicant shall provide an explanation for the projected amounts;

11. a detailed description of the Aapplicant's contingency plan to provide gas to firm customers in the event that a supply disruption occurs;

12. the detailed procedures that will be employed by the Aapplicant in a gas-related emergency (i.e., force majeure, interstate capacity limitation);

~~13. sworn documentation that the applicant has met or has the ability to meet the creditworthiness standards of the interstate pipelines serving the State of Georgia and the Commission-approved creditworthiness standards of the applicable EDC. This documentation may include evidence that the applicant has been or is in discussions with the EDC and/or interstate pipeline regarding the applicant's creditworthiness;~~

~~14. a statement disclosing any existing, pending or past adverse rulings, judgments, litigation, contingent liabilities, revocations of authority, administrative regulatory investigations (i.e., FERC, SEC), and any other matters relating to the financial or operational status for the past three (3) years that materially affect current financial or operational status;~~

~~15.~~13. a detailed description of the Aapplicant's operating experience and qualifications of principal management employees involved in the day-to-day activities of the entity's operation in Georgia;

~~16.~~14. the proposed terms of service as required by Chapter 515-7-9 of the Commission Utility Rules;

~~17.~~15. the rules for contracting with firm customers as referenced in O.C.G.A. §§ 46-4-153(a)(2)(C), 46-4-158.2, 46-4-158.3, 46-4-160(a), 46-4-160(h), 46-4-160(i), 46-4-160(j), and 46-4-160(k), and Commission Utility Rules Chapter 515-7-6;

(i) the rules for contracting with firm customers shall include, but are not limited to:

(I) the bills and contracts must be written in clear and plain language;~~.~~

(II) the bills must contain sufficient information to allow customers to verify the accuracy of their bills;~~.~~

(III) the pricing structure must be clearly explained, including any late fees or interest charges;~~.~~

(IV) the contract term must be specified along with any termination rights;~~.~~

I. the firm customers must be allowed to cancel their contract without penalty within 72 hours of signing it.

II. the firm customer must be given the right to cancel their fixed rate contract with their current marketer without an exit fee only if they relocate to a different delivery group and a fixed rate is not offered by their current marketer in the new delivery group. However, if the customer refuses to continue the term of their current fixed rate contract with their current marketer, an exit fee may be charged.

(V) the bill must include the EDC's 24-hour emergency telephone number;~~.~~

(VI) the EDC's active customer account number must be placed on each bill; and~~.~~

(VII) the bill must comply with all requirements of Commission Rules that specifically address marketer billing practices and marketer bills.

(ii) the A~~a~~pplicant acknowledges that it must comply with federal telemarketing rules and Georgia consumer protection laws.

~~18.~~16. the A~~a~~pplicant's plan to provide for funds to be held in escrow by an independent third party in the event that prepaid services are to be offered or deposits are required;

~~19.~~17. a statement as to whether day-to-day operations such as gas procurement, nominations and planning will be provided by in house personnel or will be contracted for by a third party; and

~~20.~~18. any other information that the A~~a~~pplicant believes is relevant to the evaluation of its technical capability.

(m) ~~Additional required disclosures shall include~~Legal disclosures shall include, but are not limited to:

1. ~~Has the Applicant, any~~ a statement, to include supporting documentation, as to whether the Applicant, the Applicant's ~~of its~~ officers and/or its directors, partners, ~~owners,~~ or employees in managerial positions, ~~that~~who have declared bankruptcy or had a civil judgment rendered against it/him/her in the past ten (10) years~~? If yes, please provide certified copies of the legal disposition papers.~~;

2. ~~Has the~~a statement, to include supporting certified copies of dispositions, as to whether the Applicant, ~~or~~ any of its officers and/or ~~its~~ directors, partners, or employees in managerial positions who have been fined and/or found guilty/liable by a s~~S~~tate public service commission, or other s~~S~~tate or f~~F~~ederal court or agency, for any violations in the past ten (10) years. ~~please provide certified copies of the legal disposition papers;.~~

3. ~~Has the~~a statement, to include supporting certified copies of legal dispositions, as to whether the Applicant, ~~or~~ any of its officers and/or its directors, partners, or employees in managerial positions who have been fined and/or found guilty/liable by a State public service commission, or other State or Federal court or agency, for predatory marketing practices in the past ten (10) years, whether such marketing practices were managed in-house or by an outside third-party.~~?~~ ~~If yes, please provide certified copies of the legal disposition papers.~~

4. ~~Has~~a statement as to whether the Applicant, ~~or~~ any of its officers and/or its directors, partners, or employees in managerial positions who have entered into a settlement agreement or been fined or found liable by a s~~S~~tate public service commission, or other s~~S~~tate or f~~F~~ederal court or agency, for any violations in the past ten (10) years; and~~.~~ ~~If yes, please discuss in detail.~~

~~a statement disclosing any existing, pending or past adverse rulings, judgments, litigation, contingent liabilities, revocations of authority, administrative regulatory investigations (i.e., FERC, SEC), and any other matters relating to the financial or operational status for the past three (3) years that materially affect current financial or operational status;~~

~~a statement disclosing whether an applicant, applicant's officers, directors, and/or any other individuals listed on an application have entered into a settlement agreement or been fined or found liable by a state public service commission or other state or federal court or agency, for any violations in the past ten (10) years; and~~

~~1. a statement disclosing whether an applicant's officers, directors, and/or any other individuals listed on an application have been convicted or pleaded guilty or nolo contendere to any misdemeanor or felony crimes of~~

~~moral turpitude in this state, another state or territory of the United States, or under federal law in the past ten (10) years.~~

5. ~~For the past 10 years,~~ a statement disclosing any existing, pending or past adverse rulings, judgments, litigation, contingent liabilities, revocations of authority, administrative regulatory investigations (i.e., FERC, SEC) related to the Applicant, ~~or~~ any of its officers and/or its directors, partners, owners, or employees in managerial positions for the past ten (10) years. ~~and any other matters relating to the financial or operational status for the past three (3) years that materially affect current financial or operational status;~~

(3)~~.~~ Applicants that are EMC gas affiliates ~~must~~shall provide ~~the following~~, but are not limited to, the following:

(a) In addition to providing the information set forth in its Utility Rule 515-7-3-.03(2), an A~~a~~pplicant that is an EMC gas affiliate shall include with its application for a certificate of authority proposed terms and conditions to govern the relationship between the electric membership corporation and its EMC gas affiliate as contemplated in O.C.G.A. § 46-4-153.~~1.~~

(b) As proposed, these terms and conditions shall be designed to prevent cross-subsidization between the provision of electricity and the provision of natural gas services, to encourage and promote fair competition in the overall retail natural gas market, and to protect the privacy of both electric and natural gas consumers.

(c) The order subsequently issued by the Commission in response to the EMC gas affiliate's application shall meet the objectives set forth in O.C.G.A. § 46-4-153.1, as well as such other requirements the Commission shall determine are necessary to protect electric and natural gas consumers and promote competition.

(d) To ensure that cross-subsidizations do not occur between the electricity services of an electric membership corporation and the gas activities of its gas affiliate, the terms and conditions ordered by the Commission shall provide that each electric membership corporation having a gas affiliate shall:

1. Fully allocate all electricity activities costs and gas activities costs, including costs for any shared services, between the electric membership corporation's electricity activities and the gas activities of its gas affiliate, in accordance with the applicable uniform system of accounts and generally accepted accounting principles, as applicable;

2. Develop and maintain a cost allocation manual, approved by the Commission, describing the electric membership corporation's methods of cost allocation and such other information and policies reasonably required by the Commission to ensure compliance with Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated and the terms and conditions ordered by the Commission. Such manual shall:

(i) Establish rules for the pricing of transactions between an electric membership corporation and its gas affiliate, including the transfer of assets between the two, which rules shall provide that any transfer of assets shall be the greater between market rates or book value;

(ii) Provide that any loans from the electric membership corporation to its gas affiliate shall be at market rates, shall not reflect rates which are generally available through the use of any tax exempt financing, and may not be tied to any loans from the federal or state government;

(iii) Require the electric membership corporation and its gas affiliate to maintain separate books of accounts and records which shall, subject to the Commission's rules for treatment of trade secrets, be subject to production and inspection by the Commission for the sole purpose of confirming compliance with this article, the cost allocation manual, and the terms and conditions of the gas affiliate's certificate; and

(iv) Require the annual filing of a statement with the Commission certifying the compliance by the electric membership corporation and its gas affiliate with the approved cost allocation manual, which annual filing shall itemize financial summary information in the form of Federal Energy Regulatory Commission (FERC) account codes as requested by the Commission Staff.

3. Not charge any costs of the gas affiliate to the electricity customers of the electric membership corporation.

(e) To protect customer privacy and prevent the misuse of customer information, the terms and conditions ordered by the Commission shall provide that no electric membership corporation shall release any proprietary customer information to its gas affiliate without obtaining prior verifiable authorization from the customer, as determined in accordance with rules established by the Commission.

(f) The Commission may require that any customer service that an electric membership corporation provides to its gas affiliate be offered to all marketers at the same rate and on the same terms and conditions as provided to the gas affiliate. Any such services

provided to the gas affiliate or marketers must be on a strictly confidential basis, such that the electric membership corporation does not share information regarding one marketer with any other marketer, including an EMC gas affiliate.

(g) The terms and conditions shall accommodate the organizational structures of electric membership corporations.

(h) To assure separate but coordinating governance of an electric membership corporation and its gas affiliate, the terms and conditions shall prohibit more than one half of the persons serving as members of the board of directors of a gas affiliate from at the same time serving on the board of directors of an electric membership corporation.

(i) The Commission shall make accommodation for the specific legal requirements imposed by state or federal laws applicable to electric membership corporations and other cooperatives.

(4) Any information that the Aapplicant deems to be proprietary or confidential may be filed pursuant to Commission Rule Chapter 515-3-1-.11, Trade Secrets.

(5) An Aapplicant shall submit to the Executive Secretary of the Commission the number of copies indicated on the application form. The original, signed by the Aapplicant, must accompany the copies. Failure to provide the appropriate number of copies or the signed original will result in the rejection and return of the application.

(6) Any application that is deemed to be incomplete after it is filed with the Commission shall not be considered until such time as all of the information requested therein has been furnished. The sixty (60) day time frame during which the Commission is charged with conducting a public hearing or hearings on an application shall not commence unless and until a completed application has been submitted by the Aapplicant. The Commission shall provide the Aapplicant with a notification within fifteen (15) days after filing whether said application is deemed to be complete, or, if incomplete, what information is lacking. The Commission shall notify the Aapplicant no later than fifteen (15) days following its receipt of any additional information whether such information is sufficient to regard the application as complete. If the additional information is not sufficient, the notification sent to the Aapplicant by the Commission shall include a specific statement detailing the information that must be clarified or which otherwise does not adequately respond to the original request.

(7) The Commission shall deem an application to be withdrawn if the Aapplicant fails to furnish any information requested in a notice of incompleteness within fifteen (15) business days after the date on which the request for additional information was issued.

(8) A certificate of authority may not be transferred, assigned, or leased except upon application to and approval by the Commission.

*****

The Commission adopted the foregoing Notice of Proposed Rule Making at its Administrative Session held at **10:00 a.m. on Thursday, July 20, 2023**, at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334.

All interested parties who desire to do so may submit comments, data, views, arguments, or any other relevant matters in writing to the Commission concerning the proposed Rules. Such written material must be delivered to the Commission by no later than **4:00 p.m. on Friday, August 18, 2023**. The Commission requests that, where possible, comments include specific proposed edits to the Rules.

Any written materials are to be filed with:

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

All persons interested in presenting views or arguments orally should present a written request for an oral hearing by **Friday August 18, 2023**. If by **Friday August 18, 2023**, twenty-five (25) persons who will be directly affected by the proposed Rules request an oral hearing, or if a government subdivision or an association having not less than twenty-five (25) members request an oral hearing, then oral comments and remarks may, in the Commission's discretion, be received by its members at its office at the time and place set for the Commission's consideration of the rules as delineated above. Otherwise, the Commission shall consider only those written comments filed in accordance with the provisions of this notice. If such requests are made, Oral Arguments will be set on **Thursday, September 14**, following committees.

The authority for adoption of these Rules is found in O.C.G.A. § 46-2-30. Upon request by any interested parties either prior to the exception of the Rules or within thirty (30) days thereafter, pursuant to O.C.G.A. § 50-13-4(a)(2), the Commission shall issue a concise statement of the principal reasons for and against adoption of the Rules and incorporating the reasons for overruling the consideration, if any, urged against their adoption.

*****

WHEREFORE IT IS ORDERED, that the Commission hereby adopts the foregoing amended rules concerning natural gas certificates of authority.

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

ORDERED FURTHER, that a motion for reconsideration, rehearing or oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

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

Sallie Tanner
Executive Secretary

8-1-23
Date

Jason Shaw
Chairman

8-1-23
Date