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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

DOCKET NO. 29849
PROCEDURAL AND SCHEDULING ORDER

IN RE: **Georgia Power Company's Application to Adjust Rates to Include Reasonable and Prudent Plant Vogtle Units 3 and 4 Costs**

In its January 11, 2018 Order in the 17th Vogtle Construction Monitoring ("VCM") proceeding, Docket No. 29849, the Commission determined that upon reaching fuel load of Unit 4, the Company may make a filing with the Commission to determine the adjustment to retail base rates necessary to include the Unit 4 costs, as well as the remaining Unit 3 and Common costs, into retail base rates. During this review, the Commission will determine the remaining issues pertaining to prudence and reasonableness of Units 3 and 4 costs. Such rate adjustment will be effective the first month after Unit 4 reaches Commercially Operation.

The Commission hereby issues this Procedural and Scheduling Order for the purpose of considering Georgia Power's application to recover additional costs in retail base rates consistent with Georgia law and prior orders of this Commission.

Background

i. Certification

In Docket No. 27800, Georgia Power Company ("Company") filed an application on August 1, 2008 for the Certification of Units 3 and 4 at Plant Vogtle and Updated Integrated Resource Plan ("Application"). In its Application, the Company sought

Commission approval of its addition of Units 3 and 4 at Plant Vogtle ("Vogtle Units 3 and 4" or the "Project"). In its Amended Certification Order, the Commission approved the Company's application for the certification of Vogtle Units 3 and 4 at an in-service cost of $6.447 billion[1] as modified by a Stipulation between the Commission Public Interest Advocacy Staff ("PIA Staff") and the Company (the "Stipulation"). The approved schedule provided that Unit 3 would be online by April 1, 2016, and Unit 4 by April 1, 2017.

Paragraph 2(c) of the Stipulation required the Company to file semi-annual monitoring reports with the Commission as provided by O.C.G.A. § 46-3A-7(b). Such semi-annual monitoring reports were to include any proposed revisions in the cost estimates, construction schedule, or project configuration, as well as a report of actual costs incurred in the period covered by the report.

ii. Construction Monitoring

Prior to the First VCM, in agreement with the Company, PIA Staff established a separate monitoring docket in Docket No. 29849. The Commission order from the First VCM adopted a stipulation between PIA Staff and the Company that, in part, revised the certificated Project cost downward to reflect Construction Work In-Progress. The ordered certificated amount for the Project as reflected in paragraph 4 was revised to $6.113 billion dollars.[2] Of that $6.113 billion, $4.418 billion was the forecasted construction costs and $1.695 billion was the forecasted financing costs.

In VCM 8, the Company requested an amendment to the Vogtle 3 and 4 Certificate to reflect an updated forecast of the schedule and cost to complete. Staff and the Company reached a Stipulation that the requested amendment, and any future requests to increase the certified cost, would be held in abeyance. The Stipulation further provided in Paragraph 7 that:

> In order to preserve issues that could be raised by Staff in VCM 8 or in subsequent VCM periods, the Company agrees that, if the Commission subsequently makes a finding of fraud, concealment, failure to disclose a material fact, imprudence, or criminal misconduct in the Vogtle construction, the Commission has the authority to disallow associated financing costs and replacement fuel costs. In the event that such financing costs or replacement fuel costs have already been recovered by the Company from customers, the Company shall credit such costs back to the benefit of customers in a manner to be determined by the Commission.[3]

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[1] The assumption at certification was that financing costs were capitalized during construction and recovered after the Units would be placed in service.

[2] A change in Georgia law allowed the Company to collect financing cost as incurred during construction and resulted in a decrease in financing cost and certified cost.

[3] Similar language on financing costs can be found in various NCCR Orders in Docket 32539. For example, the NCCR-11 Order, page 2, provides: "In the event the Commission subsequently makes a finding of fraud, concealment, failure to disclose a material fact, imprudence, criminal misconduct, or, if costs exceed the certified amount, unreasonableness in the Vogtle construction,

In VCM 12, the Company filed another certificate amendment request to reflect additional schedule delays and cost increases. Pursuant to the VCM 8 Stipulation that request was also held in abeyance and deemed withdrawn for purposes of the statutory deadlines.[4]

On January 21, 2016, Georgia Power Company filed an Application for Review and Approval of the Definitive Settlement Agreement for Plant Vogtle Units 3 and 4 and Amendment 7 to the Engineering, Procurement and Construction Agreement. In that Application, the Company requested "that the Commission review and approve the Definitive Settlement Agreement and Amendment 7 to the EPC Agreement as prudent and reasonable and in the best interest of the Company's customers."[5] The Definitive Settlement Agreement resulted in an additional cost increase for the Project. In response to the Company's Application, PIA Staff argued that the Application was automatically held in abeyance pursuant to the terms of the Stipulation between PIA Staff and the Company approved in VCM 8.

In lieu of considering the Company's request, the Commission instead created the Supplemental Information Review ("SIR") process.[6] The SIR was then resolved in a Stipulation between PIA Staff and the Company adopted by the Commission on January 3, 2017. Among other things, the SIR Stipulation provided that:

> None of the costs that were incurred, verified and approved through the 14th Vogtle Construction Monitoring Report should be disallowed from rate base on the basis of imprudence as specified in O.C.G.A. § 46-3A-7. Should any system, structure, or component, or portion thereof, included in such costs not perform as required or specified in the design documents, or not meet any NRC requirement, and subsequently delays commercial operation of the Unit(s) as defined in this stipulation, the Commission expressly reserves its right to review and disallow any cost and or schedule impacts of such deficiency.[7]

A total of $3.509 billion in construction costs had been incurred, verified and approved through VCM 14. This $3.509 billion included costs related to Unit 3, Unit 4, and Common facilities.

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the Commission has the authority to disallow associated financing costs. In the event that such financing costs have already been recovered by the Company from customers, the Company shall credit such costs back to the benefit of customers in a manner to be determined by the Commission." PIA Staff and the Company have also recognized in Fuel Cost Recovery Proceedings that this prudency review proceeding is the proper forum to consider fuel costs associated with the Vogtle Units 3 and 4 delays. See Docket 44902, FCR-26 Stipulation, para. 10.

[4] See VCM 12 PSO at pp. 3-5.

[5] Application for Review and Approval of the Definitive Settlement Agreement, page 10.

[6] February 5, 2016 Order Regarding Supplemental Information, Staff Review and Opportunity for Settlement.

[7] SIR Stipulation, para. 1.

The SIR Stipulation also provided that:

> Financing costs on capital dollars that have been verified and approved will be deemed prudent provided they are incurred pursuant to O.C.G.A. § 46-2-25 and this agreement and provided that they are incurred prior to December 31, 2019 for Unit 3 and December 31, 2020 for Unit 4.[8]

In exchange for these concessions by PIA Staff, the Company agreed to couple Units 3 and 4 for ratemaking purposes, providing that "[t]he Project, consisting of both Units 3 and 4, will be placed into retail rate base on December 31, 2020 or upon reaching commercial operation whichever is later."[9] The SIR Stipulation then defined Commercial Operation "as the Unit being fully dispatchable on demand at the stated Net Electrical Output of 1,102 MWe of the Unit."[10]

The SIR Stipulation also provided downward adjustments to the financing costs eligible to be recovered from customers during construction if certain dates were not met; that the Company would continue to bear the burden of proof on prudency and reasonableness above $5.68 billion; and that the certificate will not be amended and that the certified capital cost for purposes of calculating the NCCR will remain at $4.418 billion.

After the Westinghouse bankruptcy in March 2017, the Company filed VCM 17, recommending that the Project continue with a new increased cost and delayed schedules. The Commission in its January 11, 2018, Order in the 17th VCM approved and found reasonable the Company's revised schedule and cost forecast. The approved cost forecast, however, was reduced by the actual amounts of the Toshiba Parent Guaranty applied to the Project's construction work in progress ("CWIP") balance. This placed the approved revised capital cost forecast at $7.3 Billion. This revised cost of $7.3 billion does not include the Project finance costs.

The VCM 17 Order did not deem any additional costs to be prudent and did not change the burdens of proof on prudency set in the SIR. Of the $7.3 billion approved construction cost forecast, only $3.509 billion has been deemed prudent. Construction costs up to $5.68 billion are presumed prudent and the burden of proof to demonstrate imprudence shall be on the party challenging such costs. Construction costs above $5.68 billion are not presumed prudent and the Company retains the burden to show prudency on such costs.

The VCM 17 Order also approved the Company's revised schedule, which included the Company's new expected date of Commercial Operation for Unit 3 of November 2021 and for Unit 4 of November 2022. The 17th VCM Order also partially decoupled Unit 3, providing: "To further incent the Company to complete the Units as safely and quickly as possible, the Commission also finds that upon reaching Commercial Operation of Unit 3,

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[8] SIR Stipulation, para. 8.
[9] SIR Stipulation, para. 12.
[10] SIR Stipulation para. 13.

which is expected to be in November 2021, retail base rates will be adjusted to include the costs related to Unit 3 and Common facilities deemed prudent in the January 3, 2017 Stipulation. This rate adjustment will be effective the first month after Unit 3 is in commercial operation."[11]

For the second quarter of 2018, Georgia Power Company incurred a charge to income of $1.1 billion consisting of an increase in Vogtle forecast construction costs of $694 million and an additional contingency of $366 million.[12] The Company has stated, and continues to affirm, that it will not seek approval of a revised cost estimate for the additional construction costs of $694 million. In addition, the Company will not seek rate recovery of this $694 million and these construction costs shall be borne by stockholders. Above the $7.3 billion, the Company will first expend in total the increase in forecast construction costs of $694 million before charging Project expenditures to the additional contingency of $366 million or any other future forecasted cost increase.[13] The Company has not asked for approval of a revised cost estimate to include the additional forecasted contingency of $366 million at this time; however, it has reserved its right to request approval in a future proceeding. During subsequent VCM periods the Company has incurred additional costs for which it has taken a charge to income but has reserved the right to request approval in a future proceeding. As of the Twenty-eighth VCM reporting period, the amount that the Company has forecast to defer for potential Commission consideration totals $2.1 billion of capital cost.[14] The Company projects it will incur $421 million in deferred financing cost (AFUDC) which Staff expect the Company will seek recovery in this proceeding.[15]

On August 24, 2021, the Commission issued its order in the Twenty-fourth VCM adopting the stipulation filed by Staff and the Company on July 29, 2021. The order addressed the issue of how the Commission should review costs in excess of the approved capital costs of $7.3 billion previously "deemed reasonable" in the Commission's Order on the Company's Seventeenth VCM Report.

The Stipulation acknowledged that "Beginning with the VCM 25 reporting period (January 1, 2021 through June 30, 2021), the Project has exceeded the $7.3 billion capital cost forecast previously 'deemed reasonable' by its VCM 17 Order."[16]

The VCM 24 Stipulation states that for future VCM proceedings starting with VCM 25, the Company will continue reporting on the progress and cost of Plant Vogtle Units 3 and 4 and that the semi-annual construction monitoring process will continue through completion of the Project, however, "it is no longer appropriate for the Commission to verify and approve the dollars invested in the Project during the VCM 25 reporting period or in subsequent VCM reporting periods prior to the conclusion of the prudence review

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[11] VCM 17 Order, page 14, para. 8.
[12] Georgia Power Security Exchange Commission 10-Q filing for second quarter 2018. Pages 74 and 78.
[13] VCM 19 PSO, pages 2-3. See also VCM 24 Stipulation para. 5.
[14] Please refer to Table 1.1 of the Company's 28th VCM Report.
[15] Georgia Power Company VCM 28 Report. Table 1.1 Page 9.
[16] VCM 24 Stipulation, Para. 3.

contemplated by the VCM 17 Order" since the Company has exceeded the approved revised capital cost of $7.3 billion. Further, it provided that the Commission will review costs above $7.3 billion without making determinations as to reasonableness or prudency and the Company will not seek verification and approval of such costs prior to the prudence review contemplated by the VCM 17 Order.[17] The parties also agreed that "Commission review of Project expenditures above $7.3 billion does not in any way constitute verification of such costs as contemplated by O.C.G.A. § 46-3A-7(c)."[18]

iii. Proceeding to Include Certain Unit 3 Costs in Rates

On May 20, 2021, the Commission issued a PSO in Docket No. 43838 for the purpose of approving Georgia Power's rate adjustment filing related to the Unit 3 and Common facility costs portion of the $3.569 billion previously deemed prudent in the SIR Stipulation.

On November 11, 2021, the Commission approved a Stipulation between PIA Staff and the Company agreeing that $2.100 billion of the $3.569 billion would be allocated to Unit 3 and Common. PIA Staff and the Company further agreed that none of the $1.493 billion in Toshiba Parental Guarantee funds will be used to offset imprudently incurrent costs. Stipulation, para 2.

The Stipulation also provides in paragraph 5 that if Unit 3 materially deviates from its expected performance:

> the Commission has the right to review the Operating and Maintenance (O&M) expenses embedded in the tariffs for Unit 3 and Common and Georgia Power shall have the burden to prove during the Prudency Review that any outage or derating that resulted in lower than anticipated electricity production by Unit 3 was not the result of unreasonable or imprudent construction, testing or startup activities. If the Company does not meet this burden, the Commission shall be authorized to order the Company to credit an amount of O&M costs determined to be appropriate by the Commission back to the benefit of customers in a manner to be determined by the Commission.

PIA Staff and the Company also agreed in paragraph 7 that each party reserved the right to make any arguments in the prudency review regarding what process will be used to determine that Unit 4 is "fully dispatchable on demand at the stated Net Electrical Output of 1,102 MWe" as that term is used in the SIR Stipulation.

This Proceeding to Add Vogtle Units 3 and 4 Costs to Rate Base and to Adjust Rates

[17] VCM 24 Stipulation, Para. 6.
[18] VCM 24 Stipulation, Para. 7.

Georgia Power Company may submit its application to adjust rates, including its direct testimony and the Minimum Filing Requirements described below, upon reaching fuel load of Unit 4, with all proposed rate changes to become effective the first month after Unit 4 is in Commercial Operation.

Pursuant to O.C.G.A. § 50-13-13, this proceeding shall be considered a contested case. As such, the Commission hereby designates the following staff members to act as Public Interest Advocacy Staff ("PIA Staff") in this proceeding:

Steve Roetger
Tom Newsome
Robert Trokey
Shemetha Jones
Chesley Dix
Jason Forsythe
Joseph Schneider
Preston Thomas
Ginny Davis
Charles Thimmesch
Andrew McClintock

PIA Staff shall be responsible for performing an independent evaluation of the filed case from the standpoint of promoting the public interest and just and reasonable rates and advocating for that position. PIA Staff is considered a party to the case and may negotiate settlements with other parties, in the public interest.

The Commission hereby designates the following Staff members to act as Commissioner Advisory Staff in this proceeding:

Nancy Gibson
Blair Fink
George Brown
William Threatt
Nijah James
Ray-Kelle Preston

The Commissioner Advisory Staff shall not be a party to this case but shall act as a technical advisor to the Commissioners and shall make its recommendation to the Commission based exclusively on its own independent evaluation of the facts contained in the record. No member of the Commissioner Advisory Staff may engage in *ex parte* discussions regarding the pending contested case with any other party, including PIA Staff.

This proceeding also shall be deemed "complex litigation" as that phrase is used in O.C.G.A. § 9-11-33(a). Discovery procedures shall apply accordingly. The Commission

authorizes the Staff to issue discovery pursuant to O.C.G.A. § 46-2-57(a). PIA 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.

An original and fifteen (15) copies of all filings, including direct testimony, rebuttal testimony, briefs and proposed orders, shall be accompanied by an electronic version of the filing that shall be made on a CD using Microsoft Word® format for text documents and Excel® for spread sheets. Under no circumstances should any electronic filing consist of more than four (4) files, including attachments. This filing shall be made at the office of the Executive Secretary, Georgia Public Service Commission, 244 Washington St., SW, Atlanta, Georgia 30334-5701.

The Commission finds that it is appropriate and administratively convenient to hold hearings and proceedings in this docket. Pursuant to the Commission's Utility Rule 515-2-1-.04, GPC is directed to give first notice of the proceedings in this case not later than October 6, 2023.

All hearings in this case shall take place in the Commission's hearing room on the first floor of the Commission offices located at 244 Washington Street, as directed by the Chairman of the Commission.

PART I. HEARING SCHEDULE AND FILING DATES

August 30, 2023

Georgia Power Company filed its application to Adjust Rates to Include Reasonable and Prudent Plant Vogtle Units 3 and 4 Costs.

September 8, 2023

Consistent with this Order, Georgia Power Company shall file its direct testimony supporting its application and the Minimum Filing Requirements set forth below, by 4:00pm.

October 27, 2023

PIA Staff and Intervenors shall file separate direct testimony with the Commission by 4:00 p.m.

November 16, 2023

Georgia Power may file rebuttal testimony no later than 4:00 p.m. in response to the direct testimony of PIA Staff's and Intervenors' witnesses.

December 4-6, 2023

Beginning at 9:30 a.m. on December 4, 2023, the Commission will convene the hearing in this matter. The Commission will hear applications to intervene, any objections thereto, and any appropriate motions concerning the pre-filed testimony in this proceeding. Following these motions, the Commission will conduct hearings on Georgia Power's direct testimony. Immediately following hearings on Georgia Power's direct testimony, the Commission will commence with hearings on PIA Staff and Intervenors' direct testimony.

Thereafter, the Commission will hear any rebuttal testimony filed by Georgia Power. In the event that all of the testimony is not heard on December 4, 2023, hearings will continue as necessary on December 5, 2023, commencing immediately after the 9:30 a.m. Administrative Session, and on December 6, 2023, commencing at 9:30 a.m.

December 11, 2023

All briefs and proposed Orders are to be filed with the Commission by 4:00 p.m.

December 14, 2023

The Commission will hear from parties at 9:30 a.m. at its regularly scheduled Energy Committee.

December 19, 2023

The Commission shall render a final decision in this proceeding during the Commission's regularly scheduled Administrative Session beginning at 9:30 a.m.

PART II. Minimum Filing Requirements for the Company's Application

The Minimum Filing Requirements ("MFRs") are attached hereto as Attachment A. All schedules and workpapers in the MFRs, as well as all other analyses, workpapers, and source documents relied on for assumptions and inputs on the schedules and workpapers in the MFRs shall be provided electronically with all formulas and calculations intact.

PART III. INTERVENTION AND HEARING PROCEDURES

The following are procedures to which the parties should adhere with respect to this docket.

1. Intervention

Applications to intervene and Commission approval thereof are governed by O.C.G.A. § 46-2-59 and the Commission's Utility Rule 515-2-1-.06.

Intervention Period

(a) Any person or party, on whom a statute does not confer an unconditional right to intervene, must file an application for leave to intervene within 30 days following the first published notice of the proceeding.

Application Requirements

(b) In addition to the requirements prescribed by O.C.G.A. § 46-2-59 for applications for leave to intervene, the application must (1) identify other intervening parties or intervening party applications whose interest is similar to that of the applicant, along with an explanation of why the identified intervening party 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. Each application for leave to intervene shall also contain a valid email address for the intervening party.

Each applicant shall submit an original and fifteen (15) copies of its application to intervene to the Commission, addressed to the Executive Secretary, Ms. Sallie Tanner, 244 Washington Street S.W., Atlanta, Georgia 30334-5701.

In addition, each applicant shall submit a copy of its application to the Georgia Power Company and all other parties who have applied to intervene, and submit a Certificate of Service to the Commission certifying that these copies have been served on the other parties. To obtain a list of other applicants that have intervened, contact Ms. Quawanda Boyer, Assistant to Utility Division Director, Georgia Public Service Commission, 244 Washington St., S.W., Atlanta, Georgia 30334-5701, (Telephone Number: (404) 656-0977).

Late Applications for Intervention

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

Rulings on Intervention Applications

(d) The Commission will take up and rule on applications for leave to intervene at the hearing in this docket.

2. Service

Each party has the responsibility to serve copies of any documents filed with the Commission upon each intervenor and intervenor applicant. Furthermore, in the case of documents filed prior to the deadline for intervention established above, copies shall also be served upon each party indicated in the Certificate of Service accompanying this Order.

3. Witnesses' Testimony

(a) Summations of direct testimony will take no longer than 15 minutes or, at the discretion of the Commission, no longer than 30 minutes.

(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 the panel may answer, or cross-examination may be addressed to an individual panel member, in which case that panel member shall give the answer; provided, however, that any other panel member shall be allowed to supplement the answer given.

(g) Motions to strike any portion of pre-filed testimony must be filed at least two days prior to the hearing.

(h) Any individual who presents testimony during this proceeding may not conduct cross examination of other parties.

4. Hearing Exhibits

For the record in all hearings, it shall be the responsibility of the parties sponsoring any hearing exhibits to ensure that the Hearing Reporter, all parties of record, the Commissioners, and the Commissioner Advisory Staff receive copies of the hearing exhibits at the time of introducing the exhibits at the hearings. (Exhibits filed with pre-filed

testimony should already have been provided in fifteen (15) or more copies, as per Commission Rule 515-2-1-.04(3)).

PART IV. LEGAL AUTHORITY AND JURISDICTION

The Commission has general supervisory authority over electric utilities. O.C.G.A. §§ 46-2-20 and 21. The Commission has the exclusive power to determine just and reasonable rates and charges made by Georgia Power Company. O.C.G.A. § 46-2-23(a). The procedure for changing rates is governed by O.C.G.A. § 46-2-25. The Commission has jurisdiction over placing construction costs in base rates. O.C.G.A. § 46-3A-7. The Commission has jurisdiction over financing associated with the construction of a nuclear generating plant which has been certified by the commission prior to January 1, 2018. O.C.G.A. § 46-2-25(c.1). The Commission has jurisdiction over fuel costs. O.C.G.A. § 46-2-26.

PART V. ISSUES INVOLVED

The issues to be addressed in this proceeding include, but are not limited to, the following:

(a) What are the appropriate construction-related costs, including financing costs, owners' costs, ad valorem tax costs, income tax costs, and other amounts that should be added to rate base and reflected in operating expenses?
(b) What are the appropriate operating expenses that should be included in the revenue requirement, including administrative and general expenses, direct and allocated operation and maintenance expenses, depreciation expense, decommissioning expense, ad valorem tax expenses, income tax expenses, and other expenses, and should there be disallowances, adjustments, and/or other limitations on the amounts included in the revenue requirements?
(c) Are the Vogtle Units 3 and 4 construction costs that the Company requests to add to rate base prudent?
(d) Are the Vogtle Units 3 and 4 construction costs that the Company requests to add to rate base reasonable?
(e) Should any of the Vogtle Units 3 and 4 construction costs and associated financing cost which the Company requests to add to rate base be disallowed on the basis of fraud, concealment, failure to disclose a material fact, or criminal misconduct?
(f) Should any of the Vogtle Units 3 and 4 financing costs be disallowed? To the extent any such financing costs have already been recovered from customers, in what manner should the Company credit such costs back to the benefit of customers?
(g) Should any of the Vogtle Units 3 and 4 replacement fuel costs be disallowed? To the extent any such replacement fuel costs have already been recovered from customers, in what manner should the Company credit such costs back to the

benefit of customers?(h)What is the appropriate retail base rate adjustment to recover the Vogtle Units 3 and 4 construction costs to be added to rate base? As part of this determination, what is the revenue requirement to be recovered from ratepayers and what is the appropriate rate design for the recovery?
(i)Since Commercial Operation of Unit 3, has Unit 3 materially deviated from its expected performance? If so, has the Company met its burden to prove that any outage or derating that resulted in lower than anticipated electricity production by Unit 3 was not the result of unreasonable or imprudent construction, testing or startup activities? If the Company has not met this burden, what amount of costs should be credited back to the benefit of customers and in what manner?

PART VI. RIGHTS OF PARTIES

The parties have the following rights in connection with this hearing:

(1) To respond to the matters asserted in this document and to present evidence on any relevant issue;
(2) To be represented by counsel at its expense;
(3) To subpoena witnesses through the Commission by filing requests with the Executive Secretary of the Commission; and
(4) Such other rights as are conferred by law and the rules and regulations of the Commission.

PART VII. SPECIALIZED TESTIMONY AND ASSISTANCE

This proceeding is eligible for allocating Construction Monitoring funds for specialized testimony and assistance.

PART VIII. ADMINISTRATIVE NOTICE

The Commission hereby takes administrative notice of the record in Docket Nos. 27800, 32539, and 43838.

WHEREFORE THE COMMISSION ORDERS THAT:

A. The Commission hereby adopts the procedures, schedule and statements regarding the issues set forth within this Procedural and Scheduling Order.

B. 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.

C. 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.

The above by action of the Commission in Administrative Session on the xx day of August, 2023.

Sallie Tanner
Executive Secretary

9-6-23
Date

Jason Shaw
Chairman

9/6/23
Date