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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

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| NORTH GEORGIA EMC, | ) | |
| | ) | |
| Petitioner, | ) | |
| | ) | |
| v. | ) | Docket No. 55200 |
| | ) | |
| CITY OF CALHOUN, | ) | |
| | ) | |
| Respondent. | ) | |

## NOTICE OF HEARING AND SCHEDULING ORDER

The hearing in the above-referenced Georgia Territorial Electric Service Act case before the undersigned hearing officer is scheduled to commence at **10:00 a.m.** on **December 8, 2023**.

## LEGAL AUTHORITY FOR HEARING

This hearing will be held under the authority and jurisdiction conferred upon the Public Service Commission ("Commission") by O.C.G.A. §§ 46-2-50, 46-2-58, 46-2-59, 46-3-13, and 50-13-13, including the Commission's authority to appoint a hearing officer to hear this case and issue an initial or recommended decision subject to Commission review, as well as Commission Utility Rules 515-1-1-.09, 515-2-1-.04, and 515-2-1-.05, et seq.

## PROCEDURES

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

1. **Intervention:**

The Parties to this proceeding are Petitioner North Georgia Electric Membership Corporation ("North Georgia EMC") and Respondent City of Calhoun ("Calhoun"). The following procedures apply to any other person seeking to be a Party to this proceeding:

(a) Any person or party upon whom a statute does not confer an unconditional right to intervene must file an application to intervene within thirty (30) days following the first published notice of the proceedings.

(b) Applications must clearly specify the docket in which the applicant seeks to intervene. In addition to the requirements prescribed in O.C.G.A. § 46-2-59 for applications for leave to intervene, the applicant must: (1) identify other intervening Parties or intervening party applicants whose interests are similar to the applicant along with an explanation of why the identified intervening Parties 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. Any objections to applications must be filed in accordance with O.C.G.A. § 46-2-59(d).

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

(d) The Hearing Officer or Commission will take up and rule on applications for leave to intervene at the first hearing date scheduled in this docket.

2. **Service and Notice of Proceeding:**

In addition to filing an electronic version of a document in accordance with the Alternative Electronic Filing Procedures, as outlined on the Commission's website, before 4:00 P.M. on the date such filing is due, 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 Hearing Officer, all intervenors and Parties of record in this docket via electronic service. Parties must also

submit a hardcopy version of the filing to the Commission in accordance with the Alternative Electronic Filing Procedures.

## 3. Assignment to Hearing Officer

Pursuant to O.C.G.A. § 46-2-58, the Commission has appointed the undersigned Hearing Officer to conduct a hearing in this proceeding and to make findings of fact and conclusions of law and present the same to the Commission in the form of a recommended decision for adoption by the Commission or an initial decision, subject to Commission review and reconsideration upon timely petition by any party.

## 4. Schedule and Filings

At this time, the parties have agreed to forego an evidentiary hearing and instead submit this matter to the Hearing Officer pursuant to stipulated facts, briefs and oral argument according to the schedule set forth below.

**October 6, 2023**

Initial briefs of all parties and any intervenors must be filed, not to exceed 25 pages.

**November 10, 2023**

Response briefs of all parties and any intervenors must be filed, not to exceed 25 pages.

**November 21, 2023**

Optional reply briefs of all parties and any intervenors must be filed, not to exceed 10 pages.

**December 8, 2023**

The Hearing Officer, beginning at 10:00 a.m. on **December 8, 2023**, will conduct a hearing in this proceeding.

## 5. Other Pre-Hearing Procedures

(a) The Parties may stipulate as to any matter of fact and such stipulation will satisfy a party's burden of proving the fact alleged. The Parties are encouraged to reach pre-hearing stipulations which could facilitate the expeditious adjudication of this matter.

(b) No continuances of the Hearing will be granted, except in an order signed by the hearing officer and for good cause shown and only if such continuance will not unduly delay the proceedings. Other deadlines set forth herein may be extended by joint stipulation of the Parties.

(c) Upon the hearing officer's own motion, or at the request of either party, a pre-hearing conference may be scheduled and convened, by the hearing officer to rule on motions and to consider and, where appropriate, issue orders on other preliminary matters which will tend to facilitate the orderly, efficient and expeditious adjudication or other resolution of this matter.

## RIGHTS OF PARTIES

The Parties and permitted intervenors in this proceeding have the following rights in connection with this hearing:

(1) To respond in writing and by appearance at hearing to the matters at issue in this docket;

(2) To be represented by counsel at each party's expense;

(3) To exercise such other rights as are conferred by law and the rules and regulations of the Commission.

## MATTER AT ISSUE

The following matter is at issue in this proceeding and will be decided on the basis of facts and arguments submitted prior to a hearing, and oral argument at the hearing: Whether the City of Calhoun has the right to serve the Michael's Carpet building located at 980 Belwood Road, Calhoun, Georgia, east of I-75.

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**WHEREFORE,** pursuant to the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-13, and in furtherance of the orderly, efficient and expeditious resolution of this matter, **IT IS HEREBY ORDERED** as follows:

A. This Notice of Hearing and Procedural and Scheduling Order shall be served upon all Parties of record via e-mail and shall constitute Notice to the Parties of the ultimate issues to be decided after hearing pursuant to O.C.G.A. § 50-13-13(a). Public notice of this hearing shall be given by the Commission on the Commission Calendar posted on the Commission's website.

B. The Hearing Officer hereby adopts and issues the schedule, procedures, and statements

regarding the issues set forth within this Order.

C. 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.

D. Jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as the Hearing Officer or the Commission may deem just and proper.

**SO ORDERED,** this 21st day of September, 2023.

Nancy Gibson
Hearing Officer

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Notice of Hearing and Scheduling Order** 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

Brad Carver
Attorney at Law
Hall Booth Smith, P.C.
191 Peachtree Street, NE
Suite 2900
Atlanta, GA 30303
BCarver@hallboothsmith.com

Peter K. Floyd
Alston & Bird
One Atlantic Center
1201 West Peachtree Street
Suite 4900
Atlanta, GA 30309-3424
peter.floyd@alston.com

James A. Orr
Lee A. Peifer
Benjamin E. Reed
EVERSHEDS SUTHERLAND (US) LLP
999 Peachtree Street, NE Suite 2300
Atlanta, GA 30309-3996
jamesorr@eversheds-sutherland.com
leepeifer@eversheds-sutherland.com
benreed@eversheds-sutherland.com

Henry C. Tharpe, Jr.
THARPE LAW FIRM, LLC
225 W. King Street
Dalton, GA 30722
htharpe@daltongalaw.com

George P. Govingnon
Calhoun City Attorney
109 North Wall Street
Calhoun, GA 3-703
govignonlawoffice@gmail.com

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

So certified, this 21st day of September 2023.

Nancy Gibson
Hearing Office