

**BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION**

**Georgia Power Company's 2023
Integrated Resource Plan Update**

)
)
)
)

Docket No. 55378

**APPLICATION OF MICROSOFT CORPORATION
FOR LEAVE TO INTERVENE OUT OF TIME**

COMES NOW, Microsoft Corporation (“Microsoft”), pursuant to O.C.G.A. §§50-13-14 and 46-2-59, Commission Utility Rule 515-2-1.06, and the Procedural and Scheduling Order dated November 21, 2023 (“November Order”), files this Application for Leave to Intervene Out of Time in the above-captioned proceeding. In support of this Application, Microsoft respectfully shows the following:

1.

On October 27, 2023, and as amended on January 10, 2024, Georgia Power Company (“Georgia Power”) filed its 2023 Integrated Resource Plan Update setting out actions necessary to meet customers’ forecasted energy requirements. On November 21, 2023, the Commission issued the November Order to direct certain procedures, set the hearing schedule and filing dates, and identify issues to be addressed in the proceeding. On December 4, 2023, in accordance with the November Order and Commission Utility Rule 515-2-1.04(3), Georgia Power provided first notice of the proceedings in the docket (“First Notice”).

2.

Microsoft is a worldwide technology company that constructs, owns, and operates datacenters around the world. Datacenters require a reliable and resilient supply of electric power. These sites' largest operating cost is energy. Microsoft is committed to industry-leading sustainability objectives: (1) by 2025, 100% of Microsoft's energy supply will be 100% renewable for all its operations, and (2) by 2030, 100% of Microsoft's electricity consumption, 100% of the time, will be matched by zero-carbon energy purchases.

Accordingly region-specific electricity rates and the resource mix of power supply portfolios are significant considerations for Microsoft when evaluating possible sites for new facilities and expansions at existing facilities.

3.

As required by Part IV of the November Order and O.C.G.A. § 46-2-59, Microsoft submits that the company has a substantial interest in these proceedings as a large consumer of Georgia Power with particularized needs for electric service, and its interest in this proceeding cannot be adequately represented by any other prospective intervenor or party. Microsoft established its presence in metropolitan Atlanta in 2007, and maintains corporate facilities at Atlantic Yards in West Midtown Atlanta. Microsoft is continuing to grow its presence in the state. In February 2021, Microsoft announced plans for a new datacenter region in Georgia, and is currently building those datacenter facilities in Douglasville, Palmetto, and East Point. Microsoft's investment in these communities supports economic development in Fulton and Douglas counties and Greater Atlanta. In October 2023, Microsoft announced plans to develop a \$1 billion+ datacenter near Rome, further increasing its presence in Georgia. By the end of 2026, Microsoft projects employment of 225 full-time

employees and contractors across all its operational datacenter facilities in the state. As a customer of Georgia Power, the 2023 Integrated Resource Plan Update and the Commission's rulings in this docket may significantly affect future supplies of electric service to Microsoft's facilities that must be considered in conjunction with Microsoft's sustainability commitments. Microsoft is not presently intending to submit direct testimony in these proceedings. Microsoft respectfully requests that the Commission grant Microsoft leave to intervene to participate fully as a party.

4.

Microsoft respectfully requests that the following persons be included on the service list in this proceeding, and that all communications regarding this docket be directed to them:

Kimberly B. Frank
K&L Gates LLP
1601 K Street, N.W.
Washington, DC 20006
(202) 778.9064
kimberly.frank@klgates.com

Tyler Mauldin
Microsoft Corporation
200 17th Street NW
Atlanta, GA 30363
tylermauldin@microsoft.com

5.

Microsoft requests the Commission to grant its intervention out of time. The Commission's November Order directs interested entities to file an application to intervene within 30 days of publication of the First Notice. Georgia Power published First Notice on December 4, 2023, thereby setting January 3, 2024 as the deadline for timely interventions. Microsoft is submitting this Application with a filing date of January 16, 2024, which is 13

days after the deadline. Microsoft respectfully submits that good cause exists to grant its Application for intervention out of time. Microsoft's intervention is at an early stage of proceedings. Microsoft's late intervention will not delay or cause disruption to the proceeding, and no party will be harmed or prejudiced by the grant of this intervention. Microsoft submits that it will accept the record compiled to date.

6.

Wherefore, for the foregoing reasons, Microsoft respectfully requests that the Commission accept Microsoft's intervention out of time in this proceeding.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'KB' followed by a horizontal line.

Kimberly B. Frank
K&L Gates LLP
1601 K Street, N.W.
Washington, DC 20006
Tel: 202.778.9064
kimberly.frank@klgates.com

January 16, 2024

BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

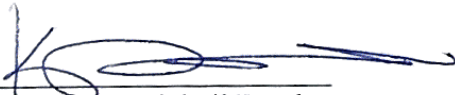
Georgia Power Company's 2023
Integrated Resource Plan Update

)
)
)
)

Docket No. 55378

VERIFICATION

Personally appeared before me the undersigned officer, duly authorized to administer oaths, Kimberly Brickell Frank, who after being duly sworn, deposes and states that she is an attorney authorized by Microsoft Corporation to execute this Verification and that the information contained in the **APPLICATION OF MICROSOFT CORPORATION FOR LEAVE TO INTERVENE OUT OF TIME** is true and correct to the best of her information and belief.



Kimberly Brickell Frank

District of Columbia

Signed and sworn to (or affirmed) before me
on 1/16/2024 by Kimberly Frank



Notary Public
My Commission Expires: 5/31/2025



**BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION**

**Georgia Power Company's 2023
Integrated Resource Plan Update**

)
)
)
)

Docket No. 55378

CERTIFICATE OF SERVICE

I do hereby certify that I have this 16 day of January, 2024 electronically filed with the Georgia Public Service Commission and served the following parties with the foregoing

APPLICATION OF MICROSOFT CORPORATION FOR LEAVE TO INTERVENE

OUT OF TIME, by electronic mail.

/s/ Kimberly Brickell Frank
Kimberly B. Frank
K&L Gates LLP
1601 K Street, N.W.
Washington, DC 20006
Tel: 202.778.9064
kimberly.frank@klgates.com

Service List

Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334
stanner@psc.ga.gov

For the Georgia Public Service Commission:

Preston Thomas
Staff Attorney
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334
pthomas@psc.ga.gov

For Georgia WAND Education Fund, Inc.:

Kimberly Scott
Georgia WAND Education Fund, Inc.,
Executive Director
250 Georgia Ave SE # 202
Atlanta, GA 30312
Main: (404) 524-5999, ext. 102
Direct: (678) 916-6320
Fax: (678) 528-2739
kim@georgiawand.org

For Georgia Power Company:

Steven J. Hewitson
Brandon F. Mazza
Allison W. Pryor
Troutman Pepper Hamilton Sanders LLP
Bank of American Plaza
600 Peachtree St., NE
Suite 3000
Atlanta, GA 30308-2216
Steven.hewitson@troutman.com
Brandon.marzo@troutman.com
Allison.pryor@troutman.com

Cheryl Johnson
Georgia Power Company
241 Ralph McGill, Blvd., N.E.
Atlanta, GA 30308-3374

cljohnson@southernco.com

For Georgia Association of Manufacturers, Inc.:

Charles B. Jones, III
Lloyd Avram
Georgia Association of Manufacturers
The Hurt Building
50 Hurt Plaza, Suite 1620
Atlanta, GA 30303
cjones@gamfg.org
lavram@gamfg.org
404-688-0555

Jeffrey C. Pollock
J. Pollock Incorporated
14323 South Outer 40 Road, Suite 206N
Town and Country, MO 63017-5734
jcp@ipollockinc.com
[314-878-5814](tel:314-878-5814)

For Clean Energy Buyers Association:

Scott F. Dunbar
Partner, Keyes & Fox LLP
1580 Lincoln St., Suite 1105
Denver, CO 80203
(949) 525-6016
sdunbar@keyesfox.com

Alicia Zaloga
Assistant, Keyes & Fox LLP
115 Kildaire Farm Road, Ste. 202-203
Cary, NC 27511
(919) 825-1739
azaloga@keyesfox.com

For Southern Alliance for Clean Energy, Inc.:

Bryan Jacob
Southern Alliance for Clean Energy, Inc.
1455 Hampton Hill Drive
Alpharetta, GA 30022
bryan@cleanenergy.org
770-891-5927

For Georgia Interfaith Power & Light, Inc.:

Jennifer Whitfield
Bob Sherrier
Southern Environmental Law Center
Ten 10th Street NW, Suite 1050
Atlanta, Georgia 30309
404-521-9900
jwhitfield@selcga.org
bsherrier@selcga.org

For Metropolitan Atlanta Rapid Transit Authority:

Kimberly A. Sturm
Weissman PC
One Alliance Center, Fourth Floor
3500 Lenox Road
Atlanta, GA 30326
404-926-4630
kaseys@weissmanlaw.com

Peter J. Andrews
Metropolitan Atlanta Rapid Transit Authority
2424 Piedmont Road, NE
Atlanta, GA 30324
pandrews@itsmarta.com

For Walmart, Inc.:

Stephanie U. Eaton
Carrie H. Grundmann
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
Phone: (336) 631-1062
Fax: (336) 725-4476
seaton@spilmanlaw.com
cgrundmann@spilmanlaw.com

Steven W. Lee
Spilman Thomas & Battle, PLLC
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
Phone: (717) 791-2012
Fax: (717) 795-2743
slee@spilmanlaw.com

For Georgia Center for Energy Solutions, Inc.:

Peter Hubbard
Georgia Center for Energy Solutions
55 Leslie Street SE
Atlanta, GA 30317
peter@georgia-ces.org

For Sierra Club:

Isabella Ariza
Dorothy E. Jaffe
Zachary M. Fabish
Sierra Club
50 F Street NW, 8th Floor
Washington, DC 20001
Isabella.ariza@sierraclub.org
Dorijaffe@sierraclub.org
Zack.fabish@sierraclub.org

Curt Thompson
Thompson & Associates Law Firm, PC
3775 Venture Drive, D100
Duluth, GA 30096
curtbthompson@bellsouth.net
404-643-2649

For Advanced Power Alliance:

William Bradley Carver Sr.
Hall Booth Smith, P.C.
191 Peachtree Street NE
Suite 2900
Atlanta, GA 30303
404-954-5000
bcarver@hallboothsmith.com

For Southern Renewable Energy Association:

Simon Mahan
Southern Renewable Energy Association
11610 Pleasant Ridge Rd., Suite 103 #176
Little Rock, AR 72223
Simon@southernwind.org
337-303-3723

For Georgia Watch, Inc.:

Liz Coyle
Georgia Watch
55 Marietta Street, Suite 903
Atlanta, GA 30303
lcoyle@georgiawatch.org
404-525-1085 ext. 402

For Resource Supply Management:

Mr. Robert B. Baker
Robert B. Baker, P.C.
2480 Briarcliff Road, NE
Suite 6
Atlanta, Georgia 30329
bobby@robertbbaker.com
[706-207-5002](tel:706-207-5002)

Mr. Jim Clarkson
Resource Supply Management
135 Emerald Lake Road
Columbia SC 29209
jclarkson@rsmenergy.com
[803-312-3500](tel:803-312-3500)

For the Georgia Coalition of Local Governments:

Chandra Farley
John R. Seydel
City of Atlanta
Mayor's Office of Sustainability and Resilience
55 Trinity Avenue
Atlanta, Georgia 30303
cfarley@atlantaga.gov
jseydel@atlantaga.gov

Alicia Brown
City of Savannah
Office of Sustainability
801 E. Gwinnett Street
Savannah, Georgia 31401
Alicia.brown@savannahga.gov
[912-651-6838](tel:912-651-6838)

David Nifong
City of Decatur
City Manager's Office
2635 Talley Street
Decatur, Georgia 30030
David.nifong@decaturga.gov
[404-295-2764](tel:404-295-2764)

Mike Wharton
Athens-Clarke County Unified
Government
Sustainability Office
110 Bray Street
Atlanta, GA 30601
Mike.wharton@accgov.com
706-613-3838

H. Gordon Kenna
DeKalb County Government
Department of Public Works
1300 Commerce Drive
Decatur, GA 30030
hgkenna@dekalbcountyga.gov
404-371-2000

Ms. Kathy Reed
DeKalb County Government
Department of Planning and Sustainability
178 Sams Street
Decatur, Georgia 30030
kdreed@dekalbcountyga.gov
404-859-9145

***For United States Department of Defense
and All Other Federal Executive
Agencies:***

John Joseph McNutt
Regulatory Law Counsel
U.S. Army Legal Services Agency
Office of the Judge Advocate General
Environmental Law Division
9275 Gunston Road, Ste. 4300
Fort Belvoir, VA 22060-5546
(619) 302-9642
John.j.mcnett.civ@army.mil

For Heelstone Renewable Energy, LLC:

Mr. Newton M. Galloway
Ms. Terri M. Lyndall
Galloway & Lyndall, LLP
The Lewis Mills House
406 North Hill Street
Griffin, Georgia 30223
ngalloway@gallyn-law.com
tlyndall@gallyn-law.com

For Georgia Solar Energy Association:

Donald Moreland
Georgia Solar Energy Association
1199 Euclid Avenue
Atlanta, GA 30307
P: (770) 548-2714
F: (404) 521-9909
don@solarcrowdsource.com