

FILED

FEB 08 2024

DOCKET# 55516
DOCUMENT# 217393
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Docket No. 55516: Application of NextEra Energy Services Georgia, LLC for Natural Gas Certificate of Authority

PROCEDURAL AND SCHEDULING ORDER NUNC PRO TUNC

This order was originally signed by the Chairman on February 7, 2024, and is being issued to correct a scrivener's error to properly reflect the days of the week correlating to the hearing schedule dates.

I. Applicable Statutes

Pursuant to O.C.G.A. § 46-4-153 of the Georgia Natural Gas Competition and Deregulation Act of 1997 (the "Act"), a Certificate of Authority is necessary prior to providing or offering to provide gas service to firm retail customers in Georgia. As provided in O.C.G.A. § 46-4-153(a)(2), the Georgia Public Service Commission ("Commission") has authority to approve natural gas certificates of authority. In order to be certificated, an applicant must demonstrate to the Commission that it meets the criteria set forth in the Act. Those criteria include that the applicant "(p)ossesses satisfactory financial and technical capability to render the Certificated service;" (O.C.G.A. § 46-4-153(a)(2)(A) "(h)as a sufficient gas supply to meet the requirements of such service;" (O.C.G.A. § 46-4-153(a)(2)(B) and "(w)ill offer such service pursuant to rules and contract terms which the commission finds economically viable for the territory which the marketer proposes to serve." O.C.G.A. §46-4-153(a)(2)(C).

II. Background

On November 20, 2023, Fireside Natural Gas, LLC filed a petition with the Commission for a change in ownership, pursuant to Commission Rule 515-7-3-.04(10). In reviewing the documents, the Staff found that an affiliate of NextEra Energy, Inc. was purchasing Fireside, NextEra Energy Services Georgia LLC ("NES Georgia" or "Company"), and a Purchase Sales Agreement was provided. On November 22, 2023, the Staff issued under Docket Number 25471, its 21st Set of Data Requests to Fireside to gather additional information. In the review of the

responses, it appeared the Company was taking over a substantial amount of the Fireside operations. In discussions with the representatives of NextEra Georgia, the Staff requested that the Company file an Application for a Certificate of Authority. On January 5, 2024, the Staff provided the application to NES Georgia. Since the purchase of Fireside was time sensitive, the Staff worked with the Company in completing the application and agreeing to an expedited timeline.

III. Notice

Pursuant to the Commission's Utility Rule 515-2-1-.04, NES Georgia is directed to give notice of this proceeding in this docket.

IV. Hearing Schedule

Thursday, February 15, 2024

Immediately following its regularly scheduled Committees, the Commission will commence its hearing in Docket No. 55516, beginning with the testimony of any public witnesses pursuant to O.C.G.A. §46-2-59(g), and the hearing of any pending motions. After these preliminary matters, the Commission will hear the direct testimony of NES Georgia and any other interested party by whom testimony was filed in this docket.

Thursday, February 22, 2024

All parties are to file their briefs and any proposed Orders in one simultaneous round by 4:00 p.m. on this date with the Executive Secretary's Office using the Commission's Alternative e-File system using Microsoft Word® format for text documents and Excel® for spread sheets.

V. Commission Decision

Thursday February 29, 2024

The Commission shall consider and decide the issues involved in this matter and vote on the application at the Special Administrative Session.

VI. Procedures

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

1. Intervention:

- (a) Any person or party upon whom a statute does not confer an unconditional right to intervene must file a Petition to intervene within 30 days following the first published notice of the proceedings using the Commission's e-File system.
- (b) Petitions to intervene and Commission approval thereof are covered by O.C.G.A. §46-2-59 and Commission Utility Rule 515-2-1-.06. Each petitioner shall submit to the Executive Secretary's Office using the Commission's Alternative e-File system using Microsoft Word® format for text documents and Excel® for spread sheets.

Petition to intervene to the Commission using the Commission's e-File system, addressed to

Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

- (c) Petitions must clearly specify the docket in which the petitioner seeks to intervene. In addition to the requirements prescribed in O.C.G.A. §46-2-59 for Petitioners for leave to intervene, the petitioner must: (1) identify other intervening parties or intervening party petitioners whose interest is similar to that of the petitioner along with an explanation of why the identified intervening parties or intervening party petitioner will not adequately represent the petitioner's interest; and (2) state the petitioner'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 petitioner or intervening party.

Any objections to Petitions must be filed in accordance with O.C.G.A. § 46-2-59(d).

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

- (e) The Commission will take up and rule on Petitions for leave to intervene at the first hearing date scheduled in this docket.
- 2. **Service:** In addition to filing with the Executive Secretary's Office by 4:00 p.m. using the Alternative E-filing using Microsoft Word® format for text documents and Excel® for spread sheets. Electronic 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 following individuals, in their capacities as indicated below, and all other intervenors recognized by the Commission in this docket using the Commission's e-File system:

Ginny Davis
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, GA 30334

Pre-filed testimony shall be filed in conformity with Commission Rule 515-2-1-.04(3), except as expressly stated in this Order using the Commission's e-File system.

3. Testimony of Witnesses:

- (a) Summations of direct testimony will take no longer than ten (10) minutes, unless the Commission, in its discretion, allows for a longer period of time.
- (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
 - (g) Only upon the authorization of the Commission shall any witnesses who have filed separate testimony be permitted to sit as a panel. The number of persons sitting on any panel shall not exceed four (4) persons, unless specifically authorized by the Commission.
 - (h) Absent good cause, motions to strike any portion of pre-filed testimony must be filed at least two (2) days prior to the hearing.
 - (i) Except for good cause shown, all exhibits to be used in the hearing must be pre-filed at least five (5) days prior to the hearing.
4. **Hearing Exhibits:** It shall be the responsibility of the party sponsoring any hearing exhibits to see that the court reporter and all parties of record, in addition to the individual Commissioners, receive paper copies of all exhibits at the time of their introduction at the hearing. [Note: Exhibits included with pre-filed testimony should already have been provided in the requisite number of copies filed with the Commission in accordance with Rule 515-2-1-.04(3) using the Commission's Alternative e-File system.]

VII. Procedures to Intervene

Petitions to intervene and Commission approval thereof are covered by O.C.G.A. § 46-2-59 and Commission Utility Rule 515-2-1-.06. Each petitioner shall submit its Petition to intervene using the Commission's Alternative E-filing system using Microsoft Word® format for text documents and Excel® for spread sheets. The petition(s) shall be addressed to:

Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

In addition, each petitioner shall submit an electronic copy of its Petition to NES Georgia and all other parties who have applied to intervene, and submit a Certificate of Service to the Commission certifying that these electronic copies have been served on the other parties. To obtain a list of other intervenor petitioners, contact Ms. Diana Cain, Georgia Public Service Commission, 244 Washington Street, SW, Atlanta, GA 30334 (Telephone 404-656-0945).


VIII. Ordering Paragraphs

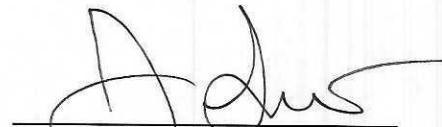
WHEREFORE, IT IS ORDERED, that the Commission hereby adopts the procedures, schedule, and statements regarding the issues set forth within the Procedural and Scheduling Order Nunc Pro Tunc.

ORDERED FURTHER, that 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.

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

The above by action of the Commission in Special Administrative Session on the 1st day of February 2024.


Sallie Tanner
Executive Secretary


Jason Shaw
Chairman

2-8-24
Date

2-8-24
Date