FILED
MAR 11 2024
EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 30724
DOCUMENT# 217891

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Georgia Public Service Commission

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March 11, 2024

Atlanta Gas Light
10 Peachtree St.
Atlanta GA 30309

DOCKET NO: 30724
Case NO: PSC 24-26340

Attention: Mr. Pedro Cherry

A Notice of Probable Violation(s) ("NOPV") of the Georgia Underground Facility Protection Act ("GUFPA" or the Act") has been filed with Georgia Public Service Commission Pipeline/Facilities Safety Office ("Staff") naming Atlanta Gas Light as the probable violator ('Respondent"). As you are aware, violations of the Act are punishable by civil penalties of up to $10,000 per violation.

The probable violation alleged is as follows:

O.C.G.A. Violation

> **25-9-7(a)(1) Failure of a facility owners to determine whether underground facilities are present on the land upon which blasting or excavating is to occur prior to 7:00 A.M. on the effective date, or calendar day on which blasting or excavating is anticipated to begin.**

In a warning letter sent to your company on April 20, 2023, Facilities Protection Committee Chairman Lauren "Bubba" McDonald informed your company that it had numerous probable violations of O.C.G.A. 25-9-7(a)(1) for calendar year 2022. Commissioner McDonald also notified your company that Staff will conduct additional

enforcement actions, which may include civil penalty assessments, where appropriate to address the issue.

GUFPA has reviewed your utility's responses to the Utility Protection Center's ("UPC") Positive Response Information System ("PRIS") from October 1st through December 31, 2023, and found that Atlanta Gas Light responded to 10,912 late locate requests as PRIS Code "3N – Unmarked Late."

As a result of the 10,912 late locate requests, **Staff is recommending a civil penalty of $5,456,000.** Your affirmative written response to this Consent Agreement is required within 30 days of the date of this NOPV. Failure to respond either by executing the attached Consent Agreement or requesting a hearing before the Advisory Committee will result in the issuance of a Rule NISI to be heard before the Georgia Public Service Commission.

The respondent will be responsible for submitting the penalty in certified funds or cashier's check to the Georgia Public Service Commission.

Thank you,

Michelle Thebert

Michelle Thebert
Director, Facilities Protection Unit
Georgia Public Service Commission

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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

Atlanta Gas Light
RESPONDENTS

CASE NUMBER: PSC 24-26340

CONSENT AGREEMENT

Atlanta Gas Light Company ("Respondent(s)"), hereby agrees to the presentation of the following proposed disposition of the above-named matter to the Georgia Public Service Commission ("Commission"):

FINDINGS AND CONCLUSIONS:

1.

The Commission has the power and authority to enforce the provisions of the Georgia Underground Facility Protection Act, ("Act"), O.C.G.A. T. 25, Ch. 9.

2.

A representative of the Georgia Public Service Commission Facility Protection Unit/Georgia Underground Facility Protection Act (GUFPA) enforcement office performed an investigation of your utilities locating responses provided to GA811's Positive Response Information System. From October 1st through December 31, 2023, Atlanta Gas Light Company responded to 10,912 locate requests as PRIS Code "3N – Unmarked Late." These responses indicated that your company violated O.C.G.A 25-9-7(a)(1). **Staff recommended a civil penalty of $5,456,000.**

AGREEMENT

By signing below, Respondent(s) hereby agree that this matter should be resolved as follows:

1.

This Consent Agreement, if approved by the Commission, shall constitute a final resolution of this proceeding for the 10,912 late locate requests for the period of October 1-December 31, 2023. Respondent(s) agree that each will abide by the terms of this Consent Agreement.

2.

Respondent(s) agree that each will comply with all applicable provisions of the Act.

3.

Respondent(s) agree to pay to the Commission a penalty of $5,456,000 within thirty (30) days after the date of an Order issued by the Commission approving of this Consent Agreement. Payment must be forwarded to: Georgia Public Service Commission, Facilities Protection Unit, 244 Washington Street, S.W. Atlanta, Georgia 30334-5701.

4.

Respondent(s) understands that failure to comply with the terms of this Consent Agreement could subject each to additional penalties.

5.

This Consent Agreement shall not become effective until and unless approved by the Commission. Respondent(s) enter into this Consent Agreement without admission of fault or liability.

6.

The undersigned authorized representative of the Respondent(s) acknowledges that he/she has read this Consent Agreement and understands its contents. The undersigned representative acknowledges that the undersigned party freely, knowingly, and voluntarily enters into this agreement. The undersigned representative hereby consents to the resolution of this proceeding as provided herein.

This _____ day of _____ 2024.

Consented to:

_____

On behalf of: Atlanta Gas Light

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN RE: **Atlanta Gas Light Company**	)	**DOCKET NO. 30724**

CERTIFICATE OF SERVICE

I hereby certify that the *Notice of Probable Violation* in Docket No. 30724 was filed with the Commission's Executive Secretary and a copy of same was served upon all parties and persons listed below via electronic mail as indicated by an asterisk. I further certify that the *Atlanta Gas Light Company* was served a hard copy of the above-stated document by United States Mail.

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

* Pedro Cherry, President and CEO
Southern Company Gas
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ppcherry@southernco.com
via electronic mail

*Michelle Thebert, Facilities Protection Unit Director
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*Rick Slagle, Director of Regulatory Compliance
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*Will Culbreath, GUFPA Case Manager
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via electronic mail

*Ray-Kelle Preston, Staff Attorney
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244 Washington Street, SW
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via electronic mail

Respectfully Submitted this 11th day of March 2024:

Cathy Nesbitt

Cathy Nesbitt, Administrative Assistant
Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street, SW
Atlanta, GA 30334