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PROCEDURAL AND SCHEDULING ORDER

Docket No. 55378

In Re: Georgia Power Company's 2023 Integrated Resource Plan Update, Application for Certification of Plant Yates Units 8-10

I. BACKGROUND

On October 27, 2023, Georgia Power Company ("Georgia Power" or "Company") filed its 2023 Integrated Resource Plan Update ("2023 IRP Update") in response to the Company's forecast of unprecedented load growth and the need for electric energy capacity. Among various proposed capacity resources and demand-side initiatives, the Company requested approval to self-build three (3) advanced frame dual fuel simple cycle Combustion Turbines ("CTs") at Plant Yates Units 8, 9, and 10.

On January 31, 2024, the Company filed its Application for Certification of the three CTs self-build at Plant Yates. These CTs will provide approximately 1,300 MW of capacity. Unit 8 is expected to be commercially available by December 1, 2026, with Units 9 and 10 expected to be commercially available by May 1, and August 1, 2027, respectively. The capacity of each CT when using natural gas is approximately 441 MW and when using ultra-low sulfur diesel ("ULSD") is approximately 351 MW. The Application provides the forecasted cost of the units which includes capital construction, ad valorem taxes and allowance for funds used during construction ("AFUDC"). The Company states that due to this period of unprecedented growth in load and the subsequent need for capacity resources that approval by the Commission of these Units should be exempt from Commission Rules 515-3-4.04(3)(f)(6) and (7). Additionally, the

Company requests approval of these Units in an expedited manner.

On March 26, 2024, the Public Interest Advocacy Staff ("PIAS") and the Company entered a stipulation that was intended to resolve all issues related to the 2023 IRP Update, including the Company's proposal to self-build Plant Yates Units 8, 9, and 10. Paragraph 12 of the Stipulation relates to the Yates Units and reads as follows:

> The Plant Yates combustion turbines 8-10 ("Yates 8-10") are approved as part of the Company's 2023 IRP Update Plan. Yates 8-10 are exempted from the RFP process under Commission Rules 515-3-4.-04(3)(f)(6) and (7). Accordingly, the Commission shall proceed with a hearing on the Company's Application for Certification of Yates 8-10 filed in this docket on January 31, 2024. Limited to this case, the Company agrees that if the Application is granted, Georgia Power will not seek recovery of any project construction costs that exceed the proposed project construction cost in the Company's January 31, 2024 Application for Certification absent a showing that such costs are the result of circumstances beyond the Company's reasonable control, which are: acts of God that damage necessary facilities; sudden actions of the elements such as floods, earthquakes, pandemic or epidemic, named tropical storms, hurricanes or tornados; terrorism or war; sabotage; riots; labor strikes or work stoppages; change in law; actions related to the Yates 8-10 project from a court or governmental authority; or other similar events beyond the reasonable control of Georgia Power. In the event the Company seeks recovery of additional project construction costs because of any such circumstances, Georgia Power agrees that it shall have the burden to prove that project construction costs above the amount proposed in the Application for Certification were the result of circumstances beyond the Company's reasonable control and were reasonable and prudent. In addition, if the Application is granted, the Company will file semi-annual construction monitoring reports from the date construction begins through the date of commercial operation. Specific reporting requirements will be determined in the certification proceeding.

On April 16, 2024, the Commission voted to approve the Stipulation, including Paragraph 12. Approval of the Stipulation was supported by the prior record in this docket and substantiates the inclusion of Yates 8, 9, and 10 in the IRP Update Plan at the time that these resources are proposed to be utilized to assure an economical and reliable supply of capacity and energy for Georgia Power's customers. Further, the record in the prior proceeding authorized the exclusion of Yates 8, 9, and 10 from the Request for Proposals requirement of the Commission Rules, under the exception provided in Commission Rules 515-3-4-.04(3)(f)(6) and (7). The Commission takes administrative notice of the record in the prior hearings in this Docket and incorporates that record into this proceeding.

Issues Involved

The issues to be addressed shall include those which are required pursuant to the IRP Act, O.C.G.A. § 46-3A-1 et seq., and the Commission's implementation of Rule 515-3-4 as well as all other related issues this Commission deems appropriate.

Should the Commission issue an order approving, denying, or modifying the requests made by the Company in its January 31, 2024 application?

Should the Commission grant the requested certificate or deny the requested certificate and authorize a specific alternative means of supplying the requirements found by the Commission to exist?

Standard Certification Issues

Pursuant to O.C.G.A. § 46-3A-3(a), after January 31, 1992, no utility shall commence the construction of an electric plant, sell an existing plant or any portion thereof which is included in the retail rate base or which has been certified, enter into a long-term purchase of electric power, or make expenditures for a demand-side capacity option for serving the utility's Georgia retail customers without having first obtained from the commission a certificate that public convenience and necessity requires, or will require, such construction, sale, purchase, or expenditure.

Additional Issues

The current filings are in part a result of Commission directives from previous orders. Additional issues to be addressed in Docket No. 55378 with respect to the certification of Plant Yates Units 8-10 shall include any issues and directives of the Commission from its prior orders whether or not expressly identified in this order.

II. PRELIMINARY DIRECTIVES

The Commission orders this Procedural and Scheduling Order to establish discovery procedures and establish a hearing schedule. The Public Interest Advocacy ("PIA") Staff is appointed as the agent for the Commission for discovery purposes. Georgia Power Company is hereby made a party and shall be bound by the Commission's rulings in this docket and is directed to publish notice of this proceeding.

Pursuant to the Commission's Utility Rule 515-2-1-.04(3), Georgia Power is directed to give first notice of the proceedings in this docket no later than 30 days after payment of the Certification

Fee.

These proceedings shall be considered as a contested case under O.C.G.A. § 50-13-13. These proceedings also encompass complex litigation as that term is used in O.C.G.A. § 9-11-33(a) and discovery procedures apply accordingly.

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 in this proceeding:

Rob Trokey
Tom Newsome
Steve Roetger
Shemetha Jones
William Threatt
Joseph Schneider
Jason Forsythe
Ben Deitchman
Jamie Barber
Preston Thomas
Ginny Davis
Jeff Stump (AG)
Patrick Hanson (AG)

The Public Interest Advocacy 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. The Public Interest Advocacy 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
Anna Vukmanovic
Nicholas Hall
Ray-Kelle Preston
Sam Johnson
Nijah James

The Commissioner Advisory Staff shall not be a party to this case, but shall act as a technical advisor to the Commissioners, and shall advise Commissioners upon request based exclusively on its own independent evaluation of the facts contained in the record.

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

O.C.G.A. 46-2-26(d) provides that "[t]he staff and formal intervenors shall have the right to examine all utility records used in the preparation of the testimony and exhibits of the utility."

III. HEARING SCHEDULE, FILING DATES AND PROCEDURES

May 21, 2024

Georgia Power Company shall file direct testimony in Docket No. 55378 by 4:00 p.m.

June 21, 2024

Staff and Interveners shall file direct testimony in Docket No. 55378. by 4:00 p.m.

July 10, 2024

Georgia Power may file any pre-filed rebuttal testimony in Docket No. 55378 by 4:00 p.m.

July 24-25, 2024

On July 24, 2024, the Commission will convene the hearing in this docket. The Commission will hear applications to intervene, any objections thereto, and any appropriate motions concerning Georgia Power's pre-filed testimony. 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 Commission PIA Staff and Interveners 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 July 24, 2024, the hearing will continue on July 25, 2024 at 9:30am.

August 6, 2024

All briefs and/or proposed orders shall be filed with the Commission by 4:00 p.m.

August 15, 2024

At its regularly scheduled Energy Committee, the Commission will hear from parties.

August 20, 2024

At its regularly scheduled Administrative Session, the Commission will render a decision in Docket No. 55378.

Statutory Deadline for Commission Order

The Statutory deadline for a certificate review is 180 days after the utility remits the fee, pursuant to O.C.G.A. § 46-3A-05(c). As set forth above, Georgia Power filed its application on January 31, 2024; therefore, the statutory deadline is October 14, 2024.

INTERVENTION AND HEARING PROCEDURES

Any party that previously intervened in this Docket for the 2023 IRP Update wishing to participate in the Plant Yates Certification process are required to file a new intervention request.

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

1. Intervention

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. Pursuant to Rule 515-2-1-.04(3), Georgia Power will be directed to give first notice of its proceedings in this case not later than May 17, 2024.

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.

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 first hearing date set 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 fifteen (15) minutes or, at the discretion of the Commission, no longer than thirty (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 that 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 and all parties of record 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).)

Procedures and Forms for Making an Application to Intervene

Applications to intervene and Commission approval thereof are covered by Official Code of Georgia Annotated § 46-2-59, and the Commission's Utility Rule 515-2-1-.06. Each applicant shall submit their application to intervene to the Commission, addressed to the Executive Secretary, Ms. Sallie Tanner, 244 Washington St. S.W., Atlanta, Georgia 30334-5701.

In addition, each applicant shall submit a copy of their application to Georgia Power[1], 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 to intervene, contact Ms. Quawanda Boyer, Georgia Public Service Commission, 244 Washington St., S.W., Atlanta, Georgia 30334-5701, (Telephone: (404) 656-0977).

Specialized Testimony and Assistance

Specialized testimony and assistance may be required to review Georgia Power Company's Application in this proceeding pursuant to O.C.G.A. § 46-2-33. The scope of testimony and assistance and budget for such testimony and assistance will be submitted to the Commission for

[1] Georgia Power Company, as the applicant in its docket, is the party of record upon which applications to intervene must be served. Failure to serve the applicant, or any other party, tolls a fifteen (15) day limit for objections to interventions until this defect is corrected.

approval, if or when the need is identified.

WHEREFORE, it is

ORDERED, that the procedures and schedules contained within this Procedural and Scheduling Order are hereby adopted by this Commission.

ORDERED FURTHER, that 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.

ORDERED FURTHER, 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 its Administrative Session on the 7th day of May 2024.

Sallie Tanner

SALLIE TANNER
EXECUTIVE SECRETARY

5-8-24

Date

JASON SHAW
CHAIRMAN

5-8-24

Date