BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

Sandersville Railroad Company Hancock County, Georgia **In re: Sandersville Railroad Company's Petition for Approval to Acquire Real Estate by Condemnation**	Docket No.: 45045

JOINT NOTICE OF INTENT TO REPLY AND
JOINT MOTION TO STAY ASSIGNMENT OF ORAL ARGUMENT DATE
UNTIL AFTER JUNE 20, 2024

on behalf of the Property Owner Respondents and Intervenors

May 24, 2024

Property Owner Respondents ("Respondents") and No Railroad in Our Community Coalition ("NROCC" or "Intervenors"), by and through counsel, hereby notify the Commission of their intent to file replies to Sandersville Railroad Company's *Brief of Sandersville Railroad Company in Opposition to Applications for Full Commission Review, Requests for Oral Argument, and Motion to Stay of Order*. In addition, Respondents and Intervenors move that the Commission stay any oral argument regarding such applications until after June 20, 2024.

As grounds for their motion, Respondents and Intervenors state the following:

1. On April 30, 2024, Respondents filed an *Application for Full Commission Review of the Hearing Officer's Initial Decision, Request for Oral Argument, and Motion for Stay of Order* requesting that the Commission grant review of, and reverse, the Hearing Officer's Initial Decision in this matter. Respondents also requested that the Commission provide Respondents with an opportunity for oral argument in support of their Application. *See* Doc. No. 218527.

2. On May 1, 2024, Intervenors filed an *Application for Review of the Initial Decision by the Hearing Officer and Request for Oral Argument*. *See* Doc. No. 218538. That application requested

similar relief as Respondents' application and adopted the content of Respondents' application in toto. *Id*. at 2.

3. Sandersville Railroad Company ("Sandersville Railroad" or "Petitioner"), on May 7, 2024, notified the Hearing Officer and parties, via email, of its intent to file a response by brief to Respondents' and Intervenors' applications. *See* Exhibit A.

4. On May 7, 2024, Respondents notified the Hearing Officer and the parties of their intent to file a reply to Petitioner's response. *Id*.

5. On May 8, 2024, the Hearing Officer responded to all parties that he no longer had the authority to set a briefing schedule and advised the parties to contact the full Commission. *Id*.

6. Believing a briefing schedule would clarify next steps for all parties and the Commission, on May 8, 2024, Respondents' counsel contacted Petitioner's counsel seeking to negotiate a briefing schedule with them.

7. On May 14, 2024, Respondents emailed Petitioners and Intervenors stating that Respondents would not oppose Petitioner filing a response brief and suggesting the following briefing schedule: Petitioner's Response being due May 31, 2024, and Respondents' and Intervenors' replies being due June 28, 2024. *See* Exhibit B.

8. Intervenors responded to Respondents' email agreeing to that schedule. *Id*.

9. On May 15, 2024, Petitioner's counsel responded to Respondents' proposed briefing schedule by saying that they were "discussing internally and [would] follow up shortly." *Id*.

10. Petitioner's counsel did not follow up, nor attempt to work with Respondents' counsel to determine a briefing schedule prior to filing Petitioner's response.

11. Instead, on May 22, 2024, Petitioner filed its *Opposition to Applications for Full Commission Review, Requests for Oral Argument, and Motion for Stay of Order*. *See* Doc. No. 218802.

12. On May 24, 2022, after Petitioner filed its response, Petitioner's counsel responded to Respondents' and Intervenors' May 14, 2024 request for a briefing schedule by proposing that Respondents' and Intervenors' reply briefs be submitted by June 12, 2024. Respondents answered by noting that this schedule did not work with counsels' schedule and proposed that reply briefs be submitted instead by June 20, 2024. Respondents have not received a response from Petitioner's counsel within the time Respondents requested. *See* Exhibit B.

13. Because of the significant record in this case, and the important, complex, and novel issues it raises, this Commission will benefit from full briefing and analysis regarding the Hearing Officer's Initial Decision. A due date of June 20, 2024, for Respondents' and Intervenors' replies will give Respondents and Intervenors the opportunity to adequately address the arguments in Petitioner's 36-page response and will also accommodate the litigation and personal schedules of Respondents' and Intervenors' counsel (including, among other things, several litigation deadlines in other cases, a maternity leave, a long-planned vacation, and an office move), all of which Respondents and Intervenors attempted to proactively address in their initial proposed schedule.

14. In consideration of the proposed June 20, 2024 due date, Respondents and Intervenors also request that the Commission not set an oral argument date until after June 20, 2024. Staying its assignment of oral argument in this case until after June 20, 2024, will ensure that the Commission considers a full presentation of the issues in a fair manner consistent with the needs of this case and Respondents' and Intervenors' due process rights.

WHEREFORE, Respondents and Intervenors respectfully request that the Commission set the due date for Respondents' and Intervenors' replies as June 20, 2024, and that the Commission grant their motion to stay assignment of an oral argument date until after June 20, 2024.

Respectfully submitted this 24th day of May 2024.

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**Admitted pro hac vice*
Signed digitally pursuant to O.C.G.A. § 10-12-7

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2024, a copy of the foregoing *Joint Notice of Intent to Reply and Joint Motion to Stay Assignment of Oral Argument Date Until after June 20, 2024* has been served via electronic mail and U.S. First-Class Mail on the following pursuant to GA. COMP. R. & REGS. 515-16-16-.02; 515-2-1-.04(4)(b), (3):

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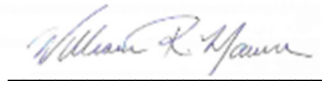
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DATED this 24th day of May, 2024.



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Signed digitally pursuant to O.C.G.A. § 10-12-7