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IN RE:	)	
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GEORGIA POWER COMPANY'S CARES 2023 UTILITY SCALE RENEWABLE REQUEST FOR PROPOSALS	)	**DOCKET NO. 45084**
	)	
	)	**DOCKET NO. 55268**
GEORGIA POWER COMPANY'S 2029-2031 ALL-SOURCE CAPACITY REQUEST FOR PROPOSALS	)	

ORDER GRANTING SOUTHERN ENVIRONMENTAL LAW CENTER'S MOTION FOR RECONSIDERATION

On June 13, 2024, in Docket No. 45084, the Georgia Public Service Commission ("Commission") issued its Order Approving Request for a Bid Refresh and Rule Waiver Revised Battery Requirements, and Accompanying Modifications to the Clean and Renewable Energy Subscription ("CARES") 2023 Utility Scale ("US") Request for Proposals ("RFP"), which restricted procurement of battery components sourced or manufactured from specific countries by Georgia Power Company ("Company"). Particularly, and at issue here, the Commission's June 13, 2024, Order restricted the procurement of battery components sourced or manufactured from the Netherlands.

Additionally, the Commission incorporated these battery procurement restrictions into Docket No. 55268, Georgia Power's 2029-2031 All Source Capacity RFP. During the June 18, 2024, Administrative Session, the Commission voted to approve the same battery procurement restrictions for Docket No. 55268, which are reflected in the Company's Pro Forma Energy

Storage System ("ESS") with Renewable Resource Power Purchase Agreement ("PPA") and Pro Forma Standalone ESS PPA filed on June 20, 2024, and adopted in the Commission's July 3, 2024 Order Approving Final RFP Documents with Modifications for Georgia Power Company's 2029-2031 All Source Capacity RFP.

On June 21, 2024, Intervenor Southern Environmental Law Center ("SELC") filed its Motion for Reconsideration of Limitations on Battery Sourcing from Specific Countries Chosen by Georgia Power. In their Motion for Reconsideration, SELC alleged that the battery procurement restrictions approved in Docket Nos. 45084 and 55268 were the product of Southern Company Policy which is not associated with any new federal or state regulations related to cyber security, and that the restrictions were "unreasonable, arbitrary, and capricious." Based on these allegations, SELC requested that the Commission reconsider the portions of their Orders in Docket Nos. 45084 and 55268 which embraced the battery procurement restrictions, particularly the inclusion of the Netherlands in the Commission's lists of restricted countries.

On July 1, 2024, the Company filed its Response to SELC's Motion for Reconsideration. The Company reasoned that because SELC could not specify any injury to SELC or ratepayers, and because the Commission had previously considered SELC's position and subsequently approved the battery procurement restricted country list, including the Netherlands, based on the U.S. Department of State and U.S. Department of the Treasury's identification of the Netherlands as a "typical conduit to materials out of Iran and Syria," that reconsideration would not be appropriate.

During the August 6, 2024, Administrative Session, Chairman Shaw made a Motion to Grant SELC's Motion in Docket Nos. 45084 and 55268 to "reconsider the battery energy storage system requirements that were approved by the Commission for use in the Clean and Renewable Energy Subscription ("CARES") 2023 utility scale request for proposals ("RFP") under the 2029 to 2031 All Source Capacity RFP" and on reconsideration proposed that "the Netherlands is removed as a prohibited country for the sourcing or manufacturing of battery management systems, base controllers, and site controllers for equipment bid into the CARES All Source Winter 2027-28 BESS RFPs and all future RFPs." Additionally, Chairman Shaw moved that the Commission require the Company "to monitor the situation and if the Netherlands or any other country is added to the Foreign Entities of Concern as defined in 42 U.S.C. § 18741(5), then the Company shall alert the Commission so that the Commission may take reasonable steps to protect the rate payers of Georgia."

Following Chairman Shaw's Motion, Commission Pridemore offered a Motion to Amendment and proposed that in the event of "any terrorist action, cyber security, or mechanical failure as a result of sourcing equipment from the Netherlands, that the supplier of the material or part will be responsible for any and all cost to Georgia Power and their customers, thus protecting Georgia Power customers, which was the original reason for the Netherlands to be included on the restricted list."

Thereafter, the Commission took a vote on Chairman Shaw's Motion, which was approved by Chairman Shaw and Commissioners Echols, Johnson, and McDonald, with Commissioner Pridemore voting against the Chairman's Motion. Following this, the Commission voted to pass Commissioner Pridemore's Motion, with Commissioner's Echols, Johnson, McDonald, and Pridemore voting in favor, and Chairman Shaw opposed. The Commission then unanimously approved Chairman Shaw's Motion as amended by Commissioner Pridemore's Motion.

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WHEREFORE IT IS ORDERED that Southern Environmental Legal Center's Motion for Reconsideration of Limitations on Battery Sourcing from Specific Countries Chosen by Georgia Power is granted.

ORDERED FURTHER, that the Netherlands is removed as a prohibited country for the sourcing or manufacturing of battery management systems, base controllers, and site controllers for equipment bid into the CARES, All Source, Winter 2027-28 Battery Energy Storage Systems Request for Proposals and all future Requests for Proposals.

ORDERED FURTHER, that Georgia Power Company shall monitor Federal guidelines and if the Netherlands or any other country is added to the Foreign Entities of Concern as defined in 42 U.S.C. § 18741(5), then the Company shall alert the Commission so that the Commission may take reasonable steps to protect the rate payers of Georgia.

ORDERED FURTHER, that in the event of any terrorist action, cyber security, or mechanical failure as a result of sourcing equipment from the Netherlands, that the supplier of the material or part will be responsible for any and all cost to Georgia Power and its customers.

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, that 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 Administrative Session on the 6th day of August, 2024.

Sallie Tanner
Executive Secretary

8-21-24
Date

Jason Shaw
Chairman

8-21-24
Date