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DOCKET# 55932
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NOTICE OF PROPOSED RULEMAKING

TO: (a) Legislative Counsel – State of Georgia
(b) Affected Commission Staff
(c) All Parties on the Commission's Rulemaking Mailing Lists

FROM: Georgia Public Service Commission
244 Washington St., S.W.
Atlanta, Georgia 30334

Docket No. 55932: Notice of Proposed Rulemaking to Repeal Rule 515-5 Telegraph

All interested parties are hereby notified pursuant to Ga. Laws 1964, pp. 338, 342, as amended (Official Code of Georgia Annotated ("O.C.G.A.") § 50-13-4) that the Georgia Public Service Commission ("Commission") intends to consider repealing Commission Rule 515-5 Telegraph.

BY THE COMMISSION:

At its September 4, 2024 Administrative Session, the Commission issued this Notice of Proposed Rulemaking ("NOPR"). Commission Rule 515-5 Telegraph shall be considered for repeal at the Commission's **Administrative Session on October 16, 2024 at 9:30 a.m.,** which will be held at the Commission's offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334.

If adopted, the repeal of this rule shall become effective as provided for by law twenty (20) days after their adoption by the Commission and subsequent filing with the Secretary of State.

I. NOTICE OF PROPOSED RULEMAKING

A. Introduction and Jurisdiction

The Commission is governed by the Administrative Procedure Act, O.C.G.A. § 50-13-1 *et seq.* The Commission is authorized to promulgate rules for procedure and for taking evidence in all matters that come before it. O.C.G.A. § 46-2-30. The Commission's jurisdiction over telegraph companies dates back to 1890. Over the years, telegraph service became disfavored due to the rise of newer, faster, and cheaper means of communication technology (e.g., telephone, cellular, internet), and is now considered to be obsolete. In addition, on July 1, 2012, Title 46 of the Official Code of Georgia Annotated, relating to Public Utilities and Public Transportation, was amended to remove telegraph companies from the jurisdiction of the Commission. Furthermore, the Title was amended to repeal in its entirety Article 3 of Chapter 5, relating to telegraph service. For these reasons, the Commission seeks to repeal Rule 515-5.

B. Synopsis and Explanation of Proposed Rules

Due to the obsolescence of the technology and the change of law eliminating Commission jurisdiction over telegraph carriers, the Commission has proposed that all of the subparts of rule 515-5 of which this Chapter is comprised be repealed in their entirety.

II. PROPOSED RULE

Pursuant to the requirements of the Georgia Administrative Procedures Act at O.C.G.A.§ 50-13-4(a)(1), the Commission intends to repeal the rule previously adopted in Chapter 515-5 of the Commission Rules. The full text of the rule that is being proposed for repeal is set forth below.

RULES OF GEORGIA PUBLIC SERVICE COMMISSION

~~**Subject 515-5-1. TELEGRAPH COMPANIES**~~

~~**Rule 515-5-1-.01 Tariff of Rates**~~

~~No telegraph company shall collect for its service in transmitting messages, exclusive of date, address and signature, between any two of its offices within this State, more than the maximum rate prescribed by the Commission for the class of service specified.~~

~~**Rule 515-5-1-.02 Delivery of Messages**~~

~~Telegraph companies doing business in this State, shall in each incorporated town or city in which they maintain offices, make delivery to all points within the corporate limits of such town or city, of all telegraphic messages to the addressee, or to someone authorized to accept the same, at his, her, or their place of business or residence, or leave a written notice thereof, in case there is no one at such place of business or residence to receipt for the same; and such delivery shall be made without extra charge, where the addressee's residence or place of business be within two miles of any main or branch office of the delivering telegraph company in cities or towns of 5,000 or more inhabitants, or within one-half mile of any main or branch office of the company in cities or towns of less than 5,000 inhabitants.~~

~~**Rule 515-5-1-.03 Time of Filing of Messages to be Shown When Desired**~~

~~Telegraph companies are required to show on each telegram they transmit and deliver between points in Georgia the correct time, expressed in hours and minutes, that such telegram was received at office of delivery. And where the sender of any such message desires to show also the correct time of filing with initial office, the transmitting company shall carry said information free, except in night letters.~~

~~**Rule 515-5-1-.04 Where Message Tendered to Another Office of Same Company**~~

~~Where a message is tendered for immediate transmission to another office of the same company and it is known, or can be ascertained from office records, that the office to which the message is to be transmitted, is, at the time of such tender, closed, or likely to be closed before it can be transmitted, the receiving office shall, before accepting the message, notify the sender of the facts.~~

~~**Rule 515-5-1-.05 Where Message Cannot be Delivered**~~

~~Where, for any reason, a message cannot be, or is not delivered within a reasonable time after receipt, it shall be the duty of the office accepting the message to notify the sender, if such sender's address be known, of the fact of non-delivery. No charge shall be made for such notification.~~

*****

The Commission shall consider repealing this rule at its Administrative Session held at 9:30 a.m. on **October 16, 2024**, at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334.

All interested parties who desire to do so may submit comments, data, views, arguments, or any other relevant matters in writing to the Commission concerning the proposed repeal of the Rules. Such written material must be delivered to the Commission no later than **September 17, 2024**. The Commission requests that, where possible, comments include specific proposed edits to the Rules.

Any written materials are to be filed with:

Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington St., S.W.
Atlanta, Georgia 30334

All persons interested in presenting views or arguments orally should present a written request for an oral hearing by **September 17, 2024**. If no request for oral hearing is made, the Commission shall consider only those written comments filed in accordance with the provisions of this notice. If oral hearing is requested, then the Commission shall hold oral hearings either virtually or in its First Floor Hearing Room at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334 immediately following the 9:30 a.m. committee meetings on **October 10, 2024.**

The general authority to repeal this Rule is found in O.C.G.A. § 46-2-30. Upon request by any interested parties either prior to the exception of the Rule or within thirty (30) days thereafter, pursuant to O.C.G.A. § 50-13-4(a)(2), the Commission shall issue a concise statement of the principal reasons for and against adoption of this Rule and incorporating the reasons for overruling the consideration, if any, urged against its adoption.

* * * * *

WHEREFORE IT IS ORDERED, that the Commission hereby issues this Notice of Proposed Rulemaking for consideration of repealing Commission Rule 515-5.

ORDERED FURTHER, that this Notice of Proposed Rulemaking shall be published in conformity with the requirements of the Administrative Procedure Act as provided in O.C.G.A. § 50-13-4.

ORDERED FURTHER, that all interested parties shall file comments and proposed edits no later than 4:00 p.m. on September 17, 2024.

ORDERED FURTHER, that all persons interested in presenting views or arguments orally should present a written request for an oral hearing by September 17, 2024. If requested, the Commission will hold a hearing to receive oral comments immediately following the 9:30 a.m. committee meetings on October 10, 2024.

The above by action of the Commission in Administrative Session on the 4th day of September 2024.

Sallie Tanner
Executive Secretary

9-4-24
DATE

Jason Shaw
Chairman

9-4-24
DATE