FILED
SEP 04 2024
EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 29323 30701 30333
DOCUMENT# 219821

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In Re: Bibb Countywide Safety Plan	)	DOCKET NO. 29323
Atlanta Gas Light Company's Application for Certificate of Public Convenience and Necessity in Bibb County	)	DOCKET NO. 30701
Mid-State Energy's Application for Certificate of Public Convenience and Necessity in Bibb County	)	DOCKET NO. 30333

ORDER FOR WAIVER OF RULE 515-7-1-.15(6) AND HEARING REQUIRMENT

These matters come before the Georgia Public Service Commission ("Commission") as a result of the joint filing by Atlanta Gas Light Company ("AGL") and Mid-State Energy ("Mid-State"), for Waiver to the Rule 515-7-1-.15(6) ("80 Foot Rule") and waiver of the associated hearing requirements to allow AGL and Mid-State to relocate existing pipeline facilities, and reconstruction along the associated road right of ways affected by a Department of Transportation ("DOT") road widening and bridge reconstruction project.

I. JURISDICTION

The Commission has general jurisdiction over natural gas utilities. O.C.G.A. § 46-2-20. Specifically, the Commission maintains safety jurisdiction over all natural gas transmission and distribution facilities within Georgia, including those natural gas facilities which are owned and operated by municipalities. O.C.G.A. § 46-2-20(i). The Commission further has jurisdiction over Georgia intrastate natural gas operators pursuant to *inter alia*: 49 U.S.C.S. §§ 60105 and 60122, 49 C.F.R. Part 191, 49 C.F.R. Part 192; O.C.G.A. §§ 46-2-21, 46-2-30, 46-2-53,46-2-90, 46-2-91, 46-4-1, 46-4-31, 50-13-1 *et seq.*; and Commission Rules 515-7-1-.01 *et. seq.*, 515-9-1-.01*et.seq.*, 515-9-3-.01 *et. seq.*, 515-9-6-.01 and 515-9-7-.01 *et. seq.*

The Commission has further jurisdiction pursuant to Commission Rules 515-9-1-.01 and 515-9-3-.03; both adopting the Rules and Regulations prescribed by the United States Department of Transportation applicable to the "Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards" (49 C.F.R. Parts 40, 191, 192, 193 and 199) having been made the Rules and Regulations of the Commission for the safe installation and operation of all natural gas transmission and distribution facilities by companies subject to the jurisdiction of the Commission.

II. PROCEDURAL HISTORY

On July 1, 2024, the Atlanta Gas Light Company and Mid-State Energy filed a Joint Petition for Exception to Commission Utility Rule 515-7-1-.16(6) ("the 80 Foot Rule")("Joint Petition") (Docket 29323, Document 219201). This purpose of this waiver is to allow AGL and Mid-State to relocate existing pipeline facilities, and reconstruction along the associated road right of ways affected by a Department of Transportation ("DOT") road widening and bridge reconstruction project along Tucker Road at I-475 (the "DOT Project").

AGL and Mid-State will relocate their respective existing pipeline facilities within 80 feet of each other's corridors as their have facilities are impacted by the DOT Project.

AGL will be relocating approximately 1300 feet of 4-inch steel main along Tucker Road, beginning at the northeast intersection of Tucker Road at Interstate 475, extending eastward along the northside of Tucker Road for approximately 320 feet, crossing to the southside of Tucker Road, and then continuing eastward along

the southside of Tucker Road to just west of Foster Road. This relocation is located within an existing Area of Joint Response.

Mid-State will be relocating approximately 200 feet of 6-inch steel main at the driveway of 1409 Tucker Road, which is on the west side of Tucker Road, just south of Peake Road. This is also within an existing Area of Joint Response.

AGL's certificate was amended on November 7, 2017 (Docket 30701, Document 170080). Mid-State's certificate was amended on August 22,2022. (Docket 30333, Document 191282). The Bibb Countywide Safety Plan was amended on August 22, 2022 (Docket 29323, Document 191282) and is only amended to reflect the waivers in this petition.

The AGL and Mid-State request to that the Commission approve the requested Waiver of Commission Rule 515-7-1-.15(6) and Hearing Requirement. There are no customer transfers required.

III. STAFF REVIEW AND RECOMMENDATION

The Natural Gas Staff has performed its due diligence on the above-listed Petition. The Facilities Protection Unit has inspected the proposed relocations and waivers and has no objections to the request. Staff recommends that the Commission grant the waiver to the Rule 515-7-1-.15(6) ("80 Foot Rule") and waiver of the associated hearing requirements.

IV. STATUTES AND COMMISSION RULES INVOLVED

The Commission has the power and authority to enforce the provisions of: Ga. Const. Art. 9, § 6, ¶ 2, O.C.G.A. §§ 46-2-20 *et. seq.*, 46-2-30, 46-2-50, 46-2-51, 46-2-52, 46-2-53, 46-2-71, 46-2-90, 46-2-91, 46-4-20 *et. seq.*, 46-4-30 *et. seq.* and 50-13-1 *et. seq.*, applicable to Certificates of Public Convenience and Necessity and Safety of Natural Gas Pipelines/Distribution systems regulated by the Commission. The Commission has further power and authority to enforce the Commission's Natural Gas Certification and Safety Rules: 515-7-1 *et. seq.*, 515-9-1 *et. seq.*, 515-9-3 *et. seq.* and 515-9-7 *et. seq.* The Commission's specific Constitutional and statutory authorities can be found *inter alia*, at Ga. Const. Art. 9, § 6, ¶ 2, O.C.G.A. §§ 46-2-20, 46-2-21, 46-2-30, 46-2-51, 46-2-53, 46-2-54, 46-2-57, 46-2-58, 46-2-59, 46-2-71, 46-2-90, 46-2-91, 46-2-92, 46-2-93, 46-4-21, 46-4-22, 46-4-23, 46-4-24, 46-4-25, 46-4-26, 46-4-27, 46-4-28, 46-4-29, 46-4-

30, and 46-4-31. The applicable Commission Rules involved are, *inter alia*, at 515-7-1-.01 *et. seq.*, 515-9-1-.01 *et. seq.*, 515-9-3.01 *et seq.*, and 515-9-7-.01.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. THE COMMISSION FINDS AND CONCLUDES that it has jurisdiction over natural-gas utilities. (O.C.G.A. § 46-2-20). Specifically, the Commission maintains safety jurisdiction over all natural gas transmission and distribution facilities within Georgia, including those natural gas facilities which are owned and operated by municipalities. (O.C.G.A. § 46-2-20(i)). The Commission further has jurisdiction over Georgia intrastate natural gas operators pursuant to *inter alia*: 49 U.S.C.S. §§ 60105 and 60122, 49 C.F.R. Part 191, 49 C.F.R. Part 192; O.C.G.A. §§ 46-2-21, 46-2-30, 46-2-53, 46-2-90, 46-2-91, 46-4-1, 46-4-20 *et. seq.*, 50-13-1 *et seq.*; and Commission Rules 515-7-1-.01 *et. seq.*, 515-9-1-.01 *et. seq.*, 515-9-3-.01 *et. seq.*, 515-9-6-.01 and 515-9-7-.01 *et. seq.*

2. THE COMMISSION FURTHER FINDS AND CONCLUDES that Atlanta Gas Light Company and Mid-State Energy are each individually and collectively subject to the safety jurisdiction of the Commission.

3. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Facilities Protection Unit Staff of the Commission has the authority to inspect the facilities of all Georgia natural gas providers pursuant to the legal citations contained *supra*.

4. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Operator joint Petition for waiver of Commission Rule 515-7-1-.15(6) and the hearing requirement are granted.

5. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Operators hereby waive any further heating and/or further findings or conclusions of law with respect to the above-styled matters and agree the the Commission may enter an order based upon the agreements of the Bibb County Operators.

6. THE COMMISSION FURTHER FINDS AND CONCLUDES the AGL and Mid-State Energy shall abide by the terms of this Order and that failure to so comply may subject the Operators to civil penalties pursuant to O.C.G.A. § 46-2-91.

VII. ORDERING PARAGRAPHS

WHEREFORE, IT IS HEREBY ORDERED that all findings of fact and conclusions of law contained within the preceding sections of this Order are hereby adopted as the findings and conclusions of 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, 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 4th day of September 2024.

Sallie Tanner
Executive Secretary

Jason Shaw
Chairman

9-4-24
Date

9-4-24
Date