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**DOCKET NO. 45045**

**IN RE: Sandersville Railroad Company's Petition for Approval to Acquire Real Estate by Condemnation**

## ORDER AFFIRMING AND ADOPTING HEARING OFFICER'S INITIAL DECISION

On March 8, 2023, the Sandersville Railroad Company ("Sandersville" or "Petitioner") filed its Petition for Approval to Acquire Real Estate by Condemnation, pursuant to O.C.G.A. §§ 46-8-120 and 46-8-121 (the "Initial Petition") with the Georgia Public Service Commission ("Commission') for a railroad spur line. The Initial Petition named Mr. R Donald Garrett as the Respondent but was amended on July 20, 2023, to include the owners of the additional properties sought for condemnation. Furthermore, No Railroad in Our Community Coalition ("NROCC"), a coalition of neighboring property owners whose properties were not a part of the petition, intervened to oppose the petition.

On March 24, 2023, the Commission assigned this matter to a hearing officer, and an evidentiary hearing was held on November 27, 28, 29, and 30, 2023. Following the receipt of briefs by all parties, on April 1, 2024, the Hearing Officer issued his Initial Decision on the Petition, finding that the proposed condemnation by the Petitioner served a legitimate public purpose and was necessary for the proper accommodation of the business of the company; thereby, granting the Petition for Approval to Acquire Real Estate by Condemnation by the Petitioner.

Pursuant to O.C.G.A § 50-13-7(a), on April 30, 2024, and May 1, 2024, respectively, Respondent Property Owners ("Respondents") and Intervenor No Railroads in Our Community Coalition ("NROCC"), filed applications for full commission review of the hearing officer's initial

decision in this matter. In their Application, the Respondents and Intervenors requested that the Commission hear oral arguments on the matter and reverse the Hearing Officer's Initial Decision. On May 22, 2024, Petitioner filed a brief in opposition of the application.

The Commission granted the Application for Review and oral arguments were heard from all parties on August 6, 2024. During the September 4, 2024 Administrative Session, the Commission voted to affirm and adopt the Hearing Officer's Initial Decision.

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**WHEREFORE IT IS ORDERED** that Commission affirms the Initial Decision of the Hearing Officer issued on April 1, 2024, and hereby adopts the Initial Decision in its entirety. By affirming the Initial Decision, the Commission expressly adopts the Hearing Officer's findings of facts and conclusions of law set forth in the Initial Decision.

**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 these matters 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 4th day of September 2024.

Sallie Tanner
Executive Secretary

Jason Shaw
Chairman

9-12-24
Date

9-12-24
Date