FILED
SEP 24 2024
EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 45084 55268 55763
DOCUMENT# 220005

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IN RE: **DOCKET NO. 45084: Georgia Power Company's CARES 2023 Utility Scale Renewable Request for Proposals; DOCKET NO. 55268: Georgia Power Company's 2029-2031 All-Source Capacity Request for Proposal ("RFP") and DOCKET NO. 55763: Georgia Power Company's Winter 2027-2028 BESS RFP**

ORDER APPROVING COMPLIANCE FILING WITH MODIFICATION

On June 21, 2024, the Southern Environmental Law Center ("SELC") filed a motion for Georgia Public Service Commission's ("Commission") reconsideration of the battery energy storage system ("BESS") requirements approved in the Commission's June 6, 2024, 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") in Docket No. 45084. SELC also requested reconsideration of the Commission's June 18, 2024, decision of the same BESS requirements included in Georgia Power Company's ("Georgia Power" or "Company") 2029-2031 All-Source Capacity RFP in Docket No. 55268.

The Commission's August 21, 2024 Order Granting Southern Environmental Law Center's Motion for Reconsideration approved the removal of the Netherlands from the list of restricted countries included in the revised BESS requirements language. In addition, this Order reflected the approval of Commissioner Pridmore's amendment to the motion that required 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 would be responsible for any and all cost to Georgia Power and its customers.

On August 23,2024, Georgia Power made a compliance filing for approval of its proposed plan to implement the Commission's August 21, 2024 Order Granting Southern Environmental Law Center's Motion for Reconsideration ("Compliance Filing"). In this filing, Georgia Power stated that it interpreted the amendment to the motion to require that if any cost is caused by a terrorist act, cyber security incident, or mechanical failure that resulted from any programmable electronic component of a Battery Management System, BESS Controller, or Site Controller sourced from the Netherlands, the counterparty with whom GPC is contracting under the applicable RFP would be responsible for all damages allowed under Georgia law to Georgia Power or its customers. In order to implement this requirement, Georgia Power proposed to amend each impacted pro forma BESS contract in the CARES 2023 Utility Scale RFP, All-Source RFP, and Winter 2027_2028 BESS RFP.

In its Compliance Filing, Georgia Power stated that it will take commercially reasonable efforts to enforce the new contract provisions and that it may seek Commission approval to recover in rates any prudently incurred cost to serve retail customers that the Company is unable to recover from the contract counterparty.

Staff reviewed the August 23, 2024 Compliance Filing including the modified Power Purchase Agreements ("PPAs") for each of the respective RFPs. Staff recommended approval of the Company's plan to implement the Commission's August 21, 2024 Order Granting Southern Environmental Law Center's Motion for Reconsideration with the addition of reasonable to the following sentence:

> *The Company should be able to seek approval to recover in rates any [reasonable and] prudently incurred cost to serve retail customers that the Company is unable to recover from the contract counterparty.*

The Commission approved Staff's recommendation at the September 17, 2024, Administrative Session.

* * * * * * * * * * * * *

WHEREFORE IT IS ORDERED, that the Company's Compliance Filing related to its plan to implement the Commission's August 21, 2024 Order Granting Southern Environmental Law Center's Motion for Reconsideration, as amended by Commission Staff's recommendation, is hereby approved.

ORDERED FURTHER, that the amended pro forma BESS contracts for the CARES 2023 Utility Scale RFP, All-Source RFP, and Winter 2027_2028 BESS RFP are hereby approved.

ORDERED FURTHER, that all findings, conclusions, statements, and directives made by the Commission and contained in the foregoing sections of this Order are hereby adopted as findings of fact, conclusions of law, statements of regulatory policy, and orders 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 17th day of September 2024.

Sallie Tanner
Executive Secretary

9-24-24
Date

Jason Shaw
Chairman

9-24-24
Date