BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF GEORGIA

CITY OF CARTERSVILLE,	)	
	)	
Petitioner,	)	
	)	
v.	)	**DOCKET NO.: _____**
	)	
GEORGIA POWER COMPANY,	)	
	)	
Respondent.	)	

PETITION OF CITY OF CARTERSVILLE

COMES NOW, CITY OF CARTERSVILLE (hereinafter "**Cartersville**"), Petitioner, and respectfully files this Petition with the Georgia Public Service Commission (hereinafter "**Commission**"), and shows the Commission the following:

-1-

This Petition is filed pursuant to the rules of the Commission and the Georgia Territorial Electric Service Act, O.C.G.A. §§ 46-3-1 through 46-3-15 (hereinafter the "**Territorial Act**").

-2-

The Commission has jurisdiction to hear this dispute between the parties pursuant to the Territorial Act.

-3-

Petitioner is a municipal corporation, organized and existing under the laws of the State of Georgia.

-4-

Respondent Georgia Power Company (hereinafter "**GPC**") is a corporation organized and existing under the laws of the State of Georgia, with its principal office and place of doing business in Atlanta, Fulton County, Georgia.

-5-

GPC may be served with this petition by and through its President and CEO, Kimberly S. Greene at 241 Ralph McGill Blvd., N.E., Bin 10240, Atlanta, Georgia 30308-3374. Petitioner will also provide a courtesy copy to Respondent's General Counsel, David A. Slovensky at 241 Ralph McGill Blvd., N.E., Bin 10240, Atlanta, Georgia 30308-3374.

-6-

Cartersville and GPC are "electric suppliers" as defined in the Territorial Act, O.C.G.A. § 46-3-3(3), and, for purposes of this proceeding, are subject to the jurisdiction of the Commission pursuant to the Territorial Act.

-7-

This dispute concerns a premises located at 1181 Cassville White Road, Cartersville, Georgia, (hereinafter the "**Property**") upon which is situated a building previously developed for office and warehouse use (hereinafter the "**Building**").

-8-

The Property is within GPC's designated service area under the Territorial Act.

-9-

During or about February, 2022, GPC began serving the Property on a temporary/construction-type basis with a 300kVa transformer.

-10-

More recently, a proposal was made to convert the Building into a manufacturing facility (hereinafter the "**Project**") for Allied Tube & Conduit Corp. (hereinafter "**Atkore**"), which manufactures electrical conduit and fittings, cable and cable management systems, infrastructure products, and safety and security products.

-11-

During or about June 2023, Atkore approached GPC about supplying electrical power for the Project.

-12-

The estimated electrical load for the Project was approximately 1.5MW, which would require a 1500kVa transformer.

-13-

Thus, Atkore is a "large load" customer under the Territorial Act. *See* O.C.G.A § 46-3-8(a).

-14-

On or about June 20, 2023, GPC reported that it had ordered the transformer for the new project but that it would take 12-18 months to obtain the transformer.

-15-

On or about November 1, 2023, Atkore made the election to have Cartersville provide electric power to the facility.

-16-

To date, Cartersville has spent approximately $400,000.00 to extend electric power to the facility.

-17-

In a letter dated April 3, 2024, Atkore confirmed its choice of Cartersville as its electric power provider.

-18-

Nevertheless, on or about May 1, 2024, GPC set a 1500kVa transformer on the Property and "set up to bore to a kVa unit in the back."

-19-

This dispute concerns Atkore's choice of Cartersville to provide electrical services to the Project pursuant to the "customer choice" exception for "large load" customers to the Territorial Act. *See* O.C.G.A § 46-3-8(a).

-20-

Upon information and belief, GPC claims to be "grandfathered" as the electric power provider to the Property, pursuant to O.C.G.A § 46-3-8(b).

-21-

Thus, this dispute also concerns whether GPC is in fact grandfathered and, if so, whether Atkore's new use of the Property constitutes a "reconstruction" of the premises, which eliminates the applicability of the "grandfather clause." See O.C.G.A §46-3-8(b).

-22-

Atkore expressly elected to have Cartersville provide power to the Project.

-23-

Atkore's choice of Cartersville to provide electric service to the Project was made prior to GPC incurring expenses for the necessary infrastructure in place to serve the project.

WHEREFORE, Cartersville prays:

1. That the Commission find and determine that Cartersville is the only electric supplier authorized to serve the Project pursuant to the "large load," customer-choice exception, or alternatively, the "reconstruction of the premises" exception to the "grandfather clause" in the Territorial Act;

2. That the Commission order GPC to cease and desist its efforts to serve the project, or if GPC has established service, then to order GPC to disconnect service to the Project, and transfer such service to Cartersville; and

3. For such other and further relied as the Commission shall deem just and proper.

This 11th day of October, 2024.

SMITH CONERLY LLP

/s/ Charles S. Conerly
Charles S. Conerly
Georgia Bar No.: 180720
cconerly@smithconerly.com

ATTORNEYS FOR CITY OF CARTERSVILLE

402 Newnan Street
Carrollton, Georgia 30117
(770) 834-1160 (telephone)
(770) 834-1190 (facsimile)