STATE OF GEORGIA

BEFORE THE PUBLIC SERVICE COMMISSION

CITY OF CARTERSVILLE,	)	
	)	
Petitioner,	)	
	)	
v.	)	Docket No. 55973
	)	
GEORGIA POWER COMPANY,	)	
	)	
Respondent.	)	

GEORGIA POWER COMPANY'S RESPONSE AND ANSWER TO CITY OF CARTERSVILLE'S PETITION

Georgia Power Company ("Georgia Power" or the "Company"), by and through its attorneys, hereby responds to City of Cartersville's ("Cartersville") October 11, 2024 petition ("Petition"). Georgia Power lawfully extended permanent electric service to the premises located at 1181 Cassville White Road (the "Premises") on February 24, 2022. The Premises is located in Georgia Power's service territory and is not subject to the large load exception because it is neither new nor did it have a connected load over 900 kW at initial full operation.

Even if the Premises met the eligibility criteria for the large load exception, the Premises has been lawfully served by Georgia Power for over two years and is therefore subject to the "grandfather rights" of the Georgia Territorial Electric Service Act, O.C.G.A. §§ 46-3-1 through 46-3-15 ("Territorial Act"). Contrary to Cartersville's unsupported assertions, the Petition fails to allege facts showing that that the Premises has been "dismantled or destroyed" or that the proposal to convert the building into a manufacturing facility has resulted in the Premises being reconstructed not "in substantial kind" compared to the previous office and warehouse use. *See*

O.C.G.A. § 46-3-8(b). Accordingly, Carterville's Petition fails to allege facts that would justify terminating Georgia Power's right to lawfully serve the Premises.

Georgia Power responds to each enumerated allegation of the Petition as follows:

1.

Georgia Power admits that the rules of the Georgia Public Service Commission and the provisions of the laws of Georgia vest the Commission with jurisdiction over the parties and their actions with regard to matters arising under the Territorial Act.

2.

Georgia Power admits the allegations contained in Paragraph 2 of Cartersville's Petition.

3.

Georgia Power is without sufficient information to admit or deny the allegation contained in Paragraph 3 of Cartersville's Petition.

4.

Georgia Power admits the allegations contained in Paragraph 4 of Cartersville's Petition.

5.

Georgia Power admits the allegations contained in Paragraph 5 of Cartersville's Petition.

6.

Georgia Power admits the allegations contained in Paragraph 6 of Cartersville's Petition.

7.

Georgia Power admits the allegations contained in Paragraph 7 of Cartersville's Petition.

8.

Georgia Power admits the allegations contained in Paragraph 8 of Cartersville's Petition.

9.

Georgia Power denies the allegation contained in Paragraph 9 of Cartersville's Petition. On October 18, 2021, Georgia Power received an application for permanent service at the Premises. On February 24, 2022, Georgia Power began providing permanent electric service to the Premises.

10.

Georgia Power admits the allegation contained in Paragraph 10 of Cartersville's Petition.

11.

Georgia Power admits the allegation contained in Paragraph 11 of Cartersville's Petition.

12.

Georgia Power admits the allegation contained in Paragraph 12 of Cartersville's Petition.

13.

Georgia Power denies the allegation contained in Paragraph 13 of Cartersville's Petition. Georgia Power further states in the affirmative that the Premises is neither new nor did it have a connected load of 900 kW or greater at the time of initial full operation.

14.

Georgia Power admits the allegation contained in Paragraph 14 of Cartersville's Petition.

15.

Georgia Power denies the allegation contained in Paragraph 15 of Cartersville's Petition because the Premises does not qualify for customer choice pursuant to O.C.G.A. § 46-3-8. Notwithstanding any communications that may have occurred between Cartersville and Atkore, a customer already being lawfully served by an electric service provider does not have a right to change service providers except under very limited circumstances, which do not exist here.

16.

Georgia Power is without sufficient information to admit or deny the allegation contained in Paragraph 16 of Cartersville's Petition.

17.

Georgia Power denies the allegation contained in Paragraph 17 of Cartersville's Petition because the Premises does not qualify for customer choice pursuant to O.C.G.A. § 46-3-8.

18.

Georgia Power admits the allegation contained in Paragraph 18 of Cartersville's Petition.

19.

In response to the allegations contained in Paragraph 19 of Cartersville's Petition, Georgia Power admits that the dispute concerns whether Atkore had the legal right to choose an electric service provider for an existing premises, already being lawfully served with permanent electric service. However, Georgia Power denies Cartersville's characterization of the dispute as to "Atkore's choice" of electric service provider because the Premises does not qualify for customer choice pursuant to O.C.G.A. § 46-3-8.

20.

Georgia Power admits the allegation contained in Paragraph 20 of Cartersville's Petition.

21.

Georgia Power denies the allegation contained in Paragraph 21 of Cartersville's Petition because the Petition alleges no facts sufficient upon which to establish an exception to the grandfather clause of the Territorial Act.

22.

Georgia Power denies the allegation contained in Paragraph 22 of Cartersville's Petition because the Premises does not qualify for customer choice pursuant to O.C.G.A. § 46-3-8.

23.

Georgia Power denies the allegation contained in Paragraph 23 of Cartersville's Petition.

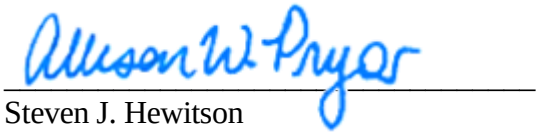
24.

All allegations not specifically admitted herein by Georgia Power are denied. Georgia Power further denies that Cartersville is entitled to any relief requested in its Petition.

WHEREFORE, Georgia Power requests:

1. That the Commission find and determine that Georgia Power is the only electric supplier authorized to serve the Premises pursuant to Territorial Act;
2. That the Commission order Cartersville to cease and desist its efforts to serve the Premises;
3. That the Commission dismiss the petition; and
4. For such other and further relief as the Commission shall deem just and proper.

Respectfully submitted this 12th day of November, 2024.



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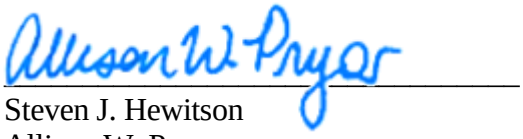
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the herein and foregoing **GEORGIA POWER COMPANY'S RESPONSE AND ANSWER TO CITY OF CARTERSVILLE'S PETITION** by email as follows:

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I have also filed a copy of the foregoing with the Commission via the Commission's Alternative Filing Procedures.

This 12th day of November, 2024.



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