BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN RE:	)	
	)	
GENERIC PROCEEDING TO	)	
IMPLEMENT HOUSE BILL 244	)	**DOCKET NO. 43453**
	)	
	)	

JOINT PETITION OF GEORGIA ELECTRIC MEMBERSHIP CORPORATION AND GEORGIA CABLE ASSOCIATION FOR APPROVAL OF STIPULATION

Georgia Electric Membership Corporation ("GEMC") on behalf of its 38 Member Companies (the "Georgia EMCs") and Georgia Cable Association ("GCA") submit this Joint Petition, requesting that the Commission approve the attached Stipulation.

The Commission issued an Order on December 30, 2020 in Docket No. 43453 setting rates, fees, terms, conditions, and specifications for any pole attachment agreement entered into by a communications service provider and an EMC on and after July 1, 2021. The Order stated that two years from the effective date of the new rates, and every two years thereafter, the Commission will review the status of broadband deployment in Georgia and the impact of the Commission's Order on that deployment. The Order also guaranteed the rates for a five-year term beginning July 1, 2021.

Consistent with the Commission's January 6, 2023 decision to forgo the two-year review for 2022, GEMC and GCA have worked together to propose the attached Stipulation to forego the current two-year review. Additionally, GEMC and GCA propose to discontinue future two-year reviews. An executed copy of the Stipulation is attached hereto as Exhibit 1. GEMC and GCA respectfully request that the Commission approve the attached Stipulation.

Submitted this 21st day of November 2024.

Counsel for Georgia Cable Association

Lindsey A. Williamson

Robert S. Highsmith Jr.
State Bar of Georgia No. 352777
Lindsey S. Williamson
Holland & Knight LLP
State Bar of Georgia No. 783366
Regions Plaza, Suite 1800
1180 W. Peachtree Street, N.W.
Atlanta, GA 30309
404-817-8500
robert.highsmith@hklaw.com
lindsey.williamson@hklaw.com

Counsel for GEMC and its 38 EMC Members

Joshua Archer by LSW with express permission

Joshua R. Archer
Georgia Bar No.021208
Brooke W. Gram
Georgia Bar No.810901
Balch & Bingham LLP
30 Ivan Allen Jr. Boulevard, NW Suite 700
Atlanta, GA 30308
Telephone: (404) 261-6020

J. Russ Campbell Balch & Bingham LLP
1901 Sixth Avenue North Suite 1500
Birmingham, AL 35203
Telephone: (205) 226-3438

Exhibit 1

Docusign Envelope ID: AFC18093-9823-45F7-BC16-987777F596C0

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

In Re:	)	
	)	**Docket No. 43453**
Generic Proceeding to Implement House Bill 244	)	

STIPULATION

WHEREAS, the Georgia General Assembly passed House Bill 244 ("HB 244"), the Georgia Broadband Opportunity Act, in the 2020 legislative session so as to require electric membership corporations to comply with certain requirements in determining the rates, fees, terms, conditions, and specifications for attachments to utility poles by communications service providers; to provide for certain rates, fees, terms, conditions, and specifications for such attachments to be determined by the Georgia Public Service Commission (the "Commission"); to provide for the commission to promulgate certain rules and regulations; to provide for definitions; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes; and

WHEREAS, HB 244 charged the Commission with setting certain rates, fees, terms, conditions, and specifications for such attachments; and

WHEREAS, the Commission issued a Procedural and Scheduling Order in Docket No. 43453 on September 8, 2020 and held hearings in this proceeding from November 17, 2020 through November 20, 2020; and

WHEREAS, Georgia Electric Membership Corporation ("GEMC") on behalf of its 38 Member Companies (the "Georgia EMCs"), Georgia Cable Association ("GCA"), Georgia Telephone Association ("GTA"), BellSouth Telecommunications, LLC d/b/a AT&T Georgia ("AT&T") all intervened, were parties to the proceeding, and set forth arguments; and

WHEREAS, the Commission issued an Order on December 30, 2020 setting rates, fees, terms, conditions, and specifications for any pole attachment agreement entered into by a communications service provider and an EMC on and after July 1, 2021 (the "December 30, 2020 Order"); and

WHEREAS, the Commission's December 30, 2020 Order guaranteed rates for a five-year term beginning July 1, 2021; and

WHEREAS, the Order stated that two years from the effective date of the new rates, and every two years thereafter, the Commission will review the status of broadband deployment in Georgia and the impact of the Commission's order on that deployment; and

Docusign Envelope ID: AFC18093-9823-45F7-BC16-987777F596C0

WHEREAS, GEMC on behalf of the Georgia EMCs and GCA submitted filings to the Commission on June 1, 2022 as part of the Commission's biennial review, and AT&T filed a letter stating that it elected not to participate in the biennial review; and

WHEREAS, the Georgia EMCs and GCA entered into a Stipulation that was filed in Docket No. 43453 on July 1, 2022 to forego the two-year review; and

WHEREAS, GEMC on behalf of the Georgia EMCs submitted a filing to the Commission on June 1, 2024 as part of the Commission's biennial review; and

WHEREAS, the undersigned parties (which include GEMC and GCA, collectively the "Stipulating Parties") have reached an agreement on the terms set forth herein; and

WHEREAS, the Stipulating Parties are requesting that the Commission approve this Stipulation as expressly stated herein; and

NOW THEREFORE, in consideration of the mutual promises and convents contained herein, the Stipulating Parties agree as follows:

1.

The rates, terms, conditions, and specifications in the Commission's December 30, 2020 Order will remain in place. Nothing in this Stipulation prevents a party from bringing forth a complaint as provided under a Commission order, Commission rule, or Georgia law.

2.

The Stipulating Parties agree that the current two-year review required by the Commission's December 30, 2020 Order need not continue and request that the Commission dispose of any hearing that would have been associated with the 2024 two-year review and discontinue all future two-year reviews. The Stipulating Parties recognize that the $27.71 rate for a communications service provider to attach in the one-foot communications space for those portions of the state designated as "served" on the Georgia Broadband Map as it existed on December 30, 2020 is guaranteed until June 30, 2026; provided, however, the Commission maintains authority to review the status of broadband deployment in Georgia and the impact of the Commission's order on that deployment if it so chooses at any time.

3.

In the event the Commission does not approve the Stipulation, it will be void and have no binding precedential effect. Further, if the Commission does not approve the Stipulation, it shall not be presented as evidence in any matter before this Commission.

Docusign Envelope ID: AFC18093-9823-45F7-BC16-987777F596C0

4.

This Stipulation, if approved, shall not have any precedential effect in any future proceeding or be binding on either party except to the limited extent necessary to implement the provisions hereof.

5.

This Stipulation may be executed in several counterparts, which shall be considered one agreement.

6.

This Stipulation is the Stipulating Parties' full and final expression of their agreement and shall not be contradicted by any representation outside of this document or prior agreement.

[SIGNATURES ON FOLLOWING PAGE]

Docusign Envelope ID: AFC18093-9823-45F7-BC16-987777F596C0

Agreed to:

Stipulating Party: Georgia Electric Membership Corporation
on behalf of its 38 Member Companies

By: Signed by: Dennis Chastain
5E81BB87E51E4E6...

Date: 11/20/2024

Agreed to:

Stipulating Party: Georgia Cable Association

By: _____

Date: 10/21/24

CERTIFICATE OF SERVICE

I hereby certify that have this day served a copy of the foregoing document on the following persons via email as follows:

Sallie Tanner
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334
stanner@psc.ga.gov
via email

Mr. Leon Bowles
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334
leonb@psc.ga.gov
via email

Mr. Patrick Reinhardt
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334
patrickr@psc.ga.gov
via email

Mr. Daniel Walsh
Office of the Attorney General
40 Capitol Square, SW
Atlanta, Georgia 30334
dwalsh@law.ga.gov
via email

Robert B. Remar
S. Gardner Culpepper
Rogers & Hardin
2700 International Tower
229 Peachtree Street NE
Atlanta, Georgia 30303
rremar@rh-law.com
sculpepper@rh-law.com
via email

T. Joshua R. Archer
Brooke W. Gram
Balch & Bingham LLP
30 Ivan Allen Jr. Boulevard, N.W.
Suite 700
Atlanta, Georgia 30308
jarcher@balch.com
bgram@balch.com
via email

Annalisa M. Bloodworth
Oglethorpe Power Corporation
2100 East Exchange Place
Tucker, Georgia 30084
annalisa.bloodworth@opc.com
via email

J. Russ Campbell
Balch & Bingham LLP
1901 Sixth Avenue North
Suite 1500
Birmingham, Alabama 35203
rcampbell@balch.com
via email

Thomas B. Magee
Keller & Heckman LLP
1001 G. Street, NW
Suite 500 West
Washington, DC 20001
magee@khlaw.com
via email

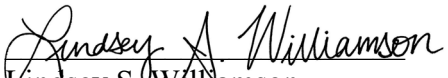
Hunter Hopkins
Executive Director
Georgia Cable Association
hhopkins@gacable.com
via email

Maria Browne
Jay Ireland
DAVIS WRIGHT TREMAINE LLP
1301 K Street N.W.
Suite 500 East
Washington, DC 20005
mariabrowne@dwt.com
jayireland@dwt.com
via email

Dave Thomas
Abraham Shanedling
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
2099 Pennsylvania Avenue, NW
Suite 100
Washington, DC 20006
dthomas@sheppardmullin.com
ashaneding@sheppardmullin.com
via email

Patrick W. Turner
BELLSOUTH TELECOMMUNICATIONS. LLC d/b/a AT&T GEORGIA
One CNN Center, SW1424B
Atlanta, GA 30303
pt1285@att.com
via email

This 21st day of November 2024.



Lindsey S. Williamson