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DOCKET# 56008
DOCUMENT# 220708

NOTICE OF PROPOSED RULEMAKING

TO: (a) Legislative Counsel – State of Georgia
(b) All Commission Staff
(c) All Parties on the Commission's Rulemaking Mailing Lists

FROM: Georgia Public Service Commission
244 Washington St., S.W.
Atlanta, Georgia 30334

IN RE: **Docket No. 56008: Notice of Proposed Rulemaking to Revise Existing Commission Rule 515-2-1-.04(4): Applications, Petitions, Complaints and Filings. Procedural Requirements Relating Thereto.**

All interested parties are hereby notified pursuant to Ga. Laws 1964, pp. 338, 342, as amended (Official Code of Georgia Annotated ("O.C.G.A.") § 50-13-4) that the Georgia Public Service Commission ("Commission") intends to consider adopting rule 515-2-1-.04(4) revising its existing procedural requirements for the filing of all applications, petitions, complaints and other documents that are filed with its Executive Secretary's Office.

BY THE COMMISSION:

At its regularly scheduled December 3, 2024, Administrative Session, the Commission issued this Notice of Proposed Rulemaking ("NOPR"). The amendments proposed in this NOPR for Utility Rule 515-2-1-.04(4) shall be considered for adoption at the Commission's regularly scheduled **Administrative Session on January 21, 2025, at 9:30 a.m.,** which will be held at the Commission's offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334.

If adopted, this rule, shall become effective as provided for by law twenty (20) days after their adoption by the Commission and subsequent filing with the Secretary of State.

I. NOTICE OF PROPOSED RULEMAKING

A. Introduction and Jurisdiction

The Commission is governed by the Administrative Procedure Act, O.C.G.A. § 50-13-1 *et seq.* The Commission is authorized to promulgate rules for procedure and for taking evidence in all matters that come before it. O.C.G.A. § 46-2-30.

B. Synopsis and Explanation of Proposed Rules

The Commission continues to make technological advancements to its filing and electronic retrieval system in order to make it easier for interested parties to file documents with, and retrieve documents from, the Commission and in order to improve the efficiency of the Commission in conducting its statutory duties. To take advantage of these advancements, it is necessary to update the Commission's existing rule.

The proposed revisions to existing Rule 515-2-1-.04 (4) seek to provide interested parties the ability to make electronic filings through an electronic filing portal. In most circumstances, parties that make electronic filings through the portal will not be required to file any physical copies. However, the proposed revised rule preserves the ability of the Commission to require a party to file physical copies in limited circumstances where the Commission determines physical copies are appropriate. The proposed rule preserves the right of parties to file physical documents in lieu of using the electronic filing portal.

II. PROPOSED RULE

Pursuant to the requirements of the Georgia Administrative Procedures Act at O.C.G.A. § 50-13-4(a)(1), the Commission intends to consider the adoption of revised rule 515-2-1-.04(4). The full text of the proposed revised Rule 515-2-1-.04(4) of the Utility Rules of the Commission is set forth below.

PROPOSED REVISIONS TO EXISTING COMMISSION RULE 515-2-1-.04(4)

Applications, Petitions, Complaints and Filings.

Procedural Requirements Related Thereto

(4) All filings at the Commission shall ~~comply with the following~~ be made utilizing the electronic filing portal or through mail, courier or in-person. The procedures below outline

the requirements for making filings at the Commission based on the manner utilized to submit the filing.

(a) Electronic Filing Portal. All filings made through the electronic filing portal shall be submitted in accordance with the instructions contained on the Commission's website https://psc.ga.gov/. All filings submitted through the electronic filing portal will be deemed as filed once the party filing the document receives an email confirmation from the Commission affirming that the filing has been accepted. All electronic filings submitted through the electronic filing portal shall be made using the type of format specified by the Commission in its Official Filing Schedule. If a filing is made utilizing the electronic filing portal no paper copy of the filing will be required except by order of the Commission or by request of a staff member of the Commission. If paper copies are directed in a Commission order or are requested by a staff member, ~~In addition to filing an original document with the Commission, a party also shall file an appropriate number of copies.~~ the exact number of copies that a party must file shall be determined ~~by the type of document,~~ as specified on the Official Filing Schedule adopted by the Commission, outlined in a Commission order or communicated from a staff member. Once adopted, this Official Filing Schedule may be modified from time to time by order of the Commission.

(b) Filings made through mail, courier or in-person. ~~Unless otherwise expressly excepted by the Commission in its Official Filing Schedule,~~ In addition to any other requirement set forth in Rule 515-2-1-.04, a party shall file ~~contemporaneously with~~ an original ~~and the appropriate number of copies, if any~~, of ~~a document~~ its filing along with a complete electronic version of its filing~~, along with any exhibits attendant thereto~~. If, for reasons beyond a party's control, any portion of a document cannot be filed electronically, the party making the filing shall include in the place of the unavailable item in its electronic filing a statement that the item in question is not available electronically and the reason(s) for its unavailability. All electronic filings shall be made using the type of software specified by the Commission in its Official Filing Schedule ~~and shall not contain more than four (4) files, including attachments~~. In the event that a textual, substantive or other type of discrepancy exists between the original hard copy of the document and the electronic version filed, the contents of the original hard copy of the filing shall control.

1. Any party to a contested matter that lacks the technical ability to make an electronic filing with the Commission as required by (4)(~~a~~ b) of this rule may file a petition seeking an exemption from meeting this requirement. Any such petition that may be made pursuant to this rule shall conform with all of the filing requirements of this rule, except that it need not be accompanied by an electronic version of the petition filed. The decision whether to grant such a petition shall be made on a case-by-case basis by the Chairman of the Commission in accordance with Rule 515-1-1-.01.

2. Any filing made pursuant to Rule 515-2-1-.04 must be received by the Commission's Executive Secretary Office no later than 4:00 p.m. if it is to be date stamped as having been received that calendar day. Limited exceptions to the 4:00 p.m. filing deadline requirement may be made by the Executive Secretary's Office for good cause shown. Nothing set forth in this rule shall prevent a party from petitioning the Commission to obtain an exception to the filing deadline in the event that the Executive Secretary does not grant a request that a late filing be accepted nor shall this rule be interpreted to contradict the express provisions of O.C.G.A. § 50-13-23.

(c) All filings with the Commission shall include a valid mailing address, telephone number, and email address. In addition to any other applicable service requirements, all filings made at the Commission shall be sent electronically to all parties who have previously provided a valid email address in the Docket at issue (e.g., through requests for Intervention or other filings).

1. Inability of a party to serve documents electronically for lack of a valid email address as required by Section (c) shall not be construed as a violation of this Rule section.

2. If, for reasons beyond a party's control, any portion of a document cannot be served electronically, the serving party shall include in the place of the unavailable item in its electronic service documentation and a statement that the item in question is not available electronically.

3. In the event that a party is unable to serve another party because either the party to be served does not have or has not provided notice of a valid email address or the document or any portion thereof cannot be served electronically, the serving party shall affect service via the US mail or other acceptable means allowed by the Administrative Procedure Act.

4. Nothing in subsection (c) of this Rule shall supersede Commission Rule 515-3-1-.11: Trade Secrets.

Authority O.C.G.A. § 46-2-30 and Ga. L. 1878-79, p. 125; 1907, pp. 72-81; 1922, pp. 42-147; 1950, p. 311; 1956, p. 104, 105; 1954, pp. 338-356; 1965, p. 283; 1970, p. 104; 1972, pp. 138, 439-446; 1973, pp. 200-220, 664, 677, 678; 1975, pp. 404-412; 1976, p. 419; 1979, p. 1084 (Ga. Code Ann. Sec. 93-307). **History.** Original Rule entitled "Applications, Petitions and Complaints," was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411. **Amended:** Filed July 26, 1979; effective August 15, 1979. **Amended:** Filed November 17, 1980;

effective December 7, 1980. **Amended:** Filed January 21, 1981; effective February 10, 1981. **Amended:** Filed September 23, 1983; effective October 13, 1983. **Amended:** Filed October 7, 1986; effective October 27, 1986. **Amended:** F. Nov. 9, 1995; eff. Nov. 29, 1995.

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The Commission shall consider adopting this proposed revised rule at its Administrative Session held at 9:30 a.m. on **January 21, 2025**, at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334.

All interested parties who desire to do so may submit comments, data, views, arguments, or any other relevant matters in writing to the Commission concerning the proposed Rules. Such written material must be delivered to the Commission no later than **January 9, 2025**. The Commission requests that, where possible, comments include specific proposed edits to the Rules.

Any written materials are to be filed with:

Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington St., S.W.
Atlanta, Georgia 30334

All persons interested in presenting views or arguments orally should present a written request for an oral hearing by **January 9, 2025**. If no request for oral hearing is made, the Commission shall consider only those written comments filed in accordance with the provisions of this notice. If oral hearing is requested, then the Commission shall hold oral hearings in its First Floor Hearing Room at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334 immediately following the 9:30 a.m. Committees on **January 16, 2025.**

The general authority for adoption of this Rule is found in O.C.G.A. § 46-2-30. Upon request by any interested parties either prior to the exception of the Rule or within thirty (30) days thereafter, pursuant to O.C.G.A. § 50-13-4(a)(2), the Commission shall issue a concise statement of the principal reasons for and against adoption of this Rule and incorporating the reasons for overruling the consideration, if any, urged against its adoption.

* * * * *

WHEREFORE IT IS ORDERED, that the Commission hereby issues this Notice of Proposed Rulemaking for consideration of adopting revised Utility Rule 515-2-1-.04(4).

ORDERED FURTHER, that this Notice of Proposed Rulemaking shall be published in conformity with the requirements of the Administrative Procedure Act as provided in O.C.G.A. § 50-13-4(4).

ORDERED FURTHER, that all interested parties shall file comments and proposed edits no later than 4:00 p.m. on **January 9, 2025**.

ORDERED FURTHER, that all persons interested in presenting views or arguments orally should present a written request for an oral hearing by 4:00 p.m. on **January 9, 2025**. If requested, the Commission will hold a hearing to receive oral comments immediately following the 9:30 a.m. Committees on **January 16, 2025**.

ORDERED FURTHER, that any 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 3rd day of December, 2024.

Sallie Tanner
Executive Secretary

12-12-24
Date

Jason Shaw
Chairman

12-12-24
Date