BEFORE THE

GEORGIA PUBLIC SERVICE COMMISSION

In Re:	)	
	)	
Capacity and Energy Payments	)	**Docket No. 4822**
to Cogenerators Under PURPA	)	

GEORGIA POWER COMPANY'S RESPONSE TO RGP BOWMAN SOLAR, LLC'S MOTION FOR RECONSIDERATION

COMES NOW Georgia Power Company ("Georgia Power" or the "Company") and hereby responds to RGP Bowman Solar, LLC's ("Bowman") Motion for Reconsideration (the "Motion") filed December 6, 2024. The Motion seeks reconsideration of the Georgia Public Service Commission's (the "Commission") Order Denying RGP Bowman Solar, LLC's Request to Initiate a Procedural and Schedule Order to Determine the Reasonableness of Interconnection Costs (the "Order") dated November 26, 2024. Consistent with Bowman's prior pleadings, the Motion relies on a convoluted mixture of inapplicable precedents, misstates facts and the relevant law, seeks to relitigate settled interconnection cost allocation policy and, at bottom, demands the Commission's cooperation to circumvent previously approved Qualifying Facility ("QF") interconnection procedures. For the reasons set forth herein, the Commission should deny the Motion.

I. BACKGROUND

On April 26, 2024, Bowman filed an Emergency Petition for Extension of Time and Petition for Declaratory Ruling on Interconnection Costs for Qualifying Facilities (the "Petition"). Georgia Power filed its response on May 28, 2024. Bowman filed a reply on June 12, 2024. The Commission heard the Petition during Energy Committee on November 14, 2024. At the Administrative Session held November 19, 2024, the Commission denied Bowman's request, as

memorialized in the Order. Subsequently, on December 9, 2024, Bowman signed the Qualifying Facility interconnection agreement (the "QFIA") and issued the notice to proceed on December 10, 2024.

II. ARGUMENT

A. Bowman's Substantial Compliance with the Commission's Order Renders this Motion Moot.

Bowman's Petition sought, among other things: (1) an emergency extension of time to execute a state-jurisdictional transmission QFIA with the Company; (2) declaratory rulings that various interconnection and upgrade costs associated with the QF are unjust and unreasonable or otherwise prohibited by Commission precedent; and (3) a procedural and scheduling order to take evidence on the Petition.[1] Since filing the present Motion, Bowman has executed the QFIA and issued the notice to proceed. To comply with the Commission's Order and to meet its contractual obligations under the QFIA, Bowman must provide the necessary cash and securities within 10 business days of providing notice to proceed.[2] Bowman's compliance with the Order and execution of the QFIA have eliminated any remaining controversies and leave no issues of fact or law to determine. Accordingly, the Commission should dismiss Bowman's Motion as moot.

B. *The Motion Fails to Demonstrate any Basis Upon Which to Grant Reconsideration.*

Bowman's Motion is premised on two fundamental and fatal flaws. First, its right to generate and sell electricity to Georgia Power has not in any way been denied. Second, Bowman has no right to an evidentiary hearing to challenge interconnection costs. Each of these flaws is

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[1] Emergency Petition of RGP Bowman Solar, LLC for Extension of Time and Petition for Declaratory Ruling on Interconnection Costs for a Qualifying Facility, *In re: Capacity and Energy Payments to Cogenerators Under PURPA*; Docket No. 4822 (April 26, 2024).

[2] Order Denying RGP Bowman Solar, LLC's Request to Initiate a Procedural and Schedule Order to Determine the Reasonableness of Interconnection Costs, *In re: Capacity and Energy Payments to Cogenerators Under PURPA*; Docket No. 4822, p. 4 (Nov. 26, 2024).

equally fatal to Bowman's motion. While the Motion raises numerous examples of Bowman's displeasure with the outcome of the Petition, it presents no basis upon which reconsideration may be granted.

1. None of Bowman's rights have been denied.

Bowman claims a statutory right "to develop a QF Facility and sell its electric generation to the Company at avoided cost."[3] Without debating the merits of that assertion, the legal significance of the statement is irrelevant to the Motion. No action by Georgia Power or this Commission has infringed upon that claimed right. Bowman is free to develop its QF Facility and sell its output to Georgia Power. The question before the Commission is the reasonableness of the costs incurred by Bowman to interconnect to Georgia Power's transmission system so that it can deliver its output without interruption, as required by PURPA. As demonstrated by Bowman's execution of the QFIA and the notice to proceed, Bowman is still able to develop its QF Facility. Any claim to the contrary is without merit.

2. Bowman has no right to an evidentiary hearing on its Petition.

Bowman contends, without precedential support, that the Commission's dismissal of the Petition without providing the demanded evidentiary hearing somehow denies it constitutional due process. This claim is unquestionably false. It is only by distorting the Commission's prior orders that the Motion concocts a "right" that it then claims was denied.

In its Motion, Bowman severely misrepresents the Commission's Order regarding the review of interconnection costs.[4] Discussing the paragraph that states "ORDERED FURTHER,

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[3] Motion for Reconsideration, *In re: Capacity and Energy Payments to Cogenerators Under PURPA*, Docket No. 4822, p. 6 (Dec. 6, 2024).

[4] Motion for Reconsideration at 8.

that the Commission reserves the right to determine the reasonableness of any State-jurisdictional interconnection costs assigned to a QF through a Qualified Facility Interconnection Agreement or a negotiated QF Standard Offer Contract," Bowman contends that the Commission created a binding obligation, compelling an evidentiary review of each and every challenged interconnection cost.[5] With no authority explaining how the Commission's reserved right somehow simultaneously creates a regulatory obligation, Bowman then cries foul that the Commission's multi-month review of the claims in its "emergency" Petition was still insufficient to satisfy due process, claiming its perceived, yet unsubstantiated, "right" to a hearing over the interconnection costs was not honored. Such misinterpretation not only lacks legal foundation but also wholly ignores the Commission's established rules and procedures.

In the often-referenced March 2021 Order, this Commission ordered Georgia Power to work with Commission Staff to develop and publish its QF Interconnection Procedures, including a pro-forma QFIA template for review and approval.[6] Over a period of 14 months, Georgia Power worked diligently with Staff to comply with this directive. On April 28, 2022, the Energy Committee of this Commission heard arguments regarding the resulting procedures, approving them in its May 3, 2022 administrative session and subsequently reducing the order to writing.[7] Those procedures were followed. Bowman's displeasure with the results of the Commission's review of its Petition does not mean that its rights were abridged.

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[5] Order; *In re: Capacity and Energy Payments to Cogenerators Under PURPA*, Docket No. 4822, at Ordering Paragraph L, p. 27 (March 11, 2021).

[6] Order, Docket No. 4822, at Ordering Paragraph J-K, p. 26 (March 11, 2021).

[7] Energy Committee Meeting, *Georgia Public Service Commission* (April 28, 2022); Energy Committee Meeting, *Georgia Public Service Commission* (May 3, 2022).

While the Motion correctly notes that this Commission has consistently asserted its jurisdiction to resolve disputes over the reasonableness of interconnection costs, Bowman offers no justification or support for its claim that the reservation of a discretionary authority somehow created an obligation that the Commission must grant an evidentiary hearing to every displeased QF. Despite the belabored point that such jurisdiction exists, the Motion inexplicably makes no mention of the subsequent Order where this Commission ***exercised that very jurisdiction*** by establishing a clear and comprehensive procedure to assess and establish reasonable interconnection costs.

Despite Bowman's efforts to obfuscate the issues, the law is clear and easily understood. In Docket No. 4822, this Commission, exercising its jurisdiction over state-jurisdictional interconnection issues, prescribed a procedure for determining interconnection costs, compliance with which creates a presumption of reasonableness. Later, this Commission, exercising that same jurisdiction and acting as the finder of fact, determined in response to Bowman's Petition that "[t]he Company's QF Interconnection Studies of the Bowman project were completed *in accordance to the Commission approved QF-TGIP*."[8] To warrant further scrutiny by the Commission, Bowman must, at minimum, establish a prima facie case that the identified interconnection costs are unreasonable. As argued by Georgia Power in its response to the Petition, Bowman has failed to do so. The Commission's refusal to further entertain an unsupported Petition is fully consistent with its reservation of the discretionary right to review the reasonableness of interconnection costs. For this reason, the Motion for Reconsideration should be denied.

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[8] Order Denying RGP Bowman Solar, LLC's Request to Initiate a Procedural and Schedule Order to Determine the Reasonableness of Interconnection Costs, *In re: Capacity and Energy Payments to Cogenerators Under PURPA*; Docket No. 4822, p. 3 (Nov. 26, 2024). (emphasis added).

3. *The Commission's Order is neither arbitrary nor capricious.*

An agency decision is 'arbitrary' or 'capricious' where it lacks a rational basis or is made without consideration of the relevant factors, such as when it has relied on factors it was not intended to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.[9] None of these factors apply to the present case.

The Commission's decision not to conduct an evidentiary hearing was an act of agency discretion. As explained above, Bowman has no right to an evidentiary hearing regarding the disputed interconnection costs. In ruling on the Petition, the Commission reviewed the issues, considered Bowman's Petition and supporting documentation, and heard arguments from the parties. The Commission also received Staff's recommendation, which was based on Staff's investigation of Bowman's claims and their review of Georgia Power's interconnection studies. The Commission then found that Georgia Power acted in accordance with the approved procedures. With no material fact at issue for the Commission to resolve through an evidentiary hearing, holding such a hearing would have violated the Commission's own rules of procedure.[10]

C. *Bowman's Remaining Arguments are not Germane to the Motion and Should be Disregarded.*

As it continues, the Motion spills much ink attempting to relitigate various aspects of its Petition, expressing indignation with the Commission's Order without considering the limitations

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[9] *See, e.g., Greyhound Lines, Inc. v. Georgia Pub. Serv. Comm'n*, 236 Ga. 76, 79 (1976); *Burke Cnty. v. Askin*, 327 Ga. App. 116, 120 (2014); *Sawyer v. Reheis*, 213 Ga. App. 727, 729-30 (1994).

[10] GA. COMP. R. & REGS. 515-2-1-.12(3) (providing that "[i]f there is no dispute with respect to any material fact, and unless the Commission so orders, no evidentiary hearings shall be held.")

of a motion for reconsideration. Commission Rule 515-2-1-.08 instructs the movant to state "the matters claimed to have been erroneously decided, the alleged errors underlying the decision and the relief sought."[11] Bowman's remaining arguments fail to meet this standard, as they neglect to identify specific legal errors in the Commission's decision-making process. Instead, the remaining arguments speak to the alleged merits of the case, which are not relevant to the current procedural requirement. Therefore, these arguments do not satisfy the rule's mandate and should not be considered.

III. CONCLUSION

For the reasons set forth above, the Commission should deny Bowman's Motion for Reconsideration.

Respectfully submitted, this 16th day of December, 2024.

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[11] GA. COMP. R. & REGS. 515-2-1-.08.