FILED
DEC 18 2024
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Docket No. 43453

DOCKET# 43453
DOCUMENT# 220760

In Re: **Generic Proceeding to Implement House Bill 244**

ORDER APPROVING STIPULATION

On December 30, 2020, the Georgia Public Service Commission set rates, terms, and conditions for attachments to poles owned by the 38 electric membership corporations represented by Georgia Electric Membership Corporation ("GEMC") in Georgia pursuant to House Bill 244.

In the Order, the Commission included a biennial review process:

> 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. If the Order has not been effective in promoting the deployment of broadband services in Georgia, the Commission may make such modifications as appropriate. To facilitate this review, each EMC (or GEMC on behalf of each EMC) shall file on June 1st, 2022, and every other June 1st thereafter, its total pole attachment revenue and total number of attachments broken out by served and unserved areas pursuant to the Georgia Broadband Map for the prior two years. Further, every communications provider participating in the biennial review shall file on June 1st, 2022, and every other June 1st thereafter, its total new broadband investment in EMC territory and a total number of broadband customers in EMC territory, broken out by served and unserved areas pursuant to the Georgia Broadband Map for the prior two years. *Order, p. 23*

On November 29, 2022, the Georgia Cable Association ("GCA") filed a stipulation between GCA and GEMC that, subject to Commission approval, would forgo the first biennial review that was set to begin on December 30, 2022. On December 7, 2022, GCA filed an updated stipulation that included the signature of counsel for BellSouth Telecommunications, LLC d/b/a AT&T Georgia. The Commission issued an order adopting the stipulation on January 6, 2023.

On November 21, 2024, GEMC filed a joint petition of GEMC and GCA for approval of another stipulation ("Joint Petition") which would forgo the second biennial review and all future biennial reviews. Per the Commission's December 30, 2020 Order, and reiterated in the Joint Petition, 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.

Staff had no objection to approval of the stipulation.

The Commission hereby approves the stipulation, which is attached hereto as Exhibit 1.

* * * * *

WHEREFORE, it is

ORDERED, that the stipulation agreed to by Georgia Electric Membership Corporation and the Georgia Cable Association is approved.

ORDERED FURTHER, that the Commission will forgo the next biennial review and all future biennial reviews in Docket No. 43453.

ORDERED FURTHER, that a motion for reconsideration, rehearing, 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(s) as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 17th day of December 2024.

Sallie Tanner
Executive Secretary

12-18-24
DATE

Jason Shaw
Chairman

12-18-24
DATE

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

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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.

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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]

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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