January 9, 2025

Ms. Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington Street SW
Atlanta, Georgia 30334

Re: Docket No. 56008: Notice of Proposed Rulemaking to Revise Existing Commission Rule 515-2-1-.04(4)

Recommendations for providing free public access to transcripts as part of records modernization effort.

Dear Ms. Tanner,

On behalf of the Southern Environmental Law Center (SELC), Georgia Interfaith Power & Light, the Natural Resources Defense Fund, the Sierra Club, the Southern Alliance for Clean Energy, and Southface Institute we respectfully submit this comment on the Georgia Public Service Commission's ("Commission") proposed adoption of revised rule 515-2-1-.04(4) ("Proposed Rule") amending its existing procedural requirements for applications, petitions, complaints, and filings. The Commission is commendably modernizing its filing and electronic systems to improve the Commission's efficiency. We recommend the Commission take the additional step of modernizing access to transcripts to further advance these goals. Specifically, we urge the Commission to amend the Proposed Rule to provide the public free access to electronic transcripts of hearings on matters of profound public interest.

Introduction

The Proposed Rule works towards modernizing the Commission's filing and electronic retrieval system, a laudable step in improving the Commission's efficiency in conducting its statutory duties. And the Commission has taken significant steps historically towards increasing public access to its processes—most notably, by offering public access to streaming hearings on YouTube. We support Staff's Proposed Rule and request the Commission extend their modernization efforts further.

In contested hearings of great concern to the public, including but not limited to Integrated Resource Plan (IRP) and rate case dockets, electronic transcripts can cost an intervenor or member of the public between $5,000 and $15,000 – a fee that prohibits access to much of the public and prevents some intervenors from engaging as effectively as they could with a written record. Because transcripts are now electronically stored and shared with the Commission, the undersigned urge the Commission to further improve access to its processes by making transcripts publicly available, while also ensuring that court reporters are properly compensated.

Proposed Change

We request that the Proposed Rule include new language under subsection (c) of Commission Rule 515-2-1-.04(4) that would read as follows:

> (5) Transcripts: An electronic copy of transcripts produced in cases initiated by the utility, as described in Code Section 46-2-33, shall be made electronically available to the public, free of charge, within one business day of the transcript being provided to the Commission. When technologically feasible, these transcripts shall be provided in full as part of the related docket on the Commission's website.

Discussion

I. Transcripts are public, open records; the Commission sets the price for access.

Transcripts provided to the Commission are open records, available to the public.[1] The Georgia Open Records Act states that "the strong public policy of this state is in favor of open government . . . that public access to open records should be encouraged to foster confidence in government . . . so that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions."[2] Additionally, "[t]here is a strong presumption that public records should be made available for public inspection without a delay."[3]

The Commission interprets the Administrative Procedure Act and Georgia Open Records Act as authorization for the Commission to set a uniform price for access to transcripts.[4] Existing practice for hearings with Georgia Power is for the Commission staff to negotiate the price with the court reporter. Then Georgia Power pays for the original transcript, and it is then authorized to be reimbursed (*with billpayer money*).[5] Staff and the Commission get a free copy. Intervenors are the only parties that must pay to access the transcript, which can cost thousands of dollars per hearing. Alternatively, Commission staff will allow the public and intervenors to physically come to the staff offices and review the printed copy of the transcript which can each span hundreds of pages.

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[1] For example, public records include "material prepared and maintained . . . by a private person or entity in the performance or service for or on behalf of an agency." OCGA § 50-18-70(b)(2).
[2] OCGA § 50-18-70(a).
[3] *Id.*
[4] OCGA § 50-13-13(8)(B); Ga. R. and Reg. 616-1-2 ("Upon written request, a copy of the record of any oral proceeding shall be furnished to any party at the requesting party's expense.").
[5] OCGA § 46-2-33(a) and (c) ("[T]he cost to the commission of providing reasonably necessary . . . assistance . . . in proceedings initiated by the utility, including, but not limited to, utility rate cases, fuel cost recovery cases, gas supply cases, and capacity supply cases, shall be charged to the affected utility" and "the utility shall be entitled to recover the full amount of any costs charged to the utility. . . .").

II. Modernization of the existing practice will increase equitable access to Commission proceedings.

The current process for transcript access places a significant resource barrier between the public (and intervenors) and essential documentation of the public process. It can cost the public thousands of dollars or days of time. For example, the Southern Environmental Law Center was charged more than $1,000 on average for each day of evidentiary hearing transcripts in the 2023 IRP Update docket.

Generally, these fees are reasonable, because the court reporters provide a valuable and difficult service, and they deserve to be compensated fairly for that service. However, billpayers are paying for these transcription services; intervenors and the interested public should not be charged a second time for these services. Instead, if the Commission orders that transcripts are provided to the public for contested dockets, Commission staff can negotiate fair rates to properly compensate court reporters for their valuable services, while also offering public access to electronic records.

III. Other public service commissions provide free transcripts.

Many utility commissions in the region provide free electronic transcripts, including Alabama, Virginia, and North Carolina.[6]

- In Alabama, public case documents, including transcripts, may be printed or downloaded from the Alabama Public Service Commission website for free.[7]

[6] *See also, e.g.*, 220 ILCS 5/10-102 (Illinois' rule that "[t]ranscripts of open Commission meetings shall be electronically posted in the relevant docket on the same day that the transcript is approved by the Commission.");
[7] Alabama Public Service Commission, *Public Service Commission*, https://www.pscpublicaccess.alabama.gov/pscpublicaccess/page/default/portal.aspx (last accessed Dec. 18, 2024); *See, e.g.,* Alabama Public Service Commission, *Transcript for Hearing Held October 30, 2024 For Jefferson and Jefferson Express L.L.C.*,

- In Virginia, public case documents, including transcripts, may be printed or downloaded from the State Corporation Commission's Docket Search online for free.[8]
- In North Carolina, public case documents, including transcripts, may be printed or downloaded from the North Carolina Utilities Commission website for free.[9]

Now that transcripts are routinely stored electronically, Georgia can join those states who have modernized access to transcripts on public issues.

https://www.pscpublicaccess.alabama.gov/pscpublicaccess/PSC/PSCDocumentDetailsPage.aspx?Class=Filing&DocumentId=81daabef-cc1f-474d-b278-05f1a416dae2 (Oct. 30, 2024).

[8] State Corporation Commission, *Obtaining Commission Public Documents*, https://www.scc.virginia.gov/pages/Obtaining-Public-Documents (last accessed Dec. 9, 2024); *See, e.g.*, State Corporation Commission, *Documents List for Case Number: PUR-2023-00066*, https://www.scc.virginia.gov/DocketSearch#caseDocs/144078 (last accessed Dec. 9, 2024).

[9] North Carolina Utilities Commission, *Documents*, https://starw1.ncuc.gov/NCUC/page/DocumentsParameterSearch/portal.aspx (last accessed Dec. 9, 2024). *See, e.g.*, North Carolina Utilities Commission, *Docket E-100 Sub 165*, https://starw1.ncuc.gov/NCUC/page/docket-docs/PSC/DocketDetails.aspx?DocketId=cb5e0462-7ceb-4af9-8d7a-a49212271859 (last accessed Dec. 9, 2024).

Conclusion

SELC, Georgia Interfaith Power & Light, Georgia BRIGHT, the Natural Resources Defense Fund, the Sierra Club, the Southern Alliance for Clean Energy, and Southface Institute urge this Commission to modify its rules to facilitate public access to transcripts when they are produced in dockets initiated by the utility.

Respectfully submitted this 9th day of January, 2025.

/s/ Jennifer Whitfield

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