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Docket No. 4822

In Re: CAPACITY AND ENERGY PAYMENTS TO COGENERATORS UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 (PURPA)

ORDER DENYING RGP BOWMAN SOLAR, LLC'S MOTION FOR RECONSIDERATION AND MOTION FOR STAY

On December 6, 2024, RGP Bowman Solar, LLC ("Bowman") filed a Motion for Reconsideration of the Georgia Public Service Commission's ("Commission") Order Denying RGP Bowman Solar, LLC's Request to Initiate a Procedural and Schedule Order to Determine the Reasonableness of Interconnection Costs entered on November 26, 2024 ("Motion"). In its Motion, Bowman argues that the Commission improperly refused to grant Bowman's request for a hearing to determine the reasonableness of interconnection costs imposed by Bowman's Qualified Facility Interconnection Agreement ("QFIA"). On December 16, 2024, Georgia Power Company ("GPC" or "Company") filed its Response to Bowman's Motion for Reconsideration. On December 26, 2024, Bowman filed a Motion for Stay, requesting that the November 26, 2024 Order be stayed until the resolution of its Motion for Reconsideration in order to maintain Bowman's position in the interconnection queue. On January 6, 2025, GPC filed its response to Bowman's Motion for Reconsideration, and on January 8, 2025, GPC filed its response to Bowman's Motion for Stay.

On January 16, 2025, at the Commission's") Energy Committee, the parties presented their cases and responded to questions from the Commission regarding the Motion, during which Commission Staff ("Staff") recommended denying Bowman's Motion for Reconsideration and denying Bowman's Motion for Stay. The Commission approved Staff's recommendation at the January 23, 2025 Administrative Session.

On March 11, 2021, the Commission approved an executed stipulation between Staff and GPC codifying the requirement that Qualified Facilities ("QFs") continue to pay their total reasonable interconnection costs. This order also stated that modifications to the transmission

system that are required in order to facilitate the QF's interconnection ("Network Upgrade Costs") be refunded 100% back to the QF. The rationale being that these upgrades benefit the system, and therefore customers, with improved grid reliability. This order also approved the QF Standard Offer contracts as well as the procedures for a QF pursuing a Small Generator Interconnection Agreement ("SGIA"), Large Generator Interconnection Agreement ("LGIA") or interconnection with an Integrated Transmission System ("ITS") participant. This Order further stated 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."*

In a January 13, 2022 Order, the Commission required that GPC and the Commission's Energy Efficiency and Renewable Energy ("EERE"), and Electric Staff work to finalize the state-jurisdictional QF interconnection procedures such that the procedures specify the recommended reimbursement of interconnection and delivery network upgrade costs to QFs, including the appropriate reimbursement for network upgrades that are included in the Company's 10-year Plan. GPC and Staff worked together to finalize these documents. On April 8, 2022, at the request of the Commission, GPC filed its State-Jurisdictional QF Transmission Generator Interconnection Procedures ("QF-TGIP"), QF Distribution Generator Interconnection Procedures ("QF-DGIP"), and corresponding Transmission and Distribution QFIA templates and on May 24, 2022, the Commission approved these documents.

On April 26, 2024, Bowman filed its Emergency Petition of RGP Bowman Solar, LLC for Extension of Time and Petition for Declaratory Ruling on Interconnection Costs for a Qualifying Facility ("Petition"). In its filing, Bowman challenged the interconnection costs being imposed by the Company's QFIA, arguing that 1) the Company's assessment of costs for Bowman's QF facility are unreasonable, and 2) the upgrades required in the QFIA are "Network Upgrades" on GTC's system that should not be imposed by the Company. The Company filed a response, arguing that the QFIA followed all Commission-approved procedures and orders. The parties presented their cases and responded to questions from the Commission during the November 14, 2024 Energy Committee. Bowman's Petition was ultimately denied by the Commission in a November 26, 2024 Order. Bowman filed a Motion for Reconsideration on December 6, 2024.

Staff recommended denial of Bowman's Motion for Reconsideration, and by extension, Bowman's Motion for Stay. Staff considered the legal arguments made by Bowman, namely that the Commission's Order is 1) a violation of Bowman's procedural due process, 2) an arbitrary and capricious agency action, 3) in contravention of the Commission's own QF interconnection procedures, and 4) unduly discriminatory against Bowman by treating it as a network resource, rather than an energy-only resource. However, Staff does not agree with the arguments made by Bowman.

Although Staff recognizes a QF's right to sell energy or capacity to the Company, nothing in PURPA, the Commission's prior orders, or the established interconnection procedures gives QFs a right to an evidentiary hearing. The Commission-approved interconnection procedures were created to meet the statutory requirements of PURPA and were properly followed in this case. Although the Commission retains the right to review the reasonableness of interconnection costs,

it did not abuse its discretion in refusing to grant an evidentiary hearing in this case. Further, Bowman has not shown good cause for a stay of the Commission's November 26, 2024 Order.

* * * * * * * * * * * * *

WHEREFORE IT IS ORDERED that RGP Bowman Solar, LLC's Motion for Reconsideration and Motion for Stay are hereby denied.

ORDERED FURTHER, that all findings, conclusions, statements, and directives made by the Commission and contained in the foregoing sections of this Order are hereby adopted as findings of fact, conclusions of law, statements of regulatory policy, and orders of this Commission.

ORDERED FURTHER, that a 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 its Administrative Session on the 23rd day of January 2025.

Sallie Tanner

SALLIE TANNER
EXECUTIVE SECRETARY

1-28-25
Date

JASON SHAW
CHAIRMAN

1-28-25
Date