

**BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF GEORGIA**

IN RE:

Georgia Power Company's  
2029-2031 All-Source Capacity  
Request for Proposal

Docket No. 55268

**ALBANY GREEN ENERGY, LLC'S CONSOLIDATED  
PETITION FOR NOTICE OF INTENT AND QF SIZE WAIVERS**

Albany Green Energy, LLC ("AGE") hereby petitions the Georgia Public Service Commission (the "Commission") for a waiver of Commission Rules 513-3-4-.04 *et seq.* and other applicable requirements contained in the Commission Orders in Dockets 4822 and 19279 (the "Rules"), to:

1. Permit AGE to submit a Qualifying Facility ("QF") Notice of Intent ("NOI") in connection with the Georgia Power Company's ("Georgia Power") 2024 all-source capacity request for proposal ("RFP"), retroactive to the recommended submission date of April 5, 2024, and the bid due date of July 19, 2024; and
2. Increase the QF limit for utilization of the Proxy Price Approach methodology from 30 Megawatts ("MWs") to 52 MWs.

In support of this Petition, AGE shows the Commission as follows:

## INTRODUCTION AND BACKGROUND

AGE is an existing QF that has been in operation since 2017 and owns and operates a biomass renewable energy plant in Dougherty County, Georgia. AGE presently generates, and sells to Georgia Power Company, electricity generated from its facility pursuant to that certain Contract for the Purchase of Firm Capacity and Energy from a Renewable Qualifying Facility Utilizing Proxy Pricing Methodology dated as of November 1, 2013 (the “Contract”). AGE intends to continue operations pursuant to the Contract and further to fulfill part of the 2024 need via a QF contract, which would supply up to 52 MWs.

In doing so, AGE provides economic and environmental benefits to ratepayers and all citizens of the State of Georgia by, among other things:

- Employing thirty-four (34) Georgians on a full-time basis for operations of its facility;
- Supporting sustainable economic growth in southwest Georgia and beyond, serving as an important end-market for residue from logging companies and mills, thereby supporting hundreds of additional direct and indirect jobs;
- Supporting forest management practices by its operations with such forest management removing carbon dioxide from the atmosphere;
- Providing economical electricity generation to Georgia Power, in amounts that can supply the power needs of nearly 60,000 homes, as well as supporting the adjacent Proctor & Gamble facility and U.S. Marine Corps Logistics via steam and electric production; and
- Remitting property tax payments to the local governments of Dougherty County, in addition to various other tax remittances to state and local governments owing to its operations and employment of Georgians.

AGE submits this Consolidated Petition and requests the Commission's approval so that it can continue to provide such benefits to the citizens of Georgia for years to come. By granting this Consolidated Petition, AGE will be permitted to utilize the proxy price approach under the Contract and in relation to renewal(s) of such Contract or otherwise entering into a substantially similar new agreement, subject to the Rules and Commission approval. Notably too, by granting this Petition, no other electric generator will be harmed—such generators may continue to proceed pursuant to the RFP without any detrimental change to them. Conversely, denial of this Petition will result in harm to AGE, the Georgians it employs, and Georgia Power's ability to fulfill the expanding capacity need of our growing state.

### **ARGUMENT IN SUPPORT OF THE REQUESTED WAIVERS**

**I. AGE's NOI waiver request will result in no harm to other interested parties and is supported by precedent.**

AGE is requesting a waiver under Commission Rule 515-3-4-.04 to allow an exception for the Georgia Power 2024 RFP process by permitting AGE to submit an out-of-time NOI. AGE's submission of this NOI, retroactive to July 19, 2024, for a biomass generating facility will not cause Georgia Power any hardship and, to the contrary, will benefit Georgia Power and its ratepayers by offering an alternative source of renewable energy while helping to create jobs and economic growth in Georgia. Further no final determinations

concerning the current RFP have been made by Georgia Power as of the date of this petition. At the conclusion of the negotiating and contracting process, Georgia Power will know the identity of the last-accepted-bidder that sets the proxy methodology price. In other words, Georgia Power will not be in a position to proxy QF pricing until at least June 2025. No party will be prejudiced if AGE's petition for a waiver of the deadline is granted by the Commission.

In addition, there is recent precedent for the Commission permitting an out-of-time notice when Georgia Power's capacity needs will allow for additional renewable generating capacity. In Docket No. 21447, by Order of July 27, 2007 (Document No. 104286), the Commission permitted Rollcast Energy, Inc. ("Rollcast"), to submit a retroactive Notice of Intent for the 2010 solicitation for capacity and energy, even though the official notice period had closed a year earlier. Further, in Docket No. 27488, by Order of January 27, 2011 (Document No. 133801), the Commission approved North Star Renewable Power, LLC's ("North Star") request for a waiver allowing North Star to submit, retroactive to June 22, 2010, a Notice of Intent for the 2015 RFP.

**II. AGE's QF Capacity waiver request will contribute needed capacity and is supported by precedent.**

AGE's project has a current output capacity of 52 MWs, capacity which has been reliably provided over the term of the Contract and supports the

electricity needs of Georgia. Under the Rules, however, participation in the RFP and utilization of the Proxy Price approach is limited to QF's under 30 MWs. Consequently, AGE also hereby requests a size limits waiver from the Commission, allowing it to participate in the 2024 RFP as a QF and subject to the Commission's Rules applicable to QFs less than thirty megawatts. Permitting AGE as a QF over thirty megawatts to receive a capacity payment under GP's Proxy Price approach without bidding into the RFP will not cause Georgia Power any hardship and, to the contrary, will benefit Georgia Power and its ratepayers by offering an alternative source of renewable energy while helping to create jobs and economic growth in Georgia. Likewise, such participation will not result in eliminating other generators from contention for an award under the RFP but, rather, will simply allow AGE to negotiate and enter into a long-term Proxy Price Contract with Georgia Power utilizing the cost of selected winning bidders under the RFP.

As with AGE's request for NOI waiver, there is precedent of this Commission in permitting substantially similar requests. In Docket No. 27488, by Order of May 24, 2011 (Document No. 136234), the Commission permitted Green Power Solutions ("GPS") to both retroactively file a NOI in the 2015 RFP process and to file a NOI for a facility larger than allowed by Commission Rules. In addition, also in Docket No. 27488, by Order of August 4, 2011 (Document No. 137606), the Commission permitted Summit Energy Partners,

LLC and its affiliates (collectively, “Summit Energy”) to increase the RFP QF exception limit to 54 MWs. Indeed, AGE is aware of no similar request which has previously been denied.

## **CONCLUSION**

AGE respectfully requests from the Commission to grant this Consolidated Petition for the NOI and QF size limit waivers stated herein, much like the Commission has previously done for other generators such as Rollcast, North Star, GPS and Summit Energy in the past. No one will be prejudiced by providing AGE flexibility in the July 19, 2024, NOI deadline and facility size requirements. AGE’s participation pursuant to the waivers requested herein will not “displace” any other entrant who has already submitted an NOI. Likewise, granting the requested waivers will provide adequate notice to Georgia Power such that it may plan for possible reliance on this additional capacity to meet a portion of Georgia’s electricity need. On the other hand, while no other party would be harmed if the Commission granted the requested waiver, AGE will be substantially harmed if it is denied the ability to take advantage of the proxy methodology consistent with its presently applicable Contract. Indeed, as the Commission has previously recognized, the traditional avoided-cost payment methodology was built in contemplation of QFs being paid actual avoided cost with little certainty of future revenues.

For the forgoing reasons, AGE respectfully requests that the Commission allow it to submit its Notice of Intent for the Georgia Power 2024 RFP to be retroactive as of July 19, 2024, and to file such NOI for a QF larger than allowed by Commission Rules by raising the limit from 30 MWs to 52 MWs. AGE has been informed by the Independent Evaluator for the RFP that the appropriate form to complete such NOI will be made available only upon the Commission's grant of this Petition, and will promptly submit such NOI immediately upon the Commission's grant of this Petition.

Respectfully submitted this 11<sup>th</sup> day of April, 2025.

/s/ Carey A. Miller

Carey A. Miller

Ga. Bar No. 976240

cmiller@robbinsfirm.com

Maggie Callahan

mcallahan@robbinsfirm.com

Ga Bar No. 960440

ROBBINS ALLOY BELINFANTE & LITTLEFIELD, LLC

500 14<sup>th</sup> Street NW

Atlanta, Georgia 30318

T: (678) 701-9381

*Counsel for:*

**ALBANY GREEN ENERGY, LLC**

*James White*

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James White,

President & CEO

27 Fox Farm Road

Stratton, ME 04982

(508) 873-3526

jwhite@regenerate-ops.com