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DOCKET NO. 44280
PROCEDURAL AND SCHEDULING ORDER

IN RE: Georgia Power Company's 2022 Rate Case

On December 30, 2022, the Georgia Public Service Commission ("Commission") issued its Order Adopting Settlement Agreement as Modified in Docket No. 44280, Georgia Power Company's 2022 Rate Case. In that Order, the Commission established a three-year Alternate Rate Plan, ending December 31, 2025. The Commission further ordered Georgia Power Company ("Georgia Power" or the "Company") to file a general rate case as follows:

> *By July 1, 2025, the Company shall file testimony and exhibits required in a general rate case along with supporting schedules required by the Commission to support a "traditional" rate case. The test period utilized by the Company in its rate case filing shall be from August 1, 2025 to July 31, 2026. The Company may propose to continue, modify or discontinue this Alternate Rate Plan [("ARP")]. The Company shall also file projected revenue requirements for calendar years 2026, 2027, and 2028.*

On May 19, 2025, the Company and the Public Interest Advocacy Staff ("PIA Staff," and collectively, the "Joint Petitioners") entered into a joint stipulation to extend the ARP ("Stipulation to Extend the ARP"). On that same date, the Joint Petitioners filed a Petition to Extend the ARP outlining the terms of the Stipulation and explaining how forgoing the 2025 rate case filing and extending the ARP is in the best interest of Georgia Power's customers.

The Commission has approved ARPs or the extension of them since 1995, finding them to be fair, just and reasonable. In the 2022 rate case, the Commission made similar findings in approving the current ARP upon which the Joint Petitioners now seek an extension. Therefore, the Commission will hold the Company's requirement to file a base rate case on or before July 1, 2025, in abeyance

for 60 days to allow the Commission to consider the Stipulation to Extend the ARP for an additional three years.

Pursuant to O.C.G.A. § 50-13-13, this proceeding shall be considered a contested case, and the Commission hereby designates the following staff members to act as PIA Staff in this proceeding:

Tom Bond
Robert Trokey
Tom Newsome
Jamie Barber
Ben Deitchman
Steve Roetger
Justin Pawluk – Attorney
Chris Collado - Attorney

PIA Staff shall be responsible for performing an independent evaluation of the filed case from the standpoint of promoting the public interest and just and reasonable rates and advocating for that position. PIA Staff is considered a party to the case and may negotiate settlements with other parties, in the public interest.

The Commission hereby designates the following Staff members to act as Commissioner Advisory Staff in this proceeding:

Reece McAlister
Blair Fink
Nancy Gibson – Attorney

The Commission Advisory Staff shall not be a party to this case, but shall act as a technical advisor to the Commissioners, and shall advise Commissioners upon request based exclusively on its own independent evaluation of the facts contained in the record.

All filings, including direct testimony, rebuttal testimony, briefs and proposed orders, shall include an original, an appropriate number of copies as designated by the Executive Secretary, and an electronic version on a CD using Microsoft Word ® for text documents and Excel ® for spread sheets. Under no circumstances should any electronic filing consist of more than four (4) files, including attachments. All filings shall be made at the office of the Executive Secretary, Georgia Public Service Commission, 244 Washington St., SW, Atlanta, Georgia 30334-5701.

The Commission finds that it is appropriate and administratively convenient to hold hearings and proceedings in this docket. Pursuant to the Commission's Utility Rule 515-2-1-.04, the Company must give first notice of the proceedings in this case not later than May 27, 2025. The Company shall inform the Executive Secretary in writing concurrent with the first notice of the proceedings.

All hearings in this case shall take place in the Commission's hearing room on the first floor of the Commission offices located at 244 Washington Street.

PART I. HEARING SCHEDULE AND FILING DATES

The schedule for hearings in this docket will be governed as follows:

May 30, 2025

Georgia Power Company and PIA Staff shall file direct testimony no later than 4:00 p.m. on May 30th.

June 12, 2025

Intervenors may file any direct testimony on the proceeding no later than 4:00 p.m. on June 12th.

June 19, 2025

Georgia Power and PIA Staff may file rebuttal testimony no later than 4:00 p.m. on June 19th.

June 26, 2025

Immediately following the Commission's regularly scheduled Committee Meetings on June 26th, the Commission will hear applications to intervene and any objections thereto, and any appropriate motions concerning this proceeding. Following these motions, the Commission will conduct hearings on Georgia Power's and PIA Staff's Stipulation to Extend the ARP.

July 1, 2025

The Commission shall render a final decision in this proceeding, during the Commission's regularly scheduled Administrative Session beginning at 9:30 a.m. on July 1st.

PART II. INTERVENTION AND HEARING PROCEDURES

All parties must adhere with the following procedures in this docket.

1. **Intervention**

Intervention Period

(a) Any person or party, on whom a statute does not confer an unconditional right to intervene, must file an application for leave to intervene within 30 days following the first published notice of the proceeding. Pursuant to Rule 515-2-1-.04, Georgia Power will be directed to give first notice of the proceedings in this case not later than May 27, 2025.

Application Requirements

(b) In addition to the requirements prescribed by O.C.G.A. § 46-2-59 and the Commission's Utility Rule 515-2-1-.06, the application must (1) identify other intervening parties or intervening party applications whose interest is similar to that of the applicant and explain why the identified intervening party or intervening party applicant will not adequately represent the applicant's interest; and (2) state the applicant's present intention to submit direct testimony and by whom and on what subject. The requirements identified herein shall constitute a continuing obligation of the applicant or intervening party. Each application for leave to intervene shall also contain a valid email address for the intervening party.

(c) Each applicant shall submit an original and an appropriate number of copies, as designated by the Executive Secretary, of its application to intervene to the Commission, addressed to the Executive Secretary, Ms. Sallie Tanner, 244 Washington Street S.W., Atlanta, Georgia 30334-5701.

(d) Each applicant shall submit a copy of its application to Georgia Power,[1] and all other parties who have applied to intervene, and submit a Certificate of Service to the Commission certifying that these copies have been served on the other parties. To obtain a list of other applicants that have intervened, contact Ms. Quawanda Boyer, Assistant to Utility Division Director, Georgia Public Service Commission, 244 Washington St., S.W., Atlanta, Georgia 30334-5701, Telephone Number: (404) 656-0977.

Late Applications for Intervention

(e) Any application for leave to intervene filed late must state the reason why such application was not submitted within 30 days of first published notice. Objections to late intervention applications must be filed in conformance with the requirements of O.C.G.A. § 46-2-59(d).

Rulings on Intervention Applications

(f) The Commission will take up and rule on applications for leave to intervene at the first hearing date set in this docket.

2. Service

Each party has the responsibility to serve copies of any documents filed with the Commission upon each intervenor and intervenor applicant. Furthermore, in the case of documents filed prior to the deadline for intervention established above, copies shall also be served upon each party indicated in the Certificate of Service accompanying this Order.

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[1] The Georgia Power Company, as Petitioner, is a party of record who must be served applications to intervene. Failure to serve this applicant, or any other party, tolls a fifteen (15) day limit for objections to interventions until the defect (i.e., service on parties of record) is corrected.

3. Witnesses' Testimony

(a) Summations of direct testimony will take no longer than 15 minutes or, at the discretion of the Commission, no longer than 30 minutes.

(b) Summations should be limited to testimony and exhibits in the pre-filed testimony.

(c) Demonstrative handouts intended to be used during summations of the pre-filed testimony or in opening or closing statements, if applicable, must be pre-filed at least five (5) days prior to the hearing and must be limited to the scope of the testimony and exhibits in the pre-filed testimony.

(d) Except for good cause shown, corrections to testimony must be pre-filed at least five (5) days prior to the hearing.

(e) In the absence of a valid objection made and sustained to pre-filed testimony, the pre-filed testimony and exhibits, with corrections, will be admitted into the record as if orally given prior to the witness' summation, subject to a motion to strike after admission or other relevant objection.

(f) Where the testimony of a panel of witnesses is presented, cross-examination may either be addressed to the panel, in which case any member of the panel may answer, or cross-examination may be addressed to an individual panel member, in which case that panel member shall give the answer; provided, however, that any other panel member shall be allowed to supplement the answer given.

(g) Motions to strike any portion of pre-filed testimony must be filed at least two days prior to the hearing.

(h) Any individual that appears as a witness during this proceeding may not conduct cross examination of other parties.

4. Hearing Exhibits

For the record in all hearings in this docket, it shall be the responsibility of the parties sponsoring any hearing exhibits to ensure that the Hearing Reporter, all parties of record, the Commissioners, and the Commissioner Advisory Staff receive copies of the hearing exhibits at the time of introducing the exhibits at the hearings. (Exhibits filed with pre-filed testimony should already have been provided in the appropriate number of copies as designated by the Executive Secretary).

PART III. LEGAL AUTHORITY AND JURISDICTION

The Commission has general supervisory authority over electric utilities pursuant to O.C.G.A. §§ 46-2-20 and 21, including prescribing their system of accounts. The Commission has the exclusive power to determine just and reasonable rates and charges made by Georgia Power Company pursuant to O.C.G.A. § 46-2-23(a). Unless the Commission has otherwise authorized the change, Georgia Power must provide thirty (30) days' notice to the Commission and the public of any proposed change to any term of service subject to the jurisdiction of the Commission pursuant to O.C.G.A. § 46-2-25(a). The Commission is authorized to suspend the operation of any new schedule and defer the use of such rate, charge, classification, or service for a period not to exceed five months. The Commission is authorized to resolve matters by stipulation pursuant to O.C.G.A. § 50-13-13(a)(4).

Public Service Commission Statutes

46-2-20. Jurisdiction of commission generally; powers and duties of commission generally.

(a) Except as otherwise provided by law, the commission shall have the general supervision of all common carriers, express companies, railroad or street railroad companies, dock or wharfage companies, terminal or terminal station companies, telephone companies, gas or electric light and power companies, and persons or private companies who operate rapid rail passenger service lines within this state; provided, however, that nothing in this subsection shall be deemed to extend the jurisdiction of the commission to include the operations of the Metropolitan Atlanta Rapid Transit Authority created in an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended.

(b) The commission may hear complaints; in addition, it is also authorized to perform the duties imposed upon it of its own initiative.

(c) The commission may, either by general rules or by special orders in particular cases, require all companies under its supervision to establish and maintain such public services and facilities as may be reasonable and just.

(d) The commission may require common carriers and persons or private companies who operate rapid rail passenger service lines to publish their schedules in newspapers of towns through which their lines extend, in such manner as may be reasonable and as the public convenience demands.

(e) The commission shall have authority to examine the affairs of all companies under its supervision and to keep informed as to their general condition, their capitalization, their franchises, and the manner in which the lines owned, leased, or controlled by them are managed, conducted, and operated, not only with respect to the adequacy, security, and accommodation afforded by their service to the public and their employees but also with reference to their compliance with all laws, orders of the commission, and charter requirements.

(f) The commission shall have the power and authority, whenever it deems advisable, to prescribe, establish, and order a uniform system of accounts to be used by railroads and other companies over which it has jurisdiction, the same to be, as far as practicable, in conformity with

the system of accounts prescribed by the Interstate Commerce Commission. The commission shall also have the power and authority to examine all books, contracts, records, papers, and documents of any person subject to its supervision and to compel the production thereof.

(g) The commission shall have the power, through any of its members, at its discretion, to make personal visits to the offices and places of business of the companies under its supervision for the purpose of examination. Any Commissioner making a personal visit pursuant to this subsection shall have full power and authority to examine the agents and employees of any such company, under oath or otherwise, in order to procure information deemed by the Commissioner necessary to the work of the commission or of value to the public.

(h) Nothing in this Code section shall be so construed as to repeal or abrogate any existing law or rule of the commission as to notice or hearings to be accorded to any person interested in the rates fixed by, or in the orders, rules, or regulations promulgated by, the commission before the same are issued. Neither shall anything in this Code section repeal the law of this state as to notice by publication of a change in rates.

(i) The commission shall have the power and authority to prescribe rules and regulations for the safe installation and safe operation of all natural gas transmission and distribution facilities within this state, including, without limitation, all natural gas transmission and distribution facilities which are owned and operated by municipalities within this state.

(j) Notwithstanding any other provision of law, the authority and jurisdiction of the commission shall not extend to persons or companies who are engaged in the retail sale of natural gas to the public for use as a fuel in motor vehicles and who are not otherwise subject to the authority and jurisdiction of the commission.

46-2-21. Extension of commission's powers and duties to street railroads, telegraph companies, telephone companies, and gas and electric light and power companies.

(a) The powers and duties conferred by law prior to August 23, 1907, upon the commission and its authority and control shall extend to street railroads and to companies owning, leasing, or operating street railroads in this state, provided that nothing in this Code section shall be construed to impair any valid contract between any municipality and any such company in force on that date; provided, further, that this Code section shall not operate to repeal any municipal ordinance existing on that date; nor shall it impair or invalidate any contract or ordinance of any municipality made or adopted since that date as to the public uses of such company, which contract or ordinance has received the assent of the commission.

(b) The powers and duties conferred by law prior to August 23, 1907, upon the commission and its authority and control shall also extend to:

(1) Docks and wharves, and companies owning, leasing, or operating the same;
(2) Terminals or terminal stations, and companies owning, leasing, or operating the same;
(3) Cotton compress corporations or associations, and companies owning, leasing, or operating the same;

(4) Telegraph or telephone companies, or persons owning, leasing, or operating a public telephone service or telephone lines in this state; and
(5) Gas and electric light and power companies, or persons owning, leasing, or operating public gas plants or electric light and power plants furnishing service to the public.

46-2-23. Rate-making power of commission generally; special provisions concerning telecommunications companies.

(a) The commission shall have exclusive power to determine what are just and reasonable rates and charges to be made by any person, firm, or corporation subject to its jurisdiction.

O.C.G.A. § 46-2-25. Procedure for changing any rate, charge, classification, or service; recovery of financing costs

(a) No person, firm, or corporation (referred to in this Code section as a "utility") subject to the jurisdiction of the commission shall make any change in any rate, charge, classification, or service subject to the jurisdiction of the commission, or in any rule or regulation relating thereto, except after 30 days' notice to the commission and to the public, unless the commission otherwise orders, or unless the commission has previously authorized or approved the change. Such notice shall be given by filing with the commission and keeping open for public inspection new schedules stating plainly the changes to be made in the schedules then in force and the time when the changes will go into effect. The commission, for good cause shown, may allow changes to take effect without requiring the 30 days' notice by an order specifying the changes to be made, the time when they shall take effect, and the manner in which they shall be filed and published.

(b) Whenever any new schedule is filed pursuant to subsection (a) of this Code section, the commission shall have authority, either upon written complaint or upon its own initiative without complaint, at once, and, if it so orders, without answer or formal pleading by the utility but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, charge, classification, or service. Pending such hearing and the decision thereon, the commission, upon filing with such schedule and delivering to the utility affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, charge, classification, or service, but not for a period longer than five months beyond the time when it would otherwise go into effect, provided that the commission may apply to the Superior Court of Fulton County for an extension of such period, as provided for in Code Section 46-2-57. After such hearings as are required, whether they are completed before or after the rate, charge, classification, or service goes into effect, the commission may make such orders as are proper with reference thereto within the authority vested in the commission. The commission is empowered to reduce or revoke any such suspension with respect to all or any part of such schedule. If the proceeding has not been concluded and an order not made at the expiration of the suspension period, the proposed change of rate, charge, classification, or service shall go into effect at the end of such period; but in case of a proposed increased rate or charge, the commission shall by order require the interested utility to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid; and upon completion of the hearing and the rendering of a decision, the commission shall by further order

require such utility to refund, with interest at the maximum legal rate, in such manner as the commission may direct, such portion of such increased rates or charges as by its decision shall be found not justified. Any portion of such refunds not thus refunded to patrons or customers of the utility shall be refunded or disposed of by the utility as the commission may direct, provided that no such funds shall accrue to the benefit of the utility. At any hearing involving a rate or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the utility, and the commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.

(c) Before any increased rate or charge shall go into effect without the approval of the commission, the commission shall by order require the interested utility to file with the commission a bond written by a surety who is approved by the commission and who is authorized to transact business in this state. The bond shall be fixed by the commission in an amount not to exceed $250,000.00. The bond shall be payable to the Governor and conditioned upon the faithful performance of the requirements of the refund order entered by the commission, the requirements of this Code section, and the requirements of the rules and regulations of the commission.

(c.1) (1) Notwithstanding any provision to the contrary, a utility shall recover from its customers, as provided in this subsection, the costs of financing associated with the construction of a nuclear generating plant which has been certified by the commission. The financing charges shall accrue on all applicable certified costs as they are recorded in the utility's construction work in progress accounts pursuant to generally accepted accounting and regulatory principles as approved by the commission. The financing costs shall be based on the utility's actual cost of debt, as reflected in its annual surveillance report filed with the commission, and based on the authorized cost of equity capital and capital structure as determined by the commission when setting the utility's current base rates. These financing costs shall be recovered from each customer through a separate rate tariff and allocated on an equal percentage basis to standard base tariffs which are designed to collect embedded capacity costs. The commission shall retain the discretion to consider the effect of this tariff when setting the level of any senior or low income assistance it may authorize; provided, however, that the income qualification for such assistance shall be 200 percent of the federal poverty level.

(2) The commission shall have the authority to authorize any specific accounting treatment for the costs recovered pursuant to this subsection and to review whether costs recovered pursuant to this subsection are being properly recorded.

(3) (A) For any nuclear generating plant certified by the commission on or after July 1, 2009, the utility may begin recovering the costs of financing the construction of the nuclear generating plant at any time within five years after the date on which such nuclear generating plant is certified. Any such costs incurred between the time the plant is certified and the time the utility begins recovering its cost shall be accrued, capitalized, and included in the balance of the account and then amortized over the next five years following the date on which the utility begins recovering the costs of financing the construction and shall be recovered with one-fifth of those deferred costs being recovered each year for five years.

(B) For any nuclear generating plant certified by the commission on or after January 1, 2009, and before July 1, 2009, the utility shall begin recovering on January 1, 2011, any costs of financing the construction of the nuclear generating plant. Any such costs incurred prior to January 1, 2011, shall be accrued, capitalized, and included in the balance of the account and then amortized over the next five years following January 1, 2011, and shall be recovered with one-fifth of those deferred costs being recovered each year for five years.

(4) The costs recoverable pursuant to this subsection shall be recalculated and the level of the charges reset annually if necessary to reflect the level of construction costs expected to be incurred in the next 12 months consistent with the certificate and the financing costs expected to be incurred for the next 12 months together with a balanced accounting of actual expenditures and financing costs incurred in the preceding period.

(5) The financing costs associated with a nuclear generating plant which has been certified by the commission shall continue to be recovered between the time that the generating plant begins commercial operation and until the next general rate case filed by the utility becomes effective, at which time the financing costs being collected for any generating plants which are then in commercial operation shall be included in the general revenue requirements of the utility and collected in the general base rates of the utility.

(d) Any action taken by the commission under this Code section shall be reduced to writing by the commission and signed by the chairman and secretary thereof. All such actions and orders shall be effective from the date such actions are reduced to writing and are signed as provided by this subsection. No such action or order of the commission may be given retroactive effect. A full and complete record shall be kept of the votes taken in connection with any such action, said record to be entered upon the official minutes of the commission.

(e) Nothing in this Code section shall be construed as limiting the authority granted to the commission by Code Sections 46-2-20 and 46-2-23 to initiate an earnings review hearing.

O.C.G.A. § 46-2-59. Permissible parties in proceedings before Commission; intervention in proceedings generally; limited appearances; attendance at proceedings by party granted leave to intervene; review of Orders denying or conditioning application for leave to intervene.

(a) In all proceedings before the Commission, the parties to such proceeding shall consist of the affected applicant, any person who is permitted to intervene as provided in this Code Section, and the Utility Finance Section established pursuant to Article 2A of this Chapter.

(b) Any person on whom a statute confers an unconditional right to intervene may intervene by filing a notice of intervention with the Commission or hearing officer, as appropriate.

(c) Any other person desiring to intervene must file an application for leave to intervene within 30 days following the first published notice of the proceeding. Any such application shall be in

writing, shall be verified either by the party intervening or by his attorney on information and belief, shall identify the party requesting intervention, and shall set forth with particularity the facts pertaining to his interest and the grounds upon which his application for intervention are based. Such application shall be served on all other parties in the proceeding including those who have previously applied for leave to intervene. No untimely application for leave to intervene shall be granted by the presiding authority except for good cause shown.

(d) Any party or person who has previously applied for leave to intervene in a proceeding in which leave to intervene is sought by another person may file a response to the application for leave to intervene within 15 days after the application is served.

(e) The Commission or Hearing Officer shall permit only the following persons to intervene:

(1) A person upon whom a statute confers an unconditional right to intervene;

(2) A person who demonstrates a legal, property, or other interest in the proceeding. In determining whether to allow intervention, the Hearing Officer may consider whether the person's interest is adequately represented by other parties and whether the intervention will unduly delay the proceedings or prejudice the rights of other parties;

(3) Any member of the General Assembly of the State of Georgia, who may without fee intervene on behalf of his constituents with the full rights and privileges of a designated party.

(f) The Commission or Hearing Officer may condition any Order permitting intervention so as to assure the orderly conduct of the proceeding.

(g) A person who is not a party may make a limited appearance by making an oral or written statement of his or her position on the issues within such limits and on such conditions as may be fixed by the Commission or Hearing Officer; but he may not otherwise participate in the proceeding.

(h) A party granted leave to intervene shall be present, absent good cause shown, during that portion of the proceedings for which that party has indicated a desire to be heard.

(i) An Order by a Hearing Officer denying or conditioning an application for leave to intervene shall be immediately reviewable by the Commission. An Order by the Commission denying or conditioning an application for leave to intervene shall be immediately reviewable as provided by law for the judicial review of final Commission Orders.

(j) Nothing in this Code Section shall be construed to prohibit the Commission from taking any action prior to the expiration of the 30-day period during which persons are permitted to file applications for leave to intervene.

Commission Utility Rules

515-2-1-.06 Parties of Record

(1) At the hearing on all applications, petitions and complaints, the Chairman of the Commission shall call for and enter the names of all parties desiring to become a party of record, either for or against the docketed case being heard. In the discretion of the Commission, parties having made written intervention prior to the hearing may be entered as a party of record.

(2) The Commission may, in its discretion and for good cause shown, authorize the late filing, or entering, of a notice of intervention.

(3) The Commission may, in its discretion, permit any person to present a statement of his position and views in sworn form, but such person shall not be entitled to receive copies of notices, motions, Orders or other pleadings and documents, filed or issued in the proceeding, unless otherwise directed by the Commission on good cause shown.

PART V. ISSUES INVOLVED

The scope of this hearing shall include, but is not limited to, the following issues:

1. Whether the Stipulation to Extend the ARP should be approved?

2. Whether the approval of the Petition to Extend the ARP will adversely affect the provision of service by Georgia Power and is in the best interest of Georgia Power's customers?

PART VI. RIGHTS OF PARTIES

The parties have the following rights in connection with this hearing:

(1) To respond to the matters asserted in this document and to present evidence on any relevant issue;
(2) To be represented by counsel at its expense;
(3) To subpoena witnesses through the Commission by filing requests with the Executive Secretary of the Commission; and
(4) Such other rights as are conferred by law and the rules and regulations of the Commission.

WHEREFORE THE COMMISSION ORDERS THAT:

WHEREFORE, it is

ORDERED, that the procedures and schedule contained within this Procedural and Scheduling Order are hereby adopted by the Commission.

ORDERED FURTHER, that the issues to be addressed in Docket No. 44280 shall include, at a minimum, those related issues and directives of the Commission pursuant to its previous orders, as well as those specific issues identified in this Procedural and Scheduling Order.

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 the Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 20th day of May, 2025.

Sallie Tanner
Executive Secretary

5-20-25
Date

Jason Shaw
Chairman

5-20-25
Date