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June 5, 2025

Mr. Jason Shaw, Chair
Georgia Public Service Commission
244 Washington Street SW
Atlanta GA 30334-9052

**Subject: Docket #44280 Georgia Power 2022 Rate Case
Complaint and Recusal from Georgia Power Company's Proposed Base Rate Freeze**

Dear Chairman Shaw,

We are writing to formally file a complaint and demand your recusal, as well as the recusal of Commissioner Lauren "Bubba" McDonald Jr. and Commissioner Tim Echols, from all future discussions and voting pertaining to Georgia Power's proposed three-year base rate freeze filed on May 19, 2025 document #222693. This demand is based on clear violations of the Public Service Commission Rules and Regulations, specifically Rule 515-2-1-.01, "Opinions of Commissioners," which prohibit Commissioners from expressing opinions or prejudging matters that are, or may come, before the Commission for decision, as follows:



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Subject 515-2-1 GENERAL APPLICABILITY

Rule 515-2-1-.01 Opinions of Commissioners

Every member of the Commission will, in all cases, reserve his opinion and in no way commit himself in advance touching the merits of any matter or question to be passed upon by the Commission or that should be dealt with by it, until the facts and evidence are all submitted and the Commission considers the same in administrative session. In determining findings of fact or in its deliberations, the Commission will hold no presumption in favor of the position of any party, including the Public Interest Advocacy Staff, and shall only give weight and credit to any party in the case as can be supported by credible evidence in the record. Provided, however, that nothing in this Rule shall amend, modify or repeal in any way any burden of proof or burden of production requirements under Georgia law. In all matters which relate to the making of rates and which may become the subject of litigation, no member shall make any statement after such matter has been decided by the Commission which may be or is liable to be treated as an admission prejudiced to the action of the Commission. In all cases, and on all questions, any member may file his dissenting opinion when in the minority, or his reasons and grounds for his opinion when in the majority.

The impartiality and integrity of the Georgia Public Service Commissioners are paramount to ensuring a fair and impartial hearing based on the evidence presented. Your actions show a prejudgment of and a lack of open-mindedness that eliminates public trust in the Commission's ability to fulfill its regulatory duties.

Violations of 515-2-1-01 are as follows:

- Chairman Jason Shaw and Commissioner Lauren "Bubba" McDonald Jr.: On May 21, 2025, Chairman Shaw, and Commissioner McDonald appeared with and spoke at Governor Brian Kemp's press conference. This event was held to support and endorse Georgia Power's proposed three-year base rate freeze. Publicly endorsing a specific outcome on a matter pending before the Commission constitutes a clear prejudgment and a violation of the impartiality required by Rule 515-2-1-.01. You and Commissioner McDonald's participation in such an event, prior to formal deliberations and a vote, shows an undeniable bias and compromises the due process for all parties involved in the proceeding scheduled for June 26, 2025.

From a May 21, 2025 Atlanta Journal-Constitution report on the press conference:

“Kemp said the proposed rate “freeze” would “help Georgia families at a time when they need it most, after historic inflation and storms have challenged many people’s day-to-day lives.”

Shaw echoed many of those sentiments, adding that “to freeze rates for three years is a very big deal for our state, and it’s good for Georgians.”¹

- Commissioner Tim Echols: Commissioner Echols has publicly expressed a definitive opinion on the proposed base rate freeze, indicating a clear prejudgment of the matter. In an article published by the Atlanta Journal-Constitution on May 27, 2025, Commissioner Echols was quoted stating:

“Freezing the rates for three years is the best thing we can do for ratepayers right now, and I have advocated for that incessantly,” Echols said, citing discount programs for seniors and Georgians with low incomes.”²

This statement reveals Commissioner Echols' pre-existing advocacy and bias on behalf of the rate freeze, demonstrating that he has already formed a conclusion on the matter before the Commission has completed its review and formal decision-making process.

Such public advocacy directly contravenes the spirit and letter of Rule 515-2-1-.01, which aims to preserve the neutrality of Commissioners.

Your actions and those of two other Commissioners have created an environment where the public cannot reasonably expect an unbiased and impartial decision on the Georgia Power rate freeze. To serve the public's trust and uphold the integrity of the regulatory process, it is imperative that any Commissioner who has publicly prejudged or advocated for a specific outcome recuse themselves from the forthcoming PSC decision.

Commissioner Shaw, while you and others assert that this base rate freeze is beneficial for Georgia Power ratepayers, there are many reasons to think otherwise. For example, Georgia Power's 11.9% Return on Equity (ROE), over two percentage points above industry norms of 9.57%, is simply indefensible. This proposed base rate freeze locks in an ROE far above

¹ Kann, Drew. “Kemp touts deal to temporarily freeze Georgia Power rates.” The Atlanta Journal-Constitution, May 21, 2025, <https://www.ajc.com/business/2025/05/kemp-touts-deal-to-temporarily-freeze-georgia-power-rates/>.

² Neisse, Mark and Kann, Drew. “Georgia Power bills have gone up. Now voters will choose who sets rates.” The Atlanta Journal-Constitution, May 27, 2025, <https://www.ajc.com/politics/2025/05/georgia-power-bills-have-gone-up-now-voters-will-choose-who-sets-rates/>.

industry norms for 3 years in order to preserve excess profits for Georgia Power when it should be lowered to provide immediate rate relief for customers. An ROE of this magnitude delivers hundreds of millions of dollars of excess profits *annually*, above what a utility with the same sales as Georgia Power with a normal ROE would receive.

In addition, Georgia Power is leading the nation in expanding fossil fuels to power data center growth. Over 6000 megawatts (MWs) were approved from the surprise IRP in 2023, another 8000 MWs of gas via an RFP to be issued this year, and the 2025 IRP proposes to cancel coal plant retirements. What will these expensive choices ultimately cost Georgia Power customers? Costs for proposed capital investments are typically not discussed during Integrated Resource Plan (IRP) hearings because that review takes place as part of the Rate Case proceeding which follows. However, the proposed base rate freeze cancels the Rate Case proceeding for three years, but does not also cancel the spending.

Thus, public scrutiny and awareness of costs related to the largest expansion of Georgia Power's capacity in state history cannot take place while spending continues unabated. Not only that, Georgia Power is spending their customer's money, not theirs. State law requires Georgia Power customers reimburse Georgia Power for all capital expenditures plus profits. **This is highly inappropriate and unethical.**

Finally, electricity generated by Georgia Power's expanded gas and ongoing coal operations are well-known heavy emitters of greenhouse gases. The rate freeze proposal includes a proceeding next spring to allow Georgia Power to recover around \$1 billion from customers by increasing rates for Hurricane Helene related grid repairs, for which Georgia Power intends to add profits. Thus, Georgia Power worsens the climate crisis by increasing fossil fuels and financially gains from the severe weather events it helps intensify, in direct conflict with the public interest.

These and other reasons are why a three-year base rate freeze directly harms Georgia Power customers and are not matters for a quick, "going through the motions" one-day public hearing you have currently scheduled in what is clearly a pre-made decision. All of this is highly inappropriate and unethical.

Relief requested

Pending the disqualification of the majority of the Commissioners, given that a majority of the Commissioners have openly prejudged and expressed support for this base rate freeze prior to the presentation of any evidence and in clear violation of the Commission's own rules, we request the Commission take one of two steps:

1. [preferred] Deny the rate-freeze proposal. The PSC should conduct a rate-case proceeding as normally takes place after an Integrated Resource Plan is adopted where costs related to the IRP are reviewed and where the ROE can be changed.
2. Appoint an impartial hearing officer. This officer, who should be an Administrative Law Judge not affiliated with the Georgia Public Service Commission or any of its current employees or attorneys, should be tasked with hearing this case and making a final ruling.

Conclusion

There are many reasons to believe that Georgia Power's three-year rate freeze proposal does not benefit Georgia Power ratepayers.³ Furthermore, matters of utility bill affordability are life threatening:

- **Since 2020 Georgia has experienced 22 more days above 90 degrees than it did in 1970.⁴**
- **Georgia Power has the highest customer shutoff rates in the United States.⁵**
- **People can die from high heat, and are dying.⁶**
- **Georgia Power is expanding fossil fuels in unprecedented amounts while trying to hide the scale and cost of that expansion.⁷**
- **This rate freeze unethically eliminates public scrutiny of costs related to this fossil fuel expansion.**

The one-day hearing scheduled for this proposed rate freeze cannot be conducted with transparency and fairness given the stated opinions of yourself and Commissioners

³ Georgia Power's rate freeze: A Trojan Horse. Patty Durand, Georgians for Affordable Energy June 3, 2025 <https://georgiansforaffordableenergy.org/truth-about-rate-freeze/>

⁴ Rogers, Kristen. "More Extremely Hot Days Mean Stagnant Air, Health Problems." July 31, 2025 <https://www.gpb.org/news/2019/07/31/more-extremely-hot-days-mean-stagnant-air-health-problems>

⁵ Powerless in the United States, p. 5 https://www.biologicaldiversity.org/programs/energy-justice/pdfs/Powerless-in-the-US_Report.pdf

⁶ Georgia PSC proceeding Fuel Cost Recovery docket May 2023 public comments https://youtu.be/N_wnXZ5j3j8 Juanita Dixon time stamp :16

⁷ Kann, Drew. "Georgia Power grilled about possible gas units not mentioned in long-range plan." March 21, 2025. <https://www.ajc.com/news/business/georgia-power-grilled-about-secretive-plans-for-more-gas-coal-extensions/GBSRR7DZT5ASBLJTF2EBXAB3DU/>

McDonald and Echols in favor of the proposal. We request that you recuse yourself from further discussions or voting vote for rate freeze proposal along with Commissioners McDonald and Echols, that one of the two requested remedies for relief be chosen, and this complaint be filed in Docket 44280 as part of the public record.

Sincerely,



**Patty Durand, Executive Director
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**Kimberly Scott, Executive Director
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**Brionté McCorkle, Executive Director
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**David C. Kyler, Executive Director
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Cc: Georgia Attorney General Chris Carr
Georgia PSC Executive Director Reese McAlister
Georgia Public Service Commissioner Bubba McDonald
Georgia Public Service Commissioner Tim Echols

CERTIFICATE OF SERVICE

I certify that the foregoing complaint dated June 5th, 2025 was filed in Docket No. 44280 with the Public Service Commission by electronic delivery on June 6th, 2025. An electronic copy of same was served upon all parties listed below by electronic mail as follows:



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