

**BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION**

In Re:]	
Georgia Power Company's]	Docket 56002
2025 Integrated Resource Plan and]	
Demand Side Management Program]	Docket 56003

Resource Supply Management Final Brief

NOW COMES, Resource Supply Management (“RSM”) and submits its Final Brief in the above-referenced dockets. RSM offers the following arguments and recommendations for the Georgia Public Service Commission’s consideration:

Summary of Argument

- I. Georgia Power Company Has Historically Overstated Its Need for New Generation Capacity, And The Commission Should Not Ignore Past Dockets, Current Staff And Intervenor Testimony, and Basic Common Sense to Approve the Company’s Request for 8,500 MW of New Generation Capacity
 - A. Current Georgia Power Company Customers Should Not Bear the Risk for Over-Building Generation for Potential New Large Load Customers, Especially When Base Rates Are the Highest In History
 - B. The Georgia Municipal Electric Utilities And Electric Cooperatives Are Not Exposing Their Customers to The Risks Created by Prospective New Large Load Data Centers But Are Requiring the Data Centers to Bring Their Own Power to Georgia
 - C. Georgia Power Company Affirmed In the Hearings There Is More Than Enough Generation Capacity To Serve All Existing Customers And Future Investments Are Necessary To Serve Only New Large Load Customers.
 - D. The Commission’s New Large Load Customer Rules Provide Little If Any Protection To Current Ratepayers From Paying the Generation, Transmission, and Development Costs Associated With the Proposed Explosion of New Generation Capacity and Transmission Costs To Serve Potential Data Center Customers

- II. Over The Last 20 Years Only 30% of Residential and 1.5% of Commercial Customers Have Received Rebates Or Incentives In the Company's Demand Side Management Program Yet All Residential and Commercial Customers Are Forced to Pay the DSM Monthly Rider
 - A. None of Georgia Power Company's In-State Competitors Have Demand Side Management Programs But Rely On Market Forces To Encourage Customers To Properly Allocate Cost to Efficiency Measures
 - B. All Georgia Power Company Customers, Not Just Industrial Customers, Should Have the Right to Opt-Out of the Demand Side Management Program
- III. The Past Economic and Regulatory Conditions That Led to Shuttering Coal Plants Have Dramatically Changed With the Enormous New Demand Created by the Data Center Industry And the End of the Biden Administration Regulatory and Environmental Mandates
- IV. Conclusion

Argument

- I. Georgia Power Company Has Historically Overstated Its Need For New Generation Capacity, And The Commission Should Not Ignore Past Dockets, Current Staff And Intervenor Testimony, And Basic Common Sense to Approve The Company's Request for 8,500 MWs of New Generation Capacity

The Company has consistently overstated its projected load growth and need for new generation capacity to justify its requests for authorization to build new generation assets. While historical trends showed average annual load growth was maybe 1%, the Company would make extravagant claims of new load growth between 4% to 7% which never materialized, but the Commission approved new generation projects based on the Company's hyper-inflated load growth projections.

No matter what the PSC Staff or any Intervenors say about the Company's load growth projections the Commission has consistently ignored the evidence and their warnings. Now Georgia Power plans to issue request for proposals (RFPs) immediately after the end of the IRP and DSM dockets to serve the prospective new data center

customers places all the risk and cost of development for this new generation upon existing base rate customers. Existing base rate customers are not creating this unprecedented historic level of generation demand and should not be burdened by the tens of billions of dollars in costs necessary to build and support 8,500 MW of new generation.

The Company confirmed it has approximately 16,000 MW of generation assets today. Adding an additional 8,500 MW of new generation in 8 years is more than a 50% increase, but the Commission seems oblivious to the magnitude of this proposal and the enormous cost necessary to build 8,500 MW of new generation along with the necessary transmission and other system improvements required to support this gigantic historical increase in electric generation. Existing base rate customers should bear none of the financial risk of such colossal proposal. The new large load customers creating this incredible demand for new generation and shareholders ought to be 100% responsible for this massive capital investment.

A. Current Georgia Power Company Customers Should Not Bear the Risk for Over-Building Generation for Potential New Large Load Customers, Especially When Base Rates Are the Highest In History

Georgia Power Company's plans to build 8,500 MW or more of new generation is a utility company executive's dream. Add \$20 billion or more to the company rate base, hopefully serve 8,000 MW of new steady large load demand, pass any risk on to base rate customers, and have the PSC give it their blessing. What could be better? So what if the mega data center demand does not materialize as expected or only partially materializes. Base rate payers will be the Company's financial safety net for any miscalculations or poor judgment if there is excess capacity and transmission. They bailed out the Company for Vogtle Units 3 and 4. What could go wrong when the

Company plans to increase its generation capacity by over 50% in 8 years, based on promises from a new industry where most of the development is for speculative projects. Sounds like a great business plan.

So what if the historical annual demand growth was only 100 MW until 2022. So what if the only binding commitment the new large load customers must make is signing a two-page document selecting the Company as their electric service provider. That ought to be good enough for anyone to base investing in 200 MW or 500 MW of new capacity, transmission, and infrastructure. So what if most of the new data center projects are operating on a speculative “Field of Dreams” business model; if you build it, they will come. Plus there is the new rule which says existing customers won’t have to pay these new large load customer costs, and all PSC Commissions for eternity are bound to uphold that rule and never change it. What could go wrong?

Plenty. Anyone with any business sense can see multiple red-flags for this whole scenario of enormous growth in a few years to serve a new industry based on developing technology. To instill a more rational business approach to serving a speculative growing new industry the Company needs to assume some exposure or risk that the decisions they are making will not adversely affect existing customers. That can be done, not by a rule that can be eliminated in 30 days, but by limiting or restricting returns on excess capacity and transmission. Without financial checks overbuilding the electric infrastructure is a positive, not negative, development for the Company. It means a greater rate base and higher earnings, a massive reserve margin, and possible surplus power that can be resold by Southern Power at market rates.

In Docket 44280 the Company has now locked in for three more years the highest base rates in its history. The R-30 Summer rate for 1,000 plus kWh is \$0.148 (Docket 44280/Document 220052) while the R-25 Summer rate for 1,000 plus kWh was

\$0.1003 (Docket 42516/Document 187223). In three years, residential Summer rates increased approximately 48%. This same rate increase was applied to all base rates.

If the Company has no financial skin in the game it means all the financial pain and suffering will ultimately be borne by base ratepayers. Good business decisions always involve a reciprocal amount of risk in comparison to the reward. The risk of overbuilding is diminished by the possibility of not being able to receive a return on the investment. Exercise some business common sense.

B. The Georgia Municipal Electric Authority (MEAG) And Electric Membership Cooperatives (EMCs) Are Not Exposing Their Customers to The Risks Created By Prospective New Large Load Data Centers But Are Requiring the Data Centers To Bring Their Own Power To Georgia

Neither MEAG nor the EMCs are engaging in the reckless and expensive generation capacity program that has taken control of the Company. None of the Company's in-state competitors is planning to build thousands or even hundreds of megawatts of new generation capacity to serve the data center industry, instead they have done what other electric utilities around the country are doing by working with data centers for direct contracts with specific generating assets. Their policies are to have the potential new large load customers make arrangements in the wholesale market and have the power delivered to the jointly owned transmission system in Georgia. This new trend in serving data center demand is called "Bring Your Own Power" (BYOP). With similar such arrangements for new large load customers on the Company's system, current Georgia Power customers would not be exposed or incur the financial risks the Company plans to impose on their legacy customers by engaging in massive billion dollar building projects. The BYOP strategy eliminates legacy customer exposure to billions of dollars in new costs, puts the burden and all obligations of

contracting for out-of-state power on the new large load customers, and utilizes the available excess electric generation on the wholesale market.

C. Georgia Power Company's Testimony Affirmed There Is More Than Enough Generation Capacity To Serve All Existing Customers And Future Investments Are Necessary To Serve Only New Large Load Customers

Georgia Power Company confirmed in the hearing there is more than enough generation capacity available today to serve its current customers. The historic requests for thousands of megawatts of new generation capacity are due to the potential data center demand that has materialized over the past couple of years. Existing customers have not created this unprecedented demand for power and should not be responsible for all the costs associated with developing this incredible amount of new generation, and the Advocacy Staff's testimony confirmed there is more than enough generation capacity to serve the Company's current customer base.

D. The Commission's New Large Load Customer Rules Provide Little If Any Protection To Current Ratepayers From Paying the Generation, Transmission, And Development Costs Associated With the Proposed Explosion of New Generation Capacity And Transmission Costs To Serve Potential Data Center Customers

The Georgia Public Service Commission approved two Georgia Power Company rule changes at its January 23, 2025, Administrative Session that were filed December 11, 2024. According to the Company these new rules were submitted in order, “. . .to ensure the Company can recover the costs it incurs in serving or preparing to serve customers and that such costs are borne by those customers.” (Docket 44280/Document 220667, December 11, 2024, Jeremiah C. Haswell cover letter)

The first rule change was to Georgia Power Company's General Rules, Section A, Paragraph 1, which provided,

“Anything herein notwithstanding to the contrary, the Company **may require** additional terms and conditions of electric service, including without limitation, minimum billing requirements and a longer term of contract when the Company **deems it appropriate** to ensure the Company recovers all costs associated with servicing or preparing to serve a customer with an expected peak demand of 100 MW or greater at one or more premises located on one tract or contingent tracts of land.”

(Emphasis supplied) The rule change does not mandate or require the Company to impose any additional contract terms or conditions upon a new large load customer, but gives the Company complete discretion to do so.

The second set of rule changes are to the Rules and Regulation for Electric Service, Section D, Paragraphs 2, 13, and 14. Once again, the Company makes additional terms and conditions discretionary and provides if additional terms are “. . . **deemed appropriate by the Company** to ensure it recovers all costs associated with servicing or preparing to serve a customer.” (Section D, Paragraph 2)(Emphasis supplied)

Paragraph 13 states, “the Company **may require**” additional “performance and credit provisions **it deems appropriate** to protect the Company and ensure the recovery of costs . . .” (Emphasis supplied) The new provisions of Paragraph 13 are discretionary or optional based upon the Company's judgement. If the Company determines it can recover the additional costs from other sources or ratepayers there is no mandate requiring the new performance or credit provisions on new large load customers.

Paragraph 14 deals with the recovery of cost incurred to serve the large load customer at the termination of their contract for electric service. Once again, the rule change contains discretionary language, “**may be required,**” and allows the Company complete flexibility whether to recover any costs. (Emphasis supplied)

None of these rule changes approved by the Public Service Commission impose any mandates on Georgia Power to impose additional costs, terms, or conditions upon service to new large load customers to guarantee the additional costs incurred to serve them are recovered from them. These new rule changes are merely a regulatory smoke screen to allow the Company to continue doing business without any protection for current ratepayers who will be burdened with more capital costs if the new large load customers don't materialize or go out of business before their capital costs of service are fully recovered.

In an attempt to bolster the January 23, 2025, rule changes the Commission unanimously approved the "Order on Georgia Power Company's Revision to Rules and Regulations Tariff Compliance Filing," in Docket 44280 at its April 15, 2025, Administrative Session. (Docket 44280/Document 222325) In its Order the Commission reaffirmed its commitment to "existing customers from bearing **any** of the costs" associated with adding the new large load customers. (Emphasis supplied)

The April 17, 2025, Order in Docket 44280 laid out the process for reviewing new large load customer contracts with Georgia Power Company. The Commission ordered "the Company will file each such contract with the Commission at least thirty (30) days prior to execution of the contract." (Docket 44280/Document 222325, Order, p. 4) The PSC Staff will review the contract to determine if "the actual language in a contract differs from the language in the draft term and conditions provided to Staff, Staff may object to such language." (Id.) The Order also provides, "Staff may object to a minimum bill amount if Staff deems that it is insufficient." (Id.) If the PSC Staff does not object to the terms of the of the contract it will be deemed approved within thirty (30) days of its filing. Should the PSC Staff raise substantive objections the large load customer contract does not "adequately protect existing customers from bearing any of the costs

of adding the customer” the Commission will review the Staff’s objections. (Id.) Only the PSC Staff and the Commissioners will review the contract, no public notice will be made of the contract filing, and there will be no public hearing where the Staff may explain their concerns and objections to the contract. According to the Order, “[i]f Staff file an objection, the contract shall be approved if the Commission takes no action within thirty (30) days after the Staff’s filing.” (Id. at p. 5)

The entire new large load customer contract review process is cloaked in secrecy from beginning to end and existing ratepayers are told to trust the Commission. Based on the Commission’s extensive history of anti-ratepayer and pro-Company decisions, ratepayers should be very concerned the Commission will do what is necessary today to protect them from bearing any of the costs to add new large load customers in the future. It will be too late in the future when the large load customer has ceased operations, gone bankrupt, or dramatically reduced their load demand for the terms of the contract to be revealed to show inadequate provisions were made to protect existing ratepayers.

Finally, it should not be forgotten there is no long-term protection for ratepayers when utility company rules can be changed or eliminated in thirty (30) days or less and those changes can be initiated either by the utility company or the Commission. Georgia Power filed their new large load rule changes December 11, 2024, and they were approved by the Commission January 23, 2025. For the Commission to consistently and repeatedly assert existing ratepayers have nothing to worry about regarding costs incurred to serve new large load customers is absurd. Customers need more than self-serving assurance from the Commission that new data center costs will not be passed on to them in the future. An independent third party not affiliated or connected in any way to the Commission or Company needs to review in conjunction with the PSC Staff the

proposed data center contracts, and any objections to the terms should be resolved in a public hearing where all the facts will be available for ratepayer review.

II. Over the Last 20 Years Only 30% of Residential and 1.5% of Commercial Customers Have Participated In the Company's Demand Side Management Programs, Yet All Residential and Commercial Customers Are Forced To Pay the DSM Monthly Rider

The Company's response to STF-PIA-2-42 in Dockets 56002 and 56003 shows 738,553 residential and 4,665 commercial customers have participated in the various DSM programs. Over 20 years that averages to 36,928 residential and 233 commercial customers per year participated in the various DSM programs, yet 2,452,981 residential and 331,717 commercial customers pay the current DSM program costs of \$76 million. (Dockets 56002-56003/Document 222514, Staff Exhibit BCS-8)

Now the Company is proposing to implement new DSM programs that will drive costs up over 400% of existing retail rates if the Company's Proposed Case is approved by the Commission. According to the PSC Staff's testimony the Company's Proposed Case would cost \$0.753 per kWh saved in the first year, not including the additional sum for the Company. (Dockets 56002-56003/Document 222514, p. 36, l. 12) With the additional sum the per kWh cost of the Company's Proposed Case is over \$0.79 or **four-times retail rates** or 20 times the avoided cost of generation! The Company's alternative Capacity and Affordability Case isn't much better, with the per kWh cost of \$0.387 which doesn't include the additional sum. (Id.) With the additional sum the Company's Capacity and Affordability Case is **twice the cost of retail rates**. The Company has made the Commission's decision very easy for a rational person with any business sense. Will the Commission approve spending \$0.79 or \$0.42 to save a kilowatt of electricity that costs \$0.04 to generate?

A. None of Georgia Power Company's In-State Competitors Have Demand Side Management Programs But Rely On Market Forces to Encourage Their Customers To Properly Allocate Costs to Efficiency Measures

Georgia Power Company is the only electric utility in Georgia that has a demand side management program. No other electric utility has a customer funded demand side management program. The other Georgia electric utilities rely upon market forces to properly incent their customers to implement self-funded and self-directed energy conservation measures to reduce their demand and energy costs.

Georgia electric utility customers not served by Georgia Power are very aware of their electric energy costs and respond accordingly to implement energy conservation measures that effectively help reduce their electric energy usage through economic measures based on the individual customer's particular usage profile and pattern. These energy conservation measures address the unique energy consumption profile of the customer, are self-funded, and do not seek or demand government imposed financial subsidies from other customers. Market forces and common sense determine if and how a customer chooses to reduce their electric consumption and costs. This self-directed and self-funded program would also work with Georgia Power Company's customers who are just as capable and intelligent as other Georgia electric customers to make the right demand side investment decisions to help lower their energy demand and costs.

B. All Georgia Power Company Customers, Not Just Industrial Customers, Should Have the Right to Opt-Out of the Demand Side Management Program

All Georgia Power customers, not just large industrial customers, should have the right to opt out of the demand side management program. Not allowing every customer this right to opt out of the program is discriminatory based on customer size and class. Relying only on its own authority, this Commission has exempted the largest Georgia Power Company customers from the demand side management program since the inception of the program based solely upon an unsubstantiated assertion, they will implement energy conservation measures based on economic incentives. The industrial class of customers is not unique or gifted with special rational skills to know what measures are economic to implement to lower their operational costs by reducing energy consumption. All customers have these same cognitive abilities and skills, and the Commission should give all customers the right to decide whether to opt in or out of the demand side management program.

Every Commissioner should ask themselves whether it is right, just, or fair for a low-income customer who is struggling to pay their Georgia Power bill and take care of their family to subsidize the few customers who receive financial or other incentives under the demand side management program. The DSM advocates, including the Company, believe government coercion should be used to force low-income and financially challenged customers to pay a monthly fee to subsidize benefits for other customers should insist ALL customers pay the DSM monthly fee or allow ALL customers the right to opt out of the program.

The tired old argument that lower energy demand will help all customers does not justify the class discrimination that adversely affects low-income customers the most. Based on recent rate increases by the Commission there is no support at all for the claim that lower energy demand will lower costs. Just the opposite is true. Lower

energy demand has no impact on lowering costs for customers served on base rates based on the Commission's decisions for the past several years.

III. The Past Economic And Regulatory Conditions That Led To Shuttering Coal Plants Have Dramatically Changed With the Enormous New Demand Created By the Data Center Industry And the End of the Biden Administration Regulatory And Environmental Mandates

The Georgia Public Service Commission could be the first state utility commission to ignore the new Trump Administration mandates regarding energy and environmental policy by continuing the Biden Era policies that are going to be changed or eliminated. When the Biden rules and policies that made coal generation uneconomical are eliminated the recently retired coal plants should be reactivated if they provide a more economic generation alternative than building new natural gas combined-cycle units or utility scale solar combined with battery storage.

The prematurely retired zombie coal plants may be dead in that they no longer generate power, but they still live as depreciable assets that are included in the Company's rate base. These generation assets can provide an immediate and affordable source of generation to meet the unprecedented load growth the Company expects from new large load customers and data centers. Reactivating prematurely retired coal units that are an available and economic alternative to new more expensive generation alternatives is a rational and logical solution, especially considering the Trump Administration's upcoming reversal of Biden era policies that limited electrical power resources and drove up consumer prices.

Anyone who reads a newspaper or other news source knows the EPA will be issuing new policy directives before this IRP is concluded reshaping America's energy policy. This Commission can either align its energy policies with the new federal

policies or it can defend the expensive and uneconomic policies. Does this Commission defend the old Biden policies or support the revised Trump energy policies?

IV. Conclusion

Only Resource Supply Management is proposing policies that increase customer choice, allow more voluntary options for customers, use market driven mechanisms instead of government fiat, stop the misdirection of capital to less reliable and limited forms of generation, and ultimately lower customer costs. All the other parties in the case – Georgia Power Company, the PSC Staff, and the many other intervening parties – advocate for higher customer rates, coercive efficiency and solar programs which squander capital, create cross-subsidies between customer groups, and increase the scope and intensity of regulation to the detriment of Georgia Power Company customers.

WHEREFORE, Resource Supply Management requests the Commission adopt and implement RSM's recommendations as follows:

1. Shift the financial risk and cost of any new generation and transmission to serve new large load customers on only those customers;
2. Limit and restrict returns on excess capacity and transmission;
3. Implement the Trump Administration policy changes regarding energy and environmental rules and policies, and eliminate Biden era mandates that drove up energy costs;
4. End or limit all demand side management programs by allowing all customers to opt out of the program and payment of the DSM rider, and;
5. Reactivate recently retired fossil plants to reduce the need to build 8,500 MW of new generation capacity and lower costs to all rate classes.

Respectfully submitted this 3rd day of July, 2025.



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(By RBB with express permission)



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Certificate of Service

I hereby certify that the foregoing **Resource Supply Management Final Brief** was filed electronically in Dockets 56002 and 56003 with the Georgia Public Service Commission's Executive Secretary Office. An electronic copy of same was served upon all parties listed below by electronic mail, unless otherwise indicated, and addressed as follows:

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