FILED
SEP 0 4 2025
EXECUTIVE SECRETARY
GPSC

DOCKET# 56181
DOCUMENT#223859

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Docket No. 56181

In Re: Georgia Power Company's Application for the Certification of the CARES 2023 Utility Scale Renewable Power Purchase Agreements

ORDER APPROVING JOINT STIPULATION BETWEEN THE GEORGIA PUBLIC SERVICE COMMISSION PUBLIC INTEREST ADVOCACY STAFF AND GEORGIA POWER COMPANY

APPEARANCES:

On behalf of Georgia Public Service Commission Public Interest Advocacy Staff:

CHRIS COLLADO, Attorney
JUSTIN PAWLUK, Attorney

On behalf of Georgia Power Company:

ALLISON W. PRYOR, Attorney
ERICA L. WELSH, Attorney

BY THE COMMISSION:

I. BACKGROUND AND PROCEDURAL HISTORY

This matter comes before the Georgia Public Service Commission ("Commission") to consider Georgia Power Company's ("Georgia Power" or "Company") Application for the

Certification of the CARES 2023 Utility Scale Renewable Power Purchase Agreements (each a "PPA," and collectively, the "CARES 2023 PPAs") filed by Georgia Power on June 5, 2025.

On July 29, 2022, the Commission issued its Order Adopting Stipulation in Docket No. 44160 ("2022 IRP Final Order") regarding Georgia Power's 2022 Integrated Resource Plan ("IRP"). The 2022 IRP Final Order approved a stipulation setting forth a supply-side plan that included the directive to procure 2,100 megawatts ("MW") of utility scale renewable resources, including 650 MW from around the clock carbon free energy resources ("CFE-ATC"). In addition, the Company rolled forward 1,250 MW left unfilled from previous utility scale renewable procurements for a total target of 3,350 MW to be procured through two requests for proposals ("RFP").

In accordance with the Commission Rule 515-3-4-.04(3) et seq. ("RFP Rule"), the Company drafted the CARES 2023 US RFP, a pro forma Energy Only PPA, a pro forma Energy with Storage PPA, a pro forma CFE-ATC PPA, a pro forma Asset Purchase Agreement ("APA"), and a pro forma Build Transfer Agreement ("BTA") (collectively, "RFP Documents") with input from potential RFP participants, Commission Public Interest Advocacy Staff ("PIA Staff"), and the Independent Evaluator ("IE"). Drafts of the RFP Documents were posted on the IE Website on October 5, 2023, thereby opening the comment period. Georgia Power received 160 comments (52 on the RFP Documents and 108 on the proposed pro forma agreements) from 12 different commenters during the comment period. Each of the comments submitted was reviewed by the Company, PIA Staff, and the IE. Thereafter, responses to the comments were provided to the commenters by the IE on December 4, 2023. Georgia Power incorporated all appropriate revisions to the RFP Documents suggested by the market.

On December 21, 2023, the Commission approved the Final RFP Documents and pro forma PPAs for issuance to the market in Docket No. 45084. Georgia Power then issued the CARES 2023 Utility Scale Renewable RFP ("CARES 2023 US RFP") on December 22, 2023, and all bids were submitted by February 12, 2024. The CARES 2023 US RFP sought to procure 2,875 MW of utility-scale renewable generation through an RFP process overseen by PIA Staff and the IE pursuant to the RFP Rule. Proposals submitted for consideration in the RFP were reviewed and evaluated against each other and to the Company's avoided cost projections, and the evaluation results were confirmed and approved by the IE and PIA Staff.

On June 5, 2025, the Company filed an application asking the Commission to grant a Certificate of Public Convenience and Necessity ("Certificate") for the following five PPAs as part of the CARES 2023 US RFP:

- A twenty-five (25) year PPA with GA Solar 5, LLC that will provide energy, Environmental Attributes, and Electrical Products from the 260 MW Old Hickory facility. The Old Hickory facility is located in Mitchell County, Georgia.

- A thirty (30) year PPA with Wilsonville Solar, LLC that will provide energy, Environmental Attributes, and Electrical Products from the 200 MW Wilsonville Solar facility. The Wilsonville Solar facility is located in Coffee County, Georgia.

- A twenty (20) year PPA with Beaver Creek Solar I, LLC that will provide energy and capacity benefits and the related Environmental Attributes and Electrical Products from the 274.50 MW Beaver Creek Solar facility, which includes a 91.5 MW Battery Storage Device. The Beaver Creek Solar facility is located in Wilkinson County, Georgia.

- A twenty (20) year PPA with Stellar Dry Creek Solar, LLC that will provide energy, Environmental Attributes, and Electrical Products from the 200 MW Dry Creek facility. The Dry Creek facility is located in Jefferson County, Georgia.

- A twenty (20) year PPA with Stellar Shamrock Solar, LLC that will provide energy, Environmental Attributes, and Electrical Products from the 225 MW Shamrock facility. The Shamrock facility is located in Laurens County, Georgia.

On June 18, 2025, the Commission issued a Procedural and Scheduling Order setting forth the dates for the filing of testimony and briefs, as well as the dates for hearing in this matter. These proceedings were declared to be contested cases as the term is defined in O.C.G.A. § 50-13-13 and were also held to encompass complex litigation pursuant to O.C.G.A. § 9-11-33.

On June 27, 2025, the Company filed testimony on behalf of Matthew J. Bowers, M. Brandon Looney, and Marc A. Vinson. On July 23, 2025, PIA Staff filed testimony on behalf of John L. Kaduk and Bobby Iseley. The Company did not file rebuttal testimony. There were no intervenors in this proceeding. No party to this proceeding offered testimony or evidence opposing certification of these resources.

On August 8, 2025, the Company and PIA Staff entered into a stipulation resolving all issues in the case ("Stipulation"). On August 12, 2025, PIA Staff filed the Stipulation with the Commission. On August 14, 2025, a hearing was conducted before the Commission. Georgia Power and PIA Staff witnesses presented testimony as a joint panel. On August 22, 2025, the Company and PIA Staff filed a joint proposed order.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.

To ensure that the competing interests of all parties were properly considered, the Commission has carefully analyzed the Stipulation entered into by the Company and PIA Staff, and all evidence of record including the testimony given and the various exhibits entered by the parties. The Commission finds and concludes that the terms of the Stipulation are supported by the evidence in the record and is a fair and reasonable resolution that appropriately balances the interests of the parties. The Commission further finds that the evidence presented supports the finding that the CARES 2023 PPAs will provide a reliable supply of electric power when needed by Georgia retail customers and finds that certification is appropriate. Therefore, the Commission approves and adopts the Stipulation as detailed below.

2.

The Commission finds and concludes that the provisions of the agreement shall have full force and effect as stated in the Stipulation.

3.

The Commission finds and concludes that the Company's Application for the Certification of the CARES 2023 Utility Scale Renewable PPAs is approved as set forth in the Stipulation. The CARES 2023 PPAs brought forward for certification in this case will provide 1,068 MW of economical renewable resources in Georgia beginning in 2027, 2028, and 2029. The evidence presented in this case supports the approval of the Company's Application.

4.

Pursuant to O.C.G.A. § 46-3A-4, the Commission finds and concludes that public convenience and necessity requires the certification of the PPAs with GA Solar 5, LLC, Wilsonville Solar, LLC, Beaver Creek Solar I, LLC, Stellar Dry Creek Solar, LLC, and Stellar Shamrock Solar, LLC. These resources will be utilized to meet needs identified through the 2022 IRP and collectively provide energy, capacity, Environmental Attributes, and Electrical Products. These CARES 2023 PPAs reinforce the Commission's and the Company's commitment to expanding renewable development and furthers the Company's commitment to diversifying its electric supply mix for its customers in an economic way and in accordance with the IRP Process. The CARES 2023 PPAs represent additional opportunities to increase the Company's renewable generation portfolio and add resources that provide both energy and capacity benefits to Georgia Power customers.

5.

The RFP was conducted in accordance with the Commission's RFP Rule governing the RFP process. The RFP was facilitated by the IE, Accion Group, LLC. In addition, PIA Staff provided an additional level of evaluation and oversight throughout the process. The information provided in the RFP Documents, and the additional materials provided through the IE website, gave bidders the information needed to develop bids in accordance with the requirements previously approved by the Commission.

The testimony presented by the Company and PIA Staff detailed the significant efforts that went into the development of the RFP, which allowed for considerable stakeholder input into both the RFP Documents and the construction of the PPAs that were utilized to contract with the winning bidders. Throughout the process, there were opportunities for bidders to make comments that were reviewed by PIA Staff and the IE and were considered by the Company in revising the RFP Documents.

On December 21, 2023, the Commission approved the RFP and pro forma PPAs for issuance to the market on December 22, 2023, and all bids were submitted by February 12, 2024. Proposals submitted for consideration in the RFP were reviewed and evaluated against each other and to the Company's avoided cost projections, and the evaluation results were confirmed and approved by the IE and PIA Staff.

On May 23, 2024, Georgia Power filed a letter with the Commission addressing the Company's proposed response to U.S. tariffs imposed on imported Chinese solar cells and modules and imported Chinese lithium-ion non-EV batteries. Given the potential impact of reinstated solar tariffs, the Company requested a rule waiver to modify the CARES 2023 US RFP to implement a limited bid refresh process prior to determining the Short List. The proposed refresh process permitted Competitive Tier bidders who paid bid security to (i) extend the commercial operation date ("COD") of the proposed facility up to November 30, 2029, (ii) modify the bid price, or (iii) both. In addition, to address heightened reliability risk associated with including certain foreign-made battery components within projects connected to the Georgia Power electric system, the Company sought to modify the Battery Energy Storage System ("BESS") requirements within the applicable pro forma contracts to limit the source countries of certain BESS components. The Commission approved the Company's Request on June 13, 2024.

On June 21, 2024, the Southern Environmental Law Center ("SELC") filed a Motion for Reconsideration of the limitations on battery sourcing from specific countries. After significant discussion, on August 21, 2024, the Commission granted SELC's motion and removed the Netherlands as a prohibited country for the sourcing or manufacturing of battery management systems, base controllers, and site controllers for equipment bid into the CARES 2023 US RFP (and all other active and future RFPs). Georgia Power was directed to monitor federal guidelines and alert the Commission if the Netherlands or any other country is added to the Foreign Entities of Concern list, as defined in 42 U.S.C. § 18741(5). Finally, the Commission ordered that if any terrorist action, cyber security, or mechanical failure occurred as a result of sourcing equipment from the Netherlands, that the supplier of the material or part will be responsible for any and all cost to Georgia Power and its customers. On August 28, 2024, the Company filed revised RFP Documents to implement the Commission's August 21, 2024 Order. The Commission approved the Company's compliance filing with minor modification on September 24, 2024.

During the evaluation of Competitive Tier bids for the CARES 2023 US RFP, Georgia Power identified several long-lead time transmission projects required to provide firm transmission service to most of the proposed facilities by the expected commercial operation dates. To avoid eliminating potentially viable bids, Georgia Power, in consultation with PIA Staff and the IE, extended the date to determine the Short List for the CARES 2023 US RFP for several months to thoroughly investigate alternative solutions to preserve a majority of the Competitive Tier bids for further evaluation. To bridge the gap between commercial operation of the proposed facilities and the completion of the network upgrades required for firm transmission service, the Company proposed to incorporate the concept of non-firm transmission service into the CARES 2023 US RFP Pro Forma PPAs. On January 8, 2025, Georgia Power filed a request for Commission

approval of revisions to the CARES 2023 US RFP Pro Forma PPAs to incorporate Short-Term Network Service. The Commission approved these changes on January 28, 2025.

Georgia Power then completed its transmission evaluation to determine the costs of transmission grid improvements necessary to integrate the projects. These transmission costs were then imputed to each bid, and the Competitive Tier was reranked to reflect the transmission impacts in the total net benefit calculation. Georgia Power then conducted a due diligence portfolio analysis to consider and determine the cumulative transmission impacts of possible Short List bid combinations. PIA Staff and the IE confirmed Georgia Power's transmission and portfolio analyses and the resulting impact on the Competitive Tier rankings.

On February 14, 2025, Georgia Power finalized its evaluation and analysis of Competitive Tier bids and identified a Short List of winning bidders to move forward with contracting and a Reserve List. Ultimately, the RFP resulted in the selection of the portfolio of resources providing the best value to customers. Many of the Short List bidders expressed concerns about the impacts of changes in law and tariffs and the timing of security, and requested the Company consider changes to the pro forma PPAs prior to execution. The Company, PIA Staff, and the IE met several times to discuss these issues identified by Short List Bidders and agreed upon potential solutions and revisions to the pro forma PPAs. On April 3, 2025, the Company filed revised pro forma Energy and Energy with Storage PPAs for Commission approval, which were approved by the Commission without modification on May 6, 2025.

6.

Consistent with the 2022 IRP Final Order, the cost incurred to supply customers with energy and capacity from the CARES 2023 PPAs, as well as the cost to implement and administer the CARES Program, shall be recovered through the Company's fuel clause.

7.

The 2022 IRP Final Order provides for an additional sum of $4.00/kW-year, to be recovered on a levelized basis annually for the term of the Utility Scale Renewable PPAs. The additional sum for each PPA shall begin on the respective Facility's COD. The Commission finds and concludes that the additional sum complies with the 2022 IRP Final Order and is approved.

8.

The Commission finds and concludes that the resolution of the matters raised in this docket is appropriate and is in the best interest of the state of Georgia. It is supported by testimony and other evidence in the record and will result in the addition of cost-effective renewable resources and further fuel diversity for Georgia Power's customers.

The Commission retains its jurisdiction to ensure that the Company abides by and implements the rates, terms, and conditions set forth herein, and to issue such further order or orders as this Commission may deem proper.

III. ORDERING PARAGRAPHS

WHEREFORE IT IS ORDERED that the Commission adopts the Stipulation (Attachment A) as described herein and approves Georgia Power Company's Application for the Certification of the CARES 2023 Utility Scale Renewable Power Purchase Agreements, as modified by the Stipulation.

ORDERED FURTHER, the Commission finds that the provisions of the agreement shall have the full force and effect as stated in the Stipulation.

ORDERED FURTHER, that the cost incurred to supply customers with energy and capacity from the CARES 2023 PPAs, as well as the cost to implement and administer the CARES 2023 Program, that are not offset by bid and winners' fees, shall be recovered through the Company's fuel clause.

ORDERED FURTHER, that the additional sum shall be set at the levelized amount of $4.00/kW-year for the term of the CARES 2023 PPAs.

ORDERED FURTHER, that all findings, conclusions, and decisions contained within the preceding sections of this Order are hereby adopted as findings of fact, conclusions of law, and decisions of regulatory policy of this Commission.

ORDERED FURTHER, that jurisdiction over this proceeding is expressly retained for the purpose of entering such further order or orders as this Commission may deem proper.

ORDERED FURTHER, any motion for reconsideration, rehearing, or oral argument shall not stay the effectiveness of this Order unless expressly ordered by the Commission.

The above by action of the Commission in Administrative Session on the 4th of September, 2025.

Sallie Tanner
Executive Secretary

9-4-25
Date

Jason Shaw
Chairman

9-4-25
Date