

FILED

SEP 04 2025

COMMISSIONERS: EXECUTIVE SECRETARY
GPSC

JASON SHAW, Chairman
FITZ JOHNSON, Vice-Chairman
TIM ECHOLS
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE



DOCKET# 56002
56003
DOCUMENT# 223869
REECE McALISTER

EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

AX: (404) 656-2341
psc.ga.gov

**Docket No. 56002: Georgia Power Company's 2025 Integrated Resource Plan
and**

**Docket No. 56003: Georgia Power Company's 2025 Application for the
Certification, Decertification, and Amended Demand-Side
Management Plan**

ORDER DENYING SOUTHERN ENVIROMENTAL LAW CENTER'S MOTION CHALLENGING TRADE SECRET ASSERTIONS

On May 21, 2025, the Southern Environmental Law Center ("SELC") filed a Motion with the Georgia Public Service Commission ("Commission") Challenging Georgia Power Company's Trade Secret Assertions ("Motion"). The Motion was filed on behalf of Georgia Interfaith Power and Light ("GIPL") and Southface Energy Institute ("Southface"). A Notice of Hearing and Oral Argument was issued on June 30, 2025.

Specifically, the Motion requested the public be given access to the following information:

- Estimated overall cost of expanding the electric system with the proposals in this IRP (Exhibit 2-A).
- How many megawatts per year Georgia Power includes in its forecast because of expected large loads (Exhibit 3-A).
- The specific overall contribution of different classes of customers (e.g. residential,

commercial, industrial) and other high-level adjustments to the projected load forecast that forms the underlying basis of the IRP (Exhibit 4-A).

- What size and type of power plants Georgia Power expects to own or operate during the next ten years, as requested in part by GIPL and Southface in HR-1-2 (Exhibit 5-A).
- What basic assumptions Georgia Power uses about the overall cost and performance of generic types of power production to evaluate which resources are most economically optimal for Georgia Power customers (Exhibit 6-A).
- Basic information about major outages experienced by Georgia Power customers during the past three years (Exhibit 7-A).
- Estimated costs of Georgia Power’s transmission plan which is created in consultation with other Georgia electric utilities (Exhibit 8-A).

On July 8, 2025, Georgia Power filed its Response to the Motion. In its Response, Georgia Power revised Exhibits 6A and 7A but maintained its claim that the remainder of the information sought is trade secret and should not be publicly disclosed.

In accordance with the Commission’s Notice of Hearing, the parties presented witnesses and provided oral argument to the Commission on July 15, 2025.

Following the hearing and oral argument, at its Specially Called Administrative Session on July 15, 2025, the Commission denied GIPL and Southface’s Motion.

FINDINGS AND CONCLUSIONS

1. Trade secret is defined in O.C.G.A. § 10-1-761(4) as “information . . . which is not commonly known by or available to the public and which information: (A) Derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (B) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.”

2. Commission Rule 515-3-1-.11(1) governs the filing of trade secret information with the Commission and requires, at the time of filing, that the utility “provide by written affidavit the legal and factual basis for its assertion that the protected information is a trade secret and should not be disclosed.” Rule 515-3-1-.11(1)(c). This requirement includes, for each item claimed to be a trade secret:

- (a) Why the information derives economic value from not being generally known to others;
- (b) How others can obtain economic value from its disclosure; and
- (c) Procedures utilized by the affected party or utility to maintain its secrecy.

3. When Georgia Power filed its 2025 IRP and supporting Technical Appendices on January 31, 2025, and Hearing Request 1-2 on April 3, 2025, it included verified trade secret assertions. Georgia Power provided GILP and Southface access to the Trade Secret versions of these filings pursuant to a confidentiality agreement.¹ The Motion requested the Commission to declare pursuant to 515-3-1-.11(7) that the information did not actually constitute trade secrets such that the information could be disseminated publicly. 515-3-1-.11(7) provides that in making such a determination, the utility shall have the burden of proving that the information constitutes a trade secret.

4. GIPL and Southface broadly argue that the Company's trade secret assertions (a) did not demonstrate economic harm, (b) did not identify how and which competitors could obtain economic value from the information, and (c) that the Company did not demonstrate that adequate protections are in place to maintain the secrecy of the information. Georgia Power disputed these assertions.

5. The Company correctly asserted that it is not required to demonstrate *actual* harm. Trade secret information is defined as that which "is not commonly known by or available to the public and which information . . . [d]erives economic value, *actual or potential*, from not being generally known to, and not being readily ascertainable by other persons who can obtain economic value from its disclosure or use." O.C.G.A. § 10-1-761(4).

6. The notion that Georgia Power does not experience competition because it is the only regulated electric utility in the state is misplaced. While it may be only rate-regulated public electric utility in Georgia, there are also 41 Electrical Membership Corporations and 52 municipalities that also supply retail electric service within the state. Additionally, Georgia Power competes with and serves alongside separate wholesale power suppliers that operate in Georgia. The Company directly competes with these entities for the ability to serve customer choice customers under the Georgia Territorial Electric Service Act. Georgia Power also competes with out-of-state electric utilities to bring business to Georgia. Further, Georgia Power competes against retail and wholesale electric utilities in RFPs and for equipment, materials, and skilled labor.

7. Georgia Power maintains reasonable protections surrounding its trade secret information. It has established reasonable internal procedures and training for employees. It filed the information at issue here consistent with the Commission's policy and rules regarding trade secrets.

8. For each of the specific requested disclosures, Georgia Power explained how disclosure of the information could harm Georgia Power and its ratepayers and provide advantage to the Company's competitors. The Commission finds and concludes that: Georgia Power has established actual or potential economic harm that would result from the disclosure of its trade secret information; that Georgia Power faces a number of competitors in Georgia and across the country; that the Company takes adequate and reasonable efforts to protect its trade secret information; and,

¹ Rule 515-3-1-.11(3) provides a process for intervenors to petition the Commission for access to Trade Secret information under a protective agreement but the Commission encourages parties to resolve access issues by agreement. In this docket, the parties had worked out the confidentiality agreement without the need to petition the Commission.

that the Company has met its burden to show that the information constitutes a trade secret. Accordingly, the Commission finds that the Motion should be denied.

9. While disclosure of trade secret information has the potential to harm both utilities and ratepayers, the public does benefits when processes are as open and transparent as possible. To that end, Commission Staff should work to identify additional information that Companies should disclose publicly in their filings.


ORDERING PARAGRAPHS

WHEREFORE, IT IS ORDERED, 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.

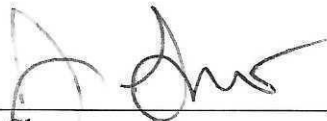
ORDERED FURTHER, that a motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order(s) as this Commission may deem just and proper.

The above action by the Commission in Administrative Session on the 15th day of July 2025.


Sallie Tanner
Executive Secretary

9-4-25
Date


Jason Shaw
Chairman

9-4-25
Date