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***In Re*:**		
Hart Countywide Safety Plan	)	**DOCKET NO. 29304**
Application of the City of Elberton for a Certificate of Public Convenience and Necessity for a Natural Gas Pipeline in Hart County	)	**DOCKET NO. 56292**
Toccoa Application for Amended Certificate of Public Convenience and Necessity for Hart County.	)	**DOCKET NO. 30335**

ORDER ON AMENDING THE COUNTYWIDE SAFETY PLAN, GRANTING A CERTIFICATE, AND WAIVING THE HEARING REQUIREMENTS

These matters come before the Georgia Public Service Commission ("Commission") as a result of the Joint Petition filed by the Cities of Elberton, Hartwell, Royston, and Toccoa (collectively the "Petitioners") for Amendment to the Countywide Safety Plan ("CWSP"), the granting of a Pipeline Certificate for the City of Elberton, and waiver of the associated hearing requirements for both Petitions.

I. JURISDICTION

The Commission has general jurisdiction over natural gas utilities. O.C.G.A. § 46-2-20. Specifically, the Commission maintains safety jurisdiction over all natural gas transmission and distribution facilities within Georgia, including those natural gas facilities which are owned and operated by municipalities. O.C.G.A. § 46-2-20(i). The Commission further has jurisdiction over Georgia intrastate natural gas operators pursuant to *inter alia*: 49 U.S.C.S. §§ 60105 and 60122, 49 C.F.R. Part 191, 49 C.F.R. Part 192; O.C.G.A. §§ 46-2-21, 46-2-30, 46-2-53,46-2-90, 46-2-91, 46-4-1, 46-4-31, 50-13-1 *et seq.*; and Commission Rules 515-7-1-.01 *et. seq.*, 515-9-1-.01*et.seq.*, 515-9-3-.01 *et. seq.*, 515-9-6-.01 and 515-9-7-.01 *et. seq.*

The Commission has further jurisdiction pursuant to Commission Rules 515-9-1-.01 and 515-9-3-.03; both adopting the Rules and Regulations prescribed by the United States Department of Transportation applicable to the "Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards" (49 C.F.R. Parts 40, 191, 192, 193 and 199) having been made the Rules and Regulations of the Commission for the safe installation and operation of all natural gas transmission and distribution facilities by companies subject to the jurisdiction of the Commission.

II. PROCEDURAL HISTORY

On January 18, 2024, (Docket 29304, Document 217118) the Petitioners filed a Joint Petition to amend the Hart Countywide Safety Plan ("CWSP"). The purpose of this amendment is to include the identification and location of a pipeline owned and operated by the city of Elberton in Hart County. Elberton will not serve any customers from its pipeline in Hart County, but the presence of the Elberton pipeline must be included in the Hart CWSP in order to comply with Commission Rule 515-9-7-.01 *et. seq.* ("CWSP Rule"). The service areas of the other cities of Hartwell, Royston and Toccoa are unaffected by the proposed Hart CWSP revision. The only change to the Hart CWSP is the inclusion of the location of the Elberton pipeline.

The Hart CWSP has not been amended since it was approved by this Commission on August 8, 2011. The Commission previously approved the waiver to Commission Utility Rule 515-7-1-.15(6) (the "80 Foot Rule") filed jointly by the cities of Hartwell and Elberton. The Order granting the waiver was approved on September 3, 2020 and was filed in the Hart CWSP (Docket 29304, Document 182375) and the Elbert CWSP (Docket 29301, Document 182374).

The cities of Hartwell, Royston, and Toccoa are the Operators in Hart County. Hartwell and Royston have home county status. Toccoa's certificate for Hart County is unaffected by these petitions. The Petitioners have worked in good faith to file this Joint Petition seeking approval of the amendment to the Hart CWSP. All Operators have agreed to the terms, conditions and boundaries established in the amended Hart CWSP.

On January 18, 2024, the city of Elberton filed an Application for a Certificate of Public Convenience and Necessity for Hart County (Docket 56292, Document 223177). Elberton provides natural gas service to residential, commercial, and industrial customers in Elbert County, its home county. Elberton also owns and operates a natural gas pipeline in Hart County. However, it provides no natural gas service to any customers in Hart County. The gas pipeline was not included in the Hart CWSP when it was first approved in 2011. Elberton's Certificate Application seeks to bring Elberton's natural gas pipeline in Hart County into compliance with the Commission's rules and include it in the Hart County CWSP. The sole purpose of the Certificate Application is to conform Elberton's Certificate to the Hart CWSP.

There are no customer transfers involved in either of the Petitions.

The Commission's Facility Protection Unit has reviewed Petitions and has no objection.

The Cities request that the Commission approve the amended Hart CWSP and waive the hearing requirement. Elbert requests the Commission grants its Pipeline Certificate petition and waive the hearing requirement.

III. STAFF REVIEW AND RECOMMENDATION

The Natural Gas Staff has performed its due diligence on the above-listed Petitions. The Facilities Protection Unit has inspected the proposed boundaries and waivers and has no objections to the requests.

Staff recommends that the Commission grant the amendment to the Hart CWSP, the Certificate Application of the city of Elbert and waivers to the associated hearing requirements.

IV. STATUTES AND COMMISSION RULES INVOLVED

The Commission has the power and authority to enforce the provisions of: Ga. Const. Art. 9, § 6, ¶ 2, O.C.G.A. §§ 46-2-20 *et. seq.*, 46-2-30, 46-2-50, 46-2-51, 46-2-52, 46-2-53, 46-2-71, 46-2-90, 46-2-91, 46-4-20 *et. seq.*, 46-4-30 *et. seq.* and 50-13-1 *et. seq.*, applicable to Certificates of Public Convenience and Necessity and Safety of Natural Gas Pipelines/Distribution systems regulated by the Commission. The Commission has further power and authority to enforce the Commission's Natural Gas Certification and Safety Rules: 515-7-1 *et. seq.*, 515-9-1 *et. seq.*, 515-9-3 *et. seq.* and 515-9-7 *et. seq.* The Commission's specific Constitutional and statutory authorities can be found *inter alia*, at Ga. Const. Art. 9, § 6, ¶ 2, O.C.G.A. §§ 46-2-20, 46-2-21, 46-2-30, 46-2-51, 46-2-53, 46-2-54, 46-2-57, 46-2-58, 46-2-59, 46-2-71, 46-2-90, 46-2-91, 46-2-92, 46-2-93, 46-4-21, 46-4-22, 46-4-23, 46-4-24, 46-4-25, 46-4-26, 46-4-27, 46-4-28, 46-4-29, 46-4-30, and 46-4-31. The applicable Commission Rules involved are, *inter alia*, at 515-7-1-.01 *et. seq.*, 515-9-1-.01 *et. seq.*, 515-9-3.01 *et seq.*, and 515-9-7-.01.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. THE COMMISSION FINDS AND CONCLUDES that it has jurisdiction over natural-gas utilities. (O.C.G.A. § 46-2-20). Specifically, the Commission maintains safety jurisdiction over all natural gas transmission and distribution facilities within Georgia, including those natural gas facilities which are owned and operated by municipalities. (O.C.G.A. § 46-2-20(i)). The Commission further has jurisdiction over Georgia intrastate natural gas operators pursuant to *inter alia*: 49 U.S.C.S. §§ 60105 and 60122, 49 C.F.R. Part 191, 49 C.F.R. Part 192; O.C.G.A. §§ 46-2-21, 46-2-30, 46-2-53, 46-2-90, 46-2-91, 46-4-1, 46-4-20 *et. seq.*, 50-13-1 *et seq.*; and Commission Rules 515-7-1-.01 *et. seq.*, 515-9-1-.01 *et. seq.*, 515-9-3-.01 *et. seq.*, 515-9-6-.01 and 515-9-7-.01 *et. seq.*

2. THE COMMISSION FURTHER FINDS AND CONCLUDES that the cities of Elberton, Hartwell, Royston, and Toccoa are each individually and collectively subject to the safety jurisdiction of the Commission.

3. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Facilities Protection Unit Staff of the Commission has the authority to inspect the facilities of all Georgia natural gas providers pursuant to the legal citations contained supra.

4. THE COMMISSION FURTHER FINDS AND CONCLUDES that the cities of Elberton, Hartwell, Royston, and Toccoa hereby waive any hearings and/or further findings or conclusions of law with respect to the above-styled matters and agree that the Commission may enter an order based upon the agreement of the Petitioners, to comport their respective certificated territories to the safety-based boundaries agreed to in the Joint Consent Agreement attached hereto and the Countywide Safety Plan agreed to by the Cities and Staff (attached as Exhibit "A" to the Consent Agreement and "C" (Maps) thereto). The Hart Countywide Safety Plan Consent Agreement, Plan, and Plan Map(s) are all incorporated into this order as if specifically written herein.

5. THE COMMISSION FURTHER FINDS AND CONCLUDES that the Countywide Safety Plan for Hart County (see Exhibit "A" to the Consent Agreement (Attachment "One")) agreed to by the Operators and Staff, shall be the Countywide Safety Plan for Hart County until otherwise ordered by the Commission.

6. THE COMMISSION FURTHER FINDS AND CONCLUDES that compliance with all parts of the Countywide Safety Plan for Hart County (*id.*) shall begin immediately upon issuance of this Commission Order. All timelines and action items contained within the Consent Agreement and Hart Countywide Safety Plan shall be incorporated by reference into the body of this Order Adopting Consent Agreement as if specifically written herein and the failure of the Operators to meet all such timelines and/ or act on all such action items shall

be a violation of this Order.

7. THE COMMISSION FURTHER FINDS AND CONCLUDES that all changes to the Countywide Safety Plan for Hart County shall be made in accordance with *inter alia*, Commission Rule 515-9-7-.01 *et. seq.*

8. THE COMMISSION FURTHER FINDS AND CONCLUDES that the City of Elberton's Pipeline Certificate of Public Convenience and Necessity shall be granted to conform to the safety-based boundaries agreed to by Staff and the Hart County Operators in accordance with the Countywide Safety Plan /Maps attached hereto. (Exhibit "A" to the Joint Consent Agreement and Attachments "A" and "C" thereto respectively (for the Plan and Plan Maps)).

9. THE COMMISSION FURTHER FINDS AND CONCLUDES that based on the Commission's review of the proposed Countywide Safety Plan /Maps and Certificate Application submitted, that such agreements by the Operators are respectively, a reasonable and appropriate resolution of the Countywide Safety Plan and Certificate proceedings for Hart County, Georgia.

10. THE COMMISSION FURTHER FINDS AND CONCLUDES that the executed Joint Consent Agreement and the Hart Countywide Safety Plan /Maps attached hereto, are hereby adopted by the Commission, and shall constitute a final resolution of the Hart Countywide Safety Plan and the related Certificate dockets.

VII. ORDERING PARAGRAPHS

WHEREFORE, IT IS HEREBY ORDERED that all findings of fact and conclusions of law contained within the preceding sections of this Order are hereby adopted as the findings and conclusions of this Commission.

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 this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the **17th day of September 2025.**

Sallie Tanner
Executive Secretary

9-17-25
Date

Jason Shaw
Chairman

9-17-25
Date