STATE OF GEORGIA

BEFORE THE

GEORGIA PUBLIC SERVICE COMMISSION

In Re:	)	
Georgia Power Company's	)	Docket No. 56298
Application for the Certification of the	)	
2029-2031 All- Source Capacity RFP	)	
Georgia Power Company's Application	)	
for the Certification of Supplemental	)	Docket No. 56310
Resources for 2028–2031 Capacity	)	

POST-HEARING BRIEF OF

SOUTHERN ALLIANCE FOR CLEAN ENERGY (SACE)

AND SIERRA CLUB

DECEMBER 16, 2025

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I. INTRODUCTION

In this All-Source Certification proceeding, the Georgia Public Service Commission is facing the most important decision in its history. Georgia Power is requesting approval for 9.9 gigawatts (GW) of new capacity that it projects will come online between 2027 and 2030.[1] Georgia Power has never requested 9.9 GW in a single certification proceeding. It has also never requested approval to spend $15 billion in generating resources: not even for Plant Vogtle's original estimate.[2] With this request, "[t]he Company's capital expenditure plan for 2025-2027 will nearly double its current rate base."[3] In Georgia Power's words: "This proceeding is of major significance—a fact this Commission and all parties understand."[4] Despite the scale of the Company's bold request, only a fraction of the requested capacity is backed by data center customers that have signed contracts for electric service, and even less have signed contracts covered by the protections contemplated in the Commission's new rules and regulations.[5] With no data center customer committed to pay for most of the capacity Georgia Power is requesting for the entirety of the assets' lifetimes, ratepayers will inevitably be on the hook. It is in this proceeding, and not a later one, where the Commission can protect ratepayers from having to bear the costs of adding five combined cycle (CC) gas plants to the Georgia Power system.[6] In this proceeding, and not a later one, the Commission needs to draw the line that distinguishes between the Company's bold business operations, and the Company's imprudent procurement practices. Because most of Georgia Power's certification request in this docket is unaccounted for, certifying the full amount of resources is unjustified.

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[1] *See* Ga. Power Co., Georgia Power Company's Application for the Certification of the All-Source Capacity Power Purchase Agreements and Company-Owned Proposals (July 30, 2025), Docket No. 56298.

[2] On March 17, 2009, in Docket 27800, the Commission certified the need for the additional units and generating capacity at Plant Vogtle. Ga. Pub. Serv. Comm'n, Commission Staff and Georgia Power File Proposed Settlement in the Risk Sharing Mechanism Case for Plant Vogtle Nuclear Power Construction Project (July 18, 2011), https://psc.ga.gov/downloads/NewsRecordAttachments/93.pdf. The original cost was $14 B. Originally expected to cost $14 billion and begin commercial operation in 2016 (Vogtle 3) and in 2017 (Vogtle 4), the project ran into significant construction delays and cost overruns. Georgia Power now estimates the total cost of the project to be more than $30 billion. U.S. Energy Info. Admin., Plant Vogtle Unit 4 begins commercial operation (May 1, 2024), https://www.eia.gov/todayinenergy/detail.php?id=61963.

[3] Direct Testimony and Exhibits of Tom Newsome, Philip Hayet, & Leah Wellborn on behalf of Georgia Public Service Commission Public Interest Advocacy Staff (Nov. 12, 2025), Docket Nos. 56298 & 56310 at 6 [hereinafter "Newsome Direct"].

[4] Rebuttal Testimony of Kristin W. Curylo, Jeffrey R. Grubb, M. Brandon Looney, and Francisco Valle on behalf of Georgia Power Company (Nov. 26, 2025), Docket Nos. 56298 & 56310 at 4 [hereinafter "Curylo Rebuttal"].

[5] "Georgia Power plans to procure enough capacity to serve the entire amount of demand from large-load customers that it included in its B2026 resource planning forecast through 2031. Only part of this demand (6.2 GW) is from customers with signed contracts for electric service." Direct Testimony of Lucy Metz on behalf of Sierra Club and the Southern Alliance for Clean Energy (Nov. 12, 2025), Docket Nos. 56298 & 56310 at 9 [hereinafter "Metz Direct"].

[6] Direct Testimony and Exhibits of Robert L. Trokey, Dylan A. Drugan, and Karan A. Pol on behalf of Georgia Public Service Commission Public Interest Advocacy Staff (Nov. 12, 2025), Docket Nos. 56298 & 56310 at 5 [hereinafter "Trokey Direct"]. ("If the Commission grants certification as requested, and load does not materialize as projected by the Company, the ability to disallow future cost recovery will be limited.")

The record demonstrates that the Company's load forecast, which is the basis on which this All-Source Certification proceeding stands, has consistently shown that data centers are not materializing at the speed Georgia Power initially expected. Georgia Power's load forecast is deeply flawed for a number of reasons, including that it fails to account for the attrition of data center projects and the very slow growth in signed contracts for service and requests for service that is evident in the Company's quarterly Large Load Economic Development reports. The Company's most recent Large Load Economic Development Report, filed with the Commission on November 21, 2025, showed a chilling 6 GW attrition in the large load pipeline.[7] It is therefore unnecessary and would be imprudent to procure 9.9 GW over the next 5 years when the Company's own filings continue to reflect a consistent decrease in megawatts in the immediate future. It is also imprudent to try to "stay ahead of"[8] the curve when billions of dollars are at stake.

The Proposed Stipulation between the Company and Staff, filed on December 10th, 2025, one hour before the hearing started in this docket, does nothing to address the mismatch between the Company's speculative forecast and contracted load, nor does it shield existing ratepayers from decades (not years) of financial risk tied to building new gas plants. The Bowen, Wansley and McIntosh CCs will remain in service long after the three-year window of a modest $8.50 monthly "downward pressure" on rates has expired.[9]

Should the Commission approve the Proposed Stipulation, *all* customers will end up paying for stranded assets. As Sierra Club/SACE's witness Metz stated, "[d]emand from new customers for capacity on an accelerated timeline will increase costs and risks to all ratepayers, absent action from the Commission to protect existing ratepayers."[10] Georgia Power did not demonstrate in this docket that an accelerated buildout of resources would put downward pressure on rates.

As further explained below, the testimony and evidence presented to the Commission over the course of the All-Source Certification proceedings demonstrate that Georgia Power Company's request should not be approved as filed. Instead, the Commission should:

1. Deny approval of Georgia Power's request to build the Bowen, Wansley and McIntosh combined cycle (CC) gas plants.

2. Authorize certification of battery storage and battery plus solar resources, up to the amount necessary to serve data centers with signed contracts for electric service.

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[7] Ga. Power Co., Large Load Economic Development Report for Q3 2024 PD (Nov. 18, 2024), Docket No. 55378 at 2.

[8] Hearing Tr. at 338:11. Further, Commissioner Echols also indicated during the hearings that "we're going to need this energy for the future. You're getting out ahead of it." *Id.* at 469:1-2.

[9] Ga. Power Co. et al., Stipulation (Dec. 9, 2025), Docket Nos. 56298 & 56310 at 1, https://psc.ga.gov/search/facts-document/?documentId=224772 [hereinafter "Proposed Stipulation"].

[10] Metz Direct at 9.

II. LEGAL STANDARD

Pursuant to O.C.G.A. § 46-3A-3(a), "no utility shall commence the construction of an electric plant" or "enter into a long-term purchase of electric power" "for serving the utility's Georgia retail customers without having first obtained from the commission a certificate that public convenience and necessity requires, or will require, such construction, sale, purchase, or expenditure."[11]

While an integrated resource plan (IRP) is a "utility resource planning process in which an integrated combination of demand-side and supply-side resources is selected to satisfy future energy service demands in the most economic and reliable manner while balancing the interests of utility customers, utility shareholders and society-at-large,"[12] through a certification proceeding the utility presents to the Commission the results of a request for proposals from power providers for the resources it needs.

The Georgia legislature did not draft O.C.G.A. § 46-3A-3(a) merely to replicate IRP decisions; instead, even if IRPs typically approve a long term strategy, the utility must still justify that the resources it seeks to certify will meet the needs Georgia Power contends it will see over the planning horizon.

Further, the Procedural and Scheduling Order ("PSO") in this case added that "[t]he issues to be addressed shall include those which are required pursuant to the IRP Act, O.C.G.A. § 46-3A-1 et seq., and the Commission's implementation of Rule 515-3-4 as well as all other related issues this Commission deems appropriate."[13] The PSO laid out the issues that the Commission would review that exceed the scope of the IRP, including questions like:

- Should the Commission issue an order approving, denying, or modifying the requests made by the Company in its July 30, 2025 Applications for approval of capacity from the All-Source RFP and from Supplemental Resources identified by the Company outside of the RFP process?
- After considering the Company's updated B2026 Load Forecast, as well as considering any Staff-proposed Load Forecast or modification of the load forecast or modification proposed by any intervenor, which generation resources need to be certified in this consolidated proceeding?
- Are the costs associated with Georgia Power's requests reasonable?
- Do the supplemental resources, identified outside of an RFP process, provide extraordinary advantage to ratepayers, and should Commission discretion be exercised in approving these capacity resources?

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[11] O.C.G.A. § 46-3A-3(a).
[12] Ga. Comp. R. & Regs 515-3-4-.02(25).
[13] Ga. Pub. Serv. Comm'n, Procedural and Scheduling Order (Aug. 5, 2025), Docket Nos. 56298 & 56310 at 3.

- If a portfolio of resources is developed from capacity available from the All-Source RFP and the Company-identified supplemental resources, what is the optimal portfolio to maximize benefits to ratepayers?
- Are the alternative terms and contract considerations for the supplemental resources power purchase agreements reasonable?[14]

For the reasons outlined below, the record in this case squarely demonstrates that the Commission should not approve the Company's request as filed, that the load forecast is overly optimistic, that the costs associated with Georgia Power's request is unreasonable, and that only a fraction of the resources, namely the battery storage and battery plus solar projects, should be certified.

III. ARGUMENT

1. Certification of the Bowen, Wansley and McIntosh Gas Plants Is Not Necessary to Serve Georgia Power's New Data Centers.

Georgia Power is seeking certification of three gas plants: Bowen (1,561 MW), Wansley (1,531 MW) and McIntosh (797 MW). According to Lucy Metz's testimony, McIntosh is the most expensive gas plant in the country, which ratepayers will have to pay for generations to come. In Metz's words, "[t]he capital costs of CC plants have more than doubled since Georgia Power completed its 2025 IRP. Building the Wansley, Bowen, and McIntosh CC units now will lock ratepayers into the current high cost of these assets, as well as the cost of firm gas transport, for decades to come."[15] Regarding the McIntosh CC in particular, Metz indicated that "[t]he costs of McIntosh are particularly high" and, though Georgia Power labeled the price tag as trade secret, Metz concluded: "[t]his is the highest cost I have seen for a CC plant in the United States."[16]

The worst time to stock up on resources that are not absolutely needed is when prices for those resources are through the roof. Figure 1 below from Metz's testimony shows that "the cost of a CC that comes online in 2031 is nearly a third higher in real terms than resources that come online in 2026, even before including the effects of inflation."[17]

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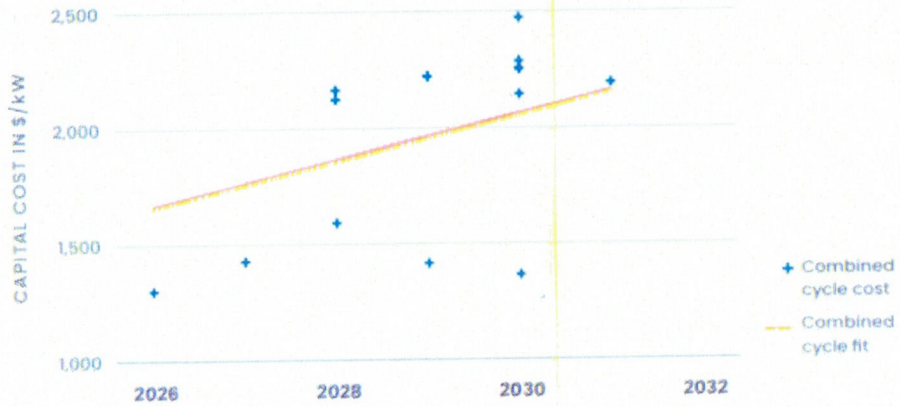
[14] *Id.*
[15] Metz Direct at 9.
[16] *Id.*
[17] *Id.* at 30.

Figure 1: Overnight capital costs data from recent combined-cycle projects across the country (2025$)[18]



In addition to high capital costs to build the CCs, ratepayers would also have to pay for "[f]irm gas transport and storage costs" over the plant's 45-year lifetime, "in addition to the cost of the fuel itself."[19] As Metz explained, "Georgia Power plans to obtain firm gas supply for the Bowen, Wansley, and McIntosh CCs, which will add substantial additional fixed costs to the cost of operating the units."[20] Plainly put, CCs are not suitable for environments with the highly uncertain loads we are seeing today.

Importantly, should load fail to materialize, residential customers will be on the hook without having caused any of the capacity additions:

> Q. To refresh everyone's minds, during the 2025 IRP, you indicated that data centers amount to around 90 percent of load growth. Is that still correct?
> A. (Witness Valle) Yeah. In terms of megawatts, yes, about right.
> Q. Residential load growth, for example, is basically just a drop in the bucket of load growth; is that a fair assessment?
> A. (Witness Valle) Oh, in terms of growth?
> Q. Yes.
> A. (Witness Valle) Yeah. Growth is very -- growth in residential class is about 1 percent or less, yes.
> Q. And here, going back to your statement in the main panel's testimony, you say that CCs are best suited -- and you said just now, Mr. Grubb, to provide the energy data centers need. Does that mean that you expect data centers that sign a contract for electric service to pay around 90 percent of total costs to build CCs?
> A. (Witness Grubb) No. So we -- all the resources being procured here are to serve all customers. Now, the majority of the load is driven by data centers and that's

[18] *Id.* at 31.
[19] *Id.*
[20] *Id.* at 30.

where we handle the cost allocation through the large load contracts or our -- or rate cases. But the CCs will be added to -- to serve all customers.[21]

It is undisputed that, out of the resources that Georgia Power seeks to certify, the CCs have the longest lifetimes and highest price tags. In a time in which the Company's projections are uncertain, the Commission cannot choose to certify resources that require data centers to materialize and stay online until 2075. Staff also recognized that McIntosh would be the last resource that the model chose.[22]

Under no scenario would McIntosh be a reasonably priced resource, hence the answer to the question in the PSO ("Are the costs associated with Georgia Power's requests reasonable?"[23]) is "no". The Commission should not approve certification of the McIntosh CC. Instead, "Georgia Power should remove [it] from its portfolio of proposed resources, given the unit's high capital costs and high fixed fuel costs."[24] Contrary to the RFP's legal standard, McIntosh is simply "not needed to serve contracted customers."[25]

Georgia Power's preference to err on the side of having more resources has a direct impact on customers' bills, simply to serve data centers –large and highly uncertain loads. Like PSC Staff originally recommended, Sierra Club/SACE urges the Commission to deny certification of the Bowen, Wansley and McIntosh CCs because the Company's request relies on a speculative load forecast and because they are not backed by signed contracts. Instead of risking billions of ratepayer money, the Commission should condition approval of resources to measurable customer commitments. The Proposed Stipulation is merely a 3-year band-aid in a 45 year burden,[26] does

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[21] *Id.* at 517: 20-25, 518:1-20.

[22] "Q. I'm just asking whether your analysis shows whether McIntosh was a cost-effective resource and ...A. If they get enough load, they gotta have capacity... **It would be one of the last ones you pull.**" Response to Sierra Club/SACE's Cross-Examination from Witnesses Hayet, Newsome, and Wellborn on behalf of Georgia Power Company, Docket Nos. 56298 & 56310 at 4:57:40 (emphasis added) [hereinafter "Georgia Power Response to Cross-Examination"].

[23] Ga. Pub. Serv. Comm'n, Procedural and Scheduling Order (Aug. 5, 2025), Docket Nos. 56298 & 56310 at 3.

[24] Metz Direct at 10.

[25] *Id.* at 42.

[26] "Q Your testimony focuses on the long-term impacts and risks of adding the nearly 10 GW of resources to the Georgia Power system, correct? A (Witness Trokey) That's right. Q You say, for example, on page 47:3-5 that the "Company's LRM is based on speculative assumptions, creating unreasonable risk to existing ratepayers if forecasted load from data centers does not materialize" — those are considerations that will impact ratepayers for decades, correct? A (Witness Trokey) Those are impacts and that's why Staff's Scenario 2 recommended making adjustments to the LRM to provide a more measured, conservative approach. Q Yet the Company's commitment in the Stipulation to have large load customers put "downward pressure" on rates is only for a very limited period of time, 2029-2031, correct? A (Witness Trokey) It is. Q And the gas units will be around through 2075, right? A (Witness Trokey) That sounds correct Q Meaning ratepayers will have to pay for them throughout that period? (Witness Trokey) That is absolutely correct (...)." Response to Sierra Club/SACE's Cross-Examination from Witnesses Drugan, Pol, and Trokey on behalf of Georgia Public Service Commission Public Interest Advocacy Staff, Docket Nos. 56298 & 56310 at 4:20:49, https://youtu.be/FReyQJ9VL7k?t=15648 [hereinafter "Staff Response to Cross-Examination"].

nothing to ensure that bills as a whole will go down,[27] and locks in one of the most gas plants in history.[28]

2. Georgia Power's Reliance on a Speculative Load Forecast of an Uncertain Industry Will Lead It to Overbuild Capacity.

Georgia Power's 9.9 GW request is not only "above the currently estimated 2031 capacity need" and "above the upper bound (8,500 MW) amount of capacity that was approved to be identified in the 2029-2031" All-Source RFP, it is also unjustified, as most of the projected load growth comes from data centers: an industry known for being inherently unpredictable.[29] As Sierra Club/SACE's witness Metz testified, "[t]here are a variety of reasons that load in the pipeline may not ultimately materialize or may materialize more slowly than customers' initial requests suggest."[30] Metz's testimony further states a handful of reasons why Georgia Power's load forecast is overstated, including, for example: (i) data centers "frequently engage in venue shopping, submitting interconnection requests in multiple utility service areas in search of the most competitive rates,"[31] (ii) "not all projects succeed financially, and even projects that eventually move forward may be delayed,"[32] and (iii) "prospective customers may overestimate their peak load in their initial requests."[33] While it is reasonable for Georgia Power to be able to procure resources for customers that have signed contracts for electric service, anything beyond that would merely satisfy the Company's preference —not necessity— to have excess capacity.

The Company's stated reasons to move forward with 9.9 GW now, and not at a later date when more large load contracts have been signed, prioritize the Company's counterparties and large load customers, not existing ratepayers: "a conditional certification does not signal confidence and commitment to the Company's PPA counterparties; engineering, procurement, and construction ("EPC") contractors; equipment manufacturers; and large load customers."[34] Notably, assurances to counterparties, EPC contractors, equipment vendors, or speculative large-load customers do not satisfy the RFP's legal standard. Further, Georgia Power admitted during cross examination that it had neither consulted with PPA counterparts nor surveyed any EPC contractors,[35] making this concern baseless.

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[27] "Q Did Staff receive any assurance from Georgia Power that ***bills*** as a whole will go down from 2029 to 2031? A No, right. There's no guarantee that bills will go down, however this is an expected downward pressure on rates." Staff Response to Cross Examination.
[28] Metz Direct at 9.
[29] Newsome Direct at 16.
[30] *Id.* at 21.
[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] Curylo Rebuttal at 22.
[35] Georgia Power Response to Cross Examination.

While Paragraph 2c of the IRP Stipulation mentioned the range of capacity the Company could seek through the RFP (6,000 to 8,500 MW),[36] Staff's original testimony rightly points to the fact that "a determination of the amount of resource capacity to certify requires consideration of other factors."[37] Paragraph 2c itself noted that the Commission "should take into consideration both the Company's updated October 2025 Load Forecast, as well as Staff's Load Forecast in deciding about the resources to certify."[38] Accordingly, Sierra Club/SACE's approach only includes signed large-load contracts, which would ensure that the Commission's certification in this case is grounded in demonstrable customer commitments rather than speculative load projections, and would protect (though not shield[39]) ratepayers from the financial risks of over-procurement. By limiting the forecast to signed contracts, the Commission can align procurement with actual need and uphold the RFP's legal standard of certifying only what "public convenience and necessity" requires.

Further, *but for* data center growth, Georgia Power would not have a need for more capacity until much later in the planning horizon and would be on track to retire its coal units, meaning that speculative data center growth is responsible both for keeping coal plants online for longer and for new CC additions. In Metz's terms, "[i]n the absence of load growth from large-load customers, Georgia Power would not need any capacity additions until [REDACTED]. This suggests that the proposed resources in this docket would not be needed on the current timeline *but for* large-load additions."[40]

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[36] "The Company shall be authorized to seek certification of up to 8,500 MW of capacity from the 2029-2031 All-Source Capacity RFP. The Company agrees to provide generation procurement options to meet generation needs of at least 6,000 MW and up to 8,500 MW necessary to meet Georgia Power system demand. Upon consideration of the Company's updated October 2025 Load Forecast, as well as consideration of any Staff-proposed Load Forecast, the Commission can then appropriately determine necessary generation resources to certify as part of the 2029-2031 All-Source Capacity RFP certification proceeding." Ga. Power Co. et al., Stipulation (July 8, 2025), Docket Nos. 56002 & 56003 at 2, https://psc.ga.gov/search/facts-document/?documentId=223304 [hereinafter "IRP Stipulation"].

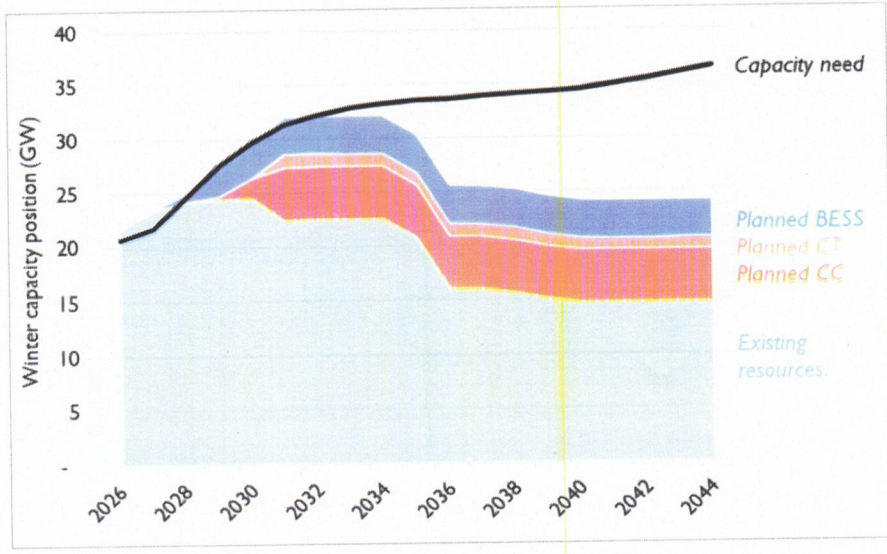
[37] Newsome Direct at 13.

[38] IRP Stipulation at 2.

[39] *See* Georgia Power Response to Cross-Examination.

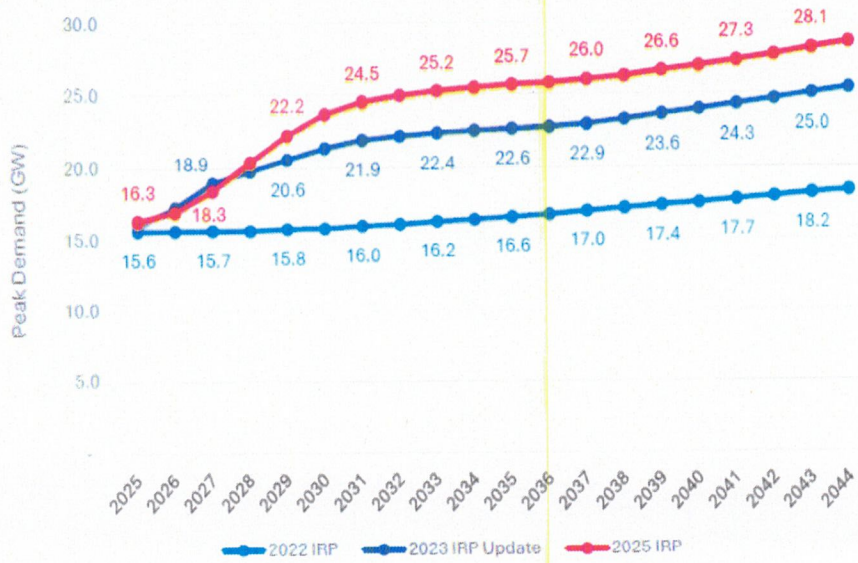
[40] Metz Direct at 16.

Figure 2: Georgia Power winter capacity resources including proposed RFP and Supplemental resources



All parties, including Georgia Power and Commission Staff, recognize that data center load growth has consistently decreased in the near term. But all parties, except for the Company, recognize the importance of this trend. Georgia Power's own projections (see Figure 3 below) show consistent attrition in the very immediate future (a 3 to 4 year timeframe):

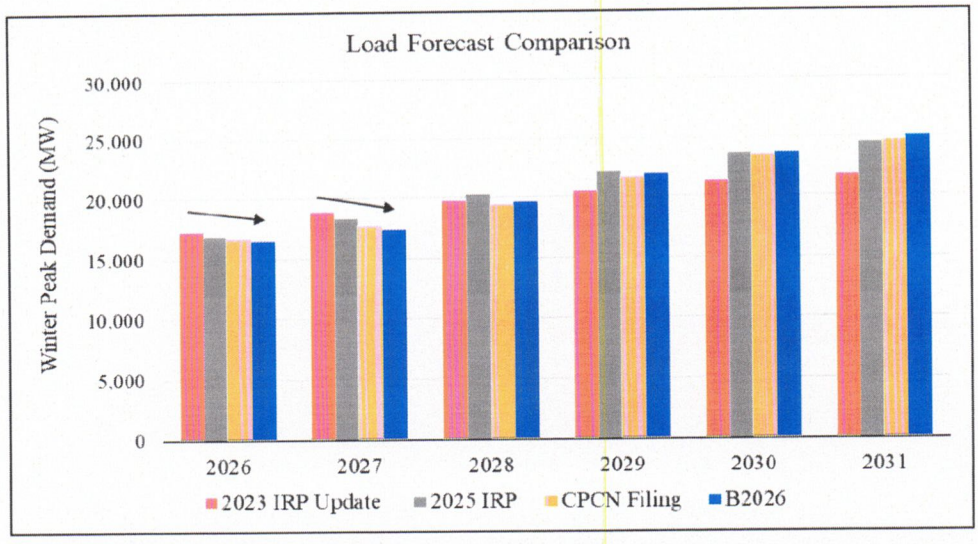
***Figure 3: Georgia Power Projected Winter Peak Demand*[41]**



[41] Ga. Power Co., 2025 IRP Main Document (Jan. 31, 2025), Docket No. 56002 at 35.

Further, Georgia Power's B2026 Load Forecast continues to show this trend. Despite clear signs and data gathered by the Company itself, Georgia Power has not reduced its request by one single megawatt. If the drop-in-near term load trend continues –which it has consistently since the 2023 IRP Update was filed— then resources will be sitting idle waiting for the demand to materialize. This will place significant risk on Georgia Power ratepayers for stranded assets that would increase rates if new large loads do not materialize as expected. By relying on overly optimistic load growth assumptions, the Company will end up overbuilding its system. Commission Staff's Figure 4 below depicts with arrows this shrinkage.

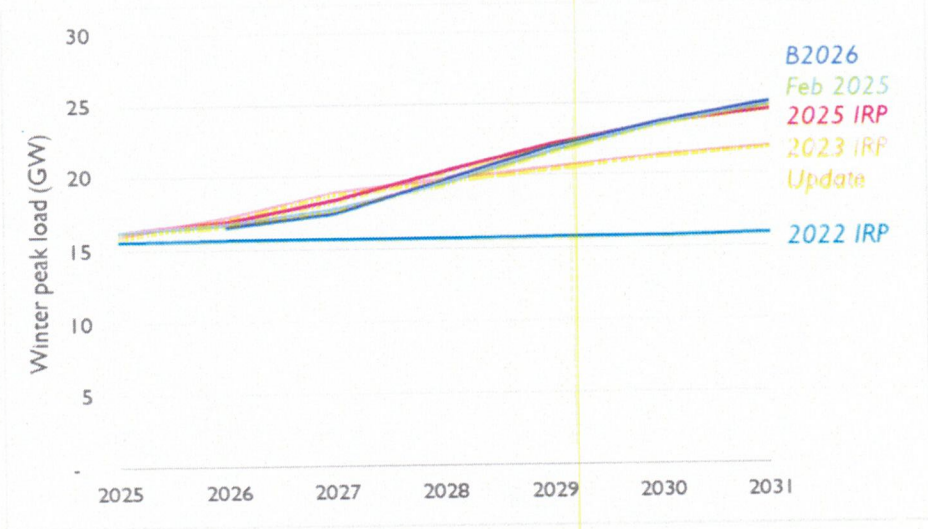
Figure 4: Georgia Power Winter Peak Demand (MW) Forecast Comparison[42]



Additionally, Georgia Power's most recent Large Load Development Report, filed on November 21, 2025, shows that 6 GW of capacity fell off the pipeline altogether. Hence, the Company cannot find solace in the fact that at some point in the distant future new load will use the excessive capacity it is planning to build. Instead, the Company's own data indicates both that data center load is shrinking in the near term, and that it is no longer growing exponentially in the long term. "Georgia Power's winter peak load has consistently decreased over the past three load forecasts", as shown in Figure 5 below:[43]

[42] Newsome Direct at 15.
[43] Metz Direct at 25.

Figure 5: Georgia Power projections of winter peak load since the 2022 IRP[44]



If data center load materializes at a slower rate than expected, it will bring significant financial burdens for Georgia Power's ratepayers, who risk being on the hook for infrastructure that is premised on speculative demand and that may sit idle for at least a portion of their operational life. As Lucy Metz's testimony indicates, "it is important to ensure that all large-load customers pay their fair share for electricity, so that economic development is not pursued at the expense of existing ratepayer's electricity costs."[45] Yet the Company has chosen to turn a blind eye to near term attrition:

> Q. [I]sn't it true that the company's large load forecast since 2024, including B-2026, which the company filed last month, have consistently shown a decrease in the near-term need?
> A. (Witness Valle) Yes. But not -- not in the year 2031. In the near term, yes. But it has been stable around that -- that time frame. (...)
> Q. [S]o that consideration of slower materialization of load did not impact in any way the amount of megawatts that you are seeking to procure today?
> A. (Witness Grubb) No, it didn't.[46]

The Company finds comfort in the fact that 2031 projections continue to grow, yet resources that are being procured as part of this process will impact ratepayers for decades to come. Staff's original testimony makes clear that Georgia Power's proposal to add nearly 10 GW of new resources exposes ratepayers to long-term risks: "[Staff has] significant concerns with the Company's large load materialization assumptions" and "the Company's desire to acquire capacity (9,886 MW)" because "planning to this load forecast would introduce additional customer risk

[44] *Id.* at 26.
[45] *Id.* at 51.
[46] Hearing Tr. at 505:13-19, 506:2-5.

from potentially underutilized or stranded assets."[47] To protect ratepayers from the long-term risks of stranded assets and unjustified over-procurement, the Commission should reject Georgia Power's request for capacity that has not been demonstrated to be necessary.

3. Georgia Power Should Condition the Approval of Load-Driven Capacity Additions on Measurable Customer Commitments.

As stated above, the RFP legal standard requires the Commission to only certify the amount of power purchases that are considered *necessary*.[48] In practice, this means that Georgia Power does not get to add resources to its system unless it is considered a public convenience and necessity. Over the course of the All-Source RFP proceedings, the record showed that the nearly 10 GW of resources Georgia Power is seeking to procure are a "nice to have", not a necessity. Sierra Club/SACE and Staff originally proposed that the Commission certify resources up to the amount that are backed by customer contracts. In Metz's terms, "Commission approval of any resources above this amount should be contingent on Georgia Power obtaining signed contracts for service from a corresponding amount of large-load customers."[49]

Other states have already taken an approach that requires utilities to base their procurements on demonstrable data center commitments, namely: signed contracts. Staff's testimony explains that AEP Ohio recently approved a data center tariff "that will require large load contract commitments before new transmission investments are made."[50] Further, Kentucky Utilities/Louisville Gas and Electric also entered into "a stipulation in its latest certification case that would require executed electric service agreements as a cost-recovery condition for a proposed [gas plant]."[51] Similarly, Dominion Energy South Carolina has "stated that it only relies on contracts in developing its reference planning forecasts."[52] Metz's testimony also gives the example of AEP Ohio, which, after establishing a "large-load tariff that clearly stated the prices and terms to which prospective customers would need to commit—including minimum billing requirements—the amount of large load in its customer pipeline decreased by more than half."[53] This shows that "a large fraction of the load initially in the pipeline was from speculative customers who were unwilling to commit to tangible terms associated with receiving service from AEP Ohio."[54] Sierra Club/SACE agree with Staff that "[t]hese examples demonstrate that tying new infrastructure investment to new load materialization is a reasonable approach to planning for large loads and limits risks to existing customers."[55]

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[47] Newsome Direct at 19.
[48] O.C.G.A. § 46-3A-3(a).
[49] *Id.* at 10.
[50] Newsome Direct at 20.
[51] *Id.* at 20-21.
[52] *Id.* at 21.
[53] *Id.* at 22.
[54] *Id.*
[55] *Id.*

It is also undisputed that the Commission's established practice is to approve resources that match the Company's needs to serve customers, not what they would like to have to attract new customers. Both Staff and Georgia Power recognized this basic fact:

> Q In terms of procurement of resources, isn't it true that this Commission's usual practice is to approve what the Company *needs* to serve customers, not what they'd *like* to have to attract customers?
> A (Witness Trokey) Yes, that's correct. In this case we have competing forecasts. Georgia Power is forecasting a load that is essentially 10 GW (...) Staff's original recommendation was using the contracts to determine what that need is.[56]

The Company also acknowledged that, historically, the Commission has approved procurement of resources that ensure that the Company is only slightly above the reserve margin:

> Q Would you agree that generally this Commission has approved procurement for resources that try to meet exactly your load forecast?
> A (Witness Looney) I think we'd have to go back and look at every certification. My instinct would say that we often certify resources . . . that put us slightly above our planning reserve margin.[57]

Yet Georgia Power now seeks approval for nearly 10 GW of speculative resources that go far beyond the Company's demonstrated need. This request contradicts the Commission's established practice of certifying only what is necessary to serve customers and maintain a reserve margin, or going only "slightly above" it.

The Proposed Stipulation only focuses on three years (2029-2031), yet ratepayers would be obligated to pay for gas plants for 45 years into the future. Figure 6 below, taken from the Newsome testimony depicts how much revenue the Company will need to cover the capital costs it is proposing to certify in this proceeding. Notably, those costs go well beyond 2031.

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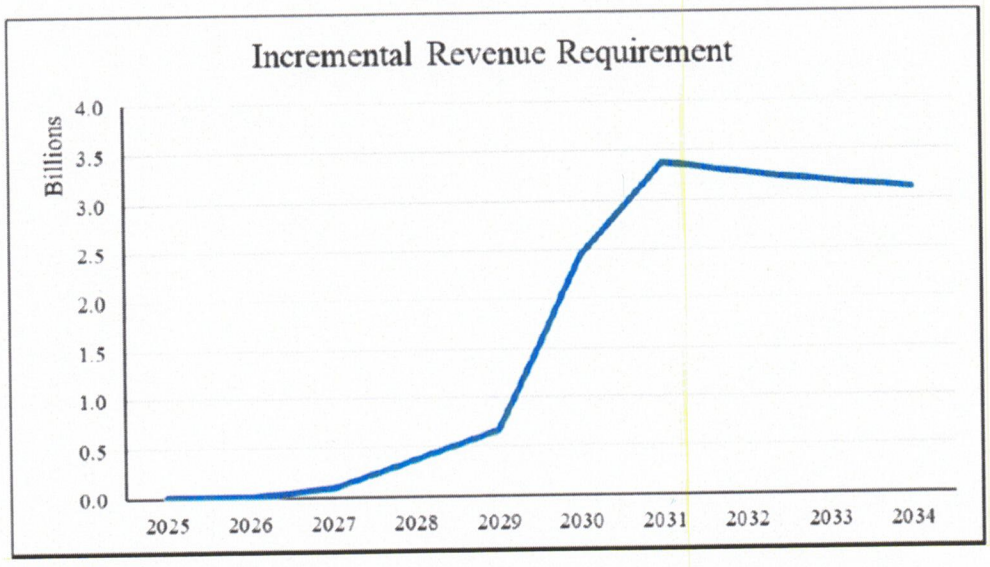
[56] Staff Response to Cross-Examination (emphasis added).
[57] Georgia Power Response to Cross-Examination at 7:42:17.

Figure 6: Revenue Requirement of Incremental Resources[58]



The Newsome panel further cautions that existing customers "could experience significant harm if the Company were to commit to acquire the resources, and the new load and additional incremental revenues do not materialize."[59] The Stipulation does not resolve in any way decades of risk associated with capital costs of the resources, the firm transportation risks attached to them, or the fuel costs that will result from using them. Unless rejected, billions of dollars in costs will fall squarely on existing customers.

Ms. Metz explained during cross examination that it is not true, as Georgia Power contends, that by building more resources Georgia Power's customers would see increasing downward pressure on rates.[60]

Therefore, the Commission should reject Georgia Power's request and condition any approval of new capacity on measurable, enforceable customer commitments, ensuring that existing ratepayers are not saddled with decades of unnecessary costs.

4. Battery Storage Resources Can Provide Ratepayers With a Variety of Benefits Based on their Size, Flexibility, and Shorter Lifetime.

Battery storage resources represent a critical opportunity for Georgia Power to meet customer needs in a cost-effective, modular, and flexible manner. Georgia Power's All-Source RFP and Supplemental requests include 3,373 MW (nameplate capacity) of battery storage and

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[58] Newsome Direct at 5.
[59] *Id.*
[60] Response to Ga. Power Co.'s Cross-Examination from Witness Metz, on behalf of Sierra Club/SACE, Docket Nos. 56298 & 56310 at 5:46:57, https://youtu.be/FReyQJ9VL7k?t=20217 [hereinafter "Sierra Club/SACE Response to Cross-Examination"].

battery plus solar projects (see Table 1 below). The Company's supplemental request also proposes five battery storage PPAs, totaling 313 MW (see Table 2 below).

Table 1: Company-owned battery storage projects and paired solar storage[61]

Name	Nameplate Capacity (MW)	Summer Rated Capacity (MW)	Commercial Operation Date	Source	Capital Cost (million $)
South Hall BESS	250	125	Nov 28	RFP	[redacted]
Bowen Phase 1 BESS	250	250	Nov 28	RFP	
Bowen Phase 2 BESS	250	125	Nov 29	RFP	
Wansley BESS	500	500	Nov 28	RFP	
Thomson BESS	500	250	Nov 29	RFP	
Hammond Phase 2 BESS	192.5	96	Nov 30	RFP	
Yates 320 MW BESS	320	320	Nov 28	RFP	
Yates 250 MW BESS	250	137	Nov 28	RFP	
McIntosh BESS	250	125	Nov 30	RFP	
Laurens County BESS + Solar	200	100	Nov 28	RFP	
Plant Mitchell BESS + Solar	150	75	Nov 28	RFP	
Wadley BESS	260	143	Nov 27	Supplemental	
Total	**3,373**	**2,246**	-	-	

Table 2: PPAs from All-Source RFP and supplemental resources[62]

Name	Type	Summer Rated Capacity (MW)	Term (years)	Start date	Source	Year 1 Capacity Cost ($/kW-year)
Sandersville	Combustion turbine	146	15	Nov-30	RFP	[redacted]
Dahlberg 4	Combustion turbine	74	10	Jun-30	RFP	
Tenaska Heard County	Combustion turbines	930	20	Jun-30	Supplemental	
Mid-Georgia Cogen	Combined cycle	300	20	Jun-28	RFP	
Harris 1	Combined cycle	658	15	Jun-30	RFP	
NEER BESS (five agreements)	BESS	313	25	Nov-27	Supplemental	
MPC PPA amendment	None specified	50	1	Jan-29	Supplemental	
Total	-	**2,471**	-	-	-	-

[61] Metz Direct at 14.
[62] *Id.*

As Lucy Metz testified, "[b]attery storage resources can provide ratepayers with a variety of benefits based on their size, flexibility, and shorter lifetime (relative to fossil resources)" and can also "help mitigate the risks of being locked into a long-term asset, as well as the fuel-price volatility risks posed by investment in gas CCs."[63] In contrast to Georgia Power's proposed combined cycle gas units, battery storage projects offer the modularity and adaptability necessary to respond to the current uncertainty in the data center interconnection market. Because battery storage is more modular than combined cycle units, "Georgia Power can adjust the quantity it procures in a given year based on current market conditions. In contrast, CCs have useful lives that are two to three times longer than the maximum length of a data center contract and will lock ratepayers into 45 years of capital costs and fuel costs over the resource's lifetime."[64]

In short, Georgia Power should prioritize procurement strategies that minimize risk, especially considering that its load forecast is "speculative"[65], "uncertain"[66], and "exposes customers to the risk of stranded costs if the anticipated load does not materialize".[67] As Metz suggests, the Company should "focus its near-term procurement on no-regrets solutions that its ranking analysis found to be cost-effective, such as the proposed battery storage projects from the RFP and supplemental resources."[68] By approving only battery storage projects now, the Commission can help ensure that flexible capacity is serving the needs of large load customers while avoiding the pitfalls of overbuilding long-lived assets.

5. Customer Demand Flexibility Can Help Minimize the Cost of Serving Prospective Large-load Customers.

As part of this proceeding, Georgia Power did not consider the possibility of large load customers participating in load flexibility, demand side management, load curtailment, or behind the meter generation programs.[69] At least since the 2025 IRP, Georgia Power has heard testimony from Staff and Sierra Club/SACE indicating that requiring flexibility from data centers would be a reasonable way to reduce costs as opposed to building new resources. As stated in Staff's testimony "[l]oad flexibility and curtailments during peak hours may significantly mitigate the peak impact of large load customers, particularly for Data Center projects."[70] Staff also noted that "large load flexibility is beginning to deploy on the market,"[71] with a 96 MW data center in Virginia "committed to providing flexible operation via the Electric Power Research Institute's

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[63] *Id.* at 10.
[64] *Id.* at 43.
[65] Trokey Direct at 4.
[66] Metz Direct at 43.
[67] Trokey Direct at 4.
[68] Metz Direct at 11.
[69] Ga. Power Co. Response to Data Requests STF-PIA-6-3 and STF-PIA-6-4, Docket Nos. 56298 & 56310, https://psc.ga.gov/search/facts-docket/?docketId=56298.
[70] Trokey Direct at 30.
[71] *Id.* at 31.

("EPRI") DC Flex initiative," which Southern Company is part of.[72] Hence, "the Company may have further understanding of how load flexibility could enable large load growth in Georgia that is not currently available on the record."[73]

In Staff's words, "[a] load flexibility program sponsored by the Company could enable significant growth of large load customers while mitigating the peak impacts of this growth, providing a more cost-efficient means of facilitating economic development in Georgia."[74] Despite the prospect of flexibility offering benefits to ratepayers, Georgia Power is moving forward with its massive request, and will only evaluate load flexibility at a later point in time –if then:

> Q. [S]houldn't you procure resources now -- assuming that at some point in the next five years, data centers will have at least some flexibility?
> A. (Witness Grubb) If we did that and then they don't end up having flexible capability, then we won't have enough resources to serve them (...) So we're optimistic that we'll have some customers sign that. And when they do, we'll incorporate them. But at this point, without them having committed, we can't plan on them.
> Q. []. How about requiring load flexibility from the start? Is that still off the table?
> A. (Witness Grubb) (...) I think if -- **if it was most cost beneficial for them to have kind of a partial load served from us and []them do the rest, they would be bringing that to us** (...) I'm not saying it won't happen, I'm just saying we don't know at that point. And so we're seeking the resources to serve those loads and then **we would adjust later, if needed**.[75]

According to Georgia Power's witness admissions, the Company is willing to explore flexibility alternatives if and when it is more convenient for data centers, but not if it is more economical for Georgia Power existing customers. In other words, Georgia Power is effectively prioritizing the interests of future large load customers over the immediate, tangible interests of current ratepayers. By deferring meaningful action on load flexibility, Georgia Power shifts the risk of overbuilding squarely onto its existing customers, who will bear the costs of the Company's reluctance to require data center flexibility from the start. The Commission should direct Georgia Power to reduce this risky asymmetry and require the Company to incorporate customer demand flexibility as soon as practicable. Doing so would support the Commission's intent in the changes to the rules and regulations it passed in April: the costs of speculative large-load growth should not be unfairly imposed on existing ratepayers, and that includes using load flexibility to build less, not more, resources.

While Georgia Power "acknowledges that there is value to DERs and load flexibility in their ability to mitigate over-procurement", the Company fails to actually propose or implement a

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[72] Electric Power Research Institute, *EPRI Launches Initiative to Enhance Data Center Flexibility and Grid Reliability* (Oct. 29, 2024), https://www.epri.com/about/media-resources/press-release/yimzjv2xnv9cqiztau1zxbedletwyqk1.
[73] Trokey Direct at 31.
[74] *Id.*
[75] Hearing Tr. at 522:11-16, 523:5-11, 524:1-4 (emphasis added).

solution along these lines.[76] Instead, it merely states that "load flexibility and DERs are not in and of themselves a substitute or a singular solution to the challenge of reliably serving new and existing customer needs,"[77] and opts for a do-nothing approach that results in the very risk it acknowledges should be mitigated: over-procurement. In rebuttal testimony, Georgia Power demonstrates neither a genuine commitment to using the potential advantages and cost savings of load flexibility, nor any inclination to improve its current approach: "Q. IS A LOAD FLEXIBILITY STUDY RECOMMENDED BY STAFF NECESSARY? A. No. The Company agrees that load flexibility is important and already has a robust portfolio of options available to meet a variety of customer needs."[78]

While the Proposed Stipulation indicates that the Company and Staff "shall work collaboratively to investigate the potential benefits of load flexibility"[79] and directs the Company to "engage current and potential large load customers to solicit input on large load flexibility options, including contract terms and cost saving opportunities resulting from flexibility, and shall report its findings to Staff,"[80] Staff admitted during cross examination that the Company has still not agreed to include data center flexibility assumptions in its load forecast.[81]

IV. CONCLUSION

For the reasons explained above, the record in this case supports Public Interest Advocacy Staff's and Sierra Club/SACE's recommendation that the Commission should at the very least deny the Company's request to build new gas resources. Instead, it should require the Company to meet the data center load that is backed with contracts with battery resources and battery plus solar projects, which are the best available resources for their cost effectiveness, modularity, and flexibility.

Respectfully submitted this 16th day of December, 2025.

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[76] Curylo Rebuttal at 21.
[77] *Id.*
[78] *Id.* at 20.
[79] Proposed Stipulation at 2.
[80] *Id.*
[81] Staff Response to Sierra Club Cross-Examination.

CERTIFICATE OF SERVICE

I do hereby certify that I have this 10th day of November, served the following parties with the foregoing **POST-HEARING BRIEF OF SOUTHERN ALLIANCE FOR CLEAN ENERGY (SACE) AND SIERRA CLUB – DOCKET 56298& 5630** via hand delivery, email and or US mail to all recipients on the service list for this docket.

This December 16, 2025

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