

January 23, 2026

**VIA ELECTRONIC DELIVERY**

Ms. Sallie Tanner  
Executive Secretary  
Georgia Public Service Commission  
244 Washington Street, SW  
Atlanta, Georgia 30334

**Re: Reply to Public Interest Advocacy Staff's and Georgia Power Company's Responses to Joint Petition for Rehearing, Reconsideration, Clarification, and Oral Argument; Docket Nos. 56298, 56310**

Dear Ms. Tanner:

Please find enclosed an electronic version of the following Reply to Public Interest Advocacy Staff's and Georgia Power Company's Responses to Joint Petition for Rehearing, Reconsideration, Clarification, and Oral Argument to be filed in Docket Nos. 56298 and 56310 on behalf of Georgia Interfaith Power & Light and Southface Institute.

Respectfully submitted,



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*Counsel for GIPL and Southface*

**STATE OF GEORGIA**  
**BEFORE THE**  
**GEORGIA PUBLIC SERVICE COMMISSION**

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**In Re:**

<b>Georgia Power Company’s</b>	)	
<b>Application for the Certification</b>	)	<b>Docket No. 56298</b>
<b>of Capacity from the 2029–2031</b>	)	
<b>All-Source RFP</b>	)	

**In Re:**

<b>Georgia Power Company’s</b>	)	
<b>Application for the Certification</b>	)	<b>Docket No. 56310</b>
<b>of Capacity Supplemental Resources</b>	)	

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**January 23, 2026**

**REPLY TO PUBLIC INTEREST ADVOCACY STAFF’S AND GEORGIA  
POWER COMPANY’S RESPONSES TO JOINT PETITION FOR REHEARING,  
RECONSIDERATION, CLARIFICATION, AND ORAL ARGUMENT**

The Southern Environmental Law Center, on behalf of Georgia Interfaith Power & Light and Southface Institute, and the Sierra Club, on behalf of itself and the Southern Alliance for Clean Energy, (jointly, “Petitioners”) all intervenors in Docket Nos. 56298 and 56310, submit this reply to Public Interest Advocacy Staff’s and to Georgia Power Company’s responses to Petitioners’ Joint Petition.

The Commission’s Order is deficient and unlawful for the reasons described in the Petition. Petitioners reply briefly to certain arguments below; however, their silence on any issues should not be taken as agreement.

**I. The Commission’s decision relied on the wrong standard.**

Staff argues that Petitioners did not show that the Certification Order “differs materially from the statutory language” when the Order finds that the certified resources will provide power “when needed by Georgia retail customers.”<sup>1</sup> As an initial matter, Staff arbitrarily introduces a “material difference” standard here. The plain language of the statute requires the Commission find “there is or will be a need . . . at the time that the proposed resource is proposed to be utilized . . . .”<sup>2</sup> The Commission is not entitled to use a different standard, even if it may seem “close enough.” Whether Georgia Power’s customers need a resource or not by a date certain has material economic consequences. The statute’s language exists precisely to protect customers from resource additions that are not demonstrably needed at the time they are proposed to be placed in service. The timing of the need is an essential, not secondary, component of the statutory requirement.

This is not an abstract concern. The Commission’s departure from the statutory standard can be illustrated clearly by McIntosh Unit 12. To certify McIntosh Unit 12, the Commission must find that there is a need in winter 2031 (when it is proposed to be utilized). As explained in the Petition, there is not a need for a single megawatt of McIntosh Unit 12 in winter 2031 even using Georgia Power’s load forecast.<sup>3</sup> Importantly, neither Staff nor Georgia Power dispute this basic fact. Thus, the Commission cannot make a finding of need under the statutory standard.<sup>4</sup> Instead, using the extra-statutory standard in the Order, the Commission could say that McIntosh is not

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<sup>1</sup> Ga. Pub. Serv. Comm’n Pub. Interest Advocacy Staff, Public Interest Advocacy Staff’s Response to Joint Petition for Rehearing, Reconsideration, Clarification, and Oral Argument (Jan. 20, 2026), Docket Nos. 56298 & 56310 at 5 [hereinafter “Staff Brief”].

<sup>2</sup> O.C.G.A. 46-3A-4(a).

<sup>3</sup> Southern Environmental Law Center, on behalf of Georgia Interfaith Power & Light and Southface Institute, and Sierra Club, on behalf of itself and the Southern Alliance for Clean Energy, Joint Petition for Rehearing, Reconsideration, Clarification, and Oral Argument (Jan. 9, 2026), Docket Nos. 56298 & 56310 at 8-11 [hereinafter “Petition”].

<sup>4</sup> The Commission’s decision “shall be based on evidence of record.” O.C.G.A. 46-3A-10.

needed in 2031, but it is needed “when [it is] needed.” The Commission must rectify this clear error, and we ask that the Commission reevaluate its decision under the correct standard.

## **II. The Commission failed to adopt a load forecast.**

Georgia law requires certification orders adopt a load forecast.<sup>5</sup> Neither Georgia Power nor Staff argue that the Commission’s Order complies with that requirement. It does not.

Georgia Power seems to argue that its load forecast from the 2025 IRP was adopted in this Certification Order. It was not. Rather, the Procedural and Scheduling Order explicitly required a new load forecast be filed in this proceeding.<sup>6</sup> And Georgia Power acknowledges that its new forecast changed both the underlying data and “a few assumptions,”<sup>7</sup> both of which were subjected to significant criticism by Staff and Intervenors.<sup>8</sup> State law is clear: “the commission shall issue an order adopting a forecast of future Georgia retail electricity requirements of the utility . . . .”<sup>9</sup> Because it failed to do so, the Order is deficient.

## **III. The Commission failed to make or explain required findings.**

Georgia Power’s and Staff’s responses highlight problems identified in the Petition: that the Commission’s Order fails to make required findings or explain rationales. In Commission orders, “[f]indings of fact do not need to be over-elaborated or particularized, but they should be inclusive enough to afford an intelligent review.”<sup>10</sup> That standard is not met here.

First, perhaps the most striking disagreement is the legal meaning of the \$8.50 promise. Georgia Power characterizes it as “an added benefit—not the basis for certification.”<sup>11</sup> But Staff

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<sup>5</sup> O.C.G.A. 46-3A-5(b).

<sup>6</sup> Ga. Pub. Serv. Comm’n, Procedural and Scheduling Order (Aug. 5, 2025), Docket Nos. 56298 & 56310 at PDF 5.

<sup>7</sup> Ga. Power. Co., Georgia Power Company’s Response to the Joint Petition for Reconsideration (Jan. 20, 2026), Docket Nos. 56298 & 56310 at 7 [hereinafter “Georgia Power Brief”].

<sup>8</sup> See Petition at 14-17.

<sup>9</sup> O.C.G.A. 46-3A-5(b).

<sup>10</sup> Ga. Power Co. v. Ga. Public Service Comm’n, 1988 WL 391328 (Ga. Super. 1988).

<sup>11</sup> Georgia Power Brief at 15-16. Petitioners do not dispute that the Commission has broad authority to resolve cases, however, the basis of any decision must be in the record.

directly contradicts this statement, connecting the financial promise to the certification statute: “By agreeing to . . . \$8.50 of downward pressure . . . the public is assured an economical and reliable supply of electric power . . . .”<sup>12</sup>

Second, Georgia Power argues that its load forecast demonstrated a need for the requested resources (though without addressing the 757 MW McIntosh over-procurement).<sup>13</sup> Conversely, Staff argues “the Commission does not need to adopt the Company’s load forecast in order to meet the requirements for certification.”<sup>14</sup>

Georgia Power and Staff signed the Stipulation adopted by the Commission, yet they apparently disagree on its foundation, scope, and meaning. The Commission must resolve these disputes, and others identified in the Petition.

#### **IV. Georgia Power’s reading of RFP exemption (f)(6) would swallow the exemption whole.**

The Commission cannot approve the Supplemental Resources under RFP exemption (f)(6), which provides the “Commission shall expressly consider in each IRP” to exclude from the RFP process “resources identified in the soliciting entity’s approved IRP plan.”<sup>15</sup> Georgia Power concedes that this proceeding is not an IRP.<sup>16</sup> Thus, the exemption is plainly not applicable here.

Georgia Power argues that the Supplemental Resources are “to meet the need to add resources as approved in Georgia Power’s 2022 IRP and reinforced in the 2023 IRP Update.”<sup>17</sup>

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<sup>12</sup> Staff Brief at 4.

<sup>13</sup> Georgia Power Brief at 17.

<sup>14</sup> Staff Brief at 4. Staff also appears to argue that the Commission could rely on “materialization of committed load that occurred . . . after [the testimony of the parties].” *Id.* at 4-5. It is not clear what this refers to as Petitioners are not aware of any evidence of materialization submitted after the parties testified on December 10.

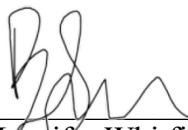
<sup>15</sup> Ga. Comp. R. & Regs. 515-3-4-.04(3)(f)(6).

<sup>16</sup> Georgia Power Brief at 14.

<sup>17</sup> Georgia Power Brief at 14. Georgia Power notably excludes the 2025 IRP from this justification. *See* Ga. Pub. Service Comm’n, Order Adopting Stipulation (July. 31, 2025), Docket Nos. 56002 & 56003 at 11 (“The Company shall be authorized to seek certification of up to 8,500 MW of capacity from the 2029-2031 All Source Capacity RFP.”).

But the Commission did not expressly consider these resources in those dockets.<sup>18</sup> Moreover, the RFP process always begins with a “need to add resources” in an IRP.<sup>19</sup> Any resource additions could ultimately be traced back to an IRP, so using Georgia Power’s expansive reading of this exemption would render it meaningless. The Commission should reject Georgia Power’s reading and amend the Order as described in the Petition.

Respectfully submitted this 23rd day of January, 2026.



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<sup>18</sup> See Ga. Power Co., Response to PIA-4-4, Docket Nos. 56298 & 56310 (stating these resources were first identified in 2025).

<sup>19</sup> See Ga. Comp. R. & Regs. 515-3-4-.04(3).

## CERTIFICATE OF SERVICE

I certify that the foregoing **Reply to Public Interest Advocacy Staff's and Georgia Power Company's Responses to Joint Petition for Rehearing, Reconsideration, Clarification, and Oral Argument** was filed with the Public Service Commission in Docket Nos. 56298 and 56310 by electronic delivery on the 23rd of January, 2026. An electronic copy of same was served upon all parties listed below by electronic mail as follows:



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