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Docket No. 15326: CONSIDERATION OF MODIFYING THE EXISTING PSC RULES CONCERNING UNIVERSAL SERVICE FUND MANDATED BY HB 1568

FINAL ORDER APPROVING ATLANTA GAS LIGHT COMPANY'S PETITION FOR WAIVER OF COMMISSION RULE 515-7-5-.07(2)(C)

I. Background

In Commission Rule 515-7-5-.07, the Rule addresses "Applications for Disbursements from a Universal Service Fund: Electing Distribution Company". In 515-7-5-.07(1), the Rule addresses the Universal Service Fund Annual Facilities Expansion Plan ("USF Annual Plan") filings. In 515-7-5-.07(2), the EDC must file seven (7) minimum filing requirements ("MFR") for each proposed project. In 515-7-5-.07(2)(c), MFR-3, it addresses the stakeholder process. AGL, as the EDC, must provide a venue for a public survey to allow any stakeholder to identify potential projects for consideration. The Rule provides that the stakeholder process begins on April 1st and ends on June 30th. Please see below.

515-7-5-.07(2)(c)
MFR-3 the EDC will set up a link on its website with a description of the Annual Plan and use an online public stakeholder process to help identify potential projects across the State of Georgia. The public survey will begin on April 1st and close on June 30th each year. As part of the Annual Plan filing, the EDC will include stakeholder information as an electronic Excel spreadsheet that will list the following, if available:

i. Name of Stakeholder
ii. Date Responded to Survey
iii. Company/Organization Address, Phone #, and Email Address
iv. Project Name
v. Project Type
vi. County

vii. Project Address (If Known)
viii. Project Closest Intersection
ix. Year Natural Gas Service Needed
x. Economic Development Details in Project Area

II. AGL's Petition

On January 22, 2026, AGL filed a Petition for Waiver of Commission Rule 515-7-5-.07(2)(c), the MFR-3 stakeholder process. AGL requested that the Commission approve a waiver to adjust the opening of the public survey to begin on February 2, 2026, and close on May 1, 2026. AGL stated that moving up the survey date is necessary to provide the Company enough time to fully assess each potential project, select projects to include within the USF Annual Plan, and comply with the regulatory requirement to file the 2027 USF Annual Plan by September 1, 2026.

III. Staff's Analysis

Pursuant to O.C.G.A. § 50-13-9.1(c), in order for a company subject to an agency's jurisdiction to obtain a waiver of a duly promulgated rule, it must demonstrate "that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver and that strict application of the rule creates a substantial hardship to such person." O.C.G.A. § 50-13-9.1 (b)(1) defines "substantial hardship" as a "significant, unique, and demonstrable economic, technological, legal, or other type of hardship to the person requesting a variance or waiver which impairs the ability of the person to continue to function in the regulated practice or business."

After careful consideration of AGL's petition, Staff determined that AGL satisfied the criteria set forth by the law for the granting of a waiver. The Staff reviewed AGL's petition and Commission Rule 515-7-5-.07(2)(c) and found no issues with moving the stakeholder survey process to begin on February2, 2026, and close on May 1, 2026.Furthermore, Staff finds that the waiver of the rule "would serve the purpose of the underlying statute." O.C.G.A. § 50-13-9.1(d)(4).

IV. Commission Decision

During the February 3, 2026, Administrative Session, the Commission approved AGL's request for a waiver to Commission Rule 515-7-5-.07(2)(c) to specifically move the stakeholder survey date to February 2, 2026 – May 1, 2026, for the 2027 USF Annual Plan filing.

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V. Ordering Paragraphs

WHEREFORE IT IS ORDERED that the Commission approves AGL's request for a waiver to Commission Rule 515-7-5-.07(2)(c) that will move the 2027 USF Annual Plan filing stakeholder process to begin on February 2, 2026. and close on May 1, 2026.

ORDERED FURTHER, that all findings, conclusions, statements, and directives made by the Commission and contained in the foregoing sections of this Order are hereby adopted as findings of fact, conclusions of law, statements of regulatory policy, and orders 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 the Commission may deem just and proper.

The above by action of the Commission in an Administrative Session on the 3rd day of February 2026.

Sallie Tanner
Executive Secretary

2-3-26
Date

Jason Shaw
Chairman

2-3-26
Date