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GPSC**

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LAUREN "BUBBA" McDONALD, Vice-Chairman

PETER HUBBARD

DR. ALICIA M. JOHNSON

TRICIA PRIDEMORE



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Docket Nos: 56298 & 56310

In re: GIPL, Southface Institute, Sierra Club, and Southern Alliance for Clean Energy's Joint Petition for Reconsideration.

ORDER DENYING GIPL, SOUTHFACE INSTITUTE, SIERRA CLUB, AND SOUTHERN ALLIANCE FOR CLEAN ENERGY'S JOINT PETITION FOR RECONSIDERATION.

On January 9, 2026, Georgia Interfaith Power and Light, Southface Energy Institute, the Sierra Club, and the Southern Alliance for Clean Energy ("Joint Petitioners" or "Petitioners") filed a Joint Petition for Reconsideration ("Joint Petition" or "Petition") of the Georgia Public Service Commission's ("Commission") December 30, 2025, Order Adopting Stipulation and Granting Georgia Power's ("Georgia Power" or "the Company") Certification of Capacity from 2029-2031 All-Source RFP and Supplemental Resources for 2028-2031 Capacity in Docket No. 56298 & 56310 ("Order"). The Stipulation Agreement ("Stipulation" or "Stipulated Agreement") was originally presented and recommended for adoption by Public Interest Advocacy Staff ("PIA Staff") and Georgia Power ("Stipulating Parties") on December 10, 2025, prior to the 2029-2031 All-Source Hearing ("Hearing"). On January 20, 2026, the Stipulating Parties filed separate Reply Briefs that addressed Petitioners' named issues.

On February 3, 2026, the Commission conducted a limited hearing, based on the Chairman's December 19, 2025, ruling pursuant to Rule 515-1-1-.02 and 515-3-2-.11(3), where Georgia Power and Joint Petitioners ("Parties") gave arguments on whether the Joint Petitioners should be granted access to trade secret designated large load revenue requirement financial workpapers used in support of or otherwise relied on for the Stipulation, under an appropriate non-disclosure agreement ("NDA"). Georgia Power put on a witness panel, which underwent questioning from the Parties. The Commission then heard closing arguments from the Parties. At the conclusion of the arguments, the Commission held its decision on the matter until February 18th, 2026, Administrative Session.

During the February 18, 2026, Administrative Session, Chairman Shaw motioned to deny the Joint Petitioner's Motion to access certain trade secret designated financial paperwork under an appropriate non-disclosure agreement. The Motion passed 3-2, with Commissioners Pridemore, Shaw, and McDonald voting for and Commissioners Hubbard and Johnson voting against. Given the Commission's decision to deny the Motion for access to the documents, Commissioner Advisory Staff recommended that the Motion for Reconsideration be denied as set forth in its written recommendation. The Commission adopted the Advisory Staff recommendation, with Commissioners Pridemore, Shaw, and McDonald voting for and Commissioners Hubbard and Johnson voting against

WHEREFORE IT IS ORDERD, that the GIPL, Southface Institute, Sierra Club, and Southern Alliance for Clean Energy's Joint Petition for Reconsideration is denied.

ORDERED FURTHER, that all findings, conclusions, statements, and directives made by the Commission and contained in the foregoing sections of the Order are hereby adopted as

findings of fact, conclusions of law, statements of regulatory policy, and Orders of this Commission.

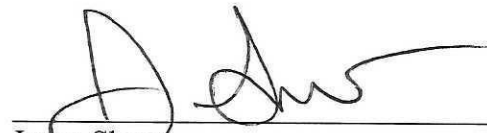
ORDERED FURTHER, that a motion for reconsideration, rehearing, or oral argument or any other motion shall not stay the effective date of the Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over these matters 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 at its Administrative Session on the 18th day of February 2026.


Sallie Tanner
Executive Secretary

2-23-26
Date


Jason Shaw
Chairman

2-23-26
Date

COMMISSIONERS:

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Dissenting Opinion in the Joint Petitioner's Motion for Reconsideration and Commissioner Hubbard's Motion for Recertification

Docket Nos. 56298, 56310

**Re: Joint Petition for Reconsideration on behalf of Georgia Interfaith Power &
Light, Southface Institute, the Sierra Club, and the Southern Alliance for Clean
Energy**

Joint Petitioners asked the Georgia Public Service Commission (PSC) to reconsider its December 30, 2025 Final Order that adopted a stipulation authorizing Georgia Power to build or acquire 100% of requested capacity resources from the 2029–2031 All-Source RFP and supplemental filings. The Joint Petition argues the Order is legally deficient, unsupported by the evidentiary record, and economically unreasonable.

Commissioner Hubbard and Commissioner Johnson agree with the findings of the Joint Petition. Importantly, the request for resources exceeds the need at the time of the filing. The full certification request is speculative and does not meet the legal requirement of public need and benefit, and should be modified.

Specifically, the motion proposed by Commissioner Hubbard would exempt the McIntosh Unit 12 Unit that is a Company Owned Proposal (COP). That resource and its 797 megawatts (MW) of winter energy and capacity attributes are not fully needed, even by Georgia Power's own analysis, and should be exempted from the certification.

The motion would further exempt at least 2,622 MW of resources that are not supported by contracted customers at the time of the certification request. The large loads that are

provided as evidence of need for the certification request include both executed Contracts for Electrical Service (CES) and Requests for Electrical Service (RES) that do not have customer commitments. Further, a large number of CES were executed prior to the April 2025 PSC rule change, in which contract terms were added to reduce the risk of cost-shifting from data centers to captive residential and commercial customers.

There are four contract terms built into post-April 2025 PSC rule changes for large load customers. These are performance bonds or parent guarantees, a minimum Monthly Access Charge (MAC), longer contract term lengths with a minimum of 15 years, and an Early Termination Fee (EAF). However, these safeguards are not necessarily steadfast. Post-rule executed contracts can and do have EAFs that are equal to just two (2) years of minimum MAC. This leaves significant revenues uncollected versus an EAF that requires payment through the contract term length of 15 years or more. This significantly increases the risk of cost shifting onto captive residential and commercial customers.

Georgia statute requires a finding that capacity is needed when the resource is proposed to be used (2029–2031), not at some undefined future point. The Final Order instead finds resources will be economical and reliable “when needed,” an argument that is insufficient. There is no demonstrated need for all certified resources, as speculative load is not “need.” Additionally, the load realization model overstates demand, particularly for data centers. Staff and multiple intervenors testified that the model consistently over-forecasts near-term load. As such, the wrong legal standard is applied in the Final Order.

The Final Order fails to protect the public interest and ensure economical supply. The certification includes approval of very costly gas-fired resources, whose costs are driven higher by strong demand from utilities, developers, data centers, and others looking for new generation. Georgia Power applied no cost threshold in the RFP—no projects were excluded for being uneconomic. Several gas-fired power projects exceed benchmark costs paid by other utilities, and the supplemental resources lacked competitive procurement altogether. Many viable and less costly alternatives were not considered in Georgia Power’s plan to meet large load customer growth with this certification.

The full certification commits customers to \$50–60 billion in costs over asset lives, yet no analysis was provided that shows impacts on residential or non-large-load bills. There is no evidence of long-term savings. The much-discussed \$8.50/month “downward pressure” relies on a three-year revenue backstop (2029–2031) that does not quantify offsetting upward pressures from high capital costs, which means bills could still rise during the initial period. Georgia Power’s revenue commitment does not extend beyond three (3) years despite assets lasting 45 years or more. Residential customers will be committed to pay for new generation after 2031 regardless of whether data centers show up as advertised or leave before the power plants are paid for. The claim

of savings is not supported by a developed evidentiary record. The Final Order requires residential customers to bear most of the risk with uncertain (near-term) benefits.

In terms of procedure, there are defects. The stipulation introduced ratemaking concepts at the final hearing, depriving intervenors of notice and the opportunity to test assumptions or present expert rebuttal. The certified resources misused RFP exemptions. Specifically, exemption (f)(6) was improperly invoked outside an Integrated Resource Plan (IRP) context. And exemption (f)(3) (“extraordinary advantage” requiring immediate action) was applied without evidence that resources were discounted, uniquely advantageous, or urgently needed—contrary to prior PSC practice.

The PSC rules do not authorize resolving need disputes through future, poorly-defined rate promises that have not been kept in the past. In particular, note that Georgia Power promised in 2024 a \$2.89 decrease on the average bill at the conclusion of the 2023 Integrated Resource Plan Update¹, which never happened due to a rate freeze in 2025. Further note that Georgia Power promised “downward pressure on rates for 60 to 80 years”² when Vogtle Units 3&4 came online, whereas rates increased permanently by 25%.

The Final Order lacks required findings of fact, conclusions of law, and underlying factual support explaining why each resource is needed and in the public interest.

With the above findings, the minority opinion is that the PSC should grant the following relief to Petitioners:

1. Grant a rehearing and hold oral arguments.
2. Apply the correct statutory standard for “need.”
3. Decertify Plant McIntosh Unit 12 (797 MW winter) and remove at least 2,622 MW tied to uncommitted load.
4. Adopt a contract-based load forecast with Staff’s accuracy adjustments.
5. Make explicit the findings supporting public-interest, cost, and risk determinations.
6. Adopt policies ensuring existing customers do not subsidize large-load or speculative development.
7. Clarify that exemption (f)(6) does not apply and correct misuse of exemptions.
8. Stay the certification’s effect pending resolution.

¹ <https://www.georgiapower.com/news-hub/company-news/georgia-public-service-commission-approves-2023-irp-update.html>

² <https://www.georgiapower.com/news-hub/archive/significant-progress-made-on-vogtle34-construction.html>

In summary, the PSC approved an unprecedented level of speculative, high-cost overbuilding without demonstrating near-term need, protecting ratepayers, or complying with statutory and procedural requirements. In this dissenting opinion to the Final Order, Commissioner Hubbard and Commissioner Johnson find the lack of evidence warrants a rehearing, partial recertification, and a revised, evidence-based Final Order.

Reconsideration of this certification is not anti-growth—it is pro-customer, pro-law, and pro-common sense. We can support Georgia's future without gambling with the livelihoods of the people who pay the bills today.