

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

IN RE:

**ATLANTA GAS LIGHT COMPANY'S
2025 – 2028 CAPACITY SUPPLY PLAN**

Docket No. 56177

**ATLANTA GAS LIGHT COMPANY'S MOTION TO DISMISS
SCANA ENERGY MARKETING, LLC'S
COMPLAINT AGAINST ATLANTA GAS LIGHT COMPANY**

Atlanta Gas Light Company (“AGL” or “Company”) files this Motion to Dismiss with the Georgia Public Service Commission (“Commission”) requesting that the Commission dismiss the Complaint SCANA Energy Marketing, LLC (“SCANA”) filed on April 6, 2026 (the “Complaint”) for failure to state a claim on which the Commission may grant relief. Specifically, the Complaint seeks to relitigate issues relating to interstate pipeline operational flow orders (“OFO”) contained within the federally regulated Transcontinental Gas Pipe Line Corporation (“Transco”) tariff. The Federal Energy Regulatory Commission (“FERC”) approves and has sole jurisdiction over the Transco tariff OFO provisions. SCANA’s Complaint seeks redress over federal interstate pipeline issues wholly outside the Commission’s jurisdiction, and therefore the Commission should dismiss SCANA’s Complaint without further action.

I. INTRODUCTION

On April 6, 2026, SCANA, a natural gas marketer with authority to provide retail natural gas service within the State of Georgia, petitioned the Commission and requested that the Commission examine the circumstances surrounding an OFO Transco issued on December 11, 2025, with an effective date for gas day December 13, 2025. Additionally, SCANA requests that this Commission order AGL to fully reimburse certain interstate pipeline penalties Transco

assessed against, and collected from, SCANA.¹ In other words, the SCANA Complaint asks the Commission to analyze, apply, and opine on specific provisions of Transco's FERC-approved tariff and resolve a dispute concerning wholesale interstate pipeline operations. This inquiry is not within the Commission's jurisdiction. SCANA's Complaint alleges no new facts that would authorize the Commission to override these constitutionally imposed jurisdictional boundaries, and it alleges no violation of Georgia law or the Company's Commission-approved tariff ("AGL Tariff") that would empower the Commission to act on SCANA's Complaint. SCANA having failed to plead a set of facts sufficient for the Commission to grant relief, the Commission must dismiss SCANA's Complaint.

II. SCANA'S COMPLAINT RAISES ISSUES SOLEY WITHIN FERC'S JURISDICTION

SCANA's Complaint seeks redress relating to a tariff subject to FERC's jurisdiction and outside the Commission's scope of review. Although SCANA attempts to paint the dispute as a state-level issue impacting Georgia customers, this dispute ultimately relates to OFO penalties issued under the Transco tariff with no connection to Georgia law or the AGL Tariff. Equally fatal, the SCANA Complaint fails to cite to any authority under Georgia law or Commission precedent to support SCANA's demand that the Commission pass through SCANA's wholesale interstate pipeline penalties onto Georgia local distribution customers.

SCANA's Complaint relies heavily on federal law and the Transco tariff to support its claim for relief. Specifically, SCANA cites to 18 C.F.R. § 284.12(b)(2)(iv)-(v) and argues "federal regulations require pipelines to take reasonable steps to minimize adverse impact of OFOs and to provide timely information to enable shippers to manage imbalances and avoid penalties."²

¹ SCANA Complaint at p. 9.

² SCANA Complaint at ¶ 11.

SCANA further points to the Transco tariff to establish how SCANA believes AGL could have better accommodated SCANA's compliance with the OFO. Nowhere in SCANA's Complaint does SCANA establish any obligation under Georgia law, the AGL Tariff, or a Commission order that requires AGL to have taken the actions that SCANA now argues justify AGL and its customers to pay SCANA's OFO penalties.

SCANA relies broadly on the Commission's general supervisory jurisdiction under O.C.G.A. § 46-2-20 and claims that "the practices and actions challenged in this Complaint occurred within AGL's regulated distribution system serving customers in Georgia."³ Despite this broad and unspecified allegation, all the facts contained within SCANA's Complaint relate entirely to gas commodities held on the Transco interstate transmission system and Transco-related penalties. The Complaint fails to allege any facts relating to AGL's distribution system that are within the Commission's scope of review.

Similarly, SCANA generally cites O.C.G.A. § 46-4-155, providing for Commission jurisdiction over electing distribution companies and interstate capacity assets, but fails to indicate which provisions AGL has allegedly violated, or which provisions authorize the Commission to grant the relief SCANA requests. Indeed, SCANA's Complaint concedes that the OFO penalties are "borne by marketers such as SCANA" and offers no factual or legal support that such OFO penalties must be passed along to AGL's customers. SCANA seeks to conflate its own OFO penalties as an issue impacting all Georgia customers.⁴ Despite relying on federal regulations and the Transco tariff to support its claims, SCANA now comes before this Commission—rather than

³ SCANA Complaint at ¶ 8.

⁴ The concept advanced by SCANA that Transco's OFO penalties assessed to SCANA should somehow be borne by all AGL customers is particularly disconcerting, inasmuch as only six (6) of the Marketers doing business on AGL's system that day did not comply with Transco's OFO and were assessed penalties as a result of such noncompliance.

FERC—to seek redress without providing any independent state-law basis to justify Commission action.

The cornerstone of retail gas competition is that gas marketers such as SCANA must compete to serve Georgia consumers. The AGL Tariff provides marketers with maximized scheduling flexibility and options. This level playing field allows marketers to independently assess and analyze scheduling risk and make independent strategic choices. But, contrary to the factual allegations in SCANA’s Complaint, OFO penalties incurred resulting from SCANA’s wholesale market practices do not fall within the scope of the Commission’s electing distribution company regulation. The Georgia Natural Gas Competition and Deregulation Act (“Deregulation Act”) specifically prohibits the Commission from regulating marketer pricing.⁵ Ordering AGL to pay a marketer’s wholesale market penalties would directly alter marketer pricing, violating the Deregulation Act. Requiring AGL to reimburse a gas marketer’s OFO penalty would reduce incentives for gas marketers to effectively manage risk in their operations, reduce competition, and ultimately require revisions to the AGL Tariff that would scale back marketer options and control—all in conflict with the intent of the Deregulation Act.

The mere fact that a FERC-jurisdictional tariff policy or decision may impact Georgia retail gas customers is neither a unique nor sufficient basis for the Commission to exercise jurisdiction. Nearly all FERC-jurisdictional policy decisions implicate local gas customers. FERC-regulated pipeline tariffs may indeed impact SCANA’s competitiveness in local gas markets, but these issues do not provide SCANA with the appropriate basis for relief before the Commission. The assessment of OFO penalties against SCANA should affect SCANA customers only, relates to FERC-jurisdictional tariff decisions, and is not subject to Commission jurisdiction.

⁵ “Except as otherwise provided by this article, the price at which a marketer sells gas shall not be regulated by the commission.” O.C.G.A. § 46-4-160(c).

Perhaps it is because the root of SCANA's dispute involves federal jurisdictional issues, and not state-level issues that are subject to Commission review, that SCANA's Complaint includes only vague and unsupported overtures to Georgia law. The Complaint lacks a sufficient jurisdictional nexus for Commission action.

III. SCANA FAILS TO SHOW AGL VIOLATED AGL'S COMMISSION-APPROVED TARIFF

In order to act on SCANA's Complaint, the Complaint must allege a violation of Georgia law, Commission order, or the AGL Tariff. SCANA's Complaint fails to do so. Despite citing to the AGL Tariff, SCANA's Complaint fails to identify any violation of the AGL Tariff that would provide a supporting basis for the Commission to grant SCANA's requested relief. In its Complaint, SCANA cites several provisions of the AGL Tariff but fails in its Complaint to allege AGL violated any provisions of the AGL Tariff. Specifically, SCANA cites to "AGL Tariff Section 17.2 (pipeline designation), 15.1.2 (intra-day DSR revisions), and 19.4 (nomination confirmation authority)."⁶ None of the foregoing sections SCANA identifies in its Complaint obligate the Company to take the actions SCANA claims now justify a Commission order directing AGL, and therefore its customers, to pay SCANA's OFO penalties. For example, Section 17.2 (Pool Constraints) states:

Because of operational constraints, the Company *may* from time to time *in its discretion* designate the interstate pipeline company or companies that a Pooler must use for nominating Gas supplies into a Pool.⁷

Section 15.1.2 (Daily Supply Requirement) states in part:

In the event of unexpected weather conditions, the Company *may* revise such DSRs at any time, including revisions during the actual Day of Gas flow by posting the revised DSR on the EBB[.]⁸

⁶ SCANA Complaint at ¶ 18. SCANA also misidentifies the relevant title of each respective section of the AGL Tariff.

⁷ AGL Tariff at Section 17.2 (emphasis added).

⁸ AGL Tariff at Section 15.1.2 (emphasis added).

Section 19.4 (Confirmation) states:

The Company will confirm nominations in accordance with the order of service priority set forth in Subsection 14.2 of these Terms of Service. The Company reserves the right not to confirm a nomination in whole or in part if, in the sole judgment of the Company, confirmation of the nomination might threaten the operational integrity of its system.⁹

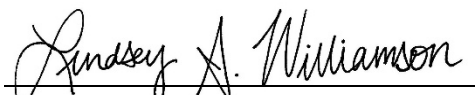
The above provisions of the AGL Tariff establish neither a duty that AGL violated nor a basis for SCANA to seek relief in the form of a full refund of OFO penalties. Neither the Company nor Georgia customers are obligated to adhere to or be held responsible for hypothetical standards not contained in the AGL Tariff. Because there are no provisions of the AGL Tariff that the Company violated, SCANA's Complaint should be dismissed.

V. CONCLUSION

For the foregoing reasons, AGL requests that the Commission grant the Company's Motion to Dismiss.

Respectfully submitted this 5th day of May 2026.

HOLLAND & KNIGHT LLP



Robert S. Highsmith Jr.
State Bar of Georgia No. 352777
Lindsey S. Williamson
State Bar of Georgia No. 783366

*Attorneys for Atlanta Gas Light
Company*

1180 West Peachtree Street, N.W.
Suite 1800
Atlanta, Georgia 30309
Telephone: (404) 817-8500
Facsimile: (404) 881-0470
Robert.highsmith@hklaw.com
Lindsey.williamson@hklaw.com

⁹ AGL Tariff at Section 19.4.