BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

SCANA Energy Marketing, LLC, **Petitioner,** **v.** **Atlanta Gas Light Company,** **Respondent.**	**Docket No. 56177**

ATLANTA GAS LIGHT COMPANY'S REPLY TO EMC NATURAL GAS, INC. AND TEXICAN NATURAL GAS COMPANY'S JOINT OPPOSITION TO ATLANTA GAS LIGHT COMPANY'S MOTION TO DISMISS SCANA ENERGY MARKETING, LLC'S COMPLAINT

Atlanta Gas Light Company ("AGL" or "Company") files with the Georgia Public Service Commission ("Commission") this Reply to EMC Natural Gas, Inc. d/b/a True Natural Gas ("True") and Texican Natural Gas Company's ("Texican") joint opposition (the "Opposition") to AGL's Motion to Dismiss (the "Motion") the Complaint SCANA Energy Marketing, LLC ("SCANA") filed on April 6, 2026 (the "Complaint" or the "SCANA Complaint"). Because SCANA seeks redress for federal interstate pipeline issues beyond the Commission's jurisdiction, the Commission should dismiss the Complaint without further action.

I. INTRODUCTION

On April 6, 2026, SCANA, a natural gas marketer authorized to provide retail natural gas service in Georgia, petitioned the Commission requesting that it examine the circumstances surrounding an Operational Flow Order ("OFO") Transco issued on December 11, 2025, with an effective date for gas day December 13, 2025. SCANA also requested that the Commission order AGL to fully reimburse certain interstate pipeline penalties Transco assessed against and collected from SCANA. Because the dispute concerns wholesale interstate pipeline operations and penalties

assessed under a FERC-approved tariff, AGL moved to dismiss for lack of subject-matter jurisdiction. True and Texican—neither of which is a party to this proceeding—jointly filed the Opposition, in which they did not meaningfully address jurisdiction. Instead, they primarily raise various arguments on the merits of the case, including some claims that SCANA did not present in the Complaint. The Commission should grant AGL's Motion.

II. TRUE AND TEXICAN ARE NOT PARTIES

As an initial matter, True and Texican have no right to file an opposition to the Motion. Their Joint Application for Leave to Intervene is pending; until the Commission acts on that Application, neither is a party. *See* O.C.G.A. § 46-2-59(e) (detailing when the Commission may "permit" intervention); *see also* O.C.G.A. § 46-2-59(g) (providing that a non-party may make a limited appearance, but only "within such limits and on such conditions as may be fixed by the hearing officer" and provided that the non-party does "not otherwise participate in the hearing").

Indeed, as explained in AGL's Opposition to True and Texican's Joint Application for Leave to Intervene, filed June 5, 2026, neither True nor Texican timely requested leave to intervene, nor does either have an interest in the proceedings relating to SCANA's Complaint. Allowing these entities to participate in substantive briefing prior to successful intervention unduly rewards their procedural default. Moreover, and as described below, the Opposition does not refute the Motion. Instead—and highlighting the impropriety of their attempted intervention—True and Texican raise new substantive arguments that SCANA does not allege in the Complaint.

The Commission should therefore strike the Opposition in its entirety and, as described in AGL's June 5th filing, reject True and Texican's request for leave to intervene. Nevertheless, and preserving its arguments regarding the impropriety of True and Texican's involvement in these proceedings, AGL responds to the Opposition below.

III. THE OPPOSITION DOES NOT MEANINGFULLY RESPOND TO THE MOTION

Even assuming that True and Texican could file the Opposition, they fail to address the issues raised in the Motion. AGL moved to dismiss because the Commission lacks jurisdiction over proceedings relating to interstate pipelines and penalties assessed under a FERC-approved tariff. In opposition, True and Texican raise several unrelated arguments.

First, they argue that the Complaint should not be dismissed because "it clearly identifies serious operational communications failures" by AGL. (Opposition at 2.) They effectively restate some of the Complaint's allegations before claiming that the Motion "never denies any of the facts alleged in SCANA's Complaint." (*Id.* at 4.) But AGL did not need to deny any factual allegations.

Georgia's Administrative Procedure Act (the "APA") permits agencies to "dispose of motions to dismiss for lack of agency jurisdiction over the subject matter or parties or for any other ground." O.C.G.A. § 50-13-13(a)(6). When considering motions to dismiss, the Commission treats all factual allegations as true. *See, e.g.*, *In Re: Complaint of TDS TELECOM on Behalf of its Subsidiaries Blue Ridge Tel. & Tel. Co., Inc.*, Docket No. 34219, 2012 WL 1901366, at *3 (Ga. P.S.C. May 9, 2012) (considering a motion to dismiss for failure to state a claim and explaining that the Commission "must conclude that even if AT&T's allegations are true, AT&T would still not have stated a claim upon which relief could be granted").

Thus, the Commission would treat the factual allegations as true regardless of whether AGL denied them. That AGL did not specifically refute the allegations in SCANA's Complaint does not "affirm[] the factual basis" thereof, (Opposition at 4), nor does it bear any consequence

on the merits of the Motion. Even if SCANA's allegations are true, the Commission lacks jurisdiction over this proceeding.[1]

Second, True and Texican's argument that AGL only raises jurisdictional defenses in a "disingenuous" and "desperate attempt to avoid responsibility for the operation of the Gas System they manage and control," (Opposition at 6), misunderstands the Motion. Jurisdiction is a threshold issue fundamental to the Commission's ability to hear the issues raised in SCANA's Complaint. *See* O.C.G.A. § 50-13-13(a)(6) (specifically authorizing motions to dismiss for lack of jurisdiction). The Commission may only hear those issues over which it has jurisdiction. *See, e.g.*, *Ga. Pub. Serv. Comm'n v. City of Albany*, 179 S.E. 369, 370, 372 (Ga. 1935) (explaining that "the powers granted to the Public Service Commission are all merely statutory" and upholding injunction against the Commission from exercising jurisdiction over municipal utilities). Indeed, any governmental action taken beyond a government entity's authority "is without jurisdiction, is unconstitutional, and is void." *Thompson v. Talmadge*, 41 S.E.2d 883, 891 (Ga. 1947).

AGL's argument that the Commission is without jurisdiction is not an attempt to sidestep responsibility, as True and Texican frame it. (Opposition at 6). Instead, AGL seeks to avoid unnecessary and wasteful litigation before the Commission. And though True and Texican argue that the "Commission has the authority and responsibility to investigate what happened December 13, 2025, so it doesn't happen again if reasonable and prudent changes can be made," (Opposition at 7), the Opposition does not cite any law to support such a statement.

Nor are True and Texican's citations to the AGL Tariff persuasive. Like the Complaint, the Opposition points to Sections 17.2 and 19.4 of the AGL Tariff to claim that AGL has "clear

[1] It is for this same reason that True and Texican's request that the Commission subpoena a Transco employee for testimony supporting SCANA's Complaint is baseless. A Transco employee's factual testimony would have no bearing on the Commission's jurisdiction over these proceedings.

authority and responsibility" to take certain actions. (Opposition at 5.) Neither of these provisions, however, establishes "a duty that AGL violated [or] a basis for SCANA to seek relief in the form of a full refund of OFO penalties." (Motion at 6.) The Opposition does not meaningfully contest this point, nor does it otherwise attempt to explain how these provisions establish jurisdiction. The Commission should therefore grant the Motion.

Third, True and Texican claim that AGL owes a fiduciary duty to the natural gas marketers. This argument is unsupported and irrelevant. Not only do True and Texican fail to provide more than a conclusory statement in support of their contention, but they also specifically concede that the FERC-approved tariff authorized the OFO penalties. (*See* Opposition at 6.). Far from proving that the Commission has jurisdiction over the matter, this argument only highlights that FERC is the appropriate forum to adjudicate the issues raised in the Complaint.[2]

Finally, True and Texican argue that the Commission must reform how AGL communicates with marketers when operational issues arise. This request for relief does not create an independent basis for this Commission to exercise jurisdiction. The Complaint seeks redress because of fines issued under a FERC-approved tariff due to federal interstate pipeline issues. True and Texican's new arguments in opposition do not change that reality.

The Commission should therefore dismiss the Complaint for lack of jurisdiction.

[2] The Opposition mirrors the Complaint, which concedes that "the OFO penalties were assessed pursuant to the Transco tariff," but claims that "the conditions that prevented marketers from complying with nomination requirements occurred within the AGL distribution system and were subject to AGL's operational control and communications practices." (Complaint ¶ 26.) True and Texican seemingly argue—as SCANA does—that "the allocation and recovery of those penalties within the Georgia retail natural gas market falls within the regulatory authority of this Commission." (Complaint ¶ 27.) That is not the case. While the Complaint alleges that AGL's purported actions precipitated the Transco penalty, it seeks relief relating specifically to the *penalty* assessed by an interstate pipeline not subject to the Commission's jurisdiction by asking the Commission to reassign the responsibility for paying the fine from SCANA to AGL. This is subject to FERC's jurisdiction in the same manner as if SCANA challenged Transco's right to assess a penalty at all.

IV. THE OPPOSITION ATTEMPTS TO SET FORTH NEW CLAIMS AND REQUESTS FUTURE RELIEF

Finally, even if the Commission considers the Opposition, it should strike or disregard those arguments that raise new merits-based claims and are therefore unrelated to the proceedings at issue. The filing, though styled as an "opposition," requests affirmative relief from the Commission. Indeed, its "Conclusion and Prayer for Relief" reads as follows:

> Wherefore, True and Texican respectfully request the Commission deny Atlanta Gas Light Company's Motion to Dismiss SCANA's Complaint and open an investigatory docket to determine what reforms and changes must be made between the interaction with natural gas marketers and Atlanta Gas Light Company to avoid unnecessary financial penalties being imposed because of problems with managing daily supply requirements, and consider other improvements and updates to natural gas management and operations.

(Opposition at 9.) This "prayer for relief"—requesting the Commission to open a new, investigatory docket to address changes or reform in the future—is inappropriate in opposition to a motion to dismiss and is unrelated to SCANA's OFO penalties.

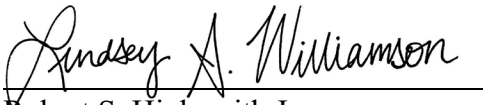
Similarly, True and Texican argue that AGL breached a fiduciary duty to the natural gas marketers. (*See* Opposition at 7.) SCANA, however, never raised such a claim, instead focusing on which party is responsible for paying Transco's assessed penalties. True and Texican may not raise new claims in opposition to the Motion as applicants for intervention, especially where the Complaint—the sole pleading governing the issues in this proceeding—does not raise them. The Opposition should therefore be stricken to the extent it expands the scope of the proceedings.

V. CONCLUSION

For the foregoing reasons, the Commission should strike True and Texican's Opposition to AGL's Motion to Dismiss and should further dismiss SCANA's Complaint.

Respectfully submitted this 6th day of July 2026.

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CERTIFICATE OF SERVICE

I do hereby certify that I have caused to be served the foregoing **ATLANTA GAS LIGHT COMPANY'S REPLY TO EMC NATURAL GAS, INC. AND TEXICAN NATURAL GAS COMPANY'S JOINT OPPOSITION TO ATLANTA GAS LIGHT COMPANY'S MOTION TO DISMISS SCANA ENERGY MARKETING, LLC'S COMPLAINT**, upon the following parties via email as follows:

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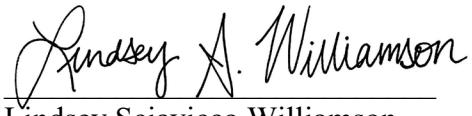
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This 6th day of July 2026.

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