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

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| Sustainable Newton,<br>Sara and Randall ("Randy") Vinson, and<br>Theodosia and William ("Billy") Wade,<br>Petitioners,<br>v.<br>VoltaGrid, LLC,<br>Respondent. | Docket No._____ |

**PETITION FOR EXPEDITED DECLARATORY JUDGMENT AND ENFORCEMENT AGAINST VOLTAGRID**

Sustainable Newton, Sara and Randy Vinson, and Theodosia and Billy Wade ("Petitioners"), by and through undersigned counsel, respectfully file this Petition requesting expedited declaratory ruling on the lawfulness of the operation of VoltaGrid, LLC ("Respondent").

## INTRODUCTION

VoltaGrid, LLC, is in the advanced stages of building a 90-megawatt power plant to sell power to a neighboring data center, Serverfarm. Based on information obtained from applications for air permits to emit air pollution, VoltaGrid and Serverfarm are separately owned and operated businesses, which makes the planned retail sale of power from VoltaGrid to Serverfarm a violation of the Georgia Territorial Electric Service Act ("Territorial Act") and the Cogeneration and Distributed Generation Act of 2001 ("Cogeneration Act").

On July 2, 2026, the Environmental Protection Division issued a "Notice of Violation" to VoltaGrid for constructing its powerplant before EPD issued an air permit. Exhibit 1. The notice directs VoltaGrid to "stop all remaining construction of air pollution emissions sources . . . until

such time that an air quality permit is issued for the construction and operation of the Facility." *Id.* Petitioners request expedited consideration of this Petition, as VoltaGrid has made substantial progress towards constructing its powerplant, as reflected in the photograph below, bringing it much closer to the unlawful operations that are raised for this Commission's judgment.




## PARTIES AND JURISDICTION

1.

This Petition is filed pursuant to the authority of the Georgia Public Service Commission ("Commission") to supervise electric light and power companies, O.C.G.A. § 46-2-20(a), to enforce the Territorial Act, *id.* §§ 46-3-1 to 46-3-15, and the Cogeneration Act, *id.* §§ 46-3-50 to 46-3-56, and to issue declaratory rulings, *id.* § 50-13-11. The Territorial Act provides that upon the complaint of "any other interested party, the commission shall have the authority and jurisdiction, after notice to all affected electric suppliers and other interested parties, and after a hearing, to enforce the provisions of this part by appropriate orders." *Id.* § 46-3-13. The

Cogeneration Act's "Jurisdiction of commission over cogeneration" statute provides that "[a]ny person may operate a cogeneration facility without being subject to the jurisdiction or regulation of the commission if such person uses all of the . . . useful energy produced at such cogeneration facility" or "sell[s] any excess electric energy to an electric supplier." *Id.* § 46-3-53.

2.

Sustainable Newton is a grassroots, community-based 501(c)(3) nonprofit organization headquartered in Newton County, Georgia. Sustainable Newton partners with residents, businesses, and government officials to implement local climate solutions. Sustainable Newton's environmental hazards committee focuses on alerting county residents to environmental health risks—such as elevated ethylene oxide levels from a local commercial sterilizer facility, harmful smoke from a recent chemical fire, and pollution from data centers—and advocates for laws, protections, and oversight to protect the community from those hazards. Sustainable Newton's clean energy and efficiency committee works to engage households, businesses, and local governments in climate-protective policies and programs to build a healthier, more sustainable community. Sustainable Newton's membership actively engages in government and community meetings to promote health and climate-protective air quality policies and to ensure that industrial facilities are in compliance with the laws designed to protect the community.

3.

Sustainable Newton is also a champion of solar as a clean energy alternative to fossil fuels and a way to address energy burden, but Sustainable Newton's efforts to develop clean energy programs have been limited by the broad interpretation of the Territorial Act and Cogeneration Act.

4.

Petitioners Sara and Randy Vinson (the Vinsons) live on Jenkins Road in Covington, Georgia, approximately two miles from VoltaGrid. The Vinsons live and work in Covington, Georgia, and they are deeply invested in the development of Covington. The Vinsons have a building company that completes projects primarily within Newton County, and their professional experience has instilled a deep appreciation for the complexity of and need for compliance with the laws and regulations designed to protect their community. The Vinsons also own and operate a farm from their home, where they grow vegetables organically for sale and raise horses and egg-laying hens. The Vinsons spend much of their time outdoors tending the farm. The Vinsons have a strong interest in protecting and preserving the natural environment and preventing unnecessary or unlawful incremental air pollution that would exacerbate the harmful health and climate impacts from numerous pre-existing polluters in their neighboring communities. Finally, the Vinsons drive by the VoltaGrid site multiple times daily to get to-and-from town, and the development of a power plant operating 24-hours a day threatens light, noise, air, and visual pollution that is incompatible with the Vinsons' personal interest in protecting and promoting the natural environment of Newton County.

5.

Petitioners Theodosia and Billy Wade live on River Cove Road in Social Circle, Georgia, in Newton County, less than 5 miles from VoltaGrid. Now retired, the Wades have lived and worked in Newton County for decades. For thirty years, Ms. Wade was a biology professor at Oxford College, spending most of those years teaching environmental science. Mr. Wade is a Presbyterian minister, who devoted his life to counseling and supporting Newton County residents through both the ministry and through volunteer service to support some of the most

vulnerable residents in their community. The Wades have experienced the impacts of the climate changing—from excessive heat to flash flooding—and have a strong interest in promoting climate-friendly policies for themselves and for their grandchildren. The Wades have a strong interest in protecting and preserving the natural environment and preventing unnecessary or unlawful incremental air pollution that would exacerbate the harmful health and climate impacts from numerous pre-existing polluters in their neighboring communities. Finally, the Wades drive by the VoltaGrid site on a near-daily basis to get to-and-from town, and the development of a power plant operating 24-hours a day threatens light, noise, air, and visual pollution that is incompatible with the Wades' personal interest in protecting and promoting the natural environment of Newton County.

6.

All Petitioners are interested parties in preventing small and medium sized power plants, including VoltaGrid, from emitting fossil-fueled air pollution in Newton County, when more efficient power generation is available from utility-scale plants. All Petitioners share the interest in minimizing the disruption to Newton County's natural environment caused by building short-term power plants like VoltaGrid, which contributes air, light, and noise pollution to an area already overburdened by these industrial impacts. Petitioners are also interested parties in the fair and equal enforcement of the Territorial Act.

7.

VoltaGrid, LLC ("VoltaGrid") is an electric power company, headquartered in Houston, Texas. VoltaGrid advertises its ability to provide data centers with "long-term-bridge-power" and "temporary bridge power" through a "flexible, subscription-based model, eliminating upfront customer investment." VoltaGrid LLC, Long-Term Bridge Power (last visited July 10,

2026), https://voltagrid.com/data-centers/long-term-bridge-power; VoltaGrid LLC, Temporary Bridge Power (last visited July 10, 2026), https://voltagrid.com/data-centers/temporary-bridge-power.

8.

VoltaGrid is constructing a 90-megawatt power generation facility in Covington, Georgia. The facility will consist of 33 natural gas-fired engines/generators that will sell prime power to the Serverfarm data center at 10835 Hazelbrand Road NE in Covington, Georgia.

9.

VoltaGrid is not an electric supplier assigned or eligible under the Territorial Act to furnish electricity to retail customers at 10835 Hazelbrand Road NE in the City of Covington.

10.

VoltaGrid will not be owned or operated by its customer, Serverfarm. Exhibit 2 at 1, 1.2 ("Source Segregation") (emphasis added).

11.

On December 16, 2024, at the Covington City Council held a meeting concerning the request to annex the Serverfarm property into the City of Covington. A city employee announced that the property owners has met with the City about utility service, that the property is currently a "Georgia Power lot" and that the "applicant would have the opportunity to bid for that," but that "[t]hey have chosen to stay with Georgia Power." Covington City Council Meeting, 12/16/24 (last visited Jul. 10, 2026), https://tinyurl.com/5n6ndydk (30:17).

The property owner (at that time), Kevin Castile, told the City Council that he had been "working with" Georgia Power for about 18-months "regarding the site," and that through those

discussions he learned that the infrastructure was in place to get a lot more power to the site, making it attractive to a potential data center user. *Id.* at (32:00).

Serverfarm representative Jason Vol told the City Council that methane gas-fired operations (like those planned by VoltaGrid) are expected to last several years until a substation is built; "We eventually sleeve in Georgia Power" and "over time we eventually remove those [gas] engines." *Id.* at (40:19, 46:17).

VoltaGrid identified a "GA Power Substation" on its Site Layout Plan provided to the Environmental Protection Division as part of its air permit. Exhibit 2, VoltaGrid SIP Air Permit App. at Fig. 2.

As such, Georgia Power is currently providing or is planning to provide electricity to Serverfarm at 10835 Hazelbrand Road NW in Covington, Georgia, as the chosen electric supplier for that territory under the Territorial Act.

## INFORMATION FROM VOLTAGRID AND SERVERFARM

12.

On November 12, 2025, VoltaGrid's Senior Director for Health, Safety, and Environment signed an application for an expedited construction and operation permit for new gas-fired electric generating units from the Georgia Environmental Protections Division. Exhibit 2, VoltaGrid Air Permit App. at Appx. 1 at 1-2. In that application, VoltaGrid's Senior Director avows that the information in the application "is complete and correct" to the "best of [their] knowledge." *Id.*

13.

On September 26, 2025, Serverfarm's Chief Development Officer signed an application for a construction and operation permit for new backup diesel generators to support the data center. Exhibit 3, Serverfarm Air Permit App. at Att. 1. In that application, Serverfarm's Chief Development Officer avows that the information in the application "is complete and correct" to the "best of [their] knowledge." *Id.*

14.

Serverfarm "will enter into a contract with VoltaGrid to purchase the electricity as a primary power source for its data center." Exhibit 3, Serverfarm Air Permit App. at Att. 1 (Separate Source Determination).

15.

Serverfarm "will purchase electricity for the facility from VoltaGrid until it is able to obtain sufficient electricity from the grid." Exhibit 3, Serverfarm Air Permit App. at Att. 1 (¶15).

16.

Serverfarm has entered into a contract with the City of Covington, Georgia, for the supply of natural gas on a firm and interruptible basis beginning in April 2026 through October 2027, with "year to year evergreen term extensions thereafter. . . ." Exhibit 4 at 1.

17.

VoltaGrid verified to EPD that it "will provide prime power to the nearby Serverfarm facility." Exhibit 2, VoltaGrid Air Permit App. at 1 (1.2) and Appx. 1 at 4.

18.

VoltaGrid asserts its new electric generating units "would fulfill an immediate need for alternative, rapidly deployable prime power to the **separately owned and operated nearby**

**third-party facility,**" referring to Serverfarm. Exhibit 2, VoltaGrid Air Permit App. at 1 (1.2) ("Source Segregation") (emphasis added).

19.

When applying for an air permit to emit pollution, a company must identify the full scope of its air emitting operations that should be counted as part of the emitting "stationary source." 40 C.F.R. §§ 70.2, 71.2.

20.

VoltaGrid applied for an air permit that excluded consideration of Serverfarm's air emissions. *See* Exhibit 2. To justify excluding Serverfarm's air emissions from VoltaGrid's air permit analysis, VoltaGrid asserts that Serverfarm and VoltaGrid are not a single "stationary source." Exhibit 2, VoltaGrid Air Permit App. at 1-2 (1.2).

As support, VoltaGrid verifies that its operations are separately owned and operated from Serverfarm's, explaining that Serverfarm will not have control over VoltaGrid's operations:

> The power plant source (Facility) will be owned and operated by VoltaGrid, LLC . . . . The Facility will generate electric power for use to the adjacent Serverfarm facility via a behind-the-meter arrangement. The Serverfarm facility[] will be owned and operated by Serverfarm . . . . **Neither entity will have any control over the date-to-day operations of the other**, including compliance with the requirements and conditions of their respective air permits.

*Id.* at 2 (emphasis added).

Likewise, Serverfarm's air permit application explains:

1. "Serverfarm and VoltaGrid are separate companies with no cross ownership or direct control over each other's operations;" and
2. **"The Serverfarm management team will not be able to in any way dictate the operation of VoltaGrid and viceversa."**

Exhibit 3, Serverfarm Air Permit App. at Att. 1 (Separate Source Determination) (emphasis added).

21.

Based on these facts, EPD issued VoltaGrid a draft permit that treats Serverfarm's air emissions as separate from VoltaGrid's, resulting in the issuance of a "minor" air permit instead of a "major" (more rigorous) air permit. *See, e.g.*, Exhibit 5, VoltaGrid EPD Narrative SIP Application Review at 1.

22.

VoltaGrid further explains that its power-generating engines will connect to an on-site generator, and the electrical power from that generator will connect to a Georgia Power substation for distribution to the Serverfarm facility. Exhibit 2, VoltaGrid Air Permit App. at 3(2.2.1) & Fig. 2 (identifying the substation as belonging to Georgia Power).

## THE TERRITORIAL AND COGENERATION ACT VIOLATIONS

23.

The Territorial Act provides that "every electric supplier is prohibited from, directly or indirectly, by ordinance, law, policy, contract, rate, regulation, or otherwise . . . furnishing retail electric service to any premises which such electric supplier is not entitled to serve under this part." O.C.G.A. § 46-3-11(b). VoltaGrid is not entitled to serve the Serverfarm property at 10835 Hazelbrand Road NE under the Territorial Act.

24.

The Cogeneration and Distributed Generation Act of 2001 provides that "[a]ny person may operate a cogeneration facility without being subject to the jurisdiction or regulation of the commission if such person uses all of the electric energy, steam, or other form of useful energy produced at such cogeneration facility." *Id.* § 46-3-53(a). It further commands that "[t]he electric

energy shall not be sold to any other person" unless it is sold "to an electric supplier." *Id.* § 46-3-53(a), (b).

A "cogeneration facility" is "a facility, other than a distributed generation facility, which produces electric energy, steam, or other forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes." *Id.* § 46-3-52(2). A "distributed generation facility" is a facility that meets various requirements, including that it is owned and operated by a customer of a electric service provider; it uses solar, fuel cells, or wind; and it has a peak generation capacity of 10 kw (residential) or 100 kw (commercial). *Id.* § 46-3-52(5). In the context of the Cogeneration Act, "an electric supplier" is "any retail supplier of electricity whose rates are fixed by the Commission." *Id.* § 46-3-52(8).

25.

VoltaGrid is poised to operate as an "electric supplier" subject to the Territorial Act, because it is an "electric light and power company subject to regulation by the commission." *Id.* § 46-3-3(3) (defining electric supplier); s*ee also id.* § 46-2-20 ("the commission shall have the general supervision of . . . gas or electric light and power companies, . . ."); *id.* § 46-3-53(a) ("Any person may operate a cogeneration facility without being subject to the jurisdiction or regulation of the commission if such person uses all of the electric energy, steam, or other form of useful energy produced at such cogeneration facility."). VoltaGrid plans to furnish electric power to Serverfarm, a large retail customer. VoltaGrid is not the designated electric supplier for Serverfarm's property; Georgia Power is the primary electric supplier for Serverfarm's property. VoltaGrid does not satisfy any of the conditions to serve as an electric supplier pursuant to the large-load customer choice exception described in O.C.G.A. § 46-3-8(a). The Territorial Act prohibits VoltaGrid from furnishing retail electric service to Serverfarm.

26.

VoltaGrid is a cogeneration facility within the meaning of the Cogeneration Act: VoltaGrid owns and operates its power-producing engines; VoltaGrid is not using all of its electric energy; rather, VoltaGrid is selling its energy to Serverfarm, which is not a retail supplier of electricity whose rates are fixed by the Commission. The plain language of the Cogeneration Act subjects VoltaGrid to the jurisdiction or regulation of the commission and prohibits VoltaGrid's sale of electric energy to another person.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that the Commission:

(a) Determine and declare whether VoltaGrid, LLC is planning to construct and operate a power plant to furnish retail electric service in violation of the Territorial Act or Cogeneration Act;

(b) Order that VoltaGrid, LLC cease and desist any operations in violation of the Territorial Act or Cogeneration Act.

Respectfully submitted this 13th day of July, 2026.

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## CERTIFICATE OF SERVICE

I hereby certify that on this day, I have e-filed with the Commission the foregoing Petition for Expedited Declaratory Judgment and Enforcement Against VoltaGrid served by email to the following:

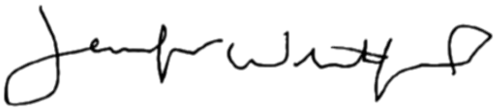
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This 13th day of July, 2026.



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