COMMISSIONERS:

JASON SHAW, Chairman
LAUREN "BUBBA" McDONALD, Vice-Chairman
PETER HUBBARD
DR. ALICIA M. JOHNSON
STAN WISE

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

FILED
JUL 2 8 2026
EXECUTIVE SECRETARY
GPSC

DOCKET# 37097
DOCUMENT# 227353

IN THE MATTER OF:	)	**DOCKET NO. 37097**
City of Vienna Gas System, Respondent	)	**(Inspection Report No. DJ15-**
	)	**018)**

ORDER ADOPTING CONSENT AGREEMENT

This matter comes before the Georgia Public Service Commission ("Commission") to consider the Consent Agreement (Attachment A) between the City of Vienna Gas System ("Respondent") and Commission Staff ("Staff") on or about December 15, 2025, applicable to Inspection Report DJ15-018.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

THE COMMISSION FINDS that it has the power and authority to informally dispose of any contested case by stipulation, agreed settlement, consent order or default (O.C.G.A. § 50-13-13(a)(4)).

THE COMMISSION FURTHER FINDS that the terms of the Consent Agreement are reasonable.

THE COMMISSION FURTHER FINDS that it is appropriate and in the public interest to accept the Consent Agreement as the disposition of the issues delineated in Inspection Report DJ15-018; subject to ongoing audit and compliance review by Staff.

THE COMMISSION FURTHER FINDS that all Findings and Conclusions and Agreements between the Parties delineated in the Consent Agreement entered into between Respondent and Staff, are hereby incorporated by reference into this Order as if specifically written herein.

ORDERING PARAGRAPHS

WHEREFORE IT IS ORDERED, that the findings of fact, conclusions of law, statements and directives contained within the preceding sections of this Order are hereby adopted as the findings and conclusions of this Commission.

ORDERED FURTHER, that that the Commission hereby accepts and adopts the Consent Agreement executed between the parties on or about December 15, 2025. Nothing in this Order shall resolve or prejudge any complaint or complaints against any other person involved in the matters from which this action arises.

ORDERED FURTHER, that Respondent shall abide by all of the terms of the Consent Agreement and that failure to comply with the terms of this Order or this Consent Agreement attached hereto may subject Respondent to further penalties pursuant to O.C.G.A. §46-2-91.

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 these matters 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 the Administrative Session on the 5th day of May 2026.

Sallie Tanner
Executive Secretary

7-28-26
Date

Jason Shaw
Chairman

7-28-26
Date

Attachment "A"

FILED
APR 07 2022
EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 37097
DOCUMENT# 189510

IN THE MATTER OF:

City of Vienna Gas System, Respondent

DOCKET NO. 37097
(Inspection Report No. DJ15-018)

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

CONSENT AGREEMENT

WHEREAS, the Georgia Public Service Commission ("Commission") Pipeline Safety Staff ("Staff") and the City of Vienna Gas System ("Vienna" or "Operator" or City") hereby jointly enter into this Consent Agreement to recommend a resolution of the issues as discussed in Inspection Report DJ15-018;

WHEREAS, Commission Staff and Vienna believe that the terms and conditions of this Consent Agreement constitutes a reasonable resolution of the issues as discussed in DJ15-018;

WHEREAS, adoption of this Consent Agreement is in the public interest represents an efficient, effective and responsible discharge of the Commission's responsibilities in this matter;

NOW THEREFORE, the Commission Staff and Vienna mutually agree and propose the following Consent Agreement:

Findings and Conclusions

1.

The Georgia Public Service Commission ("Commission") has jurisdiction over this matter pursuant to inter alia: 49 C.F.R. Parts 191 and 192; O.C.G.A. §§ 46-2-20, 46-2-30, 46-2-53, 46-2-90, 46-2-91, 46-4-1, 46-4-31, 46-4-34, 50-13-1 *et. seq.*; and Commission Rules 515-9-1-.01 *et. seq.*, 515-9-3.01 *et. seq.*, and 515-9-7-.01 *et. seq.*; all regarding the safe installation and operation of gas distribution systems within the State of Georgia.

2.

Pursuant to Commission Rules 515-9-1-.01 and 515-9-3-.03; the Rules and Regulations prescribed by the United States Department of Transportation applicable to the "Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards" (49 C.F.R. Parts 40, 191 192, 193 and 199) have been made the Rules and Regulations of the Commission for the safe installation and operation of all natural gas transmission and distribution facilities by companies subject to the jurisdiction of the Commission.

3.

The Facilities Protection Unit Staff ("Staff") of the Commission has the authority to inspect the facilities of municipal natural gas providers pursuant to the legal citations contained *supra*.

4.

The Commission may propose a Compliance Order in conjunction with this Notice of Probable Violation ("NOPV") pursuant to the legal citations contained *supra*.

5.

The City of Vienna is a natural gas distribution operator that is subject to the jurisdiction of the Commission.

6.

Pursuant to O.C.G.A. § 50-13-13(a)(4), the Commission is authorized to resolve matters by Consent Agreement.

7.

During Staff's April 28-29, 2015, Comprehensive inspection of the City of Vienna Natural Gas's system plans, records and procedures for compliance with the minimum federal safety standards. Staff determined that Vienna had committed probable violations of the minimum federal safety standards required by 49 CFR, Part 192. (See Inspection Report DJ15-018). Staff informed Vienna of the probable violations during the exit interview.

8.

On September 29, 2015 an NOPV was sent by certified mail to Vienna. Said NOPV alleged:

1. 192.13(c)- COMMENTS: Under 49CFR 192.721(b) - Mains in places or on structures where anticipated physical movement or external loading could cause failure or leakage must be patrolled – (1) In business districts, at intervals not exceeding 4 1/2 months, but at least four times each calendar year; and (2) Outside business districts, at intervals not exceeding 7 1/2 months, but at least twice each calendar year.
   PROBABLE VIOLATION: The City of Vienna failed to patrol their natural gas distribution system as frequently as necessary, at intervals not exceeding one hundred thirty days, but at least four times each calendar year as required by their Operations and Maintenance Procedure Manual.

2. 192.13(c)- COMMENTS: Under 49CFR §192.703(b) - Each segment of pipeline that becomes unsafe must be replaced, repaired, or removed from service.

   PROBABLE VIOLATION: The Operator failed to take action to address the conditions which could cause failure, or leakage and the consequent hazards to public safety during the performance of their patrolling.

3. 192.615- Emergency plans. (a) Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:

   (4) The availability of personnel, equipment, tools, and materials, as needed at the scene of an emergency.

   PROBABLE VIOLATION: The Operator failed to ensure that the appropriate equipment was available for their personnel to respond to an emergency in a manner which would ensure the health, safety and welfare of their employees, their customers, and the general public.

9.

On November 3, 2015, pursuant to Commission Rule 515-9-3-.09(i)(c), Vienna requested an informal conference to discuss the probable violations noted in Inspection Report DJ15-018.

10.

On December 17, 2020, Commission Staff met virtually with Vienna to discuss the probable violations noted in Inspection Report DJ15-018. During the informal conference, it was decided that a follow-up inspection will not be required because the violations were cleared previously. In addition, the parties agreed that partial mitigation of the recommend civil penalty was in the public interest.

11.

Violations found during recent or past inspections other than those mentioned in the previous section (8) or future violations of other Commission Utility Rules or Federal Pipeline Safety Rules in 49 C.F.R. PARTS 40, 191, 192, 193 and/or 199 are intentionally excluded from this Consent Agreement. Any such previous or future violations shall be dealt with as such violations are found by Commission inspectors or otherwise not resolved in a timely manner and come to the attention of the Commission. Moreover, Operator cannot use this Consent Agreement as a defense against violations besides those expressly covered by this Consent Agreement.

12.

Operator's conduct described *supra*, constitutes sufficient grounds for the imposition of sanctions by the Commission pursuant to *inter alia*: 49 C.F.R. §§ 40, 191, 192 and 199; O.C.G.A. §§ 46-2-20, 46-2-21, 46-2-30, 46-2-53, 46-2-90, 46-2-91, 46-4-1, 46-4-31, 46-4-34, 50-13-1 *et. seq.*; and Commission Rules 515-2-1.04, 515-9-1.01, 515-9-3.03, 515-9-3.04, 515-9-3.06, 515-9-3.07 through 515-7-9-.13.

13.

Operator makes no contest to the allegations set forth in the NOPV. Operator understands that by doing so, it is not admitting the truth of any of the allegations or acknowledging any impropriety but is agreeing that the Commission may enter an order based upon the alleged probable violations without the necessity of receiving evidence in support thereof. Operator hereby waives any further Findings of Fact and Conclusions of Law with respect to the above-styled matter.

Agreements Between the Parties

1.

This Joint Consent Agreement, if approved by the Commission, shall constitute a final resolution of the alleged probable violations in DJ15-018. Operator agrees that it will abide by the terms of this Joint Consent Agreement.

2.

Vienna is subject to civil penalties pursuant to O.C.G.A. §46-2-91 for violation of any Commission Order or Statute or Rule administered by the Commission. Staff reviewed the circumstances surrounding Vienna's two probable violations of 49 C.F.R. §192.13(c) and one violation of §192.615 cited in Inspection Number DJ15-018 and recommended a civil penalty for each violation in the amount of Two Thousand Five Hundred Dollars

($2,500.00), for a total recommended civil penalty of Seven Thousand Five Hundred ($7,500.00).

3.

The Pipeline Safety Director agrees to settle this matter with Vienna as follows:

1. Vienna shall execute this Consent Agreement within thirty (30) days of the Commission's approval of said Consent Agreement;
2. Vienna shall submit a certified check for **Five Hundred ($500.00) dollars** made payable to the Georgia Public Service Commission within thirty (30) days of the Commission's approval of the Consent Agreement. The city's name, Docket Number, and Inspection Report number(s) shall be written in the "memo" line of the certified check.
3. Vienna shall mail the certified check to:

Ms. Michelle Thebert, Director
Facilities Protection Unit
Georgia Public Service Commission
244 Washington Street
Atlanta, Georgia 30334

4.

Should complications arise as to compliance with and/or implementation of this Consent Agreement, Operator and Commission Staff agree to work in good faith to resolve any such complications. Any matters not resolved between the parties shall be timely presented to the Commission for consideration and final adjudication.

5.

This Consent Agreement shall not become effective until and unless it is approved by the Commission. Operator enters into this Consent Agreement without admission of fault or liability.

6.

The undersigned authorized representative(s) of Operator acknowledge by their respective signatures below that each has read this Consent Agreement and understands its contents. The undersigned hereby further acknowledge that the City has a right to a hearing in this matter and does freely, knowingly, and voluntarily waive such right by entering into this Consent Agreement. The undersigned hereby consent on the City's behalf to the resolution of this proceeding as provided for herein.

IN WITNESS WHEREOF, the parties hereto have executed this Consent Agreement as of the day and year first below written.

By: _____
Michael Bowens, City Administrator
City of Vienna

By: Michelle Thebert
Michelle Thebert, Director
Facilities Protection Unit
Georgia Public Service Commission

Agreed to this 28th day of February 2021.