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Sustainable Newton, Sara and Randall ("Randy") Vinson, and Theodosia and William ("Billy") Wade,	)	
Petitioners,	)	Docket No. 57243
v.	)	
VoltaGrid, LLC,	)	
Respondent.	)	

ORDER ON RESPONDENT, VOLTAGRID, LLC'S MOTION TO STAY PROCEEDINGS

This matter comes before the Hearing Officer on respondent VoltaGrid, LLC's ("VoltaGrid") Motion to Stay (the "Motion"), filed on September 16, 2026, seeking to "stay the PSO deadlines and merits proceedings; establish a prompt schedule for resolving VoltaGrid's Motion to Dismiss; and enter a revised merits schedule only if necessary, after the Motion to Dismiss has been heard and decided." No other parties of record have made filings pertaining to the Motion. Having considered the Motion, the Hearing Officer finds as follows:

On July 13, 2026, Sustainable Newton, Sara and Randall Vinson, and Theodosia and William Wade (collectively, "Petitioners") petitioned the Commission for an expedited declaratory judgment that VoltaGrid's contractual arrangement with Serverfarm, Inc. ("Serverfarm") violates O.C.G.A §§ 46-3-1 through 46-3-15 ("Territorial Act") and O.C.G.A. §§ 46-3-50 through 46-3-56 (the "Cogen Act"), and for an order directing VoltaGrid to cease and

desist. VoltaGrid answered on August 12, 2026. On August 24, 2026, the Public Service Commission issued an Assignment to Hearing Officer (the "Assignment"). In addition to assigning the matter to a Hearing Officer, the Assignment "authorizes the Staff to issue discovery pursuant to O.C.G.A. § 46-2-57(a)" and instructed the Hearing Officer to set a "hearing on the issues set forth in the Petition and on whether Respondent is providing service or offering to provide service that is subject to the jurisdiction of the Commission and, if so, what if any action the Commission should take." Since the issuance of the Assignment, the Scheduling Order has been set, Staff has filed its first set of Data Requests, and VoltaGrid has responded to said Data Requests.

Although Respondent argues that a request for a stay is not extraordinary, neither the Georgia Administrative Procedure Act[1], nor the Commission's own rules[2], provide a standard for the Hearing Officer to consider a stay of proceedings. Instead, the APA authorizes the Hearing Officer to regulate the course of the hearing, which includes the authority to stay proceedings.[3] VoltaGrid argues that a stay is appropriate "when another threshold determination may materially affect – or eliminate – the proceedings that would otherwise go forward." To this point, VoltaGrid argues that the threshold questions raised in its Motion to Dismiss could dispose of the Petition in its entirety, and the Commission should ensure that such jurisdictional questions are resolved before VoltaGrid incurs substantial, irreversible costs defending this proceeding.

However, as recited above in the Assignment, the Hearing Officer in this case is charged with more than the adjudication of Petitioners requested relief. As stated in paragraph two of the Assignment, the Commission has ordered *its own* investigation into "whether Respondent is providing service or offering to provide service that is subject to the jurisdiction of the Commission and, if so, what if any action the Commission should take." VoltaGrid's Motion to Dismiss raises three threshold questions. Two of them, whether Petitioners are "interested parties" under O.C.G.A. § 46-3-13 and whether the Commission may enforce the Cogen Act, would not dispose of the question the Commission separately referred for hearing, even if resolved in VoltaGrid's favor. The third, whether VoltaGrid's arrangement is subject to the Commission's jurisdiction under O.C.G.A. § 46-2-21(b)(5), is substantially the question the Commission itself directed the

[1] O.C.G.A. § 50-13-13(a)(6).
[2] Ga. Comp. R. & Regs. 515-2-1-.04 and 515-2-1-.05.
[3] *See* O.C.G.A. §§ 50-13-13(a)(6) and 46-2-58(b).

Hearing Officer to hear. Because the Assignment reserves the decision of that question to the Commission on a certified record, a stay pending the Hearing Officer's ruling on the Motion to Dismiss would not produce a final determination and would delay development of the record the Commission has directed.

For these reasons, VoltaGrid's request for a stay is **DENIED**. All deadlines outlined in the Scheduling Order remain in effect. Nothing in this Order constitutes a decision on VoltaGrid's Motion to Dismiss, which remains pending.

SO ORDERED, this 28th day of September, 2026.



Chris Collado
Hearing Officer