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October 2, 2026

VIA ELECTRONIC DELIVERY

Ms. Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

Re: Petitioners' Opposition to VoltaGrid's Motion for Expedited Ruling; Docket No. 57243

Dear Ms. Tanner:

Please find enclosed an electronic version of the following Petitioners' **Opposition to VoltaGrid's Motion for Expedited Ruling** to be filed in Docket No. 57243.

Respectfully submitted,



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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

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

PETITIONERS' OPPOSITION TO VOLTAGRID'S MOTION FOR EXPEDITED RULING

Petitioners object to VoltaGrid's Motion for Expedited Ruling filed October 1. VoltaGrid's request to amend the deadline for filing direct testimony would harm Petitioners without good cause. Petitioners do not object to a prompt resolution of VoltaGrid's motion to dismiss upon the filing of Petitioners' response, though Petitioners do not believe it is prudent, in light of the complexity and significance of the issues, for the Hearing Officer to preemptively constrain himself to one week to opine on some of the case's key legal questions. Petitioners do support resolution of the Motion to Dismiss as soon as practicable.

I. VoltaGrid fails to establish good cause for this request and condensing hearing preparation deadlines would prejudice Petitioners.

VoltaGrid fails to demonstrate "good cause" for its request, as required by this Hearing Officer's Scheduling Order.[1] In yesterday's Motion, VoltaGrid asks the Hearing Officer to condense Petitioners' window to prepare rebuttal testimony from 21 days to 7 so that VoltaGrid can avoid "prepar[ing] direct testimony which may never be presented or may prove irrelevant."[2] (VoltaGrid has noticed a single direct witness.[3])

At the outset of this matter, VoltaGrid had an opportunity to object, or request modifications, to the Hearing Officer's Scheduling Order. It did neither. VoltaGrid also had the opportunity to seek stipulations of factual issues to winnow the issues required in direct testimony: It did not. Though VoltaGrid belatedly responded to Petitioners' efforts to narrow the factual landscape, it did so by objecting to its own public statements,[4] by objecting to the authenticity of its own produced documents,[5] and by objecting to its own language used in discovery responses.[6]

After service of the Petition in this docket, VoltaGrid waited 9 weeks and 2 days to file motions to dismiss and to stay the proceedings. The Hearing Officer correctly ruled that a stay is inappropriate. And now, VoltaGrid makes a second request for the Hearing Officer to amend the scheduling order to accommodate VoltaGrid's motion. Here, VoltaGrid asks the Hearing Officer to

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[1] *See* Notice of Hearing and Scheduling Order at (6.)(b) (Aug. 24, 2026) ("No continuances of the Pre-Hearing Conference or Hearing will be granted, except in an order signed by the hearing officer and for good cause shown and only if such continuance will not unduly delay the proceedings. Other deadlines set forth herein may be extended by joint stipulation of the Parties.").
[2] Respondent, VoltaGrid, LLC's Motion for Expedited Ruling at 5-6 (Oct. 1, 2026) ("MER").
[3] *See* VoltaGrid's List of Witnesses and Proposed Stipulations (Oct. 1, 2026).
[4] *See* Petitioners' Proposed Stipulations and Witness List at 1-2 (Oct. 1, 2026) (noting VoltaGrid's objections to Petitioners' proposed stipulations concerning VoltaGrid's public statements in proposed stipulations #2, #3, and #4).
[5] *See id.* at 1, 4 (noting VoltaGrid's objections to Petitioners' proposed stipulations concerning the identification and accuracy of documents produced by VoltaGrid in proposed stipulations #20 and 21).
[6] *See id.* at 1-2 (noting VoltaGrid's objections to Petitioners' proposed stipulation #5 and #6).

grant it a two-week reprieve from a litigation deadline to resolve a timing issue manufactured by VoltaGrid's own litigation choices.

There are no changed circumstances that justify this request. Nothing in the Hearing Officer's order denying VoltaGrid's first request for a stay of deadlines changes the legal or factual issues identified at the outset of this case. VoltaGrid seems to suggest that the Hearing Officer has newly determined that a single "threshold" issue of law—arising from a single statute—will determine this case.[7] Petitioners do not read the Order on VoltaGrid's Motion to Stay as making findings of law that shape the litigation. Rather, the Stay Order reinforces the original Scheduling Order, which makes plain that the issue of Commission jurisdiction over VoltaGrid under the Territorial Act "will be decided on the basis of facts and arguments presented at the hearing."[8] Finally, even if there were a single "threshold" legal issue that could be identified at this stage, in no way could that issue be decided based on VoltaGrid's own untested and unexamined statements, as further detailed in Section II below.[9]

In sum, VoltaGrid has not demonstrated "good cause."[10]

Furthermore, VoltaGrid's request would prejudice Petitioners. Though VoltaGrid repeatedly asserts that no party would be prejudiced, VoltaGrid fails to report that undersigned counsel informed VoltaGrid's counsel on September 30 that Petitioners would expect to object to

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[7] VoltaGrid seizes on the Hearing Officer's citation to a single statutory subsection, O.C.G.A. § 46-2-21(b)(5), in its Stay Order as somehow reshaping the litigation. The Hearing Officer cited to one of several sources of jurisdiction, which also include the Constitution, O.C.G.A. § 46-2-20, and the Territorial Act itself. Petitioners do not read this single citation as a legal determination (before full briefing) that the Hearing Officer has foreclosed consideration of all other sources of jurisdiction. Instead, Petitioners interpret this citation as an example of the Commission's oft-cited source of jurisdiction.

[8] Notice of Hearing and Scheduling Order at 5.

[9] MER at 2-3 ("The Hearing Officer's rationale in denying a stay confirms that a single threshold question could dispose of this entire docket . . . .").

[10] *See* Notice of Hearing and Scheduling Order at (6.)(b).

shortening these deadlines because of how burdensome the resulting compressed timelines would become. Petitioners do object. VoltaGrid's proposal to modify the scheduling order is an unreasonable accommodation for VoltaGrid's own litigation choices and creates an unreasonably and insufficiently short deadline (7 days) for preparing rebuttal testimony.

II. A hearing remains required to develop a full factual record.

Petitioners will address VoltaGrid's repeated misapplication of the law in their forthcoming response to a Motion to Dismiss. However, Petitioners agree that resolution of the Motion to Dismiss could clarify legal questions arising in this matter, and Petitioners support the resolution of that Motion as soon as practicable.

As for the need for factual development, VoltaGrid suggests that the resolution of the Motion to Dismiss is likely to dispose of the need for a hearing. It is wrong. The Scheduling Order identifies four matters at issue that "will be decided on the basis of facts and arguments presented at the hearing." No stipulations of fact have been reached that would obviate the need for that hearing. To the contrary, nearly all factual issues in this case are presently disputed. VoltaGrid's assertion that "no material facts are in dispute" is wrong, misleading, and it ignores the purpose of an adversarial process, which is to allow factual development from various perspectives, in which all parties are entitled to present evidence and develop a factual record to aid the finder of fact in reaching the truth.[11]

[11] Plainly, if this Commission finds that Petitioners are not "interested parties"—a historically broadly interpreted phrase at the Commission—than the Petition must be dismissed, and Petitioners may no longer act as Petitioners or Intervenors, as the standard is the same. *Compare* ["interested parties"] *with* O.C.G.A. § 46-2-59(e)(2)("A person who demonstrates a legal, property, or other interest in the proceeding.").

For example, regarding the reach of the Commission's jurisdiction, while the law is complex, legal precedent seems clear that—at a minimum—these issues are intensive, factual determinations.[12] VoltaGrid makes much to do about having only one current Georgia customer: But there is no legal support for VoltaGrid's hopeful idea that an electric utility gets a regulation free-pass on its first retail customer in the State. A hearing will develop the fact that VoltaGrid is rapidly growing.[13] VoltaGrid's CEO boasts that it is "America's largest portable **utility**, power company."[14] Its business model is designed to provide power to end users—data centers,[15] which is Georgia's fastest growing segment of electricity customer demand. And VoltaGrid's model is to generate and furnish 24/7 baseload power[16]: A key feature of a regulatable "utility," according to Georgia Power in 2012.[17]

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[12] For example, in a 2000 Commission order on a request for declaratory judgment as to the Commission's jurisdiction over the privatization of utility services at various federal facilities, the Commission was unable to make a factual determination on whether the Commission had jurisdiction to regulate the parties involved, despite reciting pages of relevant facts, because of the uncertainty remaining in the record from either a lack of information or from "contrary, unsupported assertions." In re: Docket No. 11276-U: In the Matter of the United States Air Force Seeking Decl. Relief, Order Issuing Declaratory Rulings at 25-30. In that case, the Commission considered factors including, "whether a business operation renders 'service to the public' as to become a public utility is controlled by the **facts of each particular case** and the question depends on such factors as the **extent of the service**, whether the operation **holds itself out as ready to serve the public generally**—and whether, perhaps, in other ways **it has conducted itself as a public utility**." *Id.* (emphasis in original). Likewise, the Georgia Supreme Court in 1971 concluded that a gas company's provision of a service, which included electricity, was a regulated contract, considering factors including the impact of the deal on the public, whether the gas company owned the buildings being served, and the fact that the gas company had looked for other business opportunities selling similar "total energy systems" including electricity. Atlanta Gas Light v. Georgia Public Service Commission, 228 Ga. 347 at 351-352 (1971).

[13] Oilfield 360 Podcast, "#83. Building a Billion-Dollar Energy Company: Nathan Ough's Story," at 12:40, 15:20, uploaded Jan. 20, 2026 at https://www.youtube.com/watch?v=Q3jNRNEqBTU (VoltaGrid CEO describing growth in six years from a start-up to having over 1,500 employees with an expectation of approximately 2,000 by the end of the year).

[14] *Id.* at 17:29.

[15] *See, e.g.*, VoltaGrid, Data Centers, "Long-Term Bridge Power," https://voltagrid.com/data-centers/long-term-bridge-power, last accessed October 2, 2026.

[16] *See, e.g.*, Petition Ex. 5 ("The facility will be a baseload facility, operating continuously for 8,760 hours per year.").

[17] In Re: Georgia Power Company's Advanced Solar Initiative, Notice of Georgia Solar Utilities, Inc. Request to be Authorized as a Solar Utility, Docket Nos. 36325 & 36286, Resp. of GPC to GA Solar Utilities Addendum 1 (Nov. 9, 2012) (describing the services "typically provided by a utility" to include "customers," "existing generation resources," "the ability to transmit or distribute any generation to any customers" and a "plan to offer safe, twenty-four hour, seven days a week (24/7) electric service to customers").

Furthermore, VoltaGrid's carefully crafted affidavit also offers little comfort, or evidence, that VoltaGrid would not expand its utility services across Georgia, if it were permitted to do so without regulatory oversight. In September 2025, VoltaGrid had discussions with a potential data center customer in Georgia regarding its services. PIA-1-19(c). In February 2026, VoltaGrid had discussions with Southern Company Services about potential customers' behind-the-meter power needs. *Id.* And in May 2026, VoltaGrid told EPD that its Covington power plant "may provide capacity for other similarly qualified large load facilities," in addition to Serverfarm.[18] Now that litigation has been filed, VoltaGrid attests that it "is not engaged in negotiations . . . to provide power services in Georgia" and that VoltaGrid "is not soliciting, marketing to, or otherwise pursuing any additional customer in Georgia." Atchley Aff. ¶ 13. But the affidavit is notably silent on VoltaGrid's past or future plans to expand in Georgia.

Though nearly all of the facts recited herein are within the public domain, VoltaGrid refuses to stipulate thereto. As such, a factual hearing remains necessary.

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[18] VoltaGrid's May 20, 2026 Letter to EPD, *available at* VG000361-VG000387.

CERTIFICATE OF SERVICE

I hereby certify that on this day, I have e-filed with the Commission the foregoing Opposition to VoltaGrid's Motion for Expedited Ruling served by email to the following:

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This 2nd day of October, 2026.

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