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October 14, 2026

VIA ELECTRONIC DELIVERY

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

Re: Response in Opposition to Motion to Strike on Behalf of Georgia Interfaith Power & Light, Park Avenue Baptist Church, Temple Sinai, and Unitarian Universalist Church of Savannah; Docket No. 57171

Dear Ms. Tanner:

Please find enclosed an electronic version of the following Response in Opposition to Motion to Strike to be filed in Docket No. 57171 regarding Georgia Power's Real Time Pricing ("RTP") Revenue Credit and Allocation Methodology on behalf of Georgia Interfaith Power & Light, Park Avenue Baptist Church, Temple Sinai, and Unitarian Universalist Church of Savannah.

Respectfully submitted,

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STATE OF GEORGIA

BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

In Re:	)	
	)	
Real Time Pricing Revenue Credit and Allocation Methodology	)	**Docket No. 57171**
	)	

RESPONSE IN OPPOSITION TO MOTION TO STRIKE

Georgia Interfaith Power & Light, Park Avenue Baptist Church, Temple Sinai, and Unitarian Universalist Church of Savannah (together, Respondents), oppose Georgia Power's motion to strike as "irrelevant" and "outside the scope" portions of the pre-filed testimony of John D. Wilson. Mr. Wilson speaks to issues raised by Georgia Power's testimony and to the central questions before the Commission: which fuel costs caused by RTP customers should be paid by RTP customers, including large load data centers, and how would changes to the current approach affect Georgia Power's customers. Georgia Power asks the Commission to strike:

- Supporting rationales for Mr. Wilson's recommended changes to the RTP fuel credit.
- Mr. Wilson's response to Georgia Power's own pre-filed testimony, including direct quotations of Georgia Power's testimony.
- Recommended tools and next steps for implementation and evaluation of changes to the RTP fuel credit.

As explained below, the entirety of Mr. Wilson's testimony falls well within the scope of this proceeding and is relevant to the issues identified in the Procedural and Scheduling Order (PSO). The Commission should deny Georgia Power's motion.

Standard of Review

Georgia Power bears the burden to establish that the challenged testimony is irrelevant and beyond the scope; it cannot carry this burden. Relevance is a broad concept and accordingly "relevant evidence" is defined by state law as "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."[1]

The Commission is not bound by strict technical rules of evidence and per state law "may exercise such discretion as will facilitate its efforts to ascertain the facts bearing upon the right and justice of the matters before it."[2] As the Commission itself has recognized, when "confronted with objections to testimony or evidence, the Commission has always erred on the side of admissibility."[3]

The PSO identifies the issues at hand in this proceeding: reviewing "the methodology by which [Georgia Power] credits Real-Time Pricing ('RTP') Revenue to the FCR revenues and the allocations [Georgia Power] is making under such methodology."[4] The Commission may make modifications if appropriate. And "implementation of such modifications, if any, shall be credited to fuel revenues as determined by the Commission, and any corresponding change to base revenues shall be recorded in a regulatory asset or liability and addressed in the next base rate case."[5] Mr. Wilson's testimony makes recommendations for such modifications and discusses implementation and ongoing considerations for the Commission to weigh.

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[1] O.C.G.A. § 24-4-401; *Georgia Power Company v. Georgia PSC,* 196 Ga. App. 572, 575 (1990).

[2] O.C.G.A. § 46-2-51; *see also* O.C.G.A. § 50-13-15(1).

[3] Initial Decision, Dkt. 43899, at 2 (May 24, 2022); Order Affirming and Adopting Hearing Officer's Initial Decision, Dkt. 43899 (Aug. 23, 2022).

[4] PSO at 1.

[5] *Id.*

Argument

Respondents do not dispute the scope of the proceeding, only what is relevant for the Commission's consideration. Georgia Power opened the door to much of the testimony it now seeks to strike. Georgia Power presented testimony about the sufficiency of the revenue it is collecting from customers on RTP rates and the impact that changes to the RTP fuel credit may have in the base rate case: And now, Georgia Power asks the Commission to find testimony and recommendations responding to its own conclusory assertions irrelevant.

Other challenged aspects of Mr. Wilson's testimony relate to policy considerations for the Commission to weigh and explanations of the potential rate case impacts of recommended changes to the RTP fuel credit. All of this testimony is "relevant" for the Commission to consider and within the scope of this proceeding.

As described below, there are several categories of statements that Georgia Power seeks to strike. The first discusses nuances in Mr. Wilson's recommendations for the RTP fuel credit that are contingent upon an understanding of how Georgia Power calculates RTP pricing inputs. The second category responds directly to Georgia Power's own pre-filed direct testimony; in fact, Georgia Power asks the Commission to strike direct quotations of its own pre-filed direct testimony. The third relates to recommendations for tools that the Commission should consider as it implements changes to the fuel credit.

I. Testimony relating to allocation of "fixed" fuel costs is relevant and within the scope.

This proceeding is evaluating which fuel costs caused by RTP customers should be paid by those customers under the RTP fuel credit. Yet Georgia Power seeks to strike portions of Mr. Wilson's testimony that provide support for part of his recommendation about the RTP fuel credit.

Mr. Wilson offers a recommendation regarding firm transportation fuel costs that is contingent on Georgia Power's inputs to RTP price components and describes the impact that RTP pricing signals can have on fuel costs for other customers. He testifies that those signals "can affect either the amount or the cost allocation of certain 'fixed' fuel-related costs that are included in the FCR," and outlines the basis for this concern under the circumstances here.[6] Mr. Wilson's testimony further details how the inputs could be determinative for his recommendation regarding firm transportation, and recommends procedures for further review.[7]

II. Testimony responding to Georgia Power's direct testimony is relevant and within the scope.

Georgia Power seeks to strike its own statements in its pre-filed direct testimony,[8] and Mr. Wilson's accompanying analysis and response. Georgia Power is also asking the Commission to accept its testimony about the sufficiency of the revenue it collects. A contested proceeding allows other parties to test such statements. Georgia Power's pre-filed direct testimony asserted: "The revenues Georgia Power receives from large load customers pay for the costs the Company incurs to serve them."[9] Yet Georgia Power seeks to strike evidence that, from 2023 to the present, Georgia Power improperly lowered the price for large customers on RTP rates[10] undermining Georgia Power's testimony in this proceeding that its application of the "peaker method" collects enough

[6] Direct Testimony of John D. Wilson on behalf of GIPL, Park Avenue, Temple Sinai, and UUCS, at 16:21-17:2, Dkt. 57171 (Sept. 23, 2026) [Wilson]; *see generally id.* at 13-17.

[7] Wilson at 14:10-11 ("This is relevant because it remains unclear exactly what fixed costs are included in Georgia Power's marginal value data."); Wilson at 24:3-25:6 ("If fixed fuel delivery cost is included, I would revise my recommendation in one of two ways. …"); *see also* Wilson at 27:9-16 (identifying information that would be helpful for intervenor evaluation of certain allocation options).

[8] Wilson at 15:5-6 (quoting GPC Direct Testimony at 8:3-4) and Wilson at 17:10-11 (quoting GPC Direct Testimony at 10:5-6).

[9] Direct Testimony of Dr. Ross Beppler, Lee Evans, and Brandon Looney on behalf of Georgia Power Company, at 16:14-15, Dkt. 57171 (Aug. 14, 2026) [GPC Direct Testimony].

[10] *E.g.* Wilson at 2:16-18 (finding "Georgia Power has set its RTP price too low during peak hours because the reliability cost component was set inconsistently with the peaker method.").

revenue for fuel and base costs.[11] If the Commission strikes Mr. Wilson's testimony as irrelevant, it must also strike Georgia Power's conclusory statements about the sufficiency of revenue it collects under RTP rates.

Georgia Power also seeks to strike portions of Mr. Wilson's discussion of methane gas fuel hedging costs, which are not currently included in the RTP fuel credit methodology, and the fact that including large load customers' energy use in the calculation has increased those fuel costs for regular customers on FCR rates.[12] But Georgia Power asks the Commission to accept its assertion that: "The Company's approach ensures not only that large load customers pay for their costs but also that all customers benefit from adding them to the system."[13] As acknowledged by Staff, hedging costs are a fuel cost policy matter for the Commission.[14] Mr. Wilson's testimony describes policy considerations to aid in the Commission's decision. In any event, information about the relationship between fuel costs and large load customers is relevant to this proceeding and it is baffling that Georgia Power would suggest otherwise.[15]

III. Testimony discussing tools the Commission could employ as it implements changes to the RTP fuel credit methodology is relevant and within the scope.

Mr. Wilson does not recommend the Commission make changes to the RTP rate in this proceeding. But the Commission does not make decisions in a vacuum. Mr. Wilson's testimony

[11] GPC Direct Testimony at 7:7-10 ("the peaker methodology … provides a proper basis for the Company's RTP rates.").

[12] Wilson at 33:3-34:2.

[13] GPC Direct Testimony 16:4-6.

[14] Direct Testimony of Tom Newsome, Phil Hayet, and Leah Wellborn on behalf of Public Interest Advocacy Staff at 26:2-6, Dkt. 57171 (Sept. 23, 2026).

[15] *Compare* GPC Direct Testimony at 15:20-21 (describing that this proceeding arose "in light of the increase in large load customers served on Georgia Power's RTP offerings and to ensure such customers pay their share of costs"), *with* Motion to Strike at 4 (arguing that "testimony regarding load growth and fuel hedging is wholly unrelated to whether RTP revenue is assigned to fuel or base rates"). Notably, Georgia Power does not seek to strike Mr. Wilson's RTP fuel credit recommendation regarding hedging, only his discussion of large load impacts on hedging costs under existing Commission policy. *See* Wilson at 31:14-32:19.

discusses the ramifications of choices in this docket and tools the Commission can use to evaluate the impacts of this proceeding in future dockets. This testimony aids in the Commission's decision-making, and it is relevant and within the scope.

How the Commission decides to calculate the RTP fuel credit has impacts beyond just the fuel case. These are policy decisions and Mr. Wilson's testimony offers recommendations for further review and oversight. Moreover, Georgia Power testified that changing the fuel credit methodology would "change base rate revenue" and even characterized rate case impacts with specific dollar amounts at the hearing on its direct testimony, noting that "moving revenue between two buckets will have differential impacts on differential customers."[16] Mr. Wilson identifies categories of fuel costs that could be added to the RTP fuel credit methodology and that he therefore recommends be evaluated in the next rate case.[17] And the PSO explicitly references that "any corresponding change to base revenues shall be … addressed in the next base rate case."

Respondents further note that Georgia Power has repeatedly stipulated the terms and procedures of future rate cases when large loads are at issue, even after objecting to their relevance during one proceeding.[18] For example, Georgia Power stipulated to rate case terms in the 2023 IRP Update[19] and the 2025 All-Source RFP and "Supplemental Resources" Certification.[20] Georgia Power's pre-filed direct testimony in this docket even references these stipulations.[21] Georgia Power's suggestion that intervenors should now not speak to follow-up procedures and monitoring

[16] GPC Direct Testimony at 12:11; Transcript at 75:16-24. And as noted above, Georgia Power put the sufficiency of revenues and the "peaker methodology" at issue in this case. Mr. Wilson's testimony responding to Georgia Power's claims and recommending further review and procedure is relevant to the Commission's consideration of these issues.

[17] *See* Wilson at 4:18-5:2; Wilson at 30:14-31:11.

[18] *See* Hearing Transcript, Docket Nos. 56298 & 56310, at 499:16-17.

[19] Order Adopting Stipulated Agreement, Stipulation ¶ 3, Dkt. 55378 (April 26, 2024).

[20] Stipulation ¶ 4, Dkts. 56298 & 56310 (filed Dec. 10, 2025).

[21] GPC Direct Testimony at 16:8-11.

of compliance with large load promises rings hollow.

GIPL, Park Avenue, Temple Sinai, and UUCS ask the Commission to deny Georgia Power's motion and hear what Mr. Wilson has to say.

Respectfully submitted this 14th day of October, 2026.

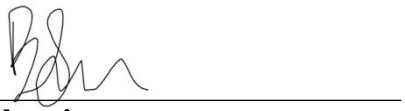


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CERTIFICATE OF SERVICE

I certify that the foregoing **Response in Opposition to Motion to Strike on behalf of Georgia Interfaith Power & Light, Park Avenue Baptist Church, Temple Sinai, and Unitarian Universalist Church of Savannah** was filed with the Public Service Commission in Docket No. 57171 by electronic delivery on the 14th of October, 2026. An electronic copy of same was served upon all parties listed below by electronic mail as follows:



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