BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

SUSTAINABLE NEWWTON, SARA, and RANDALL VINSON, and THEODOSIA and WILLIAM WADE,	:	
Petitioners,	:	DOCKET NO. 57243
v.	:	
VOLTAGRID, LLC,	:	
Respondent	:	

GEORGIA PUBLIC SERVICE COMMISSION STAFF'S RESPONSE TO RESPONDENT VOLTAGRID LLC'S MOTION TO DISMISS

Comes now, Georgia Public Service Commission Staff (hereinafter "Staff"), through their undersigned counsel of record and make the following response to Respondent Voltagrid LLC's September 16, 2026 Motion to Dismiss. Pursuant to the August 24, 2026 "Assignment to Hearing Officer" by the Georgia Public Service Commission (hereinafter "the Commission") and the Hearing Officer's "Notice of Hearing and Scheduling Order," resolution of the issues raised in Respondent's Motion should be deferred until after the hearing ordered by the Commission to take place on December 9, 2026.

BACKGROUND

The Petitioners, Sustainable Newton, a Georgia non-profit organization, Sara and Randall Vinson, and Theodosia and William Wade, filed a "Petition for Expedited Declaratory Judgment and Enforcement against Voltagrid" with the Commission on July 13, 2026. In their petition, the

Petitioners allege generally that Respondent Voltagrid is constructing a 90-megawatt power plant in Covington, Georgia with the intent to provide electrical service to an adjacent data center to be owned an operated by a separate business entity commonly referred to as "Serverfarm." The Petitioners contend that the provision of such electrical service violates the Georgia Territorial Act, O.C.G.A. § 46-3-1 *et seq.,* under which the right to provide electrical service is assigned to utility companies according to territorial boundaries established by the Commission. See Pet. For Exp. Decl. Judg. And Enforcement at ¶¶ 23-25. The Petitioners also claim that the provision of electrical service to Serverfarm would violate the Georgia Cogeneration and Distribution Act of 2001, O.C.G.A. § 46-3-51 *et seq*. For relief, the Petitioners request 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," and "(b) Order that Voltagrid, LLC cease and desist any operations in violation of the Territorial Act or Cogeneration Act." Pet. For Exp. Decl. Judg. And Enforcement at 12.

On August 24, 2026, the Commission assigned the Petition to Hearing Officer, Chris Collado, ordering, "The hearing officer will issue a Procedural and Scheduling Order setting the matter down for hearing on the issues set forth in the Petition *and on whether Respondent is providing service that is subject to the jurisdiction of the Commission and, if so, what if any action the Commission should take*…." (emphasis added). Accordingly, the same day, August 24, 2026, Hearing Officer Chris Collado issued a "Notice of Hearing and Scheduling Order" setting the matter down for a hearing on December 9, 2026. The Hearing Officer also ordered that the following issues be addressed at the hearing: "(1) Whether the Commission has jurisdiction over Voltagrid as an electric supplier" under O.C.G.A. § 46-3-3(3), (2) Whether Petitioners are "interested parties" entitled to initiate their Petition, and (3) Whether Voltagrid's planned

construction and operation of the proposed generating facility, and delivery of the resulting energy to the data center Serverfarm violates O.C.G.A. §§ 46-3-1 through 15 (the "Territorial Act") and/or §§ 46-3-50 though 56 (the "Cogeneration Act")."

On September 16, 2026, Voltagrid filed a "Motion to Dismiss." The Motion is not clear as to whether Voltagrid is seeking merely to remove the Petitioners from the proceedings in this docket, or whether Voltagrid is seeking the full resolution of the issues identified by the Hearing Officer in the Notice of Hearing and Scheduling Order. In its Brief in Support of the Motion to Dismiss, Voltagrid challenges whether Petitioners are "interested parties" under the Territorial Act, such that they have standing to petition the Commission for relief under the Territorial Act. *Brief in Support of Mot. to Dismiss*, at 8-14. In its Brief, Voltagrid also argues at length that its provision of services to Serverfarm is not in violation of the Territorial Act, stating, "Because Voltagrid does not furnish service to the public, the Commission has no jurisdiction over it, and it is not an 'electric supplier' for the purposes of the Territorial Act." *Brief in Support of Mot. to Dismiss*, at 17.

DISCUSSION

The Hearing Officer has already scheduled a hearing in this matter for December 9, 2026, as to all of the issues argued in Voltagrid's Motion to Dismiss. The Commission has ordered the Hearing Officer to determine whether Volatagrid is "providing service that is subject to the jurisdiction of the Commission" regardless of whether the Petitioners are "interested parties" under the Territorial Act or otherwise have standing under the Territorial and Cogeneration Acts, and Commission Rules, to ask the Commission for the relief requested in the Petition. Dismissing the Petition or the Petitioners from this docket before the scheduled hearing will not serve the Commission's objective of timely and efficiently resolving the issue of whether Voltagrid's Covington project falls under the Commission's jurisdiction or is subject to the Territorial Act.

CONCLUSION

Wherefore, Staff requests that the Hearing Officer reserve making a decision as to Voltagrid's Motion to Dismiss until after the December 9, 2026 hearing in this matter.

This 16th day of October, 2026.

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