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**Docket No. 56177**

**In Re: 2025-2026 AGL's Capacity Supply Plan: Consideration of Atlanta Gas Light's Motion to Dismiss in Opposition of SCANA Energy Marketing, LLC's Complaint**

## ORDER DENYING IN PART AND GRANTING IN PART ATLANTA GAS LIGHT'S MOTION TO DISMISS IN RESPONSE TO SCANA ENERGY MARKETING, LLC'S COMPLAINT

BY THE COMMISSION:

## I. BACKGROUND AND PROCEDURAL HISTORY

This matter comes before the Georgia Public Service Commission ("Commission") to consider Atlanta Gas Light's ("AGL") Motion to Dismiss in Opposition of SCANA Energy Marketing, LLC's ("SCANA") Complaint.

On April 6, 2026, SCANA filed a Complaint against AGL with the Commission, seeking relief from Operational Flow Order ("OFO") imbalance penalties assessed against SCANA ("Complaint" or "SCANA's Complaint"). The Complaint requested that the Commission investigate certain operational events of December 13, 2025, that AGL be ordered to provide a 100 percent credit or reimbursement to SCANA for OFO penalties assessed as a result of the event, and that the Commission direct AGL to implement operational or procedural changes necessary to

prevent recurrence of similar events in the future. The Complaint asserts that AGL "failed to implement available operational measures necessary to enable SCANA to respond" to a bracketed OFO imbalance.

On May 6, 2026, AGL responded to SCANA's Complaint with its Motion to Dismiss ("MTD"), asserting that the issues forwarded in the Complaint are "wholly outside [of] the Commission's jurisdiction" because the Federal Energy Regulatory Commission ("FERC") "has sole jurisdiction" and requested that the Commission "dismiss SCANA's Complaint without further action." SCANA responded to AGL's MTD on June 5, 2026, reasserting the positions from its Complaint. AGL, subsequently, responded to SCANA on June 17, 2026, also reiterating that the matter falls under FERC's jurisdiction.

Commission Staff ("Staff") submitted a Memorandum in Response to AGL's MTD ("Memorandum") on September 3, 2026. The Memorandum recommended the Commission deny AGL's MTD, with noted exception against ordering AGL to credit SCANA for its assessed OFO penalties. Staff found that while the Commission has jurisdiction over SCANA's Complaint, it does not have the authority to order AGL to reimburse SCANA's assessed OFO penalty. Staff reasoned that such an action may be viewed as undoing a FERC mandated order. Still, the Commission has the authority to remedy communication issues moving forward. The Commission would also have the authority to issue a fine against AGL if it is found that AGL violated a law or tariff related to this matter. However, that is not an issue noticed in SCANA's complaint. During the October 15, 2026, Energy Committee, Staff presented its recommendation, which was subsequently approved during the October 20, 2026, Administrative Session.

## II. JURISDICTION AND AUTHORITY

The Commission has general jurisdiction over natural gas utilities. O.C.G.A. § 46-2-20. Specifically, the Commission maintains safety jurisdiction over all-natural gas transmission and distribution facilities within Georgia, including those natural gas facilities which are owned and operated by municipalities. O.C.G.A. § 46-2-20(i). The Commission further has jurisdiction over Georgia intrastate natural gas operators pursuant to *inter alia*: 49 U.S.C.S. §§ 60105 and 60122, 49 C.F.R. Part 191, 49 C.F.R. Part 192; O.C.G.A. §§ 46-2-21, 46-2-30, 46-2-53, 46-2-90, 46-2-

91, 46-4-1, 46-4-31, 50-13-1 *et seq.*; and Commission Rules 515-7-1-.01 *et. seq.*, 515-9-1-.01*et.seq.*, 515-9-3-.01 *et. seq.*, 515-9-6-.01 and 515-9-7-.01 *et. seq.*

The Commission has further jurisdiction pursuant to Commission Rules 515-9-1-.01 and 515-9-3-.03; both adopting 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) having 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.

## III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

**1.**

The Commission finds and concludes that it has broad general authority over AGL. Pursuant to O.C.G.A. § 46-2-20(e), "the Commission shall have authority to examine the affairs of all companies under its supervision", inclusive of how companies under its authority are "managed, conducted, and operated…with respect to adequacy."

**2.**

The Commission finds and concludes that State law imposes numerous obligations on AGL in its interactions with marketers, including in O.C.G.A. §§ 46-4-154, 46-4-155, and 46-4-158; and the Commission is authorized to hear complaints regarding these obligations. O.C.G.A. § 46-2-20(b).

**3.**

The Commission finds and concludes that FERC regulates the interstate transmission of natural gas and natural gas terminals, exclusive of the regulation of local distribution pipelines of natural gas, which FERC reserves for State Public Utility Commissions.

**4.**

The Commission finds and concludes that operational procedures, as permitted under O.C.G.A. § 46-2-20(e), fall squarely within the Commission's prescribed jurisdiction. The

Commission further finds and concludes that ensuring AGL provides marketers with timely access to relevant information also falls under the Commission's authority. O.C.G.A. § 46-4-158(a)(3).

**5.**

The Commission finds and concludes that the standard for a complaint made to the Commission is that it must *plainly* and *distinctly* state the grounds thereof. Pursuant to Commission Rule 515-2-1-.04, "all applications, petitions and complaints made to the Georgia Public Service Commission must *plainly and distinctly* state the grounds thereof, all being set forth in writing. In like manner, all defenses must be distinctly made in writing and must *plainly and distinctly* state the grounds thereof." The Commission also finds and concludes that Georgia law does not appear to demand that a complaint made to the Commission must identify any Commission-approved tariff or law violation to be *considered* by the Commission.

**6.**

The Commission finds and concludes that a complaint relating to gas commodities housed on an interstate transmission system or any related penalties *does not* preclude the Commission from assessing an operational process that affects intrastate gas operations, regardless of if said operations led to federally governed penalties.

**7.**

The Commission finds and concludes that, for purposes of considering a Motion to Dismiss and under Georgia law, a court or an agency must generally view factual disputes in the light most favorable to the non-moving party. Viewed in that light, the Commission finds and concludes that AGL had the opportunity to timely alert SCANA.

**8.**

The Commission finds and concludes that the Commission has jurisdiction to address the issues presented in SCANA's Complaint. The Commission also finds and concludes that it does not have the authority to order AGL to reimburse SCANA for its assessed OFO penalties. The Commission further concludes that it has the authority to both remedy communication issues moving forward and, when proper noticed, issue a fine against AGL if it is found that AGL violated a law or tariff related to this matter.

## IV. ORDERING PARAGRAPHS

**WHEREFORE IT IS SO ORDERED,** AGL's Motion to Dismiss in Response to SCANA's Complaint is denied in part and granted in part as noted above.

**ORDERED FURTHER,** Staff shall review SCANA's Complaint and make a recommendation on how to address communication issues presented in the Complaint at a future Energy Committee.

The above by action of the Commission in Administrative Session on the 20th of October 2026.

Sallie Tanner
Executive Secretary

10-28-26
Date

Jason Shaw
Chairman

10-28-26
Date