COMMISSIONERS:

JASON SHAW, Chairman
LAUREN "BUBBA" McDONALD, Vice-Chairman
PETER HUBBARD
DR. ALICIA M. JOHNSON
STAN WISE

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

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

ORDER ON PETITIONERS' MOTION CHALLENGING TRADE SECRET DESIGNATIONS AND FOR ACCESS TO TRADE SECRET INFORMATION

This matter comes before the Hearing Officer on a motion from Sustainable Newton, Sara and Randall Vinson, and Theodosia and William Wade (collectively, "Petitioners") filed October 2, 2026, challenging respondent VoltaGrid, LLC's ("VoltaGrid") trade secret designation on discovery material and moving for access to information withheld by VoltaGrid as "trade secret." VoltaGrid filed its opposition brief to Petitioners' motion on October 14, 2026. On October 22, 2026, the Hearing Officer filed the First Amendment to Notice of Hearing and Scheduling Order, setting a hearing on the motion for October 29, 2026. VoltaGrid filed its Response and Objection to First Amendment to Notice of Hearing and Scheduling Order on October 27, 2026. As set forth below, and pursuant to Commission Rule 515-3-1-.11(3), the Hearing Officer grants Petitioners' Request for Access to Trade Secret Information and defers Petitioners' Motion Challenging Trade Secret Designation for decision by the Commission.

At the October 29, 2026 hearing, VoltaGrid presented Daniel Ro-Trock, the Executive Vice-President and Chief Legal Officer of VoltaGrid, LLC, to give testimony and respond to cross-examination.[1] Following the examination of Mr. Ro-Trock, the parties gave oral arguments on Petitioners' Motion.

FINDINGS AND CONCLUSIONS

In issuing its Assignment to Hearing Officer ("Assignment"), the Public Service Commission ("Commission") has determined that an actual controversy exists 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. These issues have been scheduled for a hearing before the Hearing Officer, who will then render a recommended decision and certify the entire record to the Commission for its consideration. The creation of this record, as is the normal practice of all contested cases before the Commission, will be done with the participation of Staff, intervenors, and the Petitioners and Respondent themselves.[2]

Georgia courts have recognized that the Public Service Commission, by the very nature of its jurisdiction and operation, will routinely review confidential and/or economically sensitive information.[3] In doing so, the Commission is under a duty to prevent the destruction or impairment of property right or interest by unrestricted access or disclosure of such documents and records until there can be an adjudication that "alleged trade secrets" do not qualify as "trade secrets."[4] Since the examination of such trade secret information is required for the Commission to perform its function, access to trade secret information under adequate protective agreement is necessary. The Commissioners and PIA Staff have a statutory mandate to review such records in connection with the Commission's functions, subject to the trade secret statute.[5] However, the Commission does not operate in a vacuum, and courts have acknowledged that the contributions of other parties,

[1] Mr. Ro-Trock appeared virtually by mutual agreement of the parties and the Hearing Officer.
[2] *See* Ga. Comp. R. & Regs. 515-2-1-.04(1), (3); 515-2-1-.06(1); 515-2-1-.14(1)(b), (d).
[3] *BellSouth Telecomms., Inc. v. Ga. Pub. Serv. Comm'n*, Civil Action File No. E-07376, slip op. (Fulton Cnty. Super. Ct. Apr. 14, 1993) (Eldridge, J.).
[4] *Id.* Slip Op. 15-16.
[5] O.C.G.A. § 46-2-20.

including interested and affected members of the public, as petitioners and intervenors are an invaluable part of that function.[6]

It is under these considerations that the Hearing Officer balances whether "the potential for economic harm to [VoltaGrid] outweighs the public benefit derived from allowing the party or intervenor access to such information."[7] In doing so, the Hearing Officer acknowledges that any potential for economic harm to VoltaGrid can be adequately minimized to a reasonable level through the use of protective agreement. Such arrangements are common procedure at the Commission and have been used extensively by counsel for Petitioners without incident. Against that limited potential for harm, access serves the public interest by allowing Petitioners to be able to fully litigate their position on a matter that the Commission has *already* marked as important to both the Commission's functions and the public interest.

In its opposition brief to Petitioners' Request for Access to Trade Secret Information, VoltaGrid relies upon its assertion that, under the Territorial Act, Petitioners lack standing and the Commission lacks jurisdiction over VoltaGrid. The Hearing Officer does not dispute that these issues are essential to this case,[8] but has indicated that summarily dismissing the case on such grounds before establishing and certifying a record on the issues would be premature and contrary to the direction of the Commission.[9] The circular reasoning Respondent adopts in its position, that jurisdiction must be established before an examination of the facts that establish it,[10] frustrates the purpose of the Assignment.

VoltaGrid further argues that the Hearing Officer (and perhaps the Commission itself) lacks the authority to require VoltaGrid to provide the withheld documents under a protective agreement. VoltaGrid cites a case involving Atlanta Gas Light Company ("AGLC"), where the

[6] *BellSouth Telecomms., Inc. v. Ga. Pub. Serv. Comm'n*, Slip Opinion 27. "Lacking adequate staff and expertise, both the PSC and the consumer utility counsel must depend upon interested and affected members of the public intervening to raise and to focus on the issues. For intervenors to adequately take part they must have access to the "trade secrets" of SBT."
[7] Ga. Comp. R. & Regs. R. 515-3-1-.11(3)
[8] Even before VoltaGrid filed its Motion to Dismiss, the Commission raised such issues in its Assignment, and the Hearing Officer recapitulated them in his Notice of Hearing and Scheduling Order.
[9] *See* Order on Respondent, VoltaGrid, LLC's Motion to Stay Proceedings.
[10] The Hearing Officer notes that while VoltaGrid argues that it is not subject to the Commission's jurisdiction because it is not a "public utility", VoltaGrid has also argued that whether it is a public utility depends on the facts.

Commission ordered the utility to execute a protective "agreement" covering its trade secrets.[11] VoltaGrid argues that the Commission Order and relevant statutory authority establish a finding of Commission jurisdiction as a prerequisite condition to an order to execute a protective agreement. However, jurisdiction was not at issue in that case, and the order does not hold that a finding of jurisdiction is a precondition to an order granting access. VoltaGrid also incorrectly asserts that "AGLC acquiesced and did not challenge the Commission's authority to issue such an order."[12] In fact, AGLC filed an emergency Petition for Judicial Review with Fulton County Superior Court on August 29, 2001. That same day, the Superior Court affirmed the Commission order requiring access under a protective agreement and denied AGLC's requested relief.[13]

VoltaGrid's argument conflates two distinct questions. The first is whether VoltaGrid is an "electric supplier" under O.C.G.A. § 46-3-3(3), or otherwise engages in conduct governed by the Territorial Act. That question is central to this docket and nothing in this Order decides it. The second is whether the Commission, and the Hearing Officer acting under the Assignment, may issue the orders necessary to conduct the proceeding the Commission has directed, including determining whether VoltaGrid is subject to the Commission's jurisdiction.[14]

This Order rests only on the second question. The General Assembly has given the Commission "full power and authority to make rules and regulations to effectuate and implement all laws conferring powers and duties upon the commission."[15] Under that authority,[16] the Commission adopted Rule 515-3-1-.11, which provides that a party may petition for access to protected information, requires a hearing on the petition, and places on the affected party the burden of proving that "the potential for economic harm to them outweighs the public benefit derived from allowing the party or intervenor access to such information."[17] The Commission has

[11] Order on Access to Trade Secret Documents at 6, *In re 2001 Capacity Plan of Atlanta Gas Light Co.*, Docket No. 14060-U (Ga. Pub. Serv. Comm'n Aug. 28, 2001).
[12] Brief of Respondent, page 9.
[13] *Atlanta Gas Light Company v. Ga. Pub. Serv. Comm'n*, Civil Action No. 2001CV42180, slip op. (Fulton Cnty. Super. Ct. Aug. 29, 2001) (Goger, J.).
[14] This is an issue that the Commission itself added in the Assignment Order. The Commission clearly has the authority to impose duties on itself on its own initiative. See O.C.G.A. 46-2-20(b).
[15] O.C.G.A. § 46-2-30.
[16] And pursuant to the Superior Court's Order in *BellSouth Telecomms., Inc. v. Ga. Pub. Serv. Comm'n.*
[17] Ga. Comp. R. & Regs. 515-3-1-.11(3)

directed that a hearing be held in this docket on the issues set forth in the Assignment, including whether VoltaGrid is providing service subject to the Commission's jurisdiction. The Territorial Act authorizes the Commission to enforce its provisions "upon its own complaint or the complaint of . . . any other interested party," after notice and hearing.[18] In conducting that hearing, the Hearing Officer may issue subpoenas for discovery, regulate the course of the hearing, and exercise "such other powers necessary for the efficient and expeditious conduct of the hearing, to the end that a complete and orderly record may be developed."[19] Further, VoltaGrid submitted the withheld documents under Rule 515-3-1-.11 and has invoked that Rule's protections. It cannot rely on the Rule to withhold the documents while maintaining that the Rule's access provisions do not reach it.

Finally, regarding Petitioners' challenge of VoltaGrid's trade secret designations, the Hearing Officer defers to the Commission. Since the adjudication of whether such information qualifies as trade secret does not directly affect Petitioners' ability to participate in this case, the question would best be reserved for the Commission at the conclusion of this case, should Petitioners determine to renew the request.

Accordingly, the Hearing Officer concludes that counsel for Petitioners are entitled to access to any trade secret information VoltaGrid has filed in this docket under Commission Rule 515-3-1-.11(3). Such access is granted assuming, without deciding, that the material is trade secret, and that the designation challenge, with in camera review and the 30-day stay, is reserved to the Commission. The Hearing Officer has reviewed the proposed Confidentiality Agreement filed by Petitioners and finds that the terms are adequate and reasonable to insure the confidentiality of the protected information.

******

WHEREFORE, pursuant to the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-13, and in furtherance of the orderly, efficient, and expeditious resolution of this matter:

[18] O.C.G.A. § 46-3-13.
[19] O.C.G.A. § 46-2-58(b)

IT IS HEREBY ORDERED that counsel for Petitioners are granted access to materials marked trade secret subject to a protective agreement;

ORDERED FURTHER that counsel for Petitioners and VoltaGrid shall execute a protective agreement that reasonably protects and insures the confidentiality of the protected information. A copy of the protective agreement shall be filed in this docket by 4:00PM on November 12, 2026;

ORDERED FURTHER that immediately upon executing the protective agreement, counsel for Petitioners shall be granted access to the materials marked trade secret by VoltaGrid, subject to the terms and conditions set forth therein and set forth in this Order;

ORDERED FURTHER, that Petitioners' Motion Challenging Trade Secret Designation is reserved for decision by the Commission under Rule 515-3-1-.11(7);

ORDERED FURTHER, a motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission;

ORDERED FURTHER, jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as the Hearing Officer or the Commission may deem just and proper.

SO ORDERED, this 4th day of November, 2026.



Chris Collado
Hearing Officer