Rules and Regulations of the State of Georgia

Department 515 RULES OF GEORGIA PUBLIC SERVICE COMMISSION

Current through Rules and Regulations filed through April 4, 2023

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Rule 515-16-5-.12. Requirements for Issuance of Interim Certificate.
Rule 515-16-5-.13. Carrier Qualifications for Issuance of Interim Certificate or Transfer of Permanent Certificate.
Rule 515-16-5-.14. Application of Passenger Carriers to Abandon Service.
Rule 515-16-5-.15. Temporary Emergency Authority (Ref. 515-16-3-.03).
Rule 515-16-5-.16. Re-filing for Interim Certificate.
Rule 515-16-5-.17. Transfer of Permanent Certificates.
Rule 515-16-5-.18. Reinstatement or Cancellation of Interim or Permanent Certificate.
Rule 515-16-5-.19. Consent to Background Check Required for Completion of All Passenger Carrier Certificate and Permit Applications for Motor Carrier Authority.
Rule 515-16-5-.20. Misrepresentation of Certificate Operations; Leasing of Certificate Prohibited.
Subject 515-16-6. HOUSEHOLD GOODS CARRIERS.
Rule 515-16-6-.01. Scope.
Rule 515-16-6-.02. Definitions.
Rule 515-16-6-.03. Penalties.
Rule 515-16-6-.04. Designation of Household Goods Agents.
Rule 515-16-6-.05. Advertising.
Rule 515-16-6-.06. Bills of Lading and Freight Bills.
Rule 515-16-6-.07. Distribution of Public Information Pamphlet to Shippers.
Rule 515-16-6-.08. Waiver Forms Prohibited.
Rule 515-16-6-.09. Package Condition and Preparation.
Rule 515-16-6-.10. Prepayment of Charges.
Rule 515-16-6-.11. Freight Charges on Lost or Destroyed Shipments.
Rule 515-16-6-.12. Estimates on Household Goods Moves.
Rule 515-16-6-.13. Certified Scales, Weighing Procedures, and Weight Tickets.
Subject 515-16-7. PASSENGER CARRIERS.
Rule 515-16-7-.01. Applicability.
Rule 515-16-7-.02. Passenger Carriers Transporting Certain Types of Property.
Rule 515-16-7-.03. Free Transportation.
Rule 515-16-7-.04. Tickets.
Rule 515-16-7-.05. Baggage.
Subject 515-16-8. LIMOUSINE CARRIERS.
Rule 515-16-8-.01. Applicability.
Rule 515-16-8-.02. Certification Required for Limousine Carrier.
Rule 515-16-8-.03. Interim Certificates.

Rule 515-16-8-.04. Chauffeur Permits and Requirements.
Rule 515-16-8-.05. Annual Inspection.
Rule 515-16-8-.06. Identification of Limousines.
Rule 515-16-8-.07. Motor Carrier Safety Regulations - Limousines.
Rule 515-16-8-.08. Suspension, Cancellation or Revocation of a Certficate.
Rule 515-16-8-.09. Limousines Temporary Permits.
Rule 515-16-8-.10. Limousine Tariffs.
Rule 515-16-8-.11. Advertisement for a Limousine Carrier.
Rule 515-16-8-.12. Commercial Indemnity and Liability Insurance.
Rule 515-16-8-.13. Petition By a Third Party.
Subject 515-16-9. RATES AND TARIFFS.
Rule 515-16-9-.01. Applicability.
Rule 515-16-9-.02. Rates and Fares Apply in Both Directions.
Rule 515-16-9-.03. Method for Determining Distances Relating to Rates and Fares.
Rule 515-16-9-.04. No Change in Rates, Fares, Charges, or Service.
Rule 515-16-9-.05. Rate Schedules.
Rule 515-16-9-.06. Tariffs.
Rule 515-16-9-.07. Procedures for Collective Rate-Making.
Subject 515-16-10. PERMITTED CARRIERS.
Rule 515-16-10-.01. Applicability.
Rule 515-16-10-.02. Penalties.
Rule 515-16-10-.03. Definitions.
Rule 515-16-10-.04. Registration Permits.
Rule 515-16-10-.05. Motor Carrier of Passenger Permits.
Rule 515-16-10-.06. Motor Carrier of Property Permits.
Rule 515-16-10-.07. Qualifications for Commission Issued Certificates and Permits.
Rule 515-16-10-.08. Class "IE" Permit Operations.
Rule 515-16-10-.09. Discontinuance of Service.
Rule 515-16-10-.10. Reserved.
Rule 515-16-10-.11. Uniform Carrier Registration (Formerly Single State Registration Systems); Definitions.
Rule 515-16-10-.12. Reinstatement or Cancellation of Permit.
Subject 515-16-11. MOTOR CARRIER INSURANCE.
Rule 515-16-11-.01. Applicability.
Rule 515-16-11-.02. Penalties.
Rule 515-16-11-.03. Public Liability and Property Damage Insurance.
Rule 515-16-11-.04. Cargo Insurance.
Rule 515-16-11-.05. Reserved.

Rule 515-16-11-.06. Qualified Insurance and Minimum Requirements.
Rule 515-16-11-.07. Retention of Insurance Filings and Surety Bonds.
Rule 515-16-11-.08. Forms and Procedures.
Rule 515-16-11-.09. Revocation.
Subject 515-16-12. MOTOR VEHICLES (RESERVED).
Subject 515-16-13. MOTOR CARRIER LEASING REGULATIONS.
Rule 515-16-13-.01. General Applicability.
Rule 515-16-13-.02. Definitions.
Rule 515-16-13-.03. General Leasing Requirements.
Rule 515-16-13-.04. Written Lease Requirements.
Rule 515-16-13-.05. General Exemptions.
Rule 515-16-13-.06. Exemption for Private Carrier Leasing and Leasing Between Authorized Carriers.
Rule 515-16-13-.07. Exemption for Leases Between Auhtorized Carriers and Their Agents.
Rule 515-16-13-.08. Interchange of Equipment.
Rule 515-16-13-.09. Lease of Equipment by Regulated Carriers from Provate Carriers and Shippers.
Subject 515-16-14. PROCEDURE FOR IMPOSING CIVIL PENALTIES AND RECOMMENDING CRIMINAL PENALTIES.
Rule 515-16-14-.01. Commission's Authority.
Rule 515-16-14-.02. Definitions.
Rule 515-16-14-.03. Amount of Civil Penalties.
Rule 515-16-14-.04. Notice of Noncompliance.
Rule 515-16-14-.05. Commission Staff Action.
Rule 515-16-14-.06. Commission Action.
Rule 515-16-14-.07. Civil Penalties.
Rule 515-16-14-.08. Appeals Generally.
Subject 515-16-15. NON-CONSENSUAL TOWING.
Rule 515-16-15-.01. Definitions.
Rule 515-16-15-.02. Procedures.
Rule 515-16-15-.03. Fees Charged for Nonconsensual Towing.
Rule 515-16-15-.04. Vehicle Not Towed Upon Operator Returning.
Rule 515-16-15-.05. Signs Specifications.
Rule 515-16-15-.06. Authorized Attendant.
Rule 515-16-15-.07. Records and Reports.
Rule 515-16-15-.08. Secure Impoundment Facility.
Rule 515-16-15-.09. Public Liability and Property Damage Insurance.
Rule 515-16-15-.10. Office Requirements.

Rule 515-16-15-.11. Equipment.
Rule 515-16-15-.12. Penalties.
Subject 515-16-16. RAILROAD CONDEMNATIONS PROCEEDINGS.
Rule 515-16-16-.01. Purpose of Rail Condemnation Proceedings.
Rule 515-16-16-.02. Procedure for Rail Condemnation Petitions.
Rule 515-16-16-.03. Commission Order in Condemnation Cases.

ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Paragraph (1) of Rule 515-3-1-.04 has been amended. Filed May 5, 1989; effective May 25, 1989.

Chapter 515-3-3 entitled "Promotional Activities of Electric and Gas Utilities" containing Rules 515-3-3-.01 to 515-3-3-.10 adopted. Filed March 20, 1990; effective April 9, 1990.

Chapter 515-9-1 has been repealed and a new Chapter of the same title adopted. Filed September 10, 1990; effective September 30, 1990.

Chapter 515-9-2 has been repealed. Filed September 10, 1990; effective September 30, 1990.

Chapter 515-3-3 has been repealed. Filed March 11, 1991; effective March 31, 1991.

Rule 515-12-1-.30 entitled "Institutional Telecommunication Services" has been adopted. Filed August 5, 1991; effective August 25, 1991.

Rule 515-3-1-.10(a) has been amended. Filed December 4, 1991; effective December 24, 1991.

Chapter 515-3-4 entitled "Integrated Resource Planning," containing Rules 515-3-4-.01 to .12 adopted. Filed December 10, 1991; effective December 30, 1991.

Chapter 515-8-1 has been repealed and a new Chapter entitled "Employment and Use of Service Observing Equipment" adopted. Filed July 24, 1992; effective August 13, 1992.

Rule 515-12-1-.29 has been repealed and a new Rule, same title adopted. Filed August 14, 1992; effective September 3, 1992.

Rule 515-9-3-.14 has been adopted. Filed December 17, 1993; effective January 6, 1994.

Rule 515-9-1-.05 has been adopted. Filed February 21, 1994; effective March 13, 1994.

Rules 515-3-4-.01, .02, .04 to .08 have been amended. Filed May 12, 1994; effective June 1, 1994.

Rule 515-12-1-.31 has been adopted. Filed June 10, 1994; effective June 30, 1994.

Rule 515-2-1-.13 has been adopted. Filed August 16, 1994; effective September 5, 1994.

Rule 515-3-1-.11 has been adopted. Filed October 14, 1994; effective November 3, 1994.

Rule 515-3-1-.10 has been amended. Filed December 9, 1994; effective December 29, 1994.

Chapter 515-7-2 entitled "Gas Supply Plans and Gas Cost Adjustment Factors" containing Rules 515-7-2-.01 to .08, has been adopted. Filed May 19, 1995; effective June 8, 1995.

Rule 515-2-1-.04 has been amended. Filed November 9, 1995; effective November 29, 1995.

Grant description 515-13-.01 submitted March 20, 1996. Emergency Rule 515-12-1-0.4-.31(2)(x) was filed July 17, 1996, having become effective July 12, 1996 the date of adoption, to remain in effect thru August 31, 1996, as specified by the Agency.

Said Emergency Rule was adopted "based upon the tremendous increase in Customer Owned Coin Operated Telephones. . . ." (Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 515-7-3-0.5 for the Standard of Conduct for Local Distribution Companies for Local Distribution Companies with Marketing Affiliates, containing Rules 515-7-3-0.5-.01, 515-7-3-0.5-.02, 515-7-3-0.5-.03 was filed on November 12, 1996. Said Emergency Rule was adopted November 5, 1996, to become effective November 5, 1996, and to remain in effect until March 5, 1997 . . . these Emergency Rules are necessary to protect the public welfare . . . copies may be obtained from the Agency.

Emergency Rule 515-12-1-0.6-.33 was filed April 21, 1997, having become effective April 15, 1997, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. These Emergency rules are necessary to protect the public welfare due to rapidly changing telecommunications market. (Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 515-12-1-.30 has been repealed and a new Rule adopted. Filed August 29, 1997; effective September 18, 1997. Rule 515-12-1-.31 has been repealed and a new Rule adopted. Filed October 9, 1997; effective October 29, 1997. Chapter 515-3-4 has been amended. Filed October 27, 1997; effective November 16, 1997.

Rules 515-1-1-.03 and 515-2-1-.03 have been amended. Filed October 31, 1997; effective November 20, 1997.

Chapters 515-7-3 entitled "Marketers' Certificates of Authority" and 515-7-4 entitled "Random Assignment of Customers" have been adopted. Filed February 10, 1998; effective March 2, 1998. Rule 515-12-1-.31 has been amended. Filed March 27, 1998; effective April 16, 1998.

Emergency Rule 515-12-1-0.7-.33 was filed May 22, 1998 having become effective May 19, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule is necessary to protect the public welfare so that competition could develop through natural market forces while protecting end-user from service interruption . . . (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 515-3-2 has been amended and Chapter 515-3-3 entitled "Residential Gas Utility Service Disconnections" has been adopted. Filed October 16, 1998; effective November 5, 1998.

Chapter 515-7-5 entitled "Universal Service Fund" has been adopted. Filed November 13, 1998; effective December 2, 1998. Chapter 515-14-1 entitled "Telemarketing No Call List" has been adopted. Filed December 11, 1998; effective December 31, 1998. Rule 515-12-1-.33 has been adopted. Filed February 5, 1999; effective February 25, 1999.

Rule 515-7-4-.01 has been amended and Rules 515-7-4-.07 through .09 have been adopted. Filed April 9, 1999; effective April 29, 1999. Emergency Rule 515-15-1-0.8-.01 was filed April 27, 1999 having become effective April 20, 1999, the date of adoption, to remain in effect for 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this

Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted to "protect against imminent danger to the public, safety and welfare that may result from the year 2000 computer problem." (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 515-7-5 has been amended. Filed June 3, 1999; effective June 23, 1999.

Rule 515-2-1-.04 has been amended. Filed July 6, 1999; effective July 26, 1999.

Rule 515-7-4-.03 has been repealed and Rules 515-7-4-.04 to 515-7-4-.09 have been renumbered to 515-7-4-.03 to 515-7-4-.08. Filed July 23, 1999; effective August 12, 1999.

Chapter 515-14-1 has been amended and Chapter 515-15-1 entitled "Year 2000 Compliance by Utility Companies Regulated and/or Monitored by the Georgia Public Service Commission" has been adopted. Filed August 9, 1999; effective August 29, 1999.

Rules 515-9-1-.03, 515-9-3-.03, .11 have been amended and 515-9-1-.06 has been adopted. Filed August 13, 1999; effective September 2, 1999.

Emergency Rule 515-3-5-0.9-.01 was filed November 5, 1999 having become effective November 2, 1999, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted "to protect against this imminent danger to the public health, safety and welfare." (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 515-3-5-0.10-.01(3) adopted. Filed November 16, 1999; effective November 17, 1999, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted "to protect against this imminent danger to the public health, safety and welfare while at the same time alleviating concerns had by entities under its jurisdiction as to the scope of the best practices." (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rules 515-7-3-.09 to .13 have been adopted. Filed January 21, 2000; effective February 10, 2000.

Chapter 515-3-5 entitled "Prevention of Damage to Underground Facilities" has been adopted. Filed March 7, 2000; effective March 27, 2000.

Rules 515-7-3-.01, .03, .04 and .07 have been amended. Rule 515-7-3-.08 has been adopted. Filed May 23, 2000; effective June 12, 2000.

Rule 515-3-5-.01 has been repealed. Filed June 29, 2000; effective July 19, 2000.

Chapter 515-9-4 entitled "Enforcement Procedures Under the Georgia Utility Facility Protection Act" has been adopted. Filed December 8, 2000; effective December 28, 2000.

Chapter 515-7-6 entitled "Natural Gas Marketer Billing Practices" has been adopted. Filed January 5, 2001; effective January 25, 2001.

Emergency Rules 515-7-6-0.11-.01, .02, .03 adopted. Filed and effective January 17, 2001, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted "to prevent continued harm to the public health, safety and welfare of Georgia residential natural gas consumers who have been unable to exercise their choice of affordable gas marketers and have been forced to remain with marketers that may be charging exorbitant rates, and/or risk having their gas service disconnected during the coldest winter on record in over 30 years." (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 515-1-1-.05 has been amended. Filed June 1, 2001; effective June 21, 2001.

Emergency Rule 515-9-5-0.12 adopted. Filed July 26, 2001; effective July 23, 2001, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted "to protect the public health, safety and welfare against the real harms that may materialize if a person excavating or blasting fails to act or acts imprudently after impacting or damaging a utility facility." (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 515-10-1 has been repealed. Filed August 8, 2001; effective August 28, 2001.

Chapter 515-7-7 entitled "Capacity Supply Plans" has been adopted. Filed September 20, 2001; effective October 10, 2001.

Chapter 515-7-5 has been repealed and a new Chapter adopted. Filed November 28, 2001; effective December 18, 2001.

Chapter 515-9-5 entitled "Procedures Required Under the Georgia Utility Facility Protection Act" has been adopted. Filed November 30, 2001; effective December 20, 2001.

Emergency Rule 515-3-3-0.13-.04 adopted. F. December 20, 2001; effective December 4, 2001, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule is adopted to modify the current Residential Gas Utility Service Disconnections Rules. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 515-9-4 has been repealed and a new Chapter adopted. Filed February 5, 2002; effective February 25, 2002.

Rules 515-7-6-.02, .04 have been amended. Filed February 22, 2002; effective March 14, 2002.

Rule 515-7-3-.02 has been amended. Filed March 12, 2002; effective April 1, 2002.

Rules 515-7-3-.01 to .04, .07, .12 and .13 have been amended. Chapter 515-7-9 entitled "Natural Gas Marketers' Terms of Service" has been adopted. Filed August 13, 2002; effective September 2, 2002.

Chapters 515-3-3, 515-7-3, and 515-7-6 have been amended. Chapter 515-7-7 has been repealed and a new Chapter adopted. Chapters 515-7-8 entitled "Service Quality Standards for Certificated Marketers and Regulated Provider" and 515-7-10 entitled "Natural Gas Marketers' Customer Enrollment Procedures" have been adopted. Filed September 3, 2002; effective September 23, 2002.

Rules 515-7-5-.01, .02, .03, .06, .08, and .10 have been amended. Rules 515-7-5-.11 and .12 have been repealed. Filed September 16, 2002; effective October 6, 2002.

Rules 515-12-1-.02 to .04, .08, .11 to .13, .18, .23, .30, and .31 have been amended. Rules 515-12-1-.14, .19 to .22 have been repealed. Filed November 26, 2002; effective December 16, 2002.

Rules 515-1-1-.01, .02, .04 and 515-3-3-.06(B) have been amended. Rules 515-1-1-.08 and .09 have been repealed and new Rules adopted. Rules 515-1-1-.10 to .12 have been repealed. Chapter 515-7-11 entitled "Capacity Supply Plans" has been adopted. Chapter 515-15-1 has been repealed. Filed January 10, 2003; effective January 30, 2003.

Rules 515-12-1-.03, .12, .13, .18 and .23 have been amended. Filed February 7, 2003; effective February 27, 2003.

Rule 515-12-1-.34 has been adopted. Filed April 1, 2003; effective April 21, 2003.

Chapter 515-7-12 entitled "Standards for Determining Whether Natural Gas Prices Are Constrained by Market Forces" has been adopted. Filed May 29, 2003; effective June 18, 2003.

Rule 515-12-1-.32 has been adopted. Filed July 14, 2003; effective August 3, 2003.

Rules 515-7-7-.04 and .05 have been amended. Filed December 9, 2003; effective December 29, 2003.

Rules 515-7-8-.03, .04, and .07 have been amended. Filed December 10, 2003; effective December 30, 2003.

Chapter 515-14-1 has been amended. Filed December 23, 2003; effective January 12, 2004.

Rule 515-7-6-.02 has been amended. Filed January 7, 2004; effective January 27, 2004.

Rule 515-12-1-.32 has been amended. Filed February 16, 2004; effective March 7, 2004.

Rule 515-7-9-.02 has been amended. Filed April 20, 2004; effective May 10, 2004.

Chapter 515-9-6 entitled "Commission Recognized Best Practices" has been adopted. Filed June 14, 2004; effective July 4, 2004.

Rule 515-3-4-.04 has been amended. Filed October 6, 2004; effective October 26, 2004.

Rule 515-7-6-.02 has been amended. Filed January 24, 2005; effective February 13, 2005.

Rules 515-3-3-.02(B) and .07 have been amended. Filed March 30, 2005; effective April 19, 2005.

Rule 515-9-4-.11.1 has been adopted. Filed March 29, 2006; effective April 18, 2006.

Rule 515-3-4-.04 has been amended. Filed April 14, 2006; effective May 4, 2006.

Rule 515-9-4-.02 has been amended. Rule 515-9-4-.13 has been adopted. Filed May 19, 2006; effective June 8, 2006.

Rule 515-7-1-.15 has been adopted. Filed September 25, 2006; effective October 15, 2006.

Chapter 515-9-4 has been amended. Filed December 21, 2006; effective January 10, 2007.

Rule 515-12-1-.30 has been amended. Filed May 1, 2007; effective May 21, 2007.

Rule 515-2-1-.14 has been adopted. Filed August 21, 2007; effective September 10, 2007.

Rules 515-2-1-.01, 515-3-1-.04, 515-9-1-.04, and 515-9-3-.02 have been amended. Rule 515-9-4-.14 has been adopted. Filed October 3, 2007; effective October 23, 2007.

Rule 515-7-1-.15(6) has been amended. Filed November 28, 2007; effective December 18, 2007.

Rule 515-3-4-.04(2)(c) has been amended. Filed December 11, 2007; effective December 31, 2007.

Rule 515-12-1-.31(1)(p) has been amended. Filed January 8, 2008; effective January 28, 2008.

Chapter 515-7-3 has been repealed and a new Chapter adopted. Filed February 15, 2008; effective March 6, 2008.

Chapter 515-9-7 entitled "Gas Safety in Georgia Counties" has been adopted. Filed February 27, 2008; effective March 18, 2008.

Rule 515-2-1-.08 has been amended. Filed March 11, 2008; effective March 31, 2008.

Rules 515-7-1-.02, .03, .13, and .15 have been amended. Rule 515-7-1-.05 has been repealed and a new Rule adopted. Filed May 22, 2008; effective June 11, 2008.

Chapters 515-16-1 entitled "Organization", 515-16-2 entitled "Additional Rules of Practice and Procedure in Transportation Cases", 515-16-3 entitled "General Transportation Rules", 515-16-4 entitled "Motor Carrier Safety Rules", 515-16-5 entitled "General Provisions", 515-16-6 entitled "Household Goods Carriers", 515-16-7 entitled "Passenger Carriers", 515-16-8 entitled "Limousine Carriers", 515-16-9 entitled "Rates and Tariffs", 515-16-10 entitled "Permitted Carriers", 515-16-11 entitled "Motor Carrier Insurance", 515-16-13 entitled "Motor Carrier Leasing Regulations", 515-16-14 entitled "Procedure for Imposing Civil Penalties and Recommending Criminal Penalties", 515-16-15 entitled "Non-Consensual Towing", and 515-16-16 entitled "Railroad Condemnations Proceedings" have been adopted. Chapter 515-16-12 entitled "Motor Vehicles (Reserved)" has been reserved. Filed June 10, 2008; effective June 30, 2008.

Chapter 515-7-13 entitled "Regulated Provider General Rules and Selection of the Regulated Provider" has been adopted. Filed August 27, 2008; effective September 16, 2008.

Chapter 515-9-8 entitled "Natural Gas Pipeline Safety and Public Awareness Programs" has been adopted. Filed October 15, 2008; effective November 4, 2008.

Rule 515-3-4-.04(1)(c) has been amended. Filed October 27, 2008; effective November 16, 2008.

Rule 515-7-8-.06(c) has been amended. Filed November 5, 2008; effective November 25, 2008.

Rule 515-2-1-.04(6) has been amended. Filed December 18, 2008; effective January 7, 2009.

Rule 515-3-2-.04 has been repealed and a new Rule adopted. Filed December 22, 2008; effective January 11, 2009.

Rule 515-3-3-.02(A)(a) has been amended. Filed January 22, 2009; effective February 11, 2009.

Rule 515-3-3-.04(c) has been amended. Filed January 23, 2009; effective February 12, 2009.

Rule 515-7-5-.06(2)(g) has been amended. Filed January 28, 2009; effective February 17, 2009.

Rule 515-7-5-.07(1) has been amended. Filed February 5, 2009; effective February 25, 2009.

Rules 515-9-4-.02 and .13 have been repealed and new Rules adopted. Filed February 10, 2009; effective March 2, 2009.

Rule 515-9-3-.14 has been repealed and a new Rule adopted. Rule 515-9-3-.15 has been adopted. Filed February 11, 2009; effective March 3, 2009.

Rule 515-12-1-.34(8) has been amended. Filed June 3, 2009; effective June 23, 2009.

Rule 515-7-11-.04 has been repealed and a new Rule adopted. Filed September 3, 2009; effective September 23, 2009.

Rule 515-9-6-.01 has been repealed and a new Rule adopted. Filed October 14, 2009; effective November 3, 2009.

Rule 515-12-1-.10 has been amended. Filed January 26, 2010; effective February 15, 2010.

Rule 515-3-1-.10(e) has been amended. Filed May 4, 2010; effective May 24, 2010.

Rule 515-12-1-.10(3) subparagraphs have been amended by the repeal of (3) subparagraphs and by the adoption of new (3) subparagraphs. Filed May 20, 2010; effective June 9, 2010.

Rule 515-3-4-.04(1) and (3) amended. F. Aug. 11, 2011; eff. Aug. 31, 2011.

Rule 515-9-7-.02 has been adopted. Filed October 22, 2010; effective November 11, 2010.

Rules 515-7-5-.06 and .07 amended. F. Sep. 7, 2011; eff. Sep. 27, 2011.

Rule 515-9-7-.02 repealed and readopted. F. Apr. 27, 2011; eff. May 17, 2011.

Rule 515-9-7-.03 adopted. F. Apr. 27, 2011; eff. May 17, 2011.

Rule 515-2-1-.04 amended. F. Apr. 28, 2011; eff. May 18, 2011.

Rule 515-12-1-.35 adopted. F. May 11, 2012; eff. May 31, 2012.

Rule 515-3-1-.11 amended. F. Oct. 18, 2012; eff. Nov. 7, 2012.

Rule 515-12-1-.35 amended. F. Jan. 16, 2013; eff. Feb. 5, 2013.

Rule 515-9-1-.06 amended. F. Apr. 11, 2013; eff. May 1, 2013.

Rule 515-9-4-.06 repealed. F. Apr. 11, 2013; eff. May 1, 2013.

Rule 515-12-1-.35 amended. F. Oct. 21, 2013; eff. Nov. 10, 2013.

Rule 515-12-1-.35 amended. F. Aug. 14, 2014; eff. Sep. 3, 2014.

Rule 515-12-1-.10 amended. F. Oct. 6, 2016; eff. Oct. 26, 2016.

Rule 515-12-1-.35 amended. F. Oct. 18, 2016; eff. Nov. 7, 2016.

Rules 515-12-1-.10 and .35 amended. F. Jan. 10, 2017; eff. Jan. 30, 2017.

Rule 515-7-5-.07 amended. F. Jan. 31, 2017; eff. Feb. 20, 2017.

Note: The amendment to Rule 515-7-5-.07 filed on January 31, 2017 was re-filed on August 24, 2017 to reflect the correct amended rule as promulgated and adopted on January 17, 2017. The filing submitted on January 31, 2017 inadvertently contained the wrong rule, the same version of the rule that was currently in effect**.**

Rule 515-7-5-.07 amended. F. Aug. 24, 2017; eff. Sep. 13, 2017.

Rule 515-2-1-.06 amended. F. May 23, 2018; eff. June 12, 2018.

Subject 515-7-6 amended. F. June 8, 2018; eff. June 28, 2018.

Subjects 515-7-3, 515-7-9 amended. F. June 18, 2018; eff. July 8, 2018.

Note: Rule 515-2-1-.04, correction of non-substantive typographical error in Rule History on SOS Rules and Regulations website. In accordance with *Official Compilation Rules and Regulations of the Stare of Georgia*, "***Amended:*** *F. Apr. 27, 2011; eff. May 17, 2011."* corrected to *"**Amended:** F. Apr. 28, 2011; eff. May 18, 2011."* Effective July 15, 2018.

Rule 515-2-1-.04 amended. F. June 25, 2018; eff. July 15, 2018.

Rules 515-7-8-.02, .06, .07, 515-7-13-.03, .04, .05, .07 amended. F. July 23, 2018; eff. Aug. 12, 2018.

Rules 515-3-3-.01, .02(B), .03, .04, .06(B), .07, .08 amended. F. Aug. 24, 2018; eff. Sep. 13, 2018.

Chapter 515-7-10 amended. F. Oct. 4, 2018; eff. Oct. 24, 2018.

Rule 515-7-11-.04 amended. F. Nov. 29, 2018; eff. Dec. 19, 2018.

Rule 515-12-1-.36 adopted. F. Sep. 10, 2020; eff. Sep. 30, 2020.

Rule 515-7-5-.07 amended. F. Nov. 24, 2020; eff. Dec. 14, 2020.

Rule 515-12-1-.35 amended. F. June 16, 2021; eff. July 6, 2021.

Rule 515-8-1-.05 amended. F. Aug. 26, 2021; eff. Sep. 15, 2021.

Rule 515-8-1-.05 amended. (**Note:** Rule amended to only cite title change (i.e., no change to the Rule text) from "Mutual Duties of Users of Service Observing Equipment and Telephone Company Issuing Telephone Directories" to "Duties of Users of Service Observing Equipment" as promulgated and adopted on Aug. 17, 2021, but inadvertently omitted in Aug. 26, 2021 filing, as specified by the Agency.) F. Oct. 25, 2021; eff. Nov. 14, 2021.

Rule 515-12-1-.17 amended. F. Jan. 26, 2022; eff. Feb. 15, 2022.

Rule 515-12-1-.37 adopted. F. Feb. 8, 2022; eff. Feb. 28, 2022.

Rule 515-3-1-.10 amended. F. June 1, 2022; eff. June 21, 2022.

Rule 515-12-1-.23 amended. F. Aug. 24, 2022; eff. Sep. 14, 2022.

Rule 515-3-1-.04 amended. F. Aug. 30, 2022; eff. Sep. 19, 2022.

Rule 515-12-1-.38 adopted. F. Sep. 1, 2022; eff. Sep. 21, 2022.

Rule 515-12-1-.39 adopted. F. Jan. 26, 2023; eff. Feb. 15, 2023.

Chapter 515-1. ADMINISTRATION.

Subject 515-1-1. ORGANIZATION.

Rule 515-1-1-.01. Organization.

The domicile of the Georgia Public Service Commission is fixed by law at the Capitol. The General Offices of the Commission are located at 244 Washington Street, S.W., Atlanta, Georgia 30334. Public hearings are generally held in the Commissioner's hearing room in its offices at the Capitol, although it is authorized to hold hearings in different parts of the State when it is deemed necessary to best serve the interest and convenience of the public. All evidence presented at public hearings is taken down by the Official Reporter of the Commission. The time and place of administrative sessions of the Commission are provided for by Commission Rule. All hearings and all administrative sessions are open to the public. Minutes of all decisions of the Commission are taken down by the Secretary of the Commission. A majority of the Commission is required to transact business or render valid decisions. All records of the Commission are open to public inspection. The Commission's legal representative is the Attorney General of Georgia.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.01
Authority: O.C.G.A. Sec. 46-2-7.
History. Original Rule entitled "Organization" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Jan. 10, 2003; eff. Jan. 30, 2003.

Rule 515-1-1-.02. Chairman.

(1) It shall be the duty of the Chairman to preside at all meetings of the Commission; to preserve strict order; to procure at all times the correct meaning and sense of the

Commission; to conduct the business of the Commission when in session subject to the direction of a majority of the Commission.

(2) The Chairman shall be the Chief Executive Officer of the Commission; shall conduct its correspondence; attend to the office of the Commission as required by law; see that all orders and rules of the Commission are duly carried into effect, and that all officers and employees perform their duties as required by said orders and rules as required by law.

(3) The Chairman is authorized to issue, at any time, orders setting down causes or pending matters for a hearing; to issue in the name of the Commission process and notice to persons or corporations to be affected by proceedings before the Commission; to issue orders requiring the production of books, writings and documents to be used upon hearings, investigations, or business before the Commission; to issue any and all such other orders of an interlocutory character as may be necessary or proper for preparing and expediting hearings before the Commission. The provisions of this subsection do not limit the powers of the Commission or those of any Hearing Officer or any representative of the Commission as provided by law.

(4) The Chairman will report to the Commission so far as needful and reasonable what has been done during intervals between meetings, and also any new matters or questions with his recommendations touching the same but reserving for action of the body all new matters and cases.

(5) The Chairman shall appoint three standing committees that shall be composed of all five commissioners. Committee members may be reassigned during their appointed term upon the recommendation of the Commission Chairman and approval of the Commission. The standing committees shall be The Committee on Telecommunications Matters, The Committee on Energy Matters and The Committee on Administrative Affairs.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.02
Authority: O.C.G.A. Sec. 46-2-7.
History. Original Rule entitled "Chairman" adopted. F. Dec. 19, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Feb. 27, 1989; eff. Mar. 19, 1989.
Amended: F. Jan. 10, 2003; eff. Jan. 30, 2003.

Rule 515-1-1-.03. Vice-Chairman.

There shall be a Vice-Chairman who shall be appointed by the Chairman to serve during the term of the Chairman. If the Chairman does not appoint a Vice-Chairman within ten (10) days after assuming the Chairmanship, the next Commissioner scheduled to serve as Chairman, pursuant to O.C.G.A. Section 46-2-5 (Michie, 1992) shall assume the position of Vice-Chairman. The Vice-Chairman shall act in the absence or inability of the Chairman.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.03
Authority: Ga. L. 1907, pp. 72, 74; 1922, p. 144; Ga. Codes Ann. Secs., 92-206, 93-207; Ga. L. 1978-79, as

amended; Ga. L. 1975, pp. 404-412.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: New Rule of same title adopted; f. Feb. 27, 1989; eff. Mar. 19, 1989.
Amended: F. Oct. 31, 1997; eff. Nov. 20, 1997.

Rule 515-1-1-.04. Executive Director.

Subject to the direction of the Commission, the Executive Director acts as Chief Staff Officer of the Georgia Public Service Commission with responsibility for direction and coordination of the activities of the Commission's staff in accordance with the policies established by the Commission for the regulation of those industries under its jurisdiction; directs all administrative support functions required for effective operation of Utilities and Transportation Divisions; and is in charge of all Commission personnel and preparation of the budget of the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.04
Authority: O.C.G.A. Sec. 46-2-7.
History. Original Rule entitled "Executive Director" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Jan. 10, 2003; eff. Jan. 30, 2003.

Rule 515-1-1-.05. Executive Secretary.

Subject to the direction of the Commission, the Executive Secretary acts as Secretary of the Commission responsible for recording all appearances at public hearings of the agency; maintaining all books, files and records of the Commission; preparing and/or reviewing and cosigning with the Chairman all orders of the Commission; certifying copies of Commission documents and records; handling administrative details of office management; receiving all filings made at the Commission; assigning docket and document numbers to all filings and placing them on the filing and case tracking system in accordance with the agency's Official Filing Schedule; routing to all department heads applications, petitions, correspondence and complaints for disposition as directed by the Chairman or the Commission; maintaining mailing lists and publications of all matters assigned for public hearing before the Commission under direction of the Chairman or the Commission; and discharging such other duties as may be assigned.

(a) There shall be an Assistant Executive Secretary of the Commission who shall act in the absence or inability of the Executive Secretary.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.05
Authority: O.C.G.A. Sec. 46-2-7.
History. Original Rule entitled "Executive Secretary" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. June 1, 2001; eff. June 21, 2001.

Rule 515-1-1-.06. Official Reporter.

The Official Reporter and such assistants as may be appointed by the Commission shall take down and keep a complete record of all proceedings and evidence of matters heard before the Commission in public hearings, and have transcribed copies thereof available for the Commission and parties of record.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.06
Authority: Ga. L. 1922, p. 45; 1975, Sec. 2, p. 406; Ga. Code Ann., Sec. 93-207 and 93-504.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-1-1-.07. Fiscal and Personnel Officer.

Subject to the direction of the Commission, the Fiscal and Personnel Officer supervises the fiscal and personnel affairs of the Commission. He prepares the projection and supervises the preparation of budgets, payrolls and payroll reports to various other State agencies; performs the duties of records management officer; supervises and approves the purchase of materials and supplies for the; agency; and performs the duties of Personnel Officer in accordance with the law and regulations of the State Merit System.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.07
Authority: GA. L. 1907, pp. 72, 74; 1922, p. 144; 1975, Sec. 2, p. 406; Ga. Code Ann., Sec. 93-207.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-1-1-.08. Director of Utilities.

Subject to the direction of the Commission, the Director of Utilities shall direct the activities of the utility divisions and sections; manage and coordinate the commission's preparation of rate cases; schedule and coordinate all inhouse, reactive, regular, and engineering audits; direct all utility personnel and the preparation of that section of the Commission's budget; and perform such other duties as the Commission may establish by order.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.08
Authority: O.C.G.A. Secs. 46-2-7, 46-2-7.1.
History. Original Rule entitled "Director, Utilities Financial Analysis" adopted. F. Dec. 19, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: New Rule entitled "Director of Utilities" adopted. F. Jan. 10, 2003; eff. Jan. 30, 2003.

Rule 515-1-1-.09. Jurisdiction of the Commission.

The Georgia Public Service Commission has jurisdiction over telephone companies; electric power companies; gas utility companies; service observing equipment furnished by a telephone company; automatic dialing and announcing devices; the administration of the "Georgia No Call

List;" the operation of telephone relay service; utility facilities protection and enforcement measures; allocation of gas and electricity; Georgia Territorial Electric Service areas assigned to Electric Power Companies, Electric Membership Corporations or municipalities and such other matters as may be authorized by law.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.09
Authority: O.C.G.A. Secs. 25-9-13, 46-2-7, 46-5-23, 46-5-27, 46-5-30.
History. Original Rule entitled "Director, Utilities Engineering" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: New Rule entitled "Jurisdiction of the Commission" adopted. F. Jan. 10, 2003; eff. Jan. 30, 2003.

Rule 515-1-1-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.10
Authority: O.C.G.A. Sec. 46-2-7.
History. Original Rule entitled "Director, Motor Carrier Certification and Enforcement" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Jan. 10, 2003; eff. Jan. 30, 2003.

Rule 515-1-1-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.11
Authority: O.C.G.A. Sec. 46-2-7.
History. Original Rule entitled "Director, Transportation Rates and Services Division" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Jan. 10, 2003; eff. Jan. 30, 2003.

Rule 515-1-1-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-1-1-.12
Authority: O.C.G.A. Sec. 46-2-7.
History. Original Rule entitled "Jurisdiction of the Commission" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Jan. 10, 2003; eff. Jan. 30, 2003.

Chapter 515-2. PRACTICE AND PROCEDURE.

Subject 515-2-1. GENERAL APPLICABILITY.

Rule 515-2-1-.01. Opinions of Commissioners.

Every member of the Commission will, in all cases, reserve his opinion and in no way commit himself in advance touching the merits of any matter or question to be passed upon by the Commission or that should be dealt with by it, until the facts and evidence are all submitted and

the Commission considers the same in administrative session. In determining findings of fact or in its deliberations, the Commission will hold no presumption in favor of the position of any party, including the Public Interest Advocacy Staff, and shall only give weight and credit to any party in the case as can be supported by credible evidence in the record. Provided, however, that nothing in this Rule shall amend, modify or repeal in any way any burden of proof or burden of production requirements under Georgia law. In all matters which relate to the making of rates and which may become the subject of litigation, no member shall make any statement after such matter has been decided by the Commission which may be or is liable to be treated as an admission prejudiced to the action of the Commission. In all cases, and on all questions, any member may file his dissenting opinion when in the minority, or his reasons and grounds for his opinion when in the majority.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.01
Authority: Authority O.C.G.A. Sec. 46-2-30.
History. Original Rule entitled "Opinions of Commissioners" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Oct. 3, 2007; eff. Oct. 23, 2007.

Rule 515-2-1-.02. Administrative Sessions.

Administrative session meetings shall be held on the first and third Tuesday of each month unless postponed by the Chairman, at ten o'clock a.m. when a quorum is present, in the offices of the Commission in the State Offices Building, 244 Washington Street, S.W., Atlanta Georgia and there shall be such adjourned meetings as may be called, or postponed by the Chairman on his own motion, or on request of any two members. Such meetings shall be open to the public as provided by law. A majority of the Commission shall constitute a quorum for the transaction of business.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.02
Authority: Ga. L. 1907, pp. 72, 77, 1922, pp. 143, 144, 1946, pp. 726, 756, 1964, p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Administrative Sessions" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-2-1-.03. Publication of Commission Decisions.

(1) Any action taken by the Commission shall be reduced to writing by the Commission and signed by the Chairman and Executive Secretary thereof. If the Chairman is unavailable to sign an ordeer within five (5) business days from the date the order is logged into the Executive Secretary's office, the Vice-Chairman may sign such an order. If the Executive Secretary is unavailable to sign an order within five (5) business days from the date the order is logged into the Executive Secretary's office, the Assistant Executive Secretary may sign such an order.

(2) All such actions and orders shall be effective from the date such actions are reduced to writing and are signed as herein provided. No such action or order of the Commission may be given retroactive effect. A full and complete record shall be kept of the votes taken in connection with any such action, said record to be spread upon the official minutes of the Commission. When any matter is published by a member or officer or employee of the Commission, the same is his or her individual act or declaration, and not the act of the Commission, unless recited on its face that the Commission has so ordered or decided.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.03
Authority: Ga. Code Ann. Sec. 102-111.
History. Original Rule entitled "Publication of Commission Decisions" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. June 4, 1976; eff. July 1, 1976, as specified by the Agency.
Amended: F. Oct. 31, 1997; eff. Nov. 20, 1997.

Rule 515-2-1-.04. Applications, Petitions, Complaints, and Filings. Procedural Requirements Relating Thereto.

(1) 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. These specifications may be accompanied, if the parties so desire, by any explanation or argument or by any suggestion, touching the proper remedy or policy. The parties may also be heard in person, or by attorney or by written argument, upon such written statements being first filed.

(2) Informal complaints may be made by letter or in person, and are given prompt attention by the Commission and its employees in an endeavor to bring about satisfaction of the complaint without a formal hearing.

(3) On all applications, petitions and complaints, and in any instance in which the Commission initiates an action, notice shall be given to the persons or corporations interested in or affected by said action at least thirty (30) days before any hearing that may be scheduled; provided, however, that the notification provisions of this subpart shall not apply to any emergency action that the Commission may need to take in the interest of safeguarding the public health, safety and welfare or any action in which the parties do not object to proceeding on a more expedited basis.

(a) Unless otherwise directed by the Commission or one of its hearing officers in a written order, the testimony of any witness who testifies as an expert or about matters of a technical nature must be pre-filed in its Executive Secretary's Office at least ten (10) days prior to the commencement of the hearing date, along with any exhibits in support thereof. In the event that the tenth day before the hearing falls on a weekend or state holiday, said testimony and accompanying exhibits

shall be pre-filed on the next working day. Lay witnesses or witnesses whose testimony is not of a technical nature may present their testimony verbally, in writing, or in affidavit form at the hearing.

(b) All testimony pre-filed with the Commission shall conform with the filing requirements set forth in Rule 515-2-1-.04(4) and must also be served on all parties of record and the Consumers' Utility Counsel Division of the Governor's Office of Consumer Affairs.

(4) All filings at the Commission shall comply with the following.

(a) In addition to filing an original document with the Commission, a party also shall file an appropriate number of copies. The exact number of copies that a party must file shall be determined by the type of document, as specified on the Official Filing Schedule adopted by the Commission. Once adopted, this schedule may be modified from time to time by order of the Commission.

1. Unless otherwise expressly excepted by the Commission in its Official Filing Schedule, in addition to any other requirement set forth in Rule 515-2-1-.04, a party shall file contemporaneously with an original and the appropriate number of copies, if any, of a document an electronic version of its filing, along with any exhibits attendant thereto. If, for reasons beyond a party's control, any portion of a document cannot be filed electronically, the party making the filing shall include in the place of the unavailable item in its electronic filing a statement that the item in question is not available electronically and the reason(s) for its unavailability. All electronic filings shall be made using the type of software specified by the Commission in its Official Filing Schedule and shall not contain more than four (4) files, including attachments. In the event that a textual, substantive or other type of discrepancy exists between the original hard copy of the document and the electronic version filed, the contents of the original hard copy of the filing shall control.

2. Any party to a contested matter that lacks the technical ability to make an electronic filing with the Commission as required by (4)(a) of this rule may file a petition seeking an exemption from meeting this requirement. Any such petition that may be made pursuant to this rule shall conform with all of the filing requirements of this rule, except that it need not be accompanied by an electronic version of the petition filed. The decision whether to grant such a petition shall be made on a case-by-case basis by the Chairman of the Commission in accordance with Rule 515-1-1-.01.

3. Any filing made pursuant to Rule 515-2-1-.04 must be received by the Commission's Executive Secretary Office no later than 4:00 p.m. if it is to be date stamped as having been received that calendar day. Limited exceptions to the 4:00 p.m. filing deadline requirement may be made by the

Executive Secretary's Office for good cause shown. Nothing set forth in this rule shall prevent a party from petitioning the Commission to obtain an exception to the filing deadline in the event that the Executive Secretary does not grant a request that a late filing be accepted nor shall this rule be interpreted to contradict the express provisions of O.C.G.A. § 50-13-23.

(b) All filings with the Commission shall include a valid mailing address, telephone number, and email address. In addition to any other applicable service requirements, all filings made at the Commission shall be sent electronically to all parties who have previously provided a valid email address in the Docket at issue (e.g., through requests for Intervention or other filings).

1. Inability of a party to serve documents electronically for lack of a valid email address as required by Section (b) shall not be construed as a violation of this Rule section.

2. If, for reasons beyond a party's control, any portion of a document cannot be served electronically, the serving party shall include in the place of the unavailable item in its electronic service documentation and a statement that the item in question is not available electronically.

3. In the event that a party is unable to serve another party because either the party to be served does not have or has not provided notice of a valid email address or the document or any portion thereof cannot be served electronically, the serving party shall affect service via the US mail or other acceptable means allowed by the Administrative Procedure Act.

4. Nothing in subsection (b) of this Rule shall supersede Commission Rule 515-3-1-.11: Trade Secrets.

(5) Each electric, natural gas, telephone, telegraph and radio common carrier utility company must also file with the Commission concurrently with their general rate increase applications and other exhibits two (2) copies of Minimum Filing Requirements (MFRs). The MFRs shall be in format and content as prescribed by the Commission for each different type utility, and as contained in form numbered MFR-books as described below in this paragraph. Each utility company desiring an exemption and/or a deviation from the prescribed filing must notify the Commission and receive approval of such exemptions and/or deviations from the Commission prior to the filing of its next application for a general rate increase after this Rule shall have been issued. Blank schedules of the MFRs to be completed by the utility companies will be furnished by the Commission to the companies upon their written request.

(a) Electric Companies, Form Number: GPSC-ELEC-MFR-1

Original Issued November 4, 1980 DATE

Last Revision:

NUMBER
DATE
(b) Gas Companies, Form Number: GPSC-GAS-MFR-1
Original Issued November 4, 1980 DATE
Last Revision:
NUMBER
DATE
(c) Telephone Companies, Form Number: GPSC-TELP-MFR-1
Original Issued November 4, 1980 DATE
Last Revision:
NUMBER
DATE
(d) RCC Companies, Form Number: GPSC-RCC-MFR-1
Original Issued November 4, 1980 DATE
Last Revision:
NUMBER
DATE
(e) Reserved.

(6) Each electric utility company must also file with the Commission concurrently with their fuel cost recovery applications and other exhibits two (2) copies of Minimum Filing Requirements ("MFRs"). The MFRs shall be in format and content as prescribed by the Commission.

MINIMUM FILING REQUIREMENTS FOR FUEL FILINGS

The following package of proposed fuel filing minimum filing requirements ("MFRs") is organized in three parts:

I. General instructions for preparing and filing the MFRs.

II. MFRs referring to actual / historical data and the calculation of the over- / under-recovered balance. Such MFRs are labeled as "MFRH" to represent the historical period.

III. MFRs referring to the test year and / or future periods and the calculation of the proposed fuel factor. Such MFRs are labeled as "MFRP" to represent the projected period.

GENERAL INSTRUCTIONS

The following instructions are applicable to all schedules required in the process of a fuel filing with the Georgia Public Service Commission ("Commission"):

1. The listed information should be provided as testimony, exhibits, attachments, or schedules in the initial filing. Each schedule shall be sponsored by a witness providing testimony in the case. Schedules shall be referenced by schedule number and name as indicated in each instruction. Schedules which are not applicable at the present time shall be so designated.

2. Where required schedules are filed as exhibits in witness pre-filed testimony, reference to those schedules may be made in the MFRs.

3. To the extent feasible without imposing undue burden on the Utility, (i) all exhibits, schedules and supporting workpapers shall be filed in both hard copy and electronic format; (ii) numerical information shall be provided in Microsoft Excel (or any other compatible software) with formulas and links left intact; and (iii) documents containing primarily narrative information shall be filed in searchable PDF Format. Documents provided in electronic format shall be provided on a compact disk or other appropriate file storage media. Units of measure (*e.g.*, dollars, millions of dollars, MWh, tons) should be clearly identified.

4. Confidentiality: The Utility may allege that some information requested within the fuel filing package requirements is proprietary and confidential, and may be filed as "Trade Secret." In such case, the Utility will comply with the Commission's rules governing Trade Secret filings.

5. The term "historical period" is meant to designate the time period since the last FCR proceeding. Actual data shall be provided on an ongoing basis up to the hearing.

6. To the extent that the Utility already prepares reports with information listed below, those reports may be acceptable if the requested information is clearly identifiable from the report.

7. References to Utility actions include those which are taken by any affiliates acting on the Utility's behalf.

8. Where a coal description is required, it should be provided in terms of source (freight district), typical Btu/lb, and typical percent sulfur.

9. Fuel oil should include a description by type number.

10. Should the Utility propose treatment different from that used in prior fuel proceedings, the Utility will identify such different treatment and explain the reasons such treatment is proposed.

HISTORICAL PERIOD FUEL DATA AND INFORMATION

Schedule MFRH-1: Filing Workpapers

The Utility shall provide the complete set of workpapers, related to the historical period that was used in the Utility's preparation of its prefiled testimony and exhibits. Such workpapers shall include both numerical data and chart data. All sources used to generate any of the data incorporated in the attached worksheets should be provided as workpapers. All tabular data should include the measurement units for which data are provided.

Schedule MFRH 1.1: Historic Fuel Cost Recovery paid by Consumer in dollars-per-month

The Utility shall provide in dollars-per-month for bills rendered during the historical period, including supporting calculations:

1. The average municipal-residential consumer monthly bill and the percent thereof attributable to fuel costs;

2. The average county-residential consumer monthly bill and the percent thereof attributable to fuel costs;

3. The average municipal low-income senior consumer (eligible for the low-income senior discount) monthly bill and the percent thereof attributable to fuel costs; and

4. The average county-residential low-income senior (eligible for the low-income senior discount) monthly bill and the percent thereof attributable to fuel costs.

Schedule MFRH-2: Overall Description and Variance Report

The Utility shall provide a narrative description of the specific reasons for seeking a change in the FCR rate, statistical schedules, and supporting calculations comparing the historical period fuel and purchased power expense by component (*e.g.*, steam, nuclear, hydro, combined cycle, natural gas combustion turbine, oil combustion turbine, solar, wind, biomass, pump storage and other generation, purchased power, sales for resale, carrying costs, and other FCR costs) to the

corresponding information used in the prior FCR rate case. The Utility shall include separate summary schedules by month for fuel costs incurred, actual energy generation/purchases, and $/MWH. The narrative description will include a report of all components of fuel costs that are included in the FCR filing showing the amounts for each by month and account. The statistical schedules should be provided on a Georgia Retail basis.

Schedule MFRH-3: Fossil Fuel InventoriesSchedule

Schedule MFRH-3.1: Inventory Targets

This schedule shall present:

1. The Utility's monthly fossil fuel inventory targets and the ending inventory effective during the historical period broken down by plant, unit, and each separate inventory, as applicable. The Utility shall identify the time period over which each target existed.

2. If any of the Utility's coal-fired generating units were operated out of economic dispatch during the historic period due to coal inventory levels, the Utility shall identify the unit(s) and the dates on which such operation occurred.

Schedule MFRH-3.2: Fossil Fuel Inventories

This schedule shall present an analysis of fossil fuel inventories for the historical period. The analysis shall categorize historic inventories by tons, barrels, or cubic feet / Btu equivalent, and dollars.

For each separate plant owned or jointly owned by the Utility, for each month for this historical period, the Utility will provide:

1. Beginning-of-month inventory level, in tons, barrels, cubic feet / BTU equivalent and dollars;

2. Additions for each month, in tons, barrels, cubic feet / BTU equivalent and dollars;

3. Fuel removed from inventory for generation for month, in tons, barrels, cubic feet / BTU equivalent and dollars;

4. End-of-month inventory level, in tons, barrels, cubic feet / BTU equivalent and dollars; and

5. Adjustments to inventory level, in tons, barrels, cubic feet / BTU equivalent and dollars and reason for adjustment.

Schedule MFRH-3.3: Inventory Values

This schedule shall present a description of the accounting treatment of how the Utility determines the unit cost of fossil fuel burned from its inventory. The Utility shall include the method of determining the cost of fossil fuel burned from inventory (FIFO, LIFO, average, or other) for each stockpile at each plant.

Schedule MFRH-4: Unit Outages

Schedule MFRH-4.1: Nuclear Unit Outage

For each nuclear unit owned or co-owned by the Utility, identify each unplanned, forced, and scheduled outages and deratings that occurred during the historical period and provide the following details in Excel spreadsheet format as reported in the GADS database:

1. Unit name;
2. Date started;
3. Date ended;
4. Duration of outage or derating in hours;
5. Type of outage or derating;
6. If derating, indicate the amount of derating (MWh) and maximum power level permitted (MWh);
7. Reason code for outage derating and explanation;
8. The amount of generation lost (MWh);
9. For all forced outages and deratings that occurred during the historic period that resulted in 50,000 MWHs or more of lost generation (as determined on a total unit basis, irrespective of Utility's ownership share), the replacement power cost (as determined based on Utility's ownership share of the unit). Include all calculations; and

10. Upon request from Commission Staff, make available for inspection by Commission Staff the root cause analysis (or similar document) for all outages identified in item #9 if available.

Schedule MFRH-4.2: Fossil Unit Outage

For each fossil unit owned or co-owned by the Utility, list the outages, in Excel spreadsheet format, unplanned and forced outages that occurred during the historical period:

1. Unit name;
2. Date started;
3. Date ended;
4. Duration of outage or derating in hours;
5. Type of outage or derating;
6. If derating, indicate the amount of derating (MWhs) and maximum power level permitted (MWh);
7. Reason code for outage or derating and explanation;
8. The amount of generation lost (MWh);
9. The replacement power cost (as determined based on Utility's ownership share of the unit) for all forced outages and deratings that occurred during the historic period that lasted longer than 7 consecutive days. Include all calculations; and
10. Root cause analysis for all outages identified in item #9 if available.

Schedule MFRH-4.3: Fossil and Nuclear Unit Equivalent Availability

To the extent not covered in MFRH-4.1 and 4.2, the Utility will report actual equivalent availability for the historical period. Such report will include a listing of all unplanned outages, and, if reported in the NERC GADS data base, deratings greater than 75%, and deratings of more than 90% and continuing for at least one month. Listing should be sorted by type of event (maintenance outage, forced outage, derating), plant, unit, and date and should include a brief description of cause (*e.g.*, boiler tube leak).

Schedule MFRH-4.4: Transmission Outage and Congestion

List in column form any transmission outages and/or congestion that led to the need for replacement power during the historical period. Include:

1. Identity of transmission facility;
2. Date started;
3. Date ended;
4. Duration of outage or congestion in hours;
5. Reason for outage or congestion; and
6. Incremental cost of the outage or congestion.

Schedule MFRH-5: Generating Plant and Unit Data

For each unit operated by the Utility and which is located at a plant at least partly included in retail rate base, the Utility shall provide an identification of generating resources, including:

1. Name of plant, location by city or county and unit designation;
2. Year the unit was first placed in operation;
3. Maximum net dependable capacity for each unit (MW);
4. Generator nameplate rating (MW or MVA (specify));
5. Percent of total net dependable capacity included in retail rate base;
6. For any units with capacity not included in rate base, the name of each Utility or other entity which receives unit energy and net dependable MW or percent of total net MW assigned to that Utility or entity. Identify primary type of fuel used by these generating units;
7. Primary types of fuel used by each generating unit and types of fuel used for startup/ignition. For coal units, the following information will be provided:
    a. Type of coal used, if applicable: design coal, current coal used, and other types of coal which can be burned in the unit;

b. If coals are blended, the maximum percentages of each coal which may be used and the types of coal which may be blended together;

c. Description of specific design and permitting constraints on coal blending;

8. Copy of the annual Environmental Compliance Strategy Review;

9. Type of flue gas control equipment installed at unit for each part of the historical period (*e.g.*, flue gas desulfurization system), if applicable;

10. Listing of environmental regulations and/or permits related to SO2 and NOx emissions effective during each part of the historical period which affect the type of coal that may be burned at the unit (*e.g.*, state of Georgia limit of 3% sulfur in all coal burned);

11. Railroads with track physically available to deliver coal to plant; and

12. Pipelines physically able to deliver natural gas and/or fuel oil to plant.

13. The Utility should provide the following data for each unit on a monthly basis:

    a. Net unit heat rate, Btu per net kWh;

    b. Gross and net energy generated by unit, MWH by Utility unit share if applicable;

    c. Net unit capacity factor; and d. Fuel cost.

14. Within 15 days of the filing of a full fuel cost recovery application, the Utility shall provide the following data on a monthly basis, as available, for each generating unit from which the Company receives energy or capacity under a PPA:

    a. Net unit heat rate, Btu per net kWh;

    b. Gross and net energy generated by unit (MWH);

    c. Net unit capacity factor;

    d. Fuel cost; and

    e. VOM cost.

Schedule MFRH-6: Fuel and Purchased Power Procurement Practices

This schedule shall include the current fuel procurement procedures and a narrative of purchased power procurement practices of the Utility during the historical period. Utility shall provide a copy of the most current long term coal procurement strategy summary, financial review procedures summary, natural gas procurement strategy summary, and Intercompany Interchange Contract ("IIC") and note any changes from the previously filed IIC.

Schedule MFRH-7: Fuel and Fuel-Related Contracts

This schedule shall include summaries as described in more detail below of all fuel and fuel-related contracts existing between the Utility and its suppliers, or between any affiliate of the Utility that supplies fuel or fuel-related services to the Utility and its suppliers. Provide those summaries of contracts that were in effect during any portion of the historical period. The Utility shall provide a copy of any recurring internal fuel and fuel transportation outlook summary analysis (to the extent such summary analysis is produced in the ordinary course).

Schedule MFRH-7.1: Long-Term Coal Supply Contracts

For each long-term coal supply contract (which, for purposes of this MFRH-7-1, shall mean coal supply contracts with a delivery term of greater than one year), the Utility will provide:

1. Name and number by which the Utility identifies the contract;
2. Supply start date;
3. Supply termination date;
4. Description of contract year, if other than January 1 through December 31;
5. Minimum and maximum tons of coal to be supplied for each contract year ending in the historical period and for remainder of contract term;
6. Number of tons actually received each contract year ending in the historical period and projected number of tons which will be provided each contract year through end of test year;
7. Name of mine and coal district from which coal is to be supplied;
8. Coal quality: percent sulfur and heating value;

9. Name of rail transporters between mine (or port) and plants and freight district in which coal loading facility is located;

10. Actual cost per ton FOB mine (or port) for each contract month ending in the historical period;

11. Method of determining cost of coal under the contract (*e.g.*, fixed price, market review including the years in which reviews are effective), base price plus escalation. List by date of the value of any index used to compute price of coal (*e.g.*, Producer Price Index);

12. Location of scale used to determine tons of coal shipped and party responsible for cost of weighing;

13. Location of coal sampling equipment and party responsible for obtaining coal analysis;

14. A copy of any notice of force majeure sent by the Utility or agent for the Utility to any coal supplier under long-term contract during the historic period; and

15. A copy of any notice of force majeure sent by any coal supplier or its agent under long-term contract to the Utility or agent for the Utility during the historic period.

The Utility will also provide a list of any filed litigation between the Utility and any contract coal supplier beginning or pending during the historical period.

<u>Schedule MFRH-7.2: Spot Coal Purchase Information</u>

For each spot coal purchase order or other agreement (which, for purposes of this MFRH-7-2, shall mean coal purchases with a delivery term of one year or less), other than long-term coal contracts, the Utility will provide a schedule with the following information:

1. Name and number by which the Utility identifies the purchase order or other agreement;

2. Supply start and end dates;

3. Number of tons actually received under purchase order or other agreement for the historical period to date, number of tons projected for the remaining historical period, and number of tons projected for the test year;

4. Name of mine and coal district from which coal is to be supplied;

5. Coal quality: percent sulfur and heating value;

6. Name of rail transporters between mine (or port) and plants and freight district in which coal loading facility is located;

7. Cost per ton FOB mine (or port);

8. A copy of any notice of force majeure sent by the Utility or agent for the Utility to any coal supplier under a spot purchase during the historic period; and

9. A copy of any notice of force majeure sent by any coal supplier or its agent under a spot purchase to the Utility or agent for the Utility during the historic period.

Schedule MFRH-7.3: Natural Gas Contracts

If there have been any changes since the last fuel cost recovery proceeding to the standardized contracts used by the Utility for natural gas procurement, the Utility shall provide such revised standardized contract(s). If no changes have been made, the Utility will provide a link (if available) to the current standardized contract form(s) and identify the most recent fuel cost recovery proceeding in which the standardized contract was provided as part of MFRH-7.3. In addition, the following items should be included in a summary schedule:

1. Contract description;

2. Supplier;

3. Negotiation date or date signed;

4. Term of deal;

5. Specific service provided under the contract, including any swing provisions offered through the contract (ability to take more of less gas for any one hour, day, or month of contract) or any gas storage capability;

6. Pricing terms, including specific index upon which contract price is based (if applicable) and premiums or discounts from index;

7. For each index used to compute price of gas, listing of the values of that index applicable for any part of the historical period;

8. Purchase volume obligation;

9. Delivery point(s) and a summary of potential receipt points for each supply contract; and

10. Transportation provision, if applicable.

Schedule MFRH-7.4: Natural Gas Transportation Contracts

The Utility will provide a summary of all applicable firm natural gas transportation and storage agreements and will provide the following information:

1. Identification of the transportation or storage provider;

2. Facility identification (plant assigned);

3. Contract date;

4. Term dates (start and end);

5. Firm transport or capacity storage rate ($/MMBtu);

6. Volume: daily (transport, injection and withdrawal, as applicable) or capacity for storage;

7. A copy of any notice of force majeure sent by the Utility or agent for the Utility to any natural gas transportation provider during the historic period; and

8. A copy of any notice of force majeure sent by any natural gas transportation provider or its agent to the Utility or agent for the Utility during the historic period.

Schedule MFRH-8: Coal Transportation

1. The Utility will provide a copy of the coal transportation strategy effective for any part of the historical period or for the test year.

2. The Utility will also provide a list of any filed litigation between the Utility and any coal transporter beginning or pending during the historical period.

3. The Utility will provide a copy of any notice of force majeure sent by the Utility or agent for the Utility to any supplier of coal transportation (other than coal rail transportation) during the historic period.

4. The Utility will provide a copy of any notice of force majeure sent by any supplier of coal transportation (other than coal rail transportation) or its agent to the Utility or agent for the Utility during the historic period.

Schedule MFRH-8.1: Rail

The Utility will provide a listing of coal rail transportation contracts with the following information:

1. Name and number of transportation contract;

2. Effective date and term of contract;

3. Contract year, if different from calendar year;

4. Maximum and minimum tonnage which can be transported under the contract on an annual basis;

5. Actual tons transported under the contract for each contract year ending in the historical period;

6. Points of origin under the contract;

7. Points of delivery under the contract;

8. Table of rates applicable to the Utility's coal transportation for each contract year, (*i.e.*, rate for specific origins and delivery points with information for different railcar equipment), if applicable. For future months through end of test year, if rate is not specifically set out in contract, provide the rates used by the Utility in projecting fuel costs;

9. Description of method of pricing under contract (*e.g.*, fixed by year, base plus escalation);

10. List of any indices or other factors upon which escalation or other rate change is based (*e.g.*, RCAF-A or price of diesel fuel);

11. Cost per ton for weighing coal, if applicable;

12. A copy of any notice of force majeure sent by the Utility or agent for the Utility to any railroad providing coal or commodity transportation during the historic period; and

13. A copy of any notice of force majeure sent by any railroad providing coal or commodity transportation to the Utility or agent for the Utility to during the historic period.

Schedule MFRH-8.2: Other

The Utility shall provide a listing of any other coal transportation contracts or agreements (*e.g.*, any for trucking or transshipment at docks), including service provided, terms of agreement, any coal tonnage and costs per contract year, actual or projected through end of test year.

Schedule MFRH-8.3: Railcar Leases and Maintenance

The Utility shall provide a list of number of railcars owned by the Utility, including type of car and tons of coal which can be loaded into each car, and whether these cars are included in rate base. It shall also provide a list of railcar leases including the following details:

1. Name and identification of lease;

2. Beginning date and term of lease;

3. Number of railcars provided under lease;

4. Type of car provided, including aluminum or steel; and

5. Annual costs for the lease.

The Utility shall specify the total number of rail cars available for coal transportation, number of cars in a typical unit train, number of spare cars, and number of unit trains assigned to each originating or delivering railroad. It shall provide a listing of lease and maintenance costs used by the Utility for evaluation of costs of delivered coal from different mining districts and freight districts and for delivery to the Utility's various coal-fired plants. The Utility shall provide a listing of actual lease costs and actual maintenance costs since the beginning of the historical period and a description of how and when these costs are included in the Utility fuel costs.

Schedule MFRH-9: General Coal Cost Breakdown

This schedule shall be provided in Excel worksheet and present the breakdown of the purchased fuel costs for the Utility's coal-fired stations into the following categories per ton, on a monthly basis during the historical period:

1. FOB mine price;
2. Rail transportation;
3. Railcar maintenance;
4. Railcar ownership/lease expenses;
5. Railcar depreciation;
6. Other transportation costs (specify);
7. Ad valorem, state and use taxes; and
8. Any other costs or credits which can be separately identified.

Schedule MFRH-10: Natural Gas Hedging

This schedule shall include an explanation of the Utility's fuel hedging practices and hedging results during the historical period. The following items should be included with the hedging results:

1. Administrative cost of the hedging program; and
2. Hedging gains and/or losses.

Schedule MFRH-11: Nuclear Fuel Expense

This schedule shall present:

1. The monthly nuclear fuel expenses based on Utility's ownership share of the plant/unit for each of the Utility's nuclear plants during the historical period;
2. Both the monthly total number and the percentage of total generation of scheduled outages during the historic period for each of the Utility's nuclear plants; and

3. Both the monthly total number and the percentage of total generation of unscheduled outages during the historic period for each of the Utility's nuclear plants.

Schedule MFRH-12: Gas & Oil Cost Breakdown

To the extent that accounting records are kept in this format, this schedule shall present the breakdown of the purchased fuel costs for the Utility's gas and oil fired stations into the following categories per mmBtu, on a monthly basis during the historical period:

1. Delivered price;
2. Fixed pipeline (transportation) costs;
3. Other transportation costs (specify);
4. Ad valorem taxes; and
5. Details of any gain or loss on sales to other parties.

Schedule MFRH-13: Purchased Power / Off-System Sales

Schedule MFRH-13.1: Power Pool Purchases and Sales Data

This schedule shall provide, for the historical period, copies of the monthly IIC billing ("Pool Bill") for the Utility. It will include the Associated Pool Purchases for each month of the historical period.

Schedule MFRH-13.2: Summary of Contract Purchased Power Data

This schedule shall provide, for the historical period, documents summarizing the Utility's purchased power agreements for procuring generation. The summary will include:

1. Term of the contract, including whether the contract expired during the historic period;
2. Counter party on the contract;
3. Capacity of the contract;
4. Generation asset tied to the contract;

5. Capacity pricing of the contract;

6. Energy pricing of the contract;

7. Amount of generation obtained under the contract by dollars and MWH; and fuel accounting treatment of each cost component of the purchase; and

8. Citation for the Commission order (including docket number) approving the purchase power agreement, if applicable.

Schedule MFRH-13.3: Energy Strips

This schedule shall provide documents summarizing the purchase of any energy strips during the historical period.

Schedule MFRH-13.4: Summary of Off-System Sales and Sales for Resale

This schedule shall provide documents summarizing the Utility's wholesale contracts for off-system sales. The summary shall include:

1. Term of the contract;

2. Counter party on the contract;

3. Capacity of the contract;

4. Generation assets used for supplying the contract;

5. Firmness of the sale;

6. Capacity pricing of the contract;

7. Energy pricing of the contract;

8. Amount of generation sold under the contract by dollars and MWH;

9. Fuel accounting treatment of each revenue component of the sale; and

10. Classification of the contracts using the following categories (as applicable):

    a. Sales made from a non-certified asset (or a non-certified portion of a certified asset) but the Utility must offer right of first refusal to retail customers upon expiration of current contract.

b. Sales made from a non-certified asset (or a non-certified portion of a certified asset) but the Utility has no obligation to offer right of first refusal to retail customers upon expiration of current contract.

c. Sales made from a certified asset.

d. Other.

Schedule MFRH-13.5: Historical Retail Energy Sales Data

Provide the following energy retail sales information on an actual (calendar) and billed basis:

1. Monthly kWh sales by customer class for the three most recent historic calendar years, including the historic period of the fuel filing;

2. Actual Sales - Provide actual sales data in MWHs by month for the historical period; and

3. A reconciliation for any differences between its historic per book sales MWH for GPSC jurisdictional customers and the MWHs assumed in previous filing budget.

Schedule MFRH-14: Fuel Cost Over- / Under-Recovery

This schedule shall begin with the deferred fuel balance as approved in the Utility's last fuel case. The schedule shall present the adjusted monthly booked over- / under-recovery of fuel costs since the date of the Utility's last fuel proceeding through the last month of the historical period requested. This schedule shall include monthly amounts as reported to the Commission on the monthly fuel cost recovery reports. This schedule shall note any material, non-routine adjustments to the fuel balance, which shall include any adjustments related to replacement power cost for significant Utility-owned generating unit outages.

Schedule MFRH-15: Carrying Cost Calculation

This schedule shall include the calculation and presentation of the carrying cost of the over-/ under-recovered fuel balance in Excel spreadsheet format and shall include supporting documents to verify the monthly carrying cost rates and charges used in calculating the fuel cost over-/under- recovery.

Schedule MFRH-16: Emission Costs

This schedule shall include an analysis of emission costs recovered through FCR during the historical period and shall include:

1. Explanation of how costs of emissions flow through to fuel costs on an accounting basis;

2. Tabulation of total number of SO^2 emissions allowances allocated to the Utility each calendar year ending in the historical period;

3. Number of SO^2 allowances retained for auction by EPA and resulting revenue returned to the Utility each calendar year ending in the historical period;

4. Tabulation of SO^2 emission allowance activity with following information for the historical period:

    a. Number and vintage of allowances banked by the Utility;

    b. Number of SO^2 allowances surrendered to EPA on both a total Company and Georgia Retail basis;

    c. Number and vintage of allowances sold, name of buyer, and revenue received per allowance;

    d. Number, vintage, and seller for any allowances which the Utility bought / will buy; and

    e. Cost of each allowance bought for use with rate base generation.

5. Tabulation of all NOx allowance activity, i.e., allocation, purchase, use, trade or sales, for this historical period;

6. Table of average actual market price by month of the historical period of SO^2emission allowances and source of information; and

7. Table of average actual market price by month of the historical period of NO2 emission allowances and source of information.

Schedule MFRH-17: Data to be Made Available:

The Utility shall make available by appointment the following documents at the office in which the documents are routinely kept or in Atlanta at a Utility office:

1. Fuel supply contracts, unless otherwise specified above;
2. Fuel transportation contracts;
3. Fuel contract, spot fuel, and transportation buy books;
4. Purchased power contracts; and
5. Power sales contracts with wholesale customers.

Schedule MFRH-18: Spinning Reserves:

This schedule shall present data including:

1. The percentage of operating (spinning) reserves the Utility was carrying across the peak-hour for each day of the year for the most recently completed three calendar years.
2. The Utility's load in the peak-hour for each day of the year as a percentage of the total system load for that hour for the most recently completed three calendar years.

TEST YEAR / PROJECTED FUEL DATA AND INFORMATION

Schedule MFRP-1: Filing Workpapers

The Utility shall provide the complete set of workpapers, related to the projected test period that was used in the Utility's preparation of its prefiled testimony and exhibits. Such workpapers shall include both numerical data and chart data and will include a list of all inputs and assumptions used to derive the expected fuel clause results, by month, for all months of estimated or projected data relied upon or used in the Utility's FCR filing. Such workpapers shall include the detailed energy budget, along with all assumptions and documentation used in the preparation of such budget.

Schedule MFRP-1.1: Projected Fuel Cost Recovery proposed in dollars-per-month:

The Utility shall provide in dollars-per-month for the proposed bills to be rendered under the Utility's filing in this docket the following information:

1. The proposed average municipal-residential consumer monthly bill and the percent thereof attributable to fuel costs;

2. The proposed average county-residential consumer monthly bill and the percent thereof attributable to fuel costs;

3. The proposed average municipal low-income senior (eligible for the low-income senior discount) monthly bill and the percent thereof attributable to fuel costs; and

4. The proposed average county-residential low-income senior (eligible for the low-income senior discount) monthly bill and the percent thereof attributable to fuel costs.

Schedule MFRP-1.2: Average FCR Residential data The Utility shall provide:

1. The per kW-hour increase, and percentage increased, under the Company's FCR proposal for the average municipal-residential, average county-residential, average municipal low-income senior (eligible for the low-income senior discount) and average county low-income senior (eligible for the low-income senior discount) and

2. The average monthly kWh usage for the average municipal-residential, average county-residential, average municipal low-income senior (eligible for the low-income senior discount) and average county low-income senior (eligible for the low-income senior discount).

Schedule MFRP-2: Calculation of Fuel Cost Recovery Factor

This schedule shall include the calculation of the fuel cost recovery factor and will include the increase/decrease for the average residential consumer, and for the average low-income senior citizen that would result under the Utility's FCR filing; and the average residential monthly kWh usage and the average low-income senior citizen monthly kWh usage.

Schedule MFRP-3: Fossil Fuel Inventories

Schedule MFRP-3.1: Inventory Targets

This schedule shall present the Utility's fossil fuel inventory targets effective for the test period.

Schedule MFRP-3.2: Fuel Inventories

This schedule shall present an analysis of fossil fuel inventories projected for the test period by type and by location whether at the Utility's generating

plant sites or otherwise. The Utility shall categorize such projected inventories by tons, barrels, or cubic feet / Btu equivalent, and dollars and include all assumptions which support estimated values.

Schedule MFRP-3.3: Inventory Values

This schedule shall present a complete description of the accounting treatment of how the Utility determines the unit cost of fossil fuel burned from its inventory for the test period. The Utility shall include the method of determining the cost of fossil fuel burned from inventory (FIFO, LIFO, average, or other.)

Schedule MFRP-4: Outage Planning

Schedule MFRP-4.1: Nuclear Unit Outage Planning

This schedule shall present the projected start date (month and year) and the projected length of outage (days) for each refueling scheduled from the beginning of the test period through 12 months after the end of the test period.

Schedule MFRP-4.2: Fossil Unit Outage Planning

This schedule shall present the projected start date (month and year), the projected length of outage (hours), and the reason for the outage/major work planned for each outage scheduled from the beginning of the test period through 12 months after the end of the test period.

Schedule MFRP-4.3: Fossil and Nuclear Unit Equivalent Availability

To the extent not covered in MFRP-3 and 4, Utility shall report and specify equivalent availability or forced outage rate (or other), depending on input data for modeling program.

Schedule MFRP-5: Generating Plant and Unit Data

Provide the same information as requested in Schedule MFRH-5, Items 1 through 12 for any new generating unit to be on-line during the test year.

Schedule MFRP-6: Fuel Expense Information

The following schedules shall be presented, as specified, for fuel expenditures and operating statistics for the test year.

Schedule MFRP-6.1: Fuel by Classification

This schedule shall provide, as appropriate, projected fuel expense by classification consistent with FERC Uniform System of Accounts for each month through the test year.

Schedule MFRP-6.2: Fuel to be Burned

This schedule shall present projected fuel expense by each of the Utility's generating stations for each month through the test year. The information shall be disclosed for each individual fuel type and shall include units burned, cost of fuel burned, and price per unit burned.

Schedule MFRP-6.3: Fossil Fuel Purchases

This schedule shall present projected fossil fuel purchases by each of the Utility's generating stations for each month of the test year. The information shall be disclosed for each individual fuel type and by supplier and shall include units purchased, cost of fuel purchased, and price per unit purchased. With regard to coal, it shall include projected cost of coal per ton FOB mine according to supplier, projected transportation cost per ton according to supplier; the number of tons delivered per month according to supplier and heating value and percent sulfur estimated for those coal tons, and any other per ton or per MMBtu costs (or credits) known or projected for purchases from each supplier (*e.g.*, states taxes, lease and maintenance costs, synfuels discount).

Schedule MFRP-6.4: Gas and Oil Forecast

The Utility shall include its forecast for the test year of gas and oil prices detailed by month.

Schedule MFRP-6.5: Variable Fuel Cost Components

This schedule shall present variable cost components of the total net recoverable fuel cost for the test year. The information shall be disclosed for each individual fuel type and shall include costs which are directly tied to the volume, price or cost of fuel. Variable cost does not include O&M expenses, administrative cost, overhead allocations or depreciation. Variable natural gas cost shall also include hedging gains or losses, but not administrative costs.

Schedule MFRP-7: Fuel and Fuel-Related Contracts

This schedule shall include summaries described below of all fuel and fuel-related contracts that have changed since the historical period and that will be in effect during the test year between the Utility and its suppliers. The Utility shall also include summaries of new agreements that will be effective during the test period:

Schedule MFRP-7.1: Coal Supply Contracts

For each coal supply contract in effect for the test year, the Utility will provide:

1. Name and number by which the Utility identifies the contract;
2. Supply start date;
3. Supply termination date;
4. Description of contract year, if other than January 1 through December 31;
5. Minimum and maximum tons of coal to be supplied for remainder of contract term;
6. Projected number of tons which will be provided each contract year through end of test year;
7. Name of mine and coal district from which coal is to be supplied;
8. Coal quality: percent sulfur and heating value;
9. Name of rail transporters between mine (or port) and plants and freight district in which coal loading facility is located;
10. Projected cost per ton FOB mine (or port) through the end of the test year;
11. Method of determining cost of coal under the contract (*e.g.*, fixed price, market review including the years in which reviews are effective), base price plus escalation. List by date of the value of any index used to compute price of coal;
12. Location of scale used to determine tons of coal shipped and party responsible for cost of weighing; and
13. Location of coal sampling equipment and party responsible for obtaining coal analysis.

Schedule MFRP-7.2: Coal Not Under Contract

The Utility will list by month of coal requirements, through the end of the test year, which are not yet under contract, purchase order or other agreement, including the following information:

1. Projected tons of coal needed by type and originating / delivering railroad;
2. Coal quality: percent sulfur and heating value; and
3. Projected price per ton FOB mine (or port).

The Utility will provide the internet bid list of potential fuel and transportation service providers including the most recent bids solicited from competitive suppliers.

Schedule MFRP-7.3: Natural Gas Contracts

If there have been any changes since the last fuel cost recovery proceeding to the standardized contracts used by the Utility for natural gas procurement, the Utility shall provide such revised standardized contract. If no changes have been made, the Utility will provide a link (if available) to the current standardized contract form(s). In addition, the following items should be included in a summary schedule:

1. Contract description;
2. Supplier;
3. Negotiation date or date signed;
4. Term of deal;
5. Specific service provided under the contract;
6. Pricing terms;
7. Purchase volume obligation;
8. Receipt point(s); and
9. Transportation provision, if applicable.

Schedule MFRP-8: Coal Transportation

The Utility will provide a copy of the coal transportation strategy effective for any part of the test year along with the information in MFRH-8 to the extent that any changes are projected to occur.

Schedule MFRP-9: Fuel and Purchased Power Assumptions Narrative

This schedule shall provide an explanation setting out the major methods, assumptions, and sources of information used by the Utility to project fuel and purchased power costs for the test year.

Schedule MFRP-10: Natural Gas Hedging Narrative

This schedule shall include an explanation of the fuel hedging practices anticipated for the test year.

Schedule MFRP-11: Budget By Generating Plant

This schedule shall provide the budget input assumptions for each unit and shall include the following:

1. Summary of dependable capability;
2. Monthly and annual net energy generated by unit (in MWH) generated;
3. Average monthly and annual heat rate;
4. Monthly Capacity factor;
5. Scheduled outage rate;
6. Forced outage rate;
7. Number of start-ups;
8. Maintenance schedules; and
9. Standard output file in the native electronic format produced by the model used by the Utility in preparation of its fuel cost recovery budget.

For plants that are not 100% included in rate base, provide unit net capacity factor data on both a total unit and Georgia Retail, as well as gross and net generation data on a total unit basis and net generation from the Utility's rate base portion of

the capacity. For hydro, report only hydro system net generation. Report results from modeling program used to project future fuel costs for the thirty-six months subsequent to the test year.

Schedule MFRP-12: Gas & Oil Cost Breakdown

This schedule shall present the breakdown of the purchased fuel costs for the Utility's gas and oil fired stations into the following categories per MMBtu, on a monthly basis during the test year:

1. Delivered price;
2. Fixed pipeline (transportation) costs;
3. Other transportation costs (specify);
4. Ad valorem taxes; and
5. Details of any gain or loss on sales to other parties.

Schedule MFRP-13: Purchased Power / Off-System Sales

Schedule MFRP-13.1: Projected Power Pool Purchases and Sales Data

This schedule shall provide, for the test year, monthly projected Pool purchases and sales by dollar and MWH. This information shall also include the estimated MWh sales for each forecast month by supplier.

Schedule MFRP-13.2: Summary of Contract Purchased Power Data

This schedule shall provide documents summarizing, for the projected period, the Utility's purchased power agreements for procuring generation that will be in effect for the time period. The summary will include:

1. Term of the contract, including whether the contract is scheduled to expire during the test period;
2. Counter party on the contract;
3. Capacity of the contract;
4. Generation asset tied to the contract;
5. Capacity pricing of the contract;

6. Energy pricing of the contract;

7. Forecast of expected procurement from the resource by dollars and MWH;

8. MW demand by month for forecast period; and

9. Citation for the Commission order (including docket number) approving the purchase power agreement

The Utility shall identify all assumptions used in the development of estimated purchase power MWHs and associated fuel costs. Such assumptions shall be contained in a separate list along with a narrative that summarizes how the assumptions were determined.

Schedule MFRP-13.3: Energy Strips

This schedule shall provide documents summarizing the proposed purchase of any energy strips during the test period.

Schedule MFRP-13.4: Summary of Off-System Sales and Sales for Resale

This schedule shall provide documents summarizing, for the projected period, the Utility's wholesale contracts for off-system sales. The summary will include:

1. Term of the contract, including whether the contract is scheduled to expire during the test period;

2. Counter party on the contract;

3. Capacity of the contract;

4. Generation assets used for supplying the contract;

5. Firmness of the sale;

6. Capacity pricing of the contract;

7. Energy pricing of the contract;

8. Forecast of expected sales by dollars and MWH;

9. The portion of estimated fuel revenue associated with off-system sales, including MWH, by month for the forecast period; and

10. Identify all assumptions used in the development of estimated off-system sale MWHs and associated fuel revenues. Such assumptions shall be contained in a separate list along with a narrative that summarizes how the assumptions were determined.

11. Classification of the contracts using the following categories (as applicable):

    a. Sales made from a non-certified asset (or a non-certified portion of a certified asset) but the Utility must offer right of first refusal to retail customers upon expiration of current contract.

    b. Sales made from a non-certified asset (or a non-certified portion of a certified asset) but the Utility has no obligation to offer right of first refusal to retail customers upon expiration of current contract.

    c. Sales made from a certified asset.

    d. Other.

Schedule MFRP-13.5: Marginal Replacement Fuel Cost

The Utility shall identify the monthly assumed marginal replacement fuel costs ("MRFC") for each Utility-owned generating station by month for the forecast period. All assumptions and support for the development of the MRFCs shall be included within the filing.

Schedule MFRP-14: Fossil Fuel Mix

This schedule shall present, by month, the projected mix of contract and spot fossil fuel purchased for each of the Utility's generating plants in the test year. Contract fuels are defined as those provided under agreements with a term of generally more than one year, while spot fuels are defined as those provided under agreements with a term of generally one year or less.

Schedule MFRP-15: Carrying Cost Assumptions Narrative

This schedule shall provide a detailed explanation setting out the major methods, assumptions, and sources of information used by the Utility to determine carrying costs for the test year.

Schedule MFRP-16: Emission Cost Assumptions Narrative

This schedule shall provide an explanation setting out the major methods, assumptions, and sources of information used by the Utility to project emission costs for the test year and shall include where available:

1. Tabulation of total number of SO^2 emissions allowances allocated to the Utility for the test year;

2. Number of SO^2 allowances retained for auction by EPA and resulting revenue returned to the Utility for the test year;

3. Tabulation of SO^2 emission allowance activity with following information anticipated through the end of the test year:

   a. Number and vintage of allowances banked by the Utility;

   b. Number of SO^2 allowances surrendered to EPA each year on both a total Company and Georgia Retail basis;

   c. Number and vintage of allowances sold, name of buyer, and revenue received per allowance;

   d. Number, vintage, and seller for any allowances which the Utility bought / will buy; and

   e. Cost of each allowance bought for use with rate base generation.

4. Tabulation of all NOx allowance activity (*e.g.*, allocation, purchase, use, trade or sales) anticipated through the end of the test year;

5. Table of average actual market price by month of the historical period of SO^2 emission allowances and source of information. Include projected market price for each month through end of test year;

6. Table of average actual market price by month of the historical period of NO2 emission allowances and source of information. Include projected market price for each month through end of test year;

7. Unit SO^2 emissions, in tons. Provide data on both a total unit basis; and

8. Unit NOx emissions, in tons. Provide data on both a total unit.

<u>Scheduled MFRP-17: Forecasted Energy Sales Data</u>

Provide the monthly kWh sales by customer class, by delivery voltage, by calendar month for the proposed test year plus three additional forecasted

years. All assumptions used in developing the projected sales data shall be identified and testimony shall be provided that supports all assumptions incorporated in the sales forecast.

Schedule MFRP-18: Fuel Price Workshop Presentations

This schedule shall include copies of the most recent Fuel Price Workshop presentations.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.04
Authority: O.C.G.A. § 46-2-20.
History. Original Rule entitled "Applications, Petitions and Complaints" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. July 26, 1979; eff. August 15, 1979.
Amended: F. Nov. 17, 1980; eff. Dec. 7, 1980.
Amended: F. Jan. 21, 1981; eff. Feb. 10, 1981.
Amended: F. Sept. 23, 1983; eff. Oct. 13, 1983.
Amended: F. Oct. 7, 1986; eff. Oct. 27, 1986.
Amended: F. Nov. 9, 1995; eff. Nov. 29, 1995.
Amended: F. Rule retitled "Applications, Petitions, Complaints and Filings. Procedural Requirements Relating Thereto". F. July 6, 1999; eff. July 26, 1999.
Amended: F. Dec. 18, 2008; eff. Jan. 7, 2009.
Amended: F. Apr. 28, 2011; eff. May 18, 2011.
Note: Correction of non-substantive typographical error in Rule on SOS Rules and Regulations website. In accordance with Official Compilation Rules and Regulations of the State of Georgia, "**Amended:** F. Apr. 27, 2011; eff. May 17, 2011." corrected to "**Amended:** F. Apr. 28, 2011; eff. May 18, 2011." Effective July 15, 2018.
Amended: F. June 25, 2018; eff. July 15, 2018.

Rule 515-2-1-.05. Public Hearings.

All applications, petitions or complaints filed with the Commission, or actions initiated by the Commission, on Friday prior to the second Tuesday in each month shall, unless otherwise directed by the Commission, be assigned for hearing on the fourth Tuesday or some succeeding date, and likewise those filed or commenced subsequent to the Friday preceding the second Tuesday in the month and not later than Friday prior to the fourth Tuesday shall, unless otherwise directed by the Commission, be assigned for hearing on the second Tuesday in the following month, or some succeeding date.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.05
Authority: Ga. L. 1964, p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Public Hearings" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-2-1-.06. Parties of Record.

(1) At the hearing on all applications, petitions and complaints, the Chairman of the Commission shall call for and enter the names of all parties desiring to become a party of record, either for or against the docketed case being heard. In the discretion of the Commission, parties having made written intervention prior to the hearing may be entered as a party of record.

(2) The Commission may, in its discretion and for good cause shown, authorize the late filing, or entering, of a notice of intervention.

(3) The Commission may condition any order permitting intervention so as to assure the orderly conduct of the proceeding. If an intervenor has demonstrated a lack of familiarity with the Commission's hearing processes or the rules of evidence in Commission proceedings, the Commission may place reasonable restrictions on the intervenor designed to avoid delay or disruption of the proceeding and that are not related to the viewpoint of the intervenor, including but not limited to, placing a time limit on the intervenor's cross-examination of witnesses.

(4)

(a) A person who is not a party to a proceeding may make a limited appearance by making an oral or written statement of his or her position on the issues, provided that the Commission maintains the discretion to disallow a person from making or continuing to make an oral or written statement if such disallowance is consistent with principles of fairness and necessary to maintain decorum, based on factors, including but not limited to:

(1) whether the oral or written statement is limited to and rationally related to the issues noticed for consideration at the hearing;

(2) whether the oral statement is redundant to the oral statements made by other persons so as to unduly delay the hearing;

(3) whether the person making the oral or written statement is speaking on behalf of a party to the proceeding; and

(4) whether the person making the oral or written statement is conducting him or herself in a disruptive, offensive, or defamatory manner.

(b) Nothing in this rule limits the Commission's ability to impose procedural requirements on the presentation of written and oral comments in order to effectively manage the proceeding. No procedural requirement will be based on the viewpoint of the speaker.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.06
Authority: O.C.G.A. §§ 46-2-20, 46-2-30, 46-2-51, 50-13-15.
History. Original Rule entitled "Parties of Record" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. May 23, 2018; eff. June 12, 2018.

Rule 515-2-1-.07. Final Decisions.

The Commission will render a final decision in contested cases within thirty (30) days after the close of the record except that the Commission, by order, may extend such period in any case in which it shall find that the complexity of the issues and the length of the record require an extension of such period, in which event the Commission shall render decision at the earliest date practicable. If all parties of record in a contested case agree orally during the hearing of any contested case or sign written agreements to waive the requirements of law relating to findings of fact and conclusions of law, then no such findings or conclusions will be made unless otherwise directed by a majority of the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.07
Authority: Ga. L. 1975, pp. 404-411.
History. Original Rule entitled "Final Decisions" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-2-1-.08. Rehearing, Reconsideration and Oral Argument.

Any party of record that is dissatisfied with an order of the Commission may apply for rehearing, reconsideration, clarification and/or oral argument within ten days from the effective date of the order. This application shall be filed as a written petition in which it is stated with particularity the matters claimed to have been erroneously decided, the alleged errors underlying the decision and the relief sought. A certificate of service shall accompany this application documenting that a copy of the petition has been simultaneously furnished to each party of record. Responses may be filed with the Commission by any party of record within ten days of the date of service. If, in the opinion of the Commission, good cause has been shown in said petition for rehearing, reconsideration and oral argument, the application shall be granted for such further relief as may be directed. The Commission shall act on petitions within forty-five days of the filing of the petition.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.08
Authority: O.C.G.A. Sec. 46-2-51.
History. Original Rule entitled "Rehearing, Reconsideration and Oral Argument" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Mar. 11, 2008; eff. Mar. 31, 2008.

Rule 515-2-1-.09. Consumers' Utility Counsel.

In addition to other requirements of service and notice now imposed by law, a copy of any application, formal complaint, or notice to or issued by the Georgia Public Service Commission shall also be served upon the Consumers' Utility Counsel. The Commission shall not proceed to hear or determine any such petition, complaint or proceeding in which the Public Counsel is entitled to appear unless it shall affirmatively appear that the Public Counsel was given at least ten days' written notice thereof, unless such notice is affirmatively waived in writing or the Public Counsel appears and specifically waives such notice; provided, that once the Commission

has begun to hear or determine any such petition, complaint or proceeding of which prior notice was given or waived, the Commission shall thereafter issue such orders and take such action relating thereto as it may deem appropriate, and upon such notice to parties as it may deem appropriate. Whenever service of notice is perfected by mail, four days shall be added to the prescribed period. Proof of service of notice may be made by certificate or other proof satisfactory to the Commission, and shall create a rebuttable presumption of service.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.09
Authority: Ga. L. 1922, p. 144; 1975, p. 372; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-2-1-.10. Promulgation, Amendment, or Repeal of Rules.

Promulgation, amendment, or repeal of all Rules adopted by the Commission in these chapters may be proposed, adopted and published by approval of a majority of the Commission as prescribed by law.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.10
Authority: Ga. L. 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-2-1-.11. Petition for Promulgation, Amendment, or Repeal of Rules.

(1) **Form of Petition.** Each petition for promulgation, amendment, or repeal of rules made pursuant to the Georgia Administrative Procedure Act shall be filed with the Commission in writing and shall state:

(a) The name and post office address of the petitioner;

(b) The full text of the rule requested to be amended or repealed, with the full text of the rule desired to be promulgated;

(c) A paragraphed statement of the reason such rule should be amended, repealed, or promulgated, including a statement of all pertinent existing facts to petitioner's interest in the matter;

(d) Citations of legal authority, if any, which authorize, support, or require the action requested by petition. The petition shall be verified under oath by or in proper behalf of, the petitioner.

(2) **Proceeding on Petition.** Upon receipt of the petition, the Commission shall decide upon the action to be taken. Within thirty days after receipt of the petition, the Commission either shall deny the petition in writing (stating its reasons for the denial) or shall initiate

rule-making or rule-changing proceedings in accordance with Section 4 of the Georgia Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.11
Authority: Ga. L. 1964, pp. 338, 346; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-2-1-.12. Declaratory Rulings.

(1) **Form of Petition.** Each petition for a declaratory ruling pursuant to the Georgia Administrative Procedure Act shall be filed with the Commission and shall state:

(a) The name and post office address of the petitioner;

(b) The full text of the statute, rule, order upon which a ruling is requested;

(c) A paragraph statement of all pertinent and existing facts necessary to a determination of the applicability of the quoted statute or rule;

(d) Petitioner's contention, if any, as to the aforesaid applicability with citations of legal authorities, if any, that authorize, support, or require a decision in accordance therewith;

(e) A statement setting forth in detail the petitioner's interest in the matter and why and how the petitioner is uncertain or insecure with respect to his rights. The petition shall be verified under oath by, or in proper behalf of, the petitioner.

(2) **Service of Petition.** If the petition requests a declaratory ruling as to the applicability of an order of the Commission entered in a contested case, the petitioner shall serve a copy of the petition upon all other parties in that case. If the petitioner is a customer of a person or company regulated by the Commission which would be affected by the petition, the petitioner shall serve the person or company of which he is a customer. Any person or company so served has ten days in which to file briefs in support of, or in opposition to, the petition for a declaratory ruling.

(3) **Proceedings on Petition.** Unless the Commission so orders, no oral argument will be permitted. If there is no dispute with respect to any material fact, and unless the Commission so orders, no evidentiary hearings shall be held.

(4) **Informal Request for Interpretation and Rulings.** Any request presented in any manner other than in accordance with the provisions of this rule shall not be deemed to be filed as a Petition for Declaratory Ruling but shall be deemed an informal request for interpretation or ruling and shall be acted on as such. The provisions of this rule shall not be construed to preclude:

(a) Any person from requesting the Commission to interpret or otherwise rule upon the applicability of any pertinent statute or rule informally by personal appearance before the Commission, by letter or by telegram to the Commission; or

(b) The Commission from acting upon any such request whenever and however it deems appropriate, or from issuing any interpretive ruling without petition thereafter.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.12
Authority: Ga. L. 1964, pp. 338, 347; 1965, pp. 283, 288; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-2-1-.13. Dead Dockets.

Any application, petition, complaint, or other matter filed with the Commission in which no activity of record or written order is taken for a period of one year shall be automatically dismissed without prejudice for lack of prosecution. However, a matter will not be dismissed for inactivity where an application, motion or other request is pending before the Commission, or the matter is otherwise inactive because of a pending decision or order by the Commission. Computation of the one-year period shall begin with the date of the last filing or other activity or record concerning the matter. This rule shall be applicable to all docketed and non-docketed proceedings, but is not intended to include time during which matter filed with the Commission is before a court of competent jurisdiction. In order to avoid automatic dismissal, a motion must be made or an order issued, properly signed and filed with the Commission before the one-year period expires. A party may file a motion to extend the time for an additional six months; however, the Commission, on its own motion, may extend or waive this portion of the rule to conclude the docket. Thirty days prior to the expiration of the one-year period, the Commission shall give notification to the Consumers' Utility Counsel and all parties of record that a matter shall automatically stand dismissed in accordance with the provisions of this rule. For the purposes of this rule, activity of record shall include any application, petition, complaint, motion, brief, or other pleading filed with the Commission as well as any hearing or oral argument held in the matter.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.13
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72-81; 1922, pp. 142-147; 1964, pp. 338-356; 1975, pp. 404-412.
History. Original Rule entitled "Dead Dockets" adopted. F. Aug. 16, 1994; eff. Sept. 5, 1994.

Rule 515-2-1-.14. Open Hearing Process.

(1) As used in this Rule, the term:

(a) "Commissioner Advisory Staff" means the staff members assigned to serve in a non-Party advisory capacity in a particular proceeding.

(b) "Party" means a party to a Proceeding pending before the Commission, including any officers, directors, managers, or employees of the party; a representative or agent of a party to a proceeding pending before the Commission; the consumer's utility counsel division; the Public Interest Advocacy Staff; and any person knowingly acting on behalf of or in concert with a party to a proceeding.

(c) "Proceeding" means a contested case as that term is defined in O.C.G.A. 50-13-2(2).

(d) "Public Interest Advocacy Staff" means the staff members assigned to participate in a particular proceeding as a Party.

(e) "Emergency Situation" means a situation in which the public health, welfare or safety are jeopardized due to the utility's inability to safely and reliably provide public utility services to Georgia customers.

(f) "As soon as possible after the communication" means as soon as physically practicable, but not later than two (2) business days after the date of the *ex parte* communication.

(2) Proceedings before the Commission shall be open and transparent to all Parties and to the public. Except for any trade secret information provided pursuant to Commission Rule 515-3-1-.11 or any other statute or rule regarding trade secret filings with the Commission, all communications, directly or indirectly, between a Party and the Commission, an individual Commissioner, a Commission hearing officer, or a member of the Commissioner Advisory Staff relating to a Proceeding shall be made in a public and open manner that allows all other Parties the opportunity to respond to such communication or information. Copies of all written or electronic communications relating to a Proceeding shall be contemporaneously filed with the Executive Secretary and served on all Parties. All oral communications relating to a Proceeding shall be made at a properly noticed meeting, hearing, or workshop of the Commission.

(3) If, due to an emergency situation, a Party making a communication cannot comply with the notice requirements in subsection (2) of this rule, or if a Party inadvertently makes a communication in violation of this rule, the Party shall file with the Commission the information described below in subsection (4)(a) to (d), as well as a description of the emergency situation or an explanation of how the violation was inadvertent, as soon as possible after the communication.

(4) If a member of the Commission, a Commission hearing officer, or a member of the Commissioner Advisory Staff receives or makes a communication in violation of this rule, he or she shall place the following on the record of the proceeding as soon as possible after the communication:

(a) The substance of the communication;

(b) All written or electronic documentation of the communication;

(c) The identity of each person who participated in the communication; and

(d) The date and time of the communication.

(5) Nothing in this rule shall prohibit a member of the public who is not a Party to a Proceeding from communicating with the Commission or with an individual Commissioner relating to the Proceeding. Nothing in this rule shall prohibit a Party from providing any information relating to a Proceeding to the Commission, to an individual Commissioner, a Commission hearing officer, or to a member of the Commissioner Advisory Staff, provided that such information is provided openly pursuant to subsections (2) or (3) of this rule. Nothing in this rule shall prohibit a member of the Commission or a member of the Commissioner Advisory Staff from communicating with other members of the Commission and other members of the Commissioner Advisory Staff regarding a Proceeding pending before the Commission. Members of the Commissioner Advisory Staff shall not communicate regarding the Proceeding with any other Party including the Public Interest Advocacy Staff unless such communication is made openly utilizing the procedures set forth in subsection (3) of this rule. A "Chinese Wall" procedure shall be utilized to provide for independence between the Commissioner Advisory Staff and the Public Interest Advocacy Staff. The team leaders of the Commissioner Advisory Staff and the Public Interest Advocacy Staff shall not be in a career path reporting position to anyone on the other team. In those instances where a team member is in a career path reporting position to someone on the other team, only the team leader, not the career path manager, may direct the team member's participation or positions on the team.

(6) This rule shall apply commencing immediately upon the conclusion of the hearings to receive testimony in the Proceeding and end the day after the official time for filing for reconsideration. Provided, however, that if a motion forreconsideration is made, the rule shall continue to apply until the Commission has rendered its final decision on such motion.

(7) This Rule shall not apply to non-substantive inquiries about procedural and scheduling issues.

(8) Penalties. Failure of a Party to abide by the Commission's rule prohibiting *ex parte* communications may result in reprimand or exclusion of the Party from the hearing pursuant to O.C.G.A. § 50-13-13(a)(6) and/or penalties under O.C.G.A. § 46-2-91.

Cite as Ga. Comp. R. & Regs. R. 515-2-1-.14
Authority: O.C.G.A. Secs. 46-2-30, 46-2-51, 50-13-3.
History. Original Rule entitled "Open Hearing Process" adopted. F. Aug. 21, 2007; eff. Sept. 10, 2007.

Chapter 515-3. GENERAL RULES.

Subject 515-3-1. GENERAL RULES.

Rule 515-3-1-.01. Definition of "Company".

The word "Company" as used herein, shall be deemed and taken to mean and include all corporations, companies, firms and persons that may now be engaged, or that may hereafter become engaged, in performing any service to the public that is now, or that shall hereafter be, subject by law to the jurisdiction or control of the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-3-1-.01
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule entitled "Definition of Company" was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-3-1-.02. Unjust Discrimination Forbidden.

(1) The several companies in the conduct of their intrastate business, shall afford to all persons equal facilities in the conduct of such business, without unjust discrimination in favor of, or against, any; and wherever special facilities are afforded to one patron, whether upon a special rate authorized by this Commission or otherwise, such company shall be bound to afford to any other patron, or patrons, under substantially similar circumstances, like facilities upon like rates.

(2) **All Rates Bona Fide. No Rebates.** The rate charged for any service, by any company, shall be bona fide and public; and the giving of any rebate, bonus or "draw-back" is hereby expressly forbidden.

Cite as Ga. Comp. R. & Regs. R. 515-3-1-.02
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp.143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104, 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule entitled "Unjust Discrimination Forbidden" was filed an December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-3-1-.03. Rates are Maximum Rates.

(1) All of the rates prescribed by the Commission are maximum rates, which shall not be exceeded by any company.

(2) **Rates May be Reduced Below-Maximum Provided no Discrimination is Made.** Any company may charge less than the prescribed maximum rate, provided that, if a less rate

be charged to one person, such company shall, for a like service, charge the same lessened rate to all persons, except as may be hereafter provided; and if any company shall reduce any of its rates to or from one agency or station, it shall, except in cases where otherwise specifically provided by the Commission, make a reduction of the same percentage to and from all other stations on its line, to the end that no unjust discrimination be made in favor of, nor against, any person, persons, or locality.

(3) **Exact Charge May Be Collected.** In no case shall any company collect for any service more than the exact amount due according to the current rate.

Cite as Ga. Comp. R. & Regs. R. 515-3-1-.03
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104, 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule entitled "Rates are Maximum Rates" was filed on December 29,1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-3-1-.04. Annual and Monthly Reports and Other Filings.

(1) **Annual Reports.** Each gas, electric light and power company, and local exchange carrier that is subject to rate of return regulation pursuant to O.C.G.A. § 46-5-165 shall keep and maintain the Uniform System of Accounts prescribed by the Commission for such companies, and file with the Commission on or before the last day of April of each year, a report of operations prepared in accordance therewith, and for the fiscal year immediately preceding. The report shall be sworn to by an officer of the company as a true and correct statement of the business and affairs of the company. Further, each such company having annual revenues over $1,000,000 from utility operations regulated by the Commission shall file annual financial schedules certified by a certified public accountant (CPA) that the schedules were examined in accordance with generally accepted auditing standards and that the schedules are presented in accordance with generally accepted accounting principles. The financial schedules to be so filed with the Commission as a minimum are: Balance Sheet; Income Statement; Retained Earnings Statement; and Statement of Changes in Financial Position. The companies may substitute to the Commission their annual certified report to their stockholders, if any is so issued, for the financial schedules specified in this rule.

(2) **Monthly Reports.** Each gas company and electric light and power company shall file in the office of the Commission within thirty days after the last day of each month, a report, duly sworn to, showing the earnings and expenses of such company during such month.

(3) **Other Information to be Furnished When Required.** In addition to the foregoing, each of said companies shall furnish such other reports and information as the Commission may require from time to time.

(4) **Books, Etc., to be Produced.** Furthermore, it shall be the duty of each of said companies to produce for the inspection of the Commission any and all books, papers, contracts,

agreements and other original records, of any character whatsoever, that may be in possession of said company, or within its power, custody or control, or copies thereof, as may be demanded and designated by the Commission.

Exhibit A

Each operator of a Transmission or distribution pipeline system shall submit an annual report electronically by March 15 of each year. This includes private, municipals and master meter operators.

NOTE: Failure to file this Report annually on or before March 15 of each year constitutes a violation of GPSC Utility Rule 515-3-1-.04; and violators will be subject to Commission assessment of civil penalties of up to $15,000.00 for such violation, plus up to $10,000.00 per day for each day after March 15th such form is not filed with the Commission.

The information below shall be included on the 7100 annual reports filed for Transmission and Distribution gas systems.

GPSC ANNUAL PIPELINE SAFETY REPORT

Operators Name:_____

Mailing address:_____

Phone number:

During Business Hours:_____

After Business Hours: _____

Fax number: _____

Email address:_____

(If possible please do not provide individual email addresses)

Contact person:_____

(Gas Superintendent, City Manager, etc)

Leak Survey Information

Miles of main surveyed:_____

(January 1 through December 31)

Number of services surveyed:_____

(January 1 through December 31)

Company/Individual performing survey:_____

Grade 1	Grade 2	Grade 3
Above Ground Leaks		
Below Ground Leaks		

Please list names/titles & after hours numbers of key personnel who might respond to an emergency incident:_____

_____

_____

Cite as Ga. Comp. R. & Regs. R. 515-3-1-.04
Authority: O.C.G.A. §§ 46-2-20, 46-2-30.
History. Original Rule entitled "Annual and Monthly Reports" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: Rule retitled "Annual and Monthly Reports and Other Filings." F. June 17, 1981; eff. July 7, 1981.
Amended: F. May 5, 1989; eff. May 25, 1989.
Amended: F. Oct. 3, 2007; eff. Oct. 23, 2007.
Amended: F. Aug. 30, 2022; eff. Sep. 19, 2022.

Rule 515-3-1-.05. Free Service Forbidden.

No company or person subject to the jurisdiction of this Commission, shall, directly or indirectly, give or furnish any free or reduced rate service in this State, except as lawfully prescribed by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-3-1-.05
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1950, p. 311, 1956, pp. 104, 105, 1970, p. 104, 1972, pp. 138, 439, 615, 1973, pp. 200-220.
History. Original Rule entitled "Free Service Forbidden" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-3-1-.06. Rates and Services as Required by Commission.

All rates, rules and regulations now in effect or which may hereafter become effective, which are not higher than the maximum rates prescribed by this Commission, whether such rates are the result of voluntary action upon the part of any company, corporation or person subject to the jurisdiction of this Commission, or otherwise, are hereby established as the rates of the Georgia Public Service Commission, and no such rates shall be discontinued nor raised without the

consent of the Public Service Commission first being obtained, but all such rates shall continue in force without hindrance, the same as other rates prescribed by the Commission. Any and all facilities, privileges or service, now in effect or practiced, or hereafter made effective, extended or practiced, which give, grant, extend or allow patrons, shippers or other persons, transacting business with said companies, corporations or other persons as much or more of the privileges, facilities or service to which they are entitled by law or by any rule, regulations or order of this Commission, whether such privileges, facilities or service are given, granted, extended or allowed as the result of voluntary action upon the part of such companies, corporations or persons, or otherwise, are hereby established as the requirements of the Georgia Public Service Commission, and no such privileges, facilities or service shall be discontinued without the consent of the Public Service Commission first being obtained, but all such privileges, facilities or service shall be given, granted, extended or allowed without hindrance, the same as other requirements of this Commission.

Cite as Ga. Comp. R. & Regs. R. 515-3-1-.06
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1950, p. 311, 1956, pp. 104, 105, 1970, p. 104, 1972, pp. 138, 439, 615, 1973, pp. 200-220.
History. Original Rule entitled "Rates and Services as Required by Commission" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-3-1-.07. No Change in Rates, Charges, Classification or Service.

(1) No change shall be made by any person, firm or corporation (hereinafter referred to as "utility") subject to the jurisdiction of the Public Service Commission in any rate, charge, classification or service subject to the jurisdiction of the Commission, or in any rule or regulation relating thereto, except alter thirty days' notice to the Commission and to the public, unless the Commission otherwise orders, or unless the Commission has previously authorized or approved the same. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force and the time when the change or changes will go into effect. The Commission, for good cause shown, may allow changes to take effect without requiring the thirty days' notice herein provided for by an order specifying the changes so to be made and the time when they shall take effect and the manner in which they shall be filed and published.

(2) Whenever any such new schedule is filed, the Commission shall have authority, either upon written complaint or upon its own initiative without complaint, at once, and, if it so orders, without answer to formal pleading by the utility but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, charge, classification, or service; and, pending such hearing and the decision thereon, the Commission, upon filing with such schedules and delivering to the utility affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, charge, classification or service, but not for a longer period than five months beyond the time when it would otherwise go into effect; and after such hearings as are required, either completed before or after the rate, charge, classification, or service

goes into effect, the Commission may make such orders as are proper with reference thereto within the authority vested in the Commission. The Commission is empowered to reduce or revoke any such suspension with respect to all or any part of such schedule. If the proceeding has not been concluded and an order made at the expiration of the suspension period, the proposed change of rate, charge, classification, or service shall go into effect at the end of such period, but in case of a proposed increased rate or charge, the Commission shall by order require the interested utility to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision shall by further order require such utility to refund, with interest at the maximum legal rate, in such manner as the Commission may direct, such portion of such increased rates or charges as by its decision shall be found not justified. Any portion of such refunds not thus refunded to patrons or customers of the utility shall be refunded or disposed of by the utility as the Commission may direct, provided, however, no such funds shall accrue to the benefit of the utility. At any hearing involving a rate or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the utility, and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.

(3) Before any increased rate or charge shall go into effect without the approval of the Commission, the Commission shall by order, require the interested utility to file a bond with the Commission written by a surety approved by the Commission and authorized to transact business in this State. The bond shall be fixed by the Commission in an amount not to exceed two hundred fifty thousand dollars ($250,000.00). The bond shall be payable to the Governor and conditioned upon the faithful performance of the requirements of the refund order entered by the Commission, Code Sec. 93-307-1, and the rules and regulations of the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-3-1-.07
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule entitled "No Change in Rates, Charges, Classification or Service" was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-3-1-.08. Allocation of Gas or Electric Utility Service.

The Commission shall allocate any Gas or Electric utility service in such manner as it shall deem proper in order to protect the public health, safety or welfare, including for such purposes, the power and authority to alter, amend, suspend, or terminate any existing rate, schedule, contract, rule or regulation affecting such utility service, and to prescribe new or further rates, schedules, contracts, rules or regulations affecting such utility service, provided, however, that in any event such rates, schedules, contracts, rules or regulations as are altered, amended, or prescribed by the Commission shall be just and reasonable, in the event that:

(a) The Commission funds, after notice to the persons affected and hearing respecting the manner, if any, in which the Commission should exercise such power and authority, as well as the necessity therefor, such hearing to be initiated by the Commission on its own motion or by any person, that a shortage exists or is imminent in the quantities of such utility service available in the State of Georgia, or in any portion thereof, and that it is necessary for the Commission to exercise such power and authority in order to protect the public health, safety or welfare; or

(b) The Commission finds that an emergency exists with respect to the quantities of such utility service available in the State of Georgia, or in any portion thereof, and that it is necessary for the Commission to exercise such power and authority in order to protect the public health, safety and welfare before notice and hearing can be afforded to the persons affected, provided, however, that the directives, rulings and orders of the Commission respecting such utility service based upon a finding that an emergency exists pursuant to the subparagraph shall be temporary and provisional and the Commission shall, as soon as practicable under the circumstances, afford notice and hearing to the persons affected as to whether such directives, rulings, or orders of the Commission shall be continued, modified, made permanent, or otherwise affected.

Cite as Ga. Comp. R. & Regs. R. 515-3-1-.08
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule entitled "Allocation of Gas or Electric Utility Service" was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-3-1-.09. Electric, Gas, Telephone, and Radio Utility Companies Shall Maintain Inventory Records.

(1) Class "A" and Class "B" electric and gas utility companies shall maintain a continuous inventory record of all units of electric or gas utility plant in agreement with the Uniform System of Accounts prescribed by the Georgia Public Service Commission. For the purpose of this rule Class "A" and Class "B" electric and gas utility companies are defined as those whose gross revenues from the sale of electric or gas energy exceeds $1,000,000 per annum.

(2) Class "A" and "B" telephone companies shall maintain a continuous inventory record of all units of telephone utility plant in agreement with the Uniform System of Accounts prescribed by the Georgia Public Service Commission. For the purpose of this rule Class "A" telephone utility companies are define as those whose gross revenue is $100,000,000 or more and Class "B" companies as those whose gross revenue is less than $100,000,000.

(3) Radio utility companies shall maintain a continuous inventory record of all units of radio utility plant in agreement with the Uniform System of Accounts prescribe by the Georgia Public Service Commission.

Cite as Ga. Comp. R. & Regs. R. 515-3-1-.09
Authority: Ga. L. 1878-79, as amended; Ga. L. 1975, pp. 404-412.
History. Original Rule entitled "Electric, Gas, and Telephone Utility Companies Shall Maintain Inventory Records" was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: Rule amended and title changed to "Electric, Gas, Telephone, and Radio Utility Companies Shall Maintain Inventory Records." Filed July 26, 1978; effective August 15, 1978.
Amended: Filed March 23, 1988; effective April 12, 1988.

Rule 515-3-1-.10. Accounting Requirements.

The books and records of each utility company shall be maintained in conformity with a Uniform System of Accounts prescribed by the Georgia Public Service Commission as follows:

(1) Each electric and gas utility company shall adopt the system of accounts devised by the Federal Energy Regulatory Commission for Class "A" and "B" or Class "C" and "D" companies, as appropriate.

(2) Uniform System of accounts.

(a) Each telephone and telegraph company shall adopt the revised system of account devised by the Federal Communications Commission for Class "A" and "B" companies, as appropriate, except as follows:

1. Depreciation. To the extent that the Uniform System of Accounts for Class "A" and "B" Telephone Companies of the Federal Communications Commission (47 CFR 32.2000(g)), adopted above may require that depreciation rates be based on estimated service lives developed by individual company histories and experience, the same are hereby superseded. The prescribed rates are as follows:

(i) **Composite rate.** Unless otherwise provided by the Commission, either through prior approval in individual cases or upon prescription by the Commission, depreciation rates for all classes of depreciable telephone plant shall be fixed at an overall composite rate not to exceed eight (8%) percent, effective January 1, 1995;

(ii) **Individual Account Rate Limits.** Subject to the composite rate just stated, the following maximum depreciation rates shall apply to the various classes of plant accounts as stated:

ACCOUNT	DEPRECIATION RATE (%)
Motor Vehicles	
Cars	20.0
Light Trucks	20.0
Heavy Trucks	

Garage Work Equipment	11.0
Other Work Equipment	11.0
Buildings	4.5
Furniture	10.0
Office Equipment	12.5
Office Equipment - Communications	12.5
Computer Equipment	18.0
Computer Equipment - PC	20.0
Central Office Equipment - Analog	17.0
Central Office Equipment - Digital	9.0
Central Office Equipment - Electromechanical	20.0
Operator Systems	8.0
Radio Systems - Analog	10.0
Radio Systems - Digital	8.0
Circuit - Analog	14.0
Circuit - Digital	14.0
Public Telephone Equipment	12.5
Other Terminal Equipment	12.5
Pole Line	15.0
Aerial Cable - Metallic	16.0
Aerial Cable - Fiber	14.0

Underground Cable - Metallic	4.5
Underground Cable - Fiber	3.5
Buried Cable - Metallic	9.0
Buried Cable - Fiber	5.2
Submarine Cable	10.0
Intrabuilding Cable	6.0
Aerial Wire	20.0
Conduit Systems	2.5

(iii) **Company Specific Treatment.** Other overall composite or specific account depreciation rates, or extraordinary retirements, may be authorized by the Commission for ratemaking purposes on an individual company basis where adequate evidence presented in a ratemaking proceeding justifies such treatment. Notwithstanding any other provision of this rule the Commission reserves the right, at its discretion, to require companies to present depreciation studies in ratemaking proceedings and to determine, based on the evidence in that proceeding the depreciation rate to be used for ratemaking purposes. Telephone companies may select the application of remaining life depreciation rate calculations for conducting such studies or any other approved methodology;

(iv) **Composite Rate Modifications.** The burden of proof for just and reasonable depreciation rates shall be upon the Company as provided in O.C.G.A. Section 46-2-25 and the Commission reserves the right to review and revise the composite rate of depreciation prescribed in paragraph (i)(I) hereof from time to time, based upon investigations and evidence presented in individual cases or in connection with depreciation studies on similar classes of plant performed by any telephone company;

(v) **Savings Clause.** Nothing herein shall be construed as abrogating or otherwise repealing any higher depreciation rate heretofore authorized by the Commission;

(vi) The provisions of this rule shall not apply to any telephone utility participating in the three-way process under the Communications Act of 1934, as amended, or any telephone utility serving over 100,000 access lines.

2. Extraordinary Retirements. Telephone Companies shall also be permitted to book extraordinary retirements without prior Commission approval due to obsolescence, technological change, abandonment or catastrophe, not to exceed in a single fiscal year one (1%) percent of telephone plant in service, less depreciation and not to exceed an amortization period of one year, such retirements to be in addition to the requested 8.0% overall composite rate; provided further, no more than a cumulative total of two (2%) percent of telephone plant in service, less depreciation, shall be extraordinary retired over a ten-year period without Commission approval. While this Rule is designed to relieve the administrative burden of the requirements of the Uniform System of Accounts for Class "A" and "B" telephone companies of the Federal Communications Commission (47 CFR 32.2000(g)(4)) adopted above for minor extraordinary retirements, the Company shall have the burden of proof as provided by O.C.G.A. Section 46-2-25 to show that these retirements were reasonable before recovery is allowed in rates.

(b) Each radio utility company shall adopt the system of accounts for radio common carriers 1976, devised by the National Association of Regulatory Utility Commissioners, as hereafter may be amended, except as revised by this Commission as follows:

1. Instruction I.D., page 5, shall read: Each RCC shall keep the primary accounts applicable to its operations. In addition, each RCC may keep any subaccount its management deems appropriate for better representing the RCC'S operations. Each RCC'S management shall be responsible for determining which primary and subaccounts are applicable to their company. On the other hand, each RCC shall be subject to periodic audits and reviews by this Commission's staff at which time this Commission shall exercise its authority to order affected RCC'S to install additional accounts the Commission deems needed to more adequately reflect the RCC'S operations.

2. Instruction I.E., page 5, shall be expanded to read: In this regard, all records required by these rules shall be preserved for the period of time specified in the current edition of the Federal Communications Commission's record retention schedule, FCC Rules and Regulations, Volume X, Part 42, unless otherwise specified by this Commission.

3. Instruction 5.C., last Sentence, page 9, shall read: The depreciation for each subaccount of 102 will be calculated by multiplying the beginning of the current month balance of each plant account 211 through 250 by the depreciation rate for that account. Such depreciation rates are to be approved in advance by this Commission.

4. Operating Tax Accounts 304 and 305: The titles to these accounts shall omit the word "Federal."

5. Operating Tax Account 306: The title of this account, both in the Index and the Text, shall read Investment Tax Credits-Net.

6. Operating Revenue Account 505 shall be expanded and subdivided as necessary to incorporate Dispatch Station Revenue.

7. Operating Expense Account 658, Vehicle Expense, paragraph B, shall read: In allocating vehicle expenses to plant accounts, credit this account and debit the affected plant accounts with the vehicle expenses charged to work orders. This Commission's preferred method by which vehicle expenses are to be allocated is to charge each work order on the basis of labor hours charged to that work order. Alternate allocation procedures that are of a rational and systematic manner may be installed at the option of the RCC'S management, and maintained as deemed appropriate by this Commission from its periodic audits and reviews of the radio utility's operations.

8. Clearing Accounts 804-817: This Commission prefers that all costs possible be charged direct to the ultimate accounts without processing through clearing accounts. On the other hand, this Commission shall permit radio utility management to use clearing accounts they deem necessary for more adequate recording of their radio utility operations.

(3) Each utility company shall adopt the following system to account for investment tax credits: For all investment tax credits used prior to the 1971 Federal Income Tax revision, the unamortized portion shall be shown on the balance sheet as unamortized investment tax credits and shall be amortized to the income statement, as other utility income, not less rapidly than ratably over the life of the property that gave rise to the investment tax credit. The rate making treatment for those investment tax credits shall be to deduct the unamortized portion from the rate base and add the annual amortization to income in determining the net operating income available for return on investment. The unamortized portion of all investment tax credits used subsequent to, or as a result of, the 1971 act shall be accounted for in a separate subaccount(s) from the above mentioned credits as will their annual amortizations. The rate making treatment to be accorded these investment tax credits will be to deduct the unamortized portion from the rate base unless the company has formerly notified the Internal Revenue Service, in writing, that it exercises the option provided by law to have the annual amortization added to the net

operating income available for return and substantiates the election of said option by including a certified copy of said letter with its application. Account numbers pertinent to these transactions shall be in accordance with the Uniform System of Accounts prescribed in (a) and (b) above.

(4) Each utility company utilizing accelerated depreciation for income tax purposes under Sections 167 and 168 of the Internal Revenue Code of 1986 shall set up in the appropriate account, provided for in the Uniform System of Accounts prescribed in (a) or (b) above, as deferred income tax liability the difference between the company's actual tax liability computed using accelerated depreciation and the tax liability the company would have incurred had it taken the depreciation expense computed for book purposes on a straight line basis. These accumulated deferred income tax liabilities shall be deducted from the rate base for rate making purposes. The company shall charge this account for any future income tax expense which is greater than its tax expense would be if the book depreciation expense were used in computing its income tax liability rather than the depreciation expense actually shown on the income tax return and said amount shall not be included as an operating expense of the company in determining its revenue requirements in future rate proceedings.

(5) No utility shall require a cash deposit to establish or reestablish credit in an amount in excess of two-and-one-half twelfths of the estimated charge for the service for the ensuing twelve months; and, in the case of seasonal service, in an amount in excess of one-half of the estimated charge for the service for the season involved. Each electric and gas utility company shall account for any deposits collected from customers in the following manner: Each electric and gas utility shall pay interest on applicants' or customers' deposits for utility service held six months or longer at a simple rate of 7% per annum unless a different rate for such utility is set by the Commission. Upon receipt of a customer or applicant deposit, the utility shall furnish the customer/applicant a receipt showing the following information:

1. Name of customer/applicant;
2. Amount of deposit;
3. Date of receipt;
4. Name of utility;
5. Interest rate;
6. Address where service is to be rendered;
7. Statement of the terms under which the deposit may be refunded.

Upon discontinuance of service, each utility shall promptly and automatically refund the customers' deposits plus accrued interest on the balance, if any, in excess of the unpaid bills for service furnished by the utility. In the case of any residential

customer who has received utility service at the same location for twenty-four consecutive months, and who has paid his monthly utility bills promptly and regularly, and is not, at the end of such twenty-four-month period, delinquent in the payment of his bills, the utility shall, within thirty days of the end of the twenty-four-month period, automatically refund the deposit plus accrued interest, provided however, that the term promptly and regularly shall not be construed to disallow the refund to a customer who has had only two delinquent payments during the twenty-four month period. If a customer has had service discontinued for nonpayment of his bill, or has not paid his bills promptly and regularly, the utility shall withhold the refund, but thereafter, review the customer's account every twelve billings, and at the completion of twenty-four month during which a record of prompt and regular payments has been established, the utility shall automatically refund the deposit, plus accrued interest. At the option of the utility, a deposit plus accrued interest may be refunded in whole or in part, at any time earlier than the times here in above prescribed, and based on any credit review period less than twenty-four months in the discretion of the utility.

(6) Reserved.

(7) Rural Telephone Bank borrowers shall follow the accounting treatment described by the National Association of Regulatory Utility Commissioners in their accounting interpretation of the Uniform System of Accounts applicable to Rural Telephone Bank stock. The account numbers pertinent to these transactions shall be in accordance with the Uniform System of Accounts prescribed in (b) above.

(8) A Tier 2 Local Exchange Company (defined in O.C.G.A. § 46-5-162(10)(b)) that has elected alternative regulation (defined in O.C.G.A. § 46-5-162(1)) pursuant to O.C.G.A. § 46-5-165 may use Generally Accepted Accounting Principles (GAAP) in lieu of the Uniform System of Accounts (USOA) required in Rule 515-3-1-.10(b)(I)(i) to calculate depreciation.

Cite as Ga. Comp. R. & Regs. R. 515-3-1-.10
Authority: O.C.G.A. § 46-2-20. Ga. L. 1878-79, p. 125; 1907, pp. 72-81; 1922, pp. 142-147; 1975, pp. 404-412
History. Original Rule entitled "Accounting Requirements" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Aug. 2, 1976; eff. Sept. 1, 1976, as specified by the Agency.
Amended: F. Apr. 8, 1980; eff. Apr. 28, 1980.
Amended: F. Dec. 29, 1981, eff. Jan. 18, 1982.
Amended: F. Apr. 29, 1982; eff. May 19, 1982.
Amended: F. Mar. 23, 1988; eff. Apr. 12, 1988.
Amended: F. Dec. 4, 1991; eff. Dec. 24, 1991.
Amended: F. Dec. 9, 1994; eff. Dec. 29, 1994.
Amended: F. May 4, 2010; eff. May 24, 2010.
Amended: F. June 1, 2022; eff. June 21, 2022.

Rule 515-3-1-.11. Trade Secrets.

(1) In the event that any party or utility subject to the jurisdiction of the Commission is required to file with the Commission, or otherwise requested to provide to the Commission staff information which that party or utility considers to be a trade secret (as defined in O.C.G.A. Section 10-1-761(4)) (hereinafter referred to as "protected information"), then the following procedures shall apply:

(a) The affected party or utility shall submit, within the time specified or agreed to, the required or requested protected information under protective seal with the designation "TRADE SECRET" prominently attached to each page thereof; and

(b) The affected party or utility shall, at the same time, provide a version of the document containing protected information which can be used for public disclosure with the designation "PUBLIC DISCLOSURE DOCUMENT" prominently attached to each page thereof; and

(c) The affected party or utility shall, at the same time, provide by written affidavit the legal and factual basis for its assertion that the protected information is a trade secret and should not be disclosed, including, for each item claimed to be a trade secret:

1. Why the information derives economic value from not being generally known to others;

2. How others can obtain economic value from its disclosure; and

3. Procedures utilized by the affected party or utility to maintain its secrecy; and

(d) The affected party or utility shall maintain a master list of all documents submitted to the Commission pursuant to this rule, which list shall identify the document submitted, the number of copies submitted, and, if applicable, the docket in connection with which submission was made.

(2) Upon request by any person pursuant to the Georgia Open Records Act, O.C.G.A. Section 50-18-70, *et seq.*, for access to information which includes protected information, the Commission shall respond by providing that person with any non-protected information requested, the "public disclosure" version of the protected information, and written notice that certain information has been withheld as alleged protected information not subject to public disclosure.

(3) Any person who is a party or intervenor in a docket or non-docket matter, other than the Consumers' Utility Counsel, and desires access to protected information submitted to the Commission pursuant to this rule, may petition the Commission for such access. A hearing shall be held to consider the request, at which time the affected party or utility shall have 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.

(a) Any person who is granted access to protected information pursuant to paragraph (3) above, and the Consumer's Utility Counsel, shall be required to enter into a protective agreement with the affected party or utility which shall include, but not be limited to, the following terms:

1. Access to and use of the protected information shall be limited to matters relating to the docket or non-docket;

2. The protected information shall not be disclosed to any other person at any time unless such disclosure is required by an order of the Commission or a court of competent jurisdiction or authorized by the affected party or utility;

3. The protected information shall not be copied or otherwise reproduced by the party or intervenor;

4. The agreement shall apply to all employees, attorneys, agents, and consultants of the party or intervenor;

5. Any other terms or conditions as are reasonable to insure the confidentiality of the protected information.

(4) The Commission, upon request by the party or intervenor and after being provided with an executed copy of the protective agreement, shall provide the party of intervenor with the number of copies of the protected information agreed upon in the protective agreement, which copies shall be returned to the Commission not later than forty-five (45) days after the conclusion of the docket or non-docket, or the conclusion of judicial appeals relating to the matter.

(5) Within thirty (30) days of compliance by parties or intervenors with the provision of paragraph 4 above requiring the return of the protected information to the Commission, the Commission shall return all copies of the protected information in its possession to the affected party or utility, and the affected party or utility must preserve and maintain a master copy of said protected information for a period of seven (7) years.

(6) The public disclosure version of the protected information shall be utilized in the course of an open docket or public hearing, if necessary; provided, however, that, if the Commission staff or any party determines that protected information must be utilized in the course of an open docket or public hearing, then they shall meet or confer with the affected party or utility in a good faith effort to accommodate such use, or make an appropriate motion before the Commission for such use.

(7) Any party or intervenor, the Commission staff, the Consumers' Utility Counsel, or the Commission on its own motion, may challenge the designation of information as a "trade secret" by filing a motion to that effect with the Commission. In such a case, the affected party or utility shall have the burden of proving that the information constitutes a trade secret. If, after a hearing and an in-camera inspection, the Commission determines that

the information provided does not constitute a trade secret or only a portion of the information is a trade secret, or that the protected information must be disclosed in part or in whole in connection with any hearing, or otherwise, then the Commission shall issue an order to that effect, which order shall be automatically stayed for thirty (30) days from the date of the order.

(8) The Commission, its staffs, attorneys, agents, and consultants, shall not disclose any protected information except as authorized by the affected party or utility, by Commission order, by court order, or by these rules, and shall take all reasonable and necessary measures to maintain the confidentiality of the protected information.

Cite as Ga. Comp. R. & Regs. R. 515-3-1-.11
Authority: O.C.G.A. §§ 10-1-761(4); 46-2-30, Ga. L. 1878-79, p. 125; 1907, pp. 72-81, 1922, pp. 142-147; 1975, pp. 404-412.
History. Original Rule entitled "Trade Secrets" adopted. F. Oct. 14, 1994; eff. Nov. 3, 1994.
Amended: F. Oct. 18, 2012; eff. Nov. 7, 2012.

Subject 515-3-2. RESIDENTIAL ELECTRIC AND GAS UTILITY SERVICE DISCONNECTIONS.

Rule 515-3-2-.01. Reasons for Disconnection.

No residential electric utility service may be disconnected except for the following reasons:

(a) upon consumer request;

(b) when service to the customer constitutes an immediate hazard to persons or property;

(c) by order of the Georgia Public Service Commission, any Court, or any other authorized public agency;

(d) violation of applicable utility rules and regulations approved by and filed with the Georgia Public Service Commission;

(e) a bill for past service is not paid within at least 45 days after the date of the bill, provided that said bill is not for service to a previous occupant of the premises served, is not for the purchase of merchandise or applicances and is not for service rendered at a different metering point if such bill is unpaid for less than 45 days.

Cite as Ga. Comp. R. & Regs. R. 515-3-2-.01
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1972, pp. 138, 439.
History. Original Rule entitled "Reasons for Disconnection" was filed as Emergency Rule 515-3-2-0.1-.01 on November 27, 1979, having been adopted November 20, 1979 to become effective November 21, 1979, and to remain in effect until January 1, 1980, as specified by the Agency.
Amended: Permanent Rule entitled "Reasons for Disconnection" was filed on November 27, 1979; effective January 1, 1980, as specified by the Agency.

Amended: F. Oct. 16, 1998; eff. Nov. 5, 1998.

Rule 515-3-2-.02. Limitations on Disconnection.

In the case of proposed electric utility disconnection for residential service, no utility service may be disconnected unless:

(a) the utility has delivered, or caused to be delivered, to the service address, or to the address of any party who to the knowledge of the utility has undertaken responsibility to pay the bill, written notice of the proposed disconnection at least five (5) days prior to the date of disconnection. Such notice shall include:

1. the earliest date for the proposed disconnection;
2. the amount due and the reason for the proposed disconnection;
3. a telephone number which the afflected customer may call for information about the proposed disconnection;
4. the procedure for preventing disconnection of service, including one wherein there may exist a medical emergency as hereinafter described; and
5. information concerning any programs known to the utility which might assist the customer in paying a past-due bill;

(b) The utility makes a good-faith effort to make personal contact by the use of a telephone, certified mail, certification of mailing or other method designed to reasonably notify the affected customer at least two (2) days prior to the proposed disconnection date if personal contact has not been made previously;

(c) The date of the proposed disconnection is a business day, when a representative of the utility is available to receive payment from the customer; and

(d) The overdue bill is not for consumption for three or more months as the result of previously estimated bills, unless the consumer has been given an amount of time in which to pay the bill equal to the amount of time in which the bill was estimated.

Cite as Ga. Comp. R. & Regs. R. 515-3-2-.02
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1972, pp. 138, 439.
History. Original Rule entitled "Limitations on Disconnection" was filed as Emergency Rule 515-3-2-0.1-.02 on November 27, 1979, having been adopted November 20, 1979 to become effective November 21, 1979, and to remain in effect until January 1, 1980, as specified by the Agency.
Amended: Permanent Rule entitled "Limitations on Disconnection" was filed on November 27, 1979; effective January 1, 1980, as specified by the Agency.
Amended: Filed June 30, 1987; effective July 20, 1987.
Amended: F. Oct. 16, 1998; eff. Nov. 5, 1998.

Rule 515-3-2-.03. Disconnection During Illness.

Service shall not be discontinued for nonpayment of a bill to a residential customer who has a serious illness which would be aggravated by said discontinuation, provided that the customer notifies the company of this condition in writing, or orally with written notice within ten (10) days thereafter, and within ten (10) days of giving such initial notice furnishes to the Company a written statement from a physician, county board of health, hospital, or clinic identifying the illness, its expected duration, and certifying that the illness would be aggravated by such discontinuance. In such event, the proposed disconnection shall be held in abeyance for the shorter of either the length of the illness or one month from the date of such initial notice, and the customer may renew the postponement period one additional time by repeating the aforementioned procedure. If there is a dispute regarding the existence of a serious illness, the case may be referred to the Commission for final determination.

Cite as Ga. Comp. R. & Regs. R. 515-3-2-.03
Authority: Ga. L. 1878-79 p. 125, 1907 pp. 72, 75, 1922 pp. 143, 144, 1972 pp. 138, 439.
History. Original Rule entitled "Disconnection During Illness" adopted as ER. 515-3-2-0.1-.03. F. Nov. 27, 1979; eff. Nov. 21, 1979, to remain in effect until January 1, 1980, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Nov. 27, 1979; eff. Jan. 1, 1980, as specified by the Agency.
Amended: F. Oct. 16, 1998; eff. Nov. 5, 1998.

Rule 515-3-2-.04. Seasonal Restrictions.

(1) Other rules notwithstanding, a utility shall not discontinue service to a residential customer for an unpaid bill between November 15 and March 15 if:

   (a) The customer agrees in writing to pay the past-due balance including customer charges in equal installments for a maximum duration beginning with the first billing period after March 15 and concluding prior to the following October 15, unless the customer fails to comply with such agreement;

   (b) In addition, the customer agrees in writing to pay all bills by their due date for current service received after said agreement unless the customer fails to comply with such agreement;

   (c) The forecasted local low temperature for a 24-hour period beginning at 8:00 A.M. on the date of the proposed disconnection is below 32° F.

(2) Other rules notwithstanding, an electric utility shall not discontinue service to a residential customer for an unpaid bill if:

   Prior to 8:00 A.M. on the date of the scheduled disconnection, a National Weather Service Heat Advisory or Excessive Heat Warning is in effect, or is forecasted to be in effect by the National Weather Service, for the county in which the meter scheduled for disconnection is located.

Cite as Ga. Comp. R. & Regs. R. 515-3-2-.04
Authority: O.C.G.A. Secs. 46-4-150, 46-4-158.1, 46-4-158.2, 46-4-160.
History. Original Rule entitled "Seasonal Restrictions" adopted as ER. 515-3-2-0.1-.04. F. Nov. 27, 1979; eff. Nov. 21, 1979, to remain in effect until January 1, 1980, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Nov. 27, 1979; eff. Jan. 1, 1980, as specified by the Agency.
Amended: F. Oct. 16, 1998; eff. Nov. 5, 1998.
Repealed: New Rule of same title adopted. F. Dec. 22, 2008; eff. Jan. 11, 2009.

Rule 515-3-2-.05. Multi-family Dwellings.

The utility shall provide written notice at least five (5) days prior to any proposed utility disconnection to tenants of multi-family dwellings where the landlord or lessor is responsible for payment for utility services. Such notice shall be personally served on at least one adult in each dwelling unit or posted conspicuously on said premises when personal service cannot be made. The utility shall accept payments from tenants as their portion of any past-due amounts and shall issue receipts to those tenants indicating that such payments shall be credited to the landlord's account.

Cite as Ga. Comp. R. & Regs. R. 515-3-2-.05
Authority: Ga. L. 1878-79 p. 125, 1907 pp. 72, 75, 1922 pp. 143, 144, 1972 pp. 138, 439.
History. Original Rule entitled "Multi-family Dwellings" adopted as ER. 515-3-2-0.1-.05. F. Nov. 27, 1979; eff. Nov. 21, 1979, to remain in effect until January 1, 1980, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Nov. 27, 1979; eff. Jan. 1, 1980, as specified by the Agency.
Amended: F. Oct. 16, 1998; eff. Nov. 5, 1998.

Rule 515-3-2-.06. Right of the Customer.

In the case of a disputed bill, the residential customer shall have the right, after all remedial measures with the utility have failed, to request in writing, or orally to be followed by a request in writing, the Georgia Public Service Commission to investigate the dispute before service may be terminated, provided that such a request must be made within 10 days after the date of the disputed bill. Any late charges assessed in the case of a disputed bill shall be refunded if it is determined that the customer does not owe the bill.

Cite as Ga. Comp. R. & Regs. R. 515-3-2-.06
Authority: Ga. L. 1878-79 p. 125, 1907 pp. 72, 75, 1922 pp. 143, 144, 1972 pp. 138, 439.
History. Original Rule entitled "Right of the Customer" adopted as ER. 515-3-2-0.1-.06. F. Nov. 27, 1979; eff. Nov. 21, 1979, to remain in effect until January 1, 1980, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Nov. 27, 1979; eff. Jan. 1, 1980, as specified by the Agency.
Amended: F. Oct. 16, 1998; eff. Nov. 5, 1998.

Subject 515-3-3. RESIDENTIAL GAS UTILITY SERVICE DISCONNECTIONS.

Rule 515-3-3-.01. Reasons for Disconnection.

No residential gas utility service may be disconnected except for the following reasons:

(a) Upon consumer request;

(b) When service to the consumer constitutes an immediate hazard to persons or property;

(c) By order of the Georgia Public Service Commission, any Court, or any other authorized public agency;

(d) A bill for past service is not paid within at least forty-five (45) days after the date of the bill, provided that said bill is rendered to the consumer in compliance with O.C.G.A. §§§ 46-4-158.1, 46-4-158.2, and 46-4-160 and Commission Rule 515-7-6, and provided the bill is not:

(i) for service to a previous occupant of the premises served,

(ii) for the purchase of merchandise, appliances, or a non-gas utility

(iii) for service rendered at a different metering point, unless said bill is a final bill from the current marketer and has remained unpaid for at least 45 days from the date of the bill.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.01
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, 46-4-150, 46-4-158.1, 46-4-158.2, 46-4-160)
History. Original Rule entitled "Declaration of Public Policy" adopted. F. Mar. 20, 1990; eff. Apr. 9, 1990.
Repealed: F. Mar. 11, 1991; eff. Mar. 31, 1991.
Amended: New Rule entitled "Reasons for Disconnections" adopted. F. Oct. 16, 1998; eff. Nov. 5, 1998.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Aug. 24, 2018; eff. Sept. 13, 2018.

Rule 515-3-3-.02(A). Limitations on Disconnections by a Local Distribution Company (LDC).

In the case of proposed disconnection for residential gas service, service may not be disconnected unless:

(a) The LDC has delivered, or caused to be delivered, to the service address, or to the address of any party who to the knowledge of the LDC has undertaken the responsibility to pay the bill, written notice of the proposed disconnection at least five (5) days prior to the date of disconnection. Such notice shall include:

1. The earliest date for the proposed disconnection;

2. The amount due and the reason for the proposed disconnection;

3. A telephone number that the affected consumer may call for information about the proposed disconnection;

4. The procedure for preventing disconnection of service, including one wherein there may exist a medical emergency as herein described; and

5. Information concerning any programs known to the LDC that might assist the consumer in paying the past-due bill.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.02(A)
Authority: O.C.G.A. Secs. 46-4-150, 46-4-158.1, 46-4-158.2, 46-4-160.
History. Original Rule entitled "Definitions" adopted. F. Mar. 20, 1990; eff. Apr. 9, 1990.
Repealed: F. Mar. 11, 1991; eff. Mar. 31, 1991.
Amended: New Rule entitled "Limitations on Disconnection During Illness" adopted. F. Oct. 16, 1998; eff. Nov. 5, 1998.
Repealed: New Rule entitled "Limitations on Disconnections by a Local Distribution Company (LDC)" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Jan. 22, 2009; eff. Feb. 11, 2009.

Rule 515-3-3-.02(B). Limitations on Disconnections by a Marketer or an Electing Distribution Company (EDC).

In the case of proposed disconnection for residential gas service, service may be disconnected provided that:

a. The EDC, or marketer, whichever has billing responsibility, has delivered, or-caused to be delivered to the customer by the consumer preferred method of communication, or to the service address, or to the address of any party who to the knowledge of the EDC or marketer has undertaken the responsibility to pay the bill, written notice of the proposed disconnection at least fifteen (15) days prior to the date of disconnection. The consumer shall have at least 15 days after a notice that service will be disconnected to pay the portion of the balance necessary to avoid disconnection. Such notice shall be clear and conspicuous, shall be distinguishable from the bill for past service, and shall include the following:

   1. The earliest date for the proposed disconnection;

   2. The amount due and the reason for the proposed disconnection;

   3. A local or toll-free telephone number that the affected consumer may call for information about the proposed disconnection;

   4. A list of authorized pay stations in the state, or in the alternative a local or toll-free telephone number that the customer can call to obtain information about pay stations

in the state, as provided for in O.C.G.A. § 46-4-160, where a cash payment can be processed for posting to the consumer's account within one business day;

5. The procedure for preventing disconnection of service, including one wherein there may exist a medical emergency, and notification of the availability of a payment arrangement under the seasonal restrictions as herein described;

6. Information concerning any programs known to the EDC or marketer that might assist the consumer in paying the past-due bill, including the division name and telephone number for information regarding heating assistance administered by the Department of Human Resources;

7. A statement that the consumer is entitled to at least one reasonable payment arrangement in writing prior to each disconnection, unless such consumer failed to honor a previous payment arrangement. Such statement shall also state that the consumer must contact the marketer in order to receive such payment arrangement. The marketer must provide the customer a local or toll-free number for the purpose of establishing payment arrangements.

8. A statement that qualified low-income residential consumers may transfer to the Regulated Provider without termination of service.

b. Within 7 days of a consumer entering into a payment arrangement with a marketer, said marketer shall send such consumer separate written confirmation using the consumer preferred method of communication detailing the mutually agreed upon payment arrangement terms. A marketer may elect to record, in accordance with 515-3-3-.07(g), such payment arrangements with a consumer in lieu of sending written confirmation.

c. The EDC or marketer, whichever has billing responsibility, makes a good-faith effort to make personal contact by the use of a telephone, certified mail, certification of mailing, hand delivery or the consumer preferred method of communication to reasonably notify the affected consumer at least two (2) days prior to the proposed disconnection date if personal contact has not been made previously;

d. The date of the proposed disconnection is a business day, when a representative of the EDC or marketer is available to receive payment from the consumer;

e. The overdue bill is not for consumption for no more than two months as the result of previously estimated bills, unless the consumer has been given an amount of time to pay the bill equal to the amount of time in which the bill was estimated;

f. The overdue bill does not include any charges different than that stated in the written notice pursuant to subsection (a)(2);

g. The overdue bill is not in dispute pursuant to O.C.G.A. § 46-4-160; and

h. The overdue bill is not solely comprised of an unpaid deposit, unless it is for a deposit that was assessed either at the commencement of service with the marketer or within sixty (60) days from the commencement date of service.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.02(B)
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, 46-4-158.1, 46-4-158.2, 46-4-160)
History. Original Rule entitled "Limitations on Disconnections by a Marketer or an Electing Distribution Company (EDC)" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Mar. 30, 2005; eff. Apr. 19, 2005.
Amended: F. Aug. 24, 2018; eff. Sept. 13, 2018.

Rule 515-3-3-.03. Disconnection During Illness.

Service shall not be discontinued for nonpayment of a bill to a residential consumer who has a serious illness which would be aggravated by said discontinuance, provided that the consumer notifies either the marketer or the utility providing retail distribution service of this condition in writing, or orally with written notice using the consumer preferred method of communication within ten (10) days thereafter, and within ten (10) days of giving such initial notice furnishes to either the marketer or the utility providing retail distribution service a written statement from a physician, county board of health, hospital, or clinic identifying the illness, its expected duration, and certifying that the illness would be aggravated by such discontinuance. In such event, the proposed disconnection shall be held in abeyance for the shorter of either the length of the illness or one month from the date of such initial notice, and the consumer may renew the postponement period one additional time by repeating the aforementioned procedure. If there is a dispute regarding the existence of a serious illness, the case may be referred to the Commission for a final determination.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.03
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, 46-4-158.1, 46-4-158.2, 46-4-160)
History. Original Rule entitled "Prohibition On Certain Utility Promotional Activities" adopted. F. Mar. 20, 1990; eff. Apr. 9, 1990.
Repealed: F. Mar. 11, 1991; eff. Mar. 31, 1991.
Amended: New Rule entitled "Disconnections During Illness" adopted. F. Oct. 16, 1998; eff. Nov. 5, 1998.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Aug. 24, 2018; eff. Sept. 13, 2018.

Rule 515-3-3-.04. Seasonal Restrictions.

Other rules notwithstanding, a LDC, EDC, Regulated Provider, or marketer shall not discontinue service to a residential consumer for an unpaid bill between November 15 and March 15 if:

(a) The consumer agrees in writing, using the consumer preferred method of communication, to pay the past-due balance including consumer charges in equal installments for a maximum duration beginning with the first billing period after March 15 and concluding

prior to the following October 15, unless the consumer fails to comply with such an agreement;

(b) In addition, the consumer agrees in writing, using the consumer preferred method of communication, to pay all bills by their due date for current service received after said agreement unless the consumer fails to comply with such agreement;

(c) The forecasted local low temperature for a 48-hour period beginning at 8:00 A.M. on the date of the proposed disconnection is below 32° Fahrenheit.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.04
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, 46-4-158.1, 46-4-158.2, 46-4-160)
History. Original Rule entitled "Permitted Promotional Activities by Public Utilities" adopted. F. Mar. 20, 1990; eff. Apr. 9, 1990.
Repealed: F. Mar. 11, 1991; eff. Mar. 31, 1991.
Amended: New Rule entitled "Seasonal Restrictions" adopted. F. Oct. 16, 1998; eff. Nov. 5, 1998.
Amended: F. Sept. 20, 2001; eff. Oct. 10, 2001.
Amended: ER. 515-3-3-0.13-.04 adopted. F. Dec. 20, 2001; eff. Dec. 4, 2001.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Jan. 23, 2009; eff. Feb. 12, 2009.
Amended: F. Aug. 24, 2018; eff. Sept. 13, 2018.

Rule 515-3-3-.05(A). Disconnections for Multi-Family Dwellings by a Local Distribution Company.

The LDC shall provide written notice at least five (5) days prior to any proposed utility disconnection to tenants of multi-family dwellings where the landlord or lessor is responsible for payment for utility services. Such notice shall be personally served on at least one adult in each dwelling unit or posted conspicuously on said premises when personal service cannot be made.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.05(A)
Authority: O.C.G.A. Secs. 46-4-150, 46-4-158.1, 46-4-158.2, 46-4-160.
History. Original Rule entitled "Ratemaking Treatment For Permitted Promotional Activities By Public Utilities" adopted. F. Mar. 20, 1990; eff. Apr. 9, 1990.
Repealed: F. Mar. 11, 1991; eff. Mar. 31, 1991.
Amended: New Rule entitled "Multi-Family Dwellings" adopted. F. Oct. 16, 1998; eff. Nov. 5, 1998.
Repealed: New Rule entitled "Disconnections for Multi-Family Dwellings by a Local Distribution Company" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-3-3-.05(B). Disconnections for Multi-Family Dwellings by a Marketer or Electing Distribution Company.

The EDC or marketer, whichever has billing responsibility, shall provide written notice at least fifteen (15) days prior to any proposed utility disconnection to tenants of multi-family dwellings where the landlord or lessor is responsible for payment of utility services. Such notice shall be

personally served on at least one adult in each dwelling unit or posted conspicuously on said premises when personal service cannot be made.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.05(B)
Authority: O.C.G.A. Secs. 46-4-150, 46-4-158.1, 46-4-158.2, 46-4-160.
History. Original Rule entitled "Disconnections for Multi-Family Dwellings by a Marketer or Electing Distribution Company" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-3-3-.06(A). Right of the Consumer.

In the case of a disputed bill, the residential consumer shall have the right, after all remedial measures with the utility or marketer have failed, to request in writing, or orally to be followed by a request in writing, the Georgia Public Service Commission to investigate the dispute either before or after service has been terminated. Any late charges assessed in the case of a disputed bill shall be refunded if it is determined that the consumer does not owe the bill.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.06(A)
Authority: O.C.G.A. Secs. 46-4-150, 46-4-158.1, 46-4-158.2, 46-4-160.
History. Original Rule entitled "Filing of Present Promotional Practices" adopted. F. Mar. 20, 1990; eff. Apr. 9, 1990.
Repealed: F. Mar. 11, 1991; eff. Mar. 31, 1991.
Amended: New Rule entitled "Right of the Customer" adopted. F. Oct. 16, 1998; eff. Nov. 5, 1998.
Repealed: New Rule entitled "Right of the Consumer" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-3-3-.06(B). Rights of the Consumer and Fines for Non-Compliance as Applicable to the Marketer.

In the case of a disconnection of service alleged to be in violation of Commission Rule 515-3-3, the consumer shall notify the marketer in an effort to rectify the situation without the need for Commission intervention. A marketer shall use every reasonable means to resolve a customer complaint regarding a disconnection in error in order to prevent it from being brought to the Commission. Should a disconnection in error be the subject of a Commission hearing at which it is found that the marketer was in violation of the Commission rules and failed to use reasonable efforts to resolve the dispute, the Commission shall issue an order directing the marketer to provide the consumer with the appropriate refund, credit or remedy pursuant to this Commission Rule and pay the consumer $100, plus either $5 for each day that the consumer's complaint was not resolved, accruing from the date the Commission notified the marketer it was investigating the dispute, or an amount determined by Order of the Commission. At such a hearing, the marketer shall have the burden of proof to show that it was in compliance with this Commission Rule. In addition to the foregoing sanctions, the Commission also may order a marketer to pay all expenses incurred by the Commission as a result of having a hearing, including, but not be limited to, court reporter transcription charges; hearing officer fees; and an amount of money equal to that which the Commission expended in Staff time in investigating, hearing and adjudicating the complaint; and pay as contemplated in O.C.G.A. 46-2-91 any and all penalties determined by the Commission to be appropriate in light of the circumstances presented.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.06(B)
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, 46-4-158.1, 46-4-158.2, 46-4-160)
History. Original Rule entitled "Rights of the Consumer and Fines for Non-Compliance as Applicable to the Marketer" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Jan. 10, 2003; eff. Jan. 30, 2003.
Amended: F. Aug. 24, 2018; eff. Sept. 13, 2018.

Rule 515-3-3-.07. Marketers Obligations.

a. The marketer shall be responsible to the EDC for service to the consumer until the EDC has made the physical disconnection.

b. In the event a marketer requests disconnection for a consumer and the consumer makes satisfactory payment of the money owed to the marketer before the consumer is disconnected, the marketer shall send in a paid transaction to the EDC within one (1) business day after receipt of the payment.

c. A marketer shall not refuse to offer a consumer a reasonable payment arrangement at any time prior to physical disconnection by the EDC unless such consumer failed to honor a previous payment arrangement.

d. The marketer shall investigate and respond to complaints of disconnection in error referred by the Commission within one (1) business day of said referral.

e. The marketer shall reasonably confirm that a consumer requesting voluntary disconnection of service is the responsible party of record.

f. The marketer shall submit a notice to disconnect service at a vacated premises to the EDC within five (5) business days following a request for disconnection, unless the consumer indicates otherwise.

g. If the marketer records communications with the consumer, the EDC, or the Commission, regarding disconnections in error, payment arrangements, or a voluntary request for disconnection, or if the marketer receives written or electronic communications from the consumer, the EDC, or the Commission regarding a disconnection in error, a payment arrangement, or a voluntary request for disconnection, then the marketer shall retain copies of such communications for at least six (6) months.

h. The marketer shall not charge a consumer any reconnection fee or any other related charges resulting from a disconnection in error.

i. No marketer shall be authorized to prevent a consumer from obtaining distribution and commodity sales service from another marketer or provider.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.07
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, 46-4-158.1, 46-4-158.2, 46-4-160)
History. Original Rule entitled "Filing of Proposed Promotional Practices" adopted. F. Mar. 20, 1990; eff. Apr. 9,

1990.
Repealed: F. Mar. 11, 1991; eff. Mar. 31, 1991.
Amended: New Rule entitled "Marketers' Obligations" adopted. F. Oct. 16, 1998; eff. Nov. 5, 1998.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Mar. 30, 2005; eff. Apr. 19, 2005.
Amended: F. Aug. 24, 2018; eff. Sept. 13, 2018.

Rule 515-3-3-.08. Electing Distribution Company Obligations.

a. The EDC must disconnect a consumer within five (5) business days of the requested disconnection date following a request for disconnection from a marketer that is in compliance with all Commission orders and rules regarding service disconnection.

b. The EDC shall terminate the request for disconnection of a consumer's account within one (1) business day after a paid transaction is received from a marketer.

c. The EDC shall reconnect gas service within one (1) business day of the date it discovers that the disconnection was made in error, unless the number of disconnections in error for a given day pertains to more than one hundred (100) separate metering points. In this instance, the EDC shall make every effort, based on availability of resources, to reconnect gas service within two (2) business days of the date it discovers that the disconnection was made in error. This rule shall apply to disconnections in error made by either the EDC or the marketer. The EDC shall notify the Commission if the number of disconnections in error exceeds one hundred (100) separate metering points.

d. The EDC shall not charge a reconnection fee if it is determined that the EDC made the disconnection in error.

e. The EDC shall not disconnect a consumer on Fridays or national holidays.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.08
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, 46-4-158.1, 46-4-158.2, 46-4-160).
History. Original Rule entitled "Annual Report" adopted. F. Mar. 20, 1990; eff. Apr. 9, 1990.
Repealed: F. Mar. 11, 1991; eff. Mar. 31, 1991.
Amended: New Rule entitled "Electing Distribution Company Obligations" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Aug. 24, 2018; eff. Sept. 13, 2018.

Rule 515-3-3-.09. Disconnection Procedures for Regulated Provider.

The Regulated Provider shall comply with the same disconnection procedures applicable to marketers except as otherwise provided by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.09
Authority: O.C.G.A. Secs. 46-4-150, 46-4-158.1, 46-4-158.2, 46-4-160.
History. Original Rule entitled "Retroactive Effect" adopted. F. Mar. 20, 1990; eff. Apr. 9, 1990.

Repealed: F. Mar. 11, 1991; eff. Mar. 31, 1991.
Amended: New Rule entitled "Disconnection Procedures for Regulated Provider" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-3-3-.10. Willful Violations.

If the Commission finds, after notice and opportunity for a hearing, that any person, firm, or corporation subject to the jurisdiction of the Commission has willfully violated the provisions of this Rule Chapter, said person, firm, or corporation shall be subject to penalties under O.C.G.A. § 46-2-91.

Cite as Ga. Comp. R. & Regs. R. 515-3-3-.10
Authority: O.C.G.A. Secs. 46-4-150, 46-4-158.1, 46-4-158.2, 46-4-160.
History. Original Rule entitled "Effective Date" adopted. F. Mar. 20, 1990; eff. Apr. 9, 1990.
Repealed: F. Mar. 11, 1991; eff. Mar. 31, 1991.
Amended: New Rule entitled "Willful Violations" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Subject 515-3-4. INTEGRATED RESOURCE PLANNING.

Rule 515-3-4-.01. Commission Authority and Scope of Provisions.

(1) Consistent with Official Code of Georgia Annotated (O.C.G.A.) Section 46-3A (H.B. 280), each electricity supplier (hereinafter "utility") in the state of Georgia whose rates are fixed by the Public Service Commission (hereinafter "Commission") shall be required to develop and file for review and approval by the Commission integrated resource plans and applications for certificates and amendments for construction or sale of electric plants, long term power purchases (including purchase or sale of existing power plants), and expenditures for demand-side capacity options as described by these regulations. These regulations establish guidelines for the development and submission of plans and certificate applications and amendments, including the solicitation, evaluation and approval of purchased power as among the potential supply-side options, and provide for the periodic review of each utility's integrated resource plan and capacity resource construction projects and implementation programs. Interim plan monitoring is established through reporting requirements.

(2) The Commission will approve the utility's integrated resource plan, approve it subject to stated conditions, approve it with modifications, approve it in part and reject it in part, reject the utility's resource plan, as filed, or provide an alternate plan, upon determining, after a hearing is conducted, that this action is in the public interest.

(3) Notwithstanding the provisions of paragraph 515-3-4-.01(2), above, failure to substantially comply with the provisions of this chapter may result in summary rejection of an applicant's plan. Such rejection may be without prejudice to the refiling of the application.

(4) These rules shall not be construed to apply to any matters prior to the effective date of O.C.G.A. Section 46-3A.

Cite as Ga. Comp. R. & Regs. R. 515-3-4-.01
Authority: Ga. L. 1878-79 p. 125; 1907 pp. 72-81; 1922 pp. 142-147; 1975 pp. 404-412; 1991 pp. 1696-1705; Public Utility Holding Company Act of 1935, Sec. 32.
History. Original Rule entitled "Commission Authority and Scope of Provisions" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.
Amended: F. May 12, 1994; eff. June 1, 1994.
Amended: F. Oct. 27, 1997; eff. Nov. 16, 1997.

Rule 515-3-4-.02. Definitions.

(1) Allowance: Authority to emit one ton of sulfur dioxide, as set forth in the Clean Air Act Amendments of 1990 (PL 101-549), at Title IV.

(2) Avoided Cost: The cost over a future period to the electric utility of marginal energy and capacity from a utility supply-side resource for which an alternative resource may be substituted. Avoided costs shall be reported by season and time-of-day if variations are sufficient to warrant such time-differentiation. Avoided costs shall be as determined by current Commission policy.

(a) The direct avoided cost, for the purposes of developing the integrated resource plan shall consist of:

1. Avoided generating capacity cost, adjusted for transmission and distribution losses and reserve margin requirements.

2. Avoided transmission and distribution system capacity cost; and

3. Avoided energy cost, adjusted for transmission and distribution system losses.

(b) The total avoided cost, for use in the societal cost test for the purposes of developing the integrated resource plan shall consist of:

1. The direct avoided cost defined above;

2. Avoided externality costs which have been monetized or considered through an adder (5%) or as otherwise determined by this Commission associated with a utility supply-side resource; and

3. Other avoided costs and benefits which have not been monetized, including an adjustment for risk associated with a utility resource.

(3) Capacity Factor: The ratio of the net energy produced by a generating facility to the amount of energy that could have been produced, in the absence of any scheduled or unscheduled outages, in any selected time period. Net capacity factor equals net power generation in the period divided by the product of [number of hours in the period and net dependable capacity], where net power generation is gross station output less in-station electricity consumption.

(4) Capacity Resource: An electric plant, a long-term power purchase, or a demand-side capacity option.

(5) Clean Air Act Amendments of 1990 (PL 101-549): All titles of the amended Clean Air Act, subsequent rules and amendments, future revisions to the Act, and future federal legislation related to air quality.

(6) Cogeneration: Production by a Qualifying Facility of electricity which the utility is required to purchase or in some instances carry over its transmission facilities as defined in and pursuant to the Public Utility Regulatory Policies Act of 1978, at 16 U.S.C. Section 796. An entity providing electricity from its Qualifying Facility is a cogenerator.

(7) Commission: Georgia Public Service Commission.

(8) Construction: The clearing of land, excavation, or other substantial activity leading to the operation of an electric plant other than planning, land surveying, land acquisition, subsurface exploration, design work, licensing or other regulatory activity, contracting for construction, or environmental protection measures and activities associated therewith.

(9) Customer (or participant) Cost: The incremental cost to the customer(or to any person or entity, other than the utility serving the customer), for a demand-side measure.

(10) Demand-side Capacity Option: A program for the reduction of future electricity requirements the utility's Georgia retail customers would otherwise impose, including, but not limited to energy efficiency and energy management options (together known as demand-side resources), and cogeneration and renewable resource technologies. (Cogeneration and technologies are generally included among supply-side resources because they add to the total amount of electrical energy produced by society).

(11) Demand-Side Measure: Any hardware, equipment or practice which is installed or instituted for energy efficiency or energy management purposes.

(12) Demand-Side Program: A utility program designed to implement demand-side measures.

(13) Demand-Side Resource: A resource that reduces the demand for electrical power or energy as a result of applying demand-side programs to implement one or more demand-side measures.

(14) Direct Costs: These are costs which are paid directly by the utility, the customer, or a third party and include such items as the cost of demand-side management equipment and programs, fuel and operating and maintenance costs, and generating, transmission, and distribution equipment.

(15) Electric Plant: Any facility, or portion of a facility, that produces electricity, or is intended to produce electricity, for a utility's Georgia retail customers. Electric plant includes the realty, ancillary facilities, and associated facilities required to interconnect the electric plant with the bulk power supply system.

(16) End-Use: Light, heat, cooling, refrigeration, motor drive, microwave energy, video or audio signal, computer processing, electrolytic process, or other useful work produced by electricity or its substitute. If equivalent energy-related amenity levels and/or productivity are maintained, the end-use service is considered constant for purposes of these regulations.

(17) Energy Efficiency: The decrease of power (kilowatt, or "kW") or energy (kilowatt-hour, or "kWh") requirements of participating customers during any selected time period with end-use service held constant.

(18) Energy Management: The modification of the time pattern of customer energy usage, with end-use service held constant.

(19) Equivalent Availability: The availability of a generating facility in any selected time period, considering both scheduled and unscheduled, partial and full outages. The equivalent availability factor equals the [service hours plus reserve hours minus equivalent derated hours] divided by the number of hours in the period, where service hours are the hours the unit is electrically connected to the load, reserve hours are the hours the unit is shut down for economic reasons and the equivalent derated hours are the number of forced or scheduled derated hours times megawatt reduction divided by the maximum dependable capacity.

(20) Exempt Wholesale Generator: Any person determined by the Federal Energy Regulatory Commission to be engaged directly, or indirectly through one or more affiliates as defined in section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935, and exclusively in the business of owning and/or operating all or part of one or more eligible electric generating facilities and selling electric energy at wholesale. A person shall be deemed an exempt wholesale generator who complies with the definition of same under section 32(a) of the Public Utility Holding Company Act of 1935.

(21) Externalities (or external costs/benefits): Those environmental and social costs or benefits of energy which result from the production, delivery, or reduction in use through efficiency improvements and which are external to the transaction between the supplier (including the supplier of efficiency improvements) and the wholesale (e.g., utility) or retail (e.g., ratepayer) customer. Externalities should be quantified and expressed in monetary terms where possible. Those externalities that cannot be

quantified or expressed in monetary terms shall nonetheless be qualitatively considered in the societal cost test to develop resource plans.

(22) FERC: Federal Energey Regulatory Commission.

(23) Independent Power Producer: A supplier of electricity from an electric plant that is not directly owned and operated by a utility for servicing its retail customers, and not a utility operating company that sells electricity as part of an affiliated utility operating company system. Independent power producers include non-utility generators and exempt wholesale generators.

(24) Indirect Costs/Benefits: These are costs which result from utility actions but are not paid directly by either the utility or the customers. Indirect costs include such items as the environmental impacts of air pollutant emissions from power plants, land use disruptions from building power plants and transmission lines, and similar generalized costs. Indirect benefits are benefits which result from utility actions but are not received directly by either the utility or the customers. Indirect benefits include consideration of economic developments, increased tax base and similar generalized benefits.

(25) Integrated Resource Planning (IRP): A utility resource planning process in which an integrated combination of demand-side and supply-side resources is selected to satisfy future energy service demands in the most economic and reliable manner while balancing the interests of utility customers, utility shareholders and society-at large. In IRP, all resources reasonably available to reliably meet future energy service demands are considered by the utility on a fair and consistent basis. These options include, but are not limited to:

(a) Options that increase the available supply from, or efficiency of, existing utility facilities, such as plant heat-rate improvements, plant refurbishment and life-extension, transmission and distribution system loss reduction;

(b) Options that increase the available supply from new utility sources, such as new conventional plants and new advanced technology plants;

(c) Options that increase the available supply from utility sources, including power pool purchases;

(d) Options that increase the available supply from non-utility sources, such as cogenerators and independent power producers;

(e) Options that reduce demands for utility-supplied power and energy through energy efficiency;

(f) Options that reduce demands for utility-supplied power and energy through energy management; and

(g) Options that reduce demands for utility-supplied power and energy through the use of alternative fuels.

(26) Long-Term: Exceeding one year.

(27) Long-term Power Purchase: Any purchase of electric capacity and energy for a period exceeding one year, the principal purpose of which is to supply the requirements of the Georgia retail customers of a utility. Long-term power purchases are one of several supply-side resources.

(28) Market Discount Rate: A rate which reflects current customers' after-tax cost of capital. The utility's after-tax cost of capital is one such rate.

(29) Net Dependable Capacity: The maximum capacity a generating facility can sustain over a specified period of time, as modified for ambient limitations and less auxiliary loads, as reported to the U.S. Department of Energy on Form IE-411 or its successor.

(30) Participant's Test: The economic test which measures the quantifiable benefits and costs to the customer due to participation in a program.

(31) Pilot Demand-Side Program: A demand-side program which is implemented on a trial basis by the utility for one or any combination of customer classes for which the demand-side measure, program design, or method of implementation has not yet been proven cost-effective through either the implementation of a pilot program in the utility's service territory or the implementation of a transferable pilot or full scale program in the service territory of another electric utility. Pilot programs are limited in scope as to target population, duration or a combination of these factors.

(32) Plan: The integrated resource plan, as defined in O.C.G.A. Section 46-3A, filed by the utility pursuant to these regulations, to cover the twenty-year forecast period from the year of filing. The plan will contain the utility's electricity demand forecasts, analysis of all capacity resource options, analysis of alternative system configurations, list of assumptions, and supporting data and information.

(33) PURPA: The Public Utility Regulatory Policies Act of 1978 including any amendments.

(34) Rate Impact Analysis: An analysis of the extent to which unit rates for electricity are altered by the implementation of an alternative system configuration.

(35) Rate Impact Measure Test: The economic test which measures the changes in customer rates as a result of changes in utility revenues and operating costs caused by a program.

(36) Request for Proposals: A formal written document submitted to potential utility, cogenerator, independent power producer and exempt wholesale generator suppliers, and others seeking proposals to sell supply-side capacity resource(s) in order to supply the requirements of the Georgia retail customers of a utility.

(37) Screening Tests: The evaluations used to determine which demand and supply-side resource options are eligible for inclusion in the alternative system configurations. The demand-side screening tests may include the rate impact measure test, utility cost test, the participant's test, the total resource cost test and the societal cost test. The primary test for screening supply-side additions will be based upon the present value of revenue requirement over the life of the resource at varying levels of operation or capacity factor.

(38) Societal Cost Test: An analytical test which identifies resources that provide net benefits considering economic, environmental and social factors. A resource option is cost-effective under the societal cost test when present value life cycle benefits exceed present value life cycle costs, evaluated at the utility discount rate. Total benefits equal the total avoided costs multiplied by the energy/capacity supplied by the resource option, plus any resource-specific benefits not otherwise reflected in the total avoided cost. Total costs equal the total installed cost of the resource option plus its operating costs plus any monetized and non-monetized costs attributable to the option.

(39) Supply-Side Resource: A resource which can provide for a supply of electrical energy and/or capacity to the utility. Supply-side resources include supply-side capacity options, supplies from other utilities, cogenerators, renewable resource technologies, or independent third parties via existing or new transmission facilities; and the life extension, upgrading, plant refurbishment, efficiency improvement, or capital additions of existing generation, transmission or distribution facilities of the utility.

(40) System Configuration: A set of demand-side resource options, supply-side resource options, or a combination thereof, which is designed to provide electric service needs over the planning period.

(41) Total Resource Cost Test: An economic test which measures the "net" costs of a demand-side management program as a resource option based on the total costs of the program, including both the participant's and the utility's cost.

(42) Transmission facilities shall be generally defined as those having the following general characteristics:

(a) Transmission facilities are generally network in nature and are interconnected with other transmission systems;

(b) Power generally flows through a transmission system:

(c) Network transmission systems serve both native load and external markets through interconnecting with other transmission systems;

(d) Power flowing on a transmission system may be consumed over a diverse geographic area; and

(e) Transmission shall be at voltage levels as prescribed ty the FERC.

(43) Utility: Any electric supplier whose rates are fixed by the Commission.

(44) Utility Enterprise: A utility, its parent holding company and affiliated companies.

(45) Utility Cost Test: An analytic test which considers only the direct utility economics of resource options. A resource option is cost effective under the utility cost test when present value life cycle benefits exceed present value life cycle costs, evaluated at a market discount rate. Direct benefits equal the direct avoided costs multiplied by the energy/capacity supplied by the resource option. Direct costs equal the utility cost of installing the resource option plus the utility's operating costs.

Cite as Ga. Comp. R. & Regs. R. 515-3-4-.02
Authority: Ga. L. 1878-79 p. 125; 1907; pp. 72-81; 1922 pp. 142-147; 1975 pp. 404-412; 1991 pp. 1696-1705, 16 U.S.C. Secs. 791, 796; 15 U.S.C. Secs. 79 *et seq.*, Public Utility Holding Company Act of 1935 Sec. 32.
History. Original Rule entitled "Definitions" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.
Amended: F. May 12, 1994; eff. June 1, 1994.
Amended: F. Oct. 27, 1997; eff. Nov. 16, 1997.

Rule 515-3-4-.03. Energy and Demand Forecasting Requirements.

(1) Time Frame of Analysis.

(a) Historic Data. Energy and demand forecasts shall utilize and report historic data from the three years preceding the filing year when such historic data are available.

(b) Forecast period. All energy and demand forecasts shall be performed for each year of the twenty-year period beginning with the filing year.

(2) Contents of Energy and Demand Forecasts.

(a) Characteristics. The forecasts specified below shall be weather normalized. The methodologies and processes used to normalize for weather shall be fully described and justifiable.

(b) The load forecast shall include and report the following items for each historic and forecast years including: first, the jurisdictional portion of each utility; second, the utility including sales to Georgia partial requirements and full requirements wholesale, if applicable; and third, the utility including all Georgia retail and wholesale loads for which the utility has planning responsibility, if applicable:

1. The total annual energy consumption for electricity for the utility and for each of the utility's customer classes;

2. The total monthly energy consumption for the utility and for each of the utility's aggregate customer classes, for the most recent three years of history and the first three years of the forecast period;

3. The summer, winter and annual peak demands for each of the customer classes;

4. The monthly coincident and non-coincident peak demands for each of the customer classes, for the most recent three years of history and the first three years of the forecast period;

5. Annual load factor; and

6. Edison Electric Institute load data for the most recent three years, supplied both in hard copy and on a computer disk in ASCII format.

(c) Analysis and Documentation of Peak Demand and Energy Forecasts. The Forecast documentation shall be the utility's standard forecast documentation which outlines the rationale and pertinent factors used for the utility's own planning purposes. The historic data and forecast of peak demand and energy usage shall include, and shall separately identify and describe the impact on peak demand and energy usage of the following load requirements and resources:

1. Utility demand-side programs which were implemented before preparing the plan under consideration;

2. Existing government-sponsored or mandated demand-side programs;

3. Price-induced substitution of alternative fuels for electricity and vice versa;

4. Actual and expected interruptible demand, including number of customers and firm capacity contracted for interruption from each customer, and, for historic years, the amount of interruptible demand which was actually interrupted;

5. Self-generation and cogeneration by existing and future customers, including the number of customers with such capacity, their total capacity rating and, where applicable, the capacity and energy they are contracted to provide; and

6. Transmission and distribution losses.

(d) Evaluation of Previous Forecasts. Each utility plan shall contain an evaluation of the previous forecast. The evaluation must assess the accuracy of the previous forecast(s), attempt to explain the deviation between forecasted and actual energy

and demand, and describe revisions to subsequent methodologies and assumptions utilized to correct for potential deviations, as appropriate.

(3) Forecasting Methodology.

(a) Forecasting Methodology and Determinants. Utility forecasts used in the integrated resource plan filing shall be based on desegregated end-use methods or some other comparable forecasting methodology. The forecast of energy and demand shall identify and describe the significant determinants used in forecasting future peak demand and energy usage. In addition to end-use specifications, each forecast should address the following factors influencing peak demand and energy usage, where appropriate:

1. Demographics, including population, number of households, household type (e.g., single versus multi-family), employment, and income;

2. Economic conditions, including gross product of the service area;

3. Price of electricity and price elasticity of demand for electricity;

4. The substitution of electricity for and with competing fuels in end-uses, including the rates of penetration and saturation of the market of those end-uses;

5. The future price of competing end-use fuels;

6. Behavioral factors which affect energy use by customers;

7. Energy policies of the state and federal government affecting energy use, both existing and reasonably anticipated; and

8. Any other factors deemed relevant.

(b) Each utility energy and demand forecast shall include detailed descriptions of the source of all determinants upon which it relies and shall document and fully justify the procedure by which the determinants were incorporated into the peak demand and energy usage forecasts. The determinants used in forecasting energy and demand must be consistent with and integrated into the different components of the forecast;

(c) Data Requirements. Utility energy and demand forecasts shall be based on the best available data. Where reliable data are not available, estimates should be used and justified. Each utility shall develop a data base of electricity consumption patterns by customer class and by end-use where applicable (e.g., classes for which end-use data have been collected within the most recent five years). When using end-use forecasting methodologies, each utility shall submit the most current data

available on end-use appliance penetration and saturation rates and end-use electricity consumption patterns. Each forecast shall include a detailed description of data used in making the forecast, an identification of the sources of such data, and a detailed explanation of specific techniques employed for gathering, organizing, adjusting, or interpreting the data;

(d) Econometric Forecasting Methods. Where statistical or econometric methods are used in developing forecast inputs or in the forecasting process, analyses of the reasonableness of such methods and models shall be presented, including computer outputs with parameter estimates; and

(e) Load research. Each utility shall identify and describe ongoing and planned load research.

(4) Sensitivity Analyses and Contingency Planning.

(a) Sensitivity to Major Assumptions. The energy and demand forecast shall include an analysis of the sensitivity of results to the major assumptions and estimates used in preparing the forecasts.

(b) Sensitivity Planning. Each utility plan must contain a series of demand forecasts sensitivities which represents a reasonable range of electricity sales and demand which its system may be required to serve. The range must include three levels of expected growth based on alternative assumptions of demand determinants, as follows:

1. A base case scenario should be developed, which incorporates all assumptions that are likely to occur. This case shall be used to project revenue requirements, avoided costs, ceiling prices, and resource blocks;

2. A high growth scenario; and

3. A low growth scenario.

Cite as Ga. Comp. R. & Regs. R. 515-3-4-.03
Authority: Ga. L. 1878-79 p. 125; 1907, pp. 72-81; 1922 pp. 142-147; 1975 pp. 404-412; 1991 pp. 1696-1705.
History. Original Rule entitled "Energy and Demand Forecasting Requirements" adopted. F. Dec. 10, 1991, eff. Dec. 30, 1991.
Amended: F. Oct. 27, 1997; eff. Nov. 16, 1997.

Rule 515-3-4-.04. Identification of Capacity Resources.

(1) Existing Resources.

(a) Assessment of Existing Resources. The utility shall describe all existing resources, including existing power purchases, sales and exchanges, demand-side resources, purchases from non-utility sources, purchases from other utilities, cogeneration, standby generation capacity, interruptible service capacity, pooling or coordination agreements that reduce resource requirements, owned or partially-owned generating facilities, and any other supply-side resources. Any projected changes must be documented. The utility shall also describe all resources available to the utility enterprise, to the extent that these resources affect the resources available to the utility;

(b) Assessment of Existing Transmission. The utility shall analyze the adequacy of its existing transmission system to determine its capability to serve load over the next ten years, to evaluate the supply-side resource potential of actions to reduce transmission losses, to evaluate the potential impacts of demand-side resources on the transmission network, and to assess the transmission component of the avoided cost;

(c) The utility must provide a comprehensive Environmental Compliance Strategy ("ECS") that includes a detailed report on the state of current and proposed environmental regulations that may have an effect on the installation of equipment or changes in the operation of electric generating plants, including coal-fired, gas-fired, nuclear and hydroelectric. Included among the items the ECS is to address are existing and proposed regulation of sulfur dioxides, nitrogen dioxides, lead, mercury and other hazardous air pollutants listed in section 112 of the Clean Air Act, particulates, ozone, carbon dioxide, methane, low-level nuclear waste, high-level nuclear waste, as well as water quantity and quality, cooling technologies, and the discharge effluents of coal ash and thermal pollution, as applicable to electric generation. The ECS will evaluate the utility's plans, including technologies and forecasted incremental capital and operation and maintenance expenditures for compliance for the next ten years for existing plants. It will include a section of environmental regulations promulgated since the last IRP, and the status of pending regulations that may have an effect on the installation of equipment or changes in the operation of electric generating plants, including coal-fired, gas-fired, nuclear and hydroelectric. The utility will also provide the citation and procedural status of any litigation (whether in a state or federal court, administrative tribunal, or any other forum) the utility is participating in, either representing itself or as a member of a consortium, that involves challenges to any regulations covered in the ECS.

(d) Assessment of the Future Potential of Existing Resources.

Each utility shall assess the role of existing demand-side and supply-side resources in meeting future demand requirements. For those resources for which any action other than continued use in its existing condition appears to be cost-effective, the utility shall assess and document the cost and benefit associated with

any such action, and justify why such action will or will not be taken. Such assessment with respect to the use of existing supply-side capacity resources must include comparison against the resources offered in response to the utility's Request for Proposals, with the exception of the capacity resources identified in Rule 515-3-4-.04(3)(f);

(2) Potential New Electric Plant and New Transmission Facilities.

(a) The utility shall identify and fully describe all potential new utility electric plant options and transmission facilities options for meeting future demand. To the extent practicable and economically feasible, the options considered shall include all technologies and designs which are expected to be available within the twenty-year planning period, either on a commercial scale or on a demonstration scale. The utility shall also fully describe all new electric plant and transmission facilities options available to the utility enterprise to the extent that these resources affect supply-side resources available to the utility;

(b) The utility shall perform an initial screening utilizing the screening test of all future electric plant options to eliminate those which, upon preliminary evaluation, are not cost effective in relationship to other available electric plant options. These cost-benefit analyses shall be provided in the integrated resource plan for each electric plant option. If the utility eliminates any electric plant options, then each such option shall be identified, and the reason for rejection shall be fully explained and justified; and

(c) The utility shall submit a comprehensive and detailed bulk transmission plan of the Georgia Integrated Transmission System every three years. The utility shall identify future transmission facilities required to solve the transmission system inadequacies during the next ten years, as identified in 515-3-4-.04(1)(b). The purpose of this analysis is to assure that the transmission network is capable of reliably supporting the loads and resources placed upon it during the next ten years, that costs of the transmission network associated with supply- and demand-side resources are properly considered, that the avoided costs reflect the expected transmission system expansion, and that transmission system loss reduction opportunities are considered as a supply-side resource. Approval or adoption of an integrated resource plan does not constitute approval of transmission facilities for which information is provided under this section. The utility plan shall include at least the following:

1. An Executive Summary containing an overview of the plan, the results, conclusions and recommendations:

2. A Section that details all processes, procedures, guidelines and applicable planning standards used in the development of the plan.

3. A Section that contains a review and analysis of any major outage events in the prior three years, including a discussion of the problem, action taken and any conclusions and recommendations. In addition, a discussion of any significant issues affecting the reliability or adequacy of the transmission system and plans to address them.

4. A Section that summarizes the results of the long-term analyses of the transmission network by year for the next ten years which would include at least the following:

   i. An overview of the existing integrated transmission system ("ITS") plan for Georgia as a whole and by regions within the State, including interfaces.

   ii. A ten year study of all regional interfaces and their import and export capabilities as defined in the applicable NERC/SERC guidelines, as well as plans for future interconnections and improvements to existing interconnections.

   iii. A ten year plan by year with details of all approved budgeted projects including discussions of the problems, alternatives and the final solutions as well as all forecasted projects including discussions of the problems and proposed solutions. Details of all approved budgeted projects shall include at least the following:

      (1) the expected termination points and length for each new transmission line;

      (2) identification of existing transmission facilities planned for upgrade, rebuilding or retirement;

      (3) the expected design voltage, capacity and in-service date for each new, upgraded or rebuilt transmission facility;

      (4) the approximate cost of each planned expansion or alteration to the transmission network.

   iv. A list of all transmission projects proposed for the 500 kV, 230 kV and 115 kV systems, by year for the next 10 years.

5. An appendix that contains the Siemens load flow program (PSS/E) data files. The cases to be included are the Summer Contract cases for the 10 year plan period without the proposed fixes and an IDEV file containing the proposed fixes for each year. These files will be provided in electronic format.

6. Public information regarding preferred sites on the transmission system for the interconnection of new generation.

(d) The utility shall submit documentation which discusses the following:

1. A general discussion of the decision making process, criteria, and standards employed at the utility as it relates to resource development and acquisition, including, but not limited to a discussion of the utility's organization, the review and approval procedure, and schedule for resource assessment and acquisition plan preparation;

2. A discussion which outlines and justifies the general methodological approach taken for resource assessment and selection;

3. A discussion of the models, methods, data sets and information used by the utility to obtain the results;

4. A discussion of key assumptions and judgments used in the assessment and how those assumptions and judgments were incorporated into the analyses;

5. An identification and discussion of those factors (e.g., environmental laws, inflation, customer acceptance) which are most likely to have the greatest impact on the selected system configuration, and those factors that could prevent the successful implementation of the resource acquisition plan as presented;

6. A discussion and justification of the criteria (e.g., present value of revenue requirements, capital requirements, environmental impacts, flexibility, diversity) used to screen each resource alternative and the criteria used to select the final system configuration presented in the application(s) for certification;

7. A discussion and justification of why each alternative in the screening analysis was either accepted or rejected for further analysis; and why each alternative was or was not included in the final mix of resource options;

8. A discussion and justification of the criteria used in determining the appropriate level of reliability and the required reserve or capacity margin, and a discussion of how this determination has influenced the selection of options; and

9. A discussion of research efforts and/or programs underway or planned which are directed at developing data for future assessments and refinements of analyses.

(3) Request for Proposals Procedure for Long-Term New Supply-Side Options.

(a) Notwithstanding language contained in any other rule set forth in this chapter, the following terms shall have the following definitions as used in this Utility Rule 515-3-4-.04(3):

1. "Commission" means the Georgia Public Service Commission.

2. "Independent Evaluator" or "IE" means the entity or entities selected pursuant to the RFP Rule to conduct a RFP Process.

3. "IRP" means the filing ma de by the utility in which it proposes a specific integrated resource plan for adoption/approval by the GPSC.

4. "IRP Plan" means the specific integrated resource plan adopted by the GPSC for a utility, as may be modified from time to time, and which identifies specific supply-side resource blocks to be added by the utility at specific periods in time.

5. "PPA Execution Date" means the date on which a power purchase agreement between the soliciting utility and the winning bidder is executed pursuant to a RFP Process.

6. "RFP" means the notice of a request for proposals distributed to the marketplace by the IE under the RFP Rule identifying the needed resources and the time for providing those resources as set out in the IRP Plan, or any amendment thereto.

7. "RFP Document" shall mean the collection of materials identified in part IV.4 and distributed to interested bidders and pursuant to which the bids shall be submitted and evaluated during the RFP Process.

8. "RFP Process" means the preparation and issuance of a RFP and all the activities subsequently associated therewith that are expected to terminate in the execution of a PPA between the soliciting utility and the winning bidder, and in which an Independent Evaluator is selected pursuant to and performs the functions described in this Proposed RFP/IE Structure.

9. "RFP Rule" means GPSC Rule 515-3-4-.04(3) as amended from time to time, including specifically as amended to adopt the procedures and principles contained in this Proposed RFP/IE Structure.

10. "RFP Service Date" means that date six months in advance of the date the RFP is expected to be issued, as further described in paragraph II.3.

11. "Staff" means the Commission Staff assigned to participate in the RFP Process.

(b) Requirement to use an RFP Process.

1. For each block of required new supply-side resources identified in the IRP, the utility shall propose a schedule for conducting a RFP Process, including specifically the expected date upon which the RFP shall be issued that solicits each such new supply-side resource along with the amount of capacity required. This information shall be considered public information and made available to all potential bidders.

2. The RFP Process shall be utilized for every block of required new supply-side resource identified in the IRP Plan, except as provided in Rule 515-3-4-.04(3)(f).

(c) Role and Selection of an Independent Evaluator.

1. The IE will be retained by the soliciting entity under a contract that is acceptable to the Commission and which is consistent with the RFP Rule. In order to help assure independence, the IE shall be selected by and report to the Commission. The soliciting entity (i.e., Georgia Power Company or Savannah Electric and Power Company), the Staff and potential bidders may recommend persons or entities to serve as the IE. The Commission shall establish the minimum qualifications and requirements for an IE and shall select the IE pursuant to the selection process described herein. The role and function of the IE in the RFP Process shall be as set forth herein.

2. Any IE considered by the Commission shall be required to disclose any financial or personal interest involving any soliciting entity or any potential bidder, including but not limited to all substantive assignments for any Southern Company affiliate or any other potential bidder during the preceding five (5) years. The Commission may consider this interest in selecting the IE. The Commission will post on its web site the list of all IE candidates being considered and their statements of interest. The Commission will invite and consider any comments from the soliciting entity and potential bidders concerning the IE candidates prior to the selection of the IE. No IE selected by the Commission may perform services for the soliciting entity or any bidder for a period of two (2) years after the completion of an RFP Process in which the IE served.

3. The IE shall be retained in time to begin service at least six months prior to the expected issuance of the RFP ("RFP Service Date"). Consequently, the IE selection process identified in paragraphs II.2 and II.3 shall be concluded in time for the IE to begin service as of the RFP Service Date. From the date the IE is selected, no bidder or potential bidder shall have any communication with the IE, Staff, or the soliciting entity pertaining to the RFP, the RFP documents, the RFP process, the evaluation or the evaluation process or any related subjects except as those communications are

specifically allowed by this proposed RFP/IE structure or as are made publicly through the IE's website.

4. The IE will report to the Commission and the Staff. In carrying out its duties, the IE will work in coordination with the Staff and the soliciting entity with regard to the RFP Process as further described herein.

5. If the IE becomes aware of a violation of any requirements of the RFP Process as contained in the RFP Rule, the IE shall immediately report that violation, together with any recommended remedy, to the Commission.

6. The IE's fees shall be funded through reasonable bid fees collected by the soliciting entity. The soliciting entity shall be authorized to collect bid fees up to $10,000 per bid to defray its costs of evaluating the bids and, in addition, the soliciting entity may charge each bid an amount which shall be equal the estimated total cost of the IE divided by the anticipated number of bids. To the extent that insufficient funds are collected through this method to pay all of the IE's fees, the soliciting entity shall pay the outstanding cost. Invoices for services rendered by the IE should be sent directly to the Commission for its review. After they are reviewed and approved, the invoices will be forwarded to the soliciting entity for payment, which will be made directly to the IE.

(d) Affiliate Communications.

1. Any affiliate of the soliciting entity that intends to submit a bid in response to the RFP, as well as any other persons acting for that affiliate or on its behalf in support of the development and submission of such bid, shall be known collectively as the "Bid Team."

2. The representatives of the soliciting entity that will be evaluating the bids submitted in response to the RFP, as well as any other persons acting for or on behalf of the soliciting entity regarding any aspect of the RFP Process, shall be known collectively as the "Evaluation Team."

3. No later than the RFP Service Date, the Bid Team shall be separately identified and physically segregated from the Evaluation Team for purposes of all activities that are part of the RFP Process. The names and complete titles of each member of the Bid Team and the Evaluation Team shall be reduced to writing and filed with the Commission for use by the IE.

4. There shall be no communications, either directly or indirectly, between the Bid Team and Evaluation Team from the RFP Service Date through the PPA Execution Date regarding any aspect of the RFP Process, except (i) necessary communications as may be made through the IE and (ii)

negotiations between the Bid Team and the Evaluation Team for a final PPA in the event and then only after the Bid Team has been selected by the soliciting entity as the winning bid. The Evaluation Team will have no direct or indirect contact or communications with any bidder other than through the IE as described further herein, until such time as a winning bid is selected by the soliciting entity and negotiations for a final PPA have begun.

5. At no time shall any information regarding the RFP Process be shared with any bidder, including the Bid Team, unless the precise same information is shared with all bidders in the same manner and at the same time.

6. On or before the RFP Service Date, each member of the Bid Team shall execute an acknowledgement that he or she agrees to abide by the restrictions and conditions contained in paragraphs III.3 through III.5 above. At the PPA Execution Date, each member of the Bid Team shall execute an acknowledgement that he or she has met the restrictions and conditions contained in paragraph III.3 through III.5 above. These acknowledgements shall be filed with the Commission by the Bid Team within 10 days of their execution.

7. Should any bidder, including the Bid Team, attempt to contact a member of the Evaluation Team directly, such bidder shall be directed to the IE for all information and such communication shall be reported to the IE by the Evaluation Team member. At the RFP Service Date, each Evaluation Team member shall execute an acknowledgement that he or she agrees to abide by the and conditions contained in paragraphs III.3 through III.5 above and, as of the PPA Execution Date, shall execute an acknowledgement that he or she has met the restrictions and conditions contained in paragraphs III.3 through III.5 above. These acknowledgements shall be filed with the Commission by the Evaluation Team within 10 days of their execution.

(e) RFP Structure and Process.

1. Identification of Bidders and Design of RFP.

   i. The soliciting entity will provide the Staff and the IE with a list of the companies that have submitted proposals in the three most recent solicitations conducted on behalf of the soliciting entity, as well as a list of all potential bidders to whom notice of those prior solicitations was sent. The soliciting entity shall be responsible for preparation of the final list of potential bidders to whom notice of the upcoming solicitation will be sent.

ii. The soliciting entity will be responsible for preparing an initial draft of the RFP Document, including RFP procedures, evaluation factors, credit and security obligations, a pro forma power purchase agreement, the inclusion of any "proxy price" agreed to by the Staff and the IE against which the soliciting entity wishes to have the RFP bids tested, and a solicitation schedule. No later than one hundred twenty (120) days prior to the planned issue date of the RFP, the soliciting entity will supply the draft of the RFP Document to the Staff and the IE. These drafts shall be posted on the Commission's website and be accessible through a link established for the use of the IE (the "IE website").

iii. If the soliciting entity wishes to consider an option for full or partial ownership of a self-build option, the utility must submit its construction proposal ("Self-build Proposal") to provide all or part of the capacity requested in the RFP to the IE at the time all other bids are due. Once submitted, the Self-build Proposal may not be modified by the soliciting entity. Provided, however, that in the event that the soliciting entity demonstrates to the satisfaction of the Staff and the IE that the Self-build Proposal contains an error and that correction of the error is in the best interest of customers and will not be harmful to the RFP Process, the soliciting entity may correct the error. Persons who have participated or assisted in the preparation of the Self-build Proposal in any way may not be a member of the Bid Team, nor communicate with the Bid Team during the RFP Process about any aspect of the RFP Process. The soliciting entity's Selfbuild Proposal must consist of the entire cost to complete the project including the "overnight cost," project capital additions, the Allowance for Funds Used During Construction (AFUDC) and the non-fuel operating and maintenance cost of the proposed self-build facility. The "overnight cost" is the cost to build the plant all at once, or "overnight," without consideration of financing costs. The utility thus may choose to make no commitment to the structure of the construction organization, to the timing of the project, or to its financing costs.

iv. The RFP and RFP Document together shall identify all factors to be considered in the evaluation of bids. In addition to the matters specified in Commission Rule 515-3-4-.04(3)(b), the following materials or matters shall be included in either the RFP or RFP Document, as appropriate:

I. a pro forma power purchase agreement containing all expected material terms and conditions;

II. information on the Southern Company OASIS that will permit each prospective bidder to identify any native load growth transmission service reservation made by or on behalf of the soliciting entity; and

III. the solicitation schedule.

With respect to item (iv)(I) above, the Commission shall conduct a process beginning at the conclusion of this IRP case, to be concluded within the shortest time practicable, in which all interested parties may participate to develop a pro forma power purchase agreement that will become part of the RFP Document. It is anticipated that the proforma power purchase agreement that is part of the RFP Document may be modified from time to time with the consent of both contracting parties in a manner that does not depart from the terms upon which the winning bid was selected.

v. The Staff and the IE will critique the initial draft RFP and RFP Document and provide their input to the soliciting entity. The soliciting entity may incorporate changes based on this critique if it so chooses. The initial draft RFP and RFP Document, plus the Staff/IE critique thereof, will be posted on the IE website.

vi. The IE and Staff, plus the soliciting entity, may conduct at least one public bidders conference to discuss the draft RFP and RFP Document with interested parties, including but not limited to potential bidders. Potential bidders may submit written questions or recommendations to the IE regarding the draft RFP and RFP Document in advance of the bidders' conference. All such questions and recommendations shall be posted on the IE website. The IE shall have no private communication with any potential bidders regarding any aspect of the draft RFP and RFP Document.

vii. Based on the input received from potential bidders and other interested parties, and based on their own review of the draft RFP and RFP Document, the Staff and the IE will submit a report to the soliciting entity detailing suggested recommendations for changes to the RFP and RFP Document prior to its issuance. This report shall

be provided to the Commission and posted on the IE website for review by potential bidders.

viii. The soliciting entity shall submit its final version of the RFP and RFP Document to the Commission for approval or modification. Once approved by the Commission, the final RFP and RFP Document shall be posted on the IE website. At any time after the RFP is issued, through the time the winning bid is selected by the soliciting entity, the schedule for the solicitation may be modified upon mutual agreement among the soliciting entity, the IE and the Staff, or upon approval by the Commission.

ix. At the time the content of the RFP is considered for approval, the Commission may determine whether there will a single round of bidding, or whether a "competitive tier and refreshed bid" process will be used. The Commission will consider comments and views of the soliciting entity and any interested party, including potential bidders, on this issue. In the event that the Commission does not expressly determine that a "competitive tier and refreshed bid" process shall be used, there will be only one round of bidding.

x. Notwithstanding the foregoing, there shall be a single round of bidding to obtain the next supply-side resource identified in the current IRP case and that block of supply-side resource shall be procured through the RFP Process.

2. Issuance of RFP and Bidder Communications.

i. The IE will transmit the final RFP and RFP Document to the bidder list via the IE's website, pursuant to the solicitation schedule contained in the RFP and RFP Document.

ii. The only bidder communications permitted prior to submission of bids shall be conducted through the IE. Bidder questions and IE responses shall be posted on the IE website. To the extent such questions and responses contain competitively sensitive information for a particular bidder, this information may be redacted.

iii. The soliciting entity may not communicate with any bidder regarding the RFP Process, the content of the RFP and RFP Document, or the substance of any potential response by a bidder to the RFP; provided, however, the soliciting entity shall provide timely, accurate responses to an IE request for information regarding any aspect of the RFP and RFP Document or the RFP Process.

iv. Bidders shall submit bids pursuant to the solicitation schedule contained in the RFP and RFP Document. The soliciting entity, Staff, and the IE shall have access to all bids and all supporting documentation submitted by bidders in the course of the RFP Process.

v. The soliciting entity shall cause native load growth reservations to be made on the Southern Company OASIS for all bids that are not otherwise capable of using an existing native load growth reservation for evaluation purposes.

3. Evaluation of Responses to RFP.

i. The evaluation stage of the RFP Process will proceed on two tracks. On one track, the soliciting entity will evaluate all bids based on a total cost impact analysis such as was applied in the 2005/2006 Georgia RFP (the "TCI Analysis"). The soliciting entity will conduct this track in an appropriate manner, consistent with the principles and procedures contained in this Proposed RFP/IE Structure.

ii. A second track will be conducted by the Staff and the IE. The Staff and IE shall have discretion to utilize whatever they consider the optimum combination of auditing the soliciting entity track and conducting its own independent evaluation in order to evaluate the resource options submitted to the soliciting entity in the RFP Process. The Staff and IE may apply the TCI Analysis as part of conducting their independent evaluation.

iii. The soliciting entity, the Staff or the IE may request further information from any bidder regarding its bid. Any communications between the soliciting entity and a bidder in this regard shall be conducted through the IE. The soliciting entity shall be informed of the content of any communications between the Staff/IE and a bidder. Should it be determined necessary by the IE, the soliciting entity and the bidder, conference calls between the soliciting entity and a bidder may be conducted for the sole purpose of clarification and understanding of a particular bid. All conference calls must be initiated by the IE and the IE will be present on each call for its duration. Communications will be conducted on a confidential basis between the IE and the bidder, and may include one face-to-face meeting between the IE, the soliciting entity, and each bidder to discuss the proposal, unless a bidder declines such a meeting.

iv. In order to conduct both its independent evaluation function and its auditing function, the IE and the Staff shall have access to all information and resources utilized by the soliciting entity in conducting its TCI Analysis. The soliciting entity shall provide complete and open access to all documents and information utilized by the soliciting entity in its TCI Analysis; and the IE and Staff shall be allowed to actively and contemporaneously monitor all aspects of the soliciting entity evaluation process in the manner they deem appropriate. The soliciting entity shall facilitate this access so that the soliciting entity evaluation process is transparent to the Staff and the IE. The soliciting entity shall have an affirmative responsibility to respond to any request for access or information made by the Staff and/or the IE. To the extent the IE determines that the evaluation processes of the two tracks are yielding different results, the IE shall notify the soliciting entity and attempt to identify the reasons for the differences as early as practicable. Where practicable, the soliciting entity and the IE shall attempt to reconcile such differences.

v. The Staff and the IE, as well as the soliciting entity, may rely on the Southern Services Transmission Planning ("SSTP") group to conduct all necessary transmission analyses concerning bids received. SSTP analyses provided to the Staff and the IE shall be equivalent in quality and content as that provided to the soliciting entity. No bidder, including any bidder that is an affiliate of the soliciting entity, shall communicate with the SSTP group during the course of the RFP Process regarding any aspect of the RFP.

4. Bidding Stages.

i. If the Commission has directed that a "competitive tier and refreshed bid" process be used, the IE and the soliciting entity will follow steps 22 through 26 in the evaluation process.

ii. The soliciting entity shall perform its evaluation of the bids and shall develop a competitive tier that narrows the bids to a manageable number that the soliciting entity believes are the best competitive options ("soliciting entity Competitive Tier"). The Staff and the IE also shall perform their independent evaluation of the bids and develop their own competitive tier that narrows the bids to a manageable number that the Staff and the IE believe are the best competitive options ("Staff/IE Competitive Tier").

iii. The soliciting entity shall provide the soliciting entity Competitive Tier to the Staff and the IE. Simultaneously, the Staff and the IE shall provide the Staff/IE Competitive Tier to the soliciting entity.

iv. If the soliciting entity Competitive Tier and the Staff/IE Competitive Tier are identical, the IE shall notify all companies on the Competitive Tier lists that they have the opportunity to better their bids as final best offers. The IE shall post the Competitive Tier list on the IE website showing each bidder's relative rank and the total evaluated cost of each bid. Each bidder on this list will be identified blindly so each bidder knows the identity of the bidder for only its bid but sees its rank compared to those of all other anonymous bidders who made the Competitive Tier.

v. If there are differences between the soliciting entity Competitive Tier and the Staff/IE Competitive Tier, the soliciting entity, the Staff, and the IE shall meet to try to resolve such differences in order to agree on a single Competitive Tier list. To the extent that such agreement cannot be reached, the IE shall notify all parties on each list that they have the opportunity to better their bids as final best offers. The IE shall post the combined Competitive Tier list on the IE website showing each bidder's relative rank and the total evaluated cost of each bid. Each bidder on this list will be identified blindly so each bidder knows the identity of the bidder for only its bid but sees its rank compared to those of all other anonymous bidders who made the Competitive Tier.

vi. The refreshed "better" bids/final best offers shall be evaluated independently by:

(1) the soliciting entity; and

(2) the Staff and the IE, in each case consistent with the process outlined above for initial bids.

5. Certification of Resource(s).

i. After it has completed its evaluation, and pursuant to the RFP schedule, the soliciting entity shall notify the Staff and the IE of which resource(s) the soliciting entity has selected to win the bid.

ii. The Staff and the IE shall notify the soliciting entity whether they agree with the determination by the soliciting entity. The Staff/IE

shall also notify the soliciting entity of the results of their independent evaluation.

iii. If the Staff and IE do not agree with the selection made by the soliciting entity, they shall meet to discuss the differences in their selections.

iv. The soliciting entity is responsible for determining which resource(s) it will submit to the Commission for certification. The soliciting entity may consider the Staff/IE evaluation in making its decision, but the soliciting entity remains ultimately responsible for the selection.

v. Based on the pro-forma PPA included in the RFP Document, the soliciting entity may negotiate a final PPA with the bidder for each resource it has selected so that the Commission may consider the exact terms under which the resource will be certified.

Any such PPA shall be expressly conditioned on the final decision of the Commission in the certification proceeding. If the soliciting entity conducts such negotiations, the IE and the Staff shall have the right, but not the obligation, to attend any and all negotiating sessions for the purpose of monitoring them. In the alternative, the soliciting entity may wait until the certification proceedings are complete to begin negotiations with the bidder for each selected resource based on the pro-forma PPA included in the RFP Document.

vi. The soliciting entity shall file with the Commission a request for certification of the resource(s) chosen by the soliciting entity.

vii. The Staff and the IE shall participate in the certification proceeding and testify regarding:

(1) their independent evaluation of whether the resource selected by the soliciting entity should be selected and if not, which resource(s) in their view should be selected as a result of the RFP process; and

(2) whether the soliciting entity conducted the RFP process in a fair and impartial manner.

viii. The Commission will conduct the certification proceeding and may take any actions it deems appropriate as allowed by law.

ix. If the soliciting entity has not yet negotiated a specific PPA prior to the certification, upon approval of PPA award recommendations by the Commission, the soliciting entity will proceed to negotiate or finalize appropriate contractual arrangements consistent with the approved award(s). The IE and the Staff shall have the right, but not the obligation, to attend any and all negotiating sessions for the purpose of monitoring them. The soliciting entity will make a compliance filing once the PPA is executed and the IE and the Staff will report to the Commission their opinion as to whether the PPA as executed complies with the Commission's certification order.

x. The soliciting entity will maintain a complete record of all materials developed for, generated during, or used in the RFP Process for (3) three years beyond the date of certification of the selected proposal(s), including any such materials prepared and/or used by the IE, as well as hard copies or electronically stored copies of all materials and exchanges posted on the IE's website.

xi. The IE will enter into an appropriate agreement pertaining to the disclosure and use of any models, analytical tools, data, or other materials of a confidential or proprietary nature that are provided or made available by the soliciting entity in conjunction with the RFP Process.

(f) The only exceptions from the requirement to procure supply-side capacity through competitive bidding shall be the following:

1. Purchases from Qualifying Facilities (30 MW or less) as required by 16 U.S.C. Section 796;

2. Repowering, life extension or efficiency improvement of an existing generating plant that does not require significant capital investment;

3. Supply-side capacity resources of extraordinary advantage that require immediate action, as demonstrated in a joint petition for certification by the utility and, where applicable, the potential provider;

4. Modification to comply with environmental regulatory requirements; and

5. Any supply-side resource that would provide power at a capacity level of 30 MW or less.

6. The Commission shall expressly consider in each IRP, and make a determination in each IRP Plan, whether to exclude from the RFP Process

any new supply-side resources identified in the soliciting entity's approved IRP Plan; and

7. It is the Commission policy that investor-owned electric utilities under its regulation shall maintain a minimum percentage of their capacity as "self-owned" rate-based assets. Such percentage shall be set by Commission order and may be changed from time to time. In those situations in which the soliciting utility is nearing or finds that it would fall below this minimum percentage level, the soliciting utility shall inform the Commission of this eventuality in advance of the RFP Process at which time the Commission, in its discretion, may suspend these rules and provide guidance to the soliciting utility as to how it should proceed.

   At the time when the utility decides to consider one of these options as an exception to the RFP solicitation requirement of Rule 515-3-4-.04(3)(f), the utility must so notify the Commission through an informational filing. The informational filing shall not constitute a certificate application for the resource option being considered, although an application is required if such a resource is selected.

(g) If the utility selects a purchase option, it must either include in the proposed contract each of the following four provisions, or show as a part of its resulting certificate application why other benefits of the proposed purchase warrant the Commission's approval:

1. A "regulatory out" clause written in terms acceptable to the contracting parties;

2. A "take-and-pay" provision that the utility will pay the variable charges associated with energy generated by the seller's facility only when it actually purchases that energy. It will pay capacity charges only when the seller's unit is effectively available for service, subject to appropriate contractual provisions regarding routine maintenance. "Take-orpay" provisions, under which the utility would be committed to pay for power regardless of the seller's performance, will not be approved;

3. Security deposits to ensure that if the seller's facility fails to produce power, the utility is covered such as for the extra costs of purchasing or generating replacement power. The parties should negotiate the form of such deposits such as whether they are separate or joined with general deposits securing contract performance generally; and

4. An option for the utility to purchase the seller's facility if for any reason the seller is unwilling or unable to meet its contractual obligations after a reasonable opportunity for cure. The contract should allow the utility to

submit a price offer, or to have a right of first refusal to match an outstanding **bona fide** offer. The contract should also specify that the seller may not force the utility to undertake such a purchase of the facility; that the utility may, without waiving any other contract rights, elect to operate and maintain the facility if the seller fails to operate and maintain the facility after a reasonable opportunity for cure; and that the seller may not sell its facility or delegate its contractual obligations without notice to and consent of the utility, which consent shall not be unreasonably withheld. The utility must provide an informational notification to the Commission if it elects to operate and maintain the facility, if it elects to purchase the facility, if the seller sells the facility to a third party, or if the seller delegates its contractual obligations to a third party.

(h) In conducting evaluation of the bids received in the RFP process, the utility shall not:

1. add any adjustments on the basis of expected impacts to the utility's cost of capital; and

2. impose a penalty on the price of purchased power or discount on the cost of utility self generation on the basis of reliability of purchased power as part of the utility's resource mix.

   These requirements are without prejudice to the utility at its option also performing evaluations taking into account all aspects of cost and risk it believes appropriate as a matter of information for the Commission for case-by-case review during resulting certificate application proceedings.

(4) Potential New Demand-Side Resources.

(a) Demand-side Resource Assessment and Initial Cost Screening:

1. Assessing Demand-Side Measures. A comprehensive range of demand-side measures shall be evaluated for each customer segment, and the utility shall compile a list of measures based upon an inventory of end-use devices and consumption patterns developed for energy and demand forecasting. For each DSM measure included on this list, the applicant shall provide the following information:

   (i) A brief description of the measure;

   (ii) Measure costs and basis for costs;

   (iii) Measure kW and kWh load impacts and associated avoided costs;

(iv) Measure useful life;

(v) Forecast of market potential;

(vi) Current saturation of the measure;

(vii) Assumptions on participant benefits, if any, other than electricity savings; and

(viii) Any other supporting data deem pertinent by the utility.

2. Screening. The utility shall screen all demand-side measure utilizing the fate impact measure test, the participant's test, the total resource cost test and the societal cost test. The utility shall perform a final screening of demand-side programs based on current Commission policy.

   (i) Program administrative costs shall not be included in the total cost for the initial screening of the measure because programs have yet to be designed. After programs are designed, program administrative costs are estimated and included in subsequent screening of demand-side programs;

   (ii) Program costs include the participant's direct cost of a demand-side measure, the utility's direct cost of a demand-side measure, and the utility's administrative cost for developing and implementing the demand-side measure. Participant's costs are incremental costs and include only those costs which would not have been incurred but for participation in the program;

   (iii) Utility estimates of these costs and benefits should, to the extent practicable, be evaluated on the same basis as electric supply-side resources;

3. Measure elimination. Those measures which fail the Total Resource Cost test shall be eliminated from program consideration. If the utility eliminates any demand-side measures, each such measure shall be identified, and the reason for rejection shall be fully explained.

(b) Development of Program Design for Measures Passing Initial Screening:

1. All demand-side measures which passed the Total Resource Cost test may be incorporated into one or more demand-side programs, taking into account the program administrative costs and interactions between measures; and

2. Programs should pass the final screening test and be designed as either full scale or pilot programs.

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Authority: O.C.G.A. Secs. 46-2-30.
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Amended: F. Aug. 11, 2011; eff. Aug. 31, 2011.

Rule 515-3-4-.05. Development of Integrated Resource Plan.

(1) Development of Integrated Resource Plans.

(a) Each utility shall develop a base case integrated resource plan based on the most economic and reliable combination of potental demand and supply-side resources, to meet the needs identified by the base case demand forecast scenario. The overall objective of the plan should be based on current Commission policy concerning minimizing customer bills, minimizing overall rates and maximizing net societal benefit. All potential resources which were identified and described as required in Rule 515-3-4-.04, and which were not excluded by the appropriate screening tests and where applicable to the Request for Proposal process, shall be considered for inclusion in the utility's integrated resource plan;

(b) The utility shall provide the following information for its integrated resource plan:

1. The utilities program for meeting the requirements shown in its demand and energy forecast in an economic and reliable manner. The utilities's analysis shall be for all capacity resources options, including both demand-side and supply-side options, and set forth the utilities assumptions and conclusions with respect to the effect of each capacity resource option on the future cost and reliability of electric service. These analyses shall be consistent with analyses required by Rules 515-3-4-.04;

2. A detailed projection of the utilities electric demand and energy forecast for at least a 20-year period as required by Rule 515-3-4-.03(b);

3. The size and type of facilities which are expected to be owned or operated in whole or in part or to be removed from service as specifically required by Rule 515-3-4-.04;

4. Practical alternatives to the fuel type and method of generation of the proposed electric generating facilities and set forth in detail the reasons for selecting the fuel type and method of generation;

5. A statement of the estimated impact of proposed and alternative generating plants on the environment and the means by which potential adverse impacts will be avoided or minimized;

6. An adequate demonstration of the economic, environmental, and other benefits to the state and to customers of the utility, associated with the possible measures and sources of supply including; improvements in energy efficiency; pooling of power; purchases of power from neighboring states; facilities which operate on alternative sources of energy; facilities which operate on the principal of cogeneration or hydro-generation; and other generation facilities and demand-side options;

7. A description of the utility's relationship to other utilities in regional associations, power pools, and networks;

8. An identification and description of all major research projects and programs which will continue or commence in the succeeding three years and set forth the reasons for selecting specific areas of research;

9. Identify and describe existing and planned programs and policies to discourage inefficient and excessive use of power;

10. Net present value of the revenue requirement, including all direct utility costs associated with the resource to measure economics of utility service;

11. Net present value of the participant's direct costs;

12. Impact on the utility system and its customers, including non-price criteria such as operating performance of the resource, and ability to meet energy service needs of customers; and

13. Impact on utility transmission and distribution system requirements, including additional long-term facilities and operating procedures required.

(c) The utility shall describe the criteria used in developing its integrated resource plan; and

(d) The utility shall conduct an analysis of the sensitivity of all major assumptions and estimates used in its integrated resource plan. This analysis shall at a minimum include:

1. Forecast of load;
2. In-service dates of supply and demand resources;
3. Unit availability;
4. Fuel prices;
5. Inflation in plant construction costs and costs of capital;
6. Availability and costs of purchased power;
7. Pending federal or state legislation or regulation; and
8. Rate Impact Analysis.

(2) Power Pooling and Coordination.

(a) The utility will document how its plan, subject to FERC requirements has taken, advantage of the economic, environmental, and other benefits to the state and to customers of the utility associated with cooperative planning and coordination of pooling of power; and

(b) The utility shall describe and justify its reserve margin requirement for the planning period, and set forth the method used to determine the appropriate reserve margin.

(3) Financial Information.

(a) The financial assumptions and models used in the plan shall be described. The plan shall include at a minimum the following financial information, together with supporting documentation and justification:

1. The general rate of inflation;
2. The AFUDC rates used in the plan;
3. The cost of capital rates used in the plan (debt, equity, and weighted) and the assumed capital structure;
4. The discount rates used in the calculations to determine present worth;
5. The tax rates used in the plan.
6. Present worth of revenue requirements for the plan;

7. Nominal revenue requirements by year;

8. Average system rates per kWh by year; and

9. An overall assessment of the business and financial risks associated with the plan including the identification of appropriate financial measures by year.

(4) Commission Determination. The Commission shall determine which combinations of resource options passing the screening test best serve the public interest considering economics, safety, reliability, flexibility, risk, equity among ratepayers and classes, customer bills, externalities and other factors the Commission deems appropriate.

(5) The Plan. Every six months after the approval of the integrated resource plan, the utility shall submit to the Commission and other parties to the proceeding a progress report of the actions taken and expenditures incurred to implement the plan. This report shall compare the expenditures budgeted and incurred, the actions proposed and taken, and explain any significant deviations from the utility's plan. If the utility has not complied with a specific provision of its most recently approved plan, the utility should include in its report an explanation of why it has not yet complied with the provision in question. This explanation should also include the utility intended actions over the next six-month period with respect to this provision. Any party of record may request the Commission hold a hearing on the report.

Cite as Ga. Comp. R. & Regs. R. 515-3-4-.05
Authority: Ga. L. 1878-79 p. 125, 1907, pp. 72-81; 1922 pp. 142-147; 1975 pp. 404-412; 1991 pp. 1696-1705.
History. Original Rule entitle "Development of Integrated Resource Plan" adopted. F. Dec 10, 1991; eff. December 30, 1991.
Amended: F. May 12, 1994, eff. June 1, 1994.
Amended: F. Oct. 27, 1997; eff. Nov. 16, 1997.

Rule 515-3-4-.06. Integrated Resource Plan Filing Requirements and Procedures.

(1) On or before January 31, 1992, and every three years thereafter, each utility shall file a twenty year integrated resource plan with the Commission (twenty-five copies) and an application for approval of that plan. The application for review and approval of the plan shall clearly identify:

(a) The name of the applicant(s) and address(es) of the principal place of business of the applicant;

(b) The name, title, address, voice phone, and facsimile phone number of the person authorized to receive notices and communications with respect to the application;

(c) The location(s) that the public may inspect a copy of the application; and

(d) Requests by the utility that any information utilized in the plan which the utility deems trade secret be filed in accordance with the Commission's Trade Secret Rule 515-3-1-.11.

(2) Copies of the executive summary and technical volumes shall be made available by the utility for public inspection at its region offices located throughout the state.

(3) Plan Filing: Specific Requirements. Plan filings must contain the following information:

(a) Executive Summary. Each utility shall prepare an Executive Summary, separately bound and suitable for distribution to the public, which shall be a non-technical description of the plan. This document shall summarize the contents of the Technical Volume(s). The summary shall include:

1. A brief introduction describing the utility, its existing facilities, purchase power arrangements, demand-side programs, and the purpose of the plan;

2. A description of the utility's relationship to the utility enterprise and to other utilities in regional associations, power pools and networks;

3. The base case forecast growth in peak demand and energy for the next twenty years, with and without utility demand-side programs, and a listing of the economic and demographic assumptions associated with each;

4. A summary of the system configurations proposed to meet expected energy service needs for the next twenty years, clearly showing the demand-side resources and supply-side resources contained in each. For each resource, the utility shall indicate its anticipated timing, magnitude, and cost;

5. A description of the major research projects and programs the utility will continue or commence during the ensuing three-year period, and the reasons for their selection;

6. A schedule for the acquisition of data, including planned activities to update and refine the quality of data used in forecasting, and budget for such acquisition;

7. A section describing any plans to acquire new or additional models for forecasting, or resource integration analysis and evaluation;

8. A tabulation of all costs associated with the development of the plan;

9. A tabulation of costs for which the utility will seek recovery and the method and timing of that recovery; and

10. Such other information as the Commission may determine appropriate.

(b) Technical Volume(s). Each utility shall prepare Technical volume(s) which shall include:

1. The information required by Rules 515-3-4-.03 through 515-3-4-.05:

2. A description detailing the relationship of the utility to the utility enterprise and to other utilities in regional associations, power pools and networks. The utility shall explain how planning and operation are coordinated among the utilities. The utility shall describe the terms of any contracts or agreements that govern the functioning of the enterprise, associations, power pools or networks;

3. A description of all major research projects and programs which will continue or commence within the next three years after filing the plan; and

4. Any other information as may be required by the Commission.

(c) Technical Appendix. A utility's plan must include a technical appendix. The appendix must contain the following:

1. Sufficient detail to enable the technically proficient reader to understand how the plan and its forecasts were prepared and to verify the adequacy and accuracy of the assumptions, data and the methods used in developing the plan;

2. All significant information used in the plan; and

3. Documentation, inputs, and summary outputs for all models and formulas used.

(d) Waiver of Information. If, after a good-faith effort, the utility cannot provide the data required by these rules, the utility must request a waiver, in writing. This request must be filed no less than 60 days prior to the filing of the plan. The utility must publish in appropriate media of mass dissemination that it has applied for a waiver. The request shall include:

1. Reference to the requirement for information that is the subject of the waiver request;

2. An explanation of the reasons the required information was impractical to supply; and

3. Proposed substitute information, if applicable.

If no waiver is granted, materials must be filed as required in the rules.

(4) Hearing and Review of Integrated Resource Plans.

(a) Proceedings. The Commission shall commence a hearing within sixty days of receipt of a utility's complete integrated resource plan;

(b) Completeness of the Utility Plan. The commission shall determine whether the utility plan is complete within thirty days following the initial submission of the plan by the utility. The Commission will inform the utility of substantive defects in the content of the plan which would materially affect the Commission's ability to continue the plan review process. If the Commission finds as a matter of fact that the utility plan is not complete, by Order of the Commission the review process may be stayed until the utility has submitted a complete plan.

(c) Fees. Within sixty days after receipt of the complete plan, the Commission shall establish a fee therefor and notify the applicant. Upon receipt of the fee from the applicant, the Commission shall continue its review of the plan; and

(d) Standard for Approval. Based upon the evidence of record presented at the hearing on the plan, the Commission shall render a decision either approving the plan, approving it subject to stated conditions, approving it with modifications, approving it in part and rejecting it in part, rejecting it as filed, or provide an alternate plan, within one-hundred-twenty days of receipt of fees related to the utility's completed application. A utility's integrated resource plan shall be approved if found to be in the public interest and to substantially comply with these regulations.

(5) Amendment of the plan. The utility shall submit an amendment to its plan before it submits its next plan if within the first three years of the approved integrated resource plan:

(a) It anticipates submitting an application for a certificate to construct or purchase a supply-side capacity resource which was not previously approved as part of the integrated resource plan;

(b) It anticipates the need to release an RFP, or make a binding commitment for the acquisition or construction of a demand resource or supply resource excepted from the RFP process, which was not previously approved as part of the integrated resource plan;

(c) The basic data used in the formulation of its last approved plan requires significant modification which affects the choice of a resource or use of an RFP which was approved as part of the integrated resource plan; and

(d) It finds that other conditions warrant amendment of the plan. The conditions under which such an amendment is sought shall be specifically set forth in the application for amendment.

(6) Subsequent Plans. Once a plan has been approved, the Commission may limit the scope of issues it will consider in the review of subsequent plans to those issues directly related to material changes.

Cite as Ga. Comp. R. & Regs. R. 515-3-4-.06
Authority: Ga. L. 1878-79 p. 125; 1907, pp. 72-81; 1922 pp. 142-147; 1975 pp. 404-412; 1991 pp. 1696-1705.
History. Original Rule entitled "Integrated Resource Plan Filing Requirements and Procedure" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.
Amended: F. May 12, 1994; eff. June 1, 1994.
Amended: F. Oct. 27, 1997; eff. Nov. 16, 1997.

Rule 515-3-4-.07. Supply-Side Resource Certificate Filing Requirements and Procedures.

(1) Certification of Long-Term Supply-Side Resources. The Utility shall file an application for certification of a Supply-side Resource as required by O.C.G.A. Section 46-3A with the Commission (twenty-five copies). The application for review and approval of the certificate shall clearly identify:

(a) The name of the applicant(s) and address(es) of the principal place of business of the applicant(s);

(b) The name, title, address, voice phone, and facsimile phone number of the person authorized to receive notices and communications with respect to the application;

(c) The location(s) that the public may inspect a copy of the application;

(d) Requests by the utility that any information utilized in the plan which the utility deems trade secret be filed in accordance with the Commission's Trade Secret Rule 515-3-1-.11; and

(e) Hearing and Review of Supply-Side Resource Certificate Applications.

1. Proceedings. The Commission shall commence a hearing no sooner than thirty days after receipt of fees related to the utility's completed application for certification of a Supply-Side Resource. A completed application must include all information required by these Rules as appropriate, as well as documentation that all applicable state and federal permits required to complete the project have been secured, or in the event that the permit is unsecurable until an appropriate later phase of project completion, the

application process must have been initiated in accordance with applicable federal, state or local statutes;

2. Completeness of the Utility Certificate Application. The Commission shall determine whether the utility certificate application filing is complete within thirty days following the initial submission of the certificate application by the utility. The Commission will inform the utility of substantive defects in the content of the certificate application filing which would materially affect the Commission's ability to continue the certificate application review process. If the Commission finds as a matter of fact that the utility certificate application is not complete, by Order of the Commission the review process may be stayed until the utility has submitted a complete certificate application.

3. Fees. Within sixty days after receipt of the completed application, the Commission shall establish a fee therefor and notify the applicant. Upon receipt of the fee from the applicant, the Commission shall continue its review of the certificate application;

4. Waiver of Information. If, after a good-faith effort, the utility cannot provide the data required by these rules, the utility must request a waiver, in writing. This request must be filed no less than 60 days prior to the filing of the certificate application. The utility must publish in appropriate media of mass dissemination that it has applied for a waiver. The request shall include:

   (i) Reference to the requirement for information that is the subject of the waiver request;

   (ii) An explanation of the reasons the required information was impractical to supply; and

   (iii) Proposed substitute information, if applicable;

   If no waiver is granted, materials must be filed as required in the rules.

5. Standard for Approval. Based upon the evidence of record presented at the hearing on the application, the Commission shall render a decision either approving the application, approving it subject to stated conditions, approving it in part and rejecting it in part, rejecting it as filed, or providing an alternate capacity resource certification within one hundred eighty days of receipt of fees related to the utility's completed application. A utility's application shall be approved if found to be in the public interest and to substantially comply with these regulations.

A utility's application relative to a contract to buy capacity or energy from an exempt wholesale generator that is an affiliate or associate of the applying utility shall not be approved unless the Commission determines:

(i) That the Commission has sufficient regulatory authority, resources and access to books and records of the applicant utility and any relevant associate, affiliate or subsidiary company to exercise its duties under this section of the Commission's Rules and under the Energy Policy Act of 1992, Section 711, adding new section 32(k) to the Public Utility Holding Company Act of 1935, 15 U.S.C. Section 79*et seq.*;

(ii) That the proposed transaction:

(I) Will benefit consumers;

(II) Does not violate any State law;

(III) Would not provide the exempt wholesale generator any unfair competitive advantage by virtue of its affiliation or association with the electric utility company applicant; and

(IV) Is in the public interest.

(iii) Reciprocal arrangements among companies that are not affiliates or associate companies of each other that are entered into in order to avoid the provisions of this subparagraph or Section 32k of the Public Utility Holding Company Act of 1935 as amended are prohibited.

(2) Construction of New Electric Plant.

(a) The application itself shall contain at a minimum the following information:

1. A statement of how the proposed application is consistent with the most currently approved Integrated Resource Plan (IRP) and RFP (Request for Proposal) process. If a revised IRP is available, it shall also be filed;

2. A cost-benefit analysis covering the estimated useful life of all capacity resource options considered in developing its current integrated resource plan, along with a summary comparison of the benefits and costs of other alternatives considered in the preparation of the applicant's IRP, sufficient to demonstrate that the proposed resource is economical and reliable, or

justification of the utility's decision to select the self-build construction option as an exception to the RFP requirement pursuant to Rule 515-3-4-.04(3)(i).

3. A description of the resource to include identification of plant size and type with summary level engineering/design specifications. The description should include at a minimum the following:

   (i) A site selection analysis including alternatives, geological considerations and environmental considerations;

   (ii) Description of fuel use, both primary and back-up, and provisions for transporting and storing fuel;

   (iii) Estimated annual costs, in accordance with the breakdown specified in the FERC Uniform System of Accounts, separately identifying the following:

      (I) Annual depreciation on capital investment:

      (II) Annual return and income taxes on capital investment;

      (III) The operation and maintenance (O&M) costs over the life of the facility decribed as costs which are variable, in current dollars per kWh, with expenses for fuel and other items indicated separately; and costs which are fixed, in current dollars per kW;

      (IV) Insurance;

      (V) Waste handling and disposal; and

      (VI) Property taxes;

   (iv) The rates of escalation of cost, including:

      (I) Capital costs;

      (II) O&M costs which are variable and related to fuel;

      (III) O&M costs which are variable and unrelated to fuel; and

      (IV) O&M costs which are fixed.

   (v) The total annual average cost per kWh at projected loads in current dollars for each year of the plan for the proposed facility;

(vi) Equivalent availability factors, including both scheduled and forced outage rates;

(vii) Capacity factors for each year in the planning period;

(viii) Duty cycle (i.e., baseload, intermediate, or peaking), identifying expected hours per year of operation, number of starts per year, and cycling conditions for each year in the planning period;

(ix) Heat rates (efficiency) for various levels of operation;

(x) Unit lifetime, both for accounting book purposes and engineering design purposes, with explanations of differences;

(xi) Estimated environmental impact, including specific emission, production, or usage data for each of the following categories:

(I) Pounds of sulfur oxides per MMBTU;

(II) Pounds of oxides of nitrogen and nitrous oxides per MMBTU;

(III) Pounds of carbon dioxide per MMBTU;

(IV) Pounds of volatile organic hydrocarbons per MMBTU;

(V) Pounds of carbon monoxide per MMBTU;

(VI) Pounds of particulates/air toxics per MMBTU;

(VII) Pounds of methane per MMBTU;

(VIII) Pounds of chlorofluorocarbons, halogens, and other ozone-depleting substances per MMBTU;

(IX) Tons per year of solid waste (ash, scrubber sludge, high- and low-level nuclear waste);

(X) Gallons per year of water impacts or use (water input, water output, receiving water impacts);

(XI) Tons per year of spent nuclear fuel;

(XII) Acres of land use;

(XIII) Pounds of hydrogen sulfides per MMBTU; and

(XIV) Pounds of ammonia per MMBTU;

(xii) Lead time, separately identifying the estimated time required for engineering, permitting and licensing, design, construction and pre-commercial operation date testing;

(xiii) Potential socioeconomic impacts such as employment, personal income levels, and the competitiveness and health of the marketplace economy of the state; and

(xiv) Any special design features peculiar to this facility.

4. The total cost estimate for the proposed project is to include construction and non-construction related costs incurred through commercial operation. This cost estimate should include but not be limited to the following:

   (i) Identification of major contracts, including, where known: scope, type, contractor, cost estimate, contractor selection process and selection criteria;

   (ii) Cost expenditure plan, by year, to include a breakdown of the following areas: planning, licensing, engineering/design, construction, contingency, start-up;

   (iii) Identification of those costs associated with but not defined as construction costs, including separately all cost incurred to date and to-go costs for each area and/or activity;

   (iv) AFUDC, Ad Valorem and Sales Tax expenditures by year;

   (v) Estimated annual capital additions over the life of the resource;

   (vii) Decommissioning/dismantlement costs; and

   (viii) Cost breakout of dedicated transmission and distribution facilities and a statement as to whether or not such costs are included in 515-34-.07(2)(a)4. (i) through (vi) above.

5. Where available, a cost comparison of projects similar by type/design and capacity completed in the U.S. during the past five years. Include commercial operation date, actual completion cost, and current dollar

equivalent with accompanying adjustment assumptions. Identify any major design differences;

6. The construction and non-construction activities schedule in both milestone summary form and in as much detail as has been used in developing the total cost estimate of the supply-side resource;

7. A formal Critical Path schedule shall be submitted showing major activities on the critical path and near-critical path activities with their sensitivity to the critical path;

8. As part of the schedule, provide lead times for major procurement items (turbines, generators, specialty items, etc.) and sensitivity of schedule to variations in duration of major tasks;

9. A description of the legal relationship between the utility and major vendors, including any affiliate relationship(s); and

10. Any other information the Commission deems necessary.

(b) Construction Monitoring. The utility shall file such information periodically as pecified by the Commission to produce an accurate, ongoing evaluation of management decisions, methods, schedules, budget and cost in order to verify and approve expenditures made pursuant to the certificate; or to approve, disapprove, or modify any proposed certificate amendments, including the following:

1. The information should include sufficient data to confirm that standards of public convenience and necessity are being met in an economic and reliable manner;

2. Data provided to allow monitoring of a cupply-side construction project shall include:

   (i) Actual project expenditures and a comparison of actual to budgeted expenditures with an explanation of variances in excess of 5 percent or other tolerance as specified by the Commission. In addition, a forecast of the completed cost of the project should be provided and any variance between the budgeted cost and the forecast completed cost should be explained;

   (ii) The status of critical path activities, project milestone events and other significant activities. Status of these activities should include the start date, percent complete and estimated completion date. Significant variances between the existing schedule and the original project schedule should be explained;

(iii) The procurement status of significant components. The procurement status should include the date that the purchase order or requisition was placed, the date the component is needed on site and the estimated arrival date. All estimated arrival dates later than the required on site date should be explained;

(iv) The status of all required federal, state, and local licenses and permits including the date when the license or permit is needed, the expected date that the license or permit will be received and a discussion of the impact and planned corrective action for any license or permit whose receipt date is estimated to be after its need date;

(v) A summary of major contracts including scope of work, estimate of the contract amount used in preparation of the project budget and actual contract amount. Any variance between the estimated and actual contract amount greater than 5 percent (or other tolerance specified by the Commission) shall be fully explained;

(vi) The utility shall notify the Commission upon determining that the forecast completed cost of the project differs from the certified cost of the project by more than 5 percent (or other tolerance specified by the commission) or that the projected commercial operation date of the project is later thant the commercial operation date submitted in the certification application; and

(vii) Any other relevant documents, data or information requested by the Commission.

3. A utility making application for periodic review of construction must provide documentation that summarizes progress-to-date of the application and compares it to that projected in documentation submitted under Rule 515-3-4-.07(2). The utility, on a periodic basis as specified by the Commission during construction monitoring, must provide written explanations of all variances from planned progress, and an estimate on the ultimate impact of the variance on project cost and completion schedule. No utility may submit an application until previous applications have been disposed of, either through hearing or lapse of time; and

4. Upon commercial operation of the project, completion of the project without commercial operation, or termination of the project, the utility shall within ninety days submit to the Commission a report summarizing the final cost figures for the project. This report shall contain explanations for all cost

variations that exceed five percent of the estimates contained in the approved certificate or amendment(s).

(3) Sale or Purchase of All or Part of an Existing Plant. The utility shall provide the following information in relation to the sale or purchase of an ownership interest in all or part of an existing plant:

(a) The terms of sale or purchase, including cash proceeds and any other non-cash considerations, along with an evaluation of their cash equivalent, and a copy of the contract for the sale or purchase;

(b) The construction cost of the property and additions or improvements over the life of the plant;

(c) The proposed ratemaking treatment of these costs;

(d) Depreciation through the planned date of transfer;

(e) The impact on the overall electric power production costs of removing or adding the operating costs associated with the transferred property on the total utility operating costs. This analysis shall include a summary comparison and supporting information of the benefits and costs of other alternatives considered in the preparation of the applicant's IRP, sufficient to demonstrate that the proposed purchase or sale is economic and reliable;

(f) Relationship and impact of the proposed sale or purchase on the currently approved IRP;

(g) Applicable information specified in Rule 515-3-4-.04(1),(2), and (3);

(h) A description of the legal relationship between the purchasing and selling entities, including any affiliate relationship(s); and

(i) Any other information the Commission deems necessary.

(4) Sale or Purchase of All or Part of a Plant Under Construction. The utility shall provide the following information in relation to the sale or purchase of an ownership interest in all or part of a plant under construction:

(a) Information on the proceeds of the sale or purchase, and whether the price is fixed independent of the final cost of the total plant, or varies in any manner;

(b) Allocation of non-specific hard costs to the portions of the plant being sold and retained;

(c) The treatment of soft costs such as corporate overhead, engineering, design, construction management and utility costs during construction; specifically how both prior and future costs will be allocated between the sold and retained portion of the plant;

(d) Impact of the sale or purchase on utility operating costs. This analysis shall include a summary comparison and supporting information of the benefits and costs of other alternatives considered in the preparation of the applicant's IRP, sufficient to demonstrate that the proposed purchase or sale is economic and reliable;

(e) Applicable information specified in Rule 515-3-4-.04(1),(2), and (3);

(f) Relationship and impact of the proposed sale or purchase on the currently approved IRP;

(g) A description of the legal relationship between the purchasing and selling entities, including any affiliate relationship(s);

(h) A copy of the contract for the sale or purchase; and

.

(i) Any other information the Commission deems necessary.

(5) Long-term Purchase of Capacity or Energy. The utility shall provide the following information in relation to the long-term purchase of capacity or energy:

(a) The terms of purchase, including cash proceeds and any other non-cash considerations, along with the evaluation of their cash equivalent, and a copy of the purchase contract;

(b) The proposed ratemaking treatment of these costs;

(c) The impact on the overall electric power production costs of removing or adding any operating costs associated with the purchase. This analysis shall include a summary comparison and supporting information of the benefits and costs of other alternatives considered in the preparation of the applicant's IRP, sufficient to demonstrate that the proposed purchase is economic and reliable;

(d) Applicable information specified in Rule 515-3-4-.04(3);

(e) Impact of the proposed purchase on the currently approved IRP;

(f) A description of the legal relationship between the purchasing and selling entities, including any affiliate relationship(s);

(g) The following information shall be filed as part of the certificate application if the utility proposes a contract to purchase electric capacity or energy from an exempt wholesale generator that is an affiliate or associate company of the applying utility:

1. A statement explaining why the applicant believes that the Commission has sufficient regulatory authority, resources and access to books and records of the electric utility company and any relevant associate, affiliate or subsidiary company to exercise its duties under this section of the Commission's rules and under the Energy Policy Act of 1992, Section 711, adding new section 32(k) to the Public Utility Holding Company Act of 1935, 15 U.S.C. section 79*et seq.;*

2. A statement why the applicant believes the Commission should determine that the proposed transaction:

   (i) Will benefit consumers;

   (ii) Does not violate any State law

   ;

   (iii) Would not provide the exempt wholesale generator any unfair competitive advantage by virtue of its affiliation or association with the electric utility company applicant; and

   (iv) Is in the public interest.

3. A statement as to whether the approval of any other state utility commission or federal entity is necessary to allow the applicant to enter into the contract, and if so, the status of any application to obtain such approval; and

(h) Any other information the Commission deems necessary.

(6) Sale or Purchase of a Portion of the Capacity or Energy Output of a Plant Under Construction. The utility shall provide the following information in relation to the sale or purchase of a portion of the capacity or energy output of a plant under construction:

(a) Information on the proceeds of the sale or purchase, and whether the price is fixed independent of the final cost of the total plant, or varies in any manner;

(b) Allocation of non-specific hard costs to the portions of the plant output, being sold and retained;

(c) The treatment of soft costs such as corporate overhead, engineering, design, construction management and utility costs during construction; specifically how

both prior and future costs will be allocated between the sold and retained portion of the output of the plant;

(d) Impact of the sale or purchase on utility operating costs. This analysis shall include a summary comparison and supporting information of the benefits and costs of other alternatives considered in the preparation of the applicant's IRP, sufficient to demonstrate that the proposed purchase or sale is economic direct and reliable;

(e) Applicable information specified in Rule 515-3-4-.04(1),(2), and (3);

(f) Relationship and impact of the proposed sale or purchase on the currently approved IRP;

(g) A description of the legal relationship between the purchasing and selling entities, including any affiliate relationship(s);

(h) A copy of the contract for the sale or purchase;

(i) If the applicant proposes purchase of a portion of the capacity or energy output of a plant under construction from an exempt wholesale generator that is an affiliate or associate company of the utility, statements containing the information specified in Rule 515-3-4-.07(5)(g); and

(j) Any other information the Commission deems necessary.

(7) Any other long-term supply-side resource. The utility shall provide the following information in relation to any other proposed supply-side resource:

(a) Information on the nature of the proposed supply-side resource and the costs expected to be incurred in connection therewith, including a copy of any associated contract(s);

(b) The accounting allocation of the costs associated with the proposed supply-side resource;

(c) The proposed ratemaking treatment of these costs;

(d) The impact on the overall electric power production costs of removing or adding any operating costs associated with the supply-side resource. This analysis shall include a summary comparison and supporting information of the benefits and costs of other alternatives considered in the preparation of the applicant's IRP, sufficient to demonstrate that the proposed resource is economic and reliable;

(e) Applicable information specified in Rule 515-3-4-.04(1),(2), and (3);

(f) Relationship and impact of the proposed supply-side resource on the currently approved IRP;

(g) A description of the legal relationship between the major entities involved with the proposed supply-side resource, including the utility, major vendors or power sellers, customers providing customer-owned or supplied resources, and/or any affiliate relationship;

(h) If the proposed supply-side resource involves any payments to be made by the utility directly or indirectly to an exempt wholesale generator that is an affiliate or associate company of the utility, statements containing the information specified in Rule 515-3-4-07(5)(g); and

(i) Any other information the Commission deems necessary.

Cite as Ga. Comp. R. & Regs. R. 515-3-4-.07
Authority: Ga. L. 1878-79 p. 125; 1907 pp. 72-81; 1922 pp. 142-147; 1975 pp. 404-412; 1991 pp. 1696-1705, Public Utility Holding Co. Act of 1935, Sec. 32.
History. Original Rule entitled "Filing Requirements for a Supply-Side Resource Certificate" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.
Amended: F. May 12, 1994; eff. June 1, 1994.
Amended: Rule retitled "Supply-Side Resource Certificate Filing Requirements and Procedures" adopted. F. Oct. 27, 1997; eff. Nov. 16, 1997.

Rule 515-3-4-.08. Supply-Side Resource Certificate Amendment Filing Requirements and Procedures.

(1) The Utility shall submit an amended application for certification (as the certificate is described under Rule 515-3-4-.07) in the event that:

(a) The construction schedule has significantly changed;

(b) The total cost estimate has been revised such that the costs are over the estimates in the approved certificate by more than five percent or some other variation tolerance as specified by the Commission in the approved certificate;

(c) The scope of the project has changed;

(d) The load forecast has changed sufficiently such that the need for a resource of the type/size previously approved may not be warranted or sufficient;

(e) The terms of the purchase contract have or are proposed to be significantly changed, including without limitation substantial changes in the ownership or operation of the plant;

(f) The utility proposes to change the contractual arrangements pertaining to the project such that it will make any payments to an exempt wholesale generator that is an affiliate or associate of the utility;

(g) Any sufficient change has occurred or is expected to occur in the conditions under which the original certificate was approved.

(2) The Utility shall file with the Commission twenty-five copies of the certificate amendment application.

(3) The application for review and approval of the certificate amendment shall clearly identify:

(a) The name of the applicant(s) and address(es) of the principal place of business of the applicant;

(b) The name, title, address, voice phone, and facsimile phone number of the person authorized to receive notices and communications with respect to the application;

(c) The location(s) that the public may inspect a copy of the application; and

(d) Requests by the utility that any information utilized in the plan which the utility deems trade secret be filed in accordance with the Commission's Trade Secret Rule 515-3-1-.11.

(4) Hearing and Review of Supply-Side Resource Certificate Amendments.

(a) Proceedings. The Commission shall commence a hearing no sooner than thirty days after receipt of fees related to the utility's completed certificate amendment application;

(b) Completeness of the Utility Certificate Amendment Application. The Commission shall determine whether the utility certificate amendment application filing is complete within thirty days following the initial submission of the certificate amendment application by the utility. The Commission will inform the utility of substantive defects in the content of the certificate amendment application filing which would materially affect the Commission's ability to continue the certificate amendment application review process. If the Commission finds as a matter of fact that the utility certificate amendment application is not complete, by Order of the Commission the review process may be stayed until the utility has submitted a complete certificate amendment application;

(c) Fees. Within sixty days after receipt of the complete certificate amendment application, the Commission shall establish a fee therefor and notify the applicant. Upon receipt of the fee from the applicant, the Commission shall continue its review of the certificate amendment application;

(d) Waiver of Information. If, after a good-faith effort, the utility cannot provide the data required by these rules, the utility must request a waiver, in writing. This request must be filed no less than 60 days prior to the filing of the amendment. The utility must publish in appropriate media of mass dissemination that it has applied for a waiver. The request shall include:

1. Reference to the requirement for information that is the subject of the waiver request;

2. An explanation of the reasons the required information was impractical to supply;

3. Proposed substitute information, if applicable;

   If no waiver is granted, materials must be filed as required in the rules.

(e) Standard for Approval. Based upon the evidence of record presented at hearing on the certificate amendment application, the Commission shall render a decision either approving the certificate amendment, approving it subject to stated conditions, approving it in part and rejecting it in part, rejecting it, or providing an alternate capacity resource certificate amendment within one-hundred eighty days of receipt of fees related to the utility's completed certificate amendment application.

A utility's application shall be approved if found to be in the public interest and to substantially comply with these regulations; and, in the case of any amendment pursuant to which the utility would make any payments to an exempt wholesale generator that is an affiliate or associate of the utility, if the Commission determines:

1. That the Commission has sufficient regulatory authority, resources and access to books and records of the utility and any relevant associate, affiliate or subsidiary company to exercise its duties under this section of its Rules and under Section 32(k) of the Public Utility Holding Company Act of 1935, as amended; and

2. That the transaction pursuant to which such payments would be made:

   (i) Will benefit consumers;

   (ii) Does not violate any State law;

   (iii) Would not provide the exempt wholesale generator any unfair competitive advantage by virtue of its affiliation or association with the utility; and

(iv) Is in the public interest.

(f) Reciprocal arrangements among companies that are not affiliates or associate companies of each other that are entered into in order to avoid the provisions of this rule or of section 32(k) of the Public Utility Holding Company Act of 1935, as amended, relating to approval of any transaction involving payments by the utility to an affiliate or associate exempt wholesale generator are prohibited.

(5) The amendment application itself shall contain at a minimum the following information:

(a) A copy of the original approved certificate, as well as any already approved amendments;

(b) A narrative explanation of the circumstances requiring amendment of the certificate, including a copy of any new or amended contract(s);

(c) Updated information, as applicable, regarding the supply-side resource, and its known and reasonably expected effects on the currently approved IRP, as required by Rule 515-3-4-.07;

(d) Updated information regarding the progress of construction or implementation, as required by Rule 515-3-4-.07(2)(b);

(e) A cost-benefit analysis covering the estimated useful life of the amended resource, along with a summary comparison of the benefits and costs of other alternatives considered in the preparation of the applicant's IRP, sufficient to demonstrate that the amended resource is economic and reliable; and

(f) A statement showing why the Commission should find that the amendment is in the public interest and substantially complies with these regulations, and, if applicable, should make the determinations specified in subsections (4)(e)1. and 2. above.

Cite as Ga. Comp. R. & Regs. R. 515-3-4-.08
Authority: Ga. L. 1878-79 p. 125; 1907 pp. 72-81; 1922 pp. 142-147; 1975 pp. 404-412; 1991 pp. 1696-1705; Public Utility Holding Co. Act of 1935, Sec. 32.
History. Original Rule entitled "Filing Requirements for a Supply-Side Resource Certificate Amendment" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.
Amended: F. May 12, 1994; eff. June 1, 1994.
Amended: Rule retitled "Supply-Side Resource Certificate Amendment Filing Requirements and Procedures". F. Oct. 27, 1997; eff. Nov. 16, 1997.

Rule 515-3-4-.09. Demand-Side Resource Certificate Filing Requirements and Procedures.

(1) The Utility shall file an application for certification of a demand- side resource as required by O.C.G.A. § 46-3A with the Commission (twenty-five copies). The application for review and approval of the certificate shall clearly identify:

(a) The name of the applicant(s) and address(es) of the principal place of business of the applicant;

(b) The name, title, address, voice phone, and facsimile phone number of the person authorized to receive notices and communications with respect to the application;

(c) The location(s) that the public may inspect a copy of the application; and

(d) Requests by the utility that any information utilized in the plan which the utility deems trade secret be filed in accordance with the Commission's Trade Secret Rule 515-3-1-.11.

(2) Hearing and Review of Demand-Side Resources Certificate Applications.

(a) Proceedings. The Commission shall commence a hearing no sooner than thirty days after receipt of fees related to the utility's completed application for certification of a demand-side resource. A completed application must include all information described in Rule 515-3-4-.04(4) as well as documentation that all applicable state and federal permits required to complete the project have been secured, or, in the event that the permit is unsecurable until an appropriate later phase of project completion, the application process must have been initiated in accordance with applicable federal, state, or local statutes;

(b) Completeness of the Utility Certificate Application. The Commission shall determine whether the utility certificate application filing is complete within thirty days following the initial submission of the certificate application by the utility. The Commission will inform the utility of substantive defects in the content of the certificate application filing which would materially affect the Commission's ability to continue the certificate application review process. If the Commission finds as a matter of fact that the utility certificate application is not complete, by Order of the Commission the review process may be stayed until the utility has submitted a complete certificate application;

(c) Fees. Within sixty days after receipt of the completed certificate application, the Commission shall establish a fee therefor and notify the applicant. Upon receipt of the fee from the applicant, the Commission shall continue its review of the certificate application;

(d) Waiver of Information. If, after a good-faith effort, the utility cannot provide the data required by these Rules, the utility must request a waiver, in writing. This request must be filed no less than 60 days prior to the filing of the certificate application. The utility must publish in appropriate media of mass dissemination that it has applied for a waiver. The request shall include:

1. Reference to the requirement for information that is the subject of the waiver request;

2. An explanation of the reasons the required information was impractical to supply; and

3. Proposed substitute information, if applicable;

   If no waiver is granted, materials must be filed as required in the Rules.

(e) Standard for Approval. Based upon the evidence of record presented at the hearing on the application, the Commission shall render a decision either approving the application, approving it subject to stated conditions, approving it in part and rejecting it in part, rejecting it as filed, or providing an alternate capacity resource certification within one-hundred eighty days of receipt of the fees related to the utility's completed application. A utility's application shall be approved if found to be in the public interest and to substantially comply with these regulations; and

(f) Each utility may file annually one application requesting certification of all demand-side resource activities proposed by the utility for implementation during the program year. The Commission approval of the annual consolidated demand-side resource filing will have the same force as approval of the individual component demand-side programs. The Commission encourages this alternative to filing separate certificate applications for each full-scale and pilot demand-side program.

(3) The application itself shall contain at a minimum the following information:

(a) A statement of how the proposed application is consistent with or affects the most-currently approved Integrated Resource Plan (IRP). If a revised IRP is available, it shall also be filed;

(b) If the demand-side resource is a new resource, information must be provided for it that corresponds to information required for demand-side resources in the IRP Rule 515-3-4-.04(4). Information as to how the resource would affect the IRP must also be furnished;

(c) A summary description of each program or service to be offered shall include customers and markets targeted, projected market penetration levels, implementation and evaluation schedule, projected capacity and energy savings, participant costs and savings, projected program costs and benefits, data collection activities, process and impact evaluation plans, and expected costs;

(d) A cost-benefit analysis based on current Commission policy, covering the estimated useful life of the proposed demand-side resource as well as the useful

life of the energy efficiency and energy management measures which comprise the demand-side resource, along with a summary comparison of the benefits and costs of other alternatives considered in the preparation of the applicant's IRP, sufficient to demonstrate that the proposed resource is economic and reliable; and

(e) A description of the demand-side resource to include identification of the specific energy efficiency and energy management measures and programs, strategies and type of delivery mechanisms proposed. The description should include at a minimum the information contained in Rule 515-3-4-.04(4), including the following:

1. Resource Assessment and Program Design. Resource assessment and program design must be consistent with Rule 515-3-4-.04(4)(a) and Rule 515-3-4-.04(4)(b);

2. Demand-Side Resource Costs:

   (i) Delineation of Program Costs. For each program design, detailed estimates of program costs shall be developed by end-use or program as appropriate. In developing these estimates, the following components of cost shall be separately identified:

      (I) Expected demand-side resource expenditures by program participants, if any;

      (II) Expected demand-side resource expenditures by the utility, if any;

      (III) Expected demand-side resource expenditures by third parties (e.g., Southern Company or energy service company), if any;

      (IV) Utility administrative expenses for the program that add to the total cost of the demand-side resource(s);

      (V) Descriptions of demand-side program related contracts, including where known, scope, type, contractor, cost estimate, contractor selection process and criteria;

      (VI) Cost expenditure plan, by year, to include a breakdown of the following areas: end-use data collection, demand-side program planning, marketing, engineering/design, implementation, start-up, monitoring and evaluation;

      (VII) Total cost estimate to include all work papers and assumptions, broken out by demand-side measure and

program, hardware, incentive payments, administrative costs, major design features, and other related activities;

(VIII) In cases where activities (e.g., market research) associated with demand-side programs, also serve other functions, the allocation of costs among those functions, including separately all costs incurred to date and to-go costs for each area and/or activity;

(IX) Termination costs;

(X) Estimated annual capital costs over the life of the resource; and

(XI) The costs of utility educational and informational activities that are focused on demand-side programs, but that do not directly cause demand-side measure implementation must be separately described.

(ii) The utility shall provide the design, implementation, monitoring and evaluation activities schedule in milestone summary form; and

(iii) The utility shall provide where available, a comparison of existing demand-side programs similar in type or design implemented by the applicant or a utility elsewhere.

3. Projected Effects of Demand-Side Resources. The effects on energy consumption and peak demand of each program design shall be estimated by program;

4. Program Evaluation. Each utility shall file a summary of the process and load impact evaluation plan, concurrently with the development of the programs themselves, to assess the implementation and quantify the impact on energy and capacity use of the demand- side resources. The evaluation plan shall identify the type and timing of the measurement activity used to evaluate each demandside resource. The evaluation plan shall provide a process by which the results will be used to modify impact estimates for future planning and design of demand-side programs. The plan shall identify procedures to be employed with regard to the following aspects of the evaluation of each program:

(i) Establishment of protocols to collect basic data regarding load impact, participation level, utility costs, third party costs, and total

costs. Load impact data should be aimed at determining load shape impacts, net program savings, useful life of measures and persistence of savings, including utility actions to optimize market penetration of programs; and

(ii) Comparison of demand patterns of similar participant and nonparticipant groups, and/or use of customer bill analysis, engineering estimates, end-use meter data, or other methods to identify the gross and net impacts of program participation on customers' usage and demand patterns.

5. Demand-Side Resource Implementation Monitoring. The utility shall file monthly data on a quarterly basis, except as indicated otherwise, the following information regarding demand-side programs to enable the monitoring and evaluation of the program. If, upon review of the information submitted in a quarterly implementation monitoring report, the Commission determines that a change in program design, schedule, cost, or evaluation methodology is substantial enough to warrant the utility filing for a demand-side certificate amendment and the utility has not done so, the amendment process described in Rule 515-3-4-.10 shall be initiated. The quarterly report shall include:

(i) Sufficient data to confirm that standards of public convenience and necessity are being met in an economic and reliable manner;

(ii) Cost/benefit analysis using the screening test under which the program was certified; and

(iii) Data pertaining to various implementation factors. The data shall include:

(I) Complete documentation of expenditures with comparisons to and calculated variations from original budget, with explanations of variances in excess of five percent (or some other predetermined variation tolerance as specified by the Commission in the approved certificate);

(II) A completed schedule showing comparison of planned implementation and completion dates for all significant activities and explanations for major variations in planned vs. actual dates;

(III) Notification of any modifications to the program that do not automatically require amendment, including changes to program evaluation methodology;

(IV) Major contracts and their scope, in summary form, at such time as they become available;

(V) The utility shall notify the Commission immediately upon determining that the cost and/or schedule for any demand-side resource has changed from that included in the approved certificate. Revised cost and schedule estimates shall be provided to the Commission in as much detail as has been developed by the utility; and

(VI) Any other relevant documents used by management to evaluate implementation, if requested.

Cite as Ga. Comp. R. & Regs. R. 515-3-4-.09
Authority: Ga. L. 1878-79 p. 125; 1907, pp. 72-81; 1922 pp. 142-147; 1975 pp. 404-412; 1991 pp. 1696-1705.
History. Original Rule entitled "Filing Requirements for a Demand-Side Resource Certificate" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.
Amended: Rule retitled "Demand-Side Resource Certificate Filing Requirements and Procedures". F. Oct. 27, 1997; eff. Nov. 16, 1997.

Rule 515-3-4-.10. Filing Requirements for a Demand-Side Resource Certificate Amendment.

(1) The Utility shall submit an amended application for certification (as the certificate is described under Rule 515-3-4-.09) of a full-scale demand-side program in the event that:

(a) The implementation schedule has significantly changed;

(b) The total cost estimate has been revised, for reasons other than variances in projected participation levels, such that the costs are over the estimates in the approved certificate by more than five percent or some other variation tolerance as specified by the Commission in the approved certificate;

(c) Major program design features have changed;

(d) The results obtained through program monitoring, process or impact evaluation indicate a necessary change;

(e) The load forecast has changed sufficiently such that the need for a resource of the type/size previously approved may or may not be warranted or sufficient; and

(f) Any sufficient change in conditions under which the original certificate was approved.

(2) The Utility shall file with the Commission twenty-five copies of the certificate amendment application.

(3) The application for review and approval of the certificate amendment shall clearly identify:

(a) The name of the applicant(s) and address(es) of the principal place of business of the applicant;

(b) The name, title, address, voice phone, and facsimile phone number of the person authorized to receive notices and communications with respect to the application;

(c) The location(s) that the public may inspect a copy of the application; and

(d) Requests by the utility that any information utilized in the plan which the utility deems trade secret be filed in accordance with the Commission's Trade Secret Rule 515-3-1-.11.

(4) Hearing and Review of Demand-Side Resource Certificate Amendments.

(a) Proceedings. The Commission shall commence a hearing within no sooner than thirty days after receipt of fees related to a utility's completed certificate amendment application;

(b) Completeness of the Utility Certificate Amendment Application. The Commission shall determine whether the utility certificate amendment application filing is complete within thirty days following the initial submission of the certificate amendment application by the utility. The Commission will inform the utility of substantive defects in the content of the certificate amendment application filing which would materially affect the Commission's ability to continue the certificate amendment application review process. If the Commission finds as a matter of fact that the utility certificate amendment application is not complete, by Order of the Commission the review process may be stayed until the utility has submitted a complete certificate amendment application.

(c) Fees. Within sixty days after receipt of the complete certificate amendment application, the Commission shall establish a fee therefor and notify the applicant. Upon receipt of the fee from the applicant, the Commission shall continue its review of the certificate amendment application.

(d) Waiver of Information. If, after a good-faith effort, the utility cannot provide the data required by these rules, the utility must request a waiver, in writing. This request must be filed no less than 60 days prior to the filing of the amendment. The utility must publish in appropriate media of mass dissemination that it has applied for a waiver. The request shall include:

1. Reference to the requirement for information that is the subject of the waiver request;

2. An explanation of the reasons the required information was impractical to supply; and

3. Proposed substitute information, if applicable;

If no waiver is granted, materials must be filed as required by the rules.

(e) Standard for Approval. Based upon the evidence of record presented at the hearing on the certificate amendment application, the Commission shall render a decision either approving the certificate amendment, approving it subject to stated conditions, approving it in part and rejecting it in part, or rejecting it, or providing an alternate capacity resource certificate amendment within one-hundred eighty days of receipt of fees related to the utility's completed certificate amendment application. A utility's certificate amendment shall be approved if found to be in the public interest and to substantially comply with these regulations.

(5) The amendment application itself shall contain at a minimum the following information:

(a) A statement of how the proposed application is consistent with the most-currently approved Integrated Resource Plan (IRP). If a revised IRP is available, it shall be filed also;

(b) A copy of the originally approved certificate, as well as any already approved amendments;

(c) A narrative explanation of the circumstances requiring amendment of the certificate;

(d) Updated information, as applicable, regarding the demand-side resource, as required by Rule 515-3-4-.09;

(e) Updated information, as applicable, regarding the progress of construction or implementation, as required by Rule 515-3-4-.09(3)(e)5; and

(f) A cost-benefit analysis covering the estimated useful life of the amended demand-side resource as well as the useful life of the energy efficiency and energy management measures which comprise the demand-side resource, along with a

summary comparison of the benefits and costs of other alternatives considered in the preparation of the applicant's IRP, sufficient to demonstrate that the amended resource is economic and reliable.

Cite as Ga. Comp. R. & Regs. R. 515-3-4-.10
Authority: Ga. L. 1878-79 p. 125; 1907, pp. 72-81; 1922 pp. 142-147; 1975 pp. 404-412; 1991 pp. 1696-1705.
History. Original Rule entitled "Filing Requirements for a Demand-Side Resource Certificate Amendment" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.
Amended: F. Oct. 27, 1997; eff. Nov. 16, 1997.

Rule 515-3-4-.11. Cost Recovery and Financial Incentives.

(1) Recovery of the costs of developing an integrated resource plan or an amendment thereto.

(a) Fees paid by the utility accompanying a plan filing are expressly excluded from cost recovery; and

(b) All costs incurred by a utility in developing its plan must be accounted for in its books and records separately from amounts attributable to any of its other activities. All accounts, including subaccounts, must be maintained in such a manner as will allow these costs to be identified readily.

(2) Recovery of costs for certificate application and certificate amendments.

(a) Fees paid by the utility accompanying a certificate application or an amendment application are excluded from cost recovery unless the application or amendment is approved; and

(b) All costs incurred by a utility in developing its certificate application or amendment must be accounted for in its books and records separately from amounts attributable to any of its other activities. All accounts, including subaccounts, must be maintained in such a manner as will allow these costs to be identified readily.

(3) Recovery of Certified Costs and Financial Incentive Mechanisms.

(a) The certified or actual cost, whichever is less, of purchase of any certificated long-term power purchase shall be recovered in rates by the utility along with the additional sum as determined by the Commission to encourage such purchases. The Commission shall consider lost revenues, if any, changed risks, and an equitable sharing of benefits between the utility and its retail customers; and

(b) The certified or actual cost, whichever is less, of any certificated demand-side capacity option shall be recovered by the utility in rates, along with an additional

sum as determined by the Commission to encourage the development of such resources. The Commission shall consider lost revenues, if any, changed risks, and an equitable sharing of benefits between the utility and its retail customers.

Cite as Ga. Comp. R. & Regs. R. 515-3-4-.11
Authority: Ga. L. 1878-79 p. 125; 1907, pp. 72-81; 1992 pp. 142-147; 1975 pp. 404-412; 1991 pp. 1696-1705.
History. Original Rule entitled "Cost Recovery and Financial Incentives" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.
Amended: F. Oct. 27, 1997; eff. Nov. 16, 1997.

Rule 515-3-4-.12. Amendments to Rules and Severability.

(1) These Rules may be amended at any time by the Commission as provided for by the Administrative Procedures Act, O.C.G.A. § 50-13-4; and

(2) If any provision of this Chapter of the Rules is held invalid, the Commission intends that such invalidity not effect the remaining provisions to the extent that they can be given effect.

Cite as Ga. Comp. R. & Regs. R. 515-3-4-.12
Authority: Ga. L. 1878-79 p. 125; 1907, pp. 72-81; 1922 pp. 142-147; 1975 pp. 404-412; 1991 pp. 1696-1705.
History. Original Rule entitled "Amendments to Rules and Severability" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.
Amended: F. Oct. 27, 1997; eff. Nov. 16, 1997.

Subject 515-3-5. PREVENTION OF DAMAGE TO UNDERGROUND FACILITIES.

Rule 515-3-5-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-3-5-.01
Authority: O.C.G.A. Secs. 46-2-20, 46-2-20(i), 46-2-21, 46-4-153, 46-4-153(a)(2), 46-4-160(a), 46-5-163, 46-5-163(b), 46-5-168, 50-13-4(b).
History. Original Rule entitled "Prevention of Damage to Underground Facilities" adopted as ER. 515-3-5-0.9-.01. F. Nov. 5, 1999; eff. Nov. 2, 1999, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: ER. 515-3-5-0.10-.01(3) adopted. F. Nov. 16, 1999; eff. Nov. 17, 1999, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Mar. 7, 2000, eff. Mar. 27, 2000.
Repealed: F. June 29, 2000; eff. July 19, 2000.

Chapter 515-4. STOCKS AND BONDS.

Subject 515-4-1. STOCK AND BOND APPLICATION RULES.

Rule 515-4-1-.01. Applications Must be Sworn To.

(1) All applications for the issuance of stocks, bonds or notes, or other evidence of debts, payable more than twelve months after date thereof, by companies subject to these rules shall be by written petition, verified by the president or other officer of such company, setting forth the information hereinafter required. Such petition may be duly assigned for hearing as provided herein except that those petitions submitted by Electric Membership Corporations, small businesses as defined in O.C.G.A. (50-13-4.a3), and other small businesses that may, from time to time, finance through government lending agencies or through government administered or guaranteed loans shall not require a hearing.

(2) For applications not requiring a hearing, all discovery, responses, analysis and recommendations must be completed such that the application can be acted upon by this Commission in Administrative Session within 60 days of the original filing.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.01
Authority: Ga. L. 1978-79 as amended: Ga. L. 1975, pp. 404-412.
History. Original Rule entitled "Applications Must be Sworn To" was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: Filed July 29, 1986; effective August 17, 1986.

Rule 515-4-1-.02. What Applications of Utilities Must Show.

All such applications filed by any utility company subject to these rules, shall set out all the properties of applicant, transmission lines, central equipment, buildings, generating stations and other structures or property, giving a general description thereof.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.02
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, pp. 411.

Rule 515-4-1-.03. Financial Statement.

(1) Said petition shall also contain in addition to full description of its property a sworn statement in detail of the financial condition of the company, giving the amount and kinds of the capital stock, bonds, and other obligations outstanding; the consideration on which the same were issued clearly and fully stated; the rate and amount of dividends declared thereon, and all other items of outstanding indebtedness; and as to all, whether and how secured, and if secured by mortgage or pledge, a copy of the instrument shall be annexed to the petition; and said petition shall also contain a statement of the amount of any of its

stock held by other corporations, and the names of and the amount held by each; and all facts needed to show that the capitalization and proposed capitalization of said company is lawful and legitimate and does not violate either the laws or the Constitution of this State, or the United States.

(2) **Information Need Not be Repeated.** In case the petitioning corporation or party shall have already or previously made and filed a report to this Commission showing its capitalization and financial condition in compliance with the standing order on that subject, the matter thus already reported need not again be repeated in the application, but may be made part thereof by appropriate form of reference, with any new facts or data added to bring the recital down to date.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.03
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.04. Tabulated Statement of Desired Issues.

Said petition shall contain a statement of the amount and kind of stock which the corporation desires to issue; and a tabulated statement of bonds or notes which the corporation desires to issue, the terms and rate of interest, and whether and how to be secured, and if to be secured by a mortgage, or pledge, a copy of the same shall be attached.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.04
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.05. Use of Proceeds from Desired Issues.

Said petition shall contain a statement of the use to which the capital to be secured by the issue of such stock, bonds, or notes is to be put, with a definite statement of how much is to be used for the acquisition of property; how much for the construction and equipment of power plants; how much for car sheds, and the completion, extension, or improvement of its facilities or properties; how much for the improvement and maintenance of its service; how much for the discharge or lawful refund of its obligations, or for lawful corporate purposes.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.05
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72-75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.06. Property to be Acquired; How Service is to be Improved.

Said petition shall contain a statement in detail of the property which is to be acquired, with its value, a detailed description of the construction, completion, extension, or improvement of its facilities set forth in such a manner, that an estimate may be made of its cost; a statement of the character of the improvement of its service proposed, and the reasons why the service should be maintained from its capital; if it is proposed to discharge or refund its obligations a statement of the nature and description of its obligations, including their par value and the amount for which they were actually sold, and the application of the proceeds arising from such sale.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.06
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.07. Copies of All Contracts to be Filed.

Said petition shall contain a statement showing whether any contracts have been made for the acquisition of such property, or for such construction, completion, extension, or improvement of its facilities, or for the disposition of any of its stocks, bonds, or notes which it is proposed to issue; and if any such contracts have been made, copies thereof must be attached to the petition, as well as a statement showing how much money or other thing of value has been received by the corporation under such contract.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.07
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.08. Capitalizing Franchises, Etc.

Said petition shall contain a statement showing whether any of the outstanding stock, or bonds, or notes, as contemplated in the Act of August 22, 1907, have been issued or used in capitalizing any franchise or any right to own, operate or enjoy any franchise, or any contract for consolidation or lease, or for services rendered or to be rendered, or a bonus to any person or persons natural or artificial, and if so, shall state the amount and character thereof, and the franchise, right, contract, or lease, service or bonus, so capitalized.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.08
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.09. Consolidation or Merger.

If the stock is to be issued by a new corporation to be formed by a merger or consolidation of two or more other corporations, the petition shall contain a complete description of the properties to be consolidated, and a complete statement of the financial condition of the corporation so consolidated of the kind set out in 515-4-1-.03.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.09
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.10. Reference Where Chartered by General Law.

Attached to said petition must be a certified copy of the charter, if granted by the legislature or accurate citations to volume and page if to be found in the published laws; or a copy of the petition filed with the Secretary of State, or any court, and a certificate of incorporation issued by the Secretary of State, or court, if incorporated under a general law; duly certified copies of all certificates, statements, or records which modify, change, or extend the purposes or powers of such corporation.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.10
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.11. Law Must be Complied With.

Said petition shall set out in detail all acts done by said corporation in obedience to the laws of the State, applicable to such desired issue or increase of capital or issue of bonds, and shall fully and affirmatively show that all requirements of the laws of Georgia have been fully complied with.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.11
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.12. Petitioners to Make Further Report.

Said petition shall state fully the method and instrumentalities proposed for carrying into effect with safety to the petitioners and the public the purposes stated, and for complying with all

conditions imposed by law or by the Commission, and expressing the readiness of petitioners to make a report of actings and doings under the same as the Commission may require.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.12
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.13. Hearings Before Commission; Applicant to Produce Witnesses.

When a petition is assigned for hearing in accordance with Rule 515-4-1-.01, the Commission shall fix a time and place for hearing thereon, and shall give to the applicant not less than ten days' notice thereof, either personally or by mail; the applicant shall publish a notice of the application and the time and place of the hearing in such newspapers and at such times as the Commission shall direct. At the hearing the applicant shall produce such witnesses and furnish such books, papers, documents, and contracts as the Commission shall at any time before final decision on the application require, and must establish to the satisfaction of the Commission that the proposed issue of stocks, bonds, notes, or other evidence of indebtedness is for the benefit of the public service, and is otherwise lawful.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.13
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.14. All Proceeds Must be Used for Purposes Approved.

On the conclusion of the hearing, or so soon thereafter as circumstances permit, the Commission will make up its opinion and frame its order upon the facts appearing in each instance and the law applicable thereto. Each application will be kept open and further order may be made from time to time as may be needful for the security and protection of all concerned, and for a due compliance with the law and the orders of this Commission. All bonds and stocks when authorized by the Commission, and the proceeds of the same, must be used for the purpose or purposes authorized, and for none other, under pain of the penalties in such case provided by law.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.14
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-4-1-.15. Negotiation or Competitive Bidding for Security Issues.

(1) This rule shall apply to all issuances of securities for which the Commission orders it to apply pursuant to the laws of Georgia except where:

(a) Such securities are issued and sold prior to January 1, 1976, or are issued pursuant to authorization granted prior to the effective date of this rule.

(b) The gross proceeds to the issuer of the securities will be less than $2,000,000.

(c) Such securities consist of evidences of debt of a maturity of ten years or less, from date of issue to a commercial bank, insurance company or similar institution not for resale to the public provided no commission, fee, or remuneration is to be paid in connection therewith to any third person (except an associated service company charging only its cost of services) for negotiating the transaction.

(d) Such securities are to be issued prorata to existing holders of securities of the applicant pursuant to any preemptive right or privilege, or in connection with any liquidation or reorganization, or recapitulation of surplus.

(e) Such security is issued in exchange for outstanding securities where no commission or other remuneration is paid or given directly or indirectly for soliciting such exchange.

(f) The Commission, on application filed pursuant to this rule, finds that compliance with the competitive bidding requirements of this rule would not be appropriate or consistent with the public interest. Such findings will not be made where the issuer has engaged in negotiating for the sale or underwriting of the securities without having been authorized in writing by the Commission prior to such negotiation. Nothing in this section shall be deemed to preclude the Commission from entering any order which would otherwise be appropriate.

(g) Such securities and loans are issued or guaranteed by the United States government or an agency of the United States government or by a State or local government or agency.

(h) The exceptions contained in this rule shall not be construed as a waiver of the requirements of Section 93-414 of the 1933 Code of Georgia for Commission approval of security issues.

(2) Except as provided in this rule, the Commission will not approve, pursuant to Section 93-414 of the 1933 Code of Georgia, the issuance of stocks, bonds, notes or other evidence of debt by any company or corporation over which the authority of the Commission is extended by law unless such securities be issued pursuant to competitive bidding. Where the Commission grants an application for authorization and approval to issue and sell securities through competitive bidding, the applicant shall publicly invite sealed, written proposals for the purchase or underwriting of such securities at least one week (or such

other period as the Commission may by order fix), prior to entering into any contract or agreement for the issuance or sale of such securities.

(a) The public invitation shall describe the type and amount of securities to be bid for, and shall state the date, time and place for opening of bids. Such invitation or the statement of terms and conditions relating to bids, shall reserve the right to reject any or all bids and, among other things, describe the arrangements made for independent counsel for bidders. No bids shall be invited, or accepted, from any person who, prior to the submission of bids, has performed any service for compensation in connection with the issuance and sale of the proposed securities, or who has received or will receive any fee or compensation in connection with the issuance and sale of the proposed securities (except as successful bidder), nor shall any bid be invited or accepted under which officers or directors would benefit from or share in the proceeds from the securities. Such proposals as may be received in response to the public invitation shall not be opened at any time or place other than as specified in the invitation. The duly authorized representative of any person making any such proposal shall be entitled to be present at the opening of such proposals and to examine each proposal submitted. The invitation or the statement of terms and conditions relating to bids shall refer to the limitation herein prescribed.

(3) After receiving and opening all bids submitted as provided in paragraph (2) of this rule, the applicant shall within the period specified in the public invitation for proposals (unless all bids are rejected), accept that bid which shall be most favorable on the basis of the specifications set forth in the Commission's order. No bid shall be accepted from a person who directly or indirectly controls or is controlled by, or is under the same common control with the applicant without approval by further order of the Commission.

(4) Promptly after the opening of the proposals the applicant shall report to the Commission by telephone or telegraph the information called for in paragraph (4)(b) hereof and shall file with the Commission a verified statement in writing, together with five conformed copies thereof, setting forth:

(a) The action taken to comply with the Commission's order of authorization and paragraphs (2) and (3) of this rule, including a statement that the method of complying with the competitive bidding requirements as described in the application has been carried out.

(b) A summary of the terms of the proposals received, including the name of each bidder or representative of a bidding group, the interest or dividends rate specified (where applicable), the price to be paid the issuer per share or per $100 principal amount, the cost of money to the issuer (except in the case of common stock), the name of the successful bidder, and the successful bidder's initial public offering price with the resulting yield to the public (except in the case of common stock), accompanied by a true and correct copy of the proposal accepted.

(5) If the application to issue securities is deemed to fall within any of the exceptions contained in paragraph (1) of this rule, and such exception is relied upon as waiving the requirement for competitive bidding, the application shall specifically refer to such exception and show that it is applicable.

(6) If the application to issue securities does not fall within clauses (a), (b), (c), (d), or (e) of paragraph (1) of this rule the application shall either:

(a) Set forth the proposed method of complying with the competitive bidding requirements of paragraphs (2), (3), and (4) of this rule, including summarization of the principal terms of the proposed invitation as part of the application; or

(b) Apply for exemption from the competitive bidding requirements of paragraphs (2), (3), and (4) of this rule upon findings as referred to in paragraph (1)(f). Such an application may be made only where the issuer has not, prior to the filing of the application, engaged in any negotiation for the sale or underwriting of the securities and does not so engage prior to Commission action on the application for exemption, and the application so shows, provided that engaging in negotiation may be permitted where the Commission has given its written authorization in advance. Such application for exemption may be filed as part of an application for securities approval, or as a separate application filed at any time prior to the filing of such an application for securities approval. Such application for exemption shall show the specific grounds relied on as warranting the finding referred to in paragraph (1)(f) of this rule. If an application for such exemption is denied by the Commission after the application for securities approval has been filed, the requirements of clause (a) of this paragraph shall be complied with by amendment to the application.

(7) There shall also be set forth in the application or amendment thereto:

(a) The name and address of any person receiving or entitled to receive a fee for services (other than attorneys, accountants, and similar technical services) in connection with the negotiation for or consummation of the issuance or sale of securities, or for services in securing underwriters, sellers, or purchasers of securities, other than fees included in any competitive bid; the amount of each such fee; and facts showing the necessity of the services and that the fee does not exceed the customary fee for such services in arms-length transactions and is reasonable in the light of the cost of rendering the service and any other relevant factors.

(b) All facts showing or tending to show that the issuer or applicant directly or indirectly controls, or is controlled by, or is under the same common control as, any person named pursuant to the requirements of (7)(a), or showing or tending to show the opposite.

(8) The evidence submitted shall include copies of any contract, underwriting, or other arrangement entered into for the sale or marketing of the securities. Where a contract or

underwriting is not in final form so as to permit filing, a preliminary draft or a summary containing such identification of the parties thereto and such principal terms thereof as may be practicable, may be filed, pending filing of a conformed copy in the form executed.

(9) An application for approval under this rule will ordinarily require a minimum of thirty days after it is filed to allow for public notice, investigation, opportunity for hearing, consideration by the Commission and issuance of its order.

(10) The effective date of this rule is January 1, 1976.

Cite as Ga. Comp. R. & Regs. R. 515-4-1-.15
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1956, pp. 104, 105; 1970, p. 104; 1972, pp. 138, 439, 615; 1973, pp. 200-220.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Chapter 515-5. TELEGRAPH.

Subject 515-5-1. TELEGRAPH COMPANIES.

Rule 515-5-1-.01. Tariff of Rates.

No telegraph company shall collect for its service in transmitting messages, exclusive of date, address and signature, between any two of its offices within this State, more than the maximum rate prescribed by the Commission for the class of service specified.

Cite as Ga. Comp. R. & Regs. R. 515-5-1-.01
Authority: Ga. L. 1890-91, p. 151; 1907, pp. 72, 75; 1922, pp. 143, 144; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-5-1-.02. Delivery of Messages.

Telegraph companies doing business in this State, shall in each incorporated town or city in which they maintain offices, make delivery to all points within the corporate limits of such town or city, of all telegraphic messages to the addressee, or to someone authorized to accept the same, at his, her, or their place of business or residence, or leave a written notice thereof, in case there is no one at such place of business or residence to receipt for the same; and such delivery shall be made without extra charge, where the addressee's residence or place of business be within two miles of any main or branch office of the delivering telegraph company in cities or towns of 5,000 or more inhabitants, or within one-half mile of any main or branch office of the company in cities or towns of less than 5,000 inhabitants.

Cite as Ga. Comp. R. & Regs. R. 515-5-1-.02
Authority: Ga. L. 1890-91, p. 151; 1907, pp. 72, 75; 1922, pp. 143, 144; 1975, Sec. 2 p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-5-1-.03. Time of Filing of Messages to be Shown When Desired.

Telegraph companies are required to show on each telegram they transmit and deliver between points in Georgia the correct time, expressed in hours and minutes, that such telegram was received at office of delivery. And where the sender of any such message desires to show also the correct time of filing with initial office, the transmitting company shall carry said information free, except in night letters.

Cite as Ga. Comp. R. & Regs. R. 515-5-1-.03
Authority: Ga. L. 1890-91, p. 151; 1907, pp. 72, 75; 1922, pp. 143, 144; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-5-1-.04. Where Message Tendered to Another Office of Same Company.

Where a message is tendered for immediate transmission to another office of the same company and it is known, or can be ascertained from office records, that the office to which the message is to be transmitted, is, at the time of such tender, closed, or likely to be closed before it can be transmitted, the receiving office shall, before accepting the message, notify the sender of the facts.

Cite as Ga. Comp. R. & Regs. R. 515-5-1-.04
Authority: Ga. L. 1890-91, p. 151; 1907, pp. 72, 75; 1922, pp. 143, 144; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-5-1-.05. Where Message Cannot be Delivered.

Where, for any reason, a message cannot be, or is not delivered within a reasonable time after receipt, it shall be the duty of the office accepting the message to notify the sender, if such sender's address be known, of the fact of non-delivery. No charge shall be made for such notification.

Cite as Ga. Comp. R. & Regs. R. 515-5-1-.05
Authority: Ga. L. 1890-91, p. 151; 1907, pp. 72, 75; 1922, pp. 143, 144; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Chapter 515-6. TELEPHONE UTILITIES.

Subject 515-6-1. TELEPHONE COMPANIES' CERTIFICATES.

Rule 515-6-1-.01. Definitions.

Terms used in these rules have the following meaning:

(a) **"Applicant"**--Any person who requests the issuance of a certificate to construct, acquire, or operate any telephone line, plant or system, or extension thereof pursuant to the provisions of the Act approved February 17, 1950, Georgia Laws 1950, p. 311.

(b) **"Certificate"**--Certificate of Public Convenience and Necessity issued by the Commission to telephone utilities as provided by said Act.

(c) **"Commission"**--Georgia Public Service Commission.

(d) **"Exchange Area"**--The corporate limits of the municipality or the local community area in which reasonably adequate local exchange telephone service is, or is proposed to be furnished, together with such rural areas contiguous thereto as are served, or as are proposed to be served with reasonably adequate local exchange service from the exchange in question.

(e) **"Facilities"**--All property, means and instrumentalities owned, operated, leased, licensed, used, furnished, or supplied for, by or in connection with the rendition of telephone service to the public.

(f) **"Line"**--One or more telephone circuits used in the transmission of voice communication between any two points including physical or phantom circuits, carrier, radiorelay or coaxial channels, and including aerial wire and aerial, underground, buried or submarine cable circuits, irrespective of whether such circuits are used for toll or exchange telephone service.

(g) **"Person"**--Any corporation, company, person, partnership, firm, association or any cooperative nonprofit membership corporation or limited dividend or mutual association now or hereafter created.

(h) **"Plant"**--Property which is necessary to provide service to the public as set forth in the various fixed capital accounts of the Uniform System of Accounts for telephone companies.

(i) **"Service"**--The act or means of supplying voice communication to the public by telephone.

(j) **"System"**--The coordinated facilities, including central office equipment, outside plant and subscriber instrumentalities, used to provide telephone service to the public.

(k) **"Toll Line"**--For the purpose of distinguishing between certificates for exchange areas and for toll lines, a toll line is a "line" as herein defined used in the transmission of voice communication between any two or more exchanges, as distinguished from interoffice trunks between individual central offices within a single exchange area.

(l) **"Utility"**--Any person as herein defined engaged in supplying telephone service to the public in Georgia.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.01
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.02. Certificate Required.

No person shall construct or operate any line, plant or system, or any extension thereof, or acquire ownership or control thereof, either directly or indirectly, without first obtaining from the Commission a certificate that the present or future public convenience and necessity require, or will require, such construction, operation or acquisition. Any person engaged in the construction or operation of any line, plant, or system, or any extension thereof as of February 17, 1950, shall be entitled to receive such a certificate for the territory being served by such person on February 17, 1950, upon proper proof that such applicant is providing reasonably adequate service, if application therefor is made prior to February 17, 1951.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.02
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.03. Applications.

All applications for a Certificate of Public Convenience and Necessity must be in writing on the application form prescribed and furnished by the Commission. This form must be filled out completely and verified by the applicant. If the applicant is a corporation or association, any officer or director thereof may verify the application. The application shall be filed in duplicate, the original of which is verified, and where other parties interested in the subject matter of the application are named therein, there shall be filed one additional copy for each such named party, together with such other additional copies as may be required by the Commission. Upon receipt of the application the Commission will designate a time and place of hearing and cause notice thereof to be given by mail or personal service to the chief executive office of the municipality or municipalities affected, if any, and shall publish such notice at the applicant's expense, once a week for three consecutive weeks in some newspaper of general circulation in each territory

affected. The Commission, in its discretion, may waive notice and hearing of applications for certificates covering territory served on February 17, 1950.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.03
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.04. Corporate Charter.

If the applicant is a corporation, a certified copy of its articles of incorporation and amendments thereto shall be annexed to the application unless otherwise on file with the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.04
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.05. Form of Certificate.

Certificates will be issued by the Commission in three forms, viz: "Exchange Areas","Subscriber Line", and "Toll Line", and a separate application must be filed for each type of certificate. An "Exchange Area" certificate authorizes the operation or construction of an integrated exchange telephone system, including all rural lines served therefrom. "Subscriber Line" certificates are issued to authorize the operation or construction of exchange lines providing local service which are not owned by the operator of the exchange facilities from which service is, or is proposed to be furnished. "Toll Line" certificates are required for authorization to operate or construct any long distance toll circuit or circuits within the State of Georgia as provided under (d) of 515-6-1-.16and(e) of 515-6-1-.17.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.05
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.06. Subscriber Owned Lines.

Subscribers who own lines may file application for a certificate for the lines which they own. Certificates requested by telephone utilities shall not include subscriber-owned lines unless the utility obtains title to such lines and renders service therefrom at rates applicable to rural service rendered from company-owned lines.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.06
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.07. Separate Application for Each Exchange.

A separate application shall be filed for each exchange area for which a certificate is desired, and except as follows, a certified copy of any franchise held for that exchange area shall be attached to the application. If no franchise is held, this fact must be stated. The Commission will not require the filing of a franchise for territory served on February 17, 1950.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.07
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.08. Exchange Facilities in Service February 17, 1950.

Applications for a certificate covering exchange area facilities in service and extent of service provided as of February 17, 1950, shall contain a description of the area, territory or location which applicant serves, and a county map or county maps as prepared by the Division of Highway Planning, State Department of Transportation, shall be annexed to the application on which is clearly shown the area, lines or territory for which a certificate is requested. All rural telephone lines extending beyond the corporate limits of the community, or beyond the base rate area, shall be accurately shown on this map, indicating location of the lines and their termination. Maps shall be prepared as set forth in "Instructions for Preparing Maps" using symbols as shown therein.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.08
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.09. What Such Applications Must Show.

Applications for a certificate covering facilities in service and extent of service provided as of February 17, 1950, shall not include proposed construction or extension of plant to serve an enlargement of the service area. Such new territory applications shall be filed separately.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.09
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.

History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.10. Certificate Covering New Facilities.

Applications for a certificate covering new facilities proposed to be constructed to serve new or additional areas shall give a full description of the proposed location, route, or routes of the new construction, extension or area, including a description of the manner in which same will be constructed and the extent of new territory to be served, as well as the estimated cost of the facilities, the approximate number of new subscribers to be served, the anticipated annual revenue and the means or method by which the construction will be financed. Tentative certificates will be issued in connection with new territory until service is established at which time the certificate will be made permanent. There shall be annexed to each application for a certificate for new lines or territory, a Department of Transportation county map on which is shown the area, lines or territory for which a certificate is requested, and all new facilities shall be accurately shown thereon. In the event the new area to be served is adjacent to an area already certificated and is only a line extension and not a new exchange area, the application shall be for an amendment to the certificate held and the map shall show the adjacent areas certificated, as well as the new additional area.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.10
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.11. Uniform County Maps.

It is necessary that **uniform county maps** be used to delineate lines, areas or territory for which a certificate is requested. The Commission will supply, on request, Department of Transportation county maps to be used in connection with applications and no other maps will be accepted. Maps must be prepared in accordance with instructions issued by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.11
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.12. Certificate Erroneously Issued.

In event it is discovered that a certificate was erroneously issued because of false, erroneous, misleading, or ambiguous information, the Commission will withdraw the certificate and may issue a corrected certificate to supersede the certificate previously issued.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.12
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976; as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.13. Certificates May Be Amended.

Certificates will be issued defining certificated areas, and no further authority to construct, extend or enlarge telephone facilities within said certificated areas need be obtained from the Commission by the certificate holder, but certificates may be amended by proper application to extend or enlarge a certificated area. Any other person, however, shall not, under penalty provided by law, construct, operate, acquire or own any telephone facilities, lines, plant or system within an area certificated to another without authority from the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.13
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.14. Certificates Non-Transferable.

All certificates shall be non-transferable. If a telephone line or system is to be sold, transferred, or leased to another person, said person shall apply to the Commission for a certificate and upon the issue of a certificate to the new owner, operator or lessee, the former certificate issued for the same territory, area, line or system shall be surrendered to the Commission for cancellation. This shall not apply in cases of lease or transfer of ownership of individual or group of circuits between American Telephone and Telegraph Company and Southern Bell Telephone and Telegraph Company on a toll line or route for which a certificate is held by either company.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.14
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.15. Certificate May Not be Capitalized.

Certificates will be issued by the Commission without charge and no utility shall capitalize on its books any value or amount for such certificates, and in rate proceedings the Commission will not allow any value in the rate base representing an alleged certificate value. However, reasonable expenses incurred by a utility may be charged to operating expenses.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.15
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.16. Certificate Must be Secured from the Commission.

A certificate must be secured from the Commission for:

(a) Each exchange area served or proposed to be served by any person, including any rural area contiguous thereto and served therefrom.

(b) The construction, acquisition, leasing or operating of any telephone line, plant or system, or extension thereof, except construction of lines, or extensions within areas for which a certificate is held.

(c) The acquisition of ownership or control either directly or indirectly of any telephone line, plant or system, irrespective of whether or not the system in question has theretofore been certificated to another person.

(d) Toll routes or lines, but not for additional circuits, or rearrangement of existing circuits on a toll line for which a certificate is held.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.16
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.17. When a Certificate is not Required.

A certificate is not required for:

(a) An extension within any exchange area for which area a certificate is held which does not extend beyond the boundary of such area.

(b) An extension within or to territory necessary in the ordinary course of business and when a certificate is held for such territory.

(c) Substitute facilities within or to any municipality or territory for which a certificate is held.

(d) Extension into territory contiguous to that served on February 17, 1950, providing a certificate for such contiguous territory is not held or applied for by another person; and

for the purpose of this rule "contiguous territory" is defined as the area embraced within a distance of one mile in any direction from outlying exchange lines in service on February 17, 1950.

(e) The installation, acquisition, leasing, or construction of additional circuits or rearrangement of existing circuits on a toll line for which a certificate is held.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.17
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.18. Rural Area Certificate Developed as Unit.

The applicant for a certificate to serve a rural area shall select an area which in his judgment can and should be developed as a unit. When a certificate is held for any area, it is the responsibility of the certificate holder to provide service within that area.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.18
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-6-1-.19. Certificate Area Delineated.

When application is made to serve new rural areas or to serve a new exchange area and rural areas, the area defined by map annexed to the application for a certificate shall encompass the proposed lines and a distance of one mile in any direction therefrom unless, in the discretion of the Commission, the defined area should be otherwise delineated. However, the requested area shall not encroach upon an area already certificated to another person.

Cite as Ga. Comp. R. & Regs. R. 515-6-1-.19
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1950, p. 311; 1964, p. 338; 1965, p. 283; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Chapter 515-7. GAS UTILITIES.

Subject 515-7-1. GAS COMPANIES' CERTIFICATES.

Rule 515-7-1-.01. Definitions.

Terms used in these rules have the following meaning:

(a) **"Applicant"**--Any person who requests the issuance of a certificate to construct, acquire, or operate any gas pipeline or distribution system, or extension thereof, pursuant to the provisions of the Act approved February 17, 1956, Georgia Laws, 1956.

(b) **"Certificate"**--Certificate of Public Convenience and Necessity issued by the Commission to any applicant as provided by said Act.

(c) **"Commission"**--Georgia Public Service Commission.

(d) **"Distribution System"**--The coordinated facilities including mains, services, regulators, meters and other facilities (including peak shaving, or production plant) which are used or are proposed to be used to distribute natural or manufactured gas to the public.

(e) **"Pipe Line"**--The pipe used or proposed to be used for the transportation of natural or manufactured gas in intrastate commerce within the State from point of supply to each point of delivery of gas either to ultimate consumers, or to others for distribution and resale. Pipe Line includes such compressor equipment, regulator stations and measurement or metering stations, and other facilities as are associated with the pipe line.

(f) **"Facilities"**--All property, means and instrumentalities owned, operated, leased, licensed, used, furnished, or supplied for, by or in connection with the rendition of natural or manufactured gas service to the public.

(g) **"Person"**--Any corporation, public or private, company, person, partnership, firm or association, excepting only those municipal corporations and counties of this State whose facilities are located wholly within their own county.

(h) **"Plant"**--Property which is necessary to provide service to the public as set forth in the various fixed capital accounts of the Uniform System of Accounts for Gas Utilities prescribed by the Commission.

(i) **"Service"**--The act or means of supplying natural or manufactured gas to the public.

(j) **"Utility"**--Any person as herein defined engaged in the transmission or distribution of natural or manufactured gas in intrastate commerce within the State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.01
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964 p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Definitions" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-7-1-.02. Construction and Operation of Gas Pipeline or Distribution Systems.

(1) No person shall construct or operate in intrastate commerce except as qualified within this rule, any natural or manufactured gas pipeline or distribution system, or any extension thereof, or acquire ownership or control thereof, either directly or indirectly, without first obtaining from the Commission a certificate that the present or future public convenience and necessity require, or will require, such construction, operation or acquisition. Any person engaged in the construction or operation of any line, plant, or system, or any extension thereof as of February 17, 1956, shall be entitled to receive a certificate for the territory being served by such person on February 17, 1956, upon proper proof that such applicant is providing reasonably adequate service, if application therefor was made prior to February 17, 1957.

(2) Where revenue bonds have been issued by any county, municipality, or other political subdivision of this state in order to buy, construct, extend, operate or maintain any portion of its gas distribution system and necessary appurtenances thereof and the gas distribution system extends or is to be extended beyond the limits of the county in which the municipality or other political subdivision is located, or when the distribution systems of a county extends is or to be extended outside the limits of such county, a Certificate must be obtained from the Commission with respect to all such facilities located or proposed to be located beyond such county limits.

(3) Where revenue bonds have been issued by any county, municipality, or other political subdivision of this state in order to buy, construct, extend, operate or maintain any portion of its gas pipe line systems and necessary appurtenances thereof and the gas pipe line system extends or is to be extended outside the limits of the county in which the municipality or other political subdivision is located, or when the pipe line of a county extends or is to be extended outside the limits of such county, a Certificate must be obtained from the Commission with respect to all such pipe line located or proposed to be located beyond such county limits, if gas service is rendered or gas deliveries are made to others outside the limits of such county.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.02
Authority: Authority Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964, p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Construction and Operation of Gas Pipeline or Distribution Systems" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. May 22, 2008; eff. June 11, 2008.

Rule 515-7-1-.03. Applications for Certificates of Public Convenience and Necessity.

All applications for a Certificate of Public Convenience and Necessity must be in writing, properly authenticated. Any application that is deemed to be incomplete after it is filed with the Commission shall not be considered until such time as all of the information requested therein has been furnished. Applications for authority to construct or acquire additional facilities shall

set forth in the order indicated the following, incorporating any data already on file with the Commission by reference:

(a) The exact legal name of the applicant; if the applicant is a corporation, the State or territory under the laws of which the applicant was organized, the location of the applicant's principal place of business, the names of all States where the applicant is authorized to do business and a concise but comprehensive description of the existing business, operations and properties of the applicant with particular reference to the transportation, distribution and sale of natural or manufactured gas.

(b) The name, title or post-office address of the person to whom correspondence or communications in regard to the application are to be addressed. Unless advised to the contrary, the Commission will serve notices, orders, and other papers upon the person so named.

(c) A brief but accurate description of the project or facilities for which a certificate is sought and the dates on which it is intended to begin and complete construction or acquisition.

(d) A statement setting forth the service proposed to be rendered by applicant, showing communities proposed to be served, with the population of each, main line industrial customers, sales or interchange with other utilities and any other service. In describing such other service, furnish the name of any other utility rendering service within any county in which any community or customer to be served by applicant is located, together with a general statement of pertinent facts as to the extent and nature of such existing service, specifying whether such other utility is serving natural or manufactured gas.

(e) A description of the facilities proposed to be constructed, acquired or operated, giving, insofar as such information may be pertinent, the size, capacity, length and location of pipelines and laterals; the extent of distribution systems; the location, rated horsepower and capacity of all compressor stations; the location and description of other important property units; a description of the proposed manner or method of operating said proposed facilities, including proposed operating pressures, the capacity of the proposed facilities, estimates of maximum and minimum day demands, and any other pertinent facts showing that such facilities will be capable of performing adequately the service which the applicant proposed to render. In connection herewith the applicant shall furnish:

1. Fifteen (15) copies of a map delineating the size and location of applicant's proposed pipe lines, or distribution system, the communities to be served, the points of connection with existing facilities and the location of points of gas supply to be utilized in connection with the proposed facilities; such map shall include roads, waterways and any other natural boundaries to enable the Commission to distinguish the true location of the proposed facilities; as well as any other operator's gas facilities within 1,200 feet of the applicant's proposed facilities. The location of the proposed pipeline or distribution system and other gas operator's

facilities must be delineated in contrasting colors. The maps shall be at least 11 x 14 inches.

2. A statement setting forth all contracts for the construction, purchase or lease of the proposed facilities and giving the affiliation, if any, between applicant and any other party to said contracts. A detailed breakdown of costs must be included for the construction, purchase or lease of the proposed facilities. The cost breakdown shall include the following:

   (i) Overall cost of the project,

   (ii) Cost per foot for each size of pipe,

   (iii) Cost for right-of-way,

   (iv) Financing costs,

   (v) Cost of labor, and

   (vi) Any other costs.

(f) A statement of the source of gas, together with a copy of the interstate pipeline contracts or full requirements contract therefore, which is to supply the market which is proposed to be served. However, if such interstate pipeline contracts or full requirements contract contain discounted or negotiated rates or terms, the applicant may file such contracts pursuant to Commission Rule 515-3-1-.11.

(g) A statement setting forth all facts bearing upon economic feasibility including:

1. The estimated total overall capital cost of the proposed extension or acquisition, including all expenditures involved in the construction or acquisition of the proposed facilities, proposed cost of financing, working capital, and other incidental costs, amount of engineering and contracting fees to be paid and a brief statement of applicant's proposed plan of financing.

2. A detailed statement of the extent to which such plan is supported by firm or contingent commitments from all financial sources, including commitments from banks, trust companies, insurance companies, investment bankers, steel companies, pipeline supply companies and other sources.

3. A statement showing estimates of total revenues expected from the proposed new facilities to be constructed, acquired or operated, total fixed charges, total operating expenses.

4. A general statement covering the rates proposed to be charged by applicant for each kind of natural or manufactured gas service proposed to be rendered, and the

expected sales, revenues, average revenue per MCF and average revenue per therm to be derived therefrom.

(h) A general description of the proposed method of supervising the operations of the proposed project, including reference to any relevant service or management contracts, existing or contemplated.

(i) A statement of any other facts and circumstances upon which applicant relies to establish that present or future public convenience and necessity required the new construction, acquisition or operation of such facilities.

(j) In addition to all of the information specified in paragraphs (a) through (i) of this rule, an application submitted under O.C.G.A. § 46-4-28(a.1) must include:

1. Documentation sufficient to support the applicant's contention that the existing certificate holder has failed to begin construction or operation of any pipeline or distribution system, or extension thereof, in substantially all the of the territory covered by such certificate as further defined in Rule 515-7-1-.13;

2. Documentation demonstrating that a specified end-use customer, property owner, or developer has requested natural gas service from applicant, the extent of the service requested, and the date said service is needed;

3. The territory for which the applicant is seeking to provide natural gas service to a specified end-use customer, property owner, or development;

4. Documentation demonstrating that any newly certified area requested by applicant to serve the specified end-use customer, property owner, or development in question can be established by the Commission with a boundary that meets safety and public welfare requirements;

5. The rates and terms of service applicable to the specified end-use customer, property owner, or development in question; and

6. Documentation demonstrating that applicant can provide said requested service in a timely manner.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.03
Authority: O.C.G.A. Sec. 46-4-28.
History. Original Rule entitled "Applications for Certificates of Public Convenience and Necessity" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. May 22, 2008; eff. June 11, 2008.
Note:

Wherever volumes of gas are mentioned in an application or an exhibit later filed, such volumes shall be computed upon a uniform pressure base and such pressure base shall be clearly set forth therein.

Rule 515-7-1-.04. Notice of Application.

(1) Applicant shall serve a copy of the application on the Mayor and Council (or equivalent city governing body) of the city within the corporate limits of which service is proposed to be rendered, and a certificate of service shall be appended to all copies of the application itself. Service may be by mail unless otherwise ordered by the Commission.

(2) When the application has been assigned for hearing applicant must publish notice on the time, place and purpose of the hearing once a week for three consecutive weeks in a newspaper of general circulation in each territory affected, and evidence of such publication must be submitted at the hearing.

(3) Notice of the application and scheduled hearing thereon will be given by the Commission to the chief executive officer of the municipality or municipalities affected and to each holder of a gas Certificate of Public Convenience and Necessity.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.04
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964, p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Notice of Application" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-7-1-.05. Verified Original and Fifteen Conformed Copies of Application to Be Filed.

A verified original and fifteen (15) conformed copies of the application for Certificates of Public Convenience and Necessity shall be filed with the Commission. If the applicant is a corporation, a certified copy of its articles of incorporation and amendments thereto shall be annexed to the application unless otherwise on file with the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.05
Authority: Authority Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964, p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Verified Original and Five Conformed Copies of Application to Be Filed" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: New Rule entitled "Verified Original and Fifteen Conformed Copies of Application to Be Filed" adopted. F. May 22, 2008; eff. June 11, 2008.

Rule 515-7-1-.06. Form of Certificate.

Certificates will be issued by the Commission in two forms, viz.,"Pipe Line" and "Distribution System", and a separate application must e filed for each type certificate. A "Distribution System" certificate authorizes the acquisition or construction and operation of an integrated gas

distribution system, including all areas served therefrom. "Pipe Line" certificates are required for authorization to acquire, operate or construct any natural or manufactured gas pipe lines within the State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.06
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964, p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Form of Certificate" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-7-1-.07. Separate Application for Each Distribution System.

(1) A separate application shall be filed for each distribution system for which a certificate is desired, and except as follows, a certified copy of any franchise held for the area proposed to be served shall be attached to the application. If no franchise is held, this fact must be stated. The Commission will not require the filing of a franchise for territory served on February 17, 1956.

(2) "Distribution System" certificates will be issued defining certificated area, and no further authority to construct, extend or enlarge facilities within said certificated areas need to be obtained from the Commission by the certificate holder, but certificates may be amended by proper application to extend or enlarge a certified area.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.07
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964, p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Separate Application for Each Distribution System" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-7-1-.08. "Grandfather Clause" Applications.

(1) Applications for "Grandfather Clause" certificates covering facilities in service and extent of service provided as of February 17, 1956, shall contain a description of the area, territory or location which applicant serves, and a map or maps shall be annexed to the application on which is clearly shown the area, pipeline, or territory for which a certificate is requested.

(2) Applications for a certificate covering facilities in service and extent of service provided as of February 17, 1956, shall not include proposed construction or extension of plant outside of the requested service area. Such new territory applications shall be filed separately.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.08
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964 p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.

History. Original Rule entitled "Grandfather Clause Applications" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-7-1-.09. Transfer, Lease or Hypothecation of Certificate.

No certificate may be transferred or hypothecated or leased except upon application to and approval by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.09
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964 p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Transfer, Lease or Hypothecation of Certificate" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-7-1-.10. Certificates Not to be Capitalized.

Certificates will be issued by the Commission without charge and no utility shall capitalize on its books any value or amount for such certificates, and in rate proceedings the Commission will not allow any value in the rate base representing an alleged certificate value. Reasonable expenses incurred by a utility may be charged to operating expenses.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.10
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964 p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Certificates Not to Be Capitalized" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-7-1-.11. Certificate Area to be Developed as a Unit.

The applicant for a certificate to serve an area shall select an area which can and should be developed as a unit. When a certificate is held for any area it is the responsibility of the certificate holder to provide the service requirements within that area, subject to terms an conditions of the rules and regulations of company and/or its rate schedule on file with the Commission. The application for a "Distribution System" certificate for one city or community area should not include any other incorporated community area except only where two or more contiguous incorporated areas are served or are to be served from a single integrated distribution system.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.11
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964 p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Certificate Area to Be Developed as a Unit" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-7-1-.12. Participation at Hearings.

Participation at hearings on certificate applications will be parties with a real interest, viz., those who propose to serve the area in question, both the applicant and any others, or those who are authorized or delegated to represent the public or consumers in some way. Objections, or protests concerning an application shall be made in writing setting forth the reason, nature, and extent of the objections or protests and such to be filed with the Commission and served on the applicant at least five days in advance of the scheduled hearing on the application. Generally, participation in the hearing as a separate party will not be allowed to those whose interest is neither that of a public utility proposing to establish or extend gas service, nor that of a representative of the public or gas consumers.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.12
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964 p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Participation at Hearings" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-7-1-.13. Commission May Suspend, Revoke, Alter or Amend Certificate.

(1) The Commission may at any time after notice and opportunity to be heard and for reasonable cause suspend, revoke, alter or amend any certificate if the holder of the certificate has willfully violated or refused to observe any of the lawful and reasonable orders, rules or regulations prescribed by the Commission, or any other law of this State regulating these pipe line or distribution systems, if in the opinion of the Commission the holder of the certificate is not furnishing adequate service, or if the continuance of said certificate in its original form is incompatible with the public interest.

(2) Any certificate issued under Article 2 of Chapter 4 of Title 46 shall be revoked or amended by the Commission upon application to the Commission by a person to provide natural gas service to a specified end-use customer, property owner, or developer who has requested natural gas service if the holder of the certificate has failed to begin construction or operation of any pipeline, or distribution system, or any extension thereof, in substantially all of the territory covered by such certificate. Provided, however, that the applicant must show that the specified end-use customer, property owner, or developer who has requested natural gas service is located at least two and a half (2½) miles beyond where the holder of the certificate has begun construction or operation of any pipeline, or distribution system, or any extension thereof. Once a person has filed such an application, the portion of the certificate of the territory for which the applicant is seeking to provide natural gas service to a specified end-use customer, property owner, or developer shall be deemed revoked or amended. The Commission shall determine whether the applicant shall be entitled to a certificate for the territory that has been excluded from the certificate by revocation or amendment, whether such territory should be reissued to the person who held the certificate at the time of the application, or whether such territory shall be

deemed uncertificated. The Commission shall make such determination within 90 days of the application and shall consider, in addition to the factors set forth in subsection (a) of Code Section 46-4-25, whether the applicant can offer service in a timely manner, and such other factors the Commission deems in the public interest. The Commission in determining whether to reissue a certificate to the person who held the certificate at the time of the application shall consider the length of time the certificate was held without service being provided. The newly certificated area shall be designed by the Commission to serve the customers, property owners, or developers in question while ensuring a boundary with safety and public welfare as the focus.

(a) As used in this rule,"construction" shall be deemed to have begun if a contract has been executed between the certificate holder and a third party, to include but not be limited to mains and costs, and with actual commencement of gas facilities being built within nine (9) months of the contract date.

(b) As used in this rule,"substantially all of the territory covered by such certificate" shall mean 75% or greater of the geographic territory covered by such certificate where such percentage is calculated as follows:

% = (N/D) * 100

For said calculation the terms shall be defined as:

N = The acreage contained in the area within a one (1) mile perimeter surrounding the certificated area in which holder of certificate has begun construction or operation of any pipeline, or distribution system, or any extension thereof. As used in this rule,"construction" shall be deemed to have begun if a contract has been executed between the certificate holder and a third party, to include but not be limited to mains and costs, and with actual commencement of gas facilities being built within nine (9) months of the contract date.

D = The total acreage of the certificated area.

(3) Within ninety (90) days of the submission of a complete application, the Commission shall determine whether the applicant shall be entitled to a certificate for the territory that has been excluded from the certificate by revocation or amendment, whether such territory should be reissued to the person who held the certificate at the time of the application, or whether such territory shall be deemed uncertificated.

(4) The ninety (90) day time frame during which the Commission is charged with reaching a determination under O.C.G.A. § 46-4-28(a.1) shall not commence unless and until a completed application has been submitted by the applicant. Within fifteen (15) days after the filing of such an application, the Commission shall provide the applicant with either a written notification stating that said application is deemed to be complete, or, a written notice of incompleteness specifying what information is lacking. In those instances in which additional information is provided pursuant to a notice of incompleteness, the

Commission shall notify the applicant no later than fifteen (15) days following its receipt of the additional information whether such information is sufficient to regard the application as complete. An application will be deemed by the Commission to be withdrawn if after twenty (20) days from the date of a notice of incompleteness of said application applicant has not filed the required information or provided an explanation as to why said information is unavailable.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.13
Authority: Authority Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964 p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Commission May Suspend, Revoke, Alter or Amend Certificate" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. May 22, 2008; eff. June 11, 2008.

Rule 515-7-1-.14. Additional Information to be Supplied.

The applicant shall supply the Commission with any such additional information or data as may be found necessary in order for the Commission to render a fair and equitable decision in issuance of certificates.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.14
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1956, pp. 104, 105, 1964 p. 338, 1965, p. 283, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Additional Information to Be Supplied" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-7-1-.15. Multiple Natural Gas Distribution Systems Within a Single Certificated Area.

(1) In the event that a person applies for a certificate to construct or operate in intrastate commerce any natural or manufactured gas distribution system, or any extension thereof, or to acquire ownership or control thereof, either directly or indirectly, for an area for which another person already possesses such a certificate, the applicant must show, in addition to the other demonstrations required by law and Commission rule, that the existing holder of the certificate for the area has willfully violated or refused to observe any of the lawful and reasonable orders, rules, or regulations prescribed by the Commission or any other law of this state regulating these pipeline or distribution systems, is not furnishing adequate service, or that the continuance of the holder's certificate with regard to the area in question is incompatible with the public interest.

(2) In determining whether the existing certificate holder is furnishing adequate service or whether the continuance of the existing certificate holder's certificate with regard to the area in question is compatible with the public interest, the Commission shall consider:

a) (i) the time period for which the requested area for certification has remained unserved, or not adequately served, by a provider or the current certificate holder in the requested area; and

(ii) the reason(s) for the area not receiving service;

b) whether the existing certificate holder did not serve a requesting customer within the applied for territory and the reasons for the failure to provide service.

c) the cost impact, including any benefit, on ratepayers of granting the application for certification and amending the existing certificate versus denying the application for certification.

d) any other factors the Commission deems relevant.

(3) Should the Commission determine that the applicant has met the showing set forth in subparagraph (1) and (2) above, along with the other requirements for the granting of a certificate set forth in the pertinent Commission rules and orders, the Commission will:

a) Grant the applicant a certificate for the area in question, and

b) Amend the existing certificate holder's certificate to exclude the area in question.

(4) Nothing in subparagraph (3) shall be construed to limit the Commission from taking any additional lawful action with regard to the applicant or existing certificate holder.

(5) In the event that a person applies for a certificate to construct or operate in intrastate commerce any natural or manufactured gas distribution system, or any extension thereof, or to acquire ownership or control thereof, either directly or indirectly, for an area within the limits of the home county of a municipal or county corporation with a natural gas distribution system or natural gas facilities, the applicant must show, in addition to the other demonstrations required by law and Commission rule, that the granting of the application would not create any risk to public safety and welfare.

(6) Except for good cause shown and upon credible testimony that such crossing or closure within eighty (80) feet is safe and affords no significant danger to the public safety and welfare and after hearing before the Commission, no person shall construct or install any natural gas facilities that cross or are located within eighty (80) feet from any pipeline facility of another person. This prohibition shall apply in all instances, including where, as of the effective date of this rule, the distribution system or facilities operated by more than one person are in existence within a single certificated area or home county. A copy of the application for leave filed under this Subsection shall be served on the gas system operator whose system would be crossed or approached with eighty (80) feet. In instances in which the rights of parties will not be substantially prejudiced, the Commission maintains the discretion to waive the requirement for a hearing prior to granting an

exception to the prohibition against crossings or closures within eighty (80) feet if the party seeking the exception and the party whose natural gas facilities will be affected by the exception have both agreed to waive said hearing.

(7) A municipality that annexes any area outside of the county that was the municipality's home county as of the effective date of this rule may not extend its distribution system into the annexed area, or any other area outside of its home county as of the effective date of this rule, if a certificate of public convenience and necessity has been issued to any other person covering such territory, unless it has been demonstrated that the holder of the certificate for the area has willfully violated or refused to observe any of the lawful and reasonable orders, rules, or regulations prescribed by the commission or any other law of this state regulating these pipeline or distribution systems, is not providing adequate service or that the continuance of the holder's certificate with regard to the area in question is incompatible with the public interest. If an application for a certificate of public convenience and necessity is pending before the Commission for a territory outside the municipality's home county as of the effective date of this rule, a municipality shall not extend its distribution system into that area until a final determination on the application has been issued by the Commission. The municipality may intervene in the Commission docket on the pending application.

(8) Nothing in this rule shall be deemed to alter the existing obligations pursuant to the Commission's GC-1 form of persons constructing or operating in intrastate commerce within this state any pipeline or distribution system, or any extension thereof, for the transportation, distribution, or sale of natural or manufactured gas.

Cite as Ga. Comp. R. & Regs. R. 515-7-1-.15
Authority: O.C.G.A. Secs. 46-2-20, 46-4-20 to 46-4-28.
History. Original Rule entitled "Multiple Natural Gas Distribution Systems Within a Single Certificated Area" adopted. F. Sept. 25, 2006; eff. Oct. 15, 2006.
Amended: F. Nov. 28, 2007; eff. Dec. 18, 2007.
Amended: F. May 22, 2008; eff. June 11, 2008.

Subject 515-7-2. GAS SUPPLY PLANS AND GAS COST ADJUSTMENT FACTORS.

Rule 515-7-2-.01. Commission Authority and Scope of Provisions.

(1) Consistent with Official Code of Georgia Annotated (O.C.G.A) § 46-2-26.5, each Gas Utility in the state of Georgia subject to the jurisdiction of the Public Service Commission (hereinafter "Commission") shall be required to develop and file for the Commission's review and approval Gas Supply Plans and Adjustments Factors, as described by the regulations in this Rule. These regulations establish guidelines for the development and submission of Gas Supply Plain and Adjustment Factors, including filing requirements enabling Commission oversight, review and monitoring, establish hearing procedures,

and provide for the periodic review of each Utility's Gas Supply Plan and Adjustment Factor. Interim monitoring is established through the reporting requirements. These regulations also provide for Gas Supply Plan amendments and Adjustment Factor revisions.

(2) The requirements of this Rule shall apply to any Purchased Gas Adjustment Rate. The requirements of O.C.G.A. § 46-2-25 shall not apply to filings made or proceedings conducted pursuant to O.C.G.A. § 46-2-26.5 and this Rule.

(3) In the event of any conflict between the provisions of this Rule and applicable provisions of the Official Code of Georgia Annotated, including O.C.G.A. § 46-2-26.5 as it may be amended from time to time, the applicable provisions of the O.C.G.A. shall take precedence. Any such conflict as to one provision of this rule shall not, however, void or nullify any remaining provisions of this rule.

Cite as Ga. Comp. R. & Regs. R. 515-7-2-.01
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 81; 1922, pp. 142-147; 1066, pp. 104, 105; 1964, pp. 338; 1965, p. 283; 1975, Sec. 2, pp. 404-412; 1994, p. 630, Sec. 2.
History. Original Rule entitled "Commission Authority and Scope of Provisions" adopted. F. May 19, 1995; eff. June 8, 1995.

Rule 515-7-2-.02. Definitions.

As used in this Utility Rule 515-7-2, the following terms shall have the following definitions:

(a) Adjustment Factor: A numerical factor used pursuant to a Purchased Gas Adjustment Rate to recover Purchased Gas Costs.

(b) Firm Customer: A customer who purchases gas from a Utility on a firm basis which ordinarily is not subject to interruption or curtailment.

(c) Gas Supply Plan: The particular array of available gas supply, storage, and transportation options selected by a Utility to supply the requirements of its firm customers.

(d) Utility: A gas Utility providing gas sale and other services subject to the jurisdiction of the Commission.

(e) Integrated Resource Plan (MP): A Utility resource planning process and the plan which results from that process, in which an integrated combination of demand-side and supply-side resources including load management is selected to satisfy future energy service demands at the best cost (considering direct and indirect costs) to society, balancing the interests of Utility Customers, Utility shareholders and the public interest.

1. A demand-side resource is any resource that affects the demand for or usage of gas as a result of programs (demand-side programs) to implement demand-side

measures. A demand-side measure is any hardware, equipment or practice which is installed or instituted for energy efficiency or energy management purposes.

2. A supply-side resource is any resource that can provide for a supply of gas on a firm or non-firm basis to the Utility.

(f) Purchased Gas Adjustment Rate: A Purchased Gas Adjustment rider or similar rate, provision, or clause in the tariff of a Utility pursuant to which Purchased Gas Costs are billed to the firm customers of the Utility.

(g) Purchased Gas Costs: All costs incurred by a Utility for the purpose of acquiring gas delivered to its system in order to supply its firm customers, including, without limitation, the costs incurred in purchasing gas from sellers; the costs incurred in transactions involving rights to buy and sell gas; the costs incurred in gathering gas for transportation to the Utility; the costs incurred in transporting gas to the facilities of the Utility; the costs incurred in acquiring and using gas storage service from others, including costs of injecting and withdrawing gas from storage; and all charges, fees, and rates incurred in connection with such purchases, rights, gathering, storage, and transportation.

(h) Recovery Year: The 12 calendar months commencing October 1, 1994, and ending September 30, 1995, and each succeeding 12 calendar month period thereafter.

Cite as Ga. Comp. R. & Regs. R. 515-7-2-.02
Authority: Ga. L. 1878-79, p.125, 1907, pp. 72-81; 1922, pp. 142-147; 1956, pp. 104, 105; 1964, pp. 338; 1965, p. 283; 1975, Sec. 2, pp. 404-412; 1994, p. 630, Sec. 2.
History. Original Rule entitled "Definitions" adopted. F. May 19, 1995; eff. June 8, 1995.

Rule 515-7-2-.03. Hearing Procedures.

(1) Not less than ten days after any filing by a Utility of its Gas Supply Plan for the following Recovery Year, the Commission shall conduct a public hearing on such filing. The Utility's testimony shall be under oath and shall, with any corrections thereto, constitute the Utility's affirmative case.

(2) The provisions of law relating to parties, intervention, and discovery in proceedings before the Commission shall apply with respect to proceedings under O.C.G.A. § 46-2-26.5. However, the requirements of O.C.G.A. § 46-2-25 shall not apply to such proceedings.

(3) At any hearing conducted pursuant to O.C.G.A. § 46-2-26.5, the burden of proof to show that the proposed Gas Supply Plan and Adjustment Factors are appropriate shall be upon the Utility.

(4) Following such a hearing, the Commission shall issue an order approving the Gas Supply Plan filed by the Utility or adopting a Gas Supply Plan for the Utility that the Commission deems appropriate. In addition, the Commission in its order shall approve the Adjustment Factors proposed by the Utility or adopt Adjustment Factors that the Commission deems appropriate.

(5) If, for any reason, the Commission does not issue an order by the 45th day after the Utility's filing which either approves the Gas Supply Plan filed by the Utility or adopts a different Gas Supply Plan for the Utility, the Gas Supply Plan proposed by the Utility shall thereupon be deemed approved by operation of law.

(6) If, for any reason, the Commission does not issue an order by the 45th day after the Utility's filing which either approves the Adjustment Factor(s) proposed by the Utility or adopts a different Adjustment Factor(s) for the Utility, the Adjustment Factors proposed by the Utility shall thereupon deemed approved by operation of law.

(7) All Commission orders issued pursuant to O.C.G.A. § 46-2-26.5 shall contain the Commission's findings of fact and conclusions of law upon which the Commission's action is based. Any such order shall be deemed a final order subject to judicial review under Chapter 13 of O.C.G.A. Title 50, the "Georgia Administrative Procedure Act."

Cite as Ga. Comp. R. & Regs. R. 515-7-2-.03
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72-81; 1922, pp. 142-147; 1956, pp. 104, 105; 1964, pp. 338; 1965, p. 283; 1975, Sec. 2, pp. 404-412; 1994, p. 630, Sec. 2.
History. Original Rule entitled "Hearing Procedures" adopted. F. May 19, 1995; eff. June 8, 1995.

Rule 515-7-2-.04. Minimum Filing Requirements.

(1) On or before August 1 of each year, each Utility shall file with the Commission its Gas Supply Plan for the following Recovery Year. Such filing shall be in addition to any compliance filing the Commission may require for the current Recovery Year. The Utility shall include with such filing the Adjustment Factors it proposes for recovering its Purchased Gas Costs during such following Recovery Year, together with the calculation that produced such factors.

(2) As part of its annual gas Supply Plan and Adjustment Factor filing, each Utility shall include the following as minimum filing requirements:

(a) A five year forecast. This forecast need not be in the same detail as the Recovery Year forecast. Nevertheless, there must be sufficient information in this forecast to enable the Commission to evaluate the reasonableness of the Utility's long-term contracts and the effectiveness of any IRP applicable to the Utility.

(b) A summary of the impact of any IRP on the Supply Plan. In view of the relative importance of capacity costs to the Utility's Adjustment Factor, the emphasis of

this section of the Supply Plan shall reflect the success of reducing peak load requirements and improving load factors.

(c) The Utility's most recent 12-month actual data pertaining to requirements and gas supply costs, together with an explanation of how such data support the reasonableness of the Utility's forecast for the Recovery Year.

Actual data shall include the following:

1. Actual firm and interruptible sales and transportation volumes by rate schedule or customer class.

2. For the Utility's most recent peak day, a summary of:

   (i) The gas supply, storage, and transportation options in the applicable Supply Plan that were available and utilized; and

   (ii) The actual throughput to firm and interruptible customers, which in the case of firm customers shall be broken down by rate schedule or customer type, and in the case of interruptible customers shall be broken down by sales and transportation volumes.

3. A complete history of the Utility's capacity release and acquisition activity during the historic period, including for each transaction:

   (i) The applicable pipeline, quantity, price, release period, and revenues or costs;

   (ii) The maximum lawful rate for capacity release on the pipeline;

   (iii) Whether recall conditions were placed on the release and whether the capacity was recalled prior to the expiration of the release period;

   (iv) Whether the capacity release had been prearranged at a price other than the maximum lawful price and had not been subject to bid; and

   (v) Whether the capacity release had been listed on the pipeline's bulletin board.

4. The utilization of all firm capacity and all contracted supply the Utility purchased from pipelines individually and well-head purchases in the aggregate. The pipeline information shall include data separately stated for all firm transportation and storage contracts.

5. End-of-month storage level by storage service.

(d) A Gas Supply Plan and Adjustment Factor for the Recovery Year, which shall consist of at least the following:

1. For the Utility's Gas Supply Plan design day, monthly and annual requirements:

   (i) Detailed description of forecast methodology(ies);

   (ii) Level of projected requirements of firm and interruptible customers, which in the case of firm customers shall be broken down by rate schedule or customer class, and in the case of interruptible customers shall be broken down by sales and transportation volumes;

   (iii) Supply options selected to meet requirements; and

   (iv) Projected utilization of supply options selected to meet requirements.

2. Summary of all individual contracts with interstate pipelines, gas suppliers, or any other party whose contract, or purchase agreement, affects the Utility's Gas Supply Plan and Adjustment Factor. At a minimum, summaries will include: parties, terms, volumes (annual, seasonal, daily and minimum purchases requirement), prices and rates, and description of all services provided. Summaries of storage services shall include a description of the method of transportation to and from storage, and whether transportation services are included in the contracts with the storage services.

   Exceptions to this filing requirement are:

   (i) Short term (*31* days or less) gas supply contracts; and

   (ii) Contracts that contain "Trade Secret" documents.

   (iii) With respect to the "Trade Secret" contracts, the Utility must state the number of "Trade Secret" contracts, state reasons why they are "Trade Secret" documents, provide a summary of these contracts in aggregate form, and flow the Commission Staff (or Staff representatives subject to appropriate confidentiality agreements) to review these contracts as part of the Supply Plan review. With respect to the short term contracts, the Utility must state the number

of short term contracts and provide a summary of these contracts in aggregate form.

3. The proposed utilization of all projected capacity and gas supply the Utility will purchase from pipelines and producers. This information will be provided on a contract-by-contract basis. "Trade Secret" contract information can be provided in aggregate.

4. An explanation of how the Utility determined any estimated Gas Supply Realignment (GSR) and transition costs, including the levels of such costs, the outstanding balance at the commencement of the Recovery Year and the expected outstanding balance at the end of the Recovery Year.

5. Projected end-of-month storage levels by storage service.

6. A disaggregation of the commodity and demand charges reflected in the Adjustment Factors. At a minimum, the actual pipeline rates for each service shall be shown, and commodity costs shall be stated separately for projected gas costs, variable pipeline costs and fuel rates. Pipeline fuel costs should be shown as they are projected to be incurred, either as gas delivered in kind or as the dollar amount expected to be paid by the Utility to the pipeline.

(e) The requirements of O.C.G.A. § 46-2-25 shall not apply to filings made pursuant to O.C.G.A. § 46-2-26.5 and this Rule.

Cite as Ga. Comp. R. & Regs. R. 515-7-2-.04
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72-81; 1922, pp. 142-147; 1956, pp. 104, 105; 1964, pp. 338; 1965, p. 283; 1975, Sec. 2, pp. 404-412; 1994, p. 630, Sec. 2.
History. Original Rule entitled "Minimum Filing Requirements" adopted. F. May 19, 1995; eff. June 8, 1995.

Rule 515-7-2-.05. Plan and Adjustment Factor Requirements.

(1) The Adjustment Factor approved or adopted by the Commission, or otherwise made effective under O.C.G.A. § 46-2-25, shall be applied uniformly to all firm customers upon the effective date of such factors.

(2) The Adjustment Factor to be effective during the Recovery Year commencing October 1, 1994 shall be set at a level appropriate to account for under-recoveries or over-recoveries, if any, under the Purchased Gas Adjustment Rate of the Utility in effect prior to October 1, 1994. The Adjustment Factor to be applicable during each Recovery Year commencing

October 1, 1995, and thereafter, shall be set at a level appropriate to account for under-recoveries or over-recoveries during the preceding Recovery Year.

(3) The Commission shall not prohibit or limit the operation of a Purchased Gas Adjustment Rate of a Utility to the extent that the adjustment permits increases or decreases to adjust for increased or decreased Purchased Gas Costs when such increased or decreased Purchased Gas Costs shall have become effective under the procedures of a federal regulatory agency or under a contract approved by a federal regulatory agency. Any subsequent refunds received by a Utility which become effective under procedures of a federal regulatory agency, or otherwise, shall be treated by the Utility in such manner as the Commission may direct. Unless the Commission directs otherwise, if a Utility receives such refunds in an amount in excess of the product of $2.00 and the average number of customers of the Utility during the preceding fiscal year, the Utility shall notify the Commission of such refunds, and submit a proposal for the regulatory treatment of such refunds, within 30 days of receipt of the same. Unless otherwise directed, the Utility shall include any other refund in subsequent Adjustment Factor calculations.

(4) Any Purchased Gas Costs which are incurred by a Utility in accordance with a Gas Supply Plan which was in effect pursuant to the provisions of O.C.G.A. § 46-2-26.5 at the time such costs were incurred may be recovered by the Utility under its Purchased Gas Adjustment Rate, and shall not be disallowed retroactively by the Commission in the absence of fraud or willful misconduct on the part of the Utility. The Commission may, however, disallow and make appropriate adjustments to any Purchased Gas Costs that were not incurred in accordance with the Utility's Gas Supply Plan if the same resulted in higher Purchased Gas Costs and were the result of clearly imprudent conduct on the part of the Utility. The provisions of this Rule shall not prohibit the Commission from authorizing a Utility to recover under a Purchased Gas Adjustment Rate costs or amounts in addition to the Recovery Year. The Utility must also file a statement describing the reason for the proposed revision.

Cite as Ga. Comp. R. & Regs. R. 515-7-2-.05
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72-81; 1922, pp. 142-147; 1956, pp. 104, 105; 1964, pp. 338; 1965, p. 283; 1975, Sec. 2, pp. 404-412; 1994, p. 630, Sec. 2.
History. Original Rule entitled "Plan and Adjustment Factor Requirements" adopted. F. may 19, 1995; eff. June 8, 1995.

Rule 515-7-2-.06. Gas Supply Plan Amendments.

(1) After a Gas Supply Plan has become effective under the provisions of O.C.G.A. § 46-2-26.5 and as a result of a proceeding before the Commission, the Commission shall retain jurisdiction for the balance of the Recovery Year for the purposes set forth in this section. Upon the application of the affected Utility or upon its own initiative, the Commission may, after affording due notice and opportunity for hearing to the affected Utility and the intervenors in the proceeding, amend the Gas Supply Plan of the affected Utility for the

remainder of the Recovery Year. The amended Gas Supply Plan shall become effective upon the date of the Commission's order and shall not have retroactive effect.

(2) If the amendment of the Utility's Gas Supply Plan would lead to any change in the Utility's Adjustment Factors, the Utility shall We proposed revisions to the Adjustment Factors, either in its next quarterly adjustment factor proposed revision pursuant to Rule 515-7-2-.07 or within 30 days of the effective date of the amendment, whichever date is sooner. In no event, however, shall the Utility be required to file the proposed revisions sooner than 15 days after the Commission has adopted the amended Gas Supply Plan.

Cite as Ga. Comp. R. & Regs. R. 515-7-2-.06
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72-81; 1922, pp. 142-147; 1956, pp. 104, 105; 1964, pp. 338; 1965, p. 283; 1975, Sec. 2, pp. 404-412; 1994, p. 630, Sec. 2.
History. Original Rule entitled "Gas Supply Plan Amendments" adopted. F. May 19, 1995; eff. June 8, 1995.

Rule 515-7-2-.07. Gas Cost Adjustment Factor Revisions.

(1) At least every three calendar months, the Utility shall file proposed revisions to its Adjustment Factors based on actual unrecovered Purchased Gas Costs in order that the revenues to be recovered pursuant to such rate during the remainder of the current Recovery Year shall equal, as nearly as possible, the Utility's unrecovered Purchased Gas Costs through the end of such Recovery Year. The revisions to the Adjustment Factors, if any, shall be made to the nearest 0.01¢ per them.

(2) Unless the Commission directs otherwise, such revised Adjustment Factors shall become effective on the first day of the first calendar month that begins at least 15 days after the date of such filing.

(3) The format set forth in paragraph 515-7-2-.08 shall be used for any proposed revisions to the Adjustment Factors during the Recovery Year covered by the Gas Supply Plan. In addition, any filing to revise the Adjustment Factors shall report the projected volumes, rates and cost information for the remainder of each month for the Recovery Year. Actual volumes, rates and costs incurred to date shall also be reported. The Utility must demonstrate that the New Adjustment Factors will recover approximately the Purchased Gas Cost (PGC) (plus or minus the existing PGC balance) over the remainder of Purchased Gas Costs, nor shall the provisions of this Rule prohibit the Commission from removing from Purchased Gas Costs those costs incurred by a Utility for the purpose of acquiring gas to supply customers who are not firm customers.

Cite as Ga. Comp. R. & Regs. R. 515-7-2-.07
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72-81; 1922, pp. 142-147; 1956, pp. 104, 105; 1964, pp. 338; 1965, p. 283; 1975, Sec. 2, 404-412; 1994, p. 630, Sec. 2.
History. Original Rule entitled "Gas Cost Adjustment Factor Revisions" adopted. F. May 19, 1995; eff. June 8, 1995.

Rule 515-7-2-.08. Monthly and Quarterly Informational Filing Requirements.

(1) The Utility shall file monthly with the Commission information that demonstrates whether its actual monthly Purchased Gas Costs were incurred in accordance with a Gas Supply Plan which had become effective in accordance with the provisions of O.C.G.A. § 46-226.5. This monthly report to the Commission will show these data for the most recent month with not more than a three month lag, each individual previous month of the Recovery Year, and year-to-date totals. The format of such filings will be as set forth in Tables 1, 2, 3, 4, and 5 in the Appendix to this Rule, or in a similar format if it contains substantially the same information. Purchased Gas Costs will be documented by reporting monthly rates and prices for supplies and services purchased, and by reporting monthly billing units and gas supplies volumes. (Rates/prices applied to billing units/volumes should equal monthly costs.)

(2) Each Utility shall also file monthly with the Commission the most current data available showing over-recoveries or under-recoveries of actual Purchased Gas Costs resulting nol application of its Purchased Gas Adjustment Rate. Such data will be reported for the current month, for each individual previous month of the Recovery Year, and year-to-date (see Table 6 in the Appendix to this Rule).

(3) Whenever the Utility enters into a new firm contract, or renews, cancels or materially amends an existing contract to purchase gas supply, transportation or underground storage, or any other service authorized in its Gas Supply Plan, it shall notify the Commission by an informational filing within 30 days of the change to the contract's status.

(4) The Utility shall include in its Supply Plan monthly projections between the conclusion of the twelve month actual historical period and the Recovery Year. These interim data will be provided in a similar format to the monthly reconciliation filings, comparing actual volumes, revenues and Purchased Gas Costs with projections (see Tables 1-5 in the Appendix to lids Rule). These projected data will assist in the determination of the final under-recovery (or over-recovery) of Purchased Gas Costs that will be allowed in the Adjustment Factors for the upcoming Recovery Year.

APPENDIX

Table 1

PROJECTED VS. ACTUAL SALES (THROUGHPUT) (Dth)

	Current Month(s)	Current Month(s)	Recovery Year-to-Date
A.		Projected Sales	
Firm Sales by Rate Schedule or Customer Class			

Total Firm Sales	
Total Interruptible Sales	
Transportation	
Total Throughput	
B.	Actual Sales
Firm Sales by Rate Schedule or Customer Class	
Total Firm Sales	
Total Interruptible Sales	
Transportation	
Total Throughput	
C.	Over/(Under) Project Volumes (Projected Minus Actual)
Firm Sales by Rate Schedule or Customer Class	
Total Firm Sales	
Total Interruptible Sales	
Transportation	
Total Throughput	

Table 2

PROJECTED VS. ACTUAL REVENUES PURSUANT TO PGA

(Dollars)

Current Month(s)	Current Month(s)	Recovery Year-to-Date
A.	Projected Sales Revenues Pursuant to PGA[a/]	
Firm Sales by Rate Schedule or Customer Schedule		
Total Firm Sales		
Total Interruptible Sales		
Transportation		
Total Revenues		
B.	Actual Sales Revenues Purusuant to PGA[b/]	
Firm Sales by Rate Schedule or Customer Class		
Total Firm Sales		

Total Interruptible Sales	
Transportation	
Total Revenues	
C.	Over/(Under) Projected Volumes (Projected Minus Actual)
Firm Sales by Rate Schedule or Customer Class	
Total Firm Sales	
Total Interruptible Sales	
Transportation	
Total Revenues	

[a]/Projected sales times effective PGA gas cost recovery factor.

[b]/Actual sales times effective PGA gas cost recovery factor.

Table 3

PROJECTED VS. ACTUAL GAS COSTS

(Dollars)

Current Month(s)	Previous Month(s)	Recovery Year-to-Date
A.	Projected GPA Gas Cost	
Commodity Component		
FT/FS Purchases		
Storage Commodity		
Other (list)		
TOTAL		
Demand Component		
FT Demand		
Storage Demand		
Supply Reservation Fee		
Transition Cost		
GSR		
Other (list)		
TOTAL		
B.	Actual Gas Costs	

Commodity Component	
FT/FS Purchases	
Storage Commodity	
Other (list)	
TOTAL	
Demand Component	
FT Demand	
Storage Commodity	
Supply Reservation Fee	
Transition Cost	
GSR	
Other (list)	
TOTAL	
C.	Over/(Under) Projected Costs (Projected Minus Actual)
Commodity Component	
FT/FS Purchases	
Storage Commodity	
Other (list)	
TOTAL	
Demand Component	
FT Demand	
Storage Demand	
Supply Reservation Fee	
Transition Cost	
GSR	
Other (list)	
TOTAL	

Table 4

PROJECTED VS. ACTUAL GAS COSTS

(Dollars)

Current Month(s)	Previous Month(s)	Recovery Year-to-Date

A. Projected PGA Rates/Prices

Commodity Component

FT/FS Purchases

Storage Commodity

Other (list)

TOTAL

Demand Component

FT Demand

Storage Demand

Supply Reservation Fee

Transition Cost

GSR

Other (list)

TOTAL

B. Actual Rates/Prices

Commodity Component

FT/FS Purchases

Storage Commodity

Other (list)

TOTAL

Demand Component

FT Demand

Storage Commodity

Supply Reservation Fee

Transition Cost

GSR

Other (list)

TOTAL

Table 5

PROJECTED VS. ACTUAL GAS COSTS

(Dollars)

	Current Month(s)	Previous Month(s)	Recovery Year-to-Date
A. Projected PGA Purchase Volume			
Commodity Component			
FT/FS Purchases			

Storage Commodity
Other (list)
TOTAL
Demand Component
FT Demand
Storage Demand
Supply Reservation Fee
Transition Cost
GSR
Other (list)
TOTAL
B. Actual Gas Purchase Volumes
Commodity Component
FT/FS Purchases
Storage Commodity
Other (list)
TOTAL
Demand Component
FT Demand
Storage Commodity
Supply Reservation Fee
Transition Cost
GSR
Other (list)
TOTAL

Table 6

PGA REVENUES VS. PGA COSTS

(Dollars)

	Current Month(s)	Previous Month(s)	Recovery Year-to-Date
A.	Actual PGA Revenues (Table 2)		
Firm Sales Revenues			
Interruptible Sales Revenues			
Total PGA Revenues			
B.	Actual PGA Costs (Table 3)		
Total Gas Cost			

Capacity Release/IT Credit
Refunded Total Cost
C. Revenue/Gas Cost Balance

Cite as Ga. Comp. R. & Regs. R. 515-7-2-.08
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72-81; 1922, pp. 142-147; 1956, pp. 104, 105; 1964, pp. 338; 1965, p. 283; 1975, Sec. 2, pp. 404-412; 1994, p. 630, Sec. 2.
History. Original Rule entitled "Monthly and Quarterly Informational Filing Requirements" adopted. F. May 19, 1995; eff. June 8, 1995.

Subject 515-7-3. MARKETERS' CERTIFICATES OF AUTHORITY.

Rule 515-7-3-.01. Definitions.

As used in this Utility Rule 515-7-3, the following terms shall have the following definitions:

(a) "Act" means the Natural Gas Competition and Deregulation Act as provided for in O.C.G.A. § 46-4-150 et seq.

(b) "Affiliate" means another person which controls, is controlled by, or is under common control with such person.

(c) "Ancillary service" means a service that is ancillary to the receipt or delivery of natural gas, including without limitation storage, balancing, peaking, and customer services.

(d) "Applicant" means any person who has filed an application for a certificate of authority with the Georgia Public Service Commission to sell or offer to sell any commodity sales service or distribution service in intrastate commerce to retail customers who primarily receive firm service within the State of Georgia.

(e) "Commission" means the Georgia Public Service Commission.

(f) "Commodity sales service" means the sale of natural gas exclusive of any distribution or ancillary service.

(g) "Consumer" means a retail customer of commodity sales service or of firm distribution service who uses such service or services primarily for personal, family, or household purposes.

(h) "Consumer preferred method of communication" shall mean the method of written communication agreed upon by the marketer and the consumer regarding the method of notification the consumer shall receive in compliance with Commission rules. Such preferred method of communication may include but need not be limited to: first class mail, bill message, email, text or other electronic means supported by the marketer.

(i) "Customer service" means a function related to serving a retail customer including without limitation billing, meter reading, turn-on service, and turn-off service. Notwithstanding any provision of law to the contrary, any person may perform one or more customer services without first becoming certificated in accordance with O.C.G.A. § 46-4-153; provided however, that such service may only be performed in compliance with all stated and federal laws pertaining to the safety of natural gas pipelines and distribution systems and any other applicable safety standards.

(j) "Delivery Group" means a set of individual delivery points on one or more interstate pipeline suppliers to a gas company that may be aggregated and utilized for the distribution of gas to a particular set of retail customers.

(k) "Distribution service" means the delivery of natural gas by and through the intrastate instrumentalities and facilities of a gas company or of a marketer certificated pursuant to Code Section 46-4-153, regardless of the party having title to the natural gas.

(l) "Electing Distribution Company" or "EDC" means a gas company that elects to become subject to the provisions of the Act and satisfies the requirements of O.C.G.A. § 46-4-154.

(m) "Electric activities" means all activities associated with the generation, transportation, marketing, and distribution of electricity.

(n) "Electric Membership Corporation" or "EMC" means any person defined in paragraphs (3) or (5) of O.C.G.A § 46-3-171 or any joint venture of EMCs, their affiliates or subsidiaries.

(o) "EMC gas affiliate" means a separately organized person, the majority interest of which is owned or held by or, with respect to a cooperative, managed by one or more cooperatives or electric membership corporations and which applies to the Commission for a certificate of authority pursuant to O.C.G.A § 46-4-153.

(p) "Firm" means a type of distribution service that ordinarily is not subject to interruption or curtailment.

(q) "Gas" means natural gas.

(r) "Gas activities" means all activities associated with the transportation, marketing, and distribution of natural gas conducted by a person certificated pursuant to O.C.G.A § 46-3-153. Such terms shall not mean the production, transportation, marketing or distribution of liquefied petroleum gas.

(s) "Gas company" means any person to whom a certificate of public convenience and necessity has been issued by the Commission to own, operate, acquire, or construct any intrastate pipeline or distribution system, or any extension thereof, for the sale of natural gas.

(t) "Interruptible" means a type of distribution service that is subject to interruption or curtailment.

(u) "Low-income residential consumer" means any person who meets the definition of a person who is qualified for the Low Income Home Energy Assistance Program, as promulgated by the Department of Human Resources, pursuant to O.C.G.A. § 46-1-5.

(v) "Majority interest" means the ownership of greater than 50 percent of the partnership interests in a general or limited partnership; the membership interests of a limited liability company; or the stock in a for-profit corporation that entitles the shareholder to vote and share in common or preferred dividends.

(w) "Marketer" means any person certificated by the Commission to provide commodity sales service or distribution service pursuant to O.C.G.A. § 46-4-153 or ancillary services incident thereto.

(x) "Person" means any corporation, whether public or private; company; individual; firm; partnership; or association, including a cooperative or an electric membership corporation.

(y) "Regulated gas service" means gas service provided by a regulated provider of natural gas.

(z) "Regulated provider of natural gas" means the entity selected by the Commission to provide to consumers natural gas commodity service and ancillary services incident thereto in accordance with O.C.G.A. § 46-4-166.

(aa) "Retail customer" or "retail purchaser" means a person who purchases commodity sales service or distribution service and such purchase is not for the purpose of resale.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.01
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-153.1, 46-4-160).
History. Original Rule entitled "Definitions" adopted as ER. 515-7-3-0.5-.01. F. Nov. 12, 1996; eff. Nov. 5, 1996, the date of adoption.
Amended: New Rule of same title adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.
Amended: F. May 23, 2000; eff. June 12, 2000.
Amended: F. Aug. 13, 2002; eff. Sept. 2, 2002.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Repealed: New Rule of same title adopted. F. Feb. 15, 2008; eff. Mar. 6, 2008.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-3-.02. Commission Authority and Scope of Provisions.

(1) Consistent with the Official Code of Georgia Annotated (O.C.G.A.) §§ 46-4-153 and 46-4-153.1, a person shall be required to obtain a certificate of authority from the Georgia Public Service Commission to sell or offer to sell natural gas in intrastate commerce to

retail customers in a particular delivery group(s) who primarily receive firm service within the State of Georgia, as described by the regulations in this Rule. The Commission shall have the authority to:

(a) Adopt reasonable rules governing the certification of a marketer;

(b) Grant, modify, impose conditions upon, or revoke a certificate;

(c) Adopt reasonable rules governing quality of service;

(d) Resolve complaints against a marketer regarding that marketer's service;

(e) Adopt reasonable rules and regulations relating to billing practices of marketers and information required on customers' bills; and

(f) Adopt reasonable rules and regulations relating to minimum resources which marketers are required to have in this state for customer service purposes.

The rules set forth herein specify the manner in which such certificates shall be issued, identify the criteria that applicants must meet to obtain certification, set forth service standards, state prerequisites to an application being filed, establish hearing procedures, and specify the manner in which customer complaints shall be addressed. These rules also provide for the grounds upon which the Commission may deny, revoke, suspend, or modify a certificate of authority.

(2) The requirements of these rules shall apply to any person who sells or offers to sell any commodity sales service or distribution service in intrastate commerce to retail customers in a particular delivery group(s) who primarily receive firm service within the State of Georgia.

(3) Notwithstanding any provision of the law to the contrary, any person selected by an EDC, a certificated marketer, or a regulated provider may perform billing and meter reading services on behalf of such entity without first becoming certificated in accordance with the provisions of O.C.G.A. § 46-4-153, provided that a certificated marketer or a regulated provider also submits meter reading data so obtained to the EDC in a timely manner.

(4) Except as otherwise provided in Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated, as amended, the issuance of a certificate of authority to a person by the Commission does not subject that person to the jurisdiction of the Commission under Title 46, including, without limitation, the provisions of Article 2 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, as amended.

(5) In the event of any conflict between the provisions of this Rule and applicable provisions of the Official Code of Georgia Annotated, including O.C.G.A. §§ 46-4-153 and 46-4-153.1 as they may be amended from time to time, the applicable provisions of the

O.C.G.A. shall take precedence. Any such conflict as to one or more provisions of these rules shall not, however, void or nullify any remaining provisions thereof.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.02
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-153.1, 46-4-160).
History. Original Rule entitled "Standard of Conduct" adopted as ER. 515-7-3-0.5-.02. F. Nov. 12, 1996; eff. Nov. 5, 1996, the date of adoption.
Amended: New Rule entitled "Commission Authority and Scope of Provisions" adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.
Amended: F. Mar. 12, 2002; eff. Apr. 1, 2002.
Amended: F. Aug. 13, 2002; eff. Sept. 2, 2002.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Repealed: New Rule of same title adopted. F. Feb. 15, 2008; eff. Mar. 6, 2008.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-3-.03. Application for a Certificate of Authority.

(1) Any person seeking to sell or offer to sell natural gas on a firm basis pursuant to O.C.G.A. § 46-4-153 is required to file an application with the Commission on a form approved for a certificate of authority. No person other than a gas company or a regulated provider shall sell or offer to sell natural gas to any person who primarily receives firm service in any delivery group(s) in Georgia unless and until such time as a certificate of authority has been issued by the Commission.

(2) Applications shall contain the following:

(a) the legal name of the applicant and the name under which it proposes to do business in Georgia, as well as its mailing and business address(es), telephone number(s), facsimile number(s), and Internet e-mail address, if any;

(b) the name(s) and current business address(es) of the applicant's principal corporate officers;

(c) the name(s) and current business address(es) of the applicant's principal and corporate officer(s) in Georgia, if different from those identified in subparagraph (b) above;

(d) the name, title, address, and telephone number(s), facsimile number(s), and Internet e-mail address of employee designated to receive and respond to Commission requests and who will notify the Commission of any changes to the information provided in this application while pending;

(e) If applicant is a non-resident of Georgia, give name, address, and telephone number(s), facsimile number(s), and internet e-mail address of an agent or attorney in fact in this state upon whom process may be served in any suit against applicant;

(f) a description of the applicant's business, ownership structure, affiliates, date of formation, tax identification number, Georgia Secretary of State's charter or identification number and Georgia revenue sales tax number;

(g) Attach a list of principle officers, whether the applicant is a corporation or other legal entity. principal stockholders with the number of shares held by each, marked as Exhibit B, and give name and addresses of the President, Vice President, Treasurer, and Secretary;

(h) State and date of incorporation for corporate entities and formation for non-corporate entities;

(i) If applicable, provide the name(s) and business address(es) of the applicant's principle and corporate officers in Georgia, if different from those above;

(j) If applicant is a partnership or cooperative, give names and addresses of partners, officers and/or members;

(k) the financial information shall include, but is not limited to:

1. a demonstration that the applicant's capital base or other financial resources are sufficient to withstand the business risk, financial risk and absorb losses that might be incurred in providing primarily firm gas service to retail customers. Such demonstration should include lines of credit, letters of credit, or other financial instruments, as well as loans from financial institutions, a parent corporation or affiliate, a subsidiary, or other entity. In the event that start-up costs and expected losses projected during the initial period of operations may require working capital, detailed and comprehensive documentation of the sources of such anticipated working capital shall be provided in hard copy and electronic format (Excel format with all formulas unlocked). Any and all documentation required by an applicant's lender, line of credit or surety provider shall be included as part of the application;

2. an explanation of how the applicant's financial backing, plans and resources provide the requisite support for the implementation of the business/marketing plans for providing primarily firm gas service to retail customers, including a breakeven analysis in electronic format (Excel format with all formulas unlocked) demonstrating projected customer growth, revenues, costs, expenses, and net income;

3. applicant's credit rating and/or bond rating made by a national rating agency. If such rating is not available, or is not equivalent to or greater than a rating of BBB- (Standard and Poor's scale) or a rating of Baa3 (Moody's scale), the applicant shall submit any financial support agreements between the applicant and its parent or other affiliate, documentation of the

applicant's access to lines of credit, or agreements between the applicant and other parties to provide financial support;

4. the audited financial statements (balance sheets, income statements, and cash flow statements) of the applicant for the last three (3) years; if audited financial statements are unavailable, then unaudited financial statements supported by the sworn certification of an officer, general partner, or managing agent will be accepted. If a parent corporation, applicant affiliate or other entity will support the applicant, the parent corporation, affiliate or other entity's audited financial statements for the last three (3) years should be provided.

5. the most recent annual reports filed with the stockholders and the Securities and Exchange commission (Form 10K/Form 10Q) if applicant and/or parent corporation is a publicly held company.

6. detailed pro forma balance sheets, income statements and statements of cash flow for the next three (3) years for the applicant as well as the applicant's business and marketing plans for the certificated area of service in Georgia.

7. the details of any unconditional purchase obligations that require payments by the applicant in future periods;

8. a schedule of the applicant's non-cancelable operating lease commitments;

9. the schedules detailing the applicant's long-term debt and available credit facilities, including installments due on long-term debt; for five (5) years following the date of this application;

10. the details of any joint ventures or general partnership agreements between the applicant and other parties;

11. the information as to whether an estimated claim from a loss contingency has been accrued by a charge to income as it relates to any pending or known litigation or actual claims;

12. the management's plan for dealing with matters relating to an applicant's ability to continue as a going concern;

13. the applicant's plan to provide for funds to be held in escrow by an independent third party in the event that prepaid services are to be offered or deposits are required; and

14. any other information that the applicant believe is relevant to the evaluation of its financial capability.

(l) the technical information shall include, but is not limited to:

1. the names, current business address(es), and principal place(s) of business of employees that will direct the Georgia operations, including an employee of the applicant that will serve as a contact person for the Commission;

2. the information as to whether certificates of authority for the sale of natural gas have ever been issued by any other state(s) and whether such certificates are current. An applicant shall also disclose to the Commission whether any application for certification has ever been denied and whether any certificate of authority issued to it or an affiliate has ever been suspended, revoked, modified, or sanctioned;

3. a list of the applicant's comparable gas marketing activities by jurisdiction with quantification of annual sales, volumes or other measures of activity;

4. the delivery group(s) that the applicant seeks to serve;

5. the applicant's forecast of estimated or anticipated gas supply and capacity needed to serve the Georgia market based upon the applicant's marketing strategy to acquire customers, as well as limitations, on gas supply. This may include providing Staff access to applicable supply and capacity contracts. If applicable, these items may be filed pursuant to Commission Rule 515-3-1-.11 as trade secret material;

6. a list of all current contracts with interstate pipelines that the applicant may use in conjunction with or in lieu of those provided by the EDC upon acquisition of market share in the respective delivery groups. If applicable, these items may be filed pursuant to Commission Rule 515-3-1-.11 as trade secret material;

7. a detailed description of the tools, strategy, and/or other information that the applicant will utilize to mitigate natural gas price volatility.

8. a detailed description of the applicant's natural gas purchasing strategy for the various customer classes (fixed, variable, commercial, etc).

9. a projection of the percentage of base load, seasonal, and spot gas supply contract the applicant plans to utilize in its operations. Please provide an explanation for the projected amounts.

10. a detailed description of the applicant's contingency plan to provide gas to firm customers in the event that a supply disruption occurs;

11. the detailed procedures that will be employed by the applicant in a gas-related emergency (i.e., force majeure, interstate capacity limitation);

12. sworn documentation that the applicant has met or has the ability to meet the creditworthiness standards of the interstate pipelines serving the State of Georgia and the Commission-approved creditworthiness standards of the applicable EDC. This documentation may include evidence that the applicant has been or is in discussions with the EDC and/or interstate pipeline regarding the applicant's creditworthiness;

13. a statement disclosing any existing, pending or past adverse rulings, judgments, litigation, contingent liabilities, revocations of authority, administrative regulatory investigations (i.e., FERC, SEC), and any other matters relating to the financial or operational status for the past three (3) years that materially affect current financial or operational status;

14. a detailed description of the applicant's operating experience and qualifications of principal management employees involved in the day-to-day activities of the entity's operation in Georgia;

15. the proposed terms of service as required by Chapter 515-7-9 of the Commission Utility Rules;

16. the rules for contracting with firm customers as referenced in O.C.G.A. §§ 46-4-153(a)(2)(C), 46-4-158.2, 46-4-158.3, 46-4-160(a), 46-4-160(h), 46-4-160(i), 46-4-160(j), and 46-4-160(k), and Commission Utility Rules Chapter 515-7-6;

    (i) the rules for contracting with firm customers shall include, but are not limited to:

        (I) the bills and contracts must be written in clear and plain language.

        (II) the bills must contain sufficient information to allow customers to verify the accuracy of their bills.

        (III) the pricing structure must be clearly explained, including any late fees or interest charges.

        (IV) the contract term must be specified along with any termination rights.

            I. the firm customers must be allowed to cancel their contract without penalty within 72 hours of signing it.

            II. the firm customer must be given the right to cancel their fixed rate contract with their current marketer

without an exit fee only if they relocate to a different delivery group and a fixed rate is not offered by their current marketer in the new delivery group. However, if the customer refuses to continue the term of their current fixed rate contract with their current marketer, an exit fee may be charged.

(V) the bill must include the EDC's 24-hour emergency telephone number.

(VI) the EDC's active customer account number must be placed on each bill.

(VII) the bill must comply with all requirements of Commission Rules that specifically address marketer billing practices and marketer bills.

(ii) the applicant acknowledges that it must comply with federal telemarketing rules and Georgia consumer protection laws.

17. the applicant's plan to provide for funds to be held in escrow by an independent third party in the event that prepaid services are to be offered or deposits are required;

18. a statement as to whether day-to-day operations such as gas procurement, nominations and planning will be provided by in house personnel or will be contracted for by a third party

19. any other information that the applicant believes is relevant to the evaluation of its technical capability.

(3) In addition to providing the information set forth in its Utility Rule 515-7-3-.03(2), an applicant that is an EMC gas affiliate shall include with its application for a certificate of authority proposed terms and conditions to govern the relationship between the electric membership corporation and its EMC gas affiliate as contemplated in O.C.G.A. § 46-4-153.1. As proposed, these terms and conditions shall be designed to prevent cross-subsidization between the provision of electricity and the provision of natural gas services, to encourage and promote fair competition in the overall retail natural gas market, and to protect the privacy of both electric and natural gas consumers.

(a) The order subsequently issued by the Commission in response to the EMC gas affiliate's application shall meet the objectives set forth in O.C.G.A. § 46-4-153.1,

as well as such other requirements the Commission shall determine are necessary to protect electric and natural gas consumers and promote competition.

(b) To ensure that cross-subsidizations do not occur between the electricity services of an electric membership corporation and the gas activities of its gas affiliate, the terms and conditions ordered by the Commission shall provide that each electric membership corporation having a gas affiliate shall:

1. Fully allocate all electricity activities costs and gas activities costs, including costs for any shared services, between the electric membership corporation's electricity activities and the gas activities of its gas affiliate, in accordance with the applicable uniform system of accounts and generally accepted accounting principles, as applicable;

2. Develop and maintain a cost allocation manual, approved by the Commission, describing the electric membership corporation's methods of cost allocation and such other information and policies reasonably required by the Commission to ensure compliance with Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated and the terms and conditions ordered by the Commission. Such manual shall:

   (i) Establish rules for the pricing of transactions between an electric membership corporation and its gas affiliate, including the transfer of assets between the two, which rules shall provide that any transfer of assets shall be the greater between market rates or book value;

   (ii) Provide that any loans from the electric membership corporation to its gas affiliate shall be at market rates, shall not reflect rates which are generally available through the use of any tax exempt financing, and may not be tied to any loans from the federal or state government;

   (iii) Require the electric membership corporation and its gas affiliate to maintain separate books of accounts and records which shall, subject to the Commission's rules for treatment of trade secrets, be subject to production and inspection by the Commission for the sole purpose of confirming compliance with this article, the cost allocation manual, and the terms and conditions of the gas affiliate's certificate; and

   (iv) Require the annual filing of a statement with the Commission certifying the compliance by the electric membership corporation and its gas affiliate with the approved cost allocation manual, which annual filing shall itemize financial summary information in the form of Federal Energy Regulatory Commission (FERC) account codes as requested by the Commission Staff.

3. Not charge any costs of the gas affiliate to the electricity customers of the electric membership corporation.

(c) To protect customer privacy and prevent the misuse of customer information, the terms and conditions ordered by the Commission shall provide that no electric membership corporation shall release any proprietary customer information to its gas affiliate without obtaining prior verifiable authorization from the customer, as determined in accordance with rules established by the Commission.

(d) The Commission may require that any customer service that an electric membership corporation provides to its gas affiliate be offered to all marketers at the same rate and on the same terms and conditions as provided to the gas affiliate. Any such services provided to the gas affiliate or marketers must be on a strictly confidential basis, such that the electric membership corporation does not share information regarding one marketer with any other marketer, including an EMC gas affiliate.

(e) The terms and conditions shall accommodate the organizational structures of electric membership corporations.

(f) To assure separate but coordinating governance of an electric membership corporation and its gas affiliate, the terms and conditions shall prohibit more than one half of the persons serving as members of the board of directors of a gas affiliate from at the same time serving on the board of directors of an electric membership corporation.

(g) The Commission shall make accommodation for the specific legal requirements imposed by state or federal laws applicable to electric membership corporations and other cooperatives.

(4) Any information that the applicant deems to be proprietary or confidential may be filed pursuant to Commission Rule Chapter 515-3-1-.11, Trade Secrets.

(5) An applicant shall submit to the Executive Secretary of the Commission the number of copies indicated on the application form. The original, signed by the applicant, must accompany the copies. Failure to provide the appropriate number of copies or the signed original will result in the rejection and return of the application.

(6) Any application that is deemed to be incomplete after it is filed with the Commission shall not be considered until such time as all of the information requested therein has been furnished. The sixty (60) day time frame during which the Commission is charged with conducting a public hearing or hearings on an application shall not commence unless and until a completed application has been submitted by the applicant. The Commission shall provide the applicant with a notification within fifteen (15) days after filing whether said application is deemed to be complete, or, if incomplete, what information is lacking. The

Commission shall notify the applicant no later than fifteen (15) days following its receipt of any additional information whether such information is sufficient to regard the application as complete. If the additional information is not sufficient, the notification sent to the applicant by the Commission shall include a specific statement detailing the information that must be clarified or which otherwise does not adequately respond to the original request.

(7) The Commission shall deem an application to be withdrawn if the applicant fails to furnish any information requested in a notice of incompleteness within fifteen (15) business days after the date on which the request for additional information was issued.

(8) A certificate of authority may not be transferred, assigned, or leased except upon application to and approval by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.03
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-153.1, 46-4-160).
History. Original Rule entitled "Complaints" adopted as ER. 515-7-3-0.5-.03. F. Nov. 12, 1996; eff. Nov. 5, 1996, the date of adoption.
Amended: New Rule entitled "Application for a Certificate of Authority" adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.
Amended: F. May 23, 2000; eff. June 12, 2000.
Amended: F. Aug. 13, 2002; eff. Sept. 2, 2002.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Repealed: New Rule of same title adopted. F. Feb. 15, 2008; eff. Mar. 6, 2008.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-3-.04. Certification Standards.

(1) The Commission shall issue a certificate of authority for a delivery group upon a showing by the applicant:

(a) that it possesses satisfactory financial and technical capability to render the certificated service;

(b) that it has the ability to obtain sufficient gas supply to meet the requirements of such service;

(c) that it will offer such service pursuant to rules and contract terms which the Commission finds economically viable for the delivery group(s) which the applicant proposes to serve; and

(d) that if it is an EMC gas affiliate, there shall be in place satisfactory terms and conditions to govern the relationship between it and its electric membership corporation as well as a Commission approved cost allocation manual describing the electric membership corporation's methods of cost allocation and related information and policies to ensure compliance with O.C.G.A. § 46-4-153.1.

(2) Until such time as a determination is made by the Commission that adequate market conditions exist within a delivery group as contemplated by O.C.G.A. § 46-4-156, a marketer must separately list on its bills to retail customers within the delivery group the charges for firm distribution service and for commodity sales.

(3) The price at which a marketer sells gas shall not be regulated by the Commission.

(4) A certificate of authority shall not be issued to an applicant who is unable to document that it has the ability to meet the creditworthiness standards of the interstate pipelines serving the State of Georgia and the Commission-approved creditworthiness standards of the applicable EDC.

(5) The Commission may deny an application for a certificate of authority upon a showing that a marketer or anyone acting in concert with a marketer has a history of violating laws, rules, or regulations designed to protect the public.

(6) Upon being issued a certificate of authority, a marketer shall abide by applicable laws under the Official Code of Georgia Annotated, all applicable rules and regulations of the Commission and findings, conclusions, terms, and conditions set forth in pertinent Commission Orders.

(7) Each marketer must keep on file with the Commission's Natural Gas Staff and Consumer Affairs Staff, updated information on its regulatory contact person. The information shall contain the person's name, phone number, email address, mailing address and fax number.

(8) Each marketer shall make available contemporaneously to randomly assigned customers the same options for rates, terms and conditions of service that the marketer makes available to its other similarly situated customers.

(9) Each marketer shall pass through senior citizen discounts to eligible customers to the extent provided by the electing distribution company.

(10) Marketers must apply to the Commission to receive authorization prior to any change in ownership, name change (including doing-business-as (d/b/a) name change), adding or dropping a delivery pool group from service, owning meters, or any other substantial change that would affect their certification.

(11) A marketer may require a deposit, not to exceed $150.00, from a consumer prior to providing natural gas distribution service to such consumer. A marketer is not authorized to require an increase in the deposit of a consumer if such consumer has paid all bills from the marketer in a timely manner for a period of three months. A marketer shall establish an escrow account at a financial institution for the purpose of holding consumers' deposits. Consumers' deposits shall be held in trust in the escrow account established and shall not become the property of the marketer or be commingled with the funds of the marketer. Marketers shall pay interest on applicants' or consumers' deposits for gas service held six (6) months or longer at least equal to the interest rate

paid by the financial institution where the escrow account is located. Upon receipt of a consumer or applicant deposit, the marketer shall furnish the gas consumer/applicant a receipt showing the following information:

(a) Name of customer/applicant;

(b) Amount of deposit;

(c) Date of receipt;

(d) Name of marketer;

(e) Interest rate;

(f) Address where service is to be rendered;

(g) Statement of the terms under which the deposit may be refunded.

In any case where a marketer has required a deposit from a consumer and such consumer has paid all bills from the marketer in a timely manner for a period of six (6) months, the marketer shall be required to refund the deposit to the consumer within sixty (60) days. In any event, a deposit shall be refunded to a consumer within sixty (60) days of the date that such consumer changes marketers or discontinues service, provided that such consumer has satisfied all of his or her outstanding financial obligations to the marketer. At the option of the marketer, a deposit may be refunded in whole or in part, at any time earlier than the times herein prescribed.

(12) It shall be a violation of a marketer's certificate to trade customers' accounts except when the following conditions are met:

(a) Thirty (30) days in advance of trading a customer's account, the marketer must provide via first class mail to each customer whose account is being traded, a Commission approved letter. The marketer must provide a draft copy of this letter to the Commission Staff no later than thirty (30) days prior to the issuance of such letter. The letter must include:

1. a statement that the customer account is being traded to an existing marketer certificated by the Georgia Public Service Commission,

2. the effective date in which the customer account will be traded to a different marketer,

3. the name of the marketer to which the customer account will be traded,

4. that the customer has the right to select the marketer of their choice before or within 30 days after the effective date of the trade without incurring any fees,

5. that the customer's right to a free annual switch will not be affected by the trade,

6. the new marketer current rates and terms and conditions of service.

(b) The customer's right to one free annual switch shall not be affected by the trade.

1 If the customer selects a different marketer before the effective date after the trade, the prior marketer shall pay to the EDC any and all fees that may result from the switch.

2 If the customer selects a different marketer within 30 days after the effective date of the trade, the marketer to whom the account was traded shall pay to the EDC any and all fees that may result from the switch.

(13) It shall be a violation of a marketer's certificate to sell or transfer customers except when the following conditions are met (requirements for new entrants into the market who are purchasing/transferring existing customers from an existing marketer):

(a) Thirty (30) days in advance of selling or transferring a customer account, the marketer must provide to each customer whose account is being sold or transferred, a Commission approved letter via first class mail. The marketer must provide a draft copy of this letter to the Commission Staff no later than thirty (30) days prior to the issuance of such letter. The letter must include:

1. a statement that the marketer to whom the account is being sold or transferred has been certificated by the Georgia Public Service Commission,

2. the effective date that the customer account will be sold or transferred to the new marketer,

3. the name of the marketer to which the customer account will be sold or transferred to,

4. that the customer has the right to select the marketer of their choice before or within 30 days after the effective date of the sale or transfer without incurring any fees,

5. notice that the customer's right to a free annual switch will not be affected by the sale or transfer,

6. the new marketer current rates and terms and conditions of service.

(b) The customer's right to one free annual switch shall not be affected by the sell or transfer.

1 If the customer selects a different marketer before the effective date of the sale or transfer, the prior marketer shall pay to the EDC any and all fees that may result from the switch.

2 If the customer selects a different marketer within 30 days after the effective date of the sale or transfer, the marketer to whom the account was sold or transferred shall pay to the EDC any and all fees that may result from the switch.

(14) Each marketer shall file at the Commission by the 5th of the current month, the marketer's standard fixed offer for residential customers and standard variable offer for residential customers.

a Such offers shall include the cost per therm for the commodity and upstream capacity charges, and shall also include the EDC's base charge, the marketer customer service charge, and any other charges to be included in the offers.

b If the 5th of the current month falls on a non-business day, the marketer shall file its standard fixed offer and standard variable offer rates for residential customers on the previous business day.

(15) No marketer shall be authorized to prevent a consumer from obtaining distribution and commodity sales service from another marketer or provider. A marketer may contract with a landlord for continuous natural gas service to be made available to apartments owned or managed by said landlord and to provide natural gas service to apartments where the tenant has authorized the landlord to select the tenant's marketer; provided, however, that no such continuous service agreement shall require a landlord to prevent a tenant from obtaining distribution and commodity sales service from another marketer or provider. Notwithstanding the existence of a continuous service agreement between a marketer and a landlord, neither the EDC nor the marketer may prevent a tenant from switching marketers or providers.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.04
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-153.1, 46-4-160).
History. Original Rule entitled "Certification Standards" adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.
Amended: F. May 23, 2000; eff. June 12, 2000.
Amended: F. Aug. 13, 2002; eff. Sept. 2, 2002.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Repealed: New Rule of same title adopted. F. Feb. 15, 2008; eff. Mar. 6, 2008.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-3-.05. Prerequisites to the Filing of an Application; Scheduling of Hearings.

(1) An application for a certificate of authority shall not be filed with the Commission to provide service to a delivery group(s) that is presently being served by a gas company holding a valid certificate of public convenience and necessity until such gas company has filed a notice of election pursuant to the provisions of O.C.G.A. § 46-4-154.

(2) Until fifteen (15) days have expired after the effective date of rates approved by the Commission for an EDC pursuant to O.C.G.A. § 46-4-154, the Commission shall not approve or disapprove any complete application for a certificate of authority covering delivery groups certificated to such EDC which application is filed prior to such expiration date. All complete applications for certificates of authority filed prior to such expiration date shall be considered by the Commission simultaneously.

(3) Within sixty (60) days following such expiration date, the Commission shall conduct a public hearing or hearings on all complete applications filed prior to said expiration date. Thereafter, within ninety (90) days following such expiration date, the Commission shall issue its order approving or disapproving each application for a certificate of authority.

(4) The Commission shall conduct a public hearing on any application for a certificate of authority filed subsequent to the expiration date within sixty (60) days after the filing of such application. Within ninety (90) days after the filing of the application, the Commission shall issue its order approving or disapproving each application.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.05
Authority: O.C.G.A. §§ 46-2-3046-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-153.1, 46-4-160).
History. Original Rule entitled "Prerequisites to the Filing of an Application; Scheduling of Hearings" adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.
Repealed: New Rule of same title adopted. F. Feb. 15, 2008; eff. Mar. 6, 2008.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-3-.06. Complaints.

(1) All marketers holding certificates of authority shall notify their customers by mail or by the preferred method of communication about their respective complaint procedures at least once during each quarter of the calendar year. This description shall include, at a minimum, the names, business addresses, e-mail and website, telephone and facsimile numbers of personnel to contact with customer complaints, as well as the telephone number for the Consumer Affairs Division of the Commission If these individuals are located outside the State of Georgia, a toll-free telephone number must be provided.

(2) The provisions of Commission Rule Chapter 515-2-1-.04(1) and (2) pertaining to complaints shall be applicable to marketers.

(3) Good faith assertions that a marketer certificated under O.C.G.A. § 46-4-153 has violated the laws and rules of the Commission and/or the terms of the certificate of authority that it has been issued may be made by any person. In the event that any such allegations are made against an applicant seeking to be certificated to sell or offer to sell natural gas in a particular delivery group(s) or an allegation is made that a marketer or anyone acting in concert with the marketer has such history of violations of laws, rules, or regulations designed to protect the public; has included in its application for a certificate of authority any information that was falsified or forged; has acted unlawfully to the detriment of the public while certificated; and/or is, has been, or may be about to become involved in activities described in O.C.G.A. § 46-4-153(6), the time constraints placed upon the Commission in granting certification shall be null and void until such time as the assertions made against the applicant can be reasonably addressed.

(4) Prior to a marketer contacting a gas utility for the purpose of disconnecting service for a residential customer, the marketer shall first comply with the procedural rules regarding disconnection as set forth in Chapter 515-3-3 of the Rules of the Georgia Public Service Commission. Failure to comply with the Commission's Rules for the disconnection of service of any residential customer may subject a marketer to sanctions that include, but are not limited to, the revocation of the marketer's certificate of authority.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.06
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-153.1, 46-4-160).
History. Original Rule entitled "Complaints" adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Repealed: New Rule of same title adopted. F. Feb. 15, 2008; eff. Mar. 6, 2008.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-3-.07. Revocation, Suspension, and Modification of a Certificate of Authority; Sanctions.

(1) Any certificate of authority issued by the Commission is subject to revocation, suspension, or modification, where the Commission finds after notice and hearing that:

(a) a marketer has failed repeatedly or has failed willfully to meet the obligations to its retail customers imposed by the Act, the rules of this section, the certificate of authority issued by the Commission, or the Commission-approved tariff of the applicable EDC. For purposes of this rule, the term "repeatedly" means on more than one occasion;

(b) a marketer has been found to have engaged in unfair competition or has abused its market position, or has engaged in conduct prohibited by the Uniform Deceptive Trade Practice Act, O.C.G.A. § 10-1-370, et seq., The Fair Business Practices Act, O.C.G.A. § 10-1-390, et seq., or the provisions against false advertising in Title XI, Chapter 1, Article 15, Part 3 of the Official Code of Georgia, annotated;

(c) a marketer or representative or agent thereof has included in its application for a certificate of authority any information that was falsified or forged;

(d) a marketer has acted unlawfully to the detriment of the public while certificated;

(e) any of the marketer's activities are serving or could serve to mislead, deceive, or work a fraud on the public;

(f) a marketer has charged a customer for products or services, without that customer's authorization;

(g) for a twelve (12) month period, a marketer has failed to provide gas service in one or more delivery groups for which it is certified, provided that if a marketer fails to provide natural gas service in a particular delivery group for which it is certified for a twelve (12) month period, that shall not constitute a basis to revoke the marketer's certificate if the marketer is providing service or has provided service within the last twelve (12) months in other delivery groups for which it is certified;

(h) a marketer of natural gas has not passed through to its retail customers any refunds the Commission ordered to be passed through to retail customers, provided, however, a marketer will not be required to pass through Commission ordered refunds to customers that are in arrears;

(i) an EMC gas affiliate has engaged in cross-subsidization activities with its electric membership corporation; and/or

(j) a marketer is determined by the Commission to possess a substandard level of technical and/or financial capability to retain its certificate of authority.

(2) The Commission, after a hearing is conducted after not less than thirty (30) day notice, shall determine whether a violation has occurred that warrants the revocation, suspension or modification of a certificate of authority. The burden of proof to show that any such action should be taken shall be placed upon the Commission. All orders issued pursuant to O.C.G.A. § 46-4-153(d) or (e) shall contain the Commission's findings of fact and conclusions of law upon which the Commission's action is based. Any such order shall be deemed a final order subject to judicial review under Chapter 13 of O.C.G.A. Title 50, the "Georgia Administrative Procedures Act."

(3) In addition to having its certificate of authority revoked, suspended, or modified, any marketer that is found after notice and hearing to have willfully violated any law administered by the Commission or any duly promulgated regulation issued there under, or which fails, neglects, or refuses to comply with any such order after notice thereof, shall be liable for a penalty not to exceed $15,000.00 for such violation and an additional penalty not to exceed $10,000.00 for each day during which said violation occurred.

(4) The provisions of Article 3 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, as amended, shall apply to an investigation or hearing involving a marketer. The provisions of Article 4 and 5 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, as amended, shall also apply to a marketer.

(5) The provisions of Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, as amended, shall apply to a marketer.

(6) The Commission, after notice and hearing as contemplated in the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-1, et seq., may revoke, suspend or otherwise modify a certificate of authority based upon a finding that the marketer's financial condition or gas supply no longer meets the requirements for certification.

(7) The Commission may issue a certificate of authority to an applicant based upon conditions that include, but are not limited to, an applicant agreeing to provide the Commission annually with updated audited financial data within ninety (90) days of the close of its fiscal year as well as information within ten (10) business days of any event or occurrence that may materially affect its financial or operational status. The Commission shall have access to the books and records of all marketers as may be deemed necessary to ensure compliance with the Act and the Commission's rules and regulations that are issued there under. In accordance with O.C.G.A. § 46-4-153(f) On a quarterly basis, the marketers must file the following: First, a detailed monthly income statement, balance sheet, and cash flow statement information. Second, each marketer will file with the Commission the number of therms used for each customer class and the number of customers for each customer class based on the EDC's market share timeframe. The filings will be made with the Commission between 45 days and 75 days after the end of each fiscal quarter for their Georgia natural gas market.

(8) All complaints to the Commission and violations relating to a marketer's conduct under its certificate of authority shall be made part of the Commission's records and shall be available for inspection by the public.

(9) The Commission, at its discretion, may reinstate any certificate of authority that it previously revoked.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.07
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-153.1, 46-4-160).
History. Original Rule entitled "Revocation, Suspension, and Modification of a Certificate of Authority; Sanctions" adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.
Amended: F. May 23, 2000; eff. June 12, 2000.
Amended: F. Aug. 13, 2002; eff. Sept. 2, 2002.
Repealed: New Rule of same title adopted. F. Feb. 15, 2008; eff. Mar. 6, 2008.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-3-.08. Required Disclosures.

Whenever any certificated marketer, its agents, employees, or contractors make a retail natural gas offering to an individual customer, whether in response to an inquiry from that customer or as part of a marketer-initiated contact, the marketer shall be responsible for disclosing to the customer all charges that the customer may incur if the customer accepts the marketer's service as defined in Commission Utility Rule 515-7-9-.04. All such disclosures made by marketers shall provide adequate and accurate information to consumers so as to allow them to make informed choices regarding the purchase of natural gas services.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.08
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-153.1, 46-4-160).
History. Original Rule entitled "Required Disclosures" adopted. F. May 23, 2000; eff. June 12, 2000.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Repealed: New Rule of same title adopted. F. Feb. 15, 2008; eff. Mar. 6, 2008.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-3-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.09
Authority: O.C.G.A. Sec. 46-4-160.
History. Original Rule entitled "Verification of Orders" adopted. F. Jan. 21, 2000; eff. Feb. 10, 2000.
Repealed: F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-3-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.10
Authority: O.C.G.A. Sec. 46-4-160.
History. Original Rule entitled "Retention of Records; Mandatory Disclosures That Must Be Made to a Customer When a Change in Marketer is Requested" adopted. F. Jan. 21, 2000; eff. Feb. 10, 2000.
Repealed: F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-3-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.11
Authority: O.C.G.A. Sec. 46-4-160.
History. Original Rule entitled "Contents of Letter of Agency" adopted. F. Jan. 21, 2000; eff. Feb. 10, 2000.
Repealed: F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-3-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.12
Authority: 2002 H.B. 1568, O.C.G.A. Sec. 46-4-160.
History. Original Rule entitled "Investigation, Reporting and Customer Service" adopted. F. Jan. 21, 2000; eff. Feb. 10, 2000.
Amended: F. Aug. 13, 2002; eff. Sept. 2, 2002.
Repealed: F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-3-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-7-3-.13
Authority: 2002 H.B. 1568, O.C.G.A. Sec. 46-4-160.
History. Original Rule entitled "Remedies and Sanctions" adopted. F. Jan. 21, 2000; eff. Feb. 10, 2000.
Amended: F. Aug. 13, 2002; eff. Sept. 2, 2002.
Repealed: F. Sept. 3, 2002; eff. Sept. 23, 2002.

Subject 515-7-4. RANDOM ASSIGNMENT OF CUSTOMERS.

Rule 515-7-4-.01. Definitions.

As used in this Utility Rule 515-7-4, the following terms shall have the following definitions:

(a) "Act" means the Natural Gas Competition and Deregulation Act as provided for in O.C.G.A. § 46-4-150*et seq.*

(b) "Adequate market conditions" means the existence of market conditions in relation to distribution service within a particular delivery group that have been determined pursuant to subsection (b) of O.C.G.A. § 46-4-156 to warrant customer assignment.

(c) "Affiliate" means another person that controls, is controlled by, or is under common control with such person.

(d) "Commission" means the Georgia Public Service Commission.

(e) "Customer assignment" means the process described in subsection (e) of O.C.G.A. § 46-4-156 whereby firm retail customers within a particular delivery group who are not under contract for distribution service from a marketer are randomly assigned.

(f) "Delivery group" means a set of individual delivery points on one or more interstate pipeline suppliers to a gas company that may be aggregated and utilized for the distribution of gas to a particular set of retail customers.

(g) "Distribution group" means the delivery of natural gas by and through the intrastate instrumentalities and facilities of a gas company or of a person certificated pursuant to O.C.G.A. § 46-4-153, regardless of the party having title to the natural gas.

(h) "Electing distribution company" means a gas company that elects to become subject to the provisions of the Act and satisfies the requirements of O.C.G.A. § 46-4-154.

(i) "Firm" means a type of distribution service that ordinarily is not subject to interruption or curtailment.

(j) "Gas" means natural gas.

(k) "Gas company" means any person to whom a certificate of public convenience and necessity has been issued by the Commission to acquire, own, operate, or construct any intrastate pipeline distribution system, or any extension thereof, for the sale of natural gas.

(l) "Market share" means number of firm customers.

(m) "Marketer" means any person certificated by the Commission to provide commodity sales service or distribution service pursuant to O.C.G.A. § 46-4-153 or ancillary services incident thereto.

(n) "Person" means any corporation, whether public or private; company; individual; firm; partnership; or association.

(o) "Retail customer" or "retail purchaser" means a person who purchases commodity sales service or distribution service and such purchase is not for the purpose of resale.

Cite as Ga. Comp. R. & Regs. R. 515-7-4-.01
Authority: O.C.G.A. Sec. 46-4-152.
History. Original Rule entitled "Definitions" adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.
Amended: F. Apr. 9, 1999; eff. Apr. 29, 1999.

Rule 515-7-4-.02. Commission Authority.

Consistent with Official Code of Georgia Annotated (O.C.G.A.) § 46-4-156, the Commission is required to authorize regulations prescribing a methodology to randomly assign to marketers within a delivery group those firm retail customers who have not otherwise contracted for distribution service from another marketer. The Official Code of Georgia Annotated § 46-4-156 also requires that the methodology prescribed by the Commission must further provide that the percentage of such firm retail customers assigned to a given marketer shall be based upon the percentage at the time of such assignment of all firm retail customers within the delivery group served by said marketer.

Cite as Ga. Comp. R. & Regs. R. 515-7-4-.02
Authority: O.C.G.A. Sec. 46-4-156.
History. Original Rule entitled "Commission Authority" adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.

Rule 515-7-4-.03. Customer Notification.

(1) Within five (5) days after the filing of a Commission order containing a determination that adequate market conditions exist in a delivery group as contemplated by O.C.G.A. § 46-4-156(b), the gas company providing firm distribution service in that delivery group shall submit to the Commission a proposed form on which it intends to provide notification to customers pursuant to Section 46-4-156(e).

(2) The Commission will either approve the notification form as submitted or prescribe the appropriate changes within five (5) days thereafter.

(3) At the same time, the proposed form of notice as required pursuant to part (1) of this rule is submitted, the gas company shall submit a statement explaining how and when it will send the Commission approved notice to its customers.

Cite as Ga. Comp. R. & Regs. R. 515-7-4-.03
Authority: O.C.G.A. Secs. 46-4-156, 46-4-156(b),(f).
History. Original Rule entitled "Petitions Relating to Market Conditions" adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.
Amended: Rule entitled "Customer Notification" renumbered from 515-7-4-.04. F. Jul. 23, 1999; eff. Aug. 12, 1999.

Rule 515-7-4-.04. Customer Assignment Methodology.

For each delivery group, the following methodology will be employed to determine the number of retail customers to be randomly assigned to a particular marketer: the marketer's total market share on the onehundredth (100th) day following the filing of the Commission's order shall be divided by the total market share served by all marketers on the one-hundredth (100th) day following the filing of the Commission's order and multiplied by the total number of customers in a particular delivery group that have not contracted with a marketer.

Cite as Ga. Comp. R. & Regs. R. 515-7-4-.04
Authority: O.C.G.A. Secs. 46-4-156, 46-4-156(a).
History. Original Rule entitled "Customer Notification" adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.
Amended: Rule entitled "Customer Assignment Methodology" renumbered from 515-7-4-.05. F. Jul. 23, 1999; eff. Aug. 12, 1999.

Rule 515-7-4-.05. Implementation of the Random Assignment Procedure.

(1) With Commission oversight, the electing distribution company shall perform an automated procedure for randomly assigning the unassigned customers to certificated marketers, based on the allocation methodology of Commission Rule 515-7-4-.04.

(2) Within five (5) days of the issuance of a Commission Order determining that adequate market conditions exist in a delivery group, the electing distribution company shall file with the Commission a date certain schedule for the random assignment process, including the proposed date upon which marketers will begin serving randomly assigned customers consistent with the Commission approved electing distribution company's tariff, operations and automated systems. Within five (5) days of receiving the schedule for the random assignment process, the Commission will either approve or modify the proposed schedule.

(3) During the first one hundred (100) days after the Commission has issued an order that includes a determination that adequate market conditions exist within a delivery group, the EDC providing firm delivery service in that delivery group shall provide to Commission Staff on a monthly basis the number of customers served by each certificated marketer serving that delivery group and the number of unassigned customers for the delivery group. The electing distribution company shall also provide the same information to each marketer concerning the number of customers served by the marketer and number of unassigned customers in the delivery group.

(4) The automated random assignment procedure performed by the electing distribution company shall incorporate the following processes:

(a) On the one hundred and fifth (105th) day following the Commission's determination of adequate market conditions within a delivery group, the electing distribution company shall create the list of customers within the delivery group, consistent with O.C.G.A. 46-4-156. The list shall be in a sequence randomly generated by delivery group (the "Random Assignment List").

(b) The Commission shall, by random selection, place all marketers serving the delivery group in a sequential list (the "Random Marketer List").

(c) The Commission shall determine the total number of customers to be assigned to a specific marketer by use of the formula set forth in Commission Rule 515-7-4-.04.

(d) The EDC shall conduct the process of assignment by selecting the first marketer from the Random Marketer List and assigning to the marketer the appropriate number of customers as determined above by selecting said number of customers in sequence starting from the beginning of the Random Customer Assignment List. The electing distribution company shall follow this procedure for each marketer on the Random Marketer List in sequence until all customers have been assigned.

(e) The electing distribution company shall issue the final assignment of customers on or before the one-hundred and twentieth (120th) day following the Commission's determination that adequate market conditions exist for the delivery group.

(5) Within five (5) days following the automated random assignment procedure, the electing distribution company shall provide an electronic listing to each marketer of customer information for the customers assigned to that marketer and provide the same information to the Commission.

(6) Within fifteen (15) days of receipt of the customer information in Commission Rule 515-7-4-.05(5) each marketer shall provide a written notice of assignment to such customers, including its proposed terms and conditions of service for assigned customers.

(a) The assignment notice shall include the following information:

1. A statement that the notice should be disregarded if the customer has contracted with another marketer;

2. A statement that random assignment is a result of the Natural Gas Competition and Deregulation Act;

3. The marketer's proposed terms and conditions of service in clear and plain language;

4. The marketer's address and toll-free (required) and local (if applicable) telephone number;

5. A statement that the customer has the right to switch to another marketer at any time (in conformance with Atlanta Gas Light Company's tariff), unless a term contract is signed;

6. A statement that the customer will be served on a month to month basis until the customer signs any applicable term contracts;

7. A statement that the customer is allowed to cancel any applicable contract without penalty within 48 hours of signing it, pursuant to Commission Rule 515-7-3-.03(2)(f)(i)(d)1;

8. A statement that the customer is allowed to cancel any applicable contract without penalty if the customer relocates out of its current delivery group, pursuant to Commission Rule 515-7-3-.03(2)(f)(i)(d)2; and

9. The EDC's gas leak/emergency toll-free telephone number.

(b) All marketers shall submit draft notices to the Commission on the ninetieth (90th) day following the Commission Order determining that adequate market conditions exist.

(c) The Commission will either approve or modify submitted assignment notice by the one hundred and tenth (110th) day following the Commission Order determining that adequate market conditions exist.

(7) The electing distribution company may perform subsequent random assignment processes within ninety (90) days of the Random Assignment process performed pursuant to Commission Rule 515-7-4-.05(4) for any customers that could not be assigned pursuant to the Random Assignment procedure.

Cite as Ga. Comp. R. & Regs. R. 515-7-4-.05
Authority: O.C.G.A. Sec. 46-4-156.
History. Original Rule entitled "Customer Assignment Methodology" adopted. F. Feb. 10, 1998; eff. Mar. 2, 1998.
Amended: Rule entitled "Implementation of the Random Assignment Procedure" renumbered from 515-7-4-.06. F.

Jul. 23, 1999; eff. Aug. 12, 1999.

Rule 515-7-4-.06. Assignment Notices to Customers.

Within forty-five (45) days and again within eighty (80) days after the Commission has issued an Order determining that adequate market conditions exist in a delivery group, the EDC providing distribution service in that delivery group shall send a notice regarding the Commission's Order to each and every retail customer receiving firm distribution service of commodity sales service from the EDC within such delivery group. The notice shall include the information required by O.C.G.A. § 46-4-156(e) and the following additional information:

(a) Statement that Random Assignment is a result of the Natural Gas Competition and Deregulation Act, and the status of the customer as of the one hundredth (100th) day following a Commission Order will determine whether that customer is randomly assigned, and that the notice should be disregarded if the customer has contracted with any marketer;

(b) Statement that the customer may select a marketer prior to the 100th day after the date of the Commission's Order to contract with any other marketer, and if the customer does so, the new contract will supersede the assignment before the assignment becomes effective;

(c) Statement that customers may elect to change to a different marketer after they have been randomly assigned; and

(d) List of all marketers certificated in the delivery group, the respective toll-free and local (if applicable) telephone number for those marketers, as well as their e-mail address or Internet web-sites with the direction that information concerning service from marketers may be obtained at those locations or phone numbers.

Cite as Ga. Comp. R. & Regs. R. 515-7-4-.06
Authority: O.C.G.A. Secs. 46-4-156, 46-4-156(e).
History. Original Rule entitled "Implementation of the Random Assignment Procedure" adopted. F. Apr. 9, 1999; eff. Apr. 29, 1999.
Amended: Rule entitled "Assignment Notices to Customers" renumbered from 515-7-4-.07. F. Jul. 23, 1999; eff. Aug. 12, 1999.

Rule 515-7-4-.07. Subsequent Filings.

(1) Within fifteen (15) days following the random assignment process, the EDC shall file with the Commission a final listing of the number of customers and the associated dedicated design day capacity randomly assigned to each marketer.

(2) On an annual basis, the EDC shall file with the Commission a report detailing the following for all competitive delivery groups:

(a) The total number of customers by customer class served by each marketer within the delivery group;

(b) The total design day load for the delivery group served by each marketer.

(3) Information provided by the EDC pursuant to Commission Rule 515-7-4-.07 may be filed under the Commission's Rule governing trade secrets.

Cite as Ga. Comp. R. & Regs. R. 515-7-4-.07
Authority: O.C.G.A. Sec. 46-4-156(b),(e).
History. Original Rule entitled "Assignment Notices to Customers" adopted. F. Apr. 9, 1999; eff. Apr. 29, 1999.
Amended: Rule entitled "Subsequent Filings" renumbered from 515-7-4-.08. F. Jul. 23, 1999; eff. Aug. 12, 1999.

Rule 515-7-4-.08. Random Assignment Upon a Marketers Withdrawal from Market.

Upon a certificated marketer's voluntary or involuntary withdrawal from the market, the EDC shall perform a random assignment process consistent with Commission Rule 515-7-5-.05 for the customers served by that marketer that do not elect service from a different marketer, pursuant to a schedule established by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-4-.08
Authority: O.C.G.A. Secs. 46-4-152(b),(b)(2).
History. Original Rule entitled "Subsequent Filings" adopted. F. Apr. 9, 1999; eff. Apr. 29, 1999.
Amended: Rule entitled "Random Assignment Upon a Marketer's Withdrawal from Market" renumbered from 515-7-4-.09. F. Jul. 23, 1999; eff. Aug. 12, 1999.

Rule 515-7-4-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-7-4-.09
Authority: O.C.G.A. Sec. 46-4-152(b)(2).
History. Original Rule entitled "Random Assignment Upon a Marketer's Withdrawal from Market" adopted. F. Apr. 9, 1999; eff. Apr. 29, 1999.
Repealed: F. Jul. 23, 1999; eff. Aug. 12, 1999.

Subject 515-7-5. UNIVERSAL SERVICE FUND.

Rule 515-7-5-.01. Definitions.

As used in this Utility Rule 515-7-5, the following terms and phrases shall have the following definitions:

(a) "Act" means the Natural Gas Competition and Deregulation Act as provided for in O.C.G.A. § 46-4-150*et seq.*

(b) "Ancillary service" means a service that is ancillary to the receipt or delivery of natural gas, including without limitation, storage, balancing, peaking and customer services.

(c) "Commission" means the Georgia Public Service Commission.

(d) "Commodity sales service" means the sale of natural gas exclusive of any distribution or ancillary service.

(e) "Customer service" means a function related to serving a retail customer including, without limitation, billing, meter reading, turnon service, and turn-off service.

(f) "Distribution service" means the delivery of natural gas by and through the intrastate instrumentalities and facilities of a gas company or of a marketer certificated pursuant to O.C.G.A. § 46-4-153, regardless of the party having title to the natural gas.

(g) "Delivery Group" means a set of individual delivery points on one or more interstate pipeline suppliers to a gas company that may be aggregated and utilized for the distribution of gas to a particular set of retail customers.

(h) "Electing distribution company" means a gas company that elects to become subject to the provisions of the Act and satisfies the requirements of O.C.G.A. § 46-4-154.

(i) "Emergency" means imminent threats to public health, safety or welfare.

(j) "Expand" means to increase facilities in size, quantity, or scope. This term does not include any activities relating to the maintenance, repair, and/or replacement of facilities already in existence.

(k) "Extend" means to enlarge the area or scope of facilities. This term does not include any activities relating to the maintenance, repair, and/or replacement of facilities already in existence.

(l) "Facilities" mean all property, means, and instrumentalities owned, operated, leased, licensed, used, furnished, or supplied for, by, or in connection with the delivery of natural gas service to the public.

(m) "Firm" means a type of distribution service which ordinarily is not subject to interruption or curtailment.

(n) "Gas" means natural gas.

(o) "Gas company" means any person to whom a certificate of public convenience and necessity has been issued by the Commission to construct or operate any pipeline or distribution system, or any extension thereof, for the sale of natural gas.

(p) "Group 1 Consumers" means low-income residential consumers served by a regulated provider of natural gas.

(q) "Group 2 Consumers" means firm natural gas consumers served by a regulated provider of natural gas who had been unable to obtain or maintain natural gas commodity service or whose utility payment history was cited by the regulated provider of natural gas as reason for transfer from Group 1 to Group 2.

(r) "Interruptible" means a type of distribution service which is subject to interruption or curtailment.

(s) "Low-income residential customer" means any person who meets the definition of a person who is qualified for the Low Income Home Energy Assistance Program, as promulgated by the Department of Human Resourses, pursuant to Code Section 46-1-5.

(t) "Marketer" means any person certificated by the Commission to provide commodity sales service or distribution service pursuant to O.C.G.A. § 46-4-153 or ancillary services incident thereto.

(u) "Person" means any corporation, whether public or private; company; individual; firm; partnership; or association.

(v) "Regulated gas service" means gas service provided by a regulated provider of natural gas.

(w) "Regulated provider of natural gas" means the entity selected by the Commission to provide to consumers natural gas commodity service and ancillary services thereto in accordance with Code Section 46-4-166.

(x) "Retail customer" or "retail purchaser" means a person who purchases commodity sales service or distribution service and such purchase is not for the purpose of resale.

(y) "Service" means the act or means of supplying natural gas to the public.

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.01
Authority: O.C.G.A. Sec. 46-5-152.
History. Original Rule entitled "Definitions" adopted. F. Nov. 13, 1998; eff. Dec. 2, 1998.
Amended: F. June 3, 1999; eff. June 23, 1999.
Repealed: New Rule, same title adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.
Amended: F. Sept. 16, 2002; eff. Oct. 6, 2002.

Rule 515-7-5-.02. Commission Authority.

Consistent with O.C.G.A. § 46-4-161, the Commission is authorized to create and establish regulations to administer a universal service fund for each gas company that elects to become subject to the provisions of Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia

Annotated, and which satisfies the requirements of O.C.G.A. § 46-4-154. With respect to each such gas company, which is also termed an "electing distribution company" under the Natural Gas Competition and Deregulation Act, the Commission is charged with making a determination prior to the commencement of the electing distribution company's fiscal year as to the amount of funding that is appropriate for that year.

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.02
Authority: O.C.G.A. Secs. 46-4-152, 46-4-161.
History. Original Rule entitled "Commission Authority" adopted. F. Nov. 13, 1998; eff. Dec. 2, 1998.
Amended: F. June 3, 1999; eff. June 23, 1999.
Repealed: New Rule, same title adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.
Amended: F. Sept. 16, 2002; eff. Oct. 6, 2002.

Rule 515-7-5-.03. Purpose.

A universal service fund shall be created for each electing distribution company for the purposes set forth in O.C.G.A. § 46-4-161(a). These purposes include assuring that gas is available for sale by marketers to firm retail customers within a territory certificated to each such marketer; enabling the electing distribution company to extend and expand its facilities and service in the public interest; assisting low-income residential consumers in times of emergency as determined by the Commission; and consumers of the regulated provider of natural gas in accordance with Code Section 46-4-166.

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.03
Authority: O.C.G.A. Sec. 46-4-161.
History. Original Rule entitled "Purpose" adopted. F. Nov. 13, 1998; eff. Dec. 2, 1998.
Amended: F. June 3, 1999; eff. June 23, 1999.
Repealed: New Rule, same title adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.
Amended: F. Sept. 16, 2002; eff. Oct. 6, 2002.

Rule 515-7-5-.04. Creation of Universal Service Fund.

(1) A universal service fund for each electing distribution company shall be created by the Georgia Public Service Commission, which shall designate for this purpose any state or federally chartered bank, trust company, or savings and loan association located in the state of Georgia.

(2) All monies placed in a universal service fund created for an electing distribution company shall be deposited in a separate interest bearing escrow account kept at the Commission designated bank.

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.04
Authority: O.C.G.A. Sec. 46-4-161.
History. Original Rule entitled "Creation of Universal Service Fund" adopted. F. Nov. 13, 1998; eff. Dec. 2, 1998.
Amended: F. June 3, 1999; eff. June 23, 1999.

Repealed: New Rule, same title adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.

Rule 515-7-5-.05. Administration.

(1) The universal service fund shall be administered by the Georgia Public Service Commission and maintained by the electing distribution company for which it was created.

(2) An electing distribution company shall enter into a written escrow agreement with the bank in which the Commission has created its universal service fund. The Commission shall be a party to this agreement and possess the exclusive authority to direct through a written instrument that a disbursement be made from an electing distribution company's universal service fund.

(a) The written escrow agreement entered into shall expressly designate the name, business address and telephone number of the following parties: an escrow agent, the agent of the electing distribution company who will maintain the fund, and a representative of the Commission. Under no circumstance shall the identities of the designated parties be changed without pre-approval being obtained from the Commission.

(b) All notices to any party to the agreement shall be reduced to writing and directed to the parties at their respective addresses.

(c) In performing any of its duties under the agreement, the escrow agent shall incur liability for any damages, losses or expenses incurred due to conduct that is the product of nonfeasance or malfeasance, willful behavior, a breach of trust or gross incompetence or negligence.

(d) The escrow agent shall ensure that the funds held in the escrow account be invested to earn interest. Universal Service Fund investments shall be diversified to minimize risk or loss pursuant to guidelines contained in the escrow agreement.

(e) In the event that any term and/or provision of the escrow agreement shall be found to be unenforceable or invalid under state or federal law, said unenforceability shall not invalidate or nullify the entire agreement; rather, the agreement shall be construed as if it did not contain the portion of the agreement found to be invalid or nullified and the rights of the parties shall be construed accordingly.

(3) The escrow agent shall provide to the Commission monthly bank statements. The Commission shall have the right to audit the escrow account when, in its discretion, such action is warranted. The electing distribution company shall forward reconciled copies of the bank statements to the Commission at least quarterly.

(4) Other than for costs and fees imposed by the financial institution where the escrow account is held, neither the Georgia Public Service Commission nor an electing

distribution company shall be entitled to receive disbursements from a universal service fund for their respective roles in administering and maintaining the fund.

(5) All interest earned on monies placed in a universal service fund created for an electing distribution company shall accrue to the benefit of the respective fund.

(6) Both the electing distribution company and the escrow agent shall notify the Commission immediately if the escrow account is closed for any reason.

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.05
Authority: O.C.G.A. Sec. 46-4-161.
History. Original Rule entitled "Administration" adopted. F. Nov. 13, 1998; eff. Dec. 2, 1998.
Amended: F. June 3, 1999; eff. June 23, 1999.
Repealed: New Rule, same title adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.

Rule 515-7-5-.06. Funding.

(1) Prior to the beginning of the fiscal year of an electing distribution company, the Commission shall determine the amount of the fund appropriate for that fiscal year, which amount shall not exceed $25 million for that fiscal year. In making this determination, the Commission shall consider:

   (a) The amount of money that will be necessary to provide sufficient contributions in aid of construction to permit the electing distribution company to extend and expand its facilities on occasions that the Commission deems to be in the public interest; and

   (b) The amount required to assist low-income residential consumers in times of emergency as determined by the Commission and consumers of the regulated provider of natural gas in accordance with Code Section 46-4-166.

(2) Funding for an EDC's USF shall be derived from the following sources:

   (a) Rate refunds to the EDC from its interstate pipeline suppliers;

   (b) Any earnings allocable to ratepayers under performance based rates of the EDC authorized by Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated;

   (c) A surcharge to the rates for firm distribution service of the EDC when authorized for such purpose by the Commission;

   (d) 95% of the revenues of the EDC from rates for interruptible service pursuant to O.C.G.A. § 46-4-154(b);

(e) The shares that are to be credited to the cost of gas sold to firm retail customers pursuant to the revenue sharing mechanisms set forth in O.C.G.A. § 46-2-23.1(i)(1);

(f) Surcharges on customers receiving interruptible service on the EDC's system imposed by the Commission in accordance with Code Section 46-4-154;

(g) Refunds of deposits required by marketers as a condition for service, if such refunds have not been delivered to or claimed by the consumer within two (2) years:

1. By December 15th of each year, all natural gas marketers and the Regulated Provider shall make annual remittances to the USF of all deposits that have not been delivered to or claimed by the consumer after two years from the date that the consumer was eligible to receive the refund of the deposit. Such annual remittance shall include all interest accrued on such unclaimed deposit.

2. By December 15th of each year, all marketers and the Regulated Provider shall file an "Annual Unclaimed Customer Deposit Report" with the Commission in Docket No. 15326-U. This report shall provide the following information with regard to the annual remittance to the USF:

   (i) The dollar amount, even if $0.00, of the annual remittance of customer deposits to the USF, separately identifying the dollar amount of the customer deposits and the dollar amount of the interest included on the customer deposits;

   (ii) Either the actual or average interest rate earned on the deposits during the two year period prior to the remittance to the USF. The marketers and the Regulated Provider shall employ any of the following three methods to demonstrate how the interest rate was determined:

      (i) Dividing the sum of the total interest for each period (month) by the sum of the total customer deposits for each period (month).

      (ii) Dividing the sum of the interest rates for each period (month) by the number of periods (months). or

      (iii) Using the actual interest rates listed on the bank account statements. The marketer and Regulated Provider must state which method was used in its annual filing.

(iii) The total dollar amount, even if $0.00, of deposits that have not been delivered to or claimed by the consumer for which less than two years have passed since the consumer was eligible to receive the refund of the deposit. This component of the filing shall include the number of customer accounts that are associated with this dollar amount.

(h) Funds deposited by marketers in accordance with Code Section 46-4-160.3;

(i) The proceeds from the sale or lease of facilities financed from the Universal Service Fund; and

(j) Any other payments to the fund as provided for by law or by order of the Commission.

(3) Each EDC shall be required to make a filing one month prior to the beginning of its fiscal year. The filing shall include information necessary to assist the Commission in its determination of the proper funding level, including:

(a) The EDC's proposed capital budget for the upcoming fiscal year.

(b) Information related to disbursements from the USF for the prior fiscal year.

(4) Any amounts remaining in such fund at the end of a fiscal year in excess of $3 million shall be available for refund to retail customers in such manner as the Commission shall deem equitable. The balance at fiscal year end, whether positive or negative, after such refund, if any, shall become the initial balance of the fund for the ensuing fiscal year. The USF should bear any costs of administering the refund.

(5) When a USF refund goes to a certificated marketer of natural gas it shall be incumbent upon such marketer to pass through such refund to its retail customers as a condition of retaining its certificate of authority. O.C.G.A. 46-4-161(d).

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.06
Authority: O.C.G.A. Sec. 46-4-161.
History. Original Rule entitled "Funding" adopted. F. Nov. 13, 1998; eff. Dec. 2, 1998.
Amended: F. June 3, 1999; eff. June 23, 1999.
Repealed: New Rule, same title adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.
Amended: F. Sept. 16, 2002; eff. Oct. 6, 2002.
Amended: F. Jan. 28, 2009; eff. Feb. 17, 2009.
Amended: F. Sep. 7, 2011; eff. Sept. 27, 2011.

Rule 515-7-5-.07. Applications for Disbursements from a Universal Service Fund: Electing Distribution Company.

(1) An EDC seeking a distribution from the USF shall file with the Commission an Annual USF Facilities Expansion Plan ("Annual Plan") by September 1st of each year for the anticipated USF expansion projects for the 12-month period of January 1 through December 31 of the following year. USF funds shall only be available to aid in the construction of the approach main line-extension, service main, natural gas fueling infrastructure for motor vehicles, or compressed natural gas ("CNG") station, or Liquefied Natural Gas ("LNG") facilities for any proposed facilities expansion. The filing for Annual Plan projects will use engineering estimates as part of the cost review. The Commission shall determine if the projects are in the public interest and may accept, reject, modify the proposed projects. The disbursements to the EDC for completed projects will be for actual costs that are below the EDC's 5% budget cap for that Annual Plan year. The disbursements for completed projects will be limited to unencumbered funds in the USF. For any amounts that exceed the 5% budget cap or the unencumbered USF funds, those amounts will go into the EDC's rate base for ratemaking purposes. Any Plant recovered through USF disbursements shall not be recovered in the EDC's rate base for ratemaking purposes. The EDC may file revisions to its Annual Plan as necessary during the year. The Commission shall determine whether any such revisions are in the public interest, and may accept, reject, or modify the proposed projects. In establishing its Annual Plan, the EDC shall consider the following:

(a) The facility needs of the system to ensure the reliability of the distribution system and service to customers;

(b) The facility needs of the system to ensure the availability of a diversity of gas supply and interstate capacity options to serve the system;

(c) The forecasted growth requirements of the EDC's system based on historical growth trends;

(d) The forecasted growth requirements of the EDC's system based on input from developers and builders regarding their future development plans; and

(e) The forecasted growth requirements of the EDC's system based on input from state and local community officials regarding economic development needs and the forecasted growth of local communities.

(2) This application shall contain the following minimum filing requirements ("MFR"):

(a) MFR-1 will contain a detailed written technical description of the project (s). The technical description will include, but not be limited to, a discussion of the type, size, and length of the proposed facilities and the proposed route and the community and/or company that will be served. The technical description will affirmatively state if a proposed approach main line-extension is new main or an extension or expansion of existing main as defined in 515-7-5-.01(j)(k). There will be a discussion of the type and size of main proposed to be replaced. The technical description will affirmatively state if the EDC is or is not certificated to serve in the counties where the facilities will be constructed.

(b) MFR-2 will provide the EDC's capital budget for the relevant fiscal year. If the capital budget for the relevant fiscal year of the Annual Plan is not available, then the current fiscal year's capital budget will be provided. When the capital budget for the relevant Annual Plan fiscal year is available, it will be filed in the docket number for the relevant Annual Plan.

(c) MFR-3 the EDC will set up a link on its website with a description of the Annual Plan and use an online public stakeholder process to help identify potential projects across the State of Georgia. The public survey will begin April 1st and close June 30th each year. As part of the Annual Plan filing, the EDC will include stakeholder information as an electronic Excel spreadsheet that will list the following, if available:

i. Name of Stakeholder

ii. Date Responded to Survey

iii. Company/Organization Address, Phone #, and Email Address

iv. Project Name

v. Project Type

vi. County

vii. Project Address (If Known)

viii. Project Closest Intersection

ix. Year Natural Gas Service Needed

x. Economic Development Details in Project Area

(d) MFR-4 will provide a detailed map of the project(s) that includes, but is not limited to, the location of the project, route of the line-extension, or location of the CNG station(s).

(e) MFR-5 will provide economic development data related to the project(s) to include, if available, capital investment by a natural gas customer or potential customers in land, builders, equipment, natural gas equipment, and training, the number of jobs that will be created as a result of natural gas service, and the estimated annual payroll of the new customer. The economic development data can discuss known growth in the project area(s), such as known residential and commercial developments.

(f) MFR-6 will provide a Project Financial Analysis ("PFA") electronic Excel spreadsheet with live cells and formulas intact. The PFA spreadsheet will include multiple worksheets with the following:

i. Separate worksheets for each proposed project to include a detailed estimated engineering breakout of construction costs.

ii. The last worksheet will provide a Cost to Serve table with each project name, the total estimated engineering costs, the gross up for income taxes, the gross up for financing costs, and the total estimated project cost. The total estimated project cost for all projects will be totaled. The proposed projects will be listed alphabetically.

iii. The EDC may use either estimated engineering costs when calculating cost to serve for an approach main corridor project or CNG station or filed costs when supplementing a Tariff Rule 7 request or Tariff Rule 8 request.

(g) MFR-7 will provide a Project Technical Analysis ("PTA") electronic Excel spreadsheet with live cells and formulas intact. The PTA spreadsheet will include multiple worksheets with the following:

i. Separate worksheets for each project to include the engineering details of each project that will include, but not be limited to, the name of the project, type, size, maximum allowable operating pressure ("MAOP"), and length of approach main and service main in feet.

ii. For a CNG station, the details will include the name of the project, location, and a list of equipment to include, but not be limited to, the following:

1. Dispensers
2. Compressors
3. Storage
4. Dryer
5. Valve Panel
6. Regulators
7. CNG Equipment
8. Approach Main
9. Service Main

10. Engineering Design

11. Construction

12. Overheads

(h) No later than forty-five days after the end of each quarter, the EDC shall make filings on the status of each open USF project. The filings shall be provided in paper and electronic format as an Excel spreadsheet with active and unlocked cells and shall include the following:

1. Docket Number

2. Project Name

3. Authorization for Expenditure ("AFE") Number

4. Date Approved

5. Dollar Amount Approved

6. Costs Incurred for the Quarter

7. Percentage of Completion

8. Total Costs Incurred to Date

9. Project Completion Date

(3) Upon both the completion of a project that is part of the Annual Plan, and that project being placed in service, the following shall occur:

(a) For each project, the EDC shall file an Annual Plan Notice of Completion Report ("APNOC") with the following items.

i. A cover letter that requests recovery of actual capital expenditures incurred and discusses significant cost increases that exceed the EDC's 5% capital budget cap. The cover letter will discuss how the actual project altered from the originally filed project.

ii. An electronic Excel project costing ledger for all cost activities.

iii. An electronic copy of all invoices associated with the project.

(b) Upon receipt of the APNOC, the Commission through its Staff or agent, may audit all expenditures; however, previously audited expenditures need not be audited again.

(c) The Commission has the authority to audit information related to filed APNOC's. Within thirty (30) days of the acceptance of the audit findings, the Commission may authorize payment up to the actual costs or the adjusted audit amount, unless challenged in a proceeding.

(4) An EDC seeking a distribution from the USF related to its Tariff Rule 7 or 8 line-extensions, to include CNG projects, shall file with the Commission an USF Distributions related to a USF Project Application ("Application") that can be filed for consideration anytime during the EDC's fiscal year. The purpose of the Application is to provide substitute funding for an Applicant's Tariff Rule 7(B)(2) or Rule 8(B)(2) Contribution in Aide of Construction ("CIAC") payment. The USF Application funds shall only be available to aid in the construction of the approach main line-extension and service main line-extension as contemplated in the EDC's Tariff Rule 7 and 8. The disbursements to the EDC for completed Applications will be below the EDC's 5% budget cap for that Annual Plan year. The Commission shall determine if any Application is in the public interest and may accept, reject, or modify the proposed projects. The disbursements for completed Applications will be limited to unencumbered funds in the USF. For any Application Project amounts that exceed the 5% budget cap or the unencumbered USF funds, those amounts will go into the EDC's rate base. Any Plant recovered through USF disbursements shall not be recovered in the EDC's rate base for ratemaking purposes. The EDC may file revisions to an Application as necessary during the year. The Commission shall determine whether any such revisions are in the public interest, and may accept, reject, or modify the proposed projects. When filing an Application, the EDC shall provide the following MFR's:

(a) Application Excel Worksheet that shall contain the following related to the Allowable Investment calculation in Tariff Rule 7 and 8:

i. Section-1: Name and Address of Requesting Organization.

ii. Section-2: Name and Address of Service Location.

iii. Section-3: Applicant Contact Information.

iv. Section-4: Loads Information: Existing and Requested.

v. Section-5: Usage & Revenues: Calculate Expected Revenues.

vi. Section-6: Existing Facilities & Proposed Facilities for Mains & Services

vii. Section-7: Investment Factor

viii. Section-8: Allowable Investment Calculation (Investment Factor x Estimated Revenues)

ix. Section-9a: Cost to Serve (Total Mains & Services based on File Costs (Rule 7) or Engineering Estimates (Rule 8)

x. Section-9b: Total Allowable Investment (Includes 125 Feet of Free Main).

xi. Section-9c: (Excess Allowable)/Excess Costs, or CIAC (Section-9a - Section-9b).

xii. Section-10a: Customer Contribution Towards Project.

xiii. Section-11: Total Customer CIAC (Becomes USF Proposed Portion).

(b) The EDC shall include a map(s) of the service location and the route of the project from existing facilities.

(c) The EDC shall maintain detailed records of all expenditures for which reimbursement is requested and shall make those records available to the Commission and its Staff for audit and verification.

(5) Upon both the completion of a project that is part of a Project Application, and that project being placed in service, the following shall occur: For each project in the USF Project Application docket, the EDC shall file an Application Notice of Completion Report ("ANOC") with the following items.

(a) A cover letter that asks for the filed cost amount approved, and discuss if the project exceeded the EDC's 5% capital budget cap. The cover letter will discuss how the actual project altered from the originally filed project.

(b) An electronic Excel project costing ledger for all cost activities.

(c) An electronic copy of all invoices associated with the project.

(d) The EDC shall maintain detailed records of all expenditures for which recovery is requested and shall make those records available to the Commission and its Staff for audit and verification.

(e) Upon receipt of the ANOC, the Commission through its Staff or agent, may audit all expenditures; however, previously audited expenditures pursuant to (6) above need not be audited again.

(f) The Commission has the authority to audit information related to filed ANOC's. Within thirty (30) days of the acceptance of the audit findings, the Commission

may authorize payment up to the actual costs or the adjusted audit amount, unless challenged in a proceeding.

(g) No later than forty-five days after the end of each quarter, the EDC shall make filings on the status of each open Application project in their dockets. The filings shall be provided in paper and electronic format as an Excel spreadsheet with active and unlocked cells and shall include the following:

i. Docket Number

ii. Project Name

iii. Authorization for Expenditure ("AFE") Number

iv. Date Approved

v. Dollar Amount Approved

vi. Costs Incurred for the Quarter

vii. Total Costs Incurred to Date

viii. Projected Completion Date

(6) In reviewing the information contained in a USF Annual Plan or a Project Application of the EDC for a disbursement of money from its USF, the Commission shall take into account whether the facility that the EDC has proposed is in the public's interest. It shall be within the sole discretion of the Commission to make this determination based upon the EDC's application. The Commission may consider evidence regarding the economic justification of alternative energy sources.

(7) Disbursements to an EDC from its USF for the expansion of facilities and service shall not exceed five percent (5%) of the EDC's capital budget for the fiscal year for which the application(s) or Annual Plan is approved. The disbursement may be further restricted based on available unencumbered USF funds. In the event the USF funds are not sufficient to cover the project costs in an Annual Plan, the unrecovered portion of facilities may be recovered through the EDC's normal ratemaking process(es) or as otherwise ordered by the Commission.

(8) Any investment by an EDC in new facilities that are financed by the USF shall be accounted for as a contribution in aid of construction ("CIAC").

(9) The Commission shall not grant any Project Application or Annual Plan projects of an EDC seeking a disbursement of money from its USF to operate, maintain, replace or repair existing natural gas transmission and distribution facilities.

(10) In no event shall an EDC, who receives a distribution from the USF, sell or lease any facilities financed by the fund to an affiliate for less than the higher of the net book value or fair market value of such facility without approval by the Commission. All Excel spreadsheets will be provided with active and unlocked cells for formula evaluation and auditing.

(11) The EDC shall maintain detailed records of all expenditures for which reimbursement is requested and shall make those records available to the Commission and its Staff for audit and verification.

(12) In accepting any disbursement from the USF, an EDC shall agree as follows:

(a) Without prior Commission approval, the EDC shall not sell, or otherwise dispose of or transfer, any facilities for which the EDC received a disbursement from the USF. In reviewing any such request, the Commission shall consider such factors as it may deem appropriate, including whether the sale, disposition, or transfer is in the public interest.

(b) Prior to the approval of any such sale, disposition or transfer, the Commission shall require the EDC to return to its ratepayers, in such manner as the Commission may prescribe, the USF contribution to the cost of construction of the facility, plus a portion of the profit, if any, on such sale, disposition, or transfer.

(13) Notwithstanding the provisions of 515-7-5-.07(1), an EDC may apply for a disbursement from the USF to fund natural gas fueling infrastructure for motor vehicles at the discretion of the Commission. Such filing shall include detail sufficient to allow the Commission to oversee the program operations and determine whether the proposed project is in the public interest.

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.07
Authority: O.C.G.A. §§ 46-2-20, 46-4-161.
History. Original Rule entitled "Applications for Disbursements from a Universal Service Fund: Electing Distribution Company" adopted. F. Nov. 13, 1998; eff. Dec. 2, 1998.
Amended: F. June 3, 1999; eff. June 23, 1999.
Repealed: New Rule, same title adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.
Amended: F. Feb. 5, 2009; eff. Feb. 25, 2009.
Amended: F. Sep. 7, 2011; eff. Sept. 27, 2011.
Amended: F. Jan. 31, 2017; eff. Feb. 20, 2017.
Note: The amendment filed on January 31, 2017 was re-filed on August 24, 2017 to reflect the correct amended rule as promulgated and adopted on January 17, 2017. The filing submitted on January 31, 2017 inadvertently contained the wrong rule, the same version of the rule that was currently in effect.
Amended: F. Aug. 24, 2017; eff. Sept. 13, 2017.
Amended: F. Nov. 24, 2020; eff. Dec. 14, 2020.

Rule 515-7-5-.08. Applications for Disbursements from a Universal Service Fund: Regulated Provider.

(1) The regulated provider shall have access to the universal service fund to recover had debt arising from service to Group 1 Consumers in accordance with these rules and O.C.G.A. 46-4-166. The regulated provider shall not have access to the universal service fund to recover bad debt arising from service Group 2 Consumers.

(2) The Commission shall provide for the terms and conditions of recovery of bad debt arising from service to Group 1 Consumers in the order by the Commission selecting the regulated provider or in amendments thereto. Such procedures, terms and conditions of recovery shall be designed to encourage efficient debt collection practices by the regulated provider.

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.08
Authority: O.C.G.A. Sec. 46-4-161.
History. Original Rule entitled "Applications for Disbursements from a Universal Service Fund: Marketers" adopted. F. Nov. 13, 1998; eff. Dec. 2, 1998.
Amended: F. June 3, 1999; eff. June 23, 1999.
Repealed: New Rule, same title adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.
Amended: Rule retitled "Applications for Disbursements from a Universal Service Fund: Regulated Provider". F. Sept. 16, 2002; eff. Oct. 6, 2002.

Rule 515-7-5-.09. Assisting Low-Income Customers in Times of Emergency.

If the Commission determines that an emergency exists, it may disburse moneys from the fund to assist low-income customers.

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.09
Authority: O.C.G.A. Secs. 46-4-161, 50-13.
History. Original Rule entitled "Hearing Procedures" adopted. F. Nov. 13, 1998; eff. Dec. 2, 1998.
Amended: F. June 3, 1999; eff. June 23, 1999.
Repealed: New Rule entitled "Assisting Low-Income Customers in Times of Emergency" adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.

Rule 515-7-5-.10. Hearing Procedures.

If the Commission determines that a hearing is warranted, it shall be conducted not less than thirty (30) days after an application for a disbursement from a universal service fund is received. The burden of proof to show that a disbursement of money from a universal service fund is appropriate shall not be deemed met if the applicant fails to conform to these rules, orders of the Commission, and granting access to the Commission through its staff to audit information submitted by the applicant. Orders determining whether a particular amount of money should be disbursed from a universal service fund shall contain the Commission's finding of fact and conclusions of law upon which the Commission's action is based. Any such order shall be deemed a final order subject to judicial review under Chapter 13 of O.C.G.A. Title 50, the "Georgia Administrative Procedures Act."

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.10
Authority: O.C.G.A. Secs. 46-4-161, 50-13.
History. Original Rule entitled "Providing Energy Conservation Assistance to Low-Income Customers" adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.
Amended: Rule retitled "Hearing Procedures" adopted. F. Sept. 16, 2002; eff. Oct. 6, 2002.

Rule 515-7-5-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.11
Authority: O.C.G.A. Sec. 46-4-161.
History. Original Rule entitled "Assist Low-Income Persons Subject to Price Increases" adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.
Repealed: F. Sept. 16, 2002; eff. Oct. 6, 2002.

Rule 515-7-5-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-7-5-.12
Authority: O.C.G.A. Secs. 46-4-161, 50-13.
History. Original Rule entitled "Hearing Procedures" adopted. F. Nov. 28, 2001; eff. Dec. 18, 2001.
Repealed: F. Sept. 16, 2002; eff. Oct. 6, 2002.

Subject 515-7-6. NATURAL GAS MARKETER BILLING PRACTICES.

Rule 515-7-6-.01. Definitions.

As used in this Utility Rule 515-7-6, the following terms shall have the following definitions:

(a) "Base charge" means those Commission approved charges levied by an EDC to a marketer for each of the marketer's retail customers. This charge includes, but is not limited to: intrastate delivery (DDDC), EDC meter reading, base customer charge, peaking charges, and Commission approved riders. This charge does not include interstate capacity charges, consumption charges or marketer customer services charges.

(b) "Commission" means the Georgia Public Service Commission.

(c) "Competitive retail natural gas service charges" means the consumption charge, the interstate capacity charge and the customer service charge.

(d) "Consumer" means a firm retail customer of commodity service or of firm distribution service who uses such service or services primarily for personal, family or household purposes.

(e) "Consumer preferred method of communication" shall mean the method of written communication agreed upon by the marketer and the consumer regarding the method of notification the consumer shall receive in compliance with Commission rules. Such

preferred method of communication may include but need not be limited to: first class mail, bill message, email, text or other electronic means supported by the marketer.

(f) "Customer," for the purpose of this rule, shall have the same meaning as the term "consumer."

(g) "Customer service" means a function related to serving a retail customer including without limitation billing, meter reading, turn-on service, and turn-off service.

(h) "Customer service charges" means any fee or fees charged by a marketer to a consumer less the amount of the base charge and excluding marketer charges for consumption, interstate capacity, and taxes.

(i) "Cramming" means billing for goods or services not requested or authorized by the consumer.

(j) "EDC information" means all the information needed by a marketer to process a correct bill. This term includes but is not limited to: meter reading, switch information, and EDC billing charge information.

(k) "Electing Distribution Company" or "EDC" means a gas company that elects to become subject to the provisions of the Natural Gas Competition and Deregulation Act and satisfies the requirements of O.C.G.A. § 46-4-154.

(l) "Firm" means a type of distribution service that ordinarily is not subject to interruption or curtailment.

(m) "Marketer" means any person certificated by the Commission to provide commodity sales service or distribution service pursuant to O.C.G.A. § 46-4-153 or ancillary services incident thereto.

(n) "Published price" means the charge assessed by a marketer for a therm of natural gas, and, if applicable, any separate or additional marketer charges for interstate capacity and customer service that are on file with the Georgia Public Service Commission.

(o) "Retail Customer" means a person who purchases commodity sales service or distribution service and such purchase is not for the purpose of resale, and for the purposes of this rule shall be synonymous with "customer".

Cite as Ga. Comp. R. & Regs. R. 515-7-6-.01
Authority: O.C.G.A. §§ 46-2-30, 46-2-91, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-160).
History. Original Rule entitled "Definitions" adopted. F. Jan. 5, 2001; eff. Jan. 25, 2001.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. June 8, 2018; eff. June 28, 2018.

Rule 515-7-6-.02. Service Quality Standards for Billing.

(a) Marketers shall comply with the following service quality standards for billing firm retail customers, unless a signed contract predating the effective date of this rule specifically states other arrangements:

(1) A bill shall be mailed (or posted electronically) by a marketer (or its designated billing agent) to a retail customer within thirty (30) days of the date following the actual monthly meter reading or date of the estimated reading, if applicable. The consumer shall have at least twenty (20) days from the date the bill is mailed (or posted electronically) to pay the bill before it is past due.

(2) A bill shall be substantially correct as it applies to the EDC information available to the marketer at the time of bill preparation for the period in question as well as for the fixed or variable rate and all other charges that the retail customer has consented to pay.

(3) Marketers shall utilize the results of actual meter reads and are prohibited from sending estimated bills to natural gas consumers; provided, however, that when information from actual meter readings is not made available by the EDC or any other party authorized to perform meter reading, marketers may send an estimated bill for not more than two consecutive months. In the event the marketer sends a customer a bill based on estimates of the amounts owed pending receipt by the marketer of additional EDC information, the bill shall be clearly and conspicuously marked as an "estimate."

(4) A bill shall include clear and unambiguous statements that readily identify:

a. The consumer's name, billing address, service address and EDC account number;

b. The dates of service reflecting the period of time for which the bill is being assessed (the meter reading period);

c. The number of therms consumed during the meter reading period and the price per therm;

d. An itemization of each type of competitive natural gas service included in the bill, any related billing components and charges for each type of natural gas service as well as any other information the consumer would need to recalculate the bill for accuracy, which shall include, but not be limited to:

1. The deposit amount, if applicable;

2. Any switching, connection, or reconnection charges;

3. Any additional charge assessed by the marketer regarding a particular payment method;

4. Any true-up amount now due to the marketer as a result of a budget plan being terminated;

5. Any cancellation or early termination charges;

6. The exact amount of the base charge that is being charged by the EDC for that particular retail customer, which shall be identified as the EDC charge; and

7. All applicable state and local taxes.

e. The applicable billing determinants, including the beginning meter reading; the ending meter reading; the standard multiplier (British Thermal Unit factors and the consumer's dedicated design day capacity factor), as well as any other different multipliers used; and any other consumption adjustments;

f. The amount billed for the current period, any unpaid amounts due from previous periods, any payments or credits applied to the consumer's account during the current period, any late payment charges or gross and net charges, if applicable, and the total amount due and payable.

g. The type of rate plan, fixed or variable, applicable to the consumer's account.

h. The due date for payment to keep the account current;

i. The current balance of the account, if the natural gas consumer is billed according to a budget plan;

j. The amount due resulting from any pay arrangement;

k. Options and instructions on how the natural gas consumer can make a payment;

l. A toll-free or local telephone number and address, and email address for consumer billing questions or complaints for any retail natural gas company whose charges appear on the bill;

m. The applicable EDC's 24 hour local or toll-free telephone number for reporting service emergencies;

n. An explanation of any codes and abbreviations used; and

o. A description of the charges or credits contained in the bill.

(5) The competitive retail natural gas service charges billed to a consumer shall not exceed the marketer's published price in effect at the beginning of the consumer's billing cycle, except that for fixed rate plan customers, the published price in effect at the beginning of each billing cycle shall be the published price in effect at the time the customer signed up for the plan.

(6) No marketer shall engage in the practice of cramming when billing its natural gas customers.

(7) In the event the bill is for more than one meter read period, the base charge, the customer service charge, and, if the marketer has the meter reading information necessary to do so, the consumption charge and interstate capacity charge shall be disaggregated by meter read period.

(8) No marketer shall increase a firm retail customer's competitive retail natural gas service charge or assess new or additional charges to a customer during the term of a fixed-rate plan.

(9) No marketer shall assess new or additional customer service charges or other charges or fees to a customer under a variable-rate plan, without providing the customer advance written notice by mail or by the consumer preferred method of communication, of those changes or additions at least 25 days prior to implementation of the charge or fee. For consumption and interstate capacity charges assessed under a variable-rate plan, the marketer shall inform the customer of any modification in the methodology for computing such charges at least 25 days prior to implementation of the methodology. No marketer shall charge a customer a higher rate as a result of such new methodology unless such notice has been given. Notice of such new or additional charges or methodology modifications shall be written in clear and conspicuous language and shall inform the consumer of the right to cancel service without penalty by calling, writing or electronically contacting the marketer within three days from receipt of the notice.

(10) In a situation in which it is appropriate for a late fee or other penalty to be applied to a customer's account, the fee or penalty imposed by the marketer shall be reasonable and shall not exceed $10.00 or 1.5% of the past due balance, whichever is greater. A marketer shall not apply a late fee to a customer's account if the past due balance is less than $30.00.

(11) In a situation in which it is appropriate to apply a credit to the customer's account or issue the customer a refund, the credit or refund shall be applied or issued within 60 days after the overpayment has been acknowledged or admitted to by the marketer.

(12) Notwithstanding any other provision set forth in this rule, a bill shall not be deemed to be in non-compliance of Commission Rule 515-7-6-.02(a)(1)to(4) if

said non-compliance is a product of a force majeure or of an act of an independent third-party.

(b) Marketers shall provide notification using the consumer preferred method of communication or include in a customer's bill information referencing the Commission's web site address (www.psc.state.ga.us) where the consumer may obtain pricing information relative to gas marketers.

Cite as Ga. Comp. R. & Regs. R. 515-7-6-.02
Authority: O.C.G.A. §§ 46-2-30, 46-2-91, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-160).
History. Original Rule entitled "Service Quality Standards for Billing" adopted. F. Jan. 5, 2001; eff. Jan. 25, 2001.
Amended: F. Feb. 22, 2002; eff. Mar. 14, 2002.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Jan. 7, 2004; eff. Jan. 27, 2004.
Amended: F. Jan. 24, 2005; eff. Feb. 13, 2005.
Amended: F. June 8, 2018; eff. June 28, 2018.

Rule 515-7-6-.03. Enforcement of Billing Service Quality Standards.

(a) In addition to any other remedies or actions that may be taken, marketers that fail to comply with this Commission Rule shall be subject to the following actions by the Commission:

(1) If the Commission finds, after notice and opportunity for a hearing, that a marketer has failed repeatedly or has failed willfully to comply with the billing service quality standards, the Commission may:

a. revoke the marketer's certificate;

b. suspend the marketer's certificate; and

c. adjust or place limitations on the marketer's certificate, including, but not limited to, prohibiting a marketer from accepting new customers until the marketer demonstrates that it has resolved any billing deficiencies found by the Commission.

(2) If the Commission finds, after notice and opportunity for a hearing, that a marketer has willfully violated the billing service quality standards, the marketer shall be liable for a penalty not to exceed $15,000 for such violation and an additional penalty not to exceed $10,000 for each day during which such violation continues.

Cite as Ga. Comp. R. & Regs. R. 515-7-6-.03
Authority: O.C.G.A. §§ 46-2-30, 46-2-91, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-160).
History. Original Rule entitled "Enforcement of Billing Service Quality Standards" adopted. F. Jan. 5, 2001; eff. Jan. 25, 2001.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.

Amended: F. June 8, 2018; eff. June 28, 2018.

Rule 515-7-6-.04. Consumer Rights and Remedies.

(a) In the event that a customer is not billed in compliance with Commission Rule 515-7-6-.02(a), the marketer shall allow the customer a reasonable period of time to pay the charges that were not timely billed. Such reasonable period of time shall not be less than the period of time following the actual monthly meter reading or date of the estimated reading, if applicable, and the date the bill was sent to the customer. During this period of time, the marketer shall not charge or accrue any interest or late charges or penalties, shall not undertake collection efforts, shall not report the consumer to a credit reporting agency, and shall not disconnect gas service to the customer based on such amount. At the customer's request, the marketer shall allow the customer the option to pay the amount due in equal monthly increments.

(b) Unless a longer period of time is required under Commission Rule 515-7-6-.04(a), customers who receive bills that undercharge or fail to charge for legitimate services shall be given at least 90 days from the date a correct bill is rendered to pay the correct amount and no late charges or interest may be charged on the corrected amount during said 90-day payment period. During this period of time, the marketer shall not charge or accrue any interest or late charges or penalties, shall not undertake collection efforts, shall not report the consumer to a credit reporting agency, and shall not disconnect gas service to the customer based on the corrected amount.

(c) In the event a marketer fails to comply with Commission Rule Chapter 515-7-6, such marketer shall promptly and in good faith resolve any customer complaints resulting from such non-compliance.

(d) In any case where there is a dispute between a marketer and a retail customer concerning the amount of a gas bill, the marketer shall be required to confer by telephone or some other verifiable means with the retail customer in an attempt to resolve such dispute. In case of any such dispute the marketer shall be prohibited from reporting the name of a retail customer to any consumer reporting agency as defined in Section 603(f) of the federal Fair Credit Reporting Act until the marketer has conferred with the retail customer and has complied in all respects with all applicable provisions of this article and the rules and regulations of the commission or has obtained a judgment against the retail customer.

(e) Whenever a marketer discovers or has called to its attention a billing error or other mistake reported to or acknowledged by the marketer, the marketer shall have thirty (30) days to correct the billing error from the date said error is reported to or acknowledged by the marketer. If the marketer does not correct the billing error, the burden of proof shall be on the marketer to show why the bill is correct. During the period the billing error is being disputed, the marketer shall neither impose a late fee or penalty on the disputed amount nor initiate an action to disconnect the customer's service or collect on the past due balance, if the disputed amount constitutes the total amount of the past due balance.

(f)

(1) In a situation in which a consumer has received a bill alleged to be in violation of one or more provisions of this Commission Rule, the consumer shall notify the marketer in an effort to rectify the situation without the need for agency Commission intervention. A marketer shall use every reasonable means to resolve a customer complaint regarding a billing issue in order to prevent it from being brought to the Commission.

(2) If a consumer is unable to arrive at a solution with a marketer regarding a billing dispute, the consumer has the right to file a complaint with the Commission. Should a billing issue be the subject of a Commission hearing at which it is found that the marketer was in violation of one or more of the Commission's billing rules and failed to use reasonable efforts to resolve the dispute, the Commission shall issue an order directing the marketer to provide the consumer with the appropriate refund, credit or remedy pursuant to this Commission Rule and pay the consumer $100, plus either $5 per day, accruing from the date the Commission notified the marketer it was investigating the dispute, that the consumer's billing situation was not rectified or an amount determined by Order of the Commission. At such a hearing, the marketer shall have the burden of proof to show that it was in compliance with this Commission Rule. In addition to the foregoing sanctions, the Commission also may order a marketer to pay all expenses incurred by the Commission as a result of having a hearing, including, but not limited to, court reporter transcription charges; hearing officer fees; and an amount of money equal to that which the Commission expended in Staff time in investigating, hearing and adjudicating the complaint; and pay as contemplated in O.C.G.A. 46-2-91 any and all penalties determined by the Commission to be appropriate in light of the circumstances presented.

Cite as Ga. Comp. R. & Regs. R. 515-7-6-.04
Authority: O.C.G.A. §§ 46-2-30, 46-2-91, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-160).
History. Original Rule entitled "Consumer Rights and Remedies" adopted. F. Jan. 5, 2001; eff. Jan. 25, 2001.
Amended: F. Feb. 22, 2002; eff. Mar. 14, 2002.
Amended: F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. June 8, 2018; eff. June 28, 2018.

Rule 515-7-6-.05. Billing and Billing Dispute Record Retention.

If a marketer records verbal communications or receives written or electronic communications regarding billing disputes with either its customers, the EDC or Commission Staff, the marketer shall retain copies of these communications for at least twelve months.

Cite as Ga. Comp. R. & Regs. R. 515-7-6-.05
Authority: O.C.G.A. §§ 46-2-30, 46-2-91, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-153, 46-4-160).
History. Original Rule entitled "Billing and Billing Dispute Record Retention" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Amended: F. June 8, 2018; eff. June 28, 2018.

Subject 515-7-7. SERVICE QUALITY STANDARDS FOR THE ELECTING DISTRIBUTION COMPANY.

Rule 515-7-7-.01. Commission Authority and Scope.

The Georgia Legislature has directed the Georgia Public Service Commission to promulgate rules and regulations to establish service quality standards for each electing distribution company including, but not limited to, minimum performance standards for posting data on the electronic bulletin board; meter reading; meter turn-ons and turnoffs; forcasting; call center response times; lost and unaccounted for natural gas; acquiring and managing interstate capacity assets, including retained storage; and any other service quality standards deemed necesssary by the Georgia Public Service Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-7-.01
Authority: O.C.G.A. Secs. 46-4-150, 46-4-154, 46-4-155.
History. Original Rule entitled "Definitions" adopted. F. Sept. 20, 2001; eff. Oct. 10, 2001.
Repealed: New Rule entitled "Commission Authority and Scope" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-7-.02. Definitions.

Terms used in these rules have the following meaning:

(a) "Accurate Meter Read Ratio" means the total of all firm cycle meter readings issued during the cycle month minus the cancelled cycle readings divided by the total active meters.

(b) "Act" means the Natural Gas Competition and Deregulation Act, as amended, as provided for in O.C.G.A. § 46-4-150*et seq.*

(c) "Acquiring and Managing Interstate Capacity Assets" means the Commission-approved process of planning and contracting for interstate capacity assets to serve the projected firm demand on Atlanta Gas Light Company's (AGLC) system.

(d) "Ancillary Service" means a service that is ancillary to the receipt or delivery of natural gas, including without limitation storage, balancing, peaking, and customer services.

(e) "Benchmarks" means the range, including the allowed tolerance band, of performance that may trigger required remedial action or the imposition of fines.

(f) "Call Center Response Time to Customers" means the percent of calls responded to within a designated time frame.

(g) "Call Center Response Time to Marketers" means the percent of calls to marketers responded to within a designated time frame.

(h) "Commission" means the Georgia Public Service Commission.

(i) "Consumer" or "Customer" or "End-Use Customer" means a retail customer of commodity sales service or of firm distribution service who uses such service or services primarily for personal, family, or household purposes.

(j) "Customer Service" means a function related to serving a retail customer including without limitation billing, meter reading, turnon service, and turn-off service. Notwithstanding any provision of law to the contrary, any person may perform one or more customer services without first becoming certificated in accordance with O.C.G.A. § 46-4-153; provided, however, that such service may only be performed in compliance with all state and federal laws pertaining to the safety of natural gas pipelines and distribution systems and any other applicable safety standards.

(k) "Distribution Service" means the delivery of natural gas by and through the intrastate instrumentalities and facilities of a gas company or of a marketer certificated pursuant to O.C.G.A. § 46-4-153, regardless of the party having title to the natural gas.

(l) "Electing Distribution Company" or "EDC" means a gas company that elects to become subject to the provisions of the Act and satisfies the requirements of O.C.G.A. § 46-4-154.

(m) "Electronic Bulletin Board" means an interactive electronic communication system that allows parties to view gas-related information, make nominations, offer bids, and receive confirmations.

(n) "Estimated Meter Read" means an EDC was unable to get an actual meter read from a customer's premise due to various circumstances.

(o) "Firm" means a type of distribution service that ordinarily is not subject to interruption or curtailment.

(p) "Forecasting" means the process by which the EDC estimates the firm system demand on any given day.

(q) "Gas" means natural gas.

(r) "GOS" means the EDC's gas operating system.

(s) "Lost and Unaccounted-for Natural Gas" means the difference between the city gate volumes and the measured volumes.

(t) "Lost and Unaccounted-for Natural Gas Percentage" means the percentage of lost and unaccounted-for natural gas as compared to the total system throughput, as reported to the Georgia Department of Transportation on July of each year.

(u) "Marketer" means any person certificated by the Commission to provide commodity sales service or distribution service pursuant to O.C.G.A. § 46-4-153 or ancillary services incident thereto.

(v) "Meter Disconnection/Turn-off Ratio" means the ratio of the number of timely meter disconnections compared to the total number of requested meter disconnections.

(w) "Meter Disconnection/Turn-on Ratio" means the ratio of the number of timely meter reconnections compared to the total number of requested meter reconnections.

(x) "Penalty" means a monetary amount paid to the State in the event that the EDC fails to meet the established service quality measures and benchmarks.

(y) "Pipeline" means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other accessories attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

(z) "Respond" means a follow-up on the part of the EDC in response to a customer, marketer, or Commission request for said action.

(aa) "Service Quality Measure" means what services are measured and how said services are measured.

(bb) "Service Quality Standards" means the service quality measure, benchmark, and penalty.

(cc) "Timely Meter Read Ratio" means the number of timely meter reads as compared to the total number of reads by the EDC.

Cite as Ga. Comp. R. & Regs. R. 515-7-7-.02
Authority: O.C.G.A. Secs. 46-4-150, 46-4-155.
History. Original Rule entitled "Commission Authority and Scope of Provisions" adopted. F. Sept. 20, 2001; eff. Oct. 10, 2001.
Repealed: New Rule entitled "Definitions" adopted. F. Sept. 3, 2002; eff. 23, 2002.

Rule 515-7-7-.03. Service Quality Standards: Pipeline Safety.

Every EDC shall be required to meet service quality standards to ensure the safe and reliable provision of natural gas to end use customers. Specifically:

a. The time to provide an appropriate response to a natural gas leak call shall not fall below the established benchmark.

Cite as Ga. Comp. R. & Regs. R. 515-7-7-.03
Authority: O.C.G.A. Secs. 46-4-150, 46-4-155, 46-4-158.1.
History. Original Rule entitled "Hearing Procedures" adopted. F. Sept. 20, 2001; eff. Oct. 10, 2001.

Repealed: New Rule entitled "Service Quality Standards: Pipeline Safety" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-7-.04. Service Quality Standards: Customer Service, Billing, and Metering.

Every EDC shall be required to meet service quality standards to ensure high quality service to natural gas customers, including marketers, in Georgia in regards to customer service, billing, and metering. Specifically, every EDC shall assure that:

a. The accurate meter read ratio shall not fall below the established benchmark;

b. The timely meter read ratio shall not fall below the established benchmark;

c. The meter reconnection/turn-on ratio or meter disconnection/ turn-off ratio shall not fall below the established benchmarks; and

d. The call center response times shall not fall below the established benchmarks.

Cite as Ga. Comp. R. & Regs. R. 515-7-7-.04
Authority: O.C.G.A. Secs. 46-4-150, 46-4-155, 46-4-158.1.
History. Original Rule entitled "Minimum Filing Requirements for the EDC" adopted. F. Sept. 20, 2001; eff. Oct. 10, 2001.
Repealed: New Rule entitled "Service Quality Standards: Customer Service, Billing and Metering" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Dec. 9, 2003; eff. Dec. 29, 2003.

Rule 515-7-7-.05. Service Quality Standards: Marketer Services.

Every EDC shall be required to meet service quality standards to improve the efficiency of the marketer services that are offered to all certified marketers. In addition, these same services quality standards shall also apply to services provided by the EDC to the Regulated Provider, unless the Commission specifically provides otherwise. Specifically, every EDC shall assure that:

a. The Daily Supply Requirement forecast shall comply with the established benchmark;

b. The percentage of lost and unaccounted-for natural gas shall not exceed the established benchmark;

c. The EDC's posting of accurate and timely and readily available data on the EBB shall not fall below the established benchmarks. Specifically, the data shall be posted on the EBB and shall meet or exceed the established benchmark;

d. The EDC's ability to acquire and manage interstate capacity assets, as provided for in the Commission Order for the most recent Capacity Supply Plan, pursuant to O.C.G.A. § 46-4-155(e), shall not fall below the established benchmarks;

e. The meter disconnection/turn-off ratio or the meter reconnection/ turn-on ratio shall not fall below the established benchmarks;

f. The call center response time to marketers shall not fall below the established benchmark; and

g. The EDC's accurate and timely electronic transactions of consumer data sent to marketers shall not fall below the established benchmark.

Cite as Ga. Comp. R. & Regs. R. 515-7-7-.05
Authority: O.C.G.A. Secs. 46-4-150, 46-4-155, 46-4-158.1.
History. Original Rule entitled "Capacity Supply Plan Amendments" adopted. F. Sept. 20, 2001; eff. Oct. 10, 2001.
Repealed: New Rule entitled "Service Quality Standards: Marketer Services" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Dec. 9, 2003; eff. Dec. 29, 2003.

Rule 515-7-7-.06. Service Quality Standards: Responsiveness to the Public Service Commission.

Every EDC shall be required to meet service quality standards to ensure compliance with Commission Orders, directives and requests. Specifically, every EDC shall:

a. Respond to Commission data requests within the established benchmark;

b. Respond to complaints referred by the Commission within the established benchmark;

c. Comply with all Commission Orders within the established benchmarks; and

d. Provide complete and accurate reports and filings as required by the Commission within the established benchmarks.

Cite as Ga. Comp. R. & Regs. R. 515-7-7-.06
Authority: O.C.G.A. Secs. 46-4-150, 46-4-155, 46-4-158.1.
History. Original Rule entitled "Informational Filing Requirements" adopted. F. Sept. 20, 2001; eff. Oct. 10, 2001.
Repealed: New Rule entitled "Service Quality Standards: Responsiveness to the Public Service Commission" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-7-.07. Additional Service Quality Standards.

In addition to the service quality standards set forth in this Rule, the Commission may establish such further service quality standards and benchmarks as the Commission may from time to time deem necessary.

Cite as Ga. Comp. R. & Regs. R. 515-7-7-.07
Authority: O.C.G.A. Sec. 46-4-158.1.
History. Original Rule entitled "Additional Service Quality Standards" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-7-.08. Methodology for Establishment and Review of Benchmarks and Penalties.

a. The Commission shall determine the appropriate benchmarks necessary to measure whether an EDC has complied with the service quality standards established by the Commission pursuant to this Rule, as well as the appropriate penalties that may be assessed against an EDC that fails to comply with such service quality standards.

b. The Commission shall conduct a hearing for the purpose of establishing the appropriate benchmarks to be utilized in determining whether the EDC has complied with the service quality standards established herein, as well as the appropriate penalties to be assessed against an EDC that fails to comply with such service quality standards. Prior to such hearing, the EDC, the Commission Staff and any other interested party shall file any proposed benchmarks and penalties for consideration by the Commission. Following such hearing, the Commission shall issue an Order approving and adopting appropriate benchmarks and associated penalties; and

c. Following the establishment of initial benchmarks and penalties, the Commission may conduct hearings periodically for the purpose of reviewing the service quality standards adopted by the Commission, as well as the benchmarks and penalties established as described in Section (b) above. As part of such hearings, the EDC, the Commission Staff and any other interested party may file proposed revisions to the service quality standards, benchmarks and penalties for consideration by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-7-.08
Authority: O.C.G.A. Sec. 46-4-158.1.
History. Original Rule entitled "Methodology for Establishment and Review of Benchmarks and Penalties" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-7-.09. Reporting and Compliance.

a. Each EDC shall file reports with the Commission demonstrating its performance with regard to the service quality standards and benchmarks established by the Commission. Such reports shall be filed in a form approved by the Commission, and shall be filed on a quarterly basis, or on some other periodic basis if ordered by the Commission; and

b. The Commission shall, at least annually, conduct a proceeding to review compliance by the EDC with the service quality standards and benchmarks established by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-7-.09
Authority: O.C.G.A. Sec. 46-4-158.1.
History. Original Rule entitled "Reporting and Compliance" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-7-.10. Penalties.

Failure to comply with any service quality standards adopted by the Commission shall subject the EDC to civil penalties as determined by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-7-.10
Authority: O.C.G.A. Sec. 46-4-158.1.
History. Original Rule entitled "Penalties" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-7-.11. Force Majeure.

The Commission recognizes that the EDC's performance data may be influenced by factors beyond its control. Accordingly, in the event of a force majeure, as defined by Rule 12 of AGLC's Commission-approved Tariff, the EDC may file a petition for an exception with the Commission seeking to have the quarterly service quality standards and/or benchmark results modified. The EDC will also be allowed to file an expedited petition seeking immediate relief from a payment of penalties as set forth in these Rules in the event of a force majeure. In any such petition, the EDC shall have the burden of demonstrating that the benchmark was not met due to causes beyond the EDC's control and which could not have been avoided by exercise of due care. The filing of any such petition shall not stay any payments under these Rules unless otherwise ordered by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-7-.11
Authority: O.C.G.A. Sec. 46-4-158.1.
History. Original Rule entitled "Force Majeure" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Subject 515-7-8. SERVICE QUALITY STANDARDS FOR CERTIFICATED MARKETERS AND REGULATED PROVIDERS.

Rule 515-7-8-.01. Commission Authority and Scope.

The Georgia Legislature has empowered the Georgia Public Service Commission to promulgate rules and regulations to establish service quality standards for each certificated marketer and regulated provider in Georgia.

Cite as Ga. Comp. R. & Regs. R. 515-7-8-.01
Authority: O.C.G.A. Sec. 46-4-158.1.
History. Original Rule entitled "Commission Authority and Scope" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-8-.02. Definitions.

Terms used in these rules have the following meaning:

(a) "Act" means the Natural Gas Competition and Deregulation Act, as provided for in O.C.G.A. § 46-4-150 et seq.

(b) "Ancillary service" means a service that is ancillary to the receipt or delivery of natural gas, including without limitation storage, balancing, peaking, and customer services.

(c) "Commission" means the Georgia Public Service Commission.

(d) "Commodity sales service" means the sale of natural gas exclusive of any distribution or ancillary service.

(e) "Consumer" means a retail customer of commodity sales service or of firm distribution service who uses such service or services primarily for personal, family, or household purposes.

(f) "Customer service" means a function related to serving a retail customer including without limitation billing, meter reading, turnon service, and turn-off service. Notwithstanding any provision of law to the contrary, any person may perform one or more customer services without first becoming certificated in accordance with O.C.G.A. § 46-4-153; provided however, that such service may only be performed in compliance with all state and federal laws pertaining to the safety of natural gas pipelines and distribution systems and any other applicable safety standards.

(g) "Distribution service" means the delivery of natural gas by and through the intrastate instrumentalities and facilities of a gas company or of a marketer certificated pursuant to O.C.G.A. § 46-4-153, regardless of the party having title to the natural gas.

(h) "Electing Distribution Company" or "EDC" means a gas company that elects to become subject to the provisions of the Act and satisfies the requirements of O.C.G.A. § 46-4-154.

(i) "Gas" means natural gas.

(j) "Gas company" means any person to whom a certificate of public convenience and necessity has been issued by the Commission to own, operate, acquire, or construct any intrastate pipeline or distribution system, or any extension thereof, for the sale of natural gas.

(k) "Interruptible" means a type of distribution service that is subject to interruption or curtailment.

(l) "Marketer" means any person certificated by the Commission to provide commodity sales service or distribution service pursuant to O.C.G.A. § 46-4-153 or ancillary services incident thereto.

(m) "Regulated provider of natural gas" means the entity selected by the Commission to provide to consumers natural gas commodity service and ancillary services incident thereto in accordance with Code Section 46-4-166.

(n) "Retail customer" or "retail purchaser" means a person who purchases commodity sales service or distribution service and such purchase is not for the purpose of resale.

Cite as Ga. Comp. R. & Regs. R. 515-7-8-.02
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, O.C.G.A. § 515-7-8-.02)
History. Original Rule entitled "Definitions" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. July 23, 2018; eff. August 12, 2018.

Rule 515-7-8-.03. Service Quality Standards: Customer Service, Billing, and Meter Reading.

Every Marketer shall be required to meet service quality standards to ensure that quality service is afforded to all natural gas customers in Georgia. Specifically, all Marketers shall meet Commission established benchmarks in the following areas:

a. Call Center Service Level;

b. Requests for information from the EDC as authorized by the Tariff or Commission Order and certain requests as determined necessary by the Commission;

c. Billing Accuracy and Timeliness;

d. Responsiveness to Consumer Inquiries and Complaints;

e. Meter Reading Accuracy, if the marketer either directly or through a third party is performing the meter reading function;

f. Meter Reading Timeliness, if the marketer either directly or through a third party is performing the meter reading function;

g. Transmittal of Meter Reading Data to the EDC, including Timeliness and Accuracy of data, if the marketer either directly or through a third party is performing the meter reading function; and

h. Transmittal of accurate and timely electronic transactions of consumer data to the EDC.

Cite as Ga. Comp. R. & Regs. R. 515-7-8-.03
Authority: O.C.G.A. Sec. 46-4-158.1.
History. Original Rule entitled "Service Quality Standards: Customer Service, Billing and Meter Reading" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Dec. 10, 2003; eff. Dec. 30, 2003.

Rule 515-7-8-.04. Service Quality Standards: Responsiveness to the Public Service Commission.

Every Marketer shall be required to meet service quality standards to ensure compliance with Commission Orders.

Cite as Ga. Comp. R. & Regs. R. 515-7-8-.04
Authority: O.C.G.A. Sec. 46-4-158.1.
History. Original Rule entitled "Service Quality Standards: Responsiveness to the Public Service Commission" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Dec. 10, 2003; eff. Dec. 30, 2003.

Rule 515-7-8-.05. Additional Service Quality Standards.

In addition to the service quality standards set forth in this Rule, the Commission may establish such further service quality standards as the Commission may from time to time deem necessary.

Cite as Ga. Comp. R. & Regs. R. 515-7-8-.05
Authority: O.C.G.A. Sec. 46-4-158.1.
History. Original Rule entitled "Additional Service Quality Standards" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-8-.06. Methodology for Establishment and Review of Benchmarks and Penalties.

a. The Commission shall determine the appropriate benchmarks necessary to measure whether a Marketer or regulated provider has complied with the service quality standards established by the Commission pursuant to this Rule, as well as the appropriate penalties that may be assessed against a Marketer or regulated provider that fails to comply with such service quality standards;

b. The Commission shall conduct a hearing for the purpose of establishing the appropriate benchmarks to be utilized in determining whether a Marketer or regulated provider has complied with the service quality standards established herein, as well as the appropriate penalties to be assessed against a Marketer or regulated provider that fails to comply with

such service quality standards. Prior to such hearing, the Marketers, the Commission Staff and any other interested party shall file any proposed benchmarks and penalties for consideration by the Commission. Following such hearing, the Commission shall issue an Order approving and adopting appropriate benchmarks and associated penalties; and

c. Following the establishment of initial benchmarks and penalties, the Commission may conduct hearings annually for the purpose of reviewing the service quality standards adopted by the Commission, as well as the benchmarks and penalties established as described in Section (b) above. Prior to such annual hearings, the Marketers, the Commission Staff and any other interested party shall file proposed revisions to the service quality standards, benchmarks and penalties for consideration by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-8-.06
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, O.C.G.A. § 46-4-158.1)
History. Original Rule entitled "Methodology for Establishment and Review of Benchmarks and Penalties" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Nov. 5, 2008; eff. Nov. 25, 2008.
Amended: New title "Methodology for Establishment and Review of Benchmarks and Penalties" (correction of "Establishement" to "Establishment" on SOS website). F. July 23, 2018; eff. August 12, 2018.

Rule 515-7-8-.07. Reporting and Compliance.

a. Each Marketer shall file reports with the Commission demonstrating its performance with regard to the service quality standards established by the Commission. Such reports shall be filed in a form approved by the Commission, and shall be filed at least on a quarterly basis, or on some other periodic basis if ordered by the Commission; and

b. In addition to the hearings described in Rule 515-7-8-.06, the Commission shall, at least annually, conduct a proceeding to review compliance by the Marketers with the service quality standards established by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-8-.07
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, O.C.G.A. § 46-4-158.1)
History. Original Rule entitled "Reporting and Compliance" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Dec. 10, 2003; eff. Dec. 30, 2003.
Amended: F. July 23, 2018; eff. August 12, 2018.

Rule 515-7-8-.08. Penalties.

Failure to comply with any service quality standards adopted by the Commission shall subject a Marketer or regulated provider to civil penalties as determined by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-8-.08
Authority: O.C.G.A. Sec. 46-4-158.1.

History. Original Rule entitled "Penalties" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Rule 515-7-8-.09. Force Majeure.

The Commission recognizes that a Marketer's or Regulated Provider's performance data may be influenced by factors beyond its control. Accordingly, in the event of a force majeure, as defined by Rule 12 of AGLC's Commission-approved Tariff, a marketer or regulated provider may file a petition for an exception with the Commission seeking to have the scheduled service quality standards and/or benchmark results modified. The marketer or regulated provider will also be allowed to file an expedited petition seeking immediate relief from a payment of penalties as set forth in these Rules in the event of a force majeure. In any such petition, the marketer or regulated provider shall have the burden of demonstrating that the benchmark was not met due to causes beyond the marketer's or regulated provider's control and which could not have been avoided by exercise of due care. The filing of any such petition shall not stay any payments under these Rules unless otherwise ordered by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-8-.09
Authority: O.C.G.A. Sec. 46-4-158.1.
History. Original Rule entitled "Force Majeure" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Subject 515-7-9. NATURAL GAS MARKETERS' TERMS OF SERVICE.

Rule 515-7-9-.01. Definitions.

As used in this Utility Rule 515-7-9, the following terms shall have the following definitions:

(a) "Ancillary service" means a service that is ancillary to the receipt or delivery of natural gas, including without limitation storage, balancing, peaking, and customer services.

(b) "Commission" means the Georgia Public Service Commission.

(c) "Commodity sales service" means the sale of natural gas exclusive of any distribution or ancillary service.

(d) "Consumer" means a firm retail customer of commodity sales service and distribution service who uses such service or services primarily for personal, family or household purposes.

(e) "Consumer preferred method of communication" shall mean the method of written communication agreed upon by the marketer and the consumer regarding the method of notification the consumer shall receive in compliance with Commission Rules. Such preferred method of communication may include but need not be limited to: first class mail, bill message, email, text or other electronic means supported by the marketer.

(f) "Customer," for the purposes of this rule, shall have the same meaning as the term "consumer."

(g) "Customer service" means a function related to serving a consumer or retail customer including without limitation billing, meter reading, turn-on service, and turn-off service.

(h) "Distribution service" means the delivery of natural gas by and through the intrastate instrumentalities and facilities of a gas company or of a marketer certificated pursuant to O.C.G.A. § 46-4-153, regardless of the party having title to the natural gas.

(i) "Electing Distribution Company" or "EDC" means a gas company that elects to become subject to the provisions of this article and satisfies the requirements of O.C.G.A. § 46-4-154.

(j) "Fixed-term agreement" means a plan offered by a marketer to a consumer for the sale of natural gas, exclusive of any distribution or ancillary service, where all marketer charges and fees and terms and conditions of service remain the same for a specified period of time, unless modified by mutual consent of the marketer and the consumer.

(k) "Low-income residential consumer" means any person who meets the definition of a person who is qualified for the Low Income Home Energy Assistance Program (LIHEAP), as promulgated by the Department of Human Resources, pursuant to O.C.G.A. § 46-1-5.

(l) "Marketer" means any person certificated by the Commission to provide commodity sales service or distribution service pursuant to O.C.G.A. § 46-4-153 or ancillary services incident thereto.

(m) "Non-residential firm retail customer" means a small business or any other customer who purchases gas for purposes other than resale or residential use, and who either contracts for such service at the marketer's published price, whose actual or estimated gas usage for the previous or ensuing 12-month period is less than 15,000 therms or whose premises billed at the metering point is less than 15,000 square feet. For purposes of this rule, the term "non-residential firm retail customer" shall be synonymous with "consumer" and "customer", as provided in Commission Utility Rule Chapter 515-7-6.

(n) "Published price" means the charge assessed by a marketer for a therm of natural gas, and, if applicable, any separate or additional charges for interstate capacity and customer service that are on file with the Georgia Public Service Commission pursuant to Commission Rule 515-7-3-.04(14).

(o) "Regulated provider of natural gas" means the entity selected by the Commission to provide to consumers natural gas commodity service and ancillary services incident thereto in accordance with O.C.G.A. § 46-4-166.

(p) "Standard pricing unit" shall be the price charged for a therm of natural gas.

(q) "Variable-term agreement" means a plan offered by a marketer to a consumer for the sale of natural gas, exclusive of any distribution or ancillary service, where the marketer's charges and fees and terms and conditions of service may be subject to modification.

Cite as Ga. Comp. R. & Regs. R. 515-7-9-.01
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-156, 46-4-158.2, 46-4-160).
History. Original Rule entitled "Definitions" adopted. F. Aug. 13, 2002; eff. Sept. 2, 2002.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-9-.02. Terms of Service: Minimum Standards.

(1) A marketer's advertised prices shall reflect the prices or the pricing methodology in disclosure statements and billed prices and shall be presented in a standard pricing unit. In any advertisement, offer or agreement, a marketer shall specify a time limit by which any sales promotion item will be honored.

(2) A marketer shall not charge a consumer a service charge relating to a change from a previous marketer if such consumer has not changed marketers within the previous 12 months. However, in no event, shall a marketer charge a consumer a service charge in excess of the EDC's Commission-approved switch charge. Except as otherwise provided in a legally binding contract between the marketer and the consumer, no marketer shall require a notice period from a consumer if a consumer elects to change service to an alternative marketer.

(3) A marketer's terms and conditions of service shall be written in clear and understandable language and shall include the disclosure statement prescribed under Commission Rule 515-7-9-.04.

(4)

(a) Whenever a marketer offers a fixed term agreement and the expiration date of such agreement is approaching, or whenever a marketer proposes to change its terms of service under any type of agreement, the marketer shall provide advance written notification by mail or using the consumer preferred method of communication to the natural gas consumer at least two (2) billing cycles, or sixty (60) days, prior to the date of the agreement's expiration. This notification shall set forth all of the consumer's options at that point including, but not limited to, the option to seek another marketer. Additionally, a marketer shall provide a second written notification by mail or using the consumer preferred method of communication, mailed separately from the bill, no less than twenty-five (25) days prior to the expiration date of a fixed-term agreement. This second notification shall include, but not be limited to, the expiration date of the current fixed-term agreement, the rate and terms of a fixed-term agreement being offered, and the type of rate plan, including the terms and conditions, that the consumer will be placed on if the consumer does not make a known preference. The twenty-five

(25) day notice shall conspicuously disclose the ninety (90) day grace period described in (b) below.

(b) In cases where a consumer does not make a preference known, the marketer shall not place the consumer on a new fixed-term agreement unless the terms and conditions of the consumer current fixed-term agreement so provides. If the consumer is placed on a new fixed-term agreement, the marketer shall be prohibited from charging the consumer an exit fee or early termination fee for a period of ninety (90) days from the beginning of the new fixed-term agreement. In addition, the duration of the new fixed-term agreement shall not exceed the duration of the current fixed-term agreement.

(5) A marketer shall provide its consumers with clear and conspicuous information explaining how to terminate service.

(6) A marketer shall not charge cancellation fees to a low-income residential consumer seeking service for the first time from the regulated provider.

(7) The firm customer must be given the right to cancel their fixed rate contract with their current Marketer without an exit fee if they relocate to a different delivery group and a fixed rate is not offered by their current Marketer in the new delivery group. However, if the customer refuses to continue the term of their current fixed rate contract with their current Marketer, an exit fee may be charged.

(8) A marketer shall have and maintain the ability to process cash payments from consumers in this state.

(9) A marketer shall establish policies and procedures for handling billing disputes and requests for payment arrangements, which must be approved by the Commission.

(10) The consumer shall have a right to contact the Commission if he or she is not satisfied with the response of the marketer.

(11) All marketers shall be required to comply with all Commission Utility Rules, including, but not limited to the following: 515-3-3 - Residential Gas Utility Service Disconnections; 515-7-3 - Marketers' Certificates of Authority; and 515-7-6 - Natural Gas Marketer Billing Practices.

Cite as Ga. Comp. R. & Regs. R. 515-7-9-.02
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-156, 46-4-158.2, 46-4-160).
History. Original Rule entitled "Terms of Service: Minimum Standards" adopted. F. Aug. 13, 2002; eff. Sept. 2, 2002.
Amended: F. Apr. 20, 2004; eff. May 10, 2004.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-9-.03. Terms of Service: Approval.

(1) At least 30 days prior to the effective date of any changes in the terms and conditions (excluding price) for service authorized by the marketer's certificate of authority, a marketer shall file such changes with the Commission. Such changes to the terms and conditions of service shall go into effect on the effective date proposed by the marketer; provided, however, that the Commission shall be authorized to suspend the effective date of the proposed changes for up to 90 days if it appears to the Commission that the proposed terms and conditions are unconscionable or are unfair, deceptive, misleading, or confusing to consumers. If the Commission does not issue a final decision on the proposed terms and conditions of service within the 90-day suspension period, the proposed changes shall be deemed approved.

(2) A marketer shall file with the Commission its terms and conditions of service in compliance with the provisions of this Rule Chapter within 30 days after the date these rules take effect.

Cite as Ga. Comp. R. & Regs. R. 515-7-9-.03
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-156, 46-4-158.2, 46-4-160).
History. Original Rule entitled "Terms of Service: Approval" adopted. F. Aug. 13, 2002; eff. Sept. 2, 2002.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-9-.04. Disclosure Statement.

A marketer shall prepare a disclosure statement in an understandable format that enables consumers to compare prices and services on a uniform basis. Such information shall be in writing and shall be sent to consumers by mail or using the consumer preferred method of communication upon enrollment and upon request. The disclosure statement shall also be made available to consumers electronically. Said disclosure statement shall include, but not be limited to, the following information:

(a) For fixed rate charges for natural gas service, a clear disclosure of the components of the fixed rate, the actual prices charged by the marketer, presented in a single standard pricing unit that includes any charges imposed by the marketer or its agent, so that the consumer can compare rates among marketers. This disclosure shall not include state and local sales taxes. The standard pricing disclosure unit must include all recurring monthly charges.

(b) For variable rate charges for natural gas service, a clear and understandable explanation of the factors that will cause the price to vary and how often the price can change, the current price, and the ceiling price, if any, so that the consumer can compare rates among marketers. The current price and ceiling price, if applicable, shall be presented in a single standard pricing unit that includes any charges imposed by the marketer or its agent. This disclosure shall not include state and local sales taxes. The standard pricing disclosure unit must include all recurring monthly charges.

(c) A statement that the standard unit price does not include state and local taxes or charges imposed by the EDC.

(d) The length of the agreement, including the starting date and expiration date, if applicable, and any minimum usage requirements pursuant to the agreement.

(e) The billing interval, the method by which monthly charges imposed by the EDC will be billed to the consumer in the event the consumer commences or terminates service with the marketer during the billing interval, and any late payment, cancellation, or reconnection fees.

(f) The marketer's budget billing, payment (including receipt of monies from LIHEAP or any other energy assistance program), credit, deposit, cancellation, collection, and reconnection policies and procedures.

(g) How to contact the marketer for information or complaints.

(h) A statement of the natural gas consumer's right to contact the Commission if he or she is not satisfied with the response of the marketer, including the local and toll-free telephone numbers of these agencies.

(i) The division name and telephone number for information regarding heating assistance administered by the Department of Human Resources.

(j) The following statement: "A consumer shall have a three-day right of rescission following the receipt of this disclosure at the time of initiating service or when informed of a change in terms or conditions. You, the consumer, may cancel in writing or electronically by contacting the marketer."

(k) The following statement: "If you have a fixed term agreement with us and it is approaching the expiration date, or whenever we propose to change our terms of service in any type of agreement, you will receive written notification from us prior to the date of expiration of or change to the agreement. We will explain your options to you in this advance notification."

(l) A statement that deposits shall not exceed $150.00 for any consumer who primarily uses gas for personal family or household purposes.

(m) A statement that deposits shall not exceed twenty (20) percent of the consumer's annual estimated bill for any non-residential firm retail customer who meets the definition under Commission Rule 515-7-9-.01(l).

(n) A statement that the marketer will not charge a cancellation fee if the customer is a low-income residential consumer seeking service for the first time from the regulated provider.

(o) A statement that the marketer will not send estimated bills, except when the actual meter readings are not made available, and in that event, such estimated bills will be limited to no more than two consecutive months.

(p) A statement that gas service will be disconnected for failure to pay for service to the marketer, only if the marketer is the current marketer, and it has been at least fifteen (15) days since the consumer was notified that service would be disconnected.

(q) A statement that before a request is made to disconnect gas service for failure to pay, the marketer must offer at least one reasonable payment arrangement in writing.

(r) A statement that gas service will not be disconnected for nonpayment of a bill that was not sent to the consumer in a timely manner.

(s) A statement that the marketer will not prevent a consumer from obtaining distribution and commodity sales service from another marketer or provider.

Cite as Ga. Comp. R. & Regs. R. 515-7-9-.04
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-156, 46-4-158.2, 46-4-160).
History. Original Rule entitled "Disclosure Statement" adopted. F. Aug. 13, 2002; eff. Sept. 2, 2002.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-9-.05. Right to Rescission.

The consumer shall have three (3) days to cancel the agreement from the date the consumer receives either enrollment materials, notice of a change of terms and conditions, or notice of any new or additional charges. Said cancellation shall be timely if the marketer is contacted by telephone or electronically or a letter sent to the marketer is postmarked by the third day following receipt of said materials or notice pursuant to this subsection.

Cite as Ga. Comp. R. & Regs. R. 515-7-9-.05
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-156, 46-4-158.2, 46-4-160).
History. Original Rule entitled "Right to Rescission" adopted. F. Aug. 13, 2002; eff. Sept. 2, 2002.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-9-.06. Enforcement of Terms of Service Standard.

(a) In addition to any other remedies or actions that may be taken, marketers that fail to comply with any rule contained in Commission Utility Rule Chapter 515-7-9 shall be subject to the actions following by the Commission:

(1) If the Commission finds, after notice and opportunity for a hearing, that a marketer has failed repeatedly or has failed willfully to comply with the terms of service standards, the Commission may:

(a) Revoke the marketer's certificate;

(b) Suspend the marketer's certificate; and

(c) Adjust or place limitations on the marketer's certificate, including, but not limited to, prohibiting a marketer from accepting new customers until the marketer demonstrates that it has resolved any terms of service deficiencies found by the Commission.

(2) If the Commission finds, after notice and opportunity for a hearing, that a marketer has willfully violated the terms of service standards, the marketer shall be liable for a penalty not to exceed $15,000 for such violation and an additional penalty not to exceed $10,000 for each day during which such violation continues.

(b) In a situation in which a consumer has been subjected by a marketer to conduct alleged to be in violation of one or more provisions of this Commission Rule Chapter, the consumer shall notify the marketer in an effort to rectify the situation without the need for Commission intervention. A marketer shall use every reasonable means to resolve a customer complaint in order to prevent it from being brought to the Commission. If a consumer is unable to arrive at a solution with a marketer regarding such a dispute, the consumer has the right to file a complaint with the Commission. Should a dispute stemming from a marketer's terms of service be the subject of a Commission hearing at which it is found that the marketer was in violation of one or more of the Commission's rules and failed to use reasonable efforts to resolve it, the Commission shall issue an order directing the marketer to provide the consumer with the appropriate refund, credit or remedy pursuant to this Commission Rule and pay the consumer $100, plus either $5 per day, accruing from the date the Commission notified the marketer it was investigating the dispute, that the consumer's situation was not rectified or an amount determined by Order of the Commission. At such a hearing, the marketer shall have the burden of proof to show that it was in compliance with the Commission's Rules. In addition to the foregoing sanctions, the Commission also may order a marketer to pay all expenses incurred by the Commission as a result of having a hearing, including, but not limited to, court reporter transcription charges; hearing officer fees; and an amount of money equal to that which the Commission expended in Staff time in investigating, hearing and adjudicating the complaint; and pay as contemplated in O.C.G.A. 46-2-91 any and all penalties determined by the Commission to be appropriate in light of the circumstances presented.

(c) The penalties set forth in this Rule Chapter shall be in addition to those contemplated by any other provision of law, including, but not limited to, the "Fair Business Practices Act of 1975" O.C.G.A. § 10-1-390 in et.seq.

Cite as Ga. Comp. R. & Regs. R. 515-7-9-.06
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-156, 46-4-158.2, 46-4-160).
History. Original Rule entitled "Enforcement of Terms of Service Standards" adopted. F. Aug. 13, 2002; eff. Sept.

2, 2002.
Amended: F. June 18, 2018; eff. July 8, 2018.

Rule 515-7-9-.07. Record Retention and Requests.

(1) A marketer shall retain copies, electronic images or recordings of all communications to and from the customer, the EDC, or the Commission pursuant to this Rule Chapter for a minimum of one (1) year.

(2) Upon request, the marketer shall provide the Commission with a copy of any records maintained pursuant to this Rule Chapter within three (3) business days of such request.

Cite as Ga. Comp. R. & Regs. R. 515-7-9-.07
Authority: O.C.G.A. §§ 46-2-30, 46-4-150 et seq. (See especially, O.C.G.A. §§ 46-4-156, 46-4-158.2, 46-4-160).
History. Original Rule entitled "Record Retention and Requests" adopted. F. Aug. 13, 2002; eff. Sept. 2, 2002.
Amended: F. June 18, 2018; eff. July 8, 2018.

Subject 515-7-10. NATURAL GAS MARKETERS' CUSTOMER ENROLLMENT PROCEDURES.

Rule 515-7-10-.01. Commission Authority and Scope of Provisions.

(1) The requirements of these rules shall serve as minimum standards that must be employed by marketers in enrolling customers and maintaining their accounts for the purpose of providing natural gas services.

(2) Notwithstanding any provision of the law to the contrary, any person selected by an EDC, a certificated marketer, or a regulated provider may perform billing and meter reading services on behalf of such entity without first becoming certificated in accordance with the provisions of O.C.G.A. § 46-4-153, provided that a certificated marketer or regulated provider also submits meter reading data so obtained to the EDC in a timely manner.

Cite as Ga. Comp. R. & Regs. R. 515-7-10-.01
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (*See especially*, O.C.G.A. §§ 46-4-153, 46-4-160)
History. Original Rule entitled "Commission Authority and Scope of Provisions" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Oct. 4, 2018; eff. Oct. 24, 2018.

Rule 515-7-10-.02. Customer Enrollment.

(1) An order change for commodity sales service or distribution service shall not be submitted to a customer's existing marketer (or to the EDC, if the customer has not yet

selected a marketer) by a succeeding marketer or representative thereof unless and until such time as the existence of proper customer authorization to take such action is confirmed. For purposes of this Rule,"succeeding marketer" shall mean any marketer to whom a customer's account for commodity sales service or distribution service will been switched at such customer's request.

(2) The requisite confirmation shall be obtained by a succeeding marketer in at least one of the following manners:

(a) The succeeding marketer must obtain the customer's written authorization to effect such change utilizing a letter of agency that meets the requirements of Commission Rule Chapter 515-7-10-.04; or

(b) The succeeding marketer shall obtain the customer's verbal or electronic authorization to effect such change. All marketers electing to confirm sales verbally or electronically shall establish one or more toll-free numbers exclusively for that purpose. Calls placed to or from these numbers must connect a customer to a voice response unit or other similar device that will automatically record the origin of the number from which the call is placed, the type of service for which a change is requested, the marketer, regulated provider, or EDC from which the customer is presently receiving the service(s) for which a change is requested, the identity of the person requesting the change, information verifying the identity of the customer and the time and date on which a request for a change is made; or

(c) A qualified, independent third party has obtained the customer's verbal confirmation of authorization to submit the service change order, which confirmation is recorded by audio or electronic means that include the data and time of the transaction. The independent third party serving in this capacity shall confirm the change previously requested by use of appropriate verification data and such.

Independent third party verification shall:

(i) Be conducted by a live person and not a recording of any kind; and

(ii) Be conducted outside the presence of the marketer's sales representative; and

(iii) Should the consumer have a question; the verifying third party shall refer the customer back to the marketer's representative; or

(d) By any other verification procedures that may be specified by the Commission.

(3) Within seven (7) business days following confirmation by the EDC that a customer's service has been switched, the succeeding marketer shall send each new customer via first

class mail or by the consumer preferred method of communication, enrollment materials that contain, at a minimum, the following information:

(a) A written acknowledgement confirming that an order has been placed by a particular customer on a specified date;

(b) The name of the marketer that the customer has requested to provide service and the date on which the service will commence with the marketer;

(c) The marketer's terms and conditions of service;

(d) The marketer's fixed or variable term agreement offered to the customers, including the published price in effect at the time the change of service was confirmed pursuant to Commission Rule 515-7-10-.02(2);

(e) The mailing address, telephone number and e-mail address where the customer can notify the marketer to rescind an agreement pursuant to Commission Rule 515-7-9-.05, and the type of confirmation the customer will receive to verify that the said agreement was cancelled;

(f) The address and telephone number of a customer service representative of the succeeding marketer to whom consumer complaints may be forwarded, as well as the mailing address, email address, and telephone number of the Commission's Consumer Affairs Office;

(g) A copy of disclosure statement as required by Commission Rule 515-7-9-.04.

(4) Any marketer that uses a person, firm, company, partnership, corporation, association or entity in the marketing or telemarketing of its services shall be held accountable for any and all actions in which said person, firm, company, partnership, corporation, association or entity engage on behalf of the marketer, including, but not limited to, the imposition of penalties for violation of these or other Commission rules.

(5) In the event that a marketer uses another entity to send customers invoices for services rendered, the name of the marketer that is actually providing the natural gas service, as the name appears on its certificate of authority, must be conspicuously listed on the bills, subject to space limitations.

(6) No marketer shall be authorized to change a consumer's name so as to create a "turn-on" in lieu of a switch.

Cite as Ga. Comp. R. & Regs. R. 515-7-10-.02
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (*See especially*, O.C.G.A. §§ 46-4-158.2, 46-4-158.3, 46-4-160)
History. Original Rule entitled "Customer Enrollment" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Oct. 4, 2018; eff. Oct. 24, 2018.

Rule 515-7-10-.03. Retention of Records; Mandatory Disclosures That Must Be Made to a Customer When a Change in Marketer Is Requested.

(1) All letters of agency, copies of enrollment materials, recordings or other evidence that a consumer either newly established or initiated a change in service shall be maintained by a marketer for at least nine (9) months from the date on which the customer's service began. Failure to maintain such records shall constitute prima facie evidence that consent from the customer was not obtained to establish or switch service.

(2) Any telemarketing or direct mail solicitations or confirmation cards sent on behalf of a marketer seeking to change a customer's service must include the following disclosures:

(a) Identification of the marketer soliciting the change;

(b) A statement that the purpose of the call or confirmation card is to solicit a change of the customer's commodity sales service or distribution service;

(c) A declaration that the customer's service cannot be changed unless and until confirmation of the requested change is received in accordance with these rules; and

(d) A description of any charge(s) that may be imposed on a customer by any party for processing any change(s) in the customer's service.

(3) A request for information by a customer shall not be considered a request for a change of marketer. A confirmation card, as described herein, requiring the customer to deny or cancel a service order, shall not be sent out with any information package related to a customer's request for information.

(4) A record of the marketer and consumer's agreement to the consumer preferred method of communication shall be kept by the marketer for at least nine (9) months from the date of such communication, unless the consumer preferred method of communication is mail. If a consumer has not designated a preferred method of communication, the default method of communication shall be mail. Failure to maintain such records shall constitute prima-facie evidence that the customer did not consent to such form of communication as their preferred.

(5) A record of the communications between the consumer and the marketer through the consumer's preferred method of communication shall be maintained by the marketer for at least nine (9) months from the date of such communications. Failure to maintain such records shall constitute prima-facie evidence that those communications never took place.

Cite as Ga. Comp. R. & Regs. R. 515-7-10-.03
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (*See especially*, O.C.G.A. § 46-4-160)
History. Original Rule entitled "Retention of Records; Mandatory Disclosures That Must Be Made to a Customer When a Change in Marketer Is Requested" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.

Amended: F. Oct. 4, 2018; eff. Oct. 24, 2018.

Rule 515-7-10-.04. Contents of Letter of Agency.

(1) Any letter of agency utilized to confirm an order change for commodity sales service or distribution service shall meet the requirements specified herein.

(a) A letter of agency shall be a separate document or easily separable document for which the exclusive purpose is to direct a change in marketer. The letter of agency must be signed and dated by the customer requesting a change;

(b) The letter of agency shall not be combined with inducements of any kind that are contained on the same document;

(c) Notwithstanding the language contained in subparts (a) and (b) of this section, a letter of agency may be combined with checks that contain only the required letter of agency language prescribed in paragraph (d) of this section and the necessary information to make the check a negotiable instrument. Letters of agency contained in any such checks shall not include or otherwise reference any promotional language or information. Letters of agency contained in any such checks shall be set in easily readable, bold face type at least as large and as dark as any other size type on the check.

(d) At a minimum, a letter of agency must be printed in a size and readability equal to at least twelve (12) point Font and must contain clear and unambiguous language that confirms:

(i) The customer's billing name and address;

(ii) The customer's service address to which the letter of agency applies;

(iii) The decision to change from the customer's existing marketer or EDC to the succeeding marketer and the type(s) of service to be changed;

(iv) That the customer designates the succeeding marketer to act as the customer's agent for such change; and

(v) That the customer understands that any selection made by the customer may be subject to a charge for changing the customer's marketer and may involve a charge for changing back to the existing marketer or EDC.

(e) Letters of agency shall not suggest or require that a customer take any type of action in order to retain the customer's existing marketer EDC.

(f) If any portion of a letter of agency is translated into another language, all remaining portions of the letter of agency must be translated into that language.

Every letter of agency must be translated into the same language as any promotional materials, oral descriptions, or instruments provided with the letter of agency.

(2) A letter of agency that does not conform to the requirements specified herein is invalid.

(3) The EDC shall notify a marketer of any switch request that failed to be processed or was rejected and provide a reason for the occurrence. Upon receipt of such notification, a marketer shall have up to three (3) business days to notify the affected customer.

Cite as Ga. Comp. R. & Regs. R. 515-7-10-.04
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (*See especially*, O.C.G.A. §§ 46-4-159, 46-4-160)
History. Original Rule entitled "Contents of Letter of Agency" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Oct. 4, 2018; eff. Oct. 24, 2018.

Rule 515-7-10-.05. Investigation, Reporting and Customer Service.

(1) For purposes of this Rule,"preferred marketer" shall mean a marketer from whom a customer's account for commodity sales service or distribution service has allegedly been switched without such customer's consent, and "unauthorized marketer" shall mean a marketer to whom a customer's account for commodity sales service or distribution service has allegedly been switched without such customer's consent. A customer shall report any change in natural gas service to his, her or its preferred marketer and the unauthorized marketer, and may also contact the Commission. Upon receiving such a report, the preferred marketer and the provider alleged to be an unauthorized marketer each shall investigate the customer's complaint. If these investigations fail to result in a determination as to whether a change in marketer was made pursuant to proper authorization, the Commission may be contacted by the preferred marketer to provide assistance.

(2) An unauthorized marketer shall initiate action to change back the customer to the preferred marketer or another marketer of the customer's choice within three (3) business days after a customer's request for such change.

(3) An unauthorized marketer shall be responsible for paying all charges resulting from unauthorized changes in service(s) including, without limitation, any switch fee or other applicable tariff charges of the EDC. If the unauthorized marketer has billed the customer for any such charges, the customer's account shall be credited for any such charges by the unauthorized marketer within thirty (30) days of the date the Commission determined the consumer was a victim of involuntary switching.

(4) A marketer that directly or indirectly engages in conduct that results in the involuntary switching of a customer from his, her or its preferred marketer (also known as "slamming") shall not be entitled to any remuneration for service(s) provided to that

customer, and any such remuneration actually received by the unauthorized marketer shall be repaid to such customer within thirty (30) days of the date the Commission determined the customer was a victim of involuntary switching.

(5) Any marketer responsible for unauthorized changes of a customer's service provider shall maintain monthly records of the number of such changes and shall report such data to the Commission on a quarterly basis within forty-five (45) days following the end of the quarter.

(6) An unauthorized marketer shall not report to any credit-reporting agency monies alleged to be owed to it by a person that has been a victim of involuntary switching.

(7) Any marketer responsible for the involuntary switching of a customer's preferred marketer shall prepare and maintain monthly records of the number of instances in which such event occurred and shall report this data to the Commission, at least on a quarterly basis. The marketer shall make this report within forty-five (45) days after the end of a calendar quarter.

(8) As contemplated by this Rule, the phrase "involuntary switching" shall not be construed to encompass those situations in which customers are transferred to another marketer or marketers with the Commission's approval due to events that include, but are not limited to, bankruptcies and other authorized sales or transactions.

Cite as Ga. Comp. R. & Regs. R. 515-7-10-.05
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (*See especially*, O.C.G.A. § 46-4-160)
History. Original Rule entitled "Investigation, Reporting and Customer Service" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Oct. 4, 2018; eff. Oct. 24, 2018.

Rule 515-7-10-.06. Remedies and Sanctions.

(1) Notwithstanding anything to the contrary that may be contained elsewhere in these rules, any other activity or conduct which is intended to mislead, deceive, confuse or perpetrate a fraud or unfair or deceptive act or practice, including, but not limited to, the inclusion in any customer's bill of unauthorized, misleading or deceptive charges, shall constitute cause for the Commission to invoke the penalties identified in Commission Rule Chapter 515-7-10-.06.

(2) In a situation in which a consumer has been subjected by a marketer to conduct alleged to be in violation of one or more provisions of this Commission Rule Chapter, the consumer shall notify the marketer in an effort to rectify the situation without the need for Commission intervention. A marketer shall use every reasonable means to resolve a customer complaint in order to prevent it from being brought to the Commission. If a consumer is unable to arrive at a solution with a marketer regarding such a dispute, the consumer has the right to file a complaint with the Commission. Should a customer

enrollment issue be the subject of a Commission hearing at which it is found that the marketer was in violation of one or more of the Commission's rules and failed to use reasonable efforts to resolve the dispute, the Commission shall issue an order directing the marketer to provide the consumer with the appropriate refund, credit or remedy pursuant to this Commission Rule and pay the consumer $100, plus either $5 per day, accruing from the date the Commission notified the marketer it was investigating the dispute, that the consumer's situation was not rectified or an amount determined by Order of the Commission. At such a hearing, the marketer shall have the burden of proof to show that it was in compliance with the Commission's Rules. In addition to the foregoing sanctions, the Commission also may order a marketer to pay all expenses incurred by the agency as a result of having a hearing, including but not limited to, court reporter transcription charges; hearing officer fees; and an amount of money equal to that which the Commission expended in Staff time in investigating, hearing and adjudicating the complaint; and pay as contemplated in O.C.G.A. § 46-2-91 any and all penalties determined by the Commission to be appropriate in light of the circumstances presented. For purposes of Rule 515-7-10-.06(2), the term "consumer" shall means any retail purchaser (as that phrase is defined in O.C.G.A. § 46-4-152(15)) of natural gas.

(3) The penalties set forth in Commission Rule Chapter 515-7-10-.06 shall be in addition to those contemplated by any other provision of law, including, but not limited to, the "Fair Business Practices Act of 1975" O.C.G.A. § 10-1-390 et seq.

(4) Each instance in which an employee, representative or agent of a marketer forges a customer's signature on a letter of agency or otherwise falsifies evidence of a customer service change order shall constitute a separate violation of this rule.

(5) Any marketer engaging in any abusive marketing and/or telemarketing practices shall be subject to the penalty provisions set forth in Commission Rule Chapter 515-7-10-.06. Abusive marketing and/or telemarketing practices shall include, but not be limited to:

(a) Threats, intimidation or the use of obscene language.

(b) Causing any telephone to ring or engaging any person in a telephone conversation, repeatedly or continuously with the intent to annoy, abuse or harass any person called at that number.

(c) Engaging in outbound telephone calls to a person's residence at any time other than between 8:00 a.m. and 9:00 p.m. local time at the called person's residence, unless such person has consented to such calls prior to their initiation.

(6) Any marketer who violates the prohibition set out in 515-7-10-.05(6) shall be required by the Commission to pay such a consumer $1,000.00 for each such prohibited report.

(7) The provisions of Commission Rule 515-7-6-.04 shall apply to any disputed charges resulting from an alleged violation of Commission Rule 515-7-10.

Cite as Ga. Comp. R. & Regs. R. 515-7-10-.06
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (*See especially*, O.C.G.A. § 46-4-160)
History. Original Rule entitled "Remedies and Sanctions" adopted. F. Sept. 3, 2002; eff. Sept. 23, 2002.
Amended: F. Oct. 4, 2018; eff. Oct. 24, 2018.

Subject 515-7-11. CAPACITY SUPPLY PLANS.

Rule 515-7-11-.01. Definitions.

As used in this Utility Rule 515-7-11, the following terms have the following definitions:

(a) Act: The Natural Gas Competition and Deregulation Act as provided for in O.C.G.A. § 46-4-150*et seq.*

(b) Ancillary Service: A service that is ancillary to the receipt or delivery of natural gas, including without limitation, storage, balancing, peaking, and customer service.

(c) Capacity Supply Plan: The plan of the Electing Distribution Company for obtaining the interstate capacity assets necessary to make gas available on the EDC's system for firm distribution service to retail customers. Such a plan shall:

(i) Specify the range of the requirements to be supplied by interstate capacity assets;

(ii) Describe the array of interstate capacity assets selected by the EDC to meet such requirements;

(iii) Describe the criteria of the EDC for entering into contracts under such array of interstate capacity assets from time to time to meet such requirements; provided however, that a capacity supply plan approved or adopted by the Commission shall not prescribe the individual contracts to be executed by the electing distribution company in order to implement such plan; and

(iv) Specify the portion of the interstate capacity assets that must be retained and utilized by the EDC in order to manage and operate its system.

(d) Commission: The Georgia Public Service Commission.

(e) Commodity Sales Service: The sale of natural gas exclusive of any distribution or ancillary service.

(f) Distribution Service: The delivery of natural gas by and through the intrastate instrumentalities and facilities of a gas company or of a marketer certificated pursuant to O.C.G.A. § 46-4-153, regardless of the party having title to the natural gas.

(g) Electing Distribution Company: A gas company that elects to become subject to the provisions of the Act and satisfies the requirements of O.C.G.A. § 46-4-154.

(h) Firm Customer: A customer who purchases gas from a certified marketer on a firm basis that ordinarily is not subject to interruption or curtailment.

(i) Person: Any corporation, whether public or private; company; individual; firm; partnership; or association.

(j) Retail Customer: A person who purchases commodity sales service or distribution service and such purchase is not for the purpose of resale.

Cite as Ga. Comp. R. & Regs. R. 515-7-11-.01
Authority: O.C.G.A. Sec. 46-4-155.
History. Original Rule entitled "Definitions" adopted. F. Jan. 10, 2003; eff. Jan. 30, 2003.

Rule 515-7-11-.02. Commission Authority and Scope of Provisions.

(a) Consistent with Official Code of Georgia Annotated (O.C.G.A.) §§ 46-4-155(e), each Electing Distribution Company shall be required to develop and file for the Commission's review and approval Capacity Supply Plans, as described by the regulations in this Rule. These regulations establish guidelines for the development and submission of Capacity Supply Plan, including filing requirements enabling Commission oversight, review and monitoring, the establishment of hearing procedures, and provide for the periodic review of each EDC's Capacity Supply Plan. Interim monitoring is established through the reporting requirements. These regulations also provide for Capacity Supply Plan amendments.

(b) In the event of any conflict between the provisions of this Rule and applicable provisions of the Official Code of Georgia Annotated, including O.C.G.A. § 46-4-155 as it may be amended from time to time, the applicable provisions of the O.C.G.A. shall take precedence. Any such conflict as to one provision of this rule shall not, however, void or nullify any remaining provisions of this rule.

Cite as Ga. Comp. R. & Regs. R. 515-7-11-.02
Authority: O.C.G.A. Sec. 46-4-155.
History. Original Rule entitled "Commission Authority and Scope of Provisions" adopted. F. Jan. 10, 2003; eff. Jan. 30, 2003.

Rule 515-7-11-.03. Hearing Procedures.

(a) The following hearing procedure shall be used for Capacity Supply Plans:

1. Not less than ten days after any filing by an EDC of its Capacity Supply Plan for the following three years, the Commission shall conduct a public hearing on such filing. The EDC's testimony shall be under oath and shall, with any corrections

thereto, constitute the EDC's affirmative case, respectively. At any such hearing, the burden of proof to show that the proposed Capacity Supply Plan is appropriate shall be upon the EDC.

2. The provisions of law relating to parties, intervention, and discovery in proceedings before the Commission shall apply with respect to such proceedings.

3. Following such a hearing, the Commission shall issue an order approving the Capacity Supply Plan filed by the EDC or adopting a Capacity Supply Plan for the EDC that the Commission deems appropriate.

4. If, for any reason, the Commission does not issue an order by the 45th day after the EDC's filing which either approves the Capacity Supply Plan filed by the EDC or adopts a different Capacity Supply Plan for the EDC, the Capacity Supply Plan proposed by the EDC shall thereupon be deemed approved by operation of law.

Cite as Ga. Comp. R. & Regs. R. 515-7-11-.03
Authority: O.C.G.A. Sec. 46-4-155.
History. Original Rule entitled "Hearing Procedures" adopted. F. Jan. 10, 2003; eff. Jan. 30, 2003.

Rule 515-7-11-.04. Minimum Filing Requirements for the Electing Distribution Company.

At least every third (3rd) year following the date when the rates for commodity sales service within a delivery group or groups become no longer subject to Commission approval, the Electing Distribution Company ("EDC") shall file with the Commission a Capacity Supply Plan ("CSP") on or before August 1 of such year. As part of its CSP, the EDC shall include each of the following as minimum filing requirements:

(a) **Background:**

1. An organization chart of the EDC's current gas or capacity planning and management staffing. The requested organization chart shall provide both the positions and the names of personnel holding the positions.

2. A detailed description of each of the EDC's liquefied natural gas ("LNG") facilities including facility's liquefaction, storage, and vaporization capacities. The information on capacities shall include the following:

   i. Data on rated, planned, and maximum operating parameters;

   ii. A full description of any reserve allowance made for planned operation.

3. A narrative description of the EDC's methodologies for calculating the design day load.

(b) **Historical Data:**

The EDC shall provide the following:

1. The twenty-four (24)-hour average temperature (on 10 A.M. - 9:59 A.M. gas day basis) for the five (5) coldest days by pool, for each of the past nine (9) years.

2. An illustrative breakdown of the capacity asset array based on the most recently approved CSP.

3. An average daily weather pattern for planning purposes, using the immediate past ten (10) years of data.

4. The top five (5) peak days for each year out of the most recently approved CSP, by year for the total system, along with the available assets and their aggregate utilization for such days.

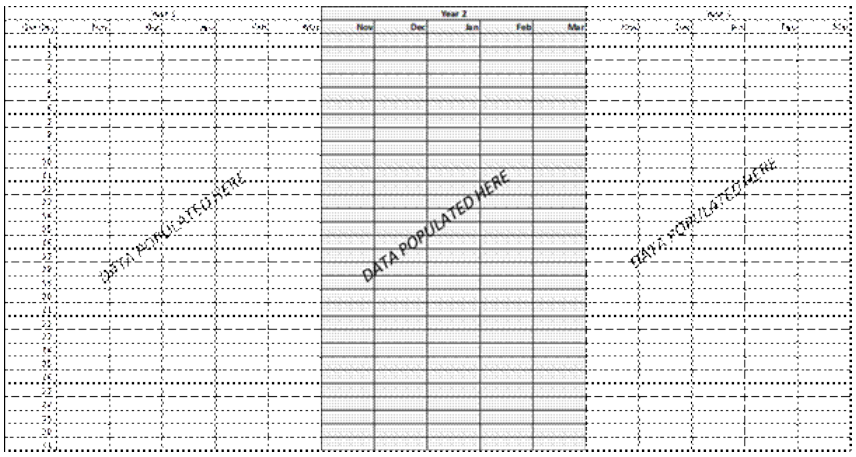
5. A summary comparing the ten (10)-year average monthly weather pattern to the total monthly heating degree days ("HDDs") experienced by the EDC, over the period covered by the most recently approved CSP.

6. A summary of the peak demand day for each year of the most recently approved CSP, along with the relevant weather attributes, including HDDs, wind speed, wind direction, cloud cover, and other relevant factors contributing to the actual firm demand.

7. Actual daily firm and interruptible throughput quantities by month and by primary pool measured in dekatherms for the period covered by the most recently approved CSP.

8. A summary table of the no-notice, bundled peaking sales service ("BPPSS") by month for November through March, in each of the past three (3) years. (See chart below)

9. A summary of discretionary BPPSS utilization by month for November through March, in each of the past three (3) years. (See chart below)



10. A brief description of the EDC's activities for the period covered by the most recently approved CSP, with respect to proceedings at the Federal Energy Regulatory Commission ("FERC").

11. A detailed description of any unplanned gas supply or capacity disruptions over the last six (6) years. Include:

    i. The dates and duration of the disruptions;

    ii. The nature and magnitude of the disruption;

    iii. The number of affected firm customers;

    iv. The amount of capacity lost; and

    v. Penalties incurred by the EDC due to capacity disruptions or loss.

12. A schedule, provided on a confidential basis, of penalties incurred by the poolers and marketers pursuant to supply mismatch ("SMM") violations imposed during the previous six (6) years. Include:

    i. Dates marketers incurred SMM violations, associated quantities, and the incentive charges the marketers incurred for failure to meet the liquefaction supply requirements ("LSR");

    ii. Dates marketers incurred SMM violations, associated quantities, and the incentive charges the marketers incurred for failure to meet the daily supply requirements ("DSR");

    iii. Dates poolers incurred SMM violations, associated quantities, and the incentive charges poolers incurred for such SMM violations;

iv. Dates and operational flow order ("OFO") types and sources of OFO imposed; and

v. Month-end cash out quantities and dollars incurred by poolers.

13. Actual data that supports the reasonableness of the EDC's forecast for each year from the most recently approved CSP by including:

    i. The daily variation between forecasted and actual throughput by primary pool group for firm customers;

    ii. The historical fitted values from the design day analysis by primary pool group for the actual firm load for the fifteen (15) coldest days;

    iii. The historical fitted values from the design day analysis by primary pool group for the actual firm load for the fifteen (15) highest load days; and

    iv. The historic days (by date and pool) that required the EDC to utilize BPPSS assets or successor services.

14. An analysis of use per billing unit over the historical analysis period in developing the design day forecast to identify trends in consumption. Such use per billing unit analysis shall consider input from the marketers and Commission Staff.

15. A summary of the monthly fixed costs over the period of time covered by the most recently approved CSP from the available firm gas supply resources.

16. A summary of the interstate pipeline contracts the EDC has or any other party whose contract or purchase agreement affects the EDC's CSP, including the following details:

    i. Parties;

    ii. Terms;

    iii. Firm transportation available daily, monthly, seasonally, and annually;

    iv. Storage available by month, including maximum daily injection quality ("MDIQ"), maximum daily withdrawal quality ("MDWQ"), and maximum storage quantity ("MSQ");

    v. Applicable prices and rates;

    vi. Information regarding receipt and delivery points;

    vii. The costs prior to any actions that would increase or reduce the costs; and

viii. Activities that would have reduced the reported costs shall be reported separately (e.g., capacity release, contract negotiations, rate case settlements).

17. A description of the method of transportation to and from storage and whether transportation services are included in the contracts with the storage services.

18. A detailed description of any analysis by the EDC concerning the economic consequences and potential risks associated with the extension of the term or termination for all the interstate pipeline contracts.

19. A complete history of the EDC's capacity release and acquisition activities, as it relates to the EDC's retained interstate pipeline capacity, performed by the EDC during the period covered by the most recently approved CSP. For each instance, include:

    i. Capacity release:

        a) Pipeline, released quantity, released price, released period, and the associated revenues or costs;

        b) The lawful rates allowed by FERC regulations;

        c) Whether recall conditions were placed on the release;

        d) Whether the capacity was recalled prior to the expiration of the release period;

        e) Whether the capacity release had been prearranged at a price other than the maximum lawful price and had not been subject to bid; and

        f) Whether the capacity release had been listed on the pipeline's bulletin board;

    ii. A detailed description of any pipeline or transportation capacity that was directly offered to or sought by the EDC, including details on the terms and conditions for such offered capacity and the reasons why the EDC accepted or rejected each individual opportunity;

    iii. A summary of all individual contracts with interstate pipelines, or any other party whose contract or purchase agreement affects the EDC's CSP; and

    iv. The amount of all firm capacity under contract from pipeline by the EDC, including but not limited to storage, LNG and peaking.

20. Information on interruptible customers who converted to firm service in aggregate by pool, including the date of conversion and the customer load characteristics.

(c) **Forecast Data:**

The EDC shall provide:

1. A description of how the forecasts were generated, including data in the analysis period which may have been excluded.

2. A forecast of daily firm load, by pool, for the next six (6) years, using the ten (10) year average daily weather pattern developed from the provided historical data. The six (6) year firm load forecast shall be used to support the proposed CSP and must include:

   i. All supporting data and work product(s) used to develop the firm load forecast model, along with copies of the input data and calculations used to compute the firm load forecast;

   ii. A description of how the firm load forecast was generated. Data in the analysis period which may have been excluded in the EDC's development of the firm load forecast shall also be included in the submission; and

   iii. A narrative description of how the firm load forecast and the approach or data used to develop the firm load forecast is different from the most recently approved CSP, if applicable, including a discussion of the differences and examples of how the changes improve forecasting accuracy when compared to historical information.

3. A forecast of design day firm load, by pool, for the next six (6) years. The six (6)-year design day firm load forecast shall be used to support the proposed CSP and must include:

   i. All supporting data and work product(s) used to develop the design day firm load forecast model, along with copies of the input data and calculations used to compute the design day firm load forecast;

   ii. A description of how the design day firm load forecast was generated. Data in the analysis period which may have been excluded in the EDC's development of the design day firm load forecast shall also be included in the submission;

   iii. A narrative description of how the design day firm load forecast and the approach or data used to develop the design day firm load forecast is different from the most recently approved CSP, if applicable, including a

discussion of the differences and examples of how the changes improve forecasting accuracy when compared to historical information; and

iv. Data for each primary pool. The data shall include, at a minimum:

a) The total number of billing units by each class and rate schedule; and

b) The total dedicated design day capacity ("DDDC") represented by each class and rate scheduled.

4. A summary of the projected utilization of interstate capacity assets, using firm load and design day firm load forecasts, including:

i. Sufficient information to enable the Commission to evaluate the reasonableness of the EDC's long-term interstate pipeline and storage contracts by providing the volume of gas flowed by contract by month, by year, and the corresponding load factors;

ii. The level of projected firm load requirements in total by month, by primary pool, for a six (6)-year forecast;

iii. A summary of the proposed utilization of all capacity including projected end of month storage levels by storage service included in the proposed plan on a contract-by-contract basis;

iv. In a format similar to the below table, a summary of the maximum daily winter deliver ability for each of the EDC's system supply source categories. The requested data shall be consistent with the proposed CSP;

All Units in Dth per Day	**YEAR 1**	**YEAR 2**	**YEAR 3**
Design Day Load			
5% Reserve Margin			
Firm Transportation			
Storage			
Peaking			
On-System Supply			
Total Supply			

v. An illustrative breakdown of the proposed capacity asset array;

vi. The current monthly pipeline rates for interstate assets;

vii. Detailed description of any proposed changes for each of the interstate assets from the most recently approved CSP versus the proposed CSP including capacity resources, distribution system and the EDC's LNG facilities that have altered their level of supply, dispatching or operation characteristics; and

viii. Estimated fixed cost charges for any proposed changes to each interstate asset per primary pool group.

5. Provide and specify the portion of the interstate capacity assets which must be retained and utilized by the EDC in order to manage and operate its system.

Cite as Ga. Comp. R. & Regs. R. 515-7-11-.04
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (*See especially*, 46-4-155)
History. Original Rule entitled "Minimum Filing Requirements for the EDC" adopted. F. Jan. 10, 2003; eff. Jan. 30, 2003.
Repealed: New Rule of same title adopted. F. Sept. 3, 2009; eff. Sept. 23, 2009.
Amended: New title "Minimum Filing Requirements for the Electing Distribution Company." F. Nov. 29, 2018; eff. Dec. 19, 2018.

Rule 515-7-11-.05. Capacity Supply Plan Amendments.

(1) Capacity Supply Plan Amendments.

(a) After a Capacity Supply Plan has become effective under the provisions of O.C.G.A. § 46-4-155 and as a result of a proceeding before the Commission, the Commission shall retain jurisdiction for the purposes set forth in O.C.G.A. § 46-4-155(e).

(b) Upon the application of the affected EDC, the Consumer's Utility Counsel of the Governor's Office of Consumer Affairs or upon its own initiative, the Commission may, after affording due notice and opportunity for hearing to the affected EDC and the intervenors in the proceeding, amend the Capacity Supply Plan.

Cite as Ga. Comp. R. & Regs. R. 515-7-11-.05
Authority: O.C.G.A. Sec. 46-4-155.
History. Original Rule entitled "Capacity Supply Plan Amendments" adopted. F. Jan. 10, 2003; eff. Jan. 30, 2003.

Rule 515-7-11-.06. Information Filing Requirements.

Ninety (90) days prior to the EDC entering into a new firm contract, or renews, cancels or materially amends an existing contract to purchase capacity, transportation or underground storage, or any other service authorized in its Capacity Supply Plan, it shall notify the

Commission by an informational filing within thirty (30) days of the change to the contract's status.

Cite as Ga. Comp. R. & Regs. R. 515-7-11-.06
Authority: O.C.G.A. Sec. 46-4-155.
History. Original Rule entitled "Informational Filing Requirements" adopted. F. Jan. 10, 2003; eff. Jan. 30, 2003.

Subject 515-7-12. STANDARDS FOR DETERMINING WHETHER NATURAL GAS PRICES ARE CONSTRAINED BY MARKET FORCES.

Rule 515-7-12-.01. Temporary Directives.

(1) If, in an expedited hearing pursuant to the provisions of Chapter 13 of Title 50, the Georgia Administrative Procedure Act:

(a) The Commission determines for a specific delivery group, as to which the Commission has issued an order pursuant to subsection

(b) of Code Section 46-4-156, that the prices for natural gas paid by firm retail customers in such delivery group are not constrained by market forces and are significantly higher than such prices would be if they were constrained by market forces; or (b) The Commission determines for a specific delivery group, as to which the Commission has not issued an order pursuant to subsection (b) of Code Section 46-4-156, that the prices charged by an electing distribution company to consumers for commodity sales services, which prices have not been approved by the Commission pursuant to Code Section 46-2-26.5, are generally not constrained by market forces and are significantly higher than such prices would be if they were constrained by market forces, then the Commission, on an emergency basis, may by order temporarily impose such directives on gas companies subject to its jurisdiction as are required to protect the interests of firm retail customers in such delivery group including but not limited to price regulations and the imposition upon the electing distribution company of the obligation to serve retail customers in such delivery group under the same or similar conditions to those under which such customers were served prior to customer assignment in such delivery group. In no event shall such emergency directives extend beyond the first day of July immediately following the next full annual session of the General Assembly after the imposition of such directives. In its order the Commission shall provide for recovery of all costs reasonably incurred by the electing distribution company in complying with the directives. Any such directives shall be drawn as narrowly as possible to accomplish the purpose of protecting the public on an interim basis. No such directive shall impose any condition upon the electing distribution company that unreasonably burdens the company. Such directives shall be immediately reviewable in the Superior Court of Fulton County in the same manner and subject to the same procedures as the review of any other contested case under the provisions of Code Section 50-13-19.

(2) If, in an expedited hearing pursuant to the provisions of Chapter 13 of Title 50, the Georgia Administrative Procedure Act, the Commission makes any of the determinations described in subsection (3) or (4) of this Rule, the Commission may, on a temporary basis, by order impose on marketers such directives as are required to protect the interest of firm retail customers in a specific delivery group, including but not limited to price regulations. In no event shall such emergency directives extend beyond the first day of July in the year immediately following imposition of such directives. Any such directives shall be drawn as narrowly as possible to accomplish the purpose of protecting the public on an interim basis. Such directives shall be immediately reviewable in the Superior Court of Fulton County in the same manner and subject to the same procedures as the review of any other contested case under the provisions of Code Section 50-13-19.

(3) Upon determination by the Commission that market conditions are no longer competitive, the Commission may impose directives as described in subsection (2) of this Rule. For purposes of this subsection, there shall be a rebuttable presumption that market conditions are not competitive if more than 90 percent of firm retail customers in a specific delivery group are served by three or fewer marketers; provided, however, that marketers who are affiliates shall be deemed to be one marketer for purposes of this subsection.

(4) Upon determination by the Commission, based upon the standards set forth below and after a hearing in which all interested parties have an opportunity to present relevant evidence regarding such standards, that prices paid by firm retail customers for natural gas in a specific delivery group are not constrained by market forces and are significantly higher than such prices would be if they were constrained by market forces, the Commission may impose directives as described in subsection (2) of this Rule. For purposes of this subsection, the Commission will utilize the following standards:

(a) Prices paid by firm retail customers for natural gas in a specific delivery group shall be considered to be not constrained by market forces if an emergency market failure results in excessive market power. A market failure shall be deemed an emergency if reasonably prudent firm retail customers are substantially harmed by the resulting market power. To the extent that it finds such information relevant in assessing if reasonably prudent firm retail customers can avoid being substantially harmed, the Commission may consider barriers to customer switching, the degree to which alternative choices do or may exist, and the amount of information about alternative choices available to consumers.

(b) If the standard established in (a) is met, the prices paid by the affected firm retail customers for natural gas in a specific delivery group shall be considered significantly higher than such prices would be if they were constrained by market forces if:

1. Over the prior 12 months, such prices are more than 20% higher than such prices would be if they were constrained by market forces;

2. Over the prior 3 months, such prices are more than 30% higher than such prices would be if they were constrained by market forces; or

3. The current prices are more than 50% higher than such prices would be if they were constrained by market forces. In determining what the prices would be if they were constrained by market forces, the Commission shall consider the wholesale price of natural gas, the cost of transportation, the costs of providing marketer services, and the impact of specific retail pricing structures, e.g., fixed price contracts. The Commission may also consider, to the extent that it finds such information relevant, the prices firm retail customers pay for natural gas in other areas of the southeast, the prices firm retail customers pay for natural gas in other states that have implemented retail competition, and the historical spread between wholesale and retail prices. Additionally, any such analysis may include the consideration of factors such as any cross-subsidization that may exist, operating and other risk borne by Marketers in competitive retail environments, and any other factors that affect the Marketers' cost of providing service.

(5) Any Order issued by the Commission pursuant to subsection (2) of this Rule shall set forth its findings of fact and conclusions of law. Findings of fact shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. As stated in subsection (2) of this Rule, any directive set forth in such Order shall be drawn as narrowly as possible to accomplish the purpose of protecting the public on an interim basis.

Cite as Ga. Comp. R. & Regs. R. 515-7-12-.01
Authority: O.C.G.A. Sec. 46-4-157.
History. Original Rule entitled "Temporary Directives" adopted. F. May 29, 2003; eff. June 18, 2003.

Subject 515-7-13. REGULATED PROVIDER GENERAL RULES AND SELECTION OF THE REGULATED PROVIDER.

Rule 515-7-13-.01. Commission Authority and Scope.

The Georgia Legislature has directed the Georgia Public Service Commission to create a Regulated Provider of natural gas service. Specifically, by July 1, 2002, the Commission shall select a Regulated Provider of natural gas to serve:

(1) Group 1, low-income residential consumers; and

(2) Group 2, firm natural gas consumers who have been unable to obtain or maintain natural gas commodity service, or whose utility payment history was cited by the Regulated Provider as a reason for the transfer from Group 1 to Group 2. The Commission is authorized to promulgate rules and regulations to implement this Code section.

Cite as Ga. Comp. R. & Regs. R. 515-7-13-.01
Authority: Authority O.C.G.A. Sec. 46-4-166.
History. Original Rule entitled "Commission Authority and Scope" adopted. F. Aug. 27, 2008; eff. Sept. 16, 2008.

Rule 515-7-13-.02. Definitions.

Terms used in these rules have the following meaning:

(a) "Act" means the Natural Gas Competition and Deregulation Act, as amended, as provided for in O.C.G.A. § 46-4-150*et seq.*

(b) "Bidder" means any party submitting a Bid Package in response to a Request for Proposal issued by the Commission.

(c) "Commission" means the Georgia Public Service Commission.

(d) "Consumer" or "Customer" or "End-Use Customer" means a retail customer of commodity sales service or of firm distribution service who uses such service or services primarily for personal, family, or household purposes.

(e) "Electing Distribution Company" or "EDC" means a gas company that elects to become subject to the provisions of the Act and satisfies the requirements of O.C.G.A. § 46-4-154.

(f) "Firm" means a type of distribution service that ordinarily is not subject to interruption or curtailment.

(g) "Gas" means natural gas.

(h) "Group 1" means the group of consumers served by the Regulated Provider who meet the definition of "low-income residential consumer" as set forth in O.C.G.A. § 46-4-152(12.1).

(i) "Group 2" means the group of consumers served by the Regulated Provider who have been unable to obtain or maintain natural gas commodity service; or whose utility payment history was cited by the Regulated Provider as a reason for the transfer from Group 1 to Group 2.

(j) "Marketer" means any person certificated by the Commission to provide commodity sales service or distribution service pursuant to O.C.G.A. § 46-4-153 or ancillary services incident thereto.

(k) "Regulated Provider of natural gas" means the entity selected by the Commission to provide to consumers natural gas commodity service and ancillary services incident thereto in accordance with O.C.G.A. § 46-4-166.

(l) "Universal Service Fund" means the fund created and administered by the Commission pursuant to O.C.G.A § 46-4-161.

Cite as Ga. Comp. R. & Regs. R. 515-7-13-.02
Authority: Authority O.C.G.A. Sec. 46-4-150*et seq.*
History. Original Rule entitled "Definitions" adopted. F. Aug. 27, 2008; eff. Sept. 16, 2008.

Rule 515-7-13-.03. General Rules for the Regulated Provider.

(1) The Commission's selection of the Regulated Provider shall be made through a competitive request for proposal process. Certificated marketers shall be eligible to submit proposals.

(2) Selection criteria for the Regulated Provider shall include, but not be limited to, the following:

(a) Financial viability, as defined in Code Section 46-4-153 and set forth in 515-7-13-.05(1)(a);

(b) Technical expertise, as defined in Code Section 46-4-153 and set forth in 515-7-13-.05(1)(b);

(c) The amount of the proposed deposit requirements, proposed price structure, proposed customer charge, and cost recovery;

(d) The terms and conditions proposed for transfers of consumers from Group 1 to Group 2 and from Group 2 to Group 1; and

(e) The terms and conditions proposed for termination of service for Group 1 consumers and Group 2 consumers.

(3) If no acceptable proposals are filed with the Commission for the Regulated Provider of natural gas, the Commission shall designate the EDC or any other gas or electric utility holding a certificate of public convenience and necessity from the Commission if it consents to serve as the Regulated Provider of natural gas. A Regulated Provider who is not a certificated marketer shall only be authorized to provide natural gas commodity service to Group 1 and Group 2 consumers.

(4) The Regulated Provider selected by the Commission shall establish rates for both Group 1 and Group 2 consumers. These rates shall be approved by the Commission as a part of the Selection Process for the Regulated Provider, as described in Commission Rule 515-7-13-.06(3).

(5) The Commission shall annually review the performance of the Regulated Provider. The Commission shall utilize the process set forth above to select a Regulated Provider of natural gas every two years. If the Commission determines, in its discretion, that such an action is in the public interest, the Commission may extend the service of a Regulated Provider for a third year, or may terminate the service of a Regulated Provider after one year.

(6) The Accounts Receivable of the incumbent Regulated Provider will be purchased by the winning Bidder.

Cite as Ga. Comp. R. & Regs. R. 515-7-13-.03
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, O.C.G.A. § 46-4-166)
History. Original Rule entitled "General Rules for the Regulated Provider" adopted. F. Aug. 27, 2008; eff. Sept. 16, 2008.
Amended: F. July 23, 2018; eff. August 12, 2018.

Rule 515-7-13-.04. Establishment of Rates, Terms and Conditions of the Regulated Provider.

(1) The rate for a Group 1 low-income residential consumer shall be based upon actual commodity cost, a reasonable rate of return, and an equitable share of the cost of the transportation and distribution system over which such consumer receives distribution.

(a) Any low-income residential consumer may transfer to the Regulated Provider without being required to pay in full any debt to a marketer for previous service and without termination in service due to failure to pay such a debt;

(b) The Regulated Provider shall have access to the Universal Service Fund to recover bad debt arising from service to low-income residential consumers in accordance with Commission Utility Rule 515-7-5, which is designed to encourage efficient debt collection practices by the Regulated Provider; and

(c) The EDC shall waive any customer charge for each low-income residential consumer whose age exceeds 65 years. A Group 1 low-income residential consumer served by the Regulated Provider at this rate shall be subject to transfer to Group 2 for failure to pay distribution or commodity charges under the terms and conditions specified in the proposal and accepted by the Commission.

(2) The rate for Group 2 consumers shall be set to incorporate risks associated with serving these customers.

(a) The Regulated Provider shall be authorized to terminate service to a Group 2 consumer for failure to pay for commodity or distribution service;

(b) The Regulated Provider shall not have access to the Universal Service Fund to recover bad debt arising from service to such consumers; and

(c) A Group 2 consumer shall be eligible to transfer to Group 1 if such a consumer meets the income criteria to receive service from Group 1 and meets the transfer criteria specified in the Consent Order entered into by the winning Bidder and adopted by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-7-13-.04
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, O.C.G.A. § 46-4-166)
History. Original Rule entitled "Establishment of Rates, Terms and Conditions of the Regulated Provider" adopted. F. Aug. 27, 2008; eff. Sept. 16, 2008.
Amended: F. July 23, 2018; eff. August 12, 2018.

Rule 515-7-13-.05. Pre-Qualification Process.

(1) All Bidders shall be required to submit information to the Commission in order to establish the Bidder's financial and technical qualifications necessary to serve as the Regulated Provider. Specifically, the Bidder must have sufficient technical and financial qualifications to complete an effective and efficient transition into its role as the new Regulated Provider.

The determination for pre-qualification of a Bidder's financial capability to serve as Regulated Provider will be based on the following:

(a) The Bidder's ability to meet the increased credit requirements of the EDC's approved security deposit necessary to serve customers (e.g., parental/corporate guarantee, letter of credit, surety bond);

(b) The Bidder's ability to manage the Regulated Provider's Group 1 and Group 2 customer load, including, but not limited to

1. Proficient knowledge and experience with the EDC's Gas Operating System and Electronic Bulletin Board systems;

2. Billing Services;

3. Customer Service; and

4. Interfacing with the Commission, Commission Staff, and other state agencies, as needed;

(c) The Bidder's ability to provide the additional resources needed to manage the Regulated Provider program without diminishing its ability to serve its existing customer base, if applicable;

(d) If applicable, the Bidder's past experience as Regulated Provider;

(e) The Bidder's compliance with the service quality standards as set forth in Commission Rule 515-7-8;

(f) The number of complaints that have resulted in enforcement action against the Bidder;

(g) The Bidder's ability to meet the required increased interstate pipeline security deposit necessary to serve customers;

(h) The Bidder's ability to manage bad debt and collections for the Regulated Provider's customer base;

(i) The Bidder's ability to provide the additional resources needed to manage the Regulated Provider program without diminishing its ability to serve its existing customer base, if applicable;

(j) The Bidder's ability to ensure against cross subsidization between Group 1, Group 2, and/or the Bidder's other customers; and

(k) The Bidder's ability to withstand reasonable financial losses and/or obligations in its Georgia operations by providing the following information:

1. The last three years of income statements, balance sheets, statement of cash flows, and all debt information. If available, this requirement can be satisfied by prior filings with the Commission;

2. In those instances in which a Bidder proposes to provide a corporation or parent company as the financial guarantor to be responsible for collateral requirements and/or obligations insuring against any losses incurred by the Regulated Provider, the most current six months of the corporation's or parent company's financial statements, as listed above (income statements, balance sheets, statement of cash flows, and all debt information), supported by the sworn certification of a Company officer;

3. Sufficient information to demonstrate that there is adequate funding to manage the cash flow/working capital requirements of the Regulated Provider during the winter months; and

4. A Parental or corporate guarantee must also be provided stating that the Parent or Corporation agrees to financially back the Bidder with a specific dollar amount.

(2) Within five (5) days of the Commission's issuance of the Request for Proposal, provided that a signed confidentiality agreement between the incumbent Regulated Provider and the prospective Bidder has been executed, the incumbent Regulated Provider shall provide the information listed below to the prospective Bidders for each month of the current Regulated Provider term. The incumbent Regulated Provider shall update such information to such potential Bidders each month thereafter until the Commission's determination of pre-qualification status.

(a) Total Accounts Receivables, write-offs, collections, and aging reports detailing the following receivables data broken out for both Group 1 and Group 2 customers:

(1) 30;

(2) 60;

(3) 90;

(4) 120 days;

(b) Bad debt reports for Group 1 and Group 2 for each quarter of operation, including but not limited to the following:

1. Dollar amounts in arrears; and

2. Write offs (dollar amount and number of customers);

(c) Number of shut-offs for non-payments submitted to the EDC for Group 1 and Group 2 including number of actual disconnections;

(d) Number of customer requested turn-offs for Group 1 and Group 2;

(e) Consumption data by pool group for both Group 1 and Group 2 customers;

(f) Number of inbound calls and average length of call, as well as any available breakdown of calls by general types of calls and subject matter (such as request for payment arrangements, request for duplicate copy of bill, inquiry regarding charges on bill, and so forth);

(g) Number of customers switching each month from Group 1 to Group 2 and number of customers switching each month from Group 2 to Group 1;

(h) Number of payment arrangements;

(i) A description and/or copy of a sample bill for Group 1 and Group 2 customers;

(j) The number of customers, by primary pool, broken down into Group 1 and Group 2;

(k) The average DDDC, broken down by primary pool and by Group 1 and 2;

(l) A description of customer education or assistance programs administered through or in conjunction with the Georgia Department of Human Resources ("DHR"), including any statistical information about monthly or yearly customer contacts in connection with these programs;

(m) A description of all non-propriety computer systems in place that provide for communication with the DHR and community action agencies;

(n) The amount of the deposit provided to the EDC and interstate pipelines in support of the Regulated Provider customer class; and

(o) A description of any fixed price or other commitments made to customers that extend beyond the scheduled term of the Regulated Provider.

(3) The Commission shall determine the potential Bidders' financial and technical capabilities to serve as Regulated Provider by the end of the calendar year in which the RFP is issued, unless the Commission extends the term of the incumbent Regulated provider, pursuant to O.C.G.A. § 46-4-166(f) prior to such time.

Cite as Ga. Comp. R. & Regs. R. 515-7-13-.05
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, O.C.G.A. § 46-4-166)
History. Original Rule entitled "Pre-Qualification Process" adopted. F. Aug. 27, 2008; eff. Sept. 16, 2008.
Amended: F. July 23, 2018; eff. August 12, 2018.

Rule 515-7-13-.06. Information to Be Included in the Request for Proposal.

(1) The Request for Proposal shall contain a timetable for the process, including deadlines for submission of pre-qualification information, Bid Packages, any proposed oral presentation dates, and the targeted Administrative Session date(s) for the Commission's consideration of selecting a Regulated Provider.

(2) The Request for Proposal for the Regulated Provider shall contain, at a minimum, the following provisions:

(a) The time period for which the Bidder will remain bound by the Terms and Conditions of its Bid Package;

(b) A statement that the Regulated Provider designation shall be made to the responsible Bidder whose proposal is determined to be the most advantageous for the ratepayers of Georgia, taking into account all of the evaluation factors set forth in the RFP;

(c) The minimum bidding requirements, which shall include, but not be limited to, the following:

1. Bids must disclose the amount of the proposed deposit requirements, price structure, proposed customer charge, and cost recovery;

2. Bids must disclose the terms and conditions proposed for service to Group 1 and Group 2 customers;

3. Bids must disclose the terms and conditions proposed for transfers of customers from Group 1 to Group 2 and from Group 2 to Group 1;

4. Bids must include the terms and conditions proposed for termination of service for Group 1 customers and Group 2 customers;

5. The Bidders must commit to work with Department of Human Resources in qualifying customers that may be eligible for service from the Regulated Provider;

6. The Bidders must agree to abide by the rules and regulations governing marketers;

7. The Bidders must demonstrate the ability to transition the customers from the current Regulated Provider with the least amount of customer confusion, and must provide a general description of the envisioned transition process;

8. The Bidders must work with the Commission Staff and the EDC to resolve any technical, financial, customer service, and gas supply issues;

9. The Bidders must comply with all Commission rules and regulations regarding the Regulated Provider, service quality standards, and any other applicable rule(s) approved by the Commission. Bidders must state any and all rules applicable to marketers for which they are seeking an exemption in their capacity as Regulated Provider;

10. Two years of pro forma financial statements to include income statement, balance sheet, statement of cash flows, and customer projections broken down between Group 1 and Group 2. All support for these quantifications

should be provided, including but not limited to assumptions, data, computations and electronic spreadsheets with formulas intact; and

11. Bid Packages shall provide the Bidder's proposal regarding the purchase of the Accounts Receivable of the incumbent Regulated Provider, as discussed in Commission Rule 515-7-13-.07.

(d) Stated evaluation factors, the assigned point values for each evaluation factor, and any additional points or consideration for Optional Enhancements that a Bidder may offer;

(e) A statement that no other factors or criteria other than those specified in the RFP shall be used in the evaluation;

(f) A statement that the Commission reserves the right to reject any and all proposals submitted in response to this request;

(g) The name and contact information for the Commission appointed Issuing Officer that the Bidder may contact regarding the RFP, Bidding process, or the Bidder's submission of a Bid package, as well as the following statement,"From the issue date of this RFP, until a Regulated Provider is selected and the selection is announced, Bidders are not allowed to communicate for any reason with any Commission Staff member concerning this RFP except through the Issuing Officer named herein. For violation of this process, the Commission shall reserve the right to reject the proposal of the offending Bidder.";

(h) A statement that the Commission reserves the right to amend the RFP prior to the date of proposal submission and that the amendments will be sent to all potential Bidders who originally received a copy of the RFP, withdraw the RFP at any time, regardless of whether it has received any acceptable bids, and that any amendments will be sent to all Bidders who originally received a copy of the RFP;

(i) A statement that prior to the decision date, a submitted proposal may be withdrawn by the Bidder by submitting a request to the Issuing Officer named herein, and that any such request must be signed by a person authorized to sign for the Bidder;

(j) A statement that the cost of developing the proposal is the sole responsibility of the Bidder, and that the State will not provide reimbursement for such costs;

(k) The number of complete Bid Package copies that should be submitted to the Commission. A statement that failure to provide the correct number of copies could result in rejection of the Bid Package;

(l) A statement that all material (Bid Packages, handouts, etc.) submitted in response to the RFP will become the property of the Commission and may be returned to the

Bidder at the option of the Commission, however, one copy shall be retained by the Commission for official files;

(m) Statements conveying that the pre-qualified Bidders may be invited to participate in oral presentations at a scheduled time to discuss their proposals. However, participation in oral presentations does not necessarily mean that the Bidder has met all of the RFP requirements. Oral presentations shall not be a substitute or a supplement for the Bid Package. New information presented at oral presentations shall not be utilized as part of the Evaluation Process;

(n) The Review and Evaluation Process as further detailed in 515-7-13-06(2);

(o) The Selection Process as further detailed in 515-7-13-.06(3);

(p) A timeline for the review of an Acceptable Bid;

(q) Specific point values or ranking methodology that will be utilized in the review and evaluation process;

(r) Optional Enhancements submitted as part of the Bid Package shall provide the Bidder the opportunity to enhance its score or ranking during the review and evaluation process. The Commission issued RFP shall prescribe the scope of the Optional Enhancements and any associated scoring or ranking values. The RFP shall clearly detail which enhancements, if any, the Commission will consider during the review and evaluation process; and

(s) A statement that "There is no assurance, expressed or implied, that an award will necessarily be made pursuant to this RFP. This RFP shall not give any rights to any respondent for any indemnification claims."

(3) The Request for Proposal shall provide for the Review and Evaluation Process that will be utilized in evaluating the Bid packages.

(a) The Review and Evaluation Process shall require the Commission Staff to review and evaluate each proposal submitted by utilizing criteria set forth in the RFP;

(b) Each proposal shall be given a total score and the Staff shall prepare a recommendation for selection to the Commission based on this scoring;

1. The Staff shall prepare and provide to the Commissioners a Bid Evaluation Sheet that will contain a final ranked number for each of the Bid Packages, where number 1 is the first choice, number 2 is second choice, etc.; and

2. Upon request, the Commissioners shall have access to individual scores and rankings by Staff members;

(c) The Commission Staff shall, at a minimum, review and evaluate the following:

1. Whether the rates offered to serve Group 1 customers are just and reasonable and offer a benefit to customers who are eligible for Group 1 service;

2. Whether the rates offered to serve Group 2 customers provide a realistic option for customers who are eligible for Group 2 service;

3. The amount of the proposed deposit requirements;

4. The proposed price structure;

5. The proposed customer service charge;

6. The proposed cost recovery methodology;

7. Whether the proposal has complied with the terms of the Commission-issued RFP; and

8. The proposed costs of transition to a new Regulated Provider.

(4) The Request for Proposal shall provide for the Selection Process that will be utilized in evaluating the Bid packages .

(a) The Commission shall utilize the following Selection Process for the Regulated Provider:

1. The Commission shall select the winning Bidder by such date as to allow adequate time for the Commission Staff and the winning Bidder to develop a Consent Order to be considered by the Commission;

2. Upon the selection of a winning Bidder, the Commission Staff and the winning Bidder shall develop a Consent Order for the Commission's consideration. The Consent Order shall contain, at a minimum, a) the rates, terms and conditions for Group 1 and Group 2, b) the terms and conditions for a transfer from Group 1 to Group 2, c) the terms and conditions for a transfer from Group 2 to Group 1, d) the number of days between bill date and due date, and e) the amount of money to be collected from the USF per Group 1 customer;

3. If the Commission Staff and the winning Bidder cannot agree on the terms for the Consent Order, the Commission shall resolve the outstanding issue(s); and

4. The Commission shall consider the adoption of the Consent Order by such a date to allow for an adequate transition to a new Regulated Provider.

(b) The Commission shall consider each proposal in a manner that does not disclose the contents of the proposal to competing Bidders. The Commission reserves the right to reject any and all proposals made pursuant to this RFP, to request the submission of a best and final offer, and to amend or supplement this RFP at any time.

(c) The Commission reserves the right to determine that any and all proposals are not acceptable or that it is otherwise in the public interest not to accept any of the bids submitted in response to the RFP.

(5) The Request for Proposal shall provide for the transition process that will be utilized, as further detailed in 515-7-13-.07.

Cite as Ga. Comp. R. & Regs. R. 515-7-13-.06
Authority: Authority O.C.G.A. Sec. 46-4-166.
History. Original Rule entitled "Information to Be Included in the Request for Proposal" adopted. F. Aug. 27, 2008; eff. Sept. 16, 2008.

Rule 515-7-13-.07. Regulated Provider Transition Process.

(1) If the Commission issues an Order selecting a new Regulated Provider, the incumbent Regulated Provider and the newly selected Regulated Provider shall meet to negotiate the transfer of customers, accounts receivable, any computer system transfers, storage volumes, and any other issues that should be addressed. The parties shall provide updates to the Commission at no less than thirty (30) day intervals after the issuance of the Commission's Order selecting a new Regulated Provider.

(2) The incumbent Regulated Provider and the winning Bidder shall negotiate the terms of Accounts Receivable transaction (including any flat fees, discounted rates, date(s) for transactions, etc.). If the parties cannot negotiate acceptable terms within a pre-determined timeframe, the Commission shall determine the terms for the transaction. For purposes of this rule, the pre-determined timeframe shall be no longer than forty-five (45) days after the Commission issues an Order selecting a new Regulated Provider.

(3) The newly selected Regulated Provider shall send at least two (2) notices by mail or by using the consumer preferred method of communication to all Regulated Provider customers notifying the customers of the change in the Regulated Provider.

(a) The notices shall be reviewed and approved by the Commission Staff prior to sending to customers. The notices shall contain, at a minimum, the following language:

1. "Beginning on [effective date of transfer], your Regulated Provider natural gas service will be provided by [new Regulated Provider]."

2. "Your Group 1 [variable/fixed] rate will be as follows $[amount] per therm, and your customer service charge will be $[amount]" or "Your Group 2 [variable/fixed] rate will be as follows $[amount] per therm, and your customer service charge will be $[amount]."

3. "You are still required to pay any remaining balances or past due amounts to the previous Regulated Provider, [Incumbent Regulated Provider]."

4. "Your last bill from the previous Regulated Provider, [Incumbent Regulated Provider] will be due within xx days of receipt."

(b) The first notice shall be sent sixty (60) days in advance of the transition and would provide detailed information on the date the new Regulated Provider will begin billing customers, any changes to the terms of service and new contact information.

(c) The second and final notice would be sent thirty (30) days in advance of the transition and would include the new Regulated Provider's welcome kit and a message from the incumbent Regulated Provider advising customers that this would be the last bill from the incumbent Regulated Provider.

Cite as Ga. Comp. R. & Regs. R. 515-7-13-.07
Authority: O.C.G.A. §§ 46-2-30, 46-4-150*et seq.* (See especially, O.C.G.A. § 46-4-166)
History. Original Rule entitled "Regulated Provider Transition Process" adopted. F. Aug. 27, 2008; eff. Sept. 16, 2008.
Amended: F. July 23, 2018; eff. August 12, 2018.

Rule 515-7-13-.08. Utilization of the Universal Service Fund.

The Universal Service Fund shall be utilized in the manner prescribed by O.C.G.A. § 46-4-166.

Cite as Ga. Comp. R. & Regs. R. 515-7-13-.08
Authority: Authority O.C.G.A. Sec. 46-4-161.
History. Original Rule entitled "Utilization of the Universal Service Fund" adopted. F. Aug. 27, 2008; eff. Sept. 16, 2008.

Rule 515-7-13-.09. Bankruptcy of the Regulated Provider.

In the event that the Regulated Provider files for bankruptcy, and fails to maintain the ability to adequately serve Regulated provider customers, all of the customers of the Regulated Provider shall be randomly assigned to all certificated marketers, pursuant to Commission Utility Rule 515-7-4 unless prohibited by the Federal Bankruptcy Code 11 U.S.C. Sec 101 *et seq.*, or by order of the Federal Bankruptcy court.

Cite as Ga. Comp. R. & Regs. R. 515-7-13-.09
Authority: Authority O.C.G.A. Sec. 46-4-166.
History. Original Rule entitled "Bankruptcy of the Regulated Provider" adopted. F. Aug. 27, 2008; eff. Sept. 16, 2008.

Chapter 515-8. EMPLOYMENT AND USE OF SERVICE OBSERVING EQUIPMENT.

Subject 515-8-1. EMPLOYMENT AND USE OF SERVICE OBSERVING EQUIPMENT.

Rule 515-8-1-.01. Application for License.

Every subscriber of any telephone company authorized to do business in this State desiring the employment and use of any equipment or device which is owned by the subscriber or furnished by a telephone company authorized to do business in this State under proper tariffs filed with and approved by the Georgia Public Service Commission, which may be attached to any telephonic equipment which permits the interception of telephonic communications solely for the purposes of business service improvement shall make application to the Georgia Public Service Commission for a license for the employment and installation of such equipment on the form prescribed by the Commission, and designated as "Application for Telephone Service Observing Equipment License" consisting of six pages.

Cite as Ga. Comp. R. & Regs. R. 515-8-1-.01
Authority: Ga. L. 1967, p. 844; 1968, pp. 1249, 1331; Ga. Code Ann., Sec. 26-3005; 1991, pp. 1040-1042.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: New Rule, same title, adopted. F. Jul 24, 1992; eff. August 13, 1992.

Rule 515-8-1-.02. Notice of Hearing.

Upon receipt of an application for a license on the form prescribed herein the Commission will designate a time and place for hearing. The Commission will give notice thereof to the applicant at least ten days in advance of the date assigned for the hearing. Upon approval of the application a license shall be issued in the form identified as "license to use service observing equipment".

Cite as Ga. Comp. R. & Regs. R. 515-8-1-.02
Authority: Ga. L. 1967, p.844; 1968, pp. 1249, 1331; Ga. Code Ann., Sec. 26-3005; 1991, pp. 1040-1042.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: New Rule, same title, adopted. F. Jul. 24, 1992; eff. Aug. 13, 1992.

Rule 515-8-1-.03. License Revoked for Cause.

A license shall be revoked by the Commission when it is established to the satisfaction of the Commission, after notice and hearing on an order to show cause against the holder of such license, that such equipment is being used in an unlawful manner contrary to the tariff applicable to such equipment, or in a manner contrary to the purposes and uses for which the license has been issued, or if it shall subsequently be discovered a material misrepresentation of fact shall have been made in applying for the license. All other licenses shall be canceled and revoked upon discontinuance of the use of such equipment, or upon surrender of such license to the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-8-1-.03
Authority: Ga. L. 1967, p. 844; 1968, pp. 1249, 1331; Ga. Code Ann., Sec. 26-3005; 1991, pp. 1040-1042.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: New Rule entitled "License a Prerequisite for Installation of Equipment" adopted. F. Jul. 24, 1992; eff. Aug. 13, 1992.

Rule 515-8-1-.04. License A Prerequisite For Installation Of Equipment.

Service observing equipment shall not be installed, provided or continued in service unless and until a license for the use of such equipment shall have been issued by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-8-1-.04
Authority: Ga. L. 1967, p. 844; 1968, pp. 1249, 1331; Ga. Code Ann., Sec. 26-3005; 1991, pp. 1040-1042.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: New Rule entitled "License a Prerequisite for Installation of Equipment" adopted. F. Jul. 24, 1992; eff. Aug. 13, 1992.

Rule 515-8-1-.05. Duties of Users of Service Observing Equipment.

(1) Except as provided herein, it shall be the duty and obligation of any licensed user of service observing equipment to prominently display on every telephone instrument subject to service observing a notification to such effect. Said notification shall be in the form of official gummed labels which will be issued by the Commission at the time a license is issued. Failure to prominently display the notification at all times shall be cause for revocation of the license. Holders of licenses for service observing equipment issued prior to the effective date of this Rule shall within thirty (30) days from said effective date obtain the requisite number of labels from the Commission and affix the same to those instruments which are subject to service observing. If an employee or independent contractor of a holder of the license is in a work-from-home arrangement and subject to monitoring via service observing equipment, the holder of the license shall obtain from each such person a signed acknowledgement that states as follows:

"I acknowledge that the device(s) I use for work-related communications are subject to service observing."

The signed acknowledgement form should be obtained from such person by the first day of the work-from-home arrangement and thereafter by the first business day in January in each subsequent year and shall be retained by the holder of the license for a period of not less than five years.

(2) It shall be the duty and obligation of any licensed user of Service Observing equipment to promptly notify the Commission of any changes in the status of its certification. Such changes may include, but are not limited to: the discontinuance of the use of such equipment, changes in the specified list of telephone numbers subject to service observing, changes in the firm name or address and so forth.

(3) Provisions regarding the recording of telephone conversations are contained in the applicable state and federal statutes. The Georgia Public Service Commission has no rules governing the recording of telephone conversations.

(4) A violation of any of the provisions of this Rule shall be a violation of Part 1 of Article 3 of Chapter 11 of Title 16 of the Georgia Code.

Cite as Ga. Comp. R. & Regs. R. 515-8-1-.05
Authority: Ga. L. 1967, p. 844-1968, pp. 1249, 1331; Sec. 26-3005, 1991, pp. 1040-1042; O.C.G.A. § 16-11-65.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: New Rule same title, adopted. F. Jul. 24, 1992; eff. Aug. 13, 1992.
Amended: F. Aug. 26, 2021; eff. Sept. 15, 2021.
Amended: (**Note:** Rule amended to only cite title change (i.e., no change to the Rule text) from "Mutual Duties of Users of Service Observing Equipment and Telephone Company Issuing Telephone Directories" to "Duties of Users of Service Observing Equipment" as promulgated and adopted on Aug. 17, 2021, but inadvertently omitted in Aug. 26, 2021 filing, as specified by the Agency.) F. Oct. 25, 2021; eff. Nov. 14, 2021.

Chapter 515-9. SAFE INSTALLATION AND OPERATION OF NATURAL GAS TRANSMISSION AND DISTRIBUTION SYSTEMS.

Subject 515-9-1. SAFE INSTALLATION AND OPERATION OF NATURAL GAS TRANSMISSION AND DISTRIBUTION SYSTEMS.

Rule 515-9-1-.01. Safe Installation and Operation of Natural Gas Transmission and Distribution Systems.

By virtue of the authority vested in the Commission by law and pursuant to orders issued by the Commission on May 4, 1967, July 6, 1967, April 23, 1968, and October 29, 1970, all 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" (C.F.R. 49, Parts 191 and 192) are by this Rule made the Rules and Regulations of the Georgia Public Service Commission for the safe installation and operation of all natural gas transmission and distribution facilities by companies subject to the jurisdiction of the Commission within this State. (These Federal rules are prescribed as minimum standards for observance by cooperating State Commissions and the individual States cannot promulgate less strict rules for this purpose. The Georgia Public Service Commission has not varied from these Federal standards. Due to the volume of these Federal rules, to changes made therein which this Commission cannot control and to the ready availability of such rules from the Federal Government, those rules are not reproduced herein. Full current sets of the rules may be obtained from the United States Department of Transportation, Office of Pipeline Safety, Washington, D.C. If and when the Georgia Public Service Commission undertakes to adopt rules more strict than those Federal rules, such adoption will adhere to the provisions of the Administrative Procedure Act and will be published herein.)

Cite as Ga. Comp. R. & Regs. R. 515-9-1-.01
Authority: Ga. L. 1956, pp. 104-110; 1967, pp. 650-651; 1975, Sec. 2, p. 406; 1989, p. 692; C.F.R. 49, Parts 191, 192.
History. Original Rule entitled "Safe Installation and Operation of Natural Gas Transmission and Distribution Systems" was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: New Rule, same title, adopted. F. Sept. 10, 1990; eff. Sept. 30, 1990.

Rule 515-9-1-.02. Safety Standards for Liquefied Natural Gas Facilities.

By virtue of the authority vested in the Commission by law, all rules, regulations and amendments thereto prescribed by the United States Department of Transportation applicable to "Liquefied Natural Gas Facilities; Federal Safety Standards" (C.F.R. 49, Part 193) are by this Rule made the Rules and Regulations of the Georgia Public Service Commission for all natural gas transmission and distribution companies subject to the jurisdiction of the Commission within the State of Georgia. The Georgia Public Service Commission has not varied from these Federal Standards. Due to the volume of these Federal rules, to changes made therein which this Commission cannot control and to the ready availability of such rules from the Federal Government, those rules are not reproduced herein. Full current sets of the rules may be obtained from the United States Department of Transportation, Material Transportation Bureau, Washington, D.C. If and when the Georgia Public Service Commission undertakes to adopt rules more strict than those Federal rules, such adoption will adhere to the provisions of the Administrative Procedure Act and will be published herein.)

Cite as Ga. Comp. R. & Regs. R. 515-9-1-.02
Authority: Ga. L. 1956, pp. 104-110; 1967, pp. 650-651; 1975, Sec. 2, p. 406; 1989, p. 692.
History. Original Rule entitled "Notification of Proposed Construction" was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: New Rule entitled "Safety Standards for Liquefied Natural Gas Facilities" adopted. F. Sept. 10, 1990; eff.

Sept. 30, 1990.

Rule 515-9-1-.03. Pipeline Safety Drug Testing.

By virtue of the authority vested in the Commission by law, all rules, regulations and amendments thereto prescribed by the United States Department of Transportation applicable to Pipeline Safety Regulation,"Drug Testing: Federal Safety Standards" (C.F.R. 49, Parts 199 and 40) are by this Rule made the Rules and Regulations of the Georgia Public Service Commission for all natural gas transmission and distribution companies subject to the jurisdiction of the Commission within the State of Georgia. The Georgia Public Service Commission has not varied from these Federal Standards. Due to the volume of these Federal rules, to changes made therein which this Commission cannot control and to the ready availability of such rules from the Federal Government, those rules are not reproduced herein. Full current sets of the rules may be obtained from the United States Department of Transportation, Material Transportation Bureau, Washington, D.C. If and when the Georgia Public Service Commission undertakes to adopt rules more strict than those Federal rules, such adoption will adhere to the provisions of the Administrative Procedure Act and will be published herein.

Cite as Ga. Comp. R. & Regs. R. 515-9-1-.03
Authority: Ga. L. 1956, pp. 104-110; 1967, pp. 650-651; 1975, Sec. 2, p. 406; 1989, p. 692.
History. Original Rule entitled "Pipeline Safety Drug Testing" adopted. F. Sept. 10, 1990; eff. Sept. 30, 1990.
Amended: F. Aug. 13, 1999; eff. Sept. 2, 1999.

Rule 515-9-1-.04. Notification of Proposed Construction.

At least ten (10) days prior to the start of any new construction [as defined in Commission Utility Rule 515-9-3-.02(f)] of (A) any transmission or distribution gas mainline or (B) any gas service line where the actual, planned or proposed replacement, relocation, construction, expansion or extension of such service line would be within 2,000 feet of the gas main or service lines of another gas operator, as shown on maps provided by that operator to the gas system operator proposing to engage in new construction or as otherwise known to such proposing gas system operator,-- a Report on GPSC Form GC-1 (developed by the Commission and an example of which is attached hereto as Exhibit A) shall be filed electronically with the Commission under Docket Number 24033-U and shall be sent electronically or via certified mail to each local distribution company, municipality, or other gas operators having distribution lines in the same county or counties where such construction is proposed. The electronic or certified mail notice shall be sent to each such other gas operator at the last address or addresses provided to the Commission by such operator; and it shall be the responsibility of each gas operator to keep such addresses current for the purpose of receiving notifications under this Rule. Prior notification would not be necessary in case of an emergency condition. An emergency condition is classified as the immediate reconstruction of a pipeline due to a hazardous condition or the immediate construction of a pipeline necessary to maintain gas service; and notification within 10 days after such emergency construction or repair would be sufficient. For good cause, the Commission's Facilities Protection Unit Director or such Director's designee may authorize construction to commence less than ten (10) days after the electronic filing required by this Rule. Once adopted

by the Commission with this amendment to this Rule, such new GC-1 Form may be modified from time to time by order of the Commission. The terms "new construction" and "service line" as used in this Rule shall have the same meaning as prescribed in Commission Utility Rule 515-9-3-.02. Notwithstanding any other provision of this Rule, the replacement of a service line for the sake of integrity is maintenance (that is, attempting to maintain existing service) and does not require the filing and service of a GC-1 Form; provided, however, that the looping of lines for the purpose of increasing throughput will be considered new construction and requires the filing and service of a GC-1 Form, provided, further, that any GC-1 filing with the Commission shall expire if construction on the facilities covered thereby is not commenced within 45 days after the date of such filing, and any subsequent construction on such premises shall require the filing and service of a GC-1 Form. A sample GC-1 Form is attached hereto as Exhibit A.

EXHIBIT A

DOCKET NO. 24033-U

GEORGIA PUBLIC SERVICE COMMISSION

FORM GC-1

REPORT OF SPECIFICATIONS OF PROPOSED

CONSTRUCTION

Operator: _____ Date _____

Authorized Representative:

_____

Title:

_____

Home County:

_____

Certificate number (if construction is outside Home County):
_____

Construction Route:

From Street/Mile Post #:_____ County: _____

To Street/Mile Post #:_____ County: _____

New Construction: _____ Reconstruction: _____

Estimated Dates: Start of Construction:

_____

Completion of Construction:

_____

Length of Pipeline(s):_____

Size of Pipeline(s):_____

Type and/or Grade of Pipeline(s):_____

Operating Pressure: _____

Cite as Ga. Comp. R. & Regs. R. 515-9-1-.04
Authority: O.C.G.A. Secs. 46-2-20, 46-2-30.
History. Original Rule entitled "Notification of Proposed Construction" adopted. F. Sept. 10, 1990; eff. Sept. 30, 1990.
Amended: F. Oct. 3, 2007; eff. Oct. 23, 2007.
Note:

File electronically with Commission's Pipeline Safety Unit 10 days prior to construction under a subject line of "GC-1, GPSC Docket No. 24033-U" and electronically or via certified mail to every gas operator (LDC, municipality, or other gas supplier) in the county or counties where construction is proposed.

Rule 515-9-1-.05. Leak Standards.

Natural gas leaks shall be classified at three levels as described in Exhibits "A","B", and "C" attached hereto.**

* Form GC-1 appears on page 78.02

** Exhibits A, B and C start on page 78.02-1

GEORGIA PUBLIC SERVICE COMMISSION

FORM GC-1

REPORT OF SPECIFICATIONS OF PROPOSED CONSTRUCTION

Operator: Date:_____ Date:_____

Mailing Address:_____

_____

Authorized Representative:_____

Title:_____

Construction Route:_____

From Street/Mile Post #:_____ County:_____

To Street/Mile Post #:_____ County:_____

New Construction:_____ Reconstruction:_____

Estimated Dates: Start of Construction:_____

Completion of Construction:_____

Length of Pipeline(s):_____

Size of Pipeline(s):_____

Type and/or Grade of Pipeline(s):_____

Operating Pressure:_____

Sent To: Georgia Public Service Commission

Gas Safety Office

244 Washington Street, S.W.

Atlanta, GA 30334

EXHIBIT "A"

GRADE	DEFINITION	ACTION CRITERIA	EXAMPLES
1	A leak that represents an existing or probable hazard to persons or property, and requires immediate repair or continuous action until the	Requires prompt action * to protect life and property, and continuous action until	1. Any leak which, in the judgement of operating personnel at the scene, is regarded as an immediate hazard.

	conditions are no longer hazardous.	the conditions are no longer hazardous. * The prompt action in some instances may require one or more of the following: a. Implementation of company emergency plan (192.615) b. Evacuating premises. c. Blocking off an area. d. Rerouting traffic. e. Eliminating sources of ignition. f. Venting the area. g. Stopping the flow of gas by closing valves or other means. h. Notifying police and fire departments.	2. Escaping gas that has ignited. 3. Any indication of gas which has migrated into or under a building, or into a tunnel. 4. Any reading at the outside wall of a building, or where gas would likely migrate to an outside wall of a building. 5. Any reading of 80% LEL, or greater, in a confined space. 6. Any reading of 80% LEL, or greater in small substructures (other than gas associated substructures) from which gas would likely migrate to the outside wall of a building. 7. Any leak that can be seen, heard or felt, and which is in a location that may endanger the general public or property.

EXHIBIT "B"

GRADE	DEFINITION	ACTION CRITERIA	EXAMPLES
2	Leak that is recognized as being non-hazardous at the time of detection, but justifies scheduled repair based on probable future hazard.	Leaks should be repaired or cleared within one calendar year, but no later than 15 months from the date the leak was reported. In determining the repair priority, criteria such as the following should be considered. a. Amount of migration of gas.	A. Leaks Requiring Action Ahead of Ground Freezing or Other Adverse Changes in Venting Conditions. Any leak which, under frozen or other adverse soil conditions, would likely migrate to the outside wall of a building.

		b. Proximity of gas to buildings and subsurface structures. c. Extent of pavement. d. Soil types, and soil conditions (such as frost cap, moisture and natural venting). Grade 2 leaks should be reevaluated at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage contition. Grade 2 leaks may vary greatly in degree of potential hazard. Some Grade 2 leaks, when evaluated by the above criteria, may justify scheduled repair within the next 5 working days. Others will justify repair within 30 days. During the working day on which the leak is discovered, these situations should be brought to the attention of the individual responsible for scheduling leak repair. On the other hand, many Grade 2 leaks, because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary.	B. Leaks Requiring Action Within Six Months. 1. Any reading of 40% LEL, or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak. 2. Any reading of 100% LEL, or greater, under a street in a wall-to-wall paved area that has significant gas migration and does not qualify as a Grade 1 leak. 3. Any reading less than 80% LEL in small substructures (other than gas associated substructures) from which gas would likely migrate creating a probable future hazard. 4. Any reading between 20% LEL and 80% LEL in a confined space. 5. Any reading on a pipeline operating at 30% SMYS, or greater, in a class 3 or 4 location, which does not qualify as a Grade 1 leak. 6. Any reading of 80% LEL, or greater, in gas associated substructures. 7. Any leak which, in the judgement of operating personnel at the scene, is of sufficient magnitude to justify scheduled repair.

EXHIBIT "C"

GRADE	DEFINITION	ACTION CRITERIA	EXAMPLES
3	A leak that is non-hazardous at the time of detection and can be reasonably expected to remain non-hazardous.	These leaks should be reevaluated during the next scheduled survey, or within 15 months of the date reported, whichever occurs first, until the leak is regraded or no longer results in a reading.	A. Leaks Requiring Reevaluation at Periodic Intervals 1. Any reading of less than 80% LEL in small gas associated substructures. 2. Any reading under a street in areas without wall-to-wall paving where it is unlikley the gas could migrate to the outside wall of a building. 3. Any reading of less than 20% LEL in a confined space.

Cite as Ga. Comp. R. & Regs. R. 515-9-1-.05
Authority: Ga. L. 1878-79, p. 125 as amended; Ga. L. 1956, pp. 104-110; 1967, pp. 650-651; 1975, Sec. 2, p. 406; 1989, p. 692
History. Original Rule entitled "Leak Standards" adopted. Feb. 21, 1994; eff. Mar. 13, 1994.

Rule 515-9-1-.06. Incident Requiring Telephonic Notification.

(1) Concurrent to and in conformance with the notice requirements delineated in 49 C.F.R. § 191.5, each operator shall give telephonic notice of such incident to the Commission's Pipeline Safety Staff.

(2) For the purposes of this Rule,"incident" shall mean:

(a) An event that involves a release of gas from a pipeline, or of liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:

1. A death, or personal injury necessitating in-patient hospitalization;

2. Unless otherwise adopted by Federal Code(49C.F.R. § 191.3), estimated property damage of $50,000.00 or more, including loss to the operator and others, or both, but excluding cost of gas lost;

3. Unless otherwise adopted by Federal Code(49C.F.R.§ 191.3), unintentional estimated gas loss of three million cubic feet or more;

(b) An event that results in any emergency shutdown of an LNG facility. Activation of an emergency shutdown for reasons other than an actual emergency does not constitute an incident.

(c) An event that is significant in the judgment of the operator, even though it did not meet the criteria of paragraphs (a) or (b) of this definition. Operators shall evaluate their respective natural gas systems and provide written guidance for their personnel in the Operator's Operations & Maintenance and/or Emergency Procedural Manuals as to what constitutes a "significant event" for their natural gas system which would require telephonic notification.

(3) Within thirty (30) days following any incident, any operator having so reported, shall prepare and submit to the Commission, a written report describing the relevant facts regarding such incident as well as any investigation conducted by the operator.

Cite as Ga. Comp. R. & Regs. R. 515-9-1-.06
Authority: O.C.G.A. §§ 46-2-20(i), 46-2-30 and 25-9-13.
History. Original Rule entitled "Incident Notification" adopted. F. Aug. 13, 1999; eff. Sept. 2, 1999.
Amended: New title "Incident Requiring Telephonic Notification." F. Apr. 11, 2013; eff. May 1, 2013.

Subject 515-9-2. SAFETY STANDARDS FOR LIQUEFIED NATURAL GAS FACILITIES.

Rule 515-9-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-9-2-.01
Authority: Ga. L. 1956, pp. 104-110; 1975, Sec. 2, p. 406
History. Original Rule entitled "Safety Standards for Liquefied Natural Gas Facilities" was filed on July 14, 1983; effective August 3, 1983.
Repealed: F. Sept. 10, 1990; eff. Sept. 30, 1990.

Subject 515-9-3. ENFORCEMENT PROCEDURES GOVERNING GAS PIPELINE SAFETY.

Rule 515-9-3-.01. Purpose of Procedures.

The purpose and scope of the Enforcement Procedures is to describe the enforcement authority and sanctions exercised by the Georgia Public Service Commission in carrying out its duties regarding pipeline safety under the Natural Gas Pipeline Safety Act of 1968, as amended (49

U.S.C. 1671*et seq.*) It also prescribes the procedures governing the exercise of that authority and the imposition of those sanctions.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.01
Authority: Ga. L. 1878-79, p. 125, 1975, pp. 404-412.
History. Original Rule entitled "Purpose of Procedures" adopted. F. Apr. 3, 1987; eff. Apr. 23, 1987.

Rule 515-9-3-.02. Definitions.

Terms used in these rules have the following meaning:

(a) "Act" means the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671*et seq.*).

(b) "Commission" means the Georgia Public Service Commission.

(c) "Gas" means natural gas.

(d) "LNG" means liquefied natural gas.

(e) "New Construction" means the act of building, a new pipeline facility, or the expansion, replacement or relocation of an existing pipeline facility (as in looping a pipeline segment, which may also be done to meet increased load requirements or to enhance reliability of the system) in order to provide new service to a customer(s) or in order to meet increased demand.

(f) "Operator" means a person who engages in the transportation of natural gas by pipeline.

(g) "Person" means any individual, firm, joint venture, partnership, corporation, association, authority, municipality, cooperative association or joint-stock association, and includes trustee, receiver, assignee or personal representative who furnishes service to the public thereof.

(h) "Pipeline" means all parts of those physical facilities through which gas or LNG moves in transportation including but not limited to pipe, valves and other appurtenance attached to pipe, compressor units, pumping units, metering stations, delivery stations, regulator stations, holders and fabricated assemblies.

(i) "Pipeline facility" means, without limitation, new and existing pipe, pipe right-of-way and any equipment, facility or building used in the transportation of gas or the treatment of gas during the course of transportation.

(j) "Pipeline Safety Director" means the Natural Gas Engineer of the Utilities Engineering Section designated by the Commission as Director.

(k) "Service Line" means a distribution line that transports gas from a common source of supply to (a) a customer meter or the connection to a customer's piping, whichever is farther downstream, or (b) the connection to a customer's piping if there is no customer meter. A customer meter is the meter that measures the transfer of gas from an operator to a consumer.

(l) "Transportation of Gas" means the gathering, transmission or distribution of gas by pipeline or its storage.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.02
Authority: O.C.G.A. Secs. 46-2-20, 46-2-30.
History. Original Rule entitled "Definitions" adopted. F. Apr. 3, 1987; eff. Apr. 23, 1987.
Amended: F. Oct. 3, 2007; eff. Oct. 23, 2007.

Rule 515-9-3-.03. Commission Jurisdiction.

(1) The Georgia Legislature has empowered the Public Service Commission to prescribe and enforce safety standards and to regulate safety practices of persons engaged in the transportation of gas or LNG by pipeline to the extent permitted by the "Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1967*et seq.*)" and any amendments thereto as set forth and adopted in Title 46 of the Georgia Code, as amended. The Commission has delegated this responsibility to the Pipeline Safety Director and his staff. The regulations issued under the Act promulgated by the Office of Pipeline Safety of the United States Department of Transportation and published in Title 49, CFR (Code of Federal Regulations) Parts 40, 191, 192, 193 and 199 apply to all pipeline companies. The safety standards of the Act apply to the design, installation, inspection, testing construction, extension, operation, replacement and maintenance of pipeline facilities. Standards affecting the design, installation, construction, initial inspection and testing are not applicable to pipeline facilities in existence on the date such standards are adopted.

(2) The Commission is authorized to prescribe additional safety standards that apply to intrastate operators. Such safety standards shall be practicable and designed to meet the needs for pipeline safety. When prescribing and enforcing such standards, the Commission will consider:

(a) relevant available pipeline safety data;

(b) whether such standards are appropriate for the particular type of pipeline transportation;

(c) the reasonableness of any proposed standards; and

(d) the extent to which such standards will contribute to public safety.

(3) Whenever the Commission finds a particular facility to be hazardous to life or property, it is empowered to require the person operating such facilities to take steps necessary to remove such hazards.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.03
Authority: Ga. L. 1878-79, p. 125, as amended; Ga. L. 1975, pp. 404-412.
History. Original Rule entitled "Jurisdiction of the Commission" was filed on April 3, 1987; effective April 23, 1987.
Amended: Rule retitled "Commission Jurisdiction". F. Aug. 13, 1999; eff. Sept. 2, 1999.

Rule 515-9-3-.04. Authority to Inspect.

The Commission has the power to investigate all methods and practices of pipeline companies; to require the maintenance and filing of reports, records and other information in such form and detail as the Commission may prescribe; to enter upon and to inspect the property, buildings, plants, and office of such pipeline companies; and to inspect books, records, papers and documents relevant to the enforcement of the rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.04
Authority: Ga. L. 1878-79, p. 125, aa amended; Ga. L. 1975, pp. 404-412
History. Original Rule entitled "Authority to Inspect" was filed on April 3, 1987; effective April 23, 1987.

Rule 515-9-3-.05. Intervals of Inspection.

(1) Upon presentation of appropriate credentials, the Commission or its designated employee is authorized to enter upon, inspect and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties are relevant to determining the compliance of such persons with the rules and regulations or Commission orders issued thereunder.

(2) Inspections shall ordinarily be conducted pursuant to one of the following:

(a) routine scheduling;

(b) a complaint received from a member of the public;

(c) information obtained from a previous inspection;

(d) pipeline accident or incident; or

(e) whenever deemed appropriate by the Commission or the Director of Gas Pipeline Safety.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.05
Authority: Ga. L. 1878-79, p. 125, as amended. Ga. L. 1975, pp. 404-412.

History. Original Rule entitled "Intervals of Inspection" was filed on April 3, 1987; effective April 23, 1987.

Rule 515-9-3-.06. Inspection of the Operators.

(1) An attempt will be made to periodically inspect every operator, with priority given to inspecting those systems with greater risk potential. In determining the potential risk of a pipeline system, the following factors may be considered:

(a) the ratio of total steel pipe to coated steel pipe;

(b) the ratio of total steel pipe to cathodically protected steel pipe;

(c) leaks per mile of pipe;

(d) leaks per number of services;

(e) unaccounted-for-gas volumes and percentages;

(f) the number of accidents or facility failures;

(g) footage of cast iron pipe in the system; and

(h) past history of the operator.

(2) The inspection will include a thorough review of the operator's records concerning inspection, operation, maintenance and emergency procedures. Field inspection will include operational checks of corrosion control provisions, overpressure and regulating equipment, odorization, repaired leaks, emergency valves and any other components of the facility.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.06
Authority: Ga. L. 1878-79, p. 125, as amended; Ga. L. 1975, pp. 404-412
History. Original Rule entitled "Inspector of the Operators" was filed on April 3, 1987; effective April 23, 1987.

Rule 515-9-3-.07. Verbal Notice to Operator of Violation.

(1) When an inspection of an operator's records or facilities, or both, indicate that the operator is in apparent violation of a pipeline safety regulation, the investigator will give verbal notice of the alleged violation to the operator before concluding the inspection.

(2) Any documentation of physical evidence necessary to support the alleged violation may be obtained during the inspection or requested by letter immediately after the conclusion of the visit.

(3) The operator may institute on-site corrective measures when a violation exists. However, enforcement of such alleged violations will proceed.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.07
Authority: Ga. L. 1878-79, p. 125, as amended, Ga. L. 1975, p. 404-412.
History. Original Rule entitled "Verbal Notice to Operator of Violation" was filed on April 3, 1987; effective April 23, 1987.

Rule 515-9-3-.08. Written Formal Notice of Violation.

After evidence of an alleged violation is collected and the violation report is written, notice and opportunity to respond will be afforded the operator by a letter from the Pipeline Safety Director. The letter will notify the operator of the results of the on-site inspection and will specifically cite the regulation(s) the operator is allegedly violating. Further, the letter may contain a proposed civil penalty or a compliance order. A written response from the operator shall be submitted to the Pipeline Safety Director within 30 days of the time the operator receives the violation notice.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.08
Authority: Ga. L. 1878-78, p. 125, as amended; Ga. L. 1875, pp. 404-412.
History. Original Rule entitled "Written Formal Notice of Violation" was filed on April 3, 1987; effective April 23, 1987.

Rule 515-9-3-.09. Response Options Open to the Operator.

(1) Alternatives open to the operator to respond to the violation notice are:

(a) submit a written statement to the Pipeline Safety Director indicating corrective measures have achieved compliance;

(b) submit a written plan of action to the Pipeline Safety Director outlining the corrective measures that will be taken to achieve compliance and when compliance is anticipated; or

(c) request an informal conference with the Pipeline Safety Director and/or his staff to discuss the violation(s).

(2) The alleged violation(s) may be resolved at this stage if the information submitted is in accordance with Rule 515-9-3-.09(1)(a) or Rule 515-9-3-.09(1)(b) and is accepted by the Pipeline Safety Director and/or his staff. Such acceptance shall be verified by written statement issued by the Pipeline Safety Director following a reinspection of the operator's facilities. However, if the operator selects Rule 515-9-3-09(1)(c), an informal conference will be scheduled as explained in Rule 515-9-3-.10.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.09
Authority: Ga. L. 1878-79, p. 125, as amended; Ga. L. 1975, pp. 404-412.
History. Original Rule entitled "Response Options Open to the Operator" was filed on April 3, 1987; effective April 23, 1987.

Rule 515-9-3-.10. Informal Conference.

(1) After receiving a request for an informal conference a date and time will be arranged at this conference and the basis of the alleged violations will be reviewed. The operator may explain the company's position and may present alternatives for solution of the problem. The Gas Pipeline Safety staff will be represented by the investigator involved and by such other members of the Commission staff as designated by the Pipeline Safety Director.

(2) The violation may be resolved at this stage. If agreement cannot be reached, enforcement procedures shall continue.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.10
Authority: Ga. L. 1878-79, p. 125, as amended; Ga. L. 1975 pp. 404-412.
History. Original Rule entitled "Informal Conference" was filed on April 3, 1987; effective April 23, 1987.

Rule 515-9-3-.11. Commission Action.

(1) If the proposed solution as outlined is not satisfactory to the Gas Pipeline Safety Director and/or his staff, the violation shall be referred to the Public Service Commission for formal resolution in either of the following manners:

   (a) The Commission may seek an injunction or mandamus in superior court in cases where immediate action is necessary; or

   (b) The Commission may issue a show cause order and/or schedule a hearing requiring the operator to demonstrate why the operator should not be subject to the penalties set forth by the O.C.G.A. Section 46-2-91. This section permits a penalty not to exceed $15,000.00 for such violation and an additional penalty not to exceed $10,000.00 for each day during which such violation continues.

(2) Any civil penalty imposed by the Commission shall be based on:

   (a) the appropriateness in relation to the size of the business of the person charged;

   (b) the gravity of the violation;

   (c) the good faith of the person charged in attempting to achieve compliance;

   (d) history of prior violations; and

(e) other matters as justice may require.

(3) The Commission may, pursuant to hearing, order an operator to take corrective action. Failure to obey such an order can result in:

(a) civil penalties under O.C.G.A. Section 46-2-91;

(b) action by the Commission against the operator in superior court;

(c) action by the Commission against the operator in any federal district court having jurisdiction.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.11
Authority: Ga. L. 1878-79, p. 125, 1975, pp. 404-412.
History. Original Rule entitled "Commission Action" adopted. F. Apr. 3, 1987; eff. Apr. 23, 1987.
Amended: F. Aug. 13, 1999; eff. Sept. 2, 1999.

Rule 515-9-3-.12. Hazardous Facility Order.

(1) Whenever the Commission or the Director of Gas Pipeline Safety shall find a particular facility to present an imminent hazard to life or property, it shall be empowered to require the owner or operator of the facility to take immediate steps necessary to correct such hazards. Corrective action may include suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other action, as appropriate.

(2) An opportunity shall be given for a hearing as soon as practicable after the issuance of any order hereunder, in accordance with O.C.G.A. Chapter 50-13 and, in no event later than ten (10) days after suspension of the use of a major facility.

(3) The Director of Pipeline Safety shall rescind or suspend a "hazardous facility order" whenever he determines that the facility is no longer hazardous to life or property. When appropriate, however, such a recision or suspension may be accompanied by a notice of violation issued under Rule 515-9-3-.08(1) of the procedures.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.12
Authority: Ga. L. 1878-79, p. 125, 1975, pp. 404-412.
History. Original Rule entitled "Hazardous Facility Order" adopted. F. Apr. 3, 1987; eff. Apr. 23, 1987.

Rule 515-9-3-.13. Appeal.

Any operator subject to an order from the Public Service Commission may petition the Commission for reconsideration of the order under Rule 515-2-1-.08 of the Commission's Rules

of Practice and Procedure. Moreover, any operator aggrieved by an order of the Public Service Commission may seek relief pursuant to O.C.G.A. Chapter 50-13.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.13
Authority: Ga. L. 1878-79, p. 125, 1975, pp. 404-412.
History. Original Rule entitled "Appeal" adopted. F. Apr. 3, 1987; eff. Apr. 23, 1987.

Rule 515-9-3-.14. Utilities Protection Center.

All Owners and/or Operators of a buried utility facility in Georgia shall be a member of the State-wide Utilities Protection Center.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.14
Authority: O.C.G.A. Sec. 25-9-5.
History. Original Rule entitled "Utilities Protection Center" adopted. F. Dec. 17, 1993; eff. Jan. 6, 1994.
Repealed: New Rule of same title adopted. F. Feb. 11, 2009; eff. Mar. 3, 2009.

Rule 515-9-3-.15. Damage Prevention.

All Owners and/or Operators of a buried utility facility in Georgia shall comply in all respects, with Title 25, Chapter 9 of the Official Code of Georgia Annotated.

Cite as Ga. Comp. R. & Regs. R. 515-9-3-.15
Authority: O.C.G.A. Sec. 25-9-1*et seq.*
History. Original Rule entitled "Damage Prevention" adopted. F. Feb. 11, 2009; eff. Mar. 3, 2009.

Subject 515-9-4. ENFORCEMENT PROCEDURES UNDER THE GEORGIA UTILITY FACILITY PROTECTION ACT.

Rule 515-9-4-.01. Purpose of Procedures.

The purpose and scope of these rules is to describe the enforcement authority and sanctions exercised by the Georgia Public Service Commission in carrying out its duty to enforce the provisions of the Georgia Utility Facility Protection Act (O.C.G.A. § 25-9-1 et seq.). These rules also prescribe the procedures governing the exercise of that authority and imposition of those sanctions.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.01
Authority: O.C.G.A. Sec. 25-9-13.
History. Original Rule entitled "Purpose of Procedures" adopted. F. Dec. 8, 2000; eff. Dec. 28, 2000.
Repealed: New Rule of same title adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Rule 515-9-4-.02. Definitions.

Terms used in these rules have the following meaning:

(a) "Act" means the Georgia Utility Facility Protection Act (O.C.G.A. § 25-9-1*et seq.*).

(b) "Advisory committee" means the committee appointed by the Governor pursuant to O.C.G.A. 25-9-13(g)(1).

(c) "Business days" means Monday through Friday, excluding the following holidays: New Year's Day, Birthday of Dr. Martin Luther King, Jr., Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the following Friday, Christmas Eve, and Christmas Day. Any such holiday that falls on a Saturday shall be observed on the preceding Friday. Any such holiday that falls on a Sunday shall be observed on the following Monday.

(d) "Business hours" means the time from 7:00 A.M. to 4:30 P.M. local time on business days.

(e) "Commission" means the Georgia Public Service Commission.

(f) "Facility owner or operator" means any person or entity who owns, operates or controls the operation of a utility facility.

(g) "Person" means an individual, firm, joint venture, partnership, association, municipality, state or other governmental unit, authority, department, agency, or a corporation and shall include any trustee, receiver, assignees, employee, agent or personal representative thereof.

(h) "Utilities Protection Center" or "Center" means the corporation or other organization formed by facility owners or operators to provide a joint telephone number notification service for the purpose of receiving advance notification from persons planning to blast or excavate and distributing such notifications to its affected facility owner or operator members.

(i) "Utility facility" means an underground or submerged conductor, pipe, or structure used in providing electric or communications service, or an underground or submerged pipe used in carrying, providing or gathering gas, oil, or oil products, sewage, wastewater, storm drainage, water or other liquids, and appurtenances thereto. This does not include utility facilities owned by a homeowner for service at the homeowner's residence.

(j) O.C.G.A. § 25-9-3(17) defines "Large Project" as an excavation that involves more work to locate utility facilities than can reasonably be completed within the requirements of subsection (a) of O.C.G.A. Section 25-9-7. This requires a facility owner or operator to locate and mark its facilities within 48 hours beginning the next business day after receipt of a locate request by the Utilities Protection Center ("UPC"). For simplicity of administration by the Commission, a "large project" shall include at a minimum, any single mechanized excavation or blasting, as those terms are defined by O.C.G.A. § 25-9-3(12), at a contiguous geographical site or area that exceeds or will exceed one linear mile or that reasonably requires or will require more than ninety (90) days to complete.

Nothing in this rule shall prohibit any person from requesting a large project ticket for any other project.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.02
Authority: O.C.G.A. Secs. 25-9-3, 25-9-6, 25-9-7, 25-9-13.
History. Original Rule entitled "Definitions" adopted. F. Dec. 8, 2000; eff. Dec. 28, 2000.
Repealed: New Rule of same title adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. May 19, 2006; eff. June 8, 2006.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.
Repealed: New Rule of same title adopted. F. Feb. 10, 2009; eff. Mar. 2, 2009.

Rule 515-9-4-.03. Commission Jurisdiction.

The Georgia Legislature has empowered the Commission to enforce the provisions of the Act, and to promulgate any rules and regulations necessary to implement the Commission's authority to enforce the provisions of the Act.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.03
Authority: O.C.G.A. Sec. 25-9-13.
History. Original Rule entitled "Commission Jurisdiction" adopted. F. Dec. 8, 2000; eff. Dec. 28, 2000.
Repealed: New Rule of same title adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Rule 515-9-4-.04. Advisory Committee.

(1) The Governor shall appoint an advisory committee to assist the Commission in the enforcement of the Act. The advisory committee shall perform such duties as may be assigned by the Commission from time to time.

(2) The advisory committee shall develop and implement operating procedures to delineate the advisory committee's practices and procedures relative to the performance of the duties assigned by the Commission. The operating procedures developed by the advisory committee shall include, but not be limited to, procedures for review of probable violations of the Act. Such procedures, and any amendments or modifications thereto, shall not become effective until they have been approved by the Commission. (3) If deemed necessary, the advisory committee shall establish one or more subcommittees of experts in the operations covered by the Act. These subcommittees shall assist the advisory committee in performing its assigned duties.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.04
Authority: O.C.G.A. Sec. 25-9-13.
History. Original Rule entitled "Advisory Committee" adopted. F. Dec. 8, 2000; eff. Dec. 28, 2000.
Repealed: New Rule of same title adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Rule 515-9-4-.05. Notification of Probable Violations of the Act.

(1) Any person may report a probable violation of the Act by filing a written or an electronic report in a form as may be designated by the Commission from time to time; provided that all such reports shall be filed electronically whenever and wherever possible, but a written report may be filed by any person lacking computer reporting or communication capability. All written or electronic reports shall include the information requested on an approved Commission form, if available. All probable violations shall be reported to the Commission within thirty (30) days of a person becoming aware of the circumstances constituting the probable violation.

(2) A person shall file such written report directly with the Commission. The Commission shall maintain, or cause to be maintained, a database of all written reports filed with the Commission.

(3) Any person who files a written or electronic report shall conduct an investigation to examine the relevant facts regarding the reported probable violation of the Act. The results of such investigation shall be filed together with the report in accordance with these rules.

(4) Each facility owner or operator whose utility facilities have been damaged as a result of a probable violation of the Act shall conduct an investigation to examine the relevant facts regarding such probable violation, and provide the Commission or its designee with the results of such investigation. The results of such investigation shall be submitted to the Commission on a form designated by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.05
Authority: O.C.G.A. Sec. 25-9-13.
History. Original Rule entitled "Notification of Probable Violations of the Act" adopted. F. Dec. 8, 2000; eff. Dec. 28, 2000.
Repealed: New Rule of same title adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Rule 515-9-4-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.06
Authority: O.C.G.A. §§ 46-2-20(i), 46-2-30 and 25-9-13.
History. Original Rule entitled "Advisory Committee Review of Probable Violations of the Act" adopted. F. Dec. 8, 2000; eff. Dec. 28, 2000.
Repealed: New Rule entitled "Incident Requiring Telephonic Notification" adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.
Repealed: F. Apr. 11, 2013; eff. May 1, 2013.

Rule 515-9-4-.07. Commission Staff Investigation of Probable Violation.

Whenever the Commission Staff ("Staff") becomes aware of a probable violation of the Act by means of a written or an electronic report or otherwise, the Staff shall conduct an investigation to examine all the relevant facts regarding the probable violation. The investigation may include, among other factors, records verification, informal meetings, teleconferences, and photo documentation. Responses to reports of probable violations may be provided to the Commission in writing, by phone, fax, e-mail, or in person.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.07
Authority: O.C.G.A. Sec. 25-9-13.
History. Original Rule entitled "Appeal" adopted. F. Dec. 8, 2000; eff. Dec. 28, 2000.
Repealed: New Rule entitled "Incident Requiring Telephonic Notification" adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Rule 515-9-4-.08. Advisory Committee Review of Probable Violations of the Act.

The Advisory Committee shall meet on a periodic basis to review contested probable violations of the Act and the Staff's finding and recommendations relative to such probable violations. Following such review, the Advisory Committee shall make its recommendations for review by the Commission, together with any recommendations of the Staff, regarding resolution of such contested probable violations.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.08
Authority: O.C.G.A. Sec. 25-9-13.
History. Original Rule entitled "Advisory Committee Review of Probable Violations of the Act" adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Rule 515-9-4-.09. Commission Staff Action.

Upon a determination that a violation of the Act may have occurred, the Commission Staff shall take one or more of the following actions:

(1) Enter settlement negotiations with the Respondent. Upon reaching agreement on settlement terms, the Commission Staff shall present the proposed settlement to the Commission for acceptance or rejection. If the Commission Staff and the Respondent are unable to reach agreement on settlement terms, the Respondent may present additional facts to the Advisory Committee;

(2) Request that the Commission issue a Rule Nisi pursuant to Commission Rules.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.09
Authority: O.C.G.A. Sec. 25-9-13.
History. Original Rule entitled "Commission Staff Action" adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Rule 515-9-4-.10. Commission Action.

(1) The Commission may accept or reject a proposed settlement to resolve probable violations of the Act. If the Commission rejects a proposed settlement, a hearing may be scheduled to receive evidence and take appropriate enforcement action as provided by Commission Rule.

(2) If the Commission finds, after a hearing, that a violation of the Act has occurred, it may impose a civil penalty as provided by O.C.G.A. § 25-9-13.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.10
Authority: O.C.G.A. Sec. 25-9-13.
History. Original Rule entitled "Commission Action" adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Rule 515-9-4-.11. Civil Penalties.

(1) In determining the amount of any civil penalty to be assessed, the Commission may consider the nature, circumstances and gravity of the violation of the Act; the degree of the Respondent's culpability; the Respondent's history of prior violations of the Act; and such other factors as may be appropriate.

(2) A Respondent shall pay any civil penalty that has been assessed by submitting to the Commission, in care of Case Manager, Utility Facility Protection Section, a certified check payable to the Georgia Public Service Commission for ultimate forwarding to the State of Georgia general fund.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.11
Authority: O.C.G.A. Sec. 25-9-13.
History. Original Rule entitled "Civil Penalties" adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Rule 515-9-4-.11.1. Civil Penalties for Local Governing Authorities (Tiered Penalty Structure).

(1) Definitions:

For the purpose of this rule and the assessment and enforcement of civil penalties under this Chapter 515-9-4 of the Commission's Utility Rules, the following definitions apply:

(a) "Local governing authority" means a county, municipality or local authority created by or pursuant to general, local or special Act of the General Assembly or by the Constitution of the State of Georgia, and also includes any local authority that is created or activated by an appropriate ordinance or resolution of the governing body of a county or municipality individually or jointly with other political subdivisions of this state that provide service that includes but not limited to road and street construction and maintenance, water supply and distribution, waste-water, sewage, and storm-water collection and disposal.

(b) "Willful noncompliance" means intentional or knowing refusal or failure to perform, or comply with, a duty created or imposed by statute or by this Commission's Utility Rules. "Willful noncompliance" also includes bad faith or a conscious indifference to the consequences of failure to comply with GUFPA or this Commission's rules issued thereunder. A local governing authority's failure to file a timely response to a notice of probable violation of the Act or the Commission's Utility Rules shall constitute a presumption of willful noncompliance by a local governing authority receiving such notice, which presumption may be rebutted by evidence demonstrating that the local governing authority did not receive actual or constructive notice of its alleged violation of the Act.

(c) "Refusal to comply" means that a utility facility owner or operator does not respond in the Positive Response Information System ("PRIS") to a locate request, does not respond to a direct telephone call to locate their facilities, or other such direct refusal. "Refusal to comply" does not mean a case where the volume of requests or some other mitigating circumstance prevents the utility owner or operator from locating in accordance with O.C.G.A. § 25-9-7. "Refusal to comply" also means a refusal or failure to file a timely response to a notice of probable violation of the Act or of the Commission's Utility Rules; and such refusal or failure shall constitute a presumption of a local governing authority's "willful refusal to comply," which presumption may be rebutted by evidence demonstrating that the local governing authority did not receive actual or constructive notice of its alleged violation of the Act.

(2) Enforcement Procedures for Violations of the Act by Local Governing Authorities.

(a) Notice of Probable Violation and Request for Information. Upon receipt of a complaint or other information concerning a probable violation of the Act by a local governing authority, the Commission Staff shall conduct a preliminary investigation of such complaint or information; and as part of such preliminary investigation, the Commission's investigator may send notice of a probable violation and a request for information to the local governing authority. The authority receiving such notice and request for information shall respond within thirty (30) days to such notice and request. The Commission's request for information may request any or all of the following information:

(i) Submission of written explanations, information or other materials in response to the allegations;

(ii) Information concerning the size, annual budget, and gross receipts of the authority;

(iii) Where applicable and available, the total number of utility connections and types of utilities within the territory of the local governing authority;

(iv) Total number of locate tickets received annually by the local governing authority;

(v) The number of locate codes and calls made annually to the local governing authority from the UPC; and

(vi) When applicable, the number of utility customers whose service may have been interrupted as a result of the violations and the duration of such interruption.

Such list is not meant to be exhaustive, and the Commission's investigator may request additional information during his or her investigation. Responses shall be due within thirty (30) days after receipt of such notice and request from the local governing authority, unless such time is extended by the Commission or its investigator pursuant to a written request from the local governing authority before the expiration of such thirty (30) day period.

As noted in Paragraph (1) of this Rule, failure of the alleged violator to respond in a timely manner to the Commission investigator's notice of probable violation(s) and provide to the Commission the information requested shall constitute a presumption of willful noncompliance with the Act or applicable Commission rules on the part of the non-responding recipient of such notice and request, but such presumption may be rebutted by evidence demonstrating that the local governing authority did not receive actual or constructive notice of its alleged violation of the Act.

(b) Proposed Compliance Order. At any time during the investigation, the Commission's investigator may submit a written compliance order to the local governing authority, and the the local governing authority may respond during the investigation or proceedings as follows:

(i) The authority may agree to the Commission's proposed compliance order, if such proposed order has not been withdrawn by the Commission;

(ii) The authority may object to the proposed compliance order and submit written explanations, information or other materials in response to the allegations in the notice of probable violation; and the authority can request:

(A) review before the GUFPA Advisory Committee; or

(B) an informal conference with the Commission Staff; or

(C) a full evidentiary hearing before the Commission or its duly appointed hearing officer.

(c) Commission Staff Action. After investigation, the Commission's investigator may take appropriate action to enforce the Act and the Commission's rules issued thereunder, including any or all of the following:

(i) Recommend no action and terminate the investigation;

(ii) Recommend that a warning letter be issued to the person alleged to have committed the violation ("the respondent");

(iii) Enter settlement negotiations with the respondent; and upon reaching agreement on settlement terms, the Commission Staff shall present such proposed settlement agreement to the Commission for its acceptance or rejection;

(iv) Recommend training be required (in lieu of or in addition to any otherwise recommended civil penalties, or any portion thereof) for violations of the Act;

(v) Recommend that the Commission assess civil penalties for violations of the Act in accordance with O.C.G.A. § 25-9-13 and in accordance with the tiered penalty structure set forth below in Paragraph (3) of this Rule.

(d) Notices. All notices under the Act from the Commission to any local governing authority shall be sent by certified mail (return receipt requested). A signed delivery receipt or post office return marked refused or unclaimed shall constitute a presumption of notice to and legal service upon the local governing authority to whom it is addressed; however, such presumption may be rebutted by evidence demonstrating that the local governing authority did not receive actual or constructive notice of its alleged violation of the Act.

(3) Tiered Structure To Be Utilized in Assessing Civil Penalties against Local Governing Authorities for Violations of the Act.

(a) Factors To Be Considered. When determining to recommend assessment of a civil penalty, the Commission's investigators shall consider the following factors in applying the tiered penalty structure established in Subparagraph (3) (b) of this Rule:

(i) The nature, circumstances and gravity of the violation, (including, but not limited to, adverse impact on the area, the general public and utility customers);

(ii) The degree of the respondent's culpability;

(iii) The respondent's history of prior offenses;

(iv) The respondent's ability to pay;

(v) Any good faith effort by the Authority respondent in attempting to achieve compliance;

(vi) The effect on the respondent's ability to continue in business;

(vii) The number of locate tickets and locate call and codes received annually by the local governing authority;

(viii) The cost of the local government's compliance with the statute or rule violated;

(ix) The number of utility customers whose services may have been interrupted by the local governing authority's violation and the duration of such interruption; and

(x) The size, annual budget, gross receipts number of utility connections and types of connections and types of utilities within the territory of the local governing authority and whether owned or operated by such authority.

(b) Tiered Penalty Structure. The tiered penalty structure set forth below takes into account many of the above-mentioned factors by focusing on the number of employees employed by the local governing authority, or the number of utility, water and sewer connections a local governing authority has, which are functions and indicators of such authority's population, gross revenues, customer base, service area and annual budget. In determining the tier classification for a local governing authority, the Commission's investigators shall look to the number of utility, water and sewer connections such local governing authority has in making such determination. In cases where the local governing authority has no connections, the Commission's investigator shall determine the tier by the number of employees employed by such local governing authority in utility, road maintenance, water and sewer or public works functions (including contract

personnel who perform work for the authority). Along with the considerations delineated in Subparagraph (a) of this Subsection (3), such tier classifications shall be made as follows:

Tiered Penalty Structure:

(i) Tier One

Authorities that have 25,000 or less total utility, water and sewer connections or that employ 1 through 25 people in utility, road maintenance, water, sewer or public works functions (including contractor personnel), may be assessed a penalty of up to $500 per violation for the first three and up to $1,000 per violation thereafter not to exceed $10,000 total per rolling 12-month period.

(ii) Tier Two

Authorities that have more than 25,000 but less than 50,000 total utility, water and sewer connections or that employ 26 through 50 people in utility, road maintenance, water, sewer or public works functions (including contractor personnel), may be assessed a penalty of up to $750 per violation for the first three and up to $1,250 per violation thereafter not to exceed $20,000 total per rolling 12-month period.

(iii) Tier Three

Authorities that have 50,000 or more, but less than 100,000 total utility, water and sewer connections, or that employ 51 through 75 people in utility, road maintenance, water, sewer or public works functions (including contractor personnel), may be assessed a penalty of up to $1,000 per violation for the first three and up to $1,500 per violation thereafter not to exceed $30,000 total per rolling 12-month period.

(iv) Tier Four

Authorities that have 100,000 or more, but less than 200,000 total utility, water and sewer connections or that employ 76 through 100 people in utility, road maintenance, water, sewer or public works functions (including contractor personnel), may be assessed a penalty of up to $1500 per violation for the first three and up to $2,500 per violation thereafter not to exceed $40,000 total per rolling 12-month period.

(v) Tier Five

Authorities that have 200,000 or more total utility, water and sewer connections or that employs 101 or more people in utility, road maintenance, water, sewer or public works functions (including contractor personnel), may be assessed a penalty of up to $2,000 per violation for the first three and up to $5,000 per violation thereafter not to exceed $50,000 total per rolling 12-month period.

The tiered penalty structure shall be established as a maximum. No minimum penalty is specified.

(4) Commission Discretion in Assessing Civil Penalties against Local Governing Authorities.

Nothing set forth elsewhere in this Rule shall require the Commission or its investigators to assess civil penalties against a local governing for violations of the Act or the Commission's Utility Rules. Under each penalty tier, the investigator may recommend training. If the investigator finds that a probable violation has occurred, the investigator may recommend training in lieu of all or any portion of any otherwise recommended civil penalties for any local governing authority's violation. The investigator shall provide suggestions for corrective action to any person requesting such assistance on behalf of a local governing Upon determination after investigation, the Commission's investigator may, subject to Commission review and approval, make recommended offers of settlement to the respondent or make recommended findings for assessment of civil penalties or other corrective action, subject to respondent's right to hearing thereon before the Advisory Committee and/or the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.11.1
Authority: O.C.G.A. Secs. 25-9-13, 46-2-51, 46-2-58, Roy v. Norman, General Motors Corporation v. Conkle, et al.
History. Original Rule entitled "Civil Penalties for Local Governing Authorities (Tiered Penalty Structure)" adopted. F. Mar. 29, 2006; eff. Apr. 18, 2006.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Rule 515-9-4-.12. Appeals Generally.

Any person subject to an order from the Commission may petition the Commission for reconsideration of the order under Rule 515-2-1-.08 of the Commission's Rules of Practice and Procedure. Moreover, any person aggrieved by an order of the Commission may seek relief pursuant to O.C.G.A. Chapter 50-13.

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.12
Authority: O.C.G.A. Sec. 25-9-13.
History. Original Rule entitled "Appeals Generally" adopted. F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Rule 515-9-4-.13. Procedures for Large Projects.

(1) Purpose and Scope:

(a) The purpose of this rule is to set forth procedures that provide for the waiver in writing, of the 48 hour notice and the 21 calendar day expiration for any projects that cannot be located pursuant to O.C.G.A. § 25-9-7. This Rule is necessary in order to allow proper planning and scheduling of the locating of utility facilities within the geographical area of a designated "Large Project." Because most large projects require multiple re-stakes, it has proven difficult and cumbersome for facility owner/operators to respond to locate requests within the 48 hour notice time frame normally required by the Georgia Utility Facility Protection Act ("GUFPA"). Excavators on such large projects lasting for months and even years have similarly found it cumbersome and oppressive to have a locate ticket expire after 21 calendar days and have to reapply for renewal or refreshing of such locate ticket repeatedly over the life of a large project.

(b) This Rule allows for parameters to be set for all parties involved in a large project so that such parties may enjoy more flexibility and less rigidity in reporting without any loss or sacrifice in the record-keeping, locating of utility facilities, prevention of damage to such facilities, and public safety protections which GUFPA was designed and intended to implement.

(c) Unless hereinafter specifically excepted, all other provisions of O.C.G.A. § 25-9-1*et seq.*, shall apply to large projects.

(2) Procedures:

(a) Upon an excavator's contacting the Utilities Protection Center (UPC) to procure a locate ticket and upon the UPC's concluding that the proposed excavation qualifies as a large project ticket under Commission Utility Rule 515-9-4-.02(j) (through the process of handling such request(s) for one or more locates), the UPC shall provide instructions for excavator(s) that the involved excavation project shall be treated as a large project under Commission rules and that the excavator has a duty to submit to the UPC a Large Project Planning Meeting Notification.

(b) Upon the UPCs concluding that a particular locate request or requests qualify as a Large Project as defined by Commission Rule 515-9-4-.02(j), a mandatory Large Project Planning Meeting Notification shall be issued by the excavator, no less than 10 business days prior to beginning excavation or blasting activities, to the UPC, for immediate forwarding to all facility owner/operators having facilities in the area. Such notification shall include the excavator's suggested date, time, location, and contact person for the proposed meeting. The date of the mandatory

meeting shall be a minimum of 48 hours after the notification is submitted to the UPC, starting at 7:00 a.m. the next business day and excluding non-business days. This mandatory large project meeting notification requirement shall not apply to re-activated large projects that have continued in full force and effect, and without deactivation. Notwithstanding the above, nothing in this rule shall prevent the excavator and the utility facility owner/operators from choosing to meet otherwise.

(c) After receiving the Large Project request, the UPC shall notify all affected facility owners or operators of the mandatory Large Project Planning Meeting. The mandatory Large Project Planning Meeting shall be scheduled no less than 5 business days prior to beginning excavation or blasting activities. Each facility owner/operator shall provide an automated response to the UPC indicating agreement to the date and time of the mandatory Large Project Planning Meeting within 2 business days of such notice, through the use of the Positive Response Information System (PRIS).

(d) All provisions of this "Large Project" rule shall apply to the utility facility owner/operator and all locates shall be conducted pursuant to these rules and the negotiated marking agreement arising here from.

(e) No later than two business days following the mandatory Large Project Planning Meeting, whichever comes first, the UPC shall update the status of the ticket from a "Large Project Planning Meeting Notification" to a "Large Project Excavation Notification." At that point, the "Large Project Excavation Notification" will become an active ticket and will be transmitted by the UPC to all affected utility facility owner/operators.

(f) During the life of the large project ticket, all requests for locates and notices of marking performed that deviate from the marking agreement shall be documented through the UPC. Once all excavation activities have been completed by a particular excavator, such excavator will notify the UPC to close or de-activate the notification.

(g) Unless renewed beforehand by the excavator, all Large Project Excavation Notifications will be automatically closed/de-activated once ninety (90) days have elapsed from the date of activation. The excavator may re-new the notification as necessary so long as excavation on the project continues. The notification will be automatically closed/deactivated ninety (90) days following the most recent renewal.

(3) The excavator and facility owner(s)/operator(s) or LOCATOR(S)/UTILITY(S) shall enter into a negotiated written agreement setting out the schedule for marking the project (see attached example form) at the Large Project planning meeting. Steps shall be taken to work together, including the Large Project Planning Meeting, so that a negotiated marking plan may be agreed upon allowing the facility owner(s)/operator(s) to locate the

utility facilities at a time reasonably in advance of the actual start of excavation or blasting for each phase of the work. A working relationship shall be established between the excavator and the facility owner/operator representatives to reduce confusion at the work site. Emergency phone numbers and contact people shall be identified for notification of problems, delays or changes in the marking plan. In addition to the Large Project Planning Meeting, the excavator shall conduct periodic utility coordination meetings to enhance the communication and progress of the planned schedule and markings. IF FOR ANY REASON A FACILITY OWNER/OPERATOR CANNOT ATTEND SUCH MEETING, THE FACILITY OWNER/OPERATOR'S REPRESENTATIVE MAY CONTACT THE EXCAVATOR AND MAKE OTHER ARRANGEMENTS IF THE EXCAVATOR IS AGREEABLE, OR HAVE THE LINES MARKED WITHIN THE 48 HOURS REQUIRED BY LAW (O.C.G.A. § 25-9-1*ET SEQ*.).

(4) The terms and conditions of such negotiated marking agreement must be in writing, and executed by the excavator and the facility owner/operator or locate representative (i.e. contract LOCATOR/UTILITY for the facility owner/operator) before excavation commences. If the LOCATOR/UTILITY is going to execute the negotiated marking agreement on behalf of the facility owner/operator, the facility owner/operator shall have on file with the UPC, written documentation of such grant of authority from the facility owner/operator to the LOCATOR/UTILITY. Such negotiated marking agreement and compliance with the terms thereof, shall constitute an exemption from the requirements of subsections O.C.G.A. §§ 25-9-7(a)(1),(b)(1),(c),(e) and (k)(1) and subsections O.C.G.A. §§ 25-9-6(c),(e) and (h). The excavator and facility owner/operator shall each retain a copy of the executed marking agreement.

(5) If the facility owner/operator fails to respond to the excavator's terms of the negotiated marking agreement or the facility owner/operator notifies the excavator that the facilities cannot be marked within the time frame delineated within the negotiated marking agreement and a mutually agreeable date for marking cannot be reached, the excavator may attempt to locate the facilities in accordance with subsection O.C.G.A. § 25-9-7(f), then proceed with excavation or blasting provided reasonable care is exercised. At the option of the excavator and as an alternative to the excavator's attempting to locate the facilities at issue, such facilities shall revert back to the locate time-frame mandated by O.C.G.A. § 25-9-7.

(6) Failure of any party to abide by the terms of the negotiated marking agreement shall be a violation of the Commission's Large Project Rule delineated herein. Any such violation shall be grounds for and may result in sanctions including but not limited to civil and/or criminal penalties being imposed upon the violating party in accordance with Georgia Law. Moreover, where an excavator fails to abide by the terms of the negotiated marking agreement and causes damage to a utility facility as a result, the excavator may be subject to penalties delineated in O.C.G.A. § 25-9-13(7).

(7) Good Faith Negotiation Required. The failure of any party to negotiate in good faith shall constitute a violation of the Commission's Large Project Rules and may result in the

imposition of penalties under O.C.G.A. §§ 25-9-13 and/or 46-2-91 as well as any other penalties that may be imposed pursuant to Georgia Law or the Commission's Rules. The failure of any party to negotiate in good faith shall also result in all locates being performed in accordance with the procedures and timelines set forth in O.C.G.A. § 25-9-1*et. seq.* with the cost for all such locates to be paid for by the party having negotiated in bad faith.

(8) Any person holding an active large project ticket may allow any dually authorized subcontractors to work under such large project ticket provided the provisions of O.C.G.A. § 25-9-6(g) are met. For purposes of this rule, any contractual agreement entered into pursuant to O.C.G.A. § 25-9-6(g) shall be in writing.

(9) Nothing in this Rule exempts any facility owner/operator, excavator, LOCATOR/UTILITY or any other person from the duty he or she would otherwise have under GUFPA or the Commission's Utility Rules to report damages to buried utility facilities.

SAMPLE SAMPLE

Large Project - Sample Utility Facility Locating Agreement

THIS AGREEMENT, made this_____ (month/date/year), by and between_____, hereinafter called the EXCAVATOR, and _____, hereinafter called the LOCATOR/UTILITY: Due to the construction of this large project, it will become necessary to make certain arrangements for the locating of the utility facilities in accordance with the Georgia Public Service Commission's Rule 515-9-4.

This Agreement is for the sole purpose of each party working together to minimize or eliminate any damages to utility facilities as well as allow the EXCAVATOR to pursue the work more expeditiously.

In consideration of the premises and the mutual covenants of the parties hereinafter set forth, it is agreed:

1. The LOCATOR/UTILITY shall provide the EXCAVATOR with correct contact information, including but not limited to, business address, business phone numbers, business facsimile numbers and any available pager or cellular numbers for all available locate technicians/representatives and their supervisors for this project at the time of executing this Agreement.

2. Attached and made part of this agreement is the negotiated marking plan, which is prepared by the EXCAVATOR. Any modifications or changes to the negotiated marking plan shall be reviewed and agreed to by both parties.

3. It is specifically understood that the EXCAVATOR will notify the LOCATOR/UTILITY by telephone, electronic mail or other means as provided by the LOCATOR/UTILITY prior to commencing any excavation activities to ensure the specific work sites have been marked.

4. If EXCAVATOR needs to move to a project work site involving excavation that has not been marked by the LOCATOR/UTILITY or the LOCATOR/UTILITY has not confirmed the accuracy of the existing marks at such site, the EXCAVATOR shall make contact with the LOCATOR/UTILITY and allow time to respond.

5. The LOCATOR/UTILITY shall be available within 24 hours and shall respond within such time frame in order for the work site to be marked or confirm the accuracy of the existing marks.

6. If for any reason, the negotiated marking agreement is terminated, the Large Project Procedures under the Georgia Public Service Commission's Rule 515-9-4 are hereby waived and the provisions of the Official Code of Georgia, Annotated Section 25-9-1*et. seq.* shall continue in full force and effect.

LOCATOR/UTILITY Name (print):_____

LOCATOR/UTILITY Signature:_____

EXCAVATOR Name (print):_____

EXCAVATOR Signature:_____

Date: _____

(insert date on page one of the agreement)

SAMPLE SAMPLE

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.13
Authority: O.C.G.A. Secs. 25-9-3, 25-9-6, 25-9-7, 25-9-13.
History. Original Rule entitled "Procedures for Large Projects" adopted. F. May 19, 2006; eff. June 8, 2006.
Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.
Repealed: New Rule of same title adopted. F. Feb. 10, 2009; eff. Mar. 2, 2009.

Rule 515-9-4-.14. Georgia Underground Marking Standards.

(1) **White Lining.**

(a) **Scope.** This Rule shall have statewide application; provided, however, that any municipal or county governing authority in this State may adopt, by resolution or ordinance, more stringent requirements relating to white lining, but no local governing authority may adopt less stringent marking standards requirements.

(b) **Purpose.** The purpose of white lining the area to be located is to allow everyone involved with the dig site to know the exact location of the proposed excavation. White-lining the excavation site is an excellent way to assist the utilities or utility locators in marking lines in the work area right the first time and in less time. This technique eliminates speculation by the locator about where the excavation will take place and will often enable the utility or its agent to locate faster and more accurately. In short, pre-marking the area and the extent of the intended excavation can reduce delays and the time it takes to conduct the locate.

(c) **Background.** White lining is a practice that has been widely used in the United States where the National Transportation Board concluded that pre-marking is a practice that helps prevent excavation damage. The procedure simply involves an excavator using white paint to indicate the route or area that is going to be excavated, such that the locator then knows exactly how much marking is required and where. White lining reduces confusion about what utility facilities need to be marked or not marked.

(d) **Directive to UPC.** Pursuant to O.C.G.A. §§ 25-9-4(a)(1), 25-9-6(a)(1) and (b), 25-9-7(a)(2), and 25-9-13(f) and pursuant to Commission Utility Rule 515-9-6-.01, the Utilities Protection Center, Inc. ("UPC" or "One-Call Center") is hereby directed to establish policies and procedures which identify when white lining is required. Examples of areas to be white lined are smaller (involving only a portion of a particular address) or linear excavations such as telecommunication drops and lines, service lines (such as for water, gas, electricity and sewer), utility pits, cuts and repairs, curb repairs, bore holes, directional boring pathways, pole and signage placements, etc. Such examples are merely explanatory of the type of excavation where white lining is appropriate and are not meant to be exclusive.

(e) **Exceptions to White Lining.** Unless otherwise required by applicable municipal or county ordinance, white lining will not be required in the following situations:

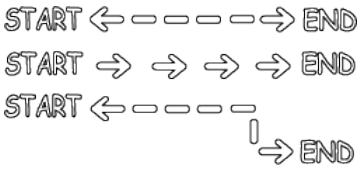
(i) Any large project so designated in accordance with GPSC Rule 515-9-4-.13;

(ii) Any jobsite that can be described with such particularity as required by O.C.G.A. 25-9-6(b); and

(iii) "Emergencies" and "extraordinary circumstances" as such terms are defined in O.C.G.A. § 25-9-3(10) and O.C.G.A. § 25-9-3(14), respectively, are [pursuant to O.C.G.A. § 25-9-12] statutory exceptions to O.C.G.A. § 25-9-6(a) requirement for obtaining a locate ticket prior to commencing mechanized excavation and, hence, also exceptions to the requirement for white lining under this Rule. However, if a particular emergency notification is later determined not to have been an emergency or an extraordinary circumstance, then the excavator's failure to procure a locate ticket before excavating will be treated as a violation of O.C.G.A. §

25-9-6 and of this Rule as per O.C.G.A. § 25-9-12. Also, pre-excavation emergency locate ticket requests (that is, a requests for a locate ticket on an expedited basis sooner than the prescribed statutory time limit) will not be an exception to white lining as required in this Rule.

(f) **White Lining Symbols as Directions to Locator.** White lining proposed dig sites that will follow a single path or trench shall be marked using white lines and/or arrows and shall be located for twenty (20) feet on either side of the white line and for twenty (20) feet outward beyond the designate "START" and "END" of such linear white line. Therefore, it is important to identify the starting & ending points.



(g) **Identification of White Lining Excavator.** In order toenable the locating utility or its locators to quickly identify the requested locate at the job site and expedite the locating process, each excavator when white lining shall identify himself or itself by labeling the white line area with the excavator's name or the applicable locate ticket number or both.

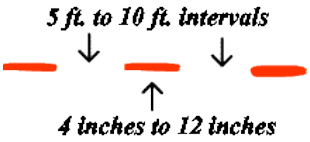
(2) **Facility Marking by or for Utilities.**

(a) **Utility Markings.** Facility owners or their locate contractors shall indicate utility facilities by placing their UPC alpha code, along with the type material (if known) that the facility consists of, at the beginning and end of locates. Also, arrows should be placed at the ends of markings to indicate that the underground facility continues. In accomplishing the locate task, the line locator shall use industry-approved and generally accepted methods of locating.

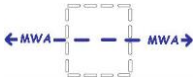
(i) To avoid confusion on long runs, the marks shall be frequent enough to identify the owner.

(ii) The marks shall indicate the approximate center-line of the underground lines. For example, the middle of the cable, line or pipe shall be at the center of the dashed marks.

(iii) Location marks shall be 4 to 12 inches in length and at intervals of 5 to 10 feet.



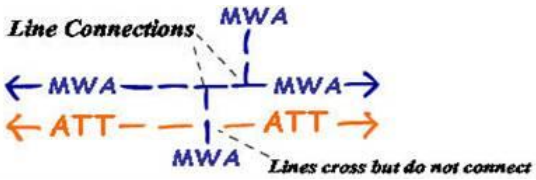
(iv) The line locator (person marking the lines) shall extend marks outside the proposed work area by 20 to 30 feet if those facilities extend outside the proposed excavation area.



(v) In areas such as flower beds, rock gardens, etc., flags or stakes may be an alternative to paint. The decision to use flags, paint, or stakes shall be based on the terrain and job conditions. For instance, flags or stakes in wet areas, offsets in dirt construction zones that have a high volume of traffic crossing their line location marks.

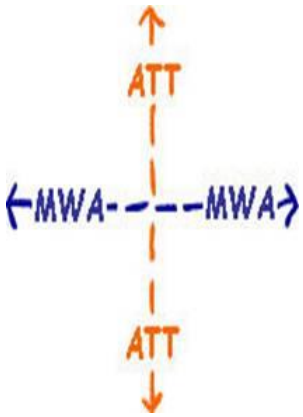
(vi) Dead ends, stub-outs, termination points, etc., shall be marked as follows:

(vii) Lines that have connections (e.g., T's or Y's) or changes in directions shall be clearly indicated. Marks indicating lines or connections shall clearly show the intersection and path of the line or connection. Marks that show changes in direction shall be placed closer together for more clarity and accuracy.



(viii) Manholes and valves shall be identified by using a circle and letters if they are not visible (dirt covering valve boxes or pavement covering manhole cover).

(ix) Facilities that cross but do not intersect shall be marked as described to indicate such installation manner.



(x) Unlocateable sewer laterals shall be marked by placing a green triangle on the sewer main and, if the location of the tap for such unlocateable sewer lateral is known, by placing a green "T" or "Y" or other appropriate symbol at the tap pointing generally toward the address served by such unlocateable sewer lateral.

(xi) When facilities share the same trench, they shall be heavily identified and separated enough so that they can be readily identified. This would apply to lines that share the same color code. For example, cable television & telephone lines:

(xii) If the facility to be marked has a diameter greater than 12", the size of the facility shall be indicated if known. If the size is not known, then the mark shall indicate greater than 12 inches.

(xiii) Duct structures shall be marked by using a dot with parallel boundary on each side of the dot.

(xiv) In areas where there is a strong likelihood that any or all marker types showing line location would be destroyed, offsets shall be placed on a permanent surface. However, offsets should be used only in conjunction

with marks placed above a facility. Offset spacing should be every third or fourth mark. For example, the following mark would indicate the line is 16 feet from the end of the arrow.

(xv) In areas where cables are spliced, the facilities should be located individually as far as possible on both sides of the splice. When the signal is distorted due to the near proximity to the splice a circle with "SP" should indicate the area of distortion or "splice pit".

Cite as Ga. Comp. R. & Regs. R. 515-9-4-.14
Authority: O.C.G.A. Secs. 25-9-3, 25-9-6, 25-9-7, 25-9-12, 25-9-13, 46-2-20, 46-2-30.
History. Original Rule entitled "Georgia Underground Marking Standards" adopted. F. Oct. 3, 2007; eff. Oct. 23, 2007.

Subject 515-9-5. PROCEDURES REQUIRED UNDER THE GEORGIA UTILITY FACILITY PROTECTION ACT.

Rule 515-9-5-.01. Emergency Procedures.

Each and every entity under the jurisdiction of the Commission shall establish procedures that its employees and agents shall follow in the event that a utility facility is damaged when blasting or excavating activities are performed. At a minimum, these procedures shall prescribe the following:

(a) At least one person in authority present at an excavation or blasting site shall have a basic familiarity with Department of Transporation regulations, local municipal and state ordinances and Georgia Utility Facility Protection Act laws and rules as they pertain to excavating and blasting as a measure to avoid striking or otherwise damaging utility facilities.

(b) At least one person present at an excavation or blasting site shall be adequately proficient in speaking the English language in order to effectively communicate to emergency personnel information pertaining to an unexpected impact with a utility facility, to notify the Utilities Protection Center and to instruct workers and members of the general public in surrounding areas to keep away from any potential ignition source or electrocution hazard.

(c) At least one person present at an excavation or blasting site shall be knowledgeable of safety measures that must be taken to protect individuals in the vicinity where a utility facility has been struck or damaged, including, but not limited to, restricting the access of persons and property to or around the area in which an impact with a utility facility has occurred and alerting parties in adjacent areas of the need to evacuate public and/or private properties because of existence of a potential ignition source or electrocution hazard.

(d) The need for safety equipment to effect the purposes of this rule that must be present at every excavation or blasting site, which equipment, at a minimum, shall include, reflective vests and hard hats to be worn by persons working in the excavation or blasting site; at least one working portable communication device, such as cellular telephone or a two-way radio, which may be utilized to contact emergency services on 911, the Utilities Protection Center and affected utility(ies); fluorescent cones for blocking off pedestrian and vehicle traffic; and flags, signs or other devices to notify the general public to avoid the area in which excavation or blasting activities are taking place.

Cite as Ga. Comp. R. & Regs. R. 515-9-5-.01
Authority: O.C.G.A. Secs. 25-9-13, 46-2-20, 46-2-21, 50-13-4.
History. Original Rule entitled "Emergency Procedures" adopted as ER. 515-9-5-0.12-.01. F. July 26, 2001; eff. July 23, 2001, the date of adoption.
Amended: Permanent Rule of same title adopted. F. Nov. 30, 2001; eff. Dec. 20, 2001.

Subject 515-9-6. COMMISSION RECOGNIZED BEST PRACTICES.

Rule 515-9-6-.01. Requirement to Use Reasonable Care and Commission Recognized Best Practices.

(1) For purposes of this Rule, Best Practices means the Common Ground Alliance Best Practices for protecting vital underground facilities ("Common Ground Alliance Best Practices"), sponsored by the United States Department of Transportation as described in 49 USC § 6105(a) as may be amended from time to time.

(2) Reasonable care must be used by all excavators in an area in which underground facilities may be located. For purposes of excavating in an area in which underground facilities may be located, reasonable care under O.C.G.A. § 25-9-8(b) includes, but is not limited to, compliance with the Common Ground Alliance Best Practices.

(3) Utility Owner/Operators and Locators shall each also exercise reasonable care. Reasonable care requires, at a minimum, the use of the best available information to designate the facilities and notification to the UPC of such attempted location. (O.C.G.A. § 25-9-7(k)(1)). Reasonable care shall also include but not be limited to compliance with the Common Ground Alliance Best Practices as well as the accurate location and marking of facilities in accordance with O.C.G.A. § 25-9-9(a) and the American Public Works Association ("APWA") color code in place at the time the location of the utility facility is designated. (O.C.G.A. § 25-9-7(a)(2)).

(4) Common Ground Alliance Best Practices shall be read in conjunction with Georgia law. In any instance in which the Common Ground Alliance Best Practices conflict with state law, state law shall serve as the controlling authority.

(5) Nothing in these rules shall be interpreted to authorize any entity, utility or municipality certificated or otherwise regulated by the Commission to follow any practice that is less stringent than that which is already required by Georgia State law.

(6) Evidence of the implementation and utilization of the Common Ground Alliance Best Practices by a facility owner and/or operator or a locator or an excavator at a hearing as prescribed by O.C.G.A. § 25-9-13(h)(7) shall be considered in the Commission's analysis of reasonable care. Such evidence when presented by a party shall be one criterion for the Commission to consider in its reasonable care analysis but shall not in and of itself constitute conclusive proof of reasonable care.

Cite as Ga. Comp. R. & Regs. R. 515-9-6-.01
Authority: O.C.G.A. Secs. 25-9-7, 25-9-8, 25-9-9, 25-9-13, 46-2-20, 46-2-21, 46-4-153, 46-4-160, 46-5-163, 46-5-168, 50-13-4.
History. Original Rule entitled "Commission Recognized Best Practices" adopted. F. June 14, 2004; eff. July 4, 2004.
Repealed: New Rule entitled "Requirement to Use Reasonable Care and Commission Recognized Best Practices" adopted. F. Oct. 14, 2009; eff. Nov. 3, 2009.

Subject 515-9-7. GAS SAFETY IN GEORGIA COUNTIES.

Rule 515-9-7-.01. Countywide Gas Safety Plan.

(1) Definitions.As used in this Rule, the following terms shall have the following definitions:

(a) "Distribution System" means mains, services, and equipment which carry or control the supply of natural gas from the point of local supply or supplies to and including the consumers' meters. For purposes of this Rule,"Distribution System" shall include any segment of transmission line being used to serve retail end users.

(b) "Municipality" means a city, county or any other political subdivision of a State.

(c) "Natural Gas Safety Plan" or "Plan" means a written set of procedures approved by the Commission to minimize unsafe situations and the potential for confusion among emergency response personnel and the public in a county where more than one Operator has a natural gas Distribution System. Natural Gas Safety Plans must include the elements required by this Rule and shall not conflict with state and federal pipeline safety laws and regulations.

(d) "Operator" means any person (including a municipality) who engages in the transportation of natural gas by pipeline, except that the term shall not mean a master-meter operator.

(e) "Overlap area" and "overlapping area"mean any geographic area where a natural gas operator has or seeks legal authority to provide (or is providing or running gas lines to provide) distribution pipeline facility service or has a transmission line providing distribution service in a county within five (5) miles of the gas facilities of another natural gas operator.

(f) "Person" means any individual, firm, joint venture, partnership, corporation, limited liability company, association, authority, municipality, cooperative association, joint-stock association, trustee, receiver, assignee or personal representative.

(g) "Public Officials and Emergency Responders" mean fire and law enforcement authorities, 911 call centers and other public officials responsible for protecting the public and responding to natural gas related emergencies.

(h) "Pipeline Facility" means new and existing pipeline, rights-of-way, and any equipment, facility, or building used in the transportation of natural gas or in the treatment of natural gas during the course of transportation.

(2) Requirement To Establish and Comply with a Natural Gas Safety Plan.

(a) On or after the effective date of this Utility Rule, an Operator that has not previously provided natural gas distribution service in a county, or in an overlapping area of a county, shall not install or extend a distribution pipeline facility or otherwise provide such additional or extended gas distribution service in such county without first applying for and receiving approval from the Commission of a Natural Gas Safety Plan including the applicant Operator's proposed installation or extension pursuant to the procedures set forth in Section (2) of this Rule.

(b) Within one year after the effective date of this Utility Rule or earlier if necessitated by subsection (a), all Operators having a natural gas Distribution System Pipeline Facility within any county where more than one Operator provides natural gas distribution service shall jointly file with the Commission a proposed Natural Gas Safety Plan for the county. If, upon review, the Commission

finds that the proposed Natural Gas Safety Plan is appropriate, sufficient and is otherwise in the public interest, the Commission may approve it. If the Operators cannot agree on a Natural Gas Safety Plan, or if their proposed Plan is determined by the Commission not to be appropriate, sufficient or in the public interest, then the Commission may modify the proposed Plan or may adopt its own Plan, but shall provide prior notice and opportunity for a hearing to all Operators within the county . In any such hearing, all Operators having a natural gas Distribution System Pipeline Facility within the county shall be parties to the proceeding.

(c) After a Countywide Natural Gas Safety Plan has been approved for a county, no Operator may install or extend a distribution pipeline facility in such county if such Operator is not included in the Countywide Natural Gas Safety Plan. In such cases, the Operator seeking to extend or install new pipeline facilities in such county, shall provide notice to every Operator currently having distribution pipeline facilities in such county of its desire to extend or install new facilities in any portion of the county and shall work in good faith with the existing Operator, or Operators, to file with the Commission a jointly proposed Natural Gas Safety Plan, or amendment to an existing natural gas safety plan, for such county. If the Operators cannot agree within thirty (30) days of receipt of such notice, then the operator seeking to install or extend gas distribution pipeline facilities within such county shall file the proposed Plan or proposed amendment to an existing Plan with the Commission; and the Commission, after notice and public hearing, shall decide whether to grant, modify, or deny the proposed Natural Gas Safety Plan or Plan amendment for such county. In any such hearing, all Operators in the county shall be parties of record to the proceeding.

(d) Each Operator shall comply with all applicable Commission-approved Natural Gas Safety Plans and shall not install or extend gas pipeline facilities beyond the demarcation of safety boundaries for facilities in such approved Natural Gas Safety Plan without amendment of the Natural Gas Safety Plan being first approved by the Commission pursuant to the amendment procedures set forth in Section (4) herein. Failure to comply with this Rule and any applicable Natural Gas Safety Plan approved by the Commission shall render the non-complying Operator subject to Commission assessment, after notice and hearing, of civil penalties as authorized in O.C.G.A. § 46-2-91.

(3) Required Elements of Natural Gas Safety Plan. A Natural Gas Safety Plan must include the following elements :

(a) For all overlap or overlapping areas and for counties in which an operator or Commission's Pipeline Safety staff has made a request pursuant to subsection (g), a clear demarcation of boundaries for distribution pipeline facilities shall be made in the overlapping area or county to eliminate or minimize the duplication or commingling of said facilities. Where possible, such demarcation shall utilize readily identifiable landmarks and natural or man-made boundaries so that first

responders, customers, excavators, and all others can more easily determine which operator to contact in the event of an emergency and so that operators will be better able to quickly and safely respond to such emergencies.

(b) An appropriate and sufficient method and procedure for notifying and updating first responders, appropriate fire departments, law enforcements, the county 911 center and other public officials, of the boundaries contained in the natural gas safety plan and of any changes to such facilities boundaries upon amendment of the natural gas safety plan. Such information must be updated and maintained by each Operator in current form at least annually.

(c) A provision requiring Operators to exchange up-to-date detailed maps showing the location of the natural gas pipeline facilities of each Operator within the county. In addition, the Plan shall require Operators to provide to Public Officials and Emergency Responders within the county detailed area maps providing the area within the county assigned to the Operator pursuant to the Plan and any areas in which Public Officials and Emergency Responders should contact multiple Operators in the event of a natural gas emergency. Said area maps for Public Officials and Emergency Responders shall not be required to show the location of pipeline facilities.

(d) An appropriate and sufficient procedure for updating the maps required under subsection (3)(c) of this Rule on at least an annual basis.

(e) An appropriate and sufficient procedure for Operators to follow if they are contacted by members of the public or Public Officials and Emergency Responders regarding a natural gas related emergency involving facilities that belong to another Operator.

(f) Appropriate and sufficient procedures for Operators to fulfill the duties imposed under subsections (6) and (7) of this Rule, regarding communication with Public Officials and Emergency Responders and other Operators.

(g) Where requested by any operator or the Commission's Pipeline Safety Staff, or in counties where any Operator has an existing or proposed natural gas Distribution System within five miles of another Operator's Distribution System in such county, the Natural Gas Safety Plan for each such county shall include boundaries between all Operators' Pipeline Facilities in such county or counties. These boundaries shall be established as follows:

Operators shall negotiate in good faith, directly or through designated agents, to agree upon boundaries using appropriate natural and artificial landmarks. The geographical beginning point for negotiations shall be the location of the existing Distribution Systems Pipeline Facilities of the Operators as of the effective date of this Rule. However, the boundaries established by an existing certificate of public

convenience and necessity and, in the case of a municipality distributing natural gas within a county for which such a certificate is not required, the boundaries of the county shall be relevant but not necessarily controlling.

1. Nothing in this Rule shall prevent Operators from voluntarily agreeing to transfer customers or facilities provided, however, that any such transfer of customers shall require Commission approval and that the Operators shall be required to inform affected customers and provide notice of hearing opportunity before the Commission to the affected customers. Provided further that the Commission may, upon complaint or on its own initiative, after notice and opportunity for a hearing, order such a transfer of customers or pipeline facilities on such terms and conditions as the Commission may deem appropriate, compensatory and just (including, but not limited to, ordering the transferee Operator to compensate the transferor Operator for the reasonable value of pipeline facilities so transferred). No customer shall be transferred except upon a finding by the Commission that such a transfer is required in the interest of safety and, in a consolidated proceeding involving certification as well as a Natural Gas Safety Plan, such transfer is otherwise in the public interest under O.C.G.A. Chapter 46-4. Transferred customers shall not be assessed any fees or charges in connection with any transfer.

2. Negotiations between and among Operators in counties where more than one operator has distribution pipeline facilities shall commence within 120 days of the effective date of this Rule. If the Operators do not agree on safety-based boundaries within three months of the initiation of negotiations, then, upon demand by any Operator, all Operators shall participate in good faith, non-binding mediation before the Commission's Pipeline Safety Staff or before a neutral third party selected by unanimous agreement of the Operators.

3. If the Operators do not agree on boundaries by the deadline for filing the Natural Gas Safety Plan, the Commission may cite any or all such Operators for violation of this Rule and shall establish safety-based boundaries after providing notice and opportunity for a hearing to all such Operators. In any such hearing, all Operators in the county shall be parties to the proceedings.

4. In addition to the other factors set forth in this Rule, factors relevant to the creation and evaluation of safety-based boundaries under this Rule shall include, but not be limited to, the following: whether a proposed boundary makes appropriate use of natural and artificial boundaries to promote safety, whether such boundary minimizes customer confusion and transfers, allows for the Operator to educate customers as well or better on safety issues and causes minimal confusion on safety matters for gas customers proposed to

be transferred from one Operator to another under the proposed Plan, as well as any other factors relevant to safety and emergency response. Provided, however, nothing in this Rule shall be construed as depriving this Commission of its jurisdiction and authority over, and duty to protect gas customers from, arbitrary or otherwise unlawful transfer from one gas operator to another on non-safety grounds contained in O.C.G.A. Chapter 46-4.

5. Each Natural Gas Safety Plan shall provide that Operators will not construct or install any natural gas distribution facilities in a county except in accordance with any safety-based boundaries established under the applicable Natural Gas Safety Plan unless the Plan is first amended as provided in this Rule to allow the proposed construction or installation.

6. Each Natural Gas Safety Plan shall provide that Operators receiving requests from potential customers to provide natural gas service in areas that they are unable to serve under the safety-based boundaries established by the Plan will direct the customer to the Operator that can serve the potential customer consistent with the Plan or promptly petition to amend the Plan pursuant to the provisions of this Rule in order to afford such service.

7. At the time of the filing of a Natural Gas Safety Plan, all Operators holding a certificate of public convenience and necessity encompassing any portion of the county shall, as a consolidated filing to the Plan, petition to amend its certificate boundaries to be consistent with any safety-based boundaries proposed to be established by the Plan.

8. Once safety-based boundaries are approved by the Commission as part of a Plan, the Commission shall give great deference to those boundaries in any proceeding where an Operator is seeking to amend or change such boundaries. Further, the Operator seeking to amend the previously approved safety-based boundaries must show that the proposed amendment does not compromise the level of safety established by such existing Commission-established boundaries.

(h) Each Natural Gas Safety Plan shall include, if appropriate, procedures to minimize and manage any safety risks in areas of proximity (including, but not limited to, crossings) that remain between existing natural gas Distribution Systems after adoption of the Plan.

(4) Amendments to Natural Gas Safety Plan. After adoption of a Natural Gas Safety Plan by the Commission, any Operator in the county may petition the Commission to amend, or the Commission may on its own motion initiate proceedings to amend, the Natural Gas Safety Plan . The Operator proposing to amend the Plan shall provide notice to every Operator with a natural gas Distribution System in the county of its proposed amendment

and shall work in good faith with the existing Operator or Operators to file a jointly proposed amendment with the Commission. If the Operators cannot agree within thirty (30) days of receipt of such notice, then the Operator seeking to amend the Plan shall file with the Commission a proposed amendment to the existing Plan. The Commission shall decide whether to grant, modify or deny the proposed amendment. Before amending a Plan based on the petition of an Operator or on its own motion, the Commission shall provide notice and an opportunity for a hearing to each Operator in the county. In any such hearing, all Operators in the county shall be parties of record.

(5) Incorporation of Natural Gas Safety Plan into Operator Manuals. Each operator in the county shall incorporate the Commission-approved Natural Gas Safety Plan into its operation and emergency manuals.

(6) Operators' Duties to Train on Natural Gas Safety Plan. Each Operator shall furnish its supervisors who are responsible for emergency action with a copy of that portion of the effective edition of the emergency procedures that have incorporated the Commission-approved Natural Gas Safety Plan. In addition, the Operator shall train the appropriate operating and emergency personnel on both the emergency procedures and the approved Natural Gas Safety Plan.

(7) Operators' Duties to other Operators, Public Officials and Emergency Responders. As part of any proposed Natural Gas Safety Plan, each Operator shall establish and maintain liaison with the appropriate Public Officials and Emergency Responders in such county, as well as other Operators having a Distribution System in the county to:

(a) Identify the types of natural gas pipeline emergencies and ways to communicate with the appropriate Operator;

(b) Plan how Operators will proceed if they are contacted by members of the public or Public Officials and Emergency Responders regarding a natural gas emergency involving pipeline facilities that belong to another Operator (including emergency contact numbers of such persons);

(c) Provide updated area maps to Public Officials and Emergency Responders to show areas where each Operator has pipeline facilities (without the necessity of showing the precise location of each such pipeline facility);

(d) Learn the capabilities and resources and location of pipeline facilities for pipeline emergency;

(e) Acquaint other Facility Owner/Operators in the county with its ability in responding to a gas pipeline emergency; and

(f) Plan strategically how the Facility Owner/Operator and Public Officials can engage in mutual assistance to minimize hazards to life or property.

(8) Safety Plan Does Not Constitute Commission Certification. Commission approval or adoption of a Countywide Natural Gas Safety Plan or amendment thereto for any county does not constitute certification of any Operator mentioned in such plan to provide natural gas distribution service or authorization to construct pipeline facilities. Such certification or legal authority, where required, must be separately applied for by any gas operator under O.C.G.A. Chapter 46-4. However, when it would result in administrative efficiency, the Commission may consolidate consideration of any certificate application or applications with consideration of a Countywide Natural Gas Safety Plan. However, in any simultaneous or subsequent certification application proceeding, if the applicant's request for certification is consistent with a current Commission-approved Countywide Natural Gas Safety Plan for the involved area, then such current Commission-approved Plan shall constitute prima facie proof that the applicant's proposed gas installation and operation would be consistent with public safety. Further, if customer transfer is proposed as part of a Countywide Natural Gas Safety Plan, then no customer will be transferred by one gas operator to another without prior notice and opportunity to be heard before the Commission in any related certification hearing or, if no certification hearing is required (e.g., the only gas providers in a particular county may be municipalities located in such county), then such notice to and opportunity for customers to be heard before the Commission on the proposed transfer will be provided as part of the Natural Gas Safety Plan proceeding.

(9) Review and Updating of Gas Safety Plan. In addition to other modification procedures set forth in this rule, at least once every five (5) years, any natural gas safety plan adopted by the Commission shall be reviewed by all operators within a county, amended as necessary by such operators, and submitted to the Commission for approval.

Cite as Ga. Comp. R. & Regs. R. 515-9-7-.01
Authority: O.C.G.A. Secs. 46-2-20, 46-2-30 and Commission Utility Rule 515-9-1-.01 [including 49 CFR Parts 191 and 192, as adopted now and in the future].
History. Original Rule entitled "Countywide Gas Safety Plan" adopted. F. Feb. 27, 2008; eff. Mar. 18, 2008.

Rule 515-9-7-.02. Minimum Procedures for Handling Areas of Natural Gas Emergencies Occurring on the Facilities of Anot.

(1) Purpose: This rule establishes minimum guidelines for a Responding Operator that responds to notification of a natural gas emergency and upon arrival at the area of the gas emergency determines that it is not the Affected Operator. All Operators shall minimize risks to the public safety in accordance with 49 C.F.R. Part 192 and adhere to the procedures established in this Rule. All Operators shall hold public safety as the highest priority when responding to natural gas emergencies.

(2) Definitions: As used in this Chapter, the following terms shall have the following definitions:

(a) Area of the gas emergency: the area around the location of a natural gas emergency of whatever kind or nature irrespective of facility ownership.

(b) Affected Operator: any Operator as defined in Commission Rule 515-9-7-.01(1)(d) that owns the facility affected by the natural gas emergency.

(c) Responding Operator: any Operator as defined in Commission Rule 515-9-7-.01(1)(d) that arrives on the scene of a natural gas emergency, irrespective of whether it is the Affected Operator.

(3) Obligation of the Responding Operator: Each Operator contacted regarding the existence of a natural gas emergency in an area of joint response (as defined by the Parties in the most recent CWSP and appurtenant map) shall dispatch an Operator Qualified representative who is also trained on the County Wide Safety Plan, to each area of the gas emergency. Each Operator contacted regarding the existence of a natural gas emergency in an area that is not defined as joint response (pursuant to the most recent CWSP and appurtenant map) shall, unless the Operator can definitively identify that the emergency is on another operator's system and positively communicate that emergency information to that Operator, dispatch an Operator Qualified representative who is also trained on the County Wide Safety Plan, to each area of gas emergency. Each Operator shall ensure that all on call operator Qualified representatives have access to all applicable CWSPs. All Operators shall document contacts received regarding all NG emergencies in accordance with 49 C.F.R. § 192.615 and shall keep such documentation for a period of not less than five years.

(4) Procedures for the Responding Operator when responding to an Emergency on the Facilities of the Affected Operator: Upon arrival at the area of the gas emergency, each Responding Operator shall at a minimum:

(a) identify itself to Emergency Responders, if present, in the area of the gas emergency;

(b) immediately determine whether the Responding Operator is the Affected Operator of the facility affected by the natural gas emergency.

(c) notify Emergency Responders whether the Responding Operator is also the Affected Operator and owner of the facility affected by the natural gas emergency;

(d) notify the Affected Operator if the Responding Operator is not the Affected Operator.

(e) If the Responding Operator determines that it is not the Affected Operator of the facility affected by the natural gas emergency, the Responding Operator may (but is not obligated to) close the service valve(s) of the affected facility. The Responding Operator may consult with Emergency Responders prior to performing this act. This provision does not constitute the consent of the Affected

Operator for the Responding Operator to perform any acts on the facilities of the Affected Operator.

(f) Except as provided in Section 4(g), the Responding Operator shall remain at the area of the gas emergency until:

1. The Affected Operator's personnel are on site at the area of the gas emergency and have assumed responsibility;

2. The area of the gas emergency is under the control of Emergency Responders and the Affected Operator's personnel are on the scene or a gas emergency no longer exists; or

3. If, in the opinion of the Responding Operator, there is no immediate danger to the health and welfare of the general public, the Affected Operator has been alerted to the situation, and in Responding Operator's professional opinion there is no further need to remain on the scene.

4. In the event the Responding Operator determines that it is not the Affected Operator, and it receives notice of a gas emergency on its facilities while in the area of the gas emergency, it will notify Emergency Responders and the Affected Operator, as set forth in the applicable County Wide Safety Plan, Attachment B. The Responding Operator shall document the circumstances of its departure and maintain such document as part of its County Wide Safety Plan.

(5) No Duty Created: Nothing in this Rule creates a duty on the part of the Responding Operator to perform any action other than expressly stated herein.

(6) Compliance with 49 C.F.R. § 192.615 and Acceptance of Emergency Procedures: The requirements of 49 C.F.R. § 192.615 are mandatory. Each Operator shall review and accept the applicable Operator Qualifications and emergency procedures of any other Operator. In the event an Operator is unable to accept the emergency procedures of another Operator, they shall jointly develop and adopt emergency procedures necessary to meet additional system and/or operational requirements. Each Operator shall provide its emergency procedure manual and changes thereto to the Commission within thirty (30) days from the date of adoption or modification.

(7) Points of Contact: Each Operator's designated point(s) of contact for communication between Operators shall be in accordance with GPSC Rule 515-9-7-.01(3).

Cite as Ga. Comp. R. & Regs. R. 515-9-7-.02
Authority: O.C.G.A. Secs. 46-2-20(i), 46-2-30 [including 49 C.F.R. Parts 191 and 192 et. Seq, as adopted now and in the future].
History. Original Rule entitled "Minimum Procedures for Handling Areas of Natural Gas Emergencies Occurring on the Facilities of Another Operator" adopted. F. Oct. 22, 2010; eff. Nov. 11, 2010.

Repealed. New rule of same title adopted. F. Apr. 27, 2011; eff. May 17, 2011.

Rule 515-9-7-.03. Identification and Disclosure of Landfill Gas Lines.

1. Due to the varying gas quality and operating characteristics associated with these lines, the location and special characteristics of current and future landfill gas pipelines and associated facilities owned or operated by a Natural Gas Operator shall be identified and disclosed as follows:

   (a) To the Georgia Public Service Commission within 90 days of the effective date of this Rule on any current LFGLs or within 90 days of the initiation of service on any future LFGLs.

   (b) To the other Natural Gas Operator(s) in the Counties in which these lines exist as part of the annual sharing of facility maps required in Commission Rule 515-9-7-.01(3)(c).

Cite as Ga. Comp. R. & Regs. R. 515-9-7-.03
Authority: 49 C.F.R. Parts 191 and 192 et. seq., O.C.G.A. §§ 46-2-20(i) and 46-2-30.
History. Original Rule entitled "Identification and Disclosure of Landfill Gas Lines" adopted. F. Apr. 27, 2011; eff. May 17, 2011.

Subject 515-9-8. NATURAL GAS PIPELINE SAFETY AND PUBLIC AWARENESS PROGRAMS.

Rule 515-9-8-.01. Purpose.

The purpose of this rule is to facilitate compliance with the provisions of the federal regulations for public awareness and safety issues regarding natural gas pipeline facilities contained in 49 C.F.R. §§ 192.614 and 192.616 in cases where the billing to the Retail Customers of the Electing Distribution Company is provided, in whole or in part, by Marketers or Poolers providing commodity sales service or distribution services on the Electing Distribution Company's system.

Cite as Ga. Comp. R. & Regs. R. 515-9-8-.01
Authority: O.C.G.A. Secs. 46-2-20, 46-2-30, R. 515-9-1-.01.
History. Original Rule entitled "Purpose" adopted. F. Oct. 15, 2008; eff. Nov. 4, 2008.

Rule 515-9-8-.02. Definitions.

As used in this article, the term:

(a) "Electing Distribution Company" or "EDC" means a gas company which has elected and been approved by the Commission to be subject to the provisions of Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated.

(b) "Marketer" means any person certificated by the Commission to provide commodity sales service or distribution services pursuant to Code Section 46-4-153 and ancillary services incident thereto.

(c) "Person" means any individual, firm joint venture, partnership, corporation (whether public or private), association, State, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof, company, or any other association including an electric membership corporation. (49 C.F.R. § 192.3 and O.C.G.A. 46-4-152(14)).

(d) "Pooler" means a Marketer or any other Person who is a producer, broker, Retail Customer, or group of Retail Customers who has been engaged by one or more Retail Customers to be responsible for the delivery of gas to the company's city gate for such customers.

(e) "Operator" means a person who engages in the transportation of gas. (49 C.F.R. § 192.3).

(f) "Retail Customer" or "Retail Purchaser" means a person who purchases commodity sales service or distribution service, and such purchase is not for the purpose of resale.

Cite as Ga. Comp. R. & Regs. R. 515-9-8-.02
Authority: O.C.G.A. Secs. 46-2-20, 46-2-30, R. 515-9-1-.01.
History. Original Rule entitled "Definitions" adopted. F. Oct. 15, 2008; eff. Nov. 4, 2008.

Rule 515-9-8-.03. Marketer and Pooler Participation Required.

In accordance with the requirements set forth in Commission Rule 515-9-8-.05, Marketers and Poolers shall include natural gas pipeline safety and public awareness information provided by the Electing Distribution Company, in Retail Customer billing inserts or through some other medium consistent with the requirements of 515-9-8-.05(4). The provision of such natural gas pipeline safety and public awareness materials shall comply with the federal regulations set forth for such natural gas pipeline safety and public awareness programs.

Cite as Ga. Comp. R. & Regs. R. 515-9-8-.03
Authority: O.C.G.A. Secs. 46-2-20, 46-2-30, R. 515-9-1-.01.
History. Original Rule entitled "Marketer and Pooler Participation Required" adopted. F. Oct. 15, 2008; eff. Nov. 4, 2008.

Rule 515-9-8-.04. Natural Gas Pipeline Safety and Public Awareness - Minimum Requirements.

(1) The natural gas pipeline safety and public awareness messaging required by these Rules shall include, but not be limited to, the following types of information:

(a) the use of a one-call notification system prior to excavation and other damage prevention activities;

(b) the possible hazards associated with unintended releases from a gas pipeline facility;

(c) the physical indications that such a release may have occurred;

(d) the steps that should be taken for public safety in the event of a gas pipeline release;

(e) the procedures for reporting such an event; and

(f) the location of pipeline facilities.

(2) The Commission shall retain jurisdiction over any disputes between the EDC and a Marketer and/or Pooler as to the appropriate information to be included in all natural gas pipeline safety and public awareness mailings.

Cite as Ga. Comp. R. & Regs. R. 515-9-8-.04
Authority: O.C.G.A. Secs. 46-2-20, 46-2-30, R. 515-9-1-.01.
History. Original Rule entitled "Natural Gas Pipeline Safety and Public Awareness - Minimum Requirements" adopted. F. Oct. 15, 2008; eff. Nov. 4, 2008.

Rule 515-9-8-.05. Annual Scheduling of Billing Inserts.

(1) By October 1st of each year, the Electing Distribution Company, Marketers and the Poolers shall jointly develop and provide to the Commission, a final schedule for the natural gas pipeline safety and public awareness mailings to be sent by the Marketers and Poolers for the following year. Also by October 1st of each year, the Marketers and Poolers shall provide to the EDC, all physical dimension requirements (minimum and maximum dimensions) for billing inserts and/or electronic billing insert format requirements for the upcoming year as well as designate on each respective Marketer's and Pooler's behalf, any Designees whom will be handling the mailings required by these Commission Rules.

(2) By August 1st of each year, each Marketer shall receive notification from the Electing Distribution Company of each pending natural gas pipeline safety and/or public awareness mailings planned for the following year. Such notification shall include draft copies of each of the pending bill inserts, with the physical dimension requirements of each copy also provided, for each quarterly natural gas pipeline safety and public awareness mailing.

(3) Marketers and Poolers shall include natural gas pipeline safety and public awareness billing inserts provided by the Electing Distribution Company in their respective billing envelopes on a quarterly basis. In addition thereto, Marketers shall provide such natural gas pipeline safety and public awareness materials to all new customers either through information included in the new customer's welcome kit or as a bill insert in the new customer's first bill.

(4) Marketers and Poolers may elect to receive a bill insert in an electronic format provided that such insert is predominantly displayed in the medium in which the insert is utilized. Further, such insert shall be distributed to all customers in a similar size and color and at the same time as Marketers and Poolers who include such inserts in their paper billings.

(5) The Electing Distribution Company shall provide the physical and/or electronic bill inserts to the Marketers, Poolers and/or their respective Designees at least thirty (30) days prior to the distribution schedule agreed to in accordance with the Commission's Rules herein. The EDC shall utilize the physical dimensions previously specified by each Marketer or Pooler so that the natural gas pipeline safety and public awareness materials can be inserted commencing with the Marketer's and Pooler's next respective billing cycles.

(6) The Commission shall retain jurisdiction over any disputes between the EDC and a Marketer and/or Pooler regarding all aspects of the natural gas pipeline safety and public awareness mailings required herein.

Cite as Ga. Comp. R. & Regs. R. 515-9-8-.05
Authority: O.C.G.A. Secs. 46-2-20, 46-2-30, R. 515-9-1-.01.
History. Original Rule entitled "Annual Scheduling of Billing Inserts" adopted. F. Oct. 15, 2008; eff. Nov. 4, 2008.

Rule 515-9-8-.06. Costs to Be Borne by the Electing Distribution Company.

The Electing Distribution Company shall bear all costs associated with the development of and shipment to Marketers and Poolers, of all written and electronic natural gas pipeline safety and public awareness materials. The EDC shall further bear all costs of printing and packaging the natural gas pipeline safety and public awareness printed materials to be shipped to those Marketers and Poolers that have elected to receive printed bill inserts.

Cite as Ga. Comp. R. & Regs. R. 515-9-8-.06
Authority: O.C.G.A. Secs. 46-2-20, 46-2-30, R. 515-9-1-.01.
History. Original Rule entitled "Costs to Be Borne by the Electing Distribution Company" adopted. F. Oct. 15, 2008; eff. Nov. 4, 2008.

Rule 515-9-8-.07. Costs to Be Borne by Marketers and Poolers.

Provided that the physical dimensions specified by each Marketer and Pooler have been complied with by the EDC, the Marketers and Poolers shall be responsible for all costs

associated with the actual mail out of such printed and electronic natural gas pipeline safety and public awareness materials. In addition, where a Marketer or Pooler has elected to receive the natural gas pipeline safety and public awareness information in electronic form, such Marketer or Pooler shall bear the costs of printing and packaging same, in addition to the costs associated with the actual mail out of such printed materials.

Cite as Ga. Comp. R. & Regs. R. 515-9-8-.07
Authority: O.C.G.A. Secs. 46-2-20, 46-2-30, R. 515-9-1-.01.
History. Original Rule entitled "Costs to Be Borne by Marketers and Poolers" adopted. F. Oct. 15, 2008; eff. Nov. 4, 2008.

Chapter 515-10. RULES AND REGULATIONS GOVERNING RADIO UTILITIES.

Subject 515-10-1. RADIO UTILITIES.

Rule 515-10-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-10-1-.01
Authority: Ga. L. 1964, pp. 338, 342; 1965, pp. 283, 285; 1970, p. 104; 1972, p. 439; 1975, p. 406, 411.
History. Original Rule entitled "Definitions" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411. Repealed: F. Aug. 8, 2001; eff. August 28, 2001.

Rule 515-10-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-10-1-.02
Authority: Ga. L. 1964, pp. 338, 342; 1965, pp. 283, 285; 1970, p. 104; 1972, p. 439; 1975, p. 406, 411.
History. Original Rule entitled "Certificate of Public Convenience and Necessity" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Aug. 8, 2001; eff. Aug. 28, 2001.

Rule 515-10-1-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-10-1-.03
Authority: Ga. L. 1964, pp. 338, 342; 1965, pp. 283, 285; 1970, p. 104; 1972, p. 439; 1975, p. 406, 411.
History. Original Rule entitled "Competition and Duplication of Service" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Aug. 8, 2001; eff. Aug. 28, 2001.

Rule 515-10-1-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-10-1-.04
Authority: Ga. L. 1964, pp. 338, 342; 1965, pp. 283, 285; 1970, p. 104; 1972, p. 439; 1975, p. 406, 411.
History. Original Rule entitled "Prescribed Application Form" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as

specified by Ga. L. 1975, p. 411.
Repealed: F. Aug. 8, 2001; eff. Aug. 28, 2001.

Rule 515-10-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-10-1-.05
Authority: Ga. L. 1964, pp. 338, 342; 1965, pp. 283, 285; 1970, p. 104; 1972, p. 439; 1975, p. 406, 411.
History. Original Rule entitled "Articles of Incorporation" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Aug. 8, 2001; eff. Aug. 28, 2001.

Rule 515-10-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-10-1-.06
Authority: Ga. L. 1964, pp. 338, 342; 1965, pp. 283, 285; 1970, p. 104; 1972, p. 439; 1975, p. 406, 411.
History. Original Rule entitled "Classes of Certificates" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Aug. 8, 2001; eff. Aug. 28, 2001.

Rule 515-10-1-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-10-1-.07
Authority: Ga. L. 1964, pp. 338, 342; 1965, pp. 283, 285; 1970, p. 104; 1972, p. 439; 1975, p. 406, 411.
History. Original Rule entitled "Separate Applications" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Aug. 8, 2001; eff. Aug. 28, 2001.

Rule 515-10-1-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-10-1-.08
Authority: Ga. L. 1964, pp. 338, 342; 1965, pp. 283, 285; 1970, p. 104; 1972, p. 439; 1975, p. 406, 411.
History. Original Rule entitled "Certificate Contents and Authority" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Aug. 8, 2001; eff. Aug. 28, 2001.

Rule 515-10-1-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-10-1-.09
Authority: Ga. L. 1964, pp. 338, 342; 1965, pp. 283, 285; 1970, p. 104; 1972, p. 439; 1975, p. 406, 411.
History. Original Rule entitled "Certificates Non-Transferable" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Aug. 8, 2001; eff. Aug. 28, 2001.

Rule 515-10-1-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-10-1-.10
Authority: Ga. Code Ann. Sec. 93-307.
History. Original Rule entitled "Deposit; Amount; Receipt; Interest" adopted. F. Aug. 2, 1976; eff. Sept. 1, 1976, as specified by the Agency.
Amended: F. Feb. 22, 1980; eff. Mar. 13, 1980.
Repealed: F. Aug. 8, 2001; eff. Aug. 28, 2001.

Chapter 515-11. TERRITORIAL ELECTRIC ASSIGNMENTS.

Subject 515-11-1. TERRITORIAL ELECTRIC ASSIGNMENTS.

Rule 515-11-1-.01. General.

Where words used herein are the same as words used in the Act, the meanings shall be as defined in the Act.

Cite as Ga. Comp. R. & Regs. R. 515-11-1-.01
Authority: Ga. L. 1973, Sec. 11, 12, pp. 217, 218; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-11-1-.02. Applications.

(1) Each application to the Commission for assignment or declaration of unassignment shall treat such portions of a single county as to which the electric supplier or suppliers making the application may have a service interest, but in no event shall a single application treat more than one county. Joint applications by all affected suppliers who have reached agreement on assignment of areas in a give n county are encouraged.

(2) Each application shall be in writing, shall identify the supplier or suppliers making the application, shall concisely state the reasons for the requested assignment or unassignment, and shall be accompanied by the maps as described below.

Cite as Ga. Comp. R. & Regs. R. 515-11-1-.02
Authority: Ga. L. 1973, Sec. 11, 12, pp. 217, 218; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-11-1-.03. Maps.

At least two maps of each county will accompany each application: A map showing the location of all electric suppliers' lines located outside existing municipal limits as of the date of preparation of the map, which shall be no earlier than the effective date of the Act and no later than the date of application (line maps), and a map showing geographic areas of assignment or unassignment requested outside of existing municipal limits; provided, such maps shall not be required, unless immediately available, for applications as to any area which is the subject of a notice of annexation given pursuant to subsection 7(b)(4) of the Act. Additional maps or verbal descriptions of areas may be filed as necessary. Line map identifications and marker specifications, supplier code identifications, and area map identifications shall be those shown on Exhibits "A","B", and "C" respectively.* *These Exhibits appear following Rule 515-11-1-.08.

Cite as Ga. Comp. R. & Regs. R. 515-11-1-.03
Authority: Ga. L. 1973, Sec. 11, 12, pp. 217, 218; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-11-1-.04. Specific Procedure-Line Maps.

(1) The base maps shall be a reproduction of the Georgia Department of Transportation county maps, with all planimetric map information subdued with a 60%-133 point line screen, on a scale of one inch to one mile.

(2) Since Georgia Power Company (the mapping entity) utilizes maps similar to those described in the conduct of its business and since it has a fully equipped and competent mapping section, the mapping entity will:

(a) Be responsible for securing, duplicating and furnishing to each electric supplier requested reproductions of the above described base maps necessary to cover its service area for the purpose of entering the location of its lines from records or field check data.

(b) Transfer the line locations furnished by electric suppliers, including its own, to master maps printed on mylar. The lines of various power suppliers shall be identified as shown on the attached legend.

(c) Furnish the electric suppliers a black line print of each master mylar map upon transfer of all line locations to the said map for verification by the electric suppliers that the information shown is a true and correct representation of the line locations of the electric suppliers. Upon verification, the master mylar map will be presented to the electric suppliers for signature certification that the information is correct. A film sepia copy of the certified master mylar map will be filed with the Commission forthwith.

(d) Furnish an electric supplier upon request any specified reproduction of the maps of its service area at a cost to the electric supplier for reproduction expenses only.

(3) Every electric supplier, and the mapping entity, shall exchange such mapping data and provide such maps on an expeditious schedule, and the Commission may enforce this requirement by appropriate order upon complaint or on its own motion.

Cite as Ga. Comp. R. & Regs. R. 515-11-1-.04
Authority: Ga. L. 1973, Sec. 11, 12, pp. 217, 218; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-11-1-.05. Specific Procedure-Area Maps*.

(1) The mapping entity will retain the original mylar line maps prepared as described in 515-11-1-.04 hereof and will furnish each electric supplier operating in each county requested reproductions of all line maps as may be necessary to cover its service area. The completed line maps will be used by the electric suppliers as the basis for applications to the Commission for assignment or declaration of unassignment.

(2) In the event that negotiations between electric suppliers in each county result in agreement on assignment or unassignment of areas as the basis for joint application to the Commission, a copy of the line map showing territorial boundaries agreed upon will be furnished to the mapping entity, who will transfer the boundaries to a duplicate of the original mylar line map. A copy of the completed area map will be furnished to each concerned electric supplier who participated in the negotiations affecting said map for verification that the information shown thereon is a true and correct representation of the results of the negotiations. Upon verification that the map is correct, the original mylar map will be presented to all concerned electric suppliers for signature certification that the information shown is correct. Upon certification by all concerned electric suppliers that the information shown on each map is correct, the concerned electric suppliers will join in an application to the Georgia Public Service Commission requesting assignment of service areas as shown on the original mylar map to be made a part of the application.

Cite as Ga. Comp. R. & Regs. R. 515-11-1-.05
Authority: Ga. L. 1973, Sec. 11, 12, pp. 217, 218; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.
Note:

*See Exhibits "A," "B," "C," and "D" following. Rule 515-11-1-.08.

Rule 515-11-1-.06. Service and Notice of Application-Notice of Hearing.

(1) The electric supplier or suppliers making application for assignment or declaration of unassignment shall personally or by certified mail serve a copy of the application and all accompanying documents upon the chief executive offices of all other electric suppliers owning lines within the affected county and of all electric suppliers owning lines in each adjoining county who have lawful authority to render service in the county as to which the application pertains. Certification to this effect shall accompany each application upon its filing. Notice of the filing of each such application shall be caused by the supplier or the suppliers making the application to be published in the official county newspaper of the affected county at least twice in the three-week period immediately following filing of the application.

(2) Notice of hearings by the Commission upon any application shall be served upon all such affected suppliers in the manner specified above and shall be published in the relevant county newspaper as specified.

Cite as Ga. Comp. R. & Regs. R. 515-11-1-.06
Authority: Ga. L. 1973, Sec. 11, 12, pp. 217, 218; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-11-1-.07. Intervention.

"Any electric supplier or any retail consumer in the area treated by the application may intervene in these proceedings in the same manner as otherwise provided in these Rules for contested cases."

Cite as Ga. Comp. R. & Regs. R. 515-11-1-.07
Authority: Ga. L. 1973, Sec. 11, 12, pp. 217, 218; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-11-1-.08. Agreements on Negotiations.

In view of the Commission's encouragement of joint applications by affected suppliers, the Commission will entertain and approve reasonable agreements between suppliers relating to negotiation procedures which it finds to be in the public interest. The Commission finds the following draft agreement on negotiation procedures to be reasonable and in the public interest and, by promulgation of this Rule, approves the form without necessity of further approval:

(a) "THIS AGREEMENT, entered into this _____ day of _____, _____, by and between the undersigned electric suppliers rendering retail electric service within the State of Georgia:

(b) "WHEREAS, the Georgia Public Service Commission, pursuant to a Rule promulgated under the terms of the 1973 Territorial Electric Service Act (the Act), has encouraged joint applications for assignment or declaration of unassignment of territory as being in the public interest; and

(c) "WHEREAS, the electric suppliers being signatories hereto deem it necessary to establish procedures for the conduct of negotiations for assignment or unassignment of territory which will in turn be the basis for joint applications to the Commission;

(d) "NOW THEREFORE, the undersigned electric suppliers agree as follows:

1. "No electric supplier will apply to the Georgia Public Service Commission for the assignment or unassignment of any area until such supplier has negotiated with all the other nearby suppliers who might be expected also to apply for such area or any portion thereof and who desires to negotiate. The negotiations will be conducted with the view to achieving, if possible, agreement between suppliers as to the area that each should be assigned and the area that should, under the Act, be designated "Unassigned Area--B".

2. "In order that no supplier should have to make a decision as to whether any other supplier could reasonably be expected to claim the area in question, it is assumed that all other electric suppliers owning lines in the county in which the area lies and all electric suppliers owning lines in all counties adjoining such county, who otherwise have lawful authority to render service in the county as to which the application pertains, might desire to claim the area or portion thereof. Therefore, no supplier will apply for the assignment of any area until it has negotiated with all such affected electric suppliers.

3. "Any supplier desiring to negotiate with respect to a particular area with another supplier who is entitled to negotiate will give written notice of its desire to begin negotiations. No such notice shall be given until the completion and filing with the Commission of the mylar maps showing the lines of all suppliers in each county in which such area lies. Such notice shall be by certified mail with return receipt requested and shall indicate all suppliers to whom said notice is being sent. The recipient shall within twenty-one (21) days of receipt of such notice advise the supplier who sent the notice whether it desires to assert any claim with respect to any portion of the area referred to in the notice. The failure of the recipient to reply within such twenty-one day period shall be deemed a waiver by such supplier of its right under this Agreement to negotiate for area assignment within the area described in the notice. A mutually agreeable date shall be set for the commencement of negotiations, which date shall not be later than thirty (30) days after the sending of the notice if such area is solely Unassigned Area-B nor later than sixty (60) days after the sending of the notice in all other instances. Notwithstanding anything to the contrary herein, as to areas for which notice of annexation has been give n pursuant to subsection 7(b)(4) of the Act, notice of

desire to negotiate may be given immediately and negotiations commenced immediately.

4. "When suppliers, in negotiation, have agreed upon the allocation of areas, they will jointly apply to the Commission requesting that the Commission approve such agreement after hearing and enter an order assigning to the respective suppliers the area agreed upon and designating as unassigned areas that the suppliers have agreed should be so designated.

5. "Negotiating suppliers will make a diligent effort to reach agreement on the allocation of areas before independently applying to the Commission for the assignment or declaration of unassignment thereof, and in any event, no supplier shall apply to the Commission for the assignment or declaration of unassignment of any areas sooner than one hundred eighty (180) days after the date notice was sent to the last of the other suppliers entitled to negotiate; provided, a supplier may apply for an assignment of any area which is solely Unassigned Area-B at any time following thirty (30) days after the sending of such notice; and, provided further, no waiting period shall be required as to any area which is the subject of a notice of annexation given pursuant to subsection 7(b)(4) of the Act.

6. "To the extent colors are used in negotiations, they shall be as described in Exhibit "D" attached hereto.

7. "A copy of this Agreement will be forwarded to the Georgia Public Service Commission and, although the form of this Agreement has been approved by Rule of the Georgia Public Service Commission, it is understood that all phases of this Agreement are subject to such modification or change as may be necessary or desirable to conform to the requirements of the Georgia Public Service Commission with respect to the matters agreed upon."

EXHIBITS "A," "B," "C," AND "D" FOLLOW:

Cite as Ga. Comp. R. & Regs. R. 515-11-1-.08
Authority: Ga. L. 1973, Sec. 11, 12, pp. 217, 218; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga . L. 1975, p. 411.

Exhibit (515-11-1) A. .

LINE MAP IDENTIFICATION

FOR

GEORGIA ELECTRIC SUPPLIERS LINES (MASTER LINE MAP)

MUNICIPALITIES --·--·-- CP --·--·--·-- BLACK

EMC ------- - 37 ------ ----- BLACK

PRIVATE UTILITY --- -- G -- ------ S - - - - BLACK

--------- ------ ------ ------ ------ ------ ------- ------ -----

-- MARKER SPECIFICATIONS --

PEN 8 SIZE: - #2 RAPIDOGRAPH

COLOR: - BLACK

LINE WIDTH: - AT 1"=1 MILE SCALE=APPROX. 60'

AT 1"=1000' SCALE=APPROX. 12'

AT 1"=660' SCALE=APPROX. 8'

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WHERE NECESSARY, LINES OF ELECTRIC SUPPLIERS SHALL DE IDENTIFIED BY NUMBER OR LETTER FROM THE ATTACHED LEGEND ON EXHIBIT "B" AND AS ILLUSTRATED ON THE ABOVE EXAMPLES.

Exhibit (515-11-1) B. .

NUMBER AND LETTER IDENTIFICATION FOR LINES FOR GEORGIA ELECTRIC SUPPLIERS (MASTER LINE MAP)

EMC's

7 North Georgia **45** Sumter **75** Lamar **92** Okefenoke

8 The Rayle **51** Snapping Shoals **77** Sawnee **94** Tri-County

17 Planters **58** Central Georgia **78** Habersham **95** Slash Pine

20 Troup **65** Irwin Co. **81** Blue Ridge **96** Amicalola

22 Colquitt Co . **66** Flint **83** Jackson **97** Middle Georgia

31 Upson Co. **67** The Satilla **84** Cobb Co. **98** Pataula

34 Carroll **68** Grady Co. **86** Three Notch **99** Coastal

35 Walton **69** Washington Co . **87** Canoochee **103** Coweta-Fayette

37 Douglas Co. **70** Mitchell Co. **88** Little Ocmulgee **108** Tri-State

39 Hart **73** 0cmulgee **90** Excelsior **NC 1O** Heywood (N. Car.)

42 Altamaha **74** Jefferson Co . **91** The Oconee

MUNICIPALS

EP East Point

CP College Park

Where necessary, other municipalities with lines extending outside their corporate limits will be identified with the appropriate letters.

POWER COMPANIES

G Georgia Power Company

S Savannah Electric and Power Corp.

Number or letter identifiers will be at a 140 wrico size with a #6 wrico pen; example (37).

The identifiers will be placed in the line symbol only where lines of other suppliers are in close proximity.

Exhibit (515-11-1) C. .

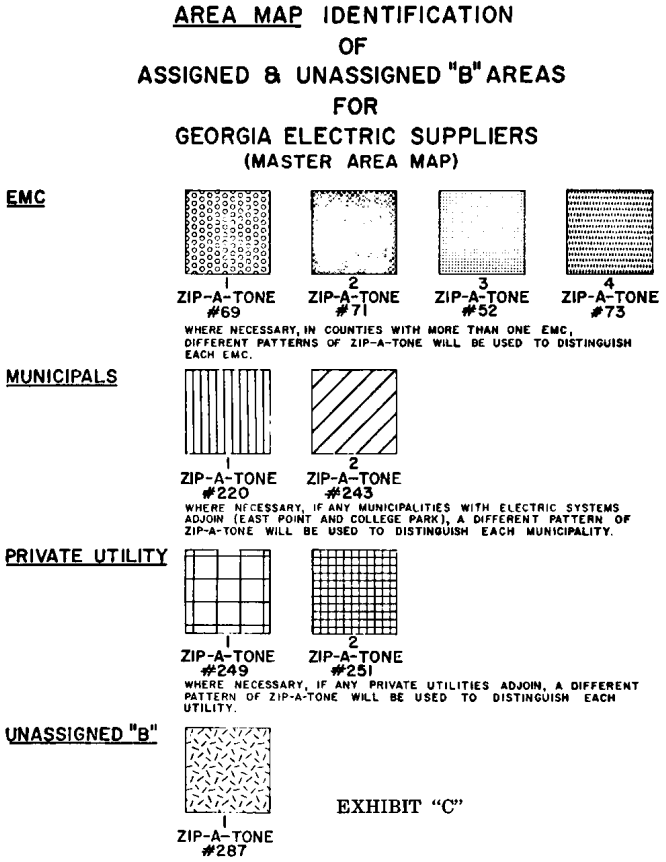

EXHIBIT "C"

Exhibit (515-11-1) D. .

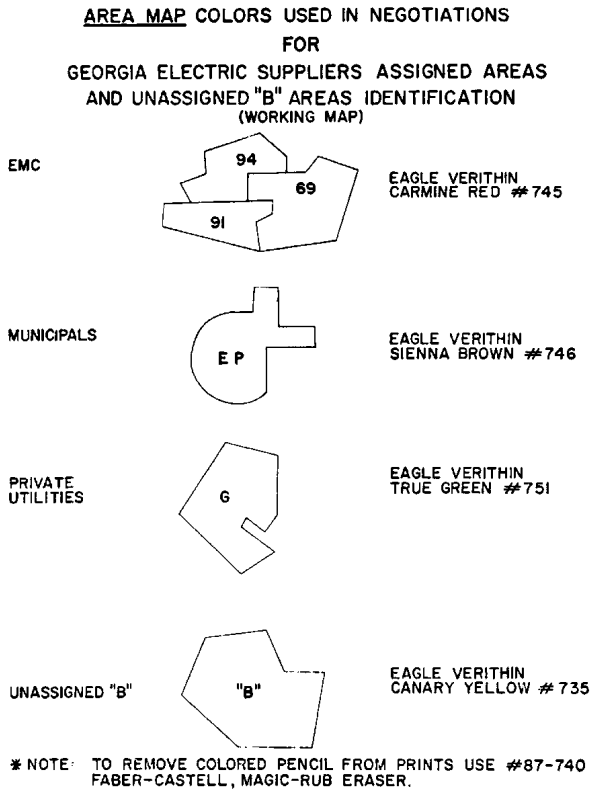

EXHIBIT "D"

Chapter 515-12. TELEPHONE SERVICE.

Subject 515-12-1. TELEPHONE SERVICE.

Rule 515-12-1-.01. Definitions.

Terms used in these rules have the following meaning:

(a) **"Average Busy Season--Busy Hour Traffic"**--The average traffic volume for the busy season, busy hours.

(b) **"Base Rate Area"**--A specific area within an exchange service area as set forth in the telephone utilities' tariffs, maps or descriptions. Local exchange service within this area is furnished at uniform rates without extra mileage charges.

(c) **"Business Service"**--Telecommunications service provided a customer where the use is primarily or substantially of a business, professional, institutional or otherwise occupational nature.

(d) **"Busy Hour"**--The two consecutive half-hours each day during which the greatest volume of traffic is handled in the office.

(e) **"Busy Season"**--That period of the year during which the greatest volume of traffic is handled in the office.

(f) **"Calls"**--Customers' telephone messages attempted.

(g) **"Central Office"**--A switching unit, in a telecommunications system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only. There maybe more than one central office in a building.

(h) **"Channel"**--A path for communication between two or more stations or telephone utility offices, furnished in such a manner as the carrier may elect, whether by wire, radio or a combination thereof and whether or not by a single physical facility or route.

(i) **"Class of Service"**--A description of telecommunications service fumished a customer which denotes such characteristics as nature of use (business or residence) type of rate (flat rate or message rate). Classes of service are usually subdivided in "grades," such as individual line, two-party or four-party.

(j) **"Commission"**--The Georgia Public Service Commission.

(k) **"Customer"**--Any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with telecommunications service by any utility.

(l) **"Customer Trouble Report"**--Any oral or written report from a customer or user of telecommunication service relating to a physical defector to difficulty or dissatisfaction with the operation of the utility's facilities. This oral or written report should be made to a telephone company service representative on duty. Oral or written report should be made to the telephone company business office, or by calling repair service number as listed in the telephone directory. One report shall be counted for each oral or written report received although it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

(m) **"Exchange"**--A unit established by a telephone utility for the administration of telecommunication service in a specified area for which a separate local rate schedule is provided. It may consist of one or more central offices together with associated plant facilities used in furnishing telecommunication services in that area.

(n) **"Exchange Service Area"**--The geographical territory served by an exchange, usually embracing a city, town or village and its environs.

(o) **"Grade of Service"**--The number of parties (main stations) served on a telephone line such as one-party, two-party, four-party, etc.

(p) **"Individual Line Service"**--A classification of exchange service which provides that only one main station shall be served by the circuit connecting such station with the central office equipment.

(q) **"Intercept Service"**--A service arrangement provided by the utility whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected or discontinued, or changed to another number, or that calls are being received by another telephone, etc.

(r) **"Interexchange Trunks"**--Transmission paths, including the conductors and associated equipment, connecting two exchanges.

(s) **"Line"**--A general term used in the communication industry in several different senses, the most important of which are:

1. The conductor or conductors and supporting or containing structures extending between customer stations and central offices, or between central offices whether they be in the same or different communities.

2. The conductors and circuit apparatus associated with a particular communication channel.

3. Any communication channel between two points disregarding the method of its derivation.

(t) **"Local Calling Area"**--The area within which telecommunication service is furnished customers under a specific schedule or exchange rates. A local calling area may include one or more exchange service areas or portions of exchange service areas.

(u) **"Local Exchange Service"**--Telecommunication service provided within local exchange service areas in accordance with the tariffs. It includes the use of exchange facilities required to establish connections between stations within the exchange and between stations and the toll facilities serving the exchange.

(v) **"Local Message"**--A completed call between stations located within the same local calling area.

(w) **"Local Message Charge"**--The charge that applies for a completed telephone call that is made when the calling station and the stations to which the connection is established are both within the same local calling area, and a local message charge is applicable.

(x) **"Local Service Charge"**--The charge for furnishing facilities to enable a customer to send or receive telecommunications within the local service calling area. This local service calling area may include one or more exchange service areas.

(y) **"Long Distance Telecommunications Service"**--That part of the total communication service rendered by a utility which is furnished between customers in different local service areas in accordance with the rates and regulations specified in the utility's tariff.

(z) **"Message"**--A completed customer telephone call.

(aa) **"Message Rate Service"**--A form of exchange service under which all originated local messages are measured and charged for in accordance with the tariff.

(bb) **"Outside Plant"**--The telecommunications equipment and facilities installed on, along, over or under streets, alleys, highways or on private rights-of-way between the central office and customer's locations or between central offices.

(cc) **"Party Line Service"**--A classification of exchange service which provides for a number of main stations to be served by the same central office line.

(dd) **"Private Line"**--A circuit provided to furnish communication only between the two or more telephones or other terminal devices directly connected to it, and not having connection with either central office or PBX switching apparatus.

(ee) **"Public Telephone Service"**--An individual line customer service equipped with a coin collecting telephone instrument installed for the use of the general public in locations where the general public has access to these telephones.

(ff) **"Regrade"**--An application for a different grade of service.

(gg) **"Service Line"**--Those facilities owned and maintained by a customer or group of customers, which lines are connected with the facilities of a telephone utility for communication service.

(hh) **"Station"**--A telephone instrument or other terminal device.

(ii) **"Tariff"**--The entire body of rates, tolls, rentals, charges, classifications and rules, adopted by the utility and filed with the Commission.

(jj) **"Telephone Utility"**--Any person, firm, partnership or corporation engaged in the business of furnishing telecommunication services to the public under the jurisdiction of the Georgia Public Service Commission.

(kk) **"Toll Connecting Trunks"**--A general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office, except trunks classified as tributary circuits.

(ll) **"Toll Station"**--A telephone connected to a toll line or directly to a toll board.

(mm) **"Traffic"**--Telephone call volume, based on number and duration of messages.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.01
Authority: Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-12-1-.02. Records and Reports.

(1) **Location of Records.** Unless otherwise authorized by the Commission, all records required by these rules shall be kept within the State and shall be made available to the Commission or its authorized representatives at any time upon request.

(2) **Retention of Record.** All records required by these rules shall be preserved for the period of time specified in the current edition of the Federal Communications Commission's records retention schedule (Title 47), unless otherwise specified by the Commission.

(3) Records to be Made Available on Request.

(a) Each telephone utility shall maintain records required by these rules in sufficient detail to permit review, and such records shall be made available to the Commission upon request.

(b) Any telephone utility that keeps its records outside the State shall reimburse the Commission for the reasonable travel expense incurred by each Commission representative (not to exceed two) during any review of the out-of-state records of the company or its affiliates. Reasonable travel expenses are those travel expenses actually incurred and paid for food, travel and lodging that are equivalent to travel expenses paid by the Commission in the ordinary course of its business.

(c) The telephone utility shall remit reimbursement for out-ofstate travel expenses within 30 days from the date the Commission mails the invoice.

(d) The reimbursement requirement in subsection (b) above shall be waived:

1. For any telephone utility that makes out-of-state records available at the company's office located in Georgia or at another mutually agreed upon location in Georgia; or

2. For a telephone utility whose records are located within 50 miles of the Georgia state line.

(4) **Reports.** Each telephone utility shall make either a verbal or written report promptly to the Commission of any specific occurrence or development which disrupts the service of a substantial number of its customers or which may impair the utility's ability to furnish service to 10% of local subscribers for more than 24 hours or 25% of its toll trunks during daily busy hours or toll isolation at any time.

(5) Data to be Filed with the Commission.

(a) **Tariffs.** Each telephone utility shall have its tariff on file with the Commission in accordance with the rules and regulations governing the filing of tariffs as prescribed by the Commission.

1. Requirements as to Size, Form, Identification, and Filing of Tariffs.

   a. All tariffs shall be in loose leaf form of size eight and one-half inches by eleven inches and shall be plainly printed or reproduced on paper of good quality.

   b. A margin of not less than three-fourths inch without any printing thereon shall be allowed at the binding edge of each tariff sheet.

   c. Tariff sheets are to be numbered consecutively by section, sheet, and revision number. Each sheet shall show an issuing date, an effective date, a revision number, section number, sheet number, name of the company and the name of the tariff and title of the section in a consistent manner.

   d. When it is desired to make changes in the rates, rules, or other provisions of the tariff, an official tariff filing shall be made to the Georgia Public Service Commission addressed as follows: Georgia Public Service Commission, 244 Washington Street, S.W., Atlanta, GA 30334.

   e. The official tariff filing shall include the original and 2 copies. The filing party also shall file a 31/2" diskette containing an electronic viersion of its filing in Microsoft Word or .pdf format or in the case of a large document, a CD ROM and/or disk.

2. Transmittal Letters - Each tariff filing shall include a letter of transmittal. Each transmittal letter shall include:

   a. A list of sheet filed by sheet and revision.

   b. A paragraph describing the type of filing (new service, change of regulation, rate increase, rate reduction, etc.).

   c. A paragraph or more briefly explaing the reasons necessary and details of operations of each new service.

   d. A revenue impact statement giving the estimated net revenue that the filing will produce over a one (1) year period. Such information may be filed under the Trade Secret provisions of this Commission.

e. A notation that a copy of the filing has been served upon the Consumers' Utility Counsel. The CUC copy shall be addressed as follows: Consumers' Utility Council, 47 Trinity Avenue, S.W., 4th Floor, Atlanta, GA 30334.

3. Notice of Change; Symbols - Each tariff filing shall include new or revised sheets (original and 2 copies plus the electronic version) with notations in the right hand margin indicating each change made on these sheets. Notations to be used are (C) to signify change in regulation, (D) to signify discontinued rate or regulation, (I) to signify a rate increase, (M) to signify a move from one page to another with no change in text, (N) to signify a new rate or regulation, (R) to signify a rate reduction, (T) to signify a change in text, but no change in rate or regulation. Sheets being revised should show the next number of revision from the existing sheet and should cancel the existing sheet.

   All tariff filing shall be received at the Commission offices at least the following required number of days before the date upon which they are to become effective:

   * Local Exchange Companies (traditionally regulated) - 30 days. Must be approved by the Commission.

   * Local Exchange Companies (alternatively regulated) - 30 days. Presumed valid when filed.

   * Competitive Local Exchange Companies - 30 days. Presumed valid when filed.

   * Interexchange Companies (Facility-based and Non-facilitybased) - 7 days on increases, 5 days on reductions. (See NOTE)

   [NOTE] Non-facility-based reseller's tariffs are considered maximum rates. Non-facility-based reseller may file (but are not required to file) a price sheet which lists the carriers' current prices. Such price sheets are presumed valid, provided that the price listed does not exceed the maximum allowed rate contained in the reseller's tariff, and are effective on one day's notice.

4. Commission Order Tariff Filings - Tariff filings made in response to an order issued by the Georgia Public Service Commission shall include a transmittal letter stating that the tariffs attached are in compliance with the order, giving the docket number, date of the order, a list of tariff sheets filed and any other information necessary. The transmittal letter shall be exempt

from all other requirements of subsection 2. above. Said tariff sheets shall comply with all rules herein and shall include all changes ordered and absolutely no others. The effective date and/or wording of said tariffs shall comply with the ordering provisions of the order being complied with.

5. Compliance - Any tariff filing filed with the Commission and found to be noncompliant shall be so marked and one copy shall be returned to the filing party with a brief explanation advising in what way the tariff does not comply and advise that the Commission does not consider said tariff as having been filed. Record of any tariff filings returned for noncompliance shall be made in the Commission files.

6. Promotional Offerings - Companies may offer promotions of new or existing services or products for limited periods (not to exceed 180 days) after 7 days notice to the Commission detailing the promotion along with the beginning and ending dates. Telephone utilities may extend the promotion offer for one additional 180 day period after notifying the Commission. Promotional offerings do not have to be filed in the tariff, however, each telephone utility shall have a provision in their tariff authorizing the offering of promotions.

(b) **Exchange Maps.** Each telephone utility shall have on file with the Commission an exchange area boundary map for each of its exchanges within the State. Each map shall clearly show the boundary lines of the area which the telephone utility holds itself out to serve in connection with the exchange. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall include location of highways, section lines, geographic township and range lines, railroads and waterways outside municipalities. Maps generally shall contain detail as shown on county highway maps. The map scale and other detail shall be shown as required by the Commission. Data associated with the exchange map shall be immediately available for public information at each business office for the area served by said office. Each telephone utility filing an original or revised map shall submit proof of notice of the proposed boundary to any other telephone utility adjoining the area in which a boundary line is to be established or changed.

(6) **Accident Reports.** Each utility shall file with the Commission a report of each fatal or disabling accident in connection with the operation of the utility's telephone plant. Prompt verbal notice of fatal accidents followed by a copy of Occupational Safety and Health Administration Report shall be given to the Commission.

(7) **Service Reports.** Each utility shall furnish to the Commission at such time and in such form as the Commission may require, the results of any tests, summaries or records. The

utility shall also furnish the Commission with any information concerning the utility's facilities or operations which may be requested.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.02
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Records and Reports" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Nov. 26, 2002; eff. Dec. 16, 2002.

Rule 515-12-1-.03. Metering, Inspections and Tests.

(1) Competitive Local Exchange Carriers that provide local exchange service through resold telecommunication services, unbundled network elements and/or special access are exempt from the provisions of this rule.

(2) **Provisions of Testing.** The telephone utility shall provide or have access to test facilties which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either for routine maintenance or for fault location.

(3) **Meter Reading Records.** When mechanical and/or electronic recording devices are used in connection with telecommunication service the meter reading data and related customer records from which the customer's bills are prepared shall show:

a. Identifying number or means to determine readily the customer's name, address and service classification.

b. Meter readings.

c. Date of Meter reading.

d. Multiplier or constant if used.

(4) **Meter and Recording Equipment Test Facilities.** Every telephone meter and/or recording device shall be tested prior to its installation, either by the manufacturer, the telephone utility, or an approved organization equipped for such testing. Such equipment shall be maintained in good operating condition, shall be tested periodically in their normal operating location and wiring and shall be accurately read. Periodic testing and maintenance of controlling trunk equipment shall be performed to assure the integrity of their operation.

(5) **Meter and Recording Equipment Requirements.** All meters and/or recording devices shall accurately perform the following:

a. For message rate service where timing the length of message is not involved, the meter and/or recording device shall show the number of completed messages sent by the access line which it is measuring.

b. For message rate, measured rate, and/or message toll service when in addition to recording the calls it is necessary to time the calls, the recording device shall show the number of calls and the chargeable time involved in each call and the access line making such call. When a meter and/or recording device is associated with the access line making the call, the meter and/or recording device shall accumulate the number of message units used for these calls.

(6) **Request Tests.** Upon request of any customer the telephone utility shall make a test of any meter and/or recording device related to his billing. Such requests should not be made more often than once every three months unless unusual circumstances exist.

(7) **Test Records.** A record of all meter and/or recording equipment tests and adjustments and data sufficient to allow checking of the results shall be recorded. Such record shall include the identifying number of the meter and/or recording device; its type; the date and kind of test; and the results of each test.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.03
Authority: Ga. L. 1975, Sec. 2, p. 406.
History. Original Rule entitled "Metering, Inspections and Tests" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Nov. 26, 2002; eff. Dec. 16, 2002.
Amended: F. Feb. 7, 2003; eff. Feb. 27, 2003.

Rule 515-12-1-.04. Customer Relations.

(1) **Rate and Special Charges Information.** Upon the request of any customer or applicant, the telephone utility shall provide an explanation of the rates, charges, and provisions applicable to the service furnished or available to such customer or applicant, and shall provide any information and assistance necessary to enable him to obtain the most economical communications service conforming to his stated needs. Applicants for residential telephone service shall be advised as to alternate services available to meet their state communications requirements. This information may include printed explanations of alternate services and rates. Correspondingly, the utility shall notify residential customers of any service connection charge to be applied to their bills prior to undertaking any action and shall provide an estimate of the initial billing for basic monthly service (including fractional monthly amounts) plus any other applicable charges.

(2) The customer shall be provided with an estimate of the charges where special charges not specifically set forth in a utility's tariff are levied on the basis of actual cost for such items

as extraordinary construction, maintenance, or replacement costs of expenses, overtime work at the customer's request, and special installations, equipment and assemblies.

(3) **Business Offices.**

(a) Business offices shall be staffed to provide customers and others with convenient access to qualified personnel, including supervisory personnel where warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error and to generally act as representatives of the utility. If one business office serves several communities, toll-free calling from such communities to that office shall be provided.

(b) Qualified personnel shall be instructed to be courteous, considerate, efficient and available to promptly serve those who contact the business office.

(4) **Customer Billing.**

(a) Bills to customers shall be typed or machine printed, rendered regularly, and shall contain a listing of all charges and the period of time covered by the billing. The local service charges may be shown as a single item even though they include extensions and other items for which a flat monthly charge is made. The telephone company shall provide the customer with a breakdown of local service charges upon request. Statements itemizing message toll charges, if applicable, shall be included in bills to customers, with the exception of coin telephone message toll charges, which will be provided upon customer request.

(b) With the written consent of the customer, a company may provide regular billing in electronic form if the bill meets all requirements of this rule. The company must maintain a record of the customer's request, and the customer may change from electronic to printed billing upon written request.

(c) If a company is delayed in billing a customer, the company must offer arrangements that are equal to the length of time the bill is delayed beyond the regularly scheduled billing interval (e.g., if the bill includes two months delayed charges, the customer must be allowed to pay the charges over two months).

(d) Basic local exchange services may not be denied, interrupted or discontinued for failure of the billed party to pay any portion of the charges billed for non-regulated telecommunications services and/or non-telecommunications services or items. Further, in the case of partial payments of bills rendered, such partial payments shall be applied to amounts owed for basic local exchange services first before being applied to amounts owed for non-regulated and/or non-telecommunications services.

(e) In the event of a dispute between the customer and the utility respecting any bill, the utility may require the customer to pay the disputed portion of the bill to avoid

discontinuance of service for non-payment. The utility shall make such investigation as may be appropriate to the particular case, and report the result thereof to the customer. In the event the dispute is not reconciled, the company shall advise the customer that he or she may make application to the Commission for review and disposition of the matter.

(f) In the event the customer's service is interrupted other than by the negligence or willful act of the customer and it remains out of order for more than 24 hours (but not including Saturday and Sunday if part of the first 24 hours) after being reported or found to be out of order, upon request appropriate adjustments shall be made to the customer. In the event the customer's service is disconnected or interrupted for non-payment and it remains disconnected or interrupted for more than 24 hours (but not including Saturday and Sunday if part of the first 24 hours), upon request appropriate adjustments shall be made to the customer.

(5) **Public Information.** Access to the following information shall be made available at the business office upon request.

(a) Copies of all tariffs as described in Rule 515-12-1-.02 applicable to the area served by the business office.

(b) Maps showing exchange, base rate area and zone (if applicable) boundaries in sufficient size and detail from which all customer locations can be determined and mileage or zone charges quoted.

(c) Publicly announced information as to the present and intended future availability of specific classes of service at an applicant's location.

(d) Publicly announced information concerning plans for major service changes in the area served by the business office.

(e) Information pertaining to service and rates as proposed in pending tariff or rate change filing.

(f) Copies of these telephone service rules.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.04
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Customer Relations" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Nov. 26, 2002; eff. Dec. 16, 2002.

Rule 515-12-1-.05. Customer Deposits for Communication Services.

(1) The Commission declares that it is in the public interest for each utility to fairly and indiscriminately administer a reasonable policy reflected by written regulations, in accord with these Rules, which will permit an applicant for service to establish, or an existing customer to reestablish, credit with the utility for the use of its service. The Commission further declares that when it is necessary for an applicant or customer to make a cash deposit to establish or reestablish credit in accordance with these Rules, the making of such deposit is in the public interest because it avoids, to the extent practicable, the creation of a burden arising from uncollectible bills which would have to be borne ultimately by all the utility's ratepayers. The Commission further declares that the essential igredient in each utility's administration of deposit policy in accord with these Rules is its equitable and indiscriminate application to all applicants for service and customers throughout the service area without regard to the economic character of the area or any part thereof, and such deposit policy shall be predicated upon the credit risk of the individual without regard to the collective credit reputation of the area in which he lives.

(2) Each utility may require an applicant for service to satisfactorily establish credit which will be deemed established if:

(a) The applicant demonstrates that he is a satisfactory credit risk by appropriate means including, but not limited to, the production of substantive references which may be quickly and inexpensively checked by the utility; or

(b) The applicant has been a customer of the utility for a similar type of service within a period of twenty-four consecutive billings preceding the date of application and during the last twelve consecutive billings for that prior service has not had service discontinued for nonpayment of bill or had more than one occasion in which a bill was not paid within the period prescribed by the reasonable regulation of the utility on file with the Commission; provided, that the average periodic bill for such previous service was equal to at least fifty per centum of that estimated for the new service; and provided further, that the credit of the applicant is unimpaired; or

(c) The applicant furnishes a satisfactory guarantor to secure payment of bills for the service requested in a specified amount not to exceed the amount of the cash deposit prescribed in Paragraph (4) of this Rule; or

(d) The applicant makes a cash deposit to secure payment of bills for service prescribed in Paragraph (4) of this Rule.

(3) An applicant for service who previously has been a customer of the utility and whose service has been discontinued by the utility during the last twelve billings of that prior service because of nonpayment of bills, may be required to reestablish credit in accordance with Paragraph (2) of this Rule; except, that an applicant for residential service shall not be denied service for failure to pay such bills for classes of nonresidential service.

(a) A customer who fails to pay a bill within a reasonable period after it becomes due and when further fails to pay such bill within the period prescribed by the reasonable regulations of the utility on file with the Commission after presentation of a discontinuance of service notice for nonpayment of bill (regardless of whether or not service was discontinued or such nonpayment), may be required to pay such bill together with a reasonable reconnection charge, if any, and reestablish his credit by depositing the amount prescribed in Paragraph (4) of this Rule.

(b) A customer may be required to reestablish his credit in accordance with Paragraph (2) of this Rule in case the conditions of service or basis on which credit was originally established have materially changed.

(4) **Deposit; Amount; Receipt; Interest.** No utility shall require a cash deposit to establish or reestablish credit in an amount in excess of two-and-one-half twelfths of the estimated charge for the service for the ensuing twelve months; and, in the case of seasonal service, in an amount in excess of one-half of the estimated charge for the service for the season involved. Each utility, upon request, shall furnish a copy of Paragraphs (2) through (7) of these Rules to the applicant for service or customer from whom a deposit is required and such copy shall contain the name, address and telephone number of the Commission.

(a) Upon receiving a cash deposit and if requested, the utility shall furnish to the applicant for service or customer, a receipt showing: the date thereof; the name of the applicant or customer and the current billing address; the service to be furnished or presently furnished; and the amount of the deposit and the rate of interest to be paid thereon.

(b) Each utility shall pay interest on a deposit at the rate of 7% per annum (effective April 1, 1980). Interest on a deposit shall accrue annually and, if requested, shall be annually credited to the customer by deducting such interest from the amount of the next bill for service following the accrual date. A utility shall not be required to pay interest on a deposit for the period following ninety days after discontinuance of service, if during such period the utility has made a reasonable effort to refund the deposit. Each utility shall comply with the Georgia Unclaimed Property Act for all unclaimed deposits.

(5) Refund of Deposit.

(a) After discontinuance of service and following rendition of final bill, the utility shall promptly and automatically refund the customer's deposit plus accrued interest, or the balance, if any, in excess of the unpaid bills for service furnished by the utility. A transfer of service from one premises to another within the service area of the utility shall not be deemed a discontinuance within the meaning of these Rules.

(b) After the customer has paid bills for service for twelve consecutive bills without having had service discontinued for nonpayment of bill or had more than one

occasion in which a bill was not paid within the period prescribed by the regulations of the utility on file with the Commission, and the customer is not then delinquent in the payment of his bills, the utility shall annually and automatically refund the deposit plus accrued interest. Deposits maturing under this section for refund and falling on other than the company's normal annual refund date will be promptly returned to the customer upon request. If the customer has had service discontinued for nonpayment of his bill or had more than one past-due bill for such period, the utility shall thereafter review the account every twelve billings and shall promptly and automatically refund the deposit plus accured interest after the customer has not had service discontinued for nonpayment of bill or had more than one such past-due bill during the twelve billings prior to any review and is not then delinquent in the payment of his bills.

(c) The utility shall promptly return the deposit plus accured interest at any time upon request, if the customer's credit has been otherwise established in accordance with Paragraph (2) of these Rules.

(d) At the option of the utility, a deposit plus accrued interest may be refunded, in whole or in part, at any time earlier than the times hereinabove prescribed.

(e) The customer who believes he has been refused a deposit refund for insufficient reason or the utility which believes the customer is attempting to violate the intent of these Rules, shall have the right to appeal the case to the Commission for analysis and disposition.

(6) **Record of Deposit.** Each utility holding a cash deposit shall keep a record thereof until the deposit is refunded. The record shall show: the name and current billing address of each depositor; the amount and date of the deposit; an each transaction concerning the deposit.

(7) **Appeal by Applicant or Customer.** Each utility shall direct its personnel engaged in initial contact with an applicant for service or customer, seeking to establish or reestablish credit under the provisions of these Rules, to inform him, if he expresses dissatisfaction with the decision of such personnel, of his right to have the problem considered and acted upon by supervisory personnel of the utility. Each utility shall further direct such supervisory personnel to inform such an applicant or customer who expresses dissatisfaction with the decision of such supervisory personnel and requests governmental review, of his right to have the problem reviewed by the Commission and shall furnish him the address and telephone number of the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.05
Authority: Ga. L. 1878-79, p. 125; 1970, p. 72; 1922, pp. 143,144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406. (Ga. Code Ann. § 93-307).
History. Original Rule entitled "Customer Deposits for Communication Services" was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, P. 411.

Amended: Filed February 22, 1980; effective March 13, 1980.

Rule 515-12-1-.06. Reasons for Denying Service.

Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, the customer shall be notified and allowed a reasonable time in which to comply with the rule before service is discontinued:

(a) Without notice in the event of customer use of equipment in such a manner as to adversely affect the utility's service to others.

(b) Without notice in the event of tampering with the equipment furnished and owned by the utility.

(c) For violation of or noncompliance with the Commission's regulations governing service supplied by telecommunication utilities, or for violation of or noncompliance with the utility's rules or tariffs on file with the Commission.

(d) For failure to comply with municipal ordinances or other laws pertaining to telephone service.

(e) For failure of the customer to permit the utility reasonable access to its equipment.

(f) For nonpayment of bill.

(g) Failure to establish credit on request for initial or additional service.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.06
Authority: Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406.
History. Original Rule was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-12-1-.07. Insufficient Reasons for Denying Service.

The following shall not constitute sufficient cause for refusing, denying or discontinuing service to a present or prospective customer:

(a) Delinquency in payment for service by a previous occupant at the premises to be served, except one who is a close relative or member of the same family of the applicant.

(b) Failure to pay directory advertising charges.

(c) Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residence service or vice versa.

(d) The customer who believes he has been refused service for insufficient reason, or the utility which believes the customer is attempting to violate the intent of these Rules, shall have the right to appeal the case to the Commission for analysis and disposition.

(e) Existing residential telephone service to a customer having a satisfactory payment history shall not be disconnected due solely to the indebtedness to the utility of another customer if such indebtedness occurred subsequent to the establishment of the existing service. Application for residential telephone service may be refused, however, to a person residing at the same address with a former customer whose service had been denied previously by the utility.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.07
Authority: Ga. L. 1878-79, p. 125, 1907, pp. 72, 75, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1972, pp. 138, 439, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Insufficient Reasons for Denying Service" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: ER. 515-12-1-0.2-.07 adopted. F. Nov. 27, 1979; eff. Nov. 21, 1979, as specified by the Agency.
Amended: Permanent Rule adopted. F. Nov. 27, 1979; eff. Jan. 1, 1980, as specified by the Agency.

Rule 515-12-1-.08. Complaints and Appeals.

(1) When a utility receives an oral or written complaint from an applicant or customer, whether directly to it or, upon request, by the Commission, regarding its service or regarding another company's service for which it provides billing, collection, or responses to inquiries, the utility must acknowledge the complaint as follows:

(a) Provide the name of the company's contact to the complainant;

(b) Investigate the complaint promptly;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) Inform the complainant that the decision may be appealed to a supervisor at the company; and

(f) Inform the complainant, if still dissatisfied after speaking to a supervisor, of the right to file a complaint with the Commission and provide the Commission's address, toll-free number and/or Internet web site for filing a complaint online.

(2) The telephone utility shall make a full and prompt investigation of all complaints made by its customers or applicants, for service either directly to the utility or, upon request, by the Commission. Such investigation should commence within five (5) business days from the date of initial contact. If the complaint has not been resolved within thirty (30) days, the telephone utility shall make a status report on the matter to the entity that made the initial complaint. If the contact is made by the Commission and the customer is without service, the customer is to be contacted as soon as possible with a follow up by the Commission within two (2) business days.

(3) When a utility receives a complaint from an applicant or customer regarding another company's service for which it provides only billing service, the utility must provide the complainant a toll- free number to reach the appropriate office for the company that is authorized to investigate and take corrective action to resolve the dispute or complaint.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.08
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Complaints and Appeals" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Nov. 26, 2002; eff. Dec. 16, 2002.

Rule 515-12-1-.09. Voluntary Suspension.

Communications service shall, at the request of a customer, be temporarily suspended. The suspension period shall not be less than one (1) month, nor more than six (6) months in duration, and no more than one suspension shall be granted during any twelve (12) months' period. Each telephone company's tariff shall provide a suspension of service rate chargeable during the period of suspension.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.09
Authority: Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 148, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681, 1975, Sec. 2, p. 405.
History. Original Rule entitled "Voluntary Suspension" was filed on December 20, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 4 11.
Amended: Filed December 29, 1981; effective January 18, 1982.

Rule 515-12-1-.10. Directories.

(1) On an annual basis, an incumbent local exchange carrier shall publish telephone directories that list the name, address and telephone number of all customers, except public telephones and telephone service unlisted at customer's request. Where customer address and location differ, location should be given.

(2) To the extent directory assistance is provided, the telephone utility shall list its customers with the directory assistance operators to provide the requested telephone numbers based on the customers' names and addresses when such requests are made by communication users. Where customer address and location differ, location should be given.

(3) A local exchange company shall distribute, or arrange to have distributed, printed directories free of charge to requesting customers served by that directory. The local exchange company or any of its affiliates or delegates distributing such directories shall not market services to such requesting customers, and will:

(a) accept electronic files from competing carriers identifying such requesting customers;

(b) accept those telephone calls from competing carriers where the requesting customers are on the line; and

(c) arrange with the carrier and the customers for the provision of directories to the customers. Furthermore, prior to discontinuing the distribution of copies of residential directories to any community, a local exchange company shall execute, or arrange to have executed, reasonable measures to transition affected customers to a system in which they will not receive the residential directory, except upon request. These reasonable measures shall include notification that the directories will be distributed only upon request, that distribution upon request will be free of charge, and the phone number and e-mail address affected customers may use to request a copy of the directories. This notification shall be included in a bill insert or a bill message and on the local exchange company's website.

(4) The name of the telephone utility, an indication of the area included in the directory and the month and year of the issue shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.

(5) The directory shall contain instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and locations and telephone numbers of telecommunications company business offices as may be appropriate to the area served by the directory.

(6) To the extent directory assistance is provided, directory assistance operators shall have access to records of all telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing directory assistance service.

(7) In the event of an error in the listed number of any customer, the incumbent local exchange carrier shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the directory

assistance or intercept operators and the correct number furnished the calling party either upon request or interception.

(8) Whenever any customer's telephone number is changed after a directory is published, the incumbent local exchange carrier shall intercept all calls to the former number for a reasonable period of time, and give the calling party the new number provided existing central office equipment will permit, and the customer so desires.

(9) When additions or changes in plant or changes to any other utility operations necessitate changing telephone numbers to a group of customers, reasonable notice shall be given to all customers so affected even though the addition or changes may be coincident with a directory issue.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.10
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283, 1973, pp.677-681; 1975, Sec. 2, p. 406.
History. Original Rule entitled "Directories" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976 as specified by Ga. L. 1975, p. 411.
Amended: F. Jan. 26, 2010; eff. Feb. 15, 2010.
Amended: F. May 20, 2010; effective June 9, 2010.
Amended: F. Oct. 6, 2016; eff. Oct. 26, 2016.
Amended: F. Jan. 10, 2017; eff. Jan. 30, 2017.

Rule 515-12-1-.11. Engineering.

(1) **Construction.** The telecommunications plant shall be designed, constructed, maintained and operated in accordance with the provisions as outlined in the current National Electrical Safety Code or such other appropriate regulation as may be prescribed.

(2) **Interexchange Trunks.** Interexchange trunks or toll circuits shall be, at a minimum, full metallic or equivalent. Fiber trunks are construed as superior to metallic trunks.

(3) **Switching Service.** In order to provide and maintain the best possible service for all telephone customers, the telephone utility shall not be required to provide exchange or message toll switching services to lines that introduce energy into the network at levels of frequencies that will interfere with other users.

(4) Emergency Operation.

(a) Telephone utilities shall make reasonable provisons to meet emergencies resulting from failures of lighting or power services, unusual and prolonged increases in traffic, illness of personnel, or from fire, storm, or other acts of God and inform its employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telecommunication service.

(b) Each central office shall contain as a minimum three hours of battery reserve. It is also essential that all central offices have adequate provision for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected in less than the battery reserve time.

(c) In exchanges exceeding 5,000 lines, a dedicated auxiliary power unit shall be installed and shall be capable of being connected and operating in less than the battery reserve time.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.11
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Engineering" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Nov. 26, 2002; eff. Dec. 16, 2002.

Rule 515-12-1-.12. Construction Work Near Utility Facilities.

(1) Competitive Local Exchange Carriers that provide local exchange service through resold telecommunication services, unbundled network elements and/or special access are exempt from the provisions of this rule.

(2) Upon receipt of written or verbal notification from the property owner, or from a contractor, of work which may affect its facilities used for serving the public telephone utility shall investigate and decide what action, if any, must reasonably be taken to protect or alter telephone facilities in order to protect service to the public and to avoid unnecessary damage, such as identifying in a suitable manner the location of any underground facilities which may be affected by the work.

(3) The telephone utility may, in order to protect its interest, require that the property owner or contractor perform certain work upon that part of the service piping or wiring on, or being removed from, the property on which the work is being performed. This subsection is not intended to affect the responsibility of the contractor or owner, or the liability or legal rights of any party.

(4) When performing any work that endangers other companies' buried utility facilities, telecommunications utilities shall fully comply with the provisions of the Georgia Utility Facility Protection Act (O.C.G.A. § 25-9-1*et seq.*)

(5) The telephone utility shall provide a listing of each of its directories advising the public and contractors of an appropriate office to call for guidance and directions for performing excavations, etc., near telephone facilities.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.12
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Construction Work Near Utility Facilities" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Nov. 26, 2002; eff. Dec. 16, 2002.
Amended: F. Feb. 7, 2003; eff. Feb. 27, 2003.

Rule 515-12-1-.13. Maintenance of Plant and Equipment.

(1) Competitive Local Exchange Carriers that provide local exchange service through resold telecommunication services, unbundled network elements and/or special access are exempt from the provisions of this rule.

(2) Each telephone utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate and continuous service at all times.

(3) Mainenance shall include keeping all plants and equipment in good state of repair consistent with safety and and the adequate service performance of the plant affected, such as:

   (a) Broken, damaged or deteriorated parts which are no longer serviceable shall be repaired or replaced.

   (b) Adjustable apparatus and equipment shall be readjusted as necessary when found to be in unsatisfactory operating condition.

   (c) Electric faults, such as leakage or poor insulation, noise induction, crosstalk or poor transmission characteristics shall be corrected to the extent practicable.

(4) Whenever service must be interrupted for the purpose of working on transmission facilities or their supporting apparatus or switching location equipment, such work shall be done at a time which will cause the least inconvenience to subscribers, and those who will be most seriously affected by such interruption shall, insofar as feasible, be adequately notified in advance. The telephone utility shall also notify the appropriate 9-1-1 answering center of any planned service interruption that will affect, for one (1) hour or more, two hundred (200) or more access lines served by that 9-1-1- answering point.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.13
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Maintenance of Plant and Equipment" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Nov. 26, 2002; eff. Dec. 16, 2002.
Amended: F. Feb. 7, 2003; eff. Feb. 27, 2003.

Rule 515-12-1-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.14
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Customer Complaints and Trouble Reports" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Nov. 26, 2002; eff. Dec. 16, 2002.

Rule 515-12-1-.15. Inspections and Tests.

(1) Each utility shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving efficient operation of its system and the rendition of safe, adequate and continuous service.

(2) Each utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities, both for routine maintenance and for trouble location. The actual transmission performance of the network shall be monitored in order to determine if the established objectives and operating requirements are met. This monitoring function consists of circuit order tests prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic noise tests of sample of customer loops in each exchange, and special transmission surveys of the network.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.15
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Inspections and Tests" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-12-1-.16. Service Interruptions.

In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.16
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Service Interruptions" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-12-1-.17. Quality of Service - General.

(1) Each telephone utility shall provide telecommunication service to the public in its service area in accordance with its tariffs on file with the Commission.

(2) Each telephone utility shall employ prudent management and engineering practices, including employing reliable procedures for forecasting future demand for service, and conducting studies and maintaining records to the end that reasonable margins of facilities and adequate personnel are available with the objective that service will meet the quality described herein.

(3) Each telephone utility shall make traffic studies and maintain records as required to determine that sufficient equipment and an adequate operating force are provided at all times including the average busy hour, busy season.

(4) Each telephone utility shall adhere to the standards as prescribed by the Commission, but the normal operating procedures and practices, as presented by the Commission and directed by the utility, are not intended to govern the implementation or execution of such procedures and practices in individual instances. The execution or non-execution of such procedures and practices in individual instances is not indicative of whether the utility has provided adequate service to a particular subscriber or group of subscribers.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.17
Authority: 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406. O.C.G.A. §§ 46-2-20, 46-2-21, 46-2-24, 46-2-30.
History. Original Rule entitled "Quality of Service - General" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Jan. 26, 2022; eff. Feb. 15, 2022.

Rule 515-12-1-.18. Service Objectives.

(1) Competitive Local Exchange Carriers that provide local exchange service through resold telecommunication services, unbundled network elements and/or special access are exempt from the provisions of this rule.

(2) This rule establishes service objectives which should generally be provided by a utility. Each utility shall make measurements to determine the level of service for each item included. Each utility shall provide the Commission or its staff with the measurements and summaries thereof for any of the items included on request of the Commission or its staff.

Description	Objective
Installation of Service: (a) Regular service orders completed within 5 working days if construction is not required. (b) Regular service orders completed within 30 days if construction is required.	 85% 85%
Regrade order (a) If construction is not required (b) If construction is required	 30 days 6 months
Commitments to customer as to the date of installation	90% (except customer caused delays or acts of God.)
Toll and assistance operator calls. (Average on a monthly basis)	90% answered within 10 seconds
Repair service calls. (Average on a monthly basis)	90% answered within 20 seconds
Business office calls. (Average on a monthly basis)	90% answered within 20 seconds
Directory Assistance. (Average on a monthly basis)	90% answered within 20 seconds
Intercepted calls. (Average on a monthly basis)	90% answered within 20 seconds
Local dial tone.	98% within 3 seconds
Local dialed calls without encountering an equipment busy condition.	97%
Local interoffice trunk completion rate.	95%
Toll connecting trunks completion rate.	95%
DDD calls by customers (outgoing trunks).	97%
DDD calls by customers (incoming trunks).	98%

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.18
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Service Objectives and Surveillance Levels" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: Rule retitled "Service Objectives". F. Nov. 26, 2002; eff. Dec. 16, 2002.
Amended: F. Feb. 7, 2003; eff. Feb. 27, 2003.

Rule 515-12-1-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.19
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Operator Handled Calls" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Nov. 26, 2002; eff. Dec. 16, 2002.

Rule 515-12-1-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.20
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Local Dial Service" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Nov. 26, 2002; eff. Dec. 16, 2002.

Rule 515-12-1-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.21
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Interoffice Trunks" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Nov. 26, 2002; eff. Dec. 16, 2002.

Rule 515-12-1-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.22
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Direct Distance Dial Service" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Repealed: F. Nov. 26, 2002; eff. Dec. 16, 2002.

Rule 515-12-1-.23. Customer Trouble Reports.

(1) Local Exchange Carriers that are not subject to rate of return regulation pursuant to O.C.G.A. § 46-5-165 are exempt from the provisions of this rule.

(2) Each utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints. The utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected; the time, date and nature of the report; the action taken to clear trouble or satisfy the complaint; and the date and time of trouble clearance or other disposition.

(3) Each utility shall send, via electronic mail, the Commission Staff a trouble report summary on a quarterly basis which shall be sent on or before the end of the month following the reporting period. This report shall include 1. The name of each exchange; 2. The number of exchange lines for each exchange; 3. The number of troubles filed that month for each exchange; 4. The Trouble Index (number of reported troubles per 100 lines) for each exchange; and 5. A detailed explanation if the Trouble Index is above the allowable 4% maximum.

(4) Provisions shall be made to clear troubles of an emergency nature at all hours, consistent with the needs of customers and the personal safety of utility personnel.

(5) Provisions shall be made to normally clear all out-of-service trouble not requiring unusual repair, such as cable failure, within 24 hours (Sundays excepted) of the report received by the utility unless the customer agrees to another arrangement.

(6) All commitments to customers shall be kept, unless customers are timely notified of unavoidable changes. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

(7) Service shall be maintained in such a manner that trouble reports by central office do not exceed four trouble reports per one hundred access lines per month for two consecutive months, or per month for four months in any one twelve-month period. This standard does not apply to trouble reports related to customer premise equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the telephone utility.

(8) **Transmission Requirements.** Telephone utilities shall furnish and maintain adequate plant, equipment and facilities to provide satisfactory transmission of communications between customers in their service areas. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and cross-talk shall be such as not to impair communications.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.23
Authority: O.C.G.A. §§ 46-2-20, 46-2-30.
History. Original Rule entitled "Customer Trouble Reports" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Nov. 26, 2002; eff. Dec. 16, 2002.
Amended: F. Feb. 7, 2003; eff. Feb. 27, 2003.
Amended: F. Aug. 24, 2022; eff. Sep. 13, 2022.

Rule 515-12-1-.24. Safety.

Each utility shall adopt and execute a safety program fitted to the size and type of its operations and shall:

(a) Require the employees to use suitable tools and equipment so that they perform their work in a safe manner.

(b) Instruct employees in safe work practices.

(c) Each utility shall exercise reasonable care to minimize the hazards to which its employees, customers and the general public may be subjected.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.24
Authority: Ga. L. 1878-79, p. 125, 1907, p. 72, 1922, pp. 143, 144, 1964, p. 338, 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406.
History. Original Rule entitled "Safety" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.
Amended: F. Dec. 29, 1981; eff. Jan. 18, 1982.

Rule 515-12-1-.25. Application of Rules.

These telephone service rules promulgated herein shall apply to any telephone utility operating within the State of Georgia, under the jurisdiction of the Georgia Public Service Commission.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.25
Authority: Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406.
History. Original Rule entitled "Application of Rules" was filed on December 29, 1975, effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-12-1-.26. Rules Govern All Telephone Utilities Subject to Commission Jurisdiction.

These rules govern the furnishing of communication service and facilities to the public telephone utilities subject to the jurisdiction of the Commission. The purpose of these rules is to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.26
Authority: Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406.
History. Original Rule entitled "Rules Govern All Telephone Utilities subject to Commission Jurisdiction" was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-12-1-.27. Variation of Rules Not Permitted Under Law.

These rules shall in no way relieve any utility from any of its duties under the laws of this State or from any other rules or directives of this Commission.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.27
Authority: Ga. L. 1878-79, p. 125; 1907, p. 72; 1922, pp. 143, 144; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, p. 406.
History. Original Rule entitled "Variation of Rules Not Permitted Under Law" was filed on December 29, 1975; effective January 1, 1976, as specified by Ga. L. 1975, p. 411.

Rule 515-12-1-.28. Telephone Service Disconnection.

In the event of a proposed disconnection of residential basic local service only, the following procedures shall apply:

(a) No basic residential service shall be disconnected for local service charge until at least 29 days from the date of the bill.

(b) No residential service can be disconnected for local service charges unless the utility has given the affected customer a written notice of the proposed disconnection at least five (5) days before the proposed date of disconnection. The notice must include:

1. The final payment date of the amount due;

2. The reason for the disconnection, including the unpaid balance due;

3. A telephone number which the customer may call for information about the proposed disconnection; and

4. The procedure for medical emergencies, as hereinafter described.

(c) If contact with the customer was not previously made and notice of the disconnection was by mail or by leaving it at the premises, the utility must make a good faith effort to contact the customer at least two (2) days before the proposed disconnection.

(d) Service shall not be disconnected for nonpayment of local service charges to a residential customer who has a serious illness which would be aggravated by said discontinuation, provided that the customer notifies the utility of this condition in writing, or orally and within ten (10) days of giving such initial notice furnishes to the utility a written statement from a physician, county board of health, hospital, or clinic identifying the illness and its expected duration, and certifying that the illness would be aggravated by such discontinuance. In such event, the proposed disconnection shall be held in abeyance for the shorter of either the length of the illness or one month from the date of such initial notice, and the customer may renew the postponement period one additional time by repeating the aforementioned procedure. If there is a dispute regarding the existence of a serious illness, the case may be referred to the Commission for final determination.

(e) In the case of a disputed bill for basic local exchange residential service, the customer shall have the right, after all remedial measures with the utility have failed, to request in writing, or orally to be followed by a request in writing, that the Commission investigate the dispute before residential service may be disconnected. Such request must be made within ten (10) days after the date of the disputed bill.

(f) No consumer may be disconnected for unpaid residential local service if the consumer notifies the telephone company between the date of receiving a notification of the proposed disconnection of service and the date set for disconnection and agrees to pay the unpaid balance for service previously provided in equal installments over the three consecutive billing months immediately following said notice. Further, the consumer agrees to pay future bills and the installments by the date due. However, if a consumer has

received a notice of intent to disconnect, at any time prior to the time when the consumer is once again current in his billings for service previously provided, if the consumer makes toll calls exceeding $10.00 in any thirty (30) day period, the telephone company shall have the right to immediately and without further notice, disconnect telephone service to that consumer. Similarly, if the consumer fails to make any agreed upon payment as set forth immediately above, the company may disconnect service without further notice.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.28
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1964, p. 338; 1972, pp. 138, 439; 1973, pp. 677-681; 1975, p. 406.
History. Original Rule entitled "Telephone Service Disconnection" was filed as Emergency Rule 515-12-1-0.3-.28 on November 27, 1979, having been adopted November 20, 1979 to become effective November 21, 1979, and to remain in effect until January 1, 1980, as specified by the Agency.
Amended: Permanent Rule entitled "Telephone Service Disconnection" has been adopted replacing Emergency Rule 515-12-1-0.3-.28. Filed November 27, 1979; effective January 1, 1980, as specified by the Agency.

Rule 515-12-1-.29. Extended Area Service.

(1) **PURPOSE.** The Commission declares that it is in the public interest to establish uniform guidelines, standards and procedures for filing, acceptance and processing of petitions or requests for Extended Area Service (EAS) which may be pending on, or applied for or made subsequent to the effective date of this rule.

(2) **DEFINITIONS.** For purposes of construction and interpretation of this Rule, the following are defined as indicated:

(a) **CCS (Hundred Calling Seconds):** A measure of telephone traffic load obtained by multiplying the number of calls in an hour by the average call duration in seconds and dividing that product by one hundred;

(b) **EAS (Extended Area Service):** A switching and trunking arrangement which provides for non-optional, unlimited two way, flat rate calling service between two or more exchanges, provided at a local exchange rate to be set by the Georgia Public service commission (GPSC; hereinafter "GPSC" or "The Commission");

(c) **Exchange Regrouping:** A method of automatically moving an exchange into another rate group (based on the number of access lines available for local calling) if the number of access lines is increased so that the exchange no longer fits in the original rate group;

(d) **Holding Time:** The total duration, in time, of one completed call;

(e) **Incremental Rate:** That rate, if any, which may be added to each subscriber of an exchange to offset any increased revenue requirement which may be found by the Commission to be due to EAS provision; any such rate increase shall be

apportioned between classes of customers in such a manner as the Commission may in the exercise of its sound discretion, direct and apportioned among the various exchanges included in the newly expanded toll free area in such a manner as the Commission may, in the exercise of its sound discretion, direct;

(f) **Access Line:** A communications facility extending from a customer's premises to a serving central office comprising a subscriber line and, if necessary, a trunk facility, e.g., a WATS access line, TWX access line;

(g) **Stimulation Factor:** A measure of the increase in telephone messages between two exchanges when they are connected by EAS instead of message toll service ("long distance").

(3) **GUIDELINES FOR COMMISSION APPROVAL.** The following guidelines shall be applied by the Commission, in considering and reaching a decision in connection with any proposal for EAS:

(a) Whether, in the exercise of its sound discretion, the Commission determined that the community of interest factor between the affected exchanges is sufficient to warrant the application of EAS to the affected exchanges, i.e., that it is in the best interest of the affected exchanges that EAS be granted;

(b) Whether the incremental rates to be charged for the EAS arrangement, as determined by the Commission, will, in the EAS area as a whole, generate revenue within the affected exchanges (i.e., all exchanges in the newly expanded toll free area) sufficient to meet any increased revenue requirements found by the Commission to result from the provision of EAS, taking into account the overall financial situation of the affected telephone companies;

(c) Whether the proposed EAS is found by the Commission, in the exercise of its sound discretion, to be of sound political, and/or social and/or economic or other value to the communities affected and that benefits to be realized justify and/or outweigh any additional costs incurred.

(4) **FILING REQUIREMENTS.** The Commission may, on its own motion, initiate an inquiry into an EAS proposal, may set forth its own proposal and may otherwise initiate the procedures for EAS described herein. In addition, the Commission may initiate such an inquiry and trigger such procedures in response to any of the following:

(a) A petition signed by at least ten percent (10%) of the subscribers in the telephone exchange from which the petition originates. Any such petition filed with the Commission shall set forth the name and telephone number of each petition signer; or

(b) A petition, request or resolution adopted and filed with the Commission by any elected representative or governing body of a political subdivision which is

served, in whole or in part, by any exchange(s) requested in any such petition request or resolution, to be considered for EAS; or

(c) A petition file by one or more telephone companies who have jurisdiction over at least one exchange sought to be included in EAS; or

(d) A petition, request or resolution filed by any regional, county, city or other Chamber of Commerce or Development Authority representing at least one of the exchanges sought to be afforded EAS;

(e) All petitions for EAS, regardless of how initiated, shall state the name of the petitioner's exchange(s) and the name(s) of the exchange(s) to which EAS is sought.

(5) TRAFFIC STUDY.

(a) Upon receipt of a proper filing under the provisions given in (4) above, or on its own motion, the Commission shall cause a traffic study to be conducted. Results of this traffic study shall be reported to the Commission in such time frame as the Commission may direct, but in no event less than 30 nor more than 90 days from the date of the Commission's transmittal of an Order to the affected telephone companies directing that the study be undertaken. The data filed shall be developed from and based upon a minimum thirty (30) day study of representative calling patterns, shall be in such form, detail and content as the Commission may reasonably require and shall include, as a minimum, the following information, unless specifically waived by the Commission:

1. The number of messages and calculated calling rates, expressed in messages per access line per month, over each interexchange route and in each direction, segregated between business and residential users and combined for both; and

2. A detailed analysis of the distribution of calling usage among subscribers, over each route and in each direction, segregated between business and residential users and combined, showing, for each category, the number of customers making 0 calls, 1 call, etc., through 15 calls and 16 or more calls per month;

3. Data showing, by classes of service, the number of access lines in service for each of the exchanges being studied;

4. The interexchange toll rates, distance between rate centers, the number and duration of calls and the average revenue per message (ARPM) for the calls studied;

5. The number of foreign Exchange (FX) lines in service and the average calling volumes carried on these lines expressed (a) as calculated messages per month and (b) in CCS units.

(b) As a guideline for evaluating community of interest, the Commission may consider that such a community of interest exists when the combined two way calling rate over each interexchange route under consideration equals or exceeds, on the average, four (4) messages per access line per month or at least fifty percent (50%) of the subscribers in the exchanges affected make at least three (3) calls per month, except that:

1. On any given route between two exchanges, when the exchange of the petitioning subscribers has less than one half the number of access lines as the larger exchange, studies of one-way traffic originating in the smaller exchange may be used, in which case the community of interest guidelines will be met if a calling rate of four (4) or more messages on the average per access lines per month from the smaller exchange to the larger exchange or exchanges to which it seeks inclusion or at least fifty percent (50%) of the exchange subscribers in the smaller exchange make three or more calls per month to the larger exchange or exchanges to which it seeks inclusion.

(c) In the event that the interexchange traffic patterns over the given route do not meet, in the sound discretion of the Commission, community of interest qualifications, the Commission may, in the exercise of its sound discretion, determine that no further investigation would be warranted and may deny the petition.

(6) COST STUDY.

(a) Concurrently with, or following the procedures contained in (4) and (5) above, as the Commission may Order or Direct, the company or companies involved may be ordered by the Commission to initiate studies necessary to determine the changes in costs which may reasonably be expected to result from the establishment of the requested EAS. Such studies shall, however, be ordered and the results of such studies shall be considered by the Commission prior to granting EAS. These studies will consider and develop, for each route, relevant revenues and costs over a one year period immediately following the potential date forinitiation of the service and for a one year period five years subsequent to the potential initiation of the service, including the following information:

1. Net increases in capital costs resulting from required additions to network capacity less reductions in required quantities of facilities and equipment utilized for toll services between the exchanges. The added investment will be based upon the additional switching and trunking needs necessary to accommodate the incremental usage at prescribed levels of service, as may

be determined from estimates of call stimulation factors and holding time effects due to Extended Area Service. Annual charge factors will be applied to the added investment to obtain the additional annual costs attributable to this source;

2. Analysis of increases and decreases in expenses and the net effect on operating expenses;

3. A separate schedule showing local revenue increases resulting from exchange regrouping, as applicable;

4. Analysis by exchange of changes in:

   (i) Intrastate Intralata toll revenues;

   (ii) Intrastate Intralata access charges;

   (iii) Intrastate Intralata access revenues.

(b) On or before a date specified by the Commission in its Directive or Order, which shall be no less than 30 nor more than 90 days from the date of transmittal of the Commission's Directive or Order to complete a cost study, the telephone company or companies shall file with the Commission a summary of the results of this study, together with supporting schedules and such detail as will be sufficient to permit the identification of study components and verification of study results. Coincident with the filing of cost study results, respondent(s) shall submit recommendations for proposed incremental rate increases, by classes of service, necessary to support the added service.

(7) DIVISION OF COSTS

(a) Having established the annual average incremental revenue requirement created by the new EAS, the Commission will determine the rate increment to be charged to subscribers in the affected exchange(s), i.e., those exchanges constituting a new or enlarged toll free area including both those which may have been part of a preexisting toll free area and those that may have been added or moved from one toll free area to another. The Commission may, in the exercise of its sound discretion and based upon the evidence before it, order costs to be shared by exchanges not included in the enlarged toll free area.

(b) New Extended Area service will be priced using those rate increments designed to recover the added revenue requirement for each interexchange route and the total increment chargeable to subscribers will be the sum of the increments from all new Extended Area Service routes established for that exchange after the effective date of this rule.

(c) the annual average incremental revenue requirement for each new EAS route shall be apportioned among the various exchanges involved (i.e., both those exchanges which might be added to an existing toll free area as well as those exchanges which might previously have been included in an existing toll free area) as the Commission in the exercise of its sound discretion may determine to be most equitable and fair to all subscribers. The following are guidelines only and are not intended to prescribe or mandate criteria to be applied by the Commission in reaching its determination, but each shall be considered by the Commission and accorded such weight as the Commission may, in light of all the evidence before it and in the exercise of its sound discretion determine to be appropriate:

1. If the exchanges are approximately the same size and two way community of interest is approximately the same, then division of costs should be approximately equal for each subscriber in each exchange.

2. If the petitioning exchange has less than half the number of access lines as the larger exchange and two way community of interest is approximately the same or the one way community of interest of one exchange is less than 10 times that of the other exchange, then the Commission may provide that each exchange's subscribers would bear costs attributable to that exchange.

3. If the community of interest in one direction is ten times (or more than ten times) that of the other direction, the Commission may provide that total costs be divided among the subscribers of the exchange with the higher community of interest.

4. In the event that this division of costs indicates that the increment would be more than the Commission determines to be just and reasonable, the Commission may, in the exercise of its sound discretion, allocate costs in some other fashion or may determine that no further investigation would be warranted and could, in the exercise of its sound discretion, deny the petition.

5. The Commission, in the exercise of its sound discretion, may prescribe such rate mechanism, including but not limited to apportionment among classes of rate payers, as the Commission may determine to be fair, equitable and necessary to recover, from appropriate rate categories, such costs of EAS as the Commission may find to be legitimate.

6. In determining whether any rate increase is warranted, the Commission will first make a determination as to what the true costs of EAS are, giving due consideration to that information required by Section (6) above. Once that determination has been made, and prior to allocation to classes, the Commission shall conduct such review as, in the exercise of its sound discretion, may be prudent and necessary to determine whether any rate increase is justified and if so the amount of any such increase, as well as

how any such increase should be allocated among classes. Such review may, but is not required to, include consideration of the overall earnings and other financial circumstances of the company or companies involved.

(8) JOINT INFORMAL MEETING.

(a) An informal meeting between the petition spokesman, telephone company or companies and Commission staff may be held at any time to present and discuss the traffic studies, cost studies and division of costs, so long as all parties are advised of any such meeting and afforded a full and fair opportunity to attend and participate.

(9) PUBLIC HEARING.

(a) At any time, on the Commission's own motion, upon request by either petitioners or telephone companies affected, or at the request of any citizen, Public Hearings maybe held to provide for public comment, for the taking of evidence, for the examination and verification ofdata required by the Commission pursuant to this Rule, the introduction of such additional testimony, evidence and information as may be germane to the issues and to afford an opportunity for all parties of interest to be fully heard or for all of these purposes or others as may be determined by the Commission. Any such hearings may include, but are not necessarily limited to, the following:

1. Presentation of traffic study results;

2. Presentation of cost study results;

3. Presentation of division of costs;

4. Public testimony;

5. Rebuttal testimony on cost study, division of costs or any other matters presented;

6. Any other testimony or other documentary or other evidence deemed by the Commission to be relevant and germane.

(b) At least one hearing including, but not limited to, elements (a)1. through 6. above shall be held by the Commission prior to granting EAS and all relevant and material evidence introduced at any such hearing shall be considered by the Commission prior to granting EAS.

(c) in the event the Commission, in the exercise of its sound discretion, shall determine that the hearing record indicates the petition not to be in the public

interest, the Commission may determine that no further investigation is warranted and may deny the petition.

(d) The Commission may, in response to petitions from petitioners, from telephone companies, from others or on its own motion, hold such other Public Hearings at such times and in such places as it may determine to be appropriate, requiring or allowing such testimony or the introduction of such evidence as may be consistent with a sound determination of the public's wishes and concerns and with gathering evidence to enable the Commission to reach a sound decision.

(10) SUBSCRIBER SURVEY.

(a) In all cases where a proposal for Extended Area Service has been initiated, the Commission may, at any time after initiation of any such proposal, order a survey by mail to be made under its supervision of all subscribers so affected.

(b) The customer survey explanatory letter shall include all pertinent information that would enable the customer to exercise a rational choice of acceptance or rejection of the proposal and shall contain at least the following items, along with such other items as the Commission may order or direct:

1. A brief explanation of the purpose of the survey;

2. A tabulation showing, by classes of service, the increases in rates to which subscribers would or might be subject. This letter shall state separately for each exchange required to be surveyed the amount of local service rate increase applicable to that exchange both in the event all exchanges under consideration vote for and are granted EAS or only the petitioning exchange;

3. A listing of the telephone exchanges and three-digit telephone number prefixes which would become accessible if the Extended Area Service were approved, as well as the number of access lines currently available to subscribers and the number of access lines which would be available if EAS were approved, along with current comparable telephone rates in the exchange (so that a comparison could be made with any rate resulting from an increase);

4. A statement indicating that only those voting by a signed return postcard will be counted;

5. The date by which the postcard ballots must be postmarked to be considered. This return date will provide, as a minimum, a period of thirty days from the date on which the survey letter is mailed, unless such time period is shortened by the Commission; provided, however, that, in no

event shall the return date be less than ten days from the date of mailing to the customer.

(c) The customer survey letter shall be a separate mailing, shall contain no additional material or information not contemplated by this rule or directed and approved by the Commission and shall include a pre-addressed, return postage paid card ballot which shall provide at least the following information:

1. A brief statement of the service proposal being voted on as more fully described in the customer survey letter;

2. Spaces for the customer to indicate his or her preference for or against the proposal;

3. Lines for signature, telephone number and date;

4. A space for customer comments, if desired;

5. The date by which the ballot must be postmarked in order to be considered in the determination of voting results.

(d) Both the subscriber survey letter and the return postcard ballot as well as the envelope (and any graphic or printed material contained thereon) shall have the prior approval of the Commission before mailing and the postcard ballot shall be returnable to the commission for tabulation of results.

(e) The Commission shall approve an independent company or organization to tabulate said ballots and report the results to the Commission. All costs incurred in connection with preparation of all materials, costs of mailing and costs of collection and tabulation shall be borne by the telephone company or companies involved and such costs shall be only those costs found by the Commission to have been reasonable and prudent and necessary.

(f) The requested EAS may be denied by the Commission upon a finding that:

1. A simple majority of affirmative votes of those voting was not realized, in the aggregate, from the total votes cast in all exchanges in the subscriber survey; or

2. A simple majority of affirmative votes of those casting ballots was not realized from a given petitioning exchange (denial in this instance would be warranted only as to that exchange).

(11) ALTERNATIVES TO EXTENDED AREA SERVICE.

(a) Whenever interexchange traffic patterns are such that subscriber needs may be adequately served by alternative service offerings, or petitions may not fully meet the requirements of this rule but higher than average interexchange message traffic exists, the Commission will give consideration to other alternatives including, but not necessarily limited to, the following:

(a) Optional EAS/Extended Community Calling. Features include:

1. Optional;
2. One way to selected exchanges;
3. Flat rate for a block of time measured rate for overtime.

(b) Circle Calling Plan. Features include:

1. Optional;
2. One Way to selected circles, i.e. bands;
3. Flat rate per band and discounted toll rate for usage.

(c) Measured Rate Service. Features include:

1. Primarily optional;
2. Charges based upon frequency, length, distance and time of day;
3. Subscriber control of bill by control of usage.

(12) **CONSIDERATION OF DATA AND EVIDENCE BY COMMISSION.**

(a) The Commission in reaching its decision may consider any or all of the data described and collected herein as well as any other data which the Commission may order or direct to be collected, produced or analyzed and any other evidence, testimony or data which the Commission may choose to consider based upon its implicit finding of relevance so long as such data is available to all parties and that all parties have a full and fair opportunity in an open hearing to cross examine any such testimony, to present evidence to rebut any other evidence presented or considered, or otherwise have been afforded all due process rights to which they may be entitled.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.29
Authority: Ga. L. 1878-79, p. 125; 1907, pp. 72, 75; 1922, pp. 143, 144; 1964, p. 338; 1972, pp. 138, 439, 1973, pp. 677-681; 1975, p. 406
History. Original Rule entitled "Extended Area Service" was filed on November 14, 1980; effective December 4, 1980.

Repealed: New Rule, same title, adopted. F. Aug. 14, 1992, eff. Sept. 3, 1992.

Rule 515-12-1-.30. Institutional Telecommunication Services.

(1) Definitions:

(a) "Institution" is any type of confinement or correction facility, such as a prison, jail, work farm or detention center.

(b) "Institutional Telecommunication Services" are telephone services provided at an institution for use by inmates in making collect only or debit system calls.

(c) "Customer" is the billed party that agrees to accept and pay for institutional telecommunication services.

(d) "Positive Response" is a pulse or tone generated response and/ or verbal response initiated by the customer to accept responsibility for payment of institutional telecommunication services. No other method may be used in confirming a call (i.e., time outs that automatically complete the call if nothing is done or wrong number(s) are entered or the inability of called party instrument (telephone) and so on).

(2) All institutional service providers must obtain a certificate of authority from the Commission in order to lawfully provide Institutional Telecommunication Services. Holders of Regular Certificates of Authority for the provision of Institutional Telecommunication Services, as of the date of adoption of these rules, shall be exempt from filing an application to provide institutional telecommunication services but are not exempt from filing tariffs for the provision of Institutional Telecommunication Services.

(3) Each institutional service provider shall separately file a list of those institutions with which it has contracted to provide service. Such information may be filed under the Trade Secret provisions of this Commission.

(4) The institutional service provider's list of institutions at which it is providing service shall be updated annually with such update being due on or before January 31 of each year. Such information may be filed under the Trade Secret provisions of this Commission.

(5) All institutional service providers must file tariffs with the Commission which set forth the services provided and the charges for those services.

(6) The surcharge and rate charged the customer for any local (intraLATA/interLATA) collect call shall not exceed the currently effective caps ordered by the Commission for this type of call.

(7) The surcharge and per minute rate charged the customer for any intraLATA toll collect call shall not exceed the currently effective caps ordered by the Commission for this type of call.

(8) The surcharge and per minute rate charged the customer for any interLATA toll collect call shall not exceed the currently effective caps ordered by the Commission for this type of call.

(9) Charges by institutional service providers shall not exceed the tariffed rate. Any institutional service provider that wishes to increase its charge for institutional telecommunication service must file a petition with the Commission along with cost justification for the increase. The Commission must approve the new rate prior to its implementation.

(10) For any rate change, providers of institutional telecommunication services must provide price quotes up front to call recipients on every call for at least thirty days, without requiring the call recipient to respond to a prompt. The price quote shall include at minimum, the price of the first minute and the price of every additional minute of the call. The general prison population must be given notice of any rate change(s). Excepted from the requirement that institutional telecommunication service providers provide up front price quotes to call recipients on every call, is currently deployed institutional telecommunication service equipment in county jail facilities for the duration of the current existing institutional telecommunication service contracts (contracts in existence as of the date of adoption of this rule). Nothing contained in this exception shall relieve institutional telecommunication service providers of providing notice of rates to facilities and the inmates. Providers of institutional telecommunication service to county jail facilities shall also be required to provide toll free rates to call recipients.

(11) Each institutional service provider's operator, live and/or mechanical, shall clearly state the name of the company at the initiation of any encounter with a customer so that the customer is fully informed as to which carrier will be handling his or her call before the customer incurs any charge. Each service provider's operator shall also clearly state the company name at the conclusion of its contact with the customer.

(12) Each institutional service provider must provide a push or voice prompt that fully discloses the rate to be charged for the call, including surcharges, prior to the customer accepting a call and incurring any expense. Excepted from the requirement that institutional telecommunication service providers provide a push or voice prompt that fully discloses the rate to be charged for the call is currently, deployed institutional telecommunication service equipment in county jail facilities for the duration of the currently existing institutional telecommunication service contracts (contracts in existence as of the date of adoption of this rule). Nothing contained in this exception shall relieve institutional telecommunication service providers from providing the notice of rates to facilities and the inmates. Providers of institutional telecommunication service to county jail facilities shall also be required to provide toll free rate quotes to call recipients.

(13) The instrument (telephone) must:

(a) Provide outward-only calling (be it at the location itself or through the central office serving that location).

(b) Where call termination is deemed appropriate by the administration of the institution, limit call duration to a 15 minute interval, unless another time interval is specially requested by the administration of the institution (the service provider must file with the Commission the institution's request within 30 days of any changes).

(c) Be installed in compliance with all accepted telecommunications industry standards and the current National Electric Code and the National Electric Safety Code.

(14) The institutional service provider must block or arrange to have blocked calls to local Directory Assistance (411), long distance Directory Assistance (555-1212), toll free numbers (1-800), 700, 900, 911, 950, 10XXX and any other numbers the Institution and/or the Commission finds may jeopardize the integrity and security of the institution and the safety of the public.

(15) The institutional service provider, must provide 0+ collect only or debit system calls for local, intraLATA toll, and interLATA toll calls and must block access to all other types or forms of calls.

(16) The institutional service provider must insure that a positive response from the called party indicating a willingness to pay for the call is received before completing the call. In the event the institutional service provider does not receive a positive response within fifteen (15) seconds from the last message given, the call must be terminated or defaulted to a live operator.

(17) Institutional Service Providers must adhere to the same rules and regulations that govern billing authority as approved by this Commission for Resellers, IXCs and AOS companies, meaning that the Institutional Provider must be identified on the bill submitted to the customer (call party) by the certified local exchange company. In the event it is impractical or impossible for the applicable certified local exchange company to comply with this Rule, the Institutional Service Provider may apply to the Commission for a waiver of this Rule, which shall be reviewed on a case by case basis.

(18) All providers of Institutional Telecommunication Services shall provide, for distribution by the correctional facility administrator, either (1) upon request by the correctional facility administrator; or (2) once per year; and (3) provided only upon the receipt of a reasonable fee to cover the costs of processing, gathering, and copying the information; printed material containing notice that certain security features inherent to the institutional telecommunications system may result in the disconnection of calls. Such notification must contain, at a minimum, that the following could cause calls to disconnect: use of 3-way calling; use of call transfer; calls put on hold; answering of call

waiting; use of cellular phones; use of cordless phones; depressing of any extra numbers on the keypad; extended periods of silence. A sufficient quantity of printed material shall be provided to each correctional facility in order that a copy may be furnished to every inmate at the time of his or her incarceration. Further, additional copies of this printed material shall be provided to each correctional facility administrator, under whose direction and control notification of the technical limitations referenced in the printed material shall be placed in conspicuous locations within the facility and posted in areas accessible to the public, such as day rooms. It is further required that all institutional telecommunication service providers include in this printed material a statement that the correctional facility administrator may place time limits on all telephone calls.

(19) Institutional Service Providers may provision Institutional Telecommunications Service through the use of access lines, broadband, Voice over Internet Protocol, or any other technically feasible means, provided that the service must comply with the rates, terms and conditions set forth in applicable Commission orders.

(20) The rates and conditions for Public Telephone Access Lines for Institutions will be as approved by this Commission for each certified local exchange service company and will be reflected in each company's tariff.

(21) Any Institutional Service Provider that sells packages of minutes must provide adequate notice to the customer that the customer is entitled to a refund for any minutes that are not used at the time the account is closed. In a situation in which the customer has paid for minutes in advance, a refund for any unused minutes shall be issued to the customer within 60 days of the account being closed. Any certificated provider of Institutional Telecommunications Service that sells a package of minutes to an institution remains responsible for ensuring that refunds are issued to customers in accordance with the terms of this rule.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.30
Authority: O.C.G.A. Sec. 46-2-30.
History. Original Rule entitled "Institutional Telecommunication Services" adopted. F. Aug. 5, 1991; eff. Aug. 25, 1991.
Amended: F. Aug. 29, 1997; eff. Sept. 18, 1997.
Amended: F. Nov. 26, 2002; eff. Dec. 16, 2002.
Amended: F. May 1, 2007; eff. May 21, 2007.

Rule 515-12-1-.31. Payphone Service Providers (PSPs).

(1) **Registration:**

(a) PSPs telephones must be connected to the network of a Company certified by the Georgia Public Service Commission ("Commission").

(b) The caller must be able to access an Operator of a Company certified by the Commission to provide local exchange service or alternate operator service, 911 (at no charge) where available, and Local Directory Assistance (411) of a Company certified by the Commission.

(c) Emergency numbers (operator assistance and 911) must be clearly posted on each location of a PSP telephone.

(d) Information must be displayed on each PSP telephone consisting of an address and telephone numbers (Toll Free) where a caller can obtain assistance in the event the telephone malfunctions in any way and procedures for obtaining a refund from the PSP.

(e) The telephone number must be displayed on each PSP telephone, unless otherwise prohibited by the Commission.

(f) The PSP shall ensure that the telephone complies with regulations regarding impaired and handicapped access in accordance with the American Disabilities Act (ADA).

(g) Each PSP telephone shall be installed in compliance with all accepted telecommunications industry standards and the current National Electric Code and the National Electric Safety Code.

(h) The charge to a user of a PSP telephone for placement of a local call shall be in compliance with the Order of the Federal Communications Commission in Docket 96-128 and shall be clearly displayed on each PSP telephone.

(i) All PSP telephones in service must return the coins to the user in the event of an incomplete call.

(j) Any limit on the duration of any call (Local or Toll) made from any PSP telephone shall be in compliance with the Order of the Federal Communications Commission in Docket 96-128 and of this Commission.

(k) The rates charged the caller for any 1+ intraLATA/intrastate and interLATA/interstate call made from PSP telephones shall not exceed $2.85 for the 1st minute and $0.35 for each additional minute.

(l) Each PSP telephone must be capable of providing access to all carriers certified to provide long distance service in Georgia and who are in fact providing such service. Access to the carrier of choice must be permitted by means of the dialing sequence chosen by the carrier (e.g., 950-XXX, 1-800 or 10XXX). The dialing sequence chosen by the carrier should include the option of placing an 0+ call without operator intervention. A dialing sequence commencing with 00- shall provide the caller with access to the presubscribed long distance carrier or operator

service provider under contract to provide service to the payphone. As to coinless public telephones, it will be necessary for certified Interexchange Carriers providing public telephone service and not reselling local or intraLATA service to make available the service to all Interexchange Carriers that can be reached by means of the dialing sequence chosen by the carrier.

(m) The PSP must register with the Georgia Public Service Commission in the form and manner as prescribed by the Commission before connection to the network of a Company certified to provide local exchange service shall be allowed. Holders of Regular Certificates of Authority for the provision of Payphone Service, as of the date of adoption of these rules, shall be exempt from this provision.

(n) Public Telephone Access Lines will only be provided as twoway service unless authorized by the Commission as set forth in (2) following; and there will be no charge imposed for incoming calls. Coinless Public Telephones do not have to receive incoming calls if the agent of the premises upon which such telephones are installed does not wish such calls to be received.

(o) All PSP telephones must be capable of completing local and toll calls.

(p) Payphone Service Providers may provision Payphone Service through the use of access lines, broadband, voice over Internet protocol ("VoIP"), or any other technically feasible means.

(q) All PSPs shall place on the telephone instrument, a clear and conspicuous disclosure of the presubscribed provider of operator and long distance services and the method by which the user may obtain the rates thereof.

(r) Operator services provided by a company certified by the Commission to provide local exchange service or local alternate operator services shall be accessed by dialing "O" from each PSP telephone.

(s) All PSPs shall provide to the Commission a list of all payphone access lines maintained in the State of Georgia. This list shall state the location and telephone number of each payphone maintained by the PSP within the State of Georgia. Such information may be filed under the Trade Secret provisions of this Commission. The first such list is due thirty (30) days from the date the Commission approves the PSP's registration. Thereafter, the list shall be updated annually with such update being due on or after January 31 of each year. All PSP's shall also be required to state under oath the total number of payphones currently deployed within the State of Georgia. Such information shall not be filed under the Trade Secret provisions of this Commission. This total shall be updated annually with such update being due on or before January 31 of each year.

(t) Each PSP in Georgia must provide such service in compliance with these Rules and any and all registration requirements of this Commission for the provision of

PSP telephones in Georgia. In the event a PSP is found to be in violation of any Rule, Regulation, or registration requirement of the Commission, the Commission Staff will issue notice of said violation(s) by letter to the PSP. If said violation(s) are not corrected and the Commission notified of said corrections in writing within twenty (20) days from the date of the Commission Staff's letter, the Staff is authorized to issue a notice to disconnect service to all of the PSP's telephones in Georgia. In ac- cordance with the Commission's Letter Order dated May 16, 1989, in cases where PSP operated in multiple locations, corrections must apply to all locations. If a Disconnection Notice is issued by the Staff, said Order will require all PSP telephones operated by PSP in the State of Georgia to be disconnected.

(2) Waiver of Restriction Requiring Two-way Service.

(a) Definitions:

1. Outward only: A payphone that does not permit incoming calls.

2. Payphone Service Provider (PSP): The owner of the payphone instrument.

3. Location Provider: The owner of the premises on which a payphone is located.

(b) **Outward Only**: A payphone may be restricted to outward only calling in the following circumstances and under the following conditions upon concurrence of the Payphone Service Provider:

1. An affidavit is signed by the location provider or a law enforcement official, an elected official of the political subdivision in which the payphone is located or the city/county manager of such political subdivision, stating that for safety and/or security reasons or in an attempt to deter potential criminal activity they are requesting the payphone to be restricted to outward only calling; or

2. Upon written request by the Georgia Public Service Commission and after notification to the location provider.

(c) **Time of Day Restriction**: A payphone may be restricted to operation during certain hours of the day in the following circumstances and under the following conditions upon concurrence of the Payphone Service Provider:

1. An affidavit is signed by the location provider and a law enforcement official, an elected official of the political subdivision in which the payphone is located or a city/county manager of such political subdivision, stating that for safety and/or security reasons or in an attempt to deter potential criminal activity, they are requesting the payphone hours of operation be restricted; or

2. Upon written request of the Georgia Public Service Commission and after notification to the location provider.

3. The Payphone Service Provider must ensure that access to emergency service (911, or 0 where 911 is not available) is accessible at all times.

(d) **Documentation**: Payphone Service Providers obtain the aforementioned affidavits containing the proper signatures prior to the restrictions of payphones in accordance to (b) and (c) above. This documentation must be maintained by the Payphone Service Provider for the duration of the restriction(s) and be made available for inspection by the Commission and/or its staff upon request.

(e) Signage:

1. Payphone Service Providers must provide proper notice on the instruction card and at a conspicuous location in clear view of payphone users, regarding **Outward Only** restrictions placed on the use of the payphone.

2. Payphone Service Providers must provide proper notice at a conspicuous location in clear view of payphone users, regarding **Time of Day Limitations.**

(f) **Complaints**: After a restriction is implemented, any person may call the Georgia Public Service Commission to complain and such complaint shall be investigated and a report made to the Commission for further action, if any. The Commission has the authority to remove any restriction(s) that have been placed on a payphone.

(g) **Disputes on Restrictions**: If the Payphone Service Provider, location provider, law enforcement official or elected official do not concur with implementation of any requested time of day restriction set forth in (2)(c) above, the party may, in writing, request an informal hearing before the Commission.

The Commission (which may delegate such matter to its Staff) shall conduct an informal hearing thereon, at which it may take statements or other evidence from the Payphone Service Provider, the location provider, the applicable law enforcement official or elected official and/or Commission Staff. The Commission will then issue its determination of the time of day restriction, if any, it deems appropriate.

(h) **Applicability of Rules**: The above rules will apply to payphones that are restricted in the manner provided in Rules (b) and (c) after the effective date of these rules. Any payphones already restricted in any manner prior to the effective date of these rules will not be affected by these rules unless further restricted subsequent to the effective date of these rules.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.31
Authority: O.C.G.A. Secs. 46-2-20, 46-2-23, 46-5-160*et seq.*
History. Original Rule entitled "Customer Owned Coin, Coinless Operated Telephones (COCOTs)" adopted. F. June 10, 1994; eff. June 30, 1994.
Amended: ER. 515-12-1-0.4-.31 adopted. F. July 17, 1996; eff. July 12, 1996, the date of adoption.
Amended: New Rule entitled "Payphone Service Providers (PSPs)" adopted. F. Oct. 9, 1997; eff. Oct. 29, 1997.
Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.
Amended: F. Nov. 26, 2002; eff. Dec. 16, 2002.
Amended: F. Jan. 8, 2008; eff. Jan. 28, 2008.

Rule 515-12-1-.32. Automatic Dialing and Announcing Device Equipment.

(1) As used in Utility Rule 515-12-1-.32, the phrase "ADAD equipment" shall mean any device or system of devices that is used, whether alone or in conjunction with other equipment, for the purpose of automatically selecting or dialing telephone numbers and disseminating pre-recorded messages to the numbers so selected or dialed.

(2) Any person desiring to use ADAD equipment in this state shall make application for a permit to the Georgia Public Service Commission on forms prescribed by the Commission and shall pay the administrative fee assessed by that agency for such permit. Permits shall be renewed biennially as prescribed by the Commission and upon payment of a renewal fee. Permits shall be subject to suspension or revocation for any violation of Commission Rules or O.C.G.A. §§ 46-5-27 and 46-5-23.

(3) Upon receipt of an application for an ADAD equipment permit, the Commission may, in its discretion, conduct a hearing on the application. In the event that a hearing is scheduled by the Commission, notice thereof shall be given to the applicant at least ten days in advance of the date assigned for the proceeding. After considering the application, the Commission may approve it as filed, approve it with conditions or deny it in its entirety. Upon approval of the application, a permit shall be issued in the form identified as "Permit to Use Automatic Dialing and Announcement Devices."

(4) Persons using ADAD equipment for the purpose of advertising or offering for sale, lease, rental, or as a gift any goods, services, or property, either real or personal, primarily for personal, family, or household use or for the purpose of conducting polls or soliciting information must do so under the following conditions:

   (a) Consent shall be received prior to the initiation of the calls as specified in paragraphs (5), (6), and (7).

   (b) No calls will be placed between the hours of 9:00 p.m. and 8:00 a.m.

   (c) Equipment used to place such calls shall be equipped with an automatic clock and calendar device which will operate, even in the event of power failure, to prevent unattended operation in violation of the time limitations set forth herein.

(d) No numbers will be called in either sequential or random fashion. Sequentially placed calls refer to those calls automatically dialed by successively increasing or decreasing integers, or similar methods. Randomly placed calls refer to those calls automatically dialed to a telephone number where no prior relationship exists between the calling and the called party.

(e) The telephone number given to the called party to contact must be one which during normal business hours must be promptly answered in person by a person who is an agent of the person on whose behalf the calls are made and who is willing and able to provide information on the call.

(f) The equipment shall be programmed or utilized in such a manner as to automatically disconnect a called party's line not later than ten seconds after the called party fails to give consent for playing a recorded message or hangs up.

(g) Within 25 seconds after the called party answers and at the conclusion of the call, the name and telephone number of the individual or firm making or paying for the call, including but not limited to the name of the individual or firm on whose behalf the call is made, must be clearly stated.

(h) No calls will be placed to persons or firms whose telephone numbers have been omitted from directories published by local exchange companies serving these customers at the request of such persons or firms.

(i) No calls will be placed to organizations providing emergency services including, but not limited to, hospitals, nursing homes, fire departments, and law enforcement agencies.

(5) Any person wishing to receive telephone calls through the use of ADAD equipment shall give his or her written permission to the person using, employing or directing another person to use, or contracting for the use of such ADAD equipment.

(6) This consent will be valid for two years from the date on which it is executed unless sooner withdrawn. A record of such written consent must be maintained by the person to whom consent is given, and made available to the Commission or its authorized representative during normal business hours and following reasonable notice. This consent shall be withdrawn fifteen days following receipt of the letter of withdrawal.

(7) A person may give consent to a call made with ADAD equipment when a live operator introduces the call and states an intent to play a recorded message. This consent applies only to one particular call and shall not constitute prior consent to receive further calls through the use of such ADAD equipment.

(8) Persons authorized to operate or use Automatic Dialing and Announcing Device equipment are not subject to the restrictions set forth in subparts (4)(b), (c), (d), (e), (f), and (g) of Utility Rule 515-12-1-.32 in instances in which:

(a) Calls are made with ADAD equipment by a nonprofit organization, or by an individual or entity, using such calls other than for commercial profit-making purposes, and the calls do not involve the advertisement or offering for sale, lease, or rental of goods, services, or property;

(b) Calls made with ADAD equipment relate to payment for, service of, or warranty coverage of previously ordered or purchased goods or services; or

(c) Calls made with ADAD equipment relate to collection of lawful debts.

(9) Any person who operates or uses Automatic Dialing and Announcing Devices in violation of the provisions set forth in Utility Rule 515-12-1-.32 will be subject to disconnection of telephone service if the violation does not cease within 10 days from the date of notification to that person.

(10) No person authorized to operate or use Automatic Dialing and Announcing Device equipment shall do so in a manner that violates the requirements of the state or federal "Do Not Call" rules and laws.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.32
Authority: O.C.G.A. Secs. 46-5-23, 46-5-27.
History. Original Rule entitled "Automatic Dialing and Announcing Device Equipment" adopted. F. July 14, 2003; eff. August 3, 2003.
Amended: F. Feb. 16, 2004; eff. Mar. 7, 2004.

Rule 515-12-1-.33. Customer Notification Procedures for Disconnection of Resellers.

(1) Except as provided in subsection (2) below, prior to disconnecting a reseller, an underlying carrier shall give such reseller at least seven (7) days written notice by First-Class mail, facsimile, or any other reasonable means, of its intent to disconnect service. A copy of said notice shall also be provided to the Georgia Public Service Commission at the same time it is provided to the reseller. The notice shall include the following:

(a) The date of disconnection,

(b) Whether or not the underlying carrier will serve as an alternative provider of service,

(c) The identity of the underlying carrier and instructions, if appropriate, as to how to contact it to arrange continuation of service,

(d) The charges to be assessed should the underlying carrier assume the duty of providing service, and

(e) A copy of the Commission Utility Rule 515-12-1-.33.

(2) In the event of fraud, abuse or interfering unreasonably with the use of the underlying carrier's service, facilities or network, and if compliance with the prior notice requirement of subsection (1) above would jeopardize the interests of the underlying carrier, the underlying carrier shall have the right to disconnect a reseller immediately. In such event, the underlying carrier shall provide the notice and comply with the provisions set forth in subsection (1) within 24 hours of the date service was disconnected. In addition, within 24 hours of the disconnection, the underlying carrier must file with the Commission a detailed explanation of its reasons, including facts substantiating the allegations of fraud, abuse or interference which justify immediate disconnection.

(3) Within forty-eight (48) hours of receipt of the underlying carrier's written notification to the reseller, the reseller shall give written notification or may make arrangements with the underlying local exchange carrier to place an intercept recording on the enduser's telephone line, to advise the end-user that service has been disconnected. The reseller's notification to its end-users shall include the following information:

(a) The date of the disconnection,

(b) A clear statement that the disconnection is not the fault of the end-user,

(c) A toll-free number where the end-user can contact the reseller or the reseller's designated entity or company or person for additional information about the disconnection,

(d) The ability of the end-user to select an alternative provider of service,

(e) Information about where an end-user can find information about alternative providers such as the telephone directory. Such information shall also provide the end-user with instructions as to how to contact the underlying carrier and other carriers about the continuation of service and the charges to be assessed,

(f) The identity of the underlying carrier, and

(g) The availability of 101XXX access and instructions/referrals on how to access 101XXX to make long distance calls, but that such access will not be available if local service is disconnected.

(4) The reseller shall provide to the Commission and to the underlying carrier one of the following: a copy of the notice of disconnection sent by the reseller to the end user; or, if an intercept recording was installed, written notice that an intercept recording was placed on the end-user's telephone line. Should the end-user fail to elect an alternative provider of local exchange service, and/or long distance interexchange service, the underlying carrier of local exchange service shall provide (in the case of local service) the enduser with seven (7) days of basic local exchange service from the date of disconnection

provided in the notice from the underlying carrier to the reseller. The cost of this basic local exchange service may be recovered from the reseller or end-user pursuant to the underlying carrier's tariff on file with the Georgia Public Service Commission. This requirement to provide seven (7) days of basic local ex- change service shall not be applicable to long distance interexchange carriers since the end-user has the ability to access long distance interexchange service by way of 101XXX access.

(5) In the event a reseller fails to respond to the procedures or act as outlined herein, the underlying carrier of local exchange service, provided it has the reseller's customer list or other customer-specific information, shall make a good-faith effort to make personal contact with the end-user (in the case of local service) by telephone, regular mail or by service interrupt recording to reasonably notify the enduser that service will be disconnected. The cost of this notification may be recovered from the reseller by the underlying carrier.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.33
Authority: O.C.G.A. Secs. 46-2-20, 46-2-21, 46-5-160*et seq.*
History. Original Rule entitled "Customer Notification Procedures for Disconnection of Resellers" adopted as ER. 515-12-1-0.7-.33. F. May 22, 1998; eff. May 19, 1998, the date of adoption.
Amended: New Rule of same title adopted. F. Feb. 5, 1999; eff. Feb. 25, 1999.

Rule 515-12-1-.34. Code of Conduct for Winback Activities.

(1) Definitions.

(a) Customer: Any person, firm partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with telecommunications services by a Local Exchange Company.

(b) Local Exchange Company ("LEC") or Local Service Provider: A telecommunications company certified by the Commission to provide local exchange services (as defined in O.C.G.A. Section 46-5-162(11)).

(c) Proprietary Information: Information received by one LEC ("the receiving LEC") from another LEC ("the providing LEC") that:

(i) the providing LEC reasonably designates as proprietary and confidential; or

(ii) the receiving LEC has reason to believe the providing LEC intends to be treated as proprietary and confidential.

(d) Telecommunications service: Any service within the definition of "telecommunications service" set forth in O.C.G.A. Section 46-5-162(18).

(2) Nondiscrimination.

(a) No LEC shall represent, state, or imply that the sale, lease or use of any product or service provided by the LEC or any affiliate, agent or representative is conditioned upon the purchase, lease, use or continuation of any other product or service from such LEC or affiliate, agent or representative of such LEC if:

(i) such LEC or its affiliate, agent or representative does not in fact impose such condition; or

(ii) such LEC or its affiliate, agent or representative is prohibited by applicable law, rule, regulation, order or tariff from imposing such condition.

(b) Nothing herein shall preclude a LEC from bundling telecommunications services with other services as permitted by applicable law.

(3) Employee Conduct.

(a) LECs are prohibited from disparaging or degrading a competitor or its services or employees and must implement training, practices, and policies to comply with this requirement. In addition, no LEC employee, representative or agent while processing an order for the installation or while engaged in the actual installation, repair or restoration of service or equipment on behalf of another LEC shall either directly or indirectly:

(i) represent to any customer that such repair or restoration of service would have occurred sooner if the end-user had obtained service from the LEC of which such individual is an employee, representative or agent; or

(ii) promote the service of the LEC of which such individual is an employee, representative or agent to the customer.

(4) Marketing.

(a) No LEC shall make or disseminate or cause to be made or disseminated before the public by means of any media or advertising device or by public outcry or proclamation or any other manner or means any statement concerning its provision of any telecommunications service, or concerning any circumstances or matter of fact connected with the proposed performance or disposition thereof which is untrue or fraudulent and which is known or which by the exercise of ordinary care should be known to be untrue or fraudulent.

(b) LECs shall comply with all applicable state and federal laws, rules and regulations concerning end user customer privacy.

(c) Consistent with the Federal Trade Commission (FTC) "Statement on Deceptive Advertising," LECs shall comply with the following requirements in marketing their telecommunications services:

(i) When an advertisement makes claims that are not directly false but might be misleading in the absence of qualifying or limiting information, the LEC is responsible for ensuring that the advertisement disclosures such qualifying or limiting information and that such disclosures are conspicuous;

(ii) A LEC must ensure that claims in an advertisement related to price must be clearly and conspicuously disclosed, including any monthly fees, minimum per-call charges, or any other information that significantly affects the total charge for the service, calling plan, or call; and

(iii) A LEC must clearly and conspicuously disclose in an advertisement any significant conditions or limitations on the availability of the advertised price.

(d) A LEC shall not misrepresent itself or any other affiliate in a manner that is misleading to an end user customer relative to the services it provides.

(e) A LEC shall not knowingly make unfair or inaccurate comparisons of services offered by another LEC. In making a comparison of the LEC's prices to the prices offered by a competitor, the LEC is making an implied representation that such prices are current and the LEC must have a reasonable basis for this representation.

(5) Transfer of Service.

(a) Subject to all applicable rules, regulations, and orders, no LEC shall:

(i) prevent an end user customer from changing from one LEC to another LEC in an efficient and reasonable manner;

(ii) interfere with an end user customer's selection of another local service provider; or

(iii) cause a change of an end user customer's local service provider without that customer's consent.

(6) Information Sharing and Disclosure.

(a) Each LEC has a duty to protect the confidentiality of proprietary information of, and relating to, any other LEC.

(b) Any LEC that receives or obtains proprietary information from another LEC for the purposes of providing any telecommunications service shall use such

information only for such purpose, and shall not use such information for its own marketing efforts.

(7) Operational Requirements.

(a) LECs shall maintain and have on file with this Commission customer service contact information and a company contact escalation list. This information shall be filed on an annual basis, except that LECs shall file any changes to this information on a quarterly basis. The date for the annual filing shall be March 31st of each year. LECs shall make this information available to other LECs.

(b) When an end user customer has switched local service providers, the content of the original provider's final bill may not contain any information that can reasonably be construed as an attempt to target the customer, and ultimately dissuade the customer from moving to their new provider.

(c) LECs that receive "misdirected calls" from former end user customers (e.g., customers who are trying to reach their current local service provider, but have in error reached their previous provider) must either transfer the customer to the current serving LEC or provide a contact number for that carrier.

(8) Repealed.

(9) Preferred Local Carrier Freeze. LECs shall not provide or offer a preferred local carrier freeze.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.34
Authority: O.C.G.A. Secs. 46-2-20, 46-5-161, 46-5-168, 46-5-169.
History. Original Rule entitled "Code of Conduct for Winback Activities" adopted. F. Apr. 1, 2003; eff. Apr. 21, 2003.
Amended: F. June 3, 2009; eff. June 23, 2009.

Rule 515-12-1-.35. Eligible Telecommunications Carriers.

(1) An Eligible Telecommunications Carrier must meet the requirements set forth in 47 U.S.C. § 214.(e)(1)(A) and (B) and all rules and regulations duly promulgated by the Federal Communications Commission set forth in 47 C.F.R. part 54, Subpart C (Carriers Eligible for Universal Service Support), Subpart D (Universal Service Support for High Cost Areas), or Subpart E (Universal Service Support for Low-Income Consumers), except to the extent the FCC has granted a waiver of its rules and regulations.

(2) An Eligible Telecommunications Carrier shall satisfactorily resolve within a reasonable time period any and all complaints filed against it with the Commission's Consumer Affairs Unit.

(3) An Eligible Telecommunications Carrier shall advertise the availability of Lifeline service on its internet website.

(4) An Eligible Telecommunications Carrier shall not charge usage (i.e., decrement minutes) or charge fees of any kind for calls to customer service.

(5) An Eligible Telecommunications Carrier shall file the number of Lifeline subscribers that the carrier serves in the State of Georgia as of June 30th and December 31st of each year, broken down by eligibility criterion. The report shall be filed 15 days from the close of the period.

(6) An Eligible Telecommunications Carrier that provides no-cost service after application of the Lifeline discount shall file with the Commission quarterly reports, due no later than 15 days from the close of each quarter, that report the number of customers who have been deactivated pursuant to 47 C.F.R. § 54.405(e)(3), the number of customers who did not pass annual verification, and the number of customers who were voluntarily deactivated.

(7) Lifeline materials including advertisements, application forms, and verification forms must include the following language: "Unresolved complaints concerning Lifeline service can be directed to the Georgia Public Service Commission's Consumer Affairs Unit at [local and toll free number for the Consumer Affairs Unit]."

(8) Any proposed increases in an Eligible Telecommunications Carrier's least cost service rate available to Lifeline customers, any increase in connection charges, or the addition of any proposed surcharges, other than those specifically provided for in State or Federal law, shall require 30 days written notice to the Commission.

(9) An Eligible Telecommunications Carrier shall include its lowest cost service offering in all Lifeline advertisements.

(10) Under 47 C.F.R. § 54.314(a), the Commission submits to the Universal Service Administrative Company ("USAC") and the Federal Communications Commission ("FCC") an annual certification prior to October 1, of each year. The annual certification includes those carriers that have certified to the Commission that all federal high-cost support provided to such carriers within Georgia was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which support is intended. In order to be included in the annual certification that the Commission submits to USAC and the FCC for a given year, a carrier shall file its certification with the Commission on or before August 1, of that year.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.35
Authority: O.C.G.A. §§ 46-2-30, 46-5-160 through 174, 46-2-51, 47 U.S.C. § 254(f).
History. Original Rule entitled "Eligible Telecommunications Carriers" adopted. F. May 11, 2012; eff. May 31, 2012.
Amended: F. Jan. 16, 2013; eff. Feb. 5, 2013.

Amended: F. Oct. 21, 2013; eff. Nov. 10, 2013.
Amended: F. Aug. 14, 2014; eff. Sept. 3, 2014.
Amended: F. Oct. 18, 2016; eff. Nov. 7, 2016.
Amended: F. Jan. 10, 2017; eff. Jan. 30, 2017.
Amended: F. June 16, 2021; eff. July 6, 2021.

Rule 515-12-1-.36. Pole Attachment Agreements.

(a) The Commission has the authority to determine the rates, fees, terms, conditions, and specifications in any pole attachment agreement entered into by a communications service provider and an electric membership corporation, except as provided in O.C.G.A. § 46-5-200.4(e).

(b) Prior to making any determination under subsection (a), the Commission shall afford interested parties the opportunity to be heard and to present evidence.

(c) The Commission will provide notice of the proceeding that conforms with the requirements of O.C.G.A. § 50-13-13(a).

(d) Parties will have the opportunity to submit pre-filed testimony in accordance with the terms and conditions of the procedural and scheduling order or orders issued by the Commission.

(e) The Commission will hold an in-person or virtual hearing, unless the parties consent to the submission of evidence without such a hearing or the Commission makes a determination under O.C.G.A. § 50-13-15(1) that the hearing will be expedited and the interest of the parties will not be prejudiced substantially by receiving evidence in written form.

(f) The process described in this rule may be supplemented by order of the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.36
Authority: O.C.G.A. §§ 46-5-200.4, 46-2-30, 46-2-51, 50-13-13, 50-13-15.
History. Original Rule entitled "Pole Attachment Agreements" adopted. F. Sep. 10, 2020; eff. Sept. 30, 2020.

Rule 515-12-1-.37. Family Violence Shelter Confidentiality Protection.

(1) Each person, corporation, or other entity that provides telephone service in this state and each person, corporation, or other entity that publishes, disseminates, or otherwise provides telephone directory information or listings of telephone subscribers in this state shall file with the Commission for approval a plan setting forth in detail how such person, corporation, or other entity will protect the confidentiality of the address or location of family violence shelters, as defined in Code Section 19-13-20, in this state.

(a) Such plan shall be an affidavit that attests that the telephone company will comply with the requirements set forth in paragraph (2) of this rule.

(b) Such affidavit shall be submitted to the Commission upon certification and on January 31 of each odd-numbered year thereafter.

(c) Provided the affidavit attests that the telephone company will comply with paragraph (2) of this rule, it shall be deemed approved upon filing.

(2) The affidavit shall attest that the telephone company will comply, at minimum, with the following requirements:

(a) The entity shall make one or more employees responsible for confirming that the entity's records mark and protect every certified family violence shelter in the state.

(b) Sales associates for the entity shall be trained to respond to requests by a customer or potential customer for a new or additional service by asking questions intended to elicit the nature of the customer's business, including its identity as a family violence shelter. If a customer is identified as a family violence shelter, the customer shall be assigned to a service representative who has been specially trained and designated for interactions with family violence shelters.

(c) Prior to including a new listing in a directory, the entity shall confirm that the listing is not a family violence shelter.

(d) With regard to directory assistance/operator services:

1. Service orders for family violence shelter customers shall contain a code indicating that the address of the customer is not to be listed in the directory and should not be included in the directory assistance database.

2. When no address is provided in the database, the operator shall provide only the phone number. For those instances in which the customer requests the listing at a specific phone number, operators shall be instructed to advise the customer that they have the listing name and number but no address details are available.

(e) Telephone service providers shall have the following procedures in place to protect against attempts to locate the physical address of a family violence shelter:

1. access to retail accounts identified as family violence shelters will be restricted to designated telephone service provider employees;

2. personnel will be instructed not to provide customer proprietary network information to persons with whom they interact, unless such person has

been authenticated and there is a valid business reason for providing the requested information; and

3. the telephone service provider shall provide or arrange for the training of personnel tasked with implementing this rule, and

4. all family violence shelter accounts shall be excluded from outbound sales efforts.

(f) If such entity discovers that information of a family violence shelter has been disclosed, then the entity shall take the following steps:

1. notify the Georgia Commission on Family Violence by telephone within 24 hours of the discovery;

2. notify the family violence shelter by telephone as soon as possible but no later than 24 hours of the discovery; and

3. provide written notice to the Georgia Public Service Commission no later than seven calendar days within seven days of the discovery. Such written notice will confirm that paragraphs (1) and (2) of this subsection were complied with.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.37
Authority: O.C.G.A. §§ 46-2-30, 46-5-7.
History. Original Rule entitled "Family Violence Shelter Confidentiality Protection" adopted. F. Feb. 8, 2022; eff. Feb. 28, 2022.

Rule 515-12-1-.38. Telecommunications Relay Service.

(1) **Monthly Maintenance Surcharge.** All local exchange telephone companies in this state, except those operated by telephone membership corporations, shall impose a monthly maintenance surcharge on all residential and business local exchange access facilities. "Exchange access facility" means the access from a particular telephone subscriber's premise to the telephone system of a local exchange telephone company. "Exchange access facility" includes local exchange company provided access lines, private branch exchange trunks, and centrex network access registers, all as defined by tariffs of telephone companies as approved by the Commission or where approval is not required as published online on the telephone companies' websites. The amount of the surcharge shall be determined by the Commission based upon the amount of funding necessary to accomplish the purposes of O.C.G.A. § 46-5-30 and provide the services on an ongoing basis: however, in no case shall the amount exceed 20¢ per month.

(2) **Surcharge Language.** The Monthly Maintenance Surcharge shall appear on customer bills as "Georgia Telecommunications Relay Service Surcharge." If the number of characters in "Georgia Telecommunications Relay Service Surcharge" exceeds the number of characters in the local exchange carrier's billing software or if the full text will not fit on one line, "Georgia TRS Surcharge" may be used instead.

(3) **Quarterly Reports and Remission of Funds.** Each local exchange carrier that is required to impose the Monthly Maintenance Surcharge shall submit quarterly via email a report to the Commission Staff indicating the monies collected from its customers during each quarter. The report shall be submitted to Staff and the monies collected from customers shall be remitted to the fund designated for the Telecommunications Relay Service no later than the thirtieth calendar day following the close of each quarter beginning with the fourth quarter of calendar year 2022.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.38
Authority: O.C.G.A. §§ 46-2-20, 46-2-30, 46-5-30.
History. Original Rule entitled "Telecommunications Relay Service" adopted. F. Sep. 1, 2022; eff. Sep. 21, 2022.

Rule 515-12-1-.39. Universal Access Fund.

(1) **Quarterly Contributions.** All telecommunications companies holding a certificate of authority issued by the Commission to provide services within Georgia shall contribute quarterly to the Universal Access Fund. The contribution is calculated by multiplying a company's gross intrastate revenues from the provision of telecommunications services to end users by a factor set by order of the Commission.

(2) **Universal Access Fund Surcharge.** A telecommunications company holding a certificate of authority issued by the Commission may add a surcharge to customer bills after filing a letter providing notice to the Commission of its intent to do so. Customers shall be given at least 30 days' notice prior to implementation of the surcharge. The surcharge shall appear on customer bills as "Georgia Universal Access Fund Surcharge." If the number of characters in "Georgia Universal Access Fund Surcharge" exceeds the number of characters allowed in the company's billing software or if the full text will not fit on one line, "Georgia UAF Surcharge" or "GA UAF Surcharge" may be used instead.

(3) **Quarterly Reports and Remission of Funds.** Each telecommunications company that is required to contribute to the Universal Access Fund shall submit quarterly via email a report to the Commission Staff calculating the required contribution for each quarter. The report shall be submitted to the Staff and the contribution shall be remitted to the fund designated for the Universal Access Fund no later than the thirtieth calendar day following the close of each quarter.

(4) **Applications for Distributions from the Universal Access Fund.** The Commission shall determine any such distributions upon application, demonstration, and good cause

shown that the reasonable actual costs to provide basic local exchange services exceed the maximum fixed price permitted for such basic local exchange services. Costs shall be determined based on the most recent commission-approved rate of return and the statutory state and federal income tax rates in effect for the application period. Applications for distributions from the Universal Access Fund shall be limited to local exchange carriers subject to rate of return regulation.

(a) **Filing Deadline.** Applications shall be filed no later than December 15 of each year.

(b) **General Filing Requirements.** Applications shall be made based on losses incurred from July 1 of the prior year through June 30 of the filing year, excluding non-regulated costs, and shall include the following:

1. Publicly-disclosed earnings report (Tab 1) in fully-functional Excel format
2. Publicly-disclosed Form M (Tab 2) in word-searchable format
3. Separations-based cost study (Tab 3)
4. Cost study workpapers (Tab 4)
5. Subjective support for regulated and non-regulated costs (Tab 5)
6. Information related to affiliated transactions (Tab 6)

(c) **Enhanced Filing Requirements.**

1. Trial Balance reports for June 30 of the preceding year, December 31 of the preceding year and June 30 of the filing year (these trial balances may be redacted as needed to remove names and CPNI information).
2. The most recent un-redacted audited financial reports with accompanying notes for each company and its parent company (if applicable).
3. Identification of the depreciation rates applicable to each plant account during the fiscal year.
4. A copy of the company's current Cost Allocation Manual or equivalent documentation that identifies the company's organizational structure and procedures for segregating costs between regulated and nonregulated operations.
5. Documents demonstrating that basic residential local rates are set at the top of the limits allowed by the GPSC or that foregone revenues are imputed.
6. All information necessary to demonstrate that grant funded assets and related expenses are excluded from the UAF request.

(d) **Executive Compensation and Corporate Operations Expense.** Allowable costs for executive compensation and/or corporate operations expense shall be constrained based upon the greater disallowance calculated based upon the following limits:

1. Executive Costs (USOA Account 6711 or 6710 as indicated by company accounting practice) shall be limited to the lesser of actual cost or $200,000 plus $78 times the number of access lines reported on Form 5322 as of December 31 of the preceding year.

2. The overall corporate operations expenses (USOA accounts 6711 through 6728 or 6710 and 6720 as indicated by company accounting practice) shall be equal to the lesser of the average monthly per loop corporate operations expense cap provisions of Sections 36.621(a)(4)(i) and 36.621(a)(4)(ii) of the FCC's rules and regulations (USF Corporate Operations Expense capping mechanism as of December 31, 2010) times the number of access lines reported on Federal USF cost reporting (Data Line 070, total loops) as of December 31 of the preceding year and annualized.

(e) **Reactive Engagements.** Each application for reimbursement from the Universal Access Fund will undergo a reactive engagement conducted by a contractor chosen by the Commission. The procedures employed by the contractor will be determined by the Commission. The cost of the reactive engagement will be borne by the party that filed the application. At the conclusion of the reactive engagement, the Staff will file a report containing the findings, if any, of the contractor.

(f) **Hearing Requests.** Any interested party may file a request for a hearing on any individual application within 14 calendar days of the date of filing of the Reactive Engagement report.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.39
Authority: O.C.G.A. §§ 46-2-20, 46-5-167.
History. Original Rule entitled "Universal Access Fund" adopted. F. Jan. 26, 2023; eff. Feb. 15, 2023.

Chapter 515-13. GRANT PROGRAMS.

Rule 515-13-.01. Motor Carrier Assistance Program Grant.

(1) Sec. 402 of the Surface Transportation Assistance Act, of 1981 (Pub. L. 97-424)

(2) General Scope and Purpose of the Grant Program. The general scope and purpose. of the grant program is to provide funding for traffic law enforcement and inspection of

commercial motor vehicle in conjunction therewith to reduce the number of traffic accidents, deaths, injuries, and the amount of property damage.

(3) General Terms and Conditions of the Grant. The general terms and condition's of a grant funded through Motor Carrier Safety Assistance Program funds are:

(a) Funds are only available for safety inspections of commercial motor vehicles performed pursuant to traffic stops, e.g., improper lane changes, speeding, following too closely, etc.

(b) Funds are granted annually and are conditioned on approval of applicant's enforcement plan and available funds. Monies are conditioned on allocation of federal funding and satisfactory performance.

(c) Must have authority to effect traffic stops and inspect commercial motor vehicles.

(d) Funds required for match as follows: 80% GPSC 20% Local

(4) Eligible recipients of the Grant. Any state or local government enforcement agency with authority to perform traffic enforcement on commercial motor vehicles.

(5) Criteria for the award. Volume and type of commercial motor vehicle traffic; number, frequency and severity of accidents involving commercial motor vehicles; fatalities, injuries and property damage resulting from commercial vehicle accidents; objectives to be achieved through use of the funds.

(6) Directions and Deadlines for Applying. Request for funds and enforcement plans must be received no later than June 15. Requests for information on applying should be made to Georgia Public Service Commission, Attn: Lucia A. Ramey, Suite 310, 1007 Virginia Avenue, Hapeville, Georgia 30354-5702.

Cite as Ga. Comp. R. & Regs. R. 515-13-.01
Authority: O.C.G.A. Sec. 28-5-120.
History. Original grant description entitled "Motor Carrier Safety Assistance Program Grant" received March 20, 1996.

Chapter 515-14. TELEPHONE AND TELEGRAPH UTILITIES.

Subject 515-14-1. TELEMARKETING NO CALL LIST.

Rule 515-14-1-.01. Definitions.

As used in this Utility Rule 515-14-1, the following terms shall have the following definitions:

(a) "Caller identification service" means a type of telephone service that permits telephone subscribers to see the telephone numbers of incoming calls.

(b) "Commission" means the Georgia Public Service Commission.

(c) "No Call List" means the list compiled of telephone numbers of residential, mobile or wireless subscribers who object to receiving telephone solicitations and maintained on a database established and provided for by the Commission or an entity with which it has contracted for this purpose as contemplated by O.C.G.A. § 46-5-27(d)(2). This list may also be referenced herein as the "No Call Database."

(d) "Residential subscriber" means a person who has subscribed to residential telephone service from a local exchange company or mobile or wireless telephone service provider, or other persons living or residing with such person.

(e) "Telephone solicitation" means any voice communication over a telephone line for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, but does not include communications:

(1) To any residential, mobile or wireless subscriber with that subscriber's prior express invitation or permission;

(2) By or on behalf of any person or entity with whom a residential, mobile or wireless subscriber has a prior or current business or personal relationship;

or

(3) By or on behalf of a charitable organization that has filed a registration statement pursuant to Code Section 43-17-9, or is exempt from such registration under paragraphs (1) through (6) of subsection (a) of Code Section 43-17-9, or is exempt from such registration such as a religious organization or agency referred to in paragraph (2) of Code Section 43-17-2.

Such communication may be from a live operator, through the use of ADAD equipment as defined in Code Section 46-5-23, or by other means.

Cite as Ga. Comp. R. & Regs. R. 515-14-1-.01
Authority: O.C.G.A. Sec. 46-5-27.
History. Original Rule entitled "Definitions" adopted. F. Dec. 11, 1998; eff. Dec. 31, 1998.
Amended. F. Aug. 9, 1999; eff. Aug. 29, 1999.
Amended: F. Dec. 23, 2003; eff. Jan. 12, 2004.

Rule 515-14-1-.02. Creation and Operation of a No Call List.

The Commission shall establish and provide for the operation of a database on which to compile a list of telephone numbers of residential, mobile and wireless subscribers who object to

receiving telephone solicitations. Such database may be operated by the Commission or by another entity under contract with the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-14-1-.02
Authority: O.C.G.A. Sec. 46-5-27.
History. Original Rule entitled "Creation and Operation of a Telemarketing No Call List" adopted. F. Dec. 11, 1998; eff. Dec. 31, 1998.
Amended. Rule retitled "Creation and Operation of a No Call List" adopted. F. Aug. 9, 1999; eff. Aug. 29, 1999.
Amended: F. Dec. 23, 2003; eff. Jan. 12, 2004.

Rule 515-14-1-.03. Restrictions on Telephone Solicitations to Residential, Mobile or Wireless Subscribers.

(a) No person or entity shall make or cause to be made any telephone solicitation to the telephone line of any residential, mobile or wireless subscriber in the state of Georgia by whom notice has been given to the Commission in accordance with its Rule 515-14-1-.04 of said subscriber's objection to receiving same.

(b) Any person who or entity that makes a telephone solicitation to the telephone line of any residential, mobile or wireless subscriber in this jurisdiction shall begin the call by clearly stating the identity of the person or entity on whose behalf the call is being made.

(c) No person who or entity that makes a telephone solicitation to the telephone line of a residential, mobile or wireless subscriber in this state shall knowingly utilize any method to block or otherwise circumvent said subscriber's use of a caller identification service.

(d) Any person who or entity that knowingly violates O.C.G.A. Section 46-5-27(c) by making a telephone solicitation to a residential, mobile or wireless telephone subscriber that is listed on the Commission's No Call Database shall be subject to the penalties set forth in O.C.G.A. Sections 46-5-27(h) and (i).

Cite as Ga. Comp. R. & Regs. R. 515-14-1-.03
Authority: O.C.G.A. Sec. 46-5-27.
History. Original Rule entitled "Restrictions on Telephone Solicitations to Residential Subscribers" adopted. F. Dec. 11, 1998; eff. Dec. 31, 1998.
Amended. F. Aug. 9, 1999; eff. Aug. 29, 1999.
Amended: Rule retitled "Restrictions on Telephone Solicitations to Residential, Mobile or Wireless Subscribers". F. Dec. 23, 2003; eff. Jan. 12, 2004.

Rule 515-14-1-.04. Notice of Objection to Residential, Mobile and Wireless Telephone Solicitations.

(a) A residential, mobile and wireless telephone subscriber may give notice to the Commission or its designated entity that he or she objects to receiving telephone

solicitations and wishes to be placed on the Commission's telemarketing No Call Database by placing his or her name in the single national database established by the Federal Communications Commission.

(b) Any notice objecting to the receipt of telephone solicitations filed with the Commission or its designated entity by a business service subscriber will not be considered for inclusion on the Commission's No Call Database.

(c) The Commission incorporates into the Georgia No Call List by reference the part of the single national database established by the Federal Communications Commission that relates to Georgia.

(d) In the event that the Federal Communications Commission discontinues accepting registrations through the single national database, a residential, mobile, and wireless subscriber may give notice to the Commission or its designated entity that he or she objects to receiving telephone solicitations and wishes to be placed on the Commission's telemarketing No Call database by registering with the Commission or its designated agent and paying any fee established by the Commission in its fee schedule.

Cite as Ga. Comp. R. & Regs. R. 515-14-1-.04
Authority: O.C.G.A. Sec. 46-5-27.
History. Original Rule entitled "Notice of Objection to Residential Telephone Solicitations" adopted. F. Dec. 11, 1998; eff. Dec. 31, 1998.
Amended. F. Aug. 9, 1999; eff. Aug. 29, 1999.
Amended: Rule retitled "Notice of Objection to Residential, Mobile and Wireless Telephone Solicitations". F. Dec. 23, 2003; eff. Jan. 12, 2004.

Rule 515-14-1-.05. Revocation of Notification of Objection.

Residential, mobile or wireless telephone subscribers on the single national database established by the Federal Communications Commission shall remain incorporated in the Georgia list by reference as long as they remain on the single national database.

Cite as Ga. Comp. R. & Regs. R. 515-14-1-.05
Authority: O.C.G.A. Sec. 46-5-27.
History. Original Rule entitled "Revocation of Notification of Objection" adopted. F. Dec. 11, 1998; eff. Dec. 31, 1998.
Amended. F. Aug. 9, 1999; eff. Aug. 29, 1999.
Amended: F. Dec. 23, 2003; eff. Jan. 12, 2004.

Rule 515-14-1-.06. Deletions to the Database and the Handling Thereof.

(a) Telephone solicitors shall be required to update their telemarketing lists at least once a quarter of each calendar year.

(b) Residential, mobile or wireless telephone subscribers shall be deleted from the Georgia list when they are removed from the single national database.

Cite as Ga. Comp. R. & Regs. R. 515-14-1-.06
Authority: O.C.G.A. Sec. 46-5-27.
History. Original Rule entitled "Additions/Deletions to the Database and the Handling Thereof" adopted. F. Dec. 11, 1998; eff. Dec. 31, 1998.
Amended. F. Aug. 9, 1999; eff. Aug. 29, 1999.
Amended: Rule retitled "Deletions to the Data Base and the Handling Thereof". F. Dec. 23, 2003; eff. Jan. 12, 2004.

Rule 515-14-1-.07. Access to the Database.

(a) Access to the No Call Database of registered telephone subscribers shall be given to the Commission and the Governor's Office of Consumer Affairs.

(b) Telephone solicitors may obtain the No Call List by accessing the part of the single national database that relates to Georgia through the Federal Communications Commission.

(c) In the event that the Federal Communications Commission discontinues dissemination of the single national database, telephone solicitors may obtain the No Call list from the Commission or its designated agent by paying the fee established by the Commission in its fee schedule.

(d) No person shall knowingly compile and/or disseminate information obtained from the database for any reason other than those legitimate purposes established by law. Any person found guilty of violating this code section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00. Each instance of an unauthorized disclosure of information from the database shall constitute a separate offense.

Cite as Ga. Comp. R. & Regs. R. 515-14-1-.07
Authority: O.C.G.A. Sec. 46-5-27.
History. Original Rule entitled "Access to the Database By or on Behalf of Telephone Solicitors" adopted. F. Dec. 11, 1998; eff. Dec. 31, 1998.
Amended. Rule retitled "Access to the Data Base" adopted. F. Aug. 9, 1999; eff. Aug. 29, 1999.
Amended: F. Dec. 23, 2003; eff. Jan. 12, 2004.

Rule 515-14-1-.08. Obligation of Local Exchange Carriers and Competing Local Exchange Carriers to Provide Educational Information to Residential, Mobile or Wireless Telephone Subscribers.

At least two (2) times during a calendar year, all local exchange carriers certificated to operate in Georgia shall provide information to residential, mobile and wireless subscribers about the existence of and opportunity to subscribe to the No Call Database. Said information shall be disseminated at the option of the carrier via television, radio or newspaper advertisements; written correspondence; bill inserts or messages; telephone book subscription forms; and any other method not otherwise expressly prohibited by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-14-1-.08
Authority: O.C.G.A. Sec. 46-5-27.
History. Original Rule entitled "Obligation of Local Exchange Carriers and Competing Local Exchange Carriers to Provide Educational Information to Residential Telephone Subscribers" adopted. F. Dec. 11, 1998; eff. Dec. 31, 1998.
Amended. F. Aug. 9, 1999; eff. Aug. 29, 1999.
Amended: Rule retitled "Obligation of Local Exchange Carriers and Competing Local Exchange Carriers to Provide Educational Information to Residential, Mobile or Wireless Telephone Subscribers. F. Dec. 23, 2003; eff. Jan. 12, 2004.

Chapter 515-15. YEAR 2000 READINESS ACT.

Subject 515-15-1. YEAR 2000 COMPLIANCE BY UTILITY COMPANIES REGULATED AND/OR MONITORED BY THE GEORGIA PUBLIC SERVICE COMMISSION.

Rule 515-15-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 515-15-1-.01
Authority: O.C.G.A. Secs. 46-2-20, 46-2-21, 50-13-4, 50-32-1*et seq*.
History. Original Rule entitled "Year 2000 Readiness: Utilities/Utility Service Providers" adopted as ER. 515-15-1-0.8-.01. F. Apr. 27, 1999; eff. Apr. 20, 1999, the date of adoption.
Amended: Rule retitled "Year 2000 Compliance by Utility Companies Regulated and/or Monitored by the Georgia Public Service Commission" adopted. F. Aug. 9, 1999; eff. Aug. 29, 1999.
Repealed: F. Jan. 10, 2003; eff. Jan. 30, 2003.

Chapter 515-16. TRANSPORTATION.

Subject 515-16-1. ORGANIZATION.

Rule 515-16-1-.01. Organization.

The Transportation Unit of the Commission has oversight for the enforcement of the statutory provisions and rules and regulations governing carriers as defined in O.C.G.A. §§ 46-1-1, 46-1-3, 46-1-4, 46-2-30, 44-1-13, 46-7-1 through 46-7-101, and 50-13-3. Specifically, the Transportation Unit's duties include but are not limited to:

(a) Scheduling public hearings;

(b) Conducting audits of carrier's books, to ensure compliance with rules and regulations;

(c) Maintaining all official orders, books, files, and records;

(d) Investigating complaints against carriers;

(e) Establishing reasonable rates, charges, and fares;

(f) Inspecting facilities;

(g) Recommending and imposing civil penalties on carriers who violate applicable laws, rules, regulations, or orders;

(h) Consideration of issuance of certificates and permits; and

(i) Consideration of issuance of nonconsensual towing authority.

Cite as Ga. Comp. R. & Regs. R. 515-16-1-.01
Authority: Authority O.C.G.A. Secs. 44-1-13, 46-1-1, 46-1-4, 46-7-1 to 46-7-101.
History. Original Rule entitled "Organization" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-1-.02. Transportation Unit.

(1) Director of Transportation Unit. Subject to the appointment and direction of the Commission, the Director of the Transportation Unit has the responsibility for the direction and coordination of the activities of the Unit staff in accordance with the rules and regulations established by the Commission.

(2) Executive Secretary. Subject to the direction of the Commission, the Executive Secretary is responsible for recording all appearances at public hearings of the Commission; maintaining all books, files and records of the Commission; preparing, or reviewing and co-signing with the Commission Chairman all Commission orders, except Initial Decisions by Hearing Officers to which no exceptions are taken and which become Commission Decisions by operation of law; scheduling matters for hearing; recording all Commission hearing decisions in the Official Book of Minutes; certifying copies of Commission documents and records; handling administrative details of office management, including routing of Commission correspondence to proper department heads and the Commission; receiving and routing all petitions and complaints for disposition as directed by the Commission; and maintaining mailing lists and publications of all matters assigned for public hearing before the Commission.

(3) Official Reporter. The Official Reporter shall record and keep a complete record of all proceedings and evidence of matters heard before the Hearing Officer(s) at public

hearings, and shall have transcribed copies thereof available for the Commission and parties of record when requested.

Cite as Ga. Comp. R. & Regs. R. 515-16-1-.02
Authority: Authority O.C.G.A. Secs. 40-16-5, 46-2-20, 46-2-30, 46-2-50 to 46-2-53, 46-7-2, 50-13-17.
History. Original Rule entitled "Transportation Unit" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-1-.03. Hearings.

(1) Administrative Hearing Officers. The Commission, may through Administrative Order, appoint administrative hearing officers to preside over matters which are not subject to the Georgia Administrative Procedures Act. Hearing Officer(s) shall be authorized to conduct hearings and perform the following functions in conjunction therewith: administer oaths and affirmations, sign and issue subpoenas; rule upon offers of proof; regulate the course of the hearing, set the time and place for continued hearings, and fix the time for filing briefs; dispose of motions to dismiss for lack of agency jurisdiction over the subject matter or parties or for any other grounds; dispose of motions to amend or to intervene; provide for the taking of testimony by deposition or interrogatory; and reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the presence of the agency or the hearing officer.

(2) Public Hearings. Public hearings in transportation cases are held pursuant to O.C.G.A. §§ 46-7-7, 46-7-10, 46-7-33, 46-7-85.13, and 50-13-17 and will generally be conducted at 244 Washington St. SW, Atlanta Georgia, 30334, although the Commission is authorized to hold hearings in different parts of the State when it is deemed necessary to best serve the interest and convenience of the public. All evidence presented at public hearings is recorded by the Official Reporter of the Commission. All hearing records of the Commission are open to public inspection under the Georgia Open Records Act; provided, however, that such inspection and copying of hearing records shall not relieve any party to the case or its successor in interest from paying the Commission's Official Recorder or Reporter from paying for the take down at hearing or production of a transcript.

Cite as Ga. Comp. R. & Regs. R. 515-16-1-.03
Authority: Authority O.C.G.A. Secs. 46-2-58, 46-2-91, 46-7-5, 46-7-7, 46-7-10, 46-7-33, 46-7-85.13, 50-13-16, 50-13-17.
History. Original Rule entitled "Hearings" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-2. ADDITIONAL RULES OF PRACTICE AND PROCEDURE IN TRANSPORTATION CASES.

Rule 515-16-2-.01. Scope and Applicability.

The rules contained in this Chapter 515-16-2 are in addition to, and designed to supplement, the Commission's general Rules of Practice and Procedure contained in Chapter 515-2-1, where different or supplemental rules of practice and procedure are needed in processing transportation cases. Use of such different or supplemental rules in processing transportation cases shall be at the discretion of the Hearing Officer or the Commission conducting a transportation hearing.

Cite as Ga. Comp. R. & Regs. R. 515-16-2-.01
Authority: Authority O.C.G.A. Secs. 46-2-30, 46-7-8, 46-7-29, 50-13-17.
History. Original Rule entitled "Scope and Applicability" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-2-.02. Applications and Petitions.

(1) All applications and petitions for Interim Certificates will be filed in such form as prescribed by the Commission. All applications must be accompanied by a current financial statement and an affidavit executed by an officer of the applicant corporation (if a corporation), applicant's owner (if a proprietorship), or a partner (if applicant is a partnership), containing information describing the number and types of vehicles being used. All applicants must meet a minimum net worth requirement, the dollar amount of which may be set from time to time by Commission Order. All applications will contain an affirmation by applicant of the applicant's familiarity with the Commission's rules and regulations and willingness to take and pass a written test thereon or to attend one monthly training course per year on such rules and regulations.

(2) All applicants submitting applications for passenger certificates or permits shall submit with, or as part of, each application filed with the Commission, a consent form to a criminal background check being performed on such applicant(s) and corporate officer(s).

(3) In proceedings involving applications for Interim Certificates, thirty (30) days' notice will be given. Publication of notice of assignment of hearing in the Fulton County Daily Report and posting a copy of the Transportation Division notice of assignment of hearing on the Commission's website at http://www.psc.state.ga.us will constitute notice.

(4) After notice has been posted for a period of ten (10) days if no protests have been received, the Commission will place application on the next Transportation Committee Agenda for consideration. If the Commission finds that application is in order at the Transportation Committee meeting, the application will be placed on the Administrative Session Agenda for approval to issue a twelve (12) month interim certificate.

(5) If application is protested, the respective parties must present oral testimony at the scheduled hearing. Copies of the application and supporting documents must be served upon the opposite party, his counsel or agent having control of the case not less than 5 days prior to the date matter has been assigned for hearing.

(6) Any motor carrier or motor carrier representative desiring to appear before the Commission at public hearing in opposition to an application seeking an interim

certificate or amendment to existing certificate, need not file a formal petition for such appearance, but may become a party protestant at the public hearing provided he has notified the applicant and the Commission of his intention to appear at the hearing to protest the application. Such notification and request shall be made by letter or fax so as to reach applicant and the Commission at least fifteen (15) days prior to the assigned hearing date. No person who fails to so notify the applicant and the Commission as provided for above will be permitted to intervene in such a proceeding before the Commission except upon a showing of substantial reasons submitted in writing to the Commission prior to the hearing. Nothing in this rule shall be construed to deny any member of the general public the right to appear at public hearing to protest such application, and the Commission reserves the right, in its discretion, to waive the provisions of this portion of the rule.

(7) After applicant and protestant have presented all evidence and testimony at the public hearing, the Commission will take the matter under advisement and render a decision accordingly in the matter. If the Commission issues a favorable decision, a twelve (12) month interim certificate will be issued.

(8) Prior to the end of the twelve (12) month period, the Commission staff will review the carrier's records to determine the actual area being served, whether the applicant has complied with Commission rules and regulations, whether applicant has undergone the Commission's training program for books, record-keeping and compliance, and whether any complaints have been received. At that time the findings would be brought before the Commission for approval or denial of permanent certificate.

Cite as Ga. Comp. R. & Regs. R. 515-16-2-.02
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-6 to 46-7-9, 46-7-11, 46-7-15.1, 46-7-85.4.
History. Original Rule entitled "Applications and Petitions" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-2-.03. Complaints.

All complaints made to the Georgia Public Service Commission involving motor carriers must plainly and distinctly state the grounds thereof, all being set forth in writing. In like manner, all defenses must be made in writing and must plainly and distinctly state the grounds thereof. The complaint must be accompanied by supporting documentation such as invoice, bill of lading and/or claim forms. Other than matters pertaining to a statute rule violation where a customer refund is expressly authorized and the recovery of carrier overcharge above maximum tariff rates and except for disallowed towing rates and storage fees under O.C.G.A. § 44-1-13, the Commission is not empowered to adjudicate disputed freight loss, freight damage or other monetary claims between carriers and customers in transportation matters. Notwithstanding the previous sentence, nothing shall prevent the Commission staff from mediating a pre-litigation settlement of such monetary claims between a carrier and a customer and accepting carrier refund or payment for loss or damage to a customer in lieu of recommending assessment by the Commission of all or a portion of civil penalties authorized by statute or these Transportation

Rules. If the involved parties reach an impasse, the parties would have to be referred to the appropriate court of competent jurisdiction for further resolution.

Cite as Ga. Comp. R. & Regs. R. 515-16-2-.03
Authority: Authority O.C.G.A. Secs. 46-2-20, 46-7-19, 46-7-20, 46-7-22, 46-7-23, 46-7-27, 46-7-38.
History. Original Rule entitled "Complaints" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-2-.04. Public Hearings.

Unless otherwise directed by the Commission, all transportation applications, petitions or complaints, filed with the Commission, or actions initiated by the Commission shall be promptly assigned for hearing on at least thirty (30) days' notice or, in emergency situations, on any other date designated by the Commission; provided that a continued or postponed hearing requested by a carrier may be rescheduled in less than thirty (30) days' notice.

Cite as Ga. Comp. R. & Regs. R. 515-16-2-.04
Authority: Authority O.C.G.A. Secs. 46-2-50, 46-2-58, 46-7-4, 46-7-5, 46-7-7, 46-7-10, 46-7-13.
History. Original Rule entitled "Public Hearings" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-2-.05. Suspend, Revoke, Alter or Amend Certificate or Permit.

(1) The Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter or amend any certificate or permit, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission or provisions of the Motor Carrier Acts, or any other law of this State regulating or taxing motor vehicles, for hire, and applicable to the holder of such certificate, or if, in the opinion of the Commission, the motor carrier is unfit, or not furnishing adequate service, or it is no longer compatible with the public interest to continue said certificate or permit in force or the continuance of said certificate or permit is not in conformity with the spirit and purpose of the law.

(2) It shall be unlawful for a carrier to conduct any operations after their authority has been canceled or during a period in which the certificate or permit is in suspension.

Cite as Ga. Comp. R. & Regs. R. 515-16-2-.05
Authority: Authority O.C.G.A. Secs. 46-7-5, 46-7-11, 46-7-18, 46-7-85.7, 46-7-85.8.
History. Original Rule entitled "Suspend, Revoke, Alter or Amend Certificate or Permit" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-2-.06. Inspections by Commission's Representatives.

(1) Commissioners or representatives of the Commission authorized to make inspections and to enforce these Transportation Rules and Regulations, upon providing proper

identification as a Commissioner or Commission employee to any carrier or carrier officer or employee requesting such, shall have the right at any time to enter into or upon any terminal, station, garage, office, warehouse, impound lot, parking lot, or other premises owned, leased, operated or used by any carrier subject to the Commission's jurisdiction or upon any vehicle operated by such carrier in intrastate commerce within Georgia in order for the purpose of inspecting such carrier's books and records and motor carrier equipment and vehicles to ascertain such carrier's past and present compliance with the statutes and Transportation Rules administered by this Commission.

(2) Willful refusal of any person to produce its records for, and to permit such inspection or on-premises audit of records produced, by a visiting Commissioner or Commission Transportation Staff employee, with or without prior notice having been given for such visit, shall be sufficient grounds for suspension or cancellation of such carrier's Commission-issued registration, permit or certificate; provided, however, that the carrier affected thereby shall have 30 days to petition the Commission for a hearing as to any registration receipt, permit or certificate so suspended or cancelled.

Cite as Ga. Comp. R. & Regs. R. 515-16-2-.06
Authority: Authority O.C.G.A. Secs. 46-2-20, 46-7-23, 46-7-30, 46-7-31.
History. Original Rule entitled "Inspections by Commission's Representatives" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-2-.07. Failure to Observe Rules.

Failure by any carrier subject to the jurisdiction of the Commission to comply with the Rules of the Commission, as amended from time to time, or with any Commission Order shall be cause for suspension, revocation of a certificate, permit, or registration receipt, and/or for assessment of civil or criminal penalties as specified in Chapters 515-16-3 and 515-16-14 of these Transportation Rules.

Cite as Ga. Comp. R. & Regs. R. 515-16-2-.07
Authority: Authority O.C.G.A. Secs. 46-2-91 to 46-2-94, 46-7-26, 46-7-27, 46-7-30, 46-7-31, 46-7-38, 46-7-85.2, 46-7-85.8, 46-7-90, 46-7-91.
History. Original Rule entitled "Failure to Observe Rules" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-3. GENERAL TRANSPORTATION RULES.

Rule 515-16-3-.01. Transportation Jurisdiction of the Commission.

The Commission has such jurisdiction over carriers as provided by statute and such jurisdiction over motor carriers is statewide, covering all operations between points within the State, with no exception for operations conducted wholly within a municipality. Local governments shall not burden intrastate commerce and shall have no jurisdiction over Commission-regulated carriers

operating within or transiting the boundaries of a local government other than that expressly provided by statute.

Cite as Ga. Comp. R. & Regs. R. 515-16-3-.01
Authority: Authority O.C.G.A. Secs. 44-1-13, 46-1-1, 46-2-20, 46-2-22, 46-2-91, 46-7-2, 46-7-5, 46-7-15, 46-7-18, 46-7-27, 46-7-85.2, 46-7-85.3.
History. Original Rule entitled "Transportation Jurisdiction of the Commission" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-3-.02. Application of Rules.

The rules herein promulgated state the conditions and regulations under which carriers regulated by the Commission are permitted to operate over the highways of this State and elaborate upon statutory penalties for noncompliance by authorized and unauthorized carriers.

Cite as Ga. Comp. R. & Regs. R. 515-16-3-.02
Authority: Authority O.C.G.A. Sec. 46-7-27.
History. Original Rule entitled "Application of Rules" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-3-.03. Defintions.

Unless specifically defined elsewhere, when used in this rulebook, the term-

(a) Carrier means:

1. For the purposes of safety and/or hazardous materials regulation, any person who owns, controls, or manages a motor vehicle subject to the jurisdiction of the Commission, including, but not limited to, for hire motor common carriers, for hire motor contract carriers, forest products carriers, limousine carriers, private carriers, and any other person subject to the Commission's safety and hazardous materials jurisdiction (ref. O.C.G.A. § 46-1-1, § 46-7-37, § 46-7-85.1, § 46-11-3); or

2. For the purposes of insurance filing, obtaining of certificates, obtaining of permits or vehicle registrations, any person who operates a motor vehicle to transport persons or property, or both, for compensation (ref. O.C.G.A. § 46-1-1).

(b) *Carrier Class* means the classification or type of certificate, permit, or registration issued to a for hire carrier pursuant to the provisions of O.C.G.A. Title 46. Carriers may have one or more of the following classifications: (See Note)

(c) *Class B* carrier means common carriers of passengers or common carriers of household goods operating over the highways of the State of Georgia over no fixed route in intrastate commerce under certificates.

(d) *Class IE* carrier means a for hire passenger carrier not using limousines as defined in O.C.G.A. § 46-7-85.1(4)transporting 10 or less passengers (ref. O.C.G.A. § 46-1-1(9)(c)(xiii) and § 46-7-15(a)).

(e) *Certificate* means a certificate issued by the Georgia Public Service Commission, whether interim or permanent (ref. O.C.G.A. § 46-1-1).

(f) *CFR* means the United States Code of Federal Regulations, and as it may be amended from time to time in the Federal Register.

(g) *Chauffeur* means any person who meets the qualifications as prescribed in O.C.G.A. § 46-7-85.10 and who is authorized by the Georgia Department of Driver Services to drive a limousine (ref. O.C.G.A. § 46-7-85.1).

(h) *Commission* means the Georgia Public Service Commission (ref. O.C.G.A. § 46-1-1).

(i) *Company* means a corporation, a firm, a partnership, an association, or an individual (ref. O.C.G.A. § 46-1-1).

(j) *FHWA* means the Federal Highway Administration and any successor agencies of the United States Department of Transportation.

(k) *FMCSA* means the Federal Motor Carrier Safety Administration and any successor agencies of the United States Department of Transportation.

(l) *For hire* means an activity wherein for compensation a motor vehicle and driver are furnished to a person by another person, acting directly or knowingly and willfully acting with another to provide the combined service of the vehicle and driver, and includes every person acting in concert with, under the control of, or under common control with a motor carrier who shall offer to furnish transportation for compensation (ref. O.C.G.A. § 46-1-1(6)).

(m) *Highway* or *Public Highway* means every public street, road, highway or thoroughfare of any kind in this state and includes the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel (ref. O.C.G.A. § 40-1-1 and § 46-1-1).

(n) *Household goods* means any personal effects and property used or to be used in a dwelling when a part of the equipment or supplies of such dwelling and such other similar property as the Commission may provide for by regulation; provided, however, that such term shall not include property being moved from a factory or store except when such property has been purchased by a householder with the intent to use such property in a dwelling and such property is transported at the request of, and with transportation charges paid by, the householder (ref. O.C.G.A. § 46-1-1(7)).

(o) *Intercorporate carrier* means a carrier who engages in compensated intercorporate hauling whereby transportation of property is provided by a person who is a member of a

corporate family for other members of such corporate family. Intercorporate carriers engaged in intrastate commerce must obtain property permits (ref. O.C.G.A. § 46-1-1).

(p) *Interim Certificate* means a certificate issued by the Commission for a twelve (12) month period prior to the issuance of a permanent certificate.

(q) *Lightweight commercial motor vehicle* means any self propelled or towed vehicle less than 10,000 pounds gross vehicle weight rating or gross combination weight rating operated by:

1. A for hire motor carrier;
2. A carrier exempt from the economic jurisdiction of the Commission, but otherwise subject to the safety rules of the Commission; or
3. A private carrier transporting hazardous materials in a quantity not required to be placarded.

(r) *Limousine* means any motor vehicle that meets the manufacturer's specifications for a limousine. No vehicle shall be permitted to be operated both as a taxicab and a limousine carrier.

(s) *Limousine carrier* means any person operating a prearranged service regularly rendered to the public by furnishing transportation as a motor common carrier for hire, not over fixed routes, by means of one or more unmetered:

1. Limousines;
2. Extended limousines;
3. Sedans;
4. Extended sedans;
5. Sport utility vehicles;
6. Extended sport utility vehicles;
7. Other vehicles with a capacity for transporting no more than 10 persons for hire; or
8. Any combination of subparagraphs (a) through (g) of this paragraph on the basis of telephone contract or written contract. A limousine carrier shall not use per capita rates or charges (ref. O.C.G.A. § 46-7-85.1).

(t) *Motor carrier of property* means a motor common or contract carrier engaged in transporting property, except household goods, in intrastate commerce in this state (ref. O.C.G.A. § 46-1-1(8)).

(u) Subject to the exceptions contained in O.C.G.A. § 46-1-1(9)(C),

1. *Motor contract carrier* means every person, except common carriers, owning, controlling, operating, or managing any motor propelled vehicle including the lessees or trustees of such persons or receivers appointed by any court used in the business of transporting persons or property for hire over any public highway in this state (ref. O.C.G.A. § 46-1-1(9)(A)).

2. *Motor common carrier* means every person owning, controlling, operating, or managing any motor propelled vehicle, and the lessees, receivers, or trustees of such person, used in the business of transporting for hire of persons or property, or both, otherwise than over permanent rail tracks, on the public highways of Georgia as a common carrier. The term includes, but is not limited to, limousine carriers as defined in paragraph (5) of Code Section 46-7-85.1 (ref. O.C.G.A. § 46-1-1(9)(B)).

(v) *Motor vehicle* means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, determined by the Georgia Public Service Commission (ref. O.C.G.A. § 46-1-1).

(w) *O.C.G.A.* means the Official Code of Georgia, Annotated.

(x) *Nonconsensual towing* means the removal or relocation of an illegally parked or trespassing motor vehicle from private real property at the request of the owner of such real property on which such vehicle is parked, or at the request of such real property owner's agent designated in writing, without the knowledge or consent of the owner of the vehicle being removed or relocated.

(y) *Nonconsensual tow truck operator* means any person or carrier operating the vehicle conducting the nonconsensual towing as defined in the previous definition in this Rule.

(z) *Out of service order* means a prohibition against driving or operating a motor vehicle(s), moving or causing cargo to be moved, or conducting a motor carrier operation (ref. 49 CFR §§ 383.5 and 390.5 and O.C.G.A. §40-5-152).

(aa) *Passenger* means a person who travels in a public conveyance by virtue of a contract, either express or implied, with the carrier as to the payment of the fare or that, which is accepted as an equivalent therefore. The prepayment of fare is not necessary to establish the relationship of passenger and carrier. The term "passenger" shall mean and include express, mail, newspapers and/or baggage of passengers in the same vehicle or combination of vehicles with passengers, except as otherwise restricted in a certificate or by rule or regulation (ref. O.C.G.A. § 46-1-1(10)).

(bb) *Passenger permit* means a motor carrier of passenger permit issued to motor carriers engaged in transporting more than 10 passengers (excluding the driver) for compensation in charter service.

(cc) *Permit* means a registration permit issued by the state revenue commissioner authorizing interstate transportation for hire exempt from the jurisdiction of the United States Department of Transportation or intrastate passenger transportation for hire exempt from the jurisdiction of the state revenue commissioner or intrastate transportation by a motor carrier of property (ref. O.C.G.A. § 46-1-1(11)).

(dd) *Person* means any individual, partnership, trust, private or public corporation, municipality, county, political subdivision, public authority, cooperative, association, or public or private organization of any character (ref. O.C.G.A. § 46-1-1(12)).

(ee) *Principle Place of Domicile* means the principal place in which a carrier conducts its business.

(ff) *Property Permit* carrier means common or contract carriers engaged in the transportation of general commodities (except household goods) operating over the highways of the State of Georgia over no fixed route (ref. O.C.G.A. § 46-7-15(1)).

(gg) *Private carrier* means every person except motor common carriers or motor contract carriers owning, controlling, operating, or managing any motor propelled vehicle, and the lessees or trustees thereof or receivers appointed by any court whatsoever, used in the business of transporting persons or property in private transportation not for hire over any public highway in this state. The term "private carrier" shall not include:

1. Motor vehicles not for hire engaged solely in the harvesting or transportation of forest products; provided, however, that motor vehicles not for hire with a manufacturer's gross weight rated capacity of 44,000 pounds or more engaged solely in the transportation of unmanufactured forest products shall be subject only to the Georgia Forest Products Trucking Rules provided for in division (9)(c)(x) of this Code section;

2. Motor vehicles not for hire engaged solely in the transportation of road-building materials;

3. Motor vehicles not for hire engaged solely in the transportation of unmanufactured agricultural or dairy products between farm, market, gin, warehouse, or mill whether such vehicle is owned by the owner or producer of such agricultural or dairy products or not, so long as the title remains in the producer; or

4. Except for the motor vehicles excluded under subparagraph (c) of this paragraph, motor vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or less; provided, however, that motor vehicles which have a manufacturer's gross vehicle weight rating of 10,000 pounds or less and which are transporting hazardous materials, as the term "hazardous materials" is defined in Title 49 C.F.R., Parts 107, 171-173, and 177-178, shall be included within the meaning of the term "private carrier" (ref. O.C.G.A. § 46-1-1(13)).

(hh) *Public highway* means every public street, road, highway, or thoroughfare of any kind in this state (ref. O.C.G.A. § 46-1-1(14)).

(ii) *RSPA* means the Research and Special Programs Administration of the United States Department of Transportation or any successor agency.

(jj) *Road-building material* means fill dirt, rock or other sub-base, concrete, asphalt or any other material to be used in the actual construction of a public highway, provided, however,"road-building material" does not include materials designated as hazardous materials pursuant to Title 49 U.S.C. § 5101, et. seq.

(kk) *Railroad Corporation* or *Railroad Co.* means all corporations, companies, individuals, or associations of persons, whether incorporated or otherwise, that engage in business as common carriers upon any of the lines of railroads operating in this state.

(ll) *Single Source Leasing* means whereby a leasing company whose primary business is leasing vehicles and who operates a fleet of ten or more vehicles provides vehicle equipment and drivers in a single transaction to a private carrier and is presumed to result in private carriage by the shipper if the requirements enumerated in O.C.G.A. § 46-1-1(9)(c)(ix) are met and are subject only to the Commission's safety rules.

(mm) *Single State Registration Receipt* means a registration receipt issued to interstate motor carriers by their base state, identifying the carrier and specifying the states in which the carrier is authorized to operate pursuant to 49 CFR § 367.5.

(nn) *Single State Registration System (SSRS)* means the requirements for registration of interstate carriers with their base state for issuance of registration receipts as described in 49 CFR Part 367; and SSRS is being superseded by Unified Carrier Registration (UCR) when and if the FMCSA completes refining of the computer database and programming for UCR.

(oo) *Temporary Emergency Authority* means a temporary grant of operating authority by the Commission under the provisions of Commission Transportation Rule 515-16-5-.15. A Temporary Emergency is an immediate and unmet need for which there is no certificated carrier authorized and capable of meeting such need, or the refusal by all such authorized carriers to provide service to the involved shipper or to the involved origin or destination points. To qualify for a grant of Temporary Emergence Authority, the applicant must show that it is qualified and ready, willing and able to meet such need. Such Temporary Emergency Authority shall expire within sixty days after the Commission Order granting such authority unless otherwise provided by Commission Order.

(pp) *Unified Carrier Registration System* or *URS* means the national registration system established by the FMCSA pursuant to 49 USC § 13908, which is superseding SSRS.

(qq) *USDOT* means the United States Department of Transportation.

(rr) *Utility* means any person who is subject in any way to the lawful jurisdiction of the Commission (ref. O.C.G.A. § 46-1-1).

(ss) *Vehicle* means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, determined by the Georgia Public Service Commission (ref. O.C.G.A. § 46-1-1).

Cite as Ga. Comp. R. & Regs. R. 515-16-3-.03
Authority: Authority O.C.G.A. Secs. 46-1-1, 46-7-21, 46-7-27, 46-7-85.1.
History. Original Rule entitled "Definitions" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-3-.04. Operations Conducted in Certificate or Permit Name.

All operations must be conducted and business transacted under the name of the owner, or owner with an operating name, or name of incorporation shown on the certificate, permit, or registration receipt. Individuals, partnerships or corporate owners of certificates or permits may request a change in the doing business as (D.B.A.) name by filing a request with the Commission. Certificated carriers may make application for transfer of a permanent certificate to a different individual, partnership or corporate owner by complying with all the rules relating to transfer of permanent certificates (*See* Commission Transportation Rules Chapter 515-16-5). Permitted carriers must apply for a new permit if there is a change in name or ownership.

Cite as Ga. Comp. R. & Regs. R. 515-16-3-.04
Authority: Authority O.C.G.A. Secs. 46-4-11, 46-7-8, 46-7-27, 46-7-30.
History. Original Rule entitled "Operations Conducted in Certificate or Permit Name" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-3-.05. Cancellation Due to Fraud.

Any certificate, permit or registration receipt obtained by any fraudulent means shall be subject to cancellation upon discovery of such.

Cite as Ga. Comp. R. & Regs. R. 515-16-3-.05
Authority: Authority O.C.G.A. Secs. 46-7-2, 46-7-19, 46-7-26, 46-7-31, 46-7-32, 46-7-38, 46-7-39, 46-7-85.7, 46-7-91.
History. Original Rule entitled "Cancellation Due to Fraud" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-3-.06. Designation of Process Agent.

No for hire motor carrier shall engage in intrastate or interstate operations within the borders of the State of Georgia unless and until there shall have been filed with and accepted by this Commission a currently effective designation of a local agent for service and process. Said carrier shall file such designation by showing the name and address of such agent on forms

prescribed by the Commission or by furnishing this Commission with a true copy of the designation of such agent filed with the Federal Highway Administration.

Cite as Ga. Comp. R. & Regs. R. 515-16-3-.06
Authority: Authority O.C.G.A. Sec. 46-7-17.
History. Original Rule entitled "Designation of Process Agent" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-3-.07. Civil Penalties - General. (See also Chapter 515-16-14 for Civil Penalty Procedures).

(1) Any person, firm or corporation (hereinafter referred to as "utility"), subject to the jurisdiction of the Georgia Public Service Commission, who shall willfully violate any law administered by the Commission, or any duly promulgated rule or regulation issued thereunder or who fails, neglects or refuses to comply with any order, after notice thereof, shall be liable to a penalty not to exceed $15,000.00 for said violation and an additional penalty not to exceed $10,000.00 for each day during which such violation continues.

(2) The Commission, after hearing as provided for in Chapter 515-16-14 of the Commission's Transportation Rules, upon not less than 30 days notice, shall determine whether any carrier has willfully violated any law administered by the Commission, or any duly promulgated regulation issued thereunder, or has failed, neglected or refused to comply with any order of the Commission, and upon appropriate finding thereof may impose such civil penalties as herein provided by order for such violations. In each such proceeding, the Commission shall maintain a record including all pleadings, a transcript of proceedings, a statement of each matter of which the Commission takes official notice, and all staff memoranda or data submitted to the Commission in connection with their consideration of the case. All penalties and interest thereon (at the rate of 10 percent per annum) recovered by the Commission shall be paid into the general fund of the State treasury.

(3) Any party aggrieved by a decision of the Commission may seek judicial review as provided in (4) below.

(4) Any party who has exhausted all administrative remedies available before the Georgia Public Service Commission and who is aggrieved by a final decision of the Commission in a proceeding described in subsection (2) of this section may seek judicial review of the final order of the Commission in the Superior Court of Fulton County.

   (a) Proceedings for review shall be instituted by filing a petition within 30 days after the service of the final decision of the Commission or, if a rehearing is requested, within 30 days after the decision thereon. A motion for rehearing or reconsideration after a final decision by the Commission shall not be a prerequisite to the filing of a petition for review. Copies of the petition shall be served upon the Commission and all parties of record before the Commission.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is aggrieved by the decision and the ground, as specified in subsection (4)(f) of this section, upon which the petitioner contends that the decision should be reversed. The petition may be amended by leave of court.

(c) Within 30 days after service of the petition, or within such further time as is stipulated by the parties or as is allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceedings under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate that the record be limited may be taxed for the additional costs. The court may require or permit subsequent corrections or additions to the record.

(d) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and there were good reasons for failure to present it in the proceedings before the agency, the court may order that the additional evidence be taken before the Commission upon such procedure as is determined by the court. The Commission may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

(e) The review shall be conducted by the court without a jury and shall be confined to the record. The court shall not substitute its judgment for that of the Commission as to the weight of the evidence on questions of fact. The court may affirm the decision of the Commission or remand the case for further proceedings. The court may reverse the decision of the Commission if substantial rights of the petitioner have been prejudiced because the Commission's findings, inferences, conclusions, or decisions are:

1. In violation of constitutional or statutory provisions;

2. In excess of the statutory authority of the Commission;

3. Made upon unlawful procedure;

4. Clearly not supported by any reliable, probative, and substantial evidence on the record as a whole; or

5. Arbitrary or capricious.

(f) A party aggrieved by an order of the court in a proceeding authorized under subsection (4) of this rule may appeal to the Supreme Court of Georgia or to the Court of Appeals of Georgia in accordance with Article 2 of Chapter 6 of Title 5 of O.C.G.A., the "Appellate Practice Act."

Cite as Ga. Comp. R. & Regs. R. 515-16-3-.07
Authority: Authority O.C.G.A. Secs. 46-2-91, 46-2-92, 46-7-39, 46-7-90, 46-7-91.
History. Original Rule entitled "Civil Penalties - General (See also Chapter 515-16-14 for Civil Penalty Procedures)" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-3-.08. Criminal Penalties - General.

Every officer, agent, or employee of any company under the jurisdiction of the Commission who violates or procures, aids, or abets any violation by any such company of any provision of Title 46 O.C.G.A.; or who fails to obey, observe, or comply with any order of the Commission; or who aids or abets any such company in its failure to obey, observe, and comply with any such order, direction, or provision, shall be guilty of a misdemeanor. Such officer, agent, or employee shall be subject to prosecution in any county in which the company or the officer, agent, or employee violates any provision of this title or any provision of any order of the Commission, or in any county through which the company operates. Such officer, agent, or employee shall also be subject to prosecution under this title in any county in which a subordinate agent or employee of the company violates any provision of this title, by the approval or direction, or in consequence of the approval or direction, of such officer, agent, or employee; and the agent or employee who locally in any county violates the rules or directions of said Commission pursuant to the direction or authority of a superior officer may be called as a witness and be compelled to testify as to the authority by which he acted. Such testimony shall not be used against such subordinate employee or agent, nor shall he thereafter be subject to prosecution for said offense.

Cite as Ga. Comp. R. & Regs. R. 515-16-3-.08
Authority: Authority O.C.G.A. Secs. 46-7-39, 46-7-91.
History. Original Rule entitled "Criminal Penalties - General" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-4. MOTOR CARRIER SAFETY RULES.

Rule 515-16-4-.01. Motor Carrier Safety (Adoption of Federal Motor Carrier Safety Rules).

The Motor Carrier Safety Regulations issued by the United States Department of Transportation, Federal Motor Carrier Safety Administration (hereinafter "FMCSA"), contained in Title 49 of the Code of Federal Regulations, Parts 350, 382, 383, and 390 through 397, as now in force and as hereafter amended (hereinafter referee to as "the Federal Safety Rules"), are by this Rule made Transportation Rules of this Commission for all carriers regulated by this Commission; and the Commission Staff shall enforce such Federal Motor Carrier Safety Rules and cooperate with other State and local law enforcement agencies in doing so to the extent such Federal Safety Rules are applicable to carriers regulated by the Commission. These Federal Safety Rules are prescribed by the FMCSA as minimum standards for observance and enforcement by cooperating State agencies, and the individual states such as Georgia cannot promulgate less stringent motor carrier safety rules. Due to the volume of such Federal Safety Rules and to the frequent changes made therein by the FMCSA and because the FMCSA publishes and makes readily available such Federal Motor Carrier Safety Rules at minimal cost, the Commission will

not reproduce such Federal Safety Rules here. Current copies of the above-referenced and adopted Federal Motor Carrier Safety Rules may be obtained from the FMCSA in Washington, D.C., from the U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402, or from local U.S. Government Bookstores in the Atlanta area. In addition, such Federal Motor Carrier Safety Rules may be accessed on-line at the FMSCA website on the Internet. If and when this Commission undertakes to adopt motor carrier safety rules more stringent than such Federal Motor Carrier Safety Rules, the Commission will adhere to the provisions of the Georgia Administrative Procedure Act with due publication, notice, and solicitation and consideration of comments from regulated carriers and the public. Moreover the Commission recognizes that the Georgia Department of Public Safety ("GDPS") has primary authority for promulgating and enforcing motor carrier safety rules under O.C.G.A. § 46-7-26; and the Commission will defer to and cooperate with the GDPS in enforcing such Rules to insure that motor carriers under the jurisdiction of this Commission abide by such State motor carrier safety regulations (including the Federal Motor Carrier Safety Regulations). In the Federal Motor Carrier Safety Regulations adopted by reference in this Rule and applicable throughout this Chapter 515-16-4, any reference to the "Operations Manager" and/or "Associate Administrator, Federal Motor Carrier Safety Administration," shall be interpreted to mean Director, Transportation Unit, Georgia Public Service Commission, except insofar as the term relates to preemption. All references to "interstate" commerce in the Federal Motor Carrier Safety Regulations adopted hereby shall be interpreted for the purposes of this Chapter 515-16-4 to mean "intrastate" commerce in Georgia. It is the intent of the Commission that its Transportation Rules (including its motor carrier safety rules) shall apply only to intrastate carriers and operations.

Cite as Ga. Comp. R. & Regs. R. 515-16-4-.01
Authority: Authority 49 USCA Secs. 13101, 13702, 14501, 14504, O.C.G.A. Secs. 46-2-30, 46-7-2, 46-7-27.
History. Original Rule entitled "Motor Carrier Safety (Adoption of Federal Motor Carrier Safety Rules)" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-4-.02. Limousine Carrier Safety Rules.

(1) To the extent applicable to vehicles classified as limousines in O.C.G.A. §§ 46-7-85.1*et seq.*, the Federal Motor Carrier Safety Rules adopted by the Commission in Georgia Public Service Commission Transportation Rule 515-16-4-.01 for all motor carriers operating in intrastate commerce shall also apply to limousine carriers as minimum safety requirements for all vehicles operated by limousine carriers operated for hire in interstate and intrastate commerce in Georgia to the "Operations Manager" and/or "Associate Administrator, Federal Motor Carrier Safety Administration," shall be interpreted to mean Manager, Transportation Unit, Georgia Public Service Commission, except insofar as the term relates to preemption. All references to "interstate" commerce shall be interpreted to include "intrastate" commerce. It is the intent of the Commission that the regulations shall apply to intrastate carriers and operations.

(2) Where the Federal Motor Carrier Safety Regulations as adopted by the Commission refer to "carriers" or "motor carriers," the term shall be taken to mean all for hire limousine

carriers subject to the Commission's jurisdiction pursuant to O.C.G.A Title 46. All reports required by the Federal Motor Carrier Safety Regulations shall be also sent with regard to intrastate traffic or transportation to the Georgia Public Service Commission, Transportation Unit, 244 Washington St., SW, Georgia 30334, in addition to any copies required to be sent to any Federal Agency. The Commission will accept forms prescribed by the United States Department of Transportation where required by the safety regulations.

(3) Identification of Vehicles Operated by Limousine Carriers:

(a) Prior to operating limousines over the highways of Georgia for which registration and licensing of such equipment has been procured, every limousine carrier holding a permit or certificate to transport passengers in shall affix to the front bumper a standard size license plate with the following information:

1. Limousine company name;

(i) City and state of principal domicile;

(ii) Company telephone number;

(iii) Vehicle classification IE-l; and

(iv) Limousines which also operate in interstate commerce must comply with the identification requirements of any federal agency with jurisdiction.

(4) Vehicle Condition and Maintenance; Commission Inspections; Driver Qualifications. The vehicles operated by limousine carriers in Georgia shall be equipped, maintained, operated and inspected in accordance with the standards prescribed in 49 CFR PARTS 393-396; and vehicle drivers shall be qualified under and shall continuously comply with 49 CFR PARTS 392 and 395.

Cite as Ga. Comp. R. & Regs. R. 515-16-4-.02
Authority: Authority 49 USCA Secs. 13101, 13702, 14501, 14504, O.C.G.A. Secs. 41-1-1, 46-1-1, 46-7-2, 46-7-3, 46-7-5, 46-7-7, 46-7-27, 46-7-30, 46-7-36, 46-7-85.5, 46-7-85.7, 46-7-85.17, R. 515-16-4-.01.
History. Original Rule entitled "Limousine Carrier Safety Rules" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-4-.03. Safety Operations Review of Georgia Public Serice Commission - Regulated Carriers.

(1) The Commission or designated staff members are authorized to conduct Safety Operations Reviews of motor carriers under its jurisdiction for the purpose of determining compliance with the laws, rules, regulations, and orders of the Commission or the Federal Motor Carrier Safety and/or Hazardous Material Regulations. Said Commission or staff

members are authorized to enter upon, to inspect, and to examine any and all lands, buildings, and equipment of motor carriers and other persons subject to the jurisdiction of the Commission, and to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers and other persons.

(2) Motor Carriers and other persons subject to the jurisdiction of Commission shall submit their accounts, books, records, memoranda, correspondence, and other documents for inspection and copying, and shall submit their lands, buildings, and equipment for examination and inspection. Upon request, display of a Commission issued credential identifying him/her or staff member shall be made. If a motor carrier uses photographic, microfilm, or electronic record keeping technology, it shall make such records available in accordance with Section 390.31 of the Commission's rules.

(3) The Commission and their staff members are authorized to conduct joint investigations and reviews of motor carriers and other persons with officials of the United States Department of Transportation and their administrations for the purpose of determining compliance with State or Federal laws, rules, regulations, and orders pertaining to motor carrier operations and the transportation of hazardous materials. Consistent with 49 C.F.R. Part 388, the Commission and its staff shall exchange information with the United States Department of Transportation that comes to their attention that is believed to indicate a violation of any provision of the safety or hazardous material laws, rules, regulations, or orders of the United States Department of Transportation.

Cite as Ga. Comp. R. & Regs. R. 515-16-4-.03
Authority: Authority O.C.G.A. Secs. 41-1-1, 46-7-2, 46-7-3, 46-7-5, 46-7-7, 46-7-27, 46-7-30, 46-7-36, 46-7-85.5, 46-7-85.7, 46-7-85.17.
History. Original Rule entitled "Safety Operations Review of Georgia Public Service Commission - Regulated Carriers" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-5. GENERAL PROVISIONS.

Rule 515-16-5-.01. Applicability.

The provisions of this chapter apply to persons transporting household goods or passengers (excluding charter operations) for hire in intrastate transportation that are required to hold certificates under any of the Motor Carrier Acts of this state.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.01
Authority: Authority O.C.G.A. Secs. 46-7-2 to 46-7-5.
History. Original Rule entitled "Applicability" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.02. Reports.

It shall be the duty of the carrier to produce for inspection by the Commission or any of its representatives, any and all books, papers, contracts, agreements and other original records of

any character whatsoever that may be in possession of said carrier, or within its power, custody or control, or copies thereof, as may be demanded and designated by the Commission. Failure to provide the Commission or its designated Staff with timely access to records, books, or documentation or copies of such material upon written request shall constitute sufficient grounds for immediate suspension of the refusing carrier's Commission-issued certificate or permit and, after notice and hearing, to revoke such certificate or permit.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.02
Authority: Authority O.C.G.A. Secs. 46-7-22, 46-7-23.
History. Original Rule entitled "Reports" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.03. Penalties.

The criminal and civil penalties for violation of this Chapter are those set forth in O.C.G.A. §§ 46-2-90 through 46-2-93, 46-7-39, 46-7-90 and 46-7-91, and in Chapters 515-16-3 and 515-16-10 of these Transportation Rules; and such penalties can only be imposed by the Commission after notice and hearing, unless the violator consents in writing to such penalties.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.03
Authority: Authority O.C.G.A. Secs. 46-2-90 to 46-2-93, 46-7-39, 46-7-90, 46-7-91.
History. Original Rule entitled "Penalties" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.04. Unjust Discrimination Prohibited.

All carriers, in the conduct of their intrastate business, shall afford to all persons equal facilities in the conduct of such business, without unjust discrimination in favor of, or against any; and wherever special facilities are afforded to one patron whether by special rate or fare authorized by this Commission or otherwise, such carrier shall be bound to afford to any other patron, or patrons, under substantially similar circumstances, like facilities upon like rates or fares, but the Commission will prescribe by general order to what persons motor carriers or railroads may issue passes or free transportation and reduced rates for special occasions.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.04
Authority: Authority O.C.G.A. Secs. 46-7-1, 46-7-38.
History. Original Rule entitled "Unjust Discrimination Forbidden" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.05. Duty to Accept and Transport Commodities.

It shall be the duty of any household goods carrier to accept for transportation any authorized commodities, the carriage of which by such carrier is reasonably safe and practicable and to transport the same as soon as practicable.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.05
Authority: Authority O.C.G.A. Secs. 46-7-2 to 46-7-5.
History. Original Rule entitled "Duty to Accept and Transport Commodities" adopted. F. June 10, 2008; eff. June

30, 2008.

Rule 515-16-5-.06. Free Service Forbidden.

No carrier transporting household goods or passengers under a Certificate subject to the jurisdiction of this Commission, shall, directly or indirectly, give or furnish any free or reduced rate service in this State, except as lawfully prescribed by the Commission (Also see Commission Transportation Rule 515-16-7-.03).

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.06
Authority: Authority O.C.G.A. Sec. 46-7-38.
History. Original Rule entitled "Free Service Forbidden" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.07. Rates and Services as Required by the Commission.

(1) All rates, fares, charges, rules and regulations now in effect that relate to the transportation of household goods and passengers or which may hereafter become effective, which are not higher than the maximum rates, fares, or charges prescribed by the Commission are hereby established as the rates, fares, or charges of the Commission. No such rates, fares or charges shall, unless otherwise provided, be discontinued or changed without the consent of the Commission.

(2) Failure of the holder of any certificate to comply with schedules and/or rates and fares approved by the Commission and to hold itself out as ready, able and willing to provide adequate service in the transportation of any household goods or passengers authorized to be transported in said certificate, shall be reasonable cause to suspend, revoke, alter or amend said certificate at any time after notice and opportunity to be heard is afforded the carrier.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.07
Authority: Authority O.C.G.A. Secs. 46-7-18, 46-7-19, 46-7-23, 46-7-27.
History. Original Rule entitled "Rates and Services as Required by the Commission" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.08. Discontinuance of Service.

(1) A motor common or contract carrier of passengers may discontinue its entire service on any route upon 30 days´ published notice to be prescribed by the Commission, and thereupon its certificate therefore shall be canceled.

(2) A motor common or contract carrier of passengers may discontinue any part of its service on any route upon 30 days´ published notice, subject, however, to the right of the Commission to withdraw its certificate for such route if, in the opinion of the

Commission, such diminished service is not adequate or is no longer compatible with the public interest.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.08
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-5, 46-7-14, 46-7-27.
History. Original Rule entitled "Discontinuance of Service" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.09. Claims for Overcharge and Loss.

(1) All household goods claims for overcharge, loss or damage, shall be handled to completion within 90 days after claim is filed with the carrier. Claims for loss or damage shall be paid by the carrier at fault, but claims for overcharge shall be paid by the carrier which collected same.

(2) It is incumbent upon the carrier or the designated agent of the carrier to inspect any and all reported damage and to provide for repairs or compensation based on the level of liability selected and defined in the Addendum to Uniform Household Goods Bill of Lading, (Shipper Declaration of Value) form. If damage is alleged to have occurred to the shipper's dwelling or surroundings, for example but not limited to, damage to walls, floors, steps, ceiling, rails, doors, driveway, lawn, fence, patio, or garage, it is the carrier's responsibility or that of his designated agent, to inspect the alleged damage. If such damage is determined to be transit related, it is the carrier's obligation to repair or restore to original condition or to otherwise make whole by compensation. Transit related damage occurring to a shippers dwelling or surrounding area is not covered by the Shipper's Declaration of Value form.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.09
Authority: Authority O.C.G.A. Secs. 46-7-18, 46-7-19, 46-7-23, 46-7-27.
History. Original Rule entitled "Claims for Overcharge and Loss" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.10. Application for Interim Certificates.

(1) Every corporation or person owning, controlling, operating or managing any motor propelled vehicle (and lessees, or receivers, or trustees thereof, appointed by any court whatsoever), before operating any motor vehicle upon the public highways of the State for the transportation of passengers (except charter service) or household goods, for hire, within the purview of the Motor Carrier Acts, shall apply to the Commission for an interim Certificate in the following manner:

(2) Application shall be made to the Commission in writing on forms prescribed by the Commission. The application should be typewritten or legibly handwritten in ink.

(3) All information required on said application forms (where applicable) shall be given in full and all questions thereon shall be answered correctly. In the event portions of the application are not applicable to applicant, they must be answered "Not applicable."

(4) All applicants for an Interim Certificate to operate over no fixed route shall state in the application the physical location of the principal office of the carrier and the physical location of all terminals or warehouses in the State.

(5) When an interim certificate is sought by a partnership, such partnership shall designate in writing one of the partners who shall have authority and who shall be recognized by the Commission in all matters arising under the law or these rules.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.10
Authority: Authority O.C.G.A. Secs. 46-7-8, 46-7-13.
History. Original Rule entitled "Application for Interim Certificates" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.11. Application Fees.

(1) Application for an Interim Certificate, amendment to an existing permanent Certificate, transfer of certificate, and application for emergency temporary authority, must be accompanied by cashier's check, certified check, U.S. Post Office money order or express money order, payable to "Georgia Public Service Commission" in amounts prescribed by law and set forth below:

(a) A fee of $75 where applicant owns or operates less than six (6) motor vehicles;

(b) A fee of $150 where applicant owns or operates six (6) to fifteen (15) motor vehicles;

(c) A fee of $200 where applicant owns or operates over fifteen (15) vehicles;

(d) A fee of $75 for transfer of a certificate;

(e) A fee of $75 for temporary emergency authority;

(f) An additional fee of $15.00 for advertising must accompany the application for a certificate or an amendment thereto.

(g) Notwithstanding subparagraphs (a)-(f) above, tow truck operators applying for a non-consensual towing permit shall pay $300.00 per year for an annual permit as per O.C.G.A. § 44-1-13.

(2) If O.C.G.A. §§ 44-1-13, 46-7-9 or 46-7-13, or any such statute, should be amended in the future to change the Commission filing fees, then the statutory fees set by such superveniuing legislation will supersede those specified herein.

(3) No application will be assigned for hearing or given consideration by the Commission unless accompanied by said fees and until applicant has complied with all of the foregoing requirements.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.11
Authority: Authority O.C.G.A. Secs. 44-1-13, 46-7-9, 46-7-10, 46-7-27.
History. Original Rule entitled "Application Fees" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.12. Requirements for Issuance of Interim Certificate.

(1) The Commission shall issue an interim certificate to a person authorizing transportation as a motor carrier subject to the jurisdiction of the Commission if it finds that:

(2) The applicant is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with regulations of the Commission. Fitness encompasses four (4) factors:

(a) the applicant's financial ability to perform the service it seeks to provide;

(b) its capability and willingness to properly and safely perform the proposed service;

(c) the applicant must attend a training class on the laws of Georgia and the rules and regulations of the Commission, given by the Commission, or test out of the class;

(d) its willingness to comply with the laws of Georgia and the rules and regulations of the Commission; and

(3) In case of application for Limousine certificate only, applicant has not been convicted of any felony as such violation or violations are related to the operation of a motor vehicle.

(4) Service performed during the interim period by applicant will be the basis for issuance of the permanent certificate.

(5) The initial burden of making out a prima facie case that applicant's service is needed, and that it is fit to provide such service, rests with the applicant.

(6) Upon applicant making out a prima facie case as to the need for the service and the carrier's ability to provide the service, the burden shifts to protestant(s) to show that the authority sought would not be consistent with the public convenience and necessity.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.12
Authority: Authority O.C.G.A. Secs. 46-7-8, 46-7-12, 46-7-13, 46-7-27.
History. Original Rule entitled "Requirements for Issuance of Interim Certificate" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.13. Carrier Qualifications for Issuance of Interim Certificate or Transfer of Permanent Certificate.

(1) When the Commission has given consideration to an application for an interim certificate or transfer of permanent certificate, applicant will be advised in writing of the action thereon. In the event of the approval of the application, applicant shall immediately, and before commencing operation,

(a) register its equipment;

(b) furnish a notarized statement certifying that each vehicle has been properly identified pursuant to Chapters 4 and 8 of these Transportation Rules;

(c) file evidence of insurance pursuant to Chapter 11 of these Transportation Rules;

(d) indicate the carrier's familiarity with and willingness and ability to abide by the Commission's Maximum Rate Tariff for household goods shipments; and

(e) furnish a statement of awareness of Commission's safety and hazardous material regulations.

(2) In the event applicant does not complete the application by complying with the requirements herein within ninety days from receipt of notice of approval of the application, approval will be automatically withdrawn and fees deposited forfeited.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.13
Authority: Authority O.C.G.A. Secs. 46-7-8, 46-7-12, 46-7-13, 46-7-16 to 46-7-18, 46-7-27.
History. Original Rule entitled "Carrier Qualifications for Issuance of Interim Certificate or Transfer of Permanent Certificate" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.14. Application of Passenger Carriers to Abandon Service.

An application for authority to abandon scheduled passenger bus service, or reduce service to less than one trip per day (excluding Saturday and Sunday), shall include the following exhibits:

NOTE: If more than one point, route, or route segment is included in the application, the indicated data is to be separately stated for each point, route, or route segment.

(a) Exhibit 1. Points and Routes Affected. A listing of points, routes, and route segments to be abandoned, including identification and a brief description of any other passenger transportation service available at the points or along the route affected.

(b) Exhibit 2. Maps. Maps to scale showing each point, route, and route segment to be abandoned.

(c) Exhibit 3. Timetables. Copies of current and proposed timetables covering the affected points and routes.

(d) Exhibit 4. Authority. Copies of current and proposed certificate authorities covering the affected points and route.

(e) Exhibit 5. Traffic. Traffic data for a recent representative period, showing numbers of intrastate passengers destined to and originating from each point to be abandoned.

(f) Exhibit 6. Fares and Rates. Description of fares and rates applicable to the affected services.

(g) Exhibit 7. Revenues. Calculation of the passenger, express, and other revenues which accrue as a result of the service to be abandoned, along with an explanation of how the revenues were calculated and of any assumptions underlying the calculations.

(h) Exhibit 8. Operating Statistics. Calculations of route miles, annual bus miles, and schedule operating time to be eliminated for each point, route, or route segment to be abandoned.

(i) Exhibit 9. Additional Evidence. Any additional evidence or legal argument applicant believes to be relevant to the application.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.14
Authority: Authority O.C.G.A. Secs. 46-7-8, 46-7-14, 46-7-27.
History. Original Rule entitled "Application of Passenger Carriers to Abandon Service" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.15. Temporary Emergency Authority (Ref. 515-16-3-.03).

(1) Application for Temporary Emergency Authority for the transportation of passengers or household goods shall be made on forms, designated by the Commission, shall require applicants to supply in writing all the information called for in such application form, shall be accompanied by payment of the applicable application fee under Rule 515-16-5-.11, and shall indicate under oath the applicant's willingness and ability to comply with the requirements stated (or referred to) in the application, pursuant to the Commission's Transportation Rules and O.C.G.A. Chapter 46-7.

(2) The order granting such authority shall contain the Commission's findings supporting its determination under the authority of O.C.G.A. § 46-7-13 that there is an immediate and urgent need for the proposed emergency service (which other authorized carriers have not or will not provide and the length of time such emergency is expected to continue) and shall contain such conditions as the Commission finds necessary with respect to such authority. Absent sufficient evidence proving such emergency need for service, the Commission will not grant such temporary emergency authority.

(3) Unless otherwise provided, such temporary emergency motor carrier authority, shall be valid for such time as the Commission shall specify, but not for more than an aggregate of 30 days. When a motor carrier granted temporary emergency authority makes application to the Commission for corresponding interim authority, the applicant's temporary emergency authority, will be extended to the Commission's finalization of the interim authority application, unless sooner suspended or revoked for good cause shown within the extension period.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.15
Authority: Authority O.C.G.A. Secs. 46-7-8, 46-7-13, 46-7-27.
History. Original Rule entitled "Temporary Emergency Authority (Ref. 515-16-3-.03)" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.16. Re-filing for Interim Certificate.

When an application for an interim certificate has been in whole or in part denied, or has been granted and the order of the Commission granting same has been quashed or set aside by a court of competent jurisdiction, a new application to provide the same service by the same petitioner or applicant for the same commodities will not be again considered by the Commission within three months from the date of the order denying the same or the judgment of the court quashing or setting aside the order.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.16
Authority: Authority O.C.G.A. Secs. 46-7-8, 46-7-13, 46-7-27.
History. Original Rule entitled "Re-filing for Interim Certificate" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.17. Transfer of Permanent Certificates.

(1) Certificates shall not be assigned or transferred or hypothecated through sale, ownership of stock pledged as security, or otherwise; nor shall the control and management of the operation under such certificate be changed through lease or otherwise without authority of the Commission. Interim Certificates are not transferable.

(2) Application for transfers must be made on proper forms and in the manner prescribed by the Commission. Hearings on applications for transfer will be assigned in accordance with the provisions of Commission Transportation Rule 515-16-2-.04. Certificates must be active in order to be considered for transfer.

(3) There shall be attached to the application for transfer of a certificate a copy of the contract of purchase which shall contain a complete statement of the assets of the holder of the certificate to be sold and the amount to be paid therefore, and an affidavit from the holder of the certificate, of the authorized agent or officer thereof, that all accrued taxes and all station rents, wages of employees, and all other known indebtedness incident to said operation have been paid in full except as set out in the application for transfer. If

there be unpaid indebtedness incident to said operation, a written itemized statement, under oath, of the names and addresses of all the creditors known to said certificate holder, loss or damage claims, together with the amount of indebtedness claimed to be due or owing each of said creditors incident to said operation shall be included in the application or attached as an exhibit and made a part thereof. There shall also be attached to the application for transfer of a certificate a statement signed and witnessed by the transferee (purchaser), or the authorized agent or officer thereof, guaranteeing the payment of all just obligations listed in the sworn itemized statement of the transferor (certificate holder) included in or made a part of the application for transfer, or any lawful indebtedness not included in the application for transfer where such indebtedness is determined to be incident to said operation.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.17
Authority: Authority O.C.G.A. Secs. 46-7-6, 46-7-27.
History. Original Rule entitled "Transfer of Permanent Certificates" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.18. Reinstatement or Cancellation of Interim or Permanent Certificate.

After a certificate has been suspended, unless reinstated by the Commission within twelve months from the date of the suspension, same will automatically be canceled and will not be reinstated. A certificate may be reinstated if canceled for lack of proper insurance when the carrier's insurance company files proof of insurance coverage back to the original date of suspension.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.18
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-5, 46-7-7, 46-7-8, 47-7-11, 46-7-13, 46-7-27.
History. Original Rule entitled "Reinstatement or Cancellation of Interim or Permanent Certificate" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.19. Consent to Background Check Required for Completion of All Passenger Carrier Certificate and Permit Applications for Motor Carrier Authority.

No application for motor carrier passenger authority filed with the Commission will be considered complete and ready for Commission consideration unless and until a consent to a criminal background check is signed and filed with the Commission on behalf of Applicant signed by the individual owner of any sole proprietorship, by all general or managing partners of any partnership applicant, by all officers of any corporate applicant, and by the manager and members of any limited liability company. Before Commission consideration of such Application, the results of such background check must be received by the Commission. In addition, the Commission must determine before granting emergency authority that any criminal violations by not to adversely affect the efficient and safe operation of such applicant as a motor carrier and of applicant's drivers in the safe operation of Applicant's motor vehicles in Georgia.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.19
Authority: Authority O.C.G.A. Secs. 46-7-2, 46-7-7, 46-7-85.4.
History. Original Rule entitled "Consent to Background Check Required for Completion of All Passenger Carrier Certificate and Permit Applications for Motor Carrier Authority" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-5-.20. Misrepresentation of Certificate Operations; Leasing of Certificate Prohibited.

No certificate holder shall engage in any conduct which falsely tends to create the appearance that services being furnished or operations under such certificate are being provided by the holder when, in fact, they are not. No lease, device or arrangement constituting a leasing, loaning or renting of a certificate will be recognized unless otherwise ordered by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-16-5-.20
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-7, 46-7-8, 46-7-11, 46-7-13, 46-7-27, 46-7-91.
History. Original Rule entitled "Misrepresentation of Certificate Operations; Leasing of Certificate Prohibited" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-6. HOUSEHOLD GOODS CARRIERS.

Rule 515-16-6-.01. Scope.

This Chapter applies to household goods carriers operating in intrastate commerce.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.01
Authority: Authority O.C.G.A. Secs. 40-16-5, 46-7-27, 46-7-32, 46-7-36.
History. Original Rule entitled "Scope" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.02. Definitions.

As used in this sub-Chapter, the term *Advertisement* means any communication to the public, in written or printed form, in connection with an offer or sale of any intrastate transportation service, including accessorial services, but shall not be construed to include listing of a carrier's name, address and telephone number.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.02
Authority: Authority O.C.G.A. Secs. 46-7-18, 46-7-23, 46-7-91.
History. Original Rule entitled "Definitions" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.03. Penalties.

(1) The criminal and civil penalties for violation of this Chapter are those set forth in O.C.G.A. §§ 46-2-90 through 46-2-93, 46-7-39, 46-7-90 and 46-7-91, and in Chapters

515-16-3 and 515-16-10 of these Transportation Rules; and such penalties can only be imposed by the Commission after notice and hearing, unless the violator consents in writing to such penalties.

(2) Whenever the Commission, after a hearing conducted in accordance with the provisions of Chapter 3 of the Commission Transportation Rules, finds that any person, firm, or corporation is operating as a household goods carrier for hire without a valid certificate issued by the Commission or is holding itself out as such a carrier without such a certificate in violation of paragraph (b) of O.C.G.A. § 46-2-94, the Commission may impose a fine of not more than $5,000.00 for each violation. The Commission may assess the person, firm, or corporation an amount sufficient to cover the reasonable expense of investigation incurred by the Commission. The Commission may also assess interest at the rate specified in O.C.G.A. § 46-2-91 on any fine or assessment imposed, to commence on the day the fine or assessment becomes delinquent. All fines, assessments, and interest collected by the Commission shall be paid into the general fund of the state treasury. Any party aggrieved by a decision of the Commission under this rule may seek judicial review as provided in O.C.G.A. §§ 46-2-91 and 46-2-92.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.03
Authority: Authority O.C.G.A. Secs. 46-2-90 to 46-2-93, 46-7-33, 46-7-39, 46-7-90, 46-7-91.
History. Original Rule entitled "Penalties" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.04. Designation of Household Goods Agents.

(1) All appointments of an agent by a carrier holding a permanent certificate shall be evidenced by a contract in writing properly executed by all parties thereto. Such contracts shall set forth the duties, obligations, rights, method of compensation, and scope of authority of the parties thereto.

(2) Household goods carriers holding interim certificates may not appoint any agent to operate under their authority.

(3) A standard form contract shall be first submitted to the Commission for approval. If approved, it shall not be necessary to re-submit said standard form of contract except as provided in sub-paragraph (a)(5) of this rule.

(4) The carrier shall notify the Commission in writing at least ten (10) days prior to termination of an agency agreement by filing with the Commission a form entitled "NOTICE OF TERMINATION." Such termination shall become effective on the date provided in the notice unless the Commission notifies the carrier of its disapproval before the effective date.

(5) No carrier shall appoint an agent to represent it if such agent represents another intrastate household goods carrier.

(6) No carrier shall be permitted to appoint an agent for the purpose of transporting household goods in any county or within a twenty (20) mile radius of a city, town or municipality in which it already has an established office or warehouse, or agent. A carrier would not be prohibited from itself performing specialized services in a locality where it has an agent. If carrier establishes an office or warehouse in a location where an agency has been established, the agency agreement must be cancelled.

(7) A copy of the agency contract must be maintained in each vehicle operated by agent under lease to the carrier and a copy of the contract is to be maintained on file both in the carrier's and agent's offices.

(8) Any vehicle operated under authority of the carrier shall be so identified with the carrier's name and other information as required by the Commission. The carrier shall purchase a vehicle registration in the carrier's name for each vehicle leased to the carrier.

(9) It shall be the responsibility of the carrier to supervise and train all of its agents and the agents' employees in relation to all of the applicable motor carrier safety and hazardous material rules and regulations as may be required. The carrier shall be responsible to see all the applicable rules and regulations are complied with.

(10) Nothing shall restrict the right of a carrier to appoint agents for booking of household goods only where the hauling of such goods is performed by the carrier or its legally established hauling agents.

(11) Unless otherwise exempted by law, carrier will be responsible to the public for any action of its agents, whether known or unknown, which results in loss or damage to the customers goods, or where overcharge is made.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.04
Authority: Authority O.C.G.A. Secs. 46-7-17, 46-7-23, 46-7-27.
History. Original Rule entitled "Designation of Household Goods Agents" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.05. Advertising.

(1) Every motor common carrier engaged in the transportation of household goods in intrastate transportation between points in the State of Georgia, including any such carrier providing any accessorial service incidental to or part of such intrastate transportation, shall include, and shall require each of its agents to include, in every advertisement as defined in Transportation Rule 515-16-6-.05, the name of the motor carrier under whose operating authority the advertised service will originate and the certificate number assigned to such operating authority by the Commission. The name and certificate number must be the same as designated on the certificate issued by the Commission.

(2) Any person, firm, or corporation who knowingly and willfully issues, publishes, or affixes or causes or permits the issuance, publishing, or affixing of any oral or written advertisement, broadcast, or other holding out to the public, or any portion thereof, that the person, firm, or corporation is in operation as a household goods carrier for hire without having a valid certificate issued by the Commission is guilty of a misdemeanor. Any fine or assessment imposed by the Commission pursuant to the provisions of these Transportation Rules shall not bar criminal prosecution pursuant to the provisions O.C.G.A. §§ 46-2-91, 46-2-92, and 46-7-91.

(3) Any motor common carrier conducting household goods operations between points in Georgia must disclose in any advertisement for its services (whether on the Internet, in a Yellow Pages advertisement, any other print or broadcast advertisement, a brochure, or a flyer or handout) the exact physical location in Georgia of such advertising carrier's physical office, warehouse, terminals and truck parking lot and the number of the certificate issued by the Commission under which such carrier is legally authorized to conduct the household goods operations advertised. A post office box or commercial mail pickup station does not qualify as a physical address.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.05
Authority: Authority O.C.G.A. Secs. 46-2-91, 46-2-92, 46-7-91.
History. Original Rule entitled "Advertising" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.06. Bills of Lading and Freight Bills.

(1) Unless otherwise provided, all motor carriers of household goods shall issue to shippers a bill of lading in the form prescribed, approved and accepted by the Commission. The uniform bill of lading is to be issued in triplicate, and the carrier's copy of said bill of lading shall be retained for a period of three years.

(2) The name of only one shipper, one consignee and one destination shall be shown on one bill of lading. If there are stop offs in transit for partial loading or unloading, the stop off point(s) must also be listed.

(3) A legible copy of the bill of lading must be carried on board the transport vehicle during the time the shipment is in transit.

(4) A single shipment consists of one lot of household goods received from one shipper, at one point, at one time, or for one consignee at one destination and covered by one bill of lading.

(5) On shipments of household goods transported under weight and distance rates, the bill of lading must show the point of origin and destination of such shipment, mileage, weight, rate and total freight charge. Any charges for storage, accessorial charges, special services (third party services) or packing materials, shall be shown separately on said bill of lading.

(6) On shipments of household goods transported under hourly rates, the bill of lading must show the point of origin and the destination point of such shipment, the start and stop times of the move, the number of men and vans used, total number of hours worked (less lunchtime and breaks), hourly rate and total freight charge. Any accessorial charges, special services (third party services) or packing materials shall be shown separately on said bill of lading.

(7) An addendum to the household goods uniform bill of lading (Shipper Declaration of Value) which has been prescribed by the Commission, must accompany the bill of lading. Said addendum is to be executed by the shipper and carrier representative prior to the move. One copy is to be given to shipper and one copy is to be retained at the office of the carrier for a period of three years.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.06
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-22, 46-7-23, 46-7-27.
History. Original Rule entitled "Bills of Lading and Freight Bills" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.07. Distribution of Public Information Pamphlet to Shippers.

All motor carriers of household goods shall issue to shippers a copy of the Commission's public information pamphlet for household goods shippers. The pamphlet shall be issued to each shipper prior to the move and shall be provided free of charge. The pamphlet must be provided to the shippers at the time of the first in person contact, or it must be provided to the shipper by mail, e-mail, or facsimile (time allowing) if the move was arranged and confirmed by mail, e-mail, or telephone and no in person contact has been made prior to the day of the move. When the pamphlet is provided by hand delivery, the delivering carrier personnel shall obtain either (1) a written receipt from the customer for delivery of the pamphlet or (2) if the customer is absent and a copy is left at the address of the customer, then carrier personnel making such delivery shall sign a notation on a copy of the pamphlet noting the date and time of delivery. When the pamphlet is provided electronically (e.g., by e-mail or facsimile), the carrier must seek, print and retain an electronic receipt as part of the move documentation file. When the pamphlet is provided by mail, the carrier must obtain a return receipt for such mailed copy. Contents of the pamphlet shall be prescribed by the Commission, and a current copy of such pamphlet shall be maintained on the Commission's website. A carrier's printing such pamphlet from the Commission's website and providing the same in accordance with this Rule shall be sufficient; and a carrier shall retain a copy of the receipt, notated pamphlet, electronic receipt for e-mail or fax transmissions, return mail receipt or such other proof of carrier delivery and/or customer receipt of such pamphlet in the move file for each customer.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.07
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-22, 46-7-23, 46-7-27.
History. Original Rule entitled "Distribution of Public Information Pamphlet to Shippers" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.08. Waiver Forms Prohibited.

No carrier transporting household goods under a certificate subject to the jurisdiction of this Commission shall issue or require a shipper to sign a Waiver of Liability Form. The rights and responsibilities for both a household goods carrier and a shipper are defined in the Commission's Rules, and a shipper's rights cannot be otherwise abridged or modified. No Waiver of Liability or Release of Liability form of any kind may be tendered to a shipper. Use of such forms shall have no effect and any carrier that uses such forms will be subject to a penalty.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.08
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-22, 46-7-23, 46-7-27.
History. Original Rule entitled "Waiver Forms Prohibited" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.09. Package Condition and Preparation.

Unless otherwise provided, household goods will not be accepted for shipment if:

(a) Articles that are not in such condition, or enclosed in containers of such strength and security, or so prepared for shipment, as to render the transportation thereof by motor vehicle reasonably safe and practicable;

(b) Packages containing fragile articles or articles in glass or earthenware must be marked "GLASS" "FRAGILE-HANDLE WITH CARE," or with similar precautionary marks.

(c) Hazardous materials, when tendered for transportation, must conform to the requirements of law and any applicable regulations of the Georgia Department of Public Safety or they must be refused.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.09
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-22, 46-7-23, 46-7-27.
History. Original Rule entitled "Package Condition and Preparation" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.10. Prepayment of Charges.

All charges must be prepaid or guaranteed on any shipment which in the judgment of the carrier or its agent would not, at forced sale, be worth the total amount of charges which would be due thereon at destination.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.10
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-18, 46-7-19, 46-7-27.
History. Original Rule entitled "Prepayment of Charges" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.11. Freight Charges on Lost or Destroyed Shipments.

No motor carrier transporting household goods in intrastate commerce shall collect or require a shipper to pay any published freight charges (including accessorial or terminal services) when a shipment is completely or totally lost or destroyed in transit. A carrier shall collect and the shipper would be required to pay any specific Valuation Charges that may be due. This rule shall not apply to the extent that any such loss or destruction is due to the act or omission of the shipper.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.11
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-18, 46-7-19, 46-7-27.
History. Original Rule entitled "Freight Charges on Lost or Destroyed Shipments" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.12. Estimates on Household Goods Moves.

(1) Motor carriers engaged in the transportation of household goods may provide written estimates of the approximate costs which will be assessed for the transportation of such shipments. Estimates shall be reasonably accurate and shall be furnished without charge and in writing to the shipper or other person responsible for payment of the freight charges. All such estimates shall have clearly indicated on the face thereof that the estimate is not binding on the carrier and that the charges shown are the approximate charges which will be assessed for the services identified in the estimate. The estimate must clearly describe the shipment and all services to be provided. At the time of delivery of a collect on delivery shipment, except when such shipment is being delivered to a warehouse for storage at the request of the shipper, on which an estimate of the approximate costs has been furnished by the carrier, the shipper may request delivery of the shipment upon payment, in a form acceptable to the carrier, an amount not exceeding 110% of the estimated charges. The carrier shall, upon request of the shipper, relinquish possession of the shipment upon payment of not more than 110% of the estimated charges and shall defer demand for the payment of the balance of any remaining charges for a period of 30 days following the date of delivery.

(2) This rule shall not apply on shipments being delivered to a warehouse for storage at shipper's request.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.12
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-18, 46-7-19, 46-7-27.
History. Original Rule entitled "Estimates on Household Goods Moves" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-6-.13. Certified Scales, Weighing Procedures, and Weight Tickets.

(1) Carriers transporting household goods shipments shall determine the weight of each shipment transported under the Weight and Distance Section of their tariffs prior to the assessment of any charges depending on the shipment weight. Except as otherwise provided in this item the weight shall be obtained on a certified scale designed for weighing motor vehicles, including trailers or semi-trailers not attached to the tractor, and certified by an authorized scale inspection and licensing authority. A certified scale may also be a platform or warehouse type scale properly inspected and certified.

(2) Except as otherwise provided in this rule, the weight of each shipment shall be obtained by determining the difference between the tare weight of the vehicle on which the shipment is to be loaded prior to the loading and the gross weight of this same vehicle after the shipment is loaded; or, the gross weight of the vehicle with the shipment loaded and the tare weight of the same vehicle after the shipment is unloaded.

(3) At the time of both weigh-ins the vehicle shall have installed or loaded all pads, dollies, hand trucks, ramps and other equipment required in the transportation of such shipments. Neither the driver nor any other persons shall be on the vehicle at the time of either weighing.

(4) The fuel tanks on the vehicle shall be full at the time of each weighing or, in the alternative, no fuel may be added between the two weigh-ins when the tare weighing is the first weighing performed.

(5) The trailer of a tractor-trailer vehicle combination may be detached from the tractor and the trailer weighed separately at each weighing provided the length of the scale platform is adequate to accommodate and support the entire trailer at one time.

(6) Shipments weighing 1,000 pounds or less may be weighed on a certified platform or warehouse scale prior to loading for transportation or subsequent to unloading.

(7) The net weight of shipments transported in containers shall be the difference between the tare weight of the container, including all pads, blocking and bracing used or to be used in the transportation of the shipment and the gross weight of the container with the shipments loaded therein.

(8) The shipper or any other person responsible for payment of the freight charges shall have the right to observe all weighing of the shipment. The carrier must advise the shipper or any other person entitled to observe the weighing of the time and specific location where each weighing will be performed and must give that person a reasonable opportunity to be present to observe the weighing. Waiver by a shipper of the right to observe any weighing or reweighing is permitted and does not affect any rights of the shipper under these regulations or otherwise.

(9) The carrier shall obtain a separate weight ticket for each weighing required under this item except when both weighs are performed on the same scale, one weight ticket may be used to record both weighs. Every weight ticket must be signed by the person performing the weighing and must contain the following minimum information:

(a) The complete name and location of the scale,

(b) The date of each weighing,

(c) Identification of the weight entries thereon as being the tare, gross and/or net weight,

(d) The company or carrier identification of the vehicle,

(e) The last name of the shipper as it appears on the bill of lading, and

(f) The carrier's shipment registration or bill of lading number.

(10) The original weight ticket or tickets relating to the determination of the weight of a shipment must be retained by the carrier as part of the file on the shipment. All freight bills presented to collect any shipment charges dependent on the weight transported must be accompanied by true copies of all weight tickets obtained in the determination of the shipment weight.

(11) Reweighing of shipments. Before the actual commencement of the unloading of a shipment weighed at origin and after the shipper is informed of the billing weight and total charges, the shipper may request a reweigh. The charges shall be based on the reweigh weight.

Cite as Ga. Comp. R. & Regs. R. 515-16-6-.13
Authority: Authority O.C.G.A. Secs. 46-7-24, 46-7-26, 46-7-27.
History. Original Rule entitled "Certified Scales, Weighing Procedures, and Weight Tickets" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-7. PASSENGER CARRIERS.

Rule 515-16-7-.01. Applicability.

The rules in this Chapter apply to persons transporting passengers for hire in intrastate transportation in motor vehicles designed to transport more than ten (10) passengers, excluding the driver.

Cite as Ga. Comp. R. & Regs. R. 515-16-7-.01
Authority: Authority O.C.G.A. Secs. 46-7-2 to 46-7-5, 46-7-27.
History. Original Rule entitled "Applicability" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-7-.02. Passenger Carriers Transporting Certain Types of Property.

Motor carriers of passengers must obtain either a Passenger Permit or Interim Certificate, or both, applicable to their operations. Motor carriers of passengers transporting express, mail and newspapers in the same vehicle with passengers and their baggage, are not required to obtain a Motor Carrier Property Permit and are relieved from the requirements to obtain and maintain cargo insurance for such express, mail and newspapers.

Cite as Ga. Comp. R. & Regs. R. 515-16-7-.02
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-5, 46-7-20, 46-7-27.
History. Original Rule entitled "Passenger Carriers Transporting Certain Types of Property" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-7-.03. Free Transportation.

(1) Motor carriers transporting passengers shall not directly or indirectly issue, give, tender or honor, free transportation except during emergency situations or as provided by law, and except to their bona fide officers, agents, employees, and to regularly employed attorneys and dependent members of their families; but may exchange free transportation within the limits of this rule.

(2) Motor carriers transporting passengers may carry any totally blind person accompanied by a guide at the usual and ordinary fare charged to one person.

(3) Motor carriers transporting passengers may carry at reduced rates or free, authorized ministers of the gospel or persons traveling for or representing institutions supported by public subscription or persons dependent upon charity upon such terms and conditions as may be prescribed by the motor carrier and if granted under conditions above enumerated shall apply uniformly to all persons coming into the same class.

(4) Motor passenger carriers may provide free transportation during bona fide emergencies.

Cite as Ga. Comp. R. & Regs. R. 515-16-7-.03
Authority: Authority O.C.G.A. Secs. 46-7-18 to 46-7-20, 46-7-27.
History. Original Rule entitled "Free Transportation" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-7-.04. Tickets.

(1) All passenger carriers must provide tickets at all agency stations and at such places indicated on the published time schedules where satisfactory financial arrangements for handling can be made.

(2) All tickets when sold must have the date of same stamped thereon. Tickets when sold shall be redeemable for transportation when presented to the driver of a bus. One-way tickets shall be redeemable at their sale price in money by the company or its agent within sixty days after the sale date stamped thereon and round trip tickets within thirty days; if

no date of sale is stamped thereon such tickets shall be redeemable upon presentation at any time by the purchaser accompanied by satisfactory proof of purchase. This rule does not apply to excursion tickets or tickets sold for transportation on special occasions.

(3) Partially used tickets shall be redeemed on basis of difference between the sale price and the lawful fare, from and to the station between which the passenger was actually transported.

Cite as Ga. Comp. R. & Regs. R. 515-16-7-.04
Authority: Authority O.C.G.A. Secs. 46-7-18, 46-7-19, 46-7-27.
History. Original Rule entitled "Tickets" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-7-.05. Baggage.

(1) Motor carriers will not be compelled to carry baggage of passengers, except hand baggage, the character, amount, size and value of which the motor carrier may limit by its rules or regulations, subject to the approval of the Commission.

(2) Each passenger motor carrier shall provide duplicate checks for baggage, when requested, to and from all points on all routes covered by its certificate. Baggage checks shall be issued for baggage, when requested, upon presentation of valid transportation only when the owner of the baggage is also the owner of the transportation and is a bona fide passenger over the same line to the destination of the baggage. In the event that the passenger fails to take advantage of this checking service, and the baggage is retained in the physical possession of the owner, the company may proceed on the theory that the passenger has assumed full responsibility for his own baggage, and the company shall not be responsible to the passenger for loss or damage to said baggage. When, however, the passenger is required to surrender physical possession of his hand baggage upon entering the vehicle for storage in a separate compartment from that occupied by the passenger on the vehicle, the motor carrier shall provide duplicate identification tags for such hand baggage, and the motor carrier shall at all times furnish the drivers of its vehicles with an adequate supply of duplicate identification tags.

(3) Excess baggage shall not be transported with charges collect on delivery, but the charges must be paid in advance.

(4) At all agency destinations when arriving baggage is not immediately claimed by the passenger owner, the driver shall deliver same to the station agent and if delivered to owner on same date of arrival, no storage charge shall be made.

(5) Baggage containing money, jewelry, negotiable paper, liquids, glassware, perishable or fragile articles, must not be checked or received for transportation without a declared valuation and where such declared value exceeds the value provided for in paragraph (g) carriers may assess additional charges according to tariffs filed with and approved by the Commission. If baggage is checked or delivered for transportation by a passenger without

making manifest of such contents and the value thereof, the carrier shall not be liable therefore in excess of the amount provided for in paragraph (g) and may reject entirely when baggage contains any of the articles enumerated in paragraph (h), or is in the opinion of the operator or driver, too heavy, bulky, fragile, or not in proper condition.

(6) Subject to the limitations and conditions set forth herein three pieces of hand baggage, not to exceed a total weight of one hundred pounds nor exceeding two hundred fifty dollars ($250.00) in value, shall be carried free of charge for each adult passenger. Children traveling on less than adult fare shall be limited on the above basis in the proportion that the child's fare bears to the adult fare. No allowance shall be permitted on tickets purchased for the sole purpose of avoiding the payment of excess baggage.

(7) Motor carriers of passengers, their drivers or their agents, shall not knowingly permit, and no person shall offer for transportation, any dangerous substance or material to be loaded in or upon any passenger carrying vehicle or to be stored as baggage in or upon the premises of any passenger bus station, which shall include the following but is not limited to the following:

(a) Loaded firearms;

(b) Illegal narcotics, dangerous drugs, or controlled substances;

(c) Materials of an offensive or disagreeable odor; or

(d) Any hazardous material or article prohibited to be transported aboard a passenger carrying vehicle provided for under 49 C.F.R. § 177.870.

(8) This rule does not apply to law enforcement officers carrying firearms.

Cite as Ga. Comp. R. & Regs. R. 515-16-7-.05
Authority: Authority O.C.G.A. Secs. 46-7-20, 46-7-27.
History. Original Rule entitled "Baggage" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-8. LIMOUSINE CARRIERS.

Rule 515-16-8-.01. Applicability.

The rules in this Chapter apply to persons operating passenger vehicles as limousine carriers, as defined in Commission Transportation Rule 515-16-3-.03 for hire within this state in intrastate transportation.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.01
Authority: Authority O.C.G.A. Secs. 46-7-27, 46-7-85.1 to 46-7-85.3, 46-7-85.21.
History. Original Rule entitled "Applicability" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.02. Certification Required for Limousine Carrier.

No limousine carrier shall operate as a limousine carrier or a limousine (as those terms are defined in O.C.G.A. §§ 46-1-1 and 46-7-85.1) for the transportation of passengers for compensation on any public highway in this State unless such carrier has first acquired an interim or permanent certificate to do so from this Commission and except in accordance with the provisions of federal laws, state laws, the Commission certificate issued to such carrier and the Transportation Rules of this Commission.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.02
Authority: Authority O.C.G.A. Secs. 46-1-1, 46-7-85.1 to 46-7-85.4, 46-7-85.8.
History. Original Rule entitled "Certification Required for Limousine Carrier" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.03. Interim Certificates.

An interim certificate shall be issued to any qualified applicant, provided that such applicant is a limousine carrier business domiciled in this state, authorizing the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and conform to the provisions of O.C.G.A. § 46-7-85 and the rules and regulations of the Commission and has not been convicted of any felony as such violation or violations are related to the operation of a motor vehicle.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.03
Authority: Authority O.C.G.A. Secs. 46-7-14, 46-7-85.3, 46-7-85.4, 46-7-85.7, 46-7-85.8.
History. Original Rule entitled "Interim Certificates" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.04. Chauffeur Permits and Requirements.

All limousine carrier drivers, before operating any motor vehicle in intrastate commerce, shall first secure a Chauffeur Permit from the Georgia Department of Driver Services by making application on forms prescribed by the Georgia Department of Driver Services and by paying the required filing fee.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.04
Authority: Authority O.C.G.A. Secs. 46-7-85.9, 46-7-85.10.
History. Original Rule entitled "Chauffeur Permits and Requirements" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.05. Annual Inspection.

All limousine carriers as defined in O.C.G.A. § 46-7-85.1 holding a Certificate issued by the Commission must have all vehicles inspected annually to be in compliance with the Department of Revenue rules and regulations. Inspection must be done by a certified mechanic.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.05
Authority: Authority O.C.G.A. Secs. 46-7-23, 46-7-27.
History. Original Rule entitled "Annual Inspection" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.06. Identification of Limousines.

Prior to operating limousines over the highways of Georgia for which registration and licensing of such equipment has been made, every motor carrier holding a certificate to transport passengers in limousines shall affix to the front bumper a standard size license plate with the following information:

(a) Limousine company name;

(b) City and state of principal domicile;

(c) Company telephone number; and

(d) Vehicle classification - IE-1.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.06
Authority: Authority O.C.G.A. Sec. 46-7-85.15.
History. Original Rule entitled "Identification of Limousines" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.07. Motor Carrier Safety Regulations - Limousines.

Limousines must comply with all safety rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.07
Authority: Authority O.C.G.A. Secs. 46-7-26, 46-7-85.5.
History. Original Rule entitled "Motor Carrier Safety Regulations - Limousines" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.08. Suspension, Cancellation or Revocation of a Certficate.

The Commission may cancel, revoke, or suspend any interim or permanent certificate issued under this chapter as provided in Commission Transportation Rule 515-16-2-.05 and O.C.G.A. § 46-7-85.7.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.08
Authority: Authority O.C.G.A. Sec. 46-7-85.7.
History. Original Rule entitled "Suspension, Cancellation or Revocation of a Certificate" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.09. Limousines Temporary Permits.

(1) The rules and regulations listed below in this part are the minimum requirements set forth by the Commission for issuance of temporary permits to limousine carriers.

(2) A limousine carrier may obtain a temporary permit for a period of 21 consecutive days beginning and ending on the dates specified on the face of the permit. Temporary permits shall be obtained by limousine carriers which make only infrequent trips within or through the State of Georgia and comply with the following:

   (a) Pay a fee for each temporary permit in the amount of $100.00 per week and $20.00 for each vehicle.

   (b) Meet the insurance requirements of the Commission.

   (c) Obtain a chauffeur's permit for each operator.

   (d) A temporary permit shall be carried in the motor vehicle for which it was issued at all times such vehicle is in this state.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.09
Authority: Authority O.C.G.A. Sec. 46-7-85.14.
History. Original Rule entitled "Limousines Temporary Permits" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.10. Limousine Tariffs.

Amendments to O.C.G.A. §§ 46-7-85.1,*et seq.*, in 2007 repealed the Commission's rate-making authority over limousine carriers, and hence, the Commission has voided its Maximum Rate Tariff over limousines. While limousine carriers are free to publish and distribute to customers schedules of rates and tariffs, such documents need not be filed with the Commission; and the Commission will no longer maintain tariff files on limousine carriers in the absence of rate-making authority.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.10
Authority: Authority O.C.G.A. Sec. 46-7-85.12.
History. Original Rule entitled "Limousine Tariffs" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.11. Advertisement for a Limousine Carrier.

With regard to any advertisement for a limousine carrier, whether by print, radio, television, other broadcast, or electronic media including but not limited to Internet advertising and any listing or sites on the World Wide Web, the limousine carrier advertising its services shall include the motor carrier authorization number issued to it by the Georgia Public Service Commission and the physical address of such carrier's principal office, which physical address

cannot be a post office box or commercial mail drop station such as Mail Boxes, Etc. or a UPS Store.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.11
Authority: Authority O.C.G.A. Sec. 46-7-85.18.
History. Original Rule entitled "Advertisement for a Limousine Carrier" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.12. Commercial Indemnity and Liability Insurance.

Each limousine carrier shall obtain and maintain commercial indemnity and liability insurance with an insurance company authorized to do business in this state which policy shall provide for the protection of passengers and property carried and of the public against injury proximately caused by the negligence of the limousine carrier, its servants, and its agents. The Commission shall determine and fix the amounts of such insurance and shall prescribe the provisions and limitations of such insurance.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.12
Authority: Authority O.C.G.A. Sec. 46-7-85.19.
History. Original Rule entitled "Commercial Indemnity and Liability Insurance" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-8-.13. Petition By a Third Party.

The Commission may hear a petition by a third party asserting that a limousine carrier has violated applicable provisions of O.C.G.A. Chapter 46-7 or of the Commission Transportation Rules; and, based upon findings of fact and conclusions of law after notice and hearing, the Commission may impose the penalties and seek the remedies if the Commission finds such a violation as specified elsewhere in these Transportation Rules.

Cite as Ga. Comp. R. & Regs. R. 515-16-8-.13
Authority: Authority O.C.G.A. Secs. 46-2-5, 46-7-85.18 to 46-7-85.20, 46-7-90.
History. Original Rule entitled "Petition By a Third Party" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-9. RATES AND TARIFFS.

Rule 515-16-9-.01. Applicability.

The rules in this Chapter are general provisions relating to rates and tariffs and apply to all motor carriers required to hold Certificates, except limousine carriers. Specific rates and tariff provisions which apply only to household goods or passenger carriers and charter passenger bus carriers over which the Commission has no rate-making authority.

Cite as Ga. Comp. R. & Regs. R. 515-16-9-.01
Authority: Authority O.C.G.A. Secs. 46-7-2, 46-7-18, 46-7-19, 46-7-27.

History. Original Rule entitled "Applicability" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-9-.02. Rates and Fares Apply in Both Directions.

All rates and fares effective in this State, except in cases where otherwise specified in the tariff or schedule of rates on file with the Commission and otherwise authorized by law, shall apply in either direction, over the same line, between the same points.

Cite as Ga. Comp. R. & Regs. R. 515-16-9-.02
Authority: Authority O.C.G.A. Secs. 46-7-18, 46-7-19, 46-7-27.
History. Original Rule entitled "Rates and Fares Apply in Both Directions" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-9-.03. Method for Determining Distances Relating to Rates and Fares.

(1) Unless otherwise authorized by the Commission, rates or fares shall be charged and computed by using the distances shown in either:

   (a) MapQuest or any Internet website providing the shortest driving directions.

   (b) Household Goods Carriers' Bureau Mileage Guide No. 17, supplements thereto or reissues thereof; or

   (c) Southern Motor Carriers Rate Conference, Inc. ProMiles Mileage Calculation Program or reissues thereof.

(2) Unless otherwise authorized by the Commission, the carrier shall select one of the above listed mileage guides, and make reference in the rate tariff to the one selected as the governing publication for rate-making distances.

(3) Where the carrier's tariff refers to the household Goods Carriers' Bureau Mileage Guide No. 17 or Southern Motor Carriers Rate Conference, Inc. ProMiles software mileage calculation program for distances, the carrier must be a party to that Mileage Guide.

Cite as Ga. Comp. R. & Regs. R. 515-16-9-.03
Authority: Authority O.C.G.A. Secs. 46-7-18, 46-7-19, 46-7-23, 46-7-27.
History. Original Rule entitled "Method for Determining Distances Relating to Rates or Fares" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-9-.04. No Change in Rates, Fares, Charges, or Service.

(1) No change shall be made by any carrier transporting household goods or passengers (hereinafter referred to as "carrier") subject to the jurisdiction of the Commission in any rate, fare, charge, or service or in any rule or regulation relating thereto, except after proper notice to the Commission and to the public, as prescribed below, unless the Commission otherwise orders, or has previously approved the same. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules stating plainly the change(s) to be made and the time when they shall take effect.

(2) The Commission shall have the authority, either upon written complaint or upon its own initiative without complaint, to conduct a hearing on lawfulness of such rate, fare, charge, or service. Pending such hearing and the decision thereon, the Commission, may suspend the operation of such schedule and defer the use of such rate, fare, charge, or service, by notifying the carrier in writing of the reason for suspension, but not for a longer period than five (5) months from the proposed effective date of the publication. The Commission may make such orders as are proper with references thereto within the authority vested in them. The Commission is empowered to reduce or revoke any such suspension with respect to all or any part of such schedule. If the proceeding has not been concluded and an order made at the expiration of the suspension period, the proposed change of rate, fare, charge, or service shall go into effect at the end of the suspension period.

(3) Notwithstanding other provisions of this Rule and Commission Transportation Rule 515-16-9-.05, the Commission, EXCEPT for the transportation of household goods:

(a) Shall not suspend or investigate a motor passenger carrier's proposed decrease in a rate, fare or charge on the basis of the level of such rate, fare or charge, unless it appears to the Commission on its own initiative or by a complaint that such decrease will result in unjust discrimination, constitute a predatory competitive practice or impose an unreasonable burden on intrastate commerce. In the case of a complaint, the burden of proof shall be on the complaining party to prove the allegations made;

(b) Shall, unless otherwise ordered by the Commission, require 15 days' notice for the filing of decreases and 20 days' notice for the filing of increases in carrier rates, fares or charges;

(c) Shall require only one day's notice by motor passenger carriers for reductions published to meet the competition of already published rates, fares or charges of other carriers.

(4) Any increase in household goods rates and charges must be filed with the Commission on not less than thirty days' notice. Any reduction in rates and charges which are published to meet competitions existing rates and charges may be filed on less than the thirty days' notice.

Cite as Ga. Comp. R. & Regs. R. 515-16-9-.04
Authority: Authority O.C.G.A. Secs. 46-7-18, 46-7-19.

History. Original Rule entitled "No Change in Rates, Fares, Charges, or Service" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-9-.05. Rate Schedules.

(1) All schedules of rates, fares and charges for the transportation of passengers or household goods charged by motor carriers operating under certificates shall be approved or prescribed by the Commission.

(2) All rules, regulations and schedules applicable to household goods and passenger carriers shall be prescribed by the Commission.

(3) Motor carriers of household goods operating under certificates may publish and file tariffs with the Commission thirty days in advance of the effective date thereof, effecting changes in the said rates, fares, charges, rules or regulations and such tariffs shall, unless rejected by the Commission prior to the said effective date, be deemed to be approved by the Commission subject to complaint and further order; provided, however, that the filing of such tariffs with the Commission shall not be construed as an approval of any of the rates, fares or charges, rules or regulations which advance a charge or decrease a service, which change was not previously authorized by the Commission. Initial tariffs, rules, etc., when filed with an application for a Certificate to begin operations shall, unless rejected, be deemed to be approved by the Commission effective as of the date that such certificate is issued.

(4) When on the transportation of shipments paid for by the United States, the State of Georgia, or any county or municipality or other governmental subdivision of the State of Georgia, motor carriers are required to publish only maximum rates or charges and are permitted to charge lower than the published maximum.

(5) All tariff publications covering Georgia intrastate traffic shall conform in general style and make-up to the form prescribed by the Commission.

(6) Changes in rates, charges, rules, regulations, etc., shall be symbolized and such explanation thereof made in the tariff as will indicate the character of the change.

(7) All tariffs shall bear at the top of the first or title page a Georgia Public Service Commission (GEORGIA PUBLIC SERVICE COMMISSION) number, and tariffs shall be numbered consecutively. Where any tariff cancels a previously filed tariff such cancellation shall be shown immediately following the number of the tariff.

Cite as Ga. Comp. R. & Regs. R. 515-16-9-.05
Authority: Authority O.C.G.A. Secs. 46-7-18, 46-7-19.
History. Original Rule entitled "Rate Schedules" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-9-.06. Tariffs.

(1) All motor carriers of household goods or passengers (except carriers operating under maximum tariffs issued by the Commission) operating under a certificate shall publish and file tariffs of rates and charges and rules and regulations governing same, subject to approval and on such form as prescribed by the Commission.

(2) All tariffs, rules and regulations shall be accessible and subject to public inspection.

(3) Tariffs to be Kept Posted. Each motor carrier of passengers shall keep conspicuously posted at all of its stations, offices and agencies in Georgia, a copy of the schedules and rates or fares prescribed by the Commission. When any change is made in such schedule, either by a carrier voluntarily, or pursuant to an order of the Commission, the carrier shall immediately post copies thereof, as notice to the public, in the same manner as above specified, and furnish copy of said change to the office of the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-16-9-.06
Authority: Authority O.C.G.A. Secs. 46-7-18, 46-7-19.
History. Original Rule entitled "Tariffs" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-9-.07. Procedures for Collective Rate-Making.

(1) No person, tariff publishing agent, bureau or association (hereinafter referred to, collectively, as "tariff publishing agent") shall engage in collective rate-making activities unless and until said tariff publishing agent submits in writing to the Commission, for approval, its procedures for the docketing and handling of proposed prescribed rates. Such procedures shall, at a minimum, embrace the following essential elements:

(a) A reasonable and fair method whereby any interested party may propose a change in the rates or rules in a tariff published by a tariff publishing agent for consideration and vote by the participants to said tariff.

(b) The providing of notice to all participants in and subscribers to a tariff proposed to be changed regarding the proposal; said notice shall also fix a date, time and place for public hearing on the proposal whereby any interested party may appear at such hearing to give evidence or arguments in support of or in opposition to said proposal.

(c) A method whereby notice of rate proposals shall be available to anyone desiring same, including members of the public, upon payment of a reasonable subscription fee, except that such notice shall be mailed to all participants to the tariff without charge.

(d) Carrier participants to a tariff published by a tariff publishing agent may elect a rate committee for each type of carrier group to review proposed changes, to recommend as to the disposition of proposals, and to otherwise direct the affairs of their group, such as for the employment of counsel to handle petitions for rate

changes, and for the direction of their tariff publishing agents in connection with docketing, tariff publications and other necessary routine requirements.

(e) Proposals for changes in tariffs, published by an agent for participating carriers as authorized by powers of attorney to the agent, shall be submitted in writing to the agent, or as may otherwise be directed by a governing rate committee. Meetings at which the public docket is to be considered will be called upon not less than ten (10) days' notice to the Committee and to the public.

(f) Each committee member will have one vote and the majority of the votes cast will govern. Proxy voting shall not be allowed.

(g) Formal minutes (not verbatim transcripts) must be kept on all meetings whereat collective rate-making matters are considered.

(h) A tariff publishing agent shall not, as such, file a protest with the Commission against any proposed tariff change.

(2) The procedures herein authorized may be utilized by motor carriers to develop combined financial data as to operating expenses, revenues and estimated projections related thereto, for analysis and for submission to the Commission as and when required.

(3) Nothing herein shall be construed to authorize the publication of any rate or tariff rule that is unlawful or otherwise prohibited by regulation of the Commission. Except when published to comply with the order of the Commission, all tariffs and amendments thereto will be subject to complaint by an interested party and may be suspended or rejected by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-16-9-.07
Authority: Authority O.C.G.A. Secs. 46-7-18, 46-7-19.
History. Original Rule entitled "Procedures for Collective Rate-Making" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-10. PERMITTED CARRIERS.

Rule 515-16-10-.01. Applicability.

The provisions in this chapter apply to all for hire motor carriers that are required to hold Permits under the Motor Carriers Acts of this state and/or the provisions of 49 USC §§ 3101, 13702, 14501 and 14504 and regulations issued thereunder contained in 49 CFR.

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.01
Authority: Authority 49 USCA Secs. 13101, 13702, 13908, 14501, 14504, O.C.G.A. Secs. 46-7-2 to 46-7-5.
History. Original Rule entitled "Applicability" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-10-.02. Penalties.

The criminal and civil penalties for violation of this Chapter are those set forth in O.C.G.A. §§ 46-2-90 through 46-2-93, 46-7-39, 46-7-90 and 46-7-91, and in Chapters 515-16-2 and 515-16-10 of these Transportation Rules; and such penalties can only be imposed by the Commission after notice and hearing, unless the violator consents in writing to such penalties.

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.02
Authority: Authority O.C.G.A. Secs. 46-2-90 to 46-2-93, 46-7-27, 46-7-39, 46-7-90, 46-7-91.
History. Original Rule entitled "Penalties" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-10-.03. Definitions.

As used in this chapter the term C*orporate family* means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a 100 percent interest.

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.03
Authority: Authority 49 USCA Secs. 13101, 13702, 13908, 14501, 14504, O.C.G.A. Secs. 46-1-1, 46-7-1, 46-7-85.1.
History. Original Rule entitled "Definitions" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-10-.04. Registration Permits.

Before any motor carrier transports persons or property for hire in interstate commerce, specifically exempt from the economic jurisdiction of the Federal Motor Carrier Safety Administration, said carrier shall first make application for a registration permit on forms prescribed by the Georgia Department of Revenue and by paying the required filing fee.

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.04
Authority: Authority 49 USCA Secs. 13101, 13702, 13908, 14501, 14504, O.C.G.A. Secs. 46-1-1, 46-7-3, 46-7-4, 46-7-7, 46-7-9, 46-7-85.3.
History. Original Rule entitled "Registration Permits" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-10-.05. Motor Carrier of Passenger Permits.

Before any motor carrier of passengers, in a charter service, operates any motor vehicle, other than vehicles listed under limousine carriers, with a capacity for 11 or more passengers in intrastate commerce, said carrier shall first make application for a passenger permit on forms prescribed by the Commission and pay a filing fee of $75.00.

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.05
Authority: Authority O.C.G.A. Secs. 46-7-3 to 46-7-5, 46-7-7, 46-7-9, 46-7-16, 46-7-85.3.
History. Original Rule entitled "Motor Carrier of Passenger Permits" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-10-.06. Motor Carrier of Property Permits.

Before any motor carrier of property shall operate any motor vehicle in intrastate commerce, it shall first secure a Motor Carrier of Property Permit from the Georgia Department of Revenue by making application on forms prescribed by the Georgia Department of Revenue and by paying the required filing fee. This applies to common or contract carriers engaged in the transportation of general commodities (except household goods) operating over the highways of the State of Georgia over no fixed route.

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.06
Authority: Authority O.C.G.A. Secs. 46-7-1, 46-7-3 to 46-7-5, 46-7-7, 46-7-9, 46-7-85.3.
History. Original Rule entitled "Motor Carrier of Property Permits" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-10-.07. Qualifications for Commission Issued Certificates and Permits.

(1) A carrier applying for a motor carrier certificate or permit issued by the Commission must demonstrate compliance with the laws of Georgia, and the rules and regulations of the Commission regarding insurance, safety, and hazardous materials. The Commission may refuse to issue a certificate or permit where the applicant has failed to show compliance. The applicant, upon request made in writing, shall be entitled to a hearing to protest said denial.

(2) The Commission may, at any time after notice and an opportunity to be heard, suspend, revoke, alter, or amend any certificate or permit issued under these rules, if the holder of the certificate or permit has violated or refused to observe any lawful and reasonable orders, rules, or regulations prescribed by the Commission, any of the applicable provisions of Title 46 O.C.G.A., or any other law of this State regulating or taxing motor vehicles.

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.07
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-7, 46-7-12, 46-7-16, 46-7-17, 46-7-36, 46-7-85.3, 46-7-85.4, 46-7-85.7, 46-7-85.9, 46-7-85.10.
History. Original Rule entitled "Qualifications for Commission Issued Certificates and Permits" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-10-.08. Class "IE" Permit Operations.

Before any motor carrier of passenger (10 or less, except limousines) operates any motor vehicle in intrastate commerce, it shall first secure a registration permit from the Georgia Department of Revenue by making application on forms prescribed by the Georgia Department of Revenue and by paying the required filing fee.

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.08
Authority: Authority O.C.G.A. Secs. 46-1-1, 46-2-20, 46-7-2 to 46-7-5, 46-7-8, 46-7-27.
History. Original Rule entitled "Class IE Permit Operations" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-10-.09. Discontinuance of Service.

Upon thirty days' notice any motor carrier operating under a permit issued by the Commission may suspend or abandon service immediately by surrendering their permits for cancellation and returning to the Commission all licenses issued thereunder.

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.09
Authority: Authority O.C.G.A. Sec. 46-7-14.
History. Original Rule entitled "Discontinuance of Service" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-10-.10. Reserved.

Prior Rule rescinded. Inter-corporate hauling regulation was abolished by Act No. 68, Georgia Laws 2005, Pages 334 - 450, repealing O.C.G.A. § 46-1-1(9)(c)(xii).

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.10
Authority: Authority O.C.G.A. Secs. 46-2-20, 46-2-30.
History. Original Rule entitled "Reserved" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-10-.11. Uniform Carrier Registration (Formerly Single State Registration Systems); Definitions.

(1) Motor carriers engaged in interstate commerce within the borders of this state under authority issued by the Federal Motor Carrier Safety Administration shall comply with provisions of the Uniform Carrier Registration ("UCR") Program as provided for 49 USCA § 13908 and Federal Motor Carrier Regulations issued there under and in Commission Transportation Rule 515-16-3. To the extent the UCR has not been fully implemented to date, the Single State Registration System ("SSRS") will continue to apply.

(2) For convenience, certain definitions from Chapter 515-16-3 are repeated here:

   (a) Unified Carrier Registration System or URS means the national registration system established by the FMCSA pursuant to 49 USC § 13908, which is superseding SSRS.

   (b) Single State Registration Receipt means a registration receipt issued to interstate motor carriers by their base state, identifying the carrier and specifying the states in which the carrier is authorized to operate pursuant to 49 CFR § 367.5.

(c) Single State Registration System (SSRS) means the requirements for registration of interstate carriers with their base state for issuance of registration receipts as described in 49 CFR Part 367; and SSRS is being superseded by Unified Carrier Registration (UCR) when and if the FMCSA completes refining of the computer database and programming for UCR.

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.11
Authority: Authority O.C.G.A. Secs. 46-7-12, 46-7-15, 46-7-16.
History. Original Rule entitled "Uniform Carrier Registration (Formerly Single State Registration System); Definitions" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-10-.12. Reinstatement or Cancellation of Permit.

After a permit has been suspended by the Commission within twelve months from the date of the suspension, same will automatically be canceled and will not be reinstated.

Cite as Ga. Comp. R. & Regs. R. 515-16-10-.12
Authority: Authority O.C.G.A. Secs. 46-7-5, 46-7-11, 46-7-27, 46-7-85.7.
History. Original Rule entitled "Reinstatement or Cancellation of Permit" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-11. MOTOR CARRIER INSURANCE.

Rule 515-16-11-.01. Applicability.

This chapter describes the requirements for insurance or other surety required for motor carriers engaged in intrastate, interstate, or foreign commerce.

Cite as Ga. Comp. R. & Regs. R. 515-16-11-.01
Authority: Authority O.C.G.A. Secs. 46-7-12, 46-7-12.1, 46-7-16.
History. Original Rule entitled "Applicability" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-11-.02. Penalties.

The criminal and civil penalties for violation of this Chapter are those set forth in O.C.G.A. §§ 46-2-90 through 46-2-93, 46-7-39, 46-7-90 and 46-7-91, and in Chapters 515-16-3 and 515-16-10 of these Transportation Rules; and such penalties can only be imposed by the Commission after notice and hearing, unless the violator consents in writing to such penalties.

Cite as Ga. Comp. R. & Regs. R. 515-16-11-.02
Authority: Authority O.C.G.A. Secs. 46-2-90 to 46-2-93, 46-7-12, 46-7-12.1, 46-7-16, 46-7-39, 46-7-90, 46-7-92.
History. Original Rule entitled "Penalties" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-11-.03. Public Liability and Property Damage Insurance.

(1) No certificate or permit shall be issued or continued in operation unless the applicant or holder shall give and maintain bond, with adequate security, for the protection, in case of passenger vehicles, of the passengers and baggage carried and of the public against injury proximately caused by the negligence of such motor common or contract carrier, its servants, or its agents. In cases of vehicles transporting freight, the applicant or holder shall give bond, with adequate security, to secure the owner or person entitled to recover therefore against loss or damage to such freight for which the motor common or contract carrier may be legally liable and for the protection of the public against injuries proximately caused by the negligence of such motor carrier, its servants, or its agents.

(2) The Commission shall approve, determine, and fix the amount of such bonds and shall prescribe the provisions and limitations thereof; and such bonds shall be for the benefit of and subject to action thereon by any person who shall sustain actionable injury or loss protected thereby.

(3) The Commission may, in its discretion, allow the filing of a certificate of insurance on forms prescribed by the Commission, in lieu of such bond, evidencing a policy of indemnity insurance in some indemnity insurance company authorized to do business in this state, which policy must substantially conform to all of the provisions of this article relating to bonds. The insurer shall file such certificate. The failure to file any form required by the Commission shall not diminish the rights of any person to pursue an action directly against a motor carrier's insurer.

(4) It shall be permissible under this rule for any person having a cause of action arising under this rule in tort or contract to join in the same action the motor carrier and its surety, in the event a bond is given. If a policy of indemnity insurance is given in lieu of bond, it shall be permissible to join the motor carrier and the insurance carrier in the same action, whether arising in tort or contract.

(5) The liability of the insurance or bonding company on each motor vehicle for the following minimum limits shall be a continuing one notwithstanding any recovery hereunder:

SCHEDULE OF LIMITS

Kind of equipment	Limit for bodily injury to or death of one person:	Limit of bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person):	Limit for loss or damage in any one accident to property of others (excluding cargo):

Passenger equipment (seating capacity): 12 passengers or less Over 12 passengers	$100,000.00 $100,000.00	$300,000.00 $500,000.00	$50,000.00 $50,000.00
Freight equipment: All motor vehicles used in the transportation of property	$100,000.00	$300,000.00	$50,000.00

Cite as Ga. Comp. R. & Regs. R. 515-16-11-.03
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-12, 46-7-12.1, 46-7-16, 46-7-85.3, 46-7-85.7.
History. Original Rule entitled "Public Liability and Property Damage Insurance" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-11-.04. Cargo Insurance.

(1) Except as otherwise provided by law no motor carrier transporting household goods by motor vehicle required to hold a certificate from the Commission shall engage in intrastate commerce, nor shall any certificate be issued to such carrier, nor remain in force unless and until there shall have been filed with and approved by the Commission a surety bond, policy of insurance (or certificate of insurance in the form prescribed herein in lieu thereof), or other securities or agreements in not less than the amounts hereinafter prescribed, conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation service within the boundaries of the State of Georgia, regardless of whether such motor vehicle is described in the policy or not.

(2) Within the limits of liability hereinafter provided it is further required that no condition, provisions, stipulation, or limitation contained in the policy, or any other endorsement thereon or violation thereof, or of this rule by the insured, shall affect in any way the right of any shipper or consignee, or relieve the insurance or bonding company from liability for the payment of any claim for which the insured may be held legally liable to compensate shippers or consignees, irrespective of the financial responsibility or lack

thereof or insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy are to remain in full force and effect as binding between the insured and the insurance or bonding company.

(3) The liability of the insurance or bonding company for the following minimum limits shall be a continuing one notwithstanding any recovery hereunder:

(a) For loss of or damage to property carried on any one motor vehicle..... $25,000.00

(b) For loss of or damage to aggregate of losses or damage of or to property occurring at any one time and place..... $50,000.00

Cite as Ga. Comp. R. & Regs. R. 515-16-11-.04
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-12, 46-7-12.1, 46-7-16, 46-7-85.3, 46-7-85.7.
History. Original Rule entitled "Cargo Insurance" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-11-.05. Reserved.

Cite as Ga. Comp. R. & Regs. R. 515-16-11-.05

Rule 515-16-11-.06. Qualified Insurance and Minimum Requirements.

Each certificate of insurance provided by these rules covering bodily injury liability; property damage liability and cargo liability filed with the Commission for approval must be for not less than the full limits of liability required under these rules and regulations and in each case the insurance company must be legally authorized to transact business in the State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 515-16-11-.06
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-12, 46-7-12.1, 46-7-16, 46-7-85.3, 46-7-85.7.
History. Original Rule entitled "Qualified Insurance and Minimum Requirements" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-11-.07. Retention of Insurance Filings and Surety Bonds.

Certificates of insurance when filed with and accepted by the Commission are public documents and after cancellation or expiration shall be retained in the files of the Commission for a period of not less than two years or such longer time as may be deemed necessary for the protection of the insured.

Cite as Ga. Comp. R. & Regs. R. 515-16-11-.07
Authority: Authority O.C.G.A. Secs. 46-7-4, 46-7-5, 46-7-12, 46-7-12.1, 46-7-16, 46-7-85.3, 46-7-85.7.
History. Original Rule entitled "Retention of Insurance Filings and Surety Bonds" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-11-.08. Forms and Procedures.

(1) Certificates of insurance evidencing coverage shall be written in the full and correct name of the individual, partnership, corporation, or other person to whom the certificate, permit, or license is now or is to be issued. In case of a partnership all partners shall be named.

(2) Certificates of insurance evidencing coverage shall be continuous and NO LAPSE IN INSURANCE COVERAGE IS PERMITTED. Certificates of insurance evidencing coverage shall be continuous and shall not be canceled or withdrawn until after thirty (30) days' notice in writing by the insurance company, surety or sureties, motor carrier, or other party thereto, as the case may be, has first been given to the Commission at its offices in Atlanta, Georgia, which period of thirty days shall commence to run from the date such notice is actually received at the office of the Commission. Upon receipt of the notice, original stamped copy will be retained in the files of the Commission as evidence of the date of cancellation thereof and attached to the certificate of insurance or the surety bond. Except that the Commission will waive the required thirty (30) days' notice where a motor carrier elects to substitute a certificate of insurance evidencing coverage for insurance previously filed by a different insurance company where such substituted certificate is accompanied by an affidavit of the motor carrier that substitution has been authorized by the motor carrier and that waiving of the thirty (30) days' notice is requested for the purpose of avoiding the payment of double insurance premium.

(3) Forms:

(a) *Form E.* Uniform motor carrier bodily injury and property damage liability certificate of insurance shall be in "Form E" prescribed by the Commission.

(b) *Form H.* Uniform motor carrier cargo certificate of insurance shall be in "Form H" prescribed by the Commission.

(c) *Form K.* Uniform notice of cancellation of motor carrier insurance policies shall be in "Form K" prescribed by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-16-11-.08
Authority: Authority O.C.G.A. Secs. 46-7-3, 46-7-7, 46-7-8, 46-7-85.3, 46-7-85.4, 46-7-85.7.
History. Original Rule entitled "Forms and Procedure" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-11-.09. Revocation.

The Commission may revoke its approval of any certificate of insurance, or other securities or agreements if it finds at any time such security no longer complies with these rules. Any carrier which has its permit or certificate automatically suspended or revoked can request and receive an oral hearing before the Commission regarding such Commission action, but such revoked or

suspended certificate or permit will not be reinstated unless and until acceptable proof of insurance (without lapse) has been received by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-16-11-.09
Authority: Authority O.C.G.A. Secs. 46-7-5, 46-7-85.7.
History. Original Rule entitled "Revocation" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-12. MOTOR VEHICLES (RESERVED).

Authority: O.C.G.A. Secs. 46-2-20, 46-2-30, R. 515-9-1-.01.
History. Original Chapter 515-16-12 containing only the above paragraph, no Rules, adopted. F. June 10, 2008; eff. June 30, 2008.
Editor's Note:
Under amendments to Title 46 of the O.C.G.A. contained in Act No. 68, Georgia Laws 2005, pages 334 - 450, all responsibility for vehicle identification and cab card registration for-hire transportation were transferred to the Georgia Department of Revenue; the Georgia Public Service Commission has no statutory responsibility or authority to issue such items.

Subject 515-16-13. MOTOR CARRIER LEASING REGULATIONS.

Rule 515-16-13-.01. General Applicability.

(1) The regulations in this part apply to the following actions by motor carriers regulated by the Commission and engaged in intrastate motor carrier transportation within the State of Georgia.

(2) The leasing of equipment with which to perform transportation regulated by the Commission.

(3) The interchange of equipment between motor common carriers in the performance of transportation regulated by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-16-13-.01
Authority: Authority O.C.G.A. Secs. 46-2-30, 46-7-2, 46-7-22, 46-7-23, 46-7-27.
History. Original Rule entitled "General Applicability" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-13-.02. Definitions.

(1) Authorized Carrier - A person or persons authorized to engage in the transportation of property as a motor carrier by the Commission under the provisions of O.C.G.A. § 44-1-13 and Chapter 46-7.

(2) Equipment - A motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of property for hire.

(3) Interchange - The receipt of equipment by one motor common carrier of property from another such carrier, at a point which both carriers are authorized to serve, with which to continue a through movement.

(4) Owner - A person (1) to who title to equipment has been issued, or (2) who, without title, has the right to exclusive use of equipment, or (3) who has lawful possession of equipment, registered and licensed in any State in the name of that person.

(5) Lease - A contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated transportation of property, in exchange for compensation.

(6) Lessor - In a lease, the party granting the use of equipment, with or without driver, to another.

(7) Lessee - In a lease, the party acquiring the use of equipment with or without driver, from another.

(8) Sublease - A written contract in which the lessee grants the use of leased equipment, with or without driver, to another.

(9) Addendum - A supplement to an existing lease which is not effective until signed by the lessor and lessee.

(10) Private carrier - A person, other than a motor carrier, transporting property by motor vehicle in interstate or foreign commerce when (1) the person is the owner, lessee, or bailee of the property being transported; and (2) the property is being transported for sale, lease, rent, or bailment, or to further a commercial enterprise.

(11) Shipper - A person who sends or receives property which is transported in interstate or foreign commerce.

(12) Escrow fund - Money deposited by the lessor with either a third party or the lessee to guarantee performance, to repay advances, to cover repair expenses, to handle claims, to handle license and State permit costs, and for any other purposes mutually agreed upon by the lessor and lessee.

(13) Detention - The holding by a consignor or consignee of a trailer, with or without power unit and driver, beyond the free time allocated for the shipment, under circumstances not attributable to the performance of the carrier.

Cite as Ga. Comp. R. & Regs. R. 515-16-13-.02
Authority: Authority O.C.G.A. Secs. 46-2-30, 46-7-2, 46-7-22, 46-7-23, 46-7-27.

History. Original Rule entitled "Definitions" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-13-.03. General Leasing Requirements.

(1) Other than through the interchange of equipment as set forth in Commission Transportation Rule 515-16-13-.08 and under the exemptions set forth in of these regulations, the authorized carrier may perform authorized transportation in Commission Transportation Rules 515-16-13-.05 and 515-16-13-.06; the authorized carrier may perform authorized transportation in equipment it does not own only under the following circumstances:

(a) Lease - There shall be a written lease granting the use of the equipment and meeting the requirements contained in Commission Transportation Rule 515-16-13-.04.

(b) Receipts for equipment - Receipts, specifically identifying the equipment to be leased and stating the date and time of day possession is transferred, shall be given as follows:

1. When possession of the equipment is taken by the authorized carrier, it shall give the owner of the equipment a receipt. The receipt identified in this Rule may be transmitted by mail, telegraph, facsimile, e-mail or other similar means of communications.

2. When possession of the equipment by the authorized carrier ends, a receipt shall be given in accordance with the terms of the lease agreement if the lease agreement requires a receipt.

3. Authorized representatives of the carrier and the owner may take possession of leased equipment and give and receive the receipts required under this subparagraph.

(c) Identification of equipment - The authorized carrier acquiring the use of equipment under this Rule shall identify the equipment as being in its service as follows:

1. During the period of the lease, the carrier shall identify the equipment in accordance with the FMCSA's requirements in 49 CFR part 390 of this chapter (Identification of Vehicles).

2. Unless a copy of the lease is carried on the equipment, the authorized carrier shall keep a statement with the equipment during the period of the lease certifying that the equipment is being operated by it. The statement shall also specify the name of the owner, the date and length of the lease, any restrictions in the lease relative to the commodities to be transported, and the address at which the original lease is kept by the authorized carrier. This

statement shall be prepared by the authorized carrier or its authorized representative.

(d) Records of equipment - The authorized carrier using equipment leased under this Rule shall keep records of the equipment as follows:

1. The authorized carrier shall prepare and keep documents covering each trip for which the equipment is used in its service. These documents shall contain the name and address of the owner of the equipment, the point of origin, the time and date of departure, and the point of final destination. Also, the authorized carrier shall carry papers with the leased equipment during its operation containing this information and identifying the lading and clearly indicating that the transportation is under its responsibility. These papers shall be preserved by the authorized carrier as part of its transportation records. Leases which contain the information required by the provisions in this paragraph may be used and retained instead of such documents or papers. As to lease agreements negotiated under a master lease, this provision is complied with by having a copy of a master lease in the unit of equipment in question and where the balance of documentation called for by this paragraph is included in the freight documents prepared for the specific movement.

Cite as Ga. Comp. R. & Regs. R. 515-16-13-.03
Authority: Authority O.C.G.A. Secs. 46-2-30, 46-7-2, 46-7-22, 46-7-23.
History. Original Rule entitled "General Leasing Requirements" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-13-.04. Written Lease Requirements.

(1) Except as provided in the exemptions set forth in subpart C of this part, the written lease required under Commission Transportation Rule 515-16-13-.03(1)(a) shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier.

(a) Parties - The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall be signed by these parties or by their authorized representatives.

(b) Duration to be specific - The lease shall specify the time and date or the circumstances on which the lease begins and ends. These times or circumstances shall coincide with the times for the giving of receipts required by Commission Transportation Rule 515-16-13-.03(1)(b).

(c) Exclusive possession and responsibilities - The lease shall provide that the authorized carrier lessee shall have exclusive possession, control, and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease.

1. Provision may be made in the lease for considering the authorized carrier lessee as the owner of the equipment for the purpose of subleasing it under these regulations to other authorized carriers during the lease.

2. When an authorized carrier of household goods leases equipment for the transportation of household goods, the parties may provide in the lease that the provisions required by paragraph (1)(c) of this Rule apply only during the time the equipment is operated by or for the authorized carrier lessee.

3. Nothing in the provisions required by paragraph (1)(c) of this Rule is intended to affect whether the lessor or driver provided by the lessor is an independent contractor or an employee of the authorized carrier lessee. An independent contractor relationship may exist when a carrier lessee complies with applicable provisions of Georgia and Federal law.

(d) Compensation to be specified - The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated on the face of the lease or in an addendum which is attached to the lease. Such lease or addendum shall be delivered to the lessor prior to the commencement of any trip in the service of the authorized carrier. An authorized representative of the lessor may accept these documents. The amount to be paid may be expressed as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction traveled or the type of commodity transported, or by any other method of compensation mutually agreed upon by the parties to the lease. The compensation stated on the lease or in the attached addendum may apply to equipment and driver's services either separately or as a combined amount.

(e) Items specified in lease - The lease shall clearly specify which party is responsible for removing identification devices from the equipment upon the termination of the lease and when and how these devices, other than those painted directly on the equipment, will be returned to the carrier. The lease shall clearly specify the manner in which a receipt will be given to the authorized carrier by the equipment owner when the latter retakes possession of the equipment upon termination of the lease agreement, if a receipt is required at all by the lease. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, ferries, detention and accessorial services, base plates and licenses, and any unused portions of such items. The lease shall clearly specify who is responsible for loading and unloading the property onto and from the motor vehicle, and the compensation, if any, to be paid

for this service. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are pre-loaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted overdimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to be sold by the authorized carrier to another lessor the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received.

(f) Payment period - The lease shall specify that payment to the lessor shall be made within 15 days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to log books required by the Department of Transportation and those documents necessary for the authorized carrier to secure payment from the shipper. In addition, the lease may provide that, upon termination of the lease agreement as a condition precedent to payment, the lessor shall remove all identification devices of the authorized carrier and, except in the case of identification painted directly on equipment, return them to the carrier. If the identification devices has been lost or stolen, a letter certifying its removal will satisfy this requirement. Until this requirement is complied with the carrier may withhold final payment. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment. Payment to the lessor shall not be made contingent upon submission of a bill of lading to which no exceptions have been taken. The authorized carrier shall not set time limits for the submission by the lessor of required delivery documents and other paperwork.

(g) Copies of freight bill or other form of freight documentation - When a lessor's revenue is based on a percentage of the gross revenue for a shipment, the lease must specify that the authorized carrier will give the lessor, before or at the time of settlement, a copy of the rated freight bill or a computer-generated document containing the same information, or, in the case of contract carriers, any other form of documentation actually used for a shipment containing the same information that would appear on a rated freight bill. When a computer-generated document is provided, the lease will permit lessor to view, during normal business hours, a copy of any actual document underlying the computer-generated document. Regardless of the method of compensation, the lease must permit lessor to examine copies of the carrier's tariff or, in the case of contract carriers, other documents from which rates and charges are computed, provided that where rates and charges are computed from a contract of a contract carrier, only those portions of the contract containing the same information that would appear on a rated

freight bill need be disclosed. The authorized carrier may delete the names of shippers and consignees shown on the freight bill or other form of documentation.

(h) Charge-back items - The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but ultimately deducted from the lessor's compensation at time of payment or settlement, together with a recitation as to how the amount of each item is to be computed. The lessor shall be afforded copies of those documents which are necessary to determine the validity of the charge.

(i) Products, equipment, or services from authorized carrier - The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or services from the authorized carrier as a condition of entering into the lease arrangement. The lease shall specify the terms of any agreement in which the lessor is a party to an equipment purchase or rental contract which gives the authorized carrier the right to make deductions from the lessor's compensation for purchase or rental payments.

(j) Insurance -

1. The lease shall clearly specify the legal obligation of the authorized carrier lessee to maintain cargo insurance and public liability insurance coverage for the protection of the public pursuant to Chapter 11 of the Commission's Transportation Rules and O.C.G.A. § 44-1-13 and Chapter 46-7. The lease shall further specify who is responsible for providing any other insurance coverage for the operation of the leased equipment, such as bobtail insurance. If the authorized carrier will make a charge back to the lessor for any of this insurance, the lease shall specify the amount which will be charged back to the lessor.

2. If the lessor purchases any insurance coverage for the operation of the leased equipment from or through the authorized carrier, the lease shall specify that the authorized carrier will provide the lessor with a copy of each policy upon the request of the lessor. Also, where the lessor purchases such insurance in this manner, the lease shall specify that the authorized carrier will provide the lessor with a certificate of insurance for each such policy. Each certificate of insurance shall include the name of the insurer, the policy number, the effective dates of the policy, the amounts and types of coverage, the cost to the lessor for each type of coverage, and the deductible amount for each type of coverage for which the lessor may be liable.

3. The lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor.

The written explanation and itemization must be delivered to the lessor before any deductions are made.

(k) Escrow funds - If escrow funds are required, the lease shall specify:

1. The amount of any escrow fund or performance bond required to be paid by the lessor to the authorized carrier or to a third party.

2. The specific items to which the escrow fund can be applied.

3. That while the escrow fund is under the control of the authorized carrier, the authorized carrier shall provide an accounting to the lessor of any transactions involving such fund. The carrier shall perform this accounting in one of the following ways:

   (i) By clearly indicating in individual settlement sheets the amount and description of any deduction or addition made to the escrow fund; or

   (ii) By providing a separate accounting to the lessor of any transactions involving the escrow fund. This separate accounting shall be done on a monthly basis.

4. The right of the lessor to demand to have an accounting for transactions involving the escrow fund at any time.

5. That while the escrow fund is under the control of the carrier, the carrier shall pay interest on the escrow fund on at least a quarterly basis. For purposes of calculating the balance of the escrow fund on which interest must be paid, the carrier may deduct a sum equal to the average advance made to the individual lessor during the period of time for which interest is paid. The interest rate shall be established on the date the interest period begins and shall be at least equal to the average yield or equivalent coupon issue yield on 91-day, 13-week Treasury bills as established in the weekly auction by the Department of Treasury.

6. The conditions the lessor must fulfill in order to have the escrow fund returned. At the time of the return of the escrow fund, the authorized carrier may deduct monies for those obligations incurred by the lessor which have been previously specified in the lease, and shall provide a final accounting to the lessor or all such final deductions made to the escrow fund. The lease shall further specify that in no event shall the escrow fund be returned later than 45 days from the date of termination.

(l) Copies of the lease - An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep the original and shall place a copy of

the lease on the equipment during the period of the lease unless a statement, as provided for in Commission Transportation Rule 515-16-13-.03(1)(c)2., is carried on the equipment instead. The owner of the equipment shall keep the other copy of the lease.

(m) This subparagraph applies to owners who are not agents but whose equipment is used by an agent of an authorized carrier in providing transportation on behalf of that authorized carrier. In this situation, the authorized carrier is obligated to ensure that these owners receive all the rights and benefits due an owner under the leasing regulations, especially those set forth in paragraphs (1)(a)-(l) of this Rule. This is true regardless of whether the lease for the equipment is directly between the authorized carrier and its agent rather than directly between the authorized carrier and each of these owners. The lease between an authorized carrier and its agent shall specify this obligation.

Cite as Ga. Comp. R. & Regs. R. 515-16-13-.04
Authority: Authority O.C.G.A. Secs. 46-2-30, 46-7-2, 46-7-22, 46-7-23, 46-7-27.
History. Original Rule entitled "Written Lease Requirements" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-13-.05. General Exemptions.

Except for Commission Transportation Rule 515-16-13-.03(1)(c) which requires the identification of equipment, the leasing regulations in this part shall not apply to:

(a) Equipment used in substituted motor-for-rail transportation of railroad freight moving between points that are railroad stations and on railroad billing.

(b) Equipment used in transportation performed exclusively within any commercial zone as defined by the Secretary.

(c) Equipment leased without drivers from a person who is principally engaged in such a business.

(d) Any type of trailer not drawn by a power unit leased from the same lessor.

Cite as Ga. Comp. R. & Regs. R. 515-16-13-.05
Authority: Authority O.C.G.A. Secs. 46-2-30, 46-7-2, 46-7-22, 46-7-23, 46-7-27.
History. Original Rule entitled "General Exemptions" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-13-.06. Exemption for Private Carrier Leasing and Leasing Between Authorized Carriers.

Regardless of the leasing regulations set forth in this part, an authorized carrier may lease equipment to or from another authorized carrier, or a private carrier may lease equipment to an authorized carrier under the following conditions:

(a) The identification of equipment requirements in Commission Transportation Rule 515-16-13-.03(1)(c) must be complied with;

(b) The lessor must own the equipment or hold it under a lease;

(c) There must be a written agreement between the authorized carriers or between the private carrier and authorized carrier, as the case may be, concerning the equipment as follows:

1. It must be signed by the parties or their authorized representatives.

2. It must provide that control and responsibility for the operation of the equipment shall be that of the lessee from the time possession is taken by the lessee and the receipt required under Commission Transportation Rule 515-16-13-.03(1)(b) is given to the lessor until:

   (i) Possession of the equipment is returned to the lessor and the receipt required under is received by the authorized carrier; or

   (ii) in the event that the agreement is between authorized carriers, possession of the equipment is returned to the lessor or given to another authorized carrier in an interchange of equipment.

3. A copy of the agreement must be carried in the equipment while it is in the possession of the lessee.

4. Nothing in this Rule shall prohibit the use, by authorized carriers, private carriers, and all other entities conducting lease operations pursuant to this Rule of a master lease if a copy of that master lease is carried in the equipment while it is in the possession of the lessee, and if the master lease complies with the provisions of this Rule and receipts are exchanged in accordance with Commission Transportation Rule 515-16-13-.03(1)(b) and if records of the equipment are prepared and maintained in accordance with Commission Transportation Rule 515-16-13-.03(1)(d).

(d) Authorized and private carriers under common ownership and control may lease equipment to each other under this Rule without complying with the requirements of paragraph (a) of this Rule pertaining to identification of equipment, and the requirements of paragraphs (c)2. and (c)4. of this Rule pertaining to equipment receipts. The leasing of equipment between such carriers will be subject to all other requirements of this Rule.

Cite as Ga. Comp. R. & Regs. R. 515-16-13-.06
Authority: Authority O.C.G.A. Secs. 46-2-30, 46-7-2, 46-7-22, 46-7-23, 46-7-27.
History. Original Rule entitled "Exemption for Private Carrier Leasing and Leasing Between Authorized Carriers"

adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-13-.07. Exemption for Leases Between Auhtorized Carriers and Their Agents.

The leasing regulations set forth in Commission Transportation Rule 515-16-13-.03 do not apply to leases between authorized carriers and their agents.

Cite as Ga. Comp. R. & Regs. R. 515-16-13-.07
Authority: Authority O.C.G.A. Secs. 46-2-30, 46-7-2, 46-7-22, 46-7-23, 46-7-27.
History. Original Rule entitled "Exemption for Leases Between Authorized Carriers and Their Agents" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-13-.08. Interchange of Equipment.

Authorized common carriers may interchange equipment under the following conditions:

(a) Interchange agreement - There shall be a written contract, lease, or other arrangement providing for the interchange and specifically describing the equipment to be interchanged. This written agreement shall set forth the specific points of interchange, how the equipment is to be used, and the compensation for such use. The interchange agreement shall be signed by the parties or by their authorized representatives.

(b) Operating authority - The carriers participating in the interchange shall be registered with the Secretary to provide the transportation of the commodities at the point where the physical exchange occurs.

(c) Through bills of lading - The traffic transported in interchange service must move on through bills of lading issued by the originating carrier. The rates charged and the revenues collected must be accounted for in the same manner as if there had been no interchange. Charges for the use of the interchanged equipment shall be kept separate from divisions of the joint rates or the proportions of such rates accruing to the carriers by the application of local or proportional rates.

(d) Identification of equipment - The authorized common carrier receiving the equipment shall identify equipment operated by it in interchange service as follows:

1. The authorized common carrier shall identify power units in accordance with the FMCSA's requirements in 49 CFR part 390 of this chapter (Identification of Vehicles). Before giving up possession of the equipment, the carrier shall remove all identification showing it as the operating carrier.

2. Unless a copy of the interchange agreement is carried on the equipment, the authorized common carrier shall carry a statement with each vehicle during

interchange service certifying that it is operating the equipment. The statement shall also identify the equipment by company or State registration number and shall show the specific point of interchange, the date and time it assumes responsibility for the equipment, and the use to be made of the equipment. This statement shall be signed by the parties to the interchange agreement or their authorized representatives. The requirements of this paragraph shall not apply where the equipment to be operated in interchange service consists only of trailers or semitrailers.

3. Authorized carriers under common ownership and control may interchange equipment with each other without complying with the requirements of paragraph (d)1. of this Rule pertaining to removal of identification from equipment.

(e) Connecting carriers considered as owner-An authorized carrier receiving equipment in connection with a through movement shall be considered to the owner of the equipment for the purpose of leasing the equipment to other authorized carriers in furtherance of the movement to destination or the return of the equipment after the movement is completed.

Cite as Ga. Comp. R. & Regs. R. 515-16-13-.08
Authority: Authority O.C.G.A. Secs. 46-2-30, 46-7-2, 46-7-22, 46-7-23, 46-7-27.
History. Original Rule entitled "Interchange of Equipment" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-13-.09. Lease of Equipment by Regulated Carriers from Provate Carriers and Shippers.

Authorized carriers may lease equipment and drivers from private carriers, for periods of less than 30 days, in the manner set forth in Commission Transportation Rule 515-16-13-.06.

Cite as Ga. Comp. R. & Regs. R. 515-16-13-.09
Authority: Authority O.C.G.A. Secs. 46-2-30, 46-7-2, 46-7-22, 46-7-23, 46-7-27.
History. Original Rule entitled "Lease of Equipment by Regulated Carriers from Private Carriers and Shippers" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-14. PROCEDURE FOR IMPOSING CIVIL PENALTIES AND RECOMMENDING CRIMINAL PENALTIES.

Rule 515-16-14-.01. Commission's Authority.

The Georgia Public Service Commission is authorized to regulate the business of certain motor carriers (normally bus, limousine, household goods carriers and nonconsensual tow truck operators) and may impose civil penalties for such carrier's failure to comply with applicable law and/or Commission rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 515-16-14-.01
Authority: Authority O.C.G.A. Secs. 40-8-2, 44-1-13, 46-1-1, 46-2-90, 46-2-91, 46-2-93, 46-7-2, 46-7-27, 46-7-30, 46-7-34, 46-7-90, 46-7-91.
History. Original Rule entitled "Commission's Authority" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-14-.02. Definitions.

(1) Carrier. A person who undertakes the transporting of goods or passengers for compensation.

(2) Consent Agreement. An agreement entered into by the Commission and a carrier or person resolving allegations that the carrier or person violated applicable law and/or Commission rules and regulations.

(3) Contested Case. A proceeding in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.

(4) Civil Penalties. Monetary fines the Commission may assess against a carrier or person for willfully failing to comply with applicable laws and/or Commission rules and regulations.

(5) Hearing Officer. The Commission employee who presides over contested cases.

(6) Motor Carrier Safety Regulations. Any safety or hazardous material regulations that have been promulgated and adopted by the Commission.

(7) Notice of Noncompliance. Official notice issued by the Commission setting forth a carrier's violations of applicable laws and/or Commission rules and regulations.

(8) Person. Any individual, partnership, trust, private or public corporation, municipality, county, political subdivision, public authority, cooperative, association, or public or private organization of any character.

(9) Transportation Statutes. All statutes regulating motor carriers administered and enforced by the Commission, including O.C.G.A. Chapters 46-2 and 46-7 and §§ 46-1-1, 44-1-13, and 46-1-4, Act 68, Georgia Laws 2005, pages 334 - 450.

Cite as Ga. Comp. R. & Regs. R. 515-16-14-.02
Authority: Authority O.C.G.A. Secs. 44-1-13, 46-1-1, 46-2-58, 46-2-90 to 46-2-93, 46-7-27, 46-7-39.
History. Original Rule entitled "Definitions" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-14-.03. Amount of Civil Penalties.

(1) Except to the extent preclude by lower penalties specified in O.C.G.A. § 44-1-13, 46-7-91 or other specific federal or state statutes applicable to a given carrier conduct, the criminal

and civil penalties for violation of this Chapter include those set forth in O.C.G.A. §§ 46-2-90 through 46-2-93, 46-7-39 and 46-7-90 and in Chapters 515-16-3 and 515-16-10 of these Transportation Rules; and such penalties ranging as high as $15,000.00 per violation, plus $10,000.00 per day for each day such violation continues, can only be imposed by the Commission after notice and hearing, unless the violator consents in writing to such penalties. Such higher civil penalties are applicable to those carriers who violate a Commission Order or these Transportation Rules repeatedly or otherwise demonstrate willful or wanton refusal to comply with, or disregard for, this Commission's jurisdiction, Georgia law and these Transportation Rules.

(2) As the exception to the foregoing paragraph (1) of this Rule notes, any person who knowingly violates 49 CFR § 171.2(g) or willfully violates any provision of the Federal Hazardous Materials Regulations may also be fined under Title 18 of the United States Code, or imprisoned for not more than five (5) years, or both.

(3) Any person who drives a commercial motor vehicle while in violation of the provisions of O.C.G.A. § 40-5-143 or any employer who knowingly allows, requires, permits, or authorizes a driver to drive a commercial motor vehicle in violation of the provisions of O.C.G.A. § 40-5-145 shall be guilty of a felony and, upon conviction thereof, shall be punished by a civil penalty of $2,500 for each offense and by a fine of $5,000 or imprisonment for not more than 90 days, or both, for each offense.

(4) The civil penalty assessed against an employer who knowingly allows, requires, permits, or authorizes a driver to drive a commercial motor vehicle in violation of any federal state or local law or regulation pertaining to railroad grade crossings shall not exceed $10,000.

(5) Any person who violates the statutory provisions of O.C.G.A. § 44-1-13 pertaining to nonconsensual towing shall be subject to civil penalties not to exceed $2,500 for each violation.

(6) The Commission may impose civil penalties not to exceed $5,000 for each violation if it is determined that any person, firm, or corporation is operating as a household goods carrier for hire without a valid certification or is holding itself out as a carrier without such a certificate.

Cite as Ga. Comp. R. & Regs. R. 515-16-14-.03
Authority: Authority 18 USC Sec. 3571, 49 CFR Parts 100-185, O.C.G.A. Secs. 16-11-111, 40-5-143, 40-5-145, 44-1-13, 46-2-40, 46-2-90 to 46-2-93, 46-7-39, 46-7-90.
History. Original Rule entitled "Amount of Civil Penalties" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-14-.04. Notice of Noncompliance.

(1) The Commission shall issue, by U.S. Mail or personal service, a Notice of Noncompliance to a person or carrier upon determination that the carrier or person has willfully:

(a) Violated any transportation laws administered by the Commission;

(b) Violated any rules or regulations administered by the Commission; or

(c) Failed, neglected or refused to comply with any order after receiving notice thereof.

(2) The Notice of Noncompliance shall include:

(a) Time, place, and nature of the hearing;

(b) Concise statement of violations and applicable statutes and regulations;

(c) Statement of the legal authority and jurisdiction under which the Notice of Compliance has been issued;

(d) Case name and number;

(e) Notice of amount claimed and notice of the maximum amount authorized pursuant to applicable statutory provisions;

(f) Statement as to the right of the carrier or person to subpoena witnesses and evidence through the agency;

(g) Statement regarding the carrier's or person's right to pay the penalties assessed or, within thirty (30) days of receipt of the Notice of Noncompliance, request a hearing to contest the imposition of the penalties.

(h) Such notice shall be deemed received three (3) days after mailing.

(3) In the event that the carrier or person fails to request a hearing within thirty (30) days' receipt of the Notice of Noncompliance:

(a) Any rights to an appeal and hearing shall be considered to have been waived; and

(b) The assessed penalties shall become effective upon the expiration of the thirty (30) day notice period.

Cite as Ga. Comp. R. & Regs. R. 515-16-14-.04
Authority: Authority O.C.G.A. Secs. 46-2-91, 46-7-90, 46-7-91.
History. Original Rule entitled "Notice of Noncompliance" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-14-.05. Commission Staff Action.

Upon a determination that a violation of the Act may have occurred, the Commission Staff shall take one or more of the following actions:

(a) Recommend that warning letter be issued to the person alleged to have committed the violation (the "Respondent");

(b) Enter settlement negotiations with the Respondent. Upon reaching agreement on settlement terms, the Commission Staff shall present the proposed settlement to the Commission for acceptance or rejection. If the Commission Staff and the Respondent are unable to reach agreement on settlement terms, the Respondent may present additional facts to the Advisory Committee;

(c) Request that the Commission issue a Rule Nisi pursuant to Commission Rules.

Cite as Ga. Comp. R. & Regs. R. 515-16-14-.05
Authority: Authority O.C.G.A. Secs. 44-1-13, 46-2-90, 46-2-91, 46-7-5, 46-7-11, 46-7-23, 46-7-27, 46-7-32, 46-7-39, 46-7-85.17, 46-7-90, 46-7-91.
History. Original Rule entitled "Commission Staff Action" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-14-.06. Commission Action.

(1) The Commission may accept or reject a proposed settlement to resolve probable violations of the Act. If the Commission rejects a proposed settlement, a hearing may be scheduled to receive evidence and take appropriate enforcement action as provide by Commission Rule.

(2) At any hearing scheduled regarding assessment of civil penalties under the Chapter 14 of the Commission's Transportation Rules, the Commission may assign the case to a hearing officer pursuant to O.C.G.A. § 46-2-58 for the receipt of testimony, documentary, and other tangible evidence, oral argument and briefs by the parties; and upon closing of the said hearing, the hearing officer shall render a recommended decision or initial decision within forty-five (45) days of receipt of final briefs or close of the record, which ever last occurs.

(3) If the Commission finds, after a hearing, that a violation of the Act has occurred, it may impose a civil penalty as provided by Transportation Rule 515-16-14-.07 or in O.C.G.A. §§ 46-2-58, 46-2-90, 46-2-91, 46-7-27, 46-7-90, and 46-7-91.

Cite as Ga. Comp. R. & Regs. R. 515-16-14-.06
Authority: Authority O.C.G.A. Secs. 46-2-58, 46-2-90, 46-2-91, 46-7-27, 46-7-90, 46-7-91, R. 515-16-14-.07.
History. Original Rule entitled "Commission Action" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-14-.07. Civil Penalties.

(1) In determining the amount of any civil penalty to be assessed under Transportation Rule 515-16-14-.03, the Commission may consider the nature, circumstances and gravity of

the violation of the Act; the degree of the Respondent's culpability; the Respondent's history of prior violations of the Act; and such other factors as may be appropriate.

(2) A Respondent shall pay any civil penalty that has been assessed by submitting to the Commission, in care of Director of Transportation Unit, a certified check payable to the Georgia Public Service Commission.

(3) Except to the extent precluded by lower penalties specified in O.C.G.A. § 44-1-13, 46-7-91 or other specific federal or state statutes applicable to a given carrier conduct, the criminal and civil penalties for violation of this Chapter include those set forth in O.C.G.A. §§ 46-2-90 through 46-2-93, 46-7-39 and 46-7-90 and in Chapters 515-16-3 and 515-16-10 of these Transportation Rules; and such penalties ranging as high as $15,000.00 per violation, plus $10,000.00 per day for each day such violation continues, can only be imposed by the Commission after notice and hearing, unless the violator consents in writing to such penalties. Such higher civil penalties are applicable to those carriers who violate a Commission Order or these Transportation Rules repeatedly or otherwise demonstrate willful or wanton refusal to comply with, or disregard for, this Commission's jurisdiction, Georgia law and these Transportation Rules.

Cite as Ga. Comp. R. & Regs. R. 515-16-14-.07
Authority: Authority O.C.G.A. Secs. 44-1-13, 46-2-90, 46-2-91, 46-7-5, 46-7-11, 46-7-27, 46-7-39, 46-7-85.17, 46-7-90, 46-7-91, R. 515-16-10-.03.
History. Original Rule entitled "Civil Penalties" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-14-.08. Appeals Generally.

Any person subject to an order from the Commission may petition the Commission for reconsideration of the order. Moreover, any person aggrieved by an order of the Commission may seek relief in Fulton County Superior Court and otherwise pursuant to O.C.G.A. §§ 46-2-58, 46-7-90, and 46-7-91.

Cite as Ga. Comp. R. & Regs. R. 515-16-14-.08
Authority: Authority O.C.G.A. Secs. 46-2-58, 46-7-90, 46-7-91.
History. Original Rule entitled "Appeals Generally" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-15. NON-CONSENSUAL TOWING.

Rule 515-16-15-.01. Definitions.

In addition to the Definitions contained in Chapter 515-16-3 of these Rules, the following terms used in this Chapter 515-16-15 have the following meaning:

(a) Attendant means any person who is authorized by the impoundment facility to release a vehicle from the facility when presented with proper documentation of ownership and payment of appropriate fees. [See Para. (e) below for this definition]

(b) Corporate entity means any corporation, limited liability company, limited partnership, small business corporation or any other entity or organization registered with the Georgia Secretary of State's Corporations Division.

(c) Maximum Rate Tariff means the publication containing the maximum rates as prescribed by the Commission that a wrecker company can assess for the towing and storage of vehicles removed pursuant to the authority granted in the "Nonconsensual Towing Permit".

(d) Nonconsensual Towing shall mean towing without the prior consent or authorization of the owner or operator of the motor vehicle being towed.

(e) Nonconsensual Towing Carrier or NCT Carrier means a wrecker service operator who or which engages in the towing or other removal of improperly parked vehicles and trespassing personal property (including, but not limited to, trespassing vehicles) from private property.

(f) Nonconsensual Towing Permit or NCT Permit means a permit issued by the Commission to a wrecker or towing service operator, authorizing removal of improperly parked vehicles and trespassing personal property from private property.

(g) Normal Business Hours means operating hours of a nonconsensual towing carrier as approved by the Commission.

(h) Receipt means a document issued by the attendant to the owner of the vehicle stating all charges have been paid for the towing and storage of vehicle.

(i) Secure Impoundment Facility means a facility owned or leased by a towing company for the purposes of providing secure storage of towed vehicles.

(j) Tow or towing means to utilize any automotive vehicle to pull, to load and carry or otherwise to transport another automotive vehicle or automotive vehicle trailer over a public highway or road, except that transportation by an automobile transport vehicle with a capacity of three (3) or more vehicles shall not be included in the definition of tow or towing, no matter how many vehicles such automobile transport vehicle is transporting at any given time.

(k) Wrecker means an automotive vehicle with hoisting apparatus and equipment for towing vehicles. The term "wrecker" also includes any vehicle otherwise equipped and used for the purposes of towing vehicles.

(l) Wrecker or towing service operator means the person or entity operating or in control of the provision of wrecker or towing services to the public or to property owners and shall include all officers or managers of any such services.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.01
Authority: Authority O.C.G.A. Sec. 44-1-13.
History. Original Rule entitled "Definitions" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-15-.02. Procedures.

(1) Before any wrecker service shall transport vehicles in nonconsensual towing on or over any public highway of the State of Georgia, it shall first secure a nonconsensual towing permit from the Commission by making application on forms supplied by the Commission and paying an annual filing fee of $300.00. Such filing fee shall accompany the application, which shall not be complete and ready for favorable Commission action until such fee is paid; and such fee is nonrefundable upon Commission denial of the application, applicant's withdrawal of the application or for any other reason. The permit shall be issued on an annual basis.

(2) The Commission shall issue a nonconsensual towing permit if the application is complete and the applicant demonstrates the willingness and ability to comply with the laws of Georgia and the rules and regulations of the Commission related to NCT Carriers, including, but not limited to, secure impoundment facility, the maximum rate tariff, and with Commission insurance and safety requirements.

(3) The Commission may refuse to issue a permit where the applicant has failed to show compliance with the applicable laws of Georgia and the rules and regulations of the Commission. In such instance, the applicant, shall upon written request made within 30 days of the date of denial, be entitled to a hearing to contest said denial.

(4) Permits issued pursuant to this authority shall be valid except as otherwise provided herein, from the date of issuance through mid-night of the expiration date shown on the permit, unless revoked, suspended or amended. There is no grace period. Failure to renew a permit within the permit's twelve (12) month life shall result not only in the expiration of such permit, but also in the holder of such expired permit having to re-apply for a new permit in order to resume conducting nonconsensual towing operations after such expiration date.

(5) Any nonconsensual towing permit obtained from this Commission shall be posted and kept in a conspicuous place at the main office of the wrecker service to whom such permit is granted; and copies of such permits shall be carried in the cab of any wrecker or tow truck operated under such permit.

(6) Applications to renew a permit must be submitted on a form designated by the Commission. Renewal applications should be submitted no sooner than 30 days and no later than 10 days prior to the expiration date of the permit.

(7) The Commission may, at any time after notice and an opportunity to be heard, suspend, revoke, alter, or amend any permit issued under these rules if it shall appear that the holder of the permit has violated or refused to observe any of the lawful and reasonable orders, rules or regulations prescribed by the Commission, any of the applicable provisions of Title 46 or Title 40 of the Official Code of Georgia, or any other law of this state regulating or taxing motor vehicles.

(8) In the event of a change of name or ownership by the holder of a nonconsensual towing permit (including acquisition of controlling interest in a corporate entity), application for a new permit shall be made to the Commission and the old permit surrendered to the Commission before another permit can be issued to the new owner(s). The application for a permit by a new owner shall be made in the same manner as for an original nonconsensual towing permit and the fee shall be the same as for an original permit.

(9) Any nonconsensual permit issued by the Commission shall not be assignable or transferable to any other person, firm, corporation or other entity.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.02
Authority: Authority O.C.G.A. Sec. 44-1-13.
History. Original Rule entitled "Procedures" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-15-.03. Fees Charged for Nonconsensual Towing.

(1) Any wrecker service engaged in the business of providing nonconsensual towing service shall not charge the owner or operator of any towed motor vehicle more than the maximum rates published in the "Nonconsensual Towing Maximum Rate Tariff" prescribed by the Commission. No storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fees stated in the maximum rate tariff shall be all inclusive; no additional fees may be charged for the use of dollies, trailers, lifts, slim jims or any other equipment or service. Only charges or rates for storage and removal that are approved by the Commission and contained in the Commission's Maximum Rate Tariff for Nonconsensual Towing shall be billed or collected by the wrecker service for towing or storage services; and it is a violation of this Rule for any wrecker service to bill or collect fees or charges which are not expressly permitted by such Maximum Rate Tariff.

(2) The fees stated in paragraph (1) above of this rule shall be payable, at the choice of the vehicle owner or payee, by cash, commonly-recognized travelers checks, money orders, certified checks or cashier's checks at no additional charge.

(3) No additional charges shall be assessed for storage of the vehicle once the vehicle has been claimed and payment is tendered to the towing company in the amount specified on the receipt and the vehicle has been removed from the impoundment facility. The receipt issued by the wrecker or towing service to the customer, and such service's office copy of such receipt, must reflect all fees collected for the redemption of the vehicle.

(4) The Maximum Rate Tariff will be reviewed annually by the Commission after receiving notification from towing firms as to their current cost for removal and storage of vehicles and personal property, and other pertinent information. Wrecker services shall submit the information described in this subparagraph by October 1 of each year, or at such other date as may be designated from time to time by the Commission, to the Commission's Transportation Unit.

(5) No storage fees may be charged or collected by any wrecker service or tow truck operator for days on which the impound lot where a towed vehicle is stored is closed or otherwise unavailable to the vehicle owner for redemption.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.03
Authority: Authority O.C.G.A. Sec. 44-1-13.
History. Original Rule entitled "Fees Charged for Nonconsensual Towing" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-15-.04. Vehicle Not Towed Upon Operator Returning.

(1) The operator or driver employed by a wrecker service summoned to tow away any vehicle from private property, shall not tow the vehicle away and shall not charge any fee if the operator or owner of the vehicle returns, and produces the ignition key to the vehicle, and immediately removes the vehicle from the private property.

(2) If the vehicle has been hooked with hoisting apparatus, including wheel dollies, or loaded by the wrecker service and the vehicle has not left the premises, the vehicle shall be released and the operator's fee as prescribed in the Maximum Rate Tariff may apply. A receipt, containing the date and time of the release of the vehicle, total amount charged, location of the private property, wrecker service's name, address, and telephone number shall be issued to the owner/operator of the vehicle.

(3) Once the wrecker service has left the location to which it was summoned charges may be assessed in accordance with the Maximum Rate Tariff. The operator's fee, as described in paragraph (b), shall not apply in this instance.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.04
Authority: Authority O.C.G.A. Sec. 44-1-13.
History. Original Rule entitled "Vehicle Not Towed Upon Operator Returning" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-15-.05. Signs Specifications.

(1) Owners of private property shall be required to place signs at each designated entrance to a parking lot or parking area where parking prohibitions apply. Where there is no designated entrance, such signs shall be posted so as to be clearly visible from each and every parking space. Such signs shall be a minimum of twelve (12) inches by eighteen (18) inches with a minimum of ¾ inch lettering. The wording Private Parking shall be printed in Bold with a minimum of 1½ inch lettering.

(2) Such signs located at a designated entrance to a parking lot shall be at least four (4) feet above the site grade. Where there is no designated entrance, such signs shall be six (6) feet above site grade. Posted signs must be free of any natural or man-made interference and be clearly visible.

(3) Such signs shall also include the following language:

(a) A warning that unauthorized vehicles will be towed;

(b) Towing company name, address, and telephone number and impound lot location where towed vehicle may be retrieved;

(c) Towing fees and daily storage fees;

(d) Hours of Operation; and

(e) Method or form of payment shall be as per vehicle owner choice as specified in Transportation Rule 515-16-15-.03(2).

(4) No vehicle shall be relocated from private property which does not, at the time of the tow and for at least 24 hours prior thereto, have signs posted which are in substantial compliance with the provisions of paragraphs (1) through (3) above. Notwithstanding the foregoing, the provisions of this section shall not apply to owner(s) of private residential property containing not more than four (4) residential units.

(5) All signs must be removed from private property within (15) days after the termination of the contract; or authorization from the property owner, or agent is withdrawn.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.05
Authority: Authority O.C.G.A. Sec. 44-1-13.
History. Original Rule entitled "Signs Specifications" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-15-.06. Authorized Attendant.

(1) An attendant must be available at the impoundment facility to provide reasonable access to any towed vehicle (6) days of each week. The attendant must be available by phone 24

hours per day. The attendant shall have the authority to release any impounded vehicle upon the owner meeting the legal requirements for release. Any person claiming a vehicle impounded under the nonconsensual towing permit shall produce evidence of such person's identity and ownership or right of possession and shall pay all towing charges and storage fees which shall have accrued with respect to the vehicle. No storage fees will be charged for any days the secure impoundment facility is closed and the owner is unable to claim the vehicle.

(2) The vehicle owner, or owner's agent, shall produce a valid driver's license plus an ignition key which operates the vehicle, and indicia of ownership such as a certificate of title, a valid and current registration card, bill of sale, or a lease or rental contract.

(3) A receipt listing the specific charges for towing and storage of the vehicle shall be issued to the owner or agent claiming the vehicle and the attendant shall retain a copy of the receipt. The receipt must be signed by the owner or agent claiming the vehicle and by the attendant. Such receipt shall identify the vehicle and shall become part of the wrecker service's record.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.06
Authority: Authority O.C.G.A. Sec. 44-1-13.
History. Original Rule entitled "Authorized Attendant" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-15-.07. Records and Reports.

(1) Upon impoundment of any vehicle, the wrecker service shall maintain records, which shall include the following information:

(a) Date and time of initial towing;

(b) Place of initial towing;

(c) Date and time of arrival at the impound lot;

(d) Date and time of release to the owner;

(e) Name of the towing company driver and helper;

(f) Cost for towing of the vehicle;

(g) Cost of storage of the vehicle; and

(h) Any other authorized applicable charges with reference to Commission's Nonconsensual Towing Maximum Rate Tariff provisions authorizing such fees or charges.

(2) The records shall be maintained at a location where any Commission representative may review in person during normal business hours. Further, all wrecker companies shall provide a current telephone number of the person responsible for releasing the vehicles to the Commission.

(3) All records required by these rules shall be preserved for a period of three (3) years, unless otherwise specified by the Commission.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.07
Authority: Authority O.C.G.A. Sec. 44-1-13.
History. Original Rule entitled "Records and Reports" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-15-.08. Secure Impoundment Facility.

(1) A wrecker service authorized to conduct nonconsensual towing by the Commission must maintain a secure storage area for towed vehicles in the county where the tow operator's office (as listed with the Commission) is located, unless otherwise authorized by the Commission.

(2) The wrecker service must provide for effective and efficient security for the lot at all times. The storage lot must be fenced with a minimum of six (6) feet fencing, lighted, and equipped with a lock or enclosed building.

(3) Impounded vehicles shall be delivered to the wrecker service's secure impoundment facility in a timely manner. No wrecker service shall utilize "drop zones" or leave impounded vehicles at any impound lot or other location that has not been approved by the Commission for use by the wrecker service making such tow or removal.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.08
Authority: Authority O.C.G.A. Sec. 44-1-13.
History. Original Rule entitled "Secure Impoundment Facility" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-15-.09. Public Liability and Property Damage Insurance.

(1) A wrecker service issued a permit to conduct nonconsensual towing must maintain a commercial insurance policy or policies with the minimum liability insurance coverages prescribed by the Commission and the Federal Motor Carrier Safety Administration on all vehicles used in its business in intrastate commerce as follows:

(a) Intrastate (origin and destination wholly within the state)

(b) Public Liability and Property Damage Insurance limits as set forth below:

1. $100,000 limit for bodily injury to or death of one person
2. $300,000 limit for bodily injuries to or death of total persons in one accident
3. $50,000 loss or damage in any one accident to property of others

(2) Garage Keeper's Legal Liability:

(a) Liability insurance, which covers stored vehicles and contents, must be maintained on the impound or storage lot(s) sufficient to cover the actual value of all stored vehicles towed or removed to such lot or storage facility under O.C.G.A. § 44-1-13. The minimum amount of garage keeper's or storage liability insurance for coverage of the stored vehicles and contents must be at least $50,000.00.

(3) A copy of the Certificates of Insurance must be furnished to the Commission on an annual basis. A 30-day advance cancellation notice must be provided to the Commission prior to any such insurance cancellation becoming effective. Insurance filings with the Commission must be on current forms prescribed by the Commission. No lapse in insurance coverage will be allowed.

(4) A permit issued by the Commission is in effect only while the wrecker service is in the vehicle or vehicles to be towed compliance with all requirements for filing proof of insurance.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.09
Authority: Authority O.C.G.A. Sec. 44-1-13.
History. Original Rule entitled "Public Liability and Property Damage Insurance" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-15-.10. Office Requirements.

(1) A wrecker service must maintain normal business hours and a listed public business telephone number. A wrecker service may maintain a maximum of two telephone numbers to be called for dispatching calls.

(2) All wrecker services will provide reasonable access to any towed vehicle six (6) days per week.

(3) A wrecker service must maintain proof of registration for each vehicle with the Commission and comply with the Commission's safety rules and regulations.

(4) A wrecker service must maintain and provide to the Commission upon request, a list of all personnel operating wrecker equipment, as well as a current Motor Vehicle Report on each driver.

(5) Drivers must maintain a valid driver's license of the appropriate class and with the appropriate endorsements required to operate the wrecker service's vehicles under Georgia law.

(6) It shall be unlawful for a wrecker service to engage in removal of vehicles without an authorized contract signed by the owner or other authorized agent for property owner and the towing company in the form prescribed by the Commission. A copy of the contract shall be made available to the Commission representatives, upon request. The contract must contain the name, address and phone number of the respective towing company, and the location of the impoundment facility, hours of operation, and the cost for removal of the vehicle and the charges for storage of the towed vehicle. The contract must also contain the names and contact number(s) of the person(s) authorized to request the removal of a vehicle from said property.

(7) For each and every requested nonconsensual towing movement, on the day the removal takes place, the real property owner or his contractually-designated agent (1) must place a telephone call, send a facsimile letter or send an e-mail message to the wrecker service identifying specifically, and requesting removal of, the vehicle or vehicles to be towed or removed and (2) must receive an original written tow authorization or tow bill dated and signed the date of the tow at the scene of the tow by the real property owner or such property owner's designated agent specifying the vehicle or vehicles to be towed or removed and having the name of the signing real property owner or such owner's designated agent typed or legibly printed below the signature. The wrecker service shall maintain for three (3) years copies of telephone records, faxes and e-mail messages requesting removal as proof of the time and date such removal was requested, as well as the signed authorization for removal from the property owner or such owner's agent.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.10
Authority: Authority O.C.G.A. Sec. 44-1-13.
History. Original Rule entitled "Office Requirements" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-15-.11. Equipment.

(1) All wrecker services engaged in transporting vehicles in nonconsensual towing must maintain a Georgia Department of Revenue cab card with current year's identification stamp for intrastate carriers, or appropriate registration receipt for interstate carriers in the cab of each wrecker.

(2) Each vehicle operating under authority of a nonconsensual towing permit must carry a copy of the permit in the cab of the vehicle. The copy shall be presented to any investigator or enforcement officer of the Commission upon request.

(3) A Georgia DOT number must be affixed to the outside of the wrecker if the wrecker is operating within Georgia only.

(4) If carrier transports vehicles across state lines (interstate) a USDOT number or United State Motor Carrier (MC) number must be affixed to the outside of the wrecker.

(5) All vehicles utilized by the wrecker companies for nonconsensual towing must be equipped with the following:

(a) Valid registration tag;

(b) Fire extinguisher; and

(c) Tow away lamps (tail, stop and turn signal lights for vehicles being towed), and the name of the wrecker service, city, and telephone number permanently affixed to both sides. Letters must be readable at a distance of 50 feet while the vehicle is stationary.

(d) Augmentation of equipment by an NCT Carrier must comply with the Motor Carrier Leasing Rules contained in Chapter 515-16-13 of these Rules.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.11
Authority: Authority O.C.G.A. Sec. 44-1-13.
History. Original Rule entitled "Equipment" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-15-.12. Penalties.

Except to the extent preclude by lower penalties specified in O.C.G.A. § 44-1-13 or other specific federal or state statutes applicable to a given carrier conduct, the criminal and civil penalties for violation of this Chapter include those set forth in O.C.G.A. §§ 46-2-90 through 46-2-93, 46-7-39 and 46-7-90 and in Chapters 515-16-3 and 515-16-10 of these Transportation Rules; and such penalties ranging as high as $15,000.00 per violation, plus $10,000.00 per day for each day such violation continues, can only be imposed by the Commission after notice and hearing, unless the violator consents in writing to such penalties. Such higher civil penalties are applicable to those carriers who violate a Commission Order or these Transportation Rules repeatedly or otherwise demonstrate willful or wanton refusal to comply with, or disregard for, this Commission's jurisdiction, Georgia law and these Transportation Rules.

Cite as Ga. Comp. R. & Regs. R. 515-16-15-.12
Authority: Authority O.C.G.A. Secs. 44-1-13, 46-2-90 to 46-2-93, 46-7-39, 46-7-90, R. Ch. 515-16-3, 515-16-10.
History. Original Rule entitled "Penalties" adopted. F. June 10, 2008; eff. June 30, 2008.

Subject 515-16-16. RAILROAD CONDEMNATIONS PROCEEDINGS.

Rule 515-16-16-.01. Purpose of Rail Condemnation Proceedings.

O.C.G.A. §§ 46-8-120 through 46-8-124 requires Commission approval before any railroad company can file any action in the Superior Court to condemn real property for rail right-of-way or for erection of rail facilities.

Cite as Ga. Comp. R. & Regs. R. 515-16-16-.01
Authority: Authority O.C.G.A. Secs. 46-8-120, 46-8-121.
History. Original Rule entitled "Purpose of Rail Condemnation Proceeding" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-16-.02. Procedure for Rail Condemnation Petitions.

Upon receipt of a petition filed by a railroad company with the Commission seeking approval of proposed condemnation, (with proof of service of the same upon the property owner whose property is being condemned and upon the Consumer's Utilities Counsel of the Governor's Office of Consumer Affairs), the Commission will assign such petition to a hearing officer for hearing pursuant to O.C.G.A. § 46-2-58. If the hearing officer cannot assist the parties in mediating a purchase agreement for such property proposed for condemnation within forty-five (45) days after the filing of such petition, then the hearing officer will set the matter down for hearing to determine if there is a legitimate public purpose for the proposed condemnation. Within thirty (30) days after the close of the record in such hearing, the hearing officer will render a recommended decision or initial decision, from which any party can seek reconsideration before the full Commission.

Cite as Ga. Comp. R. & Regs. R. 515-16-16-.02
Authority: Authority O.C.G.A. Secs. 46-2-58, 46-8-120, 46-8-121, 46-8-12346-8-124.
History. Original Rule entitled "Procedure for Rail Condemnation Petitions" adopted. F. June 10, 2008; eff. June 30, 2008.

Rule 515-16-16-.03. Commission Order in Condemnation Cases.

If the Commission ultimately determines such condemnation to serve a public purpose, it shall issue a final order approving any condemnation petition by a railroad company, and the Commission shall provide the petitioning railroad company with a certified copy of such order for use by such company in its condemnation action under Title 22.

Cite as Ga. Comp. R. & Regs. R. 515-16-16-.03
Authority: Authority O.C.G.A. Secs. 46-2-58, 46-8-120, 46-8-121.
History. Original Rule entitled "Commission Order in Condemnation Cases" adopted. F. June 10, 2008; eff. June 30, 2008.