

Docket No. 13140-U

ORDER ADOPTING JOINT STIPULATION

In re: Georgia Power Company's Application For Interruptible Service Options

Record submitted: March 22, 2001

Decided: April 3, 2001

APPEARANCES

On Behalf of the Georgia Public Service Commission:

DANIEL WALSH, Assistant Attorney General

On Behalf of Georgia Power Company:

KEVIN C. GREENE, Attorney

JUDITH S. KIM, Attorney

On Behalf of the Consumers' Utility Counsel:

KRISTY R. HOLLEY, Attorney

JOHN Z. WU, Attorney

On Behalf of Georgia Industrial Group:

RANDALL D. QUINTRELL, Attorney

On Behalf of Georgia Textile Manufacturers, Inc.:

PEYTON S. HAWES JR, Attorney

On Behalf of Service Resources, Inc.:

BILL LYON

JEANE BAULKMON

On Behalf of Birmingham Southeast, LLC

PETER J.P. BRICKFIELD, Attorney

SHAUN MOHLER, Attorney

STACEY W. THOMPSON, Attorney

BY THE COMMISSION:

Pursuant to the Supplemental Order issued by the Georgia Public Service Commission (“Commission”) on May 16, 2000 in Docket No. 3979-U and Docket No. 11708-U and the Order Modifying the Supplemental Order issued September 19, 2000 in the same dockets; the Commission ordered Georgia Power Company (“GPC” or “Company”) to file with the Commission, by November 15, 2000, a menu of Interruptible Service Tariff Alternatives.

GPC submitted its filing to the Commission on November 15, 2000 with proposed tariff changes to become effective December 15, 2000. The proposed changes include the Standard Interruptible Service Rider Schedule “IS-Standard-2” and the Interruptible Service Rider for Stand-By Generators Schedule “IS-SBG-2”. Simultaneously, GPC filed the following proposed new tariffs: the Daily Energy Credit Rider Schedule “DEC-1”, to be effective May 1, 2001; and, the Demand Plus Energy Credit Rider Schedule “DPEC-1”, to be effective June 1, 2001. The Daily Energy Credit is a new economic credit option in which customers may earn additional credits for voluntarily interrupting load for a price that varies daily. The Demand Plus Energy Credit is a replacement for the current Interruptible Service tariffs. Due to the complexity of the matters to be addressed in this docket, the Commission suspended the filing as contemplated by O.C.G.A. § 46-2-25 for a period of five months ending May 15, 2001.

On January 12, 2001 Jonathan M. Kubler and Michael T. O’Shea on behalf of the Company filed direct testimony with the Commission supporting the tariffs filed on November 15, 2000. On January 23, 2001 the Commission held hearings on GPC’s direct testimony. On February 16, 2001 Mr. Daniel R. Cearfoss on behalf of the Advocate Staff (“Staff”) and Mr. Jeffrey Pollock on behalf of the Georgia Textile Manufacturers Association (“GTMA”) and Georgia Industrial Group (“GIG”) filed direct testimony with the Commission. Hearings were held on March 1, 2001 to receive the testimony of public witnesses and that of Staff and GTMA/GIG.

The Company filed its rebuttal testimony on March 12, 2001. On March 22, 2001, the Commission convened a hearing for the purpose of hearing any outstanding motions and receiving GPC’s rebuttal testimony. The Rebuttal Testimony of GPC was admitted into the record. At that time, Mr. Kevin Greene presented a Joint Motion For Approval of Stipulation (“Joint Stipulation”) on behalf of Georgia Power Company. Parties to the Joint Stipulation were Mr. Kevin Greene on behalf of the Company, Mr. Randall Quintrell on behalf of GIG, Mr. Daniel Cearfoss on behalf of Staff, and Mr. Peyton Hawes on behalf of GTMA. The remaining parties to this proceeding have not objected to the adoption of the Joint Stipulation.

FINDINGS OF FACT

1.

The Commission finds that as a result of negotiations to which all parties to Docket No. 13140-U were invited, the Parties have reached this Joint Stipulation which provides for a mutually satisfactory resolution of the issues in this proceeding.

2.

The Commission finds that the terms and conditions of the Joint Stipulation provide for a just and reasonable resolution of all of the matters before the Commission in this proceeding and that approval of the Joint Stipulation is in the public interest and will result in an efficient and effective discharge of the Commission's statutory responsibilities. Accordingly, the Commission adopts the Joint Stipulation in its entirety.

3.

The Commission finds that this Joint Stipulation shall be binding on all parties to this matter.

CONCLUSIONS OF LAW

1.

The Georgia Public Service Commission has general ratemaking jurisdiction over Georgia Power Company under O.C.G.A. Ch. 2, T. 46. The Georgia Public Service Commission has general supervision over electric light and power companies. O.C.G.A. §§ 46-2-20(a) and 46-2-21. The Commission has "exclusive power to determine what are just and reasonable rates and charges to be made by any person, firm, or corporation subject to its jurisdiction." O.C.G.A. § 26-2-23; see also O.C.G.A. §§ 46-1-1(5), 46-2-24, 46-2-25, 46-2-26.1, and 46-2-26.2.

2.

The rates resulting from the tariffs set forth within the Joint Stipulation in Attachment 1, incorporated herein by reference, are fair, just and reasonable. By adopting the Joint Stipulation, the Commission retains its jurisdiction to ensure that the Company's rates are fair, just and reasonable.

3.

The remaining terms and conditions of the Joint Stipulation set forth within Attachment 1 are reasonable and appropriate. By adopting the Joint Stipulation, the Commission adopts a reasonable resolution of the issues in this docket.

4.

The Commission retains its jurisdiction to ensure that Georgia Power abides by and implements the rates, terms and conditions of the tariffs in the Joint Stipulation adopted herein, and to issue such further order or orders as this Commission may deem proper.

ORDERING PARAGRAPHS

WHEREFORE, IT IS ORDERED, that the Joint Stipulation shall be and the same hereby is adopted as shown in Attachment 1, that its terms and conditions are fully incorporated herein, and that Georgia Power shall comply with said terms and conditions. The rates pursuant to the Joint Stipulation are just and reasonable, and shall take effect for service rendered from and after May 1, 2001. The Commission clarifies the interpretation of paragraph number 3 of the Joint Stipulation to provide that any industrial customer under the present IS tariff who either replaces equipment or expands an existing facility will be grandfathered under the existing IS tariff, for the same amount of load. The Expansion must be under the same meter and under the same contract or account.

ORDERED FURTHER, that the tariffs implemented by Georgia Power shall be subject to review by the Commission to ensure that such tariffs, as implemented, are proper and just.

ORDERED FURTHER, that Georgia Power shall file compliance tariffs within 30 days of the issuance of this Order, reflecting implementation of the terms and conditions of the Joint Stipulation as ordered herein and shall be subject to the Commission's review for final approval.

ORDERED FURTHER, that the Commission adopts and Georgia Power shall adhere to all other terms and conditions of the Joint Stipulation in Attachment 1.

ORDERED FURTHER, that all findings, conclusions and decisions contained within the preceding sections of this Order are adopted as findings of fact, conclusions of law, and decisions of regulatory policy of this Commission.

ORDERED FURTHER, that jurisdiction over this proceeding is expressly retained for the purpose of entering such further order or orders as this Commission may deem proper.

ORDERED FURTHER, any motion for reconsideration, rehearing, or oral argument shall not stay the effectiveness of this order unless expressly ordered by the Commission.

The above by action of the Commission in Administrative Session on the 3rd of April, 2001.

Reece McAlister
Executive Secretary

Lauren McDonald, Jr.
Chairman

Date

Date