

House Bill 1063

By: Representatives Lucas of the 124th, Snow of the 2nd, Brooks of the 54th, Coleman of the 142nd, Walker of the 141st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated, the
2 "Natural Gas Competition and Deregulation Act," so as to provide a short title; to provide
3 for a finding of legislative intent; to provide that the Public Service Commission shall
4 develop a plan and promulgate rules for the selection, certification, and operation of a single
5 regulated natural gas marketer; to provide for selection through a competitive proposal
6 process; to provide for negotiations and authorize commitments with respect to the manner
7 of regulation; to provide for regulatory authority of the commission with respect to the single
8 regulated marketer; to provide for the right of retail customers to transfer to the single
9 regulated marketer; to provide for construction; to provide for related matters; to provide an
10 effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated, the "Natural
14 Gas Competition and Deregulation Act," is amended by adding at its end a new Code Section
15 46-4-166 to read as follows:

16 "46-4-166.

17 (a) Not later than July 1, 2002, the commission shall develop a plan and promulgate rules
18 for the selection, certification, and operation of a single regulated marketer to retail
19 customers. The plan and rules shall contemplate, if practicable, that the single regulated
20 marketer be engaged in the regulated marketing of natural gas no later than the
21 commencement of the heating season beginning October 1, 2002.

22 (b) The commission's plan and rules shall provide for the selection and certification of the
23 single regulated marketer through a competitive request for proposal process. The selection
24 of the single regulated marketer shall be determined on the basis of the proposal most
25 beneficial to the interests of future retail customers of the single regulated marketer. The
26 request for proposals may make specific commitments, to remain in effect for a period not

1 to exceed five years following certification of the single regulated marketer, with respect
2 to the manner in which the commission will regulate the single regulated marketer.
3 Following the submission of proposals, the commission shall be authorized to negotiate
4 with one or more parties submitting proposals prior to selection of the single regulated
5 marketer. As a part of such negotiations, the commission may modify any specific
6 commitments with respect to regulation specified in the request for proposals. Any
7 commitments in the proposal of the person selected as the single regulated marketer shall
8 be binding, subject only to such modifications as may occur during negotiations with the
9 commission.

10 (c) Any person shall be eligible to be selected as the single regulated marketer if such
11 person meets the qualifications specified in subsection (a) of Code Section 46-4-153.
12 Without limiting the generality of the foregoing, it is specifically provided that either a
13 previously certified marketer or an electing distribution company shall be eligible to be
14 selected as the single regulated marketer.

15 (d) Upon certification of the single regulated marketer, the rates and terms of service of
16 such single regulated marketer shall be subject to regulation by the commission and all
17 provisions of this title other than this article, except to the extent modified by specific
18 commitments of the commission as authorized under subsection (b) of this Code section.
19 Without limiting the generality of the foregoing, the commission is specifically charged
20 with establishing reasonable rates and charges to be charged to retail customers by the
21 single regulated marketer.

22 (e) Any residential customer of any other marketer shall be entitled to change his or her
23 service to the single regulated marketer at any time without restriction, subject however to
24 any legally binding contract in effect with such other marketer.

25 (f) With respect to the single regulated marketer, the provisions of this Code section shall
26 control over any other conflicting provisions of this article."

27 **SECTION 2.**

28 This Act shall become effective upon its approval by the Governor or upon its becoming law
29 without such approval.

30 **SECTION 3.**

31 All laws and parts of laws in conflict with this Act are repealed.