

House Bill 1140

By: Representatives Skipper of the 137<sup>th</sup> and Hudson of the 156<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities, so  
2 as to allow 90 days for commission orders after a hearing regarding electric fuel cost  
3 recovery or adoption or amendment of natural gas capacity supply plans; to authorize the  
4 Public Service Commission to seek an injunction against the violation of any law  
5 administered by the commission or any rule, order, or regulation established by the  
6 commission; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 46 of the Official Code of Georgia Annotated, relating to public utilities, is amended  
10 in Code Section 46-2-26, relating to use of fuel-adjustment tariffs, procedures for rate  
11 changes based solely on changes in fuel costs, the commission's power over rate changes  
12 pursuant to procedures or contracts approved by a federal regulatory agency, and disclosures  
13 required for utilities seeking rate changes, by striking subsection (e) and inserting in lieu  
14 thereof the following:

15 "(e) Following such hearing, the commission shall issue an order stating the base rates to  
16 be used by the utility during the next three consecutive calendar months, or until changed  
17 as provided in this Code section. Should the commission fail or refuse to issue such order  
18 by the ~~forty-fifth~~ ninetieth day after the utility's filing, the base rates proposed by the utility  
19 shall thereupon be deemed adopted by operation of law."

20 **SECTION 2.**

21 Said title is further amended by inserting a new Code section to be designated Code Section  
22 46-2-95 to read as follows:

23 "46-2-95.

24 The commission may bring a civil action to enjoin the violation of any law administered  
25 by the commission or any rule, order, or regulation established by the commission. It shall

1 not be necessary to allege or prove that there is no adequate remedy at law to obtain an  
2 injunction under this Code section."

3 **SECTION 3.**

4 Said title is further amended in Code Section 46-4-155, relating to regulation of unbundled  
5 services and capacity supply plans, by striking paragraphs (5) and (11) of subsection (e) and  
6 inserting in lieu thereof the following:

7 "(5) Following such a hearing, the commission shall issue an order approving the  
8 capacity supply plan filed by the electing distribution company or adopting a capacity  
9 supply plan for the electing distribution company that the commission deems appropriate.  
10 Should the commission fail or refuse to issue an order by the ~~forty-fifth~~ ninetieth day  
11 after the electing distribution company's filing which either approves the capacity supply  
12 plan filed by the electing distribution company or adopts a different capacity supply plan  
13 for the electing distribution company, the capacity supply plan proposed by the electing  
14 distribution company shall thereupon be deemed approved by operation of law."

15 "(11) After a capacity supply plan has become effective pursuant to provisions of this  
16 subsection as a result of a proceeding before the commission, the commission shall retain  
17 jurisdiction of the proceeding for the purposes set forth in this subsection. Upon  
18 application of the affected electing distribution company or the consumers' utility counsel  
19 division of the Governor's Office of Consumer Affairs or upon its own initiative, the  
20 commission may, after affording due notice and opportunity for hearing to the affected  
21 electing distribution company and the intervenors in the proceeding, amend the capacity  
22 supply plan of the affected electing distribution company. Any such amendment shall not  
23 adversely affect rights under any contract entered into pursuant to such plan without the  
24 consent of the parties to such contracts. If an amendment proceeding is initiated by the  
25 affected electing distribution company and the commission fails or refuses to issue an  
26 order by the ~~forty-fifth~~ ninetieth day after the electing distribution company's filing, the  
27 amended capacity supply plan proposed by the electing distribution company shall  
28 thereupon be deemed approved by operation of law."

29 **SECTION 4.**

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