

House Bill 587 (COMMITTEE SUBSTITUTE)

By: Representatives May of the 111th, Harbin of the 118th, Fleming of the 117th, and Roberts of the 154th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated,
2 relating to the distribution, storage, and sale of gas, so as to provide for revocation of a
3 certificate of public convenience and necessity if the holder of the certificate has not begun
4 construction or operation of any pipeline, or distribution system, or any extension thereof,
5 in substantially all of the territory covered by such certificate where an end-use customer,
6 property owner, or developer has requested natural gas service; to provide for related matters;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated, relating to the
11 distribution, storage, and sale of gas, is amended by adding a new subsection to Code Section
12 46-4-28, relating to the suspension, revocation, alteration, or amendment of certificates by
13 the Public Service Commission, to read as follows:

14 "(a.1) Any certificate issued under this article shall be revoked or amended by the
15 commission upon application to the commission by a person to provide natural gas service
16 to a specified end-use customer, property owner, or developer who has requested natural
17 gas service if the holder of the certificate has failed to begin construction or operation of
18 any pipeline, or distribution system, or any extension thereof, in substantially all of the
19 territory covered by such certificate. Once a person has filed such an application, the
20 portion of the certificate of the territory for which the applicant is seeking to provide
21 natural gas service to a specified end-use customer, property owner, or developer shall be
22 deemed revoked or amended. The commission shall determine whether the applicant shall
23 be entitled to a certificate for the territory that has been excluded from the certificate or
24 whether the territory should be re-issued to the person who held the certificate at the time
25 of the application. The commission shall make such determination within 90 days of the
26 application and shall consider factors such as whether the applicant can offer service at less

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1 cost in accordance with a commission approved line extension policy and other factors the
2 commission deems in the public interest. The newly certified area shall be designed by the
3 commission to serve the customers, property owners, or developers in question while
4 ensuring a boundary with safety and public welfare as the focus."

5 **SECTION 2.**

6 This Act shall become effective on July 1, 2007 and shall apply to all certificates in effect
7 or applied for on or after such date.

8 **SECTION 3.**

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