

House Bill 1233

By: Representatives Lunsford of the 110th, Hamilton of the 23rd, Bearden of the 68th, Oliver of the 83rd, Mosby of the 90th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated,
2 relating to the jurisdiction, powers, and duties, generally, of the Georgia Public Service
3 Commission, so as to provide that the certain costs sustained by the Public Service
4 Commission shall be charged to the involved utility; to provide that such cost may be
5 included in any approved rate increase; to provide for certain limits on the amount that can
6 be charged to the utility; to provide for commission review of certain invoices; to provide
7 that the utility can recoup certain costs; to provide for related matters; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Article 2 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to the
12 jurisdiction, powers, and duties, generally, of the Georgia Public Service Commission, is
13 amended by adding a new Code section to read as follows:

14 "46-2-33.

15 (a) The cost to the commission of providing reasonably necessary specialized testimony
16 and assistance in conducting affiliate transactions audits prior to utility rate cases, in
17 monitoring nuclear power costs, and in proceedings initiated by the utility, including, but
18 not limited to, utility rate cases, fuel cost recovery cases, gas supply cases, and capacity
19 supply cases, shall be charged to the affected utility; provided, however, that this
20 subsection shall not apply to testimony in utility rate cases relating to rate design and the
21 allocation of costs between customer classes. The amount of any such charges shall not
22 exceed \$200,000.00 per case per year, except for utility rate cases, generation construction
23 monitoring, integrated resource planning cases, and generation certification cases, to the
24 extent such amount is not also being recovered pursuant to an order issued under
25 subsection (c) of Code Section 46-3A-5, which shall not exceed \$600,000.00 per case per
26 year. The maximum fee shall be adjusted on an annual basis based on the Consumer Price

27 Index as reported by the Bureau of Labor Statistics of the United States Department of
28 Labor. In the event the Consumer Price Index is no longer available, the commission shall
29 select a comparable broad national measure of inflation. This Code section shall not apply
30 to proceedings for Tier 1 local exchange companies that have elected alternative regulation.
31 (b) At the time the commission determines that specialized testimony and assistance is
32 required, the commission shall issue an order setting forth the scope and budget for such
33 testimony and assistance. All invoices relating to the testimony and assistance shall be
34 subject to commission review and approval, and no utility shall be required to pay any
35 invoice not approved by the commission.
36 (c) The amounts paid by regulated companies under this Code section shall be deemed a
37 necessary cost of providing service, and the utility shall be entitled to recover the full
38 amount of any costs charged to the utility pursuant to this Code section. In addition, at the
39 election of the utility, the utility shall be entitled to recover all such costs promptly through
40 a reasonably designed rider designated for such purpose."

41 **SECTION 2.**

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