

House Bill 1233 (AS PASSED HOUSE AND SENATE)

By: Representatives Lunsford of the 110<sup>th</sup>, Hamilton of the 23<sup>rd</sup>, Bearden of the 68<sup>th</sup>, Oliver of the 83<sup>rd</sup>, Mosby of the 90<sup>th</sup>, 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 **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. The amount of any such charges shall  
20 not exceed \$200,000.00 per case per year, except for utility rate cases, generation  
21 construction monitoring, integrated resource planning cases, and generation certification  
22 cases, to the extent such amount is not also being recovered pursuant to an order issued  
23 under subsection (c) of Code Section 46-3A-5, which shall not exceed \$600,000.00 per  
24 case per year. The maximum fee shall be adjusted on an annual basis based on the  
25 Consumer Price Index as reported by the Bureau of Labor Statistics of the United States  
26 Department of Labor. In the event the Consumer Price Index is no longer available, the

27 commission shall select a comparable broad national measure of inflation. This Code  
28 section shall not apply to proceedings for Tier 1 local exchange companies that have  
29 elected alternative regulation or to certificated competing local exchange carriers.

30 (b) At the time the commission determines that specialized testimony and assistance is  
31 required, the commission shall issue an order setting forth the scope and budget for such  
32 testimony and assistance. All invoices relating to the testimony and assistance shall be  
33 subject to commission review and approval, and no utility shall be required to pay any  
34 invoice not approved by the commission.

35 (c) The amounts paid by regulated companies under this Code section shall be deemed a  
36 necessary cost of providing service, and the utility shall be entitled to recover the full  
37 amount of any costs charged to the utility pursuant to this Code section. In addition, at the  
38 election of the utility, the utility shall be entitled to recover all such costs promptly through  
39 a reasonably designed rider designated for such purpose."

40

## **SECTION 2.**

41 All laws and parts of laws in conflict with this Act are repealed.