

The Senate Special Judiciary Committee offered the following substitute to HB 244:

A BILL TO BE ENTITLED
AN ACT

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

12 The Official Code of Georgia Annotated is amended by replacing the "Georgia
13 Environmental Facilities Authority" with "Georgia Environmental Finance Authority"
14 wherever such name appears in:
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16 (1) Code Section 8-2-3, relating to requirements for toilets, shower heads, and faucets;

17 (2) Code Section 8-2-23, relating to the amendment and revision of state building, plumbing,
18 and electrical codes generally;

19 (3) Code Section 12-5-38.1, relating to administration of funds in water pollution control and
20 drinking water revolving funds;

21 (4) Code Section 12-5-471, relating to definitions relative to water supply;

22 (5) Code Section 12-5-524, relating to the creation of the Water Council and the obligations
23 of the council;

24 (6) Code Section 12-5-542, relating to definitions relative to Flint River drought protection;

- 25 (7) Code Section 12-5-580, relating to coordinating committees and finance committees of
26 the Metropolitan North Georgia Water Planning District;
- 27 (8) Code Section 12-6A-2, relating to definitions relative to land conservation;
- 28 (9) Code Section 12-8-23.1, relating to powers and duties of the director of the
29 Environmental Protection Division relative to solid waste management;
- 30 (10) Code Section 12-8-31, relating to the state solid waste management plan and reporting;
- 31 (11) Code Section 36-60-17.1, relating to use of water supplied by a public water system;
- 32 (12) Code Section 46-4A-2, relating to legislative findings and declaration of policy for
33 energy conservation assistance to residential customers;
- 34 (13) Code Section 46-4A-12, relating to construction of rules, regulations, and order under
35 the chapter;
- 36 (14) Code Section 46-4A-14, relating to civil penalties and removal of contractor, supplier,
37 or lender from master record;
- 38 (15) Code Section 48-7-29.14, relating to income tax credit for clean energy property;
- 39 (16) Code Section 50-8-8, relating to grants, loans, and other disbursements of funds by the
40 Department of Community Affairs and establishment of a state community development
41 program;
- 42 (17) Code Section 50-8-13, relating to authorities and agencies assigned to the Department
43 of Community Affairs;
- 44 (18) Code Section 50-8-170, relating to definitions relative to E-85 projects and
45 implementation of a grant program to facilitate E-85 projects;
- 46 (19) Code Section 50-8-193, relating to priority in licensing and processing grants and loans
47 to local governments for certified regional economic assistance programs;
- 48 (20) Code Section 50-10-5, relating to the powers and duties of the Georgia Development
49 Authority;
- 50 (21) Code Section 50-17-27, relating to application and investment of public debt proceeds
51 by the State Financing and Investment Commission and the authority;
- 52 (22) Code Section 50-23-1, relating to the short title of article;
- 53 (23) Code Section 50-23-2, relating to legislative intent and assumption of rights, duties, and
54 assets of the Georgia Development Authority;
- 55 (24) Code Section 50-23-3, relating to the creation of the authority, members, quorum, travel
56 and expenses, legal services, members' accountability, recordkeeping, and authority assigned
57 for administrative purposes;
- 58 (25) Code Section 50-23-4, relating to definitions relative to the authority;
- 59 (26) Code Section 50-23-5, relating to the purpose, powers, and duties of the authority;
- 60 (27) Code Section 50-23-25, relating to the definition of the Water Supply Division;
- 61 (28) Code Section 50-23-26, relating to the creation of the Water Supply Division;

- 62 (29) Code Section 50-23-30, relating to the definition of the Division of Energy Resources;
 63 (30) Code Section 50-23-31, relating to creation of the Division of Energy Resources;
 64 (31) Code Section 50-23-32, relating to powers and duties of the Division of Energy
 65 Resources;
 66 (32) Code Section 50-32-15, relating to the issuance of bonds; and
 67 (33) Code Section 50-32-39, relating to limitation of indebtedness by or on behalf of the
 68 Georgia Regional Transportation Authority.

69 **SECTION 2.**

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

73 "46-2-33.

- 74 (a) The cost to the commission of providing reasonably necessary specialized testimony
 75 and assistance in conducting affiliate transactions audits prior to utility rate cases, in
 76 monitoring nuclear power costs, and in proceedings initiated by the utility, including, but
 77 not limited to, utility rate cases, fuel cost recovery cases, gas supply cases, and capacity
 78 supply cases, shall be charged to the affected utility; provided, however, that this
 79 subsection shall not apply to testimony in utility rate cases relating to rate design and the
 80 allocation of costs between customer classes. The amount of any such charges shall not
 81 exceed \$200,000.00 per case per year, except for utility rate cases, generation construction
 82 monitoring, integrated resource planning cases, and generation certification cases, to the
 83 extent such amount is not also being recovered pursuant to an order issued under
 84 subsection (c) of Code Section 46-3A-5, which shall not exceed \$600,000.00 per case per
 85 year. The maximum fee shall be adjusted on an annual basis based on the Consumer Price
 86 Index as reported by the Bureau of Labor Statistics of the United States Department of
 87 Labor. In the event the Consumer Price Index is no longer available, the commission shall
 88 select a comparable broad national measure of inflation. This Code section shall not apply
 89 to proceedings for Tier 1 local exchange companies that have elected alternative regulation.
 90 (b) At the time the commission determines that specialized testimony and assistance is
 91 required, the commission shall issue an order setting forth the scope and budget for such
 92 testimony and assistance. All invoices relating to the testimony and assistance shall be
 93 subject to commission review and approval, and no utility shall be required to pay any
 94 invoice not approved by the commission.
 95 (c) The amounts paid by regulated companies under this Code section shall be deemed a
 96 necessary cost of providing service, and the utility shall be entitled to recover the full
 97 amount of any costs charged to the utility pursuant to this Code section. In addition, at the

98 election of the utility, the utility shall be entitled to recover all such costs promptly through
99 a reasonably designed rider designated for such purpose."

100 **SECTION 3.**
101 All laws and parts of laws in conflict with this Act are repealed.