

House Bill 446

By: Representatives Ridley of the 22<sup>nd</sup>, Gullett of the 19<sup>th</sup>, Werkheiser of the 157<sup>th</sup>, Barton of the 5<sup>th</sup>, Parsons of the 44<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 3 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated,  
2 relating to investigations and hearings of the Public Service Commission, so as to revise  
3 provisions concerning discovery rights in proceedings before the Public Service  
4 Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to  
8 investigations and hearings of the Public Service Commission, is amended by revising Code  
9 Section 46-2-57, relating to obtaining of discovery by employees and agents of commission,  
10 petitions by commission for necessary orders, injunctions, and subpoenas, extension of  
11 suspension period by Superior Court of Fulton County, and time of hearing of applications  
12 and petitions from commission, as follows:

13 "46-2-57.

14 (a) In any case pending before it, the commission, in addition to its now existing authority  
15 to do so, is authorized to issue an order permitting its employees and agents to take  
16 depositions and otherwise obtain discovery of any matter, not privileged, which is relevant

17 to the subject matter involved in the investigation, proceeding, or petition before the  
18 commission, in the same manner prescribed in Chapter 11 of Title 9 for discovery in civil  
19 actions. In any ~~case involving an application of a gas company to establish just and~~  
20 ~~reasonable rates pursuant to Code Section 46-2-23.1 or 46-4-154~~ proceeding before the  
21 commission, all parties to the particular proceeding, including intervenors who are granted  
22 party status pursuant to Code Section 46-2-59, ~~as well as the gas company subject to the~~  
23 ~~particular proceeding~~, shall have all discovery rights available under Chapter 11 of Title 9.

24 (b) The commission, its agents and employees as directed by the commission, and all  
25 parties to a proceeding before the commission, including intervenors ~~and gas companies~~,  
26 which are granted discovery rights under subsection (a) of this Code section are authorized  
27 to petition the Superior Court of Fulton County for all orders, injunctions, and subpoenas  
28 necessary to carry out the provisions of this Code section which would otherwise be  
29 authorized or necessary under Chapter 11 of Title 9; and the judges and clerks of the court  
30 are authorized to issue all such orders, injunctions, and subpoenas and to take all other  
31 actions necessary to carry out this Code section which would otherwise be authorized or  
32 necessary under Chapter 11 of Title 9.

33 (c) In addition to the sanctions which may be imposed under Code Section 9-11-37, the  
34 Superior Court of Fulton County is further authorized to extend the period of suspension  
35 of the operation of any new schedules and defer the use of such rates, charges,  
36 classifications, or service beyond the time authorized by Code Section 46-2-25, if the court,  
37 upon application of the commission, determines that the failure of any regulated utility to  
38 comply with a discovery request of the commission, its agents, or its employees is  
39 unreasonable and requires such extension. No such extension of the period of suspension  
40 shall be considered by the court unless the utility has failed completely to respond to a  
41 valid deposition or discovery request.

42 (d) Any application or petition made ~~by the commission, its agents, or its employees~~  
43 pursuant to subsection (b) of this Code section shall be heard within 20 days of the filing

44 of the application or petition, irrespective of whether any response to the application or  
45 petition has previously been made, and shall be disposed of promptly.”

46 **SECTION 2.**

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