

House Bill 1063 (COMMITTEE SUBSTITUTE)

By: Representatives Thomas of the 21<sup>st</sup>, Burns of the 159<sup>th</sup>, Cannon of the 172<sup>nd</sup>, Donatucci of the 105<sup>th</sup>, Hilton of the 48<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated,  
2 relating to generation and distribution of electricity generally, so as to require electric utilities  
3 to protect residential and retail electricity customers from costs associated with data center  
4 construction and operation; to require certain contract terms and conditions; to provide for  
5 an applicability date; to provide for enforcement; to provide for definitions; to provide for  
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated, relating to  
10 generation and distribution of electricity generally, is amended by adding a new part to read  
11 as follows:

12 "Part 6

13 46-3-80.

14 As used in this part, the term 'data center' means a facility, campus of facilities, or array of  
15 interconnected facilities used by an entity or other business enterprise to operate, manage,  
16 or maintain a computer, group of computers, or other organized assembly of hardware and  
17 software for the primary purpose of processing, storing, retrieving, or transmitting data and  
18 that have a peak annual electricity demand of 100 megawatts or greater.

19 46-3-81.

20 Each contract between an electric utility and a data center for the provision of electric  
21 service shall include terms and conditions designed to protect residential and retail  
22 electricity customers from costs associated with data center construction and operation,  
23 including, but not limited to, the following:

24 (1) Minimum billing requirements designed to recover incremental costs associated with  
25 servicing or preparing to serve a data center;

26 (2) A contract term that may exceed the length of the applicable service tariff;

27 (3) Performance and credit provisions designed to protect retail customers in the event  
28 of contract default; and

29 (4) Termination provisions designed to protect retail customers in the event of  
30 termination of the contract for electric service.

31 46-3-82.

32 The provisions of this part shall only apply to agreements between an electric utility and  
33 a data center entered into on or after the effective date of this Act.

34 46-3-83.

35 Pursuant to the commission's jurisdictional authority under Code Section 46-2-20, the  
36 commission shall make determinations related to compliance with this Code section."

37 **SECTION 2.**

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