

House Bill 1443

By: Representatives Parsons of the 44th, Ridley of the 22nd, Frye of the 122nd, Martin of the 49th, and Williams of the 37th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 46-2-59 of the Official Code of Georgia Annotated, relating to
2 permissible parties in proceedings before commission, intervention in proceedings generally,
3 limited appearances, and procedure for granting leave to intervene, so as to allow the
4 designee of a member of the General Assembly to intervene in certain cases before the Public
5 Service Commission; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 46-2-59 of the Official Code of Georgia Annotated, relating to permissible
10 parties in proceedings before commission, intervention in proceedings generally, limited
11 appearances, and procedure for granting leave to intervene, is amended as follows:

12 "46-2-59.

13 (a) In all proceedings before the commission, the parties to such proceeding shall consist
14 of the affected applicant, any person who is permitted to intervene as provided in this Code
15 section, and the Utility Finance Section established pursuant to Article 2A of this chapter.

16 (b) Any person on whom a statute confers an unconditional right to intervene may
17 intervene by filing a notice of intervention with the commission or hearing officer, as
18 appropriate.

19 (c) Any other person desiring to intervene must file an application for leave to intervene
20 within 30 days following the first published notice of the proceeding. Any such application
21 shall be in writing, shall be verified either by the party intervening or by his or her attorney
22 on information and belief, shall identify the party requesting the intervention, and shall set
23 forth with particularity the facts pertaining to his or her interest and the grounds upon
24 which his or her application for intervention are based. Such application shall be served on
25 all other parties in the proceeding, including those who have previously applied for leave
26 to intervene. No untimely application for leave to intervene shall be granted by the
27 presiding authority except for good cause shown.

28 (d) Any party or person who has previously applied for leave to intervene in a proceeding
29 in which leave to intervene is sought by another person may file a response to the
30 application for leave to intervene within 15 days after the application is served.

31 (e) The commission or hearing officer shall permit only the following persons to intervene:

32 (1) A person upon whom a statute confers an unconditional right to intervene;

33 (2) A person who demonstrates a legal, property, or other interest in the proceeding. In
34 determining whether to permit intervention, the hearing officer may consider whether the
35 person's interest is adequately represented by other parties and whether the intervention
36 will unduly delay the proceedings or prejudice the rights of other parties; and

37 (3) Any member of the General Assembly of the State of Georgia or his or her designee,
38 who may without fee intervene on behalf of his or her constituents with the full rights and
39 privileges of a designated party.

40 (f) The commission or hearing officer may condition any order permitting intervention so
41 as to assure the orderly conduct of the proceeding.

42 (g) A person who is not a party may make a limited appearance by making an oral or
43 written statement of his or her position on the issues within such limits and on such
44 conditions as may be fixed by the hearing officer; but he or she may not otherwise
45 participate in the proceeding.

46 (h) A party granted leave to intervene shall be present, absent good cause shown, during
47 that portion of the proceedings for which that party has indicated a desire to be heard.

48 (i) An order by a hearing officer denying or conditioning an application for leave to
49 intervene shall be immediately reviewable by the commission. An order by the commission
50 denying or conditioning an application for leave to intervene shall be immediately
51 reviewable as provided by law for the judicial review of final commission orders.

52 (j) Nothing in this Code section shall be construed to prohibit the commission from taking
53 any action prior to the expiration of the 30 day period during which persons are permitted
54 to file applications for leave to intervene."

55

SECTION 2.

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