

OUT OF ORDER

Senators Jones II of the 22nd and Parent of the 44th offered the following amendment #1:

1 *Amend House Bill 998 (LC 56 0570S) by replacing lines 1 and 2 with the following:*

2 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities, so
3 as to authorize certain

4 *By replacing line 9 with the following:*

5 of such report; to provide for a definition; to reestablish a consumer utility counsel to
6 represent consumers in matters before the Public Service Commission or other agencies
7 concerning public utilities; to create the Office of the Consumers' Utility Counsel; to
8 establish the position of director of such office; to provide for the appointment and
9 compensation of the director; to provide reporting requirements of the director; to provide
10 for the powers and duties of the director; to provide for notice and service requirements; to
11 authorize the director to take depositions and conduct discovery; to provide for related
12 matters; to repeal conflicting

13 *By replacing lines 13 and 14 with the following:*

14 Title 46 of the Official Code of Georgia Annotated, relating to public utilities, is amended
15 by revising Code

16 *By replacing "Said article" on lines 53 and 72 with "Said title"*

17 *By inserting after line 129 the following:*

18 **SECTION 4.**

19 Said title is further amended by adding a new chapter to read as follows:

20 "CHAPTER 10

21 46-10-1.

22 There is created the Office of the Consumers' Utility Counsel, which shall be assigned to
23 the Department of Law for administrative purposes only as provided in Code
24 Section 50-4-3. There is created the position of director of the office. The director shall
25 be appointed and removed by the Governor. The director shall be a practicing attorney
26 qualified by knowledge and experience to practice in public utility proceedings. The
27 director shall receive compensation in an amount to be determined by the Governor, but
28 not to exceed the annual salary set for each district attorney in paragraph (21) of Code
29 Section 45-7-4. In addition to such compensation, the director shall also receive
30 reimbursement for his or her reasonable and necessary expenses incurred in the
31 performance of his or her duties, as provided by law for state employees. The director shall
32 not engage in the private practice of law while employed as director. The director shall,
33 by December 31 of each year, submit a written report of the annual activities and
34 expenditures of the office to the Governor, the Speaker of the House of Representatives,
35 the President of the Senate, the chairperson of the House Committee on Energy, Utilities,
36 and Telecommunications, and the chairperson of the Senate Regulated Industries and
37 Utilities Committee.

38 46-10-2.

39 (a) The director shall be entitled to appear, as a party or otherwise, on behalf of the
40 consumers of this state of services provided by any person, firm, or corporation subject to
41 the jurisdiction of the commission in all proceedings before the commission which may

42 involve or affect rates for service or services of utilities and in all other proceedings before
43 the commission under its regulatory jurisdiction over utilities.

44 (b) The director may also appear in the same representative capacity as provided in
45 subsection (a) of this Code section in similar administrative proceedings affecting the
46 consumers of this state before any federal administrative agency or body which has
47 regulatory jurisdiction over rates, services, and similar matters with respect to public utility
48 services provided by any public utility doing business in this state.

49 46-10-3.

50 (a) In addition to other requirements of service and notice imposed by law, a copy of any
51 application, complaint, pleading, or notice filed with or issued by the commission
52 concerning public utilities shall also be served on the director, and the director shall be
53 notified of any other correspondence or paper filed with or issued by the commission or its
54 staff concerning public utilities.

55 (b) The director is authorized to take depositions and obtain discovery of any matter which
56 is not privileged and which is relevant to the subject matter involved in any proceeding or
57 petition before the commission in the same manner and subject to the same procedures
58 which would otherwise be applicable if such proceeding was then pending before a
59 superior court. The superior courts and the judges and clerks thereof are authorized to
60 issue all orders, injunctions, and subpoenas and to take all actions necessary to carry out
61 this subsection."

62 *By redesignating Section 4 as Section 5.*