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**DOCKET #** 40161, 40162

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EXECUTIVE DIRECTOR

**DOCUMENT #** 164778

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**Georgia Public Service Commission**

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**FILED**

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AUG 02 2016

- Docket No. 40161** In Re: Georgia Power Company's 2016 Integrated Resource Plan and Application for Decertification of Plant Mitchell Units 3, 4A and 4B, Plant Kraft Unit 1 CT, and Intercession City CT
- Docket No. 40162** In Re: Georgia Power Company's Application for the Certification, Decertification, and Amended Demand Side Management Plan

**ORDER ADOPTING STIPULATIONS**

**APPEARANCES:**

On behalf of Georgia Public Service Commission Public Interest Advocacy Staff:  
DANIEL WALSH, Esq., ROBIN COHEN, Esq., JEFFREY STAIR, Esq.  
and PRESTON THOMAS, Esq.

On behalf of Georgia Power Company:  
BRANDON MARZO, Esq., STEVE HEWISTON, Esq. and  
JACK JIRAK, Esq.

On behalf of Clean Line Energy Partners:  
JOSHUA L. BELCHER, Esq.

On behalf of Commercial Group:  
ALAN R. JENKINS, Esq.

On behalf of Georgia Association of Manufacturers:  
CHARLES B. JONES, III, Esq.

On behalf of Georgia Industrial Group:  
RANDALL D. QUINTRELL, Esq.

On behalf of Georgia Interfaith Power & Light and Southface Energy Institute:  
KURT EBERSBACH, Esq., KATIE OTTENWELLER, Esq., and  
JILLIAN KYSOR, Esq.

On behalf of Georgia Large Scale Solar Association:  
WILLIAM BRADLEY CARVER, Esq.

On behalf of Georgia Solar Energy Industries Association, Inc. and Vote Solar:  
NEWTON M. GALLOWAY, Esq. and TERRI M. LYNDALL, Esq.

On behalf of Georgia State Building and Construction Trades:  
ROBERT WEAVER, Esq.

On behalf of Georgia Watch:  
LIZ COYLE

Resource Supply Management:  
JIM CLARKSON

On behalf of Sierra Club:  
ROBERT JACKSON, Esq. and ZACHARY M. FABISH, Esq.

On behalf of Southern Alliance for Clean Energy:  
ROBERT B. BAKER, JR., Esq.

On behalf Southern Wind Energy Association:  
BRUCE BURCAT, Esq.

On behalf of MZC Foundation d/b/a The Ray:  
ANNE W. LEWIS, Esq.

**BY THE COMMISSION:**

**I. BACKGROUND AND STATEMENT OF PROCEEDINGS**

On January 29, 2016, Georgia Power Company ("Georgia Power" or the "Company") submitted to the Georgia Public Service Commission ("Commission") an Application for Integrated Resource Plans ("IRP" or "Plan") for approval pursuant to O.C.G.A. § 46-3A-1 *et seq.* ("IRP Act" or "Act"). Included in the Company's filing was an Application for Decertification of Plant Mitchell Units 3, 4A and 4B, Plant Kraft Unit 1 CT and Intercession City CT. The Company also filed an Application for the Certification, Decertification and Amended Demand Side Management Plan. The two proceedings were assigned Docket Numbers 40161 and 40162, respectively, and combined for purposes of administrative efficiency and convenience.

On February 29, 2016, the Commission issued its Procedural and Scheduling Order setting forth the dates for filing of testimony and briefs, as well as the dates for a hearing in this matter. During the proceedings, the Commission requested Georgia Power to submit a high-level explanation regarding why net benefits decrease as the penetration of non-dispatchable renewable resources increases. All other parties were provided an opportunity to respond to the Company's brief thereafter. These proceedings were declared to be contested cases as the term is defined in O.C.G.A. § 50-13-13 and were held to encompass complex litigation pursuant to O.C.G.A. § 9-11-33(a).

In accordance with O.C.G.A. § 46-3A-5(c), the Commission established fees for review of the IRP within sixty days of the filing of the applications. On March 15, 2016, the Commission concluded that \$259,622.00 was the appropriate fee for the Company to remit.

Pursuant to the Procedural and Scheduling Order, on April 5, 2016, Georgia Power pre-filed the panel testimony of Jeffrey A. Burleson, Allison R. Chiock, Larry T. Legg and Larry S. Monroe. On April 18 and April 19, 2016, the Commission held a hearing in Docket Numbers 40161 and 40162, to consider the Company's pre-filed direct testimony.

On May 3, 2016, in Dockets 40161 and 40162, Clean Line Energy Partners filed the testimony of David Berry, the Commercial Group filed the testimony of Steve W. Chriss and Kenneth Baker, the Georgia Interfaith Power & Light and Southface Energy Institute filed the testimony of R. Thomas Beach and William M. Cox and also the panel testimony of Dana Bartolmie and Raymond Kuniashaky. The Georgia Large Scale Solar filed the panel testimony of Colin Meehan, Brian O'Hara, Ryan Sanders and Robert Rynar. The Georgia Solar Energy Industries Association, Inc. and Vote Solar filed the panel testimony of James B. Marlow, Jr. and Mark C. Bell. The Sierra Club filed the direct testimony of Jeremy Fisher and Tim Woolf. The Southern Alliance for Clean Energy ("SACE") filed the testimony of John S. Wilson and Taylor Allred. And finally, the South Wind Energy filed the testimony of Michael S. Goggin.

On May 6, 2016, the Public Interest Advocacy Staff ("PIA Staff") filed its direct testimony consisting of four panels: Tom Newsome, Philip Hayet and Brian D. Smith; Ralph C. Smith, Robert Trokey, and Roxie McCullar; John W. Chiles, and John Hutt; and Jamie Barber,

Richard Spellman, Daniel Peaco and John Kaduk. The Commission conducted hearings on the direct cases of Staff and the intervening parties May 17, 18 and 19, 2016.

Georgia Power filed its rebuttal testimony in one panel comprised of: Jeffrey A. Burlesom, Allison R. Chiock, Larry T. Legg, Michael A. Bush and Carl H. Haga, Jr., on May 27, 2016. The hearing of the Georgia Power Rebuttal Testimony was conducted on June 8 and June 9, 2016.

On June 21, 2016, the Commission amended the Procedural and Scheduling Order extending the deadlines for the parties to file their briefs to June 29, 2016. The amended Procedural and Scheduling Order also delayed the due dates for the date upon which Commission Advisory Staff will make its recommendations to the Commission as well as the date upon which the Commission will render a decision.

On June 23, 2016, PIA Staff and the Company reached a settlement agreement ("Stipulation," attached hereto as Attachment 1) resolving all of the contested issues in the proceeding between the two parties (with the exception of the Company's request for authorization to take action to allow the Company to deploy nuclear generation in a timely manner). Subsequently, additional parties signed onto this Stipulation. Those additional signees are: Clean Line Energy Partners, LLC, Georgia Association of Manufacturers, Georgia Industrial Group, Georgia Large Scale Solar Association, Georgia State Building and Construction Trades Council, Southern Wind Energy Association, Georgia Watch, The Commercial Group, Southern Alliance for Clean Energy and the Sierra Club.

On July 13, 2016, Georgia Watch, PIA Staff and the Company entered into a second Stipulation to resolve certain issues related specifically to low income weatherization. (attached hereto as Attachment 2). The additional Stipulation is consistent with the main Stipulation and results from a letter agreement between Georgia Watch and the Company in Docket No. 39971 where Georgia Watch and the Company agreed to consider certain issues related to low income DSM programming and weatherization within Docket Nos. 40161 and 40162.

In addition to hearing the testimony of witnesses testifying on behalf of parties intervening in these proceedings, the Commission also heard from a significant amount of public witnesses who offered individual comments to the wide range of issues before the Commission. Though such statements are not evidence in this proceeding, the Commission acknowledges that the issues and positions presented by the Company and other parties, as well as this Commission's final decisions on those issues do have an impact upon the citizens of Georgia.

On June 29, 2016, the Final Briefs submitted reflected a number of parties found the Stipulation to represent a fair resolution of the issues raised in the two dockets.

The Commission hereby adopts in this Order Adopting Stipulation, with modifications and further directives, the IRP filed by Georgia Power. In doing so, the Commission sets forth in this Order further direction to Georgia Power for future reporting and analysis to be performed and provided to the Commission prior to or in conjunction with its next IRP filing, amendment or application for de-certification.

## II. JURISDICTION AND AUTHORITY

Georgia Power is a public electric utility serving retail customers within the State of Georgia. Georgia Power is one of the retail operating companies of which the Southern Company system is comprised. This Commission has jurisdiction over Georgia Power's IRP and DSM Application pursuant to O.C.G.A. §§ 46-2-20, 46-2-21 and 46-2-23 generally, and the IRP Act in particular.

The IRP Act requires the Company to file an Integrated Resource Plan at least every three years.<sup>1</sup> The Company's obligation with respect to the information that is filed is set forth pursuant to criteria identified in the Commission's IRP Rules. A "plan" is defined in the Act as an Integrated Resource Plan that contains the utility's: electric demand and energy forecast for at least a 20-year period; program for meeting the requirements shown in its forecast in an economical and reliable manner; the analysis of all capacity resource options, including both demand-side and supply-side options; and the assumptions used and the conclusions reached with respect to the effect of each capacity resource option on the future cost and reliability of electric service. The Plan also must:

- (A) Contain the size and type of facilities which are expected to be owned or operated in whole or in part by such utility and the construction of which is expected to commence during the ensuing ten years or such longer period as the Commission deems necessary and shall identify all existing facilities intended to be removed from service during such period or upon completion of such construction;
- (B) Contain practical alternatives to the fuel type and method of generation of the proposed electric generating facilities and set forth in detail the reasons for selecting the fuel type and method of generation;
- (C) Contain a statement of the estimated impact of proposed and alternative generating plants on the environment and the means by which potential adverse impacts will be avoided or minimized;
- (D) Indicate, in detail, the projected demand for electric energy for a 20-year period and the basis for determining the projected demand;
- (E) Describe the utility's relationship to other utilities in regional associations, power pools, and networks;
- (F) Identify and describe all major research projects and programs which will continue or commence in the succeeding three years and set forth the reasons for selecting specific areas of research;
- (G) Identify and describe existing and planned programs and policies to discourage inefficient and excessive power use; and
- (H) Provide any other information as may be required by the Commission.<sup>2</sup>

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<sup>1</sup> O.C.G.A. § 46-3A-2.

<sup>2</sup> O.C.G.A. § 46-3A-1(7).

The Commission is required under O.C.G.A. § 46-3A-2 to make determinations as to the adequacy of the IRP and to ensure that the utility's Plan has appropriately addressed numerous matters. There must be a determination that the forecast requirements contained in the Plan are based on substantially accurate data and an adequate method of forecasting.<sup>3</sup> The Commission must also find that the Plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential, and energy-producing sectors of the state.<sup>4</sup>

Further, the Commission must determine whether the Plan adequately demonstrates the economic, environmental, and other benefits to the state and to customers of the utilities, associated with the following possible measures and sources of supply:

- (A) Improvements in energy efficiency;
- (B) Pooling of power;
- (C) Purchases of power from neighboring states;
- (D) Facilities that operate on alternative sources of energy;
- (E) Facilities that operate on the principle of cogeneration or hydro-generation; and
- (F) Other generation facilities and demand-side options.<sup>5</sup>

After hearings have been conducted on a Plan, the Commission may approve the IRP; approve it subject to stated conditions; approve it with modifications; approve it in part and reject it in part; reject the plan as filed; or provide an alternate plan, upon determining that this is in the public interest.<sup>6</sup>

An electric utility is entitled to recover the approved or actual cost, whichever is less, of any certificated demand-side capacity option in rates, along with an additional sum.<sup>7</sup> In determining the additional sum, the Commission "shall consider lost revenues, if any, changed risks, and an equitable sharing of benefits between the utility and its retail customers."<sup>8</sup>

### III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

#### 1.

To ensure that the competing interests of all parties were properly considered, the Commission has carefully considered the main Stipulation entered into by the Stipulating Parties of record including the testimony given and the various exhibits entered by all the parties. The Commission finds and concludes that the terms of the main Stipulation are supported by the record

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<sup>3</sup> O.C.G.A. § 46-3A-2(b)(1).

<sup>4</sup> O.C.G.A. § 46-3A-2(b)(2).

<sup>5</sup> O.C.G.A. § 46-3A-2 (b)(3).

<sup>6</sup> GPSC Utility Rule 515-3-4-.01(2).

<sup>7</sup> O.C.G.A. § 46-3A-9

<sup>8</sup> *Id.*

in this proceeding and is a fair and reasonable resolution of this proceeding. Therefore, the Commission approves the main Stipulation.

2.

As it relates to the issue of new nuclear, paragraph 20 for the supply side plan provides that the decision whether to accept, modify or defer consideration of the Company's request for authority to capitalize additional costs to preserve new nuclear shall be a policy decision for the Commission. Paragraph 20 also states that adoption of this provision within this stipulation does not preclude any Party from making any argument for or against the Company's request in this regard, nor does this agreement or this provision within this agreement suggest that the Commission must or should (or should not) consider this question as part of this IRP.

Georgia Power and PIA Staff each filed briefs in support of their positions on this issue. The Company requested approval of expenditures up to \$174.5 million to investigate the option of pursuing new nuclear generation as a potential future base-load option at a site in Stewart County, Georgia. PIA Staff recommended that the Company's request be rejected at this time and considered during the 2019 IRP.

The Company argued that delaying action until 2019 could place the Company in a position where it is unable to deploy nuclear in a timely manner should it be later identified as the most cost-effective resource for customers. Furthermore, the Company argued that its proposed actions will, at a reasonable cost, provide benefit to customers even if nuclear generation is not selected as a generation resource until sometime beyond 2019 and that taking these actions now to preserve the option for timely deployment of nuclear generation proactively positions the Company to be able to select the resource that is in the best interest of all customers. Additionally, the Company argues that taking action at this time would allow the Company to capitalize on certain accumulated expertise and would achieve efficiencies by enabling the Company to rely on the same design as is being utilized for Plant Vogtle Units 3 and 4.

PIA Staff argued that the Commission should reject the Company's new nuclear proposal. PIA Staff Witnesses Newsome and Hayet, in their testimony, stated that it is not necessary at this time for the Company to begin incurring costs to investigate and license new nuclear generating units and that this decision should wait, at a minimum, until the 2019 IRP. Witnesses Newsome and Hayet go on to say that under Staff's recommendation holding off on a decision at least until the 2019 IRP would still have significantly longer to complete the process than it did for Vogtle Units 3 and 4. Reconsidering this issue in the 2019 IRP would enable the Commission to make a more informed decision and would provide the Company ample time to perform the investigation and licensing necessary to bring new nuclear online in a timely manner. Additionally, Witnesses Newsome and Hayet testified that given the uncertainty of the final cost and output (MWHs) of Vogtle Units 3 and 4, it would be advisable to wait until Vogtle 3 has completed construction and has some operating history. Furthermore, knowing the final cost of Vogtle Units 3 and 4 would also allow the Commission to make a more informed decision whether to allow the Company to incur investigation and licensing costs for new nuclear units that would be recovered from ratepayers.

PIA Staff argued that the earliest possible need date for additional nuclear generation is 17 to 20 years away and that in 2019, the Company will still have between 14 and 17 years before the earliest possible need. However, if, unexpectedly, the Company gathers new information prior to

2019 that indicates an earlier need for nuclear generation, the Company can file an amended IRP prior to three years elapsing.

In support of PIA Staff's recommendation, SACE argued that the Company's request should not be approved because the actual cost of this request is over \$300 million and the cost of Vogtle Units 3 and 4 should be taken into account when considering the development of new nuclear units. SACE further argues that the Commission can reconsider the Company's request in the 2019 IRP proceeding when Vogtle Unit 3 will be complete based on the Company's current commercial operation date that has been reaffirmed in its prudency review filing, and the final cost of Vogtle Units 3 and 4 will be ascertainable and can be used for economic comparisons to other generation options.

As an alternative to fully adopting the proposal made by the Company, the PIA Staff proposed that if the Commission wishes to approve in this case some dollar amount for the purpose of preserving the option to build new nuclear generation, the Commission should do so in a manner that offers ratepayers the maximum protection against being held responsible for unnecessary costs by taking the following actions: (1) incorporate the ratepayer protections that were included in the Commission's June 27, 2006 Order in Docket No. 22449, Georgia Power Company Request for an Accounting Order, (2) any such approval should only be for costs over a three year period, not a six year period as proposed by the Company, and (3) the cap on that dollar amount to be spent during the three year period prior to the 2019 IRP should be substantially lower than the \$175 million in the Company's proposal. The logical compromise is to cap the dollar amount that the Company can spend in the next three years at the cost of the first five activities the Company plans to take in the next five years to preserve the option of adding new nuclear units and no more than the amount necessary to obtain an Early Site Permit from the NRC. Such a compromise would allow the Company to take tangible steps towards the preservation of the option to build additional nuclear generation facilities, while reducing the risk to ratepayers of doing so. In this alternate position, the Commission should condition any spending by the Company for this purpose on its agreement not to include financing costs in its Annual Surveillance Reports for the years 2016 through 2019, or in future rate cases until the Commission approves the construction of additional nuclear generation.

The Commission finds that it is in the best interest of the customers of Georgia Power for the Company to begin the next phase of generation expansion. While the Commission agrees with Georgia Power that beginning the process of investigating and determining the suitability of the Stewart County site for a future nuclear generating facility is in the best interest of the Company and its customers, the Commission also has the legal responsibility and obligation to exercise its oversight of that process. The next point in time at which Georgia Power will have its generation planning before the Commission is the Integrated Resource Planning filing scheduled for 2019. With an eye toward that 2019 Integrated Resource Planning filing the Commission finds that the Company's as-filed request on this issue shall be modified so that the Company is allowed to record through the end of the second calendar quarter of 2019 up to \$99 million for activities as identified earlier in the section of this order relating to the investigation of pursuing new nuclear generation option at the site in Stewart County.

The Commission further finds that as part of the 2019 Integrated Resource Plan the Company shall file a report on the progress made in obtaining a Combined Operating License for the Stewart County site. The Commission will, as part of its review of the 2019 IRP, make a



determination as to whether any additional funding for obtaining a COL for the Stewart County site shall be permitted or whether the Company efforts shall be terminated. Further if upon its review of the 2019 IRP the Commission determines that Georgia Power's efforts shall be terminated, costs incurred toward that effort will be deferred for recovery in a future base rate case in which the Commission will determine the appropriate period to amortize the recovery of such costs. For ratemaking purposes, the Stewart County property shall continue to be categorized as Plant Held for Future Use.

During the period of time between now and the 2019 IRP, Georgia Power shall file annual reports updating the Commission on the status of the investigation and development of the COL. The Company is directed to work collaboratively with the Commission Staff in developing the format and timing of these annual reports.

3.

Paragraph 11 of the Supply Side portion of the Main Stipulation states,

“The Commission approves an additional 200 MW of self-build capacity for use by the Company to develop additional renewable projects in collaboration with customers, including potential projects at Robins Air Force Base and Fort Benning. The projects must be at or below the Company's avoided costs. No more than 75 MW of the 200 MWs provided for in this provision may be used for non-military customer projects. For the non-military customer projects, the Company must demonstrate that the project meets a special public interest need and could not reasonably be achieved using the competitive bid process. The RECs for the non-military customer projects shall accrue to the benefit of all customers.”

With regard to the 75 MW of self-build capacity for use by the Company to develop additional non-military customer projects, the Commission has identified two such projects that it finds meet a special public interest need and could not reasonably be achieved using the competitive bid process.

First, MZC Foundation d/b/a/ The Ray (“The Ray”) filed for a late intervention on May 26, 2016. The Ray participated in the IRP proceeding and then filed an ex parte letter on July 13, 2016. The Ray requested that the Commission include a one megawatt solar pilot project on the right-of-way along Interstate 85 in Troup County, Georgia in its 2016 IRP Order. The pilot project is purported to be a cooperative effort between The Ray, Georgia Power Company, and the Georgia Department of Transportation (GDOT). Georgia Power and The Ray have begun preliminary analysis and entered into initial discussion relating to the project proposed by The Ray. (Tr. 1871) As the proposed project entails use of highway right-of-way, the support of the project by the GDOT is important and significant. The Commission finds that the completion of the project proposed by The Ray will have general benefit to the state and the consumers of Georgia Power. Further, the Commission finds that the Company, the Commission Staff and The Ray shall work collaboratively to finalize a one megawatt pilot project to be brought before the Commission for approval. The pilot project shall be completed by the end of 2019. (Special Administrative Session, July 28, 2016 Tr. 36).

Second, the Commission finds that it is beneficial and in the best interest of the state that Georgia Power build a three megawatt community solar project. The Commission finds that

such projects will provide needed testing and experience of such solar projects. Further the Commission finds that the Company and the Commission Staff shall work collaboratively to finalize a three megawatt community solar project to be brought before the Commission for approval.

4.

There were several parties that declined to sign the Stipulation:

**A. Biomass for Georgia Coalition**

Biomass for Georgia Coalition (“BFGC”) is an ad hoc coalition of a number of customers of Georgia Power Company. Although an intervenor, BFGC did not actively participate in the hearings. However, in its Post Hearing Brief, it recommended that the Commission consider biomass in making a determination regarding GPC’s 2016 IRP. BFGC urged the Commission include biomass in the 525 MW initial allotment set aside, exclusively, for wind and solar. BFGC recommended that the Commission withhold 100 MW for biomass in the event viable biomass energy projects can be identified. (BFGC Brief, p. 3). Additionally, the Coalition stated that biomass should be considered base load capacity and should be bid against other biomass projects. The Commission finds and concludes that the Stipulation, as filed, balances the interest of the parties and rejects BFGC’s request.

The Commission also specifically rejects on procedural grounds the recommendations of the Biomass for Georgia Coalition (“BFGC”) as contained in its Post-Hearing Brief filed on June 24, 2016.

**B. Gas South**

Although Gas South intervened in this matter, it did not sponsor a witness, participate in cross-examination, sign the Stipulation or make any recommendations regarding the issues examined in this proceeding.

**C. Georgia Interfaith Power and Light and Southface Energy Institute**

Georgia Interfaith Power and Light and Southface Energy Institute (“GIPL” and “Southface”) filed its Post Hearing Brief on June 29, 2016, claiming that the Stipulation fails to include the proposed DSM Plan as a component of the overall IRP statute and to treat energy efficiency as a “priority resource” as required by Commission policy and statutory mandates. (Brief p. 10, Tr. pp. 1216-1217) Further, GIPL and Southface urged the Commission to adopt a revised DSM Plan that achieves more costs-effective energy savings and treat demand-side renewables on a fair and consistent basis with other supply resources.

On July 22, 2016, the Southern Environmental Law Center filed an ex-parte letter on behalf of GIPL and Southface, supporting the DSM Plan and encouraging the Commission to

adopt an additional increase in overall funding devoted to low-income customers and a formal policy requiring that energy efficiency be treated as a “priority resource.” Since the Commission, in this Order adopts the second Stipulation which contains additional provisions specific to the low income and weatherization it finds and concludes that no further modification to the main Stipulation is necessary.

**D. Georgia Solar Energy Industries Association, Inc. and Vote Solar**

The Georgia Solar Energy Industries Association, Inc. (“GSEIA”) and Vote Solar (“VS”), an intervenor and active participant in this proceeding, filed Comments in Opposition to the Stipulation on July 29, 2016.

GSEIA and VS commented upon several paragraphs contained in the Stipulation and recommended the Commission include several embellishments to the executed agreement. With respect to generation deployment between 2016-2019, GSEIA and VS suggested the Company: specify that 825 MWs of utility scale projects should be procured by competitive bidding deployed to take advantage of the Investment Tax Credit (“ITC”); procure 250 MWS of stand-alone distributed generation (“DG”) by competitive bidding; and based on customer demand, deploy, up to 250 MWs of behind the meter power with excess export priced at the Company’s solar avoided cost savings determined by the Company’s Framework (when complete) levelized over a fifteen (15) year term. GSEIA and VS claims that this deploys 1125-1325 MWs of new solar over the next three years.

The Commission, as previously stated, adopts the Stipulation without further amendment or augmentation.

**E. MZC Foundation d/b/a/ The Ray**

The Ray’s request for consideration of a right-of-way solar project is discussed above.

**F. Resource Supply Management**

Resource Supply Management (“RSM”) opined that the DSM programs developed by Georgia Power fail to provide any benefits to commercial customers in particular and that the DSM Working Group be abolished. RSM stated that energy efficiency improvements can be accomplished by giving customers the option not to pay the surcharge, forgo any rebates and do their own cost-effective efficiency improvements. (Tr. 424 – 429). The Commission denies RSM requests and concludes that the Stipulation is a reasonable resolution to the issues contained in the IRP docket.

On July 13, 2016, three of the Stipulating Parties entered into an additional Stipulation to resolve certain issues related specifically to low income weatherization and DSM programming. (attached hereto as Attachment 2) This additional Stipulation is consistent with the main Stipulation and is supported by Georgia Power Company, Commission PIA Staff, and Georgia Watch. This Stipulation results from a letter agreement between Georgia Watch and Georgia Power Company in Docket 39971. The Parties agreed to consider within the 2016 IRP certain issues related to low income DSM programming and weatherization.

The Commission finds that this additional agreement is consistent with, and does not amend the main Stipulation resolving all issues in the case and is hereby adopted

#### IV. ORDERING PARAGRAPHS

**WHEREFORE IT IS ORDERED** that the Commission adopts the Integrated Resource Plan filed by Georgia Power Company, including Decertification Application and the DSM Application, as augmented and/or modified by each of the Stipulations, which are hereby adopted by the Commission.

**ORDERED FURTHER**, that Georgia Power Company shall be authorized to spend up to \$99 million between now and the ending of the second calendar quarter of 2019 to investigate the option of pursuing new nuclear generation as a potential future base-load option at a site in Stewart County, Georgia.

**ORDERED FURTHER**, that Georgia Power Company's shall file a progress report on its progress toward obtaining a Combined Operating License for the Stewart County site as a part of its 2019 Integrated Resource Plan

**ORDERED FURTHER**, that Georgia Power Company and Commission Staff shall collaboratively develop an annual reporting timing and format to be followed by the Company in the filing with this Commission status reports regarding the investigation and development of the Combined Operating License for the site in Stewart County, Georgia.

**ORDERED FURTHER**, that when filing the 2019 IRP or when filing any updates to the IRP prior to the 2019 IRP filing, Georgia Power Company agrees to provide the Commission Staff working copies of all models used in the development of that IRP, with each configured to replicate inputs used to derive results incorporated in its base case scenario within 10 days after the IRP or update to the IRP is filed.

**ORDERED FURTHER**, that Georgia Power Company, Commission Staff and The Ray shall work collaboratively to develop a one megawatt right-of way solar pilot project along Interstate 85 in Troup County, Georgia. The one megawatt pilot project to be brought before the Commission for approval and completed by the end of 2019

**ORDERED FURTHER**, that Georgia Power Company and the Commission Staff shall work collaboratively to finalize a three megawatt community solar project to be brought before the Commission for approval.

**ORDERED FURTHER**, all findings, conclusions, and decisions contained within the preceding sections of this Order are hereby adopted as findings of fact, conclusions of law, and decisions of regulatory policy of this Commission.

**ORDERED FURTHER**, any motion for reconsideration, rehearing or oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by this Commission.

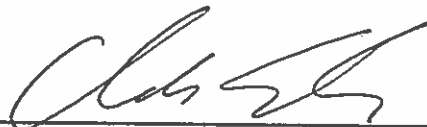
**ORDERED FURTHER**, jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Special Administrative Session on the 28<sup>th</sup> day of July, 2016.



**Reece McAlister**  
**Executive Secretary**

8/2/16  
Date



**Chuck Eaton**  
**Chairman**

8/2/16  
Date

**Docket Nos. 40161 and 40162**

**Final Order**

**Attachment 1**

**Main Stipulation**

STATE OF GEORGIA

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN RE: )  
)  
Georgia Power Company's ) Docket No. 40161  
2016 Integrated Resource Plan and )  
Application for Decertification of Plant )  
Mitchell Units 3, 4A and 4B, Plant Kraft )  
Unit 1 CT, and Intercession City CT )  
)  
Georgia Power Company's Application for ) Docket No. 40162  
the Certification, Decertification, and )  
Amended Demand Side Management Plan )  
)

Stipulation

The Georgia Public Service Commission (the "Commission") Public Interest Advocacy Staff ("PIA Staff"), Georgia Power Company ("Georgia Power" or the "Company") and the undersigned intervenors (collectively the "Stipulating Parties") agree to the following stipulation as a resolution of the above-styled proceedings to consider the Company's 2016 Integrated Resource Plan (the "2016 IRP") and the Application for the Certification, Decertification, and Amended Demand Side Management Plan (the "2016 DSM Plan"). The Stipulation is intended to resolve all of the issues in these Dockets. The Stipulating Parties agree as follows:

Supply Side Plan

1. The 2016 IRP is approved as amended by this Stipulation.
2. Plant Mitchell Units 3, 4A and 4B, Plant Kraft Unit 1CT and Intercession City CT shall be decertified and retired as provided for in the 2016 IRP.
3. The Renewable Energy Development Initiative ("REDI") is approved and shall be increased such that it will procure 1,200 MW (150 MW of Distributed Generation ("DG") and 1,050 MW of utility scale resources). Utility scale procurement shall take place through two separate Requests For Proposals ("RFP"). The first RFP will be issued to the marketplace in 2017 and will seek 525 MW of renewables with in service dates of 2018 and 2019. The second RFP will be issued to the marketplace in 2019 and will seek 525 MW of renewables with in service dates of 2020 and 2021. No more than a total of 300 MW of wind resources shall be procured through REDI. Bid fees for the utility scale solicitation shall be set at five thousand dollars (\$5,000) or three hundred dollars per MW

(\$300/MW), whichever is greater. The cost to implement and administer the REDI program shall be recovered through the fuel clause. Provided, however, that any costs recovery related to the ASI Prime Program in excess of ongoing ASI Prime costs shall be allocated to REDI and shall not be recovered through the fuel clause. All bid fees collected will be credited to the fuel clause.

4. In 2017, the Company shall issue an RFP for 100 MW of DG greater than 1kW but not more than 3 MW with a commercial operation date of 2018 or 2019. Contract terms will be up to 35 years and solar DG projects must interconnect at Georgia Power's owned distribution system. Bid fees for the DG solicitations shall be set at \$4/kW.
5. By the end of 2018, the Company shall procure an additional 50 MWs of customer sited DG projects. Such projects shall be greater than 1kW but not more than 3 MW and must have an installed DC capacity that is less than or equal to 125% of the actual annual peak demand of the customer's Premises in 2015 and be a current GPC customer at the time of award. Procurement shall be done through an application process and if oversubscribed, a lottery will be conducted. Participant fees for the DG solicitations shall be set at \$3/kW. Any MWs that are unsubscribed from the customer sited program shall be allocated to the DG RFP reserve list. Customer sited projects will be paid avoided costs using the process as described below in item 8(a).
6. The specific process that will be utilized for the evaluation (such as whether to use a project and/or portfolio analysis) for projects submitted into REDI will be finalized during the review and approval of the REDI RFP documents.
7. The Renewable Cost Benefit framework ("RCB") as provided in paragraph 8(a) shall be utilized in the evaluation of bids received through the REDI RFPs for utility scale and DG projects. The Company and Staff will work collaboratively to develop a process and recommendations for the continued implementation of RCB. Within (4) months from the issuance of the Final Order in this case, the Company and Staff will file their proposal with the Commission for implementation of RCB. If an agreement is reached between the Company and Staff on implementation of RCB, the Company and Staff can recommend to the Commission utilization of the full RCB in REDI.
8. The RCB shall be modified for use in the REDI program as follows:
  - (a) The Company shall evaluate the bids received in response to REDI RFPs using the RCB. The evaluation of REDI proposals will be limited to the consideration of Avoided Energy and Deferred Generation Capacity cost components consistent with the Framework methodology. Further, the Company will evaluate the appropriate transmission and distribution costs and benefits on a case by case basis as proposed in the Framework document.
  - (b) Once the evaluation in 8(a) is concluded the Company will conduct, for information purposes only, an evaluation using the entire RCB as filed by the Company to allow Staff



and the Independent Evaluator ("IE") to gain familiarity with the RCB. The evaluation will include all aspects of the Framework including specifically, Generation Remix, Support Capacity, and Bottom Out Adjustments. The Company will file its results with the Commission.

9. The Additional Sum for utility scale resources procured through REDI shall be set at 8.5% of shared savings. This amount shall be levelized and recovered annually for the term of the PPA.
10. The Company's closed ash pond solar demonstration project is approved as filed by the Company. The Company will be required to file quarterly construction monitoring reports and will be required to demonstrate the reasonableness and prudence of any recovery in excess of the budget for this project filed in the 2016 IRP. The Simple Solar program is approved with the modifications to the sourcing of the program as recommended by Staff.

In addition, the Company's High Wind Study is approved as filed. The Company agrees to file quarterly reports providing the status of the High Wind Study. The Staff and Company will collaborate on what, if any, information from the wind study will be made available to interested parties.

11. The Commission approves an additional 200 MW of self-build capacity for use by the Company to develop additional renewable projects in collaboration with customers, including potential projects at Robins Air Force Base and Fort Benning. The projects must be at or below the Company's avoided costs. No more than 75 MW of the 200 MWs provided for in this provision may be used for non-military customer projects. For the non-military customer projects, the Company must demonstrate that the project meets a special public interest need and could not reasonably be achieved using the competitive bid process. The RECs for the non-military customer projects shall accrue to the benefit of all customers.
12. The Company shall consider the development of a renewable Commercial and Industrial Program. No more than 200 MW shall be allocated for such a program and such program must be approved by the Commission before implementation. The Company shall only consider program options that will result in delivering value to all of its customers and will benchmark such programs to the last accepted proposal from the Company's utility scale REDI program.
13. Staff and the Company shall work together to address retirement study and other modeling issues. This process should begin within six months of the final order being issued in this proceeding and must conclude at least 12 months prior to the Company's filing of the 2019 IRP.
14. For purposes of the Company's IRP evaluations the long term Southern System planning reserve margin shall be raised to 16.25%. The Company shall meet with Commission Staff within 6 months of a final order in this case to discuss the timing of future Expected

Unserviced Energy studies. The Company will report to Staff once all operating companies have approved for utilization the long term planning reserve margin adopted by this provision.

15. The Company agrees to minimize all capital expenditures on Plant McIntosh Unit 1 and Plant Hammond Units 1-4 through July 31, 2019. The Company agrees to annual limits on all capital expenditures of \$1 million for McIntosh 1 and \$5 million for Hammond 1-4<sup>1</sup>. The Company agrees to make a filing with the Commission prior to incurring expenditures that exceed the annual limit.
16. The measures taken to comply with the existing government imposed environmental mandates necessary for the Company to implement its environmental and compliance plan as presented in Technical Appendix Volume 2, Summary of Capital Expenditures, Closures, and O&M Expenses filed as part of the 2016 IRP are approved subject to the limits outlined in No. 15 above regarding Plant McIntosh Unit 1 and Hammond Units 1-4. This approval does not preclude the Commission from reviewing prudence of the actual expenditures made to effectuate the compliance plan.
17. The remaining net book values of Plant Mitchell Unit 3 shall be reclassified as a regulatory asset and the Company shall continue to provide for amortization expense at the same rate as determined in the Company's 2013 base rate case. Recovery of the remaining balance as of December 31, 2019 will be deferred for consideration in the Company's 2019 base rate case. The Stipulating Parties reserve the right to make any arguments, including policy and legal arguments, on the recovery mechanism and appropriate period in which the costs should be recovered if applicable. Parties may argue their respective positions on that issue in the 2019 base rate case.

Any unusable M&S inventory balance remaining at the date of the unit retirement shall be reclassified as a regulatory asset and deferred for consideration in the Company's 2019 base rate case. The Stipulating Parties reserve the right to make any arguments, including policy and legal arguments, on the recovery mechanism and appropriate period in which the costs should be recovered if applicable. Parties may argue their respective positions on that issue in the 2019 base rate case.

18. Any over or under recovered cost of removal balances for each Retirement Unit shall be deferred for consideration until the Company's 2019 base rate case. The Stipulating Parties reserve the right to make any arguments, including policy and legal arguments, on the appropriate period in which the costs should be recovered. Parties may argue their respective positions on that issue in the 2019 base rate case.

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<sup>1</sup> The Hammond Units 1-4 \$5 million value represents the cumulative annual amount for all four units. This provision does not apply to expenditures required for retirement obligations.

19. The Company shall report to the Commission concerning progress on the dismantlement and remediation of the Plant Kraft generating plant site and the Company shall provide the Commission with appraised values of any land at that site that the Company would propose to donate to the Georgia Ports Authority, including information regarding whether the appraised value exceeds the Company's net book value of such land.
20. The decision whether to accept, modify or defer consideration of the Company's request for authority to capitalize additional costs to preserve new nuclear shall be a policy decision for the Commission. Adoption of this provision within this stipulation does not preclude any Party from making any argument for or against the Company's request in this regard, nor does this agreement or this provision within this agreement suggest that the Commission must or should (or should not) consider this question as part of this IRP.
21. When filing the 2019 IRP or when filing any updates to the IRP prior to the 2019 IRP filing, the Company agrees to provide the Commission Staff working copies of all models used in the development of that IRP, with each configured to replicate inputs used to derive results incorporated in its base case scenario within 10 days after the IRP or update to the IRP is filed.
22. In conjunction with the ongoing level of review and analysis required by this agreement, Georgia Power will agree to pay for any reasonably necessary specialized assistance to the Staff in an amount not to exceed \$300,000 annually. This amount paid by Georgia Power under this paragraph shall be deemed as necessary cost of providing service and the Company shall be entitled to recover the full amount of any costs charged to the utility.
23. The Electric Transportation Initiatives and associated costs identified in the 2016 IRP are not, and have not been converted into, jurisdictional expenses that become the responsibility of ratepayers. Each party reserves the right to address these costs and the merits of the program through the Annual Surveillance Report process and future rate cases.

#### **Demand Side Plan**

1. The Company's 2016 Demand Side Management ("DSM") Plan and Application for Certification, Decertification and Amended DSM Plan is approved as amended by this Stipulation.
2. Georgia Power will continue to treat DSM as a priority resource in accordance with prior Commission precedent. For the calculation of long term percentage rate impacts, the Company will work with Commission Staff to come up with a methodology within 12 months of the issuance of the final order.

3. Georgia Power will enter discussions over the next three years with Staff and DSMWG members on the value of a Residential Mid-Stream Retail Products Program.
4. Georgia Power will develop a Technical Reference Manual prior to the Company's next IRP filing and will update it every three years thereafter. The Company will work closely with Staff and members of the DSMWG and DSMWG members may also propose new measures to be added at any point in the measure evaluation process. The DSM Program Planning Approach filed as Staff Exhibit BSK8 will otherwise remain unchanged other than "Technology Catalog" will be replaced with "Technical Reference Manual" and the dates will be updated to reflect 2017 through 2019.
5. Georgia Power will agree to the budget adjustments as provided in exhibit 8 attached to this Stipulation as amended.
6. Georgia Power will receive an Additional Sum equal to 8.5% of actual net benefits based on net energy savings from the Program Administrators Cost Test ("PACT"). Once the Additional Sum amount as calculated exceeds the annual program costs, the portion of the Additional Sum that exceeds the program cost shall be calculated based on 4% of the actual net benefits based on net energy savings from the PACT.
7. Georgia Power will work with Staff and the Company's implementation contractor for the Residential Behavioral Program to find ways to include more customers in the program.
8. The Company will make a concerted effort to obtain at least 25% of portfolio savings each year from the Residential sector.
9. Once a program implementer is selected and plans for all proposed programs are drafted and completed, the plans will be provided to Staff for review prior to implementation of the programs. The current review and approval process reached in an agreement between Staff and the Company in 2014 will continue, and the Company agrees to discuss further refinements and revisions to the process. In order to change the process both Staff and the Company must agree to the recommended changes.
10. The Company will provide detailed evaluation plans for each of the approved DSM programs within 120 days of the selection of Program Implementers for each of the certified programs. If necessary, the Company may request, and Staff may unilaterally grant, additional time to complete the detailed evaluation plans for each of the approved DSM proposals.
11. The Company will agree to a Commercial and Residential Building Usage Data awareness option at the cost of \$300,000 for 2017 and \$100,000 annually for 2018 and 2019, and such costs will be added to the DSM Consumer Awareness budget. This option will be available to customers within one year from the date of the final order in

this docket. There will be no assumed energy savings or goals attributed to this customer awareness option.

12. The Company and Staff agree to a \$2.5 million annual pilot budget for DSM and energy efficiency pilot programs. Staff will be notified before the start of such pilots.
13. The Company agrees to the Staff recommendation for the Learning Power program annual budget to be \$3 million.
14. The Company agrees to the Staff recommendation against shifting residential and commercial customer awareness to cross-cutting costs.
15. The current DSM true-up process filed in Docket No. 36499 on October 18, 2013, will continue through 2020. Although the DSM tariffs will remain at current levels until rates are adjusted in 2020, the true-up review process will continue on an annual basis.

Agreed to this 23rd day of June, 2016.

  
\_\_\_\_\_  
Jeffrey Stair

On behalf of the Georgia Public Service Commission  
Public Interest Advocacy Staff

  
\_\_\_\_\_  
Brandon F. Marzo

On behalf of Georgia Power Company

[Additional Signatures]



On behalf of Clean Line Energy  
Partners LLC  
David Berry  
authorized person

On behalf of

On behalf of

On behalf of

On behalf of

On behalf of

On behalf of

On behalf of

[Additional Signatures]

Chas. B. Jones III

On behalf of Georgia Association  
Of Manufacturers

\_\_\_\_\_  
On behalf of Georgia Industrial  
Group

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On behalf of

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On behalf of

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Agreed to this 23rd day of June, 2016.

  
\_\_\_\_\_  
Jeffrey Stair

On behalf of the Georgia Public Service Commission  
Public Interest Advocacy Staff


  
\_\_\_\_\_  
Brandon F. Marzo

On behalf of Georgia Power Company

  
\_\_\_\_\_  
on behalf of Georgia Industrial Group



[Additional Signatures]

  
\_\_\_\_\_  
On behalf of The Georgia Large  
Scale Solar Association

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On behalf of

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On behalf of

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On behalf of

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On behalf of

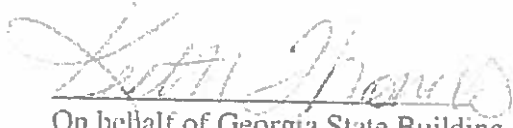
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On behalf of

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On behalf of

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On behalf of

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On behalf of

[Additional Signatures]



On behalf of Georgia State Building  
and Construction Trades Council

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On behalf of

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On behalf of

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On behalf of

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On behalf of

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On behalf of

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On behalf of

[Additional Signatures]

*Bruce W. Buncat*

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On behalf of Southern Wind Energy  
Association

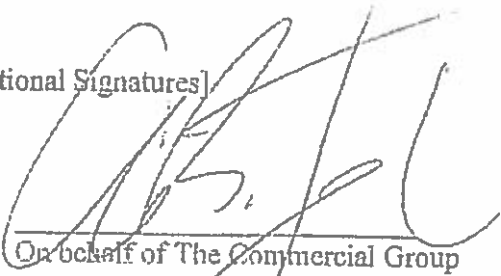
[Additional Signatures]

Elizabeth B Coyle

Liz Coyle

On behalf of the Georgia Watch

[Additional Signatures]



On behalf of The Commercial Group

On behalf of \_\_\_\_\_

On behalf of \_\_\_\_\_

On behalf of \_\_\_\_\_

On behalf of \_\_\_\_\_

On behalf of \_\_\_\_\_

On behalf of \_\_\_\_\_

On behalf of \_\_\_\_\_

On behalf of \_\_\_\_\_

[Additional Signatures]



Robert B. Baker  
On behalf of the Southern Alliance  
for Clean Energy

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On behalf of

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On behalf of

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On behalf of

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On behalf of

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On behalf of

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On behalf of

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On behalf of

[Additional Signatures]

Robert B. Smith, IV, ESR

On behalf of the Sierra Club

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On behalf of

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On behalf of

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On behalf of

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On behalf of

**Commercial Prescriptive and Commercial Custom Programs**

For the Commercial Prescriptive and Commercial Custom Programs, Staff has the following recommended budget reductions:

- Reduction in costs associated with these two programs by \$3 million over the next 3 years.
- The Company will also agree to a reduction in the evaluation costs by approximately \$500,000 dollars over the next three years.

**Power Credit**

For the Power Credit Program, Staff has the following recommended budget reductions:

- Reducing the level of Program Manager FTE equivalents associated with the Power Credit Program by approximately 66%.
- Reduction of 50% to the Company's proposed incentive budget.
- Reduction of 50% to the program evaluation budget.



### **Residential Lighting Program**

For the Residential Lighting Program, Staff has the following recommended budget reductions:

- Reduction in the estimated costs for LED residential screw-in bulb prices of 5.0%, annually from 2017-2019.

### **Cross-cutting Costs**

For Cross-cutting costs, Staff has the following recommended budget reductions:

- Reduction in the proposed spending for Outreach / Education / Training budget by a total of \$350,000 annually.

### **Other Recommendations**

Staff has the following additional proposed reduction:

Reduction of 50% related to the labor associated with Corporate Communications Staff.

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**Docket Nos. 40161 and 40162**

**Final Order**

**Attachment 2**

**Second Stipulation**

STATE OF GEORGIA

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN RE: )  
 )  
Georgia Power Company's ) Docket No. 40161  
2016 Integrated Resource Plan and )  
Application for Decertification of Plant )  
Mitchell Units 3, 4A and 4B, Plant Kraft )  
Unit 1 CT, and Intercession City CT )  
 )  
Georgia Power Company's Application for ) Docket No. 40162  
the Certification, Decertification, and )  
Amended Demand Side Management Plan )  
 )

Stipulation

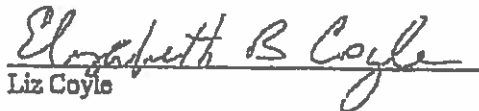
Georgia Power Company ("Georgia Power" or the "Company") Georgia Watch, and the Georgia Public Service Commission Public Interest Advocacy Staff (collectively the "Stipulating Parties") agree to the following stipulation as a resolution of the above-styled proceedings to consider the company's 2016 Integrated Resource Plan (the "2016 IRP") and the Application for the Certification, Decertification, and Amended Demand Side Management Plan (the "2016 DSM Plan"). The Stipulating Parties agree as follows:

1. The Company agrees to designate \$1,000,000 annually from the existing \$2 million Low Income Weatherization budget for spending on Multifamily Low Income and to reserve \$500,000 in the Home Energy Improvement Program in the annual budget for Multifamily Low Income customers.
2. As the Company and Public Interest Advocacy Staff have reached a Stipulated Agreement that includes approval of a \$2.5 million pilot budget for DSM and energy efficiency programs, the Company agrees to address if and how these funds may be directed to the Low Income Program(s) described in Paragraph 3.
3. With input from Georgia Public Service Commission Staff, and other interested stakeholders, Georgia Power Company ("Georgia Power") will, within 180 days of the order adopting this Stipulation, submit to the Commission for review an energy

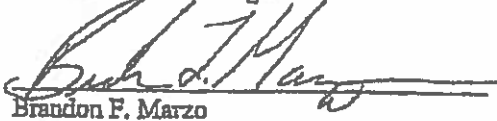
efficiency program(s) ("Program") for low income customers in both single and multifamily housing, which will be implemented by one or more third party contractors.

4. The Program(s) will continue to provide an opportunity for participation by Resource Service Ministries (HopeWorks).
5. The Program(s) will include opportunities for design input during a program planning meeting before the finalization of the program plan and will allow for interim review and ongoing engagement with interested stakeholders during the Demand Side Management Working Group.
6. The Program(s) may be renewed or modified in 2019 dependent on positive feedback and input from interested stakeholders and participants.
7. Georgia Power will explore working with retail establishments to set up collection sites (barrels) and ask shoppers to purchase items such as weatherization kits, LED bulbs etc, to be distributed to low income homes through community outreach channels (i.e., food banks etc.) Target times for collection could include Earth Day, summer/winter high bill months and/or October during the tax holiday.
8. Georgia Power will explore if Georgia Power's pending online store can be set up a similar "virtual" barrel or a round up option so that customers can purchase and donate these items that will also be distributed through the same community outreach channels.

Agree to this 13 day of July, 2016.

  
Liz Coyle

On behalf of the Georgia Watch

  
Brandon F. Marzo

On behalf of Georgia Power Company

  
Jeffrey Slatt

On behalf of the Georgia Public Service Commission  
Public Interest Advocacy Staff

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

In the Matter of )

Georgia Power Company's 2016 Integrated Resource )  
Plan and Application for Decertification of Plant )  
Mitchell Units 3, 4A and 4B, Plant Kraft Unit 1 CT, )  
and Intercession City CT )

Docket No. 40161

& )

Georgia Power Company's Application for the Certification, )  
Decertification, and Amended Demand Side Management Plan )

Docket No. 40162

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **FINAL ORDER** in the above-referenced docket was filed with the Commission's Executive Secretary, an electronic copy of same was served upon all parties and persons listed below via electronic mail, or unless otherwise indicated, as follows:

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So certified, this 2nd day of August 2016.

  
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