

House Bill 1639

By: Representative Lim of the 99th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 2 of Title 12 of the Official Code of Georgia Annotated,
2 relating to general provisions of the Department of Natural Resources, so as to require the
3 director of the Environmental Protection Division to appoint personnel to assist persons filing
4 or seeking to file third-party complaints pursuant to department laws, rules, and regulations;
5 to amend Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,
6 relating to general landlord and tenant provisions, so as to require landlords to provide
7 certain information to tenants regarding energy utilities; to amend Title 46 of the Official
8 Code of Georgia Annotated, relating to public utilities and public transportation, so as to
9 require the Public Service Commission to establish an arbitration system; to require utilities,
10 the Municipal Electric Authority, Electric Membership Corporations and Foreign Electric
11 Cooperatives, and the Municipal Gas Authority to provide certain disclosures regarding
12 rights and offered services to customers at the time of billing; to authorize public utilities to
13 recover costs for certain energy efficient programs; to require the Public Service Commission
14 to establish performance incentives for utilities with certain standards; to require the Public
15 Service Commission to establish competitive renewable energy zones; to lower the
16 connected load necessary to choose an alternative energy provider; to provide definitions;
17 to require the Public Service Commission to make certain findings about alternative energy

18 resources prior to issuing a certificate of public need; to provide for related matters; to repeal
19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Article 1 of Chapter 2 of Title 12 of the Official Code of Georgia Annotated, relating to
23 general provisions of the Department of Natural Resources, is amended by adding a new
24 subparagraph to paragraph (1) of subsection (c) of Code Section 12-2-2, relating to the
25 Environmental Protection Division, to read as follows:

26 "(C) The director shall appoint personnel to assist any person who seeks, or otherwise
27 makes a report that may lead them to seek, to file a third-party complaint with respect
28 to all laws, rules, and regulations enforced by the department."

29 **SECTION 2.**

30 Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
31 general landlord and tenant provisions, is amended by revising Code Section 44-7-14.1,
32 relating to landlord's duties as to utilities, as follows:

33 "44-7-14.1.

34 (a) As used in this Code section, the term 'utilities' means heat, light, and water service.

35 (b) It shall be unlawful for any landlord knowingly and willfully to suspend the furnishing
36 of utilities to a tenant until after the final disposition of any dispossessory proceeding by
37 the landlord against such tenant.

38 (c) A landlord shall provide to tenants any annual information received pursuant to Code
39 Sections 46-2-27 and 46-2-27.1.

40 (d) Any person who violates subsection (b) of this Code section shall, upon conviction, be
41 assessed a fine not to exceed \$500.00."

42 **SECTION 3.**

43 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
44 transportation, is amended by adding a new subsection to Code Section 46-2-20, relating to
45 jurisdiction of commission generally and powers and duties of commission generally, to read
46 as follows:

47 "(k) The commission shall establish a system of arbitration for utilities seeking to
48 disconnect a consumer's retail services."

49 **SECTION 4.**

50 Said title is further amended by revising Code Section 46-2-27, relating to notation on bill
51 of charges for fuel adjustment, meter reading and consumption, and where rates charged may
52 be obtained, as follows:

53 "46-2-27.

54 Upon the face or back of each periodic and terminal billing for retail consumption of
55 electric, gas, and water services, and any other services under the jurisdiction of the Public
56 Service Commission, there shall appear a conspicuous notation of charges for fuel
57 adjustment and a notation of the meter reading upon which the billing was computed,
58 including the previous reading and consumption. Where a customer is on a voluntary
59 'budget bill' or 'levelized bill' agreement, the actual consumption for any period of time may
60 be omitted until the annual anniversary account billing. The rates on which the bill was
61 computed shall be made readily available to the customer upon demand; and a notation of
62 where the rates can be obtained shall appear on the face of the bill. For the first billing and
63 annually attached to a periodic billing for such services, there shall appear a conspicuous
64 notation of information on rate or price negotiation, financial assistance or rebate and
65 discount opportunities, and rights as applicable to repair, continuation, and discontinuation.
66 For purposes of this Code section, electric membership corporations, the Municipal Electric

67 Authority of Georgia, and the Municipal Gas Authority of Georgia shall be subject to the
68 jurisdiction of the commission."

69 **SECTION 5.**

70 Said title is further amended by adding a new Code section to read as follows:

71 "46-2-27.1.

72 Annually attached to a periodic billing for retail consumption of electric, gas, and water
73 services, and any other services under the jurisdiction of the Public Service Commission,
74 there shall appear information on the facilities that provide the source of services, and the
75 safety, efficiency, and other quality testing that the utility has conducted on its facilities and
76 infrastructure within the past year. Where a utility conducts planned outages, including,
77 but not limited to, for purposes of testing, the utility shall notify the retail consumer at least
78 24 hours before such outage except in cases of emergency. For purposes of this Code
79 section, electric membership corporations, the Municipal Electric Authority of Georgia,
80 and the Municipal Gas Authority of Georgia shall be subject to the jurisdiction of the
81 commission."

82 **SECTION 6.**

83 Said title is further amended by adding a new Code section to read as follows:

84 "46-2-34.

85 (a) A public utility may file a rate schedule with the commission that provides for annual
86 cost recovery:

87 (1) Of reasonable and prudent costs to implement and promote efficient fuel-switching
88 programs;

89 (2) For programs to install electric technologies that reduce the consumption of natural
90 gas by the utility's retail customers as an energy conservation improvement, including
91 reasonable and prudent costs to implement and promote the programs; or

92 (3) For public utilities providing retail electric service, for annual cost recovery of
93 reasonable and prudent costs incurred to implement and promote cost-effective load
94 management programs.

95 (b)(1) By January 1, 2023, the commission shall establish performance incentive and
96 penalty mechanisms that directly tie electric utility revenues to a utility's achievement on
97 performance metrics.

98 (2) Once established, such performance incentives and penalties, as may be amended by
99 the commission from time to time, shall apply to all regulation of electric utility rates.

100 (3) In developing performance incentive and penalty mechanisms, the commission's
101 review of electric utility performance shall consider, but shall not be limited to, the
102 following:

103 (A) The economic incentives and cost-recovery mechanisms described in
104 subsection (a) of this Code section;

105 (B) Electric rate affordability and ratepayer volatility risk;

106 (C) Electric service reliability;

107 (D) Customer satisfaction, including customer options for managing electricity costs;

108 (E) Access to utility system information, including, but not limited to, public access
109 to electric system planning data and aggregated customer energy usage data, and
110 individual access to granular information about a customer's own energy usage data;

111 (F) Rapid integration of renewable energy sources, including customer-sited resources;
112 and

113 (G) Timely execution of competitive procurement and other business processes.

114 (c) The commission, after consultation with each appropriate independent organization,
115 electric reliability council, or regional transmission organization, shall:

116 (1) Designate competitive renewable energy zones throughout this state in areas in which
117 renewable energy resources and suitable land areas are sufficient to develop generating
118 capacity from renewable energy technologies;

- 119 (2) Develop a plan to construct transmission capacity necessary to deliver to electric
120 customers, in a manner that is most beneficial and cost-effective to the customers, the
121 electric output from renewable energy technologies in the competitive renewable energy
122 zones; and
- 123 (3) Consider the level of financial commitment by generators for each competitive
124 renewable energy zone in determining whether to designate an area as a competitive
125 renewable energy zone and whether to grant a certificate of public convenience and
126 necessity."

127 **SECTION 7.**

128 Said title is further amended by revising subsection (a) of Code Section 46-3-8, relating to
129 exceptions, grandfather rights, and other rights of electric suppliers, as follows:

130 "(a) Notwithstanding any other provision of this part, but subject to subsections (b) and (c)
131 of this Code section, after March 29, 1973, service to one or more new premises (but if
132 more than one, such premises must be located on the same tract or on contiguous tracts of
133 land), if utilized by one consumer and having single-metered service and a connected load
134 which, at the time of initial full operation of the premises, is ~~900~~ 20 kilowatts or greater
135 (excluding redundant equipment), may be extended and furnished, if chosen by the
136 consumer:

137 (1) By the primary supplier within a municipality if the premises are located anywhere
138 within the limits of such municipality as they existed on March 29, 1973;

139 (2) By a secondary supplier within the limits of a municipality as they existed on
140 March 29, 1973, if the premises are located at least partially within 300 feet of the lines
141 of such secondary supplier;

142 (3) By any electric supplier if the premises are located within the initial corporate limits
143 of a wholly new municipality;

- 144 (4) By any electric supplier owning lines in a municipality if the premises are located in
145 a geographic area annexed in any manner to such municipality after March 29, 1973; and
146 (5) By any electric supplier if the premises are located outside the limits of a
147 municipality."

148 **SECTION 8.**

149 Said title is further amended by revising Code Section 46-3-152, relating to jurisdiction of
150 the Public Service Commission over rates, services, and practices of authority, as follows:

151 "46-3-152.

152 The rates, services, and practices relating to the generation, transmission, and sale by the
153 authority of power to be generated from the projects authorized by this article shall not be
154 subject to the provisions of the Georgia Public Service Commission law nor to regulation
155 by nor jurisdiction of the commission except as provided in Code Sections 46-2-27
156 and 46-2-27.1."

157 **SECTION 9.**

158 Said title is further amended by revising Code Section 46-3-177, relating to the jurisdiction
159 of the Public Service Commission, as follows:

160 "46-3-177.

161 Except as otherwise provided in Part 1 of Article 1 of this chapter, the 'Georgia Territorial
162 Electric Service Act,' electric membership corporations shall not be subject to the
163 jurisdiction of the commission except as provided in Code Sections 46-2-27
164 and 46-2-27.1."

165 **SECTION 10.**

166 Said title is further amended by revising Code Section 46-3A-1, relating to definitions
167 regarding integrated resource planning, as follows:

168 "46-3A-1.

169 As used in this chapter, the term:

170 (1) 'Capacity resource' means an electric plant, a long-term power purchase, or a
171 demand-side capacity option.

172 (2) 'Commission' means the Georgia Public Service Commission.

173 (3) 'Construction' means clearing of land, excavation, or other substantial activity leading
174 to the operation of an electric plant other than planning, land surveying, land acquisition,
175 subsurface exploration, design work, licensing or other regulatory activity, contracting
176 for construction, or environmental protection measures and activities associated
177 therewith.

178 (4) 'Demand-side capacity option' means a program proposed by a utility or the
179 commission for the reduction of future electricity requirements the utility's Georgia retail
180 customers would otherwise impose, including, but not limited to, conservation, load
181 management, cogeneration, and renewable energy technologies.

182 (5) 'Electric plant' means any facility, or the portion of a facility, that produces electricity
183 or that, at the time application for certification is made pursuant to this chapter, is
184 intended to produce electricity for a utility's Georgia retail customers. ~~'Electric plant'~~
185 Such term includes the realty and ancillary facilities for the construction of the plant.

186 (6) 'Local energy resource alternative' means the following methods: energy efficiency
187 and conservation, energy storage system, electric vehicles, load management
188 technologies, demand response, distributed renewable generation facilities, or other
189 relevant technologies, as determined by the commission.

190 (7) 'Long-term power purchase' means a purchase of electric capacity and energy for a
191 period exceeding one year, the principal purpose of which is to supply the requirements
192 of the Georgia retail customers of a utility.

193 ~~(7)~~(8) 'Plan' means an integrated resource plan which contains the utility's electric
194 demand and energy forecast for at least a 20 year period, contains the utility's program

195 for meeting the requirements shown in its forecast in an economical and reliable manner,
196 contains the utility's analysis of all capacity resource options, including both demand-side
197 and supply-side options, and sets forth the utility's assumptions and conclusions with
198 respect to the effect of each capacity resource option on the future cost and reliability of
199 electric service. The plan shall also:

200 (A) Contain the size and type of facilities which are expected to be owned or operated
201 in whole or in part by such utility and the construction of which is expected to
202 commence during the ensuing ten years or such longer period as the commission deems
203 necessary and shall identify all existing facilities intended to be removed from service
204 during such period or upon completion of such construction;

205 (B) Contain practical alternatives to the fuel type and method of generation of the
206 proposed electric generating facilities and set forth in detail the reasons for selecting the
207 fuel type and method of generation;

208 (C) Contain a statement of the estimated impact of proposed and alternative generating
209 plants on the environment and the means by which potential adverse impacts will be
210 avoided or minimized;

211 (D) Indicate in detail the projected demand for electric energy for a 20 year period and
212 the basis for determining the projected demand;

213 (E) Describe the utility's relationship to other utilities in regional associations, power
214 pools, and networks;

215 (F) Identify and describe all major research projects and programs which will continue
216 or commence in the succeeding three years and set forth the reasons for selecting
217 specific areas of research;

218 (G) Identify and describe existing and planned programs and policies to discourage
219 inefficient and excessive power use; and

220 (H) Provide any other information as may be required by the commission.

221 ~~(8)~~(9) 'Supply-side capacity option' means an electric plant, a long-term power purchase,
222 or any other source of additional energy.

223 ~~(9)~~(10) 'Utility' means any electric supplier whose rates are fixed by the commission."

224

SECTION 11.

225 Said title is further amended by revising Code Section 46-3A-4, relating to issuance of a
226 certificate of public convenience and necessity, as follows:

227 "46-3A-4.

228 (a) The commission shall issue a certificate upon a finding that there is or will be a need
229 for the proposed capacity resource at the time that the proposed resource is proposed to be
230 utilized to assure an economical and reliable supply of electric power and energy for the
231 Georgia retail customers of a utility, that the certificate is required by the public
232 convenience and necessity, and that the certificate complies with the provisions of this
233 chapter and the rules of the commission.

234 (b) The utility's application for a certificate shall be accompanied by its current integrated
235 resource plan, whether or not previously filed.

236 (c) The utility's application for a certificate shall contain a cost-benefit analysis covering
237 the estimated useful life of all capacity resource options considered in developing its
238 current integrated resource plan. The estimated cost of the capacity resource proposed to
239 be certificated shall be presented in such reasonable detail as the commission may require.

240 (d) Prior to issuing a certificate, the commission shall consider whether it is possible for
241 any local energy resource alternative, alone or in combination with others, to meet or defer
242 some or all of the need for the proposed capacity resource. The commission, in making
243 this determination, shall make specific findings regarding:

244 (1) The portions of the identified need, if any, that cannot be addressed or deferred by
245 local energy resource alternatives, due to engineering or public safety reasons;

- 246 (2) The portions of the identified need, if any, for which the board determines local
247 energy resource alternatives, alone or in combination, may meet or defer the need more
248 cost-effectively, and the duration of such deferral; and
249 (3) Additional portions of the identified need, if any."

250 **SECTION 12.**

251 Said title is further amended by revising Code Section 46-4-122, relating to exemption from
252 regulation by Public Service Commission, as follows:

253 "46-4-122.

254 (a) The rates, services, and practices relating to the exploration, manufacture,
255 development, storage, production, transmission, and sale by the authority of gas as
256 authorized by this article shall not be subject to the provisions of the ~~Georgia~~ Public
257 Service Commission law nor to regulation except as provided in Code Sections 46-2-27
258 and 46-2-27.1.

259 (b) The provisions of this article do not, and are not intended to, increase or diminish the
260 authority and jurisdiction of the Public Service Commission with respect to the distribution,
261 sale, or transmission of gas by any county, municipal corporation, or other political
262 subdivision of this state."

263 **SECTION 13.**

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