

Senate Bill 364

By: Senators Gooch of the 51st, Mullis of the 53rd, Ginn of the 47th, Brass of the 28th, Wilkinson of the 50th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and  
2 public transportation, so as to eliminate the percentage limitation as to the amount of the  
3 investments an electric membership corporation may make and maintain in a gas affiliate;  
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public  
8 transportation, is amended by revising subsection (b) of Code Section 46-4-164, relating to  
9 construction of article, electric membership corporations and EMC gas affiliates, and  
10 liquefied petroleum gas, as follows:

11 "(b) Notwithstanding any provision of law to the contrary, including, without limitation,  
12 Article 4 of Chapter 3 of this title, an electric membership corporation may make and  
13 maintain investments in, lend funds to, and guarantee the debts and obligations of an EMC  
14 gas affiliate ~~in total not to exceed 15 percent of such electric membership corporation's net~~  
15 ~~utility plant, excluding electric generation and transmission assets as defined by the Federal~~  
16 ~~Energy Regulatory Commission Uniform System of Accounts in effect at the time of such~~  
17 ~~investment, loan, or guarantee~~, provided that any such investments or loans shall not reflect  
18 rates which are generally available through the use of any tax exempt financing and may  
19 not be tied to any loans from or guaranteed by the federal or state government; and an EMC  
20 gas affiliate of an electric membership corporation organized and operating pursuant to  
21 Article 4 of Chapter 3 of this title may apply for and be granted a certificate of authority  
22 to provide any service as authorized under this article. The creation, capitalization, or  
23 provision of management for:

- 24 (1) An EMC gas affiliate engaged in activities subject to the provisions of this article and  
25 the rules and regulations established by the commission; or  
26 (2) Other persons providing customer services

27 shall be deemed to be among the purposes of an electric membership corporation as  
28 specified in paragraphs (2) and (3) of Code Section 46-3-200. Nothing in this article shall  
29 be deemed to increase or decrease the authority and jurisdiction of the commission with  
30 respect to such electric membership corporation except as to gas activities undertaken by  
31 the electric membership corporation or its EMC gas affiliate as authorized under this  
32 chapter."

33 **SECTION 2.**

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