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FOR IMMEDIATE RELEASE

**From the Office of Commissioner Angela Speir
NEWS RELEASE**

Delay Tactics in Adopting Open Hearing Process Rule Inexcusable

Atlanta, July 3, 2007 – Today, the Commission declined to adopt the proposed Open Hearing Process rule proposed by Commissioner Angela Elizabeth Speir. Instead, the Commission voted to delay the matter once again. The proposed rule has been pending before the Commission for six months and the Commission has already sent the proposal out for formal comment twice, has already held two public hearings on it, and has received hundreds of comments from Georgians around the State supporting adoption of the rule. Despite this, the Commission voted today to modify the rule once again and send it back out for comment. To make matters worse, the modification that was used to justify reissuing the rule is unnecessary. The earliest that the Commission will now consider the matter again is in August.

The Open Hearing Process proposal would have required that the Commission hearing process be transparent and restrict *ex parte* communications. An *ex parte* communication is a communication by one party with a Commissioner about a case without the other parties to the case being present or having the opportunity to respond and without members of the public being able to know what was said. “As I’ve said throughout this process, Commission decisions should be made based on the evidence in the record,” Speir said, “not based on back-room deals or ‘off the record’ conversations.”

The modification adopted today purports to expand the rule by adding the following language to the definition of “party”: “and any person knowingly acting on behalf of or in concert with a party to a proceeding.” However, the proposed rule already covers “all communications, directly or indirectly, between a party and the Commission.” So, the new language is redundant.

“Given the importance of having a rule in place, delay for any reason is unfortunate. But, in this case, there is not even a good reason for the delay. It appears to simply be a stalling tactic by those who oppose creating an open process.” Significantly, Commissioner Stan Wise, who has already stated that he is opposed to adoption of the rule in any form, cast the deciding vote to delay consideration of the rule and send it back out for comment.

“We have already missed the opportunity to have the rule in place in time to cover the Georgia Power Company Integrated Resource Plan – a case that will set the course for electric infrastructure planning in Georgia for years to come. Over the next several months, the Public Service

News Release
July 3, 2007

Commission will be deciding other critical matters, including certification of new electric plants, a rate case for Georgia Power (the Company is asking to increase its base rates for next year by over \$400 million) and a capacity supply plan for Atlanta Gas Light Company. The proposed rule would assure the public and the parties that the Commission's process will be open and transparent, that all parties are treated fairly, and that the decisions will be based solely on the evidence in the record rather than on private conversations."

Commissioner Speir is serving her first six-year term on the Commission. In 2002, she became the first woman elected to the Commission and in 2005 was the first woman to serve as Commission Chairman.

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