

**Board of Directors' Written Determination  
With Respect to PURPA Standards  
October 2023**

**I. Overview**

This document constitutes the written, public determination of Central Georgia EMC ("CGEMC") with respect to the two (2) new standards that CGEMC is required to consider pursuant to the Infrastructure Investment and Jobs Act of 2021 (the "IIJA") which amended the Public Utility Regulatory Policies Act of 1978 ("PURPA"). These standards, which shall be referred to in this document as "The IIJA Standards," are as follows: **(1) Demand-response practices (16 U.S.C. § 2621(d)(20))**, and **(2) Electric vehicle charging programs (16 U.S.C. § 2621(d)(21))**. This document is adopted pursuant to Rule 15 of CGEMC's PURPA Rules and 16 U.S.C.A. § 2621(b).

**II. Background**

The Board began consideration of each of the IIJA Standards on October 19, 2022. Subsequently, the Board directed CGEMC's staff to review each of the IIJA Standards, confer with expert consultants as appropriate, and to develop testimony relating to each of the IIJA Standards for the purposes of guiding and informing the Board's consideration of, and ultimate determination with respect to, each IIJA Standard. CGEMC scheduled and held a public hearing on May 9, 2023 (the "Hearing").

To solicit and encourage participation in the Hearing, public notice was provided by each of the following means:

1. Letter notice to the Secretary of Energy was sent on February 3, 2022, by UPS and emailed February 3, 2023.
2. Web site posting beginning on January 5, 2022, at the CGEMC Web site.
4. Notice posted at the CGEMC headquarters beginning in January 2023.
5. Board resolution adopting the PURPA Manual and record date for notice of the Hearing was approved on October 19, 2022.
6. Notices were mailed to all members in the member newsletter accompanying customer bills, delivered in January 2023 and via e-bill January 3, 2023.

The Board has now completed its consideration of whether the adoption of each of the IIJA Standards will serve the three purposes of PURPA,<sup>1</sup> in reliance upon the facts, opinions, conclusions and other information derived from a careful review of the testimony presented at the Hearing, and after giving due and thoughtful consideration to applicable federal and state laws, the unique circumstances of non-profit, member-owned cooperatives in general, and to the specific circumstances of CGEMC in particular, the Board adopts the following determinations:

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<sup>1</sup> The three purposes of PURPA are: (i) to encourage the conservation of energy; (ii) to optimize the efficient use of energy facilities and resources; and (iii) to encourage equitable consumer rates. 16 U.S.C.A. § 2611.

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**III. Findings**

Based upon the foregoing, the Board has resolved and makes the determinations set forth below:

**A. The Demand-response practices (The DRP Standard)**

**1. Overview**

The Demand-response practices ("DRP") Standard provides as follows:

(A) In general

Each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.

(B) Rate recovery

(i) In general

Each State regulatory authority shall consider establishing rate mechanisms allowing an electric utility with respect to which the State regulatory authority has ratemaking authority to timely recover the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).

(ii) Nonregulated electric utilities

A nonregulated electric utility may establish rate mechanisms for the timely recovery of the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).  
16 U.S.C.A. § 2621(d)(20).

**2. Consideration**

The Board believes that the testimony presented at the Hearing by Mr. Purcell indicates that CGEMC's existing rate programs, load management, rebates, and rate recovery mechanisms, implement the DRP Standard and promote the purposes of PURPA: the conservation of energy and, in most cases, enhance the efficient use of CGEMC's facilities and resources. CGEMC's custom rate programs for industrial and commercial customers and the voluntary residential direct load control program aid in avoiding peak demand and managing loads during peak periods. At the residential level, CGEMC offers rebates for energy efficient appliances that spread demand costs and allow customers to voluntarily limit demand during peak periods. Moreover, CGEMC is a non-profit cooperative, and as such has an incentive to keep power costs as low as possible. CGEMC continues to evaluate its current programs, as well as opportunities for future DRPs. This ongoing evaluation approach places a priority on ensuring its programs provide benefits to the Cooperative and its members.

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**3. Determination**

CGEMC's current and on-going demand-response and demand flexibility programs are described in Mr. Purcell's written testimony. The testimony demonstrates that Central Georgia EMC, to the extent it is able to do so as an electric distribution utility, has already adopted programs that promote demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand. The Board further commits that it will, on CGEMC's behalf, continue to evaluate its current programs as well as opportunities for future DRPs to ensure that the Cooperative's demand response provides optimal benefits to the Cooperative and its members.

The Board finds that CGEMC's current DRPs serve the three (3) purposes of PURPA. The Board further finds that because its practices are compliant with the DRP Standard, and because of its unique structure as a member-owned, member-governed cooperative, it is not necessary for CGEMC to modify its current DRPs or policies, or to formally adopt the DRP Standard as set forth in IJA.

**B. Electric vehicle charging programs (The EV Charging Standard)**

**1. Overview**

The EV Charging Standard provides as follows:

Each State [and nonregulated electric utility] shall consider measures to promote greater electrification of the transportation sector, including the establishment of rates that:

(A) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;

(B) improve the customer experience associated with electric vehicle charging, including by reducing charging times for light-, medium-, and heavy-duty vehicles;

(C) accelerate third-party investment in electric vehicle charging for light-, medium-, and heavy-duty vehicles; and

(D) appropriately recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.

16 U.S.C.A. § 2621(d)(21).

**2. Consideration**

The Hearing transcript, and in particular, Mr. Toole's testimony, demonstrates that CGEMC has actively considered developing infrastructure necessary for electric vehicles ("EV"), and CGEMC has for several years been implementing measures that promote greater electrification of the transportation sector in its service area. CGEMC has

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a residential time of use rate promoting the adoption of EV by passing savings on to those charging EVs during off-peak hours, and CGEMC is considering offering customer rebates to customers who purchase EVs or install an EV charger. The Board intends to ensure that the Cooperative continues to contemplate the growing needs of EV users while addressing the needs of the Cooperative, its membership, and indeed the needs of the many communities served by the Cooperative.

**3. Determination**

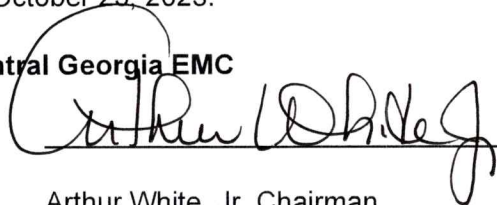
The Board intends to continue to consider rate options (such as time of use rates) that fairly recover both costs and risks in an equitable manner among Central Georgia's membership. The Board also hereby advises its staff to offer to assist public and commercial EV charging providers in identifying locations within the EMC's territory where adequate distribution infrastructure already exists for serving such stations. The Board will continue to explore ways to promote greater electrification of the transportation sector, while incorporating measures needed to fairly recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.

**IV. Conclusion and Certification**

This Board, having considered the testimony presented at the Hearing, the purposes of PURPA, and both federal and state laws, hereby adopts this document by unanimous vote of the Board on October 25, 2023.

**Central Georgia EMC**

By:



Arthur White, Jr, Chairman

Attest:



D.A. Robinson, III, Secretary/Treasurer

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