

**CENTRAL GEORGIA EMC
RULES FOR CONDUCTING PROCEEDINGS
REQUIRED BY
THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978
(as amended by the Infrastructure Investment and Jobs Act of 2021)**

RULE 1. DEFINITIONS.

When used in these Rules, the terms listed below shall be defined as follows:

- (a) “Application for Compensation” shall mean an application requesting compensation for the reasonable expenses of intervening and participating in a proceeding governed by these Rules, in accordance with the provisions of Rule 7.
- (b) “Board” shall mean the Board of Directors of Central Georgia EMC.
- (c) “Filing” shall have the meaning as set forth in Rule 3.
- (d) “Formal Party” or “Formal Party of Record” shall have the meaning as set forth in Rule 4.
- (e) “Limited Appearance” shall mean an oral or written statement by a Member of his or her position and views on the issues under consideration in a proceeding governed by these Rules, in accordance with the provisions of Rule 5.
- (f) “Member” shall mean a Person who is a member of Central Georgia EMC in accordance with the provisions of Article I of Central Georgia EMC’s bylaws.
- (g) “Moderator” shall mean that individual employed by Central Georgia EMC in accordance with the provisions of Rule 9.
- (h) “Notice of Hearing” shall mean any notice given by Central Georgia EMC in accordance with the provisions of Rule 2.
- (i) “Notice of Intervention” shall mean a notice filed by a Person desiring to intervene and participate as a Formal Party of Record in a proceeding governed by these Rules, in accordance with the provisions of Rule 4.
- (j) “Party” shall mean a Formal Party of Record.
- (k) “Person” shall mean any individual, corporation, cooperative, limited liability company, partnership, association or other entity.
- (l) “PURPA” shall mean the Public Utility Regulatory Policies Act of 1978, as amended by the Infrastructure Investment and Jobs Act of 2021.

- (m) “PURPA Identification Number” shall mean that number assigned to Persons accepted as Formal Parties of Record in accordance with the provisions of Rule 4.
- (n) “PURPA Standards” shall mean those two (2) standards potentially applicable to nonregulated utilities established by Section 40104 and 40431 of the Infrastructure Investment and Jobs Act of 2021, and which are codified at 16 U.S.C. §§ 2621(d) subsections (20) and (21).
- (o) “PURPA Web Site” shall mean that web site maintained by Central Georgia EMC in connection with proceedings governed by these Rules, and which may be accessed at Central Georgia EMC’s PURPA Website www.cgemc.com/purpa.
- (p) “Request for Information” shall mean a request sent from one Party to another Party in accordance with the provisions of Rule 6.
- (q) “Rule” shall mean a specific rule included in these Rules.
- (r) “Rules” shall mean these “Rules for Conducting Proceedings Required by the Public Utility Regulatory Policies Act of 1978 (as amended by the Infrastructure Investment and Jobs Act of 2021),” which were adopted by the Board of Directors of Central Georgia EMC on October 19, 2022.
- (s) “EMC” shall mean Central Georgia EMC.
- (t) “EMC Staff” shall mean the Chief Executive Officer of EMC and any other employees or agents of EMC chosen or designated by the Chief Executive Officer to advise the Board as to the PURPA Standards.

RULE 2. NOTICE OF HEARING.

- (a) Notice of any hearings conducted by EMC in connection with or relating to the consideration and determination of the PURPA Standards shall be provided to EMC’s Members at least ninety (90) days prior to the date on which the hearing is to take place. Notice shall also be provided to the United States Secretary of Energy.
- (b) The Notice of Hearing referred to in this Rule shall be provided to Members by the same means as is notice of EMC’s annual meeting. Additionally, the notice shall be posted in each of EMC’s physical offices and on EMC’s PURPA Web Site.
- (c) For the purpose of determining Members entitled to Notice of Hearing, the Board, shall, prior to the deadline for sending such Notice of Hearing, fix a record date in accordance with O.C.G.A. § 46-3-264.
- (d) The Notice of Hearing shall include the following elements:
 - (1) A statement of the time, place and nature of the hearing;

- (2) A statement of the legal authority pursuant to which the hearing is to be held;
- (3) A reference to the particular PURPA standards to be considered, including a legal citation to the particular section of the statute at which such standards can be located;
- (4) A statement identifying those Persons with a right to intervene in the hearing, including a reference to the portion of these Rules governing such intervention;
- (5) A statement as to the ability of any Member to participate in the hearing without intervening, including a reference to the portion of these Rules governing such participation; and
- (6) A statement that the hearing will be governed by these Rules, including a statement as to how such Rules may be obtained.

RULE 3. FILINGS.

- (a) Except as otherwise provided in these Rules, any notice, application, or other document or filing required or permitted under these Rules (“Filing”) shall be directed to the attention of Tina Kitchens (the “PURPA Officer”) at the following address: 923 South Mulberry St, Jackson, GA 30233. Filings may be made to this address by US mail or by statutory overnight delivery (as defined by O.C.G.A. § 9-10-12), and also by in person delivery to the attention of “PURPA Officer” delivered to the EMC’s headquarters during business hours. EMC’s headquarters is located at 923 South Mulberry Street, Jackson, Georgia 30233, and is open Monday through Friday from 8:00 a.m. to 5:00 p.m. EST/EDT.
- (b) Persons submitting Filings (except for a written Limited Appearance pursuant to Rule 5), unless they do not possess the technical ability to do so, shall file contemporaneously with the original and copies an electronic version of the document, along with any exhibits thereto, in “pdf” or “Word” format. Persons not possessing the technical ability to file an electronic version shall certify such contemporaneously with the filing of the original hard copy. In the event that a textual, substantive or other type discrepancy exists between the original hard copy of the document and the electronic version filed, the contents of the original hard copy filed with EMC shall control.
- (d) Any document required or permitted to be filed under these Rules shall be deemed to be received by or filed with EMC on the date such document actually is received by EMC during its business hours. Each Filing will be date-stamped to show the date on which the Filing was received by EMC.
- (e) Every Filing made pursuant to these Rules shall be posted on EMC’s PURPA Web Site and may be downloaded by any interested Person. Service on other Formal Parties of Record, therefore, is not necessary. Formal Parties of Record not possessing the technical ability to access or download information from the PURPA Web Site shall certify such inability in writing pursuant to this Rule, whereupon they will be entitled upon request, to receive hard copies of Filings from EMC.
- (f) Each Filing made pursuant to these Rules shall:

- (1) Identify the Person on whose behalf it is being filed;
 - (2) Identify that Person's address;
 - (3) Include that Person's EMC account number, if a member of EMC;
 - (4) Include the PURPA Identification Number assigned to that Person, if a Formal Party of Record, by EMC pursuant to Rule 4 (except that no such identification number shall be required for an initial Notice of Intervention or a written Limited Appearance);
 - (5) Include the signature of that Person or his legal counsel or other authorized representative; and
 - (6) Include a sworn verification by the appropriate Persons of any facts contained therein.
- (g) In computing any period of time prescribed or allowed under these Rules, the first day shall not be counted but the last day shall be counted. If the last day prescribed or allowed for action falls on Saturday or Sunday, or on some other day on which EMC is closed for business, the Person shall have through the next business day to take the action required or permitted. In all cases, each calendar day shall be included in the computation, regardless of whether it is a Saturday, Sunday or legal holiday (except when the last day falls on a Saturday, Sunday, etc. as provided in the preceding sentence).

RULE 4. FORMAL PARTIES.

- (a) In any proceeding conducted pursuant to these Rules, the Formal Parties of Record to such proceeding shall consist of EMC Staff and any Person who intervenes in accordance with the provisions of this Rule.
- (b) The following Persons may intervene and participate as Formal Parties of Record as a matter of right in any proceeding conducted pursuant to these Rules:
 - (1) The United States Secretary of Energy;
 - (2) Any affected electric utility; and
 - (3) Any electric consumer of an affected electric utility.
- (c) Any Person identified in paragraph (b) above desiring to intervene and participate as a Formal Party of Record shall file a Notice of Intervention, in the manner prescribed by this paragraph, no later than sixty (60) days prior to the date of the hearing. The Notice of Intervention shall:
 - (1) Be in writing;
 - (2) Be verified either by the Person desiring to intervene or (if other than a natural person) that Person's authorized representative;
 - (3) Identify the Person desiring to intervene;
 - (4) Set forth with particularity the facts pertaining to his interest, including the specific PURPA Standards to which his intervention relates; and
 - (5) Set forth with particularity the grounds upon which his intervention is based.

A form Notice of Intervention is appended to these Rules, which shall be used by Persons desiring to intervene.

- (d) Upon receipt of a Notice of Intervention, EMC will review such notice to determine:
 - (1) Whether the Person on whose behalf the notice is filed is entitled to intervene and participate as a Formal Party of Record; and
 - (2) Whether such notice complies with the requirements of this Rule.

Upon the completion of such review, EMC will notify the Person filing the Notice of Intervention whether such notice has been accepted or rejected. If accepted, EMC will assign a PURPA Identification Number to the Person on whose behalf the notice is filed, which identification number shall be included on all subsequent filings made by or on behalf of that Person.

- (e) To be entered as a Formal Party of Record, any Person having timely filed a Notice of Intervention shall sign-in during the sign-in portion of the hearing, and be present when called by the Moderator to present his or her testimony. See Rule 11, concerning the conduct of hearings.
- (f) Failure of a Person either to file a Notice of Intervention as prescribed by this Rule, or to sign-in and to be present when called by the Moderator to present his or her testimony (as prescribed by Rule 11), shall be deemed an abandonment of such Person's right to intervene and participate as a Formal Party of Record, except in the discretion of the Moderator and for good cause shown.

RULE 5. LIMITED APPEARANCE.

- (a) Any Member of EMC who is not a Formal Party of Record may nonetheless make a Limited Appearance by making an oral or written statement of his position and views on the issues under consideration, as prescribed by this Rule.
- (b) A Member who is not a Formal Party may make an oral statement of his position and views on the standards being considered by being present at the time(s) stated in the Notice of Hearing for accepting such statements. See Rule 11, concerning the conduct of hearings.
- (c) A Member who is not a Formal Party may make a written statement of his position and views on the standards being considered by filing such statement, in accordance with the provisions of Rule 3, no later than thirty (30) days after the conclusion of the hearing. A form for making a Limited Appearance by written statement is appended to these Rules, which shall be used by Members desiring to make such statements.
- (d) A Member making a Limited Appearance pursuant to this Rule shall have his statement added to the record, but such Member shall not be entitled to receive copies of Filings, orders, or other documents; shall not be entitled to serve or required to answer Requests

for Information, except as otherwise provided in Rule 6; and shall not otherwise participate in the proceeding.

RULE 6. REQUEST FOR INFORMATION.

- (a) Any Formal Party of Record shall have access, in accordance with the provisions of this Rule, to information available to all other Formal Parties if such information:
 - (1) Is relevant to the issues to which the Party's intervention and participation relates;
 - (2) Is not subject to legally-recognized rules of privilege; and
 - (3) Does not pertain to trade secrets or other non-public, proprietary information.
- (b) Every Filing made pursuant to these Rules shall be posted on EMC's PURPA Web Site and may be downloaded by any interested Person. Formal Parties of Record not possessing the technical ability to access or download information from the PURPA Web Site shall certify such inability in writing, pursuant to Rule 3, whereupon they will be entitled, upon request, to receive hard copies of Filings from EMC.
- (c) Any Formal Party desiring to obtain information from another Party, which information is not available on EMC's PURPA Web Site, shall serve upon that Party a request for such information, using the form Request for Information appended to these Rules, no later than forty-five (45) days prior to the date of the hearing. A copy of the Request for Information shall be filed with EMC, pursuant to Rule 3, at the same time it is served on the other Party.
- (d) The Party upon whom a Request for Information is served shall serve a written response within twenty (20) days after service of the request. The response need not be filed with EMC. The response shall state, with respect to each item or category, that inspection or production will be permitted as requested, will be permitted in some other reasonable manner, or will not be permitted because the information requested is not relevant, is subject to some rule of privilege recognized by law, or pertains to a trade secret or other non-public, proprietary information. If inspection or production is not permitted, the Party submitting the request may file a request for a ruling from the Moderator, within five (5) days after receiving the response, as to the relevance, privileged status, or trade secret or other proprietary status of the information, as the case may be. Prior to filing such a request, however, the filing Party shall confer with the opposing Party in a good faith effort to resolve the matters involved by agreement and without intervention of the Moderator. At the time of filing the request for a ruling from the Moderator, the filing Party shall also file a statement certifying that such conference has occurred and that the effort to resolve the issues by agreement failed. Parties failing to comply with an order of the Moderator as to Requests for Information shall be deemed to abandon their right to intervene and participate as a Formal Party of Record.
- (e) Members making a Limited Appearance pursuant to Rule 5 ordinarily shall not be entitled to serve Requests for Information, but upon petition by such persons, the Moderator, in his or her discretion, may permit such discovery for good cause shown.

- (f) Notwithstanding anything contained herein to the contrary, all Requests for Information, all responses thereto, and any requests for rulings from the Moderator shall be completed no later than twenty (20) days prior to the date of the hearing.

RULE 7. APPLICATION FOR COMPENSATION.

- (a) Pursuant to the provisions of this Rule, Formal Parties may be entitled to compensation from EMC for the reasonable expenses of intervening and participating in the proceeding if, and only if, all of the following criteria are satisfied:
- (1) The position advocated by such Party is approved, in whole or in part, by the Board;
 - (2) Such Party, in the discretion of the Board, substantially contributes to such approval; and
 - (3) The compensation requested is reasonably justifiable and proved in accordance with this Rule.
- (b) To qualify for the compensation provided by this Rule, Formal Parties must submit an application requesting such compensation no later than ten (10) days prior to the date of the hearing, which application shall state with particularity facts showing:
- (1) That the Party requesting compensation has, or represents, an interest that would not otherwise be represented adequately in the proceeding;
 - (2) That the Party requesting compensation has, or represents, an interest the representation of which is necessary for a fair determination in the proceeding;
 - (3) That the Party requesting compensation is, or represents an interest that is, unable to participate effectively in the proceeding because such Party cannot afford to pay reasonable attorneys' fees, expert witness fees, and other reasonable costs of preparing for and participating in the proceeding; and
 - (4) The amount of compensation sought by the Party, which shall be based on the actual or reasonably anticipated fees and costs incurred by the Party in preparing for and participating in the proceeding. In connection with the amount of compensation sought, the application shall:
 - (A) Set forth the number of hours reasonably expended or anticipated to be expended by each attorney and expert witness for which compensation is sought. For purposes of this Rule, the "hours reasonably expended or anticipated to be expended" means only that time reasonably necessary for the preparation of and participation in the proceeding. Hours deemed to be excessive, redundant or otherwise unnecessary will not be included.
 - (B) Set forth the reasonable hourly rate of each attorney and expert witness for which compensation is sought. For purposes of this Rule, "reasonable hourly rate" means the prevailing market rate in the relevant legal or expert community for similar services by lawyers or experts of comparable skills, experience and reputation.
 - (C) Set forth the reasonable costs for which compensation is sought. For purposes of this Rule, "reasonable costs" means fees and disbursements for

printing, witnesses (other than expert witnesses), and exemplification and copies of paper necessarily obtained for use in the proceeding.

A form Application for Compensation is appended to these Rules, which shall be used by Parties requesting compensation pursuant to this Rule.

- (c) In no event shall any one Party be awarded in excess of \$500.00 as compensation under this Rule.
- (d) Rulings on Applications for Compensation will be made no later than thirty (30) days after the issuance of the Board's written determination pursuant to Rule 15.

RULE 8. PRE-FILED TESTIMONY.

- (a) The testimony of any witness, including a Formal Party, who is to testify in connection with the proceeding must be pre-filed with EMC at least ten (10) days prior to the date of the hearing, along with any exhibits in support thereof. The pre-filing requirement of this Rule does not apply to witnesses offering only rebuttal testimony pursuant to Rule 11(c).
- (b) Members making Limited Appearances pursuant to Rule 5 shall not be deemed to be witnesses for purposes of the pre-filing requirement. Such Members may make written or oral statements of their positions and views in accordance with the provisions of Rule 5.
- (c) All testimony pre-filed shall conform to the filing requirements set forth in Rule 3.

RULE 9. MODERATOR.

- (a) EMC shall employ a Moderator to preside over the proceeding. The Moderator shall be qualified by knowledge, training, experience and competence to conduct such proceeding in accordance with these Rules.
- (b) The Moderator shall, with respect to the proceeding, have only the authority to:
 - (1) Administer oaths and affirmations;
 - (2) Rule upon offers of proof;
 - (3) Regulate the course of the hearing in conformity with these Rules;
 - (4) Permit Members to make Limited Appearances as provided in Rule 5 and regulate the taking of such Limited Appearances as provided in Rule 11;
 - (5) Take official notice of judicially recognizable facts;
 - (6) Reprimand or exclude from the hearing any Person for any indecorous or improper conduct committed at or during the hearing;
 - (7) Exercise such other powers necessary for the efficient and expeditious conduct of the hearing, to the end that a complete and orderly record may be developed; and
 - (8) Dispose of requests for rulings on issues pertaining to Requests for Information as provided in Rule 6;
 - (9) Prepare and certify a record of the hearing to the Board; and

- (10) Prepare and certify a report of the hearing in accordance with paragraph (c). The report shall address such procedural and/or substantive matters as the Moderator believes may be useful to the Board, but shall not include a recommendation regarding the Board's determination with respect to each PURPA standard.
- (c) Within fifteen (15) days after the conclusion of the hearing, the Moderator shall submit to the Board a report of the hearing. Any such report shall also be served upon the Formal Parties of Record, who shall be provided an opportunity to object or comment on same within fifteen (15) days after the date of the report.

RULE 10. ROLE OF BOARD.

- (a) The Board shall be the ultimate decision maker with respect to the determinations required by PURPA.

RULE 11. HEARING.

- (a) All Persons desiring to participate in the hearing in any manner must sign-in between 8:00 a.m. and 9:00 a.m. on the date of the hearing. Those signing in shall indicate the nature of their desired participation (i.e., the standard(s) of interest, whether they wish to make a statement of record, and if so, the estimated time required for their statement). At the deadline for signing-in, the Moderator may, in his discretion, determine that a tentative schedule of appearance times be made for the convenience of all concerned. The hearing shall remain open to the public at all times, however, subject only to the Moderator's authority to ensure that the hearing is conducted in a safe, expeditious and reasonable manner.
- (b) At the deadline for signing-in, the Moderator shall call for and enter the names of all Persons having filed timely Notices of Intervention and desiring to be entered as Formal Parties of Record. Failure to be present for and answer such call shall be deemed an abandonment of the right to intervene and participate as a Formal Party. Any Board member shall have the right to attend all or any part of the hearing without filing a Notice of Intervention.
- (c) After the call for and entry of Formal Parties, the Moderator shall accept motions from such Parties to move pre-filed testimony into evidence. It shall not be necessary, nor is it expected, that witnesses whose testimony has been pre-filed will appear personally at the hearing to reiterate or summarize that testimony. Personal appearance by such witnesses, except when offering rebuttal testimony in accordance with paragraph (d), shall be allowed, in the discretion of the Moderator, only for good cause shown.
- (d) In addition to pre-filed testimony, any Formal Party may offer at the hearing testimony in direct rebuttal to testimony pre-filed by any other Formal Party. Such rebuttal testimony does not have to be pre-filed and shall not be subject to cross-examination.

- (e) Any Formal Party may also offer at the hearing documentary evidence relevant to the issues under consideration.
- (f) Any Member desiring to make an oral Limited Appearance pursuant to Rule 5 may do so at the place of the hearing at any time prior to the conclusion of the hearing. Depending on the number of persons desiring to speak, the time allotted for accepting Limited Appearances, and other factors affecting the orderliness and efficiency of the hearing, the Moderator may limit the amount of time each Member has to speak, may request that statements not unnecessarily repeat points already made, and may otherwise control and regulate the manner in which the limited appearances are received.
- (g) The hearing shall conclude after all Persons who signed up in a timely manner have been given the opportunity to submit their testimony, rebuttal, or other statements.

RULE 12. RULES OF EVIDENCE.

- (a) In the hearing, the Moderator shall not be bound by the strict technical rules of evidence but may exercise such discretion as will facilitate the Board's efforts to ascertain facts bearing upon the right and justice of the matters before it.
- (b) Notwithstanding the foregoing, however, the following criteria should guide the Parties and the Moderator in the conduct of the hearing:
 - (1) Irrelevant, immaterial, or unduly repetitious evidence should be excluded;
 - (2) Rules of privilege recognized by law should be given effect;
 - (3) Official notice may be taken of judicially recognizable facts; and
 - (4) Official notice may be taken of generally recognized technical or scientific facts within the Board's specialized knowledge.
- (c) The Moderator's experience, technical competence, and specialized knowledge may be utilized in the evaluation of evidence and, if necessary, in ruling upon offers of proof.

RULE 13. POST-HEARING POSITION STATEMENTS.

Any Formal Party of Record may submit a post-hearing position statement on any matter related to his intervention within thirty (30) days after the conclusion of the hearing. Post-hearing position statements shall be limited to thirty (30) pages. Any response by a Formal Party to a post-hearing position statement of another Party shall be filed no later than forty-five (45) days after the conclusion of the hearing.

RULE 14. RECORD.

A record shall be kept of the proceeding, which shall include:

- (1) All pleadings, notices, requests, pre-filed testimony moved into evidence, post-hearing position statements and any responses thereto, written Limited Appearances, and other Filings;
- (2) A transcript of the hearing, including oral Limited Appearances, transcribed by a certified court reporter;
- (3) A statement of matters officially noticed;
- (4) Questions and offers of proof and rulings thereon; and
- (5) The report submitted to the Board by the Moderator.

The record shall close forty-five (45) days after the conclusion of the hearing.

RULE 15. WRITTEN DETERMINATION.

- (a) The Board will issue its determination as to each PURPA Standard under consideration as soon as reasonably practicable after the close of the record. The determination shall be:
 - (1) In writing;
 - (2) Based upon findings included in such determination and upon the evidence in the record; and
 - (3) Available to the public.
- (b) The determination of the Board shall be signed by the Chairman and the Secretary of the board of EMC.
- (c) Any member of the Board may file a dissenting opinion, when in the minority on any issue, or his reasons and grounds for his opinion when in the majority.
- (d) Once issued, the Board's determination shall be mailed to each Formal Party of Record and shall be posted on EMC's PURPA Web Site for 180 days after the date on which it is issued. Hard copies of the determination shall be available to the public, upon request, at EMC's headquarters during business hours. EMC's headquarters is located at 923 South Mulberry Street, Jackson, Georgia 30233, and is open Monday through Friday from 8:00 a.m. to 5:00 p.m. EST/EDT.

RULE 16. APPLICATION FOR TRANSCRIPT.

- (a) Transcripts of the hearing shall be available to any Formal Party of Record, upon request, at the cost of reproduction.
- (b) Requests for transcripts shall be made on EMC's form Application for Transcript appended to these Rules and submitted to EMC in accordance with Rule 3. After receiving an application, EMC will notify the Party making the request:
 - (1) That the application has been received;
 - (2) Of the cost of reproduction; and
 - (3) How payment may be made to EMC in advance of the transcript being produced.