

1 Commission authorized staff to issue a Notice of Proposed  
2 Rulemaking containing rules that require, within 60 days of  
3 their effective date, that every entity under the  
4 jurisdiction of this agency establish procedures that its  
5 employees and agents shall follow in the event that a  
6 utility facility is damaged when blasting or excavating is  
7 being performed on behalf of the regulated entity.

8 As per the NOPR, comments regarding the proposed  
9 rules were accepted by staff through September 21. Only the  
10 CUC filed its opinion regarding the rules proposed, and that  
11 opinion was supportive of the action being contemplated by  
12 the Commission.

13 In light of this fact and because the underlying  
14 purpose of the rules is to further public safety at  
15 excavation sites and areas, staff recommends that these  
16 rules be adopted by the Commission.

17 CHAIRMAN McDONALD: Are there questions for Ms.  
18 O'Leary?

19 (No response.)

20 CHAIRMAN McDONALD: Is there objection to adopting  
21 staff's recommendation?

22 (No response.)

23 CHAIRMAN McDONALD: Hearing none, staff's  
24 recommendation is adopted 4-0.

25 (Commissioners McDonald, Wise, Baker and

1 Burgess present and voting.)

2 MS. O'LEARY: Thank you.

3 CHAIRMAN McDONALD: R-4.

4 MS. BARBER: R-4 is Docket Number 14206-U, a  
5 Georgia Public Service Commission rulemaking concerning  
6 natural gas marketers' service requirements. Consideration  
7 of proposed rule changes to the Request-Off Non-Payments  
8 process.

9 At the administrative session on May 1, 2001, the  
10 Commission approved Rule 19 of Atlanta Gas Light Company's  
11 tariff for a period of 120 days effective May 15. The  
12 Commission has since that time extended Rule 19 for a period  
13 of 90 days or until such time as a final rule has been  
14 considered.

15 The Commission has directed the staff to initiate  
16 a rulemaking to develop its own rule to address the RONP  
17 issues. At the administrative session on July 23, 2001, the  
18 Commission approved a Notice of Proposed Rulemaking to go  
19 out for comments for a period of 30 days. Several parties  
20 have filed comments. Staff has reviewed the comments and  
21 has made revisions to the Notice of Proposed Rulemaking.

22 Staff recommends that this revised NOPR be  
23 approved with comments due back by November 2, 2001.

24 CHAIRMAN McDONALD: Any questions for Ms. Barber?

25 (No response.)

1 CHAIRMAN McDONALD: Is there objection to adopting  
2 staff's recommendation?

3 (No response.)

4 CHAIRMAN McDONALD: Hearing none, staff's  
5 recommendation is adopted 4-0.

6 (Commissioners McDonald, Wise, Baker and  
7 Burgess present and voting.)

8 CHAIRMAN McDONALD: R-5.

9 MR. VAUGHAN: R-5 is Docket Number 13841-U,  
10 consideration of proposed revisions to Commission Rule 515-  
11 7-5.

12 The staff requests the Commission to approve  
13 issuance of the proposed USF rules for comment period. The  
14 comments will be due back on November 2.

15 CHAIRMAN McDONALD: Is there any questions to Mr.  
16 Vaughan?

17 (No response.)

18 CHAIRMAN McDONALD: Is there objection to adopting  
19 staff's recommendation?

20 (No response.)

21 CHAIRMAN McDONALD: Hearing none, staff's  
22 recommendation is adopted 4-0.

23 (Commissioners McDonald, Wise, Baker and  
24 Burgess present and voting.)

25 CHAIRMAN McDONALD: R-6.

1 MR. BOWLES: R-6 is Docket 10547-U, it's a name  
2 change. Everything is in order and staff recommends  
3 approval.

4 CHAIRMAN McDONALD: Any questions for Mr. Bowles?  
5 (No response.)

6 CHAIRMAN McDONALD: Is there objection to adopting  
7 staff's recommendation on R-6?

8 (No response.)

9 CHAIRMAN McDONALD: Hearing none, staff's  
10 recommendation is adopted 4-0.

11 (Commissioners McDonald, Wise, Baker and  
12 Burgess present and voting.)

13 CHAIRMAN McDONALD: R-7.

14 MR. HOPKINS: Item R-7 is Docket Number 5825-U, a  
15 Standard Telephone Company petition for de minimum claim  
16 from the Universal Access Fund.

17 On September 6 of this year, Alltel filed this  
18 petition on behalf of Standard. This petition has been made  
19 in accordance with the Commission's August 23 order of this  
20 year and with the annual capped amount of \$1.5 million, as  
21 per the Commission's order of August 31, 1999.

22 On February 17 of last year, GTA filed on behalf  
23 of 31 of its member companies to opt out of the formal  
24 hearing process in this docket. Standard was not included,  
25 as its annual disbursement amount of \$7.9 million exceeded

1 the annual cap amount of \$1.5 million.

2 Standard, in this petition, has stipulated to the  
3 reduced UAF annual disbursement amount and withdraws its  
4 petition for rate rebalancing under Docket Number 12420-U.

5 After reviewing this petition, the staff is of the  
6 opinion that the request conforms with the Commission's  
7 order of August 23 of this year. By accepting the annual  
8 cap amount provisions of the August 31 order of 1999,  
9 Standard becomes free to opt out of the formal process and  
10 become a de minimus LEC claimant for UAF disbursements.

11 Therefore, the staff does not oppose Standard's  
12 petition. Specifically, this would mean that Standard would  
13 be entitled to receive disbursements of up to \$1.5 million  
14 during the period of July 1 this year through June 30 next  
15 year and up to \$1 million the following year and up to  
16 \$500,000 during the third and final year of the current UAF.

17 CHAIRMAN McDONALD: Any questions of Mr. Hopkins?

18 COMMISSIONER BURGESS: Mr. Chairman, I've got a  
19 comment.

20 I have really been concerned about the manner in  
21 which Standard Telephone has continued to raise rates for  
22 their customers up in the north Georgia area and my  
23 conscience will not allow me to support this application to  
24 the Universal Service Fund. I don't believe it's in the  
25 spirit and intent of the Commission's order and therefore, I

1 will vote against the staff's recommendation in this case.

2 CHAIRMAN McDONALD: Any other comments?

3 COMMISSIONER BAKER: Well, let me ask Mr. Hopkins  
4 a question. Did staff look at the recent rate increases or  
5 the most recent rate increases Standard has had -- did you  
6 take that into consideration?

7 MR. HOPKINS: Staff is aware of those increases  
8 and what I'm proposing to you is -- the staff is willing to  
9 go along with whatever the Commission finally decides on  
10 this matter. We are simply stating the fact that Standard,  
11 by opting for the \$1.5 million annually, does conform to the  
12 Commission's order. We took no position relative to that.  
13 We just don't find any legal reason why we can oppose it.

14 COMMISSIONER BAKER: Okay. But I mean do you have  
15 information regarding what the cumulative impact is of the  
16 most recent rate increases for the company? And if you know  
17 what they are, could you tell us what they are?

18 MR. HOPKINS: I don't have those myself, the  
19 Telecom Section may have an aggregate number as to what  
20 those would aggregate to.

21 CHAIRMAN McDONALD: Any other questions to Mr.  
22 Hopkins?

23 (No response.)

24 CHAIRMAN McDONALD: All in favor of staff's  
25 recommendation, say aye.

1 (No response.)

2 CHAIRMAN McDONALD: All opposed, no.

3 VICE CHAIRMAN WISE: No.

4 COMMISSIONER BAKER: No.

5 CHAIRMAN McDONALD: No.

6 COMMISSIONER BURGESS: No.

7 CHAIRMAN McDONALD: Staff's recommendation is  
8 lost, 4-0.

9 R-8.

10 MS. JOHNSON: R-8, we have consideration of two  
11 applications for financing authority. Docket Number 9136-U,  
12 which is an acquisition by Choctaw Communications, Inc.,  
13 d/b/a Smoke Signal Communications by 1-800-RECONEX; and  
14 Docket Number 6761-U, an acquisition of Teligent Services,  
15 Inc. by Teligent Acquisition Corporation.

16 Staff has reviewed these applications and finds  
17 them to be in order. We recommend that they be approved --  
18 that the hearing be waived and they be approved.

19 CHAIRMAN McDONALD: Any questions?

20 (No response.)

21 CHAIRMAN McDONALD: Is there objection to adopting  
22 staff's recommendation on R-8?

23 (No response.)

24 CHAIRMAN McDONALD: Staff's recommendation is  
25 adopted 4-0.

1 (Commissioners McDonald, Wise, Baker and  
2 Burgess present and voting.)

3 CHAIRMAN McDONALD: We'll move to a non-docket  
4 item D-1. Mr. Bottone.

5 MR. BOTTONE: Yes. Last Energy Committee, there  
6 was a request from the Commission to get certain information  
7 from marketers pertaining to low-income seniors and the  
8 amounts they owed.

9 That information has now been provided with the  
10 exception of one small marketer. I think these numbers  
11 represent what is out there currently. Do you want me to  
12 run through the numbers for you?

13 CHAIRMAN McDONALD: Yes.

14 MR. BOTTONE: As of today, the number of low-  
15 income seniors who have had their natural gas service  
16 disconnected is 956 and that group owes \$589,000 roughly.

17 The number of low-income seniors that are more  
18 than 45 days delinquent and subject to turn-off, but have  
19 not been turned off as of yet -- although some of this group  
20 are on payment plans, so not technically available for turn-  
21 off. That group is 3522 customers and that group owes  
22 \$962,000.

23 So the aggregate of the folks today is 4478  
24 customers owing \$1.5 million.

25 There was a third request to take a snapshot in

1 time of May 1 to find out what those numbers were. A number  
2 of the marketers have indicated that their systems did not  
3 store that kind of information on a date basis and they have  
4 been having to go back and hand calculate that number, so we  
5 really don't have those numbers as of yet. We had two  
6 marketers report that number but it wouldn't be  
7 representative of what the total is.

8 CHAIRMAN McDONALD: Okay. I recognize  
9 Commissioner Baker.

10 COMMISSIONER BAKER: Mr. Chairman, Commissioners,  
11 the Georgia Legislature this year passed an amendment to the  
12 gas deregulation legislation pursuant -- contained in  
13 Section 46-4-161, which emphasized the need or their desire  
14 to have this Commission address potential problems arising  
15 from low income customers being subject to high prices for  
16 natural gas service and potential disconnection or  
17 termination of service. We have had discussions here in the  
18 Commission regarding how to approach this problem of trying  
19 to provide some assistance to low income elderly natural gas  
20 customers here in the state of Georgia who have had  
21 difficulty paying their gas bills from last winter or have  
22 been disconnected for non-payment. And so after discussion  
23 and input from Commissioners here, I'd like to put forward a  
24 proposal for consideration today to provide a financial  
25 assistance program for low income elderly natural gas

1 customers here in the state of Georgia.

2           What I would like to propose is to initiate a \$2  
3 grant being authorized by this Commission from the universal  
4 service fund to be allocated or given to a third party  
5 agency for implementation. At this time, we are going to  
6 move expeditiously trying to identify a suitable third party  
7 to administer this \$2 million grant. What we need is a  
8 party or an entity that has experience in administering  
9 assistance programs for utility consumers. We're looking  
10 for an agency that has or operates on a statewide basis and  
11 is able to work with consumers from all over Georgia who  
12 have problems with payment for their gas bills.

13           This initial program will be available at first to  
14 those customers who are designated as low income senior  
15 citizens. Assistance will be offered on their past due  
16 natural gas bills and assistance will be offered on a  
17 matching funds basis with no limit on the amount that a  
18 consumer may receive based on the reciprocal amount that  
19 that consumer will also make payment on. This offer is  
20 an opportunity for those consumers who have been  
21 disconnected to be reconnected and for those customers who  
22 are struggling to make payments on outstanding balances for  
23 past due bills to try to get current with those bills and  
24 offer to the gas marketers an opportunity to receive payment  
25 for debts owed to them and also to provide to them without

1 excessive amount of showing to get reimbursement through the  
2 universal service funding.

3           Finally, I would like to state that we are going  
4 to seek from this third party agency that is designated as  
5 the administrator of this program an accounting of all funds  
6 expended through the program to this Commission so that we  
7 can make an analysis of the program in the future to  
8 determine if additional funding should be made through this  
9 program to this agency or possibly to another agency to  
10 offer assistance to the low income senior citizens.

11           That is the initial proposal and I'd like to just  
12 emphasize this is an initial proposal and this Commission  
13 feels very strongly that we have an opportunity here to  
14 provide some assistance at this time. We have the resources  
15 available and this is a first step. We can take this step  
16 by step and approach it based on the results that we see  
17 with this initial program and we can address -- if there are  
18 ongoing problems with offering service to disconnected  
19 customers and trying to assist those customers with past due  
20 amounts, we can initiate other actions with the available  
21 universal service funds we have to develop new programs, if  
22 necessary.

23           And I'd be happy to entertain any questions from  
24 any Commissioners about this proposal.

25           CHAIRMAN McDONALD: One of the things in our

1 discussions about this proposal was the fact that, you know,  
2 there's even the question mark out there as to how, if  
3 someone is able under this proposal to get back into the  
4 system and the credits that would be made over the five-  
5 month period of time would reflect even to marketers that  
6 there is going to be some income available to help offset  
7 the cost.

8           We hope -- we truly hope that as we look, the  
9 Commission looks at what's happening at the wellhead in  
10 natural gas -- and we don't know whether we'll have the same  
11 type of winter this winter that we had last year, but  
12 certainly it's recognized that we had the coldest winter of  
13 record last year and at a time when the supply side of  
14 natural gas was very much depleted and the demand side was  
15 much greater than normal and therefore, the price went out  
16 the marketplace.

17           But hopefully that our marketers in our state will  
18 look at these situations. This Commission has no governance  
19 over the price of natural gas. We only can confide with law  
20 that's dictated to us by the General Assembly of Georgia in  
21 order to work with. We are trying to utilize every mechanism  
22 that we can in letting the marketplace do what competition  
23 does, as it is in the Telecommunications Act that we just  
24 voted on a few minutes ago. We've seen what the competition  
25 is there and we call on our marketers to help and do things

1 in that manner. And I hope that we can and I'm going to  
2 hope to look for the Georgia community action agencies to be  
3 one of the interested parties that would be looking at  
4 implementation of the program. They've got 20 years of  
5 experience statewide dealing with energy issues and I'm  
6 hoping that that's a position that we can endorse.

7 Commissioner Burgess.

8 MR. LANGFORD: Mr. Chairman.

9 CHAIRMAN McDONALD: I'm sorry?

10 MR. LANGFORD: I'm asking that you suspend the  
11 rules on this one --

12 CHAIRMAN McDONALD: I'm not going to suspend the  
13 rules today.

14 MR. LANGFORD: We're sending people off to war to  
15 fight terrorism and yet and still you all are allowing --

16 CHAIRMAN McDONALD: Mr. Langford, I'm asking you,  
17 sir --

18 MR. LANGFORD: -- these marketers to terrorize  
19 senior citizens --

20 CHAIRMAN McDONALD: I'm asking you, sir -- this is  
21 a regular administrative session --

22 MR. LANGFORD: I'm pleading with you all to do the  
23 right thing.

24 CHAIRMAN McDONALD: We are doing the right thing,  
25 sir.

1 MR. LANGFORD: You are not doing -- you're a long  
2 ways from doing the right thing. I beg to differ with you  
3 on that. This staff cannot tell you how many people's gas  
4 are cut off. They cannot give you accurate figures, you are  
5 depending on that. The marketers and all of them have not  
6 even been able to give you accurate facts, but yet you all  
7 will make a decision --

8 CHAIRMAN McDONALD: Mr. Langford, one second --  
9 hold it.

10 I'm willing to sit here and listen to you when  
11 this administrative session is over. But we have a docket,  
12 we have a procedure and we're going to follow that. And  
13 when we adjourn this regular administrative session, I will  
14 be glad to sit and listen to you as long as you want to  
15 discuss it with me.

16 MR. LANGFORD: But does that agree with your  
17 colleagues as well?

18 CHAIRMAN McDONALD: I don't know.

19 MR. LANGFORD: Well, why don't we just ask right  
20 quick, let's do a little poll and see.

21 CHAIRMAN McDONALD: You've heard my position.  
22 That's it.

23 MR. BOAZMAN: Mr. Chairman, why don't we -- what  
24 we really need to do --

25 CHAIRMAN McDONALD: We have procedures --

1 MR. BOAZMAN: I understand, but Mr. Chairman, you  
2 all are talking about a program that's supposed to help the  
3 least of these. We've been here year after year, month  
4 after month trying to craft something that's reasonable. If  
5 you're going to do that --

6 CHAIRMAN McDONALD: We are in a recess. This is  
7 off the record.

8 (Whereupon, there was an interruption in the  
9 proceeding.)

10 CHAIRMAN McDONALD: Mr. Burgess.

11 COMMISSIONER BURGESS: Mr. Chairman, if I could be  
12 recognized.

13 This Commission has been concerned and  
14 compassionate trying to assist those who have had trouble  
15 paying their bills. We don't have all the answers, but this  
16 Commission has provided assistance.

17 And I put back on the table my recommendation from  
18 last Thursday, that I still want to offer, for the five  
19 month period beginning in November through March, for those  
20 seniors that are qualified for the discount, a \$50 credit to  
21 their bill each month for a five-month period. Based on the  
22 number of seniors that are available for the discount today,  
23 this would equate to about an \$8 million assistance and when  
24 combined with Commissioner Baker's proposal, which is  
25 designed to assist those who are currently disconnected or

1 subject to disconnection, get back on the system, I think  
2 this goes a long ways toward ensuring that our seniors on  
3 fixed income will be able to get back on the system as well  
4 as maintain their service through these upcoming winter  
5 months.

6 I put that proposal back on the table.

7 CHAIRMAN McDONALD: Anybody else?

8 COMMISSIONER BAKER: Well, let me just --

9 CHAIRMAN McDONALD: Go ahead.

10 COMMISSIONER BAKER: I'm sorry.

11 CHAIRMAN McDONALD: Go ahead.

12 COMMISSIONER BAKER: After the confusion, I just  
13 want to re-emphasize, the proposal I'm putting forward today  
14 is a first step. You know, this Commission understand its  
15 obligation and the legislative mandate that has been handed  
16 down to us and we're trying to act responsibly and trying to  
17 address the problems that are out there. And we recognize  
18 there are problems. And what we're trying to do as a first  
19 step is to provide an opportunity to assist those low income  
20 senior citizens who are easily identifiable with an  
21 opportunity to receive on a dollar-for-dollar matching funds  
22 basis financial assistance through the Universal Service  
23 Fund to be administered by a third party agency to be  
24 designated hopefully by the end of this week, and then to  
25 provide notice to those customers who have been disconnected

1 and those customers who are subject to disconnection, that  
2 this program is available and allow them the opportunity to  
3 participate if they choose.

4           And this is what a first step is. I mean it's not  
5 the final step, it's not going to be absolutely -- you know,  
6 I understand it's not perfect, but this Commission is being  
7 proactive, it's being responsive and we're taking a first  
8 step and there's a long journey, so we're beginning the  
9 journey. And we're going to try to make sure that deserving  
10 consumers who have problems with their gas bills are offered  
11 an opportunity to have service and to get assistance for  
12 their unpaid balances for their gas bills. And that's it. I  
13 mean if we need to take further action, we will look at  
14 taking further action. This is not the final action, this  
15 is the first action.

16           CHAIRMAN McDONALD: If parties had listened  
17 carefully as I was proceeding through the agenda, I said  
18 that this is a proposed discussion agenda. This item is not  
19 going to be voted on today at this Commission, it is a  
20 proposed discussion agenda.

21           We have put it in motion, it has to come back in a  
22 regular agenda form in order to take total action on it.

23           Is there any other discussion on it?

24           VICE CHAIRMAN WISE: Mr. Chairman, yeah, I have  
25 some comments on this.

1 I've listened to the debate and I've listened to  
2 two separate proposals on these issues. And I'm sensitive  
3 to this issue and what we're talking about here today, but  
4 I'm still concerned about what we're trying to do and where  
5 we're going with this and the fact that we're talking about  
6 seniors, about low income folks, folks who have been  
7 impacted by what we've commented about, this cold winter,  
8 about the high gas prices. I still believe that the USF is  
9 an appropriate use. This becomes another subsidy in an era  
10 when we're trying to get away from subsidies.

11 If this is an over-funded account, as this USF  
12 appears to be, if we can talk about a \$2 million proposal,  
13 then an \$8 million proposal, it's time if these are over-  
14 funded, to refund this fund to all ratepayers if in fact  
15 we're not going to use it for the intent of which it was set  
16 up.

17 I'm concerned that we're going to continue to go -  
18 - and you know, if it wasn't going to be just the \$2  
19 million, but then I hear Commissioner Baker talk about it's  
20 a first step, so this means there's an ongoing issue that  
21 there's going to be a second step and a third step. So we  
22 talk about taking away subsidies, we talk about taking the  
23 opportunities for competitive change to work to benefit the  
24 ratepayers.

25 Again, as I said in Committee, the legislative

1 body that voted out Senate Bill 215 and in its wisdom formed  
2 the Universal Service Fund for line extension, there lies  
3 the body that should take care of these low income seniors  
4 damaged by high prices and cold winter. And if we're going  
5 to see real and meaningful relief, it should not come from  
6 this agency, but in fact the body that passed the  
7 legislation that has impacted these ratepayers so severely.

8 It's time to get away from funding out of the supplemental  
9 budget outhouses and concession stands for football fields  
10 and batting cages for high schools. If the legislature  
11 wants to do something, January is the time to go ahead and  
12 give real meaningful relief and not ask us at this time to  
13 invade the Universal Service Fund to further add subsidies  
14 in a situation that is not appropriate.

15 CHAIRMAN McDONALD: Any other comments?

16 VICE CHAIRMAN WISE: All the ratepayers pay for  
17 this, Mr. Chairman, and I think that if there is a place for  
18 a real and meaningful debate, it belongs across the street.

19 COMMISSIONER BAKER: I fundamentally agree with  
20 what you're saying, but we have an immediate problem here  
21 that we're trying to address with this proposal. And that  
22 problem, immediate problem, is those low income senior  
23 citizens who have been disconnected or are subject to  
24 disconnection in the immediate future. Now they're not  
25 going to wait until January and they're not going to wait

1 until next July and they shouldn't expect to wait that time.

2 And the legislation creating the Universal Service  
3 Fund is very, very clear on its face as far as what is the  
4 primary purpose of that fund. And if you look at the  
5 language of the Code, the legislature has given a directive  
6 to this Commission that says we want you to primarily direct  
7 the funding from the Universal Service Fund to provide  
8 assistance to low income customers in times of emergency, as  
9 determined by the Commission.

10 I understand your concerns, but right now, we've  
11 got an immediate problem and I think we need to be proactive  
12 about it and provide some mechanism for those customers who  
13 have been disconnected or are subject to disconnection, to  
14 try to stay on the system and help them continue to pay  
15 their bills to the marketers. So I'm asking, you know, that  
16 this Commission take action today in authorizing the grant  
17 of \$2 million from the Universal Service Fund, and that's \$2  
18 million out of approximately \$25 million, to set up this  
19 program and we will request an accounting of the  
20 expenditures from whatever agency is selected to administer  
21 this program. And I'm not saying to just wipe the debt off  
22 the books and just give it away for free, but I think this  
23 Commission has an obligation to take some action to provide  
24 some affirmative relieve to consumers who are making a good  
25 faith effort to pay their bills and to stay on the system.

1 I don't want to have, you know, a situation arising in the  
2 future where we're going to find senior citizens with  
3 incomes of less than \$12,000 not being able to have heat for  
4 the winter time. We're not talking about a huge group of  
5 folks that are qualified to receive these grants. And  
6 they're probably the most needy in the state of Georgia.

7 So I understand your concerns about, you know,  
8 being prudent and not handing out gratuities to consumers,  
9 but in this particular case we've got a situation I think we  
10 need to take some action on today, and I will propose a  
11 motion to that effect, that this grant -- this authorization  
12 for setting up this grant program be made today.

13 COMMISSIONER BURGESS: Mr. Chairman --

14 CHAIRMAN McDONALD: I have a motion and recognize  
15 Commissioner Burgess.

16 COMMISSIONER BURGESS: Mr. Chairman, we've got a  
17 clear legislative mandate here, it's not in question. The  
18 General Assembly voted unanimously to give this Commission  
19 the right to utilize this Universal Service Fund to assist  
20 those that need assistance. And there's clear need, we've  
21 identified some 70,000 households in this state where the  
22 income is \$10,000 or less. These people are making  
23 decisions daily as to whether or not they're going to have a  
24 roof over their head, food to eat or their medication or pay  
25 their utility bills. The need is always there, the need

1 will be there.

2 We've got a clear legislative mandate and funding  
3 to help assist that need and I believe this Commission would  
4 be acting irresponsible not to do so.

5 VICE CHAIRMAN WISE: Mr. Chairman, once again, you  
6 know, if it was just the one step, but I've heard the  
7 promise of a second step and a third step -- I've heard \$2  
8 million, I've heard \$8 million. And that is my concern.

9 If the legislature had really wanted to do  
10 something, while they had their spare time in the last  
11 couple of months, they could have gone ahead and taken up  
12 this issue and looked to provide real, true, meaningful  
13 relief for the low income senior ratepayers in this state.

14 COMMISSIONER BAKER: The Governor sets the agenda  
15 for the special session. The special session was restricted  
16 to the reapportionment and the video poker issue. So while  
17 I'm sure numerous legislators are concerned about this issue  
18 and have constituents who are impacted by high gas prices  
19 and have problems with meeting their obligations to their  
20 gas marketers, their hands were tied, in effect, by the laws  
21 of the state regarding what agenda items could be brought up  
22 for discussion, and sure, they can bring it up next session  
23 in January. But I'll just emphasize we're trying to address  
24 an immediate situation and I don't think we can act  
25 responsibly in saying let's wait until January to address

1 the issue.

2 CHAIRMAN McDONALD: Commissioner Burgess.

3 COMMISSIONER DURDEN: Mr. Chairman, I'll offer the  
4 amendment to Commissioner Baker's motion with the five-  
5 months \$50 credit for qualifying low income seniors  
6 beginning November through March, 2002.

7 CHAIRMAN McDONALD: Okay.

8 COMMISSIONER BAKER: November billing cycle?

9 COMMISSIONER BURGESS: Yes, November billing  
10 cycle.

11 CHAIRMAN McDONALD: Any other discussion?

12 (No response.)

13 CHAIRMAN McDONALD: We're looking at a total of  
14 \$10 million out of the Universal Service Fund, we'll vote on  
15 Commissioner Burgess' amendment first.

16 All those in favor, say aye.

17 COMMISSIONER BAKER: Aye.

18 CHAIRMAN McDONALD: Aye.

19 COMMISSIONER DURDEN: Aye.

20 COMMISSIONER BURGESS: Aye.

21 CHAIRMAN McDONALD: Opposed.

22 VICE CHAIRMAN WISE: No.

23 CHAIRMAN McDONALD: The ayes have it with  
24 Commissioner Burgess, Durden, McDonald and Baker voting in  
25 the affirmative; Commissioner Wise voting in the negative.

1 Now we'll move to Commissioner Baker's amendment.

2 All in favor of adopting Commissioner Baker's  
3 amendment, say aye.

4 COMMISSIONER BAKER: Aye.

5 CHAIRMAN McDONALD: Aye.

6 COMMISSIONER DURDEN: Aye.

7 COMMISSIONER BURGESS: Aye.

8 CHAIRMAN McDONALD: Opposed.

9 VICE CHAIRMAN WISE: No.

10 CHAIRMAN McDONALD: The ayes have it with  
11 Commissioners Burgess, Durden, McDonald and Baker voting in  
12 the affirmative; Commissioner Wise voting in the negative.

13 You've heard the recommendation -- well, that  
14 takes care of it.

15 Now what we'll need to do, of course, is we will  
16 be soliciting from agencies such as Salvation Army, United  
17 Way, Georgia Community Action Association, as the third  
18 party, and others that might be interested, to formulate a  
19 proposal to administer the funding on behalf of the \$2  
20 million for the matching funds.

21 Is there any question about that, Commissioners?

22 (No response.)

23 CHAIRMAN McDONALD: Okay, we'll move to another  
24 item of discussion, Docket Number 2.

25 MS. THEBERT: D-2 is Docket 8390-U, discussion of

1 marketer true-up issues.

2           This item was discussed at last Thursday's Energy  
3 Committee meeting regarding certain marketers failing to pay  
4 the true-up amount to AGL for disbursement to other  
5 marketers. Staff was provided a list of marketer balances  
6 last week and is currently working with the two marketers  
7 who have not paid their quarterly true-up for the period of  
8 January 2001 through March 2001.

9           Additionally, staff is verifying the amounts  
10 currently in Infinite Energy's escrow account that should be  
11 disbursed to the marketers. The verification should be  
12 complete today and staff will notify AGL of the amounts to  
13 be disbursed to the marketers.

14           CHAIRMAN McDONALD: Any questions or discussion  
15 for Ms. Thebert?

16           (No response.)

17           CHAIRMAN McDONALD: Okay, thank you, ma'am.

18           MS. THEBERT: Thank you.

19           CHAIRMAN McDONALD: Gentlemen, any other issues to  
20 come before the regular administrative --

21           (No response.)

22           CHAIRMAN McDONALD: We'll move to the  
23 Transportation agenda. You have the agenda in front of you.  
24 There's a consent agenda. Are there any items that you  
25 desire to have held or moved to the regular agenda?

1 (No response.)

2 CHAIRMAN McDONALD: Hearing none, is there  
3 objection to adopting the consent agenda as presented?

4 (No response.)

5 CHAIRMAN McDONALD: The consent agenda is adopted  
6 4-0.

7 (Commissioners McDonald, Wise, Baker and  
8 Burgess present and voting.)

9 CHAIRMAN McDONALD: We'll move to R-1

10 MS. O'LEARY: Commissioners, Transportation item  
11 R-1 is Docket Number 17168-M, in the matter of Civil Penalty  
12 Hearing for Scott Mason Enterprises, Inc. doing business as  
13 A-1 Towing, Valdosta, Georgia. Consideration of recommended  
14 order issued by Hearing Officer on September 24, 2001.

15 On June 21, the Commission issued a Notice of  
16 Hearing to Respondent Scott Mason Enterprises, doing  
17 business as A-1 Towing, alleging that the company violated  
18 in four instances 49 CFR Section 391.51(a) by failing to  
19 maintain driver qualification files on each driver employed;  
20 violated in four instances 49 CFR Section 395.8(a) by  
21 failing to require drivers to make a record of duty staff;  
22 and violated in two instances Section 396.11(a) by failing  
23 to require drivers to prepare driver vehicle inspection  
24 reports. These violations were found to exist by PSC  
25 Officer Clay Greene at a compliance review that he conducted

1 on March 19.

2 A hearing was requested by the Respondent and held  
3 on August 13, 2001, at which time Hearing Officer Nancy  
4 Gibson presided and heard evidence regarding these charges.

5 Mr. Mason appeared on that occasion and represented  
6 himself. In doing so, he did not dispute the allegations  
7 made against him, but instead took issue with the onerous  
8 nature of the federal reporting requirements placed on him,  
9 his company and his drivers.

10 In the recommended decision issued in this matter,  
11 Hearing Officer Gibson found that the evidence presented by  
12 Transportation staff supported the allegations made against  
13 A-1 Towing and that a fine in the amount of \$4,260 should be  
14 paid by Mr. Mason on his company's behalf.

15 Transportation staff recommends that the  
16 Commission adopt the recommended decision of the Hearing  
17 Officer as its final decision in this matter.

18 CHAIRMAN McDONALD: Are there questions of Ms.  
19 O'Leary?

20 (No response.)

21 CHAIRMAN McDONALD: Is there objection to adopting  
22 the Hearing Officer's recommendation?

23 (No response.)

24 CHAIRMAN McDONALD: The Hearing Officer's  
25 recommendation is adopted 5-0.

1 MS. O'LEARY: Thank you.

2 (Commissioners McDonald, Wise, Durden, Baker  
3 and Burgess present and voting.)

4 COMMISSIONER BAKER: Before we leave the  
5 Transportation Division agenda, could I ask that -- I know  
6 we had requested from Commissioner Burgess a letter or some  
7 kind of documentation -- Tim Burgess from the Georgia  
8 Department of Motor Vehicles --

9 (Laughter.)

10 COMMISSIONER BAKER: -- of this Commission's  
11 authority to continue acting on Transportation issues  
12 through October 31. Could I ask that that be made part of  
13 the record, and the original be put into the record? All  
14 right.

15 CHAIRMAN McDONALD: Is there objection?

16 (No response.)

17 CHAIRMAN McDONALD: I'd like to say of course  
18 probably this is our last administrative session with our  
19 Transportation Division. It has been a pleasure from this  
20 side, I hope it has been on your side. We wish you well in  
21 your new agency.

22 We'll move to the Administrative Affairs agenda.  
23 Mr. Bond, do you --

24 MR. BOND: It's a consent agenda, Mr. Chairman.

25 CHAIRMAN McDONALD: Okay, is there any item that

1 you would like to be moved from the consent agenda to the  
2 regular agenda?

3 (No response.)

4 CHAIRMAN McDONALD: Is there objection to adopting  
5 the consent agenda as presented?

6 (No response.)

7 CHAIRMAN McDONALD: The consent agenda is adopted  
8 5-0.

9 (Commissioners McDonald, Wise, Durden, Baker  
10 and Burgess present and voting.)

11 CHAIRMAN McDONALD: Is there any other business to  
12 come before this administrative session?

13 (No response.)

14 CHAIRMAN McDONALD: If not, we'll stand adjourned.  
15 Thank you very much for your attendance.

16 (Whereupon, the administrative session was  
17 concluded at 10:58 a.m.)

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C E R T I F I C A T E

I, William L. Warren, Certified Court Reporter, do hereby certify that the foregoing transcript is an accurate record of the proceedings had in the above-entitled matter at the time and place therein set forth.

*William L. Warren*

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William L. Warren

The minutes of the Administrative Session were approved this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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Lauren McDonald, Jr., Chairman

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Reece McAlister,  
Executive Secretary

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1 DISKETTE