

Senate Bill 355

By: Senators Hufstetler of the 52nd, Millar of the 40th, Tippins of the 37th, Kirk of the 13th, Parent of the 42nd and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 46-2-25 of the Official Code of Georgia Annotated, relating to  
2 procedure for changing any rate, charge, classification, or service and recovery of financing  
3 costs, so as to change the applicability of certain provisions relating to the recovery of the  
4 costs of financing the construction of a nuclear generating plant; to provide for related  
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 46-2-25 of the Official Code of Georgia Annotated, relating to procedure for  
9 changing any rate, charge, classification, or service and recovery of financing costs, is  
10 amended by revising paragraph (1) of subsection (c.1) as follows:

11 "(c.1)(1) Notwithstanding any provision to the contrary, a utility shall recover from its  
12 customers, as provided in this subsection, the costs of financing associated with the  
13 construction of a nuclear generating plant which has been certified by the commission  
14 prior to January 1, 2018. The financing charges shall accrue on all applicable certified  
15 costs as they are recorded in the utility's construction work in progress accounts pursuant  
16 to generally accepted accounting and regulatory principles as approved by the  
17 commission. The financing costs shall be based on the utility's actual cost of debt, as  
18 reflected in its annual surveillance report filed with the commission, and based on the  
19 authorized cost of equity capital and capital structure as determined by the commission  
20 when setting the utility's current base rates. These financing costs shall be recovered  
21 from each customer through a separate rate tariff and allocated on an equal percentage  
22 basis to standard base tariffs which are designed to collect embedded capacity costs. The  
23 commission shall retain the discretion to consider the effect of this tariff when setting the  
24 level of any senior or low income assistance it may authorize; provided, however, that the  
25 income qualification for such assistance shall be 200 percent of the federal poverty level."

26

**SECTION 2.**

27 All laws and parts of laws in conflict with this Act are repealed.