

Senate Bill 34

By: Senators Hufstetler of the 52nd, Summers of the 13th, Albers of the 56th, Anavitarte of the 31st, Robertson of the 29th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to the
2 Public Service Commission, so as to prohibit certain costs incurred by an electric utility as
3 a result of providing electric services to commercial data centers from being included in any
4 rates or charges of such electric utility unless such rates or charges are designed to recover
5 such costs solely from or, at least, substantially from such commercial data centers; to
6 provide for a definition; to provide for related matters; to provide for an effective date; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to the Public
11 Service Commission, is amended by adding a new Code section to read as follows:

12 "46-2-25.4.

13 (a) Notwithstanding the provisions of Code Section 46-3-11, no costs incurred by an
14 electric utility, including, but not limited to, costs associated with increased fuel
15 requirements, generation costs, and transmission costs that:

(1) Are substantially related to the provision of electric services to commercial data centers; and

(2) Would not have been incurred but for the electric demand of such commercial data centers,

shall be included in any rates or charges approved or allowed to go into effect under Code Section 46-2-25 or 46-2-26 unless such rates or charges are designed to recover such costs solely from commercial data centers or, at least, substantially recover such costs from commercial data centers.

(b) As used in this Code section, the term 'commercial data center' means a facility, campus of facilities, or array of interconnected facilities in this state that is used by an entity or other business enterprise to operate, manage, or maintain a computer, group of computers, or other organized assembly of hardware and software for the primary purpose of processing, storing, retrieving, or transmitting data and that has a peak demand of 100 megawatts or greater."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.