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Contact: Liz Coyle, Georgia Watch, lcoyle@georgiawatch.org, 404-525-1085

Rev. Kate McGregor Mosley, Georgia Interfaith Power and Light, kate@gipl.org, 678-362-7639

André Ledgister, Partnership for Southern Equity, aledgister@psequity.org, 678-383-1260

John Salter, Barnes Law Group, john@barneslawgroup.com, 770-227-6375

Emily Driscoll, Southern Environmental Law Center, edriscoll@selcga.org, 678-686-8482

Groups Challenge Ruling Dismissing Appeal of Flawed Plant Vogtle Decision

Atlanta, GA—Georgia groups are challenging a ruling from the Fulton County Superior Court late last month, which dismissed their appeal of the Public Service Commission's decision approving forecast cost increases at Plant Vogtle, where the price tag to build two new nuclear units has nearly doubled to roughly \$26 billion. Attorneys representing the three groups filed a [notice of appeal](#) today.

"The Court dismissed the appeal on technical grounds without addressing its substance," said **Kurt Ebersbach of the Southern Environmental Law Center (SELC)**, who is representing Partnership for Southern Equity and Georgia Interfaith Power and Light.

Georgia Watch is represented by **Roy Barnes and John Salter of the Barnes Law Group, LLC.**

"The Commission effectively gave Georgia Power a blank check by approving project continuation without the cost cap recommended by their own staff," **Salter said.** "The utility's customers are saddled not only with the higher construction costs, but up to \$5 billion in increased profit for Georgia Power's shareholders."

Issued on December 21, 2018-exactly one year after the PSC approved continuation of the Vogtle nuclear expansion-the [Court's decision](#) found that dissatisfied customers cannot raise concerns about the unfairness of that process until 2022 or later, after the project is complete.

"While Georgia Power continues to profit from failing to complete the project on time and on budget, the stakes only get higher for customers who are on the hook for those mistakes-there is something fundamentally wrong with that equation," said **Nathaniel Smith, Chief Equity Officer at Partnership for Southern Equity.** "As families across the state are feeling this burden through their wallets, we need sound energy decision-making to create accountability and allow for a more transparent, inclusive process where Georgians can make their concerns heard."



"The people of Georgia have been pre-paying for this mismanaged project since 2011, while the price tag has ballooned and the project timeline has slipped again and again," said **Liz Coyle, Executive Director of Georgia Watch**. "Unless the Court reverses the Commission's decision, Georgia Power customers remain exposed to significant financial risk with seemingly no end in sight."

"In light of the project's soaring costs and unreliable timeframe, Georgians are right to be concerned about the moral implications of bearing all of the financial burden and none of the benefits of this faltering project," said **Kate McGregor Mosley, Executive Director of Georgia Interfaith Power and Light**. "Our families, communities, and faith congregations deserve to have a say in major energy decisions, especially in advocating for cleaner, cheaper alternatives that would help those struggling with high monthly bills."

Despite Georgia Power's repeated assurances that the project will stay on schedule, the PSC's own staff has consistently expressed concerns about the likelihood of timely completion even under the currently approved 5-year scheduling delay. Just last month, staff filed a report with strong recommendations for additional consulting expertise to oversee the Vogtle expansion to keep the project on track and prevent more billion-dollar budget busting surprises.

Background:

The Southern Environmental Law Center on behalf of Partnership for Southern Equity and Georgia Interfaith Power and Light, and the Barnes Law Group, LLC on behalf of Georgia Watch, are appealing the Georgia Public Service Commission's decision to continue constructing the Plant Vogtle expansion project and approving billions of dollars in cost overruns.

In early 2018, the groups [filed the appeal](#) in Fulton County Superior Court, charging that the approval violated state law and the Commission's own rules concerning "ex parte" communications-i.e. private discussions between the Commissioners and one of the parties involved.

In May, the groups filed a [joint motion](#) for limited discovery regarding the one-sided communications between the PSC and Georgia Power in the days leading up to the Commission's decision to continue the vastly over-budget project, and to present evidence of those communications to the Court.

In an October hearing before the Fulton County Superior Court, the parties presented oral argument concerning the two pending motions before the Court: the motion seeking



limited discovery, and a motion to dismiss filed by Georgia Power. The Court ruled to dismiss the groups' appeal in December 2018 on the basis that the PSC's decision was not "final" and appealable until the project is complete.

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About Georgia Interfaith Power & Light: Georgia Interfaith Power & Light is a state-wide interfaith ministry that in response to climate change and environmental injustice engages communities of faith in stewardship of Creation through worship, education, and the sustainable generation and efficient use of energy. GIPL's goal is to help people of faith recognize and fulfill their responsibility for the stewardship of creation. www.gipl.org

About Georgia Watch: Founded in 2002, Georgia Watch is a statewide consumer advocacy organization working to educate and protect Georgia consumers on matters that impact their quality of life, particularly the effects of predatory business practices, the high cost of utilities and healthcare, and restricted access to the civil justice system. www.georgiawatch.org

About Partnership for Southern Equity: The Partnership for Southern Equity (PSE) is an Atlanta-based nonprofit that advances policies and institutional actions that promote racial equity and shared prosperity for all in the growth of metropolitan Atlanta and the American South through an ecosystem-based model for multi-demographic engagement. www.psequity.org

About Barnes Law Group: The attorneys at Barnes Law Group have the unique charge of Making It Right for the citizens of Georgia and across the country. They are an unrelenting collection of individual talents that make up one of the most powerful and varied groups of litigators that always fall on the side of consumer advocacy and the rights of the individual. www.barneslawgroup.com

About Southern Environmental Law Center: For more than 30 years, the Southern Environmental Law Center has used the power of the law to champion the environment of the Southeast. With over 80 attorneys and nine offices across the region, SELC is widely recognized as the Southeast's foremost environmental organization and regional leader. SELC works on a full range of environmental issues to protect our natural resources and the health and well-being of all the people in our region. www.SouthernEnvironment.org