

AR-06-2684

Enclosure

Attachment C-4 #89

REVISED
July 19, 2004

Title 22 Compliance Requirements Manual

Introduction

The 2004 Georgia General Assembly passed a law amending Chapters 2 and 3 of Title 22 of the Official Code of Georgia Annotated. The amendments add new requirements that a utility must meet before exercising the power of eminent domain in constructing certain electric transmission lines.

The new requirements become effective on July 1, 2004, and include the following:

- Holding one or more public meetings in each county where a transmission line is to be constructed with an opportunity for comment and questions.
- Documenting compliance with the requirements, such as a description of the alternative construction approaches the utility considered for each transmission line construction project and why it rejected those alternatives.
- Demonstrating that the utility, in selecting the route for a transmission line, considered factors such as existing land uses, existing environmental conditions, existing corridors, engineering practices related to the construction and operation of the line, and costs related to construction, operation, and maintenance of the line.
- Providing that in condemnations for transmission lines, hearings before the Special Master must take place no sooner than 30 days, but no more than 40 days, from the date on which the petition and order are served on the condemnee(s).

This manual includes the protocols Georgia Power must follow to meet the new requirements of Title 22. The protocols are organized in the order in which they occur in the process of constructing a transmission line. Each section begins with a Protocol Checklist and is followed by details on how to comply with the protocols.

The process begins with the planners identifying a particular transmission problem and then forming a Solution Team to choose a preferred solution. The next step involves the Location Committee's analyzing route options and siting the new line, and public meetings then follow to provide an opportunity for comment by members of the public. The Land Department will then try to obtain the necessary property rights by negotiating in good faith with affected landowners. If necessary, condemnation proceedings occur next, followed by a post-condemnation process and litigation of any appeals.

In the case of many transmission line projects undertaken by Georgia Power Company, the departments listed below have some responsibility in the protocols that are required for each step in the process of planning such projects and acquiring the necessary property rights:

Southern Company Services:

Transmission Planning–East

Georgia Power Company:

Area Planning
Project and Administration
Land Department
Environmental Affairs
Line Design and Engineering
Acquisition Group
Land Department Legal Services
Transmission Maintenance Center
Transmission Construction
Transmission Planning and Administration
Corporate Communication
Community and Economic Development

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Section A: Problem Identification and Selection of Preferred Solution

Protocol Checklist

In the case of most Georgia Power transmission line projects, a Planner in Southern Company Services Transmission Planning–East is responsible, in conjunction with Georgia Power Area Planning and Transmission Support, for the following activities:

- Assess the transmission problem.
- Identify alternative solutions
- Assess alternate solutions for Title 22 implications
- Evaluate alternatives for viable solutions
 - Select the best practical and feasible solutions
 - Assess these solutions for Title 22 implications
- Organize a Solution Team to review and evaluate viable solutions
- Determine – with guidance and advice from the Land Acquisition and Legal Services departments – whether any of the proposed solutions from the narrowed-down list will require acquisition of property rights and, therefore, require compliance with the new Title 22 requirements.
- Implement the Alternative Construction Approaches Checklist (**Exhibit A-1**) and make sure alternative construction approaches are identified and documented for the proposed solutions in the narrowed-down list.
- Work with the Solution Team to select a preferred solution and document the preferred solution that is selected.
- Clear Solution Team documentation with Legal Services and transmit Title 22 Project File to Land Legal Services.

Section A: Problem Identification and Selection of Preferred Solution

Protocols

1. Problem Identification

Southern Company Services Transmission Planning–East and Georgia Power's Area Planning and Transmission Support groups are responsible for developing new 115 kV, 230 kV, and 500 kV transmission line facilities and documenting the need for such facilities. Transmission Planning–East takes primary responsibility for network transmission needs in Georgia, and Area Planning assumes primary responsibility if the radial transmission system needs to be developed to serve new customer load. These groups conduct the following activities to identify problems on the transmission system in Georgia:

- Perform load flow analysis of the system.
- Consider new load/demand creates a need for system improvements.

2. Alternative Solutions

A Planner in Transmission Planning, with input from Area Planning and Transmission Support, determines first whether the scope and nature of the electrical problem require that alternative solutions be considered.

- If there is only one electrical solution:
 1. Send project to the Solution Team
 2. Request estimates.
- If there are multiple possible electrical solutions:
 1. Perform internal planning review.
 2. Analyze solutions to develop viable alternatives.
 3. Send project to the Solution Team.
 4. Request estimates.

3. Solution Team

Transmission Planning and Area Planning pull together and chair a Solution Team that includes representatives from Transmission Planning, Project Management, Line Engineering, Transmission Maintenance Center, the Regions, and Land Acquisition (Location Engineer), as well as a Staff Attorney from Land Legal Services and estimators.

The Planner – with guidance and advice from a Land Legal Services Staff Attorney and a Land Location Engineer – determines whether any of the proposed alternative solutions will require

new or additional property rights and, therefore, make the project subject to the new requirements of Title 22.

The Planner chairs the Solution Team and is responsible for:

- Identifying the specific participants in the Solution Team.
- Providing the Solution Team the necessary information to gain an in-depth understanding of the electrical problem to be solved and the alternative electrical solutions by:
 1. Identifying overloaded facilities, the conditions that cause the overload, and the magnitude of the overload.
 2. Reviewing the list of alternative solutions prepared by the Planner.
- Soliciting information and input from Solution Team members so the Team can become familiar with the existing transmission facilities and the geography, topography, and land uses in the problem area by:
 1. Reviewing Transmission Key Map, Grid Maps, and System One-Line Diagrams.
 2. Reviewing STOMP facility information and ABSITS.
 3. Reviewing Line Design and TMC facility records (including Job Spec Books, Plan Sheets, and Profiles).
 4. Making a site visit to the problem area to review geography, topography, existing land uses, archaeological and environmental concerns, mechanical and electrical condition of existing facilities, and access to rights-of-way.
- Preparing and presenting all relative information/documentation regarding the problem, the internal review process, and feasible alternatives for further review and analysis.
- Implement the Alternative Construction Approaches Checklist (**Exhibit A-1**) to determine which construction approaches are feasible for the solutions.
- Charging the Solution Team with identifying a preferred solution from the feasible alternatives derived from the internal planning review.
- Requesting and helping complete cost estimates for the feasible alternative solutions.
- Reviewing cost estimates by:
 1. Seeking input from each representative on the Solution Team.
 2. Including site visits to validate/clarify any assumptions.
- Requesting revised cost estimates if needed.
- Taking minutes at the meeting(s).

4. Selection of Preferred Solution

The Planner charges the Solution Team with identifying a preferred solution and leads participants to:

- Gather more detailed information about the narrowed-down list of alternative solutions.
- Develop and review cost estimates of each alternative solution.
- Request revised estimates if necessary.
- Review information, input, and decisions of Solution Team members.
- Identify a preferred solution.
- Document the selection of the preferred solution and forward the documentation, as a part of the Project Business File, to the Project Manager.

For each of the alternative solutions that are subject to the Title 22 requirements after feasible alternative construction approaches have been considered, the Planner is responsible for:

- Documenting the analysis of the proposed solutions and the alternative construction approaches.
- Preparing a statement as to why any alternative construction approaches were rejected.
- Including all documentation in the Project Business File.

Exhibits for Section A:

Exhibit A-1: Alternative Construction Approaches Checklist

Exhibit A-1: Alternative Construction Approaches Checklist

This Alternative Construction Approaches Checklist should be implemented by the Planner and the Line Design Engineer after they have gained an in-depth understanding of the electrical problem to be solved and the alternative solutions and have become familiar with the existing transmission facilities and the geography, topography, and land uses in the problem area.

1. Explore possible solutions that would use existing Georgia Power rights-of-way ("ROW"):
 - Generate high-level cost estimates of both underground and overhead construction approaches.
 - Proceed with more detailed cost estimates of underground construction approaches or document why the underground options are not selected.
 - Utilize the Underground Transmission Line Decision-Making Matrix to explore underground options.
 - Utilize the Underground Transmission Line Cost-Estimating Tool to produce high-level cost estimates.
 - If underground options appear feasible, prepare detailed cost estimates.
 - If underground options are not selected, proceed with more detailed cost estimates of overhead construction approaches or document why the solutions using existing Georgia Power ROW are not selected.
 - Explore possibilities to upgrade, reconductor, or rebuild existing Georgia Power transmission lines.
 - For new transmission lines, consider compacting existing lines on existing ROW, building double circuit lines, or acquiring new ROW adjacent to existing ROW.
 - Consider whether existing facilities can be taken out of service for the duration of the construction project.
 - Prepare cost estimates using TEAMS and following Line Design estimating process and conventions.
2. Explore possible solutions that would use existing public ROW:
 - Generate high-level cost estimates of both underground and overhead construction approaches.
 - Proceed with more detailed cost estimates of underground construction approaches or document why the underground solutions are not selected.
 - Utilize the Underground Transmission Line Decision-Making Matrix to explore underground options.
 - Utilize the Underground Transmission Line Cost-Estimating Tool to produce high-level cost estimates.

- If underground options appear feasible, prepare detailed cost estimates.
 - If underground options are not selected, proceed with more detailed cost estimates of overhead construction approaches or document why the solutions using public ROW are not selected.
 - Utilize state and county road maps to develop possible routes for new transmission line.
 - Determine whether the line can be built on public ROW or just off public ROW by acquiring new Georgia Power ROW adjacent to the public ROW.
 - Determine whether there are plans to modify the existing public ROW and whether the new transmission line would create any public safety hazards (such as clear roadside issues).
 - Contact public officials responsible for the public ROW to determine if they would allow the new line to be installed on the public ROW and if permits could be acquired in a timely manner.
 - Prepare cost estimates using TEAMS and following Line Design estimating process and conventions.
- 3. Explore possible solutions that would use new ROW:
 - Generate high-level cost estimates of both underground and overhead construction approaches.
 - Proceed with more detailed cost estimates of underground construction approaches or document why the underground solutions are not selected.
 - Utilize the Underground Transmission Line Decision-Making Matrix to explore underground options.
 - Utilize the Underground Transmission Line Cost-Estimating Tool to produce high-level cost estimates.
 - If underground options appear feasible, prepare detailed cost estimates.
 - If underground options are not selected, proceed with more detailed cost estimates of overhead construction approaches or document why the solutions of using new ROW are not selected.
 - Make a site visit to the problem area to review geography, topography, existing land uses, archaeological and environmental concerns, mechanical and electrical condition of existing facilities, and access to new ROW.
 - With input from the Location Engineer, conduct a high-level assessment of public impact and likelihood of locating a route on new ROW.
 - Prepare cost estimates using TEAMS and following Line Design estimating process and conventions.
- 4. Determine a preferred solution and review decisions with Transmission Line Engineering Supervisor, Principal Engineer, and Team Leader.

Section B: Siting

Protocol Checklist

- The Location Engineer shall gather data pertaining to the transmission line project.
- The Location Engineer shall complete a Project Scope Document (**Exhibit B-1**) with key information about the project and shall obtain visuals pertaining to the project.
- The Land Department shall organize a Location Committee made up of individuals from designated areas.
- The Location Committee is responsible for ensuring compliance with Title 22 requirements and, therefore, must consider the following in selecting a route for the location of an electric transmission line:
 - Alternative construction approaches. (see **Exhibit A-1**)
 - Existing land uses in the geographic area where the line is to be located. (see **Exhibit B-2**)
 - Existing corridors. (see **Exhibit B-3**)
 - Existing environmental conditions in the area. (see **Exhibit B-4**)
 - Engineering practices related to the construction and operation of the line. (see **Exhibit B-6**)
- The Location Committee shall determine a Final Study Route.
- The Land Department shall ensure that documentation of compliance with Title 22 requirements is complete and is included in the Project Business File.

Section B: Siting

Protocols

The location, or siting, process is the first step in determining a route for an electric transmission line and is followed by acquiring the necessary property rights for the line and releasing for construction a right-of-way corridor on which the line will be built. In carrying out that first step, the Location Committee must select a route that is practical and feasible taking into consideration Title 22 in addition to reliability and safety in making its decision. While the Location Committee is conducting its analysis of potential routes, the property owners remain anonymous.

Title 22 requires that Georgia Power document its process for selecting a transmission line route. Specifically, § 22-3-161(a) states:

"In selecting the route for the location of the electric transmission line, the utility shall consider existing land uses in the geographic area where the line is to be located, existing corridors, existing environmental conditions in the area, engineering practices related to the construction and operation of the line, and costs related to the construction, operation, and maintenance of the line."

The work of the Location Committee, as described in this section, leads to the selection of a route for a transmission line. Thus, the Location Committee is directly responsible for complying with these requirements of Title 22.

1. Data Gathering

Data gathering and preliminary route analysis tasks will vary depending on whether the Location Engineer, who is the project manager for the overall location process, utilizes Land Engineering GIS services or a consultant as a resource for the data necessary to locate a route for a transmission line.

The Location Engineer is responsible for defining a general project area and outlining the basic project assumptions for the preferred solution (voltage, construction type, schedule, purpose, and need) as determined by the Solution Team. The Location Engineer also may identify preliminary routes or route segments to serve as starting points from which additional alternatives or adjustments can be made.

The Location Engineer is responsible for:

- Obtaining the Project Business File from the Solution Team.
- Identifying the possible corridors for the transmission line.
- Ordering aerial photography of the project area.
 1. Determine scale
 2. Black and white or color

- Reviewing and updating applicable ARC GIS Data Layers to include data on:
 1. Land uses
 - a. Evaluation criteria (such as airports, cemeteries, churches, schools, cultural resources, historical sites, residences, and businesses)
 - b. Zoning
 2. Environmental issues
 - a. Rivers, streams, and wetlands
 - b. Endangered species
 3. Existing corridors
 - a. Utilize the ITS transmission grid
 - b. Identify other corridors (such as pipelines and telecommunications facilities)
- Obtaining county property tax records/maps (with identities of property owners excluded)
- Considering access for construction and maintenance.
- Coordinating work activities between the consultant and the Location Committee, if applicable.

2. Location Committee Preparation

The Location Engineer is responsible for reviewing the Project Business File and preparing the Project Scope Document (in the form of **Exhibit B-1**) to be presented to the Location Committee that includes the following information:

- Need for the project
- Required right-of-way width
- Line construction type
- Guys/guy flares
- Underbuild (transmission, distribution, other)
- Required substation area
- Terrain of project area

The Location Engineer also obtains visuals to be presented as needed, including:

- Aerial photography or ARC GIS output of the possible corridors
- Tax parcel information (with identities of property owners excluded to assure no ownership is known prior to route selection)
- Other maps (such as USGS topographical maps, county maps, and ITS grid maps)

- Demographic data

3. Location Committee Formulation

A representative from the Land Department is responsible for organizing a Location Committee made up of individuals from the following areas:

- Land (chairs the committee)
- Environmental Affairs
- Regions
- Transmission Planning
- Transmission Maintenance Center ("TMC")
- Transmission Line Design (Line/Substation)
- Transmission Line Construction (Line/Substation)
- Area Planning
- Advisory members, as appropriate, from Corporate Communication, Legislative Affairs, and Community and Economic Development

If the Location Committee is siting a substation in conjunction with a transmission line that is subject to the new Title 22 requirements, the committee will include representatives from Substation Design, Substation Construction, and Land Engineering.

The chair of the Location Committee is responsible for sending notification of the project to managers/supervisors of committee members. The notification should:

- Briefly describe the location process.
- Identify the project.
- State the scope of the project.
- State the responsibilities of committee members.
- Emphasize the commitment of time and effort required of committee members.
- Ask for a recommendation or approval of a representative from their departments.

4. Location Committee Key Responsibilities

The Location Committee must comply with the requirements of Title 22, which states that in selecting a route for the location of an electric transmission line, a utility shall consider:

- Alternative construction approaches. (see **Exhibit A-1**)
- Existing land uses in the geographic area where the line is to be located. (see **Exhibit B-2**)

- Existing corridors. (see **Exhibit B-3**)
- Existing environmental conditions in the area. (see **Exhibit B-4**)
- Engineering practices related to the construction and operation of the line. (see **Exhibit B-6**)
- Costs related to the construction, operation and maintenance of the line.

5. Determination of a Final Study Route

The Location Committee shall consider potential routes and shall determine a Final Study Route, which is the general corridor within which the final engineered transmission line will be located.

6. Documentation of Compliance with Title 22 Requirements

After a Final Study Route has been determined, the Land Compliance Coordinator and the Land Department Staff Attorney responsible for the Acquisition Team for the project shall ensure that documentation of compliance with the Title 22 requirements is complete and is included in the Project Business File.

Exhibits for Section B:

- Exhibit B-1: Project Scope Document
- Exhibit B-2: Existing Land Uses Checklist
- Exhibit B-3: Existing Corridors Checklist
- Exhibit B-4: Existing Environmental Conditions Checklist
- Exhibit B-5: Preliminary Location Process Environmental Report ("LPER")
- Exhibit B-6: Engineering Practices Checklist

Exhibit B-1: Project Scope Document

Project Definition

Scope

Project Name:

(Complete name)

Project Need:

(High level understanding of the need for the project based on planning projections and load demand)

Type of Facilities Needed:

(Transmission line voltage or substation configuration, along with land rights – ROW requirements.)

Termination Points or Site Location:

(Beginning and ending substations, taps, and load centers for substations)

Schedule:

(Start, finish, duration)

Additional Information:

(Additional information pertinent to identifying the scope of the project)

Preliminary Findings

Physical Elements:

(Things that may impact the project, such as topography, airports, navigable rivers, railroads, and existing utilities)

Special Conditions:

(Territorial or franchise issues, DOT, or federal or state issues)

Other Information:

(Any other information that is needed or will help in the analysis)

Assumptions

(Information that is understood or ideas being considered that will underlie location constraints for the project. For example: underground solution has been ruled out because of cost, or topography suggests using certain structures.)

Identification of Preferred Solution

(Information about the preferred solution selected by the Solution Team)

Exhibit B-2: Existing Land Uses Checklist

Cultural Resources

- Environmental Affairs provides information about proposed transmission line corridors to Land Resources.
- Land Resources contracts with a professional consultant to conduct background research on potential cultural resources in the proposed corridor areas.
- The consultant prepares background report for Land Resources on the locations and descriptions of previously recorded cultural resources (archaeological or architectural).
- Land Resources forwards copies of the consultant's report to the Acquisition Supervisor, Environmental Affairs, and the Location Engineer.
- When the Location Committee selects a route and a survey of the selected route is completed, Land Resources requests the consultant to conduct a cultural resource investigation of the surveyed route.
- If a significant issue develops during the investigation by the consultant, the consultant contacts Land Resources, which coordinates with the Location Engineer and Environmental Affairs to resolve the issue.
- The consultant submits to Land Resources a draft report that identifies previously unknown, significant archaeological and architectural resources, if any, and recommends a determination of eligibility for each resource.
- Land Resources reviews the consultant's draft report and forwards copies of the draft report to Land Acquisition, the Location Engineer, and Environmental Affairs for review and comment.
- Land Resources provides comments back to the consultant for preparation of a final report.
- If Section 106 of the Historic Preservation Act applies, Land Resources submits the report to the State Historic Preservation Office ("SHPO") for Section 106 review and response.

Current Zoning

- The Location Committee utilizes current land use maps and zoning ordinances to develop an understanding of the current land issues in the proposed transmission line corridors.

Exhibit B-3: Existing Corridors Checklist

- The Location Committee reviews Transmission Key Map, Grid Map, and System One-Line Diagrams for existing electric transmission line corridors.
- The Location Committee utilizes aerial photography to identify other existing corridors (such as pipeline or telecommunication corridors) in the proposed corridor areas.
- The Location Committee utilizes information from field inspections to identify other existing corridors (such as newly constructed corridors or others not identifiable in the aerial photography) in the proposed corridor areas.

Exhibit B-4: Existing Environmental Conditions
(Overview followed by Checklist)

The Location Process includes two stages involving environmental issues:

Stage 1

Stage 1 consists of the more broad scale, generally public domain research and analysis that are performed under the auspices of the Location Committee. These investigations provide useful data for the selection of a Final Study Route. Because field surveys and inspections have not begun within the study area at this point in the process, these analyses must be performed using "off the shelf" data and are typically conducted within a Geographic Information System ("GIS") environment.

- Environmental work generally begins with the establishment of an Environmental Project Area, which creates the boundary for subsequent analyses, both formal and informal. The project area may be a logical boundary of geographic/land use features, or it may be defined by environmental determinants, such as watershed limits.
- The Location Committee develops alternatives for consideration within the project area.
- Environmental Affairs prepares the Preliminary Location Process Environmental Report ("LPER") (**Exhibit B-5**) in a GIS and documents the LPER with a map.
 1. Additional alternatives and/or modifications to existing alternatives are likely at this point in the process as a result of environmental constraints revealed by the LPER map.
 2. Coordination with regulatory agencies can occur at any point in the process, but typically occurs subsequent to alternative development and preliminary LPER preparation. These factors facilitate meaningful consultation with the necessary agencies.
 3. At project inception, Environmental Affairs creates a project folder/binder to collect and establish the necessary components of the final LPER.
 4. The LPER worksheet is intended to guide environmental compliance activities and facilitate documentation. The main components of the LPER worksheet are:
 - a. Project Information
 - b. Study Area Characteristics
 - c. Environmental Resource Characteristics
 - d. Agency Coordination
 - e. Meeting/Activity Log
 - f. Mitigation Commitments
 - g. Permit Assessment
- Stage 1 is complete when the Location Committee selects a Final Study Route.

- This Exhibit B-4 includes a checklist entitled "Baseline Regulatory and Environmental Determinant Framework," which covers Stage 1 activities that are relevant to the location process.

[Note: GIS is the primary framework around which the Stage 1 activities are performed. The GIS for location activities is **location.mxd**. (Under the ArcView 3.x series, it was formerly named **location.apr** reflecting previous file conventions.) References to shapefiles and layers will be used interchangeably for the purposes of this document.]

Stage 2

Stage 2 is focused and field-oriented and begins after survey notification is complete for parcels along the Final Study Route. On-the-ground surveys of the Final Study Route provide detailed information and locations of, among other things, wetlands, streams, habitat types, vegetation communities, protected species, and potential cultural resources within the Final Study Route.

Stage 2 activities include:

- Field surveys for waters of the U.S. (including streams and wetlands), waters of the State, and protected species are performed along the Final Study Route.
- Minor modifications to the project centerline may occur to minimize project impacts.
- The Stage 2 process is documented through the completion of the LPER worksheet (**Exhibit B-5**), which begins in Stage 1. The worksheet, Preliminary LPER Map, and relevant attachments (such as consultant reports and contact database) collectively constitute the Final LPER.

The information gathered in Stage 2 is then utilized for three primary purposes:

- To make fine-scale adjustments (minor route changes and structure location modifications) to minimize environmental impacts to the extent practicable.
- To supply hard data to the environmental permitting process as needed (such as NPDES permitting, §404 CWA permitting, and USFWS coordination).
- To assist construction staff in designing and implementing access roads and stream crossings.

Exhibit B-4: Existing Environmental Conditions (continued)

Baseline Regulatory and Environmental Determinant Framework

[Note: "Location.mxd" is the base ESRI ArcGIS 8.x project file from which all LPER reports and maps are generated. Shapefiles and layers are presented here in italics and refer to those files included in the project document Location.mxd.]

Wetlands

Does the project cross and/or impact any wetlands?

YES NO

- Analyze National Wetlands Inventory (NWI) mapping within the GIS.*
- Investigate USGS 7.5' Quadrangles with contour mapping within the GIS.*
- Investigate Color Infrared Photos.*
- Perform Windshield Survey.

Land Use

Does the project cross any areas of a National Forest?

YES NO

- Analyze USFS National Forest Land shapefile within the GIS to determine whether the project impacts the Chattahoochee National Forest or the Oconee National Forest.*
- Perform Windshield Survey.

Does the project cross any areas of state ownership/management?

YES NO

- Analyze GA DNR Managed Lands shapefile within the GIS.*
- Analyze Stewardship Lands.*
- Perform Windshield Survey.

Does the project cross any other areas of non-private ownership?

YES NO

- Analyze Stewardship Lands.*
- Investigate Appalachian Trail CL.*
- Perform Windshield Survey.
- Analyze GDOT County Road Maps on paper.

Wildlife

Does the project affect any important avian habitat areas?

YES NO

- Analyze Known Wading Bird Concentrations shapefile within the GIS.*
- Analyze Audubon Society Important Bird Areas shapefile within the GIS.*
- Analyze Bald Eagle Nest Locations (one-mile buffer).*
- Analyze Woodstork Nest Locations (three-mile buffer).*

Protected Species

Does the project impact any federally listed species?

YES NO

- Analyze Federal TES List by County (hyperlink).*
- Analyze Heritage Database Locations (2004-2001).*
- Analyze EO Quarter Quad.*
- Analyze Known Woodstork Locations shapefile within GIS (three-mile buffer).*
- Analyze Known Bald Eagle Nest Locations shapefile within GIS (one-mile buffer).*

Does the project impact any state listed species?

YES NO

- Analyze State TES List by County (hyperlink)*
- Analyze Heritage Database Locations (2004-2001)*
- Analyze EO Quarter Quad*

Streams and Rivers

Does the project cross and/or impact any streams or rivers?

YES NO

- Analyze USGS Streams shapefile within the GIS.*
- Analyze USGS Lakes shapefile within the GIS.*
- Investigate USGS 7.5' Quadrangles with contour mapping within the GIS.*
- Perform Windshield Survey.*

Does the project cross and/or impact any National Wild and Scenic Rivers?

YES NO

- Investigate National Wild and Scenic Rivers shapefile within the GIS.*

Does the project cross any "navigable waters"?

- YES NO

- Determine crossing of navigable waters.*
- Investigate USGS 7.5' Quadrangles with contour mapping within the GIS.*

Does any part of the project occur within 2000 feet of the Chattahoochee River?

- YES NO

- Investigate USGS 7.5' Quadrangles with contour mapping within the GIS.*
- Investigate USGS Streams.*

Does the project occur within a county containing designated trout waters?

- YES NO

- Investigate Trout Counties (hyperlink).*

Does the project cross any "major" rivers?

- YES NO

- Investigate flow 400 cfs.*
- Investigate USGS Streams.*

Does the project cross any impaired waters?

- YES NO

- Analyze 305(b)/303(d) Listed Streams*

Does the project occur in a regulated "coastal county"?

- YES NO

- Analyze Coastal Counties shapefile within the GIS.*

Early Coordination

While not required during Stage 1 of the location process, early coordination with state and federal agencies is beneficial. This coordination is in advance of any specific permitting activities. The following agencies may be contacted to acquire information about the study area for the proposed project and/or to coordinate future permitting actions:

- US Fish and Wildlife Service – regarding Federally listed protected species and locations of designated critical habitat.

- ❑ GA DNR Natural Heritage Program – regarding Federal and state-listed protected species.
- ❑ GA DNR Coastal Resources Division – regarding projects occurring within one or more of the designated coastal counties.
- ❑ US Corps of Engineers – regarding projects with anticipated substantive stream/river crossing, navigable waters, and/or involving crossings or impacts to Corps lakes or property.
- ❑ Georgia State Historic Preservation Officer ("SHPO") – regarding projects involving known locations of existing National Register properties and/or other important heritage resources.

Exhibit B-5: Preliminary Location Process Environmental Report ("LPER")

<h1 style="margin: 0;"><u>LPER WORKSHEET</u></h1>	 <p>GEORGIA POWER A SOUTHERN COMPANY</p>
---	--

PROJECT INFORMATION

Date:

Project Name:
 Brief Description of Project:

Worksheet Completed By:
 Location Committee Members:

Other Information:

STUDY AREA CHARACTERISTICS

Has a Study Area Been Defined? YES NO

Study Area Size (in acres or square miles):

County(ies):

Physiographic Province(s):

Other Information:

ENVIRONMENTAL RESOURCE CHARACTERISTICS

Check all Environmental Determinants that exist within the Study Area (refer to the Preliminary LPER Map, location.mxd)

Stage 1

<u>Environmental Determinant</u>	<u>YES</u>	<u>NO</u>
Wetlands	<input type="checkbox"/>	<input type="checkbox"/>
Streams/Lakes	<input type="checkbox"/>	<input type="checkbox"/>
National Forest	<input type="checkbox"/>	<input type="checkbox"/>
DNR Land	<input type="checkbox"/>	<input type="checkbox"/>
Other Non Private Land (Describe below)	<input type="checkbox"/>	<input type="checkbox"/>
Important Avian Habitat Areas	<input type="checkbox"/>	<input type="checkbox"/>
Known Locations of Federally Listed Species	<input type="checkbox"/>	<input type="checkbox"/>
Known Locations of State Listed Species	<input type="checkbox"/>	<input type="checkbox"/>
Known Bald Eagle Nests	<input type="checkbox"/>	<input type="checkbox"/>
Known Woodstork Nests	<input type="checkbox"/>	<input type="checkbox"/>
Wild and Scenic Rivers	<input type="checkbox"/>	<input type="checkbox"/>
Navigable Waters	<input type="checkbox"/>	<input type="checkbox"/>
Chattahoochee River	<input type="checkbox"/>	<input type="checkbox"/>

Designated Trout Waters	<input type="checkbox"/>	<input type="checkbox"/>
Major Rivers (>400cfs)	<input type="checkbox"/>	<input type="checkbox"/>
303(d) Listed Streams	<input type="checkbox"/>	<input type="checkbox"/>
"Coastal Counties"	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>

Stage 2

<u>Environmental Field Surveys</u>	<u>Date(s)</u>	<u>Consultant Used</u>
Streams/Wetlands/Buffers		<input type="checkbox"/>
Protected Species		<input type="checkbox"/>
Other:		<input type="checkbox"/>
Other:		<input type="checkbox"/>

AGENCY COORDINATION

Check all boxes that apply to coordination (formal and informal) with respect to the location process. Document dates of coordination in the log below.

Review Georgia Natural Heritage Program Element Occurrence Database (Quarter Quad)	<input type="checkbox"/>
Literature Review GA DNR State-Listed Species (by County)	<input type="checkbox"/>
Review US Fish and Wildlife Service-Listed Species (by County)	<input type="checkbox"/>
Preliminary Contact/Coordination with USFWS Ecological Services Details:	<input type="checkbox"/>
Preliminary Contact/Coordination with USCOE Details:	<input type="checkbox"/>
Preliminary Contact/Coordination with GA DNR Natural Heritage Program Details:	<input type="checkbox"/>
Other:	<input type="checkbox"/>

MEETING/ACTIVITY LOG

Briefly describe and date the meetings, agency coordination, work product production, field visits and other project milestones relevant to the location process.

Date:	Activity/Meeting:
Date:	Activity/Meeting:
Date:	Activity/Meeting:

Date: Activity/Meeting:
Date: Activity/Meeting:
Date: Activity/Meeting:
Date: Activity/Meeting:
Date: Activity/Meeting:

MITIGATION COMMITMENTS

Describe below with as much detail as relevant any mitigation commitments that are made with agencies, private property owners, etc. Provide action items to ensure compliance.

Mitigation:
Agency or Individual Name:
Action Item(s):

PERMIT ASSESSMENT

Check all items that apply. Use responses to the list below to guide early coordination and scheduling with regulatory agencies.

Clean Water Act

Section 404

Nationwide Permit (no notification)

Nationwide Permit (PCN)

Individual Permit

Section 401

National Environmental Policy Act

CE

EA

EIS

AR-06-2684
Enclosure
Attachment C-4 #89

Rivers and Harbors Act
Section 10 Permit

Endangered Species Act
Section 10
HCP

Georgia Environmental Policy Act
Permit

Historic Preservation Act
Section 106
MOU

Georgia Erosion and Sedimentation Act
Buffer Variance

Other:

Other:

Other:

Exhibit B-6: Engineering Practices Checklist

After the Solution Team has identified a preferred solution to a transmission problem and the decision has been made to construct a new transmission line, the Location Committee should address the following issues related to the construction and operation of the line:

1. Evaluate overhead vs. underground option.
 - Is underground a feasible option? If so, prepare a preliminary estimate for underground design.
2. Evaluate three overhead-line options:
 - a. Option 1: Rebuild existing GPC facility to accommodate new transmission line circuit.
 - Can existing facility be taken out of service?
 - If no, go to Option 2.
 - If yes, is existing right-of-way width adequate for a rebuild?
 - If no, can existing right-of-way be perfected for additional width?
 - If no, go to Option 2.
 - If yes, prepare a preliminary estimate for double-circuit design.
 - b. Option 2: Construct new transmission line on state or county road right-of-way.
 - Will DOT/county allow new transmission line to be placed on road right-of-way?
 - If no, can new right of way be acquired adjacent to road right-of-way?
 - If no, go to Option 3.
 - If DOT/county will allow new TL to be placed on the road right-of-way or if a new right-of-way can be acquired adjacent to the road right-of-way, prepare a preliminary estimate for single-pole design.
 - c. Option 3: Construct new transmission line on new right-of-way corridor.
 - Can new right-of-way be acquired adjacent to existing GPC right-of-way?
 - If no, acquire new right-of-way corridor and prepare preliminary estimates for:
 - Short span (single-pole) design
 - Long span (H-frame/tower) design
 - If yes, prepare preliminary estimates for:
 - Short span (single-pole) design
 - Long span (H-frame/tower) design
3. Evaluate estimates to select preferred solution.

Section C: Public Meetings

Protocol Checklist

Before the public meetings occur, the Land Compliance Coordinator is responsible for:

- Preparing a list or lists of the owners of all property over which the transmission line is to be constructed or expanded.
- Determining the number of public meetings to be held in each affected county and setting the date(s) and time(s).
- Planning the logistics of the public meeting(s).
- Preparing and distributing public meeting notice(s) to appropriate newspaper(s).
- Preparing and sending, by certified mail, notice of public meeting(s) to property owners and local government officials.

A few days before and on the day of the meeting(s), the Land Compliance Coordinator is responsible for:

- Meeting with the venue manager to review logistics and discuss last-minute details of the meeting.
- Hosting a pre-meeting gathering of company participants.
- Overseeing set-up of the meeting.
- Providing ample opportunity for the public to express views and ask questions.
- Making sure media relations issues are being handled and directing the photographer.

After the meeting(s), the Land Compliance Coordinator is responsible for:

- Conducting a wrap-up session with meeting participants.
- Placing appropriate documentation in the Project Business File.

Section C: Public Meetings

Protocols

Protocols 1 through 5 describe what needs to occur before the public meeting(s) is (are) held:

1. Property List(s)

The Land Compliance Coordinator is responsible for:

- Instructing the Acquisition Coordinator to generate a Tax Records List of impacted property owners not less than two weeks after the Location Engineer sends out the project location letter.

The Tax Records List includes the owners of property over which the line is to be constructed or expanded and is prepared by using the tax records of each county in which any portion of the electric transmission line is to be constructed or expanded.

- Making sure the necessary maps, including parcel numbers, are provided to the Acquisition Coordinator by the Location Engineer for Acquisition Agents to begin research in the county or counties where the properties are located to determine the owners' names and contact information as recorded in the county tax records.

The Acquisition Coordinator is then responsible for:

- Conducting research in a manner to ensure full contact information is obtained.
- Confirming the number of impacted property owners.
- Ensuring the Tax Records List is entered into LAC along with all data requested in LAC at this phase of the project.
- Presenting the Tax Records List and contact information to the Land Compliance Coordinator.

In each affected county, if the number of property owners identified in the Tax Records List is 50 or less, the Land Compliance Coordinator is responsible for obtaining a second list (the Title Records List) of each of the owners of affected property, as indicated in the vesting document(s) in the chain of title for each such property.

In some instances, there may be more property owners in the chain of title than are shown in the tax records. For example, where title is held by an estate, there may be large number of heirs that are property owners according to the vesting document but a single name may be on the tax records for the property. Because Title 22 requires that the number of public meetings be determined based on the number of property owners, it is the purpose of the Title Records List to confirm whether more than one public meeting is required in those instances where there is the potential for uncertainty regarding the actual number of property owners in the chain of title.

If it can be objectively determined, without reference to the Tax Records List, that the number of property owners in the chain of title from whom property rights must be acquired is less than 50, it is not necessary to prepare the Title Records List. A Title Records List is also not necessary if the number of property owners identified in the Tax Records List is more than 50 or the decision has already been made to hold two or more public meetings based on factors other than the number of property owners from whom property rights must be acquired.

The Land Compliance Coordinator is responsible for placing copies of the property list(s) in the Project Business File.

2. Number and Scheduling of Public Meetings

The Land Compliance Coordinator is responsible for determining the number of public meetings to be held in each affected county and setting the date(s) and time(s) by reviewing the Tax Records List and, where applicable, the Title Records List to determine the total number of property owners in any county from whom property rights must be acquired.

If the number of property owners from whom property rights must be acquired in any county is 50 or less, one public meeting is required. If the number of property owners from whom property rights must be acquired exceeds 50 in any county, two (or more) public meetings must be scheduled.

In the event only one public meeting is held, that meeting shall be planned to commence between 6 p.m. and 7 p.m., inclusive, on a business weekday. If more than one public meeting is held, at least one of the public meetings shall commence between 6 p.m. and 7 p.m., inclusive, on a weekday.

Meetings should be scheduled far enough in advance to allow for adequate preparation and timely public notification.

3. Logistics of Public Meeting

In consultation with Region Management, the Land Compliance Coordinator secures, in each county in which the transmission line would be located, an accessible location open to the public, suitable for the public meeting to be held in an "open house" format with anticipated attendance. The Land Compliance Coordinator should:

- Identify the appropriate contact person for each venue.
- Visit the venue(s) with the contact person(s).
- Confirm adequate space for public and company participants.
- Set the date(s) for the public meeting(s) and establish a timeline for newspaper and certified mail notices and other preparation milestones. The timeline should anticipate potential delays and ensure adequate time for public meeting notice and preparation.
- Identify the departments to be represented at the public meeting.
- Identify personnel to represent the departments.

- Arrange for a Court Reporter to be present.
 - Appoint front desk and sign-in personnel and ensure that a sign-in sheet or book is available for all attendees to sign upon entering the venue.
 - Review venue information with corporate security.
 - Confirm the number and size of exhibits to be presented and that venue space is sufficient.
 - Coordinate and facilitate pre-public meeting preparation sessions for identified personnel to ensure everyone understands his/her role; confirm that all participants understand what supplies and equipment they will need to bring (such as paper, pens, easels, and handouts).
 - In consultation with Corporate Communication and the Location Engineer, arrange for the creation, publication, and presentation of brochures, maps, and exhibits sufficient to provide:
 1. A description of the proposed project including the general route of the transmission line and the general property area within which the utility intends to construct or expand the electric transmission line. (Corporate Communication)
 2. The width of the proposed transmission line route. (Corporate Communication, Location Engineer)
 3. A description of the alternative construction approaches considered by the utility and why such alternatives were rejected by the utility. (Corporate Communication)
- Note: Maps should be labeled: "Proposed Project – Final Study Route." (Location Engineer)
- Arrange for a photographic record of the meeting. (Corporate Communication Photographer)

4. Public Meeting Newspaper Notice

The Land Compliance Coordinator is responsible for preparing and distributing public meeting notice(s) to appropriate newspaper(s). (see **Exhibit C-3**) The notice, which should be reviewed and approved by the Legal Services Manager, must contain the following essential elements:

- Date, time, and location of each meeting.
- A statement that the purpose of the meeting or meetings is to provide public notice of the utility's intent to construct or expand an electric transmission line for which the right of eminent domain may be exercised.
- A description of the proposed project including the general route of the electric transmission line and the general property area within which the utility intends to construct or expand the electric transmission line.
- The width of the proposed transmission line route.

- A description of the alternative construction approaches considered by the utility and a statement of why such alternatives were rejected by the utility.

The Land Compliance Coordinator is responsible for making sure the notice is published in a newspaper of general circulation in each county in which any portion of the electric transmission line is to be constructed or expanded. (see **Exhibit C-1**)

The Land Compliance Coordinator is responsible for identifying which newspaper(s) is/are the general circulation newspaper(s) in each affected county and submitting the notice for publication on a date not less than 30 days before the date of the first public meeting.

With respect to statutes in which the term "newspaper of general circulation" is not defined, the following criteria are helpful in determining which publications satisfy the requirements of the statutes:

- The publication should be available in all parts of the county.
- It should be published at least once weekly.
- It should be intended for general distribution and circulation.
- It should contain news of general interest to the public.
- It should be sold at fixed prices per copy, per week, per month, per year, to subscribers and readers without regard to business, trade, profession, or class.

The Land Compliance Coordinator is responsible for sending the notice to the newspaper(s) under cover of a letter (in the form of **Exhibit C-2**) and placing the requested publisher's certificate in the Project Business File.

5. Certified Mail Notice of Public Meeting(s) to Property Owners and Local Government Officials

With respect to property owners, the Land Compliance Coordinator:

- Sends the same notice that was sent to the newspaper(s) to affected property owners identified in the Tax Records List.
- Signs and includes with the notice a cover letter (in the form of **Exhibit C-4**).
- Sends the notice by certified mail at least 30 days prior to the date of the first public meeting.
- Places copies of each letter and notice to property owners, along with certified mail coupons, in the Project Business File.

With respect to local government officials, the Land Compliance Coordinator:

- Sends the same notice that was sent to the newspaper(s) to the chairpersons and chief executives of the counties and the mayors of any municipalities in which any affected property is located.

- Signs and includes with the notice a cover letter (in the form of **Exhibit C-5** or **Exhibit C-6**).
- Sends the notice by certified mail at least 30 days prior to the date of the first public meeting.
- Places copies of each letter and notice to local government officials, along with certified mail coupons, in the Project Business File.

Protocols 6 through 10 describe what needs to occur a few days before the public meeting(s) is (are) held and what should be done the day of the meeting:

6. Meeting with venue manager

The Land Compliance Coordinator meets with the venue manager to review specific details about the set up of the meeting.

7. Pre-meeting Gathering

The Land Compliance Coordinator hosts a pre-meeting gathering of participants to remind all participants of their role, to confirm attendance of all essential participants and, if necessary, to distribute GPC logo shirts.

8. Conduct Meeting

The Land Compliance Coordinator oversees set-up of all exhibits, tables, comment cards and collection boxes, and refreshments.

9. Public Comments and Questions

The Land Compliance Coordinator ensures that a reasonable opportunity is allowed for members of the public to express their views on the proposed project and to ask questions by providing at each table and at the venue entrance and exit a sufficient number of comment and/or question cards, along with receptacle boxes to collect them.

10. Media Relations and Photography

The Land Compliance Coordinator makes sure media relations issues are being handled before, during, and after the meeting and, if necessary, directs the Corporate Communication photographer to capture certain themes/scenes during the meeting.

Protocols 11 and 12 describe what needs to occur after the public meeting(s):

11. Wrap-up Session

The Land Compliance Coordinator conducts a wrap-up session with the meeting participants to:

- Make sure all public comment cards have been collected.

- Collect all exhibits.
- Pick up sign-in sheet.
- Get a time frame from the photographer for receipt of pictures.
- Check with participants for problems, issues, contacts, and things that need improving.

12. Documentation

The Land Compliance Coordinator, who is responsible for the general execution and administration of the public meeting and ensuring compliance with these protocols, makes sure that all documents (including brochures, exhibits, public comment cards, question cards, and photography) from the public meeting(s) are preserved in the Project Business File for the subject line.

Exhibits for Section C:

- Exhibit C-1: Newspaper Notice of Public Meeting Comments/Suggestions
- Exhibit C-2: Sample Form Cover Letter Submitting Public Notice
- Exhibit C-3: Public Notice of Public Meeting on Proposed Electric Transmission Line
- Exhibit C-4: Cover Letter to Property Owner
- Exhibit C-5: Cover Letter to County Chairperson/Chief Executive
- Exhibit C-6: Cover Letter to City Mayor

Exhibit C-1

**NEWSPAPER NOTICE OF PUBLIC MEETING
COMMENTS/SUGGESTIONS**

- Georgia Power currently places public notices in newspapers of general circulation in compliance with requirements of the Georgia Environmental Protection Division ("EPD"). Since this establishes an acceptable methodology used by Georgia Power, it is suggested that a consistent approach be adopted for the public notice requirements under O.C.G.A. 22-3-160.
- The public notice is treated as a Legal Notice and submitted to an appropriate newspaper of general circulation. A form cover letter (**Exhibit C-2**) submits the public notice. (**Exhibit C-3**) for printing with no specified format, location, or font size, since typically newspapers have a specific section for such legal notices and standard format for such notices. Our practice has been to request, within that cover letter, an Affidavit of Publication, which is a sworn and notarized statement from a representative of the newspaper that the public notice was published on specified dates and includes a copy of the actual legal notice as printed. This Affidavit of Publication should be part of the documentation placed in the Project Business File. Additionally, actual copies of the page of the newspaper containing the public notice should be included in the Project Business File.
- Care should be taken to submit the public notice to the newspaper within the lead time required for publication. (For example, The Atlanta Journal-Constitution deadline for submission of legal notices is 72 business hours prior to publication.) The notice for each public meeting must be published at least thirty days prior to the date of the first public meeting.

Exhibit C-2: Sample Form Cover Letter Submitting Public Notice

{Date}

{Name of Newspaper}
Attention: Legal Notices/Classifieds
{Street Address}
{City/State/Zipcode}

RE: Public Notice

Dear {Name of Newspaper}

Attached is a public notice as required by the State of Georgia, pursuant to O.C.G.A. 22-3-160, which needs to run in your newspaper on {Day}, {Month} {Date}, {Year}. Enclosed is a check for {Amount of Check} to cover the cost of the notice. In addition, I would like to request an affidavit sent to my attention, certifying that the attached notice ran in your newspaper on this date. If you have any questions, please call me at {Phone Number}.

Thank you for your assistance in this matter.

Sincerely yours,

{Signature}
{Printed Name}

Attachments

Exhibit C-3

**PUBLIC NOTICE OF PUBLIC MEETING
ON PROPOSED ELECTRIC TRANSMISSION LINE**

This is to inform all interested persons, pursuant to O.C.G.A. 22-3-160, that Georgia Power Company will be holding a public meeting on {Day}, {Month} {Date}, {Year}, at {Time} at {Location}. [NOTE-If more than one hearing, insert: A second public meeting will be held on {Month} {Date}, {Year}, commencing at {Time} and concluding at {Time} at {Location}.] The purpose of the meeting is to provide public notice of Georgia Power's intent to construct [if applicable: expand] an electric transmission line for which the right of eminent domain may be exercised, within {Name of County} County. The proposed project is a {KV#} KV {insert explicit description: ex.. Overhead; lattice structure, etc.} transmission line with a general route of {insert general route description} within the general property area of {insert general property area}. The width of the proposed transmission line route is {width#}. Alternative construction approaches considered by Georgia Power, with the reasons rejected, are as follows: {insert alternative construction approaches along with the reasons rejected}. The public will have the opportunity to ask questions and express views and comment on the project at the public meeting.

DRAFT

Exhibit C-4: Cover Letter to Property Owner

CERTIFIED MAIL

Re: _____

Dear _____:

As you may know, Georgia Power Company intends to construct a transmission line in _____ County. Once the transmission line right-of-way was located, the County Tax Records were researched to determine ownership of the land through which the transmission line will run. The results of this search reveal that the transmission line right-of-way, as located, will cross your property.

In order for you to have an opportunity to learn more about this project a meeting (or meetings) open to the public has (have) been scheduled. A copy of the notice to be published in the (name/date of newspaper) announcing this meeting (or these meetings) is enclosed for your information. We encourage you to attend and participate in this forum.

Sincerely,

Exhibit C-5: Cover Letter to County Chairperson/Chief Executive

CERTIFIED MAIL

Re: _____

Dear _____:

As you may know, Georgia Power Company intends to construct a transmission line in _____ County. A public meeting (or public meetings) has (have) been scheduled for informing and educating the citizens of your county as to the need for, purpose of, and location of this transmission line.

I have enclosed a copy of the notice to be published in the [*name/date of newspaper*] announcing this meeting (these meetings) for your ready reference. I invite you to come to this meeting (these meetings). We look forward to seeing you on [*date of meeting(s)*]. If you have any questions before then, please contact [*name of person*] at [*telephone number*].

Sincerely,

Exhibit C-6: Cover Letter to City Mayor

CERTIFIED MAIL

Re: _____

Dear _____:

As you may know, Georgia Power Company intends to construct a transmission line in _____ County. A portion of this transmission line will be located within the limits of your city. A public meeting (or public meetings) has (have) been scheduled for informing and educating the citizens of your city as to the need for, purpose of, and location of this transmission line.

I have enclosed a copy of the notice to be published in the [*name/date of newspaper*] announcing this meeting (these meetings) for your ready reference. I invite you to come to this meeting (these meetings). We look forward to seeing you on [*date of meeting(s)*]. If you have any questions before then, please contact [*name of person*] at [*telephone number*].

Sincerely,

Section D: Good Faith Negotiations

Protocol Checklist

The Acquisition Agent must:

- Prepare to discuss the need for the project and the project characteristics.
- Request a personal meeting with each property owner, or property owner's representative, for notification of survey.
- Obtain information from an appraiser or appraisers regarding land values in the project area.
- Request a personal meeting with each property owner, or property owner's representative, to negotiate property acquisition.
- During settlement negotiations, attempt to discuss the value of the right-of-way with each property owner and provide each property owner with a written offer letter (in the form of **Exhibit D-1**) to purchase the right-of-way. Provide a final offer letter (in the form of **Exhibit D-2**) to the property owner before negotiations end.
- File appropriate documentation concerning contacts and negotiations with property owners in the Project Business File.

Section D: Good Faith Negotiations

Protocols

1. Preparation

The Acquisition Supervisor, with assistance from Acquisition Coordinators, must ensure the Acquisition Agents have a full understanding of the need for the project and prepare fully to discuss the need for and purpose of the project. The Acquisition Agents must be able to answer the following questions:

- Why is the project needed?
- What is the construction timeframe/schedule?

The Acquisition Agents also must have a full understanding of the characteristics of the project and be prepared to discuss the following:

1. A general description, including:
 - Length of line – beginning and ending points
 - Voltage
 - Right-of-way width – new or existing
 - Structures
 - a. Type – single pole, H-frame, tower
 - b. Height
 - c. Steel, concrete, wood
2. A site-specific description, including:
 - Impact on property
 - Right-of-way width
 - a. Centerline
 - b. Structure locations
 - c. Guy flares, if applicable
 - d. Ingress and egress needs, if applicable
 - e. Construction roads
 - f. Construction equipment

The Acquisition Agents must have a full understanding of the appraisal process, the acquisition process, and the location process.

2. Contact Property Owners for Notification to Survey

The Acquisition Agent must meet in person with each property owner, or property owner's representative, to review the project with the property owner and provide:

- A description of the purpose of the project.
- An explanation of the location process
- An explanation that the initial work is a review of a Final Study Route.
- An explanation of Georgia Power's need to conduct a survey, including:
 1. A survey is necessary to examine topography and environmental conditions and to determine the exact location of the proposed transmission line.
 2. Allowing Georgia Power to conduct a survey does not grant a permanent easement.
- A combination of aerial photography and tax maps to best inform and illustrate to the property owner the location and width of the proposed right-of-way.
- An explanation of the acquisition process.
- A review of the project construction schedule.

After meeting in person with each property owner or property owner's representative, the Acquisition Agent must document each contact in the contact diary. Information in the contact diary should include, but not be limited to:

- Agent's name
- Date and time of contact or attempted contact
- Person contacted or attempted to contact
- All available contact numbers (home, work, cell, fax, and email)
- Pertinent and significant details of the conversation
- Follow-up action items

If the property owner refuses to meet with the acquisition agent, he/she must document such refusal and the reasons therefore in the contact diary.

3. Obtain Information from Appraiser(s) Regarding Land Values in Project Area

The Acquisition Agent will consult with the Land Acquisition Supervisor to retain Appraiser(s) taking into consideration the preference for appraisal experience in the geographical area and the number of Appraisers to retain.

4. Contact Property Owners to Negotiate Property Acquisition

The Acquisition Agent must attempt to meet in person with each property owner, or property owner's representative, to negotiate a property acquisition. During these meetings, the Acquisition Agent must:

- Fully explain the purpose of the project to the property owner.
- Provide a written easement, with a parcel map attached as an exhibit, to the property owner for review that describes in detail the property rights sought.

- Ask and confirm whether the property owner understands the property rights being sought. Inform the property owner that he/she can seek legal counsel or assistance to clarify the property rights being sought.
- Clearly identify that the parcel map is the "Exhibit" to the easement pertaining to the tract(s) of land specific to the property owner. The parcel map must show:
 1. Proposed width of the right-of-way
 2. Proximity to property lines
 3. Proximity to property access
 4. Proximity to structures
 5. Other considerations that illustrate location of the right-of-way on the property
- Provide an additional map, if necessary, to the property owner if the Exhibit does not clearly show the right-of-way in context of the property owner's entire tract.

After meeting in person with each property owner or property owner's representative, the Acquisition Agent must document each contact after it has concluded in the contact diary daily. Information in the contact diary should include, but not be limited to:

- Agent's name
- Date and time of contact or attempted contact
- Person contacted or attempted to contact
- All available contact numbers (home, work, cell, fax, and email)
- Pertinent and significant details of the conversation
- Follow-up action items

If a property owner refuses to meet with the Acquisition Agent, he/she must document such refusal and the reasons therefore in the contact diary.

5. Settlement Negotiations

The Acquisition Agent must meet with the property owner to:

- Discuss the value of right-of-way.
 1. Explain the methodology of the appraisal and clarify that the appraisal is for an easement and not fee simple acquisition.
 2. Explain the valuation of easement area.
- Provide a written offer (in the form of **Exhibit D-1**) to purchase the right-of-way that contains the specific amount offered and any specific terms. A copy of the written offer should be included in the Project Business File.
 1. Written offer will be presented to the property owner at the time the easement is signed.

2. Written offer must be based on data book or appraisal specific to the parcel under negotiation, if available.
3. Negotiations must start at data book value or appraised value.

The Acquisition Agent must document each settlement negotiation in the contact diary. Information in the contact diary should include, but not be limited to:

- Agent's name
- Date and time of contact or attempted contact
- Person contacted or attempted to contact
- All available contact numbers (home, work, cell, fax, and email)
- Pertinent and significant details of the conversation
- Follow-up action items

Before negotiations cease, the Acquisition Agent sends by certified mail a written offer (in the form of **Exhibit D-2**) documenting a final offer to the property owner. A copy of the letter should be included in the Project Business File. If a settlement is not reached with a property owner, the Acquisition Agent is then responsible for sending the Project Business File for that property owner to Land Department Legal Services to begin the condemnation process.

6. Compliance Documentation

After settlement negotiations with a property owner have ended (whether successfully or not), the Acquisition Agent files all paperwork demonstrating compliance with Title 22 requirements, for each property owner contacted by the Acquisition Agent, in the Project Business File, including:

- Copy of easement, as signed by the property owner, if settlement negotiations are successful
- Copy of easement, as presented to the property owner, if settlement negotiations are not successful
- Copy of parcel map
- Copy of contact diary
- Copy of Written Offer letter or Settlement letter
- Copy of check, if any
- Copy of tabulation sheet from the appraisal(s)

Exhibits for Section D:

D-1: Written Offer Letter
D-2: Settlement Letter

Exhibit D-1: Written Offer Letter

[GPC Letterhead]

[Date]

[Parcel ID Information]

Dear _____:

As you know from our previous discussions, Georgia Power wants to acquire an easement across your property for our proposed _____ Transmission Line. I've attached a map that shows the location of our proposed line on your property and a copy of the standard transmission line easement document that describes the property rights we need to acquire from you.

We have evaluated the value of the easement we wish to acquire from you and, based on that evaluation, Georgia Power will pay \$_____ upon receipt of a signed, standard easement from you.

I continue to be available to answer any questions you may have concerning the transmission line or this proposal. If you have questions, please call me [number].

Sincerely,

[Agent's Name]

Exhibit D-2: Settlement Letter

SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

[GPC Letterhead]

[Date]

[Parcel ID Information]

Dear _____:

At this time I would like to thank you for your time spent with me discussing the easement Georgia Power needs to acquire across your property for our proposed _____ Transmission Line. I recognize this has been a difficult and time consuming effort. We do, however, have an obligation to continue to provide the citizens of the State of Georgia with adequate and reliable electricity and we must move forward with this project to meet the demand and project schedule. I've attached a map that shows the location of our proposed line on your property and a copy of the standard transmission line easement document that describes the property rights we need to acquire from you.

At this time, Georgia Power Company is tendering its written good faith offer of \$_____ upon receipt of a signed, standard easement from you. This offer is being presented solely as a compromise for purpose of concluding this matter without litigation and is Georgia Power's effort to reach a negotiated settlement of this matter with you. We hope you will consider Georgia Power's offer.

If you decide to accept the offer, please contact me and I will make arrangements to finalize the acquisition with you. If I have not had a response from you within 10 days of the date of this letter, I will then refer this matter to our Legal Counsel with a request that they initiate litigation proceedings to acquire the necessary interest in the property.

Please contact me at [telephone contact number] if you have any questions.

Sincerely,

[Agent's Name]

Enclosures

Cc: Letter File #_____

Section E: Condemnation Proceedings

Protocol Checklist

- The Land Compliance Coordinator is responsible for preparing a Project Business File and ensuring quality control of all documents submitted to the file.
- Land Department Legal Services includes averment of compliance with Title 22 requirements in the Condemnation Petition.
- Local counsel files the Condemnation Petition and the order appointing the Special Master and ensures that the Condemnation Petition and the order are properly served. In addition, local counsel mails the Condemnation Petition and the order via certified mail to any person shown by the public ad valorem tax records of the county in which the property is located to have an interest in the property and any other person having open and obvious possession.
- The Staff Attorney, in consultation with local counsel, is responsible for scheduling the Special Master hearing not less than 30 days, and not more than 40 days, after the date of service of the order.
- The Staff Attorney, in consultation with local counsel, is responsible for designating and preparing witnesses to testify at the Special Master hearing.
- The Staff Attorney should meet with local counsel prior to the general pre-hearing preparation meeting to review the requirements of Title 22 and, with local counsel, should schedule and conduct a pre-hearing preparation session that conforms to existing protocols.
- At the Special Master hearing, local counsel's opening statement should include information regarding Title 22 requirements. Local counsel's closing statement should include recitation of how evidence presented during the hearing established Georgia Power's compliance with the requirements of Title 22.

Section E: Condemnation Proceedings

Protocols

1. Project Business File

The Land Compliance Coordinator is responsible for:

- Preparing a Project Business File ("the File") for each transmission line that is subject to § 22-3-160. The Land Compliance Coordinator is the custodian of the File, which should contain the documents to prove Georgia Power's compliance with the requirements of Title 22. (see **Exhibit E-2**)
- Reviewing the quality control of each document submitted to the File to ensure its completeness and sufficiency. The Staff Attorney assigned to the Acquisition Team responsible for the transmission line will spot-check the File for legal sufficiency at intervals corresponding to the following milestones:
 - Solution Team Report
 - Location Committee Report
 - Property List(s) Compilation
 - Notice of Public Meeting(s)
 - Public Meeting(s)
 - Good Faith Negotiations

2. Condemnation Petition

The Legal Services Manager is responsible for ensuring that Georgia Power complies with the requirements of Title 22 for each condemnation proceeding. Land Department Legal Services should include an averment to that effect (in the form of **Exhibit E-3**) in the Condemnation Petition.

The affidavit of the Land Compliance Coordinator (in the form of **Exhibit E-4**) should be attached to the Condemnation Petition.

3. Additional Service Requirement

To comply with O.C.G.A. § 22-2-130, the Staff Attorney should instruct local counsel to ensure that in addition to personal service, a copy of the Condemnation Petition and the order appointing the Special Master is mailed by certified mail to (i) any person shown by the public ad valorem tax records of the county in which the property is located to have an interest in the property and (ii) any other person having open and obvious possession of the property. The identity and mailing address of such persons shall be provided with the Request for Condemnation turned in by the Acquisition Agent.

The Tax Records List referred to in Section C of this manual should not be relied upon for purposes of identifying persons shown by the public ad valorem tax records. Rather, the public ad valorem tax records in effect at the time of preparation of the Request for Condemnation

should be reviewed for the identity of the person(s) to be served by certified mail in compliance with O.C.G.A. § 22-2-130.

4. Adjusted Special Master Hearing Schedule

In condemnations subject to O.C.G.A. § 22-2-130, a hearing before the Special Master shall take place not less than 30 days, nor more than 40 days, from after the condemnee(s) is (are) served with a copy of the Condemnation Petition and the order appointing the Special Master.

The Staff Attorney, in consultation with local counsel, is responsible for scheduling the Special Master hearing and the pre-hearing preparation session(s) on a timeline that agrees with the above-stated schedule.

5. Designation of Witnesses for Special Master Hearing

The Staff Attorney, in consultation with local counsel, is responsible for designating and preparing witnesses to testify at the Special Master hearing. The specialties of the required witnesses and the specific area(s) about which they will offer testimony are as follows:

- Land Compliance Coordinator – Title 22 compliance
- Transmission Planning – necessity and cost
- Transmission Line Design – alternate construction approaches and engineering practices
- Location – siting, existing land uses, existing corridors, and engineering practices
- Environmental – existing environmental conditions in the area
- Cultural Resources – existing cultural resources in the area. (The need for testimony from the cultural resources expert should be evaluated on a case-by-case basis depending on the cultural resources issues associated with the parcel(s) being condemned.)
- Appraiser – value (just and adequate compensation)

6. Pre-Hearing Preparation

The Staff Attorney should meet with local counsel prior to the general pre-hearing preparation meeting. The purpose of the attorneys' meeting is to review the requirements of Title 22 and discuss the evidence to be presented at the hearing concerning compliance with such requirements. The meeting should include:

- A review with local counsel, as needed, of the new requirements of Title 22 and resulting evidentiary changes.
- A review of the Project Business File.
- A review of trial exhibits to be prepared.
- A discussion of expert testimony to be presented.

The Staff Attorney and local counsel should schedule and conduct the pre-hearing preparation session to conform to existing protocols. Additional time for the session, or more than one

session, may be necessary to accommodate preparation of additional witnesses who may testify regarding compliance with Title 22 requirements.

7. Special Master Hearing

Local counsel's opening statement should be expanded to include information regarding the new requirements of Title 22. The information presented should be sufficient to educate the Special Master regarding the requirements of Title 22 and provide a roadmap showing how the evidence to be propounded during the hearing proves Georgia Power's compliance with these requirements.

In direct testimony, witnesses should be called to testify about the following matters:

- Title 22 Compliance – The Land Compliance Coordinator testifies, as a fact witness with personal knowledge and as custodian of the pertinent business records, that Georgia Power has complied with the Title 22 requirements concerning notices, public hearing(s), and good faith negotiations.
- Necessity – An expert in transmission planning testifies about the need for the line and presents general costs estimates.
- Location – An expert in transmission line routing, or a fact witness familiar with the Location Committee and siting process, establishes that the route is a practical and feasible route and describes how existing land uses, existing corridors, engineering practices, and cost were considered during the siting process.
- Environmental – An expert in environmental science describes how existing environmental conditions in the area were considered during the siting process.
- Cultural Resources – An expert in cultural resources may testify about any existing cultural resources were considered during the siting process.
- Design – An expert in transmission line design testifies about engineering practices involved in the siting process, identifies the alternative construction approaches that were considered, and explains why the alternative construction approaches were rejected.
- Value – An expert in real property appraisal testifies about the value of the property involved in the proceeding and the amount of just and adequate compensation for the property to be taken.

Local counsel's closing statement should include a point-by-point recitation of how the evidence presented by Georgia Power during the hearing established compliance with the requirements of Title 22.

Exhibits for Section E:

Exhibit E-1: Condemnation Timeline

Exhibit E-2: Documents Needed to Prove Compliance with Title 22 Requirements

Exhibit E-3: Averment of Compliance with Title 22 Requirements

Exhibit E-4: Affidavit of Land Compliance Coordinator

Exhibit E-1: Condemnation Timeline

(Note: Allow a minimum of 90 days from the time you turn in the Request for Condemnation.)

Days	Sequence of Events
10+	Preparation of Condemnation Petition
04+	Review Condemnation File and obtain signatures; Deliver Condemnation Package to local counsel; Final preparation for filing; Judge appoints Special Master; Judge signs Order.
03	Perfect service on all parties, plus additional service requirements by certified mail of persons on ad valorem tax records of county and persons having open and obvious possession of the property.
40	Special Master Hearing set no less than 30, no more than 40, days after service; Pretrial preparation.
1+	Special Master Hearing, which is now lengthened by additional requirements; Additional witness – Land Compliance Coordinator
03	Special Master has 3 days to make an Award
10	Period in which to appeal to Superior Court on value and non-value issues from date Award filed
1+	Judgment should not be submitted to Judge for signature until at least the 11 th day after the filing of Award of Special Master. If no non-value issues, Judge signs Judgment; Money paid into Registry of the Court.
?	Judge holds hearing and enters ruling on any non-value issues.
?	De Novo Superior Court Jury Trial on appeal from Award of Special Master

Exhibit E-2: Documents Needed to Prove Compliance with Title 22 Requirements

1. Planning and Solution Team documentation
 - Alternative construction approaches review
2. Location Committee documentation
 - Existing land use review
 - Existing corridors review
 - Existing environmental conditions review
 - Engineering practices review
3. Public meeting(s) documentation
 - Copy of cover letter for submitting public notice of public meeting(s)
 - Copy of newspaper notification
 - Copy of certified letters to property owners and officials
 - Sign-in sheet
 - Public comments and questions
 - Court Reporter record
 - Information pamphlet/brochure on project and purpose of the meeting(s)
4. Good faith negotiations documentation
 - Written offers for purchase of property rights
 - Documents describing property rights to be acquired
 - Maps showing location of transmission line on each owner's property

Exhibit E-3: Averment of Compliance with Title 22 Requirements

Before a condemnation proceeding is filed with respect to a particular parcel of land, the Legal Services Manager ensures that Georgia Power has complied with the requirements of Title 22 related to the property and persons having an interest in the property. The Legal Services Manager then arranges for the following averment to be inserted as paragraph no. 1 in the Condemnation Petition filed concerning that parcel of land:

"Petitioner is a corporation operating, constructing, and preparing to construct plants for generating electricity and, as provided in O.C.G.A. §22-3-20, has the right of eminent domain under the laws of the State of Georgia. Further, Petitioner states that Petitioner may exercise the right of eminent domain in this matter as Petitioner has complied with the provisions of O.C.G.A. §§ 22-3-160 and 22-3-161 as required under the laws of the State of Georgia with respect to this matter."

Exhibit E-4: Affidavit of Land Compliance Coordinator

[STYLE OF THE CASE]

Affidavit of _____

1.

My name is _____. I reside in _____ County, Georgia;
and I am ___ years of age. This affidavit is based upon my personal knowledge.

2.

I am employed by Georgia Power Company ("Petitioner") as the Land Compliance Coordinator. In my capacity as the Land Compliance Coordinator, I am responsible for the Petitioner's activities as they relate to O.C.G.A. §§ 22-3-160 and 22-3-161, and the exercise of the right of eminent domain in this matter.

3.

As to the [*name of project T/L*], for which a Petition for Condemnation has been filed, as to [*name of property owner*], a public meeting was advertised in [*name of newspaper*] on _____ and was held on _____ at _____.

I was present at this public meeting. The public meeting began at _____ p.m. and ended at _____ p.m. At the public meeting, the affected property owners, as well as other residents, were afforded an opportunity to ask questions of the Petitioner's representatives and also to express their opinions.

4.

Prior to this public meeting, the Petitioner sent copies of the newspaper notice by certified mail on *[date of mailing]* to the affected property owners. This list of property owners was compiled from tax records in _____ County.

5.

The Petitioner also sent copies of the newspaper notice by certified mail on *[date of mailing]* to the Mayor of *[name of city]* and the Chairperson [or Chief Executive] of *[name of county]*.

6.

The negotiations with the property owners directly affected by this project were conducted by the Petitioner's representatives in good faith.

Sworn to and subscribed before
me this ____ day of _____, 200_.

Notary Public

[Name of Affiant]

Section F: Post-Condensation Process

Protocol Checklist

- Additional compensation or reconveyance as stipulated in Chapter 3 of Title 22 applies to any easement or other property interest acquired after July 1, 2004, through exercise of eminent domain for the purposes of constructing or expanding an electric transmission line if the transmission line has not been constructed or expanded after a set time period.
- Land Records is responsible for implementing and managing a database of properties condemned for transmission line corridors. The purpose of this database is to identify and manage the properties that could be subject to reconveyance or additional compensation.
- Land Records is responsible for reporting on the status of the transmission line corridor properties acquired through condemnation.

Section F: Post-Condemnation Process

Protocols

1. Application

Additional compensation or reconveyance as stipulated in Chapter 3 of Title 22 applies to any easement or other property interest acquired after July 1, 2004, through exercise of eminent domain for the purposes of constructing or expanding an electric transmission line:

- With a capacity of 230 kV or less, if the utility has not begun construction or expansion within 12 years from date of acquisition; and land burdened is not adjacent to a transmission line corridor in existence 12 years from the date of acquisition.
- With a capacity of more than 230 kV, if the utility has not begun construction or expansion within 15 years from date of acquisition; and land burdened is not adjacent to a transmission line corridor in existence 15 years from the date of acquisition.
- Of any capacity, if the land burdened is adjacent to a transmission line corridor in existence 15 years after the date of acquisition; if the utility has not begun construction or expansion within 15 years from the date of acquisition.

2. Corridor Management

Land Records is responsible for implementing and managing a database, currently LIMS, of properties condemned for transmission line corridors. The purpose of this database is to identify and manage the properties that could be subject to reconveyance or additional compensation as outlined above. The database will be designed to query on the date of the judgment of condemnation and provide the following additional data:

- Owner's name.
- Property information, including address, tax parcel number, land lot(s)/district(s) or GMD(s), and county.
- Judgment of condemnation, including:
 1. Date on which the judgment was entered
 2. Civil Action Number
 3. Recording number, if applicable
- Departmental filing information, including:
 1. Deed file
 2. Letter file
 3. Map file

Land Records also is responsible for maintaining letter files (hard copies) and digitized copies (scanned images of documents) of the closing documents and/or condemnation documents for all

land and land rights acquisitions. The following additional data will be available from these sources and will be compiled at the request of Land Acquisition by Land Records:

- Owner's mailing address if different from property address (typically stated in the contact diary and scanned into LIMS).
- Easement information, including easement width and acreage and any special rights or conditions (shown on the parcel map, which is scanned into LIMS).
- Compensation/award specified (as stated in the judgment of condemnation or final judgment, as the case may be, and contact diary, both of which are scanned into LIMS, and as shown on the scanned image of the check(s)).

3. Reporting/Managing

Land Records is responsible for generating a quarterly report that will include no less than the information listed in the above-mentioned Corridor Management protocol of the transmission line corridor properties acquired through condemnation. Land Records will confer with the Transmission Maintenance Centers and Property Accounting to verify the status of the corridor. Each quarterly report should be forwarded to:

- Land Acquisition
- Land Legal Services

Section G: Text of House Bill 373 (setting forth changes to Chapters 2 and 3 of Title 22)

04 LC 22 5451S

The Senate Regulated Industries and Utilities Committee offered the following substitute to HB 373:

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 2 of Title 22 of the Official Code of Georgia Annotate, relating to condemnation procedures, so as to change the time for hearing before a special master and to require notice by certified mail in condemnations for certain purposes; to amend Chapter 3 of Title 22 of the Official Code of Georgia Annotated, relating to exercise of the power of eminent domain for special purposes, so as to prohibit the use of the power of eminent domain to acquire any property for the construction of certain electric transmission lines without prior public notice and one or more public meetings with an opportunity for comment and questions; to provide for exceptions; to provide for factors to be considered in selecting a route for certain electric transmission lines; to provide procedures for good faith negotiations; to provide for additional compensation for or reconveyance or quitclaim of an easement or other property interest acquired through the exercise of eminent domain in certain circumstances; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 22 of the Official Code of Georgia Annotated, relating to condemnation procedures, is amended by striking Code Section 22-2-102, relating to petitions of condemnation, judicial orders for hearing before a special master, and proceedings in rem, and inserting in lieu thereof the following:

"22-2-102.

Whenever it is desirable, for any reason, to arrive at a quick and certain determination of the compensation to be paid first to the condemnee for the taking or damaging of private property, the condemnor shall file a petition in a superior court having jurisdiction for a judgment in rem against the property or interest therein, as provided in Code Section 22-2-130. At or before the filing of the petition, the condemnor shall present a copy of the petition to a judge of the superior court of the county wherein the property or interest sought to be condemned is located.

Thereupon, the judge shall make an order requiring the condemnor, the person in possession of the property or interest, and any other person known to have any rights in the property or interest

to appear at a hearing before a special master at a time and place specified in the order and to make known their rights, if any, in and to the property or interest sought to be condemned, their claims as to the value of the property or interest, and any other matters material to their respective rights. The Except in condemnations for purposes of constructing or expanding one or more electric transmission lines, the hearing before the special master shall take place not less than ten days nor more than 15 days after the date of service of the order. In condemnations for purposes of constructing or expanding one or more electric transmission lines, the hearing before the special master shall take place not less than 30 days and not more than 40 days after the date of service of the order. The order shall give such directions for notice and the service thereof as are appropriate and as are consistent with this article, in such manner as to provide most effectively an opportunity to all parties at interest to be heard. In condemnations for purposes of constructing or expanding one or more electric transmission lines, in addition to service of the order, a copy of the order shall be mailed by certified mail to any person shown by the public ad valorem tax records of the county in which the property is located to have an interest in the property and to any other person having open and obvious possession of the property. It shall not be necessary to attach any other process to the petition except the order so made, and the cause shall proceed as in rem."

SECTION 2.

Chapter 3 of Title 22 of the Official Code of Georgia Annotated, relating to exercise of the power of eminent domain for special purposes, is amended by adding at the end of said chapter a new Article 8 to read as follows:

"ARTICLE 8

22-3-160.

(a) Before exercising the right of eminent domain for purposes of constructing or expanding an electric transmission line with a design operating voltage of 115 kilovolts or greater and a length of one mile or more, any person, corporation, or other entity that generates, transmits, distributes, supplies, or sells electricity for public or private use in this state or generates electricity in this state for transmission or distribution outside this state (hereinafter in this article referred to as 'utility') shall schedule and hold one or more public meetings with an opportunity for comment by members of the public. In any proceeding to exercise the right of eminent domain for purposes of an electric transmission line for which the utility began land acquisition negotiations on or after July 1, 2004, the utility shall be required to demonstrate substantial compliance with this Code section as a condition for exercising the right of eminent domain.

(b) Prior to the public meeting or meetings required by this Code section, the utility shall provide adequate public notice of the utility's intent to construct or expand an electric transmission line and adequate public notice of the public meeting or meetings related to the electric transmission line as follows:

(1) By publishing adequate public notice of said public meeting or meetings in a newspaper of general circulation in each county in which any portion of the electric transmission line is to be constructed or expanded. Said notice shall be published at least 30 days prior to the date of the first public meeting related to the electric transmission line and shall include the following: the date, time, and location of each meeting; a statement that the purpose of the meeting or meetings is to provide public notice of the utility's intent to construct or expand an electric transmission line for which the right of eminent domain may be exercised; a description of the proposed project including the general route of the electric transmission line and the general property area within which the utility intends to construct or expand the electric transmission line; the width of the proposed transmission line route; and a description of the alternative construction approaches considered by the utility and a statement of why such alternatives were rejected by the utility; and

(2) By providing written notice of the public meeting or meetings, by means of certified mail, to each owner of property, as indicated in the tax records of the county in which such property is located, over which the utility intends to construct or expand the electric transmission line and to the chairpersons or chief executives of the counties and the mayors of any municipalities in which such property is located. Such notice shall be mailed at least 30 days prior to the date of the first public meeting related to the electric transmission line and shall include all of the information required, by paragraph (1) of this subsection.

(c) At least one public meeting shall be held in each county in which the electric transmission line would be located. In any county in which the electric transmission line would require acquisition of property rights from more than 50 property owners, two or more public meetings shall be held. The public meetings shall be held in an accessible location and shall be open to members of the public. At least one of the public meetings shall commence between 6:00 P.M. and 7:00 P.M., inclusive, on a business weekday. At the public meetings, the utility shall provide a description of the proposed project including the general route of the electric transmission line and the general property area within which the utility intends to construct or expand the electric transmission line, the width of the proposed transmission line route, and a description of the alternative construction approaches considered by the utility and a statement of why such alternatives were rejected by the utility. At the public meetings, the utility shall allow a reasonable opportunity for members of the public to express their views on the proposed project and to ask questions.

(d) A utility shall not be required to give notice of or hold public meetings with respect to any of the following:

(1) An electric transmission line to be constructed or expanded by a utility on an established right of way or land that was acquired by the utility or any other utility prior to July 1, 2004;

(2) An electric transmission line for which the utility began land acquisition negotiations prior to July 1, 2004;

(3) An electric transmission line to be constructed or expanded by a utility on an established right of way or land that is owned or controlled by a state agency, a county, a municipality, or an agency, bureau, or department of the United States;

(4) An electric transmission line to be constructed or expanded by a utility for the purpose of relocating an existing electric transmission line at the direction, order, or request of a state agency, a county, a municipality, or an agency, bureau, or department of the United States;

(5) An electric transmission line to be constructed or expanded by a utility without exercising the power of eminent domain to acquire the right of way or easement area for such line; or

(6) An electric transmission line to be constructed by a utility for the purpose of serving an electric substation or switching station to be constructed on a site that is owned or controlled by a utility customer to be served by such substation or switching station.

22-3-161.

(a) On and after July 1, 2004, before exercising the right of eminent domain for purposes of constructing or expanding an electric transmission line described in subsection (a) of Code Section 22-3-160, the utility shall select a practical and feasible route for the location of the electric transmission line. In selecting the route for the location of the electric transmission line, the utility shall consider existing land uses in the geographic area where the line is to be located, existing corridors, existing environmental conditions in the area, engineering practices related to the construction and operation of the line, and costs related to the construction, operation, and maintenance of the line.

(b) After the utility has selected the preferred route for the location of an electric transmission line, the utility shall attempt in good faith to negotiate a settlement with each property owner from whom the utility needs to acquire property rights for the line. In connection with the negotiations, the utility shall provide the property owner with a written offer to purchase the property rights, a document that describes the property rights, and a drawing that shows the location of the line on the owner's property.

(c) The requirements of subsections (a) and (b) of this Code section shall not apply to an electric transmission line described in subsection (d) of Code Section 22-3-160.

22-3-162.

(a) This Code section shall apply to any easement or other property interest acquired on or after July 1, 2004, through exercise of the right of eminent domain for purposes of constructing or expanding an electric transmission line:

(1) With a capacity of 230 kilovolts or less if the utility has not begun such construction or expansion within 12 years from the date of acquisition and the land burdened by the easement or other property interest is not adjacent to an electric transmission line corridor in existence 12 years from the date of acquisition;

(2) With a capacity of more than 230 kilovolts if the utility has not begun such construction or expansion within 15 years from the date of acquisition and the land burdened by the easement or other property interest is not adjacent to an electric transmission line corridor in existence 15 years from the date of acquisition; and

(3) Of any capacity if the land burdened by the easement or other property interest is adjacent to an electric transmission line corridor in existence 15 years after the date of acquisition and the utility has not begun the construction or expansion for which the easement or other property right was acquired within 15 years from the date of acquisition.

(b) When this Code section becomes applicable to an easement or other property interest, the owner of the land burdened by such easement or property interest may apply to the utility that acquired the easement or other property interest or such utility's successor or assign for reconveyance or quitclaim of the easement or other property interest or for additional compensation for such easement or other property interest. The application shall be in writing, and the utility or its successor or assign shall act on the application within 60 days by:

(1) Executing a reconveyance or quitclaim of the easement or property interest upon receipt of compensation not to exceed the amount of the compensation paid by the utility for the easement or property interest at the time of acquisition; or

(2) Paying additional compensation to the owner of the land burdened by the easement or other property interest, such compensation to be calculated by subtracting the price paid by the utility for the easement or other property interest at the time of acquisition from the fair market value of the easement or other property interest at the time this Code section becomes applicable to such easement or other property interest.

(c) The choice between additional compensation or reconveyance or quitclaim shall be at the discretion of the utility or its successor or assign."

SECTION 3

This Act shall become effective July 1, 2004, and shall apply to the exercise of eminent domain to acquire easements or other property interests for which land acquisition negotiations for

purposes of constructing or expanding one or more electric transmission lines begin on or after such date. The provisions of this Act relating to additional compensation, reconveyance, and quitclaim shall apply to easements and other property interests acquired on or after July 1, 2004, through the exercise of eminent domain.

SECTION 4

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

Section H: Glossary of Terms

ABSITS

ABSITS tracks abnormal situations within the Standard Transmission Operation and Maintenance Program ("STOMP"). The problems are identified through field inspections.

Alternative Construction Approaches

The evaluation of construction alternatives, such as overhead vs. underground lines or single pole vs. double circuit.

Appeals Litigation

If exceptions are filed, a new trial before a Superior Court Judge with full legal process is held.

Condemnation Petition

A filing prepared by Land Department Legal Services. A Condemnation Petition contains a legal description of the property, the names and addresses of all parties that have an interest in the property, and all rights that are to be condemned.

Condemnation Proceedings

This is the statutory process for the acquisition of property through a Special Master and judicial supervision.

Contact Diary

Written history of contacts by Acquisition Agents and their negotiations with landowners.

Final Offer Letter

A letter with a final offer of monetary compensation is sent by certified mail to the property owner in an effort to resolve the acquisition of property rights before initiating a condemnation proceeding.

First Offer Letter or Written Offer Letter

As required by Title 22 Compliance Requirements and a component of good faith negotiations, all offers of fair compensation to property owners must be written and presented to the owner.

Geographic Information System ("GIS")

A computer system for capturing, storing, checking, integrating, manipulating, analyzing and displaying data related to positions on the earth's surface. Typically, a Geographical Information System (or Spatial Information System) is used for handling maps of one kind or another. These might be represented as several layers where each layer holds data about a particular kind of feature. Each feature is linked to a position on the graphical image of a map. Layers of data are organized to be studied and to perform statistical analysis.

Good Faith Negotiations

As required by O.C.G.A. § 22-3-161(b), Acquisition Agents must provide property owners with a document that describes the property rights, a drawing that shows the location of the line on the property, and a written offer of fair compensation for an easement.

LAC (Land Acquisition Database)

Application used by the Acquisition Agents to manage acquisition projects and print legal documents. It provides management with tracking, cost, productivity, and regulatory information.

LIMS (Land Information Management System)

The system used to file and research documents pertaining to Georgia Power fee simple land, easements, rights-of-ways, and other property rights.

Location Committee

Chaired by the Location Engineer in the Land Department, this committee is responsible for determining potential routes and selecting a "practical and feasible route" and the general corridor through which the transmission line will be located.

Notification of Survey

Upon completion of the field assessment by the Location Committee as to the selected line route, an Acquisition Agent contacts the property owner to obtain entrance onto their property to survey the proposed route.

Planners

Planners are responsible for developing and documenting new 115 kV, 230 kV, and 500 kV transmission line facilities in Georgia.

PowerTrac

A tool to assist the GPC Land Acquisition transmission engineer in comparing and evaluating potential transmission line routes by making current GIS information visually available at the beginning of the project.

PowerTrac Data Layer

Various layers using aerial photography, tax parcel imagery (with no ownership data), roads, railroads, rivers, streams, lakes, contour lines, historic and archaeological sites, counties and municipalities, gas pipelines, airports, and FEMA data that are used in building maps.

PowerTrac Output

The visual aids for location meetings, public meetings, and route maps for surveyors. The maps show the centerline and easement width of the proposed line route and are used for general purpose and are not survey quality.

Preferred Solution

The Solution Team narrows the list of alternative approaches and then develops, reviews, and revises estimates of alternatives to establish the best solution to the electrical problem.

Project Scope

Brief description of the name, need, and specifications of facilities needed.

Solution Team

This group evaluates and documents possible solutions to an identified electrical problem with the goal of determining a preferred solution. The team is comprised of representatives from Transmission Planning, Project Management, Line Engineering, Transmission Maintenance Center, the Regions, Land Acquisition (Location Engineer), and a Staff Attorney from Land Legal Services.

Special Master

A person appointed by the Superior Court to carry out certain duties under O.C.G.A. § 22-2-100 et seq.

STOMP (Standard Transmission Operation and Maintenance Program)

Transmission system one-line diagrams that consist of single-line drawings of the transmission grid used by transmission system operations.

Tax Records List (also known as a preliminary property list)

An agent or title specialist is responsible for researching property ownership and obtaining copies of current vesting documents or deed book/page and plat book/page and recording information, including the names, addresses, and phone numbers of all property owners along the route.

TEAMS

Program designed for the transmission project budgeting process. It assists in the creation of budgets through estimating and then keeps tracks of and provides budget and cost updates.

Title Records List (also known as a final property list)

All affected property owners from the Tax Records List will be indicated and a title examination will be required to identify current fee owners and any other parties that may have an interest in the subject property.