


TO: Board of Directors
Coweta-Fayette Electric Membership Corporation
James W. Fulton III, Chairman

CERTIFICATION

I hereby certify that the attached Report of Moderator is hereby submitted to the Board of Directors of Coweta-Fayette Electric Membership Corporation and entered into the record in accordance with the rules and procedures set forth in the PURPA Manual adopted by the Board of Directors of Coweta-Fayette Electric Membership Corporation on November 22, 2022, and further as required by the Public Utility Regulatory Policies Act of 1978, as amended by the Infrastructure Investment and Jobs Act of 2021.

This 27th day of July, 2023.


Douglas B. Warner
Moderator

REPORT OF MODERATOR

This report is submitted pursuant to Rule 9(c) of the Rules for Conducting Proceedings required by the Public Utility Regulatory Policies Act of 1978 (“PURPA”), as amended by the Infrastructure Investment and Jobs Act of 2021 (the “Act”), adopted by the Board of Directors of Coweta-Fayette Electric Membership Corporation (“CFEMC”) on November 22, 2022 (the “PURPA Manual”), the purpose of which was to establish the procedures applicable to the consideration by the Board of Directors of the standards addressed in the Act and the conduct of the public hearing required by the Act (the “PURPA Hearing”).

On July 20, 2023, I presided as the Moderator of the PURPA Hearing held at the headquarters of CFEMC in Palmetto, Georgia. At just prior to 1:00 p.m., CFEMC staff opened its auditorium and reception area for registration of persons desiring to participate in the PURPA Hearing, convened for the purpose of collecting information to be used in the consideration by the Board of Directors of CFEMC of the two “standards” set forth in 16 U.S.C. §§ 2621(d)(20) & (21). CFEMC representatives were present, including the President and CEO, Christopher L. Stephens, the PURPA Compliance Officer, Shellie Phillips, and the consultant, Joshua Farr Warmack, Vice President and Manager of EnerVision, Inc. CFEMC was represented at the hearing by legal counsel, C. Bradford Sears, Jr.

At 2:00 p.m. the hearing was formally convened. Shellie Phillips was called as a witness, sworn in, and presented proof of notice of the hearing. Her testimony proved that extensive and comprehensive efforts were made by CFEMC to provide notice of the PURPA proceedings by multiple means, and that notice was provided in compliance with the Act and the PURPA Manual. Ms. Phillips also identified copies of each method of notice, which were then designated as

numbered exhibits, which I accepted into the record. (Exhibit 1: Notice of PURPA Hearing; Exhibit 2: newsletter notice sent to all EMC Members; Exhibit 3: "Powerlines" issue containing notice sent to all EMC Members; Exhibit 4: CFEMC website posting). She also identified a copy of the notice provided by mail and email to the U.S. Secretary of Energy, which was marked as Exhibit 5 and admitted into the record. Ms. Phillips also testified that, other than the representatives testifying on behalf of CFEMC, no member of CFEMC or member of the public had intervened in the hearing to participate as a Formal Party of record in accordance with Rule 4 of the PURPA Manual, and that as of the time of her testimony, only the parties signing to make a limited appearance in accordance with Rule 5 had submitted testimony or were present at the meeting to speak if they desired. I noted for the record that these parties had chosen not to speak at the hearing, but that one party, Dr. David Mays, had filed a Notice of Limited Appearance stating his position, which had been accepted into the record as Exhibit 12. That document was also accepted in hand by me from Dr. Mays prior to the hearing and accepted into the record as Exhibit 13. Dr. Mays then departed and did not attend the hearing. There were no other written Notices of Limited Appearance filed by any party, no interventions of any party as a Formal Party, and no one spoke orally at the hearing based on a signed-in Limited Appearance. Ms. Phillips testified that as the PURPA Compliance Officer of CFEMC, she was familiar with the PURPA Manual, and she identified a copy of the PURPA Manual, which was marked as Exhibit 6 and admitted into evidence. Ms. Phillips also testified that CFEMC had complied with all of the rules and procedures set forth in the PURPA Manual related to the PURPA Hearing.

I then called for Formal Parties desiring to enter testimony into the record of the hearing. Mr. Sears announced that he was prepared to present witnesses on behalf of CFEMC. Mr. Sears then called Mr. Joshua Farr Warmack, Vice President and Manager of EnerVision, Inc. to the witness

stand, and he was sworn in. Mr. Warmack summarized the testimony that he had pre-filed with CFEMC that addressed the two relevant PURPA standards: (1) Demand-Response Practices, 16 U.S.C. § 2621(d)(20); and (2) Electric Vehicle Charging Programs, 16 U.S.C. § 2621(d)(21). The testimony of Mr. Warmack was admitted into the record without objection as Exhibit 8. The revised testimony of Mr. Warmack was admitted into the record without objection as Exhibit 9.


The Resolution of the Board of Directors of CFEMC, adopted on November 22, 2022, adopting the PURPA Manual and setting the PURPA Hearing was admitted into the record as Exhibit 7.

Mr. Sears then called to the witness stand Marsha McDaniel, Executive Assistant to the Chief Executive Officer, who had staffed the registration desk continuously since prior to 1:00 p.m. Ms. McDaniel was sworn in and testified that no additional parties had shown up after the hearing commenced at 2:00 p.m. or during the hearing to sign up wishing to participate in the hearing. The registration sheets for Formal Parties of record and Limited Appearances were entered into the record as Exhibits 10 and 11. At the conclusion of the testimony of Ms. McDaniel, I asked if anyone present had any additional testimony or other evidence to enter into the record of the hearing. There being none, the hearing was concluded at approximately 2:22 p.m.

The proceeding was taken down by a court reporter, and the transcript, when complete, will be entered into the record.

This concludes the report of the Moderator.

Respectfully submitted, this 27th day of July, 2023.


Douglas B. Warner
Moderator