

What is the Georgia Public Service Commission?

What do they do?
Why should we care?
Is how they're elected fair?



FDGA February Town Hall

Monday, February 13, 2023, 7 p.m.

Co-sponsored by Georgia Conservation Voters



Special Guest



Bronté McCorkle
Director, Georgia
Conservation Voters





ROSE VS RAFFENSPERGER

A Historic Victory for Black Voters in Georgia!

Learn more at gcvoters.org/legal-action



OUR MISSION

Our mission is to mobilize Georgians to advance climate and environmental justice through education, advocacy, and other forms of civic engagement.

Why Clean Energy?

What's Possible by 2030

If we get this right, we can cut Georgia's carbon impact by at least one-third in just 10 years, from 125 megatons (Mt) of carbon dioxide equivalent (CO2e) to 79 Mt. This is based on emissions reductions in five, high-impact areas:

↓ 005 Mt



Why Clean Energy?



Cogeneration



Demand Response



Rooftop Solar



Large-Scale Solar



Landfill Methane



What is the Public Service Commission?

- The mission of the Georgia Public Service Commission is to exercise its authority and influence to ensure that consumers receive **safe, reliable, and reasonably priced** telecommunications, electric and natural gas services.
- The PSC regulates the services provided by investor-owned telecommunications, natural gas, and electric utilities, and **directly regulate the rates charged by Atlanta Gas Light and Georgia Power.**
- The three most important things the commission does for **electricity** is the **Integrated Resource Plan**, where they make decisions about how Georgia Power should generate electricity; **the Rate Case**, where they decide how much Georgia Power customers should pay for it and how much profit the company should make; and the **Vogtle cost overrun hearings** where they typically pass the costs of their \$30 billion nuclear plant to customers.

Who are the Public Service Commissioners?



Tricia Pridemore,
Chairman



Tim Echols, Vice-
Chairman

 [@timechols](https://twitter.com/timechols)



Fitz Johnson



Lauren "Bubba"
McDonald



Jason Shaw

District 5

District 2

District 3*

District 4

District 1

Advocating before the PSC in 2019

- Hearings occur when most of the public is working, during 9-5 pm
- The room was very empty, save for intervenors, PSC staff, the commissioners themselves, and of course Georgia Power employees
- Commissioners were often disengaged during public comment, having side conversations, or poking fun, or dismissing the concerns of public commenters
- I met with a commissioner 1:1 who told me that it is very difficult to “go against the power company” and that he learned that incrementalism was the best approach. (See [MLK's letter from a birmingham jail](#))
- I felt like my commissioner (Chuck Eaton) would have a similar stance.

Public Service Commission Districts

These were the maps in place prior to redistricting in 2022, and were the maps in place when Rose vs. Raffensberger was filed.



Tricia Pridemore,
Chairman



Tim Echols, Vice-
Chairman
[@timechols](#)



Fitz Johnson

District 5

District 2

District 3*



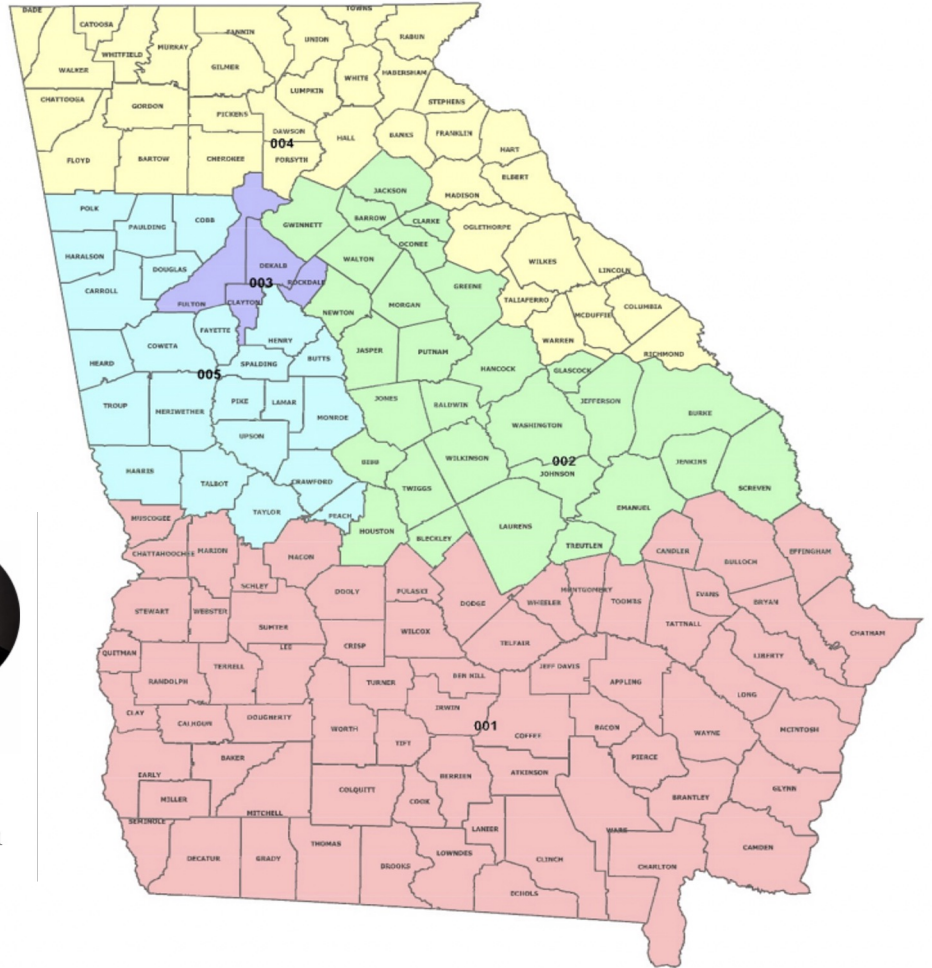
Lauren "Bubba"
McDonald

District 4



Jason Shaw

District 1



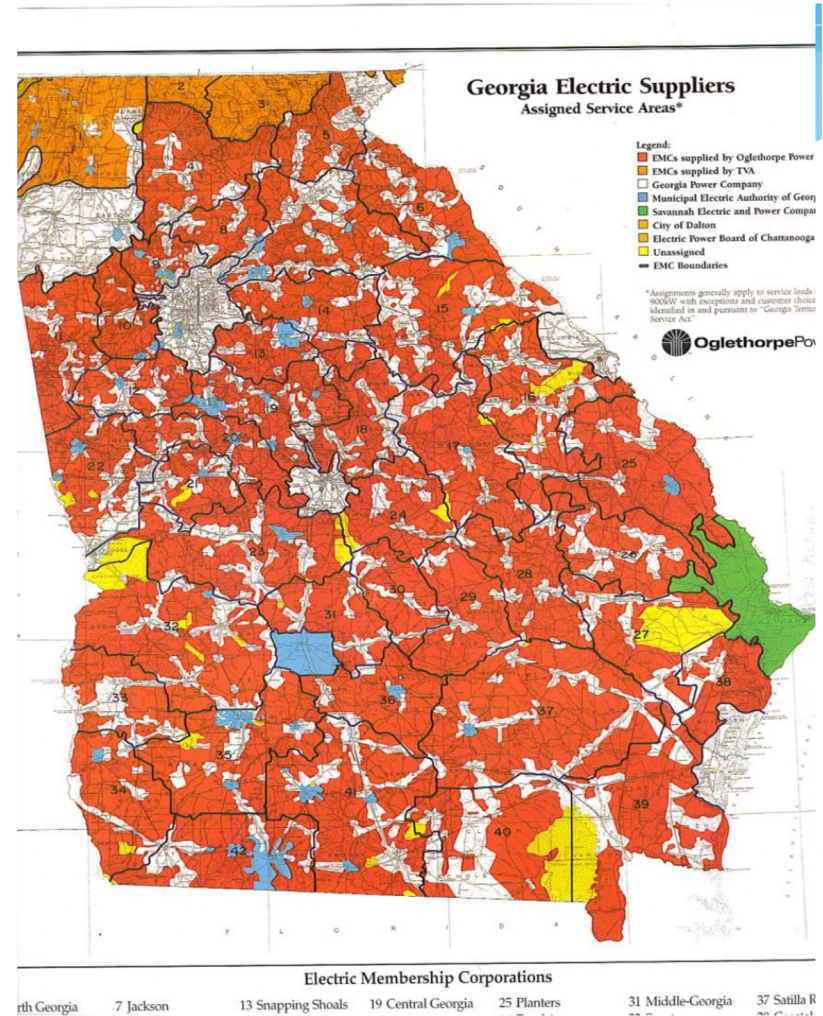
How Public Service Commissioners are elected

- Despite the districts, commissioners are elected **statewide** during general elections. Commissioners must live in the district they run for.
- Commissioners serve 6 year terms, unless they resign, in which case the governor appoints a commissioner to serve until the next general election
- The elections are staggered, meaning they are on the ballot every two years:
 - 2022 - District 2
 - 2024 - District 3* & 5
 - 2026 - District 1 & 4

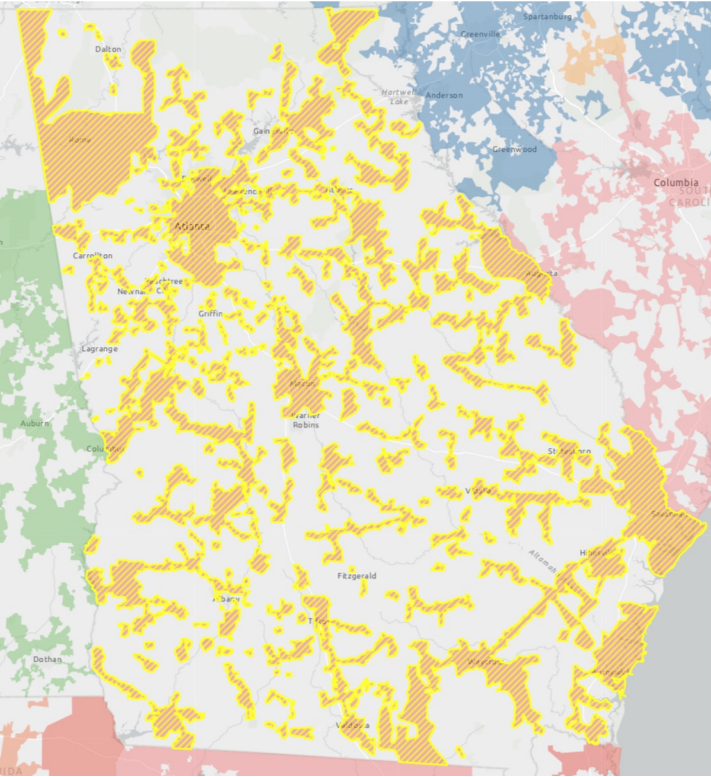
* In August 2021 District 3 commissioner Chuck Eaton was appointed to serve as a judge in Fulton County Superior Court in the Atlanta Judicial Circuit. Fitz Johnson (R) was appointed to fill his term, which triggered a special election and District 3 is now on the November 2022 ballot.

Georgia Power Service Territory

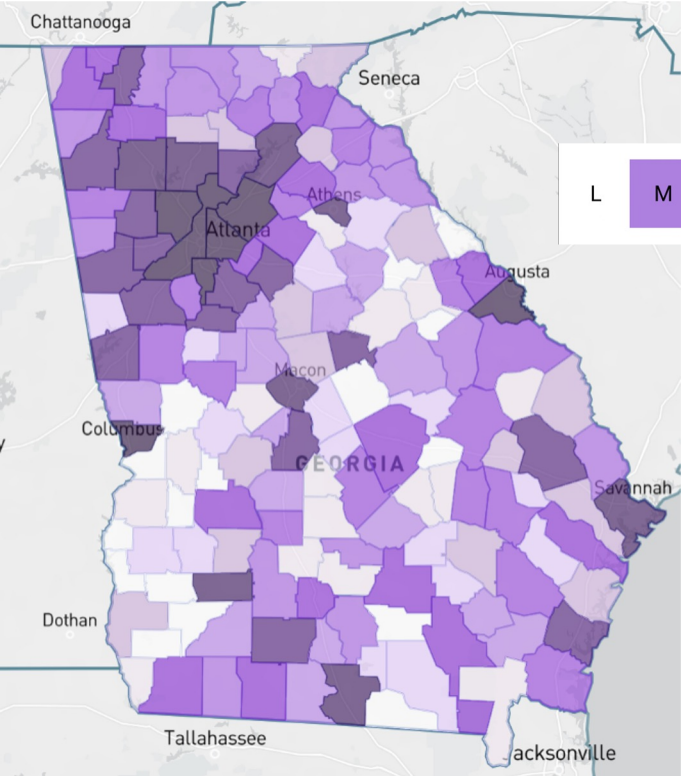
The white areas are GA Power customers, which is the electric utility that the PSC regulates. This means that people living in these areas are directly impacted when the PSC decides to raise rates, and add charges, fees, and otherwise pass costs on to customers' power bills. Other customers served by Municipal Electric Authority, other city utilities, and Electric Membership Co-ops do not experience a direct impact on their bills.



GEORGIA POWER COMPANY SERVICE TERRITORY



HOUSEHOLDS WITH ENERGY BURDEN ABOVE 10%



What is Rose vs. Raffensperger?

- The complaint was filed on July 14, 2020 and alleges that the **Secretary of State** administers **Public Service Commission** elections using an at-large election method, which violates Section 2 of the Voting Rights Act of 1965.
- Plaintiffs are Richard Rose, James Woodall, Wanda Mosley, and Brionté McCorkle
- The case was tried before **Judge Grimberg** (a Trump appointee) in the United States District Court in the Northern District of Georgia Atlanta Division.
- The case so far is the only case EVER to challenge the at-large election method on a statewide race, so it is historic and precedent setting.

What is Section 2 of the Voting Rights Act?

- Section 2 prohibits voting practices or procedures that **discriminate on the basis of race**, color, or membership in one of the language minority groups identified in Section 4(f)(2) of the Act.
- Most of the cases arising under Section 2 involve challenges to **at-large election schemes**, but the section's prohibition against discrimination in voting applies nationwide to any voting standard, practice, or procedure.
- Section 2 is **permanent and has no expiration date** as do certain other provisions of the Voting Rights Act.

The best example is District 3

- Residents in District 3 are majority black, and also a large part of GA Power's customers base.
- District 3 voters consistently vote with 70%+ cohesion to vote out the R incumbent, but voters in other parts of the state keep them in office.
- The District 3 commissioner has been a white male Republican in the PSCs 100+ years of existence, the only exceptions being:
 - David Burgess (D), from 1999-2007
 - Fitz Johnson (R), appointed in 2021
- This is a clear case of vote dilution.

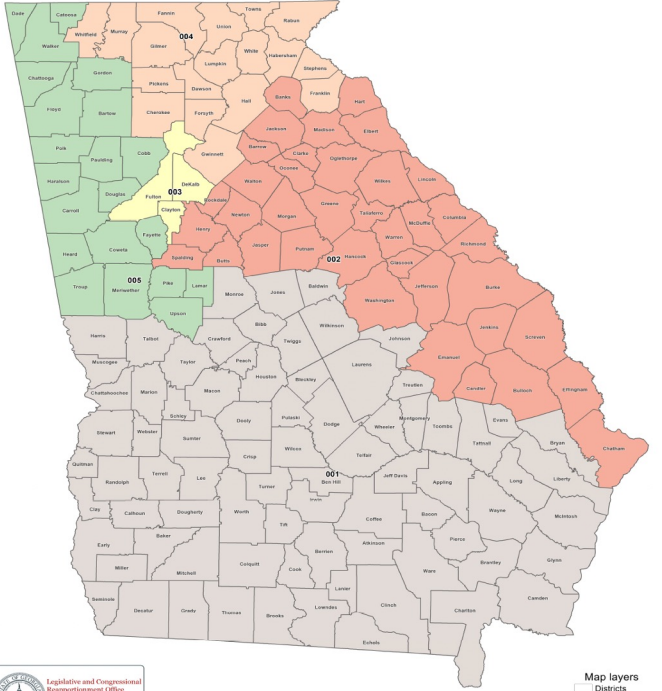
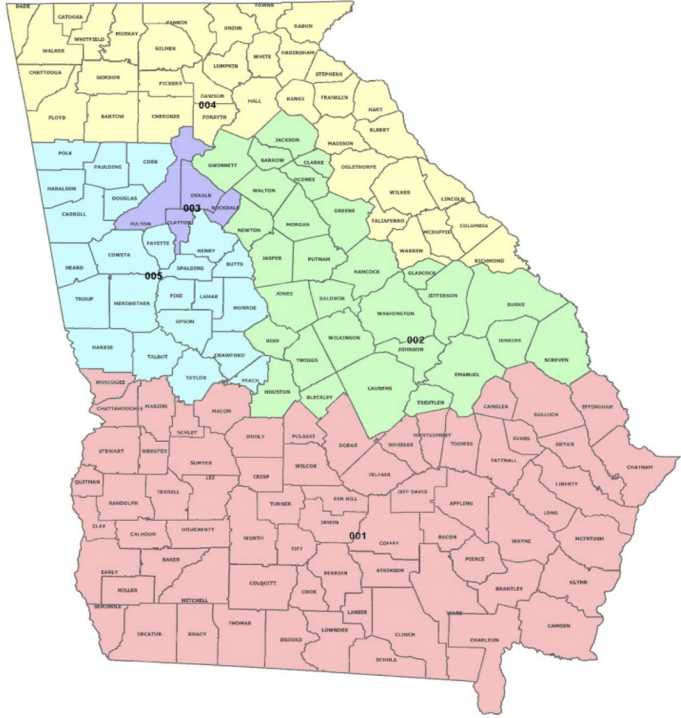
US Submits Statement of Interest – 7/28/2021

STATEMENT OF INTEREST OF THE UNITED STATES UNDER THE VOTING RIGHTS ACT

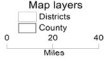
The United States respectfully submits this Statement of Interest pursuant to 28 U.S.C. § 517, which authorizes the Attorney General “to attend to the interests of the United States in a suit pending in a court of the United States.” This case presents important questions regarding enforcement of Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301 (“Section 2”). Congress has vested the Attorney General with authority to enforce this provision on behalf of the United States. *See* 52 U.S.C. §§ 10101(c), 10308(d). Accordingly, the United States has a substantial interest in ensuring Section 2’s proper interpretation.

PSC Redistricting (SB 472, February 2022)

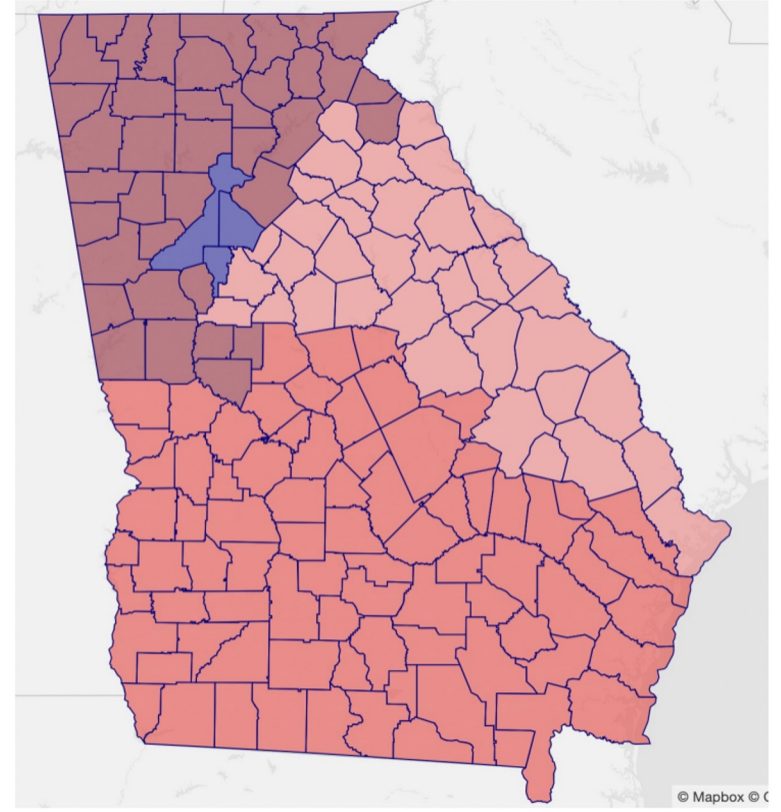
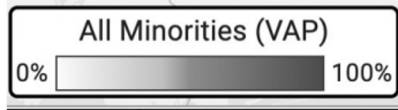
OLD MAP



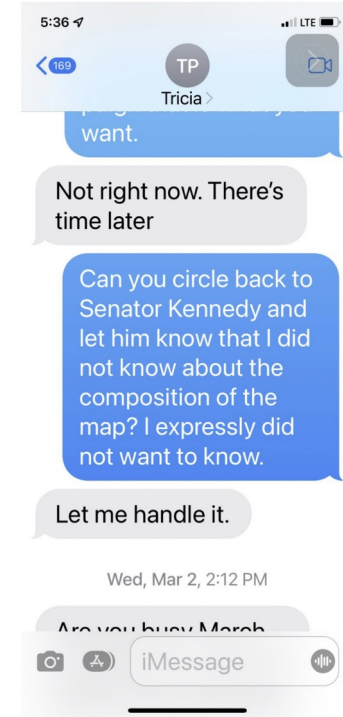
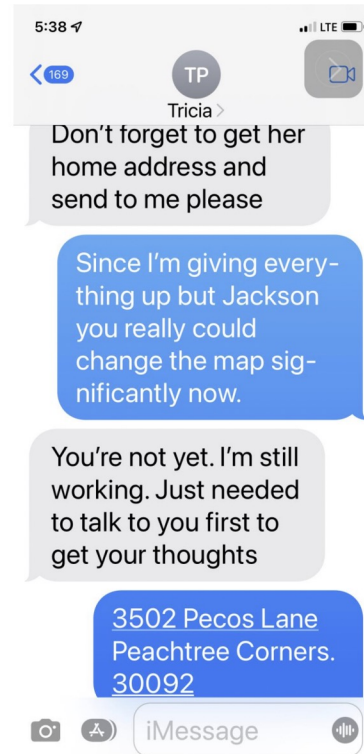
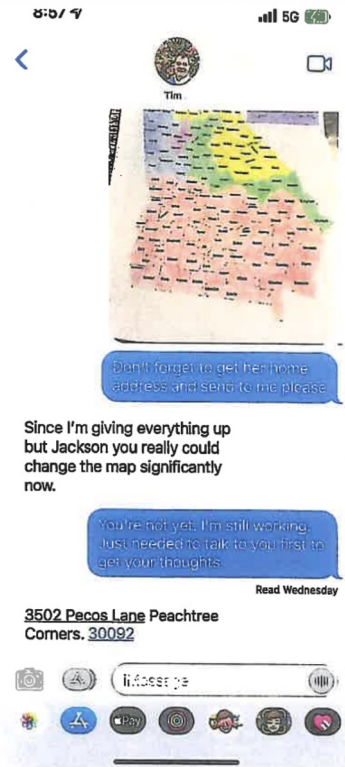
©2021 CALIPER



MINORITY REPRESENTATION



Clear evidence of tampering with the maps



Clear evidence of tampering with the maps

----- Forwarded message -----
From: **Tim Echols** <timothyechols@gmail.com>
Date: Thu, Jan 14, 2021 at 6:50 AM
Subject: Re: PSC Map
To: Chuck Eaton <ceatonjr@bellsouth.net>
Cc: <jshaw@psc.ga.gov>

I would feel more comfortable if Jason (rather than me) had the conversation with the Map-Drawing chairman. I don't think it will be a big deal. The only other consideration is the lawsuit about districts which may cause the legislature to completely reshuffle all 5 districts substantially changing Chuck's district.

On Tue, Jan 12, 2021 at 10:27 AM Chuck Eaton <ceatonjr@bellsouth.net> wrote:
If you all can work that out, won't bother me. As long as they don't draw us in the same district, I don't care that much about the lines.

Chuck

Sent from my iPhone

> On Jan 12, 2021, at 6:04 AM, Tim Echols <timothyechols@gmail.com> wrote:

>

>

> Chuck, I realize with the case about districts pending, other considerations may be at play.

>

> But...if Jason doesn't mind, I'd like to have my district reach down two more counties and grab Effingham and Chatham, and then I can give up to him Houston, Bleckley, Laruens and Treutlen or whatever is needed to balance out the population. I'd like to move to Tybee Island and having it in my district makes that work.

>

> Thanks.

>

> Tim

----- Forwarded message -----
From: **Mike Seigle** <mike@landmarkcommunications.net>
Date: Sat, Feb 19, 2022 at 9:29 AM
Subject: Re: Do you have a copy of the new PSC district lines
To: Tim Echols <timothyechols@gmail.com>

All good.

On Sat, Feb 19, 2022, 9:24 AM Tim Echols <timothyechols@gmail.com> wrote:
Yes, our districts have to be re-drawn every 10 years. There is a lawsuit against the state over our "at-large" districts with the plaintiffs asking that we run "in the district" and not statewide.

My guess is the new districts were drawn to keep us from losing two seats (mine and Eaton's old district) because they were under 50% Trump districts if the plaintiffs win the lawsuit. I know the nice lady up there in Peachtree Corners think they were targeting her, but I think it was probably bigger than that. I had no conversation with anyone on the committee nor did I see the map until after it was released. I felt I needed to stay out of all of that.

Take care,
Commissioner Tim Echols
Vice-Chair, GA PSC
Founder, Clean Energy Roadshow
www.cleanenergyroadshow.com
Host, Energy Matters Radio
[@timechols](https://twitter.com/timechols)
Text me at 706-340-0773

Clear evidence of tampering with the maps

From: Tricia Pridemore tricia.pridemore@me.com
Subject: Re: Proposed map and report
Date: Feb 7, 2022 at 1:08:22 PM
To: Wright, Gina Gina.Wright@legis.ga.gov

Thank you Gina! You're amazing!

Sent from my iPhone

On Feb 7, 2022, at 9:59 AM, Wright, Gina <Gina.Wright@legis.ga.gov> wrote:

Good morning!

I created a pdf map and population summary report for the proposed PSC map that was sent over to Legislative have any questions or need anything further, please let me know.

Thanks!
Gina

Gina Harbin Wright

Executive Director

Legislative and Congressional Reapportionment Office
Georgia General Assembly
18 Capitol Square, Suite 407
Coverdell Legislative Office Building
Atlanta, Georgia 30334
(404)656-5063

<https://www.legis.ga.gov/joint-office/reapportionment>

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From: Tricia Pridemore tricia.pridemore@me.com
Subject: New PSC map and breakdown
Date: Jan 27, 2022 at 4:08:02 PM
To: Gina.Wright@legis.ga.gov

Hi Gina,

We've made changes to the PSC map. How would you like to receive the new map? We can drop off at your office printed and on a flash drive?

- Tricia

Sent from my iPhone

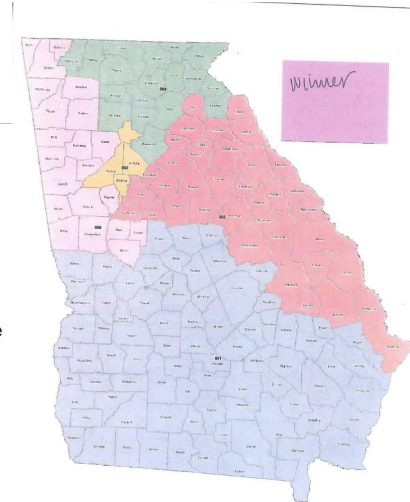
From: Tricia Pridemore tricia.pridemore@me.com
Subject: Envelope
Date: Jan 27, 2022 at 4:55:57 PM
To: Gina.Wright@legis.ga.gov

Hi Gina,

I know you're busy, but since I haven't heard back we dropped off a thumb drive and printed copies to your office. Please call me with any questions - [404-358-2051](tel:404-358-2051).

Thanks,
Tricia

Sent from my iPhone



We won!

- Oral arguments were held June 27, 2022 through July 1, 2022.
- On August 5, 2022, the eve of the anniversary of the Voting Rights Act, Judge Grimberg ruled in the plaintiffs favor, agreeing that the PSC election structure is a violation of Section 2 of the Voting Rights Act.
- The judge ordered the election to be removed from the November ballot.
- The following week, the SOS appealed the ruling on the grounds that Tricia Pridemore gave four reasons for why the PSC races had to be elected statewide, which the Judge did not include in the final decision.
- The appeals court agreed to put the race back on the ballot and allow the election of “holdover officials” until the appeal works its way through the court.
- Plaintiffs asked the Supreme Court to grant a motion to take the races back off the ballot. The Supreme Court ruled that the state’s appeal was improperly filed and that it needed to be re-submitted, effectively ordering the races back off the ballot

The appeal hearing and next steps...

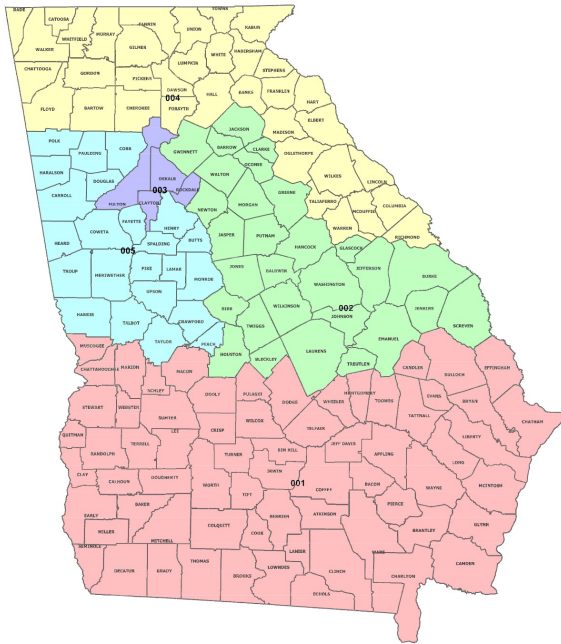
- On December 15, 2022, the 11th U.S. Circuit Court of Appeals heard oral arguments for the state's appeal. The decision is currently pending.
- **If the ruling is upheld:** State lawmakers have to come up with a new way to elect PSC members during the legislative session. The court will need to approve any proposed remedy. Then, the Secretary of State would move forward with a special election for the two PSC positions that were postponed in November.
- **If the ruling is overturned:** The Secretary of State will move forward with a special election for the two PSC positions that were postponed in November.

Unanswered Questions:

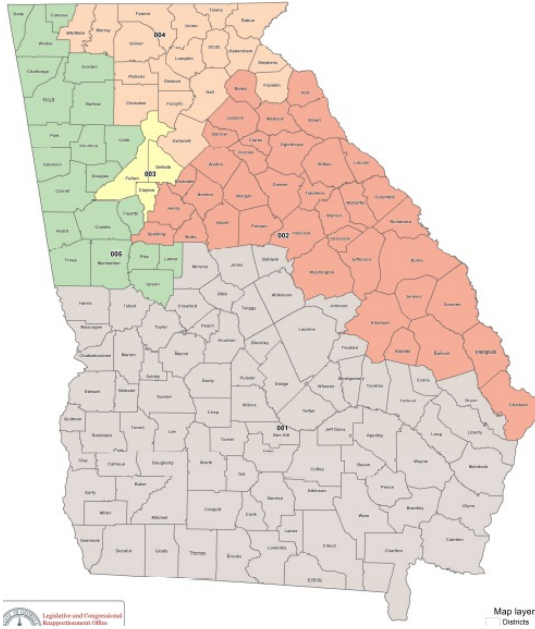
- When will the special election be scheduled? Will there be primaries? Is there an opportunity for new candidates to enter the race?

A look at GA Public Service Commission maps

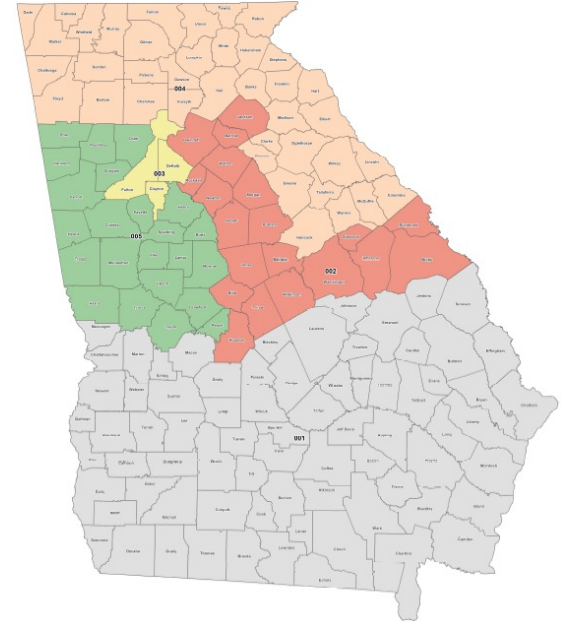
Enacted map - 2012



Enacted map - 2022 - SB472



House Dem Caucus proposed - 2022



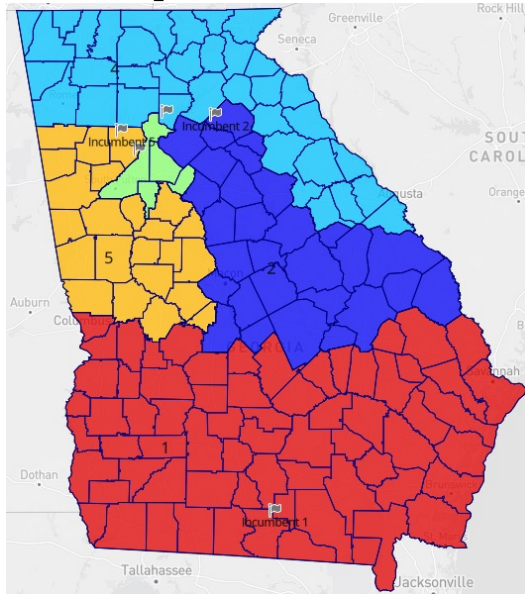
Legislative and Congressional Support/Support Unit

Map layers
Districts



PSC representation under 2012 map

Enacted map – 2012



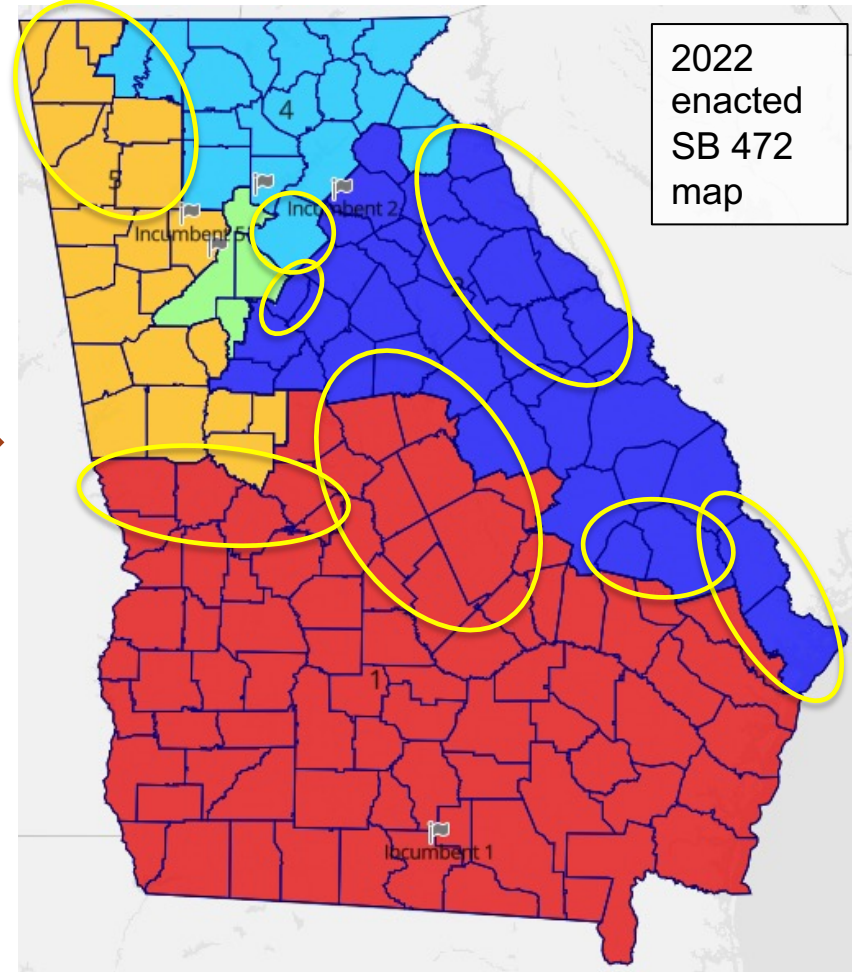
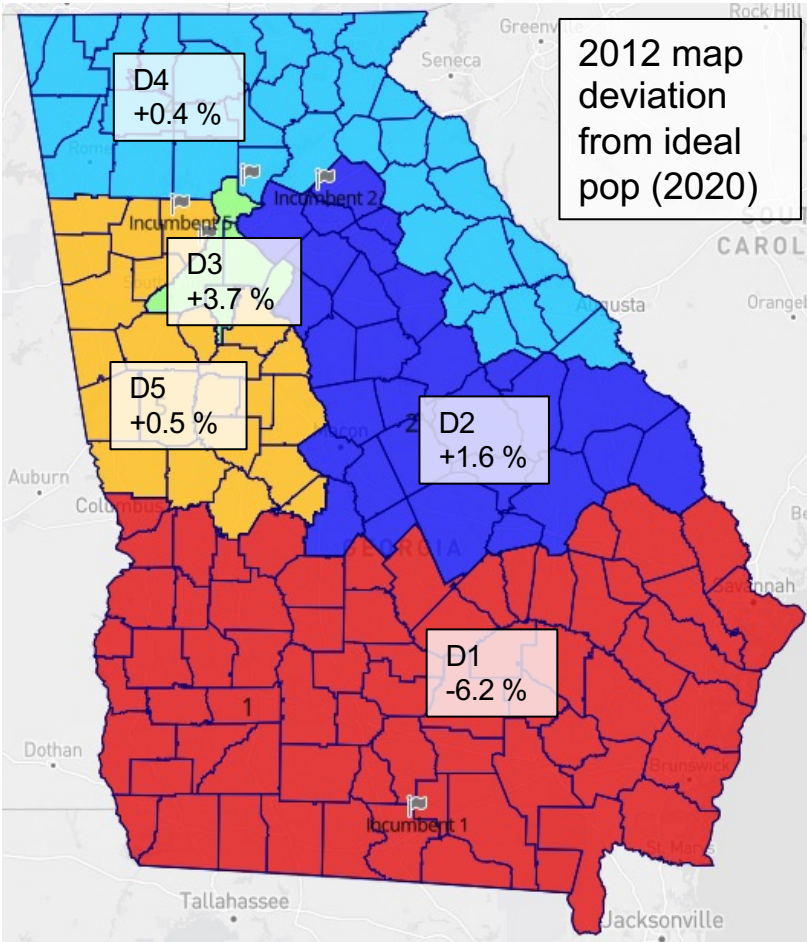
	Population deviation range	Minority districts (Voting age pop.)	Partisan balance (2016-2020)	Partisan/competitive* stats (2016-2020)
Original 2012 map, 2010 census	1.99% (1.0% , - 0.99%)	<ul style="list-style-type: none"> • 1 majority (63.6%, 49.8% Black) • 2 influence (40.4% - 42.9%) 	<p>A map of Georgia showing the 2012 PSC map with districts colored in red, blue, and pink. District 1 is red, District 2 is blue, and Districts 3-11 are pink.</p>	<p>1 Dem 4 Rep</p> <p>1 Lean R (51.6% R – 46.6% D)</p>
Original map, 2020 census	9.94% (3.7%, - 6.2%)	<ul style="list-style-type: none"> • 2 majority incl. 1 Black majority • 3 influence (43.7% - 43.9%) 		

bit.ly/GA_PSC_2012

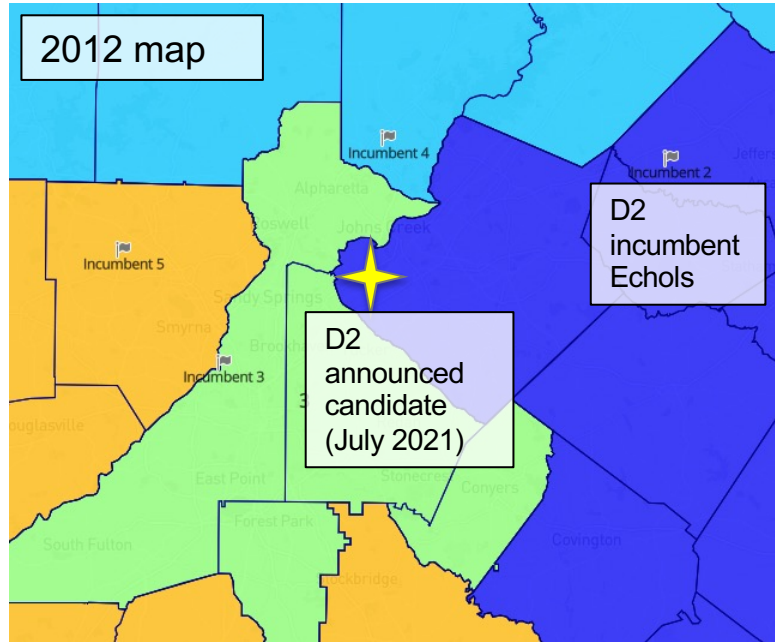
Sources: GA LCRO map packet / Dave's Redistricting
*Competitive means 50% - 53.5% win share



Constructing the SB472 map from 2012 base



Personal & political considerations for District 2

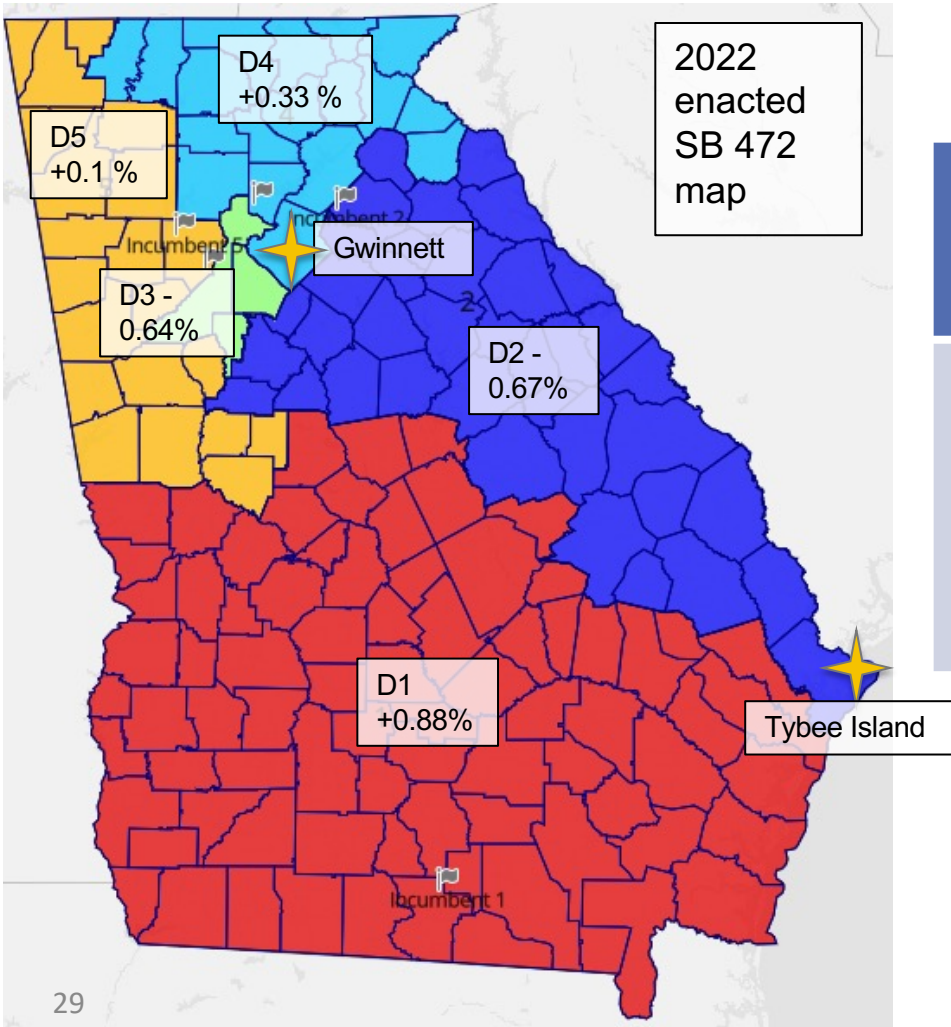


Messages reveal alleged effort to draw Democrat out of Georgia PSC district – AJC, 6/9/22

“Don’t forget to get her home address and send to me please,’ Pridemore wrote in a Jan. 26 text message. Pridemore was referring to Patty Durand, one of two Democrats who sought the party’s nomination to challenge Echols, the Republican incumbent, for the PSC District 2 seat in this November’s election.”

“Echols wanted to move to Tybee Island and ‘having it in my district makes that work,’ he wrote..”

SB 472 PSC map enacted February 2022



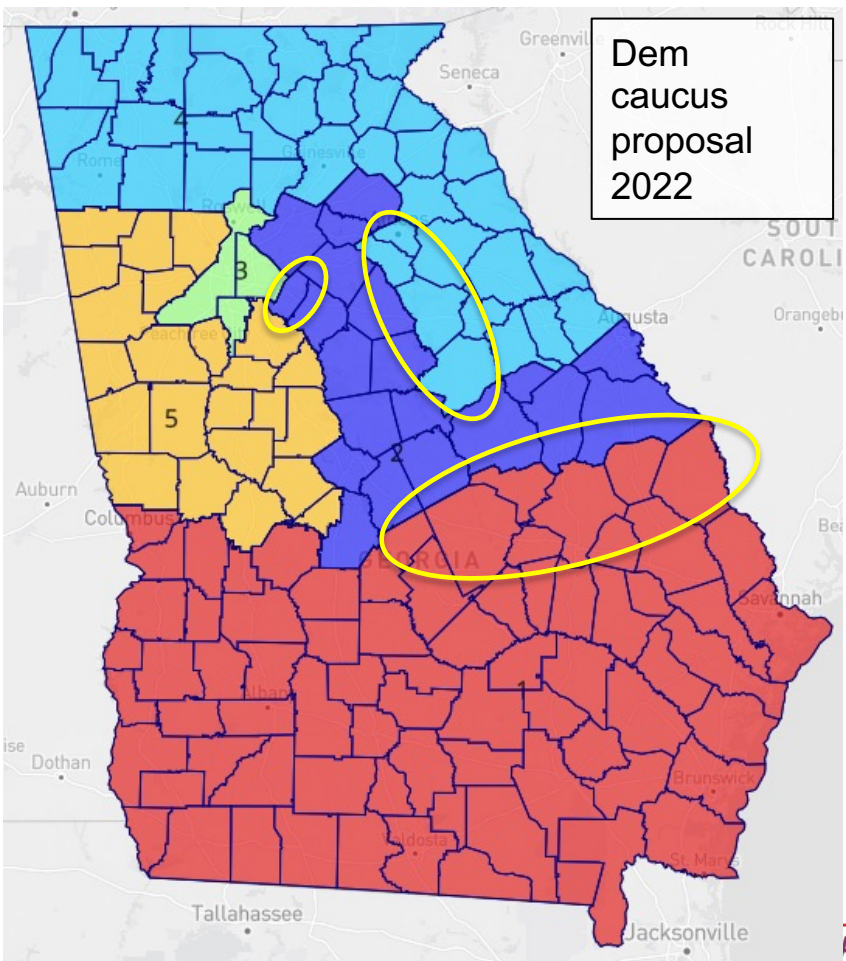
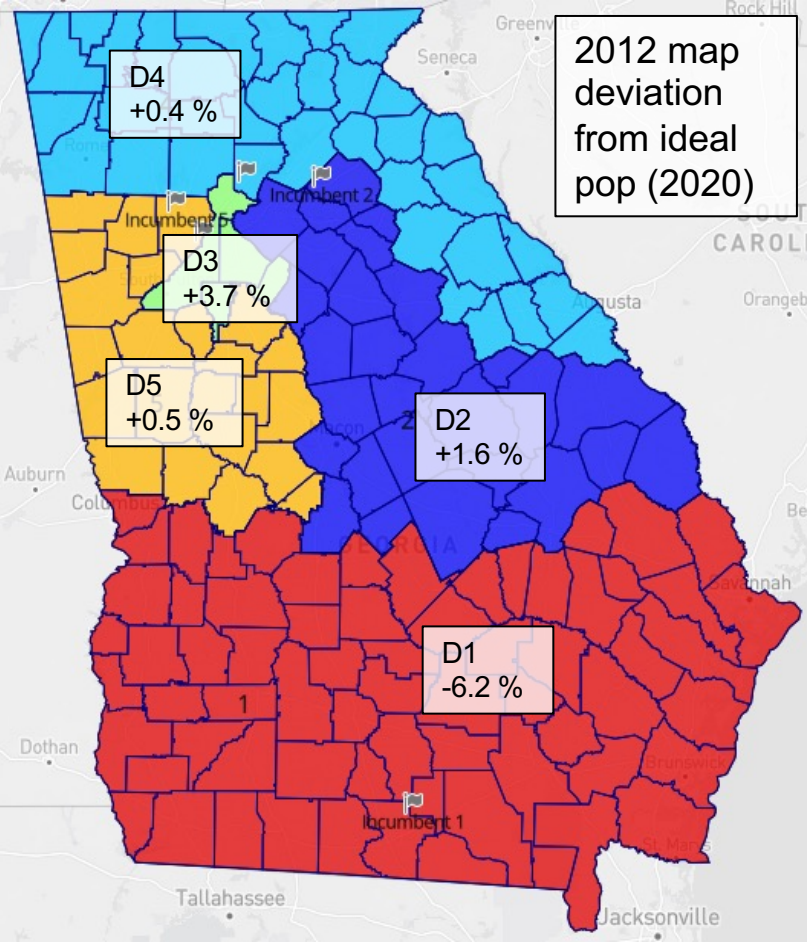
Pop. deviation range	Minority districts (Voting age pop.)	Partisan balance (2016- 2020)	Partisan/ competitive* stats (2016-2020)
1.55% (0.88 % , - 0.67%)	<ul style="list-style-type: none"> • 1 majority (67.2%, 50.6% Black) • 3 influence (42.3% - 44.4%) 		<p>1 Dem 4 Rep</p> <p>no competitive</p>

bit.ly/GA_PSC_Enacted2022

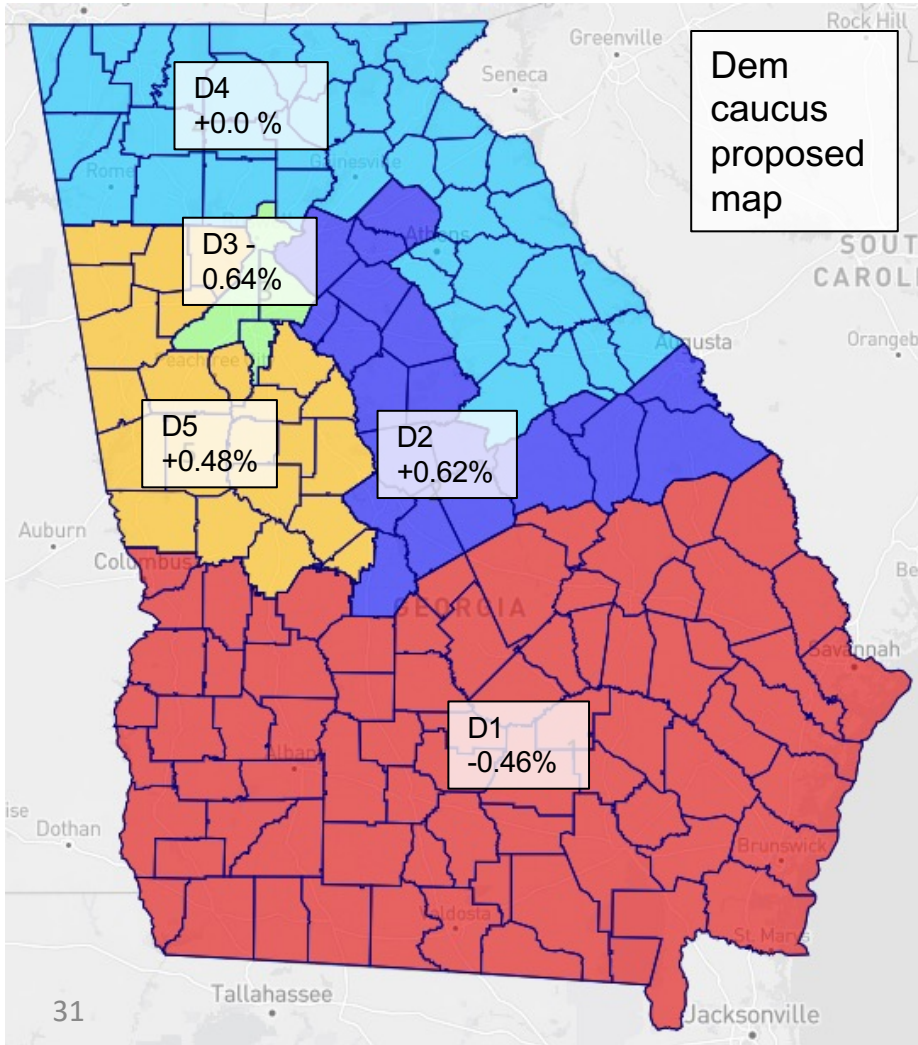
Sources: GA LCRO map packet / Dave's Redistricting
 *Competitive means 50% - 53.5% win share



Constructing the Dem caucus map from 2012 base



Democratic caucus proposed February 2022



Pop. deviation range	Minority districts (Voting age pop.)	Partisan balance (2016- 2020)	Partisan/ competitive* stats (2016-2020)
1.26% (0.62 % , -0.64%)	<ul style="list-style-type: none"> • 2 majority (1 50.6% Black) • 2 influence (43.6% - 43.7%) 		<p>2 Dem 3 Rep</p> <p>1 Lean Dem (49.5% D - 48.7% R)</p>

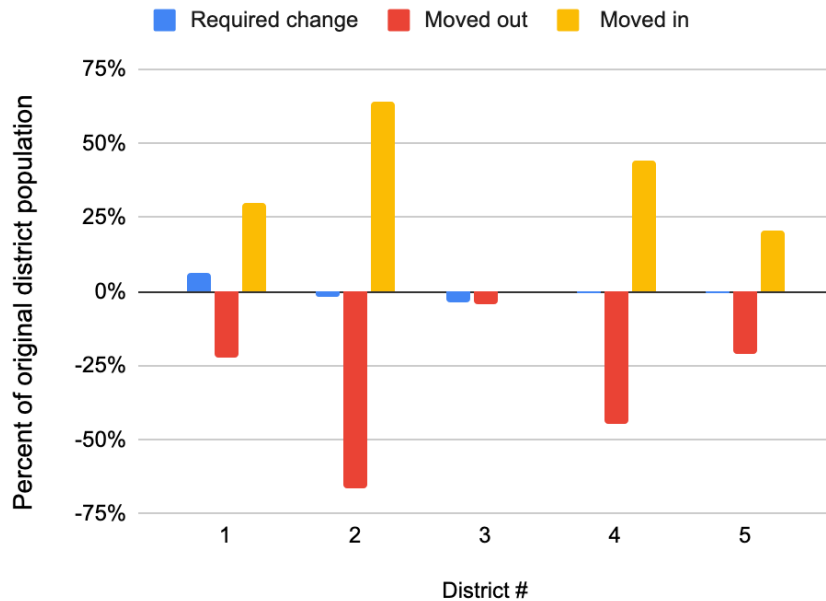
bit.ly/GA_PSC_Demcaucus

Sources: GA LCRO map packet / Dave's Redistricting
 *Competitive means 50% - 53.5% win share

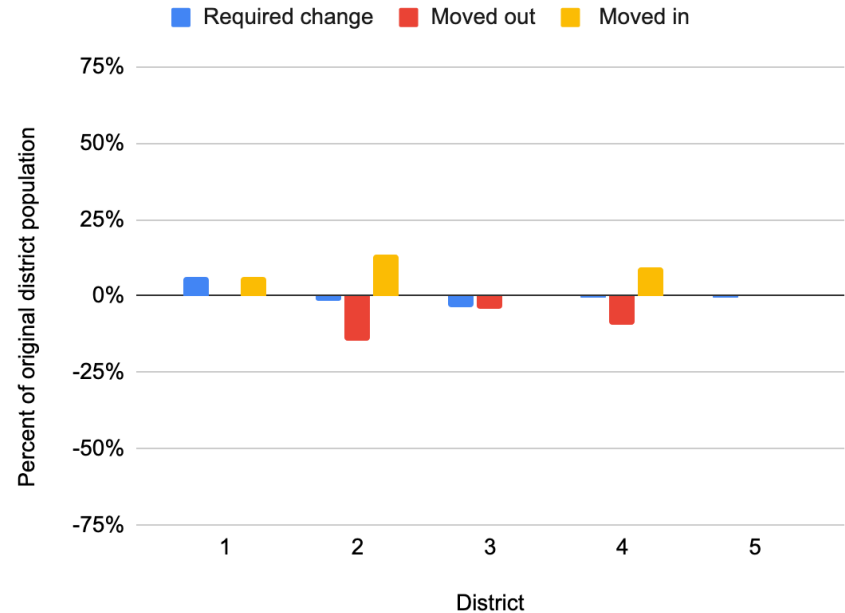


The Democratic caucus map moves far fewer voters than the enacted SB 472 map

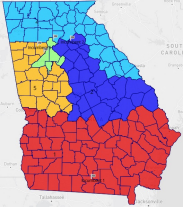
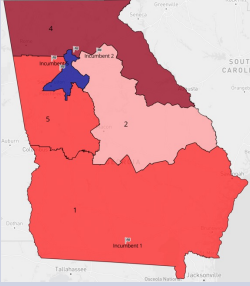
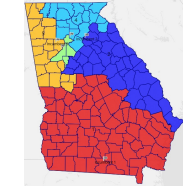
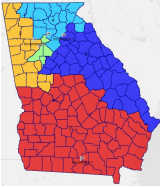
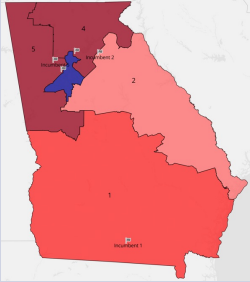
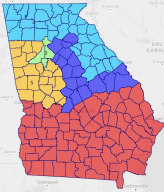
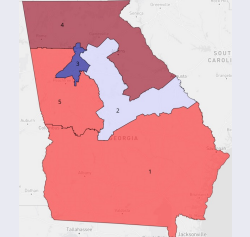
Population movement in SB472 map



Population movement in Dem caucus map

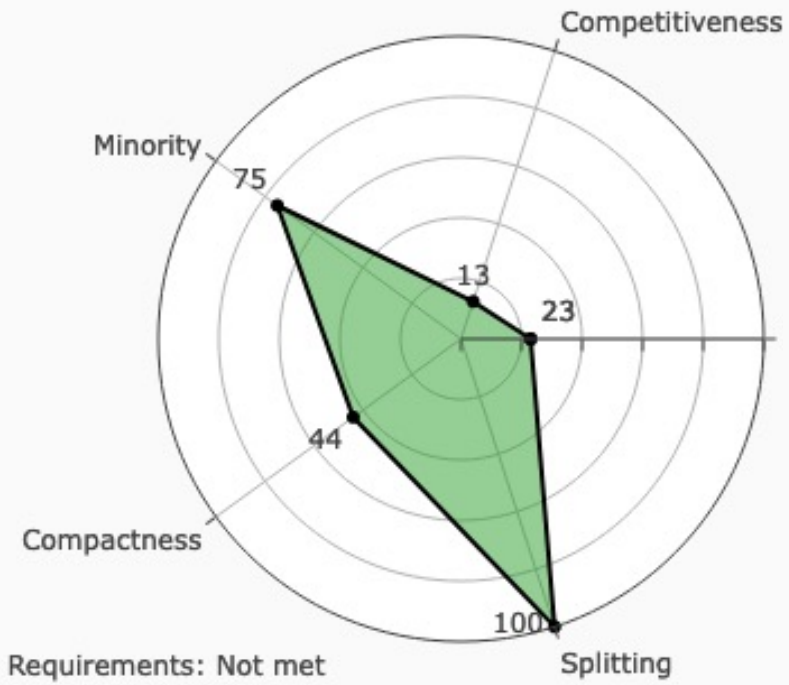


Comparison for all 3 maps

	Population deviation range	Minority districts (Voting age pop.)	Partisan balance (2016-2020)	Partisan / competitive* stats (2016-2020)
 <p>Original 2012 map, 2010 census</p>	1.99% (1.0 % , -0.99%)	<ul style="list-style-type: none"> • 1 majority (63.6%, 49.8% Black) • 2 influence (40.4% - 42.9%) 		<p>1 Dem – 4 Rep 1 Lean R (51.6%R – 46.6% D)</p>
 <p>Original map, 2020 census</p>	9.94% (3.7%, -6.2%)	<ul style="list-style-type: none"> • 2 majority incl. 1 Black majority • 3 influence (43.7% - 43.9%) 		
 <p>SB472 map</p>	1.55% (0.88 % , -0.67%)	<ul style="list-style-type: none"> • 1 majority (67.2%, 50.6% Black) • 3 influence (42.3% - 44.4%) 		<p>1 Dem – 4 Rep No competitive</p>
 <p>Dem caucus map</p>	1.26% (0.62 % , -0.64%)	<ul style="list-style-type: none"> • 2 majority (1 50.6% Black) • 2 influence (43.6% - 43.7%) 		<p>2 Dem – 3 Rep 1 Lean Dem (49.5% D – 48.7% R)</p>

Dave's Redistricting Scores (100 = best)

Ratings: GA PSC Enacted SB 472



Ratings: GA PSC Dem caucus proposal 2022

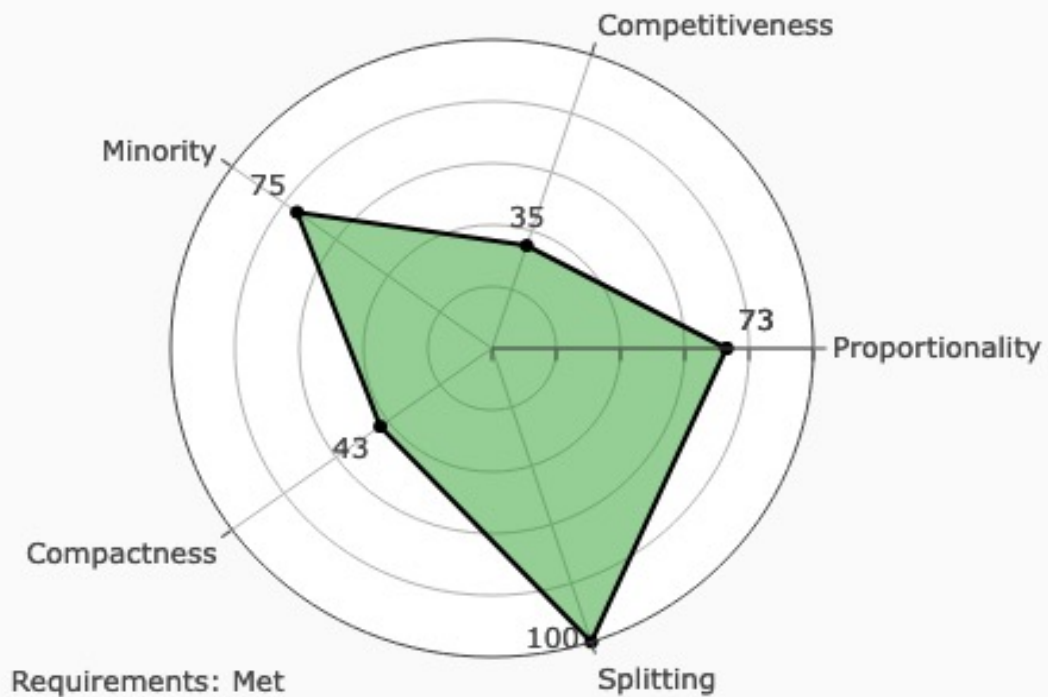
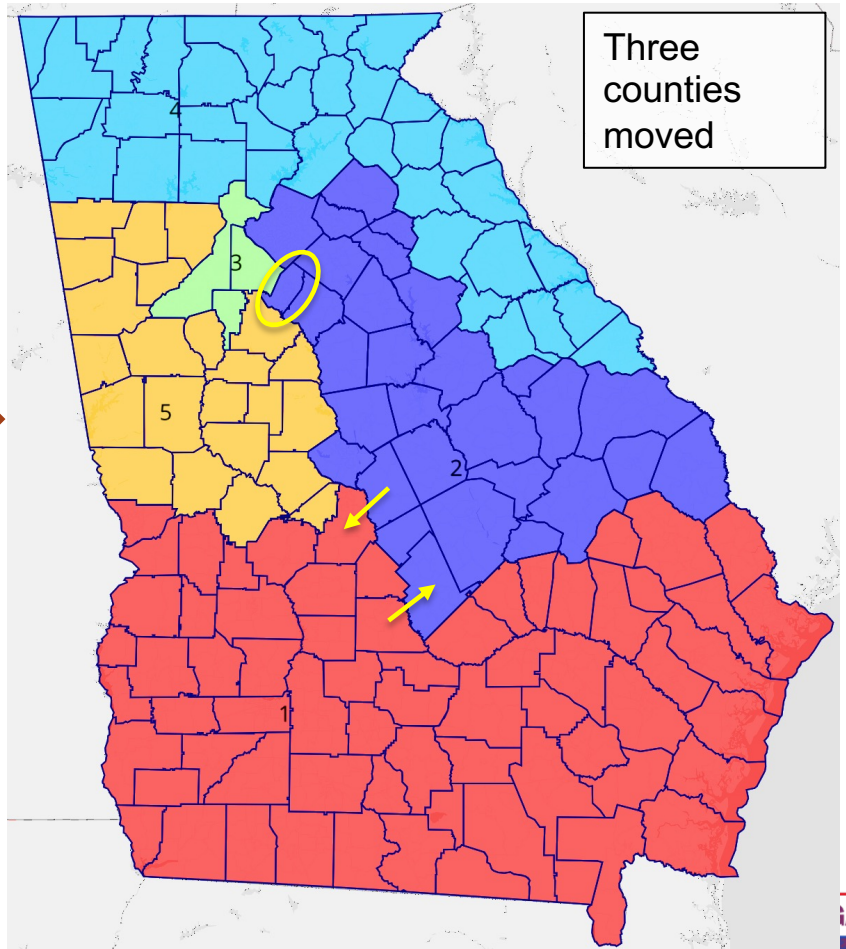
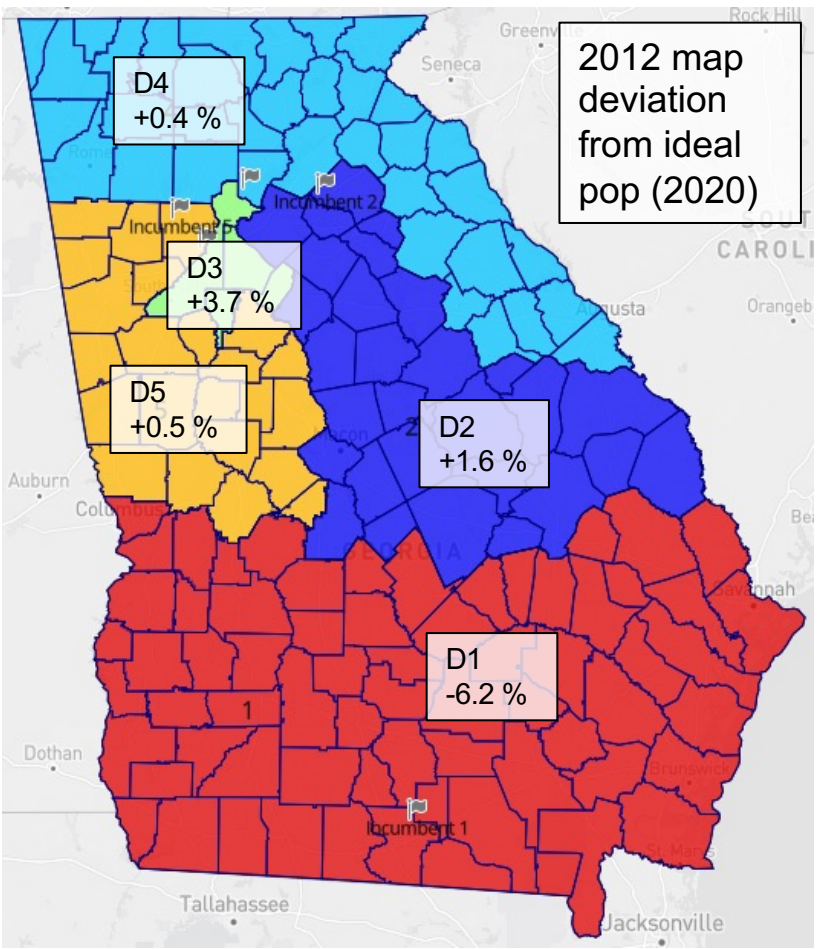


Illustration: A Three-County Solution moves only 2.4% of GA's population



https://bit.ly/GA_PSC_3County



Q and A

Fair Districts GA

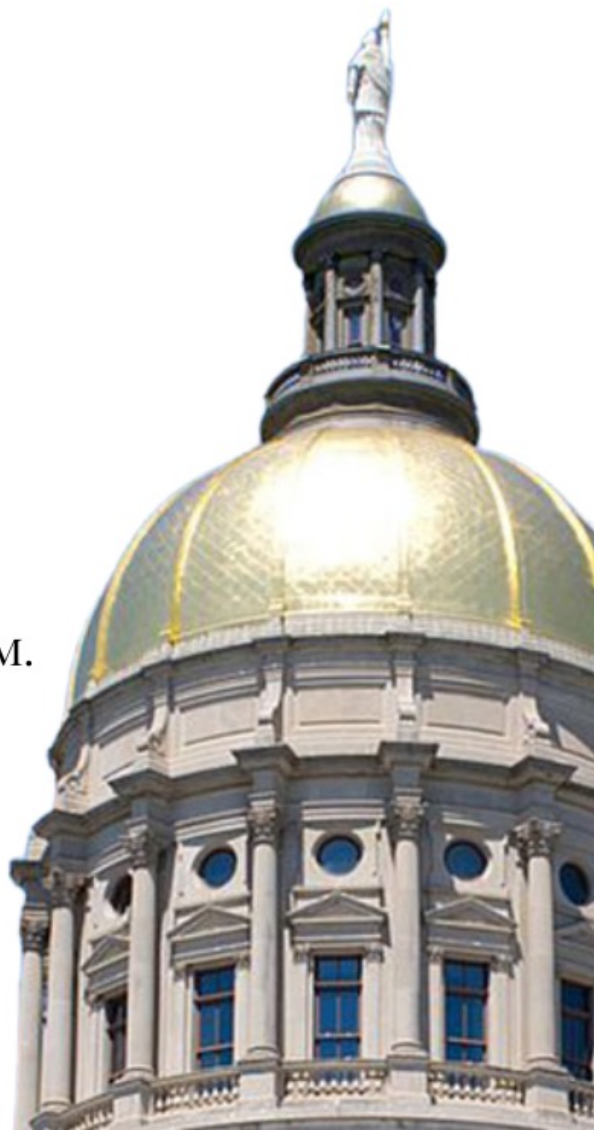
DAY AT THE CAPITOL

Tuesday, February 21, 2023



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ADVOCATE FOR REDISTRICTING REFORM.

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Next Town Hall



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