



## **FOR IMMEDIATE RELEASE**

**Contact: Paul J. Warfel**

**Office: 770.661.2772**

**Email: PWarfel@meagpower.org**

### **FERC Rejects JEA Attempt to Renege on Vogtle Power Purchase Agreement**

(Atlanta) – February 21, 2019 – At its monthly meeting in Washington, DC, today, the Federal Energy Regulatory Commission (FERC) voted, unanimously, to dismiss a request by the Jacksonville Electric Authority (JEA) to intervene in JEA’s ongoing dispute with MEAG Power over a long-standing Power Purchase Agreement between the two. Through litigation and through this petition to the FERC, JEA has conjured meritless arguments in its attempt to back out of an agreement it signed over ten years ago to purchase power from the Plant Vogtle Units 3 & 4 nuclear power generating facility, currently under construction in Waynesboro, Georgia.

In its ruling, the FERC found that it had no statutory jurisdiction over the agreement in particular or public power utilities in general. Accordingly, FERC dismissed JEA’s petition. “In sum,” the FERC order reads, “None of JEA’s arguments overcome the fact that, because MEAG is not a public utility, the Commission has no authority ... to review or approve (or alternatively disprove) the wholesale sales of electricity in interstate commerce from MEAG to JEA pursuant to the PPA.”

“We are pleased with this decision,” said James Fuller, President & Chief Executive Officer of MEAG Power. “We’ve been confident that this would be the FERC’s ruling, as the law is clear that the FERC does not regulate public power utilities.”

MEAG Power was not alone in this view. Last fall, the American Public Power Association (APPA), the Large Public Power Council (LPPC), and the National Rural Electric Cooperative Association – the three trade associations representing the vast majority of the public power industry nationwide – filed a joint protest against this petition. JEA is a member of both APPA and LPPC. In all, 28 entities filed formal protests against JEA’s position with FERC, including the United States Department of Energy (“DOE”). None intervened on JEA’s behalf.

JEA was using this petition to the FERC in an attempt to block a federal lawsuit MEAG Power filed last fall seeking to force JEA to perform under the Power Purchase Agreement. JEA argued that the suit should be dismissed or stayed because of the FERC jurisdiction issue. The decision by the FERC clears the path for the United States District Court for the District of Georgia (the first-filed court) to exercise its rightful jurisdiction over this dispute. The United States, acting on behalf of the DOE, has also filed a Statement of Interest in related litigation urging the federal court for the Middle District of Florida to deny JEA's attempt to have the matter remanded to state court on the grounds that a matter involving strong federal interests should be decided by federal courts.

Under the agreement, JEA is committed to covering 41 percent of the MEAG's share of the cost to finance the Vogtle expansion in exchange for access to the first 20 years of power generation from the new nuclear facility.

*MEAG Power is a nonprofit entity that was created by the Georgia General Assembly in 1975 to generate and transmit reliable, competitively priced wholesale electric power to 49 Participant communities throughout the state. These communities have access to MEAG Power's multibillion-dollar resources, including some of the lowest-cost, emissions-free energy in the region, as well as one of the most diversified fuel portfolios. MEAG Power operates in one of the largest and fastest growing regions in the United States because of Georgia's attractive logistics, pro-business environment and talented workforce.*

#####