STATE OF ALABAMA
PUBLIC SERVICE COMMISSION
P.O. BOX 304260
MONTGOMERY, ALABAMA 36130

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

JOHN A. GARNER, EXECUTIVE DIRECTOR

MEDIA COVERAGE PLAN FOR FORMAL HEARINGS OF THE ALABAMA PUBLIC SERVICE COMMISSION

INFORMAL DOCKET U-5329

ORDER OF INTERIM ADOPTION

BY THE COMMISSION:

After due consideration of the current state of technology and the potential impact that recording and broadcasting can have on formal hearings conducted at the Alabama Public Service Commission, the Commission has determined that a Media Coverage Plan for Formal Hearings of the Alabama Public Service Commission ("Commission Media Plan") should be adopted to preserve the integrity of formal hearings conducted before the Commission. A proposed Commission Media Plan is attached hereto as Appendix A and is hereby adopted on an interim basis.

Prior to the formal implementation of the proposed Commission Media Plan, the Commission will consider input on the proposal from interested parties who may provide such input by filing written comments with the Secretary of the Commission on or before April 3, 2020. Interested parties may also file reply comments with the Secretary of the Commission on or before April 24, 2020.

IT IS SO ORDERED BY THE COMMISSION.

IT IS FURTHER ORDERED, That jurisdiction in this cause is hereby retained for the issuance of any further order or orders as may be deemed just and appropriate in the premises.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 5th day of March, 2020.

ALABAMA PUBLIC SERVICE COMMISSION

Twinkle Andress Cavanaugh, President

Jeremy H. Oden, Commissioner

Chris "Chip" Beeker, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary

APPENDIX A

MEDIA COVERAGE PLAN
FOR FORMAL HEARINGS OF THE ALABAMA PUBLIC SERVICE COMMISSION

1. Formal hearings of the Alabama Public Service Commission may be broadcast by television or radio and may be recorded electronically or photographed, if such broadcasting, recording, or photographing is done in compliance with the provisions of this Media Coverage Plan and with Canon 3A(7B), Alabama Canons of Judicial Ethics.
2. No broadcasting, recording, or photographing shall distract from the dignity of the formal hearings.
3. Persons desiring to broadcast, record, or photograph formal hearings of the Alabama Public Service Commission must make a timely written request to the Secretary of the Alabama Public Service Commission (the "Secretary") at least five (5) days before the date of the formal hearing for which coverage is requested. A form for such purpose is attached to this Media Coverage Plan as Exhibit A. The Secretary shall then seek to obtain written consent to media coverage from the parties and attorneys involved in the formal hearing as provided in paragraph 4.
4. Written consent from the parties and attorney shall be obtained on a form provided by and filed with the Secretary, a copy of which is attached as Exhibit B to this Media Coverage Plan. When a party's or an attorney's written consent to media coverage has been filed with the Secretary, duplicate consent forms for that party or attorney shall not be required for different formal hearings in the same case.
5. Consent to cover a formal hearing shall be granted pursuant to this Media Coverage Plan without partiality or preference to any person, media outlet, or type of coverage. Consent to cover a formal hearing may not be given, refused, or withdrawn as to one type of coverage, or as to any particular media outlet, and given, refused, or withdrawn as to another type of coverage or another media outlet.
6. No more than four (4) still photographers and three (3) stationary television cameras may be permitted in the hearing room for coverage at any time while a formal hearing is in session, although fewer cameras may be ordered by the Secretary. However, the Secretary shall allow all photographers and television stations to participate by pooling. The setup, positioning, and removal of cameras shall be done under the supervision of the Secretary, shall not be done while the formal hearing is in session, and shall at all times be done so as not to disturb the formal hearing.

7. No photographer, videographer, or other media person may enter or leave the hearing room while the formal hearing is in session.
8. The Secretary, in his discretion, may allow microphones and wiring to be placed at the party tables and at limited locations on the bench. Microphones shall be placed in advance of the formal hearing and shall be unobtrusive or hidden. All wiring shall be located on the floor next to the wall or along the bottom of the bench, where possible. Otherwise, the wires must be placed where they will not interfere with anyone or constitute a hazard. The Secretary shall inspect the location of any wires and microphones to see that they comply with this Plan. Wiring cannot be removed while the formal hearing is in session, except during a recess.
9. Overhead lighting, when provided for photography, videography, or other purpose, shall be switched on and off by the Secretary. No other lights, flashbulbs, flashes, or sudden light changes may be used except with the express, advance authorization of the Secretary.
10. With the exception of those participating by pooling as permitted by paragraph 6 of the Plan, every person desiring to cover a formal hearing will furnish his or her own equipment.
11. Television cameras, still cameras or any recording devices that produce distracting noise or sound cannot be used.
12. During the formal hearing, photographers using still cameras may sit anywhere in the hearing room designated for use by the public and may take pictures; however, the Secretary, upon request of a party, attorney, witness, or Justice, may require photographers to take photographs only in a designated area in the hearing room. At no point may photographers or videographers move about the hearing room while the formal hearing is in session, unless expressly authorized by the Bench or the Secretary.
13. Photographers and videographers may not photograph, video, or otherwise record the contents of any documents on the bench, or on the parties' tables, regardless of whether the formal hearing is in session. The Secretary shall ensure, as much as is practicable, that photographers and videographers are positioned in the hearing room in such a manner that they cannot view or see such documents. This prohibition does not apply to any document, exhibit, or case material displayed to the Bench or the persons in the courtroom such as by poster board, projector, electronic screen, or the like.
14. No live audio or video broadcasting or social-media updates of formal hearings are permitted from inside the hearing room. At the discretion of the Secretary, or the Bench, such activity may be permissible in overflow rooms or in other public areas adjacent to the room where the formal hearing is being conducted.

15. Digital devices may not be used in the hearing room while formal hearing is in session except by attorneys appearing before the Court and their support staff.
16. All media persons covering a formal hearing will avoid activity that might distract and will remain within any restricted areas designated by the Bench or by the Secretary.
17. Nothing in this Plan should be construed to restrict the authority of the Secretary to designate the location of still and video cameras in the hearing room. Moreover, nothing herein should be construed to restrict the authority of the Secretary or the Bench to suspend, in whole or in part, this Media Coverage Plan in special circumstances.
18. Any party, witness, attorney, Commissioner or presiding Administrative Law Judge may request a cessation of coverage. In such event, the presiding Administrative Law Judge will require the recording and broadcasting to cease.
19. Attorneys must observe Rule 3.6, Ala. R. Prof. Cond. ("Trial Publicity"), which covers the conduct of all attorneys with respect to trial publicity.
20. This Plan shall not preclude the coverage of a formal hearing by a news reporter or other person who is not using a camera or electronic equipment, but who is taking notes or making sketches.
21. All persons who request and are granted permission to cover a hearing, are subject to this Media Coverage Plan and must agree to observe the rules and objectives set out in this Plan.
22. The Secretary may impose reasonable time, place, and manner restrictions on interviews or broadcasts conducted outside the hearing room.

Attachments:

Exhibit A: Request for Media/Individual Coverage

Exhibit B: Consent of Participating Parties to Media/Individual Coverage

EXHIBIT A

REQUEST FOR MEDIA/INDIVIDUAL COVERAGE
OF A FORMAL HEARING BEFORE THE ALABAMA PUBLIC SERVICE COMMISSION

Name of media outlet or individual: _____

Mailing address: _____ Telephone: _____

Email address: _____

Event to be covered (Docket number, date, and time): _____

Type of coverage requested: Audio Recording: ____ Video Recording: ____ Radio: ____
Television: _____ Still Cameras: _____ Other: _____

Reporters and technicians (please identify all personnel who will be involved; you may attach a separate page if necessary):

_____

_____

Purpose of requested coverage (i.e., instructional, educational, local news, network news, etc.):

_____

_____

I have read and understand the "Media Coverage Plan for Formal Hearings of the Alabama Public Service Commission." In requesting permission to cover the above-described event, I agree that all media personnel/individuals identified above will abide by all applicable provisions of the Plan. I certify that I will obtain all consents required by the Plan before beginning any interviewing, photographing, recording, or broadcasting.

_____
Media Representative/Individual

_____
Date

RETURN COMPLETED FORM TO
WALTER L. THOMAS, JR., SECRETARY
ALABAMA PUBLIC SERVICE COMMISSION
MONTGOMERY, AL 36130-4260

APPROVED: _____
Secretary
Alabama Public Service Commission

DATE: _____

EXHIBIT B

CONSENT OF PARTICIPATING PARTIES TO
MEDIA/INDIVIDUAL COVERAGE OF A FORMAL HEARING
OF THE ALABAMA PUBLIC SERVICE COMMISSION

RE: [*Insert APSC Docket number and style*]

Pursuant to the Media Coverage Plan for Formal Hearings of the Alabama Public Service Commission, consent is hereby given by the undersigned to broadcast, electronically record, or photograph the formal hearing in the above-styled case before the Alabama Public Service Commission

_____

Signature of:

Attorney ____ for _____
Witness _____
Party _____

Date: _____