



# ANNUAL REPORT

*Alabama Public Service Commission*



# TABLE OF CONTENTS

<i>Letter To The Governor</i>	3
<i>Introduction</i>	5
<i>Commissioners</i>	6
<i>Commission Staff</i>	12
<i>Executive Director of the Commission</i>	14
<i>Legal</i>	17
<i>Administrative</i>	18
<i>Electricity Policy</i>	23
<i>Utility Services</i>	38
<i>Utility Enforcement</i>	49
<i>Gas Pipeline Safety</i>	55
<i>APSC History</i>	60
<i>Past and Present Commissioners</i>	62



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

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JOHN A. GARNER, EXECUTIVE DIRECTOR

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

January 10, 2018

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

The Honorable Kay Ivey  
Governor of Alabama  
600 Dexter Avenue  
Montgomery, Alabama 36130

Dear Governor Ivey:

Attached for your review is the Annual Report of the Alabama Public Service Commission (the "APSC" or the "Commission") for the fiscal year commencing October 1, 2016, and ending September 30, 2017. Said Annual Report details the operations of the APSC for the noted period as required by the provisions of the *Code of Alabama*, 1975, §37-1-41.

Additional copies are available and will be hand delivered upon request. The report may also be accessed as a PDF file on the APSC's website at [www.psc.alabama.gov](http://www.psc.alabama.gov).

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me at (334)242-5200.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Garner", is written over a faint, larger version of the same signature.

John A. Garner  
Executive Director

JAG:klr  
Attachment



*Twinkle Andress Cavanaugh*

President

*Jeremy H. Oden*

Commissioner, Place 1

*Chris "Chip" Beeker, Jr.*

Commissioner, Place 2

# INTRODUCTION TO THE COMMISSION



*To provide a balance between regulated companies and consumers in order to provide consumers with safe, adequate and reliable services at affordable rates.*

Since its creation over a century ago as the Railroad Commission of Alabama, the Alabama Public Service Commission (“APSC” or “The Commission”) has remained committed to ensuring that the citizens of Alabama receive reliable and affordable utility and transportation services at rates that are fair and reasonable. The agency’s role has evolved throughout the years from the regulation of railroad transportation services to the regulation of all facets of public utility and transportation services. The entities regulated by the APSC include privately owned corporations providing electric, gas, and water service to the public, as well as select providers of telecommunications services and wastewater services. Additionally, railroads, buses, trucking companies, and taxis operating outside police jurisdictions on a for-hire basis remain under the oversight of the APSC.

The APSC operates as a quasi-judicial body whose jurisdiction, powers, and duties are statutory in nature. More specifically, the APSC derives its authority from the *Code of Alabama 1975*, as amended, Sections 22-25B-6, 24-1-28, 10-2B-15.13, 10-5-3, 10-5-4, 10-5-7, 11-50-268, 11-50-269, 11-50-270, 11-50A-25, 37-1-32, 37-2-3, 37-2-171, 37-3-7, 37-4-60, 37-4-82, 37-4-108, 37-8-8, and 37-9-9.

The APSC is governed by a president and two associate commissioners who are elected on a statewide basis. Each commissioner is elected to serve a four-year term with the president’s term staggered by two years from the terms of the associate commissioners. A complete listing and historical record of past commissioners is included at the end of this report. The list includes some of the men and women who have been chronicled among Alabama’s most famous public servants.

In order to carry out its vast responsibilities, the APSC generates its principal funding from inspection and supervision fees received from companies regulated by the agency. Those funds are, however, appropriated by the Alabama Legislature. The work of the Commission is performed by a staff of approximately 69 competent and dedicated professionals who serve in the various divisions and offices of the Commission.

Presented in this report is a summary of the regulated activities, accomplishments and financial results for the APSC for the period of October 1, 2016, through September 30, 2017 (FY-2017). Although not all inclusive, this report represents a good overview of the many services and functions provided by the Commission.

## PRESIDENT OF THE COMMISSION

# Twinkle Andress CAVANAUGH

Twinkle Andress Cavanaugh is called the “Working Commissioner” because she comes to work each day striving to keep Alabama’s utility rates some of the lowest in the nation. She has a three-pronged approach to regulating utilities. Twinkle insists on reasonable rates and reliable utilities for consumers, which facilitates recruiting jobs to our great state. During her time at the Commission, some of her notable accomplishments for the people of our state include:

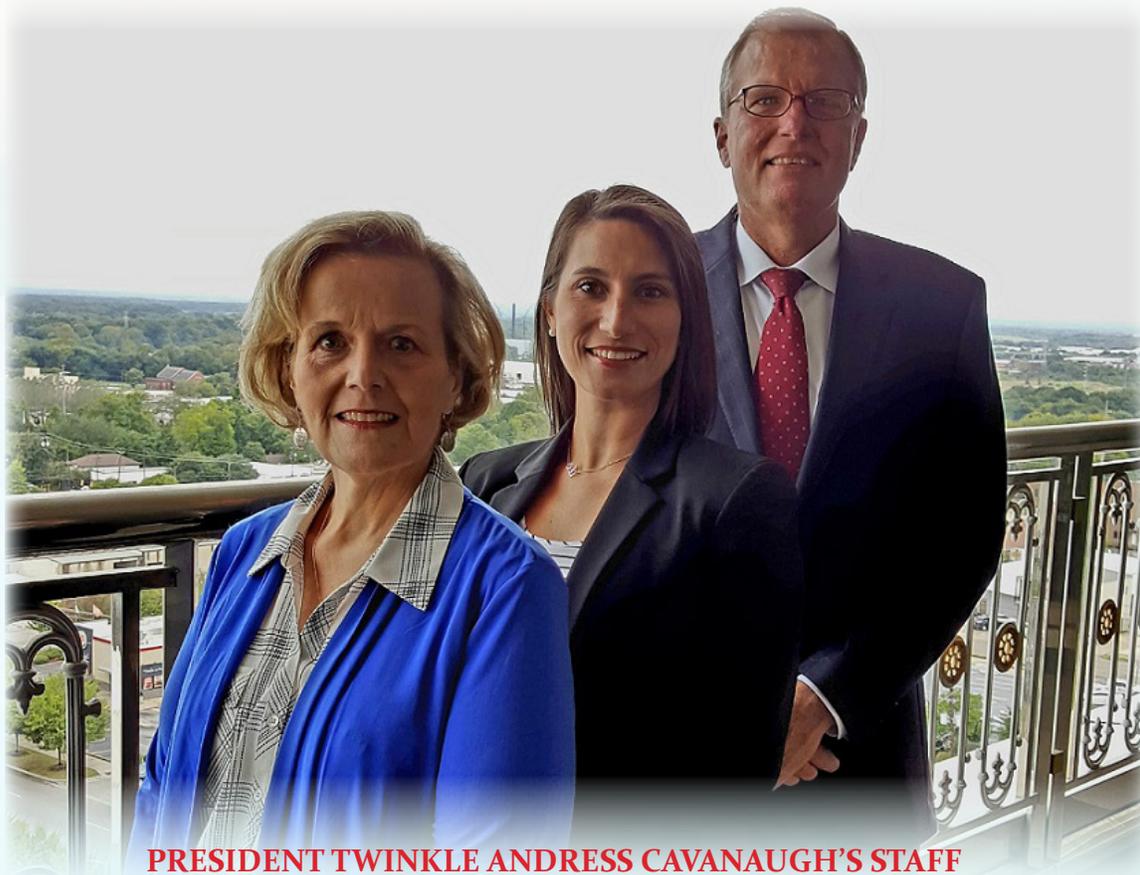


- Sponsoring and passing an Ethics Policy setting the highest ethical standards for conducting business at the Alabama Public Service Commission;
- Began term as President by calling for open and transparent hearings for all three major utilities in the state. In an unprecedented move, she led the Commission through reviews of all three major utilities in a single year, resulting in lower utility rates for the citizens of Alabama while preserving the ability of these utilities to provide reliable service for their customers;
- Created a process that all interested individuals and groups could easily participate in utility hearings and refused to allow outside environmental groups to insert their anti-coal agenda and take over the process;
- Guiding the Commission to reduce expenses by \$3.0 million per year through the streamlining of operations and reduction of wasteful spending and demonstrating her commitment to reducing the size of government by reducing the size of the Commission by over 37% and concentrating talent within the agency by creating a stand-alone Electricity Policy Division;
- Renewal of lease agreement with RSA resulting in a \$420,000 per year reduction in lease costs by eliminating unused office space and reducing her office space by 67%;

- Passing time-of-use rates which allow customers an additional way to achieve savings on their utility bills;
- Actively working with Alabama’s farmers to keep their utility costs down; and
- Offering encouragement to residents of the devastating events that have occurred in Alabama.

Twinkle brings to the APSC a diverse background in public service, conservative policy-making, and small business. Twinkle has been active in public service for many years. She served in Governor Bob Riley’s cabinet as Senior Advisor and also developed extensive experience in dealing with national issues while working for former Congressman Sonny Callahan. A deep-rooted commitment to conservative causes and policy is prevalent throughout Twinkle’s work experience. She worked at the Republican National Committee in Washington, D.C. She served as Executive Director of the Alabama Republican Party and later became the first female Chairman of the Alabama Republican Party.

Twinkle also served as the State Director of Citizens for a Sound Economy (CSE), a national organization promoting lower taxes for American families. At CSE, she worked to push President George W. Bush’s tax cuts through Congress. During her tenure at CSE, she also helped cities and towns across Alabama halt tax increases and fought for tougher tort reform laws. Having owned several small businesses, Twinkle understands the challenges facing small businesses and Alabama families. Twinkle is a graduate of Auburn University. She and her husband have three children and two grandchildren. They are active members of First Baptist Church in Montgomery and they are involved in numerous community organizations.

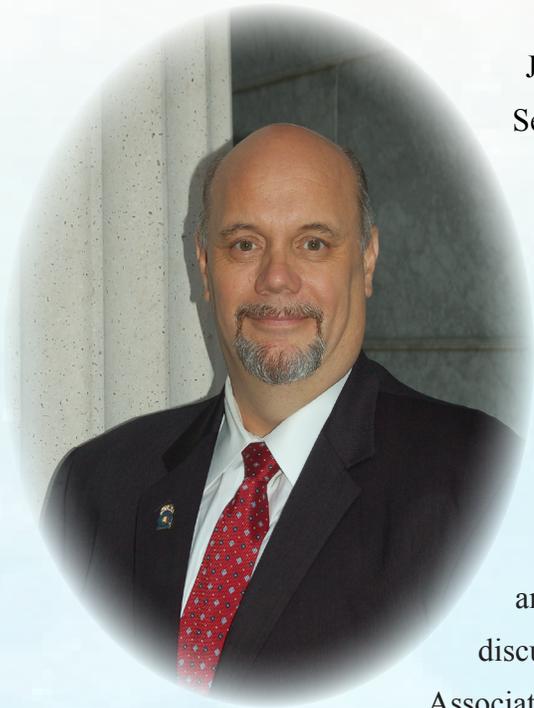


**PRESIDENT TWINKLE ANDRESS CAVANAUGH’S STAFF**

*From left: Debbie Williams, Executive Assistant; Rachel Archer, Executive Secretary; and Jeff Johnston, Advisor for Regulatory/Research Analysis*

# COMMISSIONER, PLACE 1

## Jeremy H. ODEN



Jeremy H. Oden became Commissioner for Place 1 on the Alabama Public Service Commission beginning December 2012. After completing his first term, Commissioner Oden was elected by the people of Alabama in 2014 to continue serving the state through 2018. Commissioner Oden is a proven public servant evidenced through his 14 year tenure of service in the House of Representatives for District 11, covering portions of Cullman, Blount and Morgan Counties.

Over the past year Commissioner Oden continued increasing his role in the national debate on energy policy, storage, pipeline safety, electricity transmission, utility services, and transportation issues. He is an active participant on the international, national and state level of these discussions. The Commissioner participates in active roles on the National Association of Regulatory Utility Commissioners (NARUC). There he serves on the Electricity Committee leadership team, Chairman of the Subcommittee on Clean Coal and Carbon Management, as well as the Transportation Task Force, offering advice on the regulation of railway safety and motor carriers. He also serves as 1<sup>st</sup> Vice-President of the Southeastern Association of Regulatory Utility Commissioners, and will serve as President in 2019.

In August of 2017, President Trump's Department of Energy requested that Commissioner Oden be a part of the Clean Energy Policy and Technology Mission to China and Japan, an honor bestowed to a very select delegation of commissioners across The United States. The delegation's intensive working schedule included high level discussions with ambassadors, government officials, national energy

leaders, as well as tours of infrastructure such as ultra-critical coal plants, new nuclear facilities, and high-voltage transmission systems. The Commissioner participated in secure briefings on China’s current energy demand and energy perspectives and policies that will shape China’s future. In Japan he met with ambassadors, energy officials, and industry leaders concerning energy production, natural gas usage, and reformation of Japan’s nuclear fleet.

On a State level, Commissioner Oden was highly involved in electricity generation and load growth issues, alternative energy use, gas pipeline safety, railway safety, transportation regulation, intra-state port issues, rural broadband development, and large economic development projects. Commissioner Oden held local meetings, spoke at conferences, and met with local businesses and industries to update them on the regulatory issues in our State.



**COMMISSIONER JEREMY H. ODEN’S STAFF**

*From left: Spears Griffin, Technical Assistant; Aisha Smith, Executive Secretary;  
Commissioner Jeremy H. Oden; and Blake Kinney, Executive Assistant*

## COMMISSIONER, PLACE 2

# Chris “Chip” BEEKER, JR.

A native of Greene County, Alabama, Commissioner Chris “Chip” Beeker, Jr. was elected to the Alabama Public Service Commission in November 2014. He received nearly 60 percent of the vote in the primary runoff and was unopposed in the general election.

Commissioner Beeker brings a lifelong commitment to service and a successful business record to the Commission. Following graduation from Greene County High School, Commissioner Beeker served in the National Guard for eight years. He attended the University of West Alabama, where he was a member of Phi Kappa Phi, and graduated with a degree in Commerce and Business. After graduation, he worked at the James M. Barry Steam Plant and the William Crawford Gorgas Electric Generating Plant. Working at these plants afforded Commissioner Beeker the opportunity to see first-hand how vital reliable energy is to our state’s economy.

After working for a couple of companies in the timber industry, Commissioner Beeker started the Beeker Timber Company, which managed, bought and sold timber. Additionally, he oversaw and owned three logging crews. He also founded Beeker Catfish and the Beeker Cattle Company. His farms received national acclaim for achieving high standards of quality.

From 1986 through 2006 Commissioner Beeker served as a member of the Greene County Commission, serving as chairman for the last ten of those years. During Commissioner Beeker’s tenure, the Greene County Commission achieved great success in economic development.

In addition to serving on the county commission, Commissioner Beeker has been an integral part of his community over the years. He served on numerous advisory boards throughout the area and was the head junior varsity coach in basketball and head varsity coach in baseball at Warrior Academy. In 2012, The Community Foundation of West Alabama selected Commissioner Beeker as a Pillar of



West Alabama. At Warrior Academy, Commissioner Beeker coached basketball and, for several years, was the head baseball coach. Commissioner Beeker received a degree from the New Covenant School of Ministry. He currently serves as an elder at the First Presbyterian Church in Eutaw where he also teaches Sunday school and has served in both of those roles for over 30 years. Commissioner Beeker began and serves in a prison ministry at the Greene County jail.

He has been married to Teresa Beeker for more than forty years. They have three children: Diana Beeker Browning (Brandon), Inge Beeker (Elizabeth), and Chris Beeker, III (Carlley). Commissioner and Mrs. Beeker have been blessed with eleven grandchildren.

When he campaigned for his current position, Commissioner Beeker promised to oppose crippling federal mandates and he has consistently lived up to that commitment. During his time on the Commission, he has established a conservative voting record, promoted and protected industries, and worked to ensure that Alabama citizens do not pay excessive amounts for the utilities they enjoy. Commissioner Beeker will continue to work to not only oppose the federal government’s reckless environmental agenda, but also make sure that Alabamians receive the most reliable and affordable energy possible.



**COMMISSIONER CHRIS “CHIP” BEEKER, JR.’S STAFF**

*From left: Mary Caitlyn Montgomery, Executive Assistant; Brent Woodall, Chief Of Staff; Valerie Hogan, Executive Secretary; and Commissioner Chris “Chip” Beeker, Jr.*

# COMMISSION STAFF

## Executive Director of the Commission/Legal Division

### OFFICE OF THE EXECUTIVE

#### DIRECTOR OF THE COMMISSION

John A. Garner,  
Executive Director of the Commission

#### *Personnel Section*

Dorinda Kepler, Personnel Assistant III  
Rozetta Parker,  
Administrative Support Assistant III

#### *Information Systems Services Section*

Kay Oswalt, IT Systems Specialist,  
Senior  
Dana Cheek, Programmer/Analyst  
Debra Jackson, IT Systems Technician,  
Senior

#### *State Legislative Affairs*

Clarence Duncan,  
Public Utility Analyst Manager

### LEGAL DIVISION

John A. Garner,  
Chief Administrative Law Judge  
G. Scott Morris, Administrative Law  
Judge  
Suellen Young, Attorney III  
Luke Bentley, Attorney III  
Eileen M. Lawrence,  
Departmental Operations Specialist  
Karen Rogers, Administrative  
Support Assistant, III

## Administrative Division

Walter L. Thomas, Jr.,  
Commission Secretary  
Tashenna Lawrence,  
Administrative Support Assistant III  
Nicole Abro, Administrative Support  
Assistant II, (transferred 7/1/17)

Leanne Slaten, Administrative  
Support Assistant II

#### *Finance Section*

Miles Gagner, Senior Accountant  
Kimberly Holt, Senior Accountant

Ernestine Huffman, Staff Accountant  
Kathleen McPherson, Administrative  
Support Assistant III

#### *Motor Carrier Records Section*

Vacant

## Electricity Policy Division

John D. Free, Director  
Jerry Delancey,  
Administrative Support Assistant III

Tanya Champion,  
Public Utility Analyst II  
Chad Mason, Attorney II  
Rena Caldwell, Accountant I,  
(transferred 5/31/17)

#### *Electricity Section*

Patricia W. Smith,  
Public Utility Analyst Manager

#### *Federal Affairs Section*

John D. Free, Director  
Chad Mason, Attorney II

#### *Public Affairs Section*

Angier S. Johnson,  
Public Information Manager

## Utility Services Division

Darrell Baker, Director

#### *Telecommunications Section*

E. C. McArthur,  
Utility Rate Analyst Manager

Tom Jones, Public Utility Analyst III  
Laneeta Roberts, Utility Rate  
Analyst Manager  
Janet Conway, Public Utility Analyst III

Cynthia Allen, Administrative Support  
Assistant I

# COMMISSION STAFF

## Utility Services Division *(continued)*

### *Services Section*

David Peeler, Public Utility  
Analyst Manager

Rick Cleckler, Public Utility Technical  
Specialist, Sr.

Aquilla Spivey, Consumer Services  
Manager

Stephanie Sweet, Consumer Services  
Specialist

### *Natural Gas Section*

Donald C. Powell, Public Utility  
Analyst Manager

Marquita D. Lennon, Public Utility  
Analyst II  
Tonya L. Williams, Staff Accountant

## Utility Enforcement Division

Janice M. Hamilton, Director and  
State Rail Safety Program Manager  
G. Dee Stroud, Administrative Support  
Assistant III

### *Field Services Section*

H. Terry Jackson,  
Public Utility Field Technician, Senior

### *Motor Carrier Services Section*

Amanda D. Shehane, Senior Accountant  
Devon D. Beaty, Public Utility Analyst I  
Jennifer S. Morgan, Account Clerk  
Retha K. Bryant, Administrative Support  
Assistant I

### *Railway Safety Section*

Chris W. Hester, Railway Safety Inspector  
J. Eddie Nix, Railway Safety Inspector  
Heath G. Thompson, Railway Safety  
Inspector

## Gas Pipeline Safety Division

Wallace R. Jones, Director  
Felisa A. Webster,  
Administrative Support Assistant III

### *Gas Pipeline Safety Section*

Gregory E. Meadows,  
Pipeline Safety Investigations Supervisor  
Judy D. Ramsey,  
Pipeline Safety Investigations Supervisor

Daniel E. Trapp,  
Pipeline Safety Investigations Supervisor  
Jamar F. Robinson, Pipeline Safety  
Engineer  
Asia D. Skillman, Pipeline Safety  
Engineer  
Randall D. Hand, Pipeline Safety  
Investigator, Senior

Randall H. Hammond,  
Pipeline Safety Investigator, Senior  
Jonathan M. Kimbril, Pipeline Safety  
Investigator, Senior  
Michael McVay, Gas Pipeline Safety  
Investigator

# EXECUTIVE DIRECTOR OF THE COMMISSION

*John A. Garner*  
Executive Director



In December 2010, the Commission created the position of Executive Director of the agency in order to facilitate more efficient day-to-day operations. Chief Administrative Law Judge John A. Garner was named as Executive Director and was delegated the responsibility for the overall management of the Commission's daily functions per the direction of the Commissioners. To that end, the Commission determined that the Executive Director would report directly to the Commissioners with each division director within the Commission reporting to the Executive Director.

In addition to being delegated the responsibility for managing the day-to-day administrative functions of the agency, the Executive Director was also given the responsibility of acting on all personnel matters brought before the Executive Director by the various divisions, except those involving the separation of employees from service through suspension or termination. The Executive Director was also charged with uniformly implementing and enforcing the administrative policies established in the Commission's Employee Guidelines and Procedures Manual as well as other policies recommended by the Commission. The Executive Director was further charged with recommending any policy changes appearing necessary for the betterment of the agency.

In order to assist the Executive Director in the fulfillment of all assigned responsibilities, the agency employees with responsibility in the areas of personnel matters, information technology services, and state legislative affairs were assigned to report

directly to the Executive Director. The functions performed by these personnel complement the primary areas of responsibility of the Executive Director and involve all divisions of the agency.

## Personnel Section

The Personnel Section consists of Personnel Assistant III/Personnel Manager, Dorinda Kepler and Administrative Support Assistant III, Rozetta Parker who perform the many day-to-day functions that are necessary to implement the requirements of the State Merit System. Specifically, the Personnel Section is responsible for all actions affecting the employment status of Commission employees and maintaining all records of those actions. One of the Personnel Section's primary functions is to identify and implement changes in payroll expenditures resulting from appointments, resignations, promotions, terminations, etc., through the use of the Government Human Resource System, an automated payroll/personnel system.

# EXECUTIVE DIRECTOR OF THE COMMISSION

The Personnel Section also oversees the in-processing and orientation of new employees and the out-processing of employees who separate from service at the Commission. As the source for state and departmental rules, regulations and benefits that apply to employees, the Personnel Section provides information through the agency handbook, the State Personnel Department (SPD) Procedures Manual, and various manuals provided by the SPD Training Division. Requests to fill vacancies in the Commission are processed by Personnel with the coordination of division directors.

The Personnel Manager also acts as the liaison with SPD, checking to see that all personnel transactions are in line with state laws and SPD rules and regulations. Additionally, the Personnel Manager represents the Commission at meetings of the SPD Board and the Council of Personnel Administrators. The Personnel Section also develops and assists in the development and updating of job descriptions for Commission employees when

necessary. This ensures appropriate classifications are selected for a particular job and may also be used as an indicator for change in classification and pay.

## Information Systems Services Section

The Information Systems Services Section (“IT Section”) is another important section organized under the Executive Director. IT Systems Specialist, Sr., Kay Oswald, is the supervisor of the IT Section. Along with Mrs. Oswald, Programmer Analyst Dana Cheek, and IT Systems Technician, Senior, Debra Jackson, provide a variety of information technology services to the agency, including the operation of a local area network which links the APSC divisions electronically to facilitate the sharing of data and information.

The IT Section also operates a bank of servers, including the primary file server where users store information in secure folders that are backed up daily. This section is also responsible for running virus protection software and following best practices procedures for information security and disaster preparedness.

There are several systems in place for consumer and users’ needs which were established and are maintained by the IT Section. These include small-scale database applications tracking regulated motor carrier registrations, consumer complaints, information technology help desk requests, and some telecommunications data. The section also coordinates and oversees the maintenance of the agency’s document imaging system with an outside vendor.

The Information Systems Services Section staff also establishes email and network user accounts and



### PERSONNEL SECTION

*Rozetta Parker and Dorinda Kepler*

# EXECUTIVE DIRECTOR OF THE COMMISSION

provides help desk support for hardware and software issues experienced by end users. Custom applications are also designed, primarily using Microsoft Access.

The Information Systems Services Section created and updates the APSC website which offers the functionality of allowing consumers to file complaints online. Commission orders and filings in APSC proceedings can also be accessed through the agency’s website. Similarly, the IT Section captures the video footage of each month’s public meeting of the Commission and makes it available for viewing on the agency’s website.



## INFORMATION SYSTEMS SERVICES SECTION

*From left: Kay Oswalt, Dana Cheek, and Debra Jackson*

## State Legislative Affairs Section

The State Legislative Affairs Section consists of Public Utility Analyst Manager, Clarence Duncan, whose responsibilities include researching and recommending changes in law deemed necessary to enable the Commission to effectively perform its duties and functions. The state



legislative affairs liaison is also responsible for monitoring all state legislative activity as it pertains to the Commission and keeping the Commission and its staff fully informed of the status of such matters in a timely manner. The state legislative affairs’ liaison additionally produces and distributes documents that reflect the status of legislation pending before the Alabama Legislature and performs assignments regarding matters of interest to the Commission as directed by the Commission’s Executive Director.



## LEGISLATIVE AFFAIRS

*Clarence Duncan*

# LEGAL DIVISION

*John A. Garner*  
Chief Administrative Law Judge

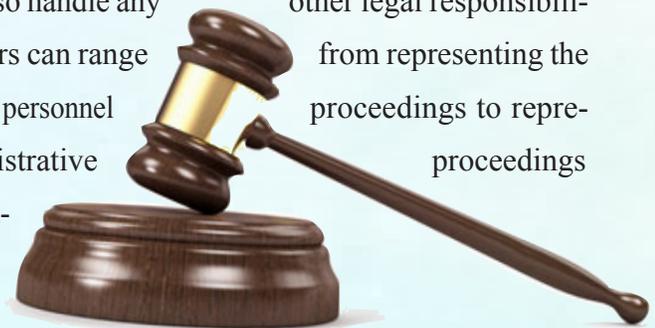
The Legal Division consists of Chief Administrative Law Judge John A. Garner, Administrative Law Judge Scott Morris, Senior Staff Attorney Suellen Young, Attorney III Luke Bentley, Departmental Operations Specialist Eileen Lawrence, and Administrative Support Assistant III Karen Rogers. The Legal Division's Administrative Law Judges preside over all legal proceedings before the Commission and make recommendations for the disposition of the cases they hear. Those recommendations are presented at the monthly meetings of the Commission for a decision. The Commission can adopt the recommendations of the Administrative Law Judges in their entirety, or vote to effectuate other outcomes when supported by appropriate evidence. Once the Commissioners render a decision, the Administrative Law Judges typically draft the orders which reflect the decision of the Commission and are signed by the Commissioners.



## LEGAL DIVISION

*Seated from left: Eileen Lawrence and Karen Rogers  
Standing from left: Scott Morris, Luke Bentley,  
John A. Garner, and Suellen Young*

In addition to hearing cases and making recommendations for the disposition of pending cases, the Legal Division's Administrative Law Judges and other attorneys provide legal advice and guidance to the Commissioners, Commission staff, representatives of the utilities regulated by the Commission, and the general public on a daily basis. The Legal Division's Administrative Law Judges and attorneys also handle any other legal responsibilities which arise. Such matters can range from representing the Commission in court cases and personnel proceedings to representing the agency in administrative proceedings conducted by other state agencies and federal agencies.



# ADMINISTRATIVE DIVISION

*Walter Thomas, Jr.*  
Secretary



## ADMINISTRATIVE DIVISION

*Front from left: Ernestine Huffman, Kathleen McPherson, Kim Holt, and Walter Thomas, Jr.*

*Back row from left: Miles Gagner, Tashenma Lawrence, and Leanne Slaten*

The Secretary's Office receives all filings made to the Commission and distributes them to the appropriate division. The Secretary's Office also assigns docket numbers to cases requiring public hearings and maintains an electronic file on cases so that information on the status of any case can be obtained quickly.

The Secretary's Office takes and distributes the minutes of each monthly

Commission meeting and attests to and files orders of the Commission and certifies copies of orders and other documents of record in the official files of the Commission. The Secretary's Office files the Commission oaths of office, surety bonds covering each railway policeman appointed by the Governor, furnishing certification of the policeman's appointment along with the oath and bonding to

the Secretary of State. The Secretary signs orders for the Commission to authorize transportation companies to place reduced rates into effect on less than statutory time, in order to meet an emergency. The Secretary's Office also provides public officials, attorneys, transportation and utility executives, and other interested parties, with information on the operating polices of the Commission.

# ADMINISTRATIVE DIVISION

The Secretary's Office is responsible for the retention of all records of the Commission and coordinates the transfer of records to the Department of Archives and History as well as destruction of records. The Secretary's Office acknowledges receipt of filings advising parties of the requirements of the *Rules of Practice* and statutes governing proceedings in which they are involved and gives general procedural information and answers inquiries requiring research into Commission records. Lastly, the Secretary's Office is responsible for the coordination of the parking deck cards and the departmental telecommunications services which entails ensuring that the telephone and data lines are working properly. A tabulation of the principal activities of the Secretary during FY-2017 is as follows:

## OFFICE OF THE COMMISSION'S SECRETARY

Commission Orders Issued	888
Public Hearings Held	35
Report and Recommended Orders Issued	11

## Finance Section

The Finance Section plans, coordinates and directs the fiscal functions of the Commission, overseeing such activities as accounts, budgets, purchases, equipment, and custodial care. Its responsibilities include maintaining the general books, consolidating operating budget requirements, and preparing budget requests and operations plans.

This section also prepares budgetary performance reports; monitors the budget for possible problems and makes any necessary corrections; verifies and processes invoices and expense reports for payment; coordinates

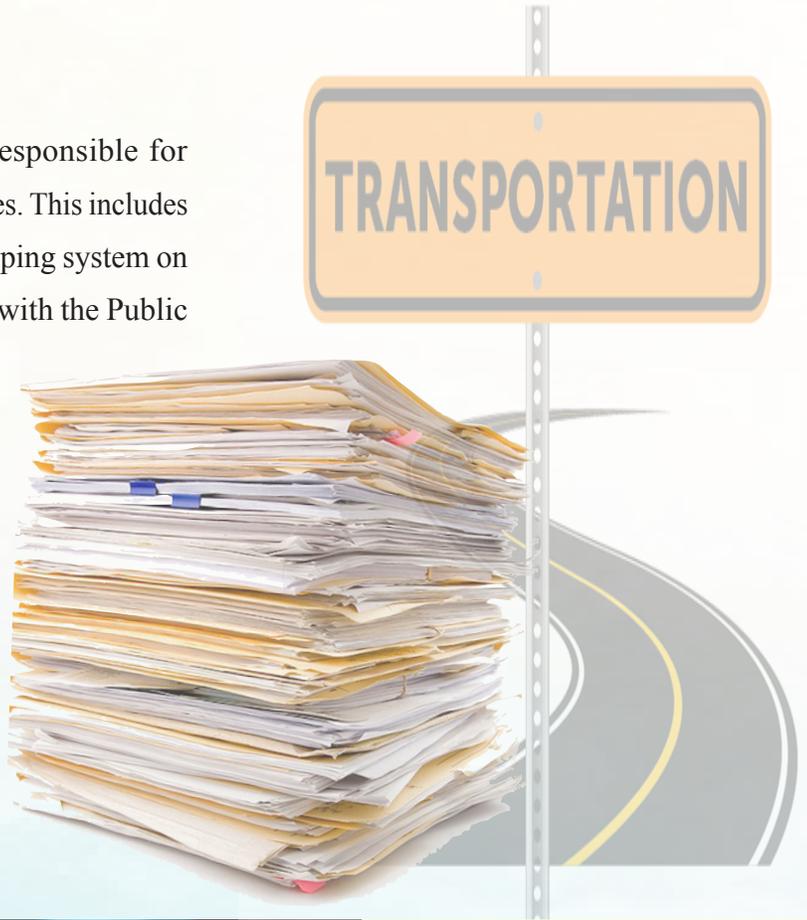
the payroll and maintains payroll records; bills utilities for inspection and supervision fees; maintains records of fees collected; notifies the Legal Division of any delinquent companies; and conducts special studies or assignments as requested by the Commission.

This section maintains office supplies for the Commission; develops and administers internal accounting procedures and administers a centralized purchasing service of approved materials, supplies and equipment; and is responsible for maintaining property records and conducting an annual physical inventory.

# ADMINISTRATIVE DIVISION

## Motor Carrier Section

The Motor Carrier Records Section is responsible for preserving the records of transportation companies. This includes maintaining a complex database and recordkeeping system on all motor carriers who are required to register with the Public Service Commission according to applicable state and federal laws and motor carrier rules and regulations of the Commission. Records retained by this section include, but are not limited to, motor carrier applications, vehicle identifications, transfers, name changes, transcripts, revocation and reinstatement orders, and insurance filings on both active and inactive motor carriers.



**Use Your  
Smart Device  
to follow Us  
On The Web!**

*Monitor Commission Action  
and View our meetings at:  
[www.psc.alabama.gov](http://www.psc.alabama.gov)*

# ADMINISTRATIVE DIVISION

**Dual Party Relay Fund  
Statement of Operations  
For the Fiscal Year Ending September 30, 2016 and 2017**

	<b>Total <u>Sept. 30, 2017</u></b>	<b>Total <u>Sept. 30, 2016</u></b>
<b>Comptroller's Beg. Cash Balance :</b>	\$ 5,374,442	\$ 4,677,612
Dual Party Relay	<u>1,703,143</u>	<u>1,941,825</u>
<b>Total Cash Available:</b>	7,077,585	6,619,437
 <b>Disbursement of Encumbrances:</b>		
Utilities & Communications	151,486	156,650
Grants and Benefits	<u>-</u>	<u>143,988</u>
<b>Total Encumbrances:</b>	151,486	300,638
 <b>Disbursement of Operating Costs:</b>		
Travel In-State	214	-
Utilities & Communications	644,253	755,067
Grants and Benefits	<u>199,891</u>	<u>189,289</u>
<b>Total Operating Costs:</b>	844,358	944,356
Transfer to General Fund	-	-
Transfer to General Fund: Prior year cash	<u>-</u>	<u>-</u>
<b>Total Disbursements &amp; Transfers:</b>	995,844	1,244,994
<b>Comptroller's Cash Balance, Ending:</b>	6,081,741	5,374,443
Purchase Orders	<u>168,048</u>	<u>21,970</u>
<b>Unencumbered Cash Balance, Ending</b>	<u><u>\$ 5,913,693</u></u>	<u><u>\$ 5,352,473</u></u>

# ADMINISTRATIVE DIVISION

**Alabama Public Service Commission Operating Fund and Gas Pipeline Safety Fund  
Statement of Operations  
For the Fiscal Year Ending September 30, 2016 and 2017**

	<u>PSC Operating Fund</u>	<u>Gas Pipeline Safety Fund</u>	<u>Total Sept. 30, 2017</u>	<u>Total Sept. 30, 2016</u>
<b>Comptroller's Beg. Cash Balance:</b>	\$ 6,837,628	\$ 1,167,797	\$ 8,005,425	\$ 9,606,486
Inspection & Supervision Fees -				
Utility/Water Companies	11,136,078	-	11,136,078	11,135,749
Telecommunications/Railroads	3,210,275	-	3,210,275	3,305,892
Motor Carrier Ins. & Reg. Fees	2,191,645	-	2,191,645	2,841,630
Gas Service Line Fees	-	539,926	539,926	538,941
Federal Dept. of Transportation	-	847,614	847,614	1,065,660
Alabama Dept. of Transportation	50,000	-	50,000	50,000
Miscellaneous Receipts	5,576	27,877	33,453	11,707
<b>Total Receipts:</b>	<u>16,593,574</u>	<u>1,415,417</u>	<u>18,008,991</u>	<u>18,949,579</u>
<b>Total Cash Available:</b>	<u>23,431,202</u>	<u>2,583,214</u>	<u>26,014,416</u>	<u>28,556,065</u>
<b>Disbursement of Encumbrances:</b>				
Personnel Costs	-	-	-	-
Employee Benefits	-	-	-	-
Travel- In State	2,479	5,367	7,846	7,373
Travel- Out of State	2,476	3,007	5,483	5,719
Repairs & Maintenance	252	-	252	134
Rentals & Leases	12,053	2,016	14,069	16,215
Utilities & Communications	10,229	1,837	12,066	10,833
Professional Services	10,558	2,953	13,511	10,349
Supplies & Operating Expenses	5,499	1,507	7,006	11,413
Transportation Equipment Operations	4,778	4,084	8,862	8,733
Grants and Benefits	-	-	-	-
Transportation Equipment Purchases	-	-	-	-
Other Equipment Purchases	81	1,419	1,500	1,063
Transfer to State General Fund 100	-	-	-	-
<b>Total Encumbrances:</b>	<u>48,405</u>	<u>22,190</u>	<u>70,595</u>	<u>71,832</u>
<b>Disbursement of Operating Costs:</b>				
Personnel Costs	3,981,859	667,277	4,649,136	4,799,616
Employee Benefits	1,402,755	254,375	1,657,130	1,680,697
Travel- In state	15,899	42,881	58,780	58,531
Travel- Out of State	9,456	47,458	56,914	66,874
Repairs & Maintenance	2,604	113	2,717	4,847
Rentals & Leases	769,914	64,376	834,290	818,961
Utilities & Communications	37,731	9,930	47,661	49,879
Professional Services	137,294	13,635	150,929	161,634
Supplies & Operating Expenses	188,613	17,598	206,211	186,401
Transportation Equipment Operations	19,784	18,965	38,749	37,858
Grants and Benefits	-	2,500	2,500	200
Transportation Equipment Purchases	34,727	70,083	104,810	65,508
Other Equipment Purchases	35,120	6,423	41,543	47,803
<b>Total Operating Costs:</b>	<u>6,635,756</u>	<u>1,215,614</u>	<u>7,851,370</u>	<u>7,978,809</u>
Transfer to General Fund / Other Agencies	10,000,000	-	10,000,000	12,500,000
Transfer to General Fund: Prior year cash	-	-	-	-
<b>Total Disbursements &amp; Transfers:</b>	<u>16,684,161</u>	<u>1,237,804</u>	<u>17,921,965</u>	<u>20,550,641</u>
<b>Comptroller's Cash Balance, Ending:</b>	6,747,041	1,345,410	8,092,451	8,005,424
Purchase Orders	42,983	7,197	50,180	23,881
<b>Unencumbered Cash Balance, Ending</b>	<u>\$ 6,704,058</u>	<u>\$ 1,338,213</u>	<u>\$ 8,042,271</u>	<u>\$ 7,981,543</u>

# ELECTRICITY POLICY DIVISION

*John D. Free*  
Director



## **ELECTRICITY POLICY DIVISION**

*Seated from left: Patricia Smith and Tanya Champion*

*Standing from left: John Free, Angier Johnson, Rena Caldwell, Jerry Delancey, and Chad Mason*

**T**he Electricity Policy Division is organized into three sections: 1) Electricity, 2) Federal Affairs, and 3) Public Affairs. The primary responsibilities of this division are to oversee the regulation of investor-owned electric utilities (“IOU”) in Alabama, while also monitoring and participating in federal policy issues affecting the electric industry. In addition, the Electricity Policy Division is responsible for all duties surrounding the Public Affairs function of the Commission. Additional details regarding the functions and activities of each section during FY-2017 are identified in the following pages.

## **Electricity Section**

The Electricity Section is responsible for regulatory oversight of the rates and services of IOUs in the state, as prescribed in Title 37, *Code of Alabama 1975*, as amended. In the State of Alabama, this jurisdiction is applicable to Alabama Power Company (“APC” or “the Company”), the only electric IOU in the state. In the execution of its duties, the

# ELECTRICITY POLICY DIVISION

Staff performs financial analyses, economic evaluations, and statistical data assimilation. In addition, the Staff presents management and technical inquiries to remain informed as to the manner and methods in which APC conducts its business.

This section also evaluates certain aspects of Southern Electric Generating Company (“SEGCo”) and the Alabama Municipal Electric Authority (“the Authority”). SEGCo is jointly owned by APC and Georgia Power Company.

## ALABAMA POWER COMPANY Rate Stabilization and Equalization (Rate RSE)

Rate RSE, the rate approved by the Commission under Dockets 18117 and 18416, was designed to lessen the impact, frequency and size of retail rate increase requests by permitting APC, through the operation of a formula rate that was filed and approved, to adjust its charges on a periodic basis to achieve the rate of return allowed by the rate order of the Commission. By provisions in the rate, the charges are increased if projections for the upcoming year show that the designated rate of return range will not be met and are decreased if such projections show that the designated rate of return range will be exceeded. Other provisions limit the impact of any one adjustment (as well as the impact of any consecutive increases), and test whether actual results exceed the return range. In that latter event, RSE provides that the amount by which the range is exceeded is returned to customers.

From December 1, 2006 through December 1, 2012, APC’s rate of return on projected average common equity, separated to retail electric service (“RRCE”), was computed annually for the upcoming twelve-month period ending



December 31 (such twelve-month period being the “rate year”). The RRCE was computed based on cost estimates and budgets prepared by APC in the ordinary course of its business and in a manner consistent with the Federal Energy Regulatory Commission’s (“FERC”) Uniform System of Accounts. If the resulting RRCE was less than 13.0% or more than 14.5% (13.0% – 14.5% being “the equity return range”), then monthly bills under the respective rate schedules subject to Rate RSE would be adjusted by amounts per kilowatt-hour (kWh) necessary, in total, to restore the RRCE to 13.75% (the “adjusting point” in the equity return range).

In February 2013, the Commission established a proceeding and set forth a schedule of public meetings to consider the need for any modifications to Rate RSE. As part of this proceeding, the Commission considered the extent to which the RSE mechanism was continuing to serve its intended purpose of ensuring stable, fair, and equitable rates, reliable service, and enhanced monitoring activities by the Commission Staff. As part of this overall evaluation of the RSE program, the Commission also

# ELECTRICITY POLICY DIVISION

sought to determine whether the existing allowed Retail Return on Common Equity range of 13.0% to 14.5%, as prescribed in the Rate RSE tariff, continued to be fair and reasonable.

The Commission held public meetings on May 8, 2013, June 18, 2013 and July 17, 2013, with the June 18 meeting being comprised of two sessions. The Commission and its staff participated, together with representatives of the Attorney General’s office, APC, and other interested agencies/organizations. After evaluating all information submitted by each of the participants during the course of the four public meetings, the Commission found that APC’s Rate RSE mechanism and all the associated components continue to be just and reasonable to customers and the Company. Nevertheless, the Commission recommended several modifications to APC’s Rate RSE mechanism. Foremost among these was the replacement of the existing Return on Equity (ROE) range and the provision regarding capital structure, with a range and set point based on Weighted Retail Return on Average Common Equity (“WRRCE”). The WRRCE range would be established at 5.75% to 6.21%, with an adjusting point of 5.98%. In addition, APC would be eligible to receive a performance-based adder of 7 basis points (0.07%) to the WRRCE adjusting point when, at the time of the annual Rate RSE filing, the Company possesses an “A” credit rating equivalent with at least one of the recognized rating agencies or the Company is in the top third of the customer value benchmark survey that is examined by Staff as part of its most recent annual metrics review. Notably, the established WRRCE range represents a downward adjustment in terms of the Company’s allowed return range.



# ELECTRICITY POLICY DIVISION

The Commission also set forth several augmentations to Staff's ongoing oversight of Rate RSE. First, the Commission recommended the use of an objective, self-executing

basis points. The established baseline rate will be tested against the most recent twelve-month average of the same 30-year Treasury Bond on a quarterly basis. Upon the occurrence of a

circumstance prompting additional review, the Staff will notify the Commission and report whether and to what extent the Staff believes the economic developments necessitate further examination of the WRRCE range.

Next, the Commission recommended that APC make biannual filings of its income statement and balance sheet.

The first filing would include information for the most recent year, along with

applicable requirements of the Securities and Exchange Commission. Finally, the Commission recommended that the financial and operational components of the Company be subject to a detailed examination every six years.

All of the recommendations of the Commission were promptly accepted by APC and incorporated into Rate RSE, the associated special rules and other affected rates and practices. In this regard, it should be noted that the expansion of the Staff's oversight under Rate RSE is in addition to, and not in lieu of, all the existing authority of the Commission, and will not impair the rights of the Company to make filings or petitions with the Commission as allowed by law.

For the twelve-months ended December 31, 2016, the RSE calculation produced a weighted retail return on average common equity of 6.55%. The amount of revenue that caused the return to exceed the designated range was \$72,722,935. According to the terms of RSE, this revenue was to be returned to customers through the application of bill credits, unless otherwise directed by the Commission. After lengthy discussions and consideration, the Commission approved the application of the excess revenues



Example of a thermostat setting on a smart device app.

mechanism associated with the Company's allowed return. Using a baseline interest rate equal to the 12-month average 30-year Treasury Bond as of a date specified, the potential for additional review would be triggered in the event the 30-year Treasury Bond rate increases by more than 350 basis points or decreases by more than 200

information for the prior year. The second filing would include information for the most recent January through June period, along with comparable information from the prior year for the same period. These biannual filings would be made within a reasonable period after the corresponding release of this information and in accordance with

# ELECTRICITY POLICY DIVISION

to Rate CNP, Part B, where costs were under-recovered. Since these costs would ultimately have to be collected from customers, this alternative disposition would likewise represent a refund for the benefit of customers within the meaning of Rate RSE. The Commission Staff confirmed that such an option would be consistent with Rate RSE. As a result, the Company's final weighted retail return on average common equity, for the twelve months ended December 2016, was 6.21%.

On December 1, 2016, APC filed the 2017 *Information and Calculations Required by Appendix B to Rate RSE and the Special Rules Governing Operation of Rates RSE and CNP*, subject to the approved modifications (sixth revision) to RSE. Based on this filing, the projected WRRCE for the 12-months ending December 31, 2017 was 6.05%.

The Electricity Section examines APC's books and records on a monthly basis to determine the WRRCE for the current 12-month period. The Section's Staff prepares a summary report of this information for presentation at each monthly Commission meeting. As of September 30, 2017, the re-projected WRRCE for the twelve-month period ending December 31, 2017 was 6.29%.

## Energy Cost Recovery (Rate ECR)

Rate ECR, the rate approved by the Commission under Docket 18148, is the mechanism used to recover retail customers' portion of certain energy-related costs. Currently, the established ECR factor is 59.10 mils/kWh (5.910 cents/kWh). With the consent of the Company, the factor has been adjusted for temporary periods of time to reduce the over/under collections accumulated in the energy cost recovery account. The Electricity Section evaluates the monthly Rate ECR reports filed by APC and prepares a summary report for the monthly Commission meetings.

In April 2002, the Commission approved Rate Rider RDF (Rate Differential Factors). This rate rider is applicable to Rate ECR and adjusts the ECR billing factor to reflect the seasonal patterns of fuel costs. The billing factor is increased during the months of June through September and decreased for the billing months of October through May.

By Commission Order dated December 1, 2015, under Docket U-5128, the Commission approved APC's petition for approval to cease the accounting treatment of recording a regulatory liability account associated with the spent nuclear fuel and transfer such balance back to the liability account recorded under Rate ECR.

On December 6, 2016, the Commission modified its previous order dated December 1, 2015 (approval of an interim energy cost recovery factor of 26.81 mils/kWh (2.681 cents/kWh) for the billing months of January 2017 through December 2017) and approved an interim energy cost recovery factor of 20.15 mils/kWh (2.015 cents/kWh) for the billing months of January 2017 through December 2017.

By Commission Order dated February 17, 2017, under Docket U-5208, the Commission authorized Alabama Power to create a regulatory asset with a balance of up to \$142 million. As part of the authorization granted by the Commission in this docket, it was approved that \$36,303,767 of the regulatory asset be used to reduce the under-collected balance in Rate ECR, which in turn, reduced costs pressures for customers.

# ELECTRICITY POLICY DIVISION



By Order dated March 7, 2017, the Commission approved a revision to Rate ECR filed by APC to implement the Commission’s Order dated February 14, 2017, in Dockets 31653 and 31859. In that February 14 Order, the Commission authorized APC to use Rate ECR to capture all costs and credits associated with the power purchase arrangements (PPAs) certified in the referenced dockets. Prior to the February and March 2017 Orders, cost recovery for each of the PPAs was bifurcated under Rate ECR and Rate CNP, Part B. To better align cost recovery with the intended purposes of the two PPAs (i.e. potentially lower energy costs), the Commission approved the Company’s request to consolidate such cost recovery under Rate ECR. For more information on the referenced dockets, please see the section on Rate CNP, Part B.

As part of its routine oversight, the Staff performs a monthly review of the Over and Under Recovery of Alabama Power’s energy costs. At September 30, 2017, the accumulated over/under recovered energy cost balance was \$0.00.

## **Certificated New Plant (Rate CNP)**

### **Rate CNP, Part A**

Rate CNP, Part A (“Part A”) was established in 1982 in conjunction with Rate RSE, under Dockets 18117 and 18416. The original rate provided for the certification of newly-constructed generating facilities and rate recovery of the revenue requirement related to the capital cost of such facilities. During FY-2017, APC did not file for cost recovery under Rate CNP, Part A for any certificated generating facilities.

# ELECTRICITY POLICY DIVISION

By Order dated December 14, 2015, the Commission approved the Anniston Army Depot Solar Project and the Fort Rucker Army Solar Project, which are consistent with the requirements of the Certificate of Convenience and Necessity granted in Commission Order dated September 16, 2015, under Docket 32382. As certified, the Anniston Army Depot Solar Project and the Fort Rucker Army Solar Project each would encompass a 10.6 megawatt (“MW”) AC solar generation resource to operate over 29-year terms. These projects involve the construction of new solar generating facilities at the referenced Army installations. On November 10, 2016, APC gave notice that the Anniston Army Depot Solar Project had been reduced in size to 7.4 MW due to the discovery of previously unknown site challenges.

On March 9, 2017, under Dockets 18117 and 18416, the Commission approved certain revisions to Part A. The modifications include: i) the addition of plant acquisitions (as opposed to only self-build projects) to the scope of facilities eligible for rate treatment under Part A; ii) incorporating 12-month projections for capital, O&M, and depreciation

expenses in the development of the rate factor; and iii) adding the option to apply either an energy-based or revenue-based allocation to the revenue requirement incorporated in the rate factor, as deemed appropriate by the Commission.



On May 2, 2017, under Dockets 18117 and 18416, the Commission approved APC’s petition concerning the operation of Rate CNP, Part A for the Fort Rucker Army Solar Project and the Anniston Army Depot Solar Project (both projects under Docket 32382). The Fort Rucker Solar Project was placed in service April 1, 2017, and the Anniston Army Depot Solar Project was placed in service July 14, 2017. At the Commission’s request, APC considered and determined that it would be feasible to forego the operation of Part A for these two solar projects. Accordingly, no Plant Factor Filing was made for either of these projects. However, all costs related to both projects will be included in APC’s retail cost of service for all other purposes.

## **Rate CNP, Part B**

Rate CNP was modified in April 2000 to include a second provision, Rate CNP, Part B (“Part B”), that would allow for the certification of PPAs and the recovery of the total costs (excluding fuel) associated with each agreement. Part B is also referred to as Rate CNP-PPA.

# ELECTRICITY POLICY DIVISION

APC currently has five PPAs that have been certificated under Part B, which are detailed below. The Resolute Forest Products PPA is no longer included, as its contract term ended in July 2016.

By Commission Order dated November 7, 2000, under Docket 27785, the Commission authorized APC, for a term to expire May 31, 2011, to acquire the rights and assume payment obligations under a PPA with Calhoun Power Company, LLC, involving 630 MW of combustion turbine capacity. In April 2009, the PPA was further extended an additional eleven (11) years, continuing through December 31, 2022. The energy cost associated with the Calhoun PPA is recovered under Rate ECR, while the capacity costs are recovered under Rate CNP, Part B.

On October 22, 2010, under Docket 31301, the Commission authorized APC, for a term of ten (10) calendar years, to acquire the rights and assume payment obligations under a PPA with Westervelt Renewable Energy, LLC (“Westervelt”), involving approximately 7.5 MW of electric capacity from a small-scale renewable energy (“biomass”) generating facility operated by Westervelt. The energy cost associated with the Westervelt PPA is recovered under Rate ECR while the capacity cost is recovered under Rate CNP, Part B.

By Commission Order dated September 9, 2011, under Docket 31653, the Commission authorized APC, for a term of twenty (20) calendar years, to acquire the rights and assume payment obligations under a PPA with Chisholm View Wind Project, LLC, involving 202 MW of wind energy supplied from a wind farm being developed by Chisholm View in Grant and Garfield Counties, Oklahoma. On September 17, 2012, under Docket

31859, the Commission also authorized APC, for a term of twenty (20) calendar years, to acquire the rights and assume payment obligations under a PPA with Buffalo Dunes Wind Project, LLC, involving 202 MW of wind energy supplied from a wind farm being developed by Buffalo Dunes in Grant, Haskell and Finney Counties, Kansas. On February 14, 2017, the Commission approved that the orders entered in Dockets 31653 and 31859 are hereby modified to provide for the recovery of all costs associated with the subject purchased power agreements (“PPAs”) for the Chisholm View Wind Project and the Buffalo Dunes Wind Project in Rate ECR. In addition, all revenues associated with the sale of energy, transmission rights or renewable energy credits (RECs) under these PPAs shall be credited to Rate ECR. The costs incurred under the PPAs prior to January 1, 2017, are not affected by this order, being the subject of separate Commission action in Docket U-5208. The cost treatment ordered is directed specifically to the two subject PPAs and that cost treatment for any other PPAs will be addressed in the orders certifying those arrangements, subject to continuing Commission jurisdiction.

By Commission Order dated September 16, 2015, under Docket 32382, the Commission granted APC a Certificate of Public Convenience and Necessity, by which it would be authorized to develop or procure up to 500 megawatts of capacity and energy from renewable energy and environmentally specialized generating resources. Depending on whether any such approved projects are owned by APC or procured through purchase power agreements, the cost of each would be recoverable under either CNP, Part A, CNP, Part B and/or Rate ECR. In accordance with the provisions of this Order, Alabama

# ELECTRICITY POLICY DIVISION

Power issued a Request for Proposal on September 22, 2016 for projects ranging from 5 MW to 80 MW. The deadline for acceptance of proposals was November 15, 2016. APC received approximately 212 bids for 117 separate site locations. The Company notified bidders on April 7, 2017 whether they were selected to continue in the RFP process. An email was sent to bidders of projects that the Company selected for continued evaluation, asking them to submit any beneficial changes to their bid pricing by April 24, 2017. Around May 12, 2017, the Company notified any projects that made the “competitive tier” or “short-list”.

On June 9, 2016, the Commission approved a Purchased Power Agreement in connection with the Lafayette Solar Project, which is consistent with the requirements of the Certificate of Convenience and Necessity granted in Commission Order dated September 16, 2015, under Docket 32382. The Lafayette Solar Project encompasses a 72 MW AC solar generation resource to operate over a 28-year term. The project involves an energy purchase agreement, whereby APC will receive the output from the new solar photovoltaic electric generating facility to be built in Chambers County, Alabama, and enter into a 15-year Participation Contract for a Renewable Participation Program between Alabama Power and Wal-Mart. The commercial operation date for the Lafayette Solar project was declared on December 15, 2017. Costs associated with the Lafayette PPA will be recovered through Rate ECR since they are energy-related.

It should be noted that under the described PPAs associated with renewable generation, the Company has obtained rights to the environmental attributes, including Renewable Energy Credits associated with the energy

provided under those agreements. Under the terms of those PPAs, APC retains the flexibility to retire RECs and serve its customers with renewable energy or to sell RECs, either bundled with energy or sold separately, to third parties.

In accordance with the provisions of Rate CNP, Part B, APC filed with the Commission on February 1, 2017, certain information and calculations for the CNP Purchase Factor associated with the Company’s certificated purchase power agreements. Although the filing reflected a projected under-recovery of costs associated with certificated purchase power agreements that normally would be recoverable during the cost year April 1, 2017 - March 31, 2018, APC consented to defer an incremental increase in the revenue requirement associated with certified power purchase arrangements until the 2018-2019 cost year and leave the current Rate CNP, Part B factor in effect for the 2017-2018 cost year.

By Order dated March 9, 2017, under Dockets 18117 and 18416, the Commission approved certain revisions to Rate CNP, Part B. The primary revision for Part B changed the current energy-based allocation formula to a revenue-based approach. Other proposed changes include a revision to the 12-month period used to calculate the over/under recovered balance and the addition of clarifying language with respect to the costs to be recovered under Part B.

## **Rate CNP, Part C**

Rate CNP was further modified in October 2004 to include a third provision, Rate CNP, Part C (“Part C”) that would provide a mechanism to recover compliance costs associated with “environmental mandates.”

# ELECTRICITY POLICY DIVISION

Beginning in December 2004, and each December thereafter, Alabama Power is required to file its annual Environmental Compliance Plan subject to Part C. The first rate adjustment under the Part C provision went into effect in January 2005.

By Commission Order dated August 13, 2013, the Commission approved APC's petition seeking approval of proposed revisions to Part C. In 2004, when Part C was developed and filed, the Company had already spent approximately \$500 million dollars over the prior two decades in response to environmental laws, regulations and other mandates. Primarily for ease of implementation, Part C did not include environmental-related capital additions placed in service before its effective date ("pre-2005 capital"). The revisions consolidated all such cost recovery under Part C to facilitate consistency in cost recovery and make the Company's total cost of environmental compliance more readily ascertainable. Since both Rate RSE and Part C are forward-looking in terms of the costs they are designed to recover, the revisions also modified the allocation formula for the CNP Environmental Factor to reflect projected base rate revenues

and kilowatt-hour sales for the upcoming environmental cost year (forward-looking), similar to Rate RSE.

By Order dated March 3, 2015, under Dockets 18117 and 18416, the Commission authorized further revisions to Part C. The Company's filing for these revisions, and the Commission's Order approving them, complies with the December 9, 2014 Accounting Order filed under Docket U-5135 that directed the Company to file an appropriate rate mechanism, outside of Rate RSE, for the recovery of such costs associated with non-environmental ("governmental") mandates. This revision allows the Commission, as well as the Company, to readily identify cost pressures that are beyond the Company's reasonable control because the costs are due to governmental mandates. These costs that concern laws, regulations and other mandates directed at the utility industry will be recovered through the revised Part C mechanism beginning January 2016.

In accordance with the provisions of Part C, APC filed with the Commission on November 23, 2016, the calculations associated with its cost of complying with governmental mandates. Although the filing reflected a projected under-recovery of costs that normally would be recoverable in the billing months of January 2017 through December 2017, APC consented to leave the current factors associated with its environmental compliance costs under Rate CNP, Part C for the year 2016 in effect for the year 2017.

## Natural Disaster Reserve (Rate NDR)

On October 3, 1994, under Docket U-3556, the Commission granted APC authority to establish a Natural Disaster Reserve ("NDR" or "the Reserve") of \$32 million against which extraordinary operation and maintenance expenses, resulting from natural disasters, would be charged. The Reserve was established to help mitigate the disruptive effects of significant natural disasters occurring in APC's service territory.



# ELECTRICITY POLICY DIVISION

The Commission has, from time to time, made modifications to the Reserve to deal with negative balances resulting from extraordinary disasters. In December 1995, the Commission authorized APC to make additional accruals, without further order by the Commission, above the normal monthly amount of \$250,000 whenever the balance in the Reserve declines below \$22.4 million. Accruals above normal monthly amounts could continue until the Reserve was restored to its authorized level of \$32 million.



By Order dated December 6, 2005, under Docket U-3556, the Commission approved Rate Rider NDR, and increased the authorized natural disaster reserve balance from \$32 million to \$75 million, effective January 2006. Rate Rider NDR



was designed to address a negative balance in the Reserve and to re-establish a reserve balance sufficient to address potential costs associated with future natural disasters. In order to accomplish this, Rate Rider NDR places a small monthly charge to each account served under the Company's retail rate schedules until the approved balance is restored.

By Commission Order dated August 20, 2010, under Docket U-3556, the Commission authorized APC to record discretionary accruals to the Reserve above the existing authorized limit (\$75 million) and to include reliability-related expenditures among the category of costs that can be charged against the Reserve.

On July 12, 2011, under Docket 18148, the Commission approved the elimination of the income tax adjustment applicable to Rate T, effective October 2011, to, among other things, fund certain costs resulting from the April 2011 tornadoes.

In FY-2017, as a result of storm damages, APC incurred additional operation and maintenance costs of \$24,009,996. As of September 30, 2017, the Reserve had a positive balance of \$50,605,610.

## Other Activities

By Commission Order dated February 17, 2017, under Docket U-5208, the Commission authorized Alabama Power to create a regulatory asset with a balance of up to \$142 million, and to record therein the following under-recovered costs: (i) from Rate CNP, Part B, the under-recovered balance as of December 31, 2016, less the revenue

# ELECTRICITY POLICY DIVISION

applied from the 2016 Rate RSE refund, was \$69,392,467; (ii) from Rate ECR, under-recovered costs up to a total amount of \$36,303,767; and (iii) from Rate CNP, Part C, under-recovered costs up to a total amount of \$36,303,766. The Company was further authorized to amortize the regulatory asset, with such annual amortization being equal to the reduced depreciation expense attributable to new transmission and distribution cost of removal (“T&D COR”) rates. The amortization of the regulatory asset shall commence with the effective date and application of revised depreciation rates reflecting lower T&D COR rates.

On March 7, 2017, under Docket U-5213, the Commission approved a petition by APC for a new Rate CPE (Contract for Purchased Energy). Rate CPE will establish standard terms and conditions for purchase agreements with Qualifying Facilities (QFs) greater than 100 kW. The new rate is structured to compensate QFs for energy delivered to the Company’s system and will be updated annually.

By Order dated April 5, 2017, under Docket 18005, the Commission approved the thirty-eighth revision of Rate PAE (Purchase of Alternate Energy) based on updated cost and

avoided cost data, effective June 1, 2017. In addition, to be consistent with the direction of the Commission’s Order dated March 7, 2017, under Docket U-5213, the Commission authorized the modification of its Order from March 12, 1981, and requires the Company to file its annual update to Rate PAE by the first business day in February, beginning with 2018 and for all subsequent years thereafter.

On May 2, 2017, under Docket U-4430, the Commission approved a petition by APC for the proposed Rate FDF (Family Dwelling Flat Bill – Residential Service). Rate FDF provides qualified residential customers the option of paying a fixed monthly charge for electric service. The annual customized offer will be based on the customer’s prior usage, plus adjustments associated with projected changes in usage patterns, costs to serve, weather effects and other related factors. This optional rate is being offered to accommodate those residential customers who are interested in having a predictable monthly electric service bill and are willing to pay a premium for that opportunity. The new rate was effective beginning with August 2017 billings.

By Order dated May 2, 2017, under Docket U-3170, the Commission approved a petition by APC for a proposed amendment to the Company’s Rules and Regulations for Electric Service (“Service Regulations”). Specifically, the amendment modified Service Regulations to include a new Part IX related to Local Entity Requirements Affecting Transmission and Distribution Facilities. The new section provides additional clarity surrounding the Company’s policies and practices as they pertain to certain service requests made by local entities, such as a county, city, town or other municipal organization. The new service regulation became effective immediately upon approval by the Commission.

On June 8, 2017, under Docket U-5224, the Commission approved a petition by APC for two new rate schedules, Rate RMC (Residential My Choice) and Rate RMCP (Residential My Choice Plus). Both rate options are part of a restricted research pilot program that will combine advanced metering technology with certain rate design features. The program will serve to educate customers on the various rate components, while demonstrating the billing impacts associated with customer

# ELECTRICITY POLICY DIVISION

behavior. Each rate will be effective beginning with July 2017 billings. Customers will be randomly selected for participation in the program, but the choice to participate is strictly a voluntary decision by the customer. Each customer choosing to participate will receive service under the selected rate for a period not to exceed 12 months. Absent further action by the Commission, these pilot rates will expire at the end of December 2018.

## Financing

The Electricity Section staff reviews all financing petitions filed by APC and Southern Electric Generating Company (“SEGCo”). SEGCo is a corporation owned, in equal shares, by APC and Georgia Power Company. SEGCo has electric generating facilities located in Wilsonville, Alabama. Financing petitions are generally filed with the Commission to request approval to engage in the issuance of securities or to assume obligations pursuant to other types of debt instruments. Upon analysis and evaluation, the staff makes recommendations to the Commission pertaining to these types of petitions.

By Order dated September 12, 2017, under Docket U-5236, the Commission granted APC the authority through

December 31, 2019, (i) to issue and sell preferred stock, preference stock, and promissory notes, subordinated debentures, and other debt instruments and incur obligations in connection with the issuance of industrial development revenue bonds with an aggregate principal amount or stated value of such preferred stock, preference stock, industrial development revenue bonds, and subordinated debentures, promissory notes, and other debt instruments not exceeding \$2,000,000,000 at times and in amounts deemed by it to be appropriate; (ii) to assume obligations as a guarantor of SEGCo’s promissory notes, subordinated debentures and other debt instruments and SEGCo’s obligations in connection with the issuance of industrial development revenue bonds in an amount not to exceed \$125,000,000; and (iii) to borrow upon the issuance of promissory notes and to issue and sell commercial paper notes and to assume obligations as a guarantor of the promissory notes of SEGCo from time to time and to be renewed from time to time in an aggregate principal amount not to exceed \$2,000,000,000 at any one time outstanding and having maturity dates of not more than ten years after the date of issue.

By Commission Order dated September 12, 2017, under Docket U-5237, the Commission granted SEGCo the authority through December 31, 2019, (i) to issue and sell and incur obligations in connection with the issuance of not more than \$125,000,000 in aggregate principal amount of promissory notes, subordinated debentures and other debt instruments and industrial development revenue bonds; and (ii) to borrow upon the issuance of promissory notes and issue and sell commercial paper notes to third-party lenders and to Alabama Power Company and Georgia Power Company from time to time and to be renewed from time to time in aggregate principal amount not to exceed \$175,000,000 at any one time outstanding.

## Auditing

The Electricity Section’s analysts conduct monthly analytical reviews and/or audits to test the completeness and accuracy of financial information, economic models and/or other data submitted by APC. For this activity, the Staff’s monthly fuel audit is particularly important because the Company’s

# ELECTRICITY POLICY DIVISION

fuel-related costs account for a significant percentage of total operation and maintenance (O&M) expense. During the monthly fuel audits, the accounting records for fuel (coal) purchases and burns are reviewed at the respective generating facilities. Fuel audits at each fossil-fuel generating facility are performed on a rotating basis, allowing the analyst two visits per year at each plant. An annual site visit is also performed. During this visit, the APSC analyst meets with APC representatives for a plant overview, which includes an update on environmental and non-environmental (governmental mandates) capital projects and related operations and maintenance projects. After the presentations are completed, the Staff accompanies APC personnel on a tour of the plant to stay informed of current projects.

In addition to the fuel audit, the Staff also engages in a detailed audit of APC's compliance activities with environmental and non-environmental regulations. This involves the audit of both the CNP Compliance Factor and the Environmental Compliance Plan. APC, in accordance with Rate CNP, Part C, files with the Commission, by December 1 of each year, the CNP Compliance Factor for each affected rate schedule to be applied to each kilowatt-hour, along with appropriate supporting documents. The Staff completes an analytical review of the compliance factors filed for the upcoming rate year to provide reasonable assurance of the accuracy of the amounts reported in the filing. In addition, APC files, at least thirty (30) days prior to the December 1 deadline for filing the CNP Compliance Factors, a preliminary draft of the Environmental Compliance Plan for the next five (5) years, along with the estimated costs associated with the implementation of that plan. The Staff engages in meetings and interviews with APC staff to discuss pending environmental laws, regulations or other mandates relevant to APC's environmental and non-environmental compliance activities. Staff also performs a detailed audit of relevant documents and records to: 1) verify the reasonableness of amounts reported in the compliance factor filing; 2) ensure compliance with Part C; 3) review explanations for significant budget variances; 4) confirm that reported expenses are qualifying environmental and non-environmental expenses; 5) identify and discuss any changes in policies or procedures; and 6) review any additional supporting documenta-

tion, as needed, for a complete and thorough analysis of the filing.

In addition, the Staff performs two other annual compliance audits related to: 1) Rate CNP, Part B, which is filed annually by February 1; and 2) the Jurisdictional Allocation Study (also referred to as the "Cost of Service Study"), which is filed annually by May 1. Other auditing responsibilities include the testing of various accounts and activities to trace and verify reported revenues and expenses, to review APC's compliance with the FERC Uniform System of Accounts, and to investigate significant variances identified during monthly monitoring and analytical processes. Also, Staff performs a monthly analysis to test the billing accuracy of Alabama Power's standard residential rate.

During FY-2017, the Staff continued an audit of various projects being performed at APC's Jordan Dam (Units 1 & 2), in Wetumpka, Alabama. Certain capital, operations and maintenance ("O&M"), and efficiency improvements were deemed necessary at the facility. The scope of work for Units 1 & 2 includes the replacement of the complete turbine, bottom ring, wicket gate and refurbishment of the headcover, turbine shaft, turbine bearing

# ELECTRICITY POLICY DIVISION

housing, governor, programmable load controls/wiring upgrade, and the replacement of other related components. The Staff visited the facility and attended a presentation which included updates on the Capital and O&M projects, and updates for additional work performed during the outage. After the presentation, the Staff accompanied APC personnel on a tour of the hydro facility to observe the modifications.

## ALABAMA MUNICIPAL ELECTRIC AUTHORITY

Pursuant to the provisions of Section 11-50A-25, *Code of Alabama 1975*, as amended, the Commission reviews and approves certain activities of the Alabama Municipal Electric Authority (“the Authority”). During FY-2017, the Authority did not file any petitions with the Commission.

## Federal Affairs

The Federal Affairs Section monitors the activities of various federal agencies and other industry groups such as the Federal Energy Regulatory Commission (FERC), the Environmental Protection Agency (EPA), the Nuclear Regulatory Commission (NRC), and the Department of Energy (DOE).

The Federal Affairs Section, in conjunction with the Commission’s Legal Division, also reviews federal judicial appeals and decisions on electric utility issues and, if appropriate, makes recommendations to the Commission regarding appropriate actions to be taken. In addition, this section reviews proposed federal legislation affecting the electric industry and Alabama electric consumers and prepares summary documentation for the Commission’s review as needed. The Federal Affairs Section also monitors and reports to the Commission as needed, the various positions taken by other state commissions and the National Association of Regulatory Utility Commissions (NARUC) on issues affecting electric utility regulation in Alabama.

In an effort to remain informed of these matters, the Federal Affairs staff conducts research, monitors news briefings, participates in conference calls and may attend various industry conferences/meetings such as the NARUC meetings. In some cases, the appropriate action involves filing comments, on behalf of the Commission, in a particular federal proceeding.

## Public Affairs

The Public Affairs Section performs the public information duties of the Commission. The responsibility of the Section entails distributing information to the news media, the public, and other state, governmental and regulatory agencies. The Section also provides news briefings to the Commissioners on a daily basis.

The Public Affairs staff produces informational materials such as the APSC’s Annual Report, brochures, presentation aids, and other graphic materials. This section also provides information to be posted to the Commission’s website, attends Commission hearings and meetings, and monitors related media coverage.

# UTILITY SERVICES DIVISION

*Darrell Baker*  
Director

The Utility Services Division is responsible for regulation of telecommunications, natural gas, water, and wastewater utilities in Alabama. Additionally, the Division receives and attempts to resolve consumer complaints, disputes, and inquiries related to telecommunications, electricity, natural gas, water, and wastewater service. The Utility Services Division is organized into three sections: the Natural Gas Section, the Telecommunications Section, and the Services Section.

## Natural Gas Section

The Natural Gas Section is responsible for the regulation of all publicly-owned natural gas distribution, transportation, storage, and intrastate natural gas and oil pipelines in Alabama, and the monitoring of the Rate Stabilization and Equalization and related programs for Alabama Gas Corporation and Mobile Gas Service Corporation.

## Rate Stabilization and Equalization

The Commission regulates the rates for the two largest investor-owned gas utilities in the state under a Rate Stabilization and Equalization (Rate RSE) plan. Rate



RSE has been in use for 34 years as a method of keeping rates as low as possible while assuring quality service.

## ALABAMA GAS CORPORATION

Each month, the Natural Gas Section examines the books and records of Alabama Gas Corporation, determines the return on average common equity for the preceding 12-month period, and reports the financial and operational results of the previous month, including



# UTILITY SERVICES DIVISION



## NATURAL GAS SECTION

*From left: Tonya Williams, Donald Powell,  
and Marquita Lennon*

the return on average common equity, to the Commission. It also graphically summarizes Alagasco's recent operating history.

Under the RSE plan, the only time Alagasco can increase its base rates is December 1. If the projected return, based on the budget approved by the utility's board of directors, is less than 10.5 percent, rates are increased December 1 to bring the projected return at the end of the rate year to 10.8 percent (the adjusting point of the authorized return range). If the projected return is more than 10.95 percent, rates are decreased to bring the return to 10.8 percent. If the projected return is between 10.5 and 10.95 percent, inclusive, no adjustment is made. Subsequent points of test, conducted on January 31, April 30, July 31, and September 30, can yield only decreases or no change.

Alagasco also has an incentive program, the Cost Control Measure, under which it must keep growth in operation and maintenance expenses below a specified

range, or face penalties. The utility has a temperature adjustment that tracks the effect of abnormally high or low temperatures on the recovery of non-gas costs. The section monitored both of these programs to ensure that they were conducted in accordance with the approved tariff.

Spire, Inc., formerly Laclede, acquired Alagasco in 2014. Effective August 30, 2017, Alagasco's name changed to Spire Alabama Inc.

## MOBILE GAS SERVICE CORPORATION

Each month, this section examines the books and records of Mobile Gas, determines the return on average common equity for the preceding 12-month period, and reports the financial and operational results of the previous month, including the return on average common equity, to the Commission. It also graphically summarizes Mobile Gas' recent operating history.

Under the RSE plan, the only time Mobile Gas can increase its base rates is December 1. If the projected return, based on the budget approved by the utility's board of directors, is less than 10.45 percent, rates are increased December 1 to bring the projected return at the end of the rate year to 10.8 percent (the adjusting point of the authorized return range). If the projected return is more than 10.95 percent, rates are decreased to bring the return to 10.8 percent. If the projected return is between 10.45 and 10.95 percent, inclusive, no adjustment is made. Subsequent points of test, conducted on January 31, April 30, July 31, and September 30, can yield only decreases or no change.

# UTILITY SERVICES DIVISION

Mobile Gas also has an incentive program, the Cost Control Measure, under which it must keep growth in operation and maintenance expenses below a specified range, or face penalties. The utility has a temperature adjustment that tracks the effect of abnormally high or low temperatures on the recovery of non-gas costs. The section monitored both of these programs to ensure that they are conducted in accordance with the approved tariff.

During the period of February 8, 2017, to August 11, 2017, the Company, the Commission Staff, and representatives from the Office of the Attorney General conducted numerous meetings for the purposes of reviewing Mobile Gas' operations under RSE and considering the extension of RSE for Mobile Gas.

Based on this review, Mobile Gas revised the RSE tariff to reflect an extension of the Company's RSE to be effective October 1, 2017 through September 30, 2021.

Spire, Inc., formerly Laclede, acquired EnergySouth, parent company of Mobile Gas in 2016. Effective August 30, 2017, Mobile Gas' name was changed to Spire Gulf.



## LOCAL DISTRIBUTION COMPANIES

Another function of the Natural Gas Section is to maintain statistical data and keep the Commission informed of all facets of the gas utilities' operations. Under that function, the following reports are prepared regularly:

- Revenue and Expense Analysis
- Competitive Fuel Clause
- Gas Supply/Purchased Gas Adjustment
- Return on Average Common Equity

During FY-2017, the Natural Gas Section was responsible for evaluating and making recommendations to the Commission on all matters relating to the following local distribution companies:

*Alabama Gas Corporation*

*Mobile Gas Service Corporation*

*Wheeler Basin Natural Gas Company*

The section conducts its own investigations requiring examination of work papers, financial reports, and other records. The findings are documented and evaluated in written reports, and, when appropriate, meetings with officials of the respective gas companies are held to discuss the results. For matters requiring Commission approval, the section presents them, with recommendation, to the Commission.

# UTILITY SERVICES DIVISION

## **Alabama Gas Corporation**

Regarding Alabama Gas Corporation, the section:

- Monitored the company's gas purchasing and storage activities;
- Examined the company's research and development expenditures;
- Participated in the company's corporate allocations meeting;
- Evaluated Gas Supply Adjustment filings;
- Evaluated a request to issue and sell long-term debt;
- Evaluated purchase interest rate derivative instruments;
- Worked with the Commission's Consumer Services Section to review activities in the company's policies regarding disconnects, reconnects, and collecting arrearages;
- Reviewed the Negative Salvage Reserve filing for Rate Year (RY) 2017;
- Reviewed the Rate Stabilization and Equalization filing for RY-2017;
- Reviewed the company's Cost Control Measure for RY-2017;
- Reviewed performance of the company's special contracts with industrial customers;
- Had discussions regarding status and modernization of infrastructure;
- Evaluated a base contract for sale and purchase of natural Gas with DTE Energy Trading, Inc.;
- Evaluated a base contract with Spotlight Energy, LLC.;
- Evaluated a special services agreement with Lhoist North America of Alabama, LLC.;

- Evaluated an amendment to a special services agreement with New NGC, Inc. dba National Gypsum and its Subsidiaries;
- Evaluated a special services agreement with Birmingham-Jefferson County Transit Authority;
- Evaluated a special services agreement with Dunn Construction Company, Inc.;
- Evaluated a special services agreement with Two Rivers Lumber Co., LLC.;
- Evaluated a special services agreement with Golden State Foods Corporation;
- Evaluated a special services agreement with Kronospan LLC.;
- Evaluated tariff revisions to reflect corporate name change to Spire Alabama Inc.;
- Evaluated the revision of the Competitive Fuel Clause; and
- Reviewed the company's annual report and requested and received clarification of certain portions of the report.

## **Mobile Gas Service Corporation**

Regarding Mobile Gas, the section:

- Completed the renewal and extension of RSE;
- Recognized the sale and name change of Mobile Gas to Spire Gulf;
- Monitored the company's gas purchasing and storage activities;
- Met with the company concerning corporate allocations;
- Attended a presentation concerning the company's gas purchasing practices and plans for the future;
- Evaluated a Cast Iron Main Replacement (CIMR)

# UTILITY SERVICES DIVISION

Factor filing;

- Evaluated a Cost Control Measurement filing;
- Evaluated a Weather Impact Normalization filing;
- Evaluated Purchased Gas Adjustment filings;
- Evaluated a natural gas transportation agreement with Southern Company Services;
- Evaluated a natural gas transportation agreement with Shell Chemical LP.;
- Evaluated tariff revisions to reflect corporate name change to Spire Gulf Inc.;
- Evaluated the revision of the Competitive Fuel Clause;
- Evaluated a natural gas sales agreement with John Cannon Farm;
- Evaluated a natural gas sales agreement with Producers Gin Company;
- Evaluated the revisions to the Tariff to extend Rate RSE for Mobile Gas Service Corporation; and
- Reviewed the company's annual report and requested and received clarification of certain portions of the report.

## ***Wheeler Basin Natural Gas Company***

Regarding Wheeler Basin Natural Gas Company, the section:

- Reviewed the company's annual report, comparing it to previous reports, and found it to be in compliance with Commission rules and orders.

## **Intrastate Storage and Pipeline Companies**

During FY-2017, the Natural Gas Section was responsible for evaluating and making recommendations to

the Commission on matters pertaining to the following intrastate pipeline and storage companies:

- American Midstream (Alabama Intrastate) LLC;
- American Midstream (Bamagas Intrastate) LLC;
- American Midstream (Tennessee River) LLC;
- American Midstream (Alabama Gathering) LLC;
- Arapaho Communications;
- Bay Gas Storage Company, Inc.;
- Genesis Pipeline, LLC;
- Pine Energies, Inc.;
- Southcross Alabama Pipeline LLC; and
- Southern Gas Transmission Company.

### **American Midstream (Tennessee River) LLC**

The section reviewed the annual report, comparing it to previous reports, and found it to be in compliance with Commission rules and orders.

### **American Midstream (Alabama Intrastate) LLC**

The section reviewed the annual report, comparing it to previous reports, and found it to be in compliance with Commission rules and orders.

### **American Midstream (Bamagas Intrastate) LLC**

The section reviewed the annual report, comparing it to previous reports, and found it to be in compliance with Commission rules and orders.

### **Alabama Midstream (Alabama Gathering) LLC**

The section reviewed the annual report, comparing it to previous reports, and found it to be in compliance with Commission rules and orders.

# UTILITY SERVICES DIVISION



## **Arapaho Communications**

The section reviewed the annual report, comparing it to previous reports, and found it to be in compliance with Commission rules and orders.

## **Bay Gas Storage Company, Inc.**

The section reviewed the company's annual report, comparing it to previous reports, and found it to be in compliance with Commission rules and orders.

## **Genesis Pipeline, LLC**

The section reviewed the annual report, comparing it to previous reports, and found it to be in compliance with Commission rules and orders.

## **Pine Energies, Inc.**

The section reviewed the company's annual report, comparing it to previous reports, and found it to be in compliance with Commission rules and orders.

## **Southcross Alabama Pipeline LLC**

The section reviewed the annual report, comparing it to previous reports, and found it to be in compliance with Commission rules and orders.

## **Southern Gas Transmission Company**

The section reviewed the annual report, comparing

it to previous reports, and found it to be in compliance with Commission rules and orders.

## **SUPPORT OF COMMISSION OFFICES**

The section:

- Coordinated extensively with the Gas Pipeline Safety Section on matters of mutual interest; and
- Assisted the Consumer Services Section with various complaints.

## **MISCELLANEOUS**

The section:

- Served on the Alabama Department of Economic and Community Affairs' Weatherization Advisory Policy Council;
- Participated in webinars, conference calls and teleseminars;
- Evaluated FERC filings pertaining to Alabama entities to determine their relevance to this Commission; and
- Investigated requests for gas service, and responded to requests by the general public for rate information, financial data, tariff sheets, and other information.

# UTILITY SERVICES DIVISION



## TELECOMMUNICATIONS SECTION

*From left: Laneeta Roberts, Tom Jones, Cynthia Allen, E.C. McArthur, III, and Janet Conway*

## Telecommunications Section

The Alabama Legislature grants the Commission regulatory authority for intrastate landline (also known as wireline) communications. The Commission does not exercise authority for cable television, Internet Service, Voice-Over-Internet-Protocol phone service (VoIP), or wireless telephone service. Telecommunication providers subject to the Commission's jurisdiction include:

- Incumbent Local Exchange Carriers (ILEC) - traditional providers of local telephone service;
- Competitive Local Exchange Carriers (CLEC);
- Interexchange (toll) Carriers (IXC);
- Long Distance (toll) Service Resellers (TOLL);
- Payphone Service Providers (PSP);
- Inmate Calling Service Providers (ICS); and
- Shared Tenant Telephone Service Providers (STS).

The Legislature's Communications Reform Act of 2005 ("the Act") curtailed the Commission's authority over pricing for most retail telecommunication services. For those providers electing regulation under the Act, the Commission's pricing jurisdiction was eliminated for bundled service offerings, services offered under contract, broadband internet services, and most retail telecommunications services. The Commission retained pricing jurisdiction for stand-alone basic service, optional telephone features, emergency telephone (911) services billing, consumer complaints, Federal Universal Service Fund (USF) administration, and all wholesale service pricing. As of September 30, 2017, seven independent telephone companies along with six toll and competitive telephone companies in Alabama have not opted for regulation under the Act. Pricing for the services offered by those carriers remain wholly within the Commission's regulatory jurisdiction.

In 2009, the Legislature amended the Communications Reform Act to eliminate the Commission's pricing jurisdiction over stand-alone basic service and optional telephone features for BellSouth, CenturyLink, and any rural telephone company agreeing to

# UTILITY SERVICES DIVISION

surrender their rural exemption from competition. As of September 30, 2017, only Windstream Communications, Frontier Telephone Companies, and Ardmore Telephone Company have agreed to end their rural exemption claim while 23 incumbent telephone companies remain regulated under either the 2005 Act or the Commission's price regulation plan that existed prior to its passage.

In 2014, the Legislature amended the Communications Reform Act to eliminate the Commission's complaint and dispute jurisdiction. Carriers no longer desiring to remain under the Commission's complaint and dispute jurisdiction have to make their election known to the Commission. As of September 30, 2017, 12 ILECs and sixteen (16) CLECs have requested a waiver to not remain under the Commission's complaint and dispute jurisdiction.

The Telecommunications Section reviews financial and rate information filed by telecommunications companies with the Commission and provides telecommunication policy and rule recommendations to the Commission. The Telecommunications Section's responsibilities include, but are not limited to:

- Participation in certification hearings for new telecommunications service providers;
- Regulation of all services for the ILECs and CLECs and Toll providers who did not choose to be regulated under the Act;
- Regulation of wholesale land-line service and some retail services for the remainder of providers;
- Analysis of telecommunications retail tariffs and inter-company wholesale agreements; and
- Investigation of telecommunications billing inquiries.

The responsibility for telecommunications service related issues is assigned to the Division's Services Section.

## Section Activities

During FY-2017, various section members:

- Processed 117 tariff filings, five name changes, nine cancellations, and 63 interconnection, resale, and collocation agreements for CLECs, wireless providers, and ILECs;
- Processed five applications for



Certificates of Public Convenience and Necessity (CPCN)

- to provide toll resale and/or competitive local exchange service in Alabama;
- Reviewed and verified accuracy of intrastate terminating access rate reductions and associated tariff filings for local exchange carriers (LEC) to ensure the filings are in compliance with the FCC comprehensive reform and modernization of the universal service and inter-carrier compensation systems;
- Reviewed and verified accuracy of the Alabama Transition Service Fund in accordance with Dockets 28642 and 31816;
- Received and reviewed LEC and toll carrier's Family Violence Shelter Confidentiality plans in accordance with the *Code of Alabama 1975*, Sections 37-2A-4 and 30-6-1

# UTILITY SERVICES DIVISION

and Commission Docket 29878;

- Participated with the Legal and Administrative Divisions to ensure that telecommunications companies are compliant with required submission of Inspection and Supervision (I&S) fees;
- Participated in Show Cause proceedings and processed Commission Orders for revoking CPCNs, for dismissal of companies from revocation proceedings, and for reinstating revoked CPCNs of companies that subsequently complied with the I&S submission requirements;
- Maintained guidelines for telecommunications carriers to notify the Commission of their election to be removed from the Commission's complaint and dispute jurisdiction for certain retail telecommunications services pursuant to Section 37-2A-4 (k), *Code of Alabama 1975*;
- Monitored carriers having Eligible Telecommunications Carrier status, designation and eligibility for federal Universal Service Fund (USF) high-cost support and low income support;
- Maintained a database of approximately 574 third-party service providers approved by the Commission for LEC billing of their services; and
- Staff investigated and resolved 448 consumer inquiries associated with telephone service and/or billing.

## Services Section

The Services Section is a diversified section of the Utility Services Division, consisting of specialists in the telecommunications, consumer services, and the water/wastewater areas.

The Services Section Telecommunications staff is responsible for the network-related regulatory oversight for the annual Universal Service Fund (USF) High Cost Fund and Connect America Fund distributions. Staff is also responsible for numbering resources management in coordination with the North American

Numbering Plan Administrator (NANPA). Additionally, staff monitors the rates and quality of service for Customer-Owned Coin-Operated Telephone (COCOT) providers, Shared Tenant Service providers, and Inmate Calling Service providers.

The Services Section Water/Wastewater staff reviews and evaluates annual filings, applications, and petitions submitted by water utilities and wastewater Management Entities (ME). Staff regulates/monitors the activities of eight investor-owned water utilities as well as the financial viability of eight Management Entities that operate decentralized wastewater systems in Alabama. The duties performed by the Water/Wastewater staff consist of analysis of rate, financing, and service petitions; performance of periodic financial reviews (Water and Wastewater Companies), and inspections of the companies' (Water Companies only) plant facilities, books, and records. The



# UTILITY SERVICES DIVISION



## SERVICES SECTION

*From left: David Peeler, Stephanie Sweet, Rick Cleckler, and Aquilla Spivey*

staff also corresponds with both the Alabama Public Health Department and Alabama Department of Environmental Management staffs as necessary to co-regulate the water and wastewater companies.

The Services Section is responsible for regulating the following eight investor-owned water systems including four that are located out-of-state but serve customers in Alabama:

- Central Water Works, Inc. (FL)
- East Lowndes Water Association (MS)
- Escambia Community Utilities, LLC
- Hiwannee Water Association, Inc. (MS)
- Integra Water Creola, LLC
- Plantation Water System
- Tishomingo County Water District (MS)
- Water Works, Inc.

Regulated wastewater utilities include:

- Alabama Wastewater Systems, Inc.
- Arbor Utility Management, LLC
- Bio-Flow, Inc.
- Community Utilities of Alabama, Inc.
- Integrated Wastewater Management, Inc.
- O'Brien Environmental Service, LLC
- Pinnacle Wastewater Systems, LLC
- Utility Management, LLC

The Services Section Consumer Services staff assists the public in resolving disputes or inquiries made to the Commission related to regulated utilities. Resolution of these disputes and inquiries is accomplished using several methods, including: consulting with various utility service providers and other divisions within the Commission; research of Commission rules or accepted industry practices; or through interface with other state and federal agencies. Members of the Consumer Services staff are trained to mediate disputes, clarify action taken by the utility and respond to both general and complex inquiries made regarding a utility and/or the Commission's rules. In addition, the staff seeks to educate

# UTILITY SERVICES DIVISION



consumers on utility related matters.

## Section Activities

### Telecommunications:

- Participated in the Inmate Calling Services APSC Rulemaking Docket 15957. This Group continues to collaborate with the Federal Communications Commission as well as Public Service/Utility Commissions in sister states in matters relevant to the FCC ICS proceeding under WC Docket No. 12-375, Inmate Calling Service Report and Order and Further Notice of Proposed Rulemaking;
- Cancelled 1 ICS certificate. Processed 2 ICS final tariffs. Approved 1 merger of companies;
- Conducted 2 ICS on-site inspections at confinement facilities;
- Investigated and approved 7 “Safety Valve” petitions from ILECs requesting the Commission overturn denials by NANPA for the issuance of additional numbering resources;
- Prepared 12 monthly code and block reports to Neustar/NANPA; and

- Reviewed results of investigations made by the Utility Enforcement Division regarding on-site inspections of USF high cost construction projects within the following service districts: AT&T-Gulf, AT&T-North Alabama, CenturyLink-Southern, and CenturyLink-Northern.

### Water and Wastewater:

- Certificate of Financial Viability Modification applications evaluated - 4
- Certificate Renewal applications evaluated - 3
- Tariff revision petitions evaluated - 3
- Wastewater system inspections and audits- 4

### Consumer Services:

- Telecommunication Company complaints - 448
- Alabama Power Company complaints - 306
- Alagasco (name has been changed to Spire Alabama) complaints - 82
- Mobile Gas Service Corporation (name has been changed to Spire Gulf) complaints - 18
- Water or Wastewater complaints - 68

# UTILITY ENFORCEMENT DIVISION



The Utility Enforcement Division (UED) is primarily responsible for providing professional engineering and other technical regulatory support to the Commission on matters relating to the plant, infrastructure, and facilities of all investor-owned (private) electric, telecommunications, and water utilities and wastewater management entities serving customers within the state of Alabama. This responsibility includes the review, critique, inspection, and investigation of plans, designs, construction, operations, maintenance, reliability, life extension, repowering, and decommissioning of utility assets to ensure the provision of safe, reliable, efficient, and economic utility services. The staff reviews the adequacy and sufficiency of infrastructure and system planning methodologies and metrics, trends, and performance; assesses adherence with Commission and industry standards in the

construction and operation of such facilities and drafts recommendations for improvement, when necessary.

Verification of telecommunications projects constructed to provide and/or enhance quality Internet service to rural and underserved areas of the state using Universal Service Funds (USF) is performed by the Field Services Section (FSS) staff.

As provided by law, the Commission is responsible for the supervision and regulation of air, motor, and rail carriers including railway safety, insurance, registration, rates, and services offered by transportation companies authorized by the APSC to operate in Alabama.

The safety oversight of all mainline and distribution railroad yards and systems in Alabama is a high priority of the Commission and was included within the scope of the UED through the Railway Safety (RWS) Section's enforcement of the applicable federal safety regulations.

The UED staff monitors national and local regulatory, congressional, and legislative issues that concern infrastructure of energy, telecommuni-

*Janice M. Hamilton*  
Director



Janice Hamilton, UED Director & State Rail Safety Manager gets a lesson in flaming hazmat derailments at the FRA's Technical Training Standards Division.

cations, and transportation companies. The division also has the responsibility of assisting with the protection of underground utility facilities from third party damage and statewide energy emergency management and coordination activities in the event of major storms and other catastrophes.

The subsequent paragraphs discuss each section's significant regulatory policies, duties, and major activities that occurred during FY-2017.

# UTILITY ENFORCEMENT DIVISION



## RAILWAY SAFETY SECTION

*From left: Chris Hester, Heath Thompson,  
and Eddie Nix*

### Railway Safety Section

The Railway Safety Section conducts safety compliance inspections on all railroad common carriers' track and equipment in Alabama in accordance with state and federal standards. Track inspections are conducted on main line tracks, siding and lead tracks, and yard tracks on which operations are conducted over the general rail system. These routes include, but are not limited to, hazardous materials routes, Strategic Rail Corridor Network (STRACNET), passenger train routes, and crude oil/ethanol routes. The equipment inspections include examinations of rolling stock (rail cars), locomotives, roadway maintenance machines (rail bound work equipment), and hyrail vehicles (vehicles that are capable of operating legally on public roads and by rail). These inspections also monitor compliance with regulations for Railroad Workplace Safety.

## RAILWAY SAFETY SECTION

Track Miles Inspected	2,412
Turnouts Inspected	1,926
Bridge Observations	60
Roadway Worker Observations	160
Roadway Machines Observed	130
Locomotives Inspected	91
Freight Cars Inspected	7,745
Hazmat Cars Inspected	549
Air Brake Test Observations	19
Blue Flag Observations	86
End Of Train Devices Inspected	18
Railway Repair Records Inspected	1,680
Noncompliant Conditions Identified	4,333
Violations Recommended	1,516

There are over 3,900 miles of track in the state. This trackage is owned and maintained by four major Class One railroads, one Class Two railroad, and 23 Class Three railroads. There are railroad classification yards located in Birmingham and Sheffield where trains are built for departure to multiple points around the United States. These yards are also the terminus for many trains coming in from other states. Also, located throughout the state are many switching yards and each metropolitan area has a major switching hub. Thousands of units of rolling stock traverse these tracks each day hauling a multitude of different commodities.

# UTILITY ENFORCEMENT DIVISION

This section investigates railroad accidents and derailments to determine probable causes and is called upon by the Federal Railroad Administration (FRA) and the National Transportation Safety Board (NTSB) to assist in major accident investigations. This section also handles complaints from railroads, railroad employees, labor unions, other governmental agencies, and the general public in all matters pertaining to railway safety.

The table (left) provides a breakdown of the activities of the Railway Safety Section during the period covering October 2016 through September 2017.

Inspections are also conducted on railroad rehabilitative projects administered by the Alabama Department of Transportation (ALDOT). Agreements between the railroads and ALDOT typically specify adherence to FRA Class II standards and encompass a 10-year time frame.

Members of the Railway Safety Section participate in Operation Lifesaver as fully-certified program presenters. Operation Lifesaver is a national public education and awareness



Motive Power & Equipment Inspector, Eddie Nix, notes a rail car defect.

program that seeks to reduce the number of crashes at highway-rail grade crossings. Target groups include school bus drivers, driver's education students, professional drivers, emergency response personnel (police, ambulance, and fire), as well as the general public.

## Motor Carrier Services Section Insurance & Registration

The Insurance & Registration Staff performs three separate but interrelated functions that pertain to motor carrier regulation in Alabama.

First, the section staff registers intrastate, for-hire transportation companies that are not exempt from state oversight by law. It also registers interstate commercial motor carriers, private motor carriers, freight forwarders,



### MOTOR CARRIER SERVICES SECTION STAFF

*From left: Jennifer Morgan, Amanda Shehane, Devon Beaty, and Retha Bryant*

and brokers from the United States, Canada, and Mexico under the Unified Carrier Registration Act.

Secondly, it requires such intrastate carriers to file verifiable forms of liability insurance, cargo insurance, bonds, and self-insurance.

Thirdly, the staff issues motor carrier vehicle registration numbers to intrastate, for-hire companies, and processes all qualified Alabama-based interstate companies' Unified

# UTILITY ENFORCEMENT DIVISION

<b>INSURANCE AND REGISTRATION SECTION</b>	
<b>INSURANCE FILINGS</b>	
Self-Insurance, bonds for liability and cargo, certificates for liability and cargo, bonds for brokers	<b>5,989</b>
Insurance correspondence	<b>310</b>
<b>REGISTRATION</b>	
UCR registration	<b>10,074</b>
Online	<b>8,351</b>
Office	<b>1,723</b>
UCR audits	
Companies paid in wrong bracket	<b>463</b>
Companies received further action	<b>38</b>
Audit correspondence	<b>134</b>
Intrastate applications received	
New authority applications	<b>108</b>
Transfer of authority	<b>2</b>
Applications to provide service for	<b>20</b>
Non-profit organizations	
Motor carrier vehicle registration numbers	<b>239</b>
<b>REVOCATIONS AND REINSTATEMENT OF AUTHORITY</b>	
Revoked for noncompliance with Commission rules and regulations	<b>309</b>
Reinstated after compliance	<b>190</b>

attorneys, insurance companies, transportation companies, and other state and federal agencies concerning various regulatory matters. The Commission’s website is a clearinghouse for transportation regulatory information including application forms for registration and non-fee based annual report forms for motor carriers.

A tabulation of the section’s activities is reflected in the table (left.)

## Rates and Services

The Rates and Services Analysts advise the Commission on matters pertaining to the rates, fares, charges, services, and facilities of all regulated modes of intrastate transportation. This staff maintains a file of all tariffs setting forth rates, fares, charges, classification, rules, and regulations for service provided by intrastate transportation companies. Staff verifies that tariffs and supplements issued are in compliance with Commission rules and regulations. They also analyze tariff changes and justification statements from the motor carrier to determine the effected outcome to the public.

When the Commission institutes a formal investigation of a proposed tariff, a public hearing is set and held

Carrier Registration applications. It also collects, accounts for, and processes the payments to be deposited into the State Treasury or the federal UCR depository, as required by law. It is responsible for maintaining journals, ledgers, receipts, and various other financial and certification records and reports of payments received and deposited.

This section requires all intrastate motor carriers to have verifiable insurance on file before credentials to

operate in the state are issued. It also processes orders of revocation for failure to comply with Commission rules and regulations and orders of reinstatement after such proof has been received and verified, as prescribed by law.

In addition to the above-mentioned regulations of motor carriers, the Insurance & Registration professionals are called upon to provide information to the general public, permitting services,

# UTILITY ENFORCEMENT DIVISION

## MOTOR CARRIER TARIFFS FILED

Household Goods Motor Carriers 9

Passenger Motor Carriers 10

## ANNUAL REPORTS FILED

Motor Carriers 179

to review the matter. When the record is complete, the hearing officer and other members of the PSC staff study and analyze the evidence of record and make recommendations to the Commission. After a Commission decision is made, an order of the Commission is prepared for their approval.

The Rates and Services staff receives and maintains motor carrier annual reports that are required to be filed by April 30 of each year covering the previous calendar year of operation. The staff also handles requests for verification of rates, fares, and charges of transporters of passengers and household goods. It also verifies rates and services provided by motor carriers through compliance audits of carriers' records.

Lastly, this arm of the Motor Carrier Safety Section handles and resolves transportation complaints filed by the public and industry representatives.

## Field Services Section

The Field Services Section is responsible for providing the majority of the engineering and technical assessments of regulated utility infrastructure which are necessary for the Commission to fulfill its statutory responsibilities. Some of those assessments include but are not limited to, the inspection, oversight, and monitoring of all regu-



lated, investor-owned electric, telecommunications, water, and wastewater utility plant facilities and infrastructure, operations, maintenance, service, construction, delivery, and reliability.

## FIELD SERVICES SECTION

*Terry Jackson*

Fiscal Year 2017's work tasks

and activities consisted of a wide variety of regulatory oversight but slowed slightly to a steady pace due to the loss of telecommunications Universal Service Fund reviews. The Field Services Section continued to perform field inspections of electric power generation plants (hydroelectric



Repairs being made by Alabama Power to electrical system damage from an EF-1 tornado in June 2017 that struck a small city just west of Birmingham.

# UTILITY ENFORCEMENT DIVISION



## ADMINISTRATIVE SUPPORT ASSISTANT

*Dee Stroud*

and steam), local electric company business offices, and regulated water and wastewater facilities.

The task of reviewing power generation, transmission, and distribution projects is continuous and was accomplished by visits to diverse aspects of Alabama Power Company factions. Five of Alabama Power's steam plants were inspected this year along with five hydroelectric plants in order to review various methods and practices of generating electric power. Times that the plants spent off line and other contributing factors were analyzed and found to be consistent with normal activities within the power generation arena.

Six local Alabama Power business office visits were performed in various locations across the state to review their methods of operation, outages experienced and their causes, along with discussions of customer growth and/or stagnation, and service needs in each area.

Universal Service Funds continued to impact Alabama residents in a positive manner by placing state of the art electronics in the field to

provide internet access to areas that otherwise would not receive service for a long time. Reviews were made of 35 AT&T projects that were designed to provide high speed internet access to rural consumers within the state.

Nine wastewater treatment facilities that fall under the jurisdiction of this Commission were examined to verify that services were provided to Alabama consumers in a satisfactory manner within the guidelines of Chapter 420-3-1 of the Rules of State Board of Health Bureau of Environmental Services dealing with Onsite Sewage Treatment and Disposal.

Four water utility companies were observed to review and insure that their procedures for treating and delivering potable water to their customers were consistent with the Water Rules of the Alabama Public Service Commission.

During the year, one training class was attended which covered wastewater operations, maintenance, and installation, enhancing the understanding of the current regulatory staff.

Several webinars and teleconferences relating to the regulating and operation of electric companies were provided throughout the year.

# GAS PIPELINE SAFETY DIVISION

*Wallace R. Jones*  
Director



## GAS PIPELINE SAFETY DIVISION

*From Left: Greg Meadows, Jonathan Kimbril, Randall Hand, Michael McVay, Felisa Webster, Wallace Jones, Judy Ramsey, Daniel Trapp, Asia Skillman, and Randy Hammond (Not present: Jamar Robinson)*

**D**uring Fiscal Year 2017, the Gas Pipeline Safety Division (GPS) conducted and carried out the inspection and monitoring activities of all natural gas and hazardous liquid intrastate pipeline systems operating in Alabama, including offshore and in state waters. The responsibility was given to the

Public Service Commission by the Alabama Legislature to assure and obtain compliance with the Minimum Federal Gas Pipeline Safety Standards adopted by the United States Department of Transportation (USDOT) pursuant to the Natural Gas Pipeline Safety Act of 1968. Each calendar year a representative from the Pipe-

line and Hazardous Materials Safety Administration (PHMSA) performs an audit of the GPS activities and finances to ensure compliance with all aspects of the federal regulations.

GPS staff ended FY-2017 consisting of one Director; one Administrative Support Assistant III; three Pipeline Safety Investigations Supervisors; one

# GAS PIPELINE SAFETY DIVISION

Gas Pipeline Safety Investigator, Senior - Training Option; two Gas Pipeline Safety Investigators, Senior; two Pipeline Safety Engineering Graduates; and one Gas Pipeline Safety Investigator.

The personnel charged with this

in an effort to become, and remain, qualified to conduct natural gas and hazardous liquid pipeline system inspections.

Several of the Investigators attended refresher and other courses to maintain

their qualifications. With the incorporation of Distribution Integrity Management Programs (DIMP), Public Awareness Program Effectiveness Evaluations (PAPEE), and Control Room Management (CRM), GPS Investigators have experienced increased training requirements. The addition of an Operator Qualification class and a Drug and Alcohol WBT into the inspection

process, means that even more classes will be required of the Investigators over the course of the next several years.

In addition to attending classes for maintaining job-related skills

and knowledge levels, GPS sponsored training by hosting the *29th Annual Gas Pipeline Safety Seminar* in November 2016. Topics for this seminar, presented by GPS personnel, vendors and operators, covered updates to federal guidelines and the Minimum Federal Safety Standards that GPS enforces. Over 300 natural gas and hazardous liquid system operators were in attendance. There were over 40 vendors attending that displayed and demonstrated equipment to be used in natural gas and hazardous liquid applications. GPS also co-hosted the Pipeline Safety Conference that was conducted in New Orleans, Louisiana in July 2017. The topics for this seminar, presented by instructors from the PHMSA Training & Qualification (TQ) Center in Oklahoma City, Oklahoma, vendors, operators, and state regulators covered updates to federal guidelines and the Minimum Federal Safety Standards for natural gas and hazardous liquids. Over 500 natural gas and hazardous liquid operators attended the conference. More than 50 vendors set up displays and demonstrated the most modern equipment used in the natural gas and hazardous liquids industry. In addition to Alabama's GPS personnel,



GPS Staff conducts a Cathodic Protection (CP) field check to insure the prevention of corrosion cells forming in pipes.

responsibility must meet all the training requirements set forth by the PHMSA. Over the course of FY-2017, GPS Investigators and the Director attended 31 resident courses and completed 34 Web-Based Training (WBT) courses

# GAS PIPELINE SAFETY DIVISION

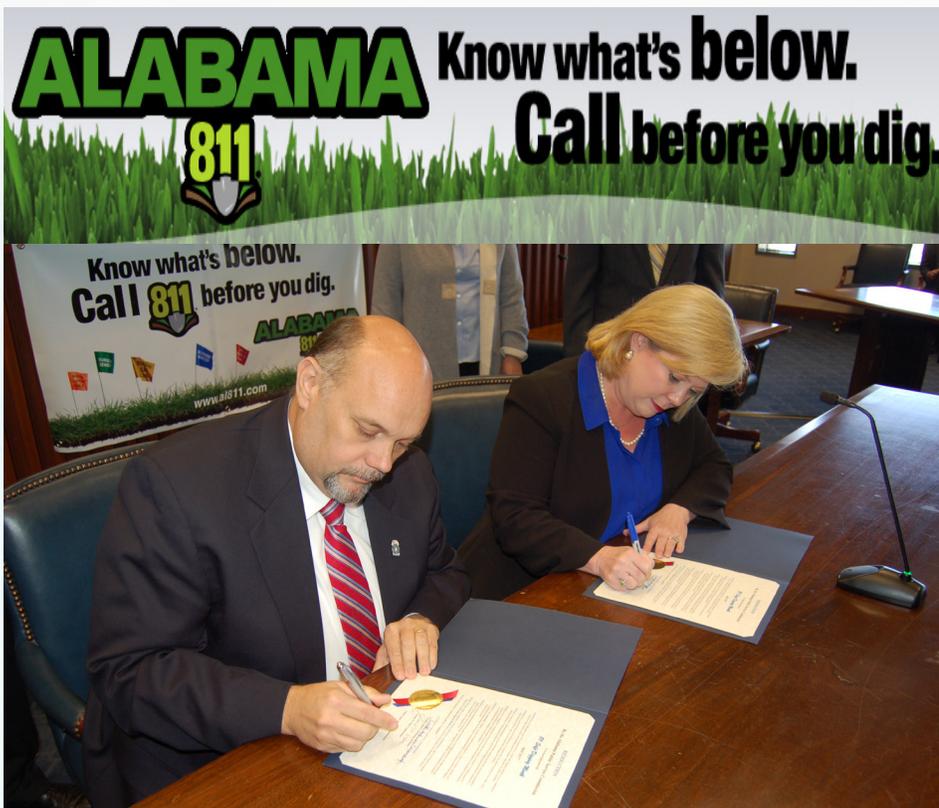
the states of Mississippi, Arkansas, Texas, and New Mexico assisted the Louisiana pipeline safety personnel with this conference.

At the end of FY-2017, the Commission exercised jurisdiction over the safety functions of 75 intrastate natural gas distribution systems (of these 75 systems, nine also have transmission assets within their service territories that are also jurisdictional to GPS), 23 intrastate natural gas transmission systems, one liquefied natural gas (LNG) system, two intrastate natural gas gathering systems, two intrastate hydrogen transmission systems, two offshore natural gas transmission systems, and 26 master meter distribution systems. The Commission also exercised jurisdiction over the safety functions of five on-shore hazardous liquid transmission systems, one on-shore hazardous liquid gathering system, one off-shore hazardous liquid transmission system, and one intrastate carbon dioxide transmission system. When the facilities and practices of these operators are found to be in noncompliance through

the investigations performed by GPS staff, GPS staff outlines the immediate corrective actions that are necessary and ensures that such actions are taken by the operators in question.

Other areas of involvement for GPS included attendance at Alabama Public Awareness Cooperative Training (APACT) sessions that were held at various locations across the state. Also in attendance at these sessions are first responders and other stakeholders. These sessions were conducted by Alabama 811 and sponsored and hosted by the gas system operators to supplement their existing Public Awareness Programs in an effort to educate the first responders and others about the natural gas and hazardous liquid pipelines in their area.

Underground utility damage prevention continued to be a major concern of GPS. Involvement of GPS staff in the Alabama Damage Prevention Alliance (ADPA) helped to steer the state towards a more aggressive posture in the area of damage prevention. GPS personnel participated in the *3rd Annual Damage Prevention Summit*, sponsored by ADPA, in October 2016 and the *4th Annual Damage Prevention Summit* in September 2017. The focus of this “Summit” is to educate and encourage



From Left: Commissioner Jeremy H. Oden and President Twinkle Andress Cavanaugh sign resolution in observance of Safe Digging Month. (Commissioner Chris “Chip” Beeker, Jr., was absent due to bereavement.)

# GAS PIPELINE SAFETY DIVISION

participation in safe excavation practices.

During the 2015 Legislative Session the Alabama Legislature passed a Joint Resolution, SJR 76, Act No. 2015-424, creating the **“One-Call Notification System Study Commission”** (“One-Call Commission”) which was tasked to “study and make recommendations to the Governor and Legislature regarding:

- The expediency and validity of only having a single One-Call notification system to serve the entire State of Alabama, including the appropriate governance, legislative oversight, and membership outreach practices of the organization;
- The adequacy of the enforcement provisions of current law; and
- Other items related to the One-Call law that may increase the level of safety of its citizens.”

APSC President Twinkle Andress Cavanaugh appointed the GPS Director to represent the APSC on the One-Call Commission as a gas pipeline safety expert. This One-Call Commission was to issue a report and recommendations to the Governor and Legislature by December 31, 2015. The One-Call Commission was unable to reach a consensus on viable alternatives regarding adequate enforcement by the December deadline and continued to meet through FY-2016 and FY-2017.

In August 2016 the Director of GPS and others from the One-Call Commission met with representatives of PHMSA to discuss Alabama’s adequacy regarding damage prevention. This is a recurring examination of the state’s damage prevention efforts that will be conducted by PHMSA each year. The result of the FY-2016 examination was a failing grade for Alabama due to the fact that



**GPS Staff conducts corrosion protection readings on a steel transmission main.**

the entities charged by Alabama law with the responsibility for assessing fines for utility damages have not levied any such fines or penalties. Unless there is active enforcement of the penalty provisions by the entities in Alabama that are currently charged with enforcement or there is a change in the existing law that otherwise results in effective enforcement by entities in Alabama, PHMSA will ultimately become the enforcement authority for pipeline damages within the state of Alabama.

Due to increased pressure from PHMSA to use civil penalties for violations of **Title 49, Code of Federal Regulations (CFR), Part 192** (natural gas) and **Part 195** (hazardous liquids), GPS re-evaluated its procedures

# GAS PIPELINE SAFETY DIVISION

and obtained statutory modifications which allowed the APSC to administer increased civil penalties to offenders.

During FY-2017 GPS staff brought forth two additional *GPS Rules* for the Commission’s consideration. GPS Rule #13 would require the retirement of abandoned services lines when a meter has been removed and the service line was no longer in use. GPS Rule #14 would allow the GPS Director, with the approval of the Executive Director and the Commission, to levy fines not to exceed \$1,000.00 for certain violations/repeat offenders. These Rules are currently still in review by Commission staff.

GPS staff continued to be very involved with the National Association of Pipeline Safety Representatives (NAPSR). Alabama was represented on several NAPSR and PHMSA task forces and committees during FY-2017. This participation helps to keep Alabama current with changes to federal regulations and involved in providing input into decisions that impact pipeline safety, not only in Alabama, but throughout the Southeast and the country, as a whole.

Another area of involvement for the GPS staff is with the Alabama Natural Gas Association (ANGA). ANGA is comprised of most of the natural gas operators in the state of Alabama. They normally conduct two training seminars each year; the Spring Seminar (conducted in March 2017) and the Fall Training Seminar (this was cancelled due to Hurricane Irma). GPS personnel assist in training at both of these seminars. GPS staff also attends the ANGA Annual meeting each year. Although this is not a training opportunity for the GPS staff, it is a very viable networking opportunity. This meeting draws the mayors, directors, and managers of the utility boards

which presents a chance to discuss aspects of the safety culture of the various operators in a more relaxed and open atmosphere.

An important function of this section has always been accident prevention. The Gas Pipeline Safety Section developed and presented programs to promote safe operations by natural gas transmission and distribution systems. Some of these training opportunities included natural gas firefighting techniques and procedures, and polyethylene (PE) plastic fusion qualification classes.

There were no incidents during FY-2017 that met the criteria for reporting to PHMSA: 1) death, 2) hospitalization or 3) damage over \$50,000.00. The state criteria of over \$5,000.00 in damages resulted in 18 incident reports for FY-2017. A tabulation of the section’s work activities for FY-2017 is reflected in table shown below:

Utility Enforcement Work Activities	Person-Days
Standard Inspections	453.0
Construction Inspections	153.0
Integrity Management Inspections	69.0
Operator Qualification Field Inspections	69.0
Incident/Accident Investigations	0.0
Public Awareness Inspections	27.0
Follow-Up Inspections	127.0
Operator Training	175.0
Investigator Training	347.0

*(These figures represent “person-days” that were expended in the inspection/education processes).*

# APSC HISTORY



**T**he Alabama Public Service Commission was designated as such in 1915 by the Alabama Legislature. The Commission evolved from the Railroad Commission of Alabama, which was created in 1881 to regulate railroads. The Commission has always been composed of three elected members: a president and two associate commissioners.

Between 1881 and 1915, the Legislature extended the Railroad Commission's jurisdiction to include express companies, sleeping car companies, railroad depots, and terminal stations.

In addition, the Commission's jurisdiction was broadened to include the regulation of telephone and telegraph companies, transportation companies operating as common carriers over water, and operators of toll bridges, toll ferries, and toll roads. The Commission was also charged with the regulation of utilities providing electricity, gas, water, and steam, companies operating streets or inter-urban railways, as well as rail and communication companies already subject to regulation by the former Railroad Commission. The newly constituted agency thus became known as the Alabama Public Service Commission. The Commission's authority was extended to approving the sale or lease of utility property or franchises and was broadened again in 1920 when the Legislature made the Commission responsible for regulating utility rates.

As Alabama's highway system developed in the late 1920s, the operation of trucks and buses as common carriers increased. In 1927, the Legislature placed all motor transportation companies operating as common carriers of freight and/or passengers over regular routes on Alabama highways under the Commission's regulatory authority. The Legislature broadened the Commission's authority over transportation companies in 1931 and 1932 by including motor carriers not operating over regular routes. Intrastate air carriers were made subject to the Commission's jurisdiction in 1945. Natural gas transmission and distribution systems were placed under the Commission's jurisdiction for safety purposes in 1968. Additionally, the Minimum Safety Standards outlined in the Natural Gas Pipeline Safety Act were adopted.



# APSC HISTORY

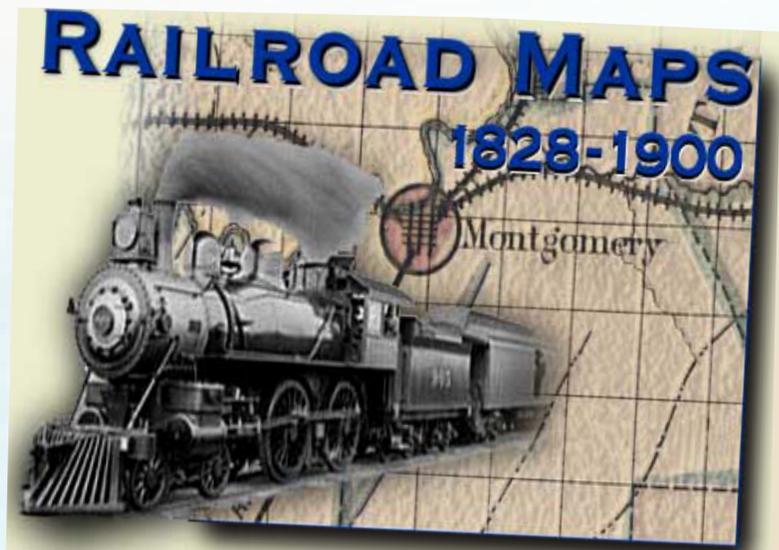
In 1971, the Commission's authority over motor carriers was broadened yet again as transportation enforcement officers were empowered to enforce the rules and regulations of the Commission. Similarly, the Commission's safety jurisdiction was extended to include railroad tracks and equipment in 1976 under the State Participation Program of the Federal Railroad Safety Act of 1970.

In 1977, the Legislature recognized the need to have an advocate charged exclusively with representing utility consumers before the Commission. The Legislature accordingly empowered the office of the Attorney General of Alabama to represent consumers and the state in proceedings before the Commission during the 1977 legislative session. In recent years, sweeping federal and state statutory changes have significantly altered the Commission's jurisdiction and authority over transportation and telecommunications utilities. Title IV in the Federal Aviation Administration Act of 1994 provides for federal preemption of the states in matters of motor carrier pricing, routes, and services for all but household goods carriers. As a result, Commission certification and tariff approval is no longer required

for those motor carriers whose state Commissions are federally preempted from regulating beyond minimal initial requirements. The Commission continues to regulate carriers of passengers and household goods, ensures all motor carriers maintain appropriate cargo and liability insurance, and ensures that all regulated carriers comply with applicable safety standards.

With the passage of the Telecommunications Act of 1996, Congress opened up the local exchange telephone markets to competition. Large incumbent local exchange companies (ILECs) such as BellSouth and CenturyTel, who previously operated as the only local carrier within their Commission certified service areas, must now make their services available for resale and lease components of their embedded network to new entrants. New entrants into the local telephone market may also petition the Commission to open

independent telephone company local service areas to competition. The introduction of local competition forced the Commission to set utility prices for retail telecommunication services using market based rather than cost based methodology. In 2005, the Alabama Legislature passed the Communications Reform Act. That Act, citing the competition that exists in the local telephone market, eliminated much of the Commission's authority over retail telecommunication services. Additionally, Commission jurisdiction was eliminated for all broadband services used for Internet delivery.



The Commission did, however, retain full jurisdiction over wholesale telecommunications services and matters concerning Universal Service.

# PAST AND PRESENT COMMISSIONERS

## PRESIDENT

Walter L. Bragg:  
February 1881 – February 1885  
Henry R. Shorter:  
February 1885 – February 1897  
James Crook:  
February 1897 – February 1901  
\*John V. Smith:  
March 1901 – March 1905  
B.B. Comer:  
March 1905 – January 1907  
Charles Henderson:  
January 1907 – January 1915  
Samuel P. Kennedy:  
June 1915 – January 1923  
\*A.G. Patterson:  
January 1923 – January 1927  
Hugh White:  
January 1927 – January 1945  
Gordon Persons:  
January 1945 – January 1951  
C.C. (Jack) Owen:  
January 1951 – January 1965  
Eugene (Bull) Conner:  
January 1965 – January 1973  
Kenneth A. Hammond:  
January 1973 – December 1975  
C.C. Whatley:  
December 1975 – January 1977  
Juanita W. McDaniel:  
January 1977 – February 1980  
William J. Samford, Jr.:  
February 1980 – January 1981  
Billy Joe Camp:  
January 1981 – January 1983  
\*Jim Sullivan:  
February 1983 – November 2008  
Lucy Baxley:  
November 2008 – November 2012

**Twinkle Andress Cavanaugh:  
November 2012 – Present**

## COMMISSIONER, Place 1

James Crook:  
February 1881 – January 1885  
Levi W. Lawler:  
February 1885 – September 1892  
Gen. James T. Holtzclaw:  
February 1893 – July 1893  
Willis G. Clark:  
August 1893 – February 1899  
A.E. Caffee:  
February 1899 – February 1903  
William T. Sanders:  
April 1903 – January 1907  
Charles Sanders:  
January 1907 – February 1907  
W. D. Nesbitt:  
March 1907 – January 1911  
Leon McCord:  
January 1911 – January 1915  
B. H. Cooper:  
January 1915 – January 1923  
Fitzhugh Lee:  
January 1923 – January 1943  
Gordon Persons:  
January 1943 – January 1945  
James Perdue:  
May 1945 – January 1947  
James Hitchcock:  
January 1947 – June 1959  
Ralph Smith, Jr.:  
August 1959 – August 1960  
Joe Foster:  
August 1960 – January 1963  
Ed Pepper:  
January 1963 – January 1967  
C.C. (Jack) Owen:  
January 1967 – January 1975  
Jim Zeigler:  
January 1975 – January 1979  
Pete Matthews:  
January 1979 – March 1981  
Lynn Greer:  
March 1981 – November 1990  
Jan Cook:  
November 1990 – November 2010  
Twinkle Andress Cavanaugh:  
November 2010 – November 2012

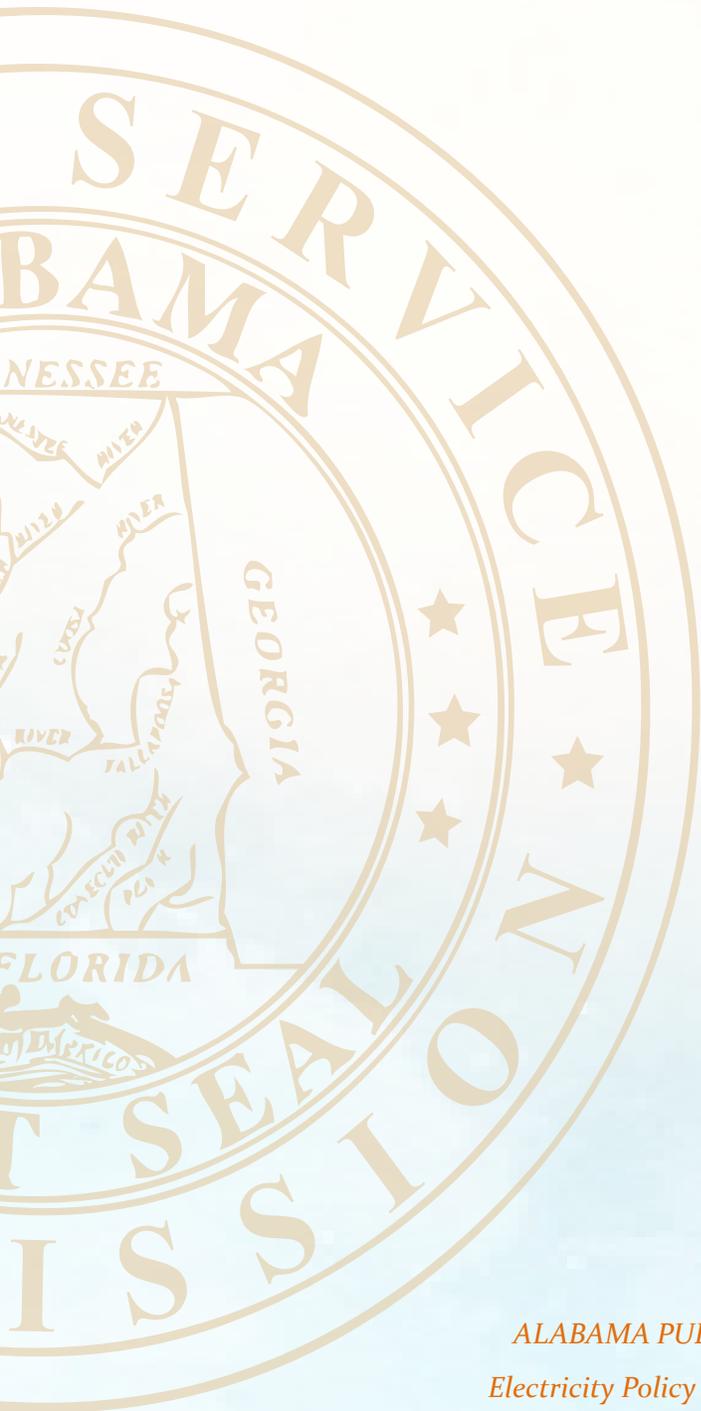
**Jeremy H. Oden:**

**December 2012 – Present**

## COMMISSIONER, Place 2

Colonel Charles P. Ball:  
February 1881 – February 1885  
Wiley C. Tunstall:  
February 1885 – February 1895  
Ross C. Smith:  
February 1895 – February 1899  
Osceola Kyle:  
February 1899 – December 1900  
Wiley C. Tunstall:  
December 1900 – January 1907  
John G. Harris:  
January 1907 – July 1908  
John A. Lusk:  
August 1908 – January 1911  
Frank N. Julian:  
January 1911 – January 1915  
S.P. Gaillard:  
January 1915 – January 1923  
\*Frank P. Morgan:  
January 1923 – May 1936  
W.C. Harrison:  
June 1936 – January 1947  
C.C. (Jack) Owen:  
January 1947 – January 1951  
T.O. Walker:  
January 1951 – January 1955  
Sibyl Pool:  
January 1955 – January 1971  
Juanita W. McDaniel:  
January 1971 – January 1977  
C.C. Whatley:  
January 1977 – January 1979  
Jim Folsom, Jr.:  
January 1979 – November 1986  
Charles B. Martin:  
November 1986 – November 1998  
George C. Wallace, Jr.:  
November 1998 – November 2006  
\*\*Susan D. Parker, PhD.:  
November 2006 – November 2010  
Terry L. Dunn:  
November 2010 – November 2014  
**Chris "Chip" Beeker, Jr.  
November 2014 - Present**

*\*Also served as President of the National Association of Regulatory Utility Commissioners (NARUC); \*\*Also served as President of the Southeastern Association of Regulatory Utility Commissioners, and Second Vice-President of NARUC*



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