

MINUTES OF A MEETING
OF THE
ALABAMA PUBLIC SERVICE COMMISSION
HELD TUESDAY, DECEMBER 7, 2021

The December 2021 meeting of the Alabama Public Service Commission was held on Tuesday, December 7, 2021, in the Carl L. Evans Chief Administrative Law Judge Hearing Room Complex, 100 North Union Street, Montgomery, Alabama. Commission President Twinkle Andress Cavanaugh called the meeting to order at 10:05 a.m. with Commissioner Jeremy H. Oden and Commissioner Chris "Chip" Beeker, Jr., present. The following staff members were also present: John A. Garner, Chief Administrative Law Judge; Darrell Baker, Utility Services Division Director; John Free, Electricity Policy Division Director; Scott Morris, Utility Enforcement Division Director; Suellen Young and Luke Bentley, Administrative Law Judges; Chad Mason, Attorney; Donald Powell, Patricia Smith, Amanda Shehane, Public Utility Analyst Manager, Tanya Champion and Devon Beaty, Public Utility Analysts; Jeffrey Johnston, Technical Assistant to Commissioner Cavanaugh; Debbie Williams, Executive Assistant to Commissioner Cavanaugh; Mary Caitlyn Montgomery, Technical Assistant to Commissioner Beeker; Aisha Smith, Executive Assistant to Commissioner Oden; Cynthia Milledge, Public Information Specialist; Chalandra Tolliver, Information Systems Technician; Kay Oswalt, Information Systems Manager; Walter L. Thomas, Jr., Secretary of the Commission.

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Commissioner Cavanaugh noted that the public was informed of today's Commission meeting by notice dated October 27, 2021.

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Commissioner Oden introduced Mrs. Jacqueline Barnes who opened the meeting with prayer and led the audience in the Pledge of Allegiance.

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Commissioner Cavanaugh then open the floor for a motion to approve the minutes of the November 2, 2021 Commission Meeting.

Upon being motioned by Commissioner Oden and seconded by Commissioner Beeker, the Commissioners voted unanimously to approve the minutes.

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UTILITY SERVICES DIVISION

Mr. Baker reported on the Utility Service Division on Consumer Service Complaint Inquires for the period November 2021

was as follows: Alabama Power Company had six residential inquires and one business inquire, Spire Alabama had six residential and Spire Gulf had none. There was a total of fourteen telecommunication inquires consisting of three under Public Service Commission jurisdiction, ten referred back to the companies since the companies waived jurisdiction and one which were not under PSC jurisdiction.

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Mr. Baker reported on RSE for Spire Alabama Inc., stating that as of October 31, 2021, the projected RSE return on average common equity for the rate year ending September 30, 2021, was 10.40 percent. The authorized return on average common equity is 10.15 percent to 10.65 percent.

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Mr. Baker reported on RSE for Spire Gulf Inc., stating that as of October 31, 2021, the projected RSE return on average common equity for the rate year ending October 31, 2021, was 10.06 percent. The authorized return on average common equity is 9.70 percent to 10.30 percent.

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Mr. Baker reported on the following dockets from the Utility Services Division on the following Dockets:

Formal Docket 31803, Integrated Wastewater Management, Inc., Petition for approval of rate increase for Integrated Wastewater Management, Inc. Staff has reviewed the filing and recommends that the filing be suspended for 180 days to and through June 30, 2022 and recommended granting approval of petition; and

Formal Docket 32698, River Bend Marina LLC, Petition for approval for the renewal of the Certificate of Financial Viability for Riverbend Marina with an effective date of December 19, 2021, and recommended granting approval of petition.

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Oden, the Commissioners voted unanimously to accept these recommendations.

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Mr. Baker reported on the following dockets for approval of an Amended Interconnection Agreement pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, and recommended granting approval of the Agreements as follows:

Informal Docket U-4469, Frontier Communications of the South, LLC and Level 3 Telecom of Alabama, LLC;

Informal Docket U-4548, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and TEC of Jackson, Inc.;

Informal Docket U-5361, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Butler Telephone Company;

Informal Docket U-5362 BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Peoples Telephone Company d/b/a TDS Telecom; and

Informal Docket U-5363, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Oakman Telephone Company.

Mr. Baker then reported on the following dockets:

Informal Docket U-5404, MCImetro Access Transmission Services Corp., d/b/a Verizon Access Transmission Services, Rules of the North America Numbering Plan Administrator ("NANPA") grant the Commission Discretion to override NANPA's denial of requested numbering resources in Alabama. MCImetro Access Transmission Services Corp., d/b/a Verizon Access Transmission Services seeks Commission concurrence with its numbering resources request and asks the Commission to override NANPA's denial of the numbering resources sought by the Petitioner to serve the needs of a business customer in the Huntsville, Alabama area. The request is for a single block of 1,000 numbers from the 256 area code, and recommended granting approval of request;

Formal Docket 27614, Contact Network d/b/a Inline, Changes the company name to Contact Network, LLC d/b/a InLine. Filed November 15, 2021 effective immediately, and recommended granting approval of name change;

Informal Docket U-5405, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast, Grandfathers SMARTRing Service in the Access Services tariff. Filed November 1, 2021, with a requested effective date of December 1, 2021. SMARTRing service is a SONET based, self-healing, high-capacity, ring network designed for the transport of Switched and Special Access service between customer designated hubbing locations, and recommended granting approval of revision; and

Informal Docket U-5406, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast, Revises Access Service tariff to add distribution areas to the service discontinuance

list associated with the Time Division Multiplexing (TDM) to Internet Protocol (IP) Transition provisions. Filed November 9, 2021 with a requested effective date of December 9, 2021, and recommended granting approval of revision.

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Oden, the Commissioners voted unanimously to accept these recommendations.

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Mr. Baker noted that the remaining item on the Telecommunications Agenda under "Summary of Other Filings" are for informational purpose only.

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GAS PIPELINE SAFETY DIVISION

In the absence of Mr. Wallace Jones, Judge Garner reported from the Gas Pipeline Safety (GPS) Division on major activities during the month of October 2021.

Standard Inspection	Construction	IMP/DIMP	Operator Qualification	Incident	Damage Prevention	Control Room	Follow-Up	TOTAL Inspections
18	16	1	10	1			11	57

From the fifty-seven (57) inspections shown above, three (3) enforcement letters of notification were issued, noting five (5) non-compliance issues. Six (6) non-compliance issues were corrected during the month of October.

Incidents/Accidents

Two state-reportable incidents were reported during the month of October:

- 10/5/2021 - Southeast Gas (Dothan) - house explosion at 105 E. Spring St., Dothan - After further investigation it was determined to be caused by an inside propane leak, non-jurisdictional to ALPSC
- 10/7/2021 - Trussville Utilities Board - Lightning struck a tree and followed root system to a 5/8" steel gas line. This created a pinhole in the pipe which ignited and burned part of a tree.

Training

Four operator/contractor training sessions on Polyethylene (PE) plastic fusion were conducted during the month of October:

- 10/5/2021 - Sylacauga Utilities (PE) 23 Personnel Qualified
- 10/7/2021 - Hartselle Utilities (PE) 16 Personnel Qualified
- 10/19/2021 - Leak City (Athens) (PE) 10 Personnel Qualified
- 10/20/2021 - Scottsboro Utilities (PE) 28 Personnel Qualified

Miscellaneous

On October 13 Mr. Wallace Jones, Gas Pipeline Safety Division Director, Mr. Jonathan Kimbril, Pipeline Investigations Supervisor, Mr. Shawn Emmons, Gas Pipeline Safety Investigator, Mr. Alan Boan, Owner of Pine Energies Pipeline, and Mr. Mark Burgess, CEO of South Alabama Gas District, met to discuss the change in management of the Pine Energies Pipeline. South Alabama Gas District is in the process of taking over the operations of the pipeline. It is currently inactive with nitrogen inserted for safety. This pipeline was used for transporting crude oil from well-heads in the south Alabama area. There is no current demand for the pipeline, but Mr. Boan does not want to abandon it due to the possibility of future use in transporting natural gas. A plan was devised to allow South Alabama Gas District to take over the maintenance and operation of the pipeline and to allow it to remain in active status.

Mr. Jones made a presentation to the Birmingham chapter of the National Association of Corrosion Engineers (NACE) on October 28. The presentation was an update of the Alabama Underground Damage Prevention Authority (ALUDPA) and covered the first two quarters of CY-2021 and the violation complaints that had been received during that time frame.

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UTILITY ENFORCEMENT DIVISION

Judge Morris reported from the Utility Enforcement Division on major activities during the month of October 2021.

RAILWAY SAFETY

The track inspection results below reflect activity by our Railway Safety (RWS) Staff in the field.

Rail Carriers Visited	Regular Track Inspections	Track Defects Identified	Violations Recommended	Track Miles Inspected	Track Turnouts Inspected
4	16	46	0	129	56

The table below reflects track safety observations made in which one non-compliant conditions were identified. Eighty-one roadway workers, bridge workers, and practices were observed.

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
7	8	19	0

The data in the table shown below was collected from Motive Power & Equipment (MP&E) inspections that were performed on locomotives, freight cars, tank cars and other railroad equipment.

Rail Carriers Visited	Regular Eqpt. Inspections	Defects Identified	Violations Recommended	Number of Units Inspected
7	14	181	0	1042

The table below shows observations completed by the MP&E Inspector in which no non-compliant condition was identified.

Air Brake Tests	Blue Flag Protection	End of Train Devices
0	2	0

There were five incidents reported by the National Response Center in October:

- A diesel fuel release because of a mechanical failure in Birmingham on BNSF
- A mainline derailment near Fulton on NS
- A trimethylamine vapor release from a railcar in Theodore at Evonik Corp
- A trespasser struck by a train with unknown injuries in Pine Hill on NS
- A500 gallon diesel fuel release in Mobile on CSX

RWS staff investigated the derailment near Fulton on October 3rd. An NS train derailed 23 cars. The probable cause for derailment is a broken rail. Staff also investigated an incident that was reported by CSX Police reporting office on October 21 involving a railroad employee that was struck by a highway vehicle in Montgomery while working at a grade crossing. The employee suffered serious, but non-life-threatening injuries.

MOTOR CARRIER SERVICES

The Motor Carrier Services (MCS) Staff accomplished the

following matters regarding state authority to operate as a motor carrier in Alabama with proof of insurance coverage:

Vehicle Registration Numbers	Intrastate Applications		NOL Processed/ Closed Intra Applications	Under Legal Division Review	New Authority Approved	Motor Carrier Authority Inquiries		
	Processed	Returned				Phone	E-mails	Others
3	11	1	1	5	5	43	36	29

MCS staff members handled the tasks shown below regarding insurance coverage, prepared correspondence that challenged incorrect filings and addressed related inquiries:

Insurance Filings Received	Revocation Orders	Reinstatement Orders	Miscellaneous Actions	Letters Sent	Insurance Inquiries	
					Phone	E-mails
329	23	12	1	21	45	276

The Section addressed the following Unified Carrier Registration (UCR) responsibilities:

UCR Applications		UCR Mail outs for 2021/2022	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
21	1	827	7	194	27

In October, the staff mailed three pending payment letters to carriers that created a voucher several weeks prior where payment had not been received for the 2022 UCR registration year and two for the 2021 UCR registration year.

During October, \$4,611 was collected for Focused Anomaly Reviews (FARs) audits and \$1,165 was collected for Retreat audits.

The staff also assisted motor carriers in making necessary changes to their operating status with the Federal Motor Carrier Safety Administration (FMCSA). There were 13 MCS-150 forms processed indicating that five motor carriers' USDOT numbers were deactivated and eight forms contained updates to carriers' USDOT number data.

MCS staff attended the UCR Board Education & Training Subcommittee call and the UCR Board Audit Subcommittee call held in October.

The staff received 19 For Non-Profit (FNP) quarterly reports from FNP carriers for the third quarter of 2021. There was one FNP quarterly report for the third quarter of 2021 sent out for the third quarter.

Staff participated in the Show Cause hearing for four carriers that failed to submit their 2020 annual reports as required for all household goods and passenger carriers. Two 2020 annual reports were received during the hearing.

In October, there were three passenger tariffs for Extreme Limousine, L.L.C. (C3962), Meridian, LLC (C4128), and Island Time Limousine, LLC d/b/a Island Time Limousine (C4126) and one passenger supplement tariff for Rush Hour Transit, Inc. (C4095) were accepted.

The staff completed one compliance audit on David L. Grimes, Jr. d/b/a Ace Limousine (C3865). The carrier must update their tariff on file with the Commission or stay consistent with their current tariffed rates.

The staff attended two passenger carrier hearings for the following companies:

- Able Non-Emergency Medical Transport Service, LLC - the protestant did not show up
- Chandra Parker d/b/a Premier Cabulance - no protestants

There was one phone call and five e-mails related to transportation network companies for the month of October.

FIELD SERVICES

No on-site inspections of Alabama Power Company's infrastructure or their business facilities were scheduled during the month of October; however, a forum was held online that covered current research and development ongoing at Gaston Steam Plant, Renewable Energy Credits and their Load Forecast.

The Field Services Section (FSS) staff met with personnel from Community Utilities to inspect the installation of an additional 5,000 feet of field lines at Mountain Lakes. This added two new zones in anticipation of residential development in that area. The installation went well with no discrepancies noted at the time of the inspection.

Staff also inspected Bio-Flo Inc's Willow Glenn plant in Alexander City which provides wastewater treatment to 45 residents with no defects noted at the time of the inspection.

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ELECTRICITY POLICY DIVISION

Mrs. Smith reported for the Electricity Policy Division on RSE for Alabama Power Company stating that the Weighted Retail Return on Average Common Equity Forecast as of December 31, 2021,

is 7.34 percent. The authorized Weighted Retail Return on Average Common Equity Range is 5.75-6.15 percent. Mrs. Smith also reported for the month of October 2021 energy cost applicable to Rate ECR was under-recovered by \$14,376,472.

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Mr. Free report on Formal Docket 18148, By Consent Order dated December 1, 2020, the Alabama Public Service Commission ("the Commission") approved an interim energy cost recovery factor of 1.960 cents per kilowatt-hour for the billing months of January 2021 through December 2021. Absent a further order from the Commission, the ECR factor for billing months beginning January 2022 and thereafter shall be 5.910 cents per kilowatt-hour, as established under the Commission's Order dated October 8, 2008, and the Staff recommends that the current interim energy cost recovery factor of 1.960 cents per kilowatt-hour be extended for the billing months of January 2022 through December 2022, unless a further change is agreed to sooner as a result of monitoring of operations or until changed by Commission order pursuant to Rate ECR and applicable Rules and Regulations. Absent a further order from the Commission, the ECR factor for billing months beginning January 2023 and thereafter will be 5.910 cents per kilowatt-hour.

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Oden, the Commissioners voted unanimously to accept the recommendation.

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Mr. Free, then reported on Formal Docket 18117 and 18416, On November 22, 2021, Alabama Power Company ("the Company") submitted calculations associated with its costs of complying with governmental mandates, as provided for under Rate CNP, Part C. The filing reflects a projected under-recovery of such costs that normally would be recoverable in the billing months of January 2022 through December 2022. At the request of the Commission, acting through its Staff, the Company has determined that the current factors can remain in place for cost year 2022, subject to a consent order by the Commission, and staff recommends the entry of a consent order, consistent with the Company's filing, which leaves in place the current Rate CNP, Part C factors for cost year 2022.

Upon motion by Commissioner Oden and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

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Mr. Free then reported on Formal Docket 32382, Consistent with the requirements of the Certificate of Convenience and Necessity granted in Docket No. 32382, Alabama Power Company is proposing a fifteen-year Energy Purchase Agreement in connection with the Letohatchee Solar Project. The project will be constructed, owned, operated, and maintained by Letohatchee Solar Project, LLC. Detailed project information was submitted to the Alabama Public Service Commission Staff on November 2, 2021. As part of its proposal, the Company is also requesting approval of a customer participation contract (Renewable Subscription Program) between Alabama Power and Mercedes-Benz U.S. International, Inc. ("Mercedes"). Mercedes has subscribed to 100% of the environmental attributes related to this project. The Staff has reviewed the information provided by the Company, together with other information obtained throughout the review process, and has determined that the Letohatchee Solar Project meets the criteria specified in the Certificate granted in Docket No. 32382. The Staff likewise finds the customer participation contract to be in furtherance of the objectives of Docket No. 32382. If approved by the Commission, the Letohatchee Solar Project is expected to commence commercial operation on or before March 15, 2024, and recommended granting approval of certificate.

Upon motion by Commissioner Beeker and seconded by Commissioner Oden, Commissioner Beeker and Commissioner Oden voted to accept the recommendation. Commissioner Cavanaugh recused herself on the matter. Recommendation passed.

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LEGAL DIVISION

Judge Young reported from the Legal Division Agenda on the following Dockets:

Formal Docket 33185, Unopposed motor carrier application of On Time Taxi, LLC of Montgomery, Alabama, for certificate to transport passengers and their baggage. The Applicant waived its right to a Report and Recommended order, and recommended granting approval of application;

Formal Docket 33184, Unopposed motor carrier application of Teddy's Cab Service, LLC, of Prattville, Alabama for a certificate to transport passengers and their baggage in special or charter taxi operations. The applicant waived its right to a Report and Recommended order at the hearing, and recommended granting approval of application; and

Formal Docket 33175, Unopposed motor carrier application of

July Enterprises, Inc., d/b/a Coastal Express Shuttle, of Mobile, Alabama, for a certificate to transport passengers and their baggage. The applicant waived its right to a Report and Recommended order, and recommended granting approval of application;

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Oden, the Commissioners voted unanimously to accept these recommendations.

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Judge Young reported on Formal Docket 33164, Motor carrier application of Able Non-Emergency Medical Transport Service, LLC, of Montgomery, Alabama to extend an existing operation under motor carrier certificate 4125 and P651. A Report and recommended order("RRO") was entered in this cause on November 17, 2021, which recommended a grant of authority. No exceptions to the RRO were filed within 20 days from the date of service, and recommended entry of an order recognizing that the RRO entered in this cause became the order of the Commission by operation of law due to the fact that no exceptions to the RRO were filed within the statutorily established timeframe of 20 days.

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Beeker, the Commissioners voted unanimously to accept the recommendation.

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Judge Young then reported on Formal Docket 33168, *Alabama Public Service Commission v. All Motor Carriers who failed to file Annual Reports for 2020 operations*. Hearing held for all motor carriers who failed to file Annual reports for 2020 operations, and recommended revocation of all carriers who failed to appear at the Show Cause hearing; dismissal of all carriers from proceeding who have now complied or otherwise shown good cause why they should be dismissed from this proceeding.

Upon motion by Commissioner Beeker and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

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Judge Bentley reported on the following Dockets from the Legal Division Agenda:

Informal Docket C-19963, Petition of Kerns Trucking, Inc.,

of Kings Mountain, North Carolina for reinstatement of motor carrier certificate F2323 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage and recommended granting reinstatement of petition.

Informal Docket C-20152 and Formal Docket 33187, Approval of unopposed application to transfer motor carrier certificates 4083 and FNP A-86 FROM: Terry Rowland d/b/a Continental Transport, of Center Point, Alabama TO: Continental Transport LLC, of Birmingham, Alabama (Docket 33187) and reinstatement of motor carrier certificates 4086 and FNP A-86 (C-20152) for the sole purpose of transferring Certificates 4083 and FNP A-86 (C-20152) for sole purpose of transferring certificates 4086 and FNP A-86 in good standing, and recommended grant reinstatement of motor carrier certificates 4086 and FNP A-86 for the sole purpose of transferring certificates 4086 and FNP A-86 in good standing; Approval of transfer application.

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Oden, the Commissioners voted unanimously to accept these recommendations.

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Judge Bentley reported on Formal Docket 33178, Application of Cyber Broadband, Inc., of Cullman, Alabama, for a certificate to provide telecommunications service in the state of Alabama. A hearing was held on November 8, 2021, in which Commission staff participated, and recommended granting approval of application.

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Beeker, the Commissioners voted unanimously to accept the recommendation.

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Judge Bentley reported on Formal Docket 33179, Application of Centurytel Broadband Services, LLC in the state of Alabama. A hearing was held on November 8, 2021, in which Commission staff participated, and recommended granting approval of application.

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Oden, the Commissioners voted unanimously to accept the recommendation.

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Judge Bentley then Formal Docket 31097, Petition of David H. Conover d/b/a Con-Wood Services of Auburn, Alabama, for cancellation of motor carrier certificates F4198, and recommended granting cancellation as requested.

Upon motion by Commissioner Oden and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

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Judge Bentley reported on Formal Docket 32553, Application of Community Utilities of Alabama, Inc., for approval to extend its commercial rate agreement with Auburn Legends RV Resort Condominium Owners Association, Inc. The extension would take effect upon the expiration of the prior agreement and extend up to December 31, 2023, and recommended granting approval of application.

Upon motion by Commissioner Oden and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

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Judge Bentley also reported on Formal Docket 33192, Commission staff, through consumer complaints and its own research, has identified several unregulated water providers that potentially meet the statutory definition of "utility," subjecting them to Commission regulated. Staff performed an initial assessment of the identified providers, reviewing available formation documents and talking with representatives of the water providers. During this initial assessment, representatives of some of these water provides claimed exemptions from Commission regulation based on corporate form or the nature of their operations, and recommended granting initiate a generic proceeding to gather information, address the asserted exemptions, and clarify the Commission's jurisdiction over certain types of water providers.

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Oden, the Commissioners voted unanimously to accept the recommendation.

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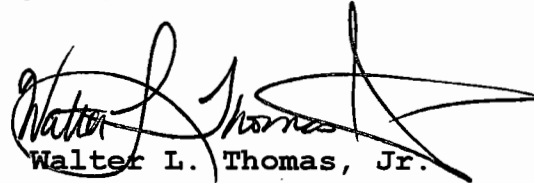
Judge Garner recommended approval of the administrative items.

Upon motion by Commissioner Oden and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

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Commissioner Cavanaugh concluded with stating that the next Commission meeting is scheduled for Tuesday, January 4, 2022.

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There being no further business, Commissioner Cavanaugh
adjourned the meeting at 10:44 a.m.


Walter L. Thomas, Jr.
Secretary