

MINUTES OF A MEETING  
OF THE  
ALABAMA PUBLIC SERVICE COMMISSION  
HELD TUESDAY, APRIL 5, 2022

The April 2022 meeting of the Alabama Public Service Commission was held on Tuesday, April 5, 2022, in the Carl L. Evans Chief Administrative Law Judge Hearing Room Complex, 100 North Union Street, Montgomery, Alabama. Commission President Twinkle Address 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; Luke Bentley, Suellen Young, Administrative Law Judges; Jeff Johnston, Utility Services Division Director; John Free, Electricity Policy Division Director; Wallace Jones, Gas Pipeline Division Director; Donald Powell and Patricia Smith, Public Utility Analyst Managers; Aquilla Spivey, Consumer Service Manager; Amanda Shehane, Transportation Manager; Tanya Champion and Jennifer Mattox, Public Utility Analysts; Debbie Williams, Executive Assistant to Commissioner Cavanaugh; Mary Caitlyn Montgomery, Technical Assistant to Commissioner Beeker; Greg Poole Technical Assistant to Commissioner Oden; Kay Oswalt, Information Systems Manager; Chalandra Tolliver, IT Technician; Jerry Delancey, Administrative Assistant; 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 February 23, 2022.

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Commissioner Cavanaugh introduced Revered Greg Davis, President/ Chief Executive Officer of the Citizen Action Program 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 March 1, 2022 Commission Meeting.

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

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UTILITY SERVICES DIVISION

Mr. Johnston reported on the Utility Service Division on

Consumer Service Complaint Inquires for the period March 2022 was as follows: Alabama Power Company had twenty-three residential inquires and one business inquires, Spire Alabama had seven residential and one business inquire, Spire Gulf had three residential inquires. There was a total of twelve telecommunication inquires consisting of two under Public Service Commission jurisdiction, nine referred back to the companies since the companies waived jurisdiction and one which were not under PSC jurisdiction.

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Mr. Johnston reported on RSE for Spire Alabama Inc., stating that as of February 28, 2022, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 9.75 percent. The authorized return on average common equity is 10.15 percent to 10.65 percent.

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Mr. Johnston reported on RSE for Spire Gulf Inc., stating that as of February 28, 2022, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 8.43 percent. The authorized return on average common equity is 9.70 percent to 10.30 percent.

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Mr. Johnston reported from the Utility Services Division Agenda on Informal Docket U-5416, Spire Alabama Inc., Application for approval of a base Contract for Sale and Purchase of Natural Gas with Direct Energy Business Marketing, LLC, and recommended granting approval of the application.

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

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Mr. Johnston reported on the following dockets for approval of an 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-5417, Level 3 Communications, LLC and Valley Telephone Co., LLC d/b/a Knology or d/b/a WOW! Internet, Cable and Phone; and

Informal Docket U-5418, Brindlee Mountain Telephone LLC and Level 3 Communications, LLC.

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

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Mr. Johnston 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-4478, Bellsouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Granite Telecommunications, LLC; and

Informal Docket U-4888, Bellsouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Charter Fiberlink-Alabama, LLC.

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

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Mr. Johnston then reported on Formal Docket 32040, ExteNet Systems, Inc., Changes company name to ExteNet Systems, LLC. Filed March 1, 2022, with an immediate effective date, and recommended granting approval of name change.

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

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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

Mr. Wallace Jones reported from the Gas Pipeline Safety (GPS) Division on major activities during the month of February 2022.

Standard Inspection	Construction	IMP/DIMP	Operator Qualification	Incident	Damage Prevention	Control Room	Follow-Up	TOTAL Inspections
13	11	3	7	2			17	53

From the fifty-three (53) inspections shown above, six (6) enforcement letters of notification were issued, noting thirteen (13) non-compliance issues. Thirteen (13) non-compliance items were corrected during the month of February.

Incidents/Accidents

Three (3) state-reportable incidents were reported during the month of February and Gas Pipeline Safety responded to one interstate incident:

- 2/16/2022 - Spire - Birmingham - Contractor bored into 2" plastic gas main near UAB; line was not located correctly.
- 2/17/2022 - Childersburg Gas System - Contractor bored into 4" plastic main while replacing power pole; line was not located correctly.
- 2/22/2022 - Spire - Gulf - Contractor for City of Mobile Water Works drilled into 6" plastic main; 2 customers without gas; line was located correctly.
- 2/14/2022 - Southern Natural (interstate) - Investigators responded to an explosion and fire on Southern Natural's pipeline in Uniontown, AL; after responding, it was determined to be a non-jurisdictional pipeline for the Alabama PSC.

Training

Three (3) operator/contractor training sessions on Polyethylene (PE) plastic fusion were conducted during the month of February:

- 2/2/2022 - Fultondale Gas Board 34 Personnel Qualified
- 2/15/2022 - Leak City (Athens) 34 Personnel Qualified
- 2/16/2022 - Southern Directional (Contractor) 13 Personnel Qualified

Miscellaneous

During the month of February, the Gas Pipeline Safety (GPS)

Division submitted the Calendar Year (CY) 2021 Payment Requests to the Pipeline and Hazardous Material Safety Administration (PHMSA). These requests for reimbursement covered the Natural Gas and Hazardous Liquids programs that GPS participates in.

On February 28<sup>th</sup>, Commission President Twinkle Cavanaugh and Wallace Jones, GPS Director, attended a Proclamation signing with Governor Kay Ivey. The Proclamation designated the month of April as "Safe Digging Month" for Alabama. Several members of the Alabama Underground Damage Prevention Authority also attended the event.

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UTILITY ENFORCEMENT DIVISION

In the absence of Scott Morris, Amanda Shehane reported from the Utility Enforcement Division on major activities during the month of February 2022.

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	28	201	2	269	147

The table below reflects track safety observations made in which no non-compliant conditions were identified. Seventeen roadway workers, bridge workers, and practices were observed.

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
27	19	12	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
4	12	151	0	836

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	1	0

There were two incidents reported by the National Response Center in February:

1. A one-gallon spill of ethylene glycol in Decatur on NS
2. A four-car derailment was possibly due to a broken rail in Evergreen on TNHR

RWS Staff joined in monthly strategy and training calls hosted by the FRA for their respective disciplines. These conference calls ensure consistency in regulatory enforcement between state and federal inspection forces. RWS inspectors also performed ten inspections jointly with FRA inspectors. All the inspections were performed in large rail yards where derailments are more common.

**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
13	12	1	2	8	11	40	38	26

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
333	16	14	3	25	36	276

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

UCR Applications		UCR Mail outs for 2022	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
39	8	3905	80	212	50

As of February 28, there were 8,691 Alabama carriers (73%) registered for 2022 UCR with 3,671 that remain unregistered. Our

office received funds from the UCR Depository for January online payments processed through the National Registration System (NRS) that came from 1,677 carriers that were domiciled in Alabama and some that were in non-participating states.

During February, the staff mailed six pending payment letters to carriers that created a voucher several weeks prior where payment had not been received for the 2022 UCR registration year.

In February, \$873 was collected for Focused Anomaly Reviews (FARs) audits for the 2022 UCR registration year.

The staff also assisted motor carriers in making necessary changes to their operating status with the Federal Motor Carrier Safety Administration (FMCSA). There were 16 MCS-150 forms processed indicating that five motor carriers' USDOT numbers were deactivated and 11 forms contained updates to carriers' USDOT number data.

The staff received one For Non-Profit (FNP) quarterly report from an FNP carrier for the fourth quarter of 2021.

A total of 171 household goods and passenger 2021 annual reports were mailed to carriers.

In February, there were two passenger tariffs for On Time Taxi, LLC (C4131) and Enterprise Rescue, Inc. (C4136) that were accepted. One passenger supplement tariff for Rush Hour Transit, Inc. (C4095) was accepted and one contract with rates for Able Non-Emergency Medical Transport Service, LLC (P651) was also accepted.

The staff attended one passenger carrier hearing for the following company:

- Gregory Sargent d/b/a Southern Transportation - no protestants

There was one telephone call and two e-mails related to transportation network companies for February.

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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, 2022, is 6.08 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 February 2022 energy cost applicable to Rate ECR was under-recovered by \$9,632,924.

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Mr. Free reported on Informal Docket U-4016, On March 15, 2022, Alabama Power filed with the Alabama Public Service Commission ("the Commission") a petition seeking approval to withdraw Rate Rider PV (Photovoltaics). Rate Rider PV was authorized by the Commission in July of 1999 as an option for customers interested in supporting the development and procurement of photovoltaic energy resources. Customers instead have opted to support photovoltaic deployment in other ways, and Rate Rider PV currently has no active customers. The proposed administrative action would become effective immediately with the entry of an order by the Commission, and recommended granting approval of petition.

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

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LEGAL DIVISION

Judge Young reported from the Legal Division Agenda on Informal Docket C-20150, Petition of Touch of Class Limousine and Transport, Inc., of Montgomery, Alabama, for reinstatement of motor carrier certificates 3242, 3654 and FNP B-25 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage, and recommended granting reinstatement of the petition.

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

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Judge Young reported on Informal Docket C-20235 and Formal Docket 32929, Petition of Robert Pugh Beck d/b/a R & B Trucking, of Letohatchee, Alabama, to suspend operations under motor carrier certificate F5165 (Docket 32929) for a period of one year. Motor carrier certificate F5165 was revoked by Commissioner order dated February 1, 2022, due to petitioner failure to maintain proper proof of liability and cargo insurance coverage (Informal Docket C-20235), and recommended granting reinstatement of motor carrier certificate F5165 (Informal Docket C-20235) for the sole purpose of suspending Certificate F5165 in good standing (Docket 32929). Grant one-year suspension.

Upon motion by Commissioner Cavanaugh and seconded by



Commissioner Oden, the Commissioners voted unanimously to accept the recommendation.

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Judge Young reported on Formal Dockets 32648 and 32678, Petition of Bay Carriers, LLC d/b/a, Christopher's Moving and Storage, of Red Bay, Alabama for cancellation of motor carrier certificates 4066 and F5032 and recommended granting cancellation of certificate as requested.

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

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Judge Young reported on Formal Docket 33094, Petition of JVD Hauling, LLC of Robertsdale, Alabama, for cancellation of motor carrier certificate F5244, and recommended granting cancellation of certificate as requested.

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

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Judge Young reported on Formal Docket 30218 and Informal Docket C-14150, Petition of MCA Trucking, Inc., ("MCA"), of Wilmer, Alabama for cancellation of motor carrier certificate F3630 (Docket 30218). MCA also has approval of cargo self-insurance authority in Informal Docket C-14150, and recommended grant cancellation as requested (Docket 30218) and grant cancellation of cargo self-insurance authority in Informal Docket C-14150.

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

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

Formal Docket 33208, Show Cause proceeding for Energy Systems Southeast LLC ("Energy Systems") of Birmingham, Alabama, for failure to respond to audit inquires for 2021 Unified Carrier Registration. Commission order dated February 2, 2022 directed Energy System to provide the required documentation and to appear

at hearing on March 23, 2022. Energy Systems failed to provide documentation and failed to appear at the hearing, and recommended issuance of an order suspending the UCR registration of Energy Systems Southeast LLC for all active years.

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 from the Legal Division on Formal Docket 33231, Alabama Public Service Commission v. Delinquent Companies. Show cause proceeding to address the failure of numerous entities to pay Inspection and Supervision ("I&S") fees for fiscal year 2021 despite numerous notices, and recommended establishment of a show cause hearing requiring the offending entities to appear and show cause as to why their certificate should not be revoked for their failure to comply with the statute requiring the payment of I&S fees.

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

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Judge Bentley reported on Formal Docket 22682, Show Cause Proceeding to address compliance failures of Asset Management Professionals, LLC, and recommending dismissal of Asset Management Professionals, LLC which has now remedied all identified compliance failures.

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

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Judge Bentley reported on Formal Docket 31733, Move & Store, LLC of Birmingham, Alabama, for a waiver from the Rule 3.22 prohibition against having a trade name appear on its vehicles in larger lettering than the name under which the certificate was issued, and recommended granting approval of a temporary waiver (two years) from the Rule 3.22 prohibition against having a trade name appear on its vehicles in larger lettering than the name under which the certificate was issued.

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 Formal Docket 32925, Moovmo, LLC obtained authority to operate as a transportation network company ("TNC") on October 18, 2019 (Permit TNC-3). Moovmo, LLC later petitioned for an receive approval to suspend its TNC authority until June 30, 2021. Moovmo, LLC has failed to seek further suspension or to renew its TNC permit, and recommended revocation of Permit TNC-3, Moovmo, LLC authority to operate as a transportation network company certificate.

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 17238, Rule 3 of the Motor Carrier General Orders Rules and Regulations includes requirements for identification of vehicles. Rule 3.5 allows the Chief of the Enforcement Division to approve written requests for "special provisions" for external lettering on luxury passenger-carrying vehicles." The Commission no longer has a Chief of the Enforcement Division. Commission order dated January 7, 2022 initiated a rulemaking proceeding to modify Rule 3.5 to change the approval authority from Chief of the Enforcement Division to Director of the Utility Enforcement Division. The Commission received no comments on the proposed order, and recommended granting approval of proposed rule.

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 reported on from the Legal Division Off Agenda Items on Formal Docket 33072, Leslie M. Stone d/b/a K3C Transportation ("K3C Transportation"), of Montgomery, Alabama, received provisional authority to operate as a passenger carrier. The one-year term of that provisional authority has expired and K3C Transportation has failed to request permanent authority, and recommended granting revocation of certificate.

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

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Judge Garner reported on Formal Docket 33201, Cody Tucker,

Complainant v. Alabama Power Company, Respondent. The Complaint generally alleges that certain of Alabama Power Company's practices related to the maintenance of customer service drops is inadequate and unfair. Alabama Power filed a Motion to Dismiss the Complaint. Mr. Tucker filed a Reply to Alabama Power's Motion to Dismiss, and recommended dismissal of the Complaint. The Complainant failed to assert sufficient facts to demonstrate that Alabama Power potentially violated a rule, regulation or order of the Commission.

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

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Judge Garner recommended approval of the administrative item.

Upon motion by Commissioner Beeker 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, May 3, 2022.

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There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:38 a.m.



Walter L. Thomas, Jr.  
Secretary