The June 2022 meeting of the Alabama Public Service Commission was held on Tuesday, June 14, 2022, 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 10:02 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 and Suellen Young, Administrative Law Judges; Chad Mason, Attorney; Wallace Jones, Gas Pipeline Division Director; Jeff Johnston, Utility Services Division Director; John Free, Electricity Policy Division Director; Donald Powell and Patricia Smith, Public Utility Analyst Managers; Aquilla Spivey, Consumer Service Manager; Amanda Shehane, Transportation Manager; Tanya Champion, Jennifer Lyle-Mattox and Ashia Rainey, Public Utility Analysts; Chris Hester, Railway Safety Administrator; 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; Dana Cheek, IT Programmer; Jerry Delancey and Tashenma Lawrence Administrative Assistants; Walter L. Thomas, Jr., Secretary of the Commission.

Commissioner Cavanaugh noted that the public was informed of today's Commission meeting by notice dated April 27, 2022.

Commissioner Oden introduced Donald Powell, who opened the meeting with prayer and led the audience in the Pledge of Allegiance.

Commissioner Cavanaugh then open the floor for a motion to approve the minutes of the May 3, 2022 Commission Meeting.

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

UTILITY SERVICES DIVISION

Mr. Johnston reported on the Utility Service Division on
Consumer Service Complaint Inquiries for the period May 2022 was as follows: Alabama Power Company had eight residential inquiries and one business inquire, Spire Alabama had two residential and Spire Gulf had one. There were a total of seventeen telecommunication inquiries consisting of three under Public Service Commission jurisdiction, twelve referred back to the companies since the companies waived jurisdiction and two which were not under PSC jurisdiction.

* * *

Mr. Johnston reported on RSE for Spire Alabama Inc., the projected RSE return on average common equity for the rate year ending September 30, 2022, was 9.53 percent, which was below the authorized range and results in no adjustment to rates. The authorized return on average common equity is 10.15 percent to 10.65 percent.

* * *

Mr. Johnston reported on RSE for Spire Gulf Inc., the projected RSE return on average common equity for the rate year ending September 30, 2022, was 8.79 percent, which was below the authorized range and results in no adjustment to rates. The authorized return on average common equity is 9.70 percent to 10.30 percent.

* * *

Mr. Johnston then reported on the following dockets for approval of Interconnection Agreements pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, and recommended approval of the Agreements as follows:

Informal Docket U-5422, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Teliax, Inc.;

Informal Docket U-5423, Communications Venture Corporation d/b/a Indigital and Windstream Alabama, LLC; and

Informal Docket U-5424, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Frontier Communications of the South, LLC.

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

* * *

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

Informal Docket U-3943, BellSouth Telecommunications, LLC d/b/a Alabama or AT&T Southeast and Level 3 Communications, LLC;

Informal Docket U-4450, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast, and CenturyLink Communications, LLC d/b/a CenturyLink and CenturyLink Communications, LLC d/b/a Lumen d/b/a Lumen Technologies d/b/a Lumen Technologies Group;

Informal Docket U-4585, ACN Communications Services, LLC and BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast; and

Informal Docket U-4865, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Level 3 Telecom of Alabama, LLC.

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

* * * *

Mr. Johnston then reported from the Utility Service Division Agenda on Formal Docket 13514, Approval of a petition to amend the existing Certificate of Public Convenience and Necessity authorizing extension of service to an area that has never been included in the incumbent local exchange service of any other carrier authorized by the Commission. This will provide enhanced service to existing and future residents in the area. No consumers will be negatively affected, and recommended granting approval of the petition.

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

* * * *

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

* * * *

GAS PIPELINE SAFETY DIVISION

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

<table>
<thead>
<tr>
<th>Standard Inspection</th>
<th>Construction</th>
<th>IMP/DIMP Operator Qualification</th>
<th>Incident Section</th>
<th>Damage Prevention</th>
<th>Control Room</th>
<th>Follow-Up</th>
<th>Total Inspections</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>13</td>
<td>2</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>46</td>
</tr>
</tbody>
</table>

From the forty-six (46) inspections shown above, three (3) enforcement letters of notification were issued, noting four (4) non-compliance issues. One (1) non-compliance item was corrected during the month of April.

Incidents/Accidents

Three (3) state-reportable incidents were reported during the month of April:
- 4/16/2022 - Spire - Alabama (Moody) - Lightning struck a tree and followed roots to plastic service line; burned two 5/8” plastic service lines
- 4/18/2022 - Spire - Alabama (Birmingham) - Leak on 2 ¾” cast iron main; resulted in outage to 26 residential customers
- 4/18/2022 - Spire - Alabama (Tuskegee) - Lightning strike resulted in burn hole in 2” plastic main; leak ignited and burned approximately 2 hours

4/13/2022 - Williams (Transco) (interstate) - Investigators responded to an explosion on Williams’ pipeline in Sweet Water, AL; after responding, it was determined to be a non-jurisdictional pipeline for Alabama and PHMSA took over the investigation.

Training

Two (2) operator/contractor training sessions on Polyethylene (PE) plastic fusion were conducted during the month of April:
- 4/13/2022-Cullman-Jefferson Gas & Contractors 29 Personnel Qualified
- 4/19/2022-Leak City (Athens) 23 Personnel Qualified

Miscellaneous

Mr. Wallace Jones, Gas Pipeline Safety (GPS) Division Director, Mr. Greg Meadows, Mr. Daniel Trapp and Mr. Jonathan Kimbril, Pipeline Safety Investigations Supervisors attended the 2022 National Association of Pipeline Safety Representatives (NAPSR) Southern Region Conference in Lexington, Kentucky on April 11 - 15, 2022. Representatives from all the Southern Region states (North Carolina, South Carolina, Florida, Alabama, Mississippi,
Tennessee, Georgia and Kentucky) and Puerto Rico were in attendance to discuss updates to the Federal regulations. Several new statutes and laws have come out in recent months, and this led to some very informative topics. The Pipeline and Hazardous Materials Safety Administration (PHMSA) has several speakers on hand to answer questions.

The annual audit by PHMSA of the GPS hazardous liquid program was scheduled for the week of April 25th, but due to illness the PHMSA representative was unable to travel. Since the intended operator had personnel coming in from out-of-state, Mr. David Appelbaum, State Evaluator, chose to conduct a virtual inspection with Mr. Kimbril and his crew at Plains Pipeline in the Mobile area. The virtual inspection worked very well, and Mr. Appelbaum was able to complete that segment of his audit. The final segments will be conducted in the GPS offices during the week of May 9th.

* * *

UTILITY ENFORCEMENT DIVISION

Scott Morris reported from the Utility Enforcement Division on major activities during the month of April 2022.

RAILWAY SAFETY

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

<table>
<thead>
<tr>
<th>Rail Carriers Visited</th>
<th>Regular Track Inspections</th>
<th>Track Defects Identified</th>
<th>Violations Recommended</th>
<th>Track Miles Inspected</th>
<th>Track Turnouts Inspected</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>25</td>
<td>119</td>
<td>1</td>
<td>341</td>
<td>230</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Railroad Bridge Observations</th>
<th>Roadway Worker Protection</th>
<th>Roadway Maintenance Machines</th>
<th>Bridge Worker Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>17</td>
<td>9</td>
<td>0</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Rail Carriers Visited</th>
<th>Regular Eqpt. Inspections</th>
<th>Defects Identified</th>
<th>Violations Recommended</th>
<th>Number of Units Inspected</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>15</td>
<td>71</td>
<td>0</td>
<td>479</td>
</tr>
</tbody>
</table>
The table below shows observations completed by the MP&E Inspector in which no non-compliant condition was identified.

<table>
<thead>
<tr>
<th>Air Brake Tests</th>
<th>Blue Flag Protection</th>
<th>End of Train Devices</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

There were three incidents reported by the National Response Center (NRC) in April:

1. An employee fatality (believed to be natural causes) was reported in Birmingham on CSX
2. A vehicle was struck at a crossing with no injuries in Anniston on NS
3. A vehicle was struck at a crossing with unknown injuries in Bessemer on NS

Track inspectors Mr. Heath Thompson and Mr. Chris Hester attended the FRA Track Symposium and completed their required FRA Recurrent Training in St. Louis, MO during the week of April 4th. The FRA initiated a system-wide focused inspection across all NS properties. Track inspectors completed their inspections during the weeks of April 18th and 25th. All the NS properties in Alabama were inspected by either state or federal inspectors during that time.

**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:

<table>
<thead>
<tr>
<th>Vehicle Registration Numbers</th>
<th>Intrastate Applications</th>
<th>NOL Processed/Closed Intra Applications</th>
<th>Under Legal Division Review</th>
<th>New Authority Approved</th>
<th>Motor Carrier Authority Inquiries</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Processed</td>
<td>Returned</td>
<td></td>
<td></td>
<td>Phone</td>
</tr>
<tr>
<td>16</td>
<td>10</td>
<td>5</td>
<td>1</td>
<td>7</td>
<td>6</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Insurance Filings Received</th>
<th>Revocation Orders</th>
<th>Reinstatement Orders</th>
<th>Miscellaneous Actions</th>
<th>Letters Sent</th>
<th>Insurance Inquiries</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Phone</td>
<td>E-mails</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>247</td>
<td>33</td>
<td>232</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Section addressed the following Unified Carrier Registration (UCR) responsibilities:

<table>
<thead>
<tr>
<th>UCR Applications</th>
<th>UCR Mail outs for 2022</th>
<th>UCR Audit Correspondence</th>
<th>UCR Inquiries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received</td>
<td>Returned</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>0</td>
<td>183</td>
<td>69</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As of April 30, there were 9,498 Alabama carriers (78%) registered for 2022 UCR with 2,756 that remain unregistered. Our office received funds from the UCR Depository for March online payments processed through the National Registration System (NRS) that came from 594 carriers that were domiciled in Alabama and some that were in non-participating states.

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

MCS staff attended the UCR Board call and the UCR Board Audit Subcommittee call that were held in April.

The staff received 17 For Non-Profit (FNP) quarterly reports from FNP carriers for the first quarter of 2022.

There were 47 annual reports for 2021 received in April.

In April, there were two emergency fuel surcharge supplements granted for one month to Armstrong Relocation Company, Huntsville, LLC (C3589) and Armstrong Transfer & Storage Co., Inc. d/b/a Armstrong Relocation (C618).

A few UED staff and legal division staff met with a representative from Alabama Law Enforcement Agency (ALEA) to discuss APSC transportation rules and regulations. ALEA is assisting with the rule-making process for the Alabama Medical Cannabis Commission. Staff discussed what intrastate authority requirements are and how they would relate to transporters of medical cannabis in the state of Alabama

FIELD SERVICES

The Field Services Section (FSS) staff inspected Community Utilities facilities used to provide wastewater treatment for five residents of The Preserve at Lake Mitchell. The system appeared in good condition with no discrepancies noted during the inspection.

Staff also inspected nine cluster systems providing wastewater treatment for Windemere Cove RV Resort residents located in
Section, AL managed and maintained by O’Brien Environmental. The systems were in overall good condition with no major issues noted at the time of the inspection.

While on site at Windemere Cove, water facilities managed by Lakeside Leisure LLC providing potable water to the residents were also inspected. No discrepancies were noted during this inspection.

Staff visited Central Water Works just south of Flomaton to inspect facilities providing potable water to 175 Alabama residents. While the system took two major lightning strikes to a 6-inch main, both strikes causing major water loss, the system was repaired in record time and no visible defects were noted at the time of this inspection.

* * *

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 6.34 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 March 2022 energy cost applicable to Rate ECR was under-recovered by $1,528,936.

* * *

Mr. Free reported on Informal Docket U-3013, On May 31, 2022, the Alabama Municipal Electric Authority ("the Authority"), filed with the Alabama Public Service Commission ("the Commission") a Limited Assignment Agreement ("the Assignment Agreement"). The Assignment Agreement provides for the assignment of certain rights and obligations under the Amended and Restated Power Supply Agreement between the Authority and Alabama Power Company. The Limited Assignment Agreement will facilitate contracts that the Authority is expected to enter into with financial institutions in order to effectively pre-pay for portions of the energy to be purchased by the Authority under the Amended and Restated Power Supply Agreement in such manner as will result in power supply expense savings for the Authority, and recommended granting approval of agreement.

Upon motion by Commissioner Beeker and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.
Judge Young reported from the Legal Division Agenda on the following dockets:

Formal Docket 33244, Application of Pink Zebra Moving, LLC, of Vestavia, Alabama, for a certificate to transport household goods, and recommended granting certification and approval of tariff; and

Informal Docket C-20303, Petition of Coffee Auto Repair, LLC, of New Brocton, Alabama, for approval of cargo self-insurance, and recommended granting approval of petition;

Informal Docket C-20248, Petition of McCord Transportation LLC of Albertville, Alabama for reinstatement of Motor Carrier Certificate F5274 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage, and recommended granting reinstatement;

Informal Docket C-20282, Petition of Edward Blackmon d/b/a Blackmon Transportation Service of Birmingham, Alabama for reinstatement of Motor Carrier Certificate F2647 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-20255, Petition of PowerMoves, LLC of Huntsville, Alabama for reinstatement of motor carrier certificate 4105 which was revoked due to Petitioner's failure to maintain proper proof of cargo insurance coverage, and recommended granting reinstatement of petition;

Formal Docket 33203, Johnny McDowell Sr., d/b/a Skinners Transportation Service of Northport, Alabama for an extension if time to make the required filings, and recommended granting additional 60 days to allow applicant to make the required filings;

Formal Dockets 32869 and 32942, Motor carrier certificate 4088 and FNP A-93 held by My Kiddie Cab, LLC ("My Kiddie Cab") of Madison, Alabama was suspended by Commission order dated April 12, 2021, for a period of one year. My Kiddie Cab has failed to notify the Commission of its intent to recommence operations or relinquish motor carrier certificates 4088 and FNP A-93 despite a request by Commission staff to do so, and recommended granting cancellation on 30-days' notice; and

Formal Docket 26788, Petition of J.R.'s Trucking, Inc., of Brewton, Alabama for cancellation of motor carrier certificate
F1600, and recommended granting cancellation as requested.

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

* * * *

Judge Bentley reported from the Legal Division Agenda on Informal Docket C-20278, Petition of Harry’s Excavating & Septic Tank, Inc., of Cottondale, Alabama, for reinstatement of motor carrier certificate F4965 which was revoked due to petitioner’s failure to maintain proper proof of liability and cargo insurance coverage, and recommended granting reinstatement of petition;

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

* * * *

Judge Bentley reported from the Legal Division Agenda on Formal Docket 32669, Motor carrier application of Oxford Emergency Medical Services, Inc., d/b/a Oxford Emergency Medical Services (“Oxford Emergency Medical Services”) of Oxford, Alabama for a certificate to transport passengers. The applicant has been set for hearing on three separate occasions but postponed upon request of the applicant. No further correspondence has been received and Oxford Emergency Medical Services has not contacted the Commission, and recommended granting dismissal of application.

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

* * * *

Judge Bentley reported from the Legal Division Agenda on Formal Docket 33231, Alabama Service Commission (“APSC”) v. Delinquent Companies. Show cause proceeding established to address the failure of numerous entities to pay Inspection and Supervision fees for FY2021 despite numerous notices A show cause hearing was held on May 10, 2022 in this matter to give those entities an opportunity to appear and show cause why their respective certificates of public convenience and necessity should not be revoked for their failure to pay the required fees, and recommended issuance of an order revoking certificates of the entities that have not paid the required Inspection and Supervision fees and did not appear at the May 10, 2022 show
cause hearing. Said entities may achieve reinstatement upon payment of $100 for each month the required fees are delinquent. Further recommend that all entities that have now paid the Inspection Supervision fees be dismissed from this proceeding.

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

*

Judge Bentley reported from the Legal Division Agenda on Formal Docket 33228, Application of ExteNet Asset Entity, LLC, of Lisle, Illinois, for a certificate to provide telecommunications service in the state of Alabama. A hearing was held on April 23, 2022, in which Commission Staff participated, and recommended granting approval of application.

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

*

Judge Bentley then reported from the Legal Division on Formal Docket 33197, Petition of Seatus Technologies, LLC d/b/a Wyth ("Wyth"), a permitted Transportation Network Company ("TNC"), for a temporary waiver from Rule TNC-7 and Rule-3(d). Rule TNC-7 specifies the requirements for vehicle inspections for TNC drivers. Rule TNC-3(d) requires TNCs to perform checks on the TNC drivers on its platform. The petition states that such regulations would cause substantial harm to Wyth when providing what it refers to as a carpool service. The petition did not provide any other basis for the waiver or explain how Wyth would provide for safe TNC service, which is the purpose of these regulations, if the Commission granted the requested waiver, and recommended denial of petition.

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

*

Judge Garner recommended approval of the administrative items.

Upon motion by Commissioner Beeker and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.
Commissioner Cavanaugh concluded with stating that the next Commission meeting is scheduled for Tuesday, July 12, 2022.

There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:32 a.m.

Walter L. Thomas, Jr.
Secretary