

MINUTES OF A MEETING
OF THE
ALABAMA PUBLIC SERVICE COMMISSION
HELD TUESDAY, AUGUST 2, 2022

The August 2022 meeting of the Alabama Public Service Commission was held on Tuesday, August 2, 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 10:01 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; Scott Morris, Enforcement Division Director; Patricia Smith, Public Utility Analyst Manager; Aquilla Spivey, Consumer Service Manager; Amanda Shehane, Transportation Manager; Tanya Champion, Jennifer Lyle-Mattox, Ashia Rainey, Stacie Berry and Dee Newman, Public Utility Analysts; William Partlow, Staff Accountant; Debbie Williams, Executive Assistant to Commissioner Cavanaugh; Lindsey Ward, Technical 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, Tashenma Lawrence and Felisa Webster, Administrative Assistants; 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 July 6, 2022.

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Commissioner Cavanaugh introduced Commissioner Beeker, 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 July 12, 2022 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. Johnston reported on the Utility Service Division on Consumer Service Complaint Inquires for the period July 2022 was as follows: Alabama Power Company had forty-eight residential inquires and one business, Spire Alabama had three residential inquires and Spire Gulf had none. There were a total of twenty-six telecommunication inquires consisting of three under Public Service Commission jurisdiction, twenty referred back to the companies since the companies waived jurisdiction and three which were not under PSC jurisdiction.

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Mr. Johnston reported on RSE for Spire Alabama Inc., based on preliminary figures as of June 30, 2022, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 9.63 percent and this is below the authorized range. 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., based on preliminary figures as of June 30, 2022, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 8.84 percent and this is below the authorized range. The authorized return on average common equity is 9.70 percent to 10.30 percent.

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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-4277, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Telepak Networks, Inc.;

Informal Docket U-4277, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Telepak Networks, Inc.;

Informal Docket U-4509, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Hayneville Fiber Transport, Inc., d/b/a Camellia Communications; and

Informal Docket U-5066, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Spectrotel of Alabama, LLC d/b/a Touchbase Communications.

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 Formal Docket 25980, Frontier Communications of the South, LLC, Petition of Frontier Communications of the South, LLC ("Frontier") for an Order Confirming Relinquishment of its Eligible Telecommunications Carrier (ETC) designation. Frontier's relinquishment of its ETC designation in Alabama is prompted by changes to the Universal service program at the federal level and the phasing-out of all high-cost universal service support, for which Frontier was formerly eligible. Frontier did not win and Rural Development Opportunity Fund locations in the state of Alabama and, therefore, is not required to maintain its ETC status in the state under that program, and recommending granting approval of the petition.

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

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Mr. Johnston then reported on Formal Docket 32449, Magna5 LLC, Changes the company name from Magna5 LLC to RingSquared Telecom LLC. Filed July 14, 2022 with an immediate effective date, and recommending granting approval of the name change.

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

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Mr. Johnson 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 for the Gas Pipeline Safety (GPS) Division on major activities during the month of June 2022.

Standard Inspection	Construction	IMP/DIMP	Operator Qualification	Incident	Damage Prevention	Section 114	Control Room	Follow-Up	Total Inspections
20	7	6	7	2	4	9		8	63

From the sixty-three (63) inspections shown above, ten (10) enforcement letters of notification were issued, noting twenty-one (21) non-compliance issues. Fourteen (14) non-compliance items were corrected during the month of June.

Incidents/Accidents

Three (3) state-reportable incidents and one (1) Pipeline and Hazardous Material Safety Administration (PHMSA)-reportable incident were reported during the month of June:

- 6/1/2022 - Jacksonville Gas Board - Pneumatic-piercing tool punctured 6" steel main; main was not located by Jacksonville employees
- 6/9/2022 - Trussville Water and Gas - Lightning struck service line to abandoned house; damage to storage building built over service line
- 6/16/2022 - Southeast Gas (Western Division) - Remodeling contractor for Walmart damaged fuel line inside building.
- 6/20/2022 - Spire - Alabama (Parrish, AL) - Landowner punched hole in 4" steel main with Front-end Loader bucket; equipment burned, and landowner hospitalized. PHMSA-reportable incident

Training

Two (2) operator/contractor training sessions on Polyethylene (PE) plastic fusion were conducted during the month of June:

- 6/22/2022 - Calera Gas Department 17 Personnel Qualified
- 6/28/2022 - Mobile Pipe and Welding 27 Personnel Qualified

Miscellaneous

Mr. Daniel Trapp, Pipeline Safety Investigations Supervisor, participated in "Successor Training" with Mr. Wallace Jones, Gas Pipeline Division Director on June 7 - 10, 2022. Mr. Jones has submitted his retirement request and Mr. Trapp has an interest in applying for the Director's position. Two other Pipeline Safety personnel will work with Mr. Jones in July and August.

A staff meeting of Gas Pipeline Safety (GPS) personnel was held on June 10, 2022. The main focus of this meeting was to go over the results of the just-completed PHMSA audit of GPS. Several new regulations and reports were also discussed.

Mr. Jonathan Kimbril, Pipeline Safety Investigations Supervisor, attended the Alabama Natural Gas Association (ANGA) Annual meeting in Orlando, Florida on June 11 -15, 2022. Mr.

Kimbril represented GPS at this meeting.

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UTILITY ENFORCEMENT DIVISION

Scott Morris reported from the Utility Enforcement Division on major activities during the month of June 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
9	17	60	0	191	92

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
37	8	9	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
6	11	132	0	518

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
1	3	0

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

1. A butadiene gas release was reported in Muscle Shoals on NS
2. A vehicle strike resulting in a fatality was reported in Birmingham on NS
3. A vehicle strike resulting in a fatality was reported in Birmingham on NS

UED staff conducted interviews and began the selection process for a new Railway Safety "Track" Inspector. This process involved in-person interviews and discussions with the FRA to ensure that the needs were met for the candidate to enter the training program as a journeyman inspector. The selection process was narrowed down to a couple of candidates, and we anticipate concluding our selection process and completing our hiring process in July.

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
9	8	0	0	6	7	65	50	25

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
332	20	9	4	50	42	331

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
1	0	169	0	45	6

As of June 30, there were 10,003 Alabama carriers (79%) registered for 2022 UCR with 2,574 that remain unregistered. Our office received funds from the UCR Depository for May online payments processed through the National Registration System (NRS) that came from 317 carriers that were domiciled in Alabama and some that were in non-participating states.

During June, the staff mailed one pending payment letter to a carrier that created a voucher several weeks prior where payment had not been received 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 two MCS-150 forms processed that contained updates to carriers' USDOT number data.

MCS staff attended the UCR Audit Training, the UCR Board meeting and the annual National Conference of State Transportation Specialists (NCSTS) held in Niagara Falls, NY.

The staff received one For Non-Profit (FNP) quarterly report from an FNP carrier for the first quarter of 2022. Also, during the month 72 FNP quarterly reports were sent by mail and e-mail for the second quarter of 2022.

There were 18 annual reports for 2021 received in June.

There was one emergency fuel surcharge supplement granted for one month to Armstrong Transfer & Storage, Co., Inc. d/b/a Armstrong Relocation (C618) in June.

There was one passenger carrier hearing held in May for Taylor's House of Camellias LLC d/b/a Taylor's House of Camellias Transportation.

MCS staff answered two phone calls and six e-mails related to transportation network companies during June.

Field Services

The Field Services Section (FSS) Staff inspected Community Utilities of Alabama's Windermere Lakeside Garden facilities in Bremen. This facility provides wastewater treatment for thirteen families in Cullman County. While this system had experienced a lightning strike a year ago, everything had been repaired and was functioning as designed with no discrepancies noted during the inspection.

Staff inspected Plantation Water, Inc. located in Eufaula. Plantation purchases water from Baker Hill Water Authority and resells it to twenty-two residents of Hannah Court. One discrepancy was identified during this inspection and brought to the attention of the Management Entity. They assured staff that the issue would be corrected promptly.

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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 6.68 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 June 2022 energy cost applicable to

Rate ECR was under-recovered by \$102,346,329.

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LEGAL DIVISION

Judge Young then reported on the following dockets from the Legal Division Agenda:

Informal Docket C-20133, Petition of The Designated Driver, LLC of Eufaula, Alabama for reinstatement of motor carrier certificates FNP B-49 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage, and recommended granting reinstatement of the petition;

Informal Docket C-20311, Petition of Gardner Bulk and Transport, Inc., of Alabaster, Alabama for reinstatement of motor carrier certificate F5184 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage, and recommended granting reinstatement of the petition;

Informal Docket C-20297, Petition of JIST Trucking, LLC, of Creola, Alabama, for reinstatement of motor carrier certificate F3886 which was revoked due to Petitioner's failure to maintain proper proof of cargo insurance coverage, and recommended granting reinstatement of the petition;

Formal Docket 33203, Motor carrier certificate 4135 was issued to Johnny McDowell Sr., d/b/a Skinners Transportation Service ("Skinners Transportation Service"), of Northport, Alabama by Commission order dated February 2, 2022. Said order also required Skinners Transportation Service to file its tariff, obtain insurance and registration numbers and properly identify its vehicles. Skinners Transportation Service has failed to make the required filings, and recommended granting cancellation on 30 days' notice; and

Formal Dockets 24491 and 22460, Petition of Central Alabama Transport, Inc., of Tuscaloosa, Alabama for cancellation of motor carrier certificates F392 and P538, and recommended granting cancellation as requested.

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 33267, Application of All My Sons of Mobile LLC, of Mobile, Alabama for a certificate to transport household goods, and recommended granting certificate and approval of the tariff.

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

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Judge Brentley reported on Formal Docket 33231, APSC v. Delinquent Companies (that failed to timely pay inspection/supervision fees). The Companies has now received the inspection/supervision fee and late fee from BNSF Railway, and recommended granting reinstatement of BNSF Railway.

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

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Judge Garner recommended approval of the administrative items.

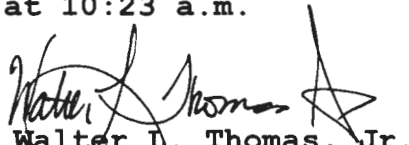
Upon motion by Commissioner Oden and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

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Commissioner Cavanaugh concluded with stating that the next Commission meeting is scheduled for Tuesday, September 13, 2022.

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There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:23 a.m.


Walter L. Thomas, Jr.
Secretary