The September 2022 meeting of the Alabama Public Service Commission was held on Tuesday, September 13, 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 10:00 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; Jeff Johnston, Utility Services Division Director; John Free, Electricity Policy Division Director; Patricia Smith and Donald Powell, Public Utility Analyst Managers; Chris Hester, Railway Safety Administrator; Tanya Champion, Jennifer Lyle-Mattox, Ashia Rainey, Stacie Berry and Dee Newman, Public Utility Analysts; William Partlow, Staff Accountant; Caleb Hicks, Communication and Public Relation Manager; Debbie Williams, Executive Assistant to Commissioner Cavanaugh; Mary Caitlyn Montgomery, Technical Assistant to Commissioner Beeker; Kaitlyn Rayborn, Executive Assistant III to Commissioner Beeker; Greg Poole Technical Assistant to Commissioner Oden; Kay Oswalt, Information Systems Manager; Chalandra Tolliver, IT Technician; Jerry Delancey and Tashemna 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 July 27, 2022.

Commissioner Oden introduced Mr. Greg Fanny, 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 August 2, 2022 Commission Meeting.

Upon being motioned by Commissioner Beeker and seconded by Commissioner Oden, the Commissioners voted unanimously to approve the minutes.
Mr. Johnston reported on the Utility Service Division on Consumer Service Complaint Inquires for the period August 2022 was as follows: Alabama Power Company had nineteen residential inquires, Spire Alabama had three residential inquires and one business inquire, Spire Gulf had two residential inquire. There were a total of fifty-seven telecommunication inquires consisting of eleven under Public Service Commission jurisdiction, thirty-six referred back to the companies since the companies waived jurisdiction and ten which were not under PSC jurisdiction.

Mr. Johnston reported on RSE for Spire Alabama Inc., based on preliminary figures as of July 31, 2022, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 9.60 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., based on preliminary figures as of July 31, 2022, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 8.62 percent. The authorized return on average common equity is 9.70 percent to 10.30 percent.

Mr. Johnston reported on the following dockets from the Utility Services Division on Informal Docket U-4002, Bay Gas Storage Company, LTD, Application for approval of Second and Third Amendments to Amended and Restated Firm Intrastate Transportation Service Agreement, and recommended granting approval of application.

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

Mr. Johnston reported on Formal Docket 32978, Nextera Energy Pipeline Holdings (Lowman), Inc., Application for approval to change name to NextEra Energy Pipeline (Lowman), LLC, and recommended granting approval of name change.

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

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Mr. Johnston reported on Formal Docket 18046 and 18328, Spire Alabama Inc., Application for approval to suspend the Operations of the Accelerated Infrastructure (AIM) Program for Rate Years 2022 and 2023, and recommended granting approval of suspension.

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

* * * * *

Mr. Johnston reported on Informal Docket U-5430, Spire Alabama Inc., Application for approval to Issue and Sell $175,000,000 principal Amount of Debt, and recommended granting approval of application.

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

* * * * *

Mr. Johnston reported on Informal Docket U-3609, Spire Gulf, Inc., Application for approval of Amended and Restated Intercompany Revolving Credit Agreements with Spire Inc., 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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Mr. Johnston reported on Informal Docket U-5429, Spire Gulf Inc., Application for approval to Issue and Sell $30,000,000 principal amount of debt, and recommended granting approval of application.

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

* * * * *

Mr. Johnston reported on Formal Docket 32193, Escambia Community Utilities, LLC, Request to increase water service rates
for residential and commercial customers. Staff has reviewed the filing and recommends that the filing be suspended for 180 days to and through March 30, 2023, and recommended granting approval of suspension.

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

* * * *

Mr. Johnston reported on Formal Docket 32873, Asbury Water System, Inc., request approval for water rate increase for all customers of Asbury Water System, Inc; Staff has reviewed the filing and recommend that the filing be suspended for 180 days to and through March 30, 2023, and recommended granting approval of suspension.

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

* * * *

Mr. Johnston then reported on the following dockets:

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

Informal Docket U-4406, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Harbor Communications, LLC;

Informal Docket U-5071, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Dovetel Communications, LLC d/b/a Syncglobal; and

Informal Docket U-5191, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Georgia Public Web, Inc.

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

* * * *

Mr. Johnston also reported on Formal Docket 25980, All Eligible Telecommunications Carriers, Implementation of the Universal Service Requirements of Section 54 of the Telecommunications Act of 1996 and 47 C.F.R. § 54.314. All Eligible Telecommunications Carrier (ETC) for high-cost Universal Service Funding seek certification of their eligibility and
expenditure for 2023 Universal Service Fund Connect America Fund and all high cost support, and recommending granting approval of the petition.

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

* * *

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

* * *

**GAS PIPELINE SAFETY DIVISION**

In the absence of Mr. Wallace Jones, Judge Garner reported for the Gas Pipeline Safety (GPS) Division on major activities during the month of July 2022.

<table>
<thead>
<tr>
<th>Standard Inspection</th>
<th>Construction</th>
<th>IMP/DIMP</th>
<th>Operator Qualification</th>
<th>Incident</th>
<th>Damage Prevention</th>
<th>Section 114</th>
<th>Control Room</th>
<th>Follow-Up</th>
<th>Total Inspections</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>3</td>
<td>8</td>
<td></td>
<td></td>
<td>5</td>
<td>10</td>
<td>3</td>
<td></td>
<td>44</td>
</tr>
</tbody>
</table>

From the forty-four (44) inspections shown above, six (6) enforcement letters of notification were issued, noting seven (7) non-compliance issues. Nine (9) non-compliance items were corrected during the month of July.

**Incidents/Accidents**

Two (2) state-reportable incidents were reported during the month of July:

- 7/11/2022 - Spire - Alabama (Montgomery) - Contractor struck an 8” high pressure main at Chantilly Parkway and Vaughn Road; no locate had been called for this particular work.
- 7/15/2022 - Spire - Alabama (Birmingham) - Contractor dug into 2” steel main; six customers without service; valid locate request, but no marks on ground.

**Training**

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

- 7/7/2022 - South Alabama Utilities 20 Personnel Qualified
- 7/12/2022 - Cullman-Jefferson Gas Dist. 19 Personnel Qualified
Miscellaneous

Mr. Jonathan Kimbril, Pipeline Safety Investigations Supervisor, participated in "Successor Training" with Mr. Wallace Jones, Gas Pipeline Division Director on July 5 - 8, 2022. Mr. Jones has submitted his retirement request and Mr. Kimbril has an interest in applying for the Director's position.

Mr. Jones attended his final meeting as a board member of the Alabama Liquefied Petroleum Gas Board on July 14, 2022. The new GPS Director, or someone else from the Public Service Commission, will fill the vacant position at a later date.

Mr. Jones, Mr. Kimbril, Mr. Greg Meadows, Pipeline Safety Investigations Supervisor, Ms. Asia Skillman, Engineering Graduate, Senior, and Mr. Shawn Emmons and Mr. Brett Cochran, Pipeline Safety Investigators, attended the Louisiana Pipeline Safety Conference in New Orleans, Louisiana on July 18 - 22, 2022. This conference included both Natural Gas and Hazardous Liquids regulation updates. The Alabama PSC's GPS is a co-sponsor of this event each year and assists the Louisiana staff in various aspects of the conference.

* * *

UTILITY ENFORCEMENT DIVISION

In the absence of Scott Morris, Chris Hester reported from the Utility Enforcement Division on major activities during the month of July 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>6</td>
<td>10</td>
<td>33</td>
<td>0</td>
<td>41</td>
<td>42</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>13</td>
<td>7</td>
<td>17</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>5</td>
<td>10</td>
<td>106</td>
<td>6</td>
<td>478</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>1</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

There were two incidents reported by the National Response Center (NRC) in July:

1. A clarified oil release was reported in Birmingham on NS
2. A vehicle strike resulting in unknown injuries was reported in Creola on NS

Six of the inspections performed in July were performed jointly with Federal inspectors. Three of these inspections were performed by track inspectors who assisted in the training of the recently hired federal inspector for the Birmingham territory. The other three inspections were performed by MP&E. During one of those inspections, RWS and FRA inspectors discovered that a rail carrier was continuing to use a defective locomotive after being made aware that it was defective and should have been removed from service. The discovery resulted in six counts being recommended for violation.

**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>14</td>
<td>7</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>6</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>Phone</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>168</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>E-mail</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7</td>
</tr>
</tbody>
</table>

As of July 31, there were 10,227 Alabama carriers (80%) registered for 2022 UCR with 2,536 that remain unregistered. Our office received funds from the UCR Depository for June online payments processed through the National Registration System (NRS) that came from 312 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 four MCS-150 forms processed that contained updates to carriers' USDOT number data.

MCS staff attended the UCR Board Finance Subcommittee call held in July.

The staff received 22 For Non-Profit (FNP) quarterly reports from FNP carriers for the second quarter of 2022.

At the beginning of July, staff mailed 25 certified delinquent letters to carriers that missed the annual report deadline. There were 27 annual reports for 2021 received during the month.

There was one household goods supplement tariff for Lambert Transfer & Storage Inc. (C604) and one household goods tariff for All My Sons of Mobile LLC (NEW) that were both accepted in July.

MCS staff, legal division staff and finance staff participated in a call with representatives from Lyft to discuss the audit of local assessment fees submitted to the APSC.

**Field Services**

The Field Services Section (FSS) Staff inspected Community Utilities of Alabama's Chase Springs wastewater treatment facility located in Huntsville. This facility provides wastewater treatment for forty-eight residents. The system was functioning as designed with no discrepancies noted during the inspection.

The Ridge wastewater treatment plant managed by Bio-Flo Inc. was also inspected. This large-capacity system provides services
for 420 seasonal residents. The ADEM permitted authority has increased from 60,000 gpd in 2019 to 100,000 gpd today to accommodate the residential growth. The system was functioning as designed with no discrepancies noted during this inspection.

Staff inspected Hiwannee Water Association's facilities which provide water to the thirty-two residents of Isney, AL. All visible aspects of their plant appeared in proper working order with no discrepancies noted during 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 6.83 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 July 2022 energy cost applicable to Rate ECR was under-recovered by $111,206,583.

* * * *

Mr. Free reported on Informal Docket U-4553, Alabama Power Company is requesting to freeze Rates LPLE, LPME and LPSE (Restricted Light and Power Service - Large, Medium, and Small), effective with the entry of an order by the Commission. The Company is making this request because the pricing signals of the all-electric Rates (LPLE, LPME and LPSE) no longer align with the prevailing seasonal nature of Alabama Power's operations. Rates LPLE, LPME and LPSE are what Alabama Power calls "all-electric rates", as they are intended for customers whose total energy requirements for lighting, power, space cooling, and space heating are supplied electrically through one meter, and recommended granting approval of request.

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

* * * *

Mr. Free also reported on the Informal Docket U-5397, On August 29, 2022, Alabama Power Company filed with the Alabama Public Service Commission a petition seeking an amendment of the Order issued in this docket on September 14, 2021. Alabama Power Company is requesting to increase the maximum aggregate principal amount or stated value of additional securities and industrial development revenue bonds authorized to be issued or incurred to $4 billion. Alabama Power Company currently has authority in
place to issue certain securities and incur obligations under industrial development bonds in an aggregate amount not to exceed $2.5 billion through 2023, and recommended granting of petition.

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

* * *

LEGAL DIVISION

Judge Young then reported from the Legal Division Agenda on Informal Docket C-20305, Petition of AAAnd... We Ride LLC, of Irvington, Alabama for reinstatement of motor carrier certificates 4094 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 Cavanaugh and seconded by Commissioner Oden, the Commissioners voted unanimously to accept the recommendation.

* * *

Judge Young reported on Formal Docket 33274, Show Cause proceeding for motor carriers who failed to file annual reports for 2021 operations. (Alabama Public Service Commission v. All Motor Carriers who failed to file Annual Reports for 2021 operations), and recommended issuance of order establishing show cause hearing for all motor carriers who failed to file Annual Reports for 2021 operations.

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

* * *

Judge Young then reported on Formal Docket 33243, Motor carrier application of AL Transit, LLC of Center Point, Alabama, for a certificate to transport passengers. A Report and Recommended Order (RRO) was entered in this cause on August 15, 2022 which recommended the application be denied. 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 filled 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.

* * * *

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

Informal Docket C-20320, Petition of J Nix Trucking LLC, of Thorsby, Alabama for reinstatement of motor carrier certificate F4800 which was revoked due to petitioner's failure to maintain proper proof of liability insurance coverage, and recommended granting reinstatement of certificate; and

Informal Docket C-20100, Petition of Hawk Transportation LLC, of Parsippany, New Jersey to change its company name to Standard Logistics Transportation LLC, and to reinstate motor carrier certificate F5051 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage, and recommended granting reinstatement in new company name.

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

* * * *

Judge Bentley reported on Formal Docket 33231, APSC v. Delinquent Companies (that failed to timely pay inspection/supervision fees). The Commission has received the inspection/supervision fee and late fee from Cathect Communications, Inc., and recommended granting reinstatement of Cathect Communications, Inc.

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

* * * *

Judge Bentley reported on Formal Docket 33192, The Commission conducted a generic proceeding to determine whether certain unregulated water providers met the statutory definition of "utility" subjecting them to Commission regulating. Following a comment period, on June 27, 2022 the Commission issued an order clarifying the criteria for utility status and finding that several water providers that participated in this proceeding are not public utilities. That order also required that each of the identified water providers which failed to submit sufficient
documentation during this proceeding either file a certificate of convenience and necessity as a public utility or submit evidence that it is not a public utility. As a result of that order, two additional water providers submitted documentation, and recommended issue an order finding that, based on provided documents, Freemanville Water System, Inc., and Mexia Water System, Inc., are not public utilities and therefore not subject to Commission regulation.

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

* * * * *

Judge Bentley reported on 30494, Central Water Works, Inc., ("Central Water") requests a finding that it is not subject to regulation by the Commission. In support of this request, Central Water provided documentation to show that it is a non-profit corporation that provides water service only to its own members, not to the general public. It also submitted its corporate governance documents as evidence that its members elect and may remove it board members, and recommended issue an order finding that, based on provided documents, Central Water Works, Inc., is not a public utility and therefore not subject to Commission regulation.

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

* * * * *

Judge Bentley reported on formal Docket 33261, Application of Accelecom Ga LLC, of Louisville, Kentucky for a certificate to provide telecommunications service in the state of Alabama. A hearing was held on August 9, 2022, in which Commission staff participated, and recommended granting approval of application.

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

* * * * *

Judge Bentley also reported on Formal Docket 33260, Application of EarthGrid PBC Corporation, of Richmond, California, for a certificate to provide telecommunications service in the state of Alabama. A hearing was held on August 9, 2022, 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.

* * * *

Hearing Officer Chad Mason, reported on Formal Docket 33276, On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act of 2021 ("IIJA 2021"). Specifically, IIJA 2021 amends the Public Utility Regulatory Policies Act of 1978 ("PURPA") Section 111(d) directing states to consider: 1) the promotion of cost recovery of demand-response and demand flexibility practices (IIJA 2021 §40431) and 2) the promotions of greater electrification of the transportation sector (IIJA 2021 §40431), and recommended entry of an order instituting generic proceeding so that comments can be sought and considered by the Commission on whether it should adopt the standards set forth in §§40104 and 40431 of IIJA 2021. Staff also recommends a 60-day comment cycle with comments due by or around November 12, 2022.

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

* * * *

Judge Garner recommended approval of the administrative items.

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

* * * *

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

* * * *

There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:36 a.m.

[Signature]
Walter L. Thomas, Jr.
Secretary