

MINUTES OF A MEETING  
OF THE  
ALABAMA PUBLIC SERVICE COMMISSION  
HELD TUESDAY, OCTOBER 4, 2022

The October 2022 meeting of the Alabama Public Service Commission was held on Tuesday, October 4, 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, Administrative Law Judge; Chad Mason, Attorney; Scott Morris, Utility Enforcement Division; Jeff Johnston, Utility Services Division Director; John Free, Electricity Policy Division Director; Patricia Smith and Donald Powell, Public Utility Analyst Managers; Aquilla Spivey, Consumer Service Manager; Amanda Shehane, Public Utility Analyst Manager; 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; Greg Poole Technical Assistant to Commissioner Oden; Kay Oswalt, Information Systems Manager; Chalandra Tolliver, IT Technician; 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 September 7, 2022.

\* \* \* \*

Commissioner Oden introduced Ms. Lindy Blanchard, 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 September 13, 2022 Commission Meeting.

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

\* \* \* \*

UTILITY SERVICES DIVISION

Mr. Johnston reported on the Utility Service Division on Consumer Service Complaint Inquires for the period September 2022 was as follows: Alabama Power Company had fourteen residential inquires and two business inquires, Spire Alabama had none, Spire Gulf had one residential inquire. There were a total of seventeen telecommunication inquires consisting of one under Public Service Commission jurisdiction, eight referred back to the companies since the companies waived jurisdiction and eight which were not under PSC jurisdiction.

\* \* \* \*

Mr. Johnston reported on RSE for Spire Alabama Inc., based on preliminary figures as of August 31, 2022, 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., based on preliminary figures as of August 31, 2022, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 8.75 percent. The authorized return on average common equity is 9.70 percent to 10.30 percent.

\* \* \* \*

Mr. Johnston reported on the Utility Service Division on Formal Docket 29688, Network Service Billing, Inc., Cancels Certificate of Public Convenience and Necessity and withdraws Tariffs. Certificate granted under this docket on August 5, 2005 for the provision of Interexchange and InterLata Toll Resale Service, with limited IntraLATA Toll Authority Telecommunications Services. By notice received September 7, 2022, the company stated it was no longer providing any telecommunications services to consumers in the State of Alabama; therefore, no customers would be directly affected by the cancellation, and recommended granting approval of application.

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

\* \* \* \*

GAS PIPELINE SAFETY DIVISION

Mr. Jonathan Kimbril, reported for the Gas Pipeline Safety (GPS) Division on major activities during the month of August 2022.

Standard Inspection	Construction	IMP/DIMP	Operator Qualification	Incident	Damage Prevention	Section 114	Control Room	Follow-Up	Total Inspections
12	4	1	7			9		2	35

From the thirty-five (35) inspections shown above, four (4) enforcement letters of notification were issued, noting four (4) non-compliance issues. There were no non-compliance items corrected during the month of August.

Incidents/Accidents

No incidents were reported during the month of August.

Training

Five (5) operator/contractor training sessions on Polyethylene (PE) plastic fusion and fire training were conducted during the month of August:

- 8/10/2022 - Dadeville Utilities (PE) 17 Personnel Qualified
- 8/16/2022 - Leak City (Athens) (PE) 21 Personnel Qualified
- 8/24/2022 - Riviera Utilities (PE) 49 Personnel Qualified
- 8/30/2022 - Leak City (Athens) (PE) 25 Personnel Qualified
- 8/30/2022 - Leak City (Athens) (Fire) 25 Personnel Qualified

Miscellaneous

Mr. Chad Mason, Legal Division, and Judge John A. Garner, Executive Director, met with Mr. Wallace Jones, Gas Pipeline Safety Division Director on August 17, 2022 to review the duties of the Administrator of the Alabama Underground Damage Prevention Authority (ALUDPA). Mr. Mason will begin working as Administrator of the ALUDPA until a new Director is hired to replace Mr. Jones.

The GPS Division participated in the Commission's Inventory Audit on August 19, 2022. No discrepancies were found during the audit.

The GPS Staff participated in, and assisted with, the Alabama Natural Gas Association's (ANGA) Fall Conference on August 29 - September 1, 2022. This conference involves many

different training classes for operations personnel and also presents an informal situation for the GPS staff to discuss current issues with the operators.

\* \* \* \* \*

UTILITY ENFORCEMENT DIVISION

Scott Morris, reported from the Utility Enforcement Division on major activities during the month of August 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
8	17	49	0	38	120

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
4	5	5	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	15	171	0	870

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 five incidents reported by the National Response Center (NRC) in August:

1. A 5-gallon sulfuric acid release was reported in Prattville on International Paper
2. A vehicle strike resulting in unknown injuries was reported in Birmingham on NS

3. An 18-wheeler strike resulting in no injuries was reported in Birmingham on NS
4. A trespasser strike resulting in a fatality was reported in Huntsville on NS
5. A small sulfuric acid (battery acid) release was reported in Birmingham on NS

RWS staff also responded to a complaint in Tuscaloosa concerning vegetation and dumping on railroad property. The complaint was investigated, and it was discovered the specific condition reported did not fall under our jurisdiction for regulatory enforcement. The complainant was informed of our findings and was advised to work with the city and the rail carrier directly in an attempt to find a resolution.

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
20	9	2	4	6	4	49	41	23

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

Insurance Filings Received	Revocation Orders	Reinstatement Orders	Miscellaneous Actions	Letters Sent	Insurance Inquiries	
					Phone	E-mails
329	24	11	2	53	43	310

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
0	0	352	25	74	10

As of August 31, there were 10,541 Alabama carriers (81%) registered for 2022 UCR with 2,477 that remain unregistered. Our office received funds from the UCR Depository for July online

payments processed through the National Registration System (NRS) that came from 280 carriers that were domiciled in Alabama and some that were in non-participating states. Alabama has now reached its cap for the 2022 UCR registration year. Going forward, all 2022 UCR payments will stay with the UCR Depository.

During August, 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.

In August, \$873 was collected for retreat audits and \$1,926 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 six MCS-150 forms processed indicating that two motor carriers' USDOT numbers were deactivated and four forms contained updates to carriers' USDOT number data.

MCS staff attended the UCR Board Industry Advisory Subcommittee call, UCR Education & Training Subcommittee call, and the UCR Board call all held in August.

The staff received one For Non-Profit (FNP) quarterly report from an FNP carrier for the second quarter of 2022.

There were three annual reports for 2021 received during the month.

There was one household goods supplement tariff for This Side Up Moving, Inc. (C3959) accepted in August.

There was one passenger carrier hearing held in August for Madison City Cab and Black Cars LLC which was protested.

Staff completed two compliance audits for the following carriers:

- GBPB, LLC d/b/a Black Tie Moving Services Huntsville, AL (C4111) - The carrier was advised to rectify some issues with its tariff and get them corrected before the next audit.
- American Safety Movers, Inc. (C4034) - The carrier was advised to remit \$160.36 for incorrect charges to the shipper.

The Commission received the local assessment fee audit results from the third-party auditors hired by Lyft, Inc. and Rasier, LLC (Uber). Both audits came back showing that the local assessment fees received by the Commission appear to be calculated and processed correctly.

### Field Services

The Field Services Section (FSS) Staff inspected three facilities of Community Utilities of Alabama's wastewater treatment plants: the Cottages at Eagle Point in Alexander City, Bolton Cove located in Equality, and the Cottages at Honeysuckle located in Eclectic. Each system was functioning as designed with no discrepancies noted during each inspection.

Two wastewater treatment plants managed by Integrated Wastewater Management Inc. were inspected. The James Hill facility provides wastewater treatment for 213 customers. At the time of this inspection, serious discrepancies were discovered allowing sewage to spill onto the ground. A clog in between two portions of the system had the system backed up. Also, a pump used to aerate the system, was down adding to the problem. The clog was addressed immediately and a pump was already on order. The system began operating normally after repairs were made. The second system inspected was Legacy Point located in Northport. While the system was operating normally, tall weeds and limbs from trees cluttered the area making it hard to inspect. A thirty-day suspense was issued, but the company had the area cleared within three days.

Staff inspected Escambia Community Utilities LLC's facilities which provide water to the 505 residents of the Canoe and Huxford communities. All visible aspects of their plant appeared in excellent 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 6.90 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 August 2022 energy cost applicable to Rate ECR was under-recovered by \$88,894,706.

\* \* \* \*

Mr. Free reported on Informal Docket U-3170, Alabama Power Company is requesting to modify its Rules and Regulations for Electric Service to include a new Rule 1.15. The new rule would state the Company's longstanding policy regarding the customer's responsibility to keep tree branches and other vegetation from potentially interfering with the overhead service line that runs between a pole and the service connection at the customer's

premises, and recommended granting approval of modification.

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

\* \* \* \*

Mrs. Smith also reported on the Formal Docket 32382, Consistent with the requirements of the Certificate of Convenience and Necessity granted in Docket No. 32382, Alabama Power Company ("the Company") is proposing two fifteen-year Energy Purchase Agreements in connection with the Walker Springs I & II Solar Projects. The projects will be constructed, owned, operated, and maintained by Alabama Solar G, LLC and Alabama Solar H, LLC. Detailed project information was submitted to the Alabama Public Service Commission ("the Commission") Staff on September 1, 2022. As part of its proposal, the Company is also requesting approval of two customer participation contracts (Renewable Subscription Program) between Alabama Power and Mercedes-Benz U.S. International, Inc. ("Mercedes"). Mercedes has subscribed to 100% of the environmental attributes related to Walker Springs I and 77.92% of Walker Springs II. The Staff has reviewed the information provided by the Company, together with other information obtained throughout the review process, and has determined that the Walker Springs I & II Solar Projects meet the criteria specified in the Certificate granted in Docket No. 32382. The Staff likewise finds the customer participation contracts to be in furtherance of the objectives of Docket No. 32382. If approved by the Commission, the Walker Springs I & II Solar Projects are expected to commence commercial operation on or before June 30, 2025, and recommended granting approval of agreement.

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

\* \* \* \*

LEGAL DIVISION

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

Informal Docket C-20309, Petition of Courier Express/Birmingham, Inc., of Birmingham, Alabama for reinstatement of motor carrier certificates F1053 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;

Formal Docket 33045, Petition of Needham Farms, Incorporated, of Cullman, Alabama to suspend operations under motor carrier certificate F5218 for an additional period of one year. Motor carrier certificate F5218 was suspended for a period of one year by Commission Order entered in this Docket dated September 15, 2021, and recommended granting additional one-year suspension;

Informal Docket C-20410, Petition of David Eddy Trucking, LLC, of Moulton, Alabama for approval of cargo self-insurance, and recommended granting approval of petition;

Informal Docket C-20356, Petition of David Eddy Trucking, LLC, of Moulton, Alabama for reinstatement of motor carrier certificate F3998 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage, and recommended granting reinstatement of petition; and

Informal Docket C-20340, Petition of Sullivan Contracting Inc., of Northport, Alabama for reinstatement of motor carrier certificate F3912 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 Beeker, the Commissioners voted unanimously to accept these recommendations.

\* \* \* \*

Hearing Officer Chad Mason, reported on Formal Docket 33268, On July 25, 2022, Bradley R. Hightower ("Complainant") filed a formal complaint ("Complaint") against Alabama Power Company ("Alabama Power"). Complainant alleged Alabama Power violated the General Rules of the Alabama Public Service Commission. After discussions with counsel for Alabama Power, where counsel provided Complainant with additional information, Complainant has requested a voluntary dismissal of its Complaint, and recommended dismissal of Complaint.

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.

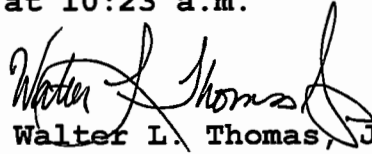
Upon motion by Commissioner Beeker and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

\* \* \* \*

Commissioner Cavanaugh concluded with stating that the next Commission meeting is scheduled for Tuesday, November 1, 2022.

\* \* \* \*

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

  
Walter L. Thomas, Jr.  
Secretary