

MINUTES OF A MEETING
OF THE
ALABAMA PUBLIC SERVICE COMMISSION
HELD TUESDAY, NOVEMBER 1, 2022

The November 2022 meeting of the Alabama Public Service Commission was held on Tuesday, November 1, 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; Scott Morris, Utility Enforcement Division; Jeff Johnston, Utility Services Division Director; John Free, Electricity Policy Division Director; Jonathan Kimbril, Acting Gas Pipeline 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 Public Utility Analysts; 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 to Commissioner Beeker; Greg Poole Technical Assistant to Commissioner Oden; Kay Oswalt, Information Systems Manager; Chalandra Tolliver, IT Technician; Tashenma Lawrence, 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 September 28, 2022.

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Commissioner Beeker introduced Ms. Debra Davis, Deputy County Commissioner of Alabama Commission of Senior Services led the audience in the Pledge of Allegiance and closed with a prayer.

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Commissioner Cavanaugh then open the floor for a motion to approve the minutes of the October 4, 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 October 2022 was as follows: Alabama Power Company had sixteen residential inquires, Spire Alabama had three residential inquires, Spire Gulf had one residential inquire. There were a total of thirty-one telecommunication inquires consisting of eight under Public Service Commission jurisdiction, eighteen referred back to the companies since the companies waived jurisdiction and five 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 September 30, 2022, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 9.55 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. The preliminary indication is that the company ended Rate year 2022 below the Cost Control Measurement Range.

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Mr. Johnston reported on RSE for Spire Gulf Inc., based on preliminary figures as of September 30, 2022, the projected RSE return on average common equity for the fiscal year ending September 30, 2022, was 8.68 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. The preliminary indication is that the company ended Rate Year 2022 below the Cost Control Measurement Range.

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Mr. Johnston reported on the Utility Service Division on Informal Docket U-5432, Spire Gulf, Inc., Application for approval of a Utility Transportation Agreement with Evonik Corporation, and recommended granting approval of 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 Formal Docket 31803, Integrated

Wastewater Management, Inc., Petition for approval to modify Certificate of Financial Viability. Expands the service territory of Integrated Wastewater Management, Inc., to own, operate and maintain the wastewater collection and treatment facilities for both Farmstead School Subdivision located in the Community of Jasper in Walker County, AL and Weatherstone Phase II subdivision located in Jefferson County, AL, and recommended granting approval of petition; and

Formal Docket 32606, Pinnacle Wastewater Systems, LLC, Petition for approval of Certificate of Financial Viability. Expends the service territory of Pinnacle Wastewater System, LLC to own, operate and maintain the wastewater collection and treatment facility for Copeland Community Wastewater System located in St. Clair County, AL, and recommended granting approval of petition.

Upon motion by Commissioner Oden and seconded by Commissioner Cavanaugh, 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-4230, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Fusion Cloud Services;

Informal Docket U-4426, BellSouth Telecommunications, LLC d/b/a AT&T Southeast and Matrix Telecom, LLC d/b/a Excel Telecommunications, and Matrix Telecom, LLC d/b/a Lingo and Matrix Telecom, LLC d/b/a Trinsic Communications and Matrix Telecom, LLC d/b/a Vartec Telecom; and

Informal Docket U-4527, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Big River Telephone Company, LLC.

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

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Mr. Johnson then reported on Formal Docket 20416, Haymaker Communications, Inc., Cancels certificate of Public Convenience and Necessity and withdraws Tariff. Certificate granted under this docket on January 12, 1988 for the provision of Customer-owned, Coin-Operated Telephone Service. By notice received

October 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 cancellation.

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

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Mr. Johnson then reported on Formal Docket 31709, Communications Telefonicas Latinas Corp., Cancels Certificate of Public Convenience and Necessity and withdraws Tariffs. Certificate granted under this docket on November 11, 2011 for the provision of InterLATA and IntraLATA Telephone Toll Resale and Interexchange Service. By notice received October 11, 2022, the Company stated it was no longer providing and telecommunications services to consumers in the state of Alabama; therefore, no customers would be directly affected by the cancellation, and recommended granting approval of cancellation.

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

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Mr. Johnson also reported on Informal Docket U-5431, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast, Grandfathers the High-Capacity Service Channel Service Payment Plans greater than 24 months in the Access Services Tariff. This is to keep Intrastate Services in parity with the Interstate filings. Filed September 30, 2022, with a requested effective date on November 1, 2022, and recommended granting approval of request.

Upon motion by Commissioner Beeker and seconded by Commissioner Cavanaugh, 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. Jonathan Kimbril, reported for the Gas Pipeline Safety (GPS) Division on major activities during the month of September 2022.

Standard Inspection	Construction	IMP/DIMP	Operator Qualification	Incident	Damage Prevention	Section 114	Control Room	Follow-Up	Total Inspections
13	11	2	7			17		6	56

From the fifty-six (56) inspections shown above, three (3) enforcement letters of notification were issued, noting seven (7) non-compliance issues. There were eight (8) non-compliance items corrected during the month of September.

Incidents/Accidents

No State level Accidents or Federal level incidents were reported during the month of September.

Training

Three (3) operator/contractor training sessions on Polyethylene (PE) for a total of twenty-six (26) people. Plastic fusion training conducted during the month of September were as follows:

- 9/7/2022 - Pickens County Gas District (PE) 11 Personnel Qualified
- 9/8/2022 - Piedmont Gas Board (PE) 14 Personnel Qualified
- 9/9/2022 - Calera Gas Department (PE) 1 Personnel Qualified

Miscellaneous

The GPS Division completed the States Program renewal application in the System for Award Management (SAM). This system is used for receiving grant payments. This has to be renewed every three years. Alabama's current application runs out in January 2023. The renewed application will run till January 2026.

The GPS Staff participated in the National Association of Pipeline Safety Representatives (NAPSR) National Meeting on September 19 - September 23, 2022. This conference involves many different training classes for state personnel and also presents an informal situation for the GPS staff to discuss current issues with the Pipeline and Hazardous Materials Safety Administration (PHMSA) state liaisons.

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UTILITY ENFORCEMENT DIVISION

Scott Morris, reported from the Utility Enforcement Division on major activities during the month of September 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
7	17	50	1	115	58

The table below reflects track safety observations made in which one non-compliant conditions were identified. Forty-two roadway workers, bridge workers, and practices were observed.

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
6	5	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
5	13	187	0	917

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	0	0

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

1. A 1-gallon iron chloride release was reported in Maplesville on NS
2. A train collision with a 50-gallon diesel release was reported in Birmingham on NS

RWS staff observed a contractor roadway work group working without proper on-track protection. The situation was corrected, and a coaching session was held on the job site to ensure that

proper protection is used in the future. Staff also participated in a Microsoft Teams call with FRA Specialists and Legal team members to discuss the findings.

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
8	7	2	1	5	4	43	30	27

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
353	39	13	1	26	54	322

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	1	157	4	58	5

As of September 30, there were 10,760 Alabama carriers (82%) registered for 2022 UCR with 2,343 that remain unregistered.

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

MCS staff attended the UCR Board Audit Subcommittee call, UCR Education & Training Subcommittee call, and the UCR Finance Subcommittee call all held in September.

The staff sent out 74 For Non-Profit (FNP) quarterly reports for the third quarter of 2022 by mail and e-mail.

There were eight show-cause hearing notices sent by certified mail to intrastate carriers for failure to file their 2021 annual

reports. Two notices were for household goods carriers and six notices were for passenger carriers.

There was one household goods supplement tariff for Park Transfer and Storage Company, Inc. (C661) accepted in September.

There were two passenger carrier hearings held in September for:

- Birmingham Regional Paratransit Consortium d/b/a Clastran
- Les M Walker d/b/a Walker Taxi - protested

Staff completed two compliance audits for the following carriers:

- Carbine Enterprises, Inc. d/b/a Quad Cities Taxi & Limousine Service (C3941) - The carrier was advised to continue adhering to its current tariff.
- Wheelchair Transportation & Taxi Cab Services, LLC d/b/a Wheelchair Shuttle (C3979) - The carrier was advised to submit a new tariff with updated rates.

Field Services

The Field Services Section (FSS) Staff inspected four facilities of Community Utilities of Alabama's wastewater treatment plants: River Bend located in Jefferson County, The Falls at Highland Lakes (Phase 1) located in Cleburne County, The Falls at Highland Lakes (Phase 2) located in Calhoun County, and Water's Edge Development located in Etowah County. The systems ranged from small to medium in size. Three systems are permitted by the local health departments and one is permitted by ADEM. Each system was functioning as designed with no discrepancies noted during each inspection.

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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 6.95 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 September 2022 energy cost applicable to Rate ECR was under-recovered by \$54,686,440.

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Mr. Free reported on Informal Docket 18148, Alabama Public Service Commission vs. Alabama Power Company Investigation of Rate ECR (Energy Cost Recovery). By Consent Order dated July 12,

2022, the Alabama Public Service Commission ("the Commission") approved an interim energy cost recovery factor of 2.557 cents per kilowatt-hour for the billing months of August 2022 through December 2024. Absent a further order from the Commission, the ECR factor for billing months January 2025 and thereafter would be 5.910 cents per kilowatt-hour, and recommended based on the current and projected status of Rate ECR, the Staff recommends that the current interim energy cost recovery factor of 2.557 cents per kilowatt-hour be increased to 3.510 cents per kilowatt-hour for the billing months of December 2022 through December 2024, unless a further change is agreed to sooner as a result of monitoring of operations or until changed by Commission order pursuant to Rate ECR and applicable Rules and Regulations. Absent a further order from the Commission, the ECR factor for billing months January 2025 and thereafter will be 5.910 cents per kilowatt-hour.

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

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Mrs. Smith also reported on the Informal Docket U-5208, On October 17, 2022, Alabama Power Company filed a petition with the Alabama Public Service Commission requesting the Commission modify existing accounting treatment previously authorized by the Commission by order dated February 17, 2017. The purpose of the modification is to give effect to the original intent of the 2017 accounting treatment and provide for the amortization of an existing regulatory asset, which would commence January 1, 2023, in a way that mitigates upward pressure on the rates of customers, and recommended granting approval of petition.

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

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LEGAL DIVISION

Judge Young then reported from the Legal Division Agenda on the following Dockets

Formal Docket 33277, Unopposed motor carrier application of Birmingham Regional Paratransit Consortium d/b/a Clastran, of Birmingham, Alabama for a certificate to transport passengers and their baggage. The Applicant waived its right to a Report and

Recommended order, and recommended granting approval of application.

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-20361, Petition of Adesa Birmingham, LLC, of Moody, Alabama for reinstatement of motor carrier certificate F580 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage, and recommended granting reinstatement of petition.

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

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Judge Young then reported on Formal Docket 29661, Petition of Rickie O. Richardson d/b/a Richardson Trucking, of Midland City, Alabama for cancellation of motor carrier certificate F3258, and recommended granting cancellation as requested.

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 33285 and Informal Docket C-20372, Approval of unopposed application to transfer motor carrier certificate F3672 FROM: Barry Cox d/b/a Cox Farms of Haleyville, Alabama TO: Cox Farms, L.L.C. of Haleyville, Alabama (Docket 33285) and reinstatement of motor carrier certificate F3672 (C-20372) for the sole purpose of transferring certificate F3672 in good standing and recommended granting reinstatement of motor carrier certificate F3672 for the sole purpose of transferring certificate F3672 in good standing and approval of transfer application.

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

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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.

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Commissioner Cavanaugh concluded with stating that the next Commission meeting is scheduled for Tuesday, December 6, 2022.

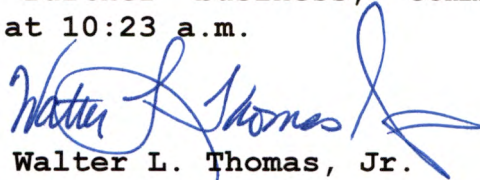
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There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:23 a.m.

A handwritten signature in blue ink, appearing to read "Walter L. Thomas, Jr.", with a stylized flourish at the end.

Walter L. Thomas, Jr.
Secretary