

MINUTES OF A MEETING
OF THE
ALABAMA PUBLIC SERVICE COMMISSION
HELD TUESDAY, FEBRUARY 7, 2023

The February 2023 meeting of the Alabama Public Service Commission was held on Tuesday, February 7, 2023, 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; John Free, Electricity Policy Division Director; Scott Morris, Utility Enforcement Division Director; Jeffery Johnston, Utility Services Division Director; Jonathan Kimbril, Acting Gas Pipeline Director; Patricia Smith and Donald Powell, Public Utility Analyst Managers; Aquilla Spivey, Consumer Service Manager; Ashia Rainey, Stacie Berry and Donte Fair, Public Utility Analysts; William Partlow, Staff Accountant; Caleb Hicks, Communication and Public Relation Manager; Debbie Williams, Executive Assistant to Commissioner Cavanaugh; Lindsey Ward, Technical 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 Betts, IT Technician; Tashenma Lawrence and Ariel Minard, 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 January 4, 2023.

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Commissioner Beeker introduced Mr. Caleb Carr, who led the audience in the Pledge of Allegiance and prayer.

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Commissioner Cavanaugh then open the floor for a motion to approve the minutes of the January 10, 2023 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 January 2023 was as follows: Alabama Power Company had twenty-one residential inquires, Spire Alabama had five residential inquires, Spire Gulf had one residential inquire. There were a total of twenty-two telecommunication inquires consisting of five under Public Service Commission jurisdiction, fourteen 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 December 31, 2022, the projected RSE return on average common equity for the rate year ending September 30, 2023, was 9.23 percent. The authorized return on average common equity is 9.50 percent to 9.90 percent.

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Mr. Johnston reported on RSE for Spire Gulf Inc., based on preliminary figures as of December 31, 2022, the projected RSE return on average common equity for the rate year ending September 30, 2023, was 9.56 percent. The authorized return on average common equity is 9.70 percent to 10.30 percent.

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Mr. Johnston reported on the Utility Service Division on Informal Docket U-5437, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast, Request approval of Commercial Mobile Radio Services (CMRS) Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Shelcomm, Inc., and recommended granting approval of agreement.

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

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Mr. Johnson 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-3833, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and MCImetro Access

Transmission Services LLC; and

Informal Docket U-4586, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and XO Communications Services, LLC.

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 Formal Docket 33179, Centurytel Broadband Services, LLC, Request approval of company name change to Brightspeed Broadband, LLC. Filed January 4, 2023 with a requested immediate effective date, and recommended granting approval of 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. Johnston 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 the following inspections during the month of December, a total of eighty (89) inspections and three (3) operator training sessions were conducted utilizing ninety (90) person-days. The inspections are itemized as follows:

Standard Inspection	Construction	Operator Qualification	Public Awareness	IMP / DIMP	Control Room	Incident /Accident	Section 114	Drug & Alcohol	Follow-Up	Total Inspections
2	2	6	1	13	0	0	29	27	9	89

From the eighty-nine (89) inspections shown above, fifteen (15) enforcement letters of notification were issued, noting thirty-one (31) non-compliance issues. There were sixteen (16) non-compliance items corrected during the month of December.

Training

The GPS Division held their annual Pipeline Safety Conference during December. The conference help to update and train natural gas distribution, master meter, and transmission operators on new and existing federal and state codes. No operator/contractor training sessions on Polyethylene (PE) plastic fusion were conducted during the month of December:

- 12/6-8/2022 - Pipeline Safety Conference 346 Personnel Trained

Incidents/Accidents

There were two state reportable incidents and one federal incident that were reported during the month of December. All in the southern section of the state. None of the incidents had fire, an explosion or injuries to occur. Two (2) of the incidents were on natural gas one was on crude oil.

- 12/23/2022 - Spire Alabama - Selma, AL - 12/23/2022 - Outage in Selma with over 75 customers was reported. It is in the vicinity of Old Montgomery Rd and Keesler Circle behind the address of 727 Avenue A in Selma. The total amount of customers lost is being assessed and it could be up to 275. Preliminary indications were that it was due to low pressure. Updated 12/27/2022 - 196 customers lost service during the event. Spire was able to repressurize the system at around 1 a.m. on the 24th after making system adjustments and, after purging the lines, started the initial pass for relighting. The second pass began before noon on the 24th with 70 customers to be revisited and notices for relight were left for the 15 remaining customers.
- 12/17/2022 - Wilcox County Gas District - Pinehill, AL - Wilcox County Gas District has found two (2) spots along their transmission line that are exposed because of washouts. They have conducted a leak survey and there are no leaks. They have visually inspected the pipeline and there is no damage. The pipeline itself is still well supported and has no increased structural stress. They are

working on the best course of action to remedy the exposure as quickly as possible.

- 12/9/2022 - Genesis Pipeline Alabama LLC - Castleberry, AL - The crude oil release at the Castleberry Station was due to a failure of the PD pump shaft packing for the Castleberry to I-65 Junction 8" pipeline. The release was quickly isolated, cleaned up, and the pipeline was placed back into service using a separate pump as the separate source. The pump that failed is still isolated and pending an investigation by the Genesis Maintenance group.

Miscellaneous

All the comments for GPS Rule 15 were received. Three responses in total were submitted, two by operators and one by ANGA, which represented close to 100 operators. The comments asked for things GPS had anticipated. A final draft of the rule is still under development.

GPS has worked to ensure that all PHMSA required inspections will be performed within the required timeframes. All vacation time was frozen until a schedule could be presented showing the timeframes will be met.

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UTILITY ENFORCEMENT DIVISION

Scott Morris reported from the Utility Enforcement Division on major activities during the month of December 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
3	8	20	0	124	70

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
23	10	23	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
4	9	124	0	360

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	1	0

There were four incidents reported by the National Response Center (NRC) in December:

1. An employee fatality in Birmingham on NS
2. An 18-wheeler strike at a grade crossing resulted in a derailment and a diesel spill in Fort Deposit on CSX
3. A vehicle strike resulting in unknown injuries in Anniston on NS
4. A derailment resulting in a 200-gallon diesel spill in Mt. Vernon on AGR

RWS staff also participated in the preliminary investigation of the Norfolk Southern fatality in Birmingham on December 13th. A train struck damaged equipment that was parked on an adjacent track. Part of the damaged equipment pierced the NS locomotive and struck an employee in the locomotive cab resulting in a fatal injury. FRA and NTSB investigative activities continue.

The RWS track inspector that was hired in November began his On-The-Job (OJT) training to attain his FRA certification. The OJT process is expected to take between six to eight months to complete.

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
84	23	0	3	12	13	152	203	18

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
339	39	10	3	43	45	303

The MCS Section addressed the following Unified Carrier Registration (UCR) responsibilities:

UCR Applications		UCR Mail outs for 2022/2023	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
12	5	1098	12	130	22

As of December 31, there were 11,265 Alabama carriers (84%) registered for 2022 UCR with 2,161 that remain unregistered. As of December 31, there were 6,581 Alabama carriers (53%) registered for 2023 UCR with 5,769 that remain unregistered.

During December, staff mailed five suspended payment letters to carriers that had not cleared up their suspended payments after being notified by the National Registration System (NRS).

In December, \$80 was collected for Focused Anomaly Reviews (FARs) audits for the 2023 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 seven MCS-150 forms processed. Three motor carriers' had their USDOT numbers deactivated. Four forms contained updates to the motor carriers' USDOT number data.

MCS staff attended the UCR Education & Training Subcommittee call and the UCR Board call both held in December.

The staff received one 2021 annual report during the month.

At the beginning of the month, staff mailed 1,354 letters to all regulated intrastate motor carriers asking carriers to verify their contact information that is on file with the Commission.

There was one passenger supplement tariff for Birmingham

Regional Paratransit Consortium d/b/a Clastran (C4141) rejected and then accepted after corrections were made to their tariff. There were two household goods tariffs for Big Dazzle Moving, LLC d/b/a Pink Zebra Moving of Montgomery AL (NEW) and Culpepper Enterprises LLC d/b/a Pink Zebra Moving of Auburn AL (NEW) that were accepted during the month.

Staff conducted a desk audit on household goods mover Wise Guys Moving, LLC (C4110). The carrier was advised to rectify issues with its tariff and prepare for a follow-up audit.

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 6.10 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 December 2022 energy cost applicable to Rate ECR was under-recovered by \$37,759,918.

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Commissioner Cavanaugh stated that Rate RSE provides for a return of revenues for the benefit of customers in the event that end of year calculations show that Alabama Power's actual results were above the allowed range. Based on the staff's report, this was the case for 2022, resulting in approximately \$62 million that is due to be refunded to customers. Under Rate RSE, the Commission has the latitude to apply this amount in various ways that would benefit customers. One of these ways is customer specified refunds that would appear on the customer's monthly bill. Commissioner Cavanaugh further expressed a preference for a direct refund during the summer when residential usage and bills are higher thus equating to a larger return for those customers. Commissioner Cavanaugh concluded by making a motion that Alabama Power be directed to make customer specific refunds calculated in accordance with Rate RSE on its August billing.

Upon a second by Commissioner Beeker, the Commissioners voted unanimously to accept the motion.

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LEGAL DIVISION

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

Formal Docket 33308, Application of Culpepper Enterprises LLC d/b/a Pink Zebra Moving of Auburn, AL for a certificate to transfer household goods; and recommended granting certificate and approval of tariff; and

Formal Docket 33314, Application of Big Dazzle Moving, LLC d/b/a Pink Zebra Moving of Montgomery, Alabama, for a certificate to transport household goods, and recommended granting approval of certificate and approval of tariff.

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

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Judge Young reported on Formal Docket 32952, Unopposed motor carrier application of Meridian, LLC of Millbrook, Alabama, to extend an existing operation. The Applicant waived its right to a Report and recommended Order at the hearing, 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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Judge Young reported on Formal 33272, Motor Carrier application of Madison City Cab and Black Cars LLC of Madison, Alabama for a certificate to transport passengers. A Report and Recommended Order ("RRO") was entered in this cause on January 3, 2023 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 filed within the statutorily established timeframe of 20 days.

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

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Judge Young then reported on the following Dockets:

Formal Docket 33311, Unopposed application, to transfer motor carrier certificate 411 FROM: Greater Birmingham Transportation Services, LLC d/b/a Yellow Cab, of Birmingham, Alabama TO: WHC

BHM, LLC d/b/a ZTrip Birmingham, of Birmingham, Alabama, and recommended granting approval of application;

Informal Docket C-20473, Petition of Plainsman Towing, LLC d/b/a Steve M. Ashurst Trucking Co., of Auburn, Alabama for reinstatement of Motor Carrier Certificate F4650 was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage, and recommended grant reinstatement of petition; and

Formal Docket 31947 and Informal Docket C-20492, Petition of Joseph David Williams d/b/a Sipsev Service Center of Jasper, Alabama for cancellation of Motor Carrier Certificate F4650 (Docket 31947). Motor carrier certificate F4650 was revoked by Commission order dated January 10, 2023, due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage (Informal Docket C-20492), and recommended grant reinstatement of motor carrier certificate F4650 (Informal Docket C-20492) for the sole purpose of cancelling motor carrier certificate F4650 in good standing. Grant Cancellation as requested (Docket 31947).

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

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Judge Young reported on Formal Docket 30970 and Informal Docket C-19327, Petition of John T. Beard d/b/a JTB Contractor ("JTB") of Decatur, Alabama for cancellation of motor carrier certificate F4122 (Docket 30970). JTB also has approval of cargo self-insurance authority in Informal Docket C-19327), and recommended grant cancellation as requested (Docket 30970) and grant cancellation of cargo self-insurance authority as requested (Informal Docket C-19327).

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

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Judge Young then reported on the Off Agenda items on Formal Docket 33274 and Informal Docket C-20420, Alabama Public Service Commission v. All Motor Carriers who failed to file Annual Reports for 2021 operations. Motor Carrier Annual Report Proceeding. Touch of Class Limousine and Transport, Inc., ("Touch of Class") of Montgomery, Alabama has now properly filed its annual report for 2021 operations. Touch of Class has also filed

a petition for reinstatement of motor carrier certificates 3242, 3654 and FNP B-25 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage, and recommended dismissal of Touch of Class Limousine and Transport, Inc., from Motor Carrier Annual Report Proceeding and grant Reinstatement of certificate.

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

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Judge Young then reported on the Off Agenda Items on Informal Docket C-20448, Petition of Fast Delivery LLC, of Albertville, Alabama for reinstatement of motor carrier certificate F5320 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 the recommendation.

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

Informal Docket C-20276, Petition of Carter Mobile Home Movers, LLC, of Repton, Alabama for reinstatement of Motor carrier certificate F4317 which was revoked due to petitioner's failure to maintain proper proof of cargo insurance coverage, and recommended granting reinstatement;

Informal Docket C-20470, Petition of Parts Delivery Service, Inc., d/b/a, PDS of Gardendale, Alabama for reinstatement of Motor Carrier Certificate F3278 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

Formal Docket 33097, Petition of Donnie Neal Rook d/b/a DonLin Enterprises, of Decatur, Alabama for cancellation of Motor Carrier Certificate F5245, and 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 then reported on Formal Docket 33279, Application of Blue Hole Water Company, Inc., (Blue Hole Water Company") for a certificate of convenience and necessity. Blue Hole Water Company currently serves approximately 73 customers in Blount County. A hearing was held on January 18, 2023. At the hearing, Blue Hole Water Company provided evidence to support the issuance of a certificate but failed to provide sufficient evidence to allow the Commission to evaluate its current rates and service regulations, and recommended granting approval of application for a certificate of convenience and necessity. Approval of interim rates and service regulations. Initiate investigation into the rates and service regulations pursuant to Alabama Code Section 37-1-83

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, March 7, 2023.

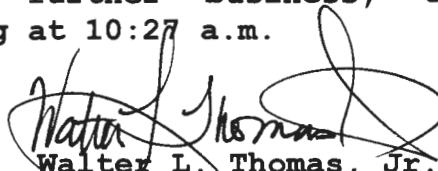
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There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:27 a.m.


Walter L. Thomas, Jr.
Secretary