

MINUTES OF A MEETING
OF THE
ALABAMA PUBLIC SERVICE COMMISSION
HELD TUESDAY, APRIL 4, 2023

The April 2023 meeting of the Alabama Public Service Commission was held on Tuesday, April 4, 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 10:01 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; John Free, Electricity Policy Division Director; Jeffery Johnston, Utility Services Division Director; Scott Morris, Utility Enforcement Division Director; Patricia Smith and Donald Powell, Public Utility Analyst Managers; Amanda Shehane, Transportation Regulatory Manager; Chris Hester, Railway Safety Administrator; Jennifer Mattox-Lyle, Tanya Champion, 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; Jerry Delancey, 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 March 1, 2023.

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Commissioner Cavanaugh introduced Commissioner Oden, 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 March 7, 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 March 2023 was as follows: Alabama Power Company had sixteen residential inquires and one business inquire, Spire Alabama had nine residential inquires, Spire Gulf had two residential inquire. There were a total of nineteen telecommunication inquires consisting of five under Public Service Commission jurisdiction, nine 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 February 28, 2023, the projected RSE return on average common equity for the rate year ending September 30, 2023, was 8.19 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 February 28, 2023, the projected RSE return on average common equity for the rate year ending September 30, 2023, was 10.27 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 Services Division Agenda on Informal Docket U-4822, Spire Alabama Inc., Application for approval of an Amendment to a Special Services Agreement with Precoat Metals, a Division of Sequa Corp., 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 on Formal Docket 31555, Petition for approval to renew the Certificate of Financial Viability for O'Brien Environmental Services LLC, and recommended granting approval of petition.

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 Informal Docket U-4908, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast CenturyLink and Charter Fiberlink-Alabama, LLC, request approval of an Amendment to the Interconnection Agreement between BellSouth telecommunications, Inc., d/b/a AT&T Alabama or AT&T Southeast and Time Warner Cable Information Services (Alabama), LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, and recommended granting approval of amendment.

Upon motion by Commissioner Beeker and seconded by Commissioner Cavanaugh, 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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Mr. Johnston also reported on The Field Services Section (FSS) Staff inspected five wastewater treatment plants during the month of February. Three systems, located in Wedowee, Randolph County and managed by Community Utilities of Alabama provided service to an aggregate total of sixty-three homeowners. Two of the systems were permitted by the ADPH and one by ADEM. All systems were functioning as designed at the time of each inspection. Two systems, managed by Integrated Wastewater, Inc., were inspected due to complaints received from multiple homeowners. Complaint 1-Doss Ferry, located in Kimberly, had a faulty Rain Sensor causing it to discharge effluent from the holding pond to the field at a time when the field was saturated. This caused a small portion of the community to experience a foul odor. While many residents contacted the APSC and ADEM, it was discovered that not all residents actually experienced the odor but was moved to complain via a community Facebook page. The Rain gauge was replaced and the issue was resolved. A follow-up was conducted, and everyone contacted was satisfied with the repairs. During the follow-up inspection, an engineer from ADEM was also on-site conducting their inspection and found no discrepancies. Complaint 2-The second system inspected due to homeowners complaints and also managed by Integrated Wastewater, Inc., was Fieldstown Crossing. This system, which provides wastewater treatment for 102 residents, is permitted by Jefferson County Health Dept (JCHD) and ADEM, is located in Gardendale. The system has a capacity to

treat 21,000 gpd and is currently treating 11,400 gpd on average. The system was operating as designed with no defects noted at the time of the inspection. After inspecting the system, I met with the HOA President. The Management Entity changed hands last year causing some uproar among the residents. The HOA President expressed his thoughts that they should have had the opportunity to buy the system and that he thought Mr. Hattaway had taken on more than he could manage considering a clause in the Homeowners Association agreement specifying that septic tanks be inspected around the seven-year point. I told him that the new owner has developed a schedule to accomplish the remainder of these inspections within six-eight weeks. As of this writing, all tanks have been inspected that are accessible and seven were found to be in need pumping. All seven interceptor tanks have been pumped.

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GAS PIPELINE SAFETY DIVISION

In the absence of Mr. Jonathan Kimbril, Judge Garner reported for the Gas Pipeline Safety (GPS) Division on the following inspections during the month of February, a total of thirty-three (33) inspections and two (2) operator training sessions were conducted utilizing seventy-nine (79) 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
8	5	0	7	0	0	0	0	2	11	33

From the thirty-three (33) inspections shown above, three (3) enforcement letter of notification were issued, noting twenty-seven (27) non-compliance issues. There were five (5) non-compliance items corrected during the month of February.

Training

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

- 2/2/2023 - Fultondale Gas Board - PE 38 Personnel Qualified
- 2/22/2023 - Southern Directional - PE 39 Contractors Qualified

The total personnel trained the month of February was 77.

Incidents/Accidents

There were three state reportable and zero federal reportable incidents during the month of February. All the incidents were in the southern section of the state. None of the incidents had fire, an explosion, or injuries to occur. All three of the incidents were on natural gas.

- 2/1/2023 - Wilcox County Gas District - A section of 3" pipeline within the distribution system has been exposed due to a washout. The district has determined that the washout is extensive and aggressive and thus the best course of action to prevent damage and future erosion will be relocation.
- 2/6/2023 - Southeast Gas - a contractor installing fiber lines struck a 1" main feeding approximately 61 houses and the contractor shut the valve off isolating the leak which in hand shut off gas to the 61 houses.
- 2/8/2023 - Southeast Gas - Plan of operation was to repair and replace a leaking valve that was believed to be a double feed main and when the stoppers were dropped in all gas to 60 customers was lost due to the main only being fed by a single main line.

Miscellaneous

Acting Director Kimbril was able to speak at the Birmingham Chapter of AMPP about "A Regulator's Role in Guiding Future Cathodic Protection Policies". This covered how the exchange of knowledge and information during an inspection had an impact on future regulation.

GPS has submitted progress reports for the year 2022 for both the Natural Gas and Hazardous Liquid Programs to PHMSA.

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UTILITY ENFORCEMENT DIVISION

Scott Morris reported from the Utility Enforcement Division on major activities during the month of February 2023.

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	27	136	0	436	250

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
42	21	19	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	11	152	0	743

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 February:

1. A derailment in Sycamore on EARY that resulted in a 2,000-gallon limestone slurry spill
2. A vehicle strike at a grade crossing in Atmore resulted in a fatality on CSX
3. A derailment with a 2,000-gallon diesel spill in Seale on CCHA
4. A derailment in a rail yard in Birmingham on BNSF

RWS staff investigated two mainline train derailments during the month of February. On February 1 a derailment was reported near Sycamore on Eastern Alabama Railway mainline. This derailment involved a limestone/clay slurry spill and a road crossing being blocked by derailed equipment. RWS staff deployed to the scene and conducted initial and follow-up inspections during their investigation. On February 13 a derailment was

reported near Seale on the Columbus and Chattahoochee Railroad. The derailment involved a 2,000-gallon diesel spill from a locomotive that had a fuel tank compromised during the derailment. RWS staff deployed to the scene to investigate the cause of the derailment.

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
4	9	1	0	11	10	63	97	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
312	37	14	7	32	61	327

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

UCR Applications		UCR Mail outs for 2023	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
21	5	230	16	184	71

As of February 28, there were 8,465 Alabama carriers (68%) registered for 2023 UCR with 3,943 that remain unregistered. Our office received funds from the UCR Depository for January online payments processed through the National Registration System (NRS) that came from 1,406 carriers that were domiciled in Alabama and some that were in non-participating states.

During February, staff mailed three suspended payment letters to carriers that had not cleared up their suspended payments after being notified by the National Registration System (NRS) for the 2023 UCR registration year.

In February, \$4,467 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 28 MCS-150 forms processed. Twenty-three motor carriers had their USDOT number deactivated. Five forms contained updates to the motor carriers' USDOT number data.

MCS staff attended the UCR Audit Subcommittee call and the UCR Education & Training Subcommittee call during the month. Staff also attended the first UCR Audit Q&A call where auditors from all participating states, members of the UCR Board and contract employees discussed useful tools and challenging audit issues that states may face.

Staff received three For Non-Profit (FNP) quarterly reports from FNP carriers for the fourth quarter of 2022.

A total of 167 household goods and passenger 2022 annual reports were mailed to carriers.

In February, two household goods supplement tariffs for Big Dazzle, LLC d/b/a Pink Zebra Moving of Montgomery AL (C4143) and Culpepper Enterprises LLC d/b/a Pink Zebra Moving of Auburn AL (C4142) and one household goods tariff for Livin Large, LLC d/b/a Pink Zebra Moving of Birmingham (NEW) were accepted.

There were two passenger carrier hearings held in February for:

- Dennis Luxury Transportation LLC
- Southern Trans LLC

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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, 2023, is 5.63 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 February 2023 energy cost applicable to Rate ECR was over-recovered by \$29,848,290.

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Mr. Free reported on 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 4 and 5 Notch Solar Projects. The projects will be constructed, owned, operated, and maintained by Alabama

Solar E, LLC and Alabama Solar F, LLC. Detailed project information was submitted to the Alabama Public Service Commission ("the Commission") Staff on February 24, 2023. As part of its proposal, the Company is also requesting approval of two Contracts for Renewable Subscription Program ("Participation Contracts") between Alabama Power and Novelis Inc. ("Novelis"). Novelis has subscribed to 100% of the environmental attributes yielded by the 4 and 5 Notch Solar Projects. The Staff has reviewed the information provided by the Company, together with other information obtained throughout the review process, and has determined that the 4 and 5 Notch Solar Projects meet the criteria specified in the Certificate granted in Docket No. 32382. The Staff likewise finds the Novelis Participation Contracts to be in furtherance of the objectives of Docket No. 32382. If the Energy Purchase Agreements are approved by the Commission, the 4 and 5 Notch Solar Projects are expected to commence commercial operation on or before December 31, 2025, and recommended granting approval of agreement.

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

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LEGAL DIVISION

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

Formal Docket 32094, Petition of Green Worx, LLC of Cullman, Alabama, to recommence operations under motor carrier certificate F4741. Motor carrier certificate F4741 was suspended at the request of Green Worx, LLC for a period of one year by Commission order dated November 3, 2021, and recommended granting request to recommence operations under motor carrier certificate F4741;

Informal Docket C-20569, Petition Green Worx, LLC, of Cullman, Alabama, for approval of cargo self-insurance, and recommended granting approval of petition;

Informal Docket C-20570, Petition of Vernon Milling Company, Inc., of Vernon, Alabama for approval of cargo self-insurance, and recommended granting approval of petition; and

Formal Docket 33334, Unopposed application to transfer motor carrier certificate F3017 FROM: Leo Armstrong Farms, of Albertville, Alabama, TO: Armstrong Farm LLC, of Albertville, Alabama, and recommended granting approval of petition.

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

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Judge Young then reported on Formal Docket 33271, Motor carrier application of Les M Walker d/b/a Walker Taxi of Sheffield, Alabama for a certificate to transport passengers. A Report and Recommended Order ("RRO") was entered in this cause on January 30, 2023, which recommended the application be denied. Exceptions were timely filed by the Applicant. No replies to the exceptions were filed by the protestant, and recommended denial of the authority sought as recommended in the RRO.

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 following dockets:

Informal Docket C-20514, Petition of Evergreen Transport, LLC, of Evergreen, Alabama for reinstatement of motor carrier certificate F4814 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 31647 and Informal Docket C-16303, Petition of PMTT, Inc., d/b/a M & P Trucking ("M & P Trucking"), of Jasper, Alabama for cancellation of motor carrier certificate F1579 (Docket 31647). M & P Trucking also has approval of cargo self-insurance authority in Informal Docket C-16303, and recommended granting cancellation as requested (Docket 31647) and grant cancellation of cargo self-insurance authority as requested (Informal Docket C-16303).

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

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

Informal Docket C-20485, Petition of Handy Guys Moving Service LLC d/b/a Handy Guys Moving Service of Mobile, Alabama for cancellation of motor carrier certificate F4040 which was revoked due to Petitioner's failure to maintain proper proof of liability

insurance coverage, and recommended granting reinstatement of petition;

Informal Docket C-20510, Petition of Allen Transportation Co., LLC of Kimberly, Alabama, for reinstatement of motor carrier certificate FNP B-94 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage, and recommended granting reinstatement of petition;

Formal Docket 31918 and Informal Docket C-20564, Petition of EOL Logistics, LLC of Lincoln, Alabama for cancellation of motor carrier certificate F4630 (Docket 31918). Motor carrier certificate F4630 was revoked by Commission order dated March 7, 2023, due to petitioner's failure to maintain proper proof of liability insurance coverage (Informal Docket C-20564), and recommended granting reinstatement of motor carrier certificate F4630 (Informal Docket C-20564) for the sole purpose of cancelling motor carrier certificate F4630 in good standing. Grant cancellation as requested (Docket 31918); and

Formal Docket 16094, 24410, 28886 and Informal Docket C-20544, Petition of Hill's Moving & Storage Company, Inc., of Anniston, Alabama, for cancellation of motor carrier certificates 2456, 3808 and F350. Motor carrier certificate F350 was revoked by Commission order dated March 7, 2023 due to Petitioner's failure to maintain proper proof of cargo insurance coverage (Informal Docket C-20544), and recommended granting reinstatement of motor carrier certificate F350 (Informal Docket C-20544) for the sole purpose of cancelling motor carrier certificate F350 in good standing. Grant cancellation as requested (Dockets 16094, 24410 and 28886).

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 from the Legal Division Agenda on Formal Docket 33341, Alabama Public Service Commission v. Delinquent Companies. Show Cause proceeding to address the failure of numerous carriers to pay Inspection and Supervision ("I&S") fees for the fiscal year 2022 despite numerous notices, and recommended establishment of a show cause hearing requiring the offending carriers to appear and show cause as to why their certificate should not be revoked for their failure to comply with the statute requiring the payment of I&S fees.

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

accept the recommendation.

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Judge Garner reported from the Legal Division Formal Docket 33350, Recommended Investigation Proceeding to consider the non-compliance of Fern Parc Apartment Homes ("Fern Parc") with all applicable Gas Pipeline Safety regulations enforced by the Commission. Fern Parc is a gas pipeline master meter operator in Huntsville, Alabama. Fern Parc was recently inspected by personnel from the Commission's Gas Pipeline Safety Division and found to be non-compliant with a number of Gas Pipeline Safety regulations enforced by the Commission. Fern Parc was given opportunities to rectify the violations for which they were cited and requested to provide further information to the Commission that would shed light on the issues identified by staff. Fern Parc has not corrected the violations noted by staff and has not responded to staff requests for additional information. Notably, other Gas Pipeline master meter operations have been inspected by Staff and found to be deficient. Staff is awaiting response and corrective action reports to be found deficient. Staff is awaiting response and corrective action reports from those master meter operations that are similarly situated to Fern Parc, and recommended establishment of the investigation proceeding recommended to consider the non-compliance of Fern Parc Apartment Homes and other similarly situated Gas Pipeline master meter operations with the Gas Pipeline Safety regulations enforced by the Commission.

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

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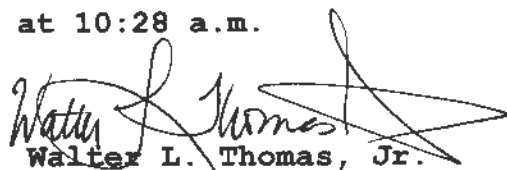
Judge Garner recommended approval of the administrative items.

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Beeker, 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, May 2, 2023.

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There being no further business, Commissioner Cavanaugh
adjourned the meeting at 10:28 a.m.


Walter L. Thomas, Jr.
Secretary