

MINUTES OF A MEETING
OF THE
ALABAMA PUBLIC SERVICE COMMISSION
HELD TUESDAY, DECEMBER 5, 2023

The December 2023 meeting of the Alabama Public Service Commission was held on Tuesday, December 5, 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, Suellen Young, Administrative Law Judges; John Free, Electricity Policy Division Director; Patricia Smith Public Utility Analyst Manager; Amanda Shehane, Utility Enforcement Director; Jeffery Johnston, Utility Services Division Director; Jonathan Kimbril, Acting Gas Pipeline Safety Division; Stacie Berry, Devon Beaty, Tanya Champion and Tashenma Lawrence, Public Utility Analysts; Aquilla Spivey, Consumer Service Manager; 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; Aisha Smith, Executive Assistant to Commissioner Oden; Kay Oswalt, Information Systems Manager; Chalandra Betts, IT Technician; Jerry Delancey and Tangela Kearns 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 November 1, 2023.

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Commissioner Cavanaugh introduced Suellen Young, who opened the meeting with prayer and led the audience in the Pledge of Allegiance.

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Commissioner Cavanaugh then opened the floor for a motion to approve the minutes of the November 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 for the Utility Services Division on Consumer Service Complaint Inquiries for the period of November 2023 as follows: Alabama Power Company had nineteen residential inquiries, Spire Alabama had six residential inquiries, and Spire Gulf had none. There was a total of ten telecommunication inquiries, consisting of three under Public Service Commission jurisdiction, five were referred back to the companies, since the companies waived jurisdiction and two which were not under PSC jurisdiction.

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Mr. Johnston reported on Rate RSE for Spire Alabama Inc., based on preliminary figures as of October 31, 2023, the projected RSE return on average common equity for the rate year ending September 30, 2024, was 9.44 percent. The authorized return on average common equity is 9.50 to 9.90 percent.

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Mr. Johnston reported on Rate RSE for Spire Gulf Inc., based on preliminary figures as of October 31, 2023, the projected RSE return on average common equity for the fiscal year ending September 30, 2023, was 9.83 percent. The authorized return on average common equity is 9.70 to 10.30 percent.

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Mr. Johnston reported from the Utility Service Division Agenda on Informal Docket U-5318, Spire Alabama Inc., Application for approval of a special services agreement with International Paper Company (Prattville Facility), 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 Informal Docket U-5460, Spire Alabama Inc., Application for approval of a special services agreement with J.M. Smucker, LLC, and recommended granting approval of application.

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

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Mr. Johnston then reported on the following dockets for approval of Interconnection Agreements pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, and recommended

approval of the Agreements as follows:

Informal Docket U-5456, Brightspeed Broadband, LLC and Brightspeed of Alabama, LLC and Brightspeed of Southern Alabama, LLC;

Informal Docket U-5457, Level 3 Communications, LLC and Otelco Telephone, LLC d/b/a Gonetspeed;

Informal Docket U-5458, Consolidated Communications of Florida Company, Inc., and Level 3 Communications, LLC; and

Informal Docket U-5459, Level 3 Communications, LLC and Roanoke Telephone Company d/b/a TEC.

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

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Mr. Johnston reported on Informal Docket U-4888, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Charter Fiberlink-Alabama, LLC, Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunication, LLC d/b/a AT&T Alabama or AT&T Southeast and Charter Fiberlink-Alabama, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, and recommended granting approval of agreements.

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 23869, MCI Communications Services, LLC d/b/a Verizon Business Services, Approval to cancel certificate of Public Convenience and Necessity for Customer-Owned, Coin-Operated Telephone service in Alabama, effective immediately. Company has not operated any public coin payphone service in the past several years. Company will continue to have authority to provide Toll Resale service in the state of Alabama, and recommended granting approval of cancellation.

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

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Mr. Johnston reported on Formal Docket 29440, Telecom Management, Inc., d/b/a Pioneer Telephone, Approval to cancel certificate of Public Convenience and Necessity and withdraws

tariff. Certificate granted under this docket on January 4, 2004 for the provision of Toll Resale services. By notice received November 8, 2023, 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 Oden and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

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Mr. Johnston then reported on Formal Docket 28128, Intrado Communications, LLC, Approval to change company name to Hypercube Networks, LLC. Filed November 7, 2023 with a requested December 1, 2023 effective date, 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 noted that the remaining items on the Telecommunications Agenda under "Summary of Other Filings" are for informational purpose only.

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GAS PIPELINE SAFETY DIVISION

Jonathan Kimbril, reported for the Gas Pipeline Safety (GPS) Division Agenda on the following inspections during the month of October. A total of sixty (61) inspections and four (4) operator training sessions were conducted utilizing one hundred and eleven and three quarters (111.75) person-days. The inspections and training are as follows:

Standard Inspection	Construction	Operator Qualification	Public Awareness	IMP / DIMP	Control Room	Incident /Accident	Section 114	Drug & Alcohol	Follow-Up	Total Inspections
22	16	1	7	2	0	0	0	0	13	61

From the sixty-one (61) inspections shown above, five (5) enforcement letter of notification were issued noting eight (8) non-compliance issues. There were nine (9) non-compliance items corrected during the month of October.

Training

Four (4) operator/contractor training sessions on Polyethylene (PE) plastic fusion and zero (0) fire response training were conducted in October:

- 10/4/2023 Hartselle Utilities PE 16 Personnel Qualified
- 10/11/2023 Huntsville Utilities PE 68 Personnel Qualified
- 10/17/2023 Leak City PE 31 Personnel Qualified
- 10/25/2023 Scottsboro Utilities PE 23 Personnel Qualified

Incidents/Accidents

There were five (5) state reportable incidents and zero (0) federal incidents reported during the month of September.

- Childersburg Gas - A contractor putting in a water line hit a 2-inch stub out off a 10-inch-high pressure steel main and broke it. The line was mismarked however the contractor wasn't supposed to be digging without a Childersburg employee on site. The line was valved off and a welder was brought in to make repairs, an investigator stayed on scene until 12:30 AM when the line was put back in service.
- 10/4/2023 Upper Sand Mountain Gas Dist. - A water contractor accidentally tapped a high-pressure gas main while trying to install water services to a new gymnasium at Idler High School.
- 10/11/2023 Northwest Alabama Gas Dist. - A car accident on the highway involving a fatality caused the vehicle to leave the road and strike an above ground 10 inch main in a station facility causing damage to a 2-inch valve plug.
- 10/16/2023 Cullman-Jefferson Counties Gas Dist. - A resident ignored a fire ban and burned leaves on a gas right of way in a ditch. Roots from a pine tree burned and caught the gas main on fire because of dry conditions. The main was located between a depth of 26 inches and 32 inches which is deeper than the requirement of 24 inches.
- 10/18/2023 Spire Alabama - Gadsden - An excavator for a road construction company struck a gas main while doing site prep for the new road, no 811 tickets had been submitted to the call center for this project. Spire submitted a complaint to the Alabama Underground Damage Prevention Authority (ALUDPA) involving this damage.

Miscellaneous

Mr. Randall Hand was requested to be a speaker as part of an energy development class at Billingsley High School on October 5th. His presentation was on the benefits and safety aspects of natural gas in energy development, this was incredibly informative for high school students. Also, it was a chance to discuss its advantages as an energy source while emphasizing the safety protocols that need to be followed. Mr. Hand shared specific points about the benefits and safety measures during the presentation.

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UTILITY ENFORCEMENT DIVISION

Mrs. Shehane reported from the Utility Enforcement Division on the major activities accomplished during the month of October 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
4	22	101	0	523	192

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
7	8	6	0

The data in the table shown below was collected from Motive Power & Equipment (MP&E) inspections 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
3	13	171	0	846

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	0	0

There were five incidents reported by the National Response Center (NRC) in October:

1. A pedestrian strike at a crossing resulted in a fatal injury in Sheffield on NS.
2. A release of an unknown amount of nitric acid caused by equipment failure in Muscle Shoals on NS.
3. A semi tanker strike with a 30-gallon diesel spill and fire at a grade crossing in a rail yard in Birmingham on CSX.
4. A vehicle strike resulting in a fatal injury at a grade crossing in Birmingham on NS.
5. A derailment resulting in a 150lb monoammonium phosphate (fertilizer) spill in Valley Head on NS.

The UED Director and RWS Administrator attended the Association of State Rail Safety Managers annual meeting hosted by the Federal Railroad Administration in Kansas City, MO.

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
13	10	1	1	8	7	42	44	24

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
316	21	17	7	17	29	288

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

UCR Applications		UCR Mailouts for 2023	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
15	3	2,767	12	95	32

As of October 31, there were 10,223 Alabama carriers (82%) registered for 2023 UCR with 2,182 that remain unregistered. The 2024 UCR registration opened on October 1. As of October 31, there were 2,589 Alabama carriers (23%) registered for 2024 UCR with 8,471 that remain unregistered. Five pending payment letters were mailed to carriers that created a voucher for payment, but payment had not yet been received for the 2024 UCR registration year.

In October, \$768 was collected for Focused Anomaly Reviews (FARs) audits for the 2024 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 ten MCS-150 forms processed. One motor carrier had its USDOT number deactivated. Nine forms contained updates to the motor carriers' USDOT number data.

There were 79 For Non-Profit (FNP) quarterly reports for the third quarter of 2023 sent to FNP carriers by mail and e-mail. Our office received 17 FNP quarterly reports for the third quarter of 2023 during the month.

A show cause hearing was held for six carriers that failed to submit their 2022 annual reports as required for all household goods and passenger carriers. Two annual reports were received during the hearing.

In October, one household goods supplement for Delta Transfer Lines, L.L.C. (C2687), one taxi tariff for Mountain Taxi, LLC d/b/a Sunset Taxi (C4149), and two regular passenger tariffs for Vital Ride, LLC (C4148) and Lillian Transport, LLC (C4152) were received and accepted. Staff completed a desk audit for Move & Store, LLC (C3989). The carrier bought the Motivated Movers franchise and is using its trade name. The carrier must ensure the information provided to customers is clear and only use the tariff on file with the Commission under the authority of Move & Store, LLC.

Staff participated in one passenger carrier hearing that was held during October for:

- Mountain Taxi, LLC d/b/a Sunset Taxi

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ELECTRICITY POLICY DIVISION

Mrs. Smith reported for the Electricity Policy Division on Rate RSE for Alabama Power Company stating that the Weighted Return on Average Retail Common Equity Forecast as of December 31, 2023, is 6.36 percent. Mrs. Smith also reported for the month of October 2023 energy cost applicable to Rate ECR was over-recovered by \$23,385,319.

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LEGAL DIVISION

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

Formal Docket 33418, Unopposed application to transfer motor carrier C4125, FNP A-99 and P651 FROM: ABLE, LLC d/b/a ABLE Home Care Service, of Fort Deposit, Alabama, TO: ABLE Non-Emergency Medical Transport Service, LLC, of Fort Deposit, Alabama, and recommended granting approval of application;

Informal Docket C-20753, Petition of Gulf Hauling & Construction, Inc., of Mobile, Alabama for reinstatement of motor carrier certificate F4693 which was revoked due to Petitioner's failure to maintain proper proof of cargo insurance coverage, and recommended granting reinstatement of petition;

Informal Docket C-20737, Petition of Apollo Limo Service, Inc., of Madison, Alabama, for reinstatement of motor carrier certificate 3899 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage, and recommended granting reinstatement of certificate;

Informal Docket C-20758, Petition of Bolt Movers, LLC d/b/a Bolt Movers, of Huntsville, Alabama, for reinstatement of motor carrier certificate C4074 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage and recommended granting reinstatement of application;

Formal Docket 32988, Petition of Aaand.. We Ride LLC of Irvington, Alabama for cancellation of motor carrier certificate 4094, and recommended granting cancellation as requested; and

Formal Dockets 33322, Motor carrier certificate 4144 was issued to Dennis Luxury Transportation LLC ("Dennis Luxury Transportation") of Calera, Alabama, by Commission order dated March 8, 2023. Said order also required Dennis Luxury Transportation to file its tariff, obtain insurance and registration numbers and properly identify its vehicles. Dennis Luxury Transportation has failed to make the required filings, and recommended granting cancellation on 30 Days' notice.

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

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Judge Bentley reported from the Legal Division Agenda on Formal Docket 30872 and Informal Docket C-17947, Petition of CDC Trucking, LLC, of Pell City, Alabama, for cancellation of motor carrier certificate F2536 (Docket 30872). CDC Trucking, LLC also has approval of cargo self-insurance authority in Informal Docket C-17947, and recommended granting cancellation as requested (Docket 30872) and grant cancellation of cargo self-insurance authority as requested (Informal Docket C-17947)

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 on Formal Docket 33424, Show Cause proceeding for Morgan Moving & Storage, Inc., of Booneville, Mississippi, for failure to provide the Commission with the documentation required for household goods carriers, and recommended issuance of an order establishing a show cause proceeding for Morgan Moving & Storage, Inc.

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 33407, Show cause proceeding for Stay N on the Move Trucking LLC ("Stay N on the Move") of Eutaw, Alabama for failure to respond to audit inquires for 2023 Unified Carrier Registration (UCR). Commission order dated October 6, 2023, directed Stay N on the Move to provide the required documentation and appear at a hearing on November 13, 2023. Stay N on the Move failed to appear at the

hearing, and recommended issuance of an order suspending the UCR registration of Stay N on the Move Trucking LLC for all active years.

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

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Judge Bentley then reported on Formal Docket 32744, In re: Regulation of Transportation Network Companies. By order dated September 18, 2023, the Commission initiated a rulemaking proceeding to consider proposed revisions to Rule TNC-2, Rule TNC-3 and Rule TNC-5. The order also included a proposal by Rasier, LLC (a.k.a Uber) to amend the vehicle safety inspection requirements in Rule TNC-7. Uber requested that Rule TNC-7 include an inspection grace period of 90 days for vehicles less than 10 years old and an inspection waiver for vehicles less than 3 years old. The order establishing the proceeding set a public comment period. On October 20, 2023, Uber filled comments that indicated general support for the proposals to: amend the definitions in Rule TNC-2; clarify the calculation of late fees related to TNC Permit renewals in Rule TNC-3; and clarify the penalty provisions concerning local assessment fees in Rule TNC-5. Regarding the proposed changes to Rule TNC-3 concerning driver photographs, Uber suggested that, rather than prohibit the use of filters as proposed, the PSC revise the rule to require TNCs to make reasonable efforts to ensure driver profile photos do not have filters or digital effects, and recommended adoption of the proposed changes to Rule TNC-2, Rule TNC-3, Rule TNC-5 and Rule TNC-7, except with the modification of the proposed change to Rule TNC-3 to require TNCs to make reasonable efforts to ensure driver profile photos do not have filters or digital effects.

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

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Judge Bentley reported on Formal Docket 33414, Application of Gigapower, LLC of Dallas, Texas, for a certificate to provide telecommunications services in the state of Alabama. A hearing was held on November 13, 2023, in which Commission staff participated, and recommended granting approval of application.

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

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Judge Bentley then reported from the Legal Division Off Agenda Item on Formal Docket 32553, Petition of Community Utilities of Alabama Inc., ("CUA" or "Petitioner") for approval to increase its tariffed monthly sewer rates. The tariff proposed by CUA would result in a 7.14% increase in rates (\$78.74 for residential; \$58.03 for recreational vehicles; \$17.51 for vacant lots; and proportional adjustments for most commercial customers). CUA represents that those proposed changes to its rates would result in an estimated increase in annual revenue of approximately \$148,078 based on a proposed return on equity of 11.06% with a rate base of \$6,167,457. CUA requested that the proposed tariff become effective on July 1, 2023. On June 13, 2023 the Commission suspended the proposed tariff through December 28, 2023, to allow sufficient time for investigation and study of the requested changes. On June 16, 2023, the office of the Attorney General of Alabama ("Attorney General") intervened in the matter. A hearing was held on October 19, 2023 in which representatives from CUA, the Attorney General, and Commission staff were present and participated. The Petitioner offered sworn testimony at the hearing and several exhibits. As agreed during the hearing, the Petitioner submitted two post-hearing filings: 1) a post-hearing brief addressing issues identified at the hearing, specifically certain capitalized expenditures associated with the 2017 acquisitions included in CUA's test year rate base; and 2) an update on rate case expenses, and recommended approval of the proposed 11.06% return on equity.

Find that CUA's stated rate base conflicts with testimony and findings in a prior proceeding regarding the rate base associated with the systems acquired from Canaan Systems, Inc., in 2017. Adjust rate base to \$5,556,987. Considering the above adjustment to rate base and the reasonableness of the other aspects of CUA's proposal (including the rate of return and updated rate case expenses), allow a 3.88% increase in rates (\$76.34 for residential; \$56.26 for recreational vehicles; \$16.97 for vacant lots; and proportional adjustments for commercial customers other than Auburn Legends), which would result in an estimated increase in annual revenue of approximately \$80,438.

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 item.

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Oden, 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, January 9, 2024.

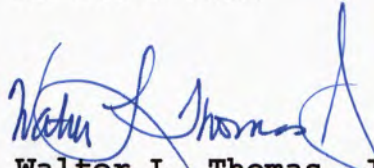
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There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:30 a.m.


Walter L. Thomas, Jr.
Secretary