

MINUTES OF A MEETING  
OF THE  
ALABAMA PUBLIC SERVICE COMMISSION  
HELD TUESDAY, FEBRUARY 6, 2024

The February 2024 meeting of the Alabama Public Service Commission was held on Tuesday, February 6, 2024, 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 10:03 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; Chad Mason, Hearing Officer; John Free, Electricity Policy Division Director; Donald Powell and Patricia Smith and Donald Powell, Public Utility Analyst Managers; Amanda Shehane, Utility Enforcement Director; Jeffery Johnston, Utility Services Division Director; Jonathan Kimbril, Gas Pipeline Safety Division Director; Devon Beaty, PSC Transportation Regulatory Manager; Tanya Champion, Matthew Singleton Stacie Berry and Tashenna Lawrence, Public Utility Analysts; William Partlow, Staff Accountant; Caleb Hicks, Communication and Public Relation Manager; Debbie Williams, Executive Assistant to Commissioner Cavanaugh; Mary Caitlyn Montgomery, Technical Assistant to Commissioner Beeker; Kaitlyn Rayborn, Executive Assistant to Commissioner Beeker; Aisha Smith, Executive Assistant to Commissioner Oden; 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 January 3, 2024.

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Commission Beeker introduced Mr. Vaughan Poe, 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 January 9, 2024, 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 January 2024 as follows: Alabama Power Company had thirty-four residential inquiries and two business inquire, Spire Alabama had ten residential inquiries, and Spire Gulf had one residential inquiry. There was a total of ten telecommunication inquiries, consisting of zero under Public Service Commission jurisdiction, seven were 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 Rate RSE for Spire Alabama Inc., based on preliminary figures as of December 31, 2023, the projected RSE return on average common equity for the rate year ending September 30, 2024, was 9.42 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 December 31, 2023, the projected RSE return on average common equity for the rate year ending September 30, 2024, was 9.93 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-4330, Spire Alabama, Inc., Application for approval of an amendment to the special services agreement with Alabama Power Company (formerly Tenaska Alabama 11 Partners, L.P.), 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-3400, Spire Gulf, Inc., Application for approval of a Firm Storage Service and Interruptible Natural Gas Transportation agreement with Bay Gas Storage Company, LLC, 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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Mr. Johnston then reported on Formal Docket 32698, River Bend Marina, LLC, Application for renewal of Certificate of Financial Viability for River Bend Marina, 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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#### GAS PIPELINE SAFETY DIVISION

Mr. Kimbril, reported for the Gas Pipeline Safety (GPS) Division Agenda on the following inspections during the month of December. A total of sixty (67) inspections and one (1) operator training sessions were conducted utilizing eighty-nine and Quarter (89.25) 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
12	14	0	23	4	0	1	0	0	13	67

From the sixty-five (67) inspections shown above, twelve (12) enforcement letter of notification was issued noting twenty-nine (29) non-compliance issues. There were eighteen (18) non-compliance items corrected during the month of December.

#### Training

One (1) operator/contractor training session on compliance and regulatory update training was conducted in December:

- 12/6/2023Montgomery, AL Seminar 300 Personnel Trained

#### Incidents/Accidents

There were two (2) state reportable incidents and zero (0) federal incidents reported during the month of December.

- 12/13/2023 Spire Alabama - A contractor using a boring machine struck and damaged the gas main while installing electrical conduit. It appears the gas line was accurately marked.
- 12/13/2023 Southeast Gas - Locator failed to locate main due to not seeing ribbon on pole at 1910 Honeysuckle Rd (west side of Honeysuckle) as per request. Southeast Gas's maps



and google maps failed to show 1910 Honeysuckle Rd correctly.

### Miscellaneous

The Gas Pipeline Safety recently concluded its annual Pipeline Safety Conference at a new venue. The conference witnessed participation levels consistent with previous years, maintaining the tradition of fostering engagement within the industry.

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### UTILITY ENFORCEMENT DIVISION

Mrs. Shehane reported from the Utility Enforcement Division on the major task, inspections and activities accomplished by its staff during the month of December 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	11	46	0	145	94

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
4	9	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
4	0	0	0	0

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	2	0

Both track and MP&E inspectors performed record inspection reviews shown below on railroad inspections, repair records, and highway grade crossings.

	Track Inspection Records	MP&E Railcar & Locomotive Repair Records	Highway Grade Crossings
Inspections	14	7	1
Units Inspected	382	128	5
Defects	7	0	2

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

- 1.A seven-car derailment in yard tracks in Tuscaloosa on ABS.
- 2.A six-car derailment in yard tracks in Birmingham on NS.
- 3.A vehicle strike at a crossing with unknown injuries (driver fled the scene) in Tuscaloosa on NS.
- 4.A vehicle strike at a crossing with unknown injuries in Stevenson on NS.
- 5.A vehicle strike at a crossing with no injuries in Bessemer on NS.
- 6.An unoccupied vehicle strike with no injuries in Coaling on NS.

In addition to the incidents reported above, the RWS staff also received the following notifications reported by sources other than NRC.

- 1.A 100-gallon lube oil spill in Talladega on CSX.
- 2.A vehicle strike with serious injuries in Hartselle on CSX.
- 3.A vehicle strike with injuries in Ashford on CSX

#### 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
23	6	3	1	3	4	37	47	14

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
258	18	12	4	23	27	335

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

UCR Applications		UCR Mailouts for 2024	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
10	0	0	6	105	37

As of December 31, there were 10,447 Alabama carriers (94%) registered for 2023 UCR with 662 that remain unregistered. As of December 31, there were 6,049 Alabama carriers (64%) registered for 2024 UCR with 3,436 that remain unregistered.

In December, \$878 was collected for Focused Anomaly Reviews (FARs) audits for the 2024 UCR registration year.

MCS staff participated in the UCR Board call and the UCR Enforcement Subcommittee call during the month.

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. Four motor carriers had their USDOT number deactivated. Three forms contained updates to the motor carriers' USDOT number data.

In December, one passenger tariff for Murdock Transportation LLC (C3881) was rejected because it was incomplete. One household goods tariff for Stash & Go LLC dba Stash & Go Moving (NEW) and one passenger tariff for Auburn Downtown Limo L.L.C (C4150) were accepted.

A desk audit was conducted for household goods carrier Movers Plus LLC (C4089). It was recommended to the carrier to list



itemized charges on the bill of laden/receipt and to use fractions of time on hourly moves.

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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 6.13 percent. Mrs. Smith also reported for the month of December 2023 energy cost applicable to Rate ECR was over-recovered by \$20,689,768. The authorized Weighted Retail Return on Average Common Equity Range is 5.75-6.15 percent.

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#### LEGAL DIVISION

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

Formal Docket 33432, Application of Stash & Go LLC d/b/a Stash & Go Moving of Gadsden, Alabama, for a certificate to transport household goods, and recommended granting certificate and approval of tariff;

Informal Docket C-20838, Petition of Henderson & Coker, Inc., of Alexander City, Alabama for approval of cargo self-insurance, and recommended granting approval of petition;

Informal Docket C-20809, Petition of New Frontier Oil, L.L.C., of Birmingham, Alabama, for reinstatement of motor carrier certificate F4899 which was revoked due to Petitioner's failure to maintain proper proof of cargo insurance coverage, and recommended granting reinstatement of petition; and

Formal Dockets 33033 and 33110, Petition of Birmingham Mobile Inc., d/b/a Zippy Shell of Birmingham, for cancellation of motor carrier certificates 4112 and F5256, and recommended granting cancellation as requested.

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

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Judge Bentley reported from the Legal Division Agenda on Informal Docket C-20735, Petition of BHH Services, LLC, of

Chattanooga, Tennessee, for reinstatement of motor carrier certificate 4123 which was revoked due to petitioner's failure to maintain proper proof of cargo insurance coverage, and recommended granting reinstatement of petition.

Upon motion by Commissioner Beeker 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. Commissioner Cavanaugh ask Judge Garner to explain the revision to the Gas Pipeline Safety Division manual. Judge Garner stated the modifications are what Mr. Kimbril and PHMSA suggested to increase efficiency and make sure inspection are conducted on time.

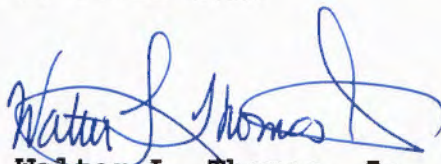
Upon motion by Commissioner Cavanaugh and seconded by Commissioner Oden, the Commissioners voted unanimously to accept the recommendation.

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Commissioner Cavanaugh concluded with stating that the next Commission meeting is scheduled for Tuesday, March 5, 2024.

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There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:22 a.m.

  
Walter L. Thomas, Jr.  
Secretary