

MINUTES OF A MEETING
OF THE
ALABAMA PUBLIC SERVICE COMMISSION
HELD TUESDAY, APRIL 2, 2024

The April 2024 meeting of the Alabama Public Service Commission was held on Tuesday, April 2, 2024, in the Carl L. Evans Chief Administrative Law Judge Hearing Room Complex, 100 North Union Street, Montgomery, Alabama. Commission President Twinkle Address 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, Administrative Law Judge; Chad Mason, Hearing Officer; John Free, Electricity Policy Division Director; Patricia Smith, Public Utility Analyst Manager; Aquilla Spivey, Consumer Service Manager; Amanda Shehane, Utility Enforcement Director; Jeffery Johnston, Utility Services Division Director; Johnathan Kimbril, Gas Pipeline Safety Division Director; Devon Beaty, PSC Transportation Regulatory Manager; Chris Hester, Railway Safety Administrator; Tanya Champion, Matthew Singleton, Stacie Berry, Arkendrianna Mack and Tashenma Lawrence, Public Utility Analysts; William Partlow, Staff Accountant; Caleb Hicks, Communication and Public Relation Manager; Debbie Williams, Executive Assistant to Commissioner Cavanaugh; Janey Whitney, Technical Assistant to Commissioner Cavanaugh; Mary Caitlyn Montgomery, Technical Assistant to Commissioner Beeker; Kaitlyn Rayborn, Administrative Assistant to Commissioner Beeker; Aisha Smith, Executive Assistant to Commissioner Oden; Kay Oswalt, Information Systems Manager; Chalandra Betts, IT Technician; Jerry Delancey, Administrative Assistant; Walter L. Thomas Jr., Secretary of the Commission.

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Commissioner Cavanaugh noted that the public was informed of today's Commission meeting by notice dated February 28, 2024.

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Commission Oden 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 March 5, 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 March 2024 as follows: Alabama Power Company had twenty-eight residential inquiries and two business inquires, Spire Alabama had nine residential inquiries, and Spire Gulf had none. There was a total of eighteen telecommunication inquiries, consisting of four under Public Service Commission jurisdiction, six were referred back to the companies since the company's waived jurisdiction and eight not under PSC jurisdiction.

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Mr. Johnston reported on Rate RSE for Spire Alabama Inc., based on preliminary figures as of February 29, 2024, the projected RSE return on average common equity for the rate year ending September 30, 2024, was 9.49 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 February 29, 2024, the projected RSE return on average common equity for the rate year ending September 30, 2024, was 10.02 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-5154, Spire Alabama, Inc., Application for approval of a special services agreement with Knauf Insulation GMBH, 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-5465, Spire Alabama Inc., Application for approval of a special services agreement with Samkee America, Inc., 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 reported on Informal Docket 31182, Bio-Flow, Inc., Petition for the 2024 renewal of Bio-flow, Inc.'s certificate of financial viability, and recommended granting approval of petition.

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 32553, Community Utilities of Alabama Inc., Petition for approval to modify certificate of financial viability. Expands the service territory of Community Utilities of Alabama, Inc., to own, operate and maintain the wastewater collection and treatment facility for The Villas at Bay Pines located in the community of Jackson Gap, in Tallapoosa County, Al, and recommended granting approval of petition.

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

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Mr. Johnson also reported on the following dockets:

Informal Docket U-5463, Knology of the Valley, Inc., d/b/a Knology or d/b/a Knology or d/b/a WOW! Internt, Cable and Phone and Level 3 Communications, LLC, Request approval of an Interconnection agreement between Knology of the Valley, Inc., d/b/a WOW! Internet, Cable and Phone and Level 3 Communications, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, and recommended granting approval of agreement; and

Informal Docket U-5464, Hopper Telecommunications LLC d/b/a GOnetspeed and Level 3 Communications, LLC, Approval of an Interconnection agreement between Hopper Telecommunications LLC d/b/a Gonetspeed and Level 3 Communications, LLC, Inc., pursuant to Sections 251 and 252 of the Telecommunication Act of 1996, and recommended granting approval of agreement.

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

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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 February. A total of twenty-one (21) inspections were conducted utilizing (60) person-days. The inspections are as follows:

Standard Inspection	Construction	Operator Qualification	Public Awareness	IMP / DIMP	Control Room	Incident /Accident	Section 114	Drug & Alcohol	Follow-Up	Total Inspections
9	4	0	0	0	0	0	0	0	8	21

Enforcement Actions

From the twenty-one (21) inspections shown above, seven (7) enforcement letters of notification were issued noting twenty-seven (27) non-compliance issues. There were twenty-one (21) non-compliance items corrected during the month of February.

Training

Three (3) operator/contractor training session on Polyethylene (PE) plastic fusion and zero (0) fire response training were conducted in February:

- 2/7/2024 Fultondale Utilities PE 43 Personnel Trained
- 2/20/2024 Leak City PE 41 Personnel Trained
- 2/27/2024 Southern Directional PE 39 Contractors Trained

Incidents/Accidents

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

Miscellaneous

Gas Pipeline Safety was requested to speak at the Common Ground Alliance (CGA) annual conference. The topic is "Leveraging Integrity Management Concepts to Reduce Excavation Damage." This topic continues to gain support for better regulatory guidance to improve safety. Remember April is 811 safe digging month.

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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 February 2024.

Railway Safety

The track inspection results below reflect activity by our Railway Safety (RWS) Staff in the field.

Rail Carriers Visited	Regular Track Inspections	Track Defects Identified	Violations Recommended	Track Miles Inspected	Track Turnouts Inspected
7	29	110	1	473	200

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
6	12	5	1

The data in the table 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
6	14	168	0	845

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	1	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	1	2	1
Units Inspected	22	9	40
Defects	0	0	2

There was five incident reported by the National Response Center (NRC) in February:

1. An unoccupied vehicle strike at a crossing in Tuscaloosa on NS.
2. A pedestrian strike at a crossing resulted in a fatality in Tuscaloosa on NS.
3. A vehicle strike at a crossing with unknown injuries in Birmingham on NS.
4. A six-car derailment in a rail yard in Birmingham on NS.
5. A vehicle strike at a crossing with unknown injuries in Dearmanville on NS.

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

1. A grade crossing safety complaint in Decatur on NS.
2. A crash onto the tracks with unknown injuries in Dothan on CSX.
3. A trespasser strike with unknown injuries in Decatur on CSX.
4. A defective condition affecting crossing warning devices in Springville on NS.
5. An unoccupied semi-truck strike at a crossing in Jasper on BNSF.
6. A semi-truck strike at a crossing with unknown injuries in Brewton on CSX.

The grade crossing safety complaint was responded to by RWS staff and repairs were being made to the crossing. The defective condition was referred to the FRA grade crossing managers. There was also one blocked crossing complaint that was referred to the FRA blocked crossing website.

Two RWS track inspectors also completed the required FRA recurrent training in Pueblo, CO during the month.

RWS track inspectors teamed with WATCO and the FRA to lead presentations at a railway safety seminar where 40 railroad employees from various parts of the country were presented with information on regulatory compliance and good industry practices.

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
25	13	2	0	9	7	54	56	30

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
375	21	18	2	16	36	439

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
13	0	139	44	62	52

As of February 29, there were 7,882 Alabama carriers (83%) registered for 2024 UCR with 1,604 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 1,735 carriers that were domiciled in Alabama and some that were in non-participating states. Also, during the month, the UCR Depository made its first distribution to states that have not reached their cap. Currently, Alabama is still under its cap.

During February, staff mailed two pending payment letters to a carrier that had created vouchers several weeks prior where payment had not been received for the 2023 & 2024 UCR registration year.

In February, \$548.00 was collected for Focused Anomaly Reviews (FARs) audits for the 2024 UCR registration year.

MCS staff participated in the UCR Education & Training Subcommittee Call, the UCR Finance Subcommittee call, the UCR Industry Advisory Subcommittee call, and the UCR Board 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 12 MCS-150 forms processed. Six motor carriers had their USDOT number deactivated. Six forms contained updates to the motor carriers' USDOT number data.

Our office received four For Non-Profit (FNP) quarterly reports for the fourth quarter of 2023 during the month.

A total of 155 household goods and passenger annual reports for 2023 were mailed to carriers.

In February, one passenger schedule of rates for Mountain Taxi, LLC dba Sunset Taxi (C4149) and one household goods supplement for Lambert Transfer & Storage Inc. (C604) were accepted.

Staff participated in three passenger carrier hearings there were held during February for:

- Vincent J. Coda dba Dauphin Island-Mobile Airport Taxi Service
- F&S Transportation LLC dba F&S Transportation
- Dominion, LLC dba Dominion Shuttle

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, 2024, is 5.91 percent. Mrs. Smith also reported for the month of February 2024 energy cost applicable to Rate ECR was over-recovered by \$40,145,200. The authorized Weighted Retail Return on Average Common Equity Range is 5.75-6.15 percent.

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LEGAL DIVISION

In the absence of Suellen Young, Luke Bentley reported from the Legal Division Agenda on the following Dockets:

Informal Docket C-20894, Petition of Transco, Inc., of Temple, Texas for approval of cargo self-insurance, and recommended granting approval of petition;

Informal Docket C-20798, Petition of Transco, Inc., of Temple, Texas for reinstatement of motor carrier certificate F2990 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-20851, Petition of GDT Logistics LLC, of Moody, Alabama for reinstatement of motor carrier certificate F5309 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage, and recommended granting reinstatement of petition;

Formal Docket 33418, Motor carrier certificate C4125, FNP A-99 and P651 were transferred to ABLE Non-Emergency Medical Transport Service LLC ("ABLE") of Fort Deposit, Alabama by Commission order dated December 6, 2023. Said order required ABLE to file its insurance, tariff, schedule of rates, and obtain registration numbers. ABLE has failed to make the required filings, and recommended granting cancellation on 30 days' notice;

Formal Docket 29598 and Informal Docket C-20883, Petition of Little Creek Carriers, Inc., of Carrollton, Alabama, for cancellation of motor carrier certificate F3227 (Docket 29598). Motor carrier certificate F3227 was revoked by Commission order dated March 5, 2024 due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage (Informal Docket C-20883), and recommended granting reinstatement of motor carrier certificate F3227 (Informal Docket C-20883) for the sole purpose of cancelling motor carrier certificate F3227 in good standing. Grant cancellation as requested (Docket 29598);

Informal Docket C-20205 and Formal Docket 33217, Petition of P&C Solutions Limited Liability Company ("P&C Solutions") of Daphne, Alabama for cancellation of motor carrier certificate F5317 (Docket 33217). P&C Solutions also has approval of cargo self-insurance authority in Informal Docket C-20205, and recommended granting cancellation as requested (Docket 33217) and grant cancellation of cargo self-insurance authority as requested (Informal Docket C-20205);

Formal Docket 27923, Petition of Allen Hunnicutt d/b/a Hunnicutt Trucking of Cottdale, Alabama, for cancellation of motor carrier certificate F2286, and recommended granting cancellation as requested;

Formal Docket 32393, Petition of Green Plains Trucking II LLC of Birmingham, Alabama, for cancellation of motor carrier certificate F4907, and recommended granting cancellation as requested; and

Formal Docket 32121, Petition of M.C. Heavy Haulers, LLC of Ohatchee, Alabama for cancellation of motor carrier certificate F4760, and recommended granting cancellation as requested.

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

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In the absence of Sullen Young, Luke Bentley reported from Legal Division Off Agenda One on Formal Docket 33445, Unopposed motor carrier application of Above and Beyond Health Services LLC of Moundville, Alabama, for a certificate to transport passengers. The applicant waived its right to a report and recommended order, and recommended granting approval of application.

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

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

Informal C-20819, Petition of Tidewater Transit Company, Inc., of Kingston, Alabama, for reinstatement of motor carrier certificate F838 which was revoked due to Petitioner failure to maintain proper proof of cargo insurance coverage, and recommended granting reinstatement of petition;

Formal Docket 33430, Petition of Vincent J. Coda d/b/a Dauphin Island - Mobile Airport Taxi Service, of Dauphin Island, Alabama for cancellation of motor carrier certificate 4155, and recommended granting cancellation as requested;

Formal Docket 32171, Petition of E & S Trucking, Inc., of Northport, Alabama for cancellation of motor carrier certificate F4789, and recommended granting cancellation as requested;

Formal Docket 24567, Petition of Kenan Transport, LLC, of North Canton, Ohio for cancellation of motor carrier certificate F449, and recommended granting cancellation as requested; and

Formal Docket 33024, Petition of E R Trucking, LLC of Henagar, Alabama for cancellation of motor carrier certificate F5208, and recommended granting cancellation as requested.

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

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Judge Bentley reported from the Legal Division Agenda on Formal Docket 33454, Show cause proceeding for Wile Energy Services Inc., of Boligee, Alabama, for failure to respond to audit inquires for 2024 United Carrier Registration, and recommended issuance of an order establishing a show cause proceeding for Wile Energy Service, Inc.

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

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Judge Bentley then reported from the Legal Division Agenda on Formal Docket 33455, 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 2023 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 Oden and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

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Judge Bentley also reported on Formal Docket 33458, Petition of Light Striped Horse LLC d/b/a Pink Zebra Moving of Mobile, Alabama for a certificate to transport household goods, and recommended granting certificate and approval of tariff.

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

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Hearing Officer Chad Mason, reported from the Legal Division Off Agenda Item One on the following dockets:

Formal Docket 33444, Unopposed motor carrier application of Cahaba Limousine Service LLC of Birmingham, Alabama for a certificate to transport passengers. The Applicant waived its

right and recommended order, and recommended granting approval of application; and

Formal Docket 32901, Petition of Zak Bailey Trucking LLC of Fyffe, Alabama to suspend operations under motor carrier certificate F5150 for a period of one year, and recommended granting one-year suspension.

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

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Judge Garner, reported from the Legal Division Agenda on Formal Docket 33456, Petition to adjust rates paid by and to Alabama Power filed by J. Paul and Kitty Whitehurst, and recommended dismissal due to the failure of Petitioners to sufficiently support their claims and requested relief.

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.

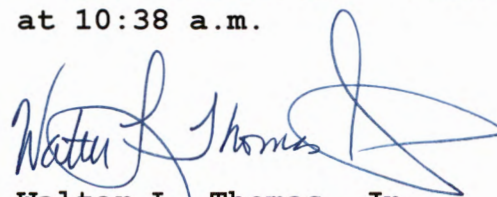
Upon motion by Commissioner Beeker and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

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Commissioner Cavanaugh concluded with stating that the next Commission meeting is scheduled for Tuesday, May 7, 2024.

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There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:38 a.m.



Walter L. Thomas, Jr.
Secretary