

MINUTES OF A MEETING
OF THE
ALABAMA PUBLIC SERVICE COMMISSION
HELD TUESDAY, JUNE 11, 2024

The June 2024 meeting of the Alabama Public Service Commission was held on Tuesday, June 11, 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 10:01 a.m. with Commissioner Jeremy H. Oden and Commissioner Chris "Chip" Beeker, Jr., present. The following staff members were also present: Luke Bentley and Suellen Young Administrative Law Judges; Chad Mason, Hearing Officer; John Free, Electricity Policy Division Director; Patricia Smith and Donald Powell, Public Utility Analyst Managers; Aquilla Spivey, Consumer Service Manager; Amanda Shehane, Utility Enforcement Director; Jeffery Johnston, Utility Services Division Director; Jonathan Kimbril, PSC Gas Pipeline Safety Division Director; Devon Beaty, PSC Transportation Regulatory Manager; Tanya Champion, Stacie Berry, Matthew Singleton and Tashenma Lawrence, Public Utility Analysts; William Partlow, Staff Accountant; Caleb Hicks, Communication and Public Relation Manager; 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 May 1, 2024.

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Commission Cavanaugh introduced Ms. Carol Hartwell Johnston 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 May 7, 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 May 2024 as follows: Alabama Power Company had twenty-six residential inquiries, Spire Alabama had seven residential inquiries, and Spire Gulf had one residential. There was a total of nine telecommunication inquiries, consisting of one under Public Service Commission jurisdiction, seven were referred back to the companies since the company's waived jurisdiction and one not under PSC jurisdiction.

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Mr. Johnston reported on Rate RSE for Spire Alabama Inc., based on preliminary figures as of April 30, 2024, the RSE return on average common equity for the fiscal year ending September 30, 2024, was 9.58 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 April 30, 2024, the projected RSE return on average common equity for the rate year ending September 30, 2024, was 10.28 percent, which was within the authorized range and results in no adjustment to rates. The authorized return on average common equity is 9.70 to 10.30 percent.

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Mr. Johnson reported on Informal Docket U-4330, Spire Alabama Inc., Application for approval of an Amendment #3 to the special services agreement between Spire Alabama Inc., and Alabama Power (formerly Tenaska Alabama II Partner, LP., 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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Mr. Johnson reported on Formal Docket 32553, Community Utilities of Alabama Inc., Application for approval of a special services agreement (Commercial Rate) between Community Utilities of Alabama, Inc., and Auburn Legends RV Condominium Association, Inc., and recommended granting approval of application.

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

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Mr. Johnson, reported on Informal Docket U-5466, Level 3 Communications, LLC and Millry Telephone Company, Inc., Approval of an Interconnection Agreement between Millry Telephone Company, Inc., and Level 3 Communications, LLC pursuant to Section 251 and 252 of the Telecommunications Act of 1996, and recommended granting approval of agreement.

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

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Mr. Johnston then reported on the following dockets for approval of Amended 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-5369, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Dish Wireless L.L.C., and

Informal Docket U-5417, Level 3 Communications, LLC and Valley Telephone CO., LLC d/b/a Knology or d/b/a WOW! Internet, Cable and Phone.

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 Formal Docket 29551, Benchmark Communications, LLC d/b/a Com One, Approval to cancel Competitive Local Exchange and Telephone Toll Resale Service and withdraw tariffs. By notice received May 17, 2024, the Company stated it was no longer providing any telecommunications services to consumers; therefore, no customers would be directly affected by the cancellation, and recommended granting approval of cancellation.

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 items on the Telecommunications Agenda under "Summary of Other Filings" are for informational purpose only.

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GAS PIPELINE SAFETY DIVISION

In the absence of Mr. Kimbril, Judge Garner reported for the Gas Pipeline Safety (GPS) Division Agenda on the following inspections during the month of April.

Inspections

During the month of April, a total of forty-five (45) inspections were conducted utilizing ninety-two and half (92.5) person-days. The inspections are as follows:

		STANDARD INSPECTION	CONSTRUCTION	OPERATOR QUALIFICATION	PUBLIC AWARENESS	IMP / DIMP	CONTROL ROOM MGMT	INCIDENT / ACCIDENT	SECTION 114	DRUG & ALCOHOL	FOLLOW-UP		
GAS PIPELINE SYSTEMS	PRIVATE	5	3	1							1	TOTAL	
	MUNICIPAL	3	4	1	1	1					9		
	MASTER METER	1									4		
	LIQUID PROPANE (LP)												
	LIQUIFIED NATURAL GAS (LNG)												
	INTRASTATE TRANSMISSION	6		2							2		
	GAS GATHERING												
	OFFSHORE GAS												
LIQUID PIPELINE SYSTEMS	REFINED PETROLEUM PRODUCTS	1											
	CRUDE OIL												
	HVL FLAMMABLE / TOXIC												
	CARBON DIOXIDE												
	BIOFUEL												
TOTALS		16	7	4	1	1					16		45

Training

One (1) operator/contractor training session on Polyethylene (PE) plastic fusion and zero (0) fire response training were conducted in April:

•4/3/2024 Cullman-Jefferson PE 20 Personnel Trained

Enforcement Actions

From the forty-five (45) inspections shown above, five (5) enforcement letters of notification were issued noting twelve (12) non-compliance issues. There were six (6) non-compliance items corrected during the month of April.

Incidents/Accidents

There were three (3) state reportable incidents and zero (0) federal incidents reported during the month of April.

/10/2024 Cullman-Jefferson Counties Gas District - Cullman City Sewer Department hit a 2" main while performing repair. The locate ticket expired on April 9th, 2024. The gas marks on the pavement were off because locator bled off on old steel line that was the prevailing signal.

4/11/2024 Spire Gulf - During a storm it is believed that a lightning strike near an odorant station that cause damage led to a failure of the injection equipment. This allowed excess odorant to be injected into the pipeline which resulted in a large volume of leak calls to be reported until levels were brought back into normal levels.

4/20/2024 Spire Alabama - Birmingham Division - A contractor struck a ¾ inch plastic gas main. The contractor had an active ticket and the main was not located at the time. Spire conducted leak surveys to confirm it was the only leak caused and no other gas leaks were present in the area.

Miscellaneous

Gas Pipeline Safety (GPS) had the opportunity to attend and speak at the Common Ground Alliance (CGA) annual conference. The presentation focused on leveraging damage prevention through

Distribution Integrity Management Plans and highlighted common safety actions identified statewide to reduce excavation damages.

Additionally, GPS received findings from the Pipeline and Hazardous Materials Safety Administration (PHMSA) annual audit. The gas portion of the program scored 100 out of 100 possible points, with no deficiencies noted. Similarly, the liquid portion of the program scored 96 out of 96 possible points, also with no deficiencies. While no deficiencies were found, areas for improvement were identified. GPS will focus on these areas during the following year to promote a safer environment within the state of Alabama.

UTILITY ENFORCEMENT DIVISION

Mrs. Shehane reported from the Utility Enforcement Division describing the major task, inspections and activities accomplished by its staff during the month of April 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	22	75	0	92	94

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
1	8	21	0

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
7	12	147	0	863

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	9	1	2
Units Inspected	119	21	26
Defects	4	0	0

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

- 1.A pedestrian strike with unknown injuries by an Amtrak train in Tuscaloosa on NS.
- 2.An employee illness resulted in a fatality in Maplesville on NS.
- 3.A trespasser strike with unknown injuries in Birmingham on NS.
- 4.A seven-car derailment in Lownsboro on MNBR.
- 5.A trespasser strike resulted in a fatality in Cusseta on CSX.

The RWS Administrator attended the Association of State Rail Safety Managers mid-year meeting with the FRA.

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
26	10	0	0	13	14	70	78	27

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
335	19	11	13	22	42	66

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
1	0	93	1	43	17

As of April 30, 8,395 Alabama carriers (88%) were registered for 2024 UCR with 1,156 remaining unregistered. Our office received funds from the UCR Depository for March online payments processed through the National Registration System (NRS) from 353 carriers domiciled in Alabama and some non-participating states.

In April, a show cause hearing was held for a carrier that failed to respond to a Focused Anomaly Review (FAR) audit request. However, they provided the needed documents and paid their adjustment of \$74 a few days before the hearing so they were dismissed from the proceeding.

MCS staff participated in the UCR Board call, UCR Enforcement Subcommittee call, and the UCR Audit Q & A 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 five MCS-150 forms processed. One motor carrier had its USDOT number deactivated. Four forms contained updates to the motor carriers' USDOT number data.

Eighty-four For Non-Profit (FNP) quarterly reports for the first quarter of 2024 were sent to FNP carriers by mail and e-mail. Our office received 17 FNP quarterly reports for the first

quarter of 2024 during the month.

Fifty-one 2023 annual reports were received from household goods and passenger carriers.

One household goods supplement for Newesco, Inc. dba Dearborn Moving & Storage (C3147) and one regular passenger tariff for F&S Transportation LLC (C4156) were accepted in April.

Staff participated in three passenger carrier hearings that were held during April for:

- Inspirational NEMT Services, LLC
- Lonnie Franklin Paschall Jr dba Lonnie's Personal Transportation
- 24 Transportation LLC d/b/a Platinum Chauffeured Transportation Services

Five desk audits were completed on the following household goods carriers:

- CJR Enterprises, Inc. dba Two Men And A Truck/Auburn-Montgomery (C3860) - No issues were found.
- Liberty Moving, LLC (C4047) - The carrier was advised to carefully follow its tariff or submit a new tariff/supplement.
- Big Fish Moving Company (C4104) - The carrier was advised to carefully follow its tariff or submit a new tariff/supplement.
- Wise Guys Moving, LLC (C4110) - Several issues were found during the audit. The carrier will be given time to address the problems found and will have a follow-up audit in 90 days to confirm compliance.
- This Side Up Moving, Inc. (C3959) - Several issues were found during the audit. As a result of the problems found, the carrier was instructed to remit overcharges back to the shipper.

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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, 2024, is 5.92 percent. Mrs. Smith also reported for the month of April 2024 energy cost applicable to Rate ECR was over-recovered by \$15,680,239. The authorized Weighted Retail Return on Average Common Equity Range is 5.75-6.15 percent.

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LEGAL DIVISION

Suellen Young, reported from the Legal Division Agenda on the following Dockets:

Formal Docket 33472, Unopposed motor carrier application of Angel's Wing's, L.L.C., of Birmingham, Alabama for a certificate to transport passengers. The applicant waived its right to a report and recommended order, and recommended granting approval of application;

Informal Docket C-20951, Petition of Wall Trucking LLC of Grant, Alabama for approval of cargo self-insurance, and recommended granting approval of petition;

Informal Docket C-20858, Petition of Clarence Swift, Jr., d/b/a Swift Enterprise of Tuskegee, Alabama for reinstatement of motor carrier certificate F1950 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage, and recommended granting reinstatement of petition;

Informal Docket C-20713, Petition of International Communication L.L.C. d/b/a C&D Transportation of Birmingham, Alabama for reinstatement of motor carrier certificate F5390 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 33119 and Informal Docket C-20891, Petition of Proven Transport LLC of Greensboro, Alabama, to suspend operations under motor carrier certificate F5262 (Docket 33119) for a period of one year. Motor carrier certificate F5262 was revoked by Commission order dated May 7, 2024, due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage (Informal Docket C-20928), and recommended granting reinstatement of motor carrier certificate F5262 (Informal Docket C-20928) for the sole purpose of suspending certificate F5262 in good standing (Docket 33119). Grant one-year suspension;

Formal Docket 33221, Petition of Old Dog Express LLC, of Duncanville, Alabama for cancellation of motor carrier certificate F5318, and recommended granting cancellation as requested; and

Formal Docket 31474, Melissa Powell d/b/a Powell Express, of Clio, Alabama for cancellation of motor carrier certificate F4044, and recommended 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, reported from Legal Division Agenda on the following Dockets:

Informal Docket C-20902, Petition of Hughes Plumbing & Utility Contractors, Inc., of Mobile, Alabama, to change its company name to Hughes Companies, Inc., and to reinstate motor carrier certificate F5140 which was revoked due to petitioner's failure to maintain proper proof of liability and cargo insurance coverage, and recommended granting reinstatement in new company name;

Formal Docket 32901, Petition of Zak Bailey Trucking LLC of Fyffe, Alabama, to recommence operations under motor carrier certificate F5150. Motor carrier certificate F5150 was suspended at the request of Zak Bailey Trucking LLC for a period of one year by Commission order dated April 4, 2024, and recommended granting request to recommence operations under motor carrier certificate F5150;

Formal Docket 33454, Show cause proceeding for Wile Energy Services Inc., ("WES") of Boligee, Alabama for failure to respond to audit inquires for 2024 Unified Carrier Registration ("UCR"). Prior to the scheduled hearing, WES provided the required documentation and paid the correct UCR registration fee, and recommended issuance of an order dismissing Wile Energy Services Inc., from proceeding;

Informal Docket C-20945 and Formal Docket 22259, Petition of Wade Services, Inc., of Ellisville, Mississippi for cancellation of motor carrier certificate C2135 (Docket 22259). Motor carrier certificate C2135 was revoked by Commission order dated May 7, 2024, due to petitioner's failure to acquire current vehicle registration (Informal Docket C-20945), and recommended granting reinstatement of motor carrier certificate C2135 (Informal Docket C-20945) for the sole purpose of cancelling motor carrier certificate C2135 in good standing. Grant cancellation as requested (Docket 22259);

Formal Docket 33455, Alabama Public Service Commission ("APSC") v. Delinquent Companies. Show cause proceeding established to address the failure of numerous entities to pay Inspection and supervision fees for FY2023 despite numerous notices. A show cause hearing was held on May 16, 2024 in this matter to give those entities an opportunity to appear and show cause why their respective certificates of public convenience and necessity should not be revoked for their failure to pay the required fees, and recommended issuance of an order revoking certificates of the entities that have not paid the required inspection and supervision fees and did not appear at the May 16, 2024 show cause hearing. Said entities may achieve reinstatement upon payment of \$100 for each month the required fees are delinquent. Further recommend that all entities that have now paid the inspection and supervision fees be dismissed from this proceeding.

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

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Hearing officer Chad Mason reported from the Legal Division on Formal Docket 33470, Application of Uniti Fiber Gulfco LLC, of Little Rock, Arkansas for a certificate to provide telecommunications services in the state of Alabama. A hearing was held on May 16, 2024, in which Commission staff participated, 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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Hearing Officer Chad Mason reported on Formal Docket 33459, Application of Mid South Alabama, LLC, for a certificate to construct, own, operate, lease, manage and control intrastate pipeline facilities. A hearing was held on May 16, 2024, in which Commission staff participated, 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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Hearing Officer Chad Mason reported on Formal 33350, Investigation proceeding to consider the non-compliance of Ferc Parc Apartment Homes and other similarly situated gas pipeline master meter operators with the Gas Pipeline Safety regulations

enforced by the Commission. This proceeding was established by a vote of the Commission at the April 2023 meeting and expanded at the June 2023 meeting. A show cause hearing was held on August 22, 2023, with Berry Housing Authority ("Berry") as a participating party. At the show cause hearing Berry was shown to be in non-compliance, in one way or another, with the Commission's rules and regulations, but was willing to work towards compliance. At the September 2023 Commission meeting Berry was fined \$50,000 to be waived if compliance was reached within 90 days. If Berry failed to become compliant within 90 days, an additional fine of \$1,000 per day would be assessed for each day of continued non-compliance for the following 90 days. The Commission reserved the right to amend time periods. On February 1, 2024, Berry requested the initial 90 days to be extended by 60 days. The request was granted. Per Commission order dated November 6, 2023, once an operator reached full compliance, the operator was directed to contact Commission staff with the Gas Pipeline Safety Division to initiate an inspection by Commission staff to verify full compliance. Once Commission staff had determined full compliance had been obtained and so advised the operator, the operator was directed to file a petition under this docket seeking a formal finding of compliance and dismissal from this proceeding. Berry Housing Authority has filed for dismissal from this proceeding. Commission staff has inspected and confirmed compliance with the Commission's November 6, 2023 order, and recommended a finding of compliance with Commission's November 6, 2023 order dismissal from this proceeding, and the \$50,000 fine waived for Berry Housing.

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

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In the absence of Judge Garner, Suellen Young reported on Formal Docket 32382, Consistent with the requirements of the Certificate of Convenience and Necessity granted in Docket 32382, Alabama Power Company ("the Company") is proposing two fifteen-year Energy Purchase Agreements in connection with two Solar Projects known as Saturn I Solar and Saturn II Solar. The projects will be constructed, owned, operated and maintained by EG Saturn I, LLC and EG Saturn II, LLC, respectively. Both projects are 79.9 MW each. Detailed project information was submitted to the Alabama Public Service Commission ("the Commission") Staff on May 1, 2024. As part of its proposal, the Company is also requesting approval of one contract for renewable subscription program ("Participation contract")

between Alabama Power and WalMart, Inc., ("WalMart"). WalMart has subscribed to 100% of the environment attributes yielded by the Saturn I Solar Project. The Staff has reviewed the information provided by the Company, together with other information obtained throughout the review process, and has determined that the Saturn I and II Solar Projects meet the criteria specified in the Certificate granted in Docket 32382. The Staff likewise finds the WalMart participation contract to be in furtherance of the objective set forth in the Commission's order granting certificate in this cause. If the Energy Purchase Agreement and Participation Contract with WalMart are approved by the Commission, the Station I and II Solar Projects are expected to commence commercial operation on or before June 1, 2027, and recommended from the staff of Legal Division and the Electricity Policy Division personnel recommend approval of the proposed Saturn I and II Solar Projects as well as the accompanying participation Contract with WalMart for the Saturn I Project.

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

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In the absence of Judge Garner, Sullen Young recommended approval of the administrative items.

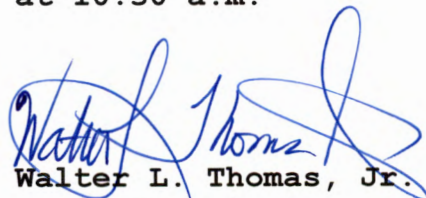
Upon motion by Commissioner Oden and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

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Commissioner Cavanaugh concluded with stating that the next Commission meeting is scheduled for Tuesday, July 2, 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