

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

The July 2024 meeting of the Alabama Public Service Commission was held on Tuesday, July 2, 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: John A. Garner, Chief Administrative Law Judge; Luke Bentley and Suellen Young Administrative Law Judges; 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; Stacie Berry and Tashenma Lawrence, Public Utility Analysts; William Partlow, Staff Accountant; 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 June 5, 2024.

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Commission Cavanaugh introduced Commissioner Oden who opened the meeting with prayer and led the audience in the Pledge of Allegiance.

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Commissioner Cavanaugh then opened the floor for a motion to approve the minutes of the June 11, 2024, Commission Meeting.

Upon being motioned by Commissioner Beeker and seconded by Commissioner Oden, 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 June 2024 as follows: Alabama Power Company had sixteen residential inquiries, Spire Alabama had two residential inquiries, and Spire Gulf had one residential inquiry. There was a total of seven telecommunication inquiries, consisting of one under Public Service Commission jurisdiction, five 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 May 31, 2024, the RSE return on average common equity for the fiscal year ending September 30, 2024, was 9.66 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 May 31, 2024, the projected RSE return on average common equity for the rate year ending September 30, 2024, was 10.54 percent. The authorized return on average common equity is 9.70 to 10.30 percent.

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Mr. Johnson reported on Formal Docket 29120, Plantation Water System, Request approval for water rate increase for all customers. Staff has reviewed the filing and recommends that the filing be suspended for 180 days to and through January 28, 2025, and recommended granting suspension.

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

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Mr. Johnson reported on Formal Docket 29120, Plantation Water System, request approval to increase late fees from \$1.50 to \$5.00 for all customers. Filed June 12, 2024 with a requested effective date of August 1, 2024, and recommended granting approval of request.

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

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Mr. Johnson, reported on Informal Docket U-5467, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and

Stratus Networks, Inc., Approval of an Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Stratus Network, Inc., pursuant to Section 251 and 252 of the Telecommunications Act of 1996, and recommended granting approval of agreement.

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

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Mr. Johnston then reported on the following dockets:

Informal Docket U-5468, AT&T Request approval of revised Access Tariff to grandfather Intrastate Shared used agreements. Filed May 31, 2024 with a requested effective date of July 1, 2024, and recommended granting approval of tariff.

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 Dockets 25399 and 18927, AT&T Corp. d/b/a ACC Business and AT&T Corp. d/b/a Lucky Dog Phone Co, approval of a change in the corporate entity name from AT&T Corp to AT&T Enterprises, LLC. The change will be seamless for customers. Filed May 23, 2024 with an immediate requested date, and recommended granting approval of name change.

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

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Mr. Johnston noted that the remaining items on the Telecommunications Agenda under "Summary of Other Filings" are for informational purpose only.

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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 May.

Inspections

During the month of May, a total of thirty-four (34) inspections were conducted utilizing seventy-six (76) 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	1	2			1						TOTAL
	MUNICIPAL	11	1								6	
	MASTER METER										2	
	LIQUID PROPANE (LP)											
	LIQUIFIED NATURAL GAS (LNG)											
	INTRASTAE TRANSMISSION	3	1		2		1				1	
	GAS GATHERING	1			1							
	OFFSHORE GAS											
LIQUID PIPELINE SYSTEMS	REFINED PETROLEUM PRODUCTS											
	CRUDE OIL											
	HVL FLAMMABLE / TOXIC											
	CARBON DIOXIDE											
	BIOFUEL											
<b>TOTALS</b>		16	4		3	1	1				9	34

Training

Two (2) operator/contractor training session on Polyethylene (PE) plastic fusion and zero (0) fire response training were

conducted in May:

- 5/21/2024 Leak City - Athens, AL PE 27 Personnel Trained
- 5/22/2024 Cullman-Jefferson PE 11 Personnel Trained

#### Enforcement Actions

From the thirty-four (34) inspections shown above, four (4) enforcement letters of notification were issued noting fourteen (14) non-compliance issues. There were thirteen (13) non-compliance items corrected during the month of May.

#### Incidents/Accidents

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

- 5/7/2024 Spire Alabama - Birmingham Division - Spire was getting multiple odor calls. After investigating the calls and looking at all the stations, Spire found an odorizer that had failed and was dumping an extreme amount of odor into the pipeline. The station was turned off and the area was fed from another feed until the odorizer is repaired.
- 5/22/2024 Huntsville Utilities - Contractor struck a 2inch plastic main that had failed due to improper locating. There was an active one call ticket.
- 5/29/2024 Spire Alabama - Selma Division - South Dallas Turf was cleaning out a drainage ditch with a backhoe and cut a 2" plastic main servicing 32 customers. South Dallas Turf did not have a One Call Ticket.

#### Miscellaneous

Gas Pipeline Safety (GPS) had the opportunity to attend and speak at the National Association of Pipeline Safety Representatives (NAPSR) southern region meeting. The presentation focused on Alabama current workload and common findings during investigations.

Additionally, GPS presented at Mississippi's Annual Pipeline Safety Conference while attending the NAPSR Southern Region

meeting. Alabama, along with the Pipeline and Hazardous Materials Safety Administration (PHMSA) and Louisiana Pipeline Safety, presented on public awareness and damage prevention.

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 May 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
10	39	134	1	92	478

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
0	20	11	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
6	15	222	0	1160

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	1	1	6
Units Inspected	105	22	62
Defects	1	0	2

There were two incidents reported by the National Response Center (NRC) in May:

1. A vehicle strike with unknown injuries in Talladega on CSX.
2. A semi-truck strike resulted in a fatality in Opelika on NS.

The RWS Administrator was accepted into the FRA's OP Inspector training program to dual certify as a track and OP inspector. This will be the first time the Railway Safety Section has had an Operating Practices inspector on staff. This position will focus on reducing human factor incidents and derailments. Human factor elements continue to be a leading factor in incident and derailment causes throughout the state.

#### 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	9	0	0	9	8	60	100	22

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
283	35	15	6	26	40	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
0	1	67	0	29	12

As of May 31, there were 8,616 Alabama carriers (89%) registered for 2024 UCR with 1,018 remaining unregistered. Our office received the final 2024 UCR distribution from the UCR Depository, and Alabama has now reached its cap.

MCS staff participated in the UCR Industry Advisory Subcommittee call and a UCR Course Development Project 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 six MCS-150 forms processed. Three motor carriers had their USDOT numbers deactivated. Three forms contained updates to the motor carriers' USDOT number data.

Our office received three For Non-Profit (FNP) quarterly reports for the first quarter of 2024 during the month.

Staff received forty 2023 annual reports from household goods and passenger carriers. Seventy-two delinquent letters were mailed to all Household Goods and Passenger carriers that failed to meet the April 30<sup>th</sup> deadline.

In May, one passenger tariff was rejected for Cahaba Limousine LLC (C4157). There was a taxi tariff for Preferred NEMT L.L.C. (C4151) and Lonnie Franklin Paschall Jr dba Lonnie's Personal Transportation (C4162) received and accepted for each company. There were four passenger tariffs accepted for the following carriers: Cahaba Limousine Service LLC (C4157), Dominion Shuttle (C4117), Above And Beyond Health Services LLC (C4158), and M & M Mobility Incorporated dba Careavan Transport (C4058).

Staff participated in two passenger carrier hearings that were held during May for:

- Checker & Deluxe Cab Co. Inc.
- Angel Wing's Transport, L.L.C.

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

- Secure Moving, Inc. (C3766) - No issues were found.



- Morgan Moving & Storage, Inc. (C549) - The carrier was advised to carefully follow its tariff or submit a new tariff/supplement.
- American Safety Movers, Inc. (C4034) - The carrier was advised to carefully follow its tariff or submit a new tariff/supplement.

The MCS staff conducted the annual records inspection review with Rasier, LLC (Uber) in May. The review went well, and Uber representatives were courteous and forthcoming with responses to any staff questions or concerns. Commission staff held a virtual vehicle inspection with a Yoshi, Inc. certified mechanic and Uber staff to go through the 20-point vehicle inspection required as a TNC driver. Also, there were 10 e-mails related to TNCs during the month.

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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 6.02 percent. Mrs. Smith also reported for the month of May 2024 energy cost applicable to Rate ECR was over-recovered by \$20,749,911. 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 33384, Motor carrier permit 655 was issued to Mountain Taxi, LLC d/b/a Sunset Taxi ("Sunset taxi"), of Gulf Shores, Alabama by Commission order date March 6, 2024. Said order also required Sunset Taxi to file it schedule of rates, obtain insurance and registration numbers and properly identify its vehicles. Sunset Taxi has failed to make the required filings, and recommended granting cancellation on 30 days' notice; and

Formal Docket 33437, Petition of Ralph Moving LLC d/b/a Pink Zebra Moving of Columbus, Georgia for an extension of time to make the required filings, and recommended granting additional 90 days to allow applicant to make the required filings.

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

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

Formal Docket 33477, Unopposed motor carrier application of Scott's Transportation LLC of Union Springs, Alabama for a certificate to transport passengers. The applicant waived its right to a Report and Recommended order, and recommended granting approval of application; and

Formal Dockets 31221 and 31287, Petition of Helping Hands Transport Service, Inc., of Hartselle, Alabama for cancellation of motor carrier certificate C3955 and FNP A-56, and recommended granting approval of petition.

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 Hearing Officer Chad Mason, Suellen Young then report on Formal Docket 33476, Unopposed motor carrier application of Joyride Company LLC of Hoover, Alabama for a certificate to transport passengers. The applicant waived its right to a Report and Recommended order, and recommended granting of application.

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 from Legal Division Agenda on Informal Docket C-20933, Petition of Charles A. Brown d/b/a C. Brown Hauling and Excavating of Fyffe, Alabama, for reinstatement of motor carrier certificate F1002 which was revoked due to petitioner's failure to maintain proper proof of liability and cargo insurance coverage, and recommended granting reinstatement of petition.

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 31733, Petition of Move & Store, LLC of Birmingham, Alabama, for a waiver from the Rule 3.22 prohibition against having a trade name appear on its vehicle in larger lettering than the name under which the certificate was issued, and recommended granting approval of a temporary waiver (two years) from the Rule 3.22 prohibition against having a trade name appear on its vehicles in larger lettering than the name under which the certificate was issued. Require Move & Store, LLC to meet with Commission staff annually regarding employment of consumer protection safeguards.

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 33455, APSC v. Delinquent Companies (that failed to timely pay inspection/supervision fees). A show cause hearing 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. The Commission has received the inspection and supervision fee and late fee from Moundville Telephone Company and MTC Long Distance. Arapaho Communications, LP failed to pay the required Inspection and Supervision fees and failed to appear at the show cause hearing, and recommended issuance of an order: 1) reinstating the certificate of Convenience and Necessity for Moundville Telephone Company and dismissing them from this proceeding; 2) reinstating the certificate of convenience and necessity for MTC Long Distance and dismissing them from proceeding; and 3) revoking the certificate of convenience and Necessity for Arapaho Communications, LP., Arapaho Communications LP may achieve reinstatement upon payment of \$100 for each month required fees are delinquent, starting from the effective date of this order.

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 32780, Application of Lyft, Inc., for renewal of its permit to operate as a transportation network company ("TNC") in the State of Alabama, and recommended granting approval of the permit renewal

application.

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 32779, Application of Rasier, LLC, (a.k.a. "Uber") for renewal of its permit to operate as a transportation network company ("TNC") in the State of Alabama, and recommended granting approval of the permit renewal application.

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

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Judge Garner reported on Legal Division Off Agenda Item on Formal Docket 18148, Rate ECR (Energy Cost Recovery), On May 3, 2024, Energy Alabama filed a Petition to Intervene in this cause. On May 14, 2024, Alabama Power Company ("Alabama Power" or the "Company") filed a response to Energy Alabama's Petition to Intervene asserting that there was no pending proceeding in Docket 18148 in which Energy Alabama could intervene. On May 30, 2024, Energy Alabama filed a reply to Alabama Power's May 14, 2024 response asserting that Rate ECR is an open docket, and therefore an active proceeding, in which Energy Alabama may intervene. On June 7, 2024, Alabama Power filed an answer to Energy Alabama's May 30, 2024 reply further supporting the company's prior assertion that there is no pending proceeding in Docket 18148 in which Energy Alabama may intervene, and recommended dismissal of Energy Alabama's Petition to Intervene as there is no pending proceeding in which Energy Alabama may intervene as this time. Should there be such a pending proceeding in the future, Energy Alabama may exercise its right to participate by submitting a timely and properly supported petition to intervene.

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

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Judge Garner recommended approval of the administrative items.

Upon motion by Commissioner 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, August 6, 2024.

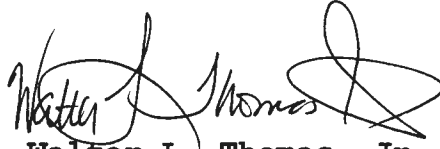
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There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:30 a.m.

A handwritten signature in black ink, appearing to read "Walter L. Thomas, Jr.", with a stylized flourish at the end.

Walter L. Thomas, Jr.  
Secretary