

MINUTES OF A MEETING
OF THE
ALABAMA PUBLIC SERVICE COMMISSION
HELD TUESDAY, SEPTEMBER 10, 2024

The September 2024 meeting of the Alabama Public Service Commission was held on Tuesday, September 10, 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 10:02 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; Stacie Berry, Tanya Champion, Matthew Singleton, Dee Newman and Tashenma Lawrence, Public Utility Analysts; William Partlow, Staff Accountant; Caleb Hicks, Communication and Public Relation Manager; Janey Whitney, Technical Assistant to Commissioner Cavanaugh; Kaitlyn Rayborn, Administrative Assistant to Commissioner Beeker; Mary Catlin Montgomery, Technical Assistant to Commissioner Beeker; Aisha Smith, Executive Assistant to Commissioner Oden; Kay Oswald, Information Systems Manager; Dana Cheek, IT Programmer; 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 July 31, 2024.

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Commission Cavanaugh introduced Judge Matt Fridy 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 August 6, 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 August 2024 as follows: Alabama Power Company had thirty-one residential inquiries and two business inquiries, Spire Alabama had five residential inquiries, and Spire Gulf had none. There was a total of fifteen telecommunication inquiries, consisting of none under Public Service Commission jurisdiction, twelve were referred back to the companies since the company's waived jurisdiction and three not under PSC jurisdiction.

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Mr. Johnston reported on Rate RSE for Spire Alabama Inc., based on preliminary figures as of July 31, 2024, the RSE return on average common equity for the fiscal year ending September 30, 2024, was 9.81 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 July 31, 2024, the projected RSE return on average common equity for the rate year ending September 30, 2024, was 9.69 percent. The authorized return on average common equity is 9.70 to 10.30 percent.

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Mr. Johnson reported from the Utility Services Division on Informal Docket U-5469, Spire Alabama Inc., Application for approval of a special services agreement with Cheney Lime and Cement Co., Inc., 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. Johnson then reported on Formal Docket 25980, All Eligible Telecommunications Carriers, IN RE: Implementation of the Universal Service Requirements of Section 254 of the telecommunications Act of 1996 and 47 C.F.R. § 54.314. All Eligible Telecommunications Carriers (ETC) for high-cost universal funding seek certification of their eligibility and expenditure for the 2025 USF Connect America Fund and high cost support. Certifies the eligibility of the petitioning ETCs and notifies the Federal Communication Commission of that certification. Further order that certifies All Eligible

telecommunications Carriers (ETCs) eligibility and expenditure plans for the 2025 USF Connect America Fund for high cost support, and recommended granting approval of Eligible Telecommunications Carriers.

Upon motion by Commissioner Cavanaugh and seconded by Commissioner Beeker, 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 July.

Inspections

During the month of July, a total of fifty-four (54) inspections were conducted utilizing ninety-nine (99) 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	3	4								3	TOTAL
	MUNICIPAL	10	6	1	1	1					7	
	MASTER METER										5	
	LIQUID PROPANE (LP)											
	LIQUIFIED NATURAL GAS (LNG)											
	INTRASTATE TRANSMISSION	8	1	1							2	
	GAS GATHERING											
	OFFSHORE GAS											
LIQUID PIPELINE SYSTEMS	REFINED PETROLEUM PRODUCTS											
	CRUDE OIL										1	
	HVL FLAMMABLE / TOXIC											
	CARBON DIOXIDE											
	BIOFUEL											
TOTALS		21	11	2	1	1					18	54

Training

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

- 7/10/2024 South Alabama Utilities PE 29 Personnel Trained

Enforcement Actions

From the fifty-four (54) inspections shown above, two (2)

enforcement letters of notification were issued noting five (5) non-compliance issues. There were fourteen (14) non-compliance items corrected during the month of July.

Incidents/Accidents

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

- 7/2/2024 Spire Alabama - Birmingham Division - Cast iron main strike caused by a contractor - Location had an active and accurate 811 locate ticket.
- 7/26/2024 Spire Alabama - Birmingham Division - Plastic main strike caused by contractor - Location had an active and accurate 811 locate ticket.
- 7/29/2024 Spire Alabama - Birmingham Division - Plastic main strike caused by contractor - Location had an active 811 locate ticket. An 811 ticket location error is the believed cause.

Miscellaneous

Gas Pipeline Safety (GPS) performed a final inspection on a liquid set of assets for an operator that has ended operations of transmission and gathering pipelines within 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 July 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
5	24	68	0	347	104

The table below reflects track safety observations made in which no non-compliant conditions were identified. Twenty-seven

roadway workers, bridge workers, and practices were observed.

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
10	9	15	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
5	12	141	0	635

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	0	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	4	0	0
Units Inspected	539	0	0
Defects	1	0	0

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

1. A yard derailment with no injuries or releases in Montgomery on CSX.
2. A passenger vehicle strike with one fatality in Clanton on CSX.
3. A log truck struck a train at a crossing resulting in a fatality of the truck driver and a mainline derailment in Linden on AGR.
4. A trespasser strike resulted in a fatality in Huntsville on NS.

5.A passenger vehicle strike with no injuries was reported in Eutaw on NS.

The RWS Administrator attended the FRA OP Workshop Conference in San Antonio, TX. These conferences allow state and federal inspectors to share data on recent events and incidents, regulatory changes, and enforcement 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
32	5	2	2	5	6	80	37	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
261	11	24	3	13	31	70

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	63	0	15	2

As of July 31, 8,940 Alabama carriers (92%) were registered for 2024 UCR with 827 remaining unregistered.

MCS staff participated in the UCR Finance Subcommittee call, the UCR Education & Training Subcommittee call, and the UCR Audit 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 five MCS-150 forms processed. Three motor carriers had their USDOT numbers deactivated. Two forms contained updates to the motor carriers' USDOT number data.

There were 89 For Non-Profit (FNP) quarterly reports for the second quarter of 2024 sent to FNP carriers by mail and e-mail. Our office received three FNP quarterly reports for the first quarter of 2024 and 17 for the second quarter of 2024 during the month.

In July there were 28 delinquent letters mailed to the household goods and passenger carriers that failed to meet the April 30th deadline. A total of 22 annual reports for the year ended 2023 were received from household goods and passenger carriers.

In July, three passenger tariffs were accepted for Angel Wing's Transport, L.L.C. (C4163), Non-Emergency Medical Carriers Transportation and Services LLC dba Non-Emergency Medicarriers Transportation and Services (C4153), and Scott's Transportation, LLC (C4164).

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

- Big Dazzle Moving, LLC dba Pink Zebra Moving of Montgomery AL (C4163) - One minor issue was found, and the carrier was advised to either carefully follow its current tariff or submit a new tariff/supplement.
- H & W Transfer & Storage, Inc. (C3777) - Multiple issues were found, and the carrier was advised to either carefully follow its current tariff or submit a new tariff/supplement.
- Thomas French dba Moving It (C3864) - A few issues were found, and the carrier was advised to either carefully follow its current tariff or submit a new tariff/supplement.

The MCS staff conducted the annual records inspection review with Lyft, Inc. on July 30. The inspection is still ongoing as staff is awaiting Lyft's response to the findings.

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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 6.16 percent. Mrs. Smith also reported for the month of July 2024 energy cost applicable to Rate ECR was over-recovered by \$26,683,564. The authorized Weighted Retail Return on Average Common Equity Range is 5.75-6.15 percent.

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LEGAL DIVISION

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

Informal Docket C-20989, Petition of Char-Lo, Inc., of Spanish Fort, Alabama for reinstatement of motor carrier certificate F2117 which was revoked due to Petitioner's failure to maintain proper of cargo insurance coverage, and recommended granting reinstatement of petition;

Formal Docket 29655 and Informal Docket C-13179, Petition of Jerry Leonard Ward d/b/a Jerry Ward Trucking ("Jerry Ward Trucking) of Somerville, Alabama for cancellation of motor carrier certificate F3254 (Docket 29655). Jerry Ward Trucking also has approval of cargo self-insurance authority in Informal Docket C-13179, and recommended granting cancellation as requested (Docket 29655) and grant cancellation of cargo self-insurance authority as requested (Informal Docket C-13179), and recommended granting cancellation as requested (Docket 29655) and grant cancellation of cargo self-insurance authority as requested (Informal Docket C-13179);

Informal C-20995, Petition of S&A Transport, LLC of Fyffe, Alabama for reinstatement of motor carrier certificate F5230 which was revoked due to petitioner's failure to maintain proper proof of liability and cargo insurance coverage, and recommended granting reinstatement of petition; and

Formal Docket 30842 and Informal Docket C-20648, Motor carrier certificate F4039 held by Timothy Brent Palmer d/b/a T & P Transport ("T & P Transport") of Oneonta, Alabama, was suspended by Commission order dated July 17, 2023, for a period of one year. T & P Transport has failed to notify the Commission of its intent to recommence operations or relinquish motor carrier certificate F4039 despite a request by Commission staff to do so, 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 on Formal Docket 33480, Application of Sendaride, Inc., d/b/a Sendaride for a permit to operate as a transportation network company ("TNC") in the state of Alabama. A hearing was held on August 13, 2024. SendaRide presented evidence to show that it meets the requirements for a TNC pursuant to Title 32, Chapter 7C, Article 2 of the code of Alabama, 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 reported on Formal Docket 33481, Application of National Mobility Eldercare, Inc., d/b/a Envoy America ("Envoy America") for a permit to operate as a transportation network company ("TNC") in the state of Alabama. A hearing was held on August 13, 2024. Envoy America presented evidence to show that it meets the requirements for a TNC pursuant to Title 32, Chapter 7C, Article 2 of the code of Alabama, 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 on the Legal Division Agenda on Formal Docket 33486, Application of Halo Fiber, Inc., for approval of a Certificate of Public Convenience and Necessity to provide intrastate local exchange telecommunication services in the state of Alabama. Hearing was conducted Monday, August 26, 2024, 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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Hearing Officer Chad Mason reported from the Legal Division Agenda on Formal Docket 30108, Motor carrier application of Checker & Deluxe Cab Co., Inc., of Montgomery, Alabama for a certificate to transport passengers. A report and recommended order ("RRO") was entered in this cause on July 16, 2024, which recommended a grant of authority. No exceptions to the RRO were

filed within 20 days from the date of service, and recommended entry of an order recognizing that the RRO entered in this cause became the order of the Commission by operation of law due to the fact that no exceptions to the RRO were filed within the statutorily established timeframe of 20 days.

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 Docket 33350, Investigation Proceeding to consider the non-compliance of Fern 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 7, 2023, with Fern Parc Apartment Homes ("Ferc Parc") as a participating party. At the show cause hearing Fern Parc 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 Fern Parc was fined \$50,000 to be waived if compliance was reached within 90 days. If Fern Parc 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. On January 25, 2024 and May 6, 2024, Fern Parc requested extensions of time. Both requests were 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. Fern Parc Apartment Homes 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 Fern Parc.

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

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

Formal Dockets 20561 and 24374, Petition of Dixie Moving & Storage, Inc., of Huntsville, Alabama, for cancellation of motor carrier certificate C572 (Docket 20561) and F316 (Docket 24374), and recommended granting cancellation as requested (Dockets 20561 & 24373);

Informal Docket C-20999, Petition of Tomlin Excavating Company, Inc., of Tarrant, Alabama for reinstatement of motor carrier certificates F1001 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage, and recommended granting reinstatement of petition;

Formal Docket 33464, Motor carrier certificate 4160 was issued to Inspirational NEMT Services, LLC of Phenix City, Alabama, by Commission order dated May 8, 2024. Said order also required Inspirational NEMT Services to file its tariff, obtain insurance and registration numbers and properly identify its vehicles. Inspirational NEMT Services has failed to make he required filings, and recommended granting cancellation on 30 days' notice; and

Formal Docket 33445, Motor carrier permit 657 was issued to Above and Beyond Health Services LLC ("Above and Beyond Health Services"), of Moundville, Alabama, by order dated April 4, 2024. Above and Beyond Health Services failed to make the required filings and were cancelled on 30 days notice by order dated August 9, 2024. Above and Beyond Health Services has now met the requirements of the April 4, 2024 order, and recommended vacate August 9, 2024 order of revocation and reinstatement of motor carrier permit 657.

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

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Judge Young then reported on Formal Docket 33492, Show Cause proceeding for motor carriers who failed to file annual reports for 2023 operations. (*Alabama Public Service Commission v. All Motor Carriers who failed to file annual reports for 2023 operations*), and recommended issuance of order establishing show

cause hearing for all motor carriers who failed to file Annual Reports for 2023 operations.

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

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

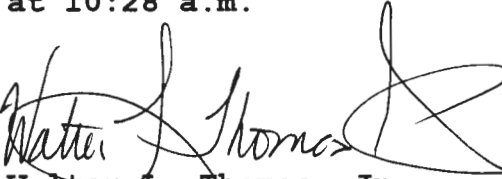
Upon motion by Commissioner Beeker and seconded by Commissioner Cavanaugh, the Commissioners voted unanimously to accept the recommendation.

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Commissioner Cavanaugh concluded with stating that the next Commission meeting is scheduled for Tuesday, October 1, 2024.

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There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:28 a.m.


Walter L. Thomas, Jr.
Secretary