

MINUTES OF A MEETING
OF THE
ALABAMA PUBLIC SERVICE COMMISSION
HELD TUESDAY, NOVEMBER 5, 2024

The November 2024 meeting of the Alabama Public Service Commission was held on Tuesday, November 5, 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 10:00 a.m. with Commissioner Jeremy H. Oden and Commissioner Chris V. Beeker, III, present. The following staff members were also present: John A. Garner, Chief Administrative Law Judge; Luke Bentley and Chad Mason Administrative Law Judges; John Free, Electricity Policy Division Director; Patricia Smith, Public Utility Analyst Manager; Amanda Shehane, Utility Enforcement Division 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 and Tashenma Lawrence, Public Utility Analysts; William Partlow, Staff Accountant; Caleb Hicks, Communication and Public Relation Manager; Janey Whitney, Technical Assistant to Commissioner Cavanaugh; Debbie Williams, Executive Assistant to Commissioner Cavanaugh; Aisha Smith, Executive Assistant to Commissioner Oden; Mary Caitlyn Montgomery, Technical Assistant to Commissioner Beeker; Kay Oswalt, Information Systems Manager; Chalandra Tolliver, 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 September 25, 2024.

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Commission Beeker introduced Commissioner Rick Pate 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 October 1, 2024, Commission Meeting.

Upon being motioned by Commissioner Oden and seconded by Commissioner Cavanaugh, 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 October 2024 as follows: Alabama Power Company had twenty-five residential inquiries and two business inquiries, Spire Alabama had four residential inquiries, and Spire Gulf had none. There was a total of fifteen telecommunication inquiries, consisting of three under Public Service Commission jurisdiction, ten were referred back to the companies since the company's waived jurisdiction and two were not under PSC jurisdiction.

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Mr. Johnston reported on Rate RSE for Spire Alabama Inc., based on preliminary figures at point-of-test September 30, 2024, was 10.06 percent, which was above the authorized range. As a result, rates will be reduced by \$3,978,231 effective December 1, 2024, to reflect the adjustment under the normal operation of RSE. The authorized return on average common equity is 9.50 to 9.90 percent. The preliminary indication is that the company ended Rate Year 2024 below the Cost Control Measurement Range.

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Mr. Johnston reported on Rate RSE for Spire Gulf Inc., based on preliminary figures at point-of-test as of September 30, 2024, the RSE return on average common equity for the fiscal year ending September 30, 2024, was 9.88 percent, which was within the authorized range and results in no adjustment to rates. The authorized return on average common equity is 9.70 percent to 10.30 percent. The preliminary indication is that the company ended Rate Year 2024 within the Cost Control Measurement Range.

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Mr. Johnson reported on the Utility Service Division on Formal Docket 18046 and 18328, Spire Alabama Inc., Application for approval to suspend the operation of the Accelerated Infrastructure Modernization (AIM) Program for rate year 2025, 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 reported on the following dockets from the Utility Service Agenda:

Informal Docket U-5209, Spire Alabama, Inc., Application for approval of a Amendment to the Special Services Agreement with Lhoist North America of Alabama, LLC (Montevallo), 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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Informal Docket U-5472, Spire Alabama, Inc., Application for approval of a Special Services Agreement with Lhoist North America of Alabama, LLC (O'Neal), 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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Informal Docket U-5473, Spire Alabama, Inc., Application for approval of a Special Services agreement with Carmeuse Lime & Stone 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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Informal Docket U-5475, Spire Gulf, Inc., Application for approval to record a Regulatory Asset Associated with a new pipeline and related facilities, and recommended granting approval of application.

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

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Mr. Johnston reported on the following dockets for approval of an Interconnection Agreement pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, and recommended granting approval of the Agreements as follows:

Informal Docket U-5471, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Uniti Fiber Gulfco LLC; and

Informal Docket U-5474, Brightspeed of Alabama, LLC and Brightspeed of Southern Alabama, LLC and Uniti Fiber Gulfco LLC.

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

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Mr. Johnston reported on the following dockets for approval of an Amended Interconnection Agreement pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, and recommended granting approval of the Agreements as follows:

Informal Docket U-4277, Bellsouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Telepak Networks, Inc.; and

Informal Dockets U-4548, BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Tec of Jackson, Inc.

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

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Mr. Johnston noted that the remaining item 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 September.

Inspections

During the month of September, a total of forty-five (45) inspections were conducted utilizing one hundred and seven (107) 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		8									TOTAL
	MUNICIPAL	7	15			1					2	
	MASTER METER											
	LIQUID PROPANE (LP)											
	LIQUIFIED NATURAL GAS (LNG)	1	1									
	INTRASTATE TRANSMISSION	1	2									
	GAS GATHERING		1									
	OFFSHORE GAS											
LIQUID PIPELINE SYSTEMS	REFINED PETROLEUM PRODUCTS	1			1							
	CRUDE OIL	2			2							
	HVL FLAMMABLE / TOXIC											
	CARBON DIOXIDE											
	BIOFUEL											
TOTALS		12	27		3	1					2	45

Training

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

- 9/4/2024 Pickens County Gas Dist. PE 16 Personnel Trained
- 9/11/2024 Piedmont Utilities PE 23 Personnel Trained
- 9/25/2024 Sylacauga Utilities PE29 Personnel Trained

Enforcement Actions

From the forty-five (45) inspections shown above, three (3) enforcement letters of notification were issued noting twelve (12) non-compliance issues. There were zero (0) non-compliance items corrected during the month of September.

Incidents/Accidents

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

- 9/4/2024 W&T Offshore - A twelve-inch type C gathering line in Mobile Bay developed a leak in open water about a half mile from Dauphin Island.

- 9/23/2024 Southeast Gas - A ten-inch steel transmission main was damaged from directional drilling head during the installation of fiber optic conduit. There was an active 811 ticket and marks were present and accurate.

Miscellaneous

Gas Pipeline Safety (GPS) had personnel attend six (6) public awareness meetings, each sponsored by different Operators.

GPS attended the National Association of Pipeline Safety Representatives (NAPSR) annual meeting. The meeting provides training to all levels of a state's pipeline safety program. Alabama had the director and two of the section supervisors attend. While there, Alabama personnel were presented with certificates recognizing our work on multiple committees within pipeline safety.

Additionally, GPS attended the annual Alabama Damage Prevention Summit. GPS uses this conference to provide support in the efforts to reduce damages within the state.

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 September 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
4	16	24	0	4	29

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
0	3	11	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
3	13	229	0	763

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

The data below reflects both track and MP&E inspectors' record inspection reviews on railroad inspections, repair records, and highway grade crossings.

	Track Inspection Records	MP&E Railcar & Locomotive Repair Records	Highway Grade Crossings
Inspections	12	0	0
Units Inspected	350	0	0
Defects	15	0	0

No incidents were reported by the National Response Center (NRC) in September.

Other sources called in two incidents:

1. A trespasser strike with unknown injuries in Cullman on CSX.
2. A deceased person was found on railroad property (no railroad operations involved) in Morris on CSX.

The RWS Administrator attended the Association of State Rail Safety Managers (ASRSM) annual meeting and FRA training in Pueblo, CO. He was elected as the FRA District 3 Representative and a member of the ASRSM Executive Committee.

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
24	14	1	0	10	7	50	37	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
303	16	15	3	1	43	168

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	0	75	0	24	9

As of September 30th, 9,247 Alabama carriers (93%) were registered for 2024 UCR with 708 remaining unregistered. The 2023 UCR closed at the end of September with 10,740 Alabama carriers (96%) registered, leaving 402 unregistered.

MCS staff participated in the quarterly UCR Audit Q & A call. Staff also participated in a call to help create the UCR Learning Management System (LMS) and assisted as subject matter experts on changes to the UCR handbook during the month.

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

- Enterprise Rescue, Inc.
- J & S Prestige, LLC
- Johnny On The Spot Car Service LLC

The staff also assisted motor carriers in making necessary changes to their operating status with the Federal Motor Carrier Safety Administration (FMCSA). Four MCS-150 forms containing updates to the motor carriers' USDOT number data were processed.

The MCS staff held a call with Lyft, Inc. (Lyft) to discuss issues found with their current vehicle inspection form on file with the Commission. Lyft will amend its vehicle inspection form and send it to the Commission for approval. Once this is completed their annual records inspection review can be closed out.

Also, regarding transportation network companies (TNCs), staff participated in a call with Corporal Russell Hodge from the Mobile Police Department, to discuss TNC issues, the TNC Act, Taxi Services, and The Alabama Motor Carrier Act.

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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 6.27 percent. Mrs. Smith also reported for the month of September 2024 energy cost applicable to Rate ECR was over-recovered by \$57,151,598. The authorized Weighted Retail Return on Average Common Equity Range is 5.75-6.15 percent.

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LEGAL DIVISION

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

Informal Docket C-21060, Petition of Tammie G. & Edward L. Chism d/b/a Crown Charter Services of Northport, Alabama for cancellation of motor carrier certificate CB115 (Docket 31476).

Motor carrier certificate CB115 was revoked by Commission order dated October 1, 2024, due to Petitioner's failure to maintain proper proof of liability insurance coverage (Informal Docket C-21060), and recommended granting reinstatement of motor carrier certificate CB115 (Informal Docket C-21060) for the sole purpose of cancelling motor carrier certificate CB115 in good standing. Grant cancellation as requested (Docket 31476);

Formal Docket 33492, Alabama Public Service Commission v. All Motor Carriers who failed to file Annual reports for 2023 operations. Hearing held for all motor carriers who failed to file annual reports for 2023 operations, and recommended revocation of all carriers who failed to appear at the show cause hearing; dismissal of all carriers from proceeding who have now complied or otherwise shown good cause why they should be dismissed from this proceeding;

Formal 33437, Motor carrier certificate 4142 was issued to Ralph Moving LLC d/b/a Pink Zebra Moving of Columbus, GA ("Pink Zebra Moving"), by Commission order dated March 6, 2024. Said order also required Pink Zebra Moving to file its tariff, obtain insurance and registration numbers and properly identify its vehicles, Pink Zebra has failed to make the required filings, and recommended granting cancellation on 30 days' notice;

Formal Docket 33476, Motor carrier certificate 4165 was issued to Joyride Company LLC ("Joyride"), of Hoover, Alabama, by Commission order dated July 8, 2024. Said order also required Joyride to file its tariff, obtain insurance and registration numbers and properly identify its vehicles, Joyride has failed to make the required filings, and recommended granting cancellation on 30 days' notice; and

Informal Dockets C-13402, C-21033 and Formal Docket 29785, Petition of L & L Trucking, LLC ("L & L"), of Selma, Alabama for cancellation of motor carrier certificate F3316 (Docket 29785). L & S also has approval of cargo self-insurance authority in Informal Docket C-13402. Motor carrier certificate F3316 was revoked by Commission order dated September 10, 2024, due to Petitioner's failure to maintain proper proof of liability insurance coverage (Informal Docket C-21033), and recommended granting reinstatement of motor carrier certificate F3316 (Informal Docket C-21033) for the sole purpose of cancelling motor carrier certificate F3316 in good standing. Grant cancellation as requested (Docket 29785) and grant cancellation of cargo self-insurance authority (Informal Docket C-13402).

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 the following dockets from the Legal Division Agenda:

Informal Docket C-21037, Petition of Waters Brothers Contractors, Inc., of Decatur, Alabama for reinstatement of motor carrier certificates F270 and C2926 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage, and recommended granting reinstatement of petition;

Informal Docket C-21035, Petition of Omni Transport LLC d/b/a Omni Transport of Hoover, Alabama for reinstatement of motor carrier certificate FNP B-79 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage, and recommended granting reinstatement of petition; and

Informal Docket C-20955, Petition of Baby B's Designs and Décor LLC d/b/a Baby B's Transportation of Prichard, Alabama for reinstatement of motor carrier certificate FNP B-119 which was revoked due to Petitioner's failure to maintain proper proof liability coverage, and recommended granting reinstatement of petition.

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 on Formal Docket 33487, American Dark Fiber, LLC's ("ADF") application for approval of a certificate of public convenience and necessity to provide telecommunications services in Alabama. After two informal requests to reschedule hearings, ADF was directed to submit a filing that describes the scheduling issues and show cause why the Commission should keep this application pending rather than dismissing it. ADF failed to submit the filing by the deadline but informally asked to withdraw the application, and recommended dismissal of the application without prejudice.

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 the Legal Division on Formal Docket 33335, Investigation proceeding to consider the issuance of a certificate of public convenience and necessity for Eco-Preservation Services, LLC ("Eco-Preservation") and to determine the rates, terms, and conditions of service to be implemented by Eco-Preservation. On August 14, 2023, following a public hearing on May 11, 2023, the Commission issued an order that granted a certificate to Eco-Preservation and established interim sewer rates. That order lowered the residential minimum monthly charge from the pre-regulation rate of \$126 to an interim rate of \$88.96 per month. It lowered the commercial minimum monthly charge from \$151 to an interim rate of \$106.59 per month. In addition, the August 14, 2023 order extended the investigation to determine Eco-Preservation's final rates. As part of the continuing investigation, the Commission directed Eco-Preservation to file its proposed final rates and supporting documentation. On February 23, 2024, after being granted multiple continuances, Eco-Preservation filed a petition for approval of tariff revisions, including an increase to monthly sewer rates from the interim rates approved on August 14, 2023. Eco-Preservation proposed the following monthly rates:

Commercial Class-A	\$138.90 per equivalent domestic unit ("EDU") per month, plus surcharges for excess pollutants
Commercial Class-B	\$138.90 per EDU per month
Residential	\$138.90 per month

Additionally, Eco-Preservation proposed: 1) a new rate rider of \$12.52 per month to fund a reserve account; 2) adjustments to other rates and fees listed in the proposed tariff; and 3) approval to implement a formula rate, referred to as Rate Stabilization and Equalization ("RSE"). Eco-Preservation requested an effective date of June 1, 2024 for these proposed tariff changes. On March 11, 2024, finding that the requested tariff revisions required additional study and investigation, the Commission suspended Eco-Preservation's proposed tariff revisions for 180 days from the requested effective date of June 1, 2024, to and through November 27, 2024. A hearing was held on September 11-12, 2024. The Office of the Attorney General and D.R. Horton, Inc.-Birmingham filed motions to intervene prior to the hearing on May 11, 2023 and participated in that hearing. On August 27, 2024, the City of Lake View and The Governmental

Utility Services Corporation of Lake View filed a motion to intervene. All intervenors participated in the hearing held on September 11-12, 2024. The parties also submitted limited post-hearing filings. Based on the evidence, adjustments to the underlying basis for the proposed rates are necessary. The following areas require some adjustment: 1) rate base; 2) return on equity; 3) several categories of expenses (ground rent, discharge license, collection system rent, legal fees, regulatory expenses, inspection and supervision fees, and income taxes); and 4) the rate design, and Recommended Dening Eco-Preservation Services, LLC's request for rates as proposed. Deny request for additional rate riders. Deny request for RSE. Set sewer rates and fees (effective December 1, 2024) as follows:

Commercial Class-A	\$83.86 per EDU per month, plus surcharges for Excess Pollutants
Commercial Class-B	\$83.86 per EDU per month
Residential	\$69.88 per month

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

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Judge Garner reported on the Legal Division Agenda on Formal Docket 29512, Petition of MTC Long Distance Inc., ("MTC") to amend its existing certificate of public convenience and necessity authorizing the provision of telephone total retail service in Alabama to also permit the provision of alternative facilities - based and resold local exchange services as a competitive local exchange carrier "CLEC" in the State of Alabama. MTC also seeks designation as an eligible telecommunications carrier in Alabama, and recommended granting entry of on order granting MTC's Petition to amend its existing certificate without an additional hearing for designation as an eligible telecommunications carrier in Alabama.

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

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Judge Garner then reported on Legal Division Off Agenda Item, Rate ECR (Energy Cost Recovery). On September 30, 2024, Energy

Alabama filed a Petition for Reconsideration, or alternatively rehearing, of the Commission's order entered in Docket 18148. Said order dismissed Energy Alabama Petition to Intervene in Docket 18148. Alabama Power Company filed a response to Energy Alabama's petition on or about October 23, 2024 urging the Commission to deny said Petition for Reconsideration/Rehearing. Energy Alabama filed a motion to strike Alabama Power Company's response as untimely on October 30, 2024. Alabama Power Company filed a response to Energy Alabama's motion to strike on October 31, 2024, and recommended granting entry of an order denying Energy Alabama's motion to strike Alabama Power Company's response and denying Energy Alabama's Petition for Reconsideration, or alternatively rehearing, of the Commission's August 30, 2024 order entered in Docket 18148.

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

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Judge Garner recommended approval of the administrative items.

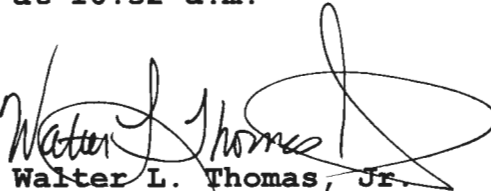
Upon motion by Commissioner Cavanaugh and seconded by Commissioner Beeker, the Commissioners voted unanimously to accept the recommendation.

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Commissioner Cavanaugh concluded with stating that the next Commission meeting is scheduled for Tuesday, December 3, 2024.

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There being no further business, Commissioner Cavanaugh adjourned the meeting at 10:32 a.m.


Walter L. Thomas, Jr.
Secretary