



STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
P.O. BOX 304260
MONTGOMERY, ALABAMA 36130-4260

CYNTHIA LEE ALMOND, PRESIDENT

JEREMY H. ODEN, COMMISSIONER, PLACE 1

CHRIS V. BEEKER III, COMMISSIONER, PLACE 2

LUKE D. BENTLEY IV, EXECUTIVE DIRECTOR

**RE: RULES OF PRACTICE OF THE
ALABAMA PUBLIC SERVICE COMMISSION**

DOCKET 33046

CASE No.: 2026-1

ORDER ESTABLISHING RULEMAKING PROCEEDING

BY THE COMMISSION:

Rule 4 of the Commission's Rules of Practice (Ala. Admin. Code r. 770-X-4-.04) prescribes the requirements for filing and service, setting out three methods for filing documents with the Commission: 1) hard-copy delivery to the Secretary; 2) electronic filing; and 3) submission during a hearing. The first method requires ten copies in addition to the original. The second method requires submitting a hard copy in addition to electronic filing. With current technology, these requirements no longer appear necessary and are due to be updated. Therefore, the Commission initiates this rulemaking proceeding to consider the attached proposed amendment to Rule 4, which would eliminate the unnecessary requirements. (See Appendix A).

In addition to the requirements in Rule 4, other rules in the Rules of Practice echo those requirements. These requirements also no longer appear necessary and are due to be updated. The rulemaking proceeding therefore also considers updating the echoed requirements in those other rules to mirror the requirements proposed in the attachment. (See Appendix B).

The Commission seeks public comments on these proposed amendments. The Commission will consider any comments received on or before the close of business on Wednesday, September 16, 2026. All comments received will be posted on the Commission's website. Reply comments will be considered by the Commission if received on or before the close of business on Wednesday, September 23, 2026. Further, the Legal Division shall oversee this rulemaking proceeding and recommend an action to the Commission.

APPENDIX A

Rule 4

Filing And Service

- (1) Filing A filing is completed by:
- i. Electronically filing a document with the Commission.
 - ~~a.ii. Filing is accomplished by~~ dDelivery of a document to the Secretary of the Commission, or an employee of her/his office, in person, or by United States Mail, Postage Prepaid, addressed to the Commission at P.O. Box 304260, Montgomery, Alabama, 36130, or by courier to RSA Union Building, 100 North Union Street, Room 850, Montgomery, Alabama, 36104, ~~except that the Commission or the presiding Commissioner or Administrative Law Judge may permit a document to be filed with them during a hearing. Filings is made by mail or delivery are effective only upon receipt by the Commission.~~
 - ~~b. Unless directed otherwise in these rules, an original and ten (10) copies of all filings, including petitions, applications, prepared testimony and exhibits by anyone in any proceeding, shall be filed in the Secretary's Office as stated in 4(A)(1), supra, and show service thereof upon each party, by name and address, to the proceeding.~~
 - iii. Documents may be filed during a hearing at the discretion of the Commission, presiding Commissioner, or presiding Administrative Law Judge.
 - ~~e.b. As an alternative to filing pursuant to subparts (1)(a) and (1)(b) above, documents~~ Documents may be filed electronically using links available on the Commission's website and shall complying with the following procedures:
 - i. To be considered a valid filing, all documents shall be in text-searchable public document format (pfd).

~~ii. Documents electronically filed shall be no larger than 40 MB in size. Any document larger than 40 MB must be broken into separate parts with no part being larger than 40 MB.~~

~~iii.ii. A hard copy of all electronically filed documents shall be filed with the Secretary of the Commission in accordance with subpart (1)(a).~~

~~iv.iii. Any document filed electronically, in compliance with this procedure, that is received by 5:00 PM Central Standard Time on a business day, is deemed received by the Commission on the day it is received electronically, with the end of the day being 11:59 PM Central Time, as long as the hard copy of the filing is received by the Secretary of the Commission by 5:00 PM Central Time on the next business day. In the event the hard copy of the filing is not received on the next business day, the filing will be deemed as received on the date that the hard copy is received by the Secretary of the Commission. Any document filed electronically, in compliance with this procedure, that is received after business hours, on a weekend, or on a State recognized holiday, is deemed received by the Commission on the following business day.~~

~~v.iv. Electronic signatures, indicated by "s/" followed by the name of the filer, shall be allowed for documents filed through the electronic filing process, unless a wet signature or other authentication is specifically required by law or other regulation.~~

~~d.c. Where the circumstances so dictate, a tentative schedule for all parties will be set for the pre-filing of testimony and exhibits. Such schedules will, however, be subject to change by the Commission, or the presiding Commissioner or Administrative Law Judge.~~

(2) Service: When required.

a. Every order of the Commission, every report and recommended order of an Administrative Law Judge and

every pleading, application, petition, complaint, or other initial filing shall be served by the Commission upon each of the parties with, where applicable, notice of the time and place for hearing the same.

(3) Service: How made.

- a. Service upon a party represented by an attorney shall be made upon the attorney and such service will be deemed service upon a party. Service upon the attorney or upon a party shall be made by emailing it to her/his email address listed on the Alabama State Bar website, or other confirmed email address, or by mailing or delivering a copy to her/him or by mailing it to her/him at her/his last known address.

(4) Subsequent Filings

- a. Answers, petitions for hearing, motions, notices and all other documents filed subsequent to the original complaint, application or petition in proceedings pending before the Commission upon its formal docket must, when filed or tendered for filing with the Commission, show service thereof upon each party, by name and address, to the proceeding.

(5) Filing and Service: Proposed changes in rates, rules and regulations.

- a. Upon the filing of protest and/or petitions for investigation and suspension relating to proposed changes in rates and charges or rules and regulations, a copy of such protest or petition shall be served upon the carrier or utility or the publishing agent of the local or agency tariff proposing such changes.
- b. Such protest or petitions must be filed with the Commission at least seven (7) days prior to the scheduled effective date of the tariff or supplements proposing such changes in rates and charges or rules and regulations.

APPENDIX B

Rule 8

Parties.

(3) Petitioners permitted to intervene, as hereinafter provided, are styled intervenors. Anyone entitled under the law to complain to the Commission may petition for leave to intervene in any pending proceeding prior to or at the time it is called for hearing, but not after, except for good cause shown.¹ Petitions shall set forth the grounds of their proposed intervention; the position and interest of the petitioner in the proceeding; and if affirmative relief is sought, should conform to requirements for a formal complaint. Leave will not be granted except on allegations reasonably pertinent to the issues already present and which do not unduly broaden them. If leave is granted, the petitioner thereby becomes an intervenor and a party to the proceeding. ~~Sufficient copies of the petition must be furnished for service on all parties to this proceeding and to allow ten (10) copies retained by the Commission and its staff.~~ If affirmative relief is sought, petitions for intervention should be filed in time to permit lawful service upon the proper parties.

(4) Protestants to Motor Carrier Applications. Any person opposed to a motor carrier application seeking operating authority, or an amendment to existing operating authority, assigned for oral hearing may become a party-Protestant at the oral hearing provided he has notified the Applicant and the Commission of his intention to protest the application. Such notification shall be made by letter, telegram, or facsimile transmission and must reach the applicant's representative or attorney (or applicant if no representative or attorney is known to him) and the Secretary of the commission's office by 5 p.m., Central Time, at least seven (7) days prior to the date of the

¹ This rule does not apply to party protestants to applications for operating authority under the Alabama Motor Carrier Act, such parties are governed by Rule 8 (D) Infra.

hearing. One dated copy of such notification simultaneously shall be mailed to the Commission for each application protestant party is opposed to. No person who fails to notify the applicant, or the applicant's attorney or representative, and the Commission of his intention to protest in the above-prescribed manner will be permitted to intervene in a proceeding except upon a showing of good cause. Such showing of good cause to intervene shall be made in a petition submitted at or before the hearing, and must demonstrate to the Commission or the presiding Commissioner or Administrative Law Judge that the moving party's interest would not be adequately and reasonably represented by the parties-protestants.

Rule 11 Pleading And Answers.

- (4) ~~The original~~An answer, counterclaim, or other pleading, ~~with ten (10) copies,~~ must be filed with the Commission, as described in Rule 4.04, 100 North Union Street, Montgomery, Alabama, 36104, and at the same time, a copy of said answer to pleading, or a counterclaim shall be served by the defendant making such answer, counterclaim, or pleading by U.S. Mail, Postage Prepaid, upon each complainant or his attorney of record. The defendant or his attorney of record shall certify to the Commission that said service has been made.

Rule 20 Filing Exceptions To Reports Of Commissioners Or Administrative Law Judges.

- (5) When a report and recommended order is served on the parties to motor carrier proceedings pursuant to Section 37-3-9, Code of Ala. 1975, the due date for exceptions shall be twenty (20) days from the date of service shown on such report and recommended order. Exceptions shall be in writing and set forth specifically any alleged errors in fact or in law or any erroneous conclusions therefore. Replies to such

exceptions may be filed by any interested party within twenty (20) days from the filing of the exceptions. The Commission or the presiding Commissioner or Administrative Law Judge, at their discretion, may extend the due date for exceptions and replies to exceptions, provided the request for such an extension is made in accordance with Rule 14 herein. ~~The original and four (4) copies of all exceptions and replies shall be filed with the Commission.~~ The filing shall comply with Rule 4.

IT IS THEREFORE ORDERED, that a rulemaking proceeding regarding the proposed filing procedures is hereby initiated pursuant to the above-described process.

IT IS FURTHER ORDERED, that jurisdiction in this cause is hereby retained for the issuance of any further order or orders deemed appropriate by the Commission.

IT IS FURTHER ORDERED, that this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama this 2nd day of September 2026.

ALABAMA PUBLIC SERVICE COMMISSION


Cynthia Lee Almond, President


Jeremy H. Oden, Commissioner


Chris V. Beeker III, Commissioner

ATTEST: A True Copy


Devon D. Beaty, Secretary