MINUTES OF A MEETING

OF THE

ALABAMA PUBLIC SERVICE COMMISSION

HELD Tuesday, October 6, 2026

The October 2026 meeting of the Alabama Public Service Commission was held on Tuesday, October 6, 2026, in the Carl L. Evans Chief Administrative Law Judge Hearing Room Complex, 100 North Union Street, Montgomery, Alabama. Commission President Cynthia Lee Almond 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: Luke Bentley, Chief Administrative Law Judge and Executive Director; Chad Mason, Administrative Law Judge; Samantha Sizemore, Attorney; Amanda Shehane, Utility Enforcement Division Director; Jonathan Kimbril, PSC Gas Pipeline Safety Division Director; Patricia Smith, Electricity Policy Division Director; Jeffery Johnston, Utility Services Division Director; Aquilla Spivey, Consumer Service Manager; William Partlow, Staff Accountant; Caleb Hicks, Communications and PR Manager; Tanya Champion, Matthew Singleton, LeAndre Wynn, and Ladavious Mitchell, Tashenma Lawrence, Public Utility Analysts; Aisha Smith, Technical Assistant to Commissioner Oden; Mary Caitlyn Montgomery, Technical Assistant to Commissioner Beeker; Kaitlyn Rayborn, Executive Assistant to Commissioner Beeker; Janey Whitney, Technical Assistant to Commissioner Almond; Hanna Lombardi, Executive Assistant to Commissioner Almond; Chalandra Betts, IT Technician; Dana Cheek, IT Programmer; Robin Bonney, Jerry Delancey, Jackie Mack and Barbara Smith, Administrative Support Assistants; Devon D. Beaty, Secretary of the Commission.

* * * *

Commissioner Almond noted that the public was informed of today's Commission meeting by notice dated November 12, 2025.

* * * *

Commissioner Almond opened the meeting with prayer followed by leading the audience in the Pledge of Allegiance.

* * * *

Commissioner Almond opened the floor for a motion to approve the minutes of September 1, 2026, Commission Meeting.

Upon being motioned by Commissioner Oden and seconded by Commissioner Beeker, the Commissioners voted unanimously to approve the minutes.

UTILITY SERVICES DIVISION

Mr. Jeff Johnston reported for the Utility Services Division on Consumer Service Complaint Inquiries for the period of September 2026 as follows: Alabama Power Company had twenty-two residential and zero business inquiries, Spire Alabama had two residential and zero business inquiries, and Spire Gulf had zero residential and zero business inquiries. There was a total of twelve telecommunication inquiries, consisting of three under Public Service Commission Complaint jurisdiction, seven were referred to the companies since the complaint jurisdiction was waived, and two were not under Public Service Commission jurisdiction.

Mr. Johnston reported on the following dockets:

Formal Dockets 18046 and 18328, Spire Alabama Inc., Division Report on Rate RSE as of August 31, 2026. Mr. Johnston reported on Rate RSE for Spire Alabama Inc., based on preliminary figures as of August 31, 2026, the projected RSE return on average common equity for the rate year ending September 30, 2026, was 9.50 percent. The authorized return on average common equity is 9.50 to 9.90 percent.

* * * *

Formal Docket 28101, Spire Gulf Inc., Division Report on Rate RSE as of August 31, 2026. Based on preliminary figures as of August 31, 2026, the projected RSE return on average common equity for the rate year ending September 30, 2026, was 9.77 percent which was below the authorized range and results in no adjustment to rates. The authorized return on average common equity is 9.70 to 10.30 percent.

* * * *

Mr. Johnston reported on off agenda item:

Docket U-5503, Spire Alabama Inc. Application for authority to issue and sell up to $150,000,000 principal amount of debt and to purchase interest rate derivative instruments for the purpose of locking in favorable interest rates and to include the associated interest charges, issuance costs, fees and any gain or loss resulting from the settlement of such interest rate derivative instruments, and recommended approval.

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

* * * *

Mr. Johnston reported on the following dockets:

Docket 33525, ALABAMA WATER UTILITIES INC AND SHELBY RIDGE UTILITY SYSTEM LLC—Petition from Alabama Water Utilities, Inc. and Shelby Ridge Utility Systems, LLC for approval of Tariff revisions adjusting rates and requesting adoption a Rate Stabilization and Equalization Plan, and recommended suspension.

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

* * * *

Docket U-4527, BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and BIG RIVER TELEPHONE COMPANY, LLC -- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Big River Telephone Company pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 and recommended approval,

Docket U-4547, BELLSOUTH TELECOMMUNICATIONS LLC D/B/A AT&T ALABAMA and IDT AMERICA, CORP. -- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and IDT America, Corp. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 and recommended approval,

Docket U-4647, BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and HYPERCUBE NETWORKS, LLC -- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Hypercube Networks, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 and recommended approval,

Docket U-4679, BELLSOUTH TELECOMMUNICATIONS LLC D/B/A AT&T ALABAMA AND NEW CINGULAR WIRELESS PCS -- Approval of an Amendment to the Commercial Mobile Radio Services (CMRS) Interconnection Agreement between BellSouth Telecommunications, LLC. d/b/a AT&T Alabama or AT&T Southeast and New Cingular Wireless, PCS pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 and recommended approval,

Docket U-4738, BELLSOUTH TELECOMMUNICATIONS LLC D/B/A AT&T ALABAMA AND YMAX COMMUNICATIONS CORP -- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and YMax Communications Corp. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 and recommended approval,

Docket U-5268, BELLSOUTH TELECOMMUNICATIONS LLC D/B/A AT&T ALABAMA and PEERLESS NETWORK OF ALABAMA LLC --Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Peerless Network of Alabama, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 and recommended approval,

Docket U-5501, BELLSOUTH TELECOMMUNICATIONS LLC DBA AT&T ALABAMA AND WIDE VOICE LLC -- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Wide Voice, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 and recommended approval.

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

* * * *

GAS PIPELINE SAFETY DIVISION

Mr. Jonathan Kimbril reported for the Gas Pipeline Safety (GPS) Division Agenda on the following inspections during the month of August 2026.

Inspections

During the month of August, a total of seventy-three (73) inspections were conducted utilizing one hundred and seventy-eight (178) in person-days. The inspections conducted during the month are as follows:

		STANDARD INSPECTION	CONSTRUCTION	OPERATOR QUALIFACTION	PUBLIC AWARENESS	IMP / DIMP	CONTROL ROOM MGMT	INCIDENT / ACCIDENT	DRUG & ALCHOL	FOLLOW-UP	OTHER	TOTAL
GAS PIPELINE SYSTEMS	PRIVATE		5							1		
	MUNICIPAL	11	9		2	2			6	19		
	MASTER METER									3		
	LIQUID PROPANE (LP)											
	LIQUIFIED NATURAL GAS (LNG)											
	INTRASTATE TRANSMISSION	3			1				1	3		
	GAS GATHERING									3		
	OFFSHORE GAS											
LIQUID PIPELINE SYSTEMS	REFINED PETROLEUM PRODUCTS									3		
	CRUDE OIL	1										
	HVL FLAMMABLE / TOXIC											
	CARBON DIOXIDE											
	BIOFUEL											
TOTALS		15	14		3	2			7	32		73

Enforcement Actions

From the seventy-three (73) inspections conducted during the month of August, nine (9) enforcement letters were issued, citing a total of fifteen (15) non-compliance items. All fifteen (15) non-compliance items were cited for the first time, with no repeat violations cited consecutively. During the month of August, Gas Pipeline Safety also verified the correction of twenty-two (22) previously identified non-compliance items.

Training

During the month of August, the Gas Pipeline Safety Division conducted two operator and contractor training sessions.

Training sessions may address a single topic or combine multiple topics based on the specific needs of the operator or contractor. Topics may include polyethylene plastic fusion, fire response, and applicable regulatory requirements contained in the Code of Federal Regulations.

- 8/5/2026 Dadeville Natural Gas PE 28 Personnel Trained

- 8/19/2026 Riviera Utilities PE 32 Personnel Trained

Incidents/Accidents

During the month of August, the Gas Pipeline Safety Division received notification of two potential incidents. Following the investigations completed to date, both incidents were determined to meet the criteria for State reporting. Neither incident has been determined to meet the criteria for Federal reporting under the Commission's jurisdiction at this time.

- 8/24/2026 W&T Offshore - Received notification of a small leak on one of its pipelines located in Mobile Bay after the leak was observed and reported by a boater. W&T Offshore confirmed ownership of the pipeline and shut in the affected line to stop the flow of natural gas. The leak is believed to have resulted from corrosion. Repairs are ongoing, along with further investigation into the overall condition of the affected pipeline segment. This incident met the applicable criteria for State reporting and could rise to the federal level at a later date.

- 8/27/2026 Dadeville Gas Board - A State right-of-way mowing crew struck a high-pressure distribution main where the pipeline transitioned aboveground and attached to a bridge crossing a waterway. The pipeline marker at the location had previously been struck and damaged and had not been replaced at the time of the incident. This incident met the applicable criteria for State reporting and could rise to the federal level at a later date.

Miscellaneous

Multiple Gas Pipeline Safety personnel attended the Louisiana Gas Association Annual Pipeline Safety Conference in New Orleans. The conference is sponsored by Alabama and several other participating states. Alabama's sponsorship and participation help ensure that the State's Hazardous Liquid Pipeline Safety Program meets applicable grant requirements associated with operator training. The conference also provides GPS staff with opportunities to receive additional training in technical and regulatory areas relevant to their inspection responsibilities. GPS furthermore evaluates conference presenters and training topics for possible inclusion in Alabama's December Pipeline Safety Conference. Presenters who provide particularly valuable or relevant information may be invited to speak at the December conference on topics applicable to natural gas pipeline operators in Alabama.

UTILITY ENFORCEMENT DIVISION

Mrs. Amanda Shehane reported from the Transportation Division's report describing the major tasks, inspections and activities completed by its staff in August 2026.

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
3	15	9	0	200	58

The table below reflects track safety observations in which one non-compliant conditions were identified and recommended for violation. Nineteen roadway workers, bridge workers, and practices were observed.

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
8	8	6	0

The data in the table below were 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	17	103	0	142

The table below shows the Operating Practices (OP) inspections performed on railroad operations.

Rail Carriers Visited	Regular OP Inspections	Defects Identified	Violations Recommended	Eqpt. Securement Observed
6	7	3	1	18

The table below shows observations completed by the MP&E and OP Inspectors in which no non-compliant conditions were identified.

Air Brake Tests	Blue Flag Protection	End of Train Devices
0	5	0

The National Response Center (NRC) reported two incidents in August.

1. A log truck strike with no injuries in Pennington on CPKC.
2. A 1-gallon ethanol release in Mobile on NS.

Four complaints/incidents were also reported via telephone or email in August.

1. A blocked crossing complaint on August 19.
2. A 2-car yard derailment in Birmingham on BNSF.
3. A blocked crossing complaint on August 22.
4. A report of false activation of crossing warning devices in Ozark on CSX.

MP&E inspector attended FRA fundamentals training in Pueblo, CO, which is required for the FRA certification process.

RWS Administrator attended the State Grade Crossing Action Plan PAC meeting with ALDOT and other stakeholders concerning the creation and implementation of an action plan to improve grade crossing safety in Alabama.

MOTOR CARRIER SERVICES

The Motor Carrier Services (MCS) staff accomplished the following regarding state authority to operate as a motor carrier in Alabama with proof of insurance coverage:

Vehicle Registration Nos.	Intrastate Applications		NOL Processed/ Closed Intra Applications	Under Legal Division Review	New Authority Approved	Motor Carrier Authority Inquiries		
	Processed	Returned				Phone	E-mails	Others
9	10	1	5	9	7	76	121	17

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
289	23	17	3	24	53	76

The MCS Section addressed the following Unified Carrier Registration (UCR) responsibilities:

UCR Applications		UCR Mailouts for 2026	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
0	1	159	39	18	18

As of August 31st, 8,552 Alabama carriers (91%) were registered for the 2026 UCR, leaving 868 unregistered. Our office received funds from the UCR Depository for July online payments processed through the National Registration System (NRS) from 186 carriers domiciled in Alabama and non-participating states.

Our office received one For Non-Profit (FNP) quarterly report for the first quarter of 2026 and eight for the second quarter of 2026 during the month.

A total of eight 2025 annual reports were received from household goods and passenger carriers, leaving nine carriers that will need to appear for a show-cause hearing for not submitting their 2025 annual report.

In July, one passenger tariff was received and accepted for All Ways Accessible LLC (C4206). There were two desk audits completed. Passenger carrier A - 24/7 Taxi (C4176) had a clean audit.

Household Goods carrier, Thomas French dba Moving It (C3864), it was recommended that the carrier issue a refund to the shipper for overcharging on the move per their tariff rates, follow its tariff on file with the Commission or submit changes for approval, and update its name on all documents to match its authority issued by the Commission.

Staff participated in four passenger carrier hearings held during August for:

- COLD Community Non-Emergency Medical Transportation, LLC
- Community Care Transit LLC
- Pearls of Wisdom Medical Transport Services LLC
- Granbury Executive Transport, LLC dba Granbury Executive Transport

ELECTRICITY POLICY DIVISION

Mrs. Patricia Smith reported on Formal Dockets 18117 and 18416; 18148 Division Report on Rate RSE and Rate ECR as of August 31, 2026. The Electricity Policy Division performed the regular monthly examination of the books and records of Alabama Power Company and found a 6.53% Weighted Return on Average Retail Common Equity for the 12 months ending December 31, 2026, and Energy Cost under recovered by $18,897,689 for August 2026.

LEGAL DIVISION

Attorney Samantha Sizemore reported on the following docket from the Legal Division Agenda:

DOCKET 33046, Case 2026-1

In Re: Amendment to Rules of Practice. The Commission currently requires that electronic filings be accompanied by a physical copy, and that physical filings include ten (10) additional copies. On September 2, 2026, the Commission initiated a rulemaking proceeding and proposed amendments to simplify and clarify Rule 4 of the Rules of Practice. During the comment period, four sets of comments were received and reviewed by Staff.

Recommended: Approve the amendment of Rule 4 of the Rules of Practice, which includes: eliminating the physical copy requirement for electronic filings; eliminating the requirement of ten (10) additional copies for physical filings; and formatting and drafting corrections. Additionally, it is recommended to retain the current 11:59 p.m. deadline for all electronic filings and include a disclaimer informing filers that submissions will not be processed until the next business day due to the requirement for manual review.

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

* * * *

Judge Chad Mason reported on the following dockets from the Legal Division Agenda:

DOCKET 33736, Unopposed common carrier application of Caring Hands Medical Transportation & Courier, LLC d/b/a Caring Hands NEMT, of Birmingham, Alabama for a certificate to transport passengers. A hearing was held on September 22, 2026, in which staff participated. The Applicant waived its right to a Report and Recommended Order at the hearing and recommended granting of authority,

DOCKET 33735, Unopposed common carrier application of Derrick Golden d/b/a Heavy D Transport, of Wetumpka, Alabama, for a certificate to transport passengers. A hearing was held on September 22, 2026, in which staff participated. The Applicant waived its right to a Report and Recommended Order at the hearing and recommended granting of authority,

DOCKET 32819, Unopposed common carrier application of Haynes Ambulance of Troy, LLC d/b/a Haynes Ambulance of Troy, of Troy, Alabama, to extend an existing common carrier operation under Motor Carrier Certificate 4081. A hearing was held on September 22, 2026, in which staff participated. The Applicant waived its right to a Report and Recommended Order at the hearing and recommended granting of authority,

DOCKET 33727, Unopposed common carrier application of Rides All Kinds LLC d/b/a Rides All Kinds, of Florence, Alabama, for a certificate to transport passengers. A hearing was held on September 22, 2026, in which staff participated. The Applicant waived its right to a Report and Recommended Order at the hearing and recommended granting of authority,

DOCKET C-21565, Petition of CHS Inc. d/b/a CHS, of Inver Grove Heights, Minnesota, for reinstatement of Motor Carrier Certificate F2139 which was revoked due to Petitioner's failure to maintain proper proof of cargo insurance. Petitioner submitted documentation that showed their cargo insurance coverage required by law is now in effect and recommended granting/reinstatement,

DOCKET C-21468, Petition of John Alan Carr d/b/a Carr Trucking, of Fyffe, Alabama, for reinstatement of Motor Carrier Certificate

F2203 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance. Petitioner submitted documentation that showed their liability insurance coverage required by law is now in effect and recommended granting/reinstatement,

DOCKET C-21591, Petition of Tommy Beasley Construction Co., Inc., of Tuscaloosa, Alabama, for reinstatement of Motor Carrier Certificate F4581 which was revoked due to Petitioner's failure to maintain proper proof of cargo and liability insurance coverage. Petitioner submitted documentation that showed their cargo and liability insurance coverage required by law is now in effect recommended granting/reinstatement,

DOCKET C-21425, Petition of West Mobile Home Transport, Inc., of Mt. Hope, Alabama, for reinstatement of Motor Carrier Certificate F1013 which was revoked due to Petitioner's failure to maintain proper proof of cargo insurance. Petitioner submitted documentation that showed their cargo insurance coverage required by law is now in effect and recommended granting/reinstatement,

DOCKET 33463, Petition of 24 Transportation LLC d/b/a Platinum Chauffeured Transportation Services, of Foley, Alabama, to suspend operations under Motor Carrier Certificate 4161 for a period of one year and recommended granting one-year suspension,

DOCKET 33677, Motor Carrier Certificate 4205 was issued to Apex Transportation, LLC d/b/a Apex Transportation ("Apex Transportation"), of Birmingham, Alabama, by Commission Order dated June 4, 2026. Said Order also required Apex Transportation to file its tariff and liability insurance. Apex Transportation has failed to make the required filing and recommended cancellation on 30 days' notice,

DOCKET 29876, Petition of Am-Brit Trucking, LLC, of Trussville, Alabama, for cancellation of Motor Carrier Certificate F3383 and recommended granting cancellation as requested.

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

* * * *

Judge Chad Mason reported on the following dockets:

DOCKET 29719, Case 2026-1

Show Cause proceeding for failure of Thomas French d/b/a Moving It to comply with the terms of its tariff, the rules of the Commission, and Alabama Motor Carrier Act and recommended Thomas French d/b/a Moving It to be ordered to appear and show cause why its certificate should not be revoked for failure to comply with the terms of its tariff, the rules of the Commission, and Alabama Motor Carrier Act.

Upon being motioned by Commissioner Oden and seconded by Commissioner Beeker, the Commissioners voted unanimously to accept the recommendation.

* * * *

DOCKET 33733, *Alabama Public Service Commission v. All Motor Carriers who failed to file Annual Reports for 2025 operations.* A hearing was held on September 22, 2026, for all motor carriers who failed to file their Annual Reports for 2025 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.

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

* * * *

DOCKET 33639, Show cause proceeding for Camp Hill Utility Board to address failures to adequately respond to the Gas Pipeline Safety ("GPS") Division's notice of noncompliance with the Pipeline and Hazardous Materials Safety Administration's ("PHMSA") Minimum Pipeline Safety Regulations. An initial hearing was held on December 18, 2025, in which the Respondent, the Office of the Attorney General and Commission staff participated. Previously, the Commission found Camp Hill was not in compliance, and issued fines and timelines to become compliant. In its Order, the Commission also stated that if Camp Hill were to fail to become compliant the Commission would give additional consideration to the Attorney General's initial request. Having failed to become compliant, on April 23, 2026, the Office of the Attorney General filed a motion to Request for the Public Service Commission to Give Additional Consideration to Attorney General Recommendations. Camp Hill was directed it had 30 days to respond. Camp Hill failed to do so. A hearing was

set for the Attorney General's motion for August 25, 2026. At that hearing, in which the Respondent, the Office of the Attorney General and Commission staff again participate, Camp Hill acknowledged its failure to become compliant. The Attorney General again requested additional fines and penalties.

Recommended: An additional fine of $10,000 to be levied against Camp Hill. Also, Camp Hill is directed to become compliant within 30 days. Failure to do so, could result in additional fines. And finally, direct Camp Hill to pay all outstanding fines, including the additional fine levied today, within 60 days.

Upon being motioned by Commissioner Oden and seconded by Commissioner Beeker, the Commissioners voted unanimously to accept the recommendation.

* * * *

Chief Administrative Law Judge and Executive Director; Luke Bentley reported on the following docket from the Legal Division Agenda:

DOCKET 33668, Alabama Public Service Commission v. Delinquent Companies (that failed to timely pay Inspection and Supervision ("I&S") fees for the fiscal year 2025). The Commission has received the inspection and supervision fee and late fee from Hypercube Networks, LLC and recommended reinstatement of Hypercube Networks, LLC and Dismissal from proceeding

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

* * * *

Chief Administrative Law Judge and Executive Director; Luke Bentley reported on the following docket from the Legal Division Agenda:

DOCKET 33709, Generic Proceeding to Establish a Process for Consideration of Contracts for Electric Service Between Alabama Power Company and Large Load Data Center Customers

Alabama law (Ala. Code § 37-4-22) allows electric utilities, such as Alabama Power Company ("Alabama Power"), to enter into contracts to provide electric service subject to the Commission's approval, which must be based on a finding that the contract provisions are consistent with the public interest. A recently enacted law, Act No. 2026-610 ("Act 610"), refines the public-

interest standard in Section 37-4-22 for large load data center customers.

While the criteria in Act 610 are consistent with the Commission's current standards, the Commission found it appropriate to evaluate its contract review procedures in light of the emergence of large data centers. On July 8, 2026, the Commission issued an order establishing this generic proceeding, proposing a new review process for contracts between Alabama Power and large load data center customers, and seeking comments. The proposed process would have required Alabama Power to file a public version of the proposed contract (redacted as needed) and submit certain unredacted information to the Commission and the Office of the Attorney General ("Attorney General"). Under the proposed process, absent a Commission order disapproving the contract within sixty calendar days of filing, the contract would have been deemed approved.

During the comment period, the Commission received 19 sets of initial comments and 10 sets of reply comments. All comments are available on the Commission's website. Overall, the comments were thoughtful, detailed, and varied, and they provided numerous perspectives and information that proved useful in developing the recommended procedures below.

RECOMMENDED:

APPLICABILITY. The following procedures are applicable to large load data center customers as defined by Act 610.

SUBMISSION REQUIREMENTS. Alabama Power is required to: 1) file a Petition to Contract with Large Load Data Center ("Petition") with the Secretary of the Commission; and 2) contemporaneously with the Petition, provide the Legal Division of the Commission and the Attorney General with the contract and required supporting documents ("Confidential Submission"). The Commission will post the Petition and make it available to the public. The Confidential Submission will not be available to the public.

The Petition shall include: 1) cover letter; 2) contract summary (including name of counterparty and parent entities, municipality or county where facility is located, and the maximum contracted electric capacity); 3) a summary of the methods utilized to ensure compliance with the "public interest" statutory and regulatory requirements; and 4) a certificate of service reflecting contemporaneous delivery of the Confidential Submission to the Legal Division of the Commission and the Attorney General.

The Confidential Submission shall include: 1) a complete copy of the contract, including all exhibits, attachments, and amendments; 2) a copy of the proposed contract, including all exhibits, attachments, and amendments, redacted to remove all confidential and proprietary information, along with a description of the basis for the redactions; 3) a detailed analysis demonstrating how the contract satisfies the requirements of Alabama Code § 37-4-22.1(b), including the estimated incremental capacity required to maintain reliability, the estimated cost of total incremental generation that should be allocated to the project, the estimated cost of bulk transmission that should be allocated to the project, customer-specific direct costs, estimated revenue under the contract for the term of the contract, Rate Impact Measure ("RIM") test results, showing the comparison of the incremental costs of serving the contract capacity with the revenues generated by the contract over its term; 4) supporting documentation regarding the considerations set forth in Alabama Code § 37-4-22(c), including impacts on other customers' costs, power system efficiency, and economic development; and 5) contact information, including an email address, for the company representative who can respond to questions from Commission Staff or the Attorney General.

DECISION AND REVIEW. Contracts submitted under this process shall be approved or disapproved through a Commission vote. The process would not call for a hearing or intervention. Because the Commission will vote on each Petition, the review period does not require a set time. However, Alabama Power should file the Petition and provide the Confidential Submission at least 120 days before the date the contract would become void for failing to meet the condition precedent of Commission approval. Alabama Power shall not informally submit information to Commission Staff or the Attorney General prior to filing the Petition. The Commission may vote on the Petition any time after the review is completed.

After the Petition is filed and prior to the vote, Commission Staff and the Attorney General may serve the Company representative with inquiries or data requests. Alabama Power shall use its best efforts to respond within five business days. Staff may communicate with Alabama Power about potential modifications to the contract. The Attorney General may request to be included in any communication between the Staff and Alabama Power and have access to all data requests from Staff, along with Alabama Power's responses. The Attorney General may also offer suggested modifications to the contract. Staff will recommend approval or disapproval at a publicly noticed meeting.

CONTRACT REVIEW STANDARDS/REQUIRED TERMS AND CONDITIONS. The standards in Act 610 and FCR are sufficient without additional formal established requirements.

COMPLIANCE. Within ten calendar days of the effective date of this order, Alabama Power shall file a tariff that complies with the requirements of this order. The tariff shall include an effective date of not less than 30 calendar days from the date it is filed.

Upon motion by Commissioner Oden and seconded by Commissioner Beeker, a lengthy discussion followed. Commissioner Beeker moved to amend the Legal Division's recommendations related to the Decision and Review period to provide that a petition filed by Alabama Power is deemed approved if Commission disapproval of the petition has not occurred within 90 days after the petition is filed. Commissioner Oden seconded the motion. After further discussion, Commissioner Beeker withdrew his motion.

Commissioner Almond moved to amend the recommendation for the Decision and Review period: Contracts submitted under this process shall be approved or disapproved through a Commission vote*; however, if the Commission fails to vote within 90 days from the filing of the Petition, then the Petition is deemed approved.* Commissioner Beeker seconded the motion. After further discussion, the Commissioners unanimously voted to approve the amendment. The amendment is as follows:

AMENDED: DECISION AND REVIEW. Contracts submitted under this process shall be approved or disapproved through a Commission vote; however, if the Commission fails to vote within 90 days from the filing of the Petition, then the Petition is deemed approved. The process would not call for a hearing or intervention. Because the Commission will vote on each Petition, the review period does not require a set time. However, Alabama Power should file the Petition and provide the Confidential Submission at least 120 days before the date the contract would become void for failing to meet the condition precedent of Commission approval. Alabama Power shall not informally submit information to Commission Staff or the Attorney General prior to filing the Petition. The Commission may vote on the Petition any time after the review is completed.

After the Petition is filed and prior to the vote, Commission Staff and the Attorney General may serve the Company representative with inquiries or data requests. Alabama Power shall use its best efforts to respond within five business days. Staff may communicate with Alabama Power about potential modifications to the contract. The Attorney General may request to be included in any communication between the Staff and Alabama

Power and have access to all data requests from Staff, along with Alabama Power's responses. The Attorney General may also offer suggested modifications to the contract. Staff will recommend approval or disapproval at a publicly noticed meeting.

Upon approval of the amendment, the Commissioners voted unanimously to accept the entire recommendation.

* * * *

Chief Administrative Law Judge and Executive Director, Luke Bentley, recommended approval of all items listed on the administrative agenda.

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

* * * *

There being no further business, Commissioner Almond adjourned the meeting at 11:05 a.m.

Devon D. Beaty
Commission Secretary