Alabama Power

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ELECTRONICALLY FILED
Thursday, November 5, 2026
TR2641466
ALABAMA PUBLIC SERVICE COMMISSION
DEVON BEATY, SECRETARY

November 5, 2026

BY ELECTRONIC FILING
Alabama Public Service Commission
RSA Union Building
100 North Union Street, Suite 950
Montgomery, Alabama 36104

Attention: Mr. Devon Beaty
Secretary

Re: Docket No. 33709

Dear Mr. Beaty,

In accordance with the November 3, 2026 Order of the Alabama Public Service Commission in the above-referenced docket, Alabama Power Company is filing herewith a conforming version of Rate FCR-LLDC (Flexible Contract Rate – Large Load Data Centers), which reflects the findings of said order.

If you have questions or need anything further, please do not hesitate to contact me.

Yours very truly,



Sean Monte

Attachment

cc: Executive Director and Chief Administrative Law Judge
Hon. Luke D. Bentley IV

Director, Electricity Policy Division
Ms. Patricia Smith

Docket No. 33709 Participants (including the Office of the Attorney General)

RATE FCR – LLDC
FLEXIBLE CONTRACT RATE
LARGE LOAD DATA CENTERS

Alabama Power

By order of the Alabama Public Service Commission dated November 3, 2026 in Docket # 33709.

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AVAILABILITY

Available in all areas served from the interconnected system of the Company and regulated by the Alabama Public Service Commission.

APPLICABILITY

Applicable to large load data center customers with a contract capacity requirement of at least one hundred fifty megawatts (150 MW) at one or more contiguous parcels (individually and collectively, a "premises"), which meet the definition of a data processing center under § 40-9B-3, Code of Alabama and which operate solely for the purpose of data processing.

REVIEW CRITERIA

Prices charged under a contract executed pursuant to this Rate FCR-LLDC shall not be below the Company's incremental costs of providing service to the Customer's premises. Components of incremental costs generally include generation, transmission, distribution, sale, and furnishing of electricity to the Customer, including fuel costs and taxes, operation and maintenance expenses, and administrative costs.

A contract executed pursuant to this Rate FCR-LLDC is consistent with the public interest when the terms and conditions, including but not limited to minimum term for contract length, upfront payments, security and collateral, and minimum payment, as supported by data, information and economic evaluations made in accordance with methods that have been accepted by the Commission, demonstrate the contract satisfies the requirements of § 37-4-22.1, Code of Alabama, as reflected in the October 19, 2026 Order in Docket No. 33709 and the Review Criteria of this Rate FCR-LLDC, including:

(1) The contract is expected to provide for the recovery of the Company's incremental costs of providing service to the Customer's premises;

(2) The contract is expected to promote positive benefits to other retail electric customers of the Company, by

(a) Lowering costs for other customers of the Company;

(b) Increasing the efficiency of the power system by lowering costs for all of Alabama Power customers (the "Rate Impact Measure Test"); and

(c) Promoting or contributing to economic growth in the community where the Customer's premises is located.

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CONTRACT FILING AND SUBMISSION REQUIREMENTS

The Company shall submit a contract for review by the Commission under this Rate FCR-LLDC as follows:

(1) The Company shall file with the Secretary of the Commission, not less than 120 days prior to the date the contract would become void for failing to meet the condition precedent of Commission approval, a publicly available petition that includes:

(a) a cover letter;

(b) a summary of the contract, including the name of counterparty, its parent entities, the county or, if applicable, municipality in which the premises to be served under the contract is located, and the maximum contract electric capacity to be served under the contract;

(c) a summary of the methods used by the Company to ensure compliance with the requirements of § 37-4-22.1, Code of Alabama, as reflected in the October 19, 2026 Order in Docket No. 33709 and the Review Criteria of this Rate FCR-LLDC; and

(d) a certificate of service indicating that the Company has contemporaneously delivered the confidential submission set forth in Section (2) of these Contract Filing and Submission Requirements to the Legal Division of the Commission and the Office of the Attorney General.

(2) The Company shall make a confidential submission to the Legal Division of the Commission and the Office of the Attorney General that includes:

(a) a complete copy of the contract in both unredacted and redacted form, including all exhibits, attachments, and amendments, along with a description of the basis for the redactions;

(b) a detailed analysis and supporting documentation demonstrating how the contract complies with the requirements of § 37-4-22.1, Code of Alabama, as reflected in the October 19, 2026 Order in Docket No. 33709 and the Review Criteria of this Rate FCR-LLDC; and

(c) contact information (including email) for the Company representative(s) to whom Commission Staff and the Office of the Attorney General may direct questions or requests.

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For the detailed analysis required by Section (2)(b) of these Contract Filing and Submission Requirements, the Company shall include information reflecting the following:

(i) The estimated incremental capacity required to maintain reliability;

(ii) The estimated cost of total incremental generation allocated to the Customer's project;

(iii) The estimated cost of bulk transmission allocated to the Customer's project;

(iv) The estimated direct costs allocated to the Customer's project;

(v) The estimated revenue generated by the contract over its term;

(vi) The Rate Impact Measure Test results, showing the comparison of the estimated incremental costs of serving the contract capacity with the estimated revenue generated by the contract over its term; and

(vii) Supporting documentation regarding the considerations set forth in Alabama Code § 37-4-22.1(c), including expected impacts on other customers' costs, power system efficiency, and economic development.

REVIEW AND APPROVAL

The Commission shall vote to approve or disapprove a contract submitted under this Rate FCR-LLDC, provided that if the Commission has not conducted such a vote within ninety (90) days of the date of a filing by the Company with the Secretary that conforms to the Contract Filing and Submission Requirements set forth in this Rate FCR-LLDC, the contract shall be deemed approved.

Alabama Power shall not informally submit information about an upcoming filing under this Rate FCR-LLDC to Commission Staff or the Office of the Attorney General prior to making a filing in accordance with the Contract Filing and Submission Requirements.

Alabama Power shall use a best efforts standard to respond to inquiries from Commission Staff and the Office of the Attorney within five (5) business days.