



## STATE OF ALABAMA

ALABAMA PUBLIC SERVICE COMMISSION

P.O. BOX 304260

MONTGOMERY, ALABAMA 36130-4260

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JOHN A. GARNER, EXECUTIVE DIRECTOR

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS V. BEEKER, III, ASSOCIATE COMMISSIONER

### MEMORANDUM

DATE: November 22, 2024

TO: Commissioner Twinkle Andress Cavanaugh  
Commissioner Jeremy H. Oden  
Commissioner Chris V. Beeker, III

FROM: Jeff Johnston, Director *JJ*  
Utility Services Division

SUBJECT: Agenda for December 3, 2024 Commission Meeting.

The following items will be presented to the Commission during the regular December 3, 2024 Commission Meeting.

# **CONSUMER SERVICES REPORT**

## CONSUMER SERVICES ELECTRIC & GAS INQUIRIES

November

Company	Service Category	Total Inquiries	Service Outage Interruption	Service Quality	Service Connection	Service Disconnected	Billing Issues	Payment Issues	Request Info Only
<b>Alabama Power</b>	Residential	<b>13</b>	1	3		2	5		2
	Business								
<b>Spire Alabama</b>	Residential	<b>7</b>	1		2	1	1	1	1
	Business								
<b>Spire Gulf</b>	Residential	<b>1</b>					1		
	Business								
<b>TOTAL</b>	Residential	<b>21</b>	2	3	2	3	7	1	3
	Business								

## BASIC SERVICE ONLY

[illegible]

**OTHER RETAIL SERVICES/ISSUES**

Service Category	Total Inquiries	Toll Service	Internet Service	Slamming Cramming	Wireless Issues	Number Porting Issues	Video CATV	Inmate Calling Service	Request Info Only
Residential									
Business									
Total									
Not Under PSC Jurisdiction									
Under PSC Jurisdiction									

Other Retail Services/Issues Under PSC Jurisdiction <b>(Above)</b>	0
Basic Service Inquiries Under PSC Jurisdiction <b>(Previous Page)</b>	1
Total Telecom Inquiries Under PSC Jurisdiction <b>(Non-referrals)</b>	1
Inquiries Not Subject to PSC Jurisdiction	0

<b>Referred Inquiries (Waived Complaint Jurisdiction)</b>	
Residential	2
Business	1
<b>TOTAL</b>	<b>3</b>

<b>TOTAL TELECOM INQUIRIES</b>			
Under PSC Complaint Jurisdiction	Waived Complaint Jurisdiction (Referrals)	Received But Not Under PSC Jurisdiction	Total Received
<b>1</b>	<b>3</b>	<b>0</b>	<b>4</b>

Gas Agenda

NATURAL GAS

Docket 18046 and SPIRE ALABAMA INC. -- Division Report on Rate RSE as of October 31,  
18328 2024

Based on preliminary figures as of October 31, 2024, the projected RSE return on average common equity for the rate year ending September 30, 2025, was 9.76 percent. The authorized return on average common equity is 9.50 to 9.90 percent.;

Docket 28101 SPIRE GULF INC. -- Division Report on Rate RSE as of October 31, 2024

Based on preliminary figures as of October 31, 2024, the projected RSE return on average common equity for the rate year ending September 30, 2025, was 9.69 percent. The authorized return on average common equity is 9.70 to 10.30 percent.

Docket U-4330 SPIRE ALABAMA INC. -- Application for Approval of an Amendment #4 to the Special Services Agreement with Alabama Power (formerly Tenaska Alabama II Partner, L.P.)

Recommend Approval

**Telecommunication Agenda**

**MISCELLANEOUS**

- D-7815    BRIGHTSPEED OF ALABAMA, LLC -- Revises language for Shared Use service, which includes grandfathering DS3 Entrance Facilities, in its Access Services Tariff No. 1. Filed November 7, 2024 with a requested effective date of December 2, 2024.
- D-7816    BRIGHTSPEED OF ALABAMA, LLC -- Revises language for Mixed Use/Shared Use service, which includes grandfathering DS3 Entrance Facilities, for its Access Services Tariff No 3. Filed November 7, 2024 with a requested effective date of December 2, 2024.
- D-7817    BRIGHTSPEED OF SOUTHERN ALABAMA, LLC -- Revises tariff language for Mixed Use/Shared Use service, which includes grandfathering DS3 Entrance Facilities. Filed November 7, 2024 with a December 2, 2024 effective date.

**DOCKET 32151 - TELECOMMUNICATION PROVIDERS FILING NOTICE OF THEIR ELECTION TO WAIVE THE COMMISSION'S RETAIL SERVICE COMPLAINT AND DISPUTE JURISDICTION IN ACCORDANCE WITH §37-2A-4(K) of ALABAMA LEGISLATIVE ACT 2014-082.**

<p><b>NOVEMBER 2024 ELECTIONS:</b></p> <p><b>NONE</b></p> <p><b>PRIOR ELECTIONS:</b></p> <p>ACN Communications Services, Inc.</p> <p>BellSouth Telecommunications, LLC d/b/a AT&amp;T Alabama (Effective June 1, 2014)</p> <p>CenturyTel of Alabama, LLC d/b/a CenturyLink</p> <p>Knology of Alabama, Inc. d/b/a WOW! Internet, Cable and Phone</p> <p>Knology of the Valley, Inc. d/b/a WOW! Internet, Cable and Phone</p> <p>Knology Total Communications, Inc. d/b/a WOW! Internet, Cable and Phone</p> <p>Frontier Communications of Alabama, LLC</p> <p>Frontier Communications of Lamar County, LLC</p> <p>Frontier Communications of the South, LLC</p> <p>Gulf Telephone Company d/b/a CenturyLink</p> <p>McLeodUSA Telecommunication Services</p> <p>National Telephone of Alabama, Inc.</p>	<p>.</p> <p>Network Telephone Corporation</p> <p>Paetec Communications, Inc.</p> <p>Roanoke Telephone Company, Inc.</p> <p>Spectrotel of Alabama, LLC</p> <p>TEC of Jackson, Inc.</p> <p>The Other Phone Company</p> <p>US LEC of Alabama, LLC</p> <p>Valley Telephone Co., LLC d/b/a WOW! Internet, Cable and Phone</p> <p>Wiregrass Telecom, Inc. d/b/a WOW! Internet, Cable and Phone</p> <p>Windstream Alabama, LLC</p> <p>Windstream Communications, Inc.</p> <p>Windstream KDL, Inc.</p> <p>Windstream Norlight, Inc.</p> <p>Windstream NuVox, Inc.</p> <p>YMax Communications Corp.</p>
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CHRIS V. BEEKER, III., ASSOCIATE COMMISSIONER

**MEMORANDUM**

**DATE:**           **October 29, 2024**

**TO:**             **President Twinkle Andress Cavanaugh  
Commissioner Jeremy H. Oden  
Commissioner Chris V. Beeker, III.**

**FROM:**       **Jonathan M Kimbril, Director *JMK*  
Gas Pipeline Safety Division**

**SUBJECT:**   **Agenda for December 3<sup>rd</sup>, 2024, Commission Meeting**

The following items will be presented to the Commission during the regular December 3, 2024, Commission Meeting.

**GAS PIPELINE SAFETY DIVISION ACTIVITIES**  
**October 2024**

**Inspections**

During the month of October, a total of forty-six (46) inspections were conducted utilizing one hundred thirty-four and a half (134.5) 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	1	4								1	TOTAL
	MUNICIPAL	9	4			3					6	
	MASTER METER	1									2	
	LIQUID PROPANE (LP)											
	LIQUIFIED NATURAL GAS (LNG)											
	INTRASTATE TRANSMISSION	6				2					3	
	GAS GATHERING	1										
	OFFSHORE GAS	1										
LIQUID PIPELINE SYSTEMS	REFINED PETROLEUM PRODUCTS	1			1							
	CRUDE OIL											
	HVL FLAMMABLE / TOXIC											
	CARBON DIOXIDE											
	BIOFUEL											
TOTALS		20	8		1	5					12	46

## **Training**

Four (4) operator/contractor training session on Polyethylene (PE) plastic fusion and zero (0) fire response training were conducted in October:

➤ 10/2/2024	Hartselle Utilities	PE	13	Personnel Trained
➤ 10/15/2024	Leak City	PE	44	Personnel Trained
➤ 10/16/2024	Huntsville Utilities	PE	78	Personnel Trained
➤ 10/30/2024	Scottsboro Utilities	PE	20	Personnel Trained

## **Enforcement Actions**

From the forty-six (46) inspections shown above, five (5) enforcement letters of notification were issued noting nineteen (19) non-compliance issues. There were twenty (20) non-compliance items corrected during the month of October.

## **Incidents / Accidents**

There was one (1) state reportable incident and one (1) federal incident reported during the month of October.

- 10/6/2024 Clarke-Mobile Counties Gas District – A house fire occurred, causing damage to the gas meter set due to heat exposure. It has been confirmed that natural gas was not a contributing factor to the fire.
- 10/15/2024 North Alabama Gas District – A pest control company struck a gas service line, resulting in the release of natural gas and subsequent ignition. The fire caused damage to a residential property. Initial repair cost estimates from the insurance company have been revised, and the total damage now exceeds the federal reporting threshold of \$145,400.

## **Miscellaneous**

Gas Pipeline Safety (GPS) has nothing to note for the month of October.



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JOHN A. GARNER, EXECUTIVE DIRECTOR

### **MEMORANDUM**

**DATE:** November 22, 2024

**TO:** President Twinkle Andress Cavanaugh  
Commissioner Jeremy H. Oden  
Commissioner Chris V. Beeker, III

**FROM:** Amanda D. Shehane, Director ~~ADD~~  
Utility Enforcement Division

**SUBJECT:** Agenda for the December 3, 2024, Commission Meeting

This memorandum reflects the Utility Enforcement Division's (UED) report describing the major tasks, inspections, and activities accomplished by its staff during October 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	21	46	0	229	64

The table below reflects track safety observations in which one non-compliant condition was identified. Sixty-five roadway workers, bridge workers, and practices were observed.

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
13	18	15	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
4	14	169	0	884

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

Air Brake Tests	Blue Flag Protection	End of Train Devices
1	1	0

The National Response Center (NRC) reported five incidents in October:

1. A trespasser strike with unknown injuries in Montgomery on **CSX**.
2. A vehicle strike at a grade crossing with one fatality in Selma on **NS**.
3. An unoccupied vehicle strike at a grade crossing in Birmingham on **NS**.
4. A cement truck strike with a diesel and oil release in Chelsea on **NS**.
5. A vehicle strike at a grade crossing with one fatality and one serious injury involving a passenger train in Bessemer on **NS**.

### **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
14	10	0	1	9	7	60	44	21

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
305	18	6	0	9	34	108

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

UCR Applications		UCR Mailouts for 2024/2025	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
11	2	787	0	48	11

As of October 31<sup>st</sup>, 9,439 Alabama carriers (94%) were registered for 2024 UCR with 647 remaining unregistered. The 2025 UCR registration began on October 1<sup>st</sup>. By the end of October, 2,514 Alabama carriers (29%) had registered, with 6,087 remaining unregistered.

MCS staff attended the UCR Board call, the UCR Finance Subcommittee call, and the UCR Education and Training Subcommittee call.

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

There were 89 For Non-Profit (FNP) quarterly reports for the third quarter of 2024 sent to FNP carriers by mail and e-mail. There were 16 FNP quarterly reports received for the third quarter and two for the second quarter of 2024.

A show cause hearing was held for five carriers that failed to submit their 2023 annual reports as required for all household goods and passenger carriers. Three annual reports were received during the

hearing.

The Alabama Trucking Association invited Mr. Beaty and Ms. Shehane to speak at their Safety & Maintenance Management Council meeting on October 3<sup>rd</sup>. Many representatives from trucking companies across Alabama were in attendance. Mr. Beaty and Ms. Shehane gave a short presentation highlighting the types of intrastate authority the Commission regulates, exemptions, and insurance requirements.

In October, one passenger tariff for **Inspirational NEMT Services, LLC (C4160)** was rejected due to formatting issues. Additionally, a passenger tariff for **Checker & Deluxe Cab, Co., Inc. (C3891)** and **Enterprise Rescue, Inc. C4153)** were accepted.

Staff participated in two passenger carrier hearings that were held during October for:

- **Jefferson and Jefferson Express L.L.C.**
- **Cays Carriage LLC**

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

- **Lambert Transfer & Storage, Inc. (C604)** – Three issues were found, and the carrier was advised to follow its current tariff or submit a new tariff/supplement.
- **Eastern Shore Transfer, Inc. (C4037)** – No issues were found.

**Lyft, Inc. (Lyft)** submitted a new vehicle inspection form to the Commission. The form was reviewed and approved by Commission staff. Lyft's annual records inspection review was closed on October 17<sup>th</sup>.



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**November 22, 2024**

**MEMORANDUM**

**TO:** President Twinkle Andress Cavanaugh  
Commissioner Jeremy H. Oden  
Commissioner Chris V. Beeker, III

**FROM:** John D. Free, Director *JDF*  
Electricity Policy Division

**SUBJECT:** Agenda – December 3, 2024 Commission Meeting

The Electricity Policy Division will present the following items at the December 3, 2024 Commission Meeting.

**ELECTRICITY**

**ALABAMA POWER COMPANY**

**Dockets** 18117 Division Report on Rate RSE and Rate ECR as of October 31, 2024  
and  
18416; The Electricity Policy Division performed the regular monthly  
18148 examination of the books and records of Alabama Power Company.  
Included in the table below are selected financial highlights concerning  
Rate RSE and Rate ECR. In addition, the Division's computations and  
determination of the December 2024 Weighted Return on Average Retail  
Common Equity (WRRCE), actualized through October 2024, can be  
found on page 2 of this report.

<b>Rate RSE Forecast</b>		<b>Rate ECR Summary</b>
<b>12 Months Ending DECEMBER 31, 2024</b>		<b>Energy Cost Over/(Under) Recovered for OCTOBER 2024</b>
<b>6.44% WRRCE</b>		<b>\$12,800,683</b>

\*The authorized Weighted Return on Average Retail Common  
Equity Range is 5.75% - 6.15%.

ELECTRICITY POLICY DIVISION  
**Alabama Power Company**  
**Weighted Return on Average Retail Common Equity Calculation**  
**Forecast - 12 Months Ending December 31, 2024**

Common Equity as of October 31, 2024		\$12,955,906,197
Add Budgeted Net Income:		
November through December 2024	\$192,376,421	
Add Budgeted Capital Contributions:		
November through December 2024	\$8,300,695	
Add Other Adjustments:		
November through December 2024	\$0	\$200,677,116
Deduct Budgeted Stock Dividends:		
November through December 2024	\$0	\$0
Projected Common Equity for December 31, 2024		\$13,156,583,313
<hr/>		
Projected Average Common Equity		
For the 12 Months Ending December 31, 2024		\$12,875,814,343
Projected Retail Investment Separation Factor		95.28%
Projected Average Retail Common Equity		
For the 12 Months Ending December 31, 2024		\$12,268,075,906
Projected Retail Net Income		
For the 12 Months Ending December 31, 2024		\$1,482,015,995
Projected Common Equity Percentage of Capital Structure		
For the 12 Months Ending December 31, 2024		53.33%
Projected Weighted Return on Average Retail Common Equity (WRRCE)		
For the 12 Months Ending December 31, 2024		6.44%

The Common Equity as of October 31, 2024 (Actual) was adjusted using net income, payment of Common Stock and Preferred Stock dividends, Capital Contributions, and Other Adjustments from the Company's 2024 budget. The average common equity is a 12-month average using actual and budgeted data. The average retail common equity (RCE) was calculated using the retail separation factor of 95.28%. The retail net income (RNI) for average common equity and the common equity percentage (CEP) were calculated by using actual data for the ten months ended October 31, 2024, and then adding two months of budget data for November through December 2024. The Other Adjustments, if any, are the result of the Company adopting FASB Statement 123 (R), which requires the reporting of stock option expenses.

The Forecast is subject to change due to uncertainties associated with weather, customer usage patterns and economic conditions across the state.



# ELECTRICITY POLICY DIVISION AGENDA

December 3, 2024 Commission Meeting

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**Dockets** 18117      On November 19, 2024, Alabama Power Company (“the Company”)  
                 and      submitted calculations associated with its costs of complying with  
                 18416      governmental mandates, as provided for under Rate CNP, Part C. The  
                      filing reflects a projected under-recovery of such costs that normally would  
                      be recoverable in the billing months of January 2025 through December  
                      2025. At the request of the Commission, acting through its Staff, the  
                      Company has determined that the current factors can remain in place for  
                      cost year 2025, subject to a consent order by the Commission.

**Recommendation:**      The staff recommends the entry of a consent order, consistent with the  
                      Company’s filing, which leaves in place the current Rate CNP, Part C  
                      factors for cost year 2025.



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## MEMORANDUM

DATE: November 22, 2024

TO: Commission President Twinkle Andress Cavanaugh  
Commissioner Jeremy H. Oden  
Commissioner Chris V. Beeker, III.  
Division Directors

FROM: Legal Division

SUBJECT: Agenda - December 3, 2024 Commission Meeting

The Legal Division will present the following at the December 3, 2024  
Commission Meeting:

**DOCKET C-21060;** (Y) - Petition of Tammie G. & Edward L. Chism d/b/a Crown Charter  
**31476** 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).

**Recommend:** 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).

LEGAL DIVISION AGENDA

December 3, 2024 Commission Meeting

November 22, 2024

PAGE #2

**DOCKET 33383** (Y) - Motor Carrier Certificate 4153 and Permit 656 were issued to Non-Emergency Medical Carriers Transportation and Services LLC d/b/a Non-Emergency Medicarriers Transportation and Services ("Non-Emergency Medicarriers Transportation and Services"), of Pleasant Grove, Alabama, by Commission Order dated November 7, 2023. Said Order also required Non-Emergency Medicarriers Transportation and Services to file its tariff and schedule of rates, obtain insurance and registration numbers and properly identify its vehicles. Non-Emergency Medicarriers Transportation and Services has failed to make the required filings.

**Recommend:** Cancellation on 30 days' notice.

**DOCKET C-21075;** (Y) - Petition of JB Southern Trucking LLC, of Clanton, Alabama, for  
**33186** cancellation of Motor Carrier Certificate F5302 (Docket 33186). Motor Carrier Certificate F5302 was revoked by Commission Order dated November 5, 2024, due to Petitioner's failure to maintain proper proof of liability and cargo insurance (Informal Docket C-21075).

**Recommend:** Reinstatement of Motor Carrier Certificate F5302 (Informal Docket C-21075) for the sole purpose of cancelling Motor Carrier Certificate F5302 in good standing. Grant cancellation as requested (Docket 33186).

**DOCKET 33520** (Y) - Application of Mason Dixon Movers, LLC d/b/a Mason Dixon Moving & Storage of Gadsden, Alabama, for a Certificate to transport household goods.

**Recommend:** Grant certificate and approval of tariff.

**DOCKET 33515** (Y) - Unopposed common and contract carrier application of DTB of Alabama LLC, of Talladega, Alabama, for authority to transport passengers. A hearing was held, at which time the applicant presented evidence to fulfill the statutory requirements for the authority sought to be granted. The Applicant waived its right to a Report and Recommended Order at the hearing.

**Recommend:** Grant

**DOCKET 33464** (Y) - Motor Carrier Certificate 4160 was issued to Inspirational NEMT Services, LLC, of Phenix City, Alabama, by Order dated May 8, 2024. Motor Carrier Certificate 4160 was revoked by Order dated September 12, 2024 for failure to make the required filings. Inspirational NEMT Services, LLC has now met the requirements of the May 8, 2024 Order.

**Recommend:** Vacate September 12, 2024 Order of Revocation and reinstatement of Motor Carrier Certificate 4160.

**DOCKET C-21051** (B) - Petition of Eddie Ray Transportation LLC, of Greenville, Alabama, for reinstatement of Motor Carrier Certificate F5069 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET 29334** (B) - Petition of Transhaul, Inc. of Bessemer, Alabama, for cancellation of Motor Carrier Certificate F3070.

**Recommend:** Grant cancellation as requested.

**DOCKET C-21057** (B) - Petition of B & T Mineral, L.L.C., of Dora, Alabama, for reinstatement of Motor Carrier Certificate F2939 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET 32744** (B) - In re: Regulation of Transportation Network Companies. Rule TNC-3 dictates the process for TNC permit applications and renewals. After several permit renewal cycles, Commission Staff has recognized that the current rule may lead to timing issues during the permit renewal process and may not allow sufficient time for Staff review. Rule TNC-3 also describes a process for revocation of a TNC permit for failure to timely renew the permit. This revocation process is unnecessary because a TNC permit becomes invalid if not renewed before the expiration of the permit.

Staff proposed amending Rule TNC-3(6) to extend the permit validity period from 12 months to 14 months and amending Rule TNC-3(8) to remove the unnecessary language regarding revocation.

On August 8, 2024, to address Staff's proposed changes, the Commission initiated a rulemaking proceeding that included an opportunity for public comment. No comments were received.

**Recommend:** Approval of the proposed changes to Rule TNC-3 regarding the TNC permit renewal and revocation processes.

**DOCKET 33507** (M) - Petition of Elite Senior Solutions LLC, of Hoover, Alabama, to withdraw its motor carrier application seeking authority to transport passengers.

**Recommend:** Grant petition/dismiss application.

**DOCKET 33390** (M) - Unopposed common and contract carrier application of WheelCare, L.L.C., of Mobile, Alabama, for authority to transport passengers. A hearing was held, at which time the applicant presented evidence to fulfill the statutory requirements for the authority sought to be granted. The Applicant waived its right to a Report and Recommended Order at the hearing.

**Recommend:** Grant