

Lora A. Lankford
P.O. Box 39343
Birmingham, Alabama 35208



LORA A.LANKFORD

Complainant

V.

Docket Number: 33011

ALABAMA POWER COMPANY

Defendant

DEMONSTRATION OF MATERIAL FACT

1. Alabama Power Company (Utility) transferred electric utility service from old address 1240 15 Way SW Birmingham, Ala 35211 a single family home to new address 6200 Crest Green Road Apt 311 Birmingham, Alabama 35212, an apartment on January 30, 2020.
2. I received utility bill #1 for new residence service for a 9 day time span 1/30/2020 to 2/07/2020 for \$17.55 + \$40.00 connection fee (\$1.95 a day) SEE EXHIBITS 1-7
 - a. Bill #3 3/10/2020 to 4/8/2020 \$37.24 (30 Days) (\$1.24 Day)
 - b. Bill #4 4/08/2020 to 5/07/2020 \$45.09 (31 Days) (\$1.45 Day)
 - c. Bill #5 5/07/2020 to 6/09/2020 \$47.48 (34 Days) (\$1.40 Day)
 - d. Bill #6 6/09//2020 to 7/09/2020 \$47.75 (31 Days) (\$1.54 Day)
 - e. Bill #7 7/09/2020 to 8/07/2020 \$57.36 (30 Days) (\$1.91Day) INCREASE
ATTRIBUTED TO LANDLORD RENOVATING
 - f. Bill #8 8/07/2020 to 09/08/2020 \$55.38 (33 Days) (\$1.68) INCREASE
ATTRIBUTED TO LANDLORD RENOVATING, IF NEXT BILL DOES SHOW DECREASE, WILL RECEIVE
SECOND COMPLAINT
 - g. THE UTILITY DOUBLE BILL EVERY CYCLE ONE (1) DAY AS EVIDENCED BY
THE ABOVE REFERENCED BILLINGS (FRAUDELENT BILLING, UNJUST
ENRICHMENT)
3. Bill #2 for new residence dates of service 2/7/2020 to 3/10/2020 (33 days) for \$118.23 (\$3.58 day). I paid \$60.00 of this bill, with balance \$58.23 for which the utility continues to bill me with threats to disconnect the electric utility.
4. The Bill #2 for \$118.23 is not sustained through the billing cycles AEB the above referenced billings.
5. I initially contacted the utility on 03/16/2020 with complaint about the excessive high utility bill; Reference initial complaint to the PSC dated 04/20/2020 with History of Relationship with the utility and the utility contacts.

6. The utility customer service is HORRENDOUS. I received many excuses why I was billed such a high amount but no concrete evidence showing validation. I received a temperature chart showing outside temperatures in relation to my utility use. The charts showed I was billed the highest amount per day when the temperatures were the highest outside and a Statement from the utility that the meter works. (Again Reference Initial Complaint to PSC with these documents included and Also Referenced by PSC in Denial of Summary Judgement Dated 9/21/2020
7. The utility has served notice on bill dated 8/7/2020 to 9/8/2020 it will begin applying late fees to unpaid paid with utility on 9/28/2020 with threats of utility disconnection not paid
8. The Utility has a MONOPOLY on electric service dba The Southern Company throughout the Southeast for residential & business customers with wholesale electric utility & gas, furniture & appliance sales. (SEE EXHIBIT #8)
9. I do not have the option to use another utility.
10. I am a single person household
11. During the billing cycle dates 2/7/2020 to 3/10/2020 for \$118.23 my apartment had a few pieces of furniture and a mattress set. My furniture has not been moved from out of state. I did not even have a television. My furniture arrived the last week of February 2020. My thermostat was set at 68 degrees.
12. I use energy efficient lighting, lamps, low wattage bulbs
13. I have continued to pay the reasonable amounts billed that closely reflect mu energy usage of the utility and the utility has cashed the checks.
14. SEE EXHIBIT #9 in support ALSO of UNJUST ENRICHMENT
15. I am seeking the Highest Awards allowable by Law under Criminal & Civil Statutes with Penalties


Lora Lankford, Consumer

DONE at Birmingham, Alabama, October 5, 2020

CC: Public Service Commission P.O. Box 304260 Montgomery, Alabama 36130 via USPS
The Utility, Alabama Power P.O. Box 830728 Birmingham, Alabama 35283 via USPS
Balch & Bingham, Scott Grover 1710 Sixth Ave North Birmingham, Alabama, 35203-2015
via USPS

EXHIBITS

Exhibit 1

Alabama Power Customer Name LORA A LANKFORD

Account Number [REDACTED]

Service Address 6200 CREST GREEN RD APT 311

Service Period Feb 7, 2020 - Mar 10, 2020

Billing Summary

Previous Bill Amount	# /	\$ 70.74
Payment Received On 02/17/20	Thank You!	-57.55
Payment Received On 02/11/20	Thank You!	-13.19
Current Electric Service	# 2	+118.23
Total Due		\$ 118.23

Electric service balances unpaid after 03/23/20 are subject to a late charge of 1.5% of the amount due or \$2.00, whichever is greater.

Please Pay By Mar 23, 2020
Total Due \$ 118.23

Contact Us 24 hours a day, 7 days a week

AlabamaPower.com

Account Number [REDACTED] Web Access Code 619221

Customer Service 1-800-245-2244 Power Outage Reporting 1-800-888-2726

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Paperless Billing Clear the clutter of paper by going paperless. Receive email notifications when your bill is ready and view your bill online. Sign up at AlabamaPower.com/paperless.

Online Visit AlabamaPower.com/mypayment to make a one-time payment. Or set up your online account by using Account number: [REDACTED] Web access code: 619221

AutoPay Save time and effort with this free bill payment option. Visit AlabamaPower.com/autopay to authorize your bill amount to be automatically debited from your checking or savings account each month.

For current billing details, turn page over

Usage Information

Total Used 804 kWh Next Scheduled Read Date On or after Apr 7, 2020

850
690
510
340
170
0
Total kWh

Total kWh Used	103	Last Month	804
Average Daily kWh	13		25
Days in Billing Period	8		32

COMING IN APRIL: Switch to electric water heating and save! Beginning in April, get a free electric water heater for your home, or a \$200 rebate if you buy your own, when you switch from gas. Electric water heaters are low maintenance and long lasting. Get ready for this limited-time offer by visiting AlabamaPower.com/waterheater or calling 1-800-990-APCO for more information.

Here's a money-saving energy tip: Look for air leaks around doors and windows to block them. Caulking and weatherstripping are quick, easy and inexpensive, and they pay big returns. Find more tips at www.AlabamaPower.com/tips.

EX-111-12

Pay By

Apr 23, 2020

Total Due

\$ 95.47



Customer Name
LORA A LANKFORD

Account Number



Service Address
6200 CREST GREEN RD APT 311

Service Period
Mar 10, 2020 - Apr 8, 2020

Contact Us 24 hours a day, 7 days a week



AlabamaPower.com

Account Number [Redacted] Web Access Code 619221



Customer Service 1-800-245-2244 Power Outage Reporting 1-800-888-2726

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Online Visit AlabamaPower.com/mypayment to make a one-time payment. Or set up your online account by using: Account number: [Redacted] Web access code: [Redacted]

AutoPay Save time and effort with this free bill payment option. Visit AlabamaPower.com/autopay to authorize your bill amount to be automatically debited from your checking or savings account each month.

For current billing details, turn page over

Disconnect Notice

Our records indicate that your electric service is past due. The balance of \$95.47 which consists of all past due service amounts plus current service charges is due now and delinquent after April 23, 2020. **If \$95.47 is not paid by April 23, 2020, your electric service may be disconnected without further notice.**

If your electric service is disconnected, you will be required to pay reconnection fees and may be required to pay an additional deposit.

If you have a dispute concerning this notice, you should call Alabama Power at 1-800-245-2244. If the dispute is not resolved, you may contact the Alabama Public Service Commission.

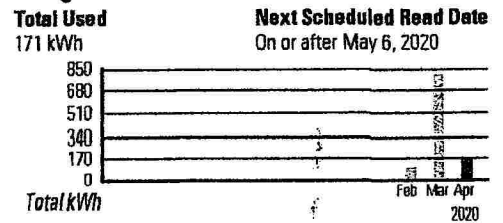
Billing Summary

Previous Bill Amount		\$ 118.23
Payment Received On 03/23/20	Thank You!	-60.00
Past Due Electric Service		\$ 58.23
Current Electric Service		+37.24

Total Due \$95.47

Electric service balances unpaid after 04/23/20 are subject to a late charge of 1.5% of the amount due or \$2.00, whichever is greater.

Usage Information



	1 Year Ago	Last Month	This Month
Total kWh Used		804	171
Average Daily kWh		25	6
Days In Billing Period		32	29

COVID-19 ALERT: Due to Alabama's COVID-19 state of emergency, Alabama Power will suspend late payment fees and disconnections of service due to non-payment for those impacted by the pandemic. Customers who are affected and have difficulty paying their bills should contact Customer Service at AlabamaPower.com or 1-800-245-2244.

PLEASE KEEP THIS PORTION FOR YOUR RECORDS.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT, MAKING SURE THE RETURN ADDRESS SHOWS IN THE ENVELOPE WINDOW.

Disconnect Notice

Account Number [Redacted]

Pay By

Apr 23, 2020

Total Due

\$ 95.47

Yes, I want to save a stamp on my next payment! Enroll me in paperless billing today. Please verify your email address on the back of this statement.

016185219216400000095470000058230000000000000000000

LORA A LANKFORD
PO BOX 39343
BIRMINGHAM AL 35208

Mail To:
PO BOX 242
BIRMINGHAM AL
35292

SHARE \$1 \$2 \$5 \$10
MONTHLY

Total Due Summary

Elec Service	37.24
Prev Service	58.23

Total Due \$95.47

Exhibit 4



Alabama Power

Customer Name
LORA A LANKFORD

Account Number
[REDACTED]

Pay By Jun 22, 2020

Total Due \$ 105.71

Service Address
6200 CREST GREEN RD APT 311

Service Period
May 7, 2020 - June 9, 2020

Contact Us 24 hours a day, 7 days a week

AlabamaPower.com

Account Number 61852-19216
Web Access Code 619221

Customer Service 1-800-245-2244
Power Outage Reporting 1-800-888-2726

Disconnect Notice

Our records indicate that your electric service is past due. The balance of \$105.71 which consists of all past due service amounts plus current service charges is due now and delinquent after June 22, 2020. **If \$ 105.71 is not paid by June 22, 2020, your electric service may be disconnected without further notice.**

If your electric service is disconnected, you will be required to pay reconnection fees and may be required to pay an additional deposit.

If you have a dispute concerning this notice, you should call Alabama Power at 1-800-245-2244. If the dispute is not resolved, you may contact the Alabama Public Service Commission.

Go Paperless

Paperless Billing Clear the clutter of paper by going paperless. Receive email notifications when your bill is ready and view your bill online. Sign up at AlabamaPower.com/paperless.

Online Visit AlabamaPower.com/mypayment to make a one-time payment. Or set up your online account by using:
Account number: [REDACTED]
Web access code: [REDACTED]

AutoPay Save time and effort with this free bill payment option. Visit AlabamaPower.com/autopay to authorize your bill amount to be automatically debited from your checking or savings account each month.

Billing Summary

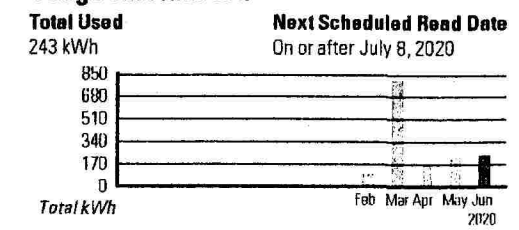
Previous Bill Amount		\$ 103.32
Payment Received On 05/18/20	Thank You!	-45.09
Past Due Electric Service		\$ 58.23
Current Electric Service		+47.48

Total Due \$ 105.71

Electric service balances unpaid after 06/22/20 are subject to a late charge of 1.5% of the amount due or \$2.00, whichever is greater.

For current billing details, turn page over

Usage Information



	1 Year Ago	Last Month	This Month
Total kWh Used		230	243
Average Daily kWh		8	7
Days In Billing Period		29	33

▶ Due to the COVID-19 pandemic, we will continue to suspend late payment fees and disconnection of services. We encourage you to continue making regular payments on your account. If you have been impacted and are having difficulty with your bill, please contact Customer Service at AlabamaPower.com or 1-800-245-2244.

PLEASE KEEP THIS PORTION FOR YOUR RECORDS.

61852-19216 06

Exhibit 5

Alabama Power LORA A LANKFORD

Customer Name
Account Number

Service Address
6200 CREST GREEN RD APT 311

Service Period
June 9, 2020 - July 9, 2020

Disconnect Notice

Our records indicate that your electric service is past due. The balance of \$105.98 which consists of all past due service amounts plus current service charges is due now and delinquent after July 24, 2020. **If \$105.98 is not paid by July 24, 2020, your electric service may be disconnected without further notice.** If your electric service is disconnected, you will be required to pay reconnection fees and may be required to pay an additional deposit.

If you have a dispute concerning this notice, you should call Alabama Power at 1-800-245-2244. If the dispute is not resolved, you may contact the Alabama Public Service Commission.

Billing Summary

Previous Bill Amount \$ 105.71
Payment Received On 06/24/20 Thank You! -47.48
Past Due Electric Service \$ 58.23
Current Electric Service +47.75
Total Due \$ 105.98

Electric service balances unpaid after 07/24/20 are subject to a late charge of 1.5% of the amount due or \$2.00, whichever is greater.

Pay By Jul 24, 2020
Total Due **\$ 105.98**

Contact Us 24 hours a day, 7 days a week

AlabamaPower.com

Account Number [REDACTED] Web Access Code 619221

Customer Service 1-800-245-2244 Power Outage Reporting 1-800-888-2726

Go Paperless

Paperless Billing Clear the clutter of paper by going paperless. Receive email notifications when your bill is ready and view your bill online. Sign up at AlabamaPower.com/paperless.

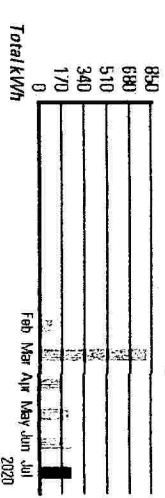
Online Visit AlabamaPower.com/mypayment to make a one-time payment. Or set up your online account by using Account number: [REDACTED] Web access code: 619221

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For current billing details, turn page over

Usage Information

Total Used 245 kWh Next Scheduled Read Date On or after Aug 6, 2020



Year	Last Month	This Month
1 Year Ago	243	245
Average Daily kWh	7	8
Days In Billing Period	33	30

COVID-19 ALERT: Alabama Power's suspension of disconnects and late payment fees remains in place. If you are having difficulty paying your bill and need to make payment arrangements, please log into your account at AlabamaPower.com or call 1-800-245-2244 to use our automated system.

PLEASE KEEP THIS PORTION FOR YOUR RECORDS.

Exhibit 4



Alabama Power

Customer Name
LORA A LANKFORD

Account Number



Pay By

Aug 22, 2020

Total Due

\$ 115.59

Service Address
6200 CREST GREEN RD APT 311

Service Period
July 9, 2020 - Aug 7, 2020

Contact Us 24 hours a day, 7 days a week



AlabamaPower.com

Account Number Web Access Code
[Redacted] 619221



Customer Service Power Outage Reporting
1-800-245-2244 1-800-888-2726

Go Paperless

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Online Visit AlabamaPower.com/mypayment to make a one-time payment. Or set up your online account by using: Account number: [Redacted] Web access code: 619221

AutoPay Save time and effort with this free bill payment option. Visit AlabamaPower.com/autopay to authorize your bill amount to be automatically debited from your checking or savings account each month.

For current billing details, turn page over

Disconnect Notice

Our records indicate that your electric service is past due. The balance of \$115.59 which consists of all past due service amounts plus current service charges is due now and delinquent after August 22, 2020. **If \$115.59 is not paid by August 22, 2020, your electric service may be disconnected without further notice.**

If your electric service is disconnected, you will be required to pay reconnection fees and may be required to pay an additional deposit.

If you have a dispute concerning this notice, you should call Alabama Power at 1-800-245-2244. If the dispute is not resolved, you may contact the Alabama Public Service Commission.

Billing Summary

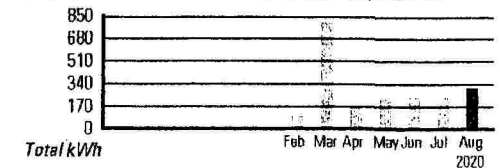
Previous Bill Amount		\$ 105.98
Payment Received On 07/20/20	Thank You!	-47.75
Past Due Electric Service		\$ 58.23
Current Electric Service		+57.36

Total Due \$ 115.59

Electric service balances unpaid after 08/22/20 are subject to a late charge of 1.5% of the amount due or \$2.00, whichever is greater.

Usage Information

Total Used 318 kWh Next Scheduled Read Date On or after Sept 4, 2020

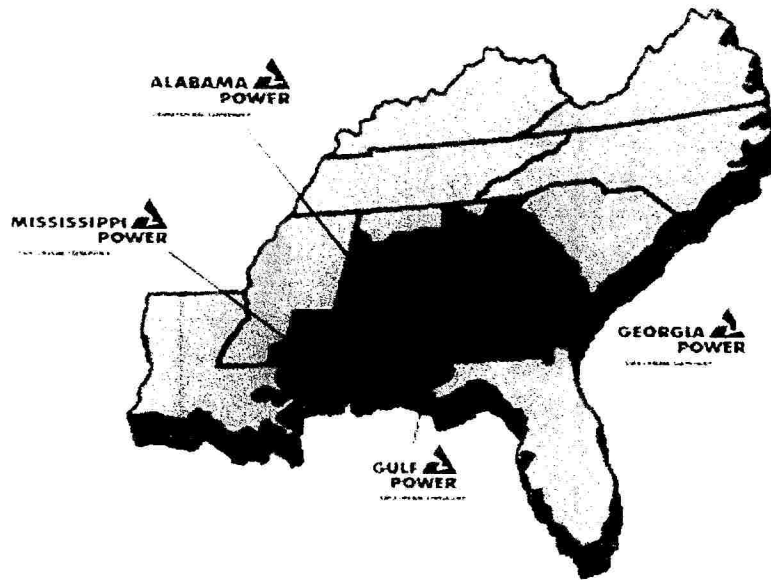


	1 Year Ago	Last Month	This Month
Total kWh Used		245	318
Average Daily kWh		8	11
Days In Billing Period		30	29

COVID-19 ALERT: Alabama Power's suspension of disconnects and late payment fees remains in place. If you are having difficulty paying your bill and need to make payment arrangements, please log into your account at AlabamaPower.com or call 1-800-245-2244 to use our automated system.

PLEASE KEEP THIS PORTION FOR YOUR RECORDS.

Exhibit #8



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Alabama Power has earned more than \$1 billion in profits from 2014-2018 compared to the industry average, according to a review of publicly available data. The profits on top of industry average, and allowed by the Alabama Public Service Commission, total to just over \$700 per Alabama Power customer account over the years 2014-2018.

Public Service Commissions are Reducing Returns for Utilities but Alabama Stays

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The electric utility industry's awarded return on equity (ROE), a measure of profitability, has steadily declined for years, due in part to the record low cost of capital since the Great Recession of 2007. The average awarded ROE for electric utilities in 2018 was 9.51%, "the lowest annual average in our 30 years of data," according to the Edison Electric Institute (EEI), the trade association for investor-owned electric utilities.

Alabama Power has consistently earned one of the highest ROEs in the industry, making it among the most profitable utilities in the country. Alabama is the sixth poorest state in the nation, according to U.S. Census data compiled by the anti-poverty group Alabama Possible.

The difference between Alabama Power's ROE and the average awarded ROE as reported by EEI amounts to hundreds of millions of dollars in excess profits collected from ratepayers each year. In other words, if Alabama Power's ROE had instead been the average awarded ROE for the industry each year, Alabama Power customers would have saved \$1.02 billion since 2014.

Year	Alabama Power ROE (S&P)	Earnings (in millions)	Average Awarded ROE per EEI	Earnings at Average Awarded ROE (in millions)	Profit Above National Average (in millions)
2014	0.1303	\$800.00	0.0992	\$609.14	\$190.86
2015	0.1276	\$811.00	0.0985	\$625.97	\$185.03
2016	0.1303	\$839.00	0.0975	\$627.75	\$211.25
2017	0.1262	\$866.00	0.0974	\$668.36	\$197.64
2018	0.1269	\$945.00	0.0951	\$707.92	\$237.08
Totals		\$4,261.00		\$3,239.14	\$1,021.86

Table 1. Return on Equity, Earnings, and Profit Above National Average by Alabama Power 2014-2018.

Alabama PSC Uses Novel Calculation to

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the Public

Due to intense public scrutiny over Alabama Power's profit margin, the Alabama Public Service Commission (PSC), which regulates the company's rates and profits, changed how it calculated the company's return in 2013. The PSC changed Alabama Power's earnings calculation from an industry standard return on equity (ROE) to what it termed the "Weighted Retail Return on Common Equity" or WRRCE.

Alabama Power's maximum allowable WRRCE is 6.15%, which, when factoring the utility's capitalization from equity, equates to an ROE of more than 12%. The Commission allows Alabama Power to earn a 0.07% performance bonus, for a total WRRCE of 6.22%. The company's actual ROE came in at above 12.5% from 2014-2019, according to S&P data. Alabama Power's actual ROE was substantially higher than the rest of the utility industry.

WRRCE was a novel calculation not in use by any Commission in the country. Commissioner Twinkle Cavanaugh predicted at the time that other states would adopt Alabama's approach. No state has copied the use of the WRRCE. Instead, ROEs have been reduced throughout most of the country, according to EEI data.

The Commission requested that Alabama Power file a report every six years to the PSC staff and the Office of the Attorney General to review the new WRRCE and the utility's comparison to peers against a variety of metrics. The first such review was supposed to take place for the years 2013-2019 however, no filing has been made public in the docket as of the date of publication.

The development of the WRRCE allowed the PSC to appear to take action against Alabama Power's high allowed return. However, the WRRCE simply allowed the PSC to dismiss concerns of their allowance of Alabama Power's excess profit by pointing to a much lower number while not changing the underlying issue of excessive earnings. At the time, Republican Commissioner Terry Dunn, who served on the Commission from 2011 – 2015, called the WRRCE informal hearings "just a dog and pony show. It was all staged. The people that you saw get up, they were reading off the same script."

Correction: A previous version of this post stated that Alabama Power's profit margin on top of the industry average equated to just under \$800 per Alabama Power customer account over the years 2014-2018. The average was \$715. We regret the error.

Header image source: Alabama Power

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POSTED IN: Alabama Power

Tagged in: Alabama Public Service Commission, EEI, Mark Crosswhite, Terry Dunn, Twinkle

Cavanaugh, WRRCE



Posted by Daniel Tait

Daniel Tait is a Research and Communication Manager for the Energy and Policy Institute.

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Detailed investigation of a coal industry front group that has intervened in several states to try and keep coal plants running.

It is largely funded by the state of Wyoming.

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