



## 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 "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

### MEMORANDUM

DATE: December 27, 2021

TO: Commissioner Twinkle Andress Cavanaugh  
Commissioner Jeremy H. Oden  
Commissioner Chris "Chip" Beeker, Jr.

FROM: Darrell A. Baker, Director *DAB*  
Utility Services Division

SUBJECT: Agenda for January 4, 2022 Commission Meeting.

The following items will be presented to the Commission during the regular January 4, 2022 Commission Meeting.

# **CONSUMER SERVICES REPORT**

# CONSUMER SERVICES ELECTRIC & GAS INQUIRIES

December

11/22/2021 - 12/23/2021

Company	Service Category	Total Inquiries	Service Outage Interruption	Service Quality	Service Connection	Service Disconnected	Billing Issues	Payment Issues	Request Info Only
Alabama Power	Residential	15		1	1	1	8	1	3
	Business								
Spire Alabama	Residential	5		1	1		1		2
	Business								
Spire Gulf	Residential								
	Business								
TOTAL	Residential	20		2	2	1	9	1	5
	Business								

**BASIC SERVICE ONLY**

Company	Service Category	Total Inquiries	Service Outage	Service Quality	Service Connection	Service Disconnection	Billing Issues	Payment Issues	Lifeline	Request Info Only
ILEC	Residential									
	Business									
CLEC	Residential	1					1			
	Business									
TOLL	Residential									
	Business									
OTHER	Residential	1								1
	Business									
<b>Total Under PSC Complaint Jurisdiction</b>		<b>2</b>					<b>1</b>			<b>1</b>

**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	7		3		1		3		
Business									
Total									
Not Under PSC Jurisdiction	7		3		1		3		
Under PSC Jurisdiction									

Other Retail Services/Issues Under PSC Jurisdiction <b>(Above)</b>	0
Basic Service Inquiries Under PSC Jurisdiction <b>(Previous Page)</b>	2
Total Telecom Inquiries Under PSC Jurisdiction <b>(Non-referrals)</b>	2
Inquiries Not Subject to PSC Jurisdiction	7

<b>Referred Inquiries (Waived Complaint Jurisdiction)</b>	
Residential	4
Business	0
<b>TOTAL</b>	4

<b>TOTAL TELECOM INQUIRIES</b>			
Under PSC Complaint Jurisdiction	Waived Complaint Jurisdiction (Referrals)	Received But Not Under PSC Jurisdiction	Total Received
2	4	7	13

**Gas Agenda**

**NATURAL GAS**

Docket 18046 and SPIRE ALABAMA INC. -- Division Report on Rate RSE as of November  
18328 30, 2021

Based on preliminary figures as of November 30, 2021, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 10.35 percent. The authorized return on average common equity is 10.15 to 10.65 percent.

Docket 28101 SPIRE GULF INC. -- Division Report on Rate RSE as of November 30,  
2021

Based on preliminary figures as of November 30, 2021, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 9.73 percent. The authorized return on average common equity is 9.70 to 10.30 percent.

**Water Agenda**

**WASTEWATER**

Docket 32606      PINNACLE WASTEWATER SYSTEMS, LLC -- Requests Modification of Pinnacle Wastewater System's Certificate of Financial Viability. The modification expands Pinnacle's service territory to include owning, operating and maintaining the Bridlewood Farms Community Wastewater System located in Jefferson County, Alabama

Recommend Approval.

**Telecommunication Agenda**

**INTERCONNECTION AGREEMENT (S)**

- Docket U-5407     MILLRY TELEPHONE COMPANY, INC. and TELEPORT COMMUNICATIONS AMERICA, LLC -- Approval of an Interconnection Agreement between Millry Telephone Company, Inc. and Teleport Communications America, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.

Recommend Approval.

**NAME CHANGE (S)**

- Docket U-5048;  
20927;  
23755     GLOBAL TEL\*LINK CORPORATION and Telmate,LLC d/b/a Telmate -- Global Tel\*Link Corporation (GTL) and Telmate, LLC (Telmate) were previously granted Commission approval to offer payphone and inmate phone service as two separate companies. On July 31, 2017, GTL acquired Telmate. Thereafter, GTL offered services under the GTL name while its new affiliate, Telmate, continued offering services under the Telmate name. With this filing, GTL seeks approval to amend the Certificates for both GTL and Telmate by adding "ViaPath Technologies" as a DBA.
- Recommend Approval.

**SUMMARY OF OTHER FILING (S)**

- D-7714     FARMERS TELECOMMUNICATIONS COOPERATIVE, INC. -- Revises the General Subscriber Services Tariff to update the provisions concerning the most current credits applicable to Lifeline subscribers established by the Federal Communications Commission. Filed December 16, 2021 with a requested effective date of December 1, 2021.
- D-7715     NEW HOPE TELEPHONE COOPERATIVE -- Revises the General Subscriber Services Tariff to update the provisions concerning the most current credits applicable to Lifeline subscribers established by the Federal Communications Commission. Filed December 16, 2021 with a requested effective date of December 1, 2021.



- D-7716     MILLRY TELEPHONE COMPANY, INC. -- Revises the General Subscriber Services Tariff to update the provisions concerning the most current credits applicable to Lifeline subscribers established by the Federal Communications Commission. Filed December 16, 2021 with a requested effective date of December 1, 2021.
- D-7717     CASTLEBERRY TELEPHONE COMPANY -- Revises the General Subscriber Services Tariff to update the provisions concerning the most current credits applicable to Lifeline subscribers established by the Federal Communications Commission. Filed December 16, 2021 with a requested effective date of December 1, 2021.
- D-7718     UNION SPRINGS TELEPHONE COMPANY -- Revises the General Subscriber Services Tariff to update the provisions concerning the most current credits applicable to Lifeline subscribers established by the Federal Communications Commission. Filed December 16, 2021 with a requested effective date of December 1, 2021.
- D-7719     MON-CRE TELEPHONE COOPERATIVE, INC. -- Revises the General Subscriber Services Tariff to update the provisions concerning the most current credits applicable to Lifeline subscribers established by the Federal Communications Commission. Filed December 16, 2021 with a requested effective date of December 1, 2021.
- D-7720     PINE BELT TELEPHONE COMPANY, INC. -- Revises the General Subscriber Services Tariff to update the provisions concerning the most current credits applicable to Lifeline subscribers established by the Federal Communications Commission. Filed December 16, 2021 with a requested effective date of December 1, 2021.
- D-7721     RAGLAND TELEPHONE COMPANY -- Revises the General Subscriber Services Tariff to update the provisions concerning the most current credits applicable to Lifeline subscribers established by the Federal Communications Commission. Filed December 16, 2021 with a requested effective date of December 1, 2021.



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**MEMORANDUM**

**DATE: December 27, 2021**

**TO: President Twinkle Andress Cavanaugh  
Commissioner Jeremy H. Oden  
Commissioner Chris "Chip" Beeker, Jr.**

**FROM: Wallace R. Jones, Director *WRJ*  
Gas Pipeline Safety Division**

**SUBJECT: Agenda for January 4, 2022 Commission Meeting**

This memorandum reflects activities of the Gas Pipeline Safety (GPS) Division that will be presented at the January 4, 2022 Commission Meeting.

- GPS performed the following inspections during the month of November 2021:

Standard Inspection	Construction	IMP/DIMP	Operator Qualification	Incident	Damage Prevention	Control Room	Follow-Up	TOTAL Inspections
12	6	4	6	1			14	43

From the forty-three (43) inspections shown above, two (2) enforcement letters of notification were issued, noting two (2) non-compliance issues. Ten (10) non-compliance issues were corrected during the month of November.

**Incidents/Accidents**

One state-reportable incident was reported during the month of November:

- 11/10/2021 – Huntsville Utilities – 4-inch main damaged; line not properly located by utility.

**Training**

Three operator/contractor training sessions on Polyethylene (PE) plastic fusion were conducted during the month of November:

- |   |                        |
|---|------------------------|
| ➤ 11/3/2021 – Trussville Utilities (PE)         | 29 Personnel Qualified |
| ➤ 11/16/2021 – Leak City (Athens) (PE)          | 31 Personnel Qualified |
| ➤ 11/17/2021 – Northwest Alabama Gas Dist. (PE) | 28 Personnel Qualified |

### Miscellaneous

On November 1 – 3, Mr. Wallace Jones, Gas Pipeline Safety Division Director, Mr. Jonathan Kimbril, Pipeline Safety Investigations Supervisor, and Mr. Shawn Emmons, Gas Pipeline Safety Investigator attended the Louisiana Pipeline Safety Conference in New Orleans, Louisiana. This conference updates the operators on the latest changes in the Federal regulations for natural gas and hazardous liquid operations. Alabama is a co-sponsor of this event each year.

On November 10<sup>th</sup> Mr. Jones and Ms. Annette Bowman, Executive Director of Alabama 811 participated in a conference call with Ms. Annmarie Robertson of the Pipeline and Hazardous Materials Administration (PHMSA) to determine the status of Alabama's damage prevention law. After the call, Ms. Robertson gave Alabama a score of "adequate". This is the first year Alabama has received this designation from PHMSA. This is mostly due to the incorporation of the Alabama Underground Damage Prevention Authority (ALUDPA) to monitor damages.



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### MEMORANDUM

**DATE:** December 27, 2021

**TO:** President Twinkle Andress Cavanaugh  
Commissioner Jeremy H. Oden  
Commissioner Chris "Chip" Beeker, Jr.

**FROM:** G. Scott Morris, Director *GSM*  
Utility Enforcement Division

**SUBJECT:** Agenda for the January 4, 2022 Commission Meeting

This memorandum reflects the Utility Enforcement Division's (UED) report describing the major tasks, inspections and activities accomplished by its staff during the month of November 2021.

### 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	16	73	1	301	116

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
23	10	8	1

The data in the table shown below was collected from Motive Power & Equipment (MP&E) inspections that were 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
7	10	132	0	679

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

<b>Air Brake Tests</b>	<b>Blue Flag Protection</b>	<b>End of Train Devices</b>
1	0	0

There were six incidents reported by the National Response Center in November:

1. A diesel fuel release because of a mechanical failure in Muscle Shoals on **NS**
2. A yard derailment with hazmat release near Prattville on **International Paper**
3. An Amtrak vs tractor trailer grade crossing collision in York at **NS**
4. A derailment in Norris Yard in Irondale on **NS**
5. A grade crossing collision in Tuscaloosa on **NS**
6. A grade crossing collision in Jemison on **CSX**

RWS Staff joined in monthly strategy and training calls. Some were hosted by the FRA for their respective disciplines. These conference calls ensure consistency in regulatory enforcement between state and federal inspection forces.

RWS Track Inspectors assisted the FRA District 3 Track Specialist with the assessment of the newly hired Florida State Track Inspector. RWS and FRA staff spent two days with the new inspector in the field to determine his level of expertise concerning track regulation and compliance.

### **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:

<b>Vehicle Registration Numbers</b>	<b>Intrastate Applications</b>		<b>NOL Processed/ Closed Intra Applications</b>	<b>Under Legal Division Review</b>	<b>New Authority Approved</b>	<b>Motor Carrier Authority Inquiries</b>		
	<b>Processed</b>	<b>Returned</b>				<b>Phone</b>	<b>E-mails</b>	<b>Others</b>
8	7	2	0	9	7	43	38	34

MCS staff members handled the tasks shown below regarding insurance coverage, prepared correspondence that challenged incorrect filings and addressed related inquiries:

<b>Insurance Filings Received</b>	<b>Revocation Orders</b>	<b>Reinstatement Orders</b>	<b>Miscellaneous Actions</b>	<b>Letters Sent</b>	<b>Insurance Inquiries</b>	
					<b>Phone</b>	<b>E-mails</b>
296	14	18	7	34	16	232

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

<b>UCR Applications</b>		<b>UCR Mailouts for 2021/2022</b>	<b>UCR Audit Correspondence</b>	<b>UCR Inquiries</b>	
<b>Received</b>	<b>Returned</b>			<b>Phone</b>	<b>E-mail</b>
22	5	1,258	23	168	24

As of November 30, there were 10,551 Alabama carriers (86%) registered for 2021 UCR with 1,689 that remain unregistered. There were 3,985 Alabama carriers (35%) registered for 2022 UCR with 7,315 that remain unregistered.

In November, the staff mailed 12 pending payment letters to carriers that created a voucher several weeks prior where payment had not been received for the 2022 UCR registration year.

In November, \$873 was collected for Focused Anomaly Reviews (FARs) audits for the 2022 UCR registration year.

The staff also assisted motor carriers in making necessary changes to their operating status with the Federal Motor Carrier Safety Administration (FMCSA). There were 12 MCS-150 forms processed indicating that eight motor carriers' USDOT numbers were deactivated and four forms contained updates to carriers' USDOT number data.

MCS staff attended the UCR Board call, the UCR Board Education & Training Subcommittee call and the UCR Board Finance Subcommittee call that were held in November.

The staff received three For Non-Profit (FNP) quarterly reports from FNP carriers for the third quarter of 2021.

In November, there was a household goods tariff for **Atomic Moving and Labor LLC (NEW)** that was accepted.

The staff attended four passenger carrier hearings for the following companies:

- **July Enterprises, Inc d/b/a Coastal Express Shuttle** – no protestants
- **On Time Taxi, LLC** – no protestants
- **Teddy's Cab Service LLC** – no protestants
- **Meridian, LLC** – no protestants

The MCS staff conducted the annual records inspection review with **Rasier, LLC (Uber)** on November 22. The staff did not find any non-compliant issues.

There were three phone calls and six e-mails related to transportation network companies for the month of November.

### **FIELD SERVICES**

The Field Services Section (FSS) staff met with personnel from **Asbury Water** to inspect their water system. The company purchases an estimated 17 million gallons of water per month from three surrounding communities and resells it to its customers. No discrepancies were noted at the time of this inspection.

An inspection of **Asset Management Professionals, LLC** was also performed to ascertain the status of several discrepancies discovered in a previous inspection. All discrepancies were repaired except for a section of severely corroded pipe inside their pumphouse. No date of repair or replacement has been provided to the Commission at the time of this report.



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**December 27, 2021**

**MEMORANDUM**

**TO: President Twinkle Andress Cavanaugh  
Commissioner Jeremy H. Oden  
Commissioner Chris "Chip" Beeker, Jr.**

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

**SUBJECT: Agenda – January 4, 2022 Commission Meeting**

The Electricity Policy Division will present the following items at the January 4, 2022 Commission Meeting.

**ELECTRICITY**

**ALABAMA POWER COMPANY**

**Dockets** 18117 Division Report on Rate RSE and Rate ECR as of November 30, 2021  
and  
18416; The Electricity Policy Division performed the regular monthly examination  
18148 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  
2021 Weighted Return on Average Retail Common Equity (WRRCE),  
actualized through November 2021, 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, 2021</b>		<b>Energy Cost Over/(Under) Recovered for NOVEMBER 2021</b>
<b>7.37% WRRCE</b>		<b>(\$17,450,875)</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, 2021**

Common Equity as of November 30, 2021		\$10,835,749,180
Add Budgeted Net Income:		
December 2021	\$97,015,467	
Add Budgeted Capital Contributions:		
December 2021	\$12,576,438	
Add Other Adjustments:		
December 2021	\$0	\$109,591,905
Deduct Budgeted Stock Dividends:		
December 2021	\$1,221,790	\$1,221,790
Projected Common Equity for December 31, 2021		\$10,944,119,294
Projected Average Common Equity		
For the 12 Months Ending December 31, 2021		\$10,635,914,691
Projected Retail Investment Separation Factor		95.29%
Projected Average Retail Common Equity		
For the 12 Months Ending December 31, 2021		\$10,134,963,109
Projected Retail Net Income		
For the 12 Months Ending December 31, 2021		\$1,413,823,116
Projected Common Equity Percentage of Capital Structure		
For the 12 Months Ending December 31, 2021		52.82%
Projected Weighted Return on Average Retail Common Equity (WRRCE)		
For the 12 Months Ending December 31, 2021		7.37%

The Common Equity as of November 30, 2021 (Actual) was adjusted using net income, payment of Common Stock and Preferred Stock dividends, Capital Contributions, and Other Adjustments from the Company's 2021 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 95.29%. The retail net income (RNI) for average common equity and the common equity percentage (CEP) were calculated by using actual data for the eleven months ended November 30, 2021, and then adding one month of budget data for December 2021. 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.





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## MEMORANDUM

DATE: December 23, 2021

TO: Commission President Twinkle Andress Cavanaugh  
Commissioner Jeremy H. Oden  
Commissioner Chris "Chip" Beeker, Jr.  
Division Directors

FROM: Legal Division

SUBJECT: Agenda - January 4, 2022 Commission Meeting

The Legal Division will present the following at the January 4, 2022  
Commission Meeting:

**DOCKET C-20203** (Y) - Petition of 121 Disposal Company, LLC d/b/a 121 Disposal Company, of Auburn, Alabama, for approval of cargo self-insurance.

**Recommend:** Approval

**DOCKET C-20204** (Y) - Petition of JKLA, LLC d/b/a Lemmond Transport, of Hartselle, Alabama, for approval of cargo self-insurance.

**Recommend:** Approval

**DOCKET 33193** (Y) - Application of Atomic Moving and Labor LLC, of Fort Mitchell, Alabama, for a Certificate to transport household goods.

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

**DOCKET 33164** (Y) - Petition of ABLE Non-Emergency Medical Transport Service, LLC, of Fort Deposit, Alabama, for an extension of time to file its insurance, tariff, schedule of rates, and obtain registration numbers.

**Recommend:** Grant additional 90 days to allow applicant to make the required filings.

LEGAL DIVISION AGENDA

January 4, 2022 Commission Meeting

December 23, 2021

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**DOCKET C-20049** (Y) - Petition of William Jerrett Hughes Jr d/b/a B and C Contractors, of Columbiana, Alabama, for reinstatement of Motor Carrier Certificate F4941 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET C-20129** (Y) - Petition of Glenn Mack Pilkington d/b/a Pilkington Trucking, of Oneonta, Alabama, for reinstatement of Motor Carrier Certificate F1227 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET C-20170** (Y) - Petition of Shawn E. Dudley d/b/a River City Towing & Recovery, of Hartselle, Alabama, for reinstatement of Motor Carrier Certificate F3804 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET 24167;** (Y) - Petition of Smith Mobile Homes, Inc., of Dothan, Alabama, to  
**C-20190** suspend operations under Motor Carrier Certificate F180 (Docket 24167) for a period of one year. Motor Carrier Certificate F180 was revoked by Commission Order dated December 7, 2021, due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage (Informal Docket C-20190).

**Recommend:** Reinstatement of Motor Carrier Certificate F180 (Informal Docket C-20190) for the sole purpose of suspending Certificate F180 in good standing (Docket 24167). Grant one-year suspension.

**DOCKET C-20167;** (Y) - Petition of Cameron Justin Rubin d/b/a Just-In Time Towing &  
**32153** Recovery, of Clinton, Tennessee, for cancellation of Motor Carrier Certificate F4776 (Docket 32153). Motor Carrier Certificate F4776 was revoked by Commission Order dated November 2, 2021, due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage (Informal Docket C-20167).

**Recommend:** Reinstatement of Motor Carrier Certificate F4776 (Informal Docket C-20167) for the sole purpose of cancelling Motor Carrier Certificate F4776 in good standing. Grant cancellation as requested (Docket 32153).

LEGAL DIVISION AGENDA

January 4, 2022 Commission Meeting

December 23, 2021

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**DOCKET 33163** (Y) - Motor Carrier Certificate 4127 was issued to Gregory Sargent d/b/a Southern Transportation ("Southern Transportation"), of Chunchula, Alabama, by Commission Order dated September 15, 2021. Said Order also required Southern Transportation to file its tariff, obtain insurance and registration numbers and properly identify its vehicles. Southern Transportation has failed to make the required filings.

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

**DOCKET C-20205** (B) - Petition of P&C Solutions Limited Liability Company, of Daphne, Alabama, for approval of cargo self-insurance.

**Recommend:** Approval

**DOCKET 17238** (B) - Rule 3 of the Motor Carrier General Orders Rules and Regulations includes requirements for identification of vehicles. Rule 3.5 allows the Chief of the Enforcement Division to approve written requests for "special provisions for external lettering on luxury passenger-carrying vehicles." The Commission no longer has a Chief of the Enforcement Division.

**Recommend:** Initiation of a rulemaking proceeding to modify Rule 3.5 to change the approval authority from Chief of the Enforcement Division to Director of the Utility Enforcement Division. Prior to the final approval of this proposed rule, the Director of the Utility Enforcement Division shall have temporary authority to approve such request.