



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: March 26, 2024

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

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

SUBJECT: Agenda for April 02, 2024 Commission Meeting.

The following items will be presented to the Commission during the regular April 02, 2024 Commission Meeting.

CONSUMER SERVICES REPORT

CONSUMER SERVICES ELECTRIC & GAS INQUIRIES

February 24, 2024- March 24, 2024

Company	Service Category	Total Inquiries	Service Outage Interruption	Service Quality	Service Connection	Service Disconnected	Billing Issues	Payment Issues	Request Info Only
Alabama Power	Residential	28			1	2	12	7	6
	Business	2					2		
Spire Alabama	Residential	9					9		
	Business								
Spire Gulf	Residential	0							
	Business								
TOTAL	Residential	37			1	2	21	7	6
	Business	2					2		

BASIC SERVICE ONLY

Company	Service Category	Total Inquiries	Service Outage	Service Quality	Service Connection	Service Disconnec- tion	Billing Issues	Payment Issues	Lifeline	Request Info Only
ILEC	Residential	1	1							
	Business									
CLEC	Residential									
	Business	1					1			
TOLL	Residential									
	Business									
OTHER	Residential									
	Business									
Total Under PSC Complaint Jurisdiction		2	1				1			

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	6		1		1	2	2		
Business	4		1		1				2
Total									
Not Under PSC Jurisdiction	8		2		2		2		2
Under PSC Jurisdiction	2					2			

Other Retail Services/Issues Under PSC Jurisdiction (Above)	2
Basic Service Inquiries Under PSC Jurisdiction (Previous Page)	2
Total Telecom Inquiries Under PSC Jurisdiction (Non-referrals)	4
Inquiries Not Subject to PSC Jurisdiction	8

Referred Inquiries (Waived Complaint Jurisdiction)	
Residential	6
Business	0
TOTAL	6

TOTAL TELECOM INQUIRIES			
Under PSC Complaint Jurisdiction	Waived Complaint Jurisdiction (Referrals)	Received But Not Under PSC Jurisdiction	Total Received
4	6	8	18

Gas Agenda

NATURAL GAS

Docket 18046 and SPIRE ALABAMA INC. -- Division Report on Rate RSE as of February
18328 29, 2024

Based on preliminary figures as of February 29, 2024, the projected RSE return on average common equity for the rate year ending September 30, 2024, was 9.49 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 February 29,
2024

Based on preliminary figures as of February 29, 2024, the projected RSE return on average common equity for the rate year ending September 30, 2024, was 10.02 percent. The authorized return on average common equity is 9.70 to 10.30 percent.

Docket U-5154 SPIRE ALABAMA INC. -- Application for Approval of a Special Services
Agreement with Knauf Insulation GMBH
Recommend Approval

Docket U-5465 SPIRE ALABAMA INC. -- Application for Approval of a Special Services
Agreement with Samkee America, Inc.
Recommend Approval

Water Agenda

WASTEWATER

- Docket 31182 BIO-FLOW, INC. -- Petition for the 2024 renewal of Bio-Flow, Inc.'s Certificate of Financial Viability.
;
Recommend Approval.
- Docket 32553 COMMUNITY UTILITIES OF ALABAMA INC. -- Petition for approval to modify Certificate of Financial Viability. Expands the service territory of Community Utilities of Alabama, Inc. to own, operate and maintain the wastewater collection and treatment facility for The Villas at Bay Pines located in the community of Jacksons Gap, in Tallapoosa County, AL

Recommend Approval.

Telecommunication Agenda

INTERCONNECTION AGREEMENT (S)

- Docket U-5463 KNOLOGY OF THE VALLEY, INC. d/b/a Knology or dba WOW! Internet, Cable and Phone and LEVEL 3 COMMUNICATIONS, LLC -- Request Approval of an Interconnection Agreement between Knology of the Valley, Inc d/b/a WOW! Internet, Cable and Phone and Level 3 Communications, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
Recommend Approval.
- Docket U-5464 HOPPER TELECOMMUNICATIONS LLC d/b/a GONETSPEED and LEVEL 3 COMMUNICATIONS, LLC -- Approval of an Interconnection Agreement between Hopper Telecommunications LLC d/b/a GoNetspeed and Level 3 Communications, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
Recommend Approval.

SUMMARY OF OTHER FILING (S)

- D-7798 PINE BELT TELEPHONE COMPANY, INC. -- Increases the rate for residential Basic Local Exchange Service by 4.8 percent, corresponding to the annual Consumer Price Index change, as authorized in the Communications Reform Act. Also revises General Subscriber Services Tariff to reflect elimination of obsolete services. Filed February 22, 2024, with a requested effective date of March 1, 2024.
- D-7800 FARMERS TELECOMMUNICATIONS COOPERATIVE, INC. -- Increases the rate for residential Basic Local Exchange Service by 4.8 percent, corresponding to the annual Consumer Price Index change, as authorized in the Communications Reform Act. Also updates their tariff for its Lifeline Assistance Program. Filed March 14, 2024, with a requested effective date of May 1, 2024.

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>MARCH 2024 ELECTIONS:</p> <p>NONE</p> <p>PRIOR ELECTIONS:</p> <p>ACN Communications Services, Inc.</p> <p>BellSouth Telecommunications, LLC d/b/a AT&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 "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

MEMORANDUM

DATE: March 26, 2024

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

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

SUBJECT: Agenda for April 2, 2024, Commission Meeting

This memorandum reflects activities of the Gas Pipeline Safety (GPS) Division that will be presented at the April 2, 2024, Commission Meeting.

Inspections

During the month of February, a total of twenty-one (21) inspections were conducted utilizing sixty (60) person-days. The inspections are as follows:

Standard Inspection	Construction	Operator Qualification	Public Awareness	IMP / DIMP	Control Room	Incident /Accident	Section 114	Drug & Alcohol	Follow-Up	Total Inspections
9	4	0	0	0	0	0	0	0	8	21

Enforcement Actions

From the twenty-one (21) inspections shown above, seven (7) enforcement letters of notification were issued noting twenty-seven (27) non-compliance issues. There were twenty-one (21) non-compliance items corrected during the month of February.

Training

Three (3) operator/contractor training session on Polyethylene (PE) plastic fusion and zero (0) fire response training were conducted in February:

➤ 2/7/2024	Fultondale Utilities	PE	43	Personnel Trained
➤ 2/20/2024	Leak City	PE	41	Personnel Trained
➤ 2/27/2024	Southern Directional	PE	39	Contractors Trained

Incidents / Accidents

There were zero (0) state reportable incidents and zero (0) federal incidents reported during the month of February.

Miscellaneous

Gas Pipeline Safety was requested to speak at the Common Ground Alliance (CGA) annual conference. The topic is "Leveraging Integrity Management Concepts to Reduce Excavation Damage." This topic continues to gain support for better regulatory guidance to improve safety. Remember April is 811 safe digging month.



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March 26, 2024

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 – April 2, 2024 Commission Meeting

The Electricity Policy Division will present the following items at the April 2, 2024 Commission Meeting.

ELECTRICITY

ALABAMA POWER COMPANY

Dockets 18117 Division Report on Rate RSE and Rate ECR as of February 29, 2024
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
2024 Weighted Return on Average Retail Common Equity (WRRCE),
actualized through February 2024, can be found on page 2 of this report.

Rate RSE Forecast		Rate ECR Summary
12 Months Ending DECEMBER 31, 2024		Energy Cost Over/(Under) Recovered for FEBRUARY 2024
5.91% WRRCE		\$40,145,200

*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 February 29, 2024		\$12,712,595,507
Add Budgeted Net Income:		
March through December 2024	\$1,102,281,303	
Add Budgeted Capital Contributions:		
March through December 2024	\$81,510,801	
Add Other Adjustments:		
March through December 2024	\$0	\$1,183,792,104
Deduct Budgeted Stock Dividends:		
March through December 2024	\$873,068,970	\$873,068,970
Projected Common Equity for December 31, 2024		\$13,023,318,641
<hr/>		
Projected Average Common Equity		
For the 12 Months Ending December 31, 2024		\$12,807,235,143
Projected Retail Investment Separation Factor		94.67%
Projected Average Retail Common Equity		
For the 12 Months Ending December 31, 2024		\$12,124,609,510
Projected Retail Net Income		
For the 12 Months Ending December 31, 2024		\$1,344,138,888
Projected Common Equity Percentage of Capital Structure		
For the 12 Months Ending December 31, 2024		53.30%
Projected Weighted Return on Average Retail Common Equity (WRRCE)		
For the 12 Months Ending December 31, 2024		5.91%

The Common Equity as of February 29, 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 94.67%. The retail net income (RNI) for average common equity and the common equity percentage (CEP) were calculated by using actual data for the two months ended February 29, 2024, and then adding ten months of budget data for March 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.



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JOHN A. GARNER, EXECUTIVE DIRECTOR

MEMORANDUM

DATE: March 26, 2024

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

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

SUBJECT: Agenda for the April 2, 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 the month of February 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
7	29	110	1	473	200

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
6	12	5	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
6	14	168	0	845

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
0	1	0

Both track and MP&E inspectors performed record inspection reviews shown below on railroad inspections, repair records, and highway grade crossings.

	Track Inspection Records	MP&E Railcar & Locomotive Repair Records	Highway Grade Crossings
Inspections	1	2	2
Units Inspected	22	9	40
Defects	0	0	2

There were five incidents reported by the National Response Center (NRC) in February:

1. An unoccupied vehicle strike at a crossing in Tuscaloosa on **NS**.
2. A pedestrian strike at a crossing resulted in a fatality in Tuscaloosa on **NS**.
3. A vehicle strike at a crossing with unknown injuries in Birmingham on **NS**.
4. A six-car derailment in a rail yard in Birmingham on **NS**.
5. A vehicle strike at a crossing with unknown injuries in Dearmanville on **NS**.

In addition to the incidents reported above, the RWS staff also received the following notifications from sources other than NRC.

1. A grade crossing safety complaint in Decatur on **NS**.
2. A crash onto the tracks with unknown injuries in Dothan on **CSX**.
3. A trespasser strike with unknown injuries in Decatur on **CSX**.
4. A defective condition affecting crossing warning devices in Springville on **NS**.
5. An unoccupied semi-truck strike at a crossing in Jasper on **BNSF**.
6. A semi-truck strike at a crossing with unknown injuries in Brewton on **CSX**.

The grade crossing safety complaint was responded to by RWS staff and repairs were being made to the crossing. The defective condition was referred to the FRA grade crossing managers. There was also one blocked crossing complaint that was referred to the FRA blocked crossing website.

Two RWS track inspectors also completed the required FRA recurrent training in Pueblo, CO during the month.

RWS track inspectors teamed with WATCO and the FRA to lead presentations at a railway safety seminar where 40 railroad employees from various parts of the country were presented with information on regulatory compliance and good industry practices.

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
25	13	2	0	9	7	54	56	30

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
375	21	18	2	16	36	439

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

UCR Applications		UCR Mailouts for 2024	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
13	0	139	44	62	52

As of February 29, there were 7,882 Alabama carriers (83%) registered for 2024 UCR with 1,604 that remain unregistered. Our office received funds from the UCR Depository for January online payments processed through the National Registration System (NRS) that came from 1,735 carriers that were domiciled in Alabama and some that were in non-participating states. Also, during the month, the UCR Depository made its first distribution to states that have not reached their cap. Currently, Alabama is still under its cap.

During February, staff mailed two pending payment letters to a carrier that had created vouchers several weeks prior where payment had not been received for the 2023 & 2024 UCR registration year.

In February, \$548.00 was collected for Focused Anomaly Reviews (FARs) audits for the 2024 UCR registration year.

MCS staff participated in the UCR Education & Training Subcommittee Call, the UCR Finance Subcommittee call, the UCR Industry Advisory Subcommittee call, and the UCR Board call during the month.

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. Six motor carriers had their USDOT number deactivated. Six forms contained updates to the motor carriers' USDOT number data.

Our office received four For Non-Profit (FNP) quarterly reports for the fourth quarter of 2023 during the month.

A total of 155 household goods and passenger annual reports for 2023 were mailed to carriers.

In February, one passenger schedule of rates for **Mountain Taxi, LLC dba Sunset Taxi (C4149)** and one household goods supplement for **Lambert Transfer & Storage Inc. (C604)** were accepted.

Staff participated in three passenger carrier hearings there were held during February for:

- **Vincent J. Coda dba Dauphin Island-Mobile Airport Taxi Service**
- **F&S Transportation LLC dba F&S Transportation**
- **Dominion, LLC dba Dominion Shuttle**



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MEMORANDUM

DATE: March 27, 2024

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

FROM: Legal Division

SUBJECT: Agenda - April 02, 2024 Commission Meeting

The Legal Division will present the following at the April 02, 2024
Commission Meeting:

DOCKET C-20894 (Y) - Petition of Transco, Inc., of Temple, Texas, for approval of cargo self-insurance.

Recommend: Approval

DOCKET C-20798 (Y) - Petition of Transco, Inc., of Temple, Texas, for reinstatement of Motor Carrier Certificate F2990 which was revoked due to Petitioner's failure to maintain proper proof of cargo insurance coverage.

Recommend: Grant/Reinstatement

DOCKET C-20851 (Y) - Petition of GDT Logistics LLC, of Moody, Alabama, for reinstatement of Motor Carrier Certificate F5309 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

Recommend: Grant/Reinstatement

LEGAL DIVISION AGENDA

April 02, 2024 Commission Meeting

March 27, 2024

PAGE #2

DOCKET 33418 (Y) - Motor Carrier Certificates C4125, FNP A-99 and P651 were transferred to ABLE Non-Emergency Medical Transport Service, LLC ("ABLE"), of Fort Deposit, Alabama, by Commission Order dated December 6, 2023. Said Order required ABLE to file its insurance, tariff, schedule of rates, and obtain registration numbers. ABLE has failed to make the required filings.

Recommend: Cancellation on 30 days' notice

DOCKET 29598; (Y) - Petition of Little Creek Carriers, Inc., of Carrollton, Alabama, for
C-20883 cancellation of Motor Carrier Certificate F3227 (Docket 29598). Motor Carrier Certificate F3227 was revoked by Commission Order dated March 5, 2024, due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage (Informal Docket C-20883).

Recommend: Reinstatement of Motor Carrier Certificate F3227 (Informal Docket C-20883) for the sole purpose of cancelling Motor Carrier Certificate F3227 in good standing. Grant cancellation as requested (Docket 29598).

DOCKET C-20205; (Y) - Petition of P&C Solutions Limited Liability Company ("P&C
33217 Solutions"), of Daphne, Alabama, for cancellation of Motor Carrier Certificate F5317 (Docket 33217). P&C Solutions also has approval of cargo self-insurance authority in Informal Docket C-20205).

Recommend: Grant cancellation as requested (Docket 33217) and grant cancellation of cargo self-insurance authority as requested (Informal Docket C-20205).

DOCKET 27923 (Y) - Petition of Allen Hunnicutt d/b/a Hunnicutt Trucking, of Cottondale, Alabama, for cancellation of Motor Carrier Certificate F2286.

Recommend: Grant cancellation as requested

DOCKET 32393 (Y) - Petition of Green Plains Trucking II LLC, of Birmingham, Alabama, for cancellation of Motor Carrier Certificate F4907.

Recommend: Grant cancellation as requested

DOCKET 32121 (Y) - Petition of M.C. Heavy Haulers, LLC, of Ohatchee, Alabama, for cancellation of Motor Carrier Certificate F4760.

Recommend: Grant cancellation as requested

LEGAL DIVISION AGENDA

April 02, 2024 Commission Meeting

March 27, 2024

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DOCKET C-20819 (B) - Petition of Tidewater Transit Company, Inc., of Kinston, Alabama, for reinstatement of Motor Carrier Certificate F838 which was revoked due to Petitioner's failure to maintain proper proof of cargo insurance coverage.

Recommend: Grant/Reinstatement

DOCKET 33430 (B) - Petition of Vincent J. Coda d/b/a Dauphin Island - Mobile Airport Taxi Service, of Dauphin Island, Alabama, for cancellation of Motor Carrier Certificate 4155.

Recommend: Grant cancellation as requested

DOCKET 32171 (B) - Petition of E & S Trucking, Inc., of Northport, Alabama, for cancellation of Motor Carrier Certificate F4789.

Recommend: Grant cancellation as requested

DOCKET 24567 (B) - Petition of Kenan Transport, LLC, of North Canton, Ohio, for cancellation of Motor Carrier Certificate F449.

Recommend: Grant cancellation as requested

DOCKET 33024 (B) - Petition of E R Trucking LLC, of Henagar, Alabama, for cancellation of Motor Carrier Certificate F5208.

Recommend: Grant cancellation as requested

DOCKET 33454 (B) - Show Cause proceeding for Wile Energy Services Inc, of Boligee, Alabama, for failure to respond to audit inquiries for 2024 Unified Carrier Registration.

Recommend: Issuance of an order establishing a show cause proceeding for Wile Energy Services Inc

DOCKET 33455 (B) - Alabama Public Service Commission v. Delinquent Companies. Show cause proceeding to address the failure of numerous carriers to pay Inspection and Supervision ("I&S") fees for the fiscal year 2023 despite numerous notices.

Recommend: Establishment of a show cause hearing requiring the offending carriers to appear and show cause as to why their certificate should not be revoked for their failure to comply with the statute requiring the payment of I&S fees.

LEGAL DIVISION AGENDA

April 02, 2024 Commission Meeting

March 27, 2024

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DOCKET 33456 (G) - Petition to adjust rates paid by and to Alabama Power filed by J. Paul and Kitty Whitehurst.

Recommend: Dismissal due to the failure of Petitioners to sufficiently support their claims and requested relief.