



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

M E M O R A N D U M

DATE: October 29, 2024

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

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

SUBJ ECT: Agenda for November 5, 2024 Commission Meeting.

The following items will be presented to the Commission during the regular November 5, 2024 Commission Meeting.

CONSUMER SERVICES REPORT

CONSUMER SERVICES ELECTRIC & GAS INQUIRIES

October

Company	Service Category	Total Inquiries	Service Outage Interruption	Service Quality	Service Connection	Service Disconnected	Billing Issues	Payment Issues	Request Info Only
Alabama Power	Residential	25	2		1	2	15	4	1
	Business	2				1	1		
Spire Alabama	Residential	4				2	1		1
	Business								
Spire Gulf	Residential	0							
	Business								
TOTAL	Residential	29	2		1	4	16	4	2
	Business	2				1	1		

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	2	2							
	Business									
TOLL	Residential									
	Business									
OTHER	Residential									
	Business									
Total Under PSC Complaint Jurisdiction		2	2							

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	1		1						
Business	2		1						1
Total									
Not Under PSC Jurisdiction	2		2						2
Under PSC Jurisdiction	1								1

Other Retail Services/Issues Under PSC Jurisdiction (Above)	1
Basic Service Inquiries Under PSC Jurisdiction (Previous Page)	2
Total Telecom Inquiries Under PSC Jurisdiction (Non-referrals)	3
Inquiries Not Subject to PSC Jurisdiction	2

Referred Inquiries (Waived Complaint Jurisdiction)	
Residential	9
Business	1
TOTAL	10

TOTAL TELECOM INQUIRIES			
Under PSC Complaint Jurisdiction	Waived Complaint Jurisdiction (Referrals)	Received But Not Under PSC Jurisdiction	Total Received
3	10	2	15

Gas Agenda

NATURAL GAS

Docket 18046 and SPIRE ALABAMA INC. -- Division Report on Rate RSE as of September
18328 30, 2024

Based on preliminary figures at point-of-test September 30, 2024, the RSE return on average common equity for the fiscal year ending September 30, 2024, was 10.06 percent, which was above the authorized range. As a result, rates will be reduced by \$3,978,231 effective December 1, 2024, to reflect the adjustment under the normal operation of RSE. The authorized return on average common equity is 9.50 to 9.90 percent.

The preliminary indication is that the company ended Rate Year 2024 below the Cost Control Measurement Range.

Docket 28101 SPIRE GULF INC. -- Division Report on Rate RSE as of September 30,
2024

Based on preliminary figures at point-of-test September 30, 2024, the RSE return on average common equity for the fiscal year ending September 30, 2024, was 9.88 percent, which was within the authorized range and results in no adjustment to rates. The authorized return on average common equity is 9.70 percent to 10.30 percent.

The preliminary indication is that the company ended Rate Year 2024 within the Cost Control Measurement Range.

Docket 18046 and SPIRE ALABAMA INC. -- Application for Approval to Suspend the
18328 Operation of the Accelerated Infrastructure Modernization (AIM) Program
for Rate Year 2025

Recommend Approval

Docket U-5209 SPIRE ALABAMA INC. -- Application for Approval of an Amendment to the Special Services Agreement with Lhoist North America of Alabama, LLC. (Montevallo)
Recommend Approval

Docket U-5472 SPIRE ALABAMA INC. -- Application for Approval of a Special Services Agreement with Lhoist North America of Alabama, LLC. (O'Neal)
Recommend Approval

Docket U-5473 SPIRE ALABAMA INC. -- Application for Approval of a Special Services Agreement with Carmeuse Lime & Stone Inc.
Recommend Approval

Docket U-5475 SPIRE GULF INC. -- Application for Approval to Record a Regulatory Asset Associated with a New Pipeline and Related Facilities
Recommend Approval

Telecommunication Agenda

INTERCONNECTION AGREEMENT (S)

Docket U-5471 BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and UNITI FIBER GULFCO LLC --
Approval of an Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Uniti Fiber GulfCo LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.

Recommend Approval.

Docket U-5474 BRIGHTSPEED OF ALABAMA, LLC, and BRIGHTSPEED OF SOUTHERN ALABAMA, LLC and UNITI FIBER GULFCO LLC --
Approval of an Interconnection Agreement between Brightspeed of Alabama, LLC; Brightspeed of Southern Alabama, LLC and Uniti Fiber GulfCo LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.

Recommend Approval.

AMENDED INTERCONNECTION AGREEMENT (S)

Docket U-4277 BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and TELEPAK NETWORKS, INC. -
- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Telepak Networks, Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.

Recommend Approval.

Docket U-4548 BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and TEC OF JACKSON, INC. --
Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and TEC of Jackson, Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.

Recommend Approval.

MISCELLANEOUS

- D-7812 BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST -- Access Tariff Revision to change terms and conditions for Shared Use. Filed September 26, 2024 with a requested effective date of October 15, 2024.
- D-7813 SECURUS TECHNOLOGIES, LLC. -- Revises tariff to comply with the FCC's Incarcerated People's Communications Services (IPCS) Rate Order and the upcoming required ancillary fee changes. Filed October 18, 2024 with a November 19, 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>OCTOBER 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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JEREMY H. ODEN, ASSOCIATE COMMISSIONER

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 November 5, 2024, Commission Meeting

The following items will be presented to the Commission during the regular November 5, 2024, Commission Meeting.

GAS PIPELINE SAFETY DIVISION ACTIVITIES
September 2024

Inspections

During the month of September, a total of forty-five (45) inspections were conducted utilizing a hundred and seven (107) 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		8									TOTAL
	MUNICIPAL	7	15			1					2	
	MASTER METER											
	LIQUID PROPANE (LP)											
	LIQUIFIED NATURAL GAS (LNG)	1	1									
	INTRASTATE TRANSMISSION	1	2									
	GAS GATHERING		1									
	OFFSHORE GAS											
LIQUID PIPELINE SYSTEMS	REFINED PETROLEUM PRODUCTS	1			1							
	CRUDE OIL	2			2							
	HVL FLAMMABLE / TOXIC											
	CARBON DIOXIDE											
	BIOFUEL											
TOTALS		12	27		3	1					2	45

Training

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

➤ 9/4/2024	Pickens County Gas Dist.	PE	16	Personnel Trained
➤ 9/11/2024	Piedmont Utilities	PE	23	Personnel Trained
➤ 9/25/2024	Sylacauga Utilities	PE	29	Personnel Trained

Enforcement Actions

From the forty-five (45) inspections shown above, three (3) enforcement letters of notification were issued noting twelve (12) non-compliance issues. There were zero (0) non-compliance items corrected during the month of September.

Incidents / Accidents

There were two (2) state reportable incidents and zero (0) federal incidents reported during the month of September.

- 9/4/2024 W&T Offshore – A twelve-inch type C gathering line in Mobile Bay developed a leak in open water about a half mile from Dauphin Island.
- 9/23/2024 Southeast Gas – A ten-inch steel transmission main was damaged from directional drilling head during the installation of fiber optic conduit. There was an active 811 ticket and marks were present and accurate.

Miscellaneous

Gas Pipeline Safety (GPS) had personnel attend six (6) public awareness meetings, each sponsored by different Operators.

GPS attended the National Association of Pipeline Safety Representatives (NAPSR) annual meeting. The meeting provides training to all levels of a state's pipeline safety program. Alabama had the director and two of the section supervisors attend. While there, Alabama personnel were presented with certificates recognizing our work on multiple committees within pipeline safety.

Additionally, GPS attended the annual Alabama Damage Prevention Summit. GPS uses this conference to provide support in the efforts to reduce damages within the state.



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JOHN A. GARNER, EXECUTIVE DIRECTOR

MEMORANDUM

DATE: October 29, 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 November 5, 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 September 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
4	16	24	0	4	29

The table below reflects track safety observations in which no non-compliant conditions were identified. Nineteen roadway workers, bridge workers, and practices were observed.

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
0	3	11	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
3	13	229	0	763

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

The data below reflects both track and MP&E inspectors' record inspection reviews on railroad inspections, repair records, and highway grade crossings.

	Track Inspection Records	MP&E Railcar & Locomotive Repair Records	Highway Grade Crossings
Inspections	12	0	0
Units Inspected	350	0	0
Defects	15	0	0

No incidents were reported by the National Response Center (NRC) in September.

Other sources called in two incidents:

1. A trespasser strike with unknown injuries in Cullman on **CSX**.
2. A deceased person was found on railroad property (no railroad operations involved) in Morris on **CSX**.

The RWS Administrator attended the Association of State Rail Safety Managers (ASRSM) annual meeting and FRA training in Pueblo, CO. He was elected as the FRA District 3 Representative and a member of the ASRSM Executive Committee.

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
24	14	1	0	10	7	50	37	22

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
303	16	15	3	1	43	168

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
0	0	75	0	24	9

As of September 30th, 9,247 Alabama carriers (93%) were registered for 2024 UCR with 708 remaining unregistered. The 2023 UCR closed at the end of September with 10,740 Alabama carriers (96%) registered, leaving 402 unregistered.

MCS staff participated in the quarterly UCR Audit Q & A call. Staff also participated in a call to help create the UCR Learning Management System (LMS) and assisted as subject matter experts on changes to the UCR handbook during the month.

Staff participated in three passenger carrier hearings that were held during September for:

- **Enterprise Rescue, Inc.**
- **J & S Prestige, LLC**
- **Johnny On The Spot Car Service LLC**

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

The MCS staff held a call with **Lyft, Inc.** (Lyft) to discuss issues found with their current vehicle inspection form on file with the Commission. Lyft will amend its vehicle inspection form and send it to the Commission for approval. Once this is completed their annual records inspection review can be closed out.

Also, regarding transportation network companies (TNCs), staff participated in a call with Corporal Russell Hodge from the Mobile Police Department, to discuss TNC issues, the TNC Act, Taxi Services, and The Alabama Motor Carrier Act.



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October 29, 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 – November 5, 2024 Commission Meeting

The Electricity Policy Division will present the following items at the November 5, 2024 Commission Meeting.

ELECTRICITY

ALABAMA POWER COMPANY

Dockets 18117 Division Report on Rate RSE and Rate ECR as of September 30, 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 September 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 SEPTEMBER 2024
6.27% WRRCE		\$57,151,598

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

ELECTRICITY POLICY DIVISION AGENDA

November 5, 2024 Commission Meeting

Page 2

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 September 30, 2024		\$13,139,651,484
Add Budgeted Net Income:		
October through December 2024	\$260,717,954	
Add Budgeted Capital Contributions:		
October through December 2024	\$8,300,695	
Add Other Adjustments:		
October through December 2024	\$0	\$269,018,649
Deduct Budgeted Stock Dividends:		
October through December 2024	\$291,022,990	\$291,022,990
Projected Common Equity for December 31, 2024		\$13,117,647,143
<hr/>		
Projected Average Common Equity		
For the 12 Months Ending December 31, 2024		\$12,866,080,300
Projected Retail Investment Separation Factor		95.28%
Projected Average Retail Common Equity		
For the 12 Months Ending December 31, 2024		\$12,258,801,310
Projected Retail Net Income		
For the 12 Months Ending December 31, 2024		\$1,440,732,031
Projected Common Equity Percentage of Capital Structure		
For the 12 Months Ending December 31, 2024		53.34%
Projected Weighted Return on Average Retail Common Equity (WRRCE)		
For the 12 Months Ending December 31, 2024		6.27%

The Common Equity as of September 30, 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 nine months ended September 30, 2024, and then adding three months of budget data for October 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: October 30, 2024

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

FROM: Legal Division

SUBJECT: Agenda - November 5, 2024 Commission Meeting

The Legal Division will present the following at the November 5, 2024
Commission Meeting:

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

DOCKET 33492 (Y) - *Alabama Public Service Commission v. All Motor Carriers who failed to file Annual Reports for 2023 operations.* Hearing held for all motor carriers who failed to file their Annual Reports for 2023 operations.

Recommend: Revocation of all carriers who failed to appear at the Show Cause hearing; dismissal of all carriers from proceeding who have now complied or otherwise shown good cause why they should be dismissed from this proceeding.

LEGAL DIVISION AGENDA

November 5, 2024 Commission Meeting

October 30, 2024

PAGE #2

DOCKET 33437 (Y) - Motor Carrier Certificate 4142 was issued to Ralph Moving LLC d/b/a Pink Zebra Moving of Columbus, GA ("Pink Zebra Moving"), by Commission Order dated March 6, 2024. Said Order also required Pink Zebra Moving to file its tariff, obtain insurance and registration numbers and properly identify its vehicles. Pink Zebra has failed to make the required filings.

Recommend: Cancellation on 30 days' notice.

DOCKET 33476 (Y) - Motor Carrier Certificate 4165 was issued to Joyride Company LLC ("Joyride"), of Hoover, Alabama, by Commission Order dated July 8, 2024. Said Order also required Joyride to file its tariff, obtain insurance and registration numbers and properly identify its vehicles. Joyride has failed to make the required filings.

Recommend: Cancellation on 30 days' notice.

DOCKET C-13402; (Y) - Petition of L & L Trucking, LLC ("L & L"), of Selma, Alabama,
C-21033; for cancellation of Motor Carrier Certificate F3316 (Docket 29785). L &
29785 L also has approval of cargo self-insurance authority in Informal Docket C-13402. Motor Carrier Certificate F3316 was revoked by Commission Order dated September 10, 2024, due to Petitioner's failure to maintain proper proof of liability insurance coverage (Informal Docket C-21033).

Recommend: Reinstatement of Motor Carrier Certificate F3316 (Informal Docket C-21033) for the sole purpose of cancelling Motor Carrier Certificate F3316 in good standing. Grant cancellation as requested (Docket 29785) and grant cancellation of cargo self-insurance authority (Informal Docket C-13402).

DOCKET C-21037 (B) - Petition of Waters Brothers Contractors, Inc., of Decatur, Alabama, for reinstatement of Motor Carrier Certificates F270 and C2926 which were revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage.

Recommend: Grant/Reinstatement

DOCKET C-21035 (B) - Petition of Omni Transport LLC d/b/a Omni Transport of Hoover, Alabama, for reinstatement of Motor Carrier Certificate FNP B-79 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage.

Recommend: Grant/Reinstatement

LEGAL DIVISION AGENDA

November 5, 2024 Commission Meeting

October 30, 2024

PAGE #3

DOCKET C-20955 (B) - Petition of Baby B's Designs and Decor LLC d/b/a Baby B's Transportation of Prichard, Alabama, for reinstatement of Motor Carrier Certificate FNP B-119 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage.

Recommend: Grant/Reinstatement

DOCKET 33487 (B) - American Dark Fiber, LLC's ("ADF") application for approval of a certificate of public convenience and necessity to provide telecommunications services in Alabama. After two informal requests to reschedule hearings, ADF was directed to submit a filing that describes the scheduling issues and show cause why the Commission should keep this application pending rather than dismissing it. ADF failed to submit the filing by the deadline but informally asked to withdraw the application.

Recommend: Dismissal of the application without prejudice.

LEGAL DIVISION AGENDA

November 5, 2024 Commission Meeting

October 30, 2024

PAGE #4

DOCKET 33335

(B) - Investigation proceeding to consider the issuance of a certificate of public convenience and necessity for Eco-Preservation Services, LLC ("Eco-Preservation") and to determine the rates, terms, and conditions of service to be implemented by Eco-Preservation.

On August 14, 2023, following a public hearing on May 11, 2023, the Commission issued an order that granted a certificate to Eco-Preservation and established interim sewer rates. That order lowered the residential minimum monthly charge from the pre-regulation rate of \$126 to an interim rate of \$88.96 per month. It lowered the commercial minimum monthly charge from \$151 to an interim rate of \$106.59 per month. In addition, the August 14, 2023 order extended the investigation to determine Eco-Preservation's final rates. As part of the continuing investigation, the Commission directed Eco-Preservation to file its proposed final rates and supporting documentation.

On February 23, 2024, after being granted multiple continuances, Eco-Preservation filed a petition for approval of tariff revisions, including an increase to monthly sewer rates from the interim rates approved on August 14, 2023. Eco-Preservation proposed the following monthly rates:

Commercial Class-A	\$138.90 per equivalent domestic unit ("EDU") per month, plus surcharges for excess pollutants
Commercial Class-B	\$138.90 per EDU per month
Residential	\$138.90 per month

Additionally, Eco-Preservation proposed: 1) a new rate rider of \$12.52 per month to fund a reserve account; 2) adjustments to other rates and fees listed in the proposed tariff; and 3) approval to implement a formula rate, referred to as Rate Stabilization and Equalization ("RSE"). Eco-Preservation requested an effective date of June 1, 2024 for these proposed tariff changes.

On March 11, 2024, finding that the requested tariff revisions required additional study and investigation, the Commission suspended Eco-Preservation's proposed tariff revisions for 180 days from the requested effective date of June 1, 2024, to and through November 27, 2024. A hearing was held on September 11-12, 2024.

The Office of the Attorney General and D.R. Horton, Inc.-Birmingham filed motions to intervene prior to the hearing on May 11, 2023 and participated in that hearing. On August 27, 2024, the City of Lake View and The Governmental Utility Services Corporation of Lake View filed a motion to intervene. All intervenors participated in the hearing held on

September 11-12, 2024. The parties also submitted limited post-hearing filings.

Based on the evidence, adjustments to the underlying basis for the proposed rates are necessary. The following areas require some adjustment: 1) rate base; 2) return on equity; 3) several categories of expenses (ground rent, discharge license, collection system rent, legal fees, regulatory expenses, inspection and supervision fees, and income taxes); and 4) the rate design.

Recommend: Deny Eco-Preservation Services, LLC's request for rates as proposed. Deny request for additional rate riders. Deny request for RSE. Set sewer rates and fees (effective December 1, 2024) as follows:

Commercial Class-A	\$83.86 per EDU per month, plus surcharges for Excess Pollutants
Commercial Class-B	\$83.86 per EDU per month
Residential	\$69.88 per month

DOCKET 29512

(G) - Petition of MTC Long Distance Inc. ("MTC") to amend its existing certificate of public convenience and necessity authorizing the provision of telephone total retail service in Alabama to also permit the provision of alternative facilities - based and resold local exchange services as a competitive local exchange carrier "CLEC" in the State of Alabama. MTC also seeks designation as an eligible telecommunications carrier in Alabama.

Recommend: Entry of an order granting MTC's Petition to amend its existing certificate without an additional hearing for designation as an eligible telecommunications carrier in Alabama.



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TWINKLE ANDRESS CAVANAUGH, PRESIDENT
JEREMY H. ODEN, COMMISSIONER, PLACE 1
CHRIS V. BEEKER III, COMMISSIONER, PLACE 2

JOHN A. GARNER, EXECUTIVE DIRECTOR

MEMORANDUM

DATE: November 1, 2024

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

FROM: Legal Division

SUBJECT: Off Agenda Item – November 5, 2024 Commission Meeting

In addition to the items listed on our previous agenda, the Legal Division will present the following item at the November 5, 2024, Commission Meeting:

OFF AGENDA ITEM November 5, 2024, COMMISSION MEETING

DOCKET 18148 (G) – Rate ECR (Energy Cost Recovery). On September 30, 2024, Energy Alabama filed a Petition for Reconsideration, or Alternatively Rehearing, of the Commission's Order entered in Docket 18148. Said Order dismissed Energy Alabama's Petition to Intervene in Docket 18148. Alabama Power Company filed a Response to Energy Alabama's Petition on or about October 23, 2024 urging the Commission to deny said Petition for Reconsideration/Rehearing. Energy Alabama filed a Motion to Strike Alabama Power Company's Responses as untimely on October 30, 2024. Alabama Power Company filed a response to Energy Alabama's Motion to Strike on October 31, 2024.

Recommend: Entry of an Order denying Energy Alabama's Motion to Strike Alabama Power Company's Response and denying Energy Alabama's Petition for Reconsideration, or Alternatively Rehearing, of the Commission's August 30, 2024 Order entered in Docket 18148.