



## 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: October 31, 2023

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 November 7, 2023 Commission Meeting.

The following items will be presented to the Commission during the regular November 7, 2023 Commission Meeting.

# **CONSUMER SERVICES REPORT**

## CONSUMER SERVICES ELECTRIC & GAS INQUIRIES

October

9/23/2023 - 10/24/2023

Company	Service Category	Total Inquiries	Service Outage Interruption	Service Quality	Service Connection	Service Disconnected	Billing Issues	Payment Issues	Request Info Only
<b>Alabama Power</b>	Residential	<b>25</b>		4	1		10	6	4
	Business	<b>1</b>					1		
<b>Spire Alabama</b>	Residential	<b>4</b>	1				2		1
	Business	<b>1</b>					1		
<b>Spire Gulf</b>	Residential	<b>0</b>							
	Business								
<b>TOTAL</b>	Residential	<b>29</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>12</b>	<b>6</b>	<b>5</b>
	Business	<b>2</b>					2		

**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	1					1			
	Business									
CLEC	Residential	2		1			1			
	Business									
TOLL	Residential									
	Business									
OTHER	Residential									
	Business									
<b>Total Under PSC Complaint Jurisdiction</b>		<b>3</b>		<b>1</b>			<b>2</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		2	1	
Business	1				1				
Total									
Not Under PSC Jurisdiction	7		3		2		2		
Under PSC Jurisdiction	1							1	

Other Retail Services/Issues Under PSC Jurisdiction <b>(Above)</b>	1
Basic Service Inquiries Under PSC Jurisdiction <b>(Previous Page)</b>	3
Total Telecom Inquiries Under PSC Jurisdiction <b>(Non-referrals)</b>	4
Inquiries Not Subject to PSC Jurisdiction	7

Referred Inquiries (Waived Complaint Jurisdiction)	
Residential	5
Business	1
<b>TOTAL</b>	<b>6</b>

TOTAL TELECOM INQUIRIES			
Under PSC Complaint Jurisdiction	Waived Complaint Jurisdiction (Referrals)	Received But Not Under PSC Jurisdiction	Total Received
4	6	7	17

**Gas Agenda**

**NATURAL GAS**

Docket 18046 and SPIRE ALABAMA INC. -- Division Report on Rate RSE as of September  
18328 30, 2023

Based on preliminary figures at point-of-test September 30, 2023, the RSE return on average common equity for the rate year ending September 30, 2023, was 7.82 percent, which was below the authorized range and results in no adjustment to rates. The authorized return on average common equity is 9.50 to 9.90 percent.

The preliminary indication is that the company ended Rate Year 2023 below the Cost Control Measurement Range.

Docket 28101 SPIRE GULF INC. -- Division Report on Rate RSE as of September 30,  
2023

Based on preliminary figures at point-of-test September 30, 2023, the projected RSE return on average common equity for the fiscal year ending September 30, 2023, was 10.99 percent, which was above the authorized range. As a result, rates will be reduced by \$1,999,757 effective December 1, 2023, to reflect the adjustment under the normal operation of RSE. 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 2023 within the Cost Control Measurement Range.

Docket U-4992 SPIRE ALABAMA INC. -- Application for Approval of a Special Services Agreement with Hunt Refining Company.

Recommend Approval

Docket 18046 and SPIRE ALABAMA INC. -- Application for Approval to Suspend the  
18328 Operation of the Accelerated Infrastructure Modernization (AIM) Rider for Rate Year 2024.

Recommend Approval

**Telecommunication Agenda**

**INTERCONNECTION AGREEMENT (S)**

- Docket U-5455     BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and EXTENET ASSET ENTITY, LLC -- Approval of an Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and ExteNet Asset Entity, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.  
Recommend Approval.

**NAME CHANGE (S)**

- Docket 32388     MOBILITIE, LLC -- Approval of a Name Change to Boldyn Networks US LLC. Filed October 6, 2023 with a requested effective date of November 1, 2023.  
Recommend Approval.

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

<p><b>OCTOBER 2023 ELECTIONS:</b></p> <p><b>NONE</b></p> <p><b>PRIOR ELECTIONS:</b></p> <p>ACN Communications Services, Inc.</p> <p>BellSouth Telecommunications, LLC d/b/a AT&amp;T Alabama (Effective June 1, 2014)</p> <p>CenturyTel of Alabama, LLC d/b/a CenturyLink</p> <p>Knology of Alabama, Inc. d/b/a WOW! Internet, Cable and Phone</p> <p>Knology of the Valley, Inc. d/b/a WOW! Internet, Cable and Phone</p> <p>Knology Total Communications, Inc. d/b/a WOW! Internet, Cable and Phone</p> <p>Frontier Communications of Alabama, LLC</p> <p>Frontier Communications of Lamar County, LLC</p> <p>Frontier Communications of the South, LLC</p> <p>Gulf Telephone Company d/b/a CenturyLink</p> <p>McLeodUSA Telecommunication Services</p> <p>National Telephone of Alabama, Inc.</p>	<p>.</p> <p>Network Telephone Corporation</p> <p>Paetec Communications, Inc.</p> <p>Roanoke Telephone Company, Inc.</p> <p>Spectrotel of Alabama, LLC</p> <p>TEC of Jackson, Inc.</p> <p>The Other Phone Company</p> <p>US LEC of Alabama, LLC</p> <p>Valley Telephone Co., LLC d/b/a WOW! Internet, Cable and Phone</p> <p>Wiregrass Telecom, Inc. d/b/a WOW! Internet, Cable and Phone</p> <p>Windstream Alabama, LLC</p> <p>Windstream Communications, Inc.</p> <p>Windstream KDL, Inc.</p> <p>Windstream Norlight, Inc.</p> <p>Windstream NuVox, Inc.</p> <p>YMax Communications Corp.</p>
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**MEMORANDUM**

**DATE:** October 31, 2023

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

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

**SUBJECT:** Agenda for November 7, 2023, Commission Meeting

This memorandum reflects activities of the Gas Pipeline Safety (GPS) Division that will be presented at the November 7, 2023, Commission Meeting.

**Inspections**

During the month of September, a total of sixty (60) inspections and three (3) operator training sessions were conducted utilizing one hundred and ninety (90) person-days. The inspections and training are as follows:

Standard Inspection	Construction	Operator Qualification	Public Awareness	IMP / DIMP	Control Room	Incident / Accident	Section 114	Drug & Alcohol	Follow-Up	Total Inspections
19	13	2	9	2	1	0	0	2	12	60

From the sixty (60) inspections shown above, one (1) enforcement letter of notification was issued noting nineteen (19) non-compliance issues. There were thirty (30) non-compliance items corrected during the month of September.

### Training

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

➤ 9/6/2023	Pickens County Gas	PE	11	Personnel Qualified
➤ 9/13/2023	Jacksonville Gas	PE	14	Personnel Qualified
➤ 9/26/2023	Sylacauga Utilities	PE	35	Personnel Qualified

### Incidents / Accidents

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

- September was a great month in the State of Alabama.

### Miscellaneous

The appointment of Mr. Shawn Emmons to the NAPSRS (National Association of Pipeline Safety Representatives) OQ (Operator Qualifications) task group. Mr. Emmons' appointment to the NAPSRS OQ task group represents a proactive move by the state of Alabama to have a direct say in the development and adaptation of operator qualifications in the pipeline industry. This involvement not only improves the state's regulatory compliance but also positions it to be better prepared for any upcoming changes in the field, all of which contribute to enhanced pipeline safety and operation in Alabama.

The appointment of Mr. Jonathan Kimbril to the NAPSRS (National Association of Pipeline Safety Representatives) legislative task group carries significant implications for the state of Alabama, particularly in its ability to navigate, guide, and adapt to proposed changes in CFR 49 Part 190 through 199 regulations, which pertain to pipeline safety.

Mr. Jonathan Kimbril was invited to be a member by the Pipeline and Hazardous Materials Safety Administration (PHMSA) on the Damage Prevention/Public Awareness group, which is a strategic move that empowers Alabama to actively contribute to the development of future pipeline safety regulations. This engagement ensures that the state has a voice in shaping regulations and standards that reflect its unique needs and circumstances, ultimately leading to improved safety and public awareness within the state's pipeline industry.



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JOHN A. GARNER, EXECUTIVE DIRECTOR

### MEMORANDUM

**DATE:** October 31, 2023

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

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

**SUBJECT:** Agenda - November 7, 2023 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 September 2023.

### 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
8	28	87	0	232	176

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
19	15	12	0

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	3	33	0	200

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	0	0

There were three incidents reported by the National Response Center (NRC) in September:

1. A semi-truck strike at a crossing with spills of diesel and hydraulic oil and a fatal injury to the truck driver in Auburn on **CSX**
2. A release of one ounce of chlorine vapor caused by loose bolts in Irondale on **NS**
3. A vehicle strike with unknown injuries requiring airlift in Salem on **NS**

RWS staff also received the following complaints, inquiries, and reports during September:

1. Birmingham Water Works called in an inquiry concerning procedures and requirements for fouling a track with utility equipment on **ATN**. The caller was put in contact with the railroad carrier to make all necessary arrangements for on track protection.
2. A Brotherhood of Locomotive Engineers and Trainmen (BLET) Union Representative called in an inquiry concerning railroad regulation in Alabama. The inquiry was handled by the Railway Safety Administrator.

In addition to the complaints and notifications above, RWS staff also received one blocked crossing complaint during the month. The complainant was directed to the FRA blocked crossing complaint website.

### **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
16	13	1	1	16	13	58	59	17

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
339	49	13	3	25	37	421

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

UCR Applications		UCR Mailouts for 2023	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
2	0	134	0	39	71

As of September 30, there were 10,074 Alabama carriers (81%) registered for 2023 UCR with 2,298 that remain unregistered. 2022 UCR registration closed at the end of September. Alabama had 93% compliance with only 872 remaining unregistered.

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

MCS staff attended the UCR Audit Q & A call and the UCR Board call during the month.

Our office received two FNP quarterly reports for the second quarter of 2023 during the month.

In September, one household goods supplement for **Wise Guys Moving, LLC (C4110)** was received and accepted. Staff completed a desk audit for **JST, Inc. d/b/a Two Men And A Truck (C3843)**. The carrier was advised to carefully follow the rates of its current tariff on file with the Commission and to update its rates if needed.

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

- **Preferred NEMT L.L.C.**
- **Auburn Downtown Limo L.L.C.**
- **Lillian Transport, LLC**

The MCS staff met with the Commission's legal staff to discuss the generic proceeding to determine jurisdiction over certain passenger transportation operations.



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**October 31, 2023**

**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 – November 7, 2023 Commission Meeting**

The Electricity Policy Division will present the following items at the November 7, 2023 Commission Meeting.

**ELECTRICITY**

**ALABAMA POWER COMPANY**

**Dockets** 18117 Division Report on Rate RSE and Rate ECR as of September 30, 2023  
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 2023 Weighted Return on Average Retail  
Common Equity (WRRCE), actualized through September 2023, 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, 2023</b>		<b>Energy Cost Over/(Under) Recovered for SEPTEMBER 2023</b>
<b>6.19% WRRCE</b>		<b>\$74,681,615</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, 2023**

Common Equity as of September 30, 2023		\$12,357,584,657
Add Budgeted Net Income:		
October through December 2023	\$238,611,267	
Add Budgeted Capital Contributions:		
October through December 2023	\$19,298,938	
Add Other Adjustments:		
October through December 2023	\$0	\$257,910,205
Deduct Budgeted Stock Dividends:		
October through December 2023	\$287,262,037	\$287,262,037
Projected Common Equity for December 31, 2023		\$12,328,232,824
<hr/>		
Projected Average Common Equity		
For the 12 Months Ending December 31, 2023		\$12,041,749,821
Projected Retail Investment Separation Factor		94.76%
Projected Average Retail Common Equity		
For the 12 Months Ending December 31, 2023		\$11,410,762,130
Projected Retail Net Income		
For the 12 Months Ending December 31, 2023		\$1,347,390,007
Projected Common Equity Percentage of Capital Structure		
For the 12 Months Ending December 31, 2023		52.43%
Projected Weighted Return on Average Retail Common Equity (WRRCE)		
For the 12 Months Ending December 31, 2023		6.19%

The Common Equity as of September 30, 2023 (Actual) was adjusted using net income, payment of Common Stock and Preferred Stock dividends, Capital Contributions, and Other Adjustments from the Company's 2023 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 94.76%. 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, 2023, and then adding three months of budget data for October through December 2023. 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: November 1, 2023

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

FROM: Legal Division

SUBJECT: Agenda - November 7, 2023 Commission Meeting

The Legal Division will present the following at the November 7, 2023  
Commission Meeting:

**DOCKET C-20772** (Y) - Petition of FCR Excavating, LLC, of Birmingham, Alabama, for approval of cargo self-insurance.

**Recommend:** Approval

**DOCKET 33383** (Y) - Motor carrier application of Non-Emergency Medical Carriers Transportation and Services LLC d/b/a Non-Emergency Medicarriers Transportation and Services, of Pleasant Grove, Alabama, for a certificate to transport passengers. A Report and Recommended Order ("RRO") was entered in this cause on October 5, 2023, which recommended a grant of authority. No exceptions to the RRO were filed within 20 days from the date of service.

**Recommend:** Entry of an order recognizing that the RRO entered in this cause became the order of the Commission by operation of law due to the fact that no Exceptions to the RRO were filed within the statutorily established timeframe of 20 days.



LEGAL DIVISION AGENDA

November 7, 2023 Commission Meeting

November 1, 2023

PAGE #2

**DOCKET 33384** (Y) - Unopposed contract carrier application of Mountain Taxi, LLC d/b/a Sunset Taxi, of Gulf Shores, Alabama, for a permit to transport passengers, and to extend an existing common carrier operation under Motor Carrier Certificate 4149. The Applicant waived its right to a Report and Recommended Order at the hearing.

**Recommend:** Grant

**DOCKET 33410** (Y) - Unopposed application to transfer Motor Carrier Certificate 3881 FROM: James E. King d/b/a King's Limousine Service, of Anniston, Alabama, TO: Murdock Transportation d/b/a Accent Luxury Limo, of Trussville, Alabama.

**Recommend:** Grant

**DOCKET 33387** (Y) - *Alabama Public Service Commission v. All Motor Carriers who failed to file Annual Reports for 2022 operations.* Hearing held for all motor carriers who failed to file their Annual Reports for 2022 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.

**DOCKET 30304;  
30241** (Y) - Petition of Medical Transport of Alabama LLC, of Bessemer, Alabama, for cancellation of Motor Carrier Certificates 3699, 3753 and FNP A-47.

**Recommend:** Grant cancellation as requested

**DOCKET 33333** (Y) - Petition of Livin Large, LLC d/b/a Pink Zebra Moving, of Birmingham, Alabama, for cancellation of Motor Carrier Certificate 4145.

**Recommend:** Grant cancellation as requested

**DOCKET C-19213** (Y) - Petition of Packing-Shipping Center, Inc., of Jasper, Alabama, for cancellation of cargo self-insurance authority.

**Recommend:** Grant cancellation of cargo self-insurance as requested.

LEGAL DIVISION AGENDA

November 7, 2023 Commission Meeting

November 1, 2023

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**DOCKET C-20426** (B) - Petition of Rodney Griffith Excavating, LLC, of Tallassee, Alabama, for reinstatement of Motor Carrier Certificate F1640 which was revoked due to Petitioner's failure to maintain proper proof of cargo insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET C-20705** (B) - Petition of Bill Patterson Construction, Inc., of Summerdale, Alabama, for reinstatement of Motor Carrier Certificate F3666 which was revoked due to Petitioner's failure to acquire current vehicle registration.

**Recommend:** Grant/Reinstatement

**DOCKET C-20700** (B) - Petition of Alabama Relocation Services, Inc., of Mobile, Alabama, for reinstatement of Motor Carrier Certificates F2836 and C3810 which were revoked due to Petitioner's failure to acquire current vehicle registration.

**Recommend:** Grant/Reinstatement

**DOCKET C-20733** (B) - Petition of Gulf Coast Intermodal, Inc., of Theodore, Alabama, for reinstatement of Motor Carrier Certificate F1350 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET 33045** (B) - Petition of Needham Farms, Incorporated, of Cullman, Alabama, for cancellation of Motor Carrier Certificate F5218.

**Recommend:** Grant cancellation as requested

**DOCKET 33368** (B) - Investigation proceeding to consider the issuance of a certificate of convenience and necessity to Supreme Property Management, Inc. ("Supreme") and to determine the rates, terms, and conditions of service to be implemented by Supreme. Following the initiation of this proceeding, Supreme transferred control of the subject water system to Dekalb-Jackson Water Supply District, which is exempt from the Commission's regulatory jurisdiction.

**Recommend:** Dismissal of Supreme Property Management, Inc.