BEFORE THE ALABAMA PUBLIC SERVICE COMMISSION

DOCKET NO. 33709

**GENERIC PROCEEDING TO DEVELOP A PROCESS FOR CONSIDERATI
FOR ELECTRIC SERVICE BETWEEN ALABAMA POWER COMPANY A
DATA CENTER CUSTOMERS**

REPLY COMMENTS OF MARY ROSENBOOM

I am a Jefferson County resident living near the proposed Project Marvel data center in Bessemer. These reply comments respond to Alabama Power Company's position that its existing contracting and cost-allocation procedures protect other retail customers, and they support the concerns raised in this docket by the Alabama Attorney General and the Southern Environmental Law Center ("SELC") regarding Commission review, transparency, and recovery of incremental costs.

Project Marvel illustrates a problem this proceeding should address directly: the population receiving a large data center's local governmental benefits may not be the same population exposed to the electric-system costs and risks created by serving it.

I. PROJECT MARVEL MAKES COST CAUSATION A CONCRETE, NOT THEORETICAL, ISSUE

SELC's August 6, 2026 comments identify Project Marvel in Bessemer as a proposed data center with an expected maximum load of approximately 1,200 MW. SELC further notes that 1,200 MW is approximately 9.3% of Alabama Power's reported 2026 nameplate generating capacity. [1] A proposed load of that magnitude warrants rigorous review of the generation, transmission, substation, distribution, and other incremental costs required to serve it.

The Commission's July 8, 2026 Order recognizes this exact concern. Act No. 2026-610 requires a large-load data center contract to recover from the data center the incremental costs of retail electric service to its premises and to promote positive benefits to the utility's other retail customers. The Commission opened this proceeding to develop procedures and standards for reviewing those contracts. [2]

II. PROJECT MARVEL PRESENTS AN UNUSUAL BENEFITS-AND-BURDENS MISMATCH

Project Marvel was annexed into and rezoned by the City of Bessemer. Bessemer officials have publicly promoted municipal tax revenue, benefits for Bessemer schools, and education and workforce programs associated with the development. Yet many residents living immediately around the project are residents of unincorporated Jefferson County. They did not elect Bessemer's mayor or City Council and do not necessarily receive Bessemer's municipal benefits.

The electric-service distinction is especially relevant here. Ordinary Bessemer electric customers are served through Bessemer Electric Service, which purchases wholesale electricity from the Tennessee Valley Authority. Public information concerning Project Marvel indicates that the proposed approximately 1,200-MW project is expected to receive electric service associated with Alabama Power. The Commission should therefore determine, based on the actual service arrangement and cost studies, whether Alabama Power customers outside Bessemer could bear any costs or risks associated with a project approved by another local government.

This filing does not assume that existing Alabama Power customers will subsidize Project Marvel. It asks the Commission to require evidence sufficient to determine whether they will. Local benefits received by Bessemer should not automatically be treated as benefits to Alabama Power's broader retail customer base.

III. THE ATTORNEY GENERAL'S CONCERNS ABOUT COMMISSION APPROVAL SHOULD APPLY WITH FULL FORCE TO LARGE DATA CENTER CONTRACTS

The Attorney General's August 6 comments explain that, since 1996, certain large-load contracts have been reviewed under a process in which staff review can result in a contract being deemed approved if specified conditions are met. The Attorney General questions whether that procedure satisfies Ala. Code Section 37-4-22's requirement that the Commission determine that a contract is consistent with the public interest. [3]

For a project of Project Marvel's scale, the public-interest determination should be clear, reviewable, and made by the Commission under procedures that protect existing customers. Timing should not become a loophole by which an existing or previously negotiated contract avoids meaningful scrutiny.

IV. REQUESTED FINDINGS AND DISCLOSURES

I respectfully request that the Commission's final process require sufficient review to determine, for Project Marvel and comparable large-load data centers:

1. Whether an electric-service agreement currently exists involving Alabama Power and Project Marvel, QTS, WDC Data Center LLC, or any affiliate or special-purpose entity acting for the project, and the regulatory status of that agreement.

2. The identity of the actual end-use customer, regardless of the name of the contracting affiliate.

3. When any agreement was negotiated, executed, submitted, approved, or deemed approved, and whether it will be reviewed under Act No. 2026-610 or another process.

4. The project's contracted maximum load, expected load ramp, contract duration, minimum-payment requirements, and termination obligations.

5. Who bears the incremental costs of generation capacity, transmission upgrades, substations, distribution facilities, and other infrastructure that would not otherwise be required but for the project.

6. Whether any costs or financial risks can shift to existing Alabama Power customers if the project is delayed, consumes less power than projected, reduces operations, or terminates service.

7. Whether existing customers could remain responsible for assets constructed to serve the project after the large-load contract ends.

8. What measurable positive benefits Alabama Power's other retail customers receive from the contract, distinct from municipal tax revenue, school funding, scholarships, or other benefits directed specifically to the host city.

V. LOCAL ECONOMIC BENEFITS SHOULD NOT BE CONFUSED WITH BENEFITS TO OTHER RETAIL ELECTRIC CUSTOMERS

Alabama Power's customers extend far beyond Bessemer. If the Commission considers local economic-development benefits in determining whether a large-load contract promotes positive benefits, it should identify who actually receives those benefits. Bessemer municipal revenue is a benefit to Bessemer. Funding restricted to Bessemer schools or qualifying Bessemer students is likewise a localized benefit. Those benefits may be valuable, but they do not by themselves establish a positive benefit to an Alabama Power residential customer living outside Bessemer.

For Project Marvel, the Commission should therefore answer a straightforward question: **Who receives the benefits, and who bears the costs and risks?** That question should be answered with cost-of-service evidence, contract protections, and enforceable cost-allocation requirements rather than assumptions.

VI. CONCLUSION

Project Marvel demonstrates why Alabama needs rigorous review of unprecedented large-load electric contracts. A proposed 1,200-MW customer is not an ordinary industrial load. Its consequences can extend beyond the municipal boundary of the city that approved the underlying development.

I am not asking the Commission in this proceeding to decide a constitutional claim of "taxation without representation." I am asking it to address the economic problem within its jurisdiction: existing Alabama Power customers should not be required to subsidize costs caused by a large-load data center, particularly where the local governmental benefits promoted in support of the project accrue to a different population.

Project Marvel should pay the costs Project Marvel causes.

Respectfully submitted,

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SOURCE NOTES

[1] Southern Environmental Law Center, Comments in Docket No. 33709 (Aug. 6, 2026). SELC identifies Project Marvel and its expected maximum load of approximately 1,200 MW and discusses cost-allocation and transparency concerns.

https://www.pscpublicaccess.alabama.gov/pscpublicaccess/ViewFile.aspx?Id=1e280a22-7f07-4d6f-a142-e5565a743c03

[2] Alabama Public Service Commission, Order Establishing a Generic Proceeding to Develop a Process for Consideration of Contracts for Electric Service Between Alabama Power Company and Large Load Data Center Customers, Docket No. 33709 (July 8, 2026). The Order describes Act No. 2026-610's incremental-cost recovery and positive-benefit standards and sets the August 21, 2026 reply-comment deadline.

https://www.pscpublicaccess.alabama.gov/pscpublicaccess/ViewFile.aspx?Id=7d04914a-a389-47ab-91c3-880c184cef0e

[3] Office of the Alabama Attorney General, Comments in Docket No. 33709 (Aug. 6, 2026). The filing discusses Ala. Code Section 37-4-22 and the historical staff/deemed-approval process for Flexible Contract Rate contracts.

https://www.pscpublicaccess.alabama.gov/pscpublicaccess/ViewFile.aspx?Id=fd59c2ee-29e8-4a22-bd75-d781eb0942e6

FILING NOTE

This document is prepared as reply comments in Docket No. 33709. The Commission's July 8 Order states that interested parties may submit reply comments for consideration if received on or before August 21, 2026.