



## 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: June 6, 2023

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

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

SUBJECT: Agenda for June 13, 2023 Commission Meeting.

The following items will be presented to the Commission during the regular June 13, 2023 Commission Meeting.

# **CONSUMER SERVICES REPORT**

# CONSUMER SERVICES ELECTRIC & GAS INQUIRIES

May

4/25/2023 - 5/24/2023

Company	Service Category	Total Inquiries	Service Outage Interruption	Service Quality	Service Connection	Service Disconnected	Billing Issues	Payment Issues	Request Info Only
Alabama Power	Residential	20	1		1		8	5	5
	Business								
Spire Alabama	Residential	3					2		1
	Business								
Spire Gulf	Residential	0							
	Business								
TOTAL	Residential	23	1		1		10	5	6
	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	1	1							
CLEC	Residential									
	Business									
TOLL	Residential									
	Business									
OTHER	Residential									
	Business									
Total Under PSC Complaint Jurisdiction		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	2		2						
Business									
Total	2		2						
Not Under PSC Jurisdiction	2		2						
Under PSC Jurisdiction									

Other Retail Services/Issues Under PSC Jurisdiction ( <b>Above</b> )	0
Basic Service Inquiries Under PSC Jurisdiction ( <b>Previous Page</b> )	1
Total Telecom Inquiries Under PSC Jurisdiction ( <b>Non-referrals</b> )	1
Inquiries Not Subject to PSC Jurisdiction	2

Referred Inquiries (Waived Complaint Jurisdiction)	
Residential	10
Business	2
<b>TOTAL</b>	<b>12</b>

TOTAL TELECOM INQUIRIES			
Under PSC Complaint Jurisdiction	Waived Complaint Jurisdiction (Referrals)	Received But Not Under PSC Jurisdiction	Total Received
<b>1</b>	<b>12</b>	<b>2</b>	<b>15</b>

**Gas Agenda**

**NATURAL GAS**

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

Based on preliminary figures as of April 30, 2023, the projected RSE return on average common equity for the rate year ending September 30, 2023, was 8.07 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 April 30, 2023

Based on preliminary figures at point-of-test April 30, 2023, the projected RSE return on average common equity for the fiscal year ending September 30, 2023, was 10.88 percent, which was above the authorized range. As a result, rates will be reduced by \$1,816,075 effective July 1, 2023, through June 30, 2024, to reflect the adjustment under the normal operation of RSE. The authorized return on average common equity is 9.70 to 10.30 percent.

Docket U-5225 SPIRE GULF INC. -- Application for Approval of a Transportation Service Agreement between Spire Gulf Inc. and Vertex Refining Alabama, LLC  
Recommend Approval

Docket U-5442 SPIRE ALABAMA INC. -- Application for Approval of Base Contract for the Sale and Purchase of Natural Gas between Spire Alabama Inc. and Symmetry Energy Solutions, LLC  
Recommend Approval

**Water Agenda**

**WASTEWATER**

Docket 31803      INTEGRATED WASTEWATER MANAGEMENT, INC. -- Petition for approval to modify Certificate of Financial Viability. Expands the service territory of Integrated Wastewater Management, Inc. to own, operate and maintain the wastewater collection and treatment facility for Waterside Subdivision located in Jefferson County, AL

Recommend approval.

Docket 32553      COMMUNITY UTILITIES OF ALABAMA INC. -- Petition to increase Residential, RV, Vacant Lot and Commercial rates for Community Utilities of Alabama, Inc. by 7.14% effective July 1, 2023. Also seeks approval of a Rate Stabilization and Equalization (RSE) plan.

;

Recommend Suspension.

**Telecommunication Agenda**

**INTERCONNECTION AGREEMENT (S)**

- Docket U-5443     **BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and EASTON TELECOM SERVICES LLC** -- Approval of an Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Easton Telecom Services, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.  
Recommend Approval.

**CANCELLATION/WITHDRAWAL (S)**

- Docket 28811     **BUSINESS NETWORK LONG DISTANCE, INC.** -- Business Network Long Distance, Inc. seeks approval for cancellation of their Certificate of Public Convenience and Necessity and withdraws Tariff. By notice received May 11, 2023, effective February 3, 2023, the Company stated it was no longer providing any telecommunications services in the State of Alabama; therefore, no customers would be directly affected by the cancellation.  
Recommend Approval.
- Docket 31865     **GEORGIA PUBLIC WEB, INC.** -- Georgia Public Web, Inc. seeks approval for cancellation of their Certificate of Public Convenience and Necessity and withdraws Tariffs. By notice received May 17, 2023, effective immediately, the Company stated it was no longer providing any telecommunications services in the State of Alabama; therefore, no customers would be directly affected by the cancellation.  
Recommend Approval.

**SUMMARY OF OTHER FILING (S)**

- D-7770     **BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST** -- Increase to Metro Ethernet rates in the Access Services Tariff effective June 15, 2023.



**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>MAY 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>
--	--



**STATE OF ALABAMA**  
PUBLIC SERVICE COMMISSION  
P.O. BOX 304260  
MONTGOMERY, ALABAMA 36130

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JOHN A. GARNER, EXECUTIVE DIRECTOR

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

**MEMORANDUM**

**DATE:** May 30, 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 June 13, 2023, Commission Meeting

The Gas Pipeline Safety Division's (GPS) Agenda, describing each of the division's activities during the month of April 2023, is attached to this memorandum for your information and review.

**Inspections**

GPS performed the following inspections during the month of April, a total of thirty-nine (39) inspections and three (3) operator training sessions were conducted utilizing eighty-nine (89) 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
9	3	3	2	1	0	0	0	0	21	39

From the thirty-nine (39) inspections shown above, ten (10) enforcement letters of notification were issued noting twenty-two (22) non-compliance issues. There were sixteen (16) non-compliance items corrected during the month of April.

**Training**

Two (2) operator/contractor training session on Polyethylene (PE) plastic fusion and one (1) fire response training were conducted in April:

➤ 4/5/2023	Cullman-Jefferson Gas	PE	38	Personnel Qualified
➤ 4/12/2023	Southeast Gas	Fire	77	Personnel Qualified
➤ 4/18/2023	Leak City	PE	48	Contractors Qualified

## **Incidents/Accidents**

There were two (2) state reportable incidents and zero (0) federal incidents reported during the month of April. One (1) incident was in the northern section of the state and one (1) incident in the central section of the state. Of the two (2) incidents one involved a fire and injury.

### **Federal Incident**

- None for the month of April.

### **State Incident**

- 4/20/2023 Spire Alabama (Hoover, AL) – A fiber boring crew struck a 4-inch Polyethylene (PE) main under a personnel resident's driveway; during the repair the gas in the atmosphere ignited burning one Spire employee on his hand and wrist. The repair was completed, and service restored.
- 4/24/2023 Florence Gas – A contractor struck a natural gas service that provided gas to Lauderdale County Courthouse and Florence City Hall. The service line had been mismarked during locating. Florence made repairs and filed a complaint with the Alabama Underground Damage Prevention Authority (ALUDPA).

## **Miscellaneous**

Pipeline and Hazardous Material Safety Administration (PHMSA) completed their audit of our Pipeline Safety Programs. The Gas Pipeline Program scored 95 out of a possible 100 points. The Hazardous Liquid Program scored 95 out of a possible 96 points.

The Gas Pipeline Safety Conference contract has been signed with the Renaissance Hotel in downtown Montgomery for December 6<sup>th</sup> through 8<sup>th</sup> of 2023. Multiple pipeline operators have reached out to express their eagerness to attend at the new location.

Gas Pipeline safety applied for the One Call Grant. The application was for two items. The first is funding for public service announcements focusing on digging safely. The second is funding for Alabama 811 to be able to provide prizes to callers through a lottery program.



## STATE OF ALABAMA

ALABAMA PUBLIC SERVICE COMMISSION  
P. O. BOX 304260  
MONTGOMERY, ALABAMA 36130-4260

TWINKLE ANDRESS CAVANAUGH, PRESIDENT  
JEREMY H. ODEN, ASSOCIATE COMMISSIONER  
CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

JOHN A. GARNER, EXECUTIVE DIRECTOR

### **MEMORANDUM**

**DATE:** June 6, 2023

**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 June 13, 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 April 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
6	19	55	0	59	69

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
2	3	3	0

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
4	9	105	0	416

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 nine incidents reported by the National Response Center (NRC) in April:

1. A vehicle strike involving Amtrak with minor injuries to a vehicle occupant in Tuscaloosa on NS
2. A derailment with a diesel fuel release from the locomotive in Jasper on NS. Medical response was needed, but injuries to the crew were unknown.
3. A trespasser strike with unknown injuries in Anniston on NS
4. A tractor-trailer strike at a crossing reported with fatal injury to the driver and diesel fuel release in Tuscumbia on NS
5. A 50-gallon diesel fuel release caused by equipment failure while fueling a locomotive in Calvert on **Davidson Fuels and Oil LLC**.
6. A derailment in Bessemer on **CSX**. The derailment was reported as human factor related, resulting in cars turning over onto their side. No hazmat was involved.
7. A sideswipe collision with derailment in Montgomery on **CSX**
8. A vehicle strike at a crossing resulted in a fatality in Mobile on **CSX**
9. A delay of two Amtrak trains caused by a freight train equipment failure in Tuscaloosa on NS. There were no collisions, derailments, or hazmat involved in this report.

RWS staff investigated a complaint concerning a blocked culvert on railroad property allegedly causing flooding on an adjacent property. The blocked culvert was identified, and the railroad was notified of the issue with a defective condition cited. A follow-up will be conducted in May to determine if the complaint was satisfied.

Staff also investigated a report of a railcar fire in Bessemer. The report was verified, and the fire was contained. No further response was needed.

In April, staff participated in the Federal Railroad Administration Rail Safety Training in St. Louis, MO. This training served as recurrent training for some FRA disciplines and provided cross-discipline training for others.

### **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
71	11	3	1	5	5	80	160	13

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
321	31	25	7	39	38	327

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
3	0	143	19	57	54

As of April 30, there were 9,134 Alabama carriers (73%) registered for 2023 UCR with 3,303 that remain unregistered. Our office received funds from the UCR Depository for March online payments processed through the National Registration System (NRS) that came from 539 carriers that were domiciled in Alabama and some that were in non-participating states.

During April, staff mailed two suspended payment letters to carriers that had not cleared up their suspended payments after being notified by the National Registration System (NRS) for the 2023 UCR registration year.

In April, \$2,532 was collected for Focused Anomaly Reviews (FARs) audits for the 2023 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 seven MCS-150 forms processed. Three motor carriers had their USDOT number deactivated. Four forms contained updates to the motor carriers' USDOT number data.

MCS staff attended the National Conference of State Transportation Specialists (NCSTS) annual meeting and UCR Board meeting held in Asheville, NC on April 12<sup>th</sup> & 13<sup>th</sup>.

There were 77 For Non-Profit (FNP) quarterly reports for the first quarter of 2023 sent to FNP carriers by mail and e-mail. Our office received 14 FNP quarterly reports for the first quarter of 2023 during the month.

A total of 43 annual reports for 2022 were received from household goods and passenger carriers.

In April, one passenger tariff for **WHC BHM, LLC d/b/a Ztrip Birmingham (C411)** was received and accepted.

There was one desk audit of household goods carrier **DMS Moving Systems of Alabama, Inc. (C3147)** completed during the month. The carrier was advised to carefully follow the rates outlined in its tariff and update its rates if needed.

There were two passenger carrier hearings held in April for:

- **AML Services LLC**
- **Gary Johnson d/b/a Easy Ryde Alabama**



**STATE OF ALABAMA**  
PUBLIC SERVICE COMMISSION  
P.O. BOX 304280  
MONTGOMERY, ALABAMA 36130

**TWINKLE ANDRESS CAVANAUGH, PRESIDENT**

**JOHN A. GARNER, EXECUTIVE DIRECTOR**

**JEREMY H. ODEN, ASSOCIATE COMMISSIONER**

**CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER**

**June 6, 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 – June 13, 2023 Commission Meeting**

The Electricity Policy Division will present the following items at the June 13, 2023 Commission Meeting.

**ELECTRICITY**

**ALABAMA POWER COMPANY**

**Dockets** 18117 Division Report on Rate RSE and Rate ECR as of April 30, 2023  
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  
2023 Weighted Return on Average Retail Common Equity (WRRCE),  
actualized through April 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 APRIL 2023</b>
<b>5.75% WRRCE</b>		<b>\$40,798,813</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 April 30, 2023		\$11,802,076,358
Add Budgeted Net Income:		
May through December 2023	\$920,590,044	
Add Budgeted Capital Contributions:		
May through December 2023	\$57,896,815	
Add Other Adjustments:		
May through December 2023	\$0	\$978,486,859
Deduct Budgeted Stock Dividends:		
May through December 2023	\$574,524,074	\$574,524,074
Projected Common Equity for December 31, 2023		\$12,206,039,143
<hr/>		
Projected Average Common Equity		
For the 12 Months Ending December 31, 2023		\$11,991,468,265
Projected Retail Investment Separation Factor		94.76%
Projected Average Retail Common Equity		
For the 12 Months Ending December 31, 2023		\$11,363,115,328
Projected Retail Net Income		
For the 12 Months Ending December 31, 2023		\$1,240,117,901
Projected Common Equity Percentage of Capital Structure		
For the 12 Months Ending December 31, 2023		52.65%
Projected Weighted Return on Average Retail Common Equity (WRRCE)		
For the 12 Months Ending December 31, 2023		5.75%

The Common Equity as of April 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 four months ended April 30, 2023, and then adding eight months of budget data for May 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.





## STATE OF ALABAMA

ALABAMA PUBLIC SERVICE COMMISSION  
P.O. BOX 304260  
MONTGOMERY, ALABAMA 36130-4260

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

JOHN A. GARNER, EXECUTIVE DIRECTOR

### MEMORANDUM

DATE: June 7, 2023

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

FROM: Legal Division

SUBJECT: Agenda - June 13, 2023 Commission Meeting

The Legal Division will present the following at the June 13, 2023 Commission Meeting:

**DOCKET 33360** (Y) - Unopposed motor carrier application of Express Taxi and Shuttle LLC d/b/a Express Taxi, of Huntsville, Alabama, for a certificate to transport passengers. The Applicant waived its right to a Report and Recommended Order.

**Recommend:** Grant

**DOCKET 33361** (Y) - Unopposed application to transfer Motor Carrier Certificate 3147 FROM: DMS Moving Systems of Alabama, Inc., of Bessemer, Alabama, TO: Newsco, Inc. d/b/a Dearborn Moving & Storage, of Bessemer, Alabama

**Recommend:** Grant

**DOCKET C-20618** (Y) - Petition of Pierce Construction Home Building LLC, of Grant, Alabama, for approval of cargo self-insurance.

**Recommend:** Approval

**DOCKET C-20616** (Y) - Petition of Alabama Always, LLC d/b/a Amapure, of Montgomery, Alabama, for approval of cargo self-insurance.

**Recommend:** Approval

**DOCKET C-20617** (Y) - Petition of Ronald Schulman d/b/a Schulman Wrecker Service, of Dothan, Alabama, for approval of cargo self-insurance.

**Recommend:** Approval

**DOCKET 33322** (Y) - Petition of Dennis Luxury Transportation LLC, of Calera, Alabama, for an extension of time to make the required filings.

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

**DOCKET C-20571** (Y) - Petition of 3D Transport LLC, of Birmingham, Alabama, for reinstatement of Motor Carrier Certificate F5312 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET C-20513** (Y) - Petition of J and B Passenger Services, LLC, of Birmingham, Alabama, for reinstatement of Motor Carrier Certificate FNP A-65 which was revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET C-20590** (Y) - Petition of Carrington Enterprises, LLC, of Madison, Alabama, for reinstatement of Motor Carrier Certificate F5074 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET 30575;** (Y) - Petition of Johnny C. Kay d/b/a Kay Contracting, of Lacey's  
**C-20608** Spring, Alabama, to suspend operations under Motor Carrier Certificate F3863 (Docket 30575) for a period of one year. Motor Carrier Certificate F3863 was revoked by Commission Order dated May 2, 2023, due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage (Informal Docket C-20608).

**Recommend:** Reinstatement of Motor Carrier Certificate F3863 (Informal Docket C-20608) for the sole purpose of suspending Certificate F3863 in good standing. Grant one year suspension.

**DOCKET 32929** (Y) - Motor Carrier Certificate F5165 held by Robert Pugh Beck d/b/a R & B Trucking ("R & B Trucking"), of Letohatchee, Alabama, was suspended by Commission Order dated April 8, 2022, for a period of one year. R & B Trucking has failed to notify the Commission of its intent to recommence operations or relinquish Motor Carrier Certificate F5165 despite a request by Commission staff to do so.

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

**DOCKET 33131** (Y) - Petition of Johnson Transport Services LLC, of Titus, Alabama, for cancellation of Motor Carrier Certificate F5271.

**Recommend:** Grant cancellation as requested

**DOCKET C-20536** (B) - Petition of D&J Enterprises, Inc., of Auburn, Alabama, for reinstatement of Motor Carrier Certificate F251 which was revoked due to Petitioner's failure to maintain proper proof of cargo insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET C-20535** (B) - Petition of Bountiful Harvest Enterprises, LLC d/b/a Childree and Sons, of Hatchechubbee, Alabama, for reinstatement of Motor Carrier Certificate F4991 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET 32666** (B) - Petition of Elk River Mills Transport, LLC, of Athens, Alabama, for cancellation of Motor Carrier Certificate F5041.

**Recommend:** Grant cancellation as requested

**DOCKET 31767** (B) - Petition of American Eagle Moving & Transport, LLC, of Birmingham, Alabama, for cancellation of Motor Carrier Certificate 3996.

**Recommend:** Grant cancellation as requested

**DOCKET 33341** (B) - Alabama Public Service Commission ("APSC") v. Delinquent Companies. Show cause proceeding established to address the failure of numerous entities to pay Inspection and Supervision fees for FY2022 despite numerous notices. A show cause hearing was held on April 25, 2023 in this matter to give those entities an opportunity to appear and show cause why their respective certificates of public convenience and necessity should not be revoked for their failure to pay the required fees.

**Recommend:** Issuance of an order revoking certificates of the entities that have not paid the required Inspection and Supervision fees and did not appear at the April 25, 2023 show cause hearing. Said entities may achieve reinstatement upon payment of \$100 for each month the required fees are delinquent. Further recommend that all entities that have now paid the Inspection and Supervision fees be dismissed from this proceeding.

**DOCKET 33228** (B) - ExteNet Asset Entity, LLC ("ExteNet") was granted a certificate of public convenience and necessity to provide telecommunications services through Commission order dated June 27, 2022. The Commission required ExteNet to submit an interconnection agreement within one year of that Order. ExteNet requests a six-month extension of that requirement.

**Recommend:** Grant request for six-month extension

**DOCKET 33365** (B) - Commission Staff has identified transportation services that have characteristics of two types of entities regulated by the Commission - for hire passenger carriers regulated pursuant to the Alabama Motor Carrier Act and transportation network companies ("TNCs") regulated pursuant to the TNC Act. These identified services typically involve scheduling of charter transportation service through a digital application managed by a third party.

**Recommend:** Initiate a generic proceeding to gather information about these identified transportation services and clarify the Commission's regulatory jurisdiction over these services.

LEGAL DIVISION AGENDA

June 13, 2023 Commission Meeting

June 7, 2023

PAGE #5

**DOCKET 33283** (B) - Michael Moore, Complainant v. Alabama Power Company, Respondent. The complaint involves Alabama Power's denial of service to a residence in Gardendale, Alabama. Alabama Power filed a Motion to Dismiss the Complaint. Mr. Moore filed a Reply to Alabama Power's Motion to Dismiss. Mr. Moore filed a Motion for Summary Judgment. Alabama Power filed a Response to the Motion for Summary Judgment. Mr. Moore filed a response to Alabama Power's Response to the Motion for Summary Judgment.

**Recommend:** Dismissal of the Complaint. The Complainant failed to assert sufficient facts to demonstrate that Alabama Power potentially violated a rule, regulation or Order of the Commission.

**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. It appears that Supreme, which serves customers in the Gorham's Bluff development near Pisgah, is a private corporation that owns, operates, leases, or controls a plant, property, or facility for the supply, storage, distribution, or furnishing to or for the public of water. Therefore, Supreme appears to be subject to the Commission's jurisdiction. Despite being notified of this jurisdiction by Commission Staff, Supreme has failed to take the required steps to obtain a certificate or receive approval of service rates. Supreme has also failed to assert any legal exemption to the Commission's regulatory jurisdiction.

**Recommend:** Entry of an order establishing a proceeding to effectuate the jurisdiction of the Commission over Supreme Property Management, Inc., including, as needed, a hearing for consideration of the issuance of a certificate and the setting of service rates.

**DOCKET 33350** (G) - Investigation Proceeding to Consider the Non-Compliance of Fern Parc Apartment Homes and other similarly situated gas pipeline master meter operators with the Gas Pipeline Safety regulations enforced by the Commission. This proceeding was previously established by a vote of the Commission at the meeting held on April 4, 2023. Since that time, it has come to the attention of the Commission's Gas Pipeline Safety Division that operators other than master meter operators are also in non-compliance with certain of the Commission's Gas Pipeline Safety regulations.

**Recommend:** Vote to expand the scope of this investigation proceeding to include all operators who are in non-compliance with the Pipeline Safety regulations promulgated by the Commission.



**STATE OF ALABAMA**  
**PUBLIC SERVICE COMMISSION**  
**P.O. BOX 304260**  
**MONTGOMERY, ALABAMA 36130**

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JOHN A. GARNER, EXECUTIVE DIRECTOR

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

**MEMORANDUM**

**DATE:** June 9, 2023

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

**FROM:** Legal Division

**SUBJECT:** Off Agenda Items – June 13, 2023 Commission Meeting

In addition to the items listed on our previous agenda, the Legal Division will present the following items at the June 13, 2023 Commission Meeting:

**OFF AGENDA ITEMS**  
**JUNE 13, 2023 COMMISSION MEETING**

**DOCKET C-20416(Y)** – Petition of On Time Taxi, LLC, of Montgomery, Alabama, for reinstatement of Motor Carrier Certificates 4131 and FNP A-80 which were revoked due to Petitioner's failure to maintain proper proof of liability insurance coverage.

**RECOMMEND:** Grant/Reinstatement

**DOCKET 32382(G)** – Renewable Generation Certificate (Alabama Power Company). On May 12, 2023, Alabama Power Company ("Alabama Power" or the "Company") petitioned the Commission to modify the Certificate of Public Convenience and Necessity issued by the Commission in an order entered in this matter on September 16, 2015 (the "Renewable Generation Certificate" or "RGC"). Said Petition sought to modify the existing RGC by establishing a new six-year term; increasing the existing RGC's project size limit to 200 MW from 80 MW; increasing the annual project submission limit from 160 MW to 400 MW (subject to a continued right to seek a waiver under appropriate circumstances); and to increase the authorized certificated amount from 500 MW to 2400 MW. Apart from those modifications, the existing terms and conditions of the RGC would remain unchanged.

Alabama Power filed the above discussed Petition on all parties of record in Docket 32382 and emphasized that, in the opinion of the Company, the proposed modifications to the RGC could be approved without an additional public hearing. On or about June 2, 2023, Energy Alabama submitted a Petition to Intervene in response to Alabama Power's May 12, 2023 Petition (Energy Alabama's Petition to Intervene was not perfected until June 8, 2023). Energy Alabama's petition expressed general support for the addition of renewable energy in Alabama and indicated Energy Alabama's desire to participate in any hearings subsequently held in this matter.

## **LEGAL DIVISION OFF AGENDA ITEMS**

**June 13, 2023 Commission Meeting**

**June 9, 2023**

**PAGE #2**

On June 6, 2023, Intervenor Alabama Environmental Council ("AEC") filed comments in response to Alabama Power's May 12, 2023 Petition. AEC urged the Commission to impose additional procedural safeguards to protect the public interest and expedite the expansion of renewable generation when it approves Alabama Power's May 12, 2023 Petition.

Also on June 6, 2023, Alabama Power filed a Response to Energy Alabama's Petition to Intervene. In its Response, Alabama Power indicated it did not oppose Energy Alabama's Petition, but again urged the Commission to proceed with prompt review and consideration of its May 12, 2023 Petition, without the need for additional proceedings (including a hearing), unless expressly requested by a party to the proceeding.

**RECOMMEND:** After considering the Order entered by the Commission in this cause, on September 16, 2015, Alabama Power's May 12, 2023 Petition and all other pleadings submitted by the Parties in this matter, staff from the Electricity Policy Division and the Legal Division recommend approval of Alabama Power's May 12, 2023 Petition to Modify RGC.