



## STATE OF ALABAMA

ALABAMA PUBLIC SERVICE COMMISSION

P.O. BOX 304260

MONTGOMERY, ALABAMA 36130-4260

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JOHN A. GARNER, EXECUTIVE DIRECTOR

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

### MEMORANDUM

DATE: March 25, 2019

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

FROM: Darrell A. Baker, Director *DAB*  
Utility Services Division

SUBJECT: Agenda for April 2, 2019 Commission Meeting.

The following items will be presented to the Commission during the regular April 2, 2019 Commission Meeting.

# **CONSUMER SERVICES REPORT**

## CONSUMER SERVICES ELECTRIC & GAS INQUIRIES

March

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>16</b>	4	1			3	5	3
	Business								
<b>Spire Alabama</b>	Residential	<b>15</b>		1	1		9	1	3
	Business								
<b>Spire Gulf</b>	Residential	<b>9</b>					8		1
	Business	<b>1</b>				1			
<b>TOTAL</b>	Residential	<b>40</b>	4	2	1		20	6	7
	Business	<b>1</b>				1			

**BASIC SERVICE ONLY**

Company	Service Category	Total Inquiries	Service Outage	Service Quality	Service Connection	Service Disconnection	Billing Issues	Payment Issues	Lifeline Issue/Info	Request Info Only
ILEC	Residential	2		1			1			
	Business									
CLEC	Residential									
	Business	2	1		1					
TOLL	Residential									
	Business									
OTHER	Residential	5								5
	Business									
<b>Total Under PSC Complaint Jurisdiction</b>		<b>9</b>	<b>1</b>	<b>1</b>	<b>1</b>		<b>1</b>			<b>5</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	6		3		1	1	1		
Business	2			1		1			
Total	8								
Not Under PSC Jurisdiction	5		3		1		1		
Under PSC Jurisdiction	3			1		2			

Other Retail Services/Issues Under PSC Jurisdiction ( <b>Above</b> )	<b>3</b>
Basic Service Inquiries Under PSC Jurisdiction ( <b>Previous Page</b> )	<b>9</b>
Total Telecom Inquiries Under PSC Jurisdiction ( <b>Non-referrals</b> )	<b>12</b>

<b>Referred Inquiries (Waived Complaint Jurisdiction)</b>	
Residential	17
Business	2
<b>TOTAL</b>	<b>19</b>

<b>TOTAL TELECOM INQUIRIES</b>			
Under PSC Complaint Jurisdiction	Waived Complaint Jurisdiction (Referrals)	Received But Not Under PSC Jurisdiction	Total Received
<b>12</b>	<b>19</b>	<b>5</b>	<b>36</b>

**Gas Agenda**

**NATURAL GAS**

Docket 18046 and SPIRE ALABAMA INC. -- Division Report on Rate RSE as of February  
18328 28, 2019

Based on preliminary figures as of February 28, 2019, the projected RSE return on average common equity for the rate year ending September 30, 2019, was 10.67 percent. The authorized return on average common equity is 10.15 to 10.65 percent.

Docket 28101 SPIRE GULF INC. -- Division Report on Rate RSE as of February 28,  
2019

Based on preliminary figures as of February 28, 2019, the projected RSE return on average common equity for the rate year ending September 30, 2019, was 10.20 percent. The authorized return on average common equity is 10.45 to 10.95 percent.

Docket U-5292 WHEELER BASIN NATURAL GAS COMPANY, INC. -- Approval of a  
Special Services Agreement with Hartselle Utilities.  
Recommend Approval.

**Water Agenda**

**WASTEWATER**

Docket 32606      PINNACLE WASTEWATER SYSTEMS, LLC -- Application for Renewal  
of Certificate of Financial Viability.  
Recommend Approval.

**Telecommunication Agenda**

**AMENDED INTERCONNECTION AGREEMENT (S)**

Docket U-4547     BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and IDT AMERICA, CORP. -- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and IDT America, Corp. pursuant to *Sections 251 and 252 of the Telecommunications Act of 1996*.  
Recommend Approval.

Docket U-4820     BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and ONVOY, LLC -- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC d/b/a AT&T Alabama or AT&T Southeast and Onvoy, LLC pursuant to *Sections 251 and 252 of the Telecommunications Act of 1996*.  
Recommend Approval.

**CANCELLATION/WITHDRAWAL (S)**

Docket 25605;  
26524     ACCESS POINT, INC. -- Cancels Certificates of Public Convenience and Necessity and withdraws Tariffs. In 1996, under Docket 25605, Access Point, Inc. ("Access Point") was certified as a toll reseller in Alabama. In 1998, under Docket 26524, Access Point was granted CLEC authority. On October 1, 2018, Access Point became a wholly owned subsidiary of GTT Americas, LLC ("GTTA"). GC Pivotal, LLC d/b/a Global Capacity ("Global Capacity") is a wholly owned subsidiary of GTTA and is also certified as a CLEC and toll reseller in Alabama. Because of the consolidation, Access Point services in Alabama will now be provided by Global Capacity. No customers are directly affected by the cancellation.  
  
Recommend Approval.



**NAME CHANGE (S)**

- Docket 27050     BIRCH COMMUNICATIONS, LLC -- Changes the company name to Fusion Cloud Services, LLC (Fusion) effective April 1, 2019. Existing Birch Communications, LLC (Birch) customers will be notified of the name change through a bill message. Further, the Birch retail services tariff is withdrawn effective with the name change. Fusion retail service descriptions and prices will be available online via a price guide. Recommend Approval.

**SUMMARY OF OTHER FILING (S)**

- D-7610     NEW HOPE TELEPHONE COOPERATIVE -- Eliminate references to an obsolete service offering, Billing and Collection Services. Filed March 15, 2019, with a requested effective date of April 15, 2019.



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**MEMORANDUM**

**DATE: March 26, 2019**

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

**FROM: Wallace R. Jones, Director *WRJ*  
Gas Pipeline Safety Division**

**SUBJECT: Agenda for April 2, 2019 Commission Meeting**

This memorandum reflects activities of the Gas Pipeline Safety (GPS) Division that will be presented at the April 2, 2019 Commission Meeting.

- GPS performed the following inspections during the month of February 2019:

Standard Inspection	Construction	IMP/DIMP	Operator Qualification	Incident	Damage Prevention	Follow-Up	TOTAL Inspections
11	11		3			18	43

- There were five (5) enforcement letters of notification issued during February, noting seven (7) non-compliance issues. There were thirteen (13) non-compliance items corrected during the month of February.
- No Pipeline and Hazardous Materials Safety Administration (PHMSA)-reportable incidents were reported during the month of February. Three incidents meeting the state-reportable criteria were received during February:
- 1) Two incidents involved a vehicle leaving the roadway and striking a high-pressure regulator station;
  - 2) A landslide caused a 4" steel main to be pulled from a fitting due to the recent heavy rainfalls.

- Three operator/contractor training sessions on Polyethylene (PE) plastic fusion and natural gas firefighting techniques were conducted during the month of February:
  - 1) 2/5/2019 – Spire – Alabama (Bessemer) (Fire) 37 Personnel Qualified
  - 2) 2/19/2019 – Leak City (Athens) (PE) 30 Personnel Qualified
  - 3) 2/21/2019 – Spire Alabama (Bessemer) (PE) 49 Personnel Qualified
- Mr. Wallace Jones, Director of Gas Pipeline Safety Division, met with the Attorney General’s Consumer Protection Office and other damage prevention stakeholders on February 7<sup>th</sup> to discuss possible changes to the *Alabama Damage Prevention Law*. Discussions have been on-going since the “One-Call System Study Commission” submitted its report to the Governor and the Alabama Legislature. The Consumer Protection Office has been handling submittals to their office for underground damages but would like to have other entities involved in the damage prevention processes. This will require changes to the Alabama Code and the stakeholder group is continuing to work on this in the areas of mandatory membership and damage enforcement.
- On February 13<sup>th</sup> Mr. Jones met with other members of the Alabama Damage Prevention Alliance at the quarterly meeting. Changes to the *Alabama Damage Prevention Law*, the Damage Prevention Summit for 2019 and the election of officers were some of the items of discussion.
- The audit of all Gas Pipeline Safety Division equipment was conducted on February 25<sup>th</sup>. All items were accounted for and no discrepancies were noted.



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**M E M O R A N D U M**

**DATE:** March 26, 2019

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

**FROM:** Janice M. Hamilton, Director  
Utility Enforcement Division

**SUBJECT:** Agenda for the April 2, 2019 Commission Meeting

This memorandum reflects the Utility Enforcement Division's (UED) report describing the major tasks, inspections and activities accomplished by its staff during the month of February 2019.

**RAILWAY SAFETY**

The track inspection results below reflect activity by our Railway Safety (RWS) Staff in the field.

Rail Carriers Visited	Regular Track Inspections	Track Defects Identified	Violations Recommended	Track Miles Inspected	Track Turnouts Inspected
7	23	43	0	149	48

There were also four inspection days where the staff assisted the Automated Track Inspection Program (ATIP) car which operated over an additional 293 track miles on four rail carriers. Thirteen non-compliant conditions were identified and two were recommended for violations. All of those non-compliant conditions were cited by Federal Railroad Administration (FRA) personnel.

The table below reflects track safety observations made in which no non-compliant condition was found. Three bridge workers were observed and 31 roadway workers' safety practices were witnessed during the course of their maintenance and construction operations.

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
6	19	10	1

There were no track records inspected during this period.

The data in the table below was gleaned 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
5	12	140	0	913

The table below shows safety observations completed by the MP&E Inspector.

Air Brake Tests	Blue Flag Protection	End of Train Devices
0	0	0

One incident was reported in February that required RWS involvement. A derailment occurred in Vance involving a freight train that was switching an industry and derailed several empty gondola cars due to a human error. There were no injuries and the only damage incurred was to the gondola cars.

### 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
31	12	0	1	10	14	55	80	40

We received six motor carrier annual reports for 2018. There were 162 household goods and passenger 2018 annual reports mailed to carriers. Six reports were received from For Non-Profit (FNP) carriers for the fourth quarter of 2018.

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
471	13	15	5	24	34	292

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

UCR Applications		UCR Mail outs for 2019	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
48	11	227	50	176	80

In February, the staff mailed 22 letters pertaining to Focused Anomaly Reviews (FARs) for the 2019 UCR registration year. A total of \$10,453 was collected from FARs for the month. The staff handled 28 inquiries and correspondence pertaining to 2019 FARs and the 2018 UCR audit.

The staff also assisted motor carriers in making necessary changes to their operating status with the Federal Motor Carrier Safety Administration (FMCSA). There were 27 MCS-150 forms processed indicating that eleven motor carriers' USDOT numbers were deactivated and 16 forms contained updates to carriers' USDOT number data.

There was no monthly meeting of the UCR Board of Directors in February.

In February, one passenger carrier's tariff was rejected [**Piedmont Emergency Rescue Squad (C4085)**] by the MCS staff. A household goods mover's tariff [**Movers Plus LLC (new)**] and a passenger carrier's tariff [**Piedmont Emergency Rescue Squad (C4085)**] were filed and accepted.

The staff performed an onsite compliance audit of passenger carrier, **Birmingham Door To Door, L.L.C. (C3669)** and suggested that they instantly update their tariff on file with the Commission. They also completed an onsite audit of household goods carrier, **All My Sons Moving & Storage of Birmingham, LLC (C3915)**.

In addition to those onsite audits, a compliance desk audit was done on household goods mover, **Knightco LLC d/b/a ASAP Moving and Delivery Service (C4032)**. The carrier overcharged one shipper and undercharged another. Mr. Beaty recommended that ASAP Moving and Delivery Service remit overcharges to shipper and collect the undercharges from the other shipper.

The UED Director and MCS staff attended two passenger carrier hearings that were held for the following companies:

- **Royal Transportation and Shuttle LLC**
- **My Kiddie Cab, LLC**

Transportation Network Company (TNC) field compliance audits for **Lyft, Inc.** and **Rasier, LLC (Uber)** were performed in Mobile. There were no major violations of APSC rules found.

The staff received two telephone calls during the month of February that were related to TNCs.

The staff also met with Uber representatives pertaining to their rider in-app support and options available for passengers to submit more details of ride conditions and issues for quality improvements.

The MCS staff addressed 43 other inquiries and requests for various other transportation-related information during the month.

### **FIELD SERVICES**

In February, the Field Services Section (FSS) staff inspected Alabama Power Company's (APCo) Logan Martin Hydroelectric Generating Plant. At the time of the inspection, Logan Martin Dam had three major operations and maintenance (O&M) projects underway including work to their spillway gates and one of the turbines.

The staff also visited APCo's Jacksonville business office. One major construction project was in progress involving a restrung plan in the area.

FSS staff met with a representative of Community Utilities of Alabama and inspected three wastewater systems located in Tallapoosa County. Each system was operating as designed with only one noticeable discrepancy at the time of the inspections. Additionally, an old power pole was abandoned in place. The FSS staff requested that the company personnel have it removed and was assured it would be taken care of that day.



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**March 26, 2019**

**MEMORANDUM**

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

**FROM: John D. Free, Director JDF  
Electricity Policy Division**

**SUBJECT: Agenda – April 2, 2019 Commission Meeting**

The Electricity Policy Division will present the following items at the April 2, 2019 Commission Meeting.

**ELECTRICITY**

**ALABAMA POWER COMPANY**

**Dockets** 18117 Division Report on Rate RSE and Rate ECR as of February 28, 2019  
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 determinations of the December  
2019 Weighted Return on Average Retail Common Equity (WRRCE),  
actualized through February 2019, 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, 2019</b>		<b>Energy Cost Over/(Under) Recovered for FEBRUARY 2019</b>
<b>6.12% WRRCE</b>		<b>\$20,728,388</b>

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

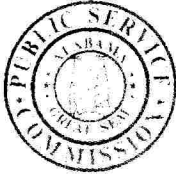


ELECTRICITY POLICY DIVISION  
**Alabama Power Company**  
**Weighted Return on Average Retail Common Equity Calculation**  
**Forecast - 12 Months Ending December 31, 2019**

Common Equity as of February 28, 2019		\$8,672,346,881
Add Budgeted Net Income:		
March through December 2019	\$842,580,125	
Add Budgeted Capital Contributions:		
March through December 2019	\$46,456,000	
Add Other Adjustments:		
March through December 2019	\$0	\$889,036,125
Deduct Budgeted Stock Dividends:		
March through December 2019	\$662,971,210	\$662,971,210
Projected Common Equity for December 31, 2019		<u>\$8,898,411,796</u>
Projected Average Common Equity		
For the 12 Months Ending December 31, 2019		\$8,741,189,436
Projected Retail Investment Separation Factor		95.18%
Projected Average Retail Common Equity		
For the 12 Months Ending December 31, 2019		\$8,319,864,105
Projected Retail Net Income		
For the 12 Months Ending December 31, 2019		\$992,369,073
Projected Common Equity Percentage of Capital Structure		
For the 12 Months Ending December 31, 2019		51.29%
Projected Weighted Return on Average Retail Common Equity (WRRCE)		
For the 12 Months Ending December 31, 2019		6.12%

The Common Equity as of February 28, 2019 (Actual) was adjusted using net income, payment of Common Stock and Preferred Stock dividends, Capital Contributions, and Other Adjustments from the Company's 2019 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 95.18%. The retail net income (RNI) for average common equity and the common equity percentage (CEP) were calculated by using actual data for the two months ended February 28, 2019, and then adding ten months of budget data for March through December 2019. The Other Adjustments line item is the result of the Company adopting FASB Statement 123 (R), which requires the reporting of stock option expenses, if such expenses are incurred.

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: March 26, 2019

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

FROM: Legal Division

SUBJECT: Agenda - April 2, 2019 Commission Meeting

The Legal Division will present the following at the April 2, 2019 Commission Meeting:

**DOCKET 32897** (Y) - Application of Movers Plus LLC, of Helena, Alabama, for a certificate to transport household goods.

**Recommend:** Grant certificate and approval of tariff

**DOCKET C-19385** (B) - Petition of TBT Contracting, LLC, of Crane Hill, Alabama, for approval of cargo self-insurance.

**Recommend:** Approval

**DOCKET C-19350** (B) - Petition of ATX Logistics, LLC, of Phenix City, Alabama, for reinstatement of Motor Carrier Certificate F5023 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET 32038** (B) - Petition of James Robert Reed d/b/a Reed's Trucking, of Lincoln, Alabama, for cancellation of Motor Carrier Certificate F4706.

**Recommend:** Grant cancellation as requested

**DOCKET 30647** (M) - Petition of Bernice W. Adams d/b/a Jazzy Airport Service, of Montgomery, Alabama, for cancellation of Motor Carrier Certificate 3920.

**Recommend:** Grant cancellation as requested

**DOCKET C-19362** (M) - Petition of Charles A. Brown d/b/a C. Brown's Hauling and Excavating, of Fyffe, Alabama, for reinstatement of Motor Carrier Certificate F1002 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

**Recommend:** Grant/Reinstatement

**DOCKET 32889** (M) - Unopposed application to transfer Motor Carrier Certificates 3104, 726, 2613, 3223, and F326 FROM: Mobile Bay Transportation Company, Inc., of Mobile, Alabama, TO: WHC AL, LLC d/b/a zTrip, of Kansas City, Missouri.

**Recommend:** Grant

**DOCKET 32779** (G) - Petition of Raiser, LLC (a/k/a "Uber"), of San Francisco, California, for an additional limited extension for purposes of compliance with Rule TNC-7 (Vehicle Inspections). Through its own internal auditing procedures, Uber discovered that a subset of its active drivers had submitted preexisting vehicle inspection forms which did not include verification of the functionality of their vehicle's heating and/or air conditioning systems and/or were not signed by a certified mechanic or someone under the supervision of a certified mechanic.

**Recommend:** Given Uber's proactive approach to reporting and rectifying the issue discovered with the inspection forms for a limited subset of their drivers, it is recommended that Uber be granted the extension requested for the drivers identified until the expiration of the current inspection forms of those drivers, but in no case beyond February 14, 2020.



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**MEMORANDUM**

**DATE:** March 29, 2019

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

**FROM:** Legal Division

**SUBJECT:** Off Agenda Item – April 2, 2019 Commission Meeting

In addition to the items listed on our previous agenda, the Legal Division will present the following items at the April 2, 2019 Commission Meeting:

**OFF AGENDA ITEMS**  
**APRIL 2, 2019 COMMISSION MEETING**

**DOCKET 32886(Y)** – Unopposed motor carrier application of Madison City Cab and Black Cars LLC, of Madison, Alabama, for a certificate to transport passengers and their baggage. The Applicant waived its right to a Report and Recommended Order at the hearing.

**RECOMMEND:** Grant

**DOCKET 32888(Y)** – Unopposed motor carrier application of BBM Mobility Transport, LLC, of Jemison, Alabama, to extend an existing operation. The Applicant waived its right to a Report and Recommended Order at the hearing.

**RECOMMEND:** Grant