



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: September 5, 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 September 12, 2023 Commission Meeting.

The following items will be presented to the Commission during the regular September 12, 2023 Commission Meeting.

CONSUMER SERVICES REPORT

CONSUMER SERVICES ELECTRIC & GAS INQUIRIES

August

7/22/2023 - 8/24/2023

Company	Service Category	Total Inquiries	Service Outage Interruption	Service Quality	Service Connection	Service Disconnected	Billing Issues	Payment Issues	Request Info Only
Alabama Power	Residential	29	4	3	2		10	6	4
	Business								
Spire Alabama	Residential	2					1	1	
	Business								
Spire Gulf	Residential	1			1				
	Business								
TOTAL	Residential	32	4	3	3		11	7	4
	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	1			1					
	Business									
CLEC	Residential									
	Business									
TOLL	Residential									
	Business									
OTHER	Residential	1								1
	Business									
Total Under PSC Complaint Jurisdiction		2			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	9		4		1		2	1	1
Business									
Total	9		4		1		2	1	1
Not Under PSC Jurisdiction	7		4		1		2		
Under PSC Jurisdiction	2							1	1

Other Retail Services/Issues Under PSC Jurisdiction (Above)	2
Basic Service Inquiries Under PSC Jurisdiction (Previous Page)	2
Total Telecom Inquiries Under PSC Jurisdiction (Non-referrals)	4
Inquiries Not Subject to PSC Jurisdiction	7

Referred Inquiries (Waived Complaint Jurisdiction)	
Residential	8
Business	0
TOTAL	8

TOTAL TELECOM INQUIRIES			
Under PSC Complaint Jurisdiction	Waived Complaint Jurisdiction (Referrals)	Received But Not Under PSC Jurisdiction	Total Received
4	8	7	19

Gas Agenda

NATURAL GAS

Docket 18046 and SPIRE ALABAMA INC. -- Division Report on Rate RSE as of July 31,
18328 2023

Based on preliminary figures as of July 31, 2023, the projected RSE return on average common equity for the rate year ending September 30, 2023, was 7.92 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 July 31, 2023

Based on preliminary figures as of July 31, 2023, the projected RSE return on average common equity for the rate year ending September 30, 2023, was 10.24 percent. The authorized return on average common equity is 9.70 to 10.30 percent.

Docket 33393 WHEELER BASIN NATURAL GAS COMPANY, INC. -- Application for Approval of Seventeenth Revised Sheet Number 13.

Recommend Suspension of Proposed Rate Schedule Pending Further Review

Telecommunication Agenda

INTERCONNECTION AGREEMENT (S)

- Docket U-5447 FRONTIER COMMUNICATIONS OF THE SOUTH, LLC and KNOLOGY OF ALABAMA, INC. d/b/a Knology or dba WOW! Internet, Cable and Phone -- Approval of an Interconnection Agreement between Frontier Communications of the South, LLC and Knology of Alabama, Inc. d/b/a Knology or WOW! Internet, Cable and Phone pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 with Amendment 1 to correct name in the Interconnection Agreement.
Recommend Approval.
- Docket U-5448 BLOUNTSVILLE TELEPHONE LLC d/b/a GONETSPEED and TELEPORT COMMUNICATIONS AMERICA, LLC -- Approval of an Interconnection Agreement between Blountsville Telephone LLC d/b/a GoNetspeed and Teleport Communications America, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
Recommend Approval.
- Docket U-5449 HOPPER TELECOMMUNICATIONS LLC d/b/a GONETSPEED and TELEPORT COMMUNICATIONS AMERICA, LLC -- Approval of an Interconnection Agreement between Hopper Telecommunications LLC d/b/a GoNetspeed and Teleport Communications America, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
Recommend Approval.
- Docket U-5450 ARDMORE TELEPHONE COMPANY and LEVEL 3 COMMUNICATIONS, LLC -- Approval of an Interconnection Agreement between Ardmore Telephone Company and Level 3 Communications, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
Recommend Approval.

CERTIFICATION (S)

Docket 25980 **ALL ELIGIBLE TELECOMMUNICATIONS CARRIERS --**
Implementation of the Universal Service Requirements of Section 254 of the Telecommunications Act of 1996 and 47 C.F.R. § 54.314. All Eligible Telecommunications Carriers (ETCs) for high cost universal funding seek certification of their eligibility and expenditure for the 2024 USF Connect America Fund and high cost support. Certifies the eligibility of the petitioning ETCs and notifies the Federal Communications Commission of that certification. Further Order that Certifies All Eligible Telecommunications Carriers (ETCs) eligibility and expenditure plans for the 2024 USF Connect America Fund for high cost support.

Recommend Approval.

CANCELLATION/WITHDRAWAL (S)

Docket 28443;
33364 **LEGENT COMM LLC d/b/a DC COMMUNICATIONS and X2COMM, INC.** -- Approval for cancellation of X2Comm, Inc.'s Certificate of Public Convenience and Necessity and withdrawal of Tariff. X2Comm, Inc. transferred all customers to Legent Comm LLC d/b/a DC Communications (Docket 33364) effective September 1, 2023. By notice received August 16, 2023, X2Comm, Inc. stated that it would no longer provide any telecommunications service in the State of Alabama upon approval of the cancellation.

Recommend Approval.

Docket 28862 BULLSEYE TELECOM, INC. and MATRIX TELECOM, LLC d/b/a EXCEL TELECOMMUNICATIONS, and MATRIX TELECOM, LLC d/b/a LINGO, and MATRIX TELECOM, LLC d/b/a TRINSIC COMMUNICATIONS and MATRIX TELECOM, LLC d/b/a VARTEC TELECOM -- Approval for cancellation of BullsEye Telecom, Inc.'s Certificate of Public Convenience and Necessity and withdrawal of Tariff. Matrix Telecom, LLC notified the Commission on May 8, 2023 regarding an internal reorganization and the transfer of customers from BullsEye Telecom, Inc. to Matrix Telecom, LLC (Docket 21793) effective July 1, 2023. By notice received August 25, 2023, BullsEye Telecom, Inc. stated that all customers have been transferred and that it was no longer providing any telecommunications services in the State of Alabama.

Recommend Approval.

Docket 29728 METROPOLITAN TELECOMMUNICATIONS OF ALABAMA, LLC -- Approval to withdraw Competitive Access Provider Services - Tariff No. 3 in its entirety. Effective July 1, 2023, Metropolitan Telecommunications of Alabama, LLC ("MetTel") ceased billing for Switched Access services as it is no longer economical to continue billing for these services due to rate reductions mandated by the FCC.

Recommend Approval.

NAME CHANGE (S)

Docket 26082 INTERNATIONAL TELECOM LTD -- Changes company name to RingSquared LLC. Filed July 3, 2023 with an immediate effective date.

Recommend Approval.

SUMMARY OF OTHER FILING (S)

D-7794 MCIMETRO ACCESS TRANSMISSION SERVICES LLC d/b/a VERIZON ACCESS TRANSMISSION SERVICES -- Modifies the Access Services Tariff No. 2 as mandated by the Federal Communications Commission ("FCC") Report and Order in WC Docket No. 18-156, FCC Release No. 20- 143 issued October 9, 2020. These modifications reduce intercarrier compensation charges to increase efficiencies in call routing and decrease incentives for fraud in 8YY (toll-free) calls. Filed August 8, 2023, with a requested effective date of July 18, 2023.

- D-7795 CHARTER FIBERLINK-ALABAMA, LLC -- Modifies tariff to increase the price for Spectrum's Flat Rate Voice bundle. The rate changed for new customers on October 11, 2022. The rate change for existing customers became effective August 9, 2023; all customers subscribing to this service will now be paying the same price.

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>AUGUST 2023 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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MEMORANDUM

DATE: September 5, 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 September 12, 2023, Commission Meeting

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

Inspections

During the month of July, a total of thirty-eight (38) inspections and two (2) operator training sessions were conducted utilizing one hundred and two (102) 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
16	10	0	3	0	0	0	0	0	9	38

From the thirty-eight (38) inspections shown above, seven (7) enforcement letters of notification were issued noting eighteen (18) non-compliance issues. There were twenty-two (22) non-compliance items corrected during the month of July.

Training

Two (2) operator/contractor training session on Polyethylene (PE) plastic fusion and no fire response training were conducted in July:

- 7/11/2023 South Alabama Utilities PE 24 Personnel Qualified
- 7/18/2023 Leak City PE 23 Personnel Qualified

Incidents/Accidents

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

Federal Incident

- None for the month of July.

State Incident

- None for the month of July.

Miscellaneous

Thirteen municipal natural gas operators were able to complete the grant application process for funding to replace cast iron and other leak prone pipeline under the Bipartisan Infrastructure Law (BIL) grants. These operators could receive up to ten million dollars for projects submitted.



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JOHN A. GARNER, EXECUTIVE DIRECTOR

MEMORANDUM

DATE: September 5, 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 for the September 12, 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 July 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	18	51	0	312	97

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

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
16	12	5	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
6	14	118	0	713

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

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

1. A diesel fuel spill caused by mechanical failure in Talladega on **CSX**
2. A propane gas release from a tank car in Irondale on **NS**
3. A yard derailment of 11 coal cars in Irondale on **NS**

RWS staff also received the following report during July:

1. A minor employee injury in Faulkville on **CSX**.

RWS staff also handled one complaint on July 24 concerning a property owner who reportedly sustained damage to his property from railroad equipment. Staff put the complainant in touch with railroad management so he could file a formal claim with the railroad for reparations.

RWS Track Inspectors successfully completed the FRA Track Recurrent Training in Pueblo, Colorado. This training is required for maintaining FRA certification. RWS Track Inspector, Blake Conway, also completed his FRA certification in July and is now a fully certified inspector.

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
8	6	1	3	7	7	54	91	15

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
300	20	17	9	35	33	258

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
1	0	188	1	33	53

As of July 31, 9,744 Alabama carriers (79%) registered for 2023 UCR with 2,531 remaining unregistered. During July, 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.

The staff also assisted motor carriers in making necessary changes to their operating status with the Federal Motor Carrier Safety Administration (FMCSA). There were five MCS-150 forms processed. One motor carrier had its USDOT number deactivated. Four forms contained updates to the motor carriers'

USDOT number data.

MCS staff attended the UCR board call held on July 27.

There were 77 For Non-Profit (FNP) quarterly reports for the second quarter of 2023 sent to FNP carriers by mail and e-mail. Our office received 12 FNP quarterly reports for the second quarter of 2023 during the month.

In July there were 23 delinquent letters mailed to the household goods and passenger carriers that failed to meet the April 30th deadline. A total of 18 annual reports for 2022 were received from household goods and passenger carriers.

In July, one household goods tariff for **Coleman American Moving Services, Inc. (C457)**, one passenger tariff for **AML Services LLC (C4146)**, and one taxi tariff for **Express Taxi and Shuttle LLC d/b/a Express Taxi (C4147)** were received and accepted. Staff completed a desk audit for **Tanory Moving Systems, Inc. d/b/a Two Men and A Truck (C520)**. 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.

The MCS staff conducted the annual records review with **Lyft, Inc.** on July 26. The review is still pending more requested documents that Lyft representatives are providing at the beginning of August.

There was one phone call and eight e-mails related to TNCs during the month.



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September 5, 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 – September 12, 2023 Commission Meeting

The Electricity Policy Division will present the following items at the September 12, 2023 Commission Meeting.

ELECTRICITY

ALABAMA POWER COMPANY

Dockets 18117 Division Report on Rate RSE and Rate ECR as of July 31, 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 July 2023, can be found on
page 2 of this report.

Rate RSE Forecast		Rate ECR Summary
12 Months Ending DECEMBER 31, 2023		Energy Cost Over/(Under) Recovered for JULY 2023
5.88% WRRCE		\$25,459,091

*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 July 31, 2023		\$11,958,397,724
Add Budgeted Net Income:		
August through December 2023	\$527,863,112	
Add Budgeted Capital Contributions:		
August through December 2023	\$38,597,876	
Add Other Adjustments:		
August through December 2023	\$0	\$566,460,988
Deduct Budgeted Stock Dividends:		
August through December 2023	\$287,262,037	\$287,262,037
Projected Common Equity for December 31, 2023		\$12,237,596,675
<hr/>		
Projected Average Common Equity		
For the 12 Months Ending December 31, 2023		\$12,008,689,133
Projected Retail Investment Separation Factor		94.76%
Projected Average Retail Common Equity		
For the 12 Months Ending December 31, 2023		\$11,379,433,822
Projected Retail Net Income		
For the 12 Months Ending December 31, 2023		\$1,273,236,624
Projected Common Equity Percentage of Capital Structure		
For the 12 Months Ending December 31, 2023		52.56%
Projected Weighted Return on Average Retail Common Equity (WRRCE)		
For the 12 Months Ending December 31, 2023		5.88%

The Common Equity as of July 31, 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 seven months ended July 31, 2023, and then adding five months of budget data for August 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.

ELECTRICITY POLICY DIVISION AGENDA

September 12, 2023 Commission Meeting

Page 3

Docket U-5451 On August 24, 2023, Alabama Power Company filed with the Alabama Public Service Commission its petition seeking authority to: (i) issue and sell preferred stock, preference stock, and promissory notes, subordinated debentures, and other debt instruments; (ii) incur obligations in connection with the issuance of industrial development revenue bonds with an aggregate principal amount or stated value not to exceed \$2,000,000,000 (long-term borrowings); and (iii) borrow upon the issuance of promissory notes, issue and sell commercial paper notes and assume obligations as a guarantor of the promissory notes of Southern Electric Generating Company ("SEGCO") in an aggregate principal amount not to exceed \$2,000,000,000 (short-term borrowings) at any one time outstanding. If approved, this new authority would remain in effect through December 31, 2025, and supersede any remaining authority previously approved under Docket U-5397.

Recommendation: Approval

SOUTHERN ELECTRIC GENERATING COMPANY

Docket U-5452 On August 24, 2023, Southern Electric Generating Company ("SEGCO") filed with the Alabama Public Service Commission its petition seeking authority to borrow upon the issuance of promissory notes and issue and sell commercial paper notes to third-party lenders and to Alabama Power Company and Georgia Power Company in an aggregate principal amount not to exceed \$175,000,000 (short-term borrowings) at any one time outstanding. If approved, this new authority would remain in effect through December 31, 2025, and supersede any remaining authority previously approved under Docket U-5398.

Recommendation: Approval



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MEMORANDUM

DATE: September 6, 2023

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

FROM: Legal Division

SUBJECT: Agenda - September 12, 2023 Commission Meeting

The Legal Division will present the following at the September 12, 2023
Commission Meeting:

DOCKET 33382 (Y) - Unopposed motor carrier application of Vital Ride, LLC, of Oxford, Alabama, for a certificate to transport passengers. The Applicant waived its right to a Report and Recommended Order.

Recommend: Grant

DOCKET 33384 (Y) - Unopposed motor carrier application of Mountain Taxi, LLC d/b/a Sunset Taxi, of Gulf Shores, Alabama, for a certificate to transport passengers and their baggage in special or charter taxi operations. The Applicant waived its right to a Report and Recommended Order at the hearing.

Recommend: Grant

DOCKET C-20671 (Y) - Petition of Aetna Freight Lines, Inc., of Warren, Ohio, for reinstatement of Motor Carrier Certificate F1915 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

Recommend: Grant/Reinstatement

LEGAL DIVISION AGENDA

September 12, 2023 Commission Meeting

September 6, 2023

PAGE #2

DOCKET 30575 (Y) - Petition of Kay Contracting, of Lacey's Spring, Alabama, to recommence operations under Motor Carrier Certificate F3863. Motor Carrier Certificate F3863 was suspended at the request of Kay Contracting for a period of one year by Commission Order dated June 16, 2023.

Recommend: Grant request to recommence operations under Motor Carrier Certificate F3863.

DOCKET 33387 (Y) - Show Cause proceeding for motor carriers who failed to file annual reports for 2022 operations. (*Alabama Public Service Commission v. All Motor Carriers who failed to file Annual Reports for 2022 operations*).

Recommend: Issuance of order establishing show cause hearing for all motor carriers who failed to file Annual Reports for 2022 operations.

DOCKET 33323 (Y) - Petition of Southern Trans LLC, of Chunchula, Alabama, for cancellation of Motor Carrier Permit 653 (Docket 30146). Motor Carrier Permit 653 was revoked by Commission Order dated July 17, 2023, for failure to make the required filings.

Recommend: Reinstatement of Motor Carrier Permit 653 (Informal Docket C-19624) for the sole purpose of cancelling Motor Carrier Permit 653 in good standing. Grant cancellation as requested (Docket 33323).

DOCKET 30599 (Y) - Petition of Real Deel Trucking Inc, of Phenix City, Alabama, for cancellation of Motor Carrier Certificate F3640.

Recommend: Grant cancellation as requested

DOCKET C-20699 (B) - Petition of Simpson's Wrecker Service Inc., of Sheffield, Alabama, for approval of cargo self-insurance.

Recommend: Approval

DOCKET C-20654 (B) - Petition of Vascor Ltd., of Georgetown, Kentucky, for reinstatement of Motor Carrier Certificate F3772 which was revoked due to Petitioner's failure to maintain proper proof of cargo insurance coverage.

Recommend: Grant/Reinstatement

DOCKET 32744

(B) - By Order dated June 8, 2018, the Commission adopted and promulgated the Transportation Network Company ("TNC") Rules pursuant to Alabama Legislative Act No. 2018-127 ("TNC Act"). During the five years since the promulgation of these rules, TNCs have continued to evolve, and Commission Staff has recognized that some parts of the TNC Rules require updating. Due to the changes with TNCs and the need for updates to the regulations, the following revisions to the TNC Rules are due to be considered by the Commission.

- 1) Revise Rule TNC-2 to establish a new definition for "driver records" which indicates that such records must include a driver photo;
- 2) Revise Rule TNC-2 to clarify the definition of "gross trip fare" to make it explicit that the term does not include reductions in TNC rider fares based on paid membership, fees, or programs;
- 3) Revise Rule TNC-3(1)(b) to prohibit use of filters which alter appearance on driver photos;
- 4) Revise Rule TNC-3(7) to reflect the penalty payment for late filed renewal applications is calculated on a business day basis; and
- 5) Revise Rule TNC-5 to provide for a late fee for delinquent local assessment fee payments which will be calculated on a business day basis.

By petition, Rasier, LLC (aka "Uber") proposed modifications to the vehicle safety inspection requirements in Rule TNC-7, requesting an inspection grace period of 90 days for vehicles less than 10 years old and an inspection waiver for vehicles less than 3 years old.

Recommend: Initiation of rulemaking proceeding to consider the above-stated proposed changes to the rules regarding the Commission's regulation of TNCs and TNC drivers.

DOCKET 33335

(B) - Application of Eco Preservation Services, LLC ("Eco") for reconsideration, rehearing, and/or modification of an order setting interim sewer rates and fees. As the basis for this application, Eco asserts that the Commission's order: 1) includes erroneous findings not supported by the record; 2) violates the Company's rights to due process and equal protection; 3) uses an unreasonable rate of return; 4) violates the Contracts Clauses in Alabama Constitution; and 5) fails to address some of the proposed fees.

The Office of the Attorney General ("Attorney General") filed a response and requested that the Commission deny Eco's application.

Recommend: After fully considering the application filed by Eco Preservation Services, LLC, in light of the requirements in Ala. Code § 37-1-105 and Rule 21 of the Commission's Rules of Practice, as well as the response of the Attorney General, the application is due to be denied. No arguments have been raised by Eco that necessitate reconsideration or rehearing of the August 14, 2023, order entered by the Commission in Docket 33335.

LEGAL DIVISION AGENDA

September 12, 2023 Commission Meeting

September 6, 2023

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DOCKET 33350

(M) - Investigation Proceeding to Consider the Non-Compliance of Fern Parc Apartment Homes and other similarly situated gas pipeline master meter operators - Berry Housing Authority, Decatur Housing Authority, Camp Hill and Wilton Gas Department - with the Gas Pipeline Safety regulations enforced by the Commission. This proceeding was established by a vote of the Commission at the April meeting and expanded at the June meeting. A show cause hearing was held on August 7, 2023 with Fern Parc Apartment Homes, Decatur Housing Authority, Camp Hill and Wilton Gas Department as participating parties. Berry Housing Authority failed to appear. Due to Berry Housing Authority's failure to appear, another show cause hearing was held on August 22, 2023, with Berry Housing Authority as a participating party. At both show cause hearings all operators were shown to be in non-compliance, in one way or another, with the Commission's rules and regulations, but all were willing to work towards compliance.

Recommend: A fine of \$50,000 to be levied against each operator in this proceeding, to be waived if compliance is reached within 90 days. If an operator fails to reach compliance within 90 days, an additional fine of \$1,000 per day for the next 90 days. If compliance is still not reached within the 180 days the operator will be permanently shut off. Additionally, the Commission reserves the right to extend the time periods previously listed if it determines more time is necessary for an operator.