



STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
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CYNTHIA LEE ALMOND, PRESIDENT

JEREMY H. ODEN, COMMISSIONER, PLACE 1

CHRIS V. BEEKER III, COMMISSIONER, PLACE 2

LUKE D. BENTLEY IV, EXECUTIVE DIRECTOR

**RE: RULES OF PRACTICE OF THE
ALABAMA PUBLIC SERVICE COMMISSION**

DOCKET 33046

CASE No.: 2026-1

ORDER AMENDING RULES OF PRACTICE

BY THE COMMISSION:

On September 2, 2026, the Commission initiated a rulemaking proceeding to amend Rule 4 of the Commission's Rules of Practice. The proposed amendments included eliminating the requirement that e-filings be followed by a hard copy, and that physical filings with the Secretary be accompanied by ten (10) additional hard copies. Additionally, the proposed amendments included several other revisions to the Rules of Practice that would adopt and echo these changes. The exact proposed amendments were attached to the order as Appendix A.

To solicit feedback on those proposed changes, the Commission established a comment period. Initial comments were due on Wednesday, September 16, 2026, and reply comments were due on Wednesday, September 23, 2026. The Commission received four (4) sets of timely comments from Alabama Power, Energy Alabama and the Southern Environmental Law Center (collectively referred to as Public Interest Organizations or PIOs), Spire Alabama, and Spire Gulf. No reply comments were submitted.

COMMENTS

In its comments, Alabama Power offered support for removing the requirements for additional hard copies of filings and recommended five additional changes to the proposed amendments. First, it recommended that the Commission use either "Prevailing Central Time" or "Central Prevailing Time," rather than "Central Standard Time." It asserted that this distinction would prevent confusion by automatically accounting for the transition between Central Standard Time and Central Daylight Time. Alabama Power's final four (4) comments suggested correcting numbering, formatting, and typographical errors.

In its comments, PIOs also expressed support for removing the requirements for additional hard copies of filings. It offered three (3) recommended changes and asked for clarification on one (1) additional proposed amendment. First, PIOs requested retaining the current electronic filing deadline of 11:59 p.m., rather than adopting the proposed 5:00 p.m. deadline. It argued this change would add a new restriction rather than remove an unnecessary requirement, and that the change serves no apparent administrative purpose. It further asserted that a filing received at 4:49 p.m. and 11:59 p.m. would both be processed the next morning, and that a 5:00 p.m. cutoff only affects whether a filing is considered timely. PIOs stated that the individuals most affected by this change would be members of the public and first-time filers who may be unable to file during business hours. Second, PIOs recommended specifying "Central Time" instead of "Central Standard Time." Third, PIOs requested that the Commission adopt a rule allowing public comments without requiring filers to obtain a filing system account. Fourth, PIOs offered a typographical correction. Finally, PIOs acknowledged the removal of the current 40 MB size limitation on electronic filings. It expressed support for the removal but asked for clarification on whether a new size limit would exist.

Spire Alabama and Spire Gulf both expressed support for the proposed amendments, stating that these amendments will eliminate additional time requirements and expenses associated with compliance under the current rule. Neither company submitted any suggested edits to the proposed amendments.

DISCUSSION

Additional Hard Copies for Physical Filings. The Commission finds that this requirement is no longer necessary due to current technology and is therefore removed.

Physical Copy for Electronic Filings. The Commission finds that this requirement is no longer necessary due to current technology and is therefore removed.

Time Zone Designation. The Commission agrees with Alabama Power and PIOs that listing the time as Central Standard Time creates confusion and does not account for the time changes between Central and Daylight Time. Therefore, Rule 4 and Rule 8 of the Rules of Practice are amended to use "Prevailing Central Time."

Filing Deadline. PIOs state that changing the filing deadline from 11:59 p.m. to 5:00 p.m. offers no apparent administrative value and creates a new restriction for filers. The Commission disagrees with this position in part. Under the current Rules, an electronic filing submitted at 11:59 p.m. is received only if the hard copy is also received by the close of business the following day. Furthermore, the Commission's current software does not automatically process

electronic filings. Electronic filings do not appear in the current system as "received" until they are manually processed by Commission staff. This issue is not prevalent under the current rules, because an electronic filing cannot be processed until the hard copy is also received by Commission Staff. However, the Commission finds there is no adverse effect in leaving the deadline at 11:59 p.m. Furthermore, the Commission notes that, with the removal of the hard copy requirement, and PIOs' request to maintain the 11:59 p.m. deadline, all electronic filings submitted outside of business hours will not appear in the system as being "received" until the following business day.

Electronic Filing Size Limitation. PIOs acknowledge the elimination of the current 40 MB size limitation for electronic filings, without a replacement limit. The 40MB size limitation is necessary because of the limitations of the Commission's current software. However, the Commission will not have a sizing restriction once it begins using its new system in the coming months. The Commission finds that removing this language is appropriate because it aligns with the purpose of this rulemaking proceeding, to eliminate unnecessary requirements, and because substantial edits are already being implemented within Rule 4(1)(b). In the meantime, filers are instructed to call the Secretary if they experience any issues filing documents exceeding 40MB.

Public Comments. The Commission acknowledges PIOs' concerns about public comments. However, there are technology-related reasons for not making these changes at this time. The Commission is preparing to change software systems in the upcoming months. The Commission does not find it appropriate to implement an alternate commenting procedure in advance of an impending software change. Rather, the Commission intends to revisit this issue once it becomes more familiar with the capabilities and limitations of the new system. If necessary, during the interim, the Commission reserves the authority to consider alternate options for comments that can be implemented through a docket-specific order rather than a formal rule change.

Drafting Corrections. The Commission has reviewed the formatting, numbering, and typographical suggestions from Alabama Power and PIOs and has implemented all appropriate changes. Such changes include revisions to the formatting in Rule 4(1)(a); the numbering in Rule 4(b); and the acronym "pdf" in Rule 4(1)(b)(i).

CONCLUSION

After considering the filed comments, the Commission amends Rule 4 of the Rules of Practice to remove the requirement for any additional copies to be filed with the Commission. The deadline for electronic submissions is 11:59

p.m. Prevailing Central Time. Necessary edits are made to correct numbering, formatting, and typographical errors in the proposed amendments. (See Appendix C.)

Additionally, the Commission amends Rules 8, 11, and 20 of the Rules of Practice to incorporate and reflect the changes made to Rule 4. (See Appendix D.)

IT IS THEREFORE ORDERED that Rules 4, 8, 11, and 20 of the Commission's Rules of Practice are amended to reflect the changes found in Appendix C and Appendix D.

IT IS FURTHER ORDERED that jurisdiction in this cause is hereby retained for the issuance of any further order or orders deemed appropriate by the Commission..

IT IS FURTHER ORDERED, that this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama this 8th day of October 2026.

ALABAMA PUBLIC SERVICE COMMISSION



Cynthia Lee Almond, President



Jeremy H. Oden, Commissioner



Chris V. Beeker III, Commissioner

ATTEST: A True Copy



Devon D. Beaty, Secretary

APPENDIX C

Rule 4 Filing And Service

(1) Filings

- a. A filing is completed by:
 - i. Electronically filing a document with the Commission.
 - ii. Delivery of a document to the Secretary of the Commission, or an employee of her/his office, in person, or by United States Mail, Postage Prepaid, addressed to the Commission at P.O. Box 304260, Montgomery, Alabama, 36130, or by courier to RSA Union Building, 100 North Union Street, Room 850, Montgomery, Alabama, 36104. Filings made by mail or delivery are effective only upon receipt by the Commission.
 - iii. Documents may be filed during a hearing at the discretion of the Commission, presiding Commissioner, or presiding Administrative Law Judge.
- b. Documents filed electronically using links available on the Commission's website shall comply with the following procedures:
 - i. To be considered a valid filing, all documents shall be in text-searchable portable document format (pdf).
 - ii. Any document filed electronically, in compliance with this procedure, is deemed received by the Commission on the day it is received electronically, with the end of the day being 11:59 PM Prevailing Central Time on the day it is received.
 - iii. Electronic signatures, indicated by "s/" followed by the name of the filer, shall be allowed for documents filed through the electronic filing process, unless a wet signature or other authentication is specifically required by law or other regulation.
- c. Where the circumstances so dictate, a tentative schedule for all parties will be set for the pre-filing of testimony and exhibits. Such schedules will, however, be subject to change by the Commission, or the presiding Commissioner or Administrative Law Judge.

(2) Service: When required.

- a. Every order of the Commission, every report and recommended order of an Administrative Law Judge and every pleading, application, petition, complaint, or other initial filing shall be served by the Commission upon each of the parties

with, where applicable, notice of the time and place for hearing the same.

(3) Service: How made.

- a. Service upon a party represented by an attorney shall be made upon the attorney and such service will be deemed service upon a party. Service upon the attorney or upon a party shall be made by emailing it to her/his email address listed on the Alabama State Bar website, or other confirmed email address, or by mailing or delivering a copy to her/him or by mailing it to her/him at her/his last known address.

(4) Subsequent Filings

- a. Answers, petitions for hearing, motions, notices and all other documents filed subsequent to the original complaint, application or petition in proceedings pending before the Commission upon its formal docket must, when filed or tendered for filing with the Commission, show service thereof upon each party, by name and address, to the proceeding.

(5) Filing and Service: Proposed changes in rates, rules and regulations.

- a. Upon the filing of protest and/or petitions for investigation and suspension relating to proposed changes in rates and charges or rules and regulations, a copy of such protest or petition shall be served upon the carrier or utility or the publishing agent of the local or agency tariff proposing such changes.
- b. Such protest or petitions must be filed with the Commission at least seven (7) days prior to the scheduled effective date of the tariff or supplements proposing such changes in rates and charges or rules and regulations.

APPENDIX D

Rule 8 Parties.

- (3) Petitioners permitted to intervene, as hereinafter provided, are styled intervenors. Anyone entitled under the law to complain to the Commission may petition for leave to intervene in any pending proceeding prior to or at the time it is called for hearing, but not after, except for good cause shown.¹ Petitions shall set forth the grounds of their proposed intervention; the position and interest of the petitioner in the proceeding; and if affirmative relief is sought, should conform to requirements for a formal complaint. Leave will not be granted except on allegations reasonably pertinent to the issues already present and which do not unduly broaden them. If leave is granted, the petitioner thereby becomes an intervenor and a party to the proceeding. If affirmative relief is sought, petitions for intervention should be filed in time to permit lawful service upon the proper parties.
- (4) Protestants to Motor Carrier Applications. Any person opposed to a motor carrier application seeking operating authority, or an amendment to existing operating authority, assigned for oral hearing may become a party-Protestant at the oral hearing provided he has notified the Applicant and the Commission of his intention to protest the application. Such notification shall be made by letter, telegram, or facsimile transmission and must reach the applicant's representative or attorney (or applicant if no representative or attorney is known to him) and the Secretary of the Commission's office by 5 p.m., Prevailing Central Time, at least seven (7) days prior to the date of the hearing. One dated copy of such notification simultaneously shall be mailed to the Commission for each application protestant party is opposed to. No person who fails to notify the applicant, or the applicant's attorney or representative, and the Commission of his intention to protest in the above-prescribed manner will be permitted to intervene in a proceeding except upon a showing of good cause. Such showing of good cause to intervene shall be made in a petition submitted at or before the hearing, and must demonstrate to the Commission or the presiding Commissioner or Administrative Law Judge that the moving party's interest would not be adequately and reasonably represented by the parties-protestants.

¹ This rule does not apply to party protestants to applications for operating authority under the Alabama Motor Carrier Act, such parties are governed by Rule 8 (D) Infra.

Rule 11 Pleading And Answers.

- (4) An answer, counterclaim, or other pleading must be filed with the Commission, as described in Rule 4.04, , and at the same time, a copy of said answer to pleading, or a counterclaim shall be served by the defendant making such answer, counterclaim, or pleading by U.S. Mail, Postage Prepaid, upon each complainant or his attorney of record. The defendant or his attorney of record shall certify to the Commission that said service has been made.

Rule 20 Filing Exceptions To Reports Of Commissioners Or Administrative Law Judges.

- (5) When a report and recommended order is served on the parties to motor carrier proceedings pursuant to Section 37-3-9, Code of Ala. 1975, the due date for exceptions shall be twenty (20) days from the date of service shown on such report and recommended order. Exceptions shall be in writing and set forth specifically any alleged errors in fact or in law or any erroneous conclusions therefore. Replies to such exceptions may be filed by any interested party within twenty (20) days from the filing of the exceptions. The Commission or the presiding Commissioner or Administrative Law Judge, at their discretion, may extend the due date for exceptions and replies to exceptions, provided the request for such an extension is made in accordance with Rule 14 herein. The filing shall comply with Rule 4.