



AlaFile E-Notice

03-CV-2021-900028.00

Judge: GREG GRIFFIN

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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ENERGY ALABAMA ET AL V. ALABAMA PUBLIC SERVICE COMMISSION
03-CV-2021-900028.00

The following matter was FILED on 8/27/2021 5:21:56 PM

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GINA J. ISHMAN
CIRCUIT COURT CLERK
MONTGOMERY COUNTY, ALABAMA
251 S. LAWRENCE STREET
MONTGOMERY, AL, 36104

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ENERGY ALABAMA,)	
GASP,)	
Plaintiffs,)	
)	
V.)	Case No.: CV-2021-900028.00
)	
ALABAMA PUBLIC SERVICE)	
COMMISSION,)	
Defendant.)	

ORDER

This matter comes before the Court on the appeal filed by Energy Alabama and GASP (“Appellants”) of two orders of the Alabama Public Service Commission (“APSC”) pursuant to the provisions of Ala. Code § 37-1-120, et seq. The first appealed order (“Certificate Order”), issued on August 14, 2020, granted in part and denied in part a certificate petition of Alabama Power Company (“Alabama Power”). The second appealed order (“Rehearing Order”), issued on December 10, 2020, denied Energy Alabama and GASP’s petition to reconsider or rehear Alabama Power’s petition. Alabama Power intervened in this matter.

The issues have been thoroughly briefed by Appellants, Appellee APSC, and Intervenor Alabama Power. A hearing was held on August 3, 2021 in which all parties participated through counsel. The Court has thoroughly considered the briefs and oral arguments of all parties and the record from the APSC proceeding.

The Court issues this Final Judgment concluding as follows:

1. Appellants failed to show that the APSC erred to the prejudice of Appellants’ substantial rights in its application of the law. See Ala. Code § 37-1-124(1).

2. Appellants failed to show that the orders were procured by fraud or were based upon findings of fact contrary to the substantial weight of the evidence. See Ala. Code § 37-1-124(2).

3. Appellants failed to show that the APSC erred by denying the request for rehearing or reconsideration in the Rehearing Order.

Based upon these conclusions, the Court finds that the Certificate Order and the Rehearing Order are due to be and are hereby UPHELD.

DONE this 27th day of August, 2021.

/s/ GREG GRIFFIN

CIRCUIT JUDGE