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PUBLIC SERVICE COMMISSION
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ALABAMA POWER COMPANY,

Petitioner

**PETITION: FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY**

DOCKET 32953

**PROCEDURAL RULING DENYING THE SOUTHERN RENEWABLE ENERGY
ASSOCIATION'S PETITION FOR RECONSIDERATION**

On or about November 25, 2019, the Southern Renewable Energy Association ("SREA") filed a Petition for Reconsideration of the Procedural Ruling issued by the Commission in this cause on November 13, 2019, (the "Petition for Reconsideration") which denied the Application of SREA for Leave to Intervene in Docket 32953 due to SREA's failure to identify any member, or members of its association with a direct personal interest in the proceedings in this cause. In its Petition for Reconsideration, SREA alleged, among other things, that SREA is being "singled out and held to an entirely different standard from other intervening parties."¹ More specifically, SREA alleged that the Intervenor American Senior Alliance, Energy Fairness and Manufacture Alabama also did not identify any members of their respective organizations who are Alabama customers, but nonetheless had their Petitions to Intervene granted.

Given the concerns addressed in SREA's Petition for Reconsideration regarding unfair treatment, the Commission issued a Procedural Ruling Requiring Further Demonstration of Standing on December 18, 2019, which required the Intervenor American Senior Alliance, Energy Fairness and Manufacture Alabama to identify members of their organizations who are customers of Alabama Power, or who are otherwise directly affected by the matters under

¹ SREA Petition for Reconsideration at page 8.

consideration in Docket 32953. As noted therein, the intention of said ruling was to ensure that all Intervenors are definitively held to the same standards as SREA with respect to the requirements for intervention in proceedings before the Commission.²

The Commission has now received supplemental filings from the Intervenors American Senior Alliance, Energy Fairness and Manufacture Alabama in which each identified members of their respective organizations who are customers of Alabama Power, or who are otherwise directly affected by the matters under consideration in Docket 32953. The Commission accordingly reaffirms herein the previous grant of the Petitions to Intervene of American Senior Alliance, Energy Fairness and Manufacture Alabama and they remain parties of record in this cause.

With respect to the final disposition of the Petition for Reconsideration of SREA, said Petition is hereby denied. The Commission has long adhered to the practice of requiring associations and similar organizations who seek to intervene in proceedings before the Commission to demonstrate that such entities and their membership are "affected" pursuant to Ala. Code §37-1-87. More specifically, in order for an association to achieve intervenor status and seek relief on behalf of its customers, the Commission has required associations to establish that: (a) its members would otherwise have standing to sue in their own right; (b) the interest it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires a participation of individual members in the lawsuit. This practice was reaffirmed and more formally adopted in a Declaratory Order issued on January 9, 2004, in Docket 28941.³ As SREA has now the third time failed to identify any ongoing projects, specific interests or any member of its association in Alabama Power's service territory, we cannot conclude that SREA meets the well established test for associational

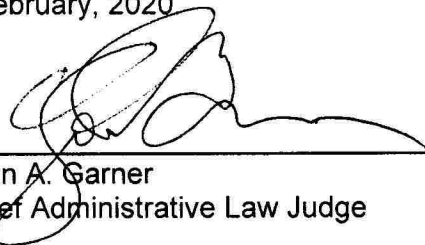
² The Commission noted at page 2 of the December 18, 2019, Procedural Ruling Requiring Further Demonstration of Standing that the general familiarity of the Commission with prior demonstrations of standing by American Senior Alliance, Energy Fairness and Manufacture Alabama (or their predecessor organizations) in other Dockets before the Commission led to the grant of their respective Petitions to Intervene in Docket 32953 without a more definitive demonstration of standing.

³ *Declaratory Proceeding to Consider the Administrative Interpretation of Alabama Code §37-1-87 (1975), as Amended, Governing Intervention in Proceedings Before the Alabama Public Service Commission.* APSC Docket No. 28941 (January 9, 2004).

intervention in proceedings before the Commission. More particularly, we cannot conclude that SREA has a member or members with direct personal interests in the proceedings under consideration in this cause. SREA's Petition for Reconsideration is accordingly denied.

IT IS SO RULED.

Done at Montgomery, Alabama this 3rd day of February, 2020



John A. Garner
Chief Administrative Law Judge

c: All parties of record