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City of Wetumpka v. Alabama Power Company

Supreme Court of Alabama - November 27, 2019 - So.3d - 2019 WL 6337290

City brought action against power company for a judgment declaring that power company was responsible for the costs of relocating electric facilities in accordance with a new city ordinance.

The Circuit Court dismissed action. City appealed.

The Supreme Court held that the Public Service Commission (PSC) had exclusive jurisdiction over the dispute.

The Public Service Commission (PSC) had exclusive jurisdiction over dispute in which city sought to have power company bear the costs of relocating overhead electrical facilities in accordance with a new city ordinance, and thus the circuit court lacked subject-matter jurisdiction over city's action for a declaratory judgment that power company had to bear such costs; city's claim was in effect a challenge to a service regulation.

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