

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM JANUARY 18, 2017
OPEN SESSION

MINUTES OF JANUARY 18, 2017 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE COMMISSIONER FOSTER CAMPBELL, COMMISSIONER LAMBERT BOISSIERE, COMMISSIONER ERIC SKRMETTA, CHAIRMAN SCOTT ANGELLE, COMMISSIONER MIKE FRANCIS AND EXECUTIVE SECRETARY EVE KAHAO GONZALEZ.

Open Session of January 18, 2017, convening at 9:45A.M., and adjourning at 11:40A.M., Natchez Room, 602 N. 5th Street, 1st Floor, Baton Rouge, Louisiana, with the above-named members of the Commission and Executive Secretary Eve Kahao Gonzalez.

<p>Ex. 1</p>	<p>The Commissioners recognized and thanked District IV Executive Assistant Karen Haymon for her service to Commissioner Holloway and the Commission.</p> <p>Commissioner Skrmetta introduced his new Technical Assistant Cherie Thibodeaux.</p> <p>Commissioner Francis introduced his new Executive Assistant Joan Finley.</p> <p>Commissioner Campbell introduced his new staff member Hunter Coleman.</p> <p>Commissioner Francis announced that the March B&E would be held in District IV.</p>
<p>Ex. 2</p>	<p>Election of 2017-2018 Chair and Vice Chair.</p> <p>Commissioner Francis moved to nominate Chairman Angelle as the Chairman. The motion was seconded by Commissioner Skrmetta. Commissioner Skrmetta moved to close the nominations for Chairman. The motion was seconded by Commissioner Francis. The Commission unanimously elected Chairman Angelle as the 2017-2018 Chairman.</p> <p>Commissioner Campbell moved to nominate Commissioner Boissiere as the Vice Chairman. The motion was seconded by Commissioner Boissiere.</p> <p>Chairman Angelle then made a substitute motion to nominate Commissioner Skrmetta as the Vice Chairman. The motion was seconded by Commissioner Francis. Commissioners Campbell and Boissiere opposed and Commissioner Skrmetta concurred. The Commission elected Commissioner Skrmetta as the 2017-2018 Vice Chairman by a 3:2 vote.</p>
<p>Ex. 3</p>	<p>Election of OMS/ERSC Representative for 2017-2018.</p> <p>Vice Chairman Skrmetta asked to separate the roles of representative for each organization.</p> <p>Vice Chairman Skrmetta moved to nominate Commissioner Boissiere as the representative for the OMS Board of Directors. The motion was seconded by Chairman Angelle. The Commission unanimously elected Commissioner Boissiere as the 2017-2018 OMS Representative.</p> <p>Commissioner Boissiere moved to nominate Vice Chairman Skrmetta as the representative for ERSC. The motion was seconded by Chairman Angelle. The Commission unanimously elected Vice Chairman Skrmetta as the 2017-2018 ERSC Representative.</p>
<p>Ex. 4</p>	<p>T-34201 - Louisiana Public Service Commission vs. Thomas Oilfield Services, LLC (Longview, Texas). In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority on twenty-two (22) counts; allegedly occurring on or about June 02, 2016 through June 16, 2016.</p> <p>In re: Discussion and possible vote to accept Affidavit and Stipulation signed by carrier pursuant to Rule 57.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Angelle, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take this matter up pursuant to Rule 57.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Angelle, with Commissioner Campbell and Commissioner Boissiere concurring, and Commissioner Francis abstaining, the Commission voted to approve the Affidavit and Stipulation executed January 5, 2017.</p>

<p>Ex. 5</p>	<p>U-33633 - Entergy Louisiana, LLC, ex parte. In re: Application for Review of the Management of the Construction of Ninemile 6, Pursuant to Order No. U-31971.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to approve the proposed Uncontested Stipulated Settlement.</p>
<p>Ex. 6</p>	<p>U-33740 - Saunders, Ltd. vs The Baton Rouge Water Works Company. In re: Formal complaint alleging overcharges for water service.</p> <p>In re: Rehearing, Oral Arguments and possible vote.</p> <p>(Ex. 6 on the December 21, 2016 B&E Agenda)</p> <p>After hearing oral arguments from the parties, Chairman Angelle made a motion which was seconded by Commissioner Boissiere, and unanimously adopted, to accept the ALJ recommendation with the provision that Baton Rouge Water be allowed to recover attorney's fees.</p>
<p>Ex. 7</p>	<p>U-33925 - Atmos Energy Corporation, ex parte. In re: 2015 Rate Stabilization Clause filing for Trans Louisiana Gas Rate Division.</p> <p>In re: Discussion and possible vote on Unopposed Joint Report of Proceedings and Proposed Order Accepting Report.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Campbell, with Commissioner Boissiere and Commissioner Francis concurring, and Chairman Angelle temporarily absent, the Commission voted to accept the Joint Report and Proposed Order filed into the record on January 5, 2017.</p>
<p>Ex. 8</p>	<p>U-34028 - Atmos Energy Corporation, ex parte. In re: 2015 Rate Stabilization Clause filing for Louisiana Gas Service (LGS) rate division.</p> <p>In re: Discussion and possible vote on Unopposed Joint Report of Proceedings and Proposed Order Accepting Report.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Campbell, with Commissioner Boissiere and Commissioner Francis concurring, and Chairman Angelle temporarily absent, the Commission voted to accept the Joint Report and Proposed Order filed into the record on January 5, 2017.</p>
<p>Ex. 9</p>	<p>U-34032 - S.D.U., LLC, ex parte. In re: Request for an increase in rates for wastewater utility service and fees for the Iberville Trace residents in Iberville Parish.</p> <p>In re: Discussion and possible vote of Stipulated Settlement.</p> <p>(Ex. 8 on the December 21, 2016 B&E Agenda)</p> <p>On motion of Chairman Angelle, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to adopt the Proposed Uncontested Stipulated Settlement filed June 20, 2016 with the amendment that an increase of \$4.08 to the flat rate occur immediately with a suggested schedule of phased-in increases thereafter to reach a total flat rate of \$42.00 as follows:</p> <ol style="list-style-type: none"> 1. Second year increase of \$4.93 2. Years three and four increase will be \$5.94 each year <p>With the requirement that the Company submit revenues received and expenses incurred and other information Staff may need for each year of the phase-in, all subject to approval of the Commission prior to any further rate action.</p>

<p>Ex. 10</p>	<p>FA-34099 - Henderson Ridge Consulting, Inc., ex parte. In re: Request for an increase in the authorized contract amount for services to be rendered and expenses to be incurred on behalf of the Commission in Docket No. X-33753. (Entergy Louisiana, LLC’s 2015 RFP).</p> <p>In re: Discussion and possible vote on Henderson Ridge's Motion for Rehearing.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Boissiere, with Commissioner Campbell and Commissioner Francis concurring, and Chairman Angelle temporarily absent, the Commission voted to reconsider Order No. FA-34099.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Boissiere, with Commissioner Campbell and Commissioner Francis concurring, and Chairman Angelle temporarily absent, the Commission voted to accept the ALJ recommendation and authorize a budget increase in the amount of \$255,355 for Henderson Ridge.</p>
<p>Ex. 11</p>	<p>Louisiana Public Service Commission, ex parte.</p> <p>In re: Discussion and possible vote to open a docket to consider amendment to the Commission's 2007 Avoided Cost Order.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Campbell, with Commissioner Boissiere and Commissioner Francis concurring, and Chairman Angelle temporarily absent, the Commission voted to accept Staff’s recommendation to establish a docket and publish Staff’s Report and Recommendation for intervention and comment.</p>
<p>Ex. 12</p>	<p>R-31106 - LPSC, ex parte. In re: Rulemaking to study the possible development of financial incentives for the promotion of energy efficiency by jurisdictional electric and gas utilities.</p> <p>In re: Discussion and possible vote to maintain Phase 1 pending consideration of Phase 2 and for additional scope of work and budget for J. Kennedy and Associates for Phase 2.</p> <p>(Ex. 25 on the December 21, 2016 B&E Agenda)</p> <p>Commissioner Boissiere made the following motion:</p> <p style="padding-left: 40px;">I move that we adopt Staff’s recommendation that the Commission: 1) maintain the Phase I Quick Start process pending the finalization of long term rules in Phase II; 2) approve the additional scope of work and additional budget for J. Kennedy & Associates of \$170, 250 through the completion of both phases; and 3) modify the requirements of the Quick Start such that participating utilities shall allocate 50% of their annual program budgets to programs for which eligibility is limited to school districts, local governments, state agencies, higher education institutions, or any other public entity. Proposals from the above entities may be presented directly to the Commission for consideration, separate from the plans developed by the third party administrator.</p> <p>Commissioner Boissiere’s motion was seconded by Vice Chairman Skrmetta, with Commissioner Campbell and Commissioner Francis concurring and Chairman Angelle temporarily absent, the motion was adopted.</p>
<p>Ex. 13</p>	<p>R-32786 - Louisiana Public Service Commission, ex parte. In re: Rulemaking to establish “Best Practices” protocols for disaster planning and response by all LPSC-jurisdictional utilities.</p> <p>In re: Discussion and possible vote on proposed rule.</p> <p>(Ex. 26 on the December 21, 2016 B&E Agenda)</p> <p>PASSED</p>
<p>Ex. 14</p>	<p>Undocketed</p> <p>In re: Discussion and possible vote to approve site-specific contracts between Cleco Power, LLC and Associated Wholesale Grocers and Pine Prairie Energy Center.</p> <p>PASSED</p>

<p>Ex. 15</p>	<p>LPSC, ex parte</p> <p>In re: Discussion and possible vote to modify the Executive Orders dated August 17, 2016 and August 19, 2016.</p> <p>(Ex. 30 on the December 21, 2016 B&E Agenda)</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Angelle, and unanimously adopted, the Commission voted to terminate the Executive Orders dated August 17, 2016 and August 19, 2016 effective March 1, 2017 and adopt Staff's revised draft order which requires that utilities affected by the orders to notify their customers, in language provided by the Commission, of the termination, implement payment plans for affected customers with past due balances, provides the ability for affected utilities to recover lost revenues and to request a regulatory asset in connection with the 2016 flood event.</p>
<p>Ex. 16</p>	<p>1) Reports 2) Resolutions 3) Discussions 4) ERSC/OMS Business</p> <p>Discussion and possible vote to ratify the vote taken by Commissioner Skrmetta acting as the Commission's representative on the Board of Directors of the Organization of MISO States.</p> <p>On motion of Commissioner Boissiere, seconded by Commissioner Campbell, with Commissioner Francis concurring, Chairman Angelle temporarily absent and Vice Chairman Skrmetta abstaining, the Commission voted to ratify Commissioner Skrmetta's vote taken on January 6, 2017.</p> <p>5) Directives</p> <p><u>Directive from Chairman Angelle regarding rules related to combined heat and power ("CHP")</u></p> <p>(Ex. 31 on the December 21, 2016 B&E Agenda)</p> <p>PASSED</p> <p><u>Directive from Commissioner Francis to Staff regarding rules related to "Best Practices for Water and Waste Water Companies Regulated by LPSC".</u></p> <p>Commissioner Francis directs Staff to open a rule-making docket to consider adoption of best practices related to rate-making within the water and wastewater industry including but not limited to implementation of a consumer price indexing mechanism, future test year and collection and distribution system improvement charges.</p> <p>To the extent any of these issues are being addressed in ongoing dockets, Staff is directed to proceed in those dockets, allowing additional interventions if necessary.</p>
<p>Ex. 17</p>	<p>S-33828 - CenterPoint Energy Resources Corp., ex parte. In re: Request for a Letter of Non Opposition regarding an Amendment to Asset Management Agreement as previously approved by this Commission in Docket No. S-31146.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation On CenterPoint's Compliance Filing Pursuant to Order No. S-33828.</p> <p>At the Request of Commissioner Skrmetta.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, with Commissioner Campbell and Commissioner Boissiere concurring, and Chairman Angelle temporarily absent, the Commission voted to adopt Staff's Report and Recommendation filed into the record on November 30, 2016.</p>

<p>Ex. 18</p>	<p><u>Directive from Commissioner Skrmetta regarding Business and Executive Sessions in the month of August.</u></p> <p>At the request of Commissioner Skrmetta.</p> <p>Vice Chairman Skrmetta gave a directive to remove August B&Es from the Commission’s calendar. Chairman Angelle was temporarily absent. There was no opposition.</p>
<p>Ex. 19</p>	<p><u>Directive from Commissioner Skrmetta regarding Phase II of Rulemaking Docket R-33929.</u></p> <p>At the request of Commissioner Skrmetta.</p> <p>Vice Chairman Skrmetta directed that the Consultant’s Report in Phase II of Rulemaking Docket R-33929 be completed within 6 months. Commissioner Boissiere opposed the directive.</p> <p>Vice Chairman Skrmetta made a motion to require the Commission Staff to complete its Phase II report within 6 months. The motion was seconded by Commissioner Francis.</p> <p>Commissioner Campbell made a substitute motion to allow the Staff 12 months rather than 6 months. The substitute motion was seconded by Commissioner Boissiere.</p> <p>Vice Chairman Skrmetta amended his original motion to require Acadian Consulting to complete the report within 6 months or notify the Commission that more time is necessary.</p> <p>The previous motions were withdrawn.</p> <p>Vice Chairman Skrmetta made a directive that the Consultant’s Report in Phase II of Rulemaking Docket R-33292 be completed within 9 months of the Jan B&E. There was no opposition to the directive.</p>
<p>Ex. 20</p>	<p><u>Directive from Commissioner Skrmetta regarding a rulemaking to initiate an investigation into the Commission’s regulation and jurisdiction as it applies to the household goods industry.</u></p> <p>At the request of Commissioner Skrmetta.</p> <p>Vice Chairman Skrmetta directs Staff to open a rulemaking to initiate an investigation into the Commission’s regulation and jurisdiction as it applies to the household goods industry. I further direct Transportation Staff to review Section (2)(E) of the Commission’s General Order dated 5-17-04, as well as statutory and constitutional authority in this area. I further direct the Transportation Staff to open a Rulemaking docket for this matter. The Transportation Staff should conduct this investigation within a reasonable timeframe and report back to the Commission with their conclusions.</p>

On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Friday, February 17, 2017 at 9:00am in Baton Rouge, Louisiana.