

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM FEBRUARY 21, 2019
OPEN SESSION

MINUTES OF FEBRUARY 21, 2019 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN MIKE FRANCIS, VICE CHAIRMAN FOSTER CAMPBELL, COMMISSIONER LAMBERT BOISSIERE, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG GREENE AND EXECUTIVE SECRETARY BRANDON FREY.

Open Session of February 21, 2019 convening at 9:25A.M., and adjourning at 11:09A.M., the Galvez Building, 602 North 5th Street, Baton Rouge, Louisiana, with the above-named members of the Commission and Executive Secretary Brandon Frey.

<p>Ex. 1</p>	<p>Commissioner Skrmetta announced the retirement of Tom Hawkins as the President of Atmos, and that Jennifer Reese will be his successor.</p> <p>Commissioner Greene introduced his new Executive Assistant, David Zito.</p> <p>Vice Chairman Campbell introduced a new staff member in his district office, Megan Davenport.</p> <p>Chairman Francis announced that he has been working with Staff on the Energy Efficiency rules and based on these discussions there are some areas that need further clarification. Chairman Francis indicated that Staff is currently working on Phase II Rules, and welcomed any input to improve the Rules.</p>
<p>Ex. 2</p>	<p>T-35057 - Louisiana Public Service Commission vs. Charles Jacob dba Jake's (Boutte, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:1177 and General Order dated November 22, 2011 for failure to pay to the state a fee for the years 2013, 2014, 2015,2016 and 2017 for the inspection, control, and supervision of its business service and rates authorized in Common Carrier Certificate Number 7386.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 to accept Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Vice Chairman Campbell, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>On motion of Chairman Francis, seconded by Vice Chairman Campbell, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed by the Carrier.</p>
<p>Ex. 3</p>	<p>T-35061 - Louisiana Public Service Commission vs. Minuteman Moving Services LLC (New Iberia, Louisiana). In re: Alleged violation of La. R.S. 45:161 through 180.1, by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated May 04, 2017 and for failure to comply with the requirements of General Order dated April 3, 2008 as amended.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 to accept Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Campbell, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed by the Carrier.</p>

<p>Ex. 4</p>	<p>T-35088 - Louisiana Public Service Commission vs. United States Environmental Services, LLC (Houston, Texas). In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating beyond the scope of authority in Common Carrier Certificate Number 5927-R on two (2) counts occurring on or about June 02, 2017.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 to accept Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Campbell, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed by the Carrier.</p>
<p>Ex. 5</p>	<p>U-33011 - Mo-Dad Utilities, LLC ("Mo-Dad"), ex parte. In re: Application for Rate Increase and Request for Letter of Non-Opposition to Borrowing Funds.</p> <p>In re: Discussion and possible vote on request for reconsideration.</p> <p>(Ex. 8 on the January 16, 2019 B&E Agenda)</p> <p>PULLED</p>
<p>Ex. 6</p>	<p>U-34728 - Louisiana Public Service Commission, ex parte. In re: Audit of the Energy Efficiency Rate Rider of Southwestern Electric Power Company for the Energy Efficiency Quick Start Program Years ending October 31, 2015 and October 31, 2016.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to issue the Draft Order accepting the Joint Report filed into the record January 30, 2019.</p>
<p>Ex. 7</p>	<p>U-34761 - Abby Plantation Estates Sanitary Sewer Corporation, D/B/A Louisiana Sewer Utilities (LSU), ex parte. In re: Request for an Increase in Sewer Rates.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Campbell, and unanimously adopted, the Commission voted to adopt the Uncontested Stipulated Settlement filed into the record on December 28, 2018.</p>
<p>Ex. 8</p>	<p>U-34821 - Acadiana Water & Sewer Inc., ex parte. In re: Application for an increase in water and sewer rates for Markridge, Village Quest and Belleville subdivisions.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>(Ex. 10 on the January 16, 2019 B&E Agenda)</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Campbell, and unanimously adopted, the Commission voted to adopt the Uncontested Stipulated Settlement filed into the record on November 26, 2018.</p>
<p>Ex. 9</p>	<p>U-34836 - Entergy Louisiana, LLC, ex parte. In re: Application for Authorization to Participate in a Contract for the Purchase of Energy and Related Benefits from the LA3 West Baton Rouge LLC Solar Facility.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Campbell, and unanimously adopted, the Commission voted to adopt the Uncontested Stipulated Settlement filed into the record on January 14, 2019.</p>

<p>Ex. 10</p>	<p>U-35106 - Atmos Energy Corporation, ex parte. In re: 2018 Rate Stabilization Clause filing for Trans Louisiana Gas rate division.</p> <p>Docket No. TBD - Atmos, Energy Corporation, ex parte. In re: 2018 Rate Stabilization Clause filing for LGS Gas rate division.</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to retain United Professionals Company to assist Staff for a budget of \$27,000 in fees and \$2,000 in expenses for a total not to exceed budget of \$29,000.</p>
<p>Ex. 11</p>	<p>S-35102 - Mo-Dad Utilities, LLC. In re: Request for a Letter of Non-Opposition to enter into a Master Utility Service Agreement.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene and unanimously adopted, the Commission voted to accept Staff’s recommendation, expressing non-opposition to Mo-Dad’s request, granting Mo-Dad the authority to enter into a Master Utility Service Agreement with Sustainability Partners, subject to the conditions filed in Staff’s Report and Recommendation on February 7, 2019, with one additional condition: If the Company fails to enter into the Master Utility Service Agreement with Sustainability Partners within 30 days of this Order, Mo-Dad will be required to refund to customers, on the next bill, the money previously collected for a reserve fund and currently being held in an escrow account pursuant to Order No. U-33011-C. Such refund shall be marked as “LPSC Credit and Refund.”</p>
<p>Ex. 12</p>	<p>R-34948 - Louisiana Public Service Commission, ex parte. In re: Rulemaking to study the implications of participation of Aggregators of Retail Customers to determine whether, and under what conditions, such activity should be allowed in the Louisiana Public Service Commission's jurisdiction.</p> <p>In re: Discussion and possible vote on Staff Recommendation on Proposed Rule.</p> <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to approve the Final Staff Report and Recommendation filed into the record on February 6, 2019 with the following changes: 1) Regarding the timeline estimate to complete the new rulemaking on demand response rate schedules and products, the timeline will be changed to reasonable best efforts to complete the rulemaking by September 2019, with a progress report at the Commission meeting in May; 2) Regarding the Commission consultants in this matter, Commission consultants and counsel from the current docket shall carry over to the new rulemakings, with each submitting revised budgets for the additional work. The new rulemakings arise out of and are interrelated with the existing docket, and continuation of the consultants and counsel is in the public interest to avoid duplication and delay.</p>
<p>Ex. 13</p>	<p>Undocketed.</p> <p>In re: Discussion and possible vote regarding disconnection of federal employees by utilities during government shutdowns.</p> <p>At the request of Vice Chairman Campbell.</p> <p>Vice Chairman Campbell directed Executive Secretary Frey to draft a rule for the March B&E meeting to address federal employees affected by government shutdowns being disconnected by utilities for non-payment.</p> <p>There was no opposition.</p>

<p>Ex. 14</p>	<p>Undocketed.</p> <p>In re: Discussion and possible vote to amend Commission Special Order No. 06-2018, In re: Adoption and/or update to voting protocols for the Commission’s Entergy Regional State Committee, Organization of MISO States Board of Directors, and Southwest Power Pool Regional State Committee representatives, to address designation of proxies.</p> <p>At the request of Commissioner Skrmetta.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, with Chairman Francis concurring and Vice Chairman Campbell and Commissioner Boissiere opposing, the Commission voted to amend Special Order No. 06-2018 regarding voting protocols for the Commission’s Entergy Regional State Committee, Organization of MISO States Board of Directors, and Southwest Power Pool Regional State Committee representatives to authorize the designation of proxies by including the following language: The LPSC representative to the ERSC, OMS Board and SPP RSC may designate only the following persons as proxies for voting items: a LPSC Commissioner, LPSC Staff Counsel assigned to the matter, outside counsel retained by the Commission for the matter, or outside consultant retained by the Commission for the matter.</p>
<p>Ex. 15</p>	<p>1) Reports</p> <p>Follow-up Report from Staff regarding DEMCO Audit.</p> <p>(Ex. 16 on the January 16, 2019 B&E Agenda)</p> <p>Executive Secretary Frey provided a timeline of the DEMCO Audit conducted by Postlethwaite & Netterville, and an update from Staff’s meeting with Postlethwaite & Netterville. Based on that meeting, it was Staff’s recommendation that the Commission move forward with its own audit.</p> <p>2) Resolutions 3) Discussions 4) ERSC/OMS/SPP</p> <p>Discussion and possible vote to ratify the votes 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 Chairman Francis, seconded by Commissioner Greene, with Vice Chairman Campbell and Commissioner Boissiere concurring and Commissioner Skrmetta abstaining, the Commission voted to ratify the vote of Commissioner Skrmetta taken on January 17, 2019 and February 11, 2019 as the LPSC representative to the OMS Board of Directors.</p> <p>5) Directives</p> <p><u>Directive for Staff to open an audit of DEMCO and issue an RFP for outside consultant to assist with Staff.</u></p> <p>At the request of Commissioner Greene.</p> <p>(Ex. 16 on the January 16, 2019 B&E Agenda)</p> <p>There was no opposition.</p>
<p>Ex. 16</p>	<p>R-35066 - Louisiana Public Service Commission, ex parte. In re: Rules and Regulations Governing Electric Cooperatives subject to the Jurisdiction of the Louisiana Public Service Commission.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>At the request of Vice Chairman Campbell.</p> <p>DEFERRED</p>

<p>Ex. 17</p>	<p>R-33967 - Louisiana Public Service Commission, ex parte. In re: Amendments to the General Order dated February 5, 2013 regarding Commission approval required for sales, mergers, stock or asset transfers, and other changes of ownership or control of motor carriers.</p> <p>In re: Discussion and possible vote on Staff's Final Recommendation and Draft Rules and Regulations.</p> <p>At the request of Chairman Francis.</p> <p>On motion of Chairman Francis, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept Staff's Final Recommendation and Draft Rules and Regulations.</p>
<p>Ex. 18</p>	<p>LPSC, ex parte.</p> <p>In re: Directive to open a rulemaking regarding alternative methods of financing, and the approvals necessary under the Commission's March 18, 1994 General Order and November 13, 1996 General Orders.</p> <p>At the request of Commissioner Skrmetta.</p> <p>There was no opposition.</p>

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

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, March 20, 2019 at 9:00am at the Galvez Building in Baton Rouge, Louisiana.