

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM APRIL 14, 2021
OPEN SESSION

MINUTES OF APRIL 14, 2021 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN CRAIG GREENE, VICE CHAIRMAN ERIC SKRMETTA, COMMISSIONER FOSTER CAMPBELL, COMMISSIONER LAMBERT BOISSIERE, COMMISSIONER MIKE FRANCIS, AND EXECUTIVE SECRETARY BRANDON FREY.

Open Session of April 14, 2021, convening at 9:12 a.m., and adjourning at 12:32 p.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>Chairman Greene welcomed Johnny Green, Assistant Pastor at Healing Place Church, to lead us in prayer, and Commander Tonya Peyton of the United States Navy to lead us in the pledge.</p> <p>Chairman Greene also welcomed Veneeth Iyengar, Executive Director of Broadband Development and Connectivity for the State of Louisiana and Gary Hobbs, Executive Assistant to Commissioner Campbell.</p> <p>Chairman Greene announced that the July 21, 2021 B&E has been rescheduled to July 14, 2021.</p> <p>Vice Chairman Skrmetta asked for thoughts and prayers for the men and women of the Seacor Power Vessel, and their families, after the lift boat capsized in the Gulf of Mexico on April 13, 2021.</p> <p>Executive Secretary Brandon Frey asked for thoughts and prayers for Commission Staffer Pat Lombard and her family after the passing of her brother.</p> <p>Executive Secretary Brandon Frey also wished his daughter, Theresa, and Staffer Colby Cook’s son, J.D., a Happy Birthday.</p>
<p>Ex. 2</p>	<p>T-35854 – Louisiana Public Service Commission vs. Bennett Motor Express, L.L.C. In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating under a company name different than that granted in Common Carrier number 8327 on file with the Commission; allegedly occurring on or about January 12, 2021 through January 14, 2021.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed on March 29, 2021.</p>

<p>Ex. 3</p>	<p>R-31106 – Louisiana Public Service Commission, 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 retain an engineer for District II.</p> <p>On motion of Chairman Greene, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to retain D. Hicks Consulting for a total budget not to exceed of \$15,453.95.</p>
<p>Ex. 4</p>	<p>S-35838 – Gonthier, Inc. d/b/a REACH4 Communications, ex parte. In re: Application for Designation as an Eligible Telecommunications Carrier.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Commissioner Francis, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on April 1, 2021.</p>
<p>Ex. 5</p>	<p>S-35839 – Cebridge Telecom LA, LLC, ex parte. In re: Application for Designation as an Eligible Telecommunications Carrier.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>After discussion and public comments from Veneeth Iyengar, Executive Director of Broadband Development and Connectivity for the State of Louisiana, on motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on April 1, 2021.</p>
<p>Ex. 6</p>	<p>S-35842 – Southwest Arkansas Telecommunications and Technology, Inc., ex parte. In re: Application for Designation as an Eligible Telecommunications Carrier.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on April 1, 2021.</p>
<p>Ex. 7</p>	<p>S-35843 – Conexon Connect, LLC, ex parte. In re: Application for Designation as an Eligible Telecommunications Carrier.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Campbell, with Commissioner Francis temporarily absent, the Commission voted to accept Staff’s Report and Recommendation filed into the record on March 30, 2021.</p>

<p>Ex. 8</p>	<p>S-35845 – Allen’s T.V. Cable Service, Inc., ex parte. In re: Application for Designation as an Eligible Telecommunications Carrier.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Campbell, with Commissioner Francis temporarily absent, the Commission voted to accept Staff’s Report and Recommendation filed into the record on March 30, 2021.</p>
<p>Ex. 9</p>	<p>S-35847 – Volt Broadband, LLC, ex parte. In re: Application for Designation as an Eligible Telecommunication Carrier.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Commissioner Campbell, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on April 1, 2021.</p>
<p>Ex. 10</p>	<p>S-35851 – Charter Fiberlink LA-CCO, LLC, ex parte. In re: Application for Designation as an Eligible Telecommunications Carrier.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>DEFERRED</p>
<p>Ex. 11</p>	<p>S-35861 – Cleco Power, LLC, ex parte. In re: Application of Cleco Power LLC for Authorization of a Non-Material Upstream Restructuring of MIP Cleco Partners LP’s Indirect Interest in Cleco Power LLC.</p> <p>In re: Discussion and possible vote on Staff’s Report and Recommendation.</p> <p>On motion of Commissioner Francis, seconded by Vice Chairman Skrmetta, with Commissioner Boissiere temporarily absent, the Commission voted to accept Staff’s Report and Recommendation filed into the record on April 1, 2021.</p>
<p>Ex. 12</p>	<p>S-35875 – Greater Ouachita Water Company, ex parte. In re: Request for a Letter of Non-Opposition to the Issuance of Secured Line of Credit.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Commissioner Campbell, seconded by Chairman Greene, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on March 30, 2021.</p>
<p>Ex. 13</p>	<p>S-35876 – CenterPoint Energy Resources Corp., ex parte. In re: Application for Approval of Proposed Abandonment of a Portion of its Natural Gas Facilities in Acadia Parish Pursuant to LPSC General Order R-30301.</p> <p>In re: Discussion and possible vote on Proposed Order.</p> <p>On motion of Commissioner Francis, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to accept the Proposed Order filed into the record on March 24, 2021.</p>

<p>Ex. 14</p>	<p>U-35916 – Entergy Louisiana, LLC, ex parte. In re: Application for Authorization to Implement a Green Pricing Option, Rider GPO and Rider LVGPO, and Related Relief.</p> <p>In re: Discussion and possible vote to hire an Outside Consultant.</p> <p>On motion of Chairman Greene, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to retain London Economics International LLC for a budget of \$42,915 in fees and \$3,882 in expenses for a total budget not to exceed \$46,797.</p>
<p>Ex. 15</p>	<p>U-35708 – Louisiana Public Service Commission, ex parte. In re: Audit of Purchased Gas Adjustment Filings for Atmos Energy-Louisiana Division (a Regulatory Division of Atmos Energy Corporation) for the Period of April 2018 Through March 2020.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to accept the Joint Report and Draft Order filed into the record on April 6, 2021.</p>
<p>Ex. 16</p>	<p>X-35908 – Louisiana Public Service Commission, ex parte. In re: Audit of Purchased Gas Adjustment filings for the gas distribution division of Entergy Louisiana, LLC for the period January 2018 through December 2020.</p> <p>In re: Discussion and possible vote to hire an Outside Consultant.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to retain Exeter and Associates, Inc. for a budget of \$21,300 in fees and \$1,200 in expenses for a total budget not to exceed \$22,500.</p>
<p>Ex. 17</p>	<p>X-35909 – Louisiana Public Service Commission, ex parte. In re: Audit of Purchased Gas Adjustment filings for CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Entex for the period January 2018 through December 2020.</p> <p>X-35911 – Louisiana Public Service Commission, ex parte. In re: Audit of Purchased Gas Adjustment filings for CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Arkla for the period January 2018 through December 2020.</p> <p>In re: Discussion and possible vote to hire an Outside Consultant.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to retain Exeter and Associates, Inc. for a budget of \$30,800 in fees and \$1,200 in expenses for a total budget not to exceed \$32,000.</p>
<p>Ex. 18</p>	<p>X-35937 – Louisiana Public Service Commission, ex parte. In re: Prudence Investigation of Atmos Energy Corporation’s System Integrity Improvement Program, including an analysis of Reasonable Cost Recovery Mechanisms.</p> <p>In re: Discussion and possible vote to retain Henderson Ridge Consulting.</p> <p>On motion of Commissioner Boissiere, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to retain Henderson Ridge Consulting for a budget of \$232,700 in fees and \$3,600 in expenses for a total budget not to exceed \$236,300.</p>

<p>Ex. 19</p>	<p>TBD – Atmos Energy Corporation, ex parte. In re: Rate Stabilization Clause filings for its Louisiana regulatory divisions for Test Years 2020, 2021, and 2022.</p> <p>In re: Discussion and possible vote to hire an Outside Consultant.</p> <p>On motion of Chairman Greene, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to retain Henderson Ridge Consulting, Inc. for a budget of \$139,500 in fees and \$3,600 in expenses for a total budget not to exceed \$143,100.</p>
<p>Ex. 20</p>	<p>1) Reports</p> <p>- Report from SWEPCO and Staff regarding status of SWEPCO’s pending rate proceeding (Docket No. U-35441).</p> <p>Bobby Gilliam, counsel for SWEPCO, presented the Commission with a report regarding SWEPCO’s rate case.</p> <p>- Report from Staff regarding status of pole viability investigation, specifically with respect to information gathered regarding removing attachments from abandoned poles.</p> <p>Staff Attorney Justin Bello stated that Docket X-35394 was opened on October 18, 2019. The focus of Staff’s investigation in this docket has been on the various utilities’ pole inspection and identification practices, the possibility of using alternate pole materials and undergrounding, vegetation management policies and expenses, as well as ways in which utilities and attachers can better address issues around abandoned poles and lines.</p> <p>As part of its investigation in this docket, Staff has issued data requests to regulated utilities, both investor owned and Coops, as well as several pole attachers, which include telecoms and cable telecom companies. In addition, Staff has conducted informal meetings with various stakeholders, which includes utilities, attachers, and local elected officials. Both utilities and attachers have identified more efficient communication as a way in which the transfer of assets from abandoned poles and lines may be improved. They have also addressed ways in which this communication may be improved, and have also provided their opinions on the effectiveness of the National Joint Utilities Notification System.</p> <p>As is expected, the issues and possible resolutions identified by the companies have been varied. It is Staff’s position that sufficient information has been gathered to merit converting the matter to a rulemaking docket. This would provide the best path forward in seeking solutions to the issues that have been identified, and would provide both the Staff and the companies the opportunity to work collaboratively on finding and implementing solutions. Staff anticipates filing a report to this effect within a week.</p> <p>Vice Chairman Skrmetta thanked Staff for the report and asked that in the upcoming rulemaking docket, Staff think about a reasonable timeframe to remove attachments from poles when the pole is/has been replaced and look to the timeframe it takes the electric utility to move the power as a key indicator.</p> <p>2) Resolutions</p> <p>3) Discussions</p>

4) ERSC/OMS/SPP

- Discussion and possible vote to ratify the votes taken by Vice Chairman Skrmetta acting as the Commission's representative on the Board of Directors of the Organization of MISO States.

On motion of Commissioner Francis, seconded by Chairman Greene, with Commissioner Boissiere temporarily absent, and Vice Chairman Skrmetta abstaining, the Commission voted to ratify Vice Chairman Skrmetta's votes taken on March 18, 2021 as the Louisiana Public Service Commission's representative to the OMS Board of Directors.

5) Directives

- Directive to Staff to open an audit to investigate TESI's compliance and management of all drinking water systems and wastewater systems, including compliance and clearance from the federal Modified Consent Decree, and further shall include in this investigation full compliance with all past and current regulatory issues with all relevant regulatory agencies, as well as TESI's relationship with SLECA and other related parties; for Staff to take whatever action necessary, including the contracting of outside legal or technical assistance to accomplish this task; and for Staff to interact with all appropriate federal and state agencies, as necessary.

At the request of Vice Chairman Skrmetta.

It has recently come to my attention that TESI has not met, or may not be able to meet the compliance deadlines as set forth in the Modified Consent Decree. That, coupled with recent notifications from LDH and LDEQ regarding water quality and wastewater complaints, has caused serious concern as to whether TESI's ratepayers are receiving reliable and safe service.

With the main goal being to get the system fixed and to get TESI out of the Modified Consent Decree, I direct Staff:

1. To open an audit to investigate TESI's compliance with all relevant drinking water and wastewater regulatory compliance matters, as well as compliance with a goal to release from management of the federal Modified Consent Decree. This inquiry should address, but not be limited to, the following:
 - That TESI is in full compliance with all drinking water and wastewater regulatory requirements.
 - The likelihood that TESI will be able to comply with the MCD within its anticipated 2-year time frame.
 - Whether TESI has adequately anticipated how much it will cost to comply with the MCD.
 - Whether TESI and/or SLECA's board of directors have been involved with the decision making regarding compliance with the MCD.
 - Whether TESI should consider selling the system and/or whether TESI should be placed in a joint receivership with LDH and LDEQ.
2. To investigate TESI's related party transactions with SLECA, and other related parties, including examination of all information regarding a loan between SLECA and TESI to see when the loan was approved by the Commission, as well as what impacts the loan had on SLECA's ratepayers. Further, include examination of other related party transactions that may impact TESI or SLECA ratepayers.
3. To issue RFPs to hire outside counsel and outside consultants or engineers, to the extent necessary, to assist Staff with this docket.
4. And to interact with all appropriate state and federal agencies, as necessary.

	<p>Kara Kantrow and Tim Poche, counsel for TESI, and Wayne Owens, President of TESI, answered questions from the Commission regarding pending compliance issues. Joe Ticheli, General Manager of SLECA, also answered questions from the Commission.</p> <p>Amber Litchfield and Scott Pierce, from the Louisiana Department of Environmental Quality, also presented the Commission with comments regarding TESI's system improvements.</p> <p>With Chairman Greene and Commissioner Boissiere temporarily absent, there was no opposition.</p>
Ex. 21	<p>S-35765 – SkyRider Communications, LLC, ex parte. In re: Revised Petition for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e) of the Communications act of 1934.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>At the request of Commissioner Campbell.</p> <p>On motion of Commissioner Campbell, seconded by Commissioner Boissiere, with Vice Chairman Skrmetta temporarily absent, the Commission voted to accept Corrected Staff's Report and Recommendation filed into the record on April 8, 2021.</p>
Ex. 22	<p>Undocketed – Directive to Staff to initiate dockets regarding the fuel costs associated with the February 2021 Winter Storm.</p> <p>At the request of Chairman Greene.</p> <p>Pursuant to Special Order No. 19-2021, Chairman Greene directed Staff to take whatever action necessary, including the hiring of outside consultants and/or outside counsel, to initiate dockets, to audit and review the actions taken and decisions made that impacted the fuel costs incurred during the February 2021 Winter Storm by the Investor-Owned Utilities (IOUs) and Gas Local Distribution Companies (LDCs). These dockets should include an evaluation of lessons learned and best practices in order to mitigate similar problems into the future.</p> <p>With Vice Chairman Skrmetta temporarily absent, there was no opposition.</p>
Ex. 23	<p>Undocketed – Directive to Charter Spectrum to provide update at May B&E regarding efforts to provide service to the Talisheek community.</p> <p>At the request of Vice Chairman Skrmetta.</p> <p>Vice Chairman Skrmetta directed Charter Spectrum to provide an update at the May B&E regarding efforts to provide service to the Talisheek community.</p> <p>There was no opposition.</p>
Ex. 24	<p>Undocketed – Directive to Staff regarding Docket No. U-35927.</p> <p>At the request of Chairman Greene.</p> <p>At the November 13, 2019 B&E Session, I made a directive that all LPSC-jurisdictional electric cooperatives, with power contracts expiring in the 2024-25 timeframe, begin their RFP processes under the MBM General Order in time to ensure that all potential power supply options are considered, including the construction of generation facilities. 1803 Electric Cooperative, the proposed power supply entity for 5 LPSC-jurisdictional electric cooperatives (Beauregard Electric, Claiborne Electric,</p>

	<p>Northeast Louisiana Power, SLECA, and WST), has completed its RFP process and filed for certification of 6 contracts for the purchase of power, including 4 contracts involving the construction of new generation facilities. According to 1803’s application, these contracts require regulatory approval by December 31, 2021, with the potential for cost increases and possible termination options if timely approval is not obtained.</p> <p>Considering this, and the acknowledgment by the Commission in its prior issuance of General Orders related to the certification of electric utility resources that a reasonable timeframe is needed to promote market participants to shop their products in Louisiana, I am directing LPSC Staff to exercise all reasonable and best efforts to bring this matter back to the Commission for consideration at its November 2021 B&E Session.</p> <p>This directive does not presuppose or indicate any preference for a favorable or unfavorable decision in any way with regard to all or part of the resources for which certification has been sought, but instead seeks to allow for either certification or rejection in a timely matter so that 1) the resources may be approved in the timeframe agreed upon, or 2) rejected in a manner that allows 1803 and the 1803 Cooperatives have time to pursue alternative options in advance of the expiration of current contracts. As I stated in my November 2019 directive, the Commission’s objective is to make sure that the selection or selections are prudent, represent the low cost resources, and will maintain reliable service in Louisiana.</p> <p>Commissioner Campbell moved to amend the directive to extend the deadline to bring the matter back before the Commission to the February 2022 B&E.</p> <p>After discussion and public comments from Janet Boles, on behalf of Magnolia Power LLC, Randy Young, on behalf of Cleco Cajun LLC, and Kyle Marionneaux, on behalf of 1803 Electric Cooperative, Chairman Greene amended his directive to Staff to exercise all reasonable and best efforts to bring this matter back to the Commission for consideration at its January 2022 B&E, which will be held on January 26, 2022. Commissioner Campbell withdrew his motion to amend.</p> <p>There was no opposition to Chairman Greene’s amended directive.</p>
<p>Ex. 25</p>	<p>Undocketed – FERC Docket Nos. ER21-748, EL21-46, ER21-117, ER21-129 and EL21-24, consolidated, EL17-41, cons. w/<i>Louisiana Public Service Commission v. System Energy Resources, Inc.</i>, Docket Nos. EL18-142 and EL18-204, EL21-56, ER21-915, and ER18-1247.</p> <p>In re: Possible executive session to discuss litigation strategy pursuant of La. R.S. 45:16, et seq.</p> <p>On motion of Chairman Greene, seconded by Commissioner Boissiere, the Commission voted to enter into Executive Session.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, with Commissioner Campbell temporarily absent, the Commission voted to come out of Executive Session.</p>

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

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, May 19, 2021, at 9:00 a.m. at the Galvez Building in Baton Rouge, Louisiana.