

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM APRIL 19, 2017
OPEN SESSION

MINUTES OF APRIL 19, 2017 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE COMMISSIONER FOSTER CAMPBELL, COMMISSIONER LAMBERT BOISSIERE, VICE CHAIRMAN ERIC SKRMETTA, CHAIRMAN SCOTT ANGELLE, COMMISSIONER MIKE FRANCIS AND EXECUTIVE SECRETARY EVE KAHAO GONZALEZ.

Open Session of April 19, 2017, convening at 9:20A.M., and adjourning at 12:47P.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>Executive Counsel Brandon Frey announced that the May B&E has been moved from Wednesday, May 17th to Friday, May 19th.</p> <p>Executive Counsel Brandon Frey introduced two new LPSC employees: Transportation Attorney, Justin Bello and OGC/Legal Administrative Assistant, Kim Trosclair.</p> <p>Executive Counsel Brandon Frey announced the 2017 Energy Bar Association New Orleans Chapter Annual Meeting to be held on May 10, 2017 at the Center for Energy Studies, Louisiana State University 1077 Energy, Coast & Environment Building Baton Rouge, LA.</p> <p>Executive Counsel Brandon Frey announced the birth of Colby Cook's son, James Daly Cook, born on April 14, 2017.</p>
<p>Ex. 2</p>	<p>T-34258 - Louisiana Public Service Commission vs. Supermovers, LLC (Monroe, 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. 45:164E(1) and General Order dated May 17, 2004; and for failure to comply with the requirements of General Order dated April 3, 2008.</p> <p>In re: Discussion and possible vote on ALJ recommendation.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, with Chairman Angelle and Commissioner Boissiere concurring and Commissioner Campbell temporarily absent the Commission voted to adopt the ALJ recommendation.</p>
<p>Ex. 3</p>	<p>T-34279 - Louisiana Public Service Commission vs. A Regal Limousine Service, Inc. (Kenner, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:1177 for failure to pay to the state a fee for the years 2013, 2014, and 2015 for the inspection, control, and supervision of its business service and rates authorized in Registration & Insurance Number 1498.</p> <p>In re: Discussion and possible vote on ALJ recommendation.</p> <p>On motion of Commissioner Francis, seconded by Vice Chairman Skrmetta, with Chairman Angelle and Commissioner Boissiere concurring and Commissioner Campbell temporarily absent, the Commission voted to adopt the ALJ recommendation.</p>
<p>Ex. 4</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 to hire consulting engineer.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Boissiere, with Chairman Angelle and Commissioner Francis concurring and Commissioner Campbell temporarily absent, the Commission voted to retain Robert J. Lambert, Jr. Professional Consortium, LLC to assist Staff in the inspection of capital improvements financed through the phased-in rate increase in the Uncontested Stipulated Settlement adopted by the Commission at the March 2017 B&E for \$38,750 in fees and \$1500 in expenses for a total not to exceed budget of \$40,250.</p>

<p>Ex. 5</p>	<p>U-33591 - Joy Maturin, et al. In re: Petition to be Released from Bayou Teche Water Works.</p> <p>In re: Discussion and possible vote on ALJ recommendation.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Angelle, and unanimously adopted, the Commission voted to adopt the Final Recommendation of the Administrative Law Judge and dismiss the proceeding without prejudice.</p>
<p>Ex. 6</p>	<p>U-33592 - Occidental Chemical Corporation versus Entergy Louisiana, LLC. In re: Entergy Louisiana, LLC's refusal to recognize Occidental Chemical Corporation's right, as a Qualified Facility under the Public Utility Regulatory Policies Act of 1978, to create a legally enforceable obligation.</p> <p>In re: Discussion and possible vote on ALJ recommendation.</p> <p>(Ex. 4 on the March 15, 2017 B&E Agenda.)</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 up consideration of Occidental Chemical Corporation's motion to dismiss the proceeding with prejudice pursuant to Rule 57.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, with Chairman Angelle and Commissioner Boissiere opposing and Commissioner Campbell concurring, the Commission voted to deny Occidental's motion to dismiss the proceeding with prejudice.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to adopt the ALJ Recommendation concluding that Occidental's September 19, 2014 Letter to ELL did not create a Legally Enforceable Obligation and dismissing Occidental's Petition.</p>
<p>Ex. 7</p>	<p>U-34424 - Louisiana Public Service Commission, ex parte. Solicitation for under \$50,000 to assist Staff in its review of Atmos Energy Corporation's 2016 Rate Stabilization Clause filing for its Louisiana Gas Service Rate Division.</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>On motion of Commissioner Boissiere, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to retain United Professionals Company to assist the Commission in conducting a review of the RSC filing and to work closely with in house Legal, Utilities, and Auditing Staff for \$35,000 in fees and \$250 in expenses for a total not to exceed budget of \$35,250</p>
<p>Ex. 8</p>	<p>Entergy Louisiana, LLC, ex parte In re: Test Year 2016 Formula Rate Plan filing.</p> <p>In re: Discussion and possible vote to expand scope of work of United Professionals and Stone Pigman to assist the Commission Staff in this proceeding.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to expand the scope of work of United Professionals and Stone Pigman utilizing their respective remaining budgets for the 2014 and 2015 ELL FRP test year annual reviews to assist the Commission in this proceeding.</p>
<p>Ex. 9</p>	<p>U-33972 - Louisiana Public Service Commission, ex. parte. In re: Audit of Fuel Adjustment Clause Filings for Cleco Power LLC for the period January 2014 through December 2015.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>On motion of Commissioner Boissiere, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to adopt the Joint Report and Draft Order filed March 31, 2017.</p>

<p>Ex. 10</p>	<p>X-34411 - Louisiana Public Service Commission, ex parte. In re: Audit of the billing, collection and customer-service practices of Country Place Utilities for its water services in Bossier Parish, Louisiana.</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>Staff's under \$50,000 solicitation request did not yield any bids.</p> <p>Staff was advised to re-issue as a request for proposals rather than an under \$50,000 solicitation request. Further, in-house Staff will initiate the investigation pending retention of an outside consultant.</p>
<p>Ex. 11</p>	<p>U-34098 - St. Amant Gas Company, ex parte. In re: Request for an increase in rates.</p> <p>In re: Discussion and possible vote on Stipulated Settlement.</p> <p>On motion of Commissioner Boissiere, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to adopt the Stipulated Settlement filed into the record on February 10, 2017 authorizing a rate increase subject to conditions.</p>
<p>Ex. 12</p>	<p>U-34200 - Southwestern Electric Power Company (SWEPCO), ex parte. In re: Review of Possible Modifications to SWEPCO's Formula Rate Plan as Extended in Docket No. U-32220.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Campbell, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to amend the date on which SWEPCO shall file a full base rate case from December 31, 2019 to December 31, 2018 and approve all other terms of the Uncontested Stipulated Settlement filed on April 7, 2017 (modifying the terms of SWEPCO's FRP for the test years 2015 and 2017). Counsel for SWEPCO represented that SWEPCO agreed to the new deadline for the full base rate case.</p>
<p>Ex. 13</p>	<p>U-34249 - CenterPoint Energy-Entex, ex parte. In re: Report of earnings and return on equity for the Louisiana Division for the twelve months ending June 30, 2016, as adjusted.</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 adopt the Joint Report and Draft Order filed April 6, 2017.</p>
<p>Ex. 14</p>	<p>U-34251 - CenterPoint Energy-Arkla, ex parte. In re: Report of earnings and return on equity for the Louisiana Division for the twelve months ending June 30, 2016, as adjusted.</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 Campbell, with Commissioner Boissiere and Chairman Angelle concurring and Commissioner Francis temporarily absent, the Commission voted to adopt the Joint Report and Draft Order filed April 6, 2017.</p>
<p>Ex. 15</p>	<p>U-34358 - St. Amant Gas Company, ex parte. In re: Application for Interim Emergency Storm Relief in Retail Rates and approval of a Storm Recovery Rider.</p> <p>In re: Discussion and possible vote on an Interim Rate Increase pursuant to Rule 57.</p> <p>(Ex. 6 on the March 15, 2017 B&E Agenda, at the request of Commissioner Skrmetta)</p> <p>PASSED</p>
<p>Ex. 16</p>	<p>U-34368 - Claiborne Electric Cooperative, Inc., ex parte. In re: 2016 Formula Rate Plan Annual Report filing.</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 Campbell, with Commissioner Boissiere and Chairman Angelle concurring and Commissioner Francis temporarily absent, the Commission voted to approve the Joint Report and Draft Order filed April 6, 2017.</p>

<p>Ex. 17</p>	<p>S-34425 - South Louisiana Electric Cooperative Association vs Allen's T.V. Cable Service, Inc. In re: Petition to Establish Pole Attachment Rental Rates in Accordance with Dispute Resolution Rules.</p> <p>In re: Discussion and possible vote to retain United Professionals to assist the Commission Staff with this proceeding.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Angelle, with Commissioner Boissiere and Commissioner Campbell concurring and Commissioner Francis temporarily absent, the Commission voted to retain UPC to assist Staff with this proceeding for \$49,000 with expenses not to exceed \$9,800 (20%), for a total not to exceed budget of \$58,800.</p>
<p>Ex. 18</p>	<p>R-34385 - Louisiana Public Service Commission, ex parte. In re: Amendment to General Order dated May 17, 2004 as it pertains to Household Goods Carrier's permanent establishment in Louisiana.</p> <p>In re: Discussion and possible vote on Staff Recommendation and Proposed General Order.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to adopt Staff's Recommendation and Draft General Order filed into the docket on April 6, 2017 to repeal and replace in its entirety the current General Order dated May 17, 2004.</p>
<p>Ex. 19</p>	<p>LPSC Special Order 6-2009</p> <p>PULLED</p> <p>In re: Discussion and possible vote to amend or repeal Special Order 6-2009 dated January 14, 2009.</p> <p>At the request of Commissioner Francis.</p>
<p>Ex. 20</p>	<p>1) Reports</p> <p>Presentation by DEQ Representative on water and wastewater regulations and current enforcement issues.</p> <p>DEQ representatives Celena Cage, Perry Theriot and Angela Marse gave a presentation and answered Commissioners' questions regarding water and wastewater regulations and enforcement issues.</p> <p><u>Directive from Chairman Angelle regarding MOU by and between LPSC, LDH and LDEQ.</u></p> <p>Chairman Angelle directs and authorize Staff to take the following actions:</p> <p>Engage, discuss and negotiate with Louisiana Department of Environmental Quality (LDEQ), Louisiana Department of Health (LDH) and other relevant agencies, relative to the drafting of a Memorandum of Understanding (MOU), for subsequent consideration by the Commission that recognizes and establishes the following:</p> <ol style="list-style-type: none"> 1. Recognizes the complimentary and shared constitutional and regulatory authority of the various management duties and oversight (e.g. finance, rates, maintenance, health regulation, environmental regulations) of certain water and wastewater systems and service providers by and between the LPSC, LDEQ and LDH; 2. Establishes a system of maximum cooperation, communication and collaboration among the MOU parties; and 3. Establishes a system of accountability of the MOU parties, including the establishment of an Interagency Task Force which shall identify shared goals, opportunities, challenges and timelines. <p>The purpose of the MOU shall be to establish policy(s) that improve customer service and provide for reliable service that meets the applicable health and environmental standards, while at the same time ensure said services are provided at the lowest possible cost.</p> <p>2) Resolutions</p>

	<p>3) Discussions 4) ERSC/OMS Business</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to take the following item out of order:</p> <p>Undocketed- MISO Resource Adequacy Subcommittee Email Vote</p> <p>In re: Discussion and possible vote on approval of a vote taken on April 18, 2017 by Vice Chairman Skrmetta as the Commission’s ERSC representative.</p> <p>On motion of Commissioner Francis, seconded by Chairman Angelle, with Commissioners Campbell and Boissiere concurring and Vice Chairman Skrmetta abstaining, the Commission voted to ratify Vice Chairman Skrmetta’s vote taken April 18, 2017 via email to the MISO Resource Adequacy Subcommittee to abandon a stakeholder process studying proposed changes to the methodology for allocating costs paid by MISO to SPP approved in FERC Docket ER14-1736.</p> <p>5) Directives</p> <p><u>Directive from Chairman Angelle regarding rules related to combined heat and power ("CHP")</u></p> <p>(Ex. 17 on the March 15, 2017 B&E Agenda)</p> <p>PULLED</p> <p><u>Vice Chairman Skrmetta directed Executive Counsel Brandon Frey to research payment activity to contract employees and the possibility of requiring utilities to sign a waiver agreeing not to list contract employees retained by the Commission as creditors in bankruptcy filings.</u></p>
<p>Ex. 21</p>	<p>T-34299 - Louisiana Public Service Commission vs. Warhorse Vacuum Services, LLC (Joaquin, Texas), In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority occurring between April 1, 2016 through May 9, 2016, and by operating beyond the scope of authority granted in LPSC 8025 occurring between May 10, 2016 through July 31, 2016; on one-thousand six hundred and fifty-eight (1,658) counts.</p> <p>T-34420 - Louisiana Public Service Commission vs. Warhorse Vacuum Services, LLC (Joaquin, Texas), In re: Alleged violation of La. R.S. 45:161 through 180.1, by illegally operating under Contract Carrier Permit 1693 on one hundred twenty two (122) counts occurring November 15, 2016 through November 21, 2106.</p> <p>T-34421 - Louisiana Public Service Commission vs. Warhorse Vacuum Services, LLC (Joaquin, 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 8025 on four (4) counts occurring January 6, 2017 through January 7, 2017.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 to accept Affidavit and Global Stipulation executed by the Carrier.</p> <p>At the request of Commissioner Boissiere.</p> <p>On motion of Commissioner Campbell, seconded by Commissioner Boissiere, 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 Commissioners Campbell and Boissiere concurring and Commissioner Francis abstaining, the Commission voted to accept Affidavit and Global Stipulation executed April 11, 2017 for fines and fees totaling \$169,025.00.</p>

<p>Ex. 22</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: Rule 43 Motion for Rehearing.</p> <p>At the request of Vice Chairman Skrmetta.</p> <p>PASSED</p>
<p>Ex. 23</p>	<p><u>Directive from Vice Chairman Skrmetta regarding rules and criteria for placing LPSC-jurisdictional water and wastewater in receivership under certain circumstances.</u></p> <p>At the request of Vice Chairman Skrmetta.</p> <p>Vice Chairman Skrmetta directed Staff to open a rulemaking without objection.</p>
<p>Ex. 24</p>	<p><u>Directive from Vice Chairman Skrmetta regarding the LPSC's jurisdiction to regulate broadband service.</u></p> <p>At the request of Vice Chairman Skrmetta.</p> <p>Vice Chairman Skrmetta directed Staff to open a rulemaking to determine the potential jurisdiction of the Commission to regulate broadband service without objection.</p>
<p>Ex. 25</p>	<p>U-34376 - Entergy Louisiana, LLC, ex parte. In re: Test Year 2016 Rate Stabilization Plan filing.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>At the request of Commissioner Francis.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to adopt the Joint Report and Draft Order filed April 3, 2017.</p>
<p>Ex. 26</p>	<p><u>Directive from Vice Chairman Skrmetta regarding rulemaking to consider rules regarding notification to be provided to customers of rate increases.</u></p> <p>At the request of Vice Chairman Skrmetta.</p> <p>Vice Chairman Skrmetta further directed that a Technical Conference be held and that all Commissioners be notified.</p> <p>There was no objection.</p>
<p>Ex. 27</p>	<p>LPSC ex parte.</p> <p>In re: Discussion and possible vote to adopt a resolution in support of HB 537 by Representative Hilferty regarding the regulation of cable and video service providers by the LPSC.</p> <p>At the request of Vice Chairman Skrmetta.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to adopt a resolution supporting HB 537 by Representative Hilferty regarding the regulation of cable and video service providers by the LPSC.</p>

On motion of Vice Chairman 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 Friday, May 19, 2017 at 9:00am in Baton Rouge, Louisiana.