

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM APRIL 27, 2022
OPEN SESSION

MINUTES OF APRIL 27, 2022 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN MANY, LOUISIANA. PRESENT WERE CHAIRMAN LAMBERT BOISSIERE, VICE CHAIRMAN MIKE FRANCIS, COMMISSIONER FOSTER CAMPBELL, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG GREENE, AND EXECUTIVE SECRETARY BRANDON FREY.

Open Session of April 27, 2022, convening at 10:11 a.m., and adjourning at 12:16 p.m., the Cypress Bend Resort, 2000 Cypress Bend Pkwy., Many, Louisiana, with the above –named members of the Commission and Executive Secretary Brandon Frey present.

Ex. 1	<p>Chairman Boissiere welcomed Hunter Lewing, a local Many resident who manages the Fisherman’s Galley to lead us in prayer and the Pledge of Allegiance.</p> <p>Commissioner Campbell introduced employee Joe Shyne of District 5 and his new Executive Assistant, Frances “TuTu” Baker.</p> <p>Vice Chairman Francis introduced Georgia Craven, Executive Director of Sabine Parish Tourist and Recreation Commission, and thanked Warren Founds, Executive Director of the Sabine River Authority for his service.</p> <p>Vice Chairman Francis also welcomed Jack Montoucet, Secretary of the Louisiana Department of Wildlife and Fisheries.</p> <p>Vice Chairman Francis asked for an update at the May B&E from the companies that received funding from the Rural Digital Opportunity Fund and the Granting Unserved Municipalities Broadband Opportunities grant program.</p> <p>Commissioner Campbell requested Staff reach out and confirm Entergy Louisiana, LLC’s CEO, Leo Denault is invited to, and can attend, the May B&E.</p> <p>Executive Secretary Brandon Frey announced the B&E Session originally scheduled on June 22, 2022 may be rescheduled to June 17, 2022.</p>
Ex. 2	<p>T-36184 – Louisiana Public Service Commission vs. Supermovers, LLC. In re: Alleged violation of 1) La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority; 2) 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 March 16, 2021; 3) for failure to comply with the requirements of General Order dated April 3, 2008 as amended and 4) contempt of Commission Order No. T-34258.</p> <p>In re: Discussion and possible vote on Recommendation of the Administrative Law Judge.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Recommendation of the Administrative Law Judge filed into the record on March 31, 2022.</p>

<p>Ex. 3</p>	<p>T-36197 – Louisiana Public Service Commission vs. Southern Soil Environmental Inc. 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 8120 on ninety-five (95) counts occurring on or about February 03, 2020 through February 10, 2020.</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 Commissioner Greene, 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 Campbell, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed on April 11, 2022.</p>
<p>Ex. 4</p>	<p>R-34758 – Louisiana Public Service Commission, ex parte. In re: Timely Disclosure of Facts and Notices, Regarding Such Matters as MaxGen Alerts, to Commission and Commissioners, and Related Matters.</p> <p>In re: Discussion and possible vote on Staff Recommendation associated with the investigation into transmission and generation issues occurring during the February 2021 Winter Storm.</p> <p>(Exhibit 17 on January 25, 2022 B&E).</p> <p>After discussion, Commissioner Greene made a motion to accept the Staff Recommendation with amendments as follows:</p> <ol style="list-style-type: none"> 1) The last sentence of the first partial paragraph on page 23 of the original Recommendations should be deleted and replaced with the following: <p style="margin-left: 40px;">“This information may be designated by the producing party as confidential information and provided on a confidential basis pursuant to LPSC Rule 12.1 if such confidential treatment is warranted.”</p> 2) Immediately after that sentence, the following sentence shall be inserted as a separate paragraph: <p style="margin-left: 40px;">“To the extent non-jurisdictional IPPs, merchant generators, co-generators, power districts and municipalities (that own generation) are referenced in the information reporting provisions herein, such provisions are intended as voluntary and are not a mandate.”</p> <p>On motion of Commissioner Greene, seconded by Chairman Boissiere, and unanimously adopted, the Commission voted to accept Staff’s Recommendation filed into the record on April 18, 2022 with amendments.</p> <p>Present for Questions/Comments: Paul Zimmering, Special Counsel to the Commission</p>

<p>Ex. 5</p>	<p>R-36227 – Louisiana Public Service Commission, ex parte. In re: Assessment of Louisiana’s current electric utility infrastructure for resilience and hardening for future storm events.</p> <p>In re: Discussion and possible vote to retain an engineering consultant.</p> <p>(Exhibit 4 on March 30, 2022 B&E).</p> <p>Commissioner Skrmetta made a motion to retain Critical Technologies Consulting, LLC for \$276,430 in fees and \$14,000 in expenses, for a total budget not to exceed \$290,430. The motion failed due to a lack of a second.</p> <p>On motion of Commissioner Campbell, seconded by Commissioner Greene, with Chairman Boissiere, and Vice Chairman Francis concurring, and Commissioner Skrmetta opposing reiterating his oral reasons for opposition stated on the record at the March 30, 2022 B&E, the Commission voted to retain CSRS for \$318,950 in fees and \$12,000 in expenses, for a total budget not to exceed \$330,950.</p>
<p>Ex. 6</p>	<p>S-35745 – Northeast Louisiana Power Cooperative Inc. and Volt Broadband, LLC. In re: Petition for Approval of a Letter of Non-Opposition to Borrow Funds to Construct Broadband System.</p> <p>In re: Discussion and possible vote on Staff Report & Recommendation.</p> <p>On motion of Commissioner Campbell, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on April 25, 2022.</p> <p>Present for Questions/Comments: Jeff Churchwell, NELPCO General Manager Luke Piontek, NELPCO Counsel</p>
<p>Ex. 7</p>	<p>U-36121 – Deepwoods Utilities, Inc., ex parte. In re: Rate Application for Increase in Water and Sewer Rates in Caddo Parish.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Staff’s Report and Recommendation.</p> <p>At the request of Commissioner Campbell.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>After discussion, Commissioner Campbell made a motion as follows:</p> <p>Based on a review of jurisdictional water and wastewater rates in Caddo, Parish, which are comparable to Deepwoods, I move to reject the Staff’s Recommendation and instead adopt the following rates, which are more in line with the average rates in the areas: that the flat rate for the first 2000 gallons of water be increased to \$12.00, that the “per additional one thousand gallons rate” be increased to \$2.00, and the flat rate for wastewater customers be increased to \$18.00.</p>

	<p>On motion by Commissioner Campbell, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to reject the Staff’s Recommendation filed into the record on April 26, 2022.</p>
Ex. 8	<p>U-36124 – CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Entex. In re: Application for Renewal of Rate Stabilization Plan Rider.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Staff’s Report and Recommendation.</p> <p>On motion of Commissioner Greene, 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 Vice Chairman Francis, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on February 25, 2022.</p>
Ex. 9	<p>U-36126 – CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Arkla. In re: Application for Renewal of Rate Stabilization Plan Rider.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Staff’s Report and Recommendation.</p> <p>On motion of Commissioner Greene, 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 Greene, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on February 25, 2022.</p> <p>Present for Questions/Comments: Francisca Comeaux, Counsel for CenterPoint</p>
Ex. 10	<p>FERC Docket No. PL21-3-000. Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews.</p> <p>In re: Discussion and possible vote to retain Stone Pigman.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to approve Stone Pigman’s budget in the amount of \$47,000 in fees and \$1,000 in expenses to assist the Commission with FERC Docket PL21-3.</p>

Ex. 11

1) Reports

-Update from Staff and Entergy Louisiana, LLC regarding Docket No. U-35991.

(Exhibit 16 on March 30, 2022 B&E).

Paul Zimmering of Stone Pigman provided an update to the Commission regarding Docket No. U-35991.

2) Resolutions

3) Discussions

- Discussion regarding General Order dated November 16, 1972 and late fees charged by jurisdictional utilities.

At the request of Commissioner Campbell.

(Exhibit 16 on March 30, 2022 B&E).

Commissioner Campbell discussed that the Commission's General Order dated November 16, 1972 provides a maximum, not-to-exceed charge, but not a uniform charge across all utilities. Given this variability, Commissioner Campbell asked Staff to provide a summary at the May B&E on the late fees charged by jurisdictional utilities.

4) ERSC/OMS/SSP

- Discussion and possible vote to ratify LPSC interventions in RTO or ERSC related FERC proceedings.

On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to ratify the Louisiana Public Service Commission's intervention filed in FERC proceeding ER22-1493 (docless intervention).

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

On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, with Chairman Boissiere and Vice Chairman Francis concurring, and Commissioner Greene abstaining, the Commission voted to ratify Commissioner Greene's vote taken on April 14, 2022 as the Louisiana Public Service Commission's representative to the OMS Board of Directors.

	<p>5) Directives</p> <p>Directive to Staff regarding the cancellation of authority of regulated carriers with multiple violations.</p> <p>At the request of Commissioner Skrmetta.</p> <p>(Exhibit 18 on March 30, 2022 B&E).</p> <p>Commissioner Skrmetta directed Staff to seek cancellation of the carrier’s authority when that carrier has committed three violations of the Commission’s rules, regulations, or the relevant statutes in Title 45, within a three-year period. Citations resulting from a regulated carrier’s failure to file an annual report, maintain insurance on file, obtain vehicle or driver stamps, or any other administrative citation would not be included in this three violation count.</p> <p>After discussion, the Directive was withdrawn by Commissioner Skrmetta.</p> <p>Directive to Staff to open a rulemaking regarding notice provided in connection with rate filings.</p> <p>At the request of Commissioner Skrmetta.</p> <p>Commissioner Skrmetta directed Staff to open a rulemaking, or expand the scope of any existing rulemaking, to consider and propose draft rules that ensure notice of rate filings with the Commission is provided to local elected officials in the area(s) in which the proposed rates would be implemented.</p> <p>After discussion, and with opposition by Commissioner Campbell, Chairman Boissiere, Vice Chairman Francis, and Commissioner Greene, the Directive failed.</p>
<p>Ex. 12</p>	<p>U-36318 – Louisiana Water Company, Inc., ex parte. In re: Application for an increase in Rates, including interim rates, Approval of Formula Rate Plan, Request for Establishment of Regulatory Asset, and Request for Establishment of an Emergency Reserve Fund.</p> <p>In re: Discussion and possible vote on interim rate increase pursuant to Rule 57.</p> <p>At the request of Vice Chairman Francis.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Francis, with Chairman Boissiere and Commissioner Campbell concurring, and Commissioner Skrmetta absent, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>Vice Chairman Francis’ motion was as follows: I move that the Commission approve Louisiana Water Company, Inc. request for interim rates, allowing a 4.31% increase in the company’s retail rates, effective May 1, 2022. This interim rate will increase the average monthly customer’s bill by \$1.26 and will remain in effect until the Commission’s full decision on the merits of LAWCO’s rate application. The approval of the increase is subject to LAWCO’s posting with the LPSC Secretary, and filing into the record of Docket U-36318, a letter of credit in the amount of \$627,917.00, based on the 4.31% increase, to ensure refund if necessary.</p>

	On motion of Vice Chairman Francis, seconded by Commissioner Campbell, with Chairman Boissiere and Commissioner Greene concurring, and Commissioner Skrmetta absent, the Commission voted to approve the request for interim rate relief, subject to bonding requirements, as read into the record.
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On motion of Vice Chairman Francis, seconded by Commissioner Greene, with Chairman Boissiere and Commissioner Campbell concurring, and Commissioner Skrmetta absent, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, May 25, 2022 at 9:00 a.m. at the Galvez Building in Baton Rouge, Louisiana.