

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM FEBRUARY 16, 2023
OPEN SESSION

MINUTES OF FEBRUARY 16, 2023 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN FOSTER CAMPBELL, VICE CHAIRMAN MIKE FRANCIS, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG GREENE, COMMISSIONER DAVANTE LEWIS AND EXECUTIVE SECRETARY BRANDON FREY.

Open Session of February 16, 2023, convening at 9:13 a.m., and adjourning at 12:05 p.m., the Galvez Building, 602 North 5th Street, Baton Rouge, Louisiana, with the above-name members of the Commission and Executive Secretary Brandon Frey present.

Ex. 1	<p>Commissioner Greene announced Jacqueline Sanchez will be leaving his team and wished her well on her new endeavors.</p> <p>Vice Chairman Francis announced the Commission’s Business & Executives Session will be held on April 26th in Crowley at the Grand Opera House of the South.</p> <p>Executive Secretary Frey congratulated Lane Sisung on his recent marriage.</p>
Ex. 2	<p>T-36555 - Louisiana Public Service Commission vs. America's Towing, LLC. In re: Alleged violation of Louisiana Revised Statutes Title 45:1177 and 1179 for failure to pay to the state proper fees for the years 2018, 2019 and 2020 for the inspection, control, and supervision of its business service and rates authorized in Common Carrier Certificate Number 8035 pursuant to General Order dated November 22, 2011.</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 Francis, 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 Commissioner Greene, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed on January 11, 2023.</p>
Ex. 3	<p>U-35522 - Louisiana Public Service Commission, ex parte. In re: Audit of Fuel Adjustment Clause Filings for Cleco Power LLC for the period of January 2018 through December 2019.</p> <p>In re: Discussion and possible vote to accept Joint Report and Draft Order.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Joint Report and Draft Order filed into the record on January 31, 2023.</p>

<p>Ex. 4</p>	<p>U-36222 - Entergy Louisiana, LLC, ex parte. In re: Prudence Review of the Management of the Construction of Lake Charles Power Station.</p> <p>In re: Discussion and possible vote on Proposed Uncontested Stipulated Settlement.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Proposed Uncontested Stipulated Settlement filed into the record on November 23, 2022.</p>
<p>Ex. 5</p>	<p>U-36338 - Entergy Louisiana, LLC, ex parte. In re: Application for extension of gas Rate Stabilization Plan and Infrastructure Rider.</p> <p>In re: Discussion and possible vote on an Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Greene, seconded by Chairman Campbell, and unanimously adopted, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record of December 29, 2022.</p>
<p>Ex. 6</p>	<p>U-36365 - Pointe Coupee Electric Membership Corporation, ex parte. In re: Formula Rate Plan Annual Report Filing for the Test Year Ending March 31, 2022.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>After discussion, on motion of Commissioner Greene, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to accept the Joint Report filed into the record on February 1, 2023.</p>
<p>Ex. 7</p>	<p>U-36625 - Entergy Louisiana, LLC, ex parte. In re: Application for approval of the Entergy Future Ready Resilience Plan (Phase I).</p> <p>In re: Discussion and possible vote to retain an outside consultant.</p> <p>After discussion, on motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept the bid of United Professionals Company for a bid of \$162,000 in fees and \$1,500 in expenses for a total budget not to exceed of \$163,500.</p>
<p>Ex. 8</p>	<p>U-36625 - Entergy Louisiana, LLC, ex parte. In re: Application for approval of the Entergy Future Ready Resilience Plan (Phase I).</p> <p>In re: Discussion and possible vote to retain CSRS as an engineering consultant.</p> <p>PULLED</p>

<p>Ex. 9</p>	<p>U-36642 - Jefferson Davis Electric Cooperative, Inc., ex parte. In re: Request for emergency rate relief and request for interim rates.</p> <p>In re: Discussion and possible vote on request for interim rate increase pursuant to Rule 57.</p> <p>At the Request of Vice Chairman Francis.</p> <p>On motion of Vice Chairman Francis, 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>After discussion, on motion of Vice Chairman Francis, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Request for Interim Rate Relief, subject to JDEC posting the bonding requirements as required by law.</p>
<p>Ex. 10</p>	<p>1) Reports 2) Resolutions 3) Discussions</p> <p>- Presentation by the American Sugar Cane League regarding solar development and agricultural issues.</p> <p>Jim Simon, representative for the American Sugar Cane League, gave a presentation and took questions from Commissioners regarding solar development as it relates to agricultural issues.</p> <p>- Presentation by Together Louisiana regarding community lighthouse projects.</p> <p>Present for Questions/Comments: Reverend Theron Jackson, Together LA Reginald Vicks, Together LA James Hiatt, Together LA Madison Poche, Together LA Jeremy Twitchell, Together LA Pierre Moses, Together LA Cynthia Coleman, Together LA (via recorded video message)</p> <p>-Discussion with jurisdictional electric and gas utilities regarding current natural gas prices and hedging. PULLED</p> <p>4) ERSC/OMS/SPP</p> <p>- Discussion and possible vote to ratify interventions of the Commission in RTO or ERSC related proceedings.</p> <p>On motion of Commissioner Lewis, seconded by Chairman Campbell, and unanimously adopted, the Commission voted to ratify the interventions taken on January 11, 2023 and January 20, 2023.</p>

- Discussion and possible vote to ratify vote taken by Vice Chairman Francis acting as the Commission's representative on the Regional State Committee of the Southwest Power Pool.

On motion of Commissioner Skrmetta, seconded by Commissioner Greene, with Chairman Campbell and Commissioner Lewis concurring, and Vice Chairman Francis abstaining, the Commission voted to ratify the votes taken on January 30, 2023.

- 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 Chairman Campbell, with Vice Chairman Francis and Commissioner Lewis concurring, and Commissioner Greene abstaining, the Commission voted to ratify the vote taken by Commissioner Greene on January 19, 2023.

5) Directives

- Directive to Staff to expand the scope of Docket No. X-35764.

At the request of Commissioner Skrmetta.

Commissioner Skrmetta made the following directive:

In 2020, the Commission opened *Docket No. X-35764 – Cybersecurity Monitoring for Commission-Jurisdictional Utilities*, and retained the McQ Group as a consultant to assisting Staff. Specifically, the docket was opened to continue coordination and monitoring areas of cybersecurity and potential threats to Louisiana assets and operations, as well as to continue participation with industry and regulatory agencies to ensure the flow of information surrounding cybersecurity continues with the Commission. In the RFP for this hire, the Commission stated that at the end of 24 months, the importance and continued need for monitoring the area of cybersecurity will be reassessed.

Cybersecurity remains a concern for the Commission and its regulated utilities, with the issue becoming more prevalent in our day-to-day activities. Therefore, I believe that there is a continued need for monitoring cybersecurity as originally intended when this docket was opened. As such, I ask that the McQ Group submit a budget to Staff, on a biennial basis, for the continued monitoring of cybersecurity issues, until such time that the Commission determines the monitoring is no longer needed.

Further, cybersecurity has been raised in a few Commission rulemakings, particularly the Electric Vehicle (Docket No. R-36131) and Resiliency Rulemakings (Docket No. R-36627). The issue discussed in both dockets was the relevancy of cybersecurity to each and whether the Commission should consider incorporating cybersecurity into its review in either docket. Given the presence of cybersecurity issues arising in other dockets, and in order to streamline the review of those cybersecurity issues while maintaining administrative efficiency, I direct Staff to expand the scope of Docket No. X-35764 to include additional consultation by the McQ Group on other Commission dockets where cybersecurity issues are raised. As such, Staff is directed to solicit the McQ Group for a proposed budget to assist Staff in the EV and Resiliency Rulemakings as it pertains to cybersecurity issues. Should cybersecurity issues present themselves in future Commission dockets, Staff shall solicit the McQ Group for a proposed budget to consult on those individual dockets, as necessary, subject to Commission approval of any additional budget.

There was no opposition.

	<p>- Directive to Staff to request quarterly updates on deployment efforts from the RDOF recipients that have received ETC Designation from the Commission.</p> <p>At the request of Vice Chairman Francis.</p> <p>There was no opposition.</p>
<p>Ex. 11</p>	<p>FERC Docket No. EL21-56 - Louisiana Public Service Commission, et al vs. System Energy Resources, Inc., et al.</p> <p>In re: Discussion and possible vote to approve budget of Critical Technologies Consulting for Phase II.</p> <p>In re: Possible Executive Session to discuss litigation strategy pursuant to La. R.S. 42:16, et seq.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to enter into Executive Session.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, with Chairman Campbell and Commissioner Lewis concurring, and Commissioner Greene temporarily absent, the Commission voted to exit Executive Session.</p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Lewis, with Chairman Campbell and Vice Chairman Francis concurring, and Commissioner Greene temporarily absent, the Commission voted to approve CTC’s budget in the amount of \$577,440 in fees and \$21,000 in expenses for a total budget not to exceed of \$598,440 for Phase II work through 2023, of which the Commission is responsible for 26.86%.</p>
<p>Ex. 12</p>	<p>R-35462 - Louisiana Public Service Commission, ex parte. In re: Rulemaking to Research and Evaluate Customer-Centered Options for all Electric Customer Classes as well as Other Regulatory Environments.</p> <p>In re: Update on status of docket.</p> <p>At the request of Chairman Campbell.</p> <p>Present for Questions/Comments: Noel Darce, Outside Counsel for Staff Lane Sisung, Outside Consultant for Staff</p>
<p>Ex. 13</p>	<p>U-36301 - Atmos Energy Corporation, ex parte. In re: Amended Application Requesting the Creation of an Infrastructure Expansion Program for Atmos Energy Corporation's Louisiana Regulatory Division.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Uncontested Stipulated Settlement.</p> <p>At the request of Commissioner Skrmetta.</p> <p>On motion of Commissioner Skrmetta, 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>

	After discussion, on motion of Chairman Campbell, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record on February 9, 2023.
Ex. 14	<p>Undocketed - Directive to Staff to open a docket to review inmate communication service rates.</p> <p>Commissioner Lewis withdrew his directive and asked Staff to report back to the Commission at the April B&E on where Louisiana's rates and fees stand compared to other states and recommend whether any clarification in jurisdiction of rates is warranted or whether a docket to determine jurisdiction and rates over new technologies is necessary in light of the recent federal action on prison phone call rates.</p> <p>Present for Questions/Comments: Dominique Johnson, Daughters Beyond Incarceration Renee Carthan, Daughters Beyond Incarceration</p>

On motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, with Chairman Campbell and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, March 15, 2023 at 9:00 a.m. at the Galvez Building in Baton Rouge, Louisiana.