

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM JANUARY 25, 2022
OPEN SESSION

MINUTES OF JANUARY 25, 2022 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 January 25, 2022, convening at 9:00 a.m., and adjourning at 2:20 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>Chairman Greene welcomed Pastor Terry Olivier of Healing Place Church to lead us in prayer and Trooper Taylor Scrantz to lead the Pledge of Allegiance.</p> <p>Vice Chairman Skrmetta announced that the February B&E will be on Wednesday, February 23, 2022 at the Copeland Tower in Metairie, Louisiana.</p> <p>Executive Counsel Kathryn Bowman announced that the Commission will be issuing future agendas on letter sized paper instead of legal sized.</p>
Ex. 2	<p>Undocketed – Election of 2022 Chair and Vice Chair.</p> <p>Commissioner Francis made a motion to re-elect Chairman Greene as the 2022 Chairman of the Commission, which was seconded by Chairman Greene.</p> <p>Commissioner Campbell made a substitute motion to elect Commissioner Boissiere as the 2022 Chairman of the Commission, which was seconded by Vice Chairman Skrmetta, and unanimously adopted.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to elect Commissioner Francis as the 2022 Vice Chairman of the Commission.</p>
Ex. 3	<p>Undocketed – Election of ERSC Representative for 2022.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to elect Commissioner Boissiere as the 2022 ERSC Representative for the Commission.</p>
Ex. 4	<p>Undocketed – Election of OMS Representative for 2022.</p> <p>Commissioner Francis made a motion to elect Chairman Greene as the 2022 OMS Representative for the Commission, which was seconded by Chairman Greene.</p> <p>Commissioner Boissiere made a substitute motion to re-elect Vice Chairman Skrmetta as the 2022 OMS Representative for the Commission. The substitute motion failed due to a lack of a second.</p> <p>On Commissioner Francis’ original motion, seconded by Chairman Greene, and unanimously adopted, the Commission voted to elect Chairman Greene as the 2022 OMS Representative for the Commission.</p>

<p>Ex. 5</p>	<p>Undocketed – Election of SPP Representative for 2022.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to elect Commissioner Francis as the 2022 SPP Representative for the Commission.</p>
<p>Ex. 6</p>	<p>T-35589 – Louisiana Public Service Commission vs. Fast Affordable College Student Movers, Inc. (Madisonville, Louisiana). In re: Alleged violation for 1) failure to display the name, address and/or certificate number of the operator on vehicle pursuant to of La. R.S. 45:167 while operating under Common Carrier Certificate Number 7823, 2) not providing an estimate prior to conducting moving services pursuant to General Order dated July 12, 2013, while operating under Common Carrier Certificate Number 7823, and 3) damaging cargo pursuant to General Order dated May 04, 2017 and La. R.S. 45:163 while operating under Common Carrier Certificate Number 7823, all occurring on or about May 15, 2020 through May 19, 2020; and 4) advertising under a name other than the carrier’s legal and/or registered name pursuant to General Order dated April 3, 2008 as amended.</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 Chairman Greene, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take matter up pursuant to Rule 57.</p> <p>After discussion, on motion of Chairman Greene, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed on December 31, 2021 for fines and fees totaling \$1,025.00, and to dismiss count 3 with prejudice.</p> <p>Commissioner Skrmetta directed Staff to provide a list of the household goods movers we regulate and the number of violations each have had at the February B&E.</p>
<p>Ex. 7</p>	<p>R-35394 – Louisiana Public Service Commission, ex parte. In re: Proceeding to Examine Options Pertaining to Pole Viability, Pole Attachments, and all Areas that may Affect the Reliability and Sustainability of Louisiana’s Electric Utility Distribution Grid.</p> <p>In re: Discussion and possible vote to retain an engineering consultant.</p> <p>After discussion, on motion of Chairman Greene, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to retain Critical Technologies Consulting, LLC for a budget of \$286,910 in fees and \$12,000 in expenses, for a total budget not to exceed of \$298,910.</p>
<p>Ex. 8</p>	<p>R-35595 – Louisiana Public Service Commission, ex parte. In re: Review of the Schedule of Prescribed Rates and Requirements for Towing and Recovery services in General Order dated August 05, 2016.</p> <p>In re: Discussion and possible vote on Staff’s Proposed Recommendation for Interim Rate Increase.</p> <p>(Exhibit 8 on December 14, 2021 B&E).</p> <p>Vice Chairman Skrmetta made the following motion: While recognizing that the Consumer Price Index has been used in the past by this Commission to adjust towing rates, I believe that the CPI is less accurate at tracking the effects of inflation on the towing industry, and that the Producer Price Index would be a more reasonable measure. Therefore, I move that we reject Staff’s Final Interim Recommendation and instead implement a 15% increase on non-consensual towing and recovery rates, which is more in line with recent price increases as indicated by the PPI.</p>

	<p>Vice Chairman Skrmetta’s motion was seconded by Commissioner Francis.</p> <p>Commissioner Campbell made a substitute motion to implement an Interim Rate Increase of \$11.50. The substitute motion failed due to a lack of a second.</p> <p>On Vice Chairman Skrmetta’s motion, seconded by Commissioner Francis, with Chairman Greene and Commissioner Boissiere concurring, and Commissioner Campbell opposing, the Commission voted to reject Staff’s Proposed Recommendation for Interim Rate Increase of 6.91% and instead implement a 15% increase on non-consensual towing and recovery rates.</p> <p>Present for Questions/Comments: Rudy Smith, Rudy Smith Service, Inc.</p>
<p>Ex. 9</p>	<p>R-36131 – Louisiana Public Service Commission, ex parte. In re: Determination of Commission Jurisdiction Over the Various Methods of Providing Electricity to Electric Vehicles, and the Infrastructure Associated Therewith.</p> <p>In re: Update from Staff.</p> <p>At the Request of Vice Chairman Skrmetta.</p> <p>Update from Scott McQuaig and Rick Demint, on behalf of McQ Group, regarding the Various Methods of Providing Electricity to Electric Vehicles and the Infrastructure Associated Therewith.</p> <p>In re: Discussion and possible Motion to Rehear the hiring of the McQ Group, pursuant to Rule 43.</p> <p>At the Request of Commissioner Campbell.</p> <p>After discussion, on motion of Commissioner Campbell, seconded by Commissioner Boissiere, with Chairman Greene and Commissioner Francis concurring, and Vice Chairman Skrmetta opposing, the Commission voted to Rehear the hiring of the McQ Group pursuant to Rule 43.</p> <p>On motion of Commissioner Campbell, seconded by Commissioner Boissiere, with Chairman Greene concurring, and Vice Chairman Skrmetta and Commissioner Francis opposing, the Commission voted to rescind the contract with McQ Group, effective today, and reopen the bid process.</p> <p>Present for Questions/Comments: Scott McQuaig, McQ Group Rick Demint, McQ Group</p>
<p>Ex. 10</p>	<p>R-36199 – Louisiana Public Service Commission, ex parte. In re: Review and Possible Modification of the Commission’s General Order dated October 10, 2013 Governing Transmission Certification and General Siting.</p> <p>In re: Discussion and possible vote to retain Stone Pigman.</p> <p>On motion of Chairman Greene, seconded by Commissioner Francis, with Commissioner Boissiere concurring, and Vice Chairman Skrmetta and Commissioner Campbell opposing, the Commission voted to retain Stone Pigman for \$68,000 in fees and \$1,200 in expenses, for a total budget not to exceed of \$69,200.</p> <p>Present for Questions/Comments: Noel Darce, Stone Pigman</p>

<p>Ex. 11</p>	<p>S-36167 – BellSouth Telecommunications, LLC, d/b/a AT&T Louisiana, ex parte. In re: Petition for Order Confirming Relinquishment of Eligible Telecommunications Carrier Designation in Specified Areas.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Chairman Greene, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on January 13, 2022.</p>
<p>Ex. 12</p>	<p>S-36216 – Entergy Louisiana, LLC, ex parte. In re: Request to Modify Legacy ELL Rider Schedule (Rider 2 to Schedule LIS-L).</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation</p> <p>On motion of Chairman Greene, seconded by Commissioner Campbell, with Vice Chairman Skrmetta and Commissioner Boissiere concurring, and Commissioner Francis temporarily absent, the Commission voted to accept Staff’s Report and Recommendation filed into the record on January 13, 2022.</p>
<p>Ex. 13</p>	<p>U-35927 – 1803 Electric Cooperative, Inc., ex parte. In re: Application for Approval of Power Purchase Agreements and for Cost Recovery.</p> <p>In re: Discussion and possible vote on Final Recommendation of the ALJ and Draft Order.</p> <p>Chairman Greene made a motion to accept the ALJ Recommendation filed into the record on January 14, 2022, which was seconded by Commissioner Campbell, with the amendment that Magnolia Power would increase the total amount of liquidated damages it could pay to 1803 to \$15 million, in the event that Magnolia Power is late in opening their plant.</p> <p>Vice Chairman Skrmetta made a substitute motion, with written reasons, to reject the ALJ Recommendation, approve Kindle Magnolia and the three solar power purchase agreements, and for Staff to open an expedited rulemaking for the remaining issues. The substitute motion failed due to a lack of a second.</p> <p>On motion of Chairman Greene, seconded by Commissioner Francis, with Commissioner Campbell and Commissioner Boissiere concurring, and Vice Chairman Skrmetta opposing, the Commission voted to accept the Final Recommendation of the Administrative Law Judge with one amendment: that Magnolia Power will increase the total amount of liquidated damages it could pay to 1803 to \$15 million, in the event that Magnolia Power is late in opening their plant.</p> <p>Present for Questions/Comments: Mitchell Ourso, Iberville Parish President Brett Stasi, Iberville Parish Sheriff Reggie Sexton, Iberville Parish Assessor Kyle Marionneaux, 1803 Representative/Counsel Jason Painter, Aces Power Representative Kevin Suhanic, Aces Power Representative John Orr, Exelon Luke Piontek, Northeast Representative/Counsel Chuck Hughes, Washington-St. Tammany, Representative/Counsel Larry Hand, ELL Representative/Counsel John Hurstel, ELL Representative</p>

	<p>Randy Young, CLECO Cajun Representative Pat Patrick, Staff Outside Counsel Phil Hayet, Staff Consultant</p>
Ex. 14	<p>U-36223 – The Baton Rouge Water Works Company d/b/a Baton Rouge Water Company. In re: Application for an Increase and Adjustment in Retail Rates, Request for Interim Rates, Approval for Hurricane Ida Recovery, 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 Chairman Greene.</p> <p>On motion of Chairman Greene, seconded by Commissioner Boissiere, with Vice Chairman Skrmetta and Commissioner Francis concurring, and Commissioner Campbell absent, the Commission voted to assert its original and primary jurisdiction and take matter up pursuant to Rule 57.</p> <p>After discussion, on motion of Chairman Greene, seconded by Commissioner Francis, with Commissioner Boissiere concurring, Vice Chairman Skrmetta opposing, and Commissioner Campbell absent, the Commission voted to approve the request for interim rate relief, subject to bonding requirements.</p>
Ex. 15	<p>Undocketed – Motion to Require Entergy Louisiana, LLC, and Cleco Power LLC to provide written notice of withdrawal from membership to MISO under the Requirements of the MISO Transmission Owner Agreement.</p> <p>In re: Discussion and possible vote on Motion.</p> <p>(Exhibit 20 on December 14, 2021 B&E).</p> <p>DEFERRED</p>
Ex. 16	<p>Docket TBD – Dixie Electric Membership Corporation, ex parte. In re: Application for Emergency Rate Relief, including Interim Relief, to Recover Extraordinary Costs outside of DEMCO’s annual Formula Rate Plan.</p> <p>In re: Discussion and possible vote to retain Resolved Energy Consulting.</p> <p>On motion of Chairman Greene, seconded by Commissioner Francis, with Commissioner Boissiere concurring, Vice Chairman Skrmetta opposing, and Commissioner Campbell absent, the Commission voted to retain Resolved Energy Consulting for \$26,400 in fees and \$1,600 in expenses, for a total budget not to exceed of \$28,000.</p>
Ex. 17	<p>1) Reports</p> <p>- Report from Staff regarding the continued investigation in Docket No. R-34758 into transmission and generation issues occurring during the February 2021 Winter Storm.</p> <p>Lane Sisung, of United Professionals Company, provided an update to the Commission regarding the investigation in Docket No. R-34758 into transmission and generation issues occurring during the February 2021 Winter Storm. Chairman Greene directed Staff to work with stakeholders between now and the March B&E to discuss comments or concerns stakeholders may have with the Staff Report Recommendations.</p> <p>2) Resolutions</p>

3) Discussions

- **Update from Charter Communications regarding outstanding bills owed to subcontractors assisting in storm restoration from Hurricane Ida.**

Rob Rieger, counsel for Charter Communications and Jeff Burdett, Regional Senior Director of Charter Communications, provided an update to the Commission.

Present for Questions/Comments:

Tommy McCollum, Infinite Communications
Kaltrina Mavray, Infinite Communications
Joe Waitz, Jr., Infinite Communications
Raul Rodriguez, DC Cable, LLC
Jordan Brewer
Glen Reymann

4) ERSC/OMS/SPP

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

On motion of Chairman Greene, seconded by Commissioner Boissiere, with Vice Chairman Skrmetta and Commissioner Francis concurring, and Commissioner Campbell absent, the Commission voted to ratify the Louisiana Public Service Commission's interventions filed in FERC proceedings ER22-495, ER22-496, ER22-489 (docless intervention) and ER22-736.

- **Discussion and possible vote to ratify votes taken by Vice Chairman Skrmetta 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 concurring, Vice Chairman Skrmetta abstaining, and Commissioner Campbell absent, the Commission voted to ratify Vice Chairman Skrmetta's vote taken on January 5, 2022 as the Louisiana Public Service Commission's representative to the OMS Board of Directors.

5) Directives

- **Directive to Staff regarding the impact of inflation on jurisdictional utilities.**

At the request of Vice Chairman Skrmetta.

Vice Chairman Skrmetta directed Staff to take whatever action is necessary, including the opening of a docket and the hiring of outside assistance, to study the impact inflation has on jurisdictional utilities. This study should include what impact inflation has on rates and a utility's ROE or similar return, as well as research on whether the Commission should adopt an index granting jurisdictional utilities the ability to automatically adjust rates based on inflation.

There was no opposition.

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

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, February 23, 2022, at 10:00 a.m. at the Copeland Tower in Metairie, Louisiana.