

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM JANUARY 24, 2024
OPEN SESSION

MINUTES OF JANUARY 24, 2024 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN MIKE FRANCIS, VICE CHAIRMAN DAVANTE LEWIS, COMMISSIONER FOSTER CAMPBELL, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG GREENE, AND EXECUTIVE SECRETARY BRANDON FREY.

Open Session of January 24, 2024, convening at 9:36 a.m., and adjourning at 12:52 p.m., at 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>Vice Chairman Lewis announced that Consumer Specialist, Jared Reese will be leaving the Commission and thanked Jared for his years of service to the Commission and wished him well on his new adventures. He asked for prayers for a safe and healthy delivery for his Executive Assistant, Charlotte Cravins and her baby boy. He also introduced Cedric Anderson, Jr. as District III’s Enforcement Agent.</p> <p>Chairman Francis congratulated Janice Perkins on her retirement after 24 years of public service. He then welcomed his new Executive Assistant, Eric Duplechain.</p> <p>Executive Secretary Brandon Frey welcomed Emma Bonney and other students from St. Joseph’s Academy that were job shadowing for the day.</p> <p>Commissioner Skrmetta wished Executive Secretary Brandon Frey a belated Happy Birthday.</p>
Ex. 2	<p>Undocketed - Election of 2024 Chairman.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to elect Commissioner Francis as the 2024 Chairman of the Commission.</p>
Ex. 3	<p>Undocketed - Election of 2024 Vice Chairman.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to elect Commissioner Lewis as the 2024 Vice Chairman of the Commission.</p>
Ex. 4	<p>Undocketed - Election of OMS Representative for 2024.</p> <p>On motion of Chairman Francis, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to elect Commissioner Skrmetta as the 2024 OMS Representative for the Commission.</p>
Ex. 5	<p>Undocketed - Election of ERSC Representative for 2024.</p> <p>On motion of Chairman Francis, seconded by Vice Chairman Lewis, and unanimously adopted, the Commission voted to elect Commissioner Greene as the 2024 ERSC Representative of the Commission.</p>

<p>Ex. 6</p>	<p>Undocketed - Election of SPP Representative for 2024.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to elect Chairman Francis as the 2024 SPP Representative of the Commission.</p>
<p>Ex. 7</p>	<p>T-36703 - Louisiana Public Service Commission vs. Cooyon Duhon's Moving Company. 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. 45:164 (E) and General Order dated March 16, 2021 and for failure to comply with the requirements of General Order dated April 3, 2008 as amended.</p> <p>In re: Discussion and possible vote on Recommendation of the Administrative Law Judge.</p> <p>After discussion, on motion of Vice Chairman Lewis, seconded by Chairman Francis, with Commissioner Campbell and Commissioner Skrmetta concurring, and Commissioner Greene absent, the Commission voted to accept the recommendation of the Administrative Law Judge issued on December 29, 2023.</p>
<p>Ex. 8</p>	<p>T-36843 - Louisiana Public Service Commission vs. 3B Group Corporation dba Que Huong Bus. In re: Cancellation of Registration & Insurance Certificate No. 1599 for failure to file an Annual Report for 2022 and/or pay a late filing fee of \$500.00 and a citation fee of \$25.00 as required by General Order 2 dated July 21, 1921 and General Order dated March 18, 2021.</p> <p>In re: Discussion and possible vote on Recommendation of the Administrative Law Judge.</p> <p>On motion of Chairman Francis, seconded by Vice Chairman Lewis, with Commissioner Campbell and Commissioner Skrmetta concurring, and Commissioner Greene absent, the Commission voted to accept the recommendation of the Administrative Law Judge that the proceeding be dismissed without prejudice.</p>
<p>Ex. 9</p>	<p>T-36976 - Louisiana Public Service Commission vs. CM Movers LLC. In re: Alleged violation of General Order dated April 3, 2008 as amended for advertising under a name other than the carrier's legal and/or registered name and for failure to include their Common Carrier Certificate No. 8323-A in all advertising.</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 Francis, seconded by Commissioner Campbell, with Vice Chairman Lewis and Commissioner Skrmetta concurring, and Commissioner Greene absent, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>On motion of Chairman Francis, seconded by Commissioner Campbell, with Vice Chairman Lewis and Commissioner Skrmetta concurring, and Commissioner Greene absent, the Commission voted to accept the Affidavit and Stipulation executed on November 21, 2023 for fines and fees totaling \$525.</p>

<p>Ex. 10</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 I.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Campbell concurring, and Commissioner Greene absent, the Commission voted to approve Commissioner Skrmetta’s nomination of Linfield, Hunter & Junius to assist District I with the political subdivision energy efficiency program for a total budget not to exceed of \$29,679.01.</p>
<p>Ex. 11</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 III.</p> <p>At the request of Chairman Campbell.</p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Campbell concurring, and Commissioner Greene absent, the Commission voted to approve Commissioner Lewis’ nomination of Bonton Associates to assist District III with the political subdivision energy efficiency program for a total budget not to exceed of \$23,878.16.</p>
<p>Ex. 12</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 IV.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Campbell concurring, and Commissioner Greene absent, the Commission voted to approve Commissioner Francis’ nomination of D. Hicks Consulting to assist District IV with the political subdivision energy efficiency program for a total budget not to exceed of \$29,592.63.</p>
<p>Ex. 13</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 on Final Phase II Rules.</p> <p>Exhibit 3 on December 13, 2023 B&E agenda.</p> <p>After discussion, Commissioner Greene made the following motion: I move that we accept Staff’s Recommendation and adopt the Final Phase II Rules filed December 1, 2023 with Section F(4)-Utility Cost Recovery removed and replaced with the following:</p> <p style="padding-left: 40px;">Utilities are allowed to recover their direct costs in facilitating the collection and retention of the EER through the utility’s normal O&M recovery mechanism. Because LPSC jurisdictional utilities predominately utilize a Formula Rate Plan that accounts for yearly underearning’s should they exist, and for those jurisdictional utilities not currently on an FRP similarly can seek rate treatment to account for any underearning year over year, participating utilities will not be allowed recovery of any alleged Lost Contribution to Fixed Costs due to implementation of the Commission’s EE Program.</p>

Any underearning's of a utility will be addressed holistically in their respective FRP or alternative yearly rate making process. Furthermore, nothing in this rule prohibits a utility from voluntarily implementing their own energy efficiency program for their customers. Such programs would be in supplement to the Commission's EE Program and are not mandatory. Should a utility implement their own utility EE program, they may seek administrative and other program costs through normal ratemaking processes. This type of program would not be in lieu of the EE Program designed herein.

Further, I move that we accept Staff's Recommendation and adopt the Final Phase II Rules filed December 1, 2023 with Section III.E.2 revised as follows:

The EE Administrator shall ensure that at least fifteen percent (15%) of budget spending is allocated to low-income residents as defined in the Phase II Rules. Where possible, the EE Administrator may target project implementation/spending neighborhood-wide if a specific area is shown to have over 50% income-qualifying customers and the EE Administrator can identify a need for EE projects.

Measures and/or programs specifically designed for low-income customers are not required to separately pass cost-effectiveness screening, but the portfolio of all programs must be cost effective as a whole. And

The EE Administrator shall also ensure that at least ten percent (10%) of budget spending is allocated to rental properties. In program design the Administrator should consider how best to protect renters in billing arrangements and to facilitate project execution in low-income residences, such as apartment buildings and multi-family dwellings in particular.

On motion of Commissioner Greene, seconded by Vice Chairman Lewis, with Commissioner Campbell concurring, and Chairman Francis and Commissioner Skrmetta opposing, the Commission voted to adopt the Final Phase II Rules filed into the record on December 1, 2023, with amendments. The motion passed with amendments 3:2.

Present for Questions/Comments:

Erin Hansen – Together Louisiana

Equiella Ivery – Together Louisiana

Daniel Walker – South Central Pipe Trades

Rodney Wallis – LA Building and Construction Traders Union

Richard Horton – Together Louisiana

Jodie Manale – Together Louisiana

Dani Moses – Together Louisiana

Logan Burke – Alliance For Affordable Energy

Forest Bradley Wright – American Council for an Energy Efficient Economy

Emma Hopkins – Sierra Club

Robin Mouldr – Together Louisiana

Mark Kleehammer – General Counsel & Chief Regulatory Officer for Cleco Power

Larry Hand – Vice President for Regulatory & Public Affairs for Entergy Louisiana

Paul Pratt – Director, Customer Services and Marketing, SWEPCO

Bobby Gilliam – Counsel for SWEPCO

James Harlan

Broderich Bagert – Together Louisiana

Phillip Hayet – Outside Consultant for Staff

Leah Welborn – Outside Consultant for Staff

<p>Ex. 14</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>R-36226 - Louisiana Public Service Commission, ex parte. In re: Evaluation of Louisiana's electric grid regarding status, maintenance, and whether there is more that could have been done and can be done to benefit Louisiana customers.</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>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: Directive regarding sequential steps for a more resilient Louisiana.</p> <p>Exhibit 12 on December 13, 2023 B&E agenda.</p> <p>DEFERRED</p>
<p>Ex. 15</p>	<p>R-36832 - Louisiana Public Service Commission, ex parte. In re: Investigation of jurisdictional electric, water, wastewater, and gas utilities' use of ratepayer funds on political spending.</p> <p>In re: Discussion and possible vote to retain E9 Insight.</p> <p>After discussion, on motion of Vice Chairman Lewis, seconded by Commissioner Campbell, with Chairman Francis and Commissioner Skrmetta concurring, and Commissioner Greene absent, the Commission voted to retain E9 Insight to assist Staff in the inquiry and research phase of Docket No. R-36832 for \$49,475 in fees and \$7,800 in expenses for a total not to exceed budget of \$57,275.</p>
<p>Ex. 16</p>	<p>S-36813 - F. A. S. Environmental Services, LLC, ex parte. In re: Application to file amended tariff for Common Carrier Certificate Nos. 7357-B & 7985 to increase rates pursuant to General Order dated October 02, 2012.</p> <p>In re: Discussion and possible vote on Staff's Report and Recommendation.</p> <p>On motion of Chairman Francis, seconded by Vice Chairman Lewis, with Commissioner Campbell and Commissioner Skrmetta concurring, and Commissioner Greene absent, the Commission voted to accept Staff's Recommendation filed into the record on December 11, 2023.</p>

<p>Ex. 17</p>	<p>U-36552 - Claiborne Electric Cooperative, Inc., ex parte. In re: Application for approval of Formula Rate Plan and modifications to base rates.</p> <p>In re: Discussion and possible vote on Partial Stipulated Settlement.</p> <p>Commissioner Campbell made the following motion: I move that the Commission accept the Partial Stipulated Settlement with the following modification: with respect to the residential customer charge contained in the Partial Stipulated Settlement, the monthly residential customer charge shall be \$15.</p> <p>After discussion, on motion of Commissioner Campbell, seconded by Commissioner Skrmetta, with Chairman Francis and Vice Chairman Lewis concurring, and Commissioner Greene absent, the Commission voted to accept the Joint Partial Stipulated Settlement filed into the record on August 28, 2023, with amendments.</p> <p>In re: Discussion and possible vote on ALJ Recommendation.</p> <p>After discussion, on motion of Chairman Francis, seconded by Vice Chairman Lewis, with Commissioner Campbell and Commissioner Skrmetta concurring, and Commissioner Greene absent, the Commission voted to adopt the Final Recommendation of the ALJ and Draft Order issued December 28, 2023.</p> <p>Present for Questions/Comments: Mark Brown – CEO of Claiborne Electric Cooperative, Inc. Rebecca Payne – Vice President and Managing Consultant of CH Currency, Consultant for Claiborne Electric Cooperative, Inc. Kara Kantrow – Counsel for Claiborne Electric Cooperative, Inc.</p>
<p>Ex. 18</p>	<p>U-36604 - National Water Infrastructure, LLC, ex parte. In re: Application for approval of Hurricane Ida recovery rate rider.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>On motion of Vice Chairman Lewis, seconded by Commissioner Skrmetta, with Chairman Francis and Commissioner Campbell concurring, and Commissioner Greene absent, the Commission voted to accept the Joint Report and issued the Draft Order filed into the docket on January 11, 2024.</p>
<p>Ex. 19</p>	<p>U-36685 - Entergy Louisiana, LLC, ex parte. In re: Request for certification and approval of the 2022 Solar Portfolio, including eligibility for inclusion in the Company's Geaux Green Option.</p> <p>In re: Discussion and possible vote on Uncontested Partial Stipulated Settlement pursuant to Rule 57.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Campbell concurring, and Commissioner Greene absent, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, with Vice Chairman Lewis and Commissioner Campbell concurring, and Commissioner Greene absent, the Commission voted to approve the Uncontested Partial Stipulated Settlement Agreement filed into the record on January 11, 2024.</p>

<p>Ex. 20</p>	<p>U-36686 - Louisiana Water Company, Inc., ex parte. In re: 2022 Test Year Formula Rate Plan Annual Report.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>On motion of Vice Chairman Lewis, seconded by Chairman Francis, with Commissioner Campbell and Commissioner Skrmetta concurring, and Commissioner Greene absent, the Commission voted to accept the Joint Report and issue the Draft Order, both filed into the record on January 9, 2024.</p>
<p>Ex. 21</p>	<p>U-36716 - Greater Ouachita Water Company, ex parte. In re: Request for (a) approval of an increase in water and sewer rates and line-item charges, (b) a Letter of Non-Opposition to bond issuance, and (c) reservation of rights to request interim rate relief.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Campbell, seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Skrmetta concurring, and Commissioner Greene absent, the Commission voted to approve the Uncontested Stipulated Settlement filed into the record on November 13, 2023.</p>
<p>Ex. 22</p>	<p>U-36718 - Louisiana Public Service Commission, ex parte. In re: Audit of Federal Environmental Adjustment Clause Filings of Cleco Power LLC for the Period of January 2020 - December 2022.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Francis, with Vice Chairman Lewis and Commissioner Campbell concurring, and Commissioner Greene absent, the Commission voted to accept the Joint Report and issued the Draft Order filed into the record on November 30, 2023.</p>
<p>Ex. 23</p>	<p>U-37067 - Louisiana Public Service Commission, ex parte. In re: Evaluation of Southwestern Electric Power Company's decision to retire the Pirkey Power Plant pursuant to Commission Order No. U-36385-A.</p> <p>In re: Discussion and possible vote to retain United Professionals Company.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Campbell concurring, and Commissioner Greene absent, the Commission voted to retain United Professionals Company for \$145,000 in fees and \$7,500 in expenses, for a total budget not to exceed \$152,500, due to a scope expansion.</p>

<p>Ex. 24</p>	<p>1) Reports 2) Resolutions 3) Discussions Discussion on inflationary pressures being experienced by jurisdictional electric utilities. DEFERRED 4) ERSC/OMS/SPP 5) Directives Directive to Staff regarding potential amendment to the definition of “Transmission Facilities” as established in the Commission’s Transmission Siting General Order dated October 10, 2013. At the request of Chairman Campbell.¹ Commissioner Campbell directed Staff to publish for comments in the next bulletin an amended definition of “Transmission Facilities” established by the Transmission Siting General Order dated October 10, 2013 (R-26018 to further clarify and preserve Commission jurisdiction over Transmission projects located within the State of Louisiana. There was no opposition to the directive. Commissioner Greene was absent.</p>
<p>Ex. 25</p>	<p>S-36990 - Cleco Power LLC, ex parte. In re: Request for authorization of Purchased Power Agreement between EnLink Processing Services, LLC (a qualifying Cogeneration Facility) and Cleco Power LLC, including request for authorization of Interconnection Agreement for same. In re: Discussion and possible vote on Staff Report and Recommendation. At the request of Commissioner Skrmetta. On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, with Chairman Francis and Vice Chairman Lewis concurring, and Commissioner Greene absent, the Commission voted to accept the Staff Report and Recommendation filed into the record on January 19, 2024.</p>
<p>Ex. 26</p>	<p>U-36190 - Entergy Louisiana, LLC, ex parte. In re: Application for Certification and Approval of the 2021 Solar Portfolio, Rider Geaux Green Option, Cost Recovery and Related Relief. In re: Discussion and possible vote on Staff Report and Recommendation. At the request of Commissioner Lewis. After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Campbell, with Chairman Francis and Vice Chairman Lewis concurring, and Commissioner Greene absent, the Commission voted to accept the Staff Report and Recommendation filed into the record on January 19, 2024.</p>

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

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, February 21, 2024, at 9:00 a.m. in Baton Rouge, Louisiana.

¹ For the 2023 Business and Executive Sessions, Commissioner Campbell was voted in as the Chairman, which was retained until the Commission voted in the 2024 Chairman at the January 24, 2024 B&E.