

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM NOVEMBER 17, 2021
OPEN SESSION

MINUTES OF NOVEMBER 17, 2021 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 November 17, 2021, convening at 9:00 a.m., and adjourning at 11:38 a.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.

<p>Ex. 1</p>	<p>Chairman Greene welcomed Pastor Johnny Green to lead the prayer and Trooper Taylor Scrantz to lead the Pledge of Allegiance.</p> <p>Chairman Greene wished Commissioner Francis an early Happy Birthday and Vice Chairman Skrmetta wished Chairman Greene a Happy Birthday.</p> <p>Commissioner Campbell announced that Barlow Holley, Staff Attorney, would be leaving the Commission for another job in state government.</p> <p>Chairman Greene announced that Exhibit 7 and Exhibit 12 were deferred.</p> <p>Executive Counsel Kathryn Bowman announced that the December B&E will be held on Tuesday, December 14, 2021 at the Natchitoches Events Center in Natchitoches, Louisiana.</p> <p>Deputy General Counsel Melissa Frey introduced new employee, Staff Attorney Tanika Starks.</p> <p>Deputy General Counsel Melissa Frey also provided information for the Public Utility Section CLE on December 3, 2021, at the Baton Rouge City Club.</p> <p>Executive Secretary Brandon Frey announced that Staff is working on the B&E Session Calendar for 2022 and that the January, 2022 B&E was already scheduled to be held on Tuesday, January 25, 2022.</p>
<p>Ex. 2</p>	<p>T-36122 – Louisiana Public Service Commission vs. Hatfield’s Towing & Transport, LLC. In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority; allegedly occurring on or about July 24, 2021.</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 Francis, seconded by Chairman 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 Francis, seconded by Chairman Greene, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed on October 21, 2021.</p>

<p>Ex. 3</p>	<p>I-36175 – Cleco Power LLC, ex parte. In re: 2021 Request to Initiate Integrated Resource Planning Process Pursuant to the General Order (Corrected) in Docket R-30021 Dated April 20, 2012.</p> <p>In re: Discussion and possible vote to hire an outside consultant.</p> <p>Vice Chairman Skrmetta made a motion to retain J. Kennedy & Associates, which was seconded by Chairman Greene.</p> <p>After discussion, Commissioner Campbell made a substitute motion to defer this item until the December B&E Meeting, which was seconded by Commissioner Francis. With Chairman Greene and Commissioner Boissiere concurring and Vice Chairman Skrmetta opposing the substitute motion passed.</p> <p>DEFERRED</p>
<p>Ex. 4</p>	<p>I-36181 – Entergy Louisiana, LLC, ex parte. In re: 2021 Request to Initiate Integrated Resource Planning Process Pursuant to the General Order (Corrected) in Docket No. R-30021 Dated April 20, 2012.</p> <p>In re: Discussion and possible vote to hire an outside consultant.</p> <p>DEFERRED</p>
<p>Ex. 5</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 maintain the Quick Start Program pending consideration of Phase II Rules.</p> <p>On motion of Chairman Greene, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to maintain the Quick Start Program for an additional one-year beginning January 1, 2022, approve a transition year for 2023, and approve a budget increase to 1% of the utility’s 2012 retail revenue for the utility’s QS energy efficiency programs.</p>
<p>Ex. 6</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: Discussion and possible vote to hire outside consultant.</p> <p>Vice Chairman Skrmetta made a motion to retain McQ Group, which was seconded by Commissioner Francis.</p> <p>After discussion, Commissioner Campbell made a substitute motion to defer this item until the December B&E, which was seconded by Commissioner Boissiere. With Chairman Greene and Commissioner Francis concurring and Vice Chairman Skrmetta opposing, the substitute motion passed.</p> <p>DEFERRED</p>

<p>Ex. 7</p>	<p>S-36107 – NTS Communications, LLC d/b/a Vexus Fiber, ex parte. In re: Petition for Designation as an Eligible Telecommunications Carrier.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>(Exhibit 3 on the October 20, 2021 B&E.)</p> <p>DEFERRED</p>
<p>Ex. 8</p>	<p>S-36158 – Cleco Power LLC, ex parte. In re: Application for Authorization of a Non-Material Upstream Restructuring of MIP Cleco Partners L.P.’s Indirect Interest in Cleco Power LLC.</p> <p>In re: Discussion and possible vote on Staff’s Report and Recommendation.</p> <p>On motion of Chairman Greene, seconded by Commissioner Campbell, with Vice Chairman Skrmetta and Commissioner Francis concurring, and Commissioner Boissiere temporarily absent, the Commission voted to accept Staff’s Report and Recommendation filed into the record on November 3, 2021.</p>
<p>Ex. 9</p>	<p>U-34109 – Louisiana Public Service Commission, ex parte. In re: Audit of Fuel Adjustment Clause Filings for Entergy Louisiana, LLC for the period of January 2014 through December 2015.</p> <p>In re: Discussion and possible vote on Joint Report of Settlement.</p> <p>On motion of Chairman Greene, seconded by Commissioner Campbell, with Commissioner Francis concurring, and Vice Chairman Skrmetta and Commissioner Boissiere temporarily absent, the Commission voted to accept the Joint Report on Settlement filed into the record on November 3, 2021.</p>
<p>Ex. 10</p>	<p>U-35418 – Ascension Wastewater Treatment, Inc. and East Baton Rouge Parish Wastewater System, ex parte. In re: Request for a Letter of Non-Opposition to the Proposed Asset Transfer of System Assets of Lakes at Jamestown Subdivision, owned by Ascension Wastewater Treatment, Inc. to the East Baton Rouge Parish Wastewater System.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 to accept Uncontested Proposed Stipulated Settlement.</p> <p>(Exhibit 7 on the October 20, 2021 B&E.)</p> <p>On motion of Commissioner Francis, seconded by Chairman Greene, with Commissioner Campbell and Commissioner Boissiere concurring, and Vice Chairman Skrmetta temporarily 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 Commissioner Francis, seconded by Chairman Greene, and unanimously adopted, the Commission voted to accept the Uncontested Proposed Stipulated Settlement filed into the record on October 13, 2021.</p> <p>Present for Questions/Comments: Rob Rieger, counsel for Ascension Wastewater Treatment Robert H. Abbott III, Baton Rouge City Parish Attorney’s Office</p>

<p>Ex. 11</p>	<p>U-36154 – Entergy Louisiana, LLC, ex parte. In re: Application for Approval of Ratemaking Adjustment for Interim Hurricane Ida Financing and Request for Expedited Treatment.</p> <p>In re: Discussion and possible vote on Unopposed Joint Motion for Expedited Approval Pursuant to Rule 57 of Ratemaking Adjustment for Interim Hurricane Recovery Financing.</p> <p>On motion of Chairman Greene, seconded by Commissioner Boissiere, 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 Chairman Greene, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to accept the Unopposed Joint Motion for Expedited Approval Pursuant to Rule 57 of Ratemaking Adjustment for Interim Hurricane Recovery Financing.</p> <p>Present for Questions/Comments: Phillip May, President and CEO for Entergy Louisiana Mark Kleehammer, Vice President of Regulatory and Public Affairs</p>
<p>Ex. 12</p>	<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>DEFERRED</p>
<p>Ex. 13</p>	<p>TBD – Southwestern Electric Power Company, ex parte. In re: 2021 Request to Initiate Integrated Resource Planning Process Pursuant to the General Order (Corrected) in Docket No. R-30021 Dated April 20, 2012.</p> <p>In re: Discussion and possible vote to hire an outside consultant.</p> <p>DEFERRED</p>
<p>Ex. 14</p>	<p>TBD – Entergy Louisiana, LLC, ex parte. In re: Request for Certification of Solar Resource and Green Tariff Filing.</p> <p>In re: Discussion and possible vote to hire outside counsel.</p> <p>On motion of Chairman Greene, seconded by Commissioner Francis, with Vice Chairman Skrmetta and Commissioner Boissiere concurring, and Commissioner Campbell temporarily absent, the Commission voted to retain Stone Pigman for a budget of \$121,000 in fees and \$8,000 in expenses for a total budget not to exceed \$129,000.</p>

<p>Ex. 15</p>	<p>TBD – Cleco Power LLC, ex parte. In re: Request for Proposals for the Acquisition of Solar Generating Capacity.</p> <p>In re: Discussion and possible vote to hire an outside consultant.</p> <p>On motion of Chairman Greene, seconded by Commissioner Boissiere, with Vice Chairman Skrmetta and Commissioner Francis concurring, and Commissioner Campbell temporarily absent, the Commission voted to retain United Professionals Company for a budget of \$75,000 in fees and \$2,000 in expenses for a total budget not to exceed \$77,000.</p>
<p>Ex. 16</p>	<p>1) Reports 2) Resolutions 3) Discussions</p> <p>4) ERSC/OMS/SPP</p> <p>- Ratification of LPSC interventions in RTO-related FERC proceedings.</p> <p>On motion of Chairman Greene, seconded by Commissioner Boissiere, with Vice Chairman Skrmetta and Commissioner Francis concurring, and Commissioner Campbell temporarily absent, the Commission voted to ratify Louisiana Public Service Commission interventions filed on October 14, 2021 without comment in FERC proceedings: ER22-74 AND ER22-75.</p> <p>5) Directives</p> <p>- Directive to Staff to evaluate 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>At the request of Chairman Greene.</p> <p>Chairman Greene directed Staff to open a docket and take all necessary action, including but not limited to, the hiring of an independent engineering firm, to assess the status and maintenance of the electric grid serving Louisiana, as well as investigate whether certain storm costs could have been avoided with more preemptive maintenance of the grid throughout the state, and to provide recommendations to the Commission that would benefit Louisiana customers in reliability, decreased load pockets, and access to resources outside our load zone.</p> <p>There was no opposition.</p> <p>- Directive to Staff to assess Louisiana’s current electric utility infrastructure for resiliency and hardening for future storm events.</p> <p>At the request of Chairman Greene.</p> <p>Chairman Greene directed Staff to open a docket and use whatever means necessary, including but not limited to, the hiring of an independent engineering firm to assess the current electric utility infrastructure in Louisiana and propose a plan of resiliency and hardening that could better prepare Louisiana’s electric grid for future storms and interruptions. This docket should include creative proposals that will solve Louisiana’s specific infrastructure problems and allow Staff to explore all options from hardening to microgrids to solutions not yet known to the Commission.</p> <p>There was no opposition.</p>

<p>Ex. 17</p>	<p>Undocketed – Louisiana Public Service Commission v. FERC, 10 F.4th 839 (2021).</p> <p>In re: Possible Executive Session to discuss litigation strategy pursuant to La. R.S. 45:16, et seq.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, with Commissioner Campbell and Commissioner Boissiere concurring and Commissioner Francis temporarily absent, the Commission voted to enter into Executive Session.</p> <p>On motion of Chairman Greene, seconded by Vice Chairman Skrmetta, with Commissioner Boissiere and Commissioner Francis concurring and Commissioner Campbell temporarily absent, the Commission voted to exit Executive Session.</p>
<p>Ex. 18</p>	<p>S-36156 – The Dow Chemical Company, ex parte. In re: Notice Filing Requesting that the Commission Approve its Request to Decrease Olin’s Leasehold Interest to an Amount Equivalent to approximately 285 MW’s due to Olin Shutting Down a Portion of its Chlor Alkali Capacity at its Plaquemine Facility.</p> <p>In re: Discussion and possible vote on Dow Chemical Company’s Request.</p> <p>At the request of Chairman Greene.</p> <p>On motion by Commissioner Francis, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to defer this item until the December B&E Meeting.</p> <p>Present for Questions/Comments: Luke Piontek, counsel for The Dow Chemical Company</p> <p>DEFERRED</p>
<p>Ex. 19</p>	<p>U-35441 – Southwestern Electric Power Company, ex parte. In re: Application for Approval of a Change in Rates, Extension of Formula Rate Plan and Other Related Relief.</p> <p>and</p> <p>U-35753 – Cleco Power and Southwestern Electric Power Company. In re: Joint Application for (I) Authorization to Close the Oxbow Mine; and (II) Authorization to Include and Defer Certain Accelerated Mine Closing Costs in Fuel and Related Ratemaking Treatment.</p> <p>In re: Directive to Staff, Cleco Power and SWEPCO regarding Docket Nos. U-35441 and U-35753.</p> <p>At the request of Commissioner Campbell.</p> <p>Commissioner Campbell directed Staff to issue a notice expanding the scope of Docket U-35753, including publication in the Bulletin for intervention, to include a review of Cleco Power LLC’s and Southwestern Electric Power Company’s decision to retire Dolet Hills Power Station (“DHPS”) by December 31, 2021, including whether such decision was prudent. This directive is consistent with the terms of Order No. U-30975 dated April 30, 2009, and shall also include SWEPCO and CLECO making a prima facie joint application with supporting testimony in expanded Docket No. U-35753 on or before January 31, 2022 supporting their decisions to retire DHPS in 2021.</p>

	<p>Additionally, Commissioner Campbell directed that the scope of Docket No. U-35753 include modifications to the ratemaking recovery of the DHPS costs being considered in Dockets U-35441 (SWEPCO) and considered and deferred by agreement in U-35299 (CLECO), as appropriate and necessary, to: a) reflect disallowances resulting from the Commission’s decision on the prudence of the decision to retire in 2021, if any; b) ensure that ratemaking recovery properly reflects on a going forward basis changes in the actual operating expenses and the actual net book value or regulatory asset and the remaining tax basis at retirement; c) consider ratemaking adjustments and/or mechanisms that would potentially reduce the effects on customers while ensuring recovery of prudent costs and d) ensure that the joint application filed by SWEPCO and CLECO adequately addresses these issues to be decided in the Docket U-35753 proceeding.</p> <p>For clarity, the issues regarding modification of the level and timing of recovery regarding DHPS raised in Docket No. U-35441 are being deferred to the expanded Docket No. U-35753. In Docket No. U-35441, the level and timing of rate recovery for DHPS will maintain the status quo including using a rate base value at December 31, 2020 and present depreciation rates pending potential modification in Docket No. U-35753; however the issue of whether the status quo recovery is maintained through base rates or a retirement rider is preserved for litigation in Docket No. U-35441.</p> <p>Such deferral of consideration of these issues is not a finding of prudence of the status quo level of recovery and it will be subject to review and potential modification, including refunds, in the expanded Docket No. U-35753. Additionally, it is recognized that upon retirement the depreciable asset may need to be converted to a regulatory asset for regulatory accounting purposes only.</p> <p>There was no opposition.</p> <p>Present for Questions/Comments: Bobby Gilliam, counsel for SWEPCO John Shirley, counsel for CLECO Power</p>
<p>Ex. 20</p>	<p>U-36169 – Southwestern Electric Power Company, ex parte. In re: Application for Authorization to Install Advanced Meters in Accordance with the Commission’s General Order dated September 22, 2009.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on SWEPCO’s request for emergency authorization to install up to 12,000 AMS Meters.</p> <p>At the request of Commissioner Campbell.</p> <p>On motion of Chairman Greene, seconded by Commissioner Campbell, 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 Chairman Greene, seconded by Commissioner Campbell and unanimously adopted, the Commission voted on SWEPCO’s request for emergency authorization to install up to 12,000 AMS Meters.</p> <p>Present for Questions/Comments: Malcolm Smoak, CEO for SWEPCO Bobby Gilliam, counsel for SWEPCO</p>

<p>Ex. 21</p>	<p>Undocketed – Possible Implementation of Interim Rule 7 of the Commission’s Rules of Practice and Procedure (Service of Process) and possible revision to the Commission’s Rules.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>At the request of Chairman Greene.</p> <p>On motion of Chairman Greene, seconded by Vice Chairman Skrmetta, with Commissioner Campbell and Commissioner Boissiere concurring and Commissioner Francis temporarily absent, the Commission voted to accept Staff’s Recommendation to adopt an interim Rule 7 and open a rulemaking to review Rule 7 and the entirety of the Commission’s Rules of Practice and Procedure.</p>
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On motion of Chairman Greene, seconded by Commissioner Francis, with Vice Chairman Skrmetta and Commissioner Boissiere concurring, and Commissioner Campbell absent, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Tuesday, December 14, 2021, at 10:00 a.m. at the Natchitoches Events Center in Natchitoches, Louisiana.