

**TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION BUSINESS AND EXECUTIVE OPEN SESSION HELD ON JANUARY 25, 2022 IN BATON ROUGE, LOUISIANA. PRESENT WERE: CHAIRMAN CRAIG CREENE, COMMISSIONER LAMBERT BOISSIERE, III, COMMISSIONER FOSTER CAMPBELL, COMMISSIONER ERIC SKRMETTA, AND COMMISSIONER MIKE FRANCIS.**

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1 **TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION**  
2 **BUSINESS AND EXECUTIVE OPEN SESSION HELD ON JANUARY 25,**  
3 **2022, IN BATON ROUGE, LOUISIANA. PRESENT WERE: CHAIRMAN**  
4 **CRAIG GREENE, COMMISSIONER LAMBERT BOISSIERE,**  
5 **COMMISSIONER FOSTER CAMPBELL, COMMISSIONER ERIC**  
6 **SKRMETTA, AND COMMISSIONER MIKE FRANCIS.**

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7 **CHAIRMAN CRAIG GREENE:** All right. Pastor Olivier.

8 **PASTOR TERRY OLIVIER:** The little green light helps, right. Hey, thank you  
9 all for letting me be a part of this moment on behalf of Healing Place Church in  
10 Baton Rouge and Pastor Mike Haman, and I just want to say thank you for letting  
11 me pray for you and with you all this morning. And I just want to say thank you  
12 for all of the hard work every person in here does to serve and bless our community.  
13 So if you would bow your heads, we're going to pray together.

14 **[PASTOR OLIVIER LEADS IN PRAYER]**

15 **CHAIRMAN GREENE:** Thank you. We have Trooper Scrantz. Thanks again  
16 for joining us.

17 **TROOPER TAYLOR SCRANTZ:** Yes, sir.

18 **[TROOPER SCRANTZ LEADS IN THE PLEDGE]**

19 **CHAIRMAN GREENE:** Thank you very much. All right, everybody.  
20 Announcements. We've got -- my only announcement is we have a big meeting  
21 today. Any other Commissioners have any announcements?

22 **COMMISSIONER ERIC SKRMETTA:** Yeah, just one.

23 **CHAIRMAN GREENE:** Go ahead.

1 **COMMISSIONER SKRMETTA:** Brandon, the February B&E is going to be  
2 held in Metairie.

3 **EXECUTIVE SECRETARY BRANDON FREY:** Correct.

4 **COMMISSIONER SKRMETTA:** I believe we're going to be holding it at the  
5 Copeland Towers Ballroom, and I think the Staff has made arrangements for hotel  
6 rooms at the Lakeway Marriott on Causeway.

7 **SECRETARY FREY:** That is correct.

8 **COMMISSIONER SKRMETTA:** So it's going to be a block, but you can  
9 explain that.

10 **SECRETARY FREY:** Yeah, so -- and the B&E will be located the same place  
11 we had the B&E back in December of '19, I believe it was, in that same ballroom,  
12 so those of y'all are familiar with that. And it's on the 23<sup>rd</sup> of February.

13 **COMMISSIONER SKRMETTA:** Right.

14 **CHAIRMAN GREENE:** Be in the Mardi Gras spirit.

15 **COMMISSIONER SKRMETTA:** Well, they're giving it to us for free, so that  
16 helps.

17 **CHAIRMAN GREENE:** Nice. Any other announcements from Commissioners  
18 or Staff? Go ahead.

19 **COMMISSIONER FOSTER CAMPBELL:** I brought this up before. I don't  
20 know how --

21 **MS. KATHRYN BOWMAN:** Your mic.

22 **COMMISSIONER CAMPBELL:** I don't know how we can accomplish this. It  
23 might not be something that everybody likes at this table, but something's got to

1 happen. I saw where Entergy -- and I know they've had a lot of damage, a lot of  
2 damage with all the storms and they're talking about putting a \$10 fee on  
3 everybody's bill. That's just what they started out off at first blush. I don't know  
4 what it's going to be. But I want you to think about this a little bit. I represent  
5 everybody pretty much north of Alexandria with exception of two parishes, and  
6 we've been blessed. We haven't had all the storms, but we're going to be charged  
7 with \$10 extra a month up there because we're all one family. I don't know what  
8 you could look at, what can happen but if it's for 20 years or 10 years, I mean, that's  
9 a lot of money every month for everybody north of Alexandria and I know a lot of  
10 -- most folks down here live below Alexandria so I'm outnumbered, but  
11 something's got to happen. We can't have to -- we can't have to -- I don't think we  
12 can stand \$10 a month for 20 years when nothing happened up there. Now, we  
13 have ice storms from time to time and y'all help us pay for it, I appreciate it. We  
14 actually had a hurricane last year came all the way up into the Caddo Parish, and I  
15 know that the people in south Louisiana suffer. I know, I've seen that, I've been  
16 down there. But also, I don't know how we do this, but I'm going to talk to our  
17 Staff and all, let's look at it but the people up that way going to be saddled with  
18 maybe as much as \$15 a month for 20 years and they hadn't had the damage, so it's  
19 hard to go someplace and explain when a guy gets up and says, Mr. Campbell, what  
20 you doing, I see where Entergy's going to charge us \$15 a month for 20 years or  
21 whatever and we hadn't had any damage up there. So I want us to be aware that  
22 somebody's looking at that, and I don't know who's got the good ideas but I'm  
23 going to be looking for some because that's a lot of money to put on people north

1 of Alexandria when they haven't had all the storms. I know we -- we work together  
2 and Entergy helps us when we have storms. I mean, I understand that. Y'all do.  
3 But there's got to be a little wiggle room some way. This is a problem for us in  
4 north Louisiana. That's all. I know it's not going to -- everybody's not going to be  
5 happy with that, but maybe we can work out something. We got to think about it  
6 anyway. That's all I had to say.

7 **CHAIRMAN GREENE:** Thank you. The only other thing is 15 is deferred and  
8 Kathryn, you have something?

9 **MS. BOWMAN:** Yeah, just a slight announcement. There's going to be a  
10 formatting change to the B&E documents starting next month. We're going to --  
11 instead of doing legal size, we're going to do letter. Just wanted to let you guys  
12 know, I know, before we started doing it so you guys didn't question what was  
13 going on. Just trying to keep it a little more smaller and condensed.

14 **SECRETARY FREY:** Yeah, you won't have to carry these giant binders around  
15 anymore. They'll be smaller binders.

16 **COMMISSIONER SKRMETTA:** Smaller but thicker.

17 **MS. BOWMAN:** Smaller but thicker.

18 **COMMISSIONER SKRMETTA:** There you go.

19 **SECRETARY FREY:** We'll downsize the print size, too.

20 **COMMISSIONER SKRMETTA:** Oh, that'll be great.

21 **CHAIRMAN GREENE:** All right. We're moving on. Our first order of business  
22 is election of Chairman and Vice Chairman.

23 **COMMISSIONER MIKE FRANCIS:** Mr. Chair?

1 **CHAIRMAN GREENE:** Yes.

2 **COMMISSIONER FRANCIS:** I'd like to make a motion for chairman,  
3 Commissioner Greene.

4 **UNKNOWN SPEAKER:** Turn the mic on, please.

5 **CHAIRMAN GREENE:** Microphone's on. There you go. Say again.

6 **COMMISSIONER FRANCIS:** I'd like to make a motion that we elect  
7 Commissioner Greene for a second term as chairman.

8 **CHAIRMAN GREENE:** A motion for Commissioner Greene to be chairman. I'll  
9 second that.

10 **COMMISSIONER CAMPBELL:** I have a substitute motion.

11 **CHAIRMAN GREENE:** A substitute motion by Commissioner Campbell.

12 **COMMISSIONER CAMPBELL:** I make a substitute motion to --

13 **MS. BOWMAN:** Mic.

14 **COMMISSIONER CAMPBELL:** I'm sorry. I make a substitute motion to  
15 nominate Mr. Boissiere.

16 **COMMISSIONER SKRMETTA:** I'll second the motion of Commissioner  
17 Boissiere.

18 **CHAIRMAN GREENE:** Seconded by Commissioner Skrmetta. I'll object, so  
19 roll call vote. Commissioner Campbell, how do you vote?

20 **COMMISSIONER CAMPBELL:** For Mr. Boissiere?

21 **CHAIRMAN GREENE:** Yes.

22 **COMMISSIONER CAMPBELL:** Yes.

23 **CHAIRMAN GREENE:** Commissioner Boissiere.

1 **COMMISSIONER LAMBERT BOISSIERE:** Yes.

2 **CHAIRMAN GREENE:** Commissioner Skrmetta.

3 **COMMISSIONER SKRMETTA:** Yes.

4 **CHAIRMAN GREENE:** Commissioner Francis.

5 **COMMISSIONER FRANCIS:** Yes.

6 **CHAIRMAN GREENE:** And I'll vote yes as well. Mr. Chairman.

7 **COMMISSIONER SKRMETTA:** You'll continue through the meeting.

8 **CHAIRMAN GREENE:** Yeah, I'll -- so I think I can complete this meeting and  
9 then you take over, so.

10 **COMMISSIONER BOISSIERE:** Absolutely.

11 **COMMISSIONER SKRMETTA:** Mr. Chairman.

12 **CHAIRMAN GREENE:** Yes.

13 **COMMISSIONER BOISSIERE:** I wouldn't have it any other way.

14 **COMMISSIONER SKRMETTA:** Mr. Chairman, I'd like to nominate for Vice  
15 Chair, Commissioner Francis.

16 **CHAIRMAN GREENE:** I'll second that.

17 **COMMISSIONER BOISSIERE:** Commissioner Francis.

18 **CHAIRMAN GREENE:** Is there any objection? [NONE HEARD] Hearing  
19 none, we have our Chairman and Vice Chairman set for next, so very good.

20 **COMMISSIONER SKRMETTA:** Mr. Chairman.

21 **CHAIRMAN GREENE:** Yes. Commissioner Skrmetta.

22 **COMMISSIONER SKRMETTA:** I'd like to nominate for ERSC representative  
23 in Exhibit 3, Commissioner Boissiere.



1 **CHAIRMAN GREENE:** Motion to nominate Commissioner Boissiere for ERSC  
2 representative, I'll second that. Any objection? [NONE HEARD] Hearing none,  
3 Commissioner Boissiere, ERSC.

4 **COMMISSIONER BOISSIERE:** Thank you.

5 **COMMISSIONER FRANCIS:** Commissioner -- Commissioner Greene.

6 **CHAIRMAN GREENE:** Yes.

7 **COMMISSIONER FRANCIS:** I'd like to make a motion to nominate for OMS,  
8 Commissioner Craig Greene.

9 **CHAIRMAN GREENE:** Motion to nominate Greene for OMS. I will second  
10 that. Any objection?

11 **COMMISSIONER BOISSIERE:** No, but I'd like to offer a substitute motion for  
12 Mr. Skrmetta, if -- so I move for Commissioner Skrmetta to stay in the position.

13 **CHAIRMAN GREENE:** Okay. Motion for Mr. Skrmetta to be OMS  
14 representative.

15 **COMMISSIONER CAMPBELL:** I got a question, too. How long -- how long  
16 has Mr. Skrmetta been on this thing?

17 **CHAIRMAN GREENE:** How long have you been on it?

18 **COMMISSIONER SKRMETTA:** As long as Commissioner Boissiere's been  
19 ERSC, I've been OMS.

20 **COMMISSIONER CAMPBELL:** How many years is that though? I don't know  
21 how many --

22 **COMMISSIONER SKRMETTA:** I think it's been about three years, maybe.

23 **COMMISSIONER CAMPBELL:** Three years

1 **COMMISSIONER SKRMETTA:** Maybe two, two or three. Could be, is it two  
2 or three?

3 **COMMISSIONER BOISSIERE:** I don't remember. We had a pandemic in the  
4 middle.

5 **MS. BOWMAN:** Been three.

6 **COMMISSIONER CAMPBELL:** You want me to vote --

7 **CHAIRMAN GREENE:** So there's a motion --

8 **COMMISSIONER BOISSIERE:** Let the chairman --

9 **CHAIRMAN GREENE:** So we have a motion to nominate Commissioner  
10 Skrmetta. Is there a second? [NONE HEARD] So that motion dies without a  
11 second, we go back to the original motion to nominate me for OMS and there's a  
12 second. Is there objection? [NONE HEARD] Hearing none, I will be -- Greene  
13 will be OMS representative. Next.

14 **COMMISSIONER SKRMETTA:** Motion for --

15 **CHAIRMAN GREENE:** Sure.

16 **COMMISSIONER SKRMETTA:** -- Exhibit 5, SPP representative,  
17 Commissioner Francis.

18 **CHAIRMAN GREENE:** Motion for -- by Commissioner Skrmetta for  
19 Commissioner Francis to be SPP representative. Second by the Chair. Any  
20 objection? [NONE HEARD] Hearing none, Commissioner Francis will be the SPP  
21 representative.

22 **COMMISSIONER FRANCIS:** Thank you.

23 **CHAIRMAN GREENE:** Exhibit 6.

1 **COMMISSIONER CAMPBELL:** I want to say something.

2 **CHAIRMAN GREENE:** Yes.

3 **COMMISSIONER CAMPBELL:** I apologize for not saying it earlier. I have --

4 **MS. BOWMAN:** Commissioner, can you speak into your mic just a little bit more?

5 **COMMISSIONER CAMPBELL:** Okay. I have with me today, a guy that's not

6 new to this crowd, Bill Robertson drove me down here today. I really drove him

7 down here. But anyway, I'm begging Bill to come back, but he won't come back.

8 And I don't blame him because I might not be the easiest guy in the world to get

9 along with. But Bill's our friend, and I appreciate him being here. Bill, where are

10 you? Thank you for coming and thanks for all the work you've done down here.

11 **CHAIRMAN GREENE:** All right. Kathryn.

12 **MS. BOWMAN:** So we're moving on to Exhibit Number 6, which is Docket

13 Number T-35589. It's Louisiana Public Service Commission versus Fast

14 Affordable College Student Movers regarding alleged violations for failure to

15 display the name, address, and/or certificate number of the operator on the vehicle

16 pursuant to of Louisiana Revised Statute 45:167 while operating under Common

17 Carrier Certificate Number 7823 by not providing an estimate prior to conducting

18 moving services pursuant to General Order dated July 12, 2013, while operating

19 under Common Carrier Certificate Number 7823 while damaging cargo pursuant

20 to General Order dated May 04, 2017 and Revised Statute 45:163 while operating

21 under Common Carrier Certificate Number 7823, all occurring on or about May

22 15, 2020 through May 19, 2020; and advertising under a name other than the

23 carrier's legal and/or registered name pursuant to General Order dated April 3, 2008

1 as amended. This is a discussion and possible vote pursuant to Rule 57 on an  
2 affidavit and stipulation executed by the carrier, so this will need two votes. This  
3 is a proposed settlement between Fast Affordable College Student Movers and the  
4 Commission Staff for the mover's violation of the Commission's rules and  
5 regulations relative to household goods movers occurring on or about May 15, 2020  
6 through May 19, 2020. As a result of a complaint, Staff issued a citation to Fast  
7 Affordable Movers alleging that the carrier had violated the Commission rules by  
8 failure to display the name, address, and/or certificate number of the operator on  
9 the vehicle; by not providing an estimate prior to conducting moving services  
10 pursuant to General Order dated July 12, 2013; by damaging cargo pursuant to  
11 General Order dated May 04, 2017 all occurring on or about May 15, 2020 through  
12 May 19, 2020; and advertising under a name other than the carrier's legal and/or  
13 registered name pursuant to General Order dated April 3, 2008 as amended. In  
14 response to the citation, the owner of Fast and Affordable signed an affidavit and  
15 stipulation admitting to all violations except Count 3. In the affidavit and  
16 stipulation, Mr. McDuffie agreed to the following: A 2,000 fine, with 1,000 of  
17 the fine being suspended conditioned on Fast and Affordable Movers not being  
18 found guilty, entering a plea of guilty, or entering a plea of no contest to any of  
19 the rules and regulations of the Commission relative to household good movers  
20 for a period of one year from the date of executed affidavit and stipulation, for  
21 a total fine of \$1,000 to be paid in one payment together with a \$25 citation fee;  
22 to refund charges in the amount of \$175.76 for the towing and recovery services  
23 paid by the customer on May 16, 2020, and to provide the LPSC proof of the

1    aforementioned refund on or before January 3, 2022; that the carrier shall only  
2    advertise under the name Fast Affordable College Student Movers and that the  
3    company shall display the name, address and the LPSC certificate number on its  
4    vehicles, advertisements, invoices, and any estimated documents that it issues; is to  
5    follow -- also to follow the Commission's rules and regulations regarding  
6    providing estimates for regulated household goods moving services pursuant to  
7    the Commission's General Order dated July 12, 2013; and that the failure to  
8    comply with any of these requirements would result in the \$1,000 suspended  
9    portion of the fine becoming due immediately. Therefore, Staff recommends that  
10   1) The Commission exercise its original and primary jurisdiction under Rule 57 to  
11   consider the affidavit and stipulation; and 2) Accept the affidavit and stipulation  
12   executed on December 31, 2021 for fines and fees totaling \$1,025; and 3) Dismiss  
13   Count 3 with prejudice.

14   **CHAIRMAN GREENE:** So is -- Chair motion to bring the matter up under Rule  
15   57.

16   **COMMISSIONER FRANCIS:** Second.

17   **CHAIRMAN GREENE:** Second by Commissioner Francis. Any objection?

18   [NONE HEARD] The matter's brought up under Rule 57.

19   **COMMISSIONER SKRMETTA:** I have a question for Staff on it, just a quick  
20   question. Justin.

21   **MR. JUSTIN BELLO:** Yes, sir.

22   **COMMISSIONER SKRMETTA:** Again, the name McDuffie appears in the  
23   journey of moving companies.

1 **MR. BELLO:** Yes, sir.

2 **COMMISSIONER SKRMETTA:** How many times does the Commission look  
3 at violations of the moving companies before we just revoke their permit or license?

4 **MR. BELLO:** Commissioner, as long as I've been here, I haven't had a specific  
5 time where we've revoked anybody for a number of violations. I know that this  
6 particular carrier's had issues in the past, but it hasn't been since I've been here and  
7 again, I don't have a specific timeline for that.

8 **COMMISSIONER SKRMETTA:** Would you do me a favor? For the next  
9 meeting, would you quantify, like, on a quick, like, name of the companies, the  
10 number of violations and bring that to the Commission's attention and also, provide  
11 that to the executive secretary and Staff counsel because we might have to start  
12 looking at that because it does get to be a point at which, you know, we might have  
13 to go on a point system or something to where if you reach a number of violations,  
14 we might have to revoke because otherwise, it's just a hunting license.

15 **MR. BELLO:** Yes, sir.

16 **COMMISSIONER SKRMETTA:** All right. Thank you.

17 **MR. BELLO:** Thank you.

18 **CHAIRMAN GREENE:** So Chair motions to accept Staff recommendation.

19 **COMMISSIONER FRANCIS:** Second.

20 **CHAIRMAN GREENE:** Second by Commissioner Francis, any discussion or  
21 objection? [NONE HEARD] Hearing none, it's accepted. Next.

22 **MS. BOWMAN:** Exhibit Number 7 is Docket Number R-35394. It's the  
23 Commission's proceeding to examine options pertaining to pole viability, pole

1 attachments, and all areas that may affect the reliability and sustainability of  
2 Louisiana's Electric Utility Distribution Grid. This is a discussion and possible  
3 vote to hire an engineering consultant. This docket was initiated by Commission  
4 directive and published in the Commission's Bulletin as an X docket. After Staff  
5 concluded its initial investigation, it was recommended that the docket be converted  
6 to a rulemaking docket. Pursuant to a Commission directive, Docket Number X-  
7 35394 was converted to R-35394, and published in the Commission's Official  
8 Bulletin. As Staff has continued its review in this docket, the determination has  
9 been made that an engineering consultant is necessary to complete the review and  
10 the drafting of potential rules to ensure the stated goals of the Commission are  
11 achieved. We received two qualifying bids. The first is from TRC Engineers for  
12 \$189,370 in fees and \$6,980 in expenses for a total budget not to exceed of  
13 \$196,350, and the second is from Critical Technologies Consulting of \$286,900 in  
14 fees and 12,000 in expenses for a total budget not to exceed of \$298,910. And  
15 while Staff makes no recommendation, please note that Staff did send  
16 correspondence to the Commissioners regarding concerns with one of the bidders.

17 **CHAIRMAN GREENE:** So can we speak to that, the conflict?

18 **MS. BOWMAN:** Sure. So TRC is a qualified bidder under the Commission's  
19 rules. They submitted a bid to this RFP. Looking at their bid and looking at their  
20 background, they actually are currently also working for and under contracts with  
21 several of our utilities -- our electric utilities, which would also -- this rulemaking  
22 would directly affect, so in my opinion, that's a direct conflict of interest. So while  
23 TRC is a qualified bidder and could work for the Commission on other avenues,

1 this one particular docket, in my opinion, is a direct conflict and we should not hire  
2 them.

3 **CHAIRMAN GREENE:** Thank you. And so on that note, Chair makes a motion  
4 to accept the bid of Critical Technologies Consulting.

5 **COMMISSIONER SKRMETTA:** Second.

6 **COMMISSIONER FRANCIS:** Commissioner --

7 **CHAIRMAN GREENE:** We have a second by Commissioner Skrmetta and a  
8 comment by Commissioner Francis.

9 **COMMISSIONER FRANCIS:** Kathryn, on the bid sheet I have, it says  
10 recommendation -- Staff makes no recommendations as both bidders are qualified.  
11 That's in my -- so both bidders are not qualified because of conflict?

12 **MS. BOWMAN:** No, sir. So both bidders are qualified under our Commission  
13 rules.

14 **COMMISSIONER FRANCIS:** Oh, okay. I'm sorry.

15 **MS. BOWMAN:** SO TRC could work for the Commission on other matters, it's  
16 just this particular matter, in my opinion, they have a direct conflict of interest, but  
17 TRC is a qualified consultant for the Commission.

18 **COMMISSIONER FRANCIS:** Oh, okay

19 **COMMISSIONER SKRMETTA:** They are technically qualified, but --

20 **COMMISSIONER FRANCIS:** I mean, it sounds to me like it's not qualified  
21 because a conflict of interest, so wouldn't we say that up there -- the people I  
22 represent, that's the way they talk. They're not lawyers, you know, okay. So there  
23 is a conflict of interest for this bidder; is that true?



1 **MS. BOWMAN:** In my opinion, yes, sir, but it's the Commission's ultimate  
2 decision of whether a conflict of interest exists and that's why --

3 **COMMISSIONER FRANCIS:** Oh, okay.

4 **MS. BOWMAN:** So that's why they're still eligible until the Commission makes  
5 that determination that there's a conflict.

6 **COMMISSIONER FRANCIS:** So you're saying we can select unqualified  
7 bidders if we want to? Okay. All right. Thank you.

8 **CHAIRMAN GREENE:** So we have a motion and a second to accept the second  
9 bid, CRC. Is there any discussion or objection?

10 **COMMISSIONER BOISSIERE:** No objection, but I do want to make a  
11 comment.

12 **CHAIRMAN GREENE:** Commissioner Boissiere has a comment.

13 **COMMISSIONER BOISSIERE:** Okay. You can complete the vote.

14 **CHAIRMAN GREENE:** Okay. So hearing none, the motion is passed.  
15 Commissioner Boissiere.

16 **COMMISSIONER BOISSIERE:** Okay. Yeah, I just had a question. Was TRC  
17 notified of this --

18 **MS. BOWMAN:** Yes, sir.

19 **COMMISSIONER BOISSIERE:** Okay. And so they understand where the  
20 conflict lies?

21 **MS. BOWMAN:** Yes, sir.

22 **COMMISSIONER BOISSIERE:** Okay. Well, I think going forward, first I want  
23 to thank you for -- I'm glad the issue came up. I'm sorry that TRC was the first

1 victim of us doing a more thorough examination on bidders. But I think, for sure,  
2 that we may want to get the process to be clearer as I hear Commissioner Francis  
3 raises a very legitimate point. If they have a conflict of interest, does that also make  
4 them qualified or disqualify them from work and so we may have to discuss some  
5 of the rulemakings and things like that. But I really appreciate Staff doing the hard  
6 work of notifying us and notifying them. Thank you.

7 **MS. BOWMAN:** And we actually did just open a rulemaking docket, based upon  
8 Commissioner Campbell last month, of looking at the Commission's rules and  
9 general order related to hiring the consultants and how they would be a qualified  
10 consultant, so we can certainly look at that in that rulemaking about that.

11 **SECRETARY FREY:** And to follow up on what Kathryn said back when I used  
12 to send these out. We had these issues appear in the past and when we notified,  
13 they usually either withdrew their bid or didn't bid. I think the difference here is  
14 TRC decided to go ahead even though we notified them we had a concern, they still  
15 submitted the bid, so. This happens behind the scenes more often. This is the first  
16 time it's actually come up directly like this.

17 **COMMISSIONER FRANCIS:** Mr. Chairman.

18 **CHAIRMAN GREENE:** Commissioner Francis.

19 **COMMISSIONER FRANCIS:** I'll just be on the record as not supporting this  
20 because of the question of the qualifications and I know it's still going to pass but  
21 just ask the corporation to give me a call and explain -- give a chance to clear their  
22 name here and I'm sure they will. Thank you.

23 **CHAIRMAN GREENE:** All right. Very good. Item 8.

1 **MS. BOWMAN:** Exhibit Number 8 is Docket Number R-35595. It's the  
2 Commission's review of the schedule of prescribed rates and requirements for  
3 towing and recovering services in General Order dated August 05, 2016. It's a  
4 discussion and possible vote on Staff's proposed recommendation for Interim CPI  
5 rate increase and this was Exhibit 8 on December's B&E. The Commission Staff  
6 opened this rulemaking pursuant to an unopposed directive at the Commission's  
7 June 24, 2020 Business and Executive Session to review and consider  
8 recommendations to the Commission regarding potential modifications and  
9 possible tariff increases regarding non-consensual towing and recovery services as  
10 set forth in the Commission's General Order dated August 05, 2016. At the  
11 September 22, 2021 B&E, the Commission voted to amend the August 5, '16  
12 General Order by including rates for gate fees and administrative fees. General  
13 Order, October 18, 2021 memorializes this amendment. Staff's full review of  
14 potential changes to the rates and regulations for towing and recovering services is  
15 still ongoing. However, Staff notes that under prior non-consensual towing and  
16 recovery orders, the Commission would biennially adjust rates by an amount equal  
17 to the annual percentage rate as determined by the U.S. Department of Labor,  
18 Consumer Price Index for the South Region, Urban Population Parameter,  
19 Transportation Commodities Less Motor Fuel Parameter. Commission Staff has  
20 conducted a CPI review of the rates as currently set and has determined that a CPI  
21 rate increase is justified in this instance. The Commission's Audit Staff conducted  
22 a CPI review of the current non-consensual towing and recovery rates and utilizing  
23 the Commission's previous methodology of calculating Transportation CPI

1 increases for the towing industry, Staff determined that a 3.19 percent increase is  
2 necessary. Further, Staff used the Motor Vehicle Insurance CPI data for the first  
3 six months of 2021 to determine if insurance was increasing. Staff determined that  
4 the insurance CPI increased by 3.72 percent. Staff notes that with the exception of  
5 an increase in storage rates in 2016, the towing industry has not had an increase in  
6 rates related to CPI since 2014. Therefore, Staff recommends adding the  
7 transportation CPI increase of 3.19 percent with the insurance CPI increase of 3.72  
8 percent to provide an overall interim increase of 6.91 percent. This increase is  
9 interim until the LPSC is able to conduct a full analysis and issue a final  
10 recommendation in this matter. On November 15, 2021, Staff filed its Proposed  
11 Recommendation for Interim CPI Rate Increase and Request for Comments in this  
12 matter, wherein Staff requested all comments be submitted on or before November  
13 29, 2021. On November 24, 2021, Staff received comments from TRPL, which  
14 indicated that it agreed with the Proposed Interim Recommendation. On November  
15 30, 2021, Staff received a Motion to Intervene Out of Time and Submit Comments  
16 from Rudy Smith Services. The Motion to Intervene was granted and the comments  
17 by Rudy Smith were considered by Staff. Generally, these comments disagreed  
18 with Staff's application of the CPI rate review methodology, and asked in the  
19 alternative that Staff conduct a survey of four to five towing companies, reviewing  
20 their receipts relative to insurance, equipment, and labor, and adjusting rates on a  
21 temporary basis pursuant to Staff's finding from this survey. On December 10,  
22 2021, Staff filed its Final Interim Recommendation, wherein Staff responded to the  
23 comments of Rudy Smith. Specifically, Staff agreed that a review of insurance,

1 equipment, and labor costs in the non-consensual towing and recovery industry  
2 would be beneficial in its ultimate review of any potential rate increases. Staff  
3 noted that this type of more thorough review is ongoing, and will be addressed in a  
4 future recommendation. Staff further noted that that while the Transportation CPI  
5 and the Motor Vehicle Insurance CPI do not solely reflect economic data from the  
6 towing and recovery industry, the use of a CPI adjustment has been previously  
7 applied by the Commission in adjusting non-consensual towing and recovery rates.  
8 As such, Staff believes that the rate adjustment of 6.91 percent and the  
9 methodologies used are reasonable. Therefore, Staff recommends that the  
10 Commission issue an interim order amending Attachment A to the Commission's  
11 October 18, 2021 General Order implementing a 6.91 percent interim rate increase.

12 And I have --

13 **COMMISSIONER SKRMETTA:** I have a motion that I've asked the Staff to  
14 prepare for me to look at this in a different light, looking at the producer's price  
15 index versus the consumer price index, simply the difference being consumer price  
16 index is more of milk, bread and eggs type thing where the producers price index  
17 is more based on companies working and the Staff has prepared a --

18 **MS. BOWMAN:** We do have a motion, but before we hear that motion,  
19 Commissioner Skrmetta, Mr. Ruby Smith did put in a yellow card to speak.

20 **COMMISSIONER SKRMETTA:** Do you want to speak, first Rudy or you want  
21 to let us read the motion or?

22 **MR. RUDY SMITH:** You can go through the motion and then --

1 **COMMISSIONER SKRMETTA:** Sure. That'd be great. You mind reading the  
2 motion first and then we'll see if we get any seconds --

3 **MS. BOWMAN:** Sure.

4 **COMMISSIONER SKRMETTA:** -- and then we'll have Rudy speak.

5 **MS. BOWMAN:** For a motion of Commissioner Skrmetta: While recognizing  
6 that the consumer price index has been used in the past by this Commission to adjust  
7 towing rates, I believe that the CPI is less accurate at tracking the effects of inflation  
8 on the towing industry and at the producer price index would be a more reasonable  
9 measure. Therefore, I move that we reject Staff's final interim recommendation  
10 and instead, implement a 15 percent increase on non-consensual towing and  
11 recovering rates, which is more in line with recent price increases as indicated by  
12 the PPI.

13 **COMMISSIONER FRANCIS:** Second that for Commissioner Skrmetta.

14 **COMMISSIONER SKRMETTA:** Go ahead, Rudy.

15 **CHAIRMAN GREENE:** Rudy, you want to come on up. We have a motion and  
16 a second, motion by Commissioner Skrmetta, second by Commissioner Francis.

17 **MS. BOWMAN:** Mr. Smith, just please state your name for the record.

18 **COMMISSIONER SKRMETTA:** You have to push the button on the  
19 microphone.

20 **MR. SMITH:** My name is Rudy Smith. I'm in New Orleans, Louisiana. I  
21 represent a company that's 102 years old. So currently, just for information, we  
22 have served the city of New Orleans for almost 50 years in the non-consensual  
23 towing space. We suspended operations for their heavy duty list in early 2021

1 because we were unable to sustain services at the cost provided. So now, we are  
2 this point. I am -- we need the 15 percent, but in addition, the Commission -- we  
3 would appreciate if the Commission spurs a fast pace on the next review because  
4 the 15 percent is not going to encourage me to get back on that list. The numbers  
5 don't work. Realizing that we sustained this -- in 2016, it was supposed to be a  
6 temporary order subject to research. That never happened. So now we're in  
7 temporary order, two plus one, and questions?

8 **COMMISSIONER CAMPBELL:** What's the difference in what they  
9 recommended and what you're recommending?

10 **MS. BOWMAN:** Commissioner, your mic, please.

11 **COMMISSIONER CAMPBELL:** What's the difference in what you  
12 recommended and what they want now?

13 **MR. SMITH:** They're recommending --

14 **COMMISSIONER CAMPBELL:** Tell me, somebody, the numbers.

15 **SECRETARY FREY:** Justin, you want to hit it or -- you've got those exact  
16 numbers.

17 **MR. BELLO:** Commissioners, Justin Bello on behalf of Commission Staff. I have  
18 the numbers broken down. The 6.91 percent increase, which is in Staff's final  
19 recommendation as well as 15 percent increase, kind of one of the easiest ones to  
20 look at would be a light duty tow per hour rate for a light duty tow. If you were to  
21 do a 6.91 percent increase in dollars, that would actually be \$7 -- \$7.50 increase.  
22 At the 15 percent rate, that would be a \$16 increase and obviously, there are other  
23 rates in our rate schedule but that's the main one that you see.

1 **COMMISSIONER CAMPBELL:** From \$7 to \$16?

2 **MR. BELLO:** \$7.50 increase from 6.91 to 16 percent or \$16, excuse me, for the  
3 15 percent.

4 **COMMISSIONER CAMPBELL:** I'm not for that. I object.

5 **CHAIRMAN GREENE:** You do object?

6 **COMMISSIONER CAMPBELL:** Yeah.

7 **CHAIRMAN GREENE:** Okay.

8 **COMMISSIONER CAMPBELL:** I was --

9 **CHAIRMAN GREENE:** Roll call vote --

10 **COMMISSIONER BOISSIERE:** Wait, before we do that, I think there's more  
11 discussion that needs to be had.

12 **COMMISSIONER CAMPBELL:** Yeah, I got some discussion.

13 **CHAIRMAN GREENE:** Okay. Commissioner Campbell.

14 **COMMISSIONER CAMPBELL:** Yeah, I was all ready to help them some, you  
15 know, \$7, folks that called me were okay with that and now we're going from \$7  
16 to \$15; is that right? That's too much for me, I can't vote for this. I might could  
17 help a little bit, but I'm not going to double it because y'all say you need it and I  
18 respect you, but I can't do that.

19 **COMMISSIONER FRANCIS:** Chairman.

20 **CHAIRMAN GREENE:** Yes, Commissioner Francis.

21 **COMMISSIONER FRANCIS:** You said you're not serving New Orleans at this  
22 time?



1 **MR. SMITH:** We're not serving them on heavy duty lists and we help them out  
2 on light duty as we can, but the costs have accelerated so very much. My insurance  
3 since the last interim increase is three times what it was, so we just cannot afford to  
4 do it.

5 **COMMISSIONER FRANCIS:** What vendor is supporting the heavy lift now in  
6 New Orleans?

7 **MR. SMITH:** I'm sorry?

8 **COMMISSIONER FRANCIS:** What vendor is helping doing the heavy lift now  
9 in New Orleans since you're not doing it?

10 **MR. SMITH:** There's only one, and they are sporadic. We -- even though we're  
11 not on the list, get called by police not infrequently, you know, please come help.

12 **COMMISSIONER FRANCIS:** You have any recommendation from the police  
13 department to help you get your increase and get the service back? It sounds like  
14 we got a reliability problem here.

15 **MR. SMITH:** If I could get a spare police officer here, I'm sure they would mimic  
16 what I'm telling you.

17 **COMMISSIONER FRANCIS:** Thank you.

18 **CHAIRMAN GREENE:** So we have a -- ready for a roll call vote on the substitute  
19 motion that Commissioner Skrmetta -- is that a substitute?

20 **COMMISSIONER SKRMETTA:** It's a primary.

21 **SECRETARY FREY:** It was a primary motion.

22 **MS. BOWMAN:** It was a primary.

23 **CHAIRMAN GREENE:** Fifteen percent?

1     **SECRETARY FREY:** Yes.

2     **CHAIRMAN GREENE:** Okay. So we have an objection, so roll call vote on the  
3     15 percent, Commissioner Campbell.

4     **COMMISSIONER BOISSIERE:** I hate to do it. Let me -- Justin, I was trying to  
5     get something clear. I think you were going to give me a document this morning  
6     on the issue so I can look at a printout.

7     **MR. BELLO:** I can bring that up.

8     **COMMISSIONER BOISSIERE:** Please do.

9     **COMMISSIONER CAMPBELL:** Could I make a substitute motion?

10    **CHAIRMAN GREENE:** Yes.

11    **COMMISSIONER CAMPBELL:** Mr. Brandon, Mr. Frey.

12    **SECRETARY FREY:** Yes.

13    **COMMISSIONER CAMPBELL:** Your -- the Staff recommended \$7, correct?

14    **SECRETARY FREY:** Based on the 6.9 percent on that first rate.

15    **COMMISSIONER CAMPBELL:** And they want, how much, \$15?

16    **SECRETARY FREY:** Well, that with the 15 percent, that's what it would go to.  
17    That's my understanding.

18    **COMMISSIONER CAMPBELL:** They would be \$15; is that correct? That's  
19    what he told us. Is that right?

20    **SECRETARY FREY:** Correct.

21    **COMMISSIONER CAMPBELL:** Sir? Fifteen dollars?

22    **MR. BELLO:** Let me get a mic.

23    **COMMISSIONER CAMPBELL:** Okay. Okay.

1 **CHAIRMAN GREENE:** Do you have a substitute motion?

2 **MR. BELLO:** My apologies, Commissioner, what was that question again?

3 **COMMISSIONER CAMPBELL:** Yeah, I've got a -- yeah, it's \$8 difference.

4 They want \$8 more than the Staff recommended, right?

5 **MR. BELLO:** Yeah, the 15 percent would be a \$16 increase. Again, this is for a

6 light duty tow per hour. The Staff recommendation is \$7.50 in the increase.

7 **COMMISSIONER CAMPBELL:** It's more than that then. It's -- yeah, okay.

8 Well, the difference between 7 and 15 or 7 and 16 is 9. I'll make a motion that we

9 split it with them, \$4.50 added to their \$7, it'd be 11.50.

10 **CHAIRMAN GREENE:** And is this just an interim rate?

11 **MS. BOWMAN:** Yes. Yes, it's just the interim rate until Staff does the full

12 analysis and does a permanent rate increase.

13 **COMMISSIONER CAMPBELL:** Yeah, I'll vote to help them. We already --

14 make this real clear. We already helping them at \$7. What?

15 **MS. BOWMAN:** Yes.

16 **COMMISSIONER CAMPBELL:** That's right.

17 **SECRETARY FREY:** And to clarify, Commissioner Campbell, that would mean

18 -- so that's just one of the rates.

19 **COMMISSIONER CAMPBELL:** I know.

20 **SECRETARY FREY:** We'd have to -- is your motion just for that one rate?

21 **COMMISSIONER CAMPBELL:** Yeah.

22 **SECRETARY FREY:** And so the other ones would stay at the other percent?

23 **COMMISSIONER CAMPBELL:** Seven percent.

1    **SECRETARY FREY:** The other ones would stay at the seven percent, the light  
2    duty --

3    **COMMISSIONER CAMPBELL:** Is your -- wait. Is his motion for 15 percent  
4    across the board for all them?

5    **MS. BOWMAN:** Yes.

6    **SECRETARY FREY:** Correct.

7    **COMMISSIONER CAMPBELL:** No.

8    **SECRETARY FREY:** Okay.

9    **COMMISSIONER CAMPBELL:** I appreciate --

10   **SECRETARY FREY:** Yeah, and that's what we just used -- Justin just used that  
11   one as an example because it was the easiest one to show. The Staff was for seven  
12   percent across the board.

13   **COMMISSIONER CAMPBELL:** I got you. So it's the seven -- your  
14   recommended or our people recommended \$7, they want \$16, right?

15   **MS. BOWMAN:** For light duty towing, yes.

16   **SECRETARY FREY:** Well, for that light duty, that's what it comes out to. We  
17   -- I guess the better way to say it is we recommended 6.9 percent. The motion is  
18   15 percent. So it'd be 6.9 percent across all under the Staff recommendation, it  
19   would be 15 percent across all under the motion.

20   **COMMISSIONER CAMPBELL:** Well --

21   **SECRETARY FREY:** And we just used that one rate to show that 7 to whatever  
22   \$15 difference.

23   **COMMISSIONER CAMPBELL:** I got you. You did that just to clarify.

1    **SECRETARY FREY:** Yes. Yes.

2    **COMMISSIONER CAMPBELL:** Okay. I'm --

3    **CHAIRMAN GREENE:** Do you have something to say? Commissioner Francis.

4    **COMMISSIONER FRANCIS:** I have a question for Commissioner Boissiere. A

5    lot of this, well, wait till they get through with their discussion over there, solving

6    all the world's problems. We'll wait till they get through.

7    **CHAIRMAN GREENE:** I think he wants y'all to hear what he's saying.

8    **COMMISSIONER BOISSIERE:** Okay, Commissioner.

9    **COMMISSIONER FRANCIS:** I've got a question for Commissioner Boissiere.

10   **COMMISSIONER BOISSIERE:** Yes.

11   **COMMISSIONER FRANCIS:** This 15 percent increase was offered by

12   Commissioner Skrmetta who's in the Greater New Orleans area with a lot of his

13   customers. Mr. Boissiere, this affects your area quite a bit. What are you -- what

14   is your opinion of the 15 percent increase?

15   **COMMISSIONER BOISSIERE:** I'll be perfectly honest with you, I'm not

16   completely opposed to it, but I think I have a line of questions that would support

17   that. But I had a motion myself that was slightly different, maybe a little less but

18   better than what Staff offered. So in many ways, I'm supportive of a bigger increase

19   than what Staff wanted. To clarify my position, I'd like to talk about the fact that

20   I've met with the tow group, I've met with Mr. Rudy Smith, and we've talked on

21   several occasions, and I've spoken to Staff about this. There's a problem with the

22   non-consensual tows, the expenses -- and I'm going to let Rudy speak more about

23   it than myself, I'm just going to relay the message the best way I can in effort of

1 time -- is that the insurance has gone up. The cost of trucks and trucking and storage  
2 and all the other fees associated with non-consensual tows has gone up  
3 tremendously over the years. They would do a rate case or a tariff change several  
4 years ago and the Commission has never completed their tariff change. What we're  
5 discussing today is not a true rate change, but an interim rate change. And even  
6 though it seems like it's a big increase is because we haven't given them their rate  
7 change in the years that we promised them a rate change. This is a two part ask.  
8 One, for an interim rate change and two, give them their permanent rate change, do  
9 the work. So I'm talking to Staff right now. Get the work done and that's part of  
10 what myself and Mr. Justin was talking about. The reason they need to do this is  
11 because of all the expenses and I'll let Rudy describe it. But when we give them  
12 the final rate increase, it's going to be higher than \$15 anyway and that's just going  
13 to happen in the next short period of months, maybe a month, 60, 90 days. I think  
14 we can get this thing done. Hopefully, I'm looking at Staff when I say that, get on  
15 this thing and get it done for them because we got truckers out there that are giving  
16 up the business. It's harder and harder for the NOPD, State Police, it's not just New  
17 Orleans, let me be clear. I appreciate Commissioner Francis' question. Sure, it's a  
18 problem in New Orleans, but it's a problem all over the state. We regulate this  
19 statewide and when state police can't get a truck to show up to clear the highway,  
20 we get traffic jams. When we can't clear the highways in New Orleans, it's a  
21 problem with traffic jams and rush hour. In Baton Rouge, it's a problem. At every  
22 corner of the state, it's all -- these are state non-consensual tows, and so if we don't  
23 have enough truckers that are participating because it's a drain on their business as

1 opposed to -- many truckers are going to -- are dropping this line of work and just  
2 going to straight consensual tows as I understand it. But I'll let Rudy explain it  
3 better. But I'm supportive of an increase, and I was supportive of an increase that  
4 is greater than what Staff first proposed because I think Staff has -- if you don't  
5 mind, I'm going to have to say it, I think y'all dropped the ball on this one. We  
6 could -- this should have been done before, and I hope that working with Staff, we  
7 can -- we can fix this and solve some of these issues that we've probably been a  
8 little delayed on. And if we need to get the tow guys in here and we need to work  
9 with them, they're ready to work but we need to do our jobs, too. So I'm supportive  
10 of an increase, whether it -- whether it's the motion on the table or something, but  
11 I think they need at least more than what Staff originally offered.

12 **COMMISSIONER CAMPBELL:** Let me ask a question.

13 **CHAIRMAN GREENE:** Commissioner Campbell.

14 **COMMISSIONER CAMPBELL:** You've done your homework. I'm going to  
15 ask y'all this. When all this came up and you made the recommendation for seven  
16 percent, were any of these people -- trucking people, were they there, the tow  
17 people? Were they there?

18 **SECRETARY FREY:** This -- and I'll let Justin speak to it. My appreciation --  
19 there was a docket, it was open at one point in time that was stagnant for a while  
20 and there's a lot of issues that caused that. Then we had the second request in 2020.

21 **COMMISSIONER CAMPBELL:** How did we come up with seven percent?

22 **SECRETARY FREY:** It's based on a CPI index for -- Justin can speak to the  
23 years. I know it goes through 2020. It did not include 2021 and there's some issues

1 that that would cause, but we just didn't have 2021 data when we did it, but Justin  
2 can speak to that.

3 **MR. BELLO:** Commissioner, that's -- or excuse me, Brandon, that's correct.  
4 Commissioner, this was a combination of two CPI numbers. One was  
5 transportation specific number, the other one was an insurance number that when  
6 combined, came out to 6.91 percent and those looked at the years of 2019 to 2020  
7 using the model for that CPI increase that was established back in 2010 by a general  
8 order of the Commission.

9 **COMMISSIONER CAMPBELL:** So you're doing work in 2021 and we've gone  
10 from 7 to 15, '22.

11 **MR. SMITH:** So let me make a point that the last time this was addressed was  
12 2014 and that was an interim which was addressed in 2016 which was an interim  
13 and now we're 2021.

14 **COMMISSIONER CAMPBELL:** What would it take to satisfy you? See, what  
15 I'm hearing --

16 **MR. SMITH:** Like we said, I'm --

17 **COMMISSIONER CAMPBELL:** I want to know what's it going to take to fill  
18 y'all up.

19 **MR. SMITH:** Like we said, we believe when this thing's done --

20 **COMMISSIONER CAMPBELL:** This is an interim -- this is an interim deal,  
21 and I hear that they're going to want -- it's going to be more, right?

22 **SECRETARY FREY:** That's -- well -- the way that Staff is going to do this --



1 **COMMISSIONER CAMPBELL:** And I want to know -- I want to just -- okay.  
2 Let me just ask one. Consensual tows, okay. Explain exactly what that is. Say  
3 you've got somebody parking in a parking lot and they don't need to be parking  
4 there, he's committed a mortal sin. He parks in a parking lot that he shouldn't be  
5 there in New Orleans because you can't find any else -- place to else to park and he  
6 needs to park somewhere and he has a mortal sin against him. He parks in a no  
7 parking place; is that right?

8 **MR. SMITH:** Yes. That happens.

9 **COMMISSIONER CAMPBELL:** All right. Is that a consensual?

10 **MR. SMITH:** No, that's non-consensual.

11 **SECRETARY FREY:** Non-consensual.

12 **MR. SMITH:** The easy way to understand the definition is a consensual tow is  
13 when you, the owner, call a towing company and say I need a tow, and you're able  
14 to negotiate price at that time and you're going to pay the gentleman whatever you  
15 decide is correct.

16 **COMMISSIONER CAMPBELL:** You just -- how much is it going to cost me to  
17 get this man -- this man did like a terrible thing, he parked in a no parking zone.  
18 And you need to get him out of there, I understand that because the business needs  
19 the parking and so anyway, he needs to get out of there. How much does it cost to  
20 get this out of there?

21 **MR. SMITH:** So the current rate is --

22 **SECRETARY FREY:** 107.50.

23 **MR. BELLO:** 107.50, that's correct.

1     **SECRETARY FREY:** I remembered that one. And that's a flat rate.

2     **MR. SMITH:** Just over a hundred dollars. Now, realize that that is a \$125,000

3     piece of equipment.

4     **COMMISSIONER CAMPBELL:** I got it. I'm a farmer.

5     **MR. SMITH:** But the bigger problem --

6     **COMMISSIONER CAMPBELL:** I got the equipment, I got that down.

7     **MR. SMITH:** But the bigger problem is it changes throughout the state, but in

8     New Orleans, only half the vehicles are picked up so now --

9     **COMMISSIONER CAMPBELL:** Why is that?

10    **MR. SMITH:** They're junk, somebody abandoned them because it wasn't worth

11    towing or repairing. We work for the airport. You would not believe the amount

12    of vehicles that are just abandoned. Well, they're not abandoning them if they're

13    worth something. So now that 107.50, 50 percent of the vehicles aren't picked up,

14    cut in half. Also --

15    **COMMISSIONER CAMPBELL:** What would it go to -- it's 107.50 now. With

16    this increase, how much is it going to go to?

17    **SECRETARY FREY:** It would be that number Justin read.

18    **MR. BELLO:** Yeah, depending on if you're look at the 6.91 percent increase or

19    the 15 percent increase, which one were you asking about, Commissioner? Either

20    one?

21    **SECRETARY FREY:** I say just give him both.

22    **COMMISSIONER CAMPBELL:** Fifteen percent above the 107.

23    **MR. BELLO:** Yeah. And 15 percent above --

1 **COMMISSIONER CAMPBELL:** Ten, 15 dollars over the 107.

2 **MR. BELLO:** It'd be a \$16 increase.

3 **COMMISSIONER CAMPBELL:** Huh?

4 **MR. BELLO:** A \$16 increase if you were at the 15 percent.

5 **COMMISSIONER CAMPBELL:** So for you to go get it, it's --

6 **SECRETARY FREY:** 123.50.

7 **COMMISSIONER CAMPBELL:** \$123 or something; is that right?

8 **MR. SMITH:** Yeah. And that's over seven years that it's been adjusted.

9 **COMMISSIONER CAMPBELL:** You know, I -- but y'all did have a increase

10 when they store your cars, you know, they put it behind the fence or whatever.

11 **MR. SMITH:** 2016.

12 **COMMISSIONER CAMPBELL:** Yeah. How much is that?

13 **MR. SMITH:** Twenty-four dollars.

14 **COMMISSIONER CAMPBELL:** A day? So if you pick my car up, you get

15 \$127. Say, I got a good car though, it runs, okay. And you pick my car up, we not

16 through dancing yet. We just started the dance, right. You take my car for \$127

17 then you put it behind the fence and you charge \$24 more dollars.

18 **MR. SMITH:** Correct.

19 **COMMISSIONER CAMPBELL:** So that's \$150, right, thereabouts. How long

20 can you do that? I mean, if --

21 **MR. SMITH:** Well, understand, Commissioner, that most of those vehicles are

22 picked up in 24 hours. The problem is as of last week, I have over 90 vehicles that

1 have been in storage for more than 90 days because we have to go through a legal  
2 process before we can crush the junk.

3 **COMMISSIONER CAMPBELL:** Well, what if it's not junk, something happen?

4 **MR. SMITH:** Some of it's sellable but if it's not junk, they're coming to get it and  
5 they come and get it within days.

6 **COMMISSIONER CAMPBELL:** Yeah, and they come and get it within 10 days,  
7 it's \$150 a day then they owe you \$1,500 to get his car, right?

8 **SECRETARY FREY:** No, it's -- the towing, it's just the storage, the towing is  
9 only for that initial pick up so that \$107.50 currently would just be one time charge  
10 --

11 **COMMISSIONER CAMPBELL:** And then storage.

12 **SECRETARY FREY:** The storage would be a daily fee.

13 **COMMISSIONER CAMPBELL:** Two hundred forty dollars.

14 **MR. SMITH:** And most people are not going to let their car sit 10 days. I mean,  
15 it's hours, not days.

16 **COMMISSIONER CAMPBELL:** I understand. And y'all have insurance on all  
17 these places so I'm asking a question now.

18 **MR. SMITH:** Correct. And we require --

19 **COMMISSIONER CAMPBELL:** I have a nice truck.

20 **COMMISSIONER SKRMETTA:** Does insurance cost money?

21 **COMMISSIONER CAMPBELL:** I have a nice truck and I have a --

22 **MR. SMITH:** Insurance cost a lot of money.

23 **COMMISSIONER SKRMETTA:** I was just curious.

1 **COMMISSIONER CAMPBELL:** I know about it.

2 **CHAIRMAN GREENE:** That's why he has a nice car.

3 **COMMISSIONER CAMPBELL:** If you have a nice truck and you got a toolbox

4 on the back like Brandon, you got one, everybody's got a toolbox and somebody

5 comes in and they steal all the tools, you got insurance to cover that?

6 **MR. SMITH:** We do.

7 **COMMISSIONER CAMPBELL:** Is that a -- do we make you do that or you

8 supposed to have it?

9 **MR. SMITH:** That is state law.

10 **SECRETARY FREY:** Yes.

11 **MR. SMITH:** To have the license, you're required to have --

12 **COMMISSIONER CAMPBELL:** Insurance.

13 **MR. SMITH:** -- insurance.

14 **COMMISSIONER CAMPBELL:** For somebody steals something off your car -

15 -

16 **MR. SMITH:** Or steals the car, wrecks the car, does something else to it.

17 **COMMISSIONER CAMPBELL:** Okay. Well, that's good. You should -- you

18 should have that because you got care, custody, and control of the car, you ought

19 to have insurance. They got insurance for that.

20 **COMMISSIONER SKRMETTA:** Is this a commercial?

21 **COMMISSIONER CAMPBELL:** Okay. Well, it's not as bad as I thought, but -

22 -

23 **COMMISSIONER FRANCIS:** Mr. Smith, Mr. Smith.

1 **MR. SMITH:** Yes, sir.

2 **COMMISSIONER FRANCIS:** Now that we're all experts in the towing  
3 business, I spent my life in oil and gas service business. I can tell you in the oil  
4 field rates, they're much higher than your rates and so I appreciate your position. I  
5 think Mr. Skrmetta's done his homework on this and offered the 15 percent and I  
6 definitely support that.

7 **CHAIRMAN GREENE:** All right. So where we are, we have a substitute motion,  
8 Commissioner Campbell.

9 **COMMISSIONER CAMPBELL:** You have a motion?

10 **COMMISSIONER BOISSIERE:** If your motion is 11 or 11.5 or 12 percent, then  
11 I can agree with you, you already did the motion.

12 **COMMISSIONER CAMPBELL:** What was the motion I made?

13 **SECRETARY FREY:** The motion you made was to cut in half or split the  
14 difference between the Staff recommendation and the motion on the floor, but only  
15 for the light duty tows is the way I appreciate it.

16 **MR. SMITH:** Yes.

17 **CHAIRMAN GREENE:** So are you seconding, Commissioner Boissiere?

18 **COMMISSIONER BOISSIERE:** I mean --

19 **SECRETARY FREY:** And then as I understand it, too, for the further discussion,  
20 for the other tows, medium duty, heavy duty, recovery --

21 **COMMISSIONER CAMPBELL:** This 15 percent, is it across the board for  
22 everything?

1     **SECRETARY FREY:** That's correct. And just like the seven percent would have  
2     been across the board for all the rates.

3     **COMMISSIONER BOISSIERE:** But all non-consensual.

4     **SECRETARY FREY:** All non-consensual.

5     **COMMISSIONER BOISSIERE:** Non-consensual. So --

6     **SECRETARY FREY:** Non-consensual tows and recoveries. Not storage, I don't  
7     believe and --

8     **COMMISSIONER BOISSIERE:** Right. We don't regulate those other ones  
9     anyway.

10    **SECRETARY FREY:** Okay.

11    **COMMISSIONER BOISSIERE:** And I want to be clear, a better -- a really good  
12    example is partially an illegal part, but a really good example is a wreck on the side  
13    of the road. That's what you use this for.

14    **MR. SMITH:** Yes.

15    **COMMISSIONER BOISSIERE:** When there's an accident and there's no one  
16    and the state police tells you to clear the road.

17    **MR. SMITH:** Correct. Correct.

18    **COMMISSIONER BOISSIERE:** That's what happens most of the time in these  
19    cases. It's rarely the other example which is a legitimate example, but it's when  
20    there's cars all over the road, when there's been a pile up and we got to fill the road  
21    and get people home and get people to work and get people to school, who's going  
22    to move those cars and -- it's these guys.

23    **SECRETARY FREY:** That's correct.

1 **COMMISSIONER BOISSIERE:** And let --

2 **SECRETARY FREY:** I've experienced it firsthand myself.

3 **COMMISSIONER BOISSIERE:** And let me ask Rudy a question and this is by

4 no means going to start another whole discussion, but when there is an accident,

5 does insurance generally kick in to cover some of these costs?

6 **MR. SMITH:** If they have comprehensive insurance, yes. If it's liability, no. And

7 so if they have liability only and they total a car, it ends up in the junk pile.

8 **COMMISSIONER BOISSIERE:** Right. But if it's a legitimate vehicle --

9 **MR. SMITH:** And understand, you know, even 15 is not going to induce my

10 company to get back into that.

11 **COMMISSIONER BOISSIERE:** Right.

12 **MR. SMITH:** To help out, we have actually come to the scene of accidents

13 through the interstate, we put them in the grass, leave them because it costs me too

14 much to put them in pound.

15 **COMMISSIONER BOISSIERE:** Uh-huh.

16 **MR. SMITH:** So we're at -- we're at a wall here and I know when an in depth

17 study is done, this 15 percent is not going to cover it.

18 **COMMISSIONER BOISSIERE:** I understand.

19 **MR. SMITH:** I also know we're not going to get this study done in 90 days, that's

20 not possible.

21 **COMMISSIONER BOISSIERE:** All right, Rudy.

22 **CHAIRMAN GREENE:** So there's a substitute motion and a second; is that

23 correct?



1 **COMMISSIONER BOISSIERE:** You know what, I'm going to go with original  
2 motion on the table.

3 **CHAIRMAN GREENE:** Fifteen?

4 **COMMISSIONER BOISSIERE:** Yeah, I'm good with 15.

5 **CHAIRMAN GREENE:** Okay. So there's no second for Commissioner  
6 Campbell's motion, so we'll go back to the original motion of Commissioner  
7 Skrmetta at 15 percent. And do you object, Commissioner Campbell?

8 **COMMISSIONER CAMPBELL:** Do what?

9 **CHAIRMAN GREENE:** Do you object to the 15?

10 **COMMISSIONER CAMPBELL:** Yeah. Yeah.

11 **CHAIRMAN GREENE:** Yes. So there's objection, so we'll do roll call vote on  
12 the 15 percent. Commissioner Campbell.

13 **COMMISSIONER CAMPBELL:** Let me explain myself. I don't need to explain  
14 my no vote, it's just no. I talked to some people up in my area, they were satisfied  
15 with the compromise and that's what I agreed to and this is double the compromise,  
16 but I understand. I don't think you're doing anything wrong, so I know what I  
17 obligated myself to. I'm going to stay with that.

18 **CHAIRMAN GREENE:** Okay. So that's a no vote?

19 **COMMISSIONER CAMPBELL:** No.

20 **CHAIRMAN GREENE:** Commissioner Boissiere.

21 **COMMISSIONER BOISSIERE:** I'm going to vote yes.

22 **CHAIRMAN GREENE:** Commissioner Skrmetta.

23 **COMMISSIONER SKRMETTA:** Yes.

1    **CHAIRMAN GREENE:** Commissioner Francis.

2    **COMMISSIONER FRANCIS:** Yes.

3    **CHAIRMAN GREENE:** Chair votes yes. And it's passed, 15 percent. Next.

4    **MR. SMITH:** Thank you.

5    **MS. BOWMAN:** Exhibit Number 9 is Docket Number R-36131. It's the

6    Commission's determination of Commission jurisdiction over the various methods

7    of providing electricity to electric vehicles and the infrastructure associated

8    therewith. This is -- has two components to it. There is an update from Staff at

9    request of Commissioner Skrmetta and there is also a discussion and possible

10   motion to rehear the hiring of the McQ Group pursuant to Rule 43 at the request of

11   Commissioner Campbell.

12   **CHAIRMAN GREENE:** Do you have something to read or no?

13   **MS. BOWMAN:** No.

14   **CHAIRMAN GREENE:** So on this, I would like for the fellow Commissioners,

15   we're going to -- we're going to by the parliamentary and whoever's turn it is to

16   speak, we're going to let speak and then when that -- let's just not interrupt each

17   other on this, so. Mr. McQuaig, Mr. Demint, please --

18   **MR. RICK DEMINT:** Rick Demint.

19   **SECRETARY FREY:** Make sure you get the green light on and then you know

20   you're good.

21   **MS. BOWMAN:** And can you both fill out yellow cards. You can do it after, just

22   please both fill out yellow cards.

23   **MR. SCOTT MCQUAIG:** Sure. Good morning, Mr. Chairman, Commissioners.

1 **COMMISSIONER CAMPBELL:** Hey, wait a minute, wait a minute. Am I  
2 going to get to present my case first?

3 **CHAIRMAN GREENE:** Yes. We're going to let them speak and then we're  
4 going to each take turns.

5 **COMMISSIONER CAMPBELL:** Right.

6 **CHAIRMAN GREENE:** Without interrupting each other.

7 **COMMISSIONER CAMPBELL:** Right.

8 **CHAIRMAN GREENE:** Yeah, after they speak, you're going to go next.

9 **MR. MCQUAIG:** Mr. Chairman, Commissioners, we were directed this morning  
10 to provide a brief report and update.

11 **COMMISSIONER CAMPBELL:** Wait a minute, Craig.

12 **CHAIRMAN GREENE:** Hold on one second.

13 **COMMISSIONER CAMPBELL:** How does that work?

14 **CHAIRMAN GREENE:** Would you like to go first?

15 **COMMISSIONER CAMPBELL:** Yeah.

16 **CHAIRMAN GREENE:** Okay. We're going -- Commissioner Campbell is going  
17 to speak first. Commissioner Campbell.

18 **COMMISSIONER CAMPBELL:** Put these people under oath, would you?

19 **SECRETARY FREY:** The card is the -- is the oath. The cards that they fill out  
20 there.

21 **COMMISSIONER CAMPBELL:** Yeah. First of all, I got a few questions I want  
22 to ask. I wanted to ask them last time, Mr. McQuaig but you left for whatever  
23 reason. Why did you leave, Mr. McQuaig?

1 **MR. MCQUAIG:** Commissioner Campbell, I'll be happy to discuss that and  
2 correct the record. I've been able to communicate the reasons for my leaving the  
3 last meeting with most of you individually.

4 **COMMISSIONER CAMPBELL:** You didn't communicate that with me.

5 **MR. MCQUAIG:** No, sir, I didn't.

6 **COMMISSIONER CAMPBELL:** Okay.

7 **MR. MCQUAIG:** I'm happy to do so now on record.

8 **COMMISSIONER CAMPBELL:** So why did you leave?

9 **MR. MCQUAIG:** I got up at 4:00 in the morning on the morning of the last B&E  
10 and drove to Natchitoches to appear at the B&E and to participate in the B&E and  
11 I did so. I saw each of you Commissioners before the meeting, I visited, I said  
12 hello, and I stayed at the meeting for a reasonable period of time. I got a call from  
13 the mechanic who had repaired my car that broke down the week before when I  
14 drove to Bossier to meet with you in your office, Commissioner Campbell, and I  
15 had been driving a loaner car back to New Orleans and around the New Orleans  
16 area ever since. The plan was for me to drive to Natchitoches, appear at the  
17 meeting, which I did, and then when the meeting adjourned, drive on to Bossier,  
18 pick up my truck and drive home because I had business the next day. I had not  
19 been asked by anyone on the Commission to speak at the last B&E. I hadn't been  
20 told that me appearing before the Commission would be necessary, so I received a  
21 text from the mechanic that he had --

22 **COMMISSIONER CAMPBELL:** Wait, wait. Can I ask a question there? You  
23 never were told that you were supposed to speak at the next B&E?

1 **MR. MCQUAIG:** No, sir.

2 **COMMISSIONER CAMPBELL:** That's not true.

3 **MR. MCQUAIG:** Well, it is true. I was never told that I would need to speak at  
4 the last meeting, but if I may, Commissioner --

5 **COMMISSIONER CAMPBELL:** But everybody -- let me set the record straight,  
6 Mr. McQuaig. You have a lapse of memory here. Everybody up here with  
7 exception of Mr. Skrmetta was understanding the last time when we were here in  
8 November, we said you need to come back and answer some questions and we all  
9 agreed to that. You knew that, Mr. McQuaig. Now, don't tell me that you didn't  
10 know that you were supposed to answer questions.

11 **MR. MCQUAIG:** Commissioner --

12 **COMMISSIONER CAMPBELL:** That's not the case. Everybody knew that I  
13 had questions and I said that, and I think Mr. Greene agreed, we all said come on  
14 back and we'll do it in December.

15 **CHAIRMAN GREENE:** And Brandon, was he on the agenda for December?

16 **MR. MCQUAIG:** The vote was on the agenda.

17 **SECRETARY FREY:** If I remember, I think it was on the November meeting  
18 initially and it was deferred a month to December, then it was on the December  
19 meeting as well.

20 **COMMISSIONER CAMPBELL:** And with the understanding there was some  
21 questions that I wanted to ask and I didn't get a chance to ask them. So anyway, to  
22 say that you didn't know you were supposed to answer questions, that ain't exactly

1 right. But anyway, I'm going to let you go with that one. I got some more questions  
2 I want to ask you.

3 **MR. MCQUAIG:** Can I continue with the reason I was absent, Mr. Chairman?

4 **COMMISSIONER CAMPBELL:** Yeah.

5 **CHAIRMAN GREENE:** Yes.

6 **MR. MCQUAIG:** All right. Those last discussions notwithstanding, my intent  
7 was to be there for the meeting and for the entire meeting, and I received word from  
8 the mechanic who had my car, that it was ready but he had personal matters, had to  
9 leave for the day and my truck would be locked up and I could get it tomorrow  
10 morning unless I could come get it in the next hour and half to two hours. So I  
11 went and got in my loaner car and I drove on to Bossier and I picked up my truck.  
12 And unfortunately, I wasn't available at the meeting to answer questions. Words  
13 like disrespectful and mysterious were used in connection with those  
14 circumstances. I assure the Commission that I was neither intentionally  
15 disrespectful nor was there a mysterious reason why I had to leave. I simply had to  
16 leave because I needed to pick up my vehicle and return home to Metairie that night  
17 because I had business to attend to the next day. I didn't --

18 **COMMISSIONER CAMPBELL:** Did you --

19 **MR. MCQUAIG:** I didn't shy away from answering questions when I met with  
20 you the week before, Commissioner Campbell. I've never shied away from  
21 answering anyone's questions at this Commission. I didn't do it on that day. I got  
22 up that morning to drive to Natchitoches and was there to do so and unfortunately,  
23 had to leave.

1 **COMMISSIONER CAMPBELL:** Well, now you're saying you were there to do  
2 what? To answer questions. Now, you said you didn't know you were going to  
3 have to testify.

4 **MR. MCQUAIG:** I was there to participate in the meeting.

5 **COMMISSIONER CAMPBELL:** That's confusing. You're saying that you got  
6 up at 4:00 in the morning, you drove to Natchitoches to do what you had to do. I  
7 was going to ask you, matter of fact, I asked -- where is Mr. McQuaig. He wasn't  
8 there. I was going to ask you some questions because you left. Now, you said --  
9 did you tell Brandon -- did he come over and tell you, Brandon, I got to go to  
10 Shreveport, it's an emergency. I won't be able to answer any questions.

11 **SECRETARY FREY:** I don't remember one way or the other. I think Mr. Demint  
12 and I talked.

13 **COMMISSIONER CAMPBELL:** Well, you would remember if he told you that  
14 or not. Come on, man.

15 **SECRETARY FREY:** No, I mean, I know Rick and I had talked --

16 **COMMISSIONER CAMPBELL:** I don't remember.

17 **SECRETARY FREY:** -- and I asked, so.

18 **COMMISSIONER CAMPBELL:** Well, of course he didn't tell you that. He  
19 left. But did you leave to get a pickup truck fixed up because you had a rental car,  
20 but you had a \$45,000 contract laying on here -- on this table.

21 **MR. MCQUAIG:** Commissioner Campbell --

22 **COMMISSIONER CAMPBELL:** You thought more of a pickup than you did a  
23 \$45,000 contract?

1 **MR. MCQUAIG:** No, sir. I thought more of the medical test that I had scheduled  
2 the next morning and I knew I had to be back home in Metairie.

3 **COMMISSIONER CAMPBELL:** I got you. I got a few more questions, good  
4 many, so just hold on, okay. All right. The last meeting, and we've talked about it  
5 today and Mr. Boissiere's mentioned it already. In reviewing this matter, I realize  
6 how the process hiring outside Staff is flawed. Two issues stand out from our  
7 December meeting. We reviewed 11 hirings and eight of those drew only one  
8 bidder. That's a problem. Second, our rule governing hire needs improvement to  
9 ensure that we draw bids from people with expertise and qualifications to match  
10 the job. That's what Brandon's talking about right now, making sure we got a  
11 rulemaking open, there's no conflict, nobody's kin to anybody, nobody's good  
12 friends and getting jobs here. We brought that out. In the matter of electric vehicle  
13 charging stations, I have concern that the sole bidder for the work, McQuaig group  
14 does not have the necessary background and qualifications. I have questions in that  
15 regard, which I was not able to ask in December because Mr. McQuaig or the  
16 contractor left the meeting and I want to ask those questions today. Therefore,  
17 pursuant to Rule 43, I move that we rehear the decision we made in December to  
18 hire McQuaig group in a Docket R-36131. I made that motion. I want to rehear  
19 this.

20 **CHAIRMAN GREENE:** Motion to rehear it under Rule 43. Is there a second?

21 **COMMISSIONER BOISSIERE:** Second.

22 **CHAIRMAN GREENE:** Second by Commissioner Boissiere. Any objection?

23 **COMMISSIONER SKRMETTA:** Opposition. Roll call vote.



1     **CHAIRMAN GREENE:** Objection, so roll call vote to bring the matter up under  
2     Rule 43. Commissioner Campbell.

3     **COMMISSIONER CAMPBELL:** Yes.

4     **CHAIRMAN GREENE:** Commission Boissiere.

5     **COMMISSIONER BOISSIERE:** Yes.

6     **CHAIRMAN GREENE:** Commissioner Skrmetta.

7     **COMMISSIONER SKRMETTA:** No.

8     **CHAIRMAN GREENE:** Commissioner Francis.

9     **COMMISSIONER FRANCIS:** Yes.

10    **CHAIRMAN GREENE:** Chair votes yes as well. Matter’s brought back up under  
11    43.

12    **COMMISSIONER CAMPBELL:** The Commission General Order of  
13    contracting hiring Docket 33197 says about the consultants. This doesn’t say may  
14    now, it says shall. They shall, at a minimum, be experienced in analyzing in depth  
15    the operation books and records of utility companies and qualified render expert  
16    testimony which respect thereto including, but not limited to, such matters as return  
17    on equity, capital structure inter and intrastate allocation, expenses recognized by  
18    ratemaking purposes, development of a rate base depreciation of a taxation. Let me  
19    ask you something. Have you ever been qualified as a expert?

20    **MR. MCQUAIG:** I have.

21    **COMMISSIONER CAMPBELL:** Whereabouts that be?

22    **MR. MCQUAIG:** I have been qualified in various courts of law over the last 35  
23    years as an expert.

1 **COMMISSIONER CAMPBELL:** Okay. What is it in, what subject matter? Is  
2 any of it --

3 **MR. MCQUAIG:** I have testified with regard to jurisdictional issues. I have  
4 testified with regard to insurance coverage. I have testified with regard to litigation  
5 practice.

6 **COMMISSIONER CAMPBELL:** What about -- have any expertise in putting  
7 electricity to cars or anything like that or anything with electric situations that  
8 you're using electricity, you've been an expert in that?

9 **MR. MCQUAIG:** No, not particularly. I would suggest that would require  
10 engineering expertise, and that's not the subject matter of this docket.

11 **COMMISSIONER CAMPBELL:** Okay. Let me ask you something, Mr.  
12 McQuaig. The Commission requests proposals in this docket on electric vehicle  
13 charging was issued in October. It quotes Mr. Skrmetta's directive in July that  
14 generated this docket. He called for a rulemaking to determine the Commission's  
15 jurisdiction over electric vehicle charging stations. Determining of jurisdiction is  
16 a legal matter. Mr. McQuaig, can you practice law in Louisiana?

17 **MR. MCQUAIG:** I'm not currently practicing law in Louisiana, no, sir. We  
18 discussed that when --

19 **COMMISSIONER CAMPBELL:** I know. We got some more discussing about  
20 it. Can you practice law in Louisiana?

21 **MR. MCQUAIG:** I am not currently practicing law in Louisiana.

1 **COMMISSIONER CAMPBELL:** Okay. Well, the determination in this says  
2 determine Commission jurisdiction over electric vehicles charging station. That's  
3 a legal matter.

4 **MR. MCQUAIG:** No, sir, it's not. In fact, what was anticipated by the RFP that  
5 was issued for a consultant was to assist Staff in investigating and Staff making and  
6 this -- assisting the Commission in making jurisdictional issues. The determination  
7 of jurisdiction is not just a purely legal issue. It's based on a set of operative facts  
8 and over 35 years, certainly, I've investigated and dealt with jurisdictional issues.  
9 I would suggest to such an extent that that expertise is unquestioned. I would also  
10 point out in response to your question that subsequent to this RFP, this Commission  
11 has issued another RFP requesting a legal consultant to make the legal  
12 determinations for -- to assist Staff from the legal standpoint, so you have a factual  
13 side and a legal side. When I responded to the RFP, it was not intended nor did I  
14 expect to provide legal advice. It's not what the RFP called for.

15 **COMMISSIONER CAMPBELL:** Let me ask you a question. Why are you not  
16 qualified to do legal work in Louisiana? What's the reason? What's the reason?  
17 You told me -- you told me one thing and I'm sure you're going to tell me the same  
18 thing today, but I just want to hear it again.

19 **MR. MCQUAIG:** That's interesting because when I told you that in your office,  
20 you said you would never bring that up, but --

21 **COMMISSIONER CAMPBELL:** No, I never told you that.

22 **MR. MCQUAIG:** Oh, yes, sir, you did. But I'll be happy to respond.

1 **COMMISSIONER CAMPBELL:** No, I never -- Mr. McQuaig, I'm asking the  
2 questions, just answer, hear?

3 **MR. MCQUAIG:** I'd be happy to answer again, Commissioner Campbell.

4 **COMMISSIONER CAMPBELL:** I'm the judge today. I'm the judge today.

5 **MR. MCQUAIG:** I voluntarily entered into an interim suspension of my law  
6 license about three years ago. The operative words there being voluntary and  
7 interim. I have not been disbarred, I have not been sanctioned, I have not been  
8 reprimanded.

9 **COMMISSIONER CAMPBELL:** Well, let me ask you something. Was that the  
10 only reason you gave up your license because of what you told me?

11 **MR. MCQUAIG:** I gave up my license because of that in connection with my  
12 ability to get medical treatment recommended to me by my doctors and there were  
13 circumstances involving a third party that are still open circumstances and  
14 somewhat tragic circumstances that I related to you in your office.

15 **COMMISSIONER CAMPBELL:** Have you -- do you know any lady named Ms.  
16 Pitre?

17 **MR. MCQUAIG:** I do.

18 **COMMISSIONER CAMPBELL:** Did you represent Ms. Pitre?

19 **MR. MCQUAIG:** I did.

20 **COMMISSIONER CAMPBELL:** Okay. Ms. Pitre makes a accusation that you  
21 represented her and you settled a case without her authority and you kept the  
22 money. Matter of fact, it's just not a accusation, it's a lawsuit. She sued you for  
23 this; is that right?

1 **MR. MCQUAIG:** Two things, allegations were made on an administrative level  
2 that are still outstanding that involved, as I related to you in your office, the suicide  
3 in my office of a staff member and therefore, because of those circumstances, I'm  
4 not going to discuss them any further. I did represent Ms. Pitre. Our firm was sued.  
5 That suit was dismissed.

6 **COMMISSIONER CAMPBELL:** It's been dismissed?

7 **MR. MCQUAIG:** Uh-huh.

8 **COMMISSIONER CAMPBELL:** So are you telling me that -- was it -- did you  
9 pay her back or was it -- did you owe her or what? I just want to know, has that  
10 been completed and everything is fine there with Ms. Pitre; is that correct?

11 **MR. MCQUAIG:** Commissioner, as there are certain administrative aspects of  
12 that are still open, I'm simply not at -- it's not possible for me to comment further  
13 than what we discussed in your office and what I've said here today.

14 **COMMISSIONER CAMPBELL:** You never mentioned Ms. Pitre in my office.  
15 I'm the one mentioning Ms. Pitre today.

16 **MR. MCQUAIG:** To the contrary, Commissioner, I explained to you that lawsuit.  
17 I may not have used her name, but I explained to you the lawsuit and the claim and  
18 the circumstances that gave rise to that claim having involved the suicide of a 14  
19 year old boy at night in our office and the subsequent non-availability of a senior  
20 staff member that resulted in those claims being made.

21 **COMMISSIONER CAMPBELL:** What you told me in my office was this: That  
22 you had that terrible accident in your office and I appreciate it. That was a son of  
23 one of your employee's office that did this. That she was real integral in your

1 operation and you couldn't really do the rest of it without her and she didn't  
2 mentally -- she wasn't ready to talk about it because her son had this terrible  
3 situation in your office. That's what you told me.

4 **MR. MCQUAIG:** Among many other things, yes, sir.

5 **COMMISSIONER CAMPBELL:** Yeah, that's what you told me.

6 **MR. MCQUAIG:** Among many other things, that's true, Commissioner.

7 **COMMISSIONER CAMPBELL:** Well, you're never -- I don't want to argue  
8 with you today. That's why I put you under oath. I'm not here to argue with you.  
9 We have a lot of things. I got some more questions. So are you trying to get your  
10 license back now?

11 **MR. MCQUAIG:** Commissioner, I would suggest that this RFP has nothing to do  
12 with the status or lack of status of me as a practicing attorney.

13 **COMMISSIONER CAMPBELL:** Well, I would tell you that it means a hell of  
14 a lot to me. That's what I mean, that's what I tell you. It means a hell of a lot to  
15 me. When people come here and they're asking for the public's money and you  
16 haven't -- don't have your license, you either gave them up for whatever reason,  
17 that means something to me. Now, I'd like to know about it. I was never notified,  
18 you said you told Brandon or Brandon told -- was told, but Brandon never notified  
19 everybody up here. I heard by innuendo what this, that, and the other, that would  
20 have made a lot of difference to me. And I expect from now on if this ever happens  
21 again, that you call, you write, you have a registered letter saying this man has given  
22 up his law license. This is a big deal to me because I don't know any lawyer that

1 takes this lightly, and I don't know any lawyer that gave up their license wouldn't  
2 be trying to get them back because you make money as a lawyer.

3 **MR. MCQUAIG:** I agree with that.

4 **COMMISSIONER CAMPBELL:** I once hired a guy, Mr. McQuaig, I had a  
5 fellow come to my office, had a master's degree, business degree, and a law degree,  
6 and he had to give his license up. First day he walked in my office, he said Mr.  
7 Campbell, I'm so and so, this is my qualifications. I had to give up my license,  
8 right off the bat. I said, man, so I did some research and found out it was what he  
9 told me. It wasn't about taking anybody's money or anything like that. He got  
10 inebriated one night and his wife was having trouble -- he and his wife, it was a  
11 fight, and so they made him surrender his license. That boy's got his license back  
12 now and he works at one of the departments -- top departments in state government.  
13 But the difference was he was honest with me and he came in and told me that, and  
14 I checked everything he said, came to fruition. So what you're telling me about  
15 Ms. Pitre is you don't know if that case is settled or not but it might be.

16 **MR. MCQUAIG:** No, sir. I'll be happy to be more specific. That case has been  
17 dismissed. The issue with my license is still interim in nature. I have not been  
18 permanently suspended, that is an ongoing situation.

19 **COMMISSIONER CAMPBELL:** Is it true that lawyers, I'm just asking, I'm not  
20 a lawyer. Is it true to keep from getting disbarred sometimes you surrender your  
21 license?

22 **MR. MCQUAIG:** Some lawyers surrender their license permanently.

23 **COMMISSIONER CAMPBELL:** If you're 95 years old --

1 **MR. MCQUAIG:** And they can never been reinstated.

2 **COMMISSIONER CAMPBELL:** -- and you can't practice, I know that happens

3 all the time.

4 **MR. MCQUAIG:** Some lawyers enter into a interim suspension subject to

5 reinstatement, which is my status, and it's still pending.

6 **COMMISSIONER CAMPBELL:** Uh-huh, okay. Let's go on.

7 **COMMISSIONER FRANCIS:** Commissioner Greene, I want to say something.

8 **CHAIRMAN GREENE:** Commissioner Campbell, Commissioner Francis would

9 like to say something.

10 **COMMISSIONER SKRMETTA:** I was on the list, too.

11 **CHAIRMAN GREENE:** Okay. Would you like to finish or us to circle back to

12 you?

13 **COMMISSIONER CAMPBELL:** Yeah, I would. I would. I got a few more

14 questions, okay. And basically, what you have told us, basically, Mr. McQuaig,

15 today is that you think you have the qualifications. Our rules say you don't have

16 the qualifications, real clear and we said you're going to work on these rules. We

17 have a problem here -- we have a problem here of not getting enough bids. We

18 talked about that last time and what I heard and the disrespect -- I don't know how

19 you couldn't say that you didn't disrespect this committee here, this Public Service

20 Commission. When you walked out, you thumbed your nose on us because you

21 said you had a car that needed to be picked up and it was 11:00 and you couldn't

22 get to Shreveport to pick up your car and you were renting another car, so you just



1 decided to go on out when you knew people were going to ask you questions that  
2 made you feel a little bit uncomfortable.

3 **MR. MCQUAIG:** No, sir. The reason I had to leave was because I had to return  
4 to New Orleans, to my home in Metairie that evening because I had medical tests  
5 scheduled for the next day.

6 **COMMISSIONER CAMPBELL:** Well, I have another motion. And based on  
7 all that I've read and heard, Commission's awarded this contract on electric vehicle  
8 stations, without you being there, without your testimony, I've got a motion to  
9 rescind this Commission's award of the contract and electric vehicle charging  
10 stations. Mr. McQuaig does not have the required qualification to meet the job. He  
11 showed disrespect to the Commission in the December meeting when he declined  
12 to answer question that had previously been raised about his qualification, just left  
13 and said, see y'all later and then was awarded the contract. I think it's imperative  
14 that this Commission clear the air to make sure that we're doing the right thing and  
15 I'm sure that all -- everybody up here wants to do the right thing. I'm positive. I  
16 think that we ought to, basically in my motion, to rescind this contract, start all  
17 over, ask for bids, make sure the qualifications are there because I think we've been  
18 damaged here. Mr. McQuaig has damaged us by walking off and didn't give a  
19 damn, and then he got the contract anyway, 30,000 -- \$45,000. I never seen that  
20 and I been here longer than anybody. I've never seen this Commission operate like  
21 that. I don't -- I'm not accusing anybody of doing anything wrong, but I think for  
22 the good of the Public Service Commission and the faith that people have in us that

1 we have to do this. We have to and if you want to bid again, get with it, but I think  
2 that we ought to open this thing up, rescind this, and open it back up.

3 **CHAIRMAN GREENE:** So there's a motion --

4 **COMMISSIONER CAMPBELL:** And I make a motion to do that, to rescind this  
5 contract.

6 **COMMISSIONER SKRMETTA:** We still have an argument on the floor.

7 **CHAIRMAN GREENE:** Okay. So after discussion, you will have a motion --

8 **COMMISSIONER CAMPBELL:** Yeah.

9 **CHAIRMAN GREENE:** -- and we'll see if there's a second. So were you --  
10 you're next, Commissioner Skrmetta?

11 **COMMISSIONER SKRMETTA:** I believe so.

12 **CHAIRMAN GREENE:** Commissioner Skrmetta then Commissioner Francis.

13 **COMMISSIONER SKRMETTA:** Yeah. Thank you, Mr. Chairman. First off,  
14 you know, I'd like to say that I think Commissioner Campbell's original motion on  
15 Rule 43 is out of order. I think he explained that it would be by his own words in  
16 his letter to the Commission in his letter that he leaked to the press was out of order  
17 when he determined that he could not bring this matter up as he was a anti-vote in  
18 the original matter, so that this entire argument is out of order for the purpose of  
19 this discussion under Rule 43. Also, when he goes through the determination of  
20 Rule 43, in his determinative explanation of the argument, he goes into the  
21 discussion of the intricacies of Rule 43. I believe Rule 43 is more involved when  
22 people are qualifying for issues associated with the deep consultancy as we go into  
23 the regulatory aspects of electric utilities, and I think that's an important

1 differentiation in this moment. What we are looking at here is simply looking at  
2 how we're going to determine the best value associated with what we do about  
3 determining who is going to have the jurisdictional ability to provide retail sales of  
4 electricity at electric charging stations, of which we already have people who are  
5 operating outside the parameters of the Public Service Commission at this time, and  
6 that needs to change because it is my opinion as a Commissioner, excuse me, that  
7 the only people that have the ability to sell electricity at retail rates or retail sales of  
8 electricity are investor owned utilities and electric co-ops that are under the  
9 regulatory component of the Public Service Commission. Obviously, jurisdictions  
10 that are not under the Public Service Commission meaning municipalities, et cetera,  
11 they have their own ability to determine rules and regulation. But there is no issue  
12 of going into the intricacies under which Rule 43 demonstrates itself into how we  
13 look at tax positions and other issues is when you're looking into the real regulatory  
14 aspects or determining rates, et cetera. What we're looking at is jurisdiction and  
15 not rates, and that was what the purpose of the original asked for or the RFP for bid  
16 is about. Now, I've got a couple of questions for you two gentlemen because I  
17 think the question is about your thing, but I would like to point out that the  
18 Commission has in the past entered into working relationship with attorneys who  
19 have been at different stages of determinative administrative levels with the Bar  
20 Association. As Commissioner Campbell has said, he actually hired Mr. Holliday  
21 at one point who was disbarred over a domestic abuse issue. That is not the case  
22 here. This is a voluntary issue on medical issues and an administrative element that  
23 is still continuing, so we understand that and the Commission has a long history of

1 engaging in the proper element of hiring people for what their skill set is for and  
2 not for the purposes of hiring them for legal work but for hiring them for  
3 administrative or consultancy work. So that goes beyond the thread of the argument  
4 that was represented by Commissioner Campbell. Now, what I'd like to ask you is  
5 in your preparation for your work on this particular docket about who is going to  
6 cover the electric retail sales of electricity to electric vehicles in the infrastructure  
7 associated with it, how did you prepare in moving forward to develop the requisite  
8 skill set to gain the knowledge necessary to provide the Commission the valuable  
9 information that you can provide the Commission?

10 **MR. MCQUAIG:** I'll speak to that, first, Commissioner Skrmetta. With regard  
11 to the threshold issue of jurisdictional determination and facts which support  
12 jurisdictional decisions, I've dealt with jurisdictional issues my entire professional  
13 life. I've taught them, I've dealt with them, I've testified about them, so I'm  
14 particularly equip in that regard to assist Staff and to assist the attorney that will be  
15 hired by this Commission on the legal side with regard to those issues. I'll also  
16 point out that it calls for policy determinations or assistance of Staff with regard to  
17 development of policy. I've worked in various capacities on various dockets before  
18 this Commission for the last 12 years or so. I've never heard a complaint. I've  
19 heard compliments from Commissioners, compliments from Staff. We've brought  
20 those dockets in generally under budget and we've offered a substantial quality of  
21 work. Prior to this RFP being issued by this Commission, I asked by NARUC to  
22 join the State Electric Vehicle Working Group which is indicative of NARUC's  
23 efforts to look at and determine and investigate virtually the same issues that

1 subsequently became a part of this RFP. I was pleased to do so because in looking  
2 at the scope of that working group agenda or scope or work, I saw that they were  
3 connectivity issues. I invited Mr. Demint to join the State Working Group as well  
4 so in fact, there's a meeting this afternoon of that group that we intend to virtually  
5 attend, so those are my qualifications and work that I did with respect to these issues  
6 even before this RFP came about. I'll let Mr. Demint address his qualifications and  
7 work he did in connection with the connectivity side.

8 **COMMISSIONER SKRMETTA:** Well, I do have another -- a couple questions  
9 because I know you prepared some information for the Commission 'cause I asked  
10 you to prepare some information on kind of status of kind of where we are on the  
11 electric vehicle charging stations.

12 **MR. MCQUAIG:** We did, yes, sir.

13 **COMMISSIONER SKRMETTA:** Because my concerns about where we are as  
14 a state is Louisiana has to be Louisiana. We don't have to follow suit with other  
15 states, and I know you've determined that a lot of states have already gone with the  
16 fact that the charging stations aren't necessarily regulated as the same as retail  
17 consumer or commercial based public utilities, and so that's been one of my  
18 concerns for y'all to make the, I guess, the determination that we should be in a  
19 position for our regulated monopolies to control the retail sale of electricity at all  
20 levels whether they be to retail consumers, commercial consumers, industrial  
21 consumers or because of this new pact in here, is another layer of potential revenue  
22 source for these bodies and not having a third party that's going to be coming into  
23 a sort of questionable determinative sourcing of wholesale electricity to make retail

1 sales that are differential from the retail sales of the regulated bodies under the  
2 Commission. And I know you've already made some determine -- I'm looking at  
3 Page 8, actually Page 7 of this docket, which I know all the Commissioners have,  
4 and it says that many states have ruled on the issue, all deciding that charging  
5 stations should not be regulated in the same manner as a utility. So are you -- have  
6 you, you know, where have you gone on this because this is, you know, in the  
7 working group and on NARUC's end, which is more of the national view point on  
8 this.

9 **MR. MCQUAIG:** Sure.

10 **COMMISSIONER SKRMETTA:** You know, where are we as a state on the  
11 ability of protecting the investor owned utilities and the co-ops on creating a  
12 mechanism for them to be the retailers of electricity for electric vehicles?

13 **MR. DEMINT:** I'd like to make a comment about that.

14 **COMMISSIONER SKRMETTA:** Go ahead.

15 **MR. DEMINT:** We found --

16 **COMMISSIONER SKRMETTA:** Just say your name once for the record.

17 **MR. DEMINT:** Rick Demint.

18 **COMMISSIONER SKRMETTA:** Okay.

19 **MR. DEMINT:** In our investigation and participation in the NARUC group, many  
20 of these states that we point out here that have made that finding, that was done so  
21 through their legislatures, not by their Commissions. You know, in many states,  
22 Louisiana being different --

1 **COMMISSIONER SKRMETTA:** Do you think that's because their states are  
2 different than the constitutional authority of Louisiana?

3 **MR. DEMINT:** Right. Absolutely.

4 **COMMISSIONER SKRMETTA:** Okay. Well, you know, 'cause -- and there's  
5 been a issue of, you know, Commission Campbell saying that, you know, you as a  
6 consultant, are fiddling with the law by trying to determine jurisdiction. It's my  
7 understanding the Commission is the plenary authority and determines the  
8 jurisdiction. You can only -- you're like an administrative law judge, you make  
9 recommendations. You don't make decisions. The Commission makes the  
10 decision, the Commission makes the jurisdictional decision. That's where we are  
11 on this.

12 **MR. MCQUAIG:** With facts that we discover.

13 **COMMISSIONER SKRMETTA:** Right.

14 **MR. DEMINT:** We just bring forth those findings.

15 **COMMISSIONER SKRMETTA:** You go through the analysis. You do like any  
16 other consultant and get to this point.

17 **MR. MCQUAIG:** Right.

18 **COMMISSIONER SKRMETTA:** But my question to you is, do you plan on  
19 going into the tax components of rates and structures or are you just looking at how  
20 the state can determine how we can develop the jurisdiction to protect how we sell  
21 electricity through the charging stations for vehicles?

22 **MR. MCQUAIG:** We intend to go into the entire scope of the docket. I would --  
23 in answer to your question and as an initial comment, suggest that some of the other

1 information that we provided, too, by way of these slides in connection with our  
2 anticipated report shows that while other states, perhaps are far passed initial  
3 determinations regarding these issues, Louisiana and this Commission has the  
4 luxury of being in front of this wave of momentum that obviously is building with  
5 regard to these issues.

6 **COMMISSIONER SKRMETTA:** Do you feel like we can take -- learn from the  
7 mistakes of the other states and learn from the -- the good things they did to try and  
8 find the best way to project ourself forward?

9 **MR. MCQUAIG:** That's absolutely true and when we comment, I believe on Page  
10 7, that a number of states have determined that -- ruled on the issue deciding the  
11 charging stations should not be regulated in the same manner as a utility. I think  
12 that number is 26 or 27 as we currently sit here.

13 **MR. DEMINT:** That's correct.

14 **MR. MCQUAIG:** The other states are still looking at those issues and thus, the  
15 NARUC working group.

16 **COMMISSIONER SKRMETTA:** All right. Do you feel that you and, Mr.  
17 McQuaig, and you, Mr. Demint, are in a position to adequately represent the  
18 Commission for the purposes of working on the issue of helping us determine how  
19 we're going to help figure out our jurisdiction and methodology associated with  
20 electric charging stations?

21 **MR. DEMINT:** I certainly believe we are well capable of doing that.

22 **COMMISSIONER SKRMETTA:** Okay. Thank you.

23 **CHAIRMAN GREENE:** Commissioner Francis.



1 **COMMISSIONER FRANCIS:** Commissioner Frey or Secretary Frey, a question  
2 for you. On the last exhibit, it says -- at the end, it says recommendation. Staff  
3 makes no recommendation as bidders are qualified. Aren't y'all the qualifiers for  
4 us, for the five Commissioners or could we -- do we assume that somebody might  
5 come before us is not qualified? Is that yes or no?

6 **SECRETARY FREY:** Yes. With some caveats. When we issue -- so we've got  
7 standards under the order itself for outside counsel, consultant or I don't know that  
8 it actually uses those exact terms, but if we need outside assistance, it sets like a  
9 basic framework, this is what we're looking for. And then with each RFP, you're  
10 going to have specific data there therein that puts the brackets of scope around that  
11 hire. So for example, that last one dealt with an engineering component, so we  
12 need someone who is a qualified engineer. So that's not going to be something  
13 generally in the order, but the RFP itself will do it. So when a bid comes in, Staff  
14 reviews it. If it checks those minimum boxes, we make that recommendation. But  
15 to Kathryn's point on the last one, this is a Commission order so you five are  
16 ultimately decider of whether someone's qualified or not. We give you a  
17 recommendation based on what we see, so that's, I guess, a long way of saying yes,  
18 but.

19 **COMMISSIONER FRANCIS:** All right. Okay. Yeah. We're lawyered up  
20 pretty good over there and you don't -- I just myself, you know, I'm just a oilfield  
21 guy, okay. And my Staff or myself, we're not qualified to go out and research and  
22 qualify these people as our general rule, you know, and it sounded like in this issue  
23 here, that well, we're kind of doing your job for you to make sure somebody's

1 qualified here. I just -- I trust y'all's judgment so far, the people that have come  
2 before us have been very honorable, reputable folks that are qualified and, you  
3 know, I compliment Rick Demint. He had a great service with AT&T, retired, and  
4 now he's back on the job. I'm glad to have someone and although, you were in the  
5 AT&T business, I think you can figure out this electric car charging business, too.  
6 You're -- and so thank you for approaching us and trying to get some work. Okay,  
7 Rick. Thank you.

8 **MR. DEMINT:** Thank you, Commissioner, and I was invited to participate in this  
9 particular docket because of my telecommunications experience. These stations  
10 will require telecommunications connectivity or internet, wireless, you know, just  
11 the way these stations will be located by users and a lot of different capabilities that  
12 are required so that's my --

13 **CHAIRMAN GREENE:** So we're going to have one more quick round of  
14 comments and then we're going to move to a vote. Commissioner Boissiere,  
15 Commissioner Campbell, and then Commissioner Skrmetta.

16 **COMMISSIONER BOISSIERE:** I have one brief question I just want to ask.  
17 And I guess my question actually, I feel like I -- I think McQuaig and Demint have  
18 enough questions to answer and I just want to ask a question to Staff. Thank you.  
19 I know we let some contracts out when we need work, when we need the expertise.  
20 I have to -- I'm asking the question and I hadn't really considered until this point,  
21 the scope of this seems pretty straightforward. Why aren't we handling this in-  
22 house?

23 **SECRETARY FREY:** That decision --

1 **COMMISSIONER BOISSIERE:** Why do we need to make an outside contract  
2 for something like that this when we can -- we have enough opinions and ALJ's  
3 right in-house that may be able to do this without letting it --

4 **SECRETARY FREY:** I guess the short answer is that the Staff makes those  
5 recommendations or -- when you -- when a docket is open and I'll kind of go  
6 through the standard process, whether it be a Commission initiated docket or a  
7 utility initiated docket and we've got the different R, S, X, T, whatever. But those  
8 dockets are published in the bulletin. Once the bulletin comes out, I assign who's  
9 responsible for that docket. So when it's a rulemaking, I assign it to legal. If it's a  
10 transportation whatever, then each individual -- each individual entity within the  
11 Commission will assign a specific person to it and that's the supervisors who are  
12 responsible for that. But they'll also, at that time, notify if they need outside  
13 assistance. So if auditing or utilities is assigned to it, they think they need outside  
14 help, they'll notify me. If legal thinks they need outside help, they'll notify me.  
15 The RFP is then issued based on that information. Why they would ask for that,  
16 it's typically going to be a manpower issue, not necessarily an expertise issue. But  
17 there are some examples where that is the case and we get some of these complex  
18 dockets. The one a couple before, we don't have an engineer on Staff, so there's  
19 no one on Staff even if we had the manpower, we don't have an engineer. In this  
20 instance, I'd have to defer to them as to why they asked for outside assistance, but  
21 that's typically the way it happens. It's typically a manpower, we don't have the  
22 people on Staff to perform the work timely.

1 **COMMISSIONER BOISSIERE:** Okay. Because like I said, this seems so  
2 straightforward. It seems like we would have the available expertise even if we  
3 took a day or two to examine it and look, it's just a question I thought of while we  
4 were having this examination, not something I prepared for. But just hearing the  
5 description of it, I know we understand our jurisdictions here at the Commission  
6 and we have enough attorneys and non-attorneys even on Staff that could probably  
7 examine this for jurisdiction. But I just thought it was worthy to add into the  
8 discussion. Thank you.

9 **SECRETARY FREY:** Sure.

10 **CHAIRMAN GREENE:** Commissioner Campbell.

11 **COMMISSIONER CAMPBELL:** Mr. Boissiere brings up a issue that --

12 **MS. BOWMAN:** Commissioner, your mic.

13 **COMMISSIONER CAMPBELL:** Mr. Boissiere brings up a great issue. Rather  
14 than giving all -- all this work out to all these people, we ought to be lobbying the  
15 legislature to get more money over here and -- 'cause we can save a lot of money.

16 **COMMISSIONER CAMPBELL:** And we could put more money in your -- to  
17 hire people to help us. We don't need to have to hire everything, that's what he's  
18 saying. He's absolutely right. We could save a lot of money. Mr. Demint, are you  
19 a partner with Mr. McQuaig?

20 **MR. DEMINT:** I'm not a member of his LLC, no, sir.

21 **COMMISSIONER CAMPBELL:** You were when this -- you were working --

22 **MR. DEMINT:** No, I just agreed to assist him.

1 **COMMISSIONER CAMPBELL:** Are you still doing that? Last time, you said  
2 you're no longer doing that.

3 **MR. DEMINT:** I had committed to Mr. McQuaig that I would work with him on  
4 this docket.

5 **COMMISSIONER CAMPBELL:** Well, are you working on him with other  
6 dockets?

7 **MR. DEMINT:** Yes. There was a 5G docket that --

8 **COMMISSIONER CAMPBELL:** Well --

9 **MR. DEMINT:** -- Mr. McQuaig and I had begun about a year ago.

10 **COMMISSIONER CAMPBELL:** Rick, I love you, but you got trouble with the  
11 truth, man.

12 **MR. DEMINT:** How is that?

13 **COMMISSIONER CAMPBELL:** Because last time you said this is the last  
14 docket I'm working on and now you got another one.

15 **MR. DEMINT:** No, no, you misunderstood what I said.

16 **COMMISSIONER CAMPBELL:** I misunderstand you all the time now.

17 **MR. DEMINT:** I came to your office to say -- pardon me. I'm going to defend  
18 myself. I came to your office to say I was going out on my own to bid on some  
19 future projects, and I don't know what the issue is between you and Mr. McQuaig.

20 **COMMISSIONER CAMPBELL:** Don't make --

21 **MR. DEMINT:** I didn't want to be a part of that.

22 **COMMISSIONER CAMPBELL:** Come on Rick, come on now. You're trying  
23 to play politics on a politician.

1 **MR. DEMINT:** Well, let's don't be politicians then. Let's be truthful, but I said  
2 in your office I was going out --

3 **COMMISSIONER CAMPBELL:** Just respect me a little bit more than putting a  
4 politics on me now.

5 **MR. DEMINT:** And then I also told you we were still working on the 5G docket,  
6 I told you that I had agreed to help with this docket. I have no issue with Mr.  
7 McQuaig. I told you he and I were friends and we fished together and do a lot of  
8 other things.

9 **COMMISSIONER CAMPBELL:** It's not about that. You just told me -- that's  
10 okay.

11 **MR. DEMINT:** Well, this is -- you're saying I said something and I'm going to  
12 have to defend myself because none of these other people were there. I know, you  
13 know, you claim that Gary Hobbs said he heard the same thing. I don't know what  
14 y'all heard. I said, I'm coming to your office to make you aware that I'm going out  
15 on my own. I gave you the name of my business and that I would be bidding on  
16 projects.

17 **COMMISSIONER CAMPBELL:** I got you, I got you.

18 **CHAIRMAN GREENE:** My understanding is that moving forward, you were  
19 going to be on your own, but you had things open --

20 **COMMISSIONER CAMPBELL:** I just have one --

21 **MR. DEMINT:** Yeah, I may work with other -- other consulting companies.

22 **COMMISSIONER CAMPBELL:** I know, I got you. Come by and see me, okay.

23 **CHAIRMAN GREENE:** Let's try to land the plane.

1 **COMMISSIONER CAMPBELL:** I got another question.

2 **CHAIRMAN GREENE:** Yeah, try to land the plane.

3 **COMMISSIONER CAMPBELL:** Last time, I was talking and Mr. Skrmetta took  
4 over the whole show, and that's all right. But just one thing Mr. Skrmetta got  
5 wrong. I'm not going through all that. Mr. Skrmetta said something, I was in the  
6 insurance business, which I am, and I had a gas well in my back yard.

7 **COMMISSIONER SKRMETTA:** Don't forget the cattle.

8 **COMMISSIONER CAMPBELL:** That's not true. I've got five gas wells in my  
9 back yard.

10 **COMMISSIONER SKRMETTA:** Oh, wee.

11 **COMMISSIONER CAMPBELL:** Just for the record. So anyway, there's only  
12 one way to solve this problem. We've got a stain on us here and there's only one  
13 way to get it off, to make sure it's crystal clear that this Commission is doing the  
14 right thing. I think that this whole deal doesn't smell good, doesn't smell good to  
15 me at all. I get different kind of answers, this and that and the other, but there's  
16 only one sure fix and the sure fix is this. My motion -- I'm making the motion and  
17 I hope my Commissioners will join with me. I have a motion to rescind the  
18 Commission's award of this contract on electric vehicle stations. Mr. McQuaig  
19 does not have the required qualifications to do the job and he showed disrespect to  
20 the Commission at our December meeting when he declined to answer questions  
21 had previously been raised about his qualifications.

22 **CHAIRMAN GREENE:** So we have one more comment from Commissioner  
23 Skrmetta. We have a motion and is there a second?

1 **COMMISSIONER BOISSIERE:** Yeah, I second the motion.

2 **CHAIRMAN GREENE:** Seconded by Commissioner Boissiere. One last  
3 comment by Commissioner Skrmetta and then we'll plan a vote.

4 **COMMISSIONER SKRMETTA:** Thank you, Mr. Chairman. You know, there  
5 is no truth like a twisted truth as Commissioner Campbell has shown you.  
6 Commissioner Campbell has put out here twisted truth. He's tried to mar these two  
7 gentlemen, which the best part is is pretty sure that about 80 percent of the people  
8 in this room know these two people to be intelligent, useful to the Commission,  
9 useful to the public, and he's trying to redefine things by, you know, I heard this  
10 and I heard that when -- I'm kind of wondering what he heard because I know what  
11 truth is and truth will find its own natural path. It's like water running down a drain  
12 pipe. It's going to find its way and I think ultimately that, you know, some  
13 Commissioners want people to bid on contracts who are going to do only what they  
14 want them to do. They don't want them to represent the Commission. They want  
15 someone to bid and if this had been a solitary bid by someone who would be  
16 someone's lapdog and, you know, drink from the saucer of milk at their foot, then  
17 it would've been fine. It would've been absolutely fine. I guarantee it. There  
18 would've been no question whatsoever. We hire people all the time with single  
19 bids. But I can guarantee one thing that's can happen, you know, in this effort to  
20 get more people bidding, I would genuinely believe we're going to have fewer  
21 people bidding and we will have people that we can't figure it out. And as far as  
22 Commissioner Campbell, you know, talking about we need to go to the legislature  
23 to get more money to do this thing, I think Commissioner Boissiere and



1 Commissioner Francis and even Commissioner Greene would recognize that we  
2 have gone to the legislature for as long as I've been here, which is 14 years, and  
3 asked them to let us hire more attorneys, let us -- we've publicly gone to the  
4 streamlining Commission and said how we can save money by not hiring lawyers  
5 by adding Staff and remember when a Senator Kennedy was the treasurer and he  
6 was on the streamlining committee and he went, you're absolutely right, no. And  
7 I said, you know, we don't get that kind of reception at the legislature even though  
8 we raise our own money, we have to appropriate it back from the legislature and  
9 we could do so much more good with hiring our own Staff. That's not going to  
10 happen. The legislature does not like to do that with us, they do not want us to hire  
11 more people so we're at the mercy of hiring people and when we hire people, we  
12 ask for bids and people come forward when they are willing to eventually now put  
13 up with the ridicule that Commissioners can lay into it. And I think it's interesting  
14 because, you know, largely we don't do that, but when somebody takes it personal  
15 because, you know, I believe the quote in one of the newspapers is Commissioner  
16 Campbell running his own personal protection racket on prison telephones, that  
17 they went and did something that created a uniform system across the state that  
18 allowed for, you know, the system to work well that now he's going to wreak  
19 vengeance about the person who created a system that works well for the state. So  
20 this is no confusion. This isn't about electric charging stations, this isn't about a  
21 person who is going through a change in life because of a medical issue and about  
22 a thing because of a tragedy. This is about vengeance. This is about utilization of  
23 a public pulpit to get even. This is about changing a dynamic as we move forward.

1 This is about getting even with the sheriffs of the state. This is about all those  
2 things, but ultimately, it's going to find a dry hole because that's not where it's  
3 going to end up. But I ask my Commissioners to not fall victim to this and let's  
4 move forward, and even despite the vote, whatever it is, I do think that we owe the  
5 respect to these people who have done the work to create this report to sit here and  
6 listen to the report because it's the value to the state and to these electric utilities to  
7 understand where we have to go. They've been working they created this for the  
8 Commission. They've created it for you, so let's go ahead and have the vote and  
9 we'll see where it goes, but I can tell you this. Understand when you let one person  
10 who is going to tell little -- there's a little expression in east end slang, porky pies  
11 that rhymes with something, when he's going to do that and he's going to come  
12 forward and you're going to listen to that, be able to demonstrate how you're going  
13 to have to change everything you did just to satisfy one guy who's going to be there  
14 and be the mouth of the South, I think you're probably going to rue the day that you  
15 did something like that. So I'm done and I call for vote.

16 **CHAIRMAN GREENE:** All right. So we have a motion in the second. Is there  
17 an objection? Do you object?

18 **COMMISSIONER SKRMETTA:** Object, yes, absolutely.

19 **CHAIRMAN GREENE:** Okay. Objection by Commissioner Skrmetta, so roll  
20 call vote in favor of the open -- reopening the bid. Commissioner Campbell.

21 **COMMISSIONER CAMPBELL:** Yes.

22 **CHAIRMAN GREENE:** Yes. Commissioner Boissiere.

23 **COMMISSIONER BOISSIERE:** Yes.

1 **CHAIRMAN GREENE:** Commissioner Skrmetta.

2 **COMMISSIONER SKRMETTA:** No.

3 **CHAIRMAN GREENE:** Commissioner Francis.

4 **COMMISSIONER FRANCIS:** No.

5 **CHAIRMAN GREENE:** What's that?

6 **COMMISSIONER FRANCIS:** No.

7 **CHAIRMAN GREENE:** No. Chair votes yes. So we'll reopen the bid process.

8 **COMMISSIONER SKRMETTA:** And I'd like -- since they're up here to give

9 their report, I'd like them to --

10 **CHAIRMAN GREENE:** Yes, we'd like to --

11 **COMMISSIONER SKRMETTA:** -- continue and give their report.

12 **CHAIRMAN GREENE:** Please continue the report.

13 **COMMISSIONER SKRMETTA:** You guys want to go ahead and do your

14 report, I'd appreciate it.

15 **MR. MCQUAIG:** Okay.

16 **COMMISSIONER SKRMETTA:** And who's handling the audio visual?

17 **MR. DEMINT:** I am.

18 **COMMISSIONER SKRMETTA:** You are.

19 **MS. BOWMAN:** Rick is.

20 **COMMISSIONER SKRMETTA:** Okay. I didn't know if they were or you were.

21 Okay. The floor is yours.

22 **MR. DEMINT:** We've got the first slide up there and it basically restates the

23 objective of the docket, determination of the Commission's jurisdiction over the

1 various methods of providing electricity to electric vehicles and infrastructure  
2 associated therewith.

3 **MR. MCQUAIG:** Go to the second slide, Rick. This second slide is intended to  
4 indicate the substantial increase year-over-year of sales growth in electric vehicles  
5 as a total market. As you can see with only a modest dip of 2.9 percent from 2018  
6 to 2019, the subsequent year had a growth rate of 8.4 percent and then almost 70  
7 percent increase in growth. Next slide. This slide is interesting in that it  
8 communicates a number of different pieces of information regarding battery  
9 powered electric vehicles and plug-in hybrid electric vehicles with respect not only  
10 to the total amount of sales, but the percentage of the share of the market of electric  
11 vehicles in general. As you can see, it's a substantial increase from the year 2021  
12 as anticipated to continue to the year 2030. In the year 2025, just to pick a year,  
13 it's anticipated that sales of electric vehicles including battery-powered vehicles  
14 only and plug-in hybrid electric vehicles would top 2 million such vehicles and the  
15 share of the market is approximately 12.5 percent. Next slide. This slide indicates  
16 battery-powered electric vehicle registrations per 1,000 people by state. What's  
17 remarkable in that it was, I believe the date is 2017 -- 2016, 2017, what's  
18 remarkable is that it shows Louisiana is at the beginning of this wave of momentum  
19 that has been experienced in a number of other states. For example, we have .24  
20 electric vehicle registrations per thousand people. We are, I think, the fourth lowest  
21 in the country in that regard. The states that are lower than us are Mississippi at  
22 .15, Arkansas at .21, and West Virginia at .23. So again, it shows that timing with  
23 regard to this docket is particularly appropriate. Next slide. This slide is very

1 current, exhibiting very current data. As of May 2021, it shows the number of  
2 public charging outlets in the various states, and as you can see, Louisiana, the vast  
3 portion of Louisiana, has zero public charging outlets per 25 square miles and in  
4 some areas has anywhere from 1 to 25 public charging outlets over a period of 25  
5 square miles as opposed to more serious coverage in various parts of the country.  
6 Next slide. This is an example of one company's efforts and intent regarding the  
7 infrastructure deployment of ultrafast electric vehicle charging networks in the  
8 country. This one country -- company rather has chosen the I-10 corridor to provide  
9 ultrafast EV charging stations. They have three of them in Louisiana currently.  
10 They do not have any multiple metro charging stations as opposed to some other  
11 areas. As discussed previously with Commissioners, various states have made  
12 determinations primarily by their legislatures that they have ruled on the  
13 jurisdictional issue that charging stations should not be regulated in the same  
14 manner as a utility. The remaining states have an open question in that regard,  
15 together with Louisiana, and NARUC is moving forward in that regard.

16 **MR. DEMINT:** We listed a few other key issues and considerations that would be  
17 -- need to be considered by Staff and any recommendation they make to the  
18 Commission. And we've talked about some of these or touched on them. Revenue  
19 opportunities for the electric utilities that could fundamentally change over, you  
20 know, a period of many years, but change the revenue makeup and time of day and  
21 other concerns with that, could create some opportunities for the rate base.  
22 Legislative policy interest in expanding EV adoption could require PSC action. I  
23 think every year we see activities at the legislature. This will be a topic that will

1 no doubt be -- draw a lot of interest, so we'll see some activity there that could  
2 require the Commission to, you know, play some role in that. Balancing the interest  
3 of various stakeholders, I think in every issue, you inevitably find that each side  
4 pulls in their direction, so there would be the need to consider those things. EV  
5 specific tariffs may need to be filed by the electric providers. Rate design  
6 consideration and impacts, we've touched on that a few times. Load management,  
7 that's a big piece of this, where the charging stations are actually connected and  
8 communicate information that's used to meet the demand, manage load based on  
9 time of day, influencing charging times, and other factors. Also the incentives that  
10 would be designed to maximize the absorption of renewable energy, you know, that  
11 certainly comes into play, so. One of the reasons, again, I touched on this, that I  
12 was glad to participate in this docket was public charging stations require  
13 communications connectivity. They'll connect via cellular, land base, broadband,  
14 Wi-Fi, satellite; there'll be various methods because these connected stations will  
15 enable providers to manage their load, and there'll be vehicle to grid applications,  
16 so a lot to learn about all this. There'll be mobile apps for iOS and Android that  
17 will help EV owners do their trip planning, finding reserve stations, starting in  
18 charging times, pay for the sessions, and track overall usage and payment history.  
19 There'll be a lot of new applications that users will use their phone, basically, to  
20 find these things. Here's just a network that -- or a diagram that shows how the  
21 communications network would interface with the electric grid. Beyond that, I  
22 think we touched on the fact that Scott and I both are members of the NARUC  
23 Electric Vehicles State working group, something that Scott became interested in,

1 asked me to join. I've listened in on a number of the sessions, there's a lot of good  
2 information there. I think it's something that needs to continue with whoever  
3 handles this matter. Monthly group calls, overall, you can read the objective of the  
4 group. It's an excellent resource, highly recommended. Any questions beyond  
5 what we've already covered?

6 **CHAIRMAN GREENE:** I'd like to say thank you for your work so far on this.  
7 You will be compensated for what you've done and we do ask you both to consider  
8 re-submitting in the open bid process, so.

9 **MR. DEMINT:** Thank you very much.

10 **CHAIRMAN GREENE:** Thank you very much. Next item, Kathryn.

11 **MS. BOWMAN:** Exhibit Number 10 is Docket Number R-36199. It's Louisiana  
12 Public Service Commission's review and possible modification of the  
13 Commission's General Order dated October 10, 2013 governing transmission  
14 certification and general citing. This is a discussion and possible vote to retain  
15 Stone Pigman. Stone Pigman was retained to assist Staff in Docket Number U-  
16 26018, which was opened to determine whether the Commission should assert its  
17 plenary authority and primary jurisdiction over the certification and siting of utility  
18 transmission projects within Louisiana. General Order dated October 10, 2013  
19 resulted from Docket Number U-26018, and advances the Commission's ability to  
20 achieve the regulatory goal of promoting safe, reliable utility service at the lowest  
21 reasonable cost while reaffirming its jurisdiction over transmission projects within  
22 Louisiana. At October 20, 2021 B&E, the Commission directed Staff to open a  
23 rulemaking to review and revise, as deemed appropriate, the Commission's

1 Transmission Siting Order to determine whether the order needs to be updated  
2 and/or clarified to continue to meet its intended purposes. Pursuant to this directive,  
3 Staff initiated Docket Number R-36199, which was published in the Commission's  
4 Official Bulletin. Staff solicited Stone Pigman to assist in Docket R-36199, given  
5 their assistance in the drafting of the Commission's Transmission Siting Order.  
6 Staff is of the opinion that Stone Pigman's assistance in Docket Number R-26018  
7 and the ultimate General Order is substantially related by common factual and legal  
8 components to the instant rulemaking, and, therefore, no formal RFP is required,  
9 pursuant to the Commission's General Order dated November 10, 2014. In  
10 response to Staff's solicitation, Stone Pigman proposes to complete all work  
11 required for 68,000 in fees and 1,200 in expenses. Staff recommends that the  
12 Commission retain Stone Pigman for 68,000 in fees and 1,200 in expenses, for a  
13 total budget not to exceed of 69,200.

14 **CHAIRMAN GREENE:** Chair motions to accept. Is there a second?

15 **COMMISSIONER CAMPBELL:** I was going to ask a question.

16 **CHAIRMAN GREENE:** Okay. Yeah, I was going to get to that.

17 **COMMISSIONER CAMPBELL:** Okay. Go ahead.

18 **CHAIRMAN GREENE:** Okay.

19 **COMMISSIONER SKRMETTA:** I have a substitute motion.

20 **CHAIRMAN GREENE:** This is on Stone Pigman.

21 **COMMISSIONER SKRMETTA:** Oh, Stone Pigman?

22 **CHAIRMAN GREENE:** Yeah.

23 **COMMISSIONER SKRMETTA:** Yeah, I just have a question for Stone Pigman.



1 **CHAIRMAN GREENE:** Anybody for Stone Pigman? So Commissioner  
2 Campbell has a question and then Commissioner Skrmetta. Commissioner  
3 Campbell?

4 **COMMISSIONER CAMPBELL:** Mr. Frey, here we go again.

5 **SECRETARY FREY:** This -- so the reason why there is only one bid on here is  
6 because Staff specifically solicit a bid from Stone Pigman only because of their  
7 prior work associated with this matter.

8 **COMMISSIONER CAMPBELL:** You know, I hear you and you're probably  
9 logical and making sense, but here we go again. Staff asked one person, you didn't  
10 ask two people, you asked one person. Is there -- there's nobody else that's ever  
11 dealt in this subject matter before?

12 **MS. BOWMAN:** Well, it's the fact that Stone Pigman actually wrote and assisted  
13 in drafting the Commission's General Order, so they have the institutional  
14 knowledge and the background, so we actually would save some money in the --

15 **COMMISSIONER CAMPBELL:** I got it. I understand that, I understand it, but  
16 nobody else has ever worked in this area before that's practiced up here?

17 **SECRETARY FREY:** Not that I'm aware of, in front of the Commission.

18 **MS. BOWMAN:** Not to my knowledge.

19 **COMMISSIONER CAMPBELL:** Okay. But here we go again. Look, I'm not  
20 just kidding about this. This stuff of just having one bid's got to stop. And I was  
21 going to tell y'all this, and you're going to have to get your Staff busier. And call  
22 some of these people in other states and find out who is doing this kind of work and  
23 let them know we got that kind of stuff going on in Louisiana, because when you

1 have more than one bid, you know what's going to happen? Somebody's going to  
2 get a deal. But if we just rely on one person, last month, we had eleven items, eight  
3 of them were one bid. It doesn't look good at all, you know. And there's a reason,  
4 and I hear y'all's reasons, maybe these people don't do that and all, but it looks  
5 bad. And Stone Pigman. Okay.

6 **CHAIRMAN GREENE:** All right. Commissioner Skrmetta.

7 **COMMISSIONER SKRMETTA:** Yeah, just to confirm, Noel, this is not a bid,  
8 correct? This is a solicitation?

9 **MR. NOEL DARCE:** It was a solicitation letter that we responded to, yes.

10 **COMMISSIONER SKRMETTA:** So we didn't even offer a bid to anybody, did  
11 we?

12 **MR. DARCE:** That's correct.

13 **COMMISSIONER SKRMETTA:** Yeah, so the Staff just reached out and said  
14 we'll pay you the money if you do the work, right?

15 **MR. DARCE:** They asked us to submit a proposal, which we did.

16 **COMMISSIONER SKRMETTA:** Yeah, and you just saw people who bid under  
17 a formal bid process and go to an open bid, receive a bid, do work, got voted out  
18 because one Commissioner didn't like the way their shoe smelled. So why should  
19 you get an unsolicited bid for more than they got to do work, when somebody else  
20 just got their bid overturned by a Commissioner because he doesn't like the way  
21 that their, you know, they look or they feel or they think or their politics? So why  
22 do you deserve to get something for not even going through a bid process? I don't  
23 understand that.

1 **MR. DARCE:** Commissioner Skrmetta, we got solicited for a proposal  
2 [INAUDIBLE] --  
3 **COMMISSIONER SKRMETTA:** I mean, are you his friend?  
4 **MR. DARCE:** No.  
5 **COMMISSIONER SKRMETTA:** I mean, did you ever give Foster Campbell  
6 money?  
7 **MR. DARCE:** We've contributed to probably every campaign --  
8 **COMMISSIONER SKRMETTA:** I didn't ask you that. You're an attorney,  
9 answer the question as presented.  
10 **COMMISSIONER CAMPBELL:** I'm on your side, I'm not voting for it.  
11 **COMMISSIONER SKRMETTA:** I'm not talking to you, Commissioner  
12 Campbell.  
13 **COMMISSIONER CAMPBELL:** I'm not voting for it. Don't -- don't -- I'm  
14 with you.  
15 **COMMISSIONER SKRMETTA:** Did you --  
16 **MR. DARCE:** Stone Pigman --  
17 **COMMISSIONER SKRMETTA:** I'm not finished, answer my question.  
18 **MR. DARCE:** Stone Pigman has contributed to the campaign of Foster Campbell  
19 --  
20 **COMMISSIONER SKRMETTA:** Did you ever give Foster Campbell money?  
21 **MR. DARCE:** Stone Pigman has contributed money to Foster Campbell's  
22 campaign.  
23 **COMMISSIONER SKRMETTA:** Okay. All right.

1 **MR. DARCE:** I may have personally at some point, I don't remember.

2 **COMMISSIONER SKRMETTA:** Well, that's fine. But my question is, I don't

3 understand the concept of this Commission, where they'll, like, you know, join the

4 lemming parade to, you know, do this sort of, you know, group psychosis to kind

5 of step in against some people and then they'll just swallow the hook up to the cork

6 on somebody else. So I just don't understand it. So, you know, this is one of those

7 moments when normally I kind of go with it, but, you know, I'm just not going to

8 go with it this time. Okay? So thank you for answering my question.

9 **CHAIRMAN GREENE:** All right. Any other comment? Is there a second for

10 this?

11 **COMMISSIONER FRANCIS:** What was the second?

12 **CHAIRMAN GREENE:** Well, I motioned to accept Stone Pigman on this.

13 **COMMISSIONER FRANCIS:** Yeah, I'll -- absolutely, I'll second that.

14 **CHAIRMAN GREENE:** Okay. Second by Commissioner Francis. Any

15 objection?

16 **COMMISSIONER SKRMETTA:** Yes. Roll call vote.

17 **CHAIRMAN GREENE:** Object -- I know that when there's an objection, there's

18 a roll call vote.

19 **COMMISSIONER SKRMETTA:** Oh, well, good for you.

20 **CHAIRMAN GREENE:** So there's a roll call vote on whether or not to accept

21 Stone Pigman. Commissioner Campbell?

22 **COMMISSIONER CAMPBELL:** Who made the motion?

23 **CHAIRMAN GREENE:** I made a motion to accept Stone Pigman.

1 **COMMISSIONER CAMPBELL:** Okay. I object. See, Eric, I'm with you, man.

2 **CHAIRMAN GREENE:** Yeah, so --

3 **COMMISSIONER SKRMETTA:** Roll call vote.

4 **MS. BOWMAN:** So it's a no?

5 **CHAIRMAN GREENE:** There's a roll call vote because everyone take note,

6 Commissioner Skrmetta and Commissioner Campbell are in agreement.

7 **COMMISSIONER SKRMETTA:** It happens. It happens.

8 **CHAIRMAN GREENE:** So there's objection and a roll call vote. Commissioner

9 Campbell.

10 **COMMISSIONER CAMPBELL:** No.

11 **CHAIRMAN GREENE:** Commissioner Boissiere, are you here?

12 **SECRETARY FREY:** He was in the room, I saw him.

13 **MS. BOWMAN:** He's out.

14 **COMMISSIONER SKRMETTA:** He's gone.

15 **SECRETARY FREY:** We need to get him.

16 **CHAIRMAN GREENE:** Commissioner Skrmetta.

17 **COMMISSIONER SKRMETTA:** No.

18 **CHAIRMAN GREENE:** Commissioner -- yeah, we need him. Yes, please.

19 Commissioner Francis.

20 **COMMISSIONER FRANCIS:** I heard so many people talking here. We're

21 voting --

22 **CHAIRMAN GREENE:** We're voting up or down on whether or not to hire Stone

23 Pigman.

1 **COMMISSIONER FRANCIS:** I think I seconded that. I support hiring Stone  
2 Pigman.

3 **COMMISSIONER SKRMETTA:** There's Commissioner Boissiere.

4 **CHAIRMAN GREENE:** Commissioner Boissiere, how do you vote on Item 10  
5 to hire Stone Pigman?

6 **SECRETARY FREY:** And this to hire Stone Pigman, we have a roll call.

7 **COMMISSIONER BOISSIERE:** Really, guys, that's what we already --

8 **COMMISSIONER SKRMETTA:** Yeah, you're the deciding vote. That's the  
9 best. It's all up to you.

10 **COMMISSIONER BOISSIERE:** Hello, Noel.

11 **MR. DARCE:** Good morning.

12 **COMMISSIONER BOISSIERE:** Did they rake you over the coals so far?

13 **COMMISSIONER SKRMETTA:** A little bit.

14 **MR. DARCE:** I'm fine.

15 **COMMISSIONER BOISSIERE:** I'll tell you something, you know, every once  
16 in a while, you see a Commissioner getting up because we look at the docket and  
17 we look at the item, and if it seems to be an easy slam dunk, then we feel like there's  
18 a few minutes we can work a few things out, so I apologize for getting up, but I just  
19 thought this was a done deal, right? Are we divided on the vote?

20 **CHAIRMAN GREENE:** Yes. Well, it's -- I haven't voted yet, but there's two  
21 no's and one yes. I made the motion to accept, Commissioner Francis seconded it,  
22 and Commissioner Skrmetta and Campbell, in agreement, opposed.

1     **COMMISSIONER BOISSIERE:** Imagine that. All right. Guys, let me say this.  
2     I looked at the issue, I looked at the docket item, and of course I feel very confident  
3     in Stone Pigman, but I will add one thing about this that I do not like because I  
4     didn't get a chance to be part of the discussion or the questions, I want to add this  
5     in now. And I'm going to look at Staff for this, and I'm going to say that we need  
6     to work on expanding participation in these bids, okay? I see this as problematic,  
7     and I think it doesn't give us the best choices. Now, even if we had more choices,  
8     the truth is I'd probably still vote for Stone Pigman because they've been a good  
9     company, a good firm for us, and I know that they have the expertise to handle this.  
10    So in this case, I'm going to vote yes for Stone Pigman, but I think we have to  
11    change our process to open this up a lot better in the future.

12    **CHAIRMAN GREENE:** Commissioner Boissiere votes yes. Chair votes yes.  
13    They are hired. Next, please.

14    **MS. BOWMAN:** Exhibit Number 11 is Docket Number S-36167 - BellSouth  
15    Telecommunications doing business as AT&T Louisiana. It's a petition for order  
16    confirming the relinquishment of the eligible telecommunications carrier  
17    designation in specified areas. It's a discussion and possible vote on Staff report  
18    and recommendation. On October 12, 2021, BellSouth Telecommunications doing  
19    business as AT&T Louisiana filed a petition for an order confirming relinquishment  
20    of an eligible telecommunications carrier designation in specified areas. Notice of  
21    the company's petition was published in the Commission's Official Bulletin and no  
22    interventions or protests were received. AT&T Louisiana is an incumbent local  
23    exchange carrier who was granted ETC designation on November 6, 1997 by the

1 Commission. AT&T seeks to relinquish its ETC for all of its service areas in  
2 Louisiana and consistent with the Communications Act of 1934, an ETC that seeks  
3 to relinquish its designation for an area served by more than one ETC shall be given  
4 advanced notice to the State Commission of such relinquishment. The State  
5 Commission must determine whether the customers of the affected area will  
6 continue to be served by the remaining ETCs following relinquishment. The  
7 Commission has previously granted AT&T Louisiana's petition to relinquish its  
8 ETC designation for a portion of its service areas within Louisiana on November  
9 3, 2017. AT&T provided the necessary advanced notice prior to the anticipated  
10 relinquishment, and per its petition, AT&T Louisiana's service areas are served by  
11 multiple ETCs. Upon Staff's review, there is at least one additional ETC serving  
12 each of the areas in which the relinquishment is being sought, thus alleviating any  
13 concerns that could exist regarding lack of the provider for the customers.  
14 Furthermore, Staff believes that those ETCs will not be required to purchase or  
15 construct additional facilities to ensure AT&T Louisiana's Lifeline subscribers  
16 continue to receive service. On January 13, 2022, Staff filed its report and  
17 recommendation into the record, finding that AT&T's application was submitted in  
18 accordance with the requirements outlined in the Communications Act of 1934.  
19 Therefore, Staff recommends that AT&T's ETC relinquishment be relinquished.  
20 **CHAIRMAN GREENE:** Chair motions to accept. Is there a second? Second by  
21 Commissioner Campbell. Any discussion or objection? [NONE HEARD]  
22 Hearing none, the matter is passed. Next. Exhibit 12.



1 **MS. BOWMAN:** Yes. Exhibit Number 12 is Docket Number S-36216 - Entergy  
2 Louisiana's request to modify Legacy ELL Rider Schedule (Rider 2 to Schedule  
3 LIS-L). It's a discussion and possible vote on Staff's report and recommendation.  
4 Entergy filed this request on November 29, 2021 and notice of the request was  
5 published in the Commission's Official Bulletin without intervention. Entergy's  
6 request states that it is seeking to modify the Interruptible Power Service Rider  
7 Schedule 2 to Legacy ELL Rate Schedule LIS-L, which has been closed to new  
8 business since January 1, 1999 and has only two customers taking service under  
9 this tariff. The modification is needed to address a recent change in regulatory  
10 requirements approved in FERC Docket Number ER20-1846, which reduced the  
11 advance notification time from 12 hours to 6 hours for load to be interrupted and  
12 fully accredited as a load modifying resource for planning purposes. Rider 2 to  
13 LIS-L currently requires a six hour notice; thus, ELL must modify its tariff to  
14 provide sufficient time for Entergy to process notices from MISO and relay notices  
15 to its participating interruptible customers. Entergy proposes to change the current  
16 notice in the tariff from six hours to four hours. This is the only proposed change  
17 to the tariff. Entergy submitted the request pursuant to the Electric Tariff Filing  
18 Rules Section 501(D), which governs the tariffs that do not result in a change in  
19 rates, but which would impact the substantive rights of customers. The two affected  
20 customers were notified of the proposed amendment via electronic and U.S. Mail  
21 on November 8, 2021. Considering the unique circumstances of this proceeding in  
22 that the tariffs at issue have been closed to new business for over 20 years, Entergy  
23 gave actual notice of the proposed revision to the affected customers, and

1 constructive notice was provided in the Commission’s Bulletin. Staff recommends  
2 that the Commission find, on a non-precedential basis, that the actual notice  
3 satisfies the notice requirement of the Electric Tariff Filing Rules in lieu of journal  
4 publication. Staff filed its report and recommendation into the record on January  
5 13, 2022 recommending approval.

6 **CHAIRMAN GREENE:** Chair motions for -- to accept Staff recommendation.  
7 Is there -- a second by Commissioner Campbell. Any discussion or objection?  
8 [NONE HEARD] Hearing none, the motion is passed. Next. On this one, Kathryn  
9 is going to read, I have something to say, and then -- with a motion, then it’s  
10 Commissioner Campbell, then Commissioner Skrmetta, then other Commissioners,  
11 then we’re going to hear from whoever wants to talk succinctly, and then lastly,  
12 we’ll hear from Staff.

13 **MS. BOWMAN:** Exhibit Number 13, that’s Docket Number U-35927 - 1803  
14 Electric Cooperative’s application for approval of power purchase agreements and  
15 for cost recovery. This is a discussion and possible vote on the final  
16 recommendation of the Administrative Law Judge. On behalf of Beauregard  
17 Electric Cooperative, Claiborne Electric Cooperative, Northeast Louisiana Power  
18 Cooperative, South Louisiana Electric Cooperative, and Washington-St. Tammany  
19 Electric Cooperative, which are the 1803 Cooperatives, 1803 filed the instant  
20 application for approval of the 1803 Portfolio, which was selected as the result of  
21 1803’s 2019 Long Term Request for Proposals process conducted with the  
22 assistance of the Alliance for Cooperative Energy Services Power Marketing LLC  
23 or ACES. The following contracts make up the 1803 Portfolio: There’s a capacity

1 sale and tolling agreement between Magnolia Power, which is a subsidiary of  
2 Kindle Energy, and 1803 for 409 megawatts of Combined Cycle Gas Turbine and  
3 it's a 20 year PPA. There's a renewable generation unit PPA between 1803 and  
4 Bayou Galion Solar Project, which is a 20-year PPA for 98.1 megawatts. There's  
5 a solar energy purchase agreement between 1803 and Bayou Chicot Solar for a 20-  
6 year PPA for 150 megawatts. There's a solar energy purchase agreement between  
7 1803 and Bayou Teche Solar, it's a 20-year PPA for 95 megawatts. There's a power  
8 supply agreement between Exelon Generation Company and 1803, which is a 5-  
9 year PPA for the purchase of firm electric energy, capacity, and ancillary services  
10 for 27 percent of 1803's real-time total load. And there is an EEI master purchase  
11 and sale agreement between Calpine Energy Services and 1803, which is a 5-year  
12 PPA for 185 megawatts. If approved, the 1803 Portfolio will serve the 1803  
13 Cooperatives' power supply needs upon the expiration of the current full  
14 requirements contract with Louisiana Generating, LLC, which is a subsidiary of  
15 Cleco Cajun. Member cooperatives, WST and NELPCO, intervened in support of  
16 the certification. Cleco Cajun, owner of LaGen, and Entergy Louisiana intervened  
17 in opposition. Commission Staff supports the certification, subject to certain  
18 conditions. A contested hearing was held on October 25 through November 1,  
19 2021, wherein 1803, WST, Cleco Cajun, and Commission Staff presented live  
20 testimony, and Entergy submitted pre-filed testimony. A summary of the findings  
21 and conclusions of the Administrative Law Judge are as follows: ACES undertook  
22 a rigorous RFP process and economic evaluation, as evidenced by the robust  
23 response. No party alleged that 1803 failed to meet the procedural requirements of

1 the Commission’s MBM Order. ACES’ economic evaluation optimized eight  
2 portfolios among nearly 200 bids to select the 1803 Portfolio, which is, by far, the  
3 lowest-cost portfolio. The 1803 Portfolio maintains flexibility and allows 1803 to  
4 take advantage of the technology improvements. In addition to reliably serving  
5 load at the lowest reasonable cost, the 1803 Portfolio minimizes volatility by  
6 including four fixed price contracts, three of which are 20-year PPAs. The 1803  
7 Portfolio also minimizes exposure to future environmental regulations, pass-  
8 through cost increases, counter-party credit risk by diversification, and nearly all of  
9 the resources are located near load or in MISO Zone 9 in Louisiana. ELL raised  
10 important reliability concerns that will apply to all Louisiana utilities and are better  
11 suited for a rulemaking proceeding. ELL did not challenge economic analysis.  
12 Staff Consultant, Mr. Hayet, was involved in every step of the process and testified  
13 that the RFP and the economic evaluation were done in a fair and unbiased manner  
14 and that the models and inputs were industry standard. Cleco Cajun lodged a  
15 general complaint that ACES was biased, and that the scorecard analysis was  
16 designed to lead to the selection of a portfolio rather than a full requirements  
17 contract. The portfolio versus full requirements service distinction made by Cleco  
18 Cajun is misleading. There were many safeguards in the economic analysis to  
19 ensure that all portfolios were on a level playing field. The economic evaluation  
20 involved a four-step process and over 100 iterations of potential outcomes and, even  
21 when adjusted for Cleco Cajun’s “corrections,” with which 1803 and Commission  
22 Staff disagreed, the 1803 Portfolio is still competitive. The ALJ, therefore, made  
23 the following recommendations: Subject to the following conditions, and based on

1 the testimony, evidence, and argument considered in this matter, we conclude that  
2 the 1803 Portfolio, taken as a whole, serves the public convenience and necessity,  
3 is in the public interest, and is therefore prudent in accordance with the  
4 Commission's 1983 General Order. 1803 complied with the requirements under  
5 the Commission's MBM Order. In accordance with Paragraph 2 of the  
6 Commission Order Number S-35709, rate recovery will be determined in a separate  
7 proceeding. Further, consistent with the testimony of Staff Consultant, Phil Hayet,  
8 the wholesale contracts between 1803 and the 1803 Cooperatives should be  
9 reviewed in that proceeding. Nevertheless, 1803 will be eligible for rate recovery  
10 of its prudent investments as a general rule, subject to 1803's affirmative obligation  
11 to prudently manage the agreements for the benefit of the 1803 Cooperatives and  
12 their members, and provide input into the administration and management of the  
13 agreements, consistent with any other requirements herein and any other applicable  
14 rules and regulations of the Commission. 4) We decline to establish minimum  
15 physical capacity threshold requirements in this proceeding and instead, direct the  
16 Commission Staff to open a rulemaking consistent with this order, without offering  
17 grandfather protection to 1803. 5) We direct the Commission Staff to open a  
18 rulemaking docket to consider modifying the IRP General Order to remove the  
19 exemption from electric cooperatives. 6) Notwithstanding the rulemaking docket  
20 above, 1803 shall file its request to initiate an IRP Process with the Commission  
21 within six months of receiving its certification in this docket with a timeline such  
22 that the completion of its IRP would occur within a year of filing its notification  
23 with the Commission. 7) When 1803 conducts its first IRP, 1803 should develop

1 and file a risk management policy to be put in place in order to manage its risk  
2 exposure, including the costs of acquiring natural gas, MISO market capacity, and  
3 MISO market energy. As part of the risk management policy, the 1803 should  
4 investigate the costs and benefits of acquiring capacity outage insurance as  
5 protection in the event that Magnolia CCGT Generation Station suffers significant  
6 outages. As the Commission's IRP General Order permits parties to participate in  
7 a utility's IRP, any party that has concerns about 1803's risk management policy  
8 will have the opportunity to file comments, and will have the opportunity to litigate  
9 issues pursuant to the dispute procedures discussed in Section 10(f) of the IRP  
10 General Order. 8) 1803 shall issue an RFP for an energy manager and the costs of  
11 any proposal submitted by ACES may not exceed the costs for those services  
12 identified in 1803's bid evaluation analysis. 9) 1803 shall file in this proceeding  
13 quarterly monitoring reports, to begin 90 days after the issuance of a certification  
14 order in this proceeding, regarding the construction and applicable financing of the  
15 Magnolia CCGT and the solar PPAs. In addition, 1803 should file any significant  
16 developments within five days. Lastly, 1803 shall facilitate any site visits that  
17 Commission Staff deems necessary. The ALJ recommends that the Commission  
18 adopt the final recommendation of the ALJ and the draft order issued January 14,  
19 2022.

20 **CHAIRMAN GREENE:** Thank you, Kathryn. While I'm making my comments,  
21 I'd like for President Ourso, Sheriff Stassi, and Mr. Sexton to come up front, please.

22 **COMMISSIONER SKRMETTA:** Are you going to do a motion to start with?

23 **CHAIRMAN GREENE:** I am.

1 **COMMISSIONER SKRMETTA:** Okay.

2 **CHAIRMAN GREENE:** I got this.

3 **COMMISSIONER SKRMETTA:** I didn't know if you were doing comments  
4 first, that's all.

5 **CHAIRMAN GREENE:** Just pay attention.

6 **COMMISSIONER SKRMETTA:** Yeah, I did. I thought you said you were  
7 going to comments.

8 **CHAIRMAN GREENE:** I'm going to proceed now.

9 **COMMISSIONER SKRMETTA:** Okay.

10 **CHAIRMAN GREENE:** Commissioners, we have in front of us a utility, 1803,  
11 that followed all of our rules and conducted a competitive RFP whereby 31 bidders  
12 put forth 197 qualifying offers. This robust response to 1803's RFP, I think is a  
13 powerful indication that a broad cross-section of companies want to invest in  
14 Louisiana's energy future and deliver lower rates and reliable, flexible options to  
15 customers. That interest is a strong sign that companies believe our rules provide  
16 a fair shot for those willing to compete for the co-ops' power supply. Again, 31  
17 companies bid and 1803 got to look at nearly 200 offers to find out what's best for  
18 their customers. A rigorous evaluation of those bids, conforming with all of our  
19 rules, and performed by industry experts and evaluators over 18 months determined  
20 the best solution for 1803 co-ops, the portfolio that's now in front of us. The  
21 portfolio that will reduce electric rates by -- for 120,000 co-op customers and over  
22 30 percent reduction and provide over 1,000 new megawatts of generation in  
23 Louisiana. Our Staff confirmed that conclusion and recommending approving that

1 portfolio. Moreover, we then had an intensive trial to evaluate the 1803 co-op's  
2 decision, after which the ALJ also confirmed the co-op's decision and recommends  
3 approving the portfolio in front of us. This is a great day for Louisiana and for this  
4 Commission. This is an opportunity for the Commission to demonstrate that in  
5 Louisiana, if you play by the rules and compete for the benefit of your customers,  
6 politics will not change the results. This Commission should seize the day for the  
7 customers we represent. I move to accept the ALJ recommendation approving this  
8 portfolio.

9 **COMMISSIONER FRANCIS:** I second.

10 **CHAIRMAN GREENE:** Second by Commissioner Francis.

11 **COMMISSIONER SKRMETTA:** I have a substitute motion.

12 **CHAIRMAN GREENE:** I think, as stated, we're going to go in order. It's going  
13 to be Commissioner Campbell and then Commissioner Skrmetta. Commissioner  
14 Campbell.

15 **COMMISSIONER CAMPBELL:** I got a -- I have an amendment.

16 **MS. BOWMAN:** So Commissioner Campbell has a second to Commissioner  
17 Greene's --

18 **COMMISSIONER CAMPBELL:** Yeah.

19 **MS. BOWMAN:** Or an amendment now, being that Commissioner Francis -- so  
20 Commissioner Campbell's amendment to Commissioner Greene's motion is that  
21 Magnolia Power will increase the total amount of liquidated damages it may pay to  
22 1803 to \$15 million in the event Magnolia Power is late in opening their plant.



1 **COMMISSIONER CAMPBELL:** All this is is just a little extra insurance that  
2 helps 100,000 people. I didn't think 5 million was enough, 15 million helps, the  
3 companies agreed to it, and we're the Public Service Commission and we asked  
4 them to step it up, they did it, and that's what it does.

5 **COMMISSIONER FRANCIS:** My second still holds there.

6 **SECRETARY FREY:** Okay. And that's what we need to confirm. And then  
7 you're okay with that?

8 **CHAIRMAN GREENE:** Yes, I'm okay with that amendment. So do you have  
9 anything else to say Commissioner Campbell?

10 **COMMISSIONER CAMPBELL:** No.

11 **CHAIRMAN GREENE:** Okay. Commissioner Skrmetta.

12 **COMMISSIONER SKRMETTA:** I have a substitute motion to reject the  
13 recommendation of the ALJ and approve the Kindle Magnolia, LLC power plant  
14 and to approve the three industrial scale solar bayou plants, subject to a caveat  
15 review on the rejected offer of Icon USA Solar, which I'll explain later in my  
16 comments, and to submit the remainder of the issues of 1803 to a 60-day  
17 rulemaking, to make determinations if it's in the best interest of the ratepayers.

18 **CHAIRMAN GREENE:** Commissioner Skrmetta has a substitute motion. Is  
19 there a second? [NONE HEARD] Substitute motion dies for lack of a second.

20 Any other comments from Commissioners or questions?

21 **COMMISSIONER SKRMETTA:** I have some comments, in general.

22 **CHAIRMAN GREENE:** Commissioner Skrmetta.

1 **COMMISSIONER SKRMETTA:** I'm submitting written comments in this  
2 matter for the following reasons: Because of the complexity and potential impact  
3 of this particular issue, I'm submitting written comments regarding my position in  
4 this matter. Could somebody turn their phone off, please? Thank you. This has  
5 been a very complex proposal, brought to the Commission in a very novel and  
6 previously unknown process. It is due to the very fact -- to this very fact that we  
7 are reviewing, for a vote, a 62 page recommendation from one of our  
8 Administrative Law Judges regarding this particular case. That, in and of itself, is  
9 a testament to the complexity of the proposal that is presented to the Commission  
10 for a determinative vote. And I'd like to thank the Administrative Law Judge for  
11 her service in this matter, for providing the recommendation, and however, I  
12 disagree with the result on a number of issues. First, I perceive that there is a  
13 significant risk to ratepayers, both within the 1803 system as well as outside, who  
14 will be within the same marketplace, particularly during times of critical demand  
15 on the resource electrons, primarily during extreme heat or extreme cold and during  
16 emergencies. Second, my concerns are that the proposed system is overly  
17 complicated, and therein of itself is more likely to be subject to failure than a system  
18 that is more simplified and based on traditional utility practices. And three, I have  
19 had a complaint sent to my office from a company that bid on the solar component  
20 of this process, wherein they claim that they engaged with Mr. Marionneaux, who  
21 refused to accept their bid, which they claim, in fact, was the lowest bid. And I  
22 would like to address each of these issues quickly, or as quickly as possible. On  
23 January 20, 2022, my office was contacted by Mr. Brent Abadie of Icon Energy

1 USA. In their email to me, which is a public record, they stated the following:  
2 Commissioner Skrmetta, in the spirit of full disclosure, I was the lowest bidder for  
3 solar power, but did not get a contract. I tried to intervene in the preliminary  
4 proceedings in this matter, but Kyle Marionneaux, ACES, and 1803 opposed my  
5 participation. I questioned their integrity then, and I continue to question it now.  
6 My company, that submitted the lowest bid in the 1803 bid round, is Icon Energy  
7 USA. It is part of an international organization which has built and operates utility  
8 scale solar generation in a number of foreign countries. I sought to bring that  
9 success to my own home in Louisiana. I suggest that there are least three significant  
10 issues that support a vote by the Public Service Commission to deny approval of  
11 the solar contracts proposed by 1803 and their consultant, ACES. Because I have  
12 been denied access to the actual documents and information as a result of the efforts  
13 of Mr. Marionneaux, 1803, and ACES to exclude me/Icon from the review process,  
14 I am forced to rely on informal sources of information. I believe my representations  
15 regarding the terms and conditions of the proposed contracts is true and accurate.  
16 First, it appears that Mr. Marionneaux, 1803, and ACES made less than truthful and  
17 accurate representations to the LPSC when it obtained approval of its bid  
18 solicitation RFP. Specifically, in Article 1.2 of the RFP, Mr. Marionneaux and  
19 ACES specifically included language and represented to the LPSC on behalf of  
20 1803 that the RFP did not contemplate or allow proposals where the utilities would  
21 be involved in self-build or self-supply projects. Therefore, the rules requiring an  
22 independent monitor did not apply to the RFP. This is exactly what they said:  
23 Neither 1803, the member cooperatives, nor any affiliate thereof are proposing a

1 self-build or self-supply option through this RFP. Accordingly, the 2019 long-term  
2 RFP does not require supervision by an IM pursuant to the MBM Order. However,  
3 it is my understanding that a \$4 million capital investment is required in the  
4 proposal for which 1803 seeks approval, and that an additional larger capital  
5 investment by 1803 could be required if a contractor elects to convert from natural  
6 gas to hydrogen fuel generation. This would seem to violate the spirit and the letter  
7 of the law and would also be contrary to 1803's and the member co-ops'  
8 representations to the LPSC. LPSC rules and orders, including but not limited to,  
9 General Order 6-7-2019, Docket Number R-34246 state that the MBM Order  
10 requires that the electric utilities shall conduct its planning and RFP processes with  
11 the objective being the provision of reliable, electric service at its lowest reasonable  
12 cost. In cases in which a regulated utility is considering building or investing in  
13 generating capacity, the LPSC requires direct oversight of the process by an  
14 independent monitor. 1803 avoided the oversight by the LPSC independent  
15 monitor, but now seeks approval of contracts which appear to require investment  
16 of ratepayer funds in generating capacity. If that is true, then 1803 simply  
17 circumvented the rules. Therefore, The LPSC should impose sanctions against  
18 1803, ACES, and Mr. Marionneaux, and should disqualify the bids and contracts  
19 that require capital contributions from 1803 or its member co-ops. And secondly,  
20 1803 seeks approval of solar generation contracts, which do not provide the lowest  
21 reasonable cost to the ratepayers. In fact, according to the information I have  
22 received, the proposed contracts are more than 20 percent more expensive than the  
23 proposed contracts from Icon. The Icon proposal would save ratepayers nearly

1 \$100 million over the life of the contracts. Icon's base rate is lower. Icon's  
2 proposal would eliminate cost for transmission of electricity on the MISO  
3 transmission system. Icon's proposal would eliminate the loss of electric power in  
4 transmission. And Icon's proposal requires absolutely zero capital contribution  
5 from 1803 or the member co-ops. Indeed, Icon would pay for upgrades at certain  
6 substations that would enhance the capacity of the co-ops at no cost to them. Icon's  
7 proposal is cheaper and better. General Order 6-7-2019, the MBM, and the rules  
8 of the LPSC clearly require that regulated utilities acquire power at the lowest  
9 reasonable costs. 1803, ACES, and Mr. Marionneaux are asking the LPSC to  
10 approve contracts which are contrary to this most fundamental requirement and  
11 which are contrary to the best interests of the ratepayers. The LPSC should deny  
12 approval of these contracts. Further, it should order a comprehensive review of all  
13 the bids and proposals by a qualified independent expert and a report from his or  
14 her recommendations. Third, General Order 6-7-2019, the MBM, and the rules of  
15 the LPSC clearly require that regulated utilities acquire electric service that is  
16 reliable. The contracts proposed by 1803, ACES, and Mr. Marionneaux select the  
17 less reliable solar generation than offered by Icon. More specifically, the proposed  
18 contracts have generation at two large sites that connect to the MISO transmission  
19 grid and the power's transported to the individual co-ops. We have seen -- recently  
20 seen the risk of relying on the over-burdened MISO transmission system with  
21 failures during cold weather and hurricane events. Plus there is the cost of using  
22 transmission, often called wheeling costs, and the transmission loss that would take  
23 place and result in the ratepayers paying for generated electricity that never actually

1 reaches the end-user. Then there is also the risk that a single, local weather event  
2 or catastrophe or at near a large generation site could disable hundreds of megawatts  
3 of the generating resource. The Icon proposal provides a much more reliable,  
4 efficient, and secure generating resource. Icon proposed to construct and operate a  
5 number of smaller five megawatt to fifty megawatt solar generating facilities  
6 located strategically nearer the demand. This is sometimes called distributed  
7 generation. Distributed generation micro-grids has been recommended by the  
8 United States Department of Energy, Office of Electricity as a superior  
9 methodology to improve grid resilience, improve resource security, and decrease  
10 transmission losses. A single event or catastrophe, natural or man-made, would  
11 only disable a small portion of total generating capacity, perhaps a few megawatts.  
12 MISO transmission failures, curtailments, or losses would have zero impact on the  
13 consumers because the Icon generated electricity would be generated and delivered  
14 locally, independent of the transmission system. This would also mitigate  
15 congestion on the MISO transmission system. Distributed energy is much more  
16 efficient and results in less generation capacity needed to satisfy the demand  
17 because there would be little or no transmission losses. Icon proposed using all  
18 premium USA made components to prevent hacking by Chinese, Russian, or  
19 hostile parties and proposed designs that are specifically hurricane resilient and  
20 EMP protected. None of the competing bidders included those critical features.  
21 And Icon can deliver at a significantly lower cost to the ratepayers. Icon's local  
22 generating facilities would create new jobs in the communities they serve. Fourth,  
23 in addition to the offering the lowest cost, most reliable solar and generation

1 proposal, Icon offered a unique protection package for 1803 and the consumers.  
2 Icon has the financial backing of the largest capital management organization in the  
3 world, Allianz, A-L-L-I-A-N-Z. Not only would Allianz provide all of the financial  
4 resources required to the project, Allianz would also provide an insurance package  
5 that would guarantee Icon's performance of its delivery obligations. In the event  
6 Icon failed or was unable to deliver the electric power it commits to the contract,  
7 then Allianz would cover the cost of 1803 acquiring equivalent power in the  
8 marketplace. 1803, the co-ops, and the consumers would then be insured by the  
9 Allianz insurance package at no cost to the ratepayers. Because I and Icon have  
10 been screened out of the preliminary evaluation process, I am unable to evaluate  
11 other features in the Icon proposal compared to the contract selected and proposed  
12 for approval by 1803. I presume you have the data. In conclusion, I hesitate to  
13 speculate on why 1803, Mr. Marionneaux, and ACES would prefer to contract for  
14 more expensive power from less reliable resources. And I seriously doubt that there  
15 is a legitimate rationale. But I hope that the Commissioners will give the petition  
16 by 1803 to approve the contracts rigorous scrutiny and then act in the best interest  
17 of the consumers and ratepayers. It seems that the mission of the LPSC is fulfilled  
18 by denying approval to 1803 and closer supervision of what appears to be a flawed  
19 and fundamentally unfair administration of the RFP process. I appreciate your  
20 time, am willing to discuss this matter with any Commissioners. This is signed  
21 Brent P. Abadie of Icon, and I just have some short comments from me to finish  
22 this up. My concern about the contents of the email is due to the ALJ supporting  
23 comments, as follows: The ALJ emphasized on Page 39 of the draft order that no

1 one else besides ELL and Cajun complained about the RFP process. But the ALJ  
2 clearly denied the Icon late intervention back in June, in part, on grounds that the  
3 others in the docket will undoubtedly challenge the RFP process. It is not consistent  
4 and goes against fundamental fairness to say ELL and Cajun are the only parties  
5 complaining, but denied intervention of someone else trying to complain about the  
6 process. It is a strong due process issue and affects the rights of the bidders and  
7 they should be protected. That completes that issue, and now for the issue of  
8 complexity. Consider the development of a system to deliver electrons to  
9 consumers. It's almost like saying that the shortest distance between two points is  
10 a straight line. Now, the concept proposed by 1803 is a spirograph of complexity,  
11 one with many more moving parts than necessary. We must remember that every  
12 moving part becomes a potential risk of failure and that creates an unnecessary risk  
13 to the consumer, both on reliability and pricing. The more complicated the system,  
14 the bigger the opportunity for us to engage in a mini-Texas disaster during a period  
15 of critical demand. Now as a child, I remember receiving a game for Christmas  
16 and it was called Mouse Trap, and it was a Rube Goldbergian game that took  
17 numerous steps to create a complicated device that would ultimately result in a trap  
18 to snag a mouse. When in real life, a simple trap with a bit of bait resolved the  
19 riddle expeditiously. And that brings me to Rube Goldberg. For those of you who  
20 don't know, he was a famous cartoonist who cleverly created complex, useless  
21 machines to accomplish simple tasks. He was popular throughout the 1940s and  
22 '50s, so much so that his name became part of the lexicon. The term Goldbergian  
23 is defined in Webster's as something grotesquely complex, contrived with inept



1 and excessive intricacy. So famous was he that he was honored with a U.S. stamp  
2 dealing with his self-operating napkin. And at this point, the Commission should  
3 avoid the creation of a self-operating napkin. Goldberg was so popular with his  
4 comical contrivances that Purdue University started a Rube Goldberg machine  
5 contest for engineering students that went national in 1989, where young  
6 engineering students, and later high school students, were given a simple task, a  
7 one-step task, that required completion through 20 steps. The pinnacle of over-  
8 complication of a simple task. And that application of understanding the  
9 Goldbergian conundrum also finds its way into the application of law. In 1998,  
10 Justice Anton Scalia remarked in his dissent in the habeas case of Bousley versus  
11 the United States, 523 U.S. 614 that Rube Goldberg would envy what the Supreme  
12 Court has created. Now, Scalia recognized that there's no particular reason to over-  
13 complicate a system, and that concept has a long history that goes all the way back  
14 to an unknown origin, but we could start with Aristotle. And Aristotle had a theory  
15 about simplicity in that nature itself operates in the shortest way possible. And  
16 Aristotle sort of migrated to Thomas Aquinas, and he referenced that if a thing can  
17 be done adequately by a means of one, it's superfluous to do it by a means of  
18 several, for he observed that nature does not apply two instruments if one suffices.  
19 And then we get on to one of my favorite philosophers, who is William of Ockham.  
20 And Ockham was a 14<sup>th</sup> century English friar. He was a scholar, a philosopher, and  
21 he developed what is largely known as Occam's Razor and it's also known as the  
22 Law of Parsimony, and it's a simple problem solving principle. And it says entities  
23 should not be multiplied beyond their necessity. This theory, simplified, is other

1 things being equal, simpler explanations are generally better than complex ones.  
2 These concepts continue throughout history. Even in the medical field, there's a  
3 medical diagnostic concept called Zebra, and it's likely derived from a famous  
4 quote of Teddy Roosevelt, who said once, when you hear hoof beats, think of  
5 horses, not zebras. And that was in a book called Zebra Cards, which were an aid  
6 to obscure diagnosis. So the modern context comes into place from a guy named  
7 Ernst Mach, who formulated his theory in physics to the Principle of Economy, that  
8 scientists must use the simplest means at arriving at the results. Now,  
9 unfortunately, the designers of 1803 plan did not utilize Occam's razor in their  
10 concept, but relied heavily on Hanlon's razor, although clearly not through malice.  
11 My concern is that the complex models at the root of 1803's analysis are subject to  
12 overfitting and possibly affected by statistical noise. Instead of approving this plan  
13 by taking alternative action through a Commission rulemaking, we would be better  
14 suited to analyze this matter to find more secure, predictive performance potential.  
15 Only through independent, in-depth rulemaking analysis can we ensure a secure  
16 plan for ratepayers that will not be subject to stress during critical demand periods.  
17 And while I appreciate that this matter was analyzed under traditional concepts, this  
18 is a plan that is taking place outside the traditional parameters of development. This  
19 requires new analysis and considering new techniques that have new impact on the  
20 consumer. Under no circumstances can we take action which would cause harm to  
21 the ratepayers simply to accomplish an action of expediency. My primary interest  
22 is to send this entire plan back to the drawing board, either through a rulemaking  
23 or through some other mechanism that the Commission determines, with fresh eyes

1 and fresh analysis. I do not believe the recommendation of the Administrative Law  
2 Judge is in the best interest of the Commission, nor do I believe that the analysis of  
3 the consultant has provided the proper scrutiny for the Commission to make a  
4 significant determination in this matter. My only full acceptance for part of this  
5 plan is for Magnolia Power, LLC Power Plant. I'm also fully supportive of the  
6 concept of industrial scale solar facilities, but due to the email of Mr. Abadie of  
7 Icon USA, I'm concerned that the consumers did not get the best value of which  
8 industrial scale solar system to select, particularly involving the potential of  
9 insurability of market purchases to offset the bill of consumers during disaster. And  
10 lastly, about risk and reliability. And I'm concerned for the welfare of the  
11 consumer, both reliability wise and price wise with the mechanism that is being  
12 presented to the Commission. In my opinion, it represents an unreasonable risk of  
13 economic harm to the consumers that, due to its complex nature and lack of  
14 empirical data within this state to prove its viability, does not deserve to be  
15 approved in its current form. Thank you.

16 **CHAIRMAN GREENE:** Thank you, Commissioner Skrmetta. Just in follow up  
17 to that, I would like to say that Mr. Abadie did not intervene in this docket and that  
18 the ALJ made the decision on the intervention and not 1803. And as well, thank  
19 you for your thought out comments. Those are the thoughts of Commissioner  
20 Skrmetta and not of the Commission, so any other thoughts?

21 **COMMISSIONER FRANCIS:** Mr. Chairman.

22 **CHAIRMAN GREENE:** Commissioner Francis.

1 **COMMISSIONER FRANCIS:** I'd like to recognize all the co-op board members  
2 who are here. Would you please stand up and stay standing? And camera, I'd like  
3 for you to -- these co-op board members. Smile, now, y'all going to be on TV.  
4 Thank y'all for coming. Thank you.

5 **CHAIRMAN GREENE:** All right. I'd like to get y'all's thoughts on what this  
6 means for the community and how the process went for y'all.

7 **SECRETARY FREY:** And state your name before you speak.

8 **MR. JESSEL OURSO:** Full name, Jessel M. Ourso, Jr., Plaquemine, Louisiana,  
9 Iberville Parish President. So Commissioner Greene, members of the Commission,  
10 good morning and thank you for having us here this morning. This is the first time  
11 that I have ever been into one of these meetings, interesting. I should come more  
12 often to your Staff.

13 **COMMISSIONER SKRMETTA:** It's a lot more crowded than usual.

14 **MR. OURSO:** Yeah. Very interesting, it's better than our council meetings. So  
15 glad to be on board. Mr. Greene and I have a special relationship. He was a former  
16 Iberville Parish resident and grew up in Maringouin, Louisiana. Mr. Campbell, him  
17 and my father was put into the political hall of fame many years ago in Winnfield,  
18 Louisiana. Don't have too much relationship with Mr. Skrmetta or do I know Mr.  
19 Boissiere. And Mr. Francis, you and I was in the vacuum truck business together,  
20 you was red and I was yellow way back then over there in the vacuum truck  
21 business and the frac tank business. So anyway, you know, gentlemen, three years  
22 ago, I was introduced to Kindle Energy through my economic development  
23 specialist, and I started having a relationship towards the end of 2019 and kind of

1 lost track when 2020 come with COVID. And met the people and, you know, I put  
2 them through a battery of tests, as you would, Dr. Greene, you know, to see if these  
3 people can fit into our parish. Iberville Parish, over the last 12 years, has had  
4 probably \$12 billion invested into the southern part of our parish with the  
5 Shintech's of Louisiana and the SNF Flopam's and everything that we have brought  
6 here to the state coffers, here when these companies are delivered to our doorstep,  
7 whether it's from Louisiana DED and we take these clients and we try to fit them  
8 in to our parish here for jobs and revenue for our people. So after meeting these  
9 people and working with them over the years, checking them out, and this, and  
10 before I brought them to my Parish Council and let them meet our assessor and our  
11 sheriff here, I wanted to make sure that when I brought them to my Council that  
12 these people were valid. My Parish Council patted this project on the back and said  
13 we want this project. And with that, the land that they were looking at, that land  
14 had to be put into an industrial zone and my Parish Council approved the potential  
15 site. There's an enormous amount of natural gas that's going to feed this facility,  
16 if it is built. I'm very happy about that. The emissions are not going to be a  
17 problem. And so I'm in here for asking you, and you have a -- as all of us are, as  
18 elected officials here, have a -- you are regulators, and I want you to do what's right  
19 for the people, for regulation, whether it's phone bills or whether it's electrical bills.  
20 I'm the only regulator in the parish to see what not -- whether or not they're coming,  
21 because either I'm going to let them in or I'm going to let them out. I would beg  
22 of you, and if my client -- what I say my client, my parish's client, is happy with  
23 y'all decision on this \$15 million over here in default or whatever it is called. I

1 don't know nothing about no 1803. All I know about is 2022, of what's happening  
2 here. I don't know nothing about no 1803, and all the industry that I have dealt  
3 with in our parish over the years, the Dow Chemicals, the Shintechs, and the SNF,  
4 the French, the Germans, I've never had to come up here and talk about a \$750  
5 million little electrical plant because I didn't understand how it worked. Now, I  
6 understand. So I'm just asking you. Iberville Parish is open up for business, and  
7 if -- I expect them to follow all rules of what y'all put down. They are not above  
8 the law. I don't expect none of my energy -- I'm expecting them to follow the rules,  
9 so I'm just asking for your support. This project is important to my parish, it really,  
10 really is. Hopefully, it will reduce the rates to our people, what it can do to our  
11 industry, and what this industry brings to our parish. And so I'm here to ask you  
12 to please let this project go forward. Now, I'm speaking on behalf of myself as the  
13 Parish President over here and I'm going to let the Sheriff say what he got to say.  
14 He puts them in jail. I only say if they come here. He taxes them. So I'm going to  
15 move over and if my client is happy with whatever you come up with, I am tickled  
16 to death.

17 **CHAIRMAN GREENE:** So on that note, I think Commissioner Campbell has a  
18 question for you, but I'd like to hear from Sheriff Stassi and assessor. Do you have  
19 anything you want to say or you just echo his?

20 **SHERIFF BRETT STASSI:** I echo a lot of what Jessel said, but at the same time  
21 --

22 **MS. BOWMAN:** Please introduce yourself for the record.

23 **CHAIRMAN GREENE:** Just introduce yourself.

1 **SHERIFF STASSI:** My name is Brett Stassi. I'm the Iberville Parish Sheriff; I  
2 live in Plaquemine, Louisiana. Our citizens have paid a high price for electricity  
3 over the years from different entities, and we have -- we almost lost a client at our  
4 hospital over some bills for the amount they were paying per square footage --

5 **MS. BOWMAN:** Mr. Stassi, could you speak more into the mic so we could pick  
6 it up?

7 **SHERIFF STASSI:** We almost lost our hospital client over the high rate that they  
8 were paying at our emergency room hospital that we have in Iberville Parish  
9 because they were paying over the rate per square foot of all the hospitals in the  
10 entire state that they own, 25 percent more. So any opportunity we can to bring the  
11 rates lower to the citizens of Iberville Parish and the surrounding parishes and the  
12 industry that we do support in Iberville Parish that supports this state, I'm here  
13 asking for y'all to give us that opportunity to bring the lower rates to the people of  
14 our parish and our industry in our parish.

15 **CHAIRMAN GREENE:** Mr. Sexton, do you have anything to say or just  
16 [INAUDIBLE]?

17 **MR. RANDY SEXTON:** No. My name is Randy Sexton; I'm Iberville Parish  
18 Assessor. I can only vouch for -- this is a \$750 million capital improvement in  
19 Iberville Parish. And I don't know if any other parish in this state would say that  
20 they want to turn down a \$750 million project. But we are very, very fortunate,  
21 we're industry rich in Iberville, and we're welcome to see possibly a 40 percent  
22 reduction in the rates to some of our industry right there. I think it's just a go-go

1 situation on our [INAUDIBLE], so I appreciate y'all's support in this project, and  
2 that's all I'd like to say.

3 **CHAIRMAN GREENE:** Thank you. Commissioner Campbell.

4 **COMMISSIONER CAMPBELL:** I want to congratulate you, in particular. I  
5 was around last spring when I saw you on TV with your suspenders on.

6 **MR. OURSO:** Junior Sample.

7 **COMMISSIONER CAMPBELL:** You quoted the great Junior Sample, and I  
8 appreciate it, but he was taking up for you guys, keeping high water out of your  
9 houses. And I watch this guy operate, he is actually a great politician and a great -  
10 - a leader over there because he genuinely looks after the people in Plaquemines  
11 Parish, and that's what we all want to do. That's what we all want to do. So I'm  
12 going to be with y'all on this project and I know you're going to take care of the  
13 folks over there and hopefully not only in Plaquemines Parish, but a lot of parishes  
14 in Louisiana will see rate reductions. And that's a good way to start because I know  
15 what competition does. Say you have a barbecue going on and some people at the  
16 barbecue have their electricity coming from a different place. And you get to  
17 talking about electricity and then the co-op guy says hey, look at my bill. And the  
18 guy on the other side says well -- then that's where the mule jumps the fence,  
19 everybody gets involved and rates go down. That's what makes rates go down --  
20 and competition. This is what it's going to bring to Louisiana is competition,  
21 discussion, and once people realize that your neighbor is getting electricity a lot  
22 cheaper, business picks up. And so that's what we want, we want people in  
23 Louisiana to pay as least as possible. It's never going to be cheap, it's going to be



1 reasonable. And I'm supporting this project, Mr. Greene and I, and Mr. Boissiere  
2 and Mr. Francis. We just added something to give you more insurance. We  
3 increased the retirement -- I mean the liability for the company up to 15 million  
4 instead of 5 million. So I think it's a good project and so I'm in support of it and  
5 whenever you want to vote, I'm ready to vote.

6 **CHAIRMAN GREENE:** Commissioner Boissiere.

7 **COMMISSIONER BOISSIERE:** Well, I'd like -- first of all, I'd like to thank the  
8 Parish President, Sheriff, and Assessor. The three big jobs in Iberville. I'm glad to  
9 know now you've made it to the Commission and now you see how it works. I  
10 represent Iberville Parish and I've been down there quite a few times on water  
11 issues and electricity issues and storm restoration issues, and I've usually met with  
12 the council, the Parish Council and different other bodies. So I hear what you just  
13 said, I hope you come back to us whenever you need us, you know how it works  
14 here. I'd love to come back down there, now you have an interest in the  
15 Commission.

16 **MR. OURSO:** I'll get you in and out quick.

17 **COMMISSIONER BOISSIERE:** You'll get me in and out quick, good. And I  
18 hear the Sheriff, let's work to get those rates as low as possible. I'll meet with you  
19 on anything you need. I've done it on smaller issues down there before, I've come  
20 whenever you've called, so I'm looking forward to it. And I think this particular  
21 issue, to get back to what we're doing here today, is going to be really positive for  
22 the parish and the utility companies there.

23 **CHAIRMAN GREENE:** Thank you. Commissioner Skrmetta.

1 **COMMISSIONER SKRMETTA:** Yeah, I just wanted to thank you guys for  
2 coming here and tell you that the cherry on this, whatever it is, is what you guys  
3 get. So the rest of it is the part that I'm scratching my head over, but there ain't no  
4 problem with what part affects you and your community. So on that one, you know,  
5 I'm sure that you will be the one that is still standing if everything else fails. So I  
6 just want to let you know that you have confidence in whatever happens, that your  
7 part will be the success.

8 **CHAIRMAN GREENE:** Thank you very much. You gentlemen are excused.  
9 Thanks for being here. I think we have some other people that would like to speak  
10 to this matter. Is there anyone else that would like to speak to this matter?

11 **MS. BOWMAN:** Well, we have oral arguments --

12 **SECRETARY FREY:** Yeah, we have oral argument requests, and I don't know  
13 if they've turned in cards or not, but Kathryn can go through the list of all our  
14 requests for oral arguments.

15 **CHAIRMAN GREENE:** Kathryn, can you run point on that?

16 **COMMISSIONER SKRMETTA:** Brandon, do you have representatives of  
17 1803, ACES, and are they going to come up?

18 **SECRETARY FREY:** Yeah, they're a part of the argument.

19 **COMMISSIONER SKRMETTA:** They're going to be part of the argument?

20 **SECRETARY FREY:** I think pretty much everybody asked for oral argument.

21 **MS. BOWMAN:** I'm pretty sure they also filed.

22 **COMMISSIONER SKRMETTA:** Okay. I was just wondering because I just got  
23 some questions for certain groups and I wanted to know.

1 **MS. BOWMAN:** We can start, I guess, with representatives of 1803 just to --

2 **COMMISSIONER SKRMETTA:** It doesn't matter to me.

3 **MS. BOWMAN:** -- answer some questions and then we'll go into the oral

4 arguments.

5 **COMMISSIONER SKRMETTA:** I just hadn't seen your list of who was coming

6 up.

7 **MS. BOWMAN:** Yeah.

8 **CHAIRMAN GREENE:** 1803.

9 **COMMISSIONER SKRMETTA:** Is ACES available? Are you going to

10 represent ACES as well today?

11 **MR. KYLE MARIONNEAUX:** I'm not. I'm representing 1803. ACES is a

12 consultant of 1803.

13 **COMMISSIONER SKRMETTA:** Is ACES here?

14 **MR. MARIONNEAUX:** They're here, yes.

15 **COMMISSIONER SKRMETTA:** Could they come up as well?

16 **MR. MARIONNEAUX:** Absolutely.

17 **COMMISSIONER SKRMETTA:** Because my questions will be for you and

18 them.

19 **MR. MARIONNEAUX:** Yeah. Yes, Commissioner. I was leaving the chair open

20 because I didn't know where the questions were going to come, we have a lot of

21 folks here.

22 **COMMISSIONER SKRMETTA:** Because my questions are for you and them,

23 so they can kind of get done at the same time.

1 **CHAIRMAN GREENE:** Yeah, look. This has been hashed out for 18 months  
2 and a lengthy trial, so let's try to keep it succinct.

3 **MR. MARIONNEAUX:** Commissioners, you know, a lot of -- Commissioner  
4 Greene, you said a lot of what I was going to say. We had a unprecedented amount  
5 of bidders and bids in this matter, very diverse, you know, group of bids. It went  
6 through a very, you know, comprehensive process in the, you know, before the  
7 Administrative Law Judge. We had two rounds of written discovery by both  
8 parties. We had hundreds of discovery requests and responses. We had a five day  
9 -- it was scheduled for five days, but we had six days. I mean, everyone had their  
10 shot at this. We have two opponents to the matter, Cleco Cajun and Entergy. They  
11 raised a lot of issues in the docket, they put witnesses forward. All of their  
12 complaints have been fully vetted in the docket. You had Mr. Hayet, a very  
13 experienced outside consultant who's done a lot --

14 **COMMISSIONER SKRMETTA:** Is he the Staff representative for the -- on this  
15 docket?

16 **MR. MARIONNEAUX:** Yes, Commissioner.

17 **COMMISSIONER SKRMETTA:** Mr. Hayet, could you grab a chair and just  
18 come up, just in case.

19 **MR. MARIONNEAUX:** And he's got a lot of experience in these type matters as  
20 well. Had the very confident firm, the Patrick Miller firm, good litigators, involved  
21 in the matter, and after -- in hearing the testimony, discovery, and evidence  
22 presented, the LPSC Staff agreed with 1803 that this was the lowest cost reliable  
23 portfolio, and as you stated earlier, the Administrative Law Judge agreed. So, you

1 know, we ask that you approve the 1803 Portfolio in full, and the ALJ did also say  
2 that the ALJ -- that the 1803 Portfolio, as a whole, is in the public interest. And  
3 since it was a lengthy, I guess, reading of an email from Mr. Abadie of Icon, I -- he  
4 had his opportunity to participate in the matter. There's a process in the  
5 Commission's procedural rules. If he felt that he shouldn't have been dismissed  
6 from the matter, to come before you and to ask that they be allowed in, there's a  
7 process, so he would have been heard in the hearing. They can speak to the  
8 proposals.

9 **COMMISSIONER SKRMETTA:** Well, I'm going to ask you questions about it,  
10 but go ahead.

11 **MR. MARIONNEAUX:** That's fine.

12 **COMMISSIONER SKRMETTA:** I will.

13 **MR. MARIONNEAUX:** I don't want to, you know, get more on it, but, I mean,  
14 basically side-stepping the process by sending an email that I hear for the first time,  
15 you know, in here. But he wasn't involved in the hearing. He had an opportunity  
16 to be. My understanding is he's an attorney.

17 **COMMISSIONER SKRMETTA:** He is.

18 **MR. MARIONNEAUX:** He can read the rules, okay, and see that he's got a  
19 chance to come to the Commission and say, hey, I should have been allowed to stay  
20 in here. He didn't do it. Several parties filed for oral argument. I don't know, you  
21 know, having not been a party if he could, but he didn't do that either, and I don't  
22 -- there's a bunch of people here I don't, you know, I don't see him, but, you know,  
23 I think that's an improper consideration and kind of the characterization in the

1 email, it was read into the record in the public setting that Mr. Marionneaux, ACES,  
2 and 1803 -- we work for 1803. And, you know, that we dismissed his bid. Mr.  
3 Marionneaux doesn't analyze bids, not qualified to do it, and I didn't do it, so, you  
4 know, I just want to address that since it seems pretty inflammatory. So that's what  
5 I had.

6 **COMMISSIONER SKRMETTA:** Okay. Well, I've got some questions, just  
7 whenever.

8 **CHAIRMAN GREENE:** Yeah. Commissioner Skrmetta, questions?

9 **COMMISSIONER SKRMETTA:** Yeah. I mean, you know, and let's go over  
10 and talk about that. So my question is: Did Icon ever offer a bid?

11 **MR. MARIONNEAUX:** Yes.

12 **COMMISSIONER SKRMETTA:** Okay. So what bid did they submit and when  
13 was it submitted?

14 **CHAIRMAN GREENE:** Just introduce yourselves, please.

15 **COMMISSIONER SKRMETTA:** Go ahead. Thanks.

16 **MR. JASON PAINTER:** Jason Painter, ACES, and --

17 **COMMISSIONER SKRMETTA:** I'm sorry, could you say your name again?

18 **MR. PAINTER:** Jason Painter, ACES.

19 **COMMISSIONER SKRMETTA:** Okay. Thank you, Jason.

20 **MR. PAINTER:** They submitted a 250 megawatt proposal consisting of five 50  
21 megawatt distributed generation sources across the state. I don't think I can talk  
22 about the price and all that, but they -- it was one of the lower ones. We reviewed

1 the bid. It was submitted in the first round of bids in May, end of May of 2020.  
2 It's been a while.

3 **COMMISSIONER SKRMETTA:** So this wasn't rooftop solar, was it?

4 **MR. PAINTER:** No.

5 **COMMISSIONER SKRMETTA:** So this was distributed energy, small field  
6 solar?

7 **MR. PAINTER:** Fifty megawatts was the issue. It was a 50 megawatt proposal  
8 and that was too large for the distribution system of any of our co-ops.

9 **COMMISSIONER SKRMETTA:** Right.

10 **MR. PAINTER:** We visited with the engineers of the co-ops to see what they  
11 could take under the distribution system, none who could actually receive a 50  
12 megawatt project at a distribution station, so that was part of the issue, among many  
13 reasons we rejected the bid.

14 **COMMISSIONER SKRMETTA:** So, you know, how were they taken out of the  
15 process?

16 **MR. PAINTER:** Their bid was rejected after Phase I for numerous issues.

17 **COMMISSIONER SKRMETTA:** Who rejected it?

18 **MR. PAINTER:** 1803 via -- I mean, it was our recommendation, reviewed with  
19 Staff, and then ultimately, 1803 approved that.

20 **COMMISSIONER SKRMETTA:** Was it the lowest bid?

21 **MR. PAINTER:** No.

22 **COMMISSIONER SKRMETTA:** It wasn't?

23 **MR. PAINTER:** No.

1 **COMMISSIONER SKRMETTA:** Okay. And who was -- what was their bid  
2 compared to the other people?

3 **MR. PAINTER:** They were probably \$3 lower than some of the other ones.

4 **COMMISSIONER SKRMETTA:** They were \$3 lower than the other ones?

5 **MR. PAINTER:** Yeah.

6 **COMMISSIONER SKRMETTA:** Okay. So they were the lowest bid?

7 **MR. PAINTER:** For an infeasible project, right, that was the -- there was other  
8 aspects of the project that need to be considered when besides [INAUDIBLE] --

9 **COMMISSIONER SKRMETTA:** All right. Well, I get it. So, you know, and  
10 Mr. Hayet, do you have anything to add to that commentary? Were you involved  
11 in that part of the discussion with Icon?

12 **MR. PHIL HAYET:** We were involved to the extent that the -- we discussed  
13 problems with bids and we had discussions throughout the process, so there was no  
14 step of the way that they did not involve Staff. Staff was a part of the process.

15 **COMMISSIONER SKRMETTA:** Did you oppose Icon?

16 **MR. HAYET:** No, I did not oppose either way. On Icon, it seemed reasonable to  
17 me that there is an issue with the amount of the space required, there is an issue  
18 with the notion, you know, the notion and the space, the size for the distribution  
19 substations that would accept the amount of megawatts that was proposed. For  
20 reasons such as that, it was not feasible.

21 **COMMISSIONER SKRMETTA:** And Jason, they -- I'm told that Icon offered  
22 to build the substations to make them acceptable; is that accurate?



1 **MR. PAINTER:** I mean, I -- we -- they produced no work on engineering on any  
2 of the substations on any of the land, they had no -- they had no project data, so we  
3 had nothing to evaluate it from.

4 **COMMISSIONER SKRMETTA:** Did they offer it?

5 **MR. PAINTER:** I think, generically, but yeah, it wasn't --

6 **COMMISSIONER SKRMETTA:** So they did offer it, generically?

7 **MR. PAINTER:** Sure, yes.

8 **COMMISSIONER SKRMETTA:** Okay. So, you know, the -- and I guess this  
9 is really -- I want to move on because we've determined that Icon was the lowest  
10 bid, whether you had a question on what they were able to do, your question on the  
11 substations has sort of been sort of overlooked by the fact that they offered to build  
12 new ones, generically. My question, I guess, really is for everybody at the table,  
13 including you, Mr. Hayet, is, you know, why don't you take turns or whoever wants  
14 to do it, summarize the components of the portfolio as it's in front of us today.

15 **MR. KEVIN SUHANIC:** I guess I should say my name. Kevin Suhanic, also  
16 with ACES on behalf of --

17 **COMMISSIONER SKRMETTA:** Kevin?

18 **MR. SUHANIC:** Kevin.

19 **COMMISSIONER SKRMETTA:** Kevin. Okay.

20 **MR. SUHANIC:** So the Portfolio is basically six pieces that work together. Just  
21 like anyone would supply them, even if it was a standalone contract, they're still  
22 using pieces, so it's no less or more complex on the backend for the electrical  
23 system. But so we have the solar, we've talked about three large-scale solar, so

1 who are all experienced and reputable developers. We've got the Magnolia unit,  
2 the most efficient combined cycle generator that will be in Louisiana, capable, if it  
3 comes to fruition, that hydrogen is a viable fuel supply, burning hydrogen. Very  
4 low heat rate, very efficient, so it uses less gas than you'd need normally for a power  
5 plant, it's got an existing one. We also have Exelon, who is going to, for five years  
6 -- those are all 20 year deals -- for five years, supply 27 percent of the load, just  
7 look like Cleco Cajun, but being Exelon, and they'll supply whatever the load is  
8 times 27 percent, all the MISO means, all the capacity, energy, ancillaries, all that.  
9 And then as well as we have a Calpine call option that's very nice to help with the  
10 solar intermittency that we can call -- they can call on power. Some days they need  
11 it, some days they don't. And those are all fixed price or have a set escalation in  
12 them, so that really reduces the risk a great deal. And when we did the analysis,  
13 even the second best offer is hundreds of millions of dollars worse off, and Staff  
14 agreed in this scenario where it's well beyond that. I think 1803 really found the  
15 lowest cost in these -- lowest cost reliable power in these six.

16 **COMMISSIONER SKRMETTA:** All right. Kevin, how far away are the Exelon  
17 assets that you are applying to this Portfolio from the, I guess, the three co-ops that  
18 are participating?

19 **MR. SUHANIC:** So the Exelon contract calls for the --

20 **COMMISSIONER SKRMETTA:** No. Where are the assets of the Exelon? The  
21 Exelon assets that are going to provide electricity.

22 **MR. SUHANIC:** They will procure them. They owe 1803 power at the load,  
23 [INAUDIBLE].

1 **COMMISSIONER SKRMETTA:** Okay. So they're not going to be utilizing  
2 their own assets, they're going to be going to the market on that?

3 **MR. SUHANIC:** They may do one or both. They're --

4 **COMMISSIONER SKRMETTA:** I'm sorry, I couldn't hear you.

5 **MR. SUHANIC:** They may do one or both. They're as big as Entergy, I think or  
6 close to it, across the United States, so they're --

7 **COMMISSIONER SKRMETTA:** Right. So where are their closest assets for  
8 their own assets?

9 **MR. SUHANIC:** I think you'd probably have to ask them, but I know they do  
10 serve Alabama and some other --

11 **COMMISSIONER SKRMETTA:** Is anybody here for them? Okay. Well, is  
12 Exelon in the room? If somebody's here, they can just come pull up a chair, I'll  
13 ask you when you get comfortable. Let me switch over to Phil for a minute. Okay.  
14 And this is for Phil and anybody else who wants to answer. It's on capacity and  
15 capacity shortfall. Okay. Can somebody give this gentleman a chair, please? Phil,  
16 Entergy is asserting that the 1803 Portfolio, as it's proposed, does not contain  
17 sufficient physical capacity, actual generation resources to meet 1803's load. And  
18 particularly, its peak load in the winter season and Entergy is suggesting that it  
19 calculates that under the portfolio presented today for certification, 1803 will be  
20 short of actual, physical capacity of approximately 35 percent for the calendar years  
21 2025 through 2030. Did you hear my question?

22 **MR. HAYET:** Yes.

1 **COMMISSIONER SKRMETTA:** Okay. Where, you know -- is that accurate to  
2 say that there's going to be a 35 percent shortfall for five years? Actually more  
3 than that, up through 2030?

4 **MR. HAYET:** It is not accurate to say there's a complete shortfall in the sense  
5 that there's no capacity in the market.

6 **COMMISSIONER SKRMETTA:** I didn't say that. I said physical assets.

7 **MR. HAYET:** Commissioner, there -- according to independent market monitor -  
8 -

9 **COMMISSIONER SKRMETTA:** Physical -- yeah, actual generating resource.  
10 Actual generating resources.

11 **CHAIRMAN GREENE:** Commissioner Skrmetta, let's let him answer the  
12 question.

13 **COMMISSIONER SKRMETTA:** No, I'm trying to get him to answer the  
14 accurate question. I don't want him to --

15 **CHAIRMAN GREENE:** Yeah, but you keep interrupting him.

16 **COMMISSIONER SKRMETTA:** Well, I'm interrupting to make sure we get  
17 the actual question answered.

18 **CHAIRMAN GREENE:** Well, let him answer the question, please.

19 **MR. HAYET:** Thank you. According to the independent market monitor, there  
20 is a 43 percent surplus of capacity that can serve the market.

21 **COMMISSIONER SKRMETTA:** Where is that?

22 **MR. HAYET:** That -- throughout the MISO South market.

1 **COMMISSIONER SKRMETTA:** So that's not in the state of Louisiana, it's  
2 throughout MISO South through the five jurisdictions?  
3 **MR. HAYET:** It's throughout the MISO South portions, so --  
4 **COMMISSIONER SKRMETTA:** MISO South being everywhere south of  
5 Missouri?  
6 **MR. HAYET:** It includes Arkansas.  
7 **COMMISSIONER SKRMETTA:** Right. Everywhere --  
8 **MR. HAYET:** It includes Louisiana, it includes the eastern part of Texas, the  
9 western part of Mississippi.  
10 **COMMISSIONER SKRMETTA:** That's the five jurisdictions, right?  
11 **MR. HAYET:** Excuse me?  
12 **COMMISSIONER SKRMETTA:** The five Entergy jurisdictions?  
13 **MR. HAYET:** That -- yes.  
14 **COMMISSIONER SKRMETTA:** Okay. All right. So what you're saying is  
15 those are -- those actual generation assets are not in Louisiana.  
16 **MR. HAYET:** I'm saying there are assets in Louisiana, but throughout those areas,  
17 correct.  
18 **COMMISSIONER SKRMETTA:** What I'm trying to get at is actual generating  
19 resources that we're short 35 percent; is that correct?  
20 **MR. HAYET:** That is correct that --  
21 **COMMISSIONER SKRMETTA:** Okay.  
22 **MR. HAYET:** -- that calculation, but that does not mean -- this contract calls for  
23 there to be served by -- 90 percent of the credits will be local within the MISO --

1 within Zone 9, that's what the contract called for. Exelon is obligated to provide  
2 their portion of the entirety, and it's supposed to be -- 90 percent will be located in  
3 Zone 9. So 90 percent will be served, according to the zone of resource credits per  
4 contract.

5 **COMMISSIONER SKRMETTA:** You know, you answered my question saying  
6 it's accurate that there's a shortfall, right, of hard assets in Louisiana and that the  
7 reach is to MISO South for accessing other power. Now, I want to do a follow-up  
8 question with you. How many of those reachable assets are the same assets that  
9 Texas tried to access during their failure during the winter storm event that took  
10 place in Texas?

11 **MR. HAYET:** Well, first of all there's not a connection between Texas and  
12 Louisiana --

13 **COMMISSIONER SKRMETTA:** Well you just said Texas assets.

14 **MR. HAYET:** Eastern Texas.

15 **COMMISSIONER SKRMETTA:** Okay.

16 **MR. HAYET:** ERCOT, which is where the problems happened --

17 **COMMISSIONER SKRMETTA:** I understand. Right.

18 **MR. HAYET:** -- those assets --

19 **COMMISSIONER SKRMETTA:** But they still had problems across Texas, even  
20 with the Entergy system. So my question is, how many of the assets in Texas were  
21 affected by the Texas event?

1 **MR. HAYET:** Okay. Well, first of all, I'd like to say that the Texas event that  
2 occurred, the weather event, first of all, you're right, it didn't just affect the ERCOT  
3 area, it affected other portions.

4 **COMMISSIONER SKRMETTA:** Right.

5 **MR. HAYET:** It was found to be an issue that the weather caused outages of the  
6 gas compressor stations did not have electricity that could serve, frozen coal piles.  
7 It's not clear that additional reliability would have been brought about during that  
8 period had there been more gas fired generating units. For example, it could have  
9 been that those units would have been --

10 **COMMISSIONER SKRMETTA:** Phil, Phil, I will tell you that -- and with all  
11 due respect to you as a consultant, I think I know more about what happened to  
12 Texas than you do, and it would take you an hour and a half to really tell what it  
13 was. What I'm asking about, because I've studied this issue aggressively with  
14 college professors at LSU and other professors and people at NARUC, and we have  
15 gone to the nitty on this, okay. I'm asking you a very specific question, and what  
16 you're doing is the consultant two-step. Okay. I want to know how many Entergy  
17 assets, Entergy assets, in Texas, that you're quantifying as part of the potential  
18 serviceability of this 35 percent non-hard -- this gap, of what you're going to  
19 provide to the co-ops, how many of them did not work during the winter storm  
20 event in Texas. Because what we're talking about is critical times. Super heat,  
21 super cold, and are we going to get power to the co-ops. Okay. That's all. Which  
22 ones in Texas that you are talking about as part of your amount that's going to  
23 provide this power, which ones didn't work?

1 **MR. HAYET:** There were some that did not work during the course.

2 **COMMISSIONER SKRMETTA:** But you don't know which ones?

3 **MR. HAYET:** I don't know the number.

4 **COMMISSIONER SKRMETTA:** Okay. Then that's the answer.

5 **CHAIRMAN GREENE:** Commissioner Skrmetta, if you're going to ask a

6 question, I want you to let him answer it.

7 **COMMISSIONER SKRMETTA:** Yeah.

8 **CHAIRMAN GREENE:** If not, we'll move on past this questioning.

9 **COMMISSIONER SKRMETTA:** Thank you very much. He answered my

10 question when you interrupted. So the answer is you just don't know.

11 **CHAIRMAN GREENE:** How many more questions do you have?

12 **COMMISSIONER SKRMETTA:** I've got as many as I want.

13 **CHAIRMAN GREENE:** You have five minutes.

14 **COMMISSIONER SKRMETTA:** Well, talk to Commissioner Campbell about

15 time. So, you know, the issue is, what I'm trying to say is, you're making very big

16 statements about what's going to fill that gap of the unknown hard asset when we

17 don't really know what's going to be there during the issue associated with what's

18 not there in a critical time issue. Okay. And I think as part of what you do, it should

19 have been known what assets couldn't deliver during a critical time because, look,

20 we all know during regular events, everything's going to run as smooth as a baby

21 puppy. But what we do know is at critical moments, we know what assets don't

22 deliver through empirical data. I'm not asking you to read a crystal ball, but as a

23 consultant, you should have been able to go to data that we know about on what



1 didn't work and show what can't be relied on to deliver power to these co-ops.  
2 That's what I'm saying, okay? Let me go on to my other questions because --

3 **MR. HAYET:** Well, excuse me. Can I respond to that?

4 **COMMISSIONER SKRMETTA:** Yeah, go ahead.

5 **CHAIRMAN GREENE:** Yes, you may.

6 **MR. HAYET:** Okay. Thank you. Commissioner, first of all, there is an enormous  
7 effort going on across the country at every single commission to evaluate what went  
8 on in Texas, that it may never happen again. There are enormous steps being taken  
9 in my state, South Carolina, Texas, throughout MISO to ensure that those issues --  
10 because that event happened, we know that we're going to have future weather  
11 events. We can't assume, necessarily, that nothing is being done to take care of  
12 that event such that in the future that will occur again. So I don't think that looking  
13 at that event -- furthermore, in the case of reliability, no reliability, no analysis, no  
14 planning is done to perfection, 100 percent reliability. There's a one day in ten year  
15 criteria that is established. That means there's an expectation that there will be loss  
16 of load. If we were to plan for 100 percent reliability, the cost would be enormous  
17 and I think that this portfolio is about establishing the cost of lower in this portfolio  
18 and will save customers money, recognizing that there are certain risks. There are  
19 also certain risks on other portfolios that are being considered, that have to be  
20 analyzed that affect the cost.

21 **COMMISSIONER SKRMETTA:** Right. And we want to minimize risk. We  
22 do NURC tabletop exercises to determine how to -- we don't look for 100 percent  
23 perfection. Look, I do system engineering before I ever went to law school. We

1 understand systems fail. What we look for is to minimize failure. But what I'm  
2 telling you is to not know the empirical data on physical assets that you are  
3 quantifying as deliverable during a critical asset moment is not looking to the thing.  
4 So I got -- I think you've answered every question I have and I do have questions  
5 for Entergy representatives when the time comes. So I'm finished asking my  
6 questions, and thank you very much for, you know, asking my questions --  
7 answering them. Appreciate it.

8 **CHAIRMAN GREENE:** Thank you very much. Anybody else have any  
9 questions for this group? Gentlemen, you're excused. Thank you.

10 **COMMISSIONER SKRMETTA:** I just -- one quick question for Exelon, which  
11 how far away are your actual, physical assets. Not talking about how you work the  
12 market, just your actual assets for potential, hard assets that deliver power.

13 **MR. JOHN ORE:** So my name is John Ore, I'm with Exelon.

14 **COMMISSIONER SKRMETTA:** Thank you.

15 **MR. ORE:** And thank you for your question, sir. The short answer is probably  
16 the mileage closest is in Alabama; that will be Alabama close to Alexander City. I  
17 think it's notable that prior to Entergy joining the MISO and MISO being part of  
18 Louisiana, we served two municipalities here in the state using that asset under the  
19 old way of doing it where you pipe the physical asset with transmission to the cities  
20 of Ruston and Abbeville. So we -- it's very doable, we can do that, that's one  
21 resource that's physically the closest, technically not in MISOs, but is the precise  
22 answer.

1 **COMMISSIONER SKRMETTA:** That's Florida Power and Light, or is that  
2 separate?

3 **MR. ORE:** It's Southern Company.

4 **COMMISSIONER SKRMETTA:** Southern Company?

5 **MR. ORE:** It will be Alabama Power. Yeah.

6 **COMMISSIONER SKRMETTA:** Okay.

7 **MR. ORE:** So -- and then our next closest asset is our nuclear facility in southern  
8 Illinois. Now granted, that's above the MISO constraint, right, above the 3,000  
9 megawatt limit north to south, but we do have the physical asset there. But I think  
10 another just point to make here is that ZRCs, the coin of the realm from a capacity  
11 standpoint in MISO, right, are certified by physical capacity. So when those are  
12 purchased, either on a bilateral transaction or in the PRA, they actually do tie back  
13 to something that was certified and accredited as being physical resource. So when  
14 we go to the market, rather than use one of our physical assets, right, it doesn't  
15 mean that it's a fictitious financial instrument, it has been certified as a legit  
16 physical asset by the MISO in the ZRC certification process.

17 **COMMISSIONER SKRMETTA:** All right. Have you -- what is your position  
18 on MISO's attempt to eventually bypass the North/South interconnect on its  
19 artificial limitation?

20 **MR. ORE:** We haven't really gotten into that at this point, so I don't really have  
21 a formal opinion on that, to be honest, sir.

22 **COMMISSIONER SKRMETTA:** Okay. Thank you.

23 **MR. ORE:** Thank you, sir.

1     **CHAIRMAN GREENE:** Thank you very much.

2     **MR. MARIONNEAUX:** Thank you for your consideration.

3     **CHAIRMAN GREENE:** Kathryn, who's next?

4     **MS. BOWMAN:** So WST and Northeast also filed requests for oral arguments. I  
5     don't know if they still would like to speak or not, but I'll give them the opportunity  
6     and then we'll call up the other two.

7     **CHAIRMAN GREENE:** We're going to give about five minutes per group, so.

8     **MS. BOWMAN:** And just please state your name for the record and Luke, if you  
9     would just sign the clipboard, please.

10    **CHAIRMAN GREENE:** Can you introduce yourself, please.

11    **MR. LUKE PIONTEK:** Good morning, Commissioners. Luke Piontek on behalf  
12    of --

13    **MS. BOWMAN:** Wait, Luke. Press the button.

14    **MR. PIONTEK:** Sorry. Good morning, Commissioners. Luke Piontek on behalf  
15    of Northeast Louisiana Power Cooperative. I don't want to belabor everything  
16    that's been said. We'd just voice our support for the ALJ's recommendation. We  
17    agree to the conditions in the ALJ's recommendation. We ask for your approval in  
18    the certification of the portfolio.

19    **CHAIRMAN GREENE:** Thank you. Any questions for Luke? Thank you for  
20    your support.

21    **MR. PIONTEK:** Thank you, Chairman.

22    **MR. CHUCK HUGHES:** Good afternoon, Commissioners, Chairman Greene.  
23    My name is Chuck Hughes, I represent Washington-St. Tammany Electric Co-op.

1 I'm not going to belabor the points, except to say Commissioner Greene, Chairman  
2 Greene, I think you hit it right on the head. It is a great day for the state. The rural  
3 ratepayers in this state are going to enjoy low rates, reliable service, with a  
4 reasonable assumption of the risk. And I think the rest of the country can take a  
5 look at this process which was done robustly, very vigorously, fully, fairly, with  
6 great transparency, and understand that that's the way we're going to do things in  
7 Louisiana. So WST would urge adoption.

8 **CHAIRMAN GREENE:** Thank you very much. Any questions?

9 **MS. BOWMAN:** Chuck, will you please sign the clipboard? Thank you.

10 **CHAIRMAN GREENE:** Next.

11 **MS. BOWMAN:** Next is -- and I don't know if they want to come up separately  
12 or together. We have Entergy Louisiana and Cleco Cajun both filed requests for  
13 oral argument.

14 **CHAIRMAN GREENE:** Y'all can come together.

15 **COMMISSIONER SKRMETTA:** I've got questions for them.

16 **MR. LARRY HAND:** Chairman.

17 **CHAIRMAN GREENE:** Yes. Go ahead, Larry.

18 **MR. HAND:** Larry Hand on behalf of Entergy Louisiana. We would like to  
19 present separately from Cleco Cajun. They have a very different perspective on  
20 their opposition than we do. So with your permission, we'd like to let them go first  
21 and we'll follow.

22 **CHAIRMAN GREENE:** That's fine.

23 **MR. HAND:** Thank you.

1     **CHAIRMAN GREENE:** I'm trying -- five minutes. Randy?

2     **MR. RANDY YOUNG:** Thank you, Commissioners. Randy Young on behalf of  
3     Cleco Cajun. Appreciate the opportunity to be here today and speak to you on this  
4     topic. And we have a different view. We're opposed to the certification, we're  
5     opposed to the ALJ recommendation, and I want to talk through that with you and  
6     there's three points that I want to cover. First is the opportunity that Cleco Cajun  
7     has brought to the table for full requirements service, that our testimony and  
8     analysis shows brings a 32 percent reduction to the current rates. And we also  
9     allowed an option that 1803 could bring their own solar and have room for  
10    additional technology as well over time, and we would backstop that with both  
11    energy and pricing so they would not be exposed to the market. That's the first  
12    point I want to talk through. Second point I want to talk through is that what 1803  
13    has brought to the table and their plan would mark a very significant policy change  
14    for the Commission. Nothing like it has ever been approved by the Commission  
15    before. It opens the door to reliability concerns for electric power supply in  
16    Louisiana for the future, and it has a very high risk profile for the ratepayers. The  
17    third point that I want to talk through is what are we asking of the Commission  
18    today. So as you think about these issues, I'd ask that you keep several points in  
19    mind. The first is that we asked 1803, we asked their CEO if the ratepayers of the  
20    1803 Member Cooperatives are obligated to pay every penny of cost that is incurred  
21    by 1803. And the answer was yes. We also asked there are no costs that would be  
22    incurred by 1803 that the ratepayers would not be obligated to pay. And the answer  
23    was yes. The point, Commissioners, is that there's no limits, there's no caps, and

1 there's a full flow through of all of the costs of this deal to the ratepayers and that's  
2 already set up in contracts. So it's important that you know this is all on the  
3 ratepayers. The second point that I ask you to think about as you think through  
4 these issues is that the Commission is not going to have its usual regulatory tools  
5 that you always have in place, that you use to discipline the utilities and to keep  
6 them in line, like disallowances if they spend too much money or if a deal goes bad  
7 or imprudence, if something goes wrong in how they manage it. You're not going  
8 to have those tools. I asked Mr. Hayet, the Commission consultant, the ratepayers  
9 of the 1803 Member Cooperatives are obligated to pay -- no, sorry, wrong board.  
10 If the Commission denies for costs recovery to 1803 for any amounts, if there's any  
11 disallowance by the Commission, who pays the costs? The members. So who's  
12 the members? The members are the members of the 1803 regulatory -- or the 1803  
13 Electric Cooperatives. So as you think about this and think about all the  
14 complexities, and you think about all the moving parts in this deal and all the  
15 reliability concerns and all the cost risks, think about you're not going to have your  
16 regulatory tools in place. All of the costs goes straight to the ratepayers. So the  
17 last point that I ask that you keep in mind as you think through this is that all of this  
18 begs the question with reliability concerns, with cost concerns, with all the moving  
19 parts and the complexities, why? Why are we trying to change what we're doing  
20 now? Is this what's best for the ratepayers at the end of the day? And so keep that  
21 important question in mind. So let me talk now through my first point. The  
22 opportunity presented by Cleco Cajun. So Commissioners, at the start of the day  
23 and the end of the day, this is about the ratepayers. There's 119,000 ratepayers of

1 these five cooperatives, 119,000. Compare that to a lot of these deals that you look  
2 at may have a million customers that are sharing the risk if this thing goes bad.  
3 That's not the case here. We're talking about 119,000 customers. Some of these  
4 co-ops only have 10,000 customers, 20,000 customers. There's not a lot of folks  
5 there to share this thing if it goes bad. The second point is that what's the starting  
6 point? So when we look at what the rates have been for the last few years for the  
7 co-ops, most of them have been at or below 10 cents for the last few years, through  
8 freezes, hurricanes, floods, and everything else, so they've done well. That 10 cent  
9 benchmark, Commissioner Campbell, that you talk about, they've been at that  
10 point. So the point is, we're not trying to solve a problem. We're at a good starting  
11 place, and that's a good thing for everybody, and it's about how do we try to make  
12 it better, how do we bring lower rates. We've done that with the Cleco Cajun  
13 proposal. It presents an opportunity. The analysis shows a 32 percent reduction in  
14 rates in 2026. It's full requirements, full service for 20 years. And the point is you  
15 can lock in now, you can lock in now with known pricing, take advantage of the  
16 low rates for the future, and it's a full service deal. And it's got this option that  
17 allows them to bring solar if they want to get into that business over time. Cleco  
18 Cajun brings an established track record on reliability and price. The Commission  
19 knows what it's getting from a Louisiana company. So Commissioners, when I  
20 look at head-to-head comparison of what Cajun put on the table and what 1803 put  
21 on the table, and you do all this complex modeling analysis, what you see is that  
22 you've got a platter of costs over 20 years that's multiple billions of dollars, in the  
23 billions, several billions of dollars. We look at the modeling data and we look at



1 the assumptions we think are appropriate and we think we won by \$110 million  
2 without solar, by \$20 million with solar. They started out saying they think they  
3 won by \$193 million. The Staff did one sensitivity analysis on that after seeing our  
4 testimony, they cut that in half. They said, well, now we're in the \$80 million, we  
5 think is better. But Commissioner, what's important to realize when you think  
6 about what they're claiming they're going to save you is that all of that is so back  
7 loaded. Seventy-five percent of their savings claims are in the last 10 years of a 20  
8 year deal. Fifty percent of their savings claims are in the last 5 years of a 20 year  
9 deal. So all these claims about they're going to save money on this deal are very  
10 tenuous, all of this is razor close. But what's not different, what's not close about  
11 this deal and what is vastly different between the two proposals is the difference in  
12 reliability concerns and the difference in the cost risk to the ratepayers over time.  
13 So let me talk about those two points --

14 **CHAIRMAN GREENE:** Randy, can you try to wrap it up? We're trying to keep  
15 it -- you're over five minutes, but --

16 **MR. YOUNG:** Let me talk about those two points, the reliability piece and the  
17 cost risk piece. So reliability. And this is important, Commissioners, because  
18 you've never done anything like this before. Cleco Cajun brings 100 percent  
19 support from physical generation. We spent a billion dollars to buy physical  
20 generation assets and have those assets to serve the ratepayers. Factually, today, in  
21 MISO Zone 9 that Louisiana is in, Louisiana and a little piece of Texas, that's Zone  
22 9, you look at the data and you've got 95 percent coverage with owned and  
23 contracted capacity, real, physical generation, owned and contracted capacity. You

1 look at all the zones, 8 out of the 10 have 95 percent coverage today with real  
2 generation. Two of them have less. One's at 71 percent, one's at 77 percent. But  
3 that's not what we're talking about here. Here, 1803's trying to lower that bar.  
4 They're saying we want to do a deal that only has 60 percent coverage with real  
5 generation assets. So it's lowering the bar from where we are right now in MISO  
6 9. The Commission has not looked at this before. The market's going to be a very  
7 different place by 2030 when they're back out there looking for power again. We  
8 know, from Cleco Cajun facts to what we see in other published data, there's going  
9 to be over 3,000, getting closer to 4,000 megawatts that are going to be going away  
10 in the market that's not going to be there. So when they're going back out for -- to  
11 buy more power over time, the market's going to be a very different place. So what  
12 happens next? And some will say, well, don't worry, the market's going to build  
13 it. So let's look at what we know. We know that current market prices will not  
14 support building new generation on short-term market prices. We know that short-  
15 term contracts will not support building new generation. Experience tells us that  
16 the market will not finance and build new capacity today without a long-term  
17 contract. A lot of folks tried that in the early 2000s, it didn't work out too well, so  
18 now people are looking for long-term contracts. This case opens the door on this  
19 issue for the first time before the Commission with 1803 wanting to lower that bar  
20 down to the 60 percent level. And so no matter what perspective or position you  
21 have on this issue, the Commission hasn't looked at this yet, it hasn't come up yet.  
22 And so in a lot of ways, this is getting the cart before the horse and saying let's do  
23 this, let's go down this path, let's lower the bar, the Commission hasn't studied it

1 yet. And at some level, Commissioners, if there's not enough generation to go  
2 around, as you move the policy needle, if there's not enough generation to go  
3 around, at some point, there's going to be reliability problems. So -- and reliability  
4 is the ultimate responsibility of this Commission. It's not MISO's responsibility,  
5 it's this Commission's responsibility. There have been other states that have looked  
6 at this and set thresholds, this is where we want the bar to be. But the important  
7 thing is under the Cajun proposal, you don't have to worry about that. We already  
8 bring all of the physical generation because we've invested a billion dollars to have  
9 it. The second point that I wanted to talk through, Commissioners, is the cost risk  
10 pieces of this, and there's a number of them. And I'll try to go really quickly --

11 **CHAIRMAN GREENE:** How many more points do you have?

12 **MR. YOUNG:** I have this cost risk piece and then I was going to wrap it up.

13 **CHAIRMAN GREENE:** Okay.

14 **MR. YOUNG:** I'm trying to talk fast, Commissioner. On the cost risk piece,  
15 there's a number of elements. Commissioner Campbell, I'm glad to see that you  
16 got them to raise the liquidated damage piece from 5 million to \$15 million, but I  
17 can tell you, that doesn't cover it. I mean, our testimony showed that we think that  
18 risk number is up in the \$25 million range for a one-year delay. So we think about  
19 what can go bad in terms of delays on this project. COVID, so we know that we've  
20 got labor issues all over the place, we know that we've got supply chain issues all  
21 over the place, and can this thing be done on time? Hopefully it can, but if it can't,  
22 it's all on the ratepayers. All the risk is on the ratepayers. And with your proposal,

1 Commissioner Campbell, the first 15 million of delay would be covered but all the  
2 cost above that is on the ratepayers.

3 **COMMISSIONER CAMPBELL:** Based on what you said y'all thought not  
4 being on [INAUDIBLE] --

5 **MS. BOWMAN:** Commissioner, can you please speak into your mic? Thank you.

6 **COMMISSIONER CAMPBELL:** [INAUDIBLE] thought 25 million would be  
7 enough.

8 **MR. YOUNG:** We thought that -- our testimony said that a one year --

9 **COMMISSIONER CAMPBELL:** Seventeen to 25.

10 **MR. YOUNG:** Yeah.

11 **COMMISSIONER CAMPBELL:** Well, we're at 15, that's not bad.

12 **MR. YOUNG:** It's in the right direction, Commissioner, but I want you to know  
13 that you haven't covered everything. That's the --

14 **COMMISSIONER CAMPBELL:** You know, I mean, y'all said 17, we're at 15.  
15 I got no further questions.

16 **MR. YOUNG:** All right. So one is in terms of delay, so you need to think about  
17 COVID, you also need to think about this turbine, Commissioner. And look, I  
18 know that we built a lot of CCGTs in Louisiana, so we have experience with them,  
19 I'm not going to deny that. But what we've built in more recent years and what's  
20 been built is Mitsubishi, not GE. So we look at this GE turbine. First, let the facts  
21 show that Kindle and Magnolia have not built one before. I know they've hired  
22 some people that have built them, but as a company, they have not before. Number  
23 two is that this model they want to build is supposed to be bigger and faster and

1 hotter and more efficient, but it doesn't exist anywhere yet today. It's not been  
2 built before, and we know that the previous models that have been built had some  
3 very significant problems. We're talking about serious things like melting blades  
4 and outages and fuel stage failures, those kinds of things. Maybe we won't have  
5 those here. Hopefully we won't have those here. But if they do, that risk is on the  
6 ratepayers because even at 15 million, you're not covering all the risks. Next point  
7 is merchant generator risk. So you need time -- I ask that you understand that what  
8 you're doing here is you're creating a new merchant power company, as a  
9 monopoly, with ratepayer funding, that's what we're doing. They're not just  
10 buying power and saying I'm going to go buy some power from contracts, they're  
11 getting in the business of selling power. So there's literally tens and tens and tens  
12 of millions of dollars of power they've got to sell over and above what they need  
13 to make this deal work. And if they don't get the sales, either in kilowatt hours or  
14 in price, this deal fails, and that's a big risk and it's all on the ratepayers.  
15 Operational cost risk, so if there's outages, particularly on the Magnolia plant, you  
16 need to understand that it's a single shaft unit. If it goes down, the whole thing's  
17 down. It's not like our units that's got four different units to it, this one's only got  
18 one. And so if there's outages, you have to go to the market for that. There's some  
19 protections in the contract with some credits, but it doesn't cover all of the risks. I  
20 asked Mr. Hayet, does this cover everything? He said no, the extra risk is on the  
21 ratepayers. Energy management and administrative cost risks. So Commissioners,  
22 we have different views on this, but they put a number on the table and said here's  
23 what we think this is all going to cost to run this whole thing. We think that

1 number's wrong by half. We think the number is twice what they're telling you  
2 it's going to cost to run this thing. Who's going to be right? I don't know. But if  
3 it costs more than they're telling you, it's all open-ended, all on the ratepayers, they  
4 have to pick up the tab, and there's no way for you to regulate it because it's a  
5 straight flow through to the customers. The capacity cost exposure, and that's the  
6 350 megawatts. So Exelon does not have any capacity in MISO Zone 9 right now.  
7 Plus, when that deal expires, they have to go out to the market again and buy power,  
8 they've got to buy 350 megawatts of power. They claim don't worry, we've got a  
9 couple of short-term bids and one long-term bid, we put it together and we think  
10 prices are going to be okay at that five year point. We looked -- brought in a guy,  
11 an outside consultant, and he said, look, I didn't prepare my cost projections for  
12 this case; what I'm showing you in terms of what I think capacity is going to cost,  
13 we use this to analyze, out in the real world, utility transactions, as much as \$15  
14 billion worth of transactions and hundreds of transactions, and this is the number  
15 we use for all of that. We didn't design it for this case, here's the numbers we use.  
16 When we look at his numbers, we see capacity prices in the future being a whole  
17 lot higher than what they're telling you here. And if it costs more, all of that risk  
18 is on the ratepayers. So, Commissioner, to wrap this up, and in terms of who's  
19 going to run the plan, I asked 1803 over and over, do you know how to do this, do  
20 you know how to do this, do you know how to do this, do you have experience or  
21 background on this? 1803 or the board members, every question they said, no, we  
22 don't, we've never done this before. And they said don't worry, we're going to  
23 hire somebody. Well, they haven't hired anybody yet, so basically, Commission,

1 you're approving a deal that you don't know who's going to run down the road or  
2 what it's going to ultimately cost. And all of that risk is on the ratepayers. So  
3 there's lots of moving parts, there's lots of things that have to go perfectly or this  
4 deal is not the right answer and it's a failure for the ratepayers. There's no cost  
5 caps, no limits on the ratepayer exposure. A one penny misstep, one penny, it's  
6 \$40 million a year. Twenty years, that's \$800 million difference. And I'm not  
7 going to go into this part, but I can tell you, we worked through the Staff conditions.  
8 Staff conditions put some dressing on it and said we'll identify if something goes  
9 wrong and we'll deal with it when it goes wrong, but it doesn't cure this risk. That  
10 risk is there and I think the Commission just needs to understand that. Finally, I'll  
11 wrap up, Commissioners, in terms of what are we asking for. We believe that there  
12 should be a better way. We believe there should be a better way to protect the  
13 ratepayers. We understand that there's some pieces of this that the Commission,  
14 you know, may like and want to do some things with, but overall, we think that  
15 there's a better way. We're asking to deny the 1803 application as presented and  
16 direct 1803 to present a plan that brings less concerns for reliability and more  
17 protections for the ratepayers on risk.

18 **CHAIRMAN GREENE:** Thank you, Randy. I think Commissioner Skrmetta has  
19 a question.

20 **COMMISSIONER SKRMETTA:** I've got some questions. Just for the record,  
21 what co-ops are part of 1803, Randy?

22 **MR. YOUNG:** It is Northeast, Claiborne, South Louisiana, Beauregard, and  
23 Washington-St. Tammany.

1 **COMMISSIONER SKRMETTA:** Okay. Let me ask you question. Let's say  
2 something goes wrong in the system in Northeast, okay, and it has to be repaired,  
3 okay, or some costs associated are strictly associated with Northeast, those costs,  
4 are they recoverable across all members of the 1803 system from WST, et cetera?

5 **MR. YOUNG:** My understanding, Commissioner, it's done as a global deal and  
6 all the costs get pushed down to all of the --

7 **COMMISSIONER SKRMETTA:** This sounds an awful lot like what  
8 Commissioner Campbell was talking about earlier about north Louisiana getting hit  
9 with costs from Entergy when, you know, the south gets, you know, the trouble.  
10 So, you know, my concerns are, you know, when we look at -- and you brought this  
11 up about them being the ultimate responsible party is the members of the co-op. So  
12 we're going to start looking at them as effectively shareholders like we do investor  
13 owned utility shareholders then.

14 **MR. YOUNG:** Yes, Commissioner. They're the only ones there to pay is the  
15 ratepayers.

16 **COMMISSIONER SKRMETTA:** So when you talk about disallowance and  
17 imprudence, normally we would be able to take like we look at Entergy or Cleco  
18 and we could help the ratepayers by disallowing sending that cost to the  
19 shareholders and saving the ratepayers within that system. That's impossible under  
20 this program because the members are the shareholders.

21 **MR. YOUNG:** That is correct, Commissioner.



1 **COMMISSIONER SKRMETTA:** Okay. So that means that no matter what we  
2 look at, any disallowance of a claim, anything we find that is wrong with the system  
3 down the road, it effectively is going back as a charge to the members, correct?

4 **MR. YOUNG:** That is correct. And 1803 has set that up already in the contracts.  
5 It's a full flow through.

6 **COMMISSIONER SKRMETTA:** Now, we have looked before at manager and  
7 executive salaries under investor owned utilities and looked at revenue they  
8 received, sometimes in stock shares or viability -- I guess you wouldn't have it the  
9 same way, but there is probably going to be -- if these companies are making money  
10 and there will probably be a mechanism for them to find ways to spend that money,  
11 possibly not all on rate reduction. But if the Commission can look at that and we  
12 reduce that, that's just going to be an overall reduction in rates. That's not money  
13 that we can, you know, determine on reductions like we do on investor owned  
14 utilities to where we can't -- like you said, we can't disallow that, send those costs  
15 back to the shareholders like we do on, let's say, Entergy or Cleco. That's going to  
16 have to go back and that is a direct cost that will land in the members' laps that will  
17 be their -- they're effectively a shareholder and they're going to be responsible for  
18 the whole cost.

19 **MR. YOUNG:** Correct, Commissioner. Any past cost that they spend, once it's  
20 spent, it's at the ratepayers.

21 **COMMISSIONER SKRMETTA:** And -- go ahead. Well, and then I want to talk  
22 to you about the marketplace. Because what we're looking at in the marketplace is  
23 some fairly long-term looks at this. And I think it's fairly obvious under the current

1 administration in Washington that development of generation resources is not  
2 increasing. Would you say that's a fairly accurate statement?

3 **MR. YOUNG:** You know, what I know, Commissioner, is that -- and what I've  
4 seen is that in order to build generation, people are looking for a long-term contract.  
5 Beyond that, I --

6 **COMMISSIONER SKRMETTA:** Right.

7 **MR. YOUNG:** -- I don't have specific data.

8 **COMMISSIONER SKRMETTA:** Well, because we're looking shrinking  
9 markets with -- and the more -- fewer assets in the market, the price is going to go  
10 up as the demand grows into the market. And so that's my concern about this. Do  
11 you anticipate that as we get through the timeline in this, that the prices that they're  
12 anticipating in the market will rise because the amount of available generation  
13 systems on a normal basis, not in counting critical times, that those will rise?

14 **MR. YOUNG:** Yes, Commissioner. That is what I'm saying is that we know that  
15 there's thousands of megawatts retiring, that's coming. It's coming. The question  
16 is: Is there going to be enough replacement and where's it going to come from?  
17 And the Commission hasn't looked at this issue and hasn't studied where are we  
18 going on this yet.

19 **COMMISSIONER SKRMETTA:** And, you know, if you were going to advise  
20 the Commission how to look at that particular issue, I mean, how do we look at that  
21 issue on potential rising costs in the market through a generation constriction?

1 **MR. YOUNG:** I mean, the Commission opens dockets all the time in terms of  
2 whether you do it as a rulemaking or some other form, the Commission opens study  
3 dockets all the time.

4 **COMMISSIONER SKRMETTA:** Okay.

5 **CHAIRMAN GREENE:** That's been 15 minutes now so we have to wrap this up  
6 and have Entergy come up, please.

7 **COMMISSIONER SKRMETTA:** Okay.

8 **CHAIRMAN GREENE:** Thank you, Randy.

9 **MS. BOWMAN:** Randy, will you sign the clipboard?

10 **MS. LAUREN EVANS:** Randy, also, can you send me your demonstratives in  
11 slide form or Word document so I can --

12 **MR. YOUNG:** I can. They're direct quotes from the transcript, but I'm glad to  
13 send them to you.

14 **MS. EVANS:** Thank you.

15 **CHAIRMAN GREENE:** Thank you, Randy. Welcome. You do 10 minutes.  
16 Okay?

17 **MR. LARRY HAND:** I'll do my best, Commissioner. I've scribbled a few things  
18 out, so I'll do my best to move quickly. For the record, my name is Larry Hand.  
19 I'm counsel for Entergy Louisiana. I'm joined at the table with Mr. John Hurstell  
20 who was a witness in this case for Entergy Louisiana, but perhaps more importantly  
21 given the discussion about MISO ZRCs and the market, Mr. Hurstell was the  
22 principal witness for Entergy when we got the Commission's approval to join  
23 MISO and also led Entergy -- it's integration into MISO. So if there are questions

1 about the MISO market, what it does, what it doesn't do, Mr. Hurstell is a great  
2 person to answer it for you. You know, at the start, this is all about reliable electric  
3 service and that requires generation, transmission, and distribution. It's the same  
4 today as it's always been. You have to generate the electron, transmit it, distribute  
5 it. This docket relates to the generation component of that reliability chain and the  
6 responsibility of 1803 and this Commission to provide adequate physical  
7 generation to serve the load. We sometimes refer to this as resource adequacy or  
8 reliability. More specifically, this docket presents the question of whether the  
9 public interest in Louisiana is served by a utility planning to serve its load with less  
10 than an adequate amount of physical generation capacity. If you think about where  
11 this Commission has been since it began regulating electric utilities however many  
12 decades ago when I was not even a twinkle in my parents' eye, it's always been  
13 that the utility would procure physical generation facilities' capacity to serve the  
14 load it had. If that utility, for whatever reason, didn't have enough generation to  
15 meet its load, that utility's customers would be cut and curtailed and the  
16 consequences of that would be confined to the utility who failed to plan  
17 appropriately. However, in MISO, it's a little bit different. If you fail to plan and  
18 procure enough physical generation, as 1803 is proposing to do, that consequence,  
19 the reliability impacts of that will not be borne only by 1803. They will have some  
20 financial consequences, but the vast majority of the harm will flow through to all  
21 of the load in the state of Louisiana. If you think about 20,000 megawatts of  
22 capacity load in the system, Entergy's about half, Cleco's probably about 20  
23 percent or so, that means that Entergy's customers, it's 1.1 million customers across

1 the state of Louisiana, will be curtailed by MISO if MISO runs out of capacity due  
2 1803 or other co-ops' lack of planning of physical generating capacity. There was  
3 discussion about -- earlier about, you know, the market can really change the way  
4 we do things. That has not been what this Commission approved when it authorized  
5 us to join MISO. The Commission made it very clear when we joined MISO that  
6 nothing was changing about what the utility is responsible for. It made clear that  
7 utilities are still responsible for planning, building, and operating generation. So  
8 the notion that 1803 can come here in a utility specific docket and change the entire  
9 resource adequacy and resource planning paragon before this Commission without  
10 thoughtful consideration and the industry-wide implications is really mind blowing.  
11 You know, there was talk about Commissioner Campbell getting them to agree to  
12 more liquidated damages, which is very beneficial to 1803's members. It will  
13 provide them financial protection, but it does nothing to provide reliability  
14 protection. So if Magnolia is delayed in getting their plant on by six months, a year  
15 -- I hope that's not the case, we wish them all the best because it's physical  
16 generating capacity. But if they are, the liquidated damage provision will be a  
17 payment from Magnolia to the 1803 members and whatever reliability  
18 consequences have occurred because that plant's not available or other physical  
19 generation is not available, that -- there's no compensation for the rest of the  
20 ratepayers in the state of Louisiana. There's a little bit of discussion in the ALJ's  
21 recommendation about what is the public interest. And her recommendation, which  
22 with we disagree, because it -- first, it certifies a resource portfolio without adequate  
23 physical resources. But one of the things she misunderstands is the public interest

1 standard. She confuses the prudence standard, which is a rate recovery standard,  
2 when you look at whether or not the utility went through a reasoned decision  
3 making process to arrive at a decision. If they did, the prudently incurred costs are  
4 eligible for recovery and ratemaking. The public interest standard, however, is  
5 much broader. It's not a ratemaking standard to determine whether this portfolio  
6 will lower the cost for 1803 or not. The public interest standard requires that you,  
7 as a Commission, think about the entire state and the implications that the proposed  
8 action here will have on the state of Louisiana as whole and all customers, whether  
9 it's Entergy customers, Cleco Power customers, any co-op customers, even entities  
10 you don't regulate are impacted by the decision you make here today, whether  
11 that's the city of New Orleans, customers there, other municipally owned utilities.  
12 They're at risk of being curtailed if 1803's planning or lack of physical generation  
13 being planned causes a curtailment event by MISO. As we're all aware, there was  
14 an extreme weather event -- it's been chilly this last week, but thankfully not as  
15 chilly as February 2021, but that February 2021 event did lead to load sheds has  
16 been discussed and I think will be discussed on a later agenda item. The  
17 Commission did hire Mr. Sisung to lead Staff investigation into what caused that  
18 event, and his report, and I'm going to paraphrase it, since you're going to have it  
19 later, but basically it found that the lack of available generated capacity during the  
20 critical hours contributed to the load shed event. So regardless of why they failed,  
21 whether it was weather related operation issues, whether it was gas supply issues,  
22 or whether it was the utility didn't plan enough generation to have it there, the fact  
23 of the matter is there was not enough operating physical generation capacity to

1 serve the load. And there was a load shed event that led for all load across Louisiana  
2 and other places to be curtailed. It's troubling to say the least that the Commission  
3 would proceed to approve 1803's portfolio here without understanding the  
4 implications of Mr. Sisung's report. And I say that because we asked 1803  
5 specifically in discovery, have you considered, you know, what the effects that the  
6 winter event -- an extreme winter event would have on the portfolio you have  
7 selected. And their answer was no, we have not. The explanation was it was too  
8 recent of event and so we haven't studied it yet. As Commissioner Greene pointed  
9 out, this is a fairly quick moving case. They filed in March of 2017. They filed a  
10 month after that event and they've had plenty of time to consider it but haven't. It  
11 really falls to the Commission as the final, you know, check here to make sure that  
12 someone considers the portfolio proposed here, can it adequately serve their load  
13 during extreme weather conditions. When you think about the physical generation  
14 resources they have, which we do not oppose, you know, the PPA with Magnolia,  
15 that's 407 megawatts; the three solar PPAs, that's about 343 megawatts. You  
16 know, collectively that's 740 megawatts or so. We do not oppose those because it  
17 will add physical generation to the state of Louisiana, but in a winter event, that  
18 physical capacity, when the winter peak occurred in February of 2021, the sun  
19 wasn't shining. So the solar, the 300 megawatts of solar was not contributing to  
20 serve their load, which means if you assume the Magnolia CCGT will be in  
21 operation, it may -- I hope it is -- it may or may not be. At best, they're going to  
22 cover 400 megawatts of their load, physical generation, and they peak in the winter,  
23 1803 does, at about a 1,000 megawatts. So you're setting up a scenario to approve

1 a portfolio that leaves them with about 40 percent of their peak load in the winter  
2 covered with physical generation capacity. And I respectfully submit,  
3 Commissioners, that does not satisfy the public interest standard for the entire state.

4 **COMMISSIONER SKRMETTA:** I have some questions.

5 **MR. HAND:** And I want to comment a little bit on the MISO market. The reliable  
6 electric grid, as I said, requires physical generated capacity, transmission, and  
7 distribution. MISO serves a very important role but not as important as the role  
8 that you serve as the owner, the exclusive owner, of resource adequacy in the state  
9 of Louisiana. MISO has a role in planning the transmission system and optimizing  
10 the utilization of generation on that system, but it does not plan generation. It, being  
11 MISO, does not plan it, does not own it, does not build it, does not maintain it. As  
12 it's always been utilities and Louisiana jurisdictional utilities for this Commission  
13 are responsible for providing physical generation to serve their load and joining  
14 MISO didn't change it. And that's a fact that you acknowledged in your order,  
15 Order Number U-32148 when you approved entry into MISO, Commission stated  
16 that reliability involved more than just transmission, it must also ensure safe,  
17 reliable, and adequate generation. And I'd also clarify that utilities remain  
18 responsible for taking all actions necessary to supply retail load, including  
19 procuring fuel, capacity, and energy. And those concepts are consistent with the  
20 MBMO order of the Commission as well the IRP general order, but it's not  
21 consistent with the planning model that 1803 has asked you to sign onto where they  
22 shirk their responsibility to meet their load physical capacity. Regarding the Exelon  
23 PPA, there's been some discussion about ZRCs and maybe in a moment, Mr.



1 Hurstell can explain why the statement made earlier was not entirely -- I'll say  
2 entirely clear. It's my understanding that the price of the Exelon PPA has not been  
3 finally set or determined yet. My understanding is that will be determined and set  
4 after the Commission approves it. So in my opinion, there's no need to hasten  
5 judgment on whether or not the Exelon PPA serves the public interest. As we've  
6 talked about earlier, and you've heard, there's no physical capacity backing it up.  
7 There's an obligation of Exelon to, you know, procure ZRCs or make payments to  
8 MISO but they don't have to build capacity. They don't have to buy capacity --  
9 **CHAIRMAN GREENE:** Larry, it's been 10 minutes. Do you have much more  
10 or do you want to -- do you still need to speak, sir?  
11 **MR. HAND:** I have this much.  
12 **CHAIRMAN GREENE:** Okay.  
13 **MR. HAND:** Almost done. You know, because there's no requirement of Exelon  
14 to build anything, you don't have the same pressure that we need to prove it now  
15 like you do with Magnolia so they can start building it. The same with solar. They  
16 need to start building it to be ready for 2025 when their load -- when their contract  
17 goes away and they need to serve load. For Exelon, there's no such pressure. And  
18 so on Exelon, Commission, we specifically request that you defer consideration of  
19 that until you have a rulemaking to consider do we really, as a state, want to change  
20 the paradigm for resource adequacy and say that it no longer matters, utilities, that  
21 you have physical generation to cover your load. And I would just ask the  
22 Commission to think about a world where all utilities in Louisiana took the same  
23 planning approach with regard to physical capacity and only for procured 40 to 50

1 percent to cover their peak load. That would mean Entergy's 10,000 megawatts of  
2 generation, you would be telling us, Cleco and others, all you really need is 50  
3 percent. It would be a heck of a lot cheaper for us not to build and buy all that  
4 capacity and maintain it if we could just rely on the PRA, but that's not what the  
5 PRA is for. And that's why it will break the market. And I would ask Mr. Hurstell  
6 to comment on that market issue as well as the ZRCs and I do appreciate the time,  
7 Commissioners.

8 **CHAIRMAN GREENE:** Yes. How long do you need?

9 **MR. JOHN HURSTELL:** Just a few minutes.

10 **CHAIRMAN GREENE:** Okay.

11 **MR. HURSTELL:** My main comment is the information you were provided by  
12 friends from Exelon is just not true. The idea that the ZRCs represent one real  
13 megawatt of capacity is simply not true. That is only the case when there is -- when  
14 there happens to be excess capacity in the market, but in 2025, if Exelon goes to  
15 the MISO planning resource auction and says I want to buy 300 megawatts of  
16 capacity and no generator offers 300 megawatts of capacity, MISO will sell them  
17 the Zonal Resource Credit. They will sell them the Zonal Resource Credit so that  
18 Exelon will go to 1803 and say we have met our contractual obligation. So it's -- I  
19 think it's incumbent upon the Commission to understand that under this contract,  
20 there is no obligation for Exelon to ever actually supply physical capacity. And the  
21 idea that there will be plenty of capacity out there, and as Commissioner Greene,  
22 as you mentioned, there was a lot of responses to the RFP, but all those responses  
23 said we will build capacity if you give us a long-term contract. There has not been

1 a merchant generator built in this state without a long-term contract since the early  
2 2000s when all those generators came in and they all went bankrupt. So now  
3 without a long-term contract, no one is going to add new generation. And finally,  
4 one last point -- well, two quick points. One is if you want proof of that, you're  
5 getting -- you know, they asked for the expedited schedule so that they could  
6 commit to Magnolia, so that Magnolia wasn't going to build the generation without  
7 a long-term contract. And finally, if there is going to be plenty of capacity  
8 available, then it would not be a burden for this Commission to tell 1803, fine, if  
9 that capacity is going to be available, that means you can go sign it up right now.  
10 And instead of allowing Exelon to play the market and risk the reliability to all of  
11 customers in Louisiana, this Commission could simply just say no, go get the  
12 physical capacity that you claim is abundant in the market.

13 **CHAIRMAN GREENE:** Thank you very much. I think Commissioner Skrmetta  
14 has a question.

15 **COMMISSIONER SKRMETTA:** No, I'm going to pass.

16 **CHAIRMAN GREENE:** Okay. Commissioner Francis.

17 **COMMISSIONER FRANCIS:** What's the -- John, what's the length of the  
18 contract with Exelon?

19 **MR. HURSTELL:** Twenty --

20 **MR. HAND:** It's five years, Commissioner.

21 **MR. HURSTELL:** Yeah, it's 2030.

22 **COMMISSIONER FRANCIS:** It's a five year contract.

23 **MR. HAND:** 2025 to 2030.

1 **COMMISSIONER FRANCIS:** What -- we're all interested in capacity in the  
2 future of course because of reliability situations. Would Entergy have a prediction  
3 on when they going to have a problem with capacity, what year is that going to  
4 happen?

5 **MR. HURSTELL:** Well, let me offer this is that Cleco right now -- I've heard a  
6 lot of discussion that they're bringing a 1,000 or 800 megawatts of new capacity.  
7 Well, between the solar and Magnolia, they are, but the question is if nobody's  
8 paying Cleco for the capacity that it is using right now, why would Cleco keep that  
9 capacity operating. It's -- they're not going to continue to pay money to keep  
10 capacity operating just so that Cleco -- I mean so that Exelon can make money off  
11 of this contract. And it's important to understand MISO has no authority --

12 **COMMISSIONER FRANCIS:** Right.

13 **MR. HURSTELL:** -- to require a generator to stay on line --

14 **COMMISSIONER FRANCIS:** No.

15 **MR. HURSTELL:** -- just to provide capacity to entities that have not properly  
16 planned capacity.

17 **COMMISSIONER FRANCIS:** That's the Public Service Commission's job.

18 **MR. HURSTELL:** It's a -- you are the only --

19 **COMMISSIONER FRANCIS:** Do you have a prediction on when we are going  
20 to run out of capacity?

21 **MR. HAND:** Commissioner, we have studies. We look at projections --

22 **COMMISSIONER FRANCIS:** That's what I'd like --

23 **MR. HAND:** -- based on publicly available information.

1 **COMMISSIONER FRANCIS:** All right. Okay.

2 **MR. HAND:** But it's too hard to predict when, you know, you know about Dolet  
3 Hills. That's shutting down.

4 **COMMISSIONER FRANCIS:** Two, three, five, seven, ten?

5 **MR. HAND:** You know --

6 **COMMISSIONER FRANCIS:** Pick one.

7 **MR. HAND:** If you look at ours, you know, we have capacity predictions. I don't  
8 know the exact date but we, too, have older units that economically -- and the  
9 Commission has a docket about studying the economic deactivation of Legacy  
10 units. So I don't have an exact number. I can follow up with you, but I would --

11 **COMMISSIONER FRANCIS:** You think it would happen before that five year  
12 Exelon term is up --

13 **MR. HAND:** Very likely.

14 **COMMISSIONER FRANCIS:** -- that we might have a shortage?

15 **MR. HAND:** Very likely.

16 **MR. HURSTELL:** Let me point out one thing that is in the Entergy and Cleco  
17 system, there's plenty of older units and I -- unfortunately, I've been around for  
18 most of their lives. It's not unusual for a 500 megawatt generator to suddenly die.

19 **COMMISSIONER FRANCIS:** Yes.

20 **MR. HURSTELL:** It is very unusual for a 500 megawatt generator to suddenly  
21 appear.

1 **COMMISSIONER FRANCIS:** Okay. I think we can all understand that. You  
2 think those who support 1803 are concerned about the capacity and  
3 [INAUDIBLE]?

4 **MR. HURSTELL:** I don't think they are because they are not the ones who will  
5 face the reliability risk.

6 **COMMISSIONER FRANCIS:** There's a lot of them here today that believe they  
7 are.

8 **MR. HURSTELL:** And I understand it, but we --

9 **COMMISSIONER FRANCIS:** You think their customers know that they're kind  
10 of walking a tight rope on capacity?

11 **MR. HURSTELL:** I doubt if they know that, but the reality is it's not their  
12 customers. It will be Entergy's customers.

13 **MR. HAND:** And Cleco Power's customers. So if you think about it, if there's  
14 500 megawatt curtailment in the entire state, a MISO load shed event, MISO says  
15 hey, Entergy, the entire state Louisiana get down by 500 megawatts, so we have  
16 roughly -- our load is roughly half of that, Cleco Power's -- you know, that's  
17 probably 250 megawatts, Cleco Power is 90 megawatts, 1803 is a 1,000, which that  
18 percentage would be about 25 megawatts. So 1803's members would get cut if  
19 they actually respond to the call to cut, which was the problem the last time around,  
20 they would get cut by 25 megawatts. Entergy would be cut by 250. Cleco Power  
21 would be cut by 90. And that's why they're not going to feel the same pain that  
22 their actions can cause.

23 **COMMISSIONER FRANCIS:** Okay.

1 **CHAIRMAN GREENE:** Thank you very much, gentlemen.

2 **COMMISSIONER FRANCIS:** Thank you.

3 **CHAIRMAN GREENE:** Appreciate it. I think we're ready for a vote now. Does

4 --

5 **COMMISSIONER SKRMETTA:** I'd like a closing argument, please.

6 **CHAIRMAN GREENE:** I'm sorry?

7 **COMMISSIONER SKRMETTA:** I'd like to do a little closing argument.

8 **CHAIRMAN GREENE:** You have three minutes.

9 **COMMISSIONER SKRMETTA:** Yeah, well, okay. Well, first off, I'd like to

10 just start by saying when we earlier said about Icon that they were the low bid and

11 et cetera, there was comment that that wasn't true on the Commission and then we

12 elicited testimony through ACES that Icon was the low bid. Icon also did offer to

13 build substations through some, you know, cursory discussions. So I would like to

14 point out that the statement was accurate. The other thing is that I'm very concerned

15 about the fact that the members are ultimately responsible. There is a specter of the

16 Cajun bankruptcy in the room. There is a little bit too aggressive nature about

17 jumping into this thing wholeheartedly when what we're talking about is the market

18 is not going away, you know, it's going to be there in 60 days, it's going to be there

19 in a 100 days, it's going to be there in a year. But if we approved the limited aspect

20 of Magnolia Power Plant, we looked at the solar, about approving that, and left the

21 rest up to a rulemaking. We would be acting in the best interest of the members

22 and eliminating the risk associated therein. Look, I'm not about making money for

23 other states. We should be working on developing the assets that we have and

1 developing new assets in Louisiana to provide jobs, to provide tax revenue, we  
2 shouldn't be helping Illinois, Alabama, Texas, et cetera, in utilizing their power.  
3 You know, I've asked about this winter storm report we're going to get from Mr.  
4 Sisung and I asked the Chairman, could we do this before this because I thought it  
5 was relevant associated to this. And the Chairman denied moving it -- me, my  
6 request to move it into the line because that's it, and here we have Mr. Larry from  
7 Entergy said, it's an important element that we should have talked about this.  
8 We've had Mr. Hayet talk about the fact that he is not sure about what assets failed  
9 in Texas and how they are possibly included on what power they're supposed to  
10 deliver to the co-ops. These are a problem. And I'm going to tell you that I have a  
11 Master's degree in maritime law and so it interests me to study certain maritime  
12 events. And I studied the Titanic, and I'm not trying to be goofy about this. And  
13 most of y'all don't know this, but the Titanic was built as a system, and it was  
14 unsinkable. And the reason why it sank was not because it got -- hit an iceberg, it  
15 was because when they built their water tight doors, they said well, we don't have  
16 to build them all the way to the top deck, we'll build them up a certain way because  
17 the water is never going to rise that high. It's never going to overturn the thing.  
18 And they didn't build the water tight doors up to the main deck. Well, what  
19 happened? They hit an iceberg, the water flooded up, it covered over the top of the  
20 water tight doors and then the next one went and then the next one went and then  
21 the next one went. My concerns are there are elements of this discussion that are  
22 not taking in consideration that things can happen and we have an impact potential  
23 on the members, we have an impact potential in the market. So my



1 recommendation is to vote no on this, to take it up again immediately under a  
2 secondary motion to approve Magnolia, approve the solar fields, and send the rest  
3 to a rulemaking where we can really look at the issues associated with the market,  
4 with Exelon, and the other elements of it. Because otherwise, most of the  
5 Commissioners up here -- well, some of them will still be here, some of them will  
6 not, when this all really kicks in and I hate to see a burden placed on the members  
7 of these co-ops of sizable potential and also affect the marketplace unnecessarily.  
8 So I ask that the members of the Commission consider this element and vote no and  
9 let's bring this immediately back up and look at doing this in a more reasonable  
10 way to protect the ratepayers and let us not go into an area where we're going to  
11 have a problem. So thank you.

12 **CHAIRMAN GREENE:** Thanks, everyone, for their comments. We have --  
13 we're going to vote here in one minute but Kathryn has one thing to say. So  
14 Kathryn.

15 **MS. BOWMAN:** Yes. Staff just wants to correct one thing for the record.

16 **CHAIRMAN GREENE:** Staff, yeah, please do.

17 **MS. BOWMAN:** It will be short and sweet.

18 **CHAIRMAN GREENE:** Yep.

19 **MR. PAT PATRICK:** Yes, Your Honor, Pat Patrick. I'm outside counsel for the  
20 Staff. This has been a long, drawn out process. I'll be very brief. Staff certainly  
21 supports the ruling of the ALJ and the findings of Staff's outside consultant. I think  
22 one thing that I would like to offer is that the issues about disallowance and oh,  
23 well, disallowance, you can't use that here. Look, regardless, even if the wholesale

1 contract was the Cleco Cajun wholesale contract, let's assume that that is in place  
2 in the portfolio, you still have the same problem with 1803 or the same -- I won't  
3 say problem, but the same situation. For a co-op, the members of the co-op own  
4 the co-op, so you don't have this distinction that you have with IOUs where you  
5 have shareholders that you can sock it to, who are then going to hopefully fire the  
6 people that screwed things up. Well, now, what you have with a co-op is you have  
7 co-op members that get it socked to them if their people screw things up who  
8 hopefully they can fire if they screw things up. So I think it's a distinction without  
9 a difference, and I would not pay an awful lot of attention to the whole issue here  
10 on disallowance. Other than that, look, as far as the numbers go, the numbers here,  
11 that's what a six day trial was about, is going through and having somebody who  
12 has worked for the Staff for -- worked for the Commission for a long time and  
13 looked at it real close to weigh all of the different numbers and come up with what  
14 she thought was the appropriate resolution. So I'm not going to argue about 32 as  
15 opposed to 85, whatever. I think that's set forth. I think that this Commission has  
16 a system in place, you've got an 1983 order, you've got an MBM order. We are  
17 here today to certify the results of those and part of the process is to have a ALJ go  
18 through and rigorously examine a mountain, literal mountain, of factual data and  
19 sift through it and divine what the true numbers are. Now, you guys, y'all have --  
20 your role is policy. Your role is order, but when it comes to what the numbers are,  
21 who offers the best price, who offers certain things that are concrete, they can be  
22 examined, I think that's what the ALJ did. That's it.

1 **CHAIRMAN GREENE:** Thank you very much. So we're going to go ahead and  
2 vote now. There's a motion by myself to accept and a second by Commissioner  
3 Francis with opposition by Commissioner Skrmetta. We'll have a roll call vote.  
4 Commissioner Campbell, do you vote to approve?  
5 **COMMISSIONER CAMPBELL:** Yes.  
6 **CHAIRMAN GREENE:** Commissioner Boissiere.  
7 **COMMISSIONER BOISSIERE:** Yes.  
8 **CHAIRMAN GREENE:** Commissioner Skrmetta.  
9 **COMMISSIONER SKRMETTA:** No, with reasons assigned.  
10 **CHAIRMAN GREENE:** Commissioner Francis.  
11 **COMMISSIONER FRANCIS:** Yes.  
12 **CHAIRMAN GREENE:** Chair votes yes. The matter is approved. Thank you.  
13 Next.  
14 **MS. BOWMAN:** Exhibit Number 14 is Docket Number U-36223, is Baton Rouge  
15 Water Works Company doing business as Baton Rouge Water Company. There's  
16 an application for an increase and adjustment in retail rates, it's a request for interim  
17 rates, approval for Hurricane Ida recovery and request for establishment of an  
18 emergency reserve fund. It's a discussion and possible vote on interim rate increase  
19 pursuant to Rule 57, so this will need two votes. And it's at the request of Chairman  
20 Greene.  
21 **CHAIRMAN GREENE:** Motion to take this up under Rule 57.  
22 **COMMISSIONER BOISSIERE:** Second.

1 **CHAIRMAN GREENE:** Second by Commissioner Boissiere. Any discussion or  
2 objection? [NONE HEARD] Hearing none, the matter is taken up under Item 57  
3 -- Rule 57. I motion to accept.

4 **COMMISSIONER SKRMETTA:** Opposition on this.

5 **CHAIRMAN GREENE:** Opposition from Commissioner Skrmetta. Is there a  
6 second? I think Commissioner Francis --

7 **MS. BOWMAN:** Was there -- there was a motion by Commissioner Greene. Was  
8 a there a second by Commissioner Francis on the Staff recommendation and then  
9 opposition by Commissioner Skrmetta? I just want to make sure I heard everything  
10 on the record. Guys, can you guys like keep it down?

11 **SECRETARY FREY:** If you're leaving the room, please be quiet. Thank you.

12 **CHAIRMAN GREENE:** So to clarify, we've taken the matter successfully up  
13 under Rule 57, and now there's a motion, a second, and opposition to -- and now  
14 we're discussion.

15 **COMMISSIONER SKRMETTA:** Yeah. I just want to make a quick comment.  
16 I've done the math on this and I can't see where it's justified. Staff didn't meet  
17 with me. Who's the Staff representative on this?

18 **MR. BELLO:** Commissioner, this is my docket.

19 **COMMISSIONER SKRMETTA:** Is it you, Justin?

20 **MR. BELLO:** Yes, sir.

21 **COMMISSIONER SKRMETTA:** Yeah. You know, we can do this one of two  
22 ways. We can either defer it a month or we can go ahead with the vote. So it  
23 doesn't matter to me.

1 **MR. BELLO:** And just to point out, Commissioner, there is no Staff rec on this  
2 because it is a interim rate, so.

3 **COMMISSIONER SKRMETTA:** Okay. There's no Staff rec. Okay. I'm just  
4 going to oppose it. I went and did some look at, and I just can't see how it works,  
5 so I'm just going to oppose it.

6 **COMMISSIONER FRANCIS:** Well, I disagree with Commissioner Skrmetta. I  
7 looked at the math. I think the math's right in my opinion, so I'm going to support  
8 this.

9 **CHAIRMAN GREENE:** All right. So we'll have a roll call vote. Commissioner  
10 Campbell has left, so Commissioner Boissiere.

11 **COMMISSIONER BOISSIERE:** Yes.

12 **CHAIRMAN GREENE:** Commissioner Skrmetta.

13 **COMMISSIONER SKRMETTA:** No.

14 **CHAIRMAN GREENE:** Commissioner Francis.

15 **COMMISSIONER FRANCIS:** Yes.

16 **CHAIRMAN GREENE:** Chair votes yes. The matter is passed. Next.

17 **MS. BOWMAN:** Exhibit Number 15 is deferred. Exhibit Number 16 is a docket  
18 to be determined. It's Dixie Electric Membership Corporation's application for  
19 emergency rate relief, including interim relief to recover extraordinary costs outside  
20 of DEMCO's annual formula rate plan. It's a discussion and possible vote to retain  
21 Resolved Energy Consulting. Staff solicited Resolved Energy Consulting for this  
22 due to its work on Docket Number U-35359, which was DEMCO's annual formula  
23 rate plan -- excuse me -- DEMCO's formula rate plan that was approved and the

1 subsequent test years. In response to Staff's solicitation, Resolved Energy proposes  
2 to complete all work required for 26,400 in fees and 1,600 in expenses, for a total  
3 budget not to exceed of \$28,000. Therefore, Staff recommends that the  
4 Commission retain Resolved Energy Consulting.

5 **CHAIRMAN GREENE:** Chair motions to accept.

6 **COMMISSIONER FRANCIS:** Second.

7 **CHAIRMAN GREENE:** Second by Commissioner Francis.

8 **COMMISSIONER SKRMETTA:** Opposition.

9 **CHAIRMAN GREENE:** Opposition by Commissioner --

10 **COMMISSIONER SKRMETTA:** For reasons previously assigned.

11 **CHAIRMAN GREENE:** Opposition by Commissioner Skrmetta. Roll call -- any  
12 discussion or -- any further discussion? Roll call vote. Commissioner Boissiere.

13 **COMMISSIONER BOISSIERE:** Hold on, hold on, hold on, hold on, hold on. I  
14 got the right one.

15 **CHAIRMAN GREENE:** Sixteen.

16 **COMMISSIONER BOISSIERE:** Sixteen. I got you. Oh, wait a minute. Yes.  
17 Yes, I vote yes.

18 **CHAIRMAN GREENE:** Commissioner Skrmetta.

19 **COMMISSIONER SKRMETTA:** No.

20 **CHAIRMAN GREENE:** Commissioner Francis.

21 **COMMISSIONER FRANCIS:** Yes.

22 **CHAIRMAN GREENE:** Chair votes yes, the matter is passed. Next.

1 **MS. BOWMAN:** Exhibit Number 17 is our reports, resolutions, discussion, votes,  
2 and directives. We have a report from Staff regarding the continued investigation  
3 into Docket Number R-34758 into transmission and generation issues occurring  
4 during the February 2021 winter storm event. And UPC, Mr. Sisung is going to  
5 present that on behalf of Staff.

6 **CHAIRMAN GREENE:** Yes. Welcome, Lane.

7 **MR. LANE SISUNG:** So I'm the lucky one that stands between everyone and  
8 lunch, huh?

9 **COMMISSIONER FRANCIS:** Yes. You're it.

10 **COMMISSIONER BOISSIERE:** Introduce yourself, please.

11 **MS. BOWMAN:** Lane, here, I got it.

12 **MR. SISUNG:** Lane Sisung, United Professionals Company, procured on behalf  
13 the Louisiana Public Service Commission to do an investigation into the  
14 transmission and generation issues that were associated with the winter storm. Ms.  
15 Bowman is going to go ahead and pull up the slides. I can get started with some of  
16 the background information. We don't need to see it. I mean, it's pretty much --  
17 we all know what happened. You know, during the week of February 14, 2021, the  
18 entire southern region of the United States experienced unprecedented extreme low  
19 temperatures. Those storms became known as Winter Storm Uri and Winter Storm  
20 Viola. The high temperature during the winter storms were more than 30 degrees  
21 below average highs and low temperatures were 20 to 30 degrees below average.  
22 As I said, this was not a Louisiana only impact. This was region wide impacts.  
23 And when I say region, I will discuss that in terms of ERCOT, MISO, and SPP, the

1 regional transmission organizations that surround us. There were 4,124 outages, D  
2 rates, or failures of generating units across all three of those regional transmission  
3 organizations. Of that amount, 75 percent was related to freezing issues and fuel  
4 issues. And we'll get into the fact that it was -- it was -- freezing temperatures were  
5 impacting the units as well as lack of ability to get fuel was another issue, which  
6 we'll get into in a little more detail. I'm sorry. Don't count this time against me  
7 keeping you from lunch. Okay. I'll pick back up here. As everyone knows, the  
8 storm hit ERCOT in a much more impactful way than it hit SPP and MISO.  
9 ERCOT had three consecutive days of firm load shed peaking at 20,000 megawatts  
10 at one point. As most people in here are aware, ERCOT is an island within DC  
11 ties, so those impacts really didn't bleed into us and we didn't bleed into them. So  
12 ERCOT had very significant problems and very specific problems that they're  
13 addressing within their report that we didn't need to get into. Within MISO, the  
14 unique thing that happened is that typically the transmission flows are from west to  
15 east. They move from generation out to the load pockets. They move from the  
16 seam to the right, but when the winter storm event hit, SPP got the winter impacts  
17 first, to our left. And so all of the transmission flows reversed. And the  
18 transmission flows started going from east to west. This put a tremendous amount  
19 of stress on the transmission system to operate, to not only generate the power to  
20 get to the load as it normally does but to also export wind from east to west. That  
21 in and of itself, that reverse of flows in MISO's own report resulted in the MISO  
22 Reliability Coordinator having to declare several transmission emergencies which  
23 led to load shed, one in Louisiana, two in Texas. So the winter storm impacts that



1 occurred in Louisiana, this report that we have written and this presentation that  
2 I'm giving today really is broken into two different types of impacts, the reliability  
3 impacts and the cost impacts. We're going to go over the reliability impacts first,  
4 which were the outages. There were a lot of distribution system outages caused by  
5 ice, caused by wind, caused by normal things that storms cause to give distribution  
6 outages. This report did not focus on those. We provide the data points because  
7 we were given the data points. But the point of the report was not to form -- not to  
8 comment on the distribution system and those typical kinds of outages. What this  
9 report focuses on is the impacts that were -- that were experienced in Louisiana  
10 from the Regional Transmission Organization load shed, the RTO load sheds.  
11 There were four of them that we experienced. And MISO, on the morning of  
12 February 16<sup>th</sup>, we had the Transmission System Emergency. I'm going to go  
13 through that. The -- on February 16<sup>th</sup> in the afternoon, we had the max gen event,  
14 and then SPP with SWEPCO up in our northwestern corner of the state, they had  
15 two EEA-3 max gen type events. They don't call them max gen events. That's a  
16 MISO terminology. They're both related to NURC standards, which say if you  
17 don't have enough generation to serve your load, you have to shed your load. SPP  
18 experienced two of those. After I go through the reliability impacts, I'll also  
19 provide you with the data points of the cost impacts. I think most people are aware  
20 of them, but the report went through them and kind of explained. And then we're  
21 going to wrap up with some recommendations that Staff would like for the  
22 Commission to consider, not for any kind of a vote today, but just to consider maybe  
23 in the future that we take up some action items. So the MISO Transmission System

1 Emergency. So on the morning of February 16<sup>th</sup>, you had the flows coming from  
2 the east to the west and if you see that pretty yellow line over there with our  
3 wonderful skills, that's representative of the Weber Wells line. That line started to  
4 become overloaded trying to export all of the power from east to west. Then you  
5 had a unit trip, and when the unit tripped and the line was overloaded, MISO was  
6 fearful of cascading outages and they called what's called a Transmission System  
7 Emergency. So that load shed was directly related to the transmission line, but as  
8 the theme that you will hear as I go through this, it was also contributed by the fact  
9 that there was no generation, that generators were tripping and not available. That  
10 is consistent throughout every one of these load sheds. I don't think it's fair that  
11 you could say that any of these load sheds were one or the other. They were both  
12 contributing factors in a hostile weather situation. With this one, you know, you  
13 can see the units. We put all the units that were out. To be fair, though, some of  
14 these units had very small D rates and we wanted to make sure that that was  
15 expressed. But these were the units that were out for the Transmission System  
16 Emergency when that was declared. The next MISO load shed event we had is the  
17 max gen event. I think everyone's become pretty familiar with the term max gen.  
18 It means there's not enough generation to serve load. This occurred on the evening  
19 of February 16<sup>th</sup>. It lasted for about three hours. We had 300 megawatts of  
20 Louisiana load shed, over 97,000 customers. These maps only show our regulated  
21 utilities generation that was out. Cleco Cajun worked very well with us in providing  
22 this information to do analysis, but they did not authorize us to give you specific  
23 information as they're not regulated. So they're not on the map, but these are the

1 units that were out and the transmission system was still heavily congested and still  
2 a contributor although this one specifically because you didn't have enough  
3 generation to meet the load. And SPP, we have another map here. Early afternoon  
4 of February 15<sup>th</sup>, this one only lasted one hour, over 23 megawatts of load shed,  
5 5,230 customer outages. This was SPP's first ever load shed event, and they have  
6 taken these load shed events very serious. We've been working with them on all  
7 their committees, on their post-weather evaluation. Once again, just for  
8 informational purposes, we were asked to identify the units that were out during the  
9 time and they're identified on this slide with the caveats. February 16<sup>th</sup>, they had a  
10 much more significant load shed in SPP, duration was over three hours. You can  
11 see a lot more customers, 42,000 were affected and you can see all of the SWEPCO  
12 units that were not operating during this event. So why were these generators not  
13 operating? Two reasons, cold weather were impacting some of the generators, lack  
14 of fuel supply was affecting the other generators. I can say that the cold weather  
15 issues were more prevalent in MISO Louisiana and that the lack of fuel supply was  
16 more prevalent in SPP, but nevertheless, in both MISO and SPP, every regulated  
17 utility at the Commission had generators that were unable to produce because of  
18 weather and because of fuel.

19 **CHAIRMAN GREENE:** Hey. Can I ask you a question on that slide?

20 **MR. SISUNG:** Certainly.

21 **CHAIRMAN GREENE:** So the generator outages, just to clarify, was it because  
22 there weren't enough generators built or was it because the ones built weren't  
23 weatherized and couldn't get the fuel?

1 **MR. SISUNG:** It's the latter. The -- all the planning that is put in place has  
2 indicated that there's enough generation to be built. I have a slide that will kind of  
3 show you the generating capacity that was available.

4 **CHAIRMAN GREENE:** Okay. Thank you.

5 **MR. SISUNG:** And this is that slide. So this is MISO. No, actually, this is the  
6 state of Louisiana because this is over all of the days of the storm, the significant  
7 days of the storm. Starting with Sunday, which was, you know, the calm before  
8 the storm so to speak, and then getting into the really stressful days of Monday,  
9 Tuesday, Wednesday. The red line across the top is the load obligation that each  
10 of the four utilities in Louisiana had during these days. The blue bar is the amount  
11 of generation that was being offered into the market, so the capacity existed. It was  
12 being offered. A blue bar above load can be considered a good thing. What we  
13 learned as we went through this report, though, is that operationally, it doesn't  
14 guarantee that the utility had more generation than load available. Because  
15 operationally, when a unit trips, you don't just immediately go reduce your load.  
16 You call the real time desk, then you work with the real time desk to try to get that  
17 unit back online. It's not until after you spent a considerable amount of time trying  
18 to get back online that you enter into the outage system of MISO or SPP and that  
19 you reduce your load offer, so then you reduce your offer. So having blue can be  
20 good, but it's not guaranteed to be good above the red line. The red is the actual  
21 amount of generation that was produced by each of these utilities, the red bars.  
22 Now being lower in red than your load doesn't necessarily mean you didn't have  
23 the generation available to serve your load. What it means is -- it could mean that,

1 it could mean that you didn't have enough generation, but it could also mean that  
2 there was more economic generation available to serve your load that you didn't  
3 need to start your units. Okay. So that impact will become more important when  
4 I get to the next slide. But generally what you can see from these slides is that, you  
5 know, across the weather, event you had utilities that were offering more than their  
6 load and you had utilities that were very close to meeting their load and then you  
7 had some utilities who were not close to meeting their load. So this was to give  
8 you a general picture of the days. We thought that the next slide, oh, here you go,  
9 was more impactful. These are the actual hours of the load sheds, and this is a  
10 MISO only slide. There's one for SWEPCO SPP as well. And what you can see  
11 here is that the red bar once again is below the requirements during the load shed  
12 hours and the blue is the offers, but more importantly, the red is the generation.  
13 And you can see that across the board, no utility was generating enough generation  
14 to cover their load, some much worse than others. And this is the reason that we  
15 have many of the recommendations we have because we count on this capacity for  
16 our most extreme events and it didn't show up. And so that is a question we need  
17 to get to the bottom of and we need to figure out. Once again, some of the reasons  
18 it didn't show up was because they couldn't get the fuel. That's not really on them.  
19 Some of the reasons is winterization; that can be on them. Those are the things we  
20 need to investigate and get to the bottom of and create rules and mechanisms to  
21 make sure that we don't do this again. This was SPP SWEPCO, same rationale.  
22 And you can just see that they also were not generating enough to meet their load.  
23 And I will say this: Having the blue bar above the red line doesn't necessarily mean

1 that you have more generation load, but having the blue bar below the red line  
2 means you absolutely did not have enough generation online to serve your load. So  
3 what did all these outages lead to? What are the impacts? And these are some data  
4 points, you know, and we can read them off or you can look at them. Entergy had  
5 235,727 outages. These were the non-RTO directed outages. These are the  
6 distribution type outages. Cleco Power had the 78,000. And I will say, and there's  
7 a recommendation related to this, we asked the cooperatives for their outage  
8 information and only a few provided us with responses. So we think that there  
9 needs to be a better informational system set up and an obligation with regards to  
10 that moving forward. Now, here are the Louisiana reliability impacts, the MISO  
11 directed load sheds. I don't want to read all these off. I know we're trying to get  
12 out of here. They're on the screen; they're in the report. But you can see that they  
13 were very impactful amounts of load sheds in MISO. SPP directed load sheds.  
14 Here are the numbers. And then -- so that finishes up the section of the report  
15 related to the reliability issues. The other thing that we were asked to look at was  
16 the cost impacts. Entergy Louisiana had 166 million increased FAC cost from this  
17 storm, 145 million of that was directly related to the cost of fuel. And that was  
18 really largely driven by two gas suppliers when unexpected gas had to be procured.  
19 They were in the market. They couldn't take the risk. They had to go find the  
20 producers. They really only passed through that risk to them and it was just that  
21 need to get gas when it was otherwise unavailable, the prices were extraordinary.  
22 The thousand kilowatt hour customer impact, had Entergy and the Commission not  
23 worked together on a solution would be have been \$68.67 on one bill. They

1 deferred it over five month period, reducing the impact to \$15. Cleco Power had a  
2 \$78 million increased FAC cost, 46 million of that was related to economy  
3 purchase. That means that because they didn't have enough generation, they had  
4 to go buy generation. So as you look at their FAC, where was the increase  
5 generated? It was the purchase of other generation. However, that was still natural  
6 gas price driven because they just passing on the cost of the natural gas of those  
7 generators they were buying from. They deferred 50 million over a 12 month  
8 period and reduced one time increase of approximately 57 to over 12. SWEPCO,  
9 the gas prices in SPP were extraordinary and SPP is extremely focused on this issue.  
10 They were outbidding -- the utilities were out -- were just one-upping each other,  
11 driving the price up as everyone scrambled to get such a limited amount of gas that  
12 the prices were unruly. SWEPCO has a 167 million of estimated LPSC  
13 jurisdictional share of the increased energy cost. That's Louisiana's share. I mean,  
14 just go back -- I don't know how to go back a slide, but that's almost a same amount  
15 as Entergy and it's much larger sampling. You can see the amount's so large it  
16 could not have been absorbed in one period. And their proposed impact is not to  
17 spread it over a 5 month like Entergy or 12 months like Cleco Power, but to actually  
18 have to spread it over a 5 years of -- at \$5 a month. And that actually gets to one  
19 of the recommendations that we have, which is the perfect segue because here are  
20 the recommendations. We have the -- we recommend that all load that has  
21 generation serving it be required to provide winterization reports and analysis on  
22 all the generators that serve their load. Each regulated utility should provide the  
23 Commission with an analysis of each generator's cold weather risk and fuel supply

1 risks, including identifying any potential costs which might be necessary to mitigate  
2 those risks. We think that that -- all of the utilities have already engaged in this.  
3 They've all done their own lessons-learned reports. They need to produce that to  
4 the Commission and they need to let the Commission have insight into that.

5 **CHAIRMAN GREENE:** What's your recommended timeframe for wanting --

6 **MR. SISUNG:** As I say, they've all already engaged in this. I would say, you  
7 know, 60 days something --

8 **CHAIRMAN GREENE:** Okay. Something like that.

9 **MR. SISUNG:** After we get that initial analysis, I think that having experienced  
10 this and, you know, the general theory that these are going be more frequently is  
11 we should get annual reports thereafter on the winterization efforts and the reports.  
12 They already do a winterization report for MISO and the SPP. So we just want to  
13 tailor it to the Commission. The second recommendation is formal communication  
14 protocols as between the RTOs and the Commission. I can tell you that we worked  
15 with the RTOs after 2018 and we have informal communication protocols which  
16 worked quite well. We just think it would be appropriate to formalize them and do  
17 a written action plan so that everybody has something they can point to if it ever  
18 does [INAUDIBLE]. The third recommendation is that -- as we said, we had some  
19 difficulty getting information from some of the cooperatives. We believe that any  
20 regulated load which relies on wholesale generation needs to be responsible for  
21 providing the information related to both its load and its wholesale generator  
22 performance during reliability events. Just like we can go and tell you every unit  
23 that was out for all these units, we want to be able to continue that. We want to



1 know who is contributing to the problem, and so we believe that that should be  
2 taken. A fourth, fifth, and six recommendation, all relate to the gas issue. We think  
3 that the utilities have historically purchased gas, you know, a day out, a couple days  
4 out because they don't know if they're going to get dispatched. If they procure gas  
5 over a long term and they're not economic, and they don't get dispatched, now  
6 they're selling that gas back into the market and they could be selling at a loss. So  
7 traditionally, that's how gas has been procured for these units. After coming  
8 through the winter weather event, the question is do we need to start considering  
9 maybe taking a risk of that potential cost of fuel in the winter months because, I  
10 mean, you can see all it takes is one event with what SWEPCO had and that cost  
11 would be nothing compared to the kind of cost that had to be passed through. So  
12 we think that utilities should look at ways to manage those fuel costs during the  
13 winter months, whether it be physical procurement, financial hedges, or even gas  
14 storage.

15 **CHAIRMAN GREENE:** Do you know if the weatherization is in place, how that  
16 affects the short term procurement of gas that would be necessary?

17 **MR. SISUNG:** Weatherization of the generator unit or the natural gasses --

18 **CHAIRMAN GREENE:** Of the natural gas transportation system.

19 **MR. SISUNG:** Yeah, I mean, the -- it absolutely impacts it and, you know, that is  
20 something -- when I say we need to investigate it, we didn't say you need to do it,  
21 the -- at SWEPCO, we have the Improved Resource Efficacy Task Force, IRETF.  
22 They just received a report that showed that it almost didn't matter whether you  
23 had firm gas or non-firm gas to whether you got curtailed or not for force majeure.

1 Now, they couldn't answer the question whether that firmness was related to  
2 transportation or to the physical supply of gas so they're going to go back and  
3 research it. But, you know, we definitely don't want to pay that cost if it doesn't  
4 matter, if force majeure. So that's what Number 8 is, and I'll come back to 7. But  
5 you know, MISO, SPP, and this Commission need to engage in all the efforts that  
6 are occurring at NAESB and at FERC regarding force majeure and how the natural  
7 gas electric coordination occurs. This was looked at after the 2018 storm. There  
8 were some improvements made, but clearly not enough, and there needs to be an  
9 active engagement in ensuring that we have secure gas supplies for our generators  
10 during these events.

11 **COMMISSIONER BOISSIERE:** Let me jump in if you don't mind.

12 **MR. SISUNG:** Absolutely.

13 **COMMISSIONER BOISSIERE:** I know you said you didn't know how to go  
14 back one, you clicked off of six just as you -- I didn't get a chance to jump in and  
15 stop you.

16 **MR. SISUNG:** Sure six --

17 **COMMISSIONER BOISSIERE:** There you go.

18 **MR. SISUNG:** Six was gas storage.

19 **COMMISSIONER BOISSIERE:** Right.

20 **MR. SISUNG:** Just the third --

21 **COMMISSIONER BOISSIERE:** Four, five, and six because you made a  
22 comment there.

23 **MR. SISUNG:** [INAUDIBLE]

1 **COMMISSIONER BOISSIERE:** Right. And so this recommendation is to do  
2 what, to protect us from --

3 **MR. SISUNG:** So the most secure generators during this storm were those that  
4 had dual fuel supplies and access to actual physical gas through storage. And so  
5 there are -- some of our utilities for some of the units do have some gas storage.  
6 The question is: How much would it cost to get more and do we need to consider  
7 getting more gas storage?

8 **COMMISSIONER BOISSIERE:** Okay. And you talking about the IOUs here,  
9 the utility companies?

10 **MR. SISUNG:** Yes, yes.

11 **COMMISSIONER BOISSIERE:** All right. Okay. So there's some potential  
12 exposure and your recommendation is to find ways to protect us in the future from  
13 a storm like this.

14 **MR. SISUNG:** Yes.

15 **COMMISSIONER BOISSIERE:** Okay. Just wanted to make sure I heard you  
16 correctly.

17 **MR. SISUNG:** [INAUDIBLE] -- these are related to the fuel risks as well as  
18 Number 7.

19 **COMMISSIONER BOISSIERE:** Okay. That's cool.

20 **COMMISSIONER FRANCIS:** Lane, let me ask you a question. Lane?

21 **MR. SISUNG:** Yes, sir.

22 **COMMISSIONER FRANCIS:** You know, we've done a good job with the  
23 electric RTOs, looks like it's a good idea. Do you think in the future we might have

1 gas RTOs also? It's a -- you got a generator, you got the fuel, we're RTO the  
2 generator, we're not RTO the fuel. So --

3 **MR. SISUNG:** I'm going to answer that very nicely. No.

4 **COMMISSIONER FRANCIS:** Okay.

5 **MR. SISUNG:** I don't see that. I skipped over seven, but this an important  
6 component. I know Commissioner Skrmetta has been beating on this for a long  
7 time on MISO, as well as the other Commissioners. You know, we have this  
8 north/south constraint. It's talked about time and time again between MISO North  
9 and MISO South. And you know, there's talk about expanding the constraint. The  
10 issue is we've worked with MISO on this for years and they have done two specific  
11 studies, and to date, they have been unable to find an economic solution to expand  
12 that constraint. Nevertheless, I think it's important on us to keep pushing and to  
13 look at that and try to figure out a solution because for that max gen event, right  
14 before they declare the load shed, the imports coming from north to south were at  
15 their maximum limit. A phone call was placed, which is allowed under the rules,  
16 can we expand that capacity coming through and the joint parties, I believe it was  
17 TVA, subject to check, said we're scared that would risk our system, no. And so  
18 right after that no came the load shed, had there been more capacity, you wouldn't  
19 have had the load shed. Now, we had a three hour load shed. How much money  
20 do we want to spend to avoid a three hour load shed. Those are the difficult  
21 questions we're going to have to look at and do, but we need to keep engaging in it  
22 because it is a solution. Number 9 is the only utility specific recommendation that  
23 we're making and it's simply because of the tremendous impact that SWEPCO had

1 to endure due to the fuel prices which I showed over five years. You know,  
2 securitization is a tool that can be used. We're using it for other storm costs, to  
3 lower the cost to ratepayers. SWEPCO has engaged in discussions of securitization  
4 and its other regulated jurisdictions, as had other ADP affiliate. We think that  
5 SWEPCO needs to make a serious effort at securitizing those fuel costs. There may  
6 be a need to go to the legislature to expand the legislation. Not clear if there is or  
7 there isn't, but if there is, we still need -- that effort should be undertaken because  
8 these costs are extreme and the more money we can save our ratepayers, the better.  
9 All right. Hopefully, the last slide. One of the things -- all the utilities need to  
10 develop policies, practices, procedures that ensure all critical components of their  
11 natural gas fuel supply serving their generators are designated as critical load and  
12 not shed. I don't know that it occurred in Louisiana. It was a problem in ERCOT.  
13 The extent of it is argued over how big a problem it was, but the last thing we want  
14 to do is cut off power to the natural gas infrastructure that we need delivers the gas  
15 to generate the power. So we believe that every utility should engage in developing  
16 these policies, practice, procedures, providing them in submission so that we can  
17 ensure that our natural gas supply chain isn't being interrupted. And last but not  
18 least and as important as everything else, one of the tools in the toolbox is getting  
19 waivers of NOX emission limits when these big storms come through. There was  
20 some answers that were received, some questions that there was some delays in  
21 getting those kinds of emissions. We think that the Commission should work with  
22 LDEQ to create a streamlined protocol and process so that we can have that  
23 conversation and we can do whatever it takes to get the quickest waivers of those

1 NOX emission limits we can when we get max gen alerts. And with that, I am  
2 going to conclude my report.

3 **CHAIRMAN GREENE:** Let's go lights up, please. Lane, I want to thank you  
4 for -- and also recognizing that this actual report was just recently made public in  
5 order for the stakeholders to have time to review the recommendations that you  
6 highlighted here today. I ask that Staff work with the stakeholders between now  
7 and the March B&E to discuss comments or concerns they may with these  
8 recommendations. But my goal would be for the Commission to take up these Staff  
9 recommendations at our March B&E. Thank you for a very good report. And let's  
10 hope and pray we don't have to deal with that again, but let's be ready if we do.

11 **MR. SISUNG:** Thank you.

12 **CHAIRMAN GREENE:** Thank you, Lane. Next, Kathryn.

13 **MS. BOWMAN:** So next up is discussions. It's an update from Charter  
14 Communications regarding outstanding bills owed to subcontractors assisting in  
15 storm restoration from Hurricane Ida.

16 **CHAIRMAN GREENE:** Yeah. So we have a number of people if you want to  
17 start making your way up that want to testify. You can come on up. We have Jeff  
18 Burdett, Tommy from Infinite Communications, Glen Reymann, Joe Waitz, Jordan  
19 Brewer, Katrina, and Raul or Paul Rodriguez.

20 **SECRETARY FREY:** And when you begin to speak, make sure to say your name  
21 so we'll catch who all is speaking, and also make sure the mic is on with the green  
22 light showing.

1    **CHAIRMAN GREENE:** So please introduce yourself and proceed. Please try to  
2    be as succinct as possible.

3    **MR. JOE WAITZ:** I'm Joe Waitz, Jr.

4    **MS. BOWMAN:** You have to hit the button. There you go.

5    **MR. WAITZ:** Hello. I'm Joe Waitz, Jr. from Houma with the law firm of Waitz  
6    and Downer. I represent Infinite Communications in regard to a very serious  
7    ongoing issue we have with Charter. I think the board and the Commission is  
8    somewhat aware. We wanted to bring y'all up to speed as to what was going on so  
9    we could ask for some potential help from you guys. As you know, Hurricane Ida  
10   devastated southeast Louisiana, destroying most of our communication systems.  
11   Infinite Communications has been in the business of restoring and working with all  
12   the different Cox, Charter, different providers to restore services after such a  
13   devastating event. Shortly after Ida, they were contacted by Charter to start  
14   restoring southeast Louisiana. Terrebonne Parish, Lafourche Parish, Jefferson, St.  
15   Bernard, all these different areas where they provide services. Charter came to  
16   them and said this is our hourly rate, we need you all in here as soon as possible,  
17   sun up to sun down to restore communications. They've been working with this  
18   company for many years, other storms doing the same work hourly. They agreed.  
19   They started the work. There is a master service contract in effect between them  
20   so they knew exactly what was going on. They went to work. They deployed  
21   roughly 400 crews to southeast Louisiana to restore the services to our citizens.  
22   What's very important is during this restoration process, Charter field  
23   representatives were in the field, seeing what was going on, assisting, providing the

1 maps, areas to be worked on, giving them some guidance as where to go to get the  
2 job completed. Shortly after the job started, the billing process started. As they've  
3 always done in the past on an hourly basis, every week, a bill would go out for that  
4 week's work, first week, second week, third week, and on down the line. After five  
5 or six weeks, there's no response. There's no response like it's been in the past and  
6 it was like clockwork in the past for the other storms, Eta, Zeta, Laura, all in the  
7 southwest part of the state. So they start calling, trying to find out what's going on.  
8 They hear -- it's silence. And then finally, they start saying oh, well, we're going  
9 through your bills. They start -- they start looking at the bills from a production  
10 standpoint as opposed to an hourly standpoint. And let me make the distinction  
11 between the two different methodologies. Production is done generally in a  
12 controlled environment when new services are being provided, ideal situations, and  
13 that's why they do it on a per foot, per mile, whatever the case may be. It's in a  
14 more controlled environment. Hourly, which is chosen here, is because there's so  
15 many obstacles, there's so many variables, getting people, getting supplies, getting  
16 -- setting up living quarters, getting water, food, everything they need to house these  
17 people, get them into living conditions and getting them into the work field. That's  
18 why the hourly system was chosen because of the obstacles that they face. Not one  
19 time during the entire operation, the six to eight weeks that they're out there billing,  
20 did anyone ever question the bill, did any of the representatives say anything, they  
21 did not. Everything kept going until they questioned toward the end of the job,  
22 we're not getting paid, they realized that they're going to switch it to looking at it  
23 from a production standpoint, questioning all the different things that they have



1 done line by line and using the production methodology, which is completely wrong  
2 and they caught them completely off guard. We're asking this Commission -- and  
3 with me here today is Tommy McCollum and Tina Mavraj that will testify -- they  
4 are the -- Tina is the owner of the company. Tommy is the COO of the company.  
5 And they will give you some specific instances as to what was going on and how  
6 they were completely caught flatfooted with this change by Charter. We're talking  
7 about a \$51 million project that was ongoing and that's the total bill.

8 **CHAIRMAN GREENE:** Is that what they owe you?

9 **MR. WAITZ:** I think what they owe us right now is around 16 --

10 **MR. TOMMY MCCOLLUM:** Sixteen million.

11 **MR. WAITZ:** Sixteen million still owed. The problem with that is, is that a lot of  
12 these blue collar workers are out there working day to day, a lot of them are from  
13 out of state, have come down. They live from check to check. They have no  
14 backup. They expect -- their families expect a check to go home every week to  
15 take care of their obligations and bills back home. That's not happening. This is  
16 all just before Thanksgiving and Christmas. It devastated -- and we have a lot of  
17 the contractors here today that will tell you some of the horror stories that were  
18 going on with this nonpayment, some of the binds that they got in from not being  
19 paid, no money, and it's really heartbreaking. I don't know what this Commission  
20 can do as far as forcing payment, but we're here asking you all to do whatever you  
21 can to do the right, just do the right thing. And you know what, what's really --  
22 what's really puzzling about this whole situation is that when the tornados hit in  
23 Kentucky just recently, after Ida devastation, who do they call, Charter, these

1 people. They go out there, they do the work, same methodology, hourly, paid every  
2 nickel of every bill. Tell me how --

3 **CHAIRMAN GREENE:** More recently? Wow.

4 **MR. MCCOLLUM:** A couple weeks ago.

5 **CHAIRMAN GREENE:** All right. We'll ask them about that.

6 **MR. WAITZ:** The problem --

7 **CHAIRMAN GREENE:** How much was that bill?

8 **MR. MCCOLLUM:** So we were only there for two weeks max. It wasn't, you  
9 know, it looked really bad on TV.

10 **MS. BOWMAN:** I'm sorry. Can you identify yourself for the record, please?

11 **CHAIRMAN GREENE:** Just state your name.

12 **MR. MCCOLLUM:** Oh, I'm sorry. Tommy McCollum, president of Infinite.

13 **MS. BOWMAN:** Thank you.

14 **MR. MCCOLLUM:** It looked devastating on TV, but the way these tornadoes  
15 work is they sway, you know, in zigzag lines and there's just pockets of areas that  
16 were destroyed. We got there. Before we even arrived, we had meetings,  
17 conference calls, defined processes, here's how we want to see our invoices, here's  
18 the documentation we want to see you come back with our invoices, here's the  
19 number of crews we want, here's how the day's going to go, here's where you're  
20 going to pick your material, night and day from what happened right here. We have  
21 begged for meetings from day one from senior leadership over the Charter south  
22 region, begged for meetings from day one, how do you want these invoices, what  
23 kind of backup do you want, where do we send it. It took five weeks for the area

1 vice president to even give me a name of who to send it to on his team. And one  
2 of his comments was in five weeks after I started screaming, why is nobody  
3 responding to our invoices and what's going on, he said, well, who are you sending  
4 the invoices to? I said everybody I can including you, sir. And he said, okay, well,  
5 it's not my job to look at invoices. So how are you going to tell me that I'm grossly  
6 overbilling you on hours if you're not looking at invoices that clearly have hours  
7 that are coming to you week over week.

8 **CHAIRMAN GREENE:** Hey, Rob, can you and Charter come up, please?

9 **MR. WAITZ:** You want us to step to the side?

10 **CHAIRMAN GREENE:** Just make room, yeah.

11 **MS. BOWMAN:** And Rob, please sign the clipboard for me. Please sign the  
12 clipboard for me, and if you would fill out a yellow card, sir. Oh, okay, perfect.  
13 Thank you.

14 **MR. ROB RIEGER:** Afternoon, Mr. Chairman, members. My name is Rob  
15 Rieger. I practice law at Adams and Reese. I represent Charter Communications.  
16 With me today is Jeff Burdett. He's the Senior Governmental Relations Director  
17 for Charter; he's based out of Austin, Texas. He has come in for this meeting.

18 **CHAIRMAN GREENE:** Good. I want to direct the questions to Jeff. Jeff, so  
19 y'all hired Infinite for south Louisiana, they did the work, not been paid. Do you  
20 agree to that?

21 **MR. JEFF BURDETT:** I -- well, I can tell you that currently, they've been paid  
22 73 percent of everything they've billed at this point, and we're still working through  
23 a process to look at the rest of that.

1 **CHAIRMAN GREENE:** Is that accurate?

2 **MR. MCCOLLUM:** [INAUDIBLE] not been paid. They've issued some POs  
3 recently but those don't dictate payment. So it's much less than 73 percent.

4 **CHAIRMAN GREENE:** Has the check been submitted? What's the discrepancy  
5 there?

6 **MR. BURDETT:** Well, I will say that either paid or authorized payment that will  
7 be --

8 **CHAIRMAN GREENE:** Do you not have the funds to pay them or what's the  
9 holdup? Because if the Kentucky tragedy happened and all of this process ensued  
10 in a swift manner, what's the holdup with this one?

11 **MR. BURDETT:** There's a process. I mean, we go through a process that we  
12 want to make sure. I mean, we have a responsibility to make sure that all of the  
13 billing -- I mean, we're talking about \$50 million --

14 **CHAIRMAN GREENE:** So can you give us the name of the person that they can  
15 submit the bills to?

16 **MR. RIEGER:** Be happy to give you that name.

17 **CHAIRMAN GREENE:** What is it?

18 **MR. RIEGER:** Want to find out exactly who the right person is.

19 **CHAIRMAN GREENE:** Let's do that in the next few minutes.

20 **MR. RIEGER:** I have -- I have a name.

21 **CHAIRMAN GREENE:** Well, let's get it.

1 **MR. RIEGER:** I'm not authorized to give it, Mr. Chair, and I'm more than happy  
2 to make a text and a phone call and give you that -- give them a name when the  
3 meeting is over and certainly give it with you.

4 **CHAIRMAN GREENE:** So what are you waiting on in order to give us that  
5 name?

6 **MR. RIEGER:** Beg your pardon?

7 **CHAIRMAN GREENE:** What are you waiting on in order to --

8 **MR. RIEGER:** To make sure we have the right person. That's all.

9 **CHAIRMAN GREENE:** Who do you have to check with?

10 **MR. RIEGER:** Beg your pardon?

11 **CHAIRMAN GREENE:** Who do you have to check with?

12 **MR. RIEGER:** My client.

13 **CHAIRMAN GREENE:** Isn't he sitting right there?

14 **MR. RIEGER:** This is one of them.

15 **CHAIRMAN GREENE:** Yeah. So who -- can you give us --

16 **MR. BURDETT:** I mean, we can send it. I mean, ADP is Henry Pearl.

17 **CHAIRMAN GREENE:** Okay.

18 **MR. BURDETT:** And I mean, I'm sure that Henry can --

19 **MR. MCCOLLUM:** Henry is the Senior Vice President, not the area vice  
20 president. --

21 **CHAIRMAN GREENE:** Have you sent it to him?

22 **MR. MCCOLLUM:** All these invoices were copied week over week. So if I work  
23 Monday through Sunday, my invoices went in on the following Monday to all --

1 everybody copied, every new name, new contact that I came across through the  
2 nine weeks we were in Louisiana was copied on these invoices. They are all very  
3 aware of the \$51 million in invoicing that we've sent to them. They all have it.  
4 They --

5 **CHAIRMAN GREENE:** Do you intend to pay?

6 **MR. BURDETT:** We intend to pay anything that we believe is appropriate. And  
7 I will tell you, I mean, we have run into a number of issues, and I can give you a  
8 couple of examples if you want me to. For instance, you know, we had ran into  
9 150 tickets that equates to several million dollars from Infinite for work that was  
10 actually issued to other Charter contractors. So you know, obviously  
11 [INAUDIBLE] pay that.

12 **CHAIRMAN GREENE:** It's still Charter?

13 **MR. BURDETT:** Yeah. I mean, we've got a number of contractors in the state,  
14 not just these guys. And they, you know, they go through the same process --

15 **CHAIRMAN GREENE:** I think they're here to complain as well. So we have a  
16 theme problem.

17 **MR. MCCOLLUM:** So can I speak on that? I'm sorry.

18 **CHAIRMAN GREENE:** Yes.

19 **MR. MCCOLLUM:** The 150 tickets that they're referring to were sent to us by  
20 somebody with Charter. I didn't make them up. So if they sent those to us and sent  
21 them to another contractor at the same time and those tickets were closed out with  
22 another contractor, that's a Charter problem, that's not an Infinite problem. And  
23 I've showed them this over and over where I have received these tickets, this is the

1 information that I have, this is the work that I've done on the tickets, and this is the  
2 problem I keep having with Charter. Every time they have a problem like that, they  
3 use it as an excuse to delay payment. It's a stall tactic. It's an excuse. I have all  
4 the documentation. I've shared over a thousand emails with them, all the  
5 communication. We got several thousand updates. We updated them three times  
6 a day on work that was going on. I sent them back all the updates, even though  
7 they were all copied on it three times a day. I sent everything back to them again.  
8 The 150 tickets he's referring to, they came to me and asked me how did you have  
9 these tickets and why did you have them. We show them closed out under another  
10 contractor. [INAUDIBLE] --

11 **CHAIRMAN GREENE:** So who's in charge of the process at Charter for  
12 receiving the tickets, approving them, and disbursing the payment?

13 **MR. BURDETT:** I would say our ADPs, Mike Sellers and then Henry Pearl would  
14 be the main folks that would look through that and [INAUDIBLE] --

15 **CHAIRMAN GREENE:** Do you think that they're aware that this is a problem?

16 **MR. BURDETT:** Oh, I think they're very aware. We had a call, you know, prior  
17 to this, this week and, you know, to get these details so yes, absolutely. You know,  
18 again, I think we're working through this process and we're working through that  
19 with our other contractors as well.

20 **MR. MCCOLLUM:** That's a good point. Can I say something right there?

21 **CHAIRMAN GREENE:** Sure.

22 **MR. MCCOLLUM:** So the other contractors, one was here last month. They  
23 actually settled with that -- paid that contractor, I assume, because he's not here

1 today. But the other two contractors that worked this storm with us, they're still  
2 going through money problems as well. One of them is owed over \$6 million and  
3 another is owed 2.2. They are afraid to come to this meeting because they have  
4 work in jeopardy, and they're afraid they're going to lose some of that work if they  
5 bring anything to light. So that's why they're being quiet. They're still owed a lot  
6 of money as well.

7 **CHAIRMAN GREENE:** Well, Jeff, would you agree that the work that they've  
8 done for y'all is very important?

9 **MR. BURDETT:** Absolutely. I mean --

10 **CHAIRMAN GREENE:** And would you agree that it's probably going to be  
11 needed again?

12 **MR. BURDETT:** Absolutely. And you know, this is not new for us. I mean, we  
13 have lots of construction projects. I mean, we do business in 41 states. And you  
14 know, we've obviously had a lot of storm damage over the last, as you know, last  
15 couple of years here, but also in Texas and also in a lot of other places where this  
16 is a continuing situation and then tornadoes [INAUDIBLE] --

17 **CHAIRMAN GREENE:** Well, can you commit to -- that a swifter process than  
18 has been in place for analysis of the receipts and payment accordingly. I get that  
19 there's a process. I get they can't throw in a private jet, that kind of thing, but there  
20 is starting to smell like a delay tactic, and it's crippling the people that you're going  
21 to then rely on to help you the next time.

22 **MR. BURDETT:** I understand, Chairman. And I will commit to you that I'll go  
23 back and I will very much take this back to our folks and they're watching probably



1 on the internet right now. And our -- and we will get this rectified. I mean, this is  
2 not a situation where -- you know, I mean, anything -- I mean, we're a company  
3 that does business, like I said, in 41 states. We're not -- this is not a fly by night  
4 organization. We've got a lot of customers and we're a, you know, Fortune 100  
5 company that is somebody who pays our bills. I mean, we're [INAUDIBLE] --

6 **CHAIRMAN GREENE:** I just don't want to see in Louisiana it's allowed that  
7 you can delay, renegotiate, they could go broke during the legal proceeding for  
8 something that they said they were going to do and you said you were going to pay  
9 them for doing. That's just not what goes on in Louisiana. We don't want that to  
10 happen.

11 **MR. BURDETT:** Right.

12 **CHAIRMAN GREENE:** So we want y'all to do business here, but we need y'all  
13 to pay for what's been done in a more swift manner.

14 **MR. MCCOLLUM:** Can I -- I'm sorry. Can I speak on what he said as far as  
15 paying the bills? So we were asked to come in. We were given a 24 hour notice to  
16 get here, right? I had to mobilize crews immediately. I came here. I kept adding  
17 crews every time they asked me to add people. We were covering from Houma to  
18 Thibodaux -- sorry, Houma, Hammond, Thibodaux. I has a widespread we area.  
19 We were having a lot of issues with housing, water, food supplies, gas, the whole  
20 nine. I was asked to mobilize quickly. We came here. Okay. That costs money.  
21 For us to put the money out on what was told to us as a hourly project, bring the  
22 crews, don't care what you have to do, get them here. I did. So I brought in 15 or  
23 so subcontractors that had worked with me on storms in the past. Hurricane Laura,

1 Delta, Zeta last year, we were here in Louisiana. We worked for Cox prior to the  
2 Charter storm. Some of my contractors are here today. Who do you think funded  
3 that? We got [INAUDIBLE] --

4 **CHAIRMAN GREENE:** Well, that's what I want Jeff to understand is that the  
5 people that are suffering here are a lot of people that I imagine are check to check  
6 or month to month. And so what is kind of inconvenient for y'all is probably life  
7 altering for them.

8 **MR. MCCOLLUM:** That's exactly right.

9 **CHAIRMAN GREENE:** And so we don't know how to get your attention or to  
10 flex, but I want to start with can you please make this a priority?

11 **MR. BURDETT:** Yes, sir. We can absolutely make this a priority.

12 **CHAIRMAN GREENE:** So why don't we circle back in three weeks when our  
13 next meeting is and we'll see how the 16 million's been chipped away at. What I'd  
14 like to know from you is how many receipts are there, itemized, and, you know,  
15 I'm going to ask you have they been analyzed and what's the payment -- where are  
16 we in the payment process.

17 **MR. BURDETT:** Right. And again, it's -- you know, we had 34,000 individual  
18 line items, so I mean, going through, I mean --

19 **CHAIRMAN GREENE:** I understand. If you're a Fortune 100 company in 41  
20 states, you probably have a process through economies of scale to deal with that.  
21 So if it's saying, you know, it's just too much work for us, well, then that's a  
22 different matter. But y'all seem strong enough to be able to process that.

23 **MR. BURDETT:** Yes, sir. Message received.

1 **CHAIRMAN GREENE:** All right. Well, I look forward to seeing you the next  
2 month and we'll look at it more itemized and so hopefully can help the people that  
3 helped everyone. Thank you. Do we need -- stay here for a second, in case the  
4 others want to see -- y'all can be excused if y'all are okay with that. Glen Reymann.  
5 And for all those who've not been paid, I want to make sure you get the adequate  
6 contact information from Jeff about who to get these to, so that they can't say that  
7 they haven't received them. So state your name and --

8 **MR. GLEN REYMANN:** My name is Glen Reymann.

9 **CHAIRMAN GREENE:** Glen.

10 **MR. RAUL RODRIGUEZ:** Raul Rodriguez.

11 **CHAIRMAN GREENE:** Raul.

12 **MR. JORDAN BREWER:** Jordan Brewer.

13 **CHAIRMAN GREENE:** What was your name?

14 **MR. BREWER:** Jordan Brewer.

15 **CHAIRMAN GREENE:** Okay, Jordan. One or all want to speak?

16 **MR. REYMANN:** We are the contractors. Essentially down the line, you have  
17 Infinite that calls us. We're the ones that come in, with the time, hours, effort,  
18 money. So we have to borrow. We have employees. We have to borrow to pay  
19 them, turn around take out lines of credit, all because money we're already owed.  
20 It's not that it wasn't done. It's already done. The money's owed, but it's not paid  
21 so we have to make the excuse why we have to borrow when we know what was  
22 done and we're still not being paid for it. [INAUDIBLE].

23 **CHAIRMAN GREENE:** So was that money go through Infinite to y'all?

1 **MR. REYMANN:** [Shakes head up and down.]

2 **CHAIRMAN GREENE:** So y'all are the people that I was just referring to that

3 have people that -- month to month, check to check that need to be paid.

4 **MR. RODRIGUEZ:** And we have people that work for us that we have to pay

5 them, too. In my case, I'm from Cuba, been here in the States for sixteen years.

6 My company is based out of Miami, Florida. So when the storm happened, I have

7 to drive all my trucks to here. Driving a bucket truck from Miami to Louisiana, it

8 costs a lot of money, around \$1,000 a truck. I bring 23 trucks, [INAUDIBLE], and

9 employees and right now because I haven't got paid, I have only 24 guys working

10 for me. So I lost over half of my company because I haven't been able to pay those

11 guys because this case, Charter hasn't paid Infinite for Infinite to be able to pay me.

12 **CHAIRMAN GREENE:** So but Infinite has your receipts?

13 **MR. RODRIGUEZ:** Yes.

14 **CHAIRMAN GREENE:** And --

15 **MR. RODRIGUEZ:** I work with Infinite. I grow my company -- I started with

16 Infinite as a technician. I grew up with them, buy my first truck and I get up to 23

17 trucks. Last year, we were here in the state of Louisiana. We fix Lakes Charles.

18 Every time we go to a storm, they -- everybody is happy with us. Everybody, you

19 know, gave us food, help us out. Besides this storm here when did it in New

20 Orleans. We came here. We got out of here with no money, with a lot of debts,

21 losing my company, selling my trucks. Selling everything. Then I went to the

22 tornado as well with Charter and Infinite. We got paid over there. It was only for

23 two weeks. But we either do a big storm that is going to take four months for us to

1 be there or we can do a storm that takes two weeks for us to be there. And it's not  
2 -- it's not fair for us to get -- to don't get paid for something we did.

3 **CHAIRMAN GREENE:** Well, look, we're incredibly grateful but y'all can't eat  
4 on thank yous. So I get that.

5 **MR. RODRIGUEZ:** Yeah.

6 **CHAIRMAN GREENE:** But yours is part of the 16 million, right? So --

7 **MR. RODRIGUEZ:** Definitely. I stayed here two months sleeping in a slaughter  
8 house with all my guys, living in tents. Taking -- 112 people taking a shower on  
9 one shower or with hoses because there was no place to rent. Hotels were  
10 skyrocket. It was \$17,000 a week for a hotel, so we have to rent a slaughter house.  
11 Put all my guys to sleep there, they have to go maintenance, foods. I got videos of  
12 my guys washing their clothes by hand in a boat. So we go through all of this in  
13 here to try to make a living, to help the state of Louisiana and then Charter is not  
14 going to pay us. It doesn't make sense.

15 **CHAIRMAN GREENE:** Yes. So I would like -- we hear you and I think you  
16 hear them. And so I would like for the homework to be process, reconcile, pay and  
17 then let's circle back next month and see has the 16 gone to zero, ideally, or you  
18 know, how much progress have we made. Because I don't think y'all want the  
19 black eye for not paying people who do the work.

20 **MR. BURDETT:** Oh, of course not.

21 **MR. RIEGER:** Of course not.

22 **MR. BURDETT:** We certainly have the, you know, any legitimate --

1 **MR. RODRIGUEZ:** Referring to the tickets he was talking about, the 150 tickets.  
2 My company was the one doing the repair tickets based here in Baton Rouge, down  
3 south, and we are moving a bucket truck with three guys in a truck. It takes time  
4 to mobilize a truck from one place to another one. Many times that we went to  
5 those tickets, it was assigned to us as a company to go there and do the job, then  
6 when we get there you find out that the ticket's already complete. You already  
7 waste one hour traveling there. You have to get there, you have to get in touch with  
8 the company, telling them, hey, this job is already complete. Infinite have to get in  
9 touch with Charter, hey, you sent me these jobs and it's already complete, and then  
10 they see on their system, oh, yeah, this job was completed by BTR or by any other  
11 contractor. Well, what about all of that time that we take to go there. If they don't  
12 pay me by hour when I come here on a storm, that I have to be more careful because  
13 of safety because there is powerlines on the floor, there is trash everywhere. It takes  
14 time to do a job. If I don't get paid by hour, I just go somewhere else.

15 **CHAIRMAN GREENE:** I understand. So I really think that Louisiana ought to  
16 be an example of disaster response given all we have to go through. But I think  
17 this is a major part of disaster response if the people who are doing the work aren't  
18 getting paid, they're not going to really do the work next time. That's going to be  
19 problematic.

20 **MR. REYMANN:** There needs to be a third party that oversees it the whole time,  
21 the whole time. Because they're doing -- Infinite is doing its due diligence telling  
22 us we need this documentation, this time, we need you here 7:00 in the morning,  
23 you need this time. You can't finish until this time. And we're submitting it --

1 **CHAIRMAN GREENE:** So we can look into -- according to our rules, if that's  
2 something we can proclaim that needs to be necessary or that we can oversee and  
3 regulate?

4 **MR. REYMANN:** We are submitting what is required, what is asked, and then  
5 when it comes time where you're like okay, we should get paid, it's time to go.  
6 You're not getting paid.

7 **CHAIRMAN GREENE:** It may be that we need to work with the legislature to  
8 do that but --

9 **MR. REYMANN:** We're talking about week -- we're on three months.

10 **CHAIRMAN GREENE:** I hear you. I hear you. I hear you.

11 **MR. REYMANN:** Now, more weeks.

12 **MR. RODRIGUEZ:** I know the -- if I go do a job -- sorry -- if I go do a job, within  
13 a week, you tell me no, I don't want to pay you because you are overbilling me for  
14 whatever reason or that's what you're thinking, just let me know. Don't wait that  
15 I did five weeks worth of work and then don't pay.

16 **CHAIRMAN GREENE:** Right. No, I get it.

17 **MR. RODRIGUEZ:** Because now I'm taking all this time to reconcile all of that  
18 information when they were supposed to do that on a weekly basis.

19 **CHAIRMAN GREENE:** So next month, we're going to hear from you about how  
20 progress we've made and we're also going to hear what solutions there may be for  
21 a third party, whether that's from us or the legislature, so. I think Commissioner  
22 Skrmetta has a question.

23 **COMMISSIONER SKRMETTA:** Yeah. Hey, Rob.

1 **MR. RIEGER:** Sir.

2 **COMMISSIONER SKRMETTA:** Nobody wants to see you again on this.

3 **MR. RIEGER:** Yes, sir.

4 **COMMISSIONER SKRMETTA:** No offense. And there's no reason for you to  
5 be here on this, you know. This is not the great arbitrator, right? And you should  
6 know better than have this keep going month to month. You've made it across the  
7 state from Natchitoches to Baton Rouge and next time, we'll be in Metairie. Don't  
8 do it. Try to work this stuff out. It's in your best interest. Second thing is: We  
9 cannot develop an adequate response to disaster if the guys who go out and do the  
10 work can't rely on companies to pay them. And you're going to end up holding the  
11 bag and you're going to have guys calling you bigger names than they called  
12 Missing Link and Never Link because they're just not going to come to you to fix  
13 stuff. And you're going to be sitting out there holding the bag and the legislature  
14 is going to cut you to ribbons. So it's in your best interest to not even show up next  
15 month by getting it done.

16 **MR. RIEGER:** We are continuing to work on it. You have the Commission's  
17 pledge. We did it between last month --

18 **COMMISSIONER SKRMETTA:** I'm not going to --

19 **MR. RIEGER:** -- and this month and we'll continue to do it.[INAUDIBLE] --

20 **COMMISSIONER SKRMETTA:** Yeah. I don't want to minutia you on but --

21 **MR. RIEGER:** Sir?

22 **COMMISSIONER SKRMETTA:** -- you -- I don't want to minutia you on this,  
23 but you know.



1 **CHAIRMAN GREENE:** Jeff, can you come back next month?

2 **MR. BURDETT:** [Shakes head up and down.]

3 **MR. RODRIGUEZ:** Last month, when they came here, when the lawyer came  
4 here, I wasn't able to make it, here but I saw it on video. You know, they said that  
5 they were going to have to respond this month. Now, we're going three more weeks  
6 ahead of time. Like every single week I go without getting paid is another truck  
7 I'm going to lose. I have to bid now for \$20,000 to fix the truck. Right now.  
8 Another truck, I'm going to be down. That's two more guys going home with no  
9 work. They're probably going to work with somebody else, but it's just insane the  
10 way we're being treated.

11 **CHAIRMAN GREENE:** I agree.

12 **MR. RODRIGUEZ:** For something that we already complete.

13 **CHAIRMAN GREENE:** I agree.

14 **COMMISSIONER SKRMETTA:** They're wrong and you're right.

15 **MR. REYMANN:** The future problem is this: There's going to be another storm,  
16 God forbid.

17 **MR. RODRIGUEZ:** I'm not coming.

18 **MR. REYMANN:** They're going to call. We're not coming.

19 **COMMISSIONER SKRMETTA:** I get it.

20 **MR. REYMANN:** We're not one group.

21 **COMMISSIONER SKRMETTA:** Yeah, I know.

22 **MR. REYMANN:** There's all of us that see it, so they know they're not paying.  
23 It's not them that suffer. It's the people of Louisiana.

1 **MR. BREWER:** There's 80 crews between us right here. That's over 200  
2 [INAUDIBLE] --

3 **CHAIRMAN GREENE:** Yeah. I really think this is a big problem for the next  
4 round.

5 **MR. REYMANN:** It's huge.

6 **MR. RODRIGUEZ:** We were on the state of Louisiana for Cox. We have no  
7 problem. Last year with Laura, we went with Suddenlink. We have a great relation  
8 with those people. I still have communication with the managers of Suddenlink.  
9 They call me hey, Raul, how you doing? And we never had a problem. Whenever  
10 they have a discrepancy on billing, they came back to us and said, hey, did you guys  
11 did this in here or no? But you don't wait four months to then still be checking the  
12 billing. No, I [INAUDIBLE] --

13 **CHAIRMAN GREENE:** Where do you live, Raul?

14 **MR. RODRIGUEZ:** I live in Miami.

15 **CHAIRMAN GREENE:** Where do you live?

16 **MR. REYMANN:** Orlando.

17 **CHAIRMAN GREENE:** Where do you live?

18 **MR. BREWER:** Tennessee.

19 **CHAIRMAN GREENE:** So all of y'all came to help us in our biggest time of  
20 need. Where do you live?

21 **MR. BURDETT:** I live in Austin.

1 **CHAIRMAN GREENE:** So we got people from out of state shafting other people  
2 from out of state at Louisiana citizens' expense, and that's just not -- that's not  
3 tolerable.

4 **MR. RODRIGUEZ:** I have guys that came from New Mexico to here, drove their  
5 truck all the way here. Guys that bring trucks from Puerto Rico and from all over  
6 the country just to do this job. I have -- I have a crew that drove from Washington  
7 State to come here to do this [INAUDIBLE].

8 **CHAIRMAN GREENE:** Our goal is to get y'all paid because we're sure going  
9 to need y'all again, so let us keep punching it.

10 **COMMISSIONER FRANCIS:** You guys have a lawyer --

11 **COMMISSIONER SKRMETTA:** We want to regulate fiber and cable but we  
12 don't. But we're working with the legislature and dealing with stuff so we're  
13 working on it.

14 **COMMISSIONER FRANCIS:** Do y'all have a lawyer to represent you on this?

15 **MR. RODRIGUEZ:** We are with Infinite.

16 **COMMISSIONER FRANCIS:** You do have, okay. I'm going -- I've had a  
17 business. I've had this problem before and it's best if -- gets fixed a lot faster, just  
18 go lawyer to lawyer. There's a bunch of lawyers on that back wall there, they'd  
19 like to hire out to help you.

20 **MR. REYMANN:** With no money, how we going to afford to pay for a lawyer.

21 **MR. BREWER:** [INAUDIBLE]

22 **COMMISSIONER FRANCIS:** Sic one of them on Rob, that's the way to get it  
23 done. Okay.

1 **MR. BREWER:** [INAUDIBLE] and I can't afford a lawyer.

2 **COMMISSIONER FRANCIS:** If you want to get your money, get you a lawyer  
3 and get on Rob. That's the way to get paid.

4 **MR. BREWER:** I'm a sole proprietor at a \$1.4 million [INAUDIBLE] --

5 **MR. REYMANN:** We came here [INAUDIBLE] --

6 **SECRETARY FREY:** One at a time. They can't hear.

7 **COMMISSIONER FRANCIS:** All right. Well, that's my advice. Thank you.

8 **CHAIRMAN GREENE:** So listen. I do think that, Jeff, you need to know this  
9 that we all realize that one way you don't have to pay them is make them go to  
10 court, which they can't afford. And we're just asking you not to do that.

11 **MR. BURDETT:** I understand.

12 **CHAIRMAN GREENE:** Okay.

13 **MR. RIEGER:** Very clear.

14 **CHAIRMAN GREENE:** I mean, I think that we could get this done without  
15 lawyers, no offense to the lawyers, by just honoring what you said you were going  
16 to do once they've done what they said they were going to do. I don't think you  
17 need a lawyer for that.

18 **MR. BURDETT:** We would like to get this resolved as well.

19 **CHAIRMAN GREENE:** Good, good.

20 **MR. MCCOLLUM:** Sorry. Back to your point. I know you just said it, but that's  
21 the thing we're all struggling really bad with, so as soon as we take this court, hire  
22 lawyers and get lawyers involved, it costs a lot of money, it locks up the money that  
23 we already don't have. Charter has a whole floor of lawyers on payroll. Infinite

1 doesn't. These guys don't. They're already struggling, selling off trucks, how are  
2 we going to afford lawyers when we can't even get our bills paid. We just need to  
3 get paid and make this, you know, go away. We've been begging for our money,  
4 giving them documentation every which way that they've asked for, the different  
5 ways that they're just trying to confuse the whole situation. If they had a problem  
6 with our hours and how we billed our hours, they should have had management  
7 onsite in our offices working with us every single day, counting our trucks, clocking  
8 our trucks in and out. They didn't do any of that. Why? Because I was on the  
9 ground every single day as an owner with my crews guiding them to do the work,  
10 thought there was a trust factor there between two company owners or two  
11 companies, and when it came time for them to pay the guy that was doing the brunt  
12 of the work and financed this entire project, they gave me a big kick in the rear end.  
13 So it's -- the lawyer thing, it's why we came to you guys and begged for help  
14 because the lawyer thing is not an option for us at this point because they have the  
15 money, we don't.

16 **CHAIRMAN GREENE:** Well, I --

17 **MR. MCCOLLUM:** And we wanted to take this public to make sure that this  
18 doesn't happen again. In fact, the way they said it --

19 **CHAIRMAN GREENE:** It's a good idea.

20 **MR. MCCOLLUM:** -- and I'll end it, you know, I roll with about 90 percent of  
21 the guys that travel for storm, and I can promise you if we don't get this resolved,  
22 there's not an amount of money I can pay these guys to come back to Louisiana  
23 with me again and do a Charter storm again.

1 **CHAIRMAN GREENE:** That's embarrassing. And so --

2 **MR. MCCOLLUM:** That's very embarrassing.

3 **COMMISSIONER SKRMETTA:** Do you live in Houma?

4 **MR. MCCOLLUM:** No, I don't, sir.

5 **COMMISSIONER SKRMETTA:** Where is the company operated?

6 **MR. MCCOLLUM:** We're out of Florida.

7 **COMMISSIONER SKRMETTA:** Okay.

8 **MR. MCCOLLUM:** But we have an office in Kenner.

9 **COMMISSIONER SKRMETTA:** In Kenner?

10 **MR. MCCOLLUM:** We work for Cox cable. Zero -- I was paid hundred percent

11 of the 23 million I invoiced Cox within two weeks of my final day working on

12 storm. They were happy, thanked us, thanked me for being onsite.

13 **MR. RODRIGUEZ:** As a company owner, every time we go to a storm, he never

14 left the site. Neither myself, I have a baby of nine months old.

15 **COMMISSIONER SKRMETTA:** You can help --

16 **MR. RODRIGUEZ:** I spend two and a half months here without seeing my baby,

17 for being here -- he did with all of his monitors, inspection, all of our work trucks.

18 Every week to make sure everyone was accounted for, everyone have the tools they

19 needed to do the job. We have pictures for everything, doing the meetings, every

20 single morning. We first start driving from Picayune, Mississippi to New Orleans,

21 two hours in the morning. We wake up at 4:00 a.m. in the morning to get to the

22 office and then when we finish working at 7:00, 8:00, or 9:00, drive back there to

23 go sleep and then next day, the same thing.

1 **COMMISSIONER SKRMETTA:** You could help the Commission by speaking  
2 with the Executive Secretary over there in the blue suit. His name is Brandon Frey.  
3 Brandon is working with the legislature on expanding our jurisdiction over fiber,  
4 like cable, internet, and stuff, and then working with the legislature, particularly on  
5 storm issues and, you know, this type of information going to the legislature may  
6 help expand our jurisdiction to cover issues particular like this. And that would  
7 help deal with this type of issue.

8 **MR. MCCOLLUM:** I'll do anything that I can to prevent this from happening.

9 **COMMISSIONER SKRMETTA:** So if you talk -- yeah, if you engage with  
10 Brandon on this, that could be a big help to the Commission.

11 **CHAIRMAN GREENE:** Look, please make us all proud next month and make  
12 sure y'all have Jeff's contact. And I trust if there's been a communication problem,  
13 that won't be the problem moving forward.

14 **MR. RIEGER:** Just a couple of questions if I could, Mr. Chairman,  
15 Commissioners. Message delivered loud and clear. We got it. I want to make sure  
16 that everyone knows we have paid substantial money to Infinite. What they've  
17 done with that money is a question for these folks.

18 **MR. RODRIGUEZ:** They have paid to us a -- according to what they have  
19 received payment. And I don't work for Infinite. I got my own company. I got  
20 my own workers, but the thing is that still a lot of money owed. Some way that  
21 Infinite owes money to us, that's what they owe to Infinite. So they have paid to  
22 us and only to where he got paid.

1 **MR. REYMANN:** If it's paid incremental as you're doing the hours of the work,  
2 so if you're at the end, in the last three, four weeks because you decided to not  
3 check your invoices early, just say just not going to pay you now. These people,  
4 for this period of time, have been have been paid so saying I paid 75 percent, how  
5 would you like 75 percent of the wire to go up? Because then all the people don't  
6 have what they need.

7 **CHAIRMAN GREENE:** Touché.

8 **MR. REYMANN:** He's talking about the beginning, that's irrelevant to the  
9 remaining amount --

10 **CHAIRMAN GREENE:** You finished the job.

11 **MR. REYMANN:** -- that's owed to everyone.

12 **MR. MCCOLLUM:** So just everybody's aware, my labor rate just to get these  
13 guys here and pay them is well over 70 percent that they said they paid. And so to  
14 make that comment, he obviously has never ran a business. Charter is ignorant to  
15 the fact of it takes money to pay for the labor and the expenses to get these kind of  
16 projects done. When I look at the money that I shelled out, the lines of credit I had  
17 to get to finance to get people here, the building costs that I had to pay to get people  
18 to allow me to rent this week -- week over week or month over month, the dumpster  
19 charges to haul, you know, tens of thousands of [INAUDIBLE] wreck out cable,  
20 scraps, off, you know, it's expenses well beyond the amount of money that they so  
21 graciously offered me for payments.

22 **CHAIRMAN GREENE:** Look, we --

23 **MR. MCCOLLUM:** It doesn't make sense for him to even make that comment.



1 **CHAIRMAN GREENE:** We hear you. We hear you. And Jeff --

2 **MR. RODRIGUEZ:** [INAUDIBLE] was paying \$6,000 a week for a slaughter

3 house to have my guys sleeping in there. This is not a job that you get someone

4 [INAUDIBLE] there to work, to pick up trash and nothing. They have to be

5 prepared people. My guys climb poles, splice fiber --

6 **CHAIRMAN GREENE:** We get it.

7 **MR. RODRIGUEZ:** -- [INAUDIBLE]

8 **CHAIRMAN GREENE:** So Jeff, and no offense, Rob, I think there's a little hide

9 the ball, I wanted to deal with Jeff. Jeff, it's embarrassing for Louisiana. We want

10 this to be a place where it's upfront and transparent to do business and we're going

11 to need them again. And they're very good, and y'all are very good. So I really

12 expect this to be resolved by next month. So thank y'all very much.

13 **MR. RIEGER:** We will do the best we can to get everything completely resolved.

14 **CHAIRMAN GREENE:** Rob, you said that last month.

15 **MR. RIEGER:** Yes, sir.

16 **CHAIRMAN GREENE:** I'm tired of words.

17 **MR. RIEGER:** And we made a significant effort.

18 **CHAIRMAN GREENE:** Well, let's see more. Cross the finish line.

19 **MR. RIEGER:** We will get there.

20 **CHAIRMAN GREENE:** Well, I want to see that happen.

21 **MR. RIEGER:** Yes, sir.

22 **CHAIRMAN GREENE:** You don't have a time specification on that because that

23 could be three years. Three years doesn't work. That's a delay tactic.

1 **MR. RIEGER:** No, sir. No, sir. We had suggested to your Staff and other folks  
2 give us another 30 days and it'll be done.

3 **CHAIRMAN GREENE:** You could come back and ask for more 30 days but just  
4 --

5 **MR. RIEGER:** I doubt it.

6 **CHAIRMAN GREENE:** Jeff, I'm trusting you. Okay?

7 **MR. BURDETT:** Yes, sir.

8 **CHAIRMAN GREENE:** Thank you.

9 **MR. BURDETT:** Message is received.

10 **CHAIRMAN GREENE:** Thank you very much. Y'all are excused. Thank y'all  
11 for coming, and thank you for the work that you do.

12 **MR. RODRIGUEZ:** Thank you so much.

13 **MR. RIEGER:** Thank you, Mr. Chairman.

14 **CHAIRMAN GREENE:** Thank you very much. I think we have one item to  
15 clarify. Kathryn, you want to --

16 **MS. BOWMAN:** We do but we also have two more -- three more items under  
17 Exhibit 17. So let's knock those out real quick, and then we will do the one  
18 clarification.

19 **CHAIRMAN GREENE:** Yeah. Sounds good.

20 **MS. BOWMAN:** Okay. So also under Exhibit 17, there's a discussion and  
21 possible vote to ratify interventions of the Commission and RTO related Federal  
22 Energy Regulatory proceedings. And interventions were filed on behalf of the  
23 Commission in the following FERC Dockets: ER22-495, ER22-496 on December

1 17<sup>th</sup>. There was also ER22-489, which was a dockless intervention on December  
2 21<sup>st</sup>, and then the Commission plans to file or has already filed an intervention in  
3 ER22-736 on or before today. Staff recommends that the Commission ratify and/or  
4 authorize these interventions.

5 **CHAIRMAN GREENE:** Chair motions to accept Staff recommendation.

6 **COMMISSIONER BOISSIERE:** Second.

7 **CHAIRMAN GREENE:** Second by Commissioner Boissiere. Any discussion or  
8 objection? [NONE HEARD] Hearing none, it's passed. Next.

9 **MS. BOWMAN:** Next, there is an OMS vote. It's a discussion and possible vote  
10 to ratify the votes taken by Vice Chairman Skrmetta acting as the Commission's  
11 representative on the Board of Directors of the Organization of MISO States. And  
12 Staff recommends that the Commission ratify Vice Chairman Skrmetta's email vote  
13 taken on January 5, 2022 as the Louisiana Public Service Commission's  
14 representative to the OMS Board of Directors and Commissioner Skrmetta is  
15 abstaining from this vote.

16 **COMMISSIONER FRANCIS:** Motion to accept [INAUDIBLE].

17 **CHAIRMAN GREENE:** Motion by Commissioner Francis, second by the Chair.  
18 Note that Commissioner Skrmetta is abstaining. Any discussion or objection?  
19 [NONE HEARD] Hearing none, it's passed.

20 **COMMISSIONER SKRMETTA:** Commissioner Skrmetta abstains.

21 **CHAIRMAN GREENE:** That was noted. Thank you.

22 **COMMISSIONER SKRMETTA:** I have to voice note it myself.

23 **CHAIRMAN GREENE:** Thank you.

1 **MS. BOWMAN:** So there is also one directive under Exhibit Number 17. It's a  
2 directive to Staff regarding the impact of inflation on jurisdictional utilities at the  
3 request of Vice Chairman Skrmetta. And it is that I direct Staff to take whatever  
4 action is necessary including the opening of a docket and the hiring of outside  
5 assistants to study the impact inflation has on jurisdictional utilities. This study  
6 should include what impact inflation has on rates in a utility's ROE or a similar  
7 return as well as research on whether the Commission should adopt an index  
8 granting jurisdictional utilities the ability to automatically adjust rates based on  
9 inflation.

10 **CHAIRMAN GREENE:** So let me get this straight. Is this -- if we approve this,  
11 that gives them the right to automatically --

12 **COMMISSIONER SKRMETTA:** No.

13 **CHAIRMAN GREENE:** -- or just studies that as a possibility?

14 **MS. BOWMAN:** It opens a docket for Commission Staff to study it and report  
15 back to you guys on what it could be, what it looks like, and how that would affect  
16 it.

17 **CHAIRMAN GREENE:** Okay.

18 **COMMISSIONER SKRMETTA:** Yeah. The reason I did this was because we  
19 started looking at the growth of inflation. We also looked at the differential  
20 between the CPI and the Producers Price Index and also how that may even not  
21 really gel on how utilities function. And this is for all investor owned -- excuse me  
22 -- all regulated utilities. So it's not just electric. It could be gas, could be  
23 everything. So it's something for us to look at and then come back and look at it

1 and see how the Commission sees how inflation functions, see how the indexes  
2 really work and then make a decision later on about how we go.

3 **CHAIRMAN GREENE:** All right.

4 **MS. BOWMAN:** And then we need to move back to Exhibit 14 just because of  
5 all of the people and the commotion, I just want to clarify what your motion was,  
6 Commissioner Greene. Your motion was to approve Baton Rouge Water  
7 Company's request for interim rates, subject to posting of bond. That was seconded  
8 by Commissioner Francis with Commissioner Skrmetta abstaining -- excuse me --  
9 opposing.

10 **CHAIRMAN GREENE:** Yes. And then we had -- and then we voted.

11 **MS. BOWMAN:** And then you guys voted, and it was voted to approve.

12 **CHAIRMAN GREENE:** Yes.

13 **MS. BOWMAN:** Good.

14 **CHAIRMAN GREENE:** All right. I motion to adjourn.

15 **COMMISSIONER BOISSIERE:** Second.

16 **CHAIRMAN GREENE:** Second by Commissioner Boissiere.

17 **CHAIRMAN GREENE:** See y'all in February.

18 **(WHEREUPON THE MEETING WAS ADJOURNED)**

19


1 I certify that the forgoing pages 1 through 211 are true and correct to the best  
2 of my knowledge of the Open Session of the Business and Executive Meeting  
3 held on January 25, 2022 in Baton Rouge, Louisiana.

4 \*\*\*\*\*

5 Rough Draft prepared by:

6  2/14/2022  
7 Kathy Dykes, Date  
8 Court Reporter

9  2/14/2022  
10 Kayla Fiorenza, Date  
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