

**TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION BUSINESS  
AND EXECUTIVE OPEN SESSION HELD ON JUNE 22, 2022 IN BATON ROUGE,  
LOUISIANA. PRESENT WERE: CHAIRMAN LAMBERT BOISSIERE, III,  
COMMISSIONER CRAIG GREENE, COMMISSIONER MIKE FRANCIS AND  
COMMISSIONER ERIC SKRMETTA.**

<b>Exhibit</b>	<b>Docket</b>	<b>Description</b>	<b>Page</b>
<b>1</b>		<b>Announcements</b>	<b>1-17</b>
<b>2</b>	<b>T36219</b>	<b>Louisiana Public Service Commission vs. Fast Affordable College Student Movers, Inc.</b>	<b>17-19</b>
<b>3</b>	<b>T-36270</b>	<b>Louisiana Public Service Commission vs. Ian Nelson dba Ian's Auto Body &amp; Towing</b>	<b>19-25</b>
<b>4</b>	<b>T-36307</b>	<b>Louisiana Public Service Commission vs. Trent Anthony Trucking LLC</b>	<b>25-28</b>
<b>5</b>	<b>S-36348</b>	<b>Cleco Power LLC, ex parte</b>	<b>28-29</b>
<b>6</b>	<b>U-36003</b>	<b>Utilities, Inc. of Louisiana, ex parte</b>	<b>29-30</b>
<b>7</b>	<b>U-36129</b>	<b>Southwest Louisiana Electric Membership Corporation, ex parte</b>	<b>30-36</b>

<b>8</b>	<b>U-36338</b>	<b>Entergy Louisiana, LLC</b>	<b>37</b>
<b>9</b>		<b>1) Reports</b> <b>2) Resolutions</b> <b>3) Discussions</b> <b>4) ERSC/OMS business</b> <b>5) Directives</b>	<b>37</b>
<b>10</b>	<b>R-35568</b>	<b>Louisiana Public Service Commission, ex parte</b>	<b>35-39</b>
<b>11</b>	<b>Undocketed</b>	<b>Directive to Staff on scheduling future Business and Executive Sessions</b>	<b>39-43</b>

1     **TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION**  
2     **BUSINESS AND EXECUTIVE OPEN SESSION HELD ON JUNE 22, 2022**  
3     **IN BATON ROUGE, LOUISIANA.   PRESENT WERE: CHAIRMAN**  
4     **LAMBERT BOISSIERE, III, COMMISSIONER CRAIG GREENE,**  
5     **COMMISSIONER MIKE FRANCIS AND COMMISSIONER ERIC**  
6     **SKRMETTA.**

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7     **CHAIRMAN LAMBERT BOISSIERE:** Okay. Everybody, let's start the  
8     meeting. Everybody's ready, all here, take your seats. Well, let's -- if you don't  
9     mind, let's stand for the prayer by Commissioner Greene.

10    **[COMMISSIONER CRAIG GREENE LEADS IN PRAYER]**

11    **COMMISSIONER ERIC SKRMETTA:** Could I also add that we pray for  
12    Commissioner Campbell and his recovery from his injury and that he recovers to  
13    join us at the next meeting.

14    **COMMISSIONER GREENE:** Amen to that.

15    **CHAIRMAN BOISSIERE:** Amen.

16    **COMMISSIONER SKRMETTA:** Thank you.

17    **CHAIRMAN BOISSIERE:** At this time, I'd like to ask Lieutenant Chris Wright  
18    of Louisiana State Troopers to come forward to lead us in our pledge.

19    **[LIEUTENANT CHRISTOPHER WRIGHT LEADS IN THE PLEDGE]**

20    **CHAIRMAN BOISSIERE:** Do we -- before we get started, do we have any  
21    visitors in the room, Brandon, Mr. Frey, that you'd like to announce?

22    **SECRETARY BRANDON FREY:** I do have one visitor. She's sticking her  
23    tongue out at me. I figured -- I figured it was time to finally bring my daughter to

1 Commission meetings, so Theresa is here, she's 11 and she's going in the 6<sup>th</sup> grade.  
2 She's sitting in the front row, so stand up, Theresa, tell everyone hello.  
3 **COMMISSIONER SKRMETTA:** She's got the job.  
4 **CHAIRMAN BOISSIERE:** All right. Any other announcements before we get  
5 started? Okay. Commissioner Francis.  
6 **COMMISSIONER MIKE FRANCIS:** It's another good day to serve the public  
7 of Louisiana and I wanted to recognize, again, Chris Wright with the Louisiana  
8 State Police. I've just become a friend of his and getting acquainted. We're  
9 working on a lot of issues and Public Service Commission won -- doing some work  
10 with the tow truck industry and Chris kind of heads that up for the state of Louisiana  
11 and the State Police, so thank you for coming, Chris, appreciate that, and the  
12 gentlemen there with you. So I'm sorry, I missed your name. What's your name?  
13 **MR. RODNEY OWENS:** Rodney Owens.  
14 **COMMISSIONER FRANCIS:** Say it again.  
15 **MR. OWENS:** Rodney Owens.  
16 **COMMISSIONER FRANCIS:** Rodney Owens from Leesville, Louisiana,  
17 wampus cats, so I'm sure we got a few cats here, too. And I've got another one,  
18 Mr. Chairman. I've just been made aware, we've been working on an  
19 interconnection facility for the Magnolia generator, which is something new that  
20 we just voted and approved and good news, we're usually two months behind on a  
21 lot of things because this is really complicated business. In this case here, it looks  
22 like we've -- we're like two months ahead on getting this interconnection approved  
23 and I just want to thank and appreciate, MISO had a part in this, which Janet Boles

1 and all the people at Magnolia and Entergy, I want to compliment you three for  
2 getting something done ahead of time instead of two months late, so thank you very  
3 much. I'm real proud of us all working together on that.

4 **CHAIRMAN BOISSIERE:** Okay. Thank you, Commissioner Francis. All right.  
5 At this time, I'd like to ask Commissioner Greene to make an announcement,  
6 please.

7 **COMMISSIONER GREENE:** So I just have two things, the first of which, it's  
8 been on my mind lately. I want to thank Staff for all their hard work, I know y'all  
9 are overworked and underpaid relative to what the government can pay y'all to do.  
10 One of the things that I have in my mind that I want to try to generate is almost like  
11 a dashboard of dockets to see where we are with those timelines. I know that we  
12 have some that have been open since '09, I know there have been thousands of  
13 dockets open since the beginning of the Public Service Commission, but to know,  
14 you know, there's a formula, distance equals rate times time, and for us to get to  
15 that distance, sometimes I don't know what the rate is, how fast are we going on,  
16 in particular the ones I'm thinking of are customer centered options, green tariff,  
17 energy efficiency, the Atmos **Sip**, Dolet Hill. These are important ones that I can't  
18 get my finger on the pulse of where we are, so I'd like an update regularly, whether  
19 that's a visual dashboard, almost like the when you're driving and you see the alerts  
20 on your car, so just to know where we are with those would be super helpful. So  
21 that, and I think -- I spoke with Commissioner Campbell and he's got a letter I'm  
22 going to ask Staff to read in. Just a reminder to all in the room, us included, when  
23 we're making statements about this is the stance of the Public Service Commission,

1 if there was a four-to-one vote, point that out because it's important for the people  
2 we represent to know where we stand on each issue. Kathryn, can you read that?

3 **MS. KATHRYN BOWMAN:** Yes, sir. This is a letter that Commissioner  
4 Campbell wrote to Mr. Phillip May, president of Entergy Louisiana. It's dated June  
5 14, 2022 and it says: Dear, Mr. May. I am writing to you regarding a recent letter  
6 that you sent to your customers explaining the basis for increases in their electric  
7 bills. One reason given for the increased cost is your recovery of storm restoration  
8 costs. Your letter stated that the Louisiana Public Service Commission approved  
9 your plan to securitize those costs earlier this year. While the Commission did  
10 approve your securitization plan, that is not the whole story. As you'll recall, the  
11 vote taken at the February LPSC meeting in Docket U-35991 was a 4-to-1 vote,  
12 with my objections to the approval stated on the record. While I generally support  
13 securitization of storm restoration costs as a means to lower costs to ratepayers, I  
14 voted against your request for two reasons. First, the storm repair was from the  
15 hurricanes that occurred primarily in south Louisiana, but Entergy's plan has  
16 customers in north Louisiana paying for those repairs even though they were not  
17 affected by the storms. My second and stronger objection was that Entergy  
18 shareholders are not sharing in the payment of storm costs. I directed Staff to  
19 investigate alternative methods to allocate storm restoration costs to differing  
20 geographical areas and to investigate whether utility shareholders can be required  
21 to share in restoration costs. Your failure to disclose that there was a dissenting  
22 vote in your notice to customers has left many of my constituents in north Louisiana  
23 confused as many are aware of the concerns I voiced at the February and subsequent

1 meetings. As a result, I have been receiving numerous complaints from my  
2 constituents about the rate increase and my vote. I would like for Entergy to  
3 disclose the vote in a future notice to its customers in north Louisiana and I would  
4 like to discuss with you how best to clear up the confusion your recent notice has  
5 created with my constituents. Please give me a call to discuss at your earliest  
6 convenience. Thank you for your assistance and cooperation in this matter.  
7 Sincerely, Foster Campbell.

8 **CHAIRMAN BOISSIERE:** Okay. Do you want to wrap that up or do you want  
9 me to --

10 **COMMISSIONER GREENE:** No, I think that --

11 **CHAIRMAN BOISSIERE:** Speaks for itself?

12 **COMMISSIONER GREENE:** My two things were the sentiments of his letter  
13 and the dashboard of docket progress.

14 **CHAIRMAN BOISSIERE:** All right. Well, let me wrap that up to some degree,  
15 a slightly different viewpoint. Commissioner Campbell can't be with us today, as  
16 many of you probably know and heard, he suffered an accident while working his  
17 property, his cattle, and he has some injuries that has prevented him from  
18 effectively coming in today, so he took a sick day, if you will. But I've spoken to  
19 him and he's in great spirits and he sounded a little banged up when I talked to him,  
20 but he didn't mind giving us some homework to do on his behalf, so he gave us a  
21 lot of work to do, like read this letter and make his announcements for him. And,  
22 you know, in many ways, I share with Commissioner Greene and Commissioner  
23 Campbell on, you know, some of the information in the letter. I understand where

1 he's coming from. We make a lot of decisions here and we want to make sure that  
2 the message is clear when it's articulated to the public and that the intent is proper,  
3 and I think that's what he'd doing with this letter is clearing it up and I support him  
4 in that and I think it's very important that he makes it clear to his constituents and  
5 the entire state what he stands for and what we stand for here at the Commission.  
6 But, again, I don't have any update on Foster Campbell. Like I said, he's under the  
7 weather, a little banged up. I'm sure, as the information comes out, we'll be more  
8 than happy to share it with you, but I think he's just got to heal a little bit and be  
9 back -- I'm sure he'll be back in the swing soon enough, and I'm glad that  
10 Commissioner Skrmetta remembered at the appropriate time to give us a prayer on  
11 his behalf and I thank him for that. And to let you know that Campbell may not be  
12 here, but I bet he's listening and screaming at something in his room about us right  
13 now. But in addition to that, I had a second announcement I wanted to make and  
14 that is that if anyone noticed, it's pretty hot outside. It's humid and the temperatures  
15 are high and as you know, it's important at the Commission because when days like  
16 today, people use lots and lots of electricity and it's times like this that we have to  
17 cool off and be safe and hydrate, people really crank up their ACs and that's going  
18 to drive up power, that's going to drive up electric bills, and it's also not safe to be  
19 in this kind of heat, people can suffer from heatstroke and other problems, so I ask  
20 everybody to be safe and be careful. For that reason, if you notice, we went with  
21 casual -- a casual meeting today. Somebody asked me, they said, I thought you  
22 were going to be casual today and I said, well, this is casual for me, sort of. I have  
23 a button on my shirt, on my collar, it's all right. But the fact is that, in all

1 seriousness, the Commission and even the legislature has prepared for days like  
2 today. As a matter of fact, and I notified just by verbally, the utility -- the electric  
3 utility companies today, on days where the National Weather Service has defined  
4 an extreme weather by heat advisory determined by the National Weather Service,  
5 those are days that the utility companies cannot disconnect electric power, and  
6 that's the gist of what I wanted to share in this forum is that, for not only for the  
7 companies here, but for the people and the constituents and the customers out there,  
8 there will be no disconnections on days with extreme weather and heat advisory, as  
9 determined by the National Weather Service and for as long as those weather  
10 conditions persist. Now, we only expect them to be a few days, so don't think you  
11 get all summer. But it's important to say that to people as the extreme weather  
12 happens. It doesn't happen every year and it doesn't happen very often, but when  
13 it does, I know it's important to let the people know that we're here working for  
14 them. It's really for public safety that this happens, more than anything else. It  
15 doesn't mean you get free electricity, it just means that there will be no  
16 disconnections during this period of time, and I just wanted to make that clear. All  
17 right. Other than that, I'll move on to the next announcement by Commissioner  
18 Skrmetta.

19 **COMMISSIONER SKRMETTA:** Okay. Thank you. And, you know, at last  
20 month's meeting, I did not make any comment, we were already two and a half  
21 hours into it and I thought it best just to wait until this month. I'm going to take a  
22 few minutes to make my comment on the issue, so these are my comments, and so  
23 there'll be no confusion about that. During the May Business and Executive

1 Session of the Louisiana Public Service Commission meeting, the public was  
2 treated to, what I believe, an unnecessary demonstration of leftist rhetoric clearly  
3 designed to ridicule the leadership of an investor owned utility. In what was  
4 promised to the Commissioners in advance to be a polite dialogue started,  
5 continued, and ended in just being a political attack. It was drenched in hyperbole  
6 and vaulted content completely outside the law and the rules that govern how this  
7 Commission functions in regulatory authority over utilities in Louisiana. Now, the  
8 Commission has a duty to the public to ensure that companies under its regulation  
9 are able to access financial capital for the public good and that money can be used  
10 for many things, including new construction, repairs, or restoration of services  
11 following a disaster. And part of ensuring the ability of locating money to be spent  
12 in this state is to demonstrate to investors and the market that Louisiana will support  
13 companies borrowing money and know that this money will be paid back to  
14 investors. It is the basis of capitalism. And for that support -- but for that, if that  
15 support does not exist, we risk limited interest in investment in companies in  
16 Louisiana, and even if there is investment, it will come at higher interest rates  
17 because of doubt created in the mind of the investment community over reckless  
18 rhetoric from headline seeking that obfuscates standards from the Louisiana Public  
19 Service Commission that establishes to make sure that debts are paid. Now, the  
20 electrical system of the United States is clearly the greatest infrastructure in the  
21 world, but the electrification of the United States came at a struggle, and most of  
22 the United States had no electricity from utilities in the 1920s and systems as we  
23 know today only really took off due to the concept provided Mr. Samuel Insull.

1 Now, Mr. Insull was a young executive with Commonwealth Edison and he saw a  
2 way to expand electrification out of the city of Chicago and what resulted from his  
3 plan became known as the regulatory compact. Now, the regulatory compact took  
4 the growth of electricity outside of government owned facilities in a limited fashion  
5 and into the private world, expanding the possibilities for our society. Allowing  
6 for expansion, it allowed for for-profit electric utilities to be given monopolies to  
7 provide electricity in specific locations in exchange for being regulated by  
8 governmental authority. And this became the dominant form of providing electric  
9 service in the United States by the early part of the 20<sup>th</sup> century and is still with us  
10 today. But in return for our government, granting exclusive service territories, and  
11 setting rates in a manner that provides an opportunity for a reasonable return on  
12 investment, investment owned public utilities are obligated to adhere to all  
13 regulations set by commissions like this one. Now, the utility must serve all  
14 customers within the territory granted. We set rates to protect those consumers  
15 while still giving the utility the opportunity to earn a fair rate of return on  
16 shareholder investment. That's the system and that's the American way. Mr. A. J.  
17 G. Priest, who is a early author of the principles of public utility regulation put it  
18 best, in my opinion. He said, perhaps the most vital problem of expanding utilities  
19 is the search for new capital. Outside money must be had if a utility is to measure  
20 up to the responsibilities properly imposed by regulation. But it can only be had if  
21 effective management and reasonable rates of return provide the earnings investors  
22 legitimately anticipate. Capital cannot be conscripted. Now, the Louisiana Public  
23 Service Commission falls squarely under the success of working within regulatory

1 compact doctrine. It has served the public well, providing expansive connections  
2 to the grid and to the public. And but for rising fuel prices, Louisiana still enjoys  
3 some of the lowest rates in the nation. Now, we as Commissioners have a  
4 responsibility to maintain a system that allows companies to access capital at  
5 reasonable rates that keeps us competitive with all of the states around us in our  
6 region. The one thing we cannot do is to achieve that goal by making it arbitrary  
7 and capricious statements that may rock the Richter scale of the financial  
8 community. Now, baseless statements were made about an investor owned when  
9 one of our own unjustifiably suggested that the company that we had already -- that  
10 had already borrowed from the market and spent billions of dollars from investors  
11 acted arbitrarily and with no explanation therewith, then sought recovery. The fact  
12 is, the company spent exactly what was necessary to fix the electric system for the  
13 citizens of Louisiana, and I would happily point out they repaired the system in  
14 record time, benefitting our people and our economy. Now, the investor owned  
15 utility performed all of its obligations owed under the regulatory compact, in both  
16 state and federal U.S. Supreme Court law entitles the company to recover what it  
17 spent. Now, I mention the Louisiana Supreme Court, it has ruled on these issues in  
18 previous decisions, and significant cases. One from 1987 is Central Louisiana  
19 Electric Company versus Louisiana Public Service Commission, and the other,  
20 Entergy Gulf States versus the Louisiana Public Service Commission in 1999, and  
21 both standing for the rule of law that utilities may recoup their revenue requirement.  
22 The common theme is that utility -- the utility shall be able to recover sufficient  
23 revenues to meet its operating expenses, providing shareholders with a reasonable

1 rate of return and attract new capital. Now, if we look beyond our own state  
2 Supreme Court, we can consider the Supreme Court of the United States and its  
3 positions on these issues, there are two seminal cases to consider. Bluefield Works  
4 and Improvements Company versus Public Service Commission in 1923 and  
5 Federal Power Commission versus Hope Natural Gas Company, 1944. Now, the  
6 Bluefield case stands for the proposition that rates must be sufficient to yield a  
7 reasonable return on the value of property used to provide the utility service. And  
8 Hope Natural Gas establishes that utility rates must be just and reasonable and that  
9 they must be sufficient to assure confidence in and the financial security of the  
10 utility, sufficient to allow the company to maintain its credit and attract capital,  
11 sufficient to allow equity investors and holders a reasonable return on their  
12 investment. Now, what may have started out as a position of animosity of territorial  
13 dispute of participation in the payment of damages to the system, over time, clearly  
14 came into play showing that there are damages to our state system that come from  
15 hurricanes, ice storms, and other elements of force majeure. Now, every member  
16 should know these cases and these histories. And our members also know that our  
17 damages to our state systems really do come from hurricanes, ice storms, and other  
18 force majeure events, not neglect. The solution to maintaining the integrity of the  
19 electric system of this state is not to divide this system into micro participants. That  
20 failure was demonstrated in the Enron debacle in Texas. It's also been  
21 demonstrated to some degree in the unregulated portion of Texas during the  
22 extreme winter storm event, when consumer rates soared as high as \$9,000 a  
23 megawatt hour. Now, properly regulated systems that work together and share the

1 necessary elements and costs to keep the system up to standard will always out  
2 perform any that suffer division. Now, what was billed to me as a polite discussion  
3 to come with these utilities about genuine issues of dispute between the  
4 Commission and those we regulate rapidly turned into a farce fueled by partisanship  
5 and ego and temper. Now, solutions to these issues thrust upon the table by some  
6 of the members were, by definition, arbitrary and capricious in that they offered a  
7 decision or action to be taken by our administrative agency that is both willful and  
8 unreasonable and without consideration and in disregard of the facts and without a  
9 determining principle. Now, sadly, we invited company leaders to participate under  
10 a false flag and I seriously doubt we will ever have a genuine opportunity to engage  
11 in a contractive open public dialogue again, and if we do, I'm very certain that those  
12 we regulate will be extremely hesitant to openly participate based upon the  
13 undisciplined actions of a few. Now, those who took an oath know that none of  
14 what was offered can survive judicial review to the benefit of the Commission or  
15 the people we serve. Now, reckless threats of bringing a court challenge, empty  
16 and nothing more than wasteful and cavalier. And I'll remind you that the loser in  
17 such a litigation must pay the costs and -- all the costs of the attempt. Now, it's not  
18 a senseless -- if that's not senseless and unfair burden to heap upon the ratepayers,  
19 I just really don't know what would rise to a more thoughtless act. Now, if there's  
20 a member who seeks to challenge well established U.S. Supreme Court law, then  
21 they should feel free to embark on that endeavor at their own and at their own  
22 expense. Now, our system has operated efficiently for decades and to challenge it  
23 is truly counterproductive. The Supreme Court of the United States has consistently

1 acted to provide balance in these issues, and we must also consider what type of  
2 result comes from this type of rhetoric. Now, imagine a utility that is damaged  
3 from some action and knowing that it cannot recover the costs of repair from the  
4 Commission, it would face a decision. Would it make the repair? Could it find the  
5 money form the market to make such a repair with the market knowing it may never  
6 get its money back? Does it effectively cause the system to crumble? It doesn't  
7 take an actual playing with fire to know the result of what happens when you put  
8 your hand in that open flame. Now, it's one thing for the members to do such things  
9 just for themselves, but they have an obligation to the public. And to balance the  
10 interests between the companies that we regulate and the public who utilize the  
11 services. We allow fair rates of returns and we ensure that the public is protected  
12 from unscrupulous practices. We are elected to balance interests, we are elected to  
13 allow fair rates of return, we are elected to protect the public from unscrupulous  
14 practices, we are elected to study facts, know when to apply rules, think and act in  
15 good faith, and I will do so and I hope my fellow members will follow suit. Thank  
16 you very much.

17 **CHAIRMAN BOISSIERE:** Commissioner Greene.

18 **COMMISSIONER GREENE:** Very thoughtful comments, Commissioner  
19 Skrmetta. I would like to point out pursuant to Commissioner Foster's letter as  
20 well, and this may be the case for me at some point in the future as well, but those  
21 thoughtful words are opinion of Commissioner Skrmetta and not necessarily the  
22 Commission.

23 **COMMISSIONER SKRMETTA:** [INAUDIBLE]

1    **COMMISSIONER GREENE:** I do think -- yeah -- that the importance for, in my  
2    mind, for us to do here is keep the customer in mind and have vigorous and open  
3    conversations about best way forward, so. I want to thank all involved in those  
4    conversations, but it's okay that those can be fierce at times because we know we're  
5    all pointing in the same direction. Thank you.

6    **CHAIRMAN BOISSIERE:** Thank you, Commissioner Greene. I want to make  
7    a comment as well. Commissioner Skrmetta, I really wish you had said a lot of that  
8    last month.

9    **COMMISSIONER SKRMETTA:** Well, two and a half hours into it, I thought it  
10   was too much --

11   **CHAIRMAN BOISSIERE:** But it was the appropriate time and place. And now  
12   that, you know, some of the parties are no longer here and -- I mean, there's  
13   representatives from Entergy here and Commissioner Campbell, of course, is  
14   probably one of the people you were speaking of, mostly, he's not here. We'll get  
15   a chance to answer. Even though we took a lot of time, it would have taken more  
16   time. It extended our -- it would have extended our meeting last month. I think  
17   this is going to extend it even more because now, of course, whenever Campbell  
18   come back, I'm sure he's going to want to answer you. So that will be another 30  
19   minutes or whatever, so. Anyway, my point is clear, but I want -- I -- first of all,  
20   let me say something. I appreciate the message. I, you know, it took a while. My  
21   next message was going to be we're going to run a really quick and short meeting  
22   today. I think we've already begun to slow it down a little bit. But one thing I want  
23   to say is that I think -- honestly, I want to thank Commissioner Skrmetta for at least

1 speaking up. I do appreciate his comments, and everyone here has a opinion -- the  
2 right to say what they want to say to represent their districts, to make their own  
3 comments and statements. I thought it was a bit wordy and long, but -- and it was  
4 a great history lesson in many parts. But I do take exception to some of it, which  
5 had more opinion than history involved, in fact. And to be perfectly clear, some of  
6 the things that you mentioned were parts where you mentioned that it was just  
7 merely political theater -- merely political -- sorry -- merely political theater or  
8 grandstanding in some degrees. And I paraphrase you for that, if you don't mind.  
9 So I disagree with those parts of it, and I beg to differ. We, at the Commission --  
10 the Commissioners here, we work for the people and the businesses of our state.  
11 We worked very hard to run a very productive meeting last month, one, I think that  
12 had order instead of shouting, one that had reasonable questions under the rare  
13 opportunity to have the CEO of Entergy, Mr. Leo Denault sit here. Unfortunately,  
14 he's not here to rebut anything that gets said today as we are speaking about it again.  
15 He's probably going to make the news again. But while he was here,  
16 Commissioners shared constituent concerns, constituent concerns, questions that  
17 we received in our district offices. We all had the opportunity to speak, including  
18 Commissioner Skrmetta last month, who chose not to, of course, for his own  
19 reasons as he expressed. But we all had the opportunity, and I encouraged every  
20 Commissioner to take the rare opportunity to speak to Mr. Denault who is CEO of  
21 the largest electric company in our state. It is a rare opportunity because it's been  
22 over, probably, 15 years since the last CEO of Entergy was here before us to answer  
23 questions, to hear constituent concerns, all the while making billions of dollars in

1 profits. So reasonable returns, they get it and we pay it. All of the money that was  
2 discussed here so far is paid for by ratepayers, so we have the right to ask questions.  
3 We don't know who likes them and who doesn't like them, but I consider them  
4 reasonable and fair and I thought we conducted a very orderly meeting. And I think  
5 those questions, whether they seem heated or not, comes from frustrations.  
6 Frustrations because it's been a long time since we had a CEO of Entergy before  
7 us. So we have a lot of things we wanted to ask. We also had frustrations, and I  
8 hope it didn't seem like political theater at the time, as expressed, but we get calls  
9 on rising energy costs every day in our offices. We have the right to ask questions.  
10 We get questions about rising natural gas prices every day. And just recently, we  
11 were putting on the bills, and what really was driving this, one of the largest  
12 amounts of storm recovery and repair damage that the public is going to have to  
13 pay. I think, nonetheless, the Commissioners nonetheless, had the duty to ask  
14 certain questions and Entergy has a right to ask -- I mean to answer. And I think  
15 that's what we ran last time. It was a fair round of questions, and we gave Entergy,  
16 Mr. Denault, ample time and space to answer his questions and make any  
17 statements that he wanted. I thought it was a very good run meeting. So I only take  
18 exceptions to the part that it was just your opinion that it wasn't, that it was just  
19 political because I didn't see it that way. In addition to that, folks who didn't want  
20 to raise very heated questions towards Mr. Denault, which I respect, asked policy  
21 questions like myself. I specifically asked things about renewable energy and the  
22 growth of solar. I didn't think that was political theater. That's something we need  
23 and I was glad to ask that because I got commitments from Entergy right sitting

1 here in this chair on the record that they are building as much as they can, things  
2 that I and my constituents have been asking for for years, which is more solar and  
3 more renewable costs and the diversification of the fuel mix. I had very right to  
4 ask that and every right for Mr. Denault to answer. And as well, any other opinions  
5 that wanted to rise up and ask, I was welcome to take any questions or to talk about  
6 it. And other Commissioners asked questions of reliability. And I'm not going to  
7 relive the meeting, but I thought overall, let's not forget the business that we did  
8 for those two hours. Let us not forget the people we spoke for during that time is  
9 our constituents. And that's what I saw, but there's five of us, so we may see things  
10 slightly differently from time to time. But I respect your opinion. I just think that  
11 -- I don't want to get lost the business and the work that we did here last month and  
12 be packaged as something less or different than it really was. Thank you. Any  
13 more announcements? [NONE HEARD] All right. Let's get started.

14 **MS. BOWMAN:** Moving on to Exhibit Number 2, which is Docket Number T-  
15 36219. It's the LPSC versus Fast Affordable College Student Movers regarding an  
16 alleged violation of General Order dated July 12, 2013 for failure to provide a  
17 written estimate prior to conducting moving services and General Order dated July  
18 1, 2021 as amended by exceeding rates as outlined in the company's tariff dated  
19 June 27, 2013, while operating under Common Carrier Certificate Number 7823  
20 allegedly having occurred on or about October 18, 2021 through October 20, 2021.  
21 It's a discussion and possible vote pursuant to Rule 57 on an affidavit and  
22 stipulation executed by the carrier. So this will need two votes. In response to a  
23 consumer complaint submitted to the Commission, Staff opened an investigation

1 regarding moving services performed by Fast Affordable on or about October 18th  
2 through October 20, 2021. As a result of the investigation, Staff issued a citation  
3 to Fast Affordable alleging that the carrier violated General Order dated July 12,  
4 2013 and General Order dated July 1, 2021 while operating under Common Carrier  
5 Certificate Number 7823. In response to the citation, the president of Fast  
6 Affordable signed an affidavit and stipulation admitting and agreeing to plead  
7 guilty to all violations within the citation. In the affidavit and stipulation, the  
8 company also agreed to the imposition of a \$7,000 fine with \$3,500 of the fine  
9 suspended based on certain conditions contained in the stipulation summarized as:  
10 Fast and Affordable not be found guilty, entering a plea of guilty, or entering a plea  
11 of no contest to any of the rules and regulations of the Commission relative to  
12 household good movers for a period of one year, payment of the fine and a \$25  
13 citation fee by June 1<sup>st</sup> and agreed to refunds of the excess charges to the  
14 complainant before May 26, 2022. And the carrier agreed to all of that. Therefore,  
15 Staff recommends that: 1) The Commission exercise its original and primary  
16 jurisdiction under Rule 57 to consider the affidavit and stipulation; and 2) Accept  
17 the affidavit and stipulation executed on May 27, 2022 for fines and fees totaling  
18 \$3,025.

19 **COMMISSIONER FRANCIS:** [INAUDIBLE].

20 **COMMISSIONER GREENE:** Second.

21 **CHAIRMAN BOISSIERE:** Moved by Commissioner Francis, second by  
22 Commissioner Skrmetta to take the issue under Rule 57. Do we have a motion?  
23 Commissioner Francis --

1 **MS. BOWMAN:** To clarify, I think it was Commissioner Greene.

2 **CHAIRMAN BOISSIERE:** Oh, did he -- oh, I'm sorry. I apologize. Stand  
3 corrected. Seconded by Commissioner Greene. Thank you.

4 **COMMISSIONER FRANCIS:** Move to accept Staff recommendation.

5 **CHAIRMAN BOISSIERE:** Moved by Commissioner Francis to accept Staff  
6 recommendation.

7 **COMMISSIONER GREENE:** Second.

8 **CHAIRMAN BOISSIERE:** Second by Commissioner Greene. Thank you.

9 **MS. BOWMAN:** Exhibit Number 3 is Docket Number is T-36270. It's the  
10 Commission versus Ian Nelson dba Ian's Auto Body and Towing regarding an  
11 alleged violation of Louisiana Revised Statutes for Title 45:1177 for failure to pay  
12 the state a fee for the years 2015, '16, '17, '18, '19, and '20 for the inspection,  
13 control, and supervision of its business services and rates authorized in Common  
14 Carrier Certificate Number 7783. It's a discussion and possible vote on ALJ  
15 recommendation. Based on Staff investigation, the Commission Staff requested  
16 that the carrier be ordered to amend its inspection and supervision fee forms for the  
17 years, 2015, '17, '18, '19, and '20; that the carrier be ordered to submit additional,  
18 appropriate payments to the Louisiana Department of Revenue within 60 days of  
19 the issuance of the order in this proceeding; and that the carrier submit proof of said  
20 payments to the Commission within 10 days of making those payments. Lastly,  
21 the Commission Staff requested that the carrier be assessed a \$500 fine pursuant to  
22 the Commission's General Order dated November 22, 2011, and that the carrier be  
23 assessed a \$25 citation fee pursuant to the Commission's General Order dated June

1 7, 2006. In support of its case, the Commission Staff presented the testimonies of  
2 Transportation Administrator Tammy Burl and Audit Director Robin Pendergrass.  
3 According to Ms. Pendergrass' testimony, the Commission's Auditing Division  
4 conducted an audit of the carrier between 2016 and 2022, and that audit revealed  
5 that for the years, '15, '17, '18, '19, and '20, the carrier's total regulated revenues  
6 as reported in its inspection and supervision fee filings with the Department of  
7 Revenue did not match its total regulated revenues as reported in its annual reports.  
8 Ms. Pendergrass prepared an audit memorandum for Ms. Burl, and Ms. Burl  
9 confirmed that the carrier's reported revenues were not consistent for the  
10 aforementioned years. A hearing was conducted on May 5, 2022, where the carrier  
11 failed to appear at the hearing and present a defense. The administrative law judge  
12 concluded that the carrier reported revenues for the years '15, '17, '18, '19, and '20  
13 did not match the revenues reported to the Louisiana Department of Revenue.  
14 Louisiana Revised Statute 45:1177 requires that each Commission-regulated motor  
15 carrier pay to the state, through the Louisiana Department of Revenue, a fee for the  
16 inspection, control, and supervision of the carrier's business services and rates. Per  
17 Revised Statute 45:1179, this fee is calculated using the revenues reported in the  
18 carrier's annual report. However, in computing its inspection and supervision fees,  
19 it appears that the carrier used the revenues reported to the Department of Revenue.  
20 As there is a discrepancy between the amount reported to the Department of  
21 Revenue and the amount reported to the annual reports, the carrier did not pay a  
22 properly calculated fee to the state for the years '15, '17, '18, '19, and '20.  
23 Accordingly, the administrative law judge concluded that the carrier is guilty of

1 violating Louisiana Revised Statute 45:1177. Based on the evidence and testimony  
2 presented at the hearing, the administrative law judge recommends that: 1) Ian  
3 Nelson DBA Ian's Auto Body and Towing be found guilty of violating Louisiana  
4 Revised Statute 45:1177 by failing to pay the properly calculated inspection and  
5 supervision fees to the state for the years '15, '17, '18, '19, and '20; 2) That Ian  
6 Nelson DBA Ian's Auto Body and Towing be required to ascertain the correct gross  
7 revenues for the years '15, '17, '18, '19, and '20, report the correct gross receipts  
8 for the years '15, '17, '18, '19, and '20 and amend any associated filings within 60  
9 days of the date of the issuance of this order; that Ian Nelson DBA Ian's Auto Body  
10 and Towing be required to provide proof to the Commission that it reported the  
11 correct gross receipts and amended any associated filings within 10 days of such  
12 corrections; that a fine of \$500 be imposed upon Ian Nelson DBA Ian's Auto Body  
13 and Towing for failure to pay the appropriate inspection and supervision fees for  
14 the years '15, '17, '18, '19, and '20, and that this amount must be paid to the  
15 Commission, in certified funds, within 60 days of the date of issuance of this order;  
16 and 5) That the citation fee of \$25 be imposed upon Ian Nelson DBA Ian's Auto  
17 Body and Towing, and that this amount must be paid to the Commission, in  
18 certified funds, within 60 days of the date of issuance of this order.

19 **CHAIRMAN BOISSIERE:** We have a -- well, first of all, let me let --  
20 Commissioner Francis has a statement to make.

21 **MS. BOWMAN:** Commissioner, his mic, please.

22 **CHAIRMAN BOISSIERE:** Oh, I'm sorry. I thought it was on. Go ahead, Mike.

1 **COMMISSIONER FRANCIS:** A while ago I failed to recognize Transportation  
2 Administration lady, Tammy Burl for her work. Tammy, thank you for what you're  
3 doing. Just -- and again, thank the state police for coming today. And just to let all  
4 of the carriers know that we're going to be working hard to make sure that we take  
5 care of their business and take care of the public. Thank you.

6 **CHAIRMAN BOISSIERE:** Commissioner Greene.

7 **COMMISSIONER GREENE:** Yeah. Can you explain the source of discrepancy  
8 between the reported annual reports and reported Department of Revenue?

9 **MS. TAMMY BURL:** Yes. Good morning, Commissioner. Tammy Burl on  
10 behalf of Commission Staff. The carriers file what we call an annual report every  
11 year, which breaks out their regulated revenue, and what we regulate only is the  
12 nonconsensual towing. And so that annual report is the sworn statement that is  
13 used to ensure that the carriers are paying the proper inspection and supervision  
14 fees. So basically, when the auditor is doing their audits, they're looking at the  
15 annual report that's filed compared to what was reported to Revenue to make sure  
16 that what they're reporting to Revenue is the proper amount.

17 **COMMISSIONER GREENE:** And so the fact that they're different tells us  
18 what?

19 **MS. BURL:** That --

20 **COMMISSIONER GREENE:** Are they lying to us about how much they report?  
21 Are they lying to the Department of Revenue?

22 **MS. BURL:** I don't know if they're lying or if they have -- their books are not  
23 being kept properly. Sometimes we will find that their books are not as accurate

1 until the end of the year. And then at the end of the year, when they file their annual  
2 report, that's when we're able to see what their final numbers are. They pay their  
3 inspection and supervision fees quarterly, so at the end of the year, it's kind of a  
4 checks and balance.

5 **COMMISSIONER GREENE:** It just seems like they can play hide and seek with  
6 their accountant, and then only pay a \$3,000 fine, but it's hard to determine which  
7 one -- which number is accurate.

8 **MS. BURL:** We have a way of determining which number is accurate. So what  
9 we do during the course of an audit is we asked for their books so we can see what  
10 was nonconsensual, regulated tows, and that backup proof is actual tow invoices.  
11 So we will obtain those tow invoices when we need to. Unfortunately, in this case,  
12 the carrier did not respond to our request, and therefore, the only thing we had to  
13 go on was their annual report for those years.

14 **SECRETARY FREY:** And Commissioner, just to add to that, we work closely  
15 with Department of Revenue and under the statute, that is to be, to Tammy's point,  
16 the basis for I&S is the annual reports filed with the Commission, so those should  
17 trump whatever's filed with Department of Revenue. But this is a -- rarely, do they  
18 escalate to this level. I mean, we have this happen fairly regular with both motor  
19 carriers and regulated utilities, either through audits we're conducting through  
20 Robin's shop or Department of Revenue or two of us working together. We work  
21 out most of them. This one just never got worked out.

22 **CHAIRMAN BOISSIERE:** If you want me to follow-up -- are you going to  
23 follow-up on that? Tammy, do you believe we got to the right answer eventually?

1 That we overcame any discrepancies and we found the right answers to do our jobs  
2 on this one?

3 **MS. BURL:** Yes, Commissioner. Based on the information that we had in front  
4 of us, I feel like this is the right answer.

5 **CHAIRMAN BOISSIERE:** Okay. And Mr. Secretary, the same? You good?

6 **SECRETARY FREY:** I agree, yes, sir.

7 **CHAIRMAN BOISSIERE:** All right. Good enough. That's good. Good, good.  
8 So we got the work done.

9 **COMMISSIONER FRANCIS:** I got a question, Tammy.

10 **CHAIRMAN BOISSIERE:** Commissioner Francis.

11 **COMMISSIONER FRANCIS:** Tammy, do they have to turn in their tax returns  
12 as proof?

13 **MS. BURL:** They have to turn in their annual report. It's not their actual tax return  
14 that they file with the IRS. It is a recap annual report, which is a sworn statement  
15 to what their revenues were in addition to other information. This is kind of our  
16 checks and balance, like I said, at the end of the year. So during the course of an  
17 audit, whenever Ms. Pendergrass' staff is doing an audit, we request documents  
18 such as their invoices and we even request their tax returns so we can balance those  
19 out to see where the discrepancy was and what should have been paid. So the only  
20 thing we have to go on in this case is the annual report since they didn't respond  
21 with the proper information.

22 **COMMISSIONER FRANCIS:** Thank you.

1 **CHAIRMAN BOISSIERE:** All done, sir? And where are we with this one? Do  
2 we need a -- is this a voting issue?

3 **MS. BOWMAN:** Yes. We need a motion and a second.

4 **COMMISSIONER GREENE:** I motion to take the item up under Rule 57.

5 **MS. BOWMAN:** It's just an ALJ rec.

6 **COMMISSIONER GREENE:** Oh, okay. Motion to accept ALJ  
7 recommendation.

8 **CHAIRMAN BOISSIERE:** Thank you.

9 **COMMISSIONER FRANCIS:** Second.

10 **CHAIRMAN BOISSIERE:** Moved by Commissioner Greene, second by  
11 Commissioner Francis to accept Staff recommendation. Any opposition? [NONE  
12 HEARD] Hearing none, so ordered. Next item, please.

13 **MS. BOWMAN:** Exhibit Number 4 is Docket Number T-36307. It's the  
14 Commission versus Trent Anthony Trucking, LLC. It's alleged violation of  
15 Revised Statute 45:161 through 180.1 by operating intrastate without LPSC  
16 authority to transport waste intrastate on one count occurring December 13, 2021.  
17 It's a discussion and possible vote pursuant to Rule 57 on an affidavit and  
18 stipulation executed by the carrier. So this will need two votes. It's a proposed  
19 settlement between Trent Anthony Trucking and the Commission Staff for the  
20 carrier's violation of the Commission rules and regulations relative to transporting  
21 regulated waste intrastate without authority. As a result of a manifest audit, Staff  
22 issued a citation to Trent Anthony Trucking on March 30, 2022 alleging that the  
23 carrier violated the revised statutes by operating intrastate without Commission

1 authority to transport waste on one count occurring December 13, 2021. In  
2 response to the citation in the violation, the owner of Trent Anthony Trucking  
3 signed an affidavit and stipulation admitting to the violation, and in the affidavit  
4 and stipulation, the carrier agreed to the imposition of a \$2,000 fine with \$1,500  
5 suspended subject to conditions contained in the stipulation, summarized as  
6 follows: That the carrier not be found guilty, enter a plea of guilty, or enter a plea  
7 of no contest of the rules and regulations of the Commission for a period of one  
8 year; that the carrier agree to cease transporting LPSC regulated waste for disposal  
9 intrastate until such time that the company obtains a common carrier certificate  
10 from the Commission; and that he remits a \$500 fine plus \$25 citation fee in  
11 certified funds and submit the executed affidavit and stipulation with payment in  
12 the amount of \$525 by May 20, 2022. Additionally, the carrier and Staff agreed  
13 that the affidavit and stipulation is to be a global settlement of any and all  
14 violations of transporting non-hazardous oilfield waste without a certificate  
15 occurring before April 8, 2022. Therefore, Staff recommends that the  
16 Commission: 1) Exercise its original and primary jurisdiction under Rule 57 to  
17 consider the affidavit and stipulation; and 2) Accept the affidavit and stipulation  
18 executed on May 16, 2022 for fines and fees totaling \$525.

19 **COMMISSIONER FRANCIS:** I move to -- move Exhibit 4 under Rule 57.

20 **COMMISSIONER GREENE:** Second.

21 **CHAIRMAN BOISSIERE:** Moved by Commissioner Francis, second by  
22 Commissioner Greene to take the rule under -- take the item under Rule 57. Any  
23 opposition? [NONE HEARD] Hearing none. Do I get a motion?

1 **COMMISSIONER FRANCIS:** Move to accept the Staff recommendation.

2 **COMMISSIONER GREENE:** Second.

3 **CHAIRMAN BOISSIERE:** Moved by Commissioner Francis, second by  
4 Commissioner Greene to accept Staff recommendation.

5 **COMMISSIONER FRANCIS:** I'd like to ask Tammy -- Ms. Burl, why do we  
6 suspend \$1,500 of the fine?

7 **MS. BURL:** Commissioner, each of the -- each of these waste violations that we  
8 find in the field through an audit with Office of Conservation, they each have their  
9 own unique circumstances of how that job was performed. And so when a carrier  
10 provides us with individual information, it determines whether we would suspend  
11 more or less, depending on those particular circumstances. And every case is  
12 different on how that job was gained and done without authority.

13 **COMMISSIONER FRANCIS:** So just your judgement on past situations like  
14 this?

15 **MS. BURL:** Yes, sir. We ask them to provide us with certain documentation, such  
16 as invoices where they billed. If it was an owner/operator, did they have to pay  
17 owner/operator, so there's different questions that we ask and depending on the  
18 information we get back, determines how much of the fine to suspend.

19 **COMMISSIONER FRANCIS:** What city was this Trent Anthony domiciled out  
20 of in Louisiana?

21 **MS. BURL:** I believe he is in the northern part of Louisiana, but I am not a hundred  
22 percent positive. I don't have it on me at the time.

23 **COMMISSIONER FRANCIS:** Okay. That's good. Okay. Thank you.

1    **SECRETARY FREY:** And Mr. Chairman, I want to circle back to Commissioner  
2    Greene’s questions on three. I was going to say this but I wanted to make sure I  
3    was accurate.

4    **CHAIRMAN BOISSIERE:** Okay.

5    **SECRETARY FREY:** Robin confirmed it. In addition to the fine they’ll pay us,  
6    when they ultimately get straight, they’re going to also owe penalties and interest  
7    to Department of Revenue. So it’s not just going to be our fine.

8    **MS. BOWMAN:** So Exhibit Number 5 is Docket Number S-36348. It’s Cleco  
9    Power’s application for renewal of Cleco Power’s blanket financing authorization  
10   approved by the Commission in Order Number S-34866. It’s a discussion and  
11   possible vote to retain J. Kennedy and Associates. Cleco Power filed an application  
12   seeking to renew its existing blanket financing authorization, initially approved by  
13   the Commission in Order Number U-28765-A, and renewed in subsequent orders.  
14   Cleco is requesting that the authorization be renewed for an additional four-year  
15   term, effective January of 2023 through December of 2026. J. Kennedy was  
16   retained to assist the Commission in the last two requests for authorization of  
17   Cleco’s blanket financing, and based upon this assistance, Staff anticipates that the  
18   budget necessary to satisfactorily perform the review herein, including any future  
19   debt issuances, would be less than \$50,000. Therefore, Staff solicited J. Kennedy  
20   for an under \$50,000 proposal to assist in Cleco’s review -- excuse me -- to review  
21   of Cleco’s request, as well as any debt issuances throughout the additional four-  
22   year term. Staff is of the opinion that no formal RFP is required given that the  
23   solicitation was less than \$50,000. In response to Staff’s solicitation, J. Kennedy

1 proposes to complete all work required for 48 -- 45,800 in fees and 700 in expenses  
2 for a total budget of \$46,500. Staff recommends that the Commission retain J.  
3 Kennedy and Associates for 45,800 in fees and 700 in expenses for a total budget  
4 not to exceed of 46,500.

5 **CHAIRMAN BOISSIERE:** Gentlemen? I move that -- go ahead.

6 **COMMISSIONER GREENE:** I motion to accept Staff recommendation.

7 **CHAIRMAN BOISSIERE:** Chair seconds it. Moved by Commissioner Greene,  
8 second by the chair. Well, to accept Staff recommendation. Okay. Good enough.

9 **MS. BOWMAN:** Exhibit Number 6 is Docket Number U-36003. It's Utilities,  
10 Inc. of Louisiana's request for extension of formula rate plan with modifications  
11 thereto. It's a discussion and possible vote on an uncontested stipulated settlement.  
12 On May 25, 2021, UIL filed its request for extension of formula rate plan with  
13 modifications seeking authority from the Commission to extend and modify its  
14 formula rate plan. UIL sought to renew its FRP as authorized by Commission Order  
15 Number U-34742 with a modified return on equity bandwidth. UIL also requested  
16 that the extraordinary cost changes section be modified to strike certain provisions  
17 and to reduce the dollar threshold for extraordinary cost changes. Notice of the  
18 application was published in the Commission's Official Bulletin with no  
19 interventions filed. Following discovery on UIL's request, UIL and Commission  
20 Staff reached an agreement and executed an uncontested stipulated settlement  
21 which was filed into the record on May 23, 2022. As there were no disputed issues,  
22 ALJ Guillot issued a report of proceedings and submission of stipulation for  
23 consideration by Commissioners on June 8, 2022. The major terms of the

1 settlement are as follows: The FRP will have a three year term beginning with test  
2 year 2021, with rates being reset in December of '22, November of '23, and  
3 November of '24. The ROE for each test year shall be determined as the net income  
4 for the test year divided by the equity portion of rate base for the test year and the  
5 ROE rate bandwidth shall be the range of values with a lower limit equaled to nine  
6 percent and an upper limit equal to 10 percent and the combined allocations for  
7 water service corporate and corrects an infrastructure corporate service cost and  
8 amortizations are capped at \$2,379,711 in year one; 2.5 million in year two; and  
9 2.6 million in year three. As there are no unresolved issues, Staff recommends that  
10 the Commission accept the uncontested stipulated settlement filed into the record  
11 on May 23, 2022.

12 **COMMISSIONER SKRMETTA:** Move to accept Staff recommendation for the  
13 uncontested stipulated settlement.

14 **CHAIRMAN BOISSIERE:** Moved by Commissioner Skrmetta, second by  
15 Commissioner Greene to accept Staff recommendation. Any opposition? [NONE  
16 HEARD] Hearing none, so ordered. Next item, please.

17 **MS. BOWMAN:** Exhibit Number 7 is Docket Number U-36129. This is  
18 Southwest Louisiana Electric Membership Corporation, supplemental and restated  
19 application for recovery in rates of storm damage costs incurred as a result of  
20 Hurricanes Laura and Delta and for recovery of costs incurred in preparation for  
21 Hurricane Ida. It's a discussion and possible rehearing on acceptance of the  
22 uncontested stipulated settlement pursuant to Rule 43 at the request of Vice  
23 Chairman Francis, so this will need two votes. On August 10, 2021, SLEMCO

1 filed its application for recovery in rates of storm damage costs and notice of the  
2 initial application was published in the Commission's Official Bulletin with no  
3 interventions. On November 5, 2021, SLEMCO filed its Supplemental and  
4 Restated Application for Recovery in Rates of the same storm costs. The  
5 supplemental application was also published in the Commission's Official Bulletin  
6 with no interventions filed. SLEMCO and Staff reached an agreement and executed  
7 an uncontested stipulated settlement, which was filed into the record on April 19,  
8 2022. The settlement authorized SLEMCO to implement a line item charge for 24  
9 months to recover approximately \$8,668,737 in unreimbursed expense and carrying  
10 costs associated with the cooperative's preparation, response, and recovery efforts.  
11 The line item charge would result in an increase of \$2.49 for an average customer.  
12 At the Commission's May 25, 2022 B&E, the Commission voted to accept that  
13 settlement. On May 26, 2022, SLEMCO was notified that FEMA was now  
14 covering 90 percent of the damages for all the disasters, as opposed to the 75 percent  
15 that SLEMCO previously assumed in its application. As a result, the recovery that  
16 SLEMCO is seeking in this docket is reduced from the \$8,668,737 to \$6,046,994,  
17 which would result in an increase of only \$1.73 for an average customer. On June  
18 7, 2022, SLEMCO filed a request into the record asking that this matter be reheard  
19 at the Commission's June 22, 2022 meeting, that the amount authorized for  
20 recovery in unreimbursed expenses and carrying costs be decreased as stated. Staff  
21 recommends that the Commission rehear the acceptance of the uncontested  
22 stipulated settlement previously accepted in this matter pursuant to Rule 43, and  
23 approve the uncontested stipulated settlement with the following amendment: That

1 the amount authorized for recovery in unreimbursed expenses and carrying costs  
2 associated with the cooperative's preparation, response, and recovery efforts be  
3 amended to \$6,046,994, and that all other terms and conditions in the settlement  
4 remain in effect. And I do have a motion by Vice Chairman Francis.

5 **COMMISSIONER SKRMETTA:** Move --

6 **COMMISSIONER FRANCIS:** You mind reading it for me.

7 **COMMISSIONER SKRMETTA:** Move to bring the matter up under Rule 43  
8 for rehearing.

9 **COMMISSIONER GREENE:** Second.

10 **CHAIRMAN BOISSIERE:** Moved by Commissioner Skrmetta, second by  
11 Commissioner Greene to bring the matter up under Rule 43. Okay.

12 **MS. BOWMAN:** Vice Chairman Francis' motion is: I move that we accept the  
13 uncontested stipulated settlement with the same modifications accepted at the May  
14 B&E, except that the amount authorized for recovery in unreimbursed expenses and  
15 carrying costs for SLEMCO's preparation, response and recovery efforts be  
16 amended to \$6,046,994.

17 **COMMISSIONER GREENE:** Motion to accept Staff's recommendation.

18 **CHAIRMAN BOISSIERE:** Well, before we go forward, okay. We have a motion  
19 by Commissioner Greene but -- I mean, second by Commissioner Greene but I want  
20 to give the mic to -- the floor to Commissioner Francis.

21 **COMMISSIONER FRANCIS:** I'd like to call up the SLEMCO executives here.  
22 I think I saw Tamporello here or some of this crew to come up and give you a  
23 chance to blow your horn for a little savings here we're all proud of. I'm a -- I live

1 in that district that they serve, great part of southwest Louisiana and I'm actually a  
2 SLEMCO customer.

3 **MS. BOWMAN:** And just, for the record, please state your names and sign the  
4 yellow card.

5 **MR. GLENN TAMPORELLO:** Ladies first.

6 **MS. KATHERINE DOMINGUE:** Katherine Domingue. I'm the CFO --

7 **MS. BOWMAN:** Katherine, press the button for the green light.

8 **CHAIRMAN BOISSIERE:** Wait, wait, wait.

9 **MS. DOMINGUE:** Yes. Sorry. Katherine Domingue, the CFO and assistant  
10 manager of SLEMCO.

11 **MR. CHRIS PIASECKI:** Chris Piasecki on general counsel for SLEMCO.

12 **MR. TAMPORELLO:** Glenn Tamporello, CEO of SLEMCO. Good morning.

13 **COMMISSIONER FRANCIS:** Good morning. Mr. Tamporello, how many  
14 customers -- how many meters do you have at SLEMCO that you serve?

15 **MR. TAMPORELLO:** Approximately 113,000.

16 **COMMISSIONER FRANCIS:** You're one of ten co-ops in Louisiana; is that  
17 right?

18 **MR. TAMPORELLO:** Yes, sir.

19 **COMMISSIONER FRANCIS:** And what's your size compared to the other co-  
20 ops? Are you the largest?

21 **MR. TAMPORELLO:** We have the largest demand, which, you know, and  
22 customers, probably the largest by a few hundred and maybe a thousand at most,  
23 but yes, we are the largest.

1 **COMMISSIONER FRANCIS:** So you sell the most electricity of any of the co-  
2 ops in Louisiana?

3 **MR. TAMPORELLO:** Yes, sir, we do.

4 **COMMISSIONER FRANCIS:** Good. And according to what these numbers we  
5 have, we were -- our liability was \$8,668,000 but that was reduced to 6,046,000.  
6 That's \$2.5 million that are actually going to the ratepayers pockets; isn't that  
7 basically true?

8 **MS. DOMINGUE:** That is correct. When we found out that FEMA was going to  
9 pay 90 percent of the Hurricane Delta expenses when previously, when the disaster  
10 declaration was made, it was set at 75 percent, so that adjusted our numbers  
11 significantly, which was good news for our consumers.

12 **COMMISSIONER FRANCIS:** Well, that's great. We all appreciate that. My  
13 question, I'm sure all of our Commissioners like to know, how'd you do that?

14 **COMMISSIONER SKRMETTA:** Mr. Chairman?

15 **CHAIRMAN BOISSIERE:** Yes, sir. Okay. All done?

16 **COMMISSIONER FRANCIS:** I didn't get an answer yet.

17 **COMMISSIONER SKRMETTA:** Yeah. I thought they were done, sorry.

18 **MS. DOMINGUE:** So FEMA -- actually, it was a declaration by President Biden  
19 that all 2020-2021 disasters that were declared across the country would be paid at  
20 90 percent, so Stafford Act is 75 percent, but President --

21 **COMMISSIONER FRANCIS:** Wow.

22 **MS. DOMINGUE:** And back -- that was back in March, and so we received  
23 confirmation of it the day after our May B&E meeting where the original number

1 was approved. So therefore, we had to adjust our numbers and we have  
2 subsequently had received even more money back now from FEMA for Hurricane  
3 Delta since the last B&E so it has been confirmed by our FEMA personnel and our  
4 GOHSEP personnel that the 90 percent will stand for Hurricane Delta instead of 75  
5 percent.

6 **COMMISSIONER FRANCIS:** Well, that's like giving each one those meters a  
7 \$20 bill. That's a pretty good deal. I appreciate that and I don't guess the president  
8 knew that most of your constituents voted for Trump, they didn't know that. Okay.  
9 Well, thank you.

10 **MR. PIASECKI:** We didn't take a poll.

11 **COMMISSIONER FRANCIS:** Thank you. I'm through.

12 **CHAIRMAN BOISSIERE:** But he did it anyway. Commissioner Skrmetta.

13 **COMMISSIONER SKRMETTA:** Yeah. You know, when we're talking about  
14 FEMA issues and Commissioner Boissiere was with me at the SEARUC meeting  
15 and we were treated to the big reveal that, you know, Puerto Rico has received \$12  
16 billion from FEMA and is about to get another \$115 billion from FEMA before the  
17 end of 2024 and if you can get some answers on how FEMA does that, you let me  
18 know because little old Louisiana would like to just get, you know, a couple --

19 **MS. DOMINGUE:** Yes.

20 **COMMISSIONER SKRMETTA:** To offset our issues because we're about  
21 almost the same size population wise, they're little bit smaller than us, not much,  
22 but, you know, we're seeing now a tremendous differences of allocation of capital

1 are taking place under FEMA and HUD and we sure would like some help, so thank  
2 you.

3 **MS. DOMINGUE:** Thank you.

4 **CHAIRMAN BOISSIERE:** Well, again, I want to thank the group from  
5 SLEMCO as well for their hard work and thank FEMA for helping out the people  
6 of Louisiana with that remarkable grant to restore. Once again, here we are dealing  
7 with the storms that affect not only the people and the businesses and the residents  
8 and the lifestyle of Louisiana, but affect the utility companies and co-ops and power  
9 companies and everyone, but it's becoming more and more prevalent and they're  
10 coming more and more frequently so it's part of the challenge here to try to maintain  
11 the lowest rates as possible and seek the most amount of help. And as Chair, I  
12 continue to fight without delegation and I don't know if that helped, but we continue  
13 to fight from here to call the delegation and visit with them over and over again and  
14 ask for more and more help and -- well, in this case, it looks like FEMA has stepped  
15 up and done the right thing by you and by us and so I want to thank you for the hard  
16 work and whatever you did, keep doing it and keep helping the people of Louisiana.  
17 Thank you so much.

18 **COMMISSIONER GREENE:** Good job.

19 **MS. DOMINGUE:** Thank you.

20 **MR. TAMPORELLO:** Thank you.

21 **MS. BOWMAN:** Okay. Exhibit Number 8 is Docket Number U-36338. It's  
22 Entergy Louisiana's application for extension of a Gas Rate Stabilization Plan and  
23 Infrastructure Rider. It's a discussion and possible vote to retain an outside

1 consultant. On April 22, 2022, Entergy filed a request to extend its Gas RSP for an  
2 additional three-year terms, with all materials provisions left unchanged, as well as  
3 extend its infrastructure investment recovery rider for an additional fifteen-year  
4 term with all material provisions left unchanged. Staff issued an RFP seeking the  
5 assistance of an outside consultant and one bid was received. That bid was from  
6 United Professionals Company of \$108,000 in fees and 2,000 in expenses for a total  
7 budget not to exceed of \$110,000. Staff makes no recommendation as the sole  
8 bidder is qualified.

9 **COMMISSIONER SKRMETTA:** Move to accept the bid of United  
10 Professionals as the sole bidder.

11 **COMMISSIONER GREENE:** Second.

12 **CHAIRMAN BOISSIERE:** Moved by Commissioner Skrmetta, second by  
13 Commissioner Greene to hire United Professionals. Any opposition? [NONE  
14 HEARD] Hearing none, so ordered. Next item, please.

15 **MS. BOWMAN:** Exhibit Number 9 is reports, resolutions, discussions and votes  
16 and directives. We actually do not have any items under Exhibit 9 this month,  
17 surprisingly, shockingly.

18 **SECRETARY FREY:** That might be a first.

19 **MS. BOWMAN:** I think it is a first.

20 **COMMISSIONER SKRMETTA:** Things happen.

21 **CHAIRMAN BOISSIERE:** But it's a good thing this month.

22 **COMMISSIONER FRANCIS:** I'll second that.

23 **CHAIRMAN BOISSIERE:** There you go.

1 **MS. BOWMAN:** So we'll move on --

2 **CHAIRMAN BOISSIERE:** Doesn't require a vote?

3 **MS. BOWMAN:** No.

4 **CHAIRMAN BOISSIERE:** Doesn't require a vote, okay.

5 **MS. BOWMAN:** No votes.

6 **CHAIRMAN BOISSIERE:** All right. Well, let's move on then. Next item.

7 **MS. BOWMAN:** Moving on to Exhibit Number 10. This is Docket Number R-

8 35568. It's the Commission's analysis of viability and potential development of

9 rate schedules for inclusion of 5G cellular telephone and broadband equipment onto

10 existing infrastructure of all electric distribution poles. It's a directive to Staff to

11 expand the scope of Docket Number R-35568 at the request of Commissioner

12 Skrmetta. And during its investigation in Docket R-35568, Staff discovered several

13 interrelated pole attachment issues. These issues involve the related use of the

14 NINJA system, strand over lashing impacts, pole wind loading concerns, issues

15 related to unauthorized attachments and a collective impact of these issues on

16 ratepayers. Further, the upcoming significant investment in fiber deployment for

17 broadband and the attachment infrastructure related to this employment has the

18 potential to exacerbate these issues. Therefore, Commissioner Skrmetta directs

19 Staff to expand the scope of Docket R-35568 to include investigating and proposing

20 solutions to these issues including potential modifications to the Commission's

21 General Order dated September 4, 2014 regarding pole attachments.

22 **CHAIRMAN BOISSIERE:** Any opposition, gentlemen? [NONE HEARD]

23 None, move on.

1 **COMMISSIONER FRANCIS:** No.

2 **CHAIRMAN BOISSIERE:** Good job. Next.

3 **MS. BOWMAN:** Exhibit Number 11 is a directive to Staff on scheduling future  
4 business and executive sessions. This is also at the request of Commissioner  
5 Skrmetta. Traditionally, the Commission selects one month each year to not hold  
6 a Business and Executive session with that month historically being August. There  
7 were a few years during Commissioner Holloway's tenure that we met all 12  
8 months. Staff had planned to propose the changing of this off month from August  
9 to July when we issue the draft proposed schedule for 2023 later this year. After  
10 conducting research regarding the rationale behind no August meeting, it was that  
11 it was a good time to schedule vacations as well as agendas were usually lighter  
12 and as well as work around NARUC summer meetings policy summit, which were  
13 also typically held in late July, rather than the mid-July recent trend. And as those  
14 with children and grandchildren are aware, schools used to start much later in  
15 August than they do now. In Staff's opinion, all of these factors would support  
16 having July rather than August as a logical month in which to have no meeting.  
17 And in conversations with Commissioner Skrmetta, he agreed with the move to  
18 July as the off month. This directive is simply to give the word out that the Staff  
19 will be proposing a schedule for 2022 that would make the change from August to  
20 July as the month the Commission does not hold a B&E.

21 **SECRETARY FREY:** 2023.

22 **MS. BOWMAN:** 2020 -- did I say -- sorry, 2023. So Commissioner Skrmetta's  
23 directive is as follows: When scheduling future Business and Executive Sessions

1 starting with the 2023 schedule, I direct Staff to propose no meeting in July instead  
2 of August. Pretty straight forward.

3 **CHAIRMAN BOISSIERE:** Wait a minute, let me, hold on. Read that last line  
4 again.

5 **MS. BOWMAN:** When scheduling future Business and Executive Sessions  
6 starting with the 2023 schedule, I direct Staff to propose no meeting in July instead  
7 of August.

8 **COMMISSIONER SKRMETTA:** Yeah, the reason why, Mr. Chairman, is --  
9 what the Staff stated is in the past, most students were going back at the end of  
10 August or September. They're going back earlier in August and so for the Staff's  
11 benefit, they were asking about this and so I said, instead of us waiting until January  
12 to bring this up as a topic when a lot of people may have pre-planned things that far  
13 out in advance for August to do things, that don't have families or et cetera, that we  
14 should just get our look on this, ahead of the curve and it does make sense for us to  
15 move the off month of the year to July and then we'll have regular meetings in  
16 August and the off month for the calendar would be July.

17 **CHAIRMAN BOISSIERE:** Okay.

18 **MS. BOWMAN:** And it also kind of divides the year up more January to June and  
19 then August to December.

20 **COMMISSIONER SKRMETTA:** And that gives us a split in the year.

21 **MS. BOWMAN:** It's really a split of the year.

22 **CHAIRMAN BOISSIERE:** Sure. I understand those -- all those reasons on the  
23 surface. My only question is very, I guess maybe semantics, that I think Staff

1 should examine it. I know there's been some examination and some -- and it makes  
2 perfect sense but I would like us to make sure that that's the right answer and that  
3 we look at it instead of determining it at this moment, that we look at it when we  
4 create the next schedule with the intent of -- I don't want it to be pre-determined.

5 **SECRETARY FREY:** Right.

6 **CHAIRMAN BOISSIERE:** At this moment.

7 **SECRETARY FREY:** And that's what we're going to do. We're going to look  
8 at what's -- when LaTonya and I work on the schedule, we start, what, usually in  
9 November, I guess, October and November and give y'all a draft. We're looking  
10 at next year where holidays are falling, where SEARUC's falling, where the  
11 summer, winter, and annual policy meetings are falling and then also, elections and  
12 other things and we're working around those, so all those will be considered.

13 **CHAIRMAN BOISSIERE:** Right.

14 **SECRETARY FREY:** And what makes most sense, we'll give you dates based  
15 on that.

16 **CHAIRMAN BOISSIERE:** Sure. Absolutely. And again, I have no problem  
17 with the decision to either go August or July. I just want to make sure the language  
18 is proper and I think you gave proper context throughout the body of the directive.  
19 I just wanted to make sure it wasn't a foregone conclusion that we were at least  
20 giving examination and hear comments. I mean, we want people to give their own  
21 opinions as we move forward before we create a schedule. That's all.

22 **COMMISSIONER SKRMETTA:** And we have to vote on the schedule --

23 **SECRETARY FREY:** Yeah, you'll vote on that.

1 **COMMISSIONER SKRMETTA:** In January.

2 **SECRETARY FREY:** Yeah, you'll vote on that in December.

3 **COMMISSIONER SKRMETTA:** Or December meeting.

4 **SECRETARY FREY:** Or January, yeah, we'll send it out to y'all in November.

5 **CHAIRMAN BOISSIERE:** Absolutely.

6 **SECRETARY FREY:** For comments before we actually propose it.

7 **CHAIRMAN BOISSIERE:** And that's all I mean. Like I think it will be ample

8 time to get feedback and I just didn't want the directive to seem so foregone on a

9 conclusion in advance.

10 **MS. BOWMAN:** Yeah.

11 **COMMISSIONER SKRMETTA:** All right. Well, the important thing is that --

12 **CHAIRMAN BOISSIERE:** Semantics.

13 **COMMISSIONER SKRMETTA:** -- the word is now out that -- and if people --

14 you see, the big thing is is that -- and I know a lot of people in the audience and a

15 lot of people who are listening, it becomes more and more necessary to plan if

16 you're going to plan vacation stuff to plan it this far out, you know. If you got to

17 plan a year in advance, especially if you're going to take advantage of like, hot

18 hotel points and stuff like that, you got to plan stuff out almost a year in advance so

19 -- and when the Staff was already making plans for bringing up the issue of moving

20 it to July, I think it's a good idea for us to all get on, you know, knowledge that

21 that's kind of the move. So that was why. Thank you.

1 **CHAIRMAN BOISSIERE:** I'd like to thank Commissioner Skrmetta for his  
2 finally seeing the light because I remember when I was fighting for a month off, I  
3 couldn't get it but we got it now so that's good. All those reasons --

4 **COMMISSIONER SKRMETTA:** We were fighting one person.

5 **CHAIRMAN BOISSIERE:** I needed three. I needed three and --

6 **COMMISSIONER SKRMETTA:** You can ask the audience.

7 **CHAIRMAN BOISSIERE:** I know. Look, I'm just having fun with it right now.  
8 But before we end the meeting, was that the last --

9 **SECRETARY FREY:** That is the last item.

10 **CHAIRMAN BOISSIERE:** Okay. Commissioner Greene has a comment to  
11 make.

12 **COMMISSIONER GREENE:** I just have one comment that -- upon further  
13 reflection, I wanted to comment earlier on the assertion. I just see it differently that  
14 monopolies are the American way. I think we're a long way from the empirical  
15 analysis that would support that conclusion and in fact, I think we have an empirical  
16 analysis that our entire economy is actually based on the opposite of the idea that a  
17 monopoly is the American way. So while I'm grateful for what they provide, I  
18 think we should be open to robust analysis to see what the best way forward looks  
19 like. Thank you.

20 **CHAIRMAN BOISSIERE:** And to keep in order of requests, Commissioner --  
21 well, first of all, thank you Commissioner Greene. Keep in order of requests,  
22 Commissioner Francis.

1 **COMMISSIONER FRANCIS:** I've got a brief MISO report for you.  
2 Compliments to them, our air conditioner and lights are on today. And as of right  
3 now, MISO is managing electricity, 100,000 megawatts in the MISO footprint,  
4 which we're basically in. And the fuel that's used to generate that electricity, just  
5 for your information, 41 percent coal, 37 percent natural gas, 4 percent wind, 2  
6 percent solar. So for all you buffs who want to put the coal and natural gas people  
7 out of business, get ready for no air conditioning and very little light power, okay.  
8 But we're going to work hard to try to help the wind and solar and get a little  
9 greener, but I sure don't want to discourage our coal and natural gas people. So  
10 thanks to MISO for a great RTO system. You're doing a good job.

11 **CHAIRMAN BOISSIERE:** Thank you, Commissioner Francis. Next,  
12 Commissioner Skrmetta.

13 **COMMISSIONER SKRMETTA:** Yeah. You know, I've heard what  
14 Commissioner Greene has said about monopolies not being the American way, and  
15 technically, he's correct. The problem is is that he's looking at pure monopolies  
16 versus the regulatory compact. And the regulatory compact is not a pure monopoly.  
17 It's a give and take monopoly, you know, these utilities are given territories but the  
18 expansion of that territory is they also agree to give up two things. They are  
19 required to bring service to anybody in that territory. They can't say no, right. And  
20 second thing is they are not like any other monopoly that is unregulated. They give  
21 up their rights to be unregulated or regulated by the agency, in this case, the Public  
22 Service Commission. So that regulatory compact has well served the United States  
23 for over 100 years and what it has caused to do is take the value of government

1 owned utilities that were located inside of cities and bring it outside of the cities, to  
2 the suburbs to the industrial corridors, to the rural communities and it has changed  
3 the dynamics and the economies of this country, but you cannot equate a pure  
4 monopoly to a regulatory compact and that's just my comment. Thank you. And  
5 move to adjourn.

6 **CHAIRMAN BOISSIERE:** Well, there's something before that but thank you.  
7 Did you -- are we ready. Okay, Commissioner Francis. My last comment on it is  
8 thank you, Commissioner Skrmetta. I appreciate that addition. The -- I just wanted  
9 to that -- once again, keep Foster Campbell in your prayers. As you see how fast  
10 this meeting went through, but he'll be back, he'll be back. And keep him in your  
11 prayers. We'll keep people updated. I'm going to call him myself after the meeting  
12 to make sure everything's going well with him. And be careful with the heat out  
13 there. I sincerely mean it. I want to make a reminder, no disconnects during the  
14 extreme weather as determined by the National Weather Service and continue to  
15 work hard for Louisiana. Be safe and good travels. Motion by Commissioner  
16 Skrmetta, second by Commissioner Francis to adjourn. Any opposition? [NONE  
17 HEARD] Oh, last thing, next meeting is where and when?

18 **MS. BOWMAN:** Here, July 27<sup>th</sup>.

19 **CHAIRMAN BOISSIERE:** Great.

20 **SECRETARY FREY:** Glad she knew that.

21 **CHAIRMAN BOISSIERE:** Next meeting -- we're adjourned.

22

23 **(WHEREUPON THE MEETING WAS ADJOURNED)**

24

1 I certify that the forgoing pages 1 through 46 are true and correct to the best  
2 of my knowledge of the Open Session of the Business and Executive Meeting  
3 held on June 22, 2022 in Baton Rouge, Louisiana.

4 \*\*\*\*\*

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