

**TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION BUSINESS
AND EXECUTIVE OPEN SESSION HELD ON MAY 17, 2023 IN BATON ROUGE,
LOUISIANA. PRESENT WERE: CHAIRMAN FOSTER CAMPBELL, VICE
CHAIRMAN MIKE FRANCIS, COMMISSIONER ERIC SKRMETTA,
COMMISSIONER CRAIG GREENE, AND COMMISSIONER DAVANTE LEWIS.**

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1 **TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION**
2 **BUSINESS AND EXECUTIVE OPEN SESSION HELD ON MAY 17, 2023**
3 **IN BATON ROUGE, LOUISIANA. PRESENT WERE: CHAIRMAN**
4 **FOSTER CAMPBELL, VICE CHAIRMAN MIKE FRANCIS,**
5 **COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG**
6 **GREENE, AND COMMISSIONER DAVANTE LEWIS.**

7 **CHAIRMAN FOSTER CAMPBELL:** First of all, I want to apologize. It's my
8 fault, it's 8:25 -- 9:25 and I'm late. Blame it all on me. It won't happen again. It's
9 just something that happened that -- I didn't control -- I'm not going to tell you I
10 couldn't have. I just didn't do a good job. I was meeting with a bunch of lobbyists
11 at Lod Cook, and they were driving me crazy. Okay. That's the truth. I tried to
12 keep them from driving to Shreveport and charging it to the company. They drive
13 to Shreveport, and if they make \$400 a hour, they get 400 going up there up and
14 probably 400 coming back. If I can meet them at Lod Cook, somebody saves some
15 money, so. We going to have to start meeting at Lod Cook at 6:30 in the morning
16 and I'll have time to meet with you guys. Okay. I'm sorry. First of all, we'll have
17 the prayer and then Pledge of Allegiance. Mr. Greene, will you lead us in a prayer,
18 and Mr. Skrmetta, please, do the Pledge.

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

20 **[COMMISSIONER ERIC SKRMETTA LEADS IN THE PLEDGE]**

21 **CHAIRMAN CAMPBELL:** Is there any announcements?

22 **MS. KATHRYN BOWMAN:** Staff has a few, but I'm not sure if the
23 Commissioners have any first.

1 **CHAIRMAN CAMPBELL:** Our meeting next month is early; is that correct?

2 **MS. BOWMAN:** Yes, sir. Our meeting next month is on June 7th.

3 **CHAIRMAN CAMPBELL:** Seventh?

4 **MS. BOWMAN:** Yes. It will coincide --

5 **CHAIRMAN CAMPBELL:** Yeah. That's about a week away.

6 **MS. BOWMAN:** It's about two weeks away. It's going to coincide with SEARUC
7 in New Orleans at The Higgins Hotel, so it's going to be Wednesday, June 7th at
8 The Higgins Hotel. And we do have a few agenda items that are pulled and with -
9 - and will be deferred. The first is I'm pulling Exhibit Number 6 for right now,
10 that's 1803's outside consultant hire. And then we're deferring Exhibits 12 and 13
11 for now. We will hear those in June.

12 **CHAIRMAN CAMPBELL:** Six, what, 12 --

13 **MS. BOWMAN:** Six, 12, and 13 will not be heard today.

14 **CHAIRMAN CAMPBELL:** Okay. Okay. Go ahead. Number 2.

15 **MS. BOWMAN:** So moving on to Exhibit Number 2. It's Docket Number T-
16 36527. This is the Commission versus Elite Service Recovery & Towing regarding
17 some alleged violations of General Order dated February 17, 2022 while operating
18 under Commission authority 6397 for exceeding state prescribed rates allegedly
19 having occurred on or about February 24, 2022 pursuant to Revised Statute 45:161
20 through 180.1. It's a discussion and possible vote on a recommendation of our
21 Administrative Law Judge. On February 24, 2022, a Peterbilt tractor with the
22 attached tank trailer owned by Sindle Trucking overturned on Interstate 10 near
23 Vinton, Louisiana. Elite Service Recovery & Towing was dispatched by State

1 Police and performed towing and recovering services when Elite subcontracted
2 with Environmental Spill Response Team for cleanup of diesel that -- and oil that
3 leaked from the tractor and to pump the remaining diesel from the tractor's saddle
4 tanks. Sindle's insurance manager filed a complaint with the Commission on April
5 26, 2022 regarding the services performed by Elite and its subcontractors and the
6 resulting charges. Elite Invoice Number 73547 contains the total charges billed by
7 Elite in the amount of \$66,831.86. This includes charges from Environmental Spill
8 Response Team Invoice Number 2203 in the amount of \$35,137.50. On September
9 22, 2022, the Commission issued a citation to Elite to appear at a hearing on
10 December 15, 2022. Commission Staff appeared at the hearing and provided
11 evidence in support of its allegations, which Staff sought a Commission order
12 finding: 1) Elite guilty; 2) Ordering Elite to refund \$35,137.50 and submit proof
13 of that refund to the Commission; requiring Elite to pay a \$25 citation fee and
14 \$1,000 fine. Elite appeared at the hearing through counsel, entered a plea of not
15 guilty, and presented its testimony in defense of Commission Staff's allegations,
16 and requested that the matter be dismissed. The Administrative Law Judge issued
17 a recommendation on April 26, 2023. That recommendation concluded that the
18 tow and recovery was nonconsensual and thus is subject to the Commission's tow
19 rates. Additionally, that pursuant to the Towing Order and past Commission orders,
20 the Commission's jurisdiction extends to all rates and charges associated with and
21 resulting from a nonconsensual tow and recovery; and therefore, the charges
22 representing Environmental Spill Response Team's invoices are subject to the
23 Towing Order. The ALJ reviewed the Towing Order and past Commission orders

1 to determine whether any of the charges on the Environmental Spill Response Team
2 invoice were permitted by the Towing Order, and concluded that with the exception
3 of two line-item charges that are expressly permitted by the Towing Order under
4 specified conditions, the charges were not permitted by the Towing Order. The
5 Towing Order expressly precludes additional rates for removal of debris and
6 draining fluids to prevent a vehicle from leaking. Based upon the evidence and
7 testimony presented at the hearing, the ALJ recommended that: 1) Elite Service
8 Recovery & Towing be found guilty of violating the Commission's General Order
9 dated February 17, 2022 for exceeding state prescribed rates; that Elite Service shall
10 be required to refund the sum of \$34,535.50, in certified funds, to Sindle Trucking
11 through its insurance company referencing the claim number and Sindle's
12 complaint at the Commission within 30 days of issuance of an order in this
13 proceeding and proof of the refund should be submitted the Commission's
14 Transportation Division within 10 days of that submission; Elite shall also be fined
15 \$1,000, which shall be paid to the Commission in certified funds within 30 days of
16 the date of issuance of the order. And Elite shall be assessed a \$25 citation fee,
17 which shall be paid to the Commission in certified funds within 30 days of the date
18 of issuance of this order. I do have a motion by Commissioner Skrmetta that I'll -
19 -

20 **COMMISSIONER ERIC SKRMETTA:** Would you read the motion for me?

21 **MS. BOWMAN:** Yes, sir. In accordance with Rule 56 of the practice and
22 procedure of the Commission, I ask that the matter be remanded back to the ALJ
23 for further testimony and review. Neither the driver of the carrier nor the State

1 Trooper involved in the crash testified at the hearing. Also there was only limited
2 testimony concerning the requirements to follow DEQ practices at the crash site.
3 This was an overturned 18-wheeler with substantial leaking of fluid onto the
4 roadway and onto the shoulder. A third-party environmental cleanup company,
5 albeit related, which was not regulated by the PSC, billed the tow company and the
6 tow company placed that bill on its invoice. There is a specific conflict between
7 the directions given to the tow company for removal of debris from the site. State
8 Police operational manual requires removal of all debris from the crash except
9 medical waste, and the PSC order is unclear as to what the accurate definition of
10 debris is. The rules require clarification. We do have one yellow card for a witness
11 as well.

12 **COMMISSIONER SKRMETTA:** Okay. That's my motion, and I ask for a
13 second.

14 **COMMISSIONER CRAIG GREENE:** Second.

15 **MS. BOWMAN:** And if --

16 **CHAIRMAN CAMPBELL:** Hearing no objections --

17 **COMMISSIONER LEWIS:** I'll object.

18 **MS. BOWMAN:** We have a witness card first, Mr. Rhoades with Sindle Trucking
19 is here and would like to speak.

20 **CHAIRMAN CAMPBELL:** Okay.

21 **COMMISSIONER SKRMETTA:** And also I'd ask Mr. Bankston, if he's
22 available, to come and talk on this issue.

23 **MS. BOWMAN:** Is Mr. Rhoades in the audience? Can you come up here, please?

1 **COMMISSIONER SKRMETTA:** And Commissioner -- Chairman, the issue in
2 this matter is -- you can all come up.

3 **MS. BOWMAN:** Yeah.

4 **COMMISSIONER SKRMETTA:** Yeah. The issue is -- there's multiple issues
5 in this case. Primarily, there's a conflict in laws where the Commission regulates
6 nonconsensual towing. The other issue is that DEQ, the State Police handle the
7 directive of cleanup of toxic materials, which the Commission does not recover or
8 regulate. And the conflict is about how this gets collected. And the other problem
9 is is there is a time constraint on reply of the parties to the PSC, and I understand
10 that there is a -- there was a constraint of the allowable time for the parties to come
11 back and reply under the rules. So there's a number of issues that are going to
12 recommend that this goes back to the ALJ for -- and be remanded for further review.
13 And that's really what the issue -- it's a fairly complicated matter. There is
14 legislation out there which sort of treats this in different ways for how we look at
15 cleanup of toxic materials and they treat it in sort of an odd way like maritime
16 salvage, where these companies are required to do it, and then they have a right of
17 action to recover. And it's like it create a lien or it creates a mechanism, but it's
18 not clear under the statute. So there is a law that -- and under either DEQ order or
19 this other element but they have this conflict. And I think that there is a right to
20 recover, but the question becomes is how does the Commission clarify its rules to
21 allow for recovery under this matter. And I think there's confusion, and if nothing
22 else, it's a conflict of law issue. So anyway, that was my reason behind my motion,
23 but I'd like the testimony of the witnesses.

1 **CHAIRMAN CAMPBELL:** Mr. Bankston -- Mr. Bankston is a friend of mine,
2 and I might have to vote against him, but he's a friend of your dad, too. We were
3 in the Senate together. Mr. Bankston, nice seeing you. What can I do for you
4 today?

5 **MR. LARRY BANKSTON:** First --

6 **MS. BOWMAN:** Mr. Bankston, will you please press the button to where the
7 green light turns on and then introduce yourself for the record.

8 **MR. BANKSTON:** Larry Bankston, I'm an attorney. First, let me say I was not
9 the attorney on this original ALJ. I was sought out about this after the opinion. I
10 do believe there is a very significant conflict in directions on how to handle this
11 particular area that is a definitional aspect, which you heard about debris. We
12 believe that further testimony should be elicited in this particular case that would
13 be remanded and have that issue dealt with. If I'd been involved earlier, I think
14 there may have been a little different outcome, but that's patting myself on the back.

15 **CHAIRMAN CAMPBELL:** Okay. You have something to say, sir?

16 **MR. DAN RHOADES:** Does anybody have questions?

17 **MS. BOWMAN:** Introduce yourself for the record, please.

18 **MR. RHOADES:** I'm sorry.

19 **MS. BOWMAN:** Introduce yourself for the record.

20 **MR. RHOADES:** Dan Rhoades, operations manager at Sindle trucking.

21 **CHAIRMAN CAMPBELL:** Mr. Francis.

22 **VICE CHAIRMAN MIKE FRANCIS:** This case was in my area so I've been
23 following it pretty closely with Tammy Burl, head of our -- Tammy, do you have

1 any comments or anything on this? Sound like we're headed to court with a bunch
2 lawyers looks to me like. So do we need to lawyer up? Can you handle it, Tammy?

3 **MS. TAMMY BURL:** I'm going to defer that to our Staff attorney, Ms. Starks, to
4 speak of.

5 **VICE CHAIRMAN FRANCIS:** Okay. Staff attorney, you got any comments?

6 **MS. TANIKA STARKS:** Yes, sir. Tanika Starks on behalf of Staff. At this
7 juncture of the case, Staff maintains its position. I understand the concern regarding
8 DEQ and the concern regarding the timing of the exceptions being filed, but Staff
9 believes this is a simple case. The remedial cleanup isn't allowed in our Towing
10 Order. We define debris. Debris is defined as fluid. Fluid is -- excuse me. In this
11 matter, the cleanup was regarding diesel. Diesel is a fluid. It's not hard to
12 understand that that's precluded in this case, so I'm stating that firmly here. I'm
13 not sure what Mr. Bankston's position is here. This is my first time seeing him,
14 speaking with him and that's -- that's where we are here.

15 **CHAIRMAN CAMPBELL:** Mr. Lewis.

16 **COMMISSIONER DAVANTE LEWIS:** Thank you. And Mr. Bankston, this is
17 the first time I'm hearing about going [INAUDIBLE] so I'm a little perplexed that
18 you're asking this Commission to send it back to the ALJ and you've not talked to
19 me about it.

20 **MR. BANKSTON:** Well, I didn't have an -- I just got recently hired. I mean,
21 within the past week, okay, in reference to this and I was given the transcript and
22 the recommendations, went over them. I do believe there are issues, and there are
23 issues that are going to come up again and again on the environmental side going

1 forward and I think there probably needs some clarification. If you look at the
2 previous orders of the Commission, if you're providing a service that is not
3 normally involved -- and this was a complicated, overturned tractor-trailer that
4 caught on fire. The issue in those particular cases is you're going to continue to
5 have this issue of cleanup and environmental issues that go off the roadway. And
6 simply to say that the definition if you -- you weren't on the Commission when
7 debris was changed, but that was an addition to the order to attempt to clarify. It
8 clarifies in some instances, but then the more complicated towing recoveries, it is
9 much more complicated than just the definitional aspect that we have now. I think
10 it would be beneficial to flesh those out and hopefully get a better idea on the order.

11 **COMMISSIONER LEWIS:** But would you not agree that the best way to do that
12 is fleshing it out in an order and not in a pending case?

13 **MR. BANKSTON:** Well, I think the fact that there's a series of cases coming up
14 going forward --

15 **COMMISSIONER LEWIS:** [INAUDIBLE] perspective. I mean, so I mean I
16 think we should --

17 **MR. BANKSTON:** -- that are going to have that particular issue. But I do believe
18 that some of the information was not presented at that particular time. So I think
19 some better ideas would be fleshed out at an ALJ meeting.

20 **COMMISSIONER LEWIS:** And I appreciate that, but wouldn't that be on the
21 plaintiff -- or excuse me -- on the defendant to have good representation at that
22 point?

23 **MR. BANKSTON:** I agree 100 percent.

1 **COMMISSIONER LEWIS:** And so I mean, I'm a little perplexed that we're
2 asking to reconsider based off of failed legal advice.

3 **MR. BANKSTON:** I wouldn't -- I wouldn't --

4 **COMMISSIONER LEWIS:** I don't think that's a justifiable reconsideration.

5 **MR. BANKSTON:** I wouldn't say that that was the sole aspect of it, no. There
6 were other issues that should have been dealt with that were not.

7 **COMMISSIONER LEWIS:** Okay. I mean, because I read the testimony and I
8 think the order is pretty clear. Again, if we want to talk about changing the order,
9 I think that's a separate conversation than sending this matter back to the ALJ to
10 rehear new evidence that I don't think actually pertains to the findings in the case,
11 but thank you.

12 **MR. BANKSTON:** Thank you.

13 **CHAIRMAN CAMPBELL:** There was a motion and a second. Any objections?

14 **COMMISSIONER LEWIS:** I object.

15 **CHAIRMAN CAMPBELL:** One objection. Call the roll.

16 **MS. BOWMAN:** Commissioner Skrmetta?

17 **COMMISSIONER SKRMETTA:** Yes.

18 **MS. BOWMAN:** Commissioner Greene?

19 **COMMISSIONER GREENE:** Yes.

20 **MS. BOWMAN:** Commissioner Lewis?

21 **COMMISSIONER LEWIS:** No.

22 **MS. BOWMAN:** Commissioner Francis?

23 **VICE CHAIRMAN FRANCIS:** No.

1 **MS. BOWMAN:** Chairman Campbell?

2 **CHAIRMAN CAMPBELL:** Yes.

3 **MS. BOWMAN:** So this matter will be remanded back to the administrative law
4 judge for -- just to clarify on the record, Commissioner Skrmetta, to have additional
5 testimony into the record?

6 **COMMISSIONER SKRMETTA:** Right. Additional testimony and I would
7 direct Staff to look into how we proceed on a rule change on this for how we look
8 at the conflict of laws provision and how we look at interacting with DEQ and State
9 Police on toxic cleanup and how we allocate that for recovery through
10 nonconsensual costs in a rulemaking. So you can come back in either June or
11 August and tell us what you think.

12 **EXECUTIVE SECRETARY BRANDON FREY:** And I'm going to look at
13 Tammy, but I'm fairly certain we do have an open rulemaking right now at looking
14 at potential modifications to the Towing Order so I think we could take -- yeah, we
15 could take it up in part of that rulemaking. To Commissioner Lewis' point as well
16 [INAUDIBLE] ongoing rulemaking.

17 **COMMISSIONER SKRMETTA:** Right. I think we -- let's go ahead and try and
18 find a simple solution to this to a complicated -- only complicated through a variety
19 of legislative provisions. All right. Thank you.

20 **CHAIRMAN CAMPBELL:** Mr. Francis.

21 **VICE CHAIRMAN FRANCIS:** Let me ask Secretary Frey, you feel like we need
22 to get some extra help or expert attorneys to help our folks in this case or you think
23 they're good?

1 **SECRETARY FREY:** I'm looking at Tammy now. I know we've made multiple
2 modifications to this in the past without it. I mean, the industry provides insight.
3 We have State Police typically involved as well, so I think if we brought someone
4 from the outside, it would probably delay it a little bit further. So, you know, I
5 would suggest we go forward with what we got and if it looks like it bogs down,
6 we'll come back to y'all.

7 **VICE CHAIRMAN FRANCIS:** Well, I've spent a good bit of time with Tammy
8 and the -- all of our carriers to -- and with the State Police to try to work, you know,
9 narrow some of these options, so I appreciate each side of the fence here, but just
10 want to make sure Tammy's got all the help she needs to serve us. So thank you.

11 **MS. BOWMAN:** So Exhibit Number -- thank you, gentlemen. That's it; you can
12 go. Exhibit Number 3 is Docket Number T-36679. It's the Commission versus
13 Grade-A Movers LLC regarding an alleged violation of Revised Statute 45:161
14 through 180.1, by engaging in activities related to moving household goods prior
15 to complying with the requirements of Revised Statute 45:164(E) and General
16 Order dated March 16, 2021 and for failure to comply with the requirements of
17 General Order dated April 3, 2008 as amended. It's a discussion and possible vote
18 pursuant to Rule 57 on an affidavit and stipulation executed by the carrier, so this
19 will need two votes. As a result of a complaint submitted to Transportation Staff,
20 a citation was issued to Grade-A Movers on March 2, 2023 based on the
21 aforementioned allegations and violations. In response to the citation, the owner of
22 the company executed an affidavit and stipulation on behalf of the company
23 admitting to violating the violations. In that affidavit and stipulation, the carrier

1 agreed to the imposition of a \$1,000 fine and a \$25 citation fee, with \$500 being
2 suspended contingent on the following conditions: 1) Not being found guilty,
3 entering a plea of guilty, or entering a plea of no contest to any of the rules and
4 regulations of the Commission for a period of one year from the date of the affidavit
5 and stipulation; 2) Filing an application with the Commission and obtaining a
6 certificate of authority to transport household goods no later than June 30th of this
7 year; and cease engaging in activities related to moving household goods until such
8 time as the common carrier certificate is issued to Grade-A Movers. Staff
9 recommends that the Commission: 1) Exercise its original and primary jurisdiction
10 under Rule 57 to consider the affidavit and stipulation; and 2) Accept the affidavit
11 and stipulation executed on April 28, 2023 for fines and fees totaling \$525.

12 **COMMISSIONER GREENE:** Motion to take the item up under Rule 57.

13 **COMMISSIONER SKRMETTA:** Second.

14 **CHAIRMAN CAMPBELL:** There's a motion to take this up under Rule 57 and
15 a second. No objections? [NONE HEARD].

16 **COMMISSIONER GREENE:** Motion to accept Staff recommendation.

17 **COMMISSIONER SKRMETTA:** Second.

18 **CHAIRMAN CAMPBELL:** There's a motion by Mr. Greene, second by Mr.
19 Skrmetta to accept Staff recommendation. If there's no objections, accepted.
20 [NONE HEARD]. Number 4.

21 **MS. BOWMAN:** Exhibit Number 4 is Docket Number U-36019. Its audit of
22 energy efficiency rate rider for Entergy Louisiana for the Energy Efficiency Quick
23 Start Program years ending December 31, 2019 and December 31, 2020. It's a

1 discussion and possible vote on a joint report and draft order. On June 9, 2021, the
2 Commission Staff filed a Notice of Audit initiating the docket pursuant to Section
3 VIII of the Commission's Energy Efficiency Rules. Staff filed its audit report on
4 June 14, 2022, and the audit report was published in the Commission's Official
5 Bulletin for a 25 day intervention period and the Louisiana Energy Users Group
6 intervened. The primary purpose of this audit was to determine: 1) Whether the
7 costs passed through the Entergy Companies' rider was reasonable and prudent;
8 and 2) Whether the costs were appropriate and eligible for recovery through the
9 companies' EE rider. After multiple rounds of discovery, Staff concluded in its
10 audit report that the costs charged through the companies' EE riders were
11 reasonable and prudent, and that the costs were appropriate and eligible for
12 recovery, consistent with the Commission's energy efficiency rules. On May 5,
13 2023, Staff and Entergy filed their joint report and draft order respectfully
14 requesting the Commission issue an order accepting the joint report. LEUG
15 expressed its non-opposition to both the Staff report and the joint report. Therefore,
16 Staff recommends that the Commission accept the joint report and draft order filed
17 into the record on May 5, 2023.

18 **CHAIRMAN CAMPBELL:** Is there a motion?

19 **COMMISSIONER SKRMETTA:** Move to accept the Staff joint report.

20 **CHAIRMAN CAMPBELL:** Mr. Skrmetta moves to accept the Staff
21 recommendation. I second it. No objections? [NONE HEARD] It's accepted.
22 Number 5.

1 **MS. BOWMAN:** Exhibit Number 5 is Docket Number U-36540. This is Parish
2 Water Company's application for adjustment in retail rates, request for interim
3 rates, establishment of a regulatory asset, establishment of an emergency reserve
4 fund, and implementation of a formula rate plan. It's a discussion and possible
5 vote on an uncontested stipulated settlement. On October 10, 2022, Parish Water
6 filed its application with the Commission of the aforementioned request. Notice of
7 the application was published in the Official Bulletin with no interventions filed.
8 Ultimately, the company did not pursue its request for interim rates. Following
9 discovery on Parish's applications, the parties reached an agreement and executed
10 an uncontested stipulated settlement which was filed into the record on April 19,
11 2023. A hearing on the settlement was held on May 2, 2023, with a Report of
12 Proceedings being issued by ALJ Guillot on that same day. The major terms of the
13 settlement are as follows: Parish is authorized to earn an increase in annual
14 revenues in the amount of \$1,378,424. Parish is authorized to recover prudently
15 incurred costs through a formula rate plan, subject to the terms and conditions in
16 that -- in the settlement. The FRP shall be subject to a three-year term, to include
17 test-years ending December 31st of years 2023, 2024, and 2025. The earnings
18 bandwidth for the FRP shall be a range of values with a lower limit of 9 of an ROE
19 and to the upper limit of a 10 ROE. Parish is authorized to establish an emergency
20 reserve fund and to collect a surcharge of approximately \$1.04 per customer for a
21 period not to exceed 12 months. And any use of those funds must be solely for
22 emergency repairs and/or restoration of service efforts after an emergency. As there

1 are no unresolved issues, Staff recommends that the Commission accept the
2 uncontested stipulated settlement filed into the record on April 19, 2023.

3 **CHAIRMAN CAMPBELL:** Is there a motion?

4 **COMMISSIONER GREENE:** Motion to accept Staff recommendation.

5 **CHAIRMAN CAMPBELL:** There's a motion to accept Staff recommendation.

6 I second it. Any objection? [NONE HEARD] Hearing none --

7 **COMMISSIONER LEWIS:** Mr. Chairman, after I have some comments on this
8 one.

9 **CHAIRMAN CAMPBELL:** You want to say something?

10 **COMMISSIONER LEWIS:** Yes, sir.

11 **CHAIRMAN CAMPBELL:** Mr. Lewis.

12 **COMMISSIONER LEWIS:** Yes. Thank you. Mr. --

13 **MS. BOWMAN:** Your --

14 **COMMISSIONER LEWIS:** Am I on? I'm on? Okay. Good. Thank you, Mr.
15 Chairman. I approved the Exhibit 5 with no reservations. However, I do want to
16 raise the question I think we need to start really assessing whether or not formula
17 rate plans is the acceptable tool. I mean, I think this is a very utility friendly, heavy
18 process, and I'm really looking at the return on equity and the cost recovery in
19 general. I mean, I think there's a fair question in this entire process whether or not
20 we should be vigorously contesting that ROE should be lower when you provide
21 this level of risk reduction and automatic cost recovery. And so while I am not
22 going to object on this case about Parish, in general this is a more concern of mine
23 in general about where we are heading with formula rate plans and the paradigm

1 that we are using to assess utility plans because I feel like they actually favor the
2 companies more than our consumers. So I just wanted to put that on the record.
3 Thank you, Mr. Chairman.

4 **CHAIRMAN CAMPBELL:** Thank you, Mr. Lewis. These -- I second this. Rate
5 increases, they just keep popping up though. I talked to them this morning. It's
6 troubling a little bit. You know, it's not much, \$1.73 here, \$1.74, but it's 14 percent
7 increase. And we hear it every day, people are having tough, tough times and we
8 keep raising all the rates. I understand. It just troubles me. It seems like it's just
9 hard to get a hold on this where people are not always wanting to raise the rates,
10 raise the rates, raise the rates, and I guess -- and the excuse is well, all the supplies
11 are going up and so what do we do, you know. But anyway. No objections?
12 [NONE HEARD] It's passed.

13 **MS. BOWMAN:** Exhibit Number 6 is pulled, so we'll move on to Exhibit Number
14 7, which is Docket Number U-36385. This is Southwestern Electric Power
15 Company's application for certification of certain renewable resources and
16 approval of natural gas capacity purchase agreements. It's a discussion and
17 possible vote on a motion for rehearing. This was Exhibit 6 at the April 26th B&E.
18 On May 27, 2022, SWEPCO filed an application seeking certification of a solar
19 facility in Mooringsport, Louisiana, two wind generation facilities, Wagon Wheel
20 in Oklahoma and Diversion in Texas, totaling approximately 999 megawatts of new
21 nameplate generation, and certain natural gas capacity purchase agreements, for
22 capacity planning years 2024 through 2026, to help bridge the gap until the selected
23 facilities are in service. Notice of the application was published in the

1 Commission's Official Bulletin and no interventions were filed. Following
2 discovery on SWEPCO's application, and after the filing of the direct testimony,
3 SWEPCO and Staff reached an agreement and executed an uncontested stipulated
4 settlement, which was filed into the record on March 10, 2023. This matter was
5 considered at the Commission's April 26th B&E and after discussion, on the motion
6 of Commissioner Skrmetta, seconded by Vice Chairman Francis, with
7 Commissioner Greene objecting, the Commission held a roll call vote. Chairman
8 Campbell, Commissioner Greene, Commissioner Lewis, and Commissioner
9 Skrmetta voted in opposition, and Vice Chairman Francis voted in support of the
10 settlement filed into the record, so the motion failed four to one. On May 5, 2023,
11 SWEPCO filed a motion for rehearing. Staff takes no position on SWEPCO's
12 motion for rehearing. However, should the Commission grant the motion for
13 rehearing, Staff recommends that the Commission approve the uncontested
14 stipulated settlement filed into the record on March 10, 2023. So we will need two
15 votes on this. One is a motion to rehear, and then second is the motion on the actual
16 substance.

17 **COMMISSIONER SKRMETTA:** Move to bring the matter up for
18 reconsideration.

19 **SECRETARY FREY:** Rehearing. Just to clarify.

20 **COMMISSIONER SKRMETTA:** Rehearing. Sorry.

21 **SECRETARY FREY:** Rehearing, yeah.

22 **COMMISSIONER GREENE:** Second.

1 **CHAIRMAN CAMPBELL:** Let me say something about this. There's been a lot
2 of discussion about this. SWEPCO is about 90 percent in my area, which is
3 everybody's area. I mean, hell, the state's --

4 **VICE CHAIRMAN FRANCIS:** Amen.

5 **CHAIRMAN CAMPBELL:** -- in everybody's area. It's not my area. It's
6 everybody up here's area. But this is not a fault of this Commission. It's a fault of
7 SWEPCO for not doing what they were told to do. And there's all kind of excuses,
8 this, that, and the other, but they were told that they wanted to get some PPAs. They
9 didn't get it, so this has caused confusion and so what. So what. We're going to
10 get some other bids and people are going to know whatever they're paying is at
11 least -- or I'll know that when I vote for this, it's the least possible price. So Mr. -
12 - I have an amendment or what do y'all call --

13 **SECRETARY FREY:** Sure. You have a motion and let's make sure there's no
14 objection to rehearing it first, but on the first vote.

15 **CHAIRMAN CAMPBELL:** I don't hear --

16 **COMMISSIONER SKRMETTA:** I made a motion and a second by Greene.

17 **SECRETARY FREY:** To rehear it?

18 **COMMISSIONER SKRMETTA:** Right.

19 **CHAIRMAN CAMPBELL:** Oh, okay. Go ahead

20 **SECRETARY FREY:** Okay. And then I have a motion from Commissioner
21 Campbell I'll read out. This would be on the merits. I move the Commission
22 approve the uncontested stipulated settlement term sheet dated March 10, 2023,
23 subject to the following modifications and conditions: 1) That we approve

1 SWEPCO's acquisition of the short-term natural gas capacity PPAs; 2) I further
2 move that consideration of the selected solar facility and wind facilities to either
3 the June B&E meeting or a special meeting to be called in July, if needed; 3)
4 SWEPCO shall consider qualifying unsolicited offers for PPAs to compare to the
5 selected solar facility at either the June B&E meeting -- I'm sorry -- selected solar
6 facility and wind facilities at either the June B&E meeting, if available, or July
7 special meeting to be called, if needed; and finally, the cost cap and minimum
8 production guarantee provisions will be modified, if necessary, depending upon the
9 selection in Paragraph 3. And that's the motion.

10 **CHAIRMAN CAMPBELL:** I know it's a short period of time, but I think they
11 can get some bids and anyway, certainly won't be in June because that's two weeks
12 away or three weeks away. But they have to -- they have a deadline or something
13 the latter part of July and I will call a meeting and for -- a meeting that will give
14 them plenty time to make their deadline. Mr. Gilliam.

15 **MR. BOBBY GILLIAM:** Bobby Gilliam representing SWEPCO. I just wanted
16 to respond. We did talk about this motion and have it prepared, but I think there's
17 a different reading than we understood. We understood that first the wind and the
18 capacity was going to be --

19 **CHAIRMAN CAMPBELL:** I never told you that. I didn't tell you that. I told
20 you -- well, I've talked to you a lot, probably about 20 times.

21 **MR. GILLIAM:** Talked to all of us, you sure have.

1 **CHAIRMAN CAMPBELL:** Yeah. I've talked to you a lot. But anyway, I made
2 the motion; I stick to it, to give them the natural gas part. I'd like to look at the
3 wind, and I'd also like to look at the solar. That's it.

4 **COMMISSIONER LEWIS:** Mr. Chairman, can I ask a question?

5 **COMMISSIONER GREENE:** I second that.

6 **MR. GILLIAM:** All right. I just would note that's not what we understood or
7 agreed to. We'll --

8 **COMMISSIONER LEWIS:** Mr. Gilliam, I mean, there was nothing agreed to
9 me because I -- there -- I'm really frustrated with you and I'm going to be very
10 honest. Because there are things that have been sent to other Commissioners about
11 this hearing, about your settlement, about these stipulations that never came to me.
12 Now, you sent someone to me, but you didn't give me all the documents. And so
13 I am frustrated that you want me to now give you a vote when you don't give me
14 the respect enough, as a Commissioner, to inform me of everything that you're
15 talking about. So I get that you're saying there was something worked between
16 you and Chairman Foster but I -- excuse me -- Chairman Campbell, but I want to
17 put it on the record, you didn't talk to Commissioner Lewis about this. And so I
18 understand you may be frustrated, but I'm equally as frustrated. And I think if
19 we're going to have businesses practices, we're going to follow them. And I just
20 want to make that very clear about how I appreciated this that I have -- I felt very
21 disrespected by SWEPCO in this entire ordeal.

22 **MR. GILLIAM:** Commissioner, I certainly respect that. I do want to say that we
23 were -- we thought we were communicating with everybody. And I saw certain

1 communications we were working through Mr. Blossman on several documents
2 and information to send out, and I think he was communicating and I was copied
3 on stuff, so I was certainly -- that was my understanding. I will be more than glad
4 to talk to you more --

5 **COMMISSIONER LEWIS:** No. Yeah. But there were things you sent to Staff
6 that didn't come to me.

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

8 **COMMISSIONER LEWIS:** There were other comments and other documents
9 that were sent that weren't sent to me. Now, Mr. Blossman did his job. I'm not
10 going to deny that. We have had communications. But there were other items that
11 was not communicated to me.

12 **MR. GILLIAM:** All right. Well, I only know two items, and one of them is filed
13 in the record and sent to the entire record and the other one was sent through Mr.
14 Blossman. So those are the only two I'm aware of, so --

15 **COMMISSIONER LEWIS:** So I --

16 **MR. GILLIAM:** But I'll make, you know, we'll make sure that we absolutely
17 communicate with you. But --

18 **COMMISSIONER LEWIS:** That's fine. Let's go to the merits of your proposal
19 then. And your cost for renewable projects are decent. I won't deny that. And
20 based on a recent industry study on PPAs, the savings, if these were PPAs, would
21 be there but it's not going to be huge, right? So my point is there continues to be a
22 lot of uncertainty and definitely risk and that redoing this will not yield, in my
23 opinion, a lower cost, but I really want to inquire about your cost caps. The same

1 factors affecting IPPs requiring them to renegotiate will affect utility based projects.
2 And so what happens if cost goes way up? Are you saying SWEPCO is going to
3 eat all the costs above \$2 billion at this period, or will you come back later and say
4 the market changed, seeking price increases?

5 **MR. GILLIAM:** No. And that is -- and Mr. Lane was involved in that and his
6 team and Mr. Brice and Mr. Mattison. There is a cost cap negotiated in the term
7 sheet. And at first, the overall project, and that's including all the wind and the
8 solar and the whole package is about \$2.1 billion and some change. However, we
9 have production tax credits of about a billion dollars, so that goes down by 50
10 percent. That's a advantage that you don't get very often, and that is being applied
11 fully for the benefit of ratepayers, so that's where we start. And I can tell you, you
12 can combine the wind and the solar that we proposed and it's 4.3 cents a kilowatt
13 on a levelized basis, 4.3 on a levelized basis. That's without fuel. So it doesn't get
14 much better than that. So it is -- it is important. And what I understood we were
15 going to do is go approve that because we do have time limitations. And let me
16 say, Staff negotiated very, very diligently with us to get all of these guarantees.
17 They have production guarantees, you have cost guarantees, and other guarantees,
18 so that's what is in the stipulated term sheet, those additional protections. So it took
19 a while to get that done, and we had it approved and we presented it to Staff. All
20 we were saying today, and I understood is, we were going to go forward with the
21 wind because we do have people watching us from everywhere, other states and all,
22 and they're asking what's going on because we did have a term sheet and that part
23 of the deal is -- the deal is good. But we say, okay, carve that out and approve that

1 today, we'll come back and address the solar issues. There's questions on that, fine.
2 We'll dig into that as deep as everybody wants, as Commissioner pointed out,
3 Campbell, okay, we want to look at some more comparative PPAs. We've got
4 some comparative PPAs, we've got other data showing price points at how much
5 prices have gone up, we're willing to do that. But it is important to proceed with
6 the wind. You're not going to get any better, in our opinion, with the wind. We've
7 already got the pricing from points where the same facilities, you can see bids.
8 Solar's gone up 27 percent, wind has gone up 13 percent. We're in a short time
9 frame and we need to grab these savings or they're going to be there. They're going
10 up across the board.

11 **COMMISSIONER SKRMETTA:** I got some questions, Mr. Chairman.

12 **CHAIRMAN CAMPBELL:** Yeah.

13 **COMMISSIONER LEWIS:** One more and I'll finish and I'll pass it on to
14 Commissioner Skrmetta.

15 **MR. TOM BRICE:** Can I add to Mr. Gilliam's answer to Commissioner Lewis'
16 question.

17 **CHAIRMAN CAMPBELL:** Mr. Lewis.

18 **MR. BRICE:** Commissioner Lewis, on your question about what happens with
19 the cost, that cap is intended as a protection, so customers will only pay the actual
20 cost. And if it's 20 percent less, that's what they will pay. However, the company
21 takes all the risk above the cap.

1 **COMMISSIONER LEWIS:** And I'm fine with that. I guess my last question for
2 you, and then I'll pass it on to my colleagues, is if you build below the cost cap, are
3 you transparently pass those savings on to customers?

4 **MR. BRICE:** Yes, sir. Absolutely. The settlement agreement requires that once
5 the facilities are in service, we have to show that what was spent was prudent in
6 any rate proceeding, and that's one of the settlement terms that Staff required.

7 **COMMISSIONER LEWIS:** Thank you. And thank you, Commissioner
8 Skrmetta, for letting me finish.

9 **CHAIRMAN CAMPBELL:** Mr. Skrmetta.

10 **COMMISSIONER SKRMETTA:** Yeah. Actually a question for you, the
11 production tax credits you're talking about are pretty much related to the wind
12 component, right? Or is that also on the solar?

13 **MR. BRICE:** It's also on the solar.

14 **COMMISSIONER SKRMETTA:** Okay. Where are we on availability under the
15 code on, like, sort of terminus on availability of production tax credits? Because
16 my understanding is we're at a time when there's going to be a cut off of availability
17 of volume or even availability of production tax credits for renewables.

18 **MR. BRICE:** Yes, sir. So there is a deadline out in time in the future. I don't
19 know that exact date. But to answer your question this way, projects are viewed as
20 more valuable by the developers, so you're certainly not going to be able to extract
21 the full value of the hundred percent PTC level that's afforded for both wind and
22 solar today. This particular project was situated perfectly and from a timing
23 standpoint. We had our contracts locked in, pricing locked in, the IRA was passed,

1 \$400 million of incremental credits were afforded for customers. That's a huge
2 benefit for our customers. You could not extract that value in the market today.
3 There is no way. And essentially another way of looking at it, Commissioner
4 Skrmetta, is yes, the project was is \$2 billion, but the credits are a billion.

5 **COMMISSIONER SKRMETTA:** Right.

6 **MR. BRICE:** You could look at that as almost a 50 percent discount to the
7 purchase price of these assets. This deal is not available after July 24th; you're not
8 going to find it.

9 **COMMISSIONER SKRMETTA:** Right. My other question I had for you is this
10 entire package is -- what's the Louisiana portion of this?

11 **MR. BRICE:** It's about 35 percent roughly, maybe a little bit less than that.

12 **COMMISSIONER SKRMETTA:** So the Louisiana portion of this is somewhere
13 around, what about, \$400 million?

14 **MR. BRICE:** Yes, sir. That's correct.

15 **COMMISSIONER SKRMETTA:** Okay. So you know, I look at this in a couple
16 of ways. First off, when we, you know, Bobby can look back and you can look
17 back on this when we looked at the Wind Catcher project. And we're looking at
18 things we learned in Wind Catcher and the Staff learned in Wind Catcher. We
19 applied some of the things we did on that to how the Staff negotiated with you on
20 this. We, you know, we argued about this in open discussion in Pineville if you
21 might remember, Bobby, about, you know, the performance capacity of wind on
22 where it would be on the percentage of electricity that would be developed by a
23 wind turbine and we established that if you went and couldn't produce enough and

1 there was fuel components that had to do from, you know, traditional base load that
2 that would be borne by SWEPCO to the benefit of the ratepayers. And what the
3 Staff has done is incorporated that, sort of, general methodology in achieving the
4 price gap and protecting the ratepayers in this contract to where looking at that logic
5 and saying that, okay, we know what wind will develop, we know what it will do.
6 We've got this and we will provide guarantees that the ratepayers won't pay --
7 won't be looking to pay extra for the gas component if the wind's not producing or
8 if the solar's not producing. It's already built into this package; right?

9 **MR. GILLIAM:** Correct . Correct.

10 **COMMISSIONER SKRMETTA:** So, you know, for me, I look at this in a couple
11 of ways, which is, you know, you come to the Commission for this and you look
12 for us to approve this for the benefit of a component of about \$400 million, which
13 I look at as a value proposition for the ratepayers of -- effectively for the SWEPCO
14 footprint. And I look at it as you couldn't build a power plant for under a billion
15 three if you were lucky right now, so, right? So I'm looking at what value you get
16 out of the overall element of this, right? So I'm looking at the full construct of
17 value, right? So I'm sitting here going let's say you just decided to fold up your
18 tent, say we're not going to come to the Commission for approval on this, but we're
19 going to do it anyway. We're going to put it, you know, because Arkansas's already
20 said they're going to do, Texas says you're going to do it and you just say we're
21 just going to go throw it into the SPP footprint. You know, we're -- you know, but
22 Louisiana ratepayers are going to have to pay for it anyway whether -- one way or
23 the other through the market and the price of it's going to be even more to the

1 ratepayers if they get it through that way. Because eventually you got to distribute
2 power to the ratepayers. So I look at it, again, as a value proposition to the
3 ratepayers to get in on the base contract versus buying it later on out of a market
4 proposition where they're going to pay more for it. So I look at this as you're on
5 the ground floor with this deal and you got a better value to it. So carving out the
6 gas, look, because I'm all about improving the base load for -- so we've learned
7 that Texas is short on base load, you know, they're looking at, you know, problems
8 over there with how they've allocated what they've done. And so, you know,
9 you're never going to stop me from voting for, you know, a gas plant, a new -- or
10 anything else that we can do to improve the base load for our state. But at the same
11 time, there is a real money value to voting for this plan simply because, you know,
12 everybody's talking about the real numbers on this, but the Louisiana component
13 of it is a real, what I would call, valuable purchase. You know, at \$400 million, it's
14 -- I don't want to say a bargain because it cheapens the cost of money, but with
15 inflation raging at what it is and where we are on this, I do think that this is a good
16 purchase. So I'm like, I think that this is where we need to go. So I'm perfectly
17 content with this, but at the same time, you know, I think that no matter what
18 happens, y'all got to build this and take advantage of this moment. But I do think
19 that, you know, the Chairman needs to reconsider that, you know, there's savings
20 in this for ratepayers, real money savings for the people of northwest Louisiana.
21 And that if we don't do this, there are going to be cost increases for the people of
22 Louisiana. And look, I don't sit around and, you know, get visited by everybody,
23 but I get materials and I read them. And I could tell you this, I know the difference

1 between something that's one price and another price that's 26, 27, 29 percent
2 higher, and I know when it's higher, it costs more. So it's simplicity. So I do think
3 that we're in a position now to take advantage of what was negotiated before we
4 hit the, you know, the rise in costs and we're looking at, you know, how the
5 Inflation Reduction Act has increased the cost of solar, we're looking at how it's
6 going to increase the cost of wind, and how it's affecting overall and then we have
7 other issues with the EPA on how they're going to do carbon dioxide recapture, on
8 how that's going to drive price increases. All of those statements are followed by
9 the word increase. And so we've got a chance now with something that was
10 negotiated a lower value -- a lower cost and providing a higher value. So I think -
11 - I don't want to get lost in accommodating, you know, third party, you know,
12 mysteries and miss the opportunity to provide the ratepayers a real value, and so
13 that's where I am on this. So I've got to, you know, be in a position to where, you
14 know, I don't want to lose the overall program when I think that there's a real value
15 here for you. So that's kind of where I am. Thank you.

16 **MR. BRICE:** Commissioner Skrmetta, if I may, subsumed in your overall
17 comments in my regard is this project, from a generation standpoint, is the least
18 risky generation project you're likely going to see. So if you think about
19 generation, they're all risky, right? They come with risk, the costs could change,
20 and we've capped that. In this scenario, we've capped that, so that cannot change.
21 So the only other element, typically, for a generator is the fuel. If you got a volatile
22 fuel, that creates a lot of risks for customers. There is no fuel. There is no risk to
23 customers with this deal. There's a cap we cannot go over. There are no fuel costs.

1 The average price is 4.3 cent. Our fuel last year was more than that. Our average
2 fuel price was, I think on average, about 4.8 cent. That's for everything, all-in
3 delivered. You will not get a better deal.

4 **CHAIRMAN CAMPBELL:** Tom, I think you protest too much.

5 **MR. BRICE:** Yes, sir.

6 **CHAIRMAN CAMPBELL:** I think you protest too much. If you got a good deal,
7 we're not taking the deal away from you. We're asking you to look a little bit
8 further. So you say you got the deal till July 25th, that's right, right?

9 **MR. BRICE:** That's the notice to proceed date. We have to proceed
10 [INAUDIBLE] --

11 **CHAIRMAN CAMPBELL:** Okay. Well, hey, today is not -- what's today?
12 What's the date of today?

13 **SECRETARY FREY:** May 17th.

14 **CHAIRMAN CAMPBELL:** May 17th. Next month? Next month. We got 60
15 days. I told you that I know you won't be able to do it by June 10th or whatever it
16 is, but I'll call a meeting. But you know, y'all want it right now. Just keep your
17 shirt on, man, everything's going to be okay. And -- but you know, here's the
18 whole problem I got -- not with you or not with Bobby, but this isn't our -- we
19 didn't make this happen. That's the whole thing. It's like the Commission made it
20 happen and you put us in a bind, we want you to act real fast. We'll do it in July.
21 I'll tell you -- hey, Brandon, we're going to have a special meeting in July, work
22 with everybody, see when they can be there. Okay. Way before the 25th. We're

1 not going to do it on the 21st or 22nd, right on the 25th. We'll give you plenty time,
2 but that -- that's it. So I know you want it today. I'm not for it today.

3 **COMMISSIONER SKRMETTA:** Mr. Chairman.

4 **CHAIRMAN CAMPBELL:** I made a motion; it's been second. Now, we need -
5 - is there an objection?

6 **COMMISSIONER SKRMETTA:** Well -- well, yeah, objection. But can we
7 defer the vote until that meeting so we don't piecemeal this? Because the value, I
8 think, is in the actual complete package, and instead of piecemeal -- because what
9 my problem is if you piecemeal this, I think we lose a component what he's talking
10 about, about the fuel value. So you know, you can't take and cherry-pick out of
11 this deal. I think we lose that component. So I'd rather us vote on it in its entirety
12 and not slice and dice and potentially lose valued components of it. So if you want
13 to -- you want to get some, like, look at other things and get the value on other
14 people's, like, bids on solar and wind, that's fine, but my two cents on this is if you
15 want to have a special meeting, you could have it any time, it doesn't have to be at
16 a July -- you could have it in June another time, you could have it, you know,
17 whenever you want. But I don't think cutting this up makes a whole lot of sense if
18 we ought to just take this up or down.

19 **CHAIRMAN CAMPBELL:** Look, that's what they wanted. That's what you
20 wanted. You wanted to take the gas portion out. We're doing that. Okay?

21 **COMMISSIONER SKRMETTA:** Actually, they wanted to take gas and wind
22 out.

23 **MR. GILLIAM:** No. It's always gas and wind.

1 **CHAIRMAN CAMPBELL:** Yeah. Well, we're not doing that. Okay? I got a
2 motion. It's on the table. It's been seconded.

3 **MR. GILLIAM:** Can I say one other thing? I just got to say something to protect
4 the record.

5 **CHAIRMAN CAMPBELL:** Do what?

6 **MR. GILLIAM:** The statement was made about why this happened and all. We're
7 not blaming anybody. We just want to try to get the best project out and we think
8 it's the best I've seen maybe in my lifetime.

9 **CHAIRMAN CAMPBELL:** I didn't understand. What did you say?

10 **MR. GILLIAM:** The project. I'm saying how good we think the project is and
11 the pricing and it's not going to be around again. And I did want to say this: We're
12 -- we had agreed and worked with Staff, we've come back and said y'all want PPAs,
13 solar PPAs? We got data that we had from other locations, but we're ready to do it
14 again now. We've agreed to do that immediately, as fast as we can get it done. So
15 that's underway. So we're -- you're going to have all that to look at on the solar.
16 And the wind is, you know, we told you where the wind is and --

17 **CHAIRMAN CAMPBELL:** Well, Bobby, if you got such a great deal on the
18 wind, it's not going away. You got to -- you tell me you got the wind at the lowest
19 possible price ever, cheaper than anything ever. What are you worried about?

20 **MR. BRICE:** Foster --

21 **MR. GILLIAM:** It does go way. That's the point; it does go away.

22 **CHAIRMAN CAMPBELL:** How does it -- does it go way before July 25th? No.

23 **COMMISSIONER SKRMETTA:** What's the date?

1 **CHAIRMAN CAMPBELL:** I don't want to -- I want to vote on this. I got a
2 motion and a second.

3 **COMMISSIONER SKRMETTA:** Wait. Mr. Chairman, I got a question for you.
4 Actually, it's a question for the Commission.

5 **CHAIRMAN CAMPBELL:** Okay.

6 **COMMISSIONER SKRMETTA:** So my question is -- and Brandon, you might
7 help. So what they're saying is is -- what's your cut date on this?

8 **MR. BRICE:** Need to issue the notice to proceed, I believe it is January 24th.

9 **COMMISSIONER SKRMETTA:** Okay. January --

10 **MR. GILLIAM:** It's July.

11 **MS. BOWMAN:** July.

12 **COMMISSIONER SKRMETTA:** July 24th.

13 **MR. BRICE:** July.

14 **COMMISSIONER SKRMETTA:** July 24th. Okay.

15 **CHAIRMAN CAMPBELL:** There you go, Tom, you had me scared there,
16 January. Hey.

17 **COMMISSIONER SKRMETTA:** Yeah. All right.

18 **MR. BRICE:** Sorry about that.

19 **COMMISSIONER SKRMETTA:** So wait, so July 24th. That's fine. So my
20 question is: There's no compelling reason to vote on just the gas plan if what we
21 want to do is fully -- have full knowledge about PPAs on -- if you want -- Foster,
22 you trying to get a PPA on wind, too, or you just want it on solar?

23 **CHAIRMAN CAMPBELL:** All of it. All of it.

1 **COMMISSIONER SKRMETTA:** Okay. So the question is -- and my question,
2 I guess, also devolves to SWEPCO. When can you legitimately get the requests
3 that Foster wants, Commissioner Campbell wants, when do you think you can get
4 that in by a time certain?

5 **MR. BRICE:** So Commissioner Skrmetta, before answering that question, I think
6 it's important to point out that that July 24th date is the outside date.

7 **COMMISSIONER SKRMETTA:** Yes, I understand.

8 **MR. BRICE:** In our application, we asked for approval by May 24th.

9 **COMMISSIONER SKRMETTA:** Yeah.

10 **MR. BRICE:** And there were important reasons for that. We want to make sure
11 we have a non-appealable order --

12 **COMMISSIONER SKRMETTA:** Right.

13 **MR. BRICE:** -- before we do that. And we've asked that approval date in all three
14 of our jurisdictions.

15 **COMMISSIONER SKRMETTA:** Okay.

16 **MR. BRICE:** I just want to point that out.

17 **COMMISSIONER SKRMETTA:** So May 24th is a date to also keep in mind.
18 But what is the time construct for you to get response back on the PPAs that he
19 wants to know about?

20 **MR. BRICE:** So if we were to follow, just like we did for the RFP for these
21 resources, if we were to follow that same process, the MBM Order, we complied with
22 all of those steps necessary, that's a six to eight month process.

23 **COMMISSIONER SKRMETTA:** Right.

1 **MR. BRICE:** If we just go and -- if the Commission's instructing us to just go to
2 the market and ask a couple bidders to offer a PPA price, I would say that that's
3 maybe a six -- well, four to six week process. How certain those bids would be is
4 yet to be determined.

5 **COMMISSIONER SKRMETTA:** Okay. So are we constricted -- and I guess a
6 question for Staff. Are we constricted on getting a response on those prices limited
7 to the six to eight month process or can we get something done in a shorter time
8 frame that's legitimate to look at? I mean, is it going to be valid if we look at
9 something between now and, say, June?

10 **SECRETARY FREY:** I think the way I would answer that is the MBM process
11 is y'all order. So we've got the unsolicited offer process as well that's an exception
12 to that process. The fundamental thing is anything that comes forward has to be
13 certified under what we call the '83 Order, which has been modified. So if the
14 Commission is dictating a modification of its process and [INAUDIBLE] everyone
15 notice, my opinion would be I think that's acceptable.

16 **COMMISSIONER SKRMETTA:** Yeah. Because what -- I understand what
17 Commissioner Campbell wants. He want to look at these other prices. The problem
18 is we've got to get that in and get it done within a time frame, which also allows
19 SWEPCO to have the opportunity to present and demonstrate that it's either right
20 or wrong. Okay. And so, you know, if it's acceptable to Commissioner Campbell
21 to, you know, set a date to where -- now, we're not limited to having one meeting
22 a month, right?

23 **SECRETARY FREY:** Not at all.

1 **COMMISSIONER SKRMETTA:** Okay. So --

2 **SECRETARY FREY:** In fact, we've had back to back days of meetings before.

3 **COMMISSIONER SKRMETTA:** Right. So what my suggestion is going to be

4 -- Commissioner Campbell, I want you to listen to what I'm saying -- that my

5 suggestion is to set a date that -- you can set a date, if you want to tell us the date

6 you can get this back, and then limit it to whatever date you set to tell us when

7 you're going to provide Commissioner Campbell with the PPAs on the wind and

8 solar, if possible, and within however many days Commissioner Campbell wants

9 to set a special meeting after that and we have a special meeting and defer this

10 matter to that date for a full vote on the full package.

11 **MR. BRICE:** Commissioner Skrmetta, that's a reasonable approach. One --

12 **COMMISSIONER SKRMETTA:** Don't you ever threaten me with that kind of

13 stuff.

14 **MR. BRICE:** No. I didn't say -- one condition that I think's important is to your

15 point that it's an overall package.

16 **COMMISSIONER SKRMETTA:** No, no. That's what I'm saying.

17 **MR. BRICE:** Yes, sir.

18 **COMMISSIONER SKRMETTA:** You know, because what I want to do is defer

19 what we're talking here. I want Commissioner Campbell to get the reports he

20 wants. I wanted to confirm with Staff that we're not limited by the rule that we

21 can't get it -- that we can get it sooner than that six to eight month process, that you

22 can comply with this accelerated process, give the Commissioner what he wants,

23 let them do the comparison in an accelerated process, and put this back before the

1 Commission on a singular agenda item meeting to get you before your time frame
2 you got to make your decision in an effort to try to get you accommodated, get
3 Commissioner Campbell accommodated, whether he wants to axe it or approve it.
4 But to do it with all the real, legitimate information in front of us instead of taking
5 this thing to let it die the death of a thousand cuts. And that's kind of where I am
6 on this. And I think that's a legitimate way to look at this.

7 **CHAIRMAN CAMPBELL:** Is there any further discussion? [NONE HEARD]
8 There's a motion that I made and a second. Let's have a vote. Read out the motion,
9 Mr. Frey.

10 **SECRETARY FREY:** You want me to re-read. I read it -- yeah, okay.

11 **CHAIRMAN CAMPBELL:** Okay. Read it again where everybody understands.

12 **SECRETARY FREY:** Okay. So I move the Commission approve the uncontested
13 stipulated settlement term sheet dated March 10, 2023, subject to the following
14 modifications and conditions: 1) That we approve SWEPCO's acquisition of the
15 short-term natural gas capacity PPAs; 2) --

16 **CHAIRMAN CAMPBELL:** Hey, by the way, what y'all asked for. You asked
17 for that.

18 **MR. GILLIAM:** Part of what we asked for. Part of it.

19 **CHAIRMAN CAMPBELL:** Okay. Go ahead.

20 **SECRETARY FREY:** Two, I further move that consideration of the selected solar
21 facility and wind facilities be passed to either the June B&E meeting or a special
22 meeting to be called in July, if needed. And I guess we could say in June as well
23 to that, if it's ready.

1 **CHAIRMAN CAMPBELL:** All right.

2 **SECRETARY FREY:** Three, that SWEPCO will consider qualified unsolicited
3 offers for PPAs to compare to the selected solar facility and wind facilities at either
4 the June B&E meeting, if available, or at a special meeting to be called, if needed;
5 and finally, the cost cap and minimum production guarantee provisions will be
6 modified if necessary depending upon the selections in Paragraph 3.

7 **CHAIRMAN CAMPBELL:** That’s self-explanatory. So we have a motion, a
8 second. Call the roll.

9 **MS. BOWMAN:** Is there any objection to the motion?

10 **CHAIRMAN CAMPBELL:** Oh, excuse me. Is there any objections to it?
11 [NONE HEARD].

12 **MS. BOWMAN:** Hearing none, so ordered.

13 **CHAIRMAN CAMPBELL:** Next item.

14 **MS. BOWMAN:** Exhibit Number 8 is Docket Numbers U-35762, U-36385, and
15 U-36350. These are Entergy Louisiana’s application for approval of ratemaking
16 adjustment for interim Hurricane Laura financing, application for approval of
17 ratemaking adjustment for interim Hurricane Ida financing and request for
18 expedited treatment, and application for recovery and rates of costs related to
19 Hurricane Ida and related relief. It’s a discussion and possible vote on a joint
20 motion for expedited approval of a ratemaking adjustment for shorter-term debt
21 pursuant to Rule 57, so this will need two votes. On April 11, 2023, Entergy
22 submitted the referenced application seeking the Commission’s approval to
23 continue to take advantage of certain low interest, shorter term debt for the benefit

1 of customers by utilizing the resulting earnings, net of interest expense and income
2 taxes to conduct additional outside of right-of-way vegetation management
3 activities, reduce the company's COVID-19 regulatory assets authorized by
4 Commission Special Order 43-2020 and apply the remaining funds to the
5 company's accumulated provision for property insurance minor storm reserve
6 account. In the aftermath of Hurricanes Laura, Delta, Zeta, and Ida, Entergy issued
7 approximately 2.1 billion in interim financing to partially finance restoration costs
8 while the Commission conducted appropriate proceedings to review the restoration
9 costs and issue permanent financing orders. At this time, approximately 1.6 billion
10 of this low-cost debt remains outstanding. The shorter term debt was issued at
11 interest rates ranging between from .62 percent and .95 percent and maturity dates
12 between November of '23 and October of '24. Current interest rates available
13 through the Entergy system money pool is approximately 4.9 percent. If Entergy
14 is permitted to deposit into the money pool the funds that otherwise would be
15 utilized to immediately retire the shorter term debt, the company will utilize the net
16 earnings for the benefit of customers. By way of its application, Entergy is seeking
17 the Commission's assurance that the shorter term debt will continue to be excluded
18 from the duration of the company's capital structure and cost rate of debt for
19 ratemaking purposes as well as approval to utilize the net earnings to fund
20 additional outside of right-of-way vegetation management activities to credit
21 against the companies' COVID-19 regulatory assets authorized by Commission
22 Special Order 43-2020 and to the extent available credit to the companies'
23 accumulated provision for property insurance reserve account. After reviewing the

1 application and Entergy's response to data requests, Commission Staff agreed with
2 Entergy's proposal and subsequently on May 10, 2023 Entergy and Commission
3 Staff filed a joint motion wherein the parties requested that the Commission issue
4 an order authorizing the relief set forward in Entergy's application. Therefore, Staff
5 recommends that the Commission: 1) Exercise its original and primary jurisdiction
6 under Rule 57 to consider the joint motion; 2) Grant the joint motion filed into the
7 record on May 10, 2023. So I'll entertain a motion to take it up under Rule 57.
8 And we do have two individuals who would like to speak.

9 **COMMISSIONER LEWIS:** I move to take it up under Rule 57.

10 **CHAIRMAN CAMPBELL:** Second. Mr. Lewis moves that we take these up
11 under Rule 57. I second it.

12 **MS. BOWMAN:** We have Ms. Logan Burke from the Alliance of Affordable
13 Energy and Ms. Erin Hansen for Together Louisiana who would like to speak on
14 this matter.

15 **CHAIRMAN CAMPBELL:** Okay.

16 **MS. BOWMAN:** If you -- ladies --

17 **CHAIRMAN CAMPBELL:** The witnesses, let them come first and where is
18 Entergy? Who's handling the Entergy deal? Let these people come first.

19 **MS. BOWMAN:** And is Ms. Hansen still here? Yeah.

20 **MS. LOGAN BURKE:** [INAUDIBLE], Commissioners.

21 **CHAIRMAN CAMPBELL:** Good morning. Thank you for coming.

22 **MS. BURKE:** Thank you.

23 **CHAIRMAN CAMPBELL:** Tell us who you are, please.

1 **MS. BURKE:** You bet. Logan Burke for the Alliance for Affordable Energy. So
2 I'm here today to request that you approve two pieces of what is before you right
3 now. Entergy has requested basically four different pieces. The two pieces that we
4 are in support of today are the pieces that enable Entergy, basically, to leverage and
5 take advantage of an existing current interest rate situation that would enable them
6 to acquire about \$34 million in additional funds that could then be applied to
7 something else in the future.

8 **CHAIRMAN CAMPBELL:** What do you want it applied to?

9 **MS. BURKE:** That's a good question. What I would like to say is that I think this
10 Commission isn't -- hasn't yet received enough information about the things that
11 Entergy's asking to apply them to. And furthermore --

12 **CHAIRMAN CAMPBELL:** You don't think there's enough information. Is that
13 what you're saying?

14 **MS. BURKE:** Correct. And furthermore, the particular information that is
15 important that we've only just gotten in the last week is that Entergy has made it
16 clear to this Commission that they intend to file a pretty significant rate case. This
17 -- so within two months. And so what we know is that that rate case and an FRP
18 will be asking for rate increases and that Louisiana customers have been struggling,
19 as you all well know, under significant bills over the last couple of years. And so
20 if Entergy is going to be coming in asking for a rate increase and there's an
21 opportunity to secure some funds now to potentially mitigate some of that increase,
22 that's what we're suggesting the Commission do.

1 **CHAIRMAN CAMPBELL:** Let me -- this is just for me. I'm sure everybody
2 else understands it. Okay. So I'm just talking, me. I'm probably the slowest one
3 up here. Okay. What you're saying is when they generate this money, you're for
4 generating the money --

5 **MS. BURKE:** Absolutely.

6 **CHAIRMAN CAMPBELL:** -- but you want to talk about where it goes --

7 **MS. BURKE:** That's right.

8 **CHAIRMAN CAMPBELL:** -- before just generating the money and doing
9 exactly what they want to do with the money; is that correct?

10 **MS. BURKE:** That's correct. Correct.

11 **CHAIRMAN CAMPBELL:** Is that what you have to say, too? Who are you?
12 Beside a nice looking woman, who are you?

13 **MS. ERIN HANSEN:** Thank you. My name is Erin Hansen. I'm with Together
14 Louisiana.

15 **CHAIRMAN CAMPBELL:** I didn't say a girl, I said woman. Okay. How about
16 that? All right. Go ahead. What's your name?

17 **MS. HANSEN:** Erin Hansen, Together Louisiana.

18 **CHAIRMAN CAMPBELL:** Where?

19 **MS. HANSEN:** Together Louisiana.

20 **CHAIRMAN CAMPBELL:** Okay. Together Louisiana. I got you. Go ahead.
21 Say what you got to say. Y'all agree?

22 **MS. HANSEN:** I have slightly different points, but I think we're in agreement.

1 **CHAIRMAN CAMPBELL:** Okay. It's a bunch of money and you want to know
2 what they're going to do with it, and there's a big rate increase coming.

3 **MS. HANSEN:** That's right.

4 **CHAIRMAN CAMPBELL:** And you're wondering if they could apply this to
5 the rate increase and lessen the burden on the people; is that correct?

6 **MS. BURKE:** That's exactly right. Rather than making a decision today that
7 would foreclose on that, that would instead extend something that had already been
8 limited to two years, that's the vegetation program that they're referring to --

9 **CHAIRMAN CAMPBELL:** Okay.

10 **MS. BURKE:** -- or putting it towards something that has not been fully reviewed
11 by the Commission, which is the total of the regulatory asset from COVID. So
12 rather than say today, we're going to put all that money toward something over
13 here, let's take a pause on where we're going to send \$34 million.

14 **CHAIRMAN CAMPBELL:** That's what you think?

15 **MS. HANSEN:** Yeah. Essentially my concern is with using this honey pot to pay
16 for paying down the regulatory asset. You know, I think the Commission did the
17 right thing in 2020 by protecting customers for several months and making sure
18 that people wouldn't get shut off. And now this request to the Commission, for you
19 to approve that this funding go to pay for the regulatory asset, insulates the company
20 and insulates its shareholders from that risk that we all experienced during COVID.
21 We would love the opportunity to think about how we use this money in a way that
22 customers can really feel and appreciate. We don't think we've had sufficient time

1 to do that, so that's the request, for more time to think about how we deliberate on
2 this and identify projects that customers also believe is in their best interest.

3 **CHAIRMAN CAMPBELL:** And we don't know how the rate increase is going
4 to be yet.

5 **MS. HANSEN:** No. No, sir.

6 **CHAIRMAN CAMPBELL:** I asked that with Entergy people, how much is it
7 going to be, how much is going to cost with this \$30 million that you make off of -
8 - going from 1 percent bond to 4 percent rather than just spending it right now --

9 **MS. HANSEN:** That's [INAUDIBLE].

10 **CHAIRMAN CAMPBELL:** -- would it be prudent to hold it and see if we could
11 lessen the burden on the people, that's basically -- summing it up; isn't it?

12 **MS. HANSEN:** That's all we're asking for.

13 **CHAIRMAN CAMPBELL:** Y'all have anything -- anybody have any questions?

14 **VICE CHAIRMAN FRANCIS:** How do you know they're going to have a rate
15 increase?

16 **MS. BURKE:** We understand -- we have that -- there was a letter that was
17 submitted by LEUG yesterday to all of the parties and --

18 **VICE CHAIRMAN FRANCIS:** Yeah.

19 **MS. BURKE:** -- to the Commissioners that referred to an announced rate case or
20 at least that the company had made it clear to the Commission that they intended to
21 do a rate case. And furthermore, that there were two items on the agenda today
22 referring to a possible rate case.

23 **VICE CHAIRMAN FRANCIS:** So Larry, we going to have rate increase --

1 **COMMISSIONER SKRMETTA:** Actually, that was a LEUG letter, you said?

2 **MS. BURKE:** Yes.

3 **COMMISSIONER SKRMETTA:** Okay. Randy, was that from you?

4 **MR. RANDY YOUNG:** I did submit a letter [INAUDIBLE] --

5 **COMMISSIONER SKRMETTA:** You can come up.

6 **MR. YOUNG:** Sure.

7 **COMMISSIONER SKRMETTA:** Instead of you saying what the letter is, I'll

8 have him say what it was.

9 **MS. BURKE:** Sure.

10 **VICE CHAIRMAN FRANCIS:** Might as well get Entergy up here, too.

11 **MS. BURKE:** Am I excused or should I stay?

12 **COMMISSIONER LEWIS:** Mr. Chairman, I -- after Randy, I would like to ask

13 Erin and Logan questions, too, so.

14 **MS. BURKE:** Okay.

15 **COMMISSIONER LEWIS:** Don't go too far.

16 **COMMISSIONER SKRMETTA:** Just stand by.

17 **MR. YOUNG:** Thank you, Commissioners. Randy Young on behalf of Louisiana

18 Energy Users Group. We all know it's a ratepayer group. It's a group of large

19 industrial customers that all buy power from Entergy. We see this issue as an issue

20 of fundamental fairness to the ratepayers. We want the ratepayers to have a level

21 playing field with Entergy from a procedural standpoint. And we believe that the

22 ratepayers are being taken advantage of if the Commission decides today, before

23 you have more information in front of you, what to do with this \$34 million.

1 Entergy has filed a letter with the Commission saying that they're going to file a
2 rate case in July. It's coming. Entergy does not file rate cases very often. Tends
3 to be about 10 year increments. The last one was about 10 years ago. The one
4 before that was about 20 years ago. The last two, as I recall, were more than \$100
5 million request. So I have no reason to believe this is not going to be also a very
6 significant rate case with a lot of requests and a lot of asks of the Commission on
7 the table. My concern is that Entergy is asking you to decide what to do with this
8 money today before you see the whole playing field. Once you have that rate case
9 in front of you and you have all the requests in front of you, then I believe the
10 Commission will be better positioned to decide what's the best use of those dollars
11 for the benefit of the ratepayer.

12 **COMMISSIONER SKRMETTA:** Mr. Chairman, I have a question. Foster, I
13 have a question.

14 **MR. YOUNG:** And so my ask of the Commission and request is that I agree with
15 pursuing the dollars but let's hold off until the Commission has more information
16 before you decide what to do with those dollars.

17 **VICE CHAIRMAN FRANCIS:** Can you explain the -- where the money -- how
18 did this money -- how was it created or how did it come about? Explain it briefly
19 with interest rates [INAUDIBLE].

20 **MR. YOUNG:** Yes, Commissioner. So as part of the hurricane restoration costs,
21 as y'all know we have now securitized those dollars and they're part of long-term
22 financing that the ratepayers are paying for. But in the short term, while we are
23 waiting for the securitization process to happen, Entergy went out and they

1 borrowed some-short term money to carry some of those costs, and there's a lot of
2 dollars at very low interest rates. And so currently there's about \$1.6 billion of that
3 short-term money that has not been paid back yet, and those dollars are out there at
4 very low interest rates less than 1 percent. And so what Entergy is proposing to do
5 is take some of that -- those dollars, rather than paying it back right away, is go out
6 and invest that money and make money on the dollars. And essentially, the estimate
7 of how much money they can make is about \$34 million.

8 **VICE CHAIRMAN FRANCIS:** All right.

9 **MR. YOUNG:** Now that's a good thing and that would be a benefit to the
10 ratepayers so we fully believe they should do that. The question that we have and
11 the pause we have is the Commission's decision process on what to do with that
12 \$34 million.

13 **VICE CHAIRMAN FRANCIS:** All right. So my question would be you
14 represent industry, not all of the industry, but a good bit of the industry.

15 **MR. YOUNG:** Yes, Commissioner.

16 **VICE CHAIRMAN FRANCIS:** And this 34 million, if it goes back to ratepayers,
17 it will be disbursed equally amongst industry and homeowners, would that be
18 basically the truth?

19 **MR. YOUNG:** So the Commission will ultimately decide how it uses the dollars.
20 So my proposal is just wait until you get to the rate case, you'll have everything in
21 front of you, and then you'll decide how to allocate the dollars, where the dollars
22 would go.

1 **VICE CHAIRMAN FRANCIS:** So the five Commissioners could disburse all
2 the money just to homeowners and not to industry; is that possible?

3 **MR. YOUNG:** Well, Commissioner, I would submit to you that there's --
4 industry's paying a whole lot of storm costs as well, so some of it should go to those
5 customers. But ultimately, it's -- the Commission will decide how to allocate and
6 what to do [INAUDIBLE] --

7 **VICE CHAIRMAN FRANCIS:** Tell those two ladies that right there next to you.
8 They might claw your eyes out. Okay.

9 **MS. BURKE:** We're very friendly.

10 **VICE CHAIRMAN FRANCIS:** All right. Well --

11 **MR. YOUNG:** We're actually both submitting to you the same thing today.

12 **VICE CHAIRMAN FRANCIS:** Is it not true that a lot of the Louisiana workers
13 are working at these industries and so it's -- we're all together in the same tank,
14 right? Okay.

15 **MR. YOUNG:** That is correct, Commissioners. We do provide a lot of really good
16 high paying jobs and we're proud of that.

17 **VICE CHAIRMAN FRANCIS:** Okay. Can we ask -- can we let Entergy defend
18 themselves on this issue [INAUDIBLE]?

19 **CHAIRMAN CAMPBELL:** Just a second. We got some more questions.

20 **VICE CHAIRMAN FRANCIS:** Okay.

21 **CHAIRMAN CAMPBELL:** Mr. Skrmetta.

22 **COMMISSIONER SKRMETTA:** Yeah. Randy.

23 **MR. YOUNG:** Yes, Commissioner.

1 **COMMISSIONER SKRMETTA:** Logan said earlier that you had stated in your
2 letter that -- about Entergy raising rates about this issue. Can you explain your
3 letter about that particular component?

4 **MR. YOUNG:** My letter did not indicate anything about the rate case or the -- a
5 rate [INAUDIBLE] --

6 **COMMISSIONER SKRMETTA:** Not rate case. About raising rates.

7 **MR. YOUNG:** I do believe that --

8 **COMMISSIONER SKRMETTA:** In your letter, it stated this?

9 **MR. YOUNG:** It was a reference, Commissioner, that Entergy may increase --
10 seek to increase rates significantly, both the FRP --

11 **COMMISSIONER SKRMETTA:** May?

12 **MR. YOUNG:** May.

13 **COMMISSIONER SKRMETTA:** May, shall? May, shall?

14 **MR. YOUNG:** May.

15 **COMMISSIONER SKRMETTA:** May.

16 **MR. YOUNG:** I would be very -- if they're going to [INAUDIBLE] I would accept
17 that.

18 **COMMISSIONER SKRMETTA:** You know, the reason I say this is because, I
19 watch scary movies, too, sometimes, but it doesn't necessary mean that, you know,
20 I know teenagers, you know, go into the shed with the chainsaws, but that doesn't
21 necessarily mean they shall go into the shed with the chainsaws. You know what I
22 mean? And the Commission exists to make sure that some things don't happen.
23 So what I look at is -- and I don't want to have errant testimony of hearsay and

1 based on speculation that's something's going to happen that may not happen. And
2 so we want to keep things on the level of accuracy, so when we know something is
3 going to happen, that's when we all get together and go there's a statement, a claim
4 to seek a rate increase, and then we'll all sit down and, like, knuckle down to figure
5 out how we're going to minimize it or impede it or approve it or whatever we're
6 going to do. But other than that, it's all --- I think the polite way to call it is
7 hyperbole; otherwise, it's a, you know, don't try to call a cow chip, dust it in powder
8 sugar a jelly donut for me because, you know, then we get into some really strange
9 things. So I want to keep this where it is instead of just kind of flaring it out. Okay?

10 **MR. YOUNG:** Yes, Commissioner, and I -- the letter does say specifically "both
11 of which may seek -- may seek, significant rate increases from ratepayers".

12 **COMMISSIONER SKRMETTA:** But then again, it may not, right?

13 **MR. YOUNG:** It may not.

14 **COMMISSIONER SKRMETTA:** Okay.

15 **MR. YOUNG:** But in two months, we'll know. So we'll have to file
16 [INAUDIBLE].

17 **COMMISSIONER SKRMETTA:** Yeah. Well, then we'll wait two months
18 before we start stoking a fire. Okay?

19 **COMMISSIONER LEWIS:** Mr. Young.

20 **CHAIRMAN CAMPBELL:** Commissioner Lewis.

21 **COMMISSIONER LEWIS:** Your comments, as I appreciate them, is in response
22 to the letter that Entergy filed, right, where they say ELL contemplates filing the

1 rate cases in two parts with revenue requirement, so you're only responding to what
2 was already said by Entergy; is that correct?

3 **MR. YOUNG:** Yes. Entergy has a letter they filed --

4 **COMMISSIONER LEWIS:** So you're not really using hyperbole, you're using
5 the words that are already into the record and that you are reiterating that, because
6 this letter's been filed, that this may happen. And, I mean, we can all debate may
7 and shall, but may means I may do it.

8 **COMMISSIONER SKRMETTA:** Yeah, contemplate, maybe, shall, hyperbole,
9 whatever.

10 **COMMISSIONER LEWIS:** Yeah, but it's in the record, so they said it, so it's
11 not hyperbole.

12 **COMMISSIONER SKRMETTA:** Well, I don't think it's in the record as much
13 as it's a letter, but we'll see if it's in the record, whatever.

14 **COMMISSIONER LEWIS:** If you file a -- I mean, a letter is a record in my
15 opinion; is it not?

16 **COMMISSIONER SKRMETTA:** I don't know. Is it? Or is it not?

17 **CHAIRMAN CAMPBELL:** Is there any --

18 **COMMISSIONER LEWIS:** I have some questions for Ms. Hansen.

19 **CHAIRMAN CAMPBELL:** Okay. Go ahead, Mr. Lewis.

20 **COMMISSIONER LEWIS:** Okay. I'm going to need a hot dog today. Ms.
21 Hansen, so your concern is about the regulatory asset, right? And that we should
22 not potentially be using or letting the shareholders off the hook for COVID-19; is
23 that correct?

1 **MS. HANSEN:** That's right.

2 **COMMISSIONER LEWIS:** And we saw across the countries that many
3 municipalities, locally owned utility companies asked for our ARPA dollars to do
4 that, right? Are you aware of if Entergy made that request to the legislature, to use
5 any opera dollars for COVID?

6 **MS. HANSEN:** I am not aware. Logan, do you know?

7 **MS. BURKE:** I'm not aware if Entergy requested ARPA dollars to the -- requested
8 to the legislature, but I do know you're correct in some other states, ARPA dollars
9 have been appropriated to address utility debt.

10 **COMMISSIONER LEWIS:** So there are other options. I just wanted -- so that
11 is your main concern, is that we probably should ask those questions.

12 **MS. HANSEN:** There might be some other options aside from just having this
13 money that could go to benefit customers in another way be used to reduce the
14 regulatory asset.

15 **COMMISSIONER LEWIS:** Okay. Thank you.

16 **CHAIRMAN CAMPBELL:** The Entergy folks, we'll have them up here in just
17 a minute. You ready to -- you have any other questions? Phillip. I didn't see you
18 over there, Phillip.

19 **MR. PHILLIP MAY:** Good morning. I'm Phillip May, I'm president and CEO
20 of Entergy Louisiana. I have with me Larry Hand, who leads our regulatory
21 organization.

22 **CHAIRMAN CAMPBELL:** Okay. Glad to see you.

1 **MR. LARRY HAND:** Good morning, Commissioners. I wanted to address a few
2 things at the outset and of course answer any questions you may have about the
3 request before you. You know, what's been lost in this is we have proposed to the
4 Commission a very creative solution, not only to generate funds that will not be
5 paid, are not currently being paid by customers. So we have a proposal to generate
6 these funds that would not happen but for our efforts, our creative efforts on two
7 fronts. One is we had the foresight to quickly issue short-term debt following the
8 2020 and 2021 storms at extremely low costs. That avoided us having to come to
9 the Commission to seek interim storm financing like other folks did. Secondly, we
10 worked with y'all through the securitization process to get permanent financing,
11 and now we have the opportunity, we have the right and the responsibility to repay
12 that debt. That's what happens on a normal course when you have these events,
13 you repay that debt once you have your storm financing. That's what we told you
14 we would do when we got the costs excluded from rates. As we sit here today, this
15 debt, the \$1.6 billion that's been talked about, is not in rates. Customers --

16 **CHAIRMAN CAMPBELL:** It's not on what?

17 **MR. HAND:** It is not in our rates. Customers are not paying for it.

18 **CHAIRMAN CAMPBELL:** I got you, go ahead.

19 **MR. HAND:** They're not responsible for it, and frankly, they have no entitlement
20 to it. But we want to do something different with that: Come to you and say in lieu
21 of paying it back, giving this low-cost debt back to the bank to go loan to other
22 people at a much higher rate, we would rather do something productive, customer-
23 centric, that this Commission can take credit for. What we're proposing to do is

1 take the money primarily on the front-end to dedicate \$7 million to additional
2 outside-of-right-of-way tree trimming. We did a similar program as part of the FRP
3 extension in test years 2021 and 2022. We spent \$7 million in each of those years.
4 Customers paid for that, that was part of the agreement. What they got for that was
5 we saw over a 35 percent reduction in customer outages associated with outside-
6 of-right-of-way causes. What we're proposing to do is extend that for another year,
7 take another 7 million of this \$34 million opportunity, do some more of that because
8 it's super beneficial, certainly in advance of storm season. It improves reliability,
9 it improves resilience of the grid in advance of storm season. There's nothing in
10 that for shareholders, that's all customer-centric. So the thought that we're taking
11 this money and giving it to shareholders is a falsehood. The second use we'd want
12 to use it for is, pursuant to your order during COVID, we didn't -- we suspended
13 disconnects, late fees in compliance with your orders. Like other utilities that have
14 come before you, we have recorded a regulatory asset for the cost of complying
15 with your order. That order allowed us the opportunity to come to the Commission
16 to seek recovery of it. We realized that would impose, potentially, a burden to add
17 additional costs to the customer bill to pay for it, so what we've done is created this
18 pot of money, it's been referred to as the honey pot. Mr. May and I are the only
19 two bringing the honey pot to you. No one else brought the honey pot. But we
20 want to give it to customers and we think a beneficial use is to make part of those
21 funds available to apply to the COVID reg asset. You're not writing a blank check
22 because we still need to come back to this Commission and prove to you that the
23 amount of the COVID reg asset we have was incurred in accordance with your

1 orders. Your Staff will look at it, kick the tires, and they will make a
2 recommendation to you as the amount of that COVID reg asset that should be
3 recoverable. They could say it's 50 percent, they could say it's 75, I don't know
4 what they'll say, but you're not deciding that today, so you're not writing that check
5 today. To the extent there's additional funds of the 34 million after you apply these
6 first two uses, we would propose another customer-centric approach to take another
7 7 million to do additional outside-of-right-of-way trimming to improve reliability
8 or resilience, and that will take place in calendar year 2024. And lastly, if there's
9 any money left after all of those things occur, which you have control over because
10 you will approve the amount of the COVID reg asset that we get to apply these
11 funds to, if there's money left at the end of the day, our proposal is to credit that to
12 the base rate storm reserve accrual account, which is a -- you know about the big
13 storm escrow we have that's about \$298 million? This base rate storm reserve
14 accrual is a different account. We have in base rates a small amount of money per
15 year that we collect from customers to deal with small storms, not the big storms.
16 We currently have a negative balance because the smaller storms have exceeded
17 the amount of funding in rates. We are proposing that last bucket to credit any
18 remaining funds to that base rate storm reserve accrual account, which will make
19 that account or that balance less negative. So we think all of those are extremely
20 beneficial. As I mentioned earlier, currently these -- this debt, it sits on our balance
21 sheet, but customers are not responsible for it. This is not a really good situation
22 for us to be in. You know, folks who follow Entergy, they see a lot of debt on the
23 books, but there's no offsetting asset or income attributable to it, so it's not the best

1 thing. It is short-term. We think we can manage it. Manage that debt, manage the
2 coverage, and also provide the benefit to customers. So we think we've come to
3 you with a very creative solution. I've been before this Commission for a little bit
4 more than 20 years. I've never seen any other utility come to the Commission,
5 generate funds in these ways, and give it all back to customers. Most of the times,
6 you see utilities come in here saying we want to keep 40 percent, we'll give
7 customers 60 percent. We appreciate what this Commission did in approving the
8 securitization, and that's why we're here before you with a proposal to flow it all
9 back to customers. Maybe not in the way that some people want, but we're the
10 ones who created it, we crafted it, and we want to see that go forward. The thought
11 about this rate case, its -- and I'm a little surprised to hear the Alliance say that
12 they're unaware that a rate case was coming until they read Mr. Young's letter. We
13 filed a letter with the Commission asking the Commission to retain counsel and
14 consultants. In fact, there's an agenda item -- two agenda items for a hiring for the
15 rate case, so it's pretty open and notorious that we had filed notice that we would
16 be filing a rate case. I can't say what it's going to be because I don't know, but our
17 FRP is expiring. One of the terms of an FRP said we cannot extend the FRP with
18 a midpoint reset. In order to do any midpoint reset because we're way under-
19 earning our allowed ROE, we need to file a rate case to do it. So if anyone in the
20 audience here is surprised that we're filing a rate case this year, they shouldn't be.
21 Needless to say, the funds we are proposing to generate, they are one-time funds.
22 They don't recur because the debt we have outstanding matures; 600 million
23 matures later this year and the remainder of the billion dollars matures next year,

1 so we've got to pay it back. The rate case issues, y'all have a few rate cases
2 pending, I think. Probably pending for a couple of years. They take a long time to
3 get resolved. So we're not going to know any time soon what the outcome of that
4 rate case is, but the bottom line is, rate cases set rates going forward, that rates
5 covering expense items that are expected to recur over and over and over. This is
6 a one-time pot of money that we're proposing to use in a certain way. This won't
7 fix a rate case because rate case, the rates need to be established to reset -- to cover
8 recurring costs. So the notion of wanting to understand what a rate case is, I think
9 it's a red herring. The opportunity we have before you is time sensitive. We need
10 to do something with this debt, get it off our balance sheet or get the approvals
11 we're seeking on or before May 31st of this year. Thank you.

12 **MR. MAY:** If I could add one thing. I thought you did a great job with that, Larry.
13 I do want to note that we don't have funds for out-of-right-of-way tree trimming
14 that we have demonstrated does produce improvements in reliability, resiliency to
15 our system. Then that won't happen this year, and we have an opportunity to fund
16 a program that we know is customer-centric, it will benefit our customers, it has no
17 other source of funding, should we not do this. And as Larry mentioned, rate cases
18 are designed to address recurring costs. These are one-time opportunities to address
19 one-time costs, including the regulatory asset that was put in place during COVID,
20 and for those reasons, I think that the proposal we put forward is not only fair and
21 equitable, I think it is commendable that we've come to the Commission with a
22 creative approach to address issues because ultimately those COVID costs are
23 going to have to be addressed. We're not asking to accept what we're putting in

1 there, we're asking the Staff to do their due diligence and others to look at that and
2 make sure the number's right, but I think that using one-time costs to address those
3 one-time costs is appropriate in matching the way we should be doing rates.

4 **CHAIRMAN CAMPBELL:** The total amount is how much, 34 million?

5 **MR. MAY:** Thirty-four million, yes, sir.

6 **CHAIRMAN CAMPBELL:** And you proposed 12 million for tree trimming?

7 **MR. MAY:** It's 7 million for this year, and we propose additional monies for next
8 year, that's correct.

9 **CHAIRMAN CAMPBELL:** So basically, you're talking about \$20 million in the
10 air, \$20 million that we're -- figure out where it goes.

11 **MR. MAY:** That's correct.

12 **CHAIRMAN CAMPBELL:** Wait to make a decision or do what you want to do,
13 right? And what do you propose to do with the \$20 million today?

14 **MR. HAND:** All we're proposing today, Commissioner, is that you determine that
15 COVID-19 costs, that you determine -- whatever amount you determine as a
16 Commission to be appropriate and reasonable, in accordance with your prior orders,
17 the 20 million would be eligible to offset that regulatory asset.

18 **CHAIRMAN CAMPBELL:** Goes back to you? Go to your company. The
19 money would pay the bills that you think they owe you, the 20 million.

20 **MR. HAND:** The costs to comply with your orders, yes.

21 **CHAIRMAN CAMPBELL:** Yeah.

1 **MR. MAY:** Its' either customers or this source because the Commission will
2 determine how much customers have to pay for that, and they can either use this
3 source or directly recover it from customers.

4 **CHAIRMAN CAMPBELL:** I got it.

5 **COMMISSIONER LEWIS:** Could I ask --

6 **CHAIRMAN CAMPBELL:** Mr. Lewis.

7 **COMMISSIONER LEWIS:** Thank you. I guess I'll pose the question that I think
8 I heard from Together Louisiana. What is your -- as you keep saying, it's customer-
9 centered, and I really do appreciate what you're doing, so I'm going to start there.
10 I'm extremely happy that you are putting customers first and not thinking about
11 shareholders at this point. I think the question that I'm posing to you is, is the
12 regulatory asset customer-centric? I mean, I think that's the question that Together
13 Louisiana is posing. Is the regulatory asset more about shareholders in the grand
14 scheme of things, looking like it's for customers because you had asked for it be
15 recovered, most likely, I would assume. And so I think that's what I'm toying with
16 here is how would you answer that question that I think they are posing by saying
17 a regulatory -- paying down the regulatory asset is not actually customer-centric. It
18 would be shareholder protections from costs that you may have to eat up if we do
19 not approve recovery from the regulatory asset. So I just want to toy that with you
20 for a second.

21 **MR. MAY:** Yeah, and just on that. You have an opportunity to decide how much
22 gets recovered of that regulatory asset. Once you make that determination, then the
23 question is how do you recover. This is a potential source recovering that.

1 Whatever that number ends up being, if we don't have this source or if we don't
2 use this source, then the only other method to recover that is through our customers,
3 through rate increases.

4 **MR. HAND:** And Commissioner, I would further that by saying what I heard from
5 Together Louisiana was that application of these funds to the COVID asset is not
6 customer-centric. I don't agree with that. I think it is, for the reasons Mr. May
7 said, but moreover, it has the -- kind of the undertone of if customers are required
8 to pay the reasonable and prudent costs of running the business and complying with
9 this Commission's orders, that's not customer-centric. That's not the way utility
10 ratemaking works. I mean, customers -- it's a cost-based business that we seek to
11 recover the reasonable costs from customers, and we fully acknowledge the burden
12 that COVID-19, you know, represented and kind of impacted the entire state. We
13 got that, that's why we willingly complied with the Commission's order, had a
14 number of other measures that we did with shareholder funds during that pandemic
15 to assist customers, LIHEAP, United Way contributions, you name it. So we
16 certainly get that, but I wouldn't characterize application of these funds that we're
17 proposing to generate, applying it to COVID as not being customer-centric.

18 **COMMISSIONER LEWIS:** And I appreciate that. I mean, I think the only place
19 where I would disagree with you on, respectfully, is I'm not sure utility ratemaking
20 has been in the best interest of customers, as it currently stands. I think the
21 regulatory compact as it exist is very questionable. However, I do think one of the
22 places where I do take some pause in the regulatory asset is the amount of late fees
23 and the significantly high late fees that your company, compared to other

1 companies, have, and I think that is something we must, as a Commission, look into
2 because I don't -- I would take the COVID disconnection and I would concede that
3 I may agree with you, that that is where I would disagree with you is about assessing
4 a late fee and then calling that a regulatory asset because that is completely
5 company driven. There is nothing that requires you to assess late fees.

6 **MR. MAY:** Just on that point, the late fees are a policy that are approved by the
7 Commission.

8 **COMMISSIONER LEWIS:** Absolutely, and I think we should really relook at
9 that.

10 **MR. MAY:** And that policy can be changed, but recognize that the dollars that we
11 collect associated with rate fees are part of the total costs of operating business. In
12 other words, if you did not have late fees, customers' rates in general would be
13 higher to reflect the fact that you did not collect rate fees. So the total amount of
14 rates that were set includes the collection of rate fees. Now, if you'd had no rate
15 fees, you'd have to collect it from somewhere else. I'd also note that over the period
16 of the formula rate plan, we under-earned in each of those years, so it's not like
17 there were -- if the Commission said the right amount for you to -- the Commission
18 determined the right amount for us to earn was 9.5 percent and we actually under-
19 earned significantly throughout the formula rate plan, for a number of reasons, but
20 it's not like shareholders were [INAUDIBLE]. The shareholders did not receive
21 what the outcomes that were suggested were appropriate for the risk of this
22 business. And also, again, just to re-emphasize, I mean, \$10 million provided last
23 summer to assist with bills and so forth, that came from shareholder funds, and

1 shareholders did participate in customer-centric proposals. And I believe this is a
2 customer-centric proposal as well.

3 **COMMISSIONER LEWIS:** I agree with you. I mean, I just, I think my challenge
4 on late fees is, I mean, I'm looking here at a chart that was compiled in 2019 and
5 your average late fee was one of the second highest in the nation at \$18.92 per
6 customer. I'm looking at Entergy Texas, which is less than \$5; at Entergy
7 Mississippi, which is looking at around \$16. I mean, our competitors across the
8 south, at Alabama Power Company, around -- and so I hear you on that, but where
9 I'm deeply concerned is that you're an anomaly. You're not within the national
10 average of late fees and that -- having that conversation, I know it's the
11 Commission, I wasn't here and you may make me move a docket a little faster than
12 I wanted to, but that was a concern and I think we have to think about that because
13 when we talk about customer-centric, customers are thinking about what they are
14 getting. And where I'm pausing slightly is it sounds more about what you are
15 getting and then saying I am doing it for the customer so I don't have to do this to
16 you, not that I'm actually benefitting you as a ratepayer/customer, and that's where
17 I want us to be very careful with because that is a difference. And then, like I said
18 from the upstart, and I want to make it very clear, I am very appreciative of the
19 creativity that you have brought today. Whether or not I fully agree with what you
20 are proposing is a different question, but I don't want it to go unmentioned that I
21 appreciate you even accepting this because as is my understanding, a lot of times,
22 this wouldn't be an option or people wouldn't propose this as an option. Or even
23 if you would have, it would have been a slightly lesser share for customer --

1 whatever we want to say, options. So before I finish, I just wanted to make it clear
2 that I appreciate that, even if I may slightly disagree with what those options may
3 be.

4 **MR. MAY:** And thank you, Commissioner. And look, I hear you on the late fees
5 and so forth. That is certainly something that we can take up and the rate case is
6 the appropriate place to do that.

7 **CHAIRMAN CAMPBELL:** Mr. Greene.

8 **COMMISSIONER GREENE:** Yeah. I want to thank y'all because what I asked
9 for a while back was a change in the tone from your company and wanted to be
10 creative, forward thinking, interactive, and I think, for the most part, y'all did this,
11 and I do say thank you. You kind of had me at tree trimming and the hurricanes
12 and whatnot. The reason I think I'm okay with the reg asset is because we're not
13 deciding that y'all get that today. And what I would -- my next ask would be what's
14 the next step of creativity look like in the reg asset liability world because I think
15 what y'all should expect from the newer Commission is that this is no longer rubber
16 stamping. It's going to be yes, no, why is it \$18, bring it down. And what I'll be
17 looking for in that discussion is skin in the game. And what type of, okay, COVID,
18 let's say COVID, force majeure, hurricane; what portion is shareholders saying,
19 hey, we'll help you out on that. And so that's a discussion for another day, but I
20 thank you for the creativity and the gesture and let's get some trees trimmed.

21 **MR. MAY:** Thank you.

1 **COMMISSIONER GREENE:** But do expect that to be a contentious
2 conversation about what's included or not included and no longer rubber stamped.

3 So thank you. Just to clarify, do we have a motion for 57?

4 **MS. BOWMAN:** We do.

5 **SECRETARY FREY:** We do. We had a motion by Commissioner Lewis, a
6 second by Commissioner Campbell to take it up under Rule 57. And I don't think
7 there was any opposition to that, so.

8 **COMMISSIONER GREENE:** I would motion --

9 **COMMISSIONER SKRMETTA:** I'll bring it up. Move to approve the Staff
10 recommendation.

11 **CHAIRMAN CAMPBELL:** Randy.

12 **COMMISSIONER GREENE:** Second.

13 **MR. YOUNG:** Thank you, Commissioners. Again, Randy Young for Louisiana
14 Energy Users Group. Just a couple of comments. First of all, from a ratepayer's
15 perspective, the requests by Entergy today are not customer-centric, in our view.
16 They're asking for these cost recovery treatments from their perspective and from
17 their benefit and not for the ratepayers' benefit, in terms of how they want to use
18 the money. Second, in terms of the treatment, what you do with these items, they
19 would typically be considered as part of a rate case. So what they're asking you to
20 do is to carve those out right before we get to the rate case and say let's deal with
21 those separate and to spot them \$34 million, as I see it, before we get to the rate
22 case table. So my request, again, is that the Commission wait and see the whole
23 playing field. See the rate case, and then if you decide you want to use the dollars

1 for these purposes, once you see the whole playing field, you still have that option
2 before you. But at least you would see the whole playing field before you decide
3 what's the best use of this money for the benefit of the ratepayers. Thank you.

4 **CHAIRMAN CAMPBELL:** Mr. Lewis.

5 **COMMISSIONER LEWIS:** Yes. Thank you, Randy. I appreciate that. And Phil
6 and Larry, I guess I'll ask you a question before I contemplate a substitute motion,
7 potentially. Is there anything that harms you if we approve the financing but not
8 the expenditures right now?

9 **MR. MAY:** I don't have authorization to agree to something other than what is
10 proposed. I think that to the extent we use, you know, we look at the -- what's in
11 there a little more deeply, I understand that, but I have no authorization to approve
12 something than what we have proposed before the Commission.

13 **COMMISSIONER LEWIS:** Okay. I have -- let me rephrase my question, make
14 sure I'm following you correctly. So you're saying that if we approve the financing
15 but not the expenditures, there may be different conversations that you don't have
16 authorization to talk about right now; is that correct? But there is nothing that
17 would directly harm this proposal if we did that? Or, well, from the financing
18 standpoint?

19 **MR. HAND:** I would suggest, from an accounting perspective, that's true. We
20 can book a reg liability for the earnings. But from the proposal we've made, the
21 authority we have, we took into account that this \$1.6 billion is sitting on Entergy's
22 balance sheet without any offsetting asset, without any offsetting earnings, so that's
23 a big concern for us. Knowing that we could come to the Commission, part of the

1 proposal is spend it on outside-of-right-of-way trimming to improve reliability
2 resilience. That helps us, that helps you, that's why we did it that way. And also
3 providing a path for the Commission to consider the COVID assets is important, so
4 I would say approving the filling of the honey pot doesn't get us there because we
5 need to understand what we're doing it for, what are taking on the risks in keeping
6 this money in our balance sheet, and if it's just going to be spent on something we
7 don't know about in the future, two years from now, after our rate case is done, that
8 level of uncertainty while we keep \$1.6 billion in the balance sheet is not acceptable
9 for us. I mean, I wish I had a better answer, but that's it.

10 **COMMISSIONER LEWIS:** Yeah. I guess my last questions is then, and I'll pass
11 it to Commissioner Greene, is then what is your process for stakeholder
12 engagement? Because, I mean, I think what I'm hearing today is everyone's
13 pleased with you for doing this. No one has come up and said, nah, Entergy, you're
14 bad for doing this. I think we're all happy. I think where I'm hearing the hesitation
15 and where I may slightly hesitate is that it wasn't as collaborative, potentially. Or
16 not even that, I don't want to say it that way, that may give the wrong impression
17 of where I'm going or what I'm trying to say. I guess where I'm going is the timing
18 of it, right. This has not been something that has kind of set for a few weeks for
19 people to really kind of chime in, maybe ask some deeper questions, and so I think
20 that's where I'm hedging because I just hear others saying, hey, like look, wait, we
21 love this, but it just popped up. And I understand the timing and that's why I'm
22 asking these question, so forgive me for kind of thinking out loud at this moment.
23 I think I was asking a question and I may have answered it myself, so I'll just stop.

1 **COMMISSIONER GREENE:** Can I just clarify? The money set aside for the
2 regulatory liability is not being spent today, and in theory, once we got to that
3 conversation, if we disagreed with 100 percent of it, we could say, okay, y'all done
4 get any of that. So that money will not be spent today; is that correct?

5 **MR. HAND:** That money will not be spent today, cannot be spent until this
6 Commission approves or disapproves of recovery of that COVID asset. Just for the
7 record, if the Commission were to put a zero there, we might appeal.

8 **COMMISSIONER GREENE:** I understand.

9 **MR. HAND:** Would likely appeal, but nothing will happen until this Commission
10 acts.

11 **COMMISSIONER GREENE:** But everyone will have input into what gets
12 approved or disapproved at a later date.

13 **MR. HAND:** Correct.

14 **CHAIRMAN CAMPBELL:** That's other than the tree trimming.

15 **COMMISSIONER GREENE:** Other than the tree trimming, yes.

16 **CHAIRMAN CAMPBELL:** Right. Let me ask you one question here. To the
17 extent available [INAUDIBLE] accumulated provision or property insurance. Tell
18 me, what is that? Do y'all have insurance?

19 **MR. HAND:** It's a FERC uniform system of account name, but really what it
20 means, is so smaller storms -- so we have a base rate storm accrual that accumulated
21 provision for property insurance. Basically, we collect, I think it's about \$2 million
22 per year from customers as part of base rates with the thought we're going to have
23 small storms, and we'll take the cost of those small storms and apply it to that 2

1 million. So we would propose as that last bucket, if there's money left after
2 everything else happens, we credit that money to that storm reserve accrual, which
3 is --

4 **CHAIRMAN CAMPBELL:** You take money from the ratepayers every year, and
5 you have insurance, right?

6 **MR. HAND:** No.

7 **MR. MAY:** It's self-insurance.

8 **MR. HAND:** It's self-insurance in the amount of about \$2 million per year.

9 **CHAIRMAN CAMPBELL:** Yeah, well I was wondering why you needed
10 insurance, you get all your money back anyway. That's the craziest thing I ever
11 heard of.

12 **MR. HAND:** If there were commercially reasonable insurance available for our
13 transmission and distribution assets, we would, as you know, something we've
14 struggled with since Hurricane Andrew, not available and we're not able to get it.

15 **CHAIRMAN CAMPBELL:** Okay.

16 **MR. HAND:** This is a self-insurance, small self-insurance account.

17 **CHAIRMAN CAMPBELL:** So basically what Mr. Greene asked you, what we
18 understand is the only part of the \$34 million that's going to be earmarked today is
19 for tree trimming, correct?

20 **MR. MAY:** That's correct.

21 **CHAIRMAN CAMPBELL:** The other money, we will get a chance to talk about
22 where it goes; is that correct?

1 **MR. HAND:** I have one correction. I think we are saying that the waterfall would
2 be that the remainder would go to COVID-19, but as Commissioner Greene pointed
3 out, the Commission will determine how much can be applied to the COVID-19
4 reg asset. And if the answer there is zero and that's upheld in a court of law, the
5 residual would go to that last bucket, which is the accumulated storm reserve and
6 base rates.

7 **CHAIRMAN CAMPBELL:** Okay. Is there any questions? Any more questions?

8 **MR. MAY:** And Commissioner, if I could just add one other thing, and I appreciate
9 the comments this morning. What we need, as Larry mentioned, we have \$1.6
10 billion on a debt. There is no additional income, there's nothing, assets that back
11 that, so it creates a little bit of uncertainty for those investors. And so what we need
12 is a couple of things. One is approval to do this in the first place, and it sounds like
13 there's general agreement that this is the right direction to go, but we also need is
14 just some guidance on the fact that those things are going to applied to certain costs.
15 It sounds like there is general agreement on the tree trimming costs, \$7 million a
16 year. It sounds like there is an acknowledgement of this regulatory asset, but there's
17 not a decision on that regulatory asset, but simply the fact that we're earmarking
18 dollars to go to what ultimately what gets decided. That third source, that's our
19 proposal. If you have something that you feel is more appropriate there, something
20 like that, certainly something that we can discuss, but I think the main thing is to
21 have a clear understanding of if you hold that debt, what are you doing with that
22 money, and the Commission can provide that clarity through those two things.

1 **CHAIRMAN CAMPBELL:** What's magical about \$12 million tree trimming?
2 Why isn't it 20 million, 25, or don't y'all have a tree trimming program already?
3 Why do you just need 12 million?

4 **MR. MAY:** Right, exactly. This one is specifically outside of the right-of-way.
5 So in other words, this is a tree that is not on our property. If we see that the tree is
6 leaning or it has a limb that's overhanging, before we can trim that tree, we have to
7 go to the landowner, have to get their permission and cut the tree down. And so
8 that removes the risk, but this is not part of our traditional vegetation management
9 program, but it is a risk mitigation that --

10 **CHAIRMAN CAMPBELL:** You don't have that program already?

11 **MR. MAY:** We had it in '21 and '22 per the FRP. We don't have it this year.

12 **CHAIRMAN CAMPBELL:** Any other questions?

13 **VICE CHAIRMAN FRANCIS:** Is the 7 million a reasonable figure per year to
14 do this particular project? [INAUDIBLE] --

15 **MR. MAY:** I think it is, Commissioner. It's a good question. As Larry noted, we
16 saw a 30 percent decrease in outages caused by out of the right-of-way reasons, and
17 so we're seeing good effect from that spending.

18 **VICE CHAIRMAN FRANCIS:** Is that seen statewide or is that just in the
19 hurricane zone?

20 **MR. MAY:** That's throughout the state. Anywhere there's a tree, there's
21 [INAUDIBLE].

22 **VICE CHAIRMAN FRANCIS:** Even up there in Shreveport, huh? Okay.

1 **MR. MAY:** It's, yeah, so mostly certainly more in our rural areas where you see
2 more trees and so forth, but like Baton Rouge and Metairie also have a lot of trees,
3 but you're trimming trees in 58 of the parishes that we serve.

4 **MR. HAND:** And Commissioner, the 7 million was the number we have additional
5 tree trimming that occurs for stuff that's inside of the right-of-way where we have
6 the right to trim it. The 7 million was determined as how much more could our
7 contract arborist, you know, manage and 7 million was determined to be a feasible
8 level to do it and achieve it. I mean, you could pick a number, 50 million, there's
9 just not enough qualified tree trimmers in Louisiana to do that level of work, that's
10 why we got 7 million.

11 **CHAIRMAN CAMPBELL:** Any further questions? There's no objections?
12 [NONE HEARD] Item passes.

13 **MS. BOWMAN:** Moving on to Exhibit Number 9. This is Docket Number X-
14 36718. This is the Commission's audit of federal environmental adjustment clause
15 filings for Cleco Power for the period January 2020 through December of 2022.
16 It's a discussion and possible vote to hire an outside consultant. The Commission
17 Staff issued an RFP 23-15 seeking outside consultants and we received two
18 qualifying bids. The first is London Economics International for 35,905 in fees and
19 4,260 in expenses for a total budget not to exceed of 40,165. And the second was
20 United Professionals Company of 44,500 in fees and 500 in expenses for a total
21 budget not to exceed of \$45,000. Staff makes no recommendation as both bidders
22 are qualified.

23 **COMMISSIONER GREENE:** Motion to accept United Professionals.

1 **COMMISSIONER SKRMETTA:** Second.

2 **CHAIRMAN CAMPBELL:** There's a motion by Mr. Greene, a second by Mr.

3 Skrmetta that we accept the bid of United Professionals for \$44,500 and \$500

4 expenses. No objection? [NONE HEARD] Accepted. Number 10.

5 **MS. BOWMAN:** Exhibit Number 10 is Docket Number X-36719. This is the

6 Commission's audit of federal environmental adjustment clause filings for Entergy

7 Louisiana for the period of January 2020 through December 2022. It's a discussion

8 and possible vote to hire an outside consultant. The Staff did issue an RFP and we

9 received one qualifying bid from London Economics International for 35,905 in

10 fees and 4,260 in expenses for a total budget not to exceed of 40,165. And Staff

11 makes no recommendation as the sole bidder is qualified.

12 **COMMISSIONER GREENE:** Motion to accept sole bidder.

13 **COMMISSIONER SKRMETTA:** Second.

14 **CHAIRMAN CAMPBELL:** There's a motion by Mr. Greene, second by Mr.

15 Skrmetta to accept London Economics International. No objection? [NONE

16 HEARD] Next question. It's passed.

17 **MS. BOWMAN:** Exhibit Number 11 is Docket Number X-36720. This is the

18 Commission's audit of federal environmental adjustment clause filings for

19 SWEPCO for the period of January of 2020 through December of 2022. It's also a

20 discussion and possible vote to hire an outside consultant. Staff did issue an RFP.

21 We received two qualifying bids. One from London Economics for 35,905 in fees

22 and 4,260 in expenses for a total budget not to exceed of 40,165. And then the

23 second was from United Professionals Company of 44,500 in fees and 500 in

1 expenses for a total budget not to exceed of \$45,000. And staff makes no
2 recommendation as both bidders are qualified.

3 **COMMISSIONER GREENE:** Motion to accept middle bid, United
4 Professionals.

5 **COMMISSIONER SKRMETTA:** Second.

6 **CHAIRMAN CAMPBELL:** There was a motion to accept number one, London
7 economics. Second by --

8 **SECRETARY FREY:** I think it was to accept London, right? I mean, United,
9 correct?

10 **COMMISSIONER SKRMETTA:** United.

11 **CHAIRMAN CAMPBELL:** You said United Professionals? I apologize. A
12 motion by Mr. Greene, a second by Mr. Skrmetta to accept number two, United
13 Professionals. Any objection? [NONE HEARD] Hearing none, it's accepted.

14 **MS. BOWMAN:** Exhibit Number 12 and Exhibit Number 13 are deferred, so
15 we're moving to Exhibit Number 14, which is reports, resolutions, discussions,
16 votes, and directives. We do have two ratifications this month. The first is a
17 discussion and possible vote to ratify interventions of the Commission in
18 RTO/ERSC or other federal regulatory proceedings. This matter is on the agenda
19 for ratification of an intervention on behalf of the Commission in an RTO related
20 proceeding that was State of Texas versus EPA in the Fifth Circuit Court of
21 Appeals. Pursuant to the scope of work approved and in connection with the
22 retention of Stone Pigman and United Professionals at the February 2021 Business
23 and Executive Session and due to the short deadlines allowed for interventions in

1 the proceedings, if advance Commission approval is not possible, the Executive
2 Secretary on the recommendation of Stone Pigman or UPC, or on his own
3 determination, may authorize initial interventions, comments, or protests, subject
4 to ratification at a following B&E. An intervention on behalf of the Commission
5 was filed in the State of Texas versus EPA, Fifth Circuit Court of Appeals case,
6 however it was denied by the Fifth Circuit. The Staff still recommends that the
7 Commission approve filing an amicus brief to raise issues and concerns not likely
8 raised by any other party within the Fifth Circuit proceeding. Therefore, Staff
9 recommends that the Commission approve the filing of an amicus brief in the Fifth
10 Circuit Case of Appeals Number 23-60069.

11 **COMMISSIONER LEWIS:** Mr. Chairman.

12 **CHAIRMAN CAMPBELL:** Does anybody -- go ahead.

13 **COMMISSIONER LEWIS:** I would have to object on this recommendation. My
14 district is known across the country as cancer alley. Black individuals who live in
15 my district are 7 to 21 times more likely to be exposed to air pollution than any
16 other place in the world. We, the state of Louisiana, has failed our people for too
17 long by not giving them clean air and by favoring industry and the EPA has tried
18 to recourse history. There are constituents of mine who will tell you in St. James,
19 the parish, and Convent, Louisiana, where she can name 15 family members who
20 all have died of cancer. Nothing different, their bodies are sick. And so rejecting
21 Louisiana's plan, as the EPA said, because we have found many technical flaws,
22 and I agree with the EPA on this. And so in respect, I cannot support, as a
23 Commissioner, joining a lawsuit that does not bring clean air to my constituents. I

1 understand where we have made concerns about utilities. However, that's been a
2 fault of this state for too long and I don't think my people should suffer because we
3 have not done right by them in ensuring that their air is breathable and they're not
4 dying of cancer. And if that means we have to change the way we have done things
5 for so long, I am in favor of it, and so I think our arguments that the EPA
6 disapproved are well taken and the criticisms of our 1 percent contribution
7 threshold in Step 2 is correct, and so therefore, I would object to filing an amicus
8 brief. Thank you, Mr. Chairman.

9 **COMMISSIONER GREENE:** Commissioner Lewis, I have a question. It seems
10 like the Staff recommendation is to get Stone Pigman to write an amicus brief and
11 you're opposed to that?

12 **COMMISSIONER LEWIS:** Yes, because I do not -- I don't support the lawsuit,
13 that Texas and the Department of Environmental Quality, DNR, LMOGA, LABI
14 has filed against the Environmental Protection Agency.

15 **COMMISSIONER GREENE:** Well, wouldn't the brief just summarize
16 Louisiana's position? Can someone from Stone Pigman come up? Because it
17 seems like if you're going to write a brief, that would include Commissioner Lewis'
18 opinions on the matter; is that right?

19 **MS. DARIA DIAZ:** The purpose of the --

20 **MS. BOWMAN:** Introduce yourself, please, first.

21 **MS. DIAZ:** Daria Diaz, Stone Pigman. The purpose of the amicus brief, it's a
22 friend of the court brief, so we would be raising issues that have not really been
23 addressed by the DEQ or the attorney general or LABI or [INAUDIBLE].

1 **COMMISSIONER GREENE:** It seems like those would include some of
2 Commissioner Lewis' concerns.

3 **MS. DIAZ:** The -- well, our focus would be on the issues of reliability that the
4 proposed rule causes for the generators and potential retirements of various, you
5 know, deadlines that are involved, so we're focusing strictly on the reliability and
6 cost and we're not getting into the merits of what the DEQ, the bottling, or any of
7 those issues. It's strictly this is the potential of fact and the potential ramifications
8 to the ratepayers of Louisiana from this. And one of the issues, which I don't
9 necessarily propose to get into, but does go to Commissioner Lewis' point, is that
10 increased electricity costs for everyone.

11 **COMMISSIONER GREENE:** So is it true, and I'd like your opinion, too, is the
12 vehicle to address your concerns just a separate vehicle than this?

13 **COMMISSIONER LEWIS:** My concerns is I don't support the underlying
14 lawsuit against the Environmental Protection Agency. I think the Clean Air Act, in
15 my opinion, is acceptable and should be followed as written and that the rejection
16 of Louisiana's good neighbor was that, and so it's tiered. My objection is more on
17 the actual principle of the case, not necessarily what has been filed.

18 **COMMISSIONER GREENE:** But the substance of the amicus brief is going to
19 be on reliability and affordability?

20 **MS. DIAZ:** That's correct. And, you know, for example, and the comments were
21 filed on behalf of the Commission in the, you know, with respect to one of these
22 issues and those were the issues that we focused on for reliability.

23 **COMMISSIONER GREENE:** And you're objecting on principle --

1 **COMMISSIONER LEWIS:** Yes.

2 **COMMISSIONER GREENE:** -- but that --

3 **COMMISSIONER LEWIS:** Well, I think that --

4 **COMMISSIONER GREENE:** -- it's possible that your concerns could be taken
5 up under a different vehicle; is that right?

6 **COMMISSIONER LEWIS:** I think -- while I understand where you're going
7 with that, Commissioner Greene, I think where my concerns lie is that while I
8 respect and have read our filings of making the case of reliability, I think that has
9 been a failure on the part of the state of Louisiana, and I don't think that should be
10 justified as a reason to pursue with Texas in the lawsuit against the EPA. So that's
11 why I said its more fundamentals.

12 **COMMISSIONER SKRMETTA:** Mr. Chairman, I have a statement.

13 **CHAIRMAN CAMPBELL:** Mr. Skrmetta.

14 **COMMISSIONER SKRMETTA:** Yeah. And I appreciate what Commissioner
15 Lewis is saying. Unfortunately, the Public Service Commission is not detailed to
16 act on behalf of state DEQ. We are tasked to deal with rates and issues associated
17 with protecting ratepayers. And if there's a failure on the state level, it lies with the
18 governor's office and with the state Department of Environmental Quality. And
19 the value of participating in an amicus brief at this point is on the good neighbor
20 policy, which is an ozone issue, which is effectively a methodology of the federal
21 government acting through the EPA to create a tax mechanism to effectively cause
22 increases in costs to various utilities across the country, to then pass these costs
23 through to the ratepayers. So while I appreciate your concerns about air quality and

1 the issues associated with the public that goes along with social construct of crime
2 and disease and other issues, which are limited to really the power of the governor's
3 office, what we can do here is act to affect the costs that fall back on the ratepayers
4 and that's why we do these things and acting in a way to engage on issues that affect
5 cost and effect on ratepayers and why it is our obligation to engage in litigation that
6 will impact costs. To not engage in any kind of activity on this shows a lack of
7 concern for protecting the financial interest of the ratepayers. So I call for a vote.
8 Well, actually, motion to approve and accept the intervention, but Commissioner -
9 - go from there.

10 **MS. BOWMAN:** Excuse me. Not the intervention, but just the filing of the amicus
11 brief.

12 **COMMISSIONER SKRMETTA:** Well, a motion to approve the amicus.

13 **COMMISSIONER LEWIS:** And I will object.

14 **COMMISSIONER GREENE:** Roll call.

15 **COMMISSIONER SKRMETTA:** Roll call.

16 **MS. BOWMAN:** Well, we need a second to commissioner Skrmetta's motion.

17 **COMMISSIONER GREENE:** I second.

18 **MS. BOWMAN:** So roll call vote. So Commissioner Skrmetta?

19 **COMMISSIONER SKRMETTA:** Yes.

20 **MS. BOWMAN:** Commissioner Greene?

21 **COMMISSIONER GREENE:** Yes.

22 **MS. BOWMAN:** Commissioner Lewis?

23 **COMMISSIONER LEWIS:** No.

1 **MS. BOWMAN:** Commissioner Francis?

2 **VICE CHAIRMAN FRANCIS:** Yes.

3 **MS. BOWMAN:** Okay. Thank you. Three - one. So also under Exhibit 14,
4 there's a discussion and possible vote to ratify votes taken by Commissioner
5 Francis acting as the Commission's representative on the Regional State Committee
6 of the Southwest Power Pool. The matter is on the agenda for ratification of votes
7 taken on April 24, 2023 by Vice Chairman Francis. Staff followed the protocols
8 set forth in Special Order 17-2019 to consult with the Executive Secretary and the
9 Chairman and to make a recommendation to Vice Chairman Francis prior to the
10 votes. The protocols also require that the votes be ratified. The two substantive
11 voting items before the RSC and Vice Chairman Francis voted in favor of both
12 items were: 1) That the first item addressed a motion to define the scope of resource
13 and energy adequacy leadership team at addressing SPP's current resource
14 adequacy construct and anticipated challenges resulting from resource mixed
15 changes, extreme weather impacts, increased demand, and involving customer
16 behaviors. The second voting item approved a recommendation to address FERC's
17 order rejecting SPP tariff changes to implement an ELCC methodology for
18 accrediting wind and solar capacity by resubmitting the filing with an explanation
19 of why the ELCC treatment of wind and solar is equitable and appropriate. Staff
20 recommends that the Commission ratify Vice Chairman Francis' votes taken on
21 April 24, 2023 as the Commission's representative to the SPP RSC.

22 **COMMISSIONER SKRMETTA:** Move to ratify the vote of Commissioner
23 Francis.

1 **COMMISSIONER GREENE:** Second.

2 **VICE CHAIRMAN FRANCIS:** And I'll abstain.

3 **MS. BOWMAN:** So a motion by Commissioner Skrmetta, seconded by
4 Commissioner Greene, with Vice Chairman Francis abstaining. Is there any
5 objections? [NONE HEARD] Hearing none. Also under Exhibit 14, there is a
6 directive. It's a directive to Staff on increasing O&M expenses for common
7 carriers. This is at the request of Commissioner Skrmetta. And the directive says,
8 due to the rising costs on standard O&M expenses for regulated motor carriers, I
9 direct Staff to open a docket or expand an appropriate existing docket to consider
10 an efficient way to address such rising costs, including potential annual increases
11 based on the producer price index. Any opposition to the directive? [NONE
12 HEARD] Hearing none, we will move to Exhibit Number 15, which is Docket
13 Number R-31106. This is the Commission's rulemaking to study the possible
14 development of financial incentives for the promotion of energy efficiency by
15 jurisdictional electric and gas utilities. There are two directives. The first is a
16 directive to Staff to publish proposed rules in Docket Number R-31106, at the
17 request of Commissioner Skrmetta. There is also a directive to Staff to publish
18 proposed Phase II rules in Docket Number R-31106, at the request of
19 Commissioner Greene. I can read both of those directives into the record if the
20 Chairman wishes, but we also have two witnesses who would like to speak.

21 **COMMISSIONER SKRMETTA:** I'd like mine --

22 **MS. BOWMAN:** Read in first?

23 **COMMISSIONER SKRMETTA:** I'd like mine read.

1 **MS. BOWMAN:** Let's read these first. One second. Commissioner Skrmetta's
2 directive reads as follows: As mentioned at last month's B&E, I've been working
3 on a proposed pilot program that takes the success of the Commission's Public
4 Entities Program and applies those same concepts to a residential program. I
5 anticipate the pilot program would provide direct impacts for Louisiana citizens,
6 improving their quality of life by providing high energy efficiency impact within a
7 short period of time. Given this success, I direct Staff to publish proposed Phase II
8 rules contemplating a pilot program for a two-year period that closely mirrors the
9 current Public Entities Program wherein the Commission focuses its energy
10 efficiency efforts on providing an up to maximum credit to qualified residential
11 households to weatherize their homes. These proposed rules should be published
12 in the docket no later than May 26, 2023, such that we can move forward with
13 receiving input from stakeholders and publishing a final proposed rule with the goal
14 that final rules will be considered by the Commission at the September 2023 B&E,
15 but no later than the October 2023 B&E. And I'll go ahead and read --

16 **COMMISSIONER SKRMETTA:** Sure.

17 **MS. BOWMAN:** -- Commissioner Greene's as well.

18 **COMMISSIONER SKRMETTA:** Oh, well --

19 **COMMISSIONER GREENE:** Well, I object to his and I'd ask you to read mine.

20 **COMMISSIONER SKRMETTA:** Well, yeah, but I wasn't quite finished. Did
21 you finish the reading?

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

23 **COMMISSIONER SKRMETTA:** Was that the complete reading of mine?

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

2 **COMMISSIONER SKRMETTA:** Okay. Go ahead. I'm going to -- I want to
3 make a statement of mine, but he's going to object to mine, but go ahead and read
4 the next one. Let me know when you want to go, part by part.

5 **MS. BOWMAN:** Okay. So Commissioner Greene's directive is: I direct Staff to
6 publish a new version of the draft Phase II energy efficiency rules, which
7 contemplate the creation of a Commission-lead statewide energy efficiency
8 administrator program. This new version shall be based upon conversations Staff
9 has had with the Commissioners over the past few months. This draft rule should
10 be published in the docket no longer than May 26, 2023, such that we can move
11 forward with the process by receiving input for a final draft with the goal that the
12 final rule be considered by the Commission at the September 2023 B&E, but no
13 later than the October 2023 B&E. So we do have an objection by Commissioner
14 Greene for Commissioner Skrmetta's.

15 **COMMISSIONER SKRMETTA:** And I'm going to object to Commissioner
16 Greene's. But I'd like to explain the reasoning behind my directive. And at the
17 Crowley meeting, I actually wrote it out on a page and shared it with Commissioner
18 Greene. This was after we had a statement at the last Commission meeting that we
19 were going to have a two-year pause before we moved forward with what was
20 effectively going to be a vote on a managed energy efficiency program. And I'd
21 like to point out, and unfortunately Commissioner Lewis has not participated in any
22 meaningful way in our government-based energy efficiency program until we have
23 changed the rule that allowed him to, you know, we razed the deadlines, we

1 eliminated the deadlines. But I know there have been people working with
2 Commissioner Lewis on doing some stuff, I think some sports fields with LSU and
3 some other stuff. But each Commissioner, Commissioner Francis, Commissioner
4 Campbell, Commissioner Greene, and myself, over the past few years, working
5 through the program that we developed, have provided the public through a very
6 low managed cost mechanism of our government facility, we have provided
7 approximately, per district, between \$15 and \$20 million in energy efficiency
8 mechanisms for government facilities, whether they're playgrounds or schools or
9 whatever they are, at a cost of administration of 1 percent. And so the 1 percent
10 has been for the hiring of engineers to go out and do this, and that's in a more recent
11 time frame of about two years. This has been done and, without the growth of
12 government, it has been done in a very conservative way, and what the concept of
13 to move forward in this energy efficiency program for residential, is to have each
14 Commissioner have the ability to do the same thing and provide a \$10,000 credit
15 for 150 families per year and that will provide a real impact for families that are
16 effectively homeowners over the age of 65 that are fixed income retirees to do
17 complete weatherization of their home with at least a \$10,000 credit from the
18 Commission that will be paid for by the utilities in those areas, similar to what we
19 have done with the government program. Now, they can exceed that at their own
20 expense. The contractors, much like we do with the government facility, would
21 pay for the cost of the action. It would be reviewed by the existing engineers that
22 we have on the program that are already paid, and it would be a direct and hard
23 impact. But when we look at this, we're talking about very quickly impacting in a

1 serious way the lives of thousands of residential homeowners that are in the most
2 immediate of need as fixed income folks impacted by inflation, over a period of
3 two years, and for a two-year period only, and it can be reviewed and looked back
4 at and reviewed whether to go forward. Now, contrary to that, and I do want to just
5 make a quick comment about what Commissioner Greene's doing, is the creation
6 of growth in government with a paid contractor of which is anticipated to be an
7 excess of \$1 million a year, which is unnecessary because we have a successful
8 government based program that has proved itself viable and effective and that, you
9 know, we, as republicans, need to look at minimizing the growth of government
10 and maintaining the best value for the consumers. So I think that for a two-year
11 cycle, what I'm recommending that we do provides immediate impact. Not
12 coupons for lightbulbs and, you know, advertising for, you know, energy efficient
13 appliances, but real ability for people to, you know, get in there and change their
14 lives and have a massive impact on the ability to fix their homes. And this would
15 all be managed through the Executive Secretary, there would be a registry of
16 contractors that would managed by the Executive Secretary, and the list of
17 homeowners that would be trying to or applying for this would all be managed
18 through the Executive Secretary. But this would all be monitored by the
19 Commissioners, by their appropriate district, and it would be an addition of
20 approximately double the amount of what the Commissioners have flowing through
21 their districts now. So this would be done, instead of taking that million plus dollar
22 creation of administration and patronage, we would be taking that money and
23 putting it to work in helping people in our district. And if you look at that, in

1 concept, just the million dollars that they're looking at for an administrator's fee,
2 we could do so many homes at \$10,000 a credit, that it creates an offset that we
3 don't even have to consider doing this. So that's why I want them to look at, as a
4 directive, not to defeat the directive, but to bring this forward with a better analysis
5 and for a vote by September or October. So I ask you not to defeat this and I ask
6 to have a vote on it for further consideration on this matter.

7 **COMMISSIONER GREENE:** May I speak?

8 **CHAIRMAN CAMPBELL:** Mr. Greene.

9 **COMMISSIONER GREENE:** So points taken. I'd like to point out my thoughts
10 on mine. Louisiana is a very energy intensive state and annually our customers
11 experience a clash between extreme heat and humidity and, now more and more
12 often, colder winters with insufficient insulation, unsealed windows and doors, and
13 inefficient heating and cooling systems. The clash leads to higher electric bills from
14 high customer usage and an intense energy strain on our system as we call on more
15 of our generation stack to meet that demand. The fact lends itself to reality.
16 Louisiana and the utility customers we represent have the most to gain from a robust
17 energy efficiency program that delivers benefits wholly and directly to the end
18 customer. This also means we have the most to lose if we continue to let what has
19 been decades long docket meander on. Staff has been working hard with input from
20 Commissioners to create a robust statewide energy efficiency program that equips
21 this Commission and each Commissioner to deliver those benefits to residents and
22 businesses and it's time to get this across the finish line. Therefore, I direct Staff
23 to publish a new version of the draft of Phase II energy efficiency rules, which

1 contemplate the creation of a Commission-lead, statewide energy efficiency
2 administrator program. This new version shall be based conversations Staff has
3 had with Commissioners over the past several months. This draft rule should be
4 published in the docket no later than May 26, 2023, such that we can move forward
5 with the process for receiving input for a final draft, with the goal that a final rule
6 be considered by this Commission at the September 2023 B&E, but no later than
7 October 2023.

8 **COMMISSIONER SKRMETTA:** And I ask for a vote on both directives
9 because I don't see how they mutually exclude each other, but I think that once we
10 have a look at both rules and how they are, I think we can have a better
11 understanding of the real potential of how effective they can be done at a better cost
12 profile. So I think they should both go forward and have the Staff look at them and
13 really compare them on a cost and performance basis, and I think they should go
14 forward and ask for a vote.

15 **COMMISSIONER LEWIS:** Commissioner --

16 **MS. BOWMAN:** Well --

17 **COMMISSIONER LEWIS:** I'm sorry.

18 **CHAIRMAN CAMPBELL:** Commissioner Lewis.

19 **MS. BOWMAN:** Go ahead.

20 **COMMISSIONER LEWIS:** Commissioner Skrmetta, can I ask -- I'm trying to
21 make sure I understand --

22 **COMMISSIONER SKRMETTA:** Sure.

1 **COMMISSIONER LEWIS:** -- so I'm trying to clarify. Are you wanting to
2 expand the scope of the program to include weatherization or are you throwing out
3 the -- or is your proposal and plan to throw out the existing rules to mirror the state
4 weatherization assistance program that would be Commission-lead? So I want to -
5 - are we --

6 **COMMISSIONER SKRMETTA:** What I'm trying to do, Commissioner, is I
7 don't know how much you've had a chance -- I know you've been looking at it
8 with some people that have called me to engage with you on our government energy
9 efficiency program. I want to create the same program for residential, without
10 having to create an increased administrative mechanism like what Commissioner
11 Greene is talking about. You weren't here when we started talking about that, but
12 what Commissioner Greene was talking about is hiring an administrator at over a
13 million dollars a year, creating other positions and creating more government. But
14 what we were talking about is, our current engineers that we are all allowed to have
15 are at 1 percent of the volume of money. Right now we're at about almost \$20
16 million in the program for government. If we take the residential system away from
17 the utilities and bring it under the control of the Commission, it will double the
18 amount of money, it would still be 1 percent for the current engineers we have, so
19 their amount of money would go up from about 24,000 to about \$50,000 a year
20 each. They would still monitor the program for each Commissioner -- each district.
21 But what we would do is, families would register with the Executive Secretary from
22 each district. They would be 65 and over, either single or married. They would be
23 homeowners, so we wouldn't enrich landlords. They would say -- they can get a

1 \$10,000 credit. They can do windows, insulation, devices, anything they want to
2 do. It's the homeowner's decision. Contractors would register in a database with
3 the Executive Secretary. The homeowners select the contractor they want. The
4 homeowner enters into a contract with the contractor. The contractor puts all the
5 money up, does the job. Our engineer -- well, I say our -- the district engineer, the
6 homeowner, and the contractor meet, confirm the job is done. The contractor
7 presents his bill to the utility and it is paid. The homeowner is responsible for
8 nothing unless they go above the \$10,000 by pre-approved contract that they enter
9 into. But what that -- what I'm saying is, that is hundreds of people per district per
10 year that will have full weatherization versus piecemeal weatherization, which is
11 probably what will result under the program which Commissioner Greene is
12 suggesting, and it's going to take more than a couple of million dollars out of the
13 program in administrative costs, which those dollars could be in the program. And
14 I think it impacts hundreds of families per district per year and I think for a two-
15 year program, which was originally contemplated under the previous meeting
16 where we were going to have a two-year cycle before Commissioner Greene
17 accelerated this program like we voted on last month, and the last month we voted
18 to hold this off for two years in his statement. Now, all of a sudden, it came back
19 one month later to do it immediately, so I question that. But I think in that two-
20 year cycle, which I talked to him about at the last meeting, I said let's try to do this
21 for two years. I think in a two-year cycle, I think it would prove itself and I think
22 as a pilot program, I think it's well worth the opportunity to help families that are
23 suffering from the fact of high utility bills, inflation, and everything else. And the

1 mere fact that somebody could get double-pane windows or insulation, everything,
2 and \$10,000 could go a long ways to help families. And if its, you know, 150, 300
3 families a district, well, you know what, it's better than waiting around and
4 enriching a contractor and better to put that money to work in the public. And that's
5 my theory about this.

6 **COMMISSIONER LEWIS:** Thank you. And I guess my other question, I
7 haven't found one yet, but are you aware of any other state that has a non-
8 administrative weatherization program?

9 **COMMISSIONER SKRMETTA:** Well, the administrator exists under -- the
10 administrator exists by our engineer resolves the matter to make sure it's done.

11 **COMMISSIONER LEWIS:** Got you.

12 **COMMISSIONER SKRMETTA:** So we are -- look, we're elected to do a job,
13 right. And I look at it this way: There's been some comments in the past that, you
14 know, the Commissioners do certain things. I believe the Commissioners have a
15 broad constitutional duty to do a lot of things. Okay. And I think one of them is to
16 administrate and to do what we have to do, right. We're executive, we're judicial,
17 we're administrative. We do everything. We're a one-stop shop. So I think that
18 what we are doing, I think it's effective. In fact, the government system that we
19 have was \$14 million in a fee to accompany that was administrating all of the
20 utilities' government programs. That \$14 million, original, was a fee. We took that
21 fee and we put that to work and helped government facilities all through the state
22 to the tune of, let's just say considerably, 120 to \$150 million in energy efficiency
23 programs that have been effective. It made lights better in schools, it made lights

1 in parks, it fixed AC systems. It did this instead of enriching a contractor in the
2 state of Texas. So I think that same aspect is, why do we want to enrich a contractor
3 when we could take that same money and enrich the lives of the citizens of
4 Louisiana? And I think that it's worth a two-year program and a report afterwards
5 to say what did we do, how did it work, and bring the people and the citizens of
6 Louisiana who were affected and bring them in and let them testify how did it work
7 for you and do you think the program worked and should we do it again. So I'm
8 not asking for a permanency and a growth of government, I'm asking for a two-
9 year cycle, let it work, and then let them come in and demonstrate whether it worked
10 again. And look, if it works, let's keep going; but if it doesn't work, let's stop it
11 and move on with whatever we anticipate works. But administration is not
12 necessary to the solution. Thank you.

13 **COMMISSIONER LEWIS:** Thank you.

14 **COMMISSIONER GREENE:** I'd like to call the Alliance up, please.

15 **MS. BOWMAN:** We have two witness cards: The Alliance for Affordable
16 Energy, Jessica Hendricks; and then also Erin Hansen, Together Louisiana. And I
17 believe there's one more person for Together Louisiana.

18 **VICE CHAIRMAN FRANCIS:** Mr. Chairman.

19 **MS. BOWMAN:** Please just introduce y'all's selves for the record.

20 **VICE CHAIRMAN FRANCIS:** Is this draft product -- where did it come from?

21 **CHAIRMAN CAMPBELL:** Which one?

22 **VICE CHAIRMAN FRANCIS:** This draft product here [INAUDIBLE]. I
23 assume everybody has one.

1 **COMMISSIONER GREENE:** Actually, my motion is to publish the draft.

2 **COMMISSIONER SKRMETTA:** I don't have a draft product.

3 **COMMISSIONER GREENE:** That's what my motion is, to publish it.

4 **COMMISSIONER SKRMETTA:** I don't -- but he says he's got a draft product,

5 so.

6 **CHAIRMAN CAMPBELL:** Does anybody have this draft? I don't have that in

7 my book.

8 **COMMISSIONER SKRMETTA:** I don't have it either.

9 **COMMISSIONER LEWIS:** I believe this is the one that was emailed to us in

10 January, correct?

11 **MS. BOWMAN:** So there are two draft rules that have been circulated to all five

12 Commissioners. One is Commissioner Greene's draft, the one Commissioner

13 Greene is referencing. Commissioner Greene circulated that. And then the --

14 **CHAIRMAN CAMPBELL:** I don't have that.

15 **COMMISSIONER SKRMETTA:** I don't have it either.

16 **MS. BOWMAN:** The second is a draft --

17 **COMMISSIONER GREENE:** It was emailed to you last week.

18 **MS. BOWMAN:** The second is a draft that I circulated on behalf of Commissioner

19 Skrmetta.

20 **CHAIRMAN CAMPBELL:** Where is it?

21 **MS. BOWMAN:** It should be in your book. I have a copy if you would like to see

22 it.

23 **CHAIRMAN CAMPBELL:** Well, I don't believe I've got it.

1 **MS. BOWMAN:** But, again, just to clarify, we're not -- I guess we're not voting
2 on the rules today, we are voting on two directives to publish versions of the rules
3 today for stakeholder involvement, so we're not voting on the actual rules today.

4 **COMMISSIONER SKRMETTA:** Right.

5 **MS. BOWMAN:** And I guess if you guys would like to start.

6 **MS. JESSICA HENDRICKS:** Good morning, Commissioners. Jessica
7 Hendricks on behalf of the Alliance for Affordable Energy.

8 **MR. JIM VANDERWEELE:** I'm Reverend Jim VanderWeele. I live in Baton
9 Rouge.

10 **MS. HANSEN:** And I'm Erin Hansen, Together Louisiana.

11 **COMMISSIONER GREENE:** What are your thoughts?

12 **MS. HENDRICKS:** I guess to be honest, last month I was up before y'all asking
13 for a directive to release the rules, and I'm very excited to see that it made it on the
14 agenda. I'm a little confused to see that there are two directives to release what
15 I've heard is two different rules. My initial thought is that, you know,
16 Commissioner Greene, you have been leading this process for years, this robust
17 stakeholder process. We've had multiple technical conferences and multiple
18 rounds of comments with everyone involved, to really hone in on that rule. And I
19 think that that's something that I really would like to see move forward. We've put
20 in the work on this and we have an opportunity to kind of land that plane or finalize
21 this within the next few months, and I appreciate your robust timeline in getting
22 this published by the end of the month and then before a vote in September and/or
23 October. I'm very concerned about this other directive from Commissioner

1 Skrmetta, which seems to almost derail the program and the process that we have
2 worked so hard, since essentially 2009 on these programs. This kind of just throws
3 a wrench into the mix. And while it might be a program worth considering, we
4 don't have any information on it right now, aside from what was read in the
5 directive and what was discussed here. And although it might be a pilot program,
6 I think it would delay any progress and circumvent the process in the rulemaking
7 that has already been done to date. So I think we are in full support of
8 Commissioner Greene's directive moving forward.

9 **COMMISSIONER LEWIS:** Could I ask, Jessica, before you speak, I want to ask
10 you as someone who's studied this, are you -- how are most other state energy
11 efficiency programs run?

12 **MS. HENDRICKS:** Well, there's a combination of different programs. I think,
13 historically, we've seen a three-legged stool approach, which is kind of an incentive
14 for utilities to do savings. This is what Arkansas has. But I think Commissioner
15 Greene's proposal of a Commission-lead program is a little bit more cutting edge
16 than what we've seen in other states that are achieving more energy efficiency,
17 whereas this becomes, as Commissioner Skrmetta mentioned, a one-stop shop to
18 distribute these resources to the state with Commission oversight and transparency.
19 And it is kind of looking towards the folks that are good at this, that specialize in
20 efficiency programs, to administer it, as opposed to individual district offices. So
21 I think this is a way to really kind of reduce the waste, fraud, and abuse that can
22 come along with some of these programs, if they're not given the full transparency
23 that they need.

1 **COMMISSIONER LEWIS:** Thank you. I mean, do you, in your opinion, or the
2 Alliance's opinion, believe that the Commission has the capacity to administer an
3 energy efficiency program in the way we are currently are doing and then the
4 proposal or the proposed draft that we may publish from Commissioner Skrmetta?

5 **MS. HENDRICKS:** You know, I can't speak to the Commission's capacity. I
6 think, you know, different offices have their own capacity limits. I can speculate
7 just from our own internal capacity issues that it can be really difficult for small
8 offices to manage such a big program, and I would urge you to consider your own
9 capacity to administer that with one energy efficiency engineer on staff. Is that
10 something that your office can or want to handle, kind of, moving forward?
11 Because that is quite a bit of responsibility and administration to disburse those
12 kinds of funds.

13 **COMMISSIONER LEWIS:** Right. And so I guess my last question before I pass
14 it on is we know Louisiana has one of the highest energy burdens for people than
15 anywhere in the country, and so what is your view on a narrow eligibility? While
16 I appreciate what Commissioner Skrmetta stated, I think one of the places where I
17 am questioning is about the exclusion of people who have high costs. I mean, those
18 are people who live in apartments and condos, young families who are not
19 homeowners, and so I am thinking about my constituents who -- well, I want to
20 help them, too, and I'm hesitant when we make a narrow eligibility requirement
21 that favors one segment of the population and not necessarily all segments of the
22 population because we know the energy burden in this state is across the board. It
23 is not discriminating in a form or fashion, and so from what you have studied as

1 best practices. I mean, I'll be honest with you, as Commissioner Skrmetta noted, I
2 took office right before the deadline. I got a few applications in and I have not
3 moved them on purpose. I have not moved them because I wanted to understand
4 whether or not we are administering this correctly. I wanted to understand energy
5 efficiency for myself and my office, and I will tell you, it is a hassle. It is hard to
6 do. And so I am -- and there are decisions, I'm not an electrical engineer, right. I
7 cannot assess whether or not labor costs, for example, that is put into a proposal is
8 adequate and just. And so those are places that have given me some concern. And
9 so I know I started with one question, I'm ending somewhere else, so let me circle
10 back about -- so I'll just give you two more questions on the narrow eligibility and
11 what your thoughts on that or how we should look at energy efficiency; and then
12 secondly, why do you believe or the Alliance believes an administrative run
13 program is in the best interest of consumers, since that's what you're saying.

14 **MS. HENDRICKS:** Sure, sure. And I think, you know, we want these programs
15 to be inclusionary for all Louisianans. We want to make sure we are addressing
16 low-income programs and have a low-income carve out. We want to make sure
17 that we are addressing customers that have a high-energy burden, folks that are
18 spending upwards of 30 percent of their monthly income to utility bills. We want
19 to make sure that we are addressing that. We have seen in other jurisdictions that
20 that's where you get the most savings and the most, kind of, bang for your buck is
21 by reducing those costs for folks that are high energy burdens. And we've seen
22 those dollars stay in the community, so that's something that we see is a huge
23 benefit in reducing costs for folks when we're talking about utility rates going up.

1 A very easy way to keep the bills lower is by reducing energy usage, so we want to
2 make sure that these are inclusionary to low-income folks, to renters, and to harder
3 to reach populations that use a lot of energy. That's where we're going to get the
4 most bang for the buck, that's where we're going to see the most energy savings,
5 from dollars to usage, that could offset new generation, that could offset
6 transmission and distribution upgrades, less stress on the grid, things like that. So
7 we want to make sure that these are very inclusive and robust, accessible to all
8 Louisianans.

9 **COMMISSIONER SKRMETTA:** I have some questions, if you have a minute.

10 **MS. HENDRICKS:** Commissioner Lewis, did that answer your question? I think
11 I missed one. No?

12 **COMMISSIONER LEWIS:** No, no, you covered it all. I ask multiple questions
13 in my head as I was speaking, so you covered it.

14 **COMMISSIONER SKRMETTA:** I just have a couple of questions. First off,
15 Commissioner Greene's been on the Commission, I guess now, what, four years
16 and a few months.

17 **COMMISSIONER GREENE:** 2017, six years.

18 **COMMISSIONER SKRMETTA:** Six years already? So -- but its five years,
19 and six years next year, isn't it?

20 **COMMISSIONER GREENE:** 2023 minus 2017 is six.

21 **COMMISSIONER SKRMETTA:** Well, next year's your election year, right?

22 **COMMISSIONER GREENE:** Yes.

23 **COMMISSIONER SKRMETTA:** Six years is --

1 **COMMISSIONER GREENE:** I got elected in a special election the year before.

2 **COMMISSIONER SKRMETTA:** Oh, that's right, special, that's right. So but

3 we have been doing this governmental program, now, for longer than that. Okay.

4 You might remember what we did it, that when we took and canceled out the

5 utilities management of the sort of governmental side of energy efficiency. So

6 wouldn't you say that if we took the \$14 million that we determined that they were

7 spending on a fee to the administrator of all the investor owned utilities in this state

8 and we put that to work directly on energy efficiency programs in government

9 programs like lighting, street lighting, school lighting, park lighting, and all the

10 things that we've been doing as various Commissioners because everybody's been

11 doing a lot of -- kind of that same thing. Wouldn't you say that that was an effective

12 program that was different from before?

13 **MS. HENDRICKS:** To be honest, I think that we, you know, it's no surprise that

14 schools and rec centers, public entities, need energy efficiency programs. We've

15 received a lot of money on replacing light bulbs in some of these buildings. To --

16 **COMMISSIONER SKRMETTA:** No, but I mean -- no, I'm -- my very direct

17 question. That was \$14 million in fees as an administrator that we took and stopped

18 and we put that to work in directly funding lighting, AC repairs, different things for

19 changing out. And the program, as you know, is to change out existing, high

20 consumption, like, devices. Okay. It's all about devices in the program. If you

21 haven't studied it, it's all about devices, and replacing it with high-efficiency new

22 devices. That's the whole program. It's not creating new, like if it was a -- if they

23 say I want a light pole here, say no, thank you. But it's got to be an existing light

1 pole, an existing fixture, existing things. Changing it out to reduce electrical
2 consumption, right. That's the program. But we took \$14 million that was leaving
3 the state, it wasn't being spent here, it was leaving the state, it was going to Texas,
4 and we put it to work and it went to all these different programs. Do you recognize
5 that as a direct investment in energy efficiency on that program?

6 **MS. HENDRICKS:** Unfortunately, Commissioner, I cannot state that that was an
7 effective investment because we don't have --

8 **COMMISSIONER SKRMETTA:** No, but you -- can you at least say it's an
9 investment in energy efficiency versus the paying of a fee?

10 **MS. HENDRICKS:** I think the question comes down to is it a smart investment,
11 and without the transparency and evaluation and verification on these energy
12 savings, it's really hard to determine if that was a smart investment.

13 **COMMISSIONER SKRMETTA:** Okay. So, now, and I realize your rice bowl
14 is being in the game of being a part of this analysis and I understand that. But, you
15 know, in my world, it's about getting to the actual effect, okay. My engineering
16 studies, my element, my thought process is what can we do? And I don't want to
17 waste money. Okay. I don't want to waste \$14 million on a company that got paid
18 to literally just administer, and we put that money together and we effected it. Now,
19 we're not going to call to bring in every elected official, every school administrator,
20 and everybody to come in here and tell them -- tell the story to the Commission.
21 You know, you're here because you're here at every meeting, right. But I could
22 bring in, quite literally, hundreds of people just form my district, school teachers,
23 university administrators, sheriffs, doctors, whatever, the whole thing about how

1 it's affected their bottom line. Because what we did in that program is, any dollars
2 saved in government expenditure is a lower burden on the taxpayer. It's a lowering
3 of increased potential taxes, it's a lowering of potential need, they can hire more
4 personnel if they want to. They save money on their bottom line, right, and it's
5 been effective. So the point is, we didn't have an engineer for the first, I don't
6 know, five years of the program, four years of the program. Right. So on the next
7 statement is, you know, so the next element is we're in a position to where, you
8 know, we have, you know, when we look at this -- they're kind of banging on, but,
9 you know, this whole issue is we then got an engineer to satisfy the desires of
10 Commissioner Greene, okay. And we then spent what is effectively I think about
11 \$125,000 across the board in engineers who do exactly what they're supposed to
12 do to make sure that the contracts are done, all the work's done. The issue about
13 whether or not the energy is saved is questionable for the following reasons. If
14 devices are recommended that are analyzed and stated by the manufacturer that
15 they are going to save energy, right, whether the manufacturer of a light bulb or
16 device or an AC gas company or whatever they're going to do. Let's say those are
17 installed, okay? And let's say that after installation that they're supposed to save
18 1,000 units of electricity. And let's say they go through an analysis, and we've
19 hired people and they go through your program, and instead of saving 1,000 units,
20 it saves 700 units. And my answer question of there is: So what? Now what are
21 you going to do? There was savings, there was action, and the determination is are
22 you going to take legal action against them for not being perfect? Nobody's going
23 to do anything about that. The action is save what you can and not spend more than

1 you need to. So you take the action necessary. Now, I will tell you another thing
2 that concerned me about your statement and also about Commissioner Lewis'
3 statement because I think he's right about something, but I've seen this before and
4 I don't know if Commissioner's thought about this. He's concerned about my
5 suggested program for this two years and I want him to understand, that's why it's
6 a two-year program about helping retiree homeowners, and his concerns about he
7 wants to help people who are in apartments. That comes through cash payment.
8 That doesn't come through weatherization. Because if you weatherize and improve
9 a landlord's property, when that lease is up, that landlord raises the rent. That
10 landlord does not pass on the gentle considerations of improvement to his lessee,
11 and you can look historically through the universe, landlords are not kind to tenants.
12 They raise rent. I believe it's an expression in the culture of raise my rent as a claim
13 of exclamation because they will do it when they know they have a better property.
14 So when we're dealing with that kind of situation, we're looking at subsidies. And
15 I just got finished doing a panel in New Mexico about consumer advocates looking
16 for subsidies in cash to renters and low-income and under-earning income of the
17 working poor. The problem is, that kind of thing can't happen from a Commission
18 because a Commission cannot order money to be paid. What we can do is what we
19 can do. So my suggestion is to do a two-year quick cycle program, and then in that
20 two-year cycle, to figure out what we can do. The only thing I can suggest for
21 Commissioner Greene -- excuse me, Commissioner Lewis is how we look at
22 dealing with landlords, if we can get them contract waivers of increase for
23 participating in a program because otherwise they're not going to be kind to their

1 tenants because they're not. Now, I do think that it's worth a two-year cycle and I
2 think it's worth a two-year experiment because our experiments so far with this has
3 been effective. We have helped 64 parishes with this government program. We
4 have helped everybody. Actually, I'll bring that back. We probably have helped
5 61 because we don't regulate Lafayette and New Orleans and a couple of other
6 things. But we have helped just about every parish that we do -- every parish we
7 regulate, we have done something for, and we can continue to do that and help
8 people and we can do it quick. With an administrative thing, I already know how
9 the climb is and I already know how the bureaucratic largesse is going to take over
10 and I can already see everybody circling the punch bowl and trying to get their
11 scoop out of it, while we don't have to do that. We can make a difference with this
12 and that's why I want to see the rules come out so you can look at it. And you can
13 look at it, and you can look at it, Reverend, because I want to see impact. I don't
14 want to see bureaucratic largesse. I don't want to see people taking cuts out of this,
15 I want to see it have the impact that we have had with the government program, and
16 that's why I don't want to change the rules too much, other than I want the
17 Executive Secretary to do it because I think it's going to be more impactful on doing
18 sort of this kind of thing about creating the database. And before Commissioner
19 Lewis got elected, I was working with Commissioner Boissiere on this and
20 developing the mechanism of developing the database and how we were working
21 together on how we were going to direct this to creating the status of who was going
22 to do this. And we thought about, you know, how do we determine the best, sort
23 of, coefficient for the first two years. And we looked about, well, who's most

1 impacted? People who are working and earning? No. People who are retired,
2 people who are affected by, you know, inflation, people who are affected by having
3 fixed incomes. People who are affected by having a home and property taxes go
4 up and all these insurance goes up. You know, everybody is seeing those things
5 and impacting them. What can be the one thing we can do to impact? And what
6 we thought we could do is weatherize their home, and do it quickly. Windows,
7 insulation, you know, appliances, whatever we can do. And we came up with this
8 program and we thought that that was the right thing to do and we have been
9 working on it, you know. And, you know, in the discussion, I think it's worth a
10 two-year cycle. And if nothing else, it's worth developing the rules and moving
11 forward for a further vote on it. But there is nothing about what I am suggesting
12 that would hurt anybody or cost the government any money or create any patronage
13 and what's why I think it's a smart play. And no offense to you, you've been
14 working on stuff and you've been doing all this stuff. While you've been doing
15 that, and that's your job to do that, we had this government program being effective.
16 We had this government program saving government's money. We had this
17 government program saving the government and the citizens of each parish money
18 on their tax bill, so it's been effective. So I want y'all to think about that as we
19 move forward on the creativity of what we've done. Just because everybody else
20 is doing it, like your mama told you, doesn't mean you have to do it. So Louisiana
21 can be a leader, and that's why we looked at doing this versus doing what everybody
22 else is doing and hiring people and creating administrative morass, we can do this
23 and try it for two years, and Craig's going to be around a long time, and if it doesn't

1 work, they can create this, you know, this bureaucratic element and kind of go on
2 from there. And they can do it at the same time, for all I care, but I think that there
3 is a time to create these rules and not go, you know, too quick on it because I think
4 creating a sort of administrative, you know, bureaucracy, there's no other way to
5 look at it, takes time when we can do this, and within two years, the program will
6 be come in and we can actually line people up to tell us what they think. And I
7 think that's important for the Commission to see real results. So that's kind of
8 where I am on this. I would like to see it at least go forward to the rulemaking and
9 then look back on the rules and have a vote on it by the earliest, I guess, would be
10 August, the latest September or whatever.

11 **CHAIRMAN CAMPBELL:** You through?

12 **COMMISSIONER SKRMETTA:** Yeah, I guess so.

13 **VICE CHAIRMAN FRANCIS:** I wanted to say something.

14 **CHAIRMAN CAMPBELL:** Okay. Go ahead, Mr. Francis.

15 **VICE CHAIRMAN FRANCIS:** My turn? I'm ready to see a final document.
16 One thing, I'm sympathetic to both Commissioners, Greene and Skrmetta, and I
17 think maybe we need to get Executive Secretary in here as a referee to get this done,
18 get it over with. And a good timeline, I'm ready. In the real business world, we
19 put a timeline on something, so let's get it done. Do you have any --

20 **SECRETARY FREY:** I think both proposed rules have a timeline, so I think
21 we've got that in either one of them.

22 **COMMISSIONER LEWIS:** It --

23 **CHAIRMAN CAMPBELL:** Go ahead.

1 **COMMISSIONER LEWIS:** Thank you, Thank you. And it -- where I'm
2 struggling in this discussion, especially about an administrator, is yes, there are
3 administrative costs, but there are also costs when we are not making sure vendors
4 are being adequate. Kathryn, correct me if I'm wrong, we have had problems with
5 some of the vendors before, have we not?

6 **MS. BOWMAN:** We have. It was -- but it was very early on in the Quick Start
7 process. I haven't heard of any issues or complaints in the recent years.

8 **COMMISSIONER LEWIS:** Yeah. I think the point that I was making on that
9 and the reason I asked that question is because when we have such a small engineer
10 budget and our Staff's budget, my district Staff office budget cannot afford me to
11 hire an engineer. There's no one who will work for me as an engineer on the salary
12 that, right now, we can pay my Staff. There are costs in those proposals that could
13 be going to savings that are going to vendors. And so I don't think this is a binary
14 option where we have all these savings if we run it, and the consumers see it, and
15 it's just a difference, right. Jessica, would you agree with that?

16 **MS. HENDRICKS:** I would agree.

17 **COMMISSIONER LEWIS:** And so I think the challenge that I have is that --
18 here we go. I've been -- just so people know, I don't just talk out of my butt here.
19 The best practices that everyone, industry related, utility related, consumer
20 advocates have said have all come to one conclusion, that the best way to ensure
21 that there is efficient programs running that produces savings to consumers are
22 through someone who can verify and vet proposals to ensure that they are actually
23 doing what they say they are doing. I have seen no other. I get Louisiana wants to

1 be a leader, I'm for us leading, but I'm not for us leading in a way that I think
2 centers vendors and not people, and that's been one of my problems with the
3 program in the six months that I've been here is I haven't had a local government
4 come to me, in all honesty. Everyone that's talked to me about this program has
5 been someone who will reap financial benefits from having a proposal done. I have
6 local school districts who have no clue about this, and I think there are problems
7 because we have not created an application, we are not -- we don't have a process
8 where local governments we are engaging with the Louisiana Municipal
9 Association, Louisiana Schoolboard Association, to say, hey, come to us. What the
10 process has been in my -- and I can only speak from my experience, I have not been
11 here nine years. The people that have come to me have been the contractors. And
12 so that's a concern of mine when we're talking about showcasing that this is for
13 public entities. And the question becomes is this about really energy efficiency or
14 is it about enriching certain people? Certain people who reap benefits at the back
15 of customers. That's why I talked about eligibility. I am with Commissioner
16 Skrmetta. I have been over at that building across the street, fighting the apartment
17 association and landlords. The Reverend's been right there with me and most of
18 them, Commissioner, comes from Jefferson Parish, where I would love your help
19 in passing stronger protections in housing because we get our asses kicked over
20 there, to be honest, every single day, and so I'm sympathetic to that point. But
21 where I'm coming from is, I want savings for people, but I want it to be done in a
22 way that I know it is factually based and that the money that we are utilizing goes.
23 And so the hesitation that I have with creating another pilot program is that I'm not

1 even comfortable with the public entities program. And I don't know if it's -- we
2 have done things, but I'm not sure we've done them effectively, and that's the
3 question we're tussling with. And so I think if we want to tackle the energy burden
4 in this state, let's do it. We have a serious problem with weatherization in this, but
5 some of them are renters. They are not homeowners. And they are people who are
6 young families. And to be honest, I have -- 33 percent of my district, this program
7 doesn't even touch, so I can't even talk about my seniors in Orleans Parish because
8 I don't touch them. And so I am taking into account the diversity of my district,
9 where the vast majority of my people are renters. And so when we narrow
10 eligibility, when we are not focused on people-centric options. And so I think it's
11 one thing to say that, it's another thing to implement that, and I think that's where
12 the real question is. How do you implement it to be people centric, not just the
13 phrases and the statements that we can make about those, and that's where my
14 hesitation has come from.

15 **COMMISSIONER SKRMETTA:** Well, Commissioner Greene, I just would like
16 to add one thing. My suggestion --

17 **CHAIRMAN CAMPBELL:** Hold on a second.

18 **COMMISSIONER SKRMETTA:** Well, I just want to say my suggestion --

19 **CHAIRMAN CAMPBELL:** Let him get through.

20 **COMMISSIONER SKRMETTA:** Well, I just want to say because I want to hit
21 him on this particular point, my suggestion is incredibly people centric. It's defined
22 as the outset is people centric. It's about individuals coming forward and asking to
23 be helped, so I just wanted to clarify that, that's all.

1 **CHAIRMAN CAMPBELL:** Go ahead.

2 **COMMISSIONER LEWIS:** I hear that as the theory. I'm not sure that's how the
3 application of the draft, as I've read it and appreciate it, to be.

4 **COMMISSIONER SKRMETTA:** That's why the rulemaking can help out.

5 **CHAIRMAN CAMPBELL:** Let him speak. Go ahead.

6 **COMMISSIONER LEWIS:** I mean, I think so, but I think we have to talk about
7 the long history of this Commission and our connections to contractors and
8 businesses, and that can't go unnoticed. That we have a bigger problem here, and
9 which is why I'm hesitant about people who are connected to each of us, our
10 predecessors and us currently, who stand to make money from a program that we
11 administer ourselves. And I think that is not people centric. That is the definition,
12 in my opinion, of centering making money over energy efficiency, and so that's
13 where my hesitation lies.

14 **COMMISSIONER SKRMETTA:** Well, I mean, and I will add that those
15 contractors for this new program are all going to vetted through the Executive
16 Secretary.

17 **COMMISSIONER LEWIS:** No offense to Brandon, but you're not an engineer,
18 are you?

19 **SECRETARY FREY:** I am not.

20 **CHAIRMAN CAMPBELL:** Let me get involved here. Hold on. Are you
21 through?

22 **COMMISSIONER LEWIS:** Yes, sir.

1 **CHAIRMAN CAMPBELL:** Okay. I hadn't said anything about this all day. I'm
2 not hiding anything, but just to tell you what I did, I'm the one stopped all the what
3 was going on, figure out what was going on. I don't think it looked right, I don't
4 think it smelled good. And there was a little lady that worked down at Entergy, she
5 was a clerk. And I remember what Mark Kleehammer said, tell her to be quiet, let
6 the Commissioners do what they want to do. I said, wait a minute, you ought to
7 give that woman a trophy. She's the one that told us these light bulbs are way, way
8 too high. She worked for Entergy. So I got to looking into it, and hey, we were --
9 the people that were vendors that came up our way, outrageous, so we checked
10 them out. So I made a deal up our way, I said, look, I'm going to bid this out and
11 make sure that it's as cheap as possible, and we saved a lot of money for a lot of
12 people. I'm not scared of letting everybody look at it. If there's some other eyes
13 that wants to look at it, that's fine. I'd be glad for them to look at what we've done
14 because we've gone by the rules, always got two or three credible bids, and chose
15 the best people to do the work. It's been very effective up our way. So if all this
16 does is just publish it and gets some new ideas, what the hell, you know, and let
17 some more people look at it. Now, I do tell you one thing. My sticking point is
18 this: I do not want some administrator from Baton Rouge to come up and tell me
19 in north Louisiana that this little project won't work where I know it's in a rural
20 area and they need some special help. I'm not for that. They won't even know
21 where some of these little towns are and they might not have a Saline, Louisiana or
22 Lucky, Louisiana or something like that. They'll say, oh, well, you don't need that.
23 You need to put it here or put it there. I want to have final say, but I don't mind

1 anybody looking at our homework because I'm not trying to help anybody, I'm
2 trying to help everybody. But as I appreciate it, now the program is only for public
3 entities; is that correct?

4 **SECRETARY FREY:** No.

5 **MS. BOWMAN:** No. No, sir.

6 **CHAIRMAN CAMPBELL:** It is [INAUDIBLE].

7 **MS. BOWMAN:** Well, ask your question again.

8 **CHAIRMAN CAMPBELL:** We do not give this to people as it is today?

9 **MS. BOWMAN:** So right now there are two programs. There is what is deemed
10 the Quick Start program, which is led by the utilities. The utilities do energy
11 efficiency programs for their residential and --

12 **CHAIRMAN CAMPBELL:** Give us the money that we divide among --

13 **MS. BOWMAN:** That's the public entity program.

14 **CHAIRMAN CAMPBELL:** Right.

15 **MS. BOWMAN:** So it's two separate programs. We, the Commission, handle the
16 public entity program. The utilities run and manage the utility-lead programs at the
17 moment.

18 **CHAIRMAN CAMPBELL:** Right. Okay. But anyway, if you -- that's all you're
19 trying to do is publish it?

20 **COMMISSIONER SKRMETTA:** Yeah.

21 **CHAIRMAN CAMPBELL:** I don't see a problem with it.

22 **COMMISSIONER GREENE:** Can I speak? Can I speak? I would like to go
23 ahead and move and vote on this. I oppose Commissioner Skrmetta's --

1 **MS. BOWMAN:** Well, I just want to -- but before we do -- I want to make sure
2 Together Louisiana, would y'all like to speak or say anything else?

3 **COMMISSIONER GREENE:** That was what I was going to say --

4 **MS. BOWMAN:** Okay.

5 **COMMISSIONER GREENE:** -- is before that, I'd like to hear what they have to
6 say. But I propose mine. I look forward -- I want to thank everybody, since 2020,
7 how hard we've worked on this. And this is just the beginning of publishing the
8 rules, to have further discussions, about inclusion, about checks and balances, and
9 about let's lead the country for once on this. And everybody's input is going to be
10 -- continue to needed. I'd like to hear what y'all have to say right now, but then I'd
11 like to vote on it.

12 **CHAIRMAN CAMPBELL:** Any other -- oh, go ahead. Go ahead, go ahead. I'm
13 sorry.

14 **MR. VANDERWEELE:** My name is Jim VanderWeele. I'm retired to Baton
15 Rouge. I'm no longer serving a congregation. I'm concerned about the earth and
16 I'm here to speak as a person. I had the opportunity, recently, to go down to Ida
17 and do some assessments of homes that have been damaged by Ida. I just would
18 like for you folks to realize that I, as an individual, have an advantage. My home,
19 my air conditioner went out last summer. I wished I'd replaced it two or three years
20 earlier because it cost bundle and that's a reality today. At the same time, I was
21 able to do so and I saved some, but I didn't save anything like the money that was
22 talked about, either the high number or the low number of gain. Matter of fact, I'm
23 paying more for some this month. But I went down to Laplace area, I was in a

1 number of homes, and frankly, in some of these homes, they had people in already
2 to pull out the sheetrock. And I could look up and I could see the sky through the
3 ceilings. I saw through some of them, I saw bushes and trees in the background.
4 In one house, the owner of the house was not yet 65 and was in a wheelchair. I'm
5 just going to give one example to you because this really struck me as something
6 that you folks who make the decisions here for everybody in Louisiana ought to
7 know going forward. He was in a wheelchair; his 14 year old son was showing me
8 around the house. We were in a room that was filled with everything. They were
9 supposed to have everything out of the rest of the house into that room so a crew
10 could come on Saturday. The crew could not come on Saturday because the room
11 was already full of everything, and I could look out and see through, a fair amount
12 of air was escaping right outside in that house. No air conditioning. This was a
13 house that needed weatherization before Ida, and now it needed weatherization and
14 repairs. And at that time, I doubt that this gentleman knew that any money was
15 available to him to do some of those repairs because what we had told his son to do
16 the previous spring was to go outside with some duct tape and put a piece of siding
17 back on to hold it place and every once in a while, if it rained real hard, he had to
18 go out and put new duct tape. And he took me outside to show me that. That's
19 some of what we have right now here in Louisiana. And at the same time, I've
20 heard everybody talk about costs and you have costs and you have those things to
21 consider. The temperature of the planet is now 2 degrees above its normal
22 temperature. As long as we are producing energy and bringing it to people, the
23 temperature keeps going up. That's something I would like for you all to consider,

1 how do we bring the temperature down? Because when the temperature starts to
2 drop, it will start to affect the weather patterns, our Earth will sneeze less, it'll throw
3 less hurricanes at us, and that's all I wanted to leave you with.

4 **CHAIRMAN CAMPBELL:** Thank you, sir. Go ahead.

5 **MS. HANSEN:** Yes, my name is Erin Hansen. I'm here representing Together
6 Louisiana, speaking in support of Commissioner Greene's directive to publish his
7 Phase II rules. I've been a renter in District III for nearly a decade. I've never had
8 central air. In my last apartment, I could see the ground through the floorboards. I
9 still remember coming home one night hearing -- during a termite swarm and
10 hearing the buzz of wings in my kitchen, I had left a light on. And the windows
11 were all closed, but there were so many gaps that the bugs could just come right in.
12 The utility bills were about \$150 a month. Now I live in a place where there is a
13 subfloor and the landlord took it upon herself to spray foam insulation under the
14 house. To your point, Commissioner Skrmetta, I think she is the exception rather
15 than the rule. My bills now never go above \$100, even in the summer, and I'm still
16 getting used to running my AC at the temperature that's comfortable, not just what
17 I can afford. Under Commissioner Greene's proposed rules, my landlord, who is
18 in her 40s, and thousands of other homeowners around the state could make the
19 right choice to make their homes more energy efficient and I could get the benefit
20 of lower bills. The test of our current rules -- our current energy efficiency rules is
21 whether they work. The evidence says that Louisiana ranks near the bottom of
22 energy efficiency rankings nationwide, so we look forward to proposed rules that

1 reform the system by creating an independent third-party administrator and
2 expanded eligibility to move Louisiana forward. Thanks.

3 **CHAIRMAN CAMPBELL:** Any questions? Anybody else have any questions?
4 Now, are we voting on Mr. Greene's motion?

5 **SECRETARY FREY:** Kathryn.

6 **MS. BOWMAN:** So we have two directives: One by Commissioner Greene and
7 one by Commissioner Skrmetta. There is an objection to both, so we need roll call
8 vote on both.

9 **COMMISSIONER SKRMETTA:** [INAUDIBLE] let it go forward and have
10 votes on rules and [INAUDIBLE] objection.

11 **CHAIRMAN CAMPBELL:** Which one came first? Hold on a second. I don't
12 want to show partiality. Which one's first?

13 **MS. BOWMAN:** Technically, Commissioner Skrmetta's is first on the agenda.

14 **CHAIRMAN CAMPBELL:** Mr. Skrmetta's first. Is there a motion?

15 **MS. BOWMAN:** There doesn't need to be a motion. It's a directive, but
16 Commissioner Greene objected to it, so there needs to be --

17 **SECRETARY FREY:** So we'll need a roll call on whether you approve it going
18 forward or not.

19 **CHAIRMAN CAMPBELL:** So there's a vote on the --

20 **SECRETARY FREY:** On the directive.

21 **CHAIRMAN CAMPBELL:** -- the directive. Yes or no. Right?

22 **MS. BOWMAN:** And that's just moving forward with publishing proposed rules.
23 It is not voting on rules today.

1 **SECRETARY FREY:** Correct.

2 **CHAIRMAN CAMPBELL:** Okay. Good. And so Commissioner Skrmetta, how
3 do you vote?

4 **COMMISSIONER SKRMETTA:** Yes.

5 **MS. BOWMAN:** Commissioner Greene?

6 **COMMISSIONER GREENE:** No.

7 **MS. BOWMAN:** Commissioner Lewis?

8 **COMMISSIONER LEWIS:** No.

9 **MS. BOWMAN:** Commissioner Francis?

10 **VICE CHAIRMAN FRANCIS:** Yes.

11 **MS. BOWMAN:** Commissioner Campbell?

12 **CHAIRMAN CAMPBELL:** No. Now do we need to vote on Mr. Greene's or
13 not?

14 **COMMISSIONER SKRMETTA:** Yes.

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

16 **SECRETARY FREY:** Yes.

17 **MS. BOWMAN:** Because Commissioner Skrmetta objected.

18 **CHAIRMAN CAMPBELL:** Okay. Good.

19 **MS. BOWMAN:** So roll call vote. Commissioner Skrmetta?

20 **COMMISSIONER SKRMETTA:** No.

21 **MS. BOWMAN:** Commissioner Greene?

22 **COMMISSIONER GREENE:** Yes.

23 **MS. BOWMAN:** Commissioner Lewis?

1 **COMMISSIONER LEWIS:** Yes.

2 **MS. BOWMAN:** Commissioner Francis?

3 **VICE CHAIRMAN FRANCIS:** Yes.

4 **MS. BOWMAN:** Commissioner Campbell?

5 **CHAIRMAN CAMPBELL:** I'm voting for this, with the understanding that we

6 do not give away all the authority, that they have to check with the local

7 Commission before it's done. They do not have some czar in Baton Rouge that's

8 going to be telling us what to do in Shongaloo, Louisiana, which they can't spell.

9 Neither can you. All right. Okay. I vote yes.

10 **MS. BOWMAN:** Okay.

11 **VICE CHAIRMAN FRANCIS:** So is that going to be made part of Mr. Greene's

12 platform?

13 **MS. BOWMAN:** So what I will do --

14 **CHAIRMAN CAMPBELL:** Yeah, I understand it is. Is that correct? Yes.

15 **VICE CHAIRMAN FRANCIS:** I mean, that's an amendment to his directive.

16 **COMMISSIONER LEWIS:** No, it will be in the draft. [INAUDIBLE].

17 **MS. BOWMAN:** Right. So it's a proposed draft. What I will do now --

18 **VICE CHAIRMAN FRANCIS:** Put that in the draft.

19 **MS. BOWMAN:** Correct.

20 **CHAIRMAN CAMPBELL:** We have a --

21 **VICE CHAIRMAN FRANCIS:** That's what Skrmetta's plan was, to --

22 **CHAIRMAN CAMPBELL:** We have an understanding about that, about the

23 czar; is that right? Okay.

1 **MS. BOWMAN:** So I will publish, per Commissioner Greene's directive,
2 proposed rules in the energy efficiency docket by May 26th. So we do have one
3 more agenda item. It's Exhibit Number 16. It is a possible executive session, so I
4 would ask everyone to be seated and quiet while I read it into the record and we
5 move into executive session. It's FERC Docket Number EL18-152, Commission
6 versus SERI and Entergy Services, Inc.; FERC Docket Number EL20-72,
7 Commission, APSC, CNO, and MPSC versus SERI and Entergy Services, LLC;
8 and FERC Docket Number EL21-56, LPSC, APSC, and CNO versus SERI,
9 Entergy Services, Entergy Operations, and Entergy Corporation. It's a possible
10 executive session to discuss litigation strategy pursuant to Revised Statute 42:16,
11 at the request of Vice Chairman Francis. So I'll entertain a motion to move into
12 executive session.

13 **COMMISSIONER SKRMETTA:** Move to go into executive.

14 **COMMISSIONER LEWIS:** Second.

15 **MS. BOWMAN:** Motion by Commissioner Skrmetta, seconded by Commissioner
16 Lewis. We will move into executive session, if everyone will please lead the room.

17 **[OFF THE RECORD]**

18 **[BACK ON THE RECORD]**

19 **MS. BOWMAN:** Okay. We are ready, so I'll entertain a motion to come out of
20 executive session.

21 **CHAIRMAN CAMPBELL:** I make a motion we come out of executive session.

22 **COMMISSIONER SKRMETTA:** Second.

1 **CHAIRMAN CAMPBELL:** Second. Now I can make a motion to adjourn. I
2 make a motion to adjourn.

3 **COMMISSIONER SKRMETTA:** Second.

4 **CHAIRMAN CAMPBELL:** Get the hell out of here.

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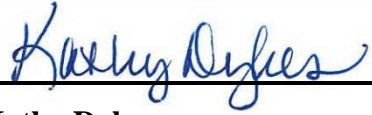
9 **(WHEREUPON THE MEETING WAS ADJOURNED)**

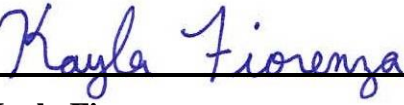
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1 I certify that the forgoing pages 1 through 117 are true and correct to the best
2 of my knowledge of the Open Session of the Business and Executive Meeting
3 held on May 17, 2023 in Baton Rouge, Louisiana.

4 *****

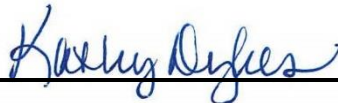
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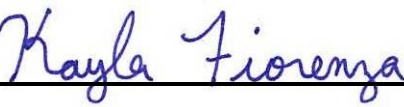
6  May 19, 2023
7 Kathy Dykes, Date
8 Court Reporter

9  May 19, 2023
10 Kayla Fiorenza, Date
11 Court Reporter

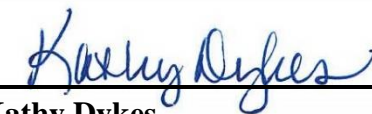
12 *****

13 **Proofed by:**

14  May 22, 2023
15 Kathy Dykes, Date
16 Court Reporter

17  May 19, 2023
18 Kayla Fiorenza, Date
19 Court Reporter

20 **Finalized by:**

21  May 22, 2023
22 Kathy Dykes, Date
23 Court Reporter