

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM JANUARY 27, 2021
OPEN SESSION

MINUTES OF JANUARY 27, 2021 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD VIA VIDEOCONFERENCE FROM BATON ROUGE, LOUISIANA. PRESENT IN BATON ROUGE WAS EXECUTIVE SECRETARY BRANDON FREY. CHAIRMAN MIKE FRANCIS, VICE CHAIRMAN CRAIG GREENE, COMMISSIONER FOSTER CAMPBELL, COMMISSIONER LAMBERT BOISSIERE, AND COMMISSIONER ERIC SKRMETTA PARTICIPATED REMOTELY.

In accordance with La. R.S. 42:17.1, the Commission gave notice that the January 27, 2021 Business and Executive Session would be conducted remotely and involve matters permitted under La. R.S. 42.17.1(A), and provided an opportunity for public participation. Therefore, the Open Session on January 27, 2021, convened at 9:04 a.m., and adjourned at 10:34 a.m., via videoconferencing from the Galvez Building, 602 North 5th Street, Baton Rouge, Louisiana, with Executive Secretary Brandon Frey present and the remaining above-named members of the Commission participating remotely.

Ex. 1	<p>Executive Secretary Brandon Frey announced Attorney Paul West of Baton Rouge, Former State Representative Steve Carter and the daughter of retired LSU Professor Katherine Spaht had recently passed away.</p> <p>Commissioner Skrmetta announced that Luke Letlow passed away before Christmas and requested we keep Luke’s wife Julia and their small children in our prayers.</p> <p>Chairman Francis announced that Stephen Oats of Lafayette had passed away from a heart attack and that Janice Perkins’ father, Mr. Albert Jones also passed away at the age of 92.</p> <p>Vice Chairman Greene congratulated his Executive Assistant David Zito and his wife on the birth of their baby boy and reported that both parents and baby are healthy.</p>
Ex. 2	<p>Election of 2021 Chair and Vice Chair.</p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Francis, with Vice Chairman Greene and Commissioner Boissiere concurring, and Commissioner Campbell opposing, the Commission voted to elect Vice Chairman Greene as the 2021 Chairman of the Commission.</p> <p>On motion of Commissioner Francis, seconded by Chairman Greene, with Commissioner Skrmetta concurring, Commissioner Campbell opposing, and Commissioner Boissiere temporarily absent, the Commission voted to elect Commissioner Skrmetta as the 2021 Vice Chairman of the Commission.</p>
Ex. 3	<p>Election of ERSC Representative for 2021.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to elect Commissioner Boissiere as the 2021 ERSC Representative for the Commission.</p>
Ex. 4	<p>Election of OMS Representative for 2021.</p> <p>On motion of Commissioner Francis, seconded by Chairman Greene, and unanimously adopted, the Commission voted to elect Vice Chairman Skrmetta as the 2021 OMS Representative for the Commission.</p>
Ex. 5	<p>Election of SPP Representative for 2021.</p>

	<p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to elect Commissioner Francis as the 2021 SPP Representative for the Commission.</p>
Ex. 6	<p>T-35590 – Louisiana Public Service Commission vs Scott Moving Co AKA Scott Movers (Scott, Louisiana). In re: Alleged violation of La. R.S. 45:161 through 180.1, by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated May 04, 2017 and for failure to comply with the requirements of General Order dated April 3, 2008 as amended.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed on November 30, 2020.</p>
Ex. 7	<p>T-35656 – Louisiana Public Service Commission vs. Bonomolo Limousines, Inc. (New Orleans, LA). In re: Cancellation of Registration & Insurance Number 1529 and Common Carrier Certificate Number 7419-A for failure to file an Annual Report for 2019 and/or pay a late filing fee of \$500.00 and a citation fee of \$25.00 as required by General Order 2 dated July 21, 1921 and General Order dated April 23, 2001 amended June 19, 2012.</p> <p>In re: Discussion and possible vote on Recommendation of the Administrative Law Judge.</p> <p>Commissioner Francis made the following motion, which was seconded by Vice Chairman Skrmetta, and unanimously adopted: After reviewing the record of this docket, I disagree with the ALJ. The ALJ not only placed a higher burden on Staff than prior Commission decisions, but also relied upon prior determination that the Commission rejected. Further, it is my understanding that the Carrier cited has requested, and been granted, cancellation of its registration and insurance number with the Commission. Therefore, I move that we reject the Recommendation of the Administrative Law Judge and dismiss this docket with prejudice.</p>
Ex. 8	<p>T-35767 – Louisiana Public Service Commission vs. Clean Tank, LLC. In re: Alleged violation of La. R.S. 45:61 through 180.1, by operating beyond the scope of authority granted in LPSC 1666 for failure to operate under contracts filed with the Commission and alleged violation of General Order 9901 as amended for failure to comply with leasing rules; on eleven (11) counts; allegedly occurring on or about August 01, 2020 to September 08, 2020.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 to accept Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed on January 14, 2021.</p>

<p>Ex. 9</p>	<p>U-35173 – Louisiana Public Service Commission, ex parte. In Re: Audit of Fuel Adjustment Clause Filings for Southwestern Electric Power Company for the period of January 2016 through December 2018.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>(Exhibit 6 on December 16, 2020 B & E)</p> <p>DEFERRED</p>
<p>Ex. 10</p>	<p>U-35299 – Cleco Power LLC, ex parte. In re: Application for Implementation of Changes in Rules to be Effective July 1, 2020 and Extension of Existing Formula Rate Plan.</p> <p>U-35806 – Cleco Power LLC, ex parte. In re: Request for Recovery of Lost Revenues Related to LPSC Special Order Nos. 22-2020, 28-2020, and 43-2020, and Request for Accounting Order.</p> <p>U-35807 – Cleco Power LLC, ex parte. In re: Application for Recovery in Rates of Certain Storm Damage Costs Incurred as a Result of Hurricanes Laura, Delta, and Zeta.</p> <p>In re: Discussion and possible vote on additional budget for expansion of scope and additional dockets.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to accept the additional budget for expansion of scope in Docket No. U-35299 and to include Docket Nos. U-35806 and U-35807 for an additional not to exceed fee budget of \$331,000 for UPC and an additional not to exceed fee budget of \$362,500 for Stone Pigman.</p>
<p>Ex. 11</p>	<p>U-35444 – French Settlement Water Company, Inc., ex parte. In re: Request for Rate Increase.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>After discussion, on motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted the Commission voted to accept the Uncontested Stipulated Settlement filed into the record on July 22, 2020.</p>
<p>Ex. 12</p>	<p>U-35488 – Entergy Louisiana, LLC, ex parte. In re: Test Year 2019 Gas Rate Stabilization Plan Filing.</p> <p>In re: Discussion and Possible Vote on Unopposed Joint Report of Proceedings and Draft Order.</p> <p>On motion of Commissioner Francis, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to accept the Unopposed Joint Report of Proceedings and Draft Order filed into the record on January 14, 2021.</p>

<p>Ex. 13</p>	<p>U-35753 – Cleco Power LLC and Southwestern Electric Power Company, ex parte. In re: Joint Application for: (I) Authorization to Close the Oxbow Mine: and (II) Authorization to Include and Defer Certain Accelerated Mine Closing Costs in Fuel and Related Ratemaking Treatments.</p> <p>and</p> <p>Docket TBD – Cleco Power and Southwestern Electric Power Company, ex parte. In re: Joint Application to retire the Dolet Hills unit prior to 2026.</p> <p>In re: Discussion and possible vote to retain Outside Counsel.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to retain Patrick Miller, LLC for \$237,950 in fees and \$5,975 in expenses for a total not to exceed budget of \$243,925.</p>
<p>Ex. 14</p>	<p>1) <u>Reports</u></p> <p>Staff status report on Robocalls.</p> <p>No Report.</p> <p>Update from Staff on Docket No. R-32786 – Best Practices for Emergency Preparedness.</p> <p>Associate Counsel Lauren Evans stated that Staff is currently completing its “Phase II” review of its rules for disaster planning and response by all LPSC-jurisdictional utilities, which has included a review of the emergency service plans filed with the Commission, data requests, and a technical conference. Generally speaking, Staff has found that the rules the Commission put in place have been working well and Staff does not anticipate making major changes to the substance of the rules. Staff does anticipate updating the format of the rules to be consistent with other Commission Orders.</p> <p>Additionally, pursuant to Commissioner Francis’ November 2020 B&E directive, Staff was directed to establish rules consistent with Act 42 of the 2020 Second Extraordinary Session. Act 42 was enacted in La. R.S. 45:1612, wherein the Commission was required to adopt rules and regulations regarding emergency service plans for cable and video service providers. Staff has issued its proposed rule, and anticipates a vote on the final rules at either the February or March B&E.</p> <p>Staff anticipates including the rules for cable and video service providers in the final rules of Docket No. R-32786 at the conclusion of the Phase II review, so that all Commission rules on emergency service plans can be found in one place.</p> <p>Vice Chairman Skrmetta directed Staff to take whatever action necessary, whether another rulemaking or a technical conference in the current rulemaking, to engage in discussions with the IOU’s and Co-ops regarding a Commission-based outage map where data from the varying utilities can be uploaded to the Commission-based system, with the various utilities funding the associated costs.</p> <p>2) <u>Resolutions</u></p> <p>3) <u>Discussions</u></p> <p>4) <u>ERSC/OMS/SPP</u></p>

	<p>5) <u>Directives</u></p> <p>Directive to Commission Staff to seek proposals for the continuation of RTO monitoring services from the current outside consultant and legal counsel.</p> <p>At the request of Vice Chairman Skrmetta.</p> <p>Vice Chairman Skrmetta directed Commission Staff to seek proposals for the continuation of MISO and SPP RTO monitoring services from the current outside consultant and legal counsel, pursuant to Sections III.B.2 and V of the Commission’s General Order dated November 10, 2014 (Docket R-33197). These solicitations will be placed on February’s B&E for Commission consideration and vote.</p> <p>There was no opposition.</p> <p>Directive to TESI regarding compliance with LDH, LDEQ, and EPA orders.</p> <p>At the request of Vice Chairman Skrmetta.</p> <p>Vice Chairman Skrmetta directed TESI to update the Commission at the February B&E on its compliance with any LDH, LDEQ, and EPA orders for all portions of it system. The comprehensive update should include progress made on system improvements and required by these orders, any and all additional information that details the progress that has been made to comply with these orders, the ability to complete all compliance, and with what timeframe to be expected for completion.</p> <p>There was no opposition.</p>
<p>Ex. 15</p>	<p>S-35850 – Entergy Louisiana, LLC, ex parte. In re: Request for Approval of Agreement for Interconnection and Purchased Power from a Qualifying New Renewable Resource between South Alexander Development I, LLC and Entergy Louisiana, LLC.</p> <p>In re: Discussion and possible vote on Proposed Order.</p> <p>At the request of Vice Chairman Skrmetta.</p> <p>On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to accept the Uncontested Proposed Order filed into the record on January 21, 2021.</p>
<p>Ex. 16</p>	<p>In re: Directives to Staff on Cybersecurity issues.</p> <p>At the request of Vice Chairman Skrmetta.</p> <p>Vice Chairman Skrmetta directed Staff, through our cybersecurity docket, to engage with the office of the Louisiana National Guard Adjutant General to develop a budget for the construction of a secure facility for managing cyber information on behalf of the Commission. Once the budget is developed, Vice Chairman Skrmetta directed Staff to report back to the Commission with a plan for implementation.</p> <p>There was no opposition.</p> <p>Vice Chairman Skrmetta directed Staff, through our cybersecurity docket, to engage with the</p>

	<p>Louisiana National Guard for the purpose of developing an employment retention plan for cyber security specialists, to encourage the retention of those specialists employed by utilities in Louisiana. Once complete, Vice Chairman Skrmetta directed Staff to report back to the Commission with a plan for implementation.</p> <p>There was no opposition.</p>
Ex. 17	<p>T-35785 – TMS Environmental, LLC, ex parte. In re: Application for a Common Carrier Certificate of non-hazardous oilfield waste, non-hazardous industrial solid waste and hazardous waste for disposal, statewide.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Staff’s Recommendation.</p> <p>At the request of Chairman Greene.</p> <p>On motion of Chairman Greene, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>On motion of Chairman Greene, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to accept Staff’s Recommendation.</p>

On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, February 24, 2021, at 9:00 a.m. at the Galvez Building in Baton Rouge, Louisiana.