

**LOUISIANA PUBLIC SERVICE COMMISSION**  
**MINUTES FROM JANUARY 31, 2018**  
**OPEN SESSION**

**MINUTES OF JANUARY 31, 2018 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE COMMISSIONER FOSTER CAMPBELL, VICE CHAIRMAN LAMBERT BOISSIERE, CHAIRMAN ERIC SKRMETTA, COMMISSIONER MIKE FRANCIS, COMMISSIONER CRAIG GREENE AND INTERIM EXECUTIVE SECRETARY BRANDON FREY.**

**Open Session of January 31, 2018, convening at 9:38A.M., and adjourning at 11:40A.M., the Galvez Building, 602 North 5<sup>th</sup> Street, Baton Rouge, Louisiana, with the above-named members of the Commission and Interim Executive Secretary Brandon Frey.**

<b>Ex. 1</b>	Chairman Skrmetta announced that he was passing Exhibit 17 so that utilities could provide written reports regarding the impacts of the federal Tax Cuts and Jobs Act prior to the February meeting. He requested that utilities share the written reports with the Secretary and Commissioners at least a week before the February meeting.
<b>Ex. 2</b>	<p>Election of 2018 Chair and Vice Chair.</p> <p>On motion of Commissioner Francis, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to re-elect Chairman Skrmetta as the 2018 Commission Chairman.</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to elect Commissioner Francis as the 2018 Commission Vice Chairman.</p> <p>Commissioner Campbell asked that the search for the Executive Secretary position be extended until March 1<sup>st</sup> to give enough time to interview all potential candidates.</p> <p>Commissioner Boissiere asked that the job announcement be left open until March 1<sup>st</sup> as well.</p>
<b>Ex. 3</b>	<p>Election of OMS Representative for 2018.</p> <p>On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to elect Commissioner Boissiere as the 2018 OMS Representative.</p>
<b>Ex. 4</b>	<p>Election of ERSC Representative for 2018.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to elect Chairman Skrmetta as the 2018 ERSC Representative.</p>
<b>Ex. 5</b>	<p><b>T-34626</b> - Louisiana Public Service Commission vs. Charles Jacob dba Jake's (Boutte, Louisiana). In re: Alleged violation of La. R.S. 45:161 through 180.1, and General Order dated August 05, 2016 while operating under LPSC authority 7386, for exceeding state prescribed rates, allegedly having occurred on or about July 18, 2017.</p> <p><b>In re: Discussion and possible vote on ALJ recommendation.</b></p> <p>The Commission heard testimony from Charles Jacob and Staff.</p> <p>Commissioner Campbell made a motion to remand the case back to the ALJ for rehearing. Commissioner Boissiere seconded the motion.</p> <p>Chairman Francis made a substitute motion to accept the ALJ recommendation. Chairman Skrmetta seconded with Commissioner Campbell, Commissioner Boissiere, and Commissioner Greene opposing. The motion failed by a 2:3 vote.</p> <p>Commissioner Campbell's original motion was called to vote with Commissioners Boissiere and Greene concurring and Chairman Skrmetta and Vice Chairman Francis opposing. The motion was adopted by a 3:2 vote.</p>

<p><b>Ex. 6</b></p>	<p><b>U-34483</b> - South Louisiana Electric Cooperative Association (SLECA), ex parte. In re: Application for Approval of an Increase in Retail Rates.</p> <p><b>In re: Discussion and Possible Vote on Uncontested Stipulated Settlement.</b></p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Francis, with Chairman Skrmetta and Commissioner Campbell concurring and Commissioner Boissiere temporarily absent, the Commission voted to approve the uncontested stipulated settlement filed into the record on November 20, 2017.</p>
<p><b>Ex. 7</b></p>	<p><b>S-34643</b> - Cox Louisiana Telecom, LLC, ex parte. In re: Application for Waiver of CLEC Toll Equal Access Requirements.</p> <p><b>In re: Discussion and possible vote on Staff recommendation.</b></p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to accept Staff’s recommendation to grant the waiver sought by Cox, subject to conditions, and to open a rulemaking to address portions of the Local Competition Regulations that are no longer relevant or consistent with FCC regulations, or any other changes the Commission deems necessary or appropriate.</p>
<p><b>Ex. 8</b></p>	<p><b>U-34283</b> - Entergy Louisiana, LLC, ex parte. In re: Application for Approval to Construct Lake Charles Power Station and for Cost Recovery.</p> <p><b>In re: Discussion and Possible Vote to Expand Scope of Work and Increase Consultant Budget</b></p> <p>On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to expand scope of work of Henderson Ridge for a total not to exceed budget of \$17,200; \$16,000 for consulting services and \$1,200 for expenses allowing Henderson Ridge to review ELL’s quarterly monitoring reports and associated work therewith.</p>
<p><b>Ex. 9</b></p>	<p><b>U-33770</b> - Entergy Louisiana, LLC, Entergy Gulf States Louisiana, L.L.C and Entergy Louisiana Power, LLC. In re: Joint Application for Approval to Construct St. Charles Power Station, and for Cost Recovery.</p> <p><b>In re: Discussion and Possible Vote to Expand Scope of Work and Increase Consultant Budget.</b></p> <p>On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to expand scope of work of Henderson Ridge for a total not to exceed budget of \$17,200; \$16,000 for consulting services and \$1,200 for expenses allowing Henderson Ridge to review ELL’s quarterly monitoring reports and associated work therewith.</p>
<p><b>Ex. 10</b></p>	<p><b>U-34630</b> - Southwestern Electric Power Company, ex parte. In re: Application for Certification of the Leaside Way Transmission Project.</p> <p><b>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</b></p> <p>On motion of Commissioner Campbell, seconded by Chairman Skrmetta, and unanimously adopted, the Commission voted to approve the Uncontested Stipulated Settlement as filed into the record on January 5, 2018 granting certification pursuant to the Commission’s General Order dated October 10, 2013 in Docket No. R-26018.</p>
<p><b>Ex. 11</b></p>	<p><b>U-34667</b> - CenterPoint Energy-Arkla, ex parte. In re: Report of Earnings and Return on Equity for the Louisiana Division for the twelve months ending June 30, 2017</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to adopt Staff’s Recommendation that the Commission accept the Joint Report and Draft Order, finding that Arkla failed to meet the prescribed ROE bandwidth and:</p> <p>(i) authorize Arkla to adjust its rates to generate an increase in revenue of</p>

	<p>approximately \$1,805,408, adjusted for taxes;</p> <ul style="list-style-type: none"> <li>(ii) require Arkla to refund all excess funds collected, plus interest at a rate of 5% per annum within 60 days of the date of a Commission Order in this docket;</li> <li>(iii) require Arkla to provide Staff with a schedule illustrating the calculations for determining the amount of refunds due to each customer class, including the total amount collected from each class, plus interest, within 60 days of the date of a Commission Order in this docket; and</li> <li>(iv) require Arkla to amend the existing procedural terms of its RSP to a) change Arkla's filing date to on or before October 1; b) move the date for Staff to identify any disputed calculations from November 1 to sixty (60) days from Arkla's RSP filing date; and c) move the date for rate change by Arkla from December 1 to ninety (90) days from Arkla's RSP filing date.</li> </ul>
<p><b>Ex. 12</b></p>	<p><b>U-34669</b> - CenterPoint Energy-Entex, ex parte. In re: Report of Earnings and Return on Equity for the Louisiana Division for the twelve months ending June 30, 2017.</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to adopt Staff's Recommendation that the Commission accept the Joint Report and Draft Order, finding that Entex failed to meet the prescribed ROE bandwidth and:</p> <ul style="list-style-type: none"> <li>(i) authorize Entex to adjust its rates to generate an increase in revenue of approximately \$1,201,102, adjusted for taxes;</li> <li>(ii) require Entex to refund all excess funds collected, plus interest at a rate of 5% per annum within 60 days of the date of a Commission Order in this docket;</li> <li>(iii) require Entex to provide Staff with a schedule illustrating the calculations for determining the amount of refunds due to each customer class, including the total amount collected from each class, plus interest, within 60 days of the date of a Commission Order in this docket; and</li> <li>(iv) require Entex to amend the existing procedural terms of its RSP to a) change Entex's filing date to on or before October 1; b) move the date for Staff to identify any disputed calculations from November 1 to sixty (60) days from Entex's RSP filing date; and c) move the date for rate change by Entex from December 1 to ninety (90) days from Entex's RSP filing date.</li> </ul>
<p><b>Ex. 13</b></p>	<p><b>U-34707</b> - St. Amant Gas Company, ex parte. In re: Application for a Temporary Surcharge in Retail Rates and Approval of a Storm Recovery Rider.</p> <p><b>In re: Discussion and possible vote on Staff's recommendation pursuant to Rule 57.</b></p> <p>On motion of Chairman Skrmetta, seconded by Vice Chairman 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 Chairman Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept Staff's recommendation with all conditions therein with the revision of extending the recovery timeframe to eighteen (18) months. Staff and St. Amant agreed to the eighteen month period.</p>
<p><b>Ex. 14</b></p>	<p><b>S-34607</b> - Community Utilities of Louisiana, Inc., ex parte. (CULI-WTSO). In re: Request for a Letter of Non Opposition to Establish a Regulatory Asset, Subsequent Ratification by the Commission of Regulatory Asset, and for Approval of a Regulatory Asset Rate Rider Related to the Great Flood of 2016 pursuant to Special Order 09-2017.</p> <p><b>In re: Discussion and possible vote on Staff's recommendation.</b></p> <p><b>(Ex. 5 on the December 20, 2017 B&amp;E Agenda)</b></p> <p><b>PASSED</b></p>

<p><b>Ex. 15</b></p>	<p><b>S-34608</b> - Community Utilities of Louisiana, Inc., ex parte. (CULI-DENSITY). In re: Request for a Letter of Non Opposition to Establish a Regulatory Asset, Subsequent Ratification by the Commission of Regulatory Asset, and for Approval of a Regulatory Asset Rate Rider Related to the Great Flood of 2016 pursuant to Special Order 09-2017.</p> <p><b>In re: Discussion and possible vote on Staff's recommendation.</b></p> <p><b>(Ex. 6 on the December 20, 2017 B&amp;E Agenda)</b></p> <p><b>PASSED</b></p>
<p><b>Ex. 16</b></p>	<p><b>S-34692</b> - CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Louisiana Gas and CenterPoint Energy Arkla, ex parte. In re: Request for Approval or Non-Opposition regarding CenterPoint Energy Arkla New Asset Management Agreement and Revenue Sharing Mechanism.</p> <p><b>In re: Discussion and possible vote on Staff recommendation.</b></p> <p><b>PASSED</b></p>
<p><b>Ex. 17</b></p>	<p>Undocketed - Louisiana Public Service Commission, ex parte.</p> <p><b>In re: Discussion and possible vote on special order addressing jurisdictional utility tracking and recordation of the impacts of the federal Tax Cuts and Jobs Act, as of January 1, 2018, as a regulatory liability or deferred liability and for opening a rulemaking docket by the Commission to address same.</b></p> <p><b>PASSED</b></p>
<p><b>Ex. 18</b></p>	<p><b>Docket TBD</b> (RFP 17-20) In re: Statewide Consolidation of Utilities Inc. of Louisiana and Community Utilities of Louisiana, Inc. and establishment of formula rates.</p> <p><b>In re: Discussion and possible vote to hire outside consultant.</b></p> <p>On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, with Commissioners Campbell and Boissiere concurring and Greene temporarily absent, the Commission voted to retain United Professionals Company to perform all activities required to assist Staff for a not to exceed budget of \$115,000 in fees and \$5,000 in expenses for a total not to exceed budget of \$120,000.</p>
<p><b>Ex. 19</b></p>	<p><b>1) Reports –</b></p> <p>Paul Zimmering of Stone Pigman gave a report regarding the Department of Energy’s Notice of Proposed Rulemaking in FERC Docket No. RM18-1-000 and FERC’s decision creating separate Louisiana and Texas cost allocation zones for the Hartburg-Sabine Transmission Project and future market efficient projects in FERC Docket No. ER18-364 at the request of Chairman Skrmetta.</p> <p>2) Resolutions 3) Discussions <b>4) ERSC/OMS Business –</b></p> <p><b>Discussion and possible vote to ratify the vote taken by Vice Chairman Boissiere acting as the Commission's representative on the Board of Directors of the Organization of MISO States.</b></p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Campbell, with Vice Chairman Francis and Commissioner Greene concurring and Commissioner Boissiere abstaining, the Commission voted to ratify Commissioner Boissiere's vote taken January 12, 2018, as the Louisiana Public Service Commission representative to the OMS Board of Directors, supporting the OMS Notice of Intervention and Comments in FERC Docket No. ER18-462-000.</p>

	<p>5) Directives –</p> <p><b><u>Directive to Staff to open a rulemaking to consider possible modifications to the Commission’s “Electric Transmission Facility Certification and Siting Rules” adopted in the Commission’s General Order dated October 10, 2013 and to solicit a proposal from Stone Pigman to assist the Staff since they worked on the prior rulemaking docket.</u></b></p> <p>(Ex. 18 on the December 20, 2017 B&amp;E Agenda)</p> <p><b>At the request of Commissioner Campbell. - PASSED</b></p>
<p><b>Ex. 20</b></p>	<p><b>U-34401</b> - Entergy Louisiana, LLC, ex parte. In re: Application for Authorization to Participate in a Contract for the Purchase of Capacity and Energy from the Carville Energy Center.</p> <p><b>In re: Discussion and possible vote on Stipulated Settlement.</b></p> <p><b>At the request of Chairman Skrmetta.</b></p> <p>On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to accept the Stipulated Settlement filed into the record on December 20, 2017 granting ELL’s request to participate in the Carville PPA.</p>
<p><b>Ex. 21</b></p>	<p><b><u>Discussion and possible vote on directive to Staff to open a rulemaking docket on streetlight development and upkeep, to include all aspects of modern streetlight technology, projected energy consumption and maintenance savings, streetlight tariffs among regulated electric utilities, innovative financing options, and rates charged to participating political subdivisions</u></b></p> <p><b>At the request of Commissioner Campbell.</b></p> <p>There was no opposition.</p>
<p><b>Ex. 22</b></p>	<p>Undocketed.</p> <p><b>In re: Discussion and possible vote to adopt Rule 53-A to the Commission's Rules of Practice and Procedure regarding selection of Chair and Vice-Chair.</b></p> <p><b>At the request of Commissioner Boissiere.</b></p> <p>Commissioner Boissiere made a motion that the Commission adopt Rule 53-A as follows:</p> <p>A. Term. The terms shall be for one year and begin immediately after the January Business and Executive Session has been called to order by the outgoing chair, or vice-chair in the event of an absence, or vacancy.</p> <p>B. Selection. The position of chair and vice-chair shall rotate among the commissioners beginning with the most senior member assuming the chair in January, 2019. The second most senior member shall serve as vice-chair and chair-select for 2019. The selection process shall follow this procedure to ensure that each commissioner serve as chair and vice-chair once over a five-year period, however a member must have served on the commission for at least three years prior to his selection as chair.</p> <p>C. Vacancy. In the event of a vacancy of the chair, the vice-chair shall serve as chair for the remainder of the term, with the next most senior member assuming vice chair.</p> <p>Commissioner Campbell seconded the motion. Chairman Skrmetta, Vice Chairman Francis, and Commissioner Greene opposed. The motion failed by a 2:3 vote.</p>

<p><b>Ex. 23</b></p>	<p><b><u>Directive from Chairman Skrmetta directing Staff to open a Docket to study the economic status of Entergy’s legacy electric generation.</u></b></p> <p><b>At the request of Chairman Skrmetta.</b></p> <p><b>PASSED</b></p>
<p><b>Ex. 24</b></p>	<p>Undocketed.</p> <p><b>In re: Discussion and possible vote on a resolution urging the Federal Communications Commission to reinstate Net Neutrality, and establishment of an LPSC rulemaking to explore options by which the Louisiana Commission can preserve internet freedom in Louisiana without explicit FCC support.</b></p> <p><b>At the request of Commissioner Campbell.</b></p> <p>Commissioner Campbell made a motion as a resolution urging the Federal Communications Commission to reinstate Net Neutrality, and establishment of an LPSC rulemaking to explore options by which the Louisiana Commission can preserve internet freedom in Louisiana without explicit FCC support. Commissioner Boissiere seconded the motion. Chairman Skrmetta, Vice Chairman Francis, and Commissioner Greene opposed. The motion failed by a 2:3 vote.</p>
<p><b>Ex. 25</b></p>	<p><b><u>Directive from Chairman Skrmetta directing Staff to open a docket to require that MISO disclose all facts of confidential notices, such as max gen alerts, as they are issued to the commission and the commissioners.</u></b></p> <p><b>At the request of Chairman Skrmetta.</b></p> <p>There was no opposition.</p>

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

**MEETING ADJOURNED**

The next Business and Executive Session will be held on Wednesday, February 21, 2018 at 9:00am in Baton Rouge, Louisiana.