

**LOUISIANA PUBLIC SERVICE COMMISSION**  
**MINUTES FROM NOVEMBER 13, 2020**  
**OPEN SESSION**

***MINUTES OF THE NOVEMBER 13, 2020 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN MIKE FRANCIS, VICE CHAIRMAN CRAIG GREENE, COMMISSIONER FOSTER CAMPBELL, COMMISSIONER LAMBERT BOISSIERE, COMMISSIONER ERIC SKRMETTA AND EXECUTIVE SECRETARY BRANDON FREY.***

**Open Session of November 13, 2020, convening at 9:25 a.m., and adjourning at 10:34 a.m., the Galvez Building, 602 North 5<sup>th</sup> Street, Baton Rouge, Louisiana, with the above-named members of the Commission and Executive Secretary Brandon Frey.**

<b>Ex. 1</b>	<p>Chairman Francis congratulated Commissioner Campbell on his recent re-election as Commissioner. Chairman Francis announced that Commissioner Skrmetta is in the December 3, 2020 election runoff.</p> <p>Commissioner Boissiere congratulated his Technical Assistant, Jared Reese on his recent marriage.</p> <p>Deputy General Counsel Melissa Frey introduced the Legal Division’s new Administrative Assistant, Kathy Briggs.</p>
<b>Ex. 2</b>	<p><b>T-35575</b> – Louisiana Public Service Commission vs. Davis Elite Energy Services, LLC (Kilgore, Texas). In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority to transport saltwater utilized in oil well exploration and production on three hundred twenty-four (324) counts; allegedly occurring on or about April 30, 2019 through May 31, 2019.</p> <p><b>In re: Discussion and possible vote pursuant to Rule 57 on Affidavit and Stipulation executed by the Carrier.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Vice 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 Commissioner Skrmetta, seconded by Vice Chairman Greene, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed on October 2, 2020.</p>
<b>Ex. 3</b>	<p><b>S-35631</b> – Dixie Electric Membership Corporation, ex parte. In re: Request for Letter of Non-Opposition to Loan with Federal Financing Bank and Related Mortgage.</p> <p><b>In re: Discussion and possible vote on Staff Report and Recommendation.</b></p> <p>On motion of Vice Chairman Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on November 4, 2020 with one additional condition that within 15 days after the loan funds advanced for each loan drawdown, the Cooperative shall file into the record of this proceeding notice of the interest rate applicable to the loan drawdown and whether the interest rate applicable to the loan drawdown is fixed or variable.</p>
<b>Ex. 4</b>	<p><b>S-35710</b> – Beauregard Electric Cooperative, Inc., ex parte. In re: Petition for Approval of Letter of</p>

	<p>Non-Opposition to Borrow Funds from National Rural Utilities Cooperative Finance Corporation.</p> <p><b>In re: Discussion and possible vote on Staff Report and Recommendation.</b></p> <p>On motion of Vice Chairman Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on November 4, 2020, with one additional condition that within 15 days after the loan funds advanced for each loan drawdown, the Cooperative shall file into the record of this proceeding notice of the interest rate applicable to the loan drawdown and whether the interest rate applicable to the loan drawdown is fixed or variable.</p>
<p><b>Ex. 5</b></p>	<p><b>U-35427</b> – Louisiana Public Service Commission, ex parte. In re: Notice of Audit of Energy Efficiency Rate Rider of Cleco Power LLC for the Energy Efficiency Quick Start Program for the Years Ending October 31, 2017 and October 31, 2018.</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Greene, and unanimously adopted, the Commission voted to adopt the proposed Draft Order filed into the record on October 21, 2020.</p>
<p><b>Ex. 6</b></p>	<p><b>X-35643</b> – Entergy Louisiana, LLC, ex parte. In re: Report on Assessment of the Economic Viability of Entergy Louisiana, LLC’s Legacy Gas Generation.</p> <p><b>In re: Discussion and possible vote to hire Outside Consultant.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Greene, and unanimously adopted, the Commission voted to retain Davis Energy Advisors for a budget of up to \$25,400 in fees and zero in expenses for a total not to exceed budget of \$25,400.</p>
<p><b>Ex. 7</b></p>	<p>1) <b><u>Reports</u></b></p> <p><b>Staff status report on Robocalls.</b></p> <p>Executive Secretary Frey informed the Commission the federal protocol rules that were implemented are working, as he’s noticed a huge reduction in the amount of spam calls he has received. He did note that spam texts seem to be taking over, which are not covered by the new rules. Executive Secretary Frey indicated, Staff Attorney Barlow Holley will research the scope of the rules and provide an update at a future B&amp;E.</p> <p><b>Staff report regarding recipients of Paycheck Protection Program funding.</b></p> <p>Pursuant to Vice Chairman Greene’s directive at the Commission’s September 16, 2020 Business and Executive Session, Staff offered a report regarding certain regulated utilities’ utilization of the Paycheck Protection Program (“PPP”).</p> <p>The report was provided by Staff Auditor, Thomas Broady, who informed the Commission that all the companies who received PPP funds indicated they believe 100% of the funds received will be eligible for forgiveness through the SBA PPP. Staff stated that the time lines for forgiveness relative to each company vary, but there is a designated procedure for the lender to submit for loan forgiveness and for SBA to approve or deny. In response to Staff’s inquiries, the companies indicated the funds were mostly used to pay for payroll expenses and employee benefit expenses such as insurance and pensions, which are expenses typically recovered from ratepayers through</p>

	<p>tariffed rates. Staff did not recommend any specific action at this time; however, Staff intends to monitor the progression of the loan forgiveness process and keep the Commission informed of any necessary next steps. Staff anticipates that it will report back in six months with updated information.</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><b><u>Directive to open an investigation of Guste Island Utility Company in response to customer complaints.</u></b></p> <p><b>At the request of Commissioner Skrmetta.</b></p> <p>Commissioner Skrmetta directed Staff to open an investigation of Guste Island Utility Company in response to customer complaints. Staff has authority to investigate, and take whatever action necessary to contract any necessary personnel to accomplish this task.</p> <p>There was no opposition.</p> <p><b><u>Directive to open a docket to establish rules consistent with Act. No. 42 of the 2020 Second Extraordinary Session.</u></b></p> <p><b>At the request of Chairman Francis.</b></p> <p>Chairman Francis directed Staff to take whatever action necessary, including the hiring of outside counsel and/or consultants if deemed necessary, to establish rules consistent with Act 42 of the 2020 Second Extraordinary Session, whether that be amending the Commission’s current rules on disaster and response planning or establishing new rules to address cable and video service providers.</p> <p>There was no opposition.</p>
<p><b>Ex. 8</b></p>	<p><b>U-35049</b> – Cleco Power LLC, ex parte. In re: Formula Rate Plan – June 2018 Monitoring Report and Application for Authorization to Implement Rate Reductions Resulting from the Tax Cuts and Jobs Act of 2017 and Related Rate Changes and Refunds.</p> <p><b>In re: Discussion and possible vote on Unopposed Joint Motion for Consideration Pursuant to Rule 57 of Cleco Power’s Application for Further Extension of TJCA Bill Credit.</b></p> <p><b>At the request of Commissioner Skrmetta.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Vice 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 Commissioner Skrmetta, seconded by Vice Chairman Greene, and unanimously adopted, the Commission voted to accept Staff Recommendation on the Unopposed Joint Motion of Cleco Power’s Application for Further Extension of TJCA Bill Credit filed into the record on</p>

	November 4, 2020.
<b>Ex. 9</b>	<p><b>U-35173</b> – 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><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p><b>At the request of Commissioner Campbell.</b></p> <p><b>DEFERRED</b></p>
<b>Ex. 10</b>	<p><b>U-35762</b> – Entergy Louisiana, LLC, ex parte. In re: Application for Approval of Ratemaking Adjustment for Interim Hurricane Laura Financing.</p> <p><b>In re: Discussion and possible vote on Unopposed Joint Motion for Expedited Approval Pursuant to Rule 57 of Ratemaking Adjustment for Interim Hurricane Recovery Financing.</b></p> <p><b>At the request of Chairman Francis.</b></p> <p>On motion of Chairman Francis, seconded by Vice 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 Commissioner Skrmetta, seconded by Vice Chairman Greene, and unanimously adopted, the Commission voted to accept Staff Recommendation on the Unopposed Joint Motion filed into the record on November 9, 2020.</p>
<b>Ex. 11</b>	<p><b>Undocketed</b> – Discussion and possible vote to authorize jurisdictional utilities to establish a regulatory asset, as needed and for account accounting purposes only, for expenses associated with Hurricanes Laura, Delta, and Zeta.</p> <p><b>At the request of Chairman Francis.</b></p> <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to issue an Order superseding Special Order 61-2020 authorizing jurisdictional utilities to establish, on an as needed basis, a regulatory asset, for expenses associated with Hurricanes Laura, Delta, and Zeta. The expenses from each storm should be tracked for accounting purposes only and any future recovery is not guaranteed. Any future recovery will be subject to Commission review, whether through a securitization docket or any other docket the Commission deems necessary. Further, any future recovery would be subject to any credits for dollars collected or paid/received by other entities.</p>
<b>Ex. 12</b>	<p><b>Undocketed</b> – Directive to Staff to open a rulemaking, or request comments in the existing “Water and Wastewater Best Practices” rulemaking regarding billing and disconnection practices of water and wastewater providers.</p> <p><b>At the request of Commissioner Boissiere.</b></p> <p>Commissioner Boissiere directed Staff to take whatever action necessary to open a rulemaking, or request comments in the existing “Water and Wastewater Best Practices” rulemaking, regarding billing and disconnection practices of water and wastewater providers.</p>

	There was no opposition.
<b>Ex. 13</b>	<p><b>Undocketed</b> – Update from Staff on an analysis of regulated utilities offering unregulated repair services to customers.</p> <p><b>At the request of Commissioner Campbell.</b></p> <p>At the June B&amp;E, Commissioner Campbell directed Staff to conduct an analysis of regulated utilities offering unregulated repair services to customers. Specifically, an analysis of the costs versus benefits, including any revenue received by the utility and how such revenue is utilized. Commissioner Campbell further indicated that he wanted this matter considered at the December B&amp;E.</p>
<b>Ex. 14</b>	<p><b>Undocketed</b> – LPSC, ex parte. In re: Discussion and possible vote to adopt a Resolution directed to Louisiana’s Congressional Delegation requesting expansion of the Stafford Act to cover storm – related costs incurred by all Commission jurisdictional electric utilities.</p> <p><b>At the request of Commissioner Skrmetta.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Francis, and unanimously adopted, the Commission voted to adopt a Resolution directed to the Louisiana Congressional Delegation to consider expansion of the Stafford Act to cover storm-related costs incurred by all Commission jurisdictional electric utilities.</p>

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

**MEETING ADJOURNED**

The next Business and Executive Session will be held on Wednesday, December 16, 2020, at 9:00 a.m. at the Galvez Building in Baton Rouge, Louisiana.