

**LOUISIANA PUBLIC SERVICE COMMISSION**  
**MINUTES FROM DECEMBER 16, 2020**  
**OPEN SESSION**

***MINUTES OF DECEMBER 16, 2020 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 December 16, 2020 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 December 16, 2020, convened at 9:23 a.m., and adjourned at 11:21 a.m., via videoconferencing from the Galvez Building, 602 North 5<sup>th</sup> Street, Baton Rouge, Louisiana, with Executive Secretary Brandon Frey present and the remaining above-named members of the Commission participating remotely.**

<b>Ex. 1</b>	<p>Commissioner Campbell thanked everyone for the calls and well wishes as he recovered from COVID-19. He also thanked his Executive Assistant, Bill Robertson, for his years of public service and wished him well in his impending retirement, and also announced that Gary Hobbs would be replacing Bill as his Executive Assistant.</p> <p>Vice Chairman Greene congratulated Commissioners Skrmetta and Campbell on their re-elections to the Commission.</p> <p>Executive Counsel Kathryn Bowman asked for thoughts and prayers for LPSC employee Shomona Voss as her mother recently passed away.</p>
<b>Ex. 2</b>	<p>2021 Proposed Business and Executive Session Schedule</p> <p><b>In re: Discussion and possible vote to accept the proposed 2021 schedule.</b></p> <p>On motion of Chairman Francis, seconded by Vice Chairman Greene, and unanimously adopted, the Commission voted to accept the following proposed 2021 Business and Executive Session Schedule.</p> <p>January 27  February 24  March 17  April 21  May 19  June 16  July 21  August – No Meeting  September 15  October 20  November 17  December 15</p>

<p><b>Ex. 3</b></p>	<p><b>T-35766</b> – Louisiana Public Service Commission vs. American Environmental &amp; Industrial Services, LLC. In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating intrastate without LPSC authority to transport oil well exploration and production waste on one (1) count; allegedly occurring on or about September 03, 2020.</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 Chairman Francis, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed on November 9, 2020.</p>
<p><b>Ex. 4</b></p>	<p><b>R-31106</b> – Louisiana Public Service Commission, ex parte. In re: Rulemaking to study the possible development of financial incentives for the promotion of energy efficiency by jurisdictional electric and gas utilities.</p> <p><b>In re: Discussion and possible vote to maintain the Quick Start Program pending consideration of Phase II, and for a budget increase for J. Kennedy and Associates.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Greene, and unanimously adopted, the Commission voted to maintain the Quick Start Program for an additional one-year period beginning January 1, 2021, which will be known as Quick Start Year 7, and approve the additional budget proposal of J. Kennedy and Associates.</p> <p>Commissioner Skrmetta directed Staff to discuss with J. Kennedy and Associates the possibility of adding rural electric cooperatives into the Quick Start Energy Efficiency program.</p>
<p><b>Ex. 5</b></p>	<p><b>S-35630</b> – Dixie Electric Membership Corporation, ex parte. In re: Request for Letter of Non-Opposition to Loan with CoBank for Advanced Metering System Upgrades 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 November 20, 2020 expressing its non-opposition to DEMCO.</p>
<p><b>Ex. 6</b></p>	<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. (Exhibit 9 on November 13, 2020 B &amp; E).</b></p> <p><b>DEFERRED</b></p>
<p><b>Ex. 7</b></p>	<p><b>U-35359</b> – Dixie Electric Membership Corporation, ex parte. In re: Application for Rate Increase, Renewal of Formula Rate Plan, and Certification of Advanced Metering System Upgrade.</p> <p><b>In re: Discussion and possible vote on Unopposed Joint Motion Pursuant to Rule 57 to Accept Proposed Uncontested Stipulated Settlement.</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>After discussion and comments from Randy Pierce, General Manager and CEO of DEMCO, on motion of Vice Chairman Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept the Proposed Uncontested Stipulated Settlement filed into the record on November 20, 2020 and further move in accordance with a request from DEMCO that the deadline for DEMCO to advise commercial customers who may benefit from switching to a different rate schedule imposed by General Orders dated November 2, 1987 and September 5, 1997 be extending to March 31, 2020. Further, DEMCO shall file a report with the Commission no later than June 30, 2021 advising the Commission of the action taken to notify commercial customers and the number of commercial customers that requested to switch to a different rate schedule.</p>
<b>Ex. 8</b>	<p><b>U-35558</b> – Utilities Inc. of Louisiana, ex parte. In re: Formula Rate Plan Annual Report Filing for the Test Year Ending on December 31, 2019.</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p>On motion of Chairman Francis, seconded by Vice Chairman Greene, and unanimously adopted, the Commission voted to accept Joint Report filed into the record on December 2, 2020.</p>
<b>Ex. 9</b>	<p><b>U-35739</b> – CenterPoint Energy Resources Corp. d/b/a 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, 2020.</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 Chairman Francis, and unanimously adopted, the Commission voted to accept Joint Report filed into the record on November 25, 2020.</p>
<b>Ex. 10</b>	<p><b>U-35740</b> – CenterPoint Energy Resources Corp. d/b/a 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, 2020.</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, with Commissioners Campbell and Boissiere concurring, and Vice Chairman Greene temporarily absent, the Commission voted to accept Joint Report filed into the record on November 25, 2020.</p>
<b>Ex. 11</b>	<p><b>U-35753</b> – 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><b>In re: Discussion and possible vote to retain an Outside Consultant.</b></p> <p>Commissioner Skrmetta made a motion to hire United Professional Company, which was seconded by Vice Chairman Greene.</p> <p>Commissioner Campbell made a substitute motion to hire London Economics International LLC. The substitute motion failed due to a lack of second.</p> <p>Commissioner Skrmetta re-urged his original motion, which was seconded by Vice Chairman</p>

	<p>Greene, and with Chairman Francis and Commissioner Boissiere concurring, and Commissioner Campbell opposing, the Commission voted to retain United Professionals Company to assist Staff for a budget of \$60,000 in fees and \$1,5000 in expenses for a total not to exceed budget of \$61,500.</p>
<b>Ex. 12</b>	<p><b>U-35755</b> – Cleco Power LLC, ex parte. In re: Application for (I) Authorization of a Non-Material Upstream Restructuring of BCI’s Interest in Cleco Power LLC.</p> <p><b>In re: Discussion and possible vote on Staff’s Report and Recommendation.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Greene, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on December 3, 2020.</p>
<b>Ex. 13</b>	<p><b>X-35786</b> – Louisiana Public Service Commission, ex parte. In re: Analysis of Regulated Utilities Offering Unregulated Repair Services to Customers.</p> <p><b>In re: Discussion and possible vote on Staff Report and Recommendation.</b></p> <p>After discussion, this item was deferred until the February 2021 Business and Executive Session.</p>
<b>Ex. 14</b>	<p><b>Docket TBD</b> – Pointe Coupee Electric Membership Corporation, ex parte. In re: Application for approval of automated metering system and request for cost recovery and related relief.</p> <p><b>In re: Discussion and possible vote to retain an Outside Consultant.</b></p> <p>On motion of Vice Chairman Greene, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to retain Exeter and Associates, Inc. for a budget of \$19,000 in fees and \$1,800 in expenses for a total not to exceed budget of \$20,800.</p>
<b>Ex. 15</b>	<p>1) <b><u>Reports</u></b></p> <p><b>Staff status report on Robocalls.</b></p> <p>Staff Attorney Barlow Holley gave a report on “robo texts” after questions were raised on whether they were prohibited under federal law and regulation and, if so, what measures were being taken to prevent or mitigate them.</p> <p><b>Staff report regarding Rural Digital Opportunity Fund Phase I Auction Winning Bidders</b></p> <p>Secretary Frey stated that on December 7, 2020, the FCC announced the winning bidders for Phase I of the Rural Digital Opportunity Fund (“RDOF”) reverse-auction. The awards are broken down as follows:</p> <ul style="list-style-type: none"> <li>• \$9.2 billion in support was awarded over a 10-year period to 5.2 million locations nationwide.</li> <li>• 13 winning bidders were selected in Louisiana, receiving \$342 million in support over the 10-year period to serve 175,692 locations.</li> </ul> <p><b>Staff report regarding update on Lafayette Utilities System, pursuant to Chairman Francis’ February 19, 2020 directive.</b></p> <p>Associate Counsel Lauren Evans stated that on May 4, 2018, a docket was opened by the Commission to audit LUS after the Company self-reported certain potential violations of the Local Government Fair Competition Act and the Commission’s Cost Allocation and Affiliate Transactions rules. Staff completed its audit and filed its Audit Report on June 4, 2019. On December 27, 2019,</p>

	<p>LUS filed a letter alleging additional potential violations. At the February 19, 2020 B&amp;E, Chairman Francis directed Staff to review December 27, 2019 Filing and to request additional information from the Company regarding the additional self-reported issues. He also directed Staff to report to the Commission at a future B&amp;E as to whether an additional audit docket should be opened to determine whether the self-reported issues in the December 27, 2019 Filing violate the Local Government Fair Competition Act or the Commission’s Cost Allocation and Affiliate Transaction rules. Staff issued Data Requests to LUS, and received responses, including a Forensic Examination Report performed by Carr Riggs &amp; Ingram (“CRI”). After an extensive review of the responses to the Data Requests, including the Forensic Examination Report, Staff does not recommend further action on the issues raised by LUS in the December 27, 2019 Filing. However, Staff does recommend that the Commission direct LUS to file a response to Staff’s Audit Report filed in Docket U-34830 on June 4, 2019 and after such filing, that this docket be closed.</p> <p>Chairman Francis agreed with Staff’s recommendation that no further action should be taken on the issues raised by LUS in the December 27, 2019 filing, and also directed LUS to file a response to Staff’s Audit Report, filed in Docket No. U-34830, on June 4, 2019 so that docket can be closed.</p> <p>2) <u>Resolutions</u></p> <p>3) <u>Discussions</u></p> <p>4) <b><u>ERSC/OMS/SPP</u></b></p> <p><b>Discussion and possible vote to ratify the vote taken by Commissioner Skrmetta acting as the Commission’s representative on the Board of Directors of the Organization of MISO States.</b></p> <p>On motion of Chairman Francis, seconded by Vice Chairman Greene, with Commissioner Campbell and Commissioner Boissiere concurring and Commissioner Skrmetta abstaining, the Commission voted to ratify Commissioner Skrmetta’s vote taken on November 19, 2020, as the LPSC representative to the OMS Board of Directors.</p> <p>5) <u>Directives</u></p>
<p><b>Ex. 16</b></p>	<p><b>U-35525</b> – Atmos Energy Corporation, ex parte. In re: Test Year 2019 Rate Stabilization Clause Filing.</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></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 accept Joint Report and issue the Draft Order filed into the record on June 18, 2020</p>

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

**MEETING ADJOURNED**

The next Business and Executive Session will be held on Wednesday, January 27, 2021, at 9:00 a.m. at the Galvez Building in Baton Rouge, Louisiana.