

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM MARCH 20, 2019
OPEN SESSION

MINUTES OF MARCH 20, 2019 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN MIKE FRANCIS, VICE CHAIRMAN FOSTER CAMPBELL, COMMISSIONER LAMBERT BOISSIERE, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG GREENE AND EXECUTIVE SECRETARY BRANDON FREY.

Open Session of March 20, 2019 convening at 9:25A.M., and adjourning at 12:01P.M., the Galvez Building, 602 North 5th Street, Baton Rouge, Louisiana, with the above-named members of the Commission and Executive Secretary Brandon Frey.

Ex. 1	<p>Vice Chairman Campbell mentioned the Uncle Earl's Hog Dog Trials being held this weekend in Winnfield, LA.</p> <p>Commissioner Greene indicated he had multiple requests to be able to watch the Commission's Business and Executive Session's live, and that as a result of those requests, he is streaming the meeting via his Facebook page.</p>
Ex. 2	<p>T-34695 - Crimson Gulf, LLC (Denver, Colorado), ex parte. In re: Application for a rate increase on service originating at Grand Isle and Terminating at St. James for Crude Petroleum as currently outlined in LPSC Tariff No. 75.2.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, with Commissioner Boissiere and Commissioner Greene concurring and Vice Chairman Campbell opposing, the Commission voted to approve the Uncontested Stipulated Settlement filed into the record on February 1, 2019, and that within 30 days of issuance of the Commission Order, Crimson make full refund to the Shippers of the difference between the gross revenue collected under the Interim Rate and the gross revenue determined under the Settlement Rate from July 1, 2018 through the date the Interim Rate was collected by Crimson, with legal interest.</p>
Ex. 3	<p>T-35042 - Louisiana Public Service Commission vs. Stafford Transport of Louisiana, Inc. dba CEI (Walker, Louisiana). In re: Alleged violation of General Order No. 9901 as amended while operating under Common Carrier Certificate 5653-M, for 1) utilizing an owner/operator lease with Leo Washington/DirtySand and Gravel, LLC not executed in writing 2) no lease in vehicle and 3) not filing leases with the Commission, and alleged violation of La. R.S. 45:167 and General Order No. 9901 as amended for utilizing vehicles not clearly identified as being operated by lessee and failure to identify vehicles with name, address and certificate or permit number, occurring on or about October 18, 2018.</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 Commissioner Greene, seconded by Commissioner 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 Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed by the Carrier, and found that the charges of violating General Order 9901 as amended for 1) having no lease in the vehicle and 2) not filing leases with the Commission are moot and therefore dismissed, as these violations are predicated on the existence of an executed lease document.</p>

<p>Ex. 4</p>	<p>T-35097 - Louisiana Public Service Commission vs. Stafford Transport of Louisiana, Inc. dba CEI (Walker, Louisiana). In re: Alleged violation of Louisiana Revised Statute 45:167 and General Order No. 9901 as amended while operating under Common Carrier Certificate 5653-M, for utilizing vehicles not clearly identified as being operated by lessee and failure to identify vehicles with name, address and certificate or permit number, occurring on or about December 12, 2018.</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 Commissioner Greene, seconded by Commissioner 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 Commissioner Greene, seconded by Vice Chairman Campbell, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed by the Carrier.</p>
<p>Ex. 5</p>	<p>U-34865 - Greater Ouachita Water Company, ex parte. In re: Application for an Increase in Water and Sewer Rates, Interim Rate Relief, Non-Opposition to Bond Issuance, and Expedited Relief.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to adopt the uncontested stipulated settlement filed into the record on January 30, 2019.</p>
<p>Ex. 6</p>	<p>U-35122 - Atmos Energy Corporation, ex parte. In re: Application Requesting Consolidation of Atmos Energy Corporation's Louisiana Rate Divisions, Trans Louisiana Gas and Louisiana Gas Service and Related Amendments to Rates Schedules and Tariffs.</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>Commissioner Skrmetta made a motion, seconded by Commissioner Greene, to retain Henderson Ridge Consulting, Inc. to assist Staff for a budget of \$67,050 in fees and \$2,400 in expenses for a total not to exceed budget of \$69,450. Vice Chairman Campbell opposed.</p> <p>Vice Chairman Campbell made a substitute motion, seconded by Commissioner Boissiere, to retain Exeter Associates, Inc. to assist Staff for a budget of \$27,000 in fees and \$2,000 in expenses for a total not to exceed budget of \$29,000. The motion failed 2:3.</p> <p>Commissioner Skrmetta's original motion was restated and unanimously adopted.</p>
<p>Ex. 7</p>	<p>S-35105 - RTC Holdings, LLC, Reserve Communications and Computer Corporation, RTC MergeCo, LLC, EATELCORP, LLC and Egan Interests, LLC, et al, ex parte. In re: Request for Approval of the Change in Ownership and Control of EATELCORP, LLC and Associated Financing and Pledge of Security.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Commissioner Boissiere, seconded by Commissioner Skrmetta, with Chairman Francis and Vice Chairman Campbell concurring, and Commissioner Greene temporarily absent, the Commission voted to adopt the Staff Report and Recommendation filed into the record on March 7, 2019.</p>
<p>Ex. 8</p>	<p>X-35119 - Southwestern Electric Power Company, ex parte. In re: Notice of Intent to Conduct Request for Proposals for Solar Resources in Accordance with Commission General Order R-26172, Subdocket C, the Market Based Mechanism ("MBM Order").</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to retain United Professionals Company to assist Staff for a budget of \$82,500 in fees and \$7,500 in expenses for a total not to exceed budget of \$90,000.</p>

<p>Ex. 9</p>	<p>X-35131 - Louisiana Public Service Commission, ex parte. In re: Investigative Audit into the Managerial and Financial Activities of Dixie Electric Membership Corporation.</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>No bids were received in response to the Request for Proposals (“RFP”) and it will be re-issued with efforts made to reach a broader bidder pool. In the interim, in-house Staff is working on this matter. Commissioner Skrmetta suggested determining the top five to ten CPA firms in the capital area and contact them to review the RFP and if interested in submitting a bid, get pre-qualified and submit a bid when re-issued.</p>
<p>Ex. 10</p>	<p>Undocketed.</p> <p>In re: Discussion and possible vote to discuss draft rule regarding disconnection of federal employees by utilities during government shutdowns.</p> <p>At the request of Vice Chairman Campbell.</p> <p>Executive Secretary Brandon Frey stated that a Draft Rule would be published in the March 22, 2019 LPSC Bulletin for comments and it will be on April’s Agenda for a vote.</p>
<p>Ex. 11</p>	<p>R-35066 - Louisiana Public Service Commission, ex parte. In re: Rules and Regulations Governing Electric Cooperatives subject to the Jurisdiction of the Louisiana Public Service Commission.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>(Ex. 16 on the February 21, 2019 B&E Agenda.)</p> <p>On motion of Chairman Francis, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to adopt the following motion to Post Board Financial Incentives: Prior to any general membership meeting of any rural electric cooperative, an insert shall be placed in mailed bills and in addition, such information shall be published in the official legal journals for notice within the cooperatives’ territories for at least thirty days in advance of that respective general membership meeting. The information shall contain:</p> <ol style="list-style-type: none"> 1. The current taxable benefits paid to each individually named director, including, but not limited to, insurance benefits, per diem, and mileage reimbursements. <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to reject Staff’s recommendation, but, consistent with the Commission’s jurisdiction stated therein, move that the following standards be established, as relates to all board members of all rural electric cooperatives, until such time that these standards are modified by a “non-quorum” vote of their respective general memberships, during their respective annual meetings, regarding the following items numbered 1 through 4.</p> <ol style="list-style-type: none"> 1. <u>Prohibition of Quorum for membership vote</u> – Until modified by a vote of their respective general memberships at an annual meeting, there shall be no quorum requirement of any kind to establish a threshold for obtaining a vote by the members of any rural electric cooperative. This provision shall apply to items numbered 2, 3, and 4 below. 2. <u>Term Limits</u> – Each rural electric cooperative board of director shall be limited to a service period of not more than eighteen years (18). Consisting of a possible six (6) three (3) year terms, subject to their re-election commencing with the next term. 3. <u>Insurance</u> – If desired, but not required, each rural electric cooperative board of director may be allowed to participate in any alike insurance program made available to any employee of the rural electric cooperative. 4. <u>Standards for general membership voting</u> – Each rural electric cooperative shall establish a method of voting that is reviewable by the Louisiana Public Service Commission. The methods for conducting a general membership vote shall be limited to a mail-in ballot, or, a machine cast ballot made available at a central location that is advertised in the previous monthly billing mechanism. Any ballot to modify paragraphs 1., 2., or 3., shall be reviewed by the Louisiana Public Service Commission Staff thirty (30) days prior to the general membership election and the ballot language is subject to correction by Commission staff to conform to this Motion and subsequent order. The results of any rural electric cooperative general membership election shall be certified by a Certified Public Accountant firm selected by the commission.

	<p>This motion excludes Panola-Harrison Electric Cooperative, Inc. and Ashley-Chicot Electric Cooperative. Upon approval of this motion by a majority of the LPSC Commissioners, Docket No. R-35066 shall be dismissed.</p>
Ex. 12	<p>1) Reports 2) Resolutions 3) Discussions 4) ERSC/OMS/SPP</p> <p>Discussion and possible vote to ratify the votes taken by Commissioner Skrmetta acting as the Commission's representative on the Board of Directors of the Organization of MISO States.</p> <p>On motion of Chairman Francis, seconded by Commissioner Boissiere, with Vice Chairman Campbell and Commissioner Greene concurring and Commissioner Skrmetta abstaining, the Commission voted to ratify the vote of Commissioner Skrmetta taken on February 28, 2019 and March 8, 2019 as the LPSC representative to the OMS Board of Directors.</p> <p>5) Directives</p>
Ex. 13	<p>U-35130 - Entergy Louisiana, LLC, ex parte. In re: Request to Terminate, or in the alternative modify, the Fuel Tracking Mechanism - a Request Initially Included in an April 2, 2018 Compliance Filing in Docket No. U-33244 Pursuant to Order No. U-33244-A.</p> <p>In re: Discussion and possible vote to retain UPC and Stone Pigman to assist Staff with this matter.</p> <p>At the request of Commissioner Boissiere.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, with with Chairman Francis concurring and Commissioners Campbell and Boissiere absent, the Commission voted to retain Stone Pigman for a budget of \$120,000 in fees and \$6,000 in expenses for a total not to exceed budget of \$126,000 and United Professionals Company for a budget of \$80,000 in for consulting services and \$6,000 in expenses for a total not to exceed budget of \$86,000.</p>
Ex. 14	<p>LPSC - Undocketed</p> <p><u>Directive to all LPSC jurisdictional Telecommunication Service Providers (TSPs) to provide data relative to the collection and disbursement of 911 fees.</u></p> <p>At the request of Commissioner Skrmetta.</p> <p>Commissioner Skrmetta directed carriers to provide the following information to the LPSC, via affidavit, and under seal if necessary:</p> <ol style="list-style-type: none"> 1. The amount of 911 fees collected annually, by parish, from end users. 2. The amount of 911 fees remitted annually, by parish, to communications districts. <p>There was no opposition.</p>
Ex. 15	<p>FERC Docket No. EL18-152, Louisiana Public Service Commission v. System Energy Resources, Inc. and Entergy Services, Inc.</p> <p>In re: Possible executive session to discuss litigation strategy pursuant to La. R.S. 42:16 et. seq.</p> <p>At the request of Chairman Francis.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to enter executive session.</p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Francis, with Vice Chairman Campbell and Commissioner Boissiere concurring and Commissioner Greene absent, the Commission voted to exit executive session.</p>

<p>Ex. 16</p>	<p>FERC Docket No. EL18-204, Louisiana Public Service Commission v. System Energy Resources, Inc. and Entergy Services, Inc.</p> <p>In re: Possible executive session to discuss litigation strategy pursuant to La. R.S. 42:16 et. seq.</p> <p>At the request of Chairman Francis.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to enter executive session.</p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Francis, with Vice Chairman Campbell and Commissioner Boissiere concurring and Commissioner Greene absent, the Commission voted to exit executive session.</p>
<p>Ex. 17</p>	<p>FERC Docket No. ER18-1182, System Energy Resources, Inc.</p> <p>In re: Possible executive session to discuss litigation strategy pursuant to La. R.S. 42:16 et. seq.</p> <p>At the request of Chairman Francis.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to enter executive session.</p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Francis, with Vice Chairman Campbell and Commissioner Boissiere concurring and Commissioner Greene absent, the Commission voted to exit executive session.</p>
<p>Ex. 18</p>	<p>FERC Docket No. ER18-1247, Entergy Arkansas, Inc.; Entergy Louisiana, LLC; Entergy Mississippi, LLC; Entergy New Orleans, LLC; and Entergy Texas, Inc.</p> <p>In re: Possible executive session to discuss litigation strategy pursuant to La. R.S. 42:16 et. seq.</p> <p>At the request of Chairman Francis.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to enter executive session.</p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Francis, with Vice Chairman Campbell and Commissioner Boissiere concurring and Commissioner Greene absent, the Commission voted to exit executive session.</p>

On motion of Commissioner Skrmetta, seconded by Vice Chairman Campbell, with Chairman Francis and Commissioner Boissiere concurring and Commissioner Greene absent, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, April 24, 2019 at 9:00A.M. at the Galvez Building in Baton Rouge, Louisiana.