

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM APRIL 18, 2018
OPEN SESSION

MINUTES OF APRIL 18, 2018 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN ERIC SKRMETTA, VICE CHAIRMAN MIKE FRANCIS, COMMISSIONER FOSTER CAMPBELL, COMMISSIONER LAMBERT BOISSIERE, COMMISSIONER CRAIG GREENE AND EXECUTIVE SECRETARY BRANDON FREY.

Open Session of April 18, 2018, convening at 9:17A.M., and adjourning at 11:06A.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	Chairman Skrmetta requested that the Staff review and report back on holding the October B&E in District 1 with a location to be determined.
Ex. 2	<p>T-34721 - Louisiana Public Service Commission vs. Service Consulting & Management, LLC (Haughton, Louisiana). In re: Cancellation of Common Carrier Certificate Number 7410-B for failure to maintain the required insurance coverage on file with the Commission pursuant to Commission's General Order dated January 12, 1976.</p> <p>In Re: Discussion and possible vote on Recommendation of the Administrative Law Judge.</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to adopt the Administrative Law Judge's recommendation and dismiss Docket No. T-34721 with prejudice.</p>
Ex. 3	<p>U-34701 - Cherry Ridge Utilities, Inc., ex parte. In re: Petition for approval to increase sewer rates.</p> <p>In re: Discussion and possible vote on Stipulated Settlement.</p> <p>On motion of Commissioner Campbell, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to adopt the Uncontested Stipulated Settlement filed on March 1, 2018.</p> <p>Upon notification by Staff that the parties had agreed to an additional condition subsequent to the filing of the stipulation, on motion of Chairman Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to adopt Staff's recommendation with the additional condition agreed to by the parties that the Company is subject to the outcome of the rulemaking and any tax treatments adopted in Commission Docket No. R-3475.</p>
Ex. 4	<p>S-34607 - 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>In re: Discussion and possible vote on Staff's recommendation.</p> <p>(Ex. 3 on the March 21, 2018 B&E Agenda)</p> <p>PULLED</p>
Ex. 5	<p>S-34608 - 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>In re: Discussion and possible vote on Staff's recommendation.</p> <p>(Ex. 4 on the March 21, 2018 B&E Agenda)</p> <p>PULLED</p>

<p>Ex. 6</p>	<p>S-34750 - Pointe Coupee Electric Membership Corporation, ex parte. In re: Application for approval of a Letter of Non-Opposition for a RUS Loan Commitment in the amount of \$14,926,000.00.</p> <p>In re: Discussion and possible vote on Staff's recommendation.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Greene, with Commissioner Campbell and Commissioner Boissiere concurring and Chairman Skrmetta opposing, the Commission voted to express its non-opposition and adopt Staff's recommendation subject to the conditions expressed therein.</p>
<p>Ex. 7</p>	<p>X-34765 - Louisiana Public Service Commission, ex parte. In re: Audit of Fuel Adjustment Clause filings for Cleco Power LLC for the period of January 2016 through December 2017.</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to retain J. Kennedy and Associates, Inc. to assist Staff through completion of Docket No. X-34675 for a not to exceed budget of \$28,000 in fees and \$900 in expenses for a total not to exceed budget of \$28,900.</p>
<p>Ex. 8</p>	<p>Undocketed - LPSC, ex parte: In re: Audit of Lafayette Utilities Systems' Covered Services under General Order of the Louisiana Public Service Commission dated October 4, 2005 for the years 2016-2017.</p> <p>In re: Directive to open audit.</p> <p>In re: Discussion and possible vote to retain Henderson Ridge Consulting to assist Staff with the audit.</p> <p>At the request of Chairman Skrmetta.</p> <p>(Ex. 16 on the March 21, 2018 B&E Agenda)</p> <p>There was no opposition to the directive.</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to retain Henderson Ridge Consulting to assist Staff in the audit of Lafayette Utilities Systems, as referenced in the directive in connection with this exhibit item for a not to exceed budget of \$39,600 in fees and \$2,400 in expenses for a total not to exceed budget of \$42,000.</p>
<p>Ex. 9</p>	<p>1) Reports 2) Resolutions 3) Discussions 4) ERSC/OMS Business</p> <p>On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, with Commissioner Campbell and Commissioner Greene concurring and Commissioner Boissiere abstaining, the Commission voted to ratify Commissioner Boissiere's votes taken March 19, 2018 and April 11, 2018 as the Louisiana Public Service Commission representative to the OMS Board of Directors supporting the OMS comments in FERC Dockets No. RM16-23 and ER18-1159, respectively</p> <p>5) Directives</p> <p><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></p> <p>(Ex. 13 on the March 21, 2018 B&E Agenda) - PASSED</p> <p>At the request of Commissioner Campbell.</p>

	<p><u>Directive from Chairman Skrmetta adopting an interim measure related to the tax liabilities created by the Tax Cuts and Jobs Act ("TCJA") associated with contributions in aid of construction ("CIAC") pending issuance of a final rule in Docket No. R-34754.</u></p> <p>Chairman Skrmetta directed Staff to internally review the matter and come up with a suggestion on how to proceed. There was no opposition.</p>
Ex. 10	<p>S-34773 - Occidental Chemical Corporation, ex parte. In re: Notice Filing Pursuant to LPSC Order No. 24192-B, and Request for Confirmation of Non-Jurisdictional Status as Originally Granted Therein.</p> <p>In re: Discussion and possible vote to adopt Staff Recommendation.</p> <p>At the request of Commissioner Boissiere.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to adopt Draft Order S-34773, previously filed into the record, effective immediately.</p>
Ex. 11	<p>U-34631 - Entergy Louisiana, LLC, ex parte. In re: Application for Extension and Modification of Formula Rate Plan.</p> <p>In re: Discussion and possible vote to take this matter up pursuant to Rule 57 and to approve an uncontested stipulated settlement.</p> <p>At the request of Commissioner Skrmetta.</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 approve the uncontested stipulated settlement.</p>
Ex. 12	<p>R-34757 - Louisiana Public Service Commission, ex parte. In re: Rulemaking docket on streetlight development and upkeep, to include all aspects of modern streetlight technology, projected energy consumption and maintenance savings, streetlight tariffs, innovative financing options, and rates charged to participating political subdivisions.</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>At the request of Commissioner Campbell.</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to retain Robert J. Lambert, Professional Consortium, LLC to assist Staff for a not to exceed budget of \$63,000 in fees and \$2,000 in expenses for a total not to exceed budget of \$65,000.</p>
Ex. 13	<p>T-34709 - Louisiana Public Service Commission vs. CNC Oilfield Services, LLC (Shreveport, Louisiana). In re: Alleged violation of the Commission's rules and regulations governing the leasing of motor vehicles, as stated in Order No. 9901 as amended by not filing leases with the Commission while operating under Common Carrier Certificate 7884 on 222 counts occurring on about July 1, 2017 through July 31, 2017.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 to consider the Affidavit and Stipulation executed by the Carrier.</p> <p>At the request of Commissioner Campbell.</p> <p>(Ex 13 was taken up <i>in globo</i> with Ex 14.)</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p>

	<p>Chairman Skrmetta made a motion, seconded by Vice Chairman Francis, to accept the Affidavit and Stipulation executed by CNC Oilfield Services, LLC (CNC); and assess a fine in the amount of \$5,000 with the remaining \$17,200 fine amount suspended provided that CNC does not commit any additional violations for 5 years.</p> <p>Commissioner Campbell made a substitute motion, seconded by Commissioner Boissiere, with Commissioner Greene concurring and Chairman Skrmetta and Vice Chairman Francis opposing, to accept the Affidavit and Stipulation executed by CNC, fine CNC \$22,200, and suspend the \$22,200 fine provided that CNC does not commit any additional violations for 6 months.</p>
<p>Ex. 14</p>	<p>T-34710 - Louisiana Public Service Commission vs. CNC Oilfield Services, LLC (Shreveport, Louisiana). In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating beyond the scope of authority granted in Common Carrier Certificate 7965; specifically by utilizing owner/operators on 165 counts; allegedly occurring on or about July 1, 2017 through July 31, 2017.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 to consider the Affidavit and Stipulation executed by the Carrier.</p> <p>At the request of Commissioner Campbell.</p> <p>(Ex. 14 was taken up <i>in globo</i> with Ex. 13)</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>Chairman Skrmetta made a motion, seconded by Vice Chairman Francis, to accept the Affidavit and Stipulation executed by CNC Oilfield Services, LLC (CNC); and assess a fine in the amount of \$11,000 with the remaining \$22,000 fine amount suspended provided that CNC does not commit any additional violations for 5 years.</p> <p>Commissioner Campbell made a substitute motion, seconded by Commissioner Boissiere, with Commissioner Greene concurring and Chairman Skrmetta and Vice Chairman Francis opposing to accept the Affidavit and Stipulation executed by CNC, fine CNC \$33,000 and suspend the \$33,000 fine provided that CNC does not commit any additional violations for 6 months.</p>
<p>Ex. 15</p>	<p>U-34344 - Dixie Electric Membership Corporation (DEMCO), ex parte. In re: 2016 Formula Rate Plan Annual Report for test year ending September 30, 2016.</p> <p>U-34717 - Dixie Electric Membership Corporation, ex parte. In re: 2017 Formula Rate Plan Annual Report Filing.</p> <p>In re: Discussion and possible vote on uncontested stipulated settlement pursuant to Rule 57.</p> <p>At the request of Commissioner Greene.</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Campbell, 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 adopt the uncontested stipulated settlement filed into record on April 11, 2016 resolving all issues in the 2016 and 2017 Formula Rate Plan proceedings.</p>
<p>Ex. 16</p>	<p><u>Directive from Commissioner Francis to Staff to review the Commission's April 25, 2012 General Order to determine whether transportation network companies ("TNCs") and/or their drivers are subject to the regulations outlined therein.</u></p> <p>At the request of Commissioner Francis.</p> <p>Commissioner Greene opposed and a roll call vote was taken. Chairman Skrmetta, Vice Chairman Francis and Commissioner Campbell concurred, Commissioner Greene opposed and Commissioner Boissiere abstained; the directive will proceed due to 3:1:1 vote.</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, May 16, 2018 at 9:00am in Baton Rouge, Louisiana.