

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM MAY 16, 2018
OPEN SESSION

MINUTES OF MAY 16, 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 May 16, 2018, convening at 9:30A.M., and adjourning at 1:10P.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 Francis announced that the October B&E will be held in Toledo Bend.</p> <p>Executive Secretary Brandon Frey announced the retirement of long time LPSC Auditor Deborah Smith and introduced the new Auditor, Thomas Broady.</p>
Ex. 2	<p>T-34587 - APEX Trucking, LLC (Cameron, Louisiana), ex parte. In re: Application to amend Common Carrier Certificate No. 6225-C to remove all restrictions and allow transportation of non-hazardous oilfield waste, non-hazardous industrial solid waste and hazardous waste for disposal, statewide.</p> <p>In re: Discussion and possible vote on Final Recommendation of the Administrative Law Judge.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Greene, with Chairman Skrmetta and Commissioner Boissiere concurring and Commissioner Campbell temporarily absent, the Commission voted to adopt the Administrative Law Judge's Final Recommendation.</p>
Ex. 3	<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 to hire outside consultant.</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Greene, with Vice Chairman Francis and Commissioner Boissiere concurring and Commissioner Campbell temporarily absent, the Commission voted to retain J. Kennedy and Associates, Inc. to assist Staff through completion of Docket No. T-34695 for a not to exceed budget of \$48,400 in fees and \$1,100 in expenses for a total not to exceed budget of \$49,500.</p>
Ex. 4	<p>T-34739 - Louisiana Public Service Commission vs. Uncle Sam's Moving Corps., LLC (Mandeville, Louisiana). In re: Alleged violation of La. R.S. 45:161 through 180.1, by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated May 4, 2017 and for failure to comply with the requirements of General Order dated April 3, 2008 as amended.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 to consider the Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, with Commissioner Campbell and Commissioner Boissiere concurring and Commissioner Greene temporarily absent, 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 Vice Chairman Francis, with Commissioner Campbell and Commissioner Boissiere concurring and Commissioner Greene temporarily absent, the Commission voted to accept the Affidavit and Stipulation executed by the Carrier.</p>

<p>Ex. 5</p>	<p>T-34764 - Louisiana Public Service Commission vs. Arabie Trucking Services, LLC (Thibodaux, Louisiana). In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating beyond the scope of authority granted in LPSC 1585-C for failure to operate under contracts filed with the Commission and failure to identify vehicles with carrier’s name and address; and alleged violation of General Order 9901 as amended for failure to comply with leasing rules; allegedly occurring on or about February 20, 2018.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 to consider the Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, with Commissioner Campbell and Commissioner Boissiere concurring and Commissioner Greene temporarily absent, 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 Vice Chairman Francis, with Commissioner Campbell and Commissioner Boissiere concurring and Commissioner Greene temporarily absent, the Commission voted to accept the Affidavit and Stipulation executed by the Carrier.</p>
<p>Ex. 6</p>	<p>T-34766 - Louisiana Public Service Commission vs. DMS Moving Systems Inc. (Canton, Michigan). In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority and by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated May 04, 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>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 Vice Chairman Francis, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed by the Carrier.</p>
<p>Ex. 7</p>	<p>T-34767 - Louisiana Public Service Commission vs. Atlas Van Lines, Inc. (Evansville, Indiana). In re: Alleged violation of La. R.S. 45:161 through 180.1, by knowingly assisting DMS Moving Systems Inc. in violating La. R.S. 45:164 E (1) and the requirements of General Order dated May 04, 2017 as alleged in LPSC Docket T-34766, as prohibited by La. R.S. 45:171 A.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 to consider the Affidavit and Stipulation executed by the Carrier.</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 Vice Chairman Francis, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed by the Carrier.</p>
<p>Ex. 8</p>	<p>U-34472 - Entergy Louisiana, LLC, ex parte. In re: Application for Approval to Acquire Washington Parish Energy Center, and for Cost Recovery.</p> <p>In re: Discussion and possible vote on Stipulated Settlement Agreement pursuant to Rule 57.</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 Boissiere, and unanimously adopted, the Commission voted to adopt the Stipulated Settlement Agreement.</p>

<p>Ex. 9</p>	<p>U-33011 - Mo-Dad Utilities, LLC ("Mo-Dad"), ex parte. In re: Application for Rate Increase and Request for Letter of Non-Opposition to Borrowing Funds.</p> <p>In re: Update and Report from Mo-Dad on Status of Loan and Improvements.</p> <p>Bill Kirtland of the Boles Law Firm gave a report on Mo-Dad's progress on obtaining the loan authorized in Order No. U-33011-B issued March 31, 2017. Chairman Skrmetta requested an updated progress report at the Commission's August 1, 2018 B&E Meeting. He further requested that Mo-Dad include on its website the presentation with photographs submitted to LDEQ so customers can access the report.</p>
<p>Ex. 10</p>	<p>U-34471 - Water and Wastewater Utilities, Inc., ex parte. In re: Application for an Increase and Adjustment in Retail Rates and Reservation of Rights to Request Interim Rates.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement Agreement.</p> <p>PASSED</p>
<p>Ex. 11</p>	<p>U-34714 - Atmos Energy Corporation. In re: 2017 Rate Stabilization Clause filing for Trans Louisiana Gas rate division.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>On motion of Commissioner Campbell, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to adopt the Joint Report and Draft Order filed into the record April 27, 2018.</p>
<p>Ex. 12</p>	<p>U-34745 - Claiborne Electric Cooperative, Inc., ex parte. In re: 2017 Formula Rate Plan Annual Report filing.</p> <p>In re: Discussion and possible vote on Joint Report of Proceedings and Proposed Order Accepting Report.</p> <p>On motion of Commissioner Campbell, seconded by Chairman Skrmetta, and unanimously adopted, the Commission voted to adopt the Draft Order accepting the Joint Report filed into the record on May 4, 2018.</p>
<p>Ex. 13</p>	<p>U-34619 - Southwestern Electric Power Company (SWEPCO), ex parte. In re: Application for Expedited Certification and Approval of the Acquisition of Certain Renewable Resources and the Construction of a Generation Tie Pursuant to the 1983 and/or 1994 General Orders.</p> <p>In re: Discussion and possible vote on Stipulated Settlement Agreement.</p> <p>After lengthy discussion, Commissioner Campbell made a motion, seconded by Commissioner Boissiere, to adopt the Stipulated Settlement Agreement.</p> <p>Chairman Skrmetta made the following substitute motion:</p> <p>Considering the statements made by Oklahoma Attorney General, Mike Hunter, and Oklahoma Corporation Commission Public Utility Division Director, Brady Wreath, on Monday, May 14th, in a regulatory filing, they remain opposed to the Public Service Company of Oklahoma's request for pre-approval of Wind Catcher. Considering the foregoing it is premature for the LPSC to take any action at this time and the LPSC should maintain a strategic advantage and postpone any vote on this matter until a final decision is made by the Texas and Oklahoma Commissions.</p> <p>The motion was seconded by Vice Chairman Francis, with Commissioner Greene concurring, and Commissioner Campbell and Commissioner Boissiere opposing, the Commission adopted the substitute motion.</p>

<p>Ex. 14</p>	<p>R-33391 - Louisiana Public Service Commission, ex parte. In re: Commission Consideration of Potential Rules and Parameters for Participation in the Midcontinent Independent System Operator, Inc. ("MISO") Annual Planning Resource Auction ("PRA").</p> <p>In re: Discussion and possible vote on Final Proposed General Order.</p> <p>Paul Zimmering and Noel Darce of Stone Pigman, gave a report.</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Boissiere, with Commissioners Campbell and Greene concurring and Vice Chairman Francis temporarily absent, the Commission voted to adopt the Staff Recommendation on Final Proposed General Order filed April 24, 2018.</p>
<p>Ex. 15</p>	<p>1) Reports 2) Resolutions 3) Discussions</p> <p>Update and presentation from AT&T and CenturyLink regarding the status of Connect America Fund "CAF" broadband deployment in Louisiana. – PASSED</p> <p>Commissioner Boissiere asked Executive Secretary Frey for an update on last month's directive to research proposed Uber legislation. Secretary Frey reported that due to the status of the legislation, it was not likely to move forward this year, but may come up next year. Chairman Skrmetta requested to hear back from Staff in June</p> <p>4) ERSC/OMS Business</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Campbell, with Commissioner Greene concurring, Commissioner Boissiere abstaining and Vice Chairman Francis temporarily absent, the Commission voted to ratify Commissioner Boissiere's votes taken on April 30, 2018 and May 9, 2018 as the LPSC Representative to the OMS Board of Directors.</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. 9 on the April 18, 2018 B&E Agenda)</p> <p>At the request of Commissioner Campbell. – PULLED</p> <p><u>Directive to Staff to study and review the issues relating to electric cooperatives' attempts to serve industrial load outside of their historical territories.</u></p> <p>At the request of Chairman Skrmetta. Chairman Skrmetta issued the following Directive:</p> <p>Given the policy issues surrounding the service of potential industrial electric load, I direct Staff to open a rulemaking docket, and to obtain outside assistance if necessary, to specifically consider the following:</p> <ol style="list-style-type: none"> 1. Whether existing Commission Orders, Rules and Regulations or Policies, or Federal Rules and Regulations, place restrictions on the ability of an electric service provider to serve load outside of the providers historical footprint; 2. Whether existing Commission Orders, Rules and Regulations or Policies place restrictions on the rates that may be offered to serve such industrial load; 3. Absent existing Commission Rules and Regulations regarding the above issues, recommended rules and regulations governing the issue. <p>There was no opposition to the Directive. Executive Secretary Frey committed Staff to completing this docket within three to four months based on the request of Vice Chairman Francis.</p>

	<p><u>Directive to Staff to research the possibility of the Commission constructing and owning its own facility for housing its central office.</u></p> <p>At the request of Chairman Skrmetta. – No opposition.</p>
Ex. 16	<p>R-34754 - Louisiana Public Service Commission, ex parte. In re: Consideration of appropriate manner to flow through to ratepayers the benefits of the reduction in corporate income taxes as a result of the Tax Cuts and Jobs Act, treatment of the regulatory liability ordered by the Commission to be recorded by utilities pursuant to the Commission’s Special Order 13-2018, and related matters.</p> <p>In re: Discussion and possible vote on Staff’s revised proposed interim order pending issuance of a final rule in Docket No. R-34754.</p> <p>At the request of Chairman Skrmetta.</p> <p>On motion of Chairman Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to adopt the Revised Proposed Interim Order filed into the record on May 11, 2018 pending issuance of a final rule in Docket No. R-34754.</p>
Ex. 17	<p>T-34755 - Louisiana Public Service Commission vs. Esquire Limo, LLC (Baton Rouge, Louisiana). In re: Alleged violation of R.S. 45:161 through 180.1 and General Order dated April 25, 2012, by operating intrastate without LPSC authority on 20 counts, allegedly having occurred on or about July 27, 2017 through February 10, 2018.</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 Greene.</p> <p>On motion of Commissioner Boissiere, seconded by Commissioner 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 Chairman Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed by the Carrier.</p>
Ex. 18	<p><u>Directive to Staff to open a rulemaking to potentially modify the Commission’s General Order dated April 21, 1993, In re: Computer Glitches and Billing errors, to establish the applicable time period to apply to refunds for billing errors that are to the benefit of the customer.</u></p> <p>At the request of Commissioner Francis. – No opposition.</p> <p>Executive Secretary Frey committed Staff to getting this back to the Commission at its September B&E.</p>
Ex. 19	<p>Docket No. 16-1382 - Louisiana Public Service Commission v. FERC, No. 16-1382 in the United States Court of Appeals for the District of Columbia Circuit.</p> <p>In re: Report from Special Counsel.</p> <p>In re: Possible executive session to discuss litigation strategy pursuant to the revised statutes.</p> <p>At the request of Chairman Skrmetta.</p> <p>On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to enter executive session.</p> <p>On motion of Chairman Skrmetta, seconded by Vice Chairman Francis, with Commissioner Boissiere and Commissioner Greene concurring and Commissioner Campbell temporarily absent, the Commission voted to exit executive session.</p>

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

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, June 20, 2018 at 9:00am in Baton Rouge, Louisiana.