LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER

LOUISIANA PUBLIC SERVICE COMMISSION
EX PARTE

In Re: Amendment to General Orders dated December 28, 2000 and April 23, 2001.

(Decided at the Open Session dated May 23, 2012)

(Amends and Supersedes General Order dated July 21, 1921, General Order dated December 28, 2000, and General Order dated April 23, 2001)

Background

At the Business and Executive Session held on April 26, 2012. Louisiana Public Service Commission ("Commission") Staff requested to review and reopen General Orders dated December 28, 2000 and April 23, 2001. Staff made this request in order to ensure that the General Orders are consistent with the Commission's objective of efficiently enforcing the deadlines for filing annual reports for all entities regulated by the Commission and in an effort to assist in the enforcement of accurate Inspection and Supervision Fee payments by regulated entities. Subsequent to making this request, Staff initiated a review of the General Orders and presented recommendations on how to best administer the requirements that all entities regulated by the Commission file an annual report. These recommendations were presented to the Commission at the Business and Executive Session held on May 23, 2012.

Jurisdiction

The Commission exercises jurisdiction in this proceeding pursuant to Article IV, Section 21 of the Louisiana Constitution, La. R.S. 45:1163 (A)(1), and General Order dated July 1, 1921.

Article IV, Section 21 (B) of the Louisiana constitution provides that:

> The Commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

La. R.S. 45:1163 provides in pertinent part:

> A.(1) The commission shall exercise all necessary power and authority over any street railway, gas, electric light, heat, power, waterworks, or other local public utility for the purpose of fixing and regulating the rates charged or to be charged by and service furnished by such public utilities.

General Order dated July 21, 1921, provides the source of the requirement that all entities regulated by the Commission are required to file annual reports. Specifically, General Order dated July 21, 1921, provides that the entities are required to file reports within sixty (60) days of the close of that year's business and, "The said reports shall contain full and complete information, including capital account, operating expenses, operating revenues, and income amount, and shall be sworn to by the officer or officers having personal knowledge of the facts set forth therein."

Discussion

General Order dated December 28, 2000, imposed the current fines for any utility and/or telecommunications provider operating in Louisiana for the failure to file an annual report. Currently, the fines are $5,000 for a first offense, with subsequent offenses to be established at an amount not to exceed $50,000. In addition to the fines, General Order dated December 28, 2000, authorized the Commission after an evidentiary hearing, to cancel a company's authority to operate if the company did not comply with the Order. General Order dated April 21, 2001, increased the fines for entities subject to the regulation of the Transportation Division of the Commission from $50.00 to $500.00.

At the Business and Executive Session held on April 26, 2012, Staff requested to review and reopen the General Orders dated December 28, 2000 and April 23, 2001 to ensure that they are consistent with the Commission's objective of enforcing General Order R-31953 dated November 22, 2011, as far as it applies to the relationship between Inspection and Supervision Fees and annual reports.

Accordingly, Staff reviewed all applicable General Orders and advised the Commission of the recommended amendments. Staff's recommendation is as follows:

1) That the current fines in General Order dated December 28, 2000, for failing to file an annual report of $5,000.00 for a first offense and up to $50,000.00 for each subsequent offense, be amended to be classified as a late fee of $500.00 per offense;

2) That all regulated utilities and telecommunication providers be allowed up to 120 days from the end of the calendar year, or the applicable fiscal year, to file their annual reports;

3) That the fine set forth in General Order dated April 23, 2001, of $500.00 for any entity required to file an annual report with the Transportation Division that fails to do so, be classified as a late fee of $500.00.

The motion recommended by Staff reduces the fines applicable to utilities and telecommunication providers for failure to file an annual report and reclassifies the fine as a late fee. The fines applicable to entities regulated by the Transportation Division will also be reclassified as late fees, but will not be reduced in amount as they are already set at $500.00. By reclassifying the fines as late fees, only the Commissioners will have the authority to waive or reduce the fee.

Commission Action

Staff's recommendations and a recommended Motion were considered at the Business and Executive Session held on May 23, 2012. On motion of Commissioner Holloway, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the following motion:

> The Louisiana Public Service Commission moves to replace the fines provided for in General Order dated December 28, 2000, with a late fee of $500.00 per offense. It is further moved that in the interest of efficiency and equal treatment for all companies regulated by the Louisiana Public Service Commission, that General Order dated April 23, 2001, be amended to reclassify the fine of $500.00 to a late fee of the same amount for all companies regulated by the Transportation Division.

IT IS THEREFORE ORDERED THAT:

1) That the current fines in General Order dated December 28, 2000, for failing to file an annual report of $5,000.00 for a first offense and up to $50,000.00 for each subsequent offense, be amended to be classified as a late fee of $500.00 per offense:

2) That all regulated utilities and telecommunication providers be allowed up to 120 days from the end of the calendar year, or the applicable fiscal year, to file their annual reports;

3) That the fine set forth in General Order dated April 23, 2001, of $500.00 for any entity required to file an annual report with the Transportation Division that fails to do so, be classified as a late fee of $500.00.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA

June 19, 2012

/S/ FOSTER L. CAMPBELL
DISTRICT V
CHAIRMAN FOSTER L. CAMPBELL

/S/ JAMES M. FIELD
DISTRICT II
VICE CHAIRMAN JAMES M. FIELD

/S/ ERIC F. SKRMETTA
DISTRICT I
COMMISSIONER ERIC F. SKRMETTA

/S/ LAMBERT C. BOISSIERE
DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III

EVE KAHAO GONZALEZ
SECRETARY

/S/ CLYDE C. HOLLOWAY
DISTRICT IV
COMMISSIONER CLYDE C. HOLLOWAY