

BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION
CORRECTED GENERAL ORDER
LOUISIANA PUBLIC SERVICE COMMISSION,
EX PARTE.

Docket No. U-24712 - In Re: Proposed New Guidelines and Rules for Filing Annual Reports by all Utility Companies regulated by the Louisiana Public Service Commission and Possible Amendment to Commission General Orders dated July 1, 1921, December 10, 1999 and other relevant Orders.

BACKGROUND

This order is issued to correct typographical errors in the ordering language at numbers one and six below.

The Commission, pursuant to its Constitutional authority has, from time to time, imposed monetary fines upon regulated entities for violation of Commission orders. All companies providing utility and telecommunications services ("Companies") within the State of Louisiana and under the Commission's jurisdiction must file an Annual Report with this Commission. The requirement is set forth in the Commission's General Order No. 2 dated July 1, 1921, and is mentioned in the Commission's General Order last amended December 10, 1999. (In re: Regulations for Competition in the Local Telecommunications Market).

Prior to this order, the practice was for Staff to copy and mail out all of the Annual Report forms to each company at a significant expense to the Commission. Each company is required to complete the form and return it to the Commission. This practice has proven to be expensive and ineffective. Therefore, the Commission proposes to make the forms available on the Internet for all companies. Putting forms on the Internet will enable all companies to print the forms at their convenience, fill them out, and return them before the deadline. This will save expense and time for all involved. Special arrangements will be made for those companies with legitimate problems in filing via Internet. Fines and penalties for failure to comply with the filing requirements and for failing to remit the fines levied against the companies are also to be increased.

At the January 19, 2000 Open Session, on motion of Commissioner Sittig, seconded by Commissioner Owen and unanimously adopted, the Commission voted to amend the General Order No. 2 dated July 1, 1921 and Commission General Order last dated December 10, 1999 and any other relevant order to clarify the requirements for filing Annual Reports, and to increase the fines and penalties for failure to file and/or pay such fines, and to have the Order apply to all utilities regulated by the Commission. The Commission shall also have the discretion to institute proceedings to cancel the authority of any utility operating in Louisiana for failure to comply with the Order. The current \$50.00 fine was instituted per a Commission minute entry at the Business and Executive Session of October 22, 1965, an amount which is insignificant and out of date. New Order U-24712 will impose a fine in the amount of \$5,000 for a first offense, thereafter subsequent offenses shall be fined in an amount not to exceed \$50,000. In addition to increasing the fines, the new Order may provide for the cancellation of a company's authority to operate in Louisiana for failure to pay the fine. The terms of the final Order were published for Comments in the Commission Bulletin dated February 4, 2000.

JURISDICTION

The Commission exercises jurisdiction in this proceeding pursuant to Article 4, Section 21 of the Louisiana Constitution, and La. R.S. 45:1163(A)(1).

Louisiana Constitution, Article 4, Section 21 provides in pertinent part:

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.

THEREFORE IT IS ORDERED THAT:

1. All utility and telecommunication companies regulated by this Commission shall be required to file an annual report.
2. The Commission may implement a new filing system, whereby the Commission make forms available on the Internet for all companies.
3. All relevant General Orders dealing with fines for failure to file annual reports shall be amended to clarify these requirements for filing and to increase the fines and penalties for failure to file and/or pay such fines as set out herein.
4. The current \$50 fine shall be increased to \$5,000 for a first offense, thereafter subsequent offenses shall be fined in an amount not to exceed \$50,000.
5. The Commission may also, at its discretion, after a fully noticed evidentiary hearing, cancel a company's authority to operate in Louisiana for failure to comply with this Order.
6. This order shall be binding upon all utility and telecommunication companies regulated by the Louisiana Public Service Commission.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
December 28, 2000**

/S/ IRMA MUSE DIXON
DISTRICT III
CHAIRMAN IRMA MUSE DIXON

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

/S/ DON OWEN
DISTRICT V
COMMISSIONER DON OWEN

/S/ C. DALE SITTIG
DISTRICT IV
COMMISSIONER C. DALE SITTIG

/S/ LAWRENCE C. ST. BLANC
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/S/ JACK "JAY" A. BLOSSMAN
DISTRICT I
COMMISSIONER JACK "JAY" A. BLOSSMAN