

**LOUISIANA PUBLIC SERVICE COMMISSION**  
**MINUTES FROM OCTOBER 20, 2021**  
**OPEN SESSION**

***MINUTES OF OCTOBER 20, 2021 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN CRAIG GREENE, VICE CHAIRMAN ERIC SKRMETTA, COMMISSIONER FOSTER CAMPBELL, COMMISSIONER LAMBERT BOISSIERE, COMMISSIONER MIKE FRANCIS, AND EXECUTIVE SECRETARY BRANDON FREY.***

**Open Session of October 20, 2021, convening at 9:18 a.m., and adjourning at 12:19 p.m., the Galvez Building, 602 North 5<sup>th</sup> Street, Baton Rouge, Louisiana, with the above-name members of the Commission and Executive Secretary Brandon Frey present.**

<b>Ex. 1</b>	<p>Chairman Greene called on Commissioner Francis to lead us in prayer, and Trooper Taylor Scrantz of Louisiana State Police to lead the Pledge of Allegiance.</p> <p>Chairman Greene announced that the December 15, 2021 B&amp;E in Baton Rouge will tentatively be moved to December 17, 2021 in Natchitoches and Vice Chairman Skrmetta announced the February or March 2022 B&amp;E meeting will tentatively be held in New Orleans. Commissioner Francis also announced that the Commission will schedule a Spring B&amp;E in Many, Louisiana.</p> <p>Commissioner Campbell discussed the average residential rates of electric utilities in Louisiana and raised concerns that the rates were increasing.</p> <p>Executive Secretary Brandon Frey wished Happy Birthday to Administrative Assistant LaTonya Brown.</p> <p>Deputy General Counsel Melissa Frey introduced new employees, Staff Attorney Arvind Viswanathan and Administrative Assistant Kimberly O'Brien.</p> <p>Deputy General Counsel Melissa Frey also announced the Public Utility Section will host its annual CLE on December 3, 2021, at the Baton Rouge City Club.</p> <p>Audit Director Robin Pendergrass introduced new employee Auditor David Anding.</p> <p>Executive Counsel Kathryn Bowman announced the Federal Communications Commission adopted a new 3-digit dialing code, 988 crisis hotline. In response to implementing the 988 crisis hotline, callers must use the 10 digit dialing code beginning October 24, 2021. Information regarding the change will be on the Louisiana Public Service Commission website.</p>
<b>Ex. 2</b>	<p><b>R-35136</b> – Louisiana Public Service Commission, ex parte. In re: Rulemaking to Determine Need for Rate Schedules and Programs Offering Demand Response Products, Development of Such Rate Schedules and Programs, Determination of Customer Participation in Such Programs, Allocation and recovery of Program Costs, and Whether Such Programs Shall be Mandatory or Voluntary for Utilities as set Forth in Section 3 of the Rule Adopted in the General Order Dated March 7, 2019 in Docket No. R-34948.</p> <p><b>In re: Discussion and possible vote to retain Stone Pigman and United Professionals Company.</b></p> <p><b>Exhibit 3 on September 22, 2021 B&amp;E agenda.</b></p>

	<p>After discussion, on motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to retain Stone Pigman for \$16,000 in fees and no additional expenses for a total budget not to exceed \$16,000 and United Professionals Company for \$10,000 in fees and no additional expenses for a total budget not to exceed \$10,000.</p>
<b>Ex. 3</b>	<p><b>S-36107</b> – NTS Communications, LLC d/b/a Vexus Fiber, ex parte. In re: Petition for Designation as an Eligible Telecommunications Carrier.</p> <p><b>In re: Discussion and possible vote on Staff Report and Recommendation.</b></p> <p>After discussion, on motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to defer this item until the November B&amp;E.</p>
<b>Ex. 4</b>	<p><b>U-35753</b> – Cleco Power LLC and Southwestern Electric Power Company, ex parte. In re: Joint Application for: (I) Authorization to Close the Oxbow Mine; and (II) Authorization to Include and Defer Certain Accelerated Mine Closing Costs in Fuel and Related Ratemaking Treatments.</p> <p><b>In re: Discussion and possible vote to retain United Professionals Company.</b></p> <p>On motion of Vice Chairman Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to retain United Professionals Company for a budget of \$96,000 in fees and \$2,500 in expenses for a total budget not to exceed \$98,500.</p>
<b>Ex. 5</b>	<p><b>1) Reports</b></p> <p><b>- Follow-up report from telecommunication carriers regarding Hurricane Ida response and restoration efforts.</b></p> <p>Reports, discussion and comments were given from the following utilities:</p> <p>AT&amp;T – Stephanie Doiron  Charter – Rob Rieger, counsel for Charter Communications, and Brent Golleher  Cox – Jamie Watts, counsel for Cox Telecommunications, and Erin Monroe Wesley and Anthony Pope</p> <p>Vice Chairman Skrmetta also confirmed that EATEL, while not present, did confirm it is providing 100% credits to its customers effected by Hurricane Ida.</p> <p><b>- Presentation of a comprehensive report from Commission Staff regarding future issues of offset of benefit values of membership in MISO for ratepayers versus future transmission costs to ratepayers due to expanded transmission plans in MISO north, with particular attention to the need for the State to remove itself from MISO membership prior to 2022 to avoid a negative offset of benefits to ratepayers.</b></p> <p><b>In re: Discussion and possible vote on the Commission’s stance on MISO’s Long Range Transmission Planning process.</b></p> <p>A presentation was given by Noel Darce of Stone Pigman Walther Whitman, LLC and Lane Sisung of United Professionals Company. After discussion, on motion of Chairman Greene, seconded by Vice Chairman Skrmetta, with Commissioners Boissiere and Francis concurring and Commissioner Campbell temporarily absent, the Commission voted to adopt Staff’s recommendation regarding MISO’s Long-Range Transmission Planning Process and related cost allocation proposal with one amendment: adding the word “appropriate” before the first “cost allocation” in position paragraph</p>

number 3.

2) Resolutions

**3) Discussions**

Mr. Arthur Sampson, a constituent from Ville Platte, testified before the Commission about complaints he and other constituents have against CLECO Power regarding billing issues and the Company's recent rate increase. John Shirley, counsel for CLECO Power, responded with an explanation on the increase.

**4) ERSC/OMS/SPP**

**- Discussion and possible vote to ratify a vote taken by Commissioner Francis acting as the Commission's representative on the Regional State Committee of the Southwest Power Pool.**

On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, with Commissioner Boissiere concurring, Commissioner Francis abstaining and Commissioner Campbell temporarily absent, the Commission voted to ratify Commissioner Francis' vote taken on October 8, 2021 as the Louisiana Public Service Commission's representative to the Regional State Committee of the Southwest Power Pool.

**- Discussion and possible vote to ratify the vote taken by Vice Chairman Skrmetta acting as the Commission's representative on the Board of Directors of the Organization of MISO States.**

On motion of Commissioner Francis, seconded by Chairman Greene, with Commissioner Boissiere concurring, Vice Chairman Skrmetta abstaining and Commissioner Campbell temporarily absent, the Commission voted to ratify Vice Chairman Skrmetta's vote taken on October 11, 2021 as the Louisiana Public Service Commission's representative to the OMS Board of Directors.

**- Ratification of LPSC interventions in RTO-related FERC proceedings.**

On motion of Chairman Greene, seconded by Vice Chairman Skrmetta, with Commissioner Boissiere and Commissioner Francis concurring and Commissioner Campbell temporarily absent, the Commission voted to ratify Louisiana Public Service Commission interventions without comment in FERC proceedings: ER21-2676, ER21-2677 and ER21-2846

**5) Directives**

**- Directive to jurisdictional electric utilities regarding carbon reduction goals.**

**At the request of Chairman Greene and Vice Chairman Skrmetta.**

Chairman Greene and Vice Chairman Skrmetta directed all electric utilities to provide the Commission with any and all plans it may have regarding carbon reduction goals, whether provided publicly or not. Chairman Greene and Vice Chairman Skrmetta further directed all electric utilities to provide a detailed plan to the Commission by December 31, 2021, on how their transmission and distribution systems will need to be upgraded to accommodate these goals, including estimated incremental costs over and above a baseline cost which will need to be expanded to meet such requirements.

There was no opposition.

**- Directive to expand the scope of Docket No. X-36093.**

**At the request of Vice Chairman Skrmetta.**

Vice Chairman Skrmetta directed Staff to expand the scope of Docket No. X-36093 to include an investigation and review of outage reporting, customer complaint handling, repair appointments, bill credits, network status reports provided to the LPSC, reporting of restoration activities and improvements needed to ensure network reliability.

There was no opposition.

**- Directive to Staff to review the Carrier of Last Resort relief granted to AT&T in 2014.**

**At the request of Vice Chairman Skrmetta.**

Vice Chairman Skrmetta directed Staff to review the Carrier of Last Resort relief granted to AT&T in 2014 in Docket No. R-31839. This Docket also granted relief from other regulations and modified certain provisions of the Commission's Local Competition Rules for Telecommunications Carriers. In view of recent issues involving telecommunication services, there should be a look back at COLR and other aspects of the 2014 Order, including an overall review of the Commission's Local Competition Rules. Vice Chairman Skrmetta further directed Staff to take whatever action necessary, including issuing RFP's for any contract services required to complete this task.

There was no opposition.

**- Directive to Staff to open a docket to review the Commission's Transmission Siting Order to ensure the Commission's jurisdiction over transmission siting is retained.**

**At the request of Vice Chairman Skrmetta.**

Vice Chairman Skrmetta directed Staff to take whatever action is necessary, including the hiring of outside counsel and/or consultants if deemed necessary, to open a rulemaking to review and revise, as deemed appropriate, the Commission's Transmission Siting Order to ensure the Commission's jurisdiction over transmission siting within Louisiana is retained and to ensure it consider changes in the law or transmission planning since it was adopted.

There was no opposition.

**- Directive to Staff to open an investigation into the FirstNet nationwide first responder network in Louisiana, as provided by AT&T, and its performances during Hurricane Ida.**

**At the request of Vice Chairman Skrmetta.**

Vice Chairman Skrmetta directed Staff to open an investigation into the FirstNet nationwide first responder network in Louisiana, as provided by AT&T, and its performance during Hurricane Ida.

There was no opposition.

<p><b>Ex. 6</b></p>	<p><b>S-36134</b> – Northeast Louisiana Power Cooperative, Inc., ex parte. In re: Request for Letter of Non-Opposition to Refinance and to Temporarily Increase Line of Credit Maximum.</p> <p><b>In re: Discussion and possible vote on Staff Report and Recommendation.</b></p> <p><b>At the request of Chairman Greene.</b>  On motion of Vice Chairman Skrmetta, seconded by Chairman Greene, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on October 15, 2021, and express its non-opposition to NELPCO’s Request to refinance its existing line of credit into a new single promissory note, subject to conditions.</p>
<p><b>Ex. 7</b></p>	<p><b>U-35418</b> – Ascension Wastewater Treatment, Inc. and East Baton Rouge Parish Wastewater System, ex parte. In re: Request for a Letter of Non-Opposition to the Proposed Asset Transfer of System Assets of Lakes at Jamestown Subdivision, owned by Ascension Wastewater Treatment, Inc. to the East Baton Rouge Parish Wastewater System.</p> <p><b>In re: Discussion and possible vote pursuant to Rule 57 to accept Uncontested Proposed Stipulated Settlement.</b></p> <p><b>At the request of Chairman Greene.</b>  On motion of Vice Chairman Skrmetta, seconded by Commissioner 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>After discussion and comments, including from Robert H. Abbott III of the Baton Rouge City Parish Attorney’s Office, on motion by Vice Chairman Skrmetta, seconded by Commissioner Boissiere and unanimously adopted, the Commission voted to defer this item until the November B&amp;E.</p>
<p><b>Ex. 8</b></p>	<p><b>U-35511</b> – Louisiana Public Service Commission, ex parte. In re: Audit of Federal Environmental Adjustment Clause Filings of Cleco Power LLC for the Period of January 2018 through December 2019.</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p><b>At the request of Chairman Greene.</b>  On motion of Chairman Greene, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to accept the Joint Report and Draft Order filed into the record on October 13, 2021.</p>
<p><b>Ex. 9</b></p>	<p><b>U-35822</b> – Magnolia Water Utility Operating Company, LLC, ex parte. In re: Application for Approval of Rate Design, Increase in Water and Sewerage Rates, Implementation of Service Charges and Any Other Related Relief.</p> <p><b>In re: Discussion and possible vote pursuant to Rule 57 to accept Uncontested Proposed Stipulated Settlement.</b></p> <p><b>At the request of Vice Chairman Skrmetta.</b>  On motion of Vice Chairman Skrmetta, seconded by Commissioner Boissiere, 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 Vice Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to accept Uncontested Proposed Stipulated Settlement filed into the record on October 15, 2021, with an effective date of December 1, 2021, with the stipulation that one-third of the approved monthly residential customer charge for water and wastewater service be implemented on that date, with another one-third implemented on January 1, 2022, and the final one-third implemented on February 1, 2022.</p>
<b>Ex. 10</b>	<p><b>Undocketed</b> – Southwest Louisiana Electric Membership Corporation, ex parte. In re: Request for Regulatory Asset for Hurricane Ida Storm Costs.</p> <p><b>In re: Discussion and possible vote on SLEMCO’s request.</b></p> <p><b>At the request of Commissioner Francis.</b></p> <p>On motion of Commissioner Francis, seconded by Vice Chairman Skrmetta, and unanimously adopted, the Commission voted to accept SLEMCO’s request to establish a regulatory asset for Hurricane Ida non-capital Storm Costs, for accounting purposes only under the following conditions:</p> <ol style="list-style-type: none"> <li>1) Authorization of the regulatory asset does not guarantee future recovery;</li> <li>2) Any future recovery will be subject to the Commission’s review; and</li> <li>3) Any future recovery is subject to any credits for dollars collected or paid to/received by SLEMCO from other entities for Hurricane Ida storm damages.</li> </ol>
<b>Ex. 11</b>	<p><b>TBD</b> – Southwestern Electric Power Company, ex parte. In re: Application for Approval of Automated Metering System and Request for Cost Recovery and Related Relief.</p> <p><b>In re: Discussion and possible vote to hire an outside consultant.</b></p> <p><b>At the request of Commissioner Campbell.</b></p> <p>After discussion, on motion of Commissioner Campbell, seconded by Chairman Greene and unanimously adopted, the Commission voted to retain E9 Insight for a budget of \$123,375 in fees and \$10,000 in expenses for a total budget not to exceed \$133,375.</p>

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

**MEETING ADJOURNED**

The next Business and Executive Session will be held on Wednesday, November 17, 2021, at 9:00 a.m. at the Galvez Building in Baton Rouge, Louisiana.