

LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER 3-18-2021 (R-35348)

LOUISIANA PUBLIC SERVICE COMMISSION,
EX PARTE

Docket No. R-35348, In re: Possible modification to General Order dated June 19, 2012 to clarify the deadline for filing of Annual Reports by motor carriers.

(Decided at the February 24, 2021 Business and Executive Session.)

This General Order amends and supersedes General Order dated June 19, 2012.

ORDER

Background

The Louisiana Public Service Commission's ("LPSC" or "Commission") General Order dated June 19, 2012 revised the deadline for the filing of annual reports for regulated utilities and telecommunication providers; however, it did not address the filing deadline for motor carriers regulated by the Commission. Commission Staff opened this rulemaking to amend the requirements stated in the General Order dated June 19, 2012 to clarify the deadline for filing of annual reports by motor carriers.

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 July 21, 1921, provides the requirement that all entities regulated by the Commission are required to file annual reports, and also provides that these entities file annual reports within sixty (60) days of the close of that year’s business. A Minute Entry at the Commission’s October 22, 1965 Business and Executive Session extended the deadline for the filing of annual reports to March 31st.

By way of General Order dated June 19, 2012, the Commission provided a revised deadline of 120 days from the end of the calendar year, which is April 30th, for the filing of annual reports. The deadline for filing of annual reports by companies that close their financial reporting on a fiscal year-end was changed to 120 days from the end of the applicable fiscal year. However, the language of General Order dated June 19, 2012 states that this new 120 day filing deadline applies to regulated utilities and telecommunication providers. As a result, motor carriers that file their annual reports with the Commission’s Transportation Division were still subject to the filing deadlines set forth in General Order 2 dated July 1, 1921 and the October 22, 1965 Minute Entry.

Accordingly, Staff recommended that General Order dated June 19, 2012 be amended to require all entities regulated by the Commission that close their financial reporting on a calendar year-end be required to file their annual report on or before the 30th day of April following the end of the applicable calendar year, and require all entities regulated by the Commission that close their financial reporting on a fiscal year-end to file their annual report on or before 120 days from the end of the applicable fiscal year. Staff further recommended that all other provisions of General Order dated June 19, 2012 remain unchanged and in effect.

Commission Action

This matter was brought before the Commission for consideration at the February 24, 2021 Business and Executive Session. On motion of Vice Chairman Skrmetta, seconded by Commissioner Francis, with Chairman Greene and Commissioner Campbell concurring and Commissioner Boissiere temporarily absent, the Commission voted to accept Staff’s Proposed Recommendation filed in to the record on February 1, 2021.

IT IS THEREFORE ORDERED THAT:

- 1) All entities regulated by the Commission shall file an annual report with the Commission. Those entities that close their financial reporting on a calendar year-end are required to file their annual report on or before the 30th day of April following the end of the applicable calendar year, and those entities that close their financial reporting on a fiscal year-end shall file their annual report on or before 120 days from the end of the applicable fiscal year; and,
- 2) The current fees, as previously classified and approved in General Orders dated April 23, 2001 and June 19, 2012, for failing to timely file an annual report shall remain \$500.00 per offense.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
March 18, 2021**



A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

**BRANDON M. FREY
SECRETARY**

/S/ CRAIG GREENE

**DISTRICT II
CHAIRMAN CRAIG GREENE**

/S/ ERIC F. SKRMETTA

**DISTRICT I
VICE CHAIRMAN ERIC F. SKRMETTA**

/S/ FOSTER L. CAMPBELL

**DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL**

TEMPORARILY ABSENT

**DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III**

/S/ MIKE FRANCIS

**DISTRICT IV
COMMISSIONER MIKE FRANCIS**