

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM APRIL 19, 2024
OPEN SESSION

MINUTES OF APRIL 19, 2024 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN MANY, LOUISIANA. PRESENT WERE CHAIRMAN MIKE FRANCIS, VICE CHAIRMAN DAVANTE LEWIS, COMMISSIONER FOSTER CAMPBELL, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG GREENE, AND EXECUTIVE SECRETARY BRANDON FREY.

Open Session of April 19, 2024, convening at 10:12 a.m., and adjourning at 1:25 p.m., Cypress Bend Resort, 2000 Cypress Bend Parkway, Many, Louisiana, with the above-name members of the Commission and Executive Secretary Brandon Frey present.

Ex. 1	<p>Pastor Chad King from First Baptist Church of Anacoco led the prayer and invited everyone to attend the Faith and Family Freedom Music Fest in Anacoco.</p> <p>Chairman Francis thanked Warren Founds, the Executive Director of the Sabine River Authority for the goody bags and welcomed everyone to the Cypress Bend Resort. Mr. Founds thanked the Commission for supporting the Sabine River Authority and hosting the meeting in Many.</p> <p>On behalf of Chairman Francis, Executive Counsel Kathryn Bowman read a statement acknowledging Linemen Appreciation Day and expressing gratitude to utility linemen for all their hard work and sacrifice. Commissioners also recognized the utility company linemen and expressed their deepest gratitude for their brave efforts.</p> <p>Commissioner Skrmetta requested that the June Business & Executive Session be held in Metairie to coincide with the Commission’s launch meeting for the Louisiana Advanced Nuclear Competitive Edge project, which will be held on June 17-18 at Copeland Towers.</p>
Ex. 2	<p>S-37089 - IM Telecom, LLC d/b/a Infiniti Mobile, ex parte. In Re: Petition for designation as an Eligible Telecommunications Carrier ("ETC") within Louisiana for the limited purpose of offering wireless lifeline services.</p> <p>In Re: Discussion and possible vote on Staff Recommendation.</p> <p>Exhibit 4 on the March 27, 2024 Business and Executive Session.</p> <p>On motion of Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on March 6, 2024.</p>
Ex. 3	<p>S-37095 - Cleco Power LLC, ex parte. In re: Request for approval of Renewable Power Producers Auxiliary Service Rider, pursuant to Commission's General Order dated July 1, 2019.</p> <p>In re: Discussion and possible vote on Staff's Report and Recommendation.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on April 2, 2024.</p>

<p>Ex. 4</p>	<p>S-37100 - Washington - St. Tammany Electric Cooperative, Inc., ex parte. In re: Request for a Letter of Non-Opposition to establish a regulatory asset for increased fuel charges.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on April 3, 2024.</p>
<p>Ex. 5</p>	<p>S-37108 - South Louisiana Electric Cooperative Association, ex parte. In re: Request for a Letter of Non-Opposition to establish a regulatory asset for increased fuel charges.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on April 3, 2024.</p>
<p>Ex. 6</p>	<p>S-37110 - Claiborne Electric Cooperative, Inc., ex parte. In re: Request for a Letter of Non-Opposition to establish a regulatory asset for increased fuel charges.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept Staff’s Report and Recommendation filed into the record on April 5, 2024.</p>
<p>Ex. 7</p>	<p>U-35753 - 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>In re: Discussion and possible vote on Uncontested Proposed Settlement pursuant to Rule 57.</p> <p>On motion of Commissioner Skrmetta, 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>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Uncontested Proposed Settlement filed into the record on April 15, 2024.</p> <p>Present for Questions/Comments: Mark Kleehammer – General Counsel & Chief Regulatory Officer for Cleco Power Bobby Gilliam – Counsel for SWEPCO Tom Brice – SWEPCO’s Vice President of Regulatory & Finance</p>
<p>Ex. 8</p>	<p>U-36658 - Atmos Energy Corporation, ex parte. In re: Application for renewal of Rate Stabilization Clause Rider. (Motion Granted to Consolidate U-35937 and U-36658 - Keeping Docket U-36658).</p> <p>In re: Discussion and Possible Vote pursuant to Rule 57.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the</p>

	<p>matter up pursuant to Rule 57.</p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Greene, with Chairman Francis and Commissioner Campbell concurring, and Vice Chairman Lewis opposing, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record on April 18, 2024. The motion passed 4:1.</p> <p>Present for Questions/Comments: Shawn Audibert – Vice President of Rates and Regulatory for Atmos Energy Corporation Steven Perrien – Counsel for Atmos Energy Corporation</p>
Ex. 9	<p>U-36685 - Entergy Louisiana, LLC, ex parte. In re: Request for certification and approval of the 2022 Solar Portfolio, including eligibility for inclusion in the Company's Geaux Green Option.</p> <p>In re: Discussion and possible vote on ALJ Recommendation.</p> <p>DEFERRED</p>
Ex. 10	<p>U-36807 - Dixie Electric Membership Corporation, ex parte. In re: Formula Rate Plan Annual Report for 2022 Test Year.</p> <p>In re: Discussion and possible vote on Staff Report.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Lewis, and unanimously adopted, the Commission voted to accept the Staff Report filed into the record on March 20, 2024.</p>
Ex. 11	<p>U-36997 - CenterPoint Energy Resources, d/b/a CenterPoint Energy Entex, ex parte. in re: Report of earnings and return on equity for the twelve months ending June 30, 2023, pursuant to Order No. U-27672-Subdocket A.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on April 9, 2024.</p>
Ex. 12	<p>U-36998 - CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Arkla, ex parte. In re: Report of earnings and return on equity for the twelve months ending June 30, 2023, pursuant to Order No. U-27676.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>After discussion, on motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on April 9, 2024.</p>
Ex. 13	<p>1) Reports</p> <p>- Update from Chris Justin, Staff Consultant, on energy efficiency.</p> <p>Chris Justin provided an update to the Commission regarding coordination efforts with La. Department of Natural Resources.</p> <p>2) Resolutions</p> <p>3) Discussions</p>

Fletcher and Betty Carter, owners of a daycare in Mansfield, appeared in front of the Commission and brought concerns of demand rate billing and how it is affecting their business.

Present for Questions/Comments:
John Shirley – Counsel for Cleco

Deputy General Counsel Lauren Evans gave an update on the status of Docket No. R-35462, In re: Rulemaking to Research and Evaluate Customer-Centered Options for all Electric Customer Classes as well as Other Regulatory Environments.

4) ERSC/OMS/SPP

- Discussion and possible vote to ratify interventions of the Louisiana Public Service Commission in RTO-related or other Federal Energy Regulatory Proceedings.

On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to ratify interventions filed in Dockets E24-1499, EL24-85, ER24-1638, and ER24-1583.

5) Directives

- Directive to Staff to open a Docket regarding Beauregard Electric Cooperative.

At the request of Chairman Francis.

In a press release last month, Beauregard announced it had engaged outside counsel to investigate allegations of Board misconduct. The following statement was part of that press release:

While the investigation revealed no evidence to substantiate concerns of current or ongoing theft or criminal activity, the investigate revealed facts which substantiated allegations that certain Directors exercised undue influence and/or exhibited an abuse of power, with respect to interfering with BECi's day-to-day operations.

The press release went on to state that part of the investigation's findings were that: 1) certain directors requested, and received, preferential treatment either for themselves or for constituents in violation of BECi policies, practices and/or procedures; 2) some directors abused their power to direct dispatchers to move linemen, and disrupted dispatchers' work during an outage or similar event; and 3) until recently, there was a sentiment among BECi employees that Board members had authority over BECi employees, thus, those employees felt compelled to obey Board direction.

All of this is concerning to me, and as such, I direct Staff to open a docket to investigate Beauregard Electric Cooperative on potential violations of its policies, practices, and/or procedures, as well as potential actions by its Board of Directors that is causing cost and/or service impacts. As part of this investigation, Staff has the authority to retain an outside consultant and/or counsel, if determined necessary.

There was no opposition to the directive.

Present for Questions/Comments:

Kevin Turner - Interim General Manager of Beauregard Electric Cooperative, Inc.
Kara Kantrow - Counsel for Beauregard Electric Cooperative, Inc.

<p>Ex. 14</p>	<p>S-37119 - CenterPoint Energy Resources Corp. d/b/a CenterPoint Arkla, ex parte. In re: Request for approval of a renewal of an Asset Management Agreement with Tenaska.</p> <p>In re: Discussion and possible vote on Staff Report.</p> <p>At the request of Chairman Francis.</p> <p>On motion of Chairman Francis, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Staff Report filed into the record on April 11, 2024.</p>
<p>Ex. 15</p>	<p>U-36625 - Entergy Louisiana, LLC, ex parte. In re: Application for approval of the Entergy Future Ready Resilience Plan (Phase I).</p> <p>In re: Discussion and possible vote on ELL's motion pursuant to Rules 51 and 57.</p> <p>At the request of Chairman Francis.</p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Francis, with Commissioner Greene concurring, and Vice Chairman Lewis and Commissioner Campbell opposing, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57. The motion passed 3:2.</p> <p>Commissioner Campbell made a substitute motion to defer the item to next month, seconded by Vice Chairman Lewis, with Chairman Francis, Commissioner Skrmetta and Commissioner Greene opposing, the substitute motion failed 3:2.</p> <p>After discussion, Commissioner Skrmetta made the following motion: ELL’s resilience application has been pending at the Commission for over 16 months. That application requested approval of an initial 5-year plan with an estimated cost of \$5 billion as the first stage of a 10-year plan. Since that filing, it is my understanding that a lot of discovery and testimony has been exchanged and there were several technical conferences that took place with all parties. Entergy’s current motion seeks approval of a framework, which is attachment 1 including exhibits, on which it can undertake a specific subset of hardening efforts that are expected to cost \$1.9 billion over 5 years. It is also my understanding that the framework requires transparency and accountability metrics throughout the hardening efforts in order to ensure protection for customers. Also, and an important component of this proposal is that Entergy agrees to be bound by rules that the commission may issue from two pending rulemakings on resilience and pole viability. In addition to the direct customer benefits of these projects, the projects will support economic development and jobs in Louisiana, both in terms of the linemen who will do the work and the businesses that will want to invest in a more resilient Louisiana. Accordingly, I move that we approve Entergy’s motion and approve the resilience framework attached to the motion, subject to two modifications:</p> <ol style="list-style-type: none"> 1. Paragraph 8(c) of the Attachment 1 is amended to increase the starting value of the pole performance penalty by \$500 per pole type, which will provide additional protections for consumers if the hardened assets don’t perform as expected; and 2. Paragraph IV. A. ii. of Attachment 1, Exhibit B is amended to provide that Transmission voltage customers shall be assigned 16% of the Distribution revenue requirement - - instead of the 33% as proposed by Entergy, for the Entergy \$1.925 Billion proposal for grid hardening expenditures, provided however that such 16% amount shall not be used, argued or be applicable or relevant in any manner as a basis to reduce the

	<p>sharing level that occurs for sharing by Transmission level customers in Distribution restorations after Hurricanes occur.</p> <p>Commissioner Skrmetta’s motion was seconded by Chairman Francis, with Commissioner Greene concurring, and Vice Chairman Lewis and Commissioner Campbell opposing. The Commission voted to approve Entergy’s Framework for approval and implementation of the Future Ready Plan (Phase I.), subject to modifications. The motion passed 3:2.</p> <p>Present for Questions/Comments: James Hiatt – Entergy Customer Erin Hansen - Together Louisiana Logan Burke - The Alliance for Affordable Energy Susan Miller - Counsel for The Alliance for Affordable Energy Larry Hand – Vice President for Regulatory & Public Affairs for Entergy Louisiana Phillip May – CEO of Entergy Louisiana</p>
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On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, May 22, 2024 at 9:00 a.m. in Baton Rouge, Louisiana.