

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM AUGUST 14, 2024
OPEN SESSION

MINUTES OF AUGUST 14, 2024 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, 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 August 14, 2024, convening at 9:18 a.m., and adjourning at 1:30 p.m., at the Galvez Building, 602 North 5th Street, Baton Rouge, Louisiana, with the above-name members of the Commission and Executive Secretary Brandon Frey present.

Ex. 1	<p>Deputy General Counsel Lauren Evans introduced and welcomed Braeden Smith, a new attorney in the Legal Division.</p> <p>Commissioner Skrmetta welcomed his daughter, Elizabeth, to the meeting.</p> <p>Vice Chairman Lewis gave an update on a resolution passed by the National Association of Regulatory Utility Commissioners regarding low-income housing.</p> <p>Executive Secretary Brandon Frey announced, and expressed condolences, of the passing of Dewayne Bailey, the General Manager of Concordia Electric Cooperative.</p> <p>Chairman Francis welcomed representatives from the tow truck industry to the meeting.</p> <p>Executive Counsel Kathryn Bowman announced that the Public Utilities Section CLE will be held at City Club of Baton Rouge on Thursday, December 5th.</p>
Ex. 2	<p>U-36959 - Entergy Louisiana, LLC, ex parte. In re: Application for an increase in rates, whether through a Formula Rate Plan extension or rate review, and proposed revisions to certain fees assessed to customers.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated 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 Stipulated Settlement filed into the record on August 2, 2024.</p> <p>Present for Questions/Comments: Larry Hand - Vice President for Regulatory & Public Affairs for Entergy Louisiana Lane Sisung –Staff Consultant, United Professionals Company</p>

<p>Ex. 3</p>	<p>FERC Docket Nos. EL18-152, EL17-41, EL18-142, EL18-204, ER18-1182, EL20-72, EL21-56, ER21-117, ER21-129, ER21-748, EL21-24, EL21-46, ER22-958, ER23-816, ER23-1164, ER23-435, EL23-11, ER23-1022, ER24-1203, and EL24-5.</p> <p>In re: Possible Executive Session to discuss litigation strategy, pursuant to La. R.S. 42:16, et seq., and discussion and possible vote on proposed SERI Global Settlement.</p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to: 1) accept the SERI Global Settlement; 2) accept the SERI Retail Term Sheet; and 3) instruct Staff to move forward with filing the appropriate documents seeking dismissal of the appropriate proceedings and seeking approval of the same.</p> <p>Present for Questions/Comments: Larry Hand - Vice President for Regulatory & Public Affairs for Entergy Louisiana Lane Sisung –Staff Consultant, United Professionals Company</p>
<p>Ex. 4</p>	<p>T-37069 - W N W Transport LLC, ex parte. In re: Application for a Common Carrier Certificate of non-hazardous oilfield waste, and non-hazardous industrial solid waste for disposal, statewide.</p> <p>In re: Discussion and possible vote on Staff's Motion to Rescind.</p> <p>After discussion, on motion of Vice Chairman Lewis, seconded by Chairman Francis, and unanimously adopted, the Commission voted to accept Staff's Motion to Rescind filed into the record on July 30, 2024.</p>
<p>Ex. 5</p>	<p>R-35595 - Louisiana Public Service Commission, ex parte. In re: Review of the Schedule of Prescribed Rates and Requirements for Towing and Recovery services in General Order dated August 05, 2016.</p> <p>In re: Discussion and possible vote on second interim rate request by Towing and Recovery Professionals Association.</p> <p>Commissioner Skrmetta made the following motion: Based on Staff's recommended rate increase filed into the record on August 9, 2024, I move that we implement Staff's recommended 15% increase to the current towing and recovery rates. To be clear, this motion only approves Staff's filed recommended increase for the current rates and is not at this time approving Staff's other proposed revisions to General Order dated August 5, 2016. My motion also does not take a position on Staff's other recommendations, which will include potential changes to the definitions of General Order dated August 5, 2016, as well as proposed new rates, as those recommendations are open for public comment with anticipated Commission consideration at our September meeting</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 Commissioner Skrmetta's motion. The motion passed with a vote of 4:1.</p> <p>Present for Questions/Comments: Rudy Smith – Rudy Smith Services, Inc. Caley Joyner – River City Towing</p>

<p>Ex. 6</p>	<p>R-36131 - Louisiana Public Service Commission, ex parte. In re: Determination of Commission Jurisdiction Over the Various Methods of Providing Electricity to Electric Vehicles, and the Infrastructure Associated Therewith.</p> <p>In re: Discussion and possible vote on Staff's Final Phase II Recommendation.</p> <p>After discussion, on motion of Vice Chairman Lewis, seconded by Commissioner Greene, with Chairman Francis and Commissioner Skrmetta concurring, and Commissioner Campbell temporarily absent, the Commission voted to adopt the Final Phase II Recommendation filed into the record on July 26, 2024.</p>
<p>Ex. 7</p>	<p>R-36262 - Louisiana Public Service Commission, ex parte. In re: Possible Modification of the Commission's Integrated Resource Planning Rules to Remove the Exemption for Electric Cooperatives.</p> <p>In re: Discussion and possible vote on Staff's Report and Recommendation on Final Rule.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Lewis, with Chairman Francis concurring, and Commissioner Campbell and Commissioner Greene temporarily absent, the Commission voted to adopt the Final Proposed Rule filed into the record on July 19, 2024.</p>
<p>Ex. 8</p>	<p>S-37079 - Delta States Utilities LA, LLC and Entergy Louisiana, LLC. In re: Joint application for approval of acquisition of Entergy's gas local distribution company assets to Delta States, and Delta States' request for authority to operate as a gas local distribution company and incur indebtedness related thereto.</p> <p>In re: Discussion and Possible vote on Staff Report and Recommendation.</p> <p>After discussion, on motion of Commissioner Greene, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Staff Report and Recommendation filed into the record on July 30, 2024.</p> <p>Present for Questions/Comments: Ryan King– Delta Utilities, LA, LLC Carrie Tournillon – Counsel for Delta Utilities, LA, LLC</p>
<p>Ex. 9</p>	<p>S-37127 - TruConnect Communications, Inc., 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>On motion of Vice Chairman Lewis, seconded by Chairman Francis, with Commissioner Skrmetta concurring, and Commissioner Campbell and Commissioner Greene temporarily absent, the Commission voted to accept the Staff Report and Recommendation filed into the record on June 27, 2024.</p>
<p>Ex. 10</p>	<p>S-37139 - Cable One VoIP LLC d/b/a Sparklight, ex parte. In re: Request for relinquishment of Eligible Telecommunication Designation statewide.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>On motion of Vice Chairman Lewis, seconded by Chairman Francis, with Commissioner Campbell and Commissioner Skrmetta concurring, and Commissioner Greene temporarily absent, the Commission voted to accept the Staff Report and Recommendation filed into the record on May 15, 2024.</p>

<p>Ex. 11</p>	<p>S-37186 - Cebridge Telecom LA, LL C, ex parte. In re: Request to relinquish Eligible Telecommunications Carrier (ETC) Designation.</p> <p>In re: Discussion and Possible Vote on Staff Report and Recommendation.</p> <p>On motion of Vice Chairman Lewis, seconded by Commissioner Campbell, with Chairman Francis and Commissioner Skrmetta concurring, and Commissioner Greene temporarily absent, the Commission voted to accept the Staff Report and Recommendation filed into the record on July 16, 2024.</p>
<p>Ex. 12</p>	<p>S-37190 - Magnolia Water Utility Operating Company, LLC, ex parte. In re: Request for a Letter of Non-Opposition to enter into loan agreement with CoBank, ACB.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Campbell concurring, and Commissioner Greene temporarily absent, the Commission voted to accept the Staff Report and Recommendation filed into the record on July 25, 2024.</p>
<p>Ex. 13</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 to increase budget of United Professionals Company due to scope expansion.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Campbell concurring, and Commissioner Greene temporarily absent, the Commission voted to grant the budget increase due to a scope expansion for UPC in the amount of \$70,000 in fees and \$3,000 in expenses for a total not to exceed additional budget of \$73,000.</p>
<p>Ex. 14</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 to retain a monitoring engineer.</p> <p>Commissioner Greene made a motion, seconded by Vice Chairman Lewis, to accept the bid of CSRS.</p> <p>Commissioner Skrmetta made a substitute motion to accept the bid of Critical Technology Consulting. The motion failed for a lack of a second.</p> <p>After discussion, on motion of Commissioner Greene, seconded by Vice Chairman Lewis, and unanimously adopted, the Commission voted to accept the bid of CSRS for \$5,503,500 in fees and \$612,000 in expenses for a total not to exceed budget of \$6,115,500.</p>
<p>Ex. 15</p>	<p>U-36983 - Louisiana Public Service Commission, ex parte. In re: Audit of Atmos Energy Corporation - Louisiana Division's Quick Start Energy Efficiency Rate Rider, pursuant to the Commission's Energy Efficiency Rules, for program year 8, ending December 31, 2022.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Campbell concurring, and Commissioner Greene temporarily absent, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on June 13, 2024.</p>

<p>Ex. 16</p>	<p>U-36985 - Louisiana Public Service Commission, ex parte. In re: Audit of Southwestern Electric Power Company's Rate Rider for the Energy Efficiency Quick Start program, pursuant to the Commission's Energy Efficiency Rules, for years ending December 31, 2021 and December 31, 2022.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, with Chairman Francis and Vice Chairman Lewis concurring, and Commissioner Greene temporarily absent, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on July 22, 2024.</p>
<p>Ex. 17</p>	<p>U-37071 - Entergy Louisiana, LLC, ex parte. In re: Application for approval of the Mondu Solar Power Purchase Agreement, expansion of the Geaux Green Tariff, and cost recovery.</p> <p>In Re: Discussion and Possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Campbell concurring, and Commissioner Greene temporarily absent, the Commission voted to approve the Uncontested Stipulated Settlement filed into the record on July 1, 2024.</p>
<p>Ex. 18</p>	<p>U-37128 - Parish Water Company, Inc., ex parte. In re: 2023 Formula Rate Plan Annual Report.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>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 July 17, 2024.</p>
<p>Ex. 19</p>	<p>U-37129 - The Baton Rouge Water Works Company, d/b/a Baton Rouge Water Company, ex parte. In re: 2023 Formula Rate Plan Annual Report.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>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 July 25, 2024.</p>
<p>Ex. 20</p>	<p>U-37130 - Louisiana Water Company, Inc., ex parte. In re: 2023 Formula Rate Plan Annual Report.</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 July 17, 2024.</p>

<p>Ex. 21</p>	<p>U-37213 - Cleco Power LLC, ex parte. In re: Request for a Commission Financing Order authorizing Cleco Power to finance, through a securitization financing transaction, the retirement costs associated with the Dolet Hills Power Station and the associated mines, as well as to establish an energy transition reserve.</p> <p>In re: Discussion and possible vote to retain a securitization consultant.</p> <p>On motion of Commissioner Campbell, seconded by Vice Chairman Lewis, and unanimously adopted, the Commission voted to accept the bid of Estrada Hinojosa for \$260,000 in fees and \$15,000 in expenses for a total not to exceed budget of \$275,000.</p>
<p>Ex. 22</p>	<p>U-37185 - Atmos Energy Corporation, ex parte. In re: Rate Stabilization Clause 2023 Test Year filing for the Louisiana Rate Division.</p> <p>In re: Discussion and Possible vote on a Joint Report and Draft Order.</p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Chairman Francis, with Vice Chairman Lewis concurring, Commissioner Campbell opposing, and Commissioner Greene temporarily absent, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on August 1, 2024. The motion passed with a vote of 3:1.</p> <p>Present for Questions/Comments: Shawn Audibert – Atmos Energy</p>
<p>Ex. 23</p>	<p>U-37154 - Claiborne Electric Cooperative, Inc., ex parte. In re: Formula Rate Plan Annual Report filing for Test Year 2023.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>DEFERRED</p>
<p>Ex. 24</p>	<p>U-36669 - Southern Spirit Transmission LLC, ex parte. In re: Request for certification, or in the alternative exemption, of the Southern Spirit Transmission Project pursuant to the Commission's General Order dated October 10, 2013 (The Transmission Siting Order).</p> <p>In re: Discussion and possible vote on Final Recommendation of the ALJ.</p> <p>Commissioner Campbell made the following motion to reject the ALJ’s recommendation: Our ALJ concluded in her Recommendation that the Transmission Siting Order applies to the Southern Spirit Transmission Project, finding that the proposed project is a transmission facility. I agree with this conclusion. However, I disagree with the ALJ’s conclusion that the Southern Spirit Transmission Project is in the “public interest.” The Marston Family, intervenors in the docket, filed extensive exceptions to the ALJ’s proposed recommendation, point out several issues with the ultimate public interest finding. While the final recommendation attempts to address these exceptions, it does not address those concerns sufficiently and accordingly, the Commission should not find that Southern Spirit has shown this project is I the public interest. Accordingly, I move as follows: 1. The Southern Spirit Transmission Project is subject to the requirements of the General Order dated October 10, 2013, referred to as the Transmission Siting Order; and 2. The commission finds, for the reasons included in the exceptions to the ALJ’s recommendation filed by intervenors, that this project is not in the public interest.</p> <p>After discussion, Commissioner Skrmetta made the following substitute motion: Regarding the request for approval of the southern spirit transmission line, the Commission takes note that Pattern Energy, during the ALJ proceeding provided no cost benefit analysis of the project as it was stated by the applicant during testimony, that there would be no costs of</p>

	<p>any kind assessed to the ratepayers attributable to the proposed design and construction of the proposed transmission facility. Because of those two separate and distinct facts, I move that we reject the ALJ recommendation, only as it pertains to the cost-benefit analysis, with the additional condition that at no point now or in the future shall any design and construction cost associated with this transmission line be borne by the ratepayers of the state of Louisiana. This matter is always subject to future Commission review.</p> <p>Commissioner Skrmetta’s motion was seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Greene concurring, and Commissioner Campbell opposing. The Commission voted to accept the Final Recommendation of the ALJ, except as to the cost-benefit analysis, with an additional condition that no design or construction costs associated with the transmission line be borne by the ratepayers of the state of Louisiana. The motion passed with a vote of 4:1.</p> <p>After further discussion, Commissioner Greene sought clarification of the vote and moved to reconsider the vote, which was not opposed.</p> <p>Commissioner Skrmetta’s motion was reconsidered, seconded by Vice Chairman Lewis, with Chairman Francis concurring, and Commissioner Campbell and Commissioner Greene opposing, the Commission voted to accept the Final Recommendation of the ALJ except as to the cost-benefit analysis, with an additional condition that no design or construction costs associated with the transmission line be borne by the ratepayers of the state of Louisiana. The motion passed with a vote of 3:2.</p> <p>Present for Questions/Comments: Kyle Marionneaux – Counsel for Southern Spirit Transmission John Grinton – Counsel for Southern Spirit Transmission Bobby Gilliam – Counsel for the Martson Family Jonathan McCartney – Counsel for Martson Family Michael Ameen – Counsel for the Marston Family Jamie Watts – Counsel for MISO Walter Ferguson – Consulting Advisor for MISO Daryl Brown – Executive Director of MISO</p>
<p>Ex. 25</p>	<p>X-37323 - Louisiana Public Service Commission, ex parte. In re: Investigative Audit into Southwestern Electric Power Company's Service Quality.</p> <p>In re: Discussion and possible vote to approve proposed budget of United Professionals Company.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, with Chairman Francis and Vice Chairman Lewis concurring, and Commissioner Greene temporarily absent, the Commission voted to grant the budget increase due to a scope expansion for UPC in the amount of \$60,000 in additional fees and no expenses for a total not to exceed budget of \$60,000.</p>
<p>Ex. 26</p>	<p>1) Reports</p> <p>- Report from Entergy Louisiana, LLC regarding advanced nuclear technology in Louisiana (Docket No. X-36987).</p> <p>Larry Hand, Vice President of Regulatory & Public Affairs for Entergy Louisiana, gave the report, and will aim to provide a preliminary report at the January 2025 Business and Executive Session.</p>

2) Resolutions

3) Discussions

4) ERSC/OMS/SPP

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

On motion of Vice Chairman Lewis, seconded by Commissioner Skrmetta, with Chairman Francis and Commissioner Campbell concurring, and Commissioner Greene temporarily absent, the Commission voted to ratify the interventions in Dockets EL24-80 *et al.*, AC24-108, and ER24-2468.

After discussion, on motion of Commissioner Skrmetta, seconded by Chairman Francis, with Commissioner Campbell concurring, Vice Chairman Lewis opposing, and Commissioner Greene temporarily absent, the Commission voted to ratify the Petition for Review of FERC Order No. 1920 filed in 5th Cir. No. 24-60355. The motion passed with a vote of 3:1.

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

After discussion, on motion of Vice Chairman Lewis, seconded by Chairman Francis, with Commissioner Campbell concurring, Commissioner Skrmetta abstaining, and Commissioner Greene temporarily absent, the Commission voted to ratify the email vote taken on July 9, 2024 by Commissioner Skrmetta as the LPSC's representative on the Board of Directors of the Organization of MISO States.

5) Directives

-Directive to Staff to review Commission General Order dated April 30, 1998 (Docket No. U-22389, In re: Ensuring Reliable Electric Service.)

At the request of Vice Chairman Lewis.

Vice Chairman Lewis' directive was as follows: I am interested in looking into the Commission's current reliability metrics, including researching ways to update our current order with more distribution level metrics, as well as modernizing the current level of SAIFI and SAIDI reporting. I believe if we are to truly ensure our electric generation is reliable, we need to look beyond system level reporting and look at analyzing distribution level interruptions across different areas or populations. I have recently learned that there are reliability metrics out there that are customer focused and that report at the census block or zip code level. Such reporting is not provided in the current SAIFI or SAIDI metrics.

Therefore, I direct Staff to open a rulemaking to review the Commission's current General Order dated April 30, 1998, on electric reliability standards and research ways the Commission can both modernize the current level of SAIDI and SAIFI and establish reliability metrics at the distribution level. Staff should also look at ways to achieve uniformity and transparency of such reporting calculations; create explicit definitions of events that can be excluded from score calculations, including justification reporting, and review the suitability of the Commission's current penalty levels and enforcement mechanisms necessary to ensure reliability improvements. Further, Staff is authorized to seek outside assistance, if determined necessary, to assist in this rulemaking.

There was no opposition to the directive.

<p>Ex. 27</p>	<p>R-36199 - Louisiana Public Service Commission, ex parte. In re: Review and Possible Modification of the Commission's General Order dated October 10, 2013 Governing Transmission Certification and General Siting.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation for a Revised Siting Order.</p> <p>At the request of Vice Chairman Lewis.</p> <p>After discussion, on motion of Commissioner Campbell, seconded by Vice Chairman Lewis, with Commissioner Greene concurring, and Chairman Francis and Commissioner Skrmetta opposing, the Commission voted to adopt the Revised Siting Order filed into the record on July 31, 2024. The motion passed with a vote of 3:2.</p>
<p>Ex. 28</p>	<p>U-37191 - Magnolia Water Utility Operating Company, LLC, ex parte. In re: Formula Rate Plan 2023 Test Year Annual Report filing.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>At the request of Commissioner Skrmetta.</p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Francis, with Vice Chairman Lewis and Commissioner Campbell concurring, and Commissioner Greene opposing, the Commission voted to accept the Joint Report and issue the Draft Order filed into the record on August 8, 2024. The motion passed with a vote 4:1.</p>

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

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, September 11, 2024 at 9:00 a.m. in Baton Rouge, Louisiana.