

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM JULY 27, 2022
OPEN SESSION

MINUTES OF JULY 27, 2022 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN SHREVEPORT, LOUISIANA. PRESENT WERE CHAIRMAN LAMBERT BOISSIERE, VICE CHAIRMAN MIKE FRANCIS, COMMISSIONER FOSTER CAMPBELL, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG GREENE, AND EXECUTIVE SECRETARY BRANDON FREY.

Open Session of July 27, 2022 convening at 9: 21 a.m., and adjourning at 1:19 p.m., the Government Plaza Building, 505 Travis Street, Shreveport, Louisiana, with the above-named members of the Commission and Executive Secretary Brandon Frey present.

<p>Ex. 1</p>	<p>Chairman Boissiere thanked the LPSC Staff and visitors for attending the July B&E Session Meeting in Shreveport, Louisiana to accommodate Commissioner Campbell, as he is recovering from an injury. Commissioner Campbell also thanked Mayor Perkins for providing the accommodations for the meeting.</p> <p>Vice Chairman Francis recognized Daryl Brown, Executive Director of External Affairs for MISO, and thanked him for attending the meeting.</p>
<p>Ex. 2</p>	<p>T-36308 – Louisiana Public Service Commission vs. Jenn Energy Services, LLC. In re: Alleged violation of 1) La. R.S.45:161 through 180.1, by operating Intrastate without LPSC authority to transport saltwater utilized in oil well exploration and production on ninety-seven (97) counts occurring December 1, 2021 through December 19, 2021 and 2) General Order 9901 as amended for failure to comply with leasing rules on fourteen (14) counts occurring December 20, 2021 through December 31, 2021.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Greene, with Commissioner Skrmetta concurring, Chairman Boissiere temporarily absent, and Commissioner Campbell absent, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Francis, with Commissioner Skrmetta concurring, Chairman Boissiere temporarily absent, and Commissioner Campbell absent, the Commission voted to accept the Affidavit and Stipulation executed on July 1, 2022.</p>
<p>Ex. 3</p>	<p>T-36309 – Louisiana Public Service Commission vs. Axe Directional Drilling LLC. In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority to transport saltwater utilized in oil well exploration and production on one-hundred seventy-two (172) counts occurring December 1, 2021 through December 31, 2021.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, with Vice Chairman Francis concurring, Chairman Boissiere temporarily absent, and Commissioner Campbell absent, 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 Francis, seconded by Commissioner Greene, with Commissioner Skrmetta concurring, Chairman Boissiere temporarily absent, and Commissioner Campbell absent, the Commission voted to accept the Affidavit and Stipulation executed on July 5, 2022.</p>

<p>Ex. 4</p>	<p>S-36267 – 1803 Electric Cooperative, Inc. and Beauregard Electric Cooperative, Inc. and Claiborne Electric Cooperative, Inc. and Northeast Louisiana Power Cooperative, Inc. and South Louisiana Electric Cooperative Association and Washington – St. Tammany Electric Cooperative, Inc., ex parte. In re: Petition for Approval of Letter of Non-Opposition for 1803 to Establish a Revolving Line of Credit and for Supporting Guaranties by Member Cooperatives.</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>On motion of Commissioner Greene, seconded by Chairman Boissiere, with Vice Chairman Francis concurring, Commissioner Skrmetta opposing, and Commissioner Campbell absent, the Commission voted to accept Staff’s Recommendation filed into the record on July 13, 2022.</p> <p>Present for Questions/Comments: Kyle Marionneaux, 1803 Electric Representative/Counsel Brian Hobbs, 1803 Electric Cooperative Representative/Consultant</p>
<p>Ex. 5</p>	<p>S-36289 – Claiborne Electric Cooperative, Inc., ex parte. In re: Petition for Approval of a Letter of Non-Opposition to Borrow Funds from Rural Utilities Services.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Francis, with Chairman Boissiere and Commissioner Skrmetta concurring, and Commissioner Campbell absent, the Commission voted to accept Staff’s Report and Recommendation filed into the record on July 13, 2022.</p> <p>Present for Questions/Comments: Kyle Marionneaux, 1803 Representative/Counsel Mark Brown, CEO and General Manager for Claiborne Electric Cooperative</p>
<p>Ex. 6</p>	<p>S-36315 – Air Voice Wireless, LLC d/b/a Air Talk Wireless, ex parte. In re: Application for certification as an eligible telecommunications carrier in order to provide Lifeline services within Louisiana.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, with Chairman Boissiere and Vice Chairman Francis concurring, and Commissioner Campbell absent, the Commission voted to accept Staff’s Report and Recommendation filed into the record on July 6, 2022.</p>
<p>Ex. 7</p>	<p>S-36363 – National Water Infrastructure, LLC, ex parte. In re: Request for a Letter of Non-Opposition for an increase in its revolving line of credit and associated pledge of assets as security.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Francis, with Chairman Boissiere and Commissioner Skrmetta concurring, and Commissioner Campbell absent, the Commission voted to accept Staff’s Report and Recommendation filed into the record on July 14, 2022.</p>

<p>Ex. 8</p>	<p>S-35579 – Water Treatment & Controls Company d/b/a Peoples Water Service Company of Bastrop and Peoples of Bastrop, LLC, ex parte. In re: Request for Letter of Non-Opposition and/or Approval to Transfer and Sell Water Utility System, Incur Indebtedness, Grant Security Interest, and Amend LPSC Order No. U-34690.</p> <p>In re: Discussion and possible vote on Unopposed Motion to Amend LPSC Order No. S-35579.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Francis, with Chairman Boissiere and Commissioner Skrmetta concurring, and Commissioner Campbell absent, the Commission voted to accept the Unopposed Motion to Amend LPSC Order No. S-35579 filed into the record on June 29, 2022.</p>
<p>Ex. 9</p>	<p>S-35961 – Moving NOLA, LLC ex parte. In re: Application to increase tariff rates for Common Carrier Certificate No. 8003.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Greene, seconded by Chairman Boissiere, with Vice Chairman Francis and Commissioner Skrmetta concurring, and Commissioner Campbell absent, the Commission voted to assert its original and primary jurisdiction and take matter up pursuant to Rule 57.</p> <p>After discussion, on motion of Commissioner Greene, seconded by Chairman Boissiere, with Vice Chairman Francis and Commissioner Skrmetta concurring, and Commissioner Campbell absent, the Commission voted to accept the Uncontested Settlement filed into the record on July 15, 2022.</p>
<p>Ex. 10</p>	<p>U-35986 – Louisiana Public Service Commission, ex parte. In re: Audit of Fuel Costs of Atmos Energy-Louisiana Division (a Regulatory Division of Atmos Energy Corporation) Associated with the February 2021 Winter Storm.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>DEFERRED</p>
<p>Ex. 11</p>	<p>U-35988 – Louisiana Public Service Commission, ex parte. In re: Audit of Fuel Costs of Entergy Louisiana, LLC, for provision of Natural Gas, Associated with the February 2021 Winter Storm Event.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>DEFERRED</p>
<p>Ex. 12</p>	<p>U-36017 – Louisiana Public Service Commission, ex parte. In re: Audit of Energy Efficiency Rate Rider of Southwestern Electric Power Company for the Energy Efficiency Quick Start Program Years Ending December 31, 2019 and December 31, 2020.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>DEFERRED</p>
<p>Ex. 13</p>	<p>U-36018 – Louisiana Public Service Commission, ex parte. In re: Audit of Energy Efficiency Rate Rider of Cleco Power LLC for the Energy Efficiency Quick Start Program Years Ending December 31, 2019 and December 31, 2020.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>DEFERRED</p>

<p>Ex. 14</p>	<p>U-36105 – Entergy Louisiana, LLC, ex parte. In re: Application for Certification to Deploy Natural Gas-Fired Distributed Generation and Authorization to Implement Rider UODG.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>DEFERRED</p>
<p>Ex. 15</p>	<p>U-36268 – 1803 Electric Cooperative, Inc., Beauregard Electric Cooperative, Inc., Claiborne Electric Cooperative, Inc., Northeast Electric Cooperative, Inc., South Louisiana Electric Cooperative Assoc., and Washington-St. Tammany Electric Cooperative, Inc. In re: Application for Approval of the 1803 Electric Cooperative, Inc. Wholesale Formula Rate and Member Wholesale Power Contracts.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Francis, with Chairman Boissiere concurring, Commissioner Skrmetta opposing, and Commissioner Campbell absent, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record on July 1, 2022.</p>
<p>Ex. 16</p>	<p>U-36350 – Entergy Louisiana, LLC, ex parte. In re: Application for recovery in rates of costs related to Hurricane Ida and related relief.</p> <p>In re: Discussion and possible vote to retain a securitization consultant.</p> <p>On motion of Commissioner Greene, seconded by Chairman Boissiere, with Vice Chairman Francis and Commissioner Skrmetta concurring, and Commissioner Campbell absent, the Commission voted to retain Estrada Hinojosa & Company, Inc. for \$275,000 in fees and \$15,000 in expenses for a total budget not to exceed \$290,000.</p>
<p>Ex. 17</p>	<p>U-36350 – Entergy Louisiana, LLC, ex parte. In re: Application for recovery in rates of costs related to Hurricane Ida and related relief.</p> <p>In re: Discussion and possible vote to retain a conduit issuer.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Skrmetta, with Chairman Boissiere and Commissioner Greene concurring, and Commissioner Campbell absent, the Commission voted to retain Louisiana Community Development Authority for \$387,000 in fees and \$0 in expenses for a total budget not to exceed \$387,000.</p>
<p>Ex. 18</p>	<p>X-36400 – Louisiana Public Service Commission, ex parte. In re: Audit of Purchased Gas Adjustment filings for Atmos Energy Corporation’s Louisiana Regulatory Division for the period of April 2020 through March 2022.</p> <p>In re: Discussion and possible vote to retain an outside consultant.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Greene, with Chairman Boissiere and Commissioner Skrmetta concurring, and Commissioner Campbell absent, the Commission voted to retain Exeter Associates, Inc. for \$36,300 in fees and \$1,200 in expenses for a total budget not to exceed \$37,500.</p>

<p>Ex. 19</p>	<p>Undocketed – Louisiana Public Service Commission, ex parte. In re: Temporary waiver from certain reporting requirements of General Order dated May 31, 2022 (“Max Gen General Order”) for Louisiana electric utilities.</p> <p>In re: Discussion and possible vote to authorize temporary waiver.</p> <p>At the request of Commissioner Greene.</p> <p>On motion of Commissioner Greene, seconded by Chairman Boissiere, with Vice Chairman Francis and Commissioner Skrmetta concurring, and Commissioner Campbell absent, the Commission voted to temporarily waive certain provisions of General Order dated May 31, 2022 and transfer consideration of those issues into Docket No. R-36263.</p> <p>Present for Questions/Comments: Lane Sisung, Staff Consultant, United Professionals Company</p>
<p>Ex. 20</p>	<p>1) Reports</p> <p>- Report from Staff on high electric utility bills.</p> <p>At the request of Chairman Boissiere and Vice Chairman Francis.</p> <p>Executive Secretary gave a presentation to the Commission on the recent increase in electric rates and reported that the presentation will also be posted to the Commission’s website.</p> <p>Present for Questions/Comments: Phillip May, President and CEO of Entergy Louisiana Mark Kleehammer, Vice President, Regulatory and Public Affairs for Entergy Daryl Brown, Executive Director of External Affairs for MISO Logan Burke, Alliance for Affordable Energy</p> <p>2) Resolutions</p> <p>3) Discussions</p> <p>4) ERSC/OMS/SSP</p> <p>- Discussion and possible vote to ratify LPSC interventions in RTO or ERSC related FERC proceedings.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, with Chairman Boissiere and Vice Chairman Francis concurring, and Commissioner Campbell absent, the Commission voted to ratify the Louisiana Public Service Commission’s intervention filed in FERC proceeding EL22-60 (docless intervention).</p> <p>- Discussion and possible vote to ratify a vote taken by Commissioner Greene acting as the Commission’s representative on the Board of Directors of the Organization of MISO States.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, with Chairman Boissiere concurring, Commissioner Greene abstaining, and Commissioner Campbell absent, the Commission voted to ratify Commissioner Greene’s email vote taken on June 3, 2022 as the Louisiana Public Service Commission representative to the OMS Board of Directors.</p> <p>5) Directives</p>

<p>Ex. 21</p>	<p>FERC Docket No.: EL17-41 (consolidated with EL18-142 and EL18-204), Arkansas Public Service Commission and Mississippi Public Service Commission vs. System Energy Resources, Inc.</p> <p>FERC Docket No.: EL18-152, Louisiana Public Service Commission v. System Energy Resources, Inc. and Entergy Services, Inc.</p> <p>FERC Docket No.: ER18-1182, System Energy Resources, Inc., et al.</p> <p>FERC Docket No.: EL20-72, Louisiana Public Service Commission, Arkansas Public Service Commission, Council of the City of New Orleans, Louisiana, Mississippi Public Service Commission v. System Energy Resources, Inc. and Entergy Services, LLC.</p> <p>FERC Docket No.: ER21-117 (consolidated ER21-129, EL21-24, ER21-748, and EL21-46), System Energy Resources, Inc., et al.</p> <p>FERC Docket No.: EL21-56, Louisiana Public Service Commission, Arkansas Public Service Commission, Council of the City of New Orleans, Louisiana v. System Energy Resources, Inc., Entergy Services, LLC, Entergy Operations, Inc., and Entergy Corporation.</p> <p>FERC Docket No.: ER22-958, System Energy Resources, Inc., et al.</p> <p>In re: Possible executive session to discuss litigation strategy pursuant to La. R.S. 42:16, et seq.</p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Boissiere, with Vice Chairman Francis and Commissioner Greene concurring, and Commissioner Campbell absent, the Commission voted to enter Executive Session.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Skrmetta, with Chairman Boissiere and Commissioner Greene concurring, and Commissioner Campbell absent, the Commission voted to exit Executive Session.</p>
<p>Ex. 22</p>	<p>U-29157 – Cleco Power LLC, ex parte. In re: Application of Cleco Power LLC for recovery in rates of amortization of storm damage costs incurred as a result of Hurricanes Katrina and Rita, effective January 1, 2006.</p> <p>In re: Discussion and possible vote on Cleco Power, LLC’s request to refund certain amounts to customers.</p> <p>At the request of Vice Chairman Francis.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, with Chairman Boissiere and Vice Chairman Francis concurring, and Commissioner Campbell absent, the Commission voted to accept Cleco Power’s request to issue the refund in the form of a bill credit on September 2022 bills.</p> <p>Present for Questions/Comments: Paul Zimmering, Special Counsel to the Commission, Stone Pigman</p>

<p>Ex. 23</p>	<p>Undocketed – Directive to Staff regarding analysis of a potential pilot industrial shared solar tariff option with benefits for low- and moderate – income residents.</p> <p>At the request of Chairman Boissiere.</p> <p>The Commission directs Staff to open a rulemaking to review the potential to provide an optional utility pilot industrial solar tariff that may meet the power needs and objectives of Louisiana’s largest industrial customers. Some large industrial customers apparently desire to establish minimum program capacity limits of green tariff options they believe may make both a meaningful impact on the reduction of greenhouse gas emissions in Louisiana and sustain the required power needs of the industrials operations. These needs should be studied in the potential development of any rule pursuant to this directive.</p> <p>As a part of this review, the Staff is directed to study a program that may dedicate a portion of the gross revenue generated by qualified developers under an optional pilot industrial solar tariff to benefit low-and moderate-income (“LMI”) residents in the parishes where participating industrial customers are located.</p> <p>Finally, the Commission directs Staff to ensure that this rulemaking analyze criteria that may encourage third-party development and investment in solar facilities.</p> <p>After comments from Commissioner Greene, with Commissioner Skrmetta temporarily absent, and Commissioner Campbell absent, there was no opposition.</p>
<p>Ex. 24</p>	<p>TBD – Cleco Power LLC, ex parte. In re: Request for Proposals for the Acquisition of Solar Generating Capacity.</p> <p>In re: Discussion and possible vote to change the scope of services of United Professionals Company.</p> <p>At the request of Vice Chairman Francis.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Greene, with Chairman Boissiere and Commissioner Skrmetta concurring, and Commissioner Campbell absent, the Commission voted to authorize a change in scope of services from the November 2021 retention of United Professionals Company for \$75,000 in fees and \$2,000 in expenses for a total budget of \$77,000 to allow for the evaluation of an unsolicited offer received by Cleco Power.</p>
<p>Ex. 25</p>	<p>TBD – Cleco Power, LLC, ex parte. In re: Formula Rate Plan – Upcoming Monitoring Reports.</p> <p>In re: Discussion and possible vote to expand the scope of services of United Professionals Company.</p> <p>At the request of Commissioner Greene.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Francis, with Chairman Boissiere and Commissioner Skrmetta concurring, and Commissioner Campbell absent, the Commission voted to authorize a change in scope of services provided for in RFP 19-05 to include the three years of annual reviews of Cleco Power’s Formula Rate Plan.</p>

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

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, September 14, 2022, at 9:00 a.m. at the Galvez Building in Baton Rouge, Louisiana.