

**LOUISIANA PUBLIC SERVICE COMMISSION**  
**MINUTES FROM JUNE 7, 2023**  
**OPEN SESSION**

***MINUTES OF JUNE 7, 2023 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN NEW ORLEANS, LOUISIANA. PRESENT WERE CHAIRMAN FOSTER CAMPBELL, VICE CHAIRMAN MIKE FRANCIS, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG GREENE, COMMISSIONER DAVANTE LEWIS AND EXECUTIVE SECRETARY BRANDON FREY.***

**Open Session of June 7, 2023, convening at 10:15 a.m., and adjourning at 11:36 a.m., at the Higgins Hotel, 1000 Magazine Street, New Orleans, Louisiana, with the above-name members of the Commission and Executive Secretary Brandon Frey present.**

<p><b>Ex. 1</b></p>	<p>Chairman Campbell requested the December Business &amp; Executive Session be held in Natchitoches, Louisiana.</p> <p>Chairman Campbell thanked Commissioner Skrmetta for hosting the Business &amp; Executive Session and the Southeastern Association of Regulatory Utility Commissioners (“SEARUC”) conference in New Orleans. Commissioner Lewis also thanked Commissioner Skrmetta for hosting a successful SEARUC conference as the 2023 President of SEARUC.</p> <p>Commissioner Skrmetta thanked the sponsors and attendees of SEARUC.</p> <p>Chairman Campbell announced there will be a special B&amp;E meeting at the end of June with a specific date to be determined.</p>
<p><b>Ex. 2</b></p>	<p><b>T-36557</b> - Louisiana Public Service Commission vs. Raymond LaCombe dba LaCombe's Wrecker Service. In re: Alleged violation of Louisiana Revised Statutes Title 45:1177 and 1179 for failure to pay to the state proper fees for the years 2018, 2019 and 2020 for the inspection, control, and supervision of its business service and rates authorized in Common Carrier Certificate Number 6631 pursuant to General Order dated November 22, 2011.</p> <p><b>In re: Discussion and possible vote on Recommendation of the Administrative Law Judge.</b></p> <p>On motion of Commissioner Greene, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to accept the recommendation of the Administrative Law Judge issued on May 10, 2023.</p>
<p><b>Ex. 3</b></p>	<p><b>T-36575</b> - Louisiana Public Service Commission vs. Netterville Towing, LLC. In re: Alleged violation of Louisiana Revised Statutes Title 45:1177 and 1179 for failure to pay to the state proper fees for the years 2018, 2019 and 2020 for the inspection, control, and supervision of its business service and rates authorized in Common Carrier Certificate Number 8113 pursuant to General Order dated November 22, 2011.</p> <p><b>In re: Discussion and possible vote on Recommendation of the Administrative Law Judge.</b></p> <p>On motion of Commissioner Greene, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to accept the recommendation of the Administrative Law Judge issued on May 11, 2023.</p>

<p><b>Ex. 4</b></p>	<p><b>T-36655</b> - Louisiana Public Service Commission vs. HJ Doles Wrecker Service, LLC. In re: Alleged violation of Louisiana Revised Statutes Title 45:1177 and 1179 for failure to pay to the state proper fees for the year 2020 for the inspection, control, and supervision of its business service and rates authorized in Common Carrier Certificate Number 8230 pursuant to General Order dated November 22, 2011.</p> <p><b>In re: Discussion and possible vote on Recommendation of the Administrative Law Judge.</b></p> <p>On motion of Commissioner Greene, seconded by Chairman Campbell, and unanimously adopted, the Commission voted to accept the recommendation of the Administrative Law Judge issued on May 15, 2023.</p>
<p><b>Ex. 5</b></p>	<p><b>T-36705</b> - Louisiana Public Service Commission vs. Tyler Dirtworkz LLC. Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority to transport non-hazardous oilfield waste on five (5) counts; allegedly occurring on or between February 01, 2022 through February 23, 2022.</p> <p><b>In re: Discussion and possible vote pursuant to Rule 57 on Affidavit and Stipulation executed by the Carrier.</b></p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, 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 Commissioner Greene, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to accept the Affidavit and Stipulation executed on May 9, 2023 for fines and fees totaling \$5,025.</p>
<p><b>Ex. 6</b></p>	<p><b>R-36131</b> - 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><b>In re: Discussion and possible vote on budget increase for David Williams due to scope expansion.</b></p> <p><b>DEFERRED</b></p> <p>Commissioner Skrmetta made a motion to grant the budget increase for David Williams due to scope expansion. After discussion, Commissioner Skrmetta withdrew his motion and the matter was deferred.</p> <p>Present for Questions/Comments: David Williams, Outside Counsel to the Commission</p>

<p><b>Ex. 7</b></p>	<p><b>U-36265</b> - Entergy Louisiana, LLC, ex parte. In re: Test Year 2021 Gas Rate Stabilization Plan Filing.</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to adopt the Joint Report filed into the record on May 10, 2023, and authorize the issuance of the Draft Order resolving all issues in this matter.</p> <p>Present for Comments/Questions:  Larry Hand, Vice President for Regulatory &amp; Public Affairs for Entergy  Phillip May, CEO of Entergy</p>
<p><b>Ex. 8</b></p>	<p><b>U-36579</b> - South Coast Gas Company, Inc., ex parte. In re: Rate Stabilization Plan adjustment filing for the twelve months ended June 30, 2022.</p> <p><b>In re: Discussion and Possible vote on Joint Report and Draft Order.</b></p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Joint Report filed into the record on May 22, 2023, with conditions, and authorize the issuance of the Draft Order resolving all issues in this matter.</p>
<p><b>Ex. 9</b></p>	<p><b>U-35927</b> - 1803 Electric Cooperative, Inc., ex parte. In re: Application for Approval of Power Purchase Agreements and for Cost Recovery.</p> <p><b>In re: Discussion and possible vote on budget increase for J. Kennedy &amp; Associates due to scope expansion.</b></p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to grant the budget increase of J. Kennedy and Associates for \$160,000 in fees and \$5,000 in expenses, for a total budget not to exceed \$165,000.</p> <p>Commissioner Skrmetta directed 1803 to provide Staff with a status report prior to the August Business &amp; Executive Session and to present a report at the August meeting.</p> <p>Present for Questions/comments:  Kyle Marionneaux, Outside Counsel for 1803</p>
<p><b>Ex. 10</b></p>	<p><b>U-36580</b> - Pierre Part Natural Gas Company, Inc., ex parte. In re: Rate Stabilization Plan adjustment filing for the twelve months ended June 30, 2022.</p> <p><b>In re: Discussion and possible vote on Joint Report and Draft Order.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Joint Report filed into the record on May 22, 2023, with conditions, and authorize the issuance of the Draft Order resolving all issues in this matter.</p>

<p><b>Ex. 11</b></p>	<p><b>Undocketed</b> - State Universal Service Fund Administrator.</p> <p><b>In re: Discussion and possible vote to renew LaPorte, CPA &amp; Business Advisors' services.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to renew LaPorte’s services for an additional year, with the option to renew thereafter, under the same billing structure of \$10,000/month, as previously approved.</p>
<p><b>Ex. 12</b></p>	<p><b>TBD</b> - Entergy Louisiana, LLC, ex parte. In re: Upcoming request for Formula Rate Plan extension and/or request for rate increase.</p> <p><b>In re: Discussion and possible vote to retain outside consultant.</b></p> <p><b>Exhibit 12 on May 17, 2023 Business and Executive Session.</b></p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to retain United Professionals Company with a bid of \$675,000 in fees and \$22,500 in expenses for a total budget not to exceed \$697,500.</p>
<p><b>Ex. 13</b></p>	<p><b>TBD</b> - Entergy Louisiana, LLC, ex parte. In re: Upcoming request for Formula Rate Plan extension and/or request for rate increase.</p> <p><b>In re: Discussion and possible vote to retain outside counsel.</b></p> <p><b>Exhibit 13 on May 17, 2023 Business and Executive Session.</b></p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to retain Stone Pigman for a bid of \$660,000 in fees and \$24,500 in expenses for a total budget not to exceed \$684,500.</p>
<p><b>Ex. 14</b></p>	<p>1) Reports 2) Resolutions 3) Discussions 4) ERSC/OMS/SPP</p> <p><b>- 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.</b></p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Lewis, with Chairman Campbell and Vice Chairman Francis concurring, and Commissioner Greene abstaining, the Commission voted to ratify Commissioner Greene’s vote taken on May 12, 2023.</p> <p><b>5) Directives</b></p> <p><b>- Directive to Staff to open a docket investigating jurisdictional utilities use of ratepayer funds on political spending.</b></p> <p><b>At the request of Commissioner Lewis.</b></p> <p>Commissioner Lewis made the following motion: In recent years, issues have arisen across the country regarding the use of ratepayer money by utilities for lobbying expenses, membership dues in trade associations, political advertising, and even bribery. While regulations exist to thwart these actions, their vagueness and a lack of enforcement mean that</p>

ratepayers could be footing the bill for activities working against customers' interests. At the wholesale level, this Commission has emphatically expressed its support of the FERC's inquiries into similar matters of utilities' spending to benefit shareholders rather than customers. Given the LPSC's duty to ensure the reasonableness and prudence of utilities' expenditures recoverable from retail customers, it is imperative that we protect our constituents from bearing any undue costs related to political influence activities.

Therefore, I direct Staff to open a rulemaking docket investigating jurisdictional electric, NARUC Class A water and wastewater, and Group 1 and 2 gas utilities' use of ratepayer funds on political spending.

This inquiry should include, but not be limited to, examination of said jurisdictional utilities charging Louisiana ratepayers for any (1) activities meant to influence the outcome of any local, state, or federal legislation, ordinance, resolution, rule, measure, or other regulatory decision, (2) advertising, marketing, and/or public relations expenses that do not directly relate to a purpose or program that is required or authorized under statute or commission rule or order, and/or (3) organization or membership dues or other contributions to any organization, association, institution, corporation, or other entity that engages in lobbying or other similar activities meant to influence the outcome of any local, state, or federal legislation, ordinance, resolution, rule, measure, or other regulatory decision.

Based on these findings, Staff shall recommend Commission action to protect against improper use and/or recovery of ratepayer funds, such as (1) updated and clarified rules, (2) requirements for regular disclosures of relevant utility spending, and (3) propagation of related enforcement mechanisms. Best efforts shall be made to present these topics to the Commission in a timely manner.

Further, I ask Staff to open a Request for Proposal for consultants and counsel in order to begin this necessary and important work for the people of Louisiana.

After discussion, on motion of Commissioner Lewis with Commissioner Skrmetta objecting, the Commission held a roll call vote. Chairman Campbell, Commissioner Greene and Commissioner Lewis voted in support, and Vice Chairman Francis and Commissioner Skrmetta voted in opposition of Commissioner Lewis' directive. The directive passed 3:2.

Present for Questions/Comments:

Larry Hand, Vice President for Regulatory & Public Affairs for Entergy

Phillip May, CEO of Entergy

Bobby Gilliam, Outside Counsel for SWEPCO

Tom Brice, CFO of SWEPCO

Jodie Manale, PSC Citizens Brigade

On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to adjourn.

## **MEETING ADJOURNED**

There will be a Special Executive Session tentatively to be held on June 29, 2023 at 9:00 a.m. in Baton Rouge, Louisiana. The next Business and Executive Session will be held on Wednesday, August 16, 2023 at 9:00 a.m. in Baton Rouge, Louisiana.