

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM MARCH 30, 2022
OPEN SESSION

MINUTES OF MARCH 30, 2022 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, 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 March 30, 2022, convening at 9:17 a.m., and adjourning at 11:12 a.m., the Galvez Building, 602 North 5th Street, Baton Rouge, Louisiana, with the above-named members of the Commission and Executive Secretary Brandon Frey present.

Ex. 1	<p>Chairman Boissiere welcomed Rev. Leonard J. Harrel, Sr., of First Baptist Church of Richmond Park, to lead us in prayer and Byron Sharper, former East Baton Rouge Parish Metro Councilman, to lead us in the Pledge of Allegiance.</p> <p>Deputy General Counsel Melissa Frey announced that she accepted a position as an Administrative Law Judge in the Commission’s Administrative Hearings Division. She thanked the Commissioners and Commission Staff for their support in her many years within the Legal Division.</p> <p>Executive Counsel Kathryn Bowman announced that the April B&E Session will be on Wednesday, April 27th at Cypress Bend Resort in Many.</p>
Ex. 2	<p>R-36226 – Louisiana Public Service Commission, ex parte. In re: Evaluation of Louisiana’s electric grid regarding status, maintenance, and whether there is more than could have been done and can be done to benefit Louisiana customers.</p> <p>In re: Discussion and possible vote to retain an engineering consultant.</p> <p>(Exhibit 6 on the February 23, 2022 B&E).</p> <p>After discussion, with Commissioner Skrmetta stating oral reasons for his opposition on the record, on motion of Commissioner Greene, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to retain Critical Technologies Consulting, LLC for a budget of \$249,710 in fees and \$8,000 in expenses, for a total budget not to exceed \$257,710.</p>
Ex. 3	<p>R-36226 – Louisiana Public Service Commission, ex parte. In re: Evaluation of Louisiana’s electric grid regarding status, maintenance, and whether there is more than could have been done and can be done to benefit Louisiana customers.</p> <p>In re: Discussion and possible vote to retain outside counsel.</p> <p>(Exhibit 5 on the February 23, 2022 B&E).</p>

	<p>Commissioner Skrmetta made a motion to retain David Williams for \$125,375 in fees and \$2,900 in expenses, for a total budget not to exceed \$128,275. The motion failed due to lack of a second.</p> <p>Commissioner Greene made a motion to retain Stone Pigman, which was seconded by Vice Chairman Francis.</p> <p>Commissioner Skrmetta made a substitute motion to retain Patrick Miller for \$157,995 in fees and \$7,980 in expenses, for a total budget not to exceed \$165,975. The substitute motion failed due to lack of a second.</p> <p>After discussion, with Commissioner Skrmetta stating oral reasons for his opposition on the record, on Commissioner Greene’s original motion, seconded by Vice Chairman Francis, with Chairman Boissiere and Commissioner Campbell concurring, and Commissioner Skrmetta opposing, the Commission voted to retain Stone Pigman for \$173,000 in fees and \$3,000 in expenses, for a total budget not to exceed \$176,000.</p>
<p>Ex. 4</p>	<p>R-36227 – Louisiana Public Service Commission, ex parte. In re: Assessment of Louisiana’s current electric utility infrastructure for resilience and hardening for future storm events.</p> <p>In re: Discussion and possible vote to retain an engineering consultant.</p> <p>(Exhibit 8 on February 23, 2022 B&E).</p> <p>Commissioner Campbell made a motion to defer Docket No. R-36227 for one month to allow for re-issuance of the RFP seeking an engineering consultant, which was seconded by Commissioner Greene.</p> <p>Commissioner Skrmetta made a substitute motion to retain Critical Technologies Consulting, LLC for \$278,925 in fees and \$12,000 in expenses, for a total budget not to exceed \$278,925. The substitute motion failed due to lack of a second.</p> <p>After discussion, with Commissioner Skrmetta stating oral reasons for his opposition on the record, on motion of Commissioner Campbell’s original motion, seconded by Commissioner Greene, with Chairman Boissiere and Vice Chairman Francis concurring, and Commissioner Skrmetta opposing, the Commission voted to defer Docket No. R-36227.</p> <p>DEFERRED</p>
<p>Ex. 5</p>	<p>R-36227 – Louisiana Public Service Commission, ex parte. In re: Assessment of Louisiana’s current electric utility infrastructure for resilience and hardening for future storm events.</p> <p>In re: Discussion and possible vote to retain outside counsel.</p> <p>(Exhibit 7 on February 23, 2022 B&E).</p> <p>Commissioner Skrmetta made a motion to retain David Williams, which was seconded by Commissioner Campbell.</p>

	<p>Commissioner Greene made a substitute motion to retain Stone Pigman for \$129,000 in fees and \$2,500 in expenses, for a total budget not to exceed \$131,500, seconded by Vice Chairman Francis, with Chairman Boissiere, Commissioner Campbell, and Commissioner Skrmetta opposing, the substitute motion failed.</p> <p>On Commissioner Skrmetta’s original motion, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to retain David Williams for \$118,000 in fees and \$1,900 in expenses, for a total budget not to exceed \$119,900.</p>
Ex. 6	<p>R-36263 – Louisiana Public Service Commission, ex parte. In re: Consideration of Whether the Commission Should Adopt Minimum Physical Capacity Threshold Requirements for Load Serving Entities.</p> <p>In re: Discussion and possible vote to retain outside consultant.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to retain United Professionals Company for a budget of \$83,500 in fees and \$1,500 in expenses, for a total budget not to exceed \$85,000.</p>
Ex. 7	<p>S-36166 – Connect Holding, LLC, Lumen Technologies, Inc., CenturyLink of Louisiana, LLC, CenturyLink of South Arkansas d/b/a CenturyLink and CenturyTel Broadband Services, LLC, ex parte. In re: Joint Application for Approval of Transfer of Ownership and Control, Associated Financing and Pledge of Security.</p> <p>In re: Discussion and possible vote on Staff Report and Recommendation.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, with Chairman Boissiere and Vice Chairman Francis concurring, and Commissioner Greene temporarily absent, the Commission voted to accept Staff’s Report and Recommendation filed into the record on March 14, 2022.</p>
Ex. 8	<p>U-34796 – South Alexander Development I, LLC, et al, ex parte. In re: Petition for Renewal of Capacity Reservations on an Expedited Basis.</p> <p>In re: Discussion and possible vote on Unopposed Joint Motion for Consideration of Proposed Stipulation by the Commission Pursuant to Rule 57.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, with Chairman Boissiere and Commissioner Campbell concurring, and Commissioner Greene temporarily 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 Skrmetta, seconded by Vice Chairman Francis, with Chairman Boissiere and Commissioner Campbell concurring, and Commissioner Greene temporarily absent, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record on March 11, 2022.</p>

<p>Ex. 9</p>	<p>U-35807 – Cleco Power LLC, ex parte. In re: Application for Recovery in Rates of Certain Storm Damage Costs Incurred as a Result of Hurricanes Laura, Delta, and Zeta and Winter Storms Uri and Viola, Related Securitization Financing and Establishment of a Storm Reserve.</p> <p>In re: Discussion and possible vote on budget increase for United Professionals Company due to an expansion in scope.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Skrmetta, with Chairman Boissiere and Commissioner Campbell concurring, and Commissioner Greene temporarily absent, the Commission voted to retain United Professionals Company for an additional budget of \$49,000 in fees and \$0 in expenses for a total additional budget not to exceed \$49,000.</p>
<p>Ex. 10</p>	<p>U-35916 – Entergy Louisiana, LLC, ex parte. In re: Application for Authorization to Implement a Green Pricing Option, Rider GPO and Rider LVGPO, and Related Relief.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record on February 24, 2022.</p>
<p>Ex. 11</p>	<p>U-35927 – 1803 Electric Cooperative, Inc., ex parte. In re: Application for Approval of Power Purchase Agreements and for Cost Recovery.</p> <p>In re: Discussion and possible vote on budget increase for J. Kennedy & Associates due to an expansion in scope.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Greene, with Chairman Boissiere concurring, Commissioner Skrmetta opposing, and Commissioner Campbell absent, the Commission voted to retain J. Kennedy and Associates for \$140,000 in fees and \$8,000 in expenses, for a total additional budget not to exceed \$148,000.</p>
<p>Ex. 12</p>	<p>U-36082 – Jefferson Davis Electric Cooperative, Inc., ex parte. In re: Request for Emergency Rate Relief Related to 2020 Hurricanes.</p> <p>In re: Discussion and possible vote on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, with Chairman Boissiere concurring, Vice Chairman Francis temporarily absent, and Commissioner Campbell absent, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record on February 10, 2022.</p> <p>Present for Questions/Comments: Michael Heinen, General Manager of Jeff Davis Electric Cooperative William Barta, Outside Consultant – LPSC Staff</p>

<p>Ex. 13</p>	<p>U-36259 – Southwestern Electric Power Company, ex parte. In re: Application for Certification of a Solar Power Purchase Agreement with Rocking R Solar, LLC.</p> <p>In re: Discussion and possible vote to retain United Professionals Company.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, with Chairman Boissiere concurring, Vice Chairman Francis temporarily absent, and Commissioner Campbell absent, the Commission voted to retain United Professionals Company for \$42,000 in fees and \$0 in expenses for a total budget not to exceed \$42,000.</p>
<p>Ex. 14</p>	<p>TBD – Entergy Services, LLC, ex parte. In re: Potential Request for Proposals for Renewable Resources.</p> <p>In re: Discussion and possible vote to retain outside consultant.</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 retain J. Kennedy and Associates, Inc. for \$75,000 in fees and \$1,000 in expenses for a total budget not to exceed \$76,000.</p>
<p>Ex. 15</p>	<p>FERC Docket EL21-156, Louisiana Public Service Commission, et al. vs. System Energy Resources, Inc., et al.</p> <p>In re: Discussion and possible vote to approve budget of Critical Technologies Consulting for Phase II.</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 approve Critical Technologies Consulting budget in the amount of \$261,563 in fees and \$10,500 in expenses for a total budget not to exceed \$272,063 for Phase II work through 2022, of which the Commission is responsible for 21%.</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 Commissioner Greene, with Chairman Boissiere and Vice Chairman Francis concurring, and Commissioner Campbell absent, the Commission voted to enter Executive Session.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, with Chairman Boissiere and Commissioner Greene concurring, and Commissioner Campbell absent, the Commission voted to exit Executive Session.</p>

Ex. 16

1) Reports

- **Update from Staff and Entergy Louisiana, LLC regarding Docket No. U-35991.**

Paul Zimmering of Stone Pigman provided an update to the Commission regarding Docket No. U-35991.

2) Resolutions

3) Discussions

- **Update from Charter Communications regarding outstanding bills owed to subcontractors assisting in storm restoration from Hurricane Ida.**

(Exhibit 19 on February 23, 2022 B&E).

PULLED

- **Discussion regarding General Order dated November 16, 1972 and late fees charged by jurisdictional utilities.**

At the request of Commissioner Campbell.

DEFERRED

4) ERSC/OMS/SSP

- **Discussion and possible vote to ratify LPSC interventions in RTO or ERSC related FERC proceedings.**

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 interventions filed in FERC proceedings AD22-5, ER22-34, ER22-958, and ER22-24.

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

On motion of Chairman Boissiere, seconded by Commissioner Skrmetta, with Vice Chairman Francis concurring, Commissioner Greene abstaining, and Commissioner Campbell absent, the Commission voted to ratify Commissioner Greene's vote taken on March 4, 2022 as the Louisiana Public Service Commission's representative to the OMS Board of Directors.

5) Directives

<p>Ex. 17</p>	<p>U-35807 – Cleco Power LLC, ex parte. In re: Application for Recovery in Rates of Certain Storm Damage Costs Incurred as a Result of Hurricanes Laura, Delta, and Zeta and Winter Storms Uri and Viola, Related Securitization Financing and Establishment of a Storm Reserve.</p> <p>In re: Discussion and possible vote on Uncontested Proposed Stipulated Settlement, pursuant to Rule 57.</p> <p>At the request of Vice Chairman Francis.</p> <p>On motion of Commissioner Greene, seconded by Vice Chairman Francis, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take matter up pursuant to Rule 57.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Uncontested Proposed Stipulated Settlement filed into the record on March 24, 2022.</p> <p>Present for Questions/Comments: Robert Cleghorn, Vice President Regulatory Strategy of Cleco Power LLC John Shirley, counsel for Cleco Power LLC</p>
<p>Ex. 18</p>	<p>Undocketed – In re: Directive to Staff regarding the cancellation of authority of regulated carriers with multiple violations.</p> <p>At the request of Commissioner Skrmetta.</p> <p>DEFERRED</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 adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, April 27, 2022 at 10:00 a.m. at Cypress Bend Resort in Many, Louisiana.