

**TRANSCRIPT OF THE LOUISIANA PUBLIC SERVICE COMMISSION BUSINESS AND EXECUTIVE OPEN SESSION HELD ON MARCH 30, 2022 IN BATON ROUGE, LOUISIANA. PRESENT WERE: CHAIRMAN LAMBERT BOISSIERE, III, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG CREENE, COMMISSIONER FOSTER CAMPBELL AND COMMISSIONER MIKE FRANCIS.**

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2    **BUSINESS AND EXECUTIVE OPEN SESSION HELD ON MARCH 30,**  
3    **2022 IN BATON ROUGE, LOUISIANA. PRESENT WERE: CHAIRMAN**  
4    **LAMBERT BOISSIERE, III, COMMISSIONER ERIC SKRMETTA,**  
5    **COMMISSIONER CRAIG CREENE, COMMISSIONER FOSTER**  
6    **CAMPBELL AND COMMISSIONER MIKE FRANCIS.**

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7    **CHAIRMAN LAMBERT BOISSIERE, III:** Well, I just want to give a few  
8    comments prior to starting the meeting. As we all know and have seen, the -- we  
9    have some weather coming in to this area, it may already be in the state, but it looks  
10   like it could be pretty bad and so needless to say, not only the Commission but the  
11   state is shutting down offices. The schools are going to be closing pretty soon as  
12   the weather's rolling in. We say that so we can take it very seriously. Because of  
13   that, we will get through this meeting as rapidly as possible, but not at the expense  
14   of doing our good work that we have to do today. I expect comments to be brief,  
15   but poignant and important. Let's stick to the topic, stick to the issue, and keep in  
16   mind that we want to finish as rapidly as possible out of concern for everyone's  
17   safety. We care and are happy that everyone has turned out today, even the people  
18   that are online and paying attention and those that are watching remotely, but  
19   especially those that are here and we respect the fact that you want to get back very  
20   quickly. That's just me setting the tone of the meeting today. I say that to each of  
21   you, but also, if you don't mind, as well to my fellow Commissioners. Do your  
22   best, gentlemen. So -- yes?

1 **EXECUTIVE SECRETARY BRANDON FREY:** And let me just say, I have  
2 one point to that. If by chance we are drifting into the noon hour, the state building  
3 will close at noon. That means if you go out, all the doors are going to be locked  
4 and you won't be able to come back in, so I hope we will be done by then, but just  
5 keep that in mind if you wander outside.

6 **CHAIRMAN BOISSIERE:** Let me add another note. I asked Brandon what the  
7 record was for the B&E, the fastest B&E. I don't know if we can beat that one, but  
8 I expect that we will be out of here as rapidly as possible, and should be before  
9 12:00. If by chance we are unable to finish the B&E by noon, we will stop the B&E  
10 at noon. So just to let you know where we stand. Now, with all that said, are we  
11 ready to begin? Great. Well --

12 **COMMISSIONER FOSTER CAMPBELL:** Let me ask a question. Since I've  
13 got to travel 250 miles, what's it look like going north?

14 **SECRETARY FREY:** So if I could pull the radar up, Foster, I'm looking at it  
15 right now. It's -- the line is just now approaching the Shreveport area, but the severe  
16 stuff appears it's going to be further south, so, but we'll keep you posted. And  
17 we've got -- Jessica's on a GOHSEP call right now, so -- but if she's listening in,  
18 maybe she can come and give us a report later on, too.

19 **COMMISSIONER CAMPBELL:** See, my problem, it takes an hour and a half  
20 to get out of here up to north, you know. But anyway, let's go.

21 **CHAIRMAN BOISSIERE:** Well, let's start the meeting as we always do, with a  
22 prayer. And here giving us the prayer for today is the Reverend Leonard J. Harrel,

1 Sr., from the First Baptist Church of Richmond Park here in Baton Rouge. All  
2 stand for the prayer, please.

3 **[REVEREND LEONARD J. HARREL, SR. LEADS IN PRAYER]**

4 **CHAIRMAN BOISSIERE:** And now to give us the pledge of allegiance is Byron  
5 Sharper, former City Councilman of the city of Baton Rouge.

6 **[MR. BYRON SHARPER LEADS IN THE PLEDGE]**

7 **CHAIRMAN BOISSIERE:** Thank you. Secretary.

8 **SECRETARY FREY:** Good morning, Commissioners. Kathryn's going to  
9 announce the docket and I think we're going to move Item 18 up to the beginning.  
10 I know the Cleco folks have to travel as well and we're going to try and get that  
11 one handled.

12 **MS. KATHRYN BOWMAN:** Seventeen.

13 **SECRETARY FREY:** Seventeen, sorry, seventeen. We talked about the weather.  
14 And I know it's hot in here, so as I've already taken off my jacket, it's cranked  
15 down all the way, but we'll just have to make due.

16 **MS. MELISSA FREY:** Yeah, I did have the one announcement, sorry. I know  
17 we're time crunched, but I just wanted to, for those who have not heard, I will be  
18 transitioning to the Administrative Hearings Division and will be an ALJ for the  
19 Commission starting on April 12<sup>th</sup>, and I wanted to take the opportunity to thank  
20 the Commissioners and my Staff, all the attorneys that have worked for me, and  
21 management for just the wonderful experience that I've had in the Legal Division,  
22 and all of the lessons I've got to learn, and I will miss the relationships and

1 fellowship that I get to have, but I am excited to move on and serve the Commission  
2 in a new capacity. So thank you.

3 **CHAIRMAN BOISSIERE:** Yes.

4 **COMMISSIONER MIKE FRANCIS:** Chairman.

5 **CHAIRMAN BOISSIERE:** Commissioner Francis.

6 **COMMISSIONER FRANCIS:** Is my mic on?

7 **CHAIRMAN BOISSIERE:** Yes, sir.

8 **COMMISSIONER FRANCIS:** First off, congratulations, Melissa.

9 **MS. FREY:** Thank you.

10 **COMMISSIONER FRANCIS:** Enjoyed working with you the last five years. I  
11 know you're going to do a great job as a judge, I think you're well trained for the  
12 job. And also during the last few weeks, I've had a lot of help from Tammy Burl  
13 in Transportation. Thank you, Tammy, for helping the customers in my area. And  
14 then also had some legal help from Colby over there, so thank you, Colby. A lot  
15 of times the Staff doesn't get appreciated like they really -- so I'm glad to say thank  
16 you. Okay.

17 **SECRETARY FREY:** I won't comment on the legal help from Colby. I'm  
18 joking.

19 **CHAIRMAN BOISSIERE:** Any other announcements?

20 **MS. BOWMAN:** Just one more announcement, reminder that April's B&E is in  
21 Many, Louisiana on Wednesday, April the 27<sup>th</sup> up at Cypress Cove, so just reminder  
22 of that. And then for agenda items, as Brandon mentioned, we are moving Exhibit

1 Number 17 up, and then under Exhibit Number 16, the update from Charter  
2 Communications has been pulled from the agenda.

3 **CHAIRMAN BOISSIERE:** Just before we get started, I just wanted to mention  
4 one other thing to kind of set the tone of the meeting. Did everybody see the  
5 Oscars? Well, if anything we do up here offends you, please, especially if it's me,  
6 don't come up here and smack one of us. Try and hold it until after, but otherwise,  
7 let's get rolling, guys.

8 **MS. BOWMAN:** All right. So we're going to start with Exhibit Number 17, which  
9 is Docket Number U-35807. This is Cleco Power's application for recovery in rates  
10 of certain storm damage costs incurred as a result of a Hurricanes Laura, Delta, and  
11 Zeta and Winter Storms Uri and Viola, related securitization and financing and  
12 establishment of a storm reserve. This is a discussion and possible vote on an  
13 uncontested proposed stipulated settlement, pursuant to Rule 57, at the request of  
14 Vice Chairman Francis, so this will need two votes. On December 4, 2020, Cleco  
15 filed a Phase I application with the Commission requesting interim storm relief.  
16 The Commission granted that relief in Commission Order Number U-35807, dated  
17 May 21, 2020. On August 5, 2021, Cleco Power filed its Phase II application and  
18 on September 28, 2021, Cleco filed its Supplemental Phase II application,  
19 pertaining to costs that the company expended for the restoration of electrical  
20 service following Hurricane Ida. Subsequent to the filing of Cleco Power's  
21 applications, the Commission Staff and the intervenors conducted discovery and  
22 had extensive discussions and negotiations regarding the company's applications.  
23 On March 24, 2022, the parties filed into the record an uncontested proposed

1 stipulated settlement, pursuant to Rule 6 of the Commission's Rules of Practice and  
2 Procedure, and all parties have executed the settlement to indicate either their  
3 agreement with, or their non-opposition to the settlement. As there are no  
4 unresolved issues, Staff recommends that: 1) The Commission exercise its original  
5 and primary jurisdiction under Rule 57 to consider the stipulation; 2) That the  
6 Commission accept the uncontested proposed stipulated settlement filed into the  
7 record on March 24, 2022, and issue a Revenue Requirement Order and a Financing  
8 Order consistent with the terms of the settlement; and 3) That any orders issued in  
9 this proceeding be effective immediately.

10 **CHAIRMAN BOISSIERE:** First of all, we're going to need a Rule 57.

11 **COMMISSIONER CRAIG GREENE:** [INAUDIBLE].

12 **CHAIRMAN BOISSIERE:** Moved by Commissioner Greene.

13 **COMMISSIONER FRANCIS:** Second.

14 **CHAIRMAN BOISSIERE:** Seconded by Commissioner Francis. And before we  
15 call the vote -- or should we call the vote prior to discussion?

16 **SECRETARY FREY:** Let's call the vote on 57 first, and then we'll move it to  
17 next.

18 **CHAIRMAN BOISSIERE:** Okay. Any opposition on 57? [NONE HEARD]  
19 Hearing none, the item moves. And now we need a motion to --

20 **COMMISSIONER ERIC SKRMETTA:** Move to accept Staff recommendation.

21 **COMMISSIONER GREENE:** Second.

1 **CHAIRMAN BOISSIERE:** Motion by Commissioner Skrmetta, second by  
2 Commissioner Greene. And now discussion. May I get the people representing  
3 Cleco to come up, please?

4 **SECRETARY FREY:** Robert, make sure the -- that other mic is on. I think you  
5 just hit the button. There you go.

6 **MR. ROBERT CLEGHORN:** Thank you. Good morning, Commissioners.

7 **CHAIRMAN BOISSIERE:** Foster.

8 **COMMISSIONER CAMPBELL:** Yeah.

9 **CHAIRMAN BOISSIERE:** It's on you.

10 **COMMISSIONER CAMPBELL:** Mr. Shirley --

11 **CHAIRMAN BOISSIERE:** Is your mic on? Go ahead.

12 **COMMISSIONER CAMPBELL:** The other day -- is the where you came up and  
13 we talked about this the other day?

14 **MR. JOHN SHIRLEY:** Yes, sir.

15 **COMMISSIONER CAMPBELL:** I thought there was a 59 cent -- I thought it  
16 was going to go up 59 cents; is that -- that's wrong? It says 3.55 here; is that  
17 correct?

18 **MR. SHIRLEY:** Commissioner, as a result of the interim rates that we have in  
19 place, the ultimate impact is going to be 59 cents going forward.

20 **MS. BOWMAN:** Mr. Shirley, can you introduce yourself for the record, please.

21 **MR. SHIRLEY:** John Shirley, Phelps Dunbar representing Cleco.

22 **COMMISSIONER CAMPBELL:** As a result of your interim rates? They were  
23 increased from the old rates?

1 **MR. SHIRLEY:** Yes, sir.

2 **COMMISSIONER CAMPBELL:** So when you take those into account, it's only  
3 59 cents?

4 **MR. SHIRLEY:** That is correct.

5 **COMMISSIONER CAMPBELL:** But it is -- would that be a total 3.55 then?

6 **MR. SHIRLEY:** Yes, sir.

7 **COMMISSIONER CAMPBELL:** So that's what you're talking about.

8 **MR. SHIRLEY:** Right.

9 **COMMISSIONER CAMPBELL:** So it's really 3.55, it's not .59.

10 **MR. SHIRLEY:** Well, yes, sir, that's correct, but the impact that the customers  
11 will see after today will be a 59 cent increase.

12 **COMMISSIONER CAMPBELL:** I got two things to say. Y'all got the highest  
13 rates in the state.

14 **MR. SHIRLEY:** Yes, sir.

15 **COMMISSIONER CAMPBELL:** That's not good, it's up to 12.6. I sent  
16 everybody up here, Brandon included, all the talk about we got the cheapest rates  
17 in the United States, that's not true. That is not true, y'all quit saying that. Entergy,  
18 quit saying that. Wherever you are, Mark, that's not true. You don't have the  
19 cheapest rates in the United States, there are a bunch of folks ahead of you, so let's  
20 get all that out in the open. We don't have the cheapest utility rates in the United  
21 States, that's not true. You want to keep saying it, you can't document it. Okay.  
22 The next thing is this. I'm going to congratulate your company. You know what  
23 they're doing a little bit different? I want everybody to hear this. They didn't

1 increase their president's salary, they're not taking a dividend. I appreciate that.  
2 Although they're owned by people rather than investor owned, but they did not take  
3 a salary increase for their president and they didn't take -- or they didn't give the  
4 stockholders a dividend. I appreciate that. We're having troubled times, y'all know  
5 it, and that says something for your company. I'm voting for this for one reason,  
6 because of that, but again, we're right back to the same thing, maybe we're going  
7 to get an answer to it. Ratepayers take it all right here. And I got to thinking about  
8 it more and more, they were talking about, well, stockholders are worried about  
9 dividends, ratepayers are worried about rates, two different things. Ninety-nine  
10 percent of the ratepayers don't have one share of stock. That's all. But I appreciate  
11 what y'all are doing. I think your company is prudent and I'm going to vote for  
12 this.

13 **MR. SHIRLEY:** Thank you, Commissioner.

14 **CHAIRMAN BOISSIERE:** Anyone else? Commissioner Francis.

15 **COMMISSIONER FRANCIS:** I'd like to talk to Cleco a minute. Part of our  
16 problem with our high rates right now at Cleco is at Dolet Hills; is that right?

17 **MR. CLEGHORN:** That's correct, Commissioner.

18 **COMMISSIONER FRANCIS:** How long has Dolet Hills been in operation, like  
19 30 years?

20 **MR. CLEGHORN:** Very close, yes, sir.

21 **COMMISSIONER FRANCIS:** If we would go back to the ratepayers of Cleco  
22 over 30 years, in the beginning, was that not one of the best investments we had  
23 ever made here in Louisiana with the low rates?

1 **MR. CLEGHORN:** It was, indeed.

2 **COMMISSIONER FRANCIS:** And now we've hit a brick wall and we're  
3 dealing with it, but Dolet is going away, isn't it?

4 **MR. CLEGHORN:** Yes, sir.

5 **COMMISSIONER FRANCIS:** And is it Cleco's intentions to get those rates  
6 back down where they should be because of the benefits of straightening that out?  
7 Okay.

8 **MR. CLEGHORN:** [INAUDIBLE].

9 **COMMISSIONER FRANCIS:** I think sometimes the public needs to understand  
10 that we do have these high rates now and we don't like it, and I agree with  
11 Commissioner Campbell 100 percent. But that if we look back on the average,  
12 Cleco did a fair job, and you're going to do better, I see that coming. So thank you  
13 for what you're going to do to get these rates back down. And I do see here, 59  
14 cents, that's not bad and it looks like we're going to be -- go in on the other side,  
15 go back to benefit the customers, so keep the work -- keep working hard on it.  
16 Thank you.

17 **MS. BOWMAN:** And Mr. Cleghorn, just for the record, could you identify  
18 yourself, please?

19 **MR. CLEGHORN:** I apologize, yes. I'm Robert Cleghorn, vice president of  
20 regulatory strategy at Cleco Power.

21 **SECRETARY FREY:** And Commissioner Francis, on your point, just to fill y'all  
22 in on something, I know we sent out a copy of the legislation on monitoring. One  
23 piece of legislation is supported by the utilities and we're in favor of as well, and

1 that's to expand securitization to include Dolet, and it's my appreciation, if Cleco  
2 and SWEPSCO securitize, I guess the unrecovered costs, it'll actually result in rate  
3 decreases as opposed to rate increases. So that's moving through, and it passed the  
4 Senate earlier this -- maybe yesterday, so it's going to move over to the House and  
5 should sail through there as well.

6 **CHAIRMAN BOISSIERE:** Mr. Shirley, if you don't mind, because of this  
7 securitization, tell us again the amount of the securitization and as well the  
8 reduction in consumer bills at the end of this period.

9 **MR. SHIRLEY:** Well, I'm going -- I don't mind, but I'm going to let Mr.  
10 Cleghorn talk the specifics of that.

11 **CHAIRMAN BOISSIERE:** Yes.

12 **MR. CLEGHORN:** The total amount within a million or two, I mean, is 427  
13 million. And then as far as the impact, other than the 59 cents is at --

14 **CHAIRMAN BOISSIERE:** So in some ways it'll have a net decrease on  
15 consumer bills?

16 **MR. CLEGHORN:** Especially relative to the alternative of having financed it  
17 some other way, yes, sir.

18 **CHAIRMAN BOISSIERE:** Okay. All right. Well, thank you. Anyone else?  
19 Thank you, gentlemen.

20 **MR. SHIRLEY:** Thank you.

21 **MS. BOWMAN:** Okay. So we have a motion on --

22 **CHAIRMAN BOISSIERE:** That's right. We have a motion and a second. Any  
23 opposition? [NONE HEARD] Hearing none, so ordered. Next item, please.

1 **MS. BOWMAN:** Move back to the front of the agenda with Exhibit Number 2,  
2 which is Docket Number R-36226. This is the Commission's evaluation of  
3 Louisiana's electric grid regarding status, maintenance, and whether there is more  
4 that could have been done and can be done to benefit Louisiana customers. This is  
5 a discussion and possible vote to hire an engineering consultant and this was Exhibit  
6 6 on last month's agenda. We received one qualifying bid from Critical  
7 Technologies Consulting for \$249,710 in fees and 8,000 in expenses for a total  
8 budget not to exceed of \$257,710 and as the sole bidder is qualified, Staff does not  
9 make a recommendation.

10 **COMMISSIONER CAMPBELL:** We just have one bidder?

11 **CHAIRMAN BOISSIERE:** I think so, I think we just have one on this one.  
12 Commissioner Skrmetta.

13 **COMMISSIONER SKRMETTA:** Thank you, Mr. Chairman. I'd like to --  
14 before we begin on Exhibits 2, 3, 4, and 5, I want to speak in opposition to these  
15 four items. And I speak in opposition to these unnecessary hirings and ratepayer  
16 expense of Exhibits 2, 3, 4, and 5, specifically Dockets R-36226, engineers and  
17 counsel, and R-36227, engineers and counsel. First and foremost, the specifics of  
18 these dockets are overly broad and over-reaching. The dockets create a fishing  
19 license and one with no direction, nor limit. These dockets create -- clearly create  
20 a path of unending ratepayer funding for unnecessary consultants. Now, I was  
21 visited by a bidder in this matter who told me that one element of their plan was to  
22 assist the Commission by helping to bid for the soon to be available federal  
23 Department of Energy infrastructure money, some \$5 billion. They went on to tell

1 me that they would bid on behalf of the state. When I asked what agency that would  
2 be, they replied the Department of Natural Resources. And I think it's clear to all  
3 of us that, Number 1, if any of the money was awarded to the Department of Natural  
4 Resources, it would probably have difficulty finding its way to assist the ratepayers  
5 of this state. And Number 2, that the Department of Natural Resources is not the  
6 appropriate group for bid to bid for funding, much less that the ratepayers of this  
7 state should be paying for DNR's work to be done. Then the bidder told me that  
8 they would also look to bid on behalf of the LPSC. Now, that is another incorrect  
9 agency, as the LPSC has no ability to receive such federal funding nor pick who  
10 would get the funds, even if we did receive any award. No, the correct group to bid  
11 on any of these federal dollars is a coalition of Louisiana utilities, if there's to be  
12 any bid at all. But the bid -- I'm sorry, the bidder further demonstrated a lack of  
13 knowledge on the issue in that the US Department of Energy has already  
14 predetermined some 72 programs that will most likely receive most of these funds,  
15 even though there will be some chance of some funds making it out of Washington  
16 and into some of the various states. But what does this have to do with the  
17 evaluation of Louisiana's electric grid? What -- with what more could be done to  
18 improve it, and so forth. My answer is, not a thing. There is a clear lack of goals  
19 set forth under these dockets for consultants who have no clear understanding of  
20 the intricacies of the industry. The consultants aren't even hired and they are  
21 wandering. It is in the best interest of all electric utilities to accomplish the goals  
22 set forth in these dockets, however broad, without spending additional ratepayer  
23 money. The approval of these dockets would be a severe waste of ratepayer money.

1 It is not in the best interest of the ratepayers to have these consultants randomly  
2 browse through broad directives of the docket as their attention lacks focus and  
3 specific goals. And while there is a lack of understanding of set goals, there is no  
4 lack of understanding of the purse. There's an old saying, it is difficult to get a man  
5 to understand something when his salary depends on him not understanding it, and  
6 that is the situation we have here, unclear goals that will only breed unclear results.  
7 I can hear the results now without even spending a penny of ratepayer money. The  
8 future report probably will go something like this: The grid is in good shape but  
9 should require some improvement. General maintenance should be increased to  
10 improve overall performance and efficiency, and let's throw in better vegetation  
11 control for good measure. And of course there will be a report that the newest  
12 infrastructure is up to standards for resilience and hardening, but improvement can  
13 be made through upgrades to older elements of the system, and although significant  
14 cost to the ratepayer will be incurred for such action. What's important to recognize  
15 is that the Commission already has open dockets encompassing each element of  
16 these broad directives. It's already being done. We don't have to be duplicative.  
17 There are times that we need to spend ratepayer's money and this is not one of  
18 them. We should not approve these four exhibits and they should be canceled.  
19 Thank you.

20 **CHAIRMAN BOISSIERE:** Wait, wait, hold on a second here. Let me let Foster  
21 Campbell, should be next. Commissioner Campbell.

22 **COMMISSIONER CAMPBELL:** Listen, I -- we're all in the same business here,  
23 basically. We're the judge and you're coming up here and we have to grade your

1 papers. I don't want to be rude, I know that shocks you. I don't want to be rude to  
2 anybody, but I don't believe everything companies tell me and I don't think we  
3 should. That's not our job. They're all nice people and they come up to see us and  
4 all that, and I got some good friends in the business, but I can't believe everything  
5 they say. So that's why I think it's important that we look at this because we need  
6 to make them prove to us, grading their papers, that everything's up to snuff. And  
7 for them to just say we got a hardening system, that's good, but I do think we need  
8 to take a deep look at them and make sure that everything's correct because we're  
9 the one have to -- we represent the people and we all know about this discussion,  
10 the people pay for the damages. So I feel comfortable in doing this because I think  
11 there's some questions that have to be answered and I like the companies, but you  
12 are the companies, and we are the judges, and I think you ought to have to prove -  
13 - we ought to ask you to prove what you say when you say everything's up to snuff.  
14 If it is, you got nothing to worry about, but if it isn't, probably ought to get it fixed,  
15 so I'm going to vote for this.

16 **COMMISSIONER FRANCIS:** Commissioner.

17 **CHAIRMAN BOISSIERE:** Commissioner Francis.

18 **COMMISSIONER FRANCIS:** I'm in support of this idea --

19 **MS. LAUREN EVANS:** Your mic.

20 **CHAIRMAN BOISSIERE:** Oh, I'm sorry, I thought I had you there.

21 **COMMISSIONER FRANCIS:** I'm in support of this idea to hire this consultant,  
22 but I still am very sympathetic to Commissioner Skrmetta's point and his ideas, and  
23 I would just -- I would just caution those that we're going to spend these taxpayer

1 money, these ratepayer money with to give us an answer to make sure that they  
2 cover all the bases that Commissioner Skrmetta is bringing up here.

3 **CHAIRMAN BOISSIERE:** Anything else, Commissioner Francis? Okay. All  
4 right. Commissioner Greene.

5 **COMMISSIONER GREENE:** All right. Can we dim the lights up here? So I'd  
6 like to share my perspective on this, and I appreciate everyone else's perspective,  
7 but I want to let you know where I come from and how I see it, and I think this is  
8 why I'm here and this is why we're here. Next slide. So I have several dockets  
9 open right now and I appreciate all the hard work of the Commission. One is pole  
10 viability, that's to enhance the collaboration and communication among utilities so  
11 that work is more efficient and cost effective for the customers' benefit. And if you  
12 drive around, you see the poles that are leaning, crooked, or snapped, I'm sure the  
13 utilities want to get those fixed, too, it's a manpower and cost issue, but I want to  
14 make that pathway towards better apparent. The second is O&M. I understand that  
15 the presence of O&M procedures of our utilities and determine if and how O&M  
16 can be improved to ensure the customers are getting the most of what they pay in  
17 rates for utilities to operate and maintain their grid. You know, there's price and  
18 value and people don't mind paying a high price if they get a good value, and right  
19 now, we are paying a high price. If you look at the IOUs and what their dividends  
20 pay, we pay a high price, and we just want to ensure that we're getting what we pay  
21 for. And last is resiliency, to create a statewide, unified resiliency plan to ensure  
22 that we have the most effectively hardened grid and utilize any possible external  
23 funding to offset the cost of resiliency projects customers would otherwise have to

1 pay for. You know, this is our -- Louisiana's resiliency plan right now. Someone  
2 asked for it. It's empty. We don't have one for the state of Louisiana, and I really  
3 am passionate that we need one. Next slide. So how do these overlap? Well,  
4 naturally, there is some overlap and the point is to parse larger issues out for  
5 efficiency and clarity. Everything we do has some overlap so it's a poor excuse for  
6 not doing something, so we need pole owners and attachers to communicate and  
7 collaborate better, utilities to maintain their grids so it can better withstand  
8 enviro&ment, and we need a statewide resiliency plan so that we can hopefully  
9 access some desperately needed funding to offset customer rate increases. So why?  
10 Look at -- so you see these types of poles, next, and we have several examples of  
11 them throughout, and we understand this is an iterative process and that's why I'm  
12 bringing forth this conversation today so that we can have experts tell us. I mean,  
13 do we really need a maritime lawyer, a doctor, a wall street/constable, insurance  
14 guy, and a trucker determining which poles need to be fixed and which ones need  
15 to be underground? Let's hire some experts that can do this relatively cheaply.  
16 Next, next, next. So we start to look at the metrics and we took a deep dive into the  
17 SAIDI and SAIFI. As you know, SAIDI is the average time or duration and SAIFI  
18 is the frequency. Next. So this was in 2013, and if you look at the national  
19 averages, 111, this is like golf, the lower the score, the better. So Florida, you  
20 know, we could say hurricanes. Well, they have hurricanes, too. Their scores are  
21 consistently lower. Ours are going from -- they go only up, so we go up to 156,  
22 we're still -- and then in 2015 to 199, Florida's' staying about the same. We stay  
23 190, '16; '17, 196. Look at '18, jump up to 214. I think '19 is the highest, 223.

1 Next, 217. So we lead the country. And go back one. That is without major events  
2 like hurricanes, so that's just -- we're not doing a good job on a regular day. Next.  
3 This is all of that combined, and if you look at the average, the SAIDI without major  
4 events from 2013, look at the blue lines of Louisiana over the US average, and to  
5 me, that's not good enough. I want us to do better. Next. This is the SAIFI, same  
6 general concept, there's a big spread between the two trends. Next. If you throw  
7 them in and combine with the events, the weather events, you don't want to be on  
8 the far right or top right of this graph, that's the bad place to be because that's the  
9 number and the frequency, and we're leading the country in how not to do this.  
10 Next. So what is the definition of insanity? It's doing the same thing over and over  
11 again and expecting different results. We have a storm this afternoon and probably  
12 didn't know about it until earlier this week. God knows how many hurricanes we're  
13 going to have this year. Are we just going to keep doing the same thing? We don't  
14 have an engineer on Staff at our Commission. Our Commission does a phenomenal  
15 job, but we're overloaded, and we don't have quite the expertise to answer this  
16 specific question. So if we don't hire engineers, I don't think anything changes.  
17 Why do we need a resiliency plan? Well, hurricanes aren't an if, but a when and  
18 we don't have a long-term plan for this. We can't keep expecting customers to pay  
19 billions of dollars in storm damage and we won't even check the work of the utility  
20 or build a plan that could possibly mitigate the higher costs. So we do know this,  
21 that if you plan, it's better. Failing to plan is planning to fail. And so if Florida  
22 took this up in 2005 and the work they did, they improved their scores and they  
23 saved money. They went from five and a half days after a Cat 3 to two and a half

1 days after a Cat 4. That would be a huge victory for us, and I think it would be so  
2 for the utilities as well. They also estimate that they saved 496 million in storm  
3 damage costs because of having a plan. Next slide. So look at this if you total up  
4 the SAIDI scores, it's embarrassing how far off we are, and this is more of an  
5 imperative that we have to do -- we have to act now. Next. So what is the scope  
6 of work that's needed? Well, on Exhibit 2, it's O&M. Tell us why we're last every  
7 year and how yearly operations and maintenance can be enhanced so we're  
8 improving and no longer have to be last and that are the utilities spending the money  
9 -- tell us why it's not working, how they should do better, and or do they need to  
10 more. And on resiliency, we need to create a state-wide resiliency plan that  
11 includes any proposals that will make our power grid more resilient and help us get  
12 any applicable funding for the execution of that plan. The question asked is if we  
13 had all the money in the world, what could we do to strengthen our and harden our  
14 grid? So this is where we end up is that Louisiana is last in the country in grid  
15 reliability and 47<sup>th</sup> if you take out storms. We do not have a comprehensive  
16 resiliency plan moving forward. Customers are having to pay four and a half billion  
17 to put back a grid that got knocked out of commission by four hurricanes and a  
18 winter storm. There are billions of dollars available specifically to be used to  
19 enhance resiliency. Any dollar Louisiana can receive of these specific funds is a  
20 dollar a utility customer does not have to pay. So -- and I asked the utilities to  
21 engage with us on this. This -- my dad had a saying that there's no limit to the  
22 amount a person -- amount of good that a person can do if they don't care who gets  
23 the credit. I don't care who gets the credit on this, but if we can all pitch in to help,

1 I think we can do better than we're doing. So I'm going to use this to motion for  
2 Exhibit 2 to accept the bid of CTC for their work, their engineering work.

3 **COMMISSIONER FRANCIS:** I'll second that.

4 **CHAIRMAN BOISSIERE:** Thank you, Commissioner Greene. Moved by  
5 Commissioner Greene, second by Commissioner Francis. Any opposition?  
6 [NONE HEARD] No opposition, item is approved.

7 **MS. BOWMAN:** Exhibit Number 3 is Docket Number R-36226, it is the same  
8 docket as Exhibit Number 2, but this is a discussion and possible vote to hire outside  
9 counsel. We received three qualifying bids. The first is from David Williams of  
10 \$125,375 in fees and 2,900 in expenses for a total budget not to exceed of \$128,275.  
11 The second is from Patrick Miller for \$157,995 in fees and \$7,980 in expenses for  
12 a total budget not to exceed of \$165,975. And the third is Stone Pigman of 173,000  
13 in fees and 3,000 in expenses for a total budget not to exceed of \$176,000. Staff  
14 makes no recommendation as all three bidders are qualified.

15 **COMMISSIONER SKRMETTA:** Mr. Chairman.

16 **CHAIRMAN BOISSIERE:** Commissioner Skrmetta.

17 **COMMISSIONER SKRMETTA:** I'd like to just have my previous comments  
18 under Exhibit 2 restated for the purpose of Exhibit 3, and I would also like to move  
19 to accept the low bid of David Williams of 125,375.

20 **COMMISSIONER GREENE:** Mr. Chairman, I have a substitute motion.

21 **CHAIRMAN BOISSIERE:** Well, let me reiterate Commissioner Skrmetta would  
22 like his comments from the previous item to be applied to this one as well, and he  
23 has motioned for the low bid.

1 **COMMISSIONER GREENE:** Mr. Chairman, I have a substitute motion.

2 **CHAIRMAN BOISSIERE:** There's no second.

3 **SECRETARY FREY:** Yeah, if we have a second.

4 **CHAIRMAN BOISSIERE:** So unfortunately, that one has died. Commissioner  
5 Greene.

6 **COMMISSIONER GREENE:** I motion to accept the bid of Stone Pigman.

7 **CHAIRMAN BOISSIERE:** Commissioner Greene moves to accept Stone  
8 Pigman.

9 **COMMISSIONER FRANCIS:** Second.

10 **CHAIRMAN BOISSIERE:** Second by Commissioner Francis.

11 **COMMISSIONER SKRMETTA:** I'd like to offer a substitute motion for the bid  
12 of Patrick Miller for 157,995. It's simply unconscionable to accept -- simply to  
13 accept the high bid in matters when we should be accepting the low bid, but I would  
14 go for a compromise of the middle bid if that's what's necessary. But we're in the  
15 -- we've had long discussions about us working to save ratepayer money and now  
16 we're working towards going with high bids again. And this is -- should be  
17 something that we should be taking very, very seriously on not accepting high bids.  
18 Otherwise, we are not encouraging people to bid properly.

19 **CHAIRMAN BOISSIERE:** No second for that one as well. I'll reiterate another  
20 bid by Commissioner Skrmetta for Pat Patrick. I heard no second, so that substitute  
21 motion has failed. Back to the motion with the second for Stone Pigman. Any  
22 opposition?

23 **COMMISSIONER SKRMETTA:** Yes.

1 **CHAIRMAN BOISSIERE:** Roll call. Commissioner Skrmetta.

2 **COMMISSIONER SKRMETTA:** No.

3 **CHAIRMAN BOISSIERE:** Commissioner Greene.

4 **COMMISSIONER GREENE:** Yes.

5 **CHAIRMAN BOISSIERE:** Commissioner Campbell.

6 **COMMISSIONER CAMPBELL:** Yes.

7 **CHAIRMAN BOISSIERE:** Commissioner Francis.

8 **COMMISSIONER FRANCIS:** Yes.

9 **CHAIRMAN BOISSIERE:** And Chair votes yes. Next item. One other thing,

10 I'd like to -- just because we don't necessarily follow Robert's Rules, I want to

11 make sure that -- just want to make sure, clarity, and we can discuss it after the

12 meeting that a Commissioner can make multiple motions on the same item. We

13 can discuss that later. Just --

14 **SECRETARY FREY:** I think so.

15 **CHAIRMAN BOISSIERE:** It's fine. I think so but --

16 **SECRETARY FREY:** Yeah, I think so, too.

17 **CHAIRMAN BOISSIERE:** But you know, for years we've discussed --

18 **SECRETARY FREY:** Colby's our expert on that one for sure.

19 **CHAIRMAN BOISSIERE:** Colby's the expert. All right. Great. We've

20 discussed the rules for years and I'm only asking because I'm vague on that, not

21 because it's right or wrong. I have no idea. I just want clarity, and we can discuss

22 it after the meeting and -- so we can know what to follow from now on. Thank you.

23 Next item, please.

1 **MS. BOWMAN:** Next item is Exhibit Number 4, which is Docket Number R-  
2 36227. This is the Commission's assessment of Louisiana's current electric utility  
3 infrastructure for resilience and hardening for future storm events. It's a discussion  
4 and possible vote to hire a engineering consultant. This was Exhibit 8 last month.  
5 We received two qualifying bids. The first was Critical Technologies Consulting  
6 for \$278,925 in fees and 12,000 in expenses for a total budget not to exceed of  
7 \$290,925. And the second was from CSRS, which was for \$1,275,000 in fees and  
8 zero dollars in expenses for a total budget not to exceed of \$1,275,000. And Staff  
9 makes no recommendation as both bidders are qualified.

10 **COMMISSIONER SKRMETTA:** Mr. Chairman.

11 **COMMISSIONER CAMPBELL:** I got a motion.

12 **CHAIRMAN BOISSIERE:** Hold on. All right. We have a comment by  
13 Commissioner Campbell.

14 **COMMISSIONER CAMPBELL:** You read it out?

15 **CHAIRMAN BOISSIERE:** Yes.

16 **SECRETARY FREY:** What's that?

17 **CHAIRMAN BOISSIERE:** Yes.

18 **COMMISSIONER CAMPBELL:** Did you read my motion?

19 **SECRETARY FREY:** Your motion is to accept the low bid?

20 **COMMISSIONER CAMPBELL:** No. My -- no -- was that the motion? No, my  
21 motion --

22 **SECRETARY FREY:** There's no motion.

23 **COMMISSIONER SKRMETTA:** There is no motion.

1 **SECRETARY FREY:** There is no --

2 **COMMISSIONER CAMPBELL:** Okay. Here's what I want to say.

3 **SECRETARY FREY:** Okay.

4 **COMMISSIONER CAMPBELL:** There's a great discrepancy between 1.3  
5 million and 278,000. I don't --- I talked to both folks, and I personally think that  
6 everybody doesn't understand the bid. That's what I think. And what I would like  
7 to do, I would like to put this off for a month and rebid it. And the Staff come up  
8 with exactly what you want. You understand, Brandon? To the point of do we  
9 want this, we want this, we want this, we want this. Then everybody would get a  
10 chance to vote specifically on what's there. That's what I want to do. That's what  
11 -- I would like to make a motion that we put this off a month and rebid it and open  
12 it up to anybody else who wants to bid it, not just these two guys. Put it back out  
13 with the specific information necessary to know exactly what they're bidding on.  
14 That's what I'd like.

15 **CHAIRMAN BOISSIERE:** Once again, a rule check. Do we need to vote to  
16 rebid it or postpone it, or is that something we can do administratively?

17 **SECRETARY FREY:** Since -- if it was just to defer it, I think we could just do it  
18 without a vote, but if it's to direct us to take further action, we probably do need a  
19 vote on that.

20 **CHAIRMAN BOISSIERE:** Okay. So the motion is by Commissioner Campbell.  
21 Second by Commissioner Greene. Before we go to vote, I'd like to give the mic to  
22 Commissioner Skrmetta.

1 **COMMISSIONER SKRMETTA:** Okay. Thank you, Mr. Chairman. Well, first  
2 off, I just wanted to reiterate my comments under Exhibit 2 to be included for  
3 Exhibit 4. The second thing is, you know, I've worked -- and I think I said this  
4 some years ago. My family was very, very prominent in the Louisiana seafood  
5 business for over a century and one of my early jobs was shoveling out the shrimp  
6 trucks that the ice ran out and it would sit out in the hundred degree heat and all the  
7 shrimp would go rotten. And the old Cajun guys I used to work with down in the  
8 bayou used to tell me that that was fais en dais. And fais en dais is an interesting  
9 term because what they used to do in the old days, they would nail -- they'd nail a  
10 chicken to the wall and when it would rot certain enough that it would fall off the  
11 wall and that's when they knew it had hung well enough to cook, but it had that  
12 certain stink about. And that -- they used to call that fais en dais. And there's a  
13 certain element of fais en dais about this because the same people who bid the seven  
14 figure element came to me and said that they thought they'd like to change their bid  
15 to \$2,000 less than the low bid. And I said, well, you know, that's interesting and  
16 they didn't say anything else. But it seems to me that the attorney general's already  
17 got rulings on how you can't do that. So this is just like a little fais en dais moment  
18 to set it up to where we can get into a playing favorites element and to help  
19 somebody get what they need to do because, I don't know, maybe we're going to  
20 do something down the road to help some people. But I can tell you this, that we  
21 shouldn't vote to rebid this. We should vote on the low bid, and we should get this  
22 done. Otherwise, there should be a bull's eye on this particular issue down the road  
23 forever about how it's got a certain stink on it and how the Commission should

1 have to own every element of what goes right and what goes wrong with this. So I  
2 am going to oppose this, and I am going to make sure we have broad discussions  
3 about this for as long as it lives. So I -- that's my statement.

4 **CHAIRMAN BOISSIERE:** Commissioner Francis.

5 **COMMISSIONER FRANCIS:** Mr. Chairman, I think Commissioner Campbell  
6 ought to have a horse or a dog story that would match Commissioner Skrmetta's  
7 story. How about it, Commissioner?

8 **COMMISSIONER CAMPBELL:** I don't know anything about shrimp. I know  
9 they're too expensive to eat. That's all I know.

10 **CHAIRMAN BOISSIERE:** All right. Well, thank you, so --

11 **COMMISSIONER SKRMETTA:** So I'm going to make a motion -- a substitute  
12 motion to accept the low bid in this matter.

13 **COMMISSIONER CAMPBELL:** I object.

14 **CHAIRMAN BOISSIERE:** That's okay. So far no seconds. So once again, the  
15 item fails. Thank you, everyone, for the great discussions and debate. All good.  
16 So we have a motion right now by Commissioner Campbell, and if I'm not  
17 mistaken, it's for a month delay and possible rebid, and we have a second by  
18 Commissioner Greene.

19 **COMMISSIONER SKRMETTA:** Opposed.

20 **CHAIRMAN BOISSIERE:** Any -- Commissioner Skrmetta has opposed.

21 **COMMISSIONER CAMPBELL:** Let me say something.

22 **CHAIRMAN BOISSIERE:** Commissioner Campbell.

1    **COMMISSIONER CAMPBELL:** Make sure that every -- I mean, this is  
2    advertised to the, you know, for everybody. We're not trying to do anything for  
3    anybody. I don't know either one of them. First time I met them. This time -- I  
4    met this gentleman this morning, and I met the other people the other day. I don't  
5    know them. But there's a big discrepancy there between a million and \$300,000.  
6    That's a million bucks. Something's out of kilter. But anyway, bid it out, but be  
7    specific on what y'all want and what you think we need. We need a complete --  
8    like Mr. Greene's slide said, we need a complete investigation of what these  
9    companies are doing and what could they do to improve. I know the companies  
10   say they don't need anything. But that's -- I'm glad to hear it. But if the statistics  
11   are proven true that what Mr. Greene put up there, it looks like something's out of  
12   whack. We're last and Florida's doing a lot better job. I don't know why they're  
13   doing a lot better job but we ought to know that because we are in the bull's eye for  
14   future storms. We all know that. Louisiana's right there in the bull's eye. We're  
15   going to have more storms. We're going to have more damage, and we're going to  
16   ask more people to pick up the charges. So if we can lessen that with some real  
17   serious study and we need to do that. It's our job to do that.

18   **COMMISSIONER FRANCIS:** Chairman.

19   **CHAIRMAN BOISSIERE:** Commissioner Francis.

20   **COMMISSIONER FRANCIS:** Kathryn, are we going to rewrite the request on  
21   this bid? Are we going to ask the contractors for the same --

1 **MS. BOWMAN:** I can go back and look at the RFP and make sure that it's very  
2 clear, and if it's not clear -- or make sure that each of the components is laid out  
3 and then I will reissue it.

4 **COMMISSIONER FRANCIS:** Okay. Should we -- is that going to run before  
5 all the Commissioners to see what the language is on the rebid or are we going to  
6 leave that up to you to take care of that or what?

7 **MS. BOWMAN:** That's up to you. If you'd like to review it before I send it out,  
8 we can.

9 **COMMISSIONER FRANCIS:** Yeah. I think since this is going up like this --  
10 understanding the complexity of this, I think it's -- in the real world, when business  
11 runs into this, they just -- let's stop, we're going to relook, we want to redo this and  
12 make it a little better. And I think that's what we're going to do for these  
13 contractors. Okay. So I would suggest each Commissioner gets a look at exactly  
14 what these folks are bidding on, so.

15 **MS. BOWMAN:** The only caveat I would put for that is I can get that to you guys  
16 probably by the end of this week but we would need to issue it fairly quickly in  
17 order to have it on the April B&E because there's a 20 day -- in our rules, there's a  
18 requirement that the RFP be issued and have 20 days for the bidders to respond.

19 **COMMISSIONER FRANCIS:** Would it be better for everyone we do two  
20 months delay instead of one? What you think? You have a recommendation? Give  
21 this thing two months, make sure we get it on the ball.

22 **MS. BOWMAN:** We can --

1 **CHAIRMAN BOISSIERE:** Let me chime in on that, that special question there.  
2 As soon as possible would be better unless you're unable to meet the legal  
3 requirements. At that point, we will consider two months. But if you can get this  
4 out by next month, I think it would -- it would be better to get it in, get it advertised,  
5 bid, and back to us ASAP.

6 **COMMISSIONER FRANCIS:** Okay.

7 **CHAIRMAN BOISSIERE:** Because it's [INAUDIBLE] but if you're unable to,  
8 let's not make any mistakes on it and get it done in the proper manner.

9 **MS. BOWMAN:** So our general order has a timeframe of 20 days. If the  
10 Commission dictates that the responses be at a less time even -- even it was just,  
11 say, 15 days. Again, this has already been put out for bid, so while the scope will  
12 change, I don't think it's going to be a complete overhaul, you know, so if the  
13 Commission is comfortable having the bids due within 15 days of issuance, that  
14 should give us enough time to put it back on the April B&E.

15 **CHAIRMAN BOISSIERE:** My answer to that is I have no appetite for changing,  
16 making any changes to the current rules. As they stand -- as they are the practices  
17 of the Commission under normal circumstances, I wish that they would remain, but  
18 do your best and I'll leave it there and give us a follow-up, as long as we meet the  
19 rules as they are currently.

20 **MS. BOWMAN:** We can do that.

21 **CHAIRMAN BOISSIERE:** Okay. That's what I'd like to see.

22 **COMMISSIONER CAMPBELL:** And make sure -- these bids are not just for  
23 one company.

1 **MS. BOWMAN:** Correct.

2 **COMMISSIONER CAMPBELL:** All the companies.

3 **MS. BOWMAN:** Correct.

4 **COMMISSIONER CAMPBELL:** Because we want to look at -- we don't want  
5 to just pick on Entergy or Cleco or SWEPCO, everybody's doing business down  
6 here, we ought to look at all of them. If we're going to find out it can help, that's  
7 what we want to do. And that's a thorough investigation.

8 **CHAIRMAN BOISSIERE:** All right. Well, there were a lot things said. I think  
9 all of my Commissioners got a chance to speak. I have a few comments myself.  
10 Number 1, as far as the spirit of this, I think it's a great idea. As Commissioners,  
11 as regulators, as public servants, we owe a duty to our ratepayers to get as much  
12 information as possible to give them the best service from these utility companies.  
13 They maybe private -- they may be businesses but they are regulated businesses,  
14 and that is the relationship that we have with the utility companies. And I think it's  
15 also part of the relationship and the contract with the citizenry and the ratepayers,  
16 that we're up here serving them. I think we can do so, all of these things with the  
17 cooperation of the companies, whether they like it or not I think we should all  
18 cooperate to get the best results. I think it serves us all -- all our best interests to  
19 consider these contracts and bids and the spirit of this rule. Now, I did hear a  
20 Commissioner make some comments about favoritism and that struck a nerve with  
21 me. So I want to comment about that. I haven't met with any of them. I don't  
22 know anyone from another, not one. I think this -- the spirit of the intent of this is  
23 the right idea. And I think it will be done, as you heard me say, according to the

1 rules, as they exist. Everything, as I am Chair, that I can oversee will be done in  
2 the light of day and in public forum, before all of you here today and cameras there  
3 and all public information should be available. I just want to remove the clouds,  
4 the clouds that this Commission has had for the last several months. And it's not  
5 one of us, but it may be several of us up here that have been in these debates and  
6 discussions about favoritism as well conflicts of interest. So I see a lot of finger-  
7 pointing around here but every time you point one, there's a couple pointing back  
8 at you. And I think everybody who wags their finger in the face of favoritism, in  
9 the face of conflicts of interests, we've had those discussions. And that -- one of  
10 the reasons I pushed to run for Chair because I wanted to make a difference this  
11 year on those issues if none else. It doesn't make me better than anybody else, but  
12 I want to let you know that this process will be done, as far as I can tell, and I will  
13 be working with Staff as closely as possible that we don't have those clouds, that  
14 business in Louisiana at the Commission will be clean and open, fair, and for the  
15 right reasons and for the people of Louisiana. Now, my little soap box but all I'm  
16 saying is this issue will be handled as clean as possible and I'll be working with  
17 Staff to make sure it's done that way to where everybody's comfort level,  
18 everybody, all five of us, all of you out there, our legal Staff and our administration.  
19 Just wanted to put that out there. Now, I think -- do we need to continue to vote on  
20 this or have we have completed it?

21 **COMMISSIONER SKRMETTA:** I just would like to make one little comment,  
22 Mr. Chairman, if it's possible.

23 **CHAIRMAN BOISSIERE:** Commissioner Skrmetta.

1     **COMMISSIONER SKRMETTA:** I just, you know, and I've heard the logic  
2     behind the rebid and everything else, but I would like to make one comment which  
3     is, you know, and I heard Commissioner Campbell and his reasoning behind this,  
4     but my comment is just very simple and then I'm done, which is: How smart can  
5     a consultant be if he doesn't understand what he's bidding on and bids one of the  
6     highest bids that we've ever had? And that's it. I mean, and then he gets the  
7     opportunity to come back and bid it again after he's already seen what the other  
8     low bid is. So you may see it one way, but you're basically telling a guy that we're  
9     going to hire to do work for the Commission that we want somebody who's smart  
10    that gets the job done but they don't even understand what they're doing in the bid.  
11    So I just find that to be difficult to deal with. So anyway, thank you very much.

12    **CHAIRMAN BOISSIERE:** Thank you. Well, once again, and not to really  
13    specifically answer that but as -- we get to judge the -- who we decide to pick, that  
14    is our job as Commissioners. There's five of us. If anybody gets a majority of the  
15    five, they get hired. And they will be all scrutinized. Everyone will be considered  
16    qualified who comes before us, and the best decision -- we'll make the best decision  
17    available. And that, you have my word on. So with that said, I think we're ready  
18    to move on to the next item. Are we completed or do we need a vote or?

19    **MS. BOWMAN:** There was a motion, a second, but then there was opposition by  
20    Commissioner Skrmetta. So we need a vote, yes.

21    **CHAIRMAN BOISSIERE:** Okay. So we need to vote. I wasn't sure if we had  
22    done the vote. Everybody ready for roll call? All right. Commissioner Skrmetta.

23    **COMMISSIONER SKRMETTA:** No.

1 **CHAIRMAN BOISSIERE:** Commissioner Greene.

2 **COMMISSIONER GREENE:** Yes.

3 **CHAIRMAN BOISSIERE:** Commissioner Campbell.

4 **COMMISSIONER CAMPBELL:** Yes.

5 **CHAIRMAN BOISSIERE:** Commissioner Francis.

6 **COMMISSIONER FRANCIS:** Yes.

7 **CHAIRMAN BOISSIERE:** Chair votes yes. Item passes. Next one, please.

8 **MS. BOWMAN:** Exhibit Number 5 is the same docket. It's Docket Number R-

9 36227. It's the Commission's assessment of Louisiana's current electric utility

10 infrastructure for resilience and hardening for future storm events. It's a discussion

11 and possible vote to hire outside counsel and this was Exhibit 7 last month. We

12 received three qualifying bids. The first was David Williams of 118,000 in fees

13 and 1,900 in expenses, for a total budget not to exceed of \$119,900. The second

14 was Stone Pigman of 129,000 in fees and 2,500 in expenses for a total budget not

15 to exceed of \$131,500. And the third was Patrick Miller of 168,995 in fees and

16 \$8,950 in expenses for a total budget not to exceed of \$177,945. And Staff makes

17 no recommendation as all bidders are qualified.

18 **COMMISSIONER SKRMETTA:** Mr. Chairman.

19 **CHAIRMAN BOISSIERE:** Commissioner Skrmetta.

20 **COMMISSIONER SKRMETTA:** I'd like to reiterate my previous comments

21 under Exhibit 2 to be included in Exhibit 5, and I'd like to make a wishful bid for

22 the low bid of David Williams of \$118,000.

1 **CHAIRMAN BOISSIERE:** Same as previous, Commissioner Skrmetta would  
2 like his comments from the earlier item to be also applied to this one as well, and  
3 he's made a motion for low bid.

4 **COMMISSIONER CAMPBELL:** I'll second.

5 **CHAIRMAN BOISSIERE:** Second by Commissioner Campbell.

6 **COMMISSIONER CAMPBELL:** Yes.

7 **CHAIRMAN BOISSIERE:** Any opposition?

8 **COMMISSIONER GREENE:** I oppose.

9 **CHAIRMAN BOISSIERE:** All right. Do we have a substitute motion?

10 **COMMISSIONER GREENE:** I make a substitute motion to accept bid of Stone  
11 Pigman [INAUDIBLE].

12 **COMMISSIONER FRANCIS:** I'll second that.

13 **CHAIRMAN BOISSIERE:** Oh, man. It's teed up now. It's -- what's it called,  
14 40 love now? What is it?

15 **COMMISSIONER GREENE:** Love all.

16 **CHAIRMAN BOISSIERE:** Love all now. Okay. All right. Gotcha. All right.  
17 So we have a substitute motion by Commissioner Greene for the bid of Stone  
18 Pigman. Second by Commissioner Francis. And so we hear the substitute first.

19 **SECRETARY FREY:** Right. Any opposition on that --

20 **CHAIRMAN BOISSIERE:** So let me ask. Any opposition?

21 **COMMISSIONER SKRMETTA:** Yes.

22 **CHAIRMAN BOISSIERE:** Okay. Roll call. Commissioner -- okay.  
23 Commissioner Francis this time. Let's go that way.

1 **COMMISSIONER FRANCIS:** What are we voting --

2 **CHAIRMAN BOISSIERE:** We're voting on Stone Pigman.

3 **SECRETARY FREY:** The substitute motion.

4 **CHAIRMAN BOISSIERE:** Your motion -- your substitute motion that you

5 seconded.

6 **COMMISSIONER FRANCIS:** [INAUDIBLE] vote yes for that.

7 **CHAIRMAN BOISSIERE:** All right. Let's go yes for that one. Good deal. I

8 started at a different end. I didn't mean to catch you off guard there. Commissioner

9 Campbell, we're voting for Stone Pigman.

10 **COMMISSIONER CAMPBELL:** No.

11 **CHAIRMAN BOISSIERE:** Commissioner Campbell votes no. Commissioner

12 Greene.

13 **COMMISSIONER GREENE:** Yes.

14 **CHAIRMAN BOISSIERE:** Commissioner Greene votes yes. And

15 Commissioner Skrmetta.

16 **COMMISSIONER SKRMETTA:** No.

17 **CHAIRMAN BOISSIERE:** Commissioner Skrmetta votes no, and the Chair

18 votes -- what are we on? Thank you. Okay. I'm going to vote no, and I'm going

19 to go with the motion --

20 **SECRETARY FREY:** Go back to the --

21 **CHAIRMAN BOISSIERE:** Now, we're going to go back to the first motion --

22 **SECRETARY FREY:** The original motion. Correct.

1 **CHAIRMAN BOISSIERE:** -- which was Commissioner Skrmetta moved and  
2 seconded by Commissioner Campbell. Do we have any opposition? [NONE  
3 HEARD] No opposition. Who's the low bid? Commissioner --

4 **MS. BOWMAN:** David Williams.

5 **CHAIRMAN BOISSIERE:** Congratulations, David Williams. Next item, please.

6 **MS. BOWMAN:** Exhibit Number 6 is Docket Number R-36263. This is the  
7 Commission's consideration of whether the Commission should adopt minimum  
8 physical capacity threshold requirements for load serving entities. It's a discussion  
9 and possible vote to retain an outside consultant. We received one qualifying bid.  
10 The bid was from United Professionals Company of 83,500 in fees and 1,500 in  
11 expenses for a total budget not to exceed of \$85,000. Staff makes no formal  
12 recommendation as the sole bidder is qualified.

13 **CHAIRMAN BOISSIERE:** We're on Number 6. Anyone has a motion on the -  
14 -

15 **COMMISSIONER FRANCIS:** I make a motion we accept the bid from UPC.

16 **COMMISSIONER SKRMETTA:** Second.

17 **CHAIRMAN BOISSIERE:** Okay. Thank you. I thought the Chair was going to  
18 have to second that one. Okay. Moved by Commissioner Francis, second by  
19 Commissioner Skrmetta. Any opposition? [NONE HEARD] Hearing none, so  
20 ordered. Next item, please.

21 **MS. BOWMAN:** Exhibit Number 7 is Docket Number S-36166. It's Connect  
22 Holden, Lumen Technology, CenturyLink of Louisiana, CenturyTel of South  
23 Arkansas doing business as CenturyLink and CenturyTel Broadband Services. It's

1 a joint application for approval of transfer of ownership and control, associated  
2 financing, and pledge of security. It's a discussion and possible vote on Staff's  
3 report and recommendation. And Staff recommends that the Commission grant the  
4 company's request and issue an order expressing the Commission's non-opposition  
5 to the proposed transaction, subject to the conditions contained in Staff's report and  
6 recommendation filed into the record on March 14, 2022.

7 **COMMISSIONER SKRMETTA:** Move to accept Staff recommendation.

8 **CHAIRMAN BOISSIERE:** Moved by Commissioner Skrmetta, second my  
9 Commissioner Campbell. Any opposition? [NONE HEARD] No opposition, so  
10 ordered. Next item.

11 **MS. BOWMAN:** Exhibit Number 8 is Docket Number U-34796. It's South  
12 Alexander Development I's petition for renewal of capacity reservations on an  
13 expedited basis. This is a discussion and possible vote on a unopposed joint motion  
14 for consideration of proposed stipulation by the Commission pursuant to Rule 57,  
15 so this will require two votes. And Staff recommends that: 1) The Commission  
16 exercise its original and primary jurisdiction and consider this matter pursuant to  
17 Rule 57; and 2) That the Commission adopt the uncontested stipulated settlement  
18 resolving all issues in this matter as filed into the record on March 11, 2022.

19 **CHAIRMAN BOISSIERE:** Okay. Do we have a motion, gentlemen?

20 **COMMISSIONER SKRMETTA:** Move to bring the matter up under Rule 57.

21 **CHAIRMAN BOISSIERE:** Moved by Commissioner Skrmetta and second by  
22 Commissioner Francis for Rule 57. Any opposition? [NONE HEARD].

23 **COMMISSIONER SKRMETTA:** Move to approve Staff recommendation.

1 **COMMISSIONER FRANCIS:** Second.

2 **CHAIRMAN BOISSIERE:** Moved to approve by Commissioner Skrmetta,  
3 seconded by Commissioner Francis. No opposition or any opposition? [NONE  
4 HEARD] No opposition. Item is approved.

5 **MS. BOWMAN:** Exhibit Number 9 is Docket Number U-35807. This is Cleco's  
6 application for recovery and rates of certain storm damage costs incurred as a result  
7 of Hurricanes Laura, Delta, and Zeta and Winter Storms Uri and Viola, related  
8 securitization financing, and establishment of a storm reserve. It's a discussion and  
9 possible vote on a budget increase for United Professionals Company due to a scope  
10 expansion. And based upon Staff's request of an additional budget from UPC to  
11 complete the additional scope of work, UPC provided a proposed budget of 49,000  
12 in fees and zero in expenses for a total additional budget of \$49,000. And Staff  
13 recommends that the Commission approve UPC for the additional budget of 49,000  
14 in fees, zero in expenses, and a total budget not to exceed of \$49,000.

15 **CHAIRMAN BOISSIERE:** All right. I got a motion by Commissioner Francis  
16 and a second by Commissioner Skrmetta for the approval. Any opposition?  
17 [NONE HEARD] Hearing none, so ordered. Next item, please.

18 **MS. BOWMAN:** Exhibit Number 10 is Docket Number U-35916. It's Entergy  
19 Louisiana's application for authorization to implement a Green Pricing Option,  
20 Rider GPO, and Rider LVGPO and related relief. It's a discussion and possible  
21 vote on a uncontested stipulated settlement. And as there are no unresolved issues,  
22 Staff recommends that the Commission approve the uncontested stipulated  
23 settlement filed into the record on February 24, 2022.

1 **CHAIRMAN BOISSIERE:** Any motion?

2 **COMMISSIONER FRANCIS:** Motion.

3 **COMMISSIONER GREENE:** I have a comment.

4 **CHAIRMAN BOISSIERE:** Okay. Well, let's start -- let me see. I got a motion  
5 by Commissioner Francis.

6 **COMMISSIONER SKRMETTA:** Second.

7 **CHAIRMAN BOISSIERE:** Second by Commissioner Skrmetta. Comments by  
8 Commissioner Greene.

9 **COMMISSIONER GREENE:** Two years ago, we opened a rule making to study  
10 the -- provide the best practices for green tariffs that are filed by utilities, green  
11 tariffs that would ensure the industrial and commercial energy customers in this  
12 state, those businesses that make up the backbone of our state's economy, have  
13 access to attractive cost effective renewable energy and the associated pricing and  
14 credits. Today this Commission still doesn't have the best practices to work with.  
15 Rather, we're being asked to vote on another REC premium pricing program that,  
16 as evidenced by the docket testimony, does not really check the boxes of what large  
17 industrial and commercial customers are asking for in Louisiana. In a state with so  
18 much commercial industrial load as well as capable utilities, we should be able to  
19 create green tariff programs that excite customers to take part in and add capacity  
20 and utility needs. This Commission should have options in front of it that enhances  
21 business opportunities in the state and creatively arouse interest in renewable  
22 development. This state should be leveraging all investment available to bring cost  
23 effective renewable electricity onto the grid. What's in front of us is not that. What

1 in front of us is taking already -- taking recommendations that have already been  
2 paid for by customers and then selling those again to customers that want something  
3 more, but I guess we'll have to sign off on this for this time. I'm not going to vote  
4 no to this, but I want the expectation to be clear to the utilities in this room and even  
5 to Staff. If more of these filings are going to be brought, I want to see them in  
6 coordination with the green tariff docket that this Commission opened or after this  
7 Commission finishes that docket and has come up with best practices for green  
8 tariffs. I struggle with the idea of being able to vote for a green tariff filing in the  
9 future until we've completed our green tariff docket. And I ask everybody to join  
10 us in figuring out what that best practices can look like for the future of green tariffs.  
11 Thank you.

12 **COMMISSIONER CAMPBELL:** No pun intended, Mr. Greene.

13 **COMMISSIONER GREENE:** Thank you. I was hoping you would pick that up.

14 **CHAIRMAN BOISSIERE:** All right. Do we -- we have to ask for any opposition.  
15 We already have the motion and second. [NONE HEARD] Hearing none so  
16 ordered. Number 11.

17 **MS. BOWMAN:** Exhibit Number 11 is Docket Number U-35927. This is 1803  
18 Electric Cooperative's application for approval of power purchase agreements and  
19 for cost recovery. It's a discussion and possible vote on a budget increase for J.  
20 Kennedy and Associates due to scope expansion. And based on Staff solicitation  
21 of an additional budget for the scope expansion, J. Kennedy proposes to complete  
22 all work required for 140,000 in fees and 8,000 in expenses for a total budget not  
23 to exceed of \$148,000. And Staff recommends that the Commission retain J.

1 Kennedy for 140,000 in fees and 8,000 in expenses for a total budget not to exceed  
2 of \$148,000.

3 **COMMISSIONER SKRMETTA:** Mr. Chairman, I have some questions on this  
4 particular issue.

5 **CHAIRMAN BOISSIERE:** All right. Well, let's just go to the comments.  
6 Commissioner Skrmetta.

7 **COMMISSIONER SKRMETTA:** Question Number 1, is anybody here from J.  
8 Kennedy?

9 **MS. BOWMAN:** They are not. They had a conflict today.

10 **COMMISSIONER SKRMETTA:** Well, then somebody from Staff is going to  
11 have to do this, which is, you know, was it not contemplated in the original bid that  
12 we would arrive at this point?

13 **MS. BOWMAN:** It was not contemplated that there would be monitoring for the  
14 construction of whatever was certified. It was --

15 **COMMISSIONER SKRMETTA:** Then why is this not a new bid for someone  
16 else to monitor the construction of whatever's going to happen versus a handoff to  
17 the original bidder? Why aren't we having competitive bid on this particular point?

18 **MS. BOWMAN:** Under our general order related to RFPs, if we -- if Staff is of  
19 the opinion that it's related substantively, legally, or factually with what a prior  
20 consultant has already assisted us with, we can go forward with that. And being  
21 that this is contempla- -- wasn't contemplated, but being that J. Kennedy helped  
22 with both the RFP process and then the certification of 1803's actual proposals, it

1 made sense that they have the institutional knowledge for the monitoring  
2 [INAUDIBLE].

3 **COMMISSIONER SKRMETTA:** But isn't that effectively a self-licking  
4 lollipop? I mean, it's someone who makes the bid, gets in at whatever they've  
5 gotten in on a lower bid, that if it's effectively done, that they're going to get a  
6 noncompetitive bid on the next layer because of not -- knowing that they're not  
7 going to have an opposing bid in the next layer of the thing but -- because I don't  
8 think it's unrealistic to say this is a logical next step in this process, isn't it? I mean,  
9 I hate to be asking you this because really, this is something we should be asking  
10 the consultants. Have a safe drive, Foster.

11 **COMMISSIONER CAMPBELL:** I'm going to try to beat the storm.

12 **COMMISSIONER SKRMETTA:** Yeah. Too late. So anyway.

13 **MS. BOWMAN:** Yeah, absolutely.

14 **COMMISSIONER SKRMETTA:** So for me, this looks like an opportunity for  
15 a consultant to underbid and then to get what he wants in the next -- or they want  
16 in the next layer simply because they know that no one will be there. And for me,  
17 the way I see this is, this should be a flat out next level competitive bid moment  
18 and not just a handoff, you know, tell me how much you need and then you can  
19 have the next job moment. So for this, I'm opposed to an expansion in scope when  
20 it's obvious that it's a logical next step. It wasn't anything because there's been no  
21 opposition to it, there's been no lit -- litigious nature to it, to where their expenses  
22 have gone up or any of this. This is a logical next step that was known to be coming  
23 and yet, we're at a point where there's no competitive element to giving them this

1 money. So for me, that becomes a problem in the who, what, when, where, how  
2 and why issue. So I'm going to be opposing this in the sense that in this particular  
3 sort of flow chart, this should be a competitive bid element.

4 **COMMISSIONER FRANCIS:** So Kathryn --

5 **CHAIRMAN BOISSIERE:** Let me get Staff to give a comment. Do you have a  
6 comment on that or do you want to clarify anything Commissioner said?

7 **MS. BOWMAN:** So, I mean, Commissioner makes valid points. The Commission  
8 could always direct Staff to issue an RFP on this should the Commission feel, you  
9 know, majority of the Commission feel the same way as Commission Skrmetta did.  
10 I can certainly, in future RFPs for certifications, keep this in mind, Commissioner  
11 Skrmetta, and make the scope broad enough to contemplate monitoring. I made a  
12 note to do that, so.

13 **COMMISSIONER FRANCIS:** Well, Kathryn, using the KISS method, you  
14 know, if we -- don't we have a choice to vote it up or down and if we vote it down,  
15 you'll have to go rebid it; is that right?

16 **MS. BOWMAN:** Yes, sir.

17 **COMMISSIONER FRANCIS:** Okay. So let's see what the votes are then.

18 **MS. BOWMAN:** So we don't have a motion or a second, we just have opposition  
19 by Commissioner Skrmetta.

20 **COMMISSIONER FRANCIS:** I'll make a motion that well, we have to make a  
21 motion to -- that we vote on this or --

22 **MS. BOWMAN:** Or if there's no motion, it fails for a motion and --

23 **CHAIRMAN BOISSIERE:** Hold on.

1 **COMMISSIONER FRANCIS:** Okay. So it'd be --

2 **CHAIRMAN BOISSIERE:** Commissioner Francis, yes, sir.

3 **COMMISSIONER FRANCIS:** Go ahead.

4 **CHAIRMAN BOISSIERE:** If you'd like to vote on this, you can move to vote  
5 on this if you like. If you choose to --

6 **COMMISSIONER FRANCIS:** Okay. That's good. I make a motion that we  
7 vote on it and see how all the Commissioners feel about whether we accept this or  
8 not.

9 **CHAIRMAN BOISSIERE:** Okay. So we have a motion by Commissioner  
10 Francis to approve. If I'm not mistaken, well, we have a discussion and possible  
11 vote so are you voting to hire Kennedy?

12 **COMMISSIONER FRANCIS:** Yes, I'm voting to hire Kennedy.

13 **CHAIRMAN BOISSIERE:** Okay.

14 **COMMISSIONER GREENE:** I second that.

15 **CHAIRMAN BOISSIERE:** And there's a second. So any opposition?

16 **COMMISSIONER SKRMETTA:** Yes.

17 **CHAIRMAN BOISSIERE:** Okay. Let's have roll call. Commissioner Skrmetta.

18 **COMMISSIONER SKRMETTA:** No.

19 **CHAIRMAN BOISSIERE:** Commissioner Greene.

20 **COMMISSIONER GREENE:** Yes.

21 **CHAIRMAN BOISSIERE:** Commissioner Francis.

22 **COMMISSIONER FRANCIS:** Yes.

1 **CHAIRMAN BOISSIERE:** And I'll -- Chair votes yes. But we can still can have  
2 further discussions about this, as we should. I did read your memo on this one so  
3 we should discuss this in further proceedings and rethink it if we can. All right.  
4 Next.

5 **MS. BOWMAN:** Exhibit Number 12 is Docket Number U-36082. This is  
6 Jefferson Davis Electric Cooperative's request for emergency rate relief related to  
7 2020 hurricanes. It's a discussion and possible vote on an uncontested stipulated  
8 settlement. Following discovery on JDEC's application and accompanying  
9 testimony, JDEC and Commission Staff reached an agreement, and executed an  
10 uncontested stipulated settlement, which was filed into the record on February 10<sup>th</sup>  
11 of 2020. The major terms of the settlement are as follows: JDEC is authorized to  
12 implement an increase of 8.17 mills as an Emergency Rate Relief, which is  
13 estimated to generate incremental revenues of \$1,867,684; and that JDEC shall  
14 direct at least 2 mills of this Emergency Rate Relief towards making good faith  
15 interest payments to the National Rural Utilities Cooperative Finance Corporation  
16 on its emergency short-term line of credit balances that are outstanding. And as  
17 there are no unresolved issues, Staff recommends that the Commission approve the  
18 uncontested stipulated settlement filed into the record on February 10<sup>th</sup> of 2022.

19 **COMMISSIONER SKRMETTA:** Question for the Staff.

20 **MS. BOWMAN:** Yes, sir.

21 **COMMISSIONER SKRMETTA:** Mr. Chairman.

22 **CHAIRMAN BOISSIERE:** Commissioner Skrmetta.

1 **COMMISSIONER SKRMETTA:** So this necessary revenue that the company  
2 is seeking, is it associated with the hurricanes?

3 **MS. BOWMAN:** Yes.

4 **COMMISSIONER SKRMETTA:** Okay. So are they going to receive FEMA  
5 money to offset this necessary funding eventually?

6 **MS. BOWMAN:** I'm going to point to Staff attorney, Justin Bello, who worked  
7 on that docket.

8 **COMMISSIONER SKRMETTA:** Justin Bello.

9 **MS. BOWMAN:** For more specifics.

10 **COMMISSIONER SKRMETTA:** Come on down.

11 **MR. BELLO:** Yes, Commissioner, yeah, Justin Bello on behalf of Commission  
12 Staff. They have received FEMA money to date, but my understanding is it hasn't  
13 been sufficient to cover the damages. And I don't have that exact number with me.

14 **COMMISSIONER SKRMETTA:** So I think my question is, will they receive  
15 more FEMA money to do this and will this increase be subject to credit and refund  
16 to the ratepayers as they receive more FEMA money?

17 **MR. BELLO:** I believe they will receive additional FEMA money. I'm not sure  
18 of the credit.

19 **COMMISSIONER SKRMETTA:** Believe or will?

20 **MR. BELLO:** I would have -- I'd have to kick to the company. I know they  
21 addressed that they were going to receive additional money.

22 **COMMISSIONER SKRMETTA:** Well, we can talk to Mr. Barta. That's all I  
23 need to say.

1 **MR. BELLO:** Okay.

2 **COMMISSIONER SKRMETTA:** Come on, Bill. You're the guy.

3 **MR. WILLIAM BARTA:** That's a scary thought.

4 **COMMISSIONER SKRMETTA:** Yeah, I know, right.

5 **MR. BARTA:** Good morning, Commissioner.

6 **COMMISSIONER SKRMETTA:** Good morning. Your name?

7 **MS. BOWMAN:** Bill, introduce yourself for the record.

8 **COMMISSIONER SKRMETTA:** You need to fill the card.

9 **MS. BOWMAN:** And press the little mic, press the little button.

10 **COMMISSIONER SKRMETTA:** Press the little button on the mic.

11 **MR. BARTA:** Got you.

12 **COMMISSIONER SKRMETTA:** Yay.

13 **MR. BARTA:** This is William Barta on behalf of Commission Staff.

14 **COMMISSIONER SKRMETTA:** So I just want to -- understanding that are we

15 just giving a rate increase, are they going to get money back, is it subject to credit

16 refund back to the ratepayers, it's that paradigm that I'm looking at.

17 **MR. BARTA:** Okay. Just for a little bit of background, y'all approved an interim

18 emergency rate increase, I think back in August of last year and that was the full 10

19 mills that they requested as the rate increase. Then you retained our firm to help

20 Staff take a look at that application and we worked with the company and I believe

21 it's -- the increase should 8.17 mills, so they'll get -- the members of the co-op will

22 get a refund between that delta there between 10 mills and 8.17 mills. According

23 to the company, the damages were about 500, and I think, 80 million dollars that

1 they sustained from landfall of 2020 hurricanes. FEMA as, I think y'all all know,  
2 is kind of slow to open up their purse strings sometimes and through November of  
3 last year, they collected \$33.5 million of FEMA funds to offset that hurricane  
4 damage. They had to look at the CFC, their primary lender for short term credit  
5 and they've really gone into the short term credit, I think, about \$170 million that  
6 CFC has advanced them to offset this. It's a low interest rate but the interest rates  
7 are piling up. They, you know, as you know, co-ops don't have an opportunity to  
8 hit the equity markets. They don't have, you know, they can't raise a billion dollars  
9 like Entergy to offset storm damages, so they're kind of at the mercy of the CFC.  
10 Going forward, when they get the FEMA funds, those are going to reduce the debt  
11 from the CFC, so I can't tell you that there's going to be --

12 **COMMISSIONER SKRMETTA:** I just think -- I just think there was a simple  
13 question and I'm not getting a carved in credit answer which is if they get the money  
14 back from FEMA, is it defined that it -- any money coming back and any residual,  
15 is it subject to credit and refund back to the ratepayers?

16 **MR. BARTA:** No, it's not.

17 **COMMISSIONER SKRMETTA:** Okay.

18 **MR. BARTA:** And I'm sorry, if I --

19 **COMMISSIONER SKRMETTA:** And so my question is, why is it not subject  
20 to refund to the ratepayers if they get the money back and they become, you know,  
21 whole on FEMA money?

22 **MR. BARTA:** Well -- well, he's up here.

23 **COMMISSIONER SKRMETTA:** Well --

1 **MR. BARTA:** So, if --

2 **COMMISSIONER SKRMETTA:** Yeah, but you work for us.

3 **MR. BARTA:** I do.

4 **COMMISSIONER SKRMETTA:** Okay.

5 **MR. BARTA:** So when they get -- when they -- FEMA reimburses them for the

6 storm damages, if I understand your question, it's not going to be, you know, we

7 get \$75 million back from FEMA on this advance so we're going to just lower our

8 rates by \$70 million. It's not going to work like that. They have to retire, you

9 know, what they've borrowed from the CFC.

10 **COMMISSIONER SKRMETTA:** Right. So FEMA's only going to go to the

11 CFC? It doesn't go to the fact that they're coming to the Commission to ask for

12 more money to be allowed to be taken in rate increases. That can't be -- that rate

13 can't be reduced when they get their money back and everything gets paid off?

14 **MR. BARTA:** Yes, it can.

15 **COMMISSIONER SKRMETTA:** Well, that's --

16 **MR. BARTA:** But that's down the road, Commissioner, as part of the settlement.

17 **COMMISSIONER SKRMETTA:** It's not an automatic?

18 **MR. BARTA:** No.

19 **COMMISSIONER SKRMETTA:** And why not?

20 **MR. BARTA:** I believe it's in the best interest of the members and the cooperative

21 and the Commission to take another evaluation of this based upon a more normal

22 test year to determine whether rates are adequate or we can eliminate, you know,

23 this 8.17 million emergency --

1 **COMMISSIONER SKRMETTA:** All right. Well, I'm not going to beleaguer  
2 the point, but I will tell you downstream that all of these issues, when money comes  
3 back from the federal government and stabilizes the co-ops or an IOU, that all of  
4 this revenue that comes in should all be subject to refund back to the ratepayers  
5 without having to come back and do a tremendous amount of analysis. There  
6 should be enough equation driven elements to be able to have that be automatically  
7 determined. So that answers my question, but thank you.

8 **MR. BARTA:** Okay.

9 **CHAIRMAN BOISSIERE:** Let me -- just to follow up a little bit and once again,  
10 I think it's a valuable question, but I'm also watching the clock for the weather, so  
11 I want to get through it quickly. This is a co-op and so I know the question was  
12 and does it get refunded, I think, or does it go back to the ratepayers but what we  
13 do know is it doesn't go to the shareholders and it doesn't come out taken as profit;  
14 is that correct?

15 **MR. BARTA:** That's correct.

16 **CHAIRMAN BOISSIERE:** So it does go into the equity of the company in some  
17 respect or at least a retired debt since the company is owned by its ratepayers. So  
18 it does generally go back to the value of the company and therefore, the value of  
19 the ratepayer's ownership.

20 **MR. BARTA:** You're right, Commissioner. It will be used to reduce the debt they  
21 have incurred to pay for the storm restoration efforts.

22 **CHAIRMAN BOISSIERE:** Right. But -- and again, to further Commissioner  
23 Skrmetta's questioning, if he allows me to take it to a next line of -- or maybe a

1 subtly different view point of the same question. Should there be sufficient enough  
2 to offset rates, that would also at least be considered going forward?

3 **MR. BARTA:** Sure. Mr. Heinen wants to take that one.

4 **CHAIRMAN BOISSIERE:** Sure. Of course, of course. And once again, I'm just  
5 trying to give it a little more viewpoint.

6 **MR. MIKE HEINEN:** Mike Heinen, general manager for Jeff Davis Electric Co-  
7 Op. According to FEMA rules, when you get paid back, you have to borrow the  
8 money first.

9 **CHAIRMAN BOISSIERE:** Uh-huh.

10 **MR. HEINEN:** You don't just get paid by FEMA so we have interest fees that  
11 have to be paid back to the CFC. Those interest payments are not subject to FEMA  
12 reimbursement and so when you have millions -- hundreds of millions of dollars  
13 and loans, those interest payments are considerable. Not only do we have this rate  
14 increase for that, to pay that interest, we also -- it's not like an ice storm when you  
15 turn it back on, everybody comes back on. We lost load, we lost a certain  
16 percentage of the load that has not come back but operation and maintenance  
17 remain the same so you have expenses -- normal every day expenses that you can't  
18 meet. That was part of this rate increase as well. That's why when we get FEMA  
19 funds, it's not just to repay the FEMA funds. This rate increase just to repay interest  
20 is to actually operate and maintain the company. So that's why it's not automatic  
21 when we get FEMA funds back that the ratepayers get reimbursed. This has  
22 nothing to do with that. This is normal operations of the company.

1 **CHAIRMAN BOISSIERE:** Thank you for your answer. Commissioner  
2 Skrmetta, any further questions, Commissioner Greene? Thank you very much.  
3 Thanks for clearing that up, very much so.

4 **COMMISSIONER SKRMETTA:** Bill, give me a call when you get a chance.

5 **MR. BARTA:** Yes, sir.

6 **MS. BOWMAN:** And Mike, will you fill out a yellow card, please?

7 **MR. HEINEN:** Yes, ma'am.

8 **MS. BOWMAN:** And you can do it at your seat and come back, that's fine.

9 **MR. HEINEN:** Thank you.

10 **CHAIRMAN BOISSIERE:** Okay. Do -- we need a vote?

11 **MS. BOWMAN:** We need a motion and a second, yes, sir.

12 **CHAIRMAN BOISSIERE:** Okay. Do we have a motion?

13 **COMMISSIONER GREENE:** Motion.

14 **CHAIRMAN BOISSIERE:** Do we have quorum?

15 **MS. BOWMAN:** We do have a quorum.

16 **CHAIRMAN BOISSIERE:** Do we have a motion? All right. Do we have a  
17 second? Move -- moved by Commissioner -- wait, hold on. Can we pass this until  
18 Commissioner Francis gets back in the room?

19 **COMMISSIONER SKRMETTA:** I'll go ahead and second.

20 **CHAIRMAN BOISSIERE:** Okay. Thank you.

21 **COMMISSIONER SKRMETTA:** You can second it too, Chairman.

22 **CHAIRMAN BOISSIERE:** Well, I -- you know, I can count to three.

23 **COMMISSIONER SKRMETTA:** [INAUDIBLE]

1 **CHAIRMAN BOISSIERE:** I'm just trying to count to three up here and -- and I  
2 couldn't get to two so I needed you to do that one. So we have a motion by  
3 Commissioner Greene, a second a by Commissioner Skrmetta. Any opposition?  
4 [NONE HEARD] Hearing none, so ordered. The item is passed. Next one, please.  
5 **MS. BOWMAN:** Exhibit Number 13 is Docket Number U-36259. This is  
6 SWEPCO's application for certification of a solar power purchase agreement with  
7 Rocking R Solar and it's discussion and possible vote to retain United Professionals  
8 Company. Based on Staff's solicitation, UPC proposes to complete all work  
9 required for \$42,000 in fees and zero in expenses, for a total budget not to exceed  
10 of \$42,000. Staff recommends that the Commission retain UPC.  
11 **CHAIRMAN BOISSIERE:** Okay.  
12 **COMMISSIONER GREENE:** Motion to accept  
13 **CHAIRMAN BOISSIERE:** Well, do we have any discussion?  
14 **COMMISSIONER SKRMETTA:** Second.  
15 **CHAIRMAN BOISSIERE:** So we have a motion to accept from Commissioner  
16 Greene, a second from Commissioner Skrmetta, any opposition? [NONE HEARD]  
17 Hearing none, so ordered. Next item, please.  
18 **MS. BOWMAN:** Exhibit Number 14 is a docket to be determined. It's Entergy  
19 Services' potential request for proposals for renewable resources. It's a discussion  
20 and possible vote to retain outside consultants. We received three qualifying bids  
21 and the first was J. Kennedy and Associates for 75,000 in fees and 1,000 in expenses  
22 for a total budget not to exceed of \$76,000. The second was from London  
23 Economics of 97,200 in fees and \$4,445 in expenses for \$101,645. And a third is

1 United Professionals Company of 118,000 in fees and 2,000 in expenses for a total  
2 budget not to exceed of \$120,000. And Staff makes no recommendation as all  
3 bidders are qualified.

4 **COMMISSIONER SKRMETTA:** Move to accept.

5 **CHAIRMAN BOISSIERE:** I have a motion by Commissioner Skrmetta.

6 **MS. BOWMAN:** I'm sorry. On which bidder?

7 **CHAIRMAN BOISSIERE:** Oh, which one, Commissioner Skrmetta?

8 **COMMISSIONER SKRMETTA:** Low bid.

9 **MS. BOWMAN:** Thank you.

10 **CHAIRMAN BOISSIERE:** Hold on, let's see. Is Commissioner Francis coming  
11 in?

12 **COMMISSIONER GREENE:** I'll second.

13 **CHAIRMAN BOISSIERE:** All right. Well, we have a low bid -- motion by  
14 Commissioner Skrmetta and a second by Commissioner Greene for the low bid of  
15 J. Kennedy. Commissioner Francis, you're in the room now. We're on Number  
16 14. I'll let -- since you're here and we haven't completed the vote yet, I'll let you  
17 take a look, Commissioner and we're on Item 14. Would you mind reading the in  
18 re again for Commissioner Francis?

19 **MS. BOWMAN:** The in re is Entergy Services' potential request for proposals for  
20 renewable resources. It's a discussion and possible vote to retain outside  
21 consultant. We received three bids, J. Kennedy & Associates, London Economics  
22 and United Professionals Company.

1     **CHAIRMAN BOISSIERE:** And right now, we have a current -- a motion by  
2     Commissioner Skrmetta and a second by Commissioner Greene for the low bid of  
3     Kennedy. Okay.

4     **COMMISSIONER SKRMETTA:** Mr. Chairman, can we move Exhibit 15 to the  
5     end since it's a executive session?

6     **CHAIRMAN BOISSIERE:** Yes, sure, of course.

7     **COMMISSIONER FRANCIS:** We have a motion and a second?

8     **CHAIRMAN BOISSIERE:** We have a motion and a second for J. Kennedy.

9     **COMMISSIONER FRANCIS:** Okay.

10    **CHAIRMAN BOISSIERE:** And you can either agree, oppose, with a substitute  
11    motion.

12    **COMMISSIONER FRANCIS:** I agree.

13    **CHAIRMAN BOISSIERE:** Okay. So we have a motion and a second and no  
14    opposition so J. Kennedy gets hired. Now, we have Number 15 at the request and  
15    of the wisdom of this -- at the request of Commissioner Skrmetta and good wisdom  
16    that we move the executive session to the end of the meeting.

17    **SECRETARY FREY:** And there'll be a vote with that one as well but what we  
18    can do is we can go in executive session and then come out and then do the vote.

19    **CHAIRMAN BOISSIERE:** Absolutely. So what is the next one?

20    **MS. BOWMAN:** Exhibit Number 16 is undocketed. It's our reports, resolutions,  
21    discussions and vote ratifications. We do have a -- under reports, an update from  
22    Staff and Entergy Louisiana regarding Docket Number U-35991.

1 **SECRETARY FREY:** And Professor Zimmering's coming up. I haven't had a  
2 chance to call him Professor in a while, so.

3 **COMMISSIONER SKRMETTA:** What's first?

4 **MR. PAUL ZIMMERING:** Good morning, Commissioners.

5 **CHAIRMAN BOISSIERE:** Good morning.

6 **SECRETARY FREY:** Paul, turn your -- your mic's not on.

7 **MR. ZIMMERING:** Although I can't imagine anybody had trouble hearing me  
8 in any of that. Last month, the Commission approved stipulated settlement in the  
9 ELL hurricane and winter storm case which included securitization. As you recall,  
10 an issue arose because the first year payments on the bonds as opposed to the next  
11 14 years appeared rather high. The Commission was looking for a solution to  
12 levelize that first payment so it looked a lot like the next 14 years payments. The  
13 Staff and the company, we believe, have -- we have come to an agreement. We  
14 have found a fix for this in the way the bonds will be paid off. We're in the process  
15 of providing information to the intervenors so they can sort of examine the impacts  
16 for their clients which is totally appropriate. We should have that information to  
17 them tomorrow and will be in position to report back to you at the April meeting  
18 and I'm confident we'll be able to report back that the parties are in agreement.

19 **CHAIRMAN BOISSIERE:** Okay. Thank you, Professor.

20 **MS. BOWMAN:** Okay. Still on Exhibit Number 16, under discussions. The  
21 Charter Communications was pulled and this next discussion is discussion  
22 regarding General Order dated November 16, 1972 and late fees charged by

1 jurisdictional utilities. This was at the request of Commissioner Campbell, so if it's  
2 okay with the Commissioners, we can just defer it until next month unless --

3 **CHAIRMAN BOISSIERE:** We can. I do have a -- I would like to make a small  
4 comment about it but yes, of course, this should on next month's as well. First of  
5 all, let me thank Commissioner Zimmering for his hard work on the previous item  
6 with correcting that problem, that was very important to all of us. I just want -- he  
7 walked away before I had a chance to congratulate him and thank him for his hard  
8 work and I really -- I really mean that because the -- there's complicated work  
9 behind the scenes that he constantly does on behalf of this Commission and people  
10 of Louisiana. Now, on the Charter one is already being resolved.

11 **SECRETARY FREY:** It's been resolved.

12 **CHAIRMAN BOISSIERE:** Commissioner Greene, do you have any comments  
13 or anyone want to make any statement on that one?

14 **COMMISSIONER GREENE:** I'd just agree that -- both sides agree that they  
15 reached an agreeable point and everything seems to be resolved.

16 **CHAIRMAN BOISSIERE:** Okay.

17 **SECRETARY FREY:** And I can confirm that. I've heard from both sides as well.

18 **CHAIRMAN BOISSIERE:** Fair enough. Now, on the next one, which is the late  
19 fee charge, that was at the request of Commissioner Campbell who is of course --  
20 has to drive into the eye of the storm. But he's on his way to do that, but I will  
21 touch on it as we discuss it. I'm not going to take his thunder, I'm not going to  
22 carry his water. He can more than handle that for himself next month as it should  
23 be passed to next month. But this is something that should look at whether or not

1 the late fees in Louisiana are as some of the companies in Louisiana, perhaps all  
2 the companies in Louisiana are on par or of average or excessive or whatever they  
3 are, just an examination. I will let him further explain it but I did think since it  
4 made it on the docket, that it should at least be addressed. I will go into no further  
5 discussion at this time other than to mention that and move to the next item unless  
6 any other Commissioners had a comment about that. All right. Let's go to the  
7 Number 4 of the discussion.

8 **MS. BOWMAN:** So also under Exhibit Number 16, there's a discussion and  
9 possible vote to ratify LPSC interventions in RTO or ERSC related FERC  
10 proceedings. Interventions were filed on the Commission's behalf in the following  
11 FERC dockets: AD22-5, ER22-34, ER22-958, ER22-24, and a motion for LEUG  
12 to file supplemental protests and supplemental protests on November 2<sup>nd</sup> of 2021.  
13 I believe that -- I'm sorry, that was also part of ER22-24. Staff recommends that  
14 the Commission ratify and/or authorize these interventions.

15 **COMMISSIONER SKRMETTA:** I move to ratify.

16 **CHAIRMAN BOISSIERE:** Okay.

17 **COMMISSIONER GREENE:** Second.

18 **CHAIRMAN BOISSIERE:** Okay. We have a motion by Commissioner  
19 Skrmetta, seconded by Commissioner Greene to ratify. Any opposition? [NONE  
20 HEARD] Hearing none, so ordered.

21 **MS. BOWMAN:** Last on Exhibit Number 16, there is an OMS vote to be ratified  
22 as a discussion and possible vote to ratify votes taken by Commissioner Greene as  
23 the Commission's representative on the Board of Directors of the Origination of

1 MISO States. Staff followed the protocols set forth in Special Order 17-2019 to  
2 consult with the executive secretary and the chairman and to make a  
3 recommendation to Commissioner Greene prior to the votes taken on March 4,  
4 2022. The OMS had held an email vote on proposed comments for filing in FERC  
5 Docket ER22-995. At the recommendation of Commission Staff, Commissioner  
6 Greene voted in support of the OMS comments. Staff recommends that the  
7 Commission ratify Commissioner Greene's email vote taken on March 4, 2022 as  
8 the Commission's representative to the OMS Board of Directors.

9 **CHAIRMAN BOISSIERE:** The chair moves to --

10 **COMMISSIONER SKRMETTA:** Second.

11 **CHAIRMAN BOISSIERE:** Second by Commissioner Skrmetta. Any  
12 opposition? [NONE HEARD] Hearing none, so ordered. It's ratified. Did we  
13 pass Number 17 already?

14 **MS. BOWMAN:** We already -- yes, sir.

15 **SECRETARY FREY:** Yeah, that was one of the ones we did first.

16 **CHAIRMAN BOISSIERE:** Of course. And so, now we're on Number 18.

17 **MS. BOWMAN:** Yes. Exhibit 18 is a directive to Staff regarding the cancellation  
18 of authority of regulated carriers with multiple violations. This is at the request of  
19 Commissioner Skrmetta and his directive is as follows: After reviewing the record  
20 of recent transportation citations, it appears that no Commission policy exists for  
21 when Staff should pursue the cancellation of a regulated carrier's authority for  
22 certain violations. Therefore, when issuing citations to regulated common carriers,  
23 I direct Staff to seek cancellation of the carrier's authority when that carrier has

1 committed three violations of the Commission's rules, regulations or the relevant  
2 statutes in Title 45 within a three year period. Citations resulting from a regulated  
3 carrier's failure to file an annual report, maintain insurance on file, obtain vehicle  
4 or driver [INAUDIBLE] or any other administrative citation would not be included  
5 in this three count violation.

6 **COMMISSIONER SKRMETTA:** Mr. Chairman --

7 **MS. BOWMAN:** Your mic, Commissioner.

8 **COMMISSIONER SKRMETTA:** This -- I'm sorry. Mr. Chairman, this is a  
9 open directive that will lead into a rulemaking. It will allow for modifications at  
10 whatever the Commission or the other Commissioners see that need to be changed  
11 down the road but it's a -- an opening movement towards sort of the never ending  
12 citation land that we get with a number of bad actors so it's about time we take  
13 some action, so thank you.

14 **CHAIRMAN BOISSIERE:** Well, first of all, let me -- yes, Commissioner  
15 Francis, did you have something?

16 **COMMISSIONER FRANCIS:** Yeah. I'm a -- this is a suggested directive from  
17 Commissioner Skrmetta and I don't really understand what he's proposing to do.  
18 This is new to me or either I slept through it last meeting or something.

19 **CHAIRMAN BOISSIERE:** No, it's a directive that came up on the supplemental  
20 agenda.

21 **COMMISSIONER SKRMETTA:** Actually, we talked about it during one of the  
22 meetings to -- with Justin Bello during the meeting about the fact that we had -- in  
23 fact, Justin, if you would go through it for the Commissioner Francis.

1 **MR. BELLO:** Thank you, Commissioner. Justin Bello on behalf of Commission  
2 Staff. Commissioner Francis, at issue here is the fact that we have several  
3 companies from time to time that'll be cited multiple times in the transportation  
4 section of the Commission. We have consistent practices when we cite companies,  
5 we try to stay in line with those consistent practices which result in higher fines as  
6 we go along but what we don't have a recent practice of is closing down the  
7 authority for companies who are -- we're seeing as they have multiple violations so  
8 in working with Commissioner Skrmetta, the decision was that if you have -- or  
9 pursuant to the directive, it would enable Staff or direct Staff to seek closure of a  
10 certificate for a company that has three violations within three years. It also has a  
11 clarification in there that these are not violations for administrative type work which  
12 is like filing the annual reports and all that type stuff. This would be for charging  
13 more than -- charging rates outside of their tariff. It would be for failing to give  
14 estimates to customers and citations such as that.

15 **COMMISSIONER FRANCIS:** Okay. You know, Mr. Bello, I see what y'all are  
16 doing. You know, I'm an old truck driver, you don't -- I have a lot of those guys  
17 in my district and before we, you know, start out on a docket, I would like to learn  
18 a little bit more about what we're proposing to do in this directive and I'd ask the  
19 chairman and you and your group to give us -- move this over to the next meeting  
20 so I could be a little more aware of it in total respect for what Commissioner  
21 Skrmetta's wanting to do. Just ask for that, okay.

22 **CHAIRMAN BOISSIERE:** Sure. That's fine. But I wanted to follow up as this  
23 was a discussion on a directive. If you don't mind me asking a few questions myself

1 and again, and this is our last one before executive session so I want to be very brief  
2 about it. In this particular item, Mr. Bello, as -- it said that there's no practice  
3 necessarily, but isn't it also currently -- and this is -- I'm completely discussing it  
4 for our understanding, just like Commissioner Francis, I want to understand it. This  
5 is something that came on the docket as late as Friday and so just for clarity.  
6 There's no practice of removing someone's -- what is it, license -- licensing or --  
7 **MR. BELLO:** Their certificate.  
8 **CHAIRMAN BOISSIERE:** Certificate, sorry.  
9 **MR. BELLO:** Sure.  
10 **CHAIRMAN BOISSIERE:** The certificate. Upon violations but this is merely a  
11 directive, not a rule change.  
12 **COMMISSIONER SKRMETTA:** It's for future violations, not for past  
13 violations.  
14 **CHAIRMAN BOISSIERE:** Sure. Future violations, but this -- this is open still -  
15 - I want to make sure and again, I'm asking, just to understand it. The ALJs will  
16 hear these cases primarily. They still have the ability to remove a certificate right  
17 now should they see it -- find it --  
18 **MR. BELLO:** That's correct.  
19 **CHAIRMAN BOISSIERE:** Right.  
20 **MR. BELLO:** Yes.  
21 **CHAIRMAN BOISSIERE:** So what are we doing here other than saying, hey,  
22 the Commissioners thinks it's okay if you do that or what are we really saying?

1 **MR. BELLO:** I guess the intention or my understanding of the intention, Mr.  
2 Chairman, is to give Staff a clearer directive of when we should seek to close the  
3 certificate as opposed to just continually having a higher and higher fine.

4 **CHAIRMAN BOISSIERE:** Okay.

5 **MR. BELLO:** So -- and we do have the authority to seek closing a certificate at  
6 this time with someone who has a single citation. We don't normally do that given  
7 the severity or lack of severity, so to your question about whether this would change  
8 a rules, there is no rule that would be changed by this. It's a guidance to Staff on  
9 how to seek that closure if it needs to be solved.

10 **CHAIRMAN BOISSIERE:** Okay. And I just have a -- I see we have like a future  
11 ALJ sitting right next to you there so I'm -- I think this is definitely within the  
12 arsenal of the ALJ. It also would give -- the Commissioners would still have the  
13 right to, if we notice something as we go to Rule 57 to make any adjustments or  
14 changes that we have now. I just want to be really careful about a rule change or if  
15 you will, a mandatory minimum type rule here and I think the ALJs are wise enough  
16 and experienced enough, is that right, Melissa, to make these decisions on a case  
17 by case basis as necessary. And I'm going to back up just a little bit because I start  
18 -- I wanted to start off with I definitely have problems with some people in  
19 transportation overcharging, bad actors and trust me, there's nothing more  
20 frustrating in the world, and I remember some years ago we went as far as to do  
21 things like even taking their phone numbers away and things like that because bad  
22 actors really hurt the people of Louisiana when they're unaware and you can really  
23 get some really bad actors in the transportation business and teeth in the law are

1 very important. So I'm asking questions just for clarity. And not to be opposing  
2 in any way, just to understand and so I just wanted to put that into the atmosphere  
3 as well but I will of course, out of all appreciation for all the Commissioners here,  
4 Commissioner Skrmetta and Commissioner Francis, I think it's important that he  
5 understands it for the next 30 days and we reexamine this at the next meeting.

6 **COMMISSIONER SKRMETTA:** Yeah, that's fine.

7 **CHAIRMAN BOISSIERE:** Okay. Thank you.

8 **COMMISSIONER SKRMETTA:** And Justin, would you contact each  
9 Commissioner individually between now and the next B&E?

10 **MR. BELLO:** Yes, sir, will do.

11 **COMMISSIONER SKRMETTA:** Go through it and -- thank you.

12 **MS. BOWMAN:** Okay. So we will move back to Exhibit Number 15. I will read  
13 everything into the record and just for clarification for the Commissioners, I put  
14 possible executive session on here in case the Commissioners wanted an update  
15 from Stone Pigman on the docket itself. What needs to be voted on under Exhibit  
16 Number 15 is actually a budget for our expert so I'll -- I will read that into the  
17 record and then if the Commission wants to move to an executive session, they may  
18 do so.

19 **SECRETARY FREY:** But the vote on the consultant will be in open session. It's  
20 just essentially dual on this one item.

21 **MS. BOWMAN:** So Exhibit Number 15 is FERC Docket Number EL21-156. It's  
22 the Commission versus System Energy Resources. It's a discussion and possible  
23 vote to approve a budget of Critical Technologies Consulting for Phase II and it's

1 also a possible executive session to discuss litigation strategy pursuant to Louisiana  
2 Revised Statute 42:16. In May of 2020, the Commission authorized Stone Pigman  
3 to pursue a complaint against System Energy Resources regarding the performance  
4 of the Grand Gulf nuclear facility, as well as rates charged by SERI for power  
5 produced at Grand Gulf. This directive also authorized Staff to retain a nuclear  
6 expert. Budgets for Stone Pigman, UPC, and Critical Technology Consulting were  
7 approved by this Commission; however, the budget approved for CTC was only for  
8 Phase I. CTC is ready to begin Phase II and while CTC anticipates Phase II will  
9 extend beyond 2022, it has provided a proposed budget for only 2022, and will  
10 provide an updated budget in 2023. CTC's proposed budget for Phase II is 261,563  
11 in fees and \$10,500 in expenses for a total budget not to exceed of \$272,063 and  
12 Staff recommends that the Commission approve CTC's budget for Phase II work  
13 through the end of 2022.

14 **CHAIRMAN BOISSIERE:** Okay. Can I get a motion to --

15 **COMMISSIONER GREENE:** Motion to accept.

16 **COMMISSIONER SKRMETTA:** And move to go into executive session.

17 **CHAIRMAN BOISSIERE:** Exactly. So a motion by Commissioner Skrmetta to  
18 go into executive session.

19 **COMMISSIONER GREENE:** Second.

20 **CHAIRMAN BOISSIERE:** Second by Commissioner Greene. Do we need a  
21 motion for the hire right now?

22 **MS. BOWMAN:** If you want to do the votes for the hires first before going into  
23 executive session, you can.

1 **COMMISSIONER SKRMETTA:** I think we should do that when we come out.

2 **MS. BOWMAN:** Do come out and that's fine as well

3 **COMMISSIONER SKRMETTA:** Because we may not do it.

4 **MS. BOWMAN:** So motion for executive session.

5 **COMMISSIONER SKRMETTA:** Right.

6 **CHAIRMAN BOISSIERE:** Yeah. Well, we'll do the hire after the executive  
7 session.

8 **SECRETARY FREY:** So we had a motion by Commissioner Skrmetta for  
9 executive session, second by Commissioner Greene.

10 **MS. BOWMAN:** Second by Greene.

11 **CHAIRMAN BOISSIERE:** Okay. So right now, well -- we in executive session?

12 **MS. BOWMAN:** Well, we need to empty the room.

13 **COMMISSIONER SKRMETTA:** Journey clear the room.

14 **CHAIRMAN BOISSIERE:** Eric, I got it.

15 **[OFF THE RECORD]**

16 **[BACK ON THE RECORD]**

17 **CHAIRMAN BOISSIERE:** Okay. So do we move to come out of executive  
18 session?

19 **MS. BOWMAN:** Yes.

20 **CHAIRMAN BOISSIERE:** So we have a motion -- do we have a motion?

21 **COMMISSIONER SKRMETTA:** Move to come out of executive session.

22 **COMMISSIONER GREENE:** Second.

1 **CHAIRMAN BOISSIERE:** Moved by Commissioner Skrmetta, seconded by  
2 Commissioner Francis to come out of executive session. No opposition, here  
3 ordered. Now, do we want to discuss the hiring or do we have a motion already?  
4 **COMMISSIONER SKRMETTA:** Do you have to read it?  
5 **MS. BOWMAN:** I don't have to read it. I've already read, but do we want --  
6 **COMMISSIONER SKRMETTA:** Okay. Move to approve the bid of CTC for  
7 \$200 --  
8 **MS. BOWMAN:** \$261,000 fees -- \$261,563 in fees.  
9 **COMMISSIONER SKRMETTA:** Which the Commission as responsible --  
10 **MS. BOWMAN:** For 21 percent.  
11 **COMMISSIONER SKRMETTA:** For 21 percent of that.  
12 **MS. BOWMAN:** And then 10,500 in expenses and the same thing. This  
13 Commission is responsible for 21 percent.  
14 **COMMISSIONER SKRMETTA:** For 21 percent of the expenses.  
15 **MS. BOWMAN:** Yes.  
16 **COMMISSIONER SKRMETTA:** That's my motion.  
17 **COMMISSIONER GREENE:** Second.  
18 **CHAIRMAN BOISSIERE:** Moved by Commissioner Skrmetta, second by  
19 Commissioner Greene to approve the increase or what is it, the payment of CTC.  
20 Any opposition? [NONE HEARD] Hearing none, so ordered.  
21 **COMMISSIONER SKRMETTA:** Move to adjourn.

1 **CHAIRMAN BOISSIERE:** Move by Commissioner Skrmetta, second by  
2 Commissioner Greene to adjourn. End of the meeting. Remember, next month in  
3 Many, Louisiana.

4

5 **(WHEREUPON THE MEETING WAS ADJOURNED)**

6

1 I certify that the forgoing pages 1 through 68 are true and correct to the best  
2 of my knowledge of the Open Session of the Business and Executive Meeting  
3 held on March 30, 2022 in Baton Rouge, Louisiana.

4 \*\*\*\*\*

6 Rough Draft prepared by:

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