LOUISIANA PUBLIC SERVICE COMMISSION

SPECIAL ORDER NO. 28-2020

LOUISIANA PUBLIC SERVICE COMMISSION,
EX PARTE

In Re: Special Order 22-2020, ratification and termination of Executive Order dated March 13, 2020 regarding utilities prohibited from disconnecting customers during the statewide public health emergency associated with COVID-19.

(Decided at the Commission's Business and Executive Session held May 27, 2020)
Amends Special Order No. 22-2020

I. OVERVIEW

On March 11, 2020, Governor John Bel Edwards declared a statewide public health emergency, by issuance of Proclamation 25 JBE 2020. The Louisiana Public Service Commission, through the authority designated to the Executive Secretary in General Order dated November 3, 2005 ("11/3/05 G.O."), issued Executive Order dated March 13, 2020 ("3/13/20 E.O.") in response to the COVID-19 pandemic. Specifically, 3/13/20 E.O. prohibited/suspended the disconnection of customers of Commission-jurisdictional public utilities for non-payment of service, with exceptions only when public safety concerns unrelated to non-payment require disconnection.

At the Commission's April 29, 2020 Business and Executive Session ("B&E"), the Commission unanimously ratified and terminated the 3/13/20 E.O., which was memorialized in Special Order 22-2020 issued on the same day. Special Order 22-2020 continued the suspension of disconnections until the State of Louisiana entered Phase II of the "Opening Up America Again" plan, and allowed disconnection procedures to commence with the first billing cycle following the state entering Phase II. Vice Chairman Greene specified at the April B&E that he would like to continue considering other options jurisdictional utilities may implement to assist customers during this public health emergency.

II. JURISDICTION

The jurisdiction of the Commission is set forth by the Louisiana Constitution, Article IV, Section 21, which provides as follows:

> The Commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

III. COMMISSION CONSIDERATION & CONTINUATION OF SUSPENSION OF DISCONNECTIONS

At the Commission's May 27, 2020 B&E, Special Order 22-2020 was up for reconsideration to include proposed amendments offered by Vice Chairman Greene. Discussion was had on these proposed amendments, as well as continued suspension of disconnections of customers, as further discussed below.

Louisiana remains under the declaration of a statewide health emergency, and many of the associated restrictions that triggered the 3/13/20 E.O., and Special Order 22-2020, remain in place. Nonetheless, both the State and Federal government have initiated discussions and protocols that provide a path forward, and outline when certain restrictions currently imposed may be relaxed. Specifically, the "Opening Up America Again" guidelines adopt a three-phased approach to removing the restrictions currently in place.[1] Beginning with "Phase II," many businesses, schools, and other entities will be able to reopen, and assume practices similar to

[1] https://www.whitehouse.gov/openingamerica/ This link provides an overview of the three-phased approach, including the initial gating criteria, as well as the criteria to move to each phase, and what each phase entails.

those before the pandemic. Best practices would dictate that the Commission and its jurisdictional-utilities continue to provide relief and assistance opportunities to ratepayers until "Phase II" is achieved in Louisiana; however, the Commission must also acknowledge that continuing these prohibitions will potentially impose financial impacts on the regulated utilities.

While the Commission has received some information from regulated utilities regarding potential financial impacts from the 3/13/20 E.O. and Special Order 22-2020, as well as the percentage of customers who are currently not paying their utility bills, this information is not complete and has not been received from all regulated utilities. Furthermore, there has been little to no information provided regarding potential financial assistance for either the utility and the customer.

Vice Chairman Greene made a motion to reconsider Special Order 22-2020, which was seconded by Commissioner Boissiere. Commissioner Campbell made a substitute motion to: 1) defer re-consideration; 2) defer Vice Chairman Greene's amendments for one month; and 3) clarify that the suspension of disconnections will continue until the Commission takes further action regarding suspension of disconnects, which seconded by Commissioner Skrmetta, and unanimously adopted.

Accordingly, the Commission reiterates protocols adopted in Special Order 22-2020, as amended herein.

IT IS THEREFORE ORDERED THAT:

1. Special Order 22-2020 is hereby amended as outlined herein.
2. This Special Order No. 28-2020 is hereby adopted by the Commission.
3. This Order shall be effective immediately.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
May 29, 2020

/S/ MIKE FRANCIS
DISTRICT IV
CHAIRMAN MIKE FRANCIS

/S/ CRAIG GREENE
DISTRICT II
VICE CHAIRMAN CRAIG GREENE

/S/ FOSTER L. CAMPBELL
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ LAMBERT C. BOISSIERE, III
DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III

/S/ ERIC F. SKRMETTA
DISTRICT I
COMMISSIONER ERIC F. SKRMETTA

BRANDON M. FREY
SECRETARY