



Louisiana Public Service Commission

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(MRS.) VON M. MEADOR
Deputy Undersecretary

September 2, 2009

VIA EMAIL streamline@legis.state.la.us

Senator Jack Donahue
Commission Chairman
Commission on Streamlining Government
P.O. Box 44481
Baton Rouge, LA 70804

Re: Commission on Streamlining Government Survey

Dear Chairman Donahue and members of the Commission on Streamlining Government:

Attached, please find the Louisiana Public Service Commission's internal analysis and response to your Commission's survey.

The Louisiana Public Service Commission ("LPSC") is an independent regulatory agency established by the Louisiana Constitution mandated to "regulate all common carriers and public utilities."¹ Although the LPSC originated in 1898 as the Railroad Commission, it was soon after charged with regulating common carriers and public utilities by the 1921 Constitution. Our current incarnation was created by Article IV, Section 21 of the Constitution of 1974, which granted our agency the plenary authority to exercise its mandate of regulating all common carriers and public utilities.

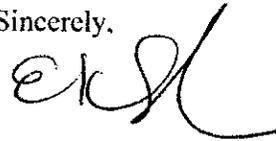
Due to the highly specialized nature of the services that we provide – as well as the distinctive nature of the industries that we continue to regulate – the LPSC is by definition a unique agency. Like our counterparts in every state of the union (and in many industrialized countries), the LPSC is tasked with the responsibility of assuring just and equitable rates and reliable service to Louisiana consumers, while concurrently ensuring that utilities receive a fair return on their investments.

¹ Article IV § 21 of the Louisiana Constitution of 1974. With some exceptions.

Upon reviewing our internal analysis, you will no doubt notice that the LPSC operates *solely* on self-generated funds. As the LPSC does not receive any contributions from the State General Fund, the fees that we collect from our jurisdictional utilities comprise our only source of funding. In fact, this agency has now operated without federal funding or state general funding for over one hundred years.

I trust you will find the attached to be in order; however, please do not hesitate to contact me or the LPSC's agency liaison, Rochelle Michaud Dugas, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'EKH', written in a cursive style.

Eve Kahao Gonzalez
Executive Secretary
Louisiana Public Service Commission

EKG:rmd/sgk



Louisiana Public Service Commission

Commission on Streamlining Government

Executive Summary

September 2, 2009

Section One: Agency Overview

The Louisiana Public Service Commission, (LPSC) is a governmental regulatory agency established by the Louisiana Constitution mandated to "regulate all common carriers and public utilities."¹ Public utilities regulated by the LPSC include electric providers, telecommunications carriers, water and wastewater (sewer) providers and natural gas local distribution companies. The LPSC's constitutional jurisdiction over public utilities excludes those utilities owned, operated or regulated by a political subdivision of the state at the time the Constitution of 1974 was established. LPSC jurisdiction over "common carriers" includes the regulation of intrastate transportation services including passenger carrier services, waste haulers, household goods carriers, non-consensual towing, and intrastate pipelines. In addition to its constitutionally established authority, the LPSC exercises "such other regulatory authority as provided by law." A list of the LPSC's legislatively mandated authority is contained at the close of this section. In order to perform the constitutionally and legislatively mandated duties, the Constitution also grants the LPSC the authority to "adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties."

The LPSC's jurisdiction over public utilities and common carriers includes the regulation of rates, terms and conditions of service of those entities. Accordingly, the LPSC receives, analyses and establishes just and equitable rates for the Louisiana consumers and the utility industry in accordance with federal, state and local laws and regulations. This would include for example: applications, petitions, audits and requests received from regulated utilities and carriers to increase rates, transfer or purchase assets, issue securities, construct new generation facilities, purchase wholesale power, and review applications to provide regulated services. Additionally, the LPSC investigates consumer and industry complaints; investigates and prosecutes those entities in violation of state, federal, and LPSC regulations and promulgates rules and regulations required to perform its constitutionally and legislatively mandated duties.

The LPSC is comprised of five elected Commissioners representing five distinct geographic districts, serving six-year terms. The chief executive officer of the LPSC is appointed by the LPSC and responsible to the Commissioners for the day-to-day operations. The LPSC is divided into four (4) Programs for budgeting purposes: Administrative, Support Services, Motor Carrier, and District Offices. Each Commissioner has a "district office" staff. Additionally, a central staff located in Baton Rouge contains the administrative, support and motor carrier personnel. The total number of persons employed by the LPSC, including the five elected Commissioners is 103. The LPSC is a rather small commission, compared to other state agencies and public service/utility commissions in other states. The LPSC currently regulates 2000+ public utilities and common carriers.

The LPSC is funded through inspection and supervision fees that are collected from regulated utilities and common carriers with additional revenues being generated through Motor Carrier Regulation and the Telephonic Solicitation Relief Funds. The LPSC is statutorily funded and receives no support from the general fund. To date the LPSC has operated without any federal funding.

¹ Article IV § 21 of the Louisiana Constitution of 1974.

Utility, Transportation and Do Not Call Marketers Jurisdictional to the Louisiana Public Service Commission

Utilities	<u>Utilities/Carriers</u>
Investor Owned Electric Utilities.....	4
Electric Cooperatives.....	12
Natural Gas Distribution Systems.....	11
Water Systems.....	79
Sewerage Systems.....	113
Telecommunication Service Providers.....	1,480
Incumbent Local Exchange carriers.....	21
Competitive Local Exchange Carriers.....	270
Long Distance Resellers.....	633
Competitive Access Providers.....	47
Operator and Payphone Service Providers.....	445
Commercial Mobile Radio Service.....	64
Do Not Call	
Telemarketers.....	836
Transportation	
Household Goods Carriers.....	77
Waste Carriers.....	128
Non-hazardous Oil Field Waste	
Non-hazardous Industrial Waste	
Hazard Waste	
Salt Water Carriers.....	67
Passengers.....	241
Common Carriers.....	160
Dispatch Taxi Cab Service.....	15
Charter Buses.....	66
Tow & Recovery Service.....	443

Approximate Number of Customers, subscribers and enrollment of Louisiana Consumers that fall within the regulatory authority of the Louisiana Public Service Commission.

Utilities	<u>Customers/Subscribers</u>
Investor Owned Electric Utilities.....	1,430,000
Electric Cooperatives.....	418,000
Natural Gas Distribution Systems.....	690,000
Telecommunication Service Providers	
Incumbent Local Exchange carriers	1,709,563
Competitive Local Exchange Carriers.....	449,000
Commercial Mobile Radio Service.....	3,895,938
Do Not Call Enrolled Subscribers.....	2,114,489

Our Mission Statement

The Public Service Commission's mission is to impartially, equitably and efficiently regulate the rates and services of public utilities and motor carriers operating in the State so as to ensure safe, reliable, reasonably priced services for consumers and a fair rate of return for the regulated utilities and motor carriers and to carry out legislative mandates, such as "Do Not Call" regulation.

Agency Goals

Goals for Regulatory Oversight:

- Promulgate and enforce reasonable and transparent rules, regulations, and procedures for the fair and efficient regulation of public utilities and common carriers, and for carrying out constitutional and legislative mandates in the State of Louisiana.
- Continue to revise and update rules and regulations to the extent necessary to remain on the forefront of utility, common carrier and Do Not Call regulation in the country.
- Provide thorough and specific training to ensure LPSC-wide knowledge of substantive laws, regulations, and policies pertinent to LPSC regulation and proceedings.
- Provide compliance oversight to protect consumers and the public interest; take fair and appropriate action to address instances of non-compliance.
- Encourage efficiency and innovation among regulated utilities and common carriers and the responsible use of resources and technology.

Goals for Economic Regulation:

- Provide a fair, consistent and efficient regulatory process which results in reasonable rates for the consumer and a reasonable profit or rate of return for the utility or common carrier.
- Streamline and modernize the filing and payment process for utility and common carrier filings made with the LPSC.

Goals for Consumer Assistance:

- Modernize business applications to allow user-friendly access to LPSC information and records.
- Educate consumers on issues relating to public utility, common carrier, and Do Not Call regulation.

- Expedite resolution of disputes between consumers and utilities.

Identify your overarching reform goal(s) for the agency.

- Replace our current document processing system with an integrated document imaging/case management system for internal and external use, benefitting both the public and the LPSC in cost savings, faster processing, and easier access.
- Fully integrate and streamline the filing and processing of consumer complaints concerning regulated utilities and motor carriers through computer-based Consumer Complaint Tracking System.
- Expand activities and efforts of LPSC as liaison and advisor to the public on matters related to utility and common carrier services and regulation, energy efficiency measures, and storm preparation and information.
- Organize/rewrite the rules and regulations promulgated through LPSC Orders into a Commission "code," for easier access to the public as well as the LPSC staff.
- Educate and assist Louisiana citizens in achieving energy efficiency and the maximum benefit from electricity usage through innovative programs such as public outreach enabled by the American Reinvestment and Recovery Act of 2009 (ARRA).
- Train Staff to meet increased demands of utilities that seek and obtain funding for energy initiatives, in turn enabling utilities to pass the benefits of these programs to ratepayers.
- Anticipate and proactively plan for sweeping changes to energy regulation on the federal level in the event that it becomes a reality.
- Process all motor carrier registrations upon receipt of complete information.

Review and briefly outline the constitutional and statutory mandates for your agency

The Louisiana Public Service Commission is an independent regulatory agency created in 1921 by Article VI, Article VI, § 3-9 of the Louisiana Constitution of 1921. The Public Service Commission succeeded The Railroad Commission of Louisiana, which was created by the Constitution of 1898. The LPSC's constitutional authority was reaffirmed by the Constitution of 1974, in Article IV § 21. Article IV § 21 vests the LPSC with constitutional jurisdiction over all public utilities and common carriers and mandates that the LPSC "adopt and enforce reasonable rules, regulations and procedures which are necessary for the discharge of its duties including other powers and duties as provided by law." In addition to its constitutional jurisdiction over public utilities and common carriers, the LPSC has "other powers and duties as provided by law." These "other powers and duties" include many legislative mandates such as Do Not Call as illustrated in Appendix A.

The Louisiana Constitution of 1974 also called for the LPSC district boundaries to be redrawn to divide the state into five districts. There are five elected Commissioners who serve overlapping terms of six years.

A detailed analysis of individual constitutional and statutory mandates is hereby attached in Appendix A.

List of those mandates which impede attaining agency goal(s) and suggestions for changes in the law(s).

The LPSC is unable to fulfill and perform its constitutionally and legislatively mandated duties in instances in which mandates are established, but sufficient resources to carry out those mandates are not provided by statute. One example is Act 753 of the 2008 Louisiana legislature, which enacted La. R.S. 45:561 and 562 authorizing the LPSC to hire state inspectors to assist with the Federal Railroad Administration's State Rail Safety Participation Program. Although this legislation authorized the hiring of up to six (6) inspectors, it provided no additional funding for these employees. The LPSC spent valuable time and resources defending legal challenges to its authority to assess a fee on railroads to support this program, and has been unable to hire inspectors to this date. Essentially, any new mandates that are established absent the necessary funding are difficult to implement.

Section Two: Efficiency and Benchmarking

Identify under-performing programs that should be overhauled or eliminated.

Programs to be eliminated: None

Improvement of efficiency

The Public Service Commission seeks to be a more efficient and effective organization. Some of the recent initiatives to improve efficiencies as well as other possible future changes include:

STAR PSC Case Management System

The STAR PSC System includes full agency automation and case management functionality. This includes electronic filing of tariffs and applications, electronic routing, and management of dockets, agendas, calendars, hearings, LPSC meetings, digital signatures, and fees. The STAR PSC System has been designed to facilitate all aspects of electronic filing, from the initial application through the complete life of the filing. It maintains all applicant information and current status, administers fees and payments, manages task assignments, and preserves supporting documents. The STAR PSC system has been in production for approximately five years at numerous regulatory commissions throughout the United States, many of the automated business process workflow's within the system have become known as best practices in the utility regulation field. Prior to purchasing the product the LPSC and ACO staff, who are recognized as experts in the utility regulatory field, engaged in a week long "needs assessment" exercise identifying any areas of redundancy or where our current business processes could be

streamlined. The needs assessment exercise included all LPSC division heads, staff and ACO staff. The agreed upon results of the needs assessment will be incorporated into the STAR PSC system.

With the implementation of the system, the Louisiana Public Service Commission will achieve a more cost-effective, total solution that will substantially enhance the effectiveness and efficiency of our organization ultimately saving time and money which will benefit the citizens of the state.

GIS

The LPSC is REQUIRED under the State Emergency Operations Plan to be present at the Emergency Operations Center before, during, and following a natural and/or manmade disaster providing a detailed mapping of utility outages, by parish. The mapping system gives our agency the ability to import forecasted storm tracks and identify the operational status of electric power providers. During storm events and other natural or manmade disasters and throughout the recovery phase the system manages data associated with carrier service, outage, and restoration. Implementation of modifications via improved technology will allow the LPSC to make more efficient the reporting of this vital data. The information provided is used by the U.S. Department of Homeland Security, U.S. Department of Energy, Federal Emergency Management Agency, the Governor's office, Department of Social Services, the Louisiana National Guard, Department of Health and Hospitals, Department of Natural Resources, Department of Transportation and Development, Department of Environmental Quality Louisiana Offshore Oil Port and countless other Federal and State agencies, media outlets and vendors to determine the appropriate allocation of emergency response and resources. This mapping system was invaluable during Hurricanes Gustav and Ike.

Consumer Complaint Tracking

To assist the LPSC in receiving and promptly and effectively resolving complaints against regulated entities, the LPSC developed the Consumer Complaint Tracking System (CCTS). The CCTS application allows the agency to manage the entire process of taking complaints, notifying regulated utilities, resolving complaints, and reporting complaint resolutions. Moreover, this system provides for tracking, management and analysis of complaints and provides the LPSC with a resource to statistically identify major deficiencies and trends or patterns in utility operational practices. This system and additional training of central office and district staff has advanced streamline reporting and increased agency efficiency.

Codification of LPSC Rules and Regulations

The LPSC plans to initiate a full reorganization/rewriting of the LPSC's constitutionally established rules and regulations, promulgated through LPSC Orders into a LPSC "code," which can be made available to the public as well as the Staff. Organization into a "code" format will greatly improve accessibility and permit ongoing and efficient updating with historic references. The LPSC Staff, regulated utilities and common carriers, consumers, and the general public will benefit from a more accessible, researchable and accurate source of LPSC rules and regulations.

Public Utility Regulatory Funding

On August 26, 2009, the LPSC submitted an application for state regulators' assistance through FOA 0000100 available only to public utility commissions throughout the country. Upon favorable approval, this funding would be a first time ever receipt of financial resources from the federal government and will enhance the LPSC's capacity to meet the anticipated increase in filings and rulemakings resulting from electricity initiatives found in the American Recovery and Reinvestment Act of 2009 (ARRA). It is becoming more and more evident that a version of renewable energy legislation will be passed sooner or later requiring a readiness to respond to needs of ratepayers and utilities that may be disadvantaged by such changes. The LPSC is taking a pro-active approach and preparing for these changes by seeking financial assistance that will provide the LPSC with increased training opportunities and produce a better equipped regulatory staff. The LPSC has several ongoing rulemakings to address the needs of Louisiana citizens with regard to the changes in federal legislation including the topical areas of energy efficiency, renewable energy, smart grid, demand response, and transmission and distribution.

Purchasing

All purchases now requisitioned in central office and then distributed to satellite offices. This allows items to be purchased in bulk which results in reduced costs and promotes efficient inventory controls.

Section Three: Outsourcing and Privatization

List programs, functions, or activities that can be privatized or outsourced.

As explained in Section I, the LPSC is funded by the inspection and supervision fees collected from regulated utilities and common carriers. Many other state regulatory commissions are funded in the same manner. As these fees are collected from all regulated utilities based on their revenues, the costs are proportionally passed on to the ratepayers. The Fiscal year 2009-2010 operating budget of the LPSC is \$8.9 Million. Currently, the LPSC handles approximately 95% of all docketed matters using its internal legal division and believes this percentage is optimal, given that extraordinary expertise and/or resources are needed in approximately 5% of all docket matters. A slightly higher percentage of the audit and economic functions of the LPSC are also outsourced, to consultant firms that are qualified as experts in those professions.

The LPSC's constitutionally mandated duties often involve complex legal and regulatory issues, and interplay between federal and state regulations. Due to the specialized nature of the work performed at the LPSC, the LPSC has traditionally experienced high turnover, particularly in the legal division, as those trained in the area of utilities regulation are hired by the private sector for their knowledge of the subject matter. The number of matters outsourced has decreased in recent years as the LPSC has had success in maintaining a staff capable of performing the highly specialized and technical regulatory functions of the LPSC.

Nonetheless, there are certain instances in which the LPSC has retained outside counsel and/or consultants to assist Staff, generally when there are insufficient resources to handle the matter

“in house.” Pursuant to LSA R.S. 45:1180, the LPSC can hire outside counsel and/or consultants to assist in performing its constitutional mandates, when it possesses insufficient manpower or expertise. The approximately 5% of cases that are currently outsourced involved extremely complex regulatory matters that require resources that the LPSC, based on current staffing levels, cannot handle “in house.” Specifically these cases involve complex rate filings involving the largest electric utilities, before both the LPSC and Federal Regulatory Utility Commission (“FERC”).

Outsourcing of these cases is administered via an RFP process. As outlined in the revised statutes, the fees incurred by outside counsel and consultant’s fees are billed to the utilities, which in turn pass those costs on to their ratepayers. The annual billing to utilities to perform this work is generally \$5 Million dollars. While there are large savings realized from this outsourcing of work, costs to ratepayers would substantially increase if more of the work that is currently handled by internal staff were outsourced. Similar increases would result from outsourcing other aspects of the LPSC’s regulations. Thus, the LPSC believes that best practices would support a continuation of outsourcing, on a limited basis, of only the most complex issues while at the same time maintaining a highly skilled in house staff capable of performing the vast majority of the LPSC’s regulatory functions.

Section Four: Information Technology Integration

List IT projects already underway designed to improve efficiency and effectiveness as well as potential projects.

STAR PSC Case Management System – status: implementation stage

The STAR PSC System includes full agency automation and case management functionality. This includes electronic filing of tariffs and applications, electronic routing, and management of dockets, agendas, calendars, hearings, LPSC meetings, digital signatures, and fees. The STAR PSC System has been designed to facilitate all aspects of electronic filing, from the initial application through the complete life of the filing. It maintains all applicant information and current status, administers fees and payments, manages task assignments, and preserves supporting documents.

GIS – status: complete, modifying/enhancing per user request

The LPSC is REQUIRED under the State Emergency Operations Plan to be present at the Emergency Operations Center before, during and following a disaster providing a detailed mapping of utility outages, by parish. The data provided is used by the US Department of Energy, the Governor’s office, DSS, the Louisiana National Guard, DHH, and countless other Federal and State agencies, media outlets and vendors to determine the appropriate allocation of emergency response and resources.

Transportation – status: complete, modifying/enhancing per user request

Pursuant to Louisiana Revised Statutes Title 45:161 through 180.1., which authorizes LPSC to regulate Common and Contract Carriers of Waste, Saltwater, Household Goods and Passengers for hire, Passenger Carriers of dispatched Taxicab Services and all Non-Consensual Towing Companies. These Companies shall not operate in Louisiana without having first registered with

the LPSC. The Transportation Database was developed and is maintained by LPSC to administer the carrier registration, track fees, issue certificate, maintain proof of insurance, manage annual reports, issued citations, record filed leases and provides the LPSC and the public with various reports. This application is used extensively by our Accounting Department, and Transportation Division.

Utilities – status: complete, modifying/enhancing per user request

The Utilities Management System is an application developed in house within the LPSC to facilitate the LPSC's core mission of managing public utilities. The UMS application is used to track regulated utilities information, manage bond requirements, and manage annual reports. The Utilities division uses the application extensively in its day to day operations.

Do Not Call – status: complete, modifying/enhancing per user request

The *Louisiana Do Not Call Telephone Solicitation Relief Act of 2001* directs the Louisiana Public Service Commission to promulgate regulations and to compile and maintain a *Do Not Call Register*. The Register consists of telephone numbers of Louisiana residential telephone subscribers who have elected to reduce telephone solicitations. Business numbers may not be included on the list. The law required the *Do Not Call Register* to be operational by January 1, 2002.

To support this requirement the LPSC uses the Do Not Call application developed and maintained by the LPSC. This application is used to manage the import of new phone numbers from consumers registering online, by phone, or on the Federal Do Not Call List. The Register is made available to registered solicitors on a quarterly basis. The DNC application is also used to track registered solicitors, consumer complaints, and complaint resolution. The application is used extensively in the day to day operations of the Do Not Call division.

Consulting Billing – status: complete, modifying/enhancing per user request

Legal cases appearing before the LPSC in some cases require the hiring of outside consultants and the expense of hiring those consultants is incurred by the regulated entities involved in the case. To facilitate the management of consultants, the cases on which they are assigned, and the processing of the consultant invoices, the LPSC developed the Billing and Case Management System. This system was developed to address the auditing requirements of the legislative auditors. It is used by the LPSC budget office.

Consumer Complaint Tracking – status: complete, modifying/enhancing per user request

To assist the PSC district offices in taking and resolving complaints, the PSC developed the Consumer Complaint Tracking System. This is a web based application that ties into the main SQL databases for utilities and transportation. The CCTS application allows the district offices to manage the entire process of taking complaints, notifying regulated utilities, resolving complaints, and reporting complaint resolutions for Performance Indicator Reports.

Multiple web sites – status: complete, modifying/enhancing per user request

The PSC maintains both public and private web sites for,
The distribution of essential news and information including but not limited to the following:

Calendar of Events (Business and Executive Sessions, Hearings, Status/Technical conferences, etc . . .)

Regulated Utilities Search

Electronic filing of complaints

Access to LPSC documents

A launching point for the web based applications

Receipt of Electronic Filings (legal pleadings, tariffs, certificates, applications, etc . . .)

Do Not Call registration

Help Desk System – status: complete, modifying/enhancing per user request

To assist the IT staff in meeting the needs of the PSC employees, the IT department developed a Help Desk application for internal use within the LPSC. This web-based application allows for the handling of help requests from inception to resolution. Additionally it allows the IT department to track and report on the kinds of requests being made in order better allocate IT resources.

Section Five: Elimination of Duplicative and Unnecessary Services

List the activities of your agency that fall outside of your constitutional and statutory mandates.

None.

Identify outdated activities that should no longer be part of the mission of your agency.

The LPSC continues to possess jurisdiction over a handful of industries that have become outdated due to technological innovations and modernization of communication media. For example, Louisiana Revised Statute 45:1166 clarifies that the LPSC's constitutional authority to regulate common carriers encompasses both telephone and telegraph businesses. With the advent of the digital revolution of the new millennium, the LPSC's constitutional mandate to regulate telephone carriers remains as invaluable and irreplaceable as ever. Nevertheless, this statute could still stand to be amended to remove the LPSC's mandate to regulate the obsolete telegraph industry, without offending the LPSC's perennially important duty to regulate the telephone carriers who continue to play an inestimable role in our economy and in our way of life. Other, similar extant statutes that extend the LPSC's jurisdiction over joint through rates (La. R.S. 45:1093-96), express carriers (La. R.S. 45:1167), and telegraph and express lines (La. R.S. 45:1200-02) could be eliminated altogether.

Transportation Division

Further reduction of the transportation program is not feasible given that the program was completely overhauled and streamlined beginning in March 2008, when the legislature removed interstate registration and enforcement and the division's budget was severely reduced. The loss of this program resulted in the elimination of seventeen (17) positions and the termination of LPSC weigh scale and roadside enforcement. Enforcement is now performed through the division's audit function and the investigation of complaints.

Identify duplication or overlap with other state agencies, with federal government, or with public or private stakeholders groups.

The Telecommunications Act of 1934 and the Telecommunication Act of 1996, codified in 47 USC § 151, et. seq. The LPSC shares jurisdiction with the Federal Communications Commission ("FCC") on a number of telecommunications issues. In general terms, the LPSC's jurisdiction, pursuant to its Louisiana constitutional authority, extends over the intrastate component of telecommunications services, with the FCC maintaining jurisdiction over the interstate component. This role was expanded greatly when the Act of 1996 opened the traditional Regional Bell Operating Company (RBOC) territories to competition. The LPSC was actively involved in fostering this competitive environment and in many instances at the forefront of initiatives that spurred on completion in the former BellSouth region. Specifically, areas of regulation that are delegated to states by the FCC and include approval of interconnection agreements entered into by telecommunication service providers (47 USC § 251), arbitration of disputed issues in interconnection agreements (47 USC § 252), certification of telecommunications carriers as "eligible telecommunications carriers" for purposes of receiving federal universal service funding (47 USC § 214), jurisdiction over pole attachment rates (47 USC § 224), authority to establish state universal service funding (47 USC § 254), and "other terms and conditions" of commercial mobile radio service (i.e. wireless) (47 USC § 332).

Under La. R.S. 45:180.1 the LPSC is mandated to regulate the towing industry. The LPSC sets and enforces rates for nonconsensual tows and storage. DPS is responsible for the enforcement of all safety regulations

At the present time, the Louisiana Public Service Commission and the Office of Conservation exercise authority with respect to the regulation of intrastate natural gas systems. The areas of regulatory oversight do not overlap and it is unlikely the potential for savings and efficiencies may exist through combining these efforts. The LPSC has regulatory authority over the regulation of natural gas distribution systems for the purpose of fixing rates and service charges as well as the authority to regulate the sale of natural gas moving by pipeline to local distribution systems for resale. The Office of Conservation has regulatory oversight over pipeline safety which encompasses liquid and natural gas pipeline operations in the state and includes industrial as well as residential and commercial applications. (LA R.S. 30:§551)

Railroad safety

Oversight by the LPSC according to La. R.S. 45:561 and 45:562 is necessary to ensure that railroad companies abide by federal safety regulations. Without this mechanism, key safety regulations could be ignored and the lives and/or well-being of Louisiana citizens could be jeopardized. While the Louisiana Department of Transportation and Development does have some statutory authority over railroad crossings, it lacks the authority and resources to participate in the federal rail safety program, which will improve the safety of railroad operations in Louisiana by ensuring compliance with federal railroad safety laws.

Section Six: Civil Service and Employee Benefits

The LPSC has attempted to utilize all available tools and innovative options offered through Civil Service to provide flexibility when hiring professionals into the organization, retaining employees with specialized expertise, and offering incentives for employees seeking training and continuing education. These are described in detail below:

- Civil Service requires employees to attend mandatory training through the Comprehensive Public Training Program, (CPTP), which is not agency specific and often lacks practicable application for our agency. It is recommended that the CPTP mandatory training be eliminated and agencies have the option to get specific training needs through other sources.
- The new Civil Service policy requiring hiring agencies to determine application eligibility causes undue duplicity across state agencies. Multiple agencies now have to review an applicant's information and make the same determination when someone applies to multiple agencies. To reduce duplication a statewide system should be developed for human resources personnel from all agencies to enter and share these determinations.

List and identify any current initiatives or ideas related to employee benefits, hiring and promotion, and other employee regulations.

Current Initiatives

- Use of 6.5(g) hire rate for education and/or experience, or specialized expertise, beyond the minimum required to bring in exceptional applicants at a competitive salary.
- Use of special entrance rates (SERs).
- Availability of flexible work schedules.
- Availability of compensatory time for overtime work.

- Accessibility to a crisis leave pool which has been invaluable to employees who do not have adequate leave.
- New policies and regulations are developed as needed.

Section Seven: Studies and other Resources

Electric utility regulation is one of the most demanding of time and expertise at the LPSC. Due to changes in federal energy and environmental policies, this is an area of law that is in a constant state of flux, and requires corresponding changes to LPSC rules concerning electric utilities. The LPSC currently has several studies taking place and some that have been concluded in recent years, the objectives of which are to remain on the forefront of energy regulation and allow Louisiana citizens to be leaders in energy policy nationwide. Summaries of a sampling of those studies are provided below, but this list is by no means exclusive. The LPSC is continuously evaluating the regulatory policies of the LPSC, as technology and law continue to progress.

Electricity Related Rulemaking Dockets

- R-28271 Subdocket B. In this re-study of the feasibility of a renewable portfolio standard for the State of Louisiana, the LPSC is evaluating the feasibility of a state RPS. This rulemaking has already become an enormous undertaking, with twenty seven (27) formal interveners and interested parties, as well as various other entities represented at task force meetings. Staff's goal in this rulemaking is to review all options and reach the best solution for the citizens of Louisiana with regard to renewable energy resources.
- R-29213. In this study, the LPSC studied investigated the appropriateness for LPSC jurisdictional electric utilities to provide and install time-based meters and communication devices for each of their customers which enable such customers to participate in time-based pricing rate schedules and other demand response programs. Consolidated with R-29213 Sub. In re: Commission examination of the public benefits of potentially adopting rules, new tariffs, and/or other regulatory mechanisms that would promote (or require) the use of wireless metering in Louisiana. The LPSC studied the potential benefits of advanced metering infrastructure and found that demand response and advanced metering systems could offer significant benefits to both utilities and ratepayers. This rulemaking found significant one of the challenges for AMI implementation and demand response adoption is

regulatory uncertainty. This rulemaking set the terms and conditions under which these programs would be evaluated, and how costs associated with the adoption of these programs and new technologies would be recovered in rates. In response to the LPSC's adoption of a clear and concise rule, LPSC-regulated utilities EGSL, ELL and CLECO sought and received LPSC approval for an AMI and DR pilot programs that are ongoing.

- R-30021 - Development and Implementation of Rule for Integrated Resource Planning for Electric Utilities. In this study, the Louisiana Public Service Commission is investigating requiring utilities to conduct Integrated Resource Planning ("IRP") studies, and the outcome of the Docket will lead to the LPSC implementing IRP rules. As a result of the Stimulus Plan and because of the fact that it is likely that some form of the Waxman-Markey bill ("Energy Bill") will be signed into law, we anticipate that the IRP docket will require additional investigation of issues that relate to renewable energy and energy efficiency. For example, we anticipate that there will be additional focus on revenue decoupling issues that will have to be addressed as part of the IRP docket, and we anticipate that our rules will require additional consideration of renewable energy requirements. In Louisiana we already have in place a market based mechanism ("MBM") that requires our utilities to conduct competitive solicitations for new resources, and we anticipate that making sure that the IRP rules are compatible with our MBM Order, will be complicated by the fact that the Energy Bill will most likely have a Renewable Portfolio Standard requirement. Therefore, we anticipate due to the complexity of the issue and the predicted longer than anticipated timeline that our scope of work will be both lengthened and expanded. Additionally, all public utility/service entities across the United States will be faced with adhering to changes in federal regulation.

Other Resources

Commissioners and Staff receive routine training, in both general utility and common carrier regulation. This training addresses the subject matter or issue currently of interest to the LPSC.

As noted above, continued training and education as well as monitoring of pertinent issues are of increasing importance and critical to the LPSC's role and Mission.

The LPSC has historically been a member of National Regulatory Research Institute (NRRI), but recently decided to forego this membership in order to reduce this expenditure to comply with budget cuts.

Legal Staff are members of the Public Utility Section of the Louisiana State Bar Association, a section that was created to serve the needs of the specialized section the Bar that practices in the area of utility regulation. The section generally meets once a year for a continuing legal education opportunity.

Section Eight: Agency Best Practices

List and identify any current successful streamlining initiatives taking place (or have taken place) within your agency.

Consumer Complaint Tracking

To assist the LPSC in receiving and promptly and effectively resolving complaints against regulated entities, the LPSC developed the Consumer Complaint Tracking System (CCTS). The CCTS application allows the agency to manage the entire process of taking complaints, notifying regulated utilities, resolving complaints, and reporting complaint resolutions. Moreover, this system provides for tracking, management and analysis of complaints and provides the LPSC with a resource to statistically identify major deficiencies and trends or patterns in utility operational practices. This system and additional training of central office and district staff has advanced streamline reporting and increased agency efficiency.

Codification of LPSC Rules and Regulations

The LPSC plans to initiate a full reorganization/rewriting of the LPSC's rules and regulations promulgated through LPSC Orders into a Commission "code," which can be made available to the public as well as the Staff. Organization into a "code" format will greatly improve accessibility and permit ongoing and efficient updating with historic references. The Commission Staff, regulated utilities and common carriers, consumers, and the general public will benefit from a more accessible, researchable and accurate source of Commission rules and regulations.

LPSC Electricity Ratemaking

The LPSC takes its ratemaking responsibilities very seriously and as a result takes pride in keeping rates in Louisiana competitive with other states. In fact, year to date for 2009 overall customer electric bills for Louisiana consumers rank 14th lowest in the country, nearly two and a half cents lower than the national average. We have been able to achieve this at a time when the cost of natural gas, the electricity generation source on which Louisiana utilities are most dependent overall, has been very volatile due to market forces beyond the LPSC's regulatory scope. This is not the case in many states where fuel sources such as coal and lignite, hydro, etc.

are much more abundant. Consequently, the LPSC continues its commitment to work to keep electric bills low in comparison to other states for Louisiana citizens.

The latest statistics from the Energy Information Administration shows that 47% of electric generation in Louisiana comes from natural gas which includes utility generation as well as generation from independent power producers and cogeneration facilities.

The following is Louisiana's Electricity Generation by Source in 2007:

Nuclear – 18.4%
Coal – 24.9%
Petroleum – 2.4%
Natural Gas – 47.4%
Other gases – 2.0%
Hydroelectric – 0.9%
Other Renewables – 3.2%
Other – 0.8%

In comparison, North Dakota which has the lowest rates in 2009 has over 90% of their generation from coal, which a significantly cheaper source of fuel. Another state with lower rates is Idaho, which has over 90% of their electricity from hydro generating plants. Only Alaska, California, Rhode Island, and Texas have a greater dependence on natural gas, and each of those have average rates that rank above the national average. Despite this heavy dependence on natural gas, Louisiana has remained below the national average due to the LPSC's stringent management and ratemaking policies and programs.

Docket No. U-27790 – Atmos Energy Corporation

On February 17, 2004, Atmos Energy Corporation ("Atmos") filed a petition with the Louisiana Public Service Commission ("Commission") requesting the approval of a proposed Purchased Gas Adjustment-Rate Stabilization Program ("PGA-RSP"). Pursuant to the General Order dated March 24, 1999, the Commission allowed Atmos and other natural gas local distribution companies ("LDC") under their regulatory jurisdiction to pass through and recover from their customers the actual cost of gas billed by suppliers and pipelines. The General Order was initiated in part to further define the costs eligible for recovery by LDCs through the purchase gas adjustment ("PGA"). This type of mechanism is used across the country to allow utilities to adjust for changes in market based natural gas costs and recover these changes in costs without regulatory lag, subject to audit and refund.

Under Section IV (E) of the March 24, 1999 General Order, the LPSC encourages but does not require LDCs to adopt gas procurement programs that could potentially stabilize PGA costs. The LPSC encourages a "systematic" approach as opposed to a "speculative" one. The recovery of natural gas costs is intended to be a dollar-for-dollar recoupment, and no allowance for profit or incentive payments has typically been built in to the PGA recovery mechanism.

However, the LPSC Staff under the direction of the Commissioners was asked to "think outside the box" to determine if a program such as proposed by Atmos could actually incentivize LDCs to adopt more aggressive hedging programs that could potentially achieve greater ratepayer savings on natural gas costs.

Following a Staff evaluation and recommendation a three-year pilot program was approved by the LPSC in 2004. Staff's evaluation of the pilot program's performance in 2008 found that for the three-year pilot period, the effect of Atmos' hedging activities was a *decrease of \$17.7 million to the gas costs of ratepayers*. This amount was \$7.4 million more than would have been achieved under a systematic approach. Further, Staff recommended, in part, that the PGA-RSP be continued for an additional two years after which time another evaluation should be performed. Staff did not recommend any disallowances.

Certain modifications to the original pilot were determined to be appropriate and subsequently ordered by the LPSC. However, the savings to ratepayers due to the Staff's design of the program establishes that the LPSC's creative, progressive thought process in the creation of the plan constitutes a "best practice" that is being pursued by other gas LDCs in Louisiana.

Securitization

In the summer of 2005 Hurricanes Katrina and Rita struck Louisiana in August and September, respectively. The damage caused by these two storms both in terms of human life and destruction of property was both catastrophic and unprecedented - the cost to Louisiana utilities to restore electric service and repair infrastructure exceed \$1 billion. Entergy Gulf States Louisiana ("EGSL") and Entergy Louisiana (ELL") made a filing with the Louisiana Public Service Commission ("LPSC" or the "Commission") seeking rate relief in connection with the restoration of service and repair to the systems due to the damage caused by Hurricanes Katrina/Rita. Interim relief was granted by the LPSC in February, 2006

The LPSC undertook a massive investigation into the permanent storm relief requests of EGSL and ELL that consumed more than a year. In August 2007, the LPSC issued Order No. U-29203-B authorizing EGSL and ELL to recover, in retail rates, the costs associated with the damage caused by Hurricanes Katrina and Rita. The LPSC order approved recoverable storm costs as follows:

EGSL -- \$187 million
ELL -- \$545 million

In addition, the LPSC approved the establishment of a storm reserve fund for ELL of \$152 million and for EGSL of \$87 million. These amounts were approved for recovery only after a variety of ratepayer protection conditions were placed upon recovery, including requirements that all tax benefits resulting from the storm damage, and all other offsets such as insurance proceeds and government grants, be credited one hundred percent to the benefit of ratepayers. In addition, the LPSC reduced Entergy's total storm claim by imposing regulatory adjustments of approximately \$85 million (in the first year alone).

In order to pay for these massive costs and reserves, the Louisiana Public Service Commission authorized ELL and EGSL to "securitize" these costs and sell bonds to finance the reconstruction. These bonds were rated "AAA" and had yields of 5.56% and 5.74% for ELL and EGSL respectively. These yields were less than half of what it would have cost had traditional rate base/rate of return financing been utilized. Savings to ELL and EGSL customers were about \$200 million. Additional potential tax savings benefits could significantly increase that number. These sales of bonds were so unique and produced such favorable results that the prestigious International Financing Review named the sale of the ELL bonds the U.S. Securitization Project of the Year for 2008.

In addition to the \$85 million the LPSC saved customers from the original ELL/EGSL storm cost requests and the \$200 million savings from the use of securitization, there was a major advantage for customers in 2008 from these bond sales. The "storm reserves" that were established by the bond sales are set aside to pay for the costs of future storms. In 2008, Hurricanes Gustav and Ike hit. While these were also devastating hurricanes, the existence of the storm reserves permitted ELL and EGSL to restore power and pay for repairs, without seeking any interim storm damage relief from customers. While these storm reserves did not pay for all of the costs, they did provide the insurance for which they were designed and delayed for over a year and a half, any further need for rate relief.

LPSC is the designated "point of contact" for 911 in Louisiana

The Louisiana Revised Statutes (La. R.S. 33:9101-9108) grant authority to each parish to create within its boundaries a communications district which would operate autonomously with no centralized state regulatory oversight. However, the FCC directed that each State appoint a central point of contact, as required by the Wireless Communications and Public Safety Act of 1999 (911 Act).

In 2002, Governor Mike Foster designated the Louisiana Public Service Commission as the central point of contact for 911 in the state of Louisiana. The Governor cited the LPSC regulatory oversight of the local telecommunications providers in the state in identifying the LPSC as the "most appropriate state agency in Louisiana to act as the 911 point of contact."

In addition, the LPSC is responsible for the coordination and assignment of all other N11 abbreviated dialing codes to qualifying entities under the FCC definitions for each code.

FCC Appoints LPSC as Numbering Resource "Safety Valve" Administrator in Louisiana

Pursuant to Federal Communications Commission Report and Order and Further Notice of Proposed Rule Making relating to numbering resource optimization ("FCC 00-104" or "Report and Order") dated March 31, 2002, the Louisiana Public Service Commission can consider requests from telecommunications carriers to overturn denials by the North American Numbering Plan Administrator (NANPA), NeuStar, for additional numbering resources.

The Report and Order was issued to implement uniform standards regarding the assignment of telephone numbering resources, including increasing the efficiency in the use of existing numbers and to avoid further exhaustion of existing numbers. This standard was intended, in part, to allow numbering resources to be awarded to carriers with specific customer requests. In response, the LPSC adopted Special Order No. 19-2003, which authorizes the LPSC staff to act on behalf of the LPSC regarding petitions to overturn NANPA/NeuStar decisions relative to blocks of numbers when time is of the essence and the public interest is affected.

LPSC has authority to delegate Telecommunications Service Providers as Eligible Telecommunications Carriers

Pursuant to 47 USC § 214(e), the Commission has processed and granted a number of requests by telecommunications carriers to be designated as “eligible telecommunications carriers” for purposes of receiving federal universal service funding. The LPSC was at the forefront of establishing a set of public interest factors to be applied when reviewing such applications. Through this designation process, eligible telecommunications carriers have received in excess of \$64 million annually for deployment of services in rural areas.

STAR PSC Case Management

The Commission is currently in the process of migrating to the STAR PSC Case Management System, a custom of the shelf (COTS) software application built by ACO Inc. This system is designed to automate all aspects of the Commission's business processes and includes an electronic document repository. The STAR PSC system has been in production for approximately five years at numerous regulatory commissions throughout the United States, many of the automated business process workflow's within the system have become known as best practices in the utility regulation field. Prior to purchasing the product the Commission and ACO staff, who are recognized as experts in the utility regulatory field, engaged in a week long “needs assessment” exercise identifying any areas of redundancy or where our current business processes could be streamlined. The needs assessment exercise included all Commission division heads, staff and ACO staff. The agreed upon results of the needs assessment will be incorporated into the STAR PSC system.

Emergency Preparedness:

Emergency Preparedness is a responsibility of the LPSC which is indirectly (if not directly) related to its constitutional mandate to regulate the rates and services of its jurisdictional utilities though limited to the events that lead up to and immediately following emergencies. In connection with this charge, the LPSC must assure that all LPSC jurisdictional utilities provide safe and reliable service even prior to, during and following a natural disaster such as a hurricane.

The State of Louisiana July 2009 Emergency Operations Plan published by the Governor's Office of Homeland Security and Emergency Preparedness, (GOHSEP) has included detailed implementing procedures for the maintenance and restoration of natural gas and electric utility

services during and after a disaster. The plan assigns this responsibility to the Louisiana Public Service Commission.

Utility availability, especially electric, is key in supporting local activities. In responding to an emergency, "Life Safety" is always top priority and in our society electricity is a necessity. The state has planned for disaster induced electrical outages through the placement and use of generators. However, small, point source generators, while effective for short-term use, are only a stopgap. Knowing where power is out and when it will be restored feeds much of the response planning and operations that are done for many different sectors. The outage reports and support provided by the LPSC to the GOHSEP is extremely useful to a number of state and federal agencies. The following is a listing of these potential users of the outage reports the PSC provides to the State's Emergency Operations Center (EOC). This is not an exhaustive list, but serves to demonstrate the importance of the report and support provided by the LPSC to GOHSEP.

1. Governor/UCG – use the report for strategic planning of emergency response and support in the state
2. DHH – use the report to determine where generators may be needed to support medical missions
3. DHH/OPH – use the report to determine where generators may be needed to support potable water production and sewage treatment plant operation
4. DSS – use the report to determine where generators may be needed to support shelter operations
5. DSS – use the report to plan for and determine eligibility for emergency food stamps
6. DNR – use the report to determine where generators may be needed to support CI/KR operations
- EOC Unified Logistics Element – use the report to aid in evaluating need for placing emergency generators
7. Local/Parish jurisdictions – use the report to aid in determining when local infrastructure will sustain citizens and subsequent re-entry scheduling

State and Federal Citations	Constitutional and Statutory Overview
Constitutional basis La. Const. art. IV, § 21(B) La. Const. art. IV, § 21(D)	<p>This is the general constitutional article that creates the LPSC's robust and plenary authority to regulate public utilities and common carriers. Under this Constitutional article, the LPSC "shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law." The LPSC is specifically empowered to adopt and enforce reasonable rules, regulations and procedures necessary to carry out this constitutional mandate. The Louisiana Supreme Court has consistently held that legislative acts or omissions cannot subtract from the LPSC's exclusive, plenary power to regulate all common carriers and public utilities; indeed, the LPSC's power in this regard is as complete in every respect as the regulatory power that would have been vested in the legislature in the absence of this constitutional article.¹ Simply stated, the legislature simply has no authority to regulate common carriers and public utilities, as the Constitution has granted that authority to the LPSC and only to the LPSC.</p> <p>Pursuant to this grant of plenary regulatory authority, Article IV, Section 21(D) empowers the LPSC to approve or disapprove applications for rate increases.</p>
Statutory basis La. R.S. 45:1163 La. R.S. 45:1164	<p>In keeping with the LPSC's constitutional mandate to regulate common carriers and public utilities, Revised Statute 45:1163 delineates the LPSC's power and authority. Specifically, the LPSC has jurisdiction over all street railway, gas, electric light, heat, power, waterworks and other local public utilities for the purpose of fixing and regulating the rates and services of such utilities. Revised Statute 45:1164 extends the LPSC's power, authority and duties to all matters and things concerning the services provided by regulated utilities. The statute however provides an exemption for activities in Orleans Parish, utilities owned by municipalities, private, self-contained electric generation facilities and wholesalers of electricity. Through these two statutes, the LPSC is able to apply its constitutional authority over public utilities and common carriers, thereby ensuring that ratepayers receive the highest quality of services at economical prices while concurrently providing a reasonable rate of return to industries that employ thousands of Louisiana residents and contribute heavily to the state's tax base.</p>
LPSC jurisdiction over municipally owned utilities	La. R.S. 33:4491-4494 extend the LPSC's plenary constitutional authority over public utilities to utility companies owned and

¹ See, e.g., *Eagle Water Inc. v. Louisiana Pub. Serv. Comm'n*, 06-1899, p.6 (La. 1/17/07), 947 So.2d 28, 32-33; *Bowie v. Louisiana Pub. Serv. Comm'n*, 627 So.2d 164, 166 (La. 1993).

<p>La. R.S. 33:4491 La. R.S. 33:4492 La. R.S. 33:4493 La. R.S. 33:4493 La. R.S. 33:4494 La. R.S. 33:4495</p>	<p>controlled by local municipalities, subject to the municipalities' surrender of such authority in the manner prescribed. La. R.S. 33:4495 then requires that the LPSC surrender such acquired authority if a municipality elects to reclaim such authority in the manner prescribed. These statutes grant local municipalities the option of transferring control of their municipally owned utility companies to the LPSC, an entity that is uniquely suited to regulate the practices of such companies by virtue of the LPSC's decades of experience in regulating similarly situated businesses.</p>
<p>Estimated bills La. R.S. 45:846</p>	<p>A gas, electric or water utility may render and collect estimated bills only if done according to a basis approved or prescribed by the LPSC. Thus, if a meter is tampered with or becomes inoperable, the LPSC can set a means for the utility to collect the approximate value of the actual charges amassed by the customer. This provision therefore acts as a deterrent against unscrupulous business practices, and limits dishonest ratepayer conduct.</p>
<p>Issuance of securities La. R.S. 45:1161 La. R.S. 45:1168 La. R.S. 45:1169 La. R.S. 45:1170 La. R.S. 45:1171 La. R.S. 45:1172 La. R.S. 45:1173 La. R.S. 45:1174 La. R.S. 45:1175 Gen. Order 6-5-96 Gen. Order 11-13-96 General Order 12-14-06</p>	<p>The LPSC oversees the issuance of certain kinds of securities and the assumption of obligations by regulated entities. The LPSC exercises this authority as a means of ensuring that such issuances and/or assumptions are for a lawful object within the corporate purposes of the utility, are necessary or appropriate for the utility's service to the public, and will not impair the utility's ability to perform its service.</p> <p>Pursuant to its constitutional grant of authority, the LPSC has issued three general orders clarifying and extending its ability to oversee the issuance of securities by regulated entities.</p>
<p>Rate increase through posting of a bond La. Const art. IV § 21(D) La. R.S. 45:1163.1</p>	<p>If the LPSC has not rendered a final decision within one year of a utility's filing of an application for an increase, that utility may implement the proposed rate increase only if it files a protective bond or security with the LPSC. The LPSC can challenge the sufficiency of the bond in district court if necessary. This requirement accomplishes three objectives: it provides a financial incentive to utilities to cooperate with the LPSC in conducting ratemaking proceedings in an efficient manner without unnecessary delay; it prevents duplicative ratemaking dockets by continuing proceedings under one single docket; and it protects the public interest from having an undue rate imposed upon them through the negligence of a utility.</p>

<p>Contracts entered into by regulated utilities La. Const. art. IV § 21 La. R.S. 45:1176</p>	<p>La. R.S. 45:1176 restates the LPSC's inherent authority to investigate the reasonableness and justness of contracts entered into by regulated utilities, and also authorizes the LPSC to disallow the recoupment of unjust and unreasonable expenses. (The LPSC must hold a hearing to determine the legitimacy of the contested expenses.) Although other state agencies are certainly capable of overseeing and approving contracts, the LPSC's expertise in the industries that it regulates guarantees an accurate result.</p>
<p>Louisiana Utilities Restoration Corporation La. R.S. 45:1311 La. R.S. 45:1312 La. R.S. 45:1313 La. R.S. 45:1316 La. R.S. 45:1317 La. R.S. 45:1318 La. R.S. 45:1319 La. R.S. 45:1320 La. R.S. 45:1321 La. R.S. 45:1322 La. R.S. 45:1323 La. R.S. 45:1324 La. R.S. 45:1325 La. R.S. 45:1326 La. R.S. 45:1327 La. R.S. 45:1328</p>	<p>In order to help utility companies rebuild utility system restoration after natural and man-made disasters, the legislature created the Louisiana Utilities Restoration Corporation. This non-profit corporation provides alternate financing mechanisms to the LPSC (and to the New Orleans City Council) to attract low-cost capital to finance utility system restoration and capital contributions to financially strengthen and stabilize utilities. The corporation is a special purpose corporation and a political instrumentality of the state, but has a legal existence as a public corporate body separate and distinct from the state.</p> <p>The corporation's assets are not considered part of the general fund or any other fund in the state treasury. Its monies are maintained by the corporation as a separate and special fund distinct from the state's general fund. The corporation's annual operating budget must be approved by the LPSC, and expenditures shall be under the direction of the corporation's governing board and the regulation of the LPSC, and is further subject to procedures established by applicable LPSC regulations and orders.</p> <p>The Secretary of the LPSC (or her designee) serves on the governing board of the corporation. LPSC staff may likewise serve as staff to the corporation under the supervision of the secretary, and the corporation may retain professionals, financial advisors, and accountants as necessary (subject to approval of the LPSC).</p> <p>The LPSC can authorize the issuance of tax-exempt system restoration bonds if the LPSC finds that proposed structuring, expected pricing, and anticipated financing costs of the system restoration bonds are reasonably expected to result in lower overall costs to ratepayers as compared to conventional methods of financing or recovering utility system restoration costs. The LPSC approves system restoration costs incurred by utility companies and then issues a financing order that specifies the amount of system restoration costs, authorizes the corporation to</p>

	<p>impose system restoration charges, and authorizes the utility companies to collect the charges. System restoration charges are nonbypassable, meaning that all customers within the LPSC's jurisdiction and receiving electric delivery service must pay the charges. (The utilities are not required to pay state corporate income tax on the system charges.)</p> <p>The LPSC's order will further require that the corporation sell or pledge the funds collected to a bond issuer (namely, the Louisiana Public Finance Authority) in exchange for the bond proceeds, which are returned to the utility company to pay system restoration costs and set up storm reserves. The LPSC can include any other conditions or provisions in a financing order that the LPSC deems appropriate with respect to any matters pertaining to and within the LPSC's constitutional jurisdiction over utilities and plenary power to regulate utilities. The corporation shall not apply any proceeds of system restoration bonds or system restoration charges to any purpose not specified in a financial order of the LPSC, or to any purpose in excess of the amount allowed in the LPSC's order, or to any purpose in contravention of the order.</p> <p>The LPSC's ability to issue financial orders to the Utilities Restoration Corporation has only one limitation – the LPSC cannot issue such orders to electric or natural gas utilities providing electric or natural gas service within the City of New Orleans. In fact, the legislature specifically declared that the Utilities Restoration Corporation does not create any limitation, derogation, or diminution of the LPSC's jurisdiction or authority.</p> <p>The alternate financing structure of the Utilities Restoration Corporation enables the corporation to finance, directly or indirectly, system restoration costs and capital costs associated with the damage caused by Hurricanes Katrina and Rita with low-cost capital.</p>
<p>Rate analysis & hearing examiners division La. R.S. 45:1163.3 La. R.S. 45:1177(C)</p>	<p>In order to help the LPSC examine the affairs of regulated utilities and common carriers, and to represent the LPSC in matters affecting the services and rates charged by such regulated entities to Louisiana Consumers, and to further represent the LPSC in the judicial review by Louisiana courts of decisions rendered by the LPSC, the LPSC's economics and rate analysis and hearing examiners division was established.</p> <p>In addition to its regulatory staff, the LPSC is thus required to employ (as full time employees) attorneys and persons trained in</p>

	<p>auditing, economics, finance, engineering and accounting (as well as any necessary clerical or support staff). The LPSC is furthermore empowered to retain other attorneys, engineers, consultants, accountants or support staff to assist the economics and rate analysis division. The LPSC is furthermore required to employ an in-house general counsel. By having such professionals and resources available, the LPSC can make informed decisions about the regulation and rates of the businesses subject to LPSC jurisdiction based on the specialized knowledge of its in-house staff.</p>
<p>Inspection and supervision fund La. R.S. 45:1177 La. R.S. 45:1178 La. R.S. 45:1179 La. R.S. 45:1180 La. R.S. 45:1181 La. R.S. 45:1182 La. R.S. 45:1183</p>	<p>Obviously, the LPSC would not be able to carry out its constitutional mandate to regulate common carriers and public utilities operating within Louisiana without some source of funding. The LPSC is primarily funded by fees collected from the utilities and carriers subject to LPSC control and jurisdiction and deposited into a special fund in the state treasury known as the Utility and Carrier Inspection and Supervision Fund. This fee is calculated according to the gross receipts of each entity, and is used to defray the costs of the inspection, control and supervision of the business service and rates of each public utility. The LPSC, much like its sister agencies in other jurisdictions, does not receive any monies from the State's General Fund.</p> <p>In those instances where the LPSC must examine the affairs of a public utility or carrier subject to the LPSC's jurisdiction, the LPSC has discretion to assess the costs of such an examination (including the cost of any outside attorneys, experts or consultants) upon the utility company or carrier being investigated.</p> <p>This funding method thereby ensures that a ratepayer's contribution to the funding of the LPSC is only in proportion to the amount of regulated services that that ratepayer actually uses. The utilities/carrier pay the LPSC inspection and supervision fees in proportion to their gross receipts, then pass on the cost of those fees to the ratepayers in the form of rates (in a schedule approved by the LPSC to be fair and equitable to the ratepayer while promising a reasonable rate of return to the utility). The ratepayer is then assessed a charge by the relevant utility/carrier in an amount proportionate to the degree of services actually used by that ratepayer.</p>
<p>Enforcement of LPSC orders La. R.S. 45:1196</p>	<p>These statutory provisions create a grievance procedure similar to arbitration wherein a person aggrieved by a regulated utility may submit a complaint to the LPSC by petition. If there is reasonable</p>

<p>La. R.S. 45:1197 La. R.S. 45:1198 La. R.S. 45:1199</p>	<p>grounds for the complaint, the LPSC will investigate and hold a hearing if necessary. If the complainant is entitled to an award of damages, the LPSC will make an order directing the regulated utility to pay as such. The complainant or the LPSC can file suit in district court to enforce the LPSC's award of damages. This forum allows injured ratepayers to contest the actions of their utility providers to a neutral third party without having to immediately resort to expensive litigation. If litigation becomes necessary to enforce the award, the innocent ratepayer would then have the advantage of the LPSC's legal expertise. The procedure also protects ethical utility companies from litigating frivolous complaints.</p>
<p>Extensions for servicemen La. R.S. 29:317 La. R.S. 29:318 La. R.S. 39:319</p>	<p>The LPSC can assist returning U.S. servicemen with obtaining extensions of time to pay natural gas, electric and water charges.</p>
<p>Extension of electric service La. R.S. 45:122</p>	<p>The LPSC has authority to require electric public utilities to extend service if the revenues to be derived from the extension would be sufficient to provide a fair return. The LPSC thus makes certain that services are provided in a nondiscriminatory fashion to all regardless of location (so long as the provision of services would not present an undue burden to regulated utilities).</p>
<p>Levelized/budget billing La. R.S. 45:1221 La. R.S. 45:1222 La. R.S. 45:1223 Gen. Order 3-7-02</p>	<p>The LPSC requires all utilities subject to its jurisdiction to implement a deferred billing program that allows eligible customers to pre-enroll with the utility to receive the benefits of levelized/budget billing during energy emergencies. Such programs should at a minimum allow utility companies to defer payment of a utility bill for up to twelve months.</p> <p>Eligible customers include: persons whose income does not exceed 150% of the federal poverty level, persons who receive food stamps, temporary Assistance for Needy Families, or whose sole income consists of Social Security payments; vital government entities that provide services in whose absence the public health, safety and welfare could be placed into imminent peril; and persons who need life-sustaining, electrically operated equipment or electricity-dependent, life-sustaining medical treatment.</p> <p>Utilities must periodically inform their customers about the program and adopt application & enrollment procedures that must be approved by the LPSC. If the customer continues to make required payments under such a deferred payment program, then he or she cannot have his or her service discontinued.</p>

	<p>The LPSC is mandated to impose penalties for violations of its general order(s) regarding this program.</p> <p>The required programs therefore protect the health and safety of disadvantaged individuals and vital social programs during times of inordinately high energy costs, extreme inclement weather, or any other extraordinary circumstances determined by the LPSC.</p>
<p>“Call before you dig” (permission to enter private rights-of-way) La. R.S. 45:1510</p>	<p>Utility companies, carriers and telecommunications service providers are prohibited from entering a right-of-way located on a private landowner’s property without first making a good faith attempt to obtain permission from the landowner. The utility, carrier or telecommunications service provider must also provide the landowner with a reasonable period of time to mark underground utility lines. If such lines are damaged, the landowner must be notified of the damage and ensuing repair.</p> <p>The LPSC is therefore required to promulgate rules and regulations necessary to implement these provisions. (These provisions do not apply to a utility, carrier or telecommunications service provider conducting an emergency response to a crisis situation requiring immediate action to prevent threat or damage to life, health or property.)</p> <p>This rule thereby protects a private landowner’s right to privacy in the home and reduces the risk of potential damage to underground workings. Because the LPSC is the only state agency with both constitutional and statutory authority over utilities, carriers and telecommunications service providers, it is the only entity capable of monitoring and controlling such activities.</p>
<p>“300 Foot Rules” disputes La. R.S. 45:123 Gen. Order of 7/11/00 5/17/04 Modification to Gen. Order of 7/11/00 5/26/04 Modification to Gen. Order of 7/11/00 5/10/05 Modification to Gen. Order of 7/11/00 10/6/05 Modification to Gen. Order of 5/17/04</p>	<p>If a public utility’s existing lines are more than 300 feet away from a potential new customer’s property, and the customer’s property is within 300 feet of a competing utilities lines, then the first utility is prohibited from extending its service lines to that customer. If the customer’s property is situated within 300 feet of two different utilities, then the customer may choose which utility will provide service to the property. In order to prevent the unnecessary duplication of services, the LPSC has jurisdiction to determine which utility has the right to provide service to the customer.</p> <p>The LPSC has utilized its constitutional authority over telephone carriers to implement several general orders detailing the scope of the LPSC’s jurisdiction in, and the procedure to be utilized in 300</p>

	foot rule disputes.
<p>Authority over electric utilities La. Const. art. IV, § 21 La. R.S. 38:2325 La. R.S. 45:121 La. R.S. 45:1163</p>	<p>Pursuant to legislative directive and in accordance with the LPSC's constitutional mandate to regulate public utilities, all business entities that match the legislature's definition of "electric public utility" are subject to cogeneration rules and regulations adopted by the LPSC.</p> <p>The LPSC's power and authority over public utilities necessarily extends to the fixing and regulation of the rates and services provided by electric utilities. While electric co-ops possessing a federally approved schedule of rates are exempt from the LPSC's jurisdiction, the Louisiana Supreme Court has held that electric cooperatives are indeed subject to the LPSC's jurisdiction.² The LPSC may furthermore exercise jurisdiction over any electric cooperatives that have elected to be regulated by the LPSC in the manner prescribed by statute.</p> <p>The LPSC's authority over electric utilities has even been extended to hydroelectric power produced by the Sabine River Authority.</p> <p>In keeping with its constitutional mandate, the LPSC fulfills the invaluable role of ensuring that ratepayers are charged a fair rate for the electricity that they use, while making certain that investor owned electric companies have an ongoing incentive to operate in the form of a fair rate of return.</p>
<p>Alternative rate tariffs La. R.S. 45:1163.2</p>	<p>In order to strengthen the economic stability of Louisiana as a whole, which is heavily dependent on the state's industrial base, the LPSC shall require electric public utilities to file alternative rate tariffs (based solely on oil and/or gas fired generation) for depressed energy-intensive industries. Louisiana industries are thus able to remain competitive with comparable industries located outside of this state.</p>
<p>Overhead power line safety La. R.S. 45:141 La. R.S. 45:142 La. R.S. 45:143 La. R.S. 45:144 La. R.S. 45:145 La. R.S. 45:146</p>	<p>Except for certain employees of public utilities, no person may work within ten feet of any high voltage overhead power lines. If any unauthorized person intends to work within ten feet of a high voltage overhead power line, the person responsible for the work must notify the owner or operator if the line not less than 48 hours prior to commencing work.</p> <p>The LPSC has a mandate to promulgate rules and regulations</p>

² *Cajun Elec. Power Co-op, Inc. v. Louisiana Pub. Serv. Comm'n*, 544 So.2d 362 (La. 1989).

	<p>requiring owners and operators of overhead electric utility lines to promote public awareness of the dangers of contact with high voltage overhead electric lines. Because of its continuing regulation of electric utility companies, the LPSC is the natural and indeed only agency capable of compelling electric utilities to raise public awareness of the risks involved in such an inherently dangerous realm.</p>
<p>Net metering La. R.S. 51:3025 La. R.S. 51:3026 La. R.S. 51:3027</p>	<p>“Net metering” refers to the difference between electricity supplied by an electric utility and electricity generated by an individual’s use of solar, wind, hydroelectric, geothermal or biomass resources to generate electricity. Utilities must allow net metering facilities to be interconnected using a meter capable of registering the flow of electricity in two directions. This increased consumption of renewable energy resources meets the growing energy demand, increases use of indigenous fuels, and fosters investment in emerging renewable technologies to stimulate economic development and job creation.</p> <p>Being the only constitutionally created executive agency with plenary regulatory authority over electric utilities, the LPSC establishes rates, terms, and conditions for net metering contracts. The LPSC can also authorize an electric utility to assess a net metering customer a greater fee or charge if the utility’s cost of interconnection and administration outweigh the benefits to the environment, to the distribution system and to public policy.</p>
<p>LPSC authority over sales of natural gas to local distribution companies La. Const. art. IV, § 21 La. Const. art. IX, § 2 La. R.S. 30:551 La. R.S. 45:1163</p>	<p>The LPSC possesses authority to regulate the sale of natural gas moving by pipeline to local distribution companies for resale. The LPSC then regulates resales by those LDCs for the purposes of fixing and regulating the rates and services charged and rendered by public utilities in such sale. This grant of authority does not extend to utilities owned or operated by a political subdivision or subject to regulation in accordance with the provisions of a home rule charter.</p> <p>Revised Statute 45:1163 provides an exemption for providers of natural gas to industrial plants and sellers of compressed natural gas for use in vehicles.</p> <p>Possessed of a constitutional mandate to regulate common carriers and public utilities, the LPSC is the only agency capable of performing this all-important function.</p>
<p>Regulation of natural gas pipelines</p>	<p>The LPSC shall supervise, govern, regulate and control transportation or sale of natural gas by pipeline to local</p>

<p>La. Const. art. IV, § 21 La. R.S. 45:301 La. R.S. 45:302 La. R.S. 45:308 La. R.S. 45:309 La. R.S. 45:310 La. R.S. 45:311 La. R.S. 45:312 La. R.S. 45:313</p>	<p>distribution companies for resale. This grant of authority extends to all matters and things directly connected with the service rendered by such pipelines transporting or selling natural gas to local distribution companies for resale. The LPSC must also hold a public hearing to determine if service to a local distribution company may be shut off or disconnected.</p> <p>The LPSC can adopt federal gas pipeline standards, and also promulgate rules and regulations concerning inspection and maintenance of pipeline facilities. Moreover, the LPSC can impose penalties on gas pipelines that do not comply with applicable statutes. If necessary, the LPSC is able to initiate litigation in Louisiana's 19th Judicial District Court for enforcement of its orders.</p> <p>The LPSC can also apply for and receive federal grants, and can further enter into compacts, agreements or contracts with state and/or federal agencies regarding the creation of uniform pipeline safety standards.</p> <p>Although pipelines that were already in effect in 1968 are exempt from uniform safety standards, the LPSC can nonetheless require any such utility to remove safety hazards.</p> <p>The LPSC's oversight of natural gas pipelines assures that intrastate transportation of natural gas will conform to the highest safety standards while concomitantly preventing pipeline companies from charging unduly high rates.</p>
<p>Regulation of petroleum pipelines La. R.S. 45:252 La. R.S. 45:253 La. R.S. 45:255 La. R.S. 45:258 La. R.S. 45:259 La. R.S. 45:260</p>	<p>The LPSC possesses regulatory authority over intrastate transportation of petroleum through pipelines, with ability to adopt, change or make corresponding (and reasonable) charges or regulations. The LPSC is thus compelled to establish/enforce reasonable rates/regulations for gathering, transporting, loading and delivering petroleum and for furnishing and use of tank facilities. Likewise, the LPSC shall make and enforce regulations for control of petroleum common carriers with respect to pipelines and receiving, tanking, delivering, transferring and loading facilities. The LPSC must exercise this authority upon petition by any person showing a substantial interest in the subject. The LPSC must also give 10 days' notice before a hearing.</p> <p>The LPSC is furthermore required to make reasonable rules and regulations regarding publication of petroleum gas tariffs. Accordingly, the LPSC can hear and determine complaints,</p>

	<p>require attendance of witnesses, and institute suits to enforce its orders. The LPSC may also order a common carrier of petroleum to disclose reports of its total, aggregate quantities of petroleum; it may also make and enforce regulations to prevent discrimination in distribution of petroleum gas. The LPSC may also employ an expert if necessary.</p> <p>In fact, the LPSC's authority in this regard is so broad the LPSC can make all other rules and regulations necessary to regulate common carriers of petroleum gas, even if such laws would be limited in application to particular oil fields.</p>
<p>Water companies and sewage treatment facilities La. Const. art. IV, § 21 La. R.S. 30:2075.2 La. R.S. 45:1163 La. R.S. 45:1203 La. R.S. 45:1204 La. R.S. 45:1205</p>	<p>In accordance with the LPSC's constitutional mandate to regulate public utilities, it is required to exercise all necessary power and authority to supervise, govern, regulate and control privately owned sewerage disposal companies (although rates fixed for East Baton Rouge Parish and Livingston Parish do not become effective until approved by the respective parish governments).</p> <p>The LPSC must further determine if a sewage treatment facility is financially able to properly maintain or operate its system, for purposes of whether that facility must forfeit a bond provided to the Department of Environmental Quality.</p> <p>As with all other public utilities under the LPSC's jurisdiction, regulation guarantees that ratepayers are able to receive quality water and wastewater services at a price that is both affordable for the ratepayer and provides for an equitable rate of return to the service provider. The LPSC's ability to compel forfeiture of a bond further promises that sewage treatment companies preserve their facilities in a manner that does not injure the health and well-being of ratepayers.</p>
<p>Regulation of telephone carriers La. Const. art. IV, § 21 La. R.S. 45:844.53 La. R.S. 45:844.55 La. R.S. 45:1163 La. R.S. 45:1166</p>	<p>In keeping with the LPSC's constitutional grant of plenary regulatory authority over public utilities and common carriers, the LPSC has a mandate to regulate telegraph and telephone operators, adopting reasonable and just rules, regulations and orders accordingly. The LPSC has additional authority to promulgate necessary rules for telephone businesses to cooperate with law enforcement officials in intercepting indecent phone calls, but may not make any rules or regulations that conflict with federal wiretapping laws.</p> <p>Local governments that provide telecommunications services are specifically subject to the jurisdiction of the LPSC. The LPSC has a specific statutory mandate to adopt cost allocation and affiliate</p>

	<p>transaction rules pertaining to local governments that provide telecommunications services.</p> <p>Although the telephone industry is a competitive one, the LPSC's regulation promotes fair business practices between telephone service providers while promising quality of telephone service, reasonableness of rates and other consumer protection measures for ratepayers.</p>
<p>Creation of state universal service fund 47 U.S.C. § 254</p>	<p>Upon deregulating the telecommunications industry in 1996, Congress required all providers of telecommunications services to contribute towards the provision of universal telecommunications services that can be accessed by all Americans. To that end, the Federal Communications Commission created the federal Universal Service Fund. Telecommunications carriers must contribute to this fund an amount proportionate to the volume of their interstate and international end-user revenues.</p> <p>Congress further gave authority to the states to adopt a program not inconsistent with the Federal Communications Commission's plan for preserving and advancing universal service. However, Congress specifically required every telecommunications service provider that provides intrastate telecommunications service to contribute to the preservation and advancement of universal service in that state.</p> <p>In response to this federal mandate for intrastate telecommunications providers, the LPSC created a separate and distinct state Universal Service Fund, and required all telephone carriers providing intrastate service in Louisiana to contribute to this fund. Louisiana carriers must contribute to the state fund an amount in reciprocal proportion to the amount contributed to the federal Universal Service Fund – that is, intrastate carriers must contribute to the state fund an amount proportionate to the volume of their intrastate end-used revenues.</p>
<p>Certification of eligible telecommunications carriers La. Const. art. IV, § 21 47 U.S.C. § 214(e) 47 U.S.C. § 254(e) 47 U.S.C. § 254(f) 47 C.F.R. § 54.101</p>	<p>A telephone service provider may only receive universal service fund monies if it has been certified as an Eligible Telecommunications Carrier. In accordance with the LPSC's constitutionally created regulatory oversight of common carriers, it is required by federal law to certify a telephone service provider (including competitive local exchange carriers that purchase and resell telecommunications services from incumbent local exchange carriers) as an Eligible Telecommunications Carrier if the carrier provides nine enumerated forms of telecommunications service, to wit: voice-grade access to the</p>

	<p>public switched network; local usage; dual tone multi-frequency signaling or its functional equivalent; single party services or its functional equivalent; access to emergency services; access to operator services; access to interexchange services; access to directory assistance; and toll limitation for qualifying low income customers. The LPSC is therefore responsible for verifying that an applicant for certification as an Eligible Telecommunications Carrier will provide each of these services.</p> <p>This grant of federal authority effectively bestows upon the LPSC the ability to decide who can receive funding from the state Universal Service Fund and its federal counterpart.</p>
<p>Interconnection agreements 47 U.S.C. § 251 47 U.S.C. § 252 La. R.S. 45:1504</p>	<p>Following the dissolution of the Bell System and the subsequent deregulation of the telecommunications industry, competitive local exchange carriers are able to provide telephone services to ratepayers using equipment purchased or leased from incumbent local exchange carriers (the former regional Bell operated companies). State commissions such as the PSC are entrusted with approving interconnection agreements. As these competitive local exchange carriers negotiate interconnection agreements to establish the cost of unbundled network elements and reciprocated rates with the incumbent local exchange carriers, actors are periodically unable to arrive at a mutual agreement. The LPSC is therefore empowered both by state statute and by federal law to order an interconnection agreement (on reasonable terms) between two telephone service providers or between a radio common carrier and a serving telephone company if a necessity exists therefore.</p>
<p>911 Point of contact/Wireless Communications and Public Safety Act La. R.S. 33:9101 La. R.S. 33:9101.1 La. R.S. 33:9102 La. R.S. 33:9103 La. R.S. 33:9104 La. R.S. 33:9105 La. R.S. 33:9106 La. R.S. 33:9106.1 La. R.S. 33:9106.2 La. R.S. 33:910 La. R.S. 33:910 47 U.S.C. § 609</p>	<p>The legislature empowered the governing authority of each parish to create communications districts within their territories. The number "911" was furthermore established as the primary emergency telephone number within each such district, although districts are permitted to establish a secondary backup number if they so choose.</p> <p>Although these districts were intended to operate autonomously without regulatory oversight, the Federal Communications Commission directed each state to appoint a centralized point of contact in accordance with the Wireless Communications and Public Safety Act of 1999. Taking heed of the LPSC's regulatory oversight of the telecommunications industry, Governor Foster designated the LPSC as Louisiana's central point of contact. The LPSC is furthermore charged with coordinating and assigning all secondary N11 abbreviated dialing codes.</p>

<p>47 U.S.C. § 615 47 U.S.C. § 615a 47 U.S.C. § 615a-1 47 U.S.C. § 615b</p>	
<p>Department of Public Safety Complaints regarding local emergency systems La. R.S. 45:800</p>	<p>The LPSC has specific jurisdiction to hear complaints brought by the Department of Public Safety against public utilities to enforce compliance by such utilities with tariff provisions concerning local emergency telephone systems.</p>
<p>Taxable telecommunications services La. R.S. 47:301(i) La. R.S. 47:301.1 La. R.S. 47:302(C)(2) La. R.S. 47:331(C)(2)</p>	<p>Act no. 22 of the 2000 Legislative Session was passed to correct the disparate treatment accorded to certain intrastate telecommunications service providers by providing a tax credit (in the amount equal to their ad valorem property tax, offset by an expansion of the sales and use tax base to include telecommunication services) to those telecommunications providers with property classified as "Public Service Property." In order for these tax credits to become effective, the LPSC was charged with implementing rate deductions in amounts equal to the tax credits received by the affected companies. The LPSC therefore issued a series of general orders to implement the mandatory rate reductions accordingly.</p>
<p>Automatic dialers La. R.S. 45:813 La. R.S. 45:814 La. R.S. 45:815</p>	<p>Companies or individuals using automatic dialer equipment must register with the LPSC and execute a surety bond (although the LPSC has authority to waive the bond requirement). The LPSC shall issue regulations to govern permits for automatic dialer operators and shall collect application/renewal fees from persons applying for a permit. The LPSC can suspend or revoke a permit.</p> <p>The LPSC can furthermore order a telephone company or cooperative to withdraw from access to a telephone access line if calls to that number are solicited through automatic equipment or through the U.S. mail.</p>
<p>Caller ID regulations La. R.S. 45:844.2 La. R.S. 45:844.3</p>	<p>The LPSC has a mandate to promulgate rules and regulations which ensure that telephone solicitors possess an identification code that appears on caller ID units. Telecommunications service providers that cannot deliver such information must file with the LPSC (upon LPSC request), an explanation of why it cannot provide the information.</p> <p>The LPSC must issue rules and regulations to prevent caller ID blocking. The LPSC has additional authority to impose civil penalties for caller ID violations.</p>
<p>Do Not Call program</p>	<p>In order to ensure a citizen's fundamental right to privacy in the</p>

<p>La. R.S. 45:844.11 La. R.S. 45:844.12 La. R.S. 45:844.13 La. R.S. 45:844.14 La. R.S. 45:844.15 La. R.S. 45:844.16 La. R.S. 45:844.17</p>	<p>home, the LPSC maintains a Do Not Call to restrict unwanted calls by telemarketers. The Louisiana program allows ratepayers to contact the LPSC and opt out of receiving telephone solicitations at their residences. Persons wishing to conduct telephone solicitations must register with the LPSC, pay a registration fee and purchase a copy of the LPSC's register of citizens that have opted out of receiving such solicitations. Failure to comply with these requirements may result in a penalty assessed against the telemarketer. The program is entirely self-sufficient and all fees and penalties collected are transferred into a special fund in the state treasury known as the "Telephonic Solicitation and Relief Fund." The program does not apply to certain classes of actors, such as non-profit organizations and entities having a preexisting business relationship with the ratepayer.</p> <p>Although a similar program has been instituted at the national level by the Federal Trade Commission and the Federal Communications Commission, this federal program does not provide the same degree of consumer protection as Louisiana's own program. Louisiana's plan prohibits non-profit organizations from hiring professional telemarketers to conduct solicitation activity. More importantly, the LPSC directly handles all complaints received by ratepayers, and places special emphasis on consumer interaction, education and public service.</p>
<p>Wireless Do Not Call La. R.S. 45:844.8</p>	<p>The federal government has preemptive authority to regulate wireless telephones, and has consequently implemented a Do Not Call registry for wireless phones. Although the LPSC may lack authority to regulate the rates and services of the phones themselves, it can nonetheless promulgate rules and regulations that comply with federal law prohibiting telemarketers from making wireless telephonic solicitations. Louisiana citizens therefore enjoy even greater protection from unwanted calls in a medium that continues to charge ratepayers by the amount of time used (regardless of the receiver's expectations).</p>
<p>Emergency suspension of telemarketing La. R.S. 45:844.32 La. R.S. 45:844.33</p>	<p>The LPSC must implement rules regarding the suspension of telephonic solicitation activity during a state of emergency, including measures to notify telephonic solicitors that an emergency has been declared and that telephonic solicitations are prohibited at that time. Similarly, the LPSC must investigate complaints received concerning telephonic solicitations during a state of emergency. The LPSC must give notice and hold a hearing, and if a violation has occurred it must impose a penalty. If the solicitor refuses to pay the assessed fine, the LPSC may</p>

	<p>again give notice and hold another hearing to assess additional cost and attorney fees related to collection of the fine. These provisions serve an important public policy of protecting citizens from falling prey to telemarketing schemes at times when their judgment may be impaired due to the stressors created by natural disasters. Equally important, these statutory provisions help to preserve Louisiana's telephone systems from overloading during times when its continued operation is absolutely essential to the health and safety of our people.</p>
<p>Anti-slamming measures La. R.S. 45:1166.1 Gen. Order 5/12/93 Gen. Order 7/08/93 Gen. Order 5/7/97 Gen. Order 1/8/98 Gen. Order 4/21/98 Gen. Order 6/5/98 Gen. Order 8/6/98 Gen. Order 4/30/02</p>	<p>Telephone service providers may not transfer a ratepayer's long-distance service to another long-distance service provider without the ratepayer's express authorization to do so in accordance with one of four statutory procedures. One of these procedures calls for the LPSC to produce written authorization forms to be provided to the customer by the service provider. Alternatively, the service provider may obtain electronic or voice confirmation from the ratepayer if that authorization includes sufficient data to verify the ratepayer's desire to change the long-distance service. Finally, the service provider may send via first class mail a package concerning the requested change; said package must include contact information for a contact point within the LPSC capable of receiving consumer complaints, as well as a postcard to be returned by the ratepayer confirming the change. If a change is made without the ratepayer's permission, then that ratepayer has a private cause of action in civil district court for damages equal to three times the amount of the damages sustained as a result of the illegal change. The LPSC may investigate such a complaint, and its findings are to be considered prima facie evidence of the facts contained therein.</p> <p>The necessity of such requirements is self-evident, creating a means and forum for an aggrieved ratepayer to vindicate himself or herself against an intrusion of his or her consumer rights. The LPSC's special knowledge of the applicable laws and regulations pertaining to long-distance telephone services is instrumental to the determination of whether a change in long-distance services was legitimately conducted.</p> <p>The LPSC has further employed its constitutional authority over telephone carriers to create extensive rules prohibiting slamming.</p>
<p>Anti-cramming measures La. R.S. 45:1166.2 Gen. Order U-24050</p>	<p>The LPSC is required to adopt rules and regulations (including but not limited to the imposition of fines and sanctions) to prohibit or prevent "cramming" (the inclusion of unauthorized charges on a telephone subscriber's bill). Telephone service</p>

	<p>providers therefore have an additional incentive not to include unauthorized charges over and above any potential litigation that might be initiated by aggrieved ratepayers.</p>
<p>Penal institutions La. R.S. 45:1166.3 Gen. Order 9/18/98</p>	<p>Long-distance service providers are prohibited from charging a rate for an operator-assisted collect call from a penal institution in excess of the rate charged for such calls made from the closest municipality. The rates must furthermore comply with the LPSC's rate caps on long-distance telephone calls. The LPSC has issued the General Order dated 9/18/98 that includes detailed rates and regulations for operator service providers and payphone service providers. Accordingly, persons receiving collect calls from a person incarcerated in a penal institution are not charged disproportionate rates.</p>
<p>Telephonic relay services for the hearing- and speech-impaired 47 U.S.C. § 255</p>	<p>Telephone carriers are obligated by federal law to provide intrastate telecommunications relay services to hearing-impaired and speech-impaired individuals. The Federal Communications LPSC has therefore been directed by Congress to ensure that interstate and intrastate telecommunications relay services are available to hearing-impaired and speech-impaired individuals. Although the FCC is authorized to institute such programs within individual states, a state government may avoid direct federal regulation of the state's activity by establishing its own program for the provision of telephonic relay services. Specifically, a state program must make intrastate telephonic relay services available to hearing- and speech-impaired individuals through one of four approved methods: directly; through designees; through a competitively selected vendor; or through regulation of common carriers. Telephone service providers will be considered to be in compliance with these federal regulations of intrastate telecommunications, if that common carrier resides in a State with a program certified by the FCC and the carrier is in compliance with that State's program.</p> <p>In response to this federal directive and in order to prevent federal regulation of intrastate activity, the LPSC established the Relay Administration Board, a nonprofit organization that oversees the provision of relay services to speech-impaired and hearing-impaired individuals..</p>
<p>Numbering resource "Safety Valve" administrator 47 C.F.R. § 52.1(g)(4) FCC Rule 00-104</p>	<p>The Federal Communications Commission issued a report and order for the purpose of implementing uniform standards regarding the assignment of telephone numbering resources (including increasing the efficiency in the use of existing numbers and to avoid further exhaustion of existing numbers). The FCC</p>

	thereby granted authority to state commissions to affirm or overturn decisions of the North American Numbering Plan Administrator/NeuStar to withhold numbering resources from a particular carrier.
Pole attachments 47 U.S.C. § 224	Although the Federal Communications Commission regulates the rates, terms and conditions of pole attachment agreements, Congress allows a state to preempt the FCC's regulatory authority by certifying to the FCC that the state already regulates the rates, terms and conditions of such agreements, and that in so regulating, the state has the authority to consider and does consider the interests of the subscribers of the services offered via such services, as well as the interests of utility customers. The LPSC certified to the FCC decades ago that it fulfills these criteria and consequently has regulated pole attachment agreements ever since.
Regulation of radio carriers La. Const. art. IV, § 21 La. R.S. 45:1500 La. R.S. 45:1501 La. R.S. 45:1502 La. R.S. 45:1503 La. R.S. 45:1504 47 U.S.C. § 332	<p>The LPSC is required by statute to exercise jurisdiction over radio common carriers providing a service of radio communications between mobile and land stations (including land line telephones) and among such stations. Accordingly, the LPSC must prescribe appropriate rules and regulations and make orders to insure that radio common carrier rates are reasonable, just, and adequate. As the legislature has mandated that radio common carriers must obtain a certificate of public convenience and necessity, the LPSC must prescribe appropriate and reasonable rules and regulations governing the issuance of such certificates. The LPSC may also order an interconnection agreement (on reasonable terms) between a radio common carrier and a serving telephone company if a necessity exists.</p> <p>Although Congress has preempted regulation of the entry of and rates charged by commercial mobile radio services carriers, the LPSC nonetheless has jurisdiction to regulate the other terms and conditions of such commercial mobile radio services. Specifically, the LPSC may require a commercial mobile radio services provider to adhere to generally applicable state regulations promoting the universal availability of telecommunications services at affordable rates. The LPSC may also petition the Federal Communications Commission for authority to regulate the rates of a commercial mobile radio services carrier if market conditions fail to protect ratepayers from unjust or unreasonably discriminatory rates, or if such market conditions exist and such service is a replacement for land line telephone exchange service for a substantial part of the telephone land line exchange service within the LPSC's</p>

	jurisdiction.
<p>Regulation of motor carriers La. Const. art. IV, § 21 La. R.S. 45:162(10) La. R.S. 45:163</p>	<p>The LPSC possesses all necessary power and authority to supervise, regulate, govern and control all motor carriers which transport intrastate, household goods, passengers, waste, or any other classification of carriers created by law and to fix reasonable and just rates for services and commodities provided by motor carriers. This authority covers services provided by and records kept by motor carriers.</p> <p>In order to carry out this mandate, the LPSC shall adopt and enforce rules & regulations, summon, compel and swear witnesses, compel production of evidence, take testimony and punish for contempt. The LPSC can also prescribe and require furnishing and filing of tariffs and schedules.</p> <p>The LPSC is further required to enforce statutes pertaining to motor carriers through LPSC enforcement agents, who have statewide authority to make arrests and issue subpoenas. These officers can require motor carriers to stop and present bills of lading for inspection, and the officers can further inspect vehicles and impound any property therein. The officers' authority in this regard even extends to persons aiding and abetting violators of motor carrier statutes.</p>
<p>Certification of motor carriers La. R.S. 45:162(13 & 20) La. R.S. 45:164 La. R.S. 45:166 La. R.S. 45:169</p>	<p>Any person seeking to do business as a motor carrier in the state of Louisiana must apply to the LPSC for certification. The LPSC will then hold a public hearing on the application and determine whether certification of the applicant is in the public interest. If so, the LPSC will issue a certificate of public convenience and necessity to the motor carrier. Any person seeking to do business as a motor carrier of household goods, passengers and saltwater in the state of Louisiana must apply to the LPSC for certification, but need not prove public convenience and necessity. Applications must be accompanied by a \$50.00 non-refundable application fee.</p> <p>The LPSC necessarily possesses the authority to suspend, amend or revoke the motor carrier certificates that it issues. Additionally, before a certificate can be sold, leased or otherwise transferred, the LPSC must determine that the rights of that certificate have been exercised for at least six months prior to the proposed sale, lease or transfer. If the LPSC finds that a certificate has not been used in six months, it must give notice and hold a hearing to determine if the certificate should be canceled.</p>

<p>Motor Carrier Regulation Fund La. R.S. 45:169.1</p>	<p>Along with assorted fines and penalties, application and certification revenues are deposited into a separate fund in the state treasury (known as the "Motor Carrier Regulation Fund"), to be used to defray the costs of the LPSC's transportation division. The director of the transportation division is responsible for administering the fund. Besides financing the LPSC's transportation division, monies in the Motor Carrier Regulation Fund must be used to increase manpower and physical support for regulation of the intrastate motor carrier industry.</p>
<p>Insurance/bond requirements La. R.S. 45:163 La. R.S. 45:173 La. R.S. 45:175 La. R.S. 45:177</p>	<p>The LPSC requires certain kinds of insurance and indemnity bonds from each motor carrier, and specifically demands that contract carriers of passengers or property by motor vehicle produce liability insurance policies or bonds. This requirement makes certain that anyone injured by a motor carrier can be compensated for any loss suffered.</p> <p>Certain industries are exempted from this requirement (i.e, school buses, transporters of hotel patrons, transporters of agricultural products, newspaper carriers).</p>
<p>Certification for applicants for license plates La. R.S. 45:178 La. R.S. 45:179</p>	<p>The LPSC issues certificates of entitlement to applicants for license plates or registration certificates. This ensures that motor carriers have complied with LPSC regulations before obtaining a license plate or vehicle registration.</p>
<p>Towing and recovery services La. R.S. 32:1736(D) La. R.S. 45:162(10) La. R.S. 45:180.1(B) La. R.S. 45:180.1(C)</p>	<p>The LPSC regulates Towing and Recovery services by supervising, governing and controlling the business of these carriers (including but not limited to the fixing of reasonable and just rates, fares, tolls and charges).</p>
<p>Regulation of Railroads La. Const. art. IV, § 21 La. R.S. 45:1165 49 U.S.C. § 10501(b)</p>	<p>La. R.S. 45:1165 delineates the LPSC's authority over railroads. In many instances, the LPSC's authority has been preempted by the federal Interstate Commerce Commission Termination Act of 1996.</p>
<p>Federal Railroad Safety Participation Program La. R.S. 45:561 La. R.S. 45:562 49 U.S.C. § 20134 49 C.F.R. § 212 et seq.</p>	<p>The LPSC has authority to perform any act and issue any orders permitted by the Federal Railroad State Safety Participation regulations, but the LPSC cannot order a railroad facility owner or operator to alter or cease operations. This enables the LPSC to make certain that intrastate railroad operations conform to the highest levels of safety possible, thereby engendering the health, safety and welfare of Louisiana citizens with respect to railroads. Although railroad safety is largely preempted by federal law, the Rail Safety Act of 1970 does authorize the states to work with the</p>

	<p>Federal Railroad Administration to enforce Federal railroad safety regulations. The State Rail Safety Participation Program permits states to hire inspectors in all five of the safety disciplines: track, signal and train control, motive power and equipment, operating practices, and hazmat. These statutes provide for the hiring of up to six inspectors by the LPSC.</p> <p>Unfortunately, the statutes do not provide funding for the new employees and the LPSC continues to fight legal challenges to its authority to implement fees to run this program.</p>
<p>Private railroad crossings La. R.S. 48:394</p>	<p>The LPSC is responsible for regulating the proposed closures of private railroad crossings, determining whether such closures are absolutely necessary. Upon application by an interested party and after publication in the LPSC's official bulletin and a public hearing, the LPSC must determine whether or not the proposed closing would be in the public interest. If necessary, the LPSC shall publish notice of the date and proposed manner of the closing. Accordingly, the LPSC ensures that railroad companies do not indiscriminately prevent private landowners from being able to access their property, nor can railroads impose unconscionable conditions upon private landowners who wish to continue using the crossings that border or intersect their homes and places of business.</p>
<p>Disputes between railroads and municipalities La. R.S. 33:3702</p>	<p>The LPSC shall resolve disputes between municipalities and railroad companies over the installation of public railroad crossings.</p>