LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER

LOUISIANA PUBLIC SERVICE COMMISSION
EX PARTE

Docket No. R-29706 In re: Disconnection of Service: Electric and Gas Utilities.

(Decided at the Commission's September 12, 2007 Business and Executive Session)

Overview

The Louisiana Public Service Commission ("LPSC" or "Commission") initiated this rulemaking docket to address disconnection of gas and electric customers during periods of extreme weather. A proposed rule was published in the September 22, 2006 Bulletin. Entergy Louisiana, LLC ("ELL"); Entergy Gulf States, Inc. ("EGSI"); Atmos Energy Corporation ("Atmos"), Cleco Power, LLC ("CLECO"); Southwest Louisiana Electric Membership Corporation ("SLEMCO"), AEP/SWEPCO, Association of Louisiana Electric Cooperatives; CenterPoint Energy-Arkla, and CenterPoint Energy-Entex filed interventions. Comments were filed by: ELL, EGSI, Atmos, CLECO, SLEMCO, AEP/SWEPCO, CenterPoint Energy-Arkla, and CenterPoint Energy-Entex.

In an attempt to consolidate all of the Commission's rules on disconnection of service into one Order so that all of the related rules would be in one document, the proposed rule incorporated existing rules on disconnection of service unrelated to extreme weather. It was not Staff's intent for any of those existing rules to be modified and Staff attempted to distinguish the proposed language from the existing rules and to solicit comments on the proposed language only. However, in the final proposed rule, Staff has removed all of the language from the existing rules and has included only the proposed language related to extreme weather.

Proposed Rule

The following is the language from the proposed rule related to extreme weather that was published in the Commission's Bulletin for comments:

Disconnection during extreme weather: An electric utility shall not disconnect a customer anywhere in its service territory on a day when:

(1) **Winter termination procedures:** The previous day's highest temperature did not exceed 32 degrees Fahrenheit, and the temperature is predicted to remain at

or below that level for the next 24 hours, according to the nearest National Weather Service (NWS) reports; or

(2) **Summer termination procedures:** The NWS issues a heat warning for any parish in the electric utility's service territory, or when such warning has been issued on any one of the preceding two calendar days.

Staff Recommendation

Having considered the comments received, Staff recommended the following final proposed rule:

Disconnection during extreme weather: An electric or natural gas utility shall not disconnect service for a residential customer in a parish on a day when the following extreme weather conditions exist within that parish:

1) **Winter**: The previous day's highest temperature did not exceed 32 degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next 24 hours, according to the nearest National Weather Service (NWS) reports; or

2) **Summer**: The nearest NWS issues an excessive heat warning as defined by the NWS.[1]

This matter was considered at the Commission's Business and Executive Session held January 17, 2007. After some discussion, the Commission decided to adopt a portion of the final proposed rule, and pass the portion of the proposed rule related to extreme weather during the summer months until the February 2007 Business and Executive Session.[2] On motion of Commissioner Campbell, seconded by Commissioner Field and unanimously adopted, the Commission voted to adopt the final proposed rule related to disconnection of gas and electric customers during extreme winter weather. On January 23, 2007, the Commission issued a General Order reflecting the rule regarding extreme winter weather.

Staff's recommendation regarding disconnection during extreme summer weather was reconsidered at the Commission's Business and Executive Session held February 14, 2007. A revised Staff recommendation, based upon information received from the National Weather Service" was read into the record stating that "heat advisory" would be an appropriate benchmark for disconnection during extreme summer weather. On motion of Commissioner Campbell, seconded by Commissioner Field, and unanimously adopted, the Commission

[1] The NWS defines "excessive heat warning" as follows: Issued within 12 hours of the onset of the following criteria: heat index of at least 105°F for more than 3 hours per day for 2 consecutive days, or heat index of more than 115°F for any period of time.

[2] After such time as the Commission votes on the remainder of the final proposed rule, this Order will be amended to reflect the Commission's vote on disconnection in extreme summer weather.

voted to accept the Staff Recommendation and adopt "heat advisory" as the benchmark regarding disconnection during extreme summer weather.[3] General Order R-29706 (Amended) was issued on August 14, 2007 reflecting the Commission's vote. The Order provided as follows:

> **Disconnection during extreme weather**: An electric or natural gas utility shall not disconnect service for a residential customer in a parish on a day when the following extreme weather conditions exist within that parish:
>
> 2) **Winter**: The previous day's highest temperature did not exceed 32 degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next 24 hours, according to the nearest National Weather Service (NWS) reports; or
>
> 2) **Summer**: The nearest NWS issues a heat advisory as defined by the NWS.

Further Amendments

Subsequent to the issuance of the General Order R-29706 (Amended) issued on August 14, 2007, Centerpoint Energy (Entex and Arkla) and Atmos Energy submitted requests for clarification regarding the prohibition of a natural gas utilities from disconnecting customers during a summer heat advisory, even though the customers do not rely on natural gas for cooling their homes. The requests for clarification were considered at the Commission's September 12, 2007 Business and Executive Session. Upon motion of Commissioner Field, seconded by Commissioner Campbell, with Commissioner Blossman concurring and Commissioners Sittig and Boissiere dissenting, the Commission voted to clarify the rule to remove the restriction of natural gas utilities from disconnecting customers in extreme summer weather, so long as the customer does not rely on natural gas for purposes of cooling his or her home.

Conclusion

Having considered the Commission's vote at the September 12, 2007 Business and Executive Session:

IT IS ORDERED:

> **Disconnection during extreme weather**: An electric or natural gas utility shall not disconnect service for a residential customer in a parish on a day when the following extreme weather conditions exist within that parish:

[3] The NWS defines "heat advisory" as follows: Issued within 12 hours of the onset of the following conditions: heart index of at least 105°F but less than 115°F for less than 3 hours per day, or nighttime lows above 80°F for 2 consecutive days.

3) **Winter**: The previous day's highest temperature did not exceed 32 degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next 24 hours, according to the nearest National Weather Service (NWS) reports; or

2) **Summer**: The nearest NWS issues a heat advisory as defined by the NWS.[4]

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
October 5, 2007

/S/ JACK "JAY" A. BLOSSMAN
DISTRICT I
CHAIRMAN JACK "JAY" A. BLOSSMAN

/S/ LAMBERT C. BOISSIERE, III
DISTRICT III
VICE CHAIRMAN LAMBERT C. BOISSIERE, III

/S/ C. DALE SITTIG
DISTRICT IV
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/S/ JAMES M. FIELD
DISTRICT II
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LAWRENCE C. ST. BLANC
SECRETARY

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

[4] Natural gas utilities are not subject to this prohibition unless the customer uses natural gas to cool his or her home.