

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER U-37394

SOUTH LOUISIANA ELECTRIC COOPERATIVE ASSOCIATION, EX PARTE.

Docket No. U-37394, In re: Petition for approval of abandonment of electric facilities located in Terrebonne and Lafourche Parishes pursuant to Commission General Order dated July 9, 2008 (R-30301). (This matter is being republished for informational purposes only pursuant to General Order dated 7-9-2008 to provide notice of interventions in this proceeding.)

(Decided at the March 18, 2026 Business and Executive Session.)

ORDER

Background and Overview

In this proceeding, South Louisiana Electric Cooperative Association (“SLECA”) is seeking from the Louisiana Public Service Commission (“Commission”) approval for the abandonment of certain electric facilities located in Terrebonne and Lafourche Parishes pursuant to the Commission’s General Order dated July 8, 2008 (the “General Order”). The facilities at issue were damaged by Hurricane Ida and have since been removed. They served 282 camps located in Lake De Cade, Lake Fields, Island at the end of Four Point Road, and Grand Pass (hereinafter referred to as the “Lake Lines”). The Lake Lines consist of approximately 30.8 miles of line along the southern border of Lake De Cade, approximately 8.77 miles of line in the Grand Pass area, approximately 4.74 miles of line in the Lake Fields area, and approximately 0.19 miles at the Island at the end of Four Point Road; for a total of approximately 44.5 linear miles of distribution.

Procedural History

On September 25, 2024, SLECA filed with the Commission a Petition for Approval of Proposed Abandonment (“Petition”) with attachments. The Petition was published in the Commission’s Official Bulletin on September 27, 2024, with a 15-day intervention period. Two timely interventions were filed.¹ Thereafter, numerous individuals filed requests for late intervention in the proceeding, whose requests were addressed and eventually granted, resulting in them becoming Intervenors.² On October 17, 2025, a Notice of Assignment was issued. On

¹ The timely interventions were filed by: Christopher Guidroz, Mark D. Guidroz, and Action Charters, LLC (collectively the “Guidroz Family”), and Grady A. Covington, Jr.

² Those parties were: Mary Ahrweiler, Korey Alario, Toby Baudoin, Chelsey Bennett, Heather Benoit, Matt Benoit, Cedric Bernard, Wilbert J. Bernard, E. Paul Blanchard, Emile Blanchard, Brian Boss, Danal Boss, Walter Boss, Sara Boudreaux, Timothy Boudreaux, Richard Bourg, Francis Bourgeois, Richard Bourgeois, Jeremy Brady, Allyson Breaux, Mike and Cary Brignac, Stan Bussey III, Philip Carlos, Issac Dantin, Thomas Dykes, Ernest Forsythe, Amanda Gautreaux (on behalf of Chris A and Linda Landry), Larry Glynn, Michael and Donna Harlow, Christine Himel, Keith Himel, Douglas Horn, Roy Kramer, Amy and Jake LeBlanc, Hugh Ledet, Donald Lefort, Craig Leonard, Murphy Loupe, Jeffery Marcel, Cleveland Matherne, Kerry Matherne, Keith and Blanche Melerine, Bruce and Lisa Messick, Troy Morvant, Michael Neil, Carl and Melanie O’Gwynn, Jerry Percle, Kristen Pertuit, Tommy Pertuit,

October 30, 2024, a Notice of Status Conference was issued scheduling a status conference for December 9, 2024. On December 6, 2024, notice of SLECA's Petition was re-published in the Commission's Official Bulletin, to provide notice of interventions in the proceeding. On December 9, 2024, a status conference was convened in the matter and a procedural schedule established. A Report of Status Conference was issued on December 10, 2024. On February 21, 2025, SLECA filed the Direct Testimonies of Matthew Peters, Jason Guy, Scotti Henry, Steven Portero, Tim Allen and Tommy Boudreaux. On March 12, 2025, Jeremy Brady filed his opposition to SLECA's Petition, with attachments.

On April 9, 2025, Jason Melancon filed a request for late intervention, and on April 14, 2025, Phillip Gouaux filed a request for late intervention. After an opportunity to comment, and SLECA's Opposition Mr. Gouaux's and Mr. Melancon's late intervention, Rulings on the Melancon and Gouaux Late Intervention Requests were issued, denying Mr. Melancon and Mr. Gouaux intervenor status but according them the status of interested party. On April 28, 2025, the Direct Testimony of Steve Richard was filed. On April 28, 2025, Dina Duplantis Blake filed a request for late intervention. After an opportunity to comment, and SLECA's Opposition Ms. Blake's late intervention, a Ruling on the Blake Late Intervention Request was issued, denying Ms. Blake intervenor status but according her the status of interested party. On April 29, 2025, the Direct Testimony of Blanche and Keith Melerine was filed. On May 2, 2025, Grady Covington filed correspondence in opposition to SLECA's Petition. On May 8, 2025, the Guidroz Family filed the testimonies of David Scott Oman, Chris Guidroz, Mark Guidroz, and Steve Guidroz. On May 9, 2025, the Commission Staff filed its Report and Recommendation with the Testimony of Thomas Broady in support of the Staff Recommendation. On May 9, 2025, the testimonies of Carl and Melanie O'Gwynn, Toby Baudoin, Sara Boudreaux, and Bruce Messick were filed. On June 4, 2025, Joey and Wanda Vedros filed correspondence withdrawing their intervention.

On June 6, 2025, the Commission Staff filed the Cross-Answering Testimony of Thomas Broady.³ On June 6, 2025, the Cross-Answering Testimony of Christopher M. Guidroz was filed. On June 9, 2025, Blaise and Erica Pellegrin filed a request for late intervention. After an opportunity to comment, and SLECA's Opposition to the Pellegrin late intervention, a Ruling on

Steve Pitre, Keith Poole, Patrick Porche, Angela Price, Philip Richard, Steve Richard, Warren M. Sanamo Jr., Lee and Michele Scott, Andy Simon, Joel Brent Story, Wayne L. Templet, Chester and Debra Terrebonne, Dave Theriot, Taylor Theriot, Ricardo Valdes, Joey and Wanda Vedros, Kerry Wainwright, David Waitz, Charles K. Weaver Jr., Rick Wiley, and Lorie Young.

³ The completed Affidavit of Thomas Broady was filed on June 9, 2025.

the Pellegrin Late Intervention Request was issued, denying Mr. and Ms. Pellegrin intervenor status but according them the status of interested party. On June 16, 2025, the Testimony of Mike and Cary Brignac was filed.

On June 25, 2025, SLECA filed a Motion in Limine and Supporting Memorandum. After opportunity to respond, responses by Commission Staff, opposition by Christopher Guidroz and Sarah Boudreaux, and a reply by SLECA, on July 18, 2025, a Ruling on Motion in Limine was issued denying SLECA's motion. On June 27, 2025, SLECA filed a Motion for Taking Deposition Upon Oral Examination and Incorporated Memorandum of Law in Support, which was granted on June 30, 2025. On June 27, 2025, SLECA filed two separate Motions to Compel, both requesting an order compelling certain Intervenors to provide responses to SLECA's First Set of Data Requests. Rulings on the Motions to Compel were issued on June 27, 2025 and June 30, 2025, both of which ordered the named Intervenors to provide responses or objections to SLECA's data requests. A Notice of Correction was issued on July 7, 2025, clarifying the deadlines in the Rulings on Motion to Compel. On July 3, 2025, SLECA filed a Motion for Taking Deposition Upon Oral Examination and Incorporated Memorandum of Law in Support, which was granted the same day.

On July 3, 2025, SLECA filed Rebuttal Testimony of Matthew Peterson. On July 8, 2025, SLECA filed a Motion to Upset Procedural Schedule and for Status Conference, which was granted and a status conference was scheduled for August 4, 2025. On July 8, 2025, SLECA also filed a Motion to Compel Adequate and Complete Discovery Responses and Incorporated Memorandum of Law in Support seeking to compel responses from certain named Intervenors to SLECA's First Set of Data Requests. On July 9, 2025, a Ruling on Motion to Compel was issued ordering the named Intervenors to provide responses or objections to SLECA's data requests.

On July 9, 2025, SLECA filed the Rebuttal Testimonies of Jason Guy, Thomas Boudreaux, Timothy J. Allen, Scotti Henry, and Steven Portero. On July 14, 21, and 23, 2025, SLECA filed three separate Motions requesting that certain named Intervenors be converted to interested parties for failure to comply with Rulings on Motions to Compel. After opportunity to respond, supplemental informational filings by SLECA⁴, and Commission Staff's response, on August 21, 2025, a Ruling on Motions to Convert Certain Intervenors was issued, ordering that, due to failure to comply with discovery rulings, certain named Intervenors would not be allowed to present testimony or evidence at the scheduled hearing, nor would they be allowed to cross-examine any

⁴ On August 19, 2025, SLECA filed a Report on each Intervenor's discovery responses and objections.

witnesses presented at the hearing.^{5,6} On August 22, 2025, SLECA filed a Supplemented Motion to Convert Blanchard and Covington. After opportunity to respond and updated informational filings by SLECA⁷, on September 9, 2025 a Ruling on Motion and Supplemented Motion to Convert was issued, ordering that, due to failure to comply with discovery rulings, Mr. Blanchard and Mr. Covington would not be allowed to present testimony or evidence at the scheduled hearing, nor would they be allowed to cross-examine any witnesses presented at the hearing.

On July 15, 2025, SLECA filed a Motion to Amend Notices of Deposition, which was granted the same day. On July 21 and 22, 2025, SLECA filed two separate Motions to Compel Discovery Responses seeking an order compelling certain named Intervenors to respond to SLECA's Second Set of Data Requests. On July 22, 2025 and July 24, 2025, Rulings on each Motion to Compel were issued ordering certain named Intervenors to provide a response or objections to SLECA's data requests. On July 23, 2025, SLECA filed an Ex Parte Motion for Leave to Propound Additional Data Requests in the Nature of Interrogatories. SLECA was provided an opportunity to supplement the Ex Parte Motion, which it did on July 28, 2025. On August 4, 2025, a status conference was convened in the matter, the Ex Parte Motion was discussed and a modified procedural schedule was established. A Report of Status Conference was issued on August 5, 2025. On August 11, 2025, SLECA filed a Notice of Amendment to Notice of Deposition. On August 19, 2025, Christopher Guidroz filed correspondence confirming information provided at the August 4, 2025 status conference that the Guidroz Family seeks that their status be changed from Intervenor to Interested Party. On August 19, 2025, a Ruling on Motion for Leave to Propound Additional Data Requests was issued, ruling that Ex Parte Motion was moot and, therefore, denied.

On September 19, 2025, SLECA, the Commission Staff, Joel Brent Story, Bruce Messick, Allyson Breaux, and Sara A. Boudreaux filed a Joint Pre-Hearing Statement. On September 29, 2025, SLECA filed a Notice of Settlement Offer to Members/Intervenors. On October 10, 2025, SLECA, the Commission Staff, and Sara Boudreaux each separately filed Pre-Hearing Briefs. On October 27, 2025, a hearing was convened in the matter before Administrative Law Judge ("ALJ") Guillot. A Notice of Availability of Transcript and Notice of Post-Hearing Briefing Schedule was issued on November 26, 2025. On December 15, 2025, Jeremy Brady filed his Post-Hearing Brief.

⁵ The Intervenors affected by the Ruling were listed therein.

⁶ The ruling was reissued on August 22, 2025 to correct a typographical error.

⁷ On August 22, 2025, SLECA updated its August 19, 2025 Discovery Report.

On December 17, 2025, SLECA, Commission Staff, and Sara Boudreaux each separately filed Post-Hearing Briefs. On January 7, 2026, SLECA, Commission Staff, and Sara Boudreaux each separately filed Post-Hearing Reply Briefs.

A Proposed Recommendation was filed into the record of this matter on February 27, 2026. On March 16, 2026, Sara Boudreaux filed an Exception to the Proposed Recommendation and SLECA filed its Exceptions to Proposed Recommendation of the Administrative Law Judge. The Proposed Recommendation was considered at the Commission's March 18, 2026 Business and Executive Session pursuant to Rule 57 of the Commission's Rules of Practice and Procedure.

Jurisdiction and Applicable Law

Pursuant to the Louisiana Constitution, Article 4, Section 21, the Commission shall regulate all common carriers and public utilities, and adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties. Pursuant to La. R.S. 45:121, electric cooperatives operating within the State of Louisiana are classified as public utilities.⁸ La. R.S. 45:1163(A)(1) provides that the Commission shall exercise all necessary power and authority over any electric light, heat, power, or other local public utility “for the purpose of fixing and regulating the rates charged or to be charged by and service furnished by such public utilities.” La. R.S. 45:1164(A) states that the Commission's power, authority, and duties “shall affect and include all matters and things connected with, concerning, and growing out of the service to be given or rendered by such public utility.” Pursuant to its constitutional and statutory authority, the Commission issued the General Order applicable to the abandonment of facilities by electric public utilities. The General Order provides that if the abandonment is due to unexpected interruption in the use of facilities, a utility that is subject to the Commission's jurisdiction must provide written notice of the proposed abandonment to each individual customer and file a petition for approval in the event that the utility subsequently determines not to restore permanent service. The General Order lists the information that must be included in a petition for abandonment. The General Order states that no abandonment shall be approved until the Applicant has proven that the continued operation of the subject facility can be terminated, consistent with the public interest.

⁸ *Cajun Elec. Power Co-op., Inc. v. Louisiana Pub. Serv. Comm'n*, 544 So.2d 362, 364 (La.1989).

Issues

In the Joint Pre-Hearing Statement, certain parties⁹ stated what issues they considered contested.¹⁰ They were:

As stated by SLECA

- Whether the Commission's General Order dated July 9, 2008 requires a segmented analysis of the Lake Lines.
- Whether abandonment of the Lake Lines as a whole is in the public interest under the Commission's General Order dated July 9, 2008.

As stated by Commission Staff:

- Whether abandonment of the Grand Pass, Four Point, and Lake Fields segments of the Lake Lines is in the public interest under the Commission's General Order dated July 9, 2008.

As stated by Sara Boudreaux:

- Whether abandonment of the Grand Pass, Four Point, and Lake Fields segments of the Lake Lines is consistent with the public interest where SLECA allegedly caused the damage to the facilities and did not adequately evaluate or pursue reasonable repair or restoration efforts prior to seeking abandonment.

ALJ's Analysis

In the Proposed Recommendation, ALJ Guillot provided a summary of the parties' positions, enumerated the findings of fact, and also provided an analysis of SLECA's request in light of the requirements of the General Order. Specifically, ALJ Guillot stated:

The General Order encourages utilities to file petitions for abandonment only as a last resort. The standard to analyze a request for abandonment is whether the facility can be terminated, consistent with the public interest. The public interest analysis should include whether there could be unjust or unreasonable costs; however, it is not the sole determining factor. The General Order in Section B explicitly states that any petition for abandonment "shall include" certain documents and information. SLECA's argument that it presented evidence addressing each of the factors is unconvincing. **SLECA failed to comply with, or provided scant support for, Sections B(4), B(7), B(8), B(9), and B(10) of the General Order.**

ALJ Guillot then provided a detailed analysis of the evidentiary record of this matter as it relates to Sections B(4), B(7), B(8), B(9), and B(10) of the General Order.

In her analysis as to whether SLECA's request was consistent with the public interest as required by the General Order, ALJ Guillot indicated:

The standard to analyze a request for abandonment is whether the facility can be terminated, consistent with the public interest. SLECA argues that a preference for additional information or a different policy outcome does not supply a legal basis to deny relief where the existing record satisfies the General Order. Commission Staff contends that the public interest standard is guided by the factors presented in the General Order, as well as the Commission's statement that petitions for abandonment should only be filed as a last resort. The General Order lists what information shall be included in any petition for abandonment. The mandatory

⁹ According to the filing, only SLECA, Commission Staff, Joel Brent Story, Bruce Messick, Allyson Breaux, and Sara A. Boudreaux responded to the draft of the pleading. No other Pre-Hearing Statements were filed.

¹⁰ The filing provided that there were no uncontested issues.

word “shall” creates an obligation impervious to discretion.¹¹ Accordingly, the information listed in Section B of the General Order must be considered when deciding whether a facility can be abandoned.

SLECA has argued that neither the Commission Staff nor the Intervenors offered an engineering analysis addressing the condition of the facilities or the feasibility of reconstruction, no cost study evaluating the financial impact of rebuilding, and no environmental evidence assessing the consequences of reconstruction of the Lake Lines. However, pursuant to Section G of the General Order, SLECA has the burden to prove the facility can be terminated consistent with the public interest. Therefore, SLECA had the burden to establish a prima facie case, meaning it had to produce a reasonable quantity of evidence in support of its request. The burden only shifts to Commission Staff or the Intervenors if SLECA manages to establish a prima facie case. SLECA failed to establish a prima facie case supporting termination consistent with the public interest as it did not comply with, or provided scant, unsubstantiated support for, Sections B(4), B(7), B(8), B(9), and B(10) of the General Order. While SLECA argued that no other party provided any engineering analysis, cost study, or environmental evidence, neither did SLECA. SLECA’s engineering analysis was a 10-sentence letter from Mr. Samuels, its cost study was a two-page summary of reconstruction costs, and there was only self-serving testimony about possible environmental impacts.

As it relates to Commission Staff’s request that SLECA conduct a segmented analysis of the abandonment of the Lake Lines, ALJ Guillot noted that “in light of the determination that SLECA’s Application was insufficient, no determination needs to be made at this time on the necessity to conduct a segmented analysis.” ALJ Guillot concluded her analysis as follows:

SLECA contends that in this matter, using the preponderance of evidence standard, the Commission must weigh the record as a whole to determine whether SLECA’s evidence makes its asserted conclusion more likely than not. Pursuant to Section G of the General Order, SLECA has the burden of proof in this proceeding, meaning that it must first establish a prima facie case, producing a reasonable quantity of evidence in support of its request.¹² SLECA pointed out that in a previous Commission decision the preponderance of the evidence in a dispute favored the electric utility which provided more effective testimony, useful documentary proof, and corroborating evidence of its claims.¹³ In this proceeding, SLECA provided testimony without much documentary proof or corroborating evidence of its assertions.

SLECA alleges that it presented competent, un rebutted engineering testimony, and that Intervenors did not rebut the “damage assessments validated through federal review or sworn testimony.”¹⁴ The only engineer who testified in this proceeding was Mr. Guy, who characterized his firm’s work as providing comprehensive disaster recovery and project management services. The only documentary evidence identified by Mr. Guy was a newspaper article and the two-page segmented cost estimate for reconstruction of the Lake Lines. SLECA did not provide evidence of damage assessments validated through federal review, and the only damage “assessment” introduced into evidence was Mr. Samuel’s three-paragraph, 10-sentence letter. SLECA failed to establish a prima facie case that produced a reasonable quantity of evidence in support of its request. The majority of SLECA’s evidence in this proceeding was uncorroborated, self-serving testimony.

¹¹ *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26; 118 S.Ct. 956, 962; 140 L.Ed.2d 62 (1998).

¹² Order No. U-27458 at 25-26, *Water Treatment & Controls Company d/b/a Peoples Water Service Company of Bastrop, (Bastrop, LA), ex parte, In re: Request for an increase in rates for water and water service in the City of Bastrop and its environs.*

¹³ Citing *Washington-St. Tammany Elec. Coop., Inc. v. La. Pub. Serv. Comm ’n*, 959 So. 2d 450 (La. 6/29/2007).

¹⁴ SLECA Post Hearing Reply Brief at 1, 7.

SLECA failed to sufficiently support its request for abandonment, and, therefore, SLECA's Petition for Approval of Proposed Abandonment is denied. Nothing herein shall be construed, however, as a determination that rebuilding the Lake Lines is in the public interest, as the record is insufficient on that issue.

Commission Consideration

This matter was considered at the Commission's March 18, 2026 Business and Executive Session. On motion of Vice Chairman Coussan, seconded by Chairman Skrmetta, with Commissioner Campbell and Commissioner Francis concurring, and Commissioner Lewis objecting, the Commission voted to exercise its original and primary jurisdiction pursuant to Rule 57.

After discussion, Vice Chairman Coussan made the following motion:

- 1) Deny in part the Administrative Law Judge's recommendation and grant SLECA's request to abandon only the lines identified as the Lake de Cade segment of the Lake Lines based on the evidence provided in the record that SLECA's request to abandon this segment was made as a 'last resort;'
- 2) Accept in part the ALJ's recommendation and find that SLECA failed to make a *prima facie* case and therefore has not met its burden of proof regarding the abandonment of the Lake Fields, Four Point, and Grand Pass segments of the Lake Lines;
- 3) Remand SLECA's request to abandon these three remaining segments to the Administrative Law Judge with the following instructions: Within 15 days from today, the Tribunal shall establish a procedural schedule in this docket for SLECA to have the opportunity to offer additional evidence into the record to make its *prima facie* case, and Parties to conduct additional discovery and analysis, regarding the evidentiary deficiencies addressed in the ALJ's recommendation, specifically the requirements of Sections B(4), B(7), B(8), B(9), and B(10) of the General Order dated July 9, 2008 in an expeditious manner, and best efforts, as to have a recommendation back to the Commission by the September 2026 B&E; and
- 4) I further direct Staff to issue any requests for proposals for the hiring of outside consultants, including but not limited to engineering and economic analysis consultants, it deems necessary for assistance in its analysis of the remaining issues on remand.

Commissioner Lewis made a substitute motion to accept the ALJ Recommendation, which failed for lack of a second.

The Commission then considered Vice Chairman Coussan's primary motion. On motion of Vice Chairman Coussan, seconded by Chairman Skrmetta, with Commissioner Campbell and

Commissioner Francis concurring, and Commissioner Lewis objecting, the Commission accepted the primary motion. The motion passed 4:1.

IT IS THEREFORE ORDERED THAT:

1. SLECA's request to abandon only the lines identified as the Lake de Cade segment of the Lake Lines, based on the evidence provided in the record that SLECA's request to abandon this segment was made as a 'last resort', is granted;
2. SLECA failed to make a *prima facie* case and therefore has not met its burden of proof regarding the abandonment of the Lake Fields, Four Point, and Grand Pass segments of the Lake Lines;
3. SLECA's request to abandon the three remaining segments is remanded back to the Administrative Law Judge with the following instructions: Within 15 days from March 18, 2026, the Tribunal shall establish a procedural schedule in this docket for SLECA to have the opportunity to offer additional evidence into the record to make its *prima facie* case, and Parties to conduct additional discovery and analysis, regarding the evidentiary deficiencies addressed in the Administrative Law Judge's recommendation, specifically the requirements of Sections B(4), B(7), B(8), B(9), and B(10) of the General Order dated July 9, 2008 in an expeditious manner, and best efforts, as to have a recommendation back to the Commission by the September 2026 B&E; and,
4. This order is effective immediately.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
April 17, 2026



A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

BRANDON M. FREY
SECRETARY

/S/ ERIC F. SKRMETTA

DISTRICT I

CHAIRMAN ERIC F. SKRMETTA

/S/ JEAN-PAUL P. COUSSAN

DISTRICT II

VICE CHAIRMAN JEAN-PAUL P. COUSSAN

/S/ FOSTER L. CAMPBELL

DISTRICT V

COMMISSIONER FOSTER L. CAMPBELL

/S/ MIKE FRANCIS

DISTRICT IV

COMMISSIONER MIKE FRANCIS

OPPOSED

DISTRICT III

COMMISSIONER DAVANTE LEWIS