

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER U-36669

SOUTHERN SPIRIT TRANSMISSION LLC, EX PARTE.

Docket No. U-36669, In re: Request for certification, or in the alternative exemption, of the Southern Spirit Transmission Project pursuant to the Commission's General Order dated October 10, 2013 (The Transmission Siting Order).

(Decided at the August 14, 2024 Business and Executive Session.)

ORDER

INTRODUCTION

In this proceeding, Southern Spirit Transmission LLC ("Southern Spirit" or "SST") sought certification from the Louisiana Public Service Commission ("LPSC" or "Commission") pursuant to the Commission's General Order dated October 10, 2013 (the "Transmission Siting Order"), of a transmission project including a 324-mile high voltage direct current ("HVDC") transmission line that will traverse Louisiana from its Texas border to Entergy Mississippi LLC's Wolf Creek Substation in Choctaw, Mississippi (the "Southern Spirit Project" or "the Project"). The Project will connect the Electric Reliability Council of Texas ("ERCOT") with SERC Reliability Corporation and Midcontinent Independent System Operator ("MISO") for an estimated total construction cost of \$2.68 billion and a target construction period of 2026-2029.

II. COMMISSION AUTHORITY

A. Louisiana Constitution and Statutes

The Commission exercises jurisdiction in this proceeding pursuant to Article IV, Sec. 21 of the Louisiana Constitution, and La. R.S. 45:1163(A)(1) and La. R.S. 45:1164, as follows:

La. Const. Art. IV, Sec. 21 (B):

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

La. R.S. 45:1163 (A)(1):

The Commission shall exercise all necessary power and authority over any street, railway, gas, electric light, heat, power, waterworks, 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):

The power, authority, and duties of the commission 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, except in the parish of Orleans.

B. Transmission Siting Order

Pursuant to its constitutional and legislative authority, the Commission adopted the Transmission Siting Order for the purpose of exercising oversight of siting decisions and considerations for electric bulk transmission facilities in Louisiana. The Commission's "Electric Transmission Facility Certification and Siting Rules" ("Transmission Siting Rules") adopted therein provide the requirements for obtaining certification under the Transmission Siting Order. It is in accordance with the Transmission Siting Rules that SST seeks the Commission's certification of the Project.

III. PROCEDURAL HISTORY

Southern Spirit filed its application seeking the Commission's certification ("Application") on February 14, 2023, along with the testimonies and exhibits of the following witnesses: 1) Cary Kottler, Pattern Energy Group, LP ("Pattern") Chief Development Officer, providing an overview of the Project, 2) Deral Danis, Pattern Senior Director of Transmission, providing an overview and technical/engineering information about the Project, 3) Tim Barton, Burns & McDonnell Engineering Company, Inc. ("Burns & McDonnell"), Senior Project Manager, testifying with regard to the Project route, public involvement, and permitting issues, 4) Shannon Gwin, Pattern Senior Land Manager, testifying with regard to routing, landowner and community outreach and interaction, and 5) Dr. David Loomis, Strategic Economic Research, LLC, and (now retired) Professor of Economics at Illinois State University, testifying with regard to the economic benefits to Louisiana.

The Application was published in the Commission's Official Bulletin No. 1291, dated February 17, 2023, for a 25-day intervention period. Lafayette Utilities System ("LUS"), Entergy Louisiana, LLC ("ELL"), John Hoychick Jr., James Gray Marston III and Anne Marston ("The Marstons"), Midcontinent Independent System Operator Inc. ("MISO"), Bengy D. Harvey and the heirs of Harlan E. Harvey Sr. ("The Harvey Family"), Star B. Ranch, LLC and M&M McInnis, LP and Mr. and Mrs. George McInnis (collectively, Star B. Ranch and the McInnis Families"), and William J. Cole intervened timely. Cleco Power, LLC, Dr. Rubert Gary Madden and Judith Anne

Madden (the "Maddens"), and Tom O. Pearson, Amanda Ann Cottrell, Mary Elaine Snyder, and Blanche Elaine Pearson ("The Pearsons") filed petitions for late intervention which were granted without opposition in a ruling issued on March 31, 2023.

In light of opposition to the Application by several of the intervenors, an administrative law judge ("ALJ") was assigned and a status conference set for April 5, 2023. At the initial status conference, the parties agreed to a procedural schedule with a hearing in August of 2023. In accordance with the schedule, ELL, Commission Staff, MISO, the Harvey Family, the Marstons, the Pearsons, the Maddens, and Star B. Ranch and the McInnis Families filed position statements. SST filed the rebuttal testimony of Shannon Gwin on July 12, 2023. On August 10, 2023, SST filed an unopposed motion to continue the hearing until October 4-5, 2023. SST's motion was granted and in accordance with the modified schedule, the *Joint Pre-Hearing Statement* was filed on September 18, 2023.

At the request of the parties, a status conference was held on September 26, 2023, wherein SST advised that some parties were interested in further extending the hearing date and that the parties had discussed dates, ultimately agreeing upon December 11-12, 2023. However, when the Commission's December Open Session was moved to December 13, 2023, in Natchitoches, Louisiana, the Tribunal set a telephone status conference to revisit the hearing dates. During the telephone status conference, the parties agreed to the hearing dates of December 7-8, 2023. On October 6, however, SST filed an unopposed motion to reset the hearing to December 20-21, 2023 and the deadline for pre-hearing briefs was set for December 7, 2023.

The Maddens filed a motion to withdraw their intervention on October 12, 2023. John Hoychick, Jr. and the Pearsons filed similar motions on December 6, 2023.¹ On December 7, pre-hearing briefs were filed by SST, Commission Staff, MISO, Star B. Ranch and the McInnis Families, and the Marstons. On December 18, 2023, two days before the scheduled hearing, a motion was filed by the Marstons to continue the hearing on the grounds that Mr. Marston needed to attend a meeting on December 21, 2023, that conflicted with the second day of the hearing. Parties were given the following day to oppose the continuance, and oppositions were filed by Commission Staff and SST. Notice was issued that oral argument on the motion to continue would be held at the scheduled hearing start time. When the matter was called on December 20, 2023,

¹ The Marstons, Star B. Ranch and the McInnis Families are the only remaining landowner intervenors in the proceeding. They will occasionally be referred to collectively as "the Landowners".

the Marston Family argued in favor of the continuance while SST and Commission Staff argued against the continuance. The continuance was ultimately denied, but the order of witnesses changed to allow Mr. Marston to provide live testimony on December 20, 2023.

Immediately following the ruling on the motion to continue, Counsel made their appearances for the hearing on the merits. Specifically, appearances were made on behalf of SST, LPSC Staff, the Marstons, MISO, Star B. Ranch and the McInnis Families, ELL, and LUS. Following opening statements by SST, the Marstons, Star B. Ranch, MISO, and Commission Staff, SST presented the live testimony of Cary Kottler, Tim Barton, Shannon Gwin, Deral Danis, and David Loomis. The Marstons presented the live testimony of Mr. Marston. No testimony was presented by Commission Staff, MISO, ELL, or LUS. At the conclusion of the two-day hearing, the parties agreed to file post-hearing briefs 30 days following the availability of the transcript and reply briefs 15 days later.

The transcript of the hearing became available on February 5, 2024. The Marstons, SST, MISO, Star B. Ranch and the McInnis Families, and Commission Staff filed post-hearing briefs on March 6, 2024, and all except MISO filed post-hearing reply briefs on March 21, 2024. The Proposed Recommendation was issued on May 16, 2024, and per the agreement of the parties, exceptions would have been due seven days later, on May 23, 2024, but the Marstons filed a motion to extend the deadline by one week on May 20, 2024. SST opposed that motion; however, the motion was granted on May 21, 2024, extending the deadline for filing exceptions until May 30, 2024. SST, the Marstons, and Star B. Ranch and the McInnis Families filed timely exceptions. The Final Recommendation was issued on June 5, 2024, for consideration at an upcoming Business and Executive Session ("B&E") in accordance with Rule 56 of the Commission's Rules of Practice and Procedure.

IV. FINDINGS OF FACT

A. Background

1. The Applicant, SST, is a Delaware limited liability company created for the purpose of transmitting electricity. It is a wholly owned affiliate of Pattern, one of the world's largest privately-owned developers and operators of wind, solar, transmission, and energy storage projects.
2. Pattern has a portfolio of 35 renewable energy facilities with an operating capacity of 6,000 MW in the United States, Canada, Japan and Mexico.²

² Hr'g Exh. SST 1, Direct Testimony of Cary Kottler, 1:6-10.

3. Pattern developed, financed and managed the construction of the undersea HVDC Trans Bay Cable³, the first and only merchant transmission line in California, and the Western Spirit Transmission HVAC line in New Mexico, and is currently developing and preparing for the construction of the HVDC SunZia Southwest Transmission Project from New Mexico to Arizona.⁴
4. SST was previously known as Southern Cross Transmission LLC ("Southern Cross"). On September 6, 2011, Southern Cross and Pattern applied for authority from the Federal Energy Regulatory Commission ("FERC") pursuant to Sections 210, 211, and 212 of the Federal Power Act ("FPA") for the interconnection of a proposed "400 mile-long HVDC transmission line that it will develop, finance, construct, own and operate to provide incremental bi-directional transmission capacity of up to 3,000 MW."⁵
5. SST also sought negotiated rate authority from the FERC as well as approval for its plan to allocate up to 1,500 MW of the Project through long-term negotiated transmission service agreements, and to offer the balance of the capacity through an open-season process. That approval was granted on December 15, 2011.⁶
6. FERC issued a final order pursuant to Sections 210, 211, and 212 of the FPA on May 15, 2014, directing the City of Garland, Texas to interconnect with the proposed transmission line. The final order also directed Oncor Electric Delivery Company and CenterPoint Energy Houston Electric, LLC to provide transmission service for power flows into and out of ERCOT.⁷
7. On August 12, 2016, Southern Cross filed an application requesting authorization to modify its existing negotiated rate authority to allow it to allocate 100 percent of the transmission capacity through an open solicitation process. That request was conditionally granted on November 7, 2016.⁸
8. In 2017, Burns & McDonnell prepared a 550-page document entitled "Environmental Assessment and Alternative Route Analysis Report" ("2017 Routing Report") documenting the process used to identify the proposed route.
9. The Routing Report was revised in 2023 ("Revised Routing Report"). The Revised Routing Report supplements the 2017 Routing Report.
10. Both the 2017 Routing Report and the Revised Routing Report were submitted to the LPSC by SST as exhibits to the testimony of Tim Barton.
11. As detailed in the 2017 Routing Report SST identified 5,138 preliminary routes for further consideration, then performed an evaluation to determine optimal routes using 37 evaluation criteria and 27 weighted routing factors, including natural resources such as topography, soils, hydrology, vegetation, wetlands, wildlife, plant and animal species listed as threatened, endangered, or candidate under state law and Endangered Species Act (ESA).⁹ The evaluation also took into account social resources such as "land use of development patterns; agriculture; parks or recreational areas; transportation and aviation facilities; schools; cemeteries; historical and archeological sites; and scenic visits within the study area."¹⁰ The evaluation considered utility facilities including existing transmission infrastructure, oil and gas collection systems, wells, water and sewer, and

³ FERC approved the transfer of Trans Bay to Next Era Energy Transmission, LLC in Docket No. EC19-36-00 on March 21, 2019.

⁴ Hr'g Exh. SST 1, Direct Testimony of Cary Kottler, 1:16-22.

⁵ *Southern Cross Transmission LLC Pattern Power Marketing LLC*, 137 FERC P 61206 (F.E.R.C.), 2011 WL 6523736.

⁶ 137 FERC P 61207 (2011).

⁷ 147 FERC 61113 (2014).

⁸ 157 FERC P 61090 (2016).

⁹ Hr'g Exh. SST 4, *in globo* - Exhibit TB-2, at 4-3.

¹⁰ *Id* at 4-20.

electrical distribution lines.¹¹ Visual character, population, employment statistics, and cultural resources were also considered.¹²

12. In addition to the aforementioned evaluation criteria, Burns & McDonnell used input from government officials, eight open-house meetings, visual reconnaissance, and aerial photography to identify and refine the preliminary routes.¹³
13. Burns & McDonnell then performed an analysis to narrow the approximately 235 million route combinations to 2.3 million primary routes, eliminating 59 of the 248 segments, including two of the potential Mississippi River crossings due to higher wetland and stream impacts, proximity to Poverty Point, a UNESCO World Heritage site, significant backtracking, and proximity to Vicksburg, Mississippi.¹⁴
14. Burns & McDonnell engaged with approximately fifty state and federal agencies, and numerous other local officials and private organizations.¹⁵
15. Some of the adjustments from the route as proposed in 2017 to the revised route in 2023 were due to additional gas well development underneath the lines, new housing developments crossed by the line, and a new wetland reserve designation.¹⁶
16. SST has also filed a petition for a certificate of public convenience and necessity before the Mississippi Public Service Commission ("MPSC"). The petition was docketed as MPSC Docket No. 2017-UA-79. This petition was still pending as of the time of the hearing in this matter.

B. The Project

17. The Project is an approximately 324-mile 500-600 kV HVDC transmission line that will connect the proposed Louisiana converter station located in DeSoto Parish, Louisiana, with the proposed Mississippi converter station located in Choctaw County, Mississippi.¹⁷
18. The purpose of the Project is to connect the ERCOT and the Southeast electric transmission systems.¹⁸
19. The DeSoto Parish converter station is strategically located to allow interconnection with ERCOT and specifically, the Rusk to Panola Transmission Line Project ("RPTL") sponsored by Garland Power & Light, a municipal utility in ERCOT, and Rusk Interconnection, LLC, an affiliate of Pattern.¹⁹ Garland previously obtained a certificate for the RPTL from the Public Utility Commission of Texas.
20. The Project facilities in Louisiana include the Louisiana Converter Station, the transmission line that will contain HVDC conductors, metallic return conductors, optical ground wires, and associated insulators and hardware. A family of structures representative of a typical tangent, turning angle, and dead-end structure was developed for SST by Burns & McDonnell.²⁰
21. HVDC facilities are currently installed between ERCOT and asynchronous grids from ERCOT including the Eastern Interconnection and Mexico. The Project will add to the existing transfer capability between ERCOT and its neighbors by using HVDC technology, and it will allow for large power transfers.²¹

¹¹ Id at 4-40 to 4-41.

¹² Id at 4-43 to 4-68.

¹³ Id at 5-1.

¹⁴ Id at 5-2, 5-3.

¹⁵ Id at 6-2, 6-3.

¹⁶ Hr'g Tr. December 20, 2023, 169:20-23, 170:1-6.

¹⁷ Hr'g Exh. SST-4, *in globo*, TB-3, at 2-1.

¹⁸ Id.

¹⁹ Hr'g Exh. SST-1, Direct Testimony of Cary Kottler, at 5:14-20.

²⁰ Hr'g Exh. SST-9, Direct Testimony of Deral Danis, at 3:20-23, 4:1-3.

²¹ Id at 4:16-23, 5:1-2.

22. Additional benefits of using HVDC transmission infrastructure include:

- The ability to provide voltage control;
- The ability to control the direction and magnitude of power to the exact desired MW level;
- The ability to provide a "black start cranking path" to support grid recovery and enhance the resiliency of the interconnected power grid; and
- The ability to ship power over a dedicated path and avoid congestion along the existing AC grid.²²

23. The bidirectional power flow of HVDC technology will allow the transfer of power into and out of ERCOT during supply scarcity events and help facilitate the integration of renewable energy by sharing the integration requirements with a larger electrical grid.²³

24. SST will be subject to the jurisdiction of the SERC Reliability Corporation Regional Entity.²⁴

25. Interconnection studies were performed for ERCOT from approximately 2017 to 2019 but those studies need to be updated and were expected to restart in April 2024 and last approximately one year.²⁵

26. Additional interconnection studies were started by MISO in 2023 pursuant to both Attachment GGG to MISO's tariff and for approval to inject 1500 MW into the MISO market. These studies will take a couple of years.²⁶

27. The MISO studies are intended to ensure that there are no negative impacts to other members as a result of the Project.²⁷

28. To sell the transmission capacity from the Project, SST will undertake an open solicitation capacity allocation process. In addition, SST will file an Open Access Transmission Tariff ("OATT") no later than one year before the start of commercial operation.²⁸

29. SST anticipates that the Project's capacity will be made available to entities in MISO South, including Louisiana utilities.²⁹

30. SST would be required to study any requests to interconnect to the line within the State of Louisiana, but this would require a converter station, which may not be economical.³⁰

31. A more likely example would be a purchase of energy from a generator in Texas that is delivered across the Project and then to Louisiana using existing AC transmission lines.³¹

C. Project Costs

32. The capital costs of the Project are estimated to be over \$2.68 billion, a substantial portion of which will be spent in Louisiana.³²

²² Id at 5:17-21, 6:1-5.

²³ Id at 6:7-16.

²⁴ Id at 7:11-12.

²⁵ Hr'g Tr. December 21, 2023, 63:4-16, 79:10-22, 80:1-8.

²⁶ Hr'g Tr. December 21, 2023, 63:16-23, 64:1-3, 74:1-2.

²⁷ Hr'g Tr. December 21, 2023, 95:2-13.

²⁸ Hr'g Exh. SST-1, Direct Testimony of Cary Kottler, 9:1-7.

²⁹ Id at 5: 6-8.

³⁰ Hr'g Tr. December 21, 2023, 85:17-23, 86:1-3.

³¹ Hr'g Tr. December 21, 2023, 86:9-14.

³² Id at 9:20-22.

33. These costs are the sole responsibility of SST as a merchant transmission owner with no captive customers.³³

D. Project Benefits

34. The Project is anticipated to result in 12,278 job-years during the construction and first 40 years of operation, 2032 jobs during construction, 256 long-term jobs, and over 2.2 billion in new economic output during the construction and first 40 years of operation for the State of Louisiana.³⁴
35. Economist David Loomis admitted at the hearing that some adjustments to the projections may be necessary since his report was based on 2021 data and there have been shifts to the route, as well as changes in economic conditions. The weight of his testimony suggested there will be net economic benefits and additional job opportunities from the Project in Louisiana. While there could be some downward adjustments made to some of the numbers, there may also be increased costs and enhanced benefits due to unanticipated levels of inflation.³⁵
36. Adding transfer capability into MISO will add to the resource mix that is available to serve demand in the MISO South region. This could occur if a generator trips offline or in the event of some other emergency.³⁶
37. A MISO South utility with excess capacity during a scarcity event could sell into the ERCOT market and receive market prices, both alleviating the shortage and providing revenue benefitting ratepayers of the selling utility.³⁷
38. The Project's utilization of HVDC technology will assist in restarting the grid if there is a blackout condition as a result of a force majeure event.³⁸
39. The Project will provide electric consumers, particularly, large industrial customers, with greater access to renewable energy, increasing the potential for supply diversity.³⁹

E. Landowner Concerns

40. The Marstons own several tracts of land near the Project, with one of the tracts cut in half by the proposed route. Historically significant artifacts have been found on the Marston property, including arrowheads, and a Spearpoint that was provided to the Louisiana State Exhibit Museum. The property also lies adjacent to historically significant sites associated with the American Civil War. The Marstons would like to keep the property in the family, as it has been for four generations. In addition to the physical and aesthetic disruption, the Project will interfere with timber operations and Haynesville-Shale-related activities.
41. The Marston property has six producing Haynesville Shale wells and three very active ones. There may be additional sites related to the Bossier Shale.
42. SST proposed a servitude agreement to Mr. Marston that prohibits a drill pad or drill site within five hundred feet of the transmission system.⁴⁰
43. SST held eight open houses hosted strategically across the proposed route so that landowners in the area would not have to drive more than an hour to attend. The open houses were advertised in papers, community bulletins, and on social media. At the open

³³ Id at 7:12-16.

³⁴ Id at 6:7-21, 7:1-8.

³⁵ Hr'g Tr. December 21, 2023, 166:1-3.

³⁶ Hr'g Tr. December 21, 2023, 65:1-22.

³⁷ Hr'g Exh. SST-1, Direct Testimony of Cary Kottler, 10:17-21.

³⁸ Hr'g Tr. December 21, 2023, 65:14-22.

³⁹ Hr'g Exh. SST-1, Direct Testimony of Cary Kottler, 10:22-23.

⁴⁰ Hr'g Exh. Marston 6.

houses, educational stations with experts were available, and there was an opportunity for question and answer sessions.⁴¹

44. Written notice was also sent to all owners of property within 500 feet of the centerline for the preliminary alternative routes.⁴²

45. Landowners along the route were sent correspondence notifying them of SST's application with the Commission, and advising them that the Project will be privately owned, and that the residents of Louisiana will not be responsible for the costs of constructing the Project, which will result in "numerous benefits to residents of the parishes traversed, including greater electrical reliability, access to affordable energy, construction jobs, and long-term tax benefits."⁴³

46. SST made micro-adjustments or shifts to the route to address landowner concerns. They also reimbursed landowners' legal fees to encourage them to obtain counsel for contract review.⁴⁴ SST tried to make adjustments to satisfy the Marstons, but "there were no good options".⁴⁵

V. DISCUSSION

A. Applicability of the Transmission Siting Order

This is not a petition for a declaratory order or jurisdictional determination. On the contrary, SST submitted a thorough Application on the merits of the Project, accompanied by the testimony and exhibits of five witnesses, each of whom testified in person and was made available for cross-examination at a two-day hearing before the Commission's administrative hearings division. In its Application, SST acknowledged that the Transmission Siting Order requires a "Transco" to consent to the jurisdiction of the Commission, and provides ample reasoning for the Commission to find that it should be regulated accordingly. The Transmission Siting Rules define a Transco as:

An independent Transmission Company or other entity that owns or controls Transmission Facilities (or that proposes to construct or own new Transmission Facilities) that currently may not be a public utility subject to the Commission's jurisdiction but which has planned, proposed, or seeks to construct a Transmission Facility and demonstrates in its Application to the Commission, in addition to the other requirements of this General Order, that it can construct and therefore own and operate the proposed Transmission Facility.

SST acknowledged and committed to submit to Commission regulation applicable to transmission providers sited in Louisiana.⁴⁶ This is consistent with the Transmission Siting Order and the intent of the Commission in attempting to preserve its jurisdiction as evidenced by the Background section which states, "The exercise of jurisdiction over certification and siting of

⁴¹ Hr'g Exh. SST-4, *in globo*, TB-2 (2017 Routing Report) at 3-13, and SST-5, Direct Testimony of Shannon Gwin, 3:1-17.

⁴² Hr'g Exh. SST-4, *in globo*, TB-2, at 3-13.

⁴³ Hr'g Exh. Marston 5.

⁴⁴ Hr'g Tr. December 21, 2023, 55:1-4.

⁴⁵ Hr'g Tr. December 20, 2023, 155:3-9.

⁴⁶ Application, at paragraph 19.

designated transmission facilities would protect the Commission's jurisdiction and would advance the Commission's ability to achieve the regulatory goal of promoting safe, reliable utility service at the lowest reasonable rates." SST is precisely the type of independent entity that the Commission was referring to in the Electric Transmission Facility Certification and Siting Rules found in the Transmission Siting Order when it provided that, "These rules and advance notice requirements *shall apply to a Transco.*"

In the jurisdictional portion of the same Order, the Commission adds, "...the Commission's authority over electric utility regulation in Louisiana is plenary. Certification and siting authority is included within that plenary authority and is not preempted by federal law. The states have traditionally assumed all jurisdiction to approve or deny permits for the certification and siting of electric transmission facilities (citing *Piedmont Environmental Council v. FERC*, 558 F. 3d 304 (4th Cir. 2009) (reinforcing state jurisdiction over transmission siting upholding the timely rejection of an application by a State).

Nevertheless, the Commission Staff took the position that 1) the Transmission Siting Order is inapplicable; or 2) if the Commission concludes that the Transmission Siting Order is applicable, SST qualifies for the exemption found in Section VIII, paragraph 19 of the Transmission Siting Rules, which provides for an exemption:

If the costs of the Transmission Facility, and the cost of any associated System Impacts, will not be reflected or recovered in the retail or wholesale rates to be assessed to customers of Louisiana electric utilities or cooperatives.

First, Commission Staff argued that the Project does not constitute a Transmission Facility at all because it does not "furnish electric service within the state". The Administrative Law Judge did not think the Commission intended such a literal interpretation that the Transmission Siting Rules would never apply to a project under development. The Commission Staff offered a narrower than necessary interpretation of the Transmission Siting Order in light of the Commission's clear intention to preserve its jurisdiction over transmission siting. The Administrative Law Judge acknowledged that the Project has not been built yet, and does not provide electric service anywhere, but we think it would be short-sighted for the Commission to decline to exercise its plenary authority over transmission siting in a certification proceeding for a project of this magnitude simply because the Project, the majority of which will be located in Louisiana, is not currently providing service in Louisiana.

While it is also technically true that SST will "assume full market risk of the Project" and SST will not have any captive customers in Louisiana, regulated utility or otherwise, it is impossible to say at this point in time that neither the costs of the facility nor any associated impacts will ever be reflected in the retail rates of Louisiana customers. This requires multiple layers of business decisions, regulatory approvals, and possibly rate proceedings. For example, if an LPSC-regulated investor-owned electric utility determines that transmission service under SST's OATT is cost-effective, the utility could get Commission approval to include such costs in the rates it passes onto consumers. The electric utility may even find that service under the OATT provides a greater opportunity to deliver low-cost electricity to its customers. It is not possible to make such a prediction here, given all of the various unknowns. And yet, now is the Commission's opportunity to weigh in on the merits of the Project.

SST provided testimony that to the extent the costs of the Project are embedded in a power purchase agreement ("PPA") or other agreement for a regulated utility to take transmission service from SST and the utility seeks to recover its costs associated with such transmission service, a separate determination would be made by the Commission as that is not a part of the request in this proceeding.⁴⁷ SST's testimony is the only testimony in this regard and its testimony was not seriously challenged. No LPSC-regulated utility opposed the certification or took a formal position on the Commission's jurisdiction or the merits of the case. Nor did Commission Staff provide any testimony or argument regarding the likelihood that SST could provide electric service in Louisiana in the future or that costs could ultimately be included in the rates of Louisiana ratepayers. The Landowners, the only parties to oppose the project on a substantive basis, urge the Commission to preserve its jurisdiction in this case.

MISO was not opposed to the Application but requested that any Commission approval be conditioned upon SST's acknowledgment, acceptance of, and compliance with MISO's requirements, including Attachment GGG to the MISO Tariff and Appendix 1 and Appendix 2 thereto, and specifically that any applicable agreement⁴⁸ be fully executed pursuant to the MISO Tariff and pursuant to the results of MISO's interconnection studies. MISO was satisfied with the

⁴⁷ Hr'g Tr. December 20, 2023, 104:5-14.

⁴⁸ In its exception to the proposed recommendation, SST took issue with some of the language included in Ordering Paragraph d, *infra*. Because that same language was included here, it is has been omitted, but we believe the intent of MISO's request has been maintained - that is, that SST comply with any and all MISO regulations when executing construction agreements or any other agreements with counterparties with regard to the Project.

testimony of Mr. Danis in this regard, as evidenced by the inclusion of his testimony in MISO's post-hearing brief, wherein it states,

SST has testified that it is responsible for deposits and costs related to MISO's interconnection studies, and not Louisiana ratepayers. SST has also testified that it is responsible for the costs of any additional or different facilities determined by MISO to be necessary for reliable interconnection of the Project. Finally, SST has testified that it would agree to a condition that LPSC approval of the Project be subject to SST's compliance with the MISO Tariff provisions and requirements. Because SST acknowledges its responsibilities and agrees to comply with MISO's requirements and obligations, MISO has no opposition to the Project.⁴⁹

B. Compliance with the Transmission Siting Order

Section V of the Electric Transmission Facility Certification and Siting Rules found in the Transmission Siting Order requires certain information to be filed with an application thereunder. Specifically, there are 11 enumerated items, as follows:

1. The name, business address, and electronic addresses of the Applicant(s), as well as for all participants if the Transmission Facility is comprised of projects of multiple entities;
2. A general description of the proposed Transmission Facility;
3. Supporting testimony and exhibits explaining and demonstrating the justifications for the proposed Transmission Facility and a cost/benefit analysis (if relevant), documenting why the proposed Transmission Facility is a reasonable solution to the problem being addressed. If the Applicant is a member of a FERC-approved RTO or ISO, a cost/benefit analysis conducted by that RTO/ISO, if available, shall be provided along with any other documentation prepared by the RTO/ISO identifying the need for construction of the Facility. This RTO/ISO cost/benefit analysis may be substituted for the cost/benefit analysis otherwise required from the Applicant;
4. A description of the proposed location and siting of the Transmission Facility in the form of a generalized substation-to-substation corridor and not a specific parcel-by-parcel routing;
5. A description of anticipated sources of funding for the proposed Transmission Facility;
6. An itemized estimate of the costs of the proposed Transmission Facility, including land and/or right-of-way acquisition costs, and carrying costs during construction;
7. An analysis, with supporting data, of the estimated effects on costs to ratepayers attributable to the proposed Transmission Facility, including an estimate of the impact of the cost of the Transmission Facility on rates of all the entity's customers within Louisiana;
8. A single line drawing of the proposed typical structure of the Transmission Facility;
9. An estimated timeline, with milestones, for completion of the Transmission Facility;

⁴⁹ Post-Hearing Brief of The Midcontinent Independent System Operator, Inc., at 4.

10. A description of whether rights of way will have to be acquired for the construction of the Transmission Facility or whether existing rights of way will be utilized; and
11. Such other information that the Applicant may consider relevant to support a Public Interest determination. The Commission or Commission Staff upon finding an Application to be insufficient also may request the Applicant to supplement an Application with additional information after the filing of the Applicant's certification and siting request. Applicant must respond promptly to any such request, but in no event more than 10 business days after the request is made. Such request by the Commission or Commission Staff shall not alone act to extend any time guidelines for Commission action set forth herein or limit a party or Intervenor's rights to issue discovery in the proceeding.

The Marstons alleged several deficiencies with SST's Application, particularly the requirements of paragraphs number three, four, and seven⁵⁰, above. They argued that SST failed to provide a cost-benefit analysis or any of the relevant RTO Interconnection studies. They argued that SST failed to provide an updated and accurate proposed route (despite admitting to substantial and material changes since the February 2023 application filing), and failed to provide any analysis of potential ratepayer costs in connection to the Project.

The Administrative Law Judge found these assertions without merit. The Transmission Siting Order only requires cost-benefit analyses "if relevant". The ALJ did not think such an analysis was appropriate in this case since the costs are currently being borne by SST. There is no proposal for cost recovery, and there is no guarantee that SST will ever be able to recover all of its costs since it does not have captive ratepayers. A cost-benefit analysis may become appropriate if a proposal is brought forth for a regulated utility to purchase transmission service from SST, but no such proposal is before the Commission at this time. In their exceptions, the Marstons point out that in prior Commission certifications, it has hired consultants who assisted Staff in reviewing the costs of proposed transmission projects. Unlike the SST Project, however, those certifications involved regulated utilities that would have an opportunity to seek recovery for their prudent investments. Without ratepayers, SST has no such opportunity before this Commission. Indeed, it has stated on numerous occasions that it has no intention of ever seeking cost recovery before this Commission.

The Marstons argued that SST could have presented a cost-benefit analysis, estimating the potential costs that might be included in a model PPA. While this may be true, the ALJ thought it

⁵⁰ Paragraph seven was added in the Final Recommendation to address the concerns raised in the "Exceptions to the Proposed Recommendation of Marston Family" filed on May 30, 2024, but does not change any conclusions herein.

would be highly speculative at this time, and premature, given the studies yet to be completed, the regulatory approvals yet to be obtained, and the fact that SST is a merchant provider, with no captive ratepayers. In addition, knowing what alternatives will be available to an unnamed regulated utility in a future certification proceeding would be impossible. Rather, a cost-benefit analysis associated with an agreement between a Commission-regulated electric utility and SST will become relevant at the time a certification request is made by the regulated electric utility. The Marstons further argued that the Commission is considering amending the Transmission Siting Order to require that a cost-benefit analysis include transmission or non-transmission alternatives; however, the Commission has not done so, and it would be improper to impose such a requirement based on comments in an unresolved rulemaking proceeding.

Separately, the Marstons asserted that SST failed to include a ratepayer impact analysis, the requirement found in paragraph seven of the Transmission Siting Rules. It is for essentially the same reasons that a cost-benefit analysis is irrelevant to SST that the ratepayer impact analysis is inapplicable. SST does not have any ratepayers, and technically, the costs of the Project will not be borne by any Louisiana ratepayers, so there is no ratepayer impact. There will only be a ratepayer impact if, and when, a regulated electric utility proposes to become a subscriber of the Project. Should that occur, the Commission will have the opportunity to determine whether the proposal is in the public interest and whether and to what extent rate recovery should be allowed.

Turning to the Landowners' argument that SST failed to comply with Paragraph 4 of the Electric Transmission Facility Certification and Siting Rules when it adjusted the proposed route, the Proposed Recommendation found that as of the time of the hearing, SST was still negotiating with the remaining Landowners and making adjustments to the route as necessary. The Proposed Recommendation further found that the Revised Route Report filed with the Application was the best information available at the time, and it satisfies the requirements of the Transmission Siting Order, but that an updated route may be warranted. The Final Recommendation clarified that an updated route may be warranted to the extent that it is available, as a matter of transparency and good faith in dealing with the affected Landowners.⁵¹ However, the Transmission Siting Order only requires a generalized substation-to-substation corridor and not a specific parcel-by-parcel

⁵¹ The latter part of this sentence was added in the Final Recommendation to clarify the Proposed Recommendation.

routing. Even if SST fails to provide an updated route it has technically complied with paragraph four of the Transmission Siting Order, as it does not require parcel-by-parcel routing.

C. Public Interest Determination

SST argued the Project will benefit ERCOT, MISO, and SERC by allowing for the increased production and utilization of renewable energy and the diversification of resources. It will contribute to economic development in the State of Louisiana by creating 2,032 full-time equivalent jobs during construction and 256 long-term jobs. And it will increase electrical reliability across RTOs. SST further argued that the unique ability of HVDC transmission to control power flows, by moving large amounts of power with less losses, enhances reliability in the region. And lastly, its sponsors are funding the project, which means no captive Louisiana ratepayers bear the risk of the costs of construction of the Project.

The Transmission Siting Order provides guidance as to what should be considered in looking at the public interest of a project, and it specifically includes language that the Commission may consider objectives found in federal statutes and orders as well as potential impacts on other affected utilities and their customers. The United States Supreme Court has held that the principal purpose of the FPA was to "encourage the orderly development of plentiful supplies of electricity and natural gas at reasonable prices."⁵² Accordingly, FERC has taken the position that "as a general matter, the availability of transmission service enhances competition in power markets by increasing power supply options of buyers and sales options of sellers, and that this should result in lower costs to consumers."⁵³ Notably, the need for additional supply options has been a central issue in several recent certification proceedings⁵⁴, which weighs heavily in favor of the approval of the opportunity presented by the Project.

The Marstons took issue with the fact that interconnection studies have not been completed and cite this as one of the reasons a decision in this docket is premature. However, conditioning certification on the receipt of necessary regulatory approvals including from FERC, ERCOT, and MISO, as well as compliance with all transmission-related LPSC rules and regulations will ensure that the Project will not impair reliability. Moreover, a similar argument was dispensed with by FERC on this very Project. In its initial Order approving SST's request for negotiated rates, Texas

⁵² See *National Ass'n of Colored People v. Federal Power Commission*, 425 U.S. 662.

⁵³ See *AEP Energy Partners, Inc.*, 164 FERC P 61056 (2018) (where FERC granted AEP Energy Partners, Inc.'s request under Section 211 of the FPA for power flow into and out of ERCOT).

⁵⁴ See Orders No. U-35927, U-36133, U-36135, U-36514, U-36515, U-36516 (each requiring additional studies to address the availability of capacity in MISO).

Industrial Consumers argued that the request was premature since interconnection studies had not been completed. FERC concluded that it was appropriate to authorize the sale of capacity on a merchant transmission project at negotiated rates during a project's development in order to assist the owners in securing financing.⁵⁵

While the Marstons criticized the findings of SST's economist, Dr. Loomis, the weight of the evidence suggests that the project will provide economic benefits to Louisiana. The fact that Louisiana ratepayers will only incur costs to the extent that they are customers of a Louisiana utility that becomes a subscriber of the Project only weighs in favor of a finding that the Project is in the public interest. At the hearing, the Marstons attempted to have SST witnesses commit to a specific number of jobs being filled by Louisiana workers, And while no such commitment was made, the record suggests that SST has and will continue to employ Louisiana citizens through its contracts with Louisiana land service companies.

The Marstons also cited various cases for the proposition that paralleling, duplication, or extension of existing transmission lines is wasteful and unwise. But the record is silent with regard to any such suggestion. In fact, the majority of the testimony in this matter led to the conclusion that the Project is unique and will serve a unique purpose - it will provide interconnections that do not currently exist and that will allow for the additional sharing of resources, the opposite of duplication or waste.

Finally, the Marstons argued that SST failed to consider the negative impacts on oil and gas operations in Louisiana. The ALJ disagreed with this premise, given the extensive work performed by Burns & McDonnell, and concluded that property rights and burdens on the Landowners' property are expropriation issues not addressed by the Commission's Transmission Siting Order. In addition, the economic analysis performed by SST included assumptions of payments to Landowners through servitude agreements.

D. Landowner Concerns

The Landowners argued that the Commission has never granted approval for a transmission project that does not serve Louisiana ratepayers, and it should not do so now. They urged that a certification is premature pending the Commission's ongoing rulemaking in Docket No. R-36199. They urged that the stated benefits of the Project are nebulous, and although they wanted the

⁵⁵ See 137 FERC P 61207 (2011).

Commission to exercise jurisdiction over the Application, they asked that the Application be denied because of the harm that will result to Louisiana landowners if the Project is built.

Prior proceedings pursuant to the Transmission Siting Order have indeed been filed by public utilities seeking certification of projects that would serve Louisiana ratepayers. The ALJ did not think that diminishes the Commission's responsibility in this case, however. Nor did the ALJ find that the Commission must delay this certification for an ongoing rulemaking proceeding, particularly when it is unnecessary since SST has submitted to the Commission's jurisdiction.

SST recognized the significance of individual Landowner concerns regarding their property but argues that the content of the testimony provided by Landowners is outside of the scope of this proceeding. Commission Staff likewise pointed out that the Commission's Transmission Siting Order excludes parcel-by-parcel routing approval. As stated in the Transmission Siting Rules, "Issues related to expropriation, land use planning, zoning, and environmental concerns are not subject to the jurisdiction of the Commission and, as a result, shall not be considered in the certification or siting proceedings."⁵⁶ Importantly, the only testimony regarding SST's consideration of Landowner convenience was Mr. Marston's, who testified at the hearing that SST tried to address his concerns.

VI. CONCLUSIONS OF LAW

1. The states have traditionally assumed all jurisdiction to approve or deny permits for the certification and siting of electric transmission facilities.⁵⁷
2. Throughout the Transmission Siting Order the Commission states its intention to retain this jurisdiction, even as it applies to a Transco. Applying the definition found in Section II(B) of the Transmission Siting Rules, we conclude that SST meets the definition of a Transco.
3. The exemption found in Section VIII paragraph 19 of the Transmission Siting Rules is inapplicable to SST because it is unknown at this time whether costs associated with the Project could be reflected or recovered in the retail or wholesale rates to be assessed to customers of Louisiana electric utilities or cooperatives.
4. SST's Application complies with Section V of the Transmission Siting Rules.
5. SST has the burden of proving that the Project is in the public interest.⁵⁸
6. Section IV of the Commission's Transmission Siting Rules provides that in making a public interest determination, it may consider the "expected impact of such Transmission Facility on costs, retail rates, service reliability, reduction of congestion, the interstate or intrastate benefits expected to be achieved, and whether the proposed Transmission Facility is consistent with public policy."

⁵⁶ Transmission Siting Order, p. 11.

⁵⁷See Transmission Siting Order, citing *Piedmont Environmental Council v. FERC*, 559 F. 3d 304 (4th Cir. 2009).

⁵⁸ See LPSC Order No. R-26018, at 10.

7. According to the Transmission Siting Order, to determine whether a Transmission Facility is in the public interest, the Commission looks to "whether the proposed transmission facility will result in service at the lowest reasonable cost consistent with economic, reliability, and safety considerations."
8. Given that SST is privately funded and will have no captive ratepayers, it will have to compete with existing transmission providers while complying with FERC, SERC, MISO, and all applicable regional transmission organizations and state commissions, and should result in the lowest reasonable cost consistent with economic, reliability, and safety considerations.
9. The LPSC does not have jurisdiction over expropriation determinations, nor does it consider or approve a specific parcel-by-parcel routing of a proposed transmission facility.⁵⁹ The individual Landowner concerns regarding the route traversing their property are more appropriate for an expropriation proceeding. Thus, we do not make any determination with regard to the passage of the route through any specific Landowner's property. However, from a public policy perspective, we conclude that SST generally considered Landowner convenience and attempted to make reasonable adjustments to its route to satisfy Landowner concerns.
10. In accordance with the above paragraphs, we conclude that the Project is in the public interest, as proposed, subject to the following conditions.
 - a. SST shall comply with the Commission's transmission-related orders, including:
 - i. The General Orders dated September 21, 1977 and November 16, 1992, *In re Emergency Service Plans for Electric Utilities and Cooperatives*;
 - ii. The General Order dated September 13, 1993, *in re: Investigation of Utility Line Clearing Practices In Louisiana*; and
 - iii. General Order No. R-31831 dated 5/23/11, *In re: Study of the feasibility of formally adopting the provisions of the National Electric Safety Code or any other, similar safety code as the standard for the safe installation, operation and maintenance of overhead and underground electric facilities and utility poles to be applicable to industries owning, leasing or using utility poles in the State of Louisiana*.
 - b. SST shall consent to the Commission's jurisdiction insofar as required for enforcement of any Orders issued in this proceeding and all other applicable Commission's rules and regulations.
 - c. SST shall comply with the requirements and obligations of MISO including but not limited to MISO's Open Access Transmission, Energy and Operating Reserve Markets Tariff and MISO's Business Practice Manuals, Attachment GGG to the MISO Tariff and Appendix 1 and 2 thereto.
 - d. Any construction agreement between SST, as the interconnection customer, and the applicable transmission owner shall be fully executed pursuant to the MISO Tariff and pursuant to the results of MISO's interconnection studies.⁶⁰
 - e. SST shall solely bear all costs of MISO interconnection studies.
 - f. SST shall solely bear all costs of any additional or different facilities necessary for a reliable connection with MISO.
 - g. SST shall comply with all reliability and cybersecurity standards issued pursuant to Section 215 of the FPA.

⁵⁹ Id at 11.

⁶⁰ This paragraph reflects a change from the Proposed to the Final Recommendation of the ALJ. As noted by SST, and agreed to by Counsel for MISO, interconnection customer and transmission owner were previously transposed.

- h. SST shall notify the Commission of any material changes in the Project.
 - i. SST shall provide the Commission with a copy of all regulatory approvals or denials associated with the Project.
 - j. Any regulatory commitments contained in other regulatory approvals shall be incorporated herein if applicable.
 - k. SST shall notify the Commission before the start of construction and provide reports on construction progress every six months thereafter.
11. Given the complexities of the project and governance by multiple jurisdictions, it is in the public interest for the Commission to stay engaged in available stakeholder processes, including those at the FERC and MISO.

VII. ALJ RECOMMENDATION

The ALJ recommended that the Commission issue an Order consistent with the Findings of Fact and Conclusions of Law above.

VIII. COMMISSION CONSIDERATION

Commissioner Campbell made the following motion to reject the ALJ's recommendation: Our ALJ concluded in her Recommendation that the Transmission Siting Order applies to the Southern Spirit Transmission Project, finding that the proposed project is a transmission facility. I agree with this conclusion. However, I disagree with the ALJ's conclusion that the Southern Spirit Transmission Project is in the "public interest." The Marston Family, intervenors in the docket, filed extensive exceptions to the ALJ's proposed recommendation, pointing out several issues with the ultimate public interest finding. While the final recommendation attempts to address these exceptions, it does not address those concerns sufficiently and accordingly, the Commission should not find that Southern Spirit has shown this project is in the public interest. Accordingly, I move as follows: 1. The Southern Spirit Transmission Project is subject to the requirements of the General Order dated October 10, 2013, referred to as the Transmission Siting Order; and 2. The Commission finds, for the reasons included in the exceptions to the ALJ's recommendation filed by intervenors, that this project is not in the public interest.

After discussion, Commissioner Skrmetta made the following substitute motion:

Regarding the request for approval of the Southern Spirit Transmission line, the Commission takes note that Pattern Energy, during the ALJ proceeding, provided no cost benefit analysis of the project as it was stated by the applicant during testimony, that there would be no costs of any kind assessed to the ratepayers attributable to the proposed design and construction of

the proposed transmission facility. Because of those two separate and distinct facts, I move that we reject the ALJ recommendation, only as it pertains to the cost-benefit analysis, with the additional condition that at no point now or in the future shall any design and construction cost associated with this transmission line be borne by the ratepayers of the state of Louisiana. This matter is always subject to future Commission review.

Commissioner Skrmetta's motion was seconded by Vice Chairman Lewis, with Chairman Francis and Commissioner Greene concurring, and Commissioner Campbell opposing. The Commission voted to accept the Final Recommendation of the ALJ, except as to the cost-benefit analysis, with an additional condition that no design or construction costs associated with the transmission line be borne by the ratepayers of the state of Louisiana. The motion passed with a vote of 4:1.

After further discussion, Commissioner Greene sought clarification of the vote and moved to reconsider the vote, which was not opposed.

Commissioner Skrmetta's motion was reconsidered, seconded by Vice Chairman Lewis, with Chairman Francis concurring, and Commissioner Campbell and Commissioner Greene opposing, the Commission voted to accept the Final Recommendation of the ALJ except as to the cost-benefit analysis, with an additional condition that no design or construction costs associated with the transmission line be borne by the ratepayers of the state of Louisiana. The motion passed with a vote of 3:2.

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IT IS HEREBY ORDERED THAT:

1. The Southern Spirit Project will serve the public convenience and necessity, and is in the public interest, subject to the following conditions:
 - a. Southern Spirit Transmission LLC shall comply with the Commission's transmission-related orders, including:
 - i. The General Orders dated September 21, 1977 and November 16, 1992, *In re Emergency Service Plans for Electric Utilities and Cooperatives*;
 - ii. The General Order dated September 13, 1993, *in re: Investigation of Utility Line Clearing Practices In Louisiana*; and
 - iii. General Order No. R-31831 dated 5/23/11, *In re: Study of the feasibility of formally adopting the provisions of the National Electric Safety Code or any other, similar safety code as the standard for the safe installation, operation and maintenance of overhead and underground electric facilities and utility poles to be applicable to industries owning, leasing or using utility poles in the State of Louisiana*.
 - b. Southern Spirit Transmission LLC shall consent to the Commission's jurisdiction insofar as required for enforcement of any Orders issued in this proceeding and all other applicable Commission rules and regulations.
 - c. Southern Spirit Transmission LLC shall comply with the requirements and obligations of MISO including but not limited to MISO's Open Access Transmission, Energy and Operating Reserve Markets Tariff and MISO's Business Practice Manuals, Attachment GGG to the MISO Tariff and Appendix 1 and 2 thereto.
 - d. Any construction agreement between Southern Spirit Transmission LLC, as the interconnection customer, and the applicable transmission owner shall be fully executed pursuant to the MISO Tariff and pursuant to the results of MISO's interconnection studies.
 - e. Southern Spirit Transmission LLC shall solely bear all costs of MISO interconnection studies.
 - f. Southern Spirit Transmission LLC shall solely bear all costs of any additional or different facilities necessary for a reliable connection with MISO.
 - g. Southern Spirit Transmission LLC shall comply with all reliability and cybersecurity standards issued pursuant to Section 215 of the FPA.
 - h. Southern Spirit Transmission LLC shall notify the Commission of any material changes in the Project.
 - i. Southern Spirit Transmission LLC shall provide the Commission with a copy of all regulatory approvals or denials associated with the Project.
 - j. Any regulatory commitments contained in other regulatory approvals shall be incorporated herein if applicable.
 - k. Southern Spirit Transmission LLC shall notify the Commission before the start of construction and provide regular reports on construction progress.
2. The Administrative Law Judge's recommendation, as it pertains to cost-benefit analysis, is rejected.

3. No design or construction costs associated with the Southern Spirit Transmission Line shall be borne by the ratepayers of the State of Louisiana.
4. This Order is effective immediately.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
September 10, 2024



/S/ MIKE FRANCIS
DISTRICT IV
CHAIRMAN MIKE FRANCIS

/S/ DAVANTE LEWIS
DISTRICT III
VICE CHAIRMAN DAVANTE LEWIS

OPPOSED
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

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

OPPOSED
DISTRICT II
COMMISSIONER CRAIG GREENE

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

BRANDON M. FREY
SECRETARY