

LOUISIANA PUBLIC SERVICE COMMISSION

DOCKET NO. R-36241

LOUISIANA PUBLIC SERVICE COMMISSION, EX PARTE

In re: Rulemaking to revise the Commission's Rules of Practice and Procedure.

**NOTICE OF PROPOSED RULES FOR PART 2- "PARTIES" OF
THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE**

The instant rulemaking was initiated in January 2022 as a result of Louisiana Public Service Commission ("LPSC" or "Commission") Staff recognizing an imminent need to rectify issues surrounding service and in particular Rule 7 of the Commission's Rules of Practice and Procedure ("Rules"). In addition to this imminent need, Staff also determined the need for a complete review and revision of the Rules given it had been almost 20 years they were last updated. Since that time, Staff has been working to review and substantially revise the Rules to not only clarify specific components, but also to ensure the Rules are up-to-date.

At the Commission's April 15, 2026 Business and Executive ("B&E") Session, the Commission directed Staff to implement an interim Rule 10a for mandatory disclosure of foreign and outside funding sources by intervenors in Commission proceedings.¹ Specifically, Staff was directed to:

[P]repare, for consideration at the earliest practicable B&E, but no later than June, a proposed Interim Rule 10a, or other appropriate placement in the Commission's Rules of Practice and Procedure, that would require all intervenors in every docket, proceeding, or matter before the Commission to publicly disclose and certify all sources of funding for their organization that originate, directly or indirectly, from individuals or entities located outside of Louisiana, including without limitation the following foreign nations: the People's Republic of China (PRC), the Democratic People's Republic of Korea (DPRK), the Russian Federation, and the Islamic Republic of Iran (or any entities, agents, or intermediaries controlled by or

¹ The directive passed 4:1 with Commissioner Lewis opposed.

substantially funded by those governments). The proposed rule shall apply to both existing and future intervenors and shall include, at a minimum:

- A requirement for a sworn affidavit or certification filed with every intervention pleading (and updated annually or upon any material change in funding);
- A statement of the percentage of annual funding from individuals or entities located or domiciled outside the state of Louisiana;
- Full disclosure of any grants, donations, contracts, or other financial support received, directly or indirectly, from the listed foreign nations or their state-linked entities during the preceding five (5) years;
- Identification of the ultimate source(s) of funds, including any pass-through foundations, nonprofits, or intermediaries;
- Public filing of the disclosure in the docket (subject to any narrowly tailored protections for truly proprietary non-funding information);
- A clear statement that failure to comply may result in denial or revocation of intervenor status, sanctions, or other remedies as determined by the Commission; and
- An effective date no later than sixty (60) days after adoption of any proposed rule.

Staff shall model this proposed disclosure requirement rule on analogous transparency provisions in Louisiana law (e.g., recent third-party litigation funding disclosure statutes) while tailoring the Commission's rule to the administrative context of Commission proceedings. Further, any proposed rule should emphasize that this is a transparency measure to protect the integrity of the Commission's regulatory process, Louisiana ratepayers, and the public interest, not a bar to participation.

In proposing an Interim Rule pursuant to this directive, Staff shall also include any such proposed rule within Staff's proposed revisions to the Commission's Rules of Practice and Procedure currently being reviewed in Docket No. R-36241 in order to allow stakeholder comment.

This Directive is issued in furtherance of the Commission's mission and the broader goal of achieving Louisiana Energy Dominance.

Staff is still working on a complete revision of the Rules, but given the Commission's directive at the April 2026 B&E, Staff files this Notice of Proposed Rules to address not only a proposed Rule 10a, but the entire section of the Rules associated with parties in Commission proceedings -

Part 2, which is attached hereto as Attachment A. **Staff requests comments and proposed revisions to Part 2 no later than June 22, 2026 in order for timely consideration at the Commission's August 12, 2026 B&E.**

OVERVIEW OF PART 2 REVISIONS

As Staff began revising Part 2, it became clear that the entire section needed to be revised and structured differently. Therefore, while the Commission directed a Rule 10a related to funding disclosures, such rule is being proposed as a component of Rule 12, as 12a. Other revisions to Part 2 of the Rules defines the various parties to a Commission proceeding, including the respective roles and level of participation. For example, prior versions of the Rules did not include a definition of intervenor, nor provided guidance as to any party's role. The attached proposed rules begin with the broad classification of parties and then provides specific definitions and levels of participation allowed for interested parties and intervenors in Commission proceedings. Staff did not think it was necessary to provide definitions or the level of participation for applicants, complainants, or respondents as those terms over the years have seemed self-explanatory and have not been the cause of debate. Staff welcomes comments on whether each type of party should have a definition and level of participation.

The proposed revisions also reiterate that the Commission, and Commission Staff, are a party to every docketed proceeding without the necessity of filing a petition for intervention. While this concept is located elsewhere in the Rules, Staff included the definitive statement in this Part to removed any doubt of Staff's role.

The majority of the other revisions – not including the mandatory funding disclosures – restructure Part 2 to better align with the requisite headings. Another substantive addition to Part 2 is the limitation of four representatives on the Commission's Service List for any one party in a

proceeding. See proposed Rule 10, second paragraph. It has been the policy of the Commission to limit the number of participants, per party, per proceeding, but such policy has not been incorporated into the Rules prior to now. This limitation is based upon restrictions within the Commission's internal database, which can cause service issues once a service list gets too voluminous. When a service list gets voluminous, the Commission's database has difficulty populating the service list for distribution purposes and can cause delays in service from the Commission. Staff finds that limiting any party's representative list is to four is reasonable and should provide sufficient notification for any party, its counsel, and its expert, if necessary.

FUNDING DISCLOSURE REQUIREMENT FOR INTERVENORS

As indicated in the Commission's April 15, 2026 directive, the disclosure of funding is to further the Commission's mission, which is to impartially, equitably, and efficiently regulate the rates and services of public utilities and common carriers within Louisiana, as well as strive to maintain existing business and industry, promote economic development, and protect consumers within the state. Based upon the Commission's directive, Staff conducted research on funding disclosure mandates and proposes the language included herein. Staff's proposed language is modeled after language promulgated by the Louisiana Legislature in 2024 known as the "Transparency and Limitations on Foreign Third-Party Litigation Funding,"² as well as pending federal legislation known as the "Litigation Funding Transparency Act of 2026."³ Both of these mandates, as well as the proposed rules herein ensure transparency regarding the source of funding behind any litigation; here the source of funding of an intervenor in a Commission proceeding.

² See La. R.S. 9:3580.2 *et seq.*

³ See S.3826, 119th Cong. (2026).

The proposed rules are narrowly tailored to recognize the right of association and therefore only require disclosure of the percentage of funding from out of state sources as well as disclosures of all funding from foreign countries of concern. The proposed rules do not seek individual donor information. Further, this requirement is not a blanket disclosure, but is required only when an intervenor desires to participate in a specific Commission proceeding to support or oppose the issue at hand. It is Staff's opinion that such a narrowly tailored disclosure requirement balances the interest of the Commission knowing the source(s) behind any proponent or opponent while providing anonymity to any supporters of a proponent or opponent in a Commission proceeding.

Part of the Commission's constitutional duty to regulate common carriers and public utilities is to balance the interest of said jurisdictional entities alongside the interest of Louisiana ratepayers. This duty is achieved by focusing on in-state rates and services, in-state public utilities and common carriers, and balances those interest with those of Louisiana citizens; therefore, when making Commission determinations, the Commission's focus should be on the views of its citizens and not out of state opinions. The proposed rules further this goal by ensuring the Commission fully understands both the proponents and opponents of any Commission proceeding, including whether there are out of state influences. These statements should not be construed as Staff stating that the Commission should ignore, or disregard, views from out of state. These statements are meant to highlight the importance of ensuring Louisiana's citizens are heard, and considered, in any Commission proceeding as well as understanding when proponents or opponents do not have the same vested interest as a Louisiana ratepayer.

CONCLUSION

Staff files this Notice of Proposed Rules for Part 2-Parties of the Commission's Rules of Practice and Procedure in response to the Commission directive at the April 15, 2026 B&E. Staff seeks comments and specific revisions to the entire section of the Commission's Rules no later than June 22, 2026. Staff anticipates placing proposed final rules for Part 2-Parties on the Commission's August 2026 B&E, which is currently scheduled for August 12, 2026. While Staff is currently focusing on Part 2-Parties, a Commission vote in August does not preclude Staff to continue revising Part 2 during the review and revision of the entire Rules of Practice and Procedure. Should any additional revisions be proposed, those revisions will be part of the entire proposed rules filed into this docket for comment and consideration.



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the aforementioned has been served upon all parties of record, by email properly addressed, on this 22nd day of May, 2026.


KATHRYN H. BOWMAN

**ATTACHMENT A
PROPOSED RULES
PART 2-PARTIES**

PART II PARTIES

RULE 9: CLASSIFICATION OF PARTIES.

Parties to proceedings before the Louisiana Public Service Commission are applicants, protestants, petitioners, complainants, respondents, intervenors, or interested parties. Regardless of errors in their designation of themselves in their pleadings, the Commission may align parties in accordance with their interest in the proceedings.

Any party may file a motion to appear in any proceeding before the Louisiana Public Service Commission on his/her own behalf or be represented as provided for in Rule 10 below. All appearances shall be subject to a motion to strike upon a showing that the party has no justiciable or administratively cognizable interest in the proceeding.

Unless otherwise provided by law, any public official, agency or department of the State of Louisiana or any of its political subdivisions shall be permitted to appear in any proceeding whether as a formal intervenor or otherwise, and present any relevant and proper testimony and evidence bearing upon the issues involved in the particular proceeding.

RULE 10: APPEARANCES PERSONALLY OR BY REPRESENTATIVE.

Any party may appear and be represented by an attorney at law authorized to practice law before the highest court of any State. A natural person may appear on his own behalf. A corporation, partnership or association may appear and be represented by any bona fide officer, partner, full-time employee, or other person if authorized to so appear by the Commission.

Any corporation, partnership, or association may not have more than four representatives for any given Commission proceeding. If good cause exists for an entity to have more than four representatives, such request must be provided in writing to the Commission's Records Division, who will accept or reject the request.

The Commission, and its staff, shall be considered a party to every docketed proceeding without the necessity of filing for intervention, with the Commission's Legal Division being the designated representative for the Commission.

RULE 11: INTERESTED PARTY.

An Interested Party, for purposes of a Commission proceeding, is an individual or an entity who desires to monitor the proceeding. Upon the filing of a Petition for Interested Party status, such individual(s) will be classified as an Interested Party and placed on the official Service List of said proceeding for proceeding notifications. Interested Party classification differs from other classifications in that an Interested Party does not enjoy the benefits of full participation in the proceeding as if the individual or entity was an applicant, protestant, or respondent to the proceeding or an Intervenor as defined in Rule 12 below.

RULE 12: INTERVENOR

An Intervenor, for purposes of a Commission proceeding, is an individual or entity who has a vested interest in a proceeding, regardless if that vested interest is to support or oppose the proceeding. An individual or entity seeking to become an Intervenor shall timely file a Petition for Intervention indicating the vested interest in the proceeding and request participation in the same. Assuming no protests to the Petition for Intervention, the individual or entity shall be classified as an Intervenor and placed on the official Service List.

Intervenors shall be allowed to fully participate in the proceeding and shall adhere to the same procedural and confidentiality requirements of all other parties in the proceeding, including participation in discovery, testimony, briefing, and any hearing set for the proceeding.

RULE 12(A): INTERVENOR'S DISCLOSURE OF FUNDING SOURCES

When filing a Petition for Intervention into a Commission proceeding, Intervenors shall disclose for themselves-if an individual, or their organization-if an entity, the allocation of funding sources that originate from outside of Louisiana in the Petition for Intervention.

In disclosing such outside funding sources, the information provided shall include:

- 1) A certification, or affidavit, regarding the authenticity of the information provided; and
- 2) A percentage breakdown of the prior three years of annual funding received from individuals or entities located, or domiciled, outside Louisiana versus those funding sources from within Louisiana. Such breakdown shall include any pass-through foundations, nonprofits, or intermediaries, but does not seek personal information about any funding source.

If no outside funding sources exists, a statement to that effect is required.

In addition to the above, an Intervenor shall separately disclose all funding sources, whether through grants, donations, contracts, or other financial support received, directly or indirectly, from any foreign country of concern as defined in La. R.S. 9:3580.2 and 15 CFR 74. Such disclosure shall include any foreign entity that is owned or controlled by the government of a foreign country of concern, or a partnership, association, corporation, organization of other combination of person organized under the law of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity.

The obligation to disclose such outside funding sources remains during the pendency of any Commission proceeding. As such, an Intervenor shall ensure its funding disclosure is accurate at all times, and shall update its disclosure if any material change in funding source occurs during the pendency of a Commission proceeding.

Such disclosure shall be publicly filed, subject to narrowly tailored protections for truly proprietary non-funding information.

Failure of any Intervenor to provide the requisite funding disclosure may result in denial, or revocation, of Intervenor status in the relevant Commission proceeding.

**ATTACHMENT B
PROPOSED RULES
PART 2-PARTIES
REDLINED**

PART II PARTIES

RULE 9: CLASSIFICATION OF PARTIES.

Parties to proceedings before the Louisiana Public Service Commission are applicants, protestants, petitioners, complainants, respondents ~~and,~~ or interested parties. Regardless of errors in their designation of themselves in their pleadings, the Commission may align parties in accordance with their interest in the proceedings.

~~RULE 10: PARTIES IN INTEREST.~~

Any party ~~actually in interest~~ may file a motion to appear in any proceeding before the Louisiana Public Service Commission on his/her own behalf or be represented as provided for in Rule 10 below. All appearances shall be subject to a motion to strike upon a showing that the party has no justiciable or administratively cognizable interest in the proceeding. ~~As applied to proceedings under R.S. 45:162 et. seq. involving operating authority, a party in interest is any carrier or shipper operating or shipping over a route within the territory or serving any point proposed to be served by any applicant, and transporting any of the same class or classes of commodities, or persons, proposed to be transported by the applicant.~~

Unless otherwise provided by law, any public official, agency or department of the State of Louisiana or any of its political subdivisions, ~~and every civic and trade organization~~ shall be permitted to appear in any proceeding whether as a formal intervenor or otherwise, and present any relevant and proper testimony and evidence bearing upon the issues involved in the particular proceeding.

~~RULE 11:10: APPEARANCES PERSONALLY OR BY REPRESENTATIVE.~~

Any party may appear and be represented by an attorney at law authorized to practice law before the highest court of any State. A natural person may appear ~~in~~ on his own behalf, ~~or through a bona fide full-time employee.~~ A corporation, partnership or association may appear and be represented by any bona fide officer, partner, full-time employee, or other person if authorized to so appear by the Commission. ~~In all proceedings for the determination, establishment, interpretation or enforcement of tariffs, rates, charges, or any classification, rule or regulation appertaining thereto, any party may appear and be represented by any person who is licensed to practice before the highest court of any State, or by any person who has regularly represented clients before the Louisiana Public Service Commission for at least five (5) years prior to the effective date of these rules.~~

Any corporation, partnership, or association may not have more than four representatives for any given Commission proceeding. If good cause exists for an entity to have more than four representatives, such request must be provided in writing to the Commission's Records Division, who will accept or reject the request.

The Commission, and its staff, shall be considered a party to every docketed proceeding without the necessity of filing for intervention, with the Commission's Legal Division being the designated representative for the Commission.

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The obligation to disclose such outside funding sources remains during the pendency of any Commission proceeding. As such, an Intervenor shall ensure its funding disclosure is accurate at all times, and shall update its disclosure if any material change in funding source occurs during the pendency of a Commission proceeding.

Such disclosure shall be publicly filed, subject to narrowly tailored protections for truly proprietary non-funding information.

Failure of any Intervenor to provide the requisite funding disclosure may result in denial, or revocation, of Intervenor status in the relevant Commission proceeding.

**Service List for R-36241
as of 5/22/2026**

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