

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER U-37441

1803 ELECTRIC COOPERATIVE, INC., EX PARTE.

Docket No. U-37441, In re: Petition for Qualification of 1803 Electric Cooperative facilities as transmission facilities, and approval of transfer of functional control of transmission facilities to MISO.

(Decided at the May 19, 2025 Business and Executive Session.)

ORDER

I. BACKGROUND

On November 19, 2024, 1803 Electric Cooperative, Inc. ("1803") filed an application (the "Application") seeking a Commission determination that certain high voltage delivery facilities currently owned by Louisiana Generating, LLC ("LaGen"), and contractually set to transfer to 1803's Member Cooperatives at the conclusion of the contracts between the Member Cooperatives and LaGen, are "transmission facilities" pursuant to Federal Energy Regulatory Commission ("FERC") Order No. 888 and are appropriate for inclusion under the Midcontinent Independent System Operator ("MISO") tariff. 1803 also sought a finding that the transfer of functional control of the transmission facilities to MISO is in the public interest. Notice of 1803's Application was published in the Commission's Official Bulletin No. 1337 dated November 22, 2024 for a 15-day intervention period. Entergy Louisiana, LLC ("ELL") intervened in the proceeding, and MISO requested interested party status. An initial status conference was held on December 30, 2024.

II. JURISDICTION

The Commission exercises jurisdiction over common carriers and public utilities in Louisiana pursuant to Article IV, Section 21(B) of the Louisiana Constitution, which states:

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 shall have other powers and perform other duties as provided by law.

III. STAFF REVIEW AND UNCONTESTED STIPULATED SETTLEMENT

Staff conducted a review of the Application and accompanying exhibits, as well as all responses to discovery. After discovery and testimony, the parties arrived at an Uncontested Stipulated Settlement in the form of a Joint Stipulation Term Sheet ("Stipulated Settlement"), finding that the transfer of functional control of the transmission facilities is in the public interest, subject to certain contingencies and commitments. The Stipulated Settlement was entered into by

1803, Commission Staff, agreed to by MISO, and not opposed by ELL. The Stipulated Settlement was filed into the record on April 28, 2025, and it was presented at a stipulation hearing per Rule 6 of the Commission's Rules of Practice and Procedure on May 7, 2025. Ronald R. Repsher testified on behalf of 1803, and Jonathan Bourg testified on behalf of the Staff.

The terms of the Stipulated Settlement are as follows:

1. 1803 and LPSC Staff agree that for the sole purposes of this Application, the Commission does not object to MISO considering all of the proposed facilities as defined in the Application (the "Facilities") as transmission facilities in accordance with the seven (7) factor test set forth in Federal Energy Regulatory Commission ("FERC") Order No. 888, 61 Fed. Reg. 21,540, 21,620 (1996). Accordingly, 1803 should be considered an owner of transmission. Further, subject to the provisions of paragraphs 2, 3, and 4 below, 1803 should be eligible to transfer functional control of the Facilities to MISO, with the Commission reserving its right to make a new determination in a future proceeding regarding any of the particular Facilities and to review any contrary evidence which may be presented in either a retail or FERC proceeding and to take any position it deems appropriate at that time.
2. 1803 and LPSC Staff agree that 1803's proposed transfer of functional control of its transmission assets to MISO is in the public interest subject to all of the following proposed contingencies for reopening the docket and the commitments of 1803 and MISO which are agreed upon by each of 1803 and MISO, as such commitments may be applicable to each.

Contingencies for Re-Opening This Docket

- A(1). Any order or action by an Entergy Operating Company retail regulator (or court of competent jurisdiction) in any of the Entergy Operating Company retail jurisdictions addressing continued participation in MISO of any Entergy Operating Company.
- A(2). Any order or action taken by any state regulator or the New Orleans City Council or by the Federal Energy Regulatory Commission ("FERC") or a court of competent jurisdiction, that may be materially adverse to any Entergy Operating Company's or Cleco Power's or 1803's or any other Louisiana MISO Transmission Owner or any other future MISO Transmission Owner's continued participation in MISO or substantively modifying the terms or conditions of such participation.
- A(3). Entergy Louisiana, LLC ("ELL") does not continue to participate in MISO.
- A(4). Entergy Arkansas, LLC ("EAL") does not continue to participate in MISO.
- A(5). Entergy Texas, Inc. ("ETI") does not continue to participate in MISO.
- A(6). Entergy Mississippi, LLC ("EML") does not continue to participate in MISO.
- A(7). Entergy New Orleans, LLC ("ENOL") does not continue to participate in MISO.
- A(8). Cleco Power, LLC ("Cleco Power") or any other Louisiana MISO Transmission Owner does not continue to participate in MISO.
- A(9). Any FERC order or other governmental order or a decision by a court of competent jurisdiction that may be adverse to any material provision of any order(s) issued by the Commission in this docket or to LPSC-jurisdictional ratepayers.
- A(10). The adoption by MISO, with or without the approval of FERC, of any change in MISO governance that, without limitation, may cause Louisiana ratepayers to incur costs that are not roughly commensurate with expected benefits, may impinge upon Commission jurisdiction and/or authority or may otherwise cause 1803's continued participation in MISO to not be in the public interest, provided, however, that MISO reserves its rights to continue its ordinary operations, administer its tariff and rate schedules and participate fully in any and all rulemaking processes and/or regulatory proceedings at FERC and before any other regulatory authority or commission. The Commission, the Commission Staff, 1803, and all other Parties to this Docket reserve all of their rights to take any position(s) they deem appropriate in any of these rulemaking processes and/or regulatory proceedings.
- A(11). The adoption by MISO, with or without the approval of the FERC, of any tariff change that without limitation, may cause Louisiana ratepayers to incur costs that

are not roughly commensurate with expected benefits, may impinge upon Commission jurisdiction and/or authority, or may otherwise cause 1803's continued participation in MISO to not be in the public interest; provided, however, that MISO reserves its rights to continue its ordinary operations, administer its tariff and rate schedules and participate fully in any and all rulemaking processes and/or regulatory proceedings at FERC and before any other regulatory authority or court. The Commission, the Commission Staff, 1803, and all other Parties to this Docket reserve all of their rights to take any position(s) they deem appropriate in any of these rulemaking processes and/or regulatory proceedings.

- A(12). The adoption by MISO, with or without the approval (or non-opposition) of the FERC, of: 1) any rule, regulation or change to its Business Planning Manual; or 2) any other policy that, without limitation, may cause Louisiana ratepayers to incur costs that are not roughly commensurate with expected benefits, may impinge upon Commission jurisdiction and/or authority or may otherwise potentially cause 1803's continued participation in MISO to not be in the public interest, provided, however, that MISO reserves its rights to continue its ordinary operations, administer its tariff and rate schedules and participate fully in any and all rulemaking processes and/or regulatory proceedings at FERC and before any other regulatory authority or commission. The Commission, the Commission Staff, 1803, and all other Parties to this Docket reserve all of their rights to take any position(s) they deem appropriate in any of these rulemaking processes and/or regulatory proceedings.
- A(13). Any Order of the FERC or other governmental agency or a decision by a court of competent jurisdiction related to 1803's participation in MISO that may be substantively inconsistent with any substantive provision of any order(s) issued by the Commission or potentially harmful to LPSC-jurisdictional ratepayers. In the event of the occurrence of any of the contingencies contained in the Commission's Order in this docket, a docket may be opened for reconsideration of the Commission's public interest determination. Also, if 1803 fails to comply with any Condition contained in the Commission's Order(s) in this docket as set forth below, the Commission, on its own action or on the motion of the Commission, Staff, 1803 or any Intervenor, may open a docket for reconsideration of the Commission's public interest determination.

Notwithstanding any other provision of this stipulation, the Commission, consistent with its constitutional authority and responsibility to regulate the rates charged and services rendered by jurisdictional utilities, reserves the right and authority to reopen this docket (or open a new docket) at any time to ensure that 1803's continued participation in MISO remains in the public interest in order to protect Louisiana ratepayers. In the event that this docket is reopened, 1803 bears the burden of proof to demonstrate that full continued participation of 1803 in MISO is in the public interest.

Conditions Applicable to Utility

- B(1). 1803 must not sell its bulk transmission assets or seek to make significant changes to transmission service for LPSC jurisdictional customers without prior LPSC approval. If applicable, while 1803 is a Transmission Owner in MISO, it commits to take all reasonable steps to qualify for the exemption for bundled retail load from MISO Schedule 9 transmission charges under the MISO Open Access Transmission, Energy & Operating Reserve Markets Tariff. 1803, if applicable, and also commits that while it is a Transmission Owner in MISO, to oppose any efforts by MISO Transmission Owners or others to modify the MISO Open Access Transmission, Energy & Operating Reserve Markets Tariff and/or the MISO Transmission Owners Agreement in a manner that would subject 1803, if applicable, to MISO Schedule 9 transmission charges for its bundled retail loads.
- B(2). Should the Commission ultimately determine, in this or any other LPSC docket addressing 1803's request to continue participation in MISO, that it is not in the public interest for 1803 to continue to participate in MISO, 1803 will not seek to remain in MISO. The Commission and all Intervenor retain all rights, state and federal, to respond to all arguments that may be raised by 1803, in any state or federal review or appeal of the Commission's decision.
- B(3). 1803 shall not exit MISO without filing an application with the LPSC under the Commission's 1994 General Order governing changes of control and obtaining

Commission authorization. 1803 shall file this application at least nine months prior to the proposed exit date, and the Commission shall render its decision within nine months of 1803 filing an application with supporting evidence to exit, unless an alternative schedule is mutually agreed upon by the Commission and 1803. The Commission and all Intervenors retain all rights, state and federal, to respond to all arguments that may be raised by 1803, in any state or federal review or appeal of the Commission's decision.

- B(4). 1803 shall undertake all necessary efforts to exit MISO when directed to do so in a final Order issued by the Commission.
- B(5). As described in further detail in Condition D (4), 1803 shall work cooperatively with Staff and Intervenors in this docket to develop a monitoring plan that will begin no later than July 1, 2026. The Commission retains its authority and right, at any time, to order a full and complete analysis of whether 1803's membership is in the public interest. In any such proceeding the burden of proof shall be borne by 1803.
- B(6). 1803 will work in good faith with Staff and other MISO South transmission owners with the goal of ensuring that 1803 and those other MISO South transmission owners will only be responsible for costs commensurate with any benefits that they will derive from transmission projects constructed pursuant to the MTEPs approved from time to time.
- B(7). In the event that 1803 is unable to continue with MISO membership, it should immediately notify the Commission, the Commission Staff and all Intervenors in this proceeding, and promptly investigate the potential benefits of moving forward with Southwest Power Pool ("SPP") RTO membership as well as other feasible alternatives, in light of the facts and circumstances at that time, to determine what is in the best interest of its retail customers.
- B(8). The Company acknowledges that even with membership in MISO, 1803 remains fully responsible and accountable for safe, reliable, adequate and reasonable cost service, at just and reasonable rates, related to the generation, transmission, distribution and customer service functions.
- B(9). 1803 shall actively participate in the MISO planning process and advocate for network upgrade projects when beneficial for its customers. For non-Baseline Reliability projects to be located wholly in Louisiana and to be owned by 1803, during the planning and MISO approval process, 1803 will supply and convey to MISO the Commission's position (as expressed formally through Staff participation in the MTEP process, written correspondence to 1803, Commission resolutions, formal responses by Staff to 1803's annual reports under the Commission's Transmission Certification and Siting General Order, or similar written means) regarding the appropriateness or the need to construct these projects, including the expression of opposition to MISO to any non-Baseline Reliability projects.
- B(10). 1803 agrees not to oppose Commission certification and siting authority for transmission or argue for federal preemption of LPSC authority in this area. However, this condition is not intended to prevent 1803's compliance with any final order of the FERC requiring the construction of transmission projects pursuant to the FERC's backstop siting authority in a "National Interest Electric Transmission Corridor" as set forth in 16 USC Sec. 824p or other related rules and regulations.
- B(11). 1803 shall remain responsible and accountable for the operation of its system, including but not limited to: any manner in which it participates in any MISO-administered market; how it offers its generation into the MISO Day-Ahead and Real-Time markets; how it offers load into the MISO Day-Ahead market; bidding and scheduling; any actions it takes to supply retail loads; any actions it takes to procure fuel, capacity and/or energy; the prudent administration and management of energy supply contracts; the prudent administration and management of energy supply transactions with MISO; the obligation to ensure that the charges and credits received from MISO are correct and accurate; appropriate management of nominating Auction Revenue Rights ("ARRs"), conversion to or use of Financial Transmission Rights ("FTRs") FTRs and appropriate crediting of ARR and FTR receipts, and any resource adequacy market transactions.
- B(12). 1803 shall continue to undertake all reasonable, prudent efforts to ensure that safe, reliable service at the lowest reasonable cost continues to be delivered to its customers at levels equal to or exceeding the safety and reliability levels achieved prior to the integration into MISO.

- B(13). The LPSC shall have complete access to information and full rights to conduct audits of costs incurred by or credited to 1803 and to conduct prudence reviews, as needed, in connection with these and related activities within 1803's control, including activities associated with operating within membership in MISO. These audit and prudence review rights are not intended to make 1803 responsible for activities required by a valid FERC tariff and which are undertaken by MISO that are therefore beyond 1803's control. Ensuring that MISO charges and credits to 1803 are correct and accurate, however, will be the explicit responsibility of 1803 to the extent that it is reasonably possible for 1803 to do so consistent with the information that is available to it. 1803 must undertake all reasonable efforts to verify the correctness and accuracy of these charges and credits which will include all reasonable efforts to obtain the information necessary to verify the accuracy of these charges and credits. 1803 must also validate that the charges and credits it receives are being assessed pursuant to the MISO tariff. Once 1803 is notified or becomes aware that such an audit and/or prudence review will be conducted, it shall maintain all documents, records, information and data in its possession reasonably required for the LPSC to conduct such audit and/or prudence review. Once 1803 is notified or becomes aware of such an audit and/or prudence review, such documents, records, information and data must be retained, regardless of any records retention requirements, until such time as the audit and/or prudence review has been finally resolved and all appeals have been exhausted.
- B(14). 1803 shall provide the Commission and its Staff a list and description of the principles observed, practices and protocols utilized by 1803 in its capacity and energy procurement, including but not limited to: the manner of offering in generation and bidding and scheduling load into the Day-Ahead and Real-Time Markets; ARR nominations; and all other material aspects of any MISO-administered market interaction, when requested. 1803 will maintain contemporaneous documentation of the activities listed in the previous sentence. This condition is not intended to alter FERC or Commission jurisdiction.
- B(15). In the event EAL, EML, ENOL, ETI, ELL, Cleco Power, 1803, or any other Louisiana MISO Transmission Owner does not continue their participation in MISO, 1803 shall by a date to be established by the Commission, file with the LPSC a report detailing the impact, if any, of such discontinued participation upon 1803 and its customers, along with a recommendation to the Commission regarding whether, in light of such discontinued MISO participation, 1803's continued membership in MISO is in the public interest.
- B(16). The Commission Staff shall monitor whether MISO operations are having any adverse impact on Louisiana ratepayers and/or entities.
- B(17). 1803 shall continue to undertake all reasonable, prudent efforts to ensure that safe, reliable service at the lowest reasonable cost continues to be delivered to its customers. 1803 understands and acknowledges that its continued participation in MISO does not diminish these obligations of 1803 under Louisiana law.
- B(18). In the future, to the extent that 1803 will receive System Support Resource ("SSR") revenues for any of its wholly-owned or partially-owned generating units, 1803 shall make a filing with the Commission seeking approval of the manner in which those SSR revenues shall be treated for accounting and ratemaking purposes in advance of receipt of any such SSR revenues. The manner in which the SSR revenues are treated for accounting and ratemaking purposes must be specifically approved by the Commission. 1803 has the burden of proof to demonstrate that any proposed accounting and ratemaking treatment results in just, reasonable, and not unduly discriminatory rates.

Conditions Applicable to MISO

- C(1). MISO shall grant the Commission access to personnel, books and records pertaining to the transmission service and costs charged to 1803, comparable to the Commission's access to personnel, books and records of 1803 prior to 1803 joining MISO.
- C(2). Subject to reasonable notice, MISO will cooperate with Commission requests for information and for MISO staff to attend LPSC meetings, technical conferences and hearings.
- C(3). MISO shall support efforts to minimize the costs of the flows between MISO North/Central and MISO South. MISO shall report to the Commission annually on

the payments made to SPP, the Joint Parties and others pursuant to the settlement in FERC Docket No. EL14-21 and ER14-1736-000, including annual and total payments made by MISO; a breakdown of the annual and total payments by MISO North/Central and MISO South; the annual and total flows North to South and South to North; and the annual and total amounts paid by 1803. Prior to the expiration of the Settlement Agreement in EL14-21 MISO shall report to the Commission on all activities undertaken to negotiate a new agreement or its plans for an alternative.

- C(4). MISO shall keep the Commission and Commission Staff informed of any seams issues that arise in connection with 1803's membership in MISO.
- C(5). MISO will undertake no action, unless required to do so by federal laws or the FERC, that will deprive the Commission of any of its jurisdiction and authority in connection with transmission planning, certification, siting, or related matters, provided, however that MISO reserves its rights to continue its ordinary operations, administer its tariff and rate schedules and participate fully in any and all rulemaking processes and/or regulatory proceedings at FERC and before any other regulatory authority or court.
- C(6). MISO will undertake no action, if applicable, that will result in the loss of any 1803 bundled retail load exemption, except as may be required by FERC Order with respect to administration of the MISO tariff.
- C(7). MISO shall undertake all reasonable efforts to ensure that during 1803's membership in MISO, safe reliable service at the lowest reasonable cost continues to be delivered to 1803's customers, consistent with Commission Orders and regulations, the MISO tariff and applicable North American Electric Reliability Corporation ("NERC") standards.
- C(8). MISO agrees not to oppose Commission certification and siting authority for transmission or argue for federal preemption of LPSC authority in this area. However, this condition is not intended to prevent 1803's compliance with any final order of the FERC requiring the construction of transmission projects pursuant to the FERC's backstop siting authority in a "National Interest Electric Transmission Corridor" as set forth in 16 USC Sec. 824p or other related rules and regulations.

Additional Conditions Applicable to Utility and MISO

- D(1). MISO will use reasonable best efforts to study the costs and benefits of developing a stronger physical tie between MISO South and MISO North/Central through the MISO Transmission Expansion Plan ("MTEP") and/or other stakeholder processes, as may be necessary. Transmission Owners and stakeholders have the opportunity to propose projects and participate in the MTEP and/or other stakeholder processes.
- D(2). 1803 shall file with the Commission the dollar amount of Revenue Sufficiency Guarantee ("RSG") payments received from MISO that is associated with Voltage & Local Reliability ("VLR"), Regional Directional Transfer ("RDT"), and for any other RSG payment category, with dollar amounts identified separately by RSG payment category, for each of its generating units by month (e.g., "RSGNLR/RDT Reports"). The amounts shall be provided and identified separately for both the real-time and day-ahead markets. The initial filing shall be made by October 1, 2026 for the periods January-December 2025 and by October 1, 2027 for the time periods January- December 2026. Thereafter, 1803 shall make filings with the Commission on a semiannual basis, with each filing having a ninety (90) day lag (i.e., October 1 filing for January-June data, and April 1 filing for July-December data). 1803 shall file the initial and semi-annual RSG/VLR/RDT Report in an X Docket, as set forth in Paragraph 4 below. Nothing herein shall preclude any party from petitioning the Commission to change to annual filings for good cause shown which shall be determined by the LPSC after notice and reasonable opportunity for response from Staff, 1803, and Intervenor in this proceeding. Any petition by any party on the service list in Docket No. U-37441 seeking to change to annual filings shall be served on the parties on the service list in Docket No. U-37441.
- D(3). 1803 shall comply with the Max Gen Rules (R-34758) and Minimum Capacity Obligation Rules (R-36263) and any other Commission Rules or Orders related to participation in the MISO market.
- D(4). 1803 shall work cooperatively with Staff and Intervenor in this Docket to develop a monitoring plan that will begin no later than July 1, 2026 (or as soon as reasonably practicable following issuance of a Commission order approving the settlement of

this Docket) ("Monitoring Plan"). The Monitoring Plan shall include an annual report filed with the LPSC, with such report including at a minimum the annual cost/benefit analyses and outage data listed below ("Annual Report"). At a minimum, the Monitoring Plan and Annual Reports shall also include: (a) a comparison of how 1803's capacity, energy and transmission costs (revenues and expenses) have changed in the most recently concluded calendar year as compared to each of the previous three calendar years, including reporting on (i) changes to 1803's total MISO RSG costs and revenues (with costs and revenues provided separately by RSG category including VLR and any other RSG category to the extent that these details are provided in 1803's MISO settlement statements), (ii) MISO Planning Reserve Margins applicable to 1803, (iii) LRZ 9 Capacity Import and Export Limits, and (iv) Local Clearing Requirements; (b) identification of the causes for the changes in the capacity, energy and transmission costs and to what extent those changes can be attributed to MISO; (c) discussion of going forward changes expected within MISO that are expected to materially affect 1803's going forward capacity, energy, and transmission costs; (d) number of hours of planned outage by 1803 generation units by month for the previous calendar year; (e) number of hours of forced outage by 1803 generation units by month for the previous calendar year; (f) number of sustained (more than one minute) 1803 transmission outages by month for the previous calendar year by voltage level; and (g) all underlying workpapers supporting 1803's analysis. All such Monitoring Plan information shall be publicly provided in the Annual Reports, with the possible exception of items (d), (e) and (g), which shall also be publicly provided to the greatest extent possible. Intervenor in this Docket will also be allowed to participate in informal discussions with 1803 and/or the Staff to develop the framework for, and general content of, the Monitoring Plan, including the framework for the required cost/benefit analyses, subject to appropriate confidentiality restrictions in this Docket. Nothing in this paragraph shall limit the Commission or the Commission Staff from seeking additional information or the Commission from imposing additional reporting requirements in the future outside of these conditions. The prudently-incurred costs of preparing the Annual Reports shall be eligible for recovery by 1803 and 1803 may allocate all costs of preparing the Annual Reports to the retail jurisdiction.

Provided the Monitoring Plan and Annual Reports include the above information, the annual cost/benefit analyses and reports required by the Monitoring Plan will ultimately be submitted to the Commission based on agreement between 1803 and Staff, and will be filed in the X Docket described below, but the Monitoring Plan, including such analyses, will not be the subject of a litigated proceeding and will not be subject to discovery as part of the Monitoring Plan and Annual Reports. However, nothing herein shall preclude such information from being subject to discovery requests in future proceedings before the Commission. Through their participation in discussions regarding the development of the Monitoring Plan including the analyses, the Intervenor in this Docket may submit comments to Staff and 1803, which comments will be considered in good faith and may be incorporated into the Monitoring Plan including the analyses, although 1803 is not obligated to alter the Monitoring Plan including the analyses in response to comments from the Intervenor.

The RSG/VLR/RDT Reports required in Paragraph 3 above, and the Annual Reports, including but not limited to the monitoring reports and cost benefit analyses required in this paragraph, shall be filed in an X Docket to be opened by the Commission with the first of such filings. Notice of the filing of each of the RSGNLR/RDT Reports and each of the Annual Reports shall be noticed in the next available LPSC Official Bulletin. Stakeholders may obtain copies of the public versions of these reports and supporting information from the Commission's website, and subject to qualification for and execution of appropriate confidentiality protections, stakeholders may request and shall be entitled to receive confidential and/or HSPM versions from 1803. With the filing of the first of these reports, 1803 shall provide a proposed Confidentiality Agreement ("CA"). The provision of confidential information to stakeholders is the responsibility of 1803. Except as required below regarding service as among parties on the service list in

Docket No. U-37441, it shall be the responsibility of stakeholders to monitor the X Docket for additional documents filed in the Docket after the filing of each RSGNLR/RDT Report and each Annual Report. All documents filed in the X Docket by any party on the service list in Docket No. U-37441 shall be served on the parties on the service list in Docket No. U-37441. If those parties have signed the CA in Docket No. U-37441, they shall be entitled to receive the confidential and/or HSPM versions of the documents.

- D(5). All reporting required by this Settlement shall be filed in the X Dockets described above. Unless expressly designated as public information by agreement herein, to the extent a stakeholder believes information filed or otherwise provided pursuant to the terms of the Settlement contains confidential information, the stakeholder may seek to designate such information as confidential pursuant to Rule 12.1 of the Commission Rules of Practice and Procedure, and all other stakeholders reserve all rights to challenge such designation. Any stakeholder seeking to change the confidential designation of information shall file a request with the Commission. The request to change the confidentiality designation shall be noticed as a new docket in the Official Bulletin with a 15-day intervention period and referred to the Administrative Law Division for proceedings. Any party on the official service list in Docket No. U-37441 seeking to change the confidential designation of information shall serve all parties on the official service list in Docket No. U-37441. The stakeholder seeking to designate the information as confidential shall bear the burden of demonstrating the confidentiality of such information in any such challenge. Further, all information that is designated as confidential shall be made available to Reviewing Representatives of the parties in Docket No. U-37441.
- D(6). The Commission shall retain the authority to withdraw approval of 1803 to participate in MISO if it determines it is no longer in the public interest for 1803 to continue its membership in MISO, and shall retain the authority to require 1803 to file an application supporting its continued participation in MISO. In all such proceedings, 1803 shall bear the burden of proof, and reserves its federal rights as set forth in Paragraph B(2), and the Commission and all Intervenors retain all rights, state and federal, to respond to all arguments that may be raised by 1803, in any state or federal review or appeal.
- D(7). Any settlement stipulation in this Docket shall be non-precedential. Further, no party in this Docket that signs in agreement with, or as not opposing, any settlement stipulation in this Docket shall, by virtue of signing any such settlement stipulation, waive or relinquish any rights or claims it may possess that may be asserted through MISO stakeholder process or with the Federal Energy Regulatory Commission or the Louisiana Public Service Commission pertaining to any matters that may be brought before those entities.
3. 1803 and LPSC Staff agree that 1803 will provide to the Commission within 60 days of issuance of the Order of approval (with a copy to all parties on the service list in this docket) the segregated net book value on 1803's books and records for 1803's Facilities the functional control of which will be transferred to MISO.
4. Except as stated otherwise herein, this stipulation shall have no precedential effect in any other proceedings involving issues similar to those herein, shall not require the Commission to make any such transmission/distribution determination in the future, and shall be without prejudice to the rights of the Parties to take any position on any such similar issue in the future.

IV. COMMISSION CONSIDERATION

This matter was considered at the Commission's May 19, 2025 Business and Executive Session. After discussion, on motion of Chairman Francis, seconded by Commissioner Lewis, with Vice Chairman Skrmetta and Commissioner Campbell concurring, and Commissioner Coussan temporarily absent, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record on April 28, 2025.

IT IS THEREFORE ORDERED THAT:

- 1. The Uncontested Stipulated Settlement filed into the record on April 28, 2025 is accepted; and,
- 2. This order is effective immediately.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
June 18, 2025



A handwritten signature in blue ink that reads "Brandon M. Frey" followed by a stylized monogram.

BRANDON M. FREY
SECRETARY

/S/ MIKE FRANCIS
DISTRICT IV
CHAIRMAN MIKE FRANCIS

/S/ ERIC F. SKRMETTA
DISTRICT I
VICE CHAIRMAN ERIC F. SKRMETTA

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

/S/ DAVANTE LEWIS
DISTRICT III
COMMISSIONER DAVANTE LEWIS

ABSENT
DISTRICT II
COMMISSIONER JEAN-PAUL P. COUSSAN