BEFORE THE

LOUISIANA PUBLIC SERVICE COMMISSION

IN RE: RULEMAKING TO REVISE	)	
THE COMMISSION'S RULES OF	)	**DOCKET NO. R-36241**
PRACTICE AND PROCEDURE	)	

THE ALLIANCE FOR AFFORDABLE ENERGY'S COMMENTS AND PROPOSED REVISIONS TO PART II OF THE COMMISSION'S RULES

On May 22, 2026 Staff for the Louisiana Public Service Commission ("LPSC") filed a Notice of Proposed Rules for Part 2 – "Parties" of the Commission's Rules of Practice and Procedure ("Notice"). Alliance for Affordable Energy ("AAE") submits the following comments in response to the proposed changes to the Commission's Rules.

I. Introduction

The Alliance for Affordable Energy is a non-profit advocacy organization based in Louisiana, working for over 40 years to represent the interests of residential energy customers. Among the values that serve our mission to make home energy both affordable and environmentally responsible, good governance and equitable processes are among our top priorities. AAE is a member based organization, and has participated in hundreds of regulatory proceedings in the state. In each of the proceedings, no other party's participation would adequately represent the interests of our members. As an organization structured under the US Internal Revenue Service as a 501(c)(3) entity, which also registered with the Louisiana Secretary of State, AAE is required to file annual reports (Form 990) outlining revenues and expenditures, including all discrete donations, grants, or other revenue greater than $5,000. To the Alliance's knowledge, funding that supports AAE is derived from local and national foundations, and individuals residing in the United States.

The Alliance agrees with the Commission that transparency with the public is a worthy and critical goal, and has no general objection to strengthening the Louisiana Public Service Commission's disclosure requirements for its Commissioners and the stakeholders that appear before them. The proposed rules, however, have a range of legal and practical problems that are detailed below.

II. Intervenor Definitions

The Commission's draft rule is unclear as to how staff or an Administrative Law Judge may interpret and apply an assessment of "vested interest". Does the Commission assume that only individuals or companies domiciled in Louisiana have a real and justiciable interest in decisions made by the LPSC? After all, Entergy Louisiana is a Limited Liability Corporation based in Texas, Swepco is registered in Delaware, as is Walmart. Also, does the Commission's rule assume that individuals or companies who may own property in the state, but do not live inside the state lines do not have a cognizable interest in the outcome of utility costs and services? Will the Commission take a position that a Federal agency does not have a true interest in the reliability of the power system or water utilities inside the state? Language that narrows the definition of Intervenor to "vested interest" leaves uncertainty.

III. Rule Application

Commission rules should be applied to all non-individual parties and should be part of a reorientation of the LPSC towards transparency. AAE assumes that these draft rules would apply to corporations, associations, and organizations, as a targeted requirement for non-profit organizations only would be discriminatory. However the draft language in Rule 12(A) 2 seems to focus on the types of revenues associated with trade associations and non-profits: foundations, nonprofits, or intermediaries. The language is curiously specific about some revenue sources but, but is silent on other types of revenue including contracts, ratepayer bill revenues, equity shares, or debt facilities which operate as revenue sources for corporations. Furthermore, under La.-R.S. 9:3590.2, which is referenced in the staff comments with the draft rule as a model for this LPSC rule change, notably provides exemptions for reporting for these exact type of entities, including "a nonprofit legal organization exempt from federal income tax under Section

501(c)(3) of the Internal Revenue Code, or any person providing funding to a nonprofit legal organization that represents clients on a pro bono basis."[1] It would be peculiar if the Louisiana Public Service Commission not only does not align their rules with existing exemptions adopted by the Louisiana Legislature, but issues further reporting requirements to those same entities.

Organizations with interests not already represented by utilities bring valuable analysis and information to formal proceedings, and the Commission's role is to balance the interests of all stakeholders in the public interest. In the absence of a state funded residential consumer advocate, and without intervenor compensation that is allowed in other states, AAE, for example, has provided policy insight and financial analysis that has improved outcomes for residential customers for 40 years at no cost to ratepayers or taxpayers. Barriers to this participation, especially if targeted only at certain types of formal participants could remove those benefits entirely. Utility regulation must allow equal footing among the parties in order for the Commission to ensure the public interest is served and must not discriminate against parties based on their tax status.

IV. Practical Concerns Regarding Funding Sources

AAE is concerned that the proposed rule would be impossible to comply with in practice. For example, it requires disclosure of funding sources that "originate from outside of Louisiana." Thus, intervenors would not only have to track the domicile of funders, but also their physical location. For example, if a Louisiana resident makes a donation while they are traveling to England, intervenors would have to track and disclose that. Under Louisiana law, domicile turns on a person's subjective intent: their *intent* to remain indefinitely in a particular jurisdiction.[2] Thus, intervenors would be required to track the thought processes of every donor, which of course is impossible. This may not be the intention of the draft language, but it certainly may be interpreted in this way.

[1] Incidentally, the Alliance for Affordable Energy would be exempted from the Transparency and Limitations on Foreign Third-Party Litigation Funding Act on both counts.

[2] *Guillory v. January (Succession of January)*, 15-67 (La. App. 3 Cir 06/03/15), 165 So. 3d 423, 426 ("A person's domicile is his principal establishment wherein he makes his habitual residence and essentially consists of two elements, namely residence and intent to remain.")

The proposed rule also requires the identification and disclosure of funding sources that are received "directly or indirectly" from a foreign country of concern. What does this mean? Is the ultimate source of every dollar the United States Treasury? Or some other entity? For a corporation, a literal reading would require following a chain of revenue beyond the immediate revenue source well beyond what it could reasonably know. What level of due diligence should be required of a corporation, association, or individual? These questions are serious hurdles to practicality, and while the vague nature of the language may be unintentional, the subjectivity raises uncertainty for intervenors who may wish to participate but are not aware of the ultimate source, and may be weaponized against an entity that wishes to meaningfully represent their interests but has reasonable knowledge of original sources.

Another section with vague language in Rule 12(A) refers to "ownership" of a funding source from a foreign country of concern, but is unclear as to how ownership is defined. Does "owned" apply to a 1% stake? 10%? Utilities sometimes refer to their shareholders as owners, and when such shares are publicly traded and bundled into index funds it may be impossible to identify every "owner". Again, an obligation to report on the financial chain of revenues beyond an original source could be challenging to comply with for all types of parties.

The further requirement to continually track and update funding disclosure during the pendency of a proceeding is also unreasonable, especially as the draft rule obligates updates to disclosure when a "material change" in funding sources occur. "Material change" is another subjective phrase, which raises further questions of how or when an intervening entity is responsible to comply. We assume, for example, the Commission would require a utility to update its disclosure statements upon the issuance of debt products. But does the Commission also expect the utility to report when equity shares are exchanged? Probably not, but contrary interpretations of the obligation may take a different approach, leading to discriminatory action.

V. Pro Se Representation

The Alliance is particularly concerned that the proposed rules which would apply to residents intervening on their own behalf would have a chilling effect. Louisiana residents must have the ability to participate fully in proceedings before the Commission which impact their lives and future. For example, in the last two years, two proceedings before the Commission have drawn significant attention and intervention from individuals appearing on their own behalf: SLECA's request to abandon customer service on three of their coastal distribution lines, and Magnolia Water's request for Formula Rate Plan Extension. These two dockets have underscored the highly personal impacts that LPSC proceedings can have, and have drawn intervention by dozens of residents who want more information about service and bills and want to be part of the formal proceedings. This public engagement at the Public Service Commission is a good thing, and AAE urges the Commission to allow individuals to participate as intervenors without instituting barriers. Notarized affidavits cost money, and an individual's awareness of the full financial chain of where their paycheck comes from beyond the issuer is not their responsibility.

VI. Other Rule Changes

The draft rule also includes a limitation of representation for a corporation, partnership, or association.[3] Language is needed to clarify how "representation" is to be applied. For example, for administrative purposes the Commission may desire to limit the number of names and addresses on a service list, but parties must be allowed to have the number of attorneys, associates, and expert witnesses that are needed to represent their interests. For example, in Entergy Louisiana's most recent application to procure resources to serve Meta's Richland Parish site, the utility relies on testimony from 15 experts to argue their case. Formal participants, including the Commission staff, should not be limited in its ability to fully respond to such an application, and a limit of "representation" that extends to expert witnesses would put utilities at an unfair advantage at the cost of ratepayers. Any changes to the Commission's rules should be clear on this point.

VII. Conclusion

Alliance for Affordable Energy appreciates the opportunity to respond to the proposed revisions to Part 2 of the Commission's Rules of Practice and Procedure. Among AAE's top priorities are good governance and equitable processes. AAE agrees with the Commission that transparency with the public is a worthy and critical goal, and as stated, has no general objection to strengthening the Louisiana Public Service Commission's disclosure requirements for its

[3] Draft Rules of Practice and Procedure, Rule 10.

Commissioners and the stakeholders that appear before them. Should any additional changes to the rules be proposed, AAE asks that it have an opportunity to respond before changes are adopted by the Commission.

Certificate of Service

I hereby certify that I have, this 22nd day of June 2026, served the required number of copies of the foregoing correspondence upon all other known parties of this proceeding by electronic mail.

Alaina DiLaura

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