

**LOUISIANA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE HEARINGS DIVISION**

DOCKET NUMBER U-37394

**SOUTH LOUISIANA ELECTRIC
COOPERATIVE ASSOCIATION, EX PARTE.**

In re: Petition for approval of abandonment of electric facilities located in Terrebonne and Lafourche Parishes pursuant to Commission General Order dated July 9, 2008 (R-30301).

RULING ON PELLEGRIN LATE INTERVENTION REQUEST

HAVING CONSIDERED the request for late intervention filed by Blaise and Erica Pellegrin;

IT IS HEREBY ORDERED that the request is **DENIED**, resulting in Blaise and Erica Pellegrin being denied *intervenor* status.

IT IS FURTHER ORDERED that Blaise and Erica Pellegrin shall be accorded the status of *interested party*.¹

REASONS FOR DECISION

Applicable Procedural History

On September 25, 2024, South Louisiana Electric Cooperative Association ("SLECA") filed a *Petition for Approval of Proposed Abandonment* ("Petition") with the Louisiana Public Service Commission ("Commission" or "LPSC"). The Petition was published in the Commission's Official Bulletin on September 27, 2024, with a 15-day intervention period. On June 9, 2025, Blaise and Erica Pellegrin filed a letter requesting to be a late intervenor in the docket. After receipt of the Pellegrin's request, which failed to provide the other parties' positions, a *Notice of Opportunity to Comment* was issued. On June 17, 2025, SLECA filed an

¹ "Interested Party" status is a courtesy status provided by the Commission to a person only monitoring a proceeding without participating fully as a party, whereas intervenors may conduct and respond to discovery, call witnesses, submit evidence and cross-examine the witnesses called by other parties and otherwise participate fully in the proceeding.

Opposition to the Late Intervention of Blaise and Erica Pellegrin (“Opposition”). On June 17, 2025, a *Notice of Opportunity to Respond* was issued, stating that Blaise and Erica Pellegrin had until July 1, 2025 to file a response to SLECA’s Opposition. The Pellegrins did not file a response.

Applicable Law

The Commission exercises jurisdiction in this proceeding pursuant to Article IV, Section 21 of the Louisiana Constitution, and La. R.S. 45:1163(A)(1). La. Const. Art. IV, Sec. 21 provides in pertinent part:

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.

Rule 19 of the Commission’s Rule of Practice and Procedure provides in part:

The Secretary may publish monthly, or more often if necessary, a notice of applications or other pleadings by which proceedings shall have been instituted before the Louisiana Public Service Commission since the last previous publication of notice. Notice for any proceeding may also be served specially under Rule 7. Said notice shall set out the name and address of the applicant or other party filing the same, the docket number, and the name and address of his attorney or other representative, shall contain a concise statement of the action sought in the proceeding and shall state that ***every person who desires to appear in opposition must file a notice of protest with the Secretary within twenty-five (25) days after the date of publication of said notice, or within such other period of time as might be specified***, with service of a copy of said notice of protest upon the party who instituted the proceeding, and that if no notice of protest shall have been received by the Secretary within said twenty-five (25) day period or other specified period, the proceeding will be processed and determined upon an uncontested docket, provided that the Commission shall have the right, power and duty to inquire into the public interest in any proceeding whether contested or uncontested. The date of mailing of a special notice, or date of mailing of the publication of all published notices, shall be the date after which the time period commences to run. (Emphasis added)

Parties' Positions

Blaise and Erica Pellegrin

In their intervention request, the Pellegrins state that they are requesting to be a late intervenor in Docket U-37394 because they are directly affected by SLECA's request. The Pellegrins state that they are camp owners and lost electricity to the camp following Hurricane Ida. The Pellegrins, in their request, provide a short history of the camp ownership, how they were affected by the loss of power to the camp, and the significant investments made in the camp.

SLECA

SLECA requests that the late intervention request by the Pellegrins be denied and that, instead, the Pellegrins be granted interested party status, allowing them to receive notice of filings in this matter without the ability to propound discovery or otherwise unduly delay the proceeding. SLECA argues that fairness dictates that there must be a reasonable limit on late interventions. SLECA contends it has been diligent in meeting its procedural obligations and has accommodated the participation of a significant number of late intervenors. However, SLECA argues, permitting interventions to continue indefinitely imposes an undue burden on SLECA and its membership, who bear the costs of this proceeding for the benefit of a select few.

SLECA points out that the Pellegrins' request is over eight months after the deadline for timely interventions. SLECA cites decisions in Docket Nos. U-35372 and T-28502 for the contention that the appropriate result is not to allow the late intervention. SLECA additionally points to Rulings in the instant matter on previous late intervention requests to support that the Pellegrins' request should not be allowed. SLECA contends that it has been more than accommodating to the seventy late intervenors who have sought to participate in this proceeding thus far. However, SLECA argues, allowing the Pellegrins to intervene at this late stage, more

than eight months after the deadline and well into the procedural schedule, would unduly burden SLECA and further delay the resolution of this matter.

Analysis

Notice of this proceeding was published on September 27, 2024, with a 15-day intervention period. The last day to timely intervene in the proceeding was October 14, 2024.² The Pellegrins filed their request for late intervention on June 9, 2025. The Pellegrins' request was made over seven months after the intervention period ended. Thus, the request is untimely and fails to comply with the Commission's intervention rules.

There is a longstanding Commission precedent for analyzing a request for late intervention. In Order No. U-25354-A, which affirmed a *Ruling on Motions for Intervention Out of Time*³, the Commission stated that the issue was not whether the movants had an interest in the outcome of the proceeding, whether they filed timely, or whether their late intervention in the proceeding would cause delay; the question was the application of the Commission's Rules of Practice and Procedure. It was pointed out that:

On occasion the Commission has relented somewhat in the application of its intervention deadline, when late filers have provided good cause for their untimeliness or when the remaining parties have raised no objection. In proceedings not publicized outside of the Commission's Bulletin, the Commission has sometimes acted more leniently toward late filers who have had no other involvement with the Commission and its work and no reason to monitor proceedings before the Commission. The Commission has sought to enforce its Rules of Practice and Procedure in a manner which preserves the integrity of the rules while at the same time insuring fairness.

² The 15th day after September 27, 2024 was Saturday, October 12, 2024. According to Rule 5 of the Commission's Rules of Practice and Procedure, if the last day to intervene falls on a Saturday, Sunday or legal holiday, the period runs until the next day which is neither a Saturday, Sunday or legal holiday.

³ Docket No. U-25354, Entergy Louisiana, Inc. and Entergy Gulf States, Inc., ex parte, In re: Request letter of non-opposition for official action of approval to transfer of controlling interest in their common stock as a result of the merger of applicants' corporate parent company, Entergy Corporation with FPL Group, Inc.

In U-25354, the movants provided no good cause for their late filing. Further, it was determined that their asserted “recent” knowledge of the proceeding was not persuasive and did not rise to the level of good cause for their failure to file timely.

SLECA further cited rulings in Docket Nos. U-35372 and T-28502 for their contention that the late intervention of the Pellegrins should be denied. In the *Ruling on Late Intervention Request* in Docket No. U-35372⁴, the party requesting the late intervention filed their request one day before the scheduled stipulation hearing. Further, the party requesting the late intervention acknowledged that the issue it raised in its request was unrelated to any issue currently pending before the Commission. In the Ruling, the Tribunal specifically held that the party did not sufficiently articulate good cause to justify allowing the late intervention. In the *Ruling on Stranco’s Motion for Leave to File Out of Time Protest and Intervention* in Docket No. T-28502⁵, the party requesting the late intervention argued that they were not given direct notice of the application. The Ruling stated that “the publication of the proceeding in the Commission’s Official Bulletin is intended to give adequate notice of the proceeding to any potential intervenor. It is neither practical, nor required, that individual direct notice, beyond publication in the Commission’s Official Bulletin, be provided to all persons that might conceivably have some interest.” The Ruling states that the party requesting the late intervention must demonstrate good cause to be allowed in the proceeding and that the “Commission has a strong interest in providing for the orderliness of its proceedings.” The Ruling specifically held that the party did

⁴ Docket No. U-35372, Right Way Properties, LLC, ex parte, In re: Petition for Change of Rates.

⁵ Docket No. T-28502, Industrial Cleanup, Inc. (Garyville, Louisiana), In re: Application to amend Common Carrier Certificate No. 6105-A and to secure from the Louisiana Public Service Commission a certificate of public service and necessity authorizing petitioner to operate as a common carrier of waste by motor vehicle including but not limited to vacuum trucks, dump trucks, flat bed trucks and roll-offs of hazardous, commercial, chemical and industrial wastes, over irregular routes, statewide and to lift all restrictions contained in Common Carrier Certificate No. 6105-A.

not demonstrate that it was prevented in any way from filing timely or that good cause existed to justify the proposed late intervention.

The requests for late intervention from seventy parties have been granted in the current proceeding. Neither Commission Staff, SLECA, nor any other party objected to those late interventions. Without an objection being raised, those requests fell squarely within the area where the Commission has relented somewhat in the application of its intervention deadline. However, with an objection being raised to the late intervention of the Pellegrins, we must determine whether the Pellegrins provided good cause for the untimeliness, had any other involvement with the Commission and its work, and whether she had reason to monitor proceedings before the Commission. Further, the enforcement of the Rules of Practice and Procedure should be done in a manner that preserves the integrity of the Rules while at the same time ensuring fairness.

In their request for late intervention, the Pellegrins did not sufficiently demonstrate that they were prevented from filing timely or that good cause existed to justify the proposed late intervention. The Pellegrins only stated that they are directly affected by SLECA's request and provided some information on how they are affected.

Seventy of the Pellegrins' neighbors requested intervention in the current proceeding before February 21, 2025, the deadline for SLECA to file its direct testimony⁶. The February 21, 2025 date was approximately five months after the commencement of this proceeding and a little over four months after the intervention deadline. During that four-month time period, parties


⁶ The procedural schedule in Docket No. U-37394 is: February 21, 2025 is the deadline for SLECA to file Direct Testimony; May 9, 2025 is the deadline for Commission Staff and Intervenors to file Direct Testimony and/or Comments; June 6, 2025 is the deadline for Commission Staff and Intervenors to file Cross-Answering Testimony and/or Comments; July 9, 2025 is the deadline for SLECA to file Rebuttal Testimony; July 18, 2025 is the deadline for all Discovery; July 25, 2025 is the deadline to file dispositive motions; August 5, 2025 is the deadline to file the Pre-Hearing Statement; August 15, 2025 is the deadline to file Pre-Hearing Briefs; August 25-29, 2025 are the scheduled hearing dates.

attended a status conference to establish the procedural schedule in the matter, conducted extensive discovery, and SLECA filed its direct testimony. Additionally, since that time period, Commission Staff has filed its Report and Recommendation and several intervenors have filed their testimony. Considering how much time has passed since the intervention deadline, the objection by SLECA to the late interventions, the progress of the procedural schedule, and the Commission's interest in preserving the integrity of its Rules, the Pellegrins will not be permitted to intervene in this proceeding. However, the Pellegrins will remain on the service list of the proceeding as an interested party and will receive notice of all filings before the Commission.

It is important to recognize that the Pellegrins, like all other SLECA customers, are afforded protection by the Commission's role and responsibilities. Those include the independent and plenary regulatory authority over public utilities and the power to fix just and reasonable rates. *La. Const. Art. IV Sec. 21; Daily Advertiser v. Trans-La, a Div. of Atmos Energy Corp.*, 612 So.2d 7 (La.1993); *La. R.S. 45:1176*. Further, as SLECA is seeking approval for its abandonment of electric facilities pursuant to the Commission's General Order dated July 9, 2008 (R-30301), SLECA will have to prove to the Commission that the operation of the electric facilities can be terminated consistent with the public interest.

Baton Rouge, Louisiana, this 2nd day of July 2025.

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