

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO. C-2645

COUNCIL SPONSOR: MR. BELLISARIO

PROVIDED BY: COUNCIL ATTORNEY

RESOLUTION REQUESTING THE LOUISIANA PUBLIC SERVICE COMMISSION TO PROVIDE NOTICE TO THE ST. TAMMANY PARISH GOVERNING AUTHORITY OF THE FILING OF AN APPLICATION AND PUBLIC HEARING OF ANY PROPOSED RATE SCHEDULE BY A PUBLIC UTILITY WHICH COULD RESULT IN A CHANGE IN RATES TO CUSTOMERS IN ST. TAMMANY PARISH.

WHEREAS, pursuant to La. Const. Art. IV, § 21(D)(1), "Within twenty days after a common carrier or public utility files a proposed rate schedule which would result in a change in rates, it shall give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable. (2) Within twelve months after the effective filing date, the commission shall render a full decision on each application, petition, and proposed rate schedule"; and

WHEREAS, pursuant to R.S. 45:1163 A(1), the Louisiana Public Service Commission is vested with all necessary power and authority over a 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; and

WHEREAS, in addition to the notice mandated by the Louisiana Constitution, and in accordance with the authority granted by R.S. 45:1163(A)(1), Rule 7 of the Rule of Practice and Procedures of the Louisiana Public Service Commission directs that "Where published notice is permitted or prescribed by these Rules or by statute, it may be made by incorporating it in the printed memorandum of notices monthly circulated by the Secretary to those persons entitled to receive such notices. The Official Bulletin of the Commission shall, in those sections designated as official, constitute such notice; and

WHEREAS, in accordance with Rule 18, notice of the docketing and numbering of cases before the Louisiana Public Service Commission is also required to be served pursuant to Rule 19, Publication of Monthly Bulletin; and

WHEREAS, recognizing the length of time between the filing of an application and any subsequent public hearing thereon, and that publication of notice of proposed rate increases in the Official Journal of St. Tammany Parish and in the Official Bulletin of the Public Service Commission satisfies the minimum legal requirements for notice, in order to ensure that the residents of St. Tammany Parish are kept fully informed of any application for a public utility rate increase and any subsequent public hearing thereon, the Parish Council desires to be notified of any application and hearing of a proposed rate increase in order to publish said notice on the Parish website and on Channel 10, the public access channel.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES to request that the Louisiana Public Service Commission provide notice to the St. Tammany Parish Council Office of the filing of any proposed rate schedule by a public utility which could result in a change in rates to customers in St. Tammany Parish, and at least twenty days prior notice of any scheduled hearing on any proposed rate schedule which could result in a change in rates to its customers in St. Tammany Parish.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY _____, SECONDED BY _____

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS RESOLUTION WAS DECLARED ADOPTED ON THE ____ DAY OF _____ 2009 AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK