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MEETING MINUTES FOR
THE BOARD OF COMMERCE AND INDUSTRY
OF THE
LOUISIANA ECONOMIC DEVELOPMENT CORPORATION
HELD AT
LASALLE BUILDING
617 NORTH 3RD STREET
BATON ROUGE, LOUISIANA
ON THE 28TH DAY OF APRIL, 2021
COMMENCING AT 9:32 A.M.

REPORTED BY: ELICIA H. WOODWORTH, CCR

1 **Appearances of Board Members Present:**

- 2 R. L. "Bret" Allain
3 Vincent St. Blanc
4 Don Briggs
5 Yvette Cola
6 Travis Holley
7 Jerald Jones
8 Heather Malone
9 Guy S. McInnis
10 Jan K. Moller
11 Stuart A. Moss
12 Naheem George Nassar, Jr.
13 Secretary Don Pierson
14 Darrel Saizan, Jr.
15 Ronnie Slone
16 Dr. Beverly B. Thompson
17 David H. Toups

18 **Staff members present:**

- 19 Michaela Adegbe
20 Tam Bourgeois
21 Kristin Cheng
22 Brenda Guess
23 Joyce Metoyer
24 Mandi Mitchell
25 Robin Porter
26 Deborah Simmons
27 Hud Usie
28 Anne Villa



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1 MR. JONES: Good morning. I apologize for a
2 late start, but welcome to the April 28th, 2021 Board of
3 Commerce & Industry meeting. We call the meeting to
4 order.

5 Ms. Simmons, would you call the roll,
6 please, ma'am?

7 MS. SIMMONS: Good morning.

8 MR. JONES: Good morning.

9 MS. SIMMONS: Don Briggs.

10 MR. BRIGGS: Here.

11 MS. SIMMONS: Mayor David Toups.

12 MR. TOUPS: Here.

13 MS. SIMMONS: Yvette Cola.

14 MS. COLA: Here.

15 MS. SIMMONS: Guy McInnis.

16 MR. MCINNIS: Here.

17 MS. SIMMONS: Rickey Fabra.

18 (No response.)

19 MS. SIMMONS: Manual Fajardo.

20 (No response.)

21 MS. SIMMONS: Stuart Moss.

22 MR. MOSS: Here.

23 MS. SIMMONS: Representative Vincent St.
24 Blanc, proxy for Paula Davis.

25 MR. ST. BLANC: Here.



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1 MS. SIMMONS: Senator Ronnie Johns.
2 (No response.)
3 MS. SIMMONS: Kenneth Havard.
4 (No response.)
5 MS. SIMMONS: Jerald Jones.
6 MR. JONES: Present.
7 MS. SIMMONS: Heather Malone.
8 MS. MALONE: Here.
9 MS. SIMMONS: Senator Bret Allain.
10 MR. ALLAIN: Here.
11 MS. SIMMONS: Representative Stuart Bishop.
12 (No response.)
13 MS. SIMMONS: Jan Moller.
14 MR. MOLLER: Here.
15 MS. SIMMONS: Secretary Don Pierson.
16 SECRETARY PIERSON: Present.
17 MS. SIMMONS: George Nassar, Junior.
18 MR. NASSAR: Present.
19 MS. SIMMONS: Darrel Saizan.
20 (No response.)
21 MS. SIMMONS: Ronnie Slone.
22 MR. SLONE: Present.
23 MS. SIMMONS: Dr. Shawn Wilson.
24 (No response.)
25 MS. SIMMONS: Dr. Woodrow Wilson.



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(No response.)

MS. SIMMONS: Mr. Travis Holley.

MR. HOLLEY: Here.

MS. SIMMONS: Dr. Beverly Thompson.

DR. THOMPSON: Here.

MS. SIMMONS: Mr. Chairman, we have a quorum.

MR. JONES: Great. Thank you very much. Ladies and Gentlemen of the Board, you have before you the minutes from our February 24th, 2021 meeting. I would --

MR. MOSS: So moved.

MR. JONES: We have a motion from Mr. Moss.

MR. TOUPS: Second.

MR. JONES: Second from Mr. Toups.

Any questions or comments from the public?

(No response.)

MR. JONES: Any questions or comments from the Board?

(No response.)

MR. JONES: Hearing none, all in favor, say "aye."

(Several members respond "aye.")

MR. JONES: Any opposition?

(No response.)



1 MR. JONES: Hearing none, the motion
2 carries. The minutes are approved.

3 Let's move to our Quality Jobs Program.

4 MS. ADEGBE: Good morning.

5 MR. JONES: There you are. I was looking.
6 You are Michaela Adegbe?

7 MS. ADEGBE: Correct.

8 MR. JONES: How do I do on that?

9 MS. ADEGBE: You did perfect.

10 MR. JONES: Thank you.

11 Board, this is our new staff member in
12 charge of Quality Jobs. We'll welcome her. This is her
13 first Board meeting, so let's be gentle.

14 I think everything will go well this
15 morning, but we look forward to your presentation.

16 MS. ADEGBE: Thank you.

17 MR. JONES: Go right ahead.

18 MS. ADEGBE: Good morning. I have four new
19 Quality Jobs applications: 20180061, Align
20 Technologies, Corp, Orleans Parish; 20180166,
21 Construction Services Group of Baton Rouge, LLC, East
22 Baton Rouge Parish; 20190024, RedGuard, LLC, Iberia
23 parish; 20151236, TCI Packaging, LLC, Orleans Parish.

24 This concludes new applications.

25 MR. JONES: Great. I would entertain a



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1 motion to approve those applications.

2 Motion from Mr. Slone; second from Mr. Moss.

3 Any questions or comments from the public?

4 (No response.)

5 MR. JONES: One note, I need to take care of
6 this. Pursuant to when our minutes -- when our agenda
7 went out, we invited -- because we're still under kind
8 of highbred COVID public meeting situation, we asked for
9 those who could not attend the meeting to submit e-mails
10 to the Board. I believe we received four e-mails by the
11 deadline that was imposed. I know one of those, at
12 least, had to do with the QJ Program.

13 For the record, those e-mails will become a
14 part of the record of this meeting. They will not be
15 read aloud at the meeting, but they will become a part
16 of the formal record and part of the minutes. So I
17 wanted to make that as a note for the Board's
18 information.

19 All Board members received those e-mails
20 prior to this meeting for their reading and edification.
21 So I apologize, but questions or comments from the
22 public, there was at least one e-mail about QJ that I
23 remember, so.

24 Any questions or comments from the Board?

25 (No response.)



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1 MR. JONES: Hearing none, all in favor, say
2 "aye."

3 (Several members respond "aye.")

4 MR. JONES: Any opposition?

5 (No response.)

6 MR. JONES: Hearing none, the motion
7 carries.

8 Renewals.

9 MS. ADEGBE: I have two requests for
10 renewals: 20161045, Katoen Natie Louisiana, LLC, East
11 Baton Rouge Parish; 20160622, Paychex North America,
12 East Baton Rouge Parish.

13 This concludes renewal applications.

14 MR. JONES: Great. Entertain a motion to
15 approve.

16 MS. COLA: So moved.

17 MR. JONES: Motion from Ms. Cola; second
18 from Mr. Moss.

19 Any questions or comments from the Board --
20 excuse me -- from the public?

21 (No response.)

22 MR. JONES: Any questions or comments from
23 the Board?

24 (No response.)

25 MR. JONES: Hearing none, all in favor, say



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1 "aye."

2 (Several members respond "aye.")

3 MR. JONES: Any opposition?

4 (No response.)

5 MR. JONES: Hearing none, the motion
6 carries.

7 We have a late renewal, I understand.

8 MS. ADEGBE: Correct. I have one late
9 renewal. The following contract has filed a renewal
10 after the original contract expiration date. 20150264,
11 Matheson Tri-Gas, Inc., Calcasieu Parish. Contract
12 effective date 5/6/2015, initial contract expiration
13 date 5/5/2020, late renewal request date 10/14/2020.

14 Options of the Board: Approve the five-year
15 renewal, approve the five-year renewal with penalty or
16 deny the request for renewal. The company
17 representative is not present. They have submitted an
18 e-mail to the LED Board for public comments.

19 MR. JONES: And that was part of the e-mail
20 package we received yesterday from the staff?

21 MS. ADEGBE: Correct.

22 MR. JONES: Okay. This is unusual. We
23 don't get many late renewals for Quality Jobs, but I
24 believe our precedent has been in the past treating
25 these much like late renewals for ITEP Program, and in



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1 as much as if there is more than -- basically a 20
2 percent penalty for each year that they are late. So
3 this renewal request is about, what, five months late,
4 so the normal process, we're not bound by it, but the
5 normal process for the Board is to grant them a renewal
6 with a 20 percent penalty, so instead of the five-year
7 renewal period, there would be a four-year.

8 We have a motion from Mr. Moss to approve
9 with a 20 percent penalty.

10 MR. NASSAR: Second.

11 MR. JONES: Second from Mr. Nassar.

12 Any questions or comments from the public?

13 (No response.)

14 MR. JONES: Any questions or comments from
15 the Board?

16 (No response.)

17 MR. JONES: Hearing none, all in favor, say
18 "aye."

19 (Several members respond "aye.")

20 MR. JONES: Any opposition?

21 (No response.)

22 MR. JONES: Hearing none, the motion
23 carries.

24 MS. ADEGBE: I have three special requests.

25 One change of name, 20141029, Cobalt Rehabilitation



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1 Hospital, III, LLC is the current company name. New
2 company name, Curahealth New Orleans, LLC, Orleans
3 Parish.

4 MR. JONES: Entertain a motion to approve.

5 MR. TOUPS: Motion by Touns.

6 MR. JONES: Motion from Mayor Touns; second
7 from Mr. Moss.

8 Any questions or comments from the public?

9 (No response.)

10 MR. JONES: Hearing none, any questions or
11 comments from the Board?

12 (No response.)

13 MR. JONES: Hearing none, all in favor, say
14 "aye."

15 (Several members respond "aye.")

16 MR. JONES: Any opposition?

17 (No response.)

18 MR. JONES: Hearing none, the motion
19 carries.

20 MR. MCINNIS: Two requests to add affiliate
21 or LLC members to Schedule 1 of the following contracts:
22 20170190, ControlWorx, LLC, new affiliate, John H.
23 Carter Co., Incorporated, East Baton Rouge Parish;
24 20170471, ControlWorx, LLC, new affiliate, John H.
25 Carter, Co., Incorporated, East Baton Rouge Parish.



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1 MR. JONES: Entertain a motion to approve.
2 Motion from Mr. Nassar; second from
3 Mr. Moss.

4 Any questions or comments from the public?
5 (No response.)

6 MR. JONES: Hearing none, any questions or
7 comments from the Board?

8 (No response.)

9 MR. JONES: Hearing none, all in favor, say
10 "aye."

11 (Several members respond "aye.")

12 MR. JONES: Any opposition?

13 (No response.)

14 MR. JONES: Hearing none, the motion
15 carries.

16 MS. ADEGBE: This concludes Quality Jobs.

17 MR. JONES: Thank you, Ms. Adegbe. You get
18 an A+ for your first appearance.

19 MS. ADEGBE: Thank you.

20 MR. JONES: And, Staff, tell Mr. Favaloro
21 she did a great job, much better than he does whenever
22 he (inaudible).

23 Good morning.

24 MS. CHENG: Good morning.

25 MR. JONES: You're not Becky Lambert.



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1 MS. CHENG: I am not, but I am presenting
2 Restoration Tax Abatement for Becky Lambert.

3 MR. JONES: Go right ahead.

4 MS. CHENG: There are four new RTA
5 applications, starting with 202020483, 1015 Government,
6 LLC, Saint Bernard Parish; 20190062, 1300 Congress, LLC,
7 Orleans Parish; 20200312, Miller-Roy Development, LLC,
8 Ouachita Parish; and 20190059, New Orleans Redevelopment
9 Partners 2 in Orleans Parish.

10 MR. JONES: Great. I would entertain a
11 motion to approve.

12 Motion from Mr. Slone; second from
13 Mr. McInnis.

14 Any questions or comments from the public?
15 (No response.)

16 MR. JONES: Questions or comments from the
17 Board?

18 (No response.)

19 MR. JONES: Hearing none, all in favor, say
20 "aye."

21 (Several members respond "aye.")

22 MR. JONES: That was about a weakened "aye"
23 as I've heard in a really long time.

24 And I know, folks sitting in the audience,
25 it sounds like we're railroading through these. So you



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1 know, the Board gets a package of about 500 pages, and
2 I'm not exaggerating very much.

3 MR. SLONE: 488.

4 MR. JONES: I'm sorry?

5 MR. SLONE: It was 488.

6 MR. JONES: Okay. I thought I -- again, I
7 want you to know that the Board has done their homework
8 and had an opportunity to review, and so the railroad is
9 not quite as extreme as it may sound.

10 But, in any event, so we have a motion and a
11 second to approve. I will give y'all another chance.

12 All in favor, say "aye."

13 (Several members respond "aye.")

14 MR. JONES: Much better.

15 Any opposition?

16 (No response.)

17 MR. JONES: There appearing none, the motion
18 carries.

19 MS. CHENG: There are two RTA renewals:
20 20131425, Gulf Ventures Associates, LLC in Jefferson
21 Parish; and 20141445, James and Ashley Fox-Smith, East
22 Baton Rouge Parish.

23 MR. JONES: Entertain a motion to approve.
24 Motion, Mr. Moller; second from Mr. Briggs.
25 Any questions or comments from the public?



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1 (No response.)

2 MR. JONES: Questions or comments from the
3 Board?

4 (No response.)

5 MR. JONES: Hearing none, all in favor, say
6 "aye."

7 (Several members respond "aye.")

8 MR. JONES: Any opposition?

9 (No response.)

10 MR. JONES: Hearing none, the motion
11 carries.

12 MS. CHENG: That concludes RTA.

13 MR. JONES: Thank you, Ms. Cheng.
14 Appreciate your help this morning.

15 Good morning, Ms. Metoyer. How are you?

16 MS. METOYER: I'm fine. How are you?

17 MR. JONES: Great.

18 MS. METOYER: I have six new applications
19 for Enterprise Zone: 20170575, Brown Eagle Group,
20 Incorporated, East Baton Rouge Parish; 20160810,
21 International Paper, Washington Parish; 20180141,
22 Louisiana Fish Fry Products, Limited, East Baton Rouge
23 Parish; 20161064, Metairie Property Holdings, LLC,
24 Jefferson Parish; 20160657, Our Lady of the Lake
25 Regional Medical Center, East Baton Rouge Parish;



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1 20151320, Phoenix Senior Living, LLC, East Baton Rouge
2 Parish.

3 MR. JONES: Entertain a motion to approve.

4 MS. COLA: So moved.

5 MR. JONES: Motion from Ms. Cola; second
6 from Mr. Slone.

7 Any questions or comments from the public?

8 (No response.)

9 MR. JONES: Hearing none, any questions or
10 comments from the Board?

11 (No response.)

12 MR. JONES: Hearing none, all in favor, say
13 "aye."

14 (Several members respond "aye.")

15 MR. JONES: Any opposition?

16 (No response.)

17 MR. JONES: There is none. Motion carries.

18 MS. METOYER: I have eight terminations:
19 20131285, Halliburton Energy Services Incorporated,
20 Lafayette Parish. The existing contract is 10/15 of '16
21 through 10/14 of 2021. The request term date
22 12/30/2019. Program requirements have been met, no
23 additional jobs are anticipated; 20160851, Halliburton
24 Energy Services Incorporated, Bossier Parish. The
25 existing contract is 11/16 of 2016 through 11/15 of



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1 2021. The requested term date is 12/31 of 2019.
2 Program requirements have been met, no additional jobs
3 are anticipated; 20160854, Halliburton Energy Services,
4 Incorporated, Iberia Parish. The existing contract is
5 12/15 of '16 through 12/14 of 2021. The requested term
6 date is 11/21/2019. The program have been met, no
7 additional jobs are anticipated; 20151024, Istrouma
8 Hospitality, LLC, East Baton Rouge Parish. The existing
9 contract period is 6/1 of '17 through 5/31 of 2022. The
10 requested term date is 12/31 of 2019. The program
11 requirements have been meet, no additional jobs are
12 anticipated; 20150056, Opulence Krishan Hospitality,
13 LLC, Calcasieu Parish. The existing contract is 1/1/17
14 through 12/31 of '20. The requested term date is 12/31
15 of 2019. The program requirements have been met, no
16 additional jobs are anticipated; 20151009, The National
17 World War II Museum, Orleans Parish. The existing
18 contract is 10/1 of '15 to 9/30 of 2020. The requested
19 term date is 4/1 of 2018. Program requirements have
20 been met, no additional jobs are anticipated; 20160611,
21 Lake Pines Hospital, LLC, Jefferson Parish. The
22 consisting contract is 1/1/17 to 12/31 2021. The
23 requested term date is 12/31/2019. The program
24 requirements have been met, no additional jobs are
25 anticipated; 20150949, The Kroger Company, Calcasieu

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1 Parish. The existing contract is 7/6 of 2015 through
2 7/5 of 2020. The requested term date is 12/31 of 2019,
3 and the program requirements have been met, no
4 additional jobs are anticipated.

5 MR. JONES: Thank you.

6 Board, first of all, let me just introduce
7 to you a new Board member, Ms. Beverly Thompson. Raise
8 your hand, Beverly. Welcome to the Board of Commerce &
9 Industry.

10 DR. THOMPSON: Thank you.

11 MR. JONES: But I told her she set a new
12 standard, she's immediately recusing herself from
13 consideration of certain matters on her first meeting,
14 but we are going to give her a pass for that. But
15 she'll be recusing herself from the three Halliburton
16 Energy Services matters, that's 20131285, 20160851 and
17 20160854.

18 And with that, I would entertain a motion to
19 approve.

20 Motion from Mr. Moss; second from Mayor
21 Toups.

22 Any questions or comments from the public?
23 (No response.)

24 MR. JONES: Any questions or comments from
25 the Board?



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1 (No response.)

2 MR. JONES: Hearing none, all in favor, say
3 "aye."

4 (Several members respond "aye.")

5 MR. JONES: Any opposition?

6 (No response.)

7 MR. JONES: There is none. The motion
8 carries.

9 MS. METOYER: I have two amendments
10 requesting change owners of an existing contract. The
11 first one is 20160616, the contract name is Blake
12 Management Group, LLC. And those asterisks are for that
13 was a previous objection that's been lifted. I just
14 forgot to take them off.

15 MR. JONES: Okay. Thank you.

16 MS. METOYER: Okay. The old affiliate and
17 owners is Cardinal Ventures, Incorporated; QLS, LLC;
18 Blake Management Group Investments, LLC; The Blake at
19 Bossier City, LLC; The Blake at Bossier City Operating
20 Company, LLC; QSL LLC; The Blake at Bossier City, LLC.
21 The new affiliate and owners are QSL LLC; Terry Glenn
22 Barclay; Judy M. Belk; Christopher Andrew Yarborough;
23 Barclay Senior Living Services, LLC; Ardn Development,
24 LLC; and SDP Enterprises, LLC, and that's in Bossier
25 Parish.



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1 MR. JONES: Entertain a motion to approve.

2 MR. NASSAR: So moved.

3 MR. JONES: Motion from Mr. Nassar; second
4 from Mr. Moss.

5 Any questions or comments from the public?

6 (No response.)

7 MR. JONES: Hearing none, any questions or
8 comments from the Board?

9 (No response.)

10 MR. JONES: Hearing none, all in favor, say
11 "aye."

12 (Several members respond "aye.")

13 MR. JONES: Any opposed?

14 (No response.)

15 MR. JONES: Hearing none, the motion
16 carries.

17 MS. METOYER: I have one request for name
18 change of an existing contract, and it's the same
19 company: 20160612, Blake Management Group is the
20 existing name. The new name will be QSL Management,
21 LLC. That's Bossier Parish.

22 MR. JONES: Entertain a motion to approve.

23 Motion from Mr. Moss; second from
24 Mr. Briggs.

25 Any questions or comments from the public?



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1 (No response.)

2 MR. JONES: Hearing none, any questions or
3 comments from the Board?

4 (No response.)

5 MR. JONES: Hearing none, all in favor, say
6 "aye."

7 (Several members respond "aye.")

8 MR. JONES: Any opposition?

9 (No response.)

10 MR. JONES: Hearing none, the motion
11 carries.

12 MS. METOYER: I have a special request for
13 US Foods, Incorporated. The company did not meet the
14 minimum job requirements in the first 24 months of their
15 project, and they're requesting to petition you.

16 MR. JONES: I understand we have
17 representatives from US Foods here today to speak.

18 Please come forward.

19 While they come forward, let's go ahead and
20 get a motion on the floor so at least we're in the
21 proper position to consider.

22 Motion to approve the special request from
23 Mr. Slone; second from Mr. Moss.

24 And if you will, please introduce yourself
25 and tell us what's happened here.



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1 MR. SCHASTOK: Yes. Thank you. Good
2 morning. Chris Schastok from CBRE Chicago. I lead our
3 firm's site selection practice and was, I think looking
4 back, we're three years into this project. The project
5 started with an acquisition of the F. Christiana
6 facility in Jefferson Parish by US Foods with the intent
7 of doing a significant expansion project. Happy to dive
8 into as much detail as possible, but I think to cut to
9 the matter at hand, timing has been everything, and
10 based on primarily the levels of the river above 11 feet
11 and direction from the levee board and the Army Corps of
12 Engineers, we experienced what I would say are
13 unprecedented delays based on the site's location, the
14 inability to drive any pilings at the site.

15 Those delays resulted, I believe, in a 200
16 and -- excuse me -- 179 workday delay, and then the
17 second suspension was 94 days. Obviously that resulted
18 in no activity at the site, coupled with COVID, which
19 came after the fact. And we included in the Board
20 packet river levels staging from the Army Corps of
21 Engineers, which depict the two suspension periods.
22 You'll see that, in total, construction has been delayed
23 422 days for matters that have been out of our control.

24 Of note, to date and through the pandemic
25 specifically, U.S. Foods has continued to maintain



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1 payroll employment levels, and they have invested money
2 and tried at any time that we were allowed to get
3 started. We started to pushing as fast as humanly
4 possible to construct on site, but in a location where
5 geography and matters specifically related to the
6 Mississippi River, these are were all out of our
7 control. And then the delays have been frankly
8 unavoidable.

9 I think it's worth noting that the
10 representative from US Foods wanted to be here. Due to
11 their COVID restrictions on travel, they were unable to.
12 Spencer Donahue, my colleague, and I are here in their
13 place.

14 The consideration and the request being
15 asked is for a two-year extension to meet those minimum
16 job requirements, and the intent as it stands today is
17 to complete the project by June 30th, 2022.

18 MR. JONES: What was it? 2023?

19 MR. SCHASTOK: June 30th, 2022.

20 MR. JONES: '22.

21 MR. SCHOSTAK: Yes, sir.

22 I think we're happy to answer questions. I
23 think in the packets that you have, we also provided
24 another series of commentary with a little bit of an
25 analysis here, but I think the request at hand is truly



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1 consideration for an extension here related to the EZ
2 only related to matters of acts of God.

3 MR. JONES: Well, I will say act of God and
4 the United States government, which may be the same
5 thing, I don't know.

6 Because -- and to make sure I understand the
7 situation, and this is my understanding, so it may be
8 incomplete or even inaccurate, so please correct me if
9 I'm wrong, but when you say that activity at the site
10 was suspended by the corps and the levee board, it's my
11 understanding that when the river reaches a certain
12 level above a certain flood point, they actually stop
13 any kind of activity within a certain number, I think
14 it's 1,500 foot of the levee --

15 MR. SCHASTOK: Correct.

16 MR. JONES: -- because of the pressure from
17 the river causes problems on the bank. So they
18 basically stop all drilling, any construction activity
19 at all within 1,500 feet of the river. Is that vaguely
20 correct?

21 MR. SCHASTOK: Yeah, that's correct. It's
22 11 feet. Specifically it's subgrade activity, which was
23 the biggest demise for our timing. Whether it's truly
24 all activity, I believe you are correct, but for those
25 that are familiar with the site and the West Bank, you



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1 are within a spitting distance of the levee of
2 Mississippi River, so I think everything you said is
3 right on the mark.

4 MR. JONES: And this year was a little bit
5 of a reprieve because I know that the last two years,
6 the river has been above the flood stage of, I guess the
7 11 feet of the Carrollton gauge for an extended period.
8 I know year before last, or I think maybe the year
9 before that, it was above up until July or August
10 timeframe. It was a very long time above flood stage.

11 So is that the situation that you're dealing
12 with and asking for special consideration on?

13 MR. SCHASTOK: Yes, correct. So
14 specifically there are two charts included in the Board
15 packet. Essentially from February/March till about
16 August/September, we're not just above. We're
17 significantly around 16 feet, and those levels really
18 don't start to drop off to get to below 11 -- excuse
19 me -- 11 till almost Q4. And that was from -- that was
20 a reading from November 1st of '18 through 8/31 of '19.
21 The Carrollton gauge included in the packet as well as
22 another one from 1/1 of '20 to 6/30 of '20. So, yes,
23 correct.

24 And, frankly, the site at the former F.
25 Christiana facility, the expansion was significant.



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1 It's 200,000 feet and about \$52-million in capital. The
2 way the project was, if you go back to the onset, the
3 genesis of this was going to be to phased-approach
4 project to begin with. This is food distribution. We
5 have cold dock storage, cooler and ambient. It was
6 going to be a phased approach whereby, as we added new
7 square footage, we would start to backfill, and we would
8 kind of do a reverse process so at no point was this
9 property offline.

10 Quickly we ran into river level issues, and
11 then before we knew it, we were in a situation with
12 COVID, which not only contributed to real reduction in
13 industry, but that's not what we're here to talk to you
14 about. That's not why the project has been delayed.
15 It's crystal clear that based on the river levels, we
16 still haven't been able to get this building done, and
17 this (inaudible.)

18 Our capital has been spent, and, you know,
19 on behalf of U.S. Food's executive team, the intent and
20 desire is to the have this project completed by June
21 30th, 2022. This still remains the most, I would say,
22 active and laser focus point for the entire business as
23 it's one large acquisition deal that is historically
24 just now how they've done business. So this was
25 especially a unique opportunity, and they wanted to



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1 preserve the interest in our brand and continue to
2 serve. And this was their first entrance in the State
3 of Louisiana.

4 MR. JONES: Any questions or comments from
5 the Board to U.S. Food?

6 (No response.)

7 MR. JONES: Do we have a recommendation from
8 the staff on this at all?

9 SECRETARY PIERSON: The growth of the food
10 industry is a targeted area of interest to Louisiana
11 Economic Development. We're in strong support. We see
12 other companies making other investments across the
13 nation, so we're really pleased to have both the support
14 of an existing operation here in Louisiana become a now,
15 in certain aspects, an important venture going forward.
16 And I feel like it's a great way for us to grow our
17 footprint against the backdrop of the corps of engineers
18 shutting down your ability to drive pilings, against the
19 backdrop of COVID and all of the disruption of business
20 activities that we've experienced, we understand the
21 need to ask for an extension. We do recognize it's out
22 of the normal course of activities and operations, but
23 we're very supportive.

24 And, Mr. Chairman, there may be others that
25 speak from the economic development community at the



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1 local level that are also in support of the grant for
2 the extension.

3 MR. JONES: Okay. Let's -- any questions?
4 I think we need to clean up the motion a little bit
5 because I think we have a straight motion to approve,
6 but I think we need to determine what kind of extension
7 we're granting. So it's a two -- we're looking at a
8 two-year extension; is that correct?

9 So I would like to, just for my comfort, can
10 we amend the motion to clarify that we're granting an
11 extension of two years, and that date would be, what,
12 20 -- December 31 of 2022?

13 MS. METOYER: It would be June 30, 2022.

14 MR. JONES: June 30, 2022.

15 MS. METOYER: Because that project began
16 7/1/18, that would take them to June 30, 2022.

17 MR. JONES: Okay. So what I would ask to do
18 is to make clear that we're amending the proposed motion
19 to grant a two-year extension until June 30, 2022.

20 Okay. Mr. Slone approves.

21 Who was my second?

22 MS. SIMMONS: Moss.

23 MR. JONES: Mr. Moss, you approved that
24 amendment?

25 Mr. McInnis, did you have a question?



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1 MR. MCINNIS: No, sir.

2 MR. JONES: All right. So the motion as it
3 stands today is to approve the extension till June 30,
4 2022, which is a two-year extension.

5 Any questions or comments from the public?
6 Any others want to speak about this motion?

7 (No response.)

8 MR. JONES: Hearing none, any questions or
9 comments from the Board?

10 I'm sorry. Is there -- please come forward.
11 Just state your name.

12 MR. BOLOGNA: Good morning, Mr. Chairman,
13 and Mr. Secretary. I'm Jerry Bologna, the President and
14 CEO of Jefferson Economic Development Commission.

15 We've had a very strong relationship with US
16 Foods since the advent of this project, and they're not
17 the only one in Jefferson that's experienced this. A
18 number of our companies have dealt with historically
19 high river levels for a historically long period of
20 time, and it set back a number of our major projects.

21 But my comments, perhaps just to give this
22 Board an additional comfort level, there are a number of
23 local incentives that were offered through the parish
24 that flowed through JEDCO. Our board has already taken
25 action to extend their period of time because we



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1 anticipated this request would come as well. And,
2 additionally, I had occasion to have dinner last night
3 with Senator Pat Connick, whose district U.S. Food
4 resides in, and he could not make this meeting, but
5 wanted me to share with you that this request had his
6 support as well.

7 Everything U.S. Foods has done to date has
8 been in good faith and they've operated very well and
9 we've enjoyed working with them, so we have no concerns
10 moving forward, and I want to retain this relationship
11 with them.

12 MR. JONES: Great. Any questions or
13 comments for Mr. Bologna?

14 (No response.)

15 MR. JONES: All right. Any other comments
16 or questions from the public?

17 (No response.)

18 MR. JONES: Are we ready to vote?

19 All in favor, say "aye."

20 (Several members respond "aye.")

21 MR. JONES: Any opposition?

22 (No response.)

23 MR. JONES: There is none. Thank you very
24 much for your investment in the state.

25 MR. SCHASTOK: Thank you.



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1 MS. METOYER: Mr. Chairman.

2 MR. JONES: Yes, ma'am?

3 MS. METOYER: We need to actually approve
4 the application because it's separate from the others.

5 So it's 20180231, U.S. Foods, Incorporated,
6 Jefferson Parish.

7 MR. JONES: I thought that's what we just
8 did.

9 MS. METOYER: You approved the motion for
10 the extension, but the application wasn't listed with
11 the other applications. It was listed separate.

12 MR. JONES: Okay. Got you.

13 So I would then entertain a motion to
14 approve this application.

15 MR. NASSAR: So moved.

16 MR. JONES: Motion from Mr. Nassar; second
17 from Mayor Toups.

18 Any questions or comments from the public?
19 (No response.)

20 MR. JONES: Any questions or comments from
21 the Board?

22 (No response.)

23 MR. JONES: Hearing none, all in favor, say
24 "aye."

25 (Several members respond "aye.")



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1 MR. JONES: Any opposition?

2 (No response.)

3 MR. JONES: There is none. Motion carries.

4 MS. METOYER: That concludes EZ. Thank you.

5 MR. JONES: Thank you, ma'am.

6 All right. That brings us to the Industrial
7 Tax Exemption applications. Ms. Cheng, Mr. Usie, how
8 are you doing today?

9 MR. USIE: Good. Thank you.

10 MR. JONES: Welcome. Who goes first?

11 MR. USIE: We have one pre-Executive Order
12 new application: 20110659, Sabine Pass Liquefaction,
13 LLC in Cameron Parish.

14 MR. JONES: All right. Let's get a motion
15 on the floor. I think we have some speakers on this
16 application.

17 Entertain a motion to approve.

18 Motion from Mr. Moss; second from
19 Mr. Briggs.

20 Any questions or comments on Sabine Pass
21 Liquefaction from the public?

22 (No response.)

23 MR. JONES: None from the public.

24 I'm sorry.

25 MR. WALTZER: Hello. My name is Joel



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1 Waltzer. I'm here on my own behalf and on behalf of
2 Together Louisiana.

3 I have submitted yesterday written comments,
4 and that would include this, but the written comments
5 also included a couple of pages of what I would call
6 are, I guess, general objections, or basically what I
7 did is I went through and went through the law and
8 basically made a short listing of the various things
9 that we need to be doing as a Board, and it's annotated.
10 So I urge you-all, particularly if you're lawyers, to
11 review what I've done and my work and hopefully apply
12 the rules that we draw out of the Constitution and the
13 cases and the statutes in the application of your job as
14 fiduciaries sitting here on the Board of Commerce &
15 Industry.

16 I really want to focus today not so much
17 on -- you know, I mean, Together Louisiana has obviously
18 been here before and has voiced general concerns and
19 thoughts about ITEP, the program, and the equities of it
20 and, you know, pointing out the costs, but today I'm
21 going to focus on the actual rules of the ITEP program
22 as it's been promulgated, dully promulgated by the BCI
23 and point out instances where I think we need to make
24 sure that the Board is making decisions that comport
25 with the rules.



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1 I'm going to start with Sabine Pass
2 Liquefaction. Sabine Pass, you know, 2009, 2010, you
3 know, Cheniere Partners announced that it would sell a
4 significant portion of Sabine Pass LNG terminals, buy
5 directional processing capacity through a Chinese
6 company, ENN, and was waiting on the decision on whether
7 to green light the construction. The company itself
8 continued that it was going to make four -- and I'm just
9 going to -- this is in the comments, but I'm going to
10 just summarize it -- that basically they're going to
11 make four trains, LNG trains. These are facilities that
12 obviously are used to export liquified gas. And they
13 concluded, you know, basically what they did and they
14 submitted an application for an ITEP in 2011,
15 Application 20110659-ITE. That application described a
16 \$6-billion project as a liquefaction project. The
17 project start and end dates were given, importantly, as
18 January 1, 2012 to December 31, 2016. No final cost
19 affidavits had been found in the LED Fastlane system.
20 At least there's no indication in the system that
21 they've been filed. And these are important because
22 they gave you the actual amount of funds that are
23 constructed. The application, the other one, was for
24 \$6-billion on the nose, and the Board of Commerce &
25 Industry approved the \$6-billion tax exemption prior to

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1 the project's completion. So 6-billion was obviously an
2 estimate, and, yet, 6-billion is their number that we
3 see before us today.

4 Subject to that, there were one, two, three,
5 four, five other applications that were also filed
6 within this particular application number that were for
7 the original trains and the addition of two more trains,
8 LNG trains; right? And then there were three that did
9 not refer to new construction. The one before you today
10 is one of the three that did not refer to original --
11 the construction, or at least, in part, based on the
12 project description.

13 So all of the dates on the three
14 applications that talked about upgrades and additions of
15 miscellaneous additions all have effective dates after
16 the effective date of the rule change, and all had
17 project start dates and project end dates that were
18 after the date of the effective rule change. So -- and,
19 yet, this is being proposed as it is being tagged on to
20 the original project 20110659.

21 We can only surmise that it's kind of being
22 shoehorned in there; right? And we believe, because the
23 dates happened after July of 2016, which is the trigger
24 for the newer sets of regulations, that this ought to be
25 considered under the newer sets of -- properly



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1 considered under the newer sets of regulations. That's
2 the first piece of our comment.

3 The second piece of our comment goes to, on
4 this one in particular, and this is 20110659-H, is that,
5 you know, Sabine Pass has received extremely favorable
6 treatment and is mostly entitled to mega project status
7 under the rules. Its facility is returning billions of
8 dollars to its shareholders, and they're paying off
9 large amounts of debt to its credit, but Sabine Pass
10 must also pay the small share of the property taxes it
11 would otherwise owe on projects that did not start prior
12 to July of 2016. And that's required by the BCI rules
13 from the 2018 rules Section 501, I think. It says, you
14 know, if it commenced after July of 2016; right, then
15 the new rules apply or the '17 rules or the '18 rules.

16 Under any circumstance, though, they are
17 describing upgrades to equipment. Upgrades are
18 replacements, and under the 2011 rules that apply and
19 the 2017 rules that apply and the 2018 rules that apply,
20 in other words, under all the regulatory schemes that we
21 have as our little menu here, they're required to deduct
22 out the original cost of the equipment when they're
23 getting -- when they're getting an exemption. And we
24 haven't seen any proof that they submitted the original
25 cost of the equipment. They are submitting -- from what



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1 I can tell, they are submitting their application simply
2 lists the value of the equipment that they claim that
3 they're adding.

4 So my second piece is if you're going to
5 approve this, you have to approve it in compliance with
6 the rules. It's one of the things, you know, an agency
7 or an administrative body or a board has to abide by its
8 own duly-promulgated rules, and the rules say that you
9 have to deduct out the original cost from the amount
10 that you're requesting to be exempted.

11 Those are my two comments. So, one, that
12 the new regime should apply, and, two, regardless of
13 which regime applies, that deduction needs to be made
14 for the original cost of the equipment.

15 MR. JONES: Any questions or comments from
16 the Board?

17 Mr. Moller.

18 MR. MOLLER: Thank you for this.

19 Is there somebody from Sabine Pass LLC or
20 LNG who can address these concerns, and particularly
21 how -- you know, if this project started in 2020, how
22 does it fall under the pre-2016 rules?

23 MR. JONES: Well, I don't think that's a
24 question for Sabine Pass as much as it is for LED.

25 MR. MOLLER: Yeah, for LED. I guess I'd



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1 like Sabine Pass to answer the second question about
2 whether they deducted the value of the original
3 equipment.

4 MR. USIE: They did obtain a front-end
5 contract. The first number without any letter behind it
6 indicates the front-end contract. That was mentioned
7 before. So these are just phases of the overall
8 project.

9 MR. JONES: Mr. Usie, you're going to have
10 to explain that a little bit more. Your statement is
11 correct, but the significance of your statement is that
12 under our pre-EO situation, there was this -- we have
13 historically handled all of these is if it's a pre-EO
14 project, if it's a legitimate extension of that pre-EO
15 project, it's treated as pre-EO; therefore, all of it's
16 treated as pre-EO. Is that accurate?

17 MR. USIE: Yes.

18 MR. JONES: So the significance of the
19 pre-EO contract dates is that it brings, it pulls
20 everything that comes thereafter that is legitimately
21 related to that original contract with it. Is that
22 accurate?

23 MR. USIE: It's an estimated end date of the
24 contract. It can go beyond the estimated completion
25 date.



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1 MR. JONES: Understood.

2 MR. MOLLER: So at what point does routine
3 upgrades and maintenance work happen at this facility
4 stops falling under the old 100 percent rules and start
5 coming under the new rules?

6 MR. USIE: It's my understanding this is not
7 routine maintenance on these applications. It's still
8 part of the new construction. That's something the
9 company could further explain, but it's not maintenance.

10 MR. MOLLER: Okay. So it's --

11 MR. WALTZER: If I may.

12 MR. JONES: Mr. Waltzer, I'm sorry, you
13 don't have the floor yet. Right now, this is between
14 the Board and the staff and then the Board, and I think
15 we're going to have a representative. And then I'll
16 recognize you at the appropriate time.

17 MR. WALTZER: Thank you. I'm sorry.

18 MR. JONES: No worries.

19 MR. MOLLER: So this -- is there -- what are
20 they building that's new here? I guess that's what I
21 don't understand.

22 MR. USIE: We can get a project description
23 and read it out loud.

24 MR. MOLLER: It says "Machinery and
25 equipment additions to support operations and



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1 construction, including HVAC access, electrical and
2 lighting upgrades." So that means there's already
3 something there, and, I mean, that tells me they're kind
4 of improving and upgrading something. That doesn't seem
5 like new construction to me.

6 MS. CHENG: The company is going to have to
7 explain further how that relates back --

8 MR. JONES: Can we have a representative
9 from the company come forward, please?

10 Thank you, Mr. Waltzer.

11 Please state your name and your position
12 with the company, please.

13 MS. CARTER-VIRTANEN: Good morning. My name
14 is Andrea Carter-Virtanen. I am managing tax counsel
15 for Cheniere Energy.

16 MR. JONES: I'm going to ask you to lower
17 your mask so that we can hear you better. That would be
18 helpful. Thank you.

19 MS. CARTER-VIRTANEN: I was trying to be --

20 MR. JONES: And I appreciate that very much.

21 MS. CARTER-VIRTANEN: So I will repeat that.
22 My name is Andrea Carter-Virtanen. I am managing tax
23 counsel for Cheniere Energy. It's a pleasure to be
24 before you this morning.

25 MR. JONES: Thank you.



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1 So, Mr. Moller, maybe you can direct your
2 question to --

3 MR. MOLLER: Yeah. I'm just trying to
4 understand how this qualifies as kind of new
5 construction under the original EO when I see the word
6 "upgrades" in three or four places in this very brief
7 project description.

8 MS. CARTER-VIRTANEN: Yes, sir. So we are
9 constructing a liquefaction train facility, five of
10 which are operational, and we are still under
11 construction for the sixth train.

12 The word "upgrade," I apologize if that
13 causes you some consternation. As you might imagine,
14 there's additional infrastructure that's required when
15 you put a new liquefaction train in place, and as part
16 of that, then there is an expansion of the HVAC
17 requirements, the lighting requirements and electrical
18 requirements, and I lumped all of that together and
19 called them "upgrades." I did not intend to imply that
20 those were upgrades to things that were existing.

21 We carefully monitor our asset numbers, and
22 the amounts that we're reporting to the Board reflect
23 new asset numbers that were placed into service in 2020.

24 MR. MOLLER: So it's not replacing existing
25 equipment, it's new equipment?



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1 MS. CARTER-VIRTANEN: No, sir. These are
2 absolutely new assets that were placed in service during
3 2020.

4 And if I may, I did take some notes while
5 the gentleman was speaking and denigrating our project,
6 if you will.

7 Our 2011 application was filed -- well, what
8 became a 2011 contract was filed, I believe we started
9 these conversations with LED in 2010, perhaps slightly
10 before. It was before I joined the company, but I know
11 that those conversations were going well in advance of
12 the contract being executed by LED.

13 At the time, the project was for con- -- the
14 project that was before FERC, which is the Federal
15 Energy Regulatory Commission, who has authority to
16 approve and authorize the beginning of construction on
17 liquefaction projects, was for the construction of a six
18 train liquefaction facility. At the time of the
19 application, we were preparing to issue notice to
20 proceed with respect to four of those six trains, and so
21 the project description on the front-end advance that we
22 put before the Board was for the construction of four
23 liquefaction trains of these six that were being
24 approved by FERC.

25 And at all times, with LED, it was



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1 understood that we intended to construct six trains. We
2 just had to find enough customers willing to buy enough
3 LNG to support the construction of six trains. And at
4 that point in time, we had had customers for the first
5 four, and so that's what came forward.

6 The \$6-million estimate absolutely was just
7 that. It was an estimate. We have significantly
8 exceeded that amount having made over \$20-billion of
9 investment in Louisiana with respect to this project.
10 And as I mentioned, we're still under construction, so
11 more is to come both with respect to Train 6 as well as
12 with respect to the third berth. Right now we can have
13 two vessels in two separate berths, and we're
14 recognizing that a third would help support the
15 operations of a six train facility, so we are
16 constructing a third berth to enable us to better
17 accommodate our customers' vessels.

18 The phases that we mentioned, so you also
19 took exception to the fact that there has never been an
20 affidavit of final cost put in with respect to the
21 front-end contract, and that is because I have not
22 placed assets in service pursuant to that front-end
23 contract. Instead, what we have done is we have
24 utilized phases, which is what you see in that Letters A
25 through what is now I before you because those represent



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1 assets that have been placed in service in any given
2 year, but the project is still ongoing. So if we were
3 to place assets in service under that front-end advance
4 contract, it's my understanding, in conversation with
5 LED and how they administer the front-end advances, that
6 would signal that the project is done, that we're no
7 longer constructing assets, and that's not true. We're
8 still very much underway, which is why the phases are
9 what you see before you.

10 He is correct that not each phase represents
11 an LNG train. As you might imagine, there's certain
12 infrastructure that you need to put in place along the
13 way, and in any given year, if we had assets that were
14 placed in service that were -- I'm sorry -- placed in
15 service ahead of completion of the construction of an
16 LNG train, then that becomes a separate phase before the
17 Board. Off the top of my head, I know that Phase A and
18 B were two such of those, and I before you is as well.

19 When you see an LNG train coming before you,
20 it is for billions of dollars. As you saw, I think our
21 last one was -- G. Thank you. Phase G, which was for
22 us placing Train 5 in service, and so it's a much longer
23 packet because there are a whole lot more assets
24 associated with that and the value of that definitely
25 increases.



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1 I will stipulate that all of them are for
2 new construction, as I said, and I hope that that's
3 clear.

4 Let me -- and I also appreciate that when
5 the Executive Order was placed in service, the Governor
6 made it very clear that the state intended to honor
7 existing agreements that were already in place, and this
8 contract was one of those agreements that we had an
9 agreement with the state that we were going to construct
10 six trains as soon as we had customers to buy six trains
11 worth of LNG, and that is what we have done. And we
12 thank you and the state for honoring that commitment.

13 I'll pause there if there are any questions.
14 I also had a statement prepared about us, but I figured
15 we'll jump straight to his questions.

16 MR. JONES: I have a couple of questions.
17 First of all, this phase, I guess, H.

18 MS. CARTER-VIRTANEN: I.

19 MR. JONES: I. Is this the last one?

20 MS. CARTER-VIRTANEN: No, sir. We have
21 Train 6 still under construction. We project that will
22 be complete in 2022. There are assets that may be
23 placed into service in 2021. I almost said '11. It's
24 2021. So there may be assets placed in service this
25 year ahead of us completing Train 6. And then the third



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1 berth is projected for completion in 2023. So
2 conceivably there may be three additional phases before
3 you, the one for 2021 assets, the Train 6, and then the
4 third berth.

5 After that point, we have recognized, and
6 I've previously committed to the Board that we
7 appreciate that at that point, this front-end contract
8 is over and that we are now operating under the
9 post-Executive Order rules.

10 MR. JONES: Okay. Of the original, the
11 original trains that have been completed, how many have
12 been actually put into service?

13 MS. CARTER-VIRTANEN: We have five LNG
14 trains in service now.

15 MR. JONES: And when was the first one put
16 into service?

17 MS. CARTER-VIRTANEN: 2016, I want to say.

18 MR. JONES: 2016?

19 MS. CARTER-VIRTANEN: 2016.

20 MR. JONES: And so am I correct that 10
21 years from 2016, the 10-year exemption, will expire; is
22 that --

23 MS. CARTER-VIRTANEN: Correct, yes, sir.

24 MR. JONES: So in 2026, might be paying in
25 2027, those assets will go onto the tax rolls of Cameron



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1 Parish; is that correct?

2 MS. CARTER-VIRTANEN: That is correct.

3 MR. JONES: Do you have an idea of what
4 those tax payments will be at that time?

5 MS. CARTER-VIRTANEN: I came prepared with
6 the taxes that we have paid on the regas facility, and
7 so I'll back up and give a little bit of a history, and
8 while I'm talking, I'm percolating in my brain. I'm
9 trying to dig back in my mind to files that I know that
10 we have.

11 MR. JONES: Okay.

12 MS. CARTER-VIRTANEN: But we began the
13 construction of a regas facility back when the world was
14 very different with respect to price of natural gas. We
15 were approached to be an import of natural gas. That
16 construction included five LNG tanks. The first two
17 with liquefaction berths, as well as various what all of
18 the equipment would allow you then to regasify LNG. So
19 we would import it, add liquid and then we would
20 regasify it and place it into the pipelines for our
21 customers at what was then deemed a cheaper price.

22 2008 fracking began, and the world changed.
23 We continued to operate as an import facility because we
24 have contracts that we had to fulfill and stand ready to
25 import gas and regasify it to put it in the pipelines.



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1 We have two phases for what is Sabine Pass
2 LNG, LP, as you'll appreciate further on the agenda that
3 you'll see both names before you. And that is the
4 entity that owns the regasification assets that LNG
5 tanks, the liquefaction berths -- I'm sorry -- the
6 berths for the vessels, liquefaction or import, and the
7 associated infrastructure. Both phases of that project
8 have now come off of ITEP, and we have made payment into
9 Cameron Parish. Last year we paid over \$16-million in
10 property taxes. That represents 33 percent of the
11 parish's total tax revenue. And we are one of two LNG
12 facilities that had regasification, so it's not just us
13 that is now providing significant tax revenue to the
14 parish, but I am pleased to report as of last year, that
15 was the case.

16 Of course, given consideration to the
17 hurricanes, I worked closely with them to make sure that
18 we have ACH transfers. I didn't want them having to
19 wait or trying to find a check, and so we worked all of
20 that out and told them as soon as those invoices were
21 ready, to get them to me and we will immediately issue
22 payment. And so we were very happy to offer that as an
23 additional leg of support.

24 MR. JONES: What was the value of the assets
25 that came online that you just spoke of, liquefaction?



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1 What was the value of it; do you know?

2 MS. CARTER-VIRTANEN: It is --

3 MR. JONES: The assessed values.

4 MS. CARTER-VIRTANEN: North of a billion
5 dollars, somewhere less than two.

6 MR. JONES: So if north of a billion
7 represents 33 percent of the parish's budget --

8 MS. CARTER-VIRTANEN: Correct.

9 MR. JONES: -- then 6-billion or 20-billion
10 is going to start representing -- I spoke to some
11 officials in Cameron and told them that they need to
12 expect to become the Dubai of Louisiana.

13 MS. CARTER-VIRTANEN: I have made similar
14 comments and assured them we will forever change their
15 tax footprint.

16 MR. JONES: The benefits of projects like
17 this to parishes like Cameron, or, frankly, any parish,
18 long-term are astronomical, and so I respect the
19 position that Mr. Waltzer and others with Together
20 Louisiana take. And I think it's important that we look
21 closely at these programs, we look closely at the
22 projects that come before us, but sometimes we can be so
23 deep in those weeds we forget the long-term benefit.

24 I turn to St. James Parish, Mr. Nassar, and
25 what benefit the refinery did for St. James Parish for,



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1 how many, 30 years?

2 MR. NASSAR: Over. Right. Over 30.

3 MR. JONES: And the impact that the closing
4 of that refinery had in tax revenues. And I thank
5 goodness, I think St. James thanks goodness, that at
6 some point in time, the Board of Commerce & Industry has
7 sometimes said thank you and said yes to an ITEP
8 application some 30 years ago.

9 And so I'm, again, I think the work and the
10 comments that we hear before this Board asking this
11 Board to pay close attention to our regs, I think we do.
12 I think asking us to pay close attention to these
13 projects, which we do, but I never hear anybody come in
14 and say, from a parish, that says "Thank you for coming
15 in and investing 30 percent of our budget" in one fell
16 swoop. And if I sound a little evangelical about this,
17 it's because I am. Unapologetically.

18 If anybody wants to "Amen" you can. But I
19 think we need to keep the entire picture in mind, not
20 just the pieces and parts. And so speaking as for me,
21 for Jerry Jones, thank you for the investment you've
22 made in Cameron Parish, thank you for the investment
23 you've made in Louisiana. It has not gone unnoticed.

24 MS. CARTER-VIRTANEN: I thank you very much,
25 and the Board as well. I can tell you that us being



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1 able to reach a financial investment decision on this
2 project without an ITEP would have been incredibly
3 difficult having been the first company to be approved
4 for an export facility and being a smaller fish in that
5 pond at the time, to be able to get financing for
6 billions of dollars was not easily done.

7 This project -- this program, rather, was
8 vital to us being able to accomplish that, so we thank
9 for you for your support.

10 MR. JONES: I remember the presentation
11 where your CEO stood up and said we were building an
12 import facility and committed whatever the number was.
13 Maybe a billion. I don't know. It was a big number.
14 And then I went to my Board and said "Okay. We want to
15 change this. We now want to export. We've committed
16 all of that to an import facility, now we want to make
17 it an export facility." And I would have loved to have
18 been a fly on the wall at that Board meeting to discuss
19 that.

20 But, anyway, any questions or comments --
21 further questions or comments from the Board?

22 Oh, I'm sorry. Ms. Boatner.

23 MS. BOATNER: Rhonda Boatner with Didier
24 Consultants. I just want to make it clear that, to
25 answer your point, once this sixth train and third berth



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1 is completed, we will begin putting the advance
2 notifications under the new rules. So it's understood
3 that once this project is complete, they will fall under
4 the new rules.

5 MR. JONES: Thank you.

6 Any other questions or comments from the
7 public concerning Sabine Pass Liquefaction?

8 (No response.)

9 MR. JONES: Any questions or comments from
10 the Board?

11 (No response.)

12 MR. JONES: Any further --

13 MR. WALTZER: I do have just one.

14 MR. JONES: Sure, Mr. Waltzer. Come on.
15 I'll grant you another minute.

16 MR. WALTZER: Thank you.

17 First of all, I really was not intending to
18 denigrate the company. I'm looking at, for one, I was
19 sourcing the statements from Cheniere. And then
20 secondly, I mean, I've been following this and obviously
21 know how difficult it was for them to get financing and
22 everything else. Whatever you think about the project
23 or that kind of it, I mean, it's a lot of money, and I'm
24 not denying that.

25 Part of the problem comes when you submit



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1 the original application and the project description
2 says "liquefaction project" and it doesn't provide any
3 details. And I understand that there were meetings.
4 The project descriptions have to mean something because
5 that's what y'all rely on when you're making these
6 suggestions. It doesn't mean, however, that they should
7 not be submitting final cost affidavits because that's
8 going to be important for assessors later on, and it's
9 part of your regulations. And from what I can see in
10 FastLane, there's only one project that has been, and
11 that was 20110659-A, where a final cost affidavit was
12 submitted, and, yet, you know, all of these other ones,
13 you know, they've said that ending the project close
14 date is a year ago, so...

15 MR. JONES: Fifteen seconds.

16 MR. WALTZER: And that's all. And I just
17 wanted to make sure you understood that I wasn't
18 denigrating.

19 MR. JONES: I don't think he was denigrating
20 the project. I think he was denigrating the Board, but
21 that's okay.

22 MR. WALTZER: I wasn't denigrating the
23 Board.

24 MR. JONES: I'm accustomed to it. You're
25 not.



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1 Thank you, Mr. Waltzer.

2 MS. CARTER-VIRTANEN: Then perhaps what I
3 took exception to was you being denigrative on behalf of
4 our project, but I appreciate the clarification, sir.

5 What I will add is that the rules require
6 that for each contract that's executed and approved by
7 the Board, executed by the Governor, you have 90 days
8 from that execution to submit a project completion
9 report. That project completion report then applies to
10 that specific agreement. For each one of those phased
11 contracts that we have phases under the front-end
12 advance, we have submitted project completion reports
13 within 90 days of the Governor executing the contract.

14 Affidavits of final costs, similarly, are
15 also required for each contract within six months after
16 execution of by the Governor, and so for each of those
17 phases, again, there have been affidavits of final cost
18 that have been submitted in compliance with that
19 requirement. In fact, I'm finalizing affidavit of final
20 cost for project for Phase G, as in "Jerry," and my
21 husband's namesake, and H, as in "hippo." We'll say
22 those affidavits of final costs are due before July 5th.

23 Rhonda keeps me honest on the date, so I
24 appreciate that, but all of that has been done in
25 accordance with the rules. If they're not readily



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1 available or visible in FastLane, I can't speak to that,
2 but I can assure you they have, in fact, been submitted.

3 MS. BOATNER: May I speak again?

4 Rhonda Boatner with Didier Consultants, and
5 I'm not sure if Hud and Kristin can verify this or not,
6 but during this project, LED has had a system change, so
7 there may be affidavits of final costs that were paper
8 copies that may have not been migrated with this new
9 system. And so we have paper copies of every one of the
10 affidavits of final cost and project completion reports
11 from the very beginning.

12 MR. JONES: Okay. Thank you.

13 All right. Any further questions, comments?

14 (No response.)

15 MR. JONES: Are we ready to vote?

16 We have a motion and a second to approve; am
17 I correct?

18 We do have a motion and second?

19 MS. SIMMONS: Yes, sir.

20 MR. JONES: All in favor, say "aye."

21 (Several members respond "aye.")

22 MR. JONES: Any opposition?

23 (No response.)

24 MR. JONES: There being none, the motion
25 carries.



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1 Thank you very much.
2 MS. CARTER-VIRTANEN: Thank you.
3 MS. BOATNER: Thank you.
4 MR. USIE: Next we have one new
5 post-Executive Order application following the 2017
6 rules: 20170399, Plastipak Packaging, Inc. in Rapides
7 Parish.
8 MR. JONES: Entertain a motion to approve.
9 Motion from Mr. Moss.
10 MR. NASSAR: Second.
11 MR. JONES: Second from Mr. Nassar.
12 Any questions or comments from the public?
13 (No response.)
14 MR. JONES: Hearing none, other than
15 Mr. Waltzer's phone. I'm sorry, guys.
16 Any questions or comments from the Board?
17 (No response.)
18 MR. JONES: Hearing none, all in favor, say
19 "aye."
20 (Several members respond "aye.")
21 MR. JONES: Any opposition?
22 (No response.)
23 MR. JONES: There being none, motion
24 carries.
25 MR. USIE: Next we have 21 post-Executive



1 Order applications following the 2016 rules.

2 MR. JONES: Just one second, Mr. Usie.

3 Mr. Pierson.

4 SECRETARY PIERSON: As part of the procedure
5 for today, we have one that's included in those 21
6 applications for Procter & Gamble, and I think we're
7 going to need to make sure that we have an infinite
8 discussion regarding that particular application. We
9 just want it noted on the record so that as you
10 proceed --

11 MR. ALLAIN: Mr. Chairman?

12 MR. JONES: Yes, Mr. Allain.

13 MR. ALLAIN: I understand that there is at
14 least one solar project included in this. In light of
15 there being a -- the Speaker of the House has put forth
16 a referendum to do a more touring on them so the state
17 could further study those, and I also have a bill, which
18 is Senate Bill 185, that directs the Secretary of
19 Natural Resource to develop and adopt regulations
20 governing solar devices and property leases for the
21 expiration and development and productive solar energy,
22 I would respectfully request that we delay action on
23 these. I don't think it's appropriate for us to
24 incentivize these until the legislature has had a chance
25 to weigh in on it.



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1 The concern -- one of the major concerns is
2 having the -- protecting the state lands and having the
3 ability to decommission these things. As you know, we
4 have a huge problem with solar -- with orphaned wells in
5 this state, over 4,000. It's doubled since I've been in
6 legislature. We don't want to create thousands of acres
7 of land that have no means to be decommissioned in
8 taking them out of production in the state, and I think
9 it's dependent upon the state to look at this.

10 So in light of those two, I would not kill,
11 but I would like to delay action on these items until
12 after legislative session and process is complete.

13 MR. JONES: Okay. Mr. Allain, so to be
14 clear, you're asking to defer two -- I think there are
15 two solar projects in this list. Is that right
16 Mr. Usie?

17 MR. USIE: One is already requesting
18 deferral.

19 MR. JONES: Which one is that?

20 MR. USIE: It is 20200422, Bueche PV1, LLC
21 in West Baton Rouge Parish.

22 MR. JONES: And the other one?

23 MR. USIE: The other solar one is 20210138,
24 Bayou Galion Solar Project, LLC in Morehouse Parish.

25 MR. JONES: So it is Mr. Allain's motion



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1 that we defer each of those two applications; is that
2 correct?

3 MR. ALLAIN: That is correct, until after
4 the legislative session and action thereof.

5 MR. JONES: So we have a motion to defer
6 until the adjournment of the legislative session.

7 Do we have a second?

8 MR. ST. BLANC: I second.

9 MR. MCINNIS: Second.

10 MR. JONES: Mr. McInnis and Mr. St. Blanc.
11 We have two seconds.

12 Any questions or comments from the public?

13 Come on, have a seat.

14 MS. KING: My name is Kay King. I'm the CEO
15 of Morehouse Economic Development Corporation in
16 Morehouse Parish where the Bayou Galion project is
17 located.

18 We have been working on solar projects in
19 Morehouse Parish since 2015. The delays and the things
20 that have taken place and just trying to determine what
21 the rules are have delayed and delayed and delayed. I'd
22 like to point out some things that we've had meeting
23 with all of our public bodies, and not an official
24 meeting, but they're all ready to go, and we have
25 enthusiastic support for this project. I mean, because



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1 I just want to point out some things, and when you were
2 talking about tax base, but first I'm going to address
3 jobs.

4 Morehouse Parish has 8.3 percent
5 unemployment rate at the moment. We lost our paper mill
6 back in 2008. It's been a very difficult time, even
7 though we've made great stride in the parish. We look
8 at solar development as a way to develop another sector
9 in our parish. And I'd just like to point out some
10 facts.

11 We have 265,000 acres of agricultural land
12 in Morehouse, and we have 162,000 acres of timber. When
13 we look at the percentage of land in Morehouse Parish
14 that's in use-value assessments, it's over -- by my
15 calculation, it's 84 percent. 84 percent of our parish
16 is in use-value assessment, and the state regulates
17 that. And just to give you an idea of what that is in
18 one assessment in this state is \$42 and a penny per
19 acre. That's the assessed value.

20 So when you begin to look at the tax base
21 that we have -- so I had a lot of time in 2020 and I
22 studied the budget and all the taxes collected and we
23 have \$13.6-million. That is our total parish and local
24 taxes, \$13.6-million. That's our total ad valorem
25 taxes, and we're trying to maintain and provide services



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1 for 508,000 acres. We have a large parish. It's a
2 struggle. It is a tremendous struggle.

3 This project would not only bring millions
4 of dollars in sales to our school, \$1.2-million to our
5 school system in sales tax, that's the estimate,
6 \$900,000 to our sheriff's office, and 300,000 to our
7 parish, and that's just the sales tax. And then the
8 diversification of this, of just the improving our grid,
9 you know, making us more viable to attract other
10 industries.

11 We hope that it's three jobs, but the
12 significant amount of three jobs in Morehouse Parish is
13 that it's three good-paying jobs with a population of
14 25,000. That's the equivalent, as someone has pointed
15 out to me, that's the equivalent of about 60 jobs in
16 Baton Rouge.

17 Now, the other thing is the project would
18 bring around 150 jobs over the construction period. We
19 have an enormous amount of blue collar workers, we have
20 people that do construction work, we have people that
21 work offshore, they go off. We have people that when
22 they get laid off at a wind farm project, they come back
23 home. They send their money home. So I look at those
24 150 construction jobs as a way to improve the workforce
25 that we have, that they'll be able to acquire skills.



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1 We diversify their skills to be able to go out and
2 acquire different types of work and bring their money
3 back to Louisiana and bring their money back to
4 Morehouse Parish. And that I understand -- I understand
5 some of the concerns, but these solar projects do not
6 dilute. They require no water. They just -- they don't
7 use the roads, they don't tear up the roads. They just
8 sit out there and collect sunshine, and I don't see a
9 problem when you have thousands of acres of land.

10 I mean, these wells, and I understand what
11 the gentleman is talking about, wells. We have orphaned
12 wells. At one time Monroe was a big gas field, but we
13 don't have that gas now, and we don't have that luxury
14 of having big companies coming in and supplying us with
15 tax revenue. And as I said, these things have been
16 delayed. They have been delayed and delayed on how
17 we're going to assess these, and I think it's time that
18 we put some of that aside and understand that these
19 projects are very important to rural areas. And there
20 are many rural areas that are in much worse shape than
21 Morehouse. There are rural areas that I've looked at
22 the numbers on the 2019 report. It's published by the
23 state. We have rural parishes that get \$3-million of ad
24 valorem tax, and I don't think that some of the people
25 at the southern part of this state understand the



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1 situation that we're in, and I'm respectfully asking
2 this Board to quit delaying progress in our area and
3 help the rural parishes. And I respectfully ask that
4 you approve the Bayou Galion project today.

5 MR. JONES: Forgive me, and you may not know
6 the answer to this question, but I just don't know the
7 answer. Agricultural assessment at, you say, \$42 and a
8 penny per acre; is that correct?

9 MS. KING: Yes, sir.

10 MR. JONES: Is it assessed differently as a
11 solar farm?

12 MS. KING: Yes, sir.

13 MR. JONES: What's the assessment?

14 MS. KING: The land itself would possibly --
15 I've talked with the assessor. It would be probably
16 valued \$4,500 an acre.

17 MR. JONES: So it would go from \$42 an acre
18 to \$4,500?

19 MS. KING: It goes to \$4,500 an acre, and
20 normal 10 percent assessed value would be \$450. So
21 there's about 10 times difference in the actual
22 valuation of the property, plus you have all of the
23 assets that come in here.

24 MR. JONES: And I think one of the things
25 that a lot of times, again, gets lost in the noise is



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1 that the tax exemption -- and, staff, correct me if I'm
2 wrong on this, the tax exemption is on the facility and
3 the assets, the land, when land goes from being
4 agricultural to industrial, is the assessed value goes
5 up and the local government gets that increased taxes.
6 Even though the equipment may be exempt, the ad valorem
7 taxes on the land itself is not. And so I'm not arguing
8 against you or your motion, Mr. Allain, but I want
9 people to understand that because it's not just sales
10 tax, it would be an increased ad valorem tax.

11 MS. KING: Our ad valorem tax would go up.
12 I looked at this thousand acres, and I figured it out.
13 I don't know the exact configuration. In fact, we're in
14 two different millage rates on this.

15 MR. JONES: Right.

16 MS. KING: But at \$42, you're looking at
17 \$4,050 I think was what I figured out that's currently
18 paying, and it would go up 10 times. It would be
19 basically 10 times the amount of money that we're
20 collecting on that property now.

21 MR. JONES: Understood.

22 MS. KING: Plus the improvements.

23 MR. JONES: Understood.

24 MR. ALLAIN: May I respond?

25 MR. JONES: Sure, absolutely.



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1 MR. ALLAIN: Thank you. Listen, I'm not
2 denying the economic impact of solar farms. I'm not
3 even trying to stand in the way of them, but we have a
4 responsibility at the legislature to protect the state's
5 land. We have regulated the leasing of land for energy
6 in this state for 100 years, and we've got a lot of
7 decisions that create the mineral code. Maybe we need
8 an energy code.

9 So 1,000 acres of solar farm, is there any
10 money set aside to decommission this if technology
11 changes or anything happens? Is there money set aside
12 to return the land to agricultural or any other
13 production if these things go off? Is there money set
14 aside? Has that been discussed?

15 MS. KING: The farmers that are leasing
16 this, and one of the farmers that I'm aware of, their
17 responsibility, they're very savvy. We're not dealing
18 with people leasing these properties back.

19 MR. ALLAIN: You didn't understand my
20 question. You didn't understand my question.

21 Is the solar farm -- is the company setting
22 aside money to decommission these in case technology
23 changes or go bankrupt?

24 MS. KING: That's a question you need to ask
25 the company.



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1 MR. ALLAIN: Okay. With that being said, I
2 think this begs for further evaluation. If we end up --
3 let me finish my point. If we end up with orphaned
4 solar farms, the cost to remove the solar panels is cost
5 prohibitive for the productivity of the land into the
6 future. I've got 4,000 orphaned wells out there right
7 now taking up an acre a piece. That's 4,000 acres of
8 state land that's out of production. These things are
9 1,000 acres a piece, and if there's not a path to be
10 decommissioned, you could have thousands and thousands
11 of acres of state land that could be productive and
12 producing into the future. I don't want an immediate
13 benefit to blind us to the risk that we're taking, and
14 without some path for these things to be decommissioned
15 and put back into agricultural production and any other
16 kind of production, I think is taking a huge risk for
17 the state.

18 And before we get too far down this road,
19 all I'm asking is to delay it until the legislature has
20 a chance to weigh in, where the Department of Natural
21 Resources has a chance to weigh in to be able to look at
22 these things.

23 I don't mind solar production. I'm not
24 anti-solar, but this state better be smart about what
25 we're doing or we're going to end up 20 years down the



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1 road with no land productive in this state, and that
2 would be a crime.

3 MR. JONES: Thank you.

4 SECRETARY PIERSON: I'm just seeking,
5 respectfully, Senator, a point of clarification in that
6 you have identified that public lands and utilization of
7 perhaps the Department of Natural Resources to help
8 identify a pathway forward, but this seems to
9 contemplate restrictions on the use of private property.

10 MR. ALLAIN: No. This --

11 SECRETARY PIERSON: That's why I'm trying to
12 understand the difference.

13 MR. ALLAIN: This seems to contemplate
14 permitting these things to make sure that the lands of
15 the State of Louisiana are protected, which is what we
16 do with permitting oil and gas leases, which is what we
17 permit a lot of things in the state to do. So before
18 these things are built, there has to be a smart path of
19 what happens next in the future. And if we don't think
20 about the future now like we haven't in the past, we're
21 going to find ourselves in a bad place.

22 I'm not asking -- I'm asking for the delay
23 till the end of session, which is just a two-month
24 period. I think to incentivize this and go forward
25 right now, I would be very much against it, and I hope



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1 the Board would consider my argument.

2 MS. KING: I would like to respectfully make
3 a comment.

4 MR. JONES: I'll give you one minute,
5 please, ma'am.

6 MS. KING: Okay. These companies are
7 constantly operating under a different set of rules.
8 We've heard this -- many of these solar companies have
9 spent millions by doing these interconnection studies.
10 They spend money doing the leases. They have millions
11 of dollars tied up in these, and I think to continue to
12 delay these projects with these concerns that should
13 have already been ironed out is unfair to companies that
14 are coming in and making these kind of investments, and
15 it sets a real bad image for the State of Louisiana.

16 MR. JONES: Thank you, Ms. King.

17 MR. ALLAIN: Well, I have a question.

18 MS. MALONE: So has the company already been
19 approved to proceed with the project, are they under
20 construction or...

21 MS. KING: No, ma'am, they are not under
22 construction at the moment, but they have a lot of their
23 approvals. I'd like for the company to come up and talk
24 to you about the approvals they already have in place
25 because there were some other products that weren't as



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1 together as this one.

2 MS. MALONE: So before they proceed with the
3 project, they want to be certain that they receive the
4 ITEP?

5 MS. KING: Yes. In fact, I worked two more
6 projects. This is my third project. And the main
7 reason I have been wanting to get the projects to come
8 together is because of uncertainties of how the
9 assessors are going to assess them. I mean, this is
10 new. I agree with that.

11 MR. JONES: Thank you.

12 Mr. Holley.

13 I'm sorry.

14 MS. MALONE: I was just going to make one
15 point. I've worked with a couple of solar projects in
16 the parish that I work in, and each one of those, the
17 company did put into the lease whenever they were
18 negotiating with the landowner that they would put the
19 property back to its original state once it was gone,
20 and some have also gone on to discuss, you know, how
21 they would pay for that, putting money back in escrow
22 or, you know, some way of having the funds to do that.

23 MR. ALLAIN: And that's what the legislature
24 will address in the near future. I want to make sure
25 before these projects go forward that they understand



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1 what the requirements are going to be. If it's the
2 health and wealth of the company that could go bankrupt,
3 that indemnity doesn't mean a whole lot. If there's
4 actually money escrowed and put aside, no problem,
5 remove all my objections. But if we're not smart about
6 this, I think it could create a huge problem in the
7 future, and the future of Louisiana is something that's
8 near and dear to my heart.

9 MR. JONES: Thank you, Mr. Allain.

10 Mr. Holley.

11 MR. HOLLEY: Ms. King, can you tell me
12 whether or not a two or three-month delay in action by
13 this Board would jeopardize that project?

14 MS. KING: I think that's a question for the
15 company to answer, but I think that when we constantly
16 keep these projects in limbo, that it does.

17 MR. JONES: Thank you, Ms. King. I think
18 you answered.

19 Do you have another question, Mr. Holley?

20 MR. HOLLEY: Is there anyone hear from the
21 company that could answer that question?

22 MS. KING: Yes, sir.

23 MR. JONES: I think we have a
24 representative, we just haven't been able to get to him
25 yet.



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1 MS. KING: Okay. Thank you.

2 MR. JONES: Mr. Leonard, are you
3 representing the company?

4 MR. LEONARD: Yes, sir. I'm Jimmy Leonard
5 with Advantous Consulting. I'm here representing the
6 company, but we also have Michael here who is an actual
7 representative of the company.

8 MR. JONES: I think we'd like to hear from
9 the company.

10 State your name and your position, and then
11 I think Mr. Holley would like to follow up with some
12 questions.

13 MR. DENNISON: Sure. Thank you for having
14 me here this morning. I appreciate it. My name is
15 Michael Dennison. I'm Senior Manager of Development at
16 Recurrent Energy, which is the owner and developer of
17 the Bayou Galion Solar Project.

18 And your questions, sir?

19 MR. HOLLEY: Well, I have several, so excuse
20 me for jumping around.

21 One Board member has brought up the valid
22 concern about the environmental impact of a large solar
23 panel project such as this, which I understand encompass
24 about 1,000 acres.

25 MR. DENNISON: That's correct.



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1 MR. HOLLEY: And how many panels would that
2 mean to have a solar farm -- (interruption via
3 intercom.)

4 MR. DENNISON: Thank you for the question,
5 sir. It depends on the exact size of the panels and
6 efficiency, but for a project of this size, it would be
7 about a quarter of a million solar panels.

8 MR. HOLLEY: Quarter of a million solar
9 panels. And the solar panels do wear out over the
10 course of time, do they not?

11 MR. DENNISON: They do slowly degrade over
12 time, same as any other piece of equipment.

13 MR. HOLLEY: And the lease that you have is
14 for what, 20 years, if I understand?

15 MR. DENNISON: The lease is for 30 years
16 with some options to extend.

17 MR. HOLLEY: I see. And what does your
18 company or whomever is going to run this farm intend to
19 do with those quarter million panels as they go bad?

20 MR. DENNISON: When the project is over and
21 the lease term is done, we have stipulations in our
22 lease agreements that require us to pull out all of the
23 equipment and restore the land to its original state.

24 MR. HOLLEY: Okay. Are you going to also be
25 responsible for the employees that was mentioned by Ms.



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1 King? In other words, are they employees of the company
2 are or they independent contractors?

3 MR. DENNISON: Just to clarify, you're
4 asking about construction or operations?

5 MR. HOLLEY: Operations.

6 MR. DENNISON: Those jobs are primarily done
7 through contract labor. Our company does do that as
8 well. However, it's premature to say at this time who
9 would be doing that work, whether they would be
10 contractors.

11 MR. HOLLEY: I understand that it's three
12 permanent employees; is that correct?

13 MR. DENNISON: That's correct.

14 MR. HOLLEY: Can you tell he how much they
15 would earn in pay?

16 MR. DENNISON: I think that's in our
17 application. I think the number is -- Jimmy, correct me
18 if I'm wrong -- about 177,000 per year for those total
19 three jobs.

20 MR. HOLLEY: And if they're contract
21 employees, I take it they would not be getting health
22 insurance or retirement, 401(K)?

23 MR. DENNISON: Not directly from us since
24 they're contract jobs, but, you know, they would be
25 compensated by their employers.



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1 MR. HOLLEY: One or two other questions and
2 I'll be through.

3 Ms. King is quite concerned for Morehouse
4 Parish, and I am too. I'm from Morehouse Parish, live
5 there, born there and practiced law for 40 years, so it
6 means a lot to have revenue come in to a very poor
7 parish.

8 Who is responsible for paying these ad
9 valorem taxes every year for that 30-year contract?

10 MR. DENNISON: It's the project and the
11 project owner. So in that case, that would be us.

12 MR. HOLLEY: And if you default and you
13 can't wholesale your electricity, how do we get paid?

14 MR. DENNISON: You're asking if the project
15 goes bankrupt?

16 MR. HOLLEY: Correct.

17 MR. DENNISON: Well, I would say that
18 it's -- that's not entirely out of the realm of
19 possibility, but I will say it's very, very unlikely.
20 These solar projects represent an enormous upfront
21 capital investment, and they take very little -- very
22 little maintenance to run, so there is -- once the
23 project is built and financed, there's not much
24 additional investment that's required. So for the
25 project to go bankrupt is almost unforeseeable. I mean,



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1 even if the contract that -- you know, the contract for
2 the sale and the power that's produced, even if that
3 contract expires or defaults or goes away, for example,
4 the project could still sell power into the wholesale
5 market without a contract.

6 MR. HOLLEY: And you sell into the wholesale
7 market in Louisiana or out of state?

8 MR. DENNISON: It's part of a market called
9 the Midcontinent Independent System Operator, or MISO,
10 and that's a power market that expands from East Texas
11 to Mississippi and all of way north into Canada.

12 MR. HOLLEY: So this is not a mom-and-pop
13 operation then?

14 MR. DENNISON: No, sir.

15 MR. HOLLEY: Thank you, Mr. Chairman.

16 MR. JONES: I thank you, Mr. Holley.

17 Ms. Malone.

18 MS. MALONE: What permits have you received
19 to date and which permits are still outstanding to
20 proceed with the project?

21 MR. DENNISON: The question of permits is an
22 interesting one. There's some regulatory approvals that
23 are needed, some consultations with federal agencies,
24 like U.S. Fish and Wildlife and Army Corps. Those are
25 all completed. And as far as local permits, there are



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1 none that we're aware of in order to operate in
2 Morehouse Parish.

3 MS. MALONE: And there are no state permits
4 today that you're required to receive?

5 MR. DENNISON: No, ma'am.

6 MR. JONES: I'm sorry, Mr. Allain. You had
7 a question?

8 MR. ALLAIN: Yeah. So is there provisions
9 in your contract for decommission? Is there one set
10 aside?

11 MR. DENNISON: Yes, sir.

12 MR. ALLAIN: Is there an escrow? Not for
13 the health and wealth of your company. Is there an
14 escrow?

15 MR. DENNISON: Our contract stipulates that
16 we must remove all equipment and restore it.

17 MR. ALLAIN: I understand. I understand.
18 Is there money -- so at the end of the project, when
19 this needs to be decommissioned, yeah, you can make
20 money all the way through, but at the end of the
21 project, is there money to decommission this that's
22 lockboxed that just doesn't depend on your health?

23 MR. DENNISON: I think you have a very valid
24 concern, sir. What I will say is there is not that
25 provision in the project as of today.



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1 MR. ALLAIN: Okay. And also -- and I've
2 tried to negotiate several of these things. I'm a large
3 landowner in several parishes, and I've been intimate in
4 trying to negotiate these things. Every time I ask for
5 that, they walk away. So that being said, this is kind
6 of like the wild, wild west, or at least in oil and gas
7 leases 100 years ago, before anything else, and I think
8 there needs to be some safeguards put in and some
9 minimum requirements that need to be done. And that's
10 what the legislature is fixing to address. So a delay
11 in three months in this project doesn't kill the
12 project.

13 MR. DENNISON: I can't say that it will kill
14 it, but we would really appreciate somebody taking
15 action today.

16 MR. ALLAIN: Also in the contract, and
17 because obviously you're being financed, is there a
18 provision, as I've seen in previous contracts, that the
19 financier has the right to step in and take over if
20 there's some default?

21 MR. DENNISON: I believe that's always the
22 case, yes.

23 MR. ALLAIN: Yeah. Okay. So is that
24 third-party or that financier responsible also for the
25 decommissioning?



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1 MR. DENNISON: They would be if they entered
2 into contract, yes.

3 MR. ALLAIN: But, there again, no actual
4 money set aside to do that, no letter from a bank, no
5 mechanism of financing, no direct escrow to be able to
6 do that; correct?

7 MR. DENNISON: Not in the contract as it is
8 today. And if you permit me to expand on that, that is
9 something that we include in all of our contracts
10 normally. In this case, in the case of this specific
11 project, we actually acquired the rights to the project,
12 and the leases associated with it were already signed.
13 We acquired those leases from another company who did
14 not include those provisions in the contract.

15 MR. ALLAIN: Let me ask you this: In the
16 case of it needing to be decommissioned at the end of
17 the life of this thing and there needs to be a
18 decommissioning and there's no money, there's nobody to
19 stand behind, nobody to pay for the decommission, is the
20 cost of decommissioning that 1,000 acre site prohibitive
21 to the future earnings of that in an agricultural
22 setting?

23 MR. DENNISON: I'm not sure I fully
24 understand the question.

25 MR. ALLAIN: Okay. It cost way more to



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1 remove them that it's worth to put it back into
2 agricultural production from every estimate I've seen by
3 four or five times. It would be feasible for the
4 landowner to come in and say "Well, I'm going to remove
5 it and grow whatever on it."

6 So what do we do with that land? Do we have
7 just -- somebody walks away. What do we do with that?

8 MR. DENNISON: That's a very good question,
9 sir.

10 MR. ALLAIN: My point made.

11 MR. JONES: Any other questions?

12 Mr. McInnis.

13 MR. MCINNIS: Thank you, Mr. Chairman.

14 Seems like you should -- well, you would be
15 interested in what's going to happen in the legislature
16 before you move forward with this project, and that's
17 what I'm thinking. I mean, I'm just hearing 30,000 feet
18 here. It would make it a lot easier for us if you guys
19 would just understand that and delay your application
20 until the legislature speaks.

21 That's all I have to say, Mr. Chairman.

22 MR. ST. BLANC: I just want to say a
23 landowner can do whatever he wants and sign -- as
24 Senator Allain said, we're not here to -- we're just
25 here to delay for three months, and if you can say that



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1 this project is going to be hurt by a delay for three
2 months, you -- how long -- let me ask you one question.
3 How long do you think before you can get all of your
4 permits on through the PSC, who you hadn't mentioned
5 yet, and selling commercial, how long you think that
6 before you're going to be able to put one solar panel on
7 one acre of property?

8 MR. DENNISON: I can tell you our
9 construction schedule is planning start of construction
10 next Summer.

11 MR. ST. BLANC: Next Summer. So three
12 months is going -- this delay of ITEP, which you're
13 going to get, I'm pretty sure, but the thing about it is
14 there's very a lot of concerns about the contracts, and
15 there's a lot of them that already signed that that's
16 between them, and our resolution is trying to just slow
17 it down a little and make sure that the State of
18 Louisiana and the citizens of Louisiana -- we want solar
19 bad. I've got solar projects that's been going on right
20 now for 44 years. Okay? And this two months that we
21 have, that just to delay it is not going to make a hill
22 of beans when it comes to all of the other contracts.

23 So it's protection. It's protection for the
24 State of Louisiana, it's protection for Morehouse Parish
25 and everything. And the people in the State of



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1 Louisiana, we can't wait for solar. Solar has been
2 trying -- we've been working on solar for 12 years. So
3 this two months is not going to really hurt any solar
4 project because y'all know what I'm talking about.

5 MR. JONES: Thank you, Mr. St. Blanc.

6 Ms. Cola.

7 MS. COLA: So I'm learning as I'm listening.

8 MR. JONES: Do we have a microphone for Ms.
9 Cola?

10 MS. COLA: I'm learning as I'm listening to
11 this process, and you mentioned that your prior
12 contracts, you had an escrow agreement, but you -- this
13 new contract, you, I guess, acquired, and it was not
14 there. In my mind's eyes, that was your course of
15 business, understanding the concerns that were discussed
16 today. Is it a possibility that that is something that
17 you would consider going forward? Because you paused a
18 couple times when it was mentioned in terms of the
19 contract and the concept of there being an escrow
20 agreement in the past, so I'm just kind of curious as to
21 if that was your mode of business going back
22 (inaudible).

23 MR. DENNISON: Oh, we would absolutely
24 consider it. Normally every landowner that we negotiate
25 with -- and it's private landowners in this case. I



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1 just want to make that clear -- they often ask for
2 decommissioning. I think they have the same concerns
3 that you do, sir. And in the case of this project, like
4 I said, we acquired these leases after they were already
5 negotiated and signed. It does represent a material
6 cost to us to post those bonds, and so in some places
7 where they're not already in the leases or they're not
8 required by state government codes, you know, that's
9 just normal course of business.

10 MS. COLA: I'm sorry. And another point of
11 education for me.

12 MR. DENNISON: Yes, ma'am.

13 MS. COLA: So we talked about
14 decommissioning the solar panels, and my question is --
15 and I did some very quick Google research; right? So
16 I'm very knowledgeable now. What do you do with those
17 panels? When you demission the physical asset, where do
18 you -- what do you do with them thereafter?

19 MR. DENNISON: That's a great question.
20 Typically they would be planned for recycling, and there
21 are a number of materials that are used in those panels,
22 aluminum, copper, silver, silicon, that can be easily
23 recycled and reprocessed.

24 MS. COLA: Thank you.

25 MR. JONES: Ms. Malone.



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1 MS. MALONE: So, Senator, you stated that
2 there is a moratorium on solar projects?

3 MR. ALLAIN: There is a House Concurrent
4 Resolution put forth by the speaker -- and I think it
5 was dropped yesterday. I don't even know if it's on
6 there -- that would create -- I don't want to speak for
7 the speaker of the resolution. I know that the
8 representative here was intimate in working with some
9 speaker on it.

10 I know the legislation that I have, which is
11 to require the Secretary to evaluate those things, bring
12 in the stakeholders and create a process by which we
13 protect the future viability of the state -- the land in
14 the State in Louisiana.

15 MS. MALONE: So should we proceed with the
16 motion, and, say, the Board does accept it, they would
17 be unable to proceed with this project anyway should
18 this moratorium --

19 MR. ALLAIN: They would have to -- they will
20 be able to proceed, but they may have requirements that
21 they don't have right now. Basic requirements in oil
22 and gas is a 29-B cleanup. There's rules and
23 regulations to what specs you need to clean the property
24 up, to what needs to be removed. There are things in
25 those solar panels that if they -- that could



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1 contaminate the soil. There's a whole laundry list of
2 things that I believe the state needs to understand what
3 it's getting into before these things proliferate all
4 over the state and we have a huge problem we can't
5 control. Let's be smart about it today.

6 They -- I would think they'd want, before
7 they go forward, they'd like to know what the rules of
8 the road are going to be.

9 MS. MALONE: Correct, on the project as a
10 whole, but --

11 MR. ALLAIN: Correct.

12 MS. MALONE: -- as far as the Senate knows,
13 they are considered a manufacturer and they do qualify
14 for the incentive program. I mean, so if we allow for
15 the incentive to move forward and the state comes up
16 with these rules and regulations, they would still have
17 to abide by those or decide not to do the project and
18 we're not out anything.

19 MR. ALLAIN: I don't want to argue, but, you
20 know, I mean, if you back me in a corner, is this
21 manufacturing? Do they meet the job requirements?
22 There's a whole laundry list of things. You know, I've
23 met with some people in the administration that don't
24 believe this is manufacturing. We have approved
25 previous processes, but you back me in a corner and



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1 we're going to have those discussions and it's going to
2 be at the building over there.

3 So all I'm asking for is a delay to have the
4 discussion. You know, I may not have objection to
5 moving forward with the ITEP application, but if the
6 delay is not granted, then we'll probably seek other
7 means to have this talked about.

8 MS. KING: Can I ask one more question,
9 please?

10 MR. JONES: Okay, Ms. King. I'll give you
11 one more minute, please.

12 MS. KING: Okay. Just a quick question.

13 MR. JONES: Get in front of the microphone,
14 please.

15 MS. KING: Just a quick question.

16 MR. JONES: We don't answer questions. Make
17 your comments.

18 MS. KING: Okay. My comment is I have not
19 really ever heard when we do a project like we did in
20 the Drax Biomass project where we built a big plant
21 there, and so I don't recall any stipulations in that
22 project that would require bonds or something for
23 redevelopment if the project goes away. So are we
24 putting higher stipulations on solar projects for some
25 unknown real reason, but are we putting higher -- my



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1 opinion is we're putting higher stipulations on solar
2 projects than we do on other types of projects.

3 MR. JONES: I think, Ms. King, that argument
4 is one to be made in the legislature, not before this
5 Board, but that's --

6 MS. KING: And I intend to make that.

7 MR. JONES: I understand.

8 All right. Any other questions or comments?

9 Mr. Leonard, did you have any comments on
10 behalf of the company?

11 MR. LEONARD: No, sir. I originally came up
12 here to assist with some of the economic numbers that
13 were prepared for the project.

14 I would just take this one opportunity real
15 quick to let everyone know that, you know, Senator, we
16 appreciate your concerns, we're aware of them. We were
17 not at the time that we were taking the steps necessary
18 to come to the Board here today. We have been working
19 very diligently with the communities in Morehouse
20 Parish. They've always already set meetings up.
21 They've already anticipated the approvals based on the
22 prior precedence of this Board. The application does
23 meet all of the required LED rules and regulations, and
24 we absolutely look forward to working with you and your
25 concerns.



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1 We've represented a number of companies, and
2 this company here, quite frankly, has commented on
3 issuance of bonds if need be, if that was something that
4 would help make a difference in moving this thing
5 forward to alleviate those concerns.

6 So I'd just like to conclude with the
7 application before you today is aligned with the rules
8 and regulations. The property itself pays about \$4,000
9 a year in property tax revenue. During the exemption
10 period, that revenue will move up to 200 grand a year,
11 and then once the exemption expires, it averages about
12 \$400,000 in property tax revenue here. So the local
13 community is very excited about revenue opportunities on
14 the business side of this, but we absolutely recognize
15 your concerns, sir, and we'll work with you on them.

16 MR. JONES: All right. Any other questions
17 or comments from the Board?

18 MR. HOLLEY: I have a comment.

19 MR. JONES: Yes, sir, Mr. Holley.

20 MR. HOLLEY: If the Board acted today and
21 acted favorably on your behalf, when would construction
22 start?

23 MR. DENNISON: Next Summer.

24 MR. HOLLEY: Next Summer? So if the
25 legislature, in the meantime, put some type of temporary



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1 restraining order on these solar farms, that wouldn't
2 present any problem to you because you're not starting
3 till next Summer; is that right?

4 MR. DENNISON: I mean, it's hard to comment
5 on that, sir. It depends on what that looks like and
6 how it would apply.

7 MR. HOLLEY: Okay. Mr. Chairman, I see both
8 sides, believe it or not, even though I'm from Morehouse
9 Parish, and I'd like to see it, but is there any way
10 that we could assure this company that they will get a
11 response from us by the next meeting that we have, which
12 would be, I think, after the legislature?

13 MR. JONES: I think our next meeting is in
14 June.

15 MR. ALLAIN: June 12th, and then the
16 Governor has 20 days to either sign or veto the
17 legislation. So you're talking the end of June,
18 beginning of July.

19 MR. JONES: Our meeting would be very close
20 to that deadline, so I don't believe we could, in good
21 faith, guaranty action at the next meeting, but if it
22 were not at the June meeting, it would then be the
23 July/August meeting when this would come up back up. If
24 there's -- if there's been activity in that action by
25 the legislature before the June meeting, then we could



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1 act at the June meeting, but there's no way to predict
2 that at this point.

3 Mr. Holley, does that answer your question?

4 MR. HOLLEY: Yes, it does. Thank you.

5 MR. ALLAIN: And I'd just like to state this
6 is bigger than just one project in Morehouse Parish.
7 This is about the future of solar in the state and
8 protecting the state moving forward with the solar
9 projects. I'll say it again, I'm not anti-solar by any
10 means, but I think the state, it's incumbent upon the
11 state to do it smart, and all I'm asking for is a little
12 time to think about it.

13 MR. JONES: All right. We have a motion
14 from Mr. Allain to defer the 20210138, Bayou Galion
15 Solar Project, as well as 20200422, Bueche PV1, LLC
16 project.

17 Did we get a second, Ms. Simmons?

18 MS. SIMMONS: Yes, sir. We have a second
19 from --

20 MR. JONES: Second from Mr. St. Blanc.
21 That's correct.

22 We have a motion and a second.

23 Any other questions or comments from the
24 Board on the motion to defer these two projects and the
25 motion to defer specifically until the legislature



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1 adjourns?

2 MR. ALLAIN: Legislature process is over.
3 The governor has to weigh in.

4 MR. JONES: Oh, okay. So your motion is
5 until the legislation process is over and all bills
6 are --

7 MR. ALLAIN: Dispensed with.

8 MR. JONES: -- signed or vetoed or -- got
9 it. I'm with you.

10 For this session.

11 MR. ALLAIN: For this session, correct.

12 MR. JONES: If there's a special session
13 called, it does not apply to that. Thank you, sir.

14 Are we clear? I think I am.

15 All right. Are we ready to vote?

16 All in favor, say "aye."

17 (Several members respond "aye.")

18 MR. JONES: Any opposed?

19 MR. HOLLEY: No.

20 MR. JONES: There is at least one. Let's do
21 a rollcall just to be clear.

22 MS. SIMMONS: Don Briggs.

23 MR. BRIGGS: Defer.

24 MS. SIMMONS: Is that a yes?

25 MR. JONES: That's a yes.



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1 MS. SIMMONS: Okay. Mayor Toups.
2 MR. TOUPS: Yes.
3 MS. SIMMONS: Yvette Cola.
4 MS. COLA: No.
5 MS. SIMMONS: Guy McInnis.
6 MR. MCINNIS: Yes.
7 MS. SIMMONS: Stuart Moss.
8 MR. MOSS: Yes.
9 MS. SIMMONS: Representative Vincent St.
10 Blanc.
11 MR. ST. BLANC: Yes.
12 MS. SIMMONS: Jerald Jones.
13 MR. JONES: Yes.
14 MS. SIMMONS: Heather Malone.
15 MS. MALONE: Yes.
16 MS. SIMMONS: Senator Allain.
17 MR. ALLAIN: Yes.
18 MS. SIMMONS: Jan Moller.
19 MR. MOLLER: Yes.
20 MS. SIMMONS: Secretary Pierson.
21 SECRETARY PIERSON: Yes.
22 MS. SIMMONS: George Nassar.
23 MR. NASSAR: Yes.
24 MS. SIMMONS: Ronnie Slone.
25 MR. SLONE: Yes.



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1 MS. SIMMONS: Travis Holley.

2 MR. HOLLEY: No.

3 MS. SIMMONS: Dr. Beverly Thompson.

4 DR. THOMPSON: Yes.

5 MS. SIMMONS: We have two noes.

6 MR. JONES: All right. The motion carries.

7 Those two matters are deferred.

8 And Mr. Pierson has asked that we pull out
9 the Procter & Gamble Manufacturing and consider it
10 independently. Do we want to go ahead and do that now?

11 MR. USIE: We have another deferral too
12 while we're at it.

13 MR. JONES: Okay. Which one is that?

14 MR. USIE: 20180409, Richard's Cajun Foods,
15 Corp. in Acadian Parish.

16 MR. JONES: So I would entertain a motion to
17 approve the deferral of Richard's Cajun Foods.

18 Motion from Mayor Toups; second from
19 Mr. Nassar.

20 Any comments or questions from the Board --
21 excuse me -- from the public?

22 (No response.)

23 MR. JONES: Any questions or comments from
24 the Board?

25 (No response.)



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1 MR. JONES: All in favor, say "aye."
2 (Several members respond "aye.")
3 MR. JONES: Any opposed?
4 (No response.)
5 MR. JONES: Hearing none, that matter is
6 deferred.

7 MR. USIE: I also have a clarification to
8 make on the agenda. We left off a note about Shintech,
9 LLC, 20210072. It's stating that zero new permanent
10 jobs are being created, but there should have been a
11 note that there are 20 new contract jobs with
12 1.6-million in payroll to be created by a qualified
13 contractor, and it's not noted at the bottom like the
14 others.

15 MR. JONES: Okay. Thank you.

16 All right. Let's go ahead and take up the
17 Procter & Gamble Manufacturing, 20180499.

18 You want to go ahead and tell us about that
19 project and then we can address it as the Secretary
20 wishes?

21 MR. USIE: It's 20180499, Procter & Gamble
22 Manufacturing in Rapides Parish, and...

23 MR. JONES: Mr. Pierson, did you have
24 specific comments about that one that we need to
25 consider?



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1 SECRETARY PIERSON: I think the Procter &
2 Gamble reps will be coming forward now and be able to
3 give you some overview of this. It just falls outside
4 of what we typically have in terms of the situation.
5 We've addressed one of those for U.S. Foods today, but I
6 just wanted the opportunity for Procter & Gamble to be
7 able to review with the Board why their project has
8 fallen out of typical use category.

9 MR. JONES: Okay. Let's, in order to get
10 this in proper posture, I'd entertain a motion to
11 approve.

12 Motion from Ms. Malone; second from
13 Mr. Moss.

14 So now we have an appropriate motion on the
15 table. Now we can open it up to discussion.

16 MR. URAS: (A presentation was given by Mr.
17 Taylan Uras.)

18 MR. JONES: Thank you. Welcome.

19 Do you have some comments as well? Please
20 state your name and your position with the company.

21 MS. DAY: I am Mary-Anne Day. I am the site
22 finance director for the Alexandria plant.

23 I think the one piece to really address here
24 is what you're going to see in this application, we're
25 filing on a retention basis. You will see a decline



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1 versus our baseline.

2 As Taylan mentioned, we are going through
3 metamorphosis right now. Dry laundry forms have changed
4 over the years. They will continue to change going
5 forward. Dry laundry is less and less of a desirable
6 product in the United States, and so, therefore, our dry
7 laundry operations has been closed down in the last few
8 months. We do have -- we continue to invest for the
9 future. We will be bringing in new lines over the
10 upcoming years, and that is very much the plan.

11 These incentives, though, remain critical.
12 Our company does follow the competitive capital process.
13 There are multiple sites in the United States that
14 either make exactly what we make today or are able to
15 convert to making it within a matter of months. So what
16 we would really like to say is we truly believe that
17 while we are currently seeing a decline in the
18 enrollment, this does enable retention for the long
19 term. And we, as Taylan said, we have been here over 50
20 years now. Our site goal is to be a huge contributor to
21 South -- I'm sorry -- Central Louisiana for at least the
22 next 50 years, and these incentives are just a critical
23 part of that. We need it to enable us to continue to be
24 a key member of the community.

25 MR. URAS: (Further presentation given by



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1 Mr. Taylan Uras.)

2 MS. DAY: There's only one thing I would add
3 too, we have started hiring again. So with the dry
4 exit, we, as Taylan said, let natural attrition bring
5 our numbers down (inaudible) everyone who wanted a job
6 either had continued in Louisiana or in other sites,
7 actually in the United States. Actually we even had
8 people that moved to Europe because that was their
9 personal desire. So we have started hiring.

10 We've hired two classes of 15 each over the
11 last six months, so 30 people total, and we are looking
12 forward to hiring hopefully another class of about 15 in
13 the next three to six months as well. So we do
14 see basically we've hit the inflection point where we do
15 expect, with the new line (inaudible) that's in advance
16 of following it, we do expect to see that continuing to
17 go up. But, again, it's just critical that we do
18 maintain the incentive for now in order to make sure
19 that we're competitive going forward.

20 MR. JONES: Let me be sure I understand so
21 that at least in my mind I'm clear. So basically the
22 company -- first of all, thank you for your presence in
23 Louisiana. Fifty years, a company manufacturing in
24 Louisiana for 50 years is a great story in and of
25 itself, and we thank you for your presence here and for



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1 your contributions to the state. But what I understand
2 is happening is the business is evolving.

3 MS. DAY: Exactly.

4 MR. JONES: And as my wife doesn't like
5 powder, she likes liquid. I don't understand. We don't
6 eat the pods. We use them. But as I understand, the
7 industry is evolving, and in order to maintain this
8 manufacturing facility, you have to evolve with the
9 industry. However, you aren't creating any new jobs in
10 the process.

11 MS. DAY: Exactly.

12 MR. URAS: For last year, yes.

13 MS. DAY: We are not creating new jobs right
14 now. We do expect to going forward and after getting
15 through this period. However, we do feel that we meet
16 the retention requirement, because even though we are
17 declining, this incentive is critical to be able to
18 retain the current jobs that we now that we have
19 right-sized with the dry laundry --

20 MR. JONES: I understand.

21 MR. URAS: (Further presentation was given
22 by Mr. Taylan Uras.)

23 MR. JONES: And to be sure the record is
24 clear, how long will it take you for you to -- for this
25 revamp of your lines? How long is --



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1 MR. URAS: (Mr. Taylan Uras responds to Mr.
2 Jones' questioning.)

3 MR. JONES: All right. That's all I have.
4 Any questions or comments from the public?
5 Any other questions or comments from the public?

6 (No response.)

7 MR. JONES: Hearing none, any questions or
8 comments from the Board?

9 (No response.)

10 MR. JONES: All right. We have a motion and
11 a second approve this application.

12 All in favor, say "aye."

13 (Several members respond "aye.")

14 MR. JONES: Any opposition?

15 (No response.)

16 MR. JONES: Hearing none, the motion
17 carries. Thank you.

18 MR. URAS: Thank you very much for your
19 time. We really appreciate it.

20 MS. DAY: Thank you.

21 MR. JONES: Thank you for being here today.

22 Mr. Usie, let's work through those that have
23 not been deferred and that have not been acted upon.

24 MR. USIE: 20190444, ADDP Property, LLC,
25 Lafayette Parish; 20210035, Avant Organics, LLC, Rapides



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1 Parish; 20200045, Best Stop Cajun Food, LLC in Lafayette
2 Parish; 20210146, Bio-Lab, Inc., Calcasieu Parish,
3 20200026, Centric Pipe, LLC in Bossier Parish; 2020268,
4 Community Coffee Company, LLC in Jefferson Parish;
5 20200004, E.I. Williams Industries, LLC, Webster Parish;
6 20180238, LACC, LLC, LLC Calcasieu Parish; 20170498,
7 Packaging Corporation of America, Beauregard Parish;
8 20190497, Packaging Corporation of American, Beauregard
9 Parish; 20210068, Shintech Louisiana, LLC, Iberville
10 Parish; 20210069, Shintech Louisiana, LLC, Iberville
11 Parish; 20210070, Shintech Louisiana, LLC, Iberville
12 Parish; 20210072, Shintech Louisiana, LLC, West Baton
13 Rouge Parish; 20200049, Supreme Rice, LLC, Acadia
14 Parish; 20210032, Supreme Rice, LLC, Acadia Parish; and
15 20200065, Weyerhaeuser NR Company, Natchitoches Parish.

16 MR. JONES: All right. First I would
17 entertain a motion to pull any one of those out and
18 address them individually or I would entertain a motion
19 to approve all.

20 MR. MOSS: I motion to approve.

21 MR. JONES: Okay. I have a motion from
22 Mr. Moss to approve all that have just been listed;
23 second from Mr. Slone.

24 Any questions or comments from the public?

25 Mr. Waltzer.



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1 MR. WALTZER: I have on specific ones.

2 MR. JONES: Go right ahead. State your name
3 and...

4 MR. WALTZER: My name is Joel Waltzer,
5 individually and on behalf of together Louisiana.

6 How would you like to do this?

7 MR. JONES: Which one do you want to speak
8 to, Mr. Waltzer?

9 MR. WALTZER: These are the 2000 -- for
10 clarification, post-2018 applications; correct?

11 MR. JONES: Correct.

12 MR. WALTZER: So Avant -- I put in a card.

13 MR. JONES: I'm having a difficult time
14 interpreting your cards is my problem.

15 MR. WALTZER: Maybe because I had to put
16 more than one.

17 MR. JONES: Yes.

18 MR. WALTZER: Avant Organics, Shintech,
19 Packaging Corp of America and Weyerhaeuser.

20 MR. JONES: Okay. So you want to speak to
21 Avant Organics, which is 20210035 -- are the same
22 comments for each one?

23 MR. WALTZER: No.

24 MR. JONES: Okay. Then let's go with Avant
25 first. You can keep your mask off as far as I am



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1 concerned simply because you're there by yourself in
2 front of the mic.

3 MR. WALTZER: The project phase was
4 confusing to me when I looked through their application,
5 but the project was stated to create no jobs. Then,
6 also, it said 20 jobs would be created. It seems
7 inconsistent, and I would ask if the applicant would
8 explain whether they are creating jobs or if they're
9 not. And if they're not creating jobs, that they're
10 providing a compelling reason why they need an ITEP or
11 why (inaudible).

12 MR. JONES: Any comments from the staff?

13 MR. USIE: They are creating 20 jobs. I'm
14 not sure where you were referencing the zero, but the
15 overall project is creating 20.

16 MS. CHENG: It does say that zero is being
17 creating for the phase because this is a front-end
18 contract. None are being created right now, but as
19 phases come up, I believe jobs will be created. Twenty
20 are being created with this overall project.

21 MR. JONES: Through the contract term?

22 MS. CHENG: Yes, sir.

23 MR. JONES: Does that answer your question?

24 MR. WALTZER: There's no indication -- okay.
25 It's impossible to track because there's



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1 nothing that says when the phases are coming and what
2 they are.

3 MR. JONES: Well, that beautifully
4 highlights the misunderstanding that Together Louisiana
5 has of this program. These contracts are by no means a
6 front-end engineering, designed, completed estimation of
7 projects. It is where the company comes to the state
8 and says "Listen, I want to invest money in your state,
9 but in order to make my investment decision, before I
10 spend the \$10-million it's going to take for me to
11 develop my project, I want to know whether I'm going to
12 have this incentive or not." Because, see, a whole lot
13 of money has to be spent on a manufacturing project
14 before they ever even make a final investment decision,
15 and so what ends up happening, they come to the state
16 and say "Listen, we're interested in the incentive
17 program. This is what we're looking at, this is what we
18 think we're going to spend, this is how we think it's
19 going to cost, these are the number of jobs we think
20 we're going to -- but we don't know for sure until we
21 get done. We've got to get further into this, but we
22 want to know whether we're going to have these
23 incentives before we do."

24 So the specificity and the exactitude that
25 you guys long for is simply not available at this stage



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1 in the process.

2 MR. WALTZER: And so maybe I do understand
3 that actually.

4 MR. JONES: Then I don't understand your
5 question.

6 MR. WALTZER: Maybe. We look at the
7 evidence before us, and if there was evidence submitted
8 that 20 jobs will be created, then I understand that,
9 but there is -- the application itself had conflicting
10 information. I understand your point, and, you know, we
11 need to be making decisions based on the record evidence
12 in front of us, and I'm asking where is the record
13 evidence that there's jobs being created?

14 MR. JONES: Ms. Cheng.

15 MS. CHENG: They haven't been created. They
16 will be created.

17 MR. JONES: Yes.

18 MS. CHENG: The stating that they will
19 create 20 jobs is also in the Exhibit A that's signed by
20 the company and LED, that as after the first phase of
21 the project is complete in 2022, they're supposed to
22 have 20 jobs created by the time they file their
23 compliance.

24 MR. WALTZER: All right. So let's move on,
25 because it was unclear from the application, and that's



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1 why -- if I'm confused, I'm sorry.

2 MR. JONES: Okay. Next.

3 MR. WALTZER: Packaging Corporation of
4 America, 20170498.

5 MR. JONES: Okay.

6 MR. WALTZER: The applicant says that the
7 project involves the installing of a new pump turbine
8 system. My opinion, you know, it confers that there is
9 an old turbine system, and then if that is correct,
10 they're replacing it, and under 502(2) they're not
11 eligible for an ITEP unless the replacement is part of a
12 rehabilitation or restoration under 502(4).

13 And 511 says that if this is part of -- and
14 this is under the new rules system, if this is part of a
15 rehabilitation or restoration, then the original cost
16 needs to be deducted from the replacement cost.

17 MR. JONES: Ms. Cheng.

18 MS. CHENG: The application states that it's
19 an addition. The project type is an addition. Just
20 because it's new doesn't mean it's replacing something
21 that's old. It might -- I mean, I can't speak for the
22 company, but it doesn't refer to replacing an old one.
23 It's new as in it's a new piece of equipment to the
24 site.

25 MR. JONES: Okay.



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1 MR. WALTZER: So the pump turbine system,
2 I'm assuming is important to pump, you know, processing,
3 and I think the answer to that question needs to be
4 answered in order to ascertain what's the proper value
5 of the ITEP, whether it would be the amount applied for
6 or it should be the amount applied for minus the
7 original cost.

8 MR. JONES: Okay. Thank you for your
9 comment.

10 What about next, Shintech?

11 MR. WALTZER: Is there someone here from
12 that company?

13 MR. JONES: I'll run the meeting. Thank you
14 Mr. Waltzer. Let's get your comments out of the way.

15 MR. WALTZER: In Shintech, the applicant
16 says the project involves certain equipment upgrades and
17 modifications are required at the existing facility to
18 meet demands of the new project, understanding that
19 they're putting in a new unit. But that is correct,
20 these upgrades and modifications at the existing
21 facilities are not permitted under 502(2) and do not
22 meet the definition because they are replacing old
23 equipment with new.

24 If the BCI considers that part of a
25 rehabilitation or restoration, which it may well be if



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1 they're going to be putting in another unit, then the
2 applicant and LED must deduct the cost of the original
3 equipment from the stated value of the investment to
4 meet the requirements of Section 511 in determining the
5 amount of the exemption.

6 MR. JONES: Ms. Cheng, Mr. Usie, any
7 comments?

8 MS. CHENG: If I can go back to the
9 statement that was made in regards to the other project,
10 these are all new -- the previous project we discussed,
11 the Sabine project, these are new assets to the project.
12 Just because it's an upgrade, it's an upgrade to the
13 facility in order for them to complete this project.
14 This is the new expansion.

15 MR. JONES: Okay.

16 MR. WALTZER: It says certain equipment
17 upgrades and modifications.

18 MR. JONES: Okay. Weyerhaeuser.

19 MR. WALTZER: Weyerhaeuser, the applicant
20 says the Pavarotti project involves an upgrade to the
21 modern -- to a new, modern process control system on an
22 existing LVL press. New, modern process control system,
23 meaning they have an old, less modern process control
24 system. An upgrade to the wood products, lamineer --
25 upgrade to the laminated veneer lumbar press and upgrade



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1 to a modern process control system.

2 It's the same thing. Again, if they're
3 upgrading equipment, replacing the old with the new,
4 then, again, granted, if it's just replacing, if it's
5 not part of restoration or rehabilitation, the rules
6 prohibit the ITEP. If it's part of a restoration or a
7 rehabilitation of the facility under the rules, then the
8 original cost needs to be deducted from the amount of
9 the investment.

10 MR. JONES: Ms. Cheng.

11 MS. CHENG: Again, this application states
12 that it's an addition to the facility. I believe that
13 this upgrade is to expand what capacity that they have
14 at the facility.

15 MR. JONES: Mr. Pierson.

16 SECRETARY PIERSON: If this helps shed some
17 light on this, we worked a long time on this project in
18 Natchitoches, and it is a new siding line that they are
19 establishing new capacity there. One of the reasons it
20 was delayed for months and months and months is because
21 COVID impacted construction activity, and with the
22 construction activity down, they did not move forward
23 with this new veneer press and Microllam.

24 I don't know if somebody from Weyerhaeuser
25 is here or not, but it is a new product line that has



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1 been approved.

2 MR. JONES: Okay. Any other comments from
3 you, Mr. Waltzer?

4 MR. WALTZER: Nope, not for these.

5 MR. JONES: Okay. Thank you very much.
6 Any other questions or comments from the
7 public?

8 (No response.)

9 MR. JONES: I want to go back to Packaging
10 Corporation. Do we have somebody here from Packaging
11 Corporation?

12 Please come forward. Please state your name
13 and your position with the company for us, please.

14 MR. MARCHBANKS: Yes. My name is William
15 Marchbanks. I'm with DuCharme, McMillen & Associates.
16 I'm here representing Packaging Corporation of America.

17 MR. JONES: Great. And did you understand
18 the question from Mr. Waltzer about the nature of the
19 upgrades that are going on with your?

20 MR. MARCHBANKS: Yes.

21 MR. JONES: Could you explain that to us,
22 please?

23 MR. MARCHBANKS: Yes. This is an addition
24 to the facility that manufactures craft paper, and if
25 you know what that is, that's just you're packing, say,



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1 from your house, you're stuffing your glasses in the
2 box, you want to wrap it up with wrapping paper. So
3 this is a very competitive market, commodity market, and
4 this is an addition to keep the operation running
5 efficiently reducing costs and allowing them to retain a
6 (inaudible).

7 MR. JONES: Are you replacing old equipment
8 or is this new equipment?

9 MR. MARCHBANKS: This is an addition to
10 existing equipment.

11 MR. JONES: So all of it is new equipment?

12 MR. MARCHBANKS: Yes, sir.

13 MR. JONES: Okay. Any other questions or
14 comments for the company rep?

15 (No response.)

16 MR. JONES: I wanted it to be clear on the
17 record on that.

18 All right. Thank you, sir. Appreciate it.

19 All right. We have a motion and a second to
20 approve this list that Mr. Usie has walked us through,
21 less those that have already been handled and the three
22 deferrals.

23 Any other questions or comments from the
24 public?

25 (No response.)



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1 MR. JONES: I see none.

2 Any questions or comments from the Board?

3 Mr. Moller.

4 MR. MOLLER: Yeah. I just want to really
5 understand, when these projects come, like what kind of
6 due diligence is done? I know I've asked, for instance,
7 of this before, but to determine whether something is an
8 upgrade versus a new project, I mean, do you go out to
9 the site or what's the level of analysis that happens at
10 the staff level? Because it comes up several times in
11 this meeting, and I just want to kind of understand what
12 independent verification happens.

13 MS. CHENG: I mean, what's provided, if it's
14 unclear, we do reach out to the company and ask them for
15 additional information because they are attesting that
16 is it new equipment.

17 MR. MOLLER: So we take them at their word,
18 essentially? If they put that in an application, that's
19 kind of what we go by?

20 MS. CHENG: Yeah. I mean, we do.

21 MR. MOLLER: Is there any verification after
22 the fact or...

23 MR. JONES: Mr. Pierson.

24 SECRETARY PIERSON: The state of process
25 right now is that this is the advance notification.



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1 This is saying "Hey, we're going to execute against a
2 project."

3 After it goes from here, the locals are
4 going to sign a contract, which will be Exhibit A, which
5 attests to what the program is. They'll go through and
6 get an affidavit of final cost. And at that point is
7 where we would conduct these inspections.

8 So this early stage is a look at what is
9 proposed being a qualified approval.

10 MR. MOLLER: Okay.

11 MS. CHENG: We do, after an affidavit of
12 final cost is provided, we can at any point, according
13 to the rules, go do an inspection, and if anything
14 doesn't, we don't feel, fits into the assets that are
15 provided on the affidavit of final cost or the
16 application, we can ask them to revise the affidavit of
17 final cost to remove those assets.

18 MR. MOLLER: Thank you.

19 MR. JONES: And, again, this may be helpful
20 for the entire Board, at this stage, this project is a
21 glint in somebody's eye. It's a concept. There's not a
22 widget that exists to satisfy this thing yet. They're
23 saying this is what we want to do. So all they can do
24 is attest that they're going to build this or going to
25 buy this piece of equipment or install this piece of



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1 equipment. The question of whether it's an upgrade or
2 not, you've got to wrestle through that, but at the end
3 of the day, the attestation from the company is all you
4 can get because there is no thing to go look at.

5 So I think the process, as we have to take
6 it at the stage that it's in, and then as the project
7 progresses, at the appropriate times, there may be
8 audits, there may be reviews at the site. I know there
9 have been site visits before.

10 So just to understand, where we are here,
11 this is just a concept when we're approving these
12 contracts.

13 MR. MOLLER: And so these attestations,
14 these applications, do they make clear whether they're
15 building something new or they're just replacing
16 something that's already there with a newer version of
17 that? I mean, because if it's replacing --

18 MR. USIE: Our review process, we start
19 looking at the advance, compare the descriptions, go
20 over the project that's on the advance to what's stated
21 on the application. We'll consider the project type.
22 It maybe be addition, it may be expansion, it may be a
23 renovation. We look at -- they also provide a breakdown
24 of purchases that list out all the assets.

25 As Kristin described, later on, once those



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1 assets are online, we do -- they do file an affidavit of
2 final cost listing out the final cost of each asset or
3 anything that changed, and then we do do site
4 inspections.

5 MR. MOLLER: And you compare that to what's
6 already there; right? If it's -- you know, most of the
7 applications you get are for projects or facilities that
8 are existing. You compare that -- I mean, I guess I
9 want to distinguish between things that are actually new
10 and things that are upgrades.

11 MR. USIE: Yeah. If we get an inspection,
12 we will take out, we would bring the affidavit of final
13 cost and have them walk us through what any given assets
14 might be that we might have a question on. So we would
15 verify what they're submitting to us, that they're
16 certifying this project.

17 MR. MOLLER: How often do these site
18 inspections happen?

19 MS. CHENG: We're supposed to, prior to
20 COVID, go quarterly. We would pick different parts of
21 the state. I mean, there are thousands of contracts and
22 two of us.

23 MR. MILLER: Yeah. No, I understand.

24 MS. CHENG: Prior to COVID, quarterly. We
25 would go do quarterly.



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1 MR. MOLLER: Thank you.

2 MR. JONES: Any other questions?

3 Mr. Nassar.

4 MR. NASSAR: I have a question. Let's just,
5 for the sake of argument, a corporation comes in and
6 says we're going to have an addition to our facility,
7 but in order to provide that new addition with enough
8 product, one of the older units may need to be upgraded,
9 let's just say pumps, compressors whatever, so -- and I
10 think that's some of the things that's being mentioned
11 in here today. So if I have to upgrade my pumps and
12 compressor to be able to get enough product with a new
13 addition, wouldn't those new pumps and compressors that
14 I'm adding go under a new equipment for addition and not
15 as old equipment or replacement of old equipment?

16 MS. CHENG: Correct. So that would actually
17 go under a new application, but you would have to remove
18 the cost of the existing equipment that you're
19 replacing. So it is deducted out of the cost on the new
20 application.

21 MR. NASSAR: Thank you.

22 MR. JONES: Any other questions or comments
23 from the Board?

24 (No response.)

25 MR. JONES: All right. Let's vote.



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1 All in favor, say "aye."
2 (Several members respond "aye.")

3 MR. JONES: Any opposition?

4 (No response.)

5 MR. JONES: There being none, the motion
6 carries.

7 All right. We have renewals.

8 MR. USE: Next we have 11 timely renewals:
9 20121300, CF Industries Nitrogen, LLC, Ascension Parish;
10 20160978, Conrad Shipyard, LLC, St. Mary Parish;
11 20150982, FlightSafety International, Inc., Bossier
12 Parish; 20150939, Integrigo Composites of Louisiana,
13 LLC, Webster Parish; 20161155, Mele Printing Company,
14 LLC, St. Tammany Parish; 20141575, Procter & Gamble
15 Manufacturing, Rapides Parish; 20160799, Roehm America,
16 LLC, Jefferson Parish; 20100198-A, Sabine Pass LNG, LP,
17 Cameron Parish; 20110659-B, Sabine Pass Liquefaction,
18 LLC, Cameron Parish; 20161277, Southern Recycling, LLC,
19 Lafayette Parish; and 20161302, Temple Inland, Inc.,
20 Washington Parish.

21 MR. JONES: All right.

22 MR. MOLLER: Yeah. I just had a question
23 about FlightSafety International if there's anybody from
24 that company.

25 MR. JONES: Please come forward, and if you



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1 would, state your name and your position with the
2 company, please.

3 MR. MORROW: Sure. My name is Kenny Morrow.
4 I'm the Chief Operating Officer from Metro Aviation, and
5 we contract with FlightSafety to house the devices.

6 MR. MOLLER: My question is simple. What do
7 you manufacture? The application here says you bought
8 two flight simulators.

9 MR. MORROW: We did not -- we didn't buy
10 them, but we are contracted with FlightSafety. So Metro
11 Aviation is the -- we have a few lines of business. One
12 of our lines of business is that we continue the
13 manufacturing process of helicopters. So primarily air
14 medical, but we do a lot of law enforcement, high-end
15 VIP. Used to do offshore when offshore was a thing.

16 And part of that process is we then either
17 place these aircraft in service or we sell them, and the
18 training is an integral part of providing those
19 aircraft.

20 MR. MOLLER: But a flight simulator trains
21 pilots; right? So you're manufacturing pilots? I mean,
22 how is that different from any other -- it seems more
23 like education, not manufacturing.

24 MR. MORROW: Well, the aircraft are not
25 useful to the end customer unless pilots have been



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1 trained to use them.

2 MR. MOLLER: I still -- can someone on staff
3 explain how this is manufacturing?

4 SECRETARY PIERSON: I'll be happy to do some
5 clarification. And correct me if I don't get this
6 exactly correct. Hard to believe it's been five years
7 since Senator Adley helped us move this through, but
8 essentially they're taking a helicopter assembly and
9 then doing very significant modifications on it, such as
10 perhaps you get a helicopter from Europe and it doesn't
11 have air conditioning. They're reconfiguring these
12 helicopters for very specific uses, such as air
13 ambulance, law enforcement. And so they may have
14 winches, they have may have external lighting, they may
15 have a number of things that they are then changing that
16 base helicopter assembly that they've gotten, and those
17 characteristics will also change flight performance for
18 that specific aircraft.

19 So it goes beyond just that I can fly a
20 helicopter or I can fly a B1B helicopter, but I've got
21 to be able to fly the B1B that's been modified by Metro
22 Aviation to meet certain requirements of the outfit that
23 ordered it.

24 So essentially they manufacture a specific
25 product that utilizes other inputs, customizes those,



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1 adds to them, and then has to, in order to certify and
2 be able to convey that over to that private purchasing
3 entity, be able to specifically attest that it can be
4 operated in the fashion in which it was represented.

5 Kenny.

6 MR. MORROW: Yeah, you're exactly right,
7 Secretary Pierson, and our capabilities, our total
8 capabilities that we have in Shreveport, Louisiana have
9 allowed us to order or to have Airbus helicopters
10 manufactured. We ordered 37 aircraft so far at five and
11 a half million dollars each. It's a EC145 C2e is what
12 it's called, and we're the exclusive purchaser of that
13 aircraft. We've placed several of those aircraft in
14 service for our own operations. We also operate air
15 medical helicopters, and they're from places all over
16 the United States.

17 We sold some of those helicopters to some of
18 our competitors in that operating realm of our industry.
19 We delivered two of those aircraft to an operator in
20 Canada and just delivered one of those aircraft to the
21 Buenos Aires Police Department in Argentina.

22 And, again, it's a total package. The
23 training component, the ability of those pilots to come
24 to our facility and learn how to fly the aircraft, both
25 in the simulator and in the aircraft itself, and,



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1 honestly, one wouldn't exist without the other.

2 MR. MOLLER: I mean, if you're building
3 airplanes, I completely understand, but that's not what
4 this application says. It's a machine that people train
5 on, and I just -- I mean, I understood your explanation,
6 but it just doesn't meet a commonsense definition of
7 manufacturing, so...

8 MR. MORROW: It's an integral part of us
9 being able to --

10 MR. JONES: Ms. Cheng.

11 MS. CHENG: This is an application that went
12 under the old pre-EO rules, and at that time, anything
13 at a manufacturing facility was eligible for the
14 exemption, if that helps.

15 MR. MOLLER: That is 2015.

16 All right. I mean, I'm not going to win the
17 vote, so I'll let this go, but I think this is exactly
18 what the Executive Order was here to prevent because I
19 just don't see how this comes close to meeting a
20 manufacturing definition.

21 Thank you.

22 MR. JONES: Thank you, Mr. Moller.

23 Any other specific items being pulled out
24 and discussed from this group?

25 Thank you, sir. Appreciate you being here.



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1 All right. Yes, there's one more.

2 MR. WALTZER: And that went for Metro
3 Aviation too?

4 MR. JONES: I understand. I'm not to you
5 yet. I'm still in the report.

6 Do we have any others we want to pull out
7 and discuss specifically so?

8 (No response.)

9 MR. JONES: Entertain a motion to approve.

10 MR. MOSS: So moved.

11 MR. JONES: Motion from Mr. Moss; second
12 from Mr. Saizan.

13 Now, any comments or questions from the
14 public?

15 Mr. Waltzer, I know you had put in a card
16 for FlightSafety Metro, but also for CF Industries.

17 MR. WALTZER: I'm not for sure I heard
18 whether the manufacturing he was discussing, if that is
19 manufacturing.

20 MR. JONES: It's basically being treated
21 under the pre-EO rules.

22 MR. WALTZER: Well, I understand that that's
23 what you're saying. I'm just not -- you know, the
24 pre-EO rules also require it manufacturing to be
25 constitutional.



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1 MR. JONES: I understand your argument, but
2 it is just an argument.

3 MR. WALTZER: As it regard to CF Industries
4 Nitrogen, this appears that this project ties back to an
5 old application approved in 2013. The project was
6 completed in 2015. The LED record does not -- the
7 project amount was stated in the application renewal to
8 be \$2.237-billion. That round number is obviously an
9 estimated amount. This project is long complete.
10 There's no record in FastLane that a final cost
11 affidavit has been submitted, so it's impossible to tell
12 whether that amount is too much or too little.

13 And, you know, 503(G), section 503(G),
14 allows the applicant to gain -- as you'll read here, "To
15 gain a pre approval," and that's what the applicant got.
16 There should have been some final cost affidavit
17 submitted after the completion of the project over the
18 course of the last five years; right? That would
19 specify the amount of money, but we still are using that
20 same 2.237-billion, and that's inappropriate. You know,
21 the final cost affidavit is required under 527. You
22 know, we're supposed to be enforcing that, and I would
23 suggest either it be deferred until a final cost
24 affidavit be submitted or for the BCI to consider
25 rejection because there's no way the project costs



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1 exactly the same amount as the estimated cost prior to
2 the project actually happening.

3 MR. JONES: Ms. Cheng.

4 MS. CHENG: A renewal can't be requested
5 without an AFCS and PCRs being filed. We have had
6 records --

7 MR. JONES: I'm sorry. Your acronyms went a
8 little fast for me.

9 MS. CHENG: I'm sorry. A project completion
10 report and affidavit of final cost being filed. The
11 affidavit of final cost was filed on May 16th of 2016,
12 and the project completion report was filed on March 7th
13 of 2016.

14 MR. JONES: Do we have -- it came up
15 earlier. Do we have situations where hard copies have
16 not been entered into FastLane?

17 MS. CHENG: The actual payment and dates,
18 receipt dates are in FastLane, but the actual copy, the
19 hard -- the actual document is in a hard file in our
20 long-term storage room.

21 MR. JONES: Well, that appears to be the
22 disconnect between what's on FastLane and what -- when
23 people go to FastLane --

24 MS. CHENG: It does have data in there. It
25 does show the affidavit of final cost investment amount



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1 filed is showing \$965,772,766.

2 MR. JONES: All right. Thank you, Ms.
3 Cheng.

4 Thank you, Mr. Waltzer.

5 All right. Any other comments or questions
6 from the public?

7 (No response.)

8 MR. JONES: Hearing none, any questions or
9 comments from the Board?

10 (No response.)

11 MR. JONES: All right. All in favor -- did
12 I have a motion and a second? I'm getting lost.

13 MS. SIMMONS: Yes, sir.

14 MR. JONES: I'm sorry, Ms. Simmons.
15 All in favor, say "aye."

16 (Several members respond "aye.")

17 MR. JONES: Any opposed?

18 (No response.)

19 MR. JONES: Hearing none, the motion
20 carries.

21 All right, Mr. Usie.

22 MR. USIE: Next we nine late renewal
23 applications. The first is 20131036, Metro Aviation,
24 Inc., Bossier Parish, initial contract expiration date
25 12/31 of 2019, late renewal request date 12/30 of 2020.



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1 MR. JONES: Okay. Mr. Morrow, are you still
2 here? Would you come to us and explain to us what
3 happened on the late application?

4 MR. MORROW: Simply a change in personnel
5 that was responsible for filing that application, so we
6 missed our renewal date.

7 MR. JONES: Okay. You understand that under
8 our accepted practice, we can still approve the renewal,
9 but there will be a penalty that goes along with a late
10 application?

11 MR. MORROW: Yes, sir.

12 MR. JONES: The question is have we taken
13 steps to ensure you don't run into these kind of issues
14 in the future?

15 MR. MORROW: Absolutely.

16 MR. JONES: Okay. Thank you.

17 All right. Entertain a motion to approve
18 this renewal application with a 20 percent penalty.

19 Motion from Mr. Moss; second from
20 Mr. Nassar.

21 Any questions or comments from the Board?

22 (No response.)

23 MR. JONES: Questions or comments from the
24 public?

25 (No response.)



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1 MR. JONES: Hearing none, all in favor, say
2 "aye."

3 (Several members respond "aye.")

4 MR. JONES: Any opposed?

5 (No response.)

6 MR. JONES: Motion carries.

7 Thank you, sir.

8 MR. MORROW: Thank you.

9 MR. USIE: Next we have 20130050-A, Monsanto
10 Company & Subsidiaries, St. Charles Parish, initial
11 contract expiration 12/31 of 2019, late renewal request
12 date June 23rd of 2020.

13 MR. JONES: Do we have someone here from
14 Monsanto?

15 State your name and your position with the
16 company.

17 MR. MARCHBANKS: Yes. My name is William
18 Marchbanks. I'm with DuCharme, McMillen & Associates.
19 I'm a consultant with Monsanto.

20 MR. JONES: Okay. And tell us what happened
21 here.

22 MR. MARCHBANKS: Unfortunately the link was
23 sent for signature. Unfortunately the person that
24 signing it missed it in his e-mails. There was a lot
25 going on at the time with the cancelation of a large



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1 project over there, so unfortunately we missed the
2 deadline, and it took us until June to get the
3 application signed.

4 MR. JONES: Okay. Has steps been taken to
5 correct that communication issue?

6 MR. MARCHBANKS: Yes, sir.

7 MR. JONES: Does the company understand that
8 this can be renewed with a penalty?

9 MR. MARCHBANKS: Yes, sir.

10 MR. JONES: Okay. Then I would entertain a
11 motion to approve this late renewal with a 20 percent
12 penalty.

13 MR. MOSS: So moved.

14 MR. JONES: Motion from Mr. Stuart -- from
15 Mr. Moss, and second from Mayor Toups.

16 Any questions or comments from the public?

17 Mr. Waltzer.

18 MR. WALTZER: Thank you.

19 MR. JONES: Again, state your name just so
20 the record's clear.

21 MR. WALTZER: Joel Waltzer, individually and
22 on behalf of Together Louisiana.

23 This renewal is governed by the 2011 rules,
24 and I'm sorry I didn't jump up before, but the 2011
25 rules state in section 505(E), "If the application is



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1 submitted after the final deadline, the 10-year term of
2 the exemption available under an initial contract and
3 renewal" -- that's combined -- "therefore, it shall be
4 reduced by one year for each month or a portion thereof
5 that the application is late up to a maximum reduction
6 of five years and had to have been filed before the
7 expiration and no later than the expiration." So, in
8 this case, I think it's six months late. "The Board may
9 impose any other penalty -- any other for late filing
10 that it deems appropriate."

11 So it says, the rules says you shall be
12 reduced by one year for each month that your application
13 is late, and six months late. That's what the rule
14 says.

15 MS. CHENG: He's referring to the section
16 dealing with applications. The section under the rules
17 dealing with renewal application does say that "the term
18 of the renewal contract may be reduced by one year for
19 each calendar month or portion thereof that the renewal
20 application is filed late. The Board may impose any
21 other penalty for late renewal submission that it deems
22 appropriate."

23 MR. JONES: All right. Okay. Thank you.

24 Thank you, Mr. Waltzer.

25 All right. So we have a motion to approve



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1 the renewal with a 20 percent penalty. All in favor,
2 say "aye."

3 (Several members respond "aye.")

4 MR. JONES: Any opposed?

5 (No response.)

6 MR. JONES: There is no opposition. The
7 motion carries.

8 Next, Mr. Usie.

9 MR. USIE: 20140848, Norris Holdings, LLC,
10 Iberia Parish, initial contract expiration 12/31 of
11 2019, late renewal request date January 29th of 2020;
12 20140849, Norris Holdings, LLC, Iberia Parish, initial
13 contract expiration 12/31 of 2019, late renewal request
14 date January 29th of 2020; 20141535, Norris Holdings,
15 LLC, Iberia Parish, initial contract expiration 12/31 of
16 2019, late renewal request date 1/29 of 2021.

17 MR. JONES: Do we have anyone here from
18 Norris Holdings?

19 Yes, sir. Please state your name and your
20 position with the company.

21 MR. DARBY: My name is Curley Darby. I'm
22 representing Norris International. I'm a tax consultant
23 with Darby & Associates, Inc.

24 MR. JONES: Thank you. This renewal
25 contract is actually two years late.



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1 MR. DARBY: Correct.

2 MR. JONES: Tell us what the problem is
3 here.

4 MR. DARBY: I can only say it's totally my
5 fault. The company vested their interest and thought
6 that I would take care of it. It slipped by me, and
7 it's totally my fault.

8 MR. JONES: Okay. One of our concerns
9 always is with these late renewals is for the company to
10 understand the importance of not only renewals, because
11 this will be -- there will not be another renewal on
12 this, but that all filing requirements are essential.

13 MR. DARBY: Correct.

14 MR. JONES: And so as a result of this, we
15 have -- the custom has been at least to a 20 percent
16 penalty for each year. So, in this case, it would be a
17 40 percent penalty. Does the company understand that?

18 MR. DARBY: Yes, sir, we do.

19 MR. JONES: Okay. All right. Under these
20 circumstances, for these three cases, 20140848 0849 and
21 1535, Norris Holdings, Inc., I would entertain a motion
22 to grant the renewal with a 40 percent penalty.

23 Motion from St. Blanc; second from Mr. Moss.

24 Any questions or comments from the public?

25 (No response.)



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1 MR. JONES: Any questions or comments from
2 the Board?

3 (No response.)

4 MR. JONES: There being none, all in favor,
5 say "aye."

6 (Several members respond "aye.")

7 MR. JONES: Any opposed?

8 (No response.)

9 MR. JONES: There is no opposition. The
10 motion carries.

11 Thank you, Mr. Darby.

12 MR. DARBY: Thank you.

13 MR. USIE: Next we have 20160738, WestRock
14 CP, LLC in Jackson Parish, the initial contract
15 expiration 12/31 of 2020, late renewal request date
16 March 16th of 2021; 20160739, WestRock CP, LLC, Jackson
17 Parish, initial contract expiration 12/31 of 2020, late
18 renewal request date 3/16 of 2021; 20160740, WestRock
19 CP, LLC, Jackson Parish, initial contract expiration
20 12/31 of 2020, late renewal request date March 10th of
21 2021; 20150527, WestRock CP, LLC, Jackson Parish,
22 initial contract expiration 12/31 of 2019, late renewal
23 request date March 9th of 2021.

24 MR. JONES: Do we have someone here from
25 WestRock?



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1 MR. PYLES: Good morning.

2 MR. JONES: Good morning. Thank you. State
3 your name and your position with the company, please.

4 MR. PYLES: Todd Pyles. I'm the Engineering
5 Manager at WestRock Company.

6 MR. JONES: I think you know the drill.
7 What happened on this one?

8 MR. PYLES: Our corporate accounting office,
9 all staff members, at the end of the year, were
10 responsible for these renewals. During that process,
11 they discovered it in February and submitted it in
12 March. And currently the director is taking charge of
13 this process until the staff members are replaced.

14 MR. JONES: Understood. So the problem, you
15 think, has been rectified?

16 MR. PYLES: Yes. We have the ability to
17 track it in the event this falls through the cracks
18 again.

19 MR. JONES: Perfect. Good. Thank you.

20 And as you heard, our custom, at least, is
21 to impose a 20 percent penalty for each year, so under
22 this circumstance, it would be if we approve this
23 renewal, it would be with a 20 percent penalty for each
24 contract.

25 MR. PYLES: Yes, sir.



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1 MR. JONES: Okay. Entertain that motion.
2 Motion from Mr. Moss; second from Mayor
3 Toups.

4 Any questions or comments from the public?
5 (No response.)

6 MR. JONES: Hearing none, any questions or
7 comments from the Board?

8 MS. COLA: One question.

9 MR. JONES: Yes, ma'am.

10 MS. COLA: For the last application with
11 WestRock, the contract initial date is that incorrect,
12 12/31/2019? Should that be 2020?

13 MR. USIE: No. It's correct. It would be
14 two years. That one would be 40 percent.

15 MR. JONES: Good catch, Ms. Cola. Thank
16 you.

17 So there would be a 40 percent penalty on
18 20150527, and a 20 percent penalty on the other three;
19 is that correct?

20 MR. USIE: Correct.

21 MR. JONES: Thank you, Ms. Cola. Appreciate
22 you catching that.

23 All right. So the motion would be a 20
24 percent penalty for the first three WestRock, and for
25 the last one, 20150527, a 40 percent penalty. Is that



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1 okay with the mover and the seconder?

2 That's affirmative.

3 All in favor, say "aye."

4 (Several members respond "aye.")

5 MR. JONES: Any opposition?

6 (No response.)

7 MR. JONES: There being no opposition, the
8 motion carries.

9 Thank you, sir.

10 MR. USIE: Next we have eight full contract
11 transfers: GEO Specialty Chemicals, Inc., Contracts
12 20120341, 20130386, 20140572 and 20150658, new owner G2O
13 Technologies, LLC in Morehouse Parish; Magellan
14 Midstream Partners, LP, 20130738, transferring to
15 Buckeye Marrero Terminal, LLC in Jefferson Parish; Nalco
16 Company, 20110957 and 20130222, transferring to Nalco
17 Production, LLC in St. John the Baptist Parish; and
18 Nalco Company, 20150506, transferring to Nalco
19 Production, LLC in West Baton Rouge Parish.

20 MR. JONES: Entertain a motion to approve
21 those transfers.

22 MR. MOSS: So moved.

23 MR. JONES: Motion from Mr. Moss; second
24 from Mr. Briggs.

25 Any questions or comments from the public?



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1 (No response.)

2 MR. JONES: Any questions or comments from
3 the Board?

4 (No response.)

5 MR. JONES: Hearing none, all in favor, say
6 "aye."

7 (Several members respond "aye.")

8 MR. JONES: Any opposed?

9 (No response.)

10 MR. JONES: Hearing none, the motion
11 carries.

12 MR. USIE: We have seven partial transfers:
13 ChampionX, LLC, 20150552 is retaining \$56,850 in assets,
14 Nalco Production, LLC is receiving \$4,886,635 in assets,
15 and this is in St. John the Baptist Parish; ChampionX,
16 LLC, 20150207, ChampionX is retaining \$897,846 in
17 assets, Nalco Production, LLC is receiving \$4,098,516 in
18 assets. This is in St. John the Baptist Parish;
19 ChampionX, LLC, 20150246, ChampionX is retaining
20 \$475,073 in assets, Nalco Production, LLC is receiving
21 \$3,219,122 in assets. This is in St. John the Baptist
22 Parish; ChampionX, LLC, 20150247, ChampionX is retaining
23 \$113,839 in assets, Nalco Production, LLC is receiving
24 \$1,632,161 in assets. That is in St. John the Baptist
25 Parish; Sabine Pass Liquefaction, LLC, 20110659-G, is



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1 retaining \$2,776,745,501, Sabine Pass LNG, LP is
2 receiving \$276,700,413. That is in Cameron Parish;
3 Sabine Pass Liquefaction, LLC, 20110659-H, Sabine Pass
4 Liquefaction is retaining \$106,387,697 in assets, Sabine
5 Pass LNG is receiving \$34,021,347 in assets. This is in
6 Cameron Parish; and W.R. Grace & Co., 20150966, W.R.
7 Grace is retaining \$33,247,134 in assets, and Avance
8 Refining Technologies, LLC is receiving \$197,998,092 in
9 assets. This is in Calcasieu Parish.

10 MR. JONES: All right. I would entertain a
11 motion to approve these partial transfers.

12 Motion from Mr. Moller; second from Ms.
13 Cola.

14 Any question or comments from the public?
15 (No response.)

16 MR. JONES: Any questions or comments from
17 the Board?

18 (No response.)

19 MR. JONES: Hearing none, all in favor, say
20 "aye."

21 (Several members respond "aye.")

22 MR. JONES: Any opposed?

23 (No response.)

24 MR. JONES: There is no opposition. The
25 motion carries.



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1 MR. USIE: Next we have five cancelations:
2 Georgia-Pacific Wood Products South, LLC, Contracts
3 20120368, 20130719, 20140920, 20150703, and 20161077,
4 these are all in Beauregard Parish. LED was notified by
5 the company of the facility being idle since July 2020
6 and no manufacturing is currently taking place.

7 MR. JONES: Point of order, the Chair will
8 be recusing himself for any action on this cancelation,
9 but I will facilitate the meeting.

10 Is there a motion on this?

11 MR. MOSS: Motion to defer.

12 MR. JONES: Motion to defer from Mr. Moss.

13 Is there a second?

14 MR. NASSAR: Second.

15 MR. JONES: Second from Mr. Nassar.

16 We have a motion and a second.

17 Any discussion from the public?

18 (No response.)

19 MR. JONES: Any questions or comments from
20 the Board?

21 (No response.)

22 MR. JONES: Without comment, all in favor,
23 say "aye."

24 (Several members respond "aye.")

25 MR. JONES: Any opposed?



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1 (No response.)

2 MR. JONES: No opposition. The motion to
3 defer carries.

4 MR. USIE: Next we have a special request
5 for Air Products and Chemicals, Inc., Contract 20150876.
6 On December 16, 2020 Air Products submitted their
7 renewal application stating a change in manufacturing
8 operations at the contract site.

9 MR. JONES: All right. Do we have a
10 representative -- I think Mr. Bolen is here.

11 MR. BOLEN: Thank you, sir. Good afternoon.

12 MR. JONES: Good afternoon. Appreciate you
13 being here.

14 Would you state your name and your position
15 with the company for us?

16 MR. BOLEN: Nile Bolen, Hydrogen Product
17 Manager for Louisiana, Air Products and Company.

18 MR. JONES: Great. Thank you.

19 And tell us what we're trying to accomplish
20 here and what's happened.

21 MR. BOLEN: Well, I was going to be brief
22 and say I submitted the request to speak just to update
23 with some positive developments since we submitted the
24 application.

25 The plant was idle as of the time the Shell



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1 Refinery went idle. At the time, we were waiting to
2 hear what Shell was going to do with the facility. It
3 is dependent upon them to provide us utilities so that
4 we can operate.

5 The positive developments that have happened
6 since then is that we are making plans and started
7 negotiations to actually transition that plant to
8 operate independent of the refinery. It is connected to
9 our 600-mile long pipeline system, hydrogen pipeline
10 system, that owns all of the way from the Houston Ship
11 Channel and serves almost of the major refining at the
12 petrochemical site. It supplies into that, so it's not
13 dependent upon Shell operating.

14 We will have to make some transitions with
15 some equipment, utility sourcing, things like that, but
16 it's fully capable of supplying. And our intent is to
17 continue operating the plant, and we have started plans
18 to those negotiations and actually start transition to
19 do that with hopefully restart by mid to end of next
20 year, 2022.

21 MR. JONES: Okay. Any questions or
22 comments -- something else, Mr. Bolen?

23 MR. BOLEN: I was just going to add as well,
24 and it was written in there that we have retained all of
25 our personnel. We're keeping a small team on site, a



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1 few of our maintenance personnel, operators that we
2 allocated to some of our other 15 plants along the
3 Mississippi River. We continue to maintain the plant as
4 if it was operating. So we, again, fully intend on
5 restarting this, and I think that's the difference with
6 some of the other applications that have chosen to
7 cancel.

8 MR. JONES: Understood. Thank you.

9 Any questions or comments for Mr. Bolen from
10 the Board on what's going on at Air Products?

11 (No response.)

12 MR. JONES: All right. Thank you, sir.
13 Appreciate it.

14 Do we have a recommendation from the staff
15 or the department on this special request?

16 None? All right. I think Mr. Secretary is
17 whispering in my ear. It sounds like a support.

18 SECRETARY PIERSON: LED staff supports. We
19 are hopeful that this operation can resume full, normal
20 operations and retain those employees here in our state
21 and appreciate that they're meeting their requirements
22 to come forward and let us know the material changes and
23 status of operating issues at the plant. Thank you.

24 MR. JONES: Thank you, sir.

25 I would entertain a motion to --



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1 MR. NASSAR: So moved.

2 MR. JONES: What is my motion, to approve
3 the application, approve the renewal application?

4 MR. USIE: Approve the renewal application.

5 MR. JONES: Okay. Thank you, sir.

6 MR. NASSAR: So moved, Mr. Chairman.

7 MR. JONES: Motion from Mr. Nassar. Thank
8 you, sir.

9 Second from Mayor Toups.

10 Any questions or comments from the public?

11 (No response.)

12 MR. JONES: Questions or comments from the
13 Board?

14 (No response.)

15 MR. JONES: Hearing none, all in favor of
16 the motion, say "aye."

17 (Several members respond "aye.")

18 MR. JONES: Any opposition?

19 (No response.)

20 MR. JONES: There being none, the motion
21 carries.

22 Thank you, Mr. Bolen, for what you're trying
23 to do.

24 MR. USIE: Next we have an appeal from
25 Sommer Brothers Enterprises, 20141045.



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1 MR. JONES: We have Mr. Watson.

2 MR. WATSON: Jerry Watson, representative of
3 Sommer Brothers.

4 MR. JONES: Great. Tell us -- we've read
5 what's in the agenda, but tell us what happened here.

6 MR. WATSON: They had a late renewal in
7 February. The freeze, nobody could come here from
8 Houston, so they weren't here. They filed all the
9 paperwork for the late renewal, I believe it was 10
10 months late for the renewal.

11 MR. JONES: And I understand that when you
12 came in the February meeting or when it came up in the
13 February meeting, because there was no one here, we
14 denied the renewal, which is, again, our custom. But I
15 also understand that you submitted through the e-mail
16 system some comments or requests, because of the freeze
17 situation, that you were not going to be here, and in
18 that case, we probably would have deferred to this
19 meeting.

20 MR. WATSON: Yes, sir. Yes, sir.

21 MR. JONES: But as we all know in the last
22 meeting, we had an e-mail glitch, and the e-mailed
23 public comments that came in were not allowed through
24 into our system. So I think the situation here is is
25 that at the last meeting we had, had we gotten the



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1 e-mail that we should have gotten from -- through the
2 system, they probably would have been, or at least a
3 consideration, a motion to defer until someone could be
4 here. Now they are here.

5 So at this time, I would -- again, it was a
6 late renewal, so there's still going to be the 20
7 percent penalty. I think you've been in the audience
8 and heard us discussing what happens there.

9 Ms. Cheng, do you have something else?

10 MS. CHENG: Also, since that date, we've
11 been notified that they have paid taxes on these assets.

12 MR. JONES: Ah, correct.

13 MS. CHENG: And in the rules, it does state
14 that the Board shall not consider for exemption any
15 establishment that has paid taxes.

16 MR. JONES: So the taxes have been paid this
17 year?

18 MR. WATSON: They paid 2020 without the
19 exemption in place.

20 MR. JONES: That creates a problem. You
21 understand what the problem is, is that the rules say
22 that the only way it could be considered a renewal is if
23 the taxes had not been paid. Have there been any
24 discussion with the tax assessor about the potential for
25 refunding those taxes?



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1 MR. WATSON: There have been. There has not
2 been any agreement in place on that, so...

3 It's a small company. They only have this
4 one operation in Louisiana. They got a tax bill and
5 paid it is what happened. They didn't bill either, so
6 they just paid it. But they have discussed it with the
7 tax collector, but there's no agreement in place to
8 refund it at the moment.

9 MR. JONES: Do you anticipate an agreement?

10 MR. WATSON: Hopeful.

11 MS. CHENG: The rules do state that the
12 Board shall consider granting a tax exemption only if
13 the assessor agrees in writing to remove the
14 establishment or addition from the taxable rolls should
15 the tax exemption be granted.

16 MR. JONES: Let me make this suggestion,
17 and, staff, if I'm wandering outside the bounds here,
18 stop me, but it would seem appropriate under the
19 circumstance to defer this perhaps. We have -- the next
20 meeting is in June. Defer this till June, and then
21 allow, if you are able to reach an agreement with the
22 tax assessor and the tax assessor is able to give us the
23 writing that is required by the rules, then perhaps we
24 can keep the renewal alive, but absent something in
25 writing from the assessor, as required by the rules,



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1 even with the deferral, come June, we're going to have
2 to deny the application. Is that understood?

3 MR. WATSON: Understood.

4 MR. JONES: That would be my suggestion to
5 the Board, if -- can I get a motion to that effect?

6 Ms. Malone; second from Mr. Moller. Thank
7 you.

8 Any questions or comments from the public?

9 (No response.)

10 MR. JONES: Any questions or comments from
11 the Board?

12 (No response.)

13 MR. JONES: There being none, all in favor,
14 say "aye."

15 (Several members respond "aye.")

16 MR. JONES: Any opposed?

17 (No response.)

18 MR. JONES: Motion carries.

19 All right. Anything else from our ITEP
20 gurus?

21 MR. USIE: Next we have an ITEP resolution.

22 MR. JONES: Ms. Bourgeois, would you come to
23 the mic, please?

24 The Board has received a proposed resolution
25 with your packet, and it went out with the agenda with



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1 this recommended resolution.

2 Ms. Bourgeois, would you kind of explain how
3 this works and what it will appreciate?

4 MS. BOURGEOIS: Tam Bourgeois, Executive
5 Counsel for LED.

6 I believe the Secretary is going to make the
7 motion.

8 SECRETARY PIERSON: Okay. Mr. Chairman, I
9 make a motion, and just a quick preface before the
10 motion simply to say that since 2016 we've continued to
11 a journey of constant improvement for the ITEP program.
12 What we're bringing before you today is another way to
13 provide some clarity on issues that help guide your
14 staff through the process and procedures.

15 So upon the idea here of the overarching
16 engagement has ground a need now that we have a
17 contract, a Cooperative Endeavor Agreement, that Exhibit
18 A, inside these ITEP awards, there is a contract that's
19 very specific about what the company's going to do, but
20 in real life, sometimes you need to change those. So
21 how do we go about doing that is what this motion is to
22 address.

23 So upon consideration that an ITEP
24 participant company has circumstances that may change in
25 ways unforeseen at the time of entering into Exhibit A's



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1 with LED, and in consultation with LED ITEP
2 administrators and supervisors, as well as the Secretary
3 of LED, I make the following motion with regard to the
4 Board's consideration of amendments to Exhibit A's
5 requested by participant companies:

6 Number 1., Prior to consideration by this
7 Board of whether to approve an ITEP participant's
8 amendment to an Exhibit A previously approved by the
9 Board and approved by the participating local
10 governmental entities, the ITEP participant shall first
11 obtain an approval by resolution from all of the
12 participating local governmental entities (or letter by
13 participating sheriffs) for any changes that would
14 affect the following terms and conditions of the Exhibit
15 A required by ITEP rule Section 503)E), ("jobs, payroll
16 or compliance terms or conditions.")

17 Subparagraph a., either the number of jobs
18 and payroll to be created at the project site or the
19 number of jobs and payroll to be retained at the project
20 site where applicable, (Section 503(E)(1)); and

21 b., the provision addressing the penalty for
22 failure to create the requisite number of jobs and/or
23 payroll at the manufacturing establishment (Section
24 503(E)(6)).

25 Number 2., Amendments to jobs, payroll or



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1 compliance terms or conditions will be prospective and
2 applicable no earlier than the project year in which the
3 Board approves the amendment.

4 Number 2., For consistency of annual
5 compliance determinations, in the event that any
6 approval by a participating local governmental entity of
7 an amendment to a job's, payroll or compliance term or
8 condition to an Exhibit A is different from an approval
9 by another participating local governmental entity, then
10 that most demanding term or condition approved by a
11 participating local governmental entity will be the term
12 or condition considered by the Board for final approval.
13 For example, if a participating sheriff approves an
14 amendment requiring five jobs and 250,000 in payroll,
15 but the police jury approves an amendment requiring 10
16 jobs and \$500,000 in payroll, then the Board will
17 consider an amendment to require 10 jobs and \$500,000 in
18 payroll.

19 Number 4., Amendments to Exhibit A's with
20 regard to following terms and conditions in Exhibit A's
21 that are also required by ITEP Rule Section 502 and
22 503(E) will not be considered by the Board:

23 a., changes to the definition of Jobs in
24 Exhibit A that are inconsistent with the definition of
25 Job in ITEP Rule Section 502;



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1 b., that the initial exemption contract
2 shall be for a term of no more than five years and may
3 provide for an ad valorem exemption of 80 percent,
4 except that the initial exemption contract for mega
5 projects shall be for a term of no more than five years
6 and may provide for an ad valorem exemption up to 93
7 percent (Section 503(E)(2));

8 c., that the applicant can apply for a
9 renewal exemption contract, the consideration of which
10 will be based upon the applicant's performance during
11 the initial term of the contract and that the renewal
12 exemption contract shall be for a term of no more than
13 five years and may provide for an ad valorem exemption
14 of 80 percent, except for the renewal exemption contract
15 for mega projects shall be for a term of no more than
16 five years and may provide for an ad valorem exemption
17 of up to 93 percent (Section 503(E)(3));

18 d., that the department, on behalf of the
19 Board, will notify the local governmental entities and
20 the assessor when jobs and/or payroll requirements are
21 not met in accordance with the Exhibit A as cited in
22 Section 503(E)4));

23 5. Any requests by an ITEP participant for
24 a substantive amendment to Exhibit A with regard to term
25 or condition not required by ITEP Rule Section 503(E)



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1 will be presented to the Board for consideration and the
2 Board reserves the right to present those amendments to
3 the participating local governmental entities for
4 approval by all participating local governmental
5 entities, without condition, and otherwise in accordance
6 with current ITEP Rule 503(H), as in hotel;

7 6. Requests for the Board to consider
8 amendments to Exhibit A will be made by special request
9 to the ITEP administrators;

10 7. All as specifically set for herein, I
11 hereby enter this motion into the record and move that
12 this motion be adopted by the Board for all ITEP
13 projects subject to the rules promulgated by the Board
14 in 2017 and 2018, as applicable.

15 MR. JONES: Thank you, Mr. Pierson.

16 Do we have a second?

17 Second from Mr. Nassar.

18 Before anybody else has a question, I have a
19 question. Mr. McInnis and I talked about it earlier,
20 and I think I know reading the verbiage how this is
21 supposed to happen, but I want to be sure that the
22 record is clear, or, either that, or you can correct my
23 understanding.

24 The process in Number 1, let's give you the
25 example that an applicant has been approved by the



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1 Board, has gone to the locals, and let's say two of the
2 three local governmental entities have approved the
3 original contract, let's say the sheriff didn't; okay,
4 but the school board and the parish did. So as a
5 result, the only exemption they're their receiving is
6 the tax to the school board and parish, and they're not
7 receiving any exemptions as to the sheriff.

8 Is that correct?

9 MS. BOURGEOIS: Right.

10 MR. JONES: Okay. So now they need to
11 change the Amendment A -- excuse me -- the Exhibit A.
12 When it says that "prior to consideration by this Board,
13 the participant's amendment to Exhibit A previously
14 approved by the Board and participating local
15 governmental entities," does that mean then that the
16 applicant only goes back to those entities which
17 previously approved them?

18 MS. BOURGEOIS: That is correct.

19 MR. JONES: So he does not -- they would not
20 have to go back to the sheriff, who denied him before,
21 then get approval before it comes back to the Board?

22 MS. BOURGEOIS: Correct. It is not to
23 change the terms of the actual exemption to the facts of
24 the jobs and --

25 MR. JONES: So the word "participating" here



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1 is those local governmental entities who actually
2 participated in the original exemption?

3 MS. BOURGEOIS: Correct. You can say that
4 opted in to that particular exemption.

5 MR. JONES: Okay. All right. I want to
6 be -- I think that's there in the wording, but I wanted
7 to verify my understanding for the record so if that
8 question ever comes up in the future, we have something
9 in the minutes that might indicate that that is an
10 understanding.

11 MS. BOURGEOIS: I certainly appreciate it.
12 This is technical so that we can be very clear for our
13 purposes.

14 MR. JONES: Right. Very good.

15 MS. BOURGEOIS: But happy to answer any
16 other questions or clarification.

17 SECRETARY PIERSON: More in line of Cliffs
18 Notes, and certainly our executive counsel can weigh in
19 here, but largely what this does is if there's going to
20 be changes to that agreement that the company made and
21 represented to this Board and to the locals, it's got to
22 have that local approval first coming to you at the
23 Board level so you're not in the middle of trying to
24 triangulate between the company and the locals. They do
25 their homework in the field first, then they come to the



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1 Board for your authorization to proceed in the manners
2 that have been outlined in this, which don't stray far
3 from the original commitments.

4 MR. JONES: Thank you. Thank you for that.
5 Mr. Moller.

6 MR. MOLLER: So practically speaking, a
7 company gets an exemption from us in 2017 and they
8 promise to create 100 jobs and "X" amount of payroll,
9 and five years later, it's only 50 jobs and half the
10 payroll that they promised, they go back to locals and
11 say "Well, we're not in compliance with our contract,"
12 for whatever reason, I mean, "we had a recession," and
13 the school board says no, does that cancel the contract?
14 I mean, do they lose their exemption?

15 MS. BOURGEOIS: No. So for a little context
16 of why staff is presenting this today, we've had some
17 general inquiries from consultants and companies asking
18 what happens if we know going forward, not necessarily
19 today, that we're not up in compliance, but going
20 forward, our numbers might be lower, and, you know, as
21 it stands, there are provisions in the current Exhibit
22 A, but they were asking proactively is there anything
23 that can be done. And I think without this, they can
24 come to you and ask for anything, and so we were trying
25 to come up with a process by which it would be



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1 streamlined, efficient and, you know, tracking how the
2 current application process occurs.

3 However, alternatively, if there is that, as
4 you say, we're not going to ask for any exhibits to
5 Exhibit A's, what happens now and always is that if
6 you're not in compliance, that is reported it back to
7 the locals, the locals will have probably 30 to 60 days
8 to then recommend to the Board what they think the
9 penalty should be. That recommendation will come to
10 you, the Board, and ultimately you will decide what that
11 penalty is. You might agree with the locals, you might
12 not. The locals might be silent and you come up with
13 your own scheme.

14 So it's not that we don't have a way to
15 address noncompliance. It's just this is a way for
16 companies to retrospectively say "We know that the
17 circumstance is going to be changed."

18 And I think probably to get back, also, to
19 your question, these amendments are perspective only.
20 So if someone comes to you in December and says "I need
21 an amendment," it will not apply to the year 2020. So
22 if they weren't in compliance with 2020, they have to go
23 through that process of going to the locals, explaining
24 themselves and coming back to you for you to consider
25 whether or not they get penalized.



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1 MR. MOLLER: What's the recourse for the
2 locals now if a company doesn't comply with the
3 contract?

4 MS. BOURGEOIS: Well, in the Exhibit A's
5 now, there is the locals make a recommendation to you
6 what the penalty should be. So they can come to you and
7 say "Penalize them a year," "Cancel the contract" or
8 "We're satisfied with their explanation, Board, please
9 don't penalize them."

10 MR. MOLLER: Okay.

11 MS. BOURGEOIS: Or there's also a provision
12 where the locals and the companies can agree to
13 basically a penalty amount, and if both parties agree to
14 an amount, well, then, you go right back on course.
15 You're considered in compliance.

16 MR. MOLLER: All right. That's all for now.

17 MR. JONES: Thank you.

18 Any other questions?

19 MR. HOLLEY: Yes, Mr. Chairman.

20 MR. JONES: Yes, Mr. Holley.

21 MR. HOLLEY: What happens if all locals say
22 cancel the contract? I understood you to say it comes
23 back before this Board; is that correct?

24 MS. BOURGEOIS: Yes. Then the staff would
25 let you know that all of the locals have recommended



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1 that the Board cancel the contract, and then you either
2 take the recommendation, provide an alternative penalty
3 or no penalty. It's up the Board's discretion.

4 MR. HOLLEY: So basically you're telling me,
5 so I'll understand, this Board at that point would have
6 the right to overrule the locals?

7 MS. BOURGEOIS: Correct.

8 MR. HOLLEY: And what about the provisions
9 about the 20 percent payment to the locals, that would
10 just be by the wayside?

11 MS. BOURGEOIS: Correct. That is -- it's
12 kind of parallel with what we call clawbacks in our
13 other Cooperative Endeavor Agreements that basically the
14 company pays a penalty. They are actually then
15 considered to be in compliance.

16 MR. HOLLEY: Thank you. That clears it up.

17 MR. JONES: Thank you.

18 Any other questions?

19 Yes, sir.

20 MR. MOLLER: Why are we doing this by a
21 motion? I mean, after the Executive Order, we went
22 through a long round of rulemaking for the first set of
23 rules. The second one was much shorter and not done by
24 a committee, and now we're proposing to do this by a
25 resolution that, you know, I saw for the first time, you



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1 know, a few days ago. Why not do this through the
2 regular rulemaking process?

3 MS. BOURGEOIS: Well, I think what we have
4 found and will always find is that the rules cannot
5 simply account for or address every single situation
6 that will be brought to the Board, which is why in your,
7 I guess, procedural section of the rules of the Board as
8 a whole, you have that company's can come to you with a
9 special request on anything. And so what we were
10 foreseeing is that without this, a company would simply
11 come to the Board, let's say in August, December, you
12 know, whenever and say "Please allow us to amend our
13 Exhibit A." And you could take up that special request,
14 you can not take up that special request, but we were
15 just trying to come up with a process whereby the Board
16 would monitor how you consider Exhibit A's so that
17 you're not kind of day of.

18 MR. MOLLER: I understand rulemaking is more
19 cumbersome and it takes more time. Is the timing of
20 this related to fact that we're coming up on five years
21 of the Executive Order and that you expect this to
22 become an issue or -- I mean, again, I think this seems
23 like a substantive change to how we operate. It would
24 be nice to see this go through the rulemaking process.

25 MS. BOURGEOIS: To answer your question, no,



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1 there's no specific reason why the timing of it. It's
2 just we feel the general inquiries and know that you
3 will likely be getting some requests in the
4 not-so-distant future. We just don't have any specific
5 requests right now.

6 MR. MOLLER: Okay.

7 SECRETARY PIERSON: Would it be fair to say
8 this is less than a rule? This is an adoption of a
9 process.

10 MS. BOURGEOIS: It is. And I guess, you
11 know, now that we have the Exhibit A, that's a key
12 element and it does have provisions for things like jobs
13 and payroll if you're dealing with the construction of a
14 project that, you know, circumstances do change.
15 Similar to some of our other programs that aren't
16 necessary, you know, up for approval by this Board, but
17 contracts get renegotiated and amendments are made. So
18 we just did not feel like it warranted the necessity of
19 a rule change. It provides you with this mechanism by
20 which to consider amendments to the Exhibit A.

21 SECRETARY PIERSON: And for -- I won't speak
22 for other members, but, you know, the first words that
23 come out of my mouth are "Where are the locals on this?"
24 Now, that's the most salient thing that's going to help
25 inform your decision as you consider any of those



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1 matters. So this puts the onus on the staff to be able
2 to say "Go get the locals' viewpoints on this and bring
3 them with you as you approach the Board." We think it
4 is protecting your time and helpful in the process.

5 MR. MOLLER: Is there any way to get a
6 report before our next meeting on how many
7 post-Executive Order ITEP contracts are in compliance
8 and how many may not -- how many may be out of
9 compliance? I mean, I recognize that things change and
10 representations you make in 2016 may not be exactly
11 right in 2021, but it would be nice to get a sense of
12 the universe of how many companies that we granted this
13 tax relief to are out of compliance.

14 MS. BOURGEOIS: Yes. I do appreciate that
15 staff has been working on putting together that list, so
16 to the extent --

17 MR. MOLLER: So we will have that by the
18 next meeting so we can look to that at some point in the
19 future?

20 MS. BOURGEOIS: We can get you a list of
21 ones that we are aware of by the next meeting.

22 MR. MOLLER: And what's the process for
23 becoming -- are they required, if they know they're not
24 going to meet the requirements, to notify you or what's
25 was the process now?



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1 MS. BOURGEOIS: They have to provide
2 compliance documents evidencing that they're in
3 compliance, and so then those are reviewed by staff and
4 then we are -- I believe staff is finalizing the process
5 and the paperwork by which they then send to the locals
6 for their consideration and recommendation.

7 MR. MOLLER: Do they do that once a year or
8 do they do that when it's time for renewal?

9 MS. BOURGEOIS: That would be annually
10 because the companies have an annual jobs and payroll
11 requirement.

12 MR. MOLLER: Okay.

13 SECRETARY PIERSON: It's a very complex set
14 of questions. These are manufacturing exemptions, and
15 there's usually a ramp-up period that's happening during
16 that early first segment of the contract, we've got the
17 backdrop of COVID. There's a lot of disruption out
18 there. We can try to get this information to you, and
19 we'll do our very best to do that, but there's a lot of
20 complexities involved here.

21 MR. JONES: All right. Any other questions
22 or comments?

23 (No response.)

24 MR. JONES: Hearing none, all in favor of
25 the motion, say -- I'm sorry. I didn't ask for the



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1 public. Forgive me, Mr. Waltzer. Please come forward.

2 Again, state your name.

3 MR. WALTZER: Joel Waltzer, individually and
4 on behalf of Together Louisiana.

5 You know, this clearly modifies -- it's a
6 change in the policies. It is policy that is applicable
7 to all of the ITEP recipients, and this very, very
8 clearly is a rulemaking matter. Whether you write
9 "Motion" on the top or you write "Rule" on the top, it's
10 universally applicable to the set of people who would
11 come in and are not compliance or whatever.

12 MR. JONES: Except -- just one correction.
13 It's only these 2017, 2018 rules. It's not all. Not
14 everyone. It's not applicable to everyone.

15 MR. WALTZER: I understand that. Meaning
16 it's applicable to everyone who follows within that
17 regime. Within that regime.

18 MR. JONES: Okay.

19 MR. WALTZER: This has to go to notice and
20 comment, and it's good for it to go to notice and
21 comment because it can give people time to look at it,
22 it can give local governments time to look at the
23 verbiage; right? And to comment to you guys and to
24 suggest changes that are appropriate; right?

25 I mean, I just looked at this a little bit



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1 ago, and I, you know -- think what you will. I really
2 do care that we have a process that works, and, I mean,
3 I see some issues and questions are raised. It seems to
4 me that the motion does tend to tie your hands by saying
5 well, some things are off limits, like shortening the
6 term of the thing, you know, or lowering the percentage.
7 That seems needless to me. You know, where the company
8 is saying "Yeah, we're not meeting our obligations,
9 we're scaling back. Shouldn't you also be able to scale
10 back?" And, again, in some ways it appears that it
11 would be depriving local governments of say, and
12 certainly situations where now it may be considered
13 those, you know, the ones that have been carved out that
14 must go to new local governments. Maybe those are the
15 more significant ones, and that was determination that
16 was made when they were drafting the motion, but the
17 point is that you need the notice and comment. I mean,
18 it's the law, and it serves a really valid and good
19 point, which is it's going to give the local government
20 an opportunity to give input, it's going to give the
21 public an opportunity for input. And, I mean, it's not
22 that big of deal.

23 You know, I also think that, you know, what
24 this is isn't that basically these are going to be
25 recipients who received a very large, in some instances



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1 possibly, large remunerative benefit, and now, you know,
2 how now they're going to get caught not having met their
3 obligations. Maybe some happen for good reason, some
4 don't. You know, I'm also interested to know whether
5 their self reporting requirements, not on an annual
6 basis, but when something changes and goes down, then
7 that would, again, be something that could be possibly
8 incorporated into a rule because that's what this is.
9 It's a rule. It's like -- and so my bottom line is I
10 suppose, you know, this is really about enforcement.
11 This is about how the Board enforces the contracts, the
12 Exhibit A's, and, you know, you don't fix things that
13 aren't really broken and you don't do it hodgepodge. If
14 we have a deficiency, you know, put it out there, let
15 people consider it, really consider it, and give you
16 specific language change for your consideration, and
17 this is in my view.

18 Adopting this and saying that this is now
19 our rule going forward for everything that applies to
20 2017 and 2018 is an actual illegal rulemaking, and it's
21 just going to lead to further, you know, problems down
22 the road, it could, where you would then take an action
23 based on this illegal rulemaking, and the very people
24 that, you know, they don't like it, now they're going to
25 say "Yeah, but these rules don't apply because it was



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1 pursuant to an illegal rulemaking, null and void, gone."

2 MR. JONES: Thank you.

3 Ms. Bourgeois, do you care to comment?

4 MS. BOURGEOIS: I guess to provide a little
5 more context, what the rule requires, what this was
6 based on was Section 503(E), and what Section 503(E)
7 says is that in order to receive the Board's approval,
8 applications filed after 2016 shall include an Exhibit
9 A," and that's what we're talking about; right? And the
10 rule provides that there are six different things that
11 go along with that Exhibit A that shall be in Exhibit A.
12 One is the jobs and payroll, and that's really kind of
13 what we're talking about, I think, that we're
14 anticipating the most, and that's what we're saying that
15 that is negotiable. And so the two is the terms of the
16 exemption, the percentage and the years. Three is a
17 process for renewal. Four is notifying the locals
18 having input on compliance and six is the ROI.

19 So we're not changing the rules. We're
20 simply layering onto that how the Board will consider a
21 request for an amendment to that Exhibit A. It is in no
22 means altering what is required by the rules.

23 MR. JONES: Sure.

24 MS. MALONE: So if, let's say we don't, you
25 know, pass this motion and we just proceed as is and one



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1 of these comes up to the Board and we would probably set
2 a precedent, as Secretary said, go back to your locals
3 first and come back and tell us what your locals, you
4 know, will agree with. And so similar to the fact where
5 like if you're up for late renewal and you're not here,
6 we typically deny the renewal, and so now staff tells
7 these applications who are up for late renewal you
8 better come or they're going to deny your renewal;
9 correct? And that's not in the rules; correct?

10 MS. BOURGEOIS: Correct.

11 MS. MALONE: So this is essentially
12 establishing a process by which we will, I guess, set a
13 precedent of we want you to go your locals first and
14 have the locals make a recommendation of whether or not
15 they want to make this amendment to the jobs and payroll
16 before we act. So we're not taking any steps out of the
17 process. We're just setting a precedent by this motion
18 of how we want things to happen in order to revise the
19 Exhibit A.

20 MS. BOURGEOIS: Yes. You're -- that's a
21 great way to state it. We're -- I think what we're
22 doing is setting up the parameters by which the Board
23 will and won't consider an amendment to an Exhibit A.

24 MS. MALONE: Okay.

25 MR. JONES: Mr. Saizan, did you have --



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1 MR. SAIZAN: I'd just like to call a
2 question.

3 MR. JONES: We have a call for question.
4 Any objection?

5 (No response.)

6 MR. JONES: Are you objecting?

7 MS. BOURGEOIS: We have to vote on call of
8 question.

9 MR. JONES: Okay. Let's vote on call.
10 All in favor of call for question, say
11 "aye."

12 (Several members respond "aye.")

13 MR. JONES: Any opposed?

14 MR. MOLLER: No.

15 MR. JONES: We have one opposition. So
16 what's my --

17 MS. BOURGEOIS: I believe now you vote.

18 MR. JONES: All right. We have a motion,
19 and a question has been called with a proper vote.

20 Now, all in favor of the motion, say "aye."

21 (Several members respond "aye.")

22 MR. JONES: Any opposed?

23 MR. MOLLER: No.

24 MR. JONES: We have one no.

25 That is it for our agenda, except we have



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1 comments from our Secretary.

2 SECRETARY PIERSON: I know the hour grows
3 late. I'll be very brief, but I want to acknowledge
4 Mr. Joel Waltzer and the participation by Together
5 Louisiana today in a very professional way, pointing out
6 areas where there remains a shallow misunderstanding.
7 We understand that restoration, rehabilitation and
8 routine maintenance are disallowed, and appreciative of
9 this professional and detailed dialog on behalf of the
10 public.

11 We remain mindful of devastation in
12 Southwest Louisiana, working hard over in Lake Charles.
13 It's tough. It's a tough scene, but we do have some
14 exciting new announcements around the state in the
15 coming weeks, some big projects in some areas that we
16 really need them. Our interactions with our existing
17 industries are growing great, a lot of news coming
18 there, and we continue a very strong focus in our rural
19 areas where we've seen a lot of investment, but there's
20 a lot of focus there. And also in support for small
21 businesses, some tremendous, accredited initiatives are
22 coming down from the federal government that are going
23 help us with Loan Guaranty programs and other programs
24 that support entrepreneurship.

25 Again, thank you for the Board members here



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1 today for your participation in the important activities
2 that allow us to move the state forward.

3 Thank you.

4 MR. JONES: Thank you, Mr. Secretary.

5 Anything else for the good of the order?

6 (No response.)

7 MR. JONES: I'll entertain a motion to
8 adjourn.

9 We have a motion and a second.

10 All in favor, say "aye."

11 (Several members respond "aye.")

12 MR. JONES: Any opposed?

13 (No response.)

14 MR. JONES: Motion carries. We will see
15 you-all in June. Thank you.

16 (Meeting concludes at 1:08 p.m.)

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