



March 26, 2018

Via Hand Delivery

Ms. Lora W. Johnson, CMC
Clerk of Council
Room 1E09, City Hall
1300 Perdido Street
New Orleans, LA 70112

**Re: 2018 Triennial Integrated Resource Plan
of Entergy New Orleans, Inc.
Docket No. UD-17-03
Initiating Resolution, R-17-430**

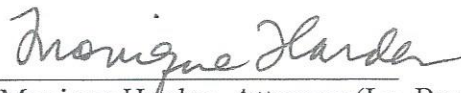
Dear Ms. Johnson:

Please accept this filing on behalf of the Alliance for Affordable Energy (AAE) and the Deep South Center for Environmental Justice (DSCEJ). The two organizations are Intervenor in the above referenced docket. Enclosed are the original and three copies of the letter by AAE and DSCEJ to the City Council.

Please return one date-stamped copy to our courier for our records and file the remaining original and two copies into the docket in this matter.

An electronic copy of this filing will be served today by electronic mail on all parties on the official service list for this docket.

Very truly yours,



Monique Harden, Attorney (La. Bar No. 241128)
Deep South Center for Environmental Justice
Mailing address: 3157 Gentilly Blvd. #145
New Orleans, LA 70122

/s/ Logan Burke

Logan Burke, Executive Director
Alliance for Affordable Energy
P.O. Box 751133
New Orleans, LA 70175

cc: Official Service List for Docket UD-17-03

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Via Electronic Mail

Jason Williams, Councilmember-at-Large
Stacy Head, Councilmember-at-Large
Susan G. Guidry, Councilmember District A
LaToya Cantrell, Councilmember District B
Nadine Ramsey, Councilmember District C
Jared Brossett, Councilmember District D
James Gray II, Councilmember District E
City Hall
1300 Perdido Street
New Orleans, La 70112

**Re: 2018 Triennial Integrated Resource Plan
of Entergy New Orleans, Inc.
Docket No. UD-17-03
Initiating Resolution R-17-430**

Dear Councilmembers:

We respectfully urge you to reconsider a provision in Council Resolution R-17-430 that pertains to the procedure for intervenor and public participation in the 2018 Triennial Integrated Resource Plan. As the Council is aware, this resolution establishes the procedure for Entergy, the public and multiple stakeholders to develop a plan on how energy will be made and used in New Orleans over the next 20 years. This plan is known as the Integrated Resource Plan.

We request that this letter be placed on the March 28, 2018 meeting agenda of the Utility, Cable, Telecommunications and Technology (UCTT) Committee for discussion.

At issue is the provision in Council Resolution R-17-430, which sets forth that the technical meetings on energy planning will be conducted confidentially. The provision is an unprecedented departure from past technical meetings which had no such restriction. For the foregoing reasons, we register our objection to this provision, which reads as follows:

Intervenor and Public Participation: “Whereas, the Council clarifies that the **technical meetings** among the parties to attempt to reach consensus on the Planning Scenarios and Planning Strategies **shall be treated as settlement negotiations**”¹

¹ City Council Resolution R-17-430, August 10, 2017, p. 3 (emphasis added).

Given that settlement negotiations are confidential matters requiring non-disclosure of all information (not just confidential business information or highly sensitive materials), we believe that conducting technical meetings in this manner would contravene the goal,² purpose,³ and definition of Integrated Resource Planning.⁴ The notion of imposing confidentiality provisions, in effect a gag order, was not discussed or debated during the rulemaking proceeding. Nor was the meaning of this substantial change identified or discussed during the multiple UCTT Committee meetings where rule language revisions were taken up. That this provision was familiar only to the Advisors and Entergy alone, and came as a complete surprise to all of the intervenor parties when the first technical meeting was convened raises serious red flags. Ultimately, the secrecy provision in Resolution R-17-430 is not a clarification, but a contradiction of the rules for Integrated Resource Planning, which require an open and transparent process that allows for public input.

Electric Utility Integrated Resource Plan Rules

City Council Resolution R-17-429, August 10, 2017, Attachment B

Preamble: “These IRP rules are intended to inform and empower effective Council and utility decisionmaking, while . . . enhancing public awareness of and input into the utility’s energy choices Further the Council wishes to encourage and enforce a transparent process that allows all interested constituents and stakeholders to participate . . .”

Overview, Section 1(A): “The purpose of these rules is to establish an open and transparent process”

Definitions, Section 2(A)(8): “Integrated Resource Planning – is an open and transparent process”

Furthermore, there is only one section in the Electric Utility Integrated Resource Plan Rules that establishes the process and requirements for a technical meeting. This section, as set forth below, does not require a technical meeting to be conducted in secrecy.

Electric Utility Integrated Resource Plan Rules

City Council Resolution R-17-429, August 10, 2017, Attachment B

IRP Process Requirements, Section 9(A)(2): “At least four technical meetings attended by the parties in the Docket focused on major IRP components that include the Utility, Intervenors, CURO, and the Advisors with structured comment deadlines so that meeting participants have the opportunity to present inputs and assumptions and provide comments, and attempt to reach consensus while remaining mindful of the procedural schedule established in the Initiating Resolution.”

The provision for conducting all technical meetings in secret departs from this Council’s customary procedure that balanced the public need for notice and input on energy planning with the utility’s need to protect confidential business information and highly sensitive materials.

² Electric Utility Integrated Resource Plan Rules, Preamble (Attachment B to City Council Resolution R-17-429, August 10, 2017).

³ Id., § 1(A).

⁴ Id., § 2(A)(8).

See, for example, Council Resolution R-14-224. This is an effective procedure, which allows the parties to communicate with constituents and members of the public about the technical meetings involving planning scenarios and planning strategies, while maintaining the confidentiality of protected information and materials. Council Resolution R-17-430 provides no reason for the change, which effectively turns the IRP proceeding into a closed-door negotiation until the plan is developed.

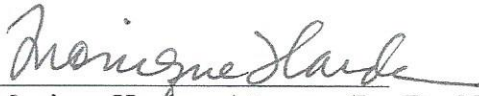
We wish to bring to the Council's attention the fact that the secrecy provision is now an issue in dispute among the parties in Docket No. UD-17-03. At the beginning of the first technical meeting on January 22, 2018, the Advisors and Entergy staff jointly cited the provision and asked meeting attendees to agree to keep the information that would be discussed in this and all other technical meetings confidential. No confidential business information or highly sensitive material was presented or discussed during the first technical meeting. The Alliance for Affordable Energy, Deep South Center for Environmental Justice and other intervenors objected to the request for secrecy by the Advisors and Entergy staff. The dispute was not resolved and hangs over the next technical meeting.⁵

In large numbers, New Orleanians have demanded energy planning that is open and transparent. This demand was expressed at each of the official public hearings on the 2015 Integrated Resource Plan, Entergy's first gas plant application, and Entergy's second gas plant application. New Orleanians brought this demand directly to Councilmembers at the UCTT Committee meetings on the 2015 Integrated Resource Plan and the Entergy gas plant applications as well as the full Council meeting on Entergy's second gas plant application on March 8, 2018. Given that a significant part of energy planning is developed in the technical meetings, it is critical that these meetings not be conducted with a gag order on the parties.

We urge the Council to return to the procedure for Integrated Resource Planning that allows for public discourse and public engagement on non-confidential information in the technical meetings. We suggest that the Council's adoption of the Official Protective Order in Resolution R-17-430 provides sufficient protection for confidential business information and other highly sensitive materials that may be produced in this docket.

We appreciate your consideration of this request to uphold the Integrated Resource Planning rules for an open and transparent process on charting the future of energy in New Orleans.

Respectfully submitted,


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New Orleans, LA 70122

/s/ Logan Burke
Logan Burke, Executive Director
Alliance for Affordable Energy
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cc: Official Service List for Docket UD-17-03

⁵ At the request of the utility advisors, the next technical meeting has been rescheduled from April 2018 to September 2018. Advisors' Motion to Extend Procedural Schedule, Docket No. UD-17-03, March 16, 2018.