

Myron Katz, Vice President  
ProRate Energy  
302 Walnut St,  
New Orleans, LA 70118  
[MKatz@ProRate.Energy](mailto:MKatz@ProRate.Energy),  
[Myron.Bernard.Katz@gmail.com](mailto:Myron.Bernard.Katz@gmail.com)  
504-343-1243

February 28, 2022

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

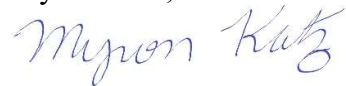
**IN RE: SYSTEM RESILIENCY AND STORM HARDENING  
Council Docket No. UD-21-03**

Dear Ms. Johnson:

Intervenor ProRate Energy, Inc., (“PRE”) respectfully submits this motion in opposition to Entergy New Orleans, LLC’s (“ENO”) February 10, 2022, Motion to Extend Deadline, and as Amended February 17, 2022, to rebut assertions filed by ENO on February 25, 2022. As a result of the remote operations of the Council’s office related to Covid-19, PRE submits this filing electronically and will submit the original and requisite number of hard copies once the Council resumes normal operations, or as you direct. PRE requests that you file this submission in accordance with Council regulations as modified for the present circumstances.

If you have any questions or concerns about this request, please contact me at your convenience.  
Sincerely,

Myron Katz, PhD



Enc.

cc: Official Service List by Electronic Mail

**BEFORE THE  
COUNCIL OF THE CITY OF NEW ORLEANS**

**IN RE: SYSTEM RESILIENCY AND                    )                    DOCKET NO. UD-21-03**  
**STORM HARDENING                                    )**

**PRORATE ENERGY, INC’S MOTION IN OPPOSITION TO ENTERGY NEW  
ORLEANS, LLC’S MOTION TO EXTEND DEADLINE REBUTTAL**

Intervenor ProRate Energy, Inc (“PRE”, “we” or “our”) respectfully submits this rebuttal to assertions made by Brian Guillot on February 25, 2022, in opposition to both of Entergy New Orleans, LLC’s (“ENO”) motions to extend the March 1, 2022, deadline for submission of direct testimony contained in the City Council’s October 27, 2021, Resolution No. R-21-401.

Mr. Guillot asserted:

“On February 18, 2022, Hearing Officer Gulin issued an Order requiring oppositions to be filed by February 23, 2022. Myron Katz, of ProRate Energy, Inc., was the only party to timely file an opposition to the Amended Motion . . .

“What is clear, however, is that the Opposition offers no legal or factual basis for the objection to the Company’s legitimate and reasonable request for an extension.

“... the Company notes that the language in Resolution R-21-401 does provide a sufficient path to address his stated desire to file ProRate’s plan “as soon as possible” (Opposition at 6).

Specifically,

Resolution R-21-401 states as follows:

‘6. Parties are directed to submit to the Council a system resiliency and storm hardening plan no later than March 1, 2022. Such plans should include:

- a. A detailed explanation of the specific investments to be made under the plans including a proposed timeframe for such investments;
- b. A detailed explanation and, as appropriate, calculations of the benefits to be achieved through each investment, and
- c. A detailed explanation of the estimated costs of the plans along with proposed cost recovery mechanisms and rate impact calculations’

Based on this explicit language, parties are not precluded from filing their plans earlier than the deadline and Mr. Katz is free to file without delay.

In summary, the Company made a showing in its Amended Motion that more time reasonably is needed to recommend an appropriate and optimal set of measures and to avoid unnecessary costs to customers. ENO respectfully suggests that no legitimate reason has been offered to reject the Company’s reasonable request.”

The following reiterates, clarifies, and further explains using three assertions why a delay granted to ENO compromises the effectiveness of ProRate Energy's Testimony.

1. ENO's requested delay if approved will cause delays and full consideration of all proposals through all the steps spelled out in the Council's resolution creating UD-21-03: A plain reading of the following makes clear that any plan put forward by ProRate Energy could not be fully considered under UD-21-03 until ENO submitted their plan, hence this delay will unnecessarily delay critical storm hardening and resilience activities.

" 6. Parties are directed to submit to the Council a system resiliency and storm hardening plan no later than March 1, 2022. Such plans should include:

- a. A detailed explanation of the specific investments to be made under the plans including a proposed timeframe for such investments;
- b. A detailed explanation and, as appropriate, calculations of the benefits to be achieved through each investment; and
- c. A detailed explanation of the estimated costs of the plans along with proposed cost recovery mechanisms and rate impact calculations.

7. A discovery period will commence on March 1, 2022, all responses to discovery shall be made on a rolling basis and shall be due within 15 calendar days of receipt. Parties are encouraged to submit their data requests and responses electronically, where possible. Objections to data requests shall be filed within 5 days of receipt. All parties are strongly encouraged to provide complete, unambiguous, and non-evasive responses to requests for information. Failure to do so could cause unnecessary discovery disputes and may disrupt the procedural schedule outlined herein. The parties are encouraged to attempt to resolve their discovery disputes amicably prior to seeking the intervention of the Hearing Officer or appealing to the Council. The discovery deadline shall be 15 days prior to the deadline for the submission of the Advisors' Report to the Council.

8. All discovery and related dates are to be strictly adhered to by the Parties, and enforced by the Hearing Officer, unless there is a compelling reason for allowing late responses. If despite this admonition, the Hearing Officer allows late discovery responses, he/she is directed to alleviate any prejudice suffered by any Party due to the late responses, including through adjustments to the procedural schedule. Continued dilatory tactics by the Parties in the discovery process are strongly discouraged."

2. ENO has had ample time to create the plans since the resolution passed the Council on Oct 27, 2021, and even before that since Hurricane Ida happened on August 28, 2021. Utilities perform

planning of this sort continually with yearly Transmission and Distribution Planning activities hence this request from the Council should not have been a surprise or undue burden. Utilities are expected to be ALWAYS PLANNING.

3. Whether ENO's plan can do anything on the demand side is irrelevant, what is relevant is that faster acting and cheaper plans will be delayed from due and timely consideration by accepting ENO's request to delay the start of the process.