NO. R-08-449

BY: COUNCILMEMBERS MIDURA, CARTER, HEDGE-MORRELL AND WILLARD-LEWIS

RESOLUTION AND ORDER REGARDING ENO’S OBJECTIONS TO ALLIANCE OUT OF TIME INTERVENTION REQUESTS AND COUNCIL WAIVER OF FILING FEES; AND TO REAFFIRM IRP DOCKET

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans (“Charter”), the Council of the City of New Orleans (“Council”) is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and

WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and

WHEREAS, Entergy New Orleans, Inc. (“ENO” or “Company”) is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward (“Algiers”), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC (“ELL”) provides electric service to the Algiers section of New Orleans; and

WHEREAS, on June 5, 2008, the Council adopted Resolution R-08-292, which established Docket No. UD-08-01, for the purpose of considering the appropriate retail rate treatment for any rough production equalization payments and receipts between ENO and the other Operating Companies by virtue of FERC Opinion Nos. 480 and 480-A; and

WHEREAS, also on June 5, 2008, the Council adopted Resolution R-08-295, which established Docket No. UD-08-02, for the purpose of proposing a rulemaking to establish integrated resource planning components and reporting requirements for ENO; and

WHEREAS, though it was clearly the intent of the Council to conduct its rulemaking relative to integrated resource planning in a docketed proceeding the docket number was omitted from Resolution R-08-295, though it was included on the Official Service List of the integrated resource proceeding; and

WHEREAS, in both Dockets UD-08-01 and UD-08-02, the Council established an intervention period of 30 days from the date of the adoption of the resolutions establishing the dockets; and

WHEREAS, the Company has filed an objection to both of the Alliance for Affordable Energy’s (“Alliance”) request for intervention;

WHEREAS, as the Company correctly states with respect to the intervention request of the Alliance in both Docket Nos. UD-08-01 and UD-08-02, the Alliance filed its requests forty days after the Council adopted Resolution R-08-292 and Resolution R-08-295, or eight (8) days out of time; and

WHEREAS, notwithstanding the fact that ENO asserts the Alliance’s intervention requests in the Dockets were eight (8) days late, ENO does not allege it has suffered any harm or prejudice by the Alliance’s out of time intervention requests; and

WHEREAS, ENO does not allege the proceedings in the Dockets will in any way be retarded; and

WHEREAS, separate and timely-filed intervention requests have been filed in both Docket Nos. UD-08-01 and UD-08-02 by the New Orleans Business Energy Council (“NOBEC”), which is an unincorporated association of industrial customers located with the City of New Orleans; and

WHEREAS, NOBEC, in its request for intervention in both Docket Nos. UD-08-01 and UD-08-02, also requested that all filing fees be waived; and

WHEREAS, NOBEC is a regular participant and contributor in regulatory proceedings before the Council; now therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT;

1. ENO’S objections to the Alliance for Affordable Energy’s request for intervention in both Docket Nos. UD-08-01 and UD-08-02 are hereby DENIED.

2. Consistent with the Council’s desire to encourage maximum participation in both Docket Nos. UD-08-01 and UD-08-02, all intervention filing fees are hereby WAIVED for all parties and, accordingly, the New Orleans Business Energy Council’s requests for waiver of filing fees in both Docket Nos. UD-08-01 and UD-08-02 are hereby GRANTED.

3. To extent there was any confusion regarding the rulemaking in Resolution R-08-295 relative to integrated resource planning, and whether it was a docketed proceeding, the

Council reaffirms its intention to conduct the proceeding in Docket No. UD-08-02

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Clarkson, Fielkow, Midura, Willard-Lewis - 5

NAYS: 0

ABSENT: Head, Hedge-Morrell - 2

AND THE RESOLUTION WAS ADOPTED.