NO. R-08-451 (AS AMENDED)

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

RESOLUTION AND ORDER TO OPEN DOCKET AND TO ESTABLISH PROCEDURAL SCHEDULE TO CONSIDER APPLICATION OF ENTERGY NEW ORLEANS, INC. FOR A CHANGE IN ELECTRIC AND GAS RATES PURSUANT TO COUNCIL RESOLUTION R-06-459

DOCKET NO. UD-08-03

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 the Agreement in Principal reached among ENO, the Advisors and certain intervenors on October 26, 2006, and subsequently adopted by the Council in Resolution R-06-459, on or before July 31, 2008, ENO was directed to file a Period I and Period II Base Rate Case using the 12 months ended December 2007 as the Period I test year and the 12 months ended December 2008 as the Period II test year; and

WHEREAS, the Council’s Advisors were directed to recommend a procedural schedule that will permit a decision by the Council on the merits of ENO’s said Base Rate Case within eight months of the date of the Base Rate Case filing; and

WHEREAS, on July 31, 2008, ENO filed its Application of Entergy New Orleans, Inc. for a Change in Electric and Gas Rates Pursuant to Resolution R-06-459 (“Application”); and

WHEREAS, in its Application, the Company proposes to reduce electric bills by approximately $23 million: $12.3 million in the form of revenue excess reallocated to generate an equivalent reduction in the fuel adjustment clause (“FAC”) and approximately $10.6 million in the form of a permanent recovery credit or 6.15% as a line-item reduction on customer bills; and

WHEREAS, the Company also proposes to design rates to reflect a gas base rate increase of $9.1 million; and

WHEREAS, according to the Company, the net effects of these proposed rate changes on typical monthly electric (with temporary recovery credit reflected in current bill calculations) and gas bills are as follows: the typical summer electric residential bill for 1,000 kWh will decrease from $114.91 to $111.87, a net decrease of $3.04. A typical electric commercial bill for 10 kW and 1825 kWh will decrease from $226.73 to $219.76, a net decrease of $6.97. A typical electric industrial bill for 250 kW and 91,250 kWh will decrease from $9,265.88 to $8,927.83, a net decrease of $338.05; and

WHEREAS, a typical gas residential bill for 50 ccf will increase from $79.52 to $87.75, a net increase of $8.23. A typical gas commercial bill for 20 mcf will decrease from $317.49

to $313.65, a net decrease of $3.84. A typical gas industrial bill for 1,000 mcf will decrease from $13,346.36 to $13,238.82, a net decrease of $107.54; and

WHEREAS, the Council intends to consider the Company’s Application in accordance with the terms of the Agreement in Principle and Resolution R-06-459, which means the Council will make its decision on the merits of the Application on or before March 31, 2009, i.e., not more than eight months from the date of the Base Rate Case filing; and

WHEREAS, the Council’s agreement to shorten the time for considering ENO’s Application was based, in part, on ENO’s pledge to work in a good faith manner with the Council’s Advisors and any intervenors during the discovery process so as to facilitate the exchange of discovery in a timely fashion; now therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that for the consideration of the application of ENO for a change in electric and gas rates, the following procedural schedule is hereby adopted[l1][l1].

1. These proceedings shall be conducted in Docket No. UD-08-03

2. Jeffrey Gulin is appointed the Hearing Officer to preside over the proceedings in this docket, including the conduct of the evidentiary hearing, scheduling, handling discovery, motions, assembling and transmitting the record to the Council at the close of the hearing without a report or recommended findings. For good cause shown and as required by the circumstances of the proceedings, the Hearing Officer shall have the authority to change or amend the dates established in the schedule set forth below. Provided, however, the record of these proceedings must be certified to the Council in time that the Council can make a decision on the merits of the application not later than March 31, 2009.

3. ENO and the Council’s Advisors are designated parties to these proceedings. Additionally, a period of 30 days from the adoption of this Resolution is established for interventions in this docket by individuals not herein designated as a party. Persons desiring to intervene shall do so by filing an intervention request with the Clerk of Council, with a copy submitted to Director, Council Utilities Regulatory Office, Room 6EO7 City Hall, 1300 Perdido Street, New Orleans, LA 70122; and to persons on the Official Service List of Docket UD-08-03 available from the Council Utilities Regulatory Office. All fees associated with the filing of interventions are hereby waived, in accordance with Section 158-286 of the City Code. Objections to intervention requests shall be filed within 7 days of such requests. Timely-filed intervention requests not objected to within that time period shall be deemed

GRANTED.

4. A period of discovery shall commence with the adoption of this Resolution and extend through December 19, 2008 (discovery requests must be made in time that responses may be received prior to the close of the discovery period). Responses to data requests shall be made on a rolling basis and shall be due in hand within 12calendar days of receipt (All requests received after 3 o’clock p.m. (central) on a Friday shall be deemed received the following business day). Parties are encouraged to submit their data requests and responses electronically, where appropriate. Objections to data requests shall be filed within 5 days of receipt. 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.

5. It is anticipated that during discovery, the parties may be required to produce documents or information that is deemed confidential and/or highly sensitive and, accordingly, the Council adopts for use in this docket its Official Protective Order adopted by Resolution R-07-432, a copy of which can be obtained from the Council Utilities Regulatory Office.

6. January 5-9 shall be set aside as the time for the conduct of the administrative hearing in this matter. Scheduling with respect to dates for filing testimony and briefs shall be established by further order of the Council, which may be modified for good cause by the Hearing Officer, working with the parties.

7. The Hearing Officer is to certify the record of the proceedings to the Council on or before February 28, 2009.

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, AS AMENDED, WAS ADOPTED.