NO. R-10-14

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

RESOLUTION AND ORDER TO REVISE A PROCEDURAL SCHEDULE DEADLINE FOR THE ISSUANCE OF THE

THIRD PARTY ADMINISTRATOR REQUEST FOR PROPOSALS FOR ENTERGY NEW ORLEANS, INC.’S ENERGY

SMART PLAN

DOCKET NO. UD-08-02

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City

of New Orleans, 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, the Council is responsible for making all necessary rules and regulations to govern

applications for the fixing or changing of rates and charges of public utilities and all petitions and

complaints relating to any matter pertaining to the regulation of public utilities; and

WHEREAS, Entergy New Orleans (“ENO” or “Company”) provides electric service to all of New

Orleans, except the Fifteenth Ward, Algiers, and gas service to all of New Orleans; and

WHEREAS, on April 2, 2009, the Council adopted by Resolution R-09-136 the March 25, 2009

Agreement in Principle in Docket UD-08-03 (“2009 AIP”), which, among other things, established certain

parameters of the Energy Smart New Orleans Plan (“Energy Smart Plan”), an energy efficiency and

conservation program to benefit all of ENO’s electric customers; and

WHEREAS, the Company filed on July 2, 2009 in Docket UD-08-02 its Application for Approval of

Programs to be included in the Energy Smart New Orleans Plan and Related Approvals Pursuant to

Resolution R-09-136 and the 2009 Agreement in Principle (“Energy Smart Application”); and

WHEREAS, pursuant to Resolution R-09-483 issued on September 17, 2009 in Docket UD-08-02, the

Council approved the Company’s Energy Smart Plan and related programs filed with its Energy Smart

Application, subject to the terms and conditions set forth in that Resolution; and

WHEREAS, the 2009 AIP provides that within sixty (60) days of the Council’s approval of the programs

in Docket UD-08-02 (i.e., on or by November 16, 2009), the Company shall issue a Request for Proposals

(“RFP”) for the selection of a Third Party Program Administrator (“TPA”) to administer and implement

the programs of the Energy Smart Plan not implemented by the Company; and

WHEREAS, the 2009 AIP also provides that an Independent Third Party RFP Monitor (“Independent

Monitor”) shall be selected by the Council to independently oversee all aspects of the Company’s

solicitation of interest and administration of the RFP bidding process for a TPA; and

WHEREAS, pursuant to the Council Motion M-09-482 issued on September 17, 2009, the Council

directed its staff to issue the Independent Monitor Request for Statements of Qualifications (“IM RFQ”)

to begin the competitive selection process pursuant to Council Rule 45 to select and hire an

Independent Monitor to oversee all aspects of the Company’s RFP development, implementation,

selection and recommendation to the Council of a TPA; and

WHEREAS, there were no responses to the Council’s initial IM RFQ issued on October 5, 2009, and

WHEREAS, on November 19, 2009, the Council re-issued the IM RFQ which provides that submissions

to the IM RFQ must be received by December 21, 2009 and the selection process is expected to be

completed shortly thereafter; and

WHEREAS, the Council, in Resolution R-09-483, recognizes that the TPA RFP process cannot begin

until such time as the Independent Monitor is selected by the Council and provides that upon the

selection of the TPA by the Company and the agreement of that selection by the Council, the final phase

of program development will begin with the goal of program startup and implementation as soon as

feasible in 2010; and

WHEREAS, in light of the need for the Independent Monitor to oversee all aspects of the Company’s

solicitation of interest and administration of the TPA RFP bidding process, it is critical that the

Independent Monitor be selected and in place prior to the issuance of the RFP for the TPA; now

therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT the date established

for the issuance of an RFP for a TPA for the Energy Smart Plan is revised as follows: Upon the selection

of an IM by the Council and the Council entering into a contract for the services of the IM in Docket

UD-08-02, the Council’s Chief of Staff shall notify the Company that the Council has entered into a

contract with the IM. The Company shall issue a Request for Proposals for selection of the Third Party

Administrator to administer and implement the Energy Smart Plan within sixty (60) days of receipt of the

Council’s notification.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE

ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Clarkson, Head, Hedge-Morrell, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Fielkow - 1

AND THE RESOLUTION WAS ADOPTED.