

**RESOLUTION  
R-17-426**

**CITY HALL: August 10, 2017**

**BY: COUNCILMEMBERS WILLIAMS, HEAD, GUIDRY, BROSSETT AND GRAY**  
**SUPPLEMENTAL AND AMENDING APPLICATION OF ENTERGY NEW ORLEANS,  
INC. FOR APPROVAL TO CONSTRUCT NEW ORLEANS POWER STATION AND  
REQUEST FOR COST RECOVERY AND TIMELY RELIEF**

**RESOLUTION AND ORDER ESTABLISHING A  
PROCEDURAL SCHEDULE FOR THE CONSIDERATION OF THE  
SUPPLEMENTAL AND AMENDING APPLICATION OF ENTERGY NEW  
ORLEANS, INC. FOR APPROVAL TO CONSTRUCT NEW ORLEANS POWER  
STATION AND REQUEST FOR COST RECOVERY AND TIMELY RELIEF**

**DOCKET NO. UD-16-02**

**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 and natural gas service to all of New Orleans; and

**WHEREAS**, ENO is a wholly-owned subsidiary of Entergy Corporation ("Entergy"). The other four operating companies are Entergy Arkansas, Inc. ("EAI"), Entergy Louisiana, LLC ("ELL"), Entergy Mississippi, Inc. ("EMI"), and Entergy Texas, Inc. ("ETI"). These five operating companies are referred to collectively as the "Operating Companies"; and

**WHEREAS**, on June 1, 2016, ENO deactivated Michoud Units 2 and 3 as a result of economic decisions based on maintenance and operational issues resulting in the loss of approximately 781 megawatts ("MW") of local capacity; and

**WHEREAS**, ENO sought approval to acquire approximately 500 MW of generation from Power Block 1 of the Union Power Station ("Power Block 1") located in El Dorado, Arkansas in an effort to offset a substantial portion of ENO's overall capacity needs; and

**WHEREAS**, on November 19, 2015, the Council approved resolution R-15-542 authorizing ENO to acquire Power Block 1 subject to certain terms and conditions; and

**WHEREAS**, on March 3, 2016, ENO acquired Power Block 1 and its related common assets; and

**WHEREAS**, ENO has indicated to the Council that it has a remaining long-term peaking/capacity need requiring new resource(s) capable of meeting those needs; and

**WHEREAS**, on June 20, 2016, ENO filed an Application for Approval to Construct New Orleans Power Station and Request for Cost Recovery and Timely Relief ("Original Application"); and

**WHEREAS**, the Original Application sought approval to construct the New Orleans Power Station ("NOPS"), an advanced 250 MW capacity (226 MW during summer conditions) combustion turbine ("CT") located at ENO's Michoud facility in New Orleans East; and

**WHEREAS**, in addition to a finding that NOPS is in the public interest, ENO also requested approvals relating to appropriate cost recovery, a construction monitoring plan, and a procedural schedule to permit a Council decision on its Original Application by January 31, 2017 which would result in commercial operation of NOPS in October 2019; and

**WHEREAS**, in support of its Original Application, the Company submitted the Direct Testimonies of Charles L. Rice, Orlando Todd, Seth E. Cureington, Jonathan E. Long, Charles W. Long, Shauna Lovorn-Marriage, and Robert A. Breedlove; and

**WHEREAS**, ENO asserted in its Original Application that it has a remaining overall long-term capacity need of approximately 123 MW in 2016 and up to 205 MW by 2030; and

**WHEREAS**, ENO also stated that its resource needs come at a time when the MISO South capacity market is expected to tighten and reach equilibrium (the point at which supply and demand meet) by 2022; and

**WHEREAS**, the Company asserted that although it continues to seek opportunities to offset some of its capacity needs with energy efficiency and demand-side management ("DSM") programs, as well as adding renewable resources to its generation portfolio, such resources are not alternatives to NOPS and cannot fill the long-term peaking/reserve capacity deficit in a cost effective manner during the long-term planning period; and

**WHEREAS**, ENO maintained that its long-term planning indicates a need for a local resource that can support local reliability, reduce reliance on transmission and resources outside of Orleans Parish, and facilitate storm restoration; and

**WHEREAS**, according to ENO's Original Application, the then-current estimated cost to construct NOPS was \$216 million, which reflects the use of a fixed-price, fixed duration form of engineering, procurement, and construction services contract; and

**WHEREAS**, the Company also asserted that the construction of NOPS is expected to have a positive impact on the economies of the State of Louisiana and Orleans Parish, including hundreds of millions of dollars in economic benefits in terms of new business sales, household earnings, and jobs in both the State and Parish economies; and

**WHEREAS**, ENO's Original Application also stated that the Integrated Resource Planning ("IRP") process, conducted in Council Docket No. UD-08-02, identified an overall long-term need for capacity as well as a need for long-term peaking and reserve resources; and

**WHEREAS**, the Company conducted a DSM Potential Study, Generation Technology Assessment, and Portfolio Evaluation which evaluated a range of viable supply and demand-side alternatives, and ENO asserted that the results of the Final IRP support the conclusion that a CT resource is the lowest reasonable cost resource addition capable of meeting the Company's overall capacity needs; and

**WHEREAS**, the Original Application included a proposed cost recovery plan which identified certain cost recovery mechanisms to be utilized by the Company to recover non-fuel costs, Long Term Service Agreement expenses, fuel expenses and any revenue or expense resulting from MISO market settlements; and

**WHEREAS**, ENO sought approval of its proposed Monitoring Plan whereby the Company would make periodic progress reports to the Advisors and the Council during the construction phase of the project; and

**WHEREAS**, ENO's Original Application requested that the Council grant the following approvals and relief:

1. Find that the Company's construction of NOPS serves the public convenience and necessity and is in the public interest, and is therefore prudent;
2. Confirm that the Company's investments made pursuant to a public interest determination by the Council are presumed prudent and eligible for recovery from customers, and that the Company will have the full and fair opportunity to recover all prudently-incurred costs of the project;
3. Find that retail non-fuel revenue requirement associated with the Project (to be determined in a subsequent revenue requirement filing)

is deemed eligible for recovery in the first billing cycle in the month following commercial operation of NOPS via applicable PPCACR Rider, which would be modified for such purpose, or a similar exact cost recovery rider;

4. Approve recovery, through the applicable FAC, of the energy costs and expenses incurred under NOPS' LTSA;
5. Approve the Monitoring Plan under which the Company will:  
(i) report to the Council Advisors on a quarterly basis the status of NOPS, including schedule, costs and other critical associated activities, and (ii) receive written acknowledgement from the Council Advisors;
6. Rule that, with respect to the Project described in the Application, the Company has complied with, or is not in conflict with, the provisions of all applicable Council resolutions;
7. Grant a waiver of any applicable requirement to the extent that such waiver may be required to facilitate approval of the transaction described in this Application;
8. Develop and implement appropriate procedures to facilitate a Council decision on the Application no later than January 31, 2017; and
9. Order such other general and equitable relief as to which the Company may show itself entitled; and

**WHEREAS**, on August 11, 2016, the Council adopted Resolution R-16-332, which established this docket and allowed for an intervention and discovery period; and

**WHEREAS**, the Alliance for Affordable Energy ("Alliance"), PosiGen, Air Products and Chemicals, Inc., Gulf States Renewable Energy Industries Association, Occidental Chemical Corporation<sup>1</sup>, New Orleans Cold Storage & Warehouse Co. Ltd., the Sierra Club, and Deep South Center for Environmental Justice Inc. ("DSCEJ"), intervened in this docket; and

**WHEREAS**, included with its request for intervention, the Alliance filed a reply motion

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<sup>1</sup> Occidental Chemical Corporation requested a Withdrawal of its Petition of Intervention on May 5, 2017 and on May 8, 2017, the Hearing Officer granted Occidental's request.

to ENO's application requesting that the Council (1) reject ENO's proposed procedural schedule and convene a status conference to "ensure alignment in scope and schedule between the IRP, ENO's proposal for new generation, and examination of the specific transmission constraints, local installed capacity requirements, and resource alternative options" (2) open a new docket to study transmission constraints, local installed capacity requirements, and resource alternatives for meeting those requirements; and (3) conduct a second status conference to determine next steps for consideration of ENO's proposed combustion turbine generating unit; and

**WHEREAS**, the Alliance also urged the Council to set a procedural schedule that emphasizes the "critical importance of evaluating the many critical facts and assumptions that underlie ENO's proposal with the benefit of independent analysis, expert opinion, and meaningful stakeholder engagement"; and

**WHEREAS**, PosiGen also filed comments criticizing ENO's Original Application but did not address the Company's proposed procedural schedule; and

**WHEREAS**, ENO filed an opposition to the Alliance's motion on July 15, 2016 which asserted that the Alliance's motion was intended to deliberately "derail" the certification of the proposed project which, according to ENO's testimony, could expose customers to significant risks, including market risks caused by equilibrium, contractual escalation, and a loss of capacity revenue associated with NOPS; and

**WHEREAS**, throughout the 2015 IRP process, the Alliance has repeatedly challenged the inputs and assumptions developed by ENO for modeling the 2015 IRP; and

**WHEREAS**, ENO has acknowledged that it has been aware of the Alliance's concerns since ENO presented the IRP modeling results at Milestone 3, which occurred on February 26, 2015; and

**WHEREAS**, after receiving comments from the parties on its initial Draft IRP Plan on August 31, 2015, ENO ran a new "Stakeholder Input Case" where it made a few adjustments sought by the Advisors and the Intervenors, but also increased the size of the proposed CT facility from 194 MW in the Draft IRP Plan filed June 2015 to the 250 MW CT proposed in February 2016 -- this was a significant last-minute change regarding which the Intervenors and Advisors were given no notice or opportunity to comment, and for which no satisfactory explanation had yet been provided; and

**WHEREAS**, on July 14, 2016, the Council established a Show Cause proceeding in Resolution No. R-16-263 so ENO could demonstrate why its actions and omissions were not imprudent, and for the Council to consider ENO's actions and omissions; and

**WHEREAS**, among the multiple issues raised in the Show Cause resolution, was the Council's fundamental concern that ENO freely provide the information being sought by the Intervenors and the Council's Advisors in the IRP process including an explanation of and justification for the size of the proposed CT; and

**WHEREAS**, specifically, in its resolution the Council stated:

**WHEREAS**, the Council is extremely concerned that ENO has not provided adequate explanation in the IRP record for a CT larger than 194 MW. The increased size of the proposed CT has significant implications, particularly for energy efficiency, renewables integration and demand side management. We note that the Council, its Advisors, many stakeholders and members of the public have expressed a strong interest in balancing these issues. Yet, ENO has not "made its case" for the larger CT; and

**WHEREAS**, the Advisors have had numerous informal meetings and communications with ENO where the information and analyses to support the increase in size of the proposed CT plant were requested, and sought the same through discovery, but very little information had been

provided to the parties that would have allowed our Advisors to reach a conclusion regarding the appropriate size of the proposed CT; and

**WHEREAS**, the Council's concern regarding the increased size of the proposed CT and its implications, particularly for energy efficiency, renewables integration and demand side management had, likewise, not been completely addressed by ENO; and

**WHEREAS**, the Council's Advisors and other parties began conducting formal discovery and producing requested information in this docket regarding the proposed project; and

**WHEREAS**, on September 19, 2016, the Council's Advisors requested that ENO perform additional IRP modeling, using its AURORA resource planning software, which would include multiple, updated expansion plans and scenarios in order to assist the Council in determining whether the construction of NOPS is necessary and in the public interest; and

**WHEREAS**, ENO agreed to perform the additional modeling; and

**WHEREAS**, the additional modeling is critical to the Council in its obligation to (1) insure that ratepayers receive the most reliable electric and gas service at the lowest reasonable cost and (2) not preclude potentially cost-effective renewable resources and energy efficiency/demand side measures during ENO's resource planning horizon; and

**WHEREAS**, the Council required the results of the additional AURORA modeling before the dates set forth in the procedural schedule outlined in Resolution R-16-506 became effective; and

**WHEREAS**, the Council expressed its desire to provide the residents of the City of New Orleans with an open and transparent process that will allow for multiple opportunities for the public to communicate its views to ENO and the Council as they relate to the construction of the proposed project; and



**WHEREAS**, while the Council shared the Alliance's concerns regarding stakeholder participation and transparency in its regulatory proceedings, it found that an indefinite delay in establishing a procedural schedule in this docket was unwarranted; and

**WHEREAS**, the Council adopted Resolution R-16-506 and established a procedural schedule that would have allowed the parties to this proceeding to rigorously investigate the Original Application, conduct discovery, file testimony and otherwise establish a record upon which the Council could use to render a decision regarding ENO's Original Application; and

**WHEREAS**, the parties began conducting discovery, some intervenors filed testimony and our Advisors were days away from filing their direct testimony responding to ENO's Original Application; and

**WHEREAS**, on February 14, 2017, ENO filed a Motion to Suspend the Current Procedural Schedule Temporarily and to Set Date for Follow-Up Status Conference to allow the Company and all parties to evaluate what implications, if any, a recently updated forecast of ENO customer load may have with regard to its pending Original Application seeking Council approval to construct NOPS; and

**WHEREAS**, on February 21, 2017, the Hearing Officer granted the motion to temporarily suspend the procedural schedule, including the discovery process, and set a telephone status conference on March 6, 2017; and

**WHEREAS**, in the March 6, 2017 status conference ENO reported that due to its new load forecast information, it would be submitting a supplemental, amended Application in this proceeding within approximately 60-90 days and that it would file a motion for the Council to adopt a new procedural schedule with the supplemental, amended Application; and

**WHEREAS**, on March 7, 2017 the Hearing Officer granted the request that the procedural schedule in this proceeding be suspended until such time as the Council adopts a new procedural schedule and ordered ENO to submit a written status report to the parties in this docket on April 21, 2017; and

**WHEREAS**, ENO submitted its Status Report on April 21, 2017 indicating that the Company was in the process of conducting additional analyses that would be used in preparing its supplemental application and that the supplemental application would seek Council approval of either (1) the original New Orleans Power Station combustion turbine proposal filed in June 2016; or (2) an alternative proposal for approximately 126 MW unit, comprised of seven 18 MW reciprocating engines; and

**WHEREAS**, while the Company indicated in the March 6, 2017 Status Conference that it intended to make its filing within 60-90 days, ENO stated in its April 21, 2017 Status Report that it needed additional time to complete the analyses and the Company's internal review and approval process which could take until late June or early July; and

**WHEREAS**, on July 6, 2017, the Company filed its Supplemental and Amending Application of Entergy New Orleans, Inc. for Approval to Construct New Orleans Power Station and Request for Cost Recovery and for Timely Relief ("Supplemental Application"), which seeks, among other requests, authorization to proceed with constructing the NOPS, which will consist of either a CT resource with a summer capacity of 226 MW, or alternatively, seven Wärtsilä 18V50SG Reciprocating Internal Combustion Engine ("RICE") Generator sets ("Alternative Peaker"); and

**WHEREAS**, in addition to a finding that the construction of NOPS is in the public interest, the Company also requests approvals relating to appropriate cost recovery, a construction

monitoring plan, and a procedural schedule to permit a Council decision on the Supplemental Application no later than October 2017; and

**WHEREAS**, the Company submitted Supplemental and Amending Direct Testimony of Charles L. Rice, Jr., Seth E. Cureington, Jonathan E. Long, Charles W. Long, Bliss M. Higgins, George Losonsky, Ph.D., Orlando Todd, and Robert A. Breedlove in support of its Supplemental Application; and

**WHEREAS**, ENO asserts that, based on a study conducted by a qualified engineering firm, Worley Parsons, as described by Mr. Jonathan Long, the RICE units had the lowest levelized cost of electricity on a \$/MWh basis compared to alternative CTs in the same output range, as well as other benefits such as very low water usage, a low emissions profile, the ability to support renewable resources, and the inclusion of black-start capability; and

**WHEREAS**, the Council should also be aware that the current cost estimate for the original CT has increased by \$16 million bringing the overall cost estimate to approximately \$232 million; and

**WHEREAS**, the Company's current estimated cost to construct the Alternative Peaker is \$210 million, which reflects the use of a fixed-price, fixed-duration form of engineering, procurement, and construction ("EPC") services contract, subject to certain defined possible adjustments; and

**WHEREAS**, according to the Company, the construction of either NOPS project is expected to have a positive impact on the economies of the State of Louisiana and Orleans Parish and ENO expects that the construction and operation of either the CT or the Alternative Peaker will produce hundreds of millions of dollars in economic benefits; and

**WHEREAS**, Chicago Bridge and Iron, Inc. ("CB&I") would remain the EPC contractor to construct the CT, should the Council choose that option. Regarding the Alternative Peaker, the Company has chosen a different single-source EPC contractor, Burns and McDonnell ("B&M"); and

**WHEREAS**, B&M was selected through a procurement process as a result of its competitive pricing and prior experience with constructing resources that utilize RICE technology. By 2015, B&M had installed a total of 72 RICE engines, with 60 of these being Wärtsilä engines; and

**WHEREAS**, with respect to the Company's resource needs, ENO states that even based on the Company's updated load forecast, the Company still projects an overall need for capacity, specifically peaking and reserve capacity, over the next 20 years; and

**WHEREAS**, ENO also explains that the City of New Orleans is located in the eastern half of the Downstream of Gypsy ("DSG") and Amite South load pockets, and that it is therefore very sensitive to local reliability issues. The City is located in a geographical and electrical peninsula, bordered by water on the north, east, and south. Accordingly, its ability to import power into New Orleans over the transmission grid is limited; which makes the area highly dependent on local generation to meet customer demand; and

**WHEREAS**, the Supplemental Application states that many Amite South and DSG generators have recently been retired, or are nearing the end of their useful lives and, given the ages of many units still in operation, deactivation could happen sooner than planned; and

**WHEREAS**, ENO also asserts that the transmission analysis conducted by the Company indicates that if generation is not added, ENO's system may not remain reliable throughout the planning horizon absent costly transmission upgrades. In fact, the Supplemental Application

warns that if incremental generation is not added, and costly transmission upgrades are not performed, the Company's service territory will face the risk of cascading (or uncontrolled) outages under certain scenarios that would affect most of the New Orleans area; and

**WHEREAS**, the Company also claims that a local unit will assist in storm restoration in the event the City of New Orleans becomes islanded (where most of the transmission lines importing power into the city are severed), as it was after Hurricane Gustav. According to ENO, this important benefit of adding local generation cannot be overstated and is consistent with the Council's stated objective to harden the system in preparation for major weather events; and

**WHEREAS**, ENO's Supplemental Application requests Council approval as follows:

1. Find that the Company's construction of NOPS, either the originally proposed CT or the Alternative Peaker, serves the public convenience and necessity and is in the public interest, and is therefore prudent;
2. Confirm that the Company will have a full and fair opportunity to recover all prudently incurred costs;
3. Find that the retail non-fuel revenue requirement associated with the selected NOPS (to be determined in a subsequent revenue requirement filing) project is deemed eligible for recovery in the first billing cycle of the month following commercial operation of the selected NOPS, dollar-for-dollar for at least the initial twelve-months of operation via applicable PPCACR Rider, which would be modified for such purpose, or an alternative exact cost recovery rider. Following the first twelve-months, the associated non-fuel revenue requirement shall be realigned to ENO's FRP [Formula Rate Plan], if applicable, or otherwise remain in the approved exact recovery rider;
4. Approve recovery, through the applicable FAC [Fuel Adjustment Clause], of the energy costs and expenses incurred under the selected NOPS' LTSA, if applicable;
5. Approve the Monitoring Plan under which the Company will: (i) report to the Council's Advisors on a quarterly basis the status of the selected NOPS, including schedule, costs and other critical associated activities, and (ii) receive written acknowledgment from the Council's Advisors;

6. Rule that, with respect to the selected NOPS, the Company has complied with, or is not in conflict with, the provisions of all applicable Council Resolutions;
7. Grant a waiver of any applicable requirement to the extent that such waiver may be required to facilitate approval of the transaction described in this Application;
8. Develop and implement appropriate procedures to facilitate a Council decision on the Application no later than October 31, 2017; and
9. Order such other general and equitable relief as to which the Company may show itself entitled.

**WHEREAS**, on July 11, 2017, the Alliance, DSCEJ and Sierra Club (collectively referred to as the "Joint Intervenors") filed a reply stating that ENO's proposed procedural schedule, including a request for a Council decision by October 2017 is unreasonable and would deprive the public of its right to fully participate in this proceeding; and

**WHEREAS**, the Joint Intervenors argue that despite ENO's characterization of its filing as a Supplemental and Amending Application, the filing constitutes a new application which must be fully vetted by the City Council; and

**WHEREAS**, according to the Joint Intervenors, the parties' Due Process rights would be protected and the public would have an opportunity for more meaningful input if their procedural schedule is adopted;

**WHEREAS**, the Joint Intervenors recommend that ENO conduct one public meeting in each of the City Council districts, that the Council Utilities Regulatory Office ("CURO") conduct one public hearing, that parties have an opportunity to submit written testimony, that an evidentiary hearing be held, and that a briefing period be established; and

**WHEREAS**, the Council intends to provide the residents of the City of New Orleans with an open and transparent process that will allow for multiple opportunities for the public to

communicate its views to ENO and the Council as they relate to either of the proposed projects;  
and

**WHEREAS**, it is also the Council's desire to establish a procedural schedule that will allow the parties to this proceeding to rigorously investigate the Supplemental Application, conduct discovery, file testimony and otherwise establish a record upon which the Council may use to render a decision; and

**WHEREAS**, this Council will make its decision, as it does in all utility regulatory dockets, based on a fully developed and complete evidentiary record resulting from an open and transparent public process; now therefore:

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS**  
**THAT:**

1. An additional period of 30 days from the adoption of this Resolution is established for interventions in this docket. Persons desiring to intervene shall do so by filing a motion to intervene with the Clerk of Council and paying the applicable filing fee, unless such fee is waived pursuant to Council Resolution R-16-365. A copy of the motion shall be submitted to Director, Council Utilities Regulatory Office, Room 6E07 City Hall, 1300 Perdido Street, New Orleans, LA 70112. The Council's requirements for motions to intervene may be found in the City Code (which is available on the Council's website) at sections 158-236, 158-240, 158-286, 158-287, 158-288, 158-322, and 158-324. Objections to motions to intervene shall be filed within 7 days of such requests. Timely-filed motions to intervene not objected to within that time period shall be deemed GRANTED.

2. On August 11, 2016, the Council adopted Resolution R-16-332, which established this docket and a discovery period that shall extend through 8 days prior to the date of the Evidentiary Hearing. 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 7 calendar days of receipt. Parties are encouraged to submit their data requests and responses electronically, where appropriate. Any documentary discovery responses that are readily available for production upon request and are not the subject of a timely objection, shall be produced by the responding party as soon as practicable notwithstanding the 7 calendar day deadline established herein. Objections to data requests shall be filed within 3 days of receipt. Vague and non-specific objections are disfavored and all applicable statutes and rules governing discovery shall be liberally and broadly construed to facilitate a comprehensive evaluation of ENO's Supplemental Application. 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.
3. 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. 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 CURO.



4. Direct Testimony of Intervenors shall be filed not later than October 16, 2017.
5. Direct Testimony of Advisors shall be filed not later than November 20, 2017.
6. Rebuttal Testimony of ENO shall be filed not later than November 30, 2017.
7. The evidentiary hearing shall take place on Friday, December 15-and Monday-Tuesday December 18-19, 2017, and may be extended by the Hearing Officer as necessary. No later than two (2) weeks prior to the evidentiary hearing, the parties shall provide the Hearing Officer with a Joint Statement of Issues. The issues to be tried are limited to those included in the Joint Statement of Issues and any amendments thereto permitted by the Hearing Officer.
8. Each party may submit a post-hearing brief on or before January 19, 2018. The post-hearing briefs shall conform to the outline of the Joint Statement of Issues by the same number and caption.
9. The Hearing Officer shall certify the record of these proceedings to the Council not later than January 22, 2018.
10. To the extent technical conferences or settlement negotiations are required, they are to be arranged by the parties with the assistance of the Hearing Officer, if necessary.
11. For good cause shown and as required by the circumstances of the proceedings, the Council shall have the exclusive authority to change or amend the dates set forth herein.
12. Prior to December 4, 2017, ENO shall conduct a minimum of five public outreach meetings, one in each Council district, for the purpose of sharing information with, and answering questions from, the public related to the proposed projects. ENO shall provide notice of the public outreach meetings no later than 15 days prior to

each meeting and such notification shall be published in *The Times Picayune*, *Gambit*, *The New Orleans Advocate*, *The New Orleans Tribune*, and on ENO's website. The public outreach meetings shall take place after 5pm. Within 7 days following each public outreach meeting, ENO shall file a written report in the official docket of this proceeding indicating the date, time and location of the meeting, including a list of individual attendees and representatives of any community, civic, or other organizations present at the meeting.

13. In addition to the five public outreach meetings described in paragraph 8 above, the Council, through its Utilities Regulatory Office, shall conduct a public hearing in the Council Chambers in City Hall prior to December 4, 2017 for the purpose of receiving additional public comment related to the projects. A court reporter shall be present to record the statements made during the public hearing and the written transcript shall be filed in the official docket in this proceeding and made available for review in the Clerk of Council's office upon completion.
14. In light of the considerable public interest in this particular proceeding, interested persons wishing to receive email notices of any public meetings or public hearings regarding the CT application shall submit their email addresses to CURO at [pthomas@nola.gov](mailto:pthomas@nola.gov), [wtstrattonjr@nola.gov](mailto:wtstrattonjr@nola.gov), and [careed@nola.gov](mailto:careed@nola.gov), and following which CURO will forward such notices of public meetings or public hearings to the persons who submit their email addresses.

15. To the extent that the City Clerk's office closes before 5:00 pm on the date of any deadline contained herein, the deadline shall be extended to the next business day.

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

**YEAS: Cantrell, Gray, Guidry, Head, Ramsey, Williams - 6**

**NAYS: 0**

**ABSENT: Brossett - 1**

**AND THE RESOLUTION WAS ADOPTED.**

THE FOREGOING IS CERTIFIED  
TO BE A TRUE AND CORRECT COPY  
*Lera W. Johnson*  
CLERK OF COUNCIL