

MOTION

NO. M-18-137

CITY HALL: April 19, 2018

BY: COUNCILMEMBERS WILLIAMS, HEAD, BROSSETT AND GRAY

WHEREAS, on March 8, 2018, the Council of the City of New Orleans (“Council”) adopted Resolution R-18-65 (Resolution) approving Entergy New Orleans’ application to construct a 128 megawatt peaking gas plant (“New Orleans Power Station (“NOPS”) in New Orleans East; and

WHEREAS, on April 9, 2018, the Alliance for Affordable Energy, Deep South Center for Environmental Justice, 350-New Orleans, and Sierra Club (collectively, “Public Interest Intervenors”), filed a Petition for Rehearing; and

WHEREAS, the Council finds that the issues raised in Public Interest Intervenors’ petition are issues previously raised and addressed by the Council in its consideration of the ENO Application on its merits; and

WHEREAS, the Council hereby clarifies that it did not disturb Judge Gulin’s ruling regarding the exclusion of the designated portions of Dr. Wright’s testimony and the Resolution effectively denied the Public Interest Intervenors’ appeal of that decision; and

WHEREAS, Public Interest Intervenors at this late date raise the issue of the Department of Finance’s failure to participate in the proceeding, notwithstanding the fact that the Department had every opportunity to do so, having been a party on the Official Service List, which entitled it to receive, and it did receive, in real time all pleadings, testimony, discovery, and notices of developments in the proceeding as they occurred; and

WHEREAS, the argument urged by Public Interest Intervenors would abrogate the plenary

regulatory authority of the Council as provided in the Charter and would create a "pocket veto" in the Department of Finance contrary to the separation of powers provided in the Charter; **NOW THEREFORE**

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That considering the basis for the Petition for Rehearing to be without merit, said petition is hereby **DENIED.**

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

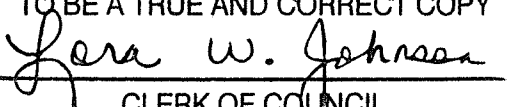
YEAS: Brossett, Cantrell, Gray, Head, Ramsey, Williams - 6

NAYS: Guidry - 1

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

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THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

CLERK OF COUNCIL