

RESOLUTION

NO. R-20-223

CITY HALL: July 16, 2020

**BY: COUNCILMEMBERS MORENO, WILLIAMS, GIARRUSSO, BANKS,
GISLESON PALMER, BROSSETT AND NGUYEN**

**RESOLUTION AND ORDER ESTABLISHING A DOCKET TO STREAMLINE
ENTERGY NEW ORLEANS REPORTING REQUIREMENTS TO THE
NEW ORLEANS CITY COUNCIL AND ACCOMPANYING
PROCEDURAL SCHEDULE**

DOCKET NO. UD-20-01

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, 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, LLC (“ENO”), is a public utility providing electric and natural gas service to all of New Orleans; and

WHEREAS, over the years, the Council has required ENO to submit various reports as listed in the attached Exhibit “A”; and

WHEREAS, the Council has evaluated the reporting requirements for each docket in Exhibit A and believes the current structure of these reporting requirements may not be the most efficient manner for the Council to receive the information it needs to fulfill its regulatory duties.

The Council wishes therefore to seek input from ENO, the Advisors, and interested parties as to which reports remain relevant to the Council's regulatory responsibilities and whether ENO's reporting requirements can be more effectively streamlined; and

WHEREAS, the Council wishes to establish a docket to streamline ENO's reporting obligations in order to mitigate regulatory costs and increase efficiency; and

WHEREAS, the purpose of this docket is not to create additional reporting, but to reduce ENO's current reporting requirements; and

WHEREAS, in accordance with the Streamline Docket, **NOW THEREFORE**

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

1. The Council establishes Docket No. UD-20-01 ("Streamline Docket") to consider revising ENO's current reporting requirements as listed in Exhibit A to the Council.
2. The Honorable Marie Auzenne (marie@auzennelaw.com) is hereby appointed as Hearing Officer in this docket and shall, for good cause shown, and as required by the circumstances of this proceeding, have the authority to change or amend the procedural dates set forth herein.
3. ENO and the Council's Advisors are designated as parties to this proceeding. Additionally, a deadline for intervention by other parties is set forth in the procedural schedule below.
4. The Council adopts the following procedural schedule:
 - a. Interested parties shall intervene in the docket within 15 days of the adoption of this Resolution by the Council. 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 No. R-16-365, with a copy submitted to the Chief of the 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, 158-240, 158-286, 158-287, 158-322, and 158-324. Objections to intervention requests shall be filed within five days of such requests. Timely-filed intervention requests not objected to within that time period shall be deemed GRANTED.

- b. Comments from all parties, including the Council Advisors, regarding this Streamline Docket shall be filed no later than September 14, 2020;
- c. Reply comments shall be filed no later than October 14, 2020.
- d. A Recommendation Memorandum from the Council Utilities Regulatory Office (“CURO”) shall be filed no later than November 18, 2020.
- e. Comments regarding the Recommendation Memorandum shall be filed no later than December 3, 2020.

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

YEAS: Banks, Brossett, Giarrusso, Gisleson Palmer, Moreno, Nguyen, Williams - 7
NAYS: 0
ABSENT: 0

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

AND THE RESOLUTION WAS ADOPTED.

EXHIBIT A / Reporting Matrix

R-20-223

NAME OF REPORT INITIATED	Docket	Per Council Resolution	PURPOSE OF REPORT
ENO's Biannual filing of Gas Design peak demand.	UD-97-2B	R-00-650 accepting settlement offers of ENO & S&WB in Dockets UD-97-2B and UD-98-2	The Company will submit to the Council for review, not later than March 1, 2002, based upon then currently available data and every twenty-four (24) months thereafter, the Company's model(s) and the output of all model(s) used for this purpose, as well as all workpapers used in the determination of the design-day peak demand. The Council will, based upon the Practices, then review the Company's forecast and thereafter will notify the Company as to whether the Company's forecast is consistent with the Practices and therefore acceptable. If the Council does not issue such a notification within one-hundred eighty (180) days of the Company's submission of the model, output, and workpapers, then the Company's determination of the design-day peak demand shall be deemed appropriate.
Post-MISO Integration Report	UD-11-01	R-15-139	Annual filing per the Summary of Proposed Post-MISO-Integration Reporting Guidelines, in Exhibit 4 to the Agreement in Principle attached to Council Resolution R-15-139.
Annual SAIFI and SAIDI Reports	UD-12-04	R-15-31	Vegetation-related SAIFI and SAIDI reports.
Annual Net Energy Metering Report	UD-13-02	R-07-132 Establishing Rules for Net Energy Metering, and R-09-484 Revising the NEM Rules	The utility shall file a report annually with the Council Utility Regulatory Office listing all existing Net Energy Metering facilities and the generator rating, and where applicable, the

Semi-Annual SSCR Rider Filing	UD-14-01	R-15-193 (Financing Order)	inverter power rating of each Net Energy Metering facility as of the end of the previous calendar year.
Annual SSCO Rider Filing	UD-14-01	R-15-193 (Financing Order)	Per the Financing Order adopted in Resolution R-15-193 on May 14, 2015 in regard to the Application of ENO for Certification of Costs Related to Hurricane Isaac and Related Relief and Application of ELL for Recovery in Rates of Costs Related to Hurricane Isaac and Related Relief in Algiers, ENO as the Servicer of the Storm Recovery Bonds is to apply for a mandatory periodic True-up of the Rate Adjustment to the Securitized Storm Cost Recovery Rider SSCR ("Rider SSCR"). Each semi-annual true-up shall be filed with the Council at least 15 days prior to the first billing cycle of the month in which the proposed Rate Adjustment will be in effect.
ENO's Mid-Year Report on Actual Revenue Requirement associated with the Union Power Station Power Block 1	UD-15-01	R-15-542	Per the Financing Order adopted in Resolution R-15-193 on May 14, 2015 in regard to the Application of ENO for Certification of Costs Related to Hurricane Isaac and Related Relief and Application of ELL for Recovery in Rates of Costs Related to Hurricane Isaac and Related Relief in Algiers, and concurrent with the filing for the first adjustment to Rider SSCR, ENO shall file a revised Attachment A containing a revised Rate Adjustment. The revised Rate Adjustment shall become effective for bills rendered on and after the first billing cycle for the month of May of the filing year and shall then remain in effect until changed pursuant to the provisions of this Rider.
			Paragraph V(B)(f) of the Purchased Power Cost Recovery Rider (PPCR)

Annual Union Power Station Power Block 1 Revenue Requirement True-up	UD-15-01	R-15-542	The Purchased Power Cost Recovery Rider (PPCR) provides for an annual true-up filing to compare the prior year's estimated revenue requirement for Union Power Block 1 (the basis for billings) with the actual revenue requirement for that same period.
NOPS Bi-Monthly Reports	UD-16-02	R-19-78 Ordering Paragraph 4 (at p.13)	R-19-78, p. 13 (Resolution and Order Imposing Sanctions; Directing Cost Protections and other Modifications to New Orleans Power Station) directs ENO to provide bi-monthly reports to the Council during construction of NOPS, detailing the expenditures made to date and the currently anticipated schedule for future expenditures.
NOPS Quarterly Reports	UD-16-02	R-19-78 Ordering Paragraph 4 (at p. 14)	R-19-78, p. 14 (Resolution and Order Imposing Sanctions; Directing Cost Protections and other Modifications to New Orleans Power Station) directs ENO to file quarterly reports with the Council detailing the NOPS expenditures each quarter.
NOPS LDEQ Report - Semi-Annual Monitoring Report	UD-16-02	R-19-78 Ordering Paragraph 4 (at p. 14)	Due for submittal semi-annually by March 30th and September 30th and requires the reporting of any deviations that may have occurred from the Title V air permit for the semi-annual monitoring period and the corrective actions taken to prevent a re-occurrence
NOPS LDEQ Report - Title V Certification Report	UD-16-02	R-19-78 Ordering Paragraph 4 (at p. 14)	Due annually by March 30th and requires reporting of any deviations from the Title V air permit for the previous calendar year and the corrective actions taken to prevent a re-occurrence
NOPS LDEQ Report - RICE Engine Annual Report	UD-16-02	R-19-78 Ordering Paragraph 4 (at p. 14)	Due annually by April 30th and requires reporting of the start-up/shut-down hours, heat input, operating hours and fuel consumption for the RICE engines (required per specific requirement 71 of the Title V permit)

NOPS LDEQ Report - Emergency Diesel Generator Operating Report	UD-16-02	R-19-78 Ordering Paragraph 4 (at p. 14)	Due annually by March 31st per specific requirement 34 of the Title V permit. Requires the reporting of any hours of operation of the NOPS Emergency Diesel Generator at the Michoud site for the specific purposes specified in 40 CFR 60.4214(d)
NOPS LDEQ Report - Emissions Inventory	UD-16-02	R-19-78 Ordering Paragraph 4 (at p. 14)	Due annually by April 30th per specific requirement 100 of the Title V permit and requires the reporting of the total NOPS Criteria Pollutant Emissions for the previous calendar year.
NOPS LDEQ Report - Reports of Unauthorized Discharges of Pollutants	UD-16-02	R-19-78 Ordering Paragraph 4 (at p. 14)	Requires reporting of any unauthorized discharges of pollutants to the atmosphere in accordance with state regulations. If there are any unauthorized discharges of pollutants above the reportable quantity, reporting is required to the Louisiana State Police, LDEQ, and the Orleans Parish Local Emergency Planning Committee
NOPS Post-Implementation Report on Internal Controls and Cyber Security	UD-16-02	R-19-78	New Orleans Power Station (NOPS) Provide the Council Advisors with a copy of ENO-related post-implementation audit reports on the internal controls in these areas, with the exception of Cyber Security, which is to be handled separately in order to protect sensitive information
NOPS Usage Reports	UD-16-02	R-19-78	New Orleans Power Station (NOPS) Real-time reports about the usage of the plant so that the Council can monitor the need as they move forward, given that this is a plant that will be turned on when necessary
Estimated O&M Expenditures for NOPS	UD-16-02	R-19-78	File report regarding the anticipated NOPS O&M expenditures for the next 12-month period for the Council's review and approval.

Quarterly NOPS O&M Expenditures	UD-16-02	R-19-78	File with the Council a report detailing the NOPS O&M expenditures for each quarter.
Quarterly AMI Progress reports to the Advisors to the City Council	UD-16-04	R-18-99	ENO is directed to establish, in coordination with the Advisors, a quarterly on-site review of its AMI implementation commencing with the end of the first quarter of 2018 and continuing thereafter until a further order of the Council. This is a field review and does not result in a report filed with the Council; however, it has been listed for purposes of transparency.
AMI Deployment Progress Reports	UD-16-04	R-18-37	ENO will file semi-annual (every six months) reports on the progress of the AMI deployment.
ENO's Lost Contribution to Fixed Costs (LCFC) and Utility Performance Incentive to Program Year of Energy Smart	UD-17-03 UD-08-02	R-15-140; R-15-599	ENO to make a filing with the Council for the calculation and recovery of LCFC and any utility performance incentive related to the previous Energy Smart program year. If ENO or ELL-Algiers failed to achieve 60% of the kWh goal, ENO had to appear before the UCTTC and show cause why it should not be assessed a penalty. Subsequent annual filings for LCFC and incentives pursuant to Resolution R-15-140 will be made on or before June 30 following each program year.
Energy Smart Quarterly Reports	UD-17-03 UD-08-02	R-11-52; R-15-15; R-15-140; R-15-599	ENO and Energy Smart TPA to file reports on Energy Smart progress of kWh savings and spending by program for each quarter of the program year. ENO is hereby directed to include documentation showing funding and expenditures, funds carryover, and the balance of the Energy Smart funding account in all subsequent (as of November 2015) Quarterly Reports.

Energy Smart updated rate impact analysis (with annual level of funding)	UD-17-03 UD-08-02	R-15-140	ENO shall provide an updated rate impact analysis to the Advisors 30 days prior to the date of any change in rates related to funding Energy Smart. In addition, when the Companies make their initial filing containing their proposed budget levels for Energy Smart Program Year 7 and beyond, they are directed to include in that filing the typical monthly bill impacts associated with the approved annual level of funding.
Bi-Monthly Report on Customer Outages	UD-17-04	R-17-427 (Ordering Paragraph 6)	ENO directed to file bi-monthly reports concerning ongoing outages and progress on execution of the annual reliability plan.
Community Solar Implementation Plan's annual compliance filing to the Council	UD-18-03	R-18-223 R-19-111 (See also, Community Solar Rules, Section 7(F)(2))	Upon Council's approval of ENO's Implementation Plan, ENO must provide Council with the amount of incremental costs incurred administering the Community Solar Project (CSP) in accordance with the requirements of the CPS resolution. By May of each year, the Utility shall file an annual report with the Council on the Status of the Community Solar Program. The electric Utility shall maintain a list of projects and total program capacity, and shall provide the list to the Council by June 30 and December 31 of each year.
Release of Whole-Building Aggregated Data	UD-18-04	R-18-539	Per Council Resolution No. R-18-539, customers of an account to which an involved meter is attached will have the opportunity to challenge the appropriateness of the release of the data if there are "special circumstances" where the customer believe the Council's rules would not sufficiently protect their privacy or belief that the building owner or building owner's agent is using the data for improper purposes. Customers will be instructed to notify the CURO within 14 days of receipt of the notification letter of their intent to challenge the data release. If challenged, CURO

			will make the determination of whether or not the data is released.
ENO's New Orleans Solar Station (NOSS) Project Quarterly Reports	UD-18-06	R-18-353 (See also, Ordering Paragraph 17 on the Stipulated Term Sheet approved in Council Resolution R-19-293	ENO is directed to file quarterly reports on the status of the NOSS Project, including schedule, cost status and summary, and other critical activities, within 45 days of the end of each calendar quarter.
Securitized Storm Reserve		Resolution R-15-195 (Ordering Paragraph 8)	ENO to annually report the collections, principal, interest, disbursements, and any aggregate amount of costs incurred during the year for restoration of service from ENO's Securitized Storm Reserve Account.
Storm Reserve Fund Escrow		Resolution R-06-459 (AIP -Paragraph 20)	ENO to annually report the collections, principal, interest, disbursements, and any aggregate amount of costs incurred during the year for restoration of service from ENO's Storm Reserve Fund Escrow Account.
City of New Orleans' Reports on Outside Services		City Attorney's Request -- Mr. Naccari's February 14, 1991 Letter	ENO to file Quarterly informational filings regarding ENO's expenditures on outside attorneys/consultants.
Fuel Adjustment Clause (Paragraph B)		R-19-457	If any of the Fuel Adjustment Clause Rates are expected to be more than 1 cent per kWh higher than the rate charged in the previous month, the Company has the obligation to notify the Council within ten (10) days prior to the first billing cycle in which the Fuel Adjustment Clause Rates will be charged.
ENO's Quarterly Reports of Natural Gas Storage Program		R-91-102	ENO to assess the cost and benefits of the Natural Storage Program.

<p>Monthly Progress Report on ENO's Collaboration with the Sewerage and Water Board of New Orleans to Improve Reliability of Electric Service and Expedite a Long-Term Solution</p>		<p>R-19-78 (Ordering Paragraph 2 at p. 12)</p>	<p>R-19-78, p. 12 (Resolution and Order Imposing Sanctions; Directing Cost Protections and other Modifications to New Orleans Power Station) directs ENO (4) to develop solutions to help ensure the reliability of electric service the SWBNO to develop solutions and facilitate the transition of SWBNO to ENO as the primary source of reliable and economic power; (2) file a report with the Council every 30 days regarding the progress of its collaboration with SWBNO.</p>
<p>Rough Production Cost Equalization Adjustment (RPCEA) Quarterly Accounting Report</p>		<p>R-13-162 (see also, FERC Opinion Nos. 480 and 480-A)</p>	<p>ENO to provide quarterly accounting reports to the Council listing the receipt, accrued interest, and monthly balance of funds related to the annual RPCEA filings required by FERC Opinion Nos. 480 and 480-A.</p>
<p>Quarterly Report of Entergy Corporation's proportionate share of its Regulated Utilities' assets, operating and maintenance expenses (per Rule 53 Settlement Agreement)</p>		<p>R-98-187 (Rule 53 Settlement Agreement)</p>	<p>Pursuant to the April 10, 1998 Rule 53 Settlement Agreement applicable to Entergy Corporation's Non-Regulated Investments filed with the Securities and Exchange Commission (SEC), on a quarterly basis, Entergy Corporation was directed to provide the SEC with a report detailing the Regulated Utilities' proportionate share of the consolidated total Entergy Corporation's assets, operating and maintenance expenses. Resolution R-98-187 adopted a Settlement Agreement among the Council, ENO, and ELI authorizing the Council of New Orleans to file a Letter of Certification with the SEC relative to Entergy Corporations' unregulated investments and to execute a Settlement Agreement to ensure the retail ratepayers of New Orleans are protected from any adverse consequences of Entergy Corporations' non-regulated investments in foreign utility companies and exempt wholesale generators.</p>
<p>Annual Gas Storage Program Analysis Report</p>		<p>R-05-518</p>	<p>ENO directed to provide an analysis at the end of each withdrawal season on the cost of storage compared to</p>

		(Agreement in Principle, Ordering Paragraph 12) R-06-401	injections into its gas storage facility using strictly the daily Henry Hub price.
Annual Review of General Service Customers' Billing Alternate Rate Schedules		R-93-186	ENO to establish a program to review general service customers' billing records on an annual basis.
Annual Statement regarding the nature of inter-company transactions: <ul style="list-style-type: none"> • Independent Accountants' Report on Applying Agreed-upon Procedures; • Annual Report Identifying Non-Clerical Personnel from any Regulated Utility 	1992 Settlement Agreement (as amended by the 1998 Settlement Agreements with the Council, MPSC, and Entergy Corporation's compliance with the LPSC affiliate interest conditions in Appendix 3 to the LPSC's 1993 Order); New Orleans City Code Section 158, Article II, Division 3, Sub-section 158-139 establishes requirements with respect to the reporting of transactions between a utility and its affiliates.	<p>Entergy Corporation to provide annual statement regarding the nature of inter-company transactions concerning Entergy Corporation including the basis for cost allocation and transfer pricing. Including a list of billing cost drivers in effect each year by which Entergy Services, LLC allocates costs to both regulated and non-regulated affiliates. A utility must annually file a cost allocation manual that includes:</p> <ul style="list-style-type: none"> a) An organization chart that illustrates the utility and all of its regulated and unregulated affiliate(s); b) Officers of the parent or holding company, the utility, and all of its affiliates, as applicable; c) A complete description of the types of all costs shared with affiliate(s); d) The methodology and procedure used to allocate costs; and e) A summary of the total costs incurred from affiliate(s) and how those affiliate(s) costs are allocated 	
ENO's Quarterly 10-Q and Annual 10-K Financial Statements		1992 Settlement Agreement (as amended by the 1998 Settlement Agreements with the Council, MPSC, and Entergy Corporation's compliance with the LPSC affiliate interest	Entergy Corporation files quarterly and an annual report presenting financial results and statements along with management discussion and analyses of relevant operational and regulatory issues. The combined Quarterly and Annual Reports are separately filed by Entergy Corporation and its six Registrant Subsidiaries: Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi,

	conditions in Appendix 3 to the LPSC's 1993 Order)	LLC, Entergy New Orleans, LLC, Entergy Texas, Inc. and System Energy Resources, Inc.
Annual 1992 Affiliate Settlement Agreement Report Pursuant to the 1998 revision & R-98-187	R-98-187	A Settlement was reach in a Federal filing related to PUCHA revisions of Rule 53 related to Affiliates and holding company transactions. This 1992 settlement was later revised and ratified by jurisdictional regulatory commissions in 1998. This later revision required each operating company to file annually compliance verification with regards to affiliate reporting.
Order on Compliance regarding final calculation of refunds to ENO	LPSC v. Entergy Services, Inc., Opinion No. 561, 163 FERC 61,116 (2018)	ENO to report to Council calculation of refunds to ENO as a result of Rough Production Cost Equalization bandwidth calculation filing.
Annual Gas Marketing Justification (Hedging Request) Report		As a result of high gas prices in the winter of 2000-2001, the Council authorized ENO to enter into Hedging arrangements for winter gas. This program was suspended post-Hurricane Katrina and was later re-adopted. Each March, the Company files its request to hedge the upcoming winter gas. Generally, the approval for such hedging contracts is granted to the company via a Council Resolution.
Annual Gas Distribution System Report	R-05-518 and R-06-401	Reporting requirements are outlined in Attachment A ("Agreement in Principle") to Council Resolution R-05-518, dated October 12, 2005. These filing requirements were originally suspended as a result of Hurricane Katrina and later reinstated by Council Resolution R-06-401, dated September 21, 2006
ENO MISO Cost Recovery Rider (True-up)	R-19-457	On or about May 31, beginning in 2020, the Company shall file a redetermination of the MISO Rider Rates by filing updated versions of Attachments A and B with supporting workpapers and documentation. The Annual Update filing will include a True-up Adjustment as calculated on Attachment B, Page 4.

<p>Bi-Annual Application to the City Council for Approval of the Financing Plan</p>			<p>Pursuant to the 1922 Franchise Ordinance No. 6822 and the most recent approved Council Financing Approval Resolution, ENO is to file Bi-annually (in even years) - its Financing Plans seeking a blanket approval to sell bonds and preferred stock for the next two (2) years.</p>
<p>Bi-Annual Reporting of Data in Accordance with Section 210 of the Public Utility Regulatory Policy Act of 1978</p>			<p>Pursuant to the Public Utility Regulatory Policy Act of 1978, Section 210, ENO is to file Bi-annually (in even years) - its calculated "Avoided Costs" Forecast for the filing year and the next five (5) years; and, a high level Generation Forecast for the next ten (10) years. This is an informational filing and no action is to be taken by the Council.</p>