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Harry M. Barton
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October 13, 2020

Via Electronic Delivery

Lora W. Johnson, CMC, LMMC
Clerk of Council
Room 1E09, City Hall
1300 Perdido Street
New Orleans, LA 70112

Re: *Resolution & Order Establishing a Docket and Opening Rulemaking Proceeding to Establish Renewable Portfolio Standard*
Council Docket No. UD-19-01

Dear Ms. Johnson:

Enclosed please find attached for electronic filing, Entergy New Orleans, LLC's ("ENO") Reply Comments Concerning the Advisors' Proposed Renewable and Clean Portfolio Standard Regulations in the above referenced docket. As a result of the remote operations of the Council's office related to COVID-19, ENO submits this filing electronically and will submit the requisite original and number of hard copies once the Council resumes normal operations, or as you or the Council otherwise directs. ENO requests that you file this submission in accordance with Council regulations as modified for the present circumstances.

Should you have any questions regarding the above, I may be reached at (504) 576-2984. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Harry M. Barton".

Harry M. Barton

HMB/ddm

Enclosures

cc: Official Service List (*via electronic mail*)

**BEFORE THE
COUNCIL OF THE CITY OF NEW ORLEANS**

RESOLUTION AND ORDER)	
ESTABLISHING A DOCKET AND)	
OPENING RULEMAKING)	
PROCEEDING TO ESTABLISH)	DOCKET NO. UD-19-01
RENEWABLE PORTFOLIO)	
STANDARD)	

**ENTERGY NEW ORLEANS, LLC’S REPLY IN RESPONSE TO PARTIES’
COMMENTS CONCERNING THE ADVISORS’ FINAL PROPOSED RCPS RULES**

NOW BEFORE THE COUNCIL OF THE CITY OF NEW ORLEANS (the “Council”), comes Entergy New Orleans, LLC (“ENO” or the “Company”), which respectfully submits its Reply to comments filed in response to the Advisors’ Proposed Renewable and Clean Portfolio Standard (“RCPS”) Regulations (the “Proposed Rules”). During this late stage of the proceedings, the only comments received were from Air Products and Chemicals, Inc. (“APC”) and the latest iteration of the Energy Future New Orleans (“EFNO”) coalition.

Like ENO, APC appropriately focused its comments on making minor adjustments to the Proposed Rules so that the regulations may be finalized and adopted to support the Council and ENO in their continuing efforts to aggressively cut carbon emissions and fight climate change. APC’s and ENO’s comments acknowledge that the Council made crucially important policy decisions for shaping the RCPS in Council Resolution No. R-20-104 (the “Resolution”)¹ and seek to aid the Council in furthering the objectives of the RCPS by ensuring clarity and flexibility for the final version of the Proposed Rules.

In stark contrast, EFNO’s filing seeks to reopen and rehash issues that the Council has already decided and advocates for starting the entire process over again. These tactics, including unnecessary attacks on anyone who does not agree with their repeated requests to arbitrarily limit the tools available for fighting climate change, are particularly regrettable and unproductive at a time when the need for swift and aggressive action on climate change has become increasingly apparent. The past few months alone have seen unprecedented levels of storm activity in the Gulf of Mexico, devastating wildfires in the Western United States, and record high temperatures across the globe – to name just a few examples of the increasing impacts of the changing climate. Now is not the time to toss aside over 18 months’ work in this proceeding and start another costly process to ultimately relitigate the Council’s well-supported decision to employ a technology-neutral approach to fighting climate change. Now is the time for decisive action.

¹ As noted in ENO’s September 28, 2020 Comments, the Resolution adopted a technology-neutral approach to fighting climate change and provided four overarching directives: “(1) a mandatory requirement that ENO achieve 100% net zero emissions by 2040; (2) reliance on RECs purchased without the associated energy for compliance with the standard being phased out over the ten-year period from 2040 to 2050; (3) ENO has no carbon-emitting resources in the portfolio of resources it uses to serve New Orleans by 2050; and (4) a mechanism to limit cost in any one plan year to no more than one percent (1%) of plan year total utility retail sales revenues.”

To date, ENO and the Council have taken numerous, significant, and meaningful actions to reduce carbon emissions and combat climate change. These actions include:

- Approval and construction of 90 megawatts (“MW”) of utility-scale solar generation;
- Approval and construction of 5 MW of distributed-generation-scale solar generation, including installation of the largest rooftop solar facility in the state of Louisiana, which is sited in New Orleans;
- Installation of rooftop solar systems on the homes of 100 low-income New Orleanians;
- Reinvestment in the Grand Gulf Nuclear Station (“GGNS”) that resulted in re-licensure of the facility to continue providing carbon-free electricity for another twenty years;
- Replacement of 781 MW of 1960’s-era gas generation with 128 MW of clean, efficient modern generation, thereby reducing carbon emissions by at least 97%;
- Increased investment in demand-side management (“DSM”) pursuant to the Council’s “2% goal”;
- Approval of a public electric vehicle charging pilot and the Electric Vehicle Charging Infrastructure Rider to increase adoption of electric vehicles (“EVs”) by increasing access to charging infrastructure; and
- Perhaps most significantly, the Council’s codification, through the Resolution, of one of the most aggressive emissions reduction targets in the nation.

Accomplishments like these make the Council a national leader in the fight against climate change and represent the kinds of actions that are necessary to win that fight. While some parties are only adept at criticizing, ENO, the Council, the Advisors, and other constructive stakeholders have taken the actions necessary to reduce emissions and actually contribute to climate solutions.

Mountains of evidence from the scientific community demonstrate that the only effective climate policies for the electricity sector must be technology-neutral and cannot rely on renewable resources alone. Simply put, the Council has followed the science, which means that the RCPS must be technology-neutral, including with respect to Beneficial Electrification (“BE”). As ENO noted in its prior comments, the Proposed Rules currently impose restrictions on BE measures that are not applied to other emissions-reducing technologies, such as renewables and DSM. These restrictions represent a marked deviation from the otherwise technology-neutral approach developed for the RCPS and would unnecessarily limit the policy’s emissions reduction potential. In those comments, ENO also proposed a minor modification to the Proposed Rules that will make the RCPS truly technology-neutral with respect to all emissions reduction measures, including BE. Implementing this modification prior to adopting the Proposed Rules will be important to ensure that the RCPS policy remains technology-neutral and, in turn, facilitates reducing carbon emissions as rapidly and as cost-effectively as possible – giving ENO, the Council, and New Orleans the best possible chance at successfully combatting climate change.

I. APC’s Comments Merit Consideration and Help to Add Clarity to the RCPS Regulations.

APC’s comments seek to clarify the Proposed Rules in a manner that ENO believes is consistent with, and necessary to fulfill, the objectives the Council established in the Resolution.

First, APC notes that parties should be able to file comments for the Council's consideration after reviewing ENO's Compliance Plans and Compliance Reports. ENO believes that this proposal is necessary for a transparent administration of the RCPS and is consistent with how the Council currently handles compliance planning for Energy Smart. As such, ENO does not oppose the modification. APC also seeks to add language that is intended to clarify that approval of a Compliance Plan should not be a substitute for resource certification proceedings or prudence reviews related to the construction and/or acquisition of resources. ENO agrees with this concept as a matter of regulatory law. However, language proposed by APC could be read to indicate that resource certification proceedings would occur "following the resource being put into service." This is obviously not reflective of the reality of utility regulation. Provided this language is clarified to remove this possible interpretation, ENO does not object to the proposed modifications.

Second, APC proposes to add more inclusive language to the provision applicable to rate classes with fewer than three customers (Section 6(b)(3)). Specifically, APC proposes to add the language "or by other means" to allow the Council the flexibility to use mechanisms other than the decoupling mechanism to administer this aspect of the Customer Protection Cost Cap. ENO believes that this proposed change is consistent with ENO's and the Council's goal to provide "as much flexibility as possible" for achieving the goals of the RCPS at the lowest reasonable cost.² The language will permit the Council to consider a variety of options when administering Section 6(b)(3) and provides a good contingency plan should the Council decline to renew the referenced pilot decoupling mechanism in future rate actions.

Finally, APC proposes to add necessary clarification to define the purpose of the Clean NOLA Fund. ENO agrees in concept with APC that the Clean NOLA Fund should only be used to achieve the targets or goals of the RCPS, but the language proposed by APC does not quite have this effect. Rather than stating "The Fund shall only be used towards achieving the RCPS," ENO recommends stating that "The Fund shall only be used towards achieving *the targets established by* the RCPS." ENO believes that this minor modification to APC's proposed language is consistent with APC's intent and provides greater clarity regarding the purpose of this component of the RCPS regulations. ENO appreciates APC's genuine and well-intentioned efforts to participate in the Council's process during this late stage of the rulemaking to help ensure that the Proposed Rules achieve clarity concerning, and consistency with, the Council's policy decisions as announced in the Resolution.

II. The RCPS Should Remain Technology-Neutral with Respect to All Emissions Reducing Technologies, Including Beneficial Electrification.

Like APC, ENO devoted its immediate past comments on the Proposed Rules to proposing clarifications and minor modifications necessary to make the Proposed Rules reflective of the Council's policy goals. ENO's most important proposal related to BE and keeping the rules technology-neutral in their treatment of this essential emissions reducing resource.

² See, the Resolution at pg. 7.

ENO noted that the Proposed Rules purport to impose standards on BE that do not apply to any other technology, and which many technologies (like renewables and DSM) could not meet. Specifically, the rules require that BE measures “must reduce net carbon emissions by no less than 1,500 pounds of CO₂ per Clean Energy Credit earned” to qualify as an RCPS-compliant resource. It bears repeating that DSM and renewable resources could not meet this standard, as ENO’s analyses demonstrated,³ yet no valid reason has been cited for singling out BE in this way. Applying this requirement solely to BE deviates from the technology-neutral approach that climate scientists agree is necessary to stand a chance at meaningfully combatting climate change.

The detrimental effects of deviating from the technology-neutral approach to fighting climate change become readily apparent when considering the potential for reducing emissions that is unnecessarily limited by adopting non-technology-neutral rules for BE. ENO’s prior comments demonstrated that the restriction cited above creates an unnecessary obstacle to pursuing electrification of public transportation in New Orleans – specifically City buses – and in doing so misses out on the potential for significant emissions reductions from within Orleans Parish. Similarly, the proposed restriction would also halt the development of projects designed to electrify port facilities in New Orleans, representing another needlessly foregone opportunity to significantly reduce emissions in the City. New Orleans and its residents cannot afford to leave any cost-effective emissions reductions opportunities on the table, especially those that would immediately contribute to improving air quality in the City and visibly demonstrating the Council’s commitment to fighting climate change through all means available.

ENO’s comments proposed a minor modification to the restriction that would resolve this problem. Rather than requiring BE projects to meet this threshold to qualify as RCPS-compliant, **ENO proposes that this standard should apply solely to determine whether BE projects qualify for the Tier 1 multiplier.**⁴ This small modification addresses the stakeholder concern about BE projects receiving an outsized multiplier⁵ without disincentivizing the pursuit of BE projects that would not meet the threshold, despite representing significant emissions reduction potential for New Orleans. ENO respectfully urges the Council to devote serious consideration to incorporating this change and keeping the RCPS fully technology-neutral, as has been overwhelmingly recommended by climate scientists and experts.

³ See, ENO’s September 28, 2020 Comments at pgs. 5-6.

⁴ *Id.*, at pg. 7.

⁵ This concern was raised in a prior technical conference and via correspondence from 350 NOLA. EFNO’s latest comments raise a new concern about incentivizing EV projects with a multiplier, citing concerns over the effect of EV adoption on peak load. Yet, EFNO’s comments conveniently fail to mention that the Council is examining this very issue in Docket UD-18-01 and routinely assesses the potential impacts of EVs on peak load as part of the triennial Integrated Resource Plan (“IRP”) process.

III. The Council Should Continue to Decline EFNO’s Invitation to Indefinitely Delay Enactment of a Clear and Complete RCPS Policy.

EFNO’s comments renew a call to delay this rulemaking indefinitely so that “data and analysis can be gathered to properly inform and support [the RCPS.]”⁶ Under the guise of requiring more analysis, EFNO is effectively urging the Council to delay taking action on climate change in hopes of relitigating the technology-neutral aspects of the policy at a future date. In other words, EFNO has not given up on a costly, technology-limited approach that largely favors residential rooftop solar providers even though their R-RPS proposal was explicitly considered and rejected by the Council in Phase I of this rulemaking.

The Council has provided “guidance to the parties on the Council’s preferred design for an RPS for New Orleans.”⁷ The Resolution summarized all proposals submitted by the parties, including the R-RPS, and decreed: “The Council has reviewed all comments and reply comments filed by the parties, and, based upon its review of those comments, is most interested in further exploring the Renewable and Clean Portfolio Standard concept modeled in the Advisors’ Alternative 2.”⁸ The Resolution also identified the following positive attributes of the RCPS, which influenced the Council’s decision to pursue the development of this framework, as critical components of its progressive climate policy:

- “[A]n RCPS would allow all emissions-free resources, including renewables, to be included in the utility’s resource portfolio. This has the advantage of giving the utility maximum flexibility to acquire the resources most closely matched to the needs of ENO’s load at the lowest reasonable cost;”
- “[I]n addition to zero emissions sources of generation, ... [the RCPS] include[s] energy efficiency, demand-side management (‘DSM’), and Beneficial Electrification as resources;”
- The RCPS “would have the goal of rapid decarbonization while ensuring that the City has a safe and reliable power supply at a reasonable cost and with as much flexibility as possible. Rather than requiring ENO to acquire a specific percentage of renewables, it would require ENO to convert its entire portfolio to zero-emissions resources. A wide range of currently known and yet to be developed zero-emission energy technologies would be employed with priority given to measures that reduce emissions within Orleans Parish and measures that are sited within Orleans Parish.”⁹

Clearly, the Resolution directs the development of a technology-neutral policy, open to all zero-emission resources (including DSM and BE), that would provide maximum flexibility to the

⁶ See, EFNO Comments at pg. 1. In comments filed nearly one year ago, EFNO also called for a delay in these proceedings so that “more modeling, analysis, and vetting” of the, now-rejected, Resilient-Renewable Portfolio Standard (“R-RPS”) proposal could occur. Yet, in the past year, EFNO failed to submit any such analyses for consideration, but continues the call for delay. The Council wisely rejected the prior call to delay these proceedings when it adopted the Resolution and should continue to do so.

⁷ See, the Resolution at pg. 6.

⁸ *Id.* at 13.

⁹ See, the Resolution at pgs. 7-8.

Council and ENO for designing climate solutions. Despite this clear direction from the Council, EFNO continues its efforts to re-litigate the merits of its R-RPS proposal, which the Council declined to adopt.

One tactic EFNO frequently employs in these efforts is grossly misrepresenting the positions of other parties. For example, EFNO falsely claims that ENO has been “advancing an agenda for technologies such as carbon capture, sequestration, and utilization, and nuclear power.” To the contrary, ENO has repeatedly and tirelessly advocated for a technology-neutral climate policy, consistent with the consensus from the scientific community about the necessary solutions for climate change in the energy sector.

EFNO’s latest filing misrepresents the Council’s decisions and words as well. EFNO claims that the Council has expressed “the clear intention . . . to shift New Orleans energy to cost effective and renewable resources, complemented and enabled by energy efficiency and energy storage.”¹⁰ As noted above, in the Resolution the Council stated no such preference for renewable resources, and in fact stated that “[r]ather than requiring ENO to acquire a specific percentage of renewables, it would require ENO to convert its entire portfolio to zero-emissions resources.”

More egregious than this misrepresentation, EFNO implies that the Council did not even understand the substance of the Resolution prior to enacting it, stating that “Advisors put words in the Council’s mouth” concerning the Resolution. This implication strikes at the very heart of the Council’s regulatory and legislative authority and improperly calls into question the Council’s competency as a utility regulator. The Resolution was unanimously adopted by the Council and clearly expressed the Council’s decisions and policy goals (not those of the Advisors) related to this proceeding. Rather than accept those decisions, EFNO remarkably questions the integrity of the Council’s exercise of its regulatory authority.

Put simply, the Council has rightly identified its goal as fighting climate change by any means necessary, not subsidizing the local residential roof-top solar industry. EFNO, on the other hand has been explicit in stating that the Council’s goal should be to subsidize a renewable economy in New Orleans.¹¹ Rather than accept the Council’s explicit statement of its policy goal, which is consistent with the consensus of the climate science community, EFNO continues its pursuit of a proposal that ignores the recommendations of climate scientists.

IV. EFNO’s Proposed Revisions to the Regulations are Both Inconsistent with the Council’s Stated Goals and Internally Inconsistent.

EFNO also seeks to undermine the Council’s clear directives by proposing to alter the Proposed Rules in ways that are fundamentally inconsistent with the Resolution’s decree. Yet, as is readily apparent from a first review of EFNO’s Appendices, the suggested modifications to the

¹⁰ EFNO Comments at pg. 2.

¹¹ For example, the group’s initial policy proposal did not even mention decarbonization or climate change in the draft rule’s “Purpose” section, and instead focused on stimulating the local renewable energy industry market. *See*, EFNO’s July 15, 2019 Comments, Appendix A, Section 1.

Proposed Rules are not even internally consistent with each other, much less with the Council's policy directives or the overwhelming consensus of the climate science community.

The most significant deviation from the Council's directives is EFNO's proposed elimination of the Customer Protection Cost Cap and the related provisions that are necessary to administer the Cost Cap. Obviously, the proposed removal of the Cost Cap provisions is directly at odds with the Council's order that the RCPS regulations "shall include ... a mechanism to limit cost in any one plan year to no more than one percent (1%) of plan year total utility retail sales revenues."¹² Despite this clear directive, EFNO's proposed redline edits completely gut the Proposed Rules of provisions related to the Cost Cap. Similarly, EFNO proposes:

- Removal of several zero-emissions resources, and related provisions, from the Proposed Rules, despite the clear directive that "an RCPS would allow all emissions-free resources, including renewables, to be included in the utility's resource portfolio;"
- Removal of Beneficial Electrification from the Proposed Rules, despite the Resolution explicitly calling for the inclusion of this essential emissions-reduction resource in the RCPS; and
- Removal of the Tiers and associated multipliers for projects located within Orleans Parish, despite the Resolution stating that the RCPS should give priority to measures that reduce emissions within Orleans Parish and measures that are sited within Orleans Parish."¹³

In addition to ignoring the Council's directives, EFNO's proposed modifications also appear to be internally inconsistent and at odds with the ends EFNO claims it is trying to achieve. EFNO's comments spend a great deal of time discussing the need to incentivize local economic development by siting resources in Orleans Parish, yet it has proposed to remove the Tiers that provide such an incentive. Similarly, EFNO undercuts the emphasis their comments place on equity and addressing energy burdens by removing any reference to the Customer Protection Cost Cap. EFNO's proposed modifications also include the following internal inconsistencies:

- Removal of the requirements related to certification of Renewable Energy Credits ("RECs"), coupled with retention of RECs as a means of compliance;
- Elimination of the compliance tracking mechanism for Energy Storage resources, coupled with the retention, and even expansion, of Energy Storage as a compliance mechanism;
- Removal of the enforcement provisions contained in Section 5 of the Proposed Rules in its entirety, despite calling for the RCPS to be mandatory;
- Adding an incomplete and vague definition of "Equity," which also appears to be internally inconsistent;¹⁴ and

¹² See, the Resolution at pgs. 13-14.

¹³ See, the Resolution at pgs. 7-8.

¹⁴ EFNO's definition appears to hinge on the term "traditional energy solutions," which is not defined. Further, the definition implies (without any hint of justification) that such "traditional" solutions cause "racial and economic disparities;" but the definition concurrently implies that such "traditional" solutions also "benefit systematically disadvantaged communities and customers."

- Removal of all provisions related to Alternative Compliance Payments (“ACPs”), coupled with retention of the Clean NOLA Fund (which the Proposed Rules indicate is to be funded with ACPs).

These are just a few examples demonstrating that EFNO has not devoted the time necessary to consider the implications of their complete re-write of the Proposed Rules at this late stage of the Council’s proceeding. The Council should reject EFNO’s latest attempt to derail this process and proceed with adoption of the Proposed Rules, with the BE-related modifications described above.

V. The Council and ENO are Committed to an Equitable Vision for the Environmental Future of New Orleans.

The concept of “equity” has been considered at every stage of this proceeding despite some claims to the contrary. The Resolution’s Customer Protection Cost Cap serves the equity-focused purpose of helping to ensure that the Council’s ability to maintain reasonable rates through its regulatory oversight will not be jeopardized by the RCPS. EFNO’s proposal to remove this provision, as well as provisions designed to incentivize local economic development regardless of the specific technology deployed, should be rejected.

Moreover, equity is consistently considered as part of ENO’s decision-making process. The Council has likewise demonstrated a commitment to equity in utility regulation by, among other things, maintaining consistently reasonable rates and implementing programs designed to benefit low-income customers, including one of the most robust low-income energy-efficiency programs in the nation.¹⁵ ENO, along with its parent, continually demonstrates a commitment to equity in many ways, including the following:

- ENO and the Entergy Charitable Foundation’s donation of \$4.4 million in grants to non-profits across New Orleans in 2019;
- Entergy Corporation shareholders’ donation of \$3.1 million in grant money to 170 local non-profit organizations thus far in 2020;
- ENO’s partnership with the New Orleans Council on Aging, United Way of Southeast Louisiana, and Anthony Mackie to create the United for Grocery Workers’ Relief Fund to provide hourly-wage grocery workers with assistance in paying their utility bills;
- The Entergy Charitable Foundation’s donation of \$150,000 toward a rapid Patient Care Training Program, offered by Ochsner Health and the New Orleans Career Center, in which Ochsner Health can train and certify workers to assist in patient intake;
- Entergy Corporation’s donation of \$100,000 to Orleans Parish Public Schools to provide Chromebooks and purchase hotspots so students can participate in distance learning, which

¹⁵ The Council’s Energy Smart program has received numerous accolades for its low-income programs, including recognition from the American Council for an Energy-Efficient Economy as having achieved more energy savings per low-income program participant than any other energy efficiency program studied in the organization’s 2017 white paper, “*Low-Income Energy Efficiency Programs: a Baseline Assessment of Programs Serving the 51 Largest Cities.*” That report noted that Energy Smart saved low income participants more than 1,000 kWh above savings generated by the second-ranked program and over triple the average savings of all other programs studied.

donation helped launch a national campaign that raised \$2 million to purchase a total of 10,000 Chromebooks for parish students;

- Employees of the New Orleans Power Station donating 1,500 N95 masks to front line health care workers at New Orleans East Hospital;
- The Entergy Charitable Foundation’s establishment of the COVID-19 Emergency Relief Fund, which has committed nearly \$3 million to help community non-profits across the Entergy Corporation service area and qualifying customers who are struggling with the financial impact of the global pandemic;
- ENO’s partnership with The St. Bernard Project, Second Harvest, and NOLA Tree Project, to distribute over nearly 500,000 meals across New Orleans;
- Entergy Corporation’s partnership with United Way of Southeast Louisiana and the Louisiana Hospitality Foundation created the Hospitality Cares Pandemic Response Fund to provide crisis grants to hospitality workers unable to afford basic financial needs during the COVID-19 pandemic, which Fund has distributed nearly 5,000 emergency grants to date;
- Entergy Corporation and ENO employees’ contribution of over 26,000 volunteer service hours in New Orleans in 2019, resulting in an economic impact of over \$678,000;
- ENO volunteers working with LaunchNOLA (a non-profit that supports entrepreneurs of color) and Propeller (a non-profit that helps entrepreneurs grow their non-profit organizations and small businesses) to help New Orleans’ minority-owned small businesses apply for COVID-19 disaster grants and loans;
- Helping to mitigate the influx of inquiries on how to receive assistance from the Low-Income Home Energy Assistance Program (“LIHEAP”), Entergy Corporation employees virtually assisted Total Community Action in New Orleans. Employee volunteers handled administrative responsibilities such as answering phone calls or emails from vulnerable community members about the program’s eligibility requirements and questions about their utility bills;
- ENO employees’ virtual volunteer assistance to HandsOn New Orleans and the Save Our Seniors meal delivery drivers by calling older adults in Orleans Parish to verify contact information, report back any updates and ensure meals were delivered. The Phone-a-Senior effort provided a vital lifeline to alleviate social isolation and let older neighbors know that their health, safety and comfort will always be important to the Company;
- Entergy Corporation’s shareholders doubled their match of customer donations to Entergy’s The Power to Care program from \$500,000 to \$1 million. Due to COVID-19, the company made the increase in matching dollars available immediately to provide emergency bill payment assistance to low-income older adults and people with disabilities. The added shareholder matching funds will enable an additional 2,000 customers to receive assistance;
- ENO’s support of New Orleans City Council members’ food distribution events throughout the spring and summer of 2020 to help ensure people have access to nutritious meals. In addition to providing healthy meals, Entergy’s Energy Smart program also donated 100 free energy efficiency kits for distribution at these events. The kits included LED lightbulbs, a water-saver shower head, and faucet aerators; and

- ENO’s partnership with the Council to establish the City Council Cares program, to provide up to \$400 in bill credit assistance to qualified New Orleanians.

ENO and the Council’s efforts to aggressively reduce ENO’s emissions profile and otherwise adopt proactive measures to combat climate change, as described at the outset of this Reply, further demonstrate ENO and the Council’s commitment to equity.

Similarly, ENO has taken, and continues to take, concrete actions to spur economic development and diversification in New Orleans, including:

- Construction of the New Orleans Solar Station and the New Orleans Power Station, utilizing and training a local, diverse workforce;
- Use of a diverse and local workforce in subcontracting to build the 5MW distributed-generation-scale rooftop solar installations, which includes sites owned by the University of New Orleans and the New Orleans Regional Transit Authority;
- ENO’s collaboration and partnerships with colleges and universities in New Orleans through funding for research, energy efficiency improvements, workforce development initiatives, recruiting opportunities for graduating students, and to pilot new technologies such as distributed solar and electric vehicle charging infrastructure. These collaborative efforts have included the University of New Orleans, Tulane, Dillard, Xavier, Loyola, Delgado, LSU Medical, University of Holy Cross, Notre Dame Seminary, Southern University of New Orleans, and New Orleans Baptist Seminary;
- Collaborating with Tulane University to cohost the first Sustainability Conference with notable global environmental expert Dr. Ernest Moniz as its keynote speaker and participation from Mayor Cantrell, councilmembers, and other local industry experts;
- Actively working with and supporting local economic development organizations such as New Orleans Business Alliance, New Orleans Chamber of Commerce, New Orleans Regional Black Chamber of Commerce, Hispanic Chamber of Commerce, Southern Region Minority Supplier Development Council, Women’s Business Enterprise Council South, Greater New Orleans, Inc., Regional Loan Corporation, Goodwork Network, and Gulf South LGBT Chamber, to bring more opportunities and business to New Orleans; and
- Creation of a webpage¹⁶ providing information to small business owners concerning the application for relief during the pandemic and hosting two virtual panels devoted to the same purpose with insights from notable public figures like the honorable Cedric Richmond, Mr. Alden McDonald of Liberty Bank, and Carmen Sunda of the Small Business Development Center.

It is important to point out that ENO is highlighting these contributions not to be boastful, but to emphasize that ENO and its parent company, like the Council, are committed to equity – *i.e.*, “walking the walk.” As ENO and the Council have shown, a commitment to equity and equitable results is best demonstrated through actions, not words. Charitable contributions, volunteerism, economic development efforts, proactive commitments to decarbonization, reasonable rates, low-income protections, and aggressive climate policies exemplify equity. The

¹⁶ www.energy.com/covid-19/nolasmbiz/

Council's development of its RCPS policy has accounted for the environmental and economic effects on low-income customers and EFNO's latest attempt to advocate for its costly and unworkable technology-limited R-RPS through an appeal to "equity" rings very hollow.

VI. Conclusion

The Council, its Advisors, ENO, and several of the parties to this proceeding have collectively devoted hundreds, if not thousands, of hours toward the research, analysis, modeling and vetting of the emissions reduction strategies necessary to achieve the Council's vision of rapidly reducing emissions from all sectors of the New Orleans economy, including the electric sector. Other parties have refused to engage in this kind of work, continually asking for "more time" to conduct analyses to support their proposals, but consistently failing to do so. The Council has received and considered input from scientific, academic, environmental, and industry experts and thought leaders from across the world in shaping its climate policy, all of whom call for regulators to adopt technology-neutral regulations in the fight against climate change. Some parties have refused to accept this scientific consensus, instead pressuring the Council to enact economic subsidies for their preferred technologies, rather than sound climate policy, and viciously attacking anyone who dares to point out the significant risks of such an approach.

With the adoption of the Resolution, the Council took a bold step in the right direction by directing the establishment of a technology-neutral emissions reduction policy, a policy that included one of the most aggressive carbon reduction goals set by any utility regulator in the United States, and a cost cap measure to protect New Orleanians from any rapid increases to utility bills. The Council also resisted tremendous pressure from the entities that sought to use this proceeding, and the climate crisis, to boost their own economic prospects, as the Resolution declined to prioritize subsidies for specific technologies and rejected the ill-conceived R-RPS proposal.

Since the Council issued these directives, many more hours of work have been devoted to crafting detailed regulations necessary to enact the Council's vision of a technology-neutral approach to rapid decarbonization at a reasonable cost. The Proposed Rules published in August of this year evidence the results of the hard work of the Advisors, ENO, and the intervenors that have engaged in the Council's rulemaking in good faith and represent another step in the right direction. With incorporation of the minor modifications suggested by APC and ENO to keep the RCPS policy clear, flexible, and truly technology-neutral, the Proposed Rules will provide the right framework for actualizing the Council's vision of rapidly reducing carbon emissions, while maintaining reasonable rates and reliable service. The Council should ignore the continued calls for delay in adopting these regulations and, instead, move forward with the establishment of a technology-neutral RCPS policy.

Respectfully submitted:



BY:

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**ATTORNEYS FOR
ENERGY NEW ORLEANS, LLC**

CERTIFICATE OF SERVICE

Docket No. UD-19-01

I hereby certify that I have served the required number of copies of the foregoing report upon all other known parties of this proceeding, by the following: electronic mail, facsimile, overnight mail, hand delivery, and/or United States Postal Service, postage prepaid.

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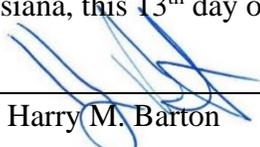
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