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November 8, 2021

VIA ELECTRONIC MAIL (lwjohnson@nola.gov)

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

RE: *Resolution and Order Establishing a Docket and Opening a Rulemaking Proceeding to Establish Renewable Portfolio Standards*
CNO Docket UD-19-01
Our File No.: 7717-47

Dear Ms. Johnson:

Enclosed please find attached for electronic filing in the referenced docket, Air Products and Chemicals, Inc.'s ("Air Products,") Comments on ENO Initial RCPS Compliance Plan for 2022. As a result of the remote operations of the Council's office related to COVID-19, Air Products 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. Air Products requests that you file this submission in accordance with Council regulation as modified for the present circumstances.

Should you have any questions regarding the above, please do not hesitate to contact me. Thank you for your assistance with this matter.

Very truly yours,



Carrie R. Tournillon

CRT/tp
Enclosure

cc: Councilmembers (via electronic mail)
Official Service List UD-19-01 (via electronic mail)

**BEFORE THE
NEW ORLEANS CITY COUNCIL**

**IN RE: RESOLUTION AND ORDER
ESTABLISHING A DOCKET AND
OPENING A RULEMAKING
PROCEEDING TO ESTABLISH
RENEWABLE PORTFOLIO
STANDARDS.**

**DOCKET NO. UD-19-01
November 8, 2021**

**AIR PRODUCTS AND CHEMICALS, INC.
COMMENTS ON ENTERGY NEW ORLEANS, LLC
INITIAL RCPS COMPLIANCE PLAN FOR 2022**

Air Products and Chemicals, Inc. (“**Air Products**”) respectfully submits the following comments to the Council of the City of New Orleans (“**Council**”) on the Initial Renewable Clean Portfolio Standard (“**RCPS**”) Compliance Plan for 2022 (“**Initial Compliance Plan**”) filed by Entergy New Orleans, LLC (“**ENO**”) on August 18, 2021. Pursuant to Council Resolution R-21-347, these comments are timely filed.

The RCPS adopted by the Council in Resolution R-21-182 (Corrected) (“**RCPS Rules**”) require ENO to file an Initial Compliance for the interim period prior to the conclusion of ENO’s next triennial Integrated Resource Plan (“**IRP**”) cycle. Thus, ENO’s Initial Compliance Plan is for the 2022 compliance year, and not for a three-year compliance period.

Air Products has reviewed the Initial Compliance Plan and has only limited comment with respect to a Section 3.c of ENO’s filing, relating to “Purchased RECs.”

In its filing, ENO indicates that the term “deliverable into the MISO region” has not been defined with respect to its usage in Section 2 of the RCPS Rules, providing parameters for which

Renewable Energy Credits (“**RECs**”) it can purchase towards compliance with its annual RCPS requirements. The RCPS Rules state as follows:¹

To qualify for compliance purposes, RECs must meet the following conditions: **(1) they were generated from a Renewable Energy Resource in MISO, the Electric Reliability Council of Texas, or elsewhere that are deliverable into the MISO region;** (2) they are Green-e certified at the time of their creation and are subsequently tracked with M-RETS or an equivalent; and (3) they are retired against the compliance requirements in the compliance year in which they were utilized for compliance.

ENO proposes to define “deliverable into the MISO region” in the above provision to apply to any facilities located in an electrically interconnected balancing authority that neighbors the MISO balancing authority, which ENO indicates would include SPP, TVA, PJM, and the Southern Company.

Air Products has spoken with a representative of ENO and understands that ENO’s proposed language and list of proposed qualifying regions is not intended to affect the ability for RECs generated from a Renewable Energy Resource in the Electric Reliability Council of Texas (“ERCOT”) to qualify for compliance purposes, which is explicitly allowed by the RCPS Rules. Rather, the clarification is specific to determining the qualification of RECs generated by Renewable Energy Resources in regions other than MISO and ERCOT that are “deliverable into the MISO region.” Air Products would object to any revision to the language or proposed meaning of this provision in Section 2 that eliminates RECs generated in ERCOT from qualifying for ENO’s RCPS compliance purposes.

¹ RCPS Rules, Section 2 (Renewable Energy Credits) (emphasis added).

However, with respect to clarifying “deliverable into the MISO region,” Air Products has concerns with ENO’s proposed language and specifically limiting “deliverable into the MISO region” to those facilities located in an electrically interconnected balancing authority that *neighbors* the MISO balancing authority. ENO’s proposed definition is problematic as the term “neighbors” is vague. Further, the term “deliverable” should mean that there is an interconnection, even if not “neighboring.” For example, if A is connected to B, which is directly connected to MISO, RECs from A should qualify.

Thus, to the extent additional clarity is needed with respect to which RECs may qualify to be used towards ENO’s RCPS requirements, Air Products requests that “deliverable into the MISO region” be considered to mean that there is an interconnection (direct or indirect) between the region in which the RECs are generated and MISO.

RESPECTFULLY SUBMITTED:



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon all known parties to this proceeding by hand delivery and/or electronic mail.

New Orleans, Louisiana this 8th day of November, 2021.



Carrie R. Tournillon