



December 8, 2021

By Electronic Mail

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

In Re: RESOLUTION AND ORDER ESTABLISHING A DOCKET AND OPENING A
RULEMAKING PROCEEDING TO ESTABLISH RULES FOR COMMUNITY SOLAR
PROJECTS (Docket No. UD-18-03)

Dear Ms. Johnson:

Please find enclosed the Alliance for Affordable Energy's Motion to Amend Community Solar Rules in the above-mentioned docket. Please file the attached motion and this letter into the record of the proceeding. We will submit physical copies at your instruction. If you have any questions, please do not hesitate to contact me.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink that reads "Logan A. Burke". The signature is written in a cursive style and is positioned above a horizontal line.

Logan A. Burke
Executive Director
Alliance for Affordable Energy

Before
The Council of the City of New Orleans

**In Re: RESOLUTION AND ORDER
ESTABLISHING A DOCKET AND
OPENING A RULEMAKING PROCEEDING
TO ESTABLISH RULES FOR COMMUNITY
SOLAR PROJECTS**

DOCKET NO. UD-18-03

DECEMBER 8, 2021

Motion of the Alliance for Affordable Energy to Amend Community Solar Rules

I. Introduction

On June 21, 2018, the Council of the City of New Orleans (“the Council”) voted to adopt Resolution No. R-18-223, establishing the instant docket in which the Alliance for Affordable Energy (“the Alliance”) is an intervenor. As a result of this rulemaking proceeding, on March 28, 2019, the Council adopted Resolution No. R-19-111, approving and adopting a set of Community Solar Rules. Entergy New Orleans (“ENO”) filed its initial Implementation Plan with the Council on August 29, 2019, and a Supplemental Implementation Plan on January 10, 2020. Subsequently, the Council approved and adopted the Supplemental Implementation Plan on January 28, 2021 in Resolution No. R-21-38. The Alliance now moves the Council to amend the Community Solar Rules for the following reasons:

II. Income Eligibility Guidelines for Low-Income Community Solar Customers Should Align with Those of Federal and State Rental Housing Subsidy Programs

The organic resolution for this docket states explicitly the Council’s interest in making the benefits of solar power available to those who “rent and do not own the building in which they live” and those “unable to afford the cost of a rooftop solar system” (R-18-223, ¶¶ 7-8). The resolution instructs further that any rules adopted should adhere to the principle of, among others, providing “new renewable options to New Orleanians, with a particular focus on

providing renewable options to those who are not eligible for rooftop solar on their own residences/business and to low-income customers” (Id., ¶ 9).

The final rules adopted by the Council define a “Low-Income Customer” as one “whose gross annual household income is at or below 50 percent of Area Median Income for the year of subscription or who is certified as eligible for any federal, state, or local assistance program that limits participation to households whose income is at or below 50 percent of Area Median Income” (Community Solar Rules, § II).

Despite the adoption of the Implementation Plan at the beginning of this year, no Community Solar Projects have been developed in New Orleans. Incidentally, the largest rental housing subsidy program in the country is the Low-Income Housing Tax Credit (“LIHTC”) program, administered in Louisiana by the Louisiana Housing Corporation (“LHC”). In New Orleans, thousands of units have been developed using this program and nearly all of those low-income units must be rented to households making less than 60 percent of Area Median Income.

An increase of the threshold for "Low-Income Customers" under the Community Solar Rules from 50 to 60 percent would increase the feasibility of developing more Community Solar Projects that specifically benefit low-income residents, as solar developers could work directly with the residents of LIHTC properties to become Low-Income Subscribers of Community Solar Projects. This would encourage the development of more solar projects and further the Council’s stated goals of making the benefits of solar power available to renters and low-income residents.

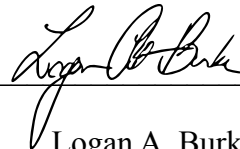
A list of all properties containing LIHTC properties in New Orleans is available from LHC, and those residents have already submitted all of their income documentation to LHC and the IRS qualifying them as within 60 percent of Area Median Income, which would allow

Community Solar developers to much more easily identify Low-Income Subscribers and submit their income-qualifying paperwork for review.

III. Prayer

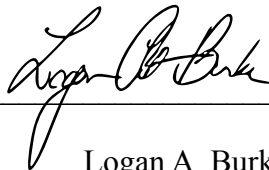
Therefore, the Alliance now moves the Council to amend Section II of the Community Solar Rules, changing the definition of “Low-Income Customer” to “a Customer whose gross annual household income is at or below **60** percent of Area Median Income for the year of subscription or who is certified as eligible for any federal, state, or local assistance program that limits participation to households whose income is at or below **60** percent of Area Median Income.”

Submitted respectfully,



Logan A. Burke
Alliance for Affordable Energy

I hereby certify that I have this 8th day of December, 2021, served the foregoing correspondence upon all other known parties of this proceeding by electronic mail.



Logan A. Burke
Alliance for Affordable Energy

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