July 7, 2023

Via Electronic Mail

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

In Re: A RULEMAKING PROCEEDING TO ESTABLISH RULES FOR COMMUNITY SOLAR PROJECTS (Docket No. UD-18-03)

Dear Ms. Johnson:

Please find the enclosed Reply Comments of the Alliance for Affordable Energy in the above mentioned docket. Please file the attached communication and this letter in 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,

Jesse S. George
New Orleans Policy Director
Alliance for Affordable Energy

4505 S. Claiborne Ave, New Orleans, LA 70125 | Office: 504.208.9761 | www.all4energy.org
Before
The Council of the City of New Orleans

IN RE: A RULEMAKING PROCEEDING
TO ESTABLISH RULES FOR
COMMUNITY SOLAR PROJECTS

DOCKET NO. UD-18-03

JULY 7, 2023

REPLY COMMENTS OF THE ALLIANCE FOR AFFORDABLE ENERGY

I. INTRODUCTION

On April 6, 2023, the Council adopted resolution R-23-130 re-opening the instant docket for comment, with particular focus on 1) changes to the tariff rate, 2) whether the definition of “low-income customer” should be amended, 3) consolidated billing, 4) ownership and valuation of RECs, 5) increasing the minimum number of low-income subscribers per community solar generating (“CSG”) facility, and 6) power purchase agreements (“PPAs”). In accordance with the procedural schedule established therein, the parties filed comments on June 16, 2023. The Alliance for Affordable Energy (“AAE”) hereby submits the following reply comments:

II. ENTERGY NEW ORLEANS, LLC’S RATE IMPACT ANALYSIS IGNORES BENEFITS OF LOCAL COMMUNITY SOLAR

AAE acknowledges that increasing the tariff rate paid to subscribers has the potential to affect non-subscribing ratepayers. However, Entergy New Orleans, LLC’s (“ENO”) analysis in its comments of June 16, 2023 ignore the numerous benefits associated with locally-produced solar energy, including decreasing dependence on fossil fuel generation, lowering greenhouse gas emissions and other air pollutants, increasing resilience and reliability, and spurring local economic and labor development.

In Resolution R-18-223 establishing the instant docket, the Council expressed an interest in the potential for solar to “improve the quality of life for our citizens and businesses.” In
Resolution R-18-538 adopting the community solar rules, the Council recognized the importance of balancing ratepayer protections with properly incentivizing community solar development through tariff rates. The current rules, however, have not resulted in a balance, but in a complete lack of community solar development in New Orleans, leaving renters and low-income residents without meaningful access to renewable energy and the associated benefits.

III. OWNERSHIP AND VALUATION OF RENEWABLE ENERGY CREDITS

Allowing subscriber organizations to retain renewable energy credits (“RECs”) associated with community solar energy generation creates potential risks of false and double claims, and may lead to legal liability. The Federal Trade Commission provides detailed and specific guidance on such claims in its “Green Guides.”

RECs are tradable products that bear the attributes of renewable energy generation, including environmental attributes as well as others. When RECs are separated from the electricity that was generated in order to create the REC, the energy becomes “null power”—meaning that no claims can be made about the renewable energy aspects of the original energy generation.

If the subscriber organization does not transfer the RECs to the subscriber, or retire them permanently on behalf of the subscriber, the subscriber may not lawfully make any claims about the renewable energy nature of the generation at the community solar facility. That is because only the lawful owner of the RECs may make such claims. False claims and double claims about RECs could be the basis for legal liability under the FTC’s Green Guides and under Louisiana’s Unfair Trade Practices and Consumer Protection Law, La. Rev. Stat. 51:1401, et seq.

---

This inability to claim the green power associated with subscribing to a community solar project could discourage potential subscribers, particularly commercial entities with internal renewable energy goals. The current rules offer the optimum flexibility for both developers and subscribers.

IV. CONCLUSION

As evidenced by the proposal put forth by the Sisters of the Holy Family and the letter submitted to the Council by Working Power, which is partnering with the Orleans Parish School Board to develop community solar projects on board-owned properties, there is substantial interest in community solar development in New Orleans, if the rules are amended to create an environment where these projects can thrive.

Submitted respectfully,

Jesse George
New Orleans Policy Director
Alliance for Affordable Energy
Before  
The Council of the City of New Orleans  

IN RE: A RULEMAKING PROCEEDING  
TO ESTABLISH RULES FOR  
COMMUNITY SOLAR PROJECTS  

DOCKET NO. UD-18-03  
JULY 7, 2023  

CERTIFICATE OF SERVICE  

I do hereby certify that I have, this 7th day of July 2023, served the foregoing correspondence upon all other known parties of this proceeding by electronic mail.  

Jesse George  
Alliance for Affordable Energy
**Service List**

**Lora W. Johnson**, lwjohnson@nola.gov  
Clerk of Council  
City Hall - Room 1E09  
1300 Perdido Street  
New Orleans, LA  70112  
(504) 658-1085 - office  
(504) 658-1140 - fax  
*Service of Discovery not required*

**Erin Spears**, espears@nola.gov  
Chief of Staff, Council Utilities Regulatory Office  
**Bobbie Mason**, bfmason1@nola.gov  
**Christopher Roberts**, cwroberts@nola.gov  
**Byron Minor**, Byron.minor@nola.gov  
City Hall - Room 6E07  
1300 Perdido Street  
New Orleans, LA  70112  
(504) 658-1110 - office  
(504) 658-1117 – fax

**Krystal D. Hendon**, CM Morrell Chief-of-Staff, Krystal.hendon@nola.gov  
1300 Perdido St. Rm. 2W50  
New Orleans, LA. 70112

**Andrew Tuozzolo**, CM Moreno Chief of Staff, avtuozzolo@nola.gov  
1300 Perdido St. Rm. 2W40  
New Orleans, LA. 70112

**Paul Harang**, 504-658-1101 / (504) 250-6837, Paul.harang@nola.gov  
Council Chief-of-Staff  
City Hall - Room 1E06  
1300 Perdido Street  
New Orleans, LA  70112
Donesia D. Turner, Donesia.Turner@nola.gov
Ashley Spears, Ashley.Spears@nola.gov
Law Department
City Hall - 5th Floor
New Orleans, LA 70112
(504) 658-9800 - office
(504) 658-9869 - fax
Service of Discovery not required

Norman White, Norman.White@nola.gov
Department of Finance
City Hall - Room 3E06
1300 Perdido Street
New Orleans, LA 70112
(504) 658-1502 - office
(504) 658-1705 – fax

Greg Nichols, grnichols@nola.gov
Deputy Chief Resilience Officer
Office of Resilience & Sustainability
1300 Perdido Street, Suite 8E08
New Orleans, LA 70112
Tel: 504-658-4958
Cell: 504-253-1626

ADMINISTRATIVE HEARING OFFICER

Hon. Jeffrey S. Gulin, judgegulin@gmail.com
3203 Bridle Ridge Lane
Lutherville, MD 2109
(410) 627-5357

NEW ORLEANS CITY COUNCIL CONSULTANTS

Clinton A. Vince, clinton.vince@dentons.com
Presley Reed, presley.reedjr@dentons.com
Emma F. Hand, emma.hand@dentons.com
Herminia Gomez, herminia.gomez@dentons.com
Dee McGill, dee.mcgill@dentons.com
1900 K Street NW
Washington, DC  20006
(202) 408-6400 - office
(202) 408-6399 – fax

Basile J. Uddo (504) 583-8604 cell, buddo@earthlink.net
J. A. “Jay Beatmann, Jr. (504) 256-6142 cell, (504) 524-5446 office direct,
jay.beatmann@dentons.com
c/o DENTONS US  LLP
650 Poydras Street
Suite 2850
New Orleans, LA  70130

Joseph W. Rogers, jrogers@legendcgl.com
Victor M. Prep, vprep@legendcgl.com
Legend Consulting Group
6041 South Syracuse Way, Suite 105
Greenwood Village, CO 80111
(303) 843-0351 - office
(303) 843-0529 – fax

ENTERGY NEW ORLEANS, LLC

Courtney R. Nicholson (504) 670-3680, cnicho@entergy.com
Entergy New Orleans, LLC
Vice-President, Regulatory and Public Affairs
Barbara Casey, (504) 670-3567, bcasey@entergy.com
Entergy New Orleans, LLC
Director, Regulatory Affairs
Polly Rosemond, prosemo@entergy.com
Kevin T. Boileau, (504) 670-3673, kboileau@entergy.com
Brittany Dennis, bdennis@entergy.com
Keith Wood, (504) 670-3633, kwood@entergy.com
Derek Mills, (504) 670-3527, dmills3@entergy.com

Ross Thevenot, (504) 670-3556, rtheven@entergy.com
1600 Perdido Street, L-MAG 505B
New Orleans, LA 70112

Vincent Avocato, (281) 297-3508, vavocat@entergy.com
Entergy New Orleans, LLC
2107 Research Forest Drive, T-LFN-4
The Woodlands, TX 77380
Brian L. Guillot, (504) 576-6523, bguill1@entergy.com
Leslie M. LaCoste (504) 576-4102, llacost@entergy.com
Lacresha D. Wilkerson, (504) 576-6571, lwilke1@entergy.com
Ed Wicker, (504) 576-3101, ewicker@entergy.com
Linda Prisuta, (504) 576-4137, lprisut@entergy.com
Entergy Services, LLC
Mail Unit L-ENT-26E
639 Loyola Avenue
New Orleans, LA 70113
Fax: 504-576-5579

Joe Romano, III (504) 576-4764, jroman1@entergy.com
Tim Rapier, (504) 576-4740, trapier@entergy.com
Farah Webre, (504) 576-6038, fwebre@entergy.com
Entergy Services, LLC
Mail Unit L-ENT-3K
639 Loyola Avenue
New Orleans, LA 70113
Fax: (504) 576-6029

**INTERVENORS**

**350 NEW ORLEANS**

**Andy Kowalczyk,** (415) 676-1047, a.kowalczyk350no@gmail.com
1115 Congress St.
New Orleans, LA. 70117

**Benjamin Quimby,** (978)505-7649, benjaminquimby1@gmail.com
1621 S. Rampart St.
New Orleans, LA 70113

**Renate Heurich,** (504)473-2710, renate@350neworleans.org
1407 Napoleon Ave, #C
New Orleans, LA 70115

**AIR PRODUCTS AND CHEMICALS, INC.**

**Katherine W. King,** Katherine.king@keanmiller.com
**Randy Young,** randy.young@keanmiller.com
400 Convention St. Suite 700 (70802)
P.O. Box 3513
Baton Rouge, LA 70821-3513
(225)387-0999

Carrie R. Tournillon, carrie.tournillon@keanmiller.com
900 Poydras St. Suite 3600
New Orleans, LA 70112

Maurice Brubaker, mbrubaker@consultbai.com
16690 Swingly Ridge Rd., Suite 1400 (63017)
P.O. Box 412000
Chesterfield, MO 63141-2000

ALLIANCE FOR AFFORDABLE ENERGY

Logan Atkinson Burke, Logan@all4energy.org
Sophie Zaken, Regulatory@all4energy.org
4505 S. Claiborne Ave.
New Orleans, 70115

GULF STATES RENEWABLE ENERGY INDUSTRY ASSOCIATION (“GSREIA”)

Jeffrey D. Cantin, 504-383-8936, jcantin@gsreia.org
Stephen Wright, 504-383-8936, swright@gsreia.org
400 Poydras Street, Suite 900
New Orleans, LA 70130

MADISON ENERGY INVESTMENTS

Juliana Harless, 205-792-5854, JHarless@madisonei.com
Associate, Southeast Market
120 19th Street North, Suite 2009
Birmingham, Alabama 35203

PRORATE ENERGY, INC

Myron Katz, PhD, (504) 343-1243, Myron.Bernard.Katz@gmail.com
302 Walnut Street
New Orleans, Louisiana 70118

COALITION FOR COMMUNITY SOLAR ACCESS (“CCSA”)
Laurel Passera, (919) 526-0111, laurelp@communitysolaraccess.org
Senior Director
Policy and Regulatory Affairs
1380 Monroe Street, NW #721
Washington DC 20010

TOGETHER NEW ORLEANS

Broderick Bagert, (225) 803-5876, bagertjr@gmail.com

Alaina DiLaura, (225)933-4871, alaina@togethernola.org

Pierre Moses, (504) 669-8552, pmoses@127energy.com

Abel Thompson, (225) 978-1667, abel@togethernola.org

Erin Hansen, (603) 667-0254, erin@togetherla.org