#### **BEFORE THE**

**COUNCIL OF THE CITY OF NEW ORLEANS**

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| --- | --- | --- |
| **IN RE: ESTABLISHING A DOCKET AND OPENING A RULEMAKING PROCEEDING TO CONSIDER REVISING THE COUNCIL’S RULES TO ALLOW RELEASE OF WHOLE-BUILDING DATA TO BUILDING OWNERS** | **)**  **)**  **)**  **)**  **)**  **)**  **)** | **DOCKET NO. UD-18-04** |

**STIPULATED SETTLEMENT TERM SHEET**

Applicant, Entergy New Orleans, LLC (“ENO” or the “Company”), the Advisors (“Advisors”) for the Council (“Council”) for the City of New Orleans, the Alliance for Affordable Energy (“Alliance”), National Housing Trust, and the National Resource Defense Council hereby agree to settle and resolve the captioned matter upon the following terms, which shall be the basis for an agreement in principle to be presented to the Council for approval. All remaining intervenors either support or do not oppose this settlement term sheet, as designated by the signature of their representative below.

Recognizing that on June 21, 2018, in Resolution No. R-18-225, the Council, subsequent to discussions with the Mayor’s Office of Resiliency, “opened this rulemaking docket to consider the issue of whether aggregated whole-building data could be released to building owners where a building has four or more meters and also sought comment on any feasibility or logistical issues associated with aggregating and releasing such data to building owners[.]”[[1]](#footnote-1)

Recognizing that in August 2018, ENO and other stakeholders provided comments discussing “(1) whether and under what conditions such aggregated whole-building data could be released while continuing to protect customers’ privacy; (2) matching of meters to the correct building; and (3) the possible automation of the aggregation of data and the transmission of data to building owners.”[[2]](#footnote-2) On October 18, 2018, the Council’s Advisors (“Advisors”) submitted comments in response to the stakeholder comments.

Recognizing that subsequent to the filing of the stakeholders’ comments, the Advisors submitted comments in response to stakeholder comments from August 24th. In summary, the Advisors accepted ENO’s long term solution for providing aggregated whole-building data. In addition, the Advisors suggested that the parties continue to work on an interim solution for providing the data. To that end, the Advisors suggested that the parties initiate discussions to come to an agreed upon interim solution. The Advisors reached out to the parties to set up conference calls with hopes of finding an interim solution. The Advisors hosted the two conference calls summarized below prior to submitting their December 20, 2018 comments.

On November 15, 2018, the parties met to discuss interim solutions for providing aggregated data to building owners. The discussion on this call surrounded the expected number and timing of buildings needing the aggregated data during the interim period prior to the implementation of AMI meters. During this time, ENO disclosed its ability to handle up to an initial estimate of 40 buildings during the interim period. Other parties disclosed an interest for up to 600 buildings to have the data available.

Recognizing that on December 20, 2018, the Council, considering the comments by the parties, passed Resolution No. R-18-539 setting forth several requirements of all parties. In response to Resolution R-18-539, the Alliance and ENO submitted comments into the docket. In addition, two more conference calls were held.

**Comments from the Alliance**

On January 22, 2019, the Alliance filed comments into the docket. In its comments, the Alliance advocated the benefits of providing a solution for the approximately 600 buildings in New Orleans that are above 50,000 sq. ft. in size. The Alliance cited a similar project in Atlanta that, if instituted in New Orleans, could save between 32,000,000 kWh and 58,000,000 kWh, and between $3,000,000 and $5,000,000 annually for 600 buildings. Based upon these figures, the Alliance supported finding an interim solution for up to 600 buildings.

**Conference Calls**

On February 1, 2019, the Advisors hosted a conference call pursuant to Resolution R-18-539. On this call, some parties expressed an interest in evaluating the cost of having Green Coast Enterprises (“Green Coast”) handle the aggregation and transmission of the data during the interim period. Green Coast, currently a contractor in the Energy Smart program, has been performing benchmarking analysis for a number of years. Based upon this interest, the Advisors requested that ENO meet with Green Coast to ascertain the potential for Green Coast to perform data aggregation and transmission as an interim solution.

On February 15, 2019, the Advisors hosted a conference call for the parties to the docket. On this call, ENO discussed two options that were being considered for providing the aggregated data to building owners. One option was to have Green Coast handle the aggregation of data in a turnkey format for building owners as mentioned on the previous call. The other option was for ENO to create an automated solution that would handle many of the tasks related to verifying owners and meters, and aggregating and transmitting data. In addition, the idea of having Green Coast act as an Energy Advisor to building owners that request the data for benchmarking purposes was explored.

**Green Coast Option**

Green Coast proposed to work with Aptim Environmental to perform the following tasks:

Task 1: Engagement & Initial Account Set-Up

* Work with building manager/owner to determine the sq. ft. and usage breakdown of the facility
* Create a building profile in Energy Smart Portfolio Manager account

Task 2: Building Energy Benchmarking

* Retrieve monthly billing data from ENO
* Organize data and ensure it is anonymized prior to upload
* Upload data to master Energy Smart Portfolio Manager account
* Share property level data at view level in Portfolio Manager to building owner and City of New Orleans Benchmarking account.

Task 3: Building Performance Analysis & Reporting

* Produce final benchmarking report
* Educate customer on Energy Smart Program and incentive offerings

Task 4: Opportunity Identification

* Assist customer with identifying energy efficiency savings opportunities
* Prioritize savings potential and measure recommendations

Task 5: Energy Smart Application Support

* Assist customer with completing program application and compiling required documentation
* Coordinate with trade ally contractor as needed

Indicative cost estimates for the above tasks are listed in the table below.

|  |  |  |  |
| --- | --- | --- | --- |
| With 1 FTE for 9 Months | |  |  |
|  | **Buildings** | **Cost/ energy smart application** | **Total Cost** |
| **Total** | **100** | **$ 1,366** | **$ 136,620** |
|  |  |  |  |
| With 2 FTE in 9 months |  |  |  |
| **Total** | **300** | $ 3,470 | **$ 320,625** |
|  |  |  |  |
| With 1 FTE for 21 Months |  |  |  |
| **Total** | **250** | **$ 1,413** | **$ 353,363** |
|  |  |  |  |
| With 1 FTE for 21 Months |  |  |  |
| **Total** | **300** | **$ 1,103** | **$ 330,750** |
|  |  |  |  |
| With 2 FTE in 21 months |  |  |  |
| **Total** | **800** | **$ 987** | **$ 789,750** |
|  |  |  |  |
| With 2.5 FTE in 21 months |  |  |  |
| **Total** | **800** | **$ 1,288** | **$ 1,030,725** |

**Automated Solution Option**

The second option that was discussed on the February 15, 2019 was the creation of an automated solution that could handle the aggregation and transmission of the data for both the pre- and post-AMI time periods. ENO would design, develop and implement the automated process to handle such processes as:

* Verification of the owner of the building
* Verification of the meters attached to the building
* Aggregation of the data
* Transmission of the data to Portfolio Manager

Given the speed with which the automated solution will be able to process the data requests, ENO estimated that many more owners will be able to receive the data sooner than would through a manual solution or through the Green Coast option. In addition, ENO estimated that the automated solution would be less costly than the Green Coast option.

Recognizing that after hearing the automated solution option, the parties on the February 15, 2019 conference call were in consensus that this solution represents the best option for aggregating and transmitting the data.

Recognizing that on the February 15, 2019 conference call, none of the parties expressed any opposition to Green Coast moving forward fulfilling an Energy Advisor role. The Energy Advisor’s role would include analysis of building performance, project opportunity identification and Energy Smart application support. The estimated cost for Green Coast to perform this role would be approximately $60,000 for 100 buildings for a nine month period.[[3]](#footnote-3)

Recognizing that in addition to the aforementioned orders, Resolution No. R-18-539 also required:

“ENO to file, within 60 days of adoption of this Resolution, for Council review and approval:

1. Draft processes for the release of whole-building data, including, but not limited to, the processes for ENO’s customers to request the release of the data, for verification of the building owner’s identity, verification of the specific meters attached to the building, notification to customers whose accounts are aggregated in the whole-building data, and for the customer of any account to which an involved meter is attached to challenge the appropriateness of the release of the data either because there are special circumstances where they believe the Council’s rules would not sufficiently protect their privacy or because they believe the building owner or building owner’s designated agent is using the data for improper purposes.
2. Further information regarding the costs and benefits anticipated to ratepayers of releasing aggregated whole-building data upon request to a limited number of building owners prior to the full implementation of AMI on the ENO system.”

Recognizing that on February 18, 2019, pursuant to Resolution R-18-539, ENO made a filing proposing draft processes for the following:

1. Process by which the owner will request the data
2. Process for verifying the building owner’s identity
3. Process for verifying the meters attached to the owner’s building
4. Process for notification of customers whose data is being aggregated
5. Process whereby a tenant can challenge the appropriateness of the release of the data
6. Process by which ENO will provide the data to owners or their designees the data

The signatories to this Agreement in Principle hereby agree to the following provisions, terms, and conditions and agree to propose these settlement terms to the Council:

**APPROVAL OF ENO'S DEVELOPMENT AND USE AN AUTOMATED PROCESS SOLUTION TO PROVIDE AGGREGATED WHOLE-BUILDING DATA TO MULTITENANT BUILDING OWNERS**

1. The Advisors, ENO, and Alliance and other stakeholders recommend that the Council issue a decision in this proceeding containing the following findings:
   1. The development and implementation of ENO’s automated process solution at the estimated cost of $50,000, including ongoing maintenance and support for 2020-2023, is in the public interest at this time.
   2. ENO should move forward with implementation of draft processes as proposed in its February 18, 2019 filing.

**APPROVAL OF THE ADDITION OF AN ENERGY ADVISOR TO ENERGY SMART**

1. The Advisors, ENO, and Alliance and other stakeholders recommend that the Council issue a decision in this proceeding containing the following findings:
   1. The addition of an Energy Advisor, as stated above, to Green Coast’s role in Energy Smart.

[SIGNATURES ON THE NEXT PAGE]

**Advisors to the Council of the City of New Orleans**

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Entergy New Orleans, LLC**

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Alliance for Affordable Energy**

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**National Housing Trust**

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**National Resource Defense Council**

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Council Resolution No. R-18-539, at pg. 3 [↑](#footnote-ref-1)
2. Id, at pg. 4 [↑](#footnote-ref-2)
3. Cost and number of buildings is variable based upon the number of months that Green Coast would act as the Energy Advisor. [↑](#footnote-ref-3)