



June 13, 2024

**By Electronic Mail**

Clerk of Council  
Room 1E09, City Hall  
1300 Perdido Street  
New Orleans, LA 70112

IN RE: APPLICATION FOR AUTHORITY TO OPERATE AS LOCAL DISTRIBUTION COMPANY AND INCUR INDEBTEDNESS AND JOINT APPLICATION FOR APPROVAL OF TRANSFER AND ACQUISITION OF LOCAL DISTRIBUTION COMPANY ASSETS AND RELATED RELIEF (Docket No. UD-24-01)

Dear Clerk:

Enclosed please find the Alliance for Affordable Energy's Proposed Procedures for Disclosure of Commercially Sensitive Information Designated HSPM-CS in the above mentioned docket. Please file the attached communication and this letter in the record of the proceeding and return one timestamped copy in the manner received, in accordance with normal procedures. 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,

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Logan Burke  
Executive Director  
Alliance for Affordable Energy

Cc: Known parties Docket UD-24-01

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

**DELTA STATES UTILITIES LA, LLCC )  
AND ENTERGY LOUISIANA, LLC, )  
EX PARTE )  
)  
IN RE: APPLICATION FOR )  
AUTHORITY TO OPERATE AS )  
LOCAL DISTRIBUTION COMPANY )  
AND INCUR INDEBTEDNESS AND )  
JOINT APPLICATION FOR )  
APPROVAL OF TRANSFER AND )  
ACQUISITION OF LOCAL )  
DISTRIBUTION COMPANY ASSETS )  
AND RELATED RELIEF )**

**DOCKET NO. UD-24-01  
JUNE 13, 2024**

**ALLIANCE FOR AFFORDABLE ENERGY’S PROPOSED PROCEDURES FOR  
DISCLOSURE OF COMMERCIALY SENSITIVE INFORMATION DESIGNATED  
HSPM-CS**

The Alliance for Affordable Energy (“the Alliance”) makes this filing pursuant to Judge Gulin’s order of June 10, 2024, requiring the Alliance and Delta States Utilities (“DSU”) to file a proposed procedure for disclosure of discovery materials.

Alliance requests access through secure electronic file-sharing for all HSPM documents, including those bearing the *ad hoc* label of HSPM-CS. The imposition of new and selective limits on file access through the requirement for in-camera viewing is discriminatory and

prejudicial to the Alliance's due process rights to participate fully in the proceeding. DSU has already used secure electronic file transfer for the documents in sharing them with the Council and its Advisors. The Alliance and its remote expert witness have already agreed to maintaining security procedures for the documents. Imposing one rule of access for the Council and its Advisors, and a different one for the Alliance has no nexus to measures required to maintain the security of documents, and therefore can only be explained by an intent to frustrate the Alliance's participation in the proceeding, to add unique costs to the Alliance's exercise of its due process rights, and to prevent a full evaluation of the facts in the proceeding. The selective imposition of an in camera-only requirement is therefore unreasonable and unacceptable to the Alliance and to City's interests in ensuring an equitable and prompt resolution of the issues in this proceeding.

The Alliance therefore requests immediate electronic access to the files designated HSPM-CS, including an index of all such files whether or not the Alliance has had a chance to review the documents in camera. Second, the Alliance requests agreement by DSU and Entergy to support a motion to extend the procedural schedule in order to allow the Alliance to review the documents and prepare supplemental direct testimony.

In the alternative, the Alliance requests a 45-day extension of the procedural schedule, and a commitment by DSU and Entergy to fully reimburse the Alliance for the costs, including labor, for the Alliance and its expert witness to review the materials in camera and to prepare supplemental direct testimony.

Respectfully submitted,



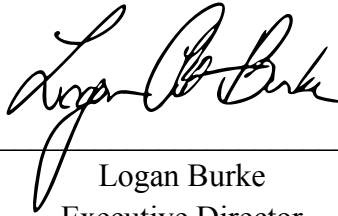
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Logan A. Burke  
Executive Director  
Alliance for Affordable Energy  
logan@all4energy.org

**In Re: Application for Authority to Operate as Local Distribution Company and Incur Indebtedness and Joint Application for Approval of Transfer and Acquisition of Local Distribution Company Assets and Related Relief**

**Certificate of Service Docket UD-24-01**

I hereby certify that I have, on this 13th day of June 2022, served the foregoing correspondence upon all other known parties of this proceeding by USPS or electronic mail.



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Logan Burke  
Executive Director  
Alliance for Affordable Energy