

**RESOLUTION**

**(LYING OVER)**

**NO. R-22-142**

**CITY HALL: March 24, 2022**

**BY: COUNCILMEMBERS MORRELL, MORENO, GIARRUSSO, KING AND THOMAS**

**IN THE MATTER OF APPLICATION OF ENTERGY NEW ORLEANS, LLC AND THE LOUISIANA UTILITIES RESTORATION CORPORATION FOR AUTHORITY TO FUND AND FINANCE STORM RECOVERY RESERVES AND RELATED RELIEF**

**UD-22-01**

**WHEREAS**, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans (“Charter”), the Council of the City of New Orleans (“Council”) is the governmental body authorized to exercise regulatory control over the rates, charges, and general conditions under which electric and gas services are provided in New Orleans; and

**WHEREAS**, Entergy New Orleans, LLC (“ENO”) provides electric and gas service to customers in Orleans Parish; and

**WHEREAS**, on October 27, 2006, in response to the devastation resulting from Hurricane Katrina, the Council adopted Resolution R-06-459 directing ENO to establish a storm reserve with a principal amount of \$75 million by no later than March 2017; and

**WHEREAS**, as directed by Resolution R-06-459, ENO implemented Electric and Gas Storm Reserve Riders; and

**WHEREAS**, in 2020 and 2021, while in the midst of the COVID-19 pandemic, the City was impacted by Hurricanes Laura, Delta, Zeta, and Ida; and

**WHEREAS**, because of the economic hardships brought on by the pandemic, the Council deemed it appropriate to allow ENO to recover costs through the storm reserve rather than through customer bill increases and depleted the storm reserve; and

**WHEREAS**, on February 4, 2022, ENO and the Louisiana Utilities Restoration Corporation (“LURC”) filed an application seeking authorization to replenish the storm reserve at a principal amount of \$150 million (“Application”);

**WHEREAS**, prevailing law, both state and federal, including state and federal supreme court precedents, require that a regulated utility be allowed the opportunity to recover prudently incurred operating and maintenance expenses, taxes, and a fair return on investment that is used and useful in providing utility services; **NOW THEREFORE**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS**, That the ENO Application herein shall be reviewed pursuant to the following procedure:

1. The Application shall be reviewed and identified as Council Docket UD-22-01.
2. Jeffery S. Gulin shall be appointed the Hearing Officer to preside over this inquiry pursuant to the City of New Orleans Code of Ordinances. In presiding over the inquiry, the Hearing Officer is directed to administer the proceedings and for good cause shown and as required by the circumstances of the proceedings and as discussed herein, the Hearing Officer shall have the authority to change or amend the dates established set forth herein.
3. ENO is designated as a party to these proceedings.

4. The Council's Advisors are directed to fully participate in the proceeding, including conducting discovery, to ensure that the Council's objectives for this docket are achieved.

5. Stakeholders desiring to intervene shall file a motion to intervene with the Clerk of Council by Friday, April 29, 2022 with a copy submitted electronically to Bobbie Mason (bfmason1@nola.gov). The Council's requirements for motions to intervene may be found in the City Code at sections 158-236, 158-240, 158-286, 158-287, 158-288, 158-322, and 158-324. All fees associated with the filing of interventions in this proceeding are hereby waived, in accordance with Section 158-286 of the City Code. Objections to motions to intervene shall be filed within 5 days of such requests. Timely-filed motions to intervene not objected to within that time period shall be deemed **GRANTED**.

6. A discovery period will commence upon adoption of this Resolution and the Council orders that all responses to discovery shall be made on a rolling basis and shall be due within 15 calendar days of receipt. Parties are encouraged to submit their data requests and responses electronically, where possible. Objections to data requests shall be filed within 5 calendar days of receipt. All parties are strongly encouraged to provide complete, unambiguous, and non-evasive responses to requests for information. Failure to do so could cause unnecessary discovery disputes and may disrupt the procedural schedule outlined herein. The parties are encouraged to attempt to resolve their discovery disputes amicably prior to seeking the intervention of the Hearing Officer or appealing to the Council. The

discovery service deadline shall be 15 days prior to the deadline for the submission of the Advisors' Report to the Council.

7. All discovery and related dates are to be strictly adhered to by the Parties, and enforced by the Hearing Officer, unless there is a compelling reason for allowing late responses. If despite this admonition, the Hearing Officer allows late discovery responses, he/she is directed to alleviate any prejudice suffered by any Party due to the late responses, including through adjustments to the procedural schedule. Continued dilatory tactics by the Parties in the discovery process are strongly discouraged.

8. The Intervenors are directed to file comments, if they choose to do so, by Friday, June 3, 2022.

10. The Advisors are directed to report their findings in the form of a written report ("Report") on or before Friday, August 12, 2022.

11. The Hearing Officer shall certify the record to the Council for consideration no later than Tuesday, August 30, 2022.

13. It is anticipated that during discovery, the Parties may be required to produce documents or information deemed confidential and/or highly sensitive and, accordingly, the Council adopts for use in this docket its Official Protective Order adopted by Resolution R-07-432, a copy of which can be obtained from the Council Utilities Regulatory Office.

14. Given the limited scope of the ENO Application with regard to regulatory issues involved and the limited and strictly defined time frame of the costs to be evaluated, ENO's requests for waivers of the Minimum Filing Requirements as

defined in Chapter 158, Division, 1, Section 158-41, *et seq.* of the New Orleans City Code are hereby approved.

**BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS,** That in the event the Council finds an evidentiary hearing or any further administrative proceedings are necessary, the Council may establish additional dates within the procedural schedule in this docket.

**APRIL 7, 2022**

**THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:**

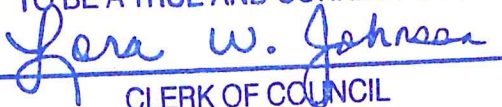
**YEAS: Giarrusso, Green, Moreno, Morrell, Thomas - 5**

**NAYS: 0**

**ABSENT: Harris, King - 2**

**AND THE RESOLUTION WAS ADOPTED.**

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THE FOREGOING IS CERTIFIED  
TO BE A TRUE AND CORRECT COPY  
  
CLERK OF COUNCIL