



February 23, 2024

Via 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 TO ASSESS AND AMEND
SERVICE REGULATIONS AND CODE PROVISIONS RELATED TO CUSTOMER PROTECTIONS
(Docket No. UD-23-02)

Dear Ms. Johnson:

Please find the enclosed Preliminary 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

**Before
The Council of the City of New Orleans**

**In Re: RESOLUTION AND ORDER
ESTABLISHING A DOCKET TO ASSESS
AND AMEND SERVICE REGULATIONS
AND CODE PROVISIONS RELATED TO
CUSTOMER PROTECTIONS**

DOCKET NO. UD-23-02

FEBRUARY 23, 2024

PRELIMINARY COMMENTS OF THE ALLIANCE FOR AFFORDABLE ENERGY

I. INTRODUCTION

On December 14, 2023 the New Orleans City Council (“the Council”) adopted Resolution R-23-552 establishing the instant docket and procedural deadlines around utility service regulations and code provisions related to customer protections in the City of New Orleans. The Alliance for Affordable Energy (“Alliance”) now submits the following preliminary comments:

**II. THE COUNCIL SHOULD ADOPT A PERMANENT PROHIBITION ON
RESIDENTIAL SHUTOFFS FOR ENTERGY & SEWERAGE AND WATER
BOARD RATEPAYERS**

On August 29, 2023, representatives of the Energy Future New Orleans Coalition (“EFNO”), including the Greater New Orleans Housing Alliance, Deep South Center for Environmental Justice, Bunny Friend Neighborhood Association, Bunny Friend Neighborhood Association, Greater New Orleans Interfaith Climate Coalition, Climate Reality Project, New Orleans Democratic Socialists of America, Puentes New Orleans, and Audubon Delta, sent a letter to the each member of the Council calling for a permanent end to utility disconnections for residential ratepayers (attached as Exhibit A). The letter cited Entergy New Orleans’ (“ENO”) third quarter earnings for 2022 – 10.4%, above its approved range of return on equity – during a

time when the Council had instituted a temporary moratorium due to extreme weather conditions and high fossil gas prices.

EFNO's letter is part of a growing call to end utility disconnections for residential ratepayers permanently in response to the worsening climate crisis, including a demand by the Center for Biological Diversity and more than 40 other groups to the City Council of Washington, D.C. to enact a similar policy in that jurisdiction.¹ In response to the COVID-19 pandemic, in March 2021, the National Consumer Law Center published a document it developed along with the Alliance, the Natural Resources Defense Council, Energy Efficiency for All, and several state utility public advocates entitled "Essential Utility Services During the COVID-19 Pandemic and Beyond: A Roadmap to Utility Service as a Human Right" (Exhibit B), which also calls for the recognition of utility service as "an essential human need" that should not be terminated for inability to pay, among enumerated rights.

Since Hurricane Katrina in 2005, New Orleans has experienced some of the worst effects of the climate crisis in the form of extreme weather events such as Hurricane Gustav (2008), Hurricane Isaac (2012), Hurricane Zeta (2020), Winter Storm Uri (2021), Algiers Tornado (2021), Hurricane Ida (2021), Westbank/Arabi Tornado (2022), a record hot summer in 2023, and, most recently, Winter Storm Heather this year. We know from past experience, including after Hurricane Ida, that access to electricity service is a life or death matter for many in our community. The intensity, frequency, and variety of these events are all increasing, and a piecemeal approach to prohibiting residential service disconnections will inevitably allow vulnerable ratepayers to be disconnected in between declared emergencies or states of extreme weather, only to be left without vital services during the next emergency.

¹<https://biologicaldiversity.org/w/news/press-releases/dc-council-urged-to-ban-utility-shutoffs-forgive-utility-debt-2023-09-20/>

Accordingly, the Alliance would propose to amend paragraph 41 of the Service Regulations Applicable to Electric and Gas Service by Entergy New Orleans, LLC (“Service Regulations”) approved by the Council in resolution R-19-457 on November 7, 2019 as follows:

41. Restrictions on Suspension of Residential Service for Non-Payment.

The Company will not suspend residential Service for non-payment ~~for any reason except by request of the Customer. non-payment under the following conditions: (i) if there is a *bona fide* dispute regarding such deliverability (see Section 51 “Customer Complaints”); (ii) if the low temperature for that day is forecast to remain below 40 degrees F or for the following night is forecast to be 32 degrees F or lower; (iii) if the high temperature for that day is forecast to be 100 degrees F or higher; (iv) if the National Weather Service has an Excessive Heat Warning² (or other such term that reflects a Heat Index of 115 degrees F or higher) issued for Orleans Parish, or (v) on a weekend, holiday, or the day before a holiday or Friday after 1:00 PM.~~

Likewise, Article VIII, Division 2, §158-1045(g) of the New Orleans Code of Ordinances (“the Code”) should be amended as follows:

The right to not have service disconnected ~~except by request. when: (1) the temperature for the day is forecast to remain at or below 40 degrees Fahrenheit or the night-time temperature is forecast to be 32 degrees Fahrenheit or lower, or (2) if the high temperature for that day is forecast to be 100 degrees F or higher, or (3) if the National Weather Service issues an Excessive heat warning (or such term that reflects a heat index of 115 degrees F or higher) for Orleans Parish for the day. [7] Once the National Weather Service issues an excessive heat warning, the utility is prohibited from reinstating normal~~

~~disconnect policies for the remainder of the day, regardless of whether the excessive heat warning is subsequently lifted during the day.~~

Alternatively, should the Council deem a total prohibition on residential service disconnections too broad in scope, the Alliance would suggest a **three-year moratorium** on residential service disconnections while Entergy works to increase resilience under docket UD-21-03 and begins to comply with the reliability requirements the Council adopted in 2023 under docket UD-17-04.

Another alternative would be seasonal moratoria for summer and winter, beginning on each respective solstice and ending on the next equinox, as such:

41. Restrictions on Suspension of Residential Service for Non-Payment.

The Company will not suspend residential Service for non-payment under the following conditions: (i) if there is a *bona fide* dispute regarding such deliverability (see Section 51 “Customer Complaints”); (ii) if the low temperature for that day is forecast to remain below 40 degrees F or for the following night is forecast to be 32 degrees F or lower; (iii) if the high temperature for that day is forecast to be 100 degrees F or higher; (iv) if the National Weather Service has an Excessive Heat Warning (or other such term that reflects a Heat Index of 115 degrees F or higher) issued for Orleans Parish, or (v) on a weekend, holiday, or the day before a holiday or Friday after 1:00 PM; ~~between the Summer Solstice and Autumnal Equinox or between the Winter Solstice and Vernal Equinox.~~

In any case, ENO should be required to exhaust all options before initiating any allowable residential disconnections, including directing ratepayers to the Arrearage Management Program (“AMP”) described below.

III. THE COUNCIL SHOULD ADOPT AN ARREARAGE MANAGEMENT PROGRAM THAT PAIRS DEBT FORGIVENESS WITH ENERGY EFFICIENCY IMPROVEMENTS

On March 24, 2022, the Council adopted resolution R-22-143, establishing a working group to be facilitated by the Council Utilities Regulatory Office (“CURO”) with the goal of developing and implementing an arrearage management program for residential ENO ratepayers. The Alliance submitted a proposal, attached as Exhibit C, and CURO submitted an edited version of it to the working group for comment. No other stakeholders responded, the working group has since stalled, and the Council has taken no further action to implement an arrearage management program.

The Alliance would reurge the Council to adopt the proposal we have submitted, or some variation thereof, which pairs debt forgiveness over time with enrollment in the Energy Smart program. This approach has multiple benefits: 1) relieving the financial burden of record high Entergy bills²; 2) reducing the home energy consumption of participants, thereby reducing their energy burden and the likelihood of falling into arrears; 3) reducing overall energy demand, which helps to relieve stress on the grid and increase reliability.

New Orleans ratepayers experience some of the highest energy burdens in the nation³, with the lowest-income households experiencing a particularly disproportionate impact. A robust and permanent arrearage management program is an important step in alleviating this burden and protecting vulnerable populations.

IV. THE COUNCIL SHOULD STREAMLINE THE BILL DISPUTE PROCESS

Though the Council codified a bill dispute process for Entergy ratepayers in 2007, the process is badly broken. The Code currently requires first an informal complaint be filed with

² <https://veritenews.org/2023/11/02/theres-no-end-in-sight-entergy-bills-rising-at-historic-pace/>

³ <https://www.aceee.org/sites/default/files/pdf/fact-sheet/ses-louisiana-100917.pdf>

ENO. If the parties do not reach a satisfactory solution, the ratepayer must then await a written disposition from ENO advising them of their right to file a formal complaint with CURO, after which the ratepayer has 10 days to do so.

ENO's customer service has placed them last in the South for three years in a row according to J.D. Power's Annual Electric Utility Residential Customer Satisfaction Survey.⁴ Requiring vulnerable ratepayers to await a written disposition from ENO before proceeding to CURO for mediation places an undue burden on already overburdened customers. Accordingly, the Alliance would suggest amending Code Article VIII, Division 3, §158-1048 to eliminate subparagraphs (2) and (3) and be amended as follows:

Sec. 158-1048. - Informal complaint filed directly with utility required.

- (1) All complaints must initially be submitted informally for resolution directly to the utility prior to filing a formal complaint by a customer. In the event the matter of the complaint involves the potential disconnection of a customer's service, the customer must file the informal complaint no later than the day prior to the day for which the disconnection of service has been scheduled by the utility as so noticed to customer. When an informal complaint is filed with the utility, the utility is required to use its best efforts to resolve the complaint via its customer issue resolution process as provided for in its then-effective customer service regulations. ~~If the subject of a complaint is the accuracy of a bill, the utility shall not terminate the service of the customer for nonpayment of the charges that are in dispute so long as during the pendency of the complaint, customer pays the amount currently chargeable for monthly or seasonal period(s) (as appropriate) at issue at customer's level of usage for the corresponding monthly or seasonal period(s)~~

⁴ <https://www.jdpower.com/business/press-releases/2023-electric-utility-residential-customer-satisfaction-study>

~~(as appropriate) during the prior year or, in the event such usage information is not available, the average usage for the customer class for the corresponding monthly or seasonal period(s), unless the customer and the utility mutually agree to an alternative payment arrangement. If a satisfactory disposition of the informal complaint has not been reached between the company and the customer within seven business days of the date of receipt of the informal complaint, the customer shall have the right to file a formal complaint through the Council Utilities Regulatory Office.~~

~~(2) If a satisfactory disposition of the informal complaint has not been reached between the company and the customer within ten business days of the date of receipt of the informal complaint, the utility shall notify the customer, in writing by mailing to customer's address via certified mail, return receipt requested, of his or her right to file a formal complaint through the council utilities regulatory office and provide a copy of the council-approved customer bill of rights pamphlet.~~

~~(3) The utility's notice shall indicate clearly that the formal complaint must be filed within ten (10) calendar days of the date the customer receives notification of the disposition of the informal complaint. The utility's notice shall include a clear indication and basis for the company's disposition of the informal complaint. The returned receipt of the United States Postal Service shall constitute prima facie evidence of the date notification is received by the customer.~~

Likewise, paragraph 51 of the Service Regulations should be amended to reflect these changes as follows:

51. Customer Complaints. Customer complaints shall be directed to Entergy New

Orleans, LLC through its Customer Contact Center at 1-(800) ENTERGY, or in person at its Customer Care Centers, currently located at **3400 Canal Street, New Orleans, LA 70119; and 4021 Behrman Highway, Suite J, New Orleans, LA 70114**, or through the Company's Website: www.entergyneworleans.com. Upon receiving a Customer complaint, the Company's Customer Contact Center or Customer Care Center agent will log the Complaint into the Customer Care System on the Customer's behalf and provide the Customer with a reference number. If the Company's Customer Contact Center or Customer Care Representative is unable to resolve the Customer's issue at the time the Complaint is made, a Company representative will contact the Customer within two (2) business days. If the complaint is not resolved to the satisfaction of the Customer within the Company's Customer Contact Center or the Customer Care Center, the complaint is forwarded to the Company's Customer Service Support Department. The Customer Operations and Support Department will contact the Customer within three (3) business days. If the Customer remains dissatisfied with the Company's response, the Customer's complaint will be forwarded to a Customer Service Specialist for further review.

The Company shall make every reasonable effort to resolve the matter via the Customer Complaint and Dispute Resolution Process within ~~ten (10)~~ **seven (7)** business days of initiating the complaint. However, in the event that the Customer is not satisfied with the Company's resolution of the complaint **within seven (7) business days of initiating the complaint, the Customer shall have the right to file a formal complaint through the Council Utilities Regulatory Office. the Company shall send Written Communication to the Customer regarding the disposition of the informal complaint, and reasons therefor; the Customer's right to file a formal Complaint through the Council Utilities Regulatory**

~~Office within ten (10) calendar days of receiving notification of the Company's disposition; and a copy of the Customer Complaint and Dispute Resolution Process, pamphlet as provided for in Section 158 of the Code of the City of New Orleans, Article VIII, Divisions 1-4, as amended.~~ Should the Customer initiate the formal complaint process, the Company will provide the Council Utilities Regulatory Office with information regarding the complaint and all actions taken by the Company to resolve the issue. Nothing contained in this Section shall abridge the rights and obligations of the parties under applicable Louisiana law.

V. THE COUNCIL SHOULD ELIMINATE RESIDENTIAL DEPOSITS AND RECONNECTION FEES

As we have noted, in an overburdened, climate vulnerable city, electric utility service is vital. Therefore, any unnecessary barriers to access should be eliminated, including deposits and reconnection fees. Utility service is a requirement of many residential rental leases, and in a city where renters occupy a majority of households, it can mean the difference between housing stability and housing insecurity.

Accordingly, the Council should eliminate paragraph 42 of the Service Regulations regarding reconnection charges, as follows:

~~**42. Reconnect Charge Following Disconnect.** If the Company disconnected a Customer's Service for any reason pursuant to these Service Regulations, or at the Customer's request, prior to reconnection of the Service to the Customer, the Customer must pay in full any amounts owed except as subject to the provisions of the Customer Complaint and Dispute Resolution Process, unless other payment arrangements have been made pursuant to Section 40. If Service was disconnected for non-payment, the Customer will normally be assessed a reconnect charge and any other charges due. The~~

~~reconnect charge is in addition to any other applicable deposits or charges and shall be in the amount stated in Rate Schedule MES or MGS and must be paid when the request for reconnection is made. Following disconnection, if all delinquent charges and all applicable fees have been paid by the Customer, and that payment is received by the Company or one of the duly authorized Quick Payment Centers (“QPC”) before 7:00 p.m. Monday through Friday (excluding Holidays), Service will be restored the day payment is received.~~

Likewise, the Council should amend paragraph 47 of the Service Regulations relative to deposits to eliminate residential deposits, as follows:

47. Deposits. The Company may require the Applicant/Customer to deposit a sum with the Company as security for the payment of bills and may require such deposits to be posted prior to the initiation of Service. The Company will annually credit the Customer’s account for interest at the rate specified in Rate Schedule MES or MGS, on the amount of any such deposits held. The following types of deposits may be required:

~~**a) Residential Service.** The Company may collect deposit amounts from new Applicants for each residential Service. New Applicants for residential Service may elect to be scored on the basis of credit history for the purpose of determining if the deposits can be waived. Such scoring shall be performed by an independent consumer reporting agency and conform to the standards of the Fair Credit Reporting Act. Additionally, the Company shall consider the prior billing history of new residential Applicants. New Applicants for residential Service with a prior billing history with the Company in which bills were paid on time for the previous twelve (12) months of Service will be deemed to present an acceptable~~

~~credit risk for the Company. Based on such new Applicant's credit score or prior billing history, deposits may be waived.~~

~~**i. Electric Service** A residential deposit of \$215.00 may be assessed for each Service where such Applicant has no credit score, chooses not to avail themselves of the credit scoring process, or is found to be not eligible for waived deposits.~~

~~**ii. Gas Service** A residential deposit of \$70.00 may be assessed for each Service where such Applicant has no credit score, chooses not to avail themselves to the process, or is found to be not eligible for waived deposits.~~

~~**iii. Combination Electric and Gas Service** A residential deposit of \$285.00 may be assessed for each Service where such Applicant has no credit score, chooses not to avail themselves to the process, or is found to be not eligible for waived deposits.~~

b) Non-Residential Service. The Company may, at any time, require the Customer to deposit with it, as security for the payment of bills, a sum equal to two (2) times the estimated average monthly bill of the Customer. If normal usage patterns are not available for the Service location, deposits will be estimated on the basis of the size of the Customer's premises and projected load.

c) Temporary Service. In the case of deposits made for temporary Service for periods of less than one month, such deposits will be in an amount sufficient to ensure payment for such temporary Service.

For non-residential deposits, the Company will accept the following instruments in lieu of cash deposits: an irrevocable bank letter of credit or a surety bond from a bank or surety company acceptable to the Company (see schedule MES, MGS).

VI. THE COUNCIL SHOULD CLASSIFY REFRIGERATORS AS MEDICAL EQUIPMENT FOR THE PURPOSES OF MEDICAL NEEDS CERTIFICATION

If the Council continues to allow residential disconnections, it should consider amending the Service Regulations pertaining to medical needs certification to clarify that “Medical Equipment” includes refrigerators. Many ratepayers rely on medications, such as insulin, that require cold storage. For the purposes of protections around medical needs certification, the Council should amend paragraph 50 of the Service Regulations as follows:

50. Medical Need Certification. Depending upon a Customer’s medical condition, the Customer may be eligible for one of two types of medical designations on their account. The two designations recognized by the Company are Life Support and Medical Equipment. Life Support is any medical treatment system that is life sustaining. Medical Equipment is any medical treatment system that is utilized in the treatment of an illness or medical condition, **including refrigerators used for the storage of medications or other medical necessities.** Customers who are on Life Support or any other life sustaining medical treatment system requiring a continuous supply of gas or electricity, should notify the Company. In order to have such designations placed on the account, a Customer must have a doctor provide a statement of medical condition to the Company.

Any Customer requesting designation, as having specific Life Support medical requirements must register as such with the Company.

VII. THE COUNCIL SHOULD ENSURE THAT RATEPAYERS ARE FULLY REPRESENTED IN REGULATORY PROCEEDINGS

In 1978, the United States Congress Passed the Public Utility Regulatory Policies Act (“PURPA”), and included retail regulatory policies for electric utilities for the purpose of achieving 1) conservation of energy supplied by electric utilities; 2) optimization of the efficiency of use of facilities and resources by electric utilities; and (3) equitable rates to electric consumers. 16 U.S. Code § 2611.

Section 122 of PURPA provides for individuals or organizations who would not otherwise be adequately represented to receive fair compensation for their useful intervention in a regulatory proceeding. 16 U.S. Code § 2632. Since PURPA’s adoption in 1978, most states have created either 1) an office of people’s counsel, a ratepayer funded advocate, or some other entity to specifically represent the interests of residential customers, or 2) guidelines by which such an intervenor may request remuneration for substantial contribution to the final regulatory decision. The New Orleans City Council has never created a statutorily recognized or funded residential public advocate, the state Attorney General’s office has categorically declined to represent utility ratepayers in Louisiana, and there are presently no guidelines for any organization to request and receive reasonable compensation for intervention on behalf of ratepayers. At least thirteen states have approved some kind of intervenor funding mechanism when an alternative means does not exist.⁵

⁵ IDAHO CODE § 61-617A (1992); Idaho Fair Share v. Public Util. Comm’n, 751 P.2d 107 (Idaho 1988); Northern Ind. Pub. Serv. Co. v. Citizens Action Coalition of Ind., Inc., 548 N.E.2d 153 (Ind. 1989); ME. REV. STAT. ANN. § 1310 (1992); MICH. COMP. LAWS §§ 460.6(1), (i) (1990); MINN. STAT. ANN. § 216B.16(10) (West, 1992), § 237.075(10) (1984); N.H. CODE ADMIN. R. PUC 205; Rodriguez, 506 N.Y.S.2d 888; OKLA. STAT. tit. 17, § 34.1 (1981); Public Serv. Co. of Okla., 688 P.2d at 1274; Utah State Coalition of Senior Citizens, 776 P.2d at 632 (in absence of public-utility commission procedures, action for fees must be brought in state court, not before public utility commission, but court found all but one precondition for fees met by

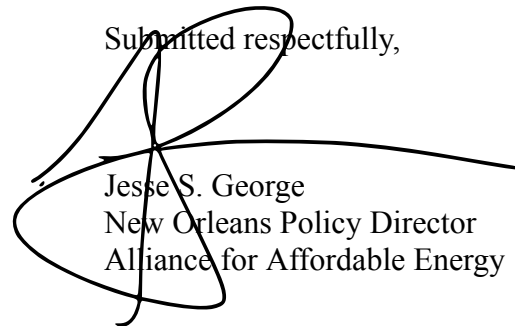
As a Fortune 500 company, ENO has vast resources with which to advance its shareholders interests, however, this is not true for most residents of New Orleans. The Council has the authority to create a pathway for New Orleans low-income residential customers to be thoroughly represented in ratemaking and other regulatory proceedings, and should add the following as a new enumerated right under Section 158-1045 of the Code:

(q) The right to representation in, or to reasonable compensation for costs and fees associated with intervening in, regulatory proceedings before the New Orleans City Council.

VIII. CONCLUSION

The Alliance thanks the Council for the opportunity to comment in this docket, and urges the Council to think expansively and to act boldly on behalf of struggling ratepayers. Additionally, we reserve the right to offer further suggestions in our reply comments, pending the technical conference to be held under the docket in March 2024 and the ongoing discovery process.

Submitted respectfully,



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

**Before
The Council of the City of New Orleans**

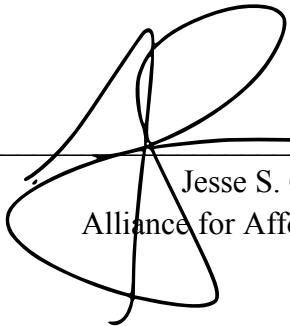
**In Re: RESOLUTION AND ORDER
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DOCKET NO. UD-23-02

FEBRUARY 23, 2024

CERTIFICATE OF SERVICE

I do hereby certify that I have, this 23rd day of February 2024, served the foregoing correspondence upon all other known parties of this proceeding by electronic mail.



Jesse S. George
Alliance for Affordable Energy

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Exhibit A



August 29, 2023

Via Electronic Mail

New Orleans City Council
Council of the City of New Orleans
1300 Perdido Street
New Orleans, LA 70112

Dear Council Members,

We, the Energy Future New Orleans Coalition (“EFNO”), write to commend you for the passage of Council resolution R-23-387, suspending utility disconnections through October 1, 2023 during the Mayor’s declared State of Emergency due to the intense heat waves broiling the City. Terminating a vital service to vulnerable residents in the midst of a climate crisis is unconscionable.

We note that the Council was compelled to pass a similar measure last summer due to intense heat and the high price of methane, upon which so much of our electricity generation depends. During that time – the third quarter of 2022 – Entergy New Orleans (“ENO”) was earning a 10.4% return on equity, more than half a percentage point above the upper range of its approved ROE. Clearly, the company’s profitability is not dependent on its ability to disconnect residents struggling under one of the highest energy burdens in the nation.

With that in mind, we urge you to consider ending residential disconnections permanently in the City of New Orleans. Climate catastrophe is not going away, and piecemeal measures are not enough to protect our residents. What happens on October 2, when temperatures are still sweltering?

ENO has other avenues for enforcing debts, including reporting to credit agencies and litigation. Without the ability to disconnect residents who cannot afford its outrageous bills, the company might be spurred to actions that ensure affordability, reliability, and resilience.

We thank you for your efforts to protect ratepayers during this period of declared emergency, and for your consideration of a more permanent solution to this ongoing crisis.

Sincerely,

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Community Engagement Program Manager
Deep South Center for Environmental
Justice

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Executive Director
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Andreanecia Morris
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Core Member
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Founder/Chair
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Katherine Perry Prevost
President
Bunny Friend Neighborhood Association

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New Orleans Policy Director
Alliance for Affordable Energy

Exhibit B



National
Consumer Law
Center



Essential Utility Services During the COVID-19 Pandemic and Beyond: A Roadmap to Utility Service as a Human Right

March 2021

- Safe, reliable, and affordable energy utility service — including heat, cooling, and light — is an essential human need.
- Safe, reliable, and affordable water and sanitation are essential human needs.
- Reliable, robust, and affordable broadband internet service is an essential human need.
- No household should be disconnected from these essential utility services based on the inability to pay.
- State laws, including those that direct the actions of public utility commissions and municipalities, and cooperatives, should explicitly recognize that uninterrupted utility service is an essential human need and essential to public health and safety.
- Utility service should be affordable for all households. In practice, that requires targeted, effective utility affordability programs sufficient to meet the needs of economically distressed households (such as percentage of income payment plans and/or discount rates).
- Utility billing and collection practices should recognize that uninterrupted utility service is an essential human need. In practice, that requires affordable debt retirement programs and prohibits, at a minimum, the assessment of late payment and reconnection fees, deposits, liens, sale of debt to debt buyers, and other aggressive collection practices.
- Utilities should monitor for and report on disparities in impacts by race and ethnicity on billing, collection, and termination practices, and all services provided, and correct any identified disparities.
- Utilities should provide robust and targeted energy and water efficiency services for economically distressed households.

Exhibit C

Arrearage Management Program Proposal of the Alliance for Affordable Energy

OBJECTIVES

The objective of the Arrearage Management Program (“AMP”) is to help utility customers meet their energy needs by providing arrearage forgiveness. The goals are:

- Reduce or eliminate existing arrearages.

- Bring accounts current.
- Put customers in a position to avoid disconnection and remain current in their payment obligations to Entergy New Orleans going forward.
- Benefit nonparticipating customers by reducing uncollectible expenses and other costs of service, such as those related to collection and disconnection.

ELIGIBILITY

- Customer, if eligible, shall participate in low income benefits program(s) (such as LIHEAP)
- Active customer or customer who was disconnected in last 6 months
- Minimum arrearage balance of \$300 that is a minimum of 60 days past due
- Enrolled or willing to enroll in budget billing

PARAMETERS:

- Each month, customers receive a credit or matching payment toward their unpaid account balances.
- Customers who enter the program with arrearages of \$3,600 and under receive monthly credits equivalent to 1/12 of their arrearages, allowing for complete arrearage forgiveness within 12 months.
- Customers who enter the program with arrearages of over \$3,600 receive monthly credits equivalent to 1/24 of their arrearages, and their time in the program may be extended to allow for full arrearage forgiveness.
- Participants shall be enrolled in the energy efficiency program and shall receive an energy audit, LEDs and low-flow showerheads at a minimum, and full Income Qualified Weatherization through Energy Smart if qualified.
- The reconnection fee for terminated customers is waived.

EDUCATION & OUTREACH

The Utility shall make all reasonable efforts to personally contact and helpfully educate every delinquent customer on the AMP. The utility shall commence communication with the delinquent customers in a manner most likely to lead the customer to participate in the AMP.

The utility shall contact each delinquent customer regardless of that customer's current participation in another payment option.

All communications shall include a way for the customer to contact a customer service representative.

REPORTING

One-Year Impact Analysis

Each year the utility will prepare an analysis examining a full year of bills, payments, arrears, collections actions, and terminations before and after enrollment.

Included in this analysis should be heating type, household income, poverty level, program status (active versus removed participants), arrearages (average monthly credits), and shut-off status at enrollment.

Cost Recovery

The utility shall create a regulatory asset of the alleged costs of the AMP specific administration and may seek recovery of these costs in its next rate case.