

**RESOLUTION
NO. R-23-552**

CITY HALL: December 14, 2023

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

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

UD-23-02

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 with the power of supervision, regulation, and control over public utilities providing service within the City of New Orleans; and

WHEREAS, Entergy New Orleans, LLC ("ENO" or "the Utility") is a public utility providing electric and natural gas service to all of New Orleans; and

WHEREAS, ENO is a wholly owned subsidiary of Entergy Utility Holding Company, LLC; and

WHEREAS, the Council has previously approved the "Service Regulations Applicable to Electric and Gas Service by Entergy New Orleans, LLC" ("Service Regulations") and other customer protections to provide for ENO customers; and

WHEREAS, the Council has initiated proceedings to revise the Service Regulations and other customer protections enumerated in Article VIII of the Code of Ordinances at various times in the past (collectively referred to herein as "Customer Protections"); and

WHEREAS, the last comprehensive review of Customer Protections by the Council occurred in 2007 in the wake of Hurricanes Katrina and Rita ; and

WHEREAS, beginning in March 2007, representatives from ENO and Entergy Louisiana, LLC (“ELL”), which provided utility services to Algiers at that time, the Council Utilities Regulatory Office (“CURO”), and the Council’s utility advisors (“Advisors”) worked to jointly generate proposed revisions to the Customer Protections to reflect post-Katrina and Rita circumstances; and

WHEREAS, on August 6, 2007, ENO filed with the Council a request for approval and implementation of the proposed revised Customer Protections, which it revised in a subsequent filing; and

WHEREAS, on September 7, 2007, ELL filed with the Council a request for approval and implementation of the proposed revised Customer Protections for its operations in Orleans Parish; and

WHEREAS, on September 20, 2007, the Council adopted Resolution No. R-07-428 and Ordinance Number 22814 Mayor Council Series, approving the revised Customer Protections; and

WHEREAS, over the past three years, the City has experienced unprecedented events, including the global COVID-19 pandemic, a record number of excessive heat warnings, and drought conditions, which led officials to declare several states of emergency; and

WHEREAS, these events exposed gaps in the Customer Protections which allow the utility to disconnect utility service to customers during a declared emergency; and

WHEREAS, input from stakeholders and advocates has highlighted the need for revisions to the Customer Protections to address other gaps in Customer Protections such as prohibiting service disconnects during declared states of emergency, expanding access to payment arrangements after moratoria end, and clarifying the customer complaint process; and

WHEREAS, the Council believes it is in the public interest to initiate a comprehensive review of the Customer Protections; **NOW THEREFORE**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council establishes Docket No. UD-23-02 (“Customer Protections Docket”) to evaluate and propose revisions to existing Customer Protections as established in the service regulations and the Code of Ordinances.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the proceedings for the Customer Protections Docket shall be conducted as follows:

1. The Honorable Calvin Johnson (fourwakes@gmail.com) is hereby appointed as Hearing Officer in this docket and shall, for good cause shown, and as required by the circumstances of this proceeding, have the authority to change or amend the procedural dates set forth herein.
2. ENO is designated as a party to these proceedings.
3. The Council’s Advisors are directed to participate in the proceedings, to conduct the assessment, and to ensure that the Council’s objectives for this docket are achieved.
4. Stakeholders desiring to intervene shall file a motion to intervene with the Clerk of Council, with a copy submitted electronically to Byron Minor (bminor@nola.gov) no later than **Friday, January 19, 2024**. 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.
5. A discovery period will commence with 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 required to submit their data requests and responses electronically, where possible. Objections to data requests shall be filed within 5 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 deadline shall be **Friday, April 19, 2024**.

6. It is anticipated that during discovery, the parties may be required to produce documents or information that are 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. However, parties are directed to limit the use of the Highly Sensitive Protected Material designation only to those material that explicitly meet the criteria as described in the official Protective Order.
7. Intervenor shall file any comments, testimony, or other information, if they choose to do so, on or before **Friday, February 23, 2024**. Initial comments should include proposed revisions to the service regulations and Article VIII of the Code of Ordinances in a redline document. While parties may propose changes to any aspect of the service regulations, parties are strongly encouraged to focus their comments on paragraphs 41 through 51 of the service regulations, which describe the circumstances wherein the Company may disrupt service to customers, deferred payment arrangements, deposits, and fees.
8. The Council Utilities Regulatory Office (“CURO”) shall convene a recorded, virtual technical conference during which parties shall have the opportunity to present on their proposed changes to the service regulations and Code of Ordinances and ask questions of presenting parties in accordance with the agenda prepared by CURO.
 - a. CURO shall convene the technical conference between **March 11, 2024 and March 22, 2024**
 - b. CURO shall distribute an agenda to the service list no later than forty-eight hours before the technical conference.
9. The Intervenor and ENO shall file their reply comments on or before **Friday, May 3, 2024**.

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

YEAS:

NAYS:

ABSENT:

AND THE RESOLUTION WAS ADOPTED.