

Mar 23, 2025

Via Electronic Mail

Aisha Collier
Assistant Clerk of Council
Room 1E09, City Hall
1300 Perdido St
New Orleans, LA 70112

Re: Community Solar Docket UD-18-03

Dear Ms. Collier,

Together New Orleans respectfully submits the following comments regarding New Orleans' community solar program implementation in UD 18-03.

Please do not hesitate to reach out with any questions related to this filing.

Sincerely,

Nathalie Jordi
Together New Orleans

Apr 2, 2025

Dear Council Members, Council Staff, CURO and Advisors,

TNO offers the following comments on New Orleans' community solar program.

Form CSG-3 V. B. Insurance Requirements

Action: Update insurance requirements to require that Subscriber Organizations hold \$1 million in general liability insurance, not \$3 million.

Why: ENO requires Subscriber Organizations to hold comprehensive general liability insurance of \$3,000,000 per occurrence. This is exceedingly high for projects that will cost \$5-10 million. ENO's insurance requirements should be in line with the market: \$1 million in general liability.

Form CSG-4 Section 4.5: Deposits.

Action: R-24-571 was published by the Council after the most recent set of CSG-4 redlines, but includes guidance relevant to the deposit protocol referenced in the redlines. To achieve internal consistency, the deposit guidance in R-24-571 should be incorporated into section 4.5 of CSG-4.

Why: What the Council's resolution R-24-571 attempts to rectify is the fact that based on ENO's estimated timelines for studies and interconnection upgrades, over which Subscriber Organizations have no control, many will fail to meet ENO's deposit deadlines through no fault of their own. R-24-571 stipulates that "Deadlines for a Subscriber Organization to act shall be tolled during periods in which the Subscriber

Organization is not in control, such as during study timelines, interconnection upgrade construction, or waiting periods.”

The following language brings CSG-4 up to date with R-24-571, and creates a parallel incentive for ENO to adhere to timelines too. Every party should be accountable to deadlines, not just Subscriber Organizations (current redlines in red, new proposed redlines in blue).

4.5 Deposits. If Commercial Operation is not achieved within ~~12~~18 months following ~~execution of an interconnection agreement~~, of completion of interconnection upgrades for any approved application, Subscriber Organization shall provide to ENO an ~~initial~~ additional deposit of \$25~~50~~ per kW to remain in the Construction Queue, subject to the approval of the City Council. ENO shall return the CSG Facility deposit upon commencement of Commercial Operation, unless the CSG Facility fails to begin operating within 24 months of ~~executing an interconnection agreement~~ completion of interconnection upgrades. If a CSG Facility fails to begin operating within 24 months of ~~executing an interconnection agreement~~ completion of interconnection upgrades, the Subscriber Organization shall provide ENO an additional deposit of \$25 per kW for the project to remain in the Construction Queue, subject to the approval of the City Council. ENO shall return the CSG Facility deposit upon commencement of operation unless the CSG Facility fails to begin operating within 36 months following completion of interconnection upgrades, ~~of executing an interconnection agreement~~, in which case the full deposit shall be forfeited by the Subscriber Organization and the CSG Facility shall lose its ability to continue under the Community Solar Program, subject to the approval of City Council. The deposit timeline shall be tolled for delays not within the Subscriber Organization’s control, as determined by City Council.

If the City Council determines, either on its own initiative or in response to a complaint from a Subscriber Organization, that ENO has unreasonably delayed any required interconnection study, approval, or construction, or has improperly increased project-related costs, ENO shall be required to submit a deposit of \$25 per kW for the affected project to the Council. This deposit shall be held until the delayed action is completed or the cost issue is resolved. If the delay or cost inflation is not remedied within a reasonable timeframe set by the Council or causes irreparable financial losses to Subscriber Organization, the deposit may be increased to include carrying costs and lost revenue to be used to offset costs incurred by the affected Subscriber Organization and/or credited back to ratepayers.

To make the community solar rules consistent with the proposed updates to

CSG-4, the following updates also need to be made to section VII.D.9 of the rules.

(9) Construction Queue—Upon execution of an interconnection agreement, the CSG Facility project will be added to the Construction Queue.

(a) If, within 18 months following ~~execution of an interconnection agreement~~, completion of interconnection upgrades, a CSG Facility fails to begin operating, the Subscriber Organization shall provide to the Utility an initial deposit of \$25 per kW for the project to remain in the Construction Queue, subject to the approval of the City Council.

(b) The Utility shall return the CSG Facility deposit upon commencement of operation, unless the CSG Facility fails to begin operating within 24 months of ~~executing an interconnection agreement~~. completion of interconnection upgrades.

(c) If a CSG Facility fails to begin operating within 24 months of ~~executing an interconnection agreement~~ completion of interconnection upgrades, the Subscriber Organization shall provide to the Utility an additional deposit of \$25 per kW for the project to remain in the Construction Queue, subject to the approval of the City Council.

(d) The Utility shall return the CSG Facility deposit upon commencement of operation, unless the CSG Facility fails to begin operating within 36 months of ~~executing an interconnection agreement~~ completion of interconnection upgrades, in which case the full deposit shall be forfeited by the Subscriber Organization, subject to the approval of the City Council. The deposit timeline shall be tolled for delays not within the Subscriber Organization's control, as determined by City Council.

(11) If the City Council determines, either on its own initiative or in response to a complaint from a Subscriber Organization, that ENO has unreasonably delayed any required interconnection study, approval, or construction, or has improperly increased project-related costs, ENO shall be required to submit a deposit of \$25 per kW for the affected project to the Council. This deposit shall be held until the delayed action is completed or the cost issue is resolved. If the delay or cost inflation is not remedied within a reasonable timeframe set by the Council or causes irreparable financial losses to Subscriber Organization, the deposit may be increased to include carrying costs and lost revenue to be used to offset costs incurred by the affected Subscriber Organization and/or credited back to ratepayers.

Community Solar Rules: Waitlist for application queue

Action: Strike the newly proposed application queue waitlist redlines from section V.A.3 of the community solar rules.

Why: It is understood that Nola's community solar program is capped, and furthermore that ENO would like to establish two queues, an application queue and a construction queue. This makes sense, but we believe strongly that the only queue that should be capped is the construction queue. (In effect, the application queue is the waitlist for the construction queue.) Capping the application queue is unnecessary, and adding a waitlist to get on it serves only to constrain the flow of viable applicants to New Orleans' community solar program. Under the waitlist rules proposed by ENO, when a slot opens up in the application queue, projects will have to reduce their project size to meet the size of the open slot - or give up their position entirely. This will boot out larger, cost-efficient projects in favor of smaller, less cost-efficient ones, which does not benefit ratepayers and unnecessarily hamstring New Orleans' community solar program. Bigger viable projects will have to go to the back of the queue and start over, long before they enter the construction queue. We agree that the construction queue should not accommodate more projects than the program has space for, but there's no reason why the application queue, which is more fluid, should have this unnecessary and inefficient constraint.

We propose striking the newly proposed application queue waitlist redlines from section V.A.3 of the community solar rules.

Timing of Executing Interconnection Agreements

Action: ENO should update their website's [flow chart](#) to show that interconnection agreements can be signed after the system impact study.

Why: As noted in TNO's Oct 22 filing, which includes a review of study costs and practices in other jurisdictions, much of the work that ENO intends to do in the facilities study (estimated to cost \$160,000) is actually pre-payment for design work like strategic planning and execution strategies, material management plan, right of way and environmental permitting plans, etc. This is important work and needs to occur, but it is common and more appropriate for the interconnection scope of work to be invoiced and completed after an interconnection agreement is executed. Our recommendation is that all pre-development work occur during the \$20,000 system impact study phase, with pre-construction processes and expenses occurring after an interconnection agreement is signed.

We believe that the only place this needs to be fixed is in the [flowchart](#) on ENO's website, outside the scope of the official rules, but nonetheless want to note the needed change in this motion, because Council should be aware that Subscriber Organizations will be unable to close financing without executed interconnection agreements.

Consolidated Billing

Action: Keep ENO on track to implement a plan for consolidated billing.

Why: R-24-310 impelled ENO to submit a plan for consolidated billing no later than Sept 30, 2024 that would be implemented by July 1, 2025. To date, no such plan has been proposed. We urge the Council to hold ENO accountable to delivering a plan. The net crediting method of consolidated billing is a nationwide best practice integral to the success of New Orleans' community solar program, and we look forward to working with ENO to set it up.

Deposits under the old rules

Action: Waive deposit invoices that are being sent under the old rules.

Why: Subscriber Organizations who have been in the interconnection queue for 12 months have begun receiving deposit invoices from ENO as stipulated by the old rules, which are currently still in place. Since all parties understand that new rules are coming soon, we recommend that the Council waive these invoices until the new rules go into effect.

Conclusion

We are happy to see progress on this docket and are eager to wrap it up and get projects built, so that New Orleanians can enjoy access to more affordable and cleaner energy. Please do not hesitate to reach out with questions.

Sincerely,

Nathalie Jordi

Together New Orleans

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

Re: Supplemental Community Solar CSG-4, Community Solar Docket UD-18-03

CERTIFICATE OF SERVICE

I do hereby certify that I have, this **Mar 23, 2025** , served the foregoing correspondence upon all other known parties of this proceeding by electronic mail.

A handwritten signature in black ink, appearing to read 'Nathalie', is positioned above a horizontal line.

Nathalie Jordi, Together New Orleans