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October 17, 2025

**VIA ELECTRONIC MAIL**

Clerk of Council  
Clerkofcouncil@la.gov  
City Hall - Room 1E09  
1300 Perdido Street  
New Orleans, LA 70112

**Re: Resolution and Order Establishing a New Docket and Procedural Schedule to  
Revise Chapter 158 of the Code of Ordinances  
(CNO Docket No. UD-25-01)**

Dear Clerk of Council:

Attached please find *Entergy Orleans, LLC's ("ENO") Comments in Response to the Proposed-Revised Chapter 158 of the Municipal Code of New Orleans and to the Proposed Utilities Regulatory Manual*, with attached Exhibits, which is being filed in the above-referenced docket. ENO submits this filing electronically and will submit the requisite original and number of hard copies if and when directed to do so.

Thank you for your assistance in this matter, and please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads 'Courtney R. Nicholson'.

Courtney R. Nicholson

CRN/hhs

Enclosures  
cc: Official Service List UD-25-01 (*via electronic mail*)

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

<b>RESOLUTION AND ORDER</b>	)	
<b>ESTABLISHING A NEW DOCKET</b>	)	
<b>AND PROCEDURAL SCHEDULE TO</b>	)	<b>DOCKET NO. UD-25-01</b>
<b>REVISE CHAPTER 158 OF THE CODE</b>	)	
<b>OF ORDINANCES</b>	)	

**ENTERGY NEW ORLEANS, LLC’S COMMENTS IN RESPONSE TO THE  
PROPOSED-REVISED CHAPTER 158 OF THE MUNICIPAL CODE OF NEW  
ORLEANS AND TO THE PROPOSED UTILITIES REGULATORY MANUAL**

Entergy New Orleans, LLC (“ENO” or the “Company”), in compliance with the requirements of Council of the City of New Orleans (the “Council”) Resolution No. R-25-407 (“Resolution”), respectfully submits these Comments to the proposed-revised Chapter 158 of the Municipal Code of the City of New Orleans (“Proposed 158”) and to the newly-proposed Utilities Regulatory Manual (“URM”).

Overall, ENO believes that Proposed 158 is an improvement over the currently existing version of Chapter 158 (“Current 158”). Proposed 158 simplifies Current 158 in certain respects and provides much-welcomed updates to codify the electronic submission of filings. Additionally, ENO believes that removing a number of the technical filing and other requirements from Current 158 and placing such requirements instead in the newly-proposed URM, which can be modified, if needed, by Council Resolution, is a positive development.

Although ENO views Proposed 158 and the URM as containing many positive revisions to Current 158, in these Comments, ENO takes exception to certain revisions and proposes its own revisions to Proposed 158 and to the URM.

**I. ENO’S SUGGESTED REVISIONS TO PROPOSED 158**

**A. Proposed 158, Article II, Division II, Sections 158-9, *et seq.*, Customer Complaints**

Proposed 158 puts forth numerous proposed revisions to Current 158 related to the Customer Complaint processes. ENO takes exception to some of the proposed changes and submits its own proposed revisions to Proposed 158’s Customer Complaint processes. As discussed more fully below, ENO urges that: (1) the process for handling customer property damage claims be separated from the customer complaint process and set forth in the utility’s Customer Service Regulations; (2) unresolved property damage claims be excluded from the CURO administrative appeals process; and (3) that the proposed customer complaint process be simplified. A redlined version of Proposed 158 reflecting ENO’s proposed changes is attached hereto as Exhibit 1.

**Damage Claims and the Damage Claims Process**

Section 158-10 of Proposed 158 provides that this article is applicable to “unresolved property loss claims,” which suggests that the detailed customer complaint process, the corresponding complaint process timelines, and the administrative appeals provisions are also applicable to property loss claims. ENO disagrees with these proposed revisions in several respects.

The process for resolving property loss claims is significantly different and more complex than a typical customer complaint over a billing dispute, for example. That damage claims process necessarily involves multiple parties, some of whom are not controlled by the utility, and it can often require a detailed and time-consuming investigation by the utility, retention by the customer of his or her own inspector or investigator, gathering of and submission of evidence of damage and proof of loss by the customer, and coordinating the scheduling of all of these activities.

Additionally, if the customer is dissatisfied with and disputes the initial disposition of the claims, there are multiple levels of appeal internal to Entergy that may be requested.

The damage claims process currently in effect is outlined in section 52 of ENO's Service Regulations filed with and approved by the Council. That section reads as follows:

52. **Damage Claims.** The Company shall maintain a process for any Customer to make a claim for loss or damage of property due to an adverse action of the Company in connection with the provision of electric and/or gas service. Customers can contact the Company through its toll-free phone number, 1(800) ENTERGY, in person at one of the local Customer Contact Centers, or through the Company's website: [www.energyneworleans.com](http://www.energyneworleans.com). Upon receiving a claim of damage, the claim will be routed to the appropriate department and assigned a Company Claims Analyst. Depending on the nature of the claim, an independent claims adjuster may be engaged to investigate the claim. Absent extenuating circumstances, for example restoration of Service following a natural disaster, a Company representative will contact the Customer within five (5) business days to inform the Customer that the Company has received the claim, provide the Customer with a claim reference and, if necessary, to gather additional information regarding the claim. The Company representative may also ask the Customer to provide documentation that supports the claim, such as receipts. The Company will initiate an investigation and provide a response to the Customer's claim within ten (10) business days of receipt of supporting documentation. Depending on the determination reached, the Customer may also elect to request further review of the claim by a Claims Specialist and/or Lead Specialist. If the Customer remains dissatisfied with the Company's response to the Claim, the Customer may request review by the Claims Manager. Nothing contained in this Section shall abridge the rights and obligations of the parties under applicable Louisiana law.

ENO Customer Service Regulations, at p. 34.

ENO believes that the damage claims process as outlined in ENO's Customer Service Regulations is reasonable and provides sufficient structure, along with much-needed flexibility, to address the real-world practicalities of working through property damage claims submitted by customers. Accordingly, ENO urges the Council to delete subparagraph (g) to Section 158-10 and instead: (1) add a new Section that states that claims for property damage or loss related to the provision of utility services are governed by the process set forth in the utility's Customer Service

Regulations as approved by the Council. This will also ensure that the caveat that currently exists in ENO's Customer Service Regulations related to damage claims (i.e., that extenuating circumstances, such as restoration of service following a natural disaster, may affect the timing of claim resolution) will be carried forward.

Current 158 provides that if a customer is unsatisfied with the utility's disposition of an informal customer complaint, the customer may file a formal complaint with the Council Utilities Regulatory Office (CURO"), after which a complaint officer will be appointed and an administrative hearing scheduled for review of the customer's formal complaint. See Sections 158-1051 through 158-1059 of Current 158 (Municipal Code of the City of New Orleans, (2025)). Section 158-1057 (3)(j) of Current 158 expressly excludes damage claims from the purview of such administrative hearings and provides that "[a] customer may not request an administrative hearing if ... [t]he customer/applicant is disputing ... [a] claim for property damage made against the utility." However, Section 158-10 (g) of Proposed 158 provides that "the subject of complaints reviewed under this article include ... unresolved property loss claims resulting from a loss of service or defect in service." This suggests that, unlike under the provisions of Current 158, customers' claims submitted to ENO for property damage due to a loss of service or defect in service that are not resolved to the satisfaction of the customer would be subject to the administrative review and hearing process conducted by a CURO employee or a CURO-appointed third party appeal officer. See Section 158-11 of Proposed 158 ("All eligible appeals will be reviewed by CURO or a third-party appeal officer who will issue a final decision on the appeal.") ENO strongly urges that claims for property damage must be excluded from the administrative review and hearing process under Proposed 158, as more fully discussed below.

Property loss claims are legal claims submitted to the utility seeking monetary damages for an alleged loss. Property damage claims were properly excluded from the administrative appeals process in Current 158 because neither the Council nor CURO has subject matter jurisdiction over such claims. The Council is a legislative body charged by the Home Rule Charter of the City of New Orleans with ratemaking and regulatory authority over utilities operating in Orleans Parish.<sup>1</sup> It is well-established that as a legislative body, the Council does not have subject matter jurisdiction to award monetary damages. The award of monetary damages falls within the exclusive jurisdiction of the courts.<sup>2</sup> This is implicitly acknowledged in Section 158-10 of Proposed 158, which provides: “Please note that certain issues are more appropriately resolved in other forums, either by the council itself, judicially, or in another proceeding designed specifically for their resolution.” Accordingly, in addition to the changes requested in the previous paragraph, ENO strongly urges the Council to include a specific provision in Section 158-16, Restriction on Appeals, in Proposed 158 to make clear, as does Current 158, that property damage claims are not subject to the administrative hearing process laid out in Sections 158-12, *et seq.* of Proposed 158 and any such claims submitted to CURO on appeal are subject to dismissal. Finally, ENO urges deletion of subparagraph (e) Section 158-17, Results of Appeal, as it also addresses property damage claims on appeal.

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<sup>1</sup> Home Rule Charter of the City of New Orleans, Article III, Sections 3-101 and 3-130(1).

<sup>2</sup> *City of New Orleans v. United Gas Pipe Line Co.*, 438 So. 2d 264 (La. App. 4<sup>th</sup> Cir.), *writ denied*, 442 So. 2d 463 (La. 1983)(holding that the determination of damages is solely a judicial function); *Magnolia Coal Terminal v. Phillips Oil Co.*, 576 So.2d 475, 487 (La.1991) (Dennis, J. concurring) (“Damage suits of all kinds ... have long been the warp and woof of the caseload of the courts.”) ; *Creasman v. Gilpin*, 175 So.2d 879, 880 (La.App.2d 1965) (“Determination of the amount an injured party is entitled to recover against the wrongdoer to repair his damage is a function entrusted to the judicial branch of our government.”); *Parker Gravel v. Louisiana Pub. Serv. Comm’n*, 162 So. 64 (La. 1935).

## **Non-Property Damage Customer Complaints**

Section 158-11 of Proposed 158 sets forth an elaborate and rigid timeline for each step of a utility's process for responding to complaints made by a customer. Although ENO understands and agrees that customer complaints must be addressed with the customer upon receipt and resolved expeditiously, ENO believes that the process and timeline laid out in Section 158-11 is unrealistic in practice, borders on (if not crosses the line into) micromanagement<sup>3</sup> of the utility's

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<sup>3</sup> For example, consider the detail included in Section 158-11(f) – (g) of Proposed 158:

(f) Initial complaint investigations

- (1) Within two business days of receiving an initial complaint, the utility shall assign an investigator to review the complaint.
- (2) The assigned investigator shall contact the claimant in accordance with the claimant's preferred means of contact no later than one business day after the investigator is assigned the complaint.
  - a. For all complaints, the investigator shall provide the claimant with a reference number for the initial complaint, the investigator's contact information, and a means by which the claimant may submit related documentation that supports the complaint. Additionally, for property loss claims, the adjuster shall provide the claimant with a proof of damage form to complete, any other forms required by the utility's service regulations, and a means by which the claimant may submit related documentation that supports the damage claim.
- (3) The investigator shall attempt to contact the claimant at least twice. Each attempt shall be no less than 24 hours apart. After each unsuccessful attempt, the investigator shall provide their name, the name of the utility, a brief description of the matter, and a contact number. If the investigator is unable to reach the claimant, or the claimant does not respond within three business days of the second attempt, the utility shall provide a written communication to the claimant including the dates and method of attempted communication and the contact information to address their complaint.
- (4) All complaints shall be deemed resolved if the claimant does not contact the investigator within seven (7) business days of receiving the written communication from the utility.
- (5) Property loss claims resulting from loss of service or defective service. If the investigator finds the claimant is entitled to compensation, the utility may request additional routine documentation, including receipts and/or a qualified technician's report including photographs verifying inspection and identifying the scope of the damage(s). If the investigator finds the claimant is not entitled to compensation, the utility shall conduct a supervisory review of the adjuster's decision in accordance with the provisions of the customer service regulations regarding customer complaints.

(g) Complaint disposition.

- a. If no site visit is required to investigate the complaint, the utility shall issue an investigation disposition within seven business days speaking with the complainant, not to exceed 12 business days from receipt of initial complaint.
- b. If a site visit is required to investigate the complaint, the investigator will coordinate with the claimant to schedule a time for the site visit. The site visit should occur within 14 business days of the claimant's response to the investigator. The utility shall send the disposition to the claimant no more than ten business days after the site visit not to exceed 36 business days from receipt of initial complaint.

customer service function, and should be revised to provide somewhat more flexibility while still maintaining the goals of addressing and resolving any and all customer complaints fairly and as expeditiously as possible. The vast majority of “complaints” received by ENO’s Customer Service department represent disputes or other issues related to billing. These disputes could be that a customer believes that the electricity usage shown on their bill is inaccurate, or that they shouldn’t have been charged a late charge, or simply that they cannot pay the amount due by the due date. Most of these disputes or questions received about a customer’s bill are resolved relatively quickly and amicably through discussions with ENO’s Customer Service Representatives, although some disputes (e.g., those that may require scheduling a meter test) may take a while longer.

Historically, the process set forth in Current 158 has worked well with most customer billing issues (many of which are not technically complaints but rather a customer request for additional time to pay their bill – issues that are mutually resolved through a deferred payment or other arrangement) and other minor complaints resolved quickly and amicably through informal discussions between the customer and ENO’s Customer Service representatives. In ENO’s experience, it has been exceedingly rare for a customer dispute to proceed even to the formal complaint to CURO stage, much less to a CURO-sanctioned administrative appeal hearing.

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- c. Complaint disposition and right to appeal. In the complaint disposition, the utility shall state clearly that an appeal must be filed within ten business days of the date the claimant receives the disposition of the complaint. The disposition shall include the rationale upon which the utility based its decision. The date provided on a return receipt from the United States Postal Service or a read receipt for electronic mail, shall be used as the date on which the claimant received the disposition and the date for establishing any appeal deadlines.



Accordingly, ENO recommends and requests that the Customer Complaint process revert to the process outlined in Current 158 to the greatest extent possible.

**B. Article III, Division I, Section 158-21, Conduct and Decorum**

Section 158-21, Conduct and Decorum of Proposed 158 provides, in pertinent part, as follows: “Every party, witness, attorney or other representative, and member of the public shall participate in all proceedings with proper dignity, courtesy and respect for the council, the clerk, and all other parties present. Disorderly conduct will not be tolerated. .... Violation of this rule may subject any party, witness, attorney, or other representative to just, reasonable, and lawful disciplinary action as the council may lawfully prescribe including, but not limited to, exclusion from any proceeding.” ENO suggests that “, and member of the public” should be added after “other representative” in the sentence that begins with “Violation of this rule ...”

**C. Article III, Division I, Section 158-23, *Ex Parte* Communications**

Current 158 only prohibits *ex parte* written communications. Proposed Chapter 158 prohibits oral and written *ex parte* communications. The prohibition of oral *ex parte* communications with Councilmembers prevents the Councilmembers from engaging in candid discussions with the parties to a docket; however, it does not prohibit non-parties from having those discussions. Thus, parties to a docket may solicit non-party representatives or proxies to approach Councilmembers to have *ex parte* discussions related to an open docket – discussions that the parties themselves, under the proposed revision, would be prohibited from conducting. Additionally, non-parties, on their own accord, are not prohibited from having *ex parte* discussions with Councilmembers on issues related to an open docket. This provides an unfair advantage to non-parties and to parties who may use non-party proxies to have *ex parte* discussions with Councilmembers.

Additionally, it is not clear whether the prohibition on *ex parte* communications would apply to communications between Councilmembers and the Council's Advisors. If it does not apply to the Council's Legal Advisors and the Technical Advisors, who are typically filing testimony and participating as a party in a contested proceeding, this provides an unfair advantage for any position taken by the Advisors in testimony.

It should also be noted that certain dockets, such as those relating to electric reliability or storm recovery, necessitate frequent communication between Councilmembers, the Company, and, perhaps, other parties. Under the rule as proposed, presumably the Company would not be able to communicate with Councilmembers (and vice versa) on issues of reliability or storm recovery during the pendency of any open docket on such matters. Candid one-on-one discussions with Councilmembers on open dockets can often help improve the Councilmembers' understanding of complex issues and allow the Councilmembers to ask questions to clarify any issues that are not clear.

In a typical regulatory docket, there is an abundance of written testimony and documentary evidence that is filed with the Council. There are also, typically, numerous open Council meetings for the parties and the public to address certain issues; accordingly, *ex parte* discussions between parties and the Councilmembers provide an opportunity to focus on the major issues and to zero in on the crux of complex issues. Regular, candid one-on-one discussions between the Company, other parties, and the Councilmembers improves the regulatory process. Indeed, the Council often demands regular, candid communication from the Company on reliability, storm recovery, and many other issues, and the prohibition on *ex parte* communications would have a chilling effect on the Company's ability to provide the Councilmembers with candid information included in such communications.

Ultimately, the ability to control *ex parte* communications is within the control of each of the Councilmembers. Councilmembers can decide whether to accept a requested meeting to discuss an issue in a docketed matter and they have the ability to control the length and tenor of any such meetings. Moreover, the Councilmember is not prohibited from *sua sponte* disclosing the subject matter of any such *ex parte* discussions to the public or to the other parties to the docket, to the extent they consider such disclosure appropriate or necessary. ENO encourages the Council to either remove the prohibition of *ex parte* communications in its entirety or to revert to the previous rule that only prohibited written *ex parte* communications.

**D. Article III, Division III, Administrative Proceedings, Section 158-34, Evidence**

Section 158-34 (b)(4) of Proposed 158 provides, in pertinent part, that “testimony of a witness upon direct examination shall be prepared under oath and submitted ... [i]n question-and-answer form, or upon written request and subject to approval by the hearing officer, presented in narrative form, using clear headers, which identify sections by subject matter.” Because there are certain filings that warrant or require limited sworn testimony but that do not involve issues of a highly complex nature, it is often more efficient to file such testimony in Affidavit form rather than the more extensive question-and-answer format. Accordingly, ENO recommends revising subparagraph (b)(4) to reference an exception to the question-and-answer format that would be added in subparagraph (b)(5) and that would permit filing testimony in the form of a sworn affidavit (i.e., narrative format set forth in paragraphs by issue) when said affidavit is five pages or less in length.

**E. Article III, Division III, Administrative Proceedings, Section 158-37, Depositions**

Section 158-37 of Proposed 158 requires that depositions of witnesses in a contested proceeding can only be conducted after receiving prior approval from the Council or the Council-

appointed Hearing Officer. There is no such requirement for prior approval in the Louisiana Code of Civil Procedure and ENO urges the Council to remove that requirement from Proposed 158. Contested proceedings before the Council often involve extremely complex and highly technical issues involving, without limitation, finance, accounting, economics, statistics, and engineering. Although written testimony submitted by witnesses is intended to delve into those complexities, it is often necessary to depose a witness to understand his or her position with regard to crucial issues. Such deposition testimony is also necessary in preparing for cross-examination to be conducted at hearing. Thus, imposing restrictions on depositions could deny access to essential evidence.

Ratemaking and other matters that come before the Council often implicate tens or even hundreds of millions of dollars. ENO urges that attorneys should not be required to seek leave from the Council or the Hearing Officer prior to scheduling the deposition of a witness in Council proceedings. Rather, if any party objects to the taking of a deposition, it should be incumbent upon that objecting party to file a Motion to Quash the deposition as is the case under the Louisiana Code of Civil Procedure. ENO has submitted redlined revisions to the applicable sections that implement this recommendation.

**F. Article III, Division III, Administrative Proceedings, Section 158-38, Place and Nature of Hearings**

ENO has submitted minor proposed redlined changes to Section 158-38 (b)(1) to recognize that administrative hearings that are open to the public are nevertheless “subject to reasonable occupancy limitations” to protect the safety of the participants and to ensure the necessary decorum for a legal proceeding. ENO also recommends adding a subparagraph (b)(5) that will provide that “[t]he rules of Conduct and Decorum set forth in Sec. 158-21 shall be strictly enforced by the council or the hearing officer to ensure that order is maintained and the conduct of the hearing is not disrupted in any way.”

#### **G. Section 158-40, Form and Content of Orders**

Section 158-40 (a) of Proposed 158 provides that “[a]ll orders of the council shall be in writing and adopted by the affirmative vote of all members of the council.” Section 158-511 of Current 158 entitled “Form, Content and Service of Orders” provides, in pertinent part, that “[a]ll orders of the council shall be in writing and shall be signed by at least four councilmembers. Abstentions shall be regarded as total nonparticipation by the abstaining councilmember, except where an abstention deadlocks the participatory vote, in which case, if after reconsideration the deadlock remains, an abstention shall be taken as a denial of the relief sought.” Accordingly, Current 158 contemplates that an Order of the Council can be passed with the approval of a majority of the Councilmembers rather than the unanimity apparently required by Proposed 158. ENO believes that passage of measures before the Council by a majority of the Councilmembers is preferred over a requirement that each vote must be unanimous. Therefore, ENO proposes to revise Section 158-40 (a) of Proposed 158 to read as follows: “All orders of the council shall be in writing and adopted by the affirmative vote of *a majority of* all members of the council.” (Emphasis added.)

#### **H. Section 158-42, Notice of Service of Filings**

Section 158-42 of Proposed 158 provides as follows:

**Sec. 158-42. Notice of service of filings in other forums.** Whenever the owner or operator of a public utility regulated by the council files, or participates in the preparation of a document, report, or causes a document, report, or application to be filed with a state public service or public utility commission, the Federal Energy Regulatory Commission (“FERC”), the Securities and Exchange Commission of the United States, the Nuclear Regulatory Commission of the United States or any other body, which regulates in whole or part the utility or utility-related activities and operations of utilities, or which regulates in whole or part companies which own or operate such utilities, the owner or operator or such public utility shall, within one day of filing such document, report, or application, electronically submit a copy of such filing and written notice to the clerk with copy to CURO and the council’s utility advisors.

At the outset, it is unclear what this provision purports to require. ENO “operates” a public utility regulated by the Council. ENO is “owned by” Entergy Corporation, which is not subject to the regulatory jurisdiction of the Council, except to the extent that ENO, as its subsidiary, is subject to that jurisdiction. The provision could be interpreted to require that whenever ENO or Entergy Corporation “files, or participates in the preparation of a document, report, or causes a document, report, or application to be filed with” any regulatory body, it must “within one day of filing such document, report, or application, electronically submit a copy of such filing and written notice to the clerk with copy to CURO and the council’s utility advisors.”

In addition to ENO, Entergy Corporation owns Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, and Entergy Texas, Inc., as well as other non-utility entities. If Entergy Arkansas, LLC makes a base rate case filing with the Arkansas Public Service Commission, does this article purport to require ENO or Entergy Corporation to file a copy of that filing with the Clerk, CURO, and the Council’s Advisors? If Entergy Louisiana, LLC sends correspondence to the Louisiana Public Service Commission, does this provision purport to require ENO or Entergy Corporation to submit same to the Clerk, CURO, and the Council’s Advisors within one day of such submission? If this is what the provision purports to require, it is unduly burdensome and highly inefficient.

CURO and the Council Advisors have access to the websites of the various entities that regulate ENO, Entergy Corporation and each of the Entergy Operating Companies. Rather than having CURO and the Council Advisors review every piece of paper filed by any entity associated with ENO or Entergy Corporation with any regulatory body, without regard to the relevance to the Council’s regulation of ENO as a public utility operating in Orleans Parish, it would be much more efficient and reasonable to have CURO and the Council Advisors monitor the websites of the

various regulatory bodies, and to the extent appropriate and relevant, conduct discovery requesting specific documents that CURO and the Council Advisors are unable to access on their own.

If the provision is interpreted in its broadest possible sense, the Council Clerk, CURO, and the Council Advisors will be literally inundated with hundreds or sometimes thousands of documents on a daily or nearly daily basis, most of which are entirely irrelevant to any regulatory issue before the Council.

**I. Section 158-52, Waiver of Requirements**

Section 158-52 of Proposed 158 allows applicants to request a waiver of minimum filing requirements if the information sought by the requirement is not available or if the requirement is inapplicable to the applicant. ENO has submitted minor redlined revisions that allow a request for a waiver of minimum filing requirements “for good cause shown.” This is intended to address situations in which, although the information sought to be submitted by the minimum filing requirement exists, there is a legitimate reason why submission of the information or documentation should be waived.

**J. Division V, Generation Resource Planning, Section 158-57, IRP**

Section 158-57 (a)(a)(3) (ENO notes that there appear to be two subparagraphs (a)) provides that “transmission and distribution planning should be more fully integrated into the IRP process to ensure that transmission and distribution solutions be considered as alternatives to supply-side and demand-side resources are evaluated, and that any reliability concerns and customer-owned distributed energy resources are addressed.” The IRP rules describe the manner in which transmission and distribution resources are to be included in the IRP process. The Company proposes to edit Section 158-57 (a)(a)(3) to point to the IRP rules as the best source of the Council’s requirements regarding the consideration of transmission and distribution resources in the IRP process to avoid possible confusion.

Additionally, ENO proposes certain minor language changes to Section 158-57, Integrated Resource Plan, to better align the language to ENO's understanding of the purpose of the IRP and process related to the IRP proceeding as articulated in the Council's IRP rules.

**K. Authority to Construct or Implement Resource Options**

The Proposed 158 inadvertently omits Current 158's Section 158-732(c). Section 158-732(c) is the code provision that requires an electric utility to apply for Council approval prior to constructing or acquiring a large generation facility or large transmission facility, implementing a demand-side management program, or entering into a long-term firm power purchase contract. In addition, ENO is proposing a revision that provides for Council approval within 120 days of the filing of the application. Such prior and timely Council approval protects all stakeholders, including the utility and its customers, because the Council determines whether the utility's proposed action serves the public interest before the utility incurs substantial costs. Accordingly, ENO is proposing to add Section 158-57.1 to Proposed 158 to address this issue.

**L. Section 158-8 (i)(3), Bill of Rights, Summer Disconnections for Non-Payment**

Section 158-8 (i)(3) of Proposed 158 in the Bill of Rights section provides in pertinent part that customers have the right not to be disconnected for non-payment if "the National Weather Service issues an 'Excessive Heat Warning' (or such other term that reflects a heat index of 105 degrees F or higher) that includes Orleans Parish. (For any day during which an excessive heat warning is issued, the utility is prohibited from reinstating normal disconnect policies for the remainder of the day)." On March 4, 2025, the National Weather Service implemented certain terminology changes related to "Excessive Heat Watches" and "Excessive Heat Warnings." "Excessive Heat Watch" has been renamed "Extreme Heat Watch" and "Excessive Heat Warning" has been renamed "Extreme Heat Warning." See <https://www.weather.gov/news/250310-heat->



[hazard](#). An Extreme Heat Warning for the New Orleans area is triggered by a forecast of a heat index of 113 or greater. See <https://www.fox8live.com/2025/03/26/there-will-be-slight-change-our-heat-warnings-watches-this-summer/>. Accordingly, ENO proposes to revise Section 158-8 (i)(3) to read that customers have the right not to be disconnected for non-payment if “the National Weather Service issues an ‘Extreme Heat Warning’ (or such other term that reflects a heat index of 113 degrees F or higher) that includes Orleans Parish. (For any day during which an excessive heat warning is issued, the utility is prohibited from reinstating normal disconnect policies for the remainder of the day).”

#### **M. Other Proposed Revisions to Proposed 158**

ENO proposes to revise subparagraph (f) of Section 158-34, Evidence, to permit any party to request oral argument at any time prior to a final council order, subject to approval by the hearing officer or the council.

ENO proposes to revise subparagraph (b)(4) of Section 158-38 to require transcription by a physically-present court reporter or stenographer for any hearing in a docketed matter at which evidence is being introduced. This requirement will help ensure that the record is accurate.

ENO proposes to revise subparagraph (d) of Section 158-46 to allow a party to include the formulae used to arrive at a number in a worksheet or an explanation of the manner in which the number was calculated.

ENO proposes minor changes to Section 158-47, Council Review of Applications, to change “increased rate” to “change in rates” and corresponding changes in the following subparagraphs.

ENO proposes certain revisions to Section 158-56, Formula Rate Plans, to allow for the possibility that the council could approve a formula rate plan outside of a full base rate case filing.

ENO proposes very minor wording changes to Section 158-58, Renewable and Clean Portfolio Standard.

Throughout Proposed 158, ENO has proposed minor non-substantive clean-up type edits (e.g., to delete extra spaces, etc.). Although not separately discussed herein, these changes are clearly noted in redline in Exhibit 1 and are in no way intended to change the meaning of any provision.

## **II. ENO'S SUGGESTED REVISIONS TO THE NEWLY-PROPOSED URM**

As noted above, ENO is generally pleased with the addition of the URM, which can be amended by Council Resolution if the need arises and does not require the more extensive approval process for revisions by Ordinance. Nevertheless, ENO has certain proposed additions to and revisions of the newly-proposed URM, as discussed in detail below. A redlined version of the URM reflecting ENO's proposed changes is attached hereto as Exhibit 2.

### **A. Proposed Addition to URM to Expedite Storm Recovery Financing Orders**

ENO is proposing that Division XI be added to the Utilities Regulatory Manual ("URM") to address procedural schedules for applications seeking issuance of a financing order from the Council under the Louisiana Electric Utility Storm Recovery Securitization Act, La. R.S. §§ 45:1226-1240, the Louisiana Utilities Restoration Corporation Act, La. R.S. §§ 45:1311-1343, or any other act of the Louisiana Legislature that provides for or enables securitization financing (together, the "Securitization Acts") to finance storm recovery or restoration costs (including reserves). The proposed new division contemplates a standard regulatory timeline that preserves the opportunity for thorough regulatory review of the prudence of storm costs while also optimizing access to low-cost financing for those costs, which benefits customers. Specifically, ENO proposes that procedural schedules adopted in response to any such filings by utilities that

furnish utility service within the City of New Orleans shall permit a Council decision not later than 120 days after the date the application is filed.

Establishing a procedural schedule for applications seeking securitization financing of storm recovery or restoration costs, including the creation or replenishment of storm reserves, will have positive impacts for utilities as well as customers in New Orleans. Most importantly, an established timeline for issuance of a financing order will help to support utilities' ability to respond to major storms and commit the capital that is essential to those efforts. Likewise, the Council's considering issuance of a financing order under an established procedural schedule at a time when a utility seeks to address storm costs and/or replenish its storm reserves through securitization financing also would send a positive signal to credit rating agencies that utilities in New Orleans have a supportive regulatory environment and adequate mechanisms in place to facilitate full and timely recovery of storm costs. That positive signal is important to ENO and its customers for a variety of reasons, but it also is important to the City as a whole at times when external stakeholders are asked to support the City's recovery from major storms or disasters. Furthermore, an established procedural schedule that allows for timely issuance of a financing order can help to reduce overall costs to customers associated with recovery or restoration from major storm events by mitigating customer exposure to carrying costs following those events.

ENO's suggested addition of this division to the URM is in accordance with, and finds support from, the Council's prior issuance of financing orders, including its October 2022 issuance of the financing order in Docket No. UD 22-01; the Council's historical practice for review of Formula Rate Plan filings; as well as the timelines under which other regulatory bodies are statutorily required to review requests for financing orders. The details of the proposed addition are set forth below:

## **URM Division XI. Applications for Issuance of a Financing Order.**

### **Section 1. Procedural schedules for applications seeking issuance of a financing order.**

To facilitate the use by utilities that furnish utility service within the City of New Orleans of securitization financing under the Louisiana Electric Utility Storm Recovery Securitization Act, La. R.S. §§ 45:1226-1240, the Louisiana Utilities Restoration Corporation Act, La. R.S. §§ 45:1311-1343, or any other act of the Louisiana Legislature that provides for or enables securitization financing (together, the “Securitization Acts”) to finance storm recovery or restoration costs (including reserves), the council shall proceed as follows upon the filing by a utility of an application seeking the council’s adoption and issuance of a financing order under one of those acts:

- (a) Within 14 days after the date the application is filed, the council shall establish a procedural schedule that permits a council decision no later than 120 days after the date the application is filed.
- (b) No later than 120 days after the date the application is filed, the council shall issue a financing order or an order rejecting the application. For an application that seeks to fund reserves to allow for interim recovery of storm recovery or restoration costs, such interim recovery must be subject to a true-up process once the actual restoration costs are determined.
- (c) The standard filing requirements or minimum filing requirements set forth in Chapter 158, Article III of the New Orleans City Code and/or the URM shall not apply to an application under the Securitization Acts, and the provisions of this section, to the extent applicable, shall control over any contrary or conflicting provisions of Chapter 158 or the URM.

#### **B. Proposed Addition to URM to Waive Filing of Period I, if FRP Filed for Same Test Year**

ENO also proposes an addition to the URM to allow waiver of the requirement to file a Period I Test Year in a rate case filing if the applicant is proposing that base rates be set on the Period II test year class cost of service and has filed previously a Formula Rate Plan Evaluation Report that uses Period I as the Evaluation Period.

ENO proposes this exception to eliminate what experience has shown to be unneeded work for a rate case application when the Period I test year is the same as the Evaluation Period for a Formula Rate Plan Evaluation Report. First, the Council should not require the utility to prepare Period I per book information. The per book historical accounting information for both the rate

case application and the Evaluation Report would be the same, and the Council should permit the utility to submit the Evaluation Report as part of its rate case application instead of requiring the utility to generate new per book workpapers for the rate case application.

Second, the Council should not require the utility to prepare the remainder of the Period I Cost of Service, that is, the pro forma adjustments. Experience has shown that the focus of utility rate case applications is the Period II Cost of Service and that Period I pro forma adjustments are very likely to be ignored. For example, in the 2018 ENO Rate Case, ENO proposed that base rates be set based on the Period II Cost of Service because the data contained therein was most representative of ENO revenues and costs during the rate effective period. Substantially all rate case activity focused on the Period II Cost of Service, based on a projected test year ending December 31, 2018 with known and measurable changes through December 31, 2019. The same was true of the 2008 ENO Rate Case. ENO proposed that base rates be set based on the Period II Cost of Service, and substantially all rate case activity focused on the Period II Cost of Service.

Additionally, Period I pro forma adjustments are likely to be ignored and require rework of FRP Evaluation Report known and measurable adjustments. For example, in early 2023, ENO prepared Electric and Gas FRP Evaluation Reports for the Evaluation Period calendar year 2022 with known and measurable adjustments through December 31, 2023. ENO then began preparing a rate case, which ENO did not have to file because the Council ultimately extended the Electric and Gas FRPs. In that rate case, ENO intended to request that base rates be set based on the Period II Cost of Service, which was to be based on a projected test year ending December 31, 2023 with known and measurable changes through December 31, 2024. During the preparation, ENO had to rework its known and measurable adjustments from the Electric and Gas FRP Evaluation Reports to add cost changes from January 1, 2024 through December 31, 2024 so that its Period I Cost of

Service would be complete and comply with minimum filing requirements. ENO did this work although experience had shown that the Period II Cost of Service was very likely to be the sole focus of activity.

The proposed addition to URM Division IV., Rate Change Application Technical Requirements is set forth below:

**URM Division IV. Rate change application technical requirements.**

\* \* \* \* \*

**Section 2. Exception**

If a rate case applicant has filed a Formula Rate Plan Evaluation Report that uses the Period I test year as the Evaluation Period and proposes that base rates be set based on the Period II test year class cost of service required by Section 1, then the rate class applicant is not required to submit content specified in Section 1 above for Period I and may submit such Evaluation Report as part of its rate case application. If the rate case applicant submits any portion of the required content for Period 1 or the above-described Evaluation Report, then such submission shall not constitute a waiver of this exception.

**C. Other Proposed Revisions to the URM**

In addition to the proposed revisions to the URM set forth above, ENO proposes the following relatively minor changes:

- (1) In URM Division IV., Section 1., subparagraph 2.b. change “increases” to “changes” as all changes may not be increases;
- (2) In URM Division IV., Section 1., subparagraph 2.d., add “or an electronic to same” to allow the utility to provide an electronic link to present rate schedules for which no changes are being proposed;
- (3) In URM Division IV., Section 1., subparagraph 3.b., c., h., i., j., k., and l., delete the reference to “and subsection (6) a.” as the projected data will not “tie” to the historical data in subsection (6) a.

(4) In URM Division IV., Section 1., subparagraph 4.b., c., d., f., g., h., k., delete the reference to “and subsection (6) b.” as the projected data will not “tie” to the historical data in subsection (6) b.;

(5) In URM Division IV., Section 1., subparagraph 5.b., c., and d., delete the reference to “and subsection (6) d.” as the projected data will not “tie” to the historical data in subsection (6) d.

### **III. CONCLUSION**

For the reasons stated herein, ENO respectfully requests that the Council adopt ENO’s proposed revisions to Proposed 158 and to the URM and, with those revisions, adopt Proposed 158 and the URM.

Respectfully submitted,



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**ATTORNEYS FOR  
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**CERTIFICATE OF SERVICE**

**Docket No. UD-25-01**

I hereby certify that I have served the required number of copies of the foregoing report upon all other known parties of this proceeding, by the following: electronic mail, facsimile, overnight mail, hand delivery, and/or United States Postal Service, postage prepaid.

New Orleans, Louisiana, this 17th day of October, 2025



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## **EXHIBIT 1**

### **ENO'S PROPOSED REVISIONS TO PROPOSED CHAPTER 158 ATTACHMENT A TO COUNCIL RESOLUTION R-25-407**

#### **Article I. - In General**

##### **Division I. — Generally**

**Sec. 158-1. -Purpose.** The purpose of this Chapter is to establish an efficient and uniform system by which the New Orleans city council (“council”) may institute, oversee, and/or participate in any proceeding affecting the council’s supervision, regulation, and control over utilities or that affect the interests of ratepayers in the city of New Orleans. For the purpose of this chapter, the term “utilities” refers to electric and natural gas service providers.

**Sec. 158.2. -Amendments to this chapter.** Any amendments to this chapter may be conducted pursuant to Sec. 3-114 of the Home Rule Charter.

**Sec. 158-3. -Utility regulatory manual.** The council shall adopt by resolution the Utility Regulatory Manual (“URM”) in connection with this chapter. The purpose of the URM is to provide a single common reference document to provide detailed rules, procedures, descriptions, and specifications for filing requirements and procedures related to this chapter. A copy of the URM shall be made available on the council’s website. The URM may be amended by resolution of the council.

**Sec. 158-4. - Utility designated representative.** Each owner or operator of a utility regulated by the council shall designate and maintain the designation of a natural person responsible for the performance of acts required under this chapter including notice of service in other forums. The utility shall file notice of the original designation and of any changes to the designation with the clerk of council with copy to the Council Utilities Regulatory Office (“CURO”) within two business days of the designation. Such designation shall be signed by both the designee and a registered officer of the utility.

**Sec. 158-5. – Successor entities.** Should an entity cease to exist, responsibilities under this article shall be assumed by the entity’s successor or functional successor under applicable law and/or practice.

**Sec. 158-6. – Computing time.** Unless otherwise stated in this chapter, the URM, or ordered by the council, the Louisiana Code of Civil Procedure shall determine the amount of time allowed or prescribed.

- (a) In computing time allowed or prescribed, the period of time shall begin the day after a filing is received by the service list or the day after an instrument is adopted by the council.
- (b) A holiday is any day on which city hall is closed to the public. In computing time, holidays and weekends are to be included in the computation of time, except when:
  - (1) It is expressly excluded,
  - (2) It would otherwise be the last day of the period, or
  - (3) The period is less than seven (7) days.

In the event time allowed or prescribed falls on a weekend or holiday, the deadline for action shall move the next day on which city hall is open to the public.

## **Article II. — Customer Protections**

**Sec. 158-7. - Purpose.** The purpose of this article is to establish a customer bill of rights which includes a process for addressing certain customer complaints filed against utilities providing utility services to in the city.

**Sec. 158-8. – Bill of Rights.** Among the rights that are more fully set forth in the council-approved customer service regulations governing the provision of utility services in New Orleans, customers shall have the following rights:

- (a) The right to safe and reliable service in accordance with industry standards.
- (b) For residential customers, the right to choose to pay a deposit, obtain a satisfactory credit score in lieu of a deposit, or otherwise demonstrate the ability to pay on a nondiscriminatory basis. For commercial and industrial customers, the right to choose to pay a deposit or to obtain an irrevocable bank letter of credit or surety bond from a bank or surety company acceptable to the utility.
- (c) The right to earn interest on any deposit at a rate ordered from time to time by the council.
- (d) For residential customers, the right to have any deposit returned after 24 months if the customer has paid its bills on time for the preceding 12 months or, at any time, if customer discontinues receiving service from the utility and does not have an outstanding balance with the utility.
- (e) Upon discontinuing utility service, the right to have their deposit returned less any outstanding balance.
- (f) The right to have a deposit requirement waived if an existing customer with no outstanding balance transfers service to a new location within the city.
- (g) The right to have customer information, including payment history and consumption patterns, kept confidential, unless the customer provides written consent or voluntarily discloses the information to the public.
- (h) The right to receive written notice from the utility at least five (5) business days prior to the disconnection of service due to nonpayment. During the five-day period, the customer may either make payment or request alternate payment arrangements to avoid disconnection.

- (i) The right not to have service disconnected for non-payment when:
  - (1) the low temperature for the day is forecast to remain below 40 degrees Fahrenheit or the following night is forecast to be 32 degrees F or lower; or
  - (2) the high temperature for a day is forecast to reach 100 degrees F or higher; or
  - (3) the National Weather Service issues an “Ex~~treme~~cessive Heat Warning” (or such other term that reflects a heat index of 1~~30~~5 degrees F or higher) that includes Orleans Parish. (For any day during which an excessive heat warning is issued, the utility is prohibited from reinstating normal disconnect policies for the remainder of the day); or
  - (4) a storm or weather event affecting any portion of the city for which: the president of the United States issues an emergency or major disaster declaration, or declares the city as a Federal Disaster Area, or makes a similar declaration affecting the city, or the mayor of New Orleans or governor of Louisiana, declares a state of emergency for all or part of the city, issues a disaster or emergency declaration, declares a state of emergency, or makes a similar declaration for Orleans Parish. In the event a state of emergency is declared, the utility shall not resume service disconnects for nonpayment until the day after an emergency declaration expires.
- (j) The right to have a special medical designation which prohibits service from being disconnected for nonpayment for 30 days if customer is on life support or has another life-sustaining medical treatment system that requires electricity or natural gas. The customer has the right and obligation to provide each affected utility with written medical certification from a licensed physician as to the customer's condition to receive this special designation.
- (k) The right not to have service disconnected on a weekend, holiday, day before a holiday, or Friday after 1:00 p.m.
- (l) The right to have same-day service for reconnection provided payment is received by the utility or one of its authorized pay centers before 7:00 p.m. on the day of the requested reconnection.
- (m) The right to have a meter that is regularly maintained and accurate. The maintenance and accuracy of a meter is the responsibility of the utility.
- (n) The right to have the utility test the customer's meter as provided for in the customer service regulations.
- (o) The right to be charged only for actual usage of electricity and natural gas and in accordance with rate schedules approved by the council based on an accurate metering process consistent with prudent utility practices as defined in the customer service regulations.
- (p) The right to have complaints regarding meter accuracy resolved prior to disconnection provided that the customer pays the amount currently chargeable for monthly or seasonal periods (as appropriate) at customer's level of usage for the corresponding monthly or

seasonal periods during the prior year, or, in the event such usage data is not available, the average usage for the customer class for the corresponding monthly or seasonal periods while the complaint is pending under Division II, unless the customer and the utility mutually agree to an alternative payment arrangement.

- (q) The right not to have late fees charged on the portion of a bill that is the subject of a complaint as provided for in the customer service regulations.
- (r) The right to participate in the customer complaint and dispute resolution process set forth herein.

## **Division II. — Customer Complaints**

**Sec. 158-9. – Purpose.** The purpose of this division is to set forth a procedure to address certain customer complaints regarding utility service. The process described herein is intended to be easy, inexpensive, and result in an independent, neutral assessment of whether there has been a violation of the customer bill of rights or service regulations by the utility.

**Sec. 158-10. – Applicability.** The customer complaint resolution process established in this division is applicable to complaints between a customer and a utility where the subject of the complaint is under the jurisdiction of the council. The subject of complaints reviewed under this article include, but are not limited to the following:

- (a) violation of the council-approved customer service regulations,
- (b) violation of the customer bill of rights enumerated in Sec. 158-8,
- (c) inaccurately reading a customer's meter, the failure of a meter to correctly record consumption within the range of accuracy established in the customer service regulations due to mechanical damage or defect, failure to manually read customer's meter after receiving communication of that damage or defect, and failure to properly record a meter reading,
- (d) misapplication of credit scoring procedures and information,
- (e) failure to keep scheduled appointments with the customer or their representative,
- (f) unauthorized release of confidential customer information, payment history, or consumption patterns, and
- ~~(g) unresolved property loss claim resulting from a loss of service or defect in service.~~

Please note that certain issues are more appropriately resolved in other forums, either by the council itself, judicially, or in another proceeding designed specifically for their resolution. [Claims against the utility for property damage allegedly related to the provision of utility services are governed by the process set forth in the utility's Customer Service Regulations approved by the council.](#)

**Sec. 158-11. - Complaint process.**

- (a) Summary of Customer Complaint Resolution Process. The customer complaint and dispute resolution process begins with the filing of an initial complaint with the utility. If a customer is dissatisfied with the results of the utility's disposition of the complaint~~investigation~~, the customer may request an appeal with CURO. CURO shall review appeal applications for eligibility and dismiss those ineligible pursuant to this division. All eligible appeals will be reviewed by CURO or a third-party appeal officer who will issue a final decision on the appeal.
- (b) Submission of Initial Complaint. Customers must submit all complaints directly to the utility prior to filing an appeal with CURO.
- (1) In the event the initial complaint involves the potential disconnection of a customer's service the customer must file the initial complaint no later than one (1) business day prior to the scheduled date for service disconnection.
  - (2) If the subject of an initial complaint is the accuracy of a bill, the utility shall not disconnect the customer's service for nonpayment provided that the customer pays the average bill amount or another amount agreed to by the utility and the customer as described in Sec. 158-8.
- (c) Form of Initial Complaint. Although there is no specific requirement for the form of an initial complaint, a customer should provide the utility with a detailed description of the problem and all the necessary facts giving rise to the problem. In receiving the complaint, the utility shall obtain the following information from the customer or their designee:
- (1) the name of the customer ~~and claimant~~ and the preferred means of contact, i.e. via telephone, text message, and/or e-mail, during normal business hours,
  - (2) the ~~customer's~~claimant's mailing address and, if different, the service address,
  - (3) the account number,
  - (4) the date of the circumstances from which the initial complaint arose,
  - (5) a brief description of the circumstances surrounding the complaint,
  - (6) a copy of any correspondence between the ~~customer~~claimant and the utility regarding the matter,
  - (7) the date on which the utility has scheduled a service disconnect, if applicable, and
  - (8) the relief sought.

This information shall be specifically included by the utility in any written disposition provided to the ~~customer~~claimant at the conclusion of the initial complaint process.

- (d) Method of complaint submission. A ~~customer~~claimant shall submit an initial complaint to the utility in writing to the utility's customer care center, website, or other means provided in the utility's service regulations or verbal communication with a utility representative at the utility's customer care center, customer service call center, or other means provided in the utility's customer service regulations. The utility shall maintain a log of all customer

complaints, assign a reference number to each complaint, and provide the reference number to the customer.

~~(d)~~(e) The utility is required to use its best efforts to resolve the initial complaint via its customer issue resolution process as provided for in its then-effective customer service regulations.

~~(e)~~ Initial complaint disposition and relief. If a satisfactory disposition of the initial complaint has not been reached between the company and the customer within ten business days of the date of receipt of the initial complaint, the utility shall notify the customer electronically, if the customer has agreed to receive electronic communications, or alternatively, in writing by mailing to customer's address via certified mail, return receipt requested, of the utility's decision regarding the complaint, including an explanation for why relief was granted or denied ("disposition").~~The utility is required to notify the claimant of the results of an investigation, an explanation for why relief was granted or denied, and how the relief amount was determined ("disposition"). Unless the claimant agrees to receive communications related to their complaint electronically, the utility shall notify the customer in writing by mail to claimant's address via certified mail.~~ In addition to the disposition, the utility shall notify the ~~customer~~claimant of their right to appeal the utility's disposition of the initial complaint through CURO and provide a copy of the council-approved customer bill of rights.

~~(f)~~ Initial complaint investigations

~~(1) Within two business days of receiving an initial complaint, the utility shall assign an investigator to review the complaint.~~

~~(2) The assigned investigator shall contact the claimant in accordance with the claimant's preferred means of contact no later than one business day after the investigator is assigned the complaint.~~

~~a. For all complaints, the investigator shall provide the claimant with a reference number for the initial complaint, the investigator's contact information, and a means by which the claimant may submit related documentation that supports the complaint. Additionally, for property loss claims, the adjuster shall provide the claimant with a proof of damage form to complete, any other forms required by the utility's service regulations, and a means by which the claimant may submit related documentation that supports the damage claim.~~

~~(3) The investigator shall attempt to contact the claimant at least twice. Each attempt shall be no less than 24 hours apart. After each unsuccessful attempt, the investigator shall provide their name, the name of the utility, a brief description of the matter, and a contact number. If the investigator is unable to reach the claimant, or the claimant does not respond within three business days of the second attempt, the utility shall provide a written communication to the~~

~~claimant including the dates and method of attempted communication and the contact information to address their complaint.~~

~~(4) All complaints shall be deemed resolved if the claimant does not contact the investigator within seven (7) business days of receiving the written communication from the utility.~~

~~(5) Property loss claims resulting from loss of service or defective service. If the investigator finds the claimant is entitled to compensation, the utility may request additional routine documentation, including receipts and/or a qualified technician's report including photographs verifying inspection and identifying the scope of the damage(s). If the investigator finds the claimant is not entitled to compensation, the utility shall conduct a supervisory review of the adjuster's decision in accordance with the provisions of the customer service regulations regarding customer complaints.~~

~~(g) Complaint disposition.~~

~~a. If no site visit is required to investigate the complaint, the utility shall issue an investigation disposition within seven business days speaking with the complainant, not to exceed 12 business days from receipt of initial complaint.~~

~~b. If a site visit is required to investigate the complaint, the investigator will coordinate with the claimant to schedule a time for the site visit. The site visit should occur within 14 business days of the claimant's response to the investigator. The utility shall send the disposition to the claimant no more than ten business days after the site visit not to exceed 36 business days from receipt of initial complaint.~~

~~c. Complaint disposition and right to appeal. In the complaint disposition, the utility shall state clearly that an appeal must be filed within ten business days of the date the claimant receives the disposition of the complaint. The disposition shall include the rationale upon which the utility based its decision. The date provided on a return receipt from the United States Postal Service or a read receipt for electronic mail, shall be used as the date on which the claimant received the disposition and the date for establishing any appeal deadlines.~~

**Sec. 158-12. - Appeals filed with the Council Utilities Regulatory Office.**

(a) Right to appeal. A customer may appeal the outcome of an initial complaint by submitting an appeal request form electronically or in writing within ten business days of the date the customer/claimant receives a notice of disposition. The form for filing an appeal shall be made available online via the council's website, at the council utilities regulatory office, and all customer care centers.

(b) Appeal form. The appeal request form shall include:

- (1) a written acknowledgement by the customer authorizing the utility to release any confidential customer information germane to the complaint to CURO and the appeal officer-
  - (2) a clear statement of the dispute and, if known, identification of the customer service regulation(s) the customer alleges the utility has violated,
  - (3) a simple statement of the relief sought; and
  - (4) any other supplemental appropriate information the customer believes is relevant to the dispute.
- (c) Determination of eligibility. CURO has five business days to review the appeal request for eligibility and to assign an appeal officer to oversee the appeal.
- (d) Notice of appeal. Within five business days of determining an appeal is eligible for review pursuant to this article, CURO shall advise the affected utility an eligible appeal has been submitted and provide a copy to the utility's designee(s).
- (e) Utility answer. Within five business days of receiving the notice of appeal, the utility shall respond to CURO with any reports produced by the utility in connection with any investigation of the complaint, a copy of the complaint disposition, its position with respect to the allegations contained in the complaint, and any grounds that exist which constitute the grounds for the immediate dismissal of the appeal.
- (f) Appeal officer.
- (1) Appeals shall be heard by an appeal officer who may be an employee of CURO or a designee of the council. The appeal officer shall review the appeal request and related materials and arrange for a hearing, if necessary. The appeal officer shall make a finding as to whether the utility has violated the customer service regulations, including any of the customer's enumerated rights and, if necessary, recommend an appropriate remedy.
  - (2) The appeal officer shall have the authority to resolve appeals through settlement on terms that are mutually agreeable to all parties. Such settlements are encouraged and can occur at any time.
  - (3) The appeal officer shall also have the authority to dismiss summarily, and without hearing, appeal requests that are deemed frivolous or that are otherwise ineligible for hearing as set forth in Sec. 158-16. Where eligibility for hearing is raised by the utility as an issue, the determination of whether an appeal request is eligible for hearing shall be made by the appeal officer and a decision on the eligibility for hearing shall be made and issued within five business days of CURO issuing a notice of appeal.
  - (4) Where appropriate, the appeal officer may request technical assistance from the council's utility advisors.

**Sec. 158-13. - Timing and notice of appeal hearing.** Unless otherwise ordered by the appeal officer, hearings shall be held within 30 business days of CURO receiving the appeal. The appeal officer shall notify the claimantcustomer of the date of the hearing to the customer and the utility.



The notice shall state the potential consequences of any failure to appear for the hearing. Notice shall be given via the [claimantcustomer](#)'s preferred method of communication as provided on the complaint form, at least five -business days prior to the hearing date, unless the parties agree to a shorter period. The hearing shall be held 9:00 a.m. to 5:00 p.m. on a business day at a location in the city or virtually, if both the [claimantcustomer](#) and utility consent.

**Sec. 158-14. - Failure to attend hearing.** If the [claimantcustomer](#) does not attend a hearing, the appeal officer may dismiss the complaint. If the utility fails to attend the hearing, the appeal officer may find in favor of the customer.

**Sec. 158-15. – Appeal hearing procedure.** [ClaimantCustomers](#) may represent themselves or be represented by counsel or any other person of their choosing. A [claimantcustomer](#) and the utility shall have the right to present evidence, call witnesses, question any witness, and present written materials and a summary of their positions. The appeal officer shall have the right to question any witness. The appeal officer shall have the discretion to limit any line of questioning to the relevant issues in dispute and to set an amount of time for the utility and the [claimantcustomer](#) to summarize their positions. The formal rules of evidence shall not apply; however, the appeal officer may exclude irrelevant or unduly repetitious evidence.

**Sec. 158-16. - Restriction on appeal.** Grounds upon which CURO will dismiss an appeal include, but are not limited to:

- (a) The customer did not initiate a complaint that follows the procedures required for initial complaints as provided for in Sec. 158-11.
- (b) The customer is disputing:
  - (1) the terms or denial of a deferred payment agreement voluntarily offered to the customer by the utility,
  - (2) the customer's financial ability to pay for utility services provided by the respective utility,
  - (3) a council-approved rate schedule, fuel adjustment clause, or purchased gas adjustment clause,
  - (4) an unlawful use of service, damage to utility equipment, unauthorized sale of utility service, or related violation of law,
  - (5) the right of the utility to collect for undercharged costs or charges assessed for an unlawful use of service, or for damage to utility equipment,
  - (6) the appeal request involves customer consumption and
    - A. as part of the initial complaint process, the customer's meter has been tested and has been determined to be accurate or
    - B. the customer has refused a meter test on the basis that they, in accordance with the service regulations, may be required to bear the cost of such test if the meter is found to be accurate,

- (7) the denial or termination of utility service at issue was based on a danger to public health or safety,
- ~~(8)~~ a matter subject to a court's decision
- ~~(8)(9)~~ a claim for property damage made against the utility, or
- ~~(9)(10)~~ the application or amount of a security deposit, provided that the security deposit amount is in accordance with the customer service regulations.

**Sec. 158-17. – Results of an appeal.**

- (a) Within 15 business days after the hearing or review period concludes, the appeal officer shall issue written findings which set forth whether the utility has violated the customer service regulations or the customer's enumerated rights, the basis for that conclusion, a remedy, or the terms of any settlement reached between the customer~~claimant~~ and the utility while the appeal was under review.
- (b) If a settlement is agreed to by the utility and claimant~~customer~~, the appeal officer shall indicate that the dispute was resolved without hearing and the claimant~~customer~~'s right to hearing and the appeal officer's finding was waived.
- (c) In appeals involving a billing dispute in which the appeal officer determines that all or part of the amount in dispute is owed by the customer, the appeal officer may, for good cause stated in the finding, propose that the amount found outstanding be paid in installments, which installments over a period not to exceed 12 months.
- (d) In appeals involving a billing dispute in which the appeal officer determines that all or part of the amount in dispute is owed by the utility, the appeal officer may, for good cause stated in the finding, propose a credit be applied to the customer's next bill. If the credit amount exceeds the next monthly bill amount, the remainder of the credit shall be applied for the subsequent month(s) until the credit is exhausted.
- ~~(e) In appeals involving property loss claims in which the appeal officer determines that the utility is responsible for damage to the customer's property, the utility must reimburse the claimant for the cost to repair or replace the damaged property, or the utility must replace the damaged property. If the utility replaces the damaged property, replacement property must be of same or similar quality as approved by the customer.~~
- ~~(f)~~(e) Copies of the appeal officer's decision and the executed settlement agreement shall be sent to the claimant~~customer~~, the utility, and CURO.

**Sec. 158-18. - Effect of appeal officer's decision.** ~~The appeal officer's decision shall be binding.~~ Following the issuance of the appeal officer's decision, the utility and claimant~~customer~~ may exercise any other rights or remedies they may have under the law.

**Article III - Rules of Practice and Procedure for Regulatory Proceedings**

**Sec. 158- 19. - Purpose.** The purpose of this article is to establish a system of practices and procedures to govern utility dockets and other proceedings before the council related to the

regulation of utilities beyond the complaints covered by section 158-10. These rules govern the general practice and procedure for the institution, conduct, and determination of regulatory proceedings before the council. It is intended that such practices and procedures shall be construed liberally to permit the council to perform a thorough analysis of all filings and shall be construed to promote the maximum public disclosure of all information relevant to any proceeding governed by this article. Information is subject to a valid protective order governing the disclosure of highly sensitive protected materials (“HSPM”) approved by the council.

## **Division I—General Rules**

### **Sec. 158-20. Administrative hearing officer.**

- (a) The council may appoint an administrative hearing officer to conduct all or any portion of a regulatory proceeding. The administrative hearing officer shall have full authority to make all rulings on jurisdiction or the admissibility of evidence, subject to the right of all parties to include in the record any objection to such ruling and subject to review by the council.
- (b) If the administrative hearing officer becomes disabled, withdraws, is removed from employment, or from the regulatory proceeding at any time before the conclusion of the discharge of his duties, the council may appoint another such administrative hearing officer who may perform any function remaining to be performed without the necessity of repeating any proceedings theretofore had in the case. If the entire council is acting as examiner, then the presence of a quorum shall be sufficient to continue hearings into purely factual matters.

**Sec. 158-21. Conduct and decorum.** Every party, witness, attorney or other representative, and member of the public shall participate in all proceedings with proper dignity, courtesy and respect for the council, the clerk, and all other parties present. Disorderly conduct will not be tolerated. Attorneys and other representatives of parties shall observe and practice the standards of ethical behavior prescribed for attorneys by the Louisiana State Bar Association, the Louisiana Supreme Court, and the Code of Civil Procedure. Violation of this rule may subject any party, witness, attorney, or other representative, and member of the public to just, reasonable, and lawful disciplinary action as the council may lawfully prescribe including, but not limited to, exclusion from any proceeding.

**Sec. 158-22. - Penalties for false or misleading representations.** It shall be unlawful for any person to make, or cause to be made, any false or misleading representations of fact, whether intentionally or through negligence, in any filing in a regulatory proceeding under this article or in any proceeding before the council. Demonstrated violation of this section may result in a monetary penalty being assessed by the council on the offending party or parties.

**Sec. 158-23. - Ex-parte communications prohibited.** While a matter is the subject of a utility docket under this article, written ex-parte communications between the council and parties to the utility docket regarding any aspect of the subject utility docket are strictly prohibited. Prohibited ~~A#~~ ex-parte communications include—is any written message or written statement to a councilmember or staff member serving in an individual councilmember's office, transmitted outside of an electronic communication to the docket's service list, and includes written information pertaining to a utility docket on which the council has not issued a final order. Any written communication related to active utility dockets must be submitted electronically to the appropriate service list or during the appropriate public meeting or technical conference to maintain transparency and fairness in the regulatory process. Ex-parte written communications by a party may result penalties as determined by the council or the administrative hearing officer including disqualification of the written communication and changes to the procedural schedule to allow parties to provide comment on the prohibited written communication.

**Sec. 158-24. - General communications.** Any comments, letters, or filings that are not part of a utility docket shall be treated as general communication, unless otherwise ordered by the council or the administrative hearing officer.

## **Division II – Utility Dockets**

**Sec. 158-25. – Establishing a utility docket.** A utility docket may be established by the council via a resolution in response to a request from a utility, a third-party, a governmental department, agency, or office (“applicant”), or as an independent action taken by the council. Whenever a utility docket is instituted, the initiating resolution shall assign a number to the utility docket, which shall consist of the letters "UD" followed by the last two numerals of the year in which the proceeding is instituted, followed by a hyphen and the number indicating the place the particular matter holds in the sequence of utility dockets instituted in that particular year, e.g., UD-25-01. Further, the initiating resolution shall assign an administrative hearing officer and establish a procedural schedule with deadlines by which participants must act.

**Sec. 158-26. Show cause orders and contempt in regulatory proceedings.**

- (a) The council, either on its own motion or upon receipt of sufficient written complaints, may, in its sound discretion, at any time after legal notice to all interested parties, cite any person operating under its jurisdiction to appear before it in a public hearing and require him or it to show cause why his or its franchise or operating authority should not be revoked, suspended or amended, or why some other action available to the council be taken, for failure to comply with any applicable statute, order or the rules, rates, regulations or general order of the council.
- (b) All hearings of such proceedings shall be conducted in accordance with the provisions of this article; provided that in any proceeding wherein the public interest may be seriously and adversely affected, or service to the public discontinued, the council may issue on its

own motion a restraining order for purpose of protecting the public interest until the matter may be orderly heard and a decision rendered thereon.

**Sec. 158-27. - Filings.**

- (a) All applications, petitions, complaints, motions, protests, replies, answers, notices, and other pleadings (referred to herein collectively as “filings”) relating to any proceeding pending before the council under this article, shall be transmitted electronically to the clerk of council with a cover letter as provided for by council rules with copy to the service list. All such filings shall be deemed filed only when submitted with a cover letter to the clerk and service list for the relevant utility docket in accordance with council rules.
- (b) In the event a filing relates to an undocketed matter, the party should submit the filing electronically to the clerk as provided in the council’s rules with copy to CURO.
- (c) Filings related to undocketed regulatory matters shall be received by the council as a general communication.

**Sec. 158-28. - Archives.** The clerk shall keep electronic copies of documents filed in proceedings governed under this article filed and organized according to the docket number, if applicable, and in accordance with title 44 of Louisiana Revised Statutes, or its successor statute governing public records.

**Sec. 158-29. - Service list.** A service list, including all participants in a utility docket, shall be maintained by CURO. When making a filing the submitting party must provide an electronic copy to each member of the most current service list. A party requesting a change to the service list must submit the request in writing to CURO.

(a) Classification of participants.

- (1) Participants in a regulatory proceeding are subject to classification or reclassification as a party or a stakeholder by CURO, regardless of errors in a party’s self-designation in their filing.
- (2) Parties. A party to a utility docket is a participant with a justiciable or administratively cognitive interest in the matter at issue in the docket. Parties may request to participate in a utility docket by submitting a motion to intervene which includes the party’s interest in the docket’s subject matter and otherwise meets the requirements set forth in Sec. 158-28. The following entities are parties to every utility docket unless otherwise ordered by the council:
  - a. the utilities
  - b. the city attorney
  - c. the applicant
  - d. a designee of the mayor, whose name and contact information shall be submitted electronically to CURO.

All parties are subject to discovery and any testimony or evidence submitted by the party or their representative is subject to cross examination.

- (3) The council, as regulator, may designate legal or technical advisor(s), or otherwise necessary agent, to participate in utility dockets and to represent its interest as the utility regulatory body.
- (4) Stakeholders. A stakeholder to utility docket is an entity desiring to receive information filed in the docket but does not wish to be treated as a party or does not have a justiciable or administratively cognitive interest in the matter at issue in the utility docket. As such, a stakeholder may not submit evidence or testimony nor are they subject to discovery requests. Further, a stakeholder may not view highly sensitive protected materials. A stakeholder may request to be included on the service list for a utility docket by submitting a motion to intervene which denotes that the entity wishes to participate as a stakeholder and otherwise meets the requirements set forth in Sec. 158-31.

**Sec. 158-30. - Appearances personally or by representative.** Any party may appear on their own or through a representative. The party's intervention shall identify the designated representative and a statement signed by the representative and the represented person or a registered agent of the represented organization.

**Sec. 158-31. Form and content of filings.**

- (a) Classification of filings. Filings submitted to the council under this article shall be subject to appropriate re-classification, including as applications, protests, petitions, complaints, answers, prehearing orders, replies, or motions, and redesignation to the appropriate docket(s) as deemed necessary by CURO.
- (b) Format. All filings in any proceeding shall, unless the council otherwise orders or permits, be double spaced, typed, and submitted electronically. Except as otherwise ordered or permitted by the council, all filings shall be formatted so as not to exceed a width of 8½ inches and a length of 14 inches and shall have inside margins not less than one inch wide. Whenever practical, all documentary exhibits shall conform to such requirements of size and margin. All filings shall contain the address and telephone number of the party submitting the document. If a party is represented by an attorney or other representative, the filing shall also include the name, business address and telephone number of such attorney or other representative. Attorneys shall also attach their state bar association number. A private or United States Post Office Box or drawer shall not constitute a sufficient address for the purposes of this section.
- (c) Subject matter. The subject matter of all filings in any proceeding shall be limited to the scope of that proceeding. Any filing may be amended at any time upon motion, provided that the amendment does not broaden the scope of the subject filing.
- (d) Content. All filings shall contain:
  - (1) a cover letter to the clerk as provided in the Council Rules,
  - (2) the docket number, if applicable,
  - (3) the name(s) of the filing party,

- (4) a concise description of the ultimate facts relied upon by the filing party,
  - (5) a concise description of the type of relief, action or order desired by the filing party, and
  - (6) a copy of the most recent service list and a certificate of service on each party on the list.
- (e) Incorporation by reference of council records. Any filing may adopt and incorporate any part of any document or entry in the official files and council records by clear and specific reference to the document to be incorporated. The incorporated document must be readily available for review. This provision shall not relieve any party of the necessity of alleging and providing in detail such facts as the council may deem necessary for the proper determination of a regulatory matter.
- (f) Examination of filings for compliance. Upon submitting a filing to the clerk of council, as provided in Sec. 158-27, CURO shall examine the filing and determine if it complies with this article. If the filing does not comply with this article, CURO may return it to the party, with the reason(s) the filing was rejected. The party shall thereafter have the right to submit a corrected filing, provided that the time required to correct the filing does not result in the corrected filing being submitted after the deadline. If the time required to correct a filing would result in its submission after the deadline, the administrative hearing officer may determine that such delay is necessary to prevent injustice or to protect the public interest and welfare. Failure of CURO to return a filing shall not constitute a waiver by the council or any other party to object at a later time to the sufficiency of the filing.

**Sec. 158-32. - Procedural schedule filing deadlines.**

- (a) Any filings related to an ongoing utility docket submitted after a procedural schedule deadline may be accepted or rejected subject to the discretion of the administrative hearing officer. Any filing rejected by the hearing officer shall be treated as a general communication and not included as part of the record.
- (b) Unless otherwise provided, the time for submitting a filing, may be extended by order of the administrative hearing officer upon written motion duly filed with the clerk of council prior to the expiration of the applicable period of time for the filing, showing that there is good cause for such extension of time and that the need therefor is not caused by the inexcusable neglect, indifference, or lack of diligence of the party making such motion. A copy of any such motion shall be transmitted contemporaneously to all other parties of record to the proceeding and any additional recipients of service specifically designated by law.

**Division III - Administrative Proceedings.**

**Sec. 158-33. – Discovery.**



- (a) Unless otherwise directed by the council or agreed to by the parties to the relevant proceeding, responses to data requests, interrogatories, requests for production of documents, or any other discovery requests (“discovery”) shall be made on a rolling basis and shall be due in hand within ten (10) business days of receipt of a discovery request. Discovery requests shall be deemed received when transmitted by the requestor during hours of operation of the clerk.
- (b) Any party of record shall avail himself of any discovery method authorized by the Louisiana Code of Civil Procedure.
- (c) All objections to discovery requests shall be made in writing prior to the date on which a response is due. The hearing officer shall dismiss any objection made on or after the date on which a response is due unless sustaining the objection is necessary to prevent injustice or to protect the public interest and welfare.
- (d) The council may publish general instructions for the production of responses to discovery requests in the URM.

**Sec. 158-34. – Evidence.**

- (a) Admissibility. Any evidence which would be admissible under the general statutes of the state, or under the rules of evidence governing proceedings in matters not involving a trial by jury in the courts of the state, shall be admissible. Other evidence may be admitted by the council or the hearing officer if it is at all probative and relevant provided that the substantive rights of all parties are protected. The rules of evidence shall be applied liberally in any proceeding to the end that all probative and competent relevant evidence shall be conveniently, inexpensively, and speedily heard while preserving the substantive rights of the parties to the proceeding.
- (b) Testimony. In all proceedings, testimony of a witness upon direct examination shall be prepared under oath and submitted in the following manner:
  - (1) Accompanied by a sworn attestation.
  - (2) Providing the identity of the witness, including name, business or personal address, place of employment and position held, reason for appearing, educational background, professional background and qualifications.
  - (3) Stating the purpose of the testimony and a summary of the conclusions in the testimony.
  - (4) In question-and-answer form (except as provided for in subparagraph (5) below), or upon written request and subject to approval by the hearing officer, presented in narrative form, using clear headers, which identify sections by subject matter.
  - (4)(5) If testimony is five pages or less in length, it may be submitted in the form of a sworn affidavit.

Testifying witnesses shall be subject to cross-examination and the testimony may be subject to a motion to strike in whole or in part for ruling by the hearing officer.

- (c) Exhibits.



- (1) Form. Exhibits in documentary form shall be submitted electronically and attached to a brief statement of what the exhibit purports to show. Exhibits shall be limited to factual material relevant to the issue involved in a particular proceeding.
  - (2) Service. All exhibits shall be provided to the service list electronically as described in Sec. 158-29.
  - (3) Excluded exhibits. If an exhibit has been submitted, objected to and excluded, the hearing officer shall determine whether the party offering the exhibit will withdraw the offer, and if so, permit the return of the exhibit to the party. If the excluded exhibit is not withdrawn, it shall be given an exhibit number for identification and shall be included in the record as a proffer, together with the ruling of the hearing officer for the purpose of preserving the objection.
  - (4) After hearing. Unless specifically directed by the council, no exhibit will be permitted to be filed in any proceeding after the conclusion of the hearing.
- (d) Briefs. Briefs shall be filed only when requested or permitted by the council or by the hearing officer in a proceeding. They shall conform, as near as possible, to the rules herein provided for form. The points involved shall be concisely stated, the evidence in support of each point shall be briefly summarized, and the argument and authorities shall be organized and directed to each point in a concise and logical manner. To the greatest extent possible, the general format and content of each brief shall be arranged and shall include such elements as are required by the Rules of the Louisiana Supreme Court.
- (e) Offer of proof. If evidence is excluded by the administrative hearing officer, the party offering such evidence may be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed evidence prior to the conclusion of the hearing. Such offer of proof shall be sufficient to preserve the point for review by the council or on appeal. The administrative hearing officer may ask such questions of the party offering the evidence as is necessary to determine that the evidence is as represented in the offer of proof. An alleged error in sustaining an objection to questions asked on cross-examination may be preserved without making an offer of proof.
- (f) Oral argument. Any party may request oral argument before the hearing officer or the council at any time prior to a final council order~~the certification of the administrative record~~, but oral argument shall be allowed only in the sound discretion of the administrative hearing officer or the council~~or upon the agreement of the parties~~. A request for oral argument shall be submitted to the service list as described in section 158-26.
- (g) Orders. All rulings and/or orders made by the administrative hearing officer shall be made in writing and dated and signed by the hearing officer. All such rulings and orders shall be distributed to the service list and made a part of the administrative record.
- (h) Reconsideration. In the event a hearing officer denies the admission of evidence, the offering party may request reconsideration. CURO will evaluate the request for reconsideration, the evidence, and the hearing officer's reasons for the rejection. If CURO

finds substantial error of procedure, the evidence shall be deemed admissible subject to objections stated for the record.

**Sec. 158-35. - Confidential materials.** The council may adopt and from time to time modify protective orders relative to information that is deemed confidential and/or highly sensitive protected material (“HSPM”). The HSPM designation shall be the only confidential designation utilized in any proceeding unless the party requesting multiple designations can show good cause to either the council or the administrative hearing officer.

**Sec. 158-36. - Technical conference.** In the discretion of the council or the administrative hearing officer, the procedural schedule for a utility docket may include or be amended to include one or more technical conferences. A technical conference is a meeting of the parties to clarify and address the issues included within the scope of the docket. The agenda for a technical conference, including the order of presentations and the time allocated to each matter, shall be determined by CURO. The agenda shall be circulated to the service list no less than 48 hours prior to the technical conference. Materials presented and statements made during a technical conference are illustrative and shall not be included as part of either the evidentiary or administrative records of a docket unless expressly ordered by the council or the hearing officer.

**Sec. 158-37. - Depositions.** The reasonable taking of depositions in any proceeding shall be permitted and governed by the Louisiana Code of Civil Procedure. Any party objecting to the taking of a deposition shall file a Motion to Quash said deposition with the council or the hearing officer in sufficient time prior to the scheduled date of the deposition to allow the council or the hearing officer to rule on the Motion to Quash.~~or directed by the council or the hearing officer provided that the party requesting the deposition can present a sufficient reason as to why the witness’s written testimony is not sufficient. Depositions shall be governed by the Louisiana Code of Civil Procedure.~~

**Sec. 158-38. - Hearings.** Whenever possible, but only and upon agreement of the parties, hearings as part of a utility docket or regulatory proceeding governed by this chapter shall occur as an exchange of documents (“paper hearing”) rather than in-person.

(a) Prehearing conference. In any regulatory proceeding, the council or the administrative hearing officer may direct parties to meet prior to a scheduled hearing for the purpose of formulating issues and considering:

- (1) how to simplify issues,
- (2) the possibility of making any admissions or stipulations regarding matters of public record to avoid the unnecessary introduction of proof,
- (3) hearing procedures,
- (4) limiting the number of witnesses,
- (5) time limits for presentations, and
- (6) other matters to simplify the proceedings.

The decisions made by the parties during a prehearing conference shall be reduced to writings and circulated to all parties. Once all parties agree the document reflects the agreement of the parties, the agreement should be presented to the administrative hearing officer.

(b) Place and nature of hearings.

- (1) Open to the public. In the event ~~the council or the administrative hearing officer determine~~ that an in-person hearing is ~~conducted~~necessary as part of a utility docket or regulatory proceeding governed by this chapter, the hearing shall be open to the public, subject to reasonable occupancy limitations to ensure the safety of the participants and the necessary decorum of a hearing. The hearing shall be held in the council chamber unless the council permits the hearing be held in another location. If the hearing is not held in the council chamber, the space designated should be accessible to the public, subject to the same reasonable occupancy limitations.
- (2) Recorded. Whenever possible, hearings shall be broadcast on television and made available to stream live online. In the event a hearing cannot be broadcast live or live streamed, CURO shall make every effort to record the hearing and made available for rebroadcast and streaming within 72 hours of the hearing.
- (3) Notice. Hearings shall be noticed as a public meeting as described in state law governing open meetings.
- (4) Reporters and transcripts. In any in-person hearing in a docketed matter in which evidence is introduced, the proceedings shall be transcribed by a court reporter or stenographer physically present at the hearing.~~In the event the council determines a transcript is necessary, the council may employ transcription services. The transcribing entity will be permitted to create a transcript from a recording of the proceeding if a court reporter or stenographer did not attend the hearing.~~
- ~~(4)~~(5) The rules of Conduct and Decorum set forth in Sec. 158-21 shall be strictly enforced by the council or the hearing officer to ensure that order is maintained and the conduct of the hearing is not disrupted in any way.

- (c) Order of procedure. At the start of a hearing the hearing officer shall direct all parties to enter their appearances on the record. The council or administrative hearing officer shall determine at what stage intervenors shall be permitted to offer evidence.

**Sec. 158-39. – Evidentiary and administrative records.** At the conclusion of every procedural schedule for a utility docket the hearing officer shall certify an evidentiary record and an administrative record of the proceeding. The evidentiary record shall consist of all filings accepted, including but not limited to, all testimony and evidence provided, and shall serve as the basis upon which the council issues any order in the docket proceedings. The administrative record shall consist of all other filings accepted by the hearing officer that do not form a part of the evidence

presented. Public comment provided during a meeting of the council shall not be included as part of the administrative record unless expressly stated in the procedural schedule.

#### **Sec. 158-40. Form and content of orders.**

- (a) All orders of the council shall be in writing and adopted by the affirmative vote of a majority of all members of the council.
- (b) After an order has been passed, certified copies shall be distributed to the service list as soon as possible.
- (c) The dispositions may be incorporated either in the body of the order or by reference to the official record.
- (d) All orders shall go into effect upon adoption by the council unless otherwise stated.

**Sec. 158-41. Agreements to be in writing.** No stipulation or agreement between the parties regarding any matter involved in any proceeding before the council under this article, shall be enforced unless it shall have been reduced to writing and signed by the parties or the representatives authorized hereunder to appear for them and approved by the council.

**Sec. 158-42. Notice of service of filings in other forums.** Whenever ~~the owner or operator of a~~ public utility regulated by the council participates as a party to a docket of files, or participates in the preparation of a document, report, or causes a document, report, or application to be filed with a state public service or public utility commission, the Federal Energy Regulatory Commission (“FERC”), the Securities and Exchange Commission of the United States, the Nuclear Regulatory Commission of the United States or any other regulatory body, which regulates in whole or part the utility or utility-related activities and operations of utilities, or which regulates in whole or part companies which own or operate such utilities, the owner or operator or such public utility shall notify CURO and the council’s utility advisors of such participation and of the means to track such participation through the website of any such regulatory body. , within one day of filing such document, report, or application, electronically submit a copy of such filing and written notice to the clerk with copy to CURO and the council’s utility advisors.

### **Division IV—Applications for a Change of Rates, Tariffs, or Services.**

#### **Subdivision I- In General**

**Sec. 158-43. - Purpose.** Rate cases are proceedings used to address the costs of operating and maintaining a utility system, the allocation of those costs among customer classes, and the recovery of the allocated costs through changes in tariffs and/or rates.

**Sec. 158-44. – Applicability.** The standard filing requirements shall apply to all utilities under the supervision, regulation and control of the council and to all applications made by them.

**Sec. 158-45. - Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Affiliate(s)* means any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a utility. As used herein, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, contracts or any other direct or indirect means.

*Control* means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, contracts or any other direct or indirect means. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing five percent or more of the aggregate number of the issued and outstanding voting securities of any domestic public utility.

*Cost allocation manual* means the manual that sets out a utility's costs allocation policies and related procedures and provides an accurate account of the methods used to allocate the utility's investments and expenses, and non-retail sales revenues that flow between the utility and its affiliate(s).

*Cost of service* means the total cost of providing service to jurisdictional customers, defined by customer class, as determined by a cost-of-service study which allocates the utility's total costs, representing the utility's revenue requirement, to customer classes.

*Effective date* means the date on which a rate application filed pursuant to this article is proposed to become effective as an approved rate schedule.

*Formula rate plan* means a procedure by which rate schedules for a utility may be periodically adjusted based on an established evaluation of the utility's current revenue requirement relative to current revenues.

*Gross revenue conversion factor* means the factor which, when multiplied times a dollar of operating income, yields the amount of revenue needed to produce that dollar of income after allowing for state and federal income tax and revenue tax.

*Period I* means the most recent 12 consecutive months, or the most recent calendar year, for which actual data is available, the last day of which is no more than nine months prior to the date of the filing of the application.

*Period II* means the 12 consecutive months immediately following the end of Period I.

*Pro-forma adjustments* means adjustments made to identify and illustrate the impact of known and measurable changes made to Period I and Period II based upon actual data during the year.

*Projections* means estimated results of operations based only upon known facts or reasonable assumptions that can be quantified concerning future events.

*Rate schedule* means a schedule of rates and conditions for a specific classification or for other specific service.

*Rate Case* means a proceeding related to a change in electric and gas rates, new services, and new rate schedules applicable to electric and gas service.

*Tax expansion factor* means the value that when multiplied by a specified value for operating income, yields the tax expense correlated to the revenue needed to produce that dollar of operating income.

*Test period* means a 12-month period consisting of Period I or Period II used to demonstrate the need for additional revenue and to evaluate the effects of the proposed change in rates.

*Uniform system of accounts* means the uniform system of accounts as promulgated by the FERC as of the date the filing is served.

*Working capital* means an allowance for cash, materials and supplies, fuel stock, and prepayments.

#### **Sec. 158-46. - Filing of application to change rates or services.**

- (a) The filing requirements established in this division shall govern application to change rates or services ("applications").
- (b) A utility may request to change rates or service by submitting its application electronically to the clerk of council with copy to CURO and in accordance with filing requirements

under this article. The application shall include a summary of the utility's requested change to rates or services, including potential bill impacts for typical usage customers in each rate class.

- (c) All statements, schedules, spreadsheets, and working papers included in the filing and used in support of the application(s), or contained in discovery responses, shall be provided in an operable electronic format, i.e. models and spreadsheets are to be provided with formulae intact and source data included. To the extent electronic data is provided in PDF format, the PDF shall not contain any security settings that limit the usability or the extraction of data.
- (d) Electronic data shall include any work sheets will either include formulae intact or at a minimum a note as to how a number was calculated linked to the calculations or any data utilized in the performance of the calculations. The related and relevant data must be provided in a format usable by the council.
- (e) All information required by these standard filing requirements, or any other applicable law, ordinance, or order and/or rule of the council shall be included in and/or attached to the application at the time it is filed and served. The fact that any information or data is required by this article shall not be construed as a statement of or evidence of regulatory policy or as an endorsement of any concept, principle, methodology, or allowance, hitherto, presently, or in the future employed or proposed to be employed in this or any other jurisdiction in the calculation of rate base, rate of return, revenue requirements, rate design, or any other aspect of regulation of rates and services.
- (f) An application for a waiver under Sec. 158-52 shall be included with any application for a change in rates.
- (g) Acceptance of applications.
  - (1) Deficient applications. Where deficiencies are noted by the council, its designees, or CURO the filing shall be deemed as accepted on the dates that such deficiencies are cured and approved by the council or when the council has granted a waiver to the standard filing requirements. When filing deficiencies have been noted by the council, its designees, or CURO, and the utility has corrected the deficiencies, the council, its designees, or CURO shall notify the utility at the earliest practicable date that the filing has been accepted.
  - (2) Accepted applications. Where no deficiency is noted by the council, its advisors, or CURO, within 14 days of the date the filing is served, the filing shall automatically be deemed as accepted beginning on the 15<sup>th</sup> day following such date.

**Sec. 158-47. - Council review of applications.** Upon acceptance, the council shall have 12 months in which to review the filing and to render a determination as to the proper rates to be charged by the utility. If the council has not made this determination by 12 months plus one day after the date of acceptance, the rates as submitted by the utility in the accepted filing shall become effective subject to refund. During the period when the rates are being collected subject to refund, the utility



shall keep an accurate account of all amounts received under the ~~increased~~change in -rates, including:

- (a) the monthly billing determinants of gas, heat, electricity, and power sold and delivered to each purchaser; and
- (b) the amount of revenue collected from each customer class that is in excess of or less than the amount that would have been collected using the rates in effect immediately prior.

If, after the utility has implemented rate relief, the council determines that the utility is entitled to a different amount of relief, the utility shall compute the amount of revenue to be refunded or collected and shall present to the council within 60 days of such council determination a plan to make the customers and the utility whole. The council shall then authorize refunds or surcharges or both so that the level of revenue collected equals that determined by the council to be appropriate. Interest on the revenue to be refunded or collected shall be charged at an average prime rate for each calendar quarter. The applicable average prime rate for each calendar quarter shall be the arithmetic mean, to the nearest 0.01 percent, of the prime rate values published in the Federal Reserve Bulletin, or in the Federal Reserve's Selected Interest Rates (Statistical Release G. 13), for the fourth, third, and second months preceding the first month of the calendar quarter. Interest shall be compounded quarterly. The costs of effecting the refunds shall not be deducted from the amounts refunded.

## **Subdivision II - Technical Procedure and Requirements**

**Sec. 158-48. - Filing standards.** All applications filed pursuant to this article shall provide the information necessary to permit a thorough analysis of the utility's application. If the utility believes that additional information is necessary to support its application or is proposing a position that requires a departure from the basic exhibits, the utility shall provide supplemental information as considered necessary. Each utility shall provide the required information on appropriate schedules and provide an index and references to these schedules. Any additional exhibits submitted by the utility shall be clearly identified and filed within the appropriate section as hereinafter established.

**Sec. 158-49. - Supplemental information.** In addition to the information required by the filing requirements described in Subdivision I, the council has the authority to require supplemental information necessary to fulfill and/or satisfy the purposes of this Article II, as previously set forth. If any supplemental information requests are considered necessary, the utility shall respond to such requests within 30 days after receiving such a written request, or within such additional period as the council, for good cause shown, may allow. Unless otherwise ordered by the council, the filing of supplemental information shall comply with the requirements of Sec. 158-48.

**Sec. 158-50. - Work papers.** A utility shall submit all work papers related to data which support the test period. The utility shall provide a full explanation of the bases for all adjustments. Upon request by the council's utility advisors or CURO, the utility shall provide a full explanation for



any estimates and, if such adjustments or estimates are based on a regularly prepared corporate budget, shall include relevant excerpts from such budget. Where applicable, work papers and documents containing additional explanatory material shall be cut or folded to letter size, shall be assigned page numbers, and shall be marked, organized and indexed according to subject matter, the cost-of-service statements to which they apply, and the witness sponsoring the statement. Said work papers shall be submitted in an electronic format in accordance with the requirements of Sec. 158-48.

**Sec. 158-51. - Uniform system of accounts.** Where applicable, exhibits, schedules and work papers shall be prepared in accordance with the uniform system of accounts as prescribed by the federal regulatory agency responsible for that type of utility. In the case of electric and gas utilities, the uniform system of accounts used shall be that prescribed by the FERC, or its functional successor in the United States Government, except as otherwise specifically permitted or requested by the council, the council's utility advisors, or CURO.

**Sec. 158-52. - Waiver of requirements.**

- (a) If any information required by these standard filing requirements cannot be provided, ~~or is~~ not applicable to a particular utility, or is unnecessary for good cause shown, such utility shall submit electronically to the clerk of council, with a copy to CURO, a written application for a waiver of said the requirement(s) ~~with which it cannot comply or which is not applicable~~, at the time of filing the application. The waiver shall include specific reasons for the requested waiver inapplicability of such information, or the inability of the utility to provide this information and shall be filed in accordance with the requirements of Sec. 158-48.
- (b) The council may approve or deny the request for waiver by resolution. If the council denies the request, the utility shall file the information, which is the subject of the denied waiver request, to the clerk with a copy to CURO within 15 days unless the council designates a longer time.
- (c) If the utility fails to cure the deficiency, which was the subject of a denied waiver application, in the period allowed the application shall be deemed rejected.

**Sec. 158-53. - Suspension of filing requirements.** In its sound discretion the council may suspend the operation of any provisions of this article or modify them instantaneously to the extent authorized by law, or after such proceedings and upon such conditions as it finds to be just and practicable, provided that any such suspension and modification shall be consistent with provisions of the home rule charter of the city.

**Sec. 158-54. - Public notice.**

- (a) When a utility files an application for a change of rates or service, the clerk of council shall publish the summary provided with the application in the official journal. The utility shall pay the cost of publication.

- (b) The utility shall make the application available on the utility's website.
- (c) The provisions of this section are mandatory. Nonetheless, compliance with the provisions of this section by a utility shall not be deemed a procedural prerequisite to the consideration or final disposition of any application filed under this article. No deficiency in the language of any cover sheet, advertisement or summary required by this section shall create a right in favor of any person to delay the progress of any proceeding initiated by an application filed under this article, nor shall any such deficiency create a basis for the invalidation or setting aside of any order issued by the council in order to dispose of the proceeding.

**Sec. 158-55. - Technical filing requirements.** Each application for a change in rates or service under this division shall satisfy the requirements enumerated in this section. Specifications for these requirements can be found in the URM available on the council's website.

- (a) General utility data:
  - (1) Charter or other business organization document.
  - (2) Most recent balance sheet.
  - (3) Utility property.
  - (4) Retained earnings analysis.
  - (5) Construction program statement.
- (b) Revenue related data.
- (c) Rate-base related data.
- (d) Income statement data.
- (e) Data related to the cost of capital.
- (f) Financial statements and statistical data.
- (g) Data related to cost of service.
- (h) Allocation of affiliate costs.

### **Subdivision III- Formula Rate Plans.**

**Sec. 158-55. - Purpose.** The formula rate plan ("FRP") is an intermediary mechanism by which the utility can implement rate adjustments more frequently under council review based on a predetermined formula during the period between utility rate change application filings.

### **Sec. 158-56. –Formula rate plans.**

~~As part of a general rate case, the~~ The council may approve a request from a utility to implement a FRP in ~~connection with setting order to adjust new base~~ rates for the requesting utility. Subject to the council's approval, a procedure to conduct the FRP shall be included in the utility's electric or gas formula rate plan rider schedule as applicable and the requirements of Subdivision I and II above shall apply.

- (a) Procedural schedule. The procedural schedule governing proceedings related to formula rate plans, including deadlines for filing the evaluation report and proposed rate adjustments and for the review period, shall be ~~determined as part of the rate case and~~

included in the utility's electric or gas formula rate plan rider schedule approved by the council.

- (b) Procedural schedule amendment. When applicable and for good cause shown and as required by the circumstances of the proceedings, the council or an administrative hearing officer may change or amend the dates established in the procedural schedule-set.
- (c) Deficiencies in applicationsevaluation report. The FRP shall provide that ~~in~~ the event of one or more disputes regarding deficiencies in an evaluation report, the dispute may be referred to a hearing officer for an administrative hearing and a subsequent decision by the council.

## **Division V – Generation Resource Programs**

**Sec. 158-57. – Integrated resource plan.** The integrated resource plan (“IRP”) is a triennial process that assesses the energy resources available to meet the electric service needs of the city of New Orleans and ensures that changes in customer demands and environmental conditions are addressed effectively and presented in a final IRP report filed by the utility. The goal of the IRP is to provide a general resource planning tool for the utility and council to develop portfolios identify the optimal set of resources that could ~~to~~ meet the current and future electric service needs of the utility's customers and to assess their associated total costs. Portfolios are developed under the different sets of assumptions and inputscity, at the lowest total cost to customers and utility, in a manner consistent with the public interest and the council's energy policy goals. The expected combination of costs, reliability, risks, and uncertainty are all considered in this process.

- (a) Procedural Overview. The minimum procedural schedule requirements for an IRP shall be as follows:
  - (1) Initiating resolution. The council adopts an initiating resolution outlining the IRP process, intervenor and public participation, policy objectives, procedural schedule, and any other matters deemed necessary by the council. The IRP process shall include an opportunity for intervenors to participate in the concurrent development of inputs and assumptions for the major components of the IRP in collaboration with the utility within the confines of the IRP timeline and procedural schedule.
  - (2) Public Meetings. CURO shall schedule at least three (3) public engagement meetings. The meetings will be advertised at least thirty (30) days prior to the public technical conferences. A description of the meetings to be scheduled are as follows:
    - A. Public meeting 1: An initial meeting that describes the IRP process including the purpose of the IRP and procedural timelines.
    - B. Public meeting 2: The utility presents its IRP as filed.
    - C. Public meeting 3: Dedicated to public comment on the utility's IRP report.

- (3) Technical Meetings. CURO shall schedule at least four (4) technical meetings in which parties will be able to discuss the major IRP components, including present inputs and assumptions, provide comments, and attempt to reach consensus.
  - (4) Additional information related to this Division is contained in the IRP rules section of the URM.
- (a) Policy objectives for IRP consideration. In addition to the analysis components described above, the IRP incorporates policy objectives as determined by the council including, but not limited to:
- (1) The renewable and clean portfolio standard (“RCPS”) program. To pursue reductions to carbon emissions, improve the health and quality of life of the citizens of New Orleans, and to reduce the city’s impact on climate change, compliance with the council’s RCPS should be incorporated into the planning strategy reflecting known utility regulatory policy goals of the council.
  - (2) Energy Smart Program kW and kWh reduction goals. After filing its IRP report~~Upon the conclusion of the utility’s IRP report filing~~, the utility should include, for evaluation by CURO, council advisors, and intervenors, an Energy Smart Program implementation plan for the next three program years with proposed goals ~~for~~of increasing the projected annual kWh savings ~~at a rate equal to a percentage of kWh sales and kW reductions to~~reducing the utility system peak load in accordance with the stated policies of the council.
  - (3) Transmission and distribution planning. To the extent feasible, transmission and distribution planning should be ~~more fully~~ integrated into the IRP process as contemplated by the IRP process~~to ensure that transmission and distribution solutions be considered as alternatives to supply-side and demand-side resources are evaluated, and that any reliability concerns and customer-owned distributed energy resources are addressed~~.
  - (4) Optimization software. To ensure that demand-side resources are compared equally with supply-side resources in all IRPs, all relevant supply-side and demand-side resource alternatives should be made available to the utility’s selected optimization ~~engine software concurrently~~ such that the optimization software can choose an optimal ~~combination portfolio~~ of resources based on the inputs and assumptions of the relevant planning scenario and strategy combinations.

#### **Sec. 158-57.1. Authority to Construct or Implement Resource Options.**

Any utility proposing to (1) construct or acquire an interest in a generation or transmission facility or implement a full-scale demand-side program, the rate base value of which exceeds two percent of the rate making value of the utility's property, or (2) enter into a

long-term firm power purchase contract, the present value of the fixed cost of which exceeds two percent of the rate making value of the utility's property, shall file an application and receive City Council approval for authority to take such action. The City Council shall schedule a public hearing promptly on each application and render its decision within 120 days of the filing date.

**Sec. 158-58. Renewable and Clean Portfolio Standard.** The goal of the renewable and clean portfolio standard ("RCPS") as established by the council requires the electric utility to reach "net-zero" emissions in its electric service to its customers by ~~generation facilities in~~ 2040 and to eliminate the use of all carbon-emitting generation resources by 2050, as contemplated by the council's RCPS rules. In addition, RCPS seeks to ensure that the city has a safe and reliable power supply at a reasonable cost while retaining as much flexibility as possible to employ a wide range of currently known and yet to be developed zero carbon-emissions energy technologies.

(a) Periodic review. The council's RCPS rules and procedures are set forth more fully in the URM and are formulated to ensure that the RCPS continues to meet the council's review process in the RCPS rules at least every five years. Such review shall consider a wide array of relevant factors, including, but not limited to:

- (1) Progress made toward ultimate and interim goals.
- (2) Developments in climate science.
- (3) Impacts on customers.
- (4) Technological developments, market developments, and progress on actual emissions reductions of the utility's portfolio.

At the conclusion of each such review, the council will decide whether the RCPS remains appropriate for the city or whether it requires modification. Any modification may be made by resolution by the council revising, changing, or updating the RCPS rules to implement the findings and conclusions of the council's periodic review.

#### **Sec. 158-59. Community Solar Program.**

- (a) Overview. The council's community solar program ("CSP") provides the method by which subscribing customers may utilize large-scale solar facilities to offset their energy usage. The rules governing CSP are detailed in the URM.
- (b) Policy objectives and enforcement. The CSP is intended to increase subscriber credits and the growth of community solar generation facilities to their approved limit while providing protection for ratepayers from undue burden while considering the stated benefits and costs of community solar.

#### **Division VI—Mergers, Sales, and Acquisitions**

**Sec. 158-60. -In general.** In addition to the rules of practice and procedure for regulatory proceedings set forth in this article, the procedures set out in this division shall apply to proceedings initiated in connection with mergers, sales, and acquisitions of -utilities regulated by the council.

**Sec. 158-61. - Procedural overview.** Each merger, sale, and acquisition shall commence with an initiating resolution establishing the procedural schedule, policy objectives, and any other matters deemed necessary by the council.

**Sec. 158-62. - Minimum filing requirements.** In determining whether a merger, sale, or acquisition is in the best interest of the ratepayers, the council will review the following and decide based on a set of enumerated factors. As such, in addition to the requirements set forth above in Article II, a utility requesting approval of a merger, sale, or acquisition, shall address each of the elements listed below in its request:

- (a) whether the transfer is in the public interest;
- (b) whether the purchaser is ready, willing, and able to continue providing safe, reliable, and adequate service to the utility's ratepayers;
- (c) whether the transfer will maintain or improve the financial condition of the resulting utility;
- (d) whether the proposed transfer will maintain or improve the quality of service to utility ratepayers;
- (e) whether the transfer will provide net benefits to ratepayers in both the short and long term as well as provide a ratemaking method that will ensure — to the fullest extent possible — that the ratepayers will receive the forecasted short and long term benefit;
- (f) whether the transfer will adversely affect competition;
- (g) whether the transfer will maintain or improve the management of the resulting utility doing business in the city;
- (h) whether the transfer will be fair and reasonable to the affected utility employees;
- (i) whether the transfer would be fair and reasonable to the majority of all affected utility shareholders;
- (j) whether the transfer will be beneficial on an overall basis to city and local economies and to the communities in the area served by the utility;
- (k) whether the transfer will preserve the jurisdiction of the council and the ability of the council to effectively regulate and audit the utility's operations in the city;
- (l) whether conditions are necessary to prevent adverse consequences which may result from the transfer;
- (m) the history of compliance or noncompliance that the proposed acquiring entity or principals or affiliates have had with regulatory authorities in this city or other jurisdictions;
- (n) whether the acquiring entity, persons, or corporations have the financial ability to operate the utility system and maintain or upgrade the quality of the physical system;

- (o) whether any repairs and/or improvements are required and the ability of the acquiring entity to make those repairs and/or improvements;
- (p) the ability of the acquiring entity to obtain all necessary health, safety and other permits;
- (q) the manner of financing the transfer and any impact that may have on encumbering the assets of the entity and the potential impact on rates; and
- (r) whether there are any conditions which should be attached to the proposed acquisition.

**EXHIBIT 2**

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

**Utility Regulatory Manual**

Version \_\_\_\_  
Adopted by Resolution No. R-25- \_\_\_\_  
Current as of \_\_\_\_, 2025



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## **URM Division I. New Orleans City Council Utility Regulatory Manual (“URM”).**

### **Section 1. Purpose.**

This Utility Regulatory Manual (“URM”) was adopted by Council Resolution No. 25- ,as authorized by Chapter 158 of the Code of the City of New Orleans. The purpose of the URM is to provide a single common reference document to provide detailed rules, procedures, descriptions, and specifications for filing requirements, practice, and procedures related to Chapter 158. A copy of the URM shall be made available on the council’s website. The URM may be amended by resolution of the council.

### **Section 2. Applicability.**

The URM contains procedural and technical requirements related to electricity and gas filings and regulatory proceedings governed in Chapter 158, including, but not limited to:

- 1- General filing procedures.
- 2- Council approved customer service regulations.
- 3- Rate change application technical requirements.
- 4- Formula rate plan (“FRP”) rules.
- 5- Integrated resource plan (“IRP”) rules.
- 6- Renewable clean energy portfolio standards (“RCPS”) rules.
- 7- Community solar rules and program (“CSR”) rules.
- 8- Protective orders.
- 9- Net Energy Metering Rules.
- 10- RFP Rules for Generation Acquisitions

### **Section 3. Citation.**

The provisions of this manual shall be cited in the following format:

CCNO Utility Resource Manual [Division #].[Section #].[subsection #](version date).

### **Section 4. Definitions.**

The terms used in this URM have the same meanings ascribed to them in Section 158-45 of the Code of the City of New Orleans, except when a different meaning is expressly stated or clearly indicated by the context or as stated in a specific rule.

## **URM Division II. Customer service regulations (“Service Regulations”).**

### **Section 1. General**

- (a) Each electric or gas utility regulated by the council shall submit for approval a comprehensive set of customer service regulations that detail matters related to service installation and maintenance of service, customer rights and responsibilities, billing and payment matters, special medical/critical customer protections, customer deposits, disconnection procedures and protections and other matters related to the utility-customer relationship.
- (b) Each utility is required to post a copy of the Service Regulations on its website and/or other media platforms in an obvious and easy-to-access location for customers.
- (c) Service Regulations may be modified at the direction of, or with the approval of, the council. The utility is required to assure that all modifications are reflected in the publicly available versions of the Service Regulations.

## **URM Division III. Regulatory procedures and filing requirements.**

### **Section 1. General**

- (a) In addition to the provisions of Chapter 158 of the Code of the City of New Orleans, and this URM, utility related matters are also governed by the Rules and Regulations of the Council of the City of New Orleans (Amended and Restated May 22, 2025) (“Council Rules”). Parties should make themselves familiar with the Council Rules with particular attention to Rule 46: Electronic Submissions, Rule 47: Public Comment, Rule 48: Disturbances in Council Chambers, Rule 49: Candor to the Council, and Rule 52: Standards for Electronic Coverage.
- (b) Whenever a matter is not covered in Chapter 158 or this URM, or ordered by the council, council utility docket proceedings shall be governed by the Louisiana Code of Civil Procedure and the Louisiana Code of Evidence.
- (c) Computing time. Unless otherwise stated in Chapter 158, this URM, or ordered by the council, the Louisiana Code of Civil Procedure shall determine the amount of time allowed or prescribed.
- (d) Electronic submissions. In accordance with the Council Rules and Regulations (“Council Rules”) Rule 46.A, except as otherwise expressly provided by law or the Council Rules, any communication or other submission to the Clerk of Council may be made electronically by emailing the submission to the Clerk of Council at [clerkofcouncil@nola.gov](mailto:clerkofcouncil@nola.gov). In any docketed matter, electronic submissions shall be sent to other parties to the docket by emailing the document to the email address included on the service list for that party.

### **Section 2. Required content of filings.**

- (a) All filings submitted to the council pursuant to Chapter 158 and this URM shall include the following:

- (1) a cover letter to the clerk as provided in the Council Rules,
  - (2) the docket number, if applicable,
  - (3) the name(s) of the filing party,
  - (4) a concise description of the ultimate facts relied upon by the filing party,
  - (5) a concise description of the type of relief, action or order desired by the filing party,  
and
  - (6) a certificate of service on each party on the most recent service list.
- (b) Every filing of a party represented by an attorney shall be signed by at least one attorney of record, whose physical address and email address for service of process shall be stated. A party who is not represented by an attorney shall sign the pleading and provide a physical address and email address, if the party has an email address, for service of process. If mail is not received at the physical address for service of process, a designated mailing address shall also be provided. A party or attorney may sign a pleading by electronic signature.
- (c) Interventions. Any party in interest may appear in any proceeding before the council under this article. All appearances shall be subject to a motion to strike upon a showing that the party has no justiciable or administratively cognizable interest in the proceeding. In addition to the requirements of paragraph (a), all motions to intervene must include:
- (1) A statement of the interest of the party in the proceeding.
  - (2) The name, address, email address and telephone number of the individuals to be placed on the service list as representatives of the party.
  - (3) Where the party is appearing through a representative the party must identify the representative and include a statement signed by the representative and the party or a registered agent of the party.

### **Section 3. Required format of filings.**

Format. All filings in any proceeding shall, unless the council otherwise orders or permits, be double spaced, typed, and submitted electronically. Except as otherwise ordered or permitted by the council, all filings shall be formatted so as not to exceed a width of 8-1/2 inches and a length of 14 inches and shall have inside margins not less than one inch wide. Pages should be numbered. Whenever practical, all documentary exhibits shall conform to such requirements of size and margin. All filings shall contain the address and telephone number of the party submitting the document. If a party is represented by an attorney or other representative, the filing shall also include the name, business address and telephone number of such attorney or other representative. Attorneys shall also attach their state bar association number. A private or United States Post Office Box or drawer shall not constitute a sufficient address for the purposes of this section.

#### Section 4. Discovery instructions.

- (a) Parties to proceedings under this division are entitled to issue discovery requests as provided below:
1. Data requests, interrogatories, and requests for production of documents or any other discovery requests (collectively “Requests” or individually “Request”) call for all information, including information contained in documents, which is known or available to the responders(s) in the proceeding.
  2. Where a Request has a number of separate parts, subparts, or aspects, a complete response is required to each part or aspect. The response should separately address each part or subpart by its individual designation, e.g., CNO 3-1) (A), (CNO 3-1) (B), etc. Any objection to a part, subpart, or aspect of a Request should clearly indicate the part, subpart, or aspect to which it is directed.
  3. If a Request specifically seeks an answer in response that is not contained in a referenced document, an answer is required.
  4. The person who prepares and is responsible for providing the response on behalf of the responding party should be identified on the response (“Responder”).
  5. If a Request can be answered in whole or in part by reference to the response to another Request served in the proceeding, it is sufficient to so indicate by specifying the other response or part or aspect thereof which is responsive to the instant Request and by specifying whether the response to the other request is a full or partial response to the instant Request. If the response to the other Request constitutes a partial response, the balance of the instant Request must be answered.
  6. If a Request cannot be answered in full after exercise of due diligence to secure the information requested, Responder shall state the answer to the extent possible, state why the Request cannot be answered in full, and state what information or knowledge ~~you~~ is available concerning the unanswered portions.
  7. If, in answering any of these Requests, Responder maintains that a Request or instruction applicable thereto is ambiguous, Responder shall set forth the language that is considered ambiguous and the interpretation being used in responding to the Request.
  8. If a document requested is unavailable, Responder shall identify the document, describe in detail the reasons that the document is unavailable, state where the document can be obtained, and specify the number of pages it contains.
  9. If no existing document is responsive to a Request that calls for a document, Responder shall so state and the Request should be treated as an interrogatory.
  10. Responders have an ongoing obligation as to all responses to amend or supplement if any person answering the Requests obtains any information upon which: (a) the party making the response knows that it was incorrect when made; or (b) the party making the response knows that the response, though correct when made, is no longer true or is misleading.
  11. All Requests are considered to be continuing in nature and thereby Responders are required to produce by supplemental or amended responses any information or documents within the scope of the Request that Responder obtains, acquires, or discovers subsequent to the initial response to the Request.

## **Section 5. Order of presentation at hearing.**

Unless otherwise stated in Chapter 158 or this URM, or ordered by the council, the order of hearing presentations shall be established by the hearing officer prior to commencement of the hearing. The order of hearing may be varied by the hearing officer when the circumstances so justify. The hearing officer may grant additional opportunities for the presentation of evidence and for argument only where good cause is shown for such additional evidence and argument.

## **URM Division IV. Rate change application technical requirements.**

### **Section 1. Required content.**

Each rate case applicant under this chapter shall provide the following:

1. General data:
  - a. Charter. A copy of the public utility's charter or articles of incorporation, articles of organization, or other business formation documents, if not already on file with the council.
  - b. Latest balance sheet. A balance sheet of the utility prepared as of the last day of the latest month in which data is readily available. For Period II, provide a balance sheet of the utility on an estimated basis.
  - c. Utility property. If not already provided in earlier statements, a description of the utility's property, as of the last day of the latest month in which data is readily available. For Period II, provide a description of the utility's property on an estimated basis as of the last day of Period II. Such a description shall be a dollar amount of each functional category.
  - d. Retained earnings analysis. An analysis of retained earnings covering Period I. For Period II, an analysis from the close of the last calendar year for which an annual report has been filed with the council to the date of the balance sheet provided in the statement in subsection (1) b. of this section.
  - e. Construction program statement. The utility shall file a statement that generally describes its program for providing reliable and economic services for the period beginning with the date of the filing and ending with the tenth year after the test period. The statement shall include the following:
    - i. An annual forecast, for the period, of customers' peak demand and energy requirements utilizing econometric forecasting models. These models should include price induced conservation, the conservation effects associated with improved efficiencies of gas, heat, electrical and power appliances and equipment, and any reduction in demand and energy resulting from projected customer-owned resources, such as distributed energy resources ("DERs"), and all utility-managed demand side management ("DSM") programs.

- ii. A capacity addition program setting forth the sources of utility-owned capacity and energy to serve the customers' forecasted peak demand and energy requirements.
  - iii. A transmission/distribution program setting forth the additions and improvements in transmission and distribution facilities necessary to deliver the capacity and energy from the utility's sources to its customers in a reliable and economical manner.
- 2. Revenue-related data including the following:
  - a. Summary of revenue requirements. If Period I is the test year period, a jurisdictional summary showing pro forma adjusted rate base and operating income under present rates; and actual earned rate of return, proposed rate of return, required operating income, operating income deficiency, gross revenue conversion factor, and resulting revenue requirement. If Period II is the test year period, provide a jurisdictional summary showing proforma adjusted rate base and operating income under present rates; actual earned rate of return, proposed rate of return, required operating income, operating income deficiency, gross revenue conversion factor, and resulting revenue requirements.
  - b. Summary of impact of proposed rates. For Period I and Period II, provide a tabulation by jurisdiction showing the number of customers, monthly billing determinants, the base revenues, rider tariff revenues, and the total revenues by rate schedule under present and proposed rates and the dollar and percentage ~~changes~~increases. Also furnish supporting work papers setting forth the fuel adjustment clause and purchased gas adjustment monthly revenues.
  - c. Proposed rate schedules. The proposed rate schedules for the jurisdiction and any other retail rate schedules proposed by the applicant or pending for any other jurisdiction and/or before any other regulatory body.
  - d. Present rate schedules. The present rate schedules, or an electronic link to same, and any other rate schedules effective for the applicant for any other retail jurisdiction.
  - e. Summary bill comparison. Schedules showing typical bill comparisons by rate schedule under present and proposed rates. The comparisons should provide adequate consumption information by block and season, and should set forth base revenue, rider tariff adjustments, if any, and total revenue for various levels of usage under all residential, commercial, industrial, and other rate schedules.
- 3. Rate base related data including the following:
  - a. Summary of jurisdictional rate base. For Period I, a summary of total company and jurisdictional rate base for pro forma adjusted operations. For Period II, a total company and jurisdictional pro forma adjusted rate base for projected operations. The rate base shall

be stated in adequate detail to identify each component set forth in this schedule. The utility may include items not specifically set forth which it believes are appropriate for inclusion.

- b. Plant in service. For Period I, a summary of total company plant in service by FERC account for actual operations, and, if applicable, a summary of pro forma adjustments by FERC account, including a description and the amount of each such adjustment and total company plant in service by FERC account for pro forma adjusted operations. For Period II, a summary of total company plant in service by FERC account for projected operations, and, if applicable, a summary of pro forma adjustments by FERC account, including a description and the amount of each such adjustment and total company plant in service by FERC account for pro forma adjusted operations. The total company plant in service shown on this schedule shall agree with the amounts appearing on the statement referenced in subsection (1) b. ~~and subsection (6) a.~~ of this section.
- c. Accumulated depreciation. For Period I, a summary of total company accumulated depreciation by FERC account for actual operations, and if applicable, a summary of pro forma adjustments by FERC account, including a description and the amount of each adjustment and total company accumulated depreciation by FERC account for pro forma adjusted operations. For Period II, provide a summary of total company accumulated depreciation by FERC account for projected operations, And, if applicable, a summary of pro forma adjustments by FERC account, including a description and the amount of each adjustment and total company accumulated depreciation by FERC account. Also, as applicable, provide a list of retirements of electric utility generating plants, transmission lines or substations, and distribution lines or substations, and a list of retirements of gas plant in service, recorded during Period I and projected for Period II, provided each such retirement exceeds \$100,000.00. The total company accumulated depreciation shown on this schedule shall agree with the amounts appearing on the statement in subsection (1) b. ~~and subsection (6) a.~~ of this section.
- d. Depreciation study. The utility's most recent depreciation study by FERC account. If the utility has previously filed the study with the council the same may be provided by reference.
- e. Summary of construction work in progress. For Period I and Period II, a schedule showing total company construction work in progress by FERC account.
- f. Listing of construction work in progress. For Period I, a schedule listing all construction work in progress at the end of the period by work order number, and for Period II, by FERC account. For each listed item, the estimated completion cost of all work that exceeds \$100,000.00 and is applicable to the city's jurisdictional area,



provide a brief description, estimated completion cost and projected date of placement in service. For Period I and Period II, for construction applicable to the city's jurisdictional area provide a statement listing all construction work in progress closed, or to be closed, during the period, by FERC account, including a brief description, final completion cost, and date of placement in service, provided the estimated completion cost of each such item exceeds \$100,000.00.

- g. Allowance for funds used during construction (AFUDC). For Period I and Period II, show the computations of the maximum rates for the construction allowances. If the utility proposes to use a net-of-tax rate, the utility shall show the derivation for both the gross-of-tax and net-of-tax rates. If the booked amounts of AFUDC do not reflect the rates computed above, show the derivation for the actual rates utilized in computing AFUDC, including the derivation of any net-of-tax AFUDC rate utilized by the utility.
- h. Summary of property held for future use. For Period I and Period II, provide a schedule listing total company property held for future use, including, by item, the book cost, the projected date of placement in service, and the planned use for this property. The total company amount of property held for future use shown on this schedule shall agree with the amounts, if any, appearing on the statement in subsection (1) b. ~~and subsection (6) a.~~ of this section.
- i. Calculation of working capital allowance. For Period I and Period II, provide a schedule showing the calculation of the total company working capital by component. The total company amount of working capital allowance shall agree with the amounts appearing on the statement in subsection (1) b. ~~and subsection (6) a.~~ of this section.
- j. Prepayments. For Period I and Period II, provide a schedule showing the derivation of the total company prepayments component of the working capital allowance. Include a schedule of the monthly prepayment balances. The total company prepayment amount shall agree with the amount appearing in the statement in subsection (1) b. ~~and subsection (6) a.~~ of this section.
- k. Materials and supplies and fuel stock. For Period I and Period II, provide a schedule showing the derivation of the total company materials and supplies and fuel stock components of the working capital allowance including a schedule of the monthly materials and supplies and fuel stock balance. The total company materials and supplies and fuel stock amounts shall agree with the amount appearing in the statement in subsection (1) b. ~~and subsection (6) a.~~ of this section.
- l. Calculations of cash working capital. For Period I and Period II, provide a schedule showing the detailed calculation of the cash working capital component of the working capital allowance. The

utility shall compute cash working capital using a lead-lag study methodology for the test period. The use of a lead-lag study in the determination by the utility of its cash working capital requirements shall not preclude the council from making adjustments thereto, nor employing one-eighth of total annual operations and maintenance expense excluding amounts charged to operations and maintenance expense for fuel, deferred fuel, and purchased power in its final determination of the appropriate amounts of cash working capital for ratemaking purposes. Should the utility request zero cash working capital in its filing, it shall be considered an alternative methodology and no lead-lag study shall be required. The council's discretion in the treatment of non-investor supplied capital, other than non-investor supplied capital that would be included in a lead-lag study for ratemaking purposes, shall be unaffected. The amount shown here shall agree with the amount appearing in the statement in subsection (1) b. ~~and subsection (6) a.~~ of this section.

- m. Minimum bank balances. For Period I, provide a listing of all banks requiring the deposit of minimum bank balances by the company relating to services provided in customer bill-paying programs. Also provide the amount of such minimum bank balances on deposit with each bank at the end of Period I.
  - n. Summary of accumulated deferred income taxes and unamortized investment tax credits. For Period I and Period II, provide a schedule showing total company accumulated deferred income taxes and unamortized investment tax credit by FERC account . Unamortized investment tax credits should be separated into pre-1971 and post-1970 periods. The balance of deferred taxes and pre-1971 tax credits shall agree with the amounts shown on the statement in subsection (1) b. and subsection (6) a. of this section. Also state which option the utility has filed with the IRS for treatment of post-1970 investment tax credits.
4. Income Statement data including the following:
- a. Jurisdictional income statement. For Period I, a total company and jurisdictional income statement for pro forma adjusted operations. For Period II, a total company and jurisdictional income statement for pro forma adjusted projected operations. The income statement should be in adequate detail to identify those components set forth on this schedule. The utility may include items not specifically set forth which it believes are appropriate for inclusion.
  - b. Revenues. For Period I, a schedule showing total company revenues by FERC account for actual operations, a summary of pro forma adjustments by FERC account, including a description and the amount of each adjustment and total company revenues by FERC account for pro forma adjusted operations. For Period II, provide a schedule showing total company revenues by FERC account for projected operations along with a description of the assumptions,

methodologies, models and databases used in making such projections. The total company revenues shall agree with the amounts appearing in the statement in subsection (1) d. ~~and subsection (6) b.~~ of this section.

- c. Operation and maintenance expenses. For Period I, a schedule showing total company operation and maintenance expenses by FERC account for actual operations, a summary of pro forma adjustments by FERC account, including a description and the amount of each adjustment and total company operation and maintenance expenses by FERC account for pro forma adjusted operations. For Period II, a schedule showing total company operation and maintenance expenses by FERC account for projected operations, and a summary of pro forma adjustments by FERC account, including a description and the amount of each adjustment and total company operation and maintenance expenses by FERC account for pro forma adjusted operations. The total company operation and maintenance expenses shall agree with the amounts appearing in the statement in subsection (1) d. ~~and subsection (6) b.~~ of this section.
- d. Electric Utility Fuel and Gas Utility Purchased Gas adjustment data. For Period I and Period II, monthly expense data by accounts for electric utility fuel related costs in accounts 501, 557, and purchased power in account 555, and for gas utility in accounts 804 and 880. The total amount in these accounts shall agree with the amounts shown in the statement in subsection (1) d. ~~and subsection (6) b.~~ of this section. For each type of purchased power transaction, such as firm power or economy interchange power, monthly expense data shall be subtotaled separately for interchange receipts and deliveries. For monthly fuel accounts 501, 518, 547, and for each type of purchased power transaction, and for gas accounts 804 and 880, the monthly data shall identify components to be claimed under the fuel adjustment clause and/or purchased gas adjustment of the utility.
- e. Miscellaneous operation and maintenance expense data. For Period I, furnish a schedule for each of the items listed below and state the account or accounts to which they were charged:
  - i. Contributions for charitable, civic, and political and related activities, as defined in account 426.4 of the uniform system of accounts.
  - ii. Membership fees and dues of civic and social organizations.
  - iii. Advertising expenses with a description of the purpose (e.g., promotional, civic or political) for each expenditure.For Period II, state the estimated amount of each item which is included in operation expense.
- f. Depreciation expense. For Period I, a schedule showing total company depreciation expense by function for actual operations, a

summary of pro forma adjustments by function, including a description and the amount of each adjustment and total company depreciation expense by function for pro forma adjusted operations. For Period II, a schedule showing total company depreciation expense by function for projected operations. Also provide a schedule for Period I and Period II showing the annual depreciation rate applicable to each function. The total company depreciation expense shown on the statement shall agree with the amounts operating in the statement in subsection (1) d. ~~and subsection (6) b.~~ of this section.

- g. Taxes other than income. For Period I, for actual operations, a schedule showing total company taxes other than income by component, i.e., revenue taxes, real estate taxes, payroll taxes, and miscellaneous taxes. Also provide for pro forma adjusted operations a summary of pro forma adjustments, including a description and the amount of each adjustment and total company taxes other than income by component. For Period II, a schedule showing total company taxes other than income by component for projected operations. The total company taxes other than income shown on this schedule shall agree with the amounts appearing in the statement in subsection (1) d. ~~and subsection (6) b.~~ of this section.
- h. Income taxes, state and federal. For Period I, a schedule showing the calculation of total company current and deferred state and federal income taxes for actual operations, a summary of pro forma adjustments, including a description and the amount of each adjustment and total company current and deferred state and federal incomes taxes for pro forma adjusted operations. Also furnish, for the most recent year available, a reconciliation of book income to taxable income in a format similar to that required in FERC Form No. 1. For Period II, provide a schedule showing the calculation of total company current and deferred state and federal income taxes for projected operations. The total company current and deferred state and federal income taxes shown on this schedule shall agree with the amounts appearing in the statement in subsection (1) d. ~~and subsection (6) b.~~ of this section.
- i. Gross revenue conversion factor. For Period I and Period II, a schedule showing the calculation of the gross revenue conversion factor.
- j. Tax expansion factor. For Period I and Period II, provide a schedule showing the calculation of the combined state, federal, and revenue tax effects that would arise from an additional dollar of net operating income.
- k. Other utility income and deductions. For Period I, provide a schedule showing for the total company other income and other income deductions for actual utility operations, a summary of pro forma adjustments, including calculations and assumptions, and

total company other income and other income deductions for pro forma adjusted operations. For Period II, provide a schedule showing the total company other income and other income deductions for projected operations. The total company other income and other income deductions shown on this schedule shall agree with the amounts appearing in the statement in subsection (1) d. ~~and subsection (6) b.~~ of this section.

1. Interest coverages. For Period I and Period II, provide schedules showing the interest coverage using each of the five following methods:
  - i. The Securities and Exchange Commission method;
  - ii. The bond indenture method;
  - iii. The bond indenture method including interest on short-term debt.
  - iv. Earnings Before Interest and Taxes ("EBIT");
  - v. Earnings Before Interest, Taxes, Depreciation, and Amortization ("EBITDA").

5. Cost of Capital.

Each applicant under this article shall provide the following:

- a. Cost of capital. For Period I and Period II, a summary of capitalization balances, capitalization ratios, the cost of debt capital and preferred stock capital, weighted cost of each element, the rate of return on the common equity of the utility and the resulting overall rate of return.
- b. Long-term debt capital. For Period I and Period II, a schedule showing the coupon rate, dates of issue and maturity, principal amount, issuance expense, debt discount or premium, net proceeds, amount outstanding, annual amortization, annual interest charges and annual cost by issue of all long-term debt outstanding as of the end of the period. Based on this information, compute the embedded cost of long-term debt. This embedded cost shall agree with the cost of debt which appears in the statement in subsection (1) d. ~~and subsection (6) d.~~ of this section.
- c. Preferred stock. For Period I and Period II, a schedule showing the dividend rate, type, per value, date issued, shares issued and outstanding, amount outstanding, issuance expense, discount or premium and annual dividends for each issue of preferred stock at the end of the period. Based on this information, compute the embedded cost of preferred stock. This embedded cost shall agree with the cost of preferred stock which appears in the statement in subsection (1) d. ~~and subsection (6) d.~~ of this section.
- d. Common equity. For Period I and Period II, a schedule showing, by FERC account, the makeup of the common equity balance at the end of each period. Also show the rate of dividends being paid on the outstanding common stock, the rate of return on common equity actually earned during Period I, and the rate of return being

requested for Period II. The equity rates actually earned for Period I and being requested for Period II shall agree with the respective rates which appear in the statement in subsection (1) ~~d. and subsection (6)~~ of this section.

**6. Financial statements and statistical data.**

If the following data is presently on file with the council a reference to such filing will be sufficient:

- a. Historical balance sheets. Provide historical company comparative balance sheets for the most recent five fiscal years.
- b. Historical income statements. Provide historical company comparative income statements for the most recent five fiscal years.
- c. Historical statement of retained earnings. Provide historical company comparative statements of retained earnings for the most recent five fiscal years.
- d. Historical capitalization. Provide historical company comparative capitalization for the most recent five fiscal years. This information should be similar to the information provided in section 158-53.

**7. Cost of service.**

Each applicant under this article shall provide the following:

- a. For Period I and Period II, the applicant under this article shall provide a fully allocated cost of service study, including total utility revenues, total utility costs, and all customer classes served. The study should include a detailed summary of the income statement, rate base and rate of return under present and proposed rates by jurisdiction and by rate schedule. Also provide work papers sufficient in detail to support calculations, methodologies, allocation factors, and assumptions included in the study, including total company wages and salaries by account for actual operations, a summary of pro forma adjustments by account, including a description and the amount of each adjustment and total company wages and salaries by account for pro forma adjusted operations. If wages and salaries by FERC account is used as an allocator in the utility's cost of service study, then provide this information by FERC account, rather than by function. Also furnish the bases for and computation of all allocators used in the cost-of-service study.

**8. Affiliate transactions.**

The following procedures shall govern any transactions by, between, and among a utility and any of its affiliates:

- a. In any application that the utility files that might affect a change in its revenue requirement and that contains an allocation of affiliate costs from an affiliated company of the utility, the utility shall provide:



- i. Schedule detailing the summary of affiliate costs incurred for each account for those services rendered by the affiliate(s) exclusive of affiliate purchases, related to joint account purchases and purchases from purchased power agreements and continue to be provide such detail in the applicable fuel adjustment clause;
  - ii. The allocation method and basis of such costs; and
  - iii. A summary of the services provided for such costs.
- b. Except for years that represent test years, as Period I and Period II, which are included in an application for a change in rates of the utility, a utility must annually file a cost allocation manual that includes:
  - i. An organization or relationship chart(s) that illustrates the utility and all of its regulated and unregulated affiliate(s);
  - ii. Officers of the parent or holding company, the utility, and all of its affiliates, as applicable;
  - iii. A complete description of the types of all costs shared with affiliate(s);
  - iv. The methodology and procedure used to allocate costs; and a summary of the total costs incurred from affiliate(s) and how those affiliate(s) costs are allocated. The council shall have reasonable access to all public records of the utility's affiliated companies, including its parent company, regarding transactions or cost allocations among the utility and such affiliated companies, and such records necessary as same pertains to the inclusion of costs in the utility's revenue requirements and to ensure that a utility's ratepayers do not subsidize nonutility activities. Nothing in this paragraph shall limit the authority of the council to have access to accounts and records of, or to require reports and documents from, the utility, or to prescribe guidelines that the utility must follow in allocating costs to transactions with affiliate(s).

## **Section 2. Exception**

- If a rate case applicant has filed a Formula Rate Plan Evaluation Report that uses the Period I test year as the Evaluation Period and proposes that base rates be set based on the Period II test year class cost of service required by Section 1, then the rate class applicant is not required to submit content specified in Section 1 above for Period I and may submit such Evaluation Report as part of its rate case application. If the rate case applicant submits any portion of the required content for Period 1 or the above-described Evaluation Report, then such submission shall not constitute a waiver of this exception.

**URM Division V. Electric utility integrated resource plan rules.**

[EXISTING IRP RULES AS ADOPTED IN RESOLUTION NO. R-17-429 WILL BE INSERTED  
HERE]



**URM Division VI. Renewable clean portfolio standard rules.**

[EXISTING RCPS RULES AS ADOPTED IN RESOLUTION NO. R-21-182 WILL BE  
INSERTED HERE]

**URM Division VII. Net energy metering rules.**

[EXISTING NET METERING RULES AS ADOPTED IN RESOLUTION NO. R-09-484 WILL  
BE INSERTED HERE]

**URM Division VIII. Community solar rules.**

[EXISTING COMMUNITY SOLAR RULES AS ADOPTED IN RESOLUTION NO. R-25-352  
WILL BE INSERTED HERE]

**URM Division IX. Request for proposals rules.**

[EXISTING RFP RULES AS ADOPTED IN RESOLUTION NO. R.-20-105 WILL BE  
INSERTED HERE]

**URM Division X. Protective order governing confidential and sensitive information.**

[EXISTING COUNCIL PROTECTIVE ORDER AS ADOPTED IN RESOLUTION NO. R-07-432 WILL BE INSERTED HERE]

## **URM Division XI. Applications for Issuance of a Financing Order.**

### **Section 1. Procedural schedules for applications seeking issuance of a financing order.**

To facilitate the use by utilities that furnish utility service within the City of New Orleans of securitization financing under the Louisiana Electric Utility Storm Recovery Securitization Act, La. R.S. §§ 45:1226-1240, the Louisiana Utilities Restoration Corporation Act, La. R.S. §§ 45:1311-1343, or any other act of the Louisiana Legislature that provides for or enables securitization financing (together, the “Securitization Acts”) to finance storm recovery or restoration costs (including reserves), the council shall proceed as follows upon the filing by a utility of an application seeking the council’s adoption and issuance of a financing order under one of those acts:

- a. Within 14 days after the date the application is filed, the council shall establish a procedural schedule that permits a council decision no later than 120 days after the date the application is filed.
- b. No later than 120 days after the date the application is filed, the council shall issue a financing order or an order rejecting the application. For an application that seeks to fund reserves to allow for interim recovery of storm recovery or restoration costs, such interim recovery must be subject to a true-up process once the actual restoration costs are determined.
- c. The standard filing requirements or minimum filing requirements set forth in Chapter 158, Article III of the New Orleans City Code and/or the URM shall not apply to an application under the Securitization Acts, and the provisions of this section, to the extent applicable, shall control over any contrary or conflicting provisions of Chapter 158 or the URM.