大成 DENTONS

Jay Beatmann

jay.beatmann@dentons.com
D +1 504-524-5446

Dentons US LLP
650 Poydras Street Suite 2850
New Orleans, LA 70130-6132
United States

October 24, 2025

BY E-MAIL

Clerk of Council
Council of the City of New Orleans
City Hall, Room IE09
1300 Perdido Street
New Orleans, LA 70112

Re: *A Rulemaking Proceeding to Establish Rules for Community Solar Projects*, CNO Docket UD-18-03

Dear Clerk:

Please accept for filing the attached *Report of the Advisors Regarding Consolidated Billing for the Community Solar Program* in the above referenced docket, which we are requesting be filed into the record along with this letter. The Advisors submit this filing electronically and will submit the original and requisite copies as you direct.

Sincerely,

Jay Beatmann

JAB:dpm
Attachments
cc: Official Service List for UD-18-03

Zaanouni Law Firm & Associates ► LuatViet ► Fernanda Lopes & Associados ► Guevara & Gutierrez ► Paz Horowitz Abogados ► Sirote ► Adepetun Caxton-Martins Agbor & Segun ► Davis Brown ► East African Law Chambers ► For more information on the firms that have come together to form Dentons, go to dentons.com/legacyfirms

BEFORE THE
COUNCIL OF THE CITY OF NEW ORLEANS

IN RE: A RULEMAKING PROCEEDING TO ESTABLISH RULES FOR COMMUNITY SOLAR PROJECTS	)	**DOCKET NO. UD-18-03**

REPORT OF THE ADVISORS REGARDING CONSOLIDATED BILLING FOR THE COMMUNITY SOLAR PROGRAM

October 24, 2025

Table of Contents

I. Executive Summary 1

II. Background 4

A. Consolidated Billing Background 4

1. Consolidated Billing Background in CNO 4

2. Consolidated Billing Implementation in Other Jurisdictions. 7

B. Procedural Background 11

III. Merits of and Concerns Regarding Adopting Consolidated Billing 14

A. Consolidated Billing is not Yet "Settled Law" 14

B. ENO's Public Interest and Due Process Arguments are Without Merit 17

C. Consolidated Billing Does Not Infringe on ENO's Franchise Rights 20

D. Potential Benefits and Drawbacks of Adopting Consolidated Billing 22

IV. Design of a Consolidated Billing Program for the New Orleans Community Solar Program 31

A. Net Crediting Structure 31

B. Cost Recovery 32

C. Implementation Costs and Proposed Administrative Fee 35

1. Estimated Implementation Costs 35

2. Proposed Utility Administrative Fee 36

D. Optionality of Consolidated Billing 41

E. Guaranteed Savings Rate 42

F. Customer Eligibility 43

G. Timing of Crediting 45

H. Non-Discrimination 47

I. Contractual Issues and Other Administrative Burdens 47

J. Other Issues 49

1. Definition of Baseline Annual Usage 49

2. Single Subscriber Waitlist 50

V. Implementation Issues 51

A. Timeline for Implementation 51

B. Proposal for a Working Group 52

C. Other ENO Questions and Proposals 53

VI. Treatment of Credits in Various Scenarios Under the Advisors' Proposed Consolidated Billing Structure 54
A. A Subscriber Closes Their ENO Account 55
B. A Subscriber Has Been Disconnected for Non-Payment 55
C. A Subscriber is in Arrears 56
D. A Subscriber Organization Files for Bankruptcy 56
E. A Subscriber Organization Ceases Commercial Operations 56
VII. Changes to the Community Solar Rules to Implement Consolidated Billing 56
VIII. Conclusion 57
ATTACHMENT A 1

I. Executive Summary

Consolidated billing may be found to be in the public interest and adopted by the Council, after full consideration of the parties' concerns in this proceeding. Consolidated billing offers significant potential benefits to Community Solar Subscriber Organizations and Subscribers. If adopted, consolidated billing can be structured to be consistent with the public interest, protect non-participating electric customers from rate impacts associated with implementation and shield the utility from undue financial harm and risk. Careful cost allocation as required under the existing Community Solar Rules should mitigate any adverse effects on non-participants and the utility while enabling Subscriber Organizations and Subscribers to Community Solar Generating Facilities ("CSG Facility(ies)") to realize the benefits of consolidated billing. Should the Council decide to implement consolidated billing for the New Orleans Community Solar Program, this Report recommends a net crediting structure for consolidated billing that the Council can approve, consistent with the public interest.

The Advisors disagree with Entergy New Orleans' ("ENO") unfounded and erroneous legal arguments opposing consolidated billing. First, ENO's assertion that the Council cannot consider consolidated billing without first determining whether consolidated billing is in the public interest is unsupported by law and misstates this proceeding's procedural posture. Second, ENO's criticism of the Council's established process for consideration of consolidated billing in this docket ignores decades of employing the same legally established practice by the Council in numerous other utility matters. Third, ENO's argument that consolidated billing, even if designed in a manner that protects ENO's interests, is somehow a violation of ENO's franchise rights is also flawed.

If the Council adopts consolidated billing, the Advisors recommend a net crediting structure with the following features:

(1) cost recovery mechanisms as required under the existing Community Solar Rules where ENO (i) recovers the costs of both administering the community solar program and crediting Subscribers for the power through the fuel adjustment charge ("FAC") in compliance with the FAC tariff, and (ii) recovers the incremental costs of implementing consolidated billing from all Subscriber Organizations through a Council-approved charge (*i.e.* a Utility Administrative Fee);

(2) the option for Subscriber Organizations to participate in consolidated billing or to remain with dual billing, though whether they opt in or not, all Subscriber Organizations would be subject to the Utility Administrative Fee to reflect the value of having the option available to them and to ensure full cost recovery from the Subscriber Organizations;

(3) as an interim measure, a Utility Administrative Fee of 3% for the first two years with any under collections to be put into a regulatory asset, and to be reconsidered after the first two years when actual costs of implementation are known;

(4) a minimum Guaranteed Savings Rate of 10% for all customer classes, and allowing Subscriber Organizations to offer 10%, 15% or 20% Guaranteed Savings;

(5) no change to the current Community Solar Rules customer eligibility requirements (*i.e.* any customer in any customer class with an active account with the utility is eligible to be a Subscriber);

(6) no change to the current Community Solar Rules requirement that the utility post credits to customer bills on a two-month lag;

(7) in order to prevent the risk of unpaid bills from being shifted to non-participating ratepayers, ENO shall be required to adjust remittances to Subscriber Organizations in the event a Subscriber fails to pay their electric utility bill in full.

The Advisors see no basis to modify the Community Solar Rules on non-discrimination, the definition of Baseline Annual Usage, waitlists, the credit rate, the Low-Income set-aside, or program capacity. Further, ENO's preliminary cost estimates appear consistent with experience in other jurisdictions. While formal approval of those preliminary estimates is unnecessary now, the Council should anticipate final costs within ENO's estimated range.

In our evaluation of the consolidated billing proposals, the Advisors have kept in mind certain guiding principles for the Community Solar Rules set forth by the Council:

> The rules should be designed to allow customers to offset their own electric consumption, they should not be designed to allow customers to generate electricity for profit at the expense of their fellow ratepayers.[1]
>
> The rules should leave as much flexibility as possible for developers to design the community solar programs that they believe will be attractive to New Orleans citizens, consistent with the Council's responsibility to protect New Orleans citizens and to ensure the continued provision of safe, reliable, electric power to New Orleans at just and reasonable rates.[2]

And

> The rules should protect non-participating ratepayers from risks associated with the program. The risks borne by ratepayers participating in community solar projects should be limited to loss of funds that they commit to invest in a community solar project. All other risks (such as liability for accidental damage, risk of undersubscription, etc.) should be borne by the developers.[3]

As well as the Council's recent admonition that:

> With respect to pleadings filed pursuant to this procedural schedule, the Council will consider only comments related to consolidated billing. Any other proposals for changes to the Community Solar Rules must be filed as a separate

[1] Resolution No. R-18-223 at 2.
[2] *Id.* at 2-3.
[3] *Id.* at 3.

motion and will not be considered if included in pleadings filed under the procedural schedule below.[4]

The Advisors note that the Community Solar Rules have been under constant revision for at least three years, and that, as a general matter, regulatory uncertainty makes it difficult for parties to design, gain financing for, and proceed with projects. Given the many community solar projects now in the queue for the program who have likely designed their projects around the existing Community Solar Rules, the Advisors recommend that if the Council decides to adopt consolidated billing for its Community Solar Program, it adopt the minimum changes necessary to implement consolidated billing, to avoid unnecessarily disrupting existing projects and to provide greater regulatory certainty. Some of the Intervenors have also argued that continued regulatory uncertainty is problematic for moving forward with CSG Facility projects. Gulf States Renewable Energy Industries Associations ("GSREIA") emphasized in its September 25, 2025 reply comments that prolonged procedural uncertainty depresses tax-credit value, increases refinancing costs for otherwise shovel-ready projects, and signals to investors that New Orleans may diverge from peer jurisdictions scaling net crediting.[5] GSREIA urged the Council to move from relitigating threshold issues to finalizing implementation details under ENO's June 10 framework to avoid further erosion of market confidence.[6] NOLA Solar/SunConnect also explained in their May 22, 2025 comments submitted pursuant to R-25-255 that they have multiple projects in the queue and that financing hinges on a firm, tariffed consolidated-billing structure.[7] They reiterate TNO's request that ENO be compelled to implement consolidated billing and note that certainty around subscriber-management mechanics is material to closing project financing.[8]

Based on these principles, admonitions, and concerns, the Advisors' recommendations regarding the potential structure of a consolidated billing program are intended to (i) ensure consolidated billing only allows Subscribers to offset their own usage with CSG output; (ii) minimize cost shifting to non-participants; (iii) preserve reasonable flexibility for Subscriber Organizations while keeping costs just and reasonable; (iv) avoid unnecessary changes to the Community Solar Rules beyond what implementation of consolidated billing requires; and (v) maintain the utility protections provided for currently in the CSG Rules.

The Council initially adopted rules for a Community Solar Program for New Orleans in 2019, and since then, it has adopted nine Resolutions regarding the Community Solar Rules and related forms and rate schedules related to various requests made by the parties to the docket.[9] Few other proceedings have required as much of the Council's time and attention. ENO opposes the adoption of consolidated billing and has been generally uncooperative in this proceeding and has not complied with certain Council directives related to implementation instead of taking advantage of the opportunity that was offered by the Council to develop a model of consolidated billing that ENO believed it could successfully implement. On the other hand, many of the Intervenors, while understandably upset by ENO's lack of meaningful effort, in their participation

[4] Resolution No. R-25-352 at 11.
[5] GSREIA Reply Comments at 1.
[6] *Id*. at 1-2.
[7] NOLA Solar/SunConnect Comments at 1.
[8] *Id.* at 2-3.
[9] *See* Resolution Nos. R-19-390, R-21-38, R-22-76, R-23-507, R-24-137, R-24-310, R-24-571, R-25-255, and R-25-352.

in the development of community solar and the consideration of consolidated billing, have repeatedly ignored the Council's procedural rules and orders in the community solar proceeding[10] and have misrepresented to the Council the extent to which consolidated billing has been adopted in other jurisdictions as well as what the Council's own Resolutions have said and what the Advisors have said.

Given the acrimony among the parties with respect to consolidated billing to date, the Advisors have little reason to believe that a Working Group or further stakeholder proceedings in this docket would be productive. The Advisors believe the Council can resolve the issues needed to either approve consolidated billing and move forward with implementation or to reject it, as the Council sees fit.

II. Background

A. Consolidated Billing Background

1. Consolidated Billing Background in CNO

The Community Solar Program was established by the Council to augment its successful rooftop solar Net Energy Metering ("NEM") Program, and specifically, as noted in Resolution No. R-18-223, "to expand the renewable options available to New Orleans residents, particularly those who are unable to participate in the NEM program". In that Resolution, the Council set forth principles that any rules established for community solar programs should adhere to that inform this Advisors' Report. Of greatest relevance to the consideration of consolidated billing are the principles that:

> The rules should be designed to allow customers to offset their own electric consumption, they should not be designed to allow customers to generate electricity for profit at the expense of their fellow ratepayers.[11]

And

> The rules should leave as much flexibility as possible for developers to design the community solar programs that they believe will be attractive to New Orleans citizens, consistent with the Council's responsibility to protect New

[10] In his Order of July 12, 2023, the Hearing Officer wrote, "The Hearing Officer deems it prudent to express a disturbing observation. . . . In recent times, and in particular respecting this somewhat unique Docket, the Hearing Officer has observed an unfortunate *quod parum cesserit* ("anything goes") attitude reflected by the filings of numerous intervenors. . . . such filings are not only disruptive and obstructive to the orderly procedural process, such conduct needlessly generates ***additional costs*** **to all ratepayers of New Orleans.** Such filings generate additional costs to ENO, but also additional time and/or billing by the Advisors, Hearing Officer, and CURO staff – **ultimately borne by ratepayers**. Accordingly, the Hearing Officer respectfully admonishes all parties to prospectively abide procedural deadlines and norms." In his Order of September 5, 2025, the Hearing Officer wrote, "Merely because an intervenor elects to contact council members, **they are not relieved of their obligations to file appropriate discovery pleadings** including ***objections*** to 'requests for information,' 'data requests,' 'interrogatories', 'requests for production of documents' or any other discovery requests permitted by applicable authority or by the Hearing officer and including **motions to compel discovery,** and **motions for protective orders, and to do so in a timely manner. Contacting Council members does NOT extend any applicable time limits for Intervenors or any party hereto.**"

[11] Resolution No. R-18-223 at 2.

> Orleans citizens and to ensure the continued provision of safe, reliable, electric power to New Orleans at just and reasonable rates.[12]

The Council also set forth certain parameters for the Community Solar Rules, of the most relevance to consolidated billing is:

> The rules should protect non-participating ratepayers from risks associated with the program. The risks borne by ratepayers participating in community solar projects should be limited to loss of funds that they commit to invest in a community solar project. All other risks (such as liability for accidental damage, risk of undersubscription, etc.) should be borne by the developers.[13]

In the Community Solar Program, an ENO customer may enter into an arrangement with a Subscriber Organization to take an ownership interest in or lease a portion of a CSG Facility and use the corresponding portion of the CSG Facility's output to offset their own electric usage. The ENO customer becomes a "Subscriber" to the CSG Facility and, through their "Subscription," either owns or leases a portion of the CSG Facility and is entitled to the output of that portion of the CSG Facility. To ensure that a Subscriber is only offsetting their own electric energy usage, Subscriptions are limited to 100 percent of the value of the Subscriber's Baseline Annual Usage (how much electricity they use in a year).[14] As the CSG Facility generates electricity each month and transmits that electricity to ENO, ENO calculates a bill credit for the Subscriber based on the amount of electricity transmitted to ENO and the percentage of that electricity that is owned by the Subscriber multiplied by the per-kWh credit amount (full retail rate for non-Low-Income Subscribers, and the full retail rate plus 2.0 cents/kWh for Low-Income Subscribers). So, for example, if a CSG Facility transmits 5000 kWh of electricity to ENO in a particular month, and it has a non-Low Income Subscriber with a Subscription for 10% of the CSG Facility's output, and a Low-Income Subscriber with a Subscription for 15% of the CSG Facility's output, and the prevailing retail rate at the time is $0.10 per kWh, then the non-Low-Income Subscriber would receive a credit on their ENO bill of $50 (5000 x 10% = 500 x $0.10 = $50) and the Low-Income Subscriber would receive a bill credit of $90 (5000 x 15% = 750 x $0.12 = $90).

Under what is called "dual billing," which is what is currently provided for under the Community Solar Rules, and which is still the most prevalent form of billing in other states that have adopted community solar,[15] the customer receives the ENO bill showing both their ENO charges for their electricity usage and their bill credit for their CSG Facility Subscription, which reduces the amount they need to pay ENO. The Subscriber then separately receives a bill from the Subscriber Organization (or a financing party) for the cost of their Subscription to the CSG Facility. There is no guarantee that the subscription cost will be less than the credit the Subscriber receives, so if the Subscriber wishes to see whether the Community Solar Subscription is saving them money, they have to look at both bills and compare the value of the bill credit on the ENO bill to the cost of their subscription on the bill from the Subscriber Organization. In addition, under a dual billing program, a Subscriber must have a means of paying their bill from the Subscriber

[12] *Id.* at 2-3.
[13] *Id.* at 3.
[14] Community Solar Rules III.B.(1).
[15] Consolidated billing has only been adopted in eight of the forty-four states and localities that have adopted Community Solar.

Organization, which may require a checking account or a credit card if the Subscriber Organization does not accept payment in cash, which may be a challenge for some Low-Income Subscribers.

The primary alternative to dual billing is consolidated billing, the most common form of which is net crediting.[16] Under consolidated billing with net crediting, the utility bill reflects the cost of the CSG Facility subscription as well as the utility charges and bill credit, depending on the Council-approved configuration of the monthly bill. So in the example above, if the Low Income Customer's subscription for 15% of the CSG Facility costs $60 per month and the Non-Low-Income Subscriber's subscription for 10% costs $40 per month, then the Low Income Customer's utility bill would show the utility charges, a CSG credit for $75 and a CSG Facility Subscription cost of $60, resulting in a net decrease of the utility bill of $15. The non-Low-Income customer would see the utility charges, the $50 CSG credit and $40 cost for a net decrease of their utility bill of $10. The utility then collects the bill payments from the two Subscribers and pays the $60 and $50 subscription costs to the Subscriber Organization on behalf of the customers, usually less an administrative fee that corresponds to the utility's costs related to consolidated billing. This simplifies the billing for the customers participating in community solar– they only have to pay one bill per month and they can see directly on that bill whether or not their bill credit for that month (which varies monthly based on the output of the CSG Facility) is higher or lower than their subscription cost (which may be a fixed monthly charge). The issue before the Council is whether or not to require ENO to implement a form of consolidated billing in New Orleans, and if so, how it should be structured.

It is important to understand that consolidated billing does not create a system where ENO is paying the Subscriber Organization for electricity that the Subscriber Organization is putting onto the electric grid. ENO's payment for the output of the CSG facility is through (i) the bill credits of CSG subscribers for the subscribed portion of the CSG facility and (ii) payment to the CSG facility Subscriber Organization for up to 20% of output that is unsubscribed. This is true under both dual billing and consolidated billing. Consolidated billing is merely a mechanism that allows a Subscriber to pay for its subscription to a CSG Facility through its ENO bill. It can be structured in different ways. The most basic structure would be that the Subscriber and Subscriber Organization (or financier) agree to a fixed monthly payment, and both the CSG Allocated Credit and that fixed monthly payment for the subscription would appear on the Subscriber's ENO bill. In that type of consolidated billing, a Subscriber's ENO bill might increase or decrease in any given month as a result of community solar, depending upon whether the Allocated Credit (which varies depending on how much electricity was produced by the CSG Facility each month) was more or less than the fixed monthly payment. There is also a "guaranteed savings" structure, employed by most states that have implemented consolidated billing for community solar and which is what is being proposed in this proceeding. Under the "guaranteed savings" form of net crediting consolidated billing, instead of a fixed monthly payment, the Subscriber Organization agrees that the Subscriber's monthly subscription fee will be a fixed percentage of the CSG Allocated Credit. This is more appealing to Subscribers because it means that they will always see a discount on their ENO bill related to community solar, and never an increase. If, for example, the guaranteed savings rate is 10%, then the Subscriber would always see 10% of the Allocated

[16] Other forms of consolidated billing have been adopted, for example, in some states with retail electric competition where the distribution utility adds the electric generation provider's charges to the customer's electric distribution bill. Those forms of consolidated billing have not typically been applied to community solar programs.

Credit applied as a discount to their ENO bill and the remaining 90% of the Allocated Credit would pay their monthly subscription fee to the Subscriber Organization and the utility's administrative fee.

If the Council determines it will adopt consolidated billing, then the key issues in how a consolidated billing program should be structured that the Council should consider are: (1) the basic net crediting structure; (2) cost recovery of the incremental costs, which include implementation costs and operation and maintenance costs related to consolidated billing (*i.e.* an appropriate administrative fee and how it should be adjusted); (3) whether it should be mandatory or optional for Subscriber Organizations; (4) whether to require guaranteed savings on the utility bill; (5) the billing cycle of when credits appear on customer bills and when payment is remitted to the Subscriber Organizations; (6) priority of payment when payment from the customer is only partial or delayed and what happens if the customer does not pay their utility bill; and (7) the timeline for implementation. Other issues raised by the parties include (1) whether a customer must be in good standing with the utility to participate in consolidated billing; (2) how credits would be handled in a variety of scenarios; (3) non-discrimination issues; (4) various contractual issues; and (5) the establishment of a working group.

2. Consolidated Billing Implementation in Other Jurisdictions.

Consolidated billing has been adopted in eight of the forty-four[17] states and localities that have adopted Community Solar: New York, Virginia, Oregon, New Jersey, Illinois, Minnesota, Maryland, and Colorado. Of those states, New York and Oregon have had consolidated billing operating at scale since 2020[18] and 2021,[19] respectively. Virginia is scheduled to have it rolled out fully at scale by the end of this year,[20] and New Jersey[21] and Illinois[22] have just reached scale this year. Minnesota, Maryland and Colorado have adopted consolidated billing, but are still in the process of implementing it. With such a limited rollout of consolidated billing across the country, there is very limited data at this time to assess costs and benefits and best practices. A brief overview of how consolidated billing has been implemented in each of the eight states that have adopted it follows.

New York. New York uses a utility net crediting model for Community Distributed Generation in which the utility calculates the Subscriber's credit and collects the subscription charge on the same bill.[23] The utility then remits the Subscriber's payment to the subscriber

[17] The U.S. Department of Energy reports that there is at least one community solar project in 44 states and localities, including the District of Columbia. *See* U.S. Dep't of Energy, Cmty Solar Basics, https://www.energy.gov/eere/solar/community-solar-basics.

[18] *See* Case 19-M-0463 *et al.*, Order Regarding Consolidated Billing for Community Distributed Generation (issued Dec. 12, 2019) ("December 2019 Order).

[19] *See* Or. Admin. R. 860-088-0120(2); Or. Admin. R. 860-088, *et seq.*

[20] *See* Va. Code § 56-594.3; 20VAC5-340 (Rules Governing Shared Solar Program (amending 20VAC5-340-10 through 20VAC5-340-90, 20VAC5-340-110; adding 20VAC5-340-65; repealing 20VAC5-340-100); Va. Code Ann. § 56-594.4 (2024); 20 Va. Admin. Code § 5-340-10 et seq. (2025).

[21] *See* N.J. Admin. Code § 14:8-9.7; 56 N.J.R. 1990(d) (Oct. 7, 2024) (adopting permanent rules), 57 N.J.R. 594(a) (Mar. 27, 2025) (amendments).

[22] *See* 220 Ill. Comp. Stat. 5/16-107.5(l)(4) (2025) (authorizing a "net crediting agreement" to include the subscription fee on the subscriber's monthly bill and net it against the bill credit).

[23] *See* December 2019 Order.

organization net of a regulated utility fee.[24] Cost recovery is through a utility discount rate (administrative fee), capped initially at 1.0% of the value credited and recently increased to a 1.5% cap to fund performance tracking and reconciliation requirements.[25] Guaranteed savings are achieved via the subscriber organization's discount embedded in the net crediting arrangement rather than a state-set minimum percentage.[26] Credits are applied to customers' normal utility bill cycle (monthly or bi-monthly, depending on the utility), with a bill-timeliness metric and a $10/month customer credit if the utility misses the deadline.[27] New York's net crediting program is optional and subscriber organizations can elect to participate.[28] Overall, as the longest-established form of net crediting consolidated billing, New York's model appears to be the reference point nationally. Subsequent New York PSC orders added modest pricing flexibility and reporting/metrics without altering the core structure.[29]

Virginia. Virginia's Shared Solar program rules allow consolidated billing (net crediting) at the subscriber organization's option,[30] with the utility authorized to charge a capped net crediting fee (administrative fee) of up to 1% of the bill credit value.[31] Under Virginia's net crediting program, the utility must place a subscription fee on the subscriber's bill and apply a net credit equal to the bill credit minus the subscription fee.[32] For consumer protection, where net crediting is used, subscription fees billed via net crediting may not exceed the bill credits, which effectively guarantees some positive savings on the utility bill.[33] Credits must appear on customer bills within two billing cycles after generation; utility remittance to subscriber organizations follows the tariffed net crediting process.[34] Failure to pay regulated charges triggers the utility's standard credit/collection consequences.[35] The program also includes a "minimum bill," which is the floor that subscribers (except verified low- and moderate-income subscribers) must pay after bill credits are applied.[36] It is designed to recover "the costs of all utility infrastructure and services used to provide electric service and administrative costs of the shared solar program," with benefits netted out and cost-shift minimized.[37]

---

[24] *Id.*

[25] Case 19-M-0463, *et al.*, Order Establishing Process Regarding Community Distributed Generation Billing (issued Sept, 15, 2022); Case 21-E-0629, Order Approving Multiple Savings Rates for Community Distributed Generation Subscribers, (N.Y. Pub. Serv. Comm'n May 16, 2024); Case 19-M-0463 *et al.*, Order Approving Community Distributed Generation Billing and Crediting Performance Metrics, at 14-18 (N.Y. Pub. Serv. Comm'n July 17, 2025).

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] *See* Case 19-M-0463, *et al.*, Order Establishing Process Regarding Community Distributed Generation Billing (issued Sept. 15, 2022); Case 21-E-0629, Order Approving Multiple Savings Rates for Community Distributed Generation Subscribers, Case 21-E-0629 (N.Y. Pub. Serv. Comm'n May 16, 2024).

[30] 20 Va. Admin. Code at 5-340-65(I)(4) (2025).

[31] *Id.* at 5-340-65(I)(3).

[32] *Id.* at 5-340-65(I)(2).

[33] *Id.*

[34] *Id.* at 5-340-60(C); 5-340-65(I)(3).

[35] *Id.* at 5-340-60(C) (credit timing; collection treatment).

[36] *Id.* at 5-340-80(A)–(D). The "Minimum Bill Charge" equals (i) the Basic Customer Charge + (ii) a Program Administrative Charge (currently $1/month) + (iii) a per-kWh "Minimum Bill Subscription-Related Charge" covering distribution, transmission, riders, and non-bypassable charges. *See* Va. Elec. & Power Co. (Dominion Energy Va.), Schedule SS—Shared Solar § III.A.3 (filed Aug. 19, 2025; eff. Sept. 1, 2025).

[37] *Id.*

Oregon. Oregon's Community Solar Program employs a utility bill-based consolidated billing structure in which subscriber credits are applied to the customer's utility bill. Oregon's Community Solar Program is run through an independent Program Administrator that serves as the hub for monthly production data, credit calculation, on-bill subscription collection, and remittances between the utilities and project managers.[38] Oregon does not prescribe a single statewide percentage administrative fee withheld from bill credits.[39] Instead, program fees, which include a Program Administrator fee and a utility administration fee, are collected as fixed $/kW-AC per-month charges on that same bill.[40] Credits are calculated monthly from the prior month's production, and the utility must apply the credit within 30 days of receiving bill credit data from the Program Administrator; any excess credit is carried forward.[41] Program rules require that for partial payments by the customer, utility charges are paid before community solar subscription charges (*i.e.*, utility has priority), and unpaid subscription charges roll forward.[42] Program design (and low- and moderate-income carve-outs) targets net savings, with credits exceeding fees for low-income participants.[43]

New Jersey. New Jersey's Community Solar Energy Program requires utility consolidated billing that presents both the bill credit and the subscription fee (via a subscriber-specific savings rate) on customers' monthly billing cycles.[44] Utilities may charge an administrative fee of up to 1% of the subscription revenue collected via consolidated billing.[45] Residential subscribers must use consolidated billing (non-residential subscribers may opt in).[46] The model embeds a savings rate to ensure on-bill savings.[47] Under the program, electric distribution utilities offer a single monthly bill that shows both the Community Solar bill credit and the subscription fee (calculated as the bill credit minus a subscriber-specific "savings rate").[48] Utilities must apply credits for each billing cycle, provide kWh and $ crediting reports to subscriber organizations, and remit the

[38] *See* Or. Admin. R. 860-088-0010(8) (defining "Program Administrator" as a third party directed by the Commission); Program Implementation Manual 4, 12–13 (Or. Cmty. Solar Program Jan. 12, 2021) (describing Energy Solutions' administrator role, including coordinating monthly bill crediting and on-bill payment); Or. Admin. R. 860-088-0120(1)–(2) (tying utility obligations to requests and data flows from the Program Administrator).

[39] Or. Admin. R. 860-088-0160.

[40] Or. Admin. R. 860-088-0170 (Bill Crediting) (setting monthly bill-credit framework); Or. Admin. R. 860-088-0120(2) (utility must apply bill credits); Oregon Community Solar Program, Billing & Payments Guide for Project Managers 3–6 (Oct. 4, 2021) (describing monthly processing and posting on utility bills); Or. Cmty. Solar Program, Program Implementation Manual, at 43 (revisions, Sept. 21, 2023) (describing bill credit calculation, project pre-certification, and on-bill crediting mechanics).

[41] Or. Admin. R. 860-088-0120(2); Or. Admin. R. 860-088-0170; Or. Cmty. Solar Program, Billing & Payments Guide for Project Managers 3–6 (Oct. 4, 2021).

[42] Or. Pub. Util. Comm'n, Order No. 19-438 (Dec. 17, 2019) (adopting PIM); Oregon CSP, Program Implementation Manual (rev. Jan. 12, 2021); Oregon CSP, Partial Payments (Aug. 11, 2022); Billing & Payments Guide for Project Managers (Oct. 4, 2021)

[43] *Id.*

[44] N.J. Admin. Code § 14:8-9.7(q) (2025). *See* 56 N.J.R. 1990(d) (Oct. 7, 2024) (adopting permanent rules), 57 N.J.R. 594(a) (Mar. 27, 2025) (amendments).

[45] *Id.* at § 14:8-9.7(q)(7) (admin fee "no more than one percent of the subscription charge").

[46] N.J. Admin. Code § 14:8-9.7(q)(1).

[47] *Id.*

[48] *Id.*

collected subscription fees to the project owner, less a utility administrative fee.[49] The consolidated subscription charge is a utility bill line-item subject to normal collection practices.[50]

Illinois. Illinois authorizes a consolidated billing option (Net Metering for Community Solar), under which utilities apply community solar credits on the customer's bill and can charge a net crediting fee (administrative fee) capped at 2% of the bill-credit value (deducted from the payment to the subscriber organization),[51] with credit carryforwards and remittance terms set in the tariffed net-crediting agreement.[52] Net crediting is optional for subscriber organizations.[53] Upon a subscriber organization's request, the utility places the subscriber's community-solar subscription fee on the monthly utility bill and applies a single net line-item equal to the bill credit value for that billing period minus the subscription fee, which must be structured as a fixed percentage of the credit value.[54] Guaranteed savings are delivered contractually (the State does not set a single minimum percentage), and procurement rules encourage clear savings disclosures.[55] Partial payments follow tariffed priorities; if a customer underpays, the utility remits only amounts collected, net of the allowed fee.[56]

Minnesota. Minnesota added an option for consolidated billing in 2025 to allow Community Solar subscriptions to appear on Xcel customer bills.[57] Consolidated billing is optional for subscribers and subscriber organizations.[58] Under Minnesota's consolidated billing program, subscribers may opt in to get a single monthly bill where the utility nets the community solar bill credit and the subscription charge on the same billing cycle.[59] Credits accrue monthly from the prior month's production and carry forward if they exceed charges.[60] Administrative cost recovery is handled through utility rate proceedings, not a fixed percent fee cap.[61] By law, a subscriber's price cannot exceed the value of the credit, and for low- and moderate-income customers, it must be less than or equal to 90% of the credit (*i.e.,* greater than or equal to 10% guaranteed savings).[62]

---

[49] *Id.* at § 14:8-9.7(o) (apply the community solar bill credit), (p) (EDC reports credit to subscriber organization in kWh and dollars), (q)(6) (remit subscription charge to project owner less utility admin fee).

[50] *Id.*

[51] 220 Ill. Comp. Stat. 5/16-107.5(l)(4) (2025); *id.* § 16-107.5(l)(3) (monthly data from project owners so utilities can reflect monetary credits on customers' subsequent bills); Ameren Ill. Co., Rider NMCS—Net Metering for Community Solar (Ill. C.C. No. 1) (eff. Nov. 1, 2023) (implementing monthly crediting/settlement in tariff).

[52] *Id.*

[53] *Id.*

[54] *Id.*

[55] *Id.*

[56] *Id.*

[57] Minn. Stat. § 216B.1641, subd. 10(c) (2024) (requiring utilities to offer consolidated billing and allowing the PUC to modify the Jan. 1, 2024 deadline; subscriber may elect but is not required to use it).

[58] *Id.*

[59] *Id.* (subscriber "may elect" consolidated billing so the subscriber receives one bill for utility service and the community solar subscription).

[60] *Id.* at § 216B.1641, subd. 8(a) (utility compensates via a bill credit on each subscriber's bill).

[61] *Id.* at § 216B.16 (rate change procedure/PUC approval), § 216B.03 (rates must be just and reasonable).

[62] *Id.* at § 216B.1641, subd. 10(b) (subscription must not exceed bill credit; LMI subscription ≤ 90% of bill credit).

Maryland. Maryland codified its consolidated billing program rules in early 2025 to allow utilities to begin implementation by 2026.[63] The subscriber organizations may elect consolidated billing.[64] Administrative fees will be set in each utility's tariffs, rather than a fixed statewide percentage.[65] The rules also require monthly remittance of the subscription charge, less the administrative fee, and set a remittance deadline of 60 days from the meter read (with limited extensions).[66] Bills must show the subscription credit, savings rate, subscription charge, and net bill credit.[67] Under the program, subscriber organizations are restricted from charging a low-to-moderate income subscriber a subscription rate that is more than 90% of the monetary value of the bill credit on a customer's utility bill, helping to ensure that these low-to-moderate income subscribers receive 10% savings.[68]

Colorado. Colorado authorizes utility consolidated billing for community solar for facilities allocated capacity on or after January 1, 2026.[69] Colorado law requires investor-owned utilities, upon a subscriber organization's request, to place the community-solar subscription charge and the community solar bill credit on the customer's monthly utility bill and remit the subscription charge collected to the subscriber organization.[70] Credits are calculated using the state's community-solar net-metering method, must be applied monthly and no later than 60 days after the month of generation,[71] any excess credit carries forward to the next bill;[72] and the utility must also provide a monthly crediting report to the project.[73] Administrative cost recovery is addressed through PUC-approved cost recovery (rather than a fixed percent fee cap).[74] Statewide rollout is not yet underway; the obligation to offer consolidated billing begins in 2026, and related rulemakings on billing/credit mechanics are ongoing.[75]

B. Procedural Background

The Council first adopted the Community Solar Rules in 2019 through Resolution No. R-19-111. It subsequently amended the Community Solar Rules in Resolution Nos. R-19-390 approving the enforcement provisions of the rules, R-22-76 amending the definition of Low-Income Customer, R-23-507 increasing the value of the credit Subscribers receive for their community solar participation, R-24-137 clarifying the form of proof needed to demonstrate Low-Income status under the rules, and R-24-571 establishing two application queues and tolling certain deadlines. The Council addressed the various compliance filings to implement the Community Solar Rules in Resolution Nos. R-21-38 adopting Forms CSG 1-8 and the Revised Proposed Rate

[63] Md. Code Ann., Pub. Util. § 7-306.2 (Community solar energy generating system; protocols for bill credits). *See also* Md. Pub. Serv. Comm'n, Community Solar Program (last visited Oct. 14, 2025), https://www.psc.state.md.us/electricity/community-solar-program/.

[64] COMAR 20.62.06.04(A).

[65] Pub. Utils. § 7-306.2(g)(2); COMAR 20.62.06.04(D)(7).

[66] COMAR 20.62.06.04(B)(2)–(3), (5).

[67] Md. Code Ann., Pub. Util. § 7-306.2(g)(1)-(2); COMAR 20.62.06.04(C)–(E).

[68] COMAR 20.62.06.04(B)(2)–(3), (5).

[69] Colo. Rev. Stat. § 40-2-127.2(9) (2024).

[70] *Id.* at § 40-2-127.2(4)(a)(VI)(A)–(B) (for IOUs >500,000 customers, consolidated billing at the subscriber organization's request includes listing the subscription charge and remitting payment to the subscriber organization).

[71] Colo. Rev. Stat. § 40-2-127.2(4)(a)(II).

[72] *Id.* at § 40-2-127.2(4)(a)(IV).

[73] *Id.* at § 40-2-127.2(4)(a)(V).

[74] *Id.* § 40-2-127.2 (6).

[75] *Id.* at § 40-2-127.2(9)(a) (section applies to capacity allocated on or after Jan. 1, 2026).

Schedule for Community Solar Generating Facilities, R-24-310 approving the rate schedule for the calculation of the community solar bill credit, R-24-571 approving changes to Form CSG-4 and R-25-352 approving further revisions to Form CSG-4.

The issue of consolidated billing was first raised by Madison Energy Investments ("MEI") in a July 13, 2022 motion to amend the Community Solar Rules.[76] It was first addressed by the Council on July 25, 2024 in Resolution No. R-23-507, where the Council dismissed the motion by MEI to have ENO manage consolidated billing. Several parties continued to request that the Council adopt consolidated billing, and in Resolution No. R-24-310, the Council resolved "That no later than September 30, 2024, ENO shall submit a proposal to implement a consolidated billing program by July 1, 2025. The Council will review the proposal and outline further proceedings, including a technical conference, if needed, at that time."[77]

Notably, ENO did not file a proposed consolidated billing program that could be implemented as of July 1, 2025 by the September 30, 2024 deadline for doing so.[78] Instead, ENO submitted a filing opposing consolidated billing,[79] followed by a second filing highlighting the costs of and obstacles to consolidated billing.[80] On June 10, 2025, nearly nine months past the deadline, ENO did finally make a filing that outlined a basic consolidated billing structure and provided a cost estimate, but ENO then clarified in a subsequent filing that the June 10 filing, notwithstanding, ENO "has not been able to prepare a comprehensive proposal for potential implementation of consolidated billing."[81] Thus, by its own admission, more than a year after the original deadline set by the Council, ENO still has failed to comply with the Council's directive. ENO has had since the issuance of R-24-310 on July 25, 2024, some fourteen months ago, to work with the parties to shape the details of a consolidated billing structure that would work for the utility and for New Orleans, and to engage productively in the dialog to work towards a solution that could benefit all parties. Instead, ENO has not meaningfully contributed to the Council's consideration of consolidated billing. Pleas that ENO requires more time should be viewed with suspicion.

In R-25-352, adopted by the Council on June 26, 2025, the Council again addressed the topic of consolidated billing, noting that "ENO has now submitted a proposal for consolidated billing for the Council's consideration, which requires further procedural steps to address".[82]

---

[76] Motion of MEI to Amend Community Solar Rules (July 13, 2022), p. 5.

[77] Resolution No. R-24-310 at 7.

[78] ENO did request and was granted an extension of time to October 30, 2024. *See* Entergy New Orleans, LLC, *Entergy New Orleans, LLC's Motion to Extend Deadline to File Comments*, Sept. 27, 2024 and Order, Sept. 30, 2024, UD-18-03.

[79] Entergy New Orleans, LLC, *Entergy New Orleans, LLC's Comments Regarding Consolidated Billing Implementation*, Docket No. UD-18-03, at 1 (Oct. 20, 2024) ("ENO October 30 Comments").

[80] *Id*., Letter from Entergy New Orleans, LLC to Clerk of Council, *Re: Community Solar Program Implementation (CNO Docket No. UD-18-03*Docket UD-18-03 (Dec. 13, 2024) ("December 13 Letter").

[81] *See*, Entergy New Orleans, LLC, *Comments on Behalf of Entergy New Orleans, LLC*, Docket No. UD-18-03, at 1 ("ENO Comments") (Sept. 5, 2025); Entergy New Orleans, LLC, *Reply Comments on Behalf of Entergy New Orleans, LLC*, Docket No. UD-18-03, at 1 (Sept. 26, 2025) ("ENO Reply Comments").

[82] R-25-352 at 10.

The procedural schedule set forth in Resolution No. R-25-352 established a discovery period and set deadlines for a technical conference to occur, Intervenor comments, reply comments and this Advisors' Report.[83] The Council also stated:

> The following procedural schedule is adopted to consider ENO's June 10 proposal regarding consolidated billing. With respect to pleadings filed pursuant to this procedural schedule, the Council will consider only comments related to consolidated billing. Any other proposals for changes to the Community Solar Rules must be filed as a separate motion and will not be considered if included in pleadings filed under the procedural schedule below.[84]

Pursuant to the procedural schedule, the technical conference was held on July 30, 2025, comments were filed by the Alliance for Affordable Energy ("AAE"),[85] ENO,[86] Finance New Orleans ("FNO"),[87] Gulf States Renewable Energy Industries Association ("GSREIA"),[88] Neighborhood Sun ("NSUN"),[89] NOLA Solar Holding Company ("NOLA Solar") and SunConnect Corporation ("SunConnect"),[90] and Together New Orleans ("TNO"),[91] and reply

[83] *Id.* at 11.

[84] *Id.*

[85] The Alliance for Affordable Energy, *Comments of the Alliance for Affordable Energy on Entergy New Orleans, LLC's Consolidated Billing Proposal*, Sept. 5, 2025, Docket No. UD-18-03 ("AAE Comments").

[86] Entergy New Orleans, LLC, *Comments on Behalf of Entergy New Orleans, LLC*, Docket No. UD-18-03 (Sept. 5, 2025) ("ENO Comments").

[87] Finance New Orleans, *FNO Comments Re ENO's June 10 Proposal for Consolidated Billing – UD 18-03*, Docket No. UD-18-03 (Sept. 5, 2025) ("FNO Comments").

[88] Gulf States Renewable Energy Industries Association, *GSREIA Comments Re ENO's June 10 Proposal for Consolidated Billing*, Docket No. UD-18-03 (Sept. 2, 2025) ("GSREIA Comments").

[89] Neighborhood Sun, *Neighborhood Sun ("NSUN") Comments Re ENO's June 10 Proposal for Consolidated Billing – UD 18-03*, Docket No. UD-18-03 (Sept. 5, 2025) ("NSUN Comments").

[90] NOLA Solar Holding Company and SunConnect Corporation, *Intervenor Comments on ENO Consolidated Billing Proposal (per Resolution R-25-352)*, Docket No. UD-18-03 (Sept. 5, 2025) ("NOLA Solar/SunConnect Comments").

[91] Together New Orleans, *TNO Comments Re ENO's June 10 Proposal for Consolidated Billing*, Docket No. UD-18-03 (Sept. 5, 2025) ("TNO Comments).

comments were filed by AAE,[92] Carpe Diem Developers ("CDD"),[93] ENO,[94] FNO,[95] Green Coast Enterprises ("GCE"),[96] GSREIA,[97] and TNO.[98]

III. Merits of and Concerns Regarding Adopting Consolidated Billing

The parties disagree sharply on whether the Council should adopt consolidated billing, with ENO opposing the adoption of consolidated billing, and the Intervenors, who have filed comments regarding it, supporting consolidated billing. On balance, while the public interest does not require the adoption of consolidated billing, and at this early point in the development of consolidated billing across the country, a "wait and see" approach by the Council would be a reasonable choice, it is also entirely possible for the Council to adopt consolidated billing in a manner that is consistent with the public interest if the Council wishes to do so. There are potentially significant benefits for Subscriber Organizations and Subscribers associated with consolidated billing.

A. Consolidated Billing is not Yet "Settled Law"

As a preliminary matter, although several parties state in their pleadings that consolidated billing is already "settled law,"[99] it is not. Only a Resolution legally adopted by the Council creates "settled law," and the Council has not yet adopted a Resolution requiring consolidated billing. The issue of whether to adopt consolidated billing, and if so, how consolidated billing should be structured, is currently before the Council for consideration in this proceeding.

The issue of consolidated billing was first addressed by the Council on July 25, 2024 in Resolution No. R-23-507, where the Council found that parties in the case had raised valid concerns regarding the utilization of consolidated billing that had not at that time been properly addressed, and the Council dismissed a motion by Madison Energy Investors ("MEI") to have ENO manage consolidated billing. Several parties continued to request that the Council adopt consolidated billing, and in Resolution No. R-24-310, the Council resolved "That no later than September 30, 2024, ENO shall submit a proposal to implement a consolidated billing program by July 1, 2025. The Council will review the proposal and outline further proceedings, including a technical conference, if needed, at that time."[100] Of note, this language directed that a proposal be made for the Council to evaluate and consider. It neither promised that the proposal would be approved by the Council or implemented, nor that consolidated billing itself would be implemented. Nevertheless, in their September 26, 2025 Reply Comments, TNO and GCE state

[92] The Alliance to Save Energy, *Reply Comments of the Alliance for Affordable Energy*, Docket No. UD-18-03 Sept. 26, 2025) ("AAE Reply Comments").

[93] Carpe Diem Developers, *Reply Comments on ENO Consolidated Billing Proposal*, Docket No. UD-18-03 (Sept. 26, 2025) ("CDD Reply Comments").

[94] ENO Reply Comments.

[95] Finance New Orleans, *Reply Comments of Finance New Orleans Re: Consolidated Billing Proposal (per Resolution R-25-352) – UD 18-03*, Docket No. UD-18-03 (Sept. 26, 2025) ("FNO Reply Comments").

[96] Green Coast Enterprises, *Intervenor Reply Comments on ENO Consolidated Billing Proposal (per Resolution R-255-352)*, Docket No. UD-18-03 (Sept. 26, 2025) ("GCE Reply Comments").

[97] Gulf States Renewable Energy Industries Association, *Intervenor Reply Comments on ENO Consolidated Billing Proposal*, Docket No. UD-18-03 (Sept. 26, 2025) ("GSREIA Reply Comments").

[98] Together New Orleans, *Intervenor Reply Comments on ENO Consolidated Billing Proposal (per Resolution R-25-352*, Docket No. UD-18-03 (Sept. 26, 2025) ("TNO Reply Comments").

[99] TNO Reply Comments at 1, 3; GCE Comments at 2 and 3; *see also* CDD Comments at 1.

[100] Resolution No. R-24-310 at 7.

that "[t]he Council has already mandated consolidated billing in multiple Resolutions, including R-24-310 (July 2024), which ordered ENO to file a consolidated billing proposal by September 30, 2024 and implement it by July 1, 2025."[101] That statement is untrue. CDD similarly stated in its Reply Comments that "[t]he Council has already mandated consolidated billing in Resolutions R-24-310 (July 2024 and R-25-352 (June 2025)), which set clear filing and implementation deadlines."[102] That statement is also untrue. FNO's Reply Comments state that "[t]he Council has decided this question through multiple resolutions (R-24-310 and R-25-352)."[103] FNO also stated in its Comments that "the Council mandated consolidated billing almost a year ago."[104] These statements are also untrue. Specifically, R-24-310 did not mandate consolidated billing; it only mandated that a consolidated billing proposal be submitted to the Council, and it did not order ENO to implement consolidated billing by July 1, 2025; it ordered that the proposal to be filed by ENO be suitable for implementation as of July 1, 2025. Resolution R-24-310 clearly stated that the Council would consider the proposal, which means the Council could either approve or reject it, and that the Council would outline further proceedings regarding the proposal after it was filed.

Neither did R-25-352 mandate consolidated billing. In R-25-352, adopted by the Council on June 26, 2025, the Council again addressed the topic of consolidated billing, noting that "ENO has now submitted a proposal for consolidated billing for the Council's consideration, which requires further procedural steps to address;"[105] and that "[t]he following procedural schedule is adopted to consider ENO's June 10 proposal regarding consolidated billing." This language clearly indicates that the Council is considering consolidated billing and that further procedure is needed before the Council decides whether to adopt or reject a consolidated billing proposal. TNO and GCE state in their September 26, 2025 reply comments that in R-25-352 "[t]he Council reaffirmed this mandate" which also appears to be an untrue statement. There is no language in R-25-352 mandating that consolidated billing be adopted, the resolution sets forth a procedural schedule to allow the Council to consider whether to adopt a consolidated billing proposal. TNO and GCE argue that "by setting a comment process around ENO's June 10 redlines, the Council made clear that the only open issues concern *how* to implement consolidated billing, not *whether* it should exist."[106] To the contrary, while the Council set the procedural schedule to consider the June 10 proposal, the limit it set was that "the Council will consider only comments related to consolidated billing"[107] it did not limit discussion specifically to the redlines (which also would eliminate any discussion of the proposed implementation costs, which were not contained in the redlines), and there was no implication that the June 10 proposal or any other consolidated billing proposal is certain to be approved. Arguments that the Net Crediting Consolidated Billing structure in ENO's June 10 Filing should be rejected because consolidated billing is not in the public interest are certainly within the realm of "comments related to consolidated billing."

In their reply comments, two of the Intervenors, TNO and GCE state that "at the July 30, 2025 technical conference, the Council's Advisors stated unequivocally that consolidated billing

[101] *See* TNO Reply Comments at 1; GCE Reply Comments at 2.
[102] *See* CDD Reply Comments at 1
[103] *See* FNO Reply Comments at 2.
[104] *See* FNO Comments at 2.
[105] Resolution No. R-25-352 at 10.
[106] TNO Reply Comments at 1; GCE Reply Comments at 2-3.
[107] Resolution No. R-25-352 at 11.

is a settled matter and will be implemented."[108] A third Intervenor, CDD, states "[a]t the July 30, 2025, technical conference, the Council's Advisors confirmed that consolidated billing is a settled matter."[109] FNO also claims that the public interest question was settled "most importantly, through the Advisors' unequivocal statement at the July 20, 2025 technical conference that Consolidated Billing is a settled matter that will be implemented."[110] All of these statements are factually untrue. At the July 30, 2025 technical conference, in order to prevent the technical conference from devolving into another intractable debate regarding the merits of consolidated billing instead of the Council-designated topic of the technical conference, which was ENO's June 10 Filing, the Advisors stated that the technical conference should focus on the technical details of the model set forth by ENO, not the merits of whether or not consolidated billing should be adopted. Further, the Advisors made it clear to the parties that by the end of the procedural schedule set forth in R-25-352, the Council would have before it a specific, well-developed proposal for the adoption of consolidated billing to consider (which is the Advisors' objective for this Report), and that the Advisors would not be proposing that the Council approve a concept that is sent back to the parties again for further development. The Advisors have never stated that the adoption of consolidated billing is settled law, only that the Council is considering it. Further, even if the Advisors had done so, statements by the Advisors do not create "settled law". The Advisors do not speak for the Council; the Council speaks for itself and then only through the official instruments, such as Resolutions, that it adopts.

Multiple Intervenors underscore that net crediting/consolidated billing is a workable, financeable construct used at scale elsewhere, and that additional delay itself imposes costs by eroding investor confidence and complicating tax-credit and financing timelines. GSREIA characterizes ENO's continued re-litigation of settled implementation points as harmful "not just in this docket but to New Orleans' reputation" and notes that consolidated billing "underpins some of the country's most successful community solar programs."[111] NOLA Solar/SunConnect explains that financing remains contingent on firm, final rules and asks the Council to move expeditiously.[112] NSUN further supports net crediting on the utility bill as a national best practice that avoids excluding low- and moderate-income subscribers seen under dual-billing regimes.[113]

On the other hand, ENO has argued that an evidentiary hearing is required to allow the Council to fully consider the threshold issue of whether and under what circumstances it is in the public interest to implement consolidated billing.[114] ENO has argued that the Council's decision of whether to modify the Rules to require implementation of consolidated billing should be stayed to provide for the public interest and other threshold issues regarding the implementation of consolidated billing to be addressed through an evidentiary hearing that would allow stakeholders to present evidence on the issues and concerns raised and for the Council to address the public interest and necessary safeguards.[115]

[108] TNO Reply Comments at 1-3; GCE Reply Comments at 2-3.
[109] CDD Reply Comments at 1.
[110] FNO Reply Comments at 2.
[111] GSREIA Reply Comments at 1.
[112] NOLA Solar/SunConnect at 1.
[113] NSUN Comments at 1.
[114] ENO Comments at 2.
[115] ENO Reply Comments at 2-3.

B. ENO's Public Interest and Due Process Arguments are Without Merit

In its comments regarding consolidated billing filed in this docket on September 5, 2025, and after more than three (3) years of discourse on this topic, ENO makes several references to what it calls a threshold issue of whether it is in the "public interest" to implement consolidated billing for the New Orleans community solar program.[116] As an initial matter it should be noted that the Council has already made a determination that a community solar program is in the public interest as clearly described in the Council's resolution initially adopting community solar rules, including several subsequent resolutions that approved revisions to the Council's original rules.[117] ENO also asserts that the Council's current procedural schedule will not allow a sufficient record upon which the Council can make a decision regarding consolidated billing.[118] Rather, ENO provides a conclusory and unsupported statement that the Council's process is "contrary to law."[119]

With respect to ENO's "public interest" argument, the Advisors contend that every decision of the Council is made in the public interest. The Council does not, as a matter of practice, render decisions that are inconsistent with the interests of the public. On the issue of consolidated billing, the Council has not ordered ENO to implement consolidated billing within the community solar program. The Council has, however, employed a process that has been utilized for decades for the consideration of certain proposed utility matters and the Council has also directed ENO to submit a *proposal* outlining how community solar could be implemented in New Orleans. ENO's assertion that the Council was required to make a public interest determination prior to directing ENO to submit a *proposal* outlining a potential consolidated billing program is erroneous, unfounded and impedes the Council's process for considering a potential proposal.

ENO erroneously relies on *Gulf States Utilities Company v. Louisiana Public Service Commission,* in arguing that, since its property rights are being affected by the Council's consideration of consolidated billing, ENO should be afforded a full evidentiary hearing.[120] This contention fails for two reasons. One, ENO's property rights are not affected by the Council's consideration of consolidated billing. The Court in *Gulf States* considered an approved rate and finding of imprudence that had already been imposed by the Commission.[121] Gulf States Utilities Co. ("GSU") argued on appeal that allowing those rate decisions to remain in effect would violate the property interests of the utility and its shareholders.[122] However, the Court noted that the sole question on this issue is whether a continued imposition of those rates had been indisputably shown to constitute confiscation of a utility's property.[123] Since a rate order of the regulator will be disturbed only when it is shown to be unreasonable, arbitrary, or capricious, a claim that such an order is confiscatory, must necessarily meet an even higher standard of proof.[124] That is, to be

[116] ENO Comments at 2.
[117] Resolution No. R-19-111.
[118] *Id*. at 1.
[119] *Id*. at 2.
[120] ENO Comments dated September 5, 2025 at 11 (citing *Gulf States Utilities Co. v. La. Pub. Serv. Comm'n,* 578 So.2d 71 (La. 1991)).
[121] 578 So.2d at 74.
[122] *Id*.
[123] *Id*. at 105.
[124] *Id*.

confiscatory, an order must not only fall outside of the regulator's wide discretionary authority, but also beyond the constitutional bounds of fairness and equity.[125]

Moreover, in order to reach a conclusion that a regulator's decision is confiscatory, the Court would have had to find that the order was the result of deliberations in which the regulator failed to consider the legitimate interests of the utility and its investors in a higher rate of return, and to weigh those interests against the competing concerns of the ratepayers.[126] The Court, in Gulf States, rejected GSU's argument and concluded that the Commission had considered the legitimate interests of the utility and reasonably decided that the competing concerns of ratepayers outweighed GSU's interest in a higher rate.[127]

In this consolidated billing procedural process, ENO has asserted vague and unsupported allegations of a violation of its property interest in the Council's consideration of consolidated billing. The Council has not issued an order adopting or directing ENO to implement consolidated billing. Thus, ENO's claim that the Council's consideration of consolidated billing constitutes a confiscatory taking of ENO's property ignores the fact that no Council decision has been made, and it assumes the Council would approve consolidated billing without appropriately addressing the concerns ENO has raised that the Council believes are reasonable. None of ENO's property interests have been affected by this deliberative, ongoing process, much less "indisputably shown" to constitute confiscation of ENO's property. ENO's speculative concerns about what could happen if consolidated billing is approved by the Council falls well short of the high standard of proof required by law. ENO's argument also presumes that the Council will act without full consideration of ENO's claims. In this regard, *Gulf States* only requires that the regulator "fairly consider the legitimate interests of the utility and its investors" in ultimately making its decision.[128]

ENO's claim that the Council's consideration of consolidated billing within the context of the approved community solar rules requires a full evidentiary hearing also fails because the Louisiana Supreme Court has made clear that an evidentiary hearing is not necessary as long as the utility has been afforded an opportunity to present information for the Council's consideration.[129] When the utility has not utilized the procedural mechanisms established in the proceeding to present further evidence for the regulator to make an informed decision, no evidentiary hearing is required.[130]

In this instance, ENO was afforded numerous opportunities to present information to the Council in the form of a technical conference, multiple rounds of comments and reply comments, and was specifically directed to provide the Council with a proposal to implement consolidated billing in New Orleans. The Council did not in any way restrict, or otherwise limit ENO from including the details, structure or characteristics of a consolidated billing proposal that ENO felt necessary to be incorporated in its required submission. Instead, ENO chose to use its opportunities to assert legal arguments and other barriers that failed to assist the Council in potentially considering a consolidated billing program that incorporates meaningful input and

[125] *Id*.
[126] *Id*. at 106.
[127] *Id.*
[128] *Id*.
[129] *Entergy La., LLC v. La. Pub. Serv. Comm'n*, 2008-0284, p. 20 (La. 7/1/08); 990 So.2d 716, 29.
[130] *Id*.

design from ENO. Identifying problems without offering any meaningful and constructive solutions is not helpful to the Council's process. ENO cannot refuse to meaningfully participate in the Council's proscribed process and then subsequently claim the process is somehow flawed.

In addition, the Council's June 21, 2018 resolution establishing the procedural schedule and rulemaking process for considering the adoption of community solar rules contained the same structure for receiving information and positions from the parties, which eventually led to the adoption of the original set of rules.[131] Comments and reply comments were solicited on the questions and issues raised in a White Paper and a proposed set of community solar rules presented to the Council as part of that process. The process for considering consolidated billing follows the same structure as the process utilized to adopt the original community solar rules. No written testimony or formal hearing was required or necessary, nor was such a process sought by ENO or any other party. It is indefensible and inappropriate for ENO to have waited more than seven (7) years to raise its process complaint. As ENO is well aware, most Council utility dockets provide for a process that includes a variety of opportunities for parties to conduct discovery, submit comments (and in many instances reply comments), participate in technical conferences and in most cases the process includes an Advisors' report. The Council's current process for the consideration of consolidated billing is entirely consistent with that approach. ENO's process complaint should be disregarded by the Council because it attacks a proven and effective process that ENO has willingly participated in previously and has been in place at the Council for decades.

ENO and several other parties to this docket actively participated in the Council's rulemaking proceeding and assisted in the development of a set of thoughtful and comprehensive set of rules to implement community solar projects in the City. Any amendments to the existing rules, some of which have already been adopted, have been considered by the Council to be in the public interest and any future changes or amendments to the community solar rules, including the implementation of consolidated billing, if considered to be in the public interest will be adopted by the Council after the completion of the Council's established procedural schedule to consider such amendments.

As ENO has acknowledged in its comments, the Council has been exploring the potential for implementing consolidated billing within the community solar program for over three (3) years.[132] In the consolidated billing portion of this docket, the Council has provided for gathering information through discovery, allowing for discussion in a technical conference open to all parties, considering positions and issues raised by the parties in multiple rounds of comments, and directing ENO to submit a proposal that could have included all of the protections that ENO believed were necessary. Clearly, all parties, including ENO, had sufficient opportunity to participate in the Council's process.

ENO also asserts that "this matter presents significant policy and legal issues, as well as significant risks to customers."[133] According to ENO, these issues have not been addressed, and therefore, ENO has not been able to prepare a comprehensive proposal for the potential implementation of consolidated billing.[134] ENO also claims that the "current community solar

[131] Council Resolution No. R-18-223.
[132] ENO Comments at 2.
[133] *Id*.
[134] *Id.*

rules potentially combined with consolidated billing create significant cost shifts and legal issues, as discussed in prior comments and further articulated herein."[135] However, instead of contributing to the discussion of a potentially viable consolidated billing program, ENO chose to use its opportunities to attempt to reopen and re-litigate provisions of the community solar rules previously adopted by the Council, make legal arguments, and ignore the Council's directives to provide a proposal to implement consolidated billing. In fact, ENO went to great pains to not only refuse the provide a proposal but also sent a letter to the Council clearly stating that the information that it had filed was not a proposal and that the Council should not consider it as such.[136]

ENO concedes that it has had "multiple" opportunities to provide valuable information about the implementation of consolidated billing over the past several years[137] but instead, ENO chose to utilize those opportunities to continuously complain about the lack of information provided in the docket and to raise "concerns" without offering potential solutions.[138]

C. Consolidated Billing Does Not Infringe on ENO's Franchise Rights

ENO asserts that Intervenors in this docket that participated in a July 31, 2025 technical conference made statements indicating that they intended "to market and sell generation services directly to ENO's existing customers in a manner that could be characterized as competition with ENO's electric service."[139] This statement, according to ENO, "potentially" implicates ENO's rights under its franchise in New Orleans.[140] In support of its argument, ENO cites *New Orleans Public Service Inc. v. Citizens Utilities Co.* which recognized that "the holder of a nonexclusive franchise [...] has the legal right to be free from the competition of one not having a valid franchise."[141] ENO also asserts that its franchise is a valuable property right that cannot be taken without just compensation.[142] However, statements made by Intervenors in a technical conference do not implicate, much less violate, ENO's franchise rights and any suggestion that ENO is entitled to compensation based on utterances in a telephone discussion should be summarily rejected. The Advisors are not aware of any individual or entity currently selling electric service in the City without a valid franchise issued by the Council. To date, no community solar projects have been completed in New Orleans and no consolidated billing structure has been approved. Thus, ENO's claims of potential franchise rights violations are based on nothing more than rank speculation.

---

[135] *Id*.

[136] ENO Letter.

[137] *Id.* at 2.

[138] Opportunities for ENO to express its positions, concerns, and preferred characteristics of a potential consolidated billing program included: Comments dated December 7, 2022 and Reply Comments dated January 17, 2023 pursuant to Council Resolution No. R-22-370; Comments dated June 16, 2023 and Reply Comments dated July 7, 2023 pursuant to Council Resolution No. R-23-130; Comments dated September 13, 2024, Comments dated October 30, 2024, and Letter (supplemental comments) dated December 13, 2024 pursuant to Council Resolution No. R-24-310; Comments dated May 27, 2025; Proposal dated June 10, 2025; Letter dated July 15, 2025; Technical Conference dated July 31, 2025; Comments dated September 5, 2025 and Reply Comments dated September 26, 2025.

[139] ENO Comments at 15.

[140] *Id.* at 16.

[141] ENO Comments at 15 (citing *New Orleans Pub. Serv. Inc. v. Citizens Utilities Co.*, 98-0805, p. 8 (La.App. 4 Cir. 1/6/99)); 726 So.2d 1012, 1016, *writ denied*, 99-0370 (La. 3/26/99); 739 So.2d 798; *Town of Coushatta v. Valley Elec. Membership Corp.,* 139 So. 2d 822, 828 (La. App. 2nd Cir. 1961).

[142] *Id.*

Also, the Council has incorporated protections against individuals or entities operating as a public utility in the context of the adoption of community solar rules. For example, when the Council established this docket and opened a rulemaking proceeding to establish rules for community solar projects, it specifically stated that any rules established for community solar programs should adhere to a variety of guiding principles, one of which included:

> The rules should be designed to allow customers to offset their own electric consumption, they should not be designed to allow customers to generate electricity for profit at the expense of their fellow ratepayers. The Council understands that most state rules regarding community solar contain this restriction, and that this restriction also assists in avoiding negative federal income tax and securities implications, as discussed more fully in the Advisors' White Paper.[143]

The existing community solar rules reinforce the prohibition against the sale of electricity by the community solar generating facility ("CSG") to anyone other than ENO. Specifically, the rules clearly state the eligibility requirements for CSGs, which provide that a CSG Facility must be located in the utility's service territory, must be individually metered, and must be connected to the utility's distribution system.[144] Also, the Subscriber Organization for the CSG Facility must enter into a contract with the utility to sell the output from the facility to the utility on behalf of its Subscribers, and the purchase of the output from the CSG facility shall take the form of a credit against the Subscriber's electric bill.[145] The Council further provided that Subscriber Organizations must register with the Council and agree to be bound by the Council's regulatory authority and jurisdiction to enforce the requirements contained in the rules.[146] Subscriber Organizations are also subject to penalties for violating the Council's rules.[147]

The existing rules also contain an extensive section that discusses enforcement of the community solar rules including the processes for the adjudication of complaints, the penalties that may be imposed, and the appeal of a decision rendered by the CURO and/or the hearing officer in the enforcement of the Council's rules.[148]

Statements made by intervenors in a technical conference, as described by ENO, may be misinformed and ill-advised but they do not rise to the level of a franchise violation. If an actual violation occurs, ENO may seek the appropriate remedy through the Council's process expressly described in the community solar rules.

ENO further claims that consolidated billing elevates the risk of a franchise violation by "embedding developer charges with utility bills, which undermines the exclusivity of ENO's franchise, erodes the Company's control over the customer relationship, and establishes a

[143] Council Resolution No. R-18-223 at 2.
[144] Community Solar Rules, Section IV. A (4).
[145] *Id.* at Section IV. A (6).
[146] *Id.* at Section VI. A (1) and (4).
[147] *Id.*
[148] *Id.* at Section XIV.

precedent that allows third parties to integrate their services with the utility's in a manner that competes in retail service."[149]

However, it is a mischaracterization for ENO to claim that the consolidated billing proposed in this report would undermine the exclusivity of ENO's franchise. Consolidated billing is merely a mechanism that allows a Subscriber to pay for its subscription to a CSG Facility through its ENO bill. Subscriber Organizations under the Community Solar program are not selling generation services to ENO customers, just as in the NEM program, Subscriber Organizations are selling or leasing generation equipment to Subscribers. Under Sections XIII.I.(a)(xi) and XIII.J.(a)(i) of the Community Solar Rules, it is clear that the customer is either owning or leasing from the Subscriber Organization a portion of the community solar project in the form of either solar panels or capacity; the Subscriber is not purchasing electricity from the Subscriber Organization. ENO also argues that, given the risks to ENO's indeterminate permit, consideration would be given to just compensation provided to ENO by the developers, and/or the assessment of a fee against the subscriber organizations, as further directed by the Council.[150]

Several Intervenors argue that ENO's franchise rights are not threatened by consolidated billing, that consolidated billing does not make Subscriber Organizations utilities, nor does it authorize them to sell distribution service.[151] In its September 26, 2025 reply comments, GSREIA noted that ENO's franchise concerns are disingenuous, as "[c]ustomers remain ENO's customers. The only change is that bills are simpler and credits flow smoothly. Pretending otherwise confuses the issue."[152] GSREIA further characterized ENO's continued re-litigation of settled implementation points as a "distraction," harmful, "not just in this docket but to New Orleans' reputation," and notes that consolidated billing is not experimental as a mechanism "underpins some of the country's most successful community solar programs."[153] Also, the form of consolidated billing with the guaranteed savings component discussed in this report prevents a negative impact on customers' bills. If the Council adopts the characteristics of consolidated billing that the Advisors believe would adequately address ENO's concerns, ENO would remain in control of all charges, credits and payments embedded in its billing structure. A carefully designed consolidated billing program containing the protections recommended in this report would not constitute competition in retail electric service or violate ENO's franchise rights.

D. Potential Benefits and Drawbacks of Adopting Consolidated Billing

The Intervenors identify many potential benefits of consolidated billing. FNO, as New Orleans' Green Bank, argues that a clear, consistent, and final consolidated billing policy is critical for CSG Facilities to secure financing from FNO or other financiers.[154] FNO argues that the reduction in federal incentives for solar projects means that many future installations, particularly community-scale ones, will become economically unfeasible, and that to remain eligible for the remaining tax credits, projects must start construction by July 4, 2026, or be placed in service by

[149] ENO Comments at 16.
[150] *Id*. at 22.
[151] TNO Reply Comments at 4, GCE Reply Comments at 4-5; *see also* CDD Reply Comments at 2, FNO Reply Comments at 2.
[152] GSREIA Reply Comments at 2.
[153] *Id.* at 1.
[154] FNO Comments at 1.

December 31, 2027, which makes it essential to quickly accelerate implementation to ensure New Orleans meets its clean energy goals.[155] FNO argues that the benefits of consolidated billing for community solar include a simplified customer experience, boosting program participation, enhancing operational efficiency, and supporting regulatory and equity goals.[156] FNO states that its "ability to underwrite and finance these transformative projects hinges entirely on the establishment of clear, equitable, and consistent rules."[157] FNO states that the ability to underwrite and finance multi-million dollar Community Solar projects, which create local jobs and deliver vital bill savings, hinges on having a guaranteed, standardized payment stream.[158] FNO states that its ability to secure financing from capital markets or deploy public incentive programs is predicated on the clarity of the revenue model, and that without the regulatory certainty provided by consolidated billing, the risks associated with customer billing and payment collection are too high to underwrite.[159] FNO states that it cannot deploy capital without this essential collection mechanism.[160]

GSREIA, in its September 26, 2025 reply comments, described consolidated billing as a practicable, finance-friendly mechanism and emphasized that timely rule finalization is essential to maintain investor confidence.[161] GSREIA also emphasized that consolidated billing is a financeable approach already used at scale in other jurisdictions (e.g., New York and Illinois) and warned that further delays could undermine investor and customer confidence and complicate tax-credit and financing timelines.[162] Joint comments from NOLA Solar and SunConnect similarly supported a structure that shifts billing and remittance responsibilities to the utility, reduces duplicative administrative costs for Subscriber Organizations, increases predictability for lenders and tax-equity investors, and thereby enhances the projects' financial viability.[163]

The Advisors note that other entities, such as the National Association of State Energy Officials ("NASEO") have also argued that consolidated billing can increase confidence among financial investors, reducing the cost of capital to community solar projects.[164] While the Advisors have no reason to doubt that this is true and that consolidated billing would make it easier for Subscriber Organizations to find financing for their projects, the Advisors do not believe that a lack of consolidated billing would be a bar to the advancement of community solar in New Orleans, as FNO argues. There are currently forty-four states and localities with at least one community solar project, and of those, only two states, New York and Oregon, have had consolidated billing

[155] *Id.* at 1; *see also* FNO Reply Comments at 1.
[156] FNO Comments at 1.
[157] *Id.* at 2.
[158] *Id.* at 1.
[159] *Id.*
[160] *Id.*
[161] *Id.*
[162] GSREIA Reply Comments at 1.
[163] NOLA Solar and SunConnect Comments at 2.
[164] *See, e.g.*, Fazeli, Sandy. 2023. *Community Solar Consolidated Billing: Review of State Requirements, Policies, and Key Considerations.* National Association of State Energy Officials. https://www.naseo.org/data/sites/1/documents/publications/Community%20Solar%20Consolidated%20Billing%20Final%5B85%5D.pdf ("NASEO Report") at 10.

in place at scale for more than a year.[165] So there are clearly means to fund community solar projects that do not require consolidated billing.

NSUN emphasized the customer-facing advantages: a single, clearly labeled utility bill that shows the community-solar credit at the point of payment reduces subscriber confusion and supports clearer comparisons of monthly outlays.[166]

Other nationally respected entities have identified benefits for Subscribers and Subscriber Organizations from consolidated billing. NASEO states that consolidated billing "helps customers understand whether they are receiving a financial benefit from the program and can help build confidence in their choice to subscribe."[167] NASEO also notes that consolidated billing can ease administrative complexity and costs and help ensure compliance with program billing practices and rules.[168] NASEO does note, however, that while consolidated billing can help reduce administrative costs related to subscriber payments and management, these savings may be minimal in size and could even be offset by increased utility fees, so it is not guaranteed that consolidated billing requirements lead to material savings for community solar providers or subscribers compared to dual billing arrangements.[169]

The National Renewable Energy Laboratory ("NREL") states that "consolidated billing not only clearly conveys the consumer costs and benefits, but also assists with other billing concerns, like third-party payment information collection, keeping payment information current, and limiting payment default. It can also improve interactions with other on-bill energy assistance programs. Furthermore, consolidated billing has been shown to reduce customer turnover (often also referred to as churn)."[170] NREL notes that "[r]educing customer churn is important to keeping program administrative costs low, as customer acquisition is one of the highest administrative costs for project and subscription managers."[171]

ENO argues that consolidated billing creates business risks to ENO and unreasonable costs to customers and that there are no safeguards to avoid these risks.[172] ENO also argues that consolidated billing creates business risks for ENO to the extent that ENO is expected to assume additional credit risk and the responsibility of accurately billing its customers for subscriber fees on behalf of subscriber organizations.[173] ENO also asserts that there must be appropriate regulatory measures in place to ensure that ENO and its customers are protected against these risks and do not suffer from nonpayment or partial payment by subscribers.[174] Prior to the establishment of the procedural schedule to consider the June 10 Filing, Air Products and Chemicals, Inc. ("Air Products") filed comments opposing consolidated billing, stating that it "appears to put the

[165] *See* Case 19-M-0463 *et al*., Order Regarding Consolidated Billing for Community Distributed Generation (issued December 12, 2019); *see also* Or. Admin. R. 860-088-0120(2); Or. Admin. R. 860-088, *et seq*.
[166] NSUN Comments at 2.
[167] NASEO Report at 9.
[168] *Id.* at 10.
[169] *Id.* at 11.
[170] NREL Report at 1.
[171] *Id.* at 1.
[172] ENO Comments at 2.
[173] *Id.* at 18.
[174] *Id.* at 18.

financial risk of a Subscriber defaulting on its Subscription payments on ENO, and therefore potentially ENO's customers, and should be rejected."[175]

Several Intervenors argue that consolidated billing is a "proven best practice" and criticize ENO for characterizing it as unusual and risky.[176] AAE states that consolidated billing is recognized as a best practice in community solar programs, citing a report by the National Consumer Law Center, which states that "State administrators must implement consolidated billing so that households do not receive separate bills for their community solar subscription, and all program costs and credits are included on their electric bill monthly."[177] However, consolidated billing as applied to community solar programs is both a relatively new regulatory concept and is not yet broadly deployed. As discussed above in more detail, of the twenty-five states and localities that had adopted a community solar policy as of April 2025,[178] and the forty-four states and localities in which at least one community solar project can be found,[179] only eight states have adopted a form of consolidated billing, and of those, only two states, New York and Oregon, have had consolidated billing deployed at scale for more than one year. This provides very little data from which to determine the success of consolidated billing or best practices in deploying it.

The Advisors agree that some forms of consolidated billing do create a risk that if the subscriber/customer fails to pay their ENO bill, the costs of their Subscription could be passed through to other ratepayers, but note that this is only true if ENO is required to pay the Subscriber Organization, whether the Subscriber pays ENO or not. This risk can be substantially mitigated by requiring ENO to adjust payments to Subscriber Organizations in the event a Subscriber fails to pay their electric utility bill in full. This reflects a similar allocation of risk of non-payment as is found under dual billing, where ENO would not be responsible for paying the subscription fee if the Subscriber fails to pay it. It is also an appropriate allocation of risk, because the Subscriber Organization, and not ENO, has control over the contractual arrangements between the Subscriber and Subscriber Organization that specify when a Subscriber's subscription may be terminated due to nonpayment. Subscriber Organizations can mitigate their risk by specifying how many payments a Subscriber is allowed to miss before they lose their Subscription, and the Subscriber Organization can seek a new customer to replace them. ENO does not have that ability, and neither it nor ENO's non-participating customers should bear the risk that a Subscriber fails to pay its subscription fee to the Subscriber Organization.

This approach is consistent with the approach taken by Illinois, where consumer advocates pushed for a structure where the utility is paid first in the event of partial or nonpayment.[180] While there is at least one example, New Jersey, where the utility is required to pay the Subscriber Organization whether or not it receives payment from the Subscriber, in that case and jurisdiction,

---

[175] Air Products Reply Comments on Proposed Changes to Community Solar Rules, at 4 (July 7, 2023).

[176] TNO Reply Comments at 3, GCE Reply Comments at 4. FNO Reply Comments at 2. *See also*, CDD Reply Comments at 2, "Far from unusual, consolidated billing is standard in leading states and essential for program success."

[177] AAE Comments at 1 (citing to Berneta Haynes, Community Solar: Expanding Access and Safeguarding Low-Income Families, Nat'l Consumer L. Ctr. (Feb. 2024), https://www.nclc.org/wp-content/uploads/2024/02/202402_Report_Community-Solar.pdf)

[178] *See* DSIRE Insights, Community Solar Policy (April 2025), CommunitySolarRules_April2025.pptx.

[179] U.S. Dep't of Energy, Off. of Energy Efficiency & Renewable Energy, Community Solar Basics, Energy.gov, https://www.energy.gov/eere/solar/community-solar-basics (last visited Oct. 20, 2025).

[180] NREL Report at 12.

the utility is required to pay specifically because the utility, unlike the Subscriber Organization, is entitled to recover its losses through rates.[181] In other words, because the utility can recover its losses by billing other, non-participating ratepayers for them and the Subscriber Organizations do not have the ability to do that, New Jersey found that the utility should be paid last. This structure, however, would be inconsistent with the Council's guiding principle for Community Solar that the rules should protect non-participating ratepayers from risks associated with the program.[182] Therefore, the Advisors recommend that if the Council decides to adopt consolidated billing, it specify that ENO be required to adjust payments to Subscriber Organizations in the event a Subscriber fails to pay their electric utility bill in full. This should significantly mitigate the risk that the costs of uncollectible Subscription fees fall on either ENO or ENO's customers.

ENO has stated that its billing system cannot currently accommodate a consolidated billing program and has provided an initial estimate of $1.55 million, with a range of +100% to -50% to implement the technological and system upgrades needed to accommodate consolidated billing.[183]

ENO has also expressed concerns about consolidated billing related to accelerating the cost shifting to ratepayers, arguing that the subscriber credit rates set by the Council in November of 2023 will result in an estimated $212 million in net cost to ratepayers over the next 20 years under a 60 MW community solar program and argues that the costs of the New Orleans Community Solar Program will far exceed its benefits, meaning all customers will pay more to benefit a small subset of participants and developers.[184] While this is a valid concern related to the community solar program, it is primarily related to the dollar value of the community solar credit that is received by Subscribers, and is not a cost shift that would be caused by consolidated billing. Several Intervenors argue that ENO's cost-shifting argument is misleading because consolidated billing itself is not the driver of any cost allocation; it is merely a mechanism for applying credits that the Council has already determined in its adopted crediting structure, and that community solar produces system-wide benefits.[185]

ENO neither sought rehearing of, nor appealed the resolutions establishing the community solar program and revising the subscriber credit value. The time to enter such cost-benefit analyses of the community solar program as a whole would have been when the Council was considering establishing the program and setting the value of the subscriber credit.

In Resolution No. R-23-507, the Council found that the proposals to raise the Subscriber credit to the full retail rate with a 2 cent adder for Low-Income Subscribers was "reasonable considering the value of the benefits of community solar offered in comments"[186] and that "the Council understands that any increase in the subscriber credits will increase the cost of the community solar program and its attendant impact on ratepayers, the Council also understands that the impact will occur over time and will be dependent on the rate and magnitude of CSG

[181] *Id.* at 11.
[182] Resolution No. R-18-223 at 3.
[183] ENO Comments at 17, ENO Reply Comments at 3.
[184] ENO October 30 Comments at 1-2; ENO Comments at 5-6. *See also* ENO Reply Comments at 2.
[185] TNO Reply Comments at 3, GCE Reply Comments at 4. *See also* CDD Reply Comments at 2 and FNO Reply Comments at 2.
[186] Resolution No. R-23-507 at 7.

development in New Orleans."[187] The Council further found that "an increase in the subscriber credits can be accomplished while still protecting ratepayers from undue burden and providing the ratepayers with the stated benefits of community solar."[188] Further, when ENO asked the Council to approve one of two options it presented for a rate schedule to calculate the new subscriber credit approved in Resolution No. R-23-507, the Council in Resolution No. R.24-310 found that "Option 2 is the rate schedule that is in the public interest".[189] ENO did not seek rehearing of or appeal either resolution.

ENO further argues that "adopting consolidated billing would dramatically accelerate the rate at which these net costs would be borne by ENO's electric customers, including low-income, non-participating customers.[190] While it is possible that the adoption of consolidated billing might hasten the adoption of community solar in New Orleans and bring on any cost-shifting associated with the program at a faster pace, the Advisors believe that this impact would be somewhat mitigated by the overall capacity cap that the Council has in place for the program, and the Council would have the opportunity to review any cost-shift impacts of community solar before deciding to lift the cap. Section V.A.(1) of the Community Solar Rules limits the overall capacity of the Community Solar Program to 5% of the Utility's annual peak in MW until the Council reconsiders that limit. Nearly a year ago, ENO wrote in its October 30, 2024, Comments that "applications have already been received for enough ground-mounted solar projects to fill the entire 60 MW program capacity limit defined by the Rules. . . ."[191] Indeed, the interest of parties exceeding the cap led the Council to approve the addition of a Waitlist to the Community Solar Rules in R-25-352 that is expected to "allow ENO to more quickly fill any capacity that becomes available under the Community Solar Program Capacity Limit or CSG Facility Category Limit". With a full application queue and a waitlist to get into the queue, it appears likely that the capacity limit will be reached very quickly with or without consolidated billing, and unlikely that the implementation of consolidated billing would materially increase the speed with which that limit is reached.

If there were no capacity cap in place, the Advisors would have greater concern that the adoption of consolidated billing would increase the adoption of community solar. However, the continued existence of the capacity cap in the Community Solar Rules will allow the Council sufficient opportunity to assess the risk of cost-shifting based on actual program data before lifting the cap, rather than making decisions on program size based only on projections and forecasts.

ENO also argues that endeavoring to force ENO to implement consolidated billing would infringe on ENO's right to determine how to properly manage and operate its business, and that the Council does not have the authority to mandate that utilities implement a consolidated billing program.[192] ENO argues that its billing system is a core function of the management and operation of its utility business and that if the Council were to require ENO to change its billing system for purposes of consolidated billing, that would infringe on ENO's right to determine how best to

[187] *Id.* at 8.
[188] *Id.*
[189] Resolution No. R-24-310 at 3.
[190] ENO October 30 Comments at 2.
[191] *Id.* at 5.
[192] ENO Comments at 14, ENO Comments at 6 (citing to a set of ENO comments filed October 30, 2024, at pp. 2-5, 11-14).

utilize its billing system and otherwise properly manage and operate its business.[193] The Advisors disagree. If the Council were to require ENO to implement consolidated billing, it would simply be requiring ENO to provide a service to its customers who choose to subscribe to the community solar program, to allow those customers to pay their subscription fee to the Subscriber Organization through their ENO bill. If consolidated billing is adopted consistent with this Report, the Council is not instructing ENO in how to use its billing system to do that – it is not mandating a particular software package, it is not specifically requiring ENO to upgrade its billing system, it is requiring ENO to offer a service to its customers who subscribe to community solar, without any incremental cost to ratepayers. To the extent that ENO must upgrade its billing system to be able to accomplish that, the choice of software and of how to upgrade the system is entirely ENO's, provided that the costs of doing so remain just and reasonable. The Council routinely requires that certain elements of the rate design be featured on ENO's bills, as well as determining how ENO calculates what it charges ratepayers. Further, ENO has pointed to no precedent where directing a utility to implement consolidated billing has been reversed by the courts as being outside of a commission or legislature's jurisdiction.

ENO also stated that consolidated billing could result in costs among all customers of approximately $2 per month for a typical residential customer.[194] However, this bill impact estimate appears to relate to ENO's calculation of $200+ million of cost shifting from the entire community solar program over 20 years, and not to be caused solely by consolidated billing, as inferred in ENO's December 13, 2024, letter to the Council. And as discussed below, Section VII.G (3) of the Community Solar Rules requires incremental costs, including the costs of administering billing credits to be charged to Subscriber Organizations, not to ratepayers.

ENO argues that implementing and making investments in furtherance of a consolidated billing arrangement (for which ENO receives no benefit) with unaddressed cost recovery and other business exposure is unacceptable to ENO.[195] ENO states it is unwilling to absorb any financial risk or hardship because of consolidated billing.[196] ENO argues that it must receive adequate cost recovery assurances from the Council for recovery of incremental costs to implement and administer consolidated billing, that it would require full and timely recovery of all costs associated with consolidated billing and that an appropriate administrative fee be set to reflect utility costs and risks.[197] ENO's arguments here are perplexing, given that, as is discussed in more detail below, the Community Solar Rules already provide that ENO shall have a fair opportunity to receive full and timely cost recovery of costs incurred to administer the Community Solar Program,[198] and specifically that ENO may assess a charge upon Subscriber Organizations to recover incremental costs, including the cost of administering the CSG Facility's Subscriber billing credits.[199] ENO has not explained why the provisions in the Community Solar Rules are insufficient to assure it full and fair cost recovery in a timely manner. Given that the Community Solar Rules already provide for a fair opportunity for ENO to receive full and timely cost recovery,

[193] ENO Comments at 14.

[194] ENO December 13 Letter at 2; ENO Comments at 6 (citing to a Dec. 13, 2024 ENO Letter to Clerk of Council). *See also* ENO Comments at 3.

[195] ENO Comments at 16.

[196] *Id.*

[197] *Id.* at 17.

[198] Community Solar Rules at VII.G.(1)

[199] *Id.* at VII.G.(3).

the Advisors believe this potential downside to consolidated billing has already been mitigated by the rules currently in place.

Further, ENO argues that the Intervenors have been inconsistent in their responses to discovery questions as to whether and how much of the costs related to consolidated billing should be recovered by ratepayers.[200] Again, as discussed in more detail below, given that the existing Community Solar Rules have already addressed this issue, the Advisors are of the opinion that this risk with respect to consolidated billing has already been sufficiently addressed by the Council.

ENO also argues that a consolidated billing arrangement creates material risks of litigation between ENO and subscriber organizations regarding the calculation and remittance of subscriber credits and payments under power purchase agreements.[201] However, Section XIV of the Community Solar Rules provides for the resolution of disputes in a streamlined manner.

ENO argues that the New York community solar consolidated billing net crediting model experienced difficulties over its first three years of deployment, leading the New York commission staff to issue a report that, "recognized numerous ongoing billing issues related to utility billing of [Community Distributed Generation] impacting thousands of customers and generating confusion surrounding energy costs and [Community Distributed Generation] program benefits.[202] ENO argues that "[w]hile it is not immediately clear what steps utilities took to address the billing issues with net crediting, a 'Solar for All' program has been adopted recently which seems to limit participation to low-income customers and include different consolidated billing and crediting processes."[203]

ENO's critique of New York's consolidated billing net crediting model is not fully accurate. Although New York documented several early billing problems with utility-run Community Distributed Generation billing, in September 2022, the NY Public Service Commission ("NY PSC") opened a dedicated process to fix these issues. However, the remedy was not to abandon consolidated billing; it was to strengthen it. In July 2025 the NY PSC approved enforceable billing/crediting performance metrics (including a $10/month subscriber bill credit if a utility issues a Community Distributed Generation bill more than 75 days late) and utilities filed costed implementation plans; the NY PSC also moved the net crediting administrative-fee cap from 1.0% to 1.5% in that same proceeding – none of which alters or replaces the underlying net crediting model adopted in 2019.[204] New York's "Solar for All" program likewise is not a replacement for New York's net crediting framework. "Solar for All" is one of several low-income enrollment programs that use Community Distributed Generation bill credits (often with utility auto-enrollment and standardized credit delivery) to deliver benefits to eligible customers.[205]

---

[200] ENO Comments at 17-18.

[201] *Id.* at 18.

[202] ENO October 30 Comments at 11-12.

[203] *Id.* at 12 (citing to New York Public Service Commission, Case 21-E-0629, Order, May 16, 2024).

[204] *See* December 2019 Order; Order Establishing Process Regarding Community Distributed Generation Billing, Case 15-E-0082 *et al.* (N.Y. Pub. Serv. Comm'n Sept. 15, 2022); Order Approving Community Distributed Generation Billing and Crediting Performance Metrics, Case 15-E-0082 *et al*. (N.Y. Pub. Serv. Comm'n July 17, 2025).

[205] *See* N.Y. State Energy Research & Dev. Auth., Solar for All, NYSERDA, https://www.nyserda.ny.gov/All-Programs/NY-Sun/Community-Solar/Solar-for-All (last visited Oct. 17, 2025).

These programs coexist with, and do not narrow, the general net crediting framework available to all Community Distributed Generation subscribers.

ENO also argues that no parameters or guidelines have been identified for Subscriber Organizations to protect and transfer customer data, and that this may require non-disclosure agreements, along with adequate software used in exchanging customer data between utilities and developers, to ensure that the data exchanged will not be compromised.[206] ENO's argument that no parameters or guidelines have been identified for Subscriber Organizations to protect and transfer customer data is inaccurate. Section XIII.K.(1) of the Community Solar Rules prohibits a Subscriber Organization from disclosing energy usage of personally identifiable information about a Subscriber or their billing, payment and credit information without their written consent (except as provided under the Rules, such as for billing and payment purposes under XIII.K.(2)). Further, with respect to utility data shared with a CSG Facility, Section VII.E.(5) provides that the utility may require an applicant to execute an appropriate confidentiality agreement prior to release or access to confidential or restricted information. Further, significant data exchange between the utility and the Subscriber Organizations is already required under the Community Solar Rules. Section VIII.A. requires the Subscriber Organizations to provide real time reporting of production, and Section VIII.B requires Subscriber Organizations to provide a monthly report for each CSG Facility listing all Subscribers and the proportion of the CSG Facility output that shall be applied to each Subscriber's monthly electric bill. The Subscriber Organization will also have to inform the utility of whether or not each Subscriber is a Low-Income Subscriber so that the utility can apply the correct credit to the Subscriber's bill. The only new data that the implementation of consolidated billing would require the Subscriber Organization to submit to the utility would be whether net crediting consolidated billing is to be applied, and if so, the Guaranteed Savings Rate for each Subscriber. The New York PSC, in a very similar situation, found in its order adopting net crediting that "[t]he implementation of net crediting requires only limited additional communications and data sharing between [Subscriber Organizations] and the [Utility] as compared to the current [community solar rules] requirements."[207] The Advisors similarly conclude that the incremental data exchange requirements between the utility and Subscriber Organizations should not be a significant obstacle to the implementation of consolidated billing.

ENO also argues that if parties and the Council are willing to revisit certain aspects of the Community Solar Rules consistent with the proposals outlined in the Company's December 13, 2024 correspondence, it may be possible to reduce the implementation costs of consolidated billing, significantly limit the estimated cost shift to customers, and avoid the potential encroachment on ENO's franchise rights.[208] As is discussed in more detail below, an objective of this Advisors' Report is to only propose modifications to the existing CSG Rules to the extent needed to implement consolidated billing, if the Council so chooses, and but for setting the percentage split of total subscriber CSG credits between subscriber organizations and subscribers,

[206] ENO Comments at 18.

[207] December 2019 Order at 21. The PSC noted that the Subscriber Organizations were already required to provide the utility with a list of customers for each project and the portion of the project allocated to each customer and that the only additional information needed would be whether or not net crediting was to be applied and the amount of the guaranteed savings rate.

[208] ENO Comments at 19.

the suggestions in ENO's December 13, 2024 correspondence relate to further changes to the CSG Rules, which the Council need not address in order to implement consolidated billing.

IV. Design of a Consolidated Billing Program for the New Orleans Community Solar Program

In its June 10, 2025 filing on consolidated billing set for hearing in this proceeding, ENO submitted as a supplement to its prior filings opposing consolidated billing an estimate of the costs of implementing consolidated billing and a set of redlined Community Solar Rules that ENO explains capture net crediting as ENO understands it and believes it could reasonably be implemented.[209] The June 10 Filing set forth a "Net Crediting Consolidated Billing" structure for community solar, where ENO would reflect both the community solar credit the Subscriber is entitled to receive and the payment to the Subscriber Organization, netted out on the Subscriber's ENO bill, allowing the Subscriber to pay both ENO and the Subscriber Organization by paying their ENO bill.

The Advisors note as an initial matter that the redline included in ENO's June 10 Filing was not a redline of the currently effective Community Solar Rules, which were adopted by the Council on June 26, 2025, subsequent to ENO's filing, and so ENO's redline cannot be approved as filed. The Advisors are providing, as Attachment A to this Report, a copy of the currently effective Community Solar Rules redlined to reflect the Advisors' recommendations.

A. Net Crediting Structure

The structure proposed by ENO includes an "Allocated Credit" as the total monthly CSG credit calculated for a Subscriber's pro rata portion of the monthly output of a CSG Facility.[210] A "Guaranteed Savings Rate" would determine the split of the Allocated Credit between the Subscriber and the Subscriber Organization. For example, if the Guaranteed Savings Rate was 10%, then 10% of the Allocated Credit goes to the Subscriber as the Subscriber's "Net Credit" and 90% of the Allocated Credit would go to the Subscriber Organization as the Subscriber's monthly payment for their community solar Subscription. A "Utility Administrative Fee," including recovery of ENO's costs of implementing and administering Net Crediting Consolidated Billing, would be deducted from the Subscriber Organization's portion of the Allocated Credit and kept by ENO for recovery of their consolidated billing costs.[211] ENO's June 10 Filing also sets forth requirements related to what information the Subscriber Organization must provide to the Utility in order to enroll a Customer into Net Crediting Consolidated Billing, required monthly reporting, the calculation and rendering of the Allocated and Net Credits and the payments to the Subscriber Organizations.[212]

Although there is disagreement over some of the details, the Intervenors largely support the net crediting structure set forth by ENO in the June 10 Filing. TNO and GCE stated that ENO's June 10 filing "finally presented a practical framework for implementation,"[213] and CDD stated

[209] ENO June 10 Filing at 1.
[210] *Id.*, Redline at 1.
[211] *Id.*, Redline at 15.
[212] *Id.*, Redline at 15.
[213] TNO Reply Comments at 2, GCE Reply Comments at 3.

that "ENO's June 10 filing laid out a workable implementation framework."[214] AAE states that, in general, it agrees with the concept of net crediting consolidated billing as elucidated in its redline filing of June 11, 2025.[215] FNO states that it strongly supports the utilization of the net crediting model for Consolidated Billing, which is efficient, widely adopted in other jurisdictions, and provides the clear, streamlined financial mechanism necessary for predictable cash flow forecasting and underwriting.[216]

The Advisors also support this basic framework for consolidated billing. It is consistent with what other states have adopted. The Advisors would add a clarification. It should be made clear that if a Subscriber Organization has enrolled in Net Crediting Consolidated Billing, its portion of the Allocated Credit is the only monthly payment from the Subscriber that it is entitled to collect. It may not enroll in Net Crediting Consolidated Billing and also send the Subscriber an additional monthly invoice. It may, as permitted under the Community Solar Rules, still require a reasonable deposit from the Subscriber to enroll in the community solar program, but that would be the only payment the Subscriber may be required to make to the Subscriber Organization outside of the Net Crediting Consolidated Billing program. If the Subscriber fails to pay its ENO bill, resulting in the Subscriber Organization not receiving its payment through the Net Crediting Consolidated Billing program, the Subscriber Organization should be allowed to pursue payment from the Subscriber through the normal legal remedies for breach of contract.

B. Cost Recovery

ENO argues that it must be allowed to recover all prudently incurred costs, whatever they ultimately may be, associated with any consolidated billing arrangement it may implement in compliance with the Rules.[217] ENO also argues that the upgrades required to ENO's billing system to implement consolidated billing would serve no other business purpose and provide no benefit to customers.[218] ENO asserts that the sole purpose of undertaking the modifications needed to ENO's billing system would be to benefit Subscriber Organizations, who would avoid the need to invest in their own billing systems.[219] ENO states that it is unwilling to subsidize any of the implementation costs or otherwise experience any adverse financial impact associated with the implementation of consolidated billing.[220] ENO argues that the Council should either (i) set the administrative fee at a level appropriate to generate sufficient revenues to fully capture the costs to administer the program, including the final estimate of costs of implementing consolidated billing, and/or (ii) establish a new exact cost recovery rider, through which all costs associated with the community solar program will be recovered from participating customers and reflected as a line item on their bills.[221] ENO argues that a community solar tariff should be developed such that the costs to implement and maintain consolidated billing are reflected as a line item on each customer's monthly bill, and that this tariff should be applied exclusively to customers who

[214] CDD Reply Comments at 1.
[215] AAE Comments at 1.
[216] FNO Reply Comments at 3.
[217] ENO Reply Comments at 4.
[218] *Id.*
[219] *Id.*
[220] *Id.*
[221] *Id.* at 5.

subscribe to the community solar program.[222] ENO maintains that an exact cost recovery rider could foster equity among customer classes by appropriately allocating the costs of community solar only to those customers who elect to participate in the program and suggests that a rider could also be implemented in tandem with the proposed 3% subscriber fee allocation and designed to capture any under/over collections for costs to administer the community solar program, including costs of consolidated billing.[223]

The Community Solar Rules already very clearly address the issue of cost recovery of both the general administrative costs of the community solar program and the incremental costs, including costs of implementing consolidated billing, and while the parties proposals are all inconsistent with the exiting Community Solar Rules, no party has argued that circumstances have changed in a manner that makes the existing Community Solar Rules no longer just and reasonable, indeed, no party has even referenced the existing Community Solar Rules in their arguments regarding cost recovery. The relevant section of the Community Solar Rules is VII.G. Utility Cost Recovery and Charges. That section provides as follows:

> (1). Once the Utility's Community Solar Plan has been reviewed and approved by the Council, the Utility shall have a fair opportunity to receive full and timely cost recovery of costs incurred to administer the Community Solar Program, and any non-reimbursed portion of program bill credit costs and unsubscribed energy costs.
>
> (2) The Utility may not establish a separate surcharge fee or rate for recovery of any Community Solar program costs identified in Section VII.G.1. The specific mechanisms for Community Solar program cost recovery will be approved by a Council resolution based on the Council's review of the community solar tariffs proposed in the Community Solar Plan required under Section VIIA.1.
>
> (3) The Utility may assess a Council-approved charge to the Subscriber Organization to cover the Utility's incremental costs associated with integrating the generation from the CSG Facility into the Utility's system, administering the contracts with Subscriber Organizations, and administering the CSG Facility's Subscriber billing credits. This charge shall not reflect costs that are already recovered by the Utility from Customers through other charges. The Utility may seek a revision of this charge no more frequently than once per year. (*emphasis added*)
>
> (4) The Utility's revenue and expenses associated with the Subscriber Organizations and the Community Solar Program Plan shall be identified separately in general ledger records and maintained in separate revenue and expense sub accounts.

Under the structure that the Council put in place in subsections (1) and (2) it is clear that ENO will have a fair opportunity to receive full and timely cost recovery of costs incurred to

[222] ENO Comments at 22.
[223] ENO Reply Comments at 5.

administer the Community Solar Program, and any non-reimbursed portion of program bill credit costs and unsubscribed energy costs and that such costs may not be recovered through a separate or stand-alone surcharge, but rather through a mechanism approved through the Council's approval of ENO's Community Solar Implementation Plan.

Regarding the recovery of costs incurred to administer the Community Solar Program (other than incremental costs including consolidated billing), the CSG Rules state that the specific mechanisms will be approved by a Council resolution based on the Council's review of the community solar tariffs proposed in the Community Solar Plan required under Section VII.A.1. The only tariff proposed and approved thus far has been rate schedule CSGF, addressing the CSG bill credit and its application. The December 2024 Distributed Energy Resources Report included a section listing no community solar facilities and therefore no related data to report. Likewise, there was no May 1, 2025 annual report with the Council on the detailed status of the Community Solar Program. Importantly, ENO has not provided any costs recorded by subaccounts related to the community solar program to date, notwithstanding there are no operational CSG facilities as of this date. The Advisors recommend that ENO provide a detailed template listing the costs anticipated to administer the community solar program (exclusive of incremental costs addressed in Section VII.G.(3)), the subaccounts in which they will be recorded, and ENO's proposed method of recovering those costs in compliance with Section VII.G.(2). If annual ENO revenue requirement evaluations and adjustments continue, as with the Formula Rate Plan annual filings, a separate attachment could be included with each filing listing the community solar program costs and the subaccounts in which they are included in the filing.

In subsection (3) of VII.G., the Council has clearly set forth a completely separate and specific bucket of incremental costs that are to be recovered from Subscriber Organizations through a Council-approved charge that may be revised as much as once per year. Those costs include the Utility's incremental costs associated with integrating the generation from the CSG Facility into the Utility's system, administering the Utility's contracts with the Subscriber Organizations, and, importantly, the costs of administering the CSG Facility's billing credits. These incremental costs, including those related to consolidated billing, must be recorded in subaccounts separate from the general community solar program costs (addressed in Sections VII.G.(1) and VII.G.(2)), to comply with Section VII.(G)(3) of the CSG Rules. The costs ENO incurs to implement a consolidated billing program, as well as the ongoing costs of administering a consolidated billing program are therefore to be charged to the Subscriber Organizations through this Council-approved charge (*i.e.*, the Utility Administrative Fee). The Advisors note that this approach, already codified in the Community Solar Rules, is consistent with the approach taken by New York as it implemented consolidated billing. The New York Public Service Commission wrote:

> As the implementation of the net crediting model will create a substantial cost savings for participating [Subscriber Organizations] by essentially eliminating their billing and collections costs, it is appropriate for the costs of implementation to be covered by those participants, rather than socialized among non-participating ratepayers.[224]

[224] NY PSC Dec. 12, 2019 Order in Case 19-M-0463 at 18.

ENO has provided an initial estimate of $1.55 million with a range of +100% to -50% to implement the technological and system upgrades needed to accommodate consolidated billing; and to recover these costs, ENO proposed a Utility Administrative Fee of 3% of the Allocated CSG Credit to be deducted from the Subscriber Organization's portion of the Allocated Credit. The Utility Administrative Fee, and the manner in which it could be adjusted, are discussed below.

C. Implementation Costs and Proposed Administrative Fee

1. Estimated Implementation Costs

ENO's initial estimate of $1.55 million was provided with a sensitivity range of +100% to -50% ($3.1M to $775K) to implement the technological and system upgrades needed to accommodate consolidated billing.[225] ENO states that a final estimate would be established if the Council issues a resolution ordering ENO to implement consolidated billing, with sufficient detail about the necessary requirements of the consolidated billing solution, and the IT integrator conducts detailed requirements design based on the updated version of the Rules finally adopted.[226] Regarding a final estimate, ENO stated "Depending upon the level of effort, the Company may determine that it may need to issue a request for proposals to other vendors. If the Company needs to issue a request for proposals, the timeline could take additional months due to Supply Chain governance around the bid process."[227] ENO also estimates that two new full-time analysts would be required to support the community solar program at an incremental annual cost of approximately $110K to $125K each.[228] ENO notes that the actual costs may differ from the initial estimate based upon those guidelines and parameters, particularly if the consolidated billing program design approved by the Council differs from what ENO has set forth, and similarly, requiring a full bill redesign would increase the estimated cost and require additional time.[229]

AAE argues that ENO's projection of up to $3.1M does not reflect the realities of other jurisdictions that have successfully adopted consolidated billing, such as Oregon, where Portland Gas and Electric ("PG&E"), which serves more ratepayers than ENO and implemented consolidated billing for $1.4M.[230] Several Intervenors state that while what makes up ENO's estimated $1.55 million figure is yet to be seen, the figure is similar to costs incurred by utilities in other states,[231] which is not surprising considering that software systems and required effort would be similar. ENO argues that the PG&E costs of implementation fall within the range of ENO's initial estimate, which would suggest ENO's projected costs are reasonable.[232] ENO also argues that the implementation costs of another utility with unknown (and presumably different) billing system capabilities are irrelevant and not dispositive of what ENO's costs would be.[233] It is somewhat difficult to be certain of what implementation costs in other states have been, the best

[225] ENO June 10 Filing at 1-2 ENO Reply Comments at 3.
[226] June 10 Filing at 1-2, *see also* ENO Reply Comments at 3.
[227] Response to Advisors' Request for Information CNO 1-8, September 3, 2025.
[228] ENO June 10 Filing at 2.
[229] *Id.* at 2; *see also*, ENO Reply Comments at 3.
[230] AAE Comments at 2.
[231] TNO Reply Comments at 4. GCE Reply Comments at 5; CDD Reply Comments at 2. FNO Reply Comments at 3.
[232] ENO Reply Comments at 3 (citing data submitted for July 2025 on EIA Form 861M (https://www.eia.gov/electricity/data/eia861m/)).
[233] ENO Reply Comments at 3.

source of data located by the Advisors was the NREL report, and even NREL found it difficult to obtain information on the cost of developing and deploying consolidated billing given the limited publicly available data and inconsistent metrics.[234] NREL reports that New York saw significant variations in cost across its utilities from just shy of $1 million to an upper end of $10 million.[235] NREL also found that Xcel Energy in Minnesota estimated a total cost of $3.2 million for its community solar program with consolidated billing accounting for $200K up front plus another $50K annually for maintenance.[236] With respect to Oregon, NREL stated that the Oregon Public Utility Commission Staff estimated the third party administrator software platform to be at $1-3 million, with separate additional costs for utilities, for PGE, about $1.4 million to startup with $50K annually.[237] NREL's overall conclusion was that the costs of consolidated billing implementation vary widely but are significant.[238]

The Advisors concur that in light of what data is publicly available about the implementation costs of consolidated billing, ENO's estimate of $1.55M with a possible range of $775K to $3.1M appears to be reasonable and within the range of what has been experienced elsewhere in the country. While this is not a final number before the Council for approval at this time, the Council should expect that reasonable costs of implementation are likely to be within this range if it adopts Net Crediting Consolidated Billing for the Community Solar Program. AAE asks the Council to order ENO to submit a final estimate of the cost to implement consolidated billing that is transparent and justifies all expenses.[239]

The Advisors recommend that a more detailed initial estimate of costs should be provided within 60 days after a resolution in which the Council may adopt consolidated billing, including an estimate projecting the CSG facilities output kWh for each of the next three years. The Council would have an opportunity at that time to review the reasonableness of an actual, more current detailed estimate of costs proposed for recovery by ENO through the Utility Administrative Fee.

2. Proposed Utility Administrative Fee

ENO's June 10 Filing proposed a Utility Administrative Fee of 3% of the Allocated Credit to be deducted from the Subscriber Organization's portion of the Allocated Credit.[240] While ENO's June 10 Filing states that the Utility Administrative Fee would be "used to defray costs incurred by the Utility to administer Net Crediting Consolidated billing,"[241] ENO argues in its comments that ENO should be entitled to receive an administrative fee for costs to administer the Council's community solar program and implement and maintain systems and processes supporting consolidated billing.[242] As stated previously, the CSG Rules (Section VII.(G) provide for full and timely cost recovery of costs incurred to administer the Community Solar Program. ENO states in its Reply Comments that the revenue generated from this fee would cover ENO's

[234] NREL Report at 8.
[235] *Id.* at 8-9.
[236] *Id.* at 9.
[237] *Id.*
[238] *Id.*
[239] AAE Comments at 2; AAE Reply Comments at 2.
[240] ENO June 10 Filing, Redline at 4; *see also* ENO Reply Comments at 4.
[241] ENO June 10 Filing Redline at 4.
[242] ENO Comments at 21.

costs of administering the community solar program and could also help offset ENO's costs to implement and maintain consolidated billing.[243] However, this proposal does not recognize that the CSG Rules (Section VII.(G)(3)) provide for a separate recovery of incremental costs including consolidated billing costs from Subscriber Organizations.

The Advisors note that based on this language in ENO's pleadings, it appears ENO has proposed a 3% administrative fee to recover all costs of administering the community solar program rather than solely the incremental costs including the implementation and administration of the consolidated billing aspect of the program (costs specifically permitted under Section VII.G.(3) of the Community Solar Rules). Further, ENO's pleadings do not explain how the proposed 3% Utility Administrative Fee corresponds to the estimated $1.55M in implementation costs and ongoing administrative costs of consolidated billing, other than to state that such costs would be recovered through that fee. Without additional supporting calculations with more detailed costs, and in light of these discrepancies, the Advisors cannot conclude that a 3% Utility Administrative Fee is reasonably designed to recover only the charges permitted to be recovered through such a fee under Section VII.G(3).

AAE states that the 3% Utility Administrative fee that ENO proposes is excessive, and that New York, for example, allows utilities to charge a 1% discount rate to developers to cover costs associated with net crediting.[244] AAE argues that it is unclear why ENO's administrative costs should be three times higher than those of utilities in New York, and ENO offers no justification for this 3% fee.[245] AAE asks the Council to limit the Utility Administrative Fee to no more than 1%. [246] TNO argues that the proposed 3% fee is three times higher than the norm and points out that most jurisdictions charge 1% with only Illinois charging 2%.[247] TNO argues that based on what other jurisdictions charge, 1% of bill credits is more appropriate.[248] TNO argues that ENO's proposed 3% fee is excessive and that nearly all other states with consolidated billing cap this fee at 1%, which, it argues, is sufficient to cover costs without eroding subscriber savings.[249] CDD similarly argues that the proposed 3% fee is excessive and other jurisdictions cap fees at 1%.[250] FNO argues that a 1% fee is more consistent with what other jurisdictions charge and is more appropriate.[251] However, no quantified support related to New Orleans and ENO data was offered with these arguments, other than reference to other utilities.

ENO questions the probative value of the experiences of utilities in other states with respect to the argument that the administrative fee should be 1% or 2% of the Allocated Credit, because most utilities have not been required to implement consolidated billing in connection with administering their respective community solar programs.[252] ENO also argues that some of the examples cited by Intervenors appear to be community solar programs with larger footprints than should be expected for New Orleans, and that a higher subscriber fee is appropriate for a smaller

[243] ENO Reply Comments at 4.
[244] AAE Comments at 1.
[245] *Id.* at 2.
[246] *Id.*; AAE Reply Comments at 2.
[247] TNO Comments at 2.
[248] *Id.* at 2.
[249] TNO Reply Comments at 2.
[250] CDD Reply Comments at 1.
[251] FNO Comments at 2.
[252] ENO Reply Comments at 4.

program to generate sufficient revenues to ensure that ENO is kept whole and that ENO's balance sheet is not a mechanism through which third-party, for-profit, subscriber organizations subsidize their business endeavors.[253] However, as stated previously, the CSG Rules provide for full recovery of consolidated billing costs, with a mechanism(s) approved by the Council, such that ENO will not absorb such costs.

ENO argues that it is unclear whether a 1% credit split will produce sufficient revenues to fully compensate ENO for the costs to administer the New Orleans community solar program, especially if the program is modified to include consolidated billing, which carries additional administrative costs and burdens.[254] As the Advisors have noted, however, the Utility Administrative Fee to be imposed should not recover all of the costs to administer the New Orleans community solar program, it should only recover the incremental costs set forth in Section VII.G.(3) of the Community Solar Rules. The remainder of the costs of administering the community solar program should be recovered through a Council-approved mechanism addressed in Sections VII.G.(1) and (2). The Advisors note that no party has even attempted to demonstrate that a fee at any specific percentage level would be sufficient to recover the $1.55 million in implementation costs and the ongoing incremental administrative costs of implementing consolidated billing without over-recovering.

GSREIA argues in its September 25, 2025 reply comments that renewed cost objections risk distracting from implementation.[255] GSREIA notes that consolidated billing is foundational in successful programs elsewhere; instead, the salient question is adopting a transparent, constrained cost-recovery mechanism rather than revisiting whether ENO should perform consolidated billing at all.[256]

With respect to the value of the examples set by other states, while such examples are informative, they are not necessarily determinative, because of the many differences between New Orleans and other jurisdictions. In New York, the Public Service Commission approved an initial consolidated billing net crediting administrative fee to recover the costs of implementation and operation of the consolidated billing net crediting model equal to 1% of the total value of the community solar credits, subtracted from the payment to be made to the Subscriber Organization, and directed each utility to track the costs and the amounts recovered through the fee and file an annual report.[257] The Public Service Commission in July of 2025 issued a subsequent order increasing the administrative fee from 1.0% to 1.5% with a cost tracking and reconciliation mechanism (rehearing of that order is still pending as of the filing of this report).[258] In New Jersey, the utility may charge an administrative fee of not more than 1% of the subscription charge to cover the utility's costs of implementing and administering consolidated billing.[259] In Illinois, the legislature approved a net crediting fee that the electric utility may charge the owner or operator

[253] *Id.* at 4-5.
[254] *Id.* at 5.
[255] GSREIA Reply Comments at 1.
[256] *Id.*
[257] *See* December 2019 Order at 18-19.
[258] Case 19-M-0463 *et al.*, Order Approving Community Distributed Generation Billing and Crediting Performance Metrics (N.Y. Pub. Serv. Comm'n July 17, 2025) ("2025 Order"). The NYPSC required DPS to provide reporting templates and convene a stakeholder conference after the first annual report. Tariff amendments implementing these requirements take effect January 1, 2026.
[259] NJ Admin Code § 14:8-9.7(q)(7).

of a community solar renewable generating project participating in net crediting that may not exceed 2% of the value of the community solar Subscriber's bill credit value.[260]

In Oregon, the Community Solar Program does not use a single percent fee; instead, the program runs through an independent Program Administrator; utilities must apply bill credits within 30 days of receiving data and, under an OPUC-approved on-bill model, collect the subscription fee plus fixed $/kW-AC monthly program fees (Program Administrator Fee and Utility Administration Fee), with low- and moderate-income exemptions, set by tariff rather than a percent skim.[261] Likewise, in Minnesota, there is no statewide percent cap, administrative cost recovery is handled in utility ratemaking, and low- and moderate-income subscribers must receive at least 10% savings under the framework.[262]

In Virginia, utilities recover consolidated billing costs through a separate 1% net-crediting fee from remittances when a Subscriber Organization elects net crediting. The net crediting fee is the utility's distinct charge for providing the optional consolidated billing/collections service on behalf of the Subscriber Organization.[263] Separately, the minimum bill (set in State Corporation Commission proceedings) is a monthly floor to recover fixed and non-bypassable costs (*e.g.*, infrastructure/services costs and Program Administrative costs) and is paid by most subscribers each month, with the exception of exempt low- and moderate-income customers.[264] By contrast, the subscription fee is the Subscriber Organization's contractual charge to the subscriber; if the Subscriber Organization elects consolidated billing, that fee appears on the utility bill, and it must be set so the subscriber never pays more in subscription fees than the bill credits receive.[265] Virginia's design indicates that consolidated billing implementation/operational costs are recovered via the 1% net crediting fee, while program-level/utility cost elements flow through the minimum bill.

The Advisors have performed some preliminary evaluations of an administrative fee percent based on ENO's initial cost estimate range and the CSG capacity of 60 MW currently in the queue. Assuming reasonable operating and financial metrics, such as a higher range of ENO's initial estimate to implement the technological and system upgrades needed to accommodate consolidated billing, applicable depreciable life, and proposed staffing costs, an average annual revenue requirement related to consolidated billing costs can be estimated, until more detailed costs are provided. Also, if the solar output of the 60 MW solar limit is assumed with the current CSG credit rates, an administrative fee of approximately 3% provides an available cost recovery amount somewhat compatible with a current rough estimate of annual revenue requirements related to the aforementioned assumptions of consolidated billing costs.

---

[260] 220 ILCS 5/16-107.5(l)(4).

[261] Or. Admin. R. 860-088-0010(8), -0120(2); PacifiCorp (Pacific Power), P.U.C. Or. No. 36, Schedule 127 at 3; PGE, P.U.C. Or. No. E-19, Schedule 017.

[262] *See* Minn. Stat. § 216B.1641, subd. 8(b)–(c), § 216B.16 (rate change procedure/PUC approval), § 216B.03 (rates must be just and reasonable).

[263] 20 Va. Admin. Code 5-340-65(I)(3).

[264] *Id.* at 5-340-65(B)(3); Va. Code Ann. § 56-594.3(A), (D); 20 Va. Admin. Code 5-340-80; *see, e.g.,* Va. Elec. & Power Co., Schedule SS—Shared Solar III.A.3, V.

[265] 20 Va. Admin. Code 5-340-65(I)(2), (C)(2).

However, these optimistic assumptions do not reflect the current or near-term status of the community solar program and operational CSG facilities. The evolution into a fully operational community solar program which includes consolidated billing must recognize the following: (i) up to two years may be required for ENO's billing system and all data communication systems to implement consolidated billing, during which time dual billing would be in effect for subscribers; (ii) beginning with the first operational CSG facility, there will be a gradual increase of CSG kWh output proportionate with additional facilities becoming operational until the 60 MW capacity limit may be reached; (iii) during that interim period the amount of subscription kWhs will also increase, with a corresponding increase in the CSG credit amount and the amount collected through the Utility Administrative Fee.

Given that a supportable incremental cost estimate including consolidated billing is kept updated, the amount of available CSG credit kWhs during this interim period (of possibly up to two years) has a major impact on determining a stable Utility Administrative Fee. Until a sufficient number of CSG facilities are operational, the process of cost recovery through a Utility Administrative Fee would require some additional steps. Once ENO's consolidated billing implementation is complete and all systems are tested and operational, the Advisors recommend the following: (i) set an interim Utility Administrative Fee at 3% of CSG credits, applicable to all CSG facilities; (ii) potential revisions to the interim Utility Administration Fee will occur every twelve months thereafter (since the current CSG Rules (Section VII.(G)(3)) state that the Utility may seek a revision of this charge no more frequently than once per year); (iii) in evaluating the operations of the completed twelve-months, the balance of incremental costs including consolidated billing in excess of the proceeds from the 3% interim Utility Administrative Fee would accrue in a regulatory asset subaccount at ENO's before-tax Weighted Average Cost of Capital ("WACC"), that subaccount having no impact on ratepayers; and (iv) a six month evaluation would determine when/if an adjustment can be applied to the 3% interim Utility Administrative Fee and would provide an opportunity to resolve any parties' issues prior to the next revision. ENO's community solar quarterly data, the required May 1 filings in 2026 and 2027 of detailed community solar data, and detailed current consolidated billing costs would be reviewed. Components of that evaluation would also include: (i) the amount of prospective CSG subscribed kWhs available for the CSG credit; (ii) a comparison of actual proceeds received from the Utility Administrative Fee compared to the Utility Administrative Fee revenue estimated at the previous twelve-month review; and (iii) an amortization of the amount of unrecovered incremental costs including consolidated billing accrued in the regulatory asset account. This amortization amount could be adjusted when more data is available in subsequent evaluations, but will also be dependent on the decision regarding the amount of change to the interim 3% Utility Administrative Fee. Depending on the increase in CSG subscription kWhs as more CSG facilities become operational, the Advisors believe that the 3% interim Utility Administrative Fee would be revised after two years, with reviews each twelve months.

Considering the relative amount of consolidated billing cost recovery, and possible adjustments to the Utility Administrative Fee every twelve months, including amortization of the regulatory asset subaccount, the Advisors do not feel ENO's proposed exact-cost recovery rider is needed. Revisions to the CSG Rules to accommodate the implementation of consolidated billing and subsequent Council resolutions should be sufficient to address cost recovery issues without an additional tariff/rate schedule. The Advisors also feel that when the subscription kWhs related to the projected CSG Facility outputs are realized, and the guaranteed savings percent and Utility

Administrative Fee are applied, the revenue from the balance of the CSG Facility allocated credits transmitted to the Subscriber Organizations should be more than adequate to cover published levelized annual costs of utility-scale solar applicable to the CSG facilities, including an acceptable profit margin.

D. Optionality of Consolidated Billing

ENO argues that all Subscriber Organizations should be obligated to participate in the Council-approved consolidated billing arrangement.[266] Across jurisdictions, consolidated billing is typically optional for Subscriber Organizations but sometimes mandatory for certain customer classes. In New York, utilities are required to offer net crediting, and Subscribers may elect to enroll (*i.e.*, optional for the Subscriber Organizations, with the utility's role standardized by tariff and manuals).[267] In Illinois[268] and Colorado, [269] the utility must provide consolidated billing upon the Subscriber Organization's request, again making participation optional for Subscriber Organizations while ensuring a clear utility duty to perform once elected. Minnesota similarly makes consolidated billing optional/opt-in for subscribers in Xcel's program.[270] By contrast, New Jersey mandates utility consolidated billing for residential subscribers (non-residential may opt in), trading some Subscriber Organization discretion for consumer clarity and uniform adoption.[271] Virginia's shared-solar statute requires utilities to enable net crediting but makes it optional for Subscriber Organizations, with a capped utility fee;[272] Maryland's permanent rules likewise allow Subscriber Organizations to elect consolidated billing while standardizing monthly crediting and remittance timelines.[273]

Making consolidated billing available but not compulsory to Subscriber Organizations generally preserves program design flexibility and aligns with the Council's principle of allowing developers to craft offerings while protecting ratepayers. It would allow developers to structure programs differently – developers could, for example, design a program where the customers must buy the solar panels outright, likely with the aid of traditional financing. Developers who do not want to take the risk that their portion of the Allocated Credit may not fully recover their costs could continue to use dual billing and set a monthly fixed rate that gives them greater confidence. The Advisors do recommend, however, that all Subscriber Organizations be required to pay the Utility Administrative Fee, whether they utilize the net crediting consolidated billing option or not. There is a cost to the utility to make the option available for all Subscriber Organizations, and

[266] ENO Comments at 21.

[267] *See* December 2019 Order.

[268] *See* 220 Ill. Comp. Stat. 5/16-107.5(l)(4) (2025) (utility shall enter into net crediting agreement upon project owner request).

[269] *See* Colo. Rev. Stat. § 40-2-127.2(4)(a)(VI)(A)–(B) (2024) (IOU must provide consolidated billing upon subscriber organization request, list subscription charge, remit to Subscriber Organizations).

[270] *See* Minn. Stat. § 216B.1641, subd. 10(c) (2024) (a utility must offer consolidated billing so a subscriber receives one bill; subscribers may elect it).

[271] *See* N.J. Admin. Code § 14:8-9.7(q)(1) (2025) (electric distribution companies must implement consolidated billing; residential use is required, non-residential may opt in).

[272] *See* Va. Code Ann. § 56-594.3 (shared solar; bill credits); 41 Va. Reg. Regs. 11447 (Dec. 16, 2024) (final regs text reflecting that net crediting shall be optional for subscriber organizations).

[273] *See* Proposed Regulations—COMAR 20.62.06 Community Solar Consolidated Billing Requirements, RM56, at .03–.04 (Md. Pub. Serv. Comm'n Mar. 31, 2025) (electric companies to implement consolidated billing by Jan. 1, 2026; Subscriber Organizations may elect consolidated billing; bill-display, reporting, and remittance-timing requirements).

under the Community Solar Rules, neither the utility nor its non-participating customers should bear the risk that too few Subscriber Organizations take advantage of the net crediting consolidated billing option for the cost of administering the billing credits to be fully recovered from Subscriber Organizations. There should be one fee that recovers the utility's costs for administering billing credits, whether the utility is only administering the application of Allocated Credits to the customer bill, or whether the utility is also administering the division of Allocated Credits between the customer and Subscriber Organization under net crediting consolidated billing.

E. Guaranteed Savings Rate

ENO's June 10 Filing includes a "Guaranteed Savings Rate" defined as the percentage of the total Allocated Credit that will be used to calculate the monthly Net Credit for each Subscriber and applied to their monthly electric bill.[274] It sets forth a Guaranteed Savings Rate of 20% for Low-Income Subscribers and 10% for non-Low-Income Subscribers.[275] ENO states that it understands the Subscriber Organizations may be free to change the subscription fee for each project and Subscriber over time under consolidated billing, and that the magnitude of data expected to be exchanged monthly raises significant concerns for ENO and seems to present the potential for billing errors.[276]

NOVA Solar and SunConnect advise against setting separate minimums for Low-Income and non-Low-Income customers.[277] They argue that Subscriber Organizations will need flexibility in the coming years as they head into developmental headwinds, and setting a 20% minimum may make some of the projects unfeasible.[278] They state that the market will set discounts and it is their experience that they usually come in above the floor.[279] They suggest that if the Council wishes to implement a Guaranteed Savings Rate, it should be a flat 10% across the program.[280] In response to ENO's argument that the management of different subscriber discounts for each subscriber will be cumbersome to manage and set forth complex monthly reporting requirements, NOVA Solar and SunConnect propose a set menu of credits such that a Subscriber Organization may offer guaranteed savings of 10%, 15%, 20%, etc. to decrease optionality and make system programming easier.[281]

The Advisors appreciate the proposed solution and concur that it is a reasonable compromise between leaving flexibility for Subscriber Organizations and creating efficiencies of administration. In addition, the Advisors note that under CSG Rules Sections XIII.I.(1)(a) and J.(1)(f) the Subscriber Organization must disclose all payment terms to the Subscriber for the entire term of the contract in both the Contract Summary and in the Contract itself. While the Advisors suggest a couple of clarifications to those provisions to preserve the intent of the original language if consolidated billing is implemented, the Advisors anticipate that the Subscriber Organizations will be required to include in their contracts with the Subscribers the Guaranteed Savings Rates

[274] ENO June 10 Filing, Redline at 2.
[275] *Id.*
[276] ENO October 30 Comments at 13.
[277] NOLA Solar/SunConnect Comments at 6.
[278] *Id.*
[279] *Id.* at 6-7.
[280] *Id.* at 7.
[281] *Id.*

for the entire term of the contract. Since the applicable rates will be knowable and predictable from the beginning of the contract term, it should help simplify the exchange of data.

While the convenience of the Subscribers is a benefit of consolidated billing, the Guaranteed Savings Rate is the most significant benefit for Subscribers. It would ensure ENO customers in the program will experience a lower bill as compared to their bill had they not participated in community solar, which decreases the likelihood of customer nonpayment of the bills. The Advisors, therefore, advise the Council that if consolidated billing is implemented, Guaranteed Savings should be required to ensure that the consolidated billing program does not increase the likelihood of participating customers falling into arrears and being disconnected.

No party has argued that a 10% minimum savings threshold would be inappropriate, and both ENO and NOVA Solar and SunConnect support a 10% minimum threshold for non-Low-Income Subscribers. The Advisors also recognize that requiring a higher minimum discount may jeopardize the financial viability of some community solar projects. The Advisors recommend that if the Council adopts consolidated billing, it adopt a minimum Guaranteed Savings Rate of 10%. The Advisors also note that Low-Income Customers already receive a higher credit rate than other customers. Further to promote administrative efficiency, the Advisors recommend that the Council permit Subscriber Organizations to offer either 10%, 15% or 20% discounts. It would be reasonable to allow Subscriber Organizations to change the Guaranteed Savings Rate not more than once per year, but only in a manner consistent with their contracts with their Subscribers.

Contracts between the Subscriber Organizations and Subscribers should clearly state what the Guaranteed Savings Rate is, whether it will change over the term of the contract, and if so, when it changes and what it will change to. So, for example, under this structure, it would be acceptable for a Subscriber Organization to offer an initial Guaranteed Savings Rate of 20% for the first three years of the project and then reduce that Guaranteed Savings Rate to 10% for the remainder of the term, as long as that is explicitly set forth in the contract with the Subscriber. It would not be acceptable for the contract to contain a term that just says, "the Subscriber Organization may change the Guaranteed Savings Rate at any time." This structure would be consistent with the requirement in the current rules that the contract specify the total amount of money to be paid by the Subscriber for their subscription over the term of the contract. Both Subscribers and ENO should be able to reliably predict at the outset of the contract if and when a Guaranteed Savings Rate will change and what it will change to over the entire term of the contract.

F. Customer Eligibility

ENO's June 10 Filing proposes to add a requirement to the definition of "Subscriber" to require that at the time a Customer enrolls as a Subscriber, the Customer's account with the Utility must be in good standing.[282] ENO argues that a customer's account should be in good standing (*i.e.,* not in arrears) prior to enrolling as a Subscriber in the community solar program and that the Council should enact good public policy that protects all customers, such as incentivizing reduction in arrearages and bad debt expense, which ultimately becomes an obligation of ENO's entire customer base and raised costs for all customers.[283] ENO argues that requiring a customer

[282] ENO June 10 Filing, Redline at 4.
[283] ENO Reply Comments at 6-7.

to be in good standing to benefit from community solar incentivizes against the risk of nonpayment or partial payment by customers most at risk of defaulting on their accounts.[284] ENO argues that this should be the case whether or not the Council chooses to implement consolidated billing.[285] TNO argues that customers not in good standing would benefit the most from participation in community solar and excluding them would disproportionately bar those most burdened by high bills, undermining the equity purpose of community solar and that credits should apply regardless of balance status.[286] CDD similarly argues that past-due customers should not be excluded, it undermines equity goals.[287] FNO also argues that the requirement would disproportionately exclude the very residents who would benefit the most from the program's cost savings.[288]

Section III.A(2) of the Community Solar Rules regarding Customer Eligibility provides that a Customer may subscribe to a CSG Facility so long as the Customer has an account for electric service with the Utility, and has no exclusion related to whether the Customer is in good standing with the Utility. Therefore, this is a proposal by ENO to change the Community Solar Rules, regardless of whether or not consolidated billing is implemented. It is therefore not a change that is specific to or required for consolidated billing. The Council stated in Resolution No. R-25-352, setting the procedural schedule under which ENO's comments were filed, that "With respect to pleadings filed pursuant to this procedural schedule, the Council will consider only comments related to consolidated billing. Any other proposals for changes to the Community Solar Rules must be filed as a separate motion and will not be considered if included in pleadings filed under the procedural schedule below."[289] A requirement that customers be in good standing to participate in the Community Solar program whether or not consolidated billing is adopted, is not necessary to implement consolidated billing, and the Advisors recommend that consistent with its instruction to the parties in Resolution No. R-25-352, the Council should disregard this proposal by ENO.

NSUN's September 5, 2025 comments oppose ENO's proposed "good standing" condition for Subscriber eligibility, noting that other consolidated billing jurisdictions where it operates do not allow utilities to deny access based on arrearage status and emphasizing that community solar participation is designed, in part, to help low-income customers reduce bills.[290] NSUN proposes striking the "good standing" text from the Subscriber definition and clarifying that eligibility turns on having an active Utility account and a designated meter or account for allocation.[291]

In the event that the Council nevertheless wishes to entertain the proposal, the Advisors recommend that the Council reject it. The New York PSC found that "the net crediting model avoids putting the utility in the position of collecting a higher charge than it would have applied to the customer by guaranteeing savings to the customer.[292] Therefore, it can be assumed that any partial payment or nonpayment would have happened even in the absence of the customer's

[284] *Id.* at 7.
[285] *Id.*
[286] TNO Comments at 1-2; TNO Reply Comments at 2.
[287] CDD Reply Comments at 1.
[288] FNO Comments at 2.
[289] Resolution No. R-25-352 at 11.
[290] NSUN Comments at 1.
[291] *Id.*
[292] Order Regarding Consolidated Billing for Community Distributed Generation, Case 19-M-0463, at 14 (N.Y. Pub. Serv. Comm'n Dec. 12, 2019).

[community solar Subscription] and there is no risk that the amount of uncollectibles or the utility's exposure will increase."[293]

The Advisors are persuaded by the NY PSC's reasoning. If, as the Advisors recommend, the Council, when implementing net crediting consolidated billing, imposes guaranteed savings, then the electric bills of customer Subscribers are guaranteed to be less than what they would be if the customer does not participate in Community Solar. This should reduce the likelihood that a customer would fail to pay their bill in full for all customers, including those not in good standing with the utility. It appears that the best way to reduce arrearages and bad debt expense would therefore be to allow customers not in good standing to participate in the program thereby reducing their bills rather than excluding them from it.

G. Timing of Crediting

ENO argues that it requires two months to post Subscriber credits given its current resources and billing system and that a two-month timeframe will allow ENO a reasonable opportunity to accurately post credits and reduce the potential for cancelling and rebilling subscribers whereas a faster timeframe would lead to inefficiencies, increased administrative costs, and unnecessary risks.[294] ENO also argues that a two-month time period is consistent with practices associated with Entergy's green tariff programs and fuel adjustment charges.[295] The Advisors note that the Council-approved Community Solar Rules Section III, state: "The monthly Subscriber credit will be based on the applicable metered CSG Facility energy Output on a two-month lag basis."

CDD opposes allowing ENO two months to post Subscriber credits and instead wants credits to be applied within one month.[296] TNO argues that a two-month delay in posting credits and therefore savings to customers is an unnecessarily long time and long delay for the utility to execute a simple multiplication exercise, and that there is no reason why a utility should not be able to calculate the credit allocation and savings on the same month after the generation is created.[297] TNO argues that if the community solar credit is mismatched with the subscription fee on a subscriber's bill, it is confusing to the subscriber.[298] TNO states that "ENO's proposed two-month lag is unnecessary; one-month posting is the national standard and provides customers timely recognition of savings."[299] FNO argues that a one-month timeline is standard practice and provides a better customer experience and that there is no reason a utility should take two months to post credits, which unnecessarily delays bill savings for Subscribers.[300]

The currently effective Community Solar Rules at Section VIII.C. provide that:

> The Utility shall apply credits to each Subscriber's monthly bill using the most recently updated monthly Subscriber list and Output data on a two-month lag

[293] NY PSC Dec. 12, 2019 Order in Case 19-M-0463 at 13.
[294] ENO Reply Comments at 6.
[295] *Id.*
[296] CDD Reply Comments at 1
[297] TNO Comments at 3.
[298] *Id.*
[299] TNO Reply Comments at 2.
[300] FNO Comments at 2.

where actual operational results and the associated bill credit will show up two months following the Utility's receipt of Output data for the CSG Facility.

The Advisors have found no "national standard" of one-month posting, or of any specific posting time period. States that have fully implemented or are in the process of implementing consolidated billing generally apply credits in line with their customers' regular billing cycles, and this typically means there is either a one- or two-month lag between the transmission of electricity to the utility and when credits appear on customer bills. Oregon requires utilities to apply community-solar bill credits within 30 days of receiving program data, with any excess carrying forward to the next bill.[301] Colorado sets a broader outer limit – credits must post "as soon as practicable" but no later than 60 days after the month of generation.[302] In Virginia, the utility is required to apply bill credits to subscriber bills within two billing cycles following the cycle during which the energy was generated by the CSG Facility.[303] New York layers timeliness metrics on top of the normal cycle and provides a $10/month customer credit if utilities miss the posting window.[304] New Jersey likewise ties crediting to each billing cycle and establishes an annual true-up period beginning when a subscriber first earns a credit.[305] Jurisdictions still scaling consolidated billing follow the same rhythm. Maryland's permanent rules (effective by Jan. 1, 2026) require credits and subscription charges to appear each billing period and direct utilities to remit collected subscription charges to subscriber organizations within 60 days of the relevant meter read, with a matching monthly crediting report.[306] Minnesota statutes tie community-solar credits to the monthly cycle and require utilities to offer a single consolidated bill; Illinois implements monthly posting and carry-forward through tariff.[307]

In its September 5, 2025 comments responding to ENO's June 10, 2025 proposal, NSUN recommends a one-billing-cycle posting cadence and a straightforward pre-PTO enrollment workflow: Subscriber Organizations may submit subscriber lists on a rolling basis prior to project energization; ENO validates account information and returns exceptions within 24 hours; and once a project is live, credits post on the next regular cycle without additional lead time.[308] NSUN's suggested tariff redlines also specify the required enrollment data fields and the 24-hour exception reporting.[309]

It appears that ENO's proposal to retain the existing two-month period, consistent with practices associated with Entergy's green tariff programs and fuel adjustment charges is

[301] *See* Or. Admin. R. 860-088-0120(2).

[302] *See* Colo. Rev. Stat. § 40-2-127.2(4)(a)(II) (2024).

[303] Virginia Code Title 56 § 56-594.3.B.4.

[304] *See* Order Adopting CDG Billing & Crediting Performance Metrics, Case 19-M-0463 (N.Y. Pub. Serv. Comm'n July 17, 2025).

[305] *See* N.J.A.C. 14:8-9.7(e); Community Solar Energy Program, 56 N.J.R. 1990(d) (Oct. 7, 2024).

[306] *See* Md. Code Regs. 20.62.06.03(B) (requiring utilities to implement consolidated billing "no later than January 1, 2026"); 20.62.06.04(C)(5)(a)–(e), (6) (requiring, each billing period, on-bill display of the subscription credit, savings rate, subscription charge, net bill credit, and any carried-forward virtual net excess generation, and labeling as community-solar items); 20.62.06.04(D)(5)(a) (utility remittance deadline: 60 days from the date the utility determines the most recent energy reading); 20.62.06.04(E)(1)–(2) (utility must provide a net-crediting report to the subscriber organization/subscription coordinator no later than 60 days after the meter read).

[307] Minn. Stat. § 216B.1641(c) (2024); Ameren Ill. Co., Rider NMCS—Net Metering for Community Solar (eff. Nov. 1, 2023).

[308] NSUN Comments at 1-2.

[309] *Id.*

reasonably consistent with the approaches taken in other states. Further, changing the existing Community Solar Rules to require one-month posting of credit rather than two-month posting of credit is not necessary to enable consolidated billing.

H. Non-Discrimination

ENO argues that the Council needs to establish a process to ensure non-discriminatory program access for all customer classes, and that there should be subscription opportunities for all customers.[310] ENO states that while this does not fall under ENO's administrative function, a process is required such that ENO and others can properly guide interested customers.[311]

The Community Solar Rules state clearly that "All customer rate classes are eligible to subscribe to a CSG Facility."[312] The Council has also already established extensive consumer protection provisions in the Community Solar Rules that prohibit discrimination[313] and address Subscriber Organization marketing practices, including the extent to which geographic marketing is permitted.[314] ENO has not alleged that these provisions are insufficient or sought changes to them. Further, to the extent that ENO needs to guide interested customers to community solar projects, the Community Solar Rules require that CURO make a list of all Subscriber Organizations with current, valid registrations with the Council available on the Council's website.[315] This both allows customers interested in becoming Subscribers to find out who the Subscriber Organizations are, and to verify that any particular Subscriber Organization that has approached them is a valid Subscriber Organization properly registered with the Council. The Advisors believe that the existing Community Solar Rules are sufficient to address ENO's non-discrimination concerns.

I. Contractual Issues and Other Administrative Burdens

ENO argues that the Council should require robust hold harmless language, indemnity provisions, warranties, dispute resolution provisions, and termination clauses (which allow developers' participation in consolidated billing to be terminated for proper cause).[316] ENO argues that the Council should require that agreements between Subscriber Organizations and ENO must address hold harmless and indemnity clauses, dispute resolution procedures, termination for proper cause, confidentiality obligations with respect to customers' information, warranties and recourse for nonpayment.[317]

TNO asks for clarification on what would work best for ENO with respect to communicating Subscriber changes to the utility.[318] TNO states that if a Subscriber Organization wishes to remove a customer, they could submit a form and then the utility can take 60 days to implement that change in the allocation lists, which would save administrative time for the utility

[310] ENO Comments at 19.
[311] *Id.*
[312] Community Solar Rules at III.A.(1).
[313] *Id.* at XIII.B, see also XIII.F.
[314] *Id.* at XIII.E.
[315] *Id.* at VI.A.(1).
[316] ENO Comments at 19.
[317] *Id.* at 20-21.
[318] TNO Comments at 3.

and the Subscriber Organization such that in months where no changes are need, the utility simply uses what is on file and no new fields must be exchanged.[319] TNO suggests this issue could be settled in a working group.[320]

Several Intervenors argue that ENO's concerns about data exchange, nonpayment, and dispute resolution are routine matters to be resolved through program rules and that standardized contracts, nondisclosure agreements, indemnification provisions and Council oversight are sufficient safeguards.[321]

The Advisors note that the Community Solar Rules do provide for disputes regarding potential violations of the rules to be brought before CURO[322] and that ENO's Form CSG-4 contains the dispute resolution provision proposed by ENO and approved by the Council.[323] ENO has failed to explain why either provision is insufficient. Similarly, CSG-4 already contains provisions on liability and indemnification,[324] warranties,[325] and events of default,[326] and ENO has not alleged that any of these provisions are insufficient or sought any change to them. Given that these various issues are currently addressed under either the existing Community Solar Rules or Form CSG-4, there is no need for the Council to address them at this time.

With respect to data exchanges, the Community Solar Rules already provide that:

- The Utility may require an applicant to execute an appropriate confidentiality agreement prior to release or access to confidential or restricted information.[327]

- Subscriber Organizations must provide real time reporting of production and, for CSG Facilities greater than 250 kW, real time electronic access to production data.[328]

- The Subscriber Organization must, for each CSG Facility, provide a monthly report to the Utility listing all Subscribers and the proportion of the CSG Facility Output that shall be applied to each Subscriber's monthly electric bill, as well as the amount of capacity that remains unsubscribed. The monthly report shall follow a standard format specified by the Utility in order to integrate data into the Utility's billing system.[329]

- Except as provided by the Rules or ordered by the Council, a Subscriber Organization may not disclose energy usage or personally identifiable information about a Subscriber, or a Subscriber's billing, payment, and credit information

[319] *Id.*
[320] *Id.*
[321] TNO Reply Comments at 4; GCE Reply Comments at 5; FNO Reply Comments at 3.
[322] Community Solar Rules at Section XIV.
[323] Fome CSG-4 at Section 7.4.
[324] CSG-4 at Art. VIII.
[325] *Id.* at Section 3.1
[326] *Id.* at Section 7.1.
[327] Community Solar Rules at VII.E.(5).
[328] *Id.* at VIII.A.
[329] *Id.* at VIII.B.

without the Subscriber's written consent. The Rules permit the disclosure of a Subscriber's billing, payment and credit information for the sole purpose of facilitating billing, bill collection, and credit reporting.[330]

The only additional data exchange that would appear to be necessitated by consolidated billing would be for the Subscriber Organization to inform the Utility of the Guaranteed Savings Rate for each Customer in the monthly report. ENO has the ability to specify a standard format for the monthly reports in order to integrate the data into the Utility's billing system, so there should not be any great obstacle related to the exchange of data.

J. Other Issues

1. Definition of Baseline Annual Usage

ENO's June 10 Filing Redline contained a few additional issues. ENO proposes to change the definition of "Baseline Annual Usage" to include a requirement that if a Subscriber begins taking service under Schedule NEM, they must notify the Subscriber Organization and the Subscriber Organization must notify the Utility so the Baseline Annual Usage can be re-evaluated and the Subscription modified as necessary.[331] While the proposed requirement is not unreasonable, adding it to the definition of Baseline Annual Usage is not the best way to implement that requirement. Customers enrolling in NEM, and developers enrolling Customers in NEM, are much more likely to check the NEM Rules than the Community Solar Rules to find the requirements for enrolling in NEM, and may miss this requirement. It is also unclear to the Advisors why ENO would need to be notified by the Subscriber Organization that a customer is enrolling in NEM in addition to their Community Solar Subscription, the Customer would presumably reach out directly to ENO to be enrolled in the NEM program and ENO would be able to see that the Customer was already a Community Solar Subscriber. It is also unclear to the Advisors why the existing Community Solar Subscription should be modified to reflect a new NEM enrollment rather than limiting the new NEM enrollment to reflect the existing Community Solar Subscription. Further, this proposed change is unrelated to the implementation of consolidated billing and need not be adopted in order to implement consolidated billing. The Advisors recommend the Council reject this proposed change at this time without prejudice to ENO raising it again in the future, potentially as a proposed change to the NEM Rules rather than to the Community Solar Rules.

GCE proposes that ENO create and manage a single customer waitlist for the community solar program, shifting control of enrollment, crediting and billing from fragmented third-party operations to a regulated, centralized utility framework, arguing this would standardize and streamline the experience for the Subscribers.[332] GCE argues that having ENO become the gatekeeper of subscriber enrollment, rather than individual Subscriber Organizations would allow ENO to ensure equitable access, especially for low-income customers, and avoid duplicative or conflicting enrollment efforts by third parties.[333]

---

[330] *Id.* at XIII.K(1) and (2).
[331] ENO June 10 Filing, Redline at 2.
[332] GCE Reply Comments at 5.
[333] *Id.*

While the Advisors understand that it would be extremely convenient for Subscriber Organizations to just have ENO send them customers rather than having to persuade customers to subscribe to their project, the proposal to have ENO manage a waitlist for customers interested in community solar projects goes far beyond what is required to implement consolidated billing and would put significant additional burdens on the utility. Additionally, to the extent that different community solar facilities offer different guaranteed savings rates, customers should be able to choose which project's waiting list they sign up for rather than having ENO choose for them which project they get. Section XI.E. of the Community Solar Rules provides that ENO and the Subscriber Organizations must jointly verify that each Subscriber is eligible to be a Subscriber in the CSG Facility. This should be sufficient to ensure that where a Subscriber enrolls in multiple CSG Facilities or combines a community solar Subscription with Net Energy Metering, they do not exceed the capacity limits for their community solar subscription in the Community Solar Rules. There should be no need to have ENO manage a waitlist in order to prevent duplicative or conflicting enrollment efforts.

2. Single Subscriber Waitlist

ENO also suggests establishing a single waitlist for customers interested in participating in community solar that could be administered by CURO or ENO where customers could be enrolled from that waitlist on a first-come, first-served basis once capacity is available.[334]

FNO supports mechanisms that reduce customer acquisition and collection risks for low-income subscribers, and advocates for a utility-administered auto-enrollment option for 100% low-income offtake to provide a cost-effective, streamlined, and equitable pathway to maximize program accessibility and achieve the Council's goals for disadvantages communities.[335] GCE also argues that a single waitlist would reduce the volume and fragmentation of data exchanges and would allow ENO to maintain a clean, secure, and accurate subscriber database and minimize errors in credit allocation and billing.[336]

It is unclear to the Advisors how ENO's management of a single waitlist would reduce the volume of data exchanges. Rather, it would add a new layer of communications – ENO would have to manage the data of the waitlist, and communicate and exchange data with both potential Subscribers and Subscriber Organizations regarding each customer prior to when the customer enrolls in the program. Moreover, ENO would potentially have to determine which customers are eligible for which CSG Facilities – the Community Solar Rules permit Subscriber Organizations to market services on a geographic basis, which would allow entities like condominium associations, multi-family apartment building owners, Homeowners' Associations, and the like to create community solar projects for their buildings or neighborhoods, ENO should not bear the burden of sorting out which projects customers might be eligible for.

It is also unclear how management of a waitlist would minimize errors in credit allocation and billing. ENO would not have any additional information about the customer that it will not otherwise receive when the Subscriber Organization submits its Subscriber data to ENO, and there is significant potential that the customer's actual Subscription would differ somewhat from what

[334] ENO Comments at 20.
[335] FNO Reply Comments at 3.
[336] GCE Reply Comments at 5-6.

a customer might seek while on a waitlist, which could increase the likelihood of crediting errors, rather than decreasing them if ENO were to carry any data from the waitlist over to the Subscription. It is also unclear to the Advisors how ENO could "auto-enroll" low-income customers, there is not a "low-income" customer class, ENO would only be aware of low-income customers who have applied for an ENO program requiring them to demonstrate their low-income status. At best, ENO could maintain a waitlist list of low-income customers who had applied to the program and provided proof of their low-income status in accordance with the Community Solar Rules.

V. Implementation Issues

A. Timeline for Implementation

In its Comments, ENO states that it should be allowed 14 months from the Council's ordering resolution to finalize implementation requirements and costs through a request for proposals and perform implementation.[337] In its reply comments, ENO reiterated that it requires up to fourteen months to implement consolidated billing, depending on a variety of factors.[338] ENO states that upon issuance of a final, non-appealable order from the Council establishing updated Rules requiring consolidated billing, ENO must be allowed sufficient time to finalize implementation requirements and costs through a request for proposals and perform implementation, but that it cannot know the precise timeline until it receives the final Rules from the Council.[339]

Several Intervenors argue that the 8-month implementation timeline estimated in ENO's June 10 Filing is reasonable, and that ENO should be held to that timeline.[340] AAE asks the Council to order ENO to implement the community solar consolidated billing within 8 months.[341] FNO argues that ENO's proposed eight-month timeline to finalize and implement consolidated billing is workable but lacks ambition and that developers and subscribers cannot afford continued uncertainty.[342] FNO argues that the Council should hold ENO to the eight-month timeline, with clear interim milestones and accountability measures to prevent further delays.[343]

The Advisors recommend that if the Council adopts consolidated billing, a more detailed estimate of an implementation timetable should be provided within 60 days after a resolution in which the Council may adopt consolidated billing, including a timetable estimate related to each of the consolidated billing system implementation steps described in ENO's response to the Advisors' First Set of Data Requests[344] and outlined below:

---

[337] ENO Comments at 20.

[338] ENO Reply Comments at 7.

[339] *Id.*

[340] TNO Comments at 4; TNO Reply Comments at 2, 4; GCE Reply Comments at 3, 5; CDD Reply Comments at 1.

[341] AAE Comments at 2; AAE Reply Comments at 2.

[342] FNO Comments at 2; FNO Reply Comments at 3.

[343] FNO Comments at 2.

[344] ADV 1-8, Entergy New Orleans, LLC's Responses to the First Set of Data Requests from the Advisors to the Council of the City of New Orleans, in Docket No. UD-18-03, received 3 October 2025 .

- Step 1 – with IT, evaluate the level of effort and the respective systems and processes that will be impacted. Determine whether there is a need to issue a request for proposals to other vendors.

- Step 2 – prepare an IT-specific technical requirements document that details the system requirements based on the approved rules, regulations, billing intent, and schedule as may be applicable.

- Step 3 – IT develops a design document, reviews it with the utility's business function, and compares it to the technical requirements to incorporate any changes back into the design before the IT team can start the build (coding).

- Step 4 – compile calculations and other logic for presentation on the bill, resolving any issues with regard to bill presentation with the utility's business function, and receiving approval from the Council before the new Code is moved into production. Development of related processes and organizational support occurs simultaneously.

The Council would have an opportunity at that time to review the reasonableness of a more current estimate of the consolidated billing implementation timeline. The Advisors also recommend that ENO be required to submit monthly reports to the Council regarding its progress with respect to the milestones set out in the implementation timeline.

B. Proposal for a Working Group

Several Intervenors argue that the Council should require the creation of a formal working group including Advisors, CURO, ENO and stakeholders to hammer out the details of consolidated billing.[345] TNO, GCE and CDD propose that such a working group be composed of the Council's Advisors, CURO, ENO, Subscriber Organizations/Community Solar Developers, Consumer Advocates, and Low-Income and Community Representatives.[346] TNO, GCE and CDD recommend that such a working group's scope of work include implementation milestones, Subscriber reporting and data exchange, credit application timing, the administrative fee, customer eligibility, dispute resolution procedures, and consumer protections.[347] TNO, GCE and CDD recommend that the working group begin work within 30 days of the Council's order adopting consolidated billing, meet on a biweekly basis at a minimum, file a written progress report in the docket every 60 days and that the Advisors and CURO should jointly chair the meetings to ensure

[345] TNO Reply Comments at 2; CDD Reply Comments at 2.

[346] TNO Reply Comments at Attachment A; GCE Reply Comments, Attachment A at 7; CDD Reply Comments at Attachment A.

[347] TNO Reply Comments at Attachment A; GCE Reply Comments, Attachment A at 7-8; CDD Reply Comments at Attachment A.

balanced participation.[348] TNO, GCE and CDD propose that the working group's deliverables should include a detailed implementation plan with milestones, draft bill samples, and a final readiness report certifying that billing systems, reporting processes, and consumer protections are operational.[349]

FNO supports a stakeholder process to define the billing framework and avoid mistakes in other markets.[350] FNO argues that the stakeholders must focus on establishing clear metrics for billing timeliness and accuracy, setting transparent and fair cost recovery rules upfront that may only be changed through periodic processes with stakeholder input, prioritizing consumer protection and equity, as billing errors disproportionately affect low-income subscribers, and keeping stakeholder engagement active throughout the implementation process through advisory councils or working groups to ensure proper transparency and buy-in.[351]

The Advisors note that the issue of consolidated billing was first raised in this docket more than three years ago,[352] and to date, no party has proposed a comprehensive consolidated billing program design for the Council to consider. All parties to this docket have had more than sufficient time to bring specific proposals to the table for discussion through both filing opportunities and technical conferences and have failed to do so. There is little reason to believe that a working group structure involving all the same parties would be any more productive. Moreover, in this Report, the Advisors make recommendations to the Council that the Council can approve with respect to the issues of implementation milestones, Subscriber reporting and data exchange, credit application timing, the Utility Administrative Fee, customer eligibility, dispute resolution procedures, and consumer protections that would resolve the need for any further recommendations on those topics from a working group. The Advisors see no need for the Council to establish a working group.

C. Other ENO Questions and Proposals

Despite the Council's clear direction that it will only entertain comments related to consolidated billing in this proceeding, ENO sets forth several additional questions for the Council in its comments:

1. In the event the Council elects not to change the bill credit calculation approved in Resolution No. R-23-507, as modified by Resolution Nos. R-24-310 and R-24-571, will the Council consider setting the percentage split of total subscriber credits between subscriber organizations and subscribers in any further amendment of the Rules that adopts consolidated billing?

2. Will the Council consider modifying the credit rate for subscribers and subscriber organizations to a set rate.

---

[348] TNO Reply Comments at Attachment A; GCE Reply Comments, Attachment A at 8; CDD Reply Comments at Attachment A.

[349] *Id*.

[350] FNO Comments at 2.

[351] *Id.*

[352] Motion of MEI to Amend Community Solar Rules (July 13, 2022), p. 5.

3. Will the Council consider limiting the community solar program to low-income customers?

4. Will the Council consider limiting or phasing in the capacity of the community solar program?

5. If the Council further amends its Rules to require consolidated billing, would it limit the participation of anchor customers and the availability of alternative billing structures besides consolidated billing?[353]

With respect to the first question, the Advisors recommend, as discussed above, that the Council set a minimum guaranteed savings rate with flexibility to choose between three potential rates if the Council adopts consolidated billing. With respect to the last question, no party has proposed an exception for anchor customers in this proceeding, the Council need not address the concept of anchor customers. With respect to the availability of alternative billing structures besides consolidated billing, the Advisors' proposal would allow Subscriber Organizations to choose between Net Crediting Consolidated Billing or dual billing. The remainder of ENO's questions appear to be unrelated to consolidated billing and need not be considered by the Council at this time.

ENO has proposed two additional modifications to the community solar program: that the Council reduce the program capacity limit and limit participation to low-income customers, and that the Council reduce payments to subscriber organizations, either by changing the credit rate methodology in the rules or by incorporating a competitive process to select projects that can be built at the lowest cost to all customers.[354] Reducing the program capacity limit and limiting participation to low-income customers are not related to consolidated billing and should not be considered by the Council as part of consolidated billing implementation. Changing the credit rate methodology is unrelated to the implementation of consolidated billing, as is completely revamping the community solar rules to require a competitive selection process. Furthermore, ENO does not even specify who would be competitively selecting the Subscriber Organizations for the Community Solar Program. The Advisors recommend that the Council not consider this question as part of this proceeding, as it goes well beyond the scope of consolidated billing.

VI. Treatment of Credits in Various Scenarios Under the Advisors' Proposed Consolidated Billing Structure

ENO argues that the Council must modify the Community Solar Rules to clear define how ENO would allocate subscription credits under certain scenarios, including, but not limited to: (1) a subscriber closes their ENO account; (2) a Subscriber has been disconnected for non-payment, (3) a Subscriber is in arrears, (4) a Subscriber Organization files for bankruptcy, or (5) a Subscriber Organization ceases commercial operations.[355] Below are the Advisors' answers to these questions with respect to the structure set forth in this Report.

[353] ENO December 13 Letter at 2; ENO Comments at 6-7.
[354] ENO Comments at 7 (citing to a December 13 ENO Letter to Clerk of Council).
[355] ENO Comments at 19.

A. A Subscriber Closes Their ENO Account

The answer to this question is the same regardless of whether consolidated billing is implemented or not. If a Subscriber closes their ENO account, they are no longer eligible to be a Community Solar Subscriber. "Customer" under Section II of the Community Solar Rules "means a retail electric customer account holder of the Utility" and Section III.A.(2) provides that "A Customer may subscribe to a CSG Facility in the Utility's service territory, provided that the Customer has an account for electric service with the Utility." Therefore, if a Subscriber closes their ENO account, they are no longer a "Customer" under the Community Solar Rules and may no longer hold a subscription. When the Subscriber terminates their account, ENO should notify the relevant Subscriber Organization that the Subscriber is no longer a Customer, and the Subscriber's allocation of the CSG Facility has become Unsubscribed Energy subject to Section IX of the Community Solar Rules. Under CSG Rules Section VIII.H, when the Subscriber terminates service with the Utility, no further payment shall be made from the utility for any remaining bill credits associated with the subscription.

The only exception would be where the Subscriber closes their account because they are moving from one location within ENO's service territory to another location within ENO's service territory and wishes to transfer their subscription from one location to another. In that case, the procedures set forth in Section XI.D. of the Community Solar Rules for transferring a subscription from one address to another.

B. A Subscriber Has Been Disconnected for Non-Payment

Similarly, a Subscriber that has been disconnected for nonpayment should be treated the same, whether consolidated billing is implemented or not. ENO's existing policies applicable to the entire rate class regarding disconnection and eventual termination of the customer's account for nonpayment should govern whether the Subscriber remains a Customer with a utility account eligible to be a Subscriber. The purpose of the Community Solar Rules is to allow a Subscriber to offset their electric usage. A customer may not hold subscriptions representing a total amount of energy in the Community Solar Program that exceeds 100 percent of the value of a Subscriber's Baseline Annual Usage. While the Customer is disconnected, but remains a Customer, Allocated Credits from previous usage prior to disconnection should continue to accrue and may be carried forward to offset future usage in accordance with Section VIII.H. of the Community Solar Rules. Where the Subscriber has an arrearage, the Subscriber's portion of the Allocated Credit under consolidated billing, or the full Allocated Credit under dual billing, should be used to offset arrearages until the arrearage is offset, and then it may be carried forward until the customer is either reconnected or their account is terminated by the utility. As noted above, under consolidated billing, ENO would be required to adjust payments to the Subscriber Organization for the Subscriber Organization's portion of the Allocated Credit until such time as the Customer pays their ENO bill in full. It is the Customer's responsibility to pay their Subscription fee, not ENO's. ENO's responsibility would only be to relay the Customer's payment to the Subscriber Organization.

C. A Subscriber is in Arrears

The situation where the Customer is in arrears and is disconnected is covered above. If a Subscriber is in arrears, but is not yet disconnected, the Allocated Credits should continue to be awarded, and the Customer's portion of the Allocated Credit (net credit) should continue to be applied to lower their ENO bill. To the extent that the Customer with an Arrearage pays or partially pays new ENO bills, ENO should first apply the payment to the outstanding ENO charges and then, once the arrearage is cleared, ENO should reverse the debit to the Subscriber Organization that was initiated by the Subscriber's nonpayment.

D. A Subscriber Organization Files for Bankruptcy

If a Subscriber Organization files for bankruptcy, ENO should continue to award the Allocated Credit to the Subscriber under both consolidated billing and dual billing in accordance with how much electricity the CSG Facility generates. So long as the CSG Facility is putting power onto the grid, the Allocated Credit should be awarded and, under consolidated billing, the Subscriber Organization's portion of the Allocated Payment should be remitted to them once the customer has paid their bill.

E. A Subscriber Organization Ceases Commercial Operations

ENO should only award Allocated Credit for a Customer's portion of the electricity generated by a CSG Facility. If a CSG Facility ceases generating electricity because it has ceased commercial operations, then no Allocated Credit is due to the Customer and no payment is due to the Subscriber Organization.

VII. Changes to the Community Solar Rules to Implement Consolidated Billing

Attached as Attachment A is a redline of the changes the Advisors recommend the Council make to the Community Solar Rules if the Council decides to adopt net crediting consolidated billing. While the Advisors do not support all of ENO's proposed redlines, like many of the Intervenors, the Advisors believe that the basic net crediting structure in the June 10 Filing is a reasonable framework to start from, so the Advisors have incorporated some of ENO's redlines into the Advisors' recommendations.

The Advisors have recommended definitions for "Allocated Credit," "Dual Billing," "Guaranteed Savings Rate," "Net Credit," "Net Crediting Consolidated Billing," "Subscription Fee," and "Utility Administrative Fee," consistent with the Advisors' recommendations in this report. The Advisors recommend certain changes to Section VII.F. Utility Reporting to ensure that ENO's annual report tracks data with enough granularity for the Council to determine whether the costs of community solar and consolidated billing are being properly recovered.

The Advisors recommend certain clarifying changes to Section VII.G. Utility Cost Recovery and Charges as well as changes to implement the Advisors' recommendations regarding the Utility Administrative Fee.. In Section VIII Subscription Credits, the Advisors recommend changes to ensure that ENO has the information needed to properly enroll a customer in consolidated billing, and that the Allocated Credit and Net Credit are properly calculated. The Advisors recommend adding a new Section XIII.L. to address the impact of consolidated billing

on disconnection and reconnection policies. Finally, the Advisors recommend changes in Section XIV. Enforcement of These Rules to clarify that the conflict resolution procedures in that section can be utilized for disputes arising between the utility and the Subscriber Organizations, such as disputes over ENO's calculations and payments of the Subscriber Organization's share of the Allocated Credit.

VIII. Conclusion

The public interest does not require the adoption of Net Crediting Consolidated Billing, but if the Council finds that the potential benefits of Net Crediting Consolidated Billing are desirable for New Orleans, it can adopt Net Crediting Consolidated Billing in a manner that is consistent with the public interest. If the Council wishes to adopt net crediting consolidated billing for the community solar program, the Advisors recommend that the Council:

(1) Adopt the changes to the Community Solar Rules recommended herein.

(2) Require ENO to file, within 60 days, a detailed cost estimate to implement the technological and system upgrades needed to accommodate consolidated billing, as well as any estimated costs for additional staff required to support consolidated billing as part of the community solar program.

(3) Require ENO to file, within 60 days, a detailed timeline to implement consolidated billing.

(4) Require ENO to submit monthly reports to the Council regarding its progress with respect to the implementation of consolidated billing.

RESPECTFULLY SUBMITTED:

J.A. "Jay" Beatmann, Jr. (#26189)
Dentons US LLP
650 Poydras Street, Suite 2850
New Orleans, LA 70130
Telephone: (504) 524-5446
Facsimile: (504) 568-0331
Email: jay.beatmann@dentons.com

Clinton A. Vince
Emma F. Hand
Presley R. Reed, Jr.
1900 K Street, N.W.
Washington, D.C. 20006
202-408-6400 (Telephone)
202-408-6399 (Facsimile)

clinton.vince@dentons.com
emma.hand@Dentons.com
presley.reedjr@dentons.com

Advisors to the Council of the City of New Orleans

ATTACHMENT A

ADVISORS' REDLINE OF THE COMMUNITY SOLAR RULES

COMMUNITY SOLAR RULES
For the
Council of the City of New Orleans

I. OVERVIEW

The purpose of the Community Solar Rules ("Rules") is to establish the City Council of New Orleans' rules, policies, and procedures for Community Solar Generating ("CSG") Facilities and the associated electric utility customer subscriptions in Orleans Parish, including: eligibility for participating in Community Solar Generating Facilities; developer, facility, and customer limits with respect to community solar; establishment of a bill crediting mechanism for participants; customer protection provisions; general interconnection requirements; safety and performance requirements; and contractual and reporting requirements. Further, these rules are intended to establish a clear and streamlined path to the development of Community Solar development in the City of New Orleans. The Council recognizes that these rules do not provide the only path to distributed generation development in the City of New Orleans. To the extent that the Utility or any other party has a proposed project or proposal that does not adhere to the requirements of these Rules, it may submit a proposal to the Council for review and approval. These Rules shall be cited as the "New Orleans Community Solar Rules." The Council may waive a provision of these Rules upon a showing of good cause.

II. DEFINITIONS

As used in these rules; the following words and phrases shall have the following meaning, unless the context clearly indicates otherwise:

"Agent" means a person who conducts business, including marketing or sales activities, or both, on behalf of a CSG Facility Subscriber Organization and includes an employee, a representative, an independent contractor, a subcontractor, a vendor and a representative not directly under contract with the Subscriber Organization that conducts business, including marketing or sales activities, on behalf of the Subscriber Organization.

"Allocated Credit" is the total monthly credit calculated for a Subscriber's pro rata portion of the monthly output of a CSG Facility.

"Application Queue" refers to the sequential list of CSG Facility projects for which a completed application has been accepted by the Utility.

"Baseline Annual Usage" refers to a Subscriber's accumulated electricity use in kilowatt-hours ("kWh") for the previous 12-month period at the time the subscription is entered into, as measured at the Utility's meter, net of any distributed generation provided by the Subscriber to the utility system at that meter. For a Subscriber that does not have a record of 12 months of electricity use at the time of the Subscriber's most recent Subscription, an estimate of the Subscriber's accumulated 12 months of electricity use in kWh, determined in a manner the Council approves.

"Consent" means an agreement with an action communicated by the following: a written document with Customer signature; or an electronic document with electronic signature.

"Construction Queue" refers to the sequential list of CSG Facility projects with a signed interconnection agreement.

"Contract Summary" means a summary of the material terms and conditions of a Community Solar Generating Facility Subscriber contract on a form provided by the Council.

"Council" refers to the Council of the City of New Orleans.

"Community Solar Generating Facility" or **"CSG Facility"** means a solar energy facility that:

(i) converts solar energy to electricity;

(ii) is owned by the Utility or any other for-profit or nonprofit entity or organization;

(iii) has a generating capacity/nameplate rating that does not exceed five megawatts ("MW") as measured by the alternating current rating of the system's inverter;

(iv) can provide power to or is connected to the Utility's distribution system;

(v) is located in the Utility's electric service territory;

(vi) is individually metered;

(vii) has at least three Subscribers;

(vii) sells the Output from the facility to the Utility and which the purchase of the Output from the facility shall take the form of a credit against the Subscriber's electric bill; and

(ix) the beneficial use and renewable attributes of the Output of the facility belongs to the Subscribers.

"Community Solar Program" means a program that encompasses the facilities, entities, functions and requirements implemented by these Rules.

"Customer" means a retail electric customer account holder of the Utility.

"Dual Billing" means the form of community solar billing wherein the Subscriber receives the Utility's bill showing both their Utility charges and their Allocated Credit, and the Subscriber also receives a separate bill from the Subscriber Organization for the cost of their Subscription. Under Dual Billing, the Subscriber Organization will receive a bill from the Utility for the Utility Administrative Fee.

"Guaranteed Savings Rate" means the percentage of the total Allocated Credit under the Net Crediting Consolidated Billing option that will be used to calculate the monthly Net Credit for each Subscriber and applied to their monthly electric bill. The Guaranteed Savings Rate shall be a minimum of 10% and maximum of 20% for all customer classes. Subscriber Organizations are allowed to offer either 10%, 15%, or 20% Guaranteed Savings Rates to Subscribers.

"CURO" means Council Utilities Regulatory Office.

"Low-Income Customer" means a Customer whose gross annual household income is at or below 60 percent of Area Median Income for the year of subscription or who is certified as eligible for any federal, state, or local assistance program that limits participation to households whose income is at or below 60 percent of Area Median Income.

"Low-Income Subscriber" means a Subscriber who is a Low-Income Customer.

"Net Credit" is the portion of the Allocated Credit under the Net Crediting Consolidated Billing option that is calculated monthly by multiplying the Allocated Credit by the Guaranteed Savings rate for the Subscriber and applied to offset eligible charges on the Subscriber's monthly electric bill.

"Net Crediting Consolidated Billing" refers to the process by which the Utility calculates Allocated and Net Credits on a monthly basis for each Subscriber, renders the Net Credit on the electric bill of the Subscriber, and renders payment to the Subscriber Organization for its share of each Allocated Credit less the Utility Administrative Fee.

"NEM Rules" means the New Orleans Net Energy Metering Rules adopted by Council Resolution No. R-07-132.

"Output" means the energy and power produced by a CSG Facility.

"Person" refers to any individual, firm, partnership, corporation, company, association, cooperative association, joint stock association, joint venture, governmental entity, or other legal entity.

"Personally Identifiable Information" means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or capable of being linked to a specific individual.

"Renewable Energy Credit" or **"REC"** means a contractual right to the full set of non-energy attributes, including any and all credits, benefits, emissions reductions, offsets, and allowances, howsoever entitled, directly attributable to a specific amount of electric energy generated from a renewable energy resource. One REC results from one MWh of electric energy generated from a renewable energy resource.

"Rules" means the Community Solar Rules established herein or as modified by subsequent action.

"Security Deposit" means any payment of money given to a Subscriber Organization by a Subscriber in order to protect the Subscriber Organization against nonpayment of future subscription fees, but does not include escrowed prepaid subscription fees.

"Service Connection" is the location on the CSG Facility's premises/facilities at which a point of delivery of power between the Utility and the CSG Facility is established.

"Subscriber" means a Customer of the Utility that holds a Subscription to one or more CSG Facilities and has identified one or more individual meters or accounts related to electric service to which the Subscription(s) shall be attributed.

"Subscriber Organization" means a person or legal entity that owns and operates a CSG Facility, or operates a CSG Facility that is built and owned by a third party under contract with such Subscriber Organization. A Subscriber Organization may also be a Subscriber to the facility, subject to the Limitations on Subscriptions set forth herein.

"Subscription" refers to that portion or proportionate interest of Output of a CSG Facility that is allocated to a Subscriber, including the RECs associated with or attributable to the CSG Facility.

"Subscription Fee" in the case of Dual Billing, means the fee set forth in a Subscriber Organization's contract with the Subscriber. In the case of Net Crediting Consolidated Billing, it means the portion of the Allocated Credit less the Net Credit, which should be accurately described in the contract between the Subscriber Organization and the Subscriber. In the case of Net Crediting Consolidated Billing, the Subscription Fee is the only fee a Subscriber may be charged for their Subscription other than a reasonable deposit as permitted under these Community Solar Rules.

"Unsubscribed Energy" refers to any energy Output of a CSG Facility in kWh that is not allocated to a Subscriber.

"Utility" refers to the utility providing electric service to customers in the City of New Orleans and regulated by the Council.

"Utility Administrative Fee" is a Council-approved charge to the Subscriber Organization to cover the Utility's incremental costs associated with integrating the generation from the CSG Facility into the Utility's system, administering the contracts with Subscriber Organizations, and administering the CSG Facility's Subscriber billing credits. It includes the costs associated with providing the Subscriber Organizations with the option of Net Crediting Consolidated Billing. The Utility Administrative fee will be applied to all Subscriber Organizations as a percentage of each CSG facility's monthly sum of its Subscriber Allocated Credits. The Utility Administrative Fee and will be evaluated for revision on a twelve-month basis. Under the Net Crediting Consolidated Billing option, the Utility Administrative Fee will be deducted from the Subscriber Organization's portion of the Allocated Credits. Under the Dual Billing option, the Utility Administrative fee will be billed separately to the Subscriber Organization.

"Waitlist" refers to the sequential list of CSG Facility projects that have submitted a completed application, but which cannot be placed in the Application Queue because either the Program Capacity Limits or the Category Limits have been exceeded.

III. CUSTOMER ELIGIBILITY

A. Customer Eligibility

(1) All customer rate classes are eligible to subscribe to a CSG Facility.

(2) A Customer may subscribe to a CSG Facility in the Utility's service territory, provided that the Customer has an account for electric service with the Utility.

(3) A Customer may subscribe to CSG Facility regardless of the Customer's participation in other Utility-sponsored renewable programs, such as NEM,

provided that the Customer's participation does not violate, individually or collectively, the eligibility limits of all applicable programs and these Rules.

B. Limitations on Subscriptions

(1) A Customer may not hold Subscriptions representing a total amount of energy in the Community Solar Program that exceeds 100 percent of the value of the Subscriber's Baseline Annual Usage.

(2) A Customer may purchase multiple Subscriptions from one or more CSG Facilities provided that the total of the Subscriptions does not exceed the requirements in III.B.(1) of the Rules.

(3) No Customer may own more than a 40 percent interest in the beneficial use of the electricity generated by a CSG Facility, including without limitation, the renewable energy and RECs associated with or attributable to the CSG Facility.

IV. COMMUNITY SOLAR GENERATING FACILITY ELIGIBILITY

A. CSG Facility Eligibility

(1) A CSG Facility can be owned by the Utility or any other for-profit or nonprofit entity or organization.

(2) A Subscriber Organization that has registered with the Council, through CURO, that wishes to construct and operate a CSG Facility as part of the Community Solar Program shall submit an application to the Utility in accordance with the CSG Facility project application procedure established by the Utility as part of these Rules.

(3) A Subscriber Organization shall be responsible for the operation and maintenance of the CSG Facility, the associated Subscription management, and any required reporting to the Utility.

(4) A CSG Facility must be located in the Utility's service territory, must be individually metered, and must be connected to the Utility's distribution system.

(5) A CSG Facility may be either new construction that commenced operation after the date of Council adoption of these Rules or a solar generating system that commenced operation prior to Council adoption of these Rules.

(6) The Subscriber Organization for the CSG Facility must enter into a Contract with the Utility to sell the Output from the facility to the Utility. The purchase of the Output from the CSG Facility shall take the form of a credit against the Subscriber's electric bill.

(7) The Council may establish additional conditions limiting the number of CSG Facilities for which any single Subscriber Organization or its affiliates may apply.

B. CSG Facility Limitations

(1) The CSG Facility's generating capacity/nameplate rating must not exceed five MW as measured by the alternating current rating of the system's inverter.

(2) The beneficial use and renewable attributes of the Output of the CSG Facility must remain with the Subscribers.

(3) A CSG Facility must have at least three Subscribers.

(4) The total number of accounts per CSG Facility may be determined by the Subscriber Organization; however, each Subscription shall be sized to represent at least one kW of the CSG Facility's nameplate rating. The minimum one kW sizing requirement herein shall not apply to Subscriptions owned by an eligible Low-Income Subscriber.

(5) More than one CSG Facility may be located on the same or adjacent property as an existing or proposed CSG Facility owned by the same Subscriber Organization or affiliate, provided that the combined nameplate ratings of such CSG Facilities does not exceed 5000 kW.

(6) One or more Subscriber Organizations may construct multiple CSG Facilities on a single parcel of property, providing that the total MW of the multiple projects on the single parcel does not exceed 5 MW.

(7) To the extent that the analysis performed in the Utility's processing of the CSG Facility application as described in VII.D of these Rules reveals that a proposed CSG Facility would have a negative impact on the reliability of the Utility's system, either the CSG Facility must be reduced in size to mitigate such negative impact, or the CSG Facility developer may choose to incur the costs of necessary upgrades to the Utility's system to enable the CSG Facility to be interconnected without jeopardizing the reliability of the system.

V. CAPACITY LIMITS

A. Community Solar Program Capacity Limits

(1) Subject to the CSG Facility category limits established in these Rules, the Utility shall accept CSG Facility applications as long as the total capacity of all CSG Facilities, as measured by the sum of the nameplate capacity of each CSG Facility's inverter, is less than or equal to five percent of the Utility's annual peak in MW for the first three years of the Community Solar Program. Subsequent to the first three years the Council will reconsider the total capacity limit.

(2) The Utility shall not accept CSG Facility applications beyond the Community Solar Program Capacity Limits or the CSG Facility Category Limits into the Application Queue.

(3) Once the Application Queue has reached the Community Solar Program Capacity Limit or the CSG Facility Category Limit, any further completed applications received by the Utility shall be put on the Waitlist. The Waitlist shall be administered as follows:

(a) Projects will be entered into the Waitlist in the order in which they are received;

(b) These applications shall not be processed immediately, but shall be held by the Utility;

(c) When a slot opens up in the Application Queue, either because a project has moved into the Construction Queue or because a project has dropped out, the Subscriber Organization with the first project in the Waitlist with a nameplate capacity (as measured by the alternating current rating of the system's inverter) that does not exceed the available slot will be given the option to move into the Application Queue. If the Subscriber Organization declines to move into the Application Queue, the project will be removed from the Waitlist.

(i) If the project at the top of the Waitlist has a capacity greater than the available slot, the Utility shall give the Subscriber Organization the opportunity to reduce the project capacity to fit within the available slot;

(ii) If it chooses to reduce the project's capacity to conform, the Subscriber Organization must notify the Utility within ten (10) business days of its intent, and must then submit an updated Application with a conforming capacity total within thirty (30) days after providing notice of its intent;

(iii) The Utility shall work sequentially through the Waitlist in this manner until a project is identified to fill the available slot in the Application Queue. If a project chooses not to reduce its capacity to conform to the available slot, the project shall retain its position in the Waitlist, and the Utility will offer the available slot to the next Project in the Waitlist.

(d) Once a project has been moved from the Waitlist to the Application Queue, its application shall be processed in accordance with the Program Rules and processes.

B. CSG Facility Category Limits

(1) CSG Facilities shall be classified into one of two categories:

(a) Open Category: CSG Facilities of any size up to two MW as measured by the alternating current rating of the system's inverter.

(b) Low-Income Category: CSG Facilities of any size up to five MW as measured by the alternating current rating of the system's inverter in which a minimum of 30 percent of the CSG Facility's Output is provided to Low-Income Subscribers.

(2) The Utility shall accept CSG Facility applications in each of the following categories up to the Community Solar Program Capacity Limits and according to the following CSG Facility Category percentages:

(a) Open Category: up to 50 percent of the Community Solar Program Capacity Limits; and

(b) The remaining 50 percent of the Community Solar Program Capacity Limit shall be reserved for Low-Income Category CSG Facilities.

VI. SUBSCRIBER ORGANIZATION REGISTRATION AND RECORDS

A. Registration with the Council

(1) A Subscriber Organization shall register with the Council, on forms authorized by the Council, prior to offering Subscriptions to a CSG Facility or operating a CSG Facility. CURO shall process the registrations and make a list of Subscriber Organizations with current, valid registrations available on the Council's website.

(2) The Council shall assign each Subscriber Organization with an identification number.

(3) A Subscriber Organization shall maintain the registration with the Council by notifying the Council whenever certain information supplied as part of the registration with the Council becomes inaccurate, and updating their registration with accurate information. Subscriber Organizations shall renew their registration with CURO annually. If any Subscriber Organization fails to renew their registration in a timely manner, or if CURO otherwise becomes aware that the information in a Subscriber Organization's registration is no longer accurate, CURO shall notify the Subscriber Organization of the lapse in its registration and the Subscriber Organization shall have 30 days to renew or update its registration. If the Subscriber Organization fails to renew its or update its registration within the 30-day period, its registration shall be revoked by CURO. When a Subscriber organization's registration is revoked, CURO shall notify the Utility and the Utility shall no longer be required to purchase energy or capacity from the Subscriber Organization's CSG Facility or to provide credits to the Subscribers of that CSG Facility.

(4) By registering with the Council, a Subscriber Organization acknowledges and agrees it is bound by the Council's regulatory authority and jurisdiction to enforce the requirements contained in these Rules, including, but not limited to, the Council's authority to impose penalties on the Subscriber Organization as provided for in these Rules, or otherwise allowed by law.

(5) CURO may charge a reasonable fee to Subscriber Organizations for initial registration with the Council and for annual renewal, as authorized by the Council.

B. Subscriber Organization Obligations and Records

(1) A Subscriber Organization shall maintain on file with CURO the following information for the duration of the operation of each CSG Facility:

(a) Owner name and address.

(b) Business address.

(c) Name of registered agent in Orleans Parish.

(d) General information on the facility including: location, DC and AC nameplate capacity, major equipment list, interconnection requirements, and any other relevant design details.

(e) Proof of liability insurance in an amount reasonably adequate to protect the public and the Utility against damages caused by the operation of each CSG Facility. The Council, through CURO or other designated agency, will establish minimum levels of liability insurance that shall be deemed reasonably adequate for CSG Facilities.

(f) Proof of registration "In Good Standing" with the Louisiana Secretary of State.

(g) Proof of professional licenses from all applicable regulatory agencies, such as the Louisiana State Licensing Board for Contractors.

(h) A copy of the Subscriber Organization's Occupational or General Business License obtained from the City of New Orleans' Bureau of Revenue.

(2) A Subscriber Organization shall maintain in its own files the following information for the duration of the operation of each CSG Facility:

(a) Subscriber information including: name, mailing address, address at which the Subscriber has an account for electric service with the Utility, and, where relevant, the data supporting a Subscriber's classification as a Low-Income Subscriber.

(b) Subscription information for each Subscriber including a copy of the contract, rates, fees, and terms and conditions.

(3) A Subscriber Organization shall provide the information in Section VI.B(2) to the Council upon request.

(4) A Subscriber Organization shall provide to the Council, within 10 business days, information requested by the Council concerning the operation of its CSG Facilities.

(5) Contracts between the Subscriber Organization and the Utility shall be a matter of public record and shall be filed with the Clerk of Council by the Subscriber Organization.

(6) A Subscriber Organization, and, where relevant, the third-party owner/developer, are responsible for ensuring that its CSG Facility is constructed, maintained, and operated in compliance with all relevant local, state, and federal laws, rules regulations and standards, including, but not limited to, reliability, safety, zoning, permitting, occupational safety and health, and environmental laws, rules, regulations and standards, as well as adherence to the Utility's interconnection policies and procedures and these Rules.

(7) CURO shall maintain on the Council's website a list of Subscriber Organizations registered with the Council, the names of any Subscriber Organizations whose registrations have lapsed or been revoked by the Council, a copy of these Rules, and an explanation of how consumers may submit a complaint related to these Rules to the Council.

VII. COMMUNITY SOLAR PROGRAM MANAGEMENT

A. Community Solar Program Plan

(1) Within 90 days from the effective date of the Rules, the Utility shall develop a Community Solar Plan setting forth the Utility's plan for implementing these Rules including the Utility's program administration plan and relevant tariffs for compliance with these Rules.

B. CSG Facility Standard Interconnection Agreement

(1) Within 90 days from the effective date of the Rules, the Utility shall develop a Standard Interconnection Agreement for CSG Facilities, which shall be subject to the review and approval of the Council.

(2) The proposed Standard Interconnection Agreement for CSG Facilities shall be consistent with the provisions of Entergy's Distribution Design Basis/Standards DR7-01 and DR7-02.

(3) The proposed Standard Interconnection Agreement for CSG Facilities shall be consistent with the provisions of these Rules and shall describe any and all interconnection expenses, and other charges in conformity with the Rules.

C. CSG Facility Project Application Procedure

(1) Within 90 days from the effective date of the Rules, the Utility shall establish a CSG Facility application procedure in compliance with these Rules and applicable Council orders, and consistent with the CSG Facility Standard Interconnection Agreement.

(2) The Utility shall develop its CSG Facility application procedure in a manner designed to encourage achievement of the Council's community solar guiding principles, timely project development, and equitable allocation of the Community Solar Program Capacity Limits and the CSG Facility Category Limits. In addition CSG Facility details necessary for the application, the application procedure shall require:

(a) Proof of Subscriber Organization registration with the Council;

(b) Proof of application for all applicable permits to construct and Operate the CSG Facility; and

(c) Proof of site control. The Utility shall accept as proof of site control: evidence of property ownership; an executed lease agreement; a signed option to purchase a lease; or an email from the property owner expressing interest in the project.

(3) A Subscriber Organization shall notify the Utility of the location, capacity and expected energy production of its proposed CSG Facility at the time it submits an interconnection request, or prior to soliciting subscriptions from potential Subscribers, whichever occurs first.

D. Processing of CSG Facility Applications

(1) The Utility shall process applications from Subscriber Organizations filed in accordance with the CSG Facility application procedure in the order in which the utility receives the application.

(2) Within 10 business days of receipt, the Utility shall notify the Subscriber Organization whether the application is complete. If the application is incomplete, the Utility shall provide a written list detailing all information that must be provided to complete the application.

(3) A Subscriber Organization receiving notice of an incomplete application shall revise and submit the required information within 10 business days after receipt of the list of incomplete information. Failure to submit the required information within 10 business days shall result in the application being rejected, but shall not otherwise prejudice the Subscriber Organization's ability to file a new, complete application in the future.

(4) The Utility shall notify a Subscriber Organization within 10 business days of receipt of a revised application whether the application is complete or incomplete.

(5) The Utility shall grant an extension of time of an additional 10 days to provide such information upon request from the Subscriber Organization.

(6) The Utility shall reject an application that is not submitted in accordance with CSG Facility application procedure.

(7) The Utility shall assign a unique identification number to each complete application and the application shall be deemed accepted into either the

Application Queue or the Waitlist, as appropriate, as of the date the identification number is assigned.

(8) Application Queue—The Utility shall establish an Application Queue based on application acceptance date. An initial engineering review will be conducted by the Utility for each complete application.

(a) The Subscriber Organization shall have 45 days from the date of receipt of the initial review response to agree in writing to commence the required interconnection studies before the project is removed from the Application Queue.

(b) If the Subscriber Organization intends to pursue a group initial study for multiple projects, this intention shall be stated during the application process. The Subscriber Organization shall have 45 days to agree in writing to move forward with the required interconnection studies before the projects involved in the group are removed from the Application Queue.

(c) Failure to submit an executed study agreement within 45 days following receipt of the initial review shall result in the Subscriber Organization losing its place in the Application Queue for the affected project(s), but shall not otherwise prejudice the Subscriber Organization's ability to file a new, complete application in the future for the same project(s).

(d) Upon completion of required interconnection studies, the Subscriber Organization has 90 days to execute an interconnection agreement or be removed from the Application Queue. Following execution by the Subscriber Organization, the Utility will execute the interconnection agreement as well. Execution by the Utility at this point does not waive any further obligations of the Subscriber Organization to complete construction or testing as required by the Utility to grant permission to operate or render Notice of Satisfaction.

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

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

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

(c) If a CSG Facility fails to begin operating within 24 months of executing an interconnection agreement, the Subscriber

Organization shall provide to the Utility an additional deposit of $25 per kW for the project to remain in the Construction Queue.

(d) The Utility shall return the CSG Facility deposit upon commencement of operation, unless the CSG Facility fails to begin operating within 36 months of executing an interconnection agreement, in which case the full deposit shall be forfeited by the Subscriber Organization.

(e) Deposit deadlines shall be tolled during periods in which the Subscriber Organization is not in control, such as during study timelines, interconnection upgrade construction, or waiting periods.

(10) Any forfeited deposits shall be credited back to Utility customers via the Fuel Adjustment Clause.

(11) The Utility's interconnection process shall include an analysis of any potential reliability impacts, positive or negative, of the interconnection of the CSG Facility at the requested location.

(12) If the Utility participates as a Subscriber Organization, it will have the same rules applied to it as any other Subscriber Organization.

(13) If the Utility or any of its affiliates participate as a Subscriber Organization, the Utility may not recover any portion of its CSG Facility costs through its base rates. If a Utility or any of its affiliates participate as a Subscriber Organization, it must not offer its own CSG Facility, or that of its affiliate any preferential treatment or benefit not available to other Subscriber Organizations.

E. Utility Data and Project Information

(1) The Utility shall designate a contact person, and provide contact information on its website for submission of all project application requests, and from whom information on the project application request process and the Utility's electric distribution system can be obtained.

(2) The Utility shall provide information, updated at least quarterly, on its website about the current status of the Community Solar Program and CSG Facility applications, including: name; address; date of application; interconnection status; expected date of operation; percent of the project that is subscribed, and remaining available capacity by year in each program category. The Utility shall also include on its website a link to the Council's Community Solar web page.

(3) The Utility shall make reasonable attempts to assist all applicants with identifying means to locate and operate CSG Facilities in a manner that minimizes adverse effects or maximizes distribution system benefits at locations identified by applicants. If the Utility or any of its affiliates choose to participate as an owner/developer of a CSG Facility and/or a Subscriber Organization, the Utility must offer other owner/developer and Subscriber

Organizations equal access to the information available to the Utility and its affiliates for locating and operating CSG Facilities in a manner that minimizes adverse effects or maximizes distribution system benefits so that neither the Utility's nor its affiliate's CSG Facility has preferential access to information inaccessible to other Subscriber Organizations.

(4) The information provided by the Utility on its website shall include studies and other materials useful to understanding the feasibility of interconnecting a CSG Facility on the Utility's electric distribution system, except to the extent providing the materials would violate security requirements, confidentiality agreements, or be contrary to law.

(5) The Utility may require an applicant to execute an appropriate confidentiality agreement prior to release or access to confidential or restricted information.

(6) The Utility shall monitor and review its distribution system to determine any adverse or beneficial effects resulting from each installed CSG Facility.

(7) The Utility shall maintain for the longer of ten years or the duration of the community solar program, the following information for each CSG Facility: recorded monthly peak output, monthly energy output, aggregate annual energy credited to Subscribers by rate class; aggregate annual amount of subscription credits provided to Subscribers by rate class; annual amount of unsubscribed energy output provided to the Utility; and annual amount paid by the Utility for unsubscribed energy. Subscriber monthly billing information should be maintained by the Utility consistent with the Utility's customer billing records retention policy.

F. Utility Reporting

(1) The Utility shall provide the Council with complete data, information, and supporting documentation necessary to monitor the Community Solar Program status, impact on operations, Subscriber and ratepayer impact, and other information upon request.

(2) By May 1 of each year, the Utility shall file an annual report with the Council on the Status of the Community Solar Program Including: (1) monthly energy (MWh) and capacity (MW) produced by the Community Solar Program, including each CSG Facility; (2) ~~total~~ monthly cost of energy and capacity ENO purchases through the Community Solar Program, identifying bill credits separate from unsubscribed energy; (~~2~~3) monthly $/MW and $/MWh of the capacity and energy purchased, (~~3~~4) Utility fixed and variable costs by subaccount associated with administering the Community Solar Program; (5) Utility costs by subaccount associated with administering the consolidated billing portion of community solar; (6) balance and activity of the regulatory asset subaccount, including amortization, related to unrecovered consolidated billing costs; (~~4~~7) tons of emissions avoided through utilization of the energy and capacity produced by the Community Solar Program; (~~5~~8) any positive and negative impacts on the operation of the Utility's distribution system; (~~6~~9) any

benefits provided to the Utility's system by the Community Solar Program related to mitigating or recovering from storm events or other outages.

(3) The electric Utility shall maintain a list of projects and total program capacity, and shall provide the list to the Council by June 30 and December 31 of each year.

(4) The Utility shall publish on its website a rolling 24-month report of what the per-kWh and per-kW credit for energy and capacity was in order to assist customers seeking to evaluate whether to enter into or renew a contract with a CSG Facility.

G. Utility Cost Recovery and Charges

(1) Once the Utility's Community Solar Plan has been reviewed and approved by the Council, the Utility shall have a fair opportunity to receive full and timely cost recovery of costs incurred to implement and administer the Community Solar Program, and any non-reimbursed portion of program bill credit costs and unsubscribed energy costs.

(2) The Utility may not establish a separate surcharge fee or rate for recovery of any Community Solar program costs identified in Section VII.G.1. The specific mechanisms for Community Solar program cost recovery will be approved by a Council resolution based on the Council's review of the community solar tariffs proposed in the Community Solar Plan required under Section VII.~~L~~A.1.

(3) The Utility may assess a Council-approved charge (the Utility Administrative Fee) to the Subscriber Organization to cover the Utility's incremental costs associated with integrating the generation from the CSG Facility into the Utility's system, administering the contracts with Subscriber Organizations, and administering the CSG Facility's Subscriber billing credits. This charge shall not reflect costs that are already recovered by the Utility from Customers through other charges. The Utility may seek a revision of this charge no more frequently than once per year.

(4) The Utility's revenue and expenses associated with the Subscriber Organizations and the Community Solar Program Plan shall be identified separately in general ledger records and maintained in separate revenue and expense sub accounts. The Utility's incremental costs, including consolidated billing costs, shall be identified separately in general ledger records and maintained in separate sub accounts.

(5) Until a sufficient number of CSG facilities in the Application Queue are operational, the recovery of the Utility's incremental costs through a Utility Administrative Fee will be through the following procedure: (i) subsequent to the date the consolidated billing systems become operational, an interim Utility Administrative Fee at 3% of Allocated Credits will be set, applicable to all CSG facilities; (ii) potential revisions to the interim Utility Administration Fee will occur every twelve months thereafter; (iii) a six-

month evaluation will include a review of all current data, and will provide the opportunity to resolve any incremental cost issues raised by parties prior to the next potential revision to the Utility Administrative Fee; (iv) in evaluating the operations of the recently completed twelve-months, the balance of incremental costs in excess of the proceeds from the interim Utility Administrative Fee will accrue in a regulatory asset subaccount at the Utility's before-tax Weighted Average Cost of Capital, that subaccount having no impact on ratepayers; (iii) each subsequent twelve-month potential revision to the Utility Administrative Fee will consider (a) the projected amount of CSG subscribed kWhs available for the Allocated Credits, (b) a comparison of actual proceeds received from the Utility Administrative Fee compared to the Utility Administrative Fee revenue estimated at the previous twelve-month review; (c) an amortization of the amount of unrecovered incremental costs accrued in the regulatory asset subaccount. The regulatory asset amortization amount will be adjusted by the Council as more data become available in subsequent twelve-month revisions to the Utility Administrative Fee. The amortization amount will also be dependent on the Council's decision regarding the amount of change to the interim Utility Administrative Fee.

VIII. SUBSCRIPTION CREDITS

A. Subscriber Organizations are required to provide real time reporting of production as specified by the Utility. For CSG Facilities greater than 250 kW, the Subscriber Organization shall provide real time electronic access to production data. The Utility may require different real time reporting for CSG Facilities 250 kW and smaller.

B. To enroll a Subscriber in a CSG Facility a Subscriber Organization shall provide the following to the Utility at least two months prior to the desired month in which the Subscription would take effect:

(1) Subscriber name;

(2) Subscriber Service Address;

(3) Subscriber Utility account number;

(4) Designation as either a Low-Income Subscriber (along with documentation supporting this designation) or a non-Low Income Subscriber;

(5) Subscriber's allocated percentage of the CSG facility;

(6) Subscriber's status as either Dual Billing or Net Crediting Consolidated Billing in conformity with the Subscription contract;

(7) Subscriber's Guaranteed Savings Rate (10%, 15%, or 20%), if applicable.

C. Each month, before the date specified by the Utility, t~~T~~he Subscriber Organization ~~for each CSG Facility~~ will provide the Utility a ~~monthly~~ Subscriber report for each of its CSG Facilities detailing each Subscriber's percentage allocation of the CSG Facility output. The Utility shall rely on this report each month as the definitive source of information to be used in calculating the Allocated Credits and, if applicable, Net

Credits for the monthly output of the CSG Facility. ~~to the Utility listing all Subscribers and the proportion of the CSG Facility Output that shall be applied to each Subscriber's monthly electric bill.~~ The monthly report shall follow a standard format specified by the Utility in order to integrate data into the Utility's billing system. The monthly report shall also include the amount of the CSG Facility's capacity that remains unsubscribed.

(1) If a Subscriber's Utility account is closed, the Utility will advise the Subscriber Organization. The Subscriber Organization shall immediately remove the Subscriber from the monthly Subscriber report for all CSG Facilities.

(2) In the case of temporary disconnection for non-payment, any Net Credits that a Subscriber accrues during the disconnected period will appear on the next bill following reconnection.

~~C. The Utility shall apply credits to each Subscriber's monthly bill using the most recently updated monthly Subscriber list and Output data on a two-month lag where actual operational results and the associated bill credit will show up two months following the Utility's receipt of Output data for the CSG Facility.~~

D. The Utility shall ~~determine~~ calculate the amount of CSG Facility monthly kWh Output to be credited to each Subscriber by multiplying the Subscriber's most recent generation proportion of the CSG Facility by the Utility metered Output of the CSG Facility.

E. The Utility shall calculate and render Allocated Credits and Net Credits for each Subscription, as appropriate, using the most recently updated monthly Subscriber report and CSG Facility Output data on a two-month lag.

Example: the Allocated Credits and Net Credits for Subscribers listed on a Subscriber report as participating in February would be calculated after receipt of actual CSG Facility Output for February. These Allocated Credits or Net Credits would appear on the Subscriber's April Utility bills. For Subscriber Organizations with Net Crediting Consolidated Billing Subscribers, the Utility would remit the Subscriber Organization's portion of the Allocated Credits less the Utility Administrative Fee in April.

If a Subscriber fails to pay their electric Utility bill in full for any month for which the Subscriber Organization's portion of the Allocated Credits for that Subscriber have already been remitted to the Subscriber Organization, the Utility shall debit on a future remittance to the Subscriber Organization an amount equal to the Subscriber Organization's portion of the Allocated Credits for that Subscriber for the month in which the Subscriber failed to make a payment. Following receipt of payment from a Subscriber for the total amount of the electric Utility bill that was previously unpaid, the Utility shall reverse the debit on a future remittance to the Subscriber Organization. If a future remittance to the Subscriber Organization is not anticipated by the Utility, the Utility shall bill the Subscriber Organization appropriately, to reflect the net effect of the Subscribers non-payment.

F. For Net Crediting Consolidated Billing Subscribers, the Net Credit shall be shown on the Subscriber's Utility bill as a single line item showing the Net Credit and the associated information necessary to calculate the Net Credit, including the Subscriber's pro rata portion of the monthly output of a CSG Facility, CSG per kWh credit rate, and Guaranteed Savings Rate. For example:

CSG Net Credit … (900 kWh @ $0.1350) * 10% Guaranteed Savings .. $ -12.15

G. For Dual Billing Subscribers, the Allocated Credit shall be shown on the Subscriber's Utility bill as a single line item showing the Allocated Credit and the associated information necessary to calculate the Allocated Credit, including the Subscriber's pro rata portion of the monthly output of a CSG Facility, and CSG per kWh credit rate. For example:

CSG Allocated Credit … ……900 kWh @ $0.1350 .. $ -121.50

H. For Subscriber Organizations with Net Crediting Consolidated Billing Subscribers, Payments to Subscriber Organizations of their portion of Allocated Credits shall be accompanied by statements showing for each Subscriber the Guaranteed Savings Rate, monthly kWh allocation of the CSG Facility Output, Allocated Credit, applied Net Credit, and the Utility Administrative Fee.

I. The CSG per kWh credit for all Subscribers that do not qualify as Low Income Subscriber will be the full retail rate, including all rider schedules that would be applicable to the Subscriber on a per kWh basis. The CSG per kWh credit rate for Low-Income Subscribers shall be the full retail rate, including all applicable rider schedules that would be applicable to the Low-Income Subscriber on a per kWh basis, plus 2.0 cents/kWh.

~~F~~J. The appropriate CSG credit will be applied to the bill of each Subscriber on a kWh basis.

~~G~~K. The Subscription monthly bill credit so determined will apply to each Subscriber irrespective of the customer class tariff under which the Subscriber receives service from the Utility, and will apply to all Subscribers in a CSG Facility.

~~H~~L. If, in a monthly billing period, the billing credit associated with the Subscription of a Subscriber exceeds the Subscriber's bill from the Utility, the excess billing credit will be rolled over as a dollar amount bill credit from month to month indefinitely until the Subscriber terminates service with the Utility at which time no payment shall be from the Utility for any remaining bill credits associated with the Subscriber's Subscription.

~~I~~M. The Utility shall retain a record of CSG Facility kWh applied to each Subscriber's account for a period of three years.

IX. UNSUBSCRIBED ENERGY

A. The Utility will pay a Subscriber Organization for up to 20 percent of the monthly energy produced by a CSG Facility and delivered to the Utility if such energy is not allocated to a Subscriber of the CSG Facility.

B. The rate per kWh to be paid for net deliveries to the Utility, pursuant to Section IX.A, shall be the Utility's estimated avoided energy costs for the appropriate time period from the Utility's most recent biennial filing with the Clerk of Council of the City of New Orleans pursuant to the Public Utilities Regulatory Policies Act of 1978, Section 210.

X. LOW-INCOME CUSTOMER VERIFICATION

A. The operator of a low-income multi-family dwelling unit may apply to the Council to qualify as a Low-Income Subscriber for the purposes of the Community Solar Program. The operator should demonstrate to the Council that the Subscription Credits will be credited to the tenants of the low-income multifamily dwelling.

B. A Subscriber Organization shall certify to the Utility in writing that the Subscriber Organization has verified the eligibility of all Low-Income Subscribers needed to qualify for the program prior to receiving permission to operate from the Utility.

C. A Subscriber Organization shall accept as proof of income to verify Low-Income Customer status (1) a W-2 form or tax return for the previous calendar year demonstrating income at or below 60% of median family income for the New Orleans-Metairie area according to the most recent guidelines available through the United States Department of Housing and Urban Development, or at or below 60% of the estimated median income for the state according to the most recent guidelines available through the Louisiana Housing Corporation, or (2) evidence of enrollment in any federal, state, or local assistance program that limits participation to households whose income is at or below sixty percent (60%) of the Area Median Income for the New Orleans-Metairie area.

XI. SUBSCRIPTION TRANSFERS AND PORTABILITY

A. A Subscriber may release all or part of their Subscription back to the Subscriber Organization for transfer to any person or entity who qualifies to be a Subscriber in the CSG Facility.

B. A Subscriber who desires to transfer all or part of his or her Subscription to another eligible Customer desiring to purchase a Subscription may do so only through the Subscription Organization and in compliance with the terms and conditions of the Subscription contract and the transfer will be effective in accordance therewith.

C. If the CSG Facility is fully subscribed, the Subscriber Organization shall maintain a waiting list of eligible Customers who desire to purchase Subscriptions. The Subscriber Organization shall offer the Subscription of the Subscriber desiring to transfer their interest, or a portion thereof, on a first-come, first-serve basis to Customers on the waiting list.

D. A Subscriber that moves to a different premise located within the Utility service territory may change the premises to which the Subscription is attributed, however, the Subscriber must adjust their Subscription so that it does not exceed 100 percent the Baseline Annual Usage at the new location and release any portion of their Subscription beyond that level back to the Subscriber Organization. A Subscriber Organization may not charge an unreasonable transfer fee to such a Customer.

E. The Subscriber Organization and the Utility shall jointly verify that each Subscriber is eligible to be a Subscriber in the CSG Facility. The CSG Facility Subscriber enrollment records shall include, at a minimum, the Subscriber's name and Utility Account number, the percentage share owned by the Subscriber, the effective date of the ownership of that Subscription, and the premises to which the Subscription is attributed for the purpose of applying billing credits. Changes in the Subscriber enrollment records shall be communicated by the Subscriber Organization to the Utility, in written or electronic form, as soon as practicable, but on no less than a monthly basis.

F. Prices paid for Subscriptions in a CSG Facility shall not be subject to regulation by the Council. However, to ensure that Subscriber Organizations are acting fairly and transparently, the Subscriber Organizations must provide materials to the potential Subscriber clearly showing the Subscription cost.

G. To ensure fairness and transparency regarding the transfer of subscriptions and Subscription Credits, the Utility, in consultation with the Council and its Advisors will develop a process and requirements therefor. The Subscriber Organization will be responsible for any costs associated with the transfer of subscriptions and/or Subscription Credits.

XII. RENEWABLE ENERGY CREDIT OWNERSHIP

A. Subscribers are not customer generators.

B. The ownership and title to all renewable energy attributes or Renewable Energy Credits associated with the CSG Facilities shall belong to the individual Subscribers.

C. The Subscriber Organization may enter into an agreement with Subscribers to transfer ownership of RECs from the Subscriber to the Subscriber Organization. Any such agreement to transfer ownership of the RECs must be included in the subscription agreement in terms that can be easily understood, and must be highlighted, clearly stated, and initialed by the Subscriber.

XIII. CONSUMER PROTECTION & DISCLOSURE

A. Unauthorized Subscriptions.

(1) No person shall subscribe a Customer to a community solar energy generation system without the Customer's express written consent.

(2) A Subscriber Organization may not add a new charge for a new service, existing service, or service option not described in the Subscriber's contract

with the Subscriber Organization without first providing written notice to the Subscriber and providing them an opportunity to terminate their Subscription without penalty if the new charge is unacceptable to the Subscriber.

B. Discrimination Prohibited.

(1) A Subscriber Organization may not discriminate against any Customer, based wholly or partly on race, color, creed, national origin, or gender of an applicant for service or for any arbitrary, capricious, or unfairly discriminatory reason.

(2) A Subscriber Organization may not refuse to provide service to a Customer except by the application of standards that are reasonably related to the Subscriber Organization's economic and business purpose.

C. Prohibition of Unfair, Deceptive, or Abusive Acts or Practices.

(1) Each Subscriber Organization shall conduct all aspects of its business that touch on Consumers or their interests without any unfair, deceptive, or abusive acts or practices.

(2) Each Subscriber Organization shall regularly examine and consider the possibility of unfair, deceptive, or abusive acts or practices violations in all aspects of its business that touch on consumers or their interests, including, but not limited to, marketing, sales, origination, contract terms, contract options, installation, servicing, and loss mitigation.

(3) Subscriber Organizations shall not harass or threaten consumers and should avoid high-pressure sales techniques. Subscriber Organizations should not take advantage of a consumer's lack of knowledge, and if they become aware that a consumer clearly misunderstands a material issue in a community solar transaction, they should correct that misunderstanding. Consumer questions must be answered honestly, Subscriber Organizations may not make any statements to consumers that are false or without a reasonable basis in fact.

D. Limitation of Liability

(1) In the event of the failure, termination, or disqualification of a CSG Facility or Subscriber Organization, Subscribers' liability will be limited only to loss of the funds that they commit to invest in a community solar project.

E. Advertising, Marketing, and Solicitations.

(1) Advertising Permitted.

(a) A Subscriber Organization may advertise its services.

(b) A Subscriber Organization may not engage in an advertising, marketing or trade practice that is unfair, false, misleading, or deceptive.

(c) All advertising claims must be supported by factual, verifiable sources. Advertising claims should avoid underestimating costs, overestimating performance and overvaluing financial and incentive benefits.

(d) Subscriber Organizations should be familiar with all advertising laws, rules, regulations, and guidance, including federal, state, and local guidance on advertising and marketing.

(e) Prices quoted must be accurate and complete, including, but not limited to disclosure as to any initial pricing incentives, such as "teaser rates" that include future price increases, and whether the quoted price includes any price incentives, such as government tax incentives or utility program incentives, and the terms of eligibility for such incentives.

(f) Any projections of future utility prices presented by a Subscriber Organization or its Agents to consumers must be based on accepted sources and methods. They must be clearly identified, verifiable, and be based on one or more of the following sources:

(i) Energy Information Agency ("EIA") data from the Annual Energy Review, Annual Energy Forecast, Monthly Energy Forecast, or similar EIA publications for the state in which the system is located;

(ii) Council resolutions, orders, publications, or filings with the Council by the Utility;

(iii) Industry experts or other qualified consultants; or

(iv) Other similar reliable sources qualified by the Council or CURO office.

(g) Accepted methods for Utility electricity price projections include:

(i) If based on historical data for the utility servicing the installation site, combined average growth rate using no less than five years of data ending with the most recent year for which data is publicly available;

(ii) If based on projections of third-party sources, then it must be an accurate representation of any data within the timeframe of the source of the data, and when projecting beyond the timeframe of the source data, a combined average growth rate projection using a time period that is the greater of source data timeframe or five years.

(h) Any endorsements of the Subscriber Organization or its products or services by individuals used in any media format either owned by the Subscriber Organization or initiated or sponsored by the Subscriber Organization through media owned by a third party must be authorized by the endorser, accurate, genuine, in proper context, and without misrepresentation, whether the misrepresentation is affirmative or by omission. It must be clear as to whether the endorser is providing an opinion as a consumer with true firsthand experience, as an expert, or as a spokesperson, and transparent as to whether any connections exist between the endorser and the Subscriber Organization beyond that which a consumer would ordinarily expect.

(2) Marketing.

(a) A Subscriber Organization's marketing or solicitation information shall include the name under which the Subscriber Organization is registered with CURO.

(b) A Subscriber Organization may use an Agent to conduct marketing or sales activities. A Subscriber Organization is responsible for any fraudulent, deceptive, or other unlawful marketing performed by its Agent while marketing or selling Subscriptions on behalf of the Subscriber Organization.

(c) Subscriber Organizations and their Agents must follow all applicable marketing laws, such as the National Do Not Call Registry, the CAN-SPAM Act of 2003, etc.

(d) Door-to-door marketing and sales: A Subscriber Organization may not permit a person to conduct door-to-door marketing on its behalf until it has obtained and reviewed a criminal history record. Subscriber Organizations shall be solely responsible for carefully screening individuals used for door-to-door marketing purposes to include only those individuals having no history of fraudulent conduct or violent behavior.

(e) A Subscriber Organization must issue an identification badge to any persons conducting door-to-door sales on its behalf to be worn and prominently displayed when conducting door-to-door activities or appearing at public events on behalf of the Subscriber Organization. The badge must accurately identify the Subscriber Organization and display the employee or Agent's full name and photograph. When conducting door-to-door activities or appearing at a public event, the Subscriber Organization's employees and Agents may not wear apparel or accessories or carry equipment that contains branding elements, including a logo, that suggests a relationship that does not exist with a utility, government agency, or another Subscriber Organization.

(f) A Subscriber Organization shall ensure the training of its employees and Agents on the following subjects:

(i) Local, state and federal laws and regulations that govern marketing, telemarketing, consumer protection, and door-to-door sales as applicable to the relevant types of marketing and jurisdictions;

(ii) The consumer protections set forth in these Rules, including the prohibition on unfair, deceptive, or abusive acts or practices; and

(iii) The Subscriber Organization's products, services, and contracts.

(g) Geographic marketing permitted.

(i) A Subscriber Organization may market services on a geographic basis.

(ii) A Subscriber Organization is not required to offer services throughout an electric company's entire service territory.

(iii) A Subscriber Organization may not refuse to provide service to a Customer based on the economic character of a geographic area or the collective credit reputation of the area.

F. Creditworthiness.

(1) A Subscriber Organization shall apply uniform income, security deposit, and credit standards for the purpose of making a decision as to whether to offer a Subscription to Customers within a given class, provided that the Subscriber Organization may apply separate sets of uniform standards for the purpose of promoting participation by low-income retail electric Customer.

G. Subscriber Funds

(1) Subscriber funds, including deposits, collected by the Subscriber Organization in advance of commercial operation of a CSG Facility, shall be held in escrow. The escrow shall be maintained by its terms until such time as the CSG Facility commences commercial operation as certified by Utility acceptance of energy from the CSG Facility.

H. CSG Facility Reporting

(1) Production from the CSG Facility shall be reported by the Subscriber Organization to its Subscribers at least monthly. To facilitate the tracking of production data by Subscribers, Subscriber Organizations are encouraged to

provide website access to Subscribers showing real time Output from the CSG Facility, if practicable, as well as historical production data.

I. Required Disclosures

(1) Contract Summary.

(a) Prior to the time that a contract for a Subscription to a community solar project is executed, a Subscriber Organization shall present the Customer with a completed Contract Summary Disclosure using the form that is approved by the Council. A Customer shall be allowed no less than three days to review the Contract Summary Disclosure prior to execution of the contract and the terms of the contract offered to the Customer may not be changed during that three-day period. At a minimum, the Contract Summary must include:

(i) Start and end date of the contract.

(ii) Renewal provisions, if any. If renewal provisions are automatic, explanation of when Customer may cancel renewal without penalty.

(iii) Ability of Customer to terminate early, early termination penalty, if any.

(iv) Ability of developer to terminate contract early, and any remedy provided to Customer.

(v) Ability of Customer to transfer Subscription to another consumer. Ability of Customer to transfer bill credit to new address in ENO service territory.

(vi) All one-time payments or charges, including any deposit.

(vii) All recurring payments or charges.

(viii) All penalties or fees to which the Customer may be subject.

(ix) Total amount to be paid by Customer under contract.

(x) Billing and payment procedure.

(xi) Whether Customer owns or leases the solar panel or capacity;

(xii) A statement regarding the disposition of all Renewable Energy Credits generated by the Subscriber's portion of the project including whether (a) the Subscriber is retaining ownership of the Renewable Energy Credits; (b) whether the Renewable Energy Credits are being retired on behalf of the Subscriber by the Subscriber Organization or (c) whether the Subscriber is transferring the Renewable Energy Credits back to the Subscriber Organization. The REC statement must include a statement that if the

Subscriber transfers the RECs back to the Subscriber Organization or sells them to a third party rather than retiring them, the Subscriber may not lawfully make any claims about the renewable energy nature of the generation at the community solar facility or any claim that its participation in the Community Solar facility satisfies any renewable energy target or goal to which it is subject.

(xiii) Contact information of developer where Customer may call with questions. Must include physical address, telephone number and email address.

(xiv) Address, phone number and email contact information for the CURO, as well as the address of the Council's community solar webpage.

(xv) Statement that any bill credits are dependent upon the performance of the solar panels and the prevailing electric rates, which may change over time.

(xvi) Notice that contract does not include Utility charges.

(xvii) Notice that developer makes no representations or warranties concerning the tax implications of the contract and Customer should consult a tax professional for such information and advice.

(b) The Customer shall initial a copy of the Contract Summary Disclosure to acknowledge receipt of the Contract Summary.

(2) Notice of Subscription.

(a) A Subscriber Organization shall provide notice of Subscription of a Customer to the utility in a format consistent with Council orders.

(b) A Customer entering into an agreement with a Subscriber Organization shall receive written notice of enrollment from the Subscriber Organization and the Utility.

(c) Notice of enrollment shall include the following:

(i) Customer name;

(ii) Customer service address;

(iii) Billing name;

(iv) Billing service address;

(v) Utility name;

(vi) Utility account number;

(vii) Subscriber Organization name;

(viii) Subscriber Organization account number; and effective date of the enrollment.

J. Contracts for Customer Subscription in a Community Solar Project

(1) Minimum Contract Requirements: A Subscriber Organization's Subscription contract shall contain all material terms and conditions, stated in plain language, including the following:

(a) A description of the transaction, including:

(i) Whether the Subscriber will own or lease a portion of the community solar project;

(ii) A statement regarding the disposition of all Renewable Energy Credits generated by the Subscriber's portion of the project including whether (a) the Subscriber is retaining ownership of the Renewable Energy Credits; (b) whether the Renewable Energy Credits are being retired on behalf of the Subscriber by the Subscriber Organization or (c) whether the Subscriber is transferring the Renewable Energy Credits back to the Subscriber Organization. The REC statement must include a statement that if the Subscriber transfers the RECs back to the Subscriber Organization or sells them to a third party rather than retiring them, it may not lawfully make any claims about the renewable energy nature of the generation at the Community Solar facility or any claim that its participation in the Community Solar facility satisfies any renewable energy target or goal to which it is subject. The statement regarding the disposition of all Renewable Energy Credits generated by the Subscriber's portion of the project shall be clearly stated, highlighted and initialed by the Subscriber.

(iii) A statement that any bill credits are dependent upon the performance of the solar panels and the prevailing electric rates, which may change over time; and

(iv) Notice that the contract does not include utility charges.

(b) The Subscriber Organization's obligation to maintain its registration with the Council for the duration of the contract.

(c) Term of the contract, including:

(i) Start and end date of the contract;

(ii) Renewal provisions, if any. If renewal provisions are automatic, explanation of procedure for consumer to cancel renewal without penalty;

(iii) Ability of consumer to terminate early and the corresponding early termination penalty, if any;

(iv) Ability of developer to terminate contract early, and any corresponding remedy to be provided to the consumer, if any.

(d) Transferability and portability.

(i) The ability of the consumer to transfer Subscription to another consumer.

(ii) The ability of the consumer to transfer the bill credit to a new address within the same Utility service territory.

(e) The ability of the consumer to reduce the size of their commitment and any fees or penalties related thereto.

(f) The total amount to be paid by the consumer under the contract, including:

(i) A clear statement of the total amount;

(ii) A listing of all one-time payments or charges, including any deposit, and whether the deposit is refundable;

(iii) A listing of all recurring payments or charges (monthly, annually, etc.);

(iv) A listing of any penalties or fees to which the consumer may be subject and the conditions under which such penalties or fees would be applied.

(g) Billing and payment procedure.

(h) The data privacy policy of the Subscriber Organization, including what data will be collected, for what purpose and to whom the developer may disclose the data.

(i) Evidence of insurance.

(j) A long-term maintenance plan for the project.

(k) The current production projections for the project and a description of the methodology used to develop production projections.

(l) Contact info of Subscriber Organization where consumer may call with questions, including the physical address, telephone number and email address of the Subscriber Organization.

(m) Notice that the Subscriber Organization makes no representations or warranties concerning the tax implications of the contract and consumers should consult their tax professional.

(n) Any other terms and conditions of service.

K. Disclosure of Subscriber Information.

(1) Except as provided under these Rules, or otherwise ordered by the Council, a Subscriber Organization may not disclose energy usage or personally identifiable information about a Subscriber, or a Subscriber's billing, payment, and credit information, without the Subscriber's written consent.

(2) A Subscriber Organization may disclose a Subscriber's billing, payment, and credit information for the sole purpose of facilitating billing, bill collection, and credit reporting.

(3) A Subscriber Organization shall provide a Customer with a copy of the Subscriber Organization's Customer information privacy policy.

(4) A Subscriber Organization shall treat information received from prospective Customers, including those who do not subscribe, in accordance with provisions (a) and (c) of this section.

L. Disconnection and Reconnection.

(1) The Utility's disconnection and reconnection policies shall only apply with respect to Utility charges on the Subscriber's bill. Failure by the Subscriber to pay their Subscription Fee to the Subscriber Organization (whether through Dual Billing or Net Crediting Consolidated Billing) shall not result in disconnection of the customer for nonpayment, neither shall payment of the outstanding Subscription Fees be required to reconnect a Subscriber. All revenues received by the Utility from Subscribers under Net Crediting Consolidated Billing shall be applied first to Utility charges and second to the Subscriber's Subscription Fee.

XIV. ENFORCEMENT OF THESE RULES

(1) CURO, with the assistance of a Hearing Officer, as necessary, may impose a penalty on the Council's behalf for any violation of these rules of up to $1000 per violation and may, if appropriate in light of the particular violation, void a Subscriber's contract with a Subscriber Organization and require the Subscriber Organization to refund any monies paid by the Subscriber as a remedy for a violation of these provisions.

(2) Any person who believes that the Utility or a Subscriber Organization has violated the provisions contained herein in a manner that aggrieves that person may send a written description of the alleged violation to the Council, through its CURO. The written description shall include the name of the Utility or Subscriber Organization ("Respondent"), a concise description of the alleged violation, and the complaining person's ("Complainant") name and contact information.

(3) CURO may, request and obtain additional information regarding the alleged violation from the Complainant and the Respondent. CURO shall also notify

the Respondent formally of the complaint, assess whether the Complainant has informed the Respondent of his or her complaint and whether the Respondent has had an opportunity to resolve the issue to the Complainant's satisfaction without CURO or Council intervention.

(4) If, based on the information obtained by CURO, the CURO finds there is cause to believe a violation of the Council's regulations may have occurred, the Complainant and Respondent have not been able to resolve the issue without Council intervention and the Respondent wishes to challenge the complaint, CURO shall refer the matter to a Hearing Officer who shall conduct a process to allow both parties a fair opportunity to present their evidence and arguments and the Hearing Officer will render a decision as to whether a violation occurred and what the penalty should be. If the Respondent admits to the complaint, CURO may impose the authorized penalty on the Council's behalf.

(5) Either the Complainant or the Respondent may appeal the decision of CURO and/or the Hearing Officer to the Council.

(6) Should CURO and/or the Hearing Officer determine that the behavior complained of cannot be adequately remedied by a penalty of up to $1000 and/or voiding the contract between Subscriber and Subscription Organization and requiring refund of any monies paid by the Subscriber, either CURO or the Hearing Officer may refer the matter up to the Council for further proceedings. The Council will then set an appropriate procedural schedule, consider the matter and exercise its penalty authority as appropriate in light of the circumstances.

(7) Should CURO and/or the Hearing Officer observe a pattern of continued violations of these rules by the Utility or a Subscriber Organization ~~-~~that is undeterred by the application of the remedies the Council has authorized CURO and the Hearing Officer to impose, either CURO or the Hearing Officer may refer the matter up to the Council for further proceedings. The Council will then set an appropriate procedural schedule, consider the matter, and exercise its penalty authority as appropriate in light of the circumstances.

(8) All other contract or legal disputes that arise between Subscribers, the Subscriber Organizations, and/or the Utility not pertaining to a violation of these provisions shall be brought in the appropriate city or district court in the City of New Orleans. CURO shall provide the Council with annual reports on consumer complaints related to the program.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon "The Official Service List" in Docket No. UD-18-03 via electronic mail, this 24th day of October 2025.

J. A. "Jay" Beatmann, Jr.