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November 7, 2025

VIA ELECTRONIC MAIL (clerkofcouncil@nola.gov)

Clerk of Council
City Hall - Room 1E09
1300 Perdido Street
New Orleans, LA 70112

In Re: Rulemaking to Revise Chapter 158 of the Code of Ordinances,
Docket UD-25-01
KM File No. 7717-41

Dear Clerk:

Enclosed please find for electronic filing, Air Products and Chemicals, Inc.'s ("Air Products") Reply Comments in the referenced docket. As confirmed with your office, the requisite original and number of hard copies are not mandatory to formalize this filing in the docket.

Should you have any questions regarding the above, please do not hesitate to contact me. Thank you for your assistance with this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "C-R. T.", with a stylized flourish at the end.

Carrie R. Tournillon

CRT:tp
Enclosure

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

**BEFORE THE
NEW ORLEANS CITY COUNCIL**

**IN RE: RULEMAKING TO REVISE
CHAPTER 158 OF THE CODE OF
ORDINANCES.**

**DOCKET NO. UD-25-01
November 7, 2025**

**AIR PRODUCTS AND CHEMICALS, INC.
INITIAL COMMENTS**

Air Products and Chemicals, Inc. (“**Air Products**”) respectfully submits reply comments to the Council of the City of New Orleans (“**Council**”) regarding changes to Chapter 158 of the Code of Ordinances (“**Chapter 158**”) that have been proposed by the Alliance for Affordable Energy (“**AAE**”) and Entergy New Orleans, LLC (“**ENO**”). Pursuant to Council Resolution R-25-407, Air Products’ comments are timely filed.

Response to AAE

As a large electric customer of ENO, receiving reliable electric service at the lowest reasonable cost is very important to Air Products. Air Products has serious concerns about the impact of several of AAE’s proposed changes to Chapter 158, Section 8, on the cost and reliability of electric service and urges the Council to reject them.

The AAE requests the Council to declare utility access a “fundamental human right” and requests to prohibit utility disconnections of residential customers for non-payment. Further, the AAE requests the Council to create an advocacy group for residential customers in utility proceedings or to require a utility to pay for representation of residential intervenors. Each of these proposals will likely add significant costs to all of ENO ratepayers and will result in cost shifting from residential to non-residential customers. In addition, to the extent ENO is not allowed to capture revenues not paid by residential customers (due to the proposed prohibition

on disconnection of residential customers), then Air Products has concerns that such gap in revenue will affect reliability of electric service.

The AAE does not address how its proposals would be implemented or give consideration to impacts on the cost and reliability of service to customers. Respectfully, Air Products urges the Council to reject these proposed changes to Section 158-8.

Response to ENO

With respect to ENO's proposed 120-day deadlines for the Council to issue orders in securitization financing proceedings and resource certification proceedings,¹ Air Products requests language be added that softens the deadline to allow for a longer schedule for good cause shown.

Air Products does not oppose ENO's request for a procedural schedule template being in place for applications requesting securitization financing, as such financing is typically requested following a natural disaster in which storm recovery is significant and costly. Further, Air Products does not oppose inclusion of guidance in Chapter 158 for timelines for reviewing and evaluating resource certification requests. However, Air Products has concerns with a hard 120-day deadline that does not leave room for exceptions based on unique circumstances surrounding an application. For example, an application seeking certification of a portfolio of generation resources may require more time to review than another application seeking certification of a single generation facility – particularly if such facility is smaller in size and non-controversial.

Air Products respectfully requests that new Section 158-57.1 and URM, Division XI, Section 1 be revised to require parties to work together to develop a procedural schedule that

¹ See ENO Initial Comments, redline to Chapter 158 adding Section 158-57.1 and redline to URM, adding Division XI, Section 1.

uses best efforts to allow the Council to render a decision within 120 days of the Council's acceptance of an application, unless good cause exists for a longer schedule.

WHEREFORE, Air Products respectfully requests the Council reject the AAE's proposed changes to Section 158-8 and incorporate additional language to ENO's proposed new Section 158-57.1 and URM Division XI, Section 1 that would soften the 120 deadlines being proposed for securitization and resource certification proceedings. Further, Air Products re-urges its proposed changes to Section 158-23, relating to the *ex parte* prohibition, which it discussed in its initial comments.

RESPECTFULLY SUBMITTED:



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served by electronic delivery to the Clerk of Council and all known parties of record on the Official Service List.

New Orleans, Louisiana this 7th day of November, 2025.



Carrie R. Tournillon