

**RESOLUTION**

**R-14-\_\_\_**

**CITY HALL: \_\_\_\_\_**

**BY: COUNCILMEMBERS WILLIAMS, HEAD, GUIDRY, BROSSETT AND GRAY**

**RESOLUTION AND ORDER TO ESTABLISH ~~SEPARATE~~ PROCEDURAL  
~~SCHEDULES~~ SCHEDULE  
IN UTILITY DOCKET NO. UD-08-02 TO CONSIDER UTILITY-SCALE RENEWABLE  
TECHNOLOGIES FOR THE 2015 IRP PROCESS AND A PROCEDURAL SCHEDULE  
IN UD-13-02 TO EXAMINE ~~ISSUES AND POTENTIAL OPPORTUNITIES RELATED  
TO FOR AND EFFECTS OF CONSUMER-BASED~~ RENEWABLE TECHNOLOGIES IN  
THE CITY OF NEW ~~ORLEANS, AND IN UTILITY DOCKET NO. UD-13-02 TO  
EXAMINE DISTRIBUTED GENERATION RESOURCE ISSUES AND  
RATE RELATED MATTERS~~ ORELANS**

**DOCKET NOS. UD-08-02 AND UD-13-02**

**WHEREAS**, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans (“Charter”), the Council of the City of New Orleans (“Council”) is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and

**WHEREAS**, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern the terms and conditions of service, and applications for the fixing and changing of rates and charges of public utilities; and

**WHEREAS**, Entergy New Orleans, Inc. (“ENO” or “Company”) is a public utility providing electric service to all of New Orleans except the Fifteenth Ward (“Algiers”), and gas service to all of New Orleans; and

**WHEREAS**, Entergy Louisiana, LLC (“ELL-Algiers”) provides electric service to the Algiers section of New Orleans; and

**WHEREAS**, through Council Resolution R-10-142 the Council adopted the Electric

Utility Integrated Resource Plan Requirements of the Council of the City of New Orleans (“IRP Requirements” or “IRP Filing Requirements”), which clarified and expanded upon the IRP framework established in Council Resolution R-08-295, clarified the components required with respect to IRP filings, revised the reporting requirements filing periods and deadlines, and extended the IRP filing requirements to all electric utilities subject to the Council's jurisdiction; and

**WHEREAS**, pursuant to Resolution R-10-142, ENO and ELL-[Algiers](#) filed their first Triennial IRP Plans on October 19, 2010; and

**WHEREAS**, in Resolution R-11-301, the Council rejected the October 2010 filings, finding the proposed resource plans by ENO and ELL-[Algiers](#) (collectively, “the Companies”) did not adequately integrate demand-side management (“DSM”) programs into their supply plans, directed the Companies to make their next Triennial IRP Filing no later than October 30, 2012, and directed the Advisors to hold quarterly technical conferences with the Companies and the ~~Interveners~~[Intervenors](#) in the instant docket commencing in September 2011; and

**WHEREAS**, on October 30, 2012 ENO submitted its IRP Filing pursuant to Council Resolution R-10-142.

**WHEREAS**, in Resolution R-12-393, the Council assured the continuity of future funding and implementation of the DSM and energy efficiency programs contained in the IRP by directing ENO and ELL-[Algiers](#) to file supplemental implementation and cost recovery plans by March 31, 2013; and

**WHEREAS**, Council Resolution R-13-17, in part, directed ENO to conduct a public technical conference on the 2012 ENO IRP, established a 15-day period following the technical conference for informational questions from the public, directed ENO and ELL-[Algiers](#) to make supplemental implementation and cost recovery filings for future energy efficiency and DSM

programs contained in their IRP filings, directed Interveners in this proceeding to file any comments they may have regarding the merits of ENO and ELL-[Algiers's](#) 2012 IRPs and supplemental implementation and cost recovery filings, directed the Advisors to convene a community hearing to allow the public to express its views regarding ENO and ELL-[Algiers's](#) 2012 IRPs and supplemental implementation and cost recovery filings, directed ENO and ELL-[Algiers](#) to file responsive comments, and directed the Advisors to file their recommended treatment of ENO and ELL-[Algiers's](#) 2012 IRP; and

**WHEREAS**, on February 20, 2013, ENO conducted a public presentation of its IRP; the participants present at the public presentation included the Companies, Entergy System Planning and Operations, ICF International, Alliance for Affordable Energy (“AAE”), Council Staff, CLEAResult, Green Grants, Global Green, the Advisors to the Council, and various public citizens; and

**WHEREAS**, on April 1, 2013, ENO and ELL-[Algiers](#) filed their Supplemental Implementation and Cost Recovery filings regarding the continuation of the Energy Smart programs (“Supplemental-~~Implementation and Cost Recovery~~ Filings”); and

**WHEREAS**, on April 19, 2013, the Advisors held a community hearing with respect to the 2012 ENO IRP and ~~the~~ Supplemental-~~Implementation and Cost Recovery~~ Filings, the results of which were presented to the Council Utility Committee at its meeting of May 9, 2013; and

**WHEREAS**, on April 30, 2013, AAE filed comments (“AAE Comments”) addressing various aspects of ENO's IRP Filing; and

**WHEREAS**, on May 30, 2013, ENO filed Reply Comments (“ENO Reply Comments”); and

**WHEREAS**, on September 6, 2013, the Advisors filed a report of their assessment of ENO's and ELL-[Algiers's](#) 2012 IRP filings (“Advisors’ Report”); and

WHEREAS, the Advisors' Report notes that at the February 20, 2013 public meeting hosted by ENO, the questions from the public related to supply-side issues generally pertained to the lack of renewable resources (e.g. wind, solar, biomass, etc.) in ENO's preferred portfolio. The Advisors' Report found that ENO adequately answered these questions in light of the IRP process, and explained that many renewable technologies were screened out during the technology assessment phase of the IRP, but that ~~attendees~~ it was clear from the questions asked at the ~~public~~-meeting ~~expressed~~ that there is a strong public interest in ~~exploring further~~ expanding the ~~potential~~ use of renewable technologies to ~~help meet ENO and ELL-Algiers' respective resource planning~~ meet New Orleans' energy needs; and

WHEREAS, the Advisors' Report also noted that while the Companies' IRP process considered only large, utility-scale renewable energy technologies, there was a clear public perception ~~on the part of attendees at the public meeting~~ that the IRP also analyzed smaller-scale ~~distributed~~ customer renewable ~~generation resources~~ projects that are net metered (such as consumer-located rooftop solar photovoltaic installations); and

WHEREAS, the Advisors' Report further noted that ~~in~~ the public comments received at the April 19, 2013 Community Hearing, ~~the comments of those present~~ were overwhelmingly in favor of ~~ENO and ELL-Algiers considering the adoption of~~ greater reliance on renewable resources and ~~increasing utilization of~~ energy efficiency measures; and

WHEREAS, in light of the strong interest in ~~renewable energy technologies~~ increased renewables in New Orleans expressed by ~~various participants~~ the public in the Council's IRP ~~process~~ docket, the Council established Docket No. UD-13-02 through Resolution R-13-363 to examine potential opportunities to deliver increased net benefits from renewable energy technologies in the ENO and ELL-Algiers supply portfolios, including but not limited to, utility-scale renewables, consumer installed ~~renewable~~ renewables resources, the impact of ~~an~~

~~RPS~~a Renewable Portfolio Standard ("RPS") on the IRP, and rate issues such as rate impacts, feed-in tariffs and net metering; and

WHEREAS, on June 5, 2014, the Council issued Resolution R-14-224, which provides guidance and establishes a schedule in Docket UD-08-02 for the integrated resource planning components and reporting requirements for the Companies' 2015 IRP filings, including an IRP Technical Conference to be held in October 2014; and

**WHEREAS**, AAE believes it would be constructive for the Council to look into creating a feed-in tariff for local solar energy, which would provide more stable and predictable rates for larger solar installations than would a net metering rate standing alone; and

**WHEREAS**, ENO and ELL-Algiers have asserted that the consideration and evaluation of utility-scale renewable technologies in their 2015 triennial IRP ("2015 IRP") is already provided for in conjunction with Docket UD-08-02 and such evaluation is to be consistent with the Council's IRP Requirements set forth in R-08-295, R-10-142 and confirmed in R-11-301, namely, that those resources be evaluated on an equal footing with all supply-side and demand-side resources, but have recommended that the parties schedule and hold a public meeting no later than September 15, 2014, for the purpose of seeking input from renewable technology vendors, suppliers, experts and other interested parties, on the availability ~~and~~ feasibility, and cost of any and all such utility-scale renewable technologies in the New Orleans area and, further, to solicit and consider comments regarding the incorporation of renewable technologies into integrated resource planning in time for that information to be considered prior to the October 2014 IRP Technical Conference in UD-08-02; and

**WHEREAS**, in Council Resolution R-13-~~363~~363 the Council directed that rate issues related to ~~increased use of~~ renewable energy ~~technologies~~, such as the rate impact on New Orleans ratepayers ~~from~~of increasing the amount of renewable technologies in the ENO and

ELL-Algiers supply portfolios, the effects of feed-in tariffs on solar ~~generation, effects of increased levels of energy and~~ net metering, as well as the effects on all participants and non-participants of the implementation of such rate policies should also be examined in Docket UD-13-02; and

WHEREAS, Council Resolution R-13-363 required the Advisors to propose a procedural schedule for UD-13-02 in the first quarter of 2014; and

WHEREAS, the Advisors circulated a draft procedural schedule to all parties on March 31, 2014; and

WHEREAS, ENO, ELL-Algiers and AAE agree that the Council should separately consider rate issues related to consumer-installed renewable resources, feed-in tariff policies, and the growth and proliferation of net metering in New Orleans, including the effects on all participants and non-participants, in Docket UD-13-02, but that consideration of rate issues associated with increased adoption of utility-scale renewable energy technologies in the ENO and ELL-Algiers supply portfolios is already provided for in the 2015 IRP process in Docket UD-08-02 consistent with the Council's IRP Requirements; and

~~WHEREAS, Council Resolution R-13-363 required the Advisors to propose a procedural schedule in the first quarter of 2014 to consider these issues;~~

~~WHEREAS, the Advisors circulated a draft procedural schedule to all parties on March 31, 2014; and~~

~~WHEREAS, on June 5, 2014, Resolution R-14-224 was issued, which provides guidance and establishes a schedule in Docket UD-08-02 for the integrated resource planning components and reporting requirements for the Companies 2015 IRP filing, including the October 2014 IRP Technical Conference; and~~

WHEREAS, the Advisors, the AAE and the Companies met by telephone on July 17, 2014, to further discuss issues raised by the Advisors' proposed procedural schedule in Docket

UD-13-02 and by Council Resolution R-13-363, and in that meeting agreed on a suggested approach to address those issues in Docket UD-08-02 and Docket UD-13-02; now therefore:  
**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:**

1. ~~In Docket UD-08-02, the parties are directed to hold~~Issues related to increasing the amount of utility-scale renewable technologies in the ENO and ELL-Algiers supply portfolios shall be considered in Council Docket No. UD-08-02, as part of the Integrated Resource Planning process, wherein those resources are to be evaluated on an equal footing with all supply-side and demand-side resources. The Companies are directed to convene a public meeting no later than September 15, ~~2014,~~2014 for the purpose of seeking input and data from renewable technology vendors, suppliers, experts and other interested parties; on the availability, costs, and feasibility of any and all such utility-scale renewable technologies ~~in the~~to serve New Orleans ~~area~~ratepayers; and; further; to solicit and consider comments regarding the incorporation of utility-scale renewable technologies in integrated resource planning in time for that information to be considered prior to the October 2014 IRP Technical Conference on Renewable Technologies in Docket UD-08-~~02;~~02.
2. ~~In Docket UD-13-02, within 180 days from the adoption of this Resolution, ENO and ELL-Algiers are directed to make a filing with the Council regarding issues related to consumer-installed distributed renewable generation resources, including, without limitation, net metering, feed-in tariffs and associated rate issues. After such a filing has been made, the Companies, Advisors, and Intervenors will work collaboratively to develop a procedural schedule to address that filing.~~
2. ~~3.~~ ENO, ELL-Algiers, the Council's Advisors, and all of the ~~Intervenors~~existing Intervenors in Docket No. UD-08-02 (Alliance for Affordable Energy, Jacobs

Technology, Inc., the Folger Coffee Company, U.S. Gypsum, and the Sierra Club) ~~are designated or deemed~~remain parties to ~~these proceedings.~~Docket UD-08-02. Additionally, a period of 20 days from the adoption of this Resolution is established for interventions in ~~this docket~~Docket UD-08-02 by individuals not ~~herein designated a party~~already a party. Because this is an ongoing docket, new intervenors must accept the record as it exists at the time of their intervention. Persons desiring to intervene shall do so by filing an intervention request with the Clerk of Council, with a copy submitted to Director, Council Utilities Regulatory Office, Room 6E01 City Hall, 1300 Perdido Street, New Orleans, LA 70122; and to persons on the Official Service List of this Docket, which can be obtained from the Council Utilities Regulatory Office. All fees associated with the filing of interventions are hereby waived, in accordance with Section 158-286 of the City Code. Objections to intervention requests shall be filed within 7 days of such requests. Timely-filed intervention requests not objected to within that time period shall be deemed **GRANTED**.

3. Issues related to all other renewable technologies, including, but not limited to, consumer-installed renewable distributed generation resources and associated rate impact and rate design issues such as (but not limited to) net metering and feed-in tariffs shall be considered in Council Docket UD-13-02. The Companies are directed, within 180 days from the adoption of this Resolution, to make a filing in Docket UD-13-02 with the Council explaining in detail the Companies' current treatment of such resources, the physical and rate impacts such resources have on the Entergy System and ratepayers, and any proposed changes to the treatment of such resources, along with an analysis of the impact of such proposed changes. After such a filing has been made, the Companies,



Advisors, and Intervenors will work collaboratively to develop a procedural schedule to address that filing.

4. ~~It is anticipated that during the proceeding, the parties may be required to produce documents or information that are deemed confidential and/or highly sensitive and, accordingly, the Council adopts for use in this docket its Official Protective Order adopted by Resolution R-07-432, a copy of which can be obtained from the Council Utilities Regulatory Office.~~ENO, ELL-Algiers, the Council's Advisors, and all of the Intervenors in Docket No. UD-08-02 (Alliance for Affordable Energy, Jacobs Technology, Inc., the Folger Coffee Company, U.S. Gypsum, and the Sierra Club) are designated or deemed parties to Docket No. UD-13-02. Additionally, a period of 20 days from the adoption of this Resolution is established for interventions in Docket UD-13-02 by individuals not herein designated a party. Persons desiring to intervene shall do so by filing an intervention request with the Clerk of Council, with a copy submitted to Director, Council Utilities Regulatory Office, Room 6E01 City Hall, 1300 Perdido Street, New Orleans, LA 70122; and to persons on the Official Service List of this Docket, which can be obtained from the Council Utilities Regulatory Office. All fees associated with the filing of interventions are hereby waived, in accordance with Section 158-286 of the City Code. Objections to intervention requests shall be filed within 7 days of such requests. Timely-filed intervention requests not objected to within that time period shall be deemed GRANTED.

~~BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:~~

~~Upon conclusion of these proceedings, the Council will take such further action in the matter as it deems appropriate.~~

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

**YEAS:**

**NAYS:**

**ABSENT:**

**AND THE RESOLUTION WAS ADOPTED**

Document comparison by Workshare Compare on Tuesday, August 12, 2014  
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