

BEFORE THE
COUNCIL OF THE CITY OF NEW ORLEANS

IN RE: REVISED APPLICATION OF)
ENERGY NEW ORLEANS, LLC)
FOR A CHANGE IN ELECTRIC AND)
GAS RATES PURSUANT TO)
COUNCIL RESOLUTIONS R-15-194)
AND R-17-504 AND FOR RELATED)
RELIEF)

DOCKET NO. UD-18-07

**MOTION TO INCLUDE BSI'S RESPONSE TO ENO'S 1ST REQUEST FOR
INFORMATION AND ASSOCIATED EXHIBITS IN ADMINISTRATIVE RECORD**

NOW COMES, BSI and moves the Hearing Officer for a ruling on the objections of the Advisers and the Company to the inclusion of BSI's Response to ENO's 1st Request for Information and Associated Exhibits into the Administrative Record, on the following grounds.

City Code Section 158-476. Provides for the general admissibility of:

... any evidence which would be admissible under the general statutes of the state, or under the rules of evidence governing proceedings in matters not involving a trial by jury in the courts of the state, shall be admissible before the council or its agents in matters governed by this article. Other evidence may be admitted by the council or its presiding agents if it is at all probative and relevant provided the substantive rights of all parties are protected. **The rules of evidence shall be applied liberally in any proceeding to the end that all needful and proper evidence shall be conveniently, inexpensively and speedily heard while preserving the substantive rights of the parties to the proceeding.** (Emphasis added)

Further, and paraphrasing the Hon. Jeffrey Gullin's discovery comments in Docket 16-02, repeated in this Docket, evidence which would be of assistance to the Council or any reviewing Court should be admitted. Although the Response and Associated Exhibits were not attached to testimony (the apparent grounds for the objections of the Advisers and the Company), the Response and Associated Exhibits appear in the form and nature of testimony (question and answer format), provide important detail and insight into the nature and viability of BSI's proposals, and would be of assistance and benefit to the Council or any reviewing Court.

Alternatively, BSI moves to preserve and proffer the Associated Exhibits under City Code Section 158-480 (c) which provides:

Excluded exhibits. If an exhibit has been identified, objected to and excluded, the presiding officer shall determine whether or not the party offering the exhibit withdraws the offer, and if so, permit the return of the exhibit to him. If the excluded exhibit is not withdrawn, it shall be given an exhibit number for identification, shall be endorsed by the presiding officer with his ruling, and shall be included in the record, for the purpose only of preserving the exception.

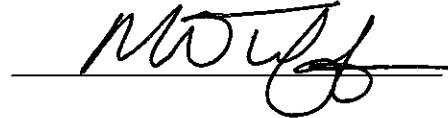
RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

A copy of the foregoing was emailed and/or mailed to the Service List herein on the 11th day of June, 2019.



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