

Greater New Orleans Interfaith Climate Coalition
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Alliance for Affordable Energy
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February 16, 2022

Lora W. Johnson, CMC, LMMC
Clerk of Council
Room 1E09, City Hall
1300 Perdido Street
New Orleans, LA 70112

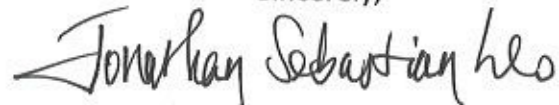
**Re: IN RE: SYSTEM RESILIENCY AND STORM HARDENING
Council Docket No. UD-21-03**

Dear Ms. Johnson:

Intervenors Greater New Orleans Interfaith Climate Coalition (“GNOICC”) and Alliance for Affordable Energy (“the Alliance”) respectfully submit this joint motion in opposition to Entergy New Orleans, LLC’s (“ENO”) February 11, 2022 Motion to Extend Deadline. As a result of the remote operations of the Council’s office related to COVID-19, GNOICC and the Alliance submit this filing electronically and will submit the original and requisite number of hard copies once the Council resumes normal operations, or as you direct. GNOICC and the Alliance request that you file this submission in accordance with Council regulations as modified for the present circumstances.

If you have any questions or concerns about this request, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Sebastian Leo". The signature is written in a cursive style with a large initial "J".

Jonathan Sebastian Leo

Member, Board of Directors,

Greater New Orleans Interfaith Climate Coalition

(on behalf of GNOICC and the Alliance for Affordable Energy)

cc: Official Service List by Electronic Mail

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

**IN RE: SYSTEM RESILIENCY AND)
STORM HARDENING)**

DOCKET NO. UD-21-03

**GREATER NEW ORLEANS INTERFAITH CLIMATE COALITION’S AND ALLIANCE FOR
AFFORDABLE ENERGY’S JOINT MOTION IN OPPOSITION TO ENERGY NEW
ORLEANS, LLC’S MOTION TO EXTEND DEADLINE AND OFFER TO STIPULATE TO
SHORTER EXTENSION**

Intervenors Greater New Orleans Interfaith Climate Coalition (“GNOICC”) and the Alliance for Affordable Energy (“the Alliance”) (collectively, “we”) respectfully submit this motion in opposition to Entergy New Orleans, LLC’s (“ENO”) motion to extend the March 1, 2022 deadline contained in the City Council’s October 27, 2021 Resolution No. R-21-401. Additionally, intervenors GNOICC and the Alliance offer to stipulate with ENO to a 30-day extension of that March 1, 2022 ENO filing deadline in order to allow ENO to prepare and submit a more detailed explanation in support of its motion to extend the deadline for six (6) additional months.

ENO’s motion asserts that an additional 6 months will enable it to complete the “complex and resource-intensive” analysis necessary for a comprehensive storm hardening and system resilience plan that requires innovative thinking and the development of new analytical tools, “considering thousands of storm scenarios and developing solution-sets that drive to desired levels of lower damage probabilities considering costs.” That 6-month extension is also necessary because ENO asserts that it is “extremely dependent on generation and transmission elements outside of New Orleans” that require its analysis to “be informed by elements external to ENO’s system.”

Intervenors GNOICC and the Alliance assure ENO that we want and expect nothing less than a plan that contains “meaningful, workable hardening and resiliency strategies supported by robust analysis” and we also understand that “an executable plan with alternatives” requires a “level of analysis and expertise [that] takes time to procure, develop, and then produce

results” that must then be “distill[ed] and supported by expert testimony.”¹ We appreciate that ENO is not committing to produce the functional equivalent of a NEPA-level environmental impact statement’s (“EIS”) analytical discussion of proposed and alternative projects, along with potential mitigation scenarios to deal with both avoidable and unavoidable adverse environmental, public health, and property damage impacts. However, we believe that ENO’s justifications for its request for an additional 6 months’ time to prepare and submit for review its *opening* plan for the parties’, CURO’s, and the City Council’s evaluation and critique reasonably entitles all of us to expect a storm hardening and system resiliency proposal that is commensurate in its analytical comprehensiveness with the volume of the alarm sounded by the City Council’s findings that 2021’s Hurricane Ida and the three (3) 2020 hurricanes that hit New Orleans produced an unsustainably severe cycle of \$160 million worth of damage and repair for both ENO and its ratepayers.²

Intervenors GNOICC and the Alliance are concerned that parts of ENO’s Motion to Extend Deadline explicitly demonstrate and implicitly portend the submittal of an initial storm hardening and system resiliency plan that may present the parties and the City with “facts on the ground” instead of a proposed plan all of whose components are open to scrutiny, critique, and modification, as appropriate.

In its Resolution No. R-21-401 of October 27, 2021, creating Docket No. UD-21-03, the City Council identified three (3) separate but interrelated elements that ENO’s storm hardening and system resiliency plan must include:

1. “A detailed explanation of the specific investments *to be made* under the plans including a proposed timeframe for such investments;”
2. “A detailed explanation and, as appropriate, calculations of the benefits *to be achieved* through each investment;” and
3. “A detailed explanation of the *estimated costs* of the plans along with *proposed cost recovery mechanisms* and rate impact calculations.”³

The italicized words in the Council’s description of the required contents of ENO’s storm hardening and system resiliency plan demonstrate that all the elements of the plan must be *prospective*. Consistent with this requirement that ENO’s Storm Hardening and System Resiliency Plan be prospective rather than a recitation of *faits accompli*, the Council also expects that plans proposed by other stakeholders contain “detailed explanations and, where appropriate, calculations of the benefits to reliability and resiliency that would be reasonably

¹ All text quoted above is from ENO’s February 11, 2022 document, “Entergy New Orleans, LLC’s Motion to Extend Deadline,” hereinafter “Motion to Extend Deadline.”

² Resolution R-21-401, October 27, 2021, at p. 2.

³ *Id.*, at p. 3 (italics added).

expected to be gained” as well as estimates “of the costs and timeframes of the plans and proposed cost recovery methods.”⁴

ENO begins its Motion to Extend Deadline with the statement that “[t]he work on developing a comprehensive storm hardening and system resiliency plan began in early September 2021, and ENO has already undertaken certain hardening projects since that time that will be complete by the 2022 hurricane season and are expected to benefit ENO customers.”⁵ Intervenors certainly do not object to ENO having begun implementation of parts of a storm hardening and system resiliency plan 4-6 weeks prior to the Council’s passage of Resolution No. R-21-401 at the end of October 2021. However, we strenuously object to ENO using the first nearly 10 months following the Council’s adoption of the Resolution to continue with the development and finalization of more plan elements, the expenditure of more funds, and the actual start (and, in some cases, perhaps completion) of construction and implementation of certain elements of a storm hardening and system resiliency plan *before* the entirety of that plan is presented to all parties to Docket No. UD-21-03 for public review and critique pursuant to the Resolution’s substantive and procedural requirements.

ENO’s Motion to Extend Deadline for 6 months was made 2-1/2 *weeks* prior to a deadline that had been established 3-1/2 *months* earlier. Certainly, ENO did not *suddenly* discover on February 10, 2022 that, despite its “diligent efforts” to develop a new comprehensive storm hardening and system resiliency plan since September 2021, it would be unable to meet a March 1, 2022 deadline it had known about since October 27, 2021. Neither intervenors nor the Council should have to speculate about the actual reason(s) for ENO’s last-minute request for 6 more months of such critically important planning away from public view. Therefore, intervenors call for a denial of ENO’s Motion to Extend Deadline and the beginning of the kind of transparent and public plan development that Docket No. UD-21-03 demands from ENO.

On February 10, 2022, ENO’s Brian Guillot sent an email to the Docket No. UD-21-03 Service List stating that ENO intended to file a Motion to Extend Deadline for 6 more months and wanted to know, prior to filing the Motion, whether other parties in addition to Air Products and the Sewerage & Water Board would agree not to oppose that Motion. Later that same day, GNOICC and the Alliance responded to Mr. Guillot’s email (copied to the entire Service List). GNOICC and the Alliance informed Mr. Guillot that we would be “unwilling to consider supporting such a Motion without a substantial showing of cause by Entergy why it should be granted six months’ more to complete its submittal when it has already had nearly 4 months to do so since the Resolution establishing the March 1 deadline.”

In its February 10 email response to ENO, GNOICC and the Alliance proposed that, “in lieu of filing its motion, Entergy submit a proposal for the City Council’s and the parties’ and intervenors’ considerations that details its need(s) for such a lengthy extension of time. Such a proposal ought to address each of the three (3) elements required by the City Council in section

⁴ *Id.*, at p. 1

⁵ Motion to Extend Deadline, at p. 1

6 of Resolution R-21-401: a. the specific investments to be made under the plans including a proposed timeframe for such investments; b. calculations of the benefits to be achieved through each investment; and c. the estimated costs of the plans along with proposed cost recovery mechanisms and rate impact calculations. That proposal for a request for a 6-month extension should clearly describe, in detail, the progress Entergy has made between October 27, 2021 and today toward developing each of those elements, specifically why Entergy believes that an additional six months is necessary to complete the work on each of those elements, and the commitment to submittal of a month-by-month timetable from March 1 to August 31, 2022 estimating Entergy's progress to completion for each of those three elements."

Later in the evening of February 10, Mr. Guillot politely but clearly rejected GNOICC's and the Alliance's alternative to a 6-month extension and indicated that ENO would proceed to file its Motion to Extend Deadline, which it did the following day.

The need for serious progress in fulfilling the objectives of this Docket No. UD-21-03 is urgent. Intervenors GNOICC and the Alliance suggest that the "material impact" of the Council's grant of ENO's request for a 6-month extension should not be evaluated in the context of the "timeline for implementation of any Council approved plan," as ENO suggests in its Motion to Extend Deadline, but rather should be evaluated in the context of the additional damage to property and hardship to the residents of New Orleans that may or likely will result from postponing the transparent commencement of this process for another half year.

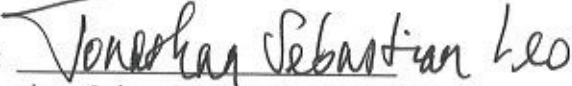
For the foregoing reasons, and notwithstanding ENO's rejection of intervenors GNOICC's and the Alliance's offer of a stipulation to a 30-day extension of the March 1 plan submittal deadline, we respectfully request that Hearing Officer Judge Jeffrey Gulin not approve ENO's Motion and, instead, extend the first filing deadline for thirty (30) days and that he further direct ENO to submit to all parties, no later than April 1, 2022, a statement that:

1. Provides a detailed description of the storm hardening and system resiliency work that ENO performed between September and October 27, 2021;
2. Provides a detailed explanation of the progress ENO has made between October 27, 2021 and March 31, 2022 toward developing each of the three (3) plan elements specified in Section 6 of Resolution No. R-21-401;
3. Includes particular and specific reasons (in addition to the general ones contained in ENO's Motion to Extend Deadline) why ENO believes that an additional six months is necessary to complete the work on each of those elements before its full draft Storm Hardening and System Resiliency Plan can be shared with all parties on the Service List for Docket No. UD-21-03; and
4. Contains a commitment from ENO to submit a monthly update to all parties on the first day of each month from March 1 through September 1, 2022, describing ENO's progress during the preceding month toward the completion of each of those three elements.

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Intervenors further request that Judge Gulin consider the institution of monthly status conferences among all parties to Docket No. UD-21-03, during which, among other topics, ENO's monthly and overall progress toward draft Plan completion can be discussed.

Respectfully submitted,

Greater New Orleans Interfaith Climate Coalition and Alliance for Affordable Energy

BY: 

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CERTIFICATE OF SERVICE

I hereby certify that I have, this 16th day of February, 2022, served the required number of copies of the foregoing pleading upon all other known parties to this proceeding individually and/or through their attorney of record or other duly designated individual, by electronic mail to the addresses shown in the Service List for Docket No. UD-21-03, as last updated on December 16, 2021.

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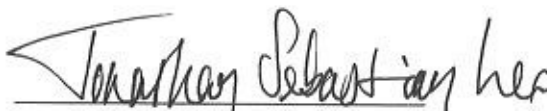
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