

RESOLUTION

NO. R-21-401

CITY HALL: October 27, 2021

**BY: COUNCILMEMBERS MORENO, GLAPION, GIARRUSSO, BANKS AND
BROSSETT**

**RESOLUTION AND ORDER ESTABLISHING A DOCKET AND PROCEDURAL
SCHEDULE WITH RESPECT TO SYSTEM RESILIENCY AND STORM
HARDENING**

DOCKET UD-21-__

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 (“City”); and

WHEREAS, Entergy New Orleans, LLC (“ENO” or “the Company”) is a public utility providing electric and natural gas service to all of New Orleans; and

WHEREAS, ENO is a wholly owned subsidiary of Entergy Utility Holding Company, LLC. ENO, and four other Entergy subsidiaries, Entergy Arkansas, LLC; Entergy Louisiana, LLC; Entergy Mississippi, LLC; and Entergy Texas, Inc. are the Entergy Operating Companies (“EOCs”); and

WHEREAS, in recent years, the frequency and intensity of severe weather events has increased dramatically; and

WHEREAS, in the wake of each event, ENO ratepayers are asked to cover the costs associated with repairing damage to infrastructure; and

WHEREAS, in 2020, New Orleans was impacted by three hurricanes resulting in an estimated \$38.5 million in damage; and

WHEREAS, most recently, Hurricane Ida struck the City as a category 4 on Sunday, August 29, 2021, causing damage in excess of \$120 million; and

WHEREAS, this cycle of damage and repair is not sustainable for the Company or ratepayers; and

WHEREAS, the Council desires to open a docket to increase resiliency and storm hardening on ENO's system, with a particular focus on reducing weather-related power outages; and

WHEREAS, the Council directs stakeholders to propose for the Council's consideration an infrastructure resiliency and storm hardening plan; and

WHEREAS, such proposed plans should include detailed explanations and, where appropriate, calculations of the benefits to reliability and resiliency that would be reasonably expected to be gained from the plans; and

WHEREAS, the proposed plans should also include an estimate of the costs and timeframe of the plans and proposed cost recovery methods; **NOW THEREFORE**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that:

1. The matter set forth herein shall be considered in Council Docket UD-21-____.
2. _____ shall be appointed the Hearing Officer to preside over this inquiry pursuant to the City of New Orleans Code of Ordinances. In presiding over the inquiry, the Hearing Officer is directed to administer the proceedings efficiently so as to minimize excessive costs to ratepayers.
3. ENO is designated as a party to these proceedings.
4. The Council's Advisors are directed to fully participate in the proceeding, including conducting discovery, to ensure that the Council's objectives for this docket are achieved.

5. Stakeholders desiring to intervene shall file a motion to intervene with the Clerk of Council no later than November 29, 2021, with a copy submitted electronically to Bobbie Mason (bfmason1@nola.gov). The Council's requirements for motions to intervene may be found in the City Code at sections 158-236, 158-240, 158-286, 158-287, 158-288, 158-322, and 158-324. Objections to motions to intervene shall be filed within 5 days of such requests. Timely-filed motions to intervene not objected to within that time period shall be deemed **GRANTED**.
6. Parties are directed to submit to the Council a system resiliency and storm hardening plan no later than March 1, 2022. Such plans should include:
 - a. A detailed explanation of the specific investments to be made under the plans including a proposed timeframe for such investments;
 - b. A detailed explanation and, as appropriate, calculations of the benefits to be achieved through each investment; and
 - c. A detailed explanation of the estimated costs of the plans along with proposed cost recovery mechanisms and rate impact calculations.
7. A discovery period will commence on March 1, 2022, all responses to discovery shall be made on a rolling basis and shall be due within 15 calendar days of receipt. Parties are encouraged to submit their data requests and responses electronically, where possible. Objections to data requests shall be filed within 5 days of receipt. All parties are strongly encouraged to provide complete, unambiguous, and non-evasive responses to requests for information. Failure to do so could cause unnecessary discovery disputes and may disrupt the procedural schedule outlined herein. The parties are encouraged to attempt to resolve their discovery disputes amicably prior to seeking the intervention of the Hearing Officer or appealing to the Council. The discovery deadline shall be 15 days prior to the deadline for the submission of the Advisors' Report to the Council.
8. All discovery and related dates are to be strictly adhered to by the Parties, and enforced by the Hearing Officer, unless there is a compelling reason for allowing late responses. If despite this admonition, the Hearing Officer allows late discovery responses, he/she is directed to alleviate any prejudice suffered by any Party due to the late responses, including through adjustments to the procedural schedule. Continued dilatory tactics by the Parties in the discovery process are strongly discouraged.

9. It is anticipated that during discovery, the Parties may be required to produce documents or information 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.

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.