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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. 35983-2

Dear Clerk:

Enclosed please find for electronic filing, Delta New Orleans Gas Company, LLC (Delta New Orleans) 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**

**DELTA NEW ORLEANS GAS COMPANY, LLC
REPLY COMMENTS ON PROPOSED CHANGES TO CHAPTER 158**

Delta New Orleans Gas Company, LLC (“**Delta New Orleans**”) respectfully submits reply comments (“**Reply Comments**”) to the Council of the City of New Orleans (“**Council**”) in response to comments filed by the Alliance for Affordable Energy (“**AAE**”) and Entergy New Orleans, LLC (“**ENO**”) regarding proposed changes to Chapter 158 of the Code of Ordinances (“**Chapter 158**”) and a proposed Utility Regulatory Manual (“**URM**”). In addition, after additional consideration, Delta New Orleans includes a revised proposed change to Section 158-55. Pursuant to Council Resolution R-25-407, these Reply Comments are timely filed.

As discussed herein, Delta New Orleans opposes certain changes proposed by AAE. The AAE changes, if approved, would be a significant change in policy of the Council without consideration of impacts to all utility customers. Delta New Orleans urges the Council to reject these changes.

Delta New Orleans is generally supportive of changes proposed by ENO to Chapter 158 and the URM that would also apply to gas utility service. Several of those proposed changes are similar in concept to those put forth by Delta New Orleans in Reply Comments.

Importantly, Delta New Orleans points out that all stakeholders that filed initial comments opposed the proposed change to the *ex parte* prohibition in Chapter 158. Delta New Orleans re-

urges the Council not to prohibit *ex parte* written communications, or at a minimum, only prohibit those communications that include new information not included in the administrative record.

Response to AAE

The AAE requests several proposed changes to Chapter 158 that would be a significant change in Council policy and a departure from current code provisions. However, the AAE does not address the ramifications of its proposals on costs to customers.

Section 158-8

With respect to the AAE's proposal to declare utility access a "fundamental human right" and in turn to prohibit utility disconnections of residential customers for non-payment, such changes would result in cost shifting - - neither of which is supportive of reliable service nor consistent with cost causation principles that guide the Council in setting utility rates. Non-residential and residential customers should not have to pay their share of costs as well as costs not paid by other residential customers.

Non-profit and other charitable organizations exist to provide utility assistance to those needing assistance in paying their utility bills. Those organizations are the appropriate sources of assistance for low-income customers, as funding from such organizations will not impact the utility's ability to provide reliable service or shift costs to other customers. Further, such organizations are positioned to seek and receive financial assistance from the government and/or other sources of donations and to ensure that financial assistance is distributed to customers who are in need of assistance.

Likewise, the AAE has not considered or addressed the increase in costs to ratepayers associated with its proposals for additional representation of ratepayers at the Council and intervenor compensation in utility proceedings. Such measures would also increase the cost of

utility service, particularly considering the number of residential stakeholders in utility proceedings before the Council.

Delta New Orleans urges the Council not to adopt these changes to Section 158-8, which the AAE proposes to flow through to other provisions of Chapter 158 (*e.g.*, Section 158-11(b)(2)).

Section 158-12

The AAE proposes to allow customers to appeal to the Council complaints lodged with a utility *prior to* a final decision by the utility with respect to the complaint. This seemingly would result in an increase in appeals being filed with the Council Utilities Regulatory Office (“**CURO**”), including appeals of ongoing complaints. This proposed change would result in an increase in cost of utility service to ratepayers, as the additional costs associated with unsubstantiated complaints would likely flow through to utility customers and also potentially result in duplicative efforts of CURO and the utility.

Section 158-19

The AAE seeks to eliminate flexibility in the Council’s Protective Order that allows a party asserting confidentiality to seek further protections with respect to the manner in which or “Reviewing Representatives” to which certain materials are disclosed. Pursuant to the Protective Order, whether such additional protections are allowed are to be determined on a case-by-case basis. Thus, as transpired in Docket UD-24-01 and as would be consistent with proposed Section 158-35, any party has the right to request, and any other party has the right to oppose, such additional protections.

However, to the extent additional protections are warranted and allowed, those materials must be distinguishable from other confidential materials. To prohibit use of a designation to identify materials for which additional protections have been allowed, as the AAE requests, would

render the additional protections useless and would be inconsistent with Section 158-35, which the AAE has not opposed.

Delta New Orleans urges the Council to reject this requested change of AAE.

Response to ENO

As previously noted, Delta New Orleans is generally supportive of comments of ENO on changes to Chapter 158 and the proposed URM of applicability to both utilities. Delta New Orleans provides additional discussion with respect to certain recommendations of ENO below.

Section 158-9, et seq.

Delta New Orleans is supportive of ENO's proposed revisions to customer complaint provisions of Chapter 158. As Delta New Orleans indicated in its Initial Comments, unresolved property damage claims should be excluded from the appeals process as such claims are appropriately subject to the jurisdiction of the courts. In addition, Delta New Orleans proposed changes similar in concept to that of ENO, with respect to streamlining the customer complaint process from what is proposed in the revised Chapter 158.

Section 158-23

Delta New Orleans agrees with ENO's concerns with respect to proposed changes to *ex parte* rules that would prohibit both verbal and written communications with Councilmembers regarding utility dockets. Delta New Orleans re-urges its position that oral communication should not be prohibited and that if written communications are prohibited, such prohibition should not apply to information already included in the administrative record of a docket.

Section 158-42

Delta New Orleans supports ENO's comments with respect to this section. Delta New Orleans raised similar concerns and proposed similar changes to this section, and others, that would impose requirements on "owners and operators" of utilities, rather than on the utility itself.

Section 158-8(i)(3)

Delta New Orleans does not oppose the clarifying and corrective comments and changes of ENO to this section. However, Delta New Orleans urges the Council to also adopt its changes that would limit the prohibition of disconnections during "Excessive Heat Warnings" (or such other term that may ultimately be used by the Council) to disconnection of electric service and not natural gas service, for reasons discussed in Delta New Orleans Initial Comments.

URM, Division IV, Section 1

Delta New Orleans supports and/or does not oppose minor changes proposed by ENO to technical filing requirements of URM Division IV, including with respect to Sections 1.2.b, 1.2.d, 1.3.b, c, h, i, j, k and l, 1.4.b, c, d, f, g, h, k, and 1.5.b, b, and d. Delta New Orleans also re-urges its changes to the URM provided in its Initial Comments to align with information actually provided in and relevant to/necessary for rate cases.

URM, Division IV, Section 2

Delta New Orleans supports ENO's proposed addition to the URM to allow waiver of the requirement to file a Period I Test Year in a rate case if the applicant is proposing that base rates be set on Period II test year class costs of service. This change seemingly would reduce work and expense of the utility, the Advisors and all intervenors in re-reviewing repackaged information.

Delta New Orleans Revision to Section 158-55

In Initial Comments, Delta New Orleans proposed certain revisions to Chapter 158, Section 55, for the stated reason of aligning it with changes it was proposing to the URM. These changes included (i) revision (a)(4) to reference “Statement of net utility operating income” instead of “Retained earnings analysis”; and (ii) revisions to (h) and a new (i) to require an “Affiliate cost allocation manual (‘CAM’)” and a “schedule of affiliate costs for affiliates subject to the CAM.” Upon further review, Delta New Orleans believes that subparts (h) and (i) should be deleted as they are more clearly and specifically addressed in the URM. Thus, Delta New Orleans requests that revised Section 158-55(h) and new Section 158-55(i) be deleted, but Delta New Orleans maintains its requested change to Section 158-55(a)(4), consistent with other terminology changes throughout Chapter 158 and the URM.

Conclusion

Delta New Orleans appreciates the opportunity to respond to the AAE and ENO regarding proposed revisions to Chapter 158 of the Council’s Code of Ordinances. For the reasons discussed herein, Delta New Orleans respectfully requests the Council’s consideration of Delta New Orleans’ comments, concerns, and proposed changes.

RESPECTFULLY SUBMITTED:



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon all known parties to this proceeding by hand delivery and/or electronic mail.

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



Carrie R. Tournillon