

RESOLUTION

NO. R-24-624

CITY HALL: October 24, 2024

BY: COUNCILMEMBERS MORENO, MORRELL, HARRIS, GREEN AND THOMAS

**RESOLUTION AND ORDER ESTABLISHING A DOCKET AND PROCEDURAL
SCHEDULE TO ENHANCE DISTRIBUTED ENERGY RESOURCE
PROGRAMS**

DOCKET UD-24-02

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 (“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.; and

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

WHEREAS, the Council has recognized the importance of expanding the availability of distributed energy resources in response to a rapidly changing climate and increased demand on the electric grid; and

WHEREAS, in Resolution No. R-23-74, the Council affirmed the Council Utilities Regulatory Office (CURO) recommendation “that due to the need of a more comprehensive and focused analysis, the discussion of microgrids by the parties in their respective filings warrants additional and more specific consideration and therefore, the Council should open an independent

docket separate and apart from the System Resiliency and Storm Hardening Docket for the purpose of fully examining and considering the parties' microgrid proposals;" and

WHEREAS, in Resolution R-22-413, the Council established Docket Number UD-22-04 to address potential changes to policies related to customer-owned distributed energy resources ("DERs") and energy storage; and

WHEREAS, the Administration, through the Mayor's Office of Resilience and Sustainability ("ORS"), has been working with the National Renewable Energy Laboratory ("NREL") to explore ways to evaluate the availability of clean energy generating resources through DERs; and

WHEREAS, parties to other dockets, including Together New Orleans ("TNO") and the Alliance for Affordable Energy ("AAE"), have stressed the importance of increasing the number and scale of DERs and microgrid programs; and

WHEREAS, the Council was a party in twenty dockets before the Federal Energy Regulatory Commission regarding System Energy Resources, Inc.'s recovery of costs under the Unit Power Sales Agreement, accumulated deferred income taxes, and the operation of Grand Gulf Nuclear Station; and

WHEREAS, on May 2, 2024, the Council approved an AIP to settle the dockets and to refund \$116 million to ENO ratepayers; and

WHEREAS, as part of the AIP, \$32 million credits was retained by ENO pending further direction from the Council and subject to an annual cap of \$10 million unless there is mutual agreement between ENO and the Council ("SERI Credits"); and

WHEREAS, regulatory law and policy generally require that credits such as these should be passed on to ratepayers; and

WHEREAS, the Council finds that it is in the public interest to establish a docket dedicated to increasing the availability of DERs, battery storage, and related facilities, including any changes to ENO-related policies, funding mechanisms, and establishing a vendor-neutral program to facilitate these goals; **NOW THEREFORE**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following procedural schedule is adopted:

1. The Council hereby establishes Docket No. UD-24-02 to evaluate ways to increase the availability of DERs, battery storage, and related facilities, including any changes to ENO-related policies, funding mechanisms, and establishing a vendor-neutral program to facilitate these goals.
2. The Council appoints the Honorable Calvin Johnson as Hearing Officer in this docket, who shall, for good cause shown and as required by the circumstances of the proceedings, have authority to change or amend the procedural dates set forth herein. To the extent that the City Clerk's office closes before 5:00 pm on the date of any deadline contained herein, the deadline shall be extended to the next business day.
3. ENO, TNO, and AAE are designated as a party to this proceeding.
4. The Council's Advisors are directed to fully participate in the proceeding including conducting discovery, submitting comments, and/or drafting reports as needed, to ensure that the Council's objectives for this docket are achieved.
5. The following procedural schedule is adopted:
 - a. Stakeholders desiring to intervene shall file a motion to intervene with the Clerk of Council no later than November 15, 2024, with a copy submitted electronically to Byron Minor (Byron.Minor@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.

- b. By November 22, 2024, ENO is directed to submit a copy of their current interconnection policy to the service list.
- c. By December 20, 2024, parties are directed to submit proposals for changes to existing policies or programs, new programs, costs, and proposed funding mechanisms, including comments on whether SERI Credits can and should be used to support these programs, to the service list.
- d. The parties shall convene a virtual technical conference to discuss the proposals between January 6, 2025 and February 7, 2025.
- e. By March 14, 2025, parties shall file comments on the proposals submitted.
- f. By March 31, 2025, parties shall file reply comments.
- g. The parties shall convene a second virtual technical conference between April 7, 2025 and May 2, 2025.
- h. By June 2, 2025, the Advisors shall submit an Advisors' Report summarizing comments received, recommending changes to existing Council's policies, analyzing proposed funding mechanisms, and providing additional guidance to the Parties on how to fulfill the Council's goals for this docket.
- i. By June 20, 2025, parties shall file any comments on the Advisors' Report.
- j. By August 1, 2025, parties shall file revised proposals.

- k. By August 22, 2025, the Hearing Officer shall certify the record and submit it to the Council for consideration and determining if additional procedural deadlines are necessary.

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.