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October 17, 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. 7717-41

Dear Clerk:

Enclosed please find for electronic filing, Air Products and Chemicals, Inc.'s ("Air Products") Initial 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 DOCKET NO. UD-25-01
CHAPTER 158 OF THE CODE OF October 17, 2025
ORDINANCES.**

**AIR PRODUCTS AND CHEMICALS, INC.
INITIAL COMMENTS**

Air Products and Chemicals, Inc. (“**Air Products**”) respectfully submits initial comments to the Council of the City of New Orleans (“**Council**”) regarding proposed changes to Chapter 158 of the Code of Ordinances (“**Chapter 158**”). Air Products comments are very limited, addressing only the proposed change in the *ex parte* prohibition included in Section 158-23. Pursuant to Council Resolution R-25-407, Air Products’ comments are timely filed.

Discussion of Section 158-23

Air Products is an industrial company located in New Orleans who purchases electricity from Entergy New Orleans, LLC (“**ENO**”). Like other non-residential customers of ENO, Air Products is affected by decisions of the Council and its relationship with councilmember is important to it. Air Products also regularly participates in utility dockets before the Council. As a large purchaser of electric from ENO, reliable electric service at the lowest reasonable cost is very important to Air Products and the ability to engage with ENO, the Advisors, the Council and other parties in those proceedings is likewise important to Air Products. Thus, it is important to Air Products to be able to have dialogue with councilmembers, including with respect to utility dockets, while also being able to participate as a party in those dockets. As proposed, Section 158-23 of the revised Chapter 158 does not allow for this.

The new *ex parte* provision would be prejudicial to those stakeholders who spend time and resources participating in a utility docket, as the broad prohibition of both written and verbal

communications with councilmembers applies only to parties in a docket. Non-parties would not be prohibited from engaging in any form of *ex parte* communications with councilmembers (written or verbal) under the proposed ordinance change. Thus, a non-party would have a right of access to councilmembers that parties do not have, which is unfair and prejudicial to stakeholders such as Air Products who find it important to be engaged in the process of utility proceedings.

In addition, Air Products submits that a total prohibition on sharing written information with councilmembers regarding a proceeding is overly strictive. To the extent written information is sourced from a document that has been filed in the docket, it would already have been served on the parties to the proceeding, subject to potential confidential limitations, and made available to the public via the agenda of the Council Regular Meetings that are posted on the Council website. Parties to a proceeding should not be prohibited from using written materials in meetings with councilmembers when such information is available in the administrative record of the docket.

Air Products respectfully requests the following changes to Section 158-23, which are also provided in Attachment A, hereto.

Sec. 158-23. - Ex-parte communications prohibited. While a matter is the subject of a utility docket under this article, ex-parte written communications between the council and parties to the utility docket regarding any aspect of the subject utility docket are strictly prohibited. An ex-parte written communication is any ~~message or statement to a councilmember or staff member serving in an individual councilmember's office, transmitted outside of an electronic communication to the docket's service list, and includes substantive~~ information provided in writing to a councilmember pertaining to a utility docket on which the council has not issued a final order when the information is not contained in or sourced from information that is part of the administrative record of the docket. Any such written ex parte communication ~~related to active utility dockets~~ must may be required to be submitted electronically to the appropriate service list or during the appropriate public meeting or technical conference to maintain transparency and fairness in the regulatory process.

Written ~~E~~x-parte communication by a party may result penalties as determined by the council or the administrative hearing officer including disqualification of the communication and changes to the procedural schedule to allow parties to provide comment on the prohibited communication.

WHEREFORE, Air Products respectfully requests the Council consider and incorporate the proposed changes to Section 158-23, discussed above. Air Products looks forward to reviewing and responding to initial comments filed by the other Intervenors in this proceeding.

RESPECTFULLY SUBMITTED:



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Attorneys for Air Products and Chemicals, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served by electronic delivery to the Clerk of Council and all known parties of record on the Official Service List.

New Orleans, Louisiana this 17th day of October, 2025.



Carrie R. Tournillon

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