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September 5, 2025

**VIA ELECTRONIC MAIL**

Clerk of Council  
Clerkofcouncil@la.gov  
City Hall - Room 1E09  
1300 Perdido Street  
New Orleans, LA 70112

**Re: Rulemaking Proceeding to Establish Rules for Community Solar Projects  
(CNO Docket No. UD-18-03)**

Dear Clerk of Council:

Attached please find Entergy New Orleans, LLC's ("ENO") Comments Regarding Consolidated Billing pursuant to Resolution No. R-25-352 issued by the Council of the City of New Orleans ("Council") in the above-referenced docket. ENO submits this filing electronically and will submit the requisite original and number of hard copies once the Council resumes normal operations or as you direct.

Thank you for your assistance in this matter, and please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads 'Leslie LaCoste'.

Leslie M. LaCoste

LML/jlc

Enclosures

cc: Official Service List UD-18-03 (*via electronic mail*)

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

**IN RE: A RULEMAKING PROCEEDING    )**  
**TO ESTABLISH RULES FOR            )**                   **DOCKET NO. UD-18-03**  
**COMMUNITY SOLAR PROJECTS        )**

**COMMENTS ON BEHALF OF ENTERGY NEW ORLEANS, LLC**

Entergy New Orleans, LLC (“ENO” or the “Company”), through undersigned counsel, respectfully submits these comments pursuant to Resolution No. R-25-352 (“Resolution”) issued by the Council of the City of New Orleans (“Council”). While the Resolution allows intervenors to submit comments on what it refers to as ENO’s “proposal” for consolidated billing, ENO makes this filing out of an abundance of caution and necessity. As currently postured, this matter presents significant policy and legal issues, as well as significant risks to customers. Because these issues have not yet been addressed, ENO has not been able to prepare a comprehensive proposal for potential implementation of consolidated billing. Indeed, the current community solar rules potentially combined with consolidated billing create significant cost shift and legal issues, as discussed in prior comments and further articulated herein. The Company has provided various proposals to mitigate these risks in these comments and in prior submittals. For the reasons discussed herein and in prior submittals, the Company respectfully requests that the Council resolve the public interest and other threshold issues regarding consolidated billing and consider necessary safeguards to protect the Company and its customers as part of any effort to require consolidated billing.<sup>1</sup>

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<sup>1</sup> On August 15, 2025, ENO issued Requests for Information (“RFI”) to the Advisors, and it has not yet received responses. ENO will need time to review the responses once received. Based on those responses, other factual development, and any further issues that may arise, the Company reserves the right to raise additional issues and supplement or modify the positions set forth herein in subsequent filings or otherwise.

## **INTRODUCTION**

For the past several years, in multiple submissions to the Council, ENO has expressed myriad concerns about implementation of consolidated billing. These concerns include that ENO's billing system would require significant modifications to accommodate consolidated billing; the cost recovery mechanism and allocation arrangement for consolidated billing remain unclear; consolidated billing presents business risks to ENO and unreasonable costs to its customers; and there are no safeguards to avoid these risks. Moreover, ENO has raised numerous questions and sought guidance and parameters from the Council regarding consolidated billing, including proposed modifications to the community solar rules to accommodate consolidated billing. To that end, the Company has also suggested modifications to the existing community solar rules that may reduce the costs and other concerns that ENO has raised regarding consolidated billing. These issues remain unresolved.

Against this backdrop, a threshold issue in this docket has become whether and/or under what circumstances it is in the public interest to implement consolidated billing for the New Orleans community solar program. The current procedures, however, do not contemplate an evidentiary record being submitted to allow the Council to fully consider this threshold issue or other important policy considerations. This is contrary to law. Towards the end of these comments, the Company proposes a path forward for stakeholders to present evidence and for the Council to address the public interest and other threshold issues and necessary safeguards that must be considered as part of any effort to require consolidated billing. The path forward would ensure that this docket and the Council are positioned to proceed in a deliberate manner to protect customers in New Orleans. Given that most community solar projects are only in the application

phase and only one project is in the construction phase, the Council has time to carefully sort through the details and implications of consolidated billing before projects come online.

The Council’s careful review of the implications of consolidated billing is all the more important and necessary given the news reports about PosiGen, a residential solar installer and intervenor in this docket. PosiGen recently announced that it is laying off hundreds of employees in Louisiana and ceasing most of its operations throughout the United States due to significant financial difficulties, macroeconomic challenges, and falling demand. PosiGen is not alone in experiencing hardship. The news reports state that “[r]esidential solar installations declined 31% in 2024. Over the last year, industry titans like SunPower, Sunnova, and Mosaic Solar have filed for bankruptcy.”<sup>2</sup> The wave of bankruptcies among residential solar installers and financiers, driven largely by macroeconomic strain and policy shifts, signals instability in the distributed solar marketplace. The Council plays a critical role in safeguarding the future of community solar by strengthening program design, transparency, and protections for participants.

Accordingly, as discussed more fully herein, the Company respectfully requests that the Council resolve the public interest and other threshold issues regarding consolidated billing and consider necessary safeguards that should be considered as part of any effort to implement consolidated billing.

### **PROCEDURAL BACKGROUND**

On July 13, 2022, Madison Energy Investments (“MEI”) asked the Council, among other things, to require ENO to implement consolidated billing in the context of the New Orleans

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<sup>2</sup> *Louisiana-based solar company Posigen lays off hundreds, shuts most operations. Here’s why.* [https://www.nola.com/news/business/posigen-solar-layoffs-louisiana-trump-tax-credits/article\\_6cc1a144-9efa-41e7-86f0-e5867e4c5d0b.html#tncms-source=dontmiss-1](https://www.nola.com/news/business/posigen-solar-layoffs-louisiana-trump-tax-credits/article_6cc1a144-9efa-41e7-86f0-e5867e4c5d0b.html#tncms-source=dontmiss-1) (Aug. 27, 2025); *Residential solar installer PosiGen ceases most of its operations.* <https://pv-magazine-usa.com/2025/08/26/residential-solar-installer-posigen-ceases-most-of-its-operations/> (Aug. 26, 2025).

community solar program, stating without evidence that “[c]onsolidated utility billing would be easier for all parties involved.”<sup>3</sup> Thereafter, on September 19, 2022, the Alliance for Affordable Energy (“AAE”) filed comments, without evidence, generally supporting MEI’s position.<sup>4</sup> On December 7, 2022, ENO filed comments in opposition to MEI’s request, stating that “ENO should not bear the responsibility (and its customers should not bear the cost) to scope out an ill-defined bill credit model change and develop scope of work and cost estimates for changes to ENO’s billing system.”<sup>5</sup>

On April 6, 2023, considering the parties’ comments, the Council issued Resolution No. R-23-130, stating “there is not sufficient information in the present proceeding . . . to determine whether it is feasible for the Company to implement consolidated billing.”<sup>6</sup> After the resolution, various parties continued to file comments on consolidated billing and other issues.<sup>7</sup> On July 7, 2023, Air Products and Chemicals, Inc. (“Air Products”) filed comments opposing consolidated billing, stating it “appears to put the financial risk of a Subscriber defaulting on its Subscription payments on ENO, and therefore potentially ENO’s customers, and should be rejected.”<sup>8</sup>

On November 2, 2023, considering the parties’ comments, the Council issued Resolution No. R-23-507, stating that “parties have raised valid concerns regarding the utilization of consolidated billing that have not been sufficiently addressed.”<sup>9</sup> At this point, consolidated billing appeared to be formally rejected.

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<sup>3</sup> Motion of MEI to Amend Community Solar Rules (July 13, 2022), p. 5.

<sup>4</sup> Comments of the AAE (September 19, 2022), pp. 2-6.

<sup>5</sup> Comments of Entergy New Orleans, LLC in Response to MEI’s Motion to Amend the Community Solar Rules (December 7, 2022), p. 8.

<sup>6</sup> Resolution No. R-23-130, p. 4.

<sup>7</sup> *E.g.*, Comments of AAE (June 16, 2023), p. 4; Comments of Working Power (June 16, 2023), p. 2.

<sup>8</sup> Air Products Reply Comments on Proposed Changes to Community Solar Rules (July 7, 2023), p. 4.

<sup>9</sup> Resolution No. R-23-507, p. 8.

Six months later, however, on April 8, 2024, Together New Orleans (“TNO”) and the AAE again raised the issue of consolidated billing in a joint motion to amend the community solar rules, generally arguing without evidence that consolidated billing will “reduce barriers to participation, eliminate confusion, and streamline the experience of community solar for customers,” and consolidated billing “can be implemented with limited changes to the physical bill and requires only limited communications and data sharing between Subscription Organizations and Utilities.”<sup>10</sup>

In response to the joint motion, on July 25, 2024, the Council issued Resolution No. R-24-310, which required, among other things, that ENO submit a proposal to implement consolidated billing by July 1, 2025. The sole justification for the Council’s requirement that ENO submit a proposal for implementation was that “TNO and AAE again raised the *argument* in favor of consolidated billing.”<sup>11</sup> The Council solicited this proposal without amending the community solar rules, citing any record evidence, defining what it meant by “consolidated billing program,” or discussing ENO’s or Air Products’ stated reasons for opposing consolidated billing.

On October 30, 2024, ENO filed comments discussing the significant hurdles and costs associated with implementing consolidated billing for the community solar program. In particular, ENO expressed concerns about cost shifts to non-participating customers as a result of implementing consolidating billing. As the Company showed in its analysis, the subscriber credit rates set by the Council in November 2023 (which pay low income subscribers \$0.02/kWh above retail rates, non-low income subscribers retail rates, and non-residential subscribers credits that exceed the energy component of their commercial rate by including demand charge components in the subscriber credit) will result in an estimated \$212 million net cost to customers over the next

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<sup>10</sup> Joint Motion of TNO and the AAE to Amend Community Solar Rules (April 8, 2024), pp. 2-4.

<sup>11</sup> Resolution No. R-24-310, p. 6 (emphasis added).

20 years under a 60 MW community solar program. ENO also explained that its business and customer base in New Orleans is significantly different than the few other jurisdictions (*e.g.*, New York) that have implemented consolidated billing and experienced difficulties in doing so. ENO also addressed certain legal concerns surrounding consolidated billing, including that endeavoring to force ENO to implement consolidated billing would infringe on ENO's right to determine how to properly manage and operate its business.<sup>12</sup>

On December 13, 2024, ENO submitted a letter to the Clerk of Council supplementing its October 30, 2024 comments, which provided additional information regarding the hurdles and costs of consolidated billing, as well as the Company's concerns about cost shifts to non-participating customers. Moreover, ENO emphasized that any effort to implement consolidated billing would come at a cost of, among other things, employing additional personnel and upgrading the Company's current billing system. The Company also stated that the community solar rules would need to be modified by the Council to accommodate consolidated billing, and/or that consolidated billing could result in costs among all customers of approximately \$2 per month for a typical residential customer.<sup>13</sup>

Further, considering the costs to customers, the Company requested guidance from the Council on a variety of questions pertaining to proposals that may alleviate some of the potential customer inequities, including:

1. In the event the Council elects not to change the bill credit calculation approved in Resolution No. R-23-507, as modified by Resolution Nos. R-24-310 and R-24-571, will the Council consider setting the percentage split of total subscriber credits between subscriber organizations and subscribers in any further amendment of the Rules that adopts consolidated billing?
2. Will the Council consider modifying the credit rate for subscribers and subscriber organizations to a set rate?

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<sup>12</sup> ENO Comments (October 30, 2024), pp. 2-5, 11-14.

<sup>13</sup> December 13, 2024 ENO Letter to Clerk of Council.

3. Will the Council consider limiting the community solar program to low-income customers?
4. Will the Council consider limiting or phasing in the capacity of the community solar program?
5. If the Council further amends its Rules to require consolidated billing, would it limit the participation of anchor customers and the availability of alternative billing structures besides consolidated billing?<sup>14</sup>

In its December 13, 2024 letter, the Company proposed two modifications for the Council to consider: (a) reducing the program capacity limit (*e.g.* from 60 MW to 20-30 MW) and limiting participation to low-income customers, and (b) reducing payments to subscriber organizations, either by changing the credit rate methodology in the rules or by incorporating a competitive process to select projects that can be built at the lowest cost to all customers. While this proposal requires changes to the existing community solar rules, the Company believes it is worth merit as these solutions can mitigate the cost shift to customers and minimize some of the policy concerns. To date, the Council has not acknowledged or opined on ENO's proposals from the December correspondence, which are intended to achieve a fairer outcome for all customers and potentially reduce the implementation costs associated with consolidated billing.<sup>15</sup>

On April 2, 2025, TNO made a filing containing a statement that the "net crediting method of consolidated billing is a nationwide best practice integral to the success of New Orleans' community solar program."<sup>16</sup> In response to the unsupported and factually inaccurate statement, on May 27, 2025, ENO filed comments that reasserted its opposition to consolidated billing as expressed in prior submissions.<sup>17</sup> On June 11, 2025, the Company submitted a letter to the Clerk of Council that, in the absence of Council-approved community solar rules that contemplate

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<sup>14</sup> December 13, 2024 ENO Letter to Clerk of Council.

<sup>15</sup> December 13, 2024 ENO Letter to Clerk of Council.

<sup>16</sup> TNO Comments (April 2, 2025), p. 6.

<sup>17</sup> ENO Comments (May 27, 2025), pp. 2-3.

consolidated billing, proposed for consideration and discussion certain redlined rules on consolidated billing as ENO understands it. As part of the letter, ENO provided an initial estimate of certain costs to implement consolidated billing, and it emphasized that any final estimate could fluctuate depending on the rules and requirements that the Council establishes. The Company also supplemented its prior submissions regarding the hurdles, costs, and concerns associated with consolidated billing.<sup>18</sup>

Days later, on June 26, 2025, the Council issued Resolution No. R-25-352, referring to ENO's June 11, 2025 letter as a "proposal" for consolidated billing and establishing a procedural schedule consisting of two rounds of comments, a limited period of discovery, and a technical conference regarding ENO's so-called "proposal." Resolution No. R-25-352 notably does not reference or solicit commentary on any of the more-detailed proposals made by ENO in its December 13, 2024 letter. On July 15, 2025, to ensure an accurate record of the proceedings, the Company sent a letter to the members of the Council's Climate & Sustainability Committee stating, among other things, that its June 11, 2025 letter was not a "proposal" for consolidated billing. The letter was also shared with parties. Therein, ENO reiterated its concerns regarding consolidated billing, and it stressed there are many outstanding issues as to how, whether, and when a consolidated billing arrangement could be implemented – and no Council findings as to why such an arrangement *should* be implemented.<sup>19</sup>

To that end, ENO pointed out that, to date, the regulatory procedures related to consolidated billing have not produced evidence that would afford the Council an opportunity to consider whether consolidated billing is in the public interest. All parties have not briefed the public interest issue, presented evidence (in the form of pre-filed testimony and/or cost benefit analyses) on

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<sup>18</sup> June 11, 2025 ENO Letter to Clerk of Council.

<sup>19</sup> July 15, 2025 ENO Letter to Climate Committee.

consolidated billing in the context of the community solar program in New Orleans, or even reached a common understanding of “consolidated billing.” Further, as discussed in prior submissions, ENO requested additional guidance in order to define the parameters of a consolidated billing framework before the Company (and other parties) could develop appropriate estimates of costs and updated processes to administer consolidated billing.<sup>20</sup>

On July 31, 2025, the technical conference was convened, during which ENO again noted that the Council has not yet considered or decided whether consolidated billing in the context of the community solar program in New Orleans is in the public interest. In addition, ENO continued to, among other things, express concerns that its billing system would require significant modifications to accommodate consolidated billing; the cost recovery mechanism and allocation arrangement for consolidated billing remain unclear; consolidated billing presents business risks to ENO and its customers; and there are no defined safeguards to protect ENO and its customers.

Moreover, during the technical conference, various intervenors who do not have franchises in New Orleans stated their intentions to market and sell generation services directly to ENO’s existing customers in competition with ENO’s electric service. One intervenor stated that the seller of the generation services, a subscriber organization, wanted the option to offer ENO’s customers up to 5 different price levels to encourage them to subscribe and not use ENO’s electric service. Another intervenor stated that ENO’s customers would be able to switch from one subscriber organization to another if customers learned that another subscriber organization was offering lower prices. That same intervenor also stated that customers would be queuing (*i.e.*, lining up) to secure the limited generation services offered by the subscriber organization as opposed to ENO’s electric service.

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<sup>20</sup> July 15, 2025 ENO Letter to Climate Committee.

Following the technical conference, in August 2025, certain intervenors submitted responses to the Company’s RFIs issued on July 28, 2025, seeking information on various aspects of consolidated billing. On the whole, the responses to the RFIs are general in nature and largely non-responsive; in fact, several intervenors refused to provide any substantive responses to many RFIs.<sup>21</sup> By way of example, TNO and SunConnect refused to provide any information regarding their investment proposals or business plans in connection with community solar participation.<sup>22</sup> In addition, SunConnect refused to respond to almost half of the RFIs, and it directed ENO – in response to the Company’s effort to gain an improved understanding about consolidated billing in other states, which parties have repeatedly cited as a model of success – to use “a Google search and/or AI [that] can provide more insight onto the consolidated billing programs in Illinois, New York, Oregon, and Virginia.”<sup>23</sup>

### **SPECIFIC COMMENTS**

I. **The Instant Rulemaking Docket Has Not Produced Sufficient Evidence for the Council to Determine Whether Consolidated Billing Is in the Public Interest.**

As the Council knows, the public interest is a threshold issue in deciding a particular course of action. Whether a course of action is in the public interest will depend upon relevant factors that are potentially quantifiable on an estimated basis, such as likely changes in costs, as well as upon other factors that are not quantifiable, such as the effect of that course of action on the robustness of a competitive market.

Here, the Council has not been afforded a balanced opportunity to consider – or find – that implementing consolidated billing in the context of the New Orleans community solar program is

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<sup>21</sup> Perch Energy, Solstice Power Technologies, Greater New Orleans Housing Alliance, Gulf States Renewable Energy Industries Association, and Solar Alternatives have not submitted any responses.

<sup>22</sup> TNO Response to ENO 1-19, attached hereto as Exhibit “A”; SunConnect Response to ENO 1-19, attached hereto as Exhibit “B”.

<sup>23</sup> SunConnect Response to ENO 1-26, attached hereto as Exhibit “B”.

in the public interest. Instead, based solely on an “argument” offered by TNO and the AAE,<sup>24</sup> the Council skipped over all threshold issues about whether and how consolidated billing could be implemented and proceeded directly to soliciting from ENO a consolidated billing proposal for review. The procedural schedule provided in Resolution No. R-25-352 regards ENO’s so-called “proposal” for consolidated billing – *not* the public interest or other recommendations presented by the Company. There is no comment period for those issues, or for the submission of pre-filed testimony, or for a full evidentiary hearing in which the parties can submit evidence and cross-examine witnesses such that the Council can consider and resolve the issues.

Under Louisiana law, when a utility’s significant property interest, one significant to the utility and its investors, is at stake in a regulatory proceeding, the utility is entitled to an evidentiary hearing before that interest can be adversely affected.<sup>25</sup> An evidentiary hearing is a set of procedures through which the utility has the “full opportunity to learn the extent of the case against it and the basis for that case, to present witnesses and introduce documents in support of its position, and to cross-examine [other parties’] witnesses.”<sup>26</sup> Submitting arguments and objections in writing to a regulator is not sufficient when a regulator is making a significant determination to the utility or the utility’s property interest is at stake.<sup>27</sup>

The procedures being employed in this docket are inconsistent with Louisiana law. Indeed, the procedures do not contemplate an evidentiary record being submitted to the Council (or a hearing) to consider whether it is in the public interest for consolidated billing to be implemented. Indeed, no stakeholders have presented evidence (in the form of pre-filed testimony or otherwise)

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<sup>24</sup> Resolution No. R-24-310, p. 6.

<sup>25</sup> *Gulf States Utils. Co. v. Louisiana Pub. Serv. Comm’n*, 578 So. 2d 71, 80-81 (La. 1991).

<sup>26</sup> *Id.* at 81.

<sup>27</sup> *Londoner v. Denver*, 210 U.S. 373, 386 (1908) (“If it is enough that, under the circumstances, an opportunity is given to submit in writing all objections to and complaints of the tax to the board, then there was a hearing afforded in the case at bar. But we think that something more than that, even in proceedings for taxation, is required by due process.”).

that it is in the public interest to implement consolidated billing. Moreover, there has been no opportunity for the Company (or the Advisors) to probe the conclusory statements made by intervenors in their comments, and also cross-examine witnesses on various general and/or non-responsive statements offered in response to the Company’s RFIs – all in an effort to assist the Council in making a determination whether consolidated billing serves the public interest.

The Council’s consideration of the public interest is critical. Only a few states actually utilize consolidated billing for their community solar programs. Of the 44 states with community solar programs,<sup>28</sup> just 9 states have implemented consolidated billing. Intervenors recently acknowledged this,<sup>29</sup> after misleadingly telling the Council that consolidated billing is a “nationwide best practice.”<sup>30</sup> Thus, the majority of states with community solar programs do *not* utilize consolidated billing. Intervenors also have failed to collaborate with the Company. When asked about consolidated billing in RFIs, intervenors have resorted to general, non-responsive statements and failed to provide any details<sup>31</sup> – *e.g.*, telling the Company to use Google and/or AI for information on consolidated billing, and refusing to provide their investment proposals and business plans for community solar, among other things.<sup>32</sup>

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<sup>28</sup> As of December 2024, community solar projects are located in 44 states. *See* <https://www.nrel.gov/state-local-tribal/community-solar> (Market Status section).

<sup>29</sup> *E.g.*, TNO Response to ENO 1-26, attached hereto as Exhibit “A”.

<sup>30</sup> TNO Comments (April 2, 2025), p. 6 (“net crediting method of consolidated billing is a nationwide best practice integral to the success of New Orleans’ community solar program”); Comments of People’s Solar Energy Fund (August 16, 2024), p. 1 (“Net crediting on utility bills is the national best practice for billing.”); Comments of Office of Resilience and Sustainability (May 10, 2024), p. 1 (“Net crediting on utility bills is the national best practice for billing, and we believe that New Orleans’ community solar program would benefit from a clear and consolidated outline of charges and savings.”); Comments of Algier Solar (August 15, 2024), p. 1 (“Net crediting on utility bills is the national best practice for billing....”); Comments of Solar Alternatives (August 14, 2024), p. 1 (same); Comments of Green Coast Enterprises (August 7, 2024 and November 27, 2024), p. 1 (same); Comments of 127 Energy (August 13, 2024), p. 1 (same); Comments of Gulf States Renewable Energy Industries Association (August 12, 2024), p. 1 (same); Comments of Solar Access for All Coalition (August 19, 2024), p. 1 (same); Comments of South Coast Solar (August 6, 2024), p. 1 (same); *see also* Joint Motion of TNO and the AAE to Amend Community Solar Rules (April 8, 2024), pp. 2 (consolidated billing “was pioneered in New York and has been increasingly adopted in other states nationwide”).

<sup>31</sup> TNO Response to ENO 1-19, attached hereto as Exhibit “A”; SunConnect Response to ENO 1-19, attached hereto as Exhibit “B”.

<sup>32</sup> SunConnect Response to ENO 1-26, attached hereto as Exhibit “B”.

In addition, various states have experienced difficulties implementing consolidated billing in the context of community solar programs. The experiences of others states run directly counter to MEI’s unsupported claim that consolidated billing “would be easier for all parties involved.”<sup>33</sup> For example, while intervenors point to New York as a model for New Orleans – even though the program stretches across 6 public utilities that together serve millions of customers – New York has had “numerous ongoing billing issues related to utility billing of [community distributed generation] impacting thousands of customers and generating confusion surrounding energy costs and [community distributed generation] program benefits.”<sup>34</sup> Moreover, the Minnesota Court of Appeals recently held that a utility could reduce the credit rate to most subscribers because the community solar program unfairly shifted costs onto non-participating customers.<sup>35</sup>

The Council’s consideration of the public interest issue is all the more important and necessary given the demographic of customers that ENO serves and the relative size of its footprint. Complications with implementation of consolidated billing could be significantly impactful for the Company’s customers. Indeed, New Orleans customers, many of whom are low income, would face the same problem of cost shifts that led to litigation in Minnesota. The Company previously submitted an analysis showing that the subscriber credit rates set by the Council in November 2023 will result in an estimated \$212 million net cost to customers over the next 20 years under a 60 MW community solar program.<sup>36</sup> If these cost shifts are realized, there

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<sup>33</sup> Motion of MEI to Amend Community Solar Rules (July 13, 2022), p. 5.

<sup>34</sup> New York Public Service Commission, Case 19-M-0463, Order, September 15, 2022, p. 3. While it is not immediately clear what steps utilities took to address the billing issues with consolidated billing, a “Solar for All” program has been adopted recently which seems to limit participation to low-income customers and include different consolidated billing and crediting processes. New York Public Service Commission, Case 21-E-0629, Order, May 16, 2024.

<sup>35</sup> *In the Matter of Petition of the Petition of Northern States Power Company, d/b/a Xcel Energy, for Approval of its Proposed Community Solar Garden Program*, A24-1450 et seq., 2025 WL 2205795 (Minn. Ct. App. Aug. 4, 2025) (discussed in <https://minnesotareformer.com/2025/08/05/xcel-can-pay-lower-rate-to-community-solar-subscribers-minnesota-appeals-court-rules/>).

<sup>36</sup> ENO Comments (October 30, 2024), pp. 2-5.

are no net benefits expected to be achieved with the community solar program. Moreover, as noted above, PosiGen recently laid off hundreds of employees in Louisiana and is ceasing most of its operations in the United States due to significant financial difficulties, macroeconomic challenges, and falling demand. Other solar companies are also facing hardships and bankruptcies.<sup>37</sup> The implications of these issues, among others, bear on the public interest and need to be considered by the Council in more depth.

There is sufficient time for the Council to sort through the details and implications of consolidated billing for the New Orleans community solar program. Most projects are in the application phase, and only one project is in the construction phase. Thus, the Council has time to proceed methodically and carefully to consider the threshold issues and necessary safeguards for the Company and its customers. Before considering any specific proposal to implement consolidating billing, the Council should require the parties to submit evidence and decide the public interest and other threshold issues that remain outstanding in this docket. The Council should make its determinations through an evidentiary hearing, as required by law.

## II. **Intervenors' Recent Statements Highlight Risks to ENO's Franchise Rights.**

A noteworthy consideration that bears on the public interest standard involves ENO's franchise rights in New Orleans. In Ordinance No. 7068 C.C.S., as amended, New Orleans granted ENO a non-exclusive indeterminate permit, a type of franchise, authorizing ENO to operate as an electric utility and sell electric service to New Orleans resident.<sup>38</sup> The United States Supreme

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<sup>37</sup> *Louisiana-based solar company Posigen lays off hundreds, shuts most operations. Here's why.* [https://www.nola.com/news/business/posigen-solar-layoffs-louisiana-trump-tax-credits/article\\_6cc1a144-9efa-41e7-86f0-e5867e4c5d0b.html#ncms-source=dontmiss-1](https://www.nola.com/news/business/posigen-solar-layoffs-louisiana-trump-tax-credits/article_6cc1a144-9efa-41e7-86f0-e5867e4c5d0b.html#ncms-source=dontmiss-1) (Aug. 27, 2025); *Residential solar installer PosiGen ceases most of its operations.* <https://pv-magazine-usa.com/2025/08/26/residential-solar-installer-posigen-ceases-most-of-its-operations/> (Aug. 26, 2025).

<sup>38</sup> In consideration of this grant, ENO pays to New Orleans a franchise fee in the amount of five percent (5%) of its gross receipts from the sale of electric service pursuant to its indeterminate permit. *See* Ordinance No. 17962 M.C.S. ENO further has the obligation to sell electric service to New Orleans and its inhabitants that desire such service and are willing to pay the electric rates determined by the Council to be just and reasonable. To date, New Orleans has not granted any other entity the authority to operate as an electric utility in New Orleans.

Court has held that the right to sell utility services and operate a utility business are not a matter of common right, but a privilege, the exercise of which, in the absence of a franchise, would be in derogation of the power of the state.<sup>39</sup> In accord with this statement of law, Louisiana courts have held that a competitor without a franchise from a municipality has no right or authority to provide utility service to the inhabitants of the municipality.<sup>40</sup>

Although ENO's indeterminate permit is not exclusive, the permit is exclusive in relation to a competitor operating without a franchise.<sup>41</sup> And, even though not exclusive, ENO's indeterminate permit is a valuable property right and entitles ENO to the legal right to be free from the competition of one not having a valid franchise.<sup>42</sup> In addition, if a competitor were to obtain a franchise in New Orleans, ENO has the vested right, for so long as it holds its indeterminate permit, to continue to serve customers that it has previously served. ENO's right to continue to serve customers pursuant to its franchise is a valuable property right that cannot be taken without just compensation.<sup>43</sup>

At the July 31, 2025 technical conference, certain intervenors who do not have franchises in New Orleans stated that they intend to market and sell generation services directly to ENO's existing customers in a manner that could be characterized as competition with ENO's electric

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<sup>39</sup> *Frost v. Corp. Comm'n*, 278 U.S. 515, 521 (1929) (“[T]he right to supply gas or water to a municipality and its inhabitants, . . . to operate a railroad, a street railway, city waterworks or gasworks, . . . are franchises. And . . . the operation [of such a business] is precluded without a permit from the state governmental agency. Under these conditions, to engage in the business is not a matter of common right, but a privilege, the exercise of which, except in virtue of a public grant, would be in derogation of the state's power. Such a privilege, by every legitimate test, is a franchise.”).

<sup>40</sup> *New Orleans Pub. Serv. Inc. v. Citizens Utils. Co.*, 726 So. 2d 1012, 1014-1016 (La. App. 4th Cir. 1999) (whether a competitor is a utility is irrelevant); *Town of Coushatta v. Valley Elec. Membership Corp.*, 139 So. 2d 822, 828 (La. App. 2nd Cir. 1961).

<sup>41</sup> *Frost*, 278 U.S. at 521; *Valley Elec. Membership Corp. v. Southwestern Elec. Power Co.*, 550 So. 2d 701, 709 (La. App. 2nd Cir. 1989); *Town of Kinder v. Beauregard Elec. Coop., Inc.*, 339 So. 2d 891, 893 (La. App. 3d Cir. 1976); *Gulf States Utils. Co. v. Dixie Elec. Membership Coop.*, 185 So. 2d 313, 315 (La. App. 1st Cir. 1966); *Town of Coushatta*, 139 So. 2d at 827.

<sup>42</sup> *New Orleans Pub. Serv. Inc.*, 726 So. 2d at 1016; *Town of Coushatta*, 139 So. 2d at 827.

<sup>43</sup> *Frost*, 278 U.S. at 520; *Louisiana Gas Serv. Co. v. St. Tammany Gas Util. Dist. No. 1*, 189 So. 2d 304, 313 (La. 1966); *Valley Elec. Membership Corp.*, 550 So. 2d at 706; *Town of Coushatta*, 139 So. 2d at 827.

service. This potentially implicates ENO's rights under its franchise with New Orleans, which likewise raises the issue of whether the Company is entitled to just compensation for the potential compromise of its franchise rights. Consolidated billing elevates this risk by embedding developer charges with utility bills, which undermines the exclusivity of ENO's franchise, erodes the Company's control over the customer relationship, and establishes a precedent that allows third parties to integrate their services with the utility's in a manner that competes in retail service. The recent statements at the July 31, 2025 technical conference show that ENO's rights under its indeterminate permit, which are valuable property rights, are at stake and the outcome of this regulatory proceeding may adversely affect such rights. This, in addition to the unaddressed issues and concerns outlined in detail above and in other submittals by the Company in this docket, should be considered and weighed by the Council in an evidentiary hearing against any benefit that may exist with implementation of consolidated billing.

### III. **Many Obstacles Exist to Potentially Implementing Consolidated Billing.**

In addition to the issues outlined above, many substantive obstacles exist to potentially implementing consolidated billing. To address such obstacles, any proposal to implement consolidated billing would need to include rigorous safeguards approved by the Council to protect customers. Indeed, implementing and making investments in furtherance of a consolidated billing arrangement (for which ENO receives no benefit) with unaddressed cost recovery and other business exposure is unacceptable to ENO. ENO is unwilling to absorb any financial risk or hardship because of consolidated billing. The recent news reports that PosiGen is scaling back its business nationwide, coupled with the ongoing hardships and bankruptcies of other solar companies (mentioned above), make the kind of safeguards being proposed by the Company all the more important and necessary.

**First**, ENO’s billing system would require significant modifications to accommodate consolidated billing. In its June 11, 2025 letter, the Company provided an initial Class 5 estimate of \$1.55M (with a range of +100% to -50%) of certain costs to modify its billing system and processes to implement consolidated billing (*i.e.*, to calculate credits and fees, interface with third party data, create individual account customization), along with the need for at least two full-time employees to support program administration. In the absence of Council-approved rules governing consolidated billing, this initial estimate was based on pro forma redline rules developed by ENO.<sup>44</sup> ENO has requested additional guidance in order to define the parameters of a consolidated billing framework before the Company (and other parties) could develop appropriate estimates of costs and updated processes to administer consolidated billing.

**Second**, ENO must receive adequate cost recovery assurances from the Council for recovery of incremental costs to implement and administer consolidated billing. Indeed, ENO would require full and timely recover of all costs associated with consolidated billing, and an appropriate administrative fee be set to reflect utility costs and risks. The Council, however, has not addressed the appropriate cost recovery mechanism for costs associated with consolidated billing, and the intervenors have not been consistent in whether all customers or only participating customers should pay such costs. In a prior filing, TNO and AAE stated: “As the implementation of the net crediting model will create a cost savings for participating Subscription Organizations by eliminating their billing and collections costs, ***it is appropriate for the costs of implementation to be covered by those participants***, rather than socialized among non-participating ratepayers.”<sup>45</sup>

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<sup>44</sup> June 11, 2025 ENO Letter to Clerk of Council.

<sup>45</sup> Joint Motion of TNO and the AAE to Amend Community Solar Rules (April 8, 2024), pp. 2-4 (emphasis added).

In recent responses to RFIs, however, TNO and the AAE changed their position and now assert that non-participating customers also should pay the costs associated with consolidated billing. TNO stated: “community solar’s system-wide benefits . . . accrue broadly. In that light, *modest administrative costs, if any, borne by the wider customer base are not categorically unfair*, particularly when weighed against the program’s role in creating a more inclusive and sustainable energy system. *We do not propose a specific amount that non-participating customers should pay.*”<sup>46</sup> For its part, the AAE stated: “The *minimal costs that non-participating ratepayers could bear* will be offset by the numerous system-wide benefits of community solar.”<sup>47</sup>

**Third**, a consolidated billing arrangement creates material risks of litigation between ENO and subscriber organizations regarding the calculation and remittance of subscriber credits and payments under power purchase agreements. Moreover, the arrangement creates business risks to ENO to the extent that ENO is expected to assume additional credit risk and the responsibility of accurately billing its customers for subscriber fees on behalf of subscriber organizations. There must be appropriate regulatory measures in place to ensure that ENO and its customers are protected against these risks, and do not suffer from nonpayment or partial payment by subscribers. While some intervenors appear amenable to certain protections for ENO and its customers, Algiers Solar responded to RFIs that no such protections should exist,<sup>48</sup> which is entirely unreasonable.

**Fourth**, as discussed at the technical conference, no parameters or guidelines have been identified for subscriber organizations to protect and transfer customer data. This may require

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<sup>46</sup> TNO’s Response to ENO-1-24 (emphasis added), attached hereto as Exhibit “A”.

<sup>47</sup> AAE’s Response to ENO 1-13, attached hereto as Exhibit “C”. Moreover, as previously discussed, the current community solar rules will result in an estimated \$212 million net cost to customers over the next 20 years under a 60 MW community solar program. ENO Comments (October 30, 2024), pp. 2-5. As a result, there are no net benefits expected to be associated with the program.

<sup>48</sup> Algiers Solar Response to ENO-1-22, attached hereto as Exhibit “D”.

non-disclosure agreements, along with adequate software used in exchanging customer data between utilities and developers, to ensure that the data exchanged will not be compromised.

*Fifth*, the Council must modify the community solar rules to clearly define how ENO would allocate subscription credits under certain scenarios, including but not limited to: (1) a subscriber closes their ENO account, (2) a subscriber has been disconnected for non-payment, (3) a subscriber is in arrears, (4) a subscriber organization files for bankruptcy, or (5) a subscriber organization ceases commercial operations. Further, the Council should require robust hold harmless language, indemnity provisions, warranties, dispute resolution provisions, and termination clauses (which allow developers' participation in consolidated billing to be terminated for proper cause).

*Sixth*, the Council needs to establish a process to ensure non-discriminatory program access for all customer classes. Indeed, there should be subscription opportunities for *all* customers. Currently, the rules do not have processes to ensure a fair, non-discriminatory opportunity for all interested parties to subscribe. The Council should develop such measures in parallel with consideration of whether consolidated billing is in the public interest, among other threshold issues. While this does not fall under ENO's administrative function, a process is required such that ENO and others can properly guide interested customers.

*Seventh*, if parties (and the Council) are willing to revisit certain aspects of the community solar rules consistent with the proposals outlined in the Company's December 13, 2024 correspondence, it may be possible to reduce the implementation costs of consolidated billing, significantly limit the estimated cost shift to customers, and avoid the potential encroachment on ENO's franchise rights. For example, the Council could consider reducing the size of the program to 20-30 MW and/or setting fixed credit rates for subscribers and subscriber organizations to

reduce the complexity of implementing the community solar program. To further reduce the complexity and volume of data transfers from developers and reduce the potential for errors in implementation, the Council could establish a single waitlist for customers interested in participating in community solar that could be administered by CURO or ENO. Customers could be enrolled from that waitlist on a first-come, first-served basis once capacity is available.

**IV. ENO's Proposal to Address Threshold Issues and Necessary Safeguards.**

For the reasons discussed above, the procedural posture of this docket has rendered ENO unable to develop a more comprehensive proposal for implementation of consolidated billing. The Company, however, offers the following proposal for the Council to address the threshold issues and necessary safeguards:

1. The Council would set a procedural schedule allowing for a full evidentiary hearing on the public interest and other threshold issues discussed above, including those raised in the Company's December 13, 2024 letter.
2. From the date of the procedural schedule, the following deadlines would be set:
  - a. ENO Direct Testimony filed on the 30th day
  - b. Intervenor Direct Testimony filed on the 60th day
  - c. Advisors Direct Testimony filed on the 90th day
  - d. ENO Rebuttal Testimony filed on the 120th day
  - e. Discovery cutoff 15 days after ENO Rebuttal Testimony
  - f. Evidentiary Hearing held no earlier than 20 days after the discovery cutoff
3. Upon issuance of a final, non-appealable Council order finding that consolidated billing is in the public interest, and once other parameters are established and the community solar rules are updated to account for consolidated billing, ENO would be allowed 14

months from the Council's ordering resolution to finalize implementation requirements and costs through a request for proposals and perform implementation.

4. During the 14 month period, ENO would timely submit an updated cost estimate to implement consolidated billing as directed by the Council. Intervenor comments on the updated cost estimate would be due within 30 days, with reply comments due 30 days later, and an Advisors Report due 30 days after reply comments.
5. In any resolution approving consolidated billing in the community solar program, the following provisions, at minimum, would be included as safeguards to address the risks of consolidated billing to ENO and its customers:
  - a. All subscriber organizations must participate in the Council-approved consolidated billing arrangement.
  - b. The guaranteed savings rates for subscribers and the percentage splits of subscription credits between subscribers and subscriber organizations would be prescribed and fixed in the rules, and can only be changed by Council authorization or by mutual agreement of the developers and ENO.
  - c. ENO would be entitled to receive an administrative fee for costs to administer the Council's community solar program, and implement and maintain systems and processes supporting consolidated billing.
  - d. The agreements between the subscriber organization and the Company must address the following provisions:
    - i. Hold harmless and indemnity clauses
    - ii. Dispute resolution procedures
    - iii. Termination for proper cause

- iv. Confidentiality obligations with respect to customers' information
  - v. Warranties
  - vi. Recourse for nonpayment
- e. The Council must modify the community solar rules to clearly define how ENO would allocate subscription credits under certain scenarios, including but not limited to: (1) a subscriber closes their ENO account, (2) a subscriber has been disconnected for non-payment, (3) a subscriber is in arrears, (4) a subscriber organization files for bankruptcy, or (5) a subscriber organization ceases commercial operations.
- f. A community solar tariff would be developed such that the costs to implement and maintain consolidated billing are reflected as a line item on each customer's monthly bill. This tariff would be applied exclusively to customers who subscribe to the community solar program.
- g. Given the risks to ENO's indeterminate permit, consideration would be given to just compensation provided to ENO by the developers, and/or the assessment of a fee against the subscriber organizations, as further directed by the Council.

### **CONCLUSION**

As currently postured, this docket presents significant policy and legal issues, as well as significant risks to customers. Indeed, the current community solar rules potentially combined with consolidated billing create significant cost shift and legal issues, as discussed in prior comments and further articulated herein. If parties are willing to consider modifications to the existing community solar rules, there is a potential to create a revised community solar program that reduces the cost shift concerns that ENO has raised regarding consolidated billing. For the

reasons discussed herein and in prior submittals, the Company respectfully requests that the Council resolve the public interest and other threshold issues regarding consolidated billing and consider necessary safeguards to protect customers as part of any effort to require consolidated billing.

Respectfully submitted,

By   
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**ATTORNEYS FOR  
ENERGY NEW ORLEANS, LLC**

Billing costs for Subscriber Organizations vary widely based on business model, technology choices, and project scale. Having each subscriber organization mount its own billing operation is an inefficient way to run a citywide program.

**Question 1.16: Please provide any analyses or estimates in your possession concerning the costs for ENO to implement consolidated billing for the community solar program in New Orleans.**

We do not possess proprietary estimates for ENO's internal costs, but public estimates from states like New York and Minnesota show that utility consolidated billing is cost-effective compared to duplicative third-party billing systems.

**Question 1.17: Please provide any analyses or estimates in your possession concerning the bill impacts to ENO's customers resulting from ENO's implementing consolidated billing for the community solar program in New Orleans.**

We do not possess this proprietary information, and without knowing how much the implementation of consolidated billing will cost, it's impossible to tell. But under net crediting, utilities recover administrative costs relating to billing and benefit from avoided procurement. Further, net crediting reduces program attrition and bad debt, lowering systemic cost exposure.

**Question 1.18: Please identify your expected annual revenues and expenses resulting from your participation in a community solar program in New Orleans.**

We respectfully decline to provide the requested financial data. The requested data is competitively sensitive and proprietary.

**Question 1.19: Please produce copies of any investment proposals or business plans that you have prepared in connection with your planned participation in a community solar program in New Orleans.**

We respectfully decline to provide the requested financial data. The requested data is competitively sensitive and proprietary.

**Question 1.20: What protections should the Council provide ENO (and its customers) to address any losses or damage to its existing systems that result from implementation or attempted implementation of a consolidated billing program?**

Reasonable indemnification clauses and utility input into billing design can mitigate risks to utility systems. These are standard in other markets.

**Question 1.21: What protections should the Council provide to ensure that utility consolidated billing does not increase delayed or partial payments by subscribing customers?**

Delays or non-payments are reduced with consolidated billing. Utilities can apply existing collections protocols and set clear rules for partial payments.

**Question 1.22: What protections should the Council provide to protect ENO (and its customers) from claims against it by Subscriber Organizations (and Affiliates)?**

Dispute resolution procedures and standardized contracts can insulate ENO from undue risk while ensuring fair treatment of Subscriber Organizations.

**Question 1.23: What protections should the Council provide to keep ENO customer data secure under a consolidated billing program?**

Data security can be addressed through nondisclosure agreements and cybersecurity standards, following best practices from utilities nationwide.

**Question 1.24: If you contend that non-participating customers should bear any costs of a community solar program (including for consolidated billing), please explain the basis or rationale for your contention, and state how much non-participating customers should pay.**

Community solar delivers broad public benefits, expanding access to clean energy, supporting grid resilience, and advancing equity by including renters and low-income households who are otherwise excluded from renewable options. These outcomes serve the public interest and align with Council policy goals.

Utility cost structures are, by necessity, shared. All customers routinely support system costs for infrastructure, programs, and services from which they may not individually benefit to the same extent, such as electric vehicle infrastructure, energy efficiency programs, demand response pilots, or transmission upgrades driven by regional reliability needs. The electric utility is a shared platform, and cost distribution is not, and cannot be, perfectly individualized. This is a feature of a modern, integrated utility system, not an exception.

Community solar's system-wide benefits, such as reduced peak load, deferred capacity investment, avoided procurement of marginal energy, and potential locational benefits on the distribution grid, accrue broadly. In that light, modest administrative costs, if any, borne by the wider customer base are not categorically unfair, particularly when weighed against the program's role in creating a more inclusive and sustainable energy system.

We do not propose a specific amount that non-participating customers should pay. That determination belongs in a broader policy discussion that weighs costs against system-wide and societal benefits.

**Question 1.25: Do you support a competitive procurement process among Subscriber Organizations (and Affiliates) seeking to participate in the community solar program. If not, please explain why.**

Competitive procurement is not appropriate for subscriber-driven community solar. Open enrollment supports innovation and access.

**Question 1.26: Concerning your March 26, 2024 comments in this docket, please identify the states that have adopted the net crediting model of utility-consolidated billing.**

According to NREL's [data set](#), states with utility-consolidated billing either implemented or mandated include Alaska, Colorado, Illinois, Maryland, Minnesota, New Jersey, New York, Oregon, Virginia. States having implemented or that are working on implementing the net crediting model are New York, New Jersey, Maryland and Minnesota.

**Question 1.27: Concerning your March 26, 2024 comments in this docket, please identify and quantify the "billing and collection costs that Subscription Organizations (and Affiliates) would incur in the absence of utility consolidated billing."**

Billing costs for Subscriber Organizations vary widely based on business model, technology choices, and project scale. Having each subscriber organization mount its own billing operation is an inefficient way to run a citywide program.

**Question 1.28: Concerning your March 26, 2024 comments in this docket, please share all documents in your possession that estimate the costs of executing the billing.**

See answer to 1-27.

**Question 1.29: Concerning your March 26, 2024 comments in this docket, please identify all successful community solar programs that have implemented net crediting.**

See 1-26.

**Question 1.30: Please explain your September 13, 2024 comments in this docket that "net crediting is an essential linchpin to this program."**

Net crediting simplifies the customer experience and removes barriers that disproportionately affect low-income residents. Under dual billing, customers must navigate two separate bills—one from the utility and one from the subscriber organization—making it difficult to determine whether they are receiving a benefit. Net crediting consolidates these into a single utility bill, where solar credits appear directly and automatically reduce the customer's electric bill.

This clarity and ease of participation are especially critical for low-income households, many of whom may be unbanked or enrolled in assistance programs like LIHEAP. Net crediting ensures that savings are guaranteed and visible, making participation possible for residents who could not otherwise take on the financial and administrative risk of dual billing. It also helps subscriber organizations reduce risk, enabling more financing for LMI-targeted projects.

In short, we believe net crediting is a prerequisite for accessibility, transparency, and scalability of the program—not just a billing preference, but a structural requirement for success.

**ENO 1-17**

Please provide any analyses or estimates in your possession concerning the bill impacts to ENO's customers resulting from ENO's implementing consolidated billing for the community solar program in New Orleans.

We do not possess this proprietary information, and without knowing how much the implementation of consolidated billing will cost, it's impossible to tell. But under net crediting, utilities recover administrative costs relating to billing and benefit from avoided procurement. Further, net crediting reduces program attrition and bad debt, lowering systemic cost exposure.

**ENO 1-18**

Please identify your expected annual revenues and expenses resulting from your participation in a community solar program in New Orleans.

We decline this request to provide financial data. This is commercially sensitive and proprietary information.

**ENO 1-19**

Please produce copies of any investment proposals or business plans that you have prepared in connection with your planned participation in a community solar program in New Orleans.

We decline this request to provide financial data. This is commercially sensitive and proprietary information.

**ENO 1-20**

What protections should the Council provide ENO (and its customers) to address any losses or damage to its existing systems that result from implementation or attempted implementation of a consolidated billing program?

Reasonable indemnification clauses and utility input into billing design can mitigate risks to utility systems. These are standard in other markets.

**ENO 1-21**

What protections should the Council provide to ensure that utility consolidated billing does not increase delayed or partial payments by subscribing customers?

Delays or non-payments are reduced with consolidated billing. Utilities can apply existing collections protocols and set clear rules for partial payments. We suggest that credits stay on a customer's bill for 30-60 days then are transferred to other subscribers on a waitlist if the bill is left unpaid. This should motivate timely payments, as customers who pay their bills on time reap the benefits.

distribution grid, accrue broadly. In that light, modest administrative costs, if any, borne by the wider customer base are not categorically unfair, particularly when weighed against the program’s role in creating a more inclusive and sustainable energy system.

We do not propose a specific amount that non-participating customers should pay. That determination belongs in a broader policy discussion that weighs costs against system-wide and societal benefits.

**ENO 1-25**

Do you support a competitive procurement process among Subscriber Organizations (and Affiliates) seeking to participate in the community solar program. If not, please explain why.

Council’s directive is around Consolidated Billing. Competitive procurement would be an entirely different program and is therefore outside the scope. That said, competitive procurement is not appropriate for subscriber-driven community solar. Open enrollment supports innovation and access.

**ENO 1-26**

Concerning your November 21, 2024 comments in this docket, please provide copies of statutes or regulatory orders from the “four states” that “require utility-consolidated billing.”

Our research is proprietary; however, a Google search and/or AI can provide more insight onto the consolidated billing programs in Illinois, New York, Oregon, and Virginia.

State	Authority / Program	Requirement Summary
Maryland	COMAR 20.62.06.03–.04; Public Utilities § 7-306.2	Mandates utility-consolidated billing; subscriber organizations may opt-in; LMI savings floor required
New York	PSC Case 19-M-0463	Orders utilities to adopt consolidated billing for CDG (community solar); includes implementation deadlines

Oregon	Oregon PUC Community Solar Program Oversight	Requires utility-consolidated billing to ensure consumer protections; supersedes developer-only billing
Virginia	HB 629 (2020); SCC shared solar implementation	Requires Dominion to implement a shared solar program with utility coordination and single billing
New Jersey	BPU Community Solar Rules via BGS / POR framework	Community solar uses utility-consolidated billing through utility-led crediting and payment mechanisms

**ENO 1-27**

Concerning your November 21, 2024 comments in this docket, please identify the “3<sup>rd</sup>-party companies that specialize in this kind of platform management.”

Given the programs implemented by ENO, there are probably already platforms in place that can be used (or slightly modified) for consolidated billing. We were referring to companies in the community solar space or direct billing space as utility consolidated billing is becoming more common in deregulated markets. Some third-party platform providers that support billing, customer management and data integration include Solstice, Arcadia, Perch, EnergySage NeighborhoodSun, and SunShare. Perhaps Entergy Texas has some systems they can share as well since they are operating in a deregulated market.

**ENO 1-10**

What protections should the Council provide to ensure that utility consolidated billing does not increase delayed or partial payments by subscribing customers?

Community solar is a cost-saving service for ratepayers and reduces the likelihood of nonpayment.

**ENO 1-11**

What protections should the Council provide to protect ENO (and its customers) from claims against it by Subscriber Organizations (and Affiliates)?

The Alliance supports the inclusion indemnification clauses in program participation agreements, Council-approved subscriber terms, transparency in billing calculations, and dispute resolution channels are essential safeguards.

**ENO 1-12**

What protections should the Council provide to keep ENO customer data secure under a consolidated billing program?

Nondisclosure agreements and adherence to cybersecurity standards should protect customer data.

**ENO 1-13**

If you contend that non-participating customers should bear any costs of a community solar program (including for consolidated billing), please explain the basis or rationale for your contention, and state how much non-participating customers should pay.

The minimal costs that non-participating ratepayers could bear will be offset by the numerous system-wide benefits of community solar, including:

- Reduced greenhouse gas emissions
- Reduced co-pollutants from fossil-fired power plants
- Reduced demand, increasing grid reliability and stability
- Improved source diversification and resulting management of fuel price volatility
- Reduced need to invest in new generation capacity
- Reduced write-offs from customers' inability to pay

Participants should be removed from the program if subscribing customers are not current on their bill, this will limit the exposure to a level that would be negligible to ENO's overall operations.

**ENO 1-22**

What protections should the Council provide to protect ENO (and its customers) from claims against it by Subscriber Organizations (and Affiliates)? *None, we are partners and if one of us violates the agreements in place, the other party should have the ability to seek remedy.*

**ENO 1-23**

What protections should the Council provide to keep ENO customer data secure under a consolidated billing program? *Redact any sensitive info before it gets back to the developer – the data the developer needs should not include commercial recognized sensitive data.*

**ENO 1-24**

If you contend that non-participating customers should bear any costs of a community solar program (including for consolidated billing), please explain the basis or rationale for your contention, and state how much non-participating customers should pay. *We are / will be partners, so ENO's customers (participating and non-participating) will benefit from the creation of the Westpark solar project.*

**ENO 1-25**

Do you support a competitive procurement process among Subscriber Organizations (and Affiliates) seeking to participate in the community solar program. If not, please explain why. *The Council has already set the rules / parameters around participation. I'm offering ENO a financial partnership to alleviate concerns (developer profiteering) continually expressed by ENO.*

**CERTIFICATE OF SERVICE**

**Docket No. UD-18-03**

I hereby certify that I have served the required number of copies of the foregoing pleading upon all other known parties of this proceeding individually and/or through their attorney of record or other duly designated individual, by:  electronic mail,  facsimile,  hand delivery, and/or by depositing same with  overnight mail carrier, or  the United States Postal Service, postage prepaid.

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