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May 11, 2026

VIA ELECTRONIC MAIL (clerkofcouncil@nola.gov)

Aisha R. Collier
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In Re: *Resolution and Order Establishing a Docket and Opening a Rulemaking Proceeding to Establish Rules for Community Solar Projects*, CNO Docket UD-18-03
Our File No.: 7717-42

Dear Ms. Collier:

Enclosed please find for electronic filing, the Initial Brief of Air Products and Chemicals, Inc., in the referenced docket pursuant to the Scheduling Order and Memorandum of Hearing Officer Jeffrey S. Gulin dated December 19, 2025. We submit this filing electronically and will provide the original and requisite number of hard copies as you direct.

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. Tournillon".

Carrie R. Tournillon

CRT:tp
Enclosures

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

**BEFORE THE
NEW ORLEANS CITY COUNCIL**

**IN RE: RESOLUTION AND ORDER
ESTABLISHING A DOCKET AND
OPENING A RULEMAKING
PROCEEDING TO ESTABLISH RULES
FOR COMMUNITY SOLAR
PROJECTS.**

**DOCKET NO. UD-18-03
May 11, 2026**

**AIR PRODUCTS AND CHEMICALS, INC.
INITIAL BRIEF ON PROPOSED CHANGES TO
COMMUNITY SOLAR RULES**

Air Products and Chemicals, Inc. (“Air Products”) respectfully submits this Initial Brief pursuant to the Scheduling Order and Memorandum dated December 12, 2025, regarding potential changes to Community Solar Rules that were initially adopted by the Council of the City of New Orleans in March 2019. Air Products does not support the changes to Community Solar Rules relating to Consolidated Billing that have been proposed by several parties and that would serve to further burden non-participating customers of Entergy New Orleans, LLC (“ENO”) with cost of a providing solar power to other ENO customers.

Air Products recognizes and appreciates several changes to Consolidate Billing proposals that the Advisors have incorporated into revised Community Solar Rules. However, Air Products remains concerned with non-participating customers being the backstop for expenses required for implementation of Consolidated Billing.

Importantly, while Air Products has advocated on behalf of non-participating customers in the Community Solar Program, Air Products has every right to participate in Community Solar programs, and Subscriber Organizations are obligated under to the Community Solar Rules not to discriminate against Air Products (or any customer) in administering Community Solar Subscriptions.¹ Nevertheless, Air Products maintains that participation of Community Solar Subscribers should not be subsidized by non-participating customers.

Discussion

Air Products objects to changes proposed by parties that will increase costs to non-participants - - or create the risk of such cost increase, as is the case with Consolidated Billing.

Air Products acknowledges and appreciates several changes to the Community Solar Rules proposed by the Advisors that mitigate the risk of cost exposure to non-participating customers. These changes include:²

- Addition of the Utility Administration Fee and proposed definition, as follows:

“Utility Administrative Fee” is a Council-approved charge to the Subscriber Organization to cover the Utility's incremental costs associated with integrating the generation from the CSG Facility into the Utility's

¹ The Community Solar Rules specify that all customer rate classes are eligible to participate in the Community Solar Program (Section III.A) and prohibit discrimination, which provision is also applicable to non-low income customers (e.g. Air Products) who receive a lower priced per kWh subscription payment (Section XIII.B). Thus, regardless of the incentive created by the Rules for a Subscriber Organization to enroll low-income residential customers, Air Products asserts that such Subscriber Organizations are required to treat non-low-income residential customers with fairness - - even though Subscriber Organizations have a financial incentive to only enroll low-income customers as Subscribers.

² See Exhibit VPM-4 to the Direct Testimony of Mr. Victor Prep, Advisors witness (March 13, 2026).

system, administering the contracts with Subscriber Organizations, and administering the CSG Facility's Subscriber billing credits. It includes the costs associated with providing the Subscriber Organizations with the option of Net Crediting Consolidated Billing. The Utility Administrative fee will be applied to all Subscriber Organizations as a percentage of each CSG facility's monthly sum of its Subscriber Allocated Credits. The Utility Administrative Fee and will be evaluated for revision on a twelve-month basis. Under the Net Crediting Consolidated Billing option, the Utility Administrative Fee will be deducted from the Subscriber Organization's portion of the Allocated Credits. Under the Dual Billing option, the Utility Administrative fee will be billed separately to the Subscriber Organization.

- Changes to the Utility Cost Recovery and Charges section, as follows:

(1) Once the Utility's Community Solar Plan has been reviewed and approved by the Council, the Utility shall have a fair opportunity to receive full and timely cost recovery of costs incurred to implement and administer the Community Solar Program, and any non-reimbursed portion of program bill credit costs and unsubscribed energy costs.

(2) The Utility may not establish a separate surcharge fee or rate for recovery of any Community Solar program costs identified in Section VII.G.1. The specific mechanisms for Community Solar program cost recovery will be approved by a Council resolution based on the Council's review of the community solar tariffs proposed in the Community Solar Plan required under Section VII.LA.1.

(3) The Utility may assess a Council-approved charge (the Utility Administrative Fee) to the Subscriber Organization to cover the Utility's incremental costs associated with integrating the generation from the CSG Facility into the Utility's system, administering the contracts with Subscriber Organizations, and administering the CSG Facility's Subscriber billing credits. This charge shall not reflect costs that are already recovered by the Utility from Customers through other charges. The Utility may seek a revision of this charge no more frequently than once per year.

(4) The Utility's revenue and expenses associated with the Subscriber Organizations and the Community Solar Program Plan shall be identified separately in general ledger records and maintained in separate revenue and expense sub accounts. The Utility's incremental costs, including consolidated billing costs, shall be identified separately in general ledger records and maintained in separate sub accounts.

(5) Until a sufficient number of CSG facilities in the Application Queue are operational, the recovery of the Utility's incremental costs through a Utility Administrative Fee will be through the following procedure: (i) subsequent to the date the consolidated billing systems become operational, an interim Utility Administrative Fee at 3% of Allocated Credits will be set,

applicable to all CSG facilities; (ii) potential revisions to the interim Utility Administration Fee will occur every twelve months thereafter; (iii) a six-month evaluation will include a review of all current data, and will provide the opportunity to resolve any incremental cost issues raised by parties prior to the next potential revision to the Utility Administrative Fee; (iv) in evaluating the operations of the recently completed twelve-months, the balance of incremental costs in excess of the proceeds from the interim Utility Administrative Fee will accrue in a regulatory asset subaccount at the Utility's before-tax Weighted Average Cost of Capital, that subaccount having no impact on ratepayers; (iii) each subsequent twelve-month potential revision to the Utility Administrative Fee will consider (a) the projected amount of CSG subscribed kWhs available for the Allocated Credits, (b) a comparison of actual proceeds received from the Utility Administrative Fee compared to the Utility Administrative Fee revenue estimated at the previous twelve-month review; (c) an amortization of the amount of unrecovered incremental costs accrued in the regulatory asset subaccount. The regulatory asset amortization amount will be adjusted by the Council as more data become available in subsequent twelve-month revisions to the Utility Administrative Fee. The amortization amount will also be dependent on the Council's decision regarding the amount of change to the interim Utility Administrative Fee.

- Additions to the Subscription Credits provision, as follows:

E. The Utility shall calculate and render Allocated Credits and Net Credits for each Subscription, as appropriate, using the most recently updated monthly Subscriber report and CSG Facility Output data on a two-month lag.

Example: the Allocated Credits and Net Credits for Subscribers listed on a Subscriber report as participating in February would be calculated after receipt of actual CSG Facility Output for February. These Allocated Credits or Net Credits would appear on the Subscriber's April Utility bills. For Subscriber Organizations with Net Crediting Consolidated Billing Subscribers, the Utility would remit the Subscriber Organization's portion of the Allocated Credits less the Utility Administrative Fee in April.

If a Subscriber fails to pay their electric Utility bill in full for any month for which the Subscriber Organization's portion of the Allocated Credits for that Subscriber have already been remitted to the Subscriber Organization, the Utility shall debit on a future remittance to the Subscriber Organization an amount equal to the Subscriber Organization's portion of the Allocated Credits for that Subscriber for the month in which the Subscriber failed to make a payment. Following receipt of payment from a Subscriber for the total amount of the electric Utility bill that was previously unpaid, the Utility shall reverse the debit on a future remittance to the Subscriber Organization. If a future remittance to the Subscriber Organization is not anticipated by the Utility, the Utility shall bill the Subscriber Organization appropriately, to reflect the net effect of the Subscribers non-payment.

Thus, at a minimum, should the Council find that Consolidated Billing is in the public interest, Air Products urges that the above provisions be included in the Council approved, final revised rules.

However, Air Products remains concerned that non-participating customers are still backstops for the higher costs associated with consolidated billing. For example, witness for the Council Advisors testified:³

Q. WITNESS BRUBAKER AND WITNESS WEMPLE EXPRESS CONCERN REGARDING WHO WOULD PAY THE COSTS OF CONSOLIDATED BILLING UNDER THE ADVISORS' PROPOSAL IF ONLY A SINGLE COMMUNITY SOLAR PROJECT IS BUILT.¹⁴ DO YOU BELIEVE THIS IS A SIGNIFICANT RISK, AND IF THERE ARE INSUFFICIENT COMMUNITY SOLAR PROJECTS TO ABSORB THE COST OF CONSOLIDATED BILLING, UNDER THE ADVISORS' PROPOSAL, HOW WOULD THOSE COSTS BE PAID?

A. I do not believe there is a significant risk that only a single CSG Project is built. As expressed previously in my testimony, it is unreasonable to believe that the Community Solar Program, which the Council has encouraged before 2018 with several Resolutions and with the Application and Construction Queues filled to the capacity cap with a waiting list, will fail dramatically with only one or a few CSG Projects. The Proposed CSG Rules provide for a periodic review and adjustment of the Utility Administration Fee, recognizing an initial period of CSG projects becoming operational. I also note that the current CSG Rules have included the recovery of Community Solar incremental costs from Subscriber Organizations for several years prior to the consideration of consolidated billing, and the Queues have been full under a dual billing framework. The Proposed CSG Rules are clear that Subscriber Organizations bear the Community Solar incremental costs, and customer protections have been in place and adequate for the Community Solar Program, including consolidated billing. **In the very unlikely event the Community Solar Program fails entirely, ENO can seek cost recovery from ratepayers.**

³ Direct Testimony of Mr. Victor Prep, Advisors witness, at pages 11/15 – 12/17 (March 13, 2026) (emphasis added; internal citations omitted).

The emphasized testimony of Mr. Prep in the above quote is exactly the concern of Air Products. As Air Products witness Mr. Maurice Brubaker testified, there is cause for concern that implementation of Consolidated Billing exposing non-participating customers to financial risk associated with the implementation costs of such arrangement:⁴

11. I still have concerns that implementation of consolidated billing exposes nonparticipants to the financial risk associated with the implementation costs of such arrangement, particularly should projects of Subscriber Organizations not materialize, Subscriber Organizations become bankrupt, and/or Subscribers default on subscription payments.

If customers participating in the Community Solar program as Subscribers and Subscriber Organizations want Consolidated Billing, they should be the backstop for the costs of implementation of such program.

Conclusion

Air Products is not only eligible to participate in Community Solar Programs but has a right to be treated fairly by Subscriber Organization in subscription applications - - even though such organizations have an financial incentive to enroll low-income customers that result in a higher payment for solar energy produced.

Despite Air Products being an eligible participant in the Community Solar program, Air Products maintains that non-participating customers should not subsidize or backstop the Community Solar Program - - including the proposed changes to require consolidated billing.

⁴ Direct Testimony of Maurice Brubaker, AP witness, at 2 (February 13, 2026).

RESPECTFULLY SUBMITTED:



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the Official Service List via electronic mail.

New Orleans, Louisiana this 11th day of May, 2026.



Carrie R. Tournillon

April 28, 2026

**A RULEMAKING PROCEEDING
TO ESTABLISH RULES FOR COMMUNITY SOLAR PROJECTS**

UD-18-03

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