

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

**IN RE: SYSTEM RESILIENCY AND
STORM HARDENING**

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DOCKET NO. UD-21-03

ORDER

Respecting the instant docket, Council Resolution R-21-401 directed all parties to submit to the Council a detailed “system resiliency and storm hardening plan” (Plan) no later than March 1, 2022. The Resolution further provided that each Plan include the following:

- a. A detailed explanation of the specific investments to be made under the plans including a proposed timeframe for such investments;
- b. A detailed explanation and, as appropriate, calculations of the benefits to be achieved through each investment; and
- c. A detailed explanation of the estimated costs of the plans along with proposed cost recovery mechanisms and rate impact calculations.

Resolution at Ordering paragraph 6.

On February 11, 2022, Entergy New Orleans, LLC (ENO) filed a Motion to Extend Deadline, seeking to extend the deadline for each party to file its Plan, from March 1, 2022 to August 31, 2022. On February 16, 2022, Intervenors, Greater New Orleans Interfaith Climate Coalition (GNOICC) and the Alliance for Affordable Energy (the Alliance), jointly filed an opposition response. However, on February 17, 2022, ENO filed an Amended Motion to Extend Deadline, and recited therein that “ENO has consulted with its experts to determine whether

anything can be done to accelerate its filing” and now seeks to extend said deadline only until July 1, 2022. By Order dated February 18, 2022, the Hearing Officer established a briefing schedule respecting the Amended Motion, which recited that any party opposed to the Amended Motion may file an opposition response by February 23, 2022, and ENO (and any other party in support of the Amended Motion) may file a reply to the opposition response by February 28, 2022. *See* Order of February 18, 2022.

Neither GNOICC, nor the Alliance, filed any additional opposition response. However, one other Intervenor, ProRate Energy, Inc., (“PRE”), filed opposition responses and essentially pleads in the alternative, either objecting to any extension from March 1, as enunciated in the resolution, or alternatively, accedes to the extension proposed by ENO, but on the condition precedent that a separate docket be initiated by the Council for the purpose of exploring a “resilient hook-up” rate design that PRE apparently intends to more fully set forth in its Plan. ENO filed a reply to the filings of PRE on February 26, 2022.¹

As PRE appears to recognize, the Hearing Officer clearly lacks authority to open a separate docket and defers that suggestion to the Council for consideration.

Respecting ENO’s requested extension (as amended) until July 1, 2022, for all parties to file their Plans, the Hearing Officer recognizes and fully appreciates the general concerns of PRE, and presumably all parties, that this docket proceed as expeditiously as circumstances

¹ PRE filed a second “Opposition to Extend Deadline *Rebuttal*” on February 28, 2022, but because no rebuttal was authorized by the briefing schedule set forth in the Order of February 18, 2022, that filing was not considered by the Hearing Officer.

allow. Indeed, this is true for all manner of litigation, and particularly so here, where a docket was established for the benefit and protection of the ratepayers. Moreover, the Hearing Officer would have much preferred an earlier request for extension.

Nonetheless, the Hearing Officer finds that the general benefit of expeditiously proceeding under the *original* deadline is offset by the need to properly file a comprehensive Plan that comports with the level of detail and rigor contemplated by Resolution R-21-401. Indeed, a Plan that lacks that required detail and rigor could ultimately cost the ratepayers more than would be saved by a rushed, inadequately crafted Plan. ENO represents that it is “developing tools that consider thousands of storm scenarios and solution-sets ...” Amended Motion at p 2, and asserts that the amended proposed deadline of July 1, “is the earliest that reasonably can be achieved consistent with the scope and scale of the supporting analysis that ENO envisions presenting to the Council to comply with the various terms of Resolution R-21-401. *Id* at 3. ENO further commits “to hosting two technical conferences, the first to be held in April 2022, and a second in June 2022, so that the parties can provide updates regarding their own respective plans.” *Id* at pp 3-4.

Accordingly, IT IS HEREBY ORDERED, that ENO’s Amended Motion is granted, and the procedural schedule as originally set forth in Resolution R-21-401 is hereby modified as follows:

1. The parties shall file their respective Plans by July 1, 2022;
2. ENO shall arrange and host two technical conferences, the first to be held in April 2022, and a second in June 2022, as agreed upon by the parties; and

3. At said technical conferences, all parties, including ENO, shall provide meaningful and timely updates reasonably commensurate with the work already accomplished by each party.

This 1st day of March, 2022.



Jeffrey S. Gulin
Hearing Officer