



July 15, 2019

By Hand Delivery

Ms. Lora W. Johnson  
CMC Clerk of Council  
Room 1E09, City Hall  
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In Re: RESOLUTION AND ORDER ESTABLISHING A DOCKET AND OPENING A  
RULEMAKING PROCEEDING TO ESTABLISH RENEWABLE PORTFOLIO STANDARDS  
DOCKET NO. UD-19-01

Dear Ms. Johnson,

Please find enclosed an original and three (3) copies of the party 350 New Orleans reply comments in accordance with the procedural schedule established in Resolution R-19-109, with the Service List for the above-mentioned docket. Please file the attached communication and this letter in the record of the proceeding and return one time stamped copy to our courier, in accordance with normal procedures. If you have any questions, please do not hesitate to contact me.

Thank you for your time and consideration.

Best Regards,

 7/15/19

Andy Kowalczyk  
Just Transition Group  
350 New Orleans

RECEIVED  
JUL 15 2019

BY: 

BEFORE THE  
NEW ORLEANS CITY COUNCIL

IN RE: RESOLUTION UD-19-01 DOCKET  
OPENING RULEMAKING PROCEEDING TO  
ESTABLISH RENEWABLE PORTFOLIO  
STANDARDS

DOCKET NO.  
UD-19-01 July 15, 2019

350 NEW ORLEANS

**REPLY COMMENTS**

350 New Orleans respectfully submits the following comments pursuant to the Resolution and Order Establishing a Docket and Opening a Rulemaking Proceeding to Establish Renewable Portfolio Standards Resolution R-19-109.

Renewable portfolio standard, Clean Energy Standard, City of New Orleans, Utility Cable Telecommunications and Technology Committee, 350 New Orleans, Alliance for Affordable Energy, Energy New Orleans LLC and Midcontinent Independent System Operator and Renewable Energy Credit will be referred to throughout the comments respectively as ‘RPS’, ‘CES’, ‘CNO’, ‘UCTT’, ‘350 NOLA’, ‘AAE’, ‘ENO’, ‘MISO’ and ‘REC’ for the sake of brevity.

**Summary**

**350 New Orleans** is a 501(c)(3) climate activist group connecting our region to the international climate change movement led by [350.org](http://350.org). Our mission is to lend support to initiatives in New Orleans that raise consciousness and promote sound policy around climate change.

We exist because **climate change poses unprecedented threats to life, and coastal Louisiana is especially vulnerable**. Rising seas, hotter temperatures, and stronger storms have grave implications for the future of our coasts, communities, and cultures.

We prioritize *locally-grown initiatives* over national ones, and *collaboration* over working alone. We recognize and seek to amplify the power of existing New Orleans- and Gulf-based groups working for climate justice in their own communities.

As an organization we believe that a renewable energy mandate that addresses the issues of equity, resilience and reliability are foundational for the future of the city. The reality of climate change is undeniable and daunting in its implications and requires not only bold and sweeping action, but also accountability from current industries responsible for greenhouse gas emissions, and specific to this proceeding, utilities in the power sector. The following comments are in response to comments filed June 3, 2019 regarding UD-19-01 by CNO's sole electricity utility, the investor owned Entergy New Orleans LLC.

### **ENO proposal for a Clean Energy Standard**

Climate change, put succinctly by Dr. Kim Nicholas of Lund University in Sweden, can be reduced to five basic principles regarding the climate, "It's warming, It's us, We're sure, It's bad and We can fix it".

**It's warming:** According to an ongoing temperature analysis conducted by scientists at NASA's Goddard Institute for Space Studies (GISS), the average global temperature on Earth has increased by about 0.8° Celsius (1.4° Fahrenheit) since 1880. Two-thirds of the warming has occurred since 1975, at a rate of roughly 0.15-0.20°C per decade.<sup>1</sup>

**It's us:** During ice ages, the CO<sub>2</sub> levels were around 200 ppm, and during the warmer interglacial periods, the levels were around 280 ppm (parts per million). In late May 2019 CO<sub>2</sub> concentration in the atmosphere reached 415 ppm.<sup>2</sup> Looking ahead, if the rate of fossil-fuel burning continues to rise on a business-as-usual trajectory, such that humanity exhausts the reserves over the next few centuries, CO<sub>2</sub> would continue to rise to levels of order 1500 ppm.<sup>3</sup>

**We're Sure:** 97% of climate scientists agree that climate change is happening.<sup>4</sup> Additionally, our actions have set in motion a sixth global mass extinction of species; the destruction of whole ecosystems is a further threat to our own survival.<sup>5</sup> However, simply observing the economic effects of climate change in relation to climate related disasters provides a clear picture of the magnitude of this threat.

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<sup>1</sup> NASA Earth Observatory World of Change: Global Temperatures - <https://earthobservatory.nasa.gov/world-of-change/DecadalTemp>

<sup>2</sup> National Oceanic and Atmospheric Administration (NOAA) Earth System Research Laboratory  
<https://www.esrl.noaa.gov/gmd/ccgg/trends/weekly.html>

<sup>3</sup> Scripps Institute of Oceanography: Keeling Curve Lessons - [http://scrippsco2.ucsd.edu/history\\_legacy/keeling\\_curve\\_lessons](http://scrippsco2.ucsd.edu/history_legacy/keeling_curve_lessons)

<sup>4</sup> NASA Global Climate Change Vital Signs of the Planet - <https://climate.nasa.gov/scientific-consensus/>

<sup>5</sup> Business Insider "18 signs we're in the middle of a 6th mass extinction" <https://www.businessinsider.com/signs-of-6th-mass-extinction-2019-3>

**It's Bad:** According to data journalist Niall McCarthy, “Between 1978 and 1997, the total estimated economic cost of climate-related disasters such as storms, droughts, floods and heatwaves worldwide was \$895 billion (in 2017 dollars). In the 20-year period from 1998 to 2017, that skyrocketed 151% to a whopping \$2.25 trillion. The U.S. had the worst economic losses during the latter timeframe with \$944.8 billion, followed by China with \$492.2 billion and Japan with \$376.3 billion.”<sup>6</sup> We have set in motion hundreds of years of sea level rise, but the speed and long term magnitude of sea level rise is depending on our efforts today to drastically reduce greenhouse gas emissions now. According to the IPCC, we have no more than 11 years to cut GHG emissions by 45% and by 100% by 2050 in order to have any chance to stay below a 1.5 degree C warming and avoid devastating climate tipping points.<sup>7</sup> For the sake of our own children, we have the moral imperative to do all we can to bring down greenhouse gas emissions drastically and fast. The New Orleans City Council has the chance to set an example for the entire US Southeast.

**We can fix it:** Any proposal entertained that does not clearly mandate and enforce through regulatory means a transition to 100% renewable energy for the power sector before 2050 represents a risk for human populations and ecosystems worldwide. For this reason, we believe that the CES proposed by ENO is inadequate in decarbonizing CNO’s supply of energy to the city’s ratepayers.

UD-19-109 Resolution and Order Establishing a Docket and Opening a Rulemaking Proceeding to Establish Renewable Portfolio Standards, passed unanimously by the CNO Utility, Cable, Telecommunications and Technology Committee included no mention of a CES as an alternative to an RPS. The clearest impetus for the current rulemaking UD-19-01 can be attributed to the June 28th 2018 UCTT meeting wherein Executive Director Logan Burke of AAE voiced the value of a renewable portfolio standard to help address the egregious lack of progress on behalf of ENO in showing progress on delivering 100MW of solar generation, and CNO Councilmember Giarrusso voiced support for establishing a rulemaking proceeding to establish renewable portfolio standards through a recommendation to CNO Council President and UCTT Chairwoman Moreno<sup>8</sup>. It’s clear from the video recording of the entirety of this meeting that there is an unfavorable history of depending on ENO to deliver on, or prioritize commitments to renewables identified by ENO as a priority. Furthermore, the

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<sup>6</sup> Forbes “The Cost Of Climate-Related Disasters Has Soared In The 21st Century” - <https://www.forbes.com/sites/niallmccarthy/2018/10/12/the-cost-of-climate-related-disasters-soared-in-the-21st-century-infographic/#3aea9b437976>

<sup>7</sup> [https://report.ipcc.ch/sr15/pdf/sr15\\_spm\\_final.pdf](https://report.ipcc.ch/sr15/pdf/sr15_spm_final.pdf)

<sup>8</sup> <https://council.nola.gov/meetings/> - [http://cityofno.granicus.com/player/clip/2995?view\\_id=42](http://cityofno.granicus.com/player/clip/2995?view_id=42) - 48:23, 56:18

intention of Resolution UD-19-111 is focused primarily on increasing the renewable energy footprint, with no language referring to ‘clean energy’, involving nuclear assets.

The history of CES’s by and large carry a similar lack of credibility in that there is no reliable body of evidence to support claims that they are superior to RPS’s in addressing decarbonization. There is however, ample evidence provided by Lawrence Berkeley National Laboratory that establishes RPS’s account for nearly 45% of growth in renewables nationwide, with incentives and cost declines accounting for the remaining growth.<sup>9</sup>

The claim that RPS’s raise electricity rates by a University of Chicago paper released before peer review has been largely debunked.<sup>10</sup> The most significant claim is treating all RPS’s the same and determining a mean average across all markets, when both markets and regional RPS’s differ widely from each other. Additionally, much of the work released from The University of Chicago regarding regulation is to be viewed with skepticism. As conveyed by the writer David Cay Johnston “The Chicago School... assumes good behavior by people and has unquestioned faith in markets to correct themselves without any interference by government. To the Chicago School, regulation is regarded as a drag on the economy.”<sup>11</sup>

### **Inaccuracies or incomplete data**

A common occurrence throughout ENO’s opening comments seems to be a lack of data supporting figures used to demonstrate factual data or projections.

**Figure 1 on page 4** of ENO’s opening June 3rd 2019 comments does not provide information regarding inputs used to create the model depicting ENO’s Carbon Dioxide Emission Rate Compared to National Average.

**Page 9** of ENO’s June 3rd 2019 opening comments also incorrectly asserts that Union of Concerned Scientists “increasingly recognize and publicly state the importance of preserving existing nuclear

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<sup>9</sup> *Lawrence Berkeley National Laboratory* - [http://eta-publications.lbl.gov/sites/default/files/2018\\_annual\\_rps\\_summary\\_report.pdf](http://eta-publications.lbl.gov/sites/default/files/2018_annual_rps_summary_report.pdf)

<sup>10</sup> *Advanced Energy Economy* -

[https://blog.aee.net/university-of-chicago-analysis-of-rps-is-a-working-paper-that-still-needs-work?utm\\_content=90330278&utm\\_medium=social&utm\\_source=twitter&hss\\_channel=tw-403019655](https://blog.aee.net/university-of-chicago-analysis-of-rps-is-a-working-paper-that-still-needs-work?utm_content=90330278&utm_medium=social&utm_source=twitter&hss_channel=tw-403019655)

<sup>11</sup> *The Fine Print - How Big Companies "Use Plain English" to Rob You Blind*, David Cay Johnston - (pg 241)

capacity to help address climate change concerns.” The official position of Union of Concerned Scientists however presents the aging United States nuclear fleet as a potentially costly dilemma for ratepayers. Evidence suggests that all of ENO’s nuclear assets are currently operating at a loss.<sup>12</sup>

**Pages 10, 35, 47** ENO’s June 3rd 2019 opening comments also refer to nuclear as dispatchable, which lacks credibility in that it can take hours to ramp nuclear generation to meet demand, and in the case of ENO’s Grand Gulf, this premise is dependent on whether or not it is available as a resource.

### **Reliability and Cost Issues of ENO’s Aging Nuclear Assets**

The question of the reliability of Grand Gulf Nuclear Station, built in 1985, which ENO has a 90% stake in presents a specific problem. Original licensing permits issued from the Nuclear Regulatory Commission (NRC) for nuclear power plants last 40 years, with an extension of 20 if a plant meets compliance standards.<sup>13</sup> Currently, Grand Gulf Nuclear Station is 33 years old, and yet is already experiencing significant issues in reliability. From 2013 - 2018 it is estimated Grand Gulf has been either at zero or reduced power 47.5% of the days measured by the Nuclear Regulatory Commission.<sup>14</sup>

Relying on this asset presents a climate liability, but it’s apparent that there is a cost liability to ratepayers as well. It’s vital that a multifaceted strategy is put in place as soon as possible to build a robust infrastructure capable of delivering distributed and large scale renewable energy to CNO ratepayers at an affordable cost in a city which suffers one of the highest rates of energy burden in the country.<sup>15</sup> This is of vital importance as ENO ratepayers are allegedly subject to costly arrangements that unnecessarily drive up ratepayer costs with assets like Grand Gulf Nuclear Station owned by company subsidiary System Energy Resources Inc as well.<sup>16</sup> The possibility of building new nuclear assets in coming years at an affordable cost is an even greater challenge as is evident in the case of the state of Georgia’s Alvin W. Vogtle Electric Generating Plant, whose reactors 3 and 4 will require an expenditure of a \$27 billion dollars to complete construction by 2021/2022. Construction of these assets furthermore began in 2009, requiring 13 years for completion at a time when CO2 emissions are quickly and steadily rising.<sup>17</sup> Put

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<sup>12</sup> [Union of Concerned Scientists -https://www.ucsusa.org/nuclear-power/cost-nuclear-power/retirements](https://www.ucsusa.org/nuclear-power/cost-nuclear-power/retirements)

<sup>13</sup> <https://www.nrc.gov/reactors/new-reactors/col.html>

<sup>14</sup> E & E News “Downtime at ‘aging’ Grand Gulf attracts increased scrutiny” December 4, 2018 - <https://www.eenews.net/stories/1060108635/>

<sup>15</sup> American Council for an Energy Efficient Economy (ACEEE) - <https://aceee.org/sites/default/files/pdf/fact-sheet/ses-louisiana-100917.pdf>

<sup>16</sup> Union of Concerned Scientists “This Crazy Trick Could Help New Orleans Utility Customers Save Money” - <https://blog.ucsusa.org/joseph-daniel/this-crazy-trick-could-help-new-orleans-utility-customers-save-money>

<sup>17</sup> POWER “How the Vogtle Nuclear Expansion’s Costs Escalated”- <https://www.powermag.com/how-the-vogtle-nuclear-expansions-costs-escalated/?pagenum=1>

simply, at a time when much of the nuclear fleet nationally is being retired, not operating at full capacity, operating at a financial loss, ENO and CNO needs to reconsider traditional centralized models of meeting customer demand and to instead consider distributed resources, energy efficiency and other customer programs that increase resilience.

### **A Path to Accountability and Equity**

The challenges presented by climate related weather events to 19.7% of New Orleans residents who live in poverty demands action. It's vital that an RPS outlining greater renewable energy integration to CNO's grid has clear goals and carveouts aimed at resilience measures, ratepayer programs including energy efficiency and demand response, and additional large scale generation. Increasing low income access to the benefits of rooftop and community solar programs would have sweeping benefits, not just to individual homes in the form of more affordable energy access, but also to the local community in the form of jobs and equity.

These are necessary goals that have been promised through efforts in the past from ENO, but cannot happen without accountability from ENO. For this reason it is necessary to establish an advisory council comprised of New Orleanians that represent CNO, and can further the technical needs of the RPS, as well as affordable housing, affordable energy, cultural preservation, resilience needs, and workforce development. This committee will provide oversight of the process by which ENO seeks to meet RPS goals and make recommendations to the UCTT.

The rules of the RPS itself must include a method of holding the utility accountable for not meeting renewable energy targets. 350 NOLA recommends that in the years that renewable energy targets are not met, ENO executive pay or bonuses be directly tied to the success or failure to meet such goals. This ensures as great of a drive towards success in building or procuring a robust renewable energy infrastructure serving CNO as it does a prohibition against failure to meet goals.

### **Conclusion**

To increase the footprint of renewable energy in CNO that carries aggregate benefits and resilience for ratepayers and the community, the CES goal or standard identified by ENO in the July 3rd opening comments is inadequate. RPS goals are not only achievable but effective, which is why many states are increasing their renewable energy targets. This effectiveness however relies on accountability, and an RPS that is informed and guided by the ratepayers of CNO will provide perhaps the greatest resource of

all. Their invaluable insight and experience will reveal the promise and ability of the city to meet the challenges of climate change.

RESPECTFULLY SUBMITTED THIS 15<sup>th</sup> DAY OF JULY, 2019

By

 7/15/2019

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served by hand delivery to the Clerk of Council with a copy to the Director, Council Utilities Regulatory Office, and upon all known parties of record via electronic mail.

New Orleans, Louisiana this 15<sup>th</sup> day of July, 2019.



Andy Kowalczyk

July 15, 2019

**RULEMAKING PROCEEDING TO ESTABLISH RENEWABLE PORTFOLIO  
STANDARDS**

**DOCKET UD-19-01**

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