

RESOLUTION

NO. R-16-263

CITY HALL: July 14, 2016

BY: COUNCILMEMBERS WILLIAMS, HEAD, GUIDRY, BROSSETT AND GRAY

IN RE: AN INQUIRY INTO ENTERGY NEW ORLEANS, INC.'S
UTILITY OPERATIONS
DOCKET NO. UD-16-01

RESOLUTION INITIATING A SHOW CAUSE PROCEEDING REGARDING
ENTERGY NEW ORLEANS, INC.'S UTILITY OPERATIONS

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans (“Charter”), the Council of the City of New Orleans (“Council”) is the governmental body with the power of supervision, regulation, and control over public utilities providing service within the City of New Orleans; and

WHEREAS, pursuant to its powers of supervision, regulation, and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and

WHEREAS, Entergy New Orleans, Inc. (“ENO”), effective September 1, 2015, is a public utility providing electric and natural gas service to all of New Orleans;¹ and

WHEREAS, ENO is a wholly owned subsidiary of Entergy Corporation (“Entergy”). The other four operating companies are Entergy Arkansas, Inc. (“EAI”), Entergy Louisiana, LLC, (ELL), Entergy Mississippi, Inc. (“EMI”), and Entergy Texas, Inc. (“ETI”). These five operating companies are referred to collectively as the “Operating Companies”; and

¹ Prior to September 1, 2015, ENO’s electric service area consisted of all of New Orleans except for Algiers (“Legacy-ENO service area”), which, prior to that date, was served by Entergy Louisiana, LLC (“Legacy ELL-Algiers service area”).

WHEREAS, the Council is responsible for ensuring that New Orleans ratepayers receive quality electric service at just and reasonable prices; and

WHEREAS, over the last two years the Council, and its Advisors, working together with ENO, have accomplished extraordinary things including: the acquisition of Union Power Block 1 which will provide needed electric capacity to meet growing demand and to offset the loss of capacity resulting from the deactivations of the Michoud generating units in June of 2016; the approval of the System Agreement termination; the consolidation of utility regulation in Orleans Parish; and the establishment of the storm reserve to protect New Orleans ratepayers from rate spikes in the aftermath of future catastrophic storms and improve ENO's financial condition. All are very significant accomplishments that will benefit the ratepayers of New Orleans for years to come; and

WHEREAS, however, over the last few months, there has been a significant disruption in the regulatory harmony among ENO and its important stakeholders that has resulted in the creation of an impasse that has stymied the past progress and has failed to address critical issues that ultimately could harm New Orleans ratepayers; and

IRP Stakeholder Process

WHEREAS, in Resolution No. R-14-224, the Council established guidance for ENO's 2015 Triennial Integrated Resource Plan ("IRP"), which is part of Docket UD-08-02. In that Resolution, the Council set forth a procedural schedule requiring ENO to conduct four technical conferences at certain milestones in the process of developing ENO's IRP in order to allow greater public input prior to ENO's final submission of its 2015 IRP; and

WHEREAS, ENO has held four technical conferences required by Resolution No. R-14-224, as well as a Renewables Technical Conference, which were intended to address: (1) the demand side

management² (“DSM”) Potential Study inputs to the IRP process; (2) the issue of renewable resources to be included in the IRP; (3) the DSM Potential Study Results; (4) IRP Modeling Results; (5) ENO's final results of its portfolio evaluation; and (6) ENO's presentation of its Draft IRP Report to the stakeholders; and

WHEREAS, ENO submitted its 2015 Draft Integrated Resource Plan to the Intervenors and the Advisors on June 23, 2015 and the Advisors and Intervenors subsequently submitted their comments on the Draft IRP to ENO (“Stakeholder Comments”); and

WHEREAS, Stakeholder Comments were filed by the Alliance for Affordable Energy (“Alliance”), Green Coast Enterprises (“GCE”), the Greater New Orleans Housing Alliance (“GNOHA”), the Gulf States Renewable Energy Industries Association (“GSREIA”), and Building Science Innovators (“BSI”) (collectively, “Stakeholders”), many of whom indicated that the Company had not been sufficiently responsive to stakeholder feedback;³ and

WHEREAS, on September 18, 2015, ENO submitted its 2015 Integrated Resource Plan Updates for the Final IRP Report to provide updates to the Council, Advisors and Intervenors regarding the effects of the reallocation of the Union Power Station resource from a power purchase agreement to the acquisition of Power Block 1; the economic evaluation of demand-side management programs; and the total supply cost of the evaluated portfolios, including updated load and capability data for ENO's preferred combustion turbine (“CT”) Portfolio; and

WHEREAS, in response to the comments received from the Intervenors and Advisors, on the Draft IRP, ENO conducted a conference call with the Parties on November 11, 2015 (“Conference Call”) to discuss its action plan for addressing the comments in the preparation of its final IRP; and

² Demand side management includes both energy efficiency programs and demand response programs which focus on specific loads.

³ “The Alliance continues to be disappointed with Entergy New Orleans Integrated Resource Planning efforts. We are frustrated that intervenor comments and suggestions have failed to be incorporated into the IRP. In the current draft IRP report, it is clear that ENO simply rejected all comments from intervenors and marched toward a pre-formed conclusion. The Alliance believes that ENO will continue to fail to address the issues outlined in our current comments. Therefore, we implore the Council, staff, and Advisors to ensure that a final IRP report includes intervenor work that aims to safeguards New Orleans' energy future.” Comments of the Alliance on ENO's Draft 2015 IRP, September 1, 2015.

WHEREAS, during the Conference Call Stakeholders once again criticized ENO for failing to make any modifications in conducting its IRP analysis after receiving Stakeholders' inputs during prior IRP technical conferences. Stakeholders noted that ENO simply providing additional information in the Final IRP to rebut the existing critical comments would not address Stakeholders' concerns⁴; and

WHEREAS, during the Conference Call the Advisors also criticized ENO's action plan because many issues that have been raised, and continue to be raised, in good faith by the stakeholders and the Advisors are not addressed directly, but rather focus on ENO defending the contested choices already made in the IRP; and

WHEREAS, ENO subsequently requested and was granted an extension of time to file its Final IRP Report from the October 31, 2015 deadline set forth in Resolution No. R-14-224 to January 31, 2016; and

WHEREAS, ENO filed its Final 2015 Integrated Resource Plan with the Council on February 1, 2016 ("Final IRP Report"); and

WHEREAS, the Advisors issued Discovery Set 2 on June 15, 2016 which contained numerous requests for information to facilitate the evaluation of DSM in the IRP process, but on June 20, 2016, ENO filed Objections to the Advisors' Discovery Set 2 on the basis that the Advisors are seeking information which is not in the custody or control of ENO and which may be more readily obtained from a consultant who is not a party to the IRP Docket; and

WHEREAS, the merit of ENO's Objection is questionable since ENO used and placed important reliance on a consultant's work and results, and therefore such information should indeed be discoverable.

⁴ Stakeholders' specific concerns included (i) lifetime benefits of DSM are not being captured without re-evaluating the economics of all DSM programs, and not just those which weren't selected in the IRP modeling, (ii) overly restrictive estimation of participation rates resulted in less DSM being modeled and evaluated in the IRP, (iii) not using the historical program performance of Energy Smart programs in the DSM input assumptions in the IRP, (iv) only limited demand response measures were considered, despite the emphasis in the previous IRP evaluation, and (v) the selection of a CT resource to be built while excluding viable renewable energy technologies has delayed the staging of renewable energy additions. ENO contended that it was inappropriate to consider the historical program performance of Energy Smart programs in the IRP DSM input assumptions, and that ENO's action plan will not revisit the DSM potential study.

Such unfounded and argumentative responses by ENO are contrary to the Council's objective of transparency and administrative efficiency, particularly in the IRP Docket; and

WHEREAS, while in its Final IRP Report ENO selected the CT Portfolio (with a 250 MW (nameplate) CT in 2019) as its Preferred Portfolio, the Final IRP Report also included a Stakeholder Input Case which identified three other Portfolios containing renewable resources with comparable supply costs;⁵ and

WHEREAS, the June 15, 2016 public hearing in the ENO IRP docket was well attended by ENO customers and several community organizations, and every person who spoke opposed Entergy's proposal to build a new CT plant at Michoud. Many people also called for greater transparency and for more information to be provided to the public; and

WHEREAS, notwithstanding the extensive stakeholder process already undertaken in this proceeding, there is a growing level of frustration among some Stakeholders that believe that ENO's basic position has not fundamentally changed throughout the course of the proceeding in response to Stakeholder input and that ENO has applied inappropriate or outdated assumptions and forecasts intended to exclude or dampen the level of demand-side measures and renewable resources; and

WHEREAS, the Council is extremely concerned that ENO has not provided adequate explanation in the IRP record for a CT larger than 194 MW. The increased size of the proposed CT has significant implications, particularly for energy efficiency, renewables integration and demand side management. We note that the Council, its Advisors, many stakeholders and members of the public have expressed a strong interest in balancing these issues. Yet, ENO has not "made its case" for the larger CT; and

WHEREAS, the Council notes that the record has not yet closed in this matter and the Council will review the complete record and render a decision based on the substantial evidence and policy

⁵ The levelized supply costs for these Portfolios in real \$ (millions) are \$2,132 for the CT Portfolio, \$2,146 for the combined CT and Solar Portfolio, \$2,165 for the combined CT- Solar – Wind Portfolio, and \$2,171 for the combined CT and Wind Portfolio. Considering the changes in costs and technology in recent years, these Portfolios are comparable to the CT Portfolio.

considerations that will balance and protect the interests of all stakeholders. However, we are deeply concerned that the Council's goal of an open, transparent and comprehensive IRP process will be seriously compromised if ENO has in fact failed to fully consider other Stakeholder viewpoints; and

WHEREAS, in furtherance of the Council's objective of transparency, and to insure that the positions of all Parties in the Docket UD-08-02 have been entered into the record, the Council finds that within 30 days all Parties in that Docket should submit to ENO all questions that have not been completely answered since the first 2015 IRP Technical Conference, and all specific values and methodologies used for supply and demand side resources that the Stakeholders would support in lieu of those used in the 2015 IRP Final Report, including specific values that determine the amount of DSM and renewables in the IRP Preferred Portfolio, and within 30 days of receipt of such, ENO shall provide responses that reasonably address each question and concern submitted by the parties. The Advisors will review ENO responses within the procedural schedule of Resolution R-16-104, and recommend any further action for the Council to consider to insure that all Stakeholder positions have been recognized; and

Proposed Combustion Turbine Generation

WHEREAS, a specific concern regarding the IRP process is the apparent opposition to ENO's plans to build new a CT generation plant in New Orleans. Based on comments presented at the recent IRP Community Hearing, it appears that ENO has not yet conducted meaningful community outreach with respect to its plan to build a CT. In addition, a number of Stakeholders have expressed dismay over the fact that between the final draft IRP reviewed by Stakeholders and the final version filed at the Council, ENO changed the proposed size of the CT facility from 194 MW to a 245.5 MW (nominal rating) with little to no data and explanation regarding why the CT needed to be larger than initially proposed in the IRP. Further, ENO has not provided adequate information regarding the impact of a larger CT on the level of demand-side and renewable resources that would be implemented in New Orleans over the life of the proposed larger CT; and

WHEREAS, in its Application for Council Approval of its proposed CT, ENO indicated that it has already negotiated into a contract for construction of the CT, sought the required permits for construction of the generation unit, and proposed a compressed schedule for the start of construction with a timeline of costs, all before completion of Council's evaluation of the ENO 2015 IRP Final Report, meaningful prior public participation or discussion, and even prior to filing the Application seeking Council approval of the CT. Such actions by ENO are contrary to similar processes followed in the past between the Company and the Council and its Advisors and breed distrust among the Stakeholders; and

WHEREAS, the Council notes that the proposed CT project is a major undertaking that will affect electric utility service in New Orleans for decades to come. As such, it is a decision that demands the maximum scrutiny possible in an open and transparent process, as well as ENO's proactive effort to fully inform the public of the costs and benefits of the project and its serious consideration of viable public input; and

Storm Hardening

WHEREAS, the Council adopted Resolution R-15-31 on January 22, 2015, which under Council Docket UD-12-04 directed ENO and ELL to provide to the Council the results of its analyses of, and detailed plans including capital costs, timelines, benefit/cost and analytical support for system hardening initiatives including proposed undergrounding distribution system components, pole inspections tree trimming practices, substation waterproofing, and the installation of smart meters to pinpoint outage locations; and

WHEREAS, Resolution R-15-31 also established a specific schedule for ENO to report to the Council on these storm hardening issues; and

WHEREAS, pursuant to the instructions of the Committee, the Advisors worked with ENO to create a working group to assure that the process produced useful feedback for the Committee and the Council. Accordingly, a series of meetings of the parties, both in person and by phone, were arranged to discuss and exchange information on storm hardening; and

WHEREAS, pursuant to the Resolution R-15-31, two interim reports were filed by ENO with the Council on March 23, 2015 and May 22, 2015 respectively. Those reports helped focus the working group's attention on the scope and specificity that would be required in the final report, which was originally due on July, 21, 2015. In an effort to assure that the final report would be complete and comprehensive and adequately addressed the Council's concerns, the filing date was extended first to August 31, 2015 and subsequently to November 2, 2015; and

WHEREAS, as that date approached, the Parties, including the Advisors, discussed an additional extension for two reasons. First, it was agreed that additional discussion was needed both internally within ENO and externally with the Advisors. However, given the unexpected prospect of the Union Power acquisition and the extremely expedited schedule it required, ENO's resources had to be diverted to that process. Second, as the deadline approached, the City experienced what appeared to be two relatively routine storm systems the weekends of October 25, 2015 and October 30, 2015. Both storms caused outages in several neighborhoods affecting thousands of customers, in some cases for hours. The Advisors believed that the final report would be more useful if it identified and explained why these outages occurred and how the outages related to the storm hardening issue, if at all. Accordingly, the Council extended the filing until January 21, 2016; and

WHEREAS, in response to the Council's mandates in Resolution R-15-31, regular meetings have been conducted to address the issues raised in the Resolution. These meetings have been attended by several representatives of ENO, the Council's Advisors, Council Utilities Regulatory Office ("CURO") staff, and on occasion, Council staff. The initial discussions focused largely on gathering data on pole inspections and vegetation management practices. These meetings led to the 60-day report required by the Resolution; and

WHEREAS, in response, the Advisors noted several deficiencies and inconsistencies in the report, which needed to be addressed. Among the Advisors' concerns was that the report only addressed normal conditions and did not speak to ENO's resilience in storm and/or hurricane conditions. The Advisors

strongly suggested that ENO's report needed to address ENO's performance in storm/hurricane conditions and, as necessary, to propose enhancements to improve ENO's performance under those conditions; and

WHEREAS, additional meetings occurred and additional information was provided, which led to the 120-day report. This report responded to some of the deficiencies noted by the Advisors. The report also indicated that ENO was in the process of preparing a plan that would propose several system hardening initiatives in an effort to facilitate a final report that is more responsive to ENO's storm/hurricane performance; and

WHEREAS, ENO's Final Report was filed timely. The report analyzes the ENO system under industry standards and concludes that it is in compliance. Though the Final Report notes that ENO believes there are areas that could be incrementally improved in a cost-effective manner, the Final Report does not propose a comprehensive detailed plan for increased system hardening that would strengthen the system under all circumstances, including storm events; and

WHEREAS, ENO's Final Report provides a limited generalized discussion of enhanced O&M practices in the guise of "storm hardening initiatives" that can be undertaken by ENO in 2016, 2017 and 2018 at an estimated total cost of \$30.1 million; and

WHEREAS, in contrast, Florida Power & Light ("FPL"), which is considered a national leader in Storm Hardening in compliance with Florida Public Service Commission ("FPSC") requirements, files a detailed storm hardening plan every three years, which contains a detailed description of FPL's deployment plans including a description of the facilities affected; technical design specifications, construction standards and construction methodologies to be employed; the specific locations where infrastructure improvements are to be made; FPL's estimated costs and benefits, including the effect on reducing storm restoration costs, and customer benefits. FPL also makes an annual filing which provides details on the storm hardening work accomplished during the prior twelve months. Among the Storm Hardening initiatives developed by FPL and approved by the FPSC are hardening of 550 main distribution feeders which provide service to hospitals and critical community facilities; selective undergrounding of main distribution feeders and lateral power lines; continuing replacement of existing

wood transmission structures with either concrete or steel poles; grid modernization including deployment of smart-grid technology, such as smart switches; distribution pole replacements with Extreme Wind Loading ("EWL") rated poles on 800 feeders; and substation hardening, including the continuing installation of water level sensors; and

WHEREAS, in response to inquiries from the Advisors on whether the \$30.1 million was the result of a systemic ground up evaluation of needed system improvements related to Storm Hardening, ENO admitted the \$30.1 million was developed based upon what it and Entergy felt was a reasonable financial expenditure given its financial performance metrics; and

WHEREAS, ENO's Final Report proposes to perform the full excavation sampling of 2,340 poles with treatment or replacement as warranted, at an estimated cost of \$11.1 million to gain knowledge on the condition of its poles below ground level, in order to determine if a large scale evaluation program is warranted, but has deferred initiating its sampling efforts until 2017; and

WHEREAS, ENO has indicated in response to Council Member questions that it has initiated an assessment program to determine the suitability of composite poles including assessments of availability, handling, storage, installation processes, and performance in the field, but has not committed to their use or installation despite encouragement from the Council for a more robust evaluation process that includes local New Orleans economic development potential, nor has ENO provided a timeline for completion of its assessments; and

WHEREAS, despite the Advisors direction to ENO that ENO identify any critical Transmission and Distribution (T&D) facilities that are eligible candidates for undergrounding to improve reliability in a storm event by undertaking a systemic system review, ENO has not undertaken such a review, or identified any such critical T&D facilities for undergrounding in its Final Report. Alternatively, ENO has proposed installing two underground primary distribution circuits from its Midtown Substation at a cost of \$1.4 million, but has not provided any detailed analysis, schedule or detailed capital cost estimate for the project, or the reasons for its selection, and expected benefits to critical loads; and

WHEREAS, ENO also proposed to conduct a pilot distribution undergrounding project in Algiers covering a one half mile section of a selected distribution feeder at a cost of \$1.6 million, but subsequently on or about April 13, 2016 in a conference call with the Advisors, confirmed that its analysis proved that “selective undergrounding” is infeasible for the residential areas analyzed, and that its proposed Algiers pilot undergrounding project was cancelled without consideration of evaluating the efficacy of selective undergrounding in other parts of New Orleans; and

WHEREAS, the Final Report proposes that ENO spends \$10.8 million for the replacement of insulators, cross arms, and lightning arrestors on feeders that serve critical customers, or that have experienced reliability-related outages, and also proposes spending \$5.2 million for installation of additional reclosers, fault indicators and supervisory control and data acquisition (“SCADA”) devices to reduce the number of customers affected by outages and improve ENO’s ability to identify outage locations. Our Advisors note such proposed non-undergrounding system work generally consists of standard distribution O&M measures associated with prudent utility practice for which the Final Report provides no detailed plan, no identification of circuits to be hardened or the number and location of devices to be installed, and no supporting detailed capital cost estimate or time line for accomplishment; and

WHEREAS, in response to the Advisors data requests, ENO has indicated that it is in the process of creating a detailed action plan regarding its proposed replacement of cross arms, insulators and lightning arrestors, and will provide further information upon completion of its analysis and action plan, and that it is conducting in depth analysis to determine where and how its proposed \$10.8 million expenditure should be allocated; and

WHEREAS, the Final Report provides detailed information on ENO’s historical vegetation management practices and vegetation specific outages, and though ENO initially proposed a number of alternative modifications to their vegetation management program, ENO’s Final Report indicates that ENO believes their current vegetation management practices are effective and cost efficient, and proposes no modifications to its current program; and

WHEREAS, 17 months after the Council's initial Resolution R-15-31 the Council has yet to receive from ENO a comprehensive, detailed storm hardening plan including detailed project specific capital cost and O&M budgets, timeline for specific project accomplishment, and the reasons for and estimated benefits of undertaking such storm hardening work; and

WHEREAS, based upon the level of current outages that seem to occur with thunderstorm and wind events, the Council is concerned that ENO's storm hardening efforts are woefully ineffective. Moreover, we are concerned that ENO's storm hardening efforts are more akin to normal utility operation and maintenance efforts, or at best repair and restoration efforts; and

Gas Infrastructure Rebuild

WHEREAS, as a result of Hurricane Katrina and the subsequent levee failures, ENO suffered severe damage to its electric and gas utility systems; and

WHEREAS, on October 27, 2006, the Council adopted Resolution R-06-459, entitled "Resolution and Order Approving Agreement in Principle" which approved, among other things, certain rate requests by ENO, including issues relating to post-Katrina storm costs and storm reserves filed in Council Docket Nos. UD-06-01 and UD-06-02; and

WHEREAS, Resolution R-06-459 also approved an Agreement in Principle that was reached on October 26, 2006 among representatives for the Council, ENO, the Sewerage & Water Board of New Orleans, the New Orleans Business Energy Council, Air Products and Chemicals, Inc., and the Alliance for Affordable Energy; and

WHEREAS, on June 29, 2007, pursuant to the Agreement in Principle approved by Resolution R-06-459, ENO filed its Plan for Gas Infrastructure Rebuild which presented its three-year plan for gas infrastructure rebuild; and

WHEREAS, on June 29, 2007, ENO contemporaneously filed a Motion for Leave to File Supplemental Information on the Status of the Plan for Gas Infrastructure Rebuild which requested that the Council allow ENO to file supplemental information concerning its Plan in the future as conditions change; and

WHEREAS, on August 23, 2007, the Council adopted Resolution R-07-377, establishing Docket UD-07-02 to consider ENO's current Plan for Gas Infrastructure Rebuild in addition to future filings that include supplemental information relating to the status of the proposed Plan for Gas Infrastructure Rebuild; and

WHEREAS, since 2007 ENO has been engaged in the systematic, condition-based rebuilding of substantial portions of approximately 844 miles of gas distribution pipe flooded as a result of Hurricanes Katrina and Rita and the prolonged flooding throughout the City of New Orleans that followed these hurricanes; and

WHEREAS, the gas infrastructure rebuild efforts to date have been funded from insurance proceeds and, accordingly, have not caused any incremental rate impacts; and

WHEREAS, on January 21, 2016, ENO filed its most recent Update on the Status of the Plan for Gas Infrastructure Rebuild ("2016 Update"); and

WHEREAS, as of December 31, 2015, ENO has replaced approximately 328 miles of saltwater infiltrated pipe at a cost of approximately \$152 million; and

WHEREAS, in the 2016 Update, ENO indicated that approximately \$12 million of insurance funds remains, which at the current pace of work performed would be depleted by the end of 2016; and

WHEREAS, over the last 9 years ENO has seen significant improvement in the operational performance of the gas distribution system including a significant reduction in outages; and

WHEREAS, in the Appendix to the 2016 Update, ENO includes a table entitled "ENO versus Industry Leak Comparison (2014)" which demonstrates that, in total, ENO performed better than the industry in 2014; and

WHEREAS, in the 2016 Update, ENO indicates that it believes that it would be appropriate to continue with the rebuild program, annually replacing approximately 25 miles of pipe in 2016 and beyond; and

WHEREAS, in response to discovery submitted by the Advisors, ENO indicated that its position was that ultimately all of the inundated pipe will need to be replaced; and

WHEREAS, in the 2016 Update, ENO indicated that it was evaluating options for continuing the rebuilding effort beyond the first quarter of 2017 and anticipates providing more detail on those options within the next several months; and

WHEREAS, on March 11, 2016, in response to discovery submitted by the Advisors, ENO indicated that it is continuing to evaluate the request to implement a Gas Infrastructure Replacement Program in New Orleans and will provide an assessment of future requirements and rate effects in the upcoming months; and

WHEREAS, on May 9, 2016 the Advisors, via email to ENO's counsel, inquired as to when ENO anticipated providing to the Council the details on the options for continuing the rebuilding effort beyond the first quarter of 2017, the assessment of future requirements, and the associated rate effects; and

WHEREAS, despite continued request for information from ENO, as of June 22, 2016, neither the Council, nor the Advisors, have been provided with the detail on the options for continuing the rebuilding effort beyond the first quarter of 2017, the assessment of future requirements, and the associated rate effects. Moreover, ENO has not provided an anticipated date when such information will be provided; now, therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

1. The Council hereby directs ENO to show cause why ENO's actions and omissions in its utility operations as discussed herein are not imprudent.
2. The Council opens Docket No. UD-16-01 to consider ENO's actions and omissions in its utility operations as discussed herein.
3. ENO and the Council's Advisors, are designated Parties to these proceedings. Additionally, a period of 30 days from the adoption of this Resolution is established for interventions in this docket by individuals not herein designated a party. Persons desiring to intervene shall do so by filing an intervention request with the Clerk of Council, with a copy submitted to Director, Council Utilities Regulatory Office, Room 6E01 City Hall, 1300 Perdido Street, New Orleans, LA 70122; and to persons on the Official Service List of this docket, which can be obtained from the Council Utilities Regulatory Office. All fees associated with the filing of interventions are

hereby waived, in accordance with Section 158-286 of the City Code. Objections to intervention requests shall be filed within 7 days of such requests. Timely-filed intervention requests not objected to within that time period shall be deemed GRANTED.

4. ENO's and ELL's filings made in pursuant to Docket Nos. UD-07-02, UD-08-02, UD-12-04, UD-16-02 shall be considered a part of this new docket as if said filings were originally made herein.
5. Jeffrey Gulin is appointed the Hearing Officer to preside over the discovery in this docket, including scheduling, motions and discovery disputes, as needed.
6. A period of discovery shall commence with the adoption of this Resolution and extend for 180 days (discovery requests must be made in time that responses may be received prior to the close of the discovery period). Responses to data requests shall be made on a rolling basis and shall be due in hand within 12 calendar days of receipt (All requests received after 3 o'clock p.m. (central) on a Friday shall be deemed received the following business day). Parties are encouraged to submit their data requests and responses electronically, where appropriate. Objections to data requests shall be filed within 5 days of receipt. The parties are encouraged to attempt to resolve their discovery disputes amicably prior to seeking the intervention of the Hearing Officer or appealing to the Council.
7. It is anticipated that during discovery, the parties may be required to produce documents or information that are deemed confidential and/or highly sensitive and, accordingly, the Council adopts for use in this docket its Official Protective Order adopted by Resolution R-07-432, a copy of which can be obtained from the Council Utilities Regulatory Office.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS

THAT

8. ENO shall file with the Clerk of the Council and serve on all parties on the Official Service List of this Docket within 45 calendar days after the close of the intervention period such testimony, evaluations, analyses, workpapers, and other information, as the Company believes will be of assistance to the Council in this prudence investigation.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS

THAT:

9. Pending the close of all discovery and required filed information and completeness thereof, the Council will make such further determination as it deems appropriate on the most appropriate future course of action in this Docket.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS

THAT:

10. Within 30 days, all parties in Docket UD-08-02 regarding the 2015 ENO IRP should submit to ENO all questions that have not been completely answered since the first IRP Technical Conference, and all specific values and methodologies used for supply and demand side resources that the Stakeholders would support in lieu of those used in the 2015 IRP Final Report, including specific values that determine the amount of DSM and renewables in the IRP Preferred Portfolio, and within 30 days of receipt of such, ENO shall provide responses that are robust, fully responsive, and completely address each question and concern submitted by the parties in the Docket.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS

THAT:

11. ENO within 60 days of the date of this Resolution shall file with the Council responses to the Advisors' questions regarding its options for continuing the gas infrastructure rebuilding effort beyond the first quarter of 2017, complete with supporting rationale, necessary supporting data, and the associated rate effects.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE RESOLUTION WAS ADOPTED.