

**BEFORE THE
NEW ORLEANS CITY COUNCIL**

**IN RE: RULEMAKING PROCEEDING TO
ESTABLISH RULES FOR COMMUNITY
SOLAR PROJECTS.**

DOCKET NO. UD-18-03

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

**AFFIDAVIT OF MAURICE BRUBAKER
ON BEHALF OF
AIR PRODUCTS AND CHEMICALS, INC.**

Maurice Brubaker, being first duly sworn, on his oath states:

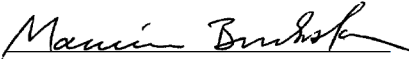
1. My name is Maurice Brubaker. I am a consultant affiliated with Brubaker & Associates, Inc., having its principal place of business at 16690 Swingley Ridge Road, Suite 140, Chesterfield, Missouri 63017. We have been retained by Air Products and Chemicals, Inc. ("Air Products") in this proceeding on its behalf.
2. I am over 18 years of age, of sound mind, and otherwise competent to make the statements herein. The statements are true as stated, except as to matters and things, if any, stated on information and belief, and that as to those matters and things, I believe them to be true.
3. I have been a consultant to Air Products in this proceeding since Air Products intervened in the proceeding on June 28, 2018, pursuant to Resolution R-18-223 through which the rulemaking was initiated by the Council of the City of New Orleans ("Council"). See Exhibit A attached hereto for copy of Air Product's file-stamped intervention.
4. I understand that, at this stage of the proceeding, parties have the opportunity to present testimony to the Council on the issue of whether community solar rules should be modified to require Entergy New Orleans, LLC to implement consolidated billing, which would impose the Subscriber Organization's billing and crediting functions on ENO.
5. Air Products initially filed comments in this proceeding opposing the implementation of consolidated billing in July 2023. In its comments, Air Products stated:

... And use of the proposed consolidated billing 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. A Subscriber Organization should be responsible for collecting its Subscription payments and issuing credits to its Subscribers.

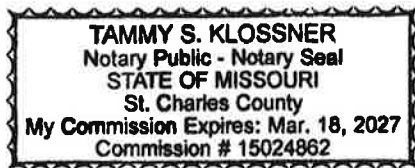
See p. 4 of Air Products Reply Comments on Proposed Changes to Community Solar Rules, dated July 7, 2023, and attached hereto as Exhibit B.

6. I agree with the underlying concern expressed in Air Products Reply Comments dated July 7, 2023.
7. I have reviewed the Advisors Report Regarding Consolidated Billing for the Community Solar Program, dated October 24, 2025 ("Advisors Report"), and believe the Advisors have taken the position that Subscriber Organizations should bear the cost of implementing a consolidated billing program and that all Subscriber Organizations should have to share in such costs even if a Subscriber Organization does not choose to offer consolidated billing. See pages 35-42 of the Advisors Report, dated October 24, 2025, an excerpt of which is attached hereto as Exhibit C.
8. I also support my understanding of the position of the Advisors in its Report dated October 24, 2025, regarding the cost of implementation of a consolidated billing arrangement being the responsibility of Subscriber Organizations. Non-participants should not be burdened with the costs of implementation of a consolidated billing program, which ENO has estimated to be approximately \$1.55 Million (with a range of +100% to -50%) in capital costs plus additional operational expenses. See Affidavit of ENO Witness Ms. Melissa LeJeune at Paragraphs 13, 27 and 28 (filed on January 16, 2026).
9. However, there is currently great uncertainty as to whether there will be sufficient Subscriber Organizations with Subscribers to pay such costs, which creates an unreasonable financial risk on non-participants. I understand from ENO's Motion to Amend Procedural Schedule, dated November 25, 2025, that most community solar projects are only in the application phase and only one community solar project is in the construction phase. See Motion to Amend at Para. 12.
10. I question whether Subscriber Organization(s) associated with a single community solar project would be willing and/or able to bear the entire cost of implementing consolidating billing and whether its Subscribers be willing to pay such costs. And if not, who would pay such costs associated with implementation of a consolidated billing system that the Council required ENO to implement?
11. I still have concerns that implementation of consolidated billing exposes non-participants 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.

12. Should the Council decide to modify the Community Solar Rules to require ENO to implement a consolidated billing arrangement, the Council should ensure Subscriber Organizations are willing to pay all costs associated with such arrangement and that the Community Solar Rules not only require Subscriber Organizations to pay such costs but also hold them legally accountable for paying such costs.
13. Therefore, I recommend that the Community Solar Rules not be modified to require ENO to implement a consolidated billing arrangement unless and until the financial risk of such arrangement on non-participating customers is fully addressed in the Community Solar Rules and the risk of any costs associated with implementation of consolidated billing being imposed on non-participating customers fully mitigated by the Council.


Maurice Brubaker

Subscribed and sworn to before me this 13th day of February, 2026.




Notary Public



Carrie R. Tournillon, Partner
PH 504.585.3056 Direct Fax 504.620.3385
carrie.tournillon@keanmiller.com

June 28, 2018

VIA HAND DELIVERY

Ms. Lorna W. Johnson, CMC
Clerk of Council
City Hall, Room 1E09
1300 Perdido Street
New Orleans, LA 70112

RE: *Resolution and Order Establishing a Docket and Opening a Rulemaking
Proceeding to Establish Rules for Community Solar Projects*
CNO Docket UD-18-03

Dear Ms. Johnson:

Please find enclosed the original and three copies of a Motion for Intervention and Inclusion on Service List on behalf of Air Products and Chemicals, Inc. which we request you file into the record in the above-referenced matter. Please return a date-stamped copy to my office in accordance with normal procedures.

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,

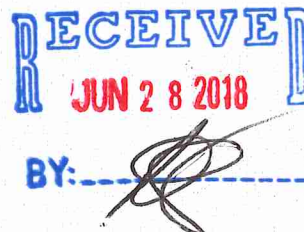
A handwritten signature in blue ink, appearing to read "C. R. Tournillon".

Carrie R. Tournillon

CRT/mpk

Enclosure

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



JUN 28 2 54

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
JUNE 28, 2018

AIR PRODUCTS AND CHEMICALS, INC.
MOTION FOR INTERVENTION AND INCLUSION ON SERVICE LIST

This Motion for Intervention is filed, through undersigned counsel, by and on behalf of Air Products and Chemicals, Inc. ("Air Products").

1 .

Pursuant to the Resolution and Order Establishing a Docket and Opening a Rulemaking Proceeding to Establish Rules for Community Solar Projects (Resolution R-18-223), Air Products respectfully requests intervention for full participation in this docket, as a party therein.

2.

Air Products and its New Orleans operations are one of ENO's largest purchasers of electric power, and accordingly, have a major interest in this docket, will be affected substantially by the outcome thereof, and cannot be adequately represented by any other party.

3.

Air Products, upon being granted full Intervenor status, requests that it be added to the Official Service List for this docket, and that all notices, communication, pleadings, briefs, testimony, other filings be served upon the following:

Katherine W. King
Randy Young
KEAN MILLER LLP
400 Convention Street, Suite 700 (70802)
Post Office Box 3513
Baton Rouge, LA 70821-3513
Tel: (225) 387-0999
Fax: (225) 388-9133
katherine.king@keanmiller.com
randy.young@keanmiller.com

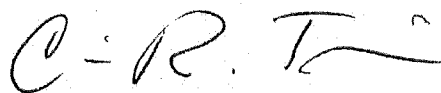
Carrie R. Tournillon
KEAN MILLER LLP
900 Poydras Street, Suite 3600
New Orleans, LA 70112
carrie.tournillon@keanmiller.com

Mark Zimmerman
Air Products and Chemicals, Inc.
720 I Hamilton Blvd.
Allentown, PA 18195-1501
Phone: (610) 481-1288
Fax: (610) 481-2182
zimmermr@airproducts.com

Maurice Brubaker
Brubaker & Associates, Inc.
16690 Swingly Ridge Road, Suite 140 (63017)
P.O. Box 412000
Chesterfield, MO 63141-2000
mbrubaker@consultbai.com

WHEREFORE, Air Products and Chemicals, Inc. prays that it be granted Intervenor status and that it be permitted to participate in this proceeding.

RESPECTFULLY SUBMITTED:

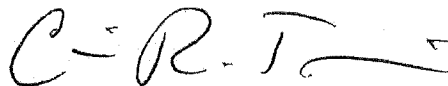


Katherine W. King (#7396)
Randy Young (#21958)
Carrie R. Tournillon (#30093)
KEAN MILLER LLP
Post Office Box 3513
Baton Rouge, LA 70821
(225) 387-0999
Attorneys for Air Products and Chemicals, Inc.

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 28th day of June, 2018.



Carrie R. Tournillon

**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
July 7, 2023**

**AIR PRODUCTS AND CHEMICALS, INC.
REPLY COMMENTS ON PROPOSED CHANGES TO
COMMUNITY SOLAR RULES**

Air Products and Chemicals, Inc. (“Air Products”) respectfully submits these reply comments pursuant to Resolution R-23-130 of the Council of the City of New Orleans (“Council”) to respond to comments filed by stakeholders on June 16, 2023, regarding potential changes to Community Solar Rules initially adopted by the Council in March 2019. Air Products does not support the changes to the Council’s Community Solar Rules that have been proposed by several parties and that would serve to further burden non-participating customers of Entergy New Orleans, LLC (“ENO”) with costs of a providing solar power to other ENO customers. Parties who are advocating for these changes submit that the question is whether the Community Solar Rules are working to promote development of community solar garden (“CSG”) projects. However, that question only leads to greater subsidies in order to force a program into existence and increase electricity costs for other non-participating customers. Rather, the question should be whether the Community Solar Rules strike

a reasonable balance between promoting CSG projects and protecting ENO ratepayers from unreasonable costs.

Costs to Non-Participants Should Not Be Increased

Air Products objects to changes proposed by parties that will increase costs to non-participants. As ENO demonstrated in its additional comments dated June 16, 2023, under the current Subscriber credit rates the cost of a portfolio of CSG projects totaling 55 MW-AC would result in approximately \$5.9 million in net costs to be borne by all ENO electric customers - - including non-participants - - over an initial two-year period, which does not include costs that would be associated with billing and customer service. This amounts to approximately \$29.5 million over a 10-year PPA term and approximately \$59 million over a twenty-year PPA term - - which would be recovered from all customers (participating and non-participating) through ENO's fuel adjustment clause ("FAC"). And if the Council were to authorize higher credits and/or incentives for Subscribers or expand the customers eligible to receive credits based on full retail rates, the costs of developing CSG projects would be even more expensive, unfairly burdening non-participants. Air Products agrees with ENO's opposition to changes that would increase those costs to ENO customers who do not participate in the program.

In 2018, the Community Solar credit rate and cost recovery were highly debated.¹ Regarding the credit rate, the Council determined that minimizing the rate

¹ In addition to the amount of the credit rate, issues of cost recovery of the credit rate from non-participating customers and manner of recovery (kW versus kWh) were also debated.

impact on ENO's non-participating customers should be a goal of the Subscriber Credit pricing mechanism.² Thus, the compromise was to allow low-income customers to receive full retail rates; other customers were allowed rate credits based on the MISO Locational Marginal Prices ("LMPs") at the ENO Load Zone. Likewise the Council rejected use of financial incentives paid for by other ENO customers, and suggested that non-profit organizations and other community benefit groups could work with low-income customers to subsidize their participation in CSG projects.³

The Council should again reject attempts by parties to require ENO customers to subsidize other customers. Proposals to increase credits to full retail rates for all participating customers, to expand the customers eligible to receive full retail rates, and to create financial incentives for low-income customers should be rejected. There is no support for how such changes would maintain a reasonable balance between promoting Community Solar and protecting ratepayers from unreasonable costs.⁴

Likewise, eliminating the 20 percent cap on ENO's responsibility for unsubscribed CSG projects should be rejected. This cap was implemented to protect ENO customers from cost impacts of unsubscribed CSG projects and what would

² Resolution R-19-111 at 46 (March 28, 2019)

³ Resolution R-19-111 at 14-15 (March 28, 2019).

⁴ Air Products notes that a significant concern of the Advisors in the initial proceeding was the potential impact of a set-aside of CSG capacity for low-income customers on the success of a community solar program. See Resolution R-19-111 at 7-12 (March 28, 2019). However, based on stakeholder comments in the initial proceeding, the Advisors increased the percent of capacity of CSG projects set aside for Low-Income Subscribers, resulting in the Council's Community Solar Rules having the second highest low-income set aside in the country at the time of adoption of the Rules. See Resolution R-19-111 at 12 (March 28, 2019). Yet, this important concern in developing the Community Solar Rules has not been raised by parties seeking as a potential factor in the lack of any CSG projects developed to date; rather the focus has been on the amount of credits.

amount to a guaranteed PPA for developers.⁵ There is no support in the record that such cap should be eliminated or that such customer protection is not needed.

Further, increasing ENO's administrative costs only increases costs to non-participants who have to pay for such costs in their retail rates. And use of the proposed consolidated billing 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. A Subscriber Organization should be responsible for collecting its Subscription payments and issuing credits to its Subscribers.

ENO's Proposed Low-Income "Pilot" Program Is Not a Pilot Program

In its Additional Comments dated June 16, , 2023, ENO proposes implementation of a low-income pilot program if the Council wants to evaluate Community Solar projects with 20-year terms. However, pilot programs are in place for short periods of time, typically around 3 years, to test a program. Whereas, the low-income program proposed by ENO would have a 20-year term, and thus is not a "pilot" program. Air Products suggests that if the Council wishes to evaluate a Community Solar program with a 20-year term, the Council could require ENO to issue a request for proposal ("RFP") for a Community Solar program with a 20-year term and for a limited number of MWs, to allow for evaluation of the projects bid into the RFP, including with respect to cost impacts. However, there should be no requirement for ENO to select a project if there is not a project that strikes an

⁵ Resolution R-19-111 at 47-150 (March 28, 2019).

appropriate balance between promoting Community Solar and protecting customers from unreasonable costs.

Community Solar Should Count Towards RCPS Compliance

Air Products supports positions of ENO and the Alliance for Affordable Energy that there should be some consideration of renewable energy credits (“RECs”) generated by CSG project in ENO’s Renewable and Clean Portfolio Standard compliance requirements - - either through an ability to count RECs from CSG projects towards ENO’s RCPS compliance requirement or through a carve out for locally generated RECs.

RESPECTFULLY SUBMITTED:



Randy Young (#21958)
Carrie R. Tournillon (#30093)
Gordon D. Polozola (#23900)
KEAN MILLER LLP
Post Office Box 3513
Baton Rouge, LA 70821
(225) 387-0999
Attorneys for Air Products and Chemicals, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon all known parties of record via electronic mail.

New Orleans, Louisiana this 7th day of July, 2023.



Carrie R. Tournillon

ENO has provided an initial estimate of \$1.55 million with a range of +100% to -50% to implement the technological and system upgrades needed to accommodate consolidated billing; and to recover these costs, ENO proposed a Utility Administrative Fee of 3% of the Allocated CSG Credit to be deducted from the Subscriber Organization's portion of the Allocated Credit. The Utility Administrative Fee, and the manner in which it could be adjusted, are discussed below.

C. Implementation Costs and Proposed Administrative Fee

1. Estimated Implementation Costs

ENO's initial estimate of \$1.55 million was provided with a sensitivity range of +100% to -50% (\$3.1M to \$775K) to implement the technological and system upgrades needed to accommodate consolidated billing.²²⁵ ENO states that a final estimate would be established if the Council issues a resolution ordering ENO to implement consolidated billing, with sufficient detail about the necessary requirements of the consolidated billing solution, and the IT integrator conducts detailed requirements design based on the updated version of the Rules finally adopted.²²⁶ Regarding a final estimate, ENO stated "Depending upon the level of effort, the Company may determine that it may need to issue a request for proposals to other vendors. If the Company needs to issue a request for proposals, the timeline could take additional months due to Supply Chain governance around the bid process."²²⁷ ENO also estimates that two new full-time analysts would be required to support the community solar program at an incremental annual cost of approximately \$110K to \$125K each.²²⁸ ENO notes that the actual costs may differ from the initial estimate based upon those guidelines and parameters, particularly if the consolidated billing program design approved by the Council differs from what ENO has set forth, and similarly, requiring a full bill redesign would increase the estimated cost and require additional time.²²⁹

AAE argues that ENO's projection of up to \$3.1M does not reflect the realities of other jurisdictions that have successfully adopted consolidated billing, such as Oregon, where Portland Gas and Electric ("PG&E"), which serves more ratepayers than ENO and implemented consolidated billing for \$1.4M.²³⁰ Several Intervenor state that while what makes up ENO's estimated \$1.55 million figure is yet to be seen, the figure is similar to costs incurred by utilities in other states,²³¹ which is not surprising considering that software systems and required effort would be similar. ENO argues that the PG&E costs of implementation fall within the range of ENO's initial estimate, which would suggest ENO's projected costs are reasonable.²³² ENO also argues that the implementation costs of another utility with unknown (and presumably different) billing system capabilities are irrelevant and not dispositive of what ENO's costs would be.²³³ It is somewhat difficult to be certain of what implementation costs in other states have been, the best

²²⁵ ENO June 10 Filing at 1-2 ENO Reply Comments at 3.

²²⁶ June 10 Filing at 1-2, *see also* ENO Reply Comments at 3.

²²⁷ Response to Advisors' Request for Information CNO 1-8, September 3, 2025.

²²⁸ ENO June 10 Filing at 2.

²²⁹ *Id.* at 2; *see also*, ENO Reply Comments at 3.

²³⁰ AAE Comments at 2.

²³¹ TNO Reply Comments at 4. GCE Reply Comments at 5; CDD Reply Comments at 2. FNO Reply Comments at 3.

²³² ENO Reply Comments at 3 (citing data submitted for July 2025 on EIA Form 861M (<https://www.eia.gov/electricity/data/eia861m/>)).

²³³ ENO Reply Comments at 3.

source of data located by the Advisors was the NREL report, and even NREL found it difficult to obtain information on the cost of developing and deploying consolidated billing given the limited publicly available data and inconsistent metrics.²³⁴ NREL reports that New York saw significant variations in cost across its utilities from just shy of \$1 million to an upper end of \$10 million.²³⁵ NREL also found that Xcel Energy in Minnesota estimated a total cost of \$3.2 million for its community solar program with consolidated billing accounting for \$200K up front plus another \$50K annually for maintenance.²³⁶ With respect to Oregon, NREL stated that the Oregon Public Utility Commission Staff estimated the third party administrator software platform to be at \$1-3 million, with separate additional costs for utilities, for PGE, about \$1.4 million to startup with \$50K annually.²³⁷ NREL's overall conclusion was that the costs of consolidated billing implementation vary widely but are significant.²³⁸

The Advisors concur that in light of what data is publicly available about the implementation costs of consolidated billing, ENO's estimate of \$1.55M with a possible range of \$775K to \$3.1M appears to be reasonable and within the range of what has been experienced elsewhere in the country. While this is not a final number before the Council for approval at this time, the Council should expect that reasonable costs of implementation are likely to be within this range if it adopts Net Crediting Consolidated Billing for the Community Solar Program. AAE asks the Council to order ENO to submit a final estimate of the cost to implement consolidated billing that is transparent and justifies all expenses.²³⁹

The Advisors recommend that a more detailed initial estimate of costs should be provided within 60 days after a resolution in which the Council may adopt consolidated billing, including an estimate projecting the CSG facilities output kWh for each of the next three years. The Council would have an opportunity at that time to review the reasonableness of an actual, more current detailed estimate of costs proposed for recovery by ENO through the Utility Administrative Fee.

2. Proposed Utility Administrative Fee

ENO's June 10 Filing proposed a Utility Administrative Fee of 3% of the Allocated Credit to be deducted from the Subscriber Organization's portion of the Allocated Credit.²⁴⁰ While ENO's June 10 Filing states that the Utility Administrative Fee would be "used to defray costs incurred by the Utility to administer Net Crediting Consolidated billing,"²⁴¹ ENO argues in its comments that ENO should 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.²⁴² As stated previously, the CSG Rules (Section VII.(G) provide for full and timely cost recovery of costs incurred to administer the Community Solar Program. ENO states in its Reply Comments that the revenue generated from this fee would cover ENO's

²³⁴ NREL Report at 8.

²³⁵ *Id.* at 8-9.

²³⁶ *Id.* at 9.

²³⁷ *Id.*

²³⁸ *Id.*

²³⁹ AAE Comments at 2; AAE Reply Comments at 2.

²⁴⁰ ENO June 10 Filing, Redline at 4; *see also* ENO Reply Comments at 4.

²⁴¹ ENO June 10 Filing Redline at 4.

²⁴² ENO Comments at 21.

costs of administering the community solar program and could also help offset ENO's costs to implement and maintain consolidated billing.²⁴³ However, this proposal does not recognize that the CSG Rules (Section VII.(G)(3)) provide for a separate recovery of incremental costs including consolidated billing costs from Subscriber Organizations.

The Advisors note that based on this language in ENO's pleadings, it appears ENO has proposed a 3% administrative fee to recover all costs of administering the community solar program rather than solely the incremental costs including the implementation and administration of the consolidated billing aspect of the program (costs specifically permitted under Section VII.G.(3) of the Community Solar Rules). Further, ENO's pleadings do not explain how the proposed 3% Utility Administrative Fee corresponds to the estimated \$1.55M in implementation costs and ongoing administrative costs of consolidated billing, other than to state that such costs would be recovered through that fee. Without additional supporting calculations with more detailed costs, and in light of these discrepancies, the Advisors cannot conclude that a 3% Utility Administrative Fee is reasonably designed to recover only the charges permitted to be recovered through such a fee under Section VII.G(3).

AAE states that the 3% Utility Administrative fee that ENO proposes is excessive, and that New York, for example, allows utilities to charge a 1% discount rate to developers to cover costs associated with net crediting.²⁴⁴ AAE argues that it is unclear why ENO's administrative costs should be three times higher than those of utilities in New York, and ENO offers no justification for this 3% fee.²⁴⁵ AAE asks the Council to limit the Utility Administrative Fee to no more than 1%.²⁴⁶ TNO argues that the proposed 3% fee is three times higher than the norm and points out that most jurisdictions charge 1% with only Illinois charging 2%.²⁴⁷ TNO argues that based on what other jurisdictions charge, 1% of bill credits is more appropriate.²⁴⁸ TNO argues that ENO's proposed 3% fee is excessive and that nearly all other states with consolidated billing cap this fee at 1%, which, it argues, is sufficient to cover costs without eroding subscriber savings.²⁴⁹ CDD similarly argues that the proposed 3% fee is excessive and other jurisdictions cap fees at 1%.²⁵⁰ FNO argues that a 1% fee is more consistent with what other jurisdictions charge and is more appropriate.²⁵¹ However, no quantified support related to New Orleans and ENO data was offered with these arguments, other than reference to other utilities.

ENO questions the probative value of the experiences of utilities in other states with respect to the argument that the administrative fee should be 1% or 2% of the Allocated Credit, because most utilities have not been required to implement consolidated billing in connection with administering their respective community solar programs.²⁵² ENO also argues that some of the examples cited by Intervenor appear to be community solar programs with larger footprints than should be expected for New Orleans, and that a higher subscriber fee is appropriate for a smaller

²⁴³ ENO Reply Comments at 4.

²⁴⁴ AAE Comments at 1.

²⁴⁵ *Id.* at 2.

²⁴⁶ *Id.*; AAE Reply Comments at 2.

²⁴⁷ TNO Comments at 2.

²⁴⁸ *Id.* at 2.

²⁴⁹ TNO Reply Comments at 2.

²⁵⁰ CDD Reply Comments at 1.

²⁵¹ FNO Comments at 2.

²⁵² ENO Reply Comments at 4.

program to generate sufficient revenues to ensure that ENO is kept whole and that ENO's balance sheet is not a mechanism through which third-party, for-profit, subscriber organizations subsidize their business endeavors.²⁵³ However, as stated previously, the CSG Rules provide for full recovery of consolidated billing costs, with a mechanism(s) approved by the Council, such that ENO will not absorb such costs.

ENO argues that it is unclear whether a 1% credit split will produce sufficient revenues to fully compensate ENO for the costs to administer the New Orleans community solar program, especially if the program is modified to include consolidated billing, which carries additional administrative costs and burdens.²⁵⁴ As the Advisors have noted, however, the Utility Administrative Fee to be imposed should not recover all of the costs to administer the New Orleans community solar program, it should only recover the incremental costs set forth in Section VII.G.(3) of the Community Solar Rules. The remainder of the costs of administering the community solar program should be recovered through a Council-approved mechanism addressed in Sections VII.G.(1) and (2). The Advisors note that no party has even attempted to demonstrate that a fee at any specific percentage level would be sufficient to recover the \$1.55 million in implementation costs and the ongoing incremental administrative costs of implementing consolidated billing without over-recovering.

GSREIA argues in its September 25, 2025 reply comments that renewed cost objections risk distracting from implementation.²⁵⁵ GSREIA notes that consolidated billing is foundational in successful programs elsewhere; instead, the salient question is adopting a transparent, constrained cost-recovery mechanism rather than revisiting whether ENO should perform consolidated billing at all.²⁵⁶

With respect to the value of the examples set by other states, while such examples are informative, they are not necessarily determinative, because of the many differences between New Orleans and other jurisdictions. In New York, the Public Service Commission approved an initial consolidated billing net crediting administrative fee to recover the costs of implementation and operation of the consolidated billing net crediting model equal to 1% of the total value of the community solar credits, subtracted from the payment to be made to the Subscriber Organization, and directed each utility to track the costs and the amounts recovered through the fee and file an annual report.²⁵⁷ The Public Service Commission in July of 2025 issued a subsequent order increasing the administrative fee from 1.0% to 1.5% with a cost tracking and reconciliation mechanism (rehearing of that order is still pending as of the filing of this report).²⁵⁸ In New Jersey, the utility may charge an administrative fee of not more than 1% of the subscription charge to cover the utility's costs of implementing and administering consolidated billing.²⁵⁹ In Illinois, the legislature approved a net crediting fee that the electric utility may charge the owner or operator

²⁵³ *Id.* at 4-5.

²⁵⁴ *Id.* at 5.

²⁵⁵ GSREIA Reply Comments at 1.

²⁵⁶ *Id.*

²⁵⁷ See December 2019 Order at 18-19.

²⁵⁸ Case 19-M-0463 *et al.*, Order Approving Community Distributed Generation Billing and Crediting Performance Metrics (N.Y. Pub. Serv. Comm'n July 17, 2025) ("2025 Order"). The NYPSC required DPS to provide reporting templates and convene a stakeholder conference after the first annual report. Tariff amendments implementing these requirements take effect January 1, 2026.

²⁵⁹ NJ Admin Code § 14:8-9.7(q)(7).

of a community solar renewable generating project participating in net crediting that may not exceed 2% of the value of the community solar Subscriber's bill credit value.²⁶⁰

In Oregon, the Community Solar Program does not use a single percent fee; instead, the program runs through an independent Program Administrator; utilities must apply bill credits within 30 days of receiving data and, under an OPUC-approved on-bill model, collect the subscription fee plus fixed \$/kW-AC monthly program fees (Program Administrator Fee and Utility Administration Fee), with low- and moderate-income exemptions, set by tariff rather than a percent skim.²⁶¹ Likewise, in Minnesota, there is no statewide percent cap, administrative cost recovery is handled in utility ratemaking, and low- and moderate-income subscribers must receive at least 10% savings under the framework.²⁶²

In Virginia, utilities recover consolidated billing costs through a separate 1% net-crediting fee from remittances when a Subscriber Organization elects net crediting. The net crediting fee is the utility's distinct charge for providing the optional consolidated billing/collections service on behalf of the Subscriber Organization.²⁶³ Separately, the minimum bill (set in State Corporation Commission proceedings) is a monthly floor to recover fixed and non-bypassable costs (*e.g.*, infrastructure/services costs and Program Administrative costs) and is paid by most subscribers each month, with the exception of exempt low- and moderate-income customers.²⁶⁴ By contrast, the subscription fee is the Subscriber Organization's contractual charge to the subscriber; if the Subscriber Organization elects consolidated billing, that fee appears on the utility bill, and it must be set so the subscriber never pays more in subscription fees than the bill credits receive.²⁶⁵ Virginia's design indicates that consolidated billing implementation/operational costs are recovered via the 1% net crediting fee, while program-level/utility cost elements flow through the minimum bill.

The Advisors have performed some preliminary evaluations of an administrative fee percent based on ENO's initial cost estimate range and the CSG capacity of 60 MW currently in the queue. Assuming reasonable operating and financial metrics, such as a higher range of ENO's initial estimate to implement the technological and system upgrades needed to accommodate consolidated billing, applicable depreciable life, and proposed staffing costs, an average annual revenue requirement related to consolidated billing costs can be estimated, until more detailed costs are provided. Also, if the solar output of the 60 MW solar limit is assumed with the current CSG credit rates, an administrative fee of approximately 3% provides an available cost recovery amount somewhat compatible with a current rough estimate of annual revenue requirements related to the aforementioned assumptions of consolidated billing costs.

²⁶⁰ 220 ILCS 5/16-107.5(1)(4).

²⁶¹ Or. Admin. R. 860-088-0010(8), -0120(2); PacifiCorp (Pacific Power), P.U.C. Or. No. 36, Schedule 127 at 3; PGE, P.U.C. Or. No. E-19, Schedule 017.

²⁶² See Minn. Stat. § 216B.1641, subd. 8(b)–(c), § 216B.16 (rate change procedure/PUC approval), § 216B.03 (rates must be just and reasonable).

²⁶³ 20 Va. Admin. Code 5-340-65(I)(3).

²⁶⁴ *Id.* at 5-340-65(B)(3); Va. Code Ann. § 56-594.3(A), (D); 20 Va. Admin. Code 5-340-80; *see, e.g.*, Va. Elec. & Power Co., Schedule SS—Shared Solar III.A.3, V.

²⁶⁵ 20 Va. Admin. Code 5-340-65(I)(2), (C)(2).

However, these optimistic assumptions do not reflect the current or near-term status of the community solar program and operational CSG facilities. The evolution into a fully operational community solar program which includes consolidated billing must recognize the following: (i) up to two years may be required for ENO's billing system and all data communication systems to implement consolidated billing, during which time dual billing would be in effect for subscribers; (ii) beginning with the first operational CSG facility, there will be a gradual increase of CSG kWh output proportionate with additional facilities becoming operational until the 60 MW capacity limit may be reached; (iii) during that interim period the amount of subscription kWhs will also increase, with a corresponding increase in the CSG credit amount and the amount collected through the Utility Administrative Fee.

Given that a supportable incremental cost estimate including consolidated billing is kept updated, the amount of available CSG credit kWhs during this interim period (of possibly up to two years) has a major impact on determining a stable Utility Administrative Fee. Until a sufficient number of CSG facilities are operational, the process of cost recovery through a Utility Administrative Fee would require some additional steps. Once ENO's consolidated billing implementation is complete and all systems are tested and operational, the Advisors recommend the following: (i) set an interim Utility Administrative Fee at 3% of CSG credits, applicable to all CSG facilities; (ii) potential revisions to the interim Utility Administration Fee will occur every twelve months thereafter (since the current CSG Rules (Section VII.(G)(3)) state that the Utility may seek a revision of this charge no more frequently than once per year); (iii) in evaluating the operations of the completed twelve-months, the balance of incremental costs including consolidated billing in excess of the proceeds from the 3% interim Utility Administrative Fee would accrue in a regulatory asset subaccount at ENO's before-tax Weighted Average Cost of Capital ("WACC"), that subaccount having no impact on ratepayers; and (iv) a six month evaluation would determine when/if an adjustment can be applied to the 3% interim Utility Administrative Fee and would provide an opportunity to resolve any parties' issues prior to the next revision. ENO's community solar quarterly data, the required May 1 filings in 2026 and 2027 of detailed community solar data, and detailed current consolidated billing costs would be reviewed. Components of that evaluation would also include: (i) the amount of prospective CSG subscribed kWhs available for the CSG credit; (ii) 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; and (iii) an amortization of the amount of unrecovered incremental costs including consolidated billing accrued in the regulatory asset account. This amortization amount could be adjusted when more data is available in subsequent evaluations, but will also be dependent on the decision regarding the amount of change to the interim 3% Utility Administrative Fee. Depending on the increase in CSG subscription kWhs as more CSG facilities become operational, the Advisors believe that the 3% interim Utility Administrative Fee would be revised after two years, with reviews each twelve months.

Considering the relative amount of consolidated billing cost recovery, and possible adjustments to the Utility Administrative Fee every twelve months, including amortization of the regulatory asset subaccount, the Advisors do not feel ENO's proposed exact-cost recovery rider is needed. Revisions to the CSG Rules to accommodate the implementation of consolidated billing and subsequent Council resolutions should be sufficient to address cost recovery issues without an additional tariff/rate schedule. The Advisors also feel that when the subscription kWhs related to the projected CSG Facility outputs are realized, and the guaranteed savings percent and Utility

Administrative Fee are applied, the revenue from the balance of the CSG Facility allocated credits transmitted to the Subscriber Organizations should be more than adequate to cover published levelized annual costs of utility-scale solar applicable to the CSG facilities, including an acceptable profit margin.

D. Optionality of Consolidated Billing

ENO argues that all Subscriber Organizations should be obligated to participate in the Council-approved consolidated billing arrangement.²⁶⁶ Across jurisdictions, consolidated billing is typically optional for Subscriber Organizations but sometimes mandatory for certain customer classes. In New York, utilities are required to offer net crediting, and Subscribers may elect to enroll (*i.e.*, optional for the Subscriber Organizations, with the utility's role standardized by tariff and manuals).²⁶⁷ In Illinois²⁶⁸ and Colorado,²⁶⁹ the utility must provide consolidated billing upon the Subscriber Organization's request, again making participation optional for Subscriber Organizations while ensuring a clear utility duty to perform once elected. Minnesota similarly makes consolidated billing optional/opt-in for subscribers in Xcel's program.²⁷⁰ By contrast, New Jersey mandates utility consolidated billing for residential subscribers (non-residential may opt in), trading some Subscriber Organization discretion for consumer clarity and uniform adoption.²⁷¹ Virginia's shared-solar statute requires utilities to enable net crediting but makes it optional for Subscriber Organizations, with a capped utility fee;²⁷² Maryland's permanent rules likewise allow Subscriber Organizations to elect consolidated billing while standardizing monthly crediting and remittance timelines.²⁷³

Making consolidated billing available but not compulsory to Subscriber Organizations generally preserves program design flexibility and aligns with the Council's principle of allowing developers to craft offerings while protecting ratepayers. It would allow developers to structure programs differently – developers could, for example, design a program where the customers must buy the solar panels outright, likely with the aid of traditional financing. Developers who do not want to take the risk that their portion of the Allocated Credit may not fully recover their costs could continue to use dual billing and set a monthly fixed rate that gives them greater confidence. The Advisors do recommend, however, that all Subscriber Organizations be required to pay the Utility Administrative Fee, whether they utilize the net crediting consolidated billing option or not. There is a cost to the utility to make the option available for all Subscriber Organizations, and

²⁶⁶ ENO Comments at 21.

²⁶⁷ See December 2019 Order.

²⁶⁸ See 220 Ill. Comp. Stat. 5/16-107.5(l)(4) (2025) (utility shall enter into net crediting agreement upon project owner request).

²⁶⁹ See Colo. Rev. Stat. § 40-2-127.2(4)(a)(VI)(A)–(B) (2024) (IOU must provide consolidated billing upon subscriber organization request, list subscription charge, remit to Subscriber Organizations).

²⁷⁰ See Minn. Stat. § 216B.1641, subd. 10(c) (2024) (a utility must offer consolidated billing so a subscriber receives one bill; subscribers may elect it).

²⁷¹ See N.J. Admin. Code § 14:8-9.7(q)(1) (2025) (electric distribution companies must implement consolidated billing; residential use is required, non-residential may opt in).

²⁷² See Va. Code Ann. § 56-594.3 (shared solar; bill credits); 41 Va. Reg. Regs. 11447 (Dec. 16, 2024) (final regs text reflecting that net crediting shall be optional for subscriber organizations).

²⁷³ See Proposed Regulations—COMAR 20.62.06 Community Solar Consolidated Billing Requirements, RM56, at .03–.04 (Md. Pub. Serv. Comm'n Mar. 31, 2025) (electric companies to implement consolidated billing by Jan. 1, 2026; Subscriber Organizations may elect consolidated billing; bill-display, reporting, and remittance-timing requirements).

under the Community Solar Rules, neither the utility nor its non-participating customers should bear the risk that too few Subscriber Organizations take advantage of the net crediting consolidated billing option for the cost of administering the billing credits to be fully recovered from Subscriber Organizations. There should be one fee that recovers the utility's costs for administering billing credits, whether the utility is only administering the application of Allocated Credits to the customer bill, or whether the utility is also administering the division of Allocated Credits between the customer and Subscriber Organization under net crediting consolidated billing.

E. Guaranteed Savings Rate

ENO's June 10 Filing includes a "Guaranteed Savings Rate" defined as the percentage of the total Allocated Credit that will be used to calculate the monthly Net Credit for each Subscriber and applied to their monthly electric bill.²⁷⁴ It sets forth a Guaranteed Savings Rate of 20% for Low-Income Subscribers and 10% for non-Low-Income Subscribers.²⁷⁵ ENO states that it understands the Subscriber Organizations may be free to change the subscription fee for each project and Subscriber over time under consolidated billing, and that the magnitude of data expected to be exchanged monthly raises significant concerns for ENO and seems to present the potential for billing errors.²⁷⁶

NOVA Solar and SunConnect advise against setting separate minimums for Low-Income and non-Low-Income customers.²⁷⁷ They argue that Subscriber Organizations will need flexibility in the coming years as they head into developmental headwinds, and setting a 20% minimum may make some of the projects unfeasible.²⁷⁸ They state that the market will set discounts and it is their experience that they usually come in above the floor.²⁷⁹ They suggest that if the Council wishes to implement a Guaranteed Savings Rate, it should be a flat 10% across the program.²⁸⁰ In response to ENO's argument that the management of different subscriber discounts for each subscriber will be cumbersome to manage and set forth complex monthly reporting requirements, NOVA Solar and SunConnect propose a set menu of credits such that a Subscriber Organization may offer guaranteed savings of 10%, 15%, 20%, etc. to decrease optionality and make system programming easier.²⁸¹

The Advisors appreciate the proposed solution and concur that it is a reasonable compromise between leaving flexibility for Subscriber Organizations and creating efficiencies of administration. In addition, the Advisors note that under CSG Rules Sections XIII.I.(1)(a) and J.(1)(f) the Subscriber Organization must disclose all payment terms to the Subscriber for the entire term of the contract in both the Contract Summary and in the Contract itself. While the Advisors suggest a couple of clarifications to those provisions to preserve the intent of the original language if consolidated billing is implemented, the Advisors anticipate that the Subscriber Organizations will be required to include in their contracts with the Subscribers the Guaranteed Savings Rates

²⁷⁴ ENO June 10 Filing, Redline at 2.

²⁷⁵ *Id.*

²⁷⁶ ENO October 30 Comments at 13.

²⁷⁷ NOLA Solar/SunConnect Comments at 6.

²⁷⁸ *Id.*

²⁷⁹ *Id.* at 6-7.

²⁸⁰ *Id.* at 7.

²⁸¹ *Id.*