

**Before
The Council of the City of New Orleans**

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

DOCKET NO. UD-18-03

MAY 11, 2026

**JOINT POST-TESTIMONY BRIEF OF THE ALLIANCE FOR AFFORDABLE
ENERGY, TOGETHER NEW ORLEANS, AND SUNCONNECT CORPORATION**

I. PROCEDURAL HISTORY

The New Orleans City Council (“the Council”) established the instant docket UD-18-03 via resolution R-18-223 on June 21, 2018, almost six years ago, and adopted the initial Community Solar Rules (“the Rules”) via resolution R-19-111 on March 28, 2019. Over the intervening years, in light of the failure of the Rules to materialize investment in community solar projects in New Orleans and in response to various parties’ motions, including the Alliance for Affordable Energy (“AAE”) and Together New Orleans (“TNO”), the Council has sought to refine the Rules, including by increasing the eligible capacity of community solar projects from 2MW to 5MW and increasing the tariff rate to a full retail level.¹

On June 10, 2025, Entergy New Orleans, LLC (“ENO”) filed its proposed redline rules for community solar consolidated billing in response to a directive from the Council. Subsequently, the Council adopted resolution R-25-352 on June 26, 2025, creating a procedural schedule around the limited issue of consolidated billing, also known as net crediting, which included multiple rounds of comments and a technical conference between the parties held on July 31, 2025.

¹ See Council resolutions R-23-130 and R-23-507

The Council's Utility Advisors ("the Advisors") filed their report to the Council on October 24, 2025, recommending that, within 60 days, ENO be required to file detailed cost estimates and implementation timelines for consolidated billing. In response, on November 25, 2025, ENO filed a motion to amend the procedural schedule to require a full evidentiary hearing around the issue of consolidated billing. After providing opportunity for parties to file oppositions to ENO's motion, on December 19, 2025, the hearing officer appointed to the docket, the Honorable Jeffrey S. Gulin, issued a Scheduling Order and Memorandum establishing a formal evidentiary process around the issue of consolidated billing, with opportunity for written testimony and a deadline of May 11, 2025 for post-testimony briefs.

II. THE COUNCIL HAS BROAD DISCRETION TO DETERMINE THAT CONSOLIDATED BILLING IS IN THE PUBLIC INTEREST

The primary legal issue under this docket is the discretion of the Council as regulator of ENO to make rules that it determines to be in the public interest. Louisiana law affords broad deference to utility regulators, with a presumption that utility commission orders are valid. *Gulf States Utils. Co. v. La. Pub. Serv. Comm.*, 364 So.2d 1266, 1267 (La.1978). The Louisiana Constitution includes a requirement for the utility commission to "adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties." La. Const. art. 4, Sec. 21(B). The Louisiana Supreme Court has held that a utility commission's decision will not be overturned absent a finding that it is clearly erroneous or is unsupported by the record. *Cent. La. Elec. Co. v. La. Pub. Serv. Comm.*, 437 So.2d 278, 279 (La.1983); *White v. La. Pub. Serv. Comm.*, 259 La. 363, 374-75, 250 So.2d 368, 372 (1971).

In the instant docket, the issue of consolidated billing has been litigated for almost two years, most recently through this formal evidentiary proceeding in which all parties have had the opportunity to conduct discovery and file expert testimony in support of their positions. ENO has

attempted to focus the Council’s attention, narrowly and erroneously, on hypothetical cost-shifting to non-participating customers that it claims will result from the implementation of consolidated billing, while ignoring the clear benefits to both subscribers and non-participating customers.

The Louisiana Supreme Court has held that the standard of review for Council regulatory decisions is the “arbitrary and capricious” standard. *Alliance For Affordable Energy v. Council of New Orleans*, 96–0700 (La. 07/02/96), 677 So.2d 424, 434. The Council has provided this formal evidentiary proceeding in order to weigh the full costs and benefits of community solar consolidated billing and is well within its authority to determine that it is in the public interest and should be implemented based on the testimony in the record. In essence, ENO is attempting to constrain the Council’s regulatory authority by limiting the range of factors it may consider in determining whether a particular proposal is in the public interest. It does this through speculation around hypothetical cost-shifting to non-participating customers and by mischaracterizing the testimony of other expert witnesses in this docket. The purpose of this evidentiary process, however, is to provide the Council with the full range of cost and benefits so that it can weigh all relevant factors in making its determination.

III. ENO’S TESTIMONY MISCHARACTERIZES THE COST-BENEFIT ANALYSIS OF CONSOLIDATED BILLING

ENO’s experts discredit Ms. Arreola-Lennox’s testimony and argue that it is incomplete, because it does not quantify the costs to develop and implement a consolidated billing solution and, therefore, fails to demonstrate net benefits. This characterization is misleading.

Ms. Arreola-Lennox’s testimony is focused on comparing billing frameworks, net crediting versus dual billing, and evaluating the two methodologies’ impact on customers, subscriber organizations, and program performance. It is not intended to be a full cost-of-service

analysis of utility system implementation; the Council has already approved the community solar program and indicated it believes it to be in the public interest for New Orleans residents.. The relevant comparison is not whether consolidated billing has costs, but whether it delivers greater overall benefits relative to the available alternative of dual billing. As demonstrated by Ms. Arreola-Lennox's direct testimony², net crediting resolves known and persistent issues with dual billing, including customer confusion, delayed savings, and reconciliation challenges. Those are real, documented harms that must be weighed in any public interest determination.

In her rebuttal testimony, ENO witness Sarah Marcus states that, "Ms. Arreola-Lennox's direct testimony does not address the potential effects of consolidated billing, cost and benefits, on all customers. In essence, her testimony is that consolidated billing is beneficial to Subscriber Organizations and community solar participants."³ In fact, though, ENO's framing omits the broader, well-established benefits of community solar, including grid resilience, avoided infrastructure costs, and environmental benefits. These benefits extend beyond individual subscribers and have been widely documented, but are not accounted for in ENO's argument. Their position focuses narrowly on the cost of developing or updating and maintaining a billing system and the cost to non-participants, while disregarding the full value proposition of the program. Like energy assistance programs or energy efficiency rebate programs, which not all ratepayers participate in, but which yield benefits to participants and non-participants alike, community solar offers benefits that extend beyond its own participants. .

ENOs experts repeatedly asserted that Ms. Arreola-Lennox is not qualified to provide expert testimony on whether consolidated billing for community solar can provide benefits,

² Direct Testimony of Georgina Arreola-Lennox pp.6-8

³ Rebuttal Testimony of Sarah Marcus, p. 3

because (i) she has never worked for a utility, (ii) she has no personal experience with ENO or its systems, and (iii) she has not previously been qualified as an expert witness.

However, in turn, ENO's experts have no first-hand experience with community solar programs, how they operate or how utilities interact with subscribers, in either dual billing or consolidated billing scenarios. This fact is reiterated in ENO's response to the Advisor's second set of requests⁴. Using their own logic, it would follow that ENO and its experts are not qualified to render an opinion on (i) community solar, (ii) how the billing frameworks compare, (iii) which billing framework poses a greater burden on the utility or subscribers, and (iv) ultimately, which framework should be adopted. Ms. Arreola-Lennox, on the other hand, has over seven years of hands-on operational and policy experience with community solar programs and customer billing under both frameworks. Ms. Arreola-Lennox's background in community solar and billing operations and policy demonstrate specialized knowledge and experience on the subject matter before the Council. And based on that experience, she recommends the Council adopt net crediting.

Article 702 of the Louisiana Code of Evidence, codifying the opinion of the Supreme Court of Louisiana in *State v. Foret*, 628 So. 2d 1116 (La. 1993), provides a four factor test for triers of fact to determine whether or not a witness may provide expert testimony, requiring a demonstration that “(1) The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (2) The testimony is based on sufficient facts or data; (3) The testimony is the product of reliable principles and methods; and (4) The expert's opinion reflects a reliable application of the principles and methods to the facts of the case.”

⁴ 2026-03-16 ENO's Response to Advisor's RFI, Question 2-2

In the case of Ms. Arreola-Lennox, her testimony satisfies these requirements, because it is based on her years of experience implementing community solar programs under both dual billing and net crediting frameworks, is the product of specialized knowledge and reliable experience acquired during that time, and helps the Council to understand the full benefits of consolidated billing for both subscribers and non-participants.

IV. CONSOLIDATED BILLING REDUCES UTILITY RISK

A key issue raised is whether net crediting increases collections risk for the utility. It does not. The correct comparison is between what a customer would owe the utility absent community solar and what they owe under net crediting. As explained in Ms. Arreola-Lennox's direct testimony,⁵ customers under net crediting are guaranteed savings - that is, they will always owe less to the utility than they otherwise would have, since they are entitled to retain a portion of the value of the bill credits from their subscription. This reduces what a customer would have owed the utility, absent community solar, thereby lowering the overall total of receivables to ENO. In the event of any customer nonpayment, which is unrelated to their participation in community solar, the total uncollectibles is less than it would have been, meaning all ratepayers are better off when a customer who subscribes to community solar fails to pay their utility bill, relative to a customer who is not a community solar subscriber⁶.

This point is particularly important in New Orleans, where there is no existing dual billing framework. The baseline is the current utility billing structure, not a hypothetical alternative. Under net crediting, the utility will be collecting less from participating customers than it otherwise would, which reduces, not increases, exposure. Since non-payment of utility bills is a socialized cost, if this total is reduced by a customer's participation in community solar,

⁵ Direct Testimony of Georgina Arreola-Lennox, p.13

⁶ Direct Testimony of Georgina Arreola-Lennox pp. 14-15

it logically follows that all ratepayers must be better off under net crediting, thereby providing a public benefit.

V. GUARANTEED SAVINGS AND CONSUMER PROTECTIONS

It is important to restate that, under the proposed framework, customer savings are guaranteed. The program rules establish minimum discount levels based on a percentage of the value of the bill credits, ensuring that customers will never pay more than they would have without participating in community solar.

This is a critical distinction from models cited by ENO's witnesses. Net crediting is structured so that savings are embedded directly in the bill credit. Customers are not exposed to variable charges or unexpected cost increases.

The community solar program rules already include a provision to ensure that a participant will never pay more than a bill credit is worth; net crediting ensures the customer will realize those savings on a regular monthly cadence without any risk of those savings being clawed back based on a customer's ability to make full timely electricity payments due to financial hardship or otherwise.

VI. RISKS OF CONDITIONING PAYMENTS ON CUSTOMER COLLECTIONS

The Advisor's report recommends allowing ENO to claw back payments to Subscriber Organizations ("SOs") if a subscriber fails to pay their electric bill in full⁷. Ms. Arreola-Lennox strongly cautions against adopting this approach.

The recommendation is based on the premise that net crediting shifts additional nonpayment risk onto the utility and non-participating ratepayers. However, as discussed in Ms. Arreola-Lennox's direct testimony, this premise is flawed, because utilities already assume collections risk regardless of whether a customer participates in community solar. Under net

⁷ Report of the Advisors Regarding Consolidated Billing for the Community Solar Program pp. 25-26

crediting, participating customers owe less to the utility than they otherwise would have absent community solar participation, thereby reducing total receivables and lowering potential uncollectibles.

This conclusion is consistent with findings from other jurisdictions. In Maryland's community solar proceeding, the Commission noted that:

*“Bill collections risk is already assumed by the utilities regardless of whether or not a customer is subscribed to a community solar project. The utilities also have extensive collections procedures that have been established over decades providing them with experience in this realm, whereas subscriber organizations do not have this experience in collections procedures.”*⁸

More importantly, conditioning project compensation on individual customer payment behavior creates serious unintended consequences for LMI customer participation. If compensation to SOs can be clawed back based on customer nonpayment, SOs will be incentivized to avoid enrolling customers perceived as financially higher risk, including customers on payment plans, customers with prior arrearages, or households with high energy burden.

In practice, this leads to credit screening and preferential enrollment of financially secure customers who technically qualify as LMI, while excluding the very customers the program is intended to benefit. Community solar is specifically designed to reduce energy burden and expand access to clean energy savings for households struggling with energy affordability. A framework that discourages enrollment of those customers undermines the core purpose of the program.

⁸ Administrative Docket RM 56. Revisions to COMAR 26.62 Community Solar Energy Generation Systems. Order No. 91524: Order on Consolidated Billing For the Maryland Community Solar Program. (Public Service Commission of Maryland, February 10, 2025)

VII. LESSONS FROM OTHER STATES

ENO argues that, because Entergy and its operating companies lack experience administering community solar programs or consolidated billing, New Orleans should initially adopt dual billing⁹. ENO also emphasizes that dual billing was the first billing mechanism implemented in many early community solar markets.

However, this argument ignores how community solar programs have evolved over time. Many early community solar programs launched without meaningful LMI participation requirements and relied on dual billing, because consolidated billing systems had not yet been developed. As states gained operational experience, regulators increasingly recognized that dual billing created persistent customer confusion, delayed realization of savings, high subscriber churn, and barriers to LMI participation.

As a result, many community solar markets have transitioned toward consolidated billing and, specifically, toward net crediting frameworks. New Jersey, Maryland, and New York all adopted net crediting, in part, because it improves the customer experience, simplifies billing, and better supports LMI enrollment and retention. In states like Minnesota and Massachusetts, net crediting has specifically been approved to ensure greater LMI participation¹⁰.

Similarly, Illinois initially implemented a consolidated billing structure more aligned with the framework described by the Advisor, where utility payment priority and customer collections impacted compensation to project owners. That approach proved problematic, particularly for projects serving LMI customers, and Illinois enacted legislative changes in 2025 to move toward

⁹ 2026-03-16 Entergy response to Advisor's second RFI, Question 2-2

¹⁰ Direct Testimony of Georgina Arreola-Lennox, p.18

a net crediting structure that does not condition compensation to Subscriber Organizations on customer collections.

These experiences are directly relevant here. They demonstrate that the issues identified by Ms. Arreola-Lennox are not hypothetical. Other states have already tested these approaches in practice and moved toward net crediting, because it provides more predictable savings, better customer outcomes, and stronger support for equitable program participation.

VIII. ACCESS AND PROGRAM DESIGN CONSIDERATIONS

Finally, net crediting is essential to ensuring broad and equitable access to community solar. A key goal of this program is to deliver benefits to low- and moderate-income customers. Net crediting supports that goal by simplifying participation and ensuring that savings are immediate, visible, and reliable. It also allows participation by customers who may be unbanked, on payment plans, or otherwise unable to manage multiple billing relationships.

At the same time, it is important to recognize that traditional community solar provides meaningful savings, not only to LMI customers, but also to households with high energy burdens who may not qualify for assistance programs. This is especially relevant in New Orleans, where existing energy assistance is limited.

Alternative program models that target only a narrow subset of income-qualified customers do not replace the need for a broader, scalable community solar framework.

IX. CONCLUSION

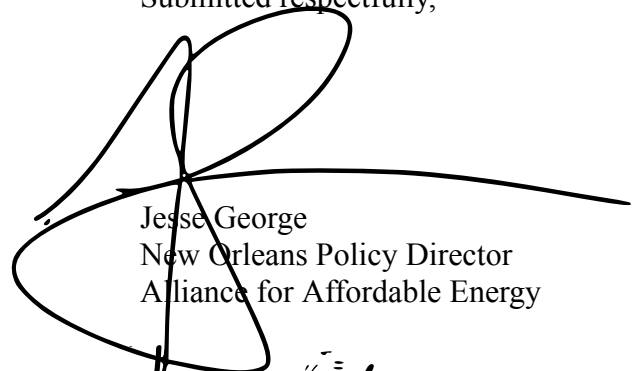
Net crediting is a proven, well-documented billing mechanism that improves customer outcomes, reduces confusion, and lowers risk for utilities. The concerns raised in opposition are

largely based on a mischaracterization of how the model functions or on comparisons to frameworks that are not being proposed here.

The Council should evaluate net crediting based on the actual structure in the record and the demonstrated experience from other markets, not on hypothetical risks that do not apply to this model or attempts to inappropriately shift risk to Subscriber Organizations in a way that limits the participation and benefits to those with the highest energy burden this program directly seeks to benefit.

The core question posed by the Council is: Is there a public benefit to consolidated billing for community solar? In order to answer that question, it is essential to underscore the intent of the community solar which the Council has approved, precisely because it believes it is in the public interest of New Orleanians. The program is intended to spur the development of clean locally generated energy which, in addition to producing jobs and spurring economic development in the area, critically helps boost reliability and provides local grid benefits by generating energy close to where it will be consumed. More importantly, it will provide energy savings to New Orleans residents and increase access to income-restricted households. Net crediting, as described throughout the proceeding, is the only billing mechanism that helps to ensure customers receive regular predictable savings, provides the best customer experience by not requiring customers to pay separate bills to third-party providers, and keeps all the information about their energy use and community solar subscription on the utility bill where the customer can easily see the benefit of their subscription. The Council has provided ample opportunity for parties to present evidence and testimony to support their positions, and careful consideration of the record makes clear the benefits to consumers outweigh the costs, and the Council is well within its authority to order the implementation of consolidated billing.

Submitted respectfully,

A large, stylized handwritten signature in black ink, featuring a prominent loop at the top and a long horizontal stroke extending to the right.

Jesse George
New Orleans Policy Director
Alliance for Affordable Energy

A handwritten signature in black ink, appearing to read 'Nathalie' followed by a stylized surname.

Nathalie Jordi
Community Solar Lead
Together New Orleans

A handwritten signature in black ink, appearing to read 'Erica Z. Buster' followed by a stylized surname.

Erica Buster
Vice President
SunConnect

**Before
The Council of the City of New Orleans**

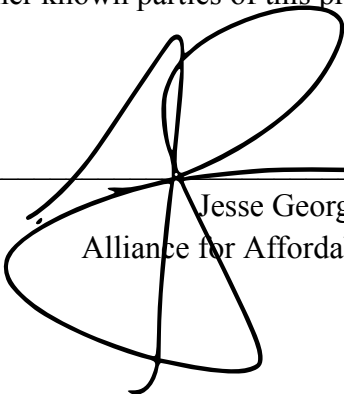
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DOCKET NO. UD-18-03

MAY 11, 2026

CERTIFICATE OF SERVICE

I do hereby certify that I have, this 11th day of May 2026, served the foregoing correspondence upon all other known parties of this proceeding by electronic mail.


Jesse George
Alliance for Affordable Energy

Service List

Aisha Collier, clerkofcouncil@nola.gov

Clerk of Council

City Hall - Room 1E09

1300 Perdido Street

New Orleans, LA 70112

(504) 658-1085 - office

(504) 658-1140 - fax

Service of Discovery not required

Erin Spears, espears@nola.gov

Chief of Staff, Council Utilities Regulatory Office

Bobbie Mason, bfmason1@nola.gov

Christopher Roberts, cwroberts@nola.gov

Byron Minor, Byron.minor@nola.gov

Candace Carmouche, Candace.carmouche@nola.gov

Jared Reese, jared.reese@nola.gov

Tyrianne Varnado, tyrianne.varnado@nola.gov

City Hall - Room 6E07

1300 Perdido Street

New Orleans, LA 70112

(504) 658-1110 - office

(504) 658-1117 – fax

Krystal D. Hendon, CM Morrell Chief-of-Staff, Krystal.hendon@nola.gov

1300 Perdido St. Rm. 2W50

New Orleans, LA. 70112

Sherae M. Hunter, CM McCarron Chief-of-Staff, smhunter@nola.gov

Razan Badr, Community Engagement Director, Razan.Badr@nola.gov

LeeAnn Moss, Policy Director, LeeAnn.Moss@nola.gov

City Hall, Room 2W80

1300 Perdido Street

New Orleans, LA 70112

Courtney Fleming, CM Willard Chief-of-Staff, Courtney.Fleming@nola.gov

Erin Hansen, Policy Director, Erin.Hansen@nola.gov

1300 Perdido St. Rm. 2W40

New Orleans, LA. 70112

Dominique Lang Jackson, CM Harris Director of Governmental & Legislative Affairs,

Dominique.Jackson@nola.gov

Matthew C. Schoenberger, Director of Community Engagement,
Matthew.Schoenberger@nola.gov
1300 Perdido St. Rm. 2W10
New Orleans, LA. 70112

Sandra G. Thomas, CM Green Chief-of-Staff, Sandra.Thomas@nola.gov
1300 Perdido St. Rm. 2W20
New Orleans, LA. 70112

Justyn Hawkins, 504-658-1108 jahawkins@nola.gov
Chief of Staff
City Hall - Room 1E06
1300 Perdido Street
New Orleans, LA 70112

Charline K. Gipson, Charline.Gipson@nola.gov
Law Department
City Hall - 5th Floor
New Orleans, LA 70112
(504) 658-9800 - office
(504) 658-9869 - fax
Service of Discovery not required

Tanya L. Irvin, tirvin@nola.gov
Chief Deputy City Attorney
Law Department
City Hall - 5th Floor
New Orleans, LA 70112
Tel: (504) 658-9800
Fax: (504) 658-9869

Norman White, Norman.White@nola.gov
Department of Finance
City Hall - Room 3E06
1300 Perdido Street
New Orleans, LA 70112
(504) 658-1502- office
(504) 658-1705 – fax

Meagan Williams, memwilliams@nola.gov
Office of Resilience & Sustainability
1300 Perdido Street, Suite 8E08
New Orleans, LA 70112

Anna Nguyen, anna.nguyen@nola.gov

External Affairs Administrator
Office of Resilience & Sustainability
1300 Perdido Street, Suite 8E08
New Orleans, LA 70112
Tel: 504-658-4956
Cell: 504-905-2049

ADMINISTRATIVE HEARING OFFICER

Hon. Jeffrey S. Gulin, judgegulin@gmail.com

3203 Bridle Ridge Lane
Lutherville, MD 2109
(410) 627-5357

NEW ORLEANS CITY COUNCIL CONSULTANTS

Clinton A. Vince, clinton.vince@dentons.com

Presley Reed, presley.reedjr@dentons.com

Emma F. Hand, emma.hand@dentons.com

Dee McGill, dee.mcgill@dentons.com

1900 K Street NW
Washington, DC 20006
(202) 408-6400 - office
(202) 408-6399 – fax

Basile J. Uddo (504) 583-8604 cell, buddo@earthlink.net

J. A. “Jay Beatmann, Jr. (504) 256-6142 cell, (504) 524-5446 office direct,

jay.beatmann@dentons.com

c/o DENTONS US LLP

650 Poydras Street

Suite 2850

New Orleans, LA 70130

Joseph W. Rogers, jrogers@legendcgl.com

Victor M. Prep, vprep@legendcgl.com

Legend Consulting Group
6041 South Syracuse Way, Suite 105
Greenwood Village, CO 80111
(303) 843-0351 - office
(303) 843-0529 – fax

ENTERGY NEW ORLEANS, LLC

Sharonda Willuams, swill62@entergy.com

Entergy New Orleans, LLC

Vice-President, Regulatory and Public Affairs

Harry Barton, hbarton@entergy.com

Entergy New Orleans, LLC

Director, Regulatory Affairs

Deanna Rodriguez, drodri2@entergy.com

Entergy New Orleans, LLC

President and Chief Executive Officer

Entergy New Orleans, LLC

Mail Unit L-MAG-505B

1600 Perdido Street

New Orleans, LA 70112

Polly Rosemond, prosemo@entergy.com

Kevin T. Boleware, (504) 670-3673, kbolewa@entergy.com

D'Angela Savoie, dsavoil@entergy.com

Keith Wood, (504) 670-3633, kwood@entergy.com

Derek Mills, (504) 670-3527, dmills3@entergy.com

Ross Thevenot, (504) 670-3556, rtheven@entergy.com

1600 Perdido Street, L-MAG 505B

New Orleans, LA 70112

Vincent Avocato, (281) 297-3508, vavocat@entergy.com

Entergy New Orleans, LLC

2107 Research Forest Drive, T-LFN-4

The Woodlands, TX 77380

Courtney Nicholson, cnicho2@entergy.com

Heather Silbernagel, (504) 576-2806, hsilber@entergy.com

Lacresha D. Wilkerson, (504) 576-6571, lwilke1@entergy.com

Ed Wicker, (504) 576-3101, ewicker@entergy.com

Linda Prisuta, (504) 576-4137, lprisut@entergy.com

Entergy Services, LLC

Mail Unit L-ENT-26E

639 Loyola Avenue

New Orleans, LA 70113

Fax: 504-576-5579

Joe Romano, III (504) 576-4764, jroman1@entergy.com

Tim Rapier, (504) 576-4740, trapier@entergy.com

Jessica Coolidge, (504) 576-5407, jcoolid@entergy.com

Greg Crisler, (504) 670-3538, gcrisle@entergy.com

Kimberly Caron, kcaron@entergy.com

INTERVENORS

350 NEW ORLEANS

Andy Kowalczyk, (415) 676-1047, a.kowalczyk350no@gmail.com
1115 Congress St.
New Orleans, LA. 70117

Benjamin Quimby, (978)505-7649, benjaminquimby1@gmail.com
1621 S. Rampart St.
New Orleans, LA 70113

Renate Heurich, (504)473-2710, renate@350neworleans.org
1407 Napoleon Ave, #C
New Orleans, LA 70115

AIR PRODUCTS AND CHEMICALS, INC.

Katherine W. King, Katherine.king@keanmiller.com
Randy Young, randy.young@keanmiller.com
400 Convention St. Suite 700 (70802)
P.O. Box 3513
Baton Rouge, LA 70821-3513
(225)387-0999

Carrie R. Tournillon, carrie.tournillon@keanmiller.com
900 Poydras St. Suite 3600
New Orleans, LA 70112

Maurice Brubaker, mbrubaker@consultbai.com
16690 Swingly Ridge Rd., Suite 1400 (63017)
P.O. Box 412000
Chesterfield, MO 63141-2000

Michael Weizman, weizmam@airproducts.com

ALLIANCE FOR AFFORDABLE ENERGY

Jesse George, jesse@all4energy.org
Logan Atkinson Burke, Logan@all4energy.org
Sophie Zaken, Regulatory@all4energy.org
4505 S. Claiborne Ave.
New Orleans, 70115

GULF STATES RENEWABLE ENERGY INDUSTRY ASSOCIATION (“GSREIA”)

Jeffrey D. Cantin, 504-383-8936, jcantin@gsreia.org
Stephen Wright, 504-383-8936, swright@gsreia.org
400 Poydras Street, Suite 900
New Orleans, LA 70130

MADISON ENERGY INVESTMENTS

Juliana Harless, 205-792-5854, JHarless@madisonei.com
Associate, Southeast Market
120 19th Street North, Suite 2009
Birmingham, Alabama 35203

PRORATE ENERGY, INC

Myron Katz, PhD, (504) 343-1243, Myron.Bernard.Katz@gmail.com
302 Walnut Street
New Orleans, Louisiana 70118

COALITION FOR COMMUNITY SOLAR ACCESS (“CCSA”)

Laurel Passera, (919) 526-0111, laurelp@communitysolaraccess.org
Senior Director
Policy and Regulatory Affairs
1380 Monroe Street, NW #721
Washington DC 20010

TOGETHER NEW ORLEANS

BRODERICK BAGERT, (225) 803-5876, broderick@togetherla.org

Nathalie Jordi, (504) 715-1742, nathalie@togetherla.org

127 ENERGY

Pierre D. Moses, (504) 669-8552, pmoses@127energy.com
952 School St., #127
Napa, CA 94559

ALGIERS SOLAR

Tom Guinan Jr., tguinan@tggreenco.com
3401 General Degaulle Dr., Suite 105
New Orleans, LA 70114

Greater New Orleans Housing Alliance (“GNOHA”)

Andreanecia M. Morris, (504) 224-8301, amorris@gnoha.org
President
4640 S. Carrollton Avenue, Suite 160
New Orleans, LA 70119

Brandon Hawkins, (504) 224-8305, bhawkins@gnoha.org
Deputy Director, Policy & Advocacy
4640 S. Carrollton Avenue, Suite 160
New Orleans, LA 70119

Green Coast Enterprises

Jackie Dadakis, (504) 281-4372, jackie@greencoastenterprises.com
CEO
636 N Carrollton Avenue
New Orleans, LA 70119

Mailing Address:
P.O. Box 58243
New Orleans, LA 70158

Regina LaMacchia, gina@greencoastenterprises.com
Director of Development

Gary Skulnik, gary.skulnik@neighborhoodsun.solar
CEO (Neighborhood Sun)

Perch Energy

Georgina Arreola,

Vice President of Policy, (209) 324-0996, garreola@perchenergy.com

P.O. Box 170718

Boston, MA 02117

Solar Alternatives

Jeff Cantin, (504) 931-0943, jdcantin@solalt.com

President

5804 River Oaks Road S.

New Orleans, LA 70123

Solstice Power Technologies

Alex Pasanen, (802) 922-0667, alexp@solstice.us

Senior Policy Coordinator,

South Coast Solar

Scott Oman, (504) 427-7202, scott@southcoastsolar.com

2605 Ridgelake Drive

Metairie, LA 70002

Working Power

Maryem Gad, (203) 510-4875, maryem@workingpower.com

SunConnect

Gary Kassem, (239) 204-4010, gkassem@sunconnectusa.com

Manager

Erica Buster, (239) 302-3797, EBuster@sunconnectusa.com

Vice President

3021 Airport Pulling Road, N Suite 201

Naples, FL 34105

Carpe Diem Developers PR, LLC

Julian Thomas, (504) 390-0403, julian.thomas@carpediemdevelopers.com

151 Calle San Francisco

Suite # 200 PMB 5014

San Juanm PR 00901-1607