

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: April 9, 2026

CALENDAR NO. 35,422

NO. 30645 MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS MORRELL, WILLARD, MCCARRON, KING AND HUGHES

AN ORDINANCE to amend and reordain Chapter 158 of the Code of the City of New Orleans, to establish customer protections, rules governing regulatory proceedings, and guidelines for utility programs; and otherwise to provide with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Chapter 158 of the Code of the City of New Orleans be and the same are hereby amended and reordained as follows:

“Article I. - In General

Division I. — Generally

Sec. 158-1. -Purpose. The purpose of this Chapter is to establish an efficient and uniform system by which the New Orleans city council (“council”) may institute, oversee, and/or participate in any proceeding affecting the council’s supervision, regulation, and control over utilities or that affect the interests of ratepayers in the city of New Orleans. For the purpose of this chapter, the term “utilities” refers to electric and natural gas service providers.

Sec. 158.2. -Amendments to this chapter. Any amendments to this chapter may be conducted pursuant to Sec. 3-114 of the Home Rule Charter.

Sec. 158-3. -Utility regulatory manual. The council shall adopt by resolution the Utility Regulatory Manual (“URM”) in connection with this chapter. The purpose of the URM is to provide a single common reference document to provide detailed rules, procedures, descriptions, and specifications for filing requirements and procedures related to this chapter. A copy of the URM shall be made available on the council’s website. The URM may be amended by resolution of the council.

Sec. 158-4. - Utility designated representative. Each utility regulated by the council shall designate and maintain the designation of a natural person responsible for the performance of acts required under this chapter including notice of service in other forums. The utility shall file notice

of the original designation and of any changes to the designation with the clerk of council with copy to the Council Utilities Regulatory Office (“CURO”) within two business days of the designation. Such designation shall be signed by both the designee and a registered officer of the utility.

Sec. 158-5. – Successor entities. Should an entity cease to exist, responsibilities under this article shall be assumed by the entity’s successor or functional successor under applicable law and/or practice.

Sec. 158-6. – Computing time. Unless otherwise stated in this chapter, the URM, or ordered by the council, the Louisiana Code of Civil Procedure shall determine the amount of time allowed or prescribed.

(a) In computing time allowed or prescribed, the period of time shall begin the day after a filing is received by the service list or the day after an instrument is adopted by the council.

(b) A holiday is any day on which city hall is closed to the public. In computing time, holidays and weekends are to be included in the computation of time, except when:

(1) It is expressly excluded,

(2) It would otherwise be the last day of the period, or

(3) The period is less than seven days.

In the event time allowed or prescribed falls on a weekend or holiday, the deadline for action shall move the next day on which city hall is open to the public.

Article II. — Customer Protections

Division I – In General

Sec. 158-7. - Purpose. The purpose of this article is to establish a customer bill of rights which includes a process for addressing certain customer complaints filed against utilities providing utility services in the city.

Sec. 158-8. – Bill of Rights. Among the rights that are more fully set forth in the council-approved customer service regulations governing the provision of utility services in New Orleans, customers shall have the following rights:

(a) The right to safe and reliable service in accordance with industry standards.

(b) For residential customers, the right to choose to pay a deposit, obtain a satisfactory credit score in lieu of a deposit, or otherwise demonstrate the ability to pay on a nondiscriminatory basis. For commercial and industrial customers, the right to choose to pay a deposit or to obtain an irrevocable bank letter of credit or surety bond from a bank or surety company acceptable to the utility.

(c) The right to earn interest on any deposit at a rate ordered from time to time by the council.

(d) For residential customers, the right to have any deposit returned after 24 months if the customer has paid their bills on time for the preceding 12 months or, at any time, if

- 58 customer discontinues receiving service from the utility and does not have an outstanding
59 balance with the utility.
- 60 (e) Upon discontinuing utility service, the right to have their deposit returned less any
61 outstanding balance.
- 62 (f) The right to have a deposit requirement waived if an existing customer with no outstanding
63 balance transfers service to a new location within the city.
- 64 (g) The right to have customer information, including payment history and consumption
65 patterns, kept confidential, unless the customer provides written consent or voluntarily
66 discloses the information to the public.
- 67 (h) The right to receive written notice from the utility at least five 2business days prior to the
68 disconnection of service due to nonpayment. During the five-day period, the customer may
69 either make payment or request alternate payment arrangements to avoid disconnection.
- 70 (i) The right to have service disconnected for non-payment when:
- 71 (1) the low temperature for the day is forecast to remain below 40 degrees
72 Fahrenheit or the following night is forecast to be 32 degrees F or lower; or
- 73 (2) the high temperature for a day is forecast to reach 100 degrees F or higher; or
- 74 (3) the National Weather Service issues an "Excessive Heat Warning" (or such
75 other term that reflects a heat index of 105 degrees F or higher) that includes
76 Orleans Parish. (For any day during which an excessive heat warning is issued,
77 the utility is prohibited from reinstating normal disconnect policies for the
78 remainder of the day); or
- 79 (4) a storm or weather event affecting any portion of the city for which: the
80 president of the United States issues an emergency or major disaster
81 declaration, declares the city as a Federal Disaster Area, or makes a similar
82 declaration affecting the city; or the mayor of New Orleans or governor of
83 Louisiana declares a state of emergency for all or part of the city, issues a
84 disaster or emergency declaration, declares a state of emergency, or makes a
85 similar declaration for Orleans Parish. In the event a state of emergency is
86 declared, the utility shall not resume service disconnects for nonpayment until
87 the day after an emergency declaration expires.
- 88 (j) The right to have a special medical designation which prohibits service from being
89 disconnected for nonpayment for 30 days if customer is on life support or has another life-
90 sustaining medical treatment system that requires electricity or natural gas. The customer
91 has the right and obligation to provide each affected utility with written medical
92 certification from a licensed physician as to the customer's condition to receive this special
93 designation.
- 94 (k) The right to have service disconnected on a weekend, holiday, day before a holiday, or
95 Friday after 1:00 p.m.
- 96 (l) The right to have same-day service for reconnection for electric customers with smart
97 meters provided payment is received by the utility or one of its authorized pay centers

before 7:00 p.m. on the day of the requested reconnection. For electric customers with legacy meters and gas customers that require an on-site restoration of utility service by a technician, reconnection shall be established within 48 hours of payment being received by the utility unless the utility establishes just cause why additional time is necessary to restore services.

(m) The right to have a meter that is regularly maintained and accurate. The maintenance and accuracy of a meter is the responsibility of the utility.

(n) The right to have the utility test the customer's meter as provided for in the customer service regulations.

(o) The right to be charged only for actual usage of electricity and natural gas and in accordance with rate schedules approved by the council based on an accurate metering process consistent with prudent utility practices as defined in the customer service regulations.

(p) The right to have complaints regarding meter accuracy resolved prior to disconnection. In the time between raising the complaint and its resolution, the customer shall pay the amount calculated by the utility using the criteria set forth in this paragraph. The amount charged to a customer shall be based on the customer's usage for the corresponding monthly or seasonal periods during the prior year, or, in the event such usage data is not available, the average usage for the customer class for the corresponding monthly or seasonal periods while the complaint is pending under Division II, unless the customer and the utility mutually agree to an alternative payment arrangement.

(q) The right not to have late fees charged on the portion of a bill that is the subject of a complaint as provided for in the customer service regulations.

(r) The right to participate in the customer complaint and dispute resolution process set forth in this chapter.

Division II. — Customer Complaints

Sec. 158-9. – Purpose. The purpose of this division is to set forth a procedure to address certain customer complaints regarding utility service. The process described herein is intended to be easy, inexpensive, and result in an independent, neutral assessment of whether there has been a violation of the customer bill of rights or service regulations by the utility.

Sec. 158-10. – Applicability. The customer complaint resolution process established in this division is applicable to complaints between a customer and a utility where the subject of the complaint is under the jurisdiction of the council. The subject of complaints reviewed under this article include, but are not limited to the following:

(a) violation of the council-approved customer service regulations,

(b) violation of the customer bill of rights enumerated in Sec. 158-8,

(c) inaccurately reading a customer's meter, the failure of a meter to correctly record consumption within the range of accuracy established in the customer service regulations

due to mechanical damage or defect, failure to manually read customer's meter after receiving communication of that damage or defect, and failure to properly record a meter reading,

- (d) misapplication of credit scoring procedures and information,
- (e) failure to keep scheduled appointments with the customer or their representative, and
- (f) unauthorized release of confidential customer information, payment history, or consumption patterns.

Certain issues are more appropriately resolved in other forums, either by the council itself, judicially, or in another proceeding designed specifically for their resolution.

Sec. 158-11. - Complaint process.

- (a) Summary of Customer Complaint Resolution Process. The customer complaint and dispute resolution process begins with the filing of an initial complaint with the utility. The utility shall review the complaint in a manner consistent with the procedures set forth in the utility's service regulations. If a customer is dissatisfied with the disposition of the complaint, the customer may request an appeal with CURO. CURO shall review appeal applications for eligibility and dismiss those that are ineligible. Unresolved property loss claims resulting from a loss of service or defect in service shall be regulated by council-approved customer service regulations of the respective utility, subject to the jurisdiction of the courts, and thus ineligible for the Council's administrative appeal process.
- (b) Utility complaint reporting. To ensure claims are being resolved efficiently and fairly, the utility providing service shall submit a quarterly Claim Resolution Report to the council within 30 days of the end of each quarter. This report shall include an anonymous list of customer complaints/claims, a brief description of said complaint/claim, the utility's response to the claim, and the time to resolve each complaint from initiation.

Sec. 158-12. - Appeals filed with the Council Utilities Regulatory Office.

- (a) Right to appeal. A customer may appeal a proposed complaint resolution made pursuant to the customer service regulations if the customer believes the proposed disposition is unsatisfactory and the matter is eligible for appeal under this section. A customer may appeal the outcome of an initial complaint by submitting an appeal request form electronically or in writing within 10 business days of the date the customer receives a notice of disposition. The form for filing an appeal shall be made available online via the council's website, at the council utilities regulatory office, and each of the utility's customer care centers.
- (b) Appeal form. The appeal request form shall include:

- (1) a written acknowledgement by the customer authorizing the utility to release any confidential customer information relevant to the complaint to CURO and the appeal officer;
 - (2) a clear statement of the dispute and, if known, identification of the customer service regulation(s) the customer alleges the utility has violated;
 - (3) a simple statement of the relief sought; and
 - (4) any other appropriate supplemental information the customer believes is relevant to the complaint.
- (c) Determination of eligibility. CURO has five business days to review the appeal request for eligibility and to assign an appeal officer to oversee the appeal.
- (d) Notice of appeal. Within five business days of determining an appeal is eligible for review pursuant to this article, CURO shall advise the affected utility that an eligible appeal has been submitted and provide a copy to the utility's designee(s).
- (e) Utility answer. Within five business days of receiving the notice of appeal, the utility shall respond to CURO with any reports produced by the utility in connection with any investigation of the complaint, a copy of the complaint disposition, its position with respect to the allegations contained in the complaint, and any grounds that exist which constitute the grounds for the immediate dismissal of the appeal.
- (f) Appeal officer.
- (1) Appeals shall be heard by an appeal officer who may be an employee of CURO or a designee of the council. The appeal officer shall review the appeal request and related materials and arrange for a hearing, if necessary. The appeal officer shall make a finding as to whether the utility has violated the customer service regulations, including any of the customer's enumerated rights and, if necessary, recommend an appropriate remedy.
 - (2) The appeal officer shall have the authority to resolve appeals through settlement on terms that are mutually agreeable to all parties. Such settlements are encouraged and can occur at any time.
 - (3) The appeal officer shall also have the authority to dismiss summarily, and without hearing, appeal requests that are deemed frivolous or that are otherwise ineligible for hearing as set forth in Sec. 158-16. Where eligibility for hearing is raised by the utility as an issue, the determination of whether an appeal request is eligible for hearing shall be made by the appeal officer and a decision on the eligibility for hearing shall be made and issued within five business days of CURO issuing a notice of appeal.
 - (4) Where appropriate, the appeal officer may request technical assistance from the council's utility advisors.

Sec. 158-13. - Timing and notice of appeal hearing. Unless otherwise ordered by the appeal officer, hearings shall be held within 30 business days of CURO receiving the appeal. The appeal officer shall notify the customer and the utility of the date of the hearing. The notice shall state the

potential consequences of any failure to appear for the hearing. Notice shall be given via the customer's preferred method of communication as provided on the complaint form, at least five business days prior to the hearing date, unless the parties agree to a shorter period. The hearing shall be held between 9:00 a.m. to 5:00 p.m. on a business day at a location in the city or virtually, if both the customer and utility consent.

Sec. 158-14. - Failure to attend hearing. If the customer does not attend a hearing, the appeal officer may dismiss the complaint. If the utility fails to attend the hearing, the appeal officer may find in favor of the customer.

Sec. 158-15. – Appeal hearing procedure. Customers may represent themselves or be represented by counsel or any other person of their choosing. A customer and the utility shall have the right to present evidence, call witnesses, question any witness, and present written materials and a summary of their positions. The appeal officer shall have the right to question any witness. The appeal officer shall have the discretion to limit any line of questioning to the relevant issues in dispute and to set an amount of time for the utility and the customer to summarize their positions. The formal rules of evidence shall not apply; however, the appeal officer may exclude irrelevant or unduly repetitious evidence.

Sec. 158-16. - Restriction on appeal. Grounds upon which CURO will dismiss an appeal include, but are not limited to:

(a) The customer did not initiate a complaint that follows the procedures required for initial complaints as provided for in Sec. 158-12.

(b) The customer is disputing:

- (1) the terms or denial of a deferred payment agreement voluntarily offered to the customer by the utility;
- (2) the customer's financial ability to pay for utility services provided by the respective utility;
- (3) a council-approved rate schedule, fuel adjustment clause, or purchased gas adjustment clause;
- (4) an unlawful use of service, damage to utility equipment, unauthorized sale of utility service, or related violation of law;
- (5) the right of the utility to collect for undercharged costs or charges assessed for unlawful use of service, or for damage to utility equipment;
- (6) customer consumption and
 - A. as part of the initial complaint process, the customer's meter has been tested and has been determined to be accurate, or
 - B. the customer has refused a meter test on the basis that they, in accordance with the service regulations, may be required to bear the cost of such test if the meter is found to be accurate;

- (7) the denial or termination of utility service at issue based on a danger to public health or safety;
- (8) a matter subject to a court's decision;
- (9) a claim for property damage made against the utility; or
- (10) the application or amount of a security deposit, provided that the security deposit amount is in accordance with the customer service regulations.

Sec. 158-17. – Results of an appeal.

- (a) Within 15 business days after the hearing or review period concludes, the appeal officer shall issue written findings which set forth whether the utility has violated the customer service regulations or the customer's enumerated rights, the basis for that conclusion, a remedy, or the terms of any settlement reached between the customer and the utility while the appeal was under review.
- (b) If a settlement is agreed to by the utility and customer, the appeal officer shall indicate that the dispute was resolved without hearing and that the customer's right to a hearing and the appeal officer's finding was waived.
- (c) In appeals involving a billing dispute in which the appeal officer determines that all or part of the amount in dispute is owed by the customer, the appeal officer may, for good cause stated in the finding, propose that the amount found outstanding be paid in installments, which installments over a period not to exceed 12 months.
- (d) In appeals involving a billing dispute in which the appeal officer determines that all or part of the amount in dispute is owed by the utility, the appeal officer may, for good cause stated in the finding, propose a credit be applied to the customer's next bill. If the credit amount exceeds the next monthly bill amount, the remainder of the credit shall be applied for the subsequent month(s) until the credit is exhausted.
- (e) Copies of the appeal officer's decision and the executed settlement agreement shall be sent to the customer, the utility, and CURO.

Sec. 158-18. - Effect of appeal officer's decision. Following the issuance of the appeal officer's decision, the utility and customer may exercise any other rights or remedies they may have under the law.

Article III - Rules of Practice and Procedure for Regulatory Proceedings

Sec. 158- 19. - Purpose. The purpose of this article is to establish a system of practices and procedures to govern utility dockets and other proceedings before the council related to the regulation of utilities beyond the complaints covered by Sec. 158-10. These rules govern the general practice and procedure for the institution, conduct, and determination of regulatory proceedings before the council. It is intended that such practices and procedures shall be construed liberally to permit the council to perform a thorough analysis of all filings and shall be construed to promote the maximum public disclosure of all information relevant to any proceeding governed

by this article. Information is subject to a valid protective order governing the disclosure of highly sensitive protected materials (“HSPM”) approved by the council.

Division I—General Rules

Sec. 158-20. Administrative hearing officer.

- (a) The council may appoint an administrative hearing officer to conduct all or any portion of a regulatory proceeding. The administrative hearing officer shall have full authority to make all rulings on jurisdiction or the admissibility of evidence, subject to the right of all parties to include in the record any objection to such ruling and subject to review by the council.
- (b) If the administrative hearing officer becomes disabled, withdraws, is removed from employment, or from the regulatory proceeding at any time before the conclusion of the discharge of his duties, the council may appoint another administrative hearing officer who may perform any function remaining to be performed without the necessity of repeating any proceedings previously conducted in the case. If the entire council is acting as examiner, then the presence of a quorum shall be sufficient to continue hearings into purely factual matters.

Sec. 158-21. Conduct and decorum. Every party, witness, attorney or other representative, and member of the public shall participate in all proceedings with proper dignity, courtesy and respect for the council, the clerk, and all other parties present. Disorderly conduct will not be tolerated. Attorneys and other representatives of parties shall observe and practice the standards of ethical behavior prescribed for attorneys by the Louisiana State Bar Association, the Louisiana Supreme Court, and the Louisiana Code of Civil Procedure. Violation of this rule may subject any party, witness, attorney, or other representative to just, reasonable, and lawful disciplinary action as the council may lawfully prescribe including, but not limited to, exclusion from any proceeding.

Sec. 158-22. - Penalties for false or misleading representations. It shall be unlawful for any person to make, or cause to be made, any false or misleading representations of fact, whether intentionally or through negligence, in any filing in a regulatory proceeding under this article or in any proceeding before the council. Demonstrated violation of this section may result in a monetary penalty being assessed by the council against the offending party or parties.

Sec. 158-23. - Ex-parte communications prohibited. While a matter is the subject of a utility docket under this article, ex-parte written communications between the council and parties to the utility docket regarding any aspect of the subject utility docket are strictly prohibited. An ex-parte written communication is any substantive information provided in writing to a councilmember or staff member serving in an individual councilmember’s office, transmitted outside of an electronic communication to the docket’s service list, and includes information pertaining to a utility docket on which the council has not issued a final order if the information is not contained in or derived

from information that is part of the evidentiary record of the docket. Any such written ex-parte communication shall promptly be submitted either electronically to the appropriate service list, during an appropriate public meeting or technical conference to maintain transparency and fairness in the regulatory process. Written ex-parte communications by a party may result in penalties as determined by the council or the administrative hearing officer including disqualification of the communication and changes to the procedural schedule to allow parties to provide comment on the prohibited communication.

Sec. 158-24. - General communications. Any comments, letters, or filings that are not part of a utility docket shall be treated as general communications, unless otherwise ordered by the council or the administrative hearing officer.

Division II – Utility Dockets

Sec. 158-25. – Establishing a utility docket. A utility docket may be established by the council via a resolution in response to a request from a utility, a third-party, a governmental department, agency, or office (“applicant”), or as an independent action taken by the council. Whenever a utility docket is instituted, the initiating resolution shall assign a number to the utility docket, which shall consist of the letters "UD" followed by the last two numerals of the year in which the proceeding is instituted, followed by a hyphen and the number indicating the place the particular matter holds in the sequence of utility dockets instituted in that particular year, e.g., UD-25-01. Further, the initiating resolution shall assign an administrative hearing officer and establish a procedural schedule with deadlines by which participants must act.

Sec. 158-26. Show cause orders and contempt in regulatory proceedings.

- (a) The council, either on its own motion or upon receipt of sufficient written complaints, may, in its sound discretion, at any time after legal notice to all interested parties, cite any person or entity operating under its jurisdiction to appear before it in a public hearing and require the person or entity to show cause why its franchise or operating authority should not be revoked, suspended or amended, or why some other action available to the council should not be taken, for failure to comply with any applicable statute, order or the rules, rates, regulations or general order of the council.
- (b) All hearings of such proceedings shall be conducted in accordance with the provisions of this article; provided that in any proceeding wherein the public interest may be seriously and adversely affected, or service to the public discontinued, the council may issue on its own motion a restraining order for purpose of protecting the public interest until the matter may be orderly heard and a decision rendered thereon.

Sec. 158-27. - Filings.

- (a) All applications, petitions, complaints, motions, protests, replies, answers, notices, and other pleadings (referred to herein collectively as “filings”) relating to any proceeding

pending before the council under this article, shall be transmitted electronically to the clerk of council with a cover letter as provided for by council rules with a copy to the service list. All such filings shall be deemed filed only when submitted with a cover letter to the clerk and service list for the relevant utility docket in accordance with council rules.

(b) In the event a filing relates to an undocketed matter, the party should submit the filing electronically to the clerk as provided in council rules with a copy to CURO.

(c) Filings related to undocketed regulatory matters shall be received by the council as a general communication.

Sec. 158-28. - Archives. The clerk shall keep electronic copies of documents filed in proceedings governed under this article filed and organized according to the docket number, if applicable, and in accordance with Title 44 of Louisiana Revised Statutes or its successor statute governing public records.

Sec. 158-29. – Parties and Service list. A service list, including all participants in a utility docket, shall be maintained by CURO. When making a filing the submitting party shall provide an electronic copy to each member of the most current service list. A party requesting a change to the service list must submit the request in writing to CURO.

(a) Classification of participants.

(1) Participants in a regulatory proceeding are subject to classification or reclassification as a party or a stakeholder by CURO, regardless of errors in a party's self-designation in their filing.

(2) Parties. A party to a utility docket is a participant with a justiciable or administratively cognizable interest in the matter at issue in the docket. Parties may request to participate in a utility docket by submitting a motion to intervene which includes the party's interest in the docket's subject matter and otherwise meets the requirements set forth in this section. The following entities are parties to every utility docket unless otherwise ordered by the council:

i. the utility,

ii. the city attorney,

iii. the applicant,

iv. a designee of the mayor, whose name and contact information shall be submitted electronically to CURO.

All parties are subject to discovery and any testimony or evidence submitted by the party or their representative is subject to cross examination.

(3) The council, as regulator, may designate legal or technical advisor(s), or otherwise necessary agents, to participate in utility dockets and to represent the council's interest as the utility regulatory body.

(4) Stakeholders. A stakeholder to utility docket, other than a party, is a person or entity desiring to receive information filed in the docket but does not wish to be treated as a party or does not have a justiciable or administratively cognizable

397 interest in the matter at issue in the utility docket. As such, a stakeholder may
398 not submit evidence or testimony nor are they subject to discovery requests.
399 Further, a stakeholder may not view highly sensitive protected materials. A
400 stakeholder may request to be included on the service list for a utility docket by
401 submitting a motion to intervene which denotes that the entity wishes to
402 participate as a stakeholder and otherwise meets the requirements set forth in
403 this section.

404 **Sec. 158-30. - Appearances personally or by representative.** Any party may appear on their own
405 or through a representative. The party's intervention shall identify the designated representative
406 and a statement signed by the representative and the represented person or a registered agent of
407 the represented organization.

408 **Sec. 158-31. Form and content of filings.**

409 (a) Classification of filings. Filings submitted to the council under this article shall be subject
410 to appropriate re-classification, including as applications, protests, petitions, complaints,
411 answers, prehearing orders, replies, or motions, and redesignation to the appropriate
412 docket(s) as deemed necessary by CURO.

413 (b) Format. All filings in any proceeding shall, unless the council otherwise orders or permits,
414 be double spaced, typed, and submitted electronically. Except as otherwise ordered or
415 permitted by the council, all filings shall be formatted so as not to exceed a width of 8½
416 inches and a length of 14 inches and shall have inside margins not less than one inch wide.
417 Whenever practical, all documentary exhibits shall conform to such requirements of size
418 and margin. All filings shall contain the address and telephone number of the party
419 submitting the document. If a party is represented by an attorney or other representative,
420 the filing shall also include the name, business address and telephone number of such
421 attorney or other representative. Attorneys shall also attach their state bar association
422 number. A private or United States Post Office Box or drawer shall not constitute a
423 sufficient address for the purposes of this section.

424 (c) Subject matter. The subject matter of all filings in any proceeding shall be limited to the
425 scope of that proceeding. Any filing may be amended at any time upon motion, provided
426 that the amendment does not broaden the scope of the subject filing.

427 (d) Content. All filings shall contain:

- 428 (1) a cover letter to the clerk as provided in the council rules,
- 429 (2) the docket number, if applicable,
- 430 (3) the name(s) of the filing party,
- 431 (4) a concise description of the ultimate facts relied upon by the filing party,
- 432 (5) a concise description of the type of relief, action or order desired by the filing
433 party, and
- 434 (6) a copy of the most recent service list and a certificate of service on each party
435 on the list.

- (e) Incorporation by reference of council records. Any filing may adopt and incorporate any part of any document or entry in the official files and council records by clear and specific reference to the document to be incorporated. The incorporated document must be readily available for review. This provision shall not relieve any party of the necessity of alleging and providing in detail such facts as the council may deem necessary for the proper determination of a regulatory matter.
- (f) Examination of filings for compliance. Upon submitting a filing to the clerk of council, as provided in Sec. 158-27, CURO shall examine the filing and determine if it complies with this article. If the filing does not comply with this article, CURO may return it to the party, with the reason(s) the filing was rejected. The party shall thereafter have the right to submit a corrected filing, provided that the time required to correct the filing does not result in the corrected filing being submitted after the deadline. If the time required to correct a filing would result in its submission after the deadline, the administrative hearing officer may determine that such delay is necessary to prevent injustice or to protect the public interest and welfare. Failure of CURO to return a filing shall not constitute a waiver by the council or any other party to object at a later time to the sufficiency of the filing.

Sec. 158-32. - Procedural schedule filing deadlines.

- (a) Any filings related to an ongoing utility docket submitted after a procedural schedule deadline may be accepted or rejected subject to the discretion of the administrative hearing officer. Any filing rejected by the hearing officer shall be treated as general communication and not included as part of the record.
- (b) Unless otherwise provided, the time for submitting a filing, may be extended by order of the administrative hearing officer upon written motion duly filed with the clerk of council prior to the expiration of the applicable period of time for the filing, showing that there is good cause for such extension of time and that the need therefore is not caused by the inexcusable neglect, indifference, or lack of diligence of the party making such motion. A copy of any such motion shall be transmitted contemporaneously to all other parties of record to the proceeding and any additional recipients of service specifically designated by law.

Division III - Administrative Proceedings.

Sec. 158-33. – Discovery.

- (a) Unless otherwise directed by the council or agreed to by the parties to the relevant proceeding, responses to data requests, interrogatories, requests for production of documents, or any other discovery requests (“discovery”) shall be made on a rolling basis and shall be due in hand within 10 business days of receipt of a discovery request. Discovery requests shall be deemed received when transmitted by the requestor during hours of operation of the clerk.

- 473 (b) Any party of record shall avail himself of any discovery method authorized by the
474 Louisiana Code of Civil Procedure.
- 475 (c) All objections to discovery requests shall be made in writing prior to the date on which a
476 response is due. The hearing officer shall dismiss any objection made on or after the date
477 on which a response is due unless sustaining the objection is necessary to prevent injustice
478 or to protect the public interest and welfare.
- 479 (d) The council may publish general instructions for the production of responses to discovery
480 requests in the URM.

481 **Sec. 158-34. – Evidence.**

- 482 (a) Admissibility. Any evidence which would be admissible under the general statutes of the
483 state, or under the rules of evidence governing proceedings in matters not involving a trial
484 by jury in the courts of the state, shall be admissible. Other evidence may be admitted by
485 the council or the hearing officer if it is at all probative and relevant provided that the
486 substantive rights of all parties are protected. The rules of evidence shall be applied
487 liberally in any proceeding to the end that all probative and competent relevant evidence
488 shall be conveniently, inexpensively, and speedily heard while preserving the substantive
489 rights of the parties to the proceeding.
- 490 (b) Testimony. In all proceedings, testimony of a witness upon direct examination shall be
491 prepared under oath and include a sworn attestation; identify the witness, including their
492 name, business or personal address, place of employment and position held, reason for
493 appearing, educational background, professional background and qualifications of the
494 witness; and the purpose of the testimony and a summary of the conclusions in the
495 testimony. When the testimony exceeds five pages in length, it should be submitted in
496 question-and-answer form. When testimony is five pages or less, it may be presented in
497 narrative form, using clear headers, which identify sections by subject matter. Testifying
498 witnesses shall be subject to cross-examination and the testimony may be subject to a
499 motion to strike in whole or in part for ruling by the hearing officer.
- 500 (c) Exhibits.
- 501 (1) Form. Exhibits in documentary form shall be submitted electronically and
502 attached to a brief statement of what the exhibit purports to show. Exhibits shall
503 be limited to factual material relevant to the issue involved in a particular
504 proceeding.
- 505 (2) Service. All exhibits shall be provided to the service list electronically as
506 described in Sec. 158-29.
- 507 (3) Excluded exhibits. If an exhibit has been submitted, objected to and excluded,
508 the hearing officer shall determine whether the party offering the exhibit will
509 withdraw the offer, and if so, permit the return of the exhibit to the party. If the
510 excluded exhibit is not withdrawn, it shall be given an exhibit number for
511 identification and shall be included in the record as a proffer, together with the
512 ruling of the hearing officer for the purpose of preserving the objection.

- (4) After hearing. Unless specifically directed by the council, no exhibit will be permitted to be filed in any proceeding after the conclusion of the hearing.
- (d) Briefs. Briefs shall be filed only when requested or permitted by the council or by the hearing officer in a proceeding. They shall conform, as nearly as possible, to the rules herein provided for form. The points involved shall be concisely stated, the evidence in support of each point shall be briefly summarized, and the argument and authorities shall be organized and directed to each point in a concise and logical manner. To the greatest extent possible, the general format and content of each brief shall be arranged and shall include such elements as are required by the Rules of the Louisiana Supreme Court.
- (e) Offer of proof. If evidence is excluded by the administrative hearing officer, the party offering such evidence may be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed evidence prior to the conclusion of the hearing. Such offer of proof shall be sufficient to preserve the point for review by the council or on appeal. The hearing officer may ask such questions of the party offering the evidence as is necessary to determine that the evidence is as represented in the offer of proof. An alleged error in sustaining an objection to questions asked on cross-examination may be preserved without making an offer of proof.
- (f) Oral argument. Any party may request oral argument at any time prior to the certification of the administrative record, but oral argument shall be allowed only in the sound discretion of the administrative hearing officer or upon the agreement of the parties. A request for oral argument shall be submitted to the service list as described in Sec. 158-26.
- (g) Orders. All rulings and/or orders made by the administrative hearing officer shall be made in writing and dated and signed by the hearing officer. All such rulings and orders shall be distributed to the service list and made a part of the administrative record.
- (h) Reconsideration. In the event a hearing officer makes a ruling on the admissibility of evidence or any other procedural matter, any aggrieved party or the Council on its own motion, may request reconsideration within 10 days after the electronic mailing of the order on the admissibility of evidence or other procedural matter. Any opposition to the request for reconsideration shall be filed within 10 days after the filing of the request. The Council will evaluate the request for reconsideration, any timely filed opposition, the evidence, and the hearing officer's reasons for the ruling. Upon conclusion of the Council's reconsideration the Council may modify, reverse, reverse in part, affirm, or affirm in part, the hearing officer's ruling subject to any objections stated for the record.

Sec. 158-35. - Confidential materials. The council may adopt and from time-to-time modify protective orders relative to information that is deemed confidential and/or HSPM. The HSPM designation shall be the only confidential designation utilized in any proceeding unless the party requesting multiple designations can show good cause to either the council or the administrative hearing officer.

551 **Sec. 158-36. - Technical conference.** In the discretion of the council or the administrative hearing
552 officer, the procedural schedule for a utility docket may include or be amended to include one or
553 more technical conferences. A technical conference is a meeting of the parties to clarify and
554 address the issues included within the scope of the docket. The agenda for a technical conference,
555 including the order of presentations and the time allocated to each matter, shall be determined by
556 CURO. The agenda shall be circulated to the service list no less than 48 hours prior to the technical
557 conference. Materials presented and statements made during a technical conference are illustrative
558 and shall not be included as part of either the evidentiary or administrative records of a docket
559 unless expressly ordered by the council or the hearing officer.

560 **Sec. 158-37. - Depositions.** The taking of depositions is allowed in any proceeding subject to
561 any objections, which would be considered by the hearing officer or the council. Depositions
562 shall be governed by the Louisiana Code of Civil Procedure.

563 **Sec. 158-38. - Hearings.** Hearings as part of a utility docket or regulatory proceeding governed
564 by this chapter are encouraged to occur as an exchange of documents ("paper hearing") rather
565 than in-person. However, if a party objects to a paper hearing and an agreement cannot otherwise
566 be reached, an in-person hearing shall be conducted.

567 (a) Prehearing conference. In any regulatory proceeding, the council or the administrative
568 hearing officer may direct parties to meet prior to a scheduled hearing for the purpose of
569 formulating issues and considering:

- 570 (1) how to simplify issues,
571 (2) the possibility of making any admissions or stipulations regarding matters of
572 public record to avoid the unnecessary introduction of proof,
573 (3) hearing procedures,
574 (4) limiting the number of witnesses,
575 (5) time limits for presentations, and
576 (6) other matters to simplify the proceedings.

577 The decisions made by the parties during a prehearing conference shall be reduced to
578 writings and circulated to all parties. Once all parties agree the document reflects the
579 agreement of the parties, the agreement should be presented to the hearing officer.

580 (b) Place and nature of hearings.

- 581 (1) Open to the public. In the event the council or the hearing officer determine
582 that an in-person hearing is necessary as part of a utility docket or regulatory
583 proceeding governed by this chapter, the hearing shall be open to the public.
584 The hearing shall be held in the council chamber unless the council permits
585 the hearing to be held in another location. If the hearing is not held in the
586 council chamber, the space designated should be accessible to the public.

587 A. Closed to public only for cause. Hearings shall be closed to the public when
588 HSPM materials are being discussed. Hearings may be closed to the public

upon motion of a party where the hearing officer determines good cause has been shown to close the proceeding. Such closure of the shall be limited to the minimum period determined necessary by the hearing officer to serve the purpose for which the closure was granted.

(2) Recorded. Whenever possible, hearings shall be broadcast on television and made available to stream live online. In the event a hearing cannot be broadcast live or live streamed, CURO shall make every effort to record the hearing and make it available for rebroadcast and streaming within 72 hours of the hearing.

(3) Notice. Hearings shall be noticed as a public meeting as described in state law governing open meetings.

(4) Reporters and transcripts. In-person hearings shall be transcribed by a court reporter. The parties shall coordinate and arrange for a court reporter to be present at the hearing. If after reasonably diligent efforts to secure a court reporter for the hearing a court reported cannot be procured, a transcribing entity will be permitted to create a transcript from a recording of the proceeding.

(c) Order of procedure. At the start of a hearing the hearing officer shall direct all parties to enter their appearances on the record. The council or hearing officer shall determine at what stage intervenors shall be permitted to offer evidence.

Sec. 158-39. – Evidentiary and administrative records. At the conclusion of every procedural schedule for a utility docket the hearing officer shall certify an evidentiary record and an administrative record of the proceeding. The evidentiary record shall consist of all filings accepted, including but not limited to, all testimony and evidence provided, and shall serve as the basis upon which the council issues any order in the docket proceedings. The administrative record shall consist of all other filings accepted by the hearing officer that do not form a part of the evidence presented. Public comments provided during a meeting of the council shall not be included as part of either the evidentiary or administrative records unless expressly stated in the procedural schedule.

Sec. 158-40. Form and content of orders.

(a) All orders of the council shall be in writing and adopted by the affirmative vote of the council.

(b) After an order has been passed, certified copies shall be distributed to the service list as soon as possible.

(c) The dispositions may be incorporated either in the body of the order or by reference to the official record.

(d) All orders shall go into effect upon adoption by the council unless otherwise stated.

Sec. 158-41. Agreements to be in writing. No stipulation or agreement between the parties regarding any matter involved in any proceeding before the council under this article shall be

enforced unless it shall have been reduced to writing and signed by the parties or the representatives authorized hereunder to appear for them and approved by the council.

Sec. 158-42. Notice of service of filings in other forums. Whenever a public utility regulated by the council files, or participates in the preparation of a document or report, or causes a document, report, or application to be filed with a state public service or public utility commission, the Federal Energy Regulatory Commission ("FERC"), the Securities and Exchange Commission of the United States ("SEC"), the Nuclear Regulatory Commission of the United States ("NRC") or any other body, which regulates in whole or part the utility or utility-related activities and operations of utilities, or which regulates in whole or part companies which own or operate such utilities, the owner or operator or such public utility shall, within one day of filing such document, report, or application, electronically submit a copy of such filing and written notice to the clerk with a copy to CURO and the council's utility advisors.

Division IV—Applications for a Change of Rates, Tariffs, or Services.

Subdivision I- In General

Sec. 158-43. - Purpose. Rate cases are proceedings used to address the costs of operating and maintaining a utility system, the allocation of those costs among customer classes, and the recovery of the allocated costs through changes in tariffs and/or rates.

Sec. 158-44. – Applicability. The standard filing requirements shall apply to all utilities under the supervision, regulation and control of the council and to all applications made by them.

Sec. 158-45. - Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affiliate(s) means any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a utility. As used herein, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, contracts or any other direct or indirect means.

Control means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority or minority

663 ownership or voting of securities, common directors, officers or stockholders, voting
664 trusts, holding trusts, associated companies, contracts or any other direct or indirect
665 means. Control shall be presumed to exist if any person, directly or indirectly, owns,
666 controls, holds with the power to vote, or holds proxies representing five percent or more
667 of the aggregate number of the issued and outstanding voting securities of any domestic
668 public utility.

669 *Cost allocation manual* means the manual that sets out a utility's costs allocation policies
670 and related procedures and provides an accurate account of the methods used to allocate the
671 utility's investments and expenses, and non-retail sales revenues that flow between the
672 utility and its affiliate(s).

673 *Cost of service* means the total cost of providing service to jurisdictional customers, defined
674 by customer class, as determined by a cost-of-service study which allocates the utility's
675 total costs, representing the utility's revenue requirement, to customer classes.

676 *Effective date* means the date on which a rate application filed pursuant to this article is
677 proposed to become effective as an approved rate schedule.

678 *Formula rate plan* means a procedure by which rate schedules for a utility may be
679 periodically adjusted based on an established evaluation of the utility's current revenue
680 requirement relative to current revenues.

681 *Gross revenue conversion factor* means the factor which, when multiplied times a dollar
682 of operating income, yields the amount of revenue needed to produce that dollar of income
683 after allowing for state and federal income tax and revenue tax.

684 *Period I* means the most recent 12 consecutive months, or the most recent calendar year,
685 for which actual data is available, the last day of which is no more than nine (9) months
686 prior to the date of the filing of the application.

687 *Period II* means the 12 consecutive months immediately following the end of Period I.

688 *Pro-forma adjustments* means adjustments made to identify and illustrate the impact of
689 known and measurable changes made to Period I and Period II based upon actual data
690 during the year.

691 *Projections* means estimated results of operations based only upon known facts or
692 reasonable assumptions that can be quantified concerning future events.

693 *Rate schedule* means a schedule of rates and conditions for a specific classification or for
694 other specific service.

695 *Rate Case* means a proceeding related to a change in electric and gas rates, new services,
696 and new rate schedules applicable to electric and gas service.

697 *Tax expansion factor* means the value that when multiplied by a specified value for
698 operating income, yields the tax expense correlated to the revenue needed to produce that
699 dollar of operating income.

700 *Test period* means a twelve-month period consisting of Period I or Period II used to
701 demonstrate the need for additional revenue and to evaluate the effects of the proposed
702 change in rates.

703 *Uniform system of accounts* means the uniform system of accounts as promulgated by the
704 FERC as of the date the filing is served.

705 *Working capital* means an allowance for cash, materials and supplies, fuel stock, and
706 prepayments.

707 **Sec. 158-46. - Filing of application to change rates or services.**

708 (a) The filing requirements established in this division shall govern applications to change
709 rates or services (“applications”).

710 (b) A utility may request to change rates or service by submitting its application electronically
711 to the clerk of council with copy to CURO and in accordance with filing requirements
712 under this article. The application shall include a summary of the utility’s requested change
713 to rates or services, including potential bill impacts for typical usage customers in each rate
714 class.

715 (c) All statements, schedules, spreadsheets, and working papers included in the filing and used
716 in support of the application(s), or contained in discovery responses, shall be provided in
717 an operable electronic format, i.e. models and spreadsheets are to be provided with
718 formulae intact and source data included. To the extent electronic data is provided in PDF
719 format, the PDF shall not contain any security settings that limit the usability or the
720 extraction of data.

721 (d) Electronic data shall include any work sheets that will either include formulae intact or at
722 a minimum a note as to how a number was calculated. The related and relevant data must
723 be provided in a format usable by the council.

724 (e) All information required by these standard filing requirements, or any other applicable law,
725 ordinance, or order and/or rule of the council shall be included in and/or attached to the
726 application at the time it is filed and served. The fact that any information or data is required
727 by this article shall not be construed as a statement of or evidence of regulatory policy or
728 as an endorsement of any concept, principle, methodology, or allowance, hitherto,

presently, or in the future employed or proposed to be employed in this or any other jurisdiction in the calculation of rate base, rate of return, revenue requirements, rate design, or any other aspect of regulation of rates and services.

(f) An application for a waiver under Sec. 158-52 shall be included with any application for a change in rates.

(g) Acceptance of applications.

(1) Deficient applications. Where deficiencies are noted by the council, its designees, or CURO, the filing shall be deemed as accepted on the dates that such deficiencies are cured and approved by the council or when the council has granted a waiver to the standard filing requirements. When filing deficiencies have been noted by the council, its designees, or CURO, and the utility has corrected the deficiencies, the council, its designees, or CURO shall notify the utility at the earliest practicable date that the filing has been accepted.

(2) Accepted applications. Where no deficiency is noted by the council, its advisors, or CURO, within 14 days of the date the filing is served, the filing shall automatically be deemed as accepted beginning on the 15th day following such date.

Sec. 158-47. - Council review of applications. Upon acceptance, the council shall have 12 months in which to review the filing and to render a determination as to the proper rates to be charged by the utility. If the council has not made this determination by 12 months plus one day after the date of acceptance, the rates as submitted by the utility in the accepted filing shall become effective subject to refund. During the period when the rates are collected subject to refund, the utility shall keep an accurate account of all amounts received under the change in rates, including:

(a) the monthly billing determinants of gas, heat, electricity, and power sold and delivered to each purchaser; and

(b) the amount of revenue collected from each customer class that is in excess of, or less than the amount that would have been collected using the rates in effect immediately prior.

If after the utility has implemented rate relief, the council determines that the utility is entitled to a different amount of relief, the utility shall compute the amount of revenue to be refunded or collected and shall present to the council within 60 days of such council determination a plan to make the customers and the utility whole. The council shall then authorize refunds or surcharges or both so that the level of revenue collected equals that determined by the council to be appropriate. Interest on the revenue to be refunded or collected shall be charged at an average prime rate for each calendar quarter. The applicable average prime rate for each calendar quarter shall be the arithmetic mean, to the nearest 0.01 percent, of the prime rate values published in the Federal Reserve Bulletin, or in the Federal Reserve's Selected Interest Rates (Statistical Release G. 13), for the fourth, third, and second months preceding the first month of the calendar quarter. Interest shall be compounded quarterly. The costs of effecting the refunds shall not be deducted from the amounts refunded.

Subdivision II - Technical Procedure and Requirements

Sec. 158-48. - Filing standards. All applications filed pursuant to this article shall provide the information necessary to permit a thorough analysis of the utility's application. If the utility believes that additional information is necessary to support its application or is proposing a position that requires a departure from the basic exhibits, the utility shall provide supplemental information as considered necessary. Each utility shall provide the required information on appropriate schedules and provide an index and references to these schedules. Any additional exhibits submitted by the utility shall be clearly identified and filed according to the appropriate section as established herein.

Sec. 158-49. - Supplemental information. In addition to the information required by the filing requirements described in Subdivision I, the council has the authority to require supplemental information necessary to fulfill and/or satisfy the purposes of this article. If any supplemental information requests are considered necessary, the utility shall respond to such requests within 30 days after receiving such a written request, or within such additional period as the council, for good cause shown, may allow. Unless otherwise ordered by the council, the filing of supplemental information shall comply with the requirements of Sec. 158-48.

Sec. 158-50. - Work papers. A utility shall submit all work papers related to data which support the test period. The utility shall provide a full explanation of the bases for all adjustments. Upon request by the council's utility advisors or CURO, the utility shall provide a full explanation for any estimates and, if such adjustments or estimates are based on a regularly prepared corporate budget, shall include relevant excerpts from such budget. Where applicable, work papers and documents containing additional explanatory material shall be cut or folded to letter size, shall be assigned page numbers, and shall be marked, organized and indexed according to subject matter, the cost-of-service statements to which they apply, and the witness sponsoring the statement. Said work papers shall be submitted in an electronic format in accordance with the requirements of Sec. 158-48.

Sec. 158-51. - Uniform system of accounts. Where applicable, exhibits, schedules and work papers shall be prepared in accordance with the uniform system of accounts as prescribed by the federal regulatory agency responsible for that type of utility. In the case of electric and gas utilities, the uniform system of accounts used shall be that prescribed by the FERC, or its functional successor in the United States Government, except as otherwise specifically permitted or requested by the council, the council's utility advisors, or CURO.

Sec. 158-52. - Waiver of requirements.

- (a) If any information required by the filing requirements cannot be provided or is not applicable to a particular utility, such utility shall submit electronically to the clerk of council, with a copy to CURO, a written application for a waiver of the requirement(s) with which it cannot comply or which is not applicable, at the time of filing the application. The

waiver shall include specific reasons for the inapplicability of such information, or the inability of the utility to provide this information and shall be filed in accordance with the requirements of Sec. 158-48.

(b) The council may approve or deny the request for waiver by resolution. If the council denies the request, the utility shall file the information, which is the subject of the denied waiver request, to the clerk with a copy to CURO within 15 days unless the council designates a longer time.

(c) If the utility fails to cure the deficiency, which was the subject of a denied waiver application in the period allowed, the application shall be deemed rejected.

Sec. 158-53. - Suspension of filing requirements. In its sound discretion, the council may suspend the operation of any provisions of this article or modify them instanter to the extent authorized by law, or after such proceedings and upon such conditions as it finds to be just and practicable, provided that any such suspension and modification shall be consistent with provisions of the home rule charter of the city.

Sec. 158-54. - Public notice.

(a) When a utility files an application, the clerk of council shall publish the summary provided with the application in the official journal. The utility shall pay the cost of publication.

(b) The utility shall make the application available on the utility's website.

(c) The provisions of this section are mandatory. Nonetheless, compliance with the provisions of this section by a utility shall not be deemed a procedural prerequisite to the consideration or final disposition of any application filed under this article. No deficiency in the language of any cover sheet, advertisement or summary required by this section shall create a right in favor of any person to delay the progress of any proceeding initiated by an application filed under this article, nor shall any such deficiency create a basis for the invalidation or setting aside of any order issued by the council to dispose of the proceeding.

Sec. 158-55. - Technical filing requirements. Each application for a change in rates or service under this division shall satisfy the requirements enumerated in this section. Specifications for these requirements can be found in the URM available on the council's website.

(a) General utility data:

(1) Charter or other business organization document.

(2) Most recent balance sheet.

(3) Utility property.

(4) Retained earnings analysis.

(5) Construction program statement.

(b) Revenue related data.

(c) Rate-base related data.

(d) Income statement data.

(e) Data related to the cost of capital.

(f) Financial statements and statistical data.

844 (g) Data related to cost of service.

845 (h) Allocation of affiliate costs.

846 **Subdivision III- Formula Rate Plans.**

847 **Sec. 158-56. - Purpose.** The formula rate plan (“FRP”) is an intermediary mechanism by which
848 the utility can implement rate adjustments more frequently under council review based on a
849 predetermined formula during the period between utility rate change application filings.

850 **Sec. 158-57. –Formula rate plans.**

851 As part of a general rate case, the council may approve a request from a utility to implement a FRP
852 in connection with setting new rates for the requesting utility. Subject to the council’s approval, a
853 procedure to conduct the FRP shall be included in the utility’s electric or gas formula rate plan
854 rider schedule as applicable.

855 (a) Procedural schedule. The procedural schedule governing proceedings related to formula
856 rate plans, including deadlines for filing the evaluation report and proposed rate
857 adjustments and for the review period, shall be determined as part of the rate case and
858 included in the utility’s electric or gas formula rate plan rider schedule approved by the
859 council.

860 (b) Procedural schedule amendment. When applicable and for good cause shown and as
861 required by the circumstances of the proceedings, the council or an administrative hearing
862 officer may change or amend the dates established in the schedule set.

863 (c) Deficiencies in applications. In the event of one or more disputes regarding deficiencies in
864 an evaluation report, the dispute may be referred to a hearing officer for an administrative
865 hearing and a subsequent decision by the council.

866 **Division V – Generation Resource Programs**

867 **Sec. 158-58. – Integrated resource plan.** The integrated resource plan (“IRP”) is a triennial
868 process that assesses the energy resources available to meet the electric service needs of the city
869 of New Orleans and ensures that changes in customer demands and environmental conditions are
870 addressed effectively and presented in a final IRP report filed by the utility. The goal of the IRP
871 is to identify the optimal set of resources to meet the current and future electric service needs of
872 the city, at the lowest total cost to customers and utility, in a manner consistent with the public
873 interest and the council’s energy policy goals. The expected combination of costs, reliability, risks,
874 and uncertainty are all considered in this process.

875 (a) Procedural Overview. The minimum procedural schedule requirements for an IRP shall be
876 as follows:

877 (1) Initiating resolution. The council adopts an initiating resolution outlining the
878 IRP process, intervenor and public participation, policy objectives, procedural
879 schedule, and any other matters deemed necessary by the council. The IRP
880 process shall include an opportunity for intervenors to participate in the

- 881 concurrent development of inputs and assumptions for the major components
882 of the IRP in collaboration with the utility within the confines of the IRP
883 timeline and procedural schedule.
- 884 (2) Public Meetings. CURO shall schedule at least three (3) public engagement
885 meetings. The meetings will be advertised at least 30 days prior to the public
886 technical conferences. A description of the meetings to be scheduled are as
887 follows:
- 888 A. Public meeting 1: An initial meeting that describes the IRP process
889 including the purpose of the IRP and procedural timelines.
- 890 B. Public meeting 2: The utility presents its IRP as filed.
- 891 C. Public meeting 3: Dedicated to public comment on the utility's IRP
892 report.
- 893 (3) Technical Meetings. CURO shall schedule at least four (4) technical meetings
894 in which parties will be able to discuss the major IRP components, including
895 present inputs and assumptions, provide comments, and attempt to reach
896 consensus.
- 897 (4) Additional information related to this Division is contained in the IRP rules
898 section of the URM.
- 899 (a) Policy objectives for IRP consideration. In addition to the analysis components described
900 above, the IRP incorporates policy objectives as determined by the council including, but
901 not limited to:
- 902 (1) The renewable and clean portfolio standard ("RCPS") program. To pursue
903 reductions to carbon emissions, improve the health and quality of life of the
904 citizens of New Orleans, and to reduce the city's impact on climate change,
905 compliance with the council's RCPS should be incorporated into the planning
906 strategy reflecting known utility regulatory policy goals of the council.
- 907 (2) Energy Smart Program kW and kWh reduction goals. Upon the conclusion of
908 the utility's IRP report filing, the utility should include, for evaluation by
909 CURO, council advisors, and intervenors, Energy Smart Program goals of
910 increasing the projected annual kWh savings at a rate equal to a percentage of
911 kWh sales and reducing the utility system peak load.
- 912 (3) Transmission and distribution planning. Transmission and distribution
913 planning should be more fully integrated into the IRP process to ensure that
914 transmission and distribution solutions are considered as alternatives to supply-
915 side and demand-side resources are evaluated, and that any reliability concerns
916 and customer-owned distributed energy resources are addressed.
- 917 (4) Optimization software. To ensure that demand-side resources are compared
918 equally with supply-side resources in all IRPs, all supply-side and demand-side
919 resource alternatives should be made available to the utility's select

920 optimization engine concurrently such that the optimization software can
921 choose an optimal combination of resources.

922 **Sec. 158-59. Authority to Construct or Implement Resource Options.** Any utility proposing to
923 either construct or acquire an interest in a generation or transmission facility or implement a full-
924 scale demand-side program, the rate base value of which exceeds two percent of the rate making
925 value of the utility's property, or enter into a long-term firm power purchase contract, the present
926 value of the fixed cost of which exceeds two percent of the rate making value of the utility's
927 property, shall file an application and receive council approval for authority prior to taking such
928 action.

929 **Sec. 158-60. Renewable and Clean Portfolio Standard.** The goal of the renewable and clean
930 portfolio standard ("RCPS") as established by the council requires the electric utility to reach "net-
931 zero" emissions in its generation facilities in 2040 and to eliminate the use of all carbon-emitting
932 generation resources by 2050. In addition, RCPS seeks to ensure that the city has a safe and reliable
933 power supply at a reasonable cost while retaining as much flexibility as possible to employ a wide
934 range of currently known and yet to be developed zero carbon-emissions energy technologies.

935 (a) Periodic review. The council's RCPS rules and procedures are set forth more fully in the
936 URM and are formulated to ensure that the RCPS continues to meet the council's review
937 process in the RCPS rules at least every five years. Such review shall consider a wide array
938 of relevant factors, including, but not limited to:

939 (1) Progress made toward ultimate and interim goals.

940 (2) Developments in climate science.

941 (3) Impacts on customers.

942 (4) Technological developments, market developments, and progress on actual
943 emissions reductions of the utility's portfolio.

944 At the conclusion of each such review, the council will decide whether the RCPS remains
945 appropriate for the city or whether it requires modification. Any modification may be made
946 by resolution by the council revising, changing, or updating the RCPS rules to implement
947 the findings and conclusions of the council's periodic review.

948 **Sec. 158-61. - Community Solar Program.**

949 (a) Overview. The council's community solar program ("CSP") provides the method by which
950 subscribing customers may utilize large-scale solar facilities to offset their energy usage.
951 The rules governing CSP are detailed in the URM.

952 (b) Policy objectives and enforcement. The CSP is intended to provide access to the benefits
953 of solar generating facilities to customers, especially those who otherwise would not be
954 able to utilize these facilities.

955 **Division VI—Mergers, Sales, and Acquisitions**

956 **Sec. 158-62. -In general.** In addition to the rules of practice and procedure for regulatory
957 proceedings set forth in this article, the procedures set out in this division shall apply to
958 proceedings initiated in connection with mergers, sales, and acquisitions of utilities regulated by
959 the council.

960 **Sec. 158-63. - Procedural overview.** Each merger, sale, and acquisition shall commence with an
961 initiating resolution establishing the procedural schedule, policy objectives, and any other matters
962 deemed necessary by the council.

963 **Sec. 158-64. - Minimum filing requirements.** In determining whether a merger, sale, or
964 acquisition is in the best interest of the ratepayers, the council will review the following and decide
965 based on a set of enumerated factors. As such, in addition to the requirements set forth above in
966 Article II, a utility requesting approval of a merger, sale, or acquisition, shall address each of the
967 elements listed below in its request:

- 968 (a) whether the transfer is in the public interest;
- 969 (b) whether the purchaser is ready, willing, and able to continue providing safe, reliable, and
970 adequate service to the utility's ratepayers;
- 971 (c) whether the transfer will maintain or improve the financial condition of the resulting utility;
- 972 (d) whether the proposed transfer will maintain or improve the quality of service to utility
973 ratepayers;
- 974 (e) whether the transfer will provide net benefits to ratepayers in both the short and long term
975 as well as provide a ratemaking method that will ensure — to the fullest extent possible —
976 that the ratepayers will receive the forecasted short and long term benefit;
- 977 (f) whether the transfer will adversely affect competition;
- 978 (g) whether the transfer will maintain or improve the management of the resulting utility doing
979 business in the city;
- 980 (h) whether the transfer will be fair and reasonable to the affected utility employees;
- 981 (i) whether the transfer would be fair and reasonable to the majority of all affected utility
982 shareholders;
- 983 (j) whether the transfer will be beneficial on an overall basis to city and local economies and
984 to the communities in the area served by the utility;
- 985 (k) whether the transfer will preserve the jurisdiction of the council and the ability of the
986 council to effectively regulate and audit the utility's operations in the city;
- 987 (l) whether conditions are necessary to prevent adverse consequences which may result from
988 the transfer;
- 989 (m) the history of compliance or noncompliance that the proposed acquiring entity or principals
990 or affiliates have had with regulatory authorities in this city or other jurisdictions;
- 991 (n) whether the acquiring entity, persons, or corporations have the financial ability to operate
992 the utility system and maintain or upgrade the quality of the physical system;
- 993 (o) whether any repairs and/or improvements are required and the ability of the acquiring entity
994 to make those repairs and/or improvements;

- 995 (p) the ability of the acquiring entity to obtain all necessary health, safety and other permits;
996 (q) the manner of financing the transfer and any impact that may have on encumbering the
997 assets of the entity and the potential impact on rates; and
998 (r) whether there are any conditions which should be attached to the proposed acquisition.”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS APRIL 23, 2026

JP MORRELL
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON APRIL 27, 2026

APPROVED:
~~DISAPPROVED:~~ MAY 6, 2026

HELENA MORENO
MAYOR

RETURNED BY THE MAYOR ON MAY 7, 2026 AT 1:05 P.M.

AISHA R. COLLIER
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Green, Harris, Hughes, King, McCarron, Morrell - 6

NAYS: 0

ABSENT: Willard - 1

RECUSED: 0

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THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY



CLERK OF COUNCIL