



February 26, 2024

Via Electronic Mail

Ms. Lora Johnson, CMC
Clerk of Council
Room 1E09, City Hall
1300 Perdido St.
New Orleans, LA 70112

**In Re: RESOLUTION AND ORDER ESTABLISHING A DOCKET TO ASSESS AND
AMEND SERVICE REGULATIONS AND CODE PROVISIONS RELATED TO CUSTOMER
PROTECTIONS (Docket No. UD-23-02)**

To whom it may concern:

New Orleans Democratic Socialists of America is an all-volunteer, dues-funded local chapter of the national Democratic Socialists of America that represents over 400 working class New Orleanians. It is our intention to secure meaningful enforcement of and changes to the Consumers' Bill of Rights that protect the health and well-being of New Orleans residents in light of poor performance by Entergy New Orleans (ENO) and massive utility cost increases, especially residents belonging marginalized communities and/or with limited income who suffer the most as a result of ENO's impropriety as a utility provider.

First, the existing Consumers' Bill of Rights guarantees "the right to safe and reliable service in accordance with industry standards." ENO has not honored this obligation. New Orleanians face a disproportionate frequency of outages on good weather days and extended outages lasting beyond a reasonable timeframe in the wake of natural disasters. Both problems are the direct result of ENO's admitted practice of deferring regular maintenance work in favor of maximizing shareholder profits. A right to a properly and regularly maintained grid should be specified within the Consumers' Bill of Rights, and ENO must be forbidden from securing further profits from the deferral of maintenance. Regulators must forcibly recover from ENO any profit earned this way and return it to customers, either through fines on ENO or by a reduction in the case rate afforded to ENO.

While the Consumers' Bill of Rights guarantees "the right to participate in the customer complaint and dispute resolution process," and ENO does provide an avenue for resolving

delinquent payments through a payment plan, these plans are inflexible and inconvenient, and ENO controls the entire process without any meaningful oversight from regulators. As a result, those who the payment programs are meant to benefit (i.e. those unable to afford their power bills) face serious penalties in the event they continue to have trouble affording their bills, as ENO reserves the right to terminate a payment plan should the customer prove unable to fulfill their financial obligation to ENO. Termination of a payment plan is followed by a demand from ENO for immediate payment of the full amount of debt held by the customer. Since those most likely to enter a payment plan are also the most likely customers to face further financial difficulty, it is unreasonable for ENO to maintain a program with such obvious deficiencies. ENO should not be allowed to unilaterally end a payment plan agreement, and bill disputes and payment plans should be managed instead by the regulator as a neutral third-party rather than by the creditor, ENO.

A formalized and accessible bill dispute process is sorely needed in New Orleans. ENO should not be entrusted to simply do the right thing in the event a customer receives a questionable bill; experience with ENO shows that the company must be forced to do the right thing. The only entity capable of doing so is the regulator, the New Orleans City Council; accordingly the Council should implement and enforce a bill dispute resolution process under its own aegis.

Finally, the practice of utility disconnections for nonpayment is unacceptable. In this day and age, electricity is a need as fundamental as food and water, indeed, it is essential to survival in a changing climate that precipitates frequent major heat events. Those who are unable to make payments are unable to do so because of a serious affordability problem resulting from ENO's own business practices as well as the rising cost of natural gas, ENO's primary source of power generation, as ENO has consistently delayed efforts to transition to cheaper renewable sources. It is unconscionable to deny any New Orleanian access to electricity, a requirement for a safe and healthy home, because of inability to pay. The practice must be abolished and customers must be guaranteed the right to affordable electricity, a right that should be enshrined in any revised version of the Consumer' Bill of Rights.

Sincerely,
Jack Reno Sweeney
Local Council, New Orleans DSA