

Louisiana Public Service Commission



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BRANDON M. FREY
Executive Secretary
Executive Counsel

JOHNNY E. SNELMGROVE, JR
Deputy Undersecretary

May 25, 2018

VIA EMAIL

Re: LPSC RFP 18-08
Docket No. TBD In re: Rules applicable to electric service providers' provision of service to load outside its historical footprint and rates that may be offered for industrial load.

To all LPSC qualified counsel:

Enclosed please find a Request for Proposals ("RFP") for **outside counsel** issued by the Louisiana Public Service Commission for the above referenced subject. If your firm is interested in submitting a proposal, please review the RFP carefully to determine whether your firm meets the specific requirements to qualify for this representation.

All Proposals must include a showing that your firm possesses the requisite qualifications and experience to represent the Commission in this matter. Also, please note that all Proposals, including the **original, plus (5) five copies and an electronic copy must be received on or before June 14, 2018. Selection of counsel is anticipated to take place at the Commission's June 20, 2018 Business and Executive Session.**

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melanie A. Verzwylt".

Melanie A. Verzwylt
Staff Attorney

Enclosure

RFP 18-08

**LOUISIANA PUBLIC SERVICE COMMISSION
REQUEST FOR PROPOSALS (“RFP”)
May 25, 2018**

DOCKET NO. TBD¹ – In re: Rules applicable to electric service providers’ provision of service to load outside its historical footprint and rates that may be offered for industrial load.

The Louisiana Public Service Commission (“Commission” or “LPSC”), in accordance with the requirements of the LPSC General Order dated November 10, 2014 regarding the selection of contract employees (the “Contract Order”) to represent the Commission, issues this Request for Proposals (“RFP”) to **outside counsel** who will assist the Commission with the above-captioned rulemaking. Qualifying proposals will be placed on the June 2018 Business and Executive Session agenda for Commission consideration.

I. Overview

This rulemaking docket was initiated in accordance with an unopposed directive made by LPSC Chairman Skrmetta at the Commission’s May 16, 2018 Business and Executive Session. The directive was to open a rulemaking proceeding, and obtain outside assistance if necessary, to specifically consider the following issues and conclude the rulemaking within 3-4 months:

1. Whether existing Commission Orders, Rules and Regulations or Policies, or Federal Rules and Regulations, place restrictions on the ability of an electric service provider to serve load outside of the providers historical footprint;
2. Whether existing Commission Orders, Rules and Regulations or Policies place restrictions on the rates that may be offered to serve such industrial load; and
3. Absent existing Commission rules and regulations regarding the above issues, recommended rules and regulations governing the issue.

II. Scope of Representation

Applicants will be assisting in-house Staff counsel as well as outside consultants and in-house utilities and auditing personnel, if retained, in formulating issues list(s), drafting requests for comments and reviewing responses to requests for comments filed by intervening and interested parties, participating in any technical conferences scheduled, drafting and reviewing rules, reports and recommendations and participating in open sessions wherein the matter is discussed.

¹ This rulemaking will be published in the Commission’s next Official Bulletin.

All proposals shall include an outline of a plan of action for conducting the rulemaking, technical conferences, and a recommendation/proposed rule if any, together with estimated timelines and separate fees and costs associated with the representation. However, in the event an applicant is chosen, the Commission and its in-house Staff shall have the right to determine how the tasks will be carried out. In addition, all proposals shall be accompanied by a professional firm résumé indicating the qualifications and experience necessary to meet the requirements of this RFP.

III. Period of Representation

The time period estimated to complete the Scope of Representation is approximately 4 months. This is merely an estimate and the Commission makes no representations as to the accuracy of the Period of Representation.

IV. Minimum Requirements

To be considered, all applicants must meet the following minimum requirements in addition to those provided in this Commission's General Order dated November 10, 2014.

Counsel shall have a working knowledge of Louisiana Public Service Commission authority pursuant to the Louisiana Constitution and jurisdictional issues as well as any applicable Commission and federal regulation. Counsel shall also be familiar with LPSC rulemakings generally. In addition, applicant shall at a minimum have knowledge of:

- (1) The Commission General Order No. R-28269 known as the "300 Foot Rule."
- (2) The Commission General Order No. 2 dated July 1, 1921 requiring all regulated companies to maintain tariffs on file with the Commission as well as the "filed rate" doctrine.
- (3) Electric utility ratemaking issues including accounting standards and practices, including but not limited to:
 - a. NARUC approved cost-of-service methodologies;
 - b. cost recovery mechanisms for power supply resources, including rates of return, Formula Rate Plans, and the General Orders relating to purchased power and fuel adjustment clauses (Commission General Orders dated June 27, 1985 and November 6, 1997, Docket No. U-21497);
 - c. the determination and calculation of the appropriate rate base of a utility plant investment dedicated to providing service;
 - d. traditional cost-of-service and cost allocation methodologies supporting the revenue requirements among classes of customers;
 - e. cost allocation methodologies for the allocation of investment and expenses between affiliates, including the relationship of the holding company to its subsidiary operating companies, the transfer of investment and costs between operating companies, and the provision of services between affiliates; and

- f. Commission methodologies for calculating avoided costs pursuant to the Commission's General Order dated April 26, 2007(Docket No. U-22739), recently amended by the General Order dated January 19, 2018 (Docket No. R-34366) and Order No. U-32628-A.
- (4) The Commission General Order dated March 12, 1974 prohibiting "promotional practices" by public utilities; and
- (5) Midcontinent Independent System Operator ("MISO") and Southwest Power Pool ("SPP") tariffs, rules and planning processes generally, and locational marginal pricing or ("LMP") specifically.

Applicants shall also, at a minimum, be experienced in participating in cases involving public utility regulation, or other regulatory issues on administrative and judicial levels, including the presentation of direct testimony or report and recommendations, cross examination of adverse witnesses, and the analysis of comments and exceptions to proposed recommendations. Consideration is given to indicia of competence such as previous experience in complex cases, publications, educational achievement and other previous employment suggesting competence in regulatory matters involving the above areas; significant personal experiences before regulatory agencies such as the SEC, FERC, FCC, or other similar entities may be a favorable factor. Firm size may be considered in matters likely to be prolonged, complex, or involving multiple forums.

All proposals shall include a plan of action, estimated timeline, and fees and costs associated with completing the scope of representation. This will result in one proposal. However, in the event an applicant is chosen, Commission and its Staff shall have the right to determine how the tasks will be carried out. In addition, all proposals shall demonstrate that the Applicant has the qualifications and experience necessary to meet the requirements of this request for proposals. Applicants will only be considered if proposals meet all of the requirements of this request for proposals and the Commission's Contract Order.

V. Estimate of Costs

All proposals shall include fees and costs associated with representing Commission Staff in the dockets. All applicants responding to this RFP shall quote their rates on an hourly basis and submit a total budget, and shall separate professional fees from costs. However, applicants shall only be allowed to charge for actual hours of work performed and costs incurred. Once selected, an applicant's rates and budget shall not be altered except by formal approval of the Commission.

VI. Conflict of Interest

Applicants shall prominently and separately disclose any current or past employment that may result in a conflict of interest. In addition, applicants shall disclose matters in which they currently represent clients before the Commission.

VII. Billing Guidelines

As required by the November 10, 2014 General Order, all bills will be rendered monthly and shall specifically identify and describe all work performed, the person performing such work, the time and charge for such work, and shall additionally show the total amount billed to date and the authorized original estimate. Bills will be rendered in strict accordance with the Commission's guidelines. Expenses shall also be separately disclosed with proof of such expenses attached.

Expenses, where applicable, shall be reimbursed at state authorized rates as specified in the Travel Policies and Procedures Memorandum issued by the State of Louisiana, Division of Administration in effect at the time such expenses are incurred ("Allowable Expenses"). Any expenses that exceed the Allowable Expenses shall be borne by the contract employee and shall not be reimbursed by either the Commission, or the correspondent utility, unless otherwise specified by the Commission.

VIII. Reservation of Rights

The LPSC reserves the right to reject any and all proposals, to amend and/or supplement this RFP at any time, and to consider proposals or modifications thereof received at any time prior to LPSC vote at Open Session, if such action is found by the LPSC to be in the public interest. Pursuant to the General Order regarding the selection of contract employees, the LPSC has the right to accept other than the lowest offer with regard to price. In addition, there is also no assurance, express or implied, that an award will necessarily be made pursuant to this RFP.

IX. Submission of Proposals

Interested parties should submit the **original (hard copy), 5 copies, and e-mail an electronic copy** of the proposal to:

Kim Trosclair
Louisiana Public Service Commission
Office of the General Counsel
602 North Fifth Street (Galvez Building) (70802)
P.O. Box 91154
Baton Rouge, Louisiana 70821-9154
Phone: (225) 342-9888
Fax: (225) 342-5610
Email: kim.trosclair@la.gov
melissa.watson@la.gov

To be considered, an original, five copies, and the electronic copy of the proposal must be received on or before **June 14, 2018**. **Selection of consultants is anticipated to take place at the Commission's June 20, 2018 Business and Executive Session.** Information concerning billing procedures and the Commission's RFP policy may be obtained from the address listed above, or by calling (225) 342-9888.