

Louisiana Public Service Commission



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August 14, 2019

JOHNNY E. SNELLGROVE, JR
Deputy Undersecretary

VIA EMAIL

Re: LPSC RFP 19-18, Docket No. U-35350 – Entergy Louisiana, LLC - Application of Entergy Louisiana, LLC for Approval of a Change in Funding for Decommissioning Trusts for River Bend and Waterford 3 Nuclear Facilities.

To all LPSC qualified counsel:

Enclosed please find a Request for Proposals (“RFP”) for **outside independent technical 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 **September 3, 2019 at 4:30 p.m.** Selection of a counsel is anticipated to take place at the Commission’s September 11, 2019 **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 "KHB", with a long horizontal flourish extending to the right.

Kathryn H. Bowman
Executive Counsel

Enclosure

RFP 19-18
LOUISIANA PUBLIC SERVICE COMMISSION
REQUEST FOR PROPOSALS (“RFP”)
August 14, 2019

DOCKET NO. U-35350 – Entergy Louisiana, LLC – Application of Entergy Louisiana, LLC for Approval of a Change in Funding for Decommissioning Trusts for River Bend and Waterford 3 Nuclear Facilities

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 to represent the Commission (the “Contract Order”), issues this Request for Proposals (“RFP”) to **outside counsel** who will assist the Commission in its review of Entergy Louisiana, LLC’s (“ELL”) Application for approval of a change in funding for decommissioning trusts for Waterford 3 Steam Electric Station (“Waterford 3”) and the Commission jurisdictional portions of the River Bend Station (“River Bend”) Nuclear Facilities (“Application”). ELL’s application was published in the Commission’s Official Bulletin dated August 9, 2019 and docketed as Docket No. U-35350.

I. Overview

On July 31, 2019, ELL filed its Application pursuant to Order No. U-31237 and presents updated funding requirements for the decommissioning trusts maintained for Waterford 3 and River Bend owned by ELL. In the Application, ELL is seeking approval to change the annual decommissioning accrual reflected in ELL’s retail rates.

Per ELL’s Application, and pre-filed testimony, the request to change the annual decommissioning funding levels is a result of: (1) the Nuclear Regulatory Commission approval of ELL’s 20-year license extension requests to operate Waterford 3 and River Bend and (2) receipt of updated site-specific decommissioning costs studies for River Bend and Waterford 3. These two events triggered a provision in Order No. U-31237 requiring ELL’s decommissioning funding requirements be re-evaluated based on site-specific decommissioning studies. ELL is seeking approval of an alternative to the requirement outlined in Order No. U-31237 and alleges that such alternative method is a rate-neutral opportunity to address the known issue of inadequate depreciation rates for Waterford 3 and River Bend.

II. Scope of Representation

Bidders will be assisting in-house Staff counsel, in-house auditing and utilities Staff, as well as an outside consultant with its analysis of ELL’s alternative proposal to the current funding of the decommissioning trusts for Waterford 3 and River Bend.

Bidders will assist in reviewing the filing, pre-filed direct testimony, and accompanying work papers, along with any testimony filed by Intervenors. Bidders will also assist in

identification and research of legal issues, drafting, reviewing, and responding to discovery; assist in preparing and defense of direct and cross-answering testimony; review direct and cross-answering testimony prepared by other parties, aid in drafting pleadings and motions; prepare for and participate in a hearing, including the examination of witnesses before an administrative law judge; assist in preparation of any pre- and post-hearing briefs or filings; assist in any settlement discussions and/or stipulation hearings and attendance/present the Staff's position at the Commission's B&E. If necessary, Applicants will also participate in depositions and participate in/conduct informal meetings with the parties and Commissioners. The scope of representation is through a final Commission vote on certification.

All proposals shall include an outline of a plan of action for conducting the review of ELL's request, including the activities described above. However, the Commission and its 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 resume indicating the qualifications and experience necessary to meet the requirements of this RFP. Deviations from the requirements contained herein, or conditional bid amounts may result in rejection of the bid as non-conforming.

III. Period of Representation

This RFP covers a period of representation of approximately 12-18 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 the Commissions General Order dated November 10, 2014. Consideration will be given to factors such as educational background and achievement, practical experience in the field of public utility practice and similar practice before other state public utility commissions; in addition to the applicant's knowledge of Louisiana ratemaking standards, regulatory law, and formula rate plans.

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 direct and cross-examination of witnesses, presentation of reports and recommendations, assistance in developing cross examination of adverse witnesses, and the analysis of pleadings, recommendations and exceptions. 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.

The applicant shall be qualified and prepared to assist with respect to all of the issues addressed in this RFP and which are likely to arise in the proceeding. The applicant shall be experienced in public utility regulation and have knowledge of Commission ratemaking and jurisdictional issues and knowledge of appropriate accounting standards and practices for electric utilities.

V. Estimate of Costs

All proposals shall include fees and costs associated with the engagement. All bidders 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, bidders shall only be allowed to charge for actual hours of work performed and costs incurred. Once selected, a bidder's hourly rates and budget shall not be altered except by formal approval of the Commission.

VI. Conflict of Interest

Bidders shall prominently and separately disclose current, as well as past employment, which could possibly result in a conflict of interest. In addition, bidders 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 Contract 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

kathryn.bowman@la.gov

To be considered, an original, five copies, and the electronic copy of the proposal must be received on or before **4:30 P.M. on Tuesday, September 3, 2019. Selection of consultants is anticipated to take place at the Commission's September 11, 2019 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.