

# Louisiana Public Service Commission



POST OFFICE BOX 91154  
BATON ROUGE, LOUISIANA 70821-9154  
[psc.louisiana.gov](http://psc.louisiana.gov)

## COMMISSIONERS

Craig Greene, Chairman  
District II  
Eric F. Skrmetta, Vice Chairman  
District I  
Foster L. Campbell  
District V  
Lambert C. Boissiere III  
District III  
Mike Francis  
District IV

Telephone: (225) 342-9888

BRANDON M. FREY  
Executive Secretary

KATHRYN H. BOWMAN  
Executive Counsel

October 19, 2021

JOHNNY E. SNELLGROVE, JR  
Deputy Undersecretary

## VIA EMAIL

**RFP 21-28 Docket No. TBD, Entergy Louisiana, LLC, ex parte. In re: *Request for Certification of Solar Resource and Green Tariff Filing.***

To all LPSC qualified consultants:

Enclosed please find a Request for Proposals (“RFP”) for **outside counsel** issued by the Louisiana Public Service Commission for the above referenced docket. 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 (2) two copies and an electronic copy must be received on or before Tuesday, November 9, 2021 at 4:30p.m. Selection of consultants is anticipated to take place at the Commission’s November 2021 Business and Executive Session.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'KB'.

Kathryn H. Bowman  
Executive Counsel

Encl.

cc.: Brandon M. Frey, Executive Secretary  
Lauren T. Evans, Associate Counsel

**RFP 21-28**  
**LOUISIANA PUBLIC SERVICE COMMISSION**  
**REQUEST FOR PROPOSALS (“RFP”)**  
**October 19, 2021**

***DOCKET NO. TBD – Entergy Louisiana, LLC –Request for Certification of Solar Resource and Green Tariff Filing.***

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” or “Company”) request for certification of a solar resource and approval of a green tariff filing.

**I. Overview**

On October 18, 2021, ELL provided notice to the Commission that the Company intends to submit a filing to the Commission in early November seeking certification and approval for the addition of several new solar photovoltaic resources, collectively referred to as the “2021 Solar Portfolio,” to its generation portfolio, as well as authorization to implement a new green tariff. To the extent that the 2021 Solar Portfolio contains a resource to be owned by ELL, the application is expected to propose a tax equity partnership, an alternative financing structure, as well as a potential new cost recovery mechanism to facilitate implementation of the financing structure. The filing will also request regulatory approvals that provide for cost recovery for the 2021 Solar Portfolio and green tariff.

The 2021 Solar Portfolio is comprised of resources selected from the Company’s 2020 Request for Proposals for Long-Term Renewable Generation Resources. The proposed green tariff sets forth the parameters under which the Company’s eligible customers can align some or all of their monthly electricity requirements with renewable resources by being able to receive value from both the energy from a renewable project along with Renewable Energy Certificates.

At the December 2019 Business and Executive Session, the Commission retained J. Kennedy & Associates to assist Commission Staff in ELL’s RFP and any resulting certification from said RFP.

**II. Scope of Representation**

The scope of representation consists any/all certification application(s) filed by ELL, which currently is anticipated as one filing. Applicants will review any certification application, along with testimony and exhibits; assist in the drafting of data requests; analyzing data responses; participating in formal status conferences, pre-trial conferences, depositions, and hearings (whether contested or stipulation); drafting and preparing pre-filed testimony in support of Staff’s ultimate recommendation(s), together with exhibits supporting testimony; assist in the drafting of Cross-Answering Testimony, if applicable; assisting in the cross of any witnesses, if applicable, and assist in the drafting of applicable motions, exceptions, briefing sheets, and orders of the

Commission. Additionally, Applicants shall be available to participate in informal conference calls, meetings and conferences with the Commission and Staff as well as attending any Business and Executive Sessions related to the certification proceeding. The scope of work shall continue through the conclusion of the certification docket(s) through Commission vote, regardless of whether said vote is the result of a stipulated agreement or contested hearing recommendation.

In addition to the above, Applicants will assist Staff in reviewing any tariffs associated with this certification. Such assistance includes, but is not limited to: reviewing the proposed tariff, pre-filed testimony and accompanying support; assist in drafting, reviewing and responding to discovery; assist in preparing direct and cross-answering testimony; aid in drafting pleadings and motions; appear/participate in hearings and open meetings; participate in/possibly lead depositions; assist with trial preparation; including assistance with drafting cross examination for witnesses; review and analyze stipulation terms; and participate/conduct informal meetings with the parties and Commissioners as necessary.

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 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 Commission General Order dated November 10, 2014. Consideration will be given to factors which indicate degrees of competence such as the amount of practical experience in the field of public utility practice, and similar practice before this or other regulatory agencies, in addition to the Applicant's knowledge of Louisiana resource acquisitions, certifications, regulatory law, and ratemaking principles. Applicants shall be qualified and prepared to participate in conferences, assist in drafting expert direct and cross answering testimony with respect to all of the issues addressed in this RFP and which are likely to arise in the proceeding.

Applicants shall have a working knowledge of Louisiana Public Service Commission rulemakings and jurisdictional issues and applicable Commission and federal regulations. Applicants shall also, at a minimum, have knowledge of:

1. The Commission's Rules and Orders pertaining to the RFP process and acquisition of power supply resources, including but not limited to the Commission's MBM Order and its 1983 Order, as amended;

2. Principles associated with resource acquisitions and the competitive process, including but not limited to analyzing utility resource needs and whether the considered resource(s) is able to meet those needs, particularly for renewable/solar resources;
3. Whether or not a resource will provide reliable service at the lowest reasonable cost;
4. Resource planning methods to improve the efficiency of a utility's power supply operations and whether the utility is making use of any such methods;
5. Public interest criteria for approval of resources and purchase power contracts, particularly renewable/solar resources;
6. LPSC rules on cost recovery mechanisms for power supply resources, ELL's recently approved Formula Rate Plan in Order No. U-35565, and the Commission's General Order dated November 6, 1997 (Docket No. U-21497) regarding fuel cost recovery;
7. Appropriate accounting standards and practices for electric utilities;
8. MISO tariffs, rules and planning processes, generally, and specifically related to resource adequacy planning processes and use of zonal resource credits;
9. The Commission's General Order No. 2 dated July 1, 1921 requiring all regulated public utilities to maintain tariffs on file with the Commission, as well as the "filed rate" doctrine;
10. The Commission's General Order dated July 1, 2019 (Docket No. R-24738) providing requirements for all jurisdictional electric utilities when filing tariffs, rate schedules and rate riders with the Commission;
11. The Commission's General Order dated March 12, 1974 prohibiting "promotional practices" by public utilities;
12. The Commission's General Order dated April 20, 2012 (Corrected) (Docket No. R-30021) regarding electric utilities filing Integrated Resource Plans;
13. The Commission's ongoing rulemaking, Docket No. R-35423 regarding a study on renewable energy tariff options with a focus on bringing new renewable resources into Louisiana; and
14. Electric utility ratemaking and general issues such as accounting standards and practices.

## **V. Estimate of Costs**

All proposals shall cover all aspects of the scope of representation above and include fees and costs associated with the entire engagement. 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 hourly rates and budget shall not be altered except by formal approval of the Commission, including the specific increase in budget, and corresponding hourly rate. Along with providing the above, Applicants should provide an overview of the estimated costs in the summary of the bid proposal.

## **VI. Conflict of Interest**

Applicants shall prominently and separately disclose current, as well as past employment, which could possibly 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 Contract 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), 2 copies, and e-mail an electronic copy** of the proposal to:

Kimberly N. O'Brian  
Louisiana Public Service Commission  
Assistant to Legal  
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.obrian@la.gov

To be considered, an original, three copies, and the electronic copy of the proposal must be received on or before **Tuesday, November 9, 2021 at 4:30 P.M.** **Selection of a consultant is anticipated to take place at the November Business and Executive Session, which is currently scheduled for November 17, 2021.** Information concerning billing procedures and the Commission's RFP policy may be obtained from the address listed above, or by calling (225) 342-9888.



Entergy Services, LLC  
Regulatory Affairs-LA  
4809 Jefferson Hwy.  
Jefferson, LA 70121-3126

Mark D. Kleehammer  
Vice President  
Regulatory Affairs-LA

October 18, 2021

Mr. Brandon Frey  
Executive Secretary  
Louisiana Public Service Commission  
Galvez Building, 12th Floor  
602 North Fifth Street  
Baton Rouge, LA 70812

**Re: Entergy Louisiana, LLC's Solar Resource and Green Tariff Filing**

Dear Secretary Frey:

Entergy Louisiana, LLC ("ELL" or the "Company") submits this letter to notify the Louisiana Public Service Commission that the Company intends to submit a filing to the Commission in early November seeking certification and approval for the addition of several new solar photovoltaic resources, collectively referred to as the "2021 Solar Portfolio," to its generation portfolio, as well as authorization to implement a new green tariff. To the extent the 2021 Solar Portfolio contains a resource to be owned by ELL, the application is expected to propose a tax equity partnership, an alternative financing structure that can reduce cost for customers, as well as a potential new cost recovery mechanism to, among other things, facilitate implementation of this financing structure. The filing is expected to request the Commission find the 2021 Solar Portfolio serves the public convenience and necessity, is in the public interest and, therefore, prudent, and that it meets or is consistent with the market testing requirements under the LPSC's Market Based Mechanisms Order (R-26172) ("MBM Order"). The filing will also request regulatory approvals that provide for cost recovery for the 2021 Solar Portfolio and green tariff. The filing is expected to be supported by approximately 6 witnesses.

The 2021 Solar Portfolio is comprised of resources selected from the Company's 2020 Request for Proposals ("RFP") for Long-Term Renewable Generation Resources (the "2020 Renewables RFP"), which was supervised by an Independent Monitor and for which the LPSC Staff (supported by Mr. Lane Kollen of J. Kennedy & Associates) served in the oversight role contemplated by the MBM Order, and may also include a power purchase agreement, which arose from an unsolicited offer the Company recently received.

The proposed green tariff sets forth the parameters under which the Company's eligible customers can align some or all of their monthly electricity requirements with renewable resources by being able to receive value from both the energy from a renewable project along with Renewable Energy Certificates ("RECs"). In that way, the proposed green tariff will further enhance ELL's ability to help these customers, and potential customers, meet their sustainability goals by allowing customers to directly match portions of their electricity needs with energy from renewable resources.

It is the Company's understanding that the previous hiring of J. Kennedy & Associates included in its scope the certification of resources from the 2020 Renewables RFP. This correspondence is being provided to allow the LPSC Staff to determine whether it is necessary to retain outside counsel, and if so,

Brandon Frey  
October 18, 2021  
Page 2

to begin the solicitation process to permit hiring at the November 17, 2021 Business & Executive Meeting to minimize delays in processing the Company's application. However, nothing herein should be construed to limit what ELL may file or what relief may be requested.

Thank you for your consideration of this notice. Please let me know if you have questions or require further information regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Kleehammer", followed by a long horizontal line extending to the right.

Mark D. Kleehammer

MDK/aaw

cc: Chairman Craig Greene (via U.S. mail)  
Vice Chairman Eric F. Skrmetta (via U.S. mail)  
Commissioner Lambert C. Boissiere, III (via U.S. mail)  
Commissioner Mike Francis (via U.S. mail)  
Commissioner Foster L. Campbell (via U.S. mail)  
Kathryn Bowman (via electronic mail and U.S. mail)  
Melissa Frey (via electronic mail and U.S. mail)