



Louisiana Public Service Commission

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May 2, 2024

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Executive Secretary

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Executive Counsel

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Deputy Undersecretary

VIA EMAIL

RFP 24-04, Docket TBD, Entergy Louisiana, LLC, ex parte. Request for approval of Magnolia Power, LLC Capacity Credits Purchase Agreement.

To all LPSC qualified consultants:

Enclosed please find a Request for Proposals (“RFP”) for an **outside consultant** 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 ensure you adhere to the requirements contained therein, as well as to determine whether your firm meets the specific requirements of the RFP. All Proposals must include a showing that your firm possesses the requisite qualifications and experience to represent the Commission in this matter. Please note that deviations from the requirements contained in the RFP, or conditional bid amounts, shall result in the rejection of a proposal as non-conforming.

All Proposals, including the original, plus (2) two copies, and an electronic copy must be received on or before Monday, June 3, 2024. Selection of consultants is anticipated to take place at the Commission’s June 2024 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", with a horizontal line extending to the right.

Kathryn Bowman
Executive Counsel

Encl.

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

24-03
LOUISIANA PUBLIC SERVICE COMMISSION
REQUEST FOR PROPOSALS (“RFP”)
May 2, 2024

DOCKET NO. TBD, Entergy Louisiana, LLC, ex parte. In re: Request for approval of Magnolia Power, LLC Capacity Credits Purchase Agreement.

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”) for **outside consultants** to assist Commission Staff in its review and analysis of Entergy Louisiana’s (“ELL” or the Company”) request for certification and approval of Magnolia Power, LLC Capacity Credits Purchase Agreement.

Consideration of qualifying proposals is anticipated to be on the Commission’s June 2024 Business and Executive Session (“B&E”). Should an Applicant be selected at the Commission’s B&E, this RFP and the Applicant’s proposal shall constitute the contract between the parties, including all terms and conditions. The Commission will not accept new terms, conditions, or proposals once an Applicant has been retained.

Please note, deviations from the requirements contained herein, or conditional bid amounts, shall result in rejection of the proposal as non-conforming.

I. Overview

On April 29, 2024, ELL filed pre-file notice letter regarding an upcoming certification filing (“Notice Letter”). In ELL’s Notice Letter, it indicates it has entered into a Capacity Credits Purchase Agreement with Magnolia Power, LLC (“Magnolia CCPA”) in order to satisfy, in part, its obligation to have sufficient available capacity resources to serve ELL’s load on a forward-looking basis. The Company anticipates seeking Commission approval that the upcoming application was filed, and the Magnolia CCPA is, in accordance with the Commission’s General Order dated September 20, 1983 (“1983 GO”)¹, and does not conflict any other applicable Commission General Orders. Per the Company’s Notice Letter, the filing is anticipated to include up to five witnesses and will be similar to the filing made by ELL in Docket No. U-34401.²

¹ General Order dated September 20, 1983, In re: *In the Matter of the Expansion of Utility Power Plant; Proposed Certification of New Plant by the LPSC*, as amended by General Order (Corrected) in Docket No. R-30517 (In re: *Possible modifications to the September 20, 1983 General Order to allow (1) for more expeditious certifications of limited-term resource procurements and (2) an exception for annual and seasonal liquidated damages block energy purchase*) dated May 27, 2009.

² Entergy Louisiana, LLC, ex parte. In re: *Application for Authorization to Participate in a Contract for the Purchase of Capacity and Energy from the Carville Energy Center.*

II. Scope of Representation

Applicants will review the certification application submitted to the Commission for consideration, along with the pre-filed testimony of five witnesses and any exhibits filed in support thereof. Applicants will also draft and assist in the drafting of data requests; analyze data responses; participate in formal status conferences, pre-trial conferences, depositions, and hearings (whether contested or via a stipulation); draft and prepare pre-filed testimony in support of Staff's ultimate recommendation(s), together with exhibits supporting the same; review and respond to any rebuttal testimony; assist in preparing any necessary direct and cross-answering testimony; assist in trial preparation, including cross-examination of witnesses and drafting of pleadings, motions, and exceptions related thereto; review and analyze potential stipulation terms; and assist in drafting briefing sheets and orders to the Commission, as necessary. Additionally, Applicants shall be available to participate in informal conference calls, meetings and conferences with not only the Commission and Staff, but also ELL and any intervenors. Applicants will also be required to appear before the Commission at B&Es where this matter will be discussed.

The scope of representation provided herein shall continue through conclusion of the docket, including Commission consideration at a B&E, or B&Es, regardless of whether said vote is the result of a stipulated agreement or contested hearing recommendation.

All proposals shall include: 1) a summary outlining the proposal, including the cost estimate; 2) an outline of a plan of action for this scope of representation, including not only the certification proceeding, but also any necessary monitoring arising therefrom; and 3) a professional firm resume, including the Applicant's qualifications and experience necessary to meet the requirements of this RPF. This shall be one proposal to the Commission.

The Commission and its Staff reserve the right to determine how tasks under this RFP will be carried out, including setting internal deadlines to ensure the proceeding moves along in an orderly fashion. **Deviations from the requirements contained herein, or conditional bid amounts shall result in reject of the bid as non-conforming.**

III. Period of Representation

The time period estimated to complete the Scope of Representation will last approximately 6 – 8 months. However, this is merely an estimate and the Commission makes no representation as to the accuracy of the Period of Representation.

IV. Minimum Requirements

To qualify, all Applicants must have requisite knowledge of the topics listed below, in addition to those provided in the Commission's Contract Order. Consideration will be given to factors which indicate degrees of competence such as the amount of practical experience in the field of public utility, similar experience before this or other regulatory agencies, in addition to the Applicant's knowledge and experience regarding Louisiana resource acquisitions, certifications, ratemaking standards, and regulatory law.

Applicants shall at a minimum be experienced in drafting and rendering expert testimony, and cross-answering testimony, be able to be cross-examined with respect to all of the issues addressed in this RFP, which are likely to arise in these proceedings, and be qualified and prepared to render expert testimony regarding the topics in this RFP at a hearing and/or B&E.

Applicants shall also have a working knowledge of LPSC rulemakings and jurisdictional issues, and have, at a minimum, 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 GO, 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;
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. Familiarity with just and reasonable costs and prudent investments associated with providing reliable and quality service as recommended by NARUC.
6. Public interest criteria for approval of resources and purchase power contracts;
7. LPSC rules on affiliate transactions and cost recovery mechanisms for power supply resources, ELL's current rate structure, and the Commission's General Order dated November 6, 1997 in Docket No. U-21497 regarding fuel cost recovery;
8. Appropriate accounting standards and practices for electric utilities, especially those for investor-owned utilities;
9. A detailed understanding of the major functional areas of a regulated electric utility, particularly an investor-owned.
10. MISO tariffs, rules and planning processes, generally, and specifically related to resource adequacy planning processes and use of zonal resource credits.

V. Estimate of Costs

Applicants shall provide an overview of the estimated costs in the summary of the bid proposal. All proposals shall include fees and direct costs (expenses) in order to provide the services described above. For an Applicant's fees, the quote shall be based upon an hourly basis, which shall be included with any proposal submitted. All cost proposals shall submit a total budget, separating professional fees from direct costs.

If selected, Applicants shall only be allowed to charge for actual hours of work performed and costs incurred. Further, once selected, an Applicant's hourly rates and budget shall not be altered except by formal approval of the Commission.

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. Potential conflicts could include, but are not to be limited to, employment with regulated utilities, affiliates of regulated utilities, consumer advocacy groups, or any other party that comes before the Commission. 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 to the Commission 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. Pursuant to La. R.S. 45:1180, ELL is the ultimate responsible party for payment of services provided pursuant to this RFP; therefore, timely submittal of invoices to the Commission facilitates timely payments to Applicant.

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 its B&E, 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 proposals 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
Kathryn H. Bowman
Louisiana Public Service Commission
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
kathryn.bowman@la.gov

To be considered, an original, two copies, and the electronic copy of the proposal must be received on or before **Monday, June 3, 2024**. Selection of consultants is anticipated to take place at the Commission's June 2024 Business and Executive Session, which is currently scheduled for June 19, 2024. Information concerning billing procedures and the Commission's RFP policy may be obtained from the address listed above, or by calling (225) 342-9888.