

**ATTACHMENT 1**  
**ANNUAL REPORTING OBLIGATIONS FOR ELECTRIC UTILITIES**

**LOUISIANA PUBLIC SERVICE COMMISSION**  
**ANNUAL REPORTING OBLIGATIONS FOR ELECTRIC UTILITIES**

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**PURPOSE**

The Louisiana Public Service Commission (“LPSC”) establishes the following rules to ensure that the Commission is presented with consistent and comprehensive information related to certain performance, financial, and planning requirements of electric utilities.

**AUTHORITY**

Article IV, Section 21 of the Louisiana Constitution of 1974 provides the Commission with the following authority:

**Powers and Duties.** The Commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by Law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by Law.

Consistent with the above authority, the Commission has adopted rules and regulations through Commission Orders that apply to utilities in general, and in some instances, electric utilities specifically. The blanket authority to regulate public utilities granted above, however, is not absolute, as it is subject to the following limitations regarding utilities owned, operated, or regulated by a political subdivision:

**Limitation.** The Commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This paragraph shall not apply to safety regulations pertaining to the operation of such utilities

## SECTION 101. ANNUAL FILING

Within ninety (90) days of the Commission's promulgation of this rule, each electric utility shall file with the Commission the information contained on Exhibit A to this rule, materially in the same manner as the information is presented on Exhibit A. For each succeeding calendar year, each electric utility shall file on or before April 30 of such calendar year, the information contained on Exhibit A to this rule, materially in the same manner as the information is presented on Exhibit A.

## SECTION 102. EXHIBIT A REQUIRED INFORMATION

- 1) Name and Location. Each electric utility shall provide the utility's full name and identify (a) all of the Louisiana Parishes to which it provides electric service and (b) each Commission District for which it provides electric service.
- 2) Total Number of Customers or Meters: Each electric utility, to the extent it possesses the information, shall provide its total number of customers along with such numbers broken down into Residential, Commercial, Industrial, and Other. If the electric utility can only provide any of such information by meter, instead of customer, then such information shall be reported by meter. Each electric utility shall identify in its filing whether the information is being presented by customer or meter and provide any needed explanation on page 2 of Exhibit A.
- 3) Percentage of Customers Receiving Assistance: Each electric utility shall provide the percentage of its customers receiving assistance to pay their electric bills, including assistance from the Low Income Home Energy Assistance Program ("LIHEAP"). The type of assistance included in developing the percentage of customers receiving assistance should be explained on page 2 of Exhibit A.
- 4) Customer Call/Service Staff in Louisiana: Each electric utility shall provide the number of Customer Call/Service Staff employed and operating in Louisiana. An explanation of the type of employees included in this total should be provided on page 2 of Exhibit A.
- 5) SAIDI/SAIFI: SAIDI is the System Average Interruption Duration Index and SAIFI is a System Average Interruption Frequency Index. Each Electric utility shall provide (i) the SAIDI and SAIFI scores required of it by LPSC Order No. U-22389; (ii) the utility's most recent SAIDI and SAIFI scores, as calculated by the instruction of LPSC Order No. U-22389; and (iii) the utility's most recent score as calculated by the standards of the Institute of Electrical and Electronics Engineers ("IEEE"). On page 2 of Exhibit A, electric utilities should provide a narrative description of all events they propose were caused by matters outside of their control, including but not limited to transmission outages of others.
- 6) ROE /Applicable Rate Measurement: Each investor-owned electric utility whose rates are set to incorporate an allowed Return on Equity ("ROE") shall report its most recent allowed ROE and its most recent earned ROE, with reference to the applicable period reported. Each cooperative electric utility shall provide and applicable rate measurement, including Times Interest Earned Ratio ("TIER") and the Modified Debt Service Coverage ratio ("MDSC"), that reflect the financial status of a cooperative in terms of debt, cash flow, and other relevant measures. An explanation of the method used should be provided on page 2 of Exhibit A.
- 7) Planned Capital Investment: Each electric utility shall provide its planned capital investment for three years, beginning with the year of the first annual filing. Such investment shall be separated into categories of Generation, Transmission, Distribution, Other, and a Total. Any necessary explanations for the amounts provided may be included on page 2 of Exhibit A.
- 8) Expenses by Category: Each electric utility shall provide a breakdown of its prior year expenses by category. The expenses reported should be those reflected for the 12 months included in the electric utility's most recent base rate filing, whether that be a rate case filing or a formula rate plan filing. When reporting these expenses, the electric utility should separately identify those expenses covered through base rates (including a Formula Rate Plan) and those recovered through other riders. The expense categories should include the following, with FERC Accounts notable if applicable: Production Non-Fuel, Transmission, Distribution, Customer Accounting, Customer Services, Administrative & General, Depreciation, Taxes

Other than Income, Income Taxes, Regulatory Debits and Credits, Fuel and Purchased Power, Other expenses recovered through base rates, and Other expenses recovered through riders. For purposes of income taxes, the reporting should reflect normalized taxes reflected in the electric utility's rates.

- 9) Energy Mix: Each electric utility shall provide a breakdown of its total energy supplied to customers for the prior calendar year by category. Such categories shall include, but not be limited to, coal, gas, wind, solar, nuclear, hydro, and demand response. If a utility is not required or does not know all of the categories of its energy due to its energy being supplied by a wholesale contract that does not provide such information, then it may report such amount of capacity as "wholesale-unknown." However, if there is a Commission rule which requires any portion of capacity to be associated with an identified source of capacity, those sources of capacity must be identified by category. Required explanations should be provided on page 2 of Exhibit A.
- 10) Capacity Mix: Each electric utility shall provide a breakdown of its total capacity as of the end of the prior calendar year by category. Such categories shall include, but not be limited to, coal, gas, wind, solar, nuclear, hydro, and demand response. If a utility is not required and does not know all of the categories of its capacity due to its capacity being supplied by a wholesale contract that does not provide such information, then it may report such amount of capacity as "wholesale-unknown." However, if there is a Commission Rule which requires any portion of capacity to be associated with an identified source of capacity, those sources of capacity must be identified by category. Required explanations should be provided on page 2 of Exhibit A.
- 11) Annual History of 1,250 kWh Customer: Each electric utility shall provide an annual rate history of the typical 1,250 kWh residential customer for the most recent 10 years. This presentation should separately identify each rate schedule and rider.

## **SECTION 201. RATE CHANGE FILING REQUIREMENTS**

For each filing of an electric utility that proposes to introduce a new rate or change an existing rate, such filing shall be accompanied with the information concerning the amount of the proposed change, as well as amounts of other proposed rate changes, that is contained on Exhibit B to this rule, materially in the same format as presented on Exhibit B.

## **SECTION 301. SEVERABILITY**

In the event that any provision or portion of this Order is ruled to be unlawful by final order of any court of competent jurisdiction, it is the intent of the Commission that the remaining portions of the rule will survive and remain in full force and effect, subject to any further action of the Commission after due proceedings in accordance with the Commission's rules and applicable law.

Exhibit A (Page 1) for Regulated Electric Utilities

[Date of Report]

1 [Utility Name] – Louisiana Operations

1(a) Parishes Served:

1(b) LPSC Districts of Operation:

2					3	4
Total Customers	Residential	Commercial	Industrial	Other	Customers Receiving Assistance	Customer Call/Service Staff in Louisiana
					%	

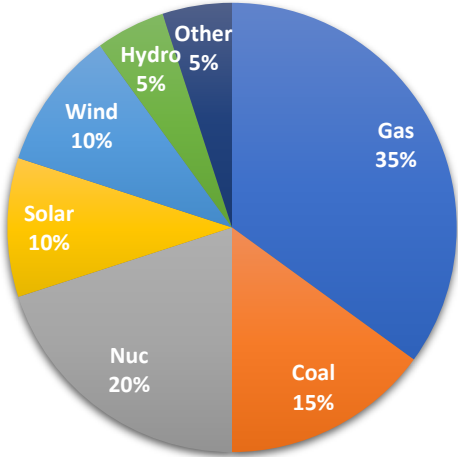
5	U-22389 Requirement	Prior Year Results for U-22389	Prior Year Results per IEEE
SAIDI			
SAIFI			

6	[Insert Period Reported]	
	Allowed ROE/Rate Measurement	Earned ROE/Rate Measurement

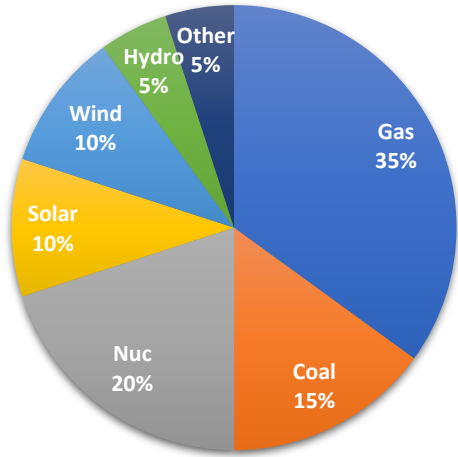
7	Planned Capital Investments (\$ in Millions)		
	2024	2025	2026
Generation			
Transmission			
Distribution			
Other			
Total			

8	[Insert Time Period Reported]	
Categorized Expenses		
	Amount (\$1,000)	% of Total
Base Rates		
Production Non-Fuel		
Transmission		
Distribution		
Customer Accounting		
Customer Services		
Admin & Gen		
Depreciation		
Taxes Other than Income		
Income Taxes		
Reg Debits & Credits		
Other		
Riders		
Fuel/Purchased Power		
Rider Expense 1		
Rider Expense 2		
Other Rider Expense		

Energy Mix (20\_\_)  
(Insert Total MWh)



Capacity Mix (20\_\_)  
(Insert Total MWh)

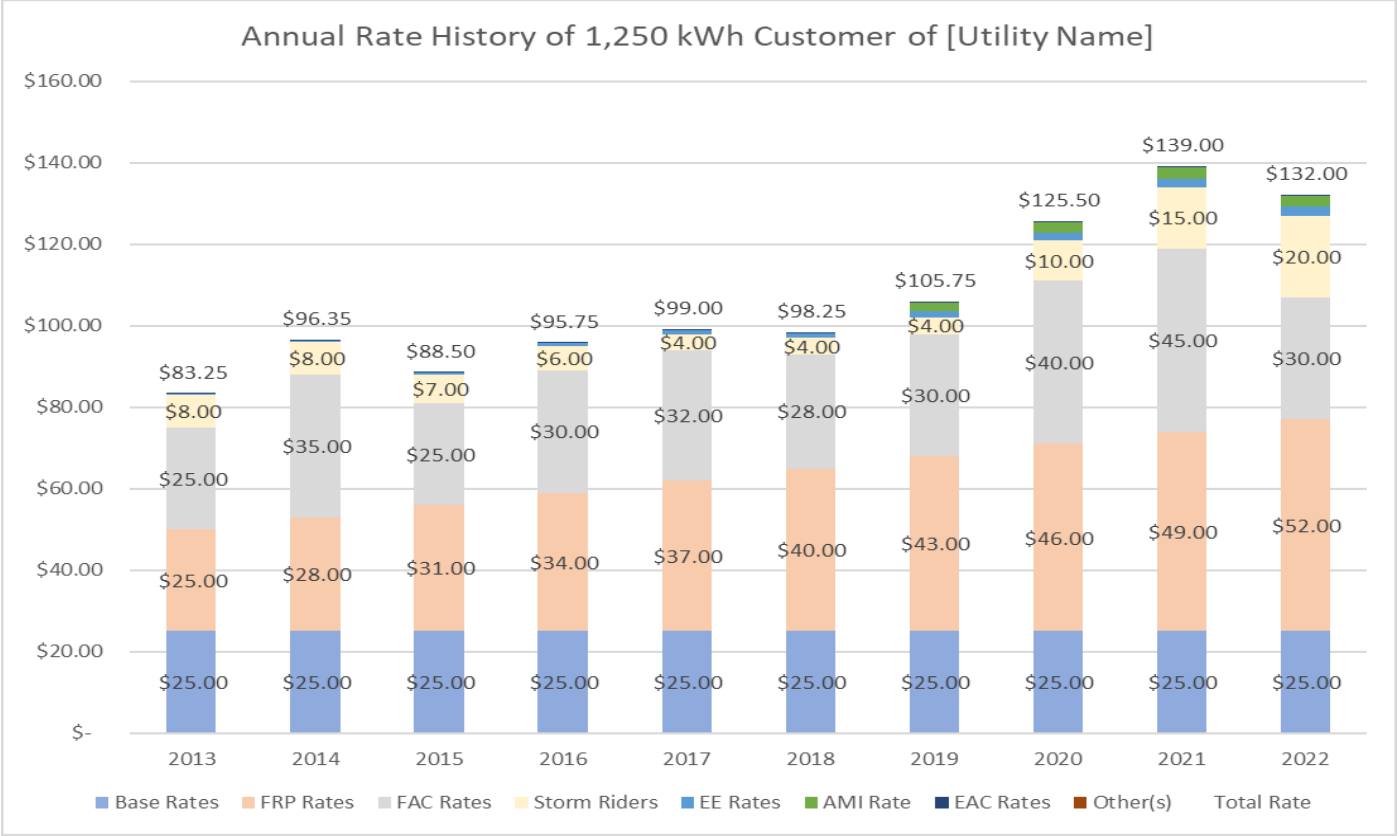


## Exhibit A (Page 2) for Regulated Electric Utilities

### **Reporting Explanations**

1. General Discussion
2. Customer Reporting
3. Customers Receiving Assistance
4. Customer Call Center/Customer Service Staff in Louisiana
5. SAIDI/SAIFI
6. ROE/Applicable Rate Measurement
7. Planned Capital Investment
8. Categorized Expenses
9. Energy Mix
10. Capacity Mix

Exhibit A (Page 3) for Regulated Electric Utilities



	Base Rates	FRP Rates	FAC Rates	Storm Riders	EE Rates	AMI Rate	EAC Rates	Other(s)	Total Rate
2013	\$ 25.00	\$ 25.00	\$ 25.00	\$ 8.00	\$ 0.25	\$ -	\$ 0.05	\$ -	\$ 83.25
2014	\$ 25.00	\$ 28.00	\$ 35.00	\$ 8.00	\$ 0.35	\$ -	\$ 0.05	\$ -	\$ 96.35
2015	\$ 25.00	\$ 31.00	\$ 25.00	\$ 7.00	\$ 0.50	\$ -	\$ 0.05	\$ -	\$ 88.50
2016	\$ 25.00	\$ 34.00	\$ 30.00	\$ 6.00	\$ 0.75	\$ -	\$ 0.05	\$ -	\$ 95.75
2017	\$ 25.00	\$ 37.00	\$ 32.00	\$ 4.00	\$ 1.00	\$ -	\$ 0.05	\$ -	\$ 99.00
2018	\$ 25.00	\$ 40.00	\$ 28.00	\$ 4.00	\$ 1.25	\$ -	\$ 0.05	\$ -	\$ 98.25
2019	\$ 25.00	\$ 43.00	\$ 30.00	\$ 4.00	\$ 1.50	\$ 2.25	\$ 0.05	\$ -	\$ 105.75
2020	\$ 25.00	\$ 46.00	\$ 40.00	\$ 10.00	\$ 1.75	\$ 2.75	\$ 0.05	\$ -	\$ 125.50
2021	\$ 25.00	\$ 49.00	\$ 45.00	\$ 15.00	\$ 2.00	\$ 3.00	\$ 0.05	\$ -	\$ 139.00
2022	\$ 25.00	\$ 52.00	\$ 30.00	\$ 20.00	\$ 2.25	\$ 2.75	\$ 0.05	\$ -	\$ 132.00

Exhibit B for Regulated Electric Utilities

Residential Customer (kWh usage)		1,000	1,250	1,500	2,000	3,000	5,000
	Current Rate(s) to be Affected by Filing *	\$ 122.17	\$ 149.17	\$ 176.17	\$ 230.16	\$ 338.14	\$ 554.11
	Rate(s) After Proposed Change	\$ 123.17	\$ 151.17	\$ 179.17	\$ 234.16	\$ 343.14	\$ 560.11
	Proposed Change to Such Current Rate(s)	\$ 1.00	\$ 2.00	\$ 3.00	\$ 4.00	\$ 5.00	\$ 6.00
Other Pending Proposed Rate Changes **							
	Docket A (U-XXXXX)	\$ 0.50	\$ 1.00	\$ 2.00	\$ 3.00	\$ 4.00	\$ 5.00
	Docket B (U-XXXXX)	\$ 1.00	\$ 2.00	\$ 3.00	\$ 4.00	\$ 5.00	\$ 6.00
	Docket C (U-XXXXX)	\$ 0.75	\$ 1.25	\$ 2.25	\$ 3.25	\$ 4.25	\$ 5.25
* Current Rates to be Affected by Filing to include any and all current rate amounts, if any, that is being proposed to be changed by the filing. If the fling is for a new rate this row would be \$0.00.							
** Other Pending Proposed Rate Changes are to indicate the total proposed change to rates requested in each outstanding Docket requesting a rate change.							



**ATTACHMENT 2**  
**PERIODIC REPORTING OF UTILITY COMPANIES OUTSIDE ATTORNEY AND**  
**CONSULTANT EXPENSES**

**LOUISIANA PUBLIC SERVICE COMMISSION**  
**PERIODIC REPORTING OF UTILITY COMPANIES OUTSIDE ATTORNEY AND**  
**CONSULTANT EXPENSES**

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This Order Amends and Supersedes  
General Orders dated February 28, 1990 and October 13, 1993.

**PURPOSE**

The Commission expressed an increasing concern as to the increasing costs being incurred by utility companies in connection with the hiring of outside attorneys, lobbyists, engineers and outside consultants (non-employees of the utility) for a wide variety of engagements related to utility matters and issued General Order on February 28, 1990 requiring periodic reporting of the total amounts paid to each attorney and/or each consultant. In General Order Dated October 13, 1993, the Commission expanded the reporting to include reporting of any ex-commissioner or ex-staff person if such individual was not being identified by the use of trade name or organization format. For the same reasons expressed in these prior orders, the Commission again wants to expand the type of information it receives related to the expenses paid to outside utility attorneys and consultants. Therefore, it is issuing this General Order, which incorporates the requirements of the Commission's prior General Orders, and included additional reporting requirement for utilities' engagements of outside attorneys and consultants.

**AUTHORITY**

Article IV, Section 21 of the Louisiana Constitution of 1974 provides the Commission with the following authority:

**Powers and Duties.** The Commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by Law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by Law.

Consistent with the above authority, the Commission has adopted rules and regulations through Commission Orders that apply to utilities in general, and in some instances, electric utilities specifically. The blanket authority to regulate public utilities granted above, however, is not absolute, as it is subject to the following limitations regarding utilities owned, operated, or regulated by a political subdivision:

**Limitation.** The Commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This paragraph shall not apply to safety regulations pertaining to the operation of such utilities.

## ORDER

1. ) Utility companies which have at least \$100 million of Louisiana jurisdictional gross annual revenues and who engage the services of non-employee attorneys, consultants, lobbyists, engineers, financial advisors, trade associations, or telecommunications consultants shall file quarterly reports with the Commission of the total amount paid in the quarter to each attorney and/or each consultant. The quarterly reports shall be filed not later than 30 days from the end of each calendar quarter, i.e., April 30th, July 30th, October 30th and January 30th. If the last day for filing of such quarterly reports falls on a Saturday, Sunday or a National Holiday, such reports shall be due on the next business day thereafter. The report due on January 30th shall include information with respect to the quarter expenses and, also, cumulative for the year.
2. ) As to the other jurisdictional utility companies whose annual gross revenues are less than \$100 million even though such companies engage the services of outside attorneys and/or outside consultants, such companies shall file annual reports with the Commission, within sixty (60) days of the end of the calendar year, of the amounts paid to each outside attorney and/or outside consultant during the calendar year covered by the report.
3. ) In the event that a jurisdictional utility engages the services of a person previously holding the position of a Public Service Commissioner or was a member of the Commission staff, and that employment is not disclosed by reason of the use of a trade name or organization format, then this fact will be so noted by disclosing the same by means of a parenthetical expression or asterisk disclosing the name of the ex-commissioner or staff member so employed, together with the general purpose of such employment. In the case of a utility which has less than \$100 million of jurisdictional gross revenues which engages for such services, a report will be filed disclosing such engagement within 20 days of such engagement. The other requirements of the previous order regarding such employments remain in effect.
4. ) The periodic reports required by Sections 1 and 2 above shall additionally contain the following information for each contested proceeding between the LPSC and an LPSC-jurisdictional electric utility (or one of its affiliates) that is contested in a state or federal court, or at the Federal Energy Regulatory Commission ("FERC").
  - a. All legal representation retained by the utility for each such proceeding.
  - b. The hourly fees of the attorneys performing services in such proceeding on behalf of the utility. Such hourly fees need not be presented for each named attorney but may be disclosed in ranges for categories such as Partner, Associates, Of Counsel, Paralegals, etc.
  - c. The amounts paid to each attorney representing the utility, or category of attorneys if hourly fees are presented in that manner, for (i) the past calendar quarter, if a quarterly report, (ii) the past calendar year for both quarterly and annual reports, and (iii) the total inception to date amounts paid on the matter on both the quarterly and annual reports.
  - d. All consultants and/or expert witnesses retained by the utility for each such proceeding.
  - e. The hourly fees of the consultants and/or expert witnesses performing services in such proceeding. Such hourly fees need not be presented for each named consultant and/or expert witness but may be disclosed in ranges for categories such as Partner, Principle, Associates, etc.
  - f. The amounts paid to each consultant and/or expert witness retained by the utility, or category of consultants and/or expert witnesses if hourly fees presented in that manner, for (i) the past calendar quarter, if a quarterly report, (ii) the past calendar year for both quarterly and annual reports, and (iii) the total inception to date amounts paid for the matter on both the quarterly and annual reports.
  - g. To the extent known by the reporting utility, the same information reported in subsection a-f for attorneys, expert witnesses, and consultants retained by the LPSC.
  - h. The costs of utility employees and/or the allocated costs of utility affiliates charged to the matter for (i) the past calendar quarter, if a quarterly report, (ii) the past calendar year for both quarterly and annual reports, and (iii) the total to date for the matter on both the quarterly and annual reports.

This requirement shall not apply to FERC tariff filings of Regional Transmission Organizations (RTOs) regardless of the positions taken by the LPSC and an LPSC-jurisdictional electric utility (or one of its affiliates) in those proceedings. Further, once a contested proceeding is finally resolved, with no further activity to be performed by consultants or attorneys, the utility shall designate the information reported related to that proceeding as final and no longer be required to include that contested proceeding in future reporting.

Parties may file the information required in subsection (b) and (e) regarding hourly rates confidentially if such information has not been publicly disclosed in any other forum. Moreover, to the extent (and only to the extent) that a consultant or expert has been retained solely for consulting purposes and not legally required to be disclosed to the opposing parties, the utility may redact identifying information for that particular consultant or expert. If requested by the Commission, each utility must factually and legally support any protection claimed regarding any said redaction.

**ATTACHMENT 3**  
**RENEWABLE ENERGY CREDIT VALUE**

# LOUISIANA PUBLIC SERVICE COMMISSION

## RENEWABLE ENERGY CREDIT VALUE

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### PURPOSE

When utilities procure renewable resources, they typically receive Renewable Energy Credits (“RECs”) associated with such generation. To the extent those RECs are not subscribed to by a customer under a Commission-approved Green Tariff Option, and ratepayers pay the full cost of the generation creating the RECs through rates, those rates should also reflect 100% of the just and reasonable monetary value of the RECs.

This rule shall be applied on a prospective basis from the time of the Commission’s order approving the rule and will not be applicable to renewable generation procured by a utility prior to such Commission Order.

### AUTHORITY

Article IV, Section 21 of the Louisiana Constitution of 1974 provides the Commission with the following authority:

**Powers and Duties.** The Commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by Law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by Law.

Consistent with the above authority, the Commission has adopted rules and regulations through Commission Orders that apply to utilities in general, and in some instances, electric utilities specifically. The blanket authority to regulate public utilities granted above, however, is not absolute, as it is subject to the following limitations regarding utilities owned, operated, or regulated by a political subdivision:

**Limitation.** The Commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This paragraph shall not apply to safety regulations pertaining to the operation of such utilities

## **SECTION 101. REC VALUE TO RATEPAYERS**

To the extent a utility recognizes monetary value of RECs generated from ratepayer funded projects, ratepayers shall receive 100% of the realized value of such REC, provided that there is not a Commission finding that the realized value is unjust or unreasonable. This monetary value may come from a utility's sale of unbundled RECs it receives through procurement of a renewable resource or through the reduction in contract price negotiated for a renewable resource. In either event, utilities should strive to maximize the value of RECs on behalf of the ratepayers.

To the extent there are RECs not monetized, that are still available for future monetization, the Commission will not estimate or impute revenues from these RECs until they are monetized. However, if a REC is not monetized through a sale of the REC or a reduction in contract price or assigned to a customer through an approved Green Tariff Option and the REC has lost its value as a result, or if a utility or any of its subsidiaries use any RECs for its own purposes, such as retiring the REC outside of an approved Green Tariff Option, then ratepayers should receive the just and reasonable value from that usage based upon the value of similar RECs at the time of such utilization. The prudence of such REC accounting should be considered in the context of the utility's rate reviews and to the extent such accounting is deemed imprudent, the utility should have to compensate ratepayers for the just and reasonable value of the RECs that were allowed to expire.

**ATTACHMENT 4**  
**SLEEVED POWER PURCHASE AGREEMENTS**



# LOUISIANA PUBLIC SERVICE COMMISSION

## SLEEVED POWER PURCHASE AGREEMENTS

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### PURPOSE

Electric utilities and its customers are striving to find appropriate solutions that allow customers to have access to the attributes of renewable generation that they need in order to remain competitive in the national and global economy. The Commission promulgates this Rule to provide one such potential solution that allows large commercial and industrial customers to gain access to attributes of renewable generation needed to sustain and grow economic development in Louisiana.

### AUTHORITY

Article IV, Section 21 of the Louisiana Constitution of 1974 provides the Commission with the following authority:

**Powers and Duties.** The Commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by Law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by Law.

Consistent with the above authority, the Commission has adopted rules and regulations through Commission Orders that apply to utilities in general, and in some instances, electric utilities specifically. The blanket authority to regulate public utilities granted above; however, is not absolute, as it is subject to the following limitations regarding utilities owned, operated, or regulated by a political subdivision:

**Limitation.** The Commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This paragraph shall not apply to safety regulations pertaining to the operation of such utilities

## SECTION 101. DEFINITIONS

- (1) Applicable RTO: The Regional Transmission Organization that acts as the Transmission Provider for the Applicable Utility. Currently in Louisiana, the two Applicable RTOs are the Midcontinent Independent System Operator, Inc. and the Southwest Power Pool.
- (2) Applicable Utility: The utility providing electric service to the Eligible Customer.
- (3) Designated Renewable Generator: A generator sourced from a renewable resource that is located in Louisiana or with the service area of the utility that is party to a Wholesale Pass-Through Sleeved PPA. A Designated Renewable Generator must have a nameplate capacity of 5 MW or higher.
- (4) Designated Renewable Provider: An entity that develops, owns, or otherwise has legal control of a Designated Renewable Generator and the legal authority to contract for the capacity, energy, and renewable attributes of the Designated Renewable Generator.
- (5) Eligible Customer: A non-residential customer with a single peak summer demand of 5 MW or higher within the previous calendar year or an aggregated peak summer demand of 5 MW or higher within the previous calendar year. For purposes of aggregation, the customer aggregating demand must be the same legal entity or subsidiaries under the common control of the same legal entity.
- (6) Energy Displacement Sleeved PPA: A Sleeved PPA that in any way alters the Eligible Customer's Electric Service Agreement with the Applicable Utility or the Applicable Utility's rate schedule under which the Eligible Customer takes service, including through the displacement of usage or payments otherwise owed to the Applicable Utility.
- (7) Sleeved PPA: A Power Purchase Agreement for the capacity, energy, and renewable attributes of a Designated Renewable Generator that is negotiated between an Eligible Customer and a Designated Renewable Provider and brought to the Applicable Utility for execution by the Eligible Customer, the Designated Renewable Provider, and the Applicable Utility.
- (8) Standard Renewable PPA: The Purchase Power Agreement that an Applicable Utility would offer to any renewable generator owner or developer in the normal course of business and which the Applicable Utility will provide to any Eligible Customer seeking to contract a Wholesale Pass-Through PPA. In establishing a its Standard Renewable PPA, an Applicable Utility may rely on (a) the terms and conditions it has accepted in an executed renewable PPA; (b) the terms and conditions that it has proposed for use in a subscription-based program; or (c) the terms and conditions it has proposed in a Requests for Proposals for renewable resources. If no such terms and conditions exist, the Eligible Customer may rely on terms and conditions that are reasonable for the protection of the Applicable Utility and its customers.
- (9) Wholesale Pass-Through Sleeved PPA: A Sleeved PPA that provides financial costs and benefits to an Eligible Customer while not affecting any aspects of the Eligible Customer's Electric Service Agreement with the Applicable Utility or the Applicable Utility's rate schedule under which the Eligible Customer takes service.
- (10) Wholesale Pass-Through Sleeved PPA Rate Schedule: The rate schedule or rider that an Applicable Utility would include in its Tariff to allow Eligible Customers to enter into Wholesale Pass-Through Sleeved PPAs.

## SECTION 201. APPLICABILITY AND LIMITATIONS

This Rule shall apply to utilities under the jurisdiction of the Commission and governs any Wholesale Pass-Through Sleeved PPA entered into by an Applicable Utility. The total amount of Designated Renewable Generator capacity that can be contracted for under all Wholesale Pass-Through Sleeved PPAs entered into by an Applicable Utility shall not exceed 5 percent of the Applicable Utility's peak summer demand. A single Eligible Customer shall not enter into Wholesale Pass-Through Sleeved PPAs that in total contract for capacity that is more than 1

percent of the Applicable Utility's peak summer demand or more than 150% of the Eligible Customer's summer peak demand or aggregated summer peak demand.

### **SECTION 301. RATE SCHEDULE DEVELOPMENT**

An Applicable Utility must design and propose a Wholesale Pass-Through Sleeved PPA Rate Schedule if an Eligible Customer provides the Applicable Utility with a written notice of its intent to seek a Wholesale Pass-Through Sleeved PPA. This written notice of intent shall contain, at a minimum, the customer's peak load requirements, the size of the Wholesale Pass-Through Sleeved PPA it would be seeking to negotiate, and a description of its efforts to begin the process of negotiating such a Wholesale Pass-Through Sleeved PPA. This letter shall only be submitted to the Applicable Utility and may be marked as confidential.

If the Eligible Utility confirms that the letter of intent demonstrates that an Eligible Customer has interest in entering into a Wholesale Pass-Through Sleeved PPA that is compliant with this Rule, the Applicable Utility shall file notice with the Commission to open a docket for consideration of a Wholesale Pass-Through Sleeved PPA Rate Schedule specific to the Applicable Utility. Within that Docket, the Applicable Utility shall file for Commission approval of its Wholesale Pass-Through Sleeved PPA Rate Schedule. This filing shall be made within 60 days of receipt of the first Eligible Customer's letter of intent.

The Commission will consider and evaluate the Applicable Utility's Wholesale Pass-Through Sleeved PPA Rate Schedule and issue an Order approving or denying the proposed Wholesale Pass-Through Sleeved PPA Rate Schedule within 90 days of the Applicable Utility's filing of such rate schedule.

### **SECTION 302. RATE SCHEDULE MINIMUM REQUIREMENTS**

The Wholesale Pass-Through Sleeved PPA Rate Schedule must provide for any credits or charges that will be reflected on the invoice or bill provided to the Eligible Customer and how those credits and charges will be determined. As part of the credits provided to the Eligible Customer, the Wholesale Pass-Through Sleeved PPA Rate Schedule shall provide a credit for any accredited capacity provided by the Designated Renewable Resource based upon a capacity cost that is equal to (i) any capacity cost credit formula offered by other renewable programs of the Applicable Utility or (ii) a capacity cost credit proposed by the Applicable Utility and approved by the Commission. If a customer or class of customers are not fully contributing to the capacity of the system due to legacy provisions of their rate schedule, the Wholesale Pass-Through Sleeved PPA Rate Schedule shall exclude that customer or class of customers from receiving the credit for capacity.

The Wholesale Pass-Through Sleeved PPA Rate Schedule shall also include each of the following:

- (1) The identification of all customers who are defined as an Eligible Customer under this Rule.
- (2) The procedure and parameters for submitting an Eligible Customer Capacity Reservation Application as outlined in Section 401 of this Rule.
- (3) The maximum amount of Designated Renewable Resource capacity that the Applicable Utility can contract for under all Wholesale Pass-Through Sleeved PPAs, consistent with the provisions of Section 201 and expressed in Megawatts (MW) based on the Applicable Utility's summer peak load.
- (4) The maximum amount of Designated Renewable Resource capacity that a singled customer can contract for under Wholesale Pass-Through Sleeved PPAs, consistent with the provisions of Section 201 and expressed in Megawatts (MW) based on the Applicable Utility's summer peak load.
- (5) A provision governing how any minimum bill amount included in an Eligible Customer's electric service agreement or applicable rate schedule will be reflected if total credits under the Wholesale Pass-Through Sleeved PPA Rate Schedule would result in a bill less than that minimum bill amount.

The Wholesale Pass-Through Sleeved PPA Rate Schedule must attach the Applicable Utility's Standard Renewable PPA.

#### **SECTION 401. ELIGIBLE CUSTOMER CAPACITY RESERVATION APPLICATION**

To reserve capacity available under the Applicable Utility's Wholesale Pass-Through Sleeved PPA Rate Schedule, an Eligible Customer must submit the Eligible Customer Capacity Reservation Application provided as Attachment 1 to this Rule.

Upon receipt of an Eligible Customer Capacity Reservation Application, the Applicable Utility shall confirm that the information in the application is complete and accurate. Once that confirmation is complete, the Applicable Utility shall reserve capacity for the Eligible Customer under its Wholesale Pass-Through Sleeve PPA Rate Schedule. The utility shall then provide public notice of the availability of remaining capacity under its Wholesale Pass-Through Sleeve PPA Rate Schedule, including through its website.

#### **SECTION 501. WHOLESALE PASS-THROUGH SLEEVED PPA REQUIREMENTS**

The Eligible Customer and the Designated Renewable Provider must accept the terms and conditions of the Applicable Utility's Standard Renewable PPA, unless the Applicable Utility accepts modifications proposed by the Eligible Customer or the Designated Renewable Provider.

Any Wholesale Pass-Through Sleeved PPA must include the following:

- (1) Provisions providing that the Applicable Utility and its non-participating customers will have no obligation for the costs of constructing, maintaining, operating, replacing, decommissioning, or contracting for the Designated Renewable Resource.
- (2) A provision specifying that any penalties provided for under the Wholesale Pass-Through Sleeved PPA based on the Designated Renewable Resource's failure to provide capacity shall be provided to the Applicable Utility.
- (3) A provision protecting the Applicable Utility and its non-participating customers from any basis difference associated with nodal prices at the source of the generation and the Applicable Utility's Applicable RTO load zone.

The Designated Renewable Generator underlying the Wholesale Pass-Through Sleeved PPA must have network or point to point transmission service such that the renewable resource qualifies to provide capacity accreditation in the Applicable RTO.

#### **SECTION 502. ELIGIBLE CUSTOMER SUBMISSION OF PPA AND APPLICABLE UTILITY REVIEW**

After the Eligible Customer and the Designated Renewable Supplier have completed negotiations of the Wholesale Pass-Through Sleeved PPA, they shall submit the fully negotiated PPA to the Applicable Utility. The Applicable Utility will then have 60 days to review the Wholesale Pass-Through Sleeved PPA and execute it. During that time, the Applicable Utility may seek to make any changes to the Wholesale Pass-Through Sleeved PPA that would be required to make it compliance with this Rule.

At the expiration of the Applicable Utility's 60-day review period, it shall provide notice to the Eligible Customer that it has executed the Wholesale Pass-Through Sleeved PPA or that it refuses to execute the Wholesale Pass-Through Sleeved PPA.

If the Applicable Utility provides notice that it has executed the Wholesale Pass-Through Sleeved PPA, the parties will work together to submit the filing required in Section 601.

If the Applicable Utility provides notice that it refuses to execute the Wholesale Pass-Through Sleeved PPA, it shall provide written reasons for its refusal. The Eligible Customer may then submit a filing to the Commission under Section 601, attaching the Applicable Utility's written refusal. The Applicable Utility will be made a party to that proceeding.

## **SECTION 601. COMMISSION APPROVAL**

All Wholesale Pass-Through Sleeved PPAs must be approved by the Commission. The filing seeking such approval should be jointly submitted by the Eligible Customer and the Applicable Utility unless the Applicable Utility has refused to execute the Wholesale Pass-Through Sleeved PPA under the circumstances described in Section 502, in which case the filing may be submitted by the Eligible Customer.

If a Wholesale Pass-Through Sleeved PPA includes one of the following three customer-protection provisions, then it will be considered by the Commission under an expedited 60-day approval process:

- (1) A collateral provision specifying the exact form of collateral posted by the participating customer and the amount of such collateral;
- (2) A provision that provides the utility the right to terminate the PPA if the participating customer defaults on its obligations under the PPA for any reason; or
- (3) A provision that provides that any obligations of the utility under the PPA is contingent upon the participating customer's payment under the PPA, and that the Seller under the PPA will have no recourse against the utility in the event that the participating customer defaults on its payment obligation.

The filing seeking to utilize the expedited 60-day approval process must fully explain how at least one of these customer-protection provisions is incorporated into the Wholesale Pass-Through Sleeved PPA and, in the case of the collateral option provided for in Section 601(1), explain how the amount of collateral posted is sufficient to cover all payment obligations over the entire term of the PPA. The Commission will use its reasonable best efforts to issue an Order approving or denying a Wholesale Pass-Through Sleeved PPA within 60 days of receipt of the filing seeking expedited approval. During those 60 days, Commission and Intervenors may submit requests for information, which requests will be responded to by the Applicants within 10 days of receipt.

If a Wholesale Pass-Through Sleeved PPA does not include any of the three customer-protection provisions, that Wholesale Pass-Through Sleeved PPA must be certified by the Commission pursuant to the Commission's 1983 General Order, as amended.<sup>1</sup> A filing requesting certification under these circumstances can be made by the Eligible Customer or jointly by the Eligible Customer and the Eligible Utility.

If a utility receives a Wholesale Pass-Through Sleeved PPA that does not include any of the three customer-protection provisions but supports advancing approval through the expedited 60-day approval process, then the utility can provide written support for that option in the filing for commission approval. In its written support, the utility shall explicitly state the reasons it has voluntarily agreed to the expedited approval process, including an explanation of how the Wholesale Pass-Through Sleeved PPA will not harm non-participant customers. The Commission will then consider the filing pursuant to the same procedure it would for a Wholesale Pass-Through Sleeved PPA that incorporates one of the three customer-protection provisions.

A Commission Order approving any filing for approval or certification of a Wholesale Pass-Through Sleeved PPA shall include language stating: "At such time as [Applicable Utility] experiences adverse financial implications resulting from debt imputation or the treatment of this Wholesale Pass-Through Sleeved PPA as a long-term liability, [Applicable Utility] may seek rate relief from the Commission to mitigate the effects of such treatment."

## **SECTION 701. PROHIBITIONS**

This Rule does not authorize Energy Displacement Sleeved PPAs. Such forms of Sleeved PPAs are prohibited.

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<sup>1</sup> General Order, *In re. In the Matter of the Expansion of Utility Power Plant; Proposed Certification of New Plant by the LPSC*, dated September 20, 1983, as amended by the General Order in Docket No. R 30517 dated October 29, 2008, and corrected May 27, 2009.

This Rule does not authorize any form of Sleeved PPAs other than those with a Designated Renewable Generator.

No party shall submit a Wholesale Pass-Through Sleeved PPA for a Designated Renewable Generator that has been included in any transaction currently being negotiated with an Applicable Utility. No party shall submit a Wholesale Pass-Through Sleeved PPA for a Designated Renewable Generator that is currently participating an Applicable Utility's Requests for Proposals process or has voluntarily withdrawn from an Applicable Utility's Requests for Proposals within three months of the Eligible Customer Capacity Reservation Application outlined in Section 401 of this Rule.

#### **SECTION 801. SEVERABILITY**

In the event that any provision or portion of this Order is ruled to be unlawful by final order of any court of competent jurisdiction, it is the intent of the Commission that the remaining portions of the rule will survive and remain in full force and effect, subject to any further action of the Commission after due proceedings in accordance with the Commission's rules and applicable law.

**Exhibit A**

**CONFIDENTIAL**

**ELIGIBLE CUSTOMER CAPACITY RESERVATION APPLICATION**

The Eligible Customer identified below seeks to reserve capacity under Applicable Utility's Wholesale Pass-Through Sleeved PPA Rate Schedule. Customer represents as follows:

**Eligible Customer Information**

Name:

Applicable Utility:

Last set peak summer demand: \_\_\_\_\_ [ ] Aggregated

If Aggregated list all customer locations:

**Details of Wholesale Pass-Through Sleeved PPA:**

Counterparty:

Nameplate Capacity of Designated Renewable Generator:

Location of Designated Renewable Generator (Parish and City):

Term of PPA:

Price:

RTO Queue Project #:

RTO Queue Status:

Description of Negotiations to Date: