

BEFORE THE  
LOUISIANA PUBLIC SERVICE COMMISSION

2023 JUN 30 PM 4: 27

LOUISIANA PUBLIC SERVICE COMMISSION  
EX PARTE

DOCKET NO. R-36263 SERVICE  
COMMISSION

In re: Consideration of Whether the Commission Should Adopt Minimum Physical Capacity  
Threshold Requirements for Load Serving Entities

**NORTHEAST LOUISIANA POWER COOPERATIVE, INC.'S  
RESPONSES TO LPSC STAFF'S  
FIRST SET OF REQUESTS FOR INFORMATION**

NOW COMES, through undersigned counsel, Northeast Louisiana Power Cooperative,  
Inc. ("NELPCO"), which respectfully submits its objections and responses to the First Set of  
Requests for Information propounded by Staff of the Louisiana Public Service Commission  
("LPSC" or "Commission").

**GENERAL OBJECTIONS**

NELPCO objects to any RFI that seek any privileged information, including information  
covered by the attorney-client privilege, the work product privilege or any other privilege  
recognized under applicable law.

NELPCO objects to any RFI that requires speculation or requests an official position  
prior to publication of a proposed rule.

**RESPONSES AND SPECIFIC OBJECTIONS**

**1-1 For Louisiana utilities participating in this docket, please provide all projections  
that you have for load over the next 10 years.**

**NELPCO's Response to RFI No. 1-1:**

See NELPCO's **Confidential** Exhibit NELPCO-1 and **Confidential** Exhibit NELPCO-2 for its  
load projections for its customers, attached hereto.

Response provided by: Jeff Churchwell



**1-2 For Louisiana utilities participating in this docket, please provide all projections that you have for your utility's capacity to meet its load projections over the next 10 years and identify all current sources of generation capacity and any proposed capacity additions over the 10-year horizon.**

**NELPCO's Response to RFI No. 1-2:**

Currently and until 2025, NELPCO's capacity will be served 100% through its Power Supply and Services Agreement ("PSSA") with Cleco Cajun together with a small portion of its requirements being supplied by the U.S. Department of Energy Southwestern Power Administration. Beginning in 2025, NELPCO's capacity plan is fulfilled by the resources certified by the LPSC in Order No. U-35927. See NELPCO's response to RFI No. 1-4, below, as well for a description of the resources certified by the LPSC in Order No. U-35927 which will provide capacity for the period for the period of 2025 through 2032.

Response provided by: Jeff Churchwell

**1-3 Please provide all planned retirements of generation that you own over the next 10 years.**

**NELPCO's Response to RFI No. 1-3:**

None. NELPCO does not own any generating units; therefore, NELPCO has no planned retirements.

Response provided by: Jeff Churchwell

**1-4 Please provide all planned terminations of PPAs that you have over the next 10 years.**

**NELPCO's Response to RFI No. 1-4:**

NELPCO is currently a party to a Power Supply and Services Agreement ("PSSA") with Cleco Cajun. The PSSA will expire on December 31, 2024 and will not be renewed or extended. NELPCO is a member of 1803 Cooperative, Inc. ("1803"), and, as such, is an indirect party to the six PPAs between 1803 and the various counter-parties, which PPAs were approved by the Commission in Order No. U-35927. The PPAs are as follows:

- 1) Capacity Sale and Tolling Agreement Between Magnolia Power LLC and 1803 Electric Cooperative, Inc., which is a 20-year PPA that has a Delivery Commencement Date of March 1, 2025 and is scheduled to expire on February 28,

2045. The PPA will be sourced from the to-be-constructed Magnolia Combined Cycle Generating Turbine (“Magnolia”).

- 2) Renewable Generation Unit Power Purchase Agreement Between 1803 Electric Cooperative, Inc. As Buyer and Bayou Galion Solar Project, LLC As Seller, which is a 20-year PPA with a Delivery Start Date of January 1, 2025 and which is scheduled to expire on May 31, 2045.
- 3) Solar Energy Purchase Agreement Between 1803 Electric Cooperative, Inc. and Bayou Chicot Solar, LLC, which is a 20-year PPA with a Delivery Date of January 1, 2025 and which is scheduled to expire on December 31, 2044.
- 4) Solar Energy Purchase Agreement Between 1803 Electric Cooperative, Inc. and Bayou Teche Solar, LLC, which is a 20-year PPA with a Delivery Date of January 1, 2025 and which is scheduled to expire on December 31, 2044.
- 5) Power Supply Agreement Between Exelon Generation Company, LLC and 1803 Electric Cooperative, Inc., which is a 5-year PPA with a Delivery Date of January 1, 2025 and which is scheduled to expire on May 31, 2030.
- 6) EEI Master Power Purchase and Sale Agreement and Confirmation Letter Between Calpine Energy Services, L.P. and 1803 Electric Cooperative, Inc., which is a 5-year PPA with a Delivery Date of June 1, 2025 and which is scheduled to expire on May 31, 2030.

These PPAs will replace NELPCO’s power supply currently provided through the PSSA with Cleco Cajun. Each of these PPAs could expire or be renewed at the end of its term.

Response provided by: Jeff Churchwell

**1-5 Please provide all projections that you have regarding the capacity and load within Louisiana over the next ten years.**

**NELPCO’s Response to RFI No. 1-5:**

NELPCO does not have any capacity / load projections for all of Louisiana. See NELPCO’s response to RFI No. 1-1 and **Confidential** Exhibit NELPCO-1-1 and **Confidential** Exhibit NELPCO-2 for its load projections for its customers.

Response provided by: Jeff Churchwell

**1-6 Please provide all projections that you have regarding the capacity and load within MISO Zone 9 over the next ten years.**

**NELPCO’s Response to RFI No. 1-6:**

NELPCO does not have any capacity / load projections for MISO Zone 9.

Response provided by: Jeff Churchwell

**1-7 Please provide your definition of "physical capacity." In doing so, provide specific examples of what types of generation would be included in that definition and what types of generation would not be included in that definition.**

**NELPCO's Response to RFI No. 1-7:**

NELPCO does not have a definition of "physical capacity" in the context of any minimum capacity threshold requirement.

Response provided by: Jeff Churchwell

**1-8 Please identify any states you are aware of that have implemented a minimum requirement for Load Serving Entities to obtain physical capacity. In doing so, please explain in narrative fashion the construct adopted by any of those states and provide any documentation that outlines those constructs.**

**NELPCO's Response to RFI No. 1-8:**

NELPCO is not aware of any states that have implemented a minimum requirement for Load Serving Entities to obtain physical capacity.

Response provided by: Jeff Churchwell

**1-9 Please identify and explain any benefits that would result from the LPSC adopting a minimum requirement for Load Serving Entities to obtain physical capacity.**

**NELPCO's Response to RFI No. 1-9:**

The answer to this request as well as RFI Nos. 1-10 through 1-15 and 1-17 would depend on the context regarding how any such rules requiring a minimum requirement for Load Serving Entities to obtain physical capacity would be structured. NELPCO can see some benefit to ensuring that LSEs have some of their supply sourced to generating units, but the amount of such supply to be so secured and the conditions and circumstances under which it is to be so secured are important variables that require much further study to reasonably respond regarding matters such as costs, benefits, detriments and the like of such a requirement. As a result, at this point in time, NELPCO does not have a position regarding this request.

Response provided by: Jeff Churchwell

**1-10 Please identify and explain any risks or detriments that would result from the LPSC adopting a minimum requirement for Load Serving Entities to obtain physical capacity.**

**Please include both generic risks or detriments, as well as any risks or detriments specific to you.**

**NELPCO's Response to RFI No. 1-10:**

See NELPCO's response to RFI No. 1-9.

Response provided by: Jeff Churchwell

**1-11 If the LPSC were to adopt a minimum capacity requirement, what should be the time frame over which that initial requirement applies?**

**NELPCO's Response to RFI No. 1-11:**

See NELPCO's response to RFI No. 1-9. Subject to NELPCO's response to RFI No. 1-9, any such time frame over which a new requirement for LSEs to meet a minimum capacity threshold should account for the delay in constructing new generating assets.

Response provided by: Jeff Churchwell

**1-12 If the LPSC were to adopt a minimum capacity threshold for Load Serving Entities, what should be the appropriate minimum physical capacity threshold requirement stated as a percentage of load? Please explain the basis for your response.**

**NELPCO's Response to RFI No. 1-12:**

See NELPCO's response to RFI No. 1-9.

Response provided by: Jeff Churchwell

**1-13 If the LPSC were to adopt a minimum capacity threshold for Load Serving Entities, should that minimum threshold include seasonal requirements (e.g., winter and summer)? If so, what should those seasonal requirements be?**

**NELPCO's Response to RFI No. 1-13:**

See NELPCO's response to RFI No. 1-9.

Response provided by: Jeff Churchwell

**1-14 If the LPSC were to adopt a minimum capacity threshold for Load Serving Entities, should that minimum threshold include a locational requirement? If so, what should that locational requirement be?**

**NELPCO's Response to RFI No. 1-14:**

See NELPCO's response to RFI No. 1-9.

Response provided by: Jeff Churchwell

**1-15 If the LPSC were to adopt a minimum capacity threshold for Load Serving Entities, what basis should it use for generator accreditation?**

**NELPCO's Response to RFI No. 1-15:**

See NELPCO's response to RFI No. 1-9.

Response provided by: Jeff Churchwell

**1-16 Do you believe that you are subject to LPSC jurisdiction for purposes of determining the appropriate level of resource adequacy? Please explain your response.**

**NELPCO's Response to RFI No. 1-16:**

Objection. NELPCO objects to this RFI as it calls for a legal conclusion.

Nonetheless, and without waiving such objection, NELPCO's position is that it is subject to the jurisdiction of the LPSC. That said, NELPCO does not have a position at this time regarding whether the LPSC's subject matter jurisdiction would extend to "determining the appropriate level of resource adequacy" or concerning the proper standard for establishing a level of resource adequacy that would be considered "appropriate".

Response provided by: Luke Piontek; Jeff Churchwell

**1-17 If the LPSC were to adopt a minimum capacity threshold for Load Serving Entities, what is your opinion on how such a requirement would affect the capacity and energy markets in Louisiana?**

**NELPCO's Response to RFI No. 1-17:**

See NELPCO's response to RFI No. 1-9.

Response provided by: Jeff Churchwell

Respectfully submitted:

**ROEDEL, PARSONS, BLACHE, FONTANA  
PIONTEK & PISANO**

8440 Jefferson Highway, Suite 301

Baton Rouge, LA 70809

Telephone: (225) 929-7033

Facsimile: (225) 928-4925

By: \_\_\_\_\_



Luke F. Piontek (Bar Roll #19979)

George W. Hardy (Bar Roll # 38012)

Daniel T. Price (Bar Roll #39500)

*Counsel for Northeast Louisiana Power Cooperative, Inc.*

**CERTIFICATE**

I hereby certify that on this day a copy of the foregoing Northeast Louisiana Power Cooperative, Inc.'s Responses and Responses to LPSC Staff's First Set of Requests for Information has been sent to the official service list by email, and served by United States mail, postage prepaid, through their representatives, at the following addresses:

All Commissioners

Lauren Evans LPSC Staff Attorney P.O. Box 91154 Baton Rouge, LA 70821 E: <a href="mailto:lauren.evans@la.gov">lauren.evans@la.gov</a>	Donnie Marks LPSC Staff P.O. Box 91154 Baton Rouge, LA 70821 E: <a href="mailto:Donnie.marks@la.gov">Donnie.marks@la.gov</a> <a href="mailto:lauren.evans@la.gov">mailto:lauren.evans@la.gov</a>
Robin Pendergrass LPSC Staff P.O. Box 91154 Baton Rouge, LA 70821 E: <a href="mailto:robin.pendergrass@la.gov">robin.pendergrass@la.gov</a>	R. Lane Sisung 201 St. Charles Avenue Suite 4240 New Orleans, LA 70170 E: <a href="mailto:lane@sisung.com">lane@sisung.com</a>
Paul Chastant 201 St. Charles Avenue Suite 4240 New Orleans, LA 70170 E: <a href="mailto:paul@sisung.com">paul@sisung.com</a>	Julie Viviano 201 St. Charles Avenue Suite 4240 New Orleans, LA 70170 E: <a href="mailto:julie@sisung.com">julie@sisung.com</a>
Tom McGunkin 201 St. Charles Avenue Suite 4240 New Orleans, LA 70170 E: <a href="mailto:tom@sisung.com">tom@sisung.com</a>	Taylor Dunne Taylor Porter P.O. Box 2471 Baton Rouge, LA 70821-2471 E: <a href="mailto:Taylor.dunne@taylorporter.com">Taylor.dunne@taylorporter.com</a>
Kara B. Kantrow 10202 Jefferson Highway Building C Baton Rouge, LA 70809 E: <a href="mailto:kara@mklawla.com">kara@mklawla.com</a>	Thomas D. Gildersleeve Taylor Porter P.O. Box 2471 Baton Rouge, LA 70821-2471 E: <a href="mailto:Tommy.Gildersleeve@taylorporter.com">Tommy.Gildersleeve@taylorporter.com</a>

<p>Kyle Marionneaux  10202 Jefferson Highway  Building C  Baton Rouge, LA 70809  E: <a href="mailto:kyle@mklawla.com">kyle@mklawla.com</a></p>	<p>Hunter Odom, III  10202 Jefferson Highway  Building C  Baton Rouge, LA 70809  E: <a href="mailto:hunter@mklawla.com">hunter@mklawla.com</a></p>
<p>David L. Guerry  3080 Svendson Drive  Baton Rouge, LA 70809  E: <a href="mailto:dlg@dlguerry.com">dlg@dlguerry.com</a></p>	<p>Jeremy Kliebert  112 Telly Street  New Roads, LA 70760  E: <a href="mailto:Jeremy.kliebert@cleco.com">Jeremy.kliebert@cleco.com</a></p>
<p>Paul Guarisco  Phelps Dunbar  400 Convention Street, Suite 1100  Baton Rouge, LA 70802  E: <a href="mailto:paul.guarisco@phelps.com">paul.guarisco@phelps.com</a></p>	<p>Nathan Huntwork  Phelps Dunbar  365 Canal Street, Suite 2000  New Orleans, LA 70130  E: <a href="mailto:Nathan.huntwork@phelps.com">Nathan.huntwork@phelps.com</a></p>
<p>John Shirley  Phelps Dunbar  400 Convention Street, Suite 1100  Baton Rouge, LA 70802  E: <a href="mailto:John.shirley@phelps.com">John.shirley@phelps.com</a></p>	<p>Taylor Boudreaux  Phelps Dunbar  400 Convention Street, Suite 1100  Baton Rouge, LA 70802  E: <a href="mailto:Taylor.boudreaux@phelps.com">Taylor.boudreaux@phelps.com</a></p>
<p>Elizabeth Ingram  Entergy Services, LLC  4809 Jefferson Highway  Mail Unit L-JEF-357  Jefferson, LA 70121  E: <a href="mailto:eingram@entergy.com">eingram@entergy.com</a></p>	<p>Lawrence Hand, Jr.  Entergy Louisiana, LLC  639 Loyola Avenue  Mail Unit L-ENT-26E  New Orleans, LA 70113  E: <a href="mailto:lhand@entergy.com">lhand@entergy.com</a></p>
<p>Mark Kleehammer  Entergy Services, LLC  4809 Jefferson Highway  Mail Unit L-JEF-357  Jefferson, LA 70121  E: <a href="mailto:mkleeha@entergy.com">mkleeha@entergy.com</a></p>	<p>Erin Murphy  Entergy Louisiana, LLC  639 Loyola Avenue  Mail Unit L-ENT-26E  New Orleans, LA 70113  E: <a href="mailto:emurph6@entergy.com">emurph6@entergy.com</a></p>
<p>Gordon Polozola  Kean Miller  P.O. Box 3513  Baton Rouge, LA 70821  E: <a href="mailto:Gordon.polozola@keanmiller.com">Gordon.polozola@keanmiller.com</a></p>	<p>Randy Young  Kean Miller  P.O. Box 3513  Baton Rouge, LA 70821  E: <a href="mailto:Randy.young@keanmiller.com">Randy.young@keanmiller.com</a></p>

<p>Carrie Tournillon Kean Miller 909 Poydras Street Suite 3600 New Orleans, LA 70112 E: <a href="mailto:Carrie.tournillon@keanmiller.com">Carrie.tournillon@keanmiller.com</a></p> <p>Julie Friedberg Kindle Energy, ILC 500 Alexander Park Drive Suite 300 Princeton, NJ 08540 E: <a href="mailto:julie.friedberg@kindle-energy.com">julie.friedberg@kindle-energy.com</a></p>	<p>Janet Boles Boles Law Firm 7914 Wrenwood Boulevard Suite A Baton Rouge, LA 70809 E: <a href="mailto:janet@boleslaw.com">janet@boleslaw.com</a></p> <p>Grace Kurdian Kindle Energy, ILC 500 Alexander Park Drive Suite 300 Princeton, NJ 08540 E: <a href="mailto:grace.kurdian@kindle-energy.com">grace.kurdian@kindle-energy.com</a></p>
<p>Edward H Bergin Jones Walker 201 St. Charles Avenue 49th Floor New Orleans, LA 70170 E: <a href="mailto:nbergin@joneswalker.com">nbergin@joneswalker.com</a></p>	<p>Brian J. Murphy 700 Universe Boulevard Juno Beach, FL 33408 E: <a href="mailto:Brian.j.murphy@nee.com">Brian.j.murphy@nee.com</a></p>
<p>Jennifer J. Vosburg P.O. Box 956 New Roads, LA 70760 E: <a href="mailto:jjv@jenniferjvosburg.com">jjv@jenniferjvosburg.com</a></p>	<p>Myron Lambert P.O. Box 160 New Roads, LA 70760 E: <a href="mailto:mlambert@pcemc.org">mlambert@pcemc.org</a></p>
<p>Simon A. Mahan 11610 Pleasant Ridge Road Little Rock, AR 72223 E: <a href="mailto:simon@southernwind.org">simon@southernwind.org</a></p>	<p>Theodore Edwards P.O. Box 2908 Lafayette, LA 70501 E: <a href="mailto:gedwards@davidsonmeaux.com">gedwards@davidsonmeaux.com</a></p>
<p>Elizabeth Bonnette P.O. Box 2908 Lafayette, LA 70501 E: <a href="mailto:lleblanc@davidsonmeaux.com">lleblanc@davidsonmeaux.com</a></p>	<p>Hoa Nguyen P.O. Box 2908 Lafayette, LA 70501 E: <a href="mailto:hnguyen@davidsonmeaux.com">hnguyen@davidsonmeaux.com</a></p>
<p>Christopher Piasecki P.O. Box 2908 Lafayette, LA 70501 E: <a href="mailto:cpiasecki@davidsonmeaux.com">cpiasecki@davidsonmeaux.com</a></p>	<p>Cynthia Brady Constellation Energy Generation 4300 Winfield Road Warrenville, IL 60555 E: <a href="mailto:Cynthia.brady@constellation.com">Cynthia.brady@constellation.com</a></p>

John Orr Constellation Energy Generation Houston, TX 77002 E: <a href="mailto:John.orr@constellation.com">John.orr@constellation.com</a>	Jonathan McCarney 400 Travis Street Suite 1700 Shreveport, LA 71101 E: <a href="mailto:jmccartney@wcglawfirm.com">jmccartney@wcglawfirm.com</a>
Bobby Gilliam 400 Travis Street Suite 1700 Shreveport, LA 71101 E: <a href="mailto:bgilliam@wcglawfirm.com">bgilliam@wcglawfirm.com</a>	

Baton Rouge, Louisiana, this 30<sup>th</sup> day of June, 2022.



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Luke F. Piontek