

Louisiana Public Service Commission



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JOHNNY E. SNELMGROVE, JR
Deputy Undersecretary

March 29, 2019

VIA EMAIL

Re: LPSC RFP 19-07, Docket No. R-35142 In re: Rulemaking Regarding Alternative Methods of Financing and the Approvals Necessary Under the Commission's March 18, 1994 and November 13, 1996 General Orders.

To all LPSC qualified counsel:

Enclosed please find a Request for Proposals ("RFP") for **outside independent technical counsel** issued by the Louisiana Public Service Commission for the above referenced subject. If your firm is interested in submitting a proposal, please review the RFP carefully to determine whether your firm meets the specific requirements to qualify for this representation.

All Proposals must include a showing that your firm possesses the requisite qualifications and experience to represent the Commission in this matter. Also, please note that all Proposals, including the **original, plus (5) five copies and an electronic copy** must be received on or before April 18, 2019 at 4:30 p.m. Selection of a counsel is anticipated to take place at the Commission's April 24, 2019 Business and Executive Session.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Melissa Watson".

Melissa Watson
Deputy General Counsel

Enclosure

19-07
LOUISIANA PUBLIC SERVICE COMMISSION
REQUEST FOR PROPOSALS (“RFP”)
March 29, 2019

DOCKET NO. R-35142, In re: Rulemaking Regarding Alternative Methods of Financing and the Approvals Necessary Under the Commission’s March 18, 1994 and November 13, 1996 General Orders.

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”) to **outside counsel** who will assist the Commission Staff in its review of this proceeding. It is anticipated that qualifying proposals will be placed on the April 2019 Business and Executive Session (“B&E”) Agenda for Commission consideration.

I. Overview

This docket was initiated pursuant to unopposed directive of Commissioner Skrmetta at the B&E held February 21, 2019, as follows:

Currently, the Commission has general orders that govern transfers of control of utilities and their assets as well as stock transfers and incurrence of debt in similar scenarios. Recently, utilities have engaged or considered alternative methods of acquiring assets and financing that may not be specifically covered by these orders. Accordingly, I direct Staff to open a rulemaking to recommend modifications, if necessary, to these general orders. I further direct that Staff be authorized to solicit bids for outside assistance with this docket to the extent needed.

Notice of this proceeding was published in the Commission’s Official Bulletin dated March 22, 2019 for a 25-day intervention period.

II. Scope of Representation

All proposals shall include an outline of a plan of action for conducting this rulemaking proceeding. Additionally, the applicant must be prepared to assist Commission Staff in reviewing all documentation provided by intervening parties, identification and research of legal and policy issues, drafting requests for comments and reviewing responses thereto, drafting proposed rules, presiding over technical conferences, preparing briefing materials for Staff and Commissioners, appearing before the Commission at B&Es, and conducting informal meetings with the parties and

Commissioners as necessary. 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

The time period estimated to complete the Scope of Representation is approximately 12 months. However, this is merely an estimate and the Commission makes no representations as to the accuracy of the Period of Representation.

IV. Minimum Requirements

To be considered, all applicants must meet the following minimum requirements *in addition to those provided* in the Commissions General Order dated November 10, 2014. Consideration will be given to factors such as educational background and achievement, practical experience in the field of public utility practice and similar practice before other state public utility commissions; in addition to the applicant's knowledge of Louisiana ratemaking standards, regulatory law, and formula rate plans.

Applicants shall also be experienced in participating in cases involving public utility regulation, or other regulatory issues on administrative and judicial levels, including the presentation of policy through rulemakings, direct testimony, reports or recommendations; and, the analysis of comments, pleadings, recommendations or exceptions. Consideration is given to indicia of competence such as previous experience in complex cases, publications, educational achievement and other previous employment suggesting competence in regulatory matters involving the above areas; significant personal experiences before regulatory agencies such as the SEC, FERC, FCC, or other similar entities may be a favorable factor. Firm size may be considered in matters likely to be prolonged, complex, or involving multiple forums.

The applicant shall be qualified and prepared to assist in drafting and issuance recommendations on proposed rules with respect to all of the issues addressed in this RFP and which are likely to arise in the proceeding. The applicant shall be experienced in public utility regulation and have knowledge of Commission ratemaking and jurisdictional issues and knowledge of appropriate accounting standards and practices for electric utilities. Applicant should be familiar with the Commission's March 18, 1994 and November 13, 1996 General Orders and the appropriate analyses to be conducted in the application thereof and utility financing methods and cost recovery related to utility financing

V. Estimate of Costs

All proposals shall include fees and costs associated with this RFP. 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 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. 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 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 General Order regarding the selection of contract employees, the LPSC has the right to accept other than the lowest offer with regard to price. In addition, there is also no assurance, express or implied, that an award will necessarily be made pursuant to this RFP.

IX. Submission of Proposals

Interested parties should submit the **original (hard copy), 5 copies, and e-mail an electronic copy** of the proposal to:

Kim Trosclair
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602 North Fifth Street (Galvez Building) (70802)
P.O. Box 91154
Baton Rouge, Louisiana 70821-9154
Phone: (225) 342-9888
Fax: (225) 342-5610
Email: kim.trosclair@la.gov
melissa.watson@la.gov

To be considered, an original, five copies, and the electronic copy of the proposal must be received on or before **Thursday, April 18, 2019 at 4:30 p.m.** Selection is anticipated to take place at the Commission's September Business and Executive Session, which is currently scheduled for April 24, 2019. Information concerning billing procedures and the Commission's RFP policy may be obtained from the address listed above, or by calling (225) 342-9888.