

# Louisiana Public Service Commission



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

Telephone: (225) 342-9888

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January 29, 2020

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Deputy Undersecretary

## VIA EMAIL

***RFP 20-01 DOCKET NO. R-35462, Louisiana Public Service Commission, ex parte, In re: Rulemaking to Research and Evaluate Customer-Centered Options for all Electric Customer Classes as well as Other Regulatory Environments.***

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 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 (3) three copies, and an electronic copy** must be received on or before **February 28, 2020 at 4:30 p.m.** Selection of consultants is anticipated to take place at the Commission's **March 18, 2020 Business and Executive Session**

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

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Bowman".

Kathryn H. Bowman  
Executive Counsel

Enclosure

**20-01**  
**LOUISIANA PUBLIC SERVICE COMMISSION**  
**REQUEST FOR PROPOSALS (“RFP”)**  
**January 29, 2020**

**DOCKET NO. R-35462, Louisiana Public Service Commission, ex parte, In re: *Rulemaking to Research and Evaluate Customer-Centered Options for all Electric Customer Classes as well as Other Regulatory Environments.***

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 research and evaluation of customer-centered options for all electric customer classes as well as other regulatory environments. **It is anticipated that qualifying proposals will be placed on the March 18, 2020 Business and Executive Session (“B&E”) Agenda for Commission consideration.**

**I. Overview**

At the Commission’s December 18, 2019 Business and Executive Session (“B&E”), a directive was made by Commissioner Greene, and unanimously adopted, to:

[R]esearch customer-centered options for all customer classes as well as other regulatory environments and recommend a plan for how to ensure customers are the focus here in Louisiana. That analysis may reveal that our current policies are fundamentally on the right track, and if so great, but let’s take a look. Even if we are headed in the right direction, there are likely to be incremental improvements to be identified that we can implement.

Based on this directive, Staff filed a Notice of Proceeding opening Docket No. R-35462. Notice of this Proceeding was published in the Commission’s Official Bulletin dated January 10, 2020 with a twenty-five (25) intervention period. As of the date of this RFP, four (4) parties have intervened: Cleco Power, LLC; the Louisiana Energy Users Group; Occidental Chemical Corporation; and Entergy Louisiana, LLC.

**II. Scope of Representation**

Bidders will be assisting in-house Staff (counsel, auditing, and utilities), as well as an outside consultant with this docket. Bidders will assist in drafting request for comments and/or requests for information; review and analyze information received from those requests; assist in drafting a Staff Recommendation, which could include the drafting of proposed rules and regulations; conduct independent research relevant to customer-centered options for electric customer classes; participate in technical conference(s) and formal/informal meetings with

stakeholders, Staff, and/or the Commissioners; and participate at a Business and Executive Session where this docket may be discussed and considered.

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.

Bidders shall also, at a minimum, be experienced in participating in cases involving public utility regulation, or other regulatory issues on administrative and judicial levels, including direct and cross-examination of witnesses, presentation of reports and recommendations, assistance in developing cross examination of adverse witnesses, and the analysis of pleadings, recommendations and 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.

Bidders shall be qualified and prepared to assist 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.

All proposals shall include a plan of action, estimated timeline, and fees and costs associated with completing the scope of representation above. This will result in one proposal. However, in the event an applicant is chosen, Commission and its Staff shall have the right to determine how the tasks will be carried out. In addition, all proposals shall demonstrate that the Applicant has the qualifications and experience necessary to meet the requirements of this request

for proposals. Applicants will only be considered if proposals meet all of the requirements of this request for proposals and the Commission's Contract Order.

**V. Estimate of Costs**

All proposals shall include fees and costs associated with the engagement. All bidders 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, bidders shall only be allowed to charge for actual hours of work performed and costs incurred. Once selected, a bidder'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.

**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), 3 copies, and e-mail an electronic copy** of the proposal to:

Jessica Aucoin  
Louisiana Public Service Commission  
Office of the General Counsel  
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: [jessica.aucoin@la.gov](mailto:jessica.aucoin@la.gov)  
[kathryn.bowman@la.gov](mailto:kathryn.bowman@la.gov)

To be considered, an original, three copies, and the electronic copy of the proposal must be received on or before **February 28, 2020 at 4:30 p.m. Selection of consultants is anticipated to take place at the Commission's March 18, 2020 Business and Executive Session.** Information concerning billing procedures and the Commission's RFP policy may be obtained from the address listed above, or by calling (225) 342-9888.