

Louisiana Public Service Commission



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August 5, 2016

EVE KAHAO GONZALEZ
Executive Secretary

BRANDON FREY
Executive Counsel

JOHNNY E. SNELLGROVE, JR
Deputy Undersecretary

VIA E-MAIL:

***RFP 16-16 Docket No. U-32245 Louisiana Public Service Commission, ex parte.
In re: Audit of Entergy Gulf States Louisiana, L.L.C.'s charges flowed through
its Fuel Adjustment Charge, pursuant to Commission General Order U-21497
dated November 6, 1997, from the period beginning January 1, 2005 through
December 31, 2009.***

To all LPSC qualified counsel:

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 (5) five copies and an electronic copy** must be received on or before **August 25, 2016**. Selection of outside counsel is anticipated to take place at the Commission's, **August 31, 2016 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 "Brandon M. Frey" with a stylized flourish at the end.

Brandon M. Frey
Executive Counsel

BF/khr
Enclosure

RFP 16-16
LOUISIANA PUBLIC SERVICE COMMISSION
REQUEST FOR PROPOSALS (“RFP”)
August 5, 2016

DOCKET NO. U-32245: Louisiana Public Service Commission, ex parte. In re: Audit of Entergy Gulf States Louisiana, L.L.C.’s charges flowed through its Fuel Adjustment Charge, pursuant to Commission General Order U-21497 dated November 6, 1997, from the period beginning January 1, 2005 through December 31, 2009.

The Louisiana Public Service Commission (“Commission” or “LPSC”), in accordance with the requirements of the LPSC’s General Order dated November 10, 2014 regarding the selection of contract employees to represent the Commission (“Contract Order”), issues this Request for Proposals (“RFP”) to **outside counsel** who will assist the Commission Staff with the referenced docket.

I. Overview

The Louisiana Public Service Commission Staff filed its Report of Commission Staff on March 24, 2016 setting forth its audit findings. Notice of the issuance of the Report of Commission Staff was published in the Commission’s Official Bulletin dated March 25, 2016, and parties have intervened. A procedural schedule was adopted and reflected in the Report of Initial Status Conference issued May 24, 2016 by Administrative Law Judge Steve Kabel. At the Commission’s July 27, 2016 Business and Executive Session (“B&E”), Commissioner Skrmetta directed the Administrative Law Judge to set a status conference to work with the parties to develop a procedural schedule to have this matter ready for a Commission vote no later than the February 2017 B&E. The revised procedural schedule is set forth in the Report of August 3, 2016 Status Conference issued August 4 by ALJ Kabel. At the status conference, counsel for Intervenors indicated that they did not intend to raise additional issues beyond those raised by Commission Staff and the procedural schedule that was adopted is based on that representation. The procedural schedule is as follows:

August 17, 2016	Deadline for Legacy-EGSL to file a Statement of Response to the Report of the Commission Staff filed on March 24, 2016. No testimony shall be due at this time.
September 16, 2016	Deadline for Commission Staff and Intervenors to file Direct Testimony.
September 16, 2016	Cutoff for general written discovery. All discovery propounded after this date shall be limited to the most recently-filed round of testimony (10-day turnaround).
October 17, 2016	Deadline for Legacy-EGSL to file Rebuttal Testimony.

November 10, 2016	Discovery cutoff. All depositions must be completed by this date. All responses to written discovery must be received by this date.
November 18, 2016	Filing date for Joint Pre-Trial Order.
November 18, 2016	Deadline for filing of Pre-Hearing Briefs.
November 30, 2016 December 2, 2016	Hearing.

II. Scope of Representation

All proposals shall include an outline of a plan of action for representation of the Commission up to and including the Commission's vote in this matter. This plan of action shall include supporting the Report of Commission Staff and findings therein in this proceeding through all steps contemplated by the procedural schedule adopted at the August 3 status conference. Applicant must be prepared to assist Commission Staff in drafting and responding to discovery, assisting with preparation of witness direct testimony, conducting legal research and preparation of any internal legal memoranda, preparing pleadings and briefs and reviewing same filed by other parties, participating in the hearing before the administrative law judge, preparing in post-hearing pleadings and appearing at B&Es. Applicant shall also be prepared to assist Commission Staff in conducting informal meetings with the parties as appropriate and participating in stipulation discussions and analyzing possible stipulation terms should opportunities for such arise. 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 six (6) months. 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 this Commission's 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 regulation, and similar practice before other regulatory agencies or public utility commissions.

Applicants 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 the presentation of direct testimony or report and recommendations, assistance in developing cross examination of adverse witnesses, and the analysis of comments and exceptions filed to recommendations. 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.

Applicants shall have a working knowledge of Louisiana Public Service Commission ratemaking and jurisdictional issues and applicable Commission regulations. Applicants shall, at a minimum, have knowledge of the Commission's General Order U-21497 dated November 6, 1997 and the procedures set forth therein and the requisite knowledge, skills and assessments to provide legal support for all aspects of the Report of Commission Staff issued March 24, 2016, including, but not limited to, a legal understanding of the following:

- 1) Identification of fuel and associated costs;
- 2) Utility's practices for economical purchase and use of fuel and electric energy;
- 3) Relevant fuel, purchased power, generating unit joint ownership, etc. contract terms and conditions and any variations from contract terms;
- 4) The Entergy System Agreement; and
- 5) Any other applicable rules and regulations including those promulgated by the Federal Energy Regulatory Commission ("FERC").

V. Estimate of Costs

All proposals shall include fees and costs associated with acting as outside counsel in the above-referenced dockets. 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 Contract Order, 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:

Kathleen Richardson
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: Kathleen.richardson@la.gov
Brandon.frey@la.gov

To be considered, an original, five copies, and the electronic copy of the proposal must be received on or before **August 25, 2016**. **Selection of counsel is anticipated to take place at the Commission's August 31, 2016 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.