

Louisiana Public Service Commission



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Executive Counsel

January 6, 2022

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Deputy Undersecretary

VIA EMAIL

RFP 22-5 Docket No. R-36131, Louisiana Public Service Commission, ex parte. In re: Determination of Commission Jurisdiction Over the Various Methods of Providing Electricity to Electric Vehicles, and the Infrastructure Associated Therewith.

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 docket. 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 (2) two copies and an electronic copy must be received on or before Tuesday, February 8, 2022 at 4:30p.m. Selection of consultants is anticipated to take place at the Commission’s February 2022 Business and Executive Session.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Kathryn H. Bowman
Executive Counsel

Encl.

cc.: Brandon M. Frey, Executive Secretary
Melissa W. Frey, Deputy General Counsel

RFP 22-5
LOUISIANA PUBLIC SERVICE COMMISSION
REQUEST FOR PROPOSALS (“RFP”)
January 6, 2022

DOCKET NO. R-36131, Louisiana Public Service Commission, ex parte. In re: Determination of Commission Jurisdiction Over the Various Methods of Providing Electricity to Electric Vehicles, and the Infrastructure Associated Therewith.

The Louisiana Public Service Commission (“Commission” or “LPSC”), in accordance with the requirements of 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 in the above captioned rulemaking to determine the Commission’s jurisdiction over electricity to electric vehicles and the infrastructure associated therewith.

Deviations from the requirements contained herein, or conditional bid amounts may result in rejection of the bid as non-conforming. Consideration of qualifying bids received in response to RFP 22-5 are anticipated to be on the Commission’s February Business and Executive Session (“B&E”).

I. Overview

At the Commission’s July 2021 B&E, Vice Chairman Skrmetta made an unopposed directive as follows:

... open a rulemaking proceeding to determine the Commission’s jurisdiction over electric vehicle charging stations or any other method of providing electricity to electric vehicles and whether a non-jurisdictional entity that owns and/or operates a charging station is subject to the Commission’s jurisdiction.

Staff published notice of this rulemaking in the Commission’s official Bulletin with ChargePoint, Inc., Cleco Power LLC, Entergy Louisiana, LLC, Lafayette Utilities System, Louisiana Energy Users Group, and Southwestern Electric Power Company intervening.

At the Commission’s December 2021 B&E, the Commission retained the McQ Group as outside consultant to assist Staff with this docket.

II. Scope of Representation

Applicants will be assisting Commission Staff (Legal, Utilities, and Auditing Divisions), and the McQ Group - as outside consultant - in conducting research and analysis regarding the extent of the Commission’s jurisdiction, if any, over electric vehicle charging stations (EVCS); research and analysis on whether an entity that owns or operates an EVCS is considered a public utility, and thus, under the Commission’s jurisdiction; and identification and research of legal and policy issues associated with EVCS. Staff anticipates seeking comments, at a minimum, from the intervenors in this docket, but may also seek information and/or comments from other entities,

including other state agencies, such as the Department of Environmental Quality, the Department of Natural Resources, or the Department of Transportation and Development.

Applicants will be assisting Commission Staff in drafting requests for comments and/or requests for information; reviewing and analyzing information received from those requests; assisting in drafting a Staff Recommendation, which could include the drafting of proposed rules and regulations; conducting independent research relevant to electric vehicles and methods of charging the same; participating in technical conference(s) and formal/informal meetings with stakeholders, Staff, and/or the Commissioners; and participating at Business and Executive Sessions where this docket may be discussed and considered.

All proposals shall include an outline of a plan of action for conducting the above described scope. 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.

III. Period of Representation

The time period estimated to complete the Scope of Representation is approximately 12-18 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 minimum requirements provided in the Commission's General Order dated November 10, 2014. *The Commission's Contract Order requires Applicants to be pre-qualified by the Commission in order to be considered eligible.* Applicants shall, at a minimum, be experienced in the presentation of cases involving public utility regulation, or other regulatory issues on administrative and judicial levels, including the presentation of reports and recommendations; assistance in research and the development of Commission rules and policy. Applicants should also demonstrate their familiarity with the Commission's Rules of Practice and Procedure and processes. Applicants 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.

Additionally, Applicants shall also have a working knowledge of the Commission's rulemaking processes; applicable Commission regulations; and experience in all aspects of electric utility ratemaking proceedings, including analyzing the operations, books, and records of utility companies, particularly investor-owned utilities, for the purpose of setting just and reasonable rates. Applicants shall be qualified and prepared to assist in drafting a recommendation, and possibly rules, with respect to all of the issues addressed in this RFP and which are likely to arise in the proceeding.

V. Estimate of Costs

Applicants should provide an overview of the estimated costs in the summary of the bid proposal. All proposals shall include fees and expenses associated with services in all anticipated services described above. Applicants responding to this RFP shall quote their rates on an hourly basis, and shall submit a total budget, separating professional fees from expenses.

Applicants shall only be allowed to charge for actual hours of work performed and costs incurred. Once selected, an Applicant's hourly 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 or clients which could possibly result in a conflict of interest. Potential conflicts could include, but should not be limited to, business relationships with regulated utilities, affiliates of regulated utilities, consumer advocacy groups, or any other party that comes before the Commission. 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, and failure to adhere to such guidelines may result in rejection of such bill. 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 any offer and does not have to accept the lowest bid amount. 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), 2 copies, and e-mail an electronic copy** of the proposal to:

Kimberly O'Brian
Kathryn H. Bowman
Louisiana Public Service Commission
Office of Executive Counsel
602 North Fifth Street (Galvez Building)
Baton Rouge, Louisiana 70802
Phone: (225) 342-9888
Fax: (225) 342-5610
Email: kim.obrian@la.gov
kathryn.bowman@la.gov

To be considered, an original, three copies, and the electronic copy of the proposal must be received on or before **Tuesday, February 8, 2022 at 4:30 p.m.** **Selection of consultants is anticipated to take place at the Commission's February Business and Executive Session, which is currently scheduled for February 23, 2022.** Information concerning billing procedures and the Commission's RFP policy may be obtained from the address listed above, or by calling (225) 342-9888.