

LOUISIANA PUBLIC SERVICE COMMISSION

DOCKET NO. R-28271 SUBDOCKET B

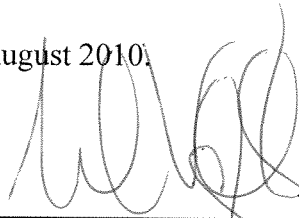
LOUISIANA PUBLIC SERVICE COMMISSION,
EX PARTE

In re: Re-study of the feasibility of a renewable portfolio standard for the State of Louisiana

NOTICE OF ISSUANCE OF DRAFT IMPLEMENTATION PLAN FOR COMMENT

Staff of the Louisiana Public Service Commission hereby issues for comment its draft Implementation Plan pursuant to the Commission's Corrected Order No. R-28271 Subdocket B. Staff is providing a Word version of the draft Implementation Plan for parties to provide *redline* changes and comments on the document itself in order to expedite this process and retain the general framework of the document. The deadline for filing these changes and comments is **Friday, August 27, 2010**. Staff intends to place this matter on the September 15, 2010 B&E, if possible, and will issue its proposed final Implementation Plan prior to that time.

Baton Rouge, Louisiana, this 13th day of August 2010.

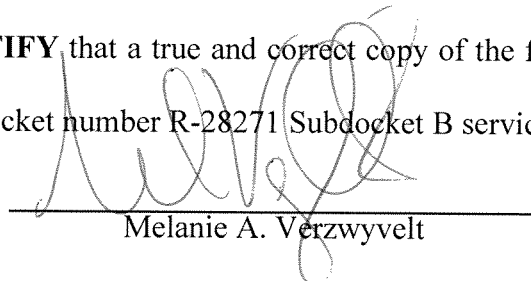


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2010 AUG 13 PM 2:53
LA PUBLIC SERVICE
COMMISSION

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was sent via email and/or U. S. Mail, to the docket number R-28271 Subdocket B service list this **August 13, 2010**.



Melanie A. Verzwylt

LOUISIANA PUBLIC SERVICE COMMISSION

DOCKET NO. R-28271 SUBDOCKET B

**LOUISIANA PUBLIC SERVICE COMMISSION,
EX PARTE**

2010 JUN 13 PM 2:53
LSC PUBLIC SERVICE COMMISSION

In re: Re-study of the feasibility of a renewable portfolio standard for the State of Louisiana

LPSC Renewable Energy Pilot Program Implementation Plan

1 Background

At the Commission’s June 23, 2010 B&E meeting, the Commission unanimously approved Staff’s Renewable Energy Pilot Program (“Pilot Program”) recommendation. Staff’s Pilot Program includes a 90-day period in which Staff will work out the implementation details associated with the program. This document briefly summarizes the approved Pilot Program and discusses Staff’s plans for the 90-day implementation process.

2 Purpose of Staff’s Pilot Program

The Pilot Program will provide the Commission with more specific information regarding the availability and cost of renewable resources in Louisiana. The Pilot will assist Commissioners in making a more informed decision regarding a long term Renewable Portfolio Standard (“RPS”). At the conclusion of the Pilot, if the LPSC deems an RPS to be in the best interests of the customers, then the Pilot will not have delayed the implementation of the RPS, and will have promoted the development of renewable resources that may contribute to a long-term supply of renewable energy. The Pilot Program has two major components, a Research Component, and an RFP Component for larger renewable resources. All jurisdictional electric utilities will participate in the RFP Component; however, only investor owned utilities will participate in the Research Component.

3 Research Component

The Research Component will result in data being gathered from both the development of actual renewable energy projects, and from research conducted based on other renewable technologies. For example, some technologies, such as hydrokinetic energy, may not become commercially feasible until sometime in the future. Therefore, participants shall provide written analysis for those technologies. This research is intended to be performed for those technologies that appear to be promising for Louisiana. Theoretical technologies will not be analyzed, until they have a proven operational project and can demonstrate cost assumptions derived from a rational stable process, or a utility is able to develop a self-build project as outlined below.

3.1 Options to Develop Actual Renewable Energy Projects

Utilities will be required to either develop at least 3 small self-build research projects (as defined in section 3.1.1 below), or offer a tariff to purchase renewable energy based on a specified price and based on standardized terms and conditions.

3.1.1 Self Build Options

This option will include the following characteristics

- Each individual project can be no larger than 300 kW.
- These projects should be fully operational by the end of 2012.

3.1.2 Standard Offer Tariff Option

This option will include the following characteristics

- Utility self-build projects will not be permitted under the Standard Offer Tariff option (“Tariff”).
- This option will require the utility to develop a Tariff and an associated contract to purchase “as-available” renewable energy based on standard terms and conditions.
- Developers wanting to use this Tariff will have to deliver energy to the utility from new (as defined in section 5.2.2) renewable resources located within Louisiana.
- Each utility is limited to buying no more than 5 MW from any single project. New generation resources may not be split up so as to circumvent the 5 MW cap.

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- Each qualifying project must have a minimum nameplate rating of 25 kW.
 - Under this option, each utility has a total limit of 30 MW of nameplate capacity that it can purchase. If projects are offered that will result in a utility exceeding the 30 MW nameplate capacity limit, then the selection criteria to limit the capacity will be based on when the projects will be commissioned (i.e., first come first served when interconnected, operational, and delivering energy to the utility).
 - The Tariff should seek projects to be fully operational by the end of 2012.
 - The Tariff should allow for contract term of no more than five years. At the end of the five year term, the contract payments will revert to standard avoided cost payments for qualifying facilities unless the Commission determines otherwise prior to the expiration of the contract.
 - The contract payment under this Tariff will be equal to the utility's avoided cost¹ plus \$30/MWH for the associated renewable energy premium, also referred to as a Renewable Energy Credit ("REC"). In addition, in order to provide additional certainty as to the price that will be paid, a floor and a ceiling will be established on the total hourly price including the premium for the associated REC to be paid will be established at \$60/MWH and \$120/MWH, respectively.
 - In accordance with the Commission's 1983 and Market Based Mechanism General Orders as amended,^{2,3} a certification proceeding will not be required for any resulting contract with a developer under this Tariff. Any contract executed per the Tariff will automatically be deemed prudent and in the public interest, and the associated costs shall be deemed eligible for recovery.

¹ Louisiana Public Service Commission General Order No. U-22739 dated February 27, 1998.

² LPSC General Order dated September 20, 1983 (In re: In the Matter of the Expansion of Utility Power Plant; Proposed Certification of New Plant by the LPSC) (the "1983 General Order"), as amended by General Order in Docket No. R-30517 (In re: Possible modifications to the September 20, 1983 General Order to allow (1) for more expeditious certifications of limited-term resource procurements and (2) an exception for annual and seasonal liquidated damages block energy purchases) dated October 29, 2008.

³ General Order, Docket No. R-26172 Subdocket A, *In re: Development of Market Based Mechanisms to Evaluate Proposals to Construct or Acquire Generating Capacity to Meeting Native Load, Supplements the September 20, 1983 General Order*, dated February 16, 2004 (as amended by General Order, Docket No. R-26172 Subdocket B, dated November 3, 2006, and further amended by the April 26, 2007 General Order, and the amendments approved by the Commission at its October 15, 2008 Business & Executive Meeting and now in General Order, Docket No. R-26172, Subdocket C dated October 29, 2008).

4 Request for Proposal (“RFP”) Component

The second pilot component provides that each LPSC jurisdictional utility, including Investor Owned Utilities (“IOUs”) and Cooperative Electric Utilities (“Coops”) will be required to conduct RFPs for long-term renewable resources. The RFP Component will result in data being gathered concerning renewable energy projects specifically sited in Louisiana that reasonably can be expected to come online in the 2011 – 2014 time-frame.

4.1 Requirements

- **Participation** - In the case of a Coop, the requirement to conduct an RFP should be timed such that renewable resources would be available when the Coop’s existing full or partial requirements contracts expire.
- **Capacity** - A total of 350 MWs will be the maximum amount of nameplate capacity that all of the utilities (IOUs and Coops) will request in aggregate in their RFPs. Each utility’s portion of the 350 MW nameplate capacity will be determined based on 2009 retail sales as reported in each utilities FERC Form 1 or RUS Form 7. Each utility’s portion of the 350 MW nameplate capacity total will be rounded to the nearest integer. This leads to the following allocations:

Electric Cooperatives – 13.2% or 46 MW

SWEPCO – 8.1% or 28 MW

CLECO – 12.2% or 43 MW

EGSL – 25.8% or 90 MW

ELL – 40.8% or 143 MW

Furthermore, the 46 MWs that are allocated to the Coops, are further allocated to the individual Coops as follows:⁴

Beauregard – 1.3% or 5 MW

Claiborne – 0.8% or 3 MW

Concordia – 0.3% or 1 MW

⁴ Coops are only obligated to acquire this amount of renewable resources to the extent that participation is required pursuant to Section 4.1 above.

Demco – 2.9% or 10 MW

Jeff Davis – 0.3% or 1 MW

Northeast – 0.3% or 1 MW

Penola – 0.5% or 2 MW

Pointe Coupee – 0.3% or 1 MW

Sleca – 0.8% or 3 MW

Slemco 3.2% or 11 MW

Valley – 0.9% or 3 MW

WST – 1.4% or 5 MW

- **Contract term** - The term of contracts awarded through an RFP issued herein shall not exceed twenty (20) years.
- **Bids** – Only bids from non-affiliated developers will be accepted.
- **Bid Thresholds** – Eligible resource must deliver at least 2 MW at the point of delivery to the purchasing utility. An eligible resource less than 10 MW must deliver its net generating output to only one purchasing utility.
- **Exception** – If a utility already has a solid-fuel-fired generating unit that has been designed to burn biomass fuel, the utility may conduct an RFP for biomass fuel to be burned at the solid-fuel-fired generating unit, in lieu of conducting an RFP to acquire additional capacity. In the event the utility chooses to do this, then the utility must conduct its RFP to competitively source the biomass fuel for firing or co-firing. In addition to disclosing information obtained from the biomass RFP, the utility must fully disclose to the Commission, the additional capital cost required to convert the existing generating unit to accept biomass fuel, as well as the incremental O&M costs required to fire or co-fire biomass fuel.

Regarding this Exception, the Commission’s MBM Order contemplates the acquisition of generating capacity or purchase power contracts intended to serve LPSC-jurisdictional customers, and mandates the use of a market-based mechanism for such acquisitions (subject to limited exceptions noted in the MBM Order). As

described in this Exception, the utility will conduct an RFP for biomass fuel in lieu of an RFP for additional capacity. While the MBM Order does not, on its face, apply to an RFP for such biomass fuel, the utility shall nonetheless adhere to the core principles of the MBM Order, as they may be appropriately modified to account for the specific nature of the biomass fuel RFP, as follows:

1. The market-based mechanism shall be a competitive RFP solicitation process.
2. The utility shall submit an informational filing that includes: a description of eligible biomass fuel resources and required quantities; an RFP schedule; methods and criteria to evaluate bid responses; procedures to protect the confidentiality of bids and bidder information; a draft solicitation document; and a form of confidentiality agreement. The utility shall collaborate and consult with the LPSC Staff in the development of the utility's informational filing.
3. If deemed necessary by the LPSC Staff, the utility shall conduct one or more technical conferences with prospective bidders.
4. The utility shall review its bid results and evaluations with the LPSC staff prior to bid award.
5. No affiliate bids are permissible. Accordingly, an independent monitor will not be required for the RFP, provided that the LPSC Staff has concluded that the utility has implemented the appropriate procedures to protect the confidentiality of bids and bidder information.
6. The provisions in this Exception above concerning disclosure of capital costs and incremental O&M costs shall apply in lieu of the specific provisions of the MBM Order relative to self-build projects, except that the utility shall have a

continuing obligation to inform the LPSC Staff of any material change of cost.

- **Certification** – In accordance with the Commission’s October 29, 2008 Orders, a certification proceeding will be conducted for each resource, and other stakeholders will be able to express their support or objection for the renewable resource in the normal course of the certification proceeding. As is normally the case, the Commission will have ultimate authority to approve or disapprove any resource seeking certification.

5 Eligible Resources

5.1 Eligible Resources Include the Following New Resource Options:⁵

- Biologically-derived methane gas (including landfill gas)
- Biomass energy
- Black Liquor
- Combined Heat and Power (“CHP”) based on non-fossil fueled resources
- Distributed generation systems based on non-fossil fueled resources
- Fuel cells
- Geothermal energy
- Low impact hydropower
- Ocean thermal, wave, tidal, hydrokinetic
- Solar photovoltaic
- Solar thermal
- Waste Heat Recovery (“WHR”)
- Waste-to-energy including municipal solid waste (“MSW”)
- Wind power
- Wood and wood waste

⁵ See Attachment 1 for definitions of eligible resources.

5.2 Eligible Resources Special Considerations

5.2.1 Reserved for any additional issues that may need to be discussed.

5.2.2 Definition of New Resources

A “new” renewable resource is any qualifying electric generation facility (per Section 5.1) that (1) has entered commercial service on or after January 1, 2008, (2) has increased its nameplate capacity rating above what existed on December 31, 2007, with the increase in nameplate capacity qualifying as “new”, or (3) a renewable resource that entered commercial service prior to January 1, 2008 and that has been re-tooled on or after January 1, 2008, if the electric generation equipment’s appraised value after re-tooling is composed of 80% new invested cost at the time the project is re-launched and the renewable resource previously supplied energy to an LPSC-approved voluntary green pricing tariff program. The other 20% of the appraised value at re-launch, can be made up of previously used electric generation equipment and associated infrastructure. Once a project qualifies as new, all of the energy associated with the project is classified as new energy production.

5.2.3 Proven and Commercially Available Technologies

Each utility in consultation with Staff shall have the discretion to determine whether or not an RFP bid represents a technology that is proven and commercially available, and RFP bids representing technologies that are not commercially available may be rejected by the utility. Should a dispute arise between Staff and the utility, then the dispute will be brought to the attention of the Commission for resolution.

6 Grid Interconnection (Transmission and Distribution)

6.1 Interconnection

For any new eligible resource constructed pursuant to Section 3 or Section 4, developers are responsible for adherence to all Federal, Commission, and utility policies and procedures in effect regarding facility interconnection with the utility’s transmission and distribution (“T&D”) system. Developers shall be responsible for initiating facility interconnection with the utility or cooperative. The cooperative may in turn coordinate with the appropriate Transmission Provider. As applicable, the Transmission Providers

will also coordinate with the developer and any other affected system for projects that have an impact on more than one transmission network. Developers shall be responsible for all costs of interconnection including, but not limited to, studies, substations, necessary line extensions, T&D upgrades identified as part of the interconnection study process, etc., subject to each Transmission Provider's applicable tariffs.

6.2 Transmission Service

Each Cooperative or IOU shall be responsible for procuring network transmission service necessary to ensure deliverability of power produced by any new resource constructed pursuant to Section 4 & 5.

7 Information to be Collected

7.1 Information Gathered Concerning the Self Build, the Standard Offer Tariff Options or RFP options

For all of these resources, each utility shall collect information such as RFP bids received, data assumptions, economic evaluations performed, and evaluations of technology types and fuels.

7.2 Information Gathered Concerning Other Promising Technologies

Regarding the written analysis of other promising renewable energy technologies, each utility shall conduct investigations of data assumptions, perform economic evaluations, and include evaluations of relevant technology types and fuels. These evaluations will be limited to renewable energy technologies with proven commercial viability in Louisiana, and of a sufficient size and scale for utility applications. Utilities shall also include relevant information concerning nuclear, gas, and clean coal technologies for the purpose of making economic comparisons of the renewable resources to the conventional technologies. Should the Commission implement an Integrated Resource Planning ("IRP") requirement during the pendency of the Pilot Program, Utilities may satisfy these reporting requirements by including relevant information from any IRP that had been conducted within the last six months of the utility's reporting obligation in this proceeding. If Staff determines that additional analysis is necessary, however, Staff may

request the utilities to provide such additional analysis prior to submitting the report to the Commission.

7.3 Specific Questions that Should be Addressed

At a minimum, the following specific questions should be answered.

Renewable resource types

- What is the utility's view as to the status of the different renewable resource types that have been investigated by the utility? Again, this relates to those renewable technologies that appear promising for Louisiana.
- To the extent the utility has developed cost estimates, what are the estimated capital costs of the different resource types and technology types within a given type of renewable resource?
- What are the estimated operating costs of the different resource types that the utility has considered (non-fuel)?
- What uncertainties should be evaluated that would impact the costs to build and operate new renewable resources in Louisiana?
- To the extent available and known, where are the best locations to site the different types of renewable resources in Louisiana?
- Within a given renewable resource type, what specific technology types might be the more attractive technologies to build in Louisiana?

Fuel issues

- For renewable resources that have been evaluated by the utility, what are the fuel issues that should be addressed?
- What uncertainties should be evaluated that impact the fuel costs and fuel availability associated with renewable resources built in Louisiana?
- Please discuss how the use of this renewable fuel might impact other industries, and consider how those impacts might be evaluated in order to decide whether this renewable fuel should be used in Louisiana.

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- Based on the utility's best estimate for technologies they have evaluated, what are the costs of the renewable fuels and how are the costs impacted by the risks discussed above?

Economic Evaluation

- Provide a levelized cost analysis comparing renewable energy types, and even more specifically compare the cost of different technology types?

Job Impacts

- Based on available information, discuss both job creation and job loss impacts of the renewable resources considered in the Pilot.

7.4 Report Deadlines

Each utility should plan to provide reports regarding the information discussed in Section 7 for the years in 2010, 2011 and 2012, with the reports to be submitted annually by February 28th of the following year. Staff will evaluate the information supplied and will potentially require additional information to be supplied by the utilities. Staff will then collate this information and will include it in a combined report to the Commission that will be issued in April 2011, 2012 and 2013, unless additional time will be required to seek and acquire additional data, in which case the Staff will notify the Commission that additional time is required.

7.5 Confidentiality

Utilities shall be permitted to designate information in the reports that is confidential in accordance with LPSC Rule of Practice and Procedure 12.1 and the Commission's General Order dated August 31, 1992, governing the treatment of confidential information.

8 Cost Recovery and Cost Allocation Issues

8.1 Research Component

8.1.1 Self-Build Option – utilities are not required to seek Commission certification for any eligible self-build project. Costs associated with this Option will be eligible for recovery through normal ratemaking mechanisms. Specifically, eligible variable generation-dependent expenses, as defined in the Commission’s 1997 General Order in Docket No. 21497, will be eligible for recovery through the Fuel Adjustment Clause⁶ and all other costs will be eligible for recovery through the utility’s base rates via the utility’s Formula Rate Plan (FRP), if applicable, or otherwise through a base rate proceeding.

8.1.2 Standard Offer Tariff Option – utilities are not required to seek Commission certification for any eligible resource contracted under the Standard Offer Tariff. All costs incurred by the utility for purchased energy and the premium for the associated RECs are deemed recoverable through the Fuel Adjustment Clause.

8.2 RFP Component

Utilities are required to seek Commission certification for any contract entered into pursuant to bids received by the utility for long-term resources and/or fuel supply as may be applicable. Costs associated with any contract under this Option will be eligible for recovery recoverable through the Fuel Adjustment Clause, and, if applicable, all other costs will be recoverable through the utility’s Formula Rate Plan or otherwise through a base rate proceeding.

8.3 Cost Allocation

Cost allocation shall be consistent with sound ratemaking principles, relevant Commission Orders, and the utility’s FRP provisions, as may be applicable.

⁶ General Order, Docket No. 21497, In re: Development of Standards Governing the Treatment and Allocation of Fuel Costs by Electric Utility Companies, dated November 6, 1997.

9 RFP Documents

Entergy Services, Inc. (“ESI”) is in the process of creating an RFP document for potential contracts with long-term generation resources. Staff prefers to use this document as the template for all of the RFPs designed to acquire long-term generation resources, in order to assure reasonable consistency between those RFPs. However, Staff recognizes that other utilities have significant experience with their own RFPs, and therefore those utilities are permitted to revise, or even substitute the template with another RFP document, if they prefer. Still, Staff prefers those utilities to make best efforts to remain consistent with the template RFP document for the acquisition of long-term generation resources. Each utility should develop plans for its RFP process and should create a timeline to present to the Commission for approval at the same time that the Commission will be requested to approve this implementation plan. The timeline must indicate that the renewable resources can reasonably be expected to begin delivering power within the 2011 – 2014 time period.⁷

10 Standard Offer Tariff

Staff requests that ESI develop an initial version of the Standard Offer Tariff consistent with the provisions of the approved Implementation Plan. Once available, the document will be distributed in order to assist other utilities with development of their own Standard Offer Tariffs. To the extent possible, a utility’s Standard Offer Tariff should be finalized within the 90-day implementation period.

11 Implementation of Long Term RPS

At the conclusion of the Pilot, Staff will analyze and summarize the information obtained in the Pilot to assist the Commission in determining whether to implement a long-term goals-based or mandatory RPS program, and if so, the appropriate size of the program .

⁷ Some RFP processes may require additional steps. For example, an RFP for biomass fuel used in a co-firing process, will require obtaining information from potential biomass suppliers via a Request for Information (“RFI”) process in advance of conducting the RFP for renewable fuel process. In addition, test firings using sample fuel will be necessary.

Attachment 1

Glossary of Eligible Resources

Biologically-derived methane gas (including landfill gas) - gas that is derived from the anaerobic digestion or decay of organic matter.

Biomass energy - any organic material not derived from fossil fuels, including agricultural crops, agricultural wastes and residues, waste pallets, crates, dunnage, manufacturing and construction wood wastes, landscape and right-of-way tree trimmings, mill residues, biosolids, sludge derived from organic matter, and wood and wood waste from timbering operations.

Black Liquor - lignin-rich by-product of fiber extraction from wood in Kraft (or sulfate) pulping, which may be burned in a recovery boiler to produce steam, which in turn may be used to produce electricity.

Combined Heat and Power (“CHP”) based on non-fossil fueled⁸ resources - a plant designed to simultaneously produce both heat and electricity and using a non-fossil fuel source. Also known as cogeneration.

Distributed generation systems based on non-fossil fueled resources – a small-scale electricity generation facility sited in or close to a load center or at a customer’s site and used primarily to offset all or part of the customer’s electrical load.

Fuel cells - an energy conversion device that combines hydrogen-bearing fuels with airborne oxygen in an electrochemical reaction to produce electricity.

Geothermal energy - natural heat from within the earth, which is captured for production of electricity.

Hydrokinetic – electricity produced by harnessing the kinetic energy of the motion of a body of running water such as a river.

Low impact hydropower - electricity produced by using falling water to turn a turbine generator.

Ocean thermal - any technology that uses the temperature gradient between deep and surface ocean water to produce electricity.

Ocean wave - any technology that extracts energy directly from the surface motion of ocean waves or from pressure fluctuations below the surface to produce electricity.

⁸ Fossil fuel is defined as any fuel comprised of hydrocarbon constituents, including coal, petroleum, or natural gas, occurring in and extracted from underground deposits, and mixtures or byproducts of these hydrocarbon constituents.

Solar photovoltaic - a technology that uses a semiconductor to convert sunlight directly into electricity.

Solar thermal - the optical concentration of solar rays through an arrangement of mirrors, lenses, or other reflective surfaces to heat a high temperature working fluid, which in turn is used to produce steam and consequently electricity.

Waste Heat Recovery (“WHR”) – any technology that recovers heat that is normally discharged to the atmosphere as a byproduct of a separate process and utilizes that waste heat to produce electricity. For purposes of the Pilot, the addition of heat recovery equipment to a combustion turbine generating unit to create a combined cycle generating unit is not considered WHR, and is therefore not an eligible resource under the Pilot.

Waste-to-energy including municipal solid waste (“MSW”) – any technology that produces electricity from any putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, demolition and construction wastes, dewatered, treated, or chemically-treated sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes.

Wind power - energy from wind converted into mechanical energy, usually via a turbine, and then electricity.

Wood and wood waste - see biomass energy.

Service List

Docket No. R-28271 Subdocket B

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