

IN RE:

*Supplemental & Amending  
Application of Entergy New Orleans,  
Inc., et al*

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*Hearing - Public*

*December 21, 2017*

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BEFORE THE  
COUNCIL OF THE CITY OF NEW ORLEANS

SUPPLEMENTAL AND \* UD-16-02  
AMENDING APPLICATION \*  
OF ENTERGY NEW \*  
ORLEANS, INC. FOR \*  
APPROVAL TO \*  
CONSTRUCT NEW \*  
ORLEANS POWER \*  
STATION AND REQUEST \*  
FOR COST RECOVERY \*  
AND TIMELY RELIEF \*

\* \* \* \* \*

PUBLIC

Continuation of the evidentiary hearing  
in the above-entitled matter before Honorable  
Jeffrey S. Gulin, held at 601 Poydras Street,  
11th Floor, Bayou Rooms 1 and 2, New Orleans,  
Louisiana 70130, commencing at 8:28 A.M., on  
Thursday, the 21st day of December, 2017.

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PETER LANZALOTTA

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11 EXHIBIT DSCEJ NO. 8.....110

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15 SEALED HSPM MATERIAL:

16 (NONE)

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18 SEALED CEII MATERIAL:

19 Page 163, line 1 through page 173, line 11

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21

22 KATHY SHAW-GALLAGHER, certified

23 Court Reporter, State of Louisiana,

24 officiated in administering the oath to

25 the witness.

1 P R O C E E D I N G S

2 JUDGE GULIN:

3 Take your seats, everyone, please.

4 Good morning.

5 EVERYONE:

6 Good morning.

7 JUDGE GULIN:

8 And welcome to the fifth day of our  
9 hearing. Today is December 21, 2017.

10 I'm sensing there's universal motivation  
11 to make this our last day of the hearing.  
12 We'll see how that goes.

13 Anything preliminarily before we go  
14 right to our intervenors' witnesses?

15 MR. BROWN:

16 Yes, Your Honor. Michael Brown on  
17 behalf of Sierra Club.

18 We would like to move for Sierra  
19 Club Exhibit 5, which was admitted for  
20 cross purposes, to be admitted for  
21 substantive purposes as well. I've  
22 checked with, I believe, all counsel and  
23 did not hear an objection to it.

24 JUDGE GULIN:

25 No objection?



1 MS. HAND:

2 No objection, Your Honor.

3 JUDGE GULIN:

4 So ordered.

5 Okay. Are we ready for Elizabeth  
6 Stanton?

7 MR. GUILLOT:

8 Your Honor, before we do that, I  
9 just thought of something. We do have  
10 the updated testimony of Bliss Higgins  
11 that accounts for the strikes that we did  
12 to John Long's testimony.

13 JUDGE GULIN:

14 Would you like to have that admitted  
15 now as an exhibit?

16 MR. GUILLOT:

17 Yes, Your Honor.

18 JUDGE GULIN:

19 Okay? And that will be ENO-2; am I  
20 correct?

21 MS. HAND:

22 Yes, Your Honor.

23 JUDGE GULIN:

24 Admitted into evidence.

25 Welcome.

1 MS. STANTON:

2 Thank you.

3 JUDGE GULIN:

4 Please face the court reporter.

5 She's going to swear you in.

6 ELIZABETH STANTON, Ph.D.,

7 after having been duly sworn by the

8 above-mentioned Certified Court Reporter, was

9 examined and testified as follows:

10 MS. OSUALA:

11 Your Honor, Chinyere Osuala for the  
12 Alliance. Ms. Stanton would like to make  
13 some corrections to her testimony.

14 JUDGE GULIN:

15 Absolutely. Thank you.

16 DR. STANTON:

17 On page 31 in Footnote 44, it reads,  
18 Data response to Advisor "7-6A." It  
19 should read "7-16A." The same correction  
20 on page 33 in the source note to Figure  
21 11. It should read "7-16A." On page 44  
22 in line 4, it reads "FERC" and it should  
23 read "NERC." And that is all.

24 MR. EDWARDS:

25 I'm sorry. I didn't hear your last

1 change.

2 DR. STANTON:

3 Sorry. I'm struggling with some  
4 laryngitis. I'll do my best.

5 MR. EDWARDS:

6 Page 44?

7 DR. STANTON:

8 Page 44 on line 4, it says "FERC"  
9 and should say "NERC."

10 MR. EDWARDS:

11 I'm not sure that's really that much  
12 difference, but we'll pass on that right  
13 now.

14 JUDGE GULIN:

15 Okay. Without objection.

16 Start with Entergy. Who is going to  
17 cross?

18 MR. OLSON:

19 I am, sir.

20 JUDGE GULIN:

21 Okay. Please proceed.

22 EXAMINATION BY MR. OLSON:

23 Q. Good morning, Dr. Stanton.

24 A. Good morning.

25 Q. We met at your deposition about a

1 month ago; correct?

2 A. Yes.

3 Q. You are employed by a firm called  
4 Applied Economics Clinic; correct?

5 A. We're a nonprofit consulting group,  
6 not a firm.

7 Q. Your office is in Massachusetts;  
8 right?

9 A. Yes.

10 Q. You don't have offices in New  
11 Orleans; correct?

12 A. Correct.

13 Q. You are not an engineer; true?

14 A. Yes.

15 Q. Is it true that you do not have any  
16 training in production cost modeling electric  
17 systems such as PROMOD or Aurora?

18 A. Yes.

19 Q. And you did not have any training or  
20 experience in transmission system planning or  
21 utility operations; correct?

22 A. Correct.

23 Q. You have never been employed by a  
24 utility company; correct?

25 A. Correct.

1 Q. You have never participated in  
2 negotiations for the sale of energy or  
3 capacity; correct?

4 A. Correct.

5 Q. And you have never provided advice  
6 on capacity pricing or bidding into the MISO  
7 markets; isn't that right?

8 A. Yes.

9 Q. Prior to this case, you have never  
10 offered testimony in any proceeding for the New  
11 Orleans City Council or the Louisiana Public  
12 Service Commission; correct?

13 A. Correct.

14 Q. Nor have you offered testimony in  
15 any state ordering Louisiana; right?

16 A. Yes.

17 Q. You did not participate in ENO's  
18 2015 IRP proceeding; correct?

19 A. Correct.

20 Q. You agree that ENO as a public  
21 utility has an obligation to serve its load;  
22 true?

23 A. Yes.

24 Q. And as far as you're aware, none of  
25 your clients in this proceeding provide

1 electric service to customers; correct?

2 A. Correct.

3 Q. At the time you prepared your  
4 testimony, you did not conduct an analysis of  
5 that projects future annual MISO capacity  
6 prices; correct?

7 A. Correct.

8 Q. And, in fact, you are relying on  
9 Mr. Fagan with respect to MISO capacity price  
10 projections; right?

11 A. Yes.

12 Q. Are you also relying on Mr. Fagan  
13 with respect to how long the current capacity  
14 surplus in MISO is expected to last?

15 A. Yes.

16 Q. Now, you agree that peak demands  
17 fluctuate over time; right?

18 A. Yes.

19 Q. At the time you prepared your  
20 testimony, it is true that you had not  
21 conducted any analysis regarding the timing of  
22 equilibrium in MISO? Correct?

23 A. Correct.

24 Q. You agree that hedging is a way to  
25 protect against price fluctuation; isn't that

1 right?

2 A. Yes.

3 Q. And you also agree that constructing  
4 capacity is one way that could be used to hedge  
5 against price fluctuations in the capacity  
6 market in MISO; right?

7 A. Yes.

8 Q. Is this a true statement? As  
9 equilibrium in the MISO capacity market  
10 approaches, existing generation cannot add  
11 additional capacity?

12 A. Yes.

13 Q. At the time you prepared your  
14 testimony, you had not performed any analysis  
15 of the types or ages of the existing generation  
16 resources in MISO South; true?

17 A. Yes.

18 Q. At the time you prepared your  
19 testimony, you were not familiar with the age  
20 or capacity of any existing gas units in MISO  
21 Zone 9; correct?

22 A. Yes.

23 Q. Now, you agree that as a general  
24 matter, gas-fired resources do not operate  
25 forever; true?

1 A. Yes.

2 Q. Is this a true statement?

3 Unexpected degradation in unit conditions can  
4 cause a unit to deactivate sooner than might  
5 otherwise be anticipated?

6 A. Yes.

7 Q. You do not know what other resource  
8 zones are in MISO South besides Zone 9; right?

9 A. Sorry. Do I know the other zones?  
10 Is that --

11 Q. Right.

12 A. No.

13 Q. You understand that MISO currently  
14 has a capacity surplus; right?

15 A. Yes.

16 Q. You would agree that all else held  
17 equal, capacity prices will end the rise as  
18 supply becomes constrained; correct?

19 MS. OSUALA:

20 Your Honor, I'm going to have to  
21 object to this line of questions.

22 Dr. Stanton has already said that she  
23 referred to Robert Fagan for issues  
24 concerning MISO and this is outside the  
25 scope of her testimony.



1 MR. OLSEN:

2 Your Honor, it's not. She offered  
3 some opinions on MISO in her testimony.

4 MS. OSUALA:

5 Well, if you want to point to parts  
6 of her testimony to ask, I mean --

7 JUDGE GULIN:

8 She's an expert witness.

9 MR. OLSON:

10 Yes, she's an expert witness. She  
11 testified on this, these topics, and  
12 these are all in her deposition --

13 MS. OSUALA:

14 And you can point to her to some --

15 MR. OLSEN:

16 -- point them out.

17 JUDGE GULIN:

18 What was the last question?

19 MR. OLSON:

20 You would agree that all else held  
21 equal, capacity prices will tend to rise  
22 as supply becomes constrained; correct?

23 JUDGE GULIN:

24 Can you point to her testimony  
25 anything along those lines?

1 MR. OLSON:

2 She is an economist. This is a  
3 basic question about economics.

4 MS. OSUALA:

5 And Dr. Fagan was the expert that  
6 was tendered in this case that focused on  
7 the MISO markets.

8 JUDGE GULIN:

9 I'll allow a few more questions.

10 EXAMINATION BY MR. OLSON:

11 Q. You agree that all else held equal,  
12 capacity prices will tend to rise as supply  
13 becomes constrained; right?

14 A. All else held equal, yes, I agree.

15 Q. You would agree that, all else  
16 equal, if the unit in MISO deactivates, it  
17 would reduce the MISO capacity surplus; true?

18 A. Yes.

19 Q. At the time you prepared your  
20 testimony, you were not familiar with the 2016  
21 state of the market report in MISO electricity  
22 markets prepared by the MISO independent market  
23 monitor; correct?

24 MS. OSUALA:

25 Again, Your Honor, I'm going to

1 object. It just is outside the scope --

2 JUDGE GULIN:

3 I'll sustain that objection.

4 (Whereupon a pause occurred in the  
5 proceedings.)

6 MR. GUILLOT:

7 Capacity price forecast.

8 JUDGE GULIN:

9 You want to point to testimony?

10 EXAMINATION BY MR. OLSON:

11 Q. Dr. Stanton, if you would turn to  
12 page 36 of your direct testimony?

13 A. Yes.

14 Q. Question 56, the question reads, Is  
15 the capacity price forecast an important factor  
16 in determining each plant's cost? (As read.)

17 Your answer, Yes, the capacity price  
18 forecast is critical in determining each  
19 plant's cost and ENO's conclusion that building  
20 NOPS is preferred to not building NOPS. (As  
21 read.)

22 Did I read that correctly?

23 A. Yes.

24 Q. Question 57, Was the capacity price  
25 forecast important in determining plant cost?

1 (As read.)

2 The answer, ENO is in the MISO  
3 electric dispatch region, which has a market  
4 for buying and selling capacity. (As read.)

5 Did I read that correctly?

6 A. Yes.

7 MR. OLSON:

8 Your Honor, she's offering opinions  
9 about MISO's capacity price forecast in  
10 her testimony.

11 JUDGE GULIN:

12 Okay.

13 MS. OSUALA:

14 And, Your Honor, he did not read the  
15 entire answer to Question 56, so I --  
16 Yeah.

17 JUDGE GULIN:

18 Okay.

19 MS. OSUALA:

20 I can continue reading the answer to  
21 Question 56.

22 JUDGE GULIN:

23 Well, it's in evidence. You can do  
24 that on redirect if you like.

25 But what's the next question?

1 MR. OLSON:

2 One moment, please.

3 (Whereupon a pause occurred in the  
4 proceedings.)

5 EXAMINATION BY MR. OLSON:

6 Q. At the time you prepared your  
7 testimony, you had not heard of the MTEP report  
8 Book 2; correct?

9 A. Correct.

10 Q. At the time you prepared your  
11 testimony, you had not reviewed the 2016 NERC,  
12 N-E-R-C, long-term reliability assessment;  
13 correct?

14 A. I don't believe so. I couldn't say  
15 for sure.

16 Q. It is true that you have not in this  
17 proceeding employed any alternative portfolios  
18 that include DSM or behind-the-meter solar;  
19 correct?

20 A. I haven't provided any alternative  
21 portfolios at all.

22 Q. It is true that at the time you  
23 prepared your testimony, you did not have any  
24 criticisms about the fundamental methodology  
25 that ENO used to develop its load forecast;

1 right?

2 A. I did not review the fundamental  
3 methodology that ENO used to develop its load  
4 forecast.

5 Q. So it's correct that you did not  
6 have an opinion on that; correct?

7 A. Because I did not review it, yes.

8 Q. And it's also true that you have not  
9 created your own load forecast for ENO; right?

10 A. Yes.

11 Q. You agree that the actual level of  
12 savings that may be achieved from future DSM  
13 programs is uncertain; correct?

14 A. Yes.

15 Q. And you cannot guarantee that the  
16 current level of DSM savings that are included  
17 in ENO's forecast will be achieved; right?

18 A. I'm not in a position to guarantee  
19 anything like that, yes.

20 Q. That's because it's uncertain;  
21 correct?

22 A. It's because it's uncertain and  
23 because I have no role in guaranteeing it.

24 Q. Thanks.

25 It is true that any projected level

1 of savings associated with AMI is also  
2 uncertain; correct?

3 A. Yes.

4 Q. With respect to the 100 megawatts of  
5 solar resources that ENO has committed to, you  
6 don't have any understanding as to where those  
7 resources will be located; right?

8 A. No, not off the top of my head. I  
9 mean, I think that half of it's been determined  
10 and half hasn't at this point, but I don't know  
11 the locations.

12 Q. You don't know the location of any  
13 of those potential 100 megawatt resources;  
14 correct?

15 A. No.

16 Q. You are not aware of any utility  
17 that is able to exactly match its load and  
18 physical supply; correct?

19 A. No, I'm not.

20 Q. At the time you prepared your  
21 testimony, you, Dr. Stanton, had not conducted  
22 any analysis of the DSM potential in New  
23 Orleans; true?

24 A. Yes.

25 Q. It is true that when comparing DSM

1 potential in different states, you would agree  
2 that differences in avoided costs can affect  
3 DSM savings; right?

4 A. Yes.

5 Q. When comparing DSM potential in  
6 different states, it is true that differences  
7 in retail rates can affect DSM savings;  
8 correct?

9 A. Yes.

10 Q. You would agree that, in general,  
11 there is not a linear relationship between DSM  
12 savings and DSM costs; correct?

13 A. Yes.

14 Q. It is true that at the time you  
15 prepared your testimony, you had not performed  
16 any analysis of the expected solar installation  
17 rates in New Orleans over the next 20 years;  
18 correct?

19 A. Correct.

20 Q. And it's also true at the time you  
21 prepared your testimony, you did not conduct  
22 any analysis of the projected costs of  
23 behind-the-meter solar in New Orleans; right?

24 A. Yes.

25 Q. At the time you prepared your



1 testimony, you were not familiar with the net  
2 metering rate schedule for New Orleans;  
3 correct?

4 A. Correct.

5 Q. I'll direct you to page 20 of your  
6 testimony.

7 A. Yes.

8 Q. Figure 7, I note that part of this  
9 has HSPM, but my question should not get into  
10 that. Okay?

11 Figure 7 illustrates the potential  
12 affect on peak load of continuing ENO's linear  
13 growth trend in behind-the-meter solar  
14 installations in 2020 to 2036; correct?

15 A. Yes.

16 Q. At the time you prepared your  
17 testimony, you did not have any analysis that  
18 supports the trajectory you calculated; isn't  
19 that right?

20 A. Yes.

21 Q. Isn't it true that at the time you  
22 prepared your testimony, you did not perform an  
23 analysis of the potential costs of either  
24 behind-the-meter or a utility scale battery  
25 storage over the 20-year planning horizon;

1 correct?

2 A. Yes.

3 Q. And it's also true at the time you  
4 prepared your direct testimony, you had not  
5 performed an analysis with respect to the  
6 capacity that either behind-the-meter or  
7 utility scale battery storage could provide in  
8 New Orleans; correct?

9 A. Can you say that one again, please?

10 Q. It is also true that at the time you  
11 prepared your direct testimony, you had not  
12 performed an analysis with respect to the  
13 capacity that either behind-the-meter or  
14 utility scale battery storage could provide in  
15 New Orleans; correct?

16 A. Yes.

17 Q. At the time you prepared your  
18 testimony, you did not perform an analysis with  
19 respect to the duration that behind-the-meter  
20 or utility scale battery storage could provide  
21 capacity when needed; isn't that true?

22 A. That's true.

23 Q. At the time you prepared your direct  
24 testimony, you had not conducted an analysis to  
25 determine the amount and price of capacity that

1 might be available for ENO for wind PPAs;  
2 correct?

3 A. Correct.

4 Q. At the time you prepared your direct  
5 testimony, you had not conducted any analysis  
6 to determine whether transmission would be  
7 available to import remote wind resources;  
8 correct?

9 A. Correct.

10 Q. You do not consider wind resources  
11 to be peaking resources; correct?

12 A. Correct.

13 Q. You are not offering an opinion  
14 whether importing remote wind capacity into New  
15 Orleans would support reliability in the DSG  
16 load pocket; isn't that right?

17 A. No. That's outside of the scope of  
18 my testimony.

19 Q. So you're not offering an opinion on  
20 that; correct?

21 A. Correct.

22 Q. You're deferring to witness  
23 Lanzalotta on all transmission issues; correct?

24 A. Yes.

25 Q. And you're deferring to witness

1 Henderson on competitive procurement issues;  
2 correct?

3 A. Correct.

4 Q. At the time you prepared your direct  
5 testimony, you had not conducted any analysis  
6 of ENO's distribution system; right?

7 A. Yes.

8 Q. And you agree that investment in the  
9 distribution system is not a viable alternative  
10 to addressing ENO's capacity needs; correct?

11 A. Yes.

12 MR. OLSON:

13 We tender the witness, Your Honor.

14 JUDGE GULIN:

15 Thank you, Mr. Olson.

16 Let's go to the advisors.

17 EXAMINATION BY MS. HAND:

18 Q. Good morning, Dr. Stanton.

19 A. Good morning.

20 Q. I'm Emma Hand with the Council's  
21 advisors, and I see Mr. Olson asked several of  
22 my questions so forgive me if I pop around a  
23 little bit. I'm just trying to avoid asking  
24 you anything that's already been asked and  
25 answered.

1           At the time that you had prepared  
2 your testimony, you had not done any analysis  
3 of your own demonstrating whether the 2 percent  
4 DSM goal is an achievable goal; isn't that  
5 correct?

6           A.     That's correct.

7           Q.     And you agree, don't you, that if in  
8 your resource planning, you decrement load to  
9 account for a particular DSM forecast and that  
10 DSM forecast does not materialize, customers  
11 would be exposed to capacity market price  
12 risks?

13          A.     Yes.

14          Q.     And you are not taking the position,  
15 are you, that adding batteries to a solar  
16 resource can turn that resource into a peaking  
17 resource, are you?

18          A.     Can you say that again? I'm not --

19          Q.     You're not taking the position that  
20 adding batteries to a solar resource can turn  
21 that resource into a peaking resource?

22          A.     I don't -- I don't recall addressing  
23 that in my testimony if that's what you're  
24 asking.

25          Q.     Do you have your deposition

1 transcript in front of you?

2 A. I don't.

3 MS. HAND:

4 (Tenders document to Dr. Stanton.)

5 DR. STANTON:

6 Thank you.

7 MS. HAND:

8 Does everybody who needs one have a  
9 copy?

10 (No response.)

11 EXAMINATION BY MS. HAND:

12 Q. If you would turn, please, to  
13 page 118 of your deposition transcript.

14 A. Yes.

15 Q. And take a look at lines -- starting  
16 at line 5 and reading through the end of that  
17 page up to the first line of 119.

18 A. Uh-huh (indicating affirmatively).

19 Q. Does that refresh your memory?

20 A. It does. Thank you.

21 Q. So are you taking the position in  
22 this case that attaching batteries to a solar  
23 panel can make it a peaking resource?

24 A. Again, I haven't addressed that.  
25 I've said that it makes it dispatchable.

1 Q. Okay. Thank you.

2 Now, in your testimony, you  
3 recommend that a competitive procurement  
4 process would be a better way to get a full  
5 assessment of all of the resources available;  
6 correct?

7 A. Yes.

8 Q. But at the time that you filed your  
9 testimony, you did not know how long it would  
10 take or what it would cost to conduct a  
11 competitive procurement or who would ultimately  
12 bear the cost of that; correct?

13 A. Yes.

14 Q. And you do agree, don't you, that an  
15 IRP process would be another method of  
16 considering a full set of alternatives, don't  
17 you?

18 A. An IRP process has that potential.

19 Q. Thank you.

20 With respect to the two different  
21 types of -- or the three possible options on  
22 the table in front of the Council, one being to  
23 approve the CT, one being to approve the RICE  
24 unit, and the third being to approve neither  
25 unit, which would necessitate transmission

1 upgrades, would you agree that as market  
2 capacity prices go up and down, the total  
3 relevant supply cost of the RICE unit will vary  
4 less than either the total relevant supply cost  
5 of the CT option or the transmission option to  
6 the extent that the RICE unit total relevant  
7 supply cost incorporates or is less dependent  
8 upon the capacity market prices than either of  
9 the other two options?

10 A. I think we've had this conversation  
11 before and --

12 Q. If you'd like, I can refer you to  
13 the cite in your deposition.

14 A. I remember it.

15 So I think that we need the second  
16 part of your statement for me to agree with the  
17 first. So, yes, given -- What was the second  
18 part of your statement?

19 Q. That the total relevant supply cost  
20 for the RICE unit is less dependent upon market  
21 capacity prices than either the CT unit  
22 analysis or the transmission option analysis?

23 A. Yes. I mean, again, as with the  
24 deposition, I don't have that in front of me  
25 and so I can't confirm that, but given that



1 that is the case, then yes.

2 Q. Thank you.

3 And also, hypothetically speaking,  
4 to the extent that the Council has a goal of  
5 reducing carbon emissions, replacing an old  
6 generating unit with a new unit that has fewer  
7 emissions would be directionally consistent  
8 with that goal; correct?

9 A. It depends.

10 Q. Well, if the goal is to reduce  
11 carbon emissions and you're taking an old plant  
12 with higher emissions out of service and  
13 replacing it with a new plant with lower  
14 emissions, isn't that at least directionally  
15 consistent with the goal?

16 A. I have to say it depends. I think  
17 it depends on the dispatch of all units in the  
18 system, and I think it also depends in this  
19 case in how you're thinking about your starting  
20 point. We've already had a retirement of the  
21 older units that you're referring to. So is  
22 your starting point today? In which case, a  
23 new unit would increase emissions. Or is it a  
24 couple of years ago?

25 Q. No. I'm asking you by comparison to

1 the old unit.

2 A. If you had the old unit and the new  
3 unit in isolation, then, yes, but that's not  
4 the case. They exist within a larger system.

5 Q. Thank you.

6 MS. HAND:

7 That's all I have, Your Honor.

8 JUDGE GULIN:

9 Thank you.

10 Any redirect, Ms. Osuala?

11 MS. OSUALA:

12 Sorry, Your Honor. No redirect.

13 JUDGE GULIN:

14 Thank you.

15 And thank you, Dr. Stanton. You can  
16 step down.

17 DR. STANTON:

18 Thank you.

19 JUDGE GULIN:

20 Okay. Let's move to our next  
21 witness. That would be Peter Lanzalotta.

22 Mr. Lanzalotta, please face the  
23 court reporter.

24 PETER LANZALOTTA,  
25 after having been duly sworn by the

1 above-mentioned Certified Court Reporter, was  
2 examined and testified as follows:

3 MS. TAUBER:

4 Your Honor, before we begin  
5 cross-examination, Mr. Lanzalotta has one  
6 correction.

7 JUDGE GULIN:

8 Sure.

9 MS. TAUBER:

10 And for the record, my name is Jill  
11 Tauber on behalf of the Alliance and 350  
12 New Orleans.

13 Mr. Lanzalotta, would you like to  
14 provide your corrections?

15 MR. LANZALOTTA:

16 Yes. Page 3, line 20, the words "in  
17 the future," I'm going to strike.

18 MS. TAUBER:

19 Any additional corrections?

20 MR. LANZALOTTA:

21 No.

22 MS. TAUBER:

23 With that, Your Honor, the witness  
24 is available for cross-examination.

25 JUDGE GULIN:



1 MS. TAUBER:

2 Your Honor, I'm happy to have  
3 Mr. Lanzalotta explain it if that's  
4 helpful to you.

5 JUDGE GULIN:

6 Just give me a moment.

7 (Whereupon a pause occurred in the  
8 proceedings.)

9 JUDGE GULIN:

10 Okay. Go ahead, Mr. Lanzalotta.  
11 Tell us why you feel you want to strike  
12 those three words.

13 MR. LANZALOTTA:

14 The company's testimony says that  
15 the reliability problems will occur in  
16 the future. The company's testimony says  
17 the reliability problems will occur in  
18 the future, but there was a data  
19 response --

20 MR. GUILLOT:

21 Oh, I see where he's going. I'm  
22 fine with the correction.

23 JUDGE GULIN:

24 Okay, very well. There's no  
25 objection to the correction.

1                   And you can begin your cross  
2                   whenever you're ready, Mr. Guillot.

3                   EXAMINATION BY MR. GUILLOT:

4                   Q.     All right.  Mr. Lanzalotta, we meet  
5                   again.

6                   A.     Yes, sir.

7                   Q.     It's good to see you again.

8                   A.     Yes, sir.

9                   Q.     All right.  You were engaged in this  
10                  case by a group called The Energy Foundation;  
11                  isn't that correct?

12                  A.     That's who my contract is with, yes.

13                  Q.     And your primary place of business  
14                  is in South Carolina?

15                  A.     Yes.

16                  Q.     And your secondary place of business  
17                  is in Fort Myers, Florida; isn't that true?

18                  A.     Yes.

19                  Q.     And you're not a registered  
20                  professional engineer in Louisiana; are you?

21                  A.     No, just Connecticut and Maryland.

22                  Q.     Now, New Orleans is located entirely  
23                  within the Downstream of Gypsy load pocket;  
24                  isn't that correct?

25                  A.     Yes.

1 Q. And for reference purposes, I'll  
2 refer to that as DSG; is that okay?

3 A. That's fine.

4 Q. All right. You agree that DSG is  
5 dependent on local generation, meaning that it  
6 can't use transmission to meet all of its  
7 reliability needs; isn't that correct?

8 A. Yes, that's what we call a load  
9 pocket.

10 Q. And you've never planned or operated  
11 the transmission grid in New Orleans,  
12 Downstream of Gypsy, or in Louisiana; isn't  
13 that correct?

14 A. That's correct.

15 Q. All right. You've never planned or  
16 worked on hurricane response in New Orleans,  
17 Downstream of Gypsy, or Louisiana; right?

18 A. That's correct.

19 Q. And, in fact, you've never  
20 participated in a hurricane response where a  
21 load pocket has been implicated; isn't that  
22 fair?

23 A. Yes.

24 Q. Mr. Lanzalotta, you agree that there  
25 are advantages to locating generation near the

1 loads they serve; isn't that right?

2 A. Yes.

3 Q. All right. And some of those  
4 advantages include fewer transmission losses?

5 A. Yes.

6 Q. Better reactive power?

7 A. Yes.

8 Q. All right. Certain operating  
9 advantages?

10 A. Yes.

11 Q. All right. And under storm  
12 conditions, fewer wires between a unit and a  
13 load that can be taken down by the storm; isn't  
14 that right?

15 A. Yes.

16 Q. You agree that with respect to a  
17 cascading reliability problem, that that can  
18 involve large high-impact outages; isn't that  
19 right?

20 A. Yes.

21 Q. At the time of your testimony, you  
22 did not perform an analysis regarding the  
23 possibilities of cascading outages in 2019 or  
24 at any time; isn't that right?

25 A. I depended on the company's studies,



1 yes.

2 Q. So the answer is yes, you have not  
3 prepared an independent analysis?

4 A. That was the last word of my answer,  
5 I thought, but, yes.

6 Q. I apologize. I didn't hear it.  
7 Sorry.

8 And you agree that load shedding is  
9 basically shutting off load that would  
10 otherwise be served?

11 A. Yes.

12 Q. And you call it dropping load.  
13 Isn't that the term of art in the industry?

14 A. Yes. I almost used it in my answer  
15 to you just now.

16 Q. So is this a true statement? Load  
17 shedding could affect homes, businesses,  
18 churches, and hospitals. Correct?

19 A. It could, although typically when  
20 you shed load, you -- if it's possible to do so  
21 without interrupting critical loads like  
22 hospitals or police stations, fire departments  
23 and the like, then a utility will do it in that  
24 manner, but it's not always possible.

25 Q. Right. If the utility has no choice

1 but to interrupt those customers, they have to  
2 do that; isn't that right?

3 A. Well, in this case to prevent the  
4 cascading outages, yes, they would have to shed  
5 load.

6 Q. And so let's go back for a minute.  
7 I just want to define load shedding in very  
8 simple terms so that people could understand.

9 It's basically first people have  
10 service and then under a load shed situation,  
11 they would not have that service; isn't that  
12 right?

13 A. Yes.

14 Q. Is this a true statement? An  
15 electric grid prone to such load shedding is  
16 less likely to attract new loads and new  
17 businesses?

18 A. It might if it were businesses to  
19 which continuity of electric supply was a big  
20 critical and economic factor.

21 Q. Sure. Mr. Lanzalotta, you agree  
22 that NERC did not define a P-6 contingency as  
23 an extreme contingency; fair?

24 A. I believe that is correct.

25 Q. And, in fact, the company is

1 required to have a corrective action plan to  
2 address a P-6 contingency; isn't that right?

3 A. Yes.

4 Q. And with respect to overloads for a  
5 P-2, -3 contingency, a utility is also required  
6 to mitigate those, too; isn't that right?

7 A. Is that P-2 and P-3?

8 Q. Yes.

9 A. Yes.

10 Q. All right. At the time of your  
11 testimony, you did not perform any independent  
12 modeling or analysis with respect to  
13 transmission issues that New Orleans faces due  
14 to retirements in Michoud; isn't that right,  
15 Mr. Lanzalotta?

16 A. That's correct. To do so, would go  
17 way beyond the availability of resources that  
18 my clients had.

19 Q. So you don't challenge that in the  
20 first half of this year alone, multiple outage  
21 requests were denied; right?

22 A. No, I do not.

23 Q. And you don't dispute that since the  
24 time of Michoud, generation shortages have led  
25 to multiple load at risk alerts in DSG or Amite

1 South; right?

2 A. That's correct.

3 Q. And you agree that a local generator  
4 in New Orleans such as New Orleans Power  
5 Station will provide counterflow to the  
6 transmission system feeding DSG in New Orleans  
7 such that these operational issues will become  
8 less challenging; right?

9 A. That's correct. These issues, as I  
10 recall, first became an issue when the Michoud  
11 units were retired, Michoud 2 and 3. Before  
12 that, I don't believe they were nearly as much  
13 of an issue.

14 Q. And you agree that there are  
15 benefits, given what you just said, to putting  
16 generation in the same location that old  
17 generation, the retirement of which is causing  
18 NERC violations, has been taken out of service;  
19 isn't that right?

20 A. There's benefits and there could be  
21 disbenefits, especially if we're looking at a  
22 site that is prone to flooding.

23 Q. I guarantee, you and I are going to  
24 talk about flooding before this conversation is  
25 over. Okay?

1           A.    I have no doubt.

2           Q.    And so you don't -- Don't you also  
3 agree, Mr. Lanzalotta, that NERC set the floor  
4 on required levels of reliability, not an upper  
5 limit?

6           A.    Yes.

7           Q.    And at the time of your testimony,  
8 you were aware that MISO requires ENO to  
9 operate DSG to N-1 minus G-1, which is an  
10 operating standard that is more stringent than  
11 NERC defined levels of operation which require  
12 N minus 1; isn't that right?

13          A.    There are certain differences  
14 between the way MISO and the way NERC  
15 approached the subject of generating unit  
16 availability when we do the NERC required  
17 transmission planning.  NERC talks about  
18 choosing a dispatch of generation that stresses  
19 the transmission system in the preparation of  
20 these studies.

21                   Now, that's a way of saying that not  
22 all your best generating units were necessarily  
23 going to be dispatched when they do these  
24 studies.  They'll do some of these studies with  
25 a less than optimal mix of generation.  So MISO

1 chooses to approach this by calling this, you  
2 know, G-1, a generating unit outage.

3 Q. N-1 minus G-1?

4 A. N-1 minus G-1.

5 NERC, in general, doesn't refer as  
6 much to generating unit contingencies, but  
7 stresses the need that the system, you know,  
8 can be stressed prior to the preparation of  
9 these contingency studies, which implies that  
10 some of the generating units are not going to  
11 be running.

12 Q. Mr. Lanzalotta, do you recall taking  
13 a deposition in this case?

14 A. Yeah.

15 Q. All right. Do you have a copy of  
16 that?

17 A. I don't have it with me.

18 MR. GUILLOT:

19 (Tenders document to  
20 Mr. Lanzalotta.)

21 MR. LANZALOTTA:

22 Thank you.

23 MS. TAUBER:

24 Do you have a copy for me?

25 MR. GUILLOT:

1 I do not.

2 EXAMINATION BY MR. GUILLOT:

3 Q. Turn to page 39.

4 MS. TAUBER:

5 I would ask to be provided a copy if  
6 you're going to ask --

7 MR. GUILLOT:

8 You don't have a copy of your  
9 client's deposition, Counsel?

10 MS. TAUBER:

11 I think if you're asking him a  
12 question about it, I should be provided a  
13 copy.

14 JUDGE GULIN:

15 I don't think they anticipated you  
16 wouldn't have a copy of your client's  
17 deposition.

18 MS. TAUBER:

19 Can you give us a moment?

20 JUDGE GULIN:

21 Sure.

22 MS. TAUBER:

23 I'll bring it up. I do have it, but  
24 as other counsel --

25 JUDGE GULIN:

1           Let's give them a moment to get it.

2           MR. GUILLOT:

3           I have a lot of questions. Can we  
4           stop the clock?

5           JUDGE GULIN:

6           Sure. We can stop the clock.

7           Off the record.

8           (Whereupon a discussion was held off  
9           the record.)

10          MS. TAUBER:

11          I'm ready, Your Honor. Thank you.

12          JUDGE GULIN:

13          Okay. Thank you.

14          Back on the record.

15          MR. GUILLOT.

16          All right. Back on the record.

17          EXAMINATION BY MR. GUILLOT:

18           Q. Let me just ask the question one  
19           more time. At the time of your testimony, you  
20           were aware that MISO requires ENO to operate to  
21           N-1 minus G-1, which is an operating standard  
22           that is more stringent than NERC defined levels  
23           of operation which require N-1; isn't that  
24           fair, Mr. Lanzalotta?

25           A. I think that's what I said in my



1 deposition.

2 Q. Okay.

3 A. I've studied the matter considerably  
4 since then.

5 Q. Okay. Well, I said at the time of  
6 your testimony -- at the time of your  
7 deposition.

8 A. At the time of my deposition.

9 Q. And at the time of your deposition,  
10 you agreed that it was reasonable for MISO to  
11 require a more stringent operating standard  
12 than NERC; isn't that right?

13 A. Do I actually say "more stringent"  
14 somewhere in here?

15 JUDGE GULIN:

16 Can you show him a copy?

17 Do you have a copy of your  
18 deposition?

19 MR. LANZALOTTA:

20 He just gave me copy, yes. I don't  
21 see the words.

22 JUDGE GULIN:

23 Refer him to a specific page and  
24 line number.

25 EXAMINATION BY MR. GUILLOT:

1 Q. One page 40, lines 1 through 4, I  
2 ask the question, All right. So it is  
3 reasonable for MISO to require a more stringent  
4 operating standard? (As read.)

5 And then your answer was, Under  
6 these particular conditions, yes, perhaps.  
7 It's a load pocket. (As read.)

8 Did I read that accurately?

9 A. Yes, you did.

10 Q. Okay. You agree that incremental  
11 generation in DSG to replace the retired  
12 Michoud generation would mitigate ENO's  
13 reliability concerns; right, Mr. Lanzalotta?

14 A. The NERC reliability concerns that  
15 we're dealing with in this case, yes.

16 Q. Sure. And you have no reason to  
17 dispute that ENO owns the land at Michoud?

18 A. I have no reason to dispute,  
19 correct.

20 Q. The company would not need to take  
21 any transmission outages to construct the unit;  
22 isn't that fair?

23 A. Not that I am aware of.

24 Q. And, in fact, any minor outages  
25 necessary to interconnect the unit would be

1 incidental compared to the rebuilding of one of  
2 these five transmission lines at issue in this  
3 case; right?

4 A. I agree with that.

5 Q. You agree that complications such as  
6 the inability to receive an outage, soil  
7 conditions, buildings, pipelines could affect  
8 the time of constructing transmission  
9 facilities; correct?

10 A. If you're going to construct a  
11 transmission facility from scratch, yes. If  
12 you're going back to, say, re-conductor  
13 existing transmission line, then, you know, not  
14 so much.

15 Q. All right. So you disagree that the  
16 inability to take an outage to upgrade a  
17 transmission line could affect the timeline of  
18 that construction?

19 A. No, I don't think I said that  
20 necessarily.

21 Q. Well, why don't repeat your answer  
22 to that question?

23 JUDGE GULIN:

24 Which question are you referring to?

25 MR. GUILLOT:

1                   The question I just asked.

2           MS. TAUBER:

3                   Could you repeat that, please?

4           MR. GUILLOT:

5                   All right. Let me just ask the  
6                   question again.

7           MR. LANZALOTTA:

8                   Okay.

9   EXAMINATION BY MR. GUILLOT:

10           Q. Do you agree that complications such  
11           as the inability to receive an outage, soil  
12           conditions, buildings, pipelines could add time  
13           to the construction or the upgrading of  
14           transmission facilities?

15           A. And I agreed with that.

16           Q. Okay.

17           A. It was the next question.

18           Q. That's fine. We can move on.

19           A. Okay.

20           Q. All right. If new paths are needed,  
21           that could mean that additional rights of way  
22           and potential condemnation proceedings could be  
23           in order; right?

24           A. If new what was needed?

25           Q. If new paths were needed.

1 A. New paths?

2 Q. Yes.

3 A. Correct.

4 Q. And that could impact homes,  
5 churches, schools, and businesses; right?

6 A. It could.

7 Q. And isn't it correct that in your  
8 experience, community members usually react  
9 pretty negatively to that process? Right?

10 A. That's correct.

11 Q. All right. Is this a true  
12 statement? When you're comparing the cost of  
13 building generation to transmission, just  
14 looking at capital cost doesn't capture the  
15 cost of the power that's going to be flowing  
16 over transmission lines?

17 A. Yes.

18 Q. Is this a true statement?  
19 Transmission moves power around, it does not  
20 generate power?

21 A. I agree.

22 Q. And you haven't done any analysis  
23 regarding the timing of equilibrium in MISO; is  
24 that right?

25 A. I have not.

1 Q. Hypothetical question. At  
2 equilibrium --

3 MS. TAUBER:

4 I'm going to object. This is not in  
5 his testimony, MISO equilibrium, and  
6 you've had ample witnesses --

7 MR. GUILLOT:

8 I understand that, Counsel, but I'm  
9 about to ask him a question that pertains  
10 to reliability if I may.

11 MS. TAUBER:

12 Does it pertain to MISO equilibrium  
13 of which this witness has not testified?

14 JUDGE GULIN:

15 Let's hear the question.

16 MR. GUILLOT:

17 Okay.

18 EXAMINATION BY MR. GUILLOT:

19 Q. At equilibrium, if there is less  
20 capacity on the system and, therefore, less  
21 ability to import capacity inside the load  
22 pocket, you agree that dependence on local  
23 generation for reliability would increase?

24 JUDGE GULIN:

25 Do you feel you addressed that in

1           your testimony?

2           MR. LANZALOTTA:

3                   No.

4           JUDGE GULIN:

5                   Not that specific question, but the  
6           subject matter?

7           MR. LANZALOTTA:

8                   I don't know if I -- I mentioned  
9           MISO only by the fact that they have  
10          transmission planning standards.

11          JUDGE GULIN:

12                   Okay.

13          MR. LANZALOTTA:

14                   As far as the amount of MISO  
15          capacity or anything else --

16          MR. GUILLOT:

17                   Your Honor, this is all about -- The  
18          amount of capacity directly relates to  
19          reliability and that's a part of his  
20          testimony.

21          JUDGE GULIN:

22                   You were asking about MISO  
23          equilibrium?

24          MR. GUILLOT:

25                   All right. Let me rephrase.

1 EXAMINATION BY MR. GUILLOT:

2 Q. If there's less capacity on the  
3 system and, therefore, less ability to import  
4 that capacity inside the load pocket, you agree  
5 that dependence on local generation for  
6 reliability would increase?

7 A. Under the terms of that proviso,  
8 yes.

9 Q. In real world operations on the  
10 transmission grid, conditions are seldom  
11 perfect. Do you agree?

12 A. Yes.

13 Q. Transmission lines are always out, a  
14 generator is always out, something's always  
15 wrong; isn't that fair?

16 A. The bigger the system, the more  
17 things are going to go wrong, but, yes, in  
18 general, there's almost always some kind of a  
19 problem.

20 Q. Mr. Lanzalotta, you agree that the  
21 ability to take an outage on a transmission  
22 line in the future for maintenance or  
23 construction depends on system operating  
24 conditions in the future?

25 A. Yes.



1 Q. And don't you agree that factors  
2 such as generation availability, transmission  
3 line availability, storms, accidents, all these  
4 things make it difficult to predict real world  
5 conditions in the future?

6 A. Yes.

7 Q. All right. If the company could  
8 construct only one upgrade at a time because of  
9 outage requirements, you would agree, wouldn't  
10 you, that this could add significant time to  
11 the project?

12 MS. TAUBER:

13 Just to be clear, Counsel, are you  
14 asking him a hypothetical, or are you  
15 stating that as a fact, the first part of  
16 your question?

17 MR. GUILLOT:

18 The first word of the question was  
19 "if."

20 JUDGE GULIN (addressing Mr. Lanzalotta):

21 Do you have the question in mind?

22 MR. GUILLOT:

23 Let me repeat.

24 MR. LANZALOTTA:

25 I'd appreciate it. Thank you.

1 MR. GUILLOT:

2 Sure.

3 EXAMINATION BY MR. GUILLOT:

4 Q. If the company could only construct  
5 upgrades one at a time because of outage  
6 requirements, you agree that this could add  
7 significant time to the project as a whole?

8 A. If we assume you can only do one  
9 line at a time and if we assume you've got to  
10 do five lines total, yes.

11 Q. You agree that if ENO couldn't get  
12 outages and had to construct new lines on new  
13 rights of way, that could add significant time  
14 to the project?

15 A. On new rights of way?

16 Q. Yes, sir.

17 A. If they had to get new rights of  
18 way, yeah, that would probably add. If they  
19 build a new line on an existing right of way,  
20 then perhaps not.

21 Q. All right. You are familiar with  
22 the term "VLR"; are you not?

23 A. Yes.

24 Q. The acronym VLR?

25 A. Yes.

1 Q. All right. It wouldn't surprise you  
2 that the Michoud units were frequently called  
3 upon as VLR units before they were deactivated;  
4 correct?

5 A. It would not.

6 Q. And you have no basis to disagree  
7 that if a unit is built at Michoud, it will  
8 likely be called upon as a VLR unit as well?

9 A. I have no reason to doubt that.

10 Q. In 2018 -- Wait a minute.

11 All right. You don't have any basis  
12 to dispute that ENO would have 34 percent of a  
13 peak load in DSG in 2018; isn't that right,  
14 Mr. Lanzalotta?

15 A. Sounds familiar from my deposition,  
16 yes.

17 Q. Okay. Do you have any basis to  
18 dispute it?

19 A. No.

20 Q. And you also have no basis to  
21 dispute that the Michoud units comprise  
22 28 percent of the capacity in DSG; isn't that  
23 fair?

24 A. I'll take the number subject to  
25 check, but, yeah.

1 Q. And at the time of your testimony,  
2 you didn't analyze whether the transmission  
3 upgrades in this case could increase the import  
4 capability into the load pocket; correct?

5 A. I didn't analyze whether upgrading  
6 the transmission system would increase load  
7 import capability? It almost sounds  
8 self-evident.

9 Q. Okay.

10 A. I don't know how you increase  
11 transmission capability and not increase import  
12 capability.

13 Q. Well, you didn't analyze whether the  
14 transmission upgrades in this case would  
15 increase import capability into the load  
16 pocket, did you, Mr. Lanzalotta?

17 A. Well, I don't see how they could  
18 help but do that, otherwise, how could they  
19 address the NERC violation?

20 Q. I understand that, but my question  
21 is whether you conducted an analysis.

22 All right. Let's go to your  
23 deposition.

24 JUDGE GULIN:

25 I didn't hear an answer.

1 MR. LANZALOTTA:

2 I didn't specifically analyze it  
3 because it seemed self-evident.

4 EXAMINATION BY MR. GUILLOT:

5 Q. All right. Well, let's go to your  
6 deposition. Page 76, line 17.

7 A. Okay.

8 Q. And then it goes on to the next  
9 page. I asked you the question, But it won't  
10 allow ENO to import transmission capacity from  
11 outside the load pocket to inside the load  
12 pocket. Do you agree with that? (As read.)

13 Answer, I haven't studied that. (As  
14 read.)

15 A. I'm not saying anything different  
16 now.

17 Q. I understand, but let me go on.

18 I don't know that. I don't know  
19 that frequently by adjusting the capacity of  
20 the line within the load pocket, you will  
21 affect how much can be imported and without  
22 actually changing the capacity of the lines  
23 that they are trying -- that they are trying to  
24 the system outside of the load pocket.

25 Uh-huh (indicating affirmatively).

1                   And have you done the analysis  
2 regarding that?

3                   No, I have not. I mean, that's an  
4 area, as you would expect, that the tie  
5 lines --

6                   Would you expect import capacity  
7 into the load pocket to be changed  
8 significantly?

9                   Well, since I haven't studied it, I  
10 don't know. (As read.)

11                  A. Okay.

12                  Q. All right.

13                  JUDGE GULIN:

14                         And what's your question?

15                  EXAMINATION BY MR. GUILLOT:

16                  Q. Is that an accurate reading of your  
17 deposition?

18                  A. Yes.

19                  Q. All right. At the time of your  
20 testimony, you had not done any independent  
21 analysis regarding the likelihood of increased  
22 energy efficiency to address ENO's reliability  
23 issues; fair?

24                  A. Yes.

25                  Q. And no analysis of any specific

1 location of increased energy efficiency to  
2 address reliability; right?

3 A. Right.

4 Q. No analysis regarding the  
5 probability of increased energy efficiency  
6 being realized?

7 A. That's correct.

8 Q. And no analysis regarding the timing  
9 of increased energy efficiency?

10 A. Yes.

11 MS. TAUBER:

12 I only object, Your Honor, to note  
13 that Mr. Lanzalotta's testimony speaks to  
14 transmission and reliability. I'll let  
15 the witness continue. I'm just noting  
16 the scope of his testimony.

17 JUDGE GULIN:

18 Okay. Go ahead. Continue.

19 EXAMINATION BY MR. GUILLOT:

20 Q. With respect to intermittent  
21 resources like rooftop solar, the output is  
22 sensitive to environmental factors like the  
23 amount of sun available; correct?

24 A. Yes.

25 Q. So if there's no sun, the output

1 could very well be zero?

2 A. You mean like at night? I mean,  
3 during the day, I think the output could be  
4 drastically reduced. I don't know that it  
5 would go to zero unless you had an eclipse.

6 Q. I understand. Well, if it's in the  
7 evening time and there's cloud cover?

8 A. Well, if it's in evening time, I  
9 already said if it's dark, there's no output.

10 Q. Okay. At the time of your  
11 testimony, you didn't do any independent  
12 analysis regarding the future installation rate  
13 of distributed resources in New Orleans, did  
14 you?

15 A. I did not.

16 MS. TAUBER:

17 Note the similar -- If counsel has a  
18 question pertaining to his testimony --

19 MR. GUILLOT:

20 Counsel, I can point you to the page  
21 in his testimony where he discusses all  
22 of that.

23 JUDGE GULIN:

24 All right. Continue.

25 EXAMINATION BY MR. GUILLOT:



1 Q. And increased levels of installed  
2 distribution of resources depend on customer  
3 behavior; correct? I'm sorry. Let me repeat  
4 that.

5 A. Please.

6 Q. Increased levels of installed  
7 distributed resources depend on customer  
8 behavior; isn't that right?

9 A. Distributed generation?

10 Q. Yes.

11 A. Yes.

12 Q. So if customers don't buy it, they  
13 don't get installed?

14 A. That's installed on the customer  
15 side of the meter, right.

16 Q. Yep. At the time of your testimony,  
17 you had not done an independent analysis  
18 regarding the ability of distributed resources  
19 to affect the reliability issues in New  
20 Orleans; correct?

21 A. Yes.

22 Q. You would agree that there are  
23 benefits to installing quick start generation,  
24 one of which is that it will provide support  
25 for variable output for intermittent type

1 generation resources; isn't that correct?

2 A. Yes.

3 Q. All right. At the time of your  
4 testimony, you had not conducted any analysis  
5 regarding whether demand management can address  
6 ENO's reliability needs; correct?

7 A. That's correct.

8 Q. And no analysis regarding the use of  
9 demand management or demand response to meet  
10 instantaneous changes in demand on ENO's  
11 system?

12 A. Yes.

13 Q. Yes, an analysis or no, an analysis?

14 A. I did no analysis.

15 Q. All right. No analysis into the  
16 amount of demand management that will be needed  
17 to impact reliability?

18 A. Yes, that's correct.

19 Q. And no analysis of any particular  
20 location of demand management that will be  
21 needed to impact reliability in New Orleans?

22 A. No analysis, period.

23 Q. Mr. Lanzalotta, you agree that  
24 Gustav, Hurricane Gustav, was a situation where  
25 an electrical island was formed between the

1 area south of Baton Rouge and ending in New  
2 Orleans; correct?

3 A. Yes.

4 Q. And that island was formed because  
5 all the transmission lines feeding the area  
6 were knocked out of service during the storm;  
7 correct?

8 A. Yes.

9 Q. Fourteen out of 14 tie lines?

10 A. I believe so, yes.

11 Q. And if 80 percent of ENO's customers  
12 were interrupted during Gustav, that would mean  
13 that 20 percent of customers were kept in  
14 service during Gustav; isn't that fair?

15 A. Yes.

16 Q. And remember in the deposition, we  
17 quibbled over that number? We won't do that  
18 here.

19 A. Thank you.

20 Q. And if there is no transmission,  
21 that means that these customers were kept in  
22 service by the presence of local generation;  
23 right?

24 A. Yes.

25 Q. Within that 20 percent of customers

1 who were not interrupted, there certainly could  
2 have been hospitals, police stations, and other  
3 critical load; correct?

4 A. Could have been. I don't know.

5 Q. On September 3rd, the second day of  
6 recovery efforts when only three of the 14  
7 lines were back in service, you agree that  
8 transmission restoration was only beginning at  
9 that point; right?

10 A. Yes.

11 Q. So with three of the 14 lines in  
12 service, there's a pretty good chance that the  
13 area was dependent on local generation to serve  
14 load; fair?

15 A. I mean, there's a chance.

16 Q. There's a pretty good chance; right?

17 A. I don't know.

18 Q. All right. Let's go to the  
19 deposition.

20 A. All right. Let's do.

21 Q. Page 105 in lines 14 through 15 --

22 A. There's a pretty good chance.

23 Q. -- you say there's a pretty good  
24 chance; right? Don't you say that?

25 A. Yes.

1 Q. Do you agree that five days after  
2 the storm with only six of the 14 tie lines  
3 back in service, transmission restoration was  
4 still not complete; correct?

5 A. Correct.

6 Q. All right. You agree that it's  
7 possible for a storm to separate New Orleans  
8 from the rest of DSG?

9 A. Yeah, it's possible.

10 Q. And you agree that if that happened,  
11 New Orleans would be dependent on local  
12 generation; correct?

13 A. Yes.

14 Q. And you agree that there are  
15 benefits to having black start capability  
16 within the City of New Orleans; fair?

17 A. There are benefits.

18 Q. All right. At the time of your  
19 testimony, you were not familiar with the Army  
20 Corps of Engineers project described by Mr. Jon  
21 Long in supplemental testimony; correct?

22 A. That's correct.

23 Q. And you weren't aware that the  
24 Mississippi River Gulf Outlet, we call it the  
25 MRGO, greatly contributed to flooding in New

1 Orleans; correct?

2 A. Are you asking me if I think the  
3 Mississippi River contributed to flooding in  
4 New Orleans?

5 Q. I'm asking you if you are aware that  
6 the Mississippi River Gulf outlet, we call it  
7 MRGO, is different than the Mississippi River?

8 A. Then no.

9 Q. And at the time of your testimony,  
10 you didn't know the Corps shut down the MRGO if  
11 you weren't even aware that it existed; right?

12 A. That's correct.

13 Q. All right. At the time of your  
14 testimony, you were not aware that the Corps  
15 put in place the world's largest surge barrier,  
16 the IHNC Lake Borgne surge barrier; correct?

17 A. That's correct.

18 Q. You weren't specifically aware of  
19 the improvements to the flood walls in New  
20 Orleans East, were you?

21 A. No.

22 Q. And after considering -- In  
23 considering the improvements and the fact that  
24 the unit would be elevated to a higher level  
25 than the old Michoud units were at the time of

1 Katrina, you at least agree that it was not as  
2 risky as it was before Katrina at the Michoud  
3 location with respect to flooding; correct?

4 A. Under that proviso, yes.

5 Q. And you've done no analysis  
6 regarding the risk level of flooding in New  
7 Orleans East; correct?

8 A. That's correct.

9 Q. Now, Mr. Lanzalotta, the whole City  
10 of New Orleans is subject to flooding. Are you  
11 saying that we should give up on building  
12 infrastructure in New Orleans because of  
13 Hurricane Katrina?

14 A. No, I'm not. It's just -- You say  
15 "infrastructure." We're talking specifically  
16 about building generating units versus  
17 upgrading transmission versus, you know, maybe  
18 some other options. You can't give up building  
19 infrastructure in New Orleans if we want to  
20 have electric power. Whether it's a  
21 particularly good place to locate generation  
22 could be a different question.

23 Q. All right. So those businesses in  
24 New Orleans and New Orleans East that returned  
25 after Katrina, are you saying they made a

1 mistake because they could flood?

2 A. No.

3 Q. I'm glad. I agree with that. They  
4 didn't give up on New Orleans East and  
5 Entergy's not going to give up on New Orleans  
6 East either.

7 MS. TAUBER:

8 Is that a question?

9 MR. WIYGUL:

10 Or an editorial statement?

11 MR. GUILLOT:

12 No more questions.

13 JUDGE GULIN:

14 Okay. It's down to the advisors.

15 MR. REED:

16 Your Honor, I'll be doing  
17 cross-examination. Can we take a couple  
18 of minutes to look at where we might have  
19 overlapped in our direct?

20 JUDGE GULIN:

21 Sure.

22 (Whereupon a pause occurred in the  
23 proceedings.)

24 EXAMINATION BY MR. REED:

25 Q. Good morning, Mr. Lanzalotta. My



1 name is Presley Reed, and I'm appearing on  
2 behalf of the City of New Orleans Council  
3 advisors.

4 A. Good morning, Mr. Reed.

5 Q. You have a copy of your testimony  
6 and the transcript of your deposition with you?

7 A. Yes.

8 Q. Would you agree with me that the  
9 limited -- that because of the limited  
10 transmission options associated with the DSG  
11 load pocket, Entergy New Orleans has  
12 historically relied on local generation to  
13 serve its load?

14 A. I agree that they relied on having  
15 generation at Michoud to help serve their load,  
16 yes.

17 Q. And that would be local generation?

18 A. That's local, yes.

19 Q. And I think in your earlier  
20 discussions with Mr. Guillot, you agreed that  
21 the deactivation of the Michoud units have  
22 resulted in substantial risk for cascading  
23 outages for the city; is that correct?

24 A. Yes.

25 Q. And that risk of cascading outages

1 exists today; am I correct?

2 A. I agree.

3 Q. Would you agree with me that a major  
4 issue in this proceeding is the best way for  
5 ENO to eliminate its transmission reliability  
6 risk?

7 A. I'm not sure I --

8 Q. You're not sure what?

9 A. Transmission reliability risk.

10 Q. Well, let me rephrase it a different  
11 way.

12 Would you agree with me that one of  
13 the major issues in this proceeding is the best  
14 way for Entergy New Orleans to alleviate the  
15 risk of cascading outages that exists today?

16 A. I agree.

17 Q. Thank you.

18 And although I'm oversimplifying the  
19 options, the Council in this case is being  
20 asked to decide between building new, local  
21 generation or building a transmission-only  
22 option to address that risk; is that correct?

23 A. My testimony focuses on the fact  
24 that there is a transmission alternative to  
25 address these NERC violations and that

1 transmission has certain benefits vis-a-vis  
2 building more local generation. And I'm not  
3 sure if that answers your question or not. And  
4 if it doesn't, I apologize.

5 Q. Well, let me give you a follow up.  
6 In light of what you just provided me in terms  
7 of your answer, the Council either decides that  
8 Entergy New Orleans builds new generation to  
9 address that risk or they decide to go with a  
10 transmission-only option if there's no  
11 generation built; isn't that correct?

12 A. I guess they could move forward with  
13 a combination of the two. The transmission  
14 option really has only been studied to a very  
15 general degree. If it were studied in a little  
16 more detail, it might turn out that some of the  
17 elements of the transmission upgrade made  
18 economical sense, but not all of them.

19 Q. Is there anything in your testimony  
20 to support that it does make economic sense?

21 A. No, because the option hasn't been  
22 studied sufficiently.

23 Q. Have you done any analysis to look  
24 at whether or not it makes economic sense?

25 A. It really went beyond my client's

1 economic capabilities to fund those studies.  
2 We're depending on the company to do those  
3 kinds of studies, make those decisions.

4 Q. Assuming that the Council were to  
5 agree with your position and reject Entergy's  
6 request to build new generation, the risk of  
7 cascading outages will continue indefinitely;  
8 isn't that correct?

9 A. I'm sorry. Could I have that  
10 question repeated?

11 Q. Assuming that the Council were to  
12 agree with your position in this case and  
13 reject Entergy's request to build new  
14 generation, the risk of cascading outages will  
15 continue indefinitely?

16 A. First of all, my recommendation in  
17 this case is that the company study the  
18 transmission alternative more completely  
19 before, you know, a decision is made, you know,  
20 thumbs up or thumbs down on transmission or  
21 generation. Now, system's at risk as things  
22 sit today. Until something is done, you know,  
23 batteries or generation or transmission, that  
24 risk will continue, yes.

25 Q. So until something addresses this,

1 if this generation is not built, the risk that  
2 the city currently faces shall continue?

3 A. Well, if the generation is built or  
4 some other remedy is implemented, yes.

5 Q. I think that's the premise or the  
6 preface of my question.

7 Just to save time, Mr. Lanzalotta,  
8 during your conversation with Mr. Guillot, I  
9 think one of your answers to one of his  
10 questions was, I quote, "No analysis, period";  
11 isn't that correct?

12 A. I think I remember that, yes.

13 Q. Does that simply mean that you did  
14 absolutely no analysis in any form or fashion  
15 related to your testimony in this case?

16 A. No. I did no technical studies.  
17 Analysis, I read the company's studies. I read  
18 all the testimonies. Their studies seemed  
19 reasonable and so I accepted them. I did not  
20 do my own.

21 Q. So in that regard, you did no  
22 studies regarding the availability of rights of  
23 way to build new transmission; is that correct?

24 A. That's correct.

25 Q. And you did no studies to look at

1 the viability of undergrounding in the New  
2 Orleans urban environment; is that correct?

3 A. Well, yes, conditioned on the fact  
4 that you could put transmission lines under  
5 water. You can put them underground. When  
6 you're going below the surface, you know,  
7 there's obstructions to deal with, but as far  
8 as conditions, soil conditions and the like,  
9 I'm not aware that those present an absolute  
10 barrier.

11 Q. Hypothetically, is it easier to  
12 build something underground in a less densely  
13 populated area or a more densely populated  
14 area?

15 A. Less densely populated.

16 Q. So recognizing that New Orleans is  
17 an urban environment, would you agree with me  
18 that there are certain challenges to putting  
19 anything underground?

20 A. I agree with that.

21 Q. All right. And that any underground  
22 transmission must share space with other  
23 existing underground infrastructure; is that  
24 correct?

25 A. Yes.

1 Q. We're talking infrastructure like  
2 other electric distributions systems; right?

3 A. Yes.

4 Q. Water?

5 A. Water, telephone.

6 Q. Sewer?

7 A. Sewer.

8 Q. Right. And you have not evaluated  
9 the availability of the space in this urban  
10 environment as to the feasibility of  
11 underground new transmission system?

12 A. Given today's technology, when you  
13 go underground, if it's so crowded immediately  
14 under the surface that an open trench and  
15 conduit is not a feasible approach, you can use  
16 horizontal direct drilling. You can go  
17 underneath almost any obstruction.

18 Q. But you haven't analyzed that, have  
19 you?

20 A. No, I have not.

21 Q. Thank you.

22 Have you done any analysis regarding  
23 what transmission lines would need to be  
24 upgraded to address the reliability issue?

25 A. No. I reviewed the results of the

1 company's analysis. I didn't do my own.

2 Q. Have you analyzed the  
3 constructability of potential transmission  
4 upgrades to address the reliability issue?

5 A. No, I haven't. I don't know that  
6 anyone has so far in this case.

7 Q. Now, based on your recommendation  
8 that transmission upgrades will provide another  
9 alternative to address the reliability risk,  
10 that is based on a premise that Entergy New  
11 Orleans can buy power from the MISO market or  
12 some other area other than generation that is  
13 local; is that correct?

14 A. Yeah, I think I agree with that.

15 Q. Is it your assumption that that  
16 power is going to come from MISO North?

17 A. My testimony didn't really get into  
18 where alternative sources of the power would  
19 come from. It's my understanding there are  
20 other experts that were addressing that.

21 Q. Now, you're aware of the Ameren  
22 interties between MISO North and MISO South?

23 A. I've heard of it. I'm not  
24 intimately familiar with details.

25 Q. Subject to check, would you agree



1 with me that only a limited amount of power  
2 could flow through that intertie?

3 A. No. I agree with that.

4 Q. And would you agree with me that  
5 that limited amount of power is limited both  
6 physically and contractually?

7 A. I have no reason to doubt that.

8 Q. I think in speaking with  
9 Mr. Guillot, you also noted that building  
10 generation close to the load enhances the  
11 utility's ability to address reactive power  
12 needs; is that correct?

13 A. Yes.

14 Q. Does solar PV provide reactive  
15 power?

16 A. Photovoltaics? It's going to depend  
17 on the inverters that they're feeding power  
18 into. They feed power into an inverter and  
19 then it feeds power into the alternating  
20 current system. State of capabilities of  
21 inverters is rapidly increasing due to the  
22 increased interest in installing renewable  
23 resources. So depending on the types of  
24 inverters they have, they may or may not supply  
25 reactive power.

1 MR. REED:

2 Those are all of my questions, Your  
3 Honor.

4 JUDGE GULIN:

5 Thank you.

6 We anticipate some redirect. Let's  
7 take a ten-minute break and then we'll  
8 come back for redirect.

9 (Whereupon a recess was taken.)

10 JUDGE GULIN:

11 Ms. Tauber, whenever you're ready.

12 MS. TAUBER:

13 Thank you, Your Honor.

14 EXAMINATION BY MS. TAUBER:

15 Q. You were asked a series of questions  
16 from counsel for Entergy about transmission  
17 upgrades. Do you generally recall that  
18 subject?

19 A. I think so.

20 Q. And I believe you testified that the  
21 option hasn't been sufficiently studied, and  
22 I'd just like to ask you to explain what you  
23 mean by that.

24 A. Well, I mean the company was asked  
25 the extent to which the transmission option was

1 feasible or asked details about it and I  
2 believe they said in discovery that it hadn't  
3 really been reviewed in depth.

4 Q. In your view, what would a more  
5 thorough review look like?

6 A. Involve a physical inspection, go  
7 and look at the conditions that are there. It  
8 could include a subsurface inspection, drilling  
9 of soundings and the like like that, depending  
10 on what you're going to be doing. You look at  
11 the operating history. You see if there are --  
12 see what kind of outages the line has had. The  
13 lines in and around New Orleans, I have a  
14 feeling they get a lot of repairs and the like  
15 every time there's a really big storm and  
16 they're damaged. So you try to review the  
17 history of repairs and all on the line as well.  
18 Things along that line.

19 MS. TAUBER:

20 Thank you.

21 No further questions, Your Honor.

22 JUDGE GULIN:

23 Any recross?

24 MR. GUILLOT:

25 No, Your Honor.

1 MR. REED:

2 No, Your Honor.

3 JUDGE GULIN:

4 Thank you, sir. You're welcome to  
5 step down. Thank you for your testimony.

6 MR. LANZALOTTA:

7 Thank you, Your Honor.

8 (Whereupon a pause occurred in the  
9 proceedings.)

10 JUDGE GULIN:

11 Let's go to the advisors' list of  
12 witnesses.

13 Mr. Vumbaco, please face the court  
14 reporter.

15 JOSEPH A. VUMBACO,  
16 after having been duly sworn by the  
17 above-mentioned Certified Court Reporter, was  
18 examined and testified as follows:

19 MR. REED:

20 Mr. Vumbaco, before we tender you  
21 for cross-examination, any corrections  
22 you need to make to your testimony?

23 MR. VUMBACO:

24 Yes, Mr. Reed, I do. On  
25 Exhibit JAV-2, first page, third

1 paragraph, last line, after the word  
2 "Orleans," "Inc. and Entergy Louisiana"  
3 should be deleted. And that would be the  
4 only change to my testimony, Mr. Reed.

5 JUDGE GULIN:

6 Any objections?

7 (No response.)

8 So ordered.

9 MR. REED:

10 I tender the witness for  
11 cross-examination, Your Honor.

12 JUDGE GULIN:

13 Thank you.

14 Sierra Club.

15 EXAMINATION BY MR. BROWN:

16 Q. Good morning.

17 A. Good morning.

18 Q. Good morning, Mr. Vumbaco.

19 A. Good morning again.

20 Q. Thank you for traveling to be here  
21 with us today.

22 A. Such a nice time of the year to  
23 travel, yes.

24 Q. Well, hopefully my questions will be  
25 short.

1           So, again, I'm Michael Brown here as  
2 an attorney representing the Sierra Club.

3           I'd like you to turn to page 25 of  
4 your testimony, lines 9 through 10. And you  
5 state in your testimony there starting in the  
6 middle of that line, As Mr. Movish notes, there  
7 are significant risks to New Orleans involving  
8 constructability and timing for the  
9 transmission alternative. (As read.)

10           Is that an accurate reading of your  
11 testimony, sir?

12           A. That's correct.

13           Q. And ENO has not quantified those  
14 constructability risks that you reference there  
15 by assigning them a dollar value; is that  
16 correct?

17           A. To my knowledge, they have not, but  
18 I believe in the testimony, rebuttal testimony  
19 of Mr. Long, he has quite an elaboration of  
20 what those are, but I haven't seen a  
21 quantification in terms of dollars, no.

22           Q. And Mr. Movish has not quantified  
23 those risks in a dollar value?

24           A. I think you would better address  
25 that question to Mr. Movish, sir.

1 Q. Okay. But you reviewed his  
2 testimony in preparing yours; is that correct?

3 A. I did review his testimony, but what  
4 he did or didn't do in preparation for his  
5 testimony, you should ask him, sir.

6 Q. Okay. And we will.

7 A. Good.

8 Q. And you have not quantified those  
9 risks?

10 A. I have not.

11 Q. As to the timing issue that you  
12 mentioned in that phrase, has Entergy New  
13 Orleans given a firm date by which the company  
14 believes it could complete the transmission  
15 upgrades if the Council denied the application  
16 that is before it in this docket?

17 A. To my knowledge, they have not.

18 Q. In fact, I'd just like to turn you  
19 to page 7, lines 1 through 8 of your testimony.  
20 And if you could just review those lines to  
21 yourself.

22 A. (Witness complies.) I have.

23 Q. And is it fair to say in those lines  
24 in your testimony, you outline the information  
25 that Entergy New Orleans would need to provide,

1 but has not, for the Council to make a decision  
2 to choose to do the transmission upgrades in  
3 lieu of building gas plants?

4 A. I don't believe I, in that section,  
5 sir, said they have not. But I believe this is  
6 a conclusion that I rendered in my testimony  
7 that's -- basically is saying if the Council so  
8 chooses this option, these are the things that  
9 I think personally need to be nailed down.

10 Q. Sure. And that's fair.

11 Do you believe that Entergy New  
12 Orleans has provided you with that information  
13 to date?

14 A. No, sir.

15 Q. Do you know -- To your knowledge has  
16 Entergy New Orleans provided that information  
17 to the City Council to date?

18 A. I really can't speak to what they  
19 may or may not have provided to the City  
20 Council outside of the docket or any other  
21 form.

22 Q. Would you agree that the City  
23 Council has the power to order Entergy New  
24 Orleans to provide this information?

25 A. Absolutely.



1 Q. Mr. Vumbaco, your work for the City  
2 Council dates back to at least 1990, I take it?

3 A. Yes, sir, it does.

4 Q. And would it be a fair statement  
5 that at least over the last five years, you've  
6 been involved in almost all of the work that  
7 the City Council has done, at least the Council  
8 Utilities Committee has done in relation to  
9 Entergy New Orleans?

10 A. I would say my firm has been in  
11 terms as the consulting engineer for the City  
12 Council on regulatory matters, but me  
13 personally, comme si, comme sa. I don't -- you  
14 know, not everything. I have other people that  
15 are smarter than me on a lot of other stuff.

16 Q. But you or your staff have been  
17 involved?

18 A. Yes, sir. Yes, sir.

19 Q. Prior to the start of this docket,  
20 which was, just for reference, June 2016, prior  
21 to that June 2016 date, did Entergy New Orleans  
22 ever reveal to you the possibility that New  
23 Orleans could suffer a P-6 contingency in 2019?

24 A. No, I do not believe so.

25 Q. To your knowledge, prior to this

1 docket, did Entergy New Orleans ever reveal  
2 that fact to the City Council?

3 A. Just for clarification, you mean --  
4 prior to the docket, meaning June of '16?

5 Q. Yes, sir.

6 A. Again, I can't speak for the City  
7 Council, but to my knowledge, no.

8 Q. When did you first become aware that  
9 Entergy New Orleans faced the potential for P-6  
10 contingencies as a result of the closure of  
11 Michoud Units 2 and 3?

12 A. I'm sorry. I'm not sure I'm clear  
13 what the question is.

14 Q. Sure. So, actually, I'll rephrase  
15 it.

16 So we were just talking about the  
17 potential for a P-6 contingency to occur in the  
18 City of New Orleans in 2019. When was it that  
19 you first became aware of that potential?

20 A. In terms of the actual term "P-6  
21 contingency," I believe that I first became  
22 aware when Bill Movish, who is our transmission  
23 expert, reviewed some initial studies provided  
24 by Entergy. I'm just not sure when that  
25 happened, but it definitely was, I would say,

1 within the year.

2 Q. And this may be redundant, but based  
3 on your answer before, so you can refer back to  
4 that, but is it your testimony that the way you  
5 became aware of it was through Mr. Movish's  
6 studies of the issue?

7 A. No. I think that may be a  
8 mischaracterization, so let me try to clear it  
9 up. Okay?

10 Q. Sure.

11 A. I became aware of it when Mr. Movish  
12 received studies from the company that showed  
13 him and in his transmission expertise an  
14 alarming issue relating to the P-6 contingency.  
15 He is the individual in our firm who is an  
16 expert in transmission and has executed the  
17 confidentiality critical energy infrastructure  
18 agreement under federal law. I have not. So  
19 we rely on Mr. Movish as to what he can tell  
20 us.

21 Q. Thank you.

22 Now, Mr. Vumbaco, would you agree  
23 that -- at least that Entergy has, according to  
24 its latest load forecast, projected a capacity  
25 deficit of 99 megawatts in 2026?

1           A.     That's not the subject of my  
2 testimony, sir, so I can't affirm or answer  
3 that question with direct knowledge. I would  
4 refer you to Mr. Rogers' testimony, who I  
5 believe handled that issue in our firm.

6           Q.     Sure. Are you aware that if Entergy  
7 New Orleans were to build either gas-fired  
8 option, it would have a capacity surplus at  
9 least in some years in the foreseeable future?

10          A.     As I recall, that is the case. I  
11 just don't remember the specific -- I know  
12 definitely with the CT, they would, yes,  
13 absolutely. With the RICE units, I believe,  
14 particularly from reading Mr. Brubaker's  
15 testimony as I remember that -- you know, and  
16 Mr. Rogers, that the capacity that they're  
17 planning to build is in excess of an immediate  
18 capacity need. That's different, of course,  
19 than looking at long term. So my statements  
20 are based on immediate today capacity need.

21          Q.     And do you believe that if Entergy  
22 New Orleans were to have an energy surplus,  
23 would that reduce the economic incentive to  
24 continue to invest in energy efficiency?

25          A.     I guess I need you to clarify a

1 couple of things, Counsel.

2 Q. Sure.

3 A. Whose economic incentive?

4 Q. Sure. The economic incentive for  
5 the ratepayers of the city whether it would be  
6 economical to continue to invest in energy  
7 efficiency when there's a capacity -- a surplus  
8 of available capacity?

9 A. Perhaps marginally, but given the  
10 Council's implication for years now of an  
11 integrated resource planning paradigm, I would  
12 believe that it would be evaluated as part of  
13 that, just like any other resources would, and  
14 it's -- you know, it would be what I would call  
15 kind of a grandfathered resource. It would be  
16 engaging all the incremental resources against  
17 each other if the IRP is properly done and if  
18 it is in complete adherence to the City  
19 Council's rules that were recently adopted.

20 Q. And last question, if Entergy New  
21 Orleans were long in its capacity position,  
22 would that reduce the incentive to encourage  
23 Entergy New Orleans to build additional  
24 incremental solar or renewable energy  
25 resources?

1 A. Again, clarification.

2 Q. Sure.

3 A. "Additional" meaning what?

4 Q. So it would be incremental in that I  
5 believe it's -- it's the position of the City  
6 Council that Entergy New Orleans should build a  
7 hundred megawatts of new renewable energy and  
8 that that process is now playing out.  
9 Incremental to those hundred megawatts of  
10 renewable resources is what I'm referring to.

11 A. Okay. So let me just see if I  
12 understand you so we get the record clear.

13 Given today and given the fact that  
14 Entergy New Orleans has committed to a hundred  
15 megawatts of renewable resources absent a  
16 direct order of the City Council, to my  
17 knowledge, you are inquiring is if there is  
18 excess capacity in that scenario, would it  
19 diminish the need for other capacity? Is that  
20 basically what you're asking?

21 Q. Yes, sir.

22 A. The answer would be yes.

23 Q. Thank you.

24 MR. REED:

25 I object, Your Honor.

1                   Wasn't your original question the  
2                   economic incentive of Entergy to input in  
3                   incremental capacity, solar capacity?

4                   MR. BROWN:

5                   I think that was more my question on  
6                   demand-side management resources. I  
7                   think Mr. Vumbaco answered exactly my  
8                   question on solar resources.

9                   MR. REED:

10                  Okay.

11                  JUDGE GULIN:

12                  Okay. Thank you, Mr. Brown.

13                  MR. BROWN:

14                  Thank you.

15                  MR. VUMBACO:

16                  Thank you, sir.

17                  JUDGE GULIN:

18                  Let's go to Alliance.

19                  MS. OSUALA:

20                  Yes, Your Honor.

21                  EXAMINATION BY MS. OSUALA:

22                  Q. Good morning, Mr. Vumbaco.

23                  A. Where are you? Oh, there you are.

24                  Okay.

25                  Good morning.

1 Q. Good morning.

2 A. I'm looking around. I don't see  
3 anybody.

4 Q. I would like you to turn to your  
5 direct testimony, page 9, please.

6 A. Yes, I'm there.

7 Q. And here starting on line 10, you  
8 start talking generally about the public  
9 interest standard. Do you see that there?

10 A. That's what the Section 4 is  
11 labeled, yes, ma'am.

12 Q. And in this section, you talk about  
13 the -- you're talking about a legal public  
14 interest standard; correct?

15 A. Regulatory is the way I would say  
16 it. I'm not a lawyer. Okay?

17 Q. Okay.

18 A. But basically regulatory principles  
19 that are utilized in regulation of electric and  
20 gas utilities. That's what I'm speaking  
21 towards.

22 Q. And the administration of law that  
23 would regulate --

24 A. No. I'm not speaking to the  
25 administration of law. That would be a legal



1 issue. I'm talking about regulatory principles  
2 that are generally established by a  
3 regulatory -- by the implementation of  
4 regulatory policies throughout the country.

5 Q. Can you turn to page 11, lines 1  
6 through 12?

7 A. I'm sorry. Lines which?

8 Q. Lines 1 through 12. And I don't  
9 want to assume that you -- I don't know how  
10 long ago since you've read this portion of your  
11 testimony, but I just want to speak generally  
12 to the factors that you believe would be  
13 included in a public interest determination.

14 A. Sure.

15 Q. Here you say -- Oh, let's start from  
16 line 6. You say that While Mr. Rogers presents  
17 his evaluation of relative economic  
18 attractiveness of seven modeled cases, both  
19 advisor witnesses, Movish and Rogers, discuss  
20 other important factors such as operational  
21 MISO capacity market and reliability risk. (As  
22 read.)

23 Can you see that there?

24 A. Yes, I can.

25 Q. Is that list of factors meant to be

1 an exhaustive list of what you believe the  
2 Council should determine in terms of this  
3 public interest determination of NOPS?

4 A. No. That statement is to emphasize  
5 that it's not just an economic determination --

6 Q. Right. I'm sorry.

7 A. Can I finish?

8 Q. Sure. Go ahead.

9 A. Okay -- in terms of qualifying what  
10 was said before that.

11 Q. Right. Okay. And would it be --  
12 because you have factors, including economic,  
13 including operational MISO capacity market, and  
14 reliability risk. I don't see any other  
15 factors there that you note.

16 A. Is there a question?

17 Q. Right. I'm just saying are there  
18 other factors that you note here other than  
19 those four factors that I said to you?

20 MR. REED:

21 Objection. I think ambiguous.

22 Could you restate the question,  
23 please?

24 JUDGE GULIN:

25 I thought it was clear enough. You

1 can answer the question. If you need it  
2 restated, certainly I'll ask counsel to  
3 do that.

4 MR. VUMBACO:

5 I think the answer would be the  
6 same, that these are examples of other  
7 things that would be considered as part  
8 of the public interest consideration by  
9 the -- should be considered as public  
10 interest consideration by the Council,  
11 not strictly an economic case analysis.

12 EXAMINATION BY MS. OSUALA:

13 Q. Do you think that the Council should  
14 include environmental concerns in its public  
15 interest determination of whether or not to  
16 approve NOPS?

17 A. I think that --

18 Q. I'm sorry. I'm sorry. To qualify  
19 my question, by "NOPS," I mean either the RICE  
20 or the CT.

21 A. Now I don't understand. Could you  
22 restate your question, Miss?

23 Q. Do you believe that in its public  
24 interest -- in its determination to figure out  
25 whether NOPS, the Rice units or the CT unit,

1 are in the public interest, that it should  
2 determine that it should include environmental  
3 concerns?

4 A. As I state in my testimony, it's a  
5 very broad standard and those would be issues  
6 that I believe would be considered as well as  
7 other issues I may not have mentioned in my  
8 testimony.

9 MS. OSUALA:

10 Your Honor, may I approach?

11 JUDGE GULIN:

12 Please.

13 This will be marked as AAE/350-5.

14 MS. OSUALA:

15 It's already been marked as  
16 AAE/350-5.

17 JUDGE GULIN:

18 I apologize. No need to remark it.

19 EXAMINATION BY MS. OSUALA:

20 Q. Mr. Vumbaco, do you recognize that  
21 document that I just handed to you?

22 A. It appears to be a resolution of the  
23 City Council, and since I see that it's  
24 certified by the clerk, I assume it's an  
25 accurate copy of Resolution R-17-100.

1 Q. And this would be the resolution  
2 order considering the 2015 final integrated  
3 resource plan of Entergy New Orleans; correct?  
4 I'm just reading from the front cover page.

5 A. Yeah. In re: Resolution regarding  
6 proposed rulemaking to establish integrated  
7 resource planning components and reporting  
8 requirements for Entergy New Orleans, Inc.,  
9 Docket No. UD-80 -- excuse me -- Docket  
10 No. UD-08-02, resolution and order considering  
11 the final 2015 final integrated resource plan  
12 of Entergy New Orleans, Inc. (As read.)

13 That's the full title, so, yes.

14 Q. And can you turn to page 94 of that  
15 resolution?

16 A. I'm there.

17 Q. And under, "Be it resolved,"  
18 paragraph No. 2.

19 A. Yes.

20 Q. It states, All issues related to  
21 ENO's NOPS 2 proposal should be fully vetted in  
22 Council Docket UD-16-02, including, but not  
23 limited to, the need for a CT, size, timing,  
24 environmental concerns, social justice, cost of  
25 transmission, and reliability considerations.

1 (As read.)

2 Do you see that there?

3 A. I do.

4 Q. In your opinion, should the Council  
5 in determining whether NOPS -- and I'm talking  
6 both -- either the CT or the RICE engine -- is  
7 in the public interest of the New Orleans  
8 citizens, do you believe that a public interest  
9 determination would include these factors that  
10 we read out here?

11 A. Maybe not all of them, but certainly  
12 some of them.

13 MS. OSUALA:

14 Thank you, Mr. Vumbaco. That's it.

15 JUDGE GULIN:

16 Thank you, Ms. Osuala.

17 Okay. Center for Environmental  
18 Justice, Ms. Harden.

19 MS. HARDEN:

20 Yes, Your Honor. If I could have  
21 just one minute.

22 JUDGE GULIN:

23 Sure.

24 EXAMINATION BY MS. HARDEN:

25 Q. Good morning, Mr. Vumbaco.

1 A. Good morning, Ms. Harden.

2 Q. I didn't know if you still  
3 remembered me.

4 A. How could I forget you?

5 Q. I don't know.

6 A. I've seen you at the Council  
7 meeting.

8 Q. I'm so forgettable.

9 A. Oh. I don't think so.

10 Q. But I'm here representing the Deep  
11 South Center for Environmental Justice today,  
12 and I have some questions for you.

13 So is it correct that all of the  
14 advisors to the City Council collectively  
15 recommend that the City Council approve the  
16 proposed Entergy RICE engines?

17 A. I believe that's what I stated in my  
18 testimony, but just to make it clear, I believe  
19 that's the firms that we're speaking to, not  
20 individual people.

21 Q. So you would characterize it as the  
22 firm's --

23 A. So, in other words, our consulting  
24 firm, yes, Dentons, yes, and Wilkerson and  
25 Henry, yes -- excuse me -- Wilkerson and

1 Associates.

2 Q. Thank you.

3 Are you comfortable with my  
4 referring to those firms as the advisors?

5 A. I think there's one more you have to  
6 include if you do that and that would be Bruno  
7 and Tervalon, the CPA firm.

8 Q. Okay.

9 A. And then I think you have captured  
10 the advisors collectively.

11 Q. Well, in your testimony, you say  
12 that this is coming from the advisors  
13 collectively?

14 A. Correct.

15 Q. So when I say "the advisors," I'm  
16 referring to those whom you say are all  
17 recommending the RICE gas engines.

18 A. I understand. I was just giving you  
19 clarity when you asked me if those three firms  
20 constituted the advisors and I added one other  
21 firm.

22 Q. Okay. So with the addition of that  
23 additional firm, that constitutes the universe  
24 of advisors recommending to the City Council  
25 approval of the proposed Entergy RICE gas



1 units; is that correct?

2 A. Correct.

3 Q. Thank you.

4 Now, is this collective  
5 recommendation by the advisors based at least  
6 in part on analysis prepared by advisors  
7 regarding any of the following? Ready?  
8 Groundwater withdrawal at the Michoud site?

9 A. I can't speak to that. It's not in  
10 my testimony.

11 Q. You say that this is based on a  
12 collective recommendation. Are you aware if  
13 any of the advisors provided or prepared any  
14 analysis on groundwater withdrawal at the  
15 Michoud site?

16 A. Not to my knowledge. In terms of  
17 independent analysis, no.

18 Q. What about subsidence at the Michoud  
19 site and surrounding areas? Was there any  
20 analysis prepared by any of the advisors?

21 A. Not to my knowledge, no.

22 Q. Okay. And what about air quality  
23 effects of the proposed Entergy gas plant  
24 operations? Was there any analysis prepared on  
25 that issue by any of the advisors?

1           A.    I believe that several of the  
2 advisors read the permit apps as well as the  
3 approvals by DEQ on that, and that's how -- we  
4 figured it was under the law, it was good.

5           Q.    The advisors' witnesses, have they  
6 discussed that air permit application review in  
7 their testimonies?

8           A.    No. To my knowledge, no.

9           Q.    Why do you think that is, if they  
10 reviewed it, but they did not discuss it in  
11 their testimonies?

12          A.    Whoever "they" is is who you  
13 should --

14          Q.    Well, the "they" you said did it in  
15 the advisors group is who I'm talking about.

16          A.    I understand that. I'm just telling  
17 you, you should address your questions to  
18 "they" then because I didn't do it.

19          Q.    Are you saying for a fact that they  
20 did or you're not sure if they did review air  
21 permit applications filed by Entergy for the  
22 gas plant operations?

23          A.    I am telling you, Ms. Harden, in the  
24 best of my ability that I don't have in front  
25 of me the air permits. I personally have not

1 reviewed the air permits. To my knowledge, I  
2 believe some other members of the advisor team  
3 have done so.

4 Q. Would you know who those team  
5 members are?

6 A. I believe maybe a legal  
7 representative from Dentons, perhaps Joe Rogers  
8 of our firm, who is a very -- is expert in  
9 generation technologies to name two.

10 Q. Thank you.

11 Does the collective recommendation  
12 by the advisors take into account the FEMA  
13 guidelines on critical facilities and higher  
14 standards?

15 A. No. I don't know that answer.

16 Q. Okay.

17 A. I can't speak for all of the other  
18 firms in terms of what they did and didn't  
19 review. I can tell you I have not reviewed it.

20 Q. You have not.

21 Are you aware that Entergy has  
22 selected a high risk flood area for both gas  
23 plant options?

24 A. Last time I reviewed the FEMA flood  
25 maps, ma'am, was back during Katrina, so I

1 can't really answer that question.

2 MS. HARDEN:

3 Your Honor, may I approach?

4 JUDGE GULIN:

5 Please.

6 MS. HARDEN:

7 Mr. Vumbaco, what I'm handing to you  
8 for purposes of cross are the FEMA maps,  
9 along with two other aerial maps that I  
10 wanted to talk to you about.

11 Your Honor.

12 MR. REED:

13 Objection, Your Honor. Counsel has  
14 not yet established a foundation that --  
15 the authenticity of this document.

16 JUDGE GULIN:

17 Well, let's hear the question.

18 EXAMINATION BY MS. HARDEN:

19 Q. Mr. Vumbaco, it is your testimony  
20 that you've reviewed the applications by  
21 Entergy New Orleans in this case; is that  
22 correct?

23 A. Yes.

24 Q. And within those applications, there  
25 is direct testimony by Mr. Jonathan Long; is

1 that correct?

2 A. Correct.

3 Q. And in his testimony, does he  
4 include aerial maps showing the locations of  
5 the CT gas facility and the RICE gas engines?

6 A. I remember some maps, but I don't  
7 remember specifics. I read his testimony  
8 months ago.

9 MS. HARDEN:

10 Well, Your Honor, if I can refresh  
11 Mr. Vumbaco's memory by showing him the  
12 aerial map photos from --

13 JUDGE GULIN:

14 Sure.

15 MS. HARDEN:

16 Okay. Thank you.

17 (Whereupon a pause occurred in the  
18 proceedings.)

19 EXAMINATION BY MS. HARDEN:

20 Q. What I'm giving to you now, we're  
21 rustling up the second one, but this is  
22 Jonathan Long's direct testimony that was part  
23 of the June 20th, 2016, Entergy gas plant  
24 application, and I've tabbed the sheet that  
25 includes the aerial map photograph for the CT

1 location. And I think that's marked as  
2 Exhibit JEL -- What does it say at the top?

3 A. Exhibit JEL-1.

4 Q. Thank you.

5 MS. HARDEN:

6 I'm also -- I'm passing to the  
7 witness the excerpt or the -- Jonathan E.  
8 Long's direct testimony to the  
9 supplemental and amending application by  
10 Entergy. The text introducing the aerial  
11 map begins on page 8 and the aerial map  
12 is on page 9 as Figure 2.

13 EXAMINATION BY MS. HARDEN:

14 Q. Would you mind taking a look at  
15 those sets of aerial maps, Mr. Vumbaco?

16 A. What you handed me was a picture of  
17 a nice set of reciprocating engines.

18 Q. Mr. Vumbaco, I'm sorry. I said the  
19 introduction of the aerial map begins on  
20 page 8 --

21 A. Oh.

22 Q. It's the text. and the aerial map  
23 itself is on page 9 of his testimony as Figure  
24 2.

25 A. Yes. I see it.

1 Q. With regards to those two aerial map  
2 photos, would you say they are similar to the  
3 photos shown at the top of the DSCEJ's exhibit?

4 JUDGE GULIN:

5 Well, there is no DSCEJ exhibit.

6 MS. HARDEN:

7 I'm sorry. Would you, Your Honor,  
8 allow it to be marked for purposes of  
9 cross?

10 JUDGE GULIN:

11 Sure. It's marked at this point,  
12 not admitted for any purpose. Do you  
13 want to offer it to be admitted, or you  
14 want me to wait on what your offer is  
15 going to be?

16 MS. HARDEN:

17 I'd like Mr. Vumbaco to review it  
18 for purposes of cross.

19 JUDGE GULIN:

20 Okay. So we'll admit it for  
21 purposes of cross.

22 MR. REED:

23 And, Your Honor, the entire document  
24 still has not been authenticated.

25 JUDGE GULIN:

1                   It's not being admitted into  
2                   evidence.

3                   MR. REED:

4                   Right.

5                   JUDGE GULIN:

6                   At this point, it's just being  
7                   reviewed and --

8                   MR. REED:

9                   Right.

10                  JUDGE GULIN:

11                  -- basically being referred to for  
12                  purposes of cross. I may not allow any  
13                  questions on it. Let's just see what  
14                  happens.

15                  EXAMINATION BY MS. HARDEN:

16                  Q.    Mr. Vumbaco, would you agree that  
17                  the photographs shown at the -- the two  
18                  photographs shown at the top of the DSCEJ  
19                  exhibit are similar to the photos shown in  
20                  Mr. Jonathan Long's testimonies?

21                  A.    They're different scale.

22                  Q.    They're different scale, but other  
23                  than that difference, Mr. Vumbaco --

24                  A.    Would you let me answer the  
25                  question, Counsel?



1 Q. Please.

2 A. Thank you.

3 Q. I apologize for interrupting you.

4 A. I appreciate that.

5 Q. Uh-huh (indicating affirmatively).

6 A. They look to be of similar nature,  
7 but are different scale and the details are  
8 definitely not as clear on some as opposed to  
9 the others. And not being a map expert, I'm  
10 not going to attest to whether they're exactly  
11 the same.

12 Q. Yeah. That wasn't my question. And  
13 I'm certainly not drawing on any opinion from  
14 you as a map expert. I just wanted to know if  
15 you, in terms of looking at these documents,  
16 see the aerial map images as being similar?

17 A. With a loose definition of similar,  
18 yeah.

19 Q. Great. And with regards to the map  
20 at the bottom, which is obtained from the  
21 Federal Emergency Management Agency's website,  
22 it's a governmental document showing the  
23 Michoud site. And specifically focusing in on  
24 flood hazard areas at the Michoud site, can you  
25 identify what it says in the area where the CT

1 location and the RICE gas engine locations are  
2 going to be positioned?

3 MR. REED:

4 Objection, Your Honor. There's no  
5 way that this witness would know that  
6 this particular part of Exhibit 8 is,  
7 indeed, what Ms. Harden is purporting  
8 that it is.

9 MS. HARDEN:

10 My question is not for him to  
11 authenticate it. My question is if he  
12 can identify what is read in those same  
13 locations on that FEMA map for flood  
14 hazard areas.

15 MR. REED:

16 I'm sorry. Repeat that, please,  
17 ma'am.

18 MS. HARDEN:

19 If he can identify what is  
20 identified on the FEMA flood hazard area  
21 map in the same areas chosen for the RICE  
22 gas facility and the CT gas facility.

23 MR. REED:

24 How do we know it's a FEMA map,  
25 Counsel?

1 MS. HARDEN:

2 You can authenticate it later. We  
3 can have a standing objection on that  
4 grounds and we can authenticate it later.

5 JUDGE GULIN:

6 I'm going to have to ask the witness  
7 if the witness is familiar with this map,  
8 knows the origin of this map, or who  
9 produced the map.

10 Do you have any knowledge about  
11 that, sir?

12 MR. VUMBACO:

13 Sir, I can't even understand the  
14 map.

15 MS. HARDEN:

16 Oh, wow!

17 JUDGE GULIN:

18 I'm going to sustain the objection  
19 to the question.

20 EXAMINATION BY MS. HARDEN:

21 Q. Mr. Vumbaco, does it in the area of  
22 what would be the RICE gas facility and the CT  
23 gas facility indicate a mark that says Zone AE?

24 A. Again, Ms. Harden, I can't make the  
25 conclusion you want me to because they're not

1 drawn on this map. You're giving me two  
2 pictures of aerial shots from some other map  
3 somewhere and a lousy color copy of something  
4 here and you're asking me to plot them on this  
5 map that I don't know the origin of, first of  
6 all, and I can't do the plotting. So, no,  
7 ma'am. I can't tell you that.

8 Q. Okay. Well, let's move on then.

9 With regards to the FEMA critical  
10 facilities, do you know whether or not that  
11 includes power generation?

12 MR. REED:

13 Objection; ambiguous. Could you  
14 restate that?

15 MS. HARDEN:

16 It's ambiguous because you didn't  
17 hear it? Do you want me to repeat it?

18 MR. REED:

19 I didn't understand how the words  
20 put together for the purpose of --

21 JUDGE GULIN:

22 Let's it try one more time.

23 MS. HARDEN:

24 Yeah, I'll say it again.

25 EXAMINATION BY MS. HARDEN:

1 Q. Do you know the definition of  
2 critical facilities by FEMA includes power  
3 generation units?

4 A. I do not have it in front of me.  
5 It's been years since I've looked at it. So my  
6 answer is I don't have a clue.

7 Q. Are you aware of the City of New  
8 Orleans ordinance titled "Flood Damage  
9 Prevention"?

10 A. I'm aware of it, yes.

11 Q. In your awareness, was that at all  
12 considered in your recommendation to the City  
13 Council to approve the RICE gas engines?

14 A. Was it considered in my  
15 recommendation?

16 Q. Yes, and the group of advisors'  
17 recommendation as presented in your testimony,  
18 sir?

19 A. No.

20 Q. As a licensed professional engineer,  
21 do you know if there are local ordinances  
22 pertaining to flood damage prevention in other  
23 locations where you're licensed to work?

24 A. That is not my expertise nor do I  
25 hold myself out as a civil engineer because I

1 am not.

2 MR. REED:

3 Objection, Your Honor. This whole  
4 line of questioning asking Mr. Vumbaco  
5 about his testimony regarding issues that  
6 clearly were not a part of his testimony  
7 seems to be totally outside of the scope  
8 of cross.

9 JUDGE GULIN:

10 We don't have a pending question.

11 Let's hear the next question?

12 EXAMINATION BY MS. HARDEN:

13 Q. Is it true that as an advisor to the  
14 City Council, you participated in negotiating  
15 the settlement agreement that terminated the  
16 Entergy System Agreement?

17 A. I was in and out of that  
18 negotiation, yes.

19 Q. Is it also true that the following  
20 advisors to the City Council participated in  
21 these settlement agreement negotiations: Clint  
22 Vince of Dentons law firm, Presley Reed of  
23 Dentons law firm, Emma Hand of Dentons law  
24 firm, Jay Beatmann of Dentons law firm, Joseph  
25 Rogers of Dentons law firm, and Walter

1 Wilkinson of Dentons law firm, along with  
2 yourself?

3 A. No.

4 Q. You're saying that they did not  
5 participate in any of the negotiations for the  
6 settlement agreement?

7 A. Not as you so described it, Miss.

8 Q. Well, how would you describe their  
9 participation in the settlement agreements?

10 A. Joseph W. Rogers is not a member of  
11 the Dentons law firm.

12 Q. That's your only -- Who he is a  
13 member of?

14 A. He's a member of Legend Consulting  
15 Group Limited.

16 Q. So outside of that exception, and I  
17 will take that as a correction, would you agree  
18 that all persons named participated in the  
19 settlement agreement negotiations?

20 A. No, not to my personal knowledge.

21 MS. HARDEN:

22 Your Honor, may I approach the  
23 witness?

24 JUDGE GULIN:

25 Sure.

1 EXAMINATION BY MS. HARDEN:

2 Q. Would you mind taking a look at this  
3 document, Mr. Vumbaco, to refresh your memory?

4 JUDGE GULIN:

5 Would you like to have it marked?

6 MS. HARDEN:

7 I'm sorry?

8 JUDGE GULIN:

9 Would you like to have it marked?

10 MS. HARDEN:

11 Yes, I'd like to have it marked.

12 Given that the witness has said no, that  
13 none of the persons named participated in  
14 the settlement negotiations, I'd like to  
15 have it marked.

16 I'd like to first review the  
17 document --

18 MR. REED:

19 Objection, Your Honor.

20 MR. VUMBACO:

21 That's not what I said.

22 MR. REED:

23 That's not what he said.

24 MS. HARDEN:

25 What did he say?



1                   What did you say, Mr. Vumbaco?

2           MR. VUMBACO:

3                   I said no, because you had included  
4                   a member of the Dentons law firm that  
5                   doesn't exist and who is a member of our  
6                   firm and I corrected you to that. I did  
7                   not say no, that none of these people  
8                   participated in negotiations. That is a  
9                   misrepresentation of what I said on the  
10                  record.

11          JUDGE GULIN:

12                  Let's get back to my question,  
13                  Ms. Harden. Would you like to have this  
14                  marked?

15          MS. HARDEN:

16                  I think the witness is working his  
17                  way towards a yes if I'd say Joseph  
18                  Rogers of the Legend firm --

19          EXAMINATION BY MS. HARDEN:

20                  Q.    Would that be your answer to the  
21                  question then?

22                  A.    What is the question, ma'am?

23                  Q.    Is it true that the following  
24                  advisors to the City Council participated with  
25                  you in negotiating the settlement agreement to

1 terminating the Entergy System Agreement? And  
2 I'll start all over, starting with Joseph  
3 Rogers, Legend Firm, Walter Wilkinson of the  
4 Dentons law firm, Jay Beatmann of the Dentons  
5 law firm, Emma Hand of Dentons law firm,  
6 Presley Reed of Dentons law firm, and Clint  
7 Vince of Dentons law firm?

8 A. The only people I can personally  
9 attest to who participated with me as you asked  
10 in your question is Clint Vince, Presley Reed,  
11 and Joseph Rogers, and Jeff Wilkerson. They  
12 were present with me at two of the meetings I  
13 attended. The rest of the people may or may  
14 not have participated, but I was not present  
15 and, therefore, I can neither confirm nor deny  
16 who was involved.

17 Q. So with regards to the document that  
18 I've passed -- Right now let's just do it for  
19 purposes of cross and see how far we can get  
20 with it.

21 JUDGE GULIN:

22 Okay. What are we on? Nine? Okay.

23 It's admitted for cross purposes.

24 EXAMINATION BY MS. HARDEN:

25 Q. Would you take a moment to read

1 through it, Mr. Vumbaco? I have a few  
2 questions.

3 A. I've skimmed it.

4 Q. Does -- How would you describe this  
5 document?

6 A. I'd describe it as an objection to  
7 all the questions that were asked. I would  
8 describe it as attorney/client privileges  
9 involved and a whole bunch of other globbly  
10 goop.

11 Q. Would you also describe it as  
12 responses to questions asked because that's  
13 part of the title as well?

14 A. It says, Objections and responses of  
15 the advisors to the City Council of the City of  
16 New Orleans to Deep South Center for  
17 Environmental Justice, Inc.'s, first set of  
18 requests for information. (As read.) So, yes,  
19 it looks to be a discovery response.

20 Q. Thank you.

21 And in that discovery response on  
22 page 3, does it not say that there are a few  
23 more advisors than who you've listed involved  
24 in the settlement agreement negotiations?

25 A. It does.

1 Q. And on page 4 in Paragraph B, does  
2 it also identify a few more advisors than those  
3 you listed as unanimously recommending that the  
4 Council direct Entergy to, quote, use  
5 reasonable diligent efforts to pursue the  
6 development of at least 120 megawatts of new  
7 build peaking generation capacity within the  
8 City of New Orleans? (As read.)

9 A. As I remember, that quote that you  
10 just read that's in there actually appears in  
11 the settlement agreement itself that was  
12 approved by the City Council and the way this  
13 reads, it reads that the advisors who  
14 recommended that settlement agreement  
15 unanimously recommended it because this is part  
16 of it. It's not the total citation of the  
17 whole agreement.

18 Q. Thank you.

19 Do you recall or would you need a  
20 copy to review Resolution R-15-524?

21 A. I don't recall. I don't know that  
22 resolution.

23 MS. HARDEN:

24 Your Honor, may I -- This resolution  
25 has already been entered into the record.

1 I'm not sure if it was for purposes of  
2 cross or as -- Can a copy of that be  
3 provided to the witness because I only  
4 brought one copy here today? And this is  
5 Resolution R-15-524.

6 JUDGE GULIN:

7 Do you remember how it was marked?

8 MS. HARDEN:

9 I think it was on behalf of the  
10 Alliance for Affordable Energy and 350  
11 New Orleans.

12 MR. ALFORD:

13 Number 3.

14 MS. HARDEN:

15 Okay. Thank you.

16 JUDGE GULIN:

17 Okay. Do they have another copy, or  
18 can I ask the court reporter for a copy?

19 MS. OSUALA:

20 One moment, Your Honor.

21 JUDGE GULIN:

22 And just for clarification,  
23 Ms. Harden, while they're looking for  
24 that, I don't recall whether I put it in  
25 evidence or not, but, in any event, I

1           certainly take judicial notice of it.

2           MS. HARDEN:

3           Thank you, sir.

4           Ms. Osuala, a copy has been  
5           produced.

6           MS. OSUALA:

7           Okay.

8           MS. HARDEN:

9           Thank you for your hard work trying  
10          to dig it up.

11         EXAMINATION BY MS. HARDEN:

12          Q.    Mr. Vumbaco --

13          A.    Excuse me. This is not a certified  
14          copy of the resolution, so I don't believe I  
15          can use this in testimony.

16          Q.    You can only -- Can you speak to it  
17          as evidence in this matter?

18          A.    I am asking for a copy of the  
19          certified resolution of the City Council  
20          because in our firm, we only rely on the ones  
21          that come in that show that they're stamped.  
22          It means that the check has stamped them.  
23          That's all.

24          Q.    Okay. Well, do you recall whether  
25          or not resolution R-15-524 adopted the language

1 in the settlement agreement regarding the terms  
2 of the agreement between Entergy New Orleans  
3 and the City Council of New Orleans?

4 A. Specific numbers mean nothing to me,  
5 Ms. Harden, unfortunately because we deal in so  
6 many resolutions.

7 Q. Do you know --

8 JUDGE GULIN:

9 Let me speed this up.

10 Mr. Vumbaco, I'm going to ask you to  
11 assume that that's an accurate copy of  
12 the adopted resolution. Your counsel can  
13 certainly check. So everything you say  
14 right now will be subject to check. Will  
15 you make that assumption, please?

16 MR. VUMBACO:

17 I will, Your Honor. Thank you.

18 MS. HARDEN:

19 Thank you, Your Honor.

20 EXAMINATION BY MS. HARDEN:

21 Q. So the question is on page 12 of  
22 that resolution, the paragraph that begins,  
23 Whereas, ENO will use. (As read.)

24 Do you see that?

25 A. I do.

1 Q. Is that first sentence, Whereas ENO  
2 will use reasonable, diligent efforts to pursue  
3 the development of at least 120 megawatts of  
4 new build peaking generation capacity within  
5 the City of New Orleans, is that verbatim from  
6 the settlement agreement? (As read.)

7 A. I don't recall.

8 MS. HARDEN:

9 Your Honor, if I can refer the  
10 witness to the DSCEJ exhibit entered  
11 yesterday, I think it was Exhibit No. 6  
12 or 7?

13 If I could get your assistance on  
14 that, Ms. Hand, on the settlement  
15 agreement.

16 MS. HAND:

17 (Tenders document to the witness.)

18 JUDGE GULIN:

19 Ms. Hand, what was the exhibit?

20 MS. HAND:

21 That was DSCEJ No. 6.

22 MS. HARDEN:

23 Thank you.

24 EXAMINATION BY MS. HARDEN:

25 Q. Mr. Vumbaco --



1 JUDGE GULIN:

2 And what was the status of it,  
3 admitted as?

4 MR. REED:

5 It was admitted only for cross.

6 MS. HAND:

7 That's admitted only for cross  
8 purposes.

9 JUDGE GULIN:

10 Admitted for cross purposes, okay.

11 EXAMINATION BY MS. HARDEN:

12 Q. Mr. Vumbaco, if I could have you  
13 take a look at page 13 of that settlement  
14 agreement.

15 A. (Witness complies.)

16 Q. Are you there?

17 A. I am at page 13 of the document that  
18 was handed to me.

19 Q. Thank you, Mr. Vumbaco.

20 If you can take a look at Section E  
21 titled, Agreements of specified parties with  
22 respect to certain potential future generation  
23 in the City of New Orleans, and read to the end  
24 of that page. (As read.)

25 A. ENO will use --

1 Q. You can read to yourself. I just  
2 have one question about that.

3 A. Oh, okay. I've read Paragraph 1.

4 Q. Thank you.

5 Would you agree that Paragraph 1 is  
6 adopted verbatim in Resolution 15-524?

7 A. You'll have to give me a moment to  
8 compare the two.

9 Q. Please take your time.

10 (Whereupon a pause occurred in the  
11 proceedings.)

12 MR. VUMBACO:

13 A quick read appears that they're  
14 identical.

15 MS. HARDEN:

16 Thank you.

17 EXAMINATION BY MS. HARDEN:

18 Q. And would you agree that the  
19 128 megawatt RICE gas engines that you and the  
20 advisors recommended the City Council approve  
21 is closer to the terms of the settlement  
22 agreement than the originally proposed  
23 226 megawatt combustion gas plant?

24 MR. REED:

25 Objection; ambiguous. Do you mean

1 in terms of size, Counsel?

2 MS. HARDEN:

3 I mean in terms of at least  
4 120 megawatts of new build peaking  
5 generation capacity as a term in the  
6 settlement agreement.

7 MR. REED:

8 The size of capacity. Should have  
9 been more clear. The amount of capacity  
10 is what you're talking about that it's  
11 closer to?

12 MS. HARDEN:

13 That's correct.

14 MR. VUMBACO:

15 What is the question?

16 EXAMINATION BY MS. HARDEN:

17 Q. Do you agree that the 128 megawatt  
18 RICE gas engines that you and the advisors  
19 recommended the City Council approve is closer  
20 in terms of capacity to the terms of the  
21 settlement agreement than the originally  
22 proposed 226 megawatts of combustion turbine  
23 capacity for a gas plant?

24 A. The settlement agreement -- The  
25 language I assume you're referring to is the

1 "whereas" clause that you've been asking me  
2 about. Is that what you referred to when you  
3 said --

4 Q. That's the only term I'm talking  
5 about that you've been reviewing.

6 A. Okay. Great.

7 That is a wide open. That actually  
8 provides for any type of peaking, third party,  
9 PPA, or otherwise.

10 Q. With regards to that first sentence  
11 in that settlement term where it states, quote,  
12 at least 120 megawatts, would you agree that  
13 that is closer to the RICE gas engines'  
14 capacity of 128 megawatts than the 226  
15 megawatts for the combustion turbine gas plant?

16 A. The math is correct.

17 Q. And you would agree?

18 A. Yes.

19 Q. Thank you.

20 And is it correct that the 2015  
21 integrated resource plan does not consider the  
22 RICE gas engines?

23 A. To my knowledge -- If you're  
24 speaking to the final product and resources  
25 recommended for the future, I believe that is

1 correct. I would not agree if it was or was  
2 not included as part of the screening analysis.

3 MS. HARDEN:

4 Thank you, Mr. Vumbaco.

5 No further questions, Your Honor.

6 JUDGE GULIN:

7 Okay. Thank you, Ms. Harden.

8 And finally Mr. Edwards.

9 MR. EDWARDS:

10 I have no questions of the witness  
11 this morning.

12 JUDGE GULIN:

13 Is there any redirect?

14 MR. REED:

15 No, Your Honor.

16 JUDGE GULIN:

17 Mr. Vumbaco, you are excused. Thank  
18 you very much for your testimony.

19 MR. VUMBACO:

20 Thank you, Your Honor.

21 JUDGE GULIN:

22 Let's take a ten-minute break, and  
23 then we'll come back for Mr. Prep.

24 (Whereupon a recess was taken.)

25 JUDGE GULIN:

1 Let's go back on the record.

2 Mr. Prep now that you've gotten  
3 comfortable, I'm going to ask you to  
4 stand again and take the oath.

5 VICTOR PREP,  
6 after having been duly sworn by the  
7 above-mentioned Certified Court Reporter, was  
8 examined and testified as follows:

9 JUDGE GULIN:

10 All right. We'll begin with  
11 Entergy. Ms. Maurice-Anderson.

12 EXAMINATION BY MS. MAURICE-ANDERSON:

13 Q. Good morning, Mr. Prep.

14 A. Good morning.

15 Q. I have a few questions about your  
16 direct testimony in this proceeding and in an  
17 effort to try to understand the proposals that  
18 you present for consideration by the Council.  
19 And I would ask you to please start out by  
20 referring to page 3 of your direct testimony,  
21 starting at line 20, and then carrying over to  
22 page 4. If you wouldn't mind reading that to  
23 yourself.

24 A. (Witness complies.)

25 To line 7?

1 Q. To line 4.

2 A. Line 4?

3 Q. Page 4, line 4, yes.

4 A. (Witness nods head affirmatively.)

5 Q. Is it a fair reading of your  
6 testimony there that an FRP or decoupling  
7 mechanism as required by Council Resolution  
8 R-16-201 would be a comprehensive evaluation of  
9 all of ENO's revenue requirements and revenues?

10 A. You mentioned R-16-201?

11 Q. Did I get the number wrong? Is that  
12 the reference? I'm sorry. 16-103.

13 A. Could you repeat the question?

14 Q. Thank you for that. Yeah.

15 So is it fair to say that you agree  
16 that an FRP or decoupling mechanism as required  
17 by Resolution R-16-103 would be a comprehensive  
18 evaluation of all of ENO's revenue requirements  
19 and revenues?

20 A. Yes.

21 Q. Next I'll ask you to please refer to  
22 page 20 of your testimony, lines 10 through 13.

23 A. Page 20?

24 Q. Twenty.

25 A. Could you repeat the lines you want

1 me to read?

2 Q. Lines 10 through 13, please.

3 A. (Witness examines document.) I've  
4 read them.

5 Q. Now, with respect to that statement,  
6 is it your understanding that the RICE units,  
7 if approved, would be expected to commence  
8 commercial operation in January of 2020?

9 A. That's my understanding.

10 Q. And with respect to the CT unit, if  
11 that were to be approved, is it your  
12 understanding that it would be the first  
13 quarter of 2021 that that would be complete?

14 A. That is my understanding.

15 Q. Now, referring to page 21 of your  
16 testimony, lines 11 through 13.

17 A. Page 21, lines 11 through 13?

18 Q. Yes, sir.

19 Is it fair to say that the Council  
20 will approve a decoupling mechanism as a result  
21 of the combined rate case?

22 MS. HAND:

23 Objection, Your Honor. She's asking  
24 our witness to speculate as to what the  
25 counsel will or will not do.



1 JUDGE GULIN:

2 Sustained.

3 EXAMINATION BY MS. MAURICE-ANDERSON:

4 Q. Mr. Prep, is it your understanding  
5 that Resolution 16-103, that the company is  
6 expected to file a proposal for a decoupling  
7 mechanism with or without an FRP in connection  
8 with the rate case, combined rate case?

9 A. I believe I've stated it correctly  
10 in my testimony in those lines. The  
11 Resolution 16-103 directs ENO to include in the  
12 next rate base filing a proposal for a  
13 three-year full decoupling mechanism.

14 Q. And so would you agree that there is  
15 uncertainty whether the Council would approve a  
16 decoupling mechanism as a result of the  
17 combined rate case?

18 A. Uncertainty that -- in the respect  
19 that I cannot say with any certainty that the  
20 Council will make an approval. I can only say  
21 that the Council in that resolution has  
22 directed ENO to file that full decoupling  
23 mechanism.

24 Q. And with respect to the FRP, we have  
25 the same uncertainty that that would be subject

1 to the Council's ultimate decision?

2 A. Subject to the Council's approval.

3 Q. Would you please refer to page 22 of  
4 your testimony, lines 3 through 19?

5 A. (Witness complies.)

6 Q. Is it true that you expect any FRP  
7 or decoupling mechanism that would be approved  
8 by the Council to have the same annual filing  
9 and implementation deadlines?

10 A. Are you asking if the filing and  
11 implementation deadlines for the FRP and  
12 decoupling would be the same? Is that what you  
13 meant by "the same"?

14 Q. Yes. When you discussed the  
15 timeline in your response to the question on  
16 page 22, is there an expectation that there is  
17 a certainty around the timing of the filing for  
18 an FRP or the decoupling mechanism?

19 MS. HAND:

20 Your Honor, I'm going to object.

21 She's asking my witness to speculate on  
22 what the Council would approve with  
23 respect to a decoupling or an FRP  
24 proposal that Entergy hasn't even filed  
25 yet.

1 JUDGE GULIN:

2 Who's expectation are you referring  
3 to?

4 MS. MAURICE-ANDERSON:

5 Mr. Prep has provided a timeline in  
6 his testimony where he has indicated that  
7 his proposal would account for including  
8 the revenue requirement related to the  
9 project in rates, and so I'm just trying  
10 to understand is the timeline that he has  
11 here, is that illustrative or is that his  
12 expectation.

13 JUDGE GULIN:

14 Okay. Let's make that the question.

15 MR. PREP:

16 Better question.

17 I provided this Q. and A. based on  
18 what had been the structure of the filing  
19 times and the implementation times on the  
20 last FRP, but it was not to infer that  
21 that will be the same timelines for  
22 filing and implementation that would be  
23 expected from the Council. So I think I  
24 need to make that clear. In that case,  
25 it's an illustration.

1 MS. MAURICE-ANDERSON:

2 Okay.

3 MR. PREP:

4 But it's based on what had occurred,  
5 but to give some timeline for how the  
6 revenue requirement would be expected in  
7 a filing in an implementation. So in  
8 that context, it is my expectation.

9 MS. MAURICE-ANDERSON:

10 Thank you. That clears it up for  
11 me.

12 EXAMINATION BY MS. MAURICE-ANDERSON:

13 Q. With respect to the NOPS RICE units  
14 and the expected commercial operation date of  
15 January 2020 that we discussed earlier, coming  
16 out of the combined rate case, is it necessary  
17 to assume an FRP or a decoupling mechanism or  
18 can the two-step proposal that you have set  
19 forth, can that take place independent of an  
20 FRP or decoupling mechanism?

21 A. It can.

22 Q. And would that be your expectation  
23 that if an FRP or decoupling mechanism is not  
24 approved, you would recommend to the Council  
25 that the recovery for the NOPS RICE units would

1 be the second step approach to the rates  
2 established as a result of the combined rate  
3 case? Is that correct?

4 A. That would be my recommendation.

5 Q. With respect to the CT, in that  
6 instance, could you please describe what your  
7 proposal would be in the absence of an FRP or  
8 decoupling mechanism in order to accomplish an  
9 in-service or contemporaneous recovery of the  
10 revenue requirements associated with the CT  
11 unit?

12 A. The proposal would be similar that  
13 is in the combined rate case, we would  
14 recognize the anticipated date of commercial  
15 operation. There would be, I would expect, a  
16 pro forma set of adjustments to recognize that.  
17 However, since it is further out, I would  
18 expect there to be more attention paid to the  
19 pro forma adjustments and any other filings  
20 prior to commercial operation date that would  
21 be necessary. And that would all be within the  
22 combined rate case and it would be in details  
23 that I wouldn't be able to anticipate or  
24 describe right now.

25 Q. Right. But you would --

1           A.     But it is possible.

2           Q.     So you would expect that, depending  
3     on the outcome of this proceeding and which  
4     alternative is approved by it Council, that  
5     there would be a pro forma in the combined rate  
6     case in order to provide for a review of the  
7     revenue requirements that would result in a  
8     two-step process that would incorporate the  
9     revenue requirements from either the CT or the  
10    RICE unit, whichever is selected; is that  
11    correct?

12          A.     Yes.    But as I said, because there  
13    could be a number of circumstances that could  
14    change, that would have to be considered  
15    carefully in the combined rate case.

16          Q.     I think my final question, Mr. Prep,  
17    refers to page 23 of your testimony, lines 3  
18    through 5.

19          A.     (Witness examines document.)

20          Q.     I believe there you say that there  
21    would be three years of revenue adjustments  
22    based on the project's fixed cost updated in  
23    each test period.    (As read.)

24                 Could you expound on what that  
25    sentence means?

1           A.     Each of the three years of revenue  
2 adjustments, should there be three approved by  
3 the Council, would be based on an evaluation of  
4 total revenue requirements in the test period  
5 related to each of those three adjustments.  
6 And those test periods would reflect the costs  
7 of whatever decision came from this proceeding  
8 and the Council, if it were one of the NOPS or  
9 otherwise. Those costs would be part of the  
10 evaluation in those test periods upon which the  
11 revenue adjustments would be based.

12           Q.     And just to follow up on that, for  
13 the CT unit, for example, assuming an FRP or a  
14 decoupling mechanism, you would expect that the  
15 evaluation of the test period would be the test  
16 period preceding that which immediately  
17 precedes the commercial operation date of the  
18 CT; is that correct?

19           A.     Yes.

20           Q.     And the pro forma would be included  
21 in the -- in that test year filing for the  
22 preceding year; is that correct?

23           A.     Yes.

24           MS. MAURICE-ANDERSON:

25                     Thank you, Mr. Prep. That's all I

1           have.

2           JUDGE GULIN:

3           Thank you, Ms. Maurice-Anderson.

4           Mr. Edwards.

5           EXAMINATION BY MR. EDWARDS:

6           Q.    I have just a few questions,  
7           Mr. Prep. Good morning. My name is Lanny  
8           Edwards. I represent Air Products, which as  
9           you know, is -- if not the largest, it's one of  
10          the largest customers on the Entergy New  
11          Orleans system.

12          A.    Good morning.

13          Q.    And were you familiar with the issue  
14          relating to the PPCACR, the purchase -- I have  
15          to look it up every single time. I can't keep  
16          it straight -- purchase power capacity  
17          acquisition cost recovery, a PPCACR, that  
18          when -- You're familiar with that term. This  
19          is referring to your testimony on page 6. Are  
20          you familiar with the PPCACR that's been made  
21          applicable to Air Products, the purchase of  
22          power from Union and Nine Mile 6?

23          A.    I am.

24          Q.    And will you recall historically  
25          that when that was entered, it was to be



1 followed immediately by a rate case in order to  
2 move those into base rates? Are you familiar  
3 with that?

4 A. Yes.

5 Q. And you're aware, of course, that  
6 that rate case never came about because Entergy  
7 New Orleans and Entergy Louisiana made a  
8 settlement that didn't include Air Products and  
9 pushed off the rate case until 2018; is that  
10 correct?

11 A. I know the rate case has been put  
12 off, but the details of the settlement and the  
13 rest of your question, I can't respond to.

14 Q. But you know that the rate case was  
15 put off. And are you aware that Air Products  
16 wasn't involved in that proceeding at all?

17 A. I can't say for certain. I'm not  
18 sure of that, of the settlement.

19 Q. Okay. I believe your testimony  
20 states that allocation of cost and recovery by  
21 Entergy New Orleans under a PPCACR rider is on  
22 a volumetric basis, which is inappropriate?

23 A. I believe that it is.

24 Q. Is your microphone on? I don't  
25 think so.

1           A.    Oh, it was.  It's on.

2                   (Whereupon a pause occurred in the  
3           proceedings.)

4   EXAMINATION BY MR. EDWARDS:

5           Q.    If you would look at your testimony  
6   on page 8, please.  Before I get to the  
7   specific words, you certainly believe that the  
8   PPCACR should be folded into rates in a rate  
9   base method as you state on page 8 in  
10   paragraphs from nine to 15 and in the footnotes  
11   four and five?

12           A.    Yes, I discussed the treatment of  
13   fixed costs in the combined rate case  
14   specifically.

15           Q.    I have a question about a statement  
16   that is on page 8 at lines 9 to 15.  And am I  
17   correct in reading this that though you want to  
18   see the issue folded into the rate case so that  
19   rates paid now by Air Products, which are  
20   extremely high by comparison to the other rates  
21   being paid, that I read the sentence beginning  
22   on page 12 -- I'm sorry -- on page 8, lines 10  
23   forward, The basis for estimating the ratepayer  
24   impact from the allocation of project fixed  
25   cost is to allocate them on a customer class

1 basis revenue; correct? (As read.)

2 A. At this time.

3 This seems to be --

4 Q. It's working now.

5 A. -- intermittent.

6 That sentence reads "at this time."  
7 It doesn't expect from the combined rate case.  
8 It does not imply what would be done in the  
9 combined rate case. It reads "at this time,"  
10 that sentence you referred to.

11 Q. Oh, I've got you. I understand now.

12 And then on lines 12 through 15, you  
13 say that That approach -- At this time, that  
14 approach has been used to allocate recent  
15 revenue adjustments of ENO's formula rate  
16 plans. And I'm quoting this. It represents a  
17 reasonable non-kWh related allocation of fixed  
18 cost recovery to use prior to the combined rate  
19 case; correct? (As read.)

20 A. That's what I --

21 Q. And has been acceptable to some of  
22 the parties to this docket. (As read.)

23 And then you footnote, Air Products  
24 witness, Mr. Brubaker's statement, as to how he  
25 believes that the cost should be allocated,

1 which is the same as you're saying in this  
2 paragraph; right?

3 A. That's correct.

4 Q. Now, does that mean that you agree  
5 with me that you think that the PPCACR rider  
6 could be applied from now until the rate case  
7 on this basis, quote, at this time.

8 MS. HAND:

9 Your Honor --

10 MR. PREP:

11 I believe that I replied to the --

12 JUDGE GULIN:

13 Hold on one second. Hold on one  
14 second, sir.

15 MS. HAND:

16 Could I ask Mr. Edwards to clarify  
17 whether he is asking Mr. Prep to opine on  
18 whether an adjustment could be made at  
19 this time to the PPCACR rider as it  
20 exists today above and beyond the costs  
21 that are being discussed in this case?

22 MR. EDWARDS:

23 I'm not sure I understood your  
24 question. I'm glad to accommodate  
25 whatever you want, but --

1 MS. HAND:

2 Are you asking him about how the  
3 revenues being discussed in this case  
4 should be allocated, or are you talking  
5 about the PPCACR rider more broadly?

6 MR. EDWARDS:

7 I'm talking about the PPCACR as it  
8 applies to my client, Air Products, and  
9 the million and a half they're paying  
10 above what they would have paid had they  
11 had the rate case.

12 JUDGE GULIN:

13 I'll tell you what. Let's have the  
14 question one more time. I don't have it  
15 in my mind, and I doubt if Mr. Prep does  
16 either.

17 MR. EDWARDS:

18 No problem.

19 EXAMINATION BY MR. EDWARDS:

20 Q. I'm really trying to get an  
21 explanation of your meaning on page 8 as it  
22 applies to rates that you think could be  
23 applied right now before the rate case. What  
24 happens in the rate case is a much broader  
25 issue, and I'm not addressing that. What I'm

1 trying to address is your sentence on page 8,  
2 lines 12 through 15.

3 Are you representing that the PPCACR  
4 could be changed in the interim to be charged  
5 on the basis set forth in that sentence and in  
6 Mr. Brubaker's Footnote 5?

7 A. That sentence -- I don't have a  
8 microphone. That sentence specifically relates  
9 to the allocation of project fixed cost,  
10 project fixed cost. That's what I relate it to  
11 in that sentence.

12 Q. The New Orleans --

13 A. The project that's --

14 Q. That we're talking about?

15 A. That we're talking about in this  
16 docket.

17 MR. PREP:

18 I'm sorry. I need a microphone.

19 (Whereupon a pause occurred in the  
20 proceedings.)

21 MR. EDWARDS:

22 I think I hear what you say. Let me  
23 just try to phrase it and see if you  
24 agree with me.

25 EXAMINATION BY MR. EDWARDS:

1 Q. You're not taking a position  
2 vis-a-vis changing the existing PPCACR to  
3 reflect what both you and Mr. Brubaker believe  
4 is the way it should be; correct?

5 A. Correct.

6 Q. What you're saying is that if the  
7 NOPS becomes operational before the rate case,  
8 that the way the rates would be recovered  
9 during that interim would be as you and  
10 Mr. Brubaker have stated it on that page?

11 A. It was in the context of preparing  
12 an estimate of the ratepayer impact from the  
13 allocation of project fixed costs. It was not  
14 intended if such COD would happen quickly, that  
15 would be done. This was to prepare an estimate  
16 at this time of the impact on ratepayers from  
17 the project costs. So as I read my sentence,  
18 that is the intention.

19 Q. It has nothing to do with projected  
20 recovery now or any time that the NOPS goes  
21 operational if it's before the combined rate  
22 case? Am I confusing you?

23 A. Well, the combined -- The CODs that  
24 have been put forth anticipated for either of  
25 the NOPS alternatives are later than the

1 combined rate case as far as the decision on  
2 what ratepayer impact there would be. This was  
3 to provide an estimate prior to that  
4 deliberation in the combined rate case.

5 Q. To provide an estimate for what,  
6 sir?

7 A. An estimate for the ratepayer impact  
8 of NOPS' costs, NOPS' project costs.

9 Q. And, then, I would use that in the  
10 combined rate case?

11 A. I wouldn't attempt to project what  
12 the outcome of the combined rate case would be  
13 in terms of decisions the Council would make on  
14 cost allocation. This was an estimate at this  
15 time.

16 Q. An estimate at this time?

17 A. Yes.

18 Q. But that's a statement, I believe,  
19 is it not, of hypothetically what you would do?  
20 I did not see any actual calculation in your  
21 testimony.

22 A. My testimony dealt with the  
23 approach. I believe we had among the advisors  
24 taken that approach in providing an estimate of  
25 ratepayer impact. I did not do that.



1 MR. EDWARDS:

2 Okay. Thank you, Mr. Prep. I  
3 appreciate your time. I have no further  
4 questions.

5 JUDGE GULIN:

6 Okay. Thank you, Mr. Edwards.  
7 Redirect?

8 MS. HAND:

9 No redirect, Your Honor.

10 JUDGE GULIN:

11 Mr. Prep, thank you so much.

12 MR. PREP:

13 Thank you.

14 JUDGE GULIN:

15 I'm thinking this is good time to  
16 take lunch. Let's come back at 12:30,  
17 please.

18 (Whereupon the lunch recess began at  
19 11:43 P.M., and the proceedings  
20 reconvened at 12:30 P.M.)

21 JUDGE GULIN:

22 Let's go back on the record, please.

23 Mr. Movish, if you would please face  
24 the court reporter, she will swear you  
25 in.

1 PHILIP MOVISH,

2 JUDGE GULIN:

3 And, Mr. Smith, I just ask you to  
4 make sure you keep your voice up so that  
5 we can all hear you.

6 EXAMINATION BY MR. SMITH:

7 Q. Good afternoon, Mr. Movish. Can you  
8 hear me all right?

9 A. Yes, I can.

10 Q. I just want to make sure you have up  
11 there with you your direct testimony; is that  
12 correct?

13 A. Yes, I do. I have a copy of it.

14 Q. And if you look to your left there,  
15 there should be a copy of your -- your direct  
16 left -- a copy of your deposition transcript in  
17 case we need it.

18 A. Yes. Is this document necessary in  
19 front of me?

20 Q. To the extent that it has your  
21 direct testimony, it is.

22 A. I'm seeing Victor M. Prep 1. I'm  
23 not familiar with this.

24 MR. SMITH:

25 May I approach, Your Honor?

1 JUDGE GULIN:

2 Sure.

3 Off the record.

4 (Whereupon a discussion was held off  
5 the record.)

6 MR. SMITH:

7 And I've got a couple of copies of  
8 Mr. Long's supplemental in that green  
9 binder, his supplemental and amending  
10 testimony, and then that's his rebuttal  
11 testimony to the extent we need it just  
12 so you're aware it's there.

13 MR. MOVISH:

14 Okay.

15 EXAMINATION BY MR. SMITH:

16 Q. Mr. Movish, you are an executive  
17 consultant at Legend Consulting Group; is that  
18 correct?

19 A. Yes.

20 Q. And you're based in Denver; is that  
21 right?

22 A. That is correct.

23 Q. And that's where we took a  
24 deposition on December 6th?

25 A. Yes, sir.

1 Q. And in this case, you are the  
2 advisors' primary witness in evaluating  
3 Entergy's evaluation of the proposed  
4 alternatives from a transmission and stability  
5 perspective; is that right?

6 A. From a transmission reliability  
7 perspective.

8 Q. Thank you.

9 And you've been involved in just  
10 about every transmission and distribution issue  
11 for the Council in the last 20 or so years; is  
12 that right?

13 A. Yes, since the end of 1993,  
14 beginning of '94.

15 Q. And in your direct testimony, you  
16 referred to a December 2016 reliability  
17 assessment that the company performed; right?

18 A. Correct.

19 Q. And based on that assessment, you  
20 identified and the company identified specific  
21 reliability concerns as a result of Michoud  
22 going out of service; is that right?

23 A. That is correct.

24 Q. Are you aware of a similar 2015  
25 reliability assessment?

1           A.     Yes, I am, if you are referring to  
2 the reliability assessment that is done for  
3 NERC.

4           Q.     And did that 2015 assessment also  
5 identify reliability -- transmission  
6 reliability concerns?

7           A.     I believe -- Subject to check, I  
8 believe that analysis analyzed the reliability  
9 of ENO's system, both -- one, with the  
10 inclusion of the Michoud units still in  
11 operation and, two, with the assumption that  
12 they had been retired.

13          Q.     And did that identify transmission  
14 reliability problems if that generation was not  
15 replaced?

16          A.     It's my recollection that it did.

17          Q.     Do you recall when that first came  
18 to your attention?

19          A.     That came to my attention when it  
20 was provided in response to discovery in this  
21 case.

22          Q.     In your role in this case, you  
23 reviewed Entergy's transmission system diagram;  
24 is that correct?

25          A.     Yes.

1 Q. That system map shows all the lines,  
2 the transmission substations, and the like; is  
3 that right?

4 A. Yes. Those are the results of the  
5 studies.

6 Q. Well, I'm referring to actually the  
7 system map.

8 A. Oh. I definitely reviewed the  
9 system maps.

10 Q. And you also reviewed the load flow  
11 and transmission stability runs that  
12 Mr. Charles Long ran in this case; is that  
13 right?

14 A. Yes.

15 Q. But you have not run any load flow  
16 analyses, have you?

17 A. I've run no independent load flow  
18 analysis as part of this matter.

19 Q. But you have run load flow analyses  
20 in your career; is that correct?

21 A. Thousands.

22 Q. And you could have done it here;  
23 correct?

24 A. I'm sorry, sir?

25 Q. You could have run analyses here,

1 could you not?

2 A. That is not the role of the  
3 advisors. We are not -- It's not our role to  
4 perform transmission reliability studies for  
5 Entergy New Orleans.

6 Q. Right.

7 A. It is our role as the advisors to  
8 review the studies and analyses and related  
9 documents submitted to the Council for  
10 consideration, and that is what I did. I  
11 reviewed their studies independently.

12 Q. I understand. I want to get sort of  
13 either a yes-or-no answer on this and then you  
14 could explain it.

15 Could you have run your own load  
16 flow analyses if you had so desired?

17 A. Not without building the models.

18 Q. If you built the models?

19 A. Yes, but that's not my role, sir.

20 Q. But if you built the models, could  
21 you have run the analysis?

22 A. I could have run analysis, yes.

23 Q. Thank you.

24 And you would agree in Mr. Long's  
25 analysis and in your testimony as well focused

1 on two specific kinds of contingencies that  
2 result, NERC contingencies, the P-2.3, we'll  
3 call it, and the P-6; is that right?

4 A. Yes.

5 Q. Now, with respect to the P-2.3  
6 contingencies, is it fair to say -- is it a  
7 fair assessment or accurate assessment that  
8 those contingencies are of the magnitude such  
9 that Entergy could theoretically ride through  
10 the contingency?

11 A. In my opinion, I believe that  
12 Entergy system could ride through the P-2.3.

13 Q. Okay. Thank you.

14 A. I have -- Okay.

15 Q. The P-6 are the more critical issue;  
16 is that right?

17 A. The P-6 is a much more critical  
18 contingency.

19 Q. And you testified that the P-6  
20 contingencies are low probability, but the  
21 consequences are not; correct?

22 A. That is correct.

23 Q. But you have not quantified that  
24 probability, have you?

25 A. No.



1 Q. And the company did not quantify the  
2 probability of P-6 either?

3 A. No.

4 Q. At page 13, line 22 of your  
5 testimony --

6 A. Yes. Go ahead.

7 Q. -- you begin a discussion of some of  
8 the consequences of a P-6, and I believe going  
9 on from the bottom of 13 and on to the top of  
10 page 14, if you can review -- if you want to  
11 review, but, essentially, you discuss a  
12 severance of the 230 kV and 115 kV systems; is  
13 that correct?

14 A. Yes.

15 Q. And that's the P-6 contingency that  
16 you're looking at or one of the P-6 --

17 A. That's the result of P-6  
18 contingency.

19 Q. And I believe you state that that  
20 contingency effectively disconnects the 115  
21 system such that power from the 230 lines can't  
22 deliver to the 115; is that correct?

23 A. That's correct.

24 Q. The 230 kV system connects to the  
25 115 system at Michoud; isn't that correct?

1 A. It connects elsewhere also.

2 Q. But does it connect --

3 A. Yes, at Michoud, it does.

4 Q. Thank you.

5 MR. SMITH:

6 Your Honor, I'd like to hit pause on  
7 the timer here because I will have some  
8 CEII questions that I'd like to get at.  
9 I think this is technically defined as  
10 CEII, so I want to be cautious here.

11 JUDGE GULIN:

12 Okay. I'm going to ask those who  
13 have not signed the appropriate  
14 confidentiality agreement, please leave  
15 the room. And this is the highest level  
16 of confidentiality. So if there's anyone  
17 who has not signed that agreement, I ask  
18 that you please leave and we will call  
19 you back in when we come back into  
20 regular session. So that is the CEII.  
21 If you did not sign that, I would ask  
22 that you leave.

23 MS. TAUBER:

24 We're ready to state for the record,  
25 I have signed a nondisclosure agreement.

1 I cannot recall right now if it was CEII.

2 MR. GUILLOT:

3 It was not.

4 MS. TAUBER:

5 It was not?

6 MR. GUILLOT:

7 No.

8 JUDGE GULIN:

9 Have you got another -- Have you got  
10 a copy here?

11 MS. TAUBER:

12 I'm happy to execute it and  
13 absolutely --

14 JUDGE GULIN:

15 Will you accept counsel's  
16 representation that she will sign the  
17 agreement whenever you present it to her?

18 MR. GUILLOT:

19 Yes.

20 JUDGE GULIN:

21 Okay. Very well.

22 MS. TAUBER:

23 Thank you.

24 MR. SMITH:

25 Thank you, Your Honor.

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MR. SMITH:

I'll press pause on the button if I  
can because I can bring people back in.  
I think that's all the CEII information I  
wanted to ask him about.

JUDGE GULIN:

Okay. If you would invite all the  
people back in, please, and we'll go back  
into general session.

MR. SMITH:

Can we go back on the record now?

JUDGE GULIN:

Yes.

EXAMINATION BY MR. SMITH:

1 Q. Going back to ENO's transmission  
2 reliability analysis here, you would agree that  
3 under all of the scenarios that Mr. Long  
4 evaluated, including both the RICE and CT  
5 units, there is a potential for P-6 contingency  
6 in 2019; is that right?

7 A. The P-6 contingency is independent  
8 of no matter what was in installed in ENO's  
9 system. It is -- I can't get into CEII here.  
10 We're out of that. The nature of the P-6  
11 contingency is such that it could occur no  
12 matter what or whatever is not installed in  
13 ENO's system relative to generating capacity.

14 Q. I guess what I'm trying to get at  
15 here is that the CT unit -- neither the CT unit  
16 nor the RICE unit can operate to mitigate that  
17 risk in 2018 or 2019. Is that a fair  
18 statement?

19 A. Well, I believe the unit will not be  
20 online until 2020 if we're talking the RICE  
21 unit.

22 Q. Okay.

23 A. At that point, it could mitigate.  
24 You're mitigating the result of the P-6  
25 contingency.

1 Q. And in your testimony, for the near  
2 term 2019, your assumption was that the company  
3 would have to shed load; is that correct?

4 A. Actually that is the company's  
5 assertion.

6 Q. Okay. And that was the -- I believe  
7 it's a 16 to 20 megawatt interruptible load  
8 from one of their industrial customers; is that  
9 right?

10 A. For the purpose of my analysis, I  
11 believe that Entergy indicated it would be a  
12 load shed required of 50 megawatts. The  
13 interruptible power agreement that I referenced  
14 in my testimony indicated that up to 16 to  
15 20 megawatts could be interrupted under that  
16 contractual arrangement between ENO and the  
17 customer.

18 Based upon the fact that that is  
19 smaller than the amount of load shed that ENO  
20 indicated would be required to help mitigate,  
21 I've made a very -- I believe, a reasonable  
22 assumption that the remaining load that would  
23 have to be interrupted in a load shedding event  
24 would be firm customer load of ENO. And that's  
25 how I arrived at the number of customers I have



1 shown in my testimony.

2 Q. So that remainder, that delta there,  
3 would also have to be shed? Is that just a --

4 A. Yes.

5 Q. Okay.

6 A. Yes. And I can't speak for ENO as I  
7 have no information as to what their plan for  
8 load shed would be in that situation.

9 Q. And that's because they didn't  
10 provide any information about it to you; is  
11 that right?

12 A. No, not that I'm aware of.

13 Q. Or to the Council; is that correct?

14 A. I'm sorry, sir?

15 Q. Or to the Council, is that correct,  
16 in this docket?

17 A. I haven't seen anything submitted in  
18 the docket. I know nothing other than that  
19 that may have been submitted to the Council.

20 Q. And you did not do any independent  
21 analysis on whether that is a feasible outcome?

22 A. A what outcome, sir?

23 Q. Whether that's feasible to shed that  
24 additional load?

25 A. That is a question for the company

1 to answer.

2 Q. But you did not conduct any  
3 independent analysis?

4 A. No, I did not.

5 Q. Thank you.

6 I just want to talk to you a little  
7 bit about some of the differences between  
8 Mr. Long's 2019 and 2024 scenarios that he  
9 runs, and I think you discuss these in Table 2  
10 of your direct testimony starting at page 21.

11 A. Okay. I have it in front of me.

12 Q. And so in Table 2, and just to walk  
13 through these very briefly, under the  
14 transmission alternative for 2024, the outcome  
15 there, there would be one overloaded line under  
16 the P-6 contingency option that could be  
17 mitigated with a 25 megawatt load shed; is that  
18 right?

19 A. Okay. Please restate that for me.  
20 Which case do you want to talk about?

21 Q. I'm looking at a 2024 table.

22 A. Excuse me. Go ahead.

23 Q. And in the second column over  
24 labeled Transmission alternative, 100 megawatt.  
25 (As read.)

1 A. Yes, I see it.

2 Q. That's 200 megawatts of solar in the  
3 2 percent DSM column?

4 A. Yes.

5 Q. There would be one overloaded line  
6 that could be mitigated with 25 megawatts of  
7 load shed?

8 A. Correct. That's Entergy's  
9 assertion.

10 Q. Right. I want to draw your  
11 attention, then, back to the 2019 table over on  
12 page 21, and that's the one we just talked  
13 about. In 2019, there are four lines  
14 overloaded and cascading outages; right?

15 A. Yes.

16 Q. And so you would agree that -- You  
17 would agree, wouldn't you, that the difference  
18 between the assumptions in the 2019 table and  
19 the 2024 table include adding 200 megawatts of  
20 solar, the DSM, and the transmission upgrades  
21 that are included in the MTEP plan that we  
22 discussed earlier?

23 A. Yes. However, I do not believe --  
24 Well, based upon Mr. Long's testimony, I  
25 believe it is highly risky that the

1 transmission projects that need to be done in  
2 this case can all be done by the time they're  
3 required to be done. Further, I have a far  
4 greater problem with 200 megawatts of solar  
5 capacity installed at Michoud. No one has  
6 shown that there's adequate available land, and  
7 by my calculation, using a rule of thumb, that  
8 would require 1,400 plus acres for a solar  
9 field of that size. Also, I can't depend on  
10 that being there in those years.

11 MR. SMITH:

12 Your Honor, I'd like to interrupt  
13 here. I just wanted to ask him about the  
14 difference between those two tables. I  
15 didn't ask him about his opinion about  
16 whether -- about the feasibility of doing  
17 it.

18 JUDGE GULIN:

19 Okay. You can move on to the next  
20 question.

21 MR. SMITH:

22 Thank you.

23 EXAMINATION BY MR. SMITH:

24 Q. Well, you know, actually, I do want  
25 to touch on one thing. I want to make sure

1 that we're clear about something because the  
2 transmission upgrades that we're talking about  
3 through MTEP are different than the  
4 transmission upgrades that Mr. Long identifies  
5 as part of his later assessment in 2027 that  
6 would need to be an addition to the MTEP  
7 transmission projects; isn't that right?

8 A. I believe so.

9 Q. And let me just ask one other quick  
10 thing here. Under the 2024 table there, under  
11 that transmission alternative, there are no  
12 transmission upgrades needed according to  
13 Mr. Long; is that right? There's no cost?  
14 There's no quantified cost there in the  
15 transmission upgrade row at the bottom of that  
16 table?

17 A. That is correct.

18 Q. We do see, however, in the 2027  
19 table, \$23 million in upgrades that are needed;  
20 is that right?

21 A. Yes.

22 Q. Now, Mr. Long also identifies  
23 those -- the same \$23 million in upgrades that  
24 are also needed under the RICE scenario; are  
25 they not?

1           A.    Yes, he did.

2           Q.    Let's shift here to some of the  
3 constructability issues that you, I think,  
4 alluded to and you talk about in your  
5 testimony.

6           A.    Okay.

7           Q.    These constructability issues are  
8 related to ENO's ability to take outages to do  
9 the transmission line upgrades; is that right?

10          A.    Yes, in my opinion.

11          Q.    Now, do you think these transmission  
12 upgrades require being out of service for 12  
13 months of the year or the summer period?

14          A.    In my opinion, some of these  
15 transmission upgrades could require lengthy  
16 periods of time. I don't know that they would  
17 need to be out for an entire 12-month period,  
18 however, I have not studied that. I can tell  
19 you that the nature of what needs to be done,  
20 based upon Mr. Long's assertions in his  
21 testimony, were such that it will be a lengthy  
22 construction period. And it will be very  
23 difficult to accomplish as you can't do these  
24 projects unless you have the ability to take  
25 them out of service. With no generating

1 resource within ENO's system, it is going to be  
2 very, very difficult at best to get approval to  
3 take one or more of these lines out of service  
4 for such upgrade and reconstruction projects.

5 Q. Entergy did not, however -- Entergy  
6 did not attempt to document how many months  
7 exactly or any other interval it would take to  
8 conduct those reinforcements in 2027, did they?

9 A. No, they did not. They indicated  
10 that were they to proceed with those, they  
11 would have to perform very detailed engineering  
12 analyses and structural analyses, and, etc.,  
13 along the way to determine what it was actually  
14 going to take and if, in fact, those projects  
15 could feasibly be constructed and the amount of  
16 time to accomplish those things. And this  
17 would be very challenging in my opinion.

18 Q. And Entergy did not provide any firm  
19 cost estimates for those upgrades?

20 A. No. They provided planning level  
21 cost estimates.

22 MR. SMITH:

23 One second, Your Honor.

24 (Whereupon a pause occurred in the  
25 proceedings.)

1 EXAMINATION BY MR. SMITH:

2 Q. ENO indicated, however, that it  
3 could accomplish the required 2027 upgrades,  
4 the two lines that they identified, that it  
5 could do it by 2027; is that right?

6 A. Based on the level of work that they  
7 have done to date.

8 Q. And you don't have any reason to  
9 disbelieve their assertion that they could do  
10 that by 2027?

11 A. Well, counter to that point,  
12 Mr. Long also has indicated -- or excuse me.  
13 The company has indicated in response to  
14 discovery requests that the 2027 date really  
15 should be changed to as soon as possible for  
16 all of these projects.

17 MR. GUILLOT:

18 I just want to ask a clarifying  
19 question, Counsel. Are you talking about  
20 with a generator or without a generator?  
21 Because I don't believe Mr. Long ever  
22 testified that we can construct  
23 transmission by 2027 without a generator.

24 JUDGE GULIN:

25 Well, we already have that question



1           and answer. If there's another question,  
2           we can deal with the clarification.

3           MR. SMITH:

4           I'm going to move on.

5           EXAMINATION BY MR. SMITH:

6           Q.     So Entergy's load flow model, the  
7           modeling that they've done, evaluates the P-6  
8           contingency during periods of peak loading  
9           times; is that right?

10          A.     That's correct.

11          Q.     And if a P-6 event occurred during a  
12          very low loading period, when say --

13          A.     I'm sorry, sir. I didn't hear your  
14          words.

15          Q.     I'm sorry.

16                 If a peak -- a P-6 contingency  
17          occurred during low loading, let's say half of  
18          peak load for example, would a voltage collapse  
19          occur?

20          A.     A P-6 contingency could still have  
21          very serious consequences for the system at  
22          load levels below peak load. However, I have  
23          not seen Entergy quantify how far down the load  
24          curve you would -- one would go to still see  
25          the same basic results of a P-6.

1 Q. I just want to -- Thank you. I want  
2 to try to unpack that a little bit.

3 And so there is a correlation  
4 between -- It's fair to say there is a  
5 threshold loading point at which it becomes  
6 more likely that a P-6 would occur?

7 A. The occurrence of a P-6 is  
8 independent of the results of the P-6  
9 contingency.

10 Q. Okay.

11 A. It can occur at any point in time.

12 Q. But is it fair to say the lower the  
13 load, the less likelihood that there would be a  
14 constraint?

15 A. I could tell you as a general answer  
16 that the lower the load, the better the  
17 remaining transmission systems still in service  
18 could provide power to the system or a portion  
19 of the system.

20 Q. And with these contingencies, one  
21 way to mitigate -- that we talked about at  
22 length, one way to do mitigate a P-6  
23 contingency is to have generation; is that  
24 right?

25 A. Yes.

1 Q. And ENO did not make, in this case,  
2 any effort to identify the minimum amount of  
3 generation that would be -- would mitigate such  
4 a contingency, did they?

5 A. Well, I think, in fact, they have,  
6 and I believe the hundred and twenty-eight is  
7 about as far down as you want to go and install  
8 capacity for the simple fact that there is  
9 still an indication that transmission upgrade  
10 projects may be required out into the future.  
11 What that generation does is buy you the luxury  
12 of time to accomplish transmission upgrade  
13 projects that otherwise might not be  
14 accomplishable.

15 Q. And just to clarify, so your answer  
16 is that you think the 128 is that  
17 quantification, that minimum generation?

18 A. I think you're about there, yes.

19 Q. But I also want to draw your  
20 attention, though, because -- to the  
21 transmission scenario because as we talked  
22 about in the tables, right, the 200 megawatts  
23 of solar plus 2 percent DSM, that also would  
24 mitigate the contingency; isn't that right?

25 A. Yes, it does. However, they are

1 apples and oranges. The RICE alternative will  
2 give me basically guaranteed operating  
3 capability. In the case of 200 megawatts of  
4 solar, it is not the same as a dispatchable,  
5 dependable, flexible generating unit. We are  
6 dealing with solar, which is an intermittent  
7 source of power at best. I can't depend --  
8 Transmission planning must be done on a very  
9 conservative basis. You don't play your bets  
10 on, "Well, we'll just include it because it  
11 might be there." That's not acceptable to me.

12 Q. Okay.

13 A. I don't know if it's feasible to  
14 install that capacity. Number 2, I don't know  
15 if the weather is going to be cloudy on the day  
16 when I need it there and its output is  
17 diminished or zero.

18 Q. Thank you for that explanation.

19 In your testimony, however, you do  
20 testify that the 200 megawatts of solar -- and  
21 let's back up a second because the company made  
22 it 35 percent assumption on capacity that that  
23 would provide; right?

24 A. Yes.

25 Q. And so, effectively what we're

1 talking about if you have 200 megawatts of  
2 solar, effectively you're talking about  
3 70 megawatts of support; is that correct?

4 A. Correct, to the extent that it's not  
5 a cloudy day and it exists.

6 Q. Right. But in the analysis, the  
7 load flow analysis, assuming that 70 megawatt  
8 output and the 2 1/2 percent DSM, that does  
9 mitigate the P-6 contingency; is that right?

10 A. You would mitigate -- It appears  
11 from their studies, you would mitigate the P-6,  
12 but that is also not the reason why one  
13 installs generation. It provides many other  
14 attributes to the system. You don't just  
15 choose to install generation to mitigate a P-6  
16 contingency.

17 Q. So under that logic, then, if the  
18 company's stuck in a 70 megawatt generator  
19 that's a RICE unit, would that be sufficient?

20 A. In my opinion, no. I think you need  
21 more head room. That's the way you do  
22 generation and transmission planning. You  
23 don't build -- You don't plan for the absolute  
24 minimums. You plan for levels of capacity that  
25 will give you a good assurance that the system

1 will remain liable and they can fully support  
2 the operation of the system. I think putting  
3 smaller generation in would not do that.

4 Q. And you said you don't plan for the  
5 absolute minimum. So, then, you'd agree that  
6 the 70 megawatts sounds like the absolute  
7 minimum?

8 A. Not to me.

9 Q. Is that a mischaracterization of  
10 what you said?

11 A. No. I want to see more, especially  
12 given the propensity for -- or the potential  
13 for major storms and restoration of service. I  
14 also want to see it on the basis of being able  
15 to support the system in the event of other  
16 contingencies and an islanding situation.

17 MR. GUILLOT:

18 I'm also going to object.

19 Counsel, you said 70 megawatts plus  
20 2 percent, not just 70 megawatts.

21 MR. SMITH:

22 Thanks for the clarification.

23 EXAMINATION BY MR. SMITH:

24 Q. And I guess what the point is,  
25 though, the company, though, didn't, as far as

1 you know and in this docket, they didn't  
2 evaluate any other alternatives in between the  
3 70 megawatt plus 2 percent DSM and the  
4 128 megawatt RICE unit, did they?

5 A. Well, they also analyzed a RICE  
6 alternative with a hundred megawatts of solar  
7 and 2 percent DSM.

8 Q. Excuse me. Can you repeat that? I  
9 didn't hear your response.

10 A. I said the company also included an  
11 analysis of the RICE alternative, the 128, plus  
12 100 megawatts of solar and 2 percent DSM.

13 Q. Between that alternative and the  
14 200 megawatts of solar that we talked about as  
15 effectively 70 megawatts, between that  
16 scenario, there's no evaluation of any option  
17 in between the two; is that right?

18 A. I didn't see anything submitted in  
19 their application that was any different.

20 Q. Thank you.

21 I want to go back real quick to the  
22 shedding and load shedding issue. And is it  
23 your opinion that from 2018 and 2019 years as a  
24 practice, if a contingency occurs, that  
25 shedding -- load shedding would be a reasonable

1 mitigation for that?

2 A. It is an acceptable action under the  
3 NERC TPL1-4 standard. However, I think it is  
4 politically very difficult to shed 10,000  
5 customers' load. These are not small magnitude  
6 load sheds. This is a pretty significant load  
7 shed.

8 Q. Entergy didn't, as far as you know,  
9 investigate whether interruptible -- more  
10 interruptible load would be possible, feasible,  
11 did they?

12 A. I can't -- I have no opinion on  
13 that. I have no knowledge of that.

14 Q. You've seen nothing in this docket  
15 that suggested they did; correct?

16 A. No. I've seen nothing in this  
17 docket relative to their interruptible load.

18 Q. And you didn't study it?

19 A. No.

20 Q. You would agree -- Going back to the  
21 solar power issue, you would agree that solar  
22 PV does -- Let me back up. Strike that. I'm  
23 sorry.

24 We established earlier, I believe,  
25 that reductions in load can reduce transmission



1 constraints; correct?

2 A. Reduction of load can reduce the --  
3 not reduce the constraints, but reduce the  
4 stress on the system.

5 Q. And you would agree that solar PV  
6 can act to reduce load?

7 A. I'm sorry, sir?

8 Q. Can solar reduce load?

9 A. To the extent it's operating.

10 Q. And you agree it's possible at least  
11 to install some solar in East New Orleans; is  
12 that correct?

13 A. I haven't studied that, sir. I have  
14 to assume you could install some. I have no  
15 idea of the magnitude.

16 Q. As far as you know, the company  
17 didn't conduct a feasibility study in that  
18 regard either?

19 A. I'm sorry?

20 Q. The company didn't conduct a  
21 feasibility study of installing 200 megawatts  
22 of solar in East New Orleans, did it?

23 A. I haven't seen anything submitted in  
24 this application to indicate that.

25 Q. I want to back up because you talked

1 about solar not being a dispatchable resource.

2 A. Sure.

3 Q. A battery is a dispatchable  
4 resource, though, isn't it?

5 A. It's dispatchable for a very short  
6 duration of time.

7 Q. ENO didn't evaluate whether a  
8 peaking battery could mitigate some of the  
9 observed contingencies in the load flow  
10 analysis, did they?

11 A. I've seen nothing submitted in this  
12 application relative to that.

13 Q. Are you aware of smaller battery and  
14 solar installations being used to address load  
15 pockets in other parts of the country?

16 A. Not specifically, no.

17 Q. But you are aware of industry  
18 practices. You keep up to date on what's going  
19 on in the industry; right?

20 A. I read industry trade journals.

21 Q. And is it part of your job to sort  
22 of follow developments in the utility industry?

23 A. I try to.

24 Q. And have you heard of the Aliso  
25 Canyon case?

1 A. No, I have not.

2 Q. Are you aware that they installed a  
3 70 megawatt energy storage facility there?

4 A. No, I'm not.

5 Q. Are you aware of any such battery  
6 and solar installation in the country?

7 A. No, not specifically.

8 Q. Okay. You've not heard of projects  
9 in Florida?

10 A. No.

11 Q. In Arizona?

12 A. I understand from trade journals  
13 that they are -- in California and Arizona,  
14 there are definitely solar projects. I have  
15 not followed those. I have no detail at all  
16 concerning those projects.

17 Q. Do you have an opinion about whether  
18 solar coupled with a battery could provide  
19 reliability support in the event of a P-6  
20 contingency?

21 MR. BEATMANN:

22 Your Honor, clarification.

23 Are we talking about New Orleans, or  
24 are we talking about generally?

25 MR. SMITH:

1           Let's start with generally.

2           MR. MOVISH:

3           Well, from what little I know about  
4           battery systems, I believe they can be of  
5           value in handling fluctuations of  
6           intermittent resources, such as solar.  
7           That is a whole different matter than  
8           providing long-term support as a result  
9           of a P-6 contingency or for other reasons  
10          or in the event of a major storm or in  
11          the event of an islanding situation.  
12          You're not going to have the run  
13          duration. You're going to have to give  
14          me four days of battery power on cloudy  
15          days. You have no way to charge them up.

16          EXAMINATION BY MR. SMITH:

17           Q.    The storm issue, though, is  
18           different than what ENO modeled in the load  
19           flow analysis; is that right?

20           A.    The analysis was not designed to --  
21           The intent of the analyses was not to  
22           investigate storm restoration. However, choice  
23           of technologies becomes important because ENO  
24           has to operate their system in a real world and  
25           all of these considerations come into play

1 relative to operating a utility system.

2 Q. And just to clarify -- because I  
3 don't think I got a yes-or-no answer and I'd  
4 like to get a yes-or-no answer and you can  
5 explain it if you like afterwards.

6 Is it possible -- In your opinion,  
7 would a solar installation plus a battery  
8 provide -- can it provide some support in a --  
9 to avoid -- to help mitigate a P-6 contingency?

10 A. I don't know. I haven't studied it  
11 and I've seen no studies submitted in this  
12 docket.

13 Q. You have no opinion about it in  
14 general?

15 A. I do not.

16 Q. And, again, you've been involved in  
17 transmission reliability study for decades?

18 A. Yes.

19 Q. And you were hired in this case to  
20 provide the City Council with your expert  
21 opinion based on that record?

22 MR. BEATMANN:

23 Your Honor, this is the second round  
24 of these questions about how long he's  
25 been in the industry and how long he's

1           been advising the Council on transmission  
2           issues.

3           MR. SMITH:

4                     Your Honor, I'm just asking because  
5           I think the Council has a right to know  
6           whether --

7           MR. GUILLOT:

8                     I'm going to object, too, Your  
9           Honor. This is asked and answered.

10          JUDGE GULIN:

11                     It is asked and answered. Move on  
12          to your next question, please.

13          MR. SMITH:

14                     Okay.

15          EXAMINATION BY MR. SMITH:

16                     Q. You are aware of other mechanisms  
17          that can help maintain reactive voltage;  
18          correct?

19                     A. Other mechanisms in comparison to  
20          what?

21                     Q. In comparison to generation.

22                     A. Yes, I am.

23                     Q. Such as a static bar compensator,  
24          for example?

25                     A. Okay.

1 Q. These are dynamic voltage support  
2 mechanisms; is that right?

3 A. Correct.

4 Q. And you agree that dynamic voltage  
5 support can be a good thing, don't you?

6 A. I think a static bar compensator, if  
7 it's called for and necessary on a utility  
8 system, can be a valuable contributor of  
9 reactive power in regulation. I would note in  
10 the case of ENO's system, ENO operates their  
11 system at a very high power factor. They have  
12 done a very good job of installing both fixed  
13 and switched capacitors, which have -- are  
14 minimizing the reactive requirements.

15 Q. And thank you for that explanation.

16 In this particular load flow  
17 analysis, ENO did not evaluate any dynamic  
18 voltage support options, did they?

19 A. No, I didn't see anything submitted  
20 in that regard.

21 Q. Thank you. I want to -- I just have  
22 a few more questions here, Mr. Movish. Thank  
23 you.

24 I want to switch to your testimony  
25 about the Sewerage & Water Board.

1 A. Yes.

2 Q. You testified that you believe  
3 there's possibility that a generator at Michoud  
4 could provide benefit -- transmission benefits  
5 at the Sewerage & Water Board at Carrolllton; is  
6 that right?

7 A. Well, I didn't testify that  
8 generation located in Michoud would provide  
9 transmission benefits. I testified that I  
10 believe from my review of the system topology,  
11 a cranking path exists that would allow a  
12 generator installed there to power the  
13 Carrolllton facility in a situation where the  
14 system was islanded.

15 Q. And --

16 A. And if to the extent that the  
17 Sewerage & Water Board's own internal  
18 generation equipment was nonfunctional.

19 Q. And you're aware also that in  
20 Mr. Charles Long's rebuttal testimony that the  
21 company performed some sort of preliminary  
22 analysis of that possibility; right?

23 A. Yes.

24 Q. But they have not provided that  
25 preliminary analysis to the Council, have they?



1           A.    No.  I have not seen the results of  
2 that analysis.

3           Q.    And they have not developed an  
4 operating guide for such a plan?

5           A.    No.  That would be the second step.

6           Q.    And they haven't developed a  
7 switching plan, have they?

8           A.    No.

9           Q.    Are you aware that the Sewerage &  
10 Water Board has applied for a permit to  
11 modify -- a modified air permit for an  
12 emergency generator at that location?

13          A.    No, I'm not.

14          Q.    Do you think that would be relevant  
15 to your opinion about the black start benefits  
16 of a RICE unit at --

17          A.    I don't know the size of the unit.  
18 I know nothing about the particulars of the  
19 generating unit the Sewerage & Water Board has  
20 submitted an application for.  So I can't  
21 answer your question.

22          Q.    If the company -- If the Sewerage &  
23 Water Board has an emergency quick start  
24 generator, do they need black start capability  
25 from Michoud?

1           A.    I don't know anything about the size  
2 of it, sir.  I can't answer your question.

3           MR. SMITH:

4                    Thank you, Your Honor.  That's all I  
5           have.

6           JUDGE GULIN:

7                    Okay.  Thank you.

8                    And Ms. Tauber.

9           EXAMINATION BY MS. TAUBER:

10           Q.    Good afternoon, Mr. Movish.

11           A.    Good afternoon.  You're going to  
12 need to speak closer to the mic, ma'am.

13           Q.    My name is Jill Tauber, counsel for  
14 the Alliance for Affordable Energy and 350 New  
15 Orleans.  Can you hear me okay now?

16           A.    Yes, I did.  I will ask you to  
17 please restate louder if I can't hear.

18           Q.    That sounds great.  Thank you.

19                    Mr. Movish, counsel for Sierra Club  
20 covered a fair amount of ground that I had, so  
21 I may jump around a bit in an effort to avoid  
22 duplication.

23           A.    Okay.

24           Q.    To start, just to confirm, your  
25 evaluation in this case of Entergy's proposed

1 alternatives that they've presented in this  
2 application was strictly from a transmission  
3 reliability basis; is that correct?

4 A. Yes.

5 Q. So you did not testify to the  
6 economics of various alternatives?

7 A. No.

8 Q. You had a conversation with counsel  
9 for Sierra Club about load flow studies. Do  
10 you recall that?

11 A. Yes.

12 Q. And you have experience performing  
13 those studies?

14 A. Yes, ma'am.

15 Q. Relatedly, you also have experience  
16 performing stability studies?

17 A. Yes.

18 Q. And stability studies, would you  
19 agree with me, look at the system during a  
20 short window of time to analyze how well it  
21 would survive contingencies?

22 A. Yes. Correct.

23 Q. You didn't perform a stability study  
24 in this case?

25 A. No.

1 Q. And aside from low flow studies and  
2 stability studies, you didn't perform any other  
3 type of study in reaching your opinion in this  
4 case?

5 A. No, I did not.

6 Q. You reviewed the studies that  
7 Entergy performed?

8 A. Yes, in our role as advisors to the  
9 Council.

10 Q. Now, if a load flow study reveals a  
11 weakness in the transmission system, you would  
12 expect the system owner to develop a corrective  
13 action plan; is that right?

14 A. Yes.

15 Q. And that would be designed to  
16 correct whatever weakness in the system was  
17 identified?

18 A. That is correct.

19 Q. A corrective action plan could  
20 include various options; would you agree with  
21 me?

22 A. Yes.

23 Q. One of those options would be  
24 installing capacitors?

25 A. If they are called for.

1 Q. Bifurcating load?

2 A. In what regard?

3 Q. To move into different circuits, if  
4 necessary.

5 A. Potentially that could help.

6 Q. Installing new transformers?

7 A. As called for.

8 Q. Installing new generation?

9 A. As called for.

10 Q. Upgrading transmission?

11 A. Yes.

12 Q. In this case, ENO proposes  
13 installing new generation, either a CT or RICE  
14 units; is that right?

15 A. Correct.

16 Q. Now, in this case, ENO's alternative  
17 cases that they studied included a transmission  
18 alternative in addition to the RICE and CT  
19 alternatives; is that correct?

20 A. Correct.

21 Q. You didn't examine any other  
22 alternatives beyond what was presented; is that  
23 right?

24 A. No. I only reviewed what was  
25 provided by the company in support of its

1 application.

2 Q. Mr. Movish, could I refer you,  
3 please, to page 20 of your direct testimony?

4 A. Surely. Twenty, 2-0?

5 Q. Two zero, that's correct.

6 A. Thank you, ma'am.

7 Okay.

8 Q. And, actually, you know, I could  
9 refer you specifically to a line number, but  
10 let me ask you generally and then we can take  
11 it from there.

12 Considering the alternatives without  
13 solar and DSM, so your discussion of Table 1,  
14 which is on the following page, ENO's studies  
15 show that both the transmission alternative and  
16 the RICE alternative would require transmission  
17 upgrades to fully mitigate a P-6; is that  
18 right?

19 A. Yes. However, the transmission  
20 alternative, with no other considerations,  
21 would require a very significant amount of  
22 upgrade and reconstruction of a large number of  
23 transmission lines by a very early date. With  
24 the RICE alternative, that would mitigate the  
25 P-6, and there was an indication that some

1 transmission upgrade projects could be required  
2 out in the 2027 time frame. Entergy has  
3 indicated, to the best of my recollection, that  
4 as opposed to committing to those projects, if  
5 the RICE unit were installed, they would  
6 determine where loads actually were and what  
7 the timing and an absolute requirement for  
8 those projects with the RICE unit installed  
9 would be at a later date.

10 Q. So that information is not in the  
11 record as it exists today; is that right?

12 A. I believe it's somewhere in the  
13 case. I have no idea where it is.

14 Q. Let me ask you to turn to Table 1,  
15 if you would.

16 A. I'm sorry, ma'am?

17 Q. The Table 1 --

18 A. Yes, ma'am.

19 Q. -- which is the prior page.

20 A. It's in front of me.

21 You're soft spoken. Sorry, Counsel.

22 Q. I've not heard that before.

23 So Table 1, there are some dollar  
24 figures throughout this table. Do you see  
25 those?

1 A. Yes, ma'am.

2 Q. And those dollar figures correspond  
3 to estimates with regards to transmission  
4 upgrades; is that correct?

5 A. Yes.

6 Q. So nowhere on this table are the  
7 cost estimates of the RICE or CT themselves; is  
8 that right?

9 A. No. They're not included in this  
10 table.

11 Q. Okay. Let's go to Table 2,  
12 Mr. Movish, which, again, the Table 2 considers  
13 alternatives with the addition of solar or DSM  
14 as appropriate; is that right?

15 A. Yes.

16 Q. So the transmission alternative with  
17 solar and DSM, the second column, that would  
18 require either transmission upgrades or load  
19 shedding; is that right?

20 A. Yes.

21 Q. And the RICE alternative with solar  
22 and DSM would also require load shedding; is  
23 that right?

24 A. The RICE alternative with solar and  
25 DSM?



1 Q. Yes.

2 A. Before --

3 Q. Excuse me. I should just clarify.

4 A. Thank you.

5 Q. 2019, I apologize.

6 A. Well, it would because the unit  
7 would not be in existence in 2019.

8 Q. Now, you recommend the RICE unit  
9 either with or without DSM and solar in your  
10 testimony; is that correct?

11 A. Yes, ma'am.

12 Q. The RICE unit will cost 210 million;  
13 is that correct?

14 A. I believe I've seen that in the  
15 application, yes.

16 Q. And, again, to clarify, that does  
17 not include any transmission upgrades?

18 A. I'm sorry, ma'am?

19 Q. That estimate does not include any  
20 transmission upgrades?

21 A. No. My understanding, that's the  
22 capital cost of the unit itself.

23 Q. Mr. Movish, do you have any  
24 knowledge of the condition of the transmission  
25 lines?

1           A.    I have no specific knowledge as I  
2 sit here today.

3           Q.    And you don't have any specific  
4 knowledge of the age of the transmission lines  
5 either, do you?

6           A.    I do not know the age of ENO's  
7 transmission lines.

8           Q.    Now, if the Council wants to further  
9 consider the transmission alternative in this  
10 case, your position would be that it needs more  
11 information; correct?

12          A.    I stated so in my testimony.

13          Q.    And in your testimony, you refer to  
14 three tasks that you recommend to be completed  
15 before the Commission --

16          A.    Can you point me to the specific --

17          Q.    Absolutely.

18          A.    -- cite in my testimony, ma'am?

19          Q.    Sure. Mr. Movish, it's page 47. I  
20 think it's mentioned twice, but this is one of  
21 those references.

22          A.    Page 47?

23          Q.    Forty-seven, sir. And the full  
24 sentence begins on the prior page to be fair,  
25 but I'm looking starting at line 3.

1 A. We're starting on page 46, ma'am?

2 Q. Sure. Sure.

3 A. At what line?

4 Q. Forty-six. And certainly you can  
5 take your time to read this section.

6 A. I'm asking for a simple cite line.

7 Q. Well, the sentence goes on for quite  
8 a while. So why don't you start at line 15 and  
9 just read it to yourself to refresh your  
10 recollection --

11 A. Okay.

12 Q. -- we don't need it on the record?  
13 And read through to the next page.

14 A. Okay. Go ahead.

15 Q. And what I would just like to  
16 confirm is your recommendation with respect to  
17 the three tasks that should be done relate to  
18 feasibility cost and timing of transmission  
19 upgrades; is that right?

20 A. That's correct.

21 Q. Now, I think you talked about this a  
22 little bit with counsel for Sierra Club,  
23 Mr. Movish, but Entergy's load flow modeling  
24 did not test for storm outages; is that  
25 correct?

1 A. No, not to the best of my knowledge.

2 Q. Storm events can impact generation.

3 You agree with that; right?

4 A. Storm events can affect anything in  
5 the utility system.

6 Q. Including generation?

7 A. Sure.

8 Q. Now, Entergy has experienced local  
9 disruptions due to storms; is that right?

10 A. Katrina, yes.

11 Q. And Katrina specifically damaged the  
12 units at Michoud; is that right?

13 A. Yes, it did.

14 Q. You reference -- Let me refer you to  
15 your direct testimony, page 44 on lines 12 to  
16 13. Mr. Movish, you reference an islanding  
17 situation that Entergy experienced as a result  
18 of Hurricane Gustav. Do you see that?

19 A. Yes, I do.

20 Q. Now, Michoud didn't provide power  
21 during that islanding; is that right?

22 A. It is my recollection, subject to  
23 check, that the unit was taken off line during  
24 that event.

25 Q. Mr. Movish, I'd like to talk a

1 little bit about the Sewerage & Water Board  
2 again.

3 A. Sure.

4 Q. You did have a conversation with  
5 counsel for Sierra Club, so I'm going to try to  
6 be quick here. In your direct testimony, which  
7 was obviously written before rebuttal came  
8 in --

9 A. Uh-huh (indicating affirmatively).

10 Q. -- you testified that their  
11 generation at Michoud could potentially be a  
12 source of power for Entergy's critical loads  
13 during a storm event; is that correct?

14 A. Yes.

15 Q. And specifically, you spoke to a  
16 potential cranking path that would exist to  
17 potentially power the Carrollton pumping plant;  
18 is that right?

19 A. That's correct.

20 Q. So the cranking path would allow  
21 generation from Michoud to power the pumps at  
22 the Carrollton facility?

23 A. Uh-huh (indicating affirmatively).

24 Q. Now, this would be useful in the  
25 event that both Entergy's transmission lines

1 that import power and the Sewerage & Water  
2 Board's internal generation equipment were not  
3 operating?

4 A. That is correct.

5 Q. Now, your opinion about the  
6 potential cranking path was based on ENO's  
7 one-line transmission diagram; is that right?

8 A. Yes, ma'am.

9 Q. That diagram is essentially a road  
10 map of the transmission system?

11 A. Yes.

12 Q. And that was the only thing you  
13 looked at to determine this; is that right?

14 A. Yes.

15 Q. Now, Entergy -- You went through in  
16 your direct testimony the types of analyses and  
17 plans that Entergy would have to perform to  
18 demonstrate that this potential could be  
19 realized; is that right?

20 A. Yes. Mr. Long indicated that in his  
21 rebuttal testimony.

22 Q. Sure.

23 There would have to be load flow  
24 studies; is that right?

25 A. I believe they have performed some

1 load flow studies.

2 Q. Have you seen those load flow  
3 studies?

4 A. No, I have not seen the results of  
5 any of those analyses, only the reference to  
6 them and their results included in Mr. Long's  
7 rebuttal testimony.

8 Q. And the analysis isn't in the record  
9 for the Council to review?

10 A. I'm sorry, ma'am?

11 Q. The analysis is not in the record  
12 for the Council to review?

13 A. I've never seen it. I can't be  
14 responsive to your question.

15 Q. So you've never seen it?

16 A. I've never seen it.

17 Q. So you couldn't say whether it's  
18 correct?

19 A. No.

20 Q. And you couldn't say whether it's  
21 sufficient to demonstrate a viable cranking  
22 path?

23 A. No, I cannot.

24 MS. TAUBER:

25 I have no further questions.

1 JUDGE GULIN:

2 Thank you.

3 Mr. Edwards, did you have any cross?

4 MR. EDWARDS:

5 Your Honor, to make everybody very  
6 happy and the witness in particular, I  
7 have no questions of him this afternoon.

8 JUDGE GULIN:

9 All right. Thank you, Mr. Edwards.

10 Mr. Beatmann, any -- I assume it  
11 would be Mr. Beatmann -- any redirect?

12 MR. BEATMANN:

13 Just a couple of questions, Your  
14 Honor.

15 EXAMINATION BY MR. BEATMANN:

16 Q. Mr. Movish, Mr. Brown asked you some  
17 questions about P-2.3 contingency?

18 A. Yes.

19 Q. And he asked about if there was a  
20 P-2.3 contingency, could ENO ride that out. Do  
21 you recall that?

22 A. Yes, I do.

23 Q. Would it be a NERC violation that  
24 would have to be addressed if that were to  
25 occur?



1           A.     Potentially it would be a NERC  
2 violation, yeah.

3           Q.     Mr. Brown also asked you some  
4 questions about solar projects in the country.  
5 Are you aware that there are solar projects  
6 being built around the country generally?

7           A.     Yes.

8           Q.     And I think you testified that you  
9 were not aware of the details of specific solar  
10 projects; is that correct?

11          A.     Yes.

12          MR. BEATMANN:

13                 Thank you. No further.

14          JUDGE GULIN:

15                 Mr. Brown? I'm sorry. Mr. Smith?

16          MR. SMITH:

17                 Yeah, I have no recross. Thank you.

18          JUDGE GULIN:

19                 Okay. Ms. Tauber?

20          MS. TAUBER:

21                 No, Your Honor. Thank you.

22          JUDGE GULIN:

23                 Thank you, Mr. Movish.

24          MR. MOVISH:

25                 Thank you, Your Honor.

1 JUDGE GULIN:

2 You can step down. Nice seeing you  
3 again. Be well.

4 MR. MOVISH:

5 Nice seeing you again. Maybe again  
6 in the next 20 years.

7 JUDGE GULIN:

8 Okay. I think that brings us to the  
9 end of testimony, but let's take a  
10 ten-minute break, and then let's come  
11 back and talk a little bit about where we  
12 go from here.

13 (Whereupon a recess was taken.)

14 JUDGE GULIN:

15 Let's go back on the record. Let's  
16 talk a little bit about post-hearing  
17 matters. Post-hearing briefs are due on  
18 January 19. That's a Friday. I am  
19 instructed to certify the proceeding  
20 January 22nd. So I imagine I'll see  
21 post-hearing briefs at 5 o'clock on  
22 January 19th. And then I need to certify  
23 the record on January 22nd, the following  
24 Monday.

25 What that means, for all practical

1 purposes, are that there is not much  
2 point in filing any motions after the  
3 briefs. If I had my druthers, I would  
4 have had a little bit more time to  
5 certify the record so I can entertain  
6 motions after filing of briefs.

7 Typically what happens in my  
8 experience, not just with these cases but  
9 another types of similar cases, is where  
10 there are a lot of exhibits that have  
11 been admitted for the limited purpose of  
12 cross-examination, inevitably parties  
13 will sometimes cite to them as fact or to  
14 support a conclusion and that's not  
15 proper. No matter how many times I  
16 admonish counsel not to do that, I tend  
17 to see it. So there's not going to be  
18 any opportunities to file a motion to  
19 strike portions of a post-hearing brief.  
20 You're going to have to take that up with  
21 the Council unless you-all can come up  
22 with some other type of procedure that I  
23 just can't imagine at this point.

24 Also, I've talk to the court  
25 reporter, Kathy. You've done a wonderful

1 job for us and I applaud you. I thank  
2 you very much.

3 She will begin sending out  
4 transcripts, I assume, in electronic form  
5 almost immediately, but will not have  
6 them completed until January 3rd you told  
7 me is realistic.

8 THE COURT REPORTER:

9 The eighth.

10 JUDGE GULIN:

11 January 8th. All right. So given  
12 those parameters, January 8th, we will  
13 get the transcripts.

14 MR. GUILLOT:

15 Your Honor, quick question.

16 JUDGE GULIN:

17 Yes.

18 MR. GUILLOT:

19 Do you believe there's any way that  
20 the parties could stipulate to a brief  
21 period after we file briefs in order to  
22 file limited motion?

23 JUDGE GULIN:

24 I personally don't see any wiggle  
25 room in the resolution. I'll ask the

1 advisors if you have any feelings about  
2 that, but it looks to me pretty hard and  
3 fast. I take seriously the word "shall."

4 MS. HAND:

5 Your Honor, we believe that if the  
6 parties were to file such a motion, the  
7 Council would be able to take it up after  
8 you have certified the record and deal  
9 with it at that point.

10 MR. GUILLOT:

11 Fair enough.

12 JUDGE GULIN:

13 Deal with the motions; right? Deal  
14 with the motions strike on its own? Or  
15 could, I suppose, refer it back to me if  
16 they wanted to.

17 MS. HAND:

18 They could, yeah.

19 JUDGE GULIN:

20 Okay. All right.

21 So another matter, then, would be  
22 correction of the transcript. I don't  
23 know if that's been your practice. I  
24 don't quite recall. I think it's been my  
25 practice in the past to give counsel an

1 opportunity to file corrections to the  
2 transcript. Is that something you want  
3 to avail yourself of for me?

4 MS. HAND:

5 The advisors would like that  
6 opportunity, Your Honor.

7 JUDGE GULIN:

8 So what kind of dates did you have  
9 in mind? Again, you won't get the full  
10 transcript until the 8th. What time do  
11 you need?

12 MS. HAND:

13 The advisors would suggest two days  
14 or so per transcript. So from whenever  
15 the final is circulated to the parties,  
16 have any corrections back within two  
17 days.

18 JUDGE GULIN:

19 Okay. So like rolling time of two  
20 days after receipt of any particular  
21 transcript?

22 MS. HAND:

23 Yes, Your Honor.

24 JUDGE GULIN:

25 Any objection to that?

1 MS. HARDEN:

2 Your Honor, I'm not familiar with  
3 correction of the transcript. What does  
4 that allow?

5 JUDGE GULIN:

6 Well, we can talk about it as to,  
7 you know, what sort of protocol you want  
8 to allow. I certainly would like to see  
9 an amicable resolution of this without my  
10 interference in it. I would suggest that  
11 the parties discuss any corrections with  
12 each other and then submit a joint filing  
13 with me, but if they're unable to come to  
14 resolution, then I would resolve it.

15 Ms. Hand.

16 MS. HAND:

17 Your Honor, the advisors, what we  
18 would be familiar with and comfortable  
19 with is allowing only non-substantive  
20 changes that are, you know, corrections.

21 JUDGE GULIN:

22 Oh. Of course.

23 MS. HAND:

24 Or perhaps you've got key words that  
25 are similarly pronounced and the court

1 reporter got the wrong one --

2 JUDGE GULIN:

3 Yeah. I'm not talking about  
4 altering history here.

5 MS. HAND:

6 -- or an acronym was incorrectly --  
7 that type of correction so that the  
8 record is clear and accurate.

9 JUDGE GULIN:

10 Right. But as to the mechanics of  
11 how it would happen, is two days enough  
12 to discuss it among yourselves and then  
13 present me with any dispute for  
14 resolution, or would you like an extra  
15 day?

16 MR. GUILLOT:

17 I think as long as anyone who has a  
18 correction and circulates those  
19 corrections to the parties, if there's  
20 any objection to the correction, then  
21 that objection should probably be made to  
22 you.

23 JUDGE GULIN:

24 Okay. Well, I'm going to need to  
25 issue an order regarding even if it's an



1           agreed correction. So why don't we say  
2           three days? Three days after -- Within  
3           three days after the distribution of any  
4           particular transcript, the parties have  
5           that amount of time to either give me a  
6           joint agreement or a statement of  
7           disagreement for my resolution.

8           MR. GUILLOT:

9                     Your Honor, the other thing is that  
10           inevitably, even though the parties don't  
11           mean to do it, sometimes they discuss  
12           HSPM information without signaling that  
13           they're going to discuss it. And so  
14           normally what the company does after a  
15           hearing, is we review the transcript just  
16           to make sure that no HSPM is being  
17           disclosed in the public version of the  
18           transcript and we can do so within that  
19           two- or three-day period.

20           JUDGE GULIN:

21                     Three days.

22                     Okay. Any other deadlines or  
23           anything else we need to discuss?

24           MR. REED:

25                     Yes, Your Honor. One of the

1 concerns that we had, we know that as you  
2 noted January 22nd, you are supposed to  
3 certify the record. Now, essentially  
4 what we have developed in this case are  
5 an evidentiary record and an  
6 administrative record, and I think what  
7 I'm raising here is a question more to  
8 conveying what I think would be the  
9 evidentiary record to the Council for its  
10 review and deliberation as it moves  
11 forward in making a decision in this  
12 case.

13 Now, obviously the certain highly  
14 sensitive protected materials would not  
15 necessarily be provided in that record  
16 necessarily only because of some of the  
17 open record issues associated with the  
18 highly sensitive materials and obviously  
19 documents or exhibits in which you have  
20 admitted for the purpose of cross, but  
21 not for substantive evidence, would not,  
22 I don't think, appropriately be submitted  
23 to the Council in their deliberation. It  
24 is a part of the record, so to the extent  
25 that a party made a decision that they

1 wanted to file a motion to say that this  
2 particular document should have been  
3 included, admitted for substantive  
4 purposes, that document can then be  
5 presented to the Council in their  
6 deliberations as to whether or not they  
7 would review your decision on that  
8 particular evidentiary ruling. But,  
9 beyond that, I don't know that those  
10 documents need to be provided to the  
11 Council for their deliberation in  
12 reaching some decision on that, quote,  
13 unquote, evidentiary record.

14 And I raise that just as a  
15 logistical issue that I think probably  
16 holds some merit because I do think that  
17 what we want is a process that is open  
18 and transparent, but, yet, at the same  
19 time, fits within the parameters of the  
20 various evidentiary rules or regulations  
21 so that there's not a -- We don't want a  
22 deliberation that says, "Oh, well, this  
23 is an interesting point," and we realize  
24 that that particular document was not a  
25 part of the evidentiary record that was

1 admitted for substantive purposes. So I  
2 guess I'm just looking at how we would  
3 treat that to avoid that kind of headache  
4 but, then, at the same time, allow  
5 parties who wanted to take issue with  
6 your evidentiary ruling could then seek  
7 redress or appeal from the Council.

8 MR. GUILLOT:

9 If the party had objected at the  
10 time of the hearing.

11 MR. REED:

12 Right. Understood. You have to  
13 comply with all the process.

14 MR. GUILLOT:

15 I think the company would agree with  
16 that, Your Honor. And I think further,  
17 that sort of procedure would cut down on  
18 a party's motivation to cite to exhibits  
19 that were admitted for purposes of cross  
20 in briefs.

21 JUDGE GULIN:

22 Before I hear from you, Mr. Smith,  
23 let me just say I think there are two  
24 purposes of including documents that have  
25 not been admitted into evidence but

1 admitted just for the sole purpose of  
2 cross. One is to allow the Council,  
3 should they reverse a ruling as to  
4 whether it was admitted, and then they  
5 could view it if they wanted to. But  
6 there's a second purpose, and that second  
7 purpose is so they have context when  
8 there is a cross-examination. They can  
9 look at the document solely as a matter  
10 of convenience in assessing the  
11 cross-examination.

12 I do understand your concerns that  
13 there are evidentiary concerns and you're  
14 a little bit worried about prejudicing  
15 the finder of fact by looking at  
16 documents that are not in evidence. I  
17 understand that. And what I often do in  
18 these certifications to the Council --  
19 And, by the way, what a certification is  
20 -- I don't want to give the impression to  
21 those who have not been involved in this  
22 process before. I am not transporting  
23 anything to the Council. I'm merely  
24 certifying that this is what I consider  
25 to be the record in this case.

1           What I can do and what I have often  
2           done is mention in my certification as  
3           to -- I can't tell the Council how to  
4           handle their affairs, how to make the  
5           review, but what I can give them is my  
6           judgment as to what they should be basing  
7           their decision on and that's the  
8           evidence. That's the substantive  
9           evidence and I would say that in the  
10          certification.

11           I don't know if that alleviates your  
12          concerns or not, but that would be my  
13          proposal.

14           I'll be happy to hear from you,  
15          Mr. Smith.

16          MR. SMITH:

17           Thank you, Your Honor. That makes  
18          sense. I think we'd be amenable to that  
19          approach. So thanks for the  
20          clarification.

21          MR. REED:

22           And I would be amenable to that as  
23          well. The question that I have, though,  
24          is how or if you differentiate for them  
25          in the certification, what is evidentiary

1 as opposed to what hasn't been admitted  
2 rather. I'm just curious. Is there a  
3 distinction when you do your  
4 certification? Or do you just say --

5 JUDGE GULIN:

6 Well, Ms. Hand is keeping a running  
7 tab of -- And, by the way, thank you for  
8 jarring my memory. I need to also give  
9 you, Ms. Hand, a deadline, and you can  
10 give me an appropriate date for after  
11 you've had an opportunity to resolve any  
12 issues with the other parties, when you  
13 can give me the final running chart of  
14 the status of all exhibits.

15 MS. HAND:

16 I've been keeping a running chart as  
17 we go. I need this afternoon to review  
18 what happened today and make sure my  
19 notes are complete.

20 JUDGE GULIN:

21 And you may want the transcript in  
22 case there are any disputes as to what  
23 transpired.

24 MS. HAND:

25 Well, let me circulate either later

1           today or tomorrow morning, depending on  
2           how my travel home goes this afternoon,  
3           to the parties my notes as to what the  
4           exhibits are, and then if I could hear  
5           back from everyone by end of the day on  
6           the 26th or 27th whether anybody needs --  
7           has notes that are different than mine.  
8           We should be able to get it to you before  
9           New Year's --

10          JUDGE GULIN:

11                    Okay.

12          MS. HAND:

13                    -- assuming there is no dispute with  
14                    theirs.

15          JUDGE GULIN:

16                    I don't need it by then. But  
17                    assuming there are some disputes, why  
18                    don't we say that you will give me the  
19                    final results and if there are any  
20                    disputes to be resolved, I'll still have  
21                    time to do that. Can you get that to me,  
22                    please, by January 9th?

23          MS. HAND:

24                    Yes.

25          JUDGE GULIN:



1 All right. Thank you.

2 Again, to answer your question,  
3 Mr. Reed, I think it will be quite clear  
4 what is in evidence and what is not in  
5 evidence, and I will bring the Council's  
6 attention to that and that they should be  
7 discerning what is in evidence and what  
8 is not.

9 Anything else?

10 (No response.)

11 JUDGE GULIN:

12 I want to thank you all. You've  
13 done a wonderful job all of you. I've  
14 been very impressed with all the counsel  
15 in this case. Without exception, I think  
16 you're all a bunch of really smart people  
17 and conducted yourself really well. A  
18 case like this, it can easily get very  
19 contentious and acrimonious and maybe  
20 we've seen some flashes of that, but I  
21 could have expected much more and a good  
22 part of that is because of your own  
23 professional responsibility. And I was  
24 very appreciative of the way you all  
25 conducted yourselves.

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So with that, I want to say good-bye  
and good luck and until next time, be  
well.

(Whereupon the proceedings were  
concluded at 2:10 P.M.)

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REPORTER'S CERTIFICATE

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