

January 14, 2010

RFP 09-04
LOUISIANA PUBLIC SERVICE COMMISSION
REQUEST FOR PROPOSAL (“RFP”)

Docket No. U-30192 Phase III
Application of Entergy Louisiana, LLC for Approval to Repower Little Gypsy Unit 3
Electric Generating Facility and for Authority to Commence Construction and for
Certain Cost Protection and Cost Recovery

The Louisiana Public Service Commission (“Commission” or “LPSC”), in accordance with the requirements of the LPSC’s General Order dated August 4, 2004, regarding the selection of contract employees to represent the Commission, (“Contract Order”) issues this Request for Proposals (“RFP”) to outside counsel which will assist the Commission in reviewing the legal and jurisdictional issues related to the Commission’s review of the above referenced Application which was published in the Commission’s Official Bulletin dated November 27, 2009. The Commission reserves the right to reject any proposal or decline to undertake these reviews at this time.

I. Overview

Entergy Louisiana, LLC (“ELL”) has filed an application on October 27, 2009 asking for Commission approval to recover the costs of the Little Gypsy Unit 3 Repowering Project (“the Project”) in retail rates, including appropriate ratemaking, and to cancel the already suspended project. Notice of this Application was published in the Commission’s Bulletin dated October 30, 2009. The applications can be viewed on the LPSC’s web site at www.lpsc.org.

As set forth in Commission’s Order No. U-30192 issued March 19, 2008 this Commission certified the Little Gypsy 3 Repowering Project as serving the public convenience and necessity. During pre-construction, due to a number of changed conditions, ELL filed a motion to suspend construction for three years. This motion was granted by the Commission at its May 2009 Business and Executive Session as set forth

in Order U-30192-C issued May 22, 2009. ELL now seeks to cancel the Project and to recover the related costs through a cost recovery rider.

Phase III of the docket includes an in-depth analysis and evaluation of the costs incurred by the Company in connection with the Project, including, but not limited to, the appropriate amount and method for recovery in rates of those costs, the appropriate allocation among the customer classes of any cost recovery, and a determination of the prudence of plant cancellation.

II. Scope of Representation

Applicants should be prepared to, assist in-house counsel in conducting a complete evaluation of the Application, including reviewing the testimony submitted by the Companies to support this request; conducting discovery and other tasks normally associated with the evaluation and pre-hearing process; reviewing testimony prepared by Staff witnesses; preparing for and attending hearings before an Administrative Law Judge, preparation of pre and post-hearing briefs, assisting in preparation of any orders, and appearing before the Commission at one or more Business and Executive Sessions. Applicants may be required to participate in settlement discussions, mediations, stipulation hearings, conferences with the ELL and its legal counsel and/or consultants and attend meetings with Commissioners and their staff

All proposals shall include an outline of a plan of action for conducting the investigation, the hearings, if any, as well as any appeals, together with estimated time-lines and separate fees and costs associated with each phase of the representation. However, in the event, an applicant is chosen, Commission and its Staff shall have the right to determine how the tasks will be carried out. In addition, all proposals shall be accompanied by a professional firm resume indicating the qualifications and experience necessary to meet the requirements of this RFP.

III. Period of Representation

The time period (“Period of Representation”) estimated to complete the Scope of representation is approximately 12-18 months. This is merely an estimate and the Commission makes no representations as to the accuracy of the Period of Representation.

IV. Minimum Requirements

To be considered, all applicants must meet the following minimum requirements *in addition to those provided in* this Commission’s General Order dated August 4, 2004. Consideration will be given to factors such as educational background and achievement, practical experience in the field of public utility practice, and similar practice before other state public utility commissions.

Applicants shall also, at a minimum, be experienced in the presentation of cases involving public utility regulation, or other regulatory issues on administrative and

judicial levels, including the presentation of witnesses on direct examination, cross examination of adverse witnesses, the conduct of discovery, and the taking of appeals. Consideration given to indicia of competence such as previous experience and success handling complex cases, success on appeals, publications of a legal nature, educational achievement and other previous employment suggesting competence in the litigation of matters involving the above areas; significant personal practice before regulatory agencies such as the SEC, FERC, FCC, or other similar entities may be a favorable factor. Firm size may be considered in matters likely to be prolonged, complex, or involving multiple forums.

Attorneys shall have a working knowledge of Louisiana Public Service Commission ratemaking and jurisdictional issues; Commission certification of electric generation resources; electric utility resource planning; full understanding and ability to analyze the relief sought by ELL in the Application; familiarity with and experience in dealing with affiliate transactions and cost sharing among company affiliates; experience in all aspects of electric utility retail ratemaking proceedings and periodic rate review proceedings; and experience with and the understanding of costs issues related to cancelled or abandoned plant.

V. Estimate of Cost

All applicants responding to the Request for Proposal shall quote their rates on an hourly basis and shall also submit a total budget, which shall separate professional fees from costs. However, applicants shall only be allowed to charge for actual hours of work performed and costs incurred. Once selected, an applicant's rates and budget shall not be altered except by formal approval of the Commission.

VI. Conflict of Interest

Previous or current employment which could result in a conflict of interest shall be prominently and separately disclosed. In addition, applicants shall disclose matters in which they currently represent private clients before the Commission.

VII. Disclaimer

The LPSC reserves the right to reject any and all proposals, to amend and/ or supplement this RFP at any time, and to consider proposals or modifications thereof received at any time prior to LPSC vote at Open Session, if such action is found by the LPSC to be in the public interest. Pursuant to the General Order regarding the selection of contract employees, the LPSC has the right to accept other than the lowest offer with regard to price. In addition, there is also no assurance, express or implied, that an award will necessarily be made pursuant to this RFP.

VII. Billing Guidelines

As required by the August 4, 2004 General Order, all bills will be rendered monthly and shall specifically identify and describe all work performed, the person performing such work, the time and charge for such work, and shall additionally show the total amount billed to date and the authorized original estimate. Bills will be rendered in strict accordance with the Commission's guidelines. Expenses shall also be separately disclosed with proof of such expenses attached.

Expenses, where applicable, shall be reimbursed at state authorized rates as specified in the Travel Policies and Procedures Memorandum issued by the State of Louisiana, Division of Administration in effect at the time such expenses are incurred ("Allowable Expenses"). Any expenses that exceed the Allowable Expenses shall be borne by the contract employee and shall not be reimbursed by either the Commission, or the correspondent utility, unless otherwise specified by the Commission.

VIII. Submission of Proposals

Interested parties should submit an original and 5 copies of the proposal to:

Louisiana Public Service Commission
Office of the General Counsel
602 North Fifth Street (Galvez Building) (70802)
P.O. Box 91154
Baton Rouge, Louisiana 70821-9154

To be considered, proposals must be received on or before **Friday, February 12, 2010**. Proposals shall be deemed timely if an email or facsimile is received by the deadline and the original and five copies arrive by mail no later than **Friday, February 19, 2010**. Information concerning billing procedures and the Commission's RFP policy may be obtained from the address listed above, or by calling (225) 342-1418.