

# ARKANSAS PUBLIC SERVICE COMMISSION

Original Sheet No. 43.1 Schedule Sheet 1 of 4  
Including Attachment

Replacing: Sheet No.

Entergy Arkansas, Inc.  
Name of Company

Kind of Service: Electric Class of Service: All

## Part III. Rate Schedule No. 43

Docket No.: 07-138-TF  
Order No.: 4  
Effective: 1/14/08

**Title: Federal Litigation Consulting Fee Rider (FLCF)**

PSC File Mark Only

### 43.0 FEDERAL LITIGATION CONSULTING FEE RIDER

(NR)

#### 43.1 PURPOSE

The Federal Litigation Consulting Fee Rider ("Rider") defines the procedure by which the Federal Litigation Consulting Fee Rate Adjustment shall be determined. The Federal Litigation Consulting Fee Rate Adjustment shall recover the fees and/or expenses paid by Entergy Arkansas, Inc. ("Company") to contract attorneys and/or consultants retained by the Arkansas Public Service Commission ("Commission"), as authorized by the General Assembly, when it is a party in litigation before a federal agency and/or the federal courts in proceedings which affect the Company. See Ark. Code Ann. § 23-4-102.

#### 43.2 APPLICATION

The Federal Litigation Consulting Fee Rate Adjustment set forth in Attachment A shall apply to each customer's base rate billing energy, whether metered or unmetered, except that it shall not apply to a special rate contract unless such contract includes specific provisions related to the recovery of the federal litigation and/or consulting fees. The Rate Adjustment amounts shall be revised pursuant to the procedures described in § 43.6 below.

#### 43.3 BILL REVIEW AND PAYMENT

When involved in federal litigation and/or proceedings before a federal agency, bills for litigation and/or consulting fees and expenses shall be submitted by the contracting attorney(s) and/or consultant(s) to the Commission on a monthly basis. After review and approval by the Commission, the Commission will forward the bills for the approved fees and expenses to the Company Designee listed in § 43.4 below. The maximum amount that may be directly paid and recovered shall not exceed \$3,000,000 annually.

The Company shall remit payment for federal litigation and/or consulting fees directly to the contracting party within thirty (30) days of the bill's receipt by the Company from the Commission. A record of the payments will be maintained in an appropriate, distinguishable account.

#### 43.4 COMPANY DESIGNEE

The following individuals are designated to receive bills for litigation and/or consulting fees for the Company:

VP - EAI Regulatory Affairs  
P.O. Box 551  
425 West Capitol Avenue  
Little Rock, AR 72203-0551

Manager, EAI Regulatory Affairs  
P.O. Box 551  
425 West Capitol Avenue  
Little Rock, AR 72203-0551

# ARKANSAS PUBLIC SERVICE COMMISSION

Original Sheet No. 43.2 Schedule Sheet 2 of 4  
Including Attachment

Replacing: Sheet No.

Entergy Arkansas, Inc.  
Name of Company

Kind of Service: Electric Class of Service: All

Docket No.: 07-138-TF  
Order No.: 4  
Effective: 1/14/08

## Part III. Rate Schedule No. 43

**Title: Federal Litigation Consulting Fee Rider (FLCF)**

PSC File Mark Only

### 43.5 ANNUAL RATE REVISIONS

(NR)

#### 43.5.1 ANNUAL FILING REQUIREMENTS

On or before February 15 of any year following a calendar year in which federal litigation and/or consulting fees are paid, the Company may file for recovery of the federal litigation and/or consulting fees. The Federal Litigation Consulting Fee Rate Adjustment shall be calculated annually in accordance with the provisions of § 43.6 and filed for approval with the Commission.

Once a docket is established, annual revisions shall be filed in the same docket each year thereafter. Each such Federal Litigation Consulting Fee Rate Adjustment filing shall be accompanied by a set of workpapers sufficient to fully document the timely payment of the third party contract fees and expenses, the accounting treatment of such payments, and the calculation of the rate.

### 43.6 CALCULATION AND RECOVERY PROCEDURES

#### 43.6.1 FEDERAL LITIGATION CONSULTING FEE RATE ADJUSTMENT CALCULATION

The Federal Litigation Consulting Fee Rate Adjustment shall include the Commission-approved contract fees and expenses paid in the preceding calendar year. The rate adjustment shall not include any interest or carrying charges. The Federal Litigation Consulting Fee Rate Adjustment shall be determined by dividing the federal litigation and/or consulting fees and expenses paid in the prior calendar year by the projected energy sales for the twelve-month period commencing on April 1 of the filing year. This rate shall also include a true-up adjustment reflecting the over-recovery or under-recovery of the federal litigation and/or consulting fees for the preceding calendar year.

The Federal Litigation Consulting Fee Rate Adjustment so determined shall be effective, after Commission approval, for bills rendered on and after the first billing cycle of April of the filing year and shall then remain in effect until the last billing cycle of March of the following year, unless a shorter recovery period is determined to be appropriate as provided by Attachment A.

Should there be unusual circumstances either the Company or the Staff may propose to modify the above calculation and/or recovery period.

#### 43.6.2 FEDERAL LITIGATION CONSULTING FEE RECOVERY

The Federal Litigation Consulting Fee Rate Adjustment, once approved by the Commission, shall be applied to each customer's monthly base rate billing energy (kWh). The rate shall be constant across all customer classes and applied to the currently effective rate schedules. The Federal Litigation Consulting Fee Rate Adjustment shall be set forth in Attachment A to this Rider and shall be filed with the Company's tariffs.

**ARKANSAS PUBLIC SERVICE COMMISSION**

Original Sheet No. 43.3 Schedule Sheet 3 of 4  
Including Attachment

Replacing: Sheet No.

Entergy Arkansas, Inc.  
Name of Company

Kind of Service: Electric Class of Service: All

**Part III. Rate Schedule No. 43**

**Title: Federal Litigation Consulting Fee Rider (FLCF)**

Docket No.: 07-138-TF  
Order No.: 4  
Effective: 1/14/08

PSC File Mark Only

**43.6.3 FEDERAL LITIGATION CONSULTING FEE RATE ADJUSTMENT TRUE-UP**

(NR)

At the time of annual filing, the actual recovery of federal litigation and/or consulting fees will be compared to the projected recovery for the preceding calendar year. Any net over-recovery or under-recovery of the federal litigation and/or consulting fees shall be included in setting the Federal Litigation Consulting Fee Rate Adjustment for the next recovery period.

Docket No.: 07-138-TF  
Order No.: 7  
Effective Date: 4/1/11

Attachment A  
Rate Schedule No. 43  
Page 1 of 1  
Schedule Sheet 4 of 4

**Attachment A  
Federal Litigation Consulting Fee Rate Adjustment**

The Net Monthly Rate of each Base Rate Schedule shall be adjusted by the following amount for recovery of the federal litigation and/or consulting fees beginning with bills rendered for the first billing cycle of April 2011 and ending with bills rendered for the last billing cycle of March 2012. This rate adjustment shall not apply to a special rate contract unless such contract includes specific provisions related to the recovery of federal litigation and/or consulting fees:

(CT)

\$0.00006 per kWh

(CR)