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July 2, 2025

Ms. Kris Abel
Records and Recording Division
Louisiana Public Service Commission
Galvez Building, 12th Floor
602 North Fifth Street
Baton Rouge, Louisiana 70802

Re: Application for Approval of Generation and Transmission Resources in Connection with
Service to a Single Customer for a Project in North Louisiana, **Docket No. U-37425**

Dear Ms. Abel:

Enclosed for filing in the above-captioned docket please find original and two (2) copies
of the Alliance for Affordable Energy and Union of Concerned Scientists' Opposition to Meta
Platforms, Inc Motion to Quash Subpoena.

Thank you in advance for your assistance and cooperation and please do not hesitate to
contact me should you have any questions or concerns.

Respectfully submitted,

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cc: official service list Docket No. U-37425 (via email)
Mr. Craig Dillard (via email)

BEFORE THE LOUISIANA PUBLIC SERVICE COMMISSION

ENTERGY LOUISIANA LLC, ex parte

***IN RE: APPLICATION FOR
APPROVAL OF GENERATION
AND TRANSMISSION RESOURCES IN
CONNECTION WITH SERVICE TO A
SINGLE CUSTOMER FOR A PROJECT
IN NORTH LOUISIANA***

DOCKET NO. U-37425

**THE ALLIANCE FOR AFFORDABLE ENERGY AND UNION OF CONCERNED
SCIENTISTS' OPPOSITION TO META PLATFORMS, INC'S
MOTION TO QUASH SUBPOENA**

Pursuant to the June 27, 2025 Notice issued by Chief Judge Melanie Verzwylt, the Alliance for Affordable Energy and the Union of Concerned Scientists ("Non-profit Organizations" or "NPOs") respectfully submits this Opposition to the Motion to Quash filed by Meta Platforms, Inc. ("Meta").

As discussed below, the subpoena is not unreasonable simply because it was requested close to the end of the discovery period. Meta's argument is based on an incorrect reading of the scheduling order and fails to explain why Meta is entitled to the ten-day period to respond and fails to explain why the deadline should be treated as anything other than an actual deadline. Moreover, Meta fails to offer any rationale for why the discovery deadlines should apply to Meta, a nonparty.

Meta's claim that the subpoena is oppressive should also be rejected by the Tribunal. It appears that the "short" timeframe was caused by Meta's resident agent's failure to get the subpoena to Meta in a timely fashion. Moreover, asking for existing documents to be produced

within the timeframe in the subpoena is not oppressive. Finally, the Tribunal should find that the NPOs established good cause to obtain the requested documents. Meta asks the Tribunal to adopt a standard that the documents be *vital* to the Commissions determination. This standard does not exist anywhere in the law and the Tribunal should reject it.

The Tribunal should find that the subpoena is neither unreasonable nor oppressive and that the NPOs have demonstrated good cause.

I. Background

In its Application, Entergy Louisiana, LLC (“ELL” or the “Company”) seeks approval of new generation and transmission resources to serve new load from a data center that Laidley, LLC¹ (the “Customer”) is planning to develop near Holly Ridge, Louisiana (hereinafter, the “Richland data center”).² Specifically, ELL proposes to construct two combined cycle combustion turbine (“CCCT”) generators near the Customer’s Richland data center and a third CCCT in its Southeast Louisiana Planning Region (collectively, the “Planned Generators”).³ ELL asks the Commission to approve treatment of the Planned Generators as system resources for the benefit of all customers, rather than resources constructed for the benefit and use of a specific customer.⁴ ELL’s prayer for relief includes a number of requests, including findings related to transmission facilities, approval of a corporate sustainability rider, an exemption from the Market-Based Mechanisms Order, and certain rate-making requests.⁵

Throughout the Application and accompanying testimony, ELL makes assertions that various aspects of the proposal demonstrate that approval of the Application would be in the

¹ Laidley is a subsidiary of Meta Platforms, Inc. (Direct Testimony of Phillip May at 4:3). In ELL’s Application, Laidley is listed as the “Customer.”

² Application at 1, 3.

³ Application at 12.

⁴ Application at 25.

⁵ *Id.* 26-30.

public interest. ELL asserts, among other things, that 1) the Customer is expected to employ 300 to 500 full-time employee; 2) ELL will require 2,262 MW of new baseload generation;⁶ 3) the Customer is dedicated to minimizing its environmental impact and promoting sustainability in all aspects of its business.⁷

ELL's Application relies upon a variety of "commitments" from the Customer to support its Application, but when asked for details about each of those commitments, ELL's invariable response is that the Company does not know, and what little information the Company came from Meta. For example, ELL concedes it cannot substantiate the number of permanent jobs created by the data center and how many of those jobs will be local rather than remote.⁸ Similarly, ELL makes assertions regarding the Customer's energy needs⁹ and business practices. However, when asked for information regarding how those needs were developed, ELL once again cannot provide any information and asserts that the information was obtained from Meta. The Company's testimony simply parrots unsubstantiated assertions from the Customer.

Thus, ELL concedes it lacks information on these issues and through discovery has identified Meta as the entity which has the information on a) job creation; b) load needed for the Richland data center; and c) the Customer's sustainability goals.¹⁰ ELL's reliance on Meta's websites in response to discovery requests demonstrates that the Company believes that responses to questions regarding jobs, necessary load, and sustainability goals reside with Meta.

⁶ May Direct at 4:16-17.

⁷ May Direct at 32:12-14.

⁸ See ELL Response to Sierra Club DR 1-5. See also, ELL Response to NPO DR 1-5.

⁹ According to ELL witness Beauchamp, "Following the filing of the Application, the Customer approached the Company about increasing the load of the Project." Beauchamp Supplemental at 4:7-8.

¹⁰ See ELL Response to NPO DR 1-7 and ELL Response to NPO DR 1-13.

At an impasse with regard to obtaining the information necessary to determine 1) if the generators requested were actually needed to serve the data center load and 2) if the alleged benefits were reasonable and achievable, on March 5, 2025, , the NPOs filed a motion requesting that Meta be designated an indispensable party.¹¹ On April 4, 2025, The Tribunal denied the motion.¹²

As is their right under the Commission rules, the NPOs sought to have the Commission consider the Tribunal's ruling on an interlocutory basis. The Commission declined to consider the ruling on an interlocutory basis.

The NPOs' sought a subpoena on June 18, 2025, and the Tribunal issued the subpoena the same day. On information and belief, the subpoena was sent by certified mail to Meta's resident agent by the Tribunal on June 18th.

I. ARGUMENT

A. The Subpoena is Neither Unreasonable Nor Oppressive.

Meta contends, without any support, that the subpoena is unreasonable because it was requested and issued close to the end of the discovery period set forth in the Tribunal's scheduling order. First, Meta misreads the scheduling order when it asserts that the subpoena is unreasonable because Meta did not get the ten-day period to respond that is allotted to Staff and Intervenor for discovery responses on their Direct Testimonies.¹³ The scheduling order expressly states that ELL will have seven days to respond to discovery on its rebuttal testimony. Thus, Meta received *more* time to respond to the subpoena than parties had at that time under the

¹¹ See Joint Peremptory Exception and Motion to Declare Laidley, LLC and Meta Platforms, LLC as Parties Necessary for Just Adjudication and Supporting Memorandum (March 5, 2025).

¹² See Ruling on Peremptory Exception of Nonjoinder Issued by Chief ALJ Melanie Verzwylt (April 4, 2025).

¹³ Motion at 6.

scheduling order. Moreover, Meta offers no explanation regarding why it should be entitled to the ten-day period set forth for Staff and Intervenors after the filing of their Direct Testimony. Meta actually offers no rationale for why the discovery deadlines should apply to Meta, a nonparty.

More importantly, the discovery deadline is just that, the deadline. Parties are entitled to rely upon that date when conducting their case. The fact that a party arguably may have been able to request the information earlier does not render the request unreasonable. Meta also ignores the fact that the NPOs were required to do their due diligence when seeking a subpoena, particularly when seeking information from a nonparty. The NPOs made every effort to determine whether the information it sought could be obtained from another source prior to requesting the subpoena. The NPOs waited until after ELL filed the Company's Rebuttal Testimony to see if ELL had addressed the issues regarding job numbers, required load, and Meta's sustainability goals.¹⁴ When it became clear that ELL was incapable of addressing these issues, the NPOs sought the subpoena.

Throughout its motion, Meta continually faults the NPOs for filing the joinder motion.¹⁵ The NPOs honestly interpreted the law governing subpoenas as not allowing the Commission to issue a subpoena against Meta. The NPOs were entitled to get this issue finally resolved, even to the extent of asking the Commission itself to rule on the issue.¹⁶

¹⁴ Under the scheduling order, ELL was required to file its Rebuttal Testimony by May 30, 2025.

¹⁵ See, e.g., Motion at 4-5.

¹⁶ Thus, contrary to Meta's assertion, the NPOs did not "abandon" their argument regarding the subpoena power of the Commission, the Tribunal denied the NPOs' motion and the Commission refused to considerate on an interlocutory basis. The NPOs had no other procedural options with regard to the Commission's subpoena power argument.

Meta also claims that the short time frame is not only unreasonable, but also oppressive. The burden of proving the unreasonableness or oppressiveness of the subpoena rests with the party subpoenaed.¹⁷

First, as noted above, it appears the short timeframe was caused by Meta's resident agent's failure to get the subpoena to Meta in a timely fashion. On information and belief, the subpoena was sent to Meta's resident agent by certified mail on July 18, 2025. If Meta did not receive the subpoena until June 24, 2025, that is an issue between Meta and its resident agent. Meta cannot be permitted to quash a subpoena because its resident agent failed to inform Meta of the subpoena in a timely manner.

Second, the sole case Meta relies upon for this argument is inapposite. In *Whitt v. McBride*,¹⁸ the court found that the subpoena was oppressive because the nonparty was only given a few days to *create a compilation of information* from the sought-after documents.¹⁹

Here, by contrast, the NPOs only asked for existing information, such as analyses and studies. The NPOs did not ask Meta to create a compilation of information, just the documents themselves. If such documents exist, Meta can provide them. If they do not –if, for example, Meta has no documents demonstrating that the Richland data center will create 300-500 permanent operational jobs – the parties and the Tribunal certainly have a right to know that fact.

Finally, the Tribunal should note that Meta has not asserted that it would actually have difficulty producing the documents; Meta just objects to the production date.

For the reasons set forth above, the Tribunal should find that the subpoena is neither unreasonable or oppressive.

¹⁷ See LSA – C.C.P. art. 1354, Official Revision Comment (e).

¹⁸ *Whitt v. McBride*, 94-896 (La. App. 3 Cir. 3/1/95), 651 So. 2d 427, 428. (emphasis added).

¹⁹ *Id.*

B. The NPOs have Established Good Cause.

Meta's argument that the NPOs have failed to establish good cause to obtain the requested documents rests on a standard of its own making. Meta claims, with absolutely no support, that good cause has not been demonstrated in this instance because the information sought is not *vital* to the Commission's task of determining whether ELL has successfully met its burden to prove the need of the generation requested. No court nor this Commission has adopted the vital standard put forward by Meta.

Rule 63 of the Rules of Practices and Procedures of the Commission provides that discovery shall be conducted in adjudicatory proceedings in accordance with the Louisiana Code of Civil Procedure. LSA-CCP art. 1422 provides:

Parties may obtain discovery regarding any matter, not privileged, which is *relevant* to the subject matter involved in the pending action...including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter.
(emphasis added)

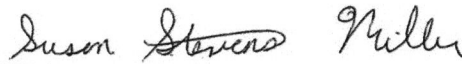
Thus, the standard is relevance, not whether the information is deemed vital. The information sought is necessary for the NPOs, and presumably other parties, to determine whether the proposed generators are actually needed and whether there is a reasonable likelihood that the proffered benefits will be achieved. This information is not available from any other entity. The NPOs and other parties must have the ability to present arguments to the Commission regarding whether the project should move forward. Thus, the information is relevant and good cause exists to require Meta to produce it.²⁰

²⁰ In *St. Bernard Port, Harbor & Terminal Dist. v. Violet Dock Port, Inc., L.L.C.*, 2014-0286 (La. App. 4 Cir. 8/27/14), 147 So. 3d 1266, 1268, *writ denied*, 2014-2019 (La. 10/31/14), 152 So. 3d 160, the Court found that the requested document was not shown to be necessary to establish the value of the property. In contrast, the documents requested by the NPOs are clearly necessary to resolve important issues in this proceeding.

II. CONCLUSION

WHEREFORE, for the reasons set forth in this Opposition, the NPOs respectfully request that the Tribunal deny Meta's Motion to Quash the Subpoena issued on June 18, 2025, and order Meta to provide the information listed in the subpoena.

Respectfully submitted,

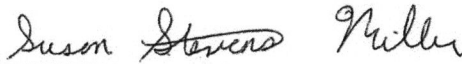


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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July, 2025, I served copies of the foregoing pleading on all other known parties on the Official Service List for Docket No. U-37425 via electronic mail. I also served Mr. Craig Dillard at craig.dillard@nelsonmullins.com



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