

CC: MV/LE



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July 24, 2026

Ms. Krys Abel
Records and Recording
Louisiana Public Service Commission
602 North 5th Street, 12th Floor
Baton Rouge, LA 70821

VIA HAND DELIVERY

LA PUBLIC SERVICE COMM
JUL 24 2026 AM 11:56

Re: Entergy Louisiana, LLC, ex parte. In Re: Application for Certification of
Generation and Transmission Resources and for Other Relief
LPSC Docket No. U-37882
KM File No. 4388-405

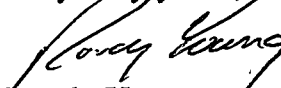
Dear Ms. Abel:

We have enclosed for filing on behalf of the Louisiana Energy Users Group ("LEUG") an original and three (3) copies of the public version of the Direct Testimony and Exhibits of James Dauphinais in the referenced docket. In addition, we are also providing an original and three (3) copies of, and filing under seal as confidential and Attorneys Eyes Only ("AEO") and Highly Sensitive Protected Materials ("HSPM"), both the AEO and HSPM versions of the Direct Testimony and Exhibits, pursuant to LPSC Rule 12.1 and the Confidentiality Agreement in this proceeding.

The public version will be served on all parties on the service list by electronic mail. The confidential AEO and HSPM versions will be served by secure TitanFile email only to those persons respectively authorized and designated to receive the confidential information pursuant to a signed Confidentiality Agreement and Non-Disclosure Certificate in this proceeding.

If you have any questions, please do not hesitate to contact us. Thank you for your assistance with this matter.

Very truly yours,



Randy Young

JRY/mac
Enclosures
cc: Official Service List (via electronic mail)

Hand

BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION

LA PUBLIC SERVICE COMM
JUL 24 2026 AM 11:56

IN RE: APPLICATION OF ENTERGY)
LOUISIANA, LLC FOR)
CERTIFICATION OF GENERATION)
AND TRANSMISSION RESOURCES)
AND FOR OTHER RELIEF)
PURSUANT TO THE COMMISSION'S)
LIGHTNING INITIATIVE)

DOCKET NO. U-37882

Direct Testimony and Exhibits of

James R. Dauphinais

On behalf of

Louisiana Energy Users Group

PUBLIC VERSION

July 24, 2026



Project 12047

BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION

_____)
IN RE: APPLICATION OF ENTERGY)
LOUISIANA, LLC FOR)
CERTIFICATION OF GENERATION)
AND TRANSMISSION RESOURCES)
AND FOR OTHER RELIEF)
PURSUANT TO THE COMMISSION'S)
LIGHTNING INITIATIVE)
_____)

DOCKET NO. U-37882

STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS) SS

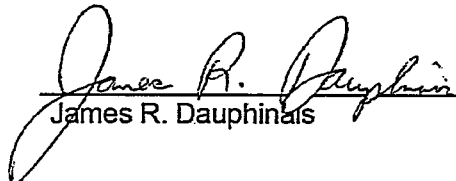
Affidavit of James R. Dauphinais

James R. Dauphinais, being first duly sworn, on his oath states:

1. My name is James R. Dauphinais. I am a consultant with Brubaker & Associates, Inc., having its principal place of business at 16690 Swingley Ridge Road, Suite 140, Chesterfield, Missouri 63017. We have been retained by Louisiana Energy Users Group in this proceeding on their behalf.

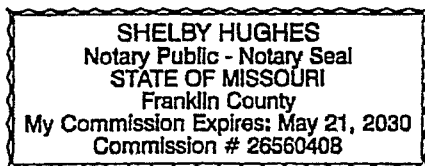
2. Attached hereto and made a part hereof for all purposes are my direct testimony and exhibits, which were prepared in written form for introduction into evidence in the Louisiana Public Service Commission, Docket No. U-37882.

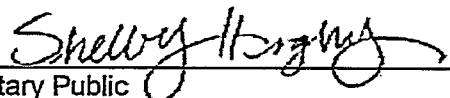
3. I hereby swear and affirm that the testimony and exhibits are true and correct and that they show the matters and things that they purport to show.



James R. Dauphinais

Subscribed and sworn to before me this 24th day of July, 2026.





Notary Public

**BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION**

IN RE: APPLICATION OF ENTERGY)
LOUISIANA, LLC FOR)
CERTIFICATION OF GENERATION)
AND TRANSMISSION RESOURCES)
AND FOR OTHER RELIEF)
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Exhibit JRD-2: LPSC Non-Binding Guidelines for Large Load Additions

Exhibit JRD-3: Louisiana Executive Order No. 26-058

Exhibit JRD-4: Data Request Responses cited by Mr. Dauphinais

BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION

IN RE: APPLICATION OF ENTERGY)
LOUISIANA, LLC FOR)
CERTIFICATION OF GENERATION)
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AND FOR OTHER RELIEF)
PURSUANT TO THE COMMISSION'S)
LIGHTNING INITIATIVE)

DOCKET NO. U-37882

Direct Testimony of James R. Dauphinais

1 **I. INTRODUCTION AND SUMMARY**

2 **Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

3 A James R. Dauphinais. My business address is 16690 Swingley Ridge Road, Suite 140,
4 Chesterfield, MO 63017.

5 **Q WHAT IS YOUR OCCUPATION?**

6 A I am a consultant in the field of public utility regulation and a Managing Principal of
7 Brubaker & Associates, Inc., energy, economic and regulatory consultants.

8 **Q PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND EXPERIENCE.**

9 A This information is included in Appendix A to my testimony.

)

1 **Q ON WHOSE BEHALF ARE YOU APPEARING IN THIS PROCEEDING?**

2 A I am appearing on behalf of the Louisiana Energy Users Group ("LEUG"), whose
3 member companies purchase substantial quantities of electricity from Entergy
4 Louisiana, LLC ("Entergy," "ELL" or "Company").

5 **Q ARE YOU FAMILIAR WITH THE FILING IN THIS PROCEEDING?**

6 A Yes. I have reviewed the application, testimony, and exhibits that have been filed. In
7 addition, I have reviewed the Company's responses to data requests by LEUG, the
8 Louisiana Public Service Commission ("Commission" or "LPSC") Staff and other
9 intervenors in this proceeding.

10 **Q WHAT IS ELL REQUESTING IN THIS PROCEEDING?**

11 A It is requesting several approvals, exceptions, and waivers with respect to certain
12 generation and transmission additions necessary to allow ELL to serve a substantial
13 new hyperscale data center load for Evest LLC ("Evest" or "Customer") that would be
14 located in Richland Parish, Louisiana adjacent to the facility currently being developed
15 by Laidley, LLC ("Laidley") that was the subject of ELL's Application in LPSC Docket
16 No. U-37425. Specifically, ELL has requested the Commission:

- 17 • Find that construction of seven new 754 MW Combined Cycle Combustion
18 Turbine ("CCCT") generation facilities – four of which would be located near
19 Evest's project in Richland Parish, Louisiana and three of which would be
20 located near the existing Big Cajun site in Pointe Coupee Parish, Louisiana
21 – serves the public convenience and necessity; and is in the public interest
22 in accordance with the Commission's General Order dated
23 September 20, 1983 ("1983 General Order").¹
- 24 • To the extent required by law, find that the construction of and/or acquisition
25 of capacity from three new Battery Storage Facilities in the Southeast

¹ Application at 4 and 27.

Louisiana Planning Region ("SELPA") – 200 MW co-located at ELL's Bogalusa West Solar Facility, 200 MW co-located at the anticipated Cypress Harvest Solar Facility, and [REDACTED]

[REDACTED] -- serves the public convenience and necessity and is in the public interest, and is therefore prudent in accordance with the 1983 General Order.²

- Approve the inclusion of seven CCCT generation facilities and three battery Storage Facilities as system resources for all ELL customers and not as resources constructed and designated for a specific customer.³
- Find that ELL has satisfied the requirements of the Commission's Lightning Initiative⁴ such that the requirements of the Market-Based Mechanism ("MBM") Order are waived or, alternatively, under the specific facts and circumstances of this case, good cause exists for the granting of, and for the Commission to grant, an exemption to the formal Request for Proposals ("RFP") process included in the MBM Order, to the extent found applicable, including the stated prohibition in the MBM Order against alternative market-based mechanism being "limited to self-build or utility-owned resources," as well as any other requirements of the MBM Order that may not be met.⁵
- Find each of the components of the Customer-Funded Transmission Interconnection Project proposed by ELL to serve Evest and the proposed Smalling to El Dorado 500 kV Transmission Line are exempt from the Commission's General Order R-36199, dated September 10, 2024 ("Transmission Siting Order").⁶
- Find that the Proposed Transmission Facilities necessary to serve Evest (a new 500 kV switching station in St. Landry Parish, Louisiana and the proposed West Fork Creek ("WFC") to St. Landry 500 kV Transmission Line), and the components of the Customer-Funded Interconnection Project and Smalling to Eldorado 500 kV Transmission Line, to the extent they are found not exempt from the Transmission Siting Order, are in the public interest and the interests of affected customers, and that the generalized siting of the facilities is appropriate and construction of the facilities versus available alternatives is a reasonable and cost-effective solution.⁷

² Application at 27 and ELL Witness Beauchamp Direct at 4.

³ Application at 27-28.

⁴ See LPSC Minutes from December 17, 2025, Open Session, at p. 6, *available at* https://www.lpsc.louisiana.gov/docs/minutes/Dec_17_2025_Min.pdf.

⁵ Application at 28.

⁶ Application at 29.

⁷ Application at 4 and 29-30.

1 ELL has also requested other relief from the Commission, including, but not limited to:

2 • The Commission finding ELL's application complies with the requirements
3 of the Commission's General Order in Docket R-34860, and that the
4 requirements for entering into an Electric Service Agreement ("ESA") with
5 Evest have been satisfied because ELL has submitted a filing pursuant to
6 the 1983 General Order requiring certifications for the acquisitions of power
7 supply.⁸

8 • With respect to the proposed Sustainability Agreement for Evest, confirm:
9 (i) Evest is a "New Customer",⁹ (ii) Evest qualifies for a Geaux Zero Group 3
10 subscription for purposes of securing approval, in the future, of the
11 2,500 MW of Designated Renewable Resources contemplated by the
12 Sustainability Agreement, and (iii) ELL can employ the expedited
13 procurement and certification procedures set forth by the Commission in
14 Order No. U-36697 ("3 GW Order"), as may be amended, to procure and
15 seek certifications of Designated Renewable Resources to the extent
16 allowed by the terms of the 3 GW Order, as may be amended.¹⁰

17 • The Commission approve various accounting and rate treatments proposed
18 by ELL for generation facilities, transmission facilities, and the Sustainability
19 Agreement.

20 **Q WHAT IS THE SUBJECT OF YOUR DIRECT TESTIMONY**

21 **A** I address the following:

22 • The incremental generation, transmission and other electric infrastructure
23 investment costs ELL will need to incur to serve Evest.

24 • The adequacy of ELL's proposed Contribution in Aid of
25 Construction ("CIAC") Agreement and ESA for Laidley with respect to fully
26 covering the incremental generation, transmission and other electric
27 infrastructure investment costs ELL will need to incur to serve Evest.

28 • ELL's proposal with respect to providing Evest with access to renewable
29 power and Alternative Energy Credits ("AECs").

⁸ Application at 28.

⁹ As defined in Attachment 2 to the "Motion for consideration of Uncontested Stipulated Settlement Term Sheet Pursuant to Rules 6, 51 and 57" filed by ELL in Docket No, U-36697 on May 15, 2024.

¹⁰ Application at 30-31.

1 My silence with respect to any position taken by ELL in its application and direct
2 testimony should not be interpreted as a tacit endorsement of that position.

3 **Q PLEASE SUMMARIZE YOUR CONCLUSIONS.**

4 **A My conclusions are as follows:**

- 5 • To serve Evest, ELL estimates it will need to incur over \$15 billion of new
6 investment in System Resources (the seven new 754 MW CCCT generation
7 facilities and three new battery energy storage facilities) and System
8 Improvements (the new WFC to St. Landry 500 kV Transmission Line and
9 St. Landry 500 kV Switching Station)¹¹ for which ELL is seeking certification
10 in this proceeding and whose cost would not be covered by the Contribution
11 in Aid of Construction ("CIAC") payments that would be made by Evest to
12 ELL under the CIAC agreement between the two.
- 13 • In addition, while ELL was already pursuing approval of its proposed
14 Waterford Unit 3 capacity uprate project in Docket No. U-37677 and its
15 proposed Bayou Cove Capacity Credit Purchase Agreement ("CCPA") in
16 Docket No. U-37872, ELL has indicated in its filing in this proceeding that it
17 will be utilizing these two System Resources, in addition to the
18 aforementioned System Resources, to serve the Evest load.
- 19 • As detailed in my testimony, ELL's projection of Evest potentially providing
20 non-fuel revenues on a nominal dollar basis of approximately \$1.7 billion in
21 excess of the non-fuel revenue requirement of the System Resources and
22 System Improvements over the proposed initial 20-year term of the Evest
23 ESA depends on the Evest load fully materializing as ELL expects. This net
24 benefit to ELL's other customers would be smaller if the Evest load does not
25 fully materialize as expected and it may not be provided at all if the Evest
26 load entirely fails to materialize. Furthermore, regardless of the level of
27 materialization, ELL's customers could be exposed to experiencing a net
28 cost from ELL serving Evest rather than a net benefit if: (i) the terminal cost
29 of the System Resources exceeds their actual terminal value at the time the
30 ESA terminates, and/or (ii) the collateral required to be maintained by Evest
31 is not sufficient to cover any amounts owed to ELL by Evest but not paid by
32 Evest under the Evest ESA and CIAC agreement.
- 33 • As I also detail in my testimony, I project ELL would earn a total
34 Commission-authorized return on equity for its investors over the same

¹¹ Kline Direct at 9-10 and Beauchamp Direct at 14, 40-41 and 90-91; Per Beauchamp Direct at 90-91, the publicly disclosed portion of the total proposed system resource and system improvement investment necessary to serve Evest is \$15.107 billion = \$3.487 billion + 3.622 billion + 5.802 billion + 0.734 billion + 0.067 billion + \$1.395 billion.

1 20-year period that is more than \$8 billion on a nominal dollar basis for the
2 System Resource and System Improvement investments ELL needs to
3 make to serve Evest.¹² Furthermore, ELL would very likely do so regardless
4 of whether the Evest load fully or only partially materializes. Given this, ELL,
5 rather than ELL's other customers, should bear the risk of there potentially
6 being a net cost from ELL providing service to Evest rather than a net
7 benefit. Otherwise, the cost to serve Evest would be unduly shifted from
8 ELL to those customers.

- 9 • As I explain in my testimony, for the foregoing reasons, and consistent with
10 the Commission's non-binding guidelines for large load additions and
11 Governor Landry's Executive Order No. 26-058, protections are necessary
12 for ELL's other customers to ensure the cost of the generation and
13 transmission investments necessary to serve Evest will not be shifted to
14 ELL's other customers.^{13,14}

- 15 • While ELL, for the System Resource and System Improvement investments
16 for which it is seeking certification in this proceeding, has made several
17 significant improvements to the protections provided for existing customers
18 versus those provided in ELL's previous proposal for the Laidley data center
19 load addition in Docket No. U-37425, ELL's proposed protections in this
20 proceeding still fall short in ensuring Evest, under its ESA and CIAC
21 agreement with ELL, fully fund the incremental generation and transmission
22 investments necessary to serve Evest such that cost shifts to ELL's other
23 customers do not occur.

- 24 • Specifically, while ELL has lengthened the initial term of its proposed ESA
25 with Evest to 20 years (versus 15 years for Laidley), shortened the
26 depreciable life of four of the seven proposed CCCT generation facilities to
27 20 years, and included retention and liquidation provisions for the System
28 Resources needed to serve Evest in the event of early termination of the
29 ESA, ELL has not adequately addressed the undepreciated cost (or net
30 book value) of the system resource investments incurred to serve Evest that
31 would remain at the time of a normal, rather than early, termination of the
32 ESA with Evest.

- 33 • Furthermore, regarding the proposed collateral provisions: (i) only [REDACTED] of
34 the security is covered by insurance [REDACTED] with the rest

¹² With a 9.7% Return on Equity percentage and a 50% equity structure, ELL investors earn a return of approximately \$48 million per year for every billion dollars in rate base.

¹³ See LPSC Minutes from December 25, 2026, Open Session, at p. 6, available at https://lpsc.louisiana.gov/docs/minutes/Feb_25_2026_Minutes_revised.pdf; see also https://lpsc.louisiana.gov/docs/general/Non-Binding_Guidelines_for_Potential_Large_Load_Customer_s.pdf. A copy is provided in Exhibit JRD-2.

¹⁴ See State of Louisiana, Executive Department, Office of the Governor, Executive Order No. 26-058, Louisiana Ratepayer and Community Protections Initiative Criteria for LED Certifications for Data Center and Large-Load Investments, June 25, 2026, a copy of which is provided in Exhibit JRD-3.

1 covered by a parent guarantee agreement, (ii) the aforementioned
2 mentioned balance of rewards and risks between ELL's other customers
3 and ELL investors that heavily favors ELL investors, and (iii) the fact that
4 ELL and not ELL's other customers will manage the collateral provisions.
5 ELL, rather than ELL's other customers, should be responsible for any
6 shortfall in collateral from the amounts owed by Evest to ELL under the
7 proposed ESA and proposed CIAC agreement between ELL and Evest.

- 8 • ELL's filing is unclear with respect to whether Evest, under its proposed ESA
9 and proposed Sustainability Agreement, is being granted a preference over
10 other customers as to the priority for access to renewable power and AECs.
11 Evest should receive no preference for access to renewable power under
12 the Sustainability Agreement and, on a going forward basis, there is a need
13 for a transparent, non-discriminatory process for customer access to AECs.

14 **Q PLEASE SUMMARIZE YOUR RECOMMENDATIONS.**

15 **A** My recommendations are as follows:

- 16 • As detailed in my testimony, if the Commission decides to grant the
17 certifications and approvals being requested in this proceeding by ELL, it
18 should condition such certification and approval on:
- 19 ○ ELL modifying its ESA such that ELL's proposed retention and
20 liquidation provisions for the System Resources needed to serve Evest,
21 which already apply for early termination of the ESA, also apply at the
22 time of a normal termination of the ESA, either at the end of the initial
23 20-year term or at the end of a subsequent renewal term, to fully address
24 any remaining undepreciated cost of the System Resource investments
25 necessary to serve Evest that exists at the time of the termination of the
26 ESA.
- 27 ○ ELL accepting that ELL, and not its customers, will be responsible for
28 any shortfall in collateral from the amounts owed by but not paid by
29 Evest to ELL under the proposed ESA and proposed CIAC agreement
30 between ELL and Evest.
- 31 • In addition, the Commission should require no preference be given by ELL
32 to Evest with respect to access to renewable power under the proposed
33 Sustainability Agreement.
- 34 • Finally, the Commission should require ELL to, within 180 days of the final
35 order in this proceeding, file for approval by the Commission a proposal to
36 provide transparent and non-discriminatory customer access to Nuclear
37 AECs on a going forward basis.

1 **II. POWER SUPPLY AND TRANSMISSION**
2 **FACILITIES NECESSARY TO SERVE EVEST**

3 **Q PLEASE DESCRIBE THE LOAD OF EVEST.**

4 A ELL indicates that Evest's load is a substantial new hyperscale data center load that
5 would be located in Richland Parish, Louisiana adjacent to the new hyperscale data
6 center facility currently being developed by Laidley that was the subject of ELL's
7 Application in LPSC Docket No. U-37425. The Evest load would have a total demand
8 at [REDACTED] once the load is fully ramped up.¹⁵ Evest would start taking construction
9 power in [REDACTED], before beginning to ramp in [REDACTED] to full capacity by [REDACTED].¹⁶ Once the
10 load is fully achieved, ELL expects the Evest load will have an average load factor of
11 [REDACTED] and coincident peak demand that is approximately [REDACTED] of its maximum demand
12 of [REDACTED].¹⁷

13 **Q IS ELL ABLE TO SERVE EVEST'S LOAD FROM ITS EXISTING POWER SUPPLY**
14 **AND TRANSMISSION FACILITIES?**

15 A No. ELL will need to make substantial additions to its existing power supply and
16 transmission facilities to serve the Evest load. [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED].¹⁸

¹⁵ ELL Witness Beauchamp Direct at 7.

¹⁶ *Id.*

¹⁷ ELL Witness Beauchamp Direct at 10 and 38 and ELL Witness Owens Direct at 10.

¹⁸ ELL Witness Beauchamp at 42-44.

1 **Q PLEASE PROVIDE A SUMMARY OF THE POWER SUPPLY AND TRANSMISSION**
2 **ADDITIONS THAT ELL HAS IDENTIFIED AS NECESSARY TO SERVE EVEST.**

3 **A These consist of the following:**

- 4 • System Resources (Generation and Battery Energy Storage):
- 5 ○ Four new 754 MW CCCT generation facilities located near Evest's
6 project in Richland Parish, Louisiana.¹⁹
- 7 ○ Three new 754 MW CCCT generation facilities located near the existing
8 Big Cajun site in Pointe Coupee Parish, Louisiana.²⁰
- 9 ○ Three new Battery Energy Storage Facilities (200 MW co-located at
10 ELL's Bogalusa West Solar Facility, 200 MW co-located at the
11 anticipated Cypress Harvest Solar Facility, and [REDACTED]
12 [REDACTED]).²¹
- 13 ○ The Waterford Unit 3 Uprate that ELL has proposed in Docket
14 No. 37677.²²
- 15 ○ The Bayou Cover CCPA that ELL has proposed in Docket
16 No. U-37872.²³
- 17 • Customer-Funded (CIAC-Funded) Transmission Project:
- 18 ○ West Fork Creek ("WFC") 500/230 kV Substation.
- 19 ○ Nine new auxiliary 230 kV switching stations.
- 20 ○ 20-30 miles of 230 kV transmission lines.²⁴
- 21 • CIAC-Funded Smalling to El Dorado 500 kV Transmission Line.²⁵

¹⁹ Application at 4 and 27-28; ELL Witness Beauchamp Direct at 4.

²⁰ *Id.*

²¹ *Id.*

²² ELL Witness Beauchamp Direct at 4, 6, 10 and 12-13.

²³ *Id.*

²⁴ ELL Witness Beauchamp Direct at 11 and 13-15.

²⁵ *Id.*

- 1 • System Improvements (System Improvement Transmission Projects):
- 2 ○ A new approximately 153-mile 500 kV transmission line from WFC to
- 3 the new St. Landry 500 kV Switching Station.
- 4 ○ St. Landry 500 kV Switching Station.²⁶

5 **Q WHO WOULD COVER THE COSTS OF THESE POWER SUPPLY AND**

6 **TRANSMISSION ADDITIONS?**

7 A The costs of the Customer-Funded Transmission Project and the Smalling to Ed

8 Dorado 500 kV Transmission Line would be covered by CIAC payments by Evest

9 pursuant to the CIAC agreement between Evest and ELL.²⁷ The CIAC payments will

10 also cover [REDACTED]

11 [REDACTED].²⁸ However, the cost of the System Resources [REDACTED]

12 [REDACTED] and the cost of the System

13 Improvements would be recovered through ELL's non-fuel rates from all of ELL's

14 customers, not just Evest.

15 **Q HAS ELL ESTIMATED THE CONSTRUCTION COST OF THE NEW SYSTEM**

16 **RESOURCES AND SYSTEM IMPROVEMENTS NECESSARY TO SERVE EVEST?**

17 A Yes. The estimated construction cost of the seven CCCT generation facilities and three

18 battery storage facilities is in excess of \$13.6 billion.²⁹ The estimated construction cost

19 of the WFC to St. Landry 500 kV Transmission Line and St. Landry 500 kV Switching

²⁶ *Id.*

²⁷ *Id.*

²⁸ ELL Witness Beauchamp at 17.

²⁹ ELL Witness Beauchamp Direct at 90.

1 Station is approximately \$1.4 billion.³⁰ Hence, in total, the System Resources and
2 System Improvements needed to serve Evest have an estimated construction cost in
3 excess of \$15 billion. Note that, as just a construction cost estimate, the estimate does
4 not include [REDACTED], Operations & Maintenance ("O&M") expenses,
5 taxes, the cost of maintenance investments and ELL's authorized rate of return
6 associated with the total investment in these System Resources. In addition, the
7 estimate does not include the cost of the Waterford Unit 3 uprate or the Bayou Cove
8 CCPA.

9 **Q IS RECOVERY FROM ALL ELL CUSTOMERS OF THE SYSTEM RESOURCE AND**
10 **SYSTEM IMPROVEMENT COSTS INCURRED BY ELL TO SERVE EVEST**
11 **PROBLEMATIC?**

12 **A** Yes, the Evest proposal is a unique, extraordinary and unprecedented circumstance.
13 Seven new CCCT generation facilities, three new battery storage facilities, and
14 significant transmission facilities would be constructed to serve a new customer. Thus,
15 it is problematic unless adequate protection is included to ensure Evest will provide
16 sufficient new revenues under the ELL non-fuel rates it would pay and the service
17 termination provisions to which it would be subject to fully cover the cost of the
18 investments needed to serve Evest. Otherwise, the extraordinary cost of these
19 investments, which would not have been needed to be incurred by ELL at this time but
20 for the addition of the Evest load, would be unreasonably shifted to ELL's other
21 customers. This is because Evest, through non-fuel rates and termination payments,

³⁰ ELL Witness Beauchamp Direct at 91.

1 will not have fully funded the cost of the investments needed to serve it, leaving ELL's
2 other customers bearing the portion of the cost not fully funded by Evest.

3 **Q HAS THE COMMISSION WITHIN THE LAST SEVERAL MONTHS GENERICALLY**
4 **WEIGHED IN ON THIS LARGE LOAD ADDITION COST SHIFT ISSUE?**

5 A Yes. At the February 25, 2026, Business & Executive ("B&E") Session, the
6 Commission issued a directive establishing non-binding guidelines for large load
7 additions ("Non-Binding Guidelines") and instructed the Commission Staff ("Staff") to
8 post them on the Commission's website.³¹ A footnote on the Non-Binding Guidelines
9 indicates that they "are intended to ensure a utility is addressing known areas of
10 concern for the Commission; while non-binding, failure to adequately address these
11 concerns is a risk on the utility".³²

12 Among other things, the Non-Binding Guidelines indicate:

- 13 • The utility needs to provide sufficient firm, deliverable capacity that
14 exists or will be constructed to serve the load without impairing
15 system reliability.³³
- 16 • The utility needs to demonstrate:
 - 17 ○ Network and interconnection costs caused by the load are fully
18 assigned to the load
 - 19 ○ No material transmission costs are shifted to existing customers
20 that they otherwise might not bear or for which they do not
21 receive commensurate benefits
 - 22 ○ Upgrade timelines are consistent with the load ramp.³⁴

³¹ See LPSC Minutes from December 25, 2026, Open Session, at p. 6, available at https://lpsc.louisiana.gov/docs/minutes/Feb_25_2026_Minutes_revised.pdf; see also https://lpsc.louisiana.gov/docs/general/Non-Binding_Guidelines_for_Potential_Large_Load_Customer_s.pdf. A copy is provided in Exhibit JRD-2.

³² Non-Binding Guidelines at Footnote 1.

³³ Non-Binding Guidelines at II.

³⁴ Non-Binding Guidelines at III.

- 1 • The utility needs to demonstrate reasonable protections exist
2 against stranded generation, transmission, and fuel infrastructure.³⁵
- 3 • The Utility needs to demonstrate that:
- 4 ○ Contract terms align with asset lives
- 5 ○ Excess generation at end of contract can be economically used
6 by remaining load, or
- 7 ○ Adequate financial security (including corporate guarantees) is
8 in place to prevent ratepayers from paying for unneeded
9 generation.³⁶
- 10 • The utility needs to demonstrate that rates and other financial terms
11 applicable to the load:
- 12 ○ Recover the full incremental revenue requirement of all
13 generation and transmission and ancillary assets needed to
14 serve the load
- 15 ○ Avoid cross-subsidization by existing customers
- 16 ○ Ensure that other customers will not be impacted from an early
17 termination.³⁷
- 18 **Q HAS GOVERNOR LANDRY ALSO RECENTLY GENERICALLY WEIGHED IN ON**
19 **THIS ISSUE?**
- 20 **A**Yes. On June 25, 2026, Louisiana Governor Jeff Landry issued Executive Order
21 No. 26-058 titled, “Louisiana Ratepayer and Community Protection Initiative Criteria for
22 LED Certifications for Data Center and Large-Load Investments”, under which
23 Governor Landry directed the Secretary of Louisiana Economic Development (“LED”),
24 in coordination with the Commission and other departments, commissions, boards, and
25 officers of the state, to develop and adopt criteria establishing the Ratepayer and

³⁵ Non-Binding Guidelines at IV.

³⁶ *Id.*

³⁷ Non-Binding Guidelines at V.

Community Protection Framework for Large Load Investments ("Large Load Investments Framework").³⁸

Among other things, Executive Order No. 26-058 requires LED, in developing the criteria and Large Load Investment Framework, to require that companies pursuing major power-intensive projects in Louisiana commit to "Protecting Louisiana Ratepayers: by ensuring large-load customers fully fund the incremental generation, transmission, and infrastructure investments necessary to serve their projects – preventing cost shifts onto existing residential and commercial customers while strengthening overall grid reliability."³⁹

Q WHAT HAS ELL INCLUDED IN ITS PROPOSAL IN THIS PROCEEDING TO ADDRESS THE COST SHIFT ISSUE?

A It has included several protections within its filing and proposed ESA and CIAC Agreement with Evest. Among the most significant are the following:

- ELL has fully identified the System Resources it will need to cover the capacity needed to serve Evest (including planning reserve margin and transmission losses).⁴⁰
- ELL has fully identified the System Improvements and other transmission facilities it will need to add to its transmission system to serve Evest while maintaining reliability for all of its customers.⁴¹
- ELL has required [REDACTED]

³⁸ See State of Louisiana, Executive Department, Office of the Governor, Executive Order No. 26-058, Louisiana Ratepayer and Community Protections Initiative Criteria for LED Certifications for Data Center and Large-Load Investments, June 25, 2026, at Sections 1-2 and 4-7, a copy of which is provided in Exhibit JRD-3.

³⁹ *Id.* at Section 3, Item A.

⁴⁰ ELL Witness Beauchamp Direct at 10 and ELL Witness Owens Direct at 9-14.

⁴¹ ELL Witness Kline Direct at 9-10.

- 1 [REDACTED]
2 [REDACTED]⁴²
- 3 • ELL has required Evest to make CIAC payments for the transmission facility
4 additions that are not identified as System Improvements [REDACTED]
5 [REDACTED]⁴³
6 [REDACTED]
- 7 • ELL has proposed, pursuant to ELL's LLHLFPS tariff, a minimum charge
8 under the ESA, which is designed, over the 20-year initial term of the ESA,
9 to provide sufficient projected non-fuel revenues over that term to cover the
10 non-fuel revenue requirement over that term of all of the System Resources
11 and System Improvements needed to serve Evest.⁴⁴
- 12 • ELL has included true-up to actual cost provisions for CIAC payments and
13 the minimum charge.⁴⁵
- 14 • ELL has proposed an initial term of 20 years with 5-year automatic
15 renewals.⁴⁶
- 16 • ELL has required Evest to provide a 3-year notice for non-renewal of the
17 ESA.⁴⁷
- 18 • ELL, for four of the seven CCCTs, has proposed a depreciable life of
19 20 years rather than 32 years, and ELL has proposed a depreciable life of
20 20 years for the three Battery Storage facilities.⁴⁸
- 21 • ELL has proposed extensive early termination provisions for the ESA which
22 include provisions for recovery from Evest of certain unrecouped costs and
23 retention and liquidation provisions for the System Resources needed to
24 serve Evest.⁴⁹
- 25 • ELL has imposed extensive collateral provisions on Evest under the ESA
26 and CIAC Agreement.
- 27 A number of the protections are improvements over what was proposed by ELL
28 in the Laidley proceeding, including the 20-year initial term, shortened depreciable life

⁴² ELL Witness Beauchamp Direct at 42-45 and ELL Witness Owens Direct at 13-14.

⁴³ ELL Witness Beauchamp Direct at 17-18 and 91-92.

⁴⁴ ELL Witness Jones Direct at 21.

⁴⁵ ELL Witness Jones Direct at 35-38.

⁴⁶ ELL Witness Beauchamp Direct at 18.

⁴⁷ *Id.*

⁴⁸ ELL Witness Jones Direct at 15-16.

⁴⁹ ELL Witness Beauchamp Direct at 28-37.

1 for some of the CCCTs, three year termination notice, minimum bill coverage, and early
2 termination provisions. They are in line with past LEUG comments, the Commission's
3 Non-Binding Guidelines, and Governor Landry's Large Load Investments Framework.

4 **Q DO YOU HAVE ANY CONCERNS WITH RESPECT TO ELL'S PROPOSED**
5 **PROTECTIONS NOT BEING SUFFICIENT TO ENSURE EVEST FULLY FUNDS THE**
6 **INCREMENTAL GENERATION, TRANSMISSION, AND INFRASTRUCTURE**
7 **INVESTMENTS NECESSARY TO SERVE IT?**

8 **A** Yes, I do. Specifically, I have concerns with respect to:

- 9 • The retention and liquidation provisions for the System Resources needed
10 to serve Evest not applying under normal termination of the ESA either at
11 the end of the initial 20-year term or the end of a 5-year automatic renewal
12 where the required 3-year non-renewal notice was provided.
- 13 • Sufficient protection being provided for ELL's other customers against them
14 being responsible for any collateral shortfall for the amounts owed, but not
15 paid, under the ESA and CIAC agreement by Evest.

16 **Q PLEASE SUMMARIZE RETENTION AND LIQUIDATION PROVISIONS ELL HAS**
17 **PROPOSED FOR EARLY TERMINATION OF THE EVEST ESA FOR THE SYSTEM**
18 **RESOURCES NEEDED TO SERVE EVEST.**

19 **A** As discussed in ELL's direct testimony, the ESA contains extensive provisions
20 governing termination of the ESA.⁵⁰ For certain early terminations of the ESA, this
21 includes an identification-and-liquidation process under which ELL elects which of the
22 System Resources it wishes to retain and then liquidates the others.⁵¹ When it applies
23 to an early termination, [REDACTED]

⁵⁰ ELL Witness Beauchamp Direct at 27-37.

⁵¹ ELL Witness Beauchamp Direct at 30.

1 [REDACTED]
2 [REDACTED]⁵² [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]⁵³ System Resources that are outright retained by ELL involve no payment
8 from Evest. System Resources that are designated as Future Generators are also
9 retained by ELL, but only if Evest, following required Commission approval, pays ELL
10 the amount of the remaining net book value of the System Resource that exceeds the
11 future value of that System Resource. For Liquidated Generators, Evest must pay ELL
12 the remaining net book value of the System Resource less any proceeds from the sale
13 of the System Resource, provided the Commission approves the sale.⁵⁴ If ELL is
14 unable to sell the System Resource or the Commission does not approve the sale of
15 the System Resource, Evest must still pay ELL the remaining net book value, but there
16 would be no liquidation proceeds and Evest would also be responsible to pay to
17 dismantle and dispose of the System Resource.⁵⁵ It should be noted that the
18 Waterford 3 uprate and the Bayou Cove CCPA are automatically retained by ELL.⁵⁶
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

⁵² ELL Witness Beauchamp at 30-31.

⁵³ *Id.*

⁵⁴ ELL Witness Beauchamp Direct at 32.

⁵⁵ ELL Witness May Direct at 44-45.

⁵⁶ ELL Witness Beauchamp Direct at 32.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]⁵⁷ [REDACTED]
5 [REDACTED]⁵⁸

6 In summary, ELL's proposed retention and liquidation provisions provide an
7 important protection that help to ensure, for early terminations of the ESA, any
8 remaining net book value that will be recovered from ELL's other customers for the
9 System Resources needed to serve Evest does not exceed the terminal value that will
10 be provided to ELL's other customers from that System Resource as projected, or
11 actually known, at the time of termination. However, the proposed provisions do not
12 apply to normal termination of the ESA at either the end of the initial 20-year term or a
13 subsequent 5-year renewal. In addition, ELL has further confirmed in discovery that
14 ELL retention of the System Resources under a normal termination of the ESA would
15 not be subject to any Commission review, leaving ELL's other customers responsible
16 for any net book value for the System Resources, as well as the future dismantling and
17 disposal costs of the System Resources.⁵⁹

⁵⁷ Exhibit LKB-2 at page 49 of 123.

⁵⁸ *Id.*

⁵⁹ ELL Response to Data Request Sierra 2-7. A complete copy of all data request responses cited to by Mr. Dauphinais can be found in alphanumeric order in Exhibit JRD-4.

1 **Q COULD THE REMAINING NET BOOK VALUE OF THE SYSTEM RESOURCES**
2 **NEEDED TO SERVE EVEST BE SIGNIFICANT AT THE TIME OF A NORMAL**
3 **TERMINATION OF THE ESA?**

4 **A Yes.** As ELL notes in its direct testimony, if the ESA terminates at the end of its initial
5 20-year term, the terminal costs of System Resources and System Improvements will
6 be approximately \$3.85 billion in nominal dollars for net book cost, putting aside any
7 setoffs (e.g., from salvage) or unforeseen additional costs (e.g., from cost overruns,
8 unforeseen additional required capital investments, or decommissioning costs) for
9 those System Resources and/or System Improvements, and the vast majority of this
10 terminal value is associated with the System Resources, given that they account for at
11 least 90% of the total estimated construction costs of the new System Resources and
12 System Improvements needed to serve Evest.⁶⁰

13 **Q DOES ELL ATTEMPT TO ADDRESS THIS IN ITS DIRECT TESTIMONY?**

14 **A Yes.** ELL, in its direct testimony, attempts to minimize this issue based on: (i) the net
15 benefit other ELL customers may realize from ELL serving Evest if the Evest load fully
16 materializes and remains so, (ii) potential renewal of the ESA, and (iii) ELL potentially
17 needing to replace its pre-Laidley CCCTs (technically, CCGTs) at or very close to the
18 time of termination of the ESA.⁶¹ However, the attempt fails for four reasons.

19 First, even if the Evest load fully materializes as expected and remains so for
20 the entire 20-year initial term, the estimated non-fuel revenues in excess of the non-fuel

⁶⁰ ELL Witness Datta Direct at 30 and ELL Witness Beauchamp Direct at 90-91; $90\% < 90.6\%$
= \$13.6 billion / (\$13.6 billion + \$1.4 billion), where \$13.6 billion is the publicly disclosed portion of the
estimate construction cost of the new System Resources and \$1.4 billion is the estimated construction
cost of the System Improvements.

⁶¹ ELL Witness Datta Direct at 30-33.

1 revenue requirement of the System Resources and System Improvements which would
2 be provided to ELL's other customers is only on the order of \$1.7 billion (approximately
3 \$1 billion from Evest base rate and Formula Rate Plan ("FRP") charges and \$0.695
4 billion in Evest storm restoration and resiliency rider charges),⁶² significantly less than
5 the current estimated \$3.85 billion terminal cost of the System Resources needed to
6 serve Evest.

7 Second, there is no guarantee the Evest load will fully materialize and
8 remain so.

9 Third, it is highly speculative to know in 2026 whether, and to what extent, ELL's
10 pre-Laidley CCCTs (or more precisely, CCGTs) will, in 2048, need to be retired or
11 whether, and to what extent, ELL will, in 2048, otherwise have a need for the System
12 Resources (e.g., the current dramatic influx in superscalar data center load additions
13 was not reasonably knowable five to seven years ago, never mind 22 years ago).

14 Fourth, the risk and reward balance for ELL's other customers is very different
15 than it is for ELL. While ELL, for a scenario where the ESA terminates at the end of
16 the 20-year term, has, through analysis, projected a net benefit from the ESA of \$0.991
17 billion on a net present value basis after considering the remaining net book value of
18 the System Resources,⁶³ those results depend on the Evest load fully materializing and
19 remaining so. In addition, that projection, which is based on Aurora production cost
20 simulations, is highly dependent on the forecast for market prices for fuel and electricity
21 that were assumed. In contrast, I have estimated in Exhibit JRD-1, using ELL's
22 authorized Return on Equity percentage and equity ratio, that ELL, over the 20-year

⁶² ELL Witness Beauchamp Direct at 9.

⁶³ ELL Witness Datta Direct at 32.

1 initial term of the ESA, would earn a Return on Equity for its investors in excess of
2 \$4 billion on a net present value basis (\$8 billion on a nominal dollar basis).
3 Furthermore, since it is a Commission-authorized return on plant, ELL would be nearly
4 guaranteed to earn that return for its investors regardless of whether the Evest load
5 only partially materializes rather than fully materializes and regardless of market prices
6 for fuel and electricity.

7 For all of the foregoing reasons, it is critical that ELL's other customers be
8 protected against the risk of being responsible for the net book value of the System
9 Resources needed to serve Evest in excess of the projected, or actual, terminal value
10 of those System Resources, not only for early terminations of the ESA, but also for
11 normal terminations of the ESA, whether at the end of the original 20-year term or after
12 a subsequent 5-year renewal term.

13 **Q WHAT IS YOUR RECOMMENDATION TO THE COMMISSION TO ADDRESS THIS**
14 **ISSUE?**

15 **A** If the Commission decides to grant the certifications and approvals being requested in
16 this proceeding by ELL, I recommend that the Commission condition such certification
17 and approval on ELL modifying its ESA such that ELL's proposed retention and
18 liquidation provisions for the System Resources needed to serve Evest, which already
19 apply for early termination of the ESA, also apply at the time of a normal termination of
20 the ESA, either at the end of the initial 20-year term or at the end of a subsequent
21 renewal term, to fully address any remaining undepreciated cost (net book value) of
22 the System Resource investments necessary to serve Evest that exists at the time of

1 the termination of the ESA. This would help to ensure Evest fully funds the incremental
2 generation, transmission, and infrastructure investments necessary to serve its project.

3 **Q PLEASE EXPLAIN YOUR SECOND CONCERN RELATED TO THE SUFFICIENCY**
4 **OF PROTECTION FOR ELL'S OTHER CUSTOMERS FROM NON-PAYMENT BY**
5 **EVEST OF AMOUNTS IT OWES UNDER THE ESA AND THE CIAC AGREEMENT.**

6 A The financial protections provided to ELL's customers under the ESA and CIAC
7 agreement to ensure costs associated with Evest are not shifted to them are only as
8 good as the collateral that covers the amounts owed by Evest to ELL, but not paid by
9 Evest. If collateral held by ELL falls short of what is necessary to cover the amounts
10 Evest has failed to pay under the ESA and the CIAC agreement, it could shift costs
11 associated with Evest to ELL's other customers.

12 **Q IS THERE ANY EVIDENCE INDICATING THAT THE PROPOSED COLLATERAL**
13 **FOR EVEST COULD FALL SHORT OF WHAT IS NECESSARY?**

14 A Yes. Under the ESA collateral provisions, only [REDACTED] of the required security is covered
15 by insurance [REDACTED] with the rest covered by a parent guarantee
16 agreement. The total security being provided by Evest under the ESA is approximately
17 [REDACTED].⁶⁴ Only [REDACTED], or approximately [REDACTED], of the total [REDACTED] security
18 is in the form of insurance [REDACTED]. The rest is in the form of a parent
19 guarantee.⁶⁵ While the parent guarantee must be further supported by [REDACTED] liquid
20 collateral if the credit rating for Meta, Evest's parent, declines,⁶⁶ if the decline were to

⁶⁴ ELL Witness Beauchamp Direct at 19 and 26.

⁶⁵ *Id.*

⁶⁶ ELL Witness Hinkson Direct at 9-10.

1 happen quickly, that further support might not be sufficient to prevent a collateral
2 shortfall in the event of non-payment by Evest.

3 **Q WHAT DO YOU RECOMMEND WITH RESPECT TO THIS ISSUE?**

4 A Due to the cost shift to ELL's other customer than can occur due to a collateral shortfall,
5 the exposure to the risk of a collateral shortfall, the effectiveness of the collateral
6 depending on ELL's effective management of the collateral provisions, and the major
7 difference with respect to the risks and rewards for ELL's other customers from ELL
8 serving Evest versus the risks and rewards for ELL, if the Commission decides to grant
9 the certifications and approvals being requested in this proceeding by ELL, I
10 recommend the Commission condition such certification and approval on ELL agreeing
11 to be responsible for any shortfall in collateral from the amounts owed, but not paid, by
12 Evest to ELL under the proposed ESA and proposed CIAC agreement between ELL
13 and Evest.

14 **Q ARE YOU AWARE OF ANY OTHER REGULATORY COMMISSIONS OR OTHER**
15 **AUTHORITIES THAT HAVE IMPOSED THIS REQUIREMENT ON UTILITY'S FOR**
16 **THEIR ELECTRIC SERVICE CONTRACTS WITH SUBSTANTIAL HYPERSCALE**
17 **DATA CENTER LOADS?**

18 A Yes. In Michigan, the Michigan Public Service Commission, with respect to special
19 contracts between DTE Electric Company and Green Chile Ventures LLC, a subsidiary
20 of Oracle Corporation, for a 1,400 MW hyperscale data center load indicated:

21 In addition, in the event of failure to pay the MBD under the PSA, or in
22 the event of a termination, default, or other event whereby DTE Electric
23 is required to draw on the letter of credit or parental guaranty, if the
24 company determines that the specified collateral is not sufficient to

cover the full amount of the remaining financial exposure associated with the ESA or the PSA (minus the value to customers), the Commission specifically cautions DTE Electric that any unrecovered costs shall not be borne by ratepayers and that DTE Electric bears responsibility for any remaining liability. **All risk associated with the sufficiency of the collateral shall be borne by DTE Electric.** (Case No. U-21990 Pg. 41 (Michigan Public Service Commission Dec. 18, 2025), emphasis added.)

In Florida, Florida Senate Bill 484, which was signed into law in May 2026, includes the following language:

The minimum tariff and service requirements must reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers. Such cost of service includes, but is not limited to, connection, incremental transmission, incremental generation, and other infrastructure costs; operations and maintenance expenses; and any other costs required to serve a large load customer. **The risk of nonpayment of such costs may not be borne by the general body of ratepayers.** (Section 366.043 (3) (a), Florida Statutes, emphasis added.)

III. RENEWABLE POWER AND ALTERNATIVE ENERGY CREDITS

Q PLEASE BRIEFLY SUMMARIZE WHAT ELL IS PROPOSING FOR EVEST WITH RESPECT TO VOLUNTARY RENEWABLE POWER.

A Evest, under the Sustainability Agreement with ELL, would support the construction of up to 2,500 MW of new incremental solar, onshore wind, hybrid, or other renewable resources.⁶⁷ To implement this, Evest would be treated as a “New Customer” and have access to the Geau Zero Group 3 subscription. To this end, ELL requests that the Commission confirm: (i) Evest is a “New Customer”, (ii) Evest qualifies for a Geaux Zero Group 3 subscription for purposes of securing approval, in the future, of the 2,500 MW of Designated Renewable Resources contemplated by the Sustainability

⁶⁷ ELL Witness Ingram Direct at 5-7.

1 Agreement, and (iii) ELL can employ the expedited procurement and certification
2 procedures set forth by the Commission in Order No. U-36697 ("3 GW Order"), as may
3 be amended, to procure and seek certifications of Designated Renewable Resources
4 to the extent allowed by the terms of the 3 GW Order, as may be amended.⁶⁸

5 **Q DO YOU HAVE ANY CONCERNS WITH ELL'S PROPOSAL.**

6 A Yes. LEUG is concerned that Evest may potentially be given priority over other ELL
7 customers who have been waiting to obtain renewable power through ELL's voluntary
8 green power programs to meet their sustainability goals. In Data Request LEUG 1-2,
9 LEUG asked ELL to "identify and explain whether all Entergy ratepayers will be given
10 equal access and priority for renewable resources pursued for Evest under Geaux
11 Zero, and if not why and under what process is Evest granted priority."⁶⁹ ELL's answer
12 was as follows:

13 Customer access to and allocation of renewable resources under the
14 Geaux Zero Rider will be provided consistent with the terms of that
15 LPSC-approved rider as well as the terms of applicable LPSC orders
16 (including LPSC Order U-36697, LPSC Order U-37425, any future
17 amendments to such orders, and any other applicable LPSC order).⁷⁰

18 This appears to be a confirmation of equal access with no priority being given to Evest.
19 However, the answer does not explain how ELL will follow the Geaux Zero Rider tariff
20 guidelines while simultaneously providing specific amount of renewable power to Evest.
21 Therefore, ELL's answer is not sufficient to alleviate LEUG's concern.

⁶⁸ Application at 30-31.

⁶⁹ ELL Response to Data Request LEUG 1-2.

⁷⁰ *Id.*

1 **Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS**
2 **ISSUE?**

3 A If the Commission decides to grant the certifications and approvals being requested in
4 this proceeding by ELL and the confirmations requested by ELL with respect to its
5 proposed Sustainability Agreement with Evest, the Commission should condition such
6 certification and approval and confirmation on ELL giving no preference to Evest over
7 other ELL customers with respect to access to voluntary renewable power under the
8 Geaux Zero Rider, regardless of any MW commitments it may have made to Evest with
9 respect to renewable power.

10 **Q PLEASE BRIEFLY SUMMARIZE WHAT ELL IS PROPOSING FOR EVEST WITH**
11 **RESPECT TO ALTERNATIVE ENERGY CREDITS (“AECs”).**

12 A ELL, under its Sustainability Agreement with Evest, proposes to assign any AECs
13 associated with the incremental generation enabled by Evest funding a 45 MW uprate
14 of the capacity for Waterford Unit 3 nuclear generation facility and Evest potentially
15 funding an up to 125 MW uprate of the capacity for the Riverbend nuclear generation
16 facility.⁷¹ ELL in this proceeding is only asking that the Commission acknowledge ELL’s
17 proposal to allocate the AECs associated with the aforementioned nuclear upgrades,
18 out of caution and to the extent required by law.⁷²

⁷¹ ELL Witness Ingram Direct at 10.

⁷² ELL Witness Ingram Direct at 11-12.

1 **Q DO YOU HAVE ANY CONCERNS WITH ELL'S PROPOSAL.**

2 A Yes. ELL does not currently provide transparent, non-discriminatory access to Nuclear
3 AECs for its retail customers who may be interested in obtaining them. LEUG, in part c
4 of Data Request LEUG 1-3, asked ELL to "identify and explain whether and how all
5 Entergy ratepayers will be given equal access and priority to obtain AECs, and if not
6 why and under what process is Evest granted priority."⁷³ ELL responded:

7 While ELL has previously provided access to nuclear AECs to
8 customers as discussed in response to subpart b, the Company has
9 heretofore seen limited interest in such an offering. More recently,
10 however, ELL has received inquiries from current and prospective
11 customers about the possibility of acquiring AECs to support their
12 operations and is currently evaluating opportunities to provide access to
13 customers through a Commission-approved subscription program. With
14 respect to the AECs allocated to Evest pursuant to the Sustainability
15 Agreement, those terms were the product of extensive negotiations with
16 the Customer and resulted in Evest's commitment to contribute in rates
17 to the entire cost of ELL's investment in nuclear uprate capacity in
18 exchange for the resulting AECs.⁷⁴

19 While LEUG appreciates that ELL is evaluating opportunities to provide
20 customer access to Nuclear AECs through a Commission-approved subscription
21 programs, this does not sufficiently allay LEUG's concerns with respect to the current
22 lack of transparent, non-discriminatory access to Nuclear AECs, which will continue to
23 the extent Nuclear AECs can only be accessed via negotiations with ELL, which are
24 not transparent and can readily become unduly discriminatory.

⁷³ ELL Response to Data Request LEUG 1-3.

⁷⁴ *Id.*

1 **Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS**
2 **ISSUE?**

3 A If the Commission decides to grant the certifications and approvals being requested in
4 this proceeding by ELL and the acknowledgment requested by ELL with respect to
5 AECs, I recommend the Commission condition such granting of certification and
6 approval and acknowledgement on ELL, within 180 days of an in order in this
7 proceeding, filing a proposal with the Commission to provide transparent,
8 non-discriminatory ELL retail customer access to Nuclear AECs.

9 **Q DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

10 A Yes, it does.

1 **Qualifications of James R. Dauphinais**

2 **Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

3 A James R. Dauphinais. My business address is 16690 Swingley Ridge Road, Suite 140,
4 Chesterfield, MO 63017, USA.

5 **Q PLEASE STATE YOUR OCCUPATION.**

6 A I am a consultant in the field of public utility regulation and a Managing Principal with
7 the firm of Brubaker & Associates, Inc. ("BAI"), energy, economic and regulatory
8 consultants.

9 **Q PLEASE SUMMARIZE YOUR EDUCATIONAL BACKGROUND AND EXPERIENCE.**

10 A I graduated from Hartford State Technical College in 1983 with an Associate's Degree
11 in Electrical Engineering Technology. Subsequent to graduation, I was employed by
12 the Transmission Planning Department of the Northeast Utilities Service Company⁷⁵ as
13 an Engineering Technician.

14 While employed as an Engineering Technician, I completed undergraduate
15 studies at the University of Hartford. I graduated in 1990 with a Bachelor's Degree in
16 Electrical Engineering. Subsequent to graduation, I was promoted to the position of
17 Associate Engineer. Between 1993 and 1994, I completed graduate level courses in
18 the study of power system analysis, power system transients and power system
19 protection through the Engineering Outreach Program of the University of Idaho. By
20 1996 I had been promoted to the position of Senior Engineer.

⁷⁵In 2015, Northeast Utilities changed its name to Eversource Energy.

1 In the employment of the Northeast Utilities Service Company, I was
2 responsible for conducting thermal, voltage and stability analyses of the Northeast
3 Utilities' transmission system to support planning and operating decisions. This
4 involved the use of load flow, power system stability and production cost computer
5 simulations. It also involved examination of potential solutions to operational and
6 planning problems including, but not limited to, transmission line solutions and the
7 routes that might be utilized by such transmission line solutions. Among the most
8 notable achievements I had in this area include the solution of a transient stability
9 problem near Millstone Nuclear Power Station, and the solution of a small signal (or
10 dynamic) stability problem near Seabrook Nuclear Power Station. In 1993 I was
11 awarded the Chairman's Award, Northeast Utilities' highest employee award, for my
12 work involving stability analysis in the vicinity of Millstone Nuclear Power Station.

13 From 1990 to 1996, I represented Northeast Utilities on the New England Power
14 Pool Stability Task Force. I also represented Northeast Utilities on several other
15 technical working groups within the New England Power Pool ("NEPOOL") and the
16 Northeast Power Coordinating Council ("NPCC"), including the 1992-1996 New York-
17 New England Transmission Working Group, the Southeastern Massachusetts/Rhode
18 Island Transmission Working Group, the NPCC CPSS-2 Working Group on Extreme
19 Disturbances and the NPCC SS-38 Working Group on Interarea Dynamic Analysis.
20 This latter working group also included participation from a number of ECAR, PJM and
21 VACAR utilities.

22 From 1990 to 1995, I also acted as an internal consultant to the
23 Nuclear Electrical Engineering Department of Northeast Utilities. This included
24 interactions with the electrical engineering personnel of the Connecticut Yankee,

1 Millstone and Seabrook nuclear generation stations and inspectors from the Nuclear
2 Regulatory Commission ("NRC").

3 In addition to my technical responsibilities, from 1995 to 1997, I was also
4 responsible for oversight of the day-to-day administration of Northeast Utilities' Open
5 Access Transmission Tariff. This included the creation of Northeast Utilities' pre-FERC
6 Order No. 889 transmission electronic bulletin board and the coordination of Northeast
7 Utilities' transmission tariff filings prior to and after the issuance of Federal Energy
8 Regulatory Commission ("FERC" or "Commission") FERC Order No. 888. I was also
9 responsible for spearheading the implementation of Northeast Utilities' Open Access
10 Same-Time Information System and Northeast Utilities' Standard of Conduct under
11 FERC Order No. 889. During this time, I represented Northeast Utilities on the Federal
12 Energy Regulatory Commission's "What" Working Group on Real-Time Information
13 Networks. Later I served as Vice Chairman of the NEPOOL OASIS Working Group
14 and Co-Chair of the Joint Transmission Services Information Network Functional
15 Process Committee. I also served for a brief time on the Electric Power Research
16 Institute facilitated "How" Working Group on OASIS and the North American Electric
17 Reliability Council facilitated Commercial Practices Working Group.

18 In 1997 I joined the firm of Brubaker & Associates, Inc. The firm includes
19 consultants with backgrounds in accounting, engineering, economics, mathematics,
20 computer science and business. Since my employment with the firm, I have filed or
21 presented testimony before the Federal Energy Regulatory Commission in Consumers
22 Energy Company, Docket No. OA96-77-000; Midwest Independent Transmission
23 System Operator, Inc., Docket No. ER98-1438-000; Montana Power Company, Docket
24 No. ER98-2382-000; Inquiry Concerning the Commission's Policy on Independent
25 System Operators, Docket No. PL98-5-003; SkyGen Energy LLC v. Southern

1 Company Services, Inc., Docket No. EL00-77-000; Alliance Companies, et al., Docket
2 No. EL02-65-000, et al.; Entergy Services, Inc., Docket No. ER01-2201-000;
3 Remediying Undue Discrimination through Open Access Transmission Service,
4 Standard Electricity Market Design, Docket No. RM01-12-000; Midwest Independent
5 Transmission System Operator, Inc., Docket No. ER10-1791-000; NorthWestern
6 Corporation, Docket No. ER10-1138-001, et al.; Illinois Industrial Energy Consumers
7 v. Midcontinent Independent System Operator, Inc., Docket No. EL15-82-000;
8 Midcontinent Independent System Operator, Inc., Docket No. ER16-833-000;
9 Midcontinent Independent System Operator, Inc., Docket No. ER17-284-000; and
10 Midcontinent Independent System Operator, Inc. and Ameren Services Company
11 Docket No. ER18-463-000. I have also filed or presented testimony before the Alberta
12 Utilities Commission, the California Public Utilities Commission, the Colorado Public
13 Utilities Commission, the Connecticut Department of Public Utility Control, the Florida
14 Public Service Commission, the Idaho Public Service Commission, the Illinois
15 Commerce Commission, the Indiana Utility Regulatory Commission, the Iowa Utilities
16 Board, the Kentucky Public Service Commission, the Louisiana Public Service
17 Commission, the Michigan Public Service Commission, the Missouri Public Service
18 Commission, the Montana Public Service Commission, the Nevada Public Utilities
19 Commission, the New Mexico Public Regulation Commission, the Council of the City
20 of New Orleans, the Oklahoma Corporation Commission, the Public Utility Commission
21 of Texas, the Public Service Commission of Utah, the Virginia State Corporation
22 Commission, the Wisconsin Public Service Commission, the Wyoming Public Service
23 Commission, Federal District Court and various committees of the Illinois, Missouri and
24 South Carolina state legislatures. This testimony has been given regarding a wide
25 variety of issues including, but not limited to, ancillary service rates, avoided cost

1 calculations, certification of public convenience and necessity, class cost of service,
2 cost allocation, fuel adjustment clauses, fuel costs, generation interconnection,
3 interruptible rates, market power, market structure, off-system sales, prudence,
4 purchased power costs, resource adequacy, resource planning, rate design, retail open
5 access, standby rates, transmission losses, transmission planning, transmission rates
6 and transmission line routing.

7 I have also participated on behalf of clients in the Southwest Power Pool
8 Congestion Management System Working Group, the Alliance Market Development
9 Advisory Group and several committees and working groups of the Midcontinent
10 Independent System Operator, Inc. ("MISO"), including the Congestion Management
11 Working Group; Economic Planning Users Group; Loss of Load Expectation Working
12 Group; Market Subcommittee; Michigan Transmission Studies Task Force; Planning
13 Subcommittee; Regional Expansion, Criteria and Benefits Working Group; Resource
14 Adequacy Subcommittee (formerly the Supply Adequacy Working Group); and
15 Reliability Subcommittee. I am currently a member of the MISO Advisory Committee
16 in the end-use customer sector on behalf of industrial customer groups in Illinois,
17 Louisiana, Michigan and Texas. I am also the past Chairman of the Issues/Solutions
18 Subgroup of the MISO Revenue Sufficiency Guarantee ("RSG") Task Force.

19 In 2009, I completed the University of Wisconsin-Madison High Voltage Direct
20 Current ("HVDC") Transmission course for Planners that was sponsored by MISO. I
21 am a member of the Power and Energy Society ("PES") of the Institute of Electrical and
22 Electronics Engineers ("IEEE").

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Entergy Louisiana, LLC

Estimated 20-Year ELL Return on Equity on System Resources and System Improvements Needed to Serve Evest

Line	New System Resource or System Improvement ¹	Estimated Construction Cost ² (\$ Millions)	Depreciable Life ³ (Years)	Assumed ESA In-Service ⁴ Year
1	Richland Parish 1&2 (2 1x1 CCTTs)	\$3,487	20	3
2	Richland Parish 3&4 (2 1x1 CCTTs)	\$3,622	20	3
3	Pointe Coupee 1, 2, and 3	\$5,802	32	3
4	Self-build Storage (Bogalusa West and Cypress Harvest)	\$734	20	3
5	St. Landry 500KV Switching Station	\$67	36	4
6	WFC – St. Landry 500kV Line	\$1,395	36	4
7	Total for above System Resource and System Improvements	\$15,107		

Line	Description	Amount	Source
8	Assumed Starting Book Value Balance (\$ Millions)	\$15,107	Line 7
9	Assumed Authorized ROE	9.70%	Docket No. U-37950, ELL FRP TY 2025 Core Evaluation Report, Attachment D, page 5.1
10	Assumed Equity Ratio	50.83%	Docket No. U-37950, ELL FRP TY 2025 Core Evaluation Report, Attachment D, page 5.1
11	<u>Estimated ELL Equity Return for 20-Year Initial Term of Evest ESA (Nominal \$ Millions)</u>	<u>\$8,465</u>	Workpaper JRD-WP-1 applying Lines 1 through 10
12	Assumed Discount Rate (ELL WACC)	6.46%	Workpaper JRD-WP-2 applying information taken from Docket U-37950, ELL FRP TY 20: Report, Attachments B and D, pages 3.1 and 5.1 (respectively), filed June 1, 2026.
13	<u>Estimated ELL Equity Return for 20-Year Initial Term of Evest ESA (Present Value \$ Millions)</u>	<u>\$4,780</u>	Workpaper JRD-WP-1 applying Lines 1 through 10 and 12

Notes:

- In addition to the two Storage facilities shown, there is a third Storage facility whose estimated construction cost is HSPM that has been excluded from this public exhibit that would provide ELL additional System Resource equity return beyond what has been estimated in this exhibit.
- ELL Witness Beauchamp Direct at 90-91.
- ELL Witness Jones Direct at 15-16.
- All System Resources assumed to enter service during the third year of the ESA based Richland Units 1-4 being 90% depreciated at end of the 20-Year Initial Term of the ESA per ELL Witness Jones Direct at 16. Both System Improvements assumed to enter service during fourth year of the ESA based on in-service dates per ELL Witness Kline Direct, Exhibit DK-4 at 3 and the 2048 20-Year Evest ESA Initial Term end assumed by ELL per ELL Witness Datta Direct at 4.

Large Load Additions Non-Binding Guidelines¹

I. Need, Scope, and Load Characteristics

☐ The proposed load addition needs to be clearly defined as to:

- Maximum demand (MW)
- Annual energy consumption (MWh)
- Load factor and operating profile
- Coincident peak contribution
- Expected ramp schedule

☐ The load profile needs to be evaluated under:

- Peak and off-peak conditions
 - Seasonal extremes
 - Abnormal system stress scenarios
-

II. Resource Adequacy & Capacity

☐ The utility needs to provide sufficient firm, deliverable capacity that exists or will be constructed to serve the load without impairing system reliability.

☐ The utility needs to show:

- Capacity accreditation reflects actual availability during system peak
 - Deliverability constraints have been evaluated
 - Capacity resources are aligned temporally and geographically with the load
-

III. Transmission & Interconnection

☐ The utility needs to identify all required transmission upgrades that need to be constructed or have their planned construction accelerated due to the new load.

¹ NOTE-These guidelines are intended to ensure a utility is addressing known areas of concern for the Commission; while non-binding, failure to adequately address these concerns is a risk on the utility.

☐ The utility needs to demonstrate:

- Network and interconnection costs caused by the load are fully assigned to the load
- No material transmission costs are shifted to existing customers that they otherwise might not bear or for which they do not receive commensurate benefits.
- Upgrade timelines are consistent with the load ramp

☐ The utility needs to demonstrate that queue priority and interconnection treatment are consistent with tariff requirements and do not disadvantage existing customers.

IV. Stranded Asset & Exit Risk

☐ The utility needs to demonstrate reasonable protections exist against stranded generation, transmission, and fuel infrastructure.

☐ The Utility needs to demonstrate that:

- Contract terms align with asset lives
 - Excess generation at end of contract can be economically used by remaining load, or
 - Adequate financial security (including corporate guarantees) is in place to prevent ratepayers from paying for unneeded generation
 - Partial load reductions
-

V. Rate Design & Cost Recovery

☐ The Utility needs to demonstrate that rates and other financial terms applicable to the load:

- Recover the full incremental revenue requirement of all generation and transmission and ancillary assets needed to serve the load
 - Avoid cross-subsidization by existing customers
 - Ensure that other customers will not be impacted from an early termination
-

VI. Operational Control & Curtailment

☐ The utility needs to retain sufficient operational control to maintain system reliability, including a right of curtailment if judged necessary to meet this requirement.

☐ The utility needs to demonstrate:

- Curtailment rights, to the extent there are any, are contractually enforceable
 - Priority of service during emergencies is clearly defined
 - Compensation for curtailment, if any, is pre-approved and transparent
-

VII. Ancillary Services & Power Quality

☐ The utility needs to demonstrate that the load's impacts on the following have been identified and mitigated at the load's expense:

- Frequency regulation
 - Voltage support
 - Power quality
-

VIII. Fuel Supply & Infrastructure Risk

☐ The utility needs to demonstrate that fuel supply arrangements supporting new generation are adequate under peak and contingency conditions and that fuel deliverability risks are not shifted to other customers.

☐ The utility needs to address any incremental costs related to fuel deliverability such as pipeline upgrades, firm transport or storage.

IX. Load Ramp Management

☐ The utility needs to demonstrate that the load ramp schedule:

- Is coordinated with resource and transmission availability
 - Includes enforceable milestones
 - Prevents interim reliability degradation
-

X. Market & Planning Impacts

☐ The utility needs to demonstrate that the load's impact on the following has been evaluated:

- Resource adequacy obligations
- Capacity markets (if applicable)
- Long-term system planning
- Impacts on energy markets and FAC pricing

XI. Environmental & Local Impacts

☐ Utility needs to demonstrate that environmental and local system impacts associated with the utility serving the load have been identified, and to the extent mitigation is required, a mitigation plan is developed and that compliance costs are appropriately assigned.

XII. Ongoing Oversight

☐ The utility needs to propose ongoing reporting requirements, including:

- Contract compliance / milestone status
- Actual load versus forecast
- Resource and transmission status
- Cost recovery performance



EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 26-058

***LOUISIANA RATEPAYER AND COMMUNITY PROTECTION
INITIATIVE CRITERIA FOR LED CERTIFICATIONS FOR
DATA CENTER AND LARGE-LOAD INVESTMENTS***

WHEREAS, hyperscale digital infrastructure and data center investment is accelerating nationwide, presenting the State of Louisiana with a unique opportunity to attract transformational capital investment, infrastructure development, and high-quality jobs;

WHEREAS, Louisiana is uniquely positioned to help the United States win the global technology race by providing the affordable energy, strategic infrastructure, industrial scale, and workforce capacity required to power the next generation of artificial intelligence, advanced manufacturing, and digital innovation;

WHEREAS, data center investments represent a once-in-a-generation opportunity to uplift Louisiana's rural communities, many of which face persistent economic challenges, by bringing transformative capital investment, high-quality jobs, infrastructure improvements, and long-term tax revenue to regions that have historically been overlooked for large-scale economic development;

WHEREAS, the growth of large-load, power-intensive projects must be managed to ensure that such growth strengthens communities, protects ratepayers, enhances grid reliability, and advances Louisiana's long-term competitiveness;

WHEREAS, Louisiana's resources, including its water, its land, and its electric generation and transmission capacity, are finite and vital to the welfare of its citizens, and the State must be mindful of these resources and balance their responsible stewardship against the anticipated benefits of data center development before any expansion of new data centers proceeds;

WHEREAS, Louisiana Economic Development ("LED"), under the leadership of Secretary Susan Bourgeois, administers the Data Center Sales and Use Tax Exemption as an economic development incentive to attract such investment;

WHEREAS, LED may impose conditions it deems appropriate in any post certification agreement for the Data Center Sales and Use Tax Exemption under R.S. 47:305.73 (B)(3);

WHEREAS, it is the policy of my administration to establish the Louisiana Ratepayer and Community Protection Initiative to ensure that transformational investment benefits Louisiana citizens and communities, and is not realized at their expense;

WHEREAS, this "Whole-of-Louisiana" approach aligns economic growth, infrastructure investment, workforce development, and community protection so that Louisiana wins competitively while Louisiana families and businesses benefit directly from that growth; and

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: I hereby direct the Secretary of Louisiana Economic Development (the "Secretary") to develop and adopt criteria establishing the Ratepayer and Community Protection Framework for Large Load Investments (the "Framework"). The Framework shall serve as conditions LED must incorporate in any agreement entered into under R.S. 47:305.73(B) for eligibility and continued participation in the Data Center Sales and Use Tax Exemption and related incentives for data center and other large-load, power-intensive projects in Louisiana.

Section 2: The development and expansion of data centers and other large-load, power-intensive projects shall proceed only in a manner that is mindful of, and protective of, Louisiana's resources. Accordingly, before any new data center is approved for, or continues to receive, the benefits of the Data Center Sales and Use Tax Exemption or related incentives, the Secretary, in coordination with the agencies identified in this Order, shall ensure that the project's anticipated demands on the State's resources, including water, electric generation and transmission capacity, land, and other natural resources, have been evaluated and balanced against the project's anticipated benefits to the State and its citizens. No agreement for a project shall proceed under the program unless the Secretary determines that this balance adequately protects Louisiana's resources, ratepayers, and communities, and LED's contractual agreements impose appropriate conditions to ensure compliance with the Framework.

Section 3: In developing the criteria and the Framework, the Secretary and LED shall concentrate on the following areas, and shall require that companies pursuing major power-intensive projects in Louisiana commit to each:

A. **Protecting Louisiana Ratepayers:** by ensuring large-load customers fully fund the incremental generation, transmission, and infrastructure investments necessary to serve their projects — preventing cost shifts onto existing residential and commercial customers while strengthening overall grid reliability.

B. **Investing in Grid Resiliency and Long-Term Reliability:** through upfront infrastructure contributions, long-term service agreements, and coordinated transmission planning that leaves Louisiana with a stronger, more modern electric system capable of supporting future industrial and economic growth.

C. **Supporting Louisiana Communities and Workforce Development:** by creating high-quality jobs and partnering with Louisiana universities, community colleges, and workforce programs to train residents for long-term careers in operations, skilled trades, construction, artificial intelligence, digital infrastructure, and advanced manufacturing.

D. **Contributing Meaningfully to Local Tax Bases:** through significant property and infrastructure investments that strengthen schools, healthcare systems, roads, drainage, and public services while supporting sustainable local government revenues.

E. **Operating Responsibly with Louisiana's Natural Resources:** by implementing best-in-class efficiency standards for water use, energy management, and environmental stewardship while coordinating with state and local partners to support long-term resource sustainability.

F. **Advancing Community Investment:** by supporting local nonprofits, digital literacy initiatives, STEM education, artificial intelligence training programs, and community development efforts that create lasting opportunity beyond the project footprint.

G. **Strengthening Louisiana's Innovation Economy:** by identifying opportunities to engage with Louisiana's startup and entrepreneurial ecosystem which may include support for accelerators, incubators, and venture programs, cloud credits, or technical mentorship helping the economic activity these projects generate to also strengthen homegrown innovation and keep more of the resulting growth and talent in Louisiana.

H. **Maintaining Transparency and Accountability:** through clear regulatory frameworks, construction oversight, performance obligations, and ongoing coordination with state and local leadership to ensure projects deliver on commitments made to Louisiana citizens.

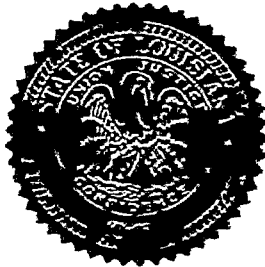
Section 4: As a condition of program eligibility and continued participation, a company pursuing a major power-intensive project shall formally commit to LED its plan to fulfill the Framework through a detailed attestation outlining the company's intended compliance with the Framework's requirements, including ratepayer protections, infrastructure investment, workforce development, community engagement, engagement with Louisiana's innovation economy, and responsible resource stewardship.

Section 5: In developing and implementing the Framework, the Secretary and LED shall coordinate, consistent with the Whole-of-Louisiana approach, with the Louisiana Public Service Commission; the Department of Conservation and Energy; the Department of Environmental Quality; the Department of Revenue; the Louisiana Workforce Commission; the Board of Regents; the Louisiana Community and Technical College System; the Division of Administration; and the governing authorities of affected local governments.

Section 6: The Secretary shall present the proposed criteria and Framework to me within ninety (90) days of the effective date of this Order. If approved by me, the Secretary shall thereafter implement and administer the Framework and report periodically on its administration and on the commitments secured from participating companies.

Section 7: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in implementing this Order, and nothing in this Order shall be construed to limit or impair the constitutional or statutory jurisdiction of the Louisiana Public Service Commission.

Section 8: This Order is effective upon signature of the Governor, and it shall remain in effect until amended, modified, rescinded by the Governor, or terminated by operation of law.



ATTEST BY THE
SECRETARY OF STATE

Nancy Landry
Nancy Landry
SECRETARY OF STATE

IN WITNESS WHEREOF, I have set my hand
officially and caused to be affixed the Great Seal of
Louisiana in the City of Baton Rouge, on this 25th
day of June, 2026.

Jeff Landry
Jeff Landry
GOVERNOR OF LOUISIANA

ENTERGY LOUISIANA, LLC
LOUISIANA PUBLIC SERVICE COMMISSION
Docket No. U-37882

Response of: Entergy Louisiana, LLC
to the First Set of Data Requests
of Requesting Party: Louisiana Energy Users
Group

Question No.: LEUG 1-2

Part No.:

Addendum:

Question:

Entergy Direct Testimony of Elizabeth Ingram references pursuit of 2,500 MW of renewable resources for Evest under Geaux Zero. Please identify and explain whether all Entergy ratepayers will be given equal access and priority for renewable resources pursued for Evest under Geaux Zero, and if not why and under what process is Evest granted priority.

Response:

The Company objects to this request as argumentative and misstating and/or misconstruing the relevant testimony and exhibits. Subject to and without waiving these objections, the Company responds as follows:

Customer access to and allocation of renewable resources under the Geaux Zero Rider will be provided consistent with the terms of that LPSC-approved rider as well as the terms of applicable LPSC orders (including LPSC Order U-36697, LPSC Order U-37425, any future amendments to such orders, and any other applicable LPSC order).

ENTERGY LOUISIANA, LLC
LOUISIANA PUBLIC SERVICE COMMISSION
Docket No. U-37882

Exhibit JRD-4
Page 2 of 5

Response of: Entergy Louisiana, LLC
to the First Set of Data Requests
of Requesting Party: Louisiana Energy Users
Group

Question No.: LEUG 1-3

Part No.:

Addendum:

Question:

Regarding Entergy Direct Testimony of Elizabeth Ingram references to allocation of Alternative Energy Credits ("AEC") to Evest:

- a. Please provide a detailed narrative description of AECs including what they are, the legislation or rules that create them, how they are created, whether there are explicit credits created by legislation or rules, and identify any formal or informal markets and/or trading provisions and provide all available information regarding their value.
 - b. Please identify the number of AECs Entergy has created from its current portfolio of resources, and how many it expects to create from each expected new resource, including (but not limited to) those that would be added as a result of expected Laidley and Evest loads.
 - c. Please identify and explain whether and how all Entergy ratepayers will be given equal access and priority to obtain AECs, and if not why and under what process is Evest granted priority.
-

Response:

- a. Nuclear AECs are currently recognized in M-RETS (now operated by CleanCounts). See Section 4.5 and Appendix B of the M-RETS Operating Procedures, accessible here:

<https://cleancounts.org/subscription-costs/electric-pricing-and-registry-documents/>

- b. In 2023, ELL entered a contract with an existing ELL customer to sell up to 150,000 nuclear AECs per year from its River Bend Nuclear Station to such customer for a four-year period (2024-2027). The expected amount of AECs that will be created by the nuclear Refueling Cycle Upgrades (as defined in the direct testimony of Elizabeth C. Ingram) at Waterford 3 are expected to be approximately 117,000 per year once refueling cycle

upgrades are complete. The Company has not yet estimated the AECs that may be available as a result of the capacity upgrades.

- c. The Company objects to this request as argumentative and misstating and/or misconstruing the relevant testimony and exhibits. Subject to and without waiving these objections, the Company responds as follows:

While ELL has previously provided access to nuclear AECs to customers as discussed in response to subpart b, the Company has heretofore seen limited interest in such an offering. More recently, however, ELL has received inquiries from current and prospective customers about the possibility of acquiring AECs to support their operations and is currently evaluating opportunities to provide access to customers through a Commission-approved subscription program. With respect to the AECs allocated to Evest pursuant to the Sustainability Agreement, those terms were the product of extensive negotiations with the Customer and resulted in Evest's commitment to contribute in rates to the entire cost of ELL's investment in nuclear uprate capacity in exchange for the resulting AECs.

ENTERGY LOUISIANA, LLC
LOUISIANA PUBLIC SERVICE COMMISSION
Docket No. U-37882

Exhibit JRD-4
Page 4 of 5

Response of: Entergy Louisiana, LLC
to the Second Set of Data Requests
of Requesting Party: Sierra Club

Question No.: SIERRA 2-7

Part No.:

Addendum:

Question:

Refer to Entergy response to Sierra Club request 1-11 regarding termination of the Customer agreement at the end of the 20-year term.

- a. Does Entergy believe that it can liquidate an asset proposed in this docket without Commission approval?
 - b. Does Entergy believe that it can retain an asset proposed in this docket without regulatory approval?
 - c. Describe the process Entergy plans to use to determine whether to retain or liquidate an asset at the end of the initial 20-year term.
-

Response:

ELL incorporates in full the General Objections served with these Requests. The Company further objects to the request to the extent it seeks a legal conclusion or legal analysis as part of the Company's response. Subject to and without waiving the objections, the Company responds as follows.

- a. If ELL chooses to liquidate any assets, it will do so pursuant to the LPSC's 1994 General Order.¹
- b. ELL is requesting a public interest determination by the LPSC that these assets are system resources, so no additional regulatory approvals would be expected to be necessary to retain approved assets in the event of a non-renewal of the Customer's agreement after its Original Term.

¹ *In re: Commission Approval Required of Sales, Leases, Mergers, Consolidations, Stock Transfers, and All Other Changes of Ownership or Control of Public Utilities Subject to Commission Jurisdiction*, Dated March 18, 1994.

- c. The Company would utilize its normal resource planning processes to make a determination on how to best utilize the Proposed Generators and the Proposed Transmission Projects. See generally, the Company's response to Sierra 2-8. Given that Customer is required to provide at least three years' notice of non-renewal, there is ample time for the Company to incorporate the loss of the Customer's load for future planning purposes. See also the response to Questions 27 and 28 of the Direct Testimony of Company witness Samrat Datta. Furthermore, as detailed in HSPM-AEO Exhibit SD-2 Errata, even in the event that Customer did not renew after the Original Term and the Company was unable to obtain any value from the Proposed Generators or the Proposed Transmission projects, which is unlikely, ELL's other customers would have realized a net present value benefit of nearly \$1 billion as a result of providing service to the Customer during the Original Term.