

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER U-37595

ENERGY LOUISIANA, LLC, EX PARTE.

Docket No. U-37595, In re: Request for approval of Demand Response Programs, including cost recovery.

(Decided at the March 18, 2026 Business and Executive Session.)

ORDER

I. Background

On May 30, 2025, Entergy Louisiana, LLC (“ELL” or “Company”) filed its application for approval of demand response (“DR”) programs and associated cost recovery (“Application”) with the Louisiana Public Service Commission (“Commission”). In its Application, ELL sought a finding from the Commission that the proposed DR programs and the proposed Schedule DRP included with the Application are just and reasonable, consistent with the public interest, and in compliance with the applicable requirements of the DR Rule included in the Commission’s General Order dated May 25, 2021 in Docket R-35136.

Notice of the Application was published in the Commission’s Official Bulletin No. 1351 on June 5, 2025. Louisiana Energy Users Group (“LEUG”), the Alliance for Affordable Energy, Occidental Chemical Corporation, Gulf States Renewable Energy Industries Association, and Walmart Inc. (collectively, the “Intervenors”) intervened.

II. Jurisdiction and Applicable Law

The Commission exercises jurisdiction over common carriers and public utilities in Louisiana pursuant to Article IV, Section 21(B) of the Louisiana Constitution, which states:

“The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.”

III. Staff and Intervenor Review and Uncontested Stipulated Settlement

Commission Staff and the Intervenors conducted a review of the Application and accompanying exhibits, as well as ELL’s responses to formal and informal data requests. On October 27, 2025, the Commission Staff filed the Direct Testimony of R. Lane Sisung and LEUG filed the Direct Testimony of James R. Dauphinais. On November 18, 2025, Commission Staff filed the Cross-Answering Testimony of R. Lane Sisung. On December 8, 2025, ELL submitted the rebuttal testimony from Megan E. Fisher and Elizabeth C. Ingram.

Subsequently, ELL, Commission Staff, and LEUG reached an agreement with regard to the issues in the docket, and executed an Uncontested Stipulated Settlement Term Sheet (“Uncontested Stipulated Settlement”). The Uncontested Stipulated Settlement was not opposed by the remaining Intervenors. The Uncontested Stipulated Settlement was presented at a stipulation hearing on February 19, 2026 pursuant to Rule 6 of the Commission’s Rules of Practice and Procedure.

The terms of the Uncontested Stipulated Settlement are as follows:

I. Commission Findings

1. Subject to the findings below, the Proposed DR Programs,¹ including Schedule DRP, are just and reasonable, consistent with the public interest, and in compliance with the applicable requirements of the DR Rule included in the Commission’s General Order 05-25-2021 (R-35136) dated May 26, 2021 (“Order R-35136”), and are therefore approved to be implemented over the five-year period described in ELL’s Application.
2. ELL has timely complied with the requirements of Section 6 of the DR Rule, which requires that, “[w]ithin two-hundred forty days (240) days from the issuance of [the] Order adopting th[e] [DR] Rule, all LPSC-jurisdictional electric public utilities shall” file an application (1) proposing to implement voluntary tariffs, rate schedules, or riders implementing certain DR programs for residential, commercial and industrial customers, (2) demonstrating that ELL has already met the requirement for offering such voluntary tariffs, rate schedules, or riders, or (3) demonstrating why such voluntary tariffs, rate schedules, or riders are not in the best interest of ELL’s customers.
3. With respect to the Proposed DR Programs and Schedule DRP, the Company has complied with, and is not in conflict with, the provisions of all applicable LPSC Orders, including, with respect to Schedule DRP, the Commission’s General Order 7/1/2019 (R-34738) (the “Tariff Filings General Order”).²
4. The costs of the Proposed DR Programs described in the testimony supporting the Application, including the vendor costs of administering and marketing the Proposed DR

¹ The phrase “Proposed DR Programs” refers to the suite of demand response (“DR”) offerings proposed by ELL in its Application and specifically consist of (1) for residential customers, smart thermostat DR, battery energy storage DR, and an electric vehicle (“EV”) behavioral charging offering, all of which will be administered and implemented by a third-party provider, EnergyHub; (2) for agricultural customers, an Agricultural Irrigation Load Control program that will be administered and implemented by Connected Energy; and (3) for commercial and industrial customers, an aggregated capacity DR offering that will be administered and implemented by Enel X.

² See LPSC Docket No. R-34728, *In re: Proceeding to Establish Rules Regarding Electric Utility Tariff Filings and Related Review, Including Site Specific Rate Filings*.

Programs, customer incentives provided to participants of the Proposed DR Programs, and the Evaluation, Measurement, and Verification (“EM&V”) costs for the Proposed DR Programs, are deemed eligible for inclusion in and recovery through the Additional Capacity Mechanism (“ACM”) provision of the Company’s current (and any applicable future) Formula Rate Plan.

5. Alternatively, to the extent the Company does not have in place a Formula Rate Plan that includes an ACM provision, the costs identified in the preceding paragraph are deemed eligible for recovery through the creation and authorization of a regulatory asset, with interest to be accrued thereon at the Company’s weighted average cost of capital, until such time that the costs can be reflected in rates through a future base rate proceeding.
6. The total, not-to-exceed amount for the five-year period established for the Proposed DR Programs based on the Company’s high-enrollment case, in the amount of \$75.6 million is approved.
7. Beginning on May 31, 2027, ELL shall file annual reports on or before May 31 of each year of the initial five-year term of the Proposed DR Programs, each of which shall include the following information, as updated based on data from the prior calendar year:
 - a. The report of the third-party EM&V contractor, as provided in Paragraph 9;
 - b. As to each of the Proposed DR Programs separately:
 - i. The program’s date of inception;
 - ii. The number of customers and load taking service (if applicable) under the program by rate class for the reporting year;
 - iii. Estimations of overall customer benefits derived from the program, including whether and the extent to which the continuation of such will defer or avoid the need for new or additional generation capacity. Such estimation shall distinguish between the operational benefits achieved through the program during the most recent year and the longer-term planning benefits associated with the program.
 - iv. Costs associated with the program, consistent with the following:
 1. Such costs will be segregated by incentive costs (paid to participating customers), program administrative costs (paid to the third-party vendors), internal costs, and EM&V costs;

2. The program administrative costs will separately identify the amounts of those fees paid to third-party vendors that were ‘not-at-risk’ and ‘at risk’ with a description of each; and
 3. Internal costs paid to ELL or any of its affiliates associated with the costs for incremental staff and/or LPSC consultant and audit fees will include an itemization and description for each amount paid;
- v. Revenues received through any mechanism (the Fuel Adjustment Clause, the Formula Rate Plan, or elsewhere) as a result of the program’s participation in MISO’s energy and capacity markets;
 - vi. A Ratepayer Impact Measure (“RIM”) test for the specific program for the particular reporting year;
 - vii. A comparison between (i) the cost and enrollment figures reported each reporting year pursuant to Paragraphs 6(c) and 6(d) above, and (ii) the estimated cost and enrollment figures included in Highly Sensitive Protected Materials (“HSPM”) Exhibit ECI-3 attached to the Application;
 - viii. To the extent revisions to future estimated costs and enrollment figures are necessary for any particular program, an update along with an explanation for such revision;
 - ix. Any instances of non-compliance;
 - x. Any penalties imposed and/or collected for non-compliance with applicable program and/or Schedule DRP terms; and,
 - xi. Any other information ELL believes is relevant for the Commission to review.
- c. As to the Proposed DR Programs as a whole (*i.e.*, on a portfolio basis):
 - i. An updated RIM test that evaluates the Proposed DR Programs in the aggregate, which portfolio-level RIM test shall be used by the Commission to evaluate the overall cost-effectiveness of the Proposed DR Programs and to decide whether any one or more of such programs should be canceled or suspended;

- ii. Any past or proposed changes within the MISO markets impacting, or which may impact, ELL's implementation or the effectiveness of the Proposed DR Programs;
 - iii. Any significant business issues or disputes with the Company's third-party vendors;
 - iv. Examples of marketing materials approved by ELL for use by the third-party vendors in marketing the programs; and
 - v. A description of any challenges learned throughout the program year with any lessons learned or changes to be implemented in the following program year.
8. Each annual report described in Paragraph 7 shall be (a) filed in a single "X" docket serving as a repository for the reports, with a one-time notice of such docket being published in the Commission's Official Bulletin for informational purposes only, and with no interventions permitted and no Commission action to be taken, and (b) served on Staff and Intervenors in this Docket with a copy or a notice (including the X docket number) of such filing annually when filed.
9. ELL shall hire an independent EM&V contractor(s) for the Proposed DR Programs, and such EM&V contractor shall assess the Company's Proposed DR Programs and provide an annual report of its assessment. Such EM&V report shall be part of the overall annual reporting requirement in Paragraph 7.
10. The Commission acknowledges that the terms, conditions, rights, remedies, and limitations set forth in ELL's separate agreements with EnergyHub, Enel X, and Connected Energy appear to be commercially reasonable and negotiated at arm's length. The Commission confirms that, to the extent that ELL acts prudently in its decision-making in administering and enforcing such agreements, and in exercising its rights and remedies under such agreements, ELL and Entergy Corporation shareholders shall not be responsible, beyond the rights and remedies specified therein, absent imprudence on the part of ELL. Nothing herein is intended to limit ELL's obligation to prudently manage and enforce the terms of the agreements or to terminate the agreements, as necessary and allowed by each agreement's terms, to protect ELL ratepayer interests. The Commission expressly reserves its authority to review whether ELL has prudently managed and enforced the terms,

conditions, rights and remedies, and limitations of the separate agreements with EnergyHub, Enel X, and Connected Energy.

11. ELL has an ongoing affirmative obligation to prudently manage and administer its separate agreements with EnergyHub, Enel X, and Connected Energy for the benefit of its customers through the term of each contract. The prudence of ELL's management of such agreements is subject to review by the Commission at any time.
12. The utility performance incentive proposed by ELL in its Application is not approved.
13. To the extent the Company seeks modifications to the Proposed DR Programs and/or Schedule DRP that include a request to increase the total, not-to-exceed budget referenced in Paragraph 6: (1) ELL will file with the Commission and present to LPSC Staff and the parties to this docket the proposed modifications with an updated, portfolio-level RIM test and additional information, as needed, regarding the change in total projected spend; (2) within 45 days of ELL's filing, Staff and the parties in this docket may file a recommendation into the docket supporting or protesting the increase in total projected spend, provided that such protest will be limited to whether the updated RIM test remains above 1.0 by a sufficient margin pursuant to the DR Rule; (3) the Commission will place the matter on the Business and Executive Session agenda for the meeting that immediately follows the conclusion of the 45-day review period; (4) the Commission will solely consider at such Business and Executive Session whether the RIM test requirements in the DR Rule have been met for the resources, given the increased total spend; and (5) if the Commission finds that the RIM test parameters have been satisfactorily met, the modifications will be approved.
14. Without limiting in any way the right to proceed in accordance with the review process set forth in Section 501(A) of the Tariff Filings General Order (if applicable), should ELL seek modifications of the Proposed DR Programs and/or Schedule DRP that do not seek to increase the total, not-to-exceed budget: (1) any such proposed modifications will be provided to LPSC Staff and the parties in this docket; (2) Staff and the parties in this docket will have an opportunity to review and provide a recommendation to the Commission on whether such modifications should be approved; and (3) the proposed modifications will be presented to the Commission for consideration and potential approval at least sixty (60) days in advance of the proposed effective dates of the modifications.

15. Within sixty (60) days of the date on which a written Order is issued approving the terms of this Stipulated Settlement, ELL will file, in accordance with Section 501(B) of the Tariff Filings General Order, proposed revisions to its Interruptible Electric Service Rider to Rate Schedules GS-G, LGS-L, LPS-G, HLFS-G, LIS-L, LIPS-L and LLHLFPS-L (“Rider IES”) that include (1) an increase in the Interruptible Credit included in Rider IES to equal \$49/kW-year; (2) removal of the Incremental Customer Charge; (3) removal of the non-firm energy adjustment calculated in accordance with ELL Rider Schedule FCA-6; and (4) addition of a requirement that any customer participating in Rider IES must have at least 5 MW of Interruptible Load (as defined in Rider IES), with discretion for ELL to agree to inclusion of customers with a lower amount of Interruptible Load on a case-by-case basis.

II. Miscellaneous Provisions

16. Other than in a proceeding to approve, implement, administer, or enforce this Stipulated Settlement, the Stipulated Settlement shall not be admissible in evidence against either the Staff, ELL, Intervenors, or any Entergy Operating Company, and the terms of this Stipulated Settlement may not be used either as an admission of any sort or as evidence other than in a proceeding in which its terms are placed at issue and in any proceeding to approve or enforce the terms of this Stipulated Settlement. All oral or written statements made during the course of the settlement negotiations are governed by Louisiana Code of Evidence article 408.

IV. Commission Consideration

This matter was considered at the Commission’s March 18, 2026 Business and Executive Session. After discussion, on motion of Commissioner Lewis, seconded by Vice Chairman Coussan, and unanimously adopted, the Commission voted to approve the Uncontested Stipulated Settlement filed into the record on February 9, 2026.

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IT IS THEREFORE ORDERED THAT:

1. The Uncontested Stipulated Settlement filed into the record on February 9, 2026 is accepted; and,
2. This order is effective immediately.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
April 17, 2026



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DISTRICT I
CHAIRMAN ERIC F. SKRMETTA

Handwritten signature of Jean-Paul P. Coussan in blue ink.

DISTRICT II
VICE CHAIRMAN JEAN-PAUL P. COUSSAN

Handwritten signature of Foster L. Campbell in black ink.

DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

Handwritten signature of Mike Francis in blue ink.

DISTRICT IV
COMMISSIONER MIKE FRANCIS

Handwritten signature of Davante Lewis in blue ink.

DISTRICT III
COMMISSIONER DAVANTE LEWIS

Handwritten signature of Brandon M. Frey in black ink.

BRANDON M. FREY
SECRETARY