

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER U-36190

ENTERGY LOUISIANA, LLC,
EX PARTE

Docket No. U-36190, In re: Application for Certification and Approval of the 2021 Solar Portfolio, Rider Geaux Green Option, Cost Recovery and Related Relief.

(Decided at the September 21, 2022 Business and Executive Session.)

ORDER

Overview

In this proceeding, Entergy Louisiana, LLC (“ELL”) sought Louisiana Public Service Commission (“Commission”) certification and approval of ELL’s 2021 Solar Portfolio, which consisted of four solar photovoltaic resources with a total nameplate capacity of 475 megawatts, and cost recovery of investment in the 2021 Solar Portfolio. ELL further seeks Commission approval of ELL’s Geaux Green Option (“Rider GGO”) green tariff, and recovery of costs related to the Rider GGO implementation. The Alliance for Affordable Energy (“Alliance”), the Louisiana Energy Users Group (“LEUG”), Walmart Inc. (“Walmart”), and the Association of Louisiana Electric Cooperatives, Inc. (“ALEC”) intervened in the proceeding.

After discovery and submission of testimony, ELL and Commission Staff reached an agreement, and subsequently executed an uncontested stipulated settlement (“Stipulation,” “Settlement” or “Uncontested Stipulated Settlement”). The Stipulation was not opposed by the Alliance, LEUG, Walmart, and ALEC, and resolves all issues in this docket.

Procedural History

On November 9, 2021, ELL filed its Application for Approval of the 2021 Solar Portfolio, the Geaux Green Option, Cost Recovery and Related Relief (“Application”). Notice of the Application was published in the Commission’s Official Bulletin on November 12, 2021. The Alliance, LEUG, and Walmart timely intervened. On November 30, 2021, ALEC filed its Petition for Late Intervention; the Tribunal issued a notice giving parties an opportunity to comment on ALEC’s petition, with a deadline of December 7, 2021. No comments were received during this period and the Tribunal granted ALEC’s petition on December 8, 2021.

On December 1, 2021, ELL filed its proofs of publication. At the initial status conference on December 21, 2021, the parties agreed to a procedural schedule. On March 23, 2022, LEUG filed the Direct Testimony of Maurice Brubaker, Walmart filed the Direct Testimony of Lisa Perry,

and the Commission Staff filed the Direct Testimony and Exhibits of Lane Kollen. On April 25, 2022, LEUG filed the Cross-Answering Testimony of Maurice Brubaker, and the Commission Staff filed the Cross-Answering Testimony of Lane Kollen. On June 7, 2022, ELL filed its Motion to Substitute Witness; this motion was granted on June 7, 2022. On June 9, 2022, ELL filed the Rebuttal Testimony and Exhibits of Alyssa Maurice-Anderson.

On July 22, 2022, ELL, LEUG, Walmart, the Alliance, ALEC, and the Commission Staff filed their Joint Filing of Contested and Uncontested Issues and Proposed Order of Witnesses. On August 3, 2022, ELL filed an Uncontested Motion for Extension of Hearing Date and Related Deadlines. The Tribunal granted this motion and set a hearing for September 6 - 9, 2022.

On August 29, 2022, ELL and the Commission Staff filed a Joint Motion for the Scheduling of Hearing on Uncontested Stipulated Settlement Term Sheet. The motion was accompanied by the Uncontested Stipulated Settlement Term Sheet, and supporting exhibits and testimonies. The Tribunal granted the motion on August 29, 2022. On August 31, 2022, LEUG filed correspondence to the Tribunal, stating that the parties stipulated to the submission of Mr. Brubaker's pre-filed direct testimony without his appearance at the stipulation hearing. The stipulation hearing was held on September 7, 2022.

Commission Jurisdiction

The Commission exercises jurisdiction over public utilities and common carriers in Louisiana pursuant 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.”

Pursuant to that authority, the Commission's General Order dated September 20, 1983 (“1983 General Order”), states that no jurisdictional electric utility “shall commence any on site construction activity or enter into any contract for construction ... without first having applied to the Commission for a certification that the public convenience and necessity would be served through completion of such project or confection of such contract.”

Further, General Order dated October 29, 2008 (“MBM Order”) states that jurisdictional electric utilities “shall employ a market-based mechanism to support the acquisition of generating capacity,” and that the results and analysis from the market-based mechanism shall serve as the

“justification” required in the 1983 General Order.¹

Additionally, the Commission adopted rules regarding unsolicited offers in General Order dated October 28, 2002 (the “Unsolicited Offers General Order”).²

The Uncontested Stipulated Settlement

The Commission Staff and ELL agreed to a settlement of this proceeding pursuant to the Uncontested Stipulated Settlement. ALEC, the Alliance, LEUG and Walmart did not oppose the Settlement. The Stipulation resolves all issues in this docket. The terms of the Uncontested Stipulated Settlement are reiterated as follows:

1. The Company competitively bid three of the four resources comprising the 2021 Solar Portfolio, and selected the least cost bids for two PPA resources, the Sunlight Road facility and the Vacherie facility, and the least cost bid for one build own transfer (“BOT”) resource, the St. Jacques facility. The competitive bid process and the selection of the least cost resources complied with the requirements of the Commission's 1983 General Order and the Market-Based Mechanisms (“MBM”) Order.
2. The Company received an unsolicited offer for a third PPA resource, the Elizabeth facility, which it evaluated based on the pricing information obtained as the result of the competitive bid process for the other three resources. The Company complied with the requirements of the Commission's Unsolicited Offers General Order, 1983 General Order and MBM Order with respect to consideration of unsolicited offers.
3. The solar panels for each of the four resources were originally to be sourced from four southeast Asia countries. Subsequent to the execution of the contracts for these resources, the U.S. Department of Commerce initiated an investigation into whether panels sourced from these countries circumvented existing tariffs by using parts and components from China. As a result, importation of panels from these countries largely ceased and many solar projects were cancelled or placed on hold. The domestic market for these panels is expected to remain uncertain pending the outcome of the investigation. The investigation has increased the demand for, and price of panels sourced from alternative manufacturers. The final outcome of the investigation is unknown at this time.
4. In April 2022, after the Staff’s testimony was submitted, the counterparties to the contracts notified the Company that the investigation could negatively impact the cost and timing of the resources. In response, the Company and the counterparties renegotiated and revised three of the contracts to provide for alternative sourcing of the solar panels and the related impacts on pricing and commercial operation dates. The Staff did not participate in these renegotiations. The revised contracts reflect increases in the energy prices for the three PPAs and delays in the commercial operation dates of two of the resources when compared to the contracts included with the Company's Application that were reviewed by Staff and addressed in Staff’s testimony. The Staff has not addressed the revised contracts in testimony. ELL has informed the Staff that it continues discussions regarding the BOT contract and may renegotiate and revise that contract. The Staff has not participated in these discussions and renegotiations.
5. Based on information provided by the Company in supplemental discovery, the resources remain economic, but at a reduced level compared to the economics of the resources presented in the Company's Application and addressed in Staff testimony.
6. The resources comprising the 2021 Solar Portfolio (as defined in the Company’s Application) serve the public convenience and necessity, are in the public interest, and are

¹ The RFP process conducted by Entergy Services, LLC (“ESL”) on behalf of ELL resulted in the selection of the St. Jacques facility, Sunlight Road facility, and Vacherie facility.

² ELL received an unsolicited offer for the Elizabeth facility PPA.

prudent, as filed in the Company's Application and as subsequently modified as of the date of the execution of the Term Sheet, based on the pricing and commercial operation dates reflected in the revised contracts as disclosed in the Company's supplemental discovery described in Clauses 4 and 5 above, as well as resolution of the cost and payment of Builders All Risk ("BAR") insurance and property tax abatements and the effects of those costs on the pricing reflected in the revised contracts and as provided in this agreement. If the terms of any of the 2021 Solar Portfolio contracts are renegotiated or otherwise changed subsequent to the execution of this Term Sheet, or if the BAR Premium Cap (as defined in the contracts) is exceeded, the Company agrees that it will inform the Commission in a timely manner, not later than 30 days after any of these events, identify and describe those changes, and, to the extent that those changes increase the cost of the resources by more than five percent (5%) of what has been disclosed in the Company's supplemental discovery, or if the change makes the resources uneconomic, perform and provide an updated economic analysis demonstrating the economic effect of same. Nothing in the Term Sheet or the Commission's approval thereof shall be construed as constituting a pre-approval of such changes or as limiting the Commission's ability to institute a prudence review of such changes.

7. The retail revenue requirement associated with St. Jacques is deemed eligible for recovery beginning the first billing cycle of the month following the time at which St. Jacques achieves substantial completion (the "Substantial Completion Date" or "SCD") via Rider FRP, as follows:
 - a. In the event that a Formula Rate Plan ("FRP") will be in effect when St. Jacques achieves substantial completion, on or about twelve months prior to the expected SCD of St. Jacques, the Company shall file in this docket the then-current estimate of the non-fuel revenue requirement associated with St. Jacques as set forth in part (g) of this paragraph (7), net of estimated and annualized offsetting Rider GGO Revenues (defined below) as allocated in accordance with the GGO Cost Allocation Ratio as defined in paragraph 11 herein. The Parties to Docket U-36190 will have an opportunity to request information regarding all components of the revenue requirement calculation, including but not limited to the amount of property taxes and accumulated deferred income taxes, and propose corrections. An additional update to the estimated St. Jacques revenue requirement, net of estimated offsetting Rider GGO Revenues, will be submitted in this docket 60 days prior to the expected SCD ("Final Estimate Update") and, again, Parties to Docket U-36190 will have an opportunity to request information regarding the revenue requirement calculation and propose corrections. The Parties to Docket U-36190 will be required to provide ELL any recommended adjustments to the Final Estimate Update within 30 days. During this period, the Company will cooperate with the Parties to provide information reasonably necessary to enable review of the revenue requirement calculation and will use reasonable best efforts to provide such information within five business days of request. Absent proposed adjustments, the Final Estimate Update will serve as the basis for the amount that is included in rates in the first billing cycle following the SCD of St. Jacques via section 3.D and sub-section 3.D.4.(2) of the then-effective and applicable FRP and Additional Capacity Mechanism ("ACM") included therein. In the event adjustments to the Final Estimate Update are proposed, any adjustments agreed-upon by ELL shall be reflected in the rates that are implemented with the first billing cycle following the SCD. To the extent there are unresolved issues regarding a proposed adjustment, the revenue requirement included in the Final Estimate Update shall be implemented, subject to refund, and resolution in the subsequent FRP in accordance with the dispute resolution process provided for therein.
 - b. In the first FRP Evaluation Report following completion of the first 12 months of operation, the Company shall true-up the estimated St. Jacques revenue requirement to the actual revenue requirement for the first 12 months of operation calculated as set forth in part (g) of this paragraph (7). Such true-up shall be implemented through the ACM and outside the FRP sharing mechanism bandwidth pursuant to FRP sub-section 3.D.4.(2). In addition, the Company shall reflect a charge/credit for any variance contributing to under-/over-collections during the period that the estimated St. Jacques revenue requirement was reflected in rates,

with carrying charges calculated at the then-effective weighted average cost of capital.

- c. For the FRP Evaluation Report following the first 12 months of operation, the FRP Evaluation Report shall reflect the realignment of the St. Jacques revenue requirement from the ACM into base FRP Revenues consistent with Paragraph (g) below and for each subsequent FRP Evaluation Report shall be reflected within base FRP Revenues and taken into account within the bandwidth calculation of the applicable FRP.
 - d. Any true-up or prudence-related adjustments to the initial revenue requirement will be reflected through the ACM and outside of the FRP bandwidth in the same manner as the initial rate adjustment.
 - e. In the event that a FRP will not be in effect at the time of the expected SCD for St. Jacques, on or about twelve months prior to the expected SCD, the Company may file a full base rate case including, among other things, a pro forma adjustment reflecting the then-current estimates of the incremental revenue requirements associated with St. Jacques, net of estimated offsetting Rider GGO Revenues.
 - f. In the event of (e) above, ELL will (i) defer the revenue requirement associated with St. Jacques, calculated as set forth in part (g) of this paragraph (7), and net of Rider GGO Revenues calculated in accordance with the GGO Cost Allocation Ratio defined in paragraph 11 herein until such time as the costs of the facility, net of the Rider GGO Revenues, are reflected in ELL's base rates, and (ii) accrue interest, on a monthly basis, on the net-of-tax deferred balances at the then-current weighted average cost of capital, commencing on the date of the SCD of St. Jacques. Recovery of such deferred costs shall be determined in the base rate proceeding described in part (e) of this paragraph (7).
 - g. The St. Jacques facility first-year revenue requirement shall be calculated as prescribed in the Highly Sensitive Protected Materials ("HSPM") Attachment 1 of the Term Sheet and as described below. Rate base for St. Jacques first-year revenue requirement shall be reflected using the end-of-period balance for plant in service, accumulated depreciation and accumulated deferred income taxes. The rate of return shall be the then-effective weighted average cost of capital. The operating expenses shall include depreciation expense based on a 30-year service life with no net salvage. The operating expenses shall not include administrative and general expenses unless they are incremental and incurred solely for the St. Jacques facility. The revenue requirement also shall reflect a reduction for the amortization of the investment tax credit to the maximum extent allowable under then-effective federal tax laws and grossed-up to a revenue equivalent.
 - h. For the first year of operation of the St. Jacques facility, and all subsequent years in which Rider GGO is in effect, the ACM shall reflect a credit for the amount of Rider GGO Revenues allocable to the FRP pursuant to the GGO Cost Allocation Ratio, defined in paragraph 11 herein. For ratemaking purposes, Rider GGO Revenues allocable to the FRP pursuant to the GGO Cost Allocation Ratio shall be reflected in the ACM pursuant to Section 3.D.1 and shall be trued-up on an annual basis in accordance with Section 3.D.3.
8. The Company is authorized to include any interim milestone payments under the St. Jacques BOT agreement made prior to the SCD in Construction Work in Progress ("CWIP") and to accrue Allowance for Funds Used During Construction ("AFUDC") through the SCD using the same rate of return used to accrue AFUDC on all other CWIP projects eligible for AFUDC.
 9. Pursuant to the Stipulation, the capacity-related and energy related components of ELL's payments pursuant to its participation in the Vacherie, Sunlight Road and Elizabeth PPAs ("Solar PPAs") are to be reflected in rates as follows: (i) 25% of the Solar PPA expense associated with the solar resources that have Network Resource Interconnection Status ("NRIS") or Network Integrated Transmission Service ("NITS") with the Midcontinent

Independent System Operator, Inc. (“MISO”) are deemed to be capacity costs, and (ii) the remaining Solar PPA costs are deemed to be energy costs.

10. ELL’s prudent and reasonable energy costs (as defined above) that arise pursuant to ELL’s participation in the Vacherie, Sunlight Road and Elizabeth PPAs, net of offsetting Rider GGO Revenues, as allocated in accordance with the GGO Cost Allocation Ratio (defined in paragraph 11 herein), are eligible for recovery through ELL’s Fuel Adjustment Clause (“FAC”) in accordance with the Fuel Clause General Order. In addition, MISO energy revenues will be credited and GGO bill credits will be recovered through the Company’s FAC. The portion of the PPA expense deemed to be capacity costs, as provided in paragraph 9 above, shall be recoverable through the ACM provision of the current FRP, or the successor mechanism thereto. The Term Sheet does not reach the issue of whether those deemed capacity costs will be subject to a realignment from the ACM into base FRP revenues and taken into account within the bandwidth calculation of the FRP. If no FRP is in place when the PPA expenses deemed to be capacity costs are incurred, the Company shall be allowed to defer the capacity costs associated with the PPAs from the 2021 Solar Portfolio during the period from the incurrence of the cost until such time as the rates that reflect such capacity costs take effect. The Company shall be allowed to accrue interest on the net-of-tax balance of the deferred capacity costs at the rate set forth in LPSC General Order No. U-21497 during the period in which such costs are deferred.
11. The GGO Cost Allocation Ratio will be determined for each calendar year based upon (i) the number of available subscriptions (in terms of kW-month) created by the St. Jacques Facility and (ii) 25% of available subscriptions (in terms of kW-month) associated with the Solar PPAs that have NRIS or NITS with MISO in that year. To calculate the GGO Cost Allocation Ratio, the sum of 11(i) and 11(ii) above shall be divided by the number of total available subscriptions (in terms of kW-month) available from the entire GGO Portfolio. For example, in the calendar year of 2026 and under a scenario where the Elizabeth PPA does not obtain NITS from MISO, the GGO Cost Allocation Ratio will be 42%, meaning 42% of GGO subscription fees are reflected as an offset to the FRP revenue requirement and the remaining 58% of GGO subscription fees are reflected as an offset to the costs recovered within the FAC. The reflection of these GGO subscription fee revenues through the FRP and FAC mechanisms will offset the costs that customers would otherwise incur for the 2021 Solar Portfolio.
12. Commencing within six (6) months of the Commission’s approval of the Settlement, ELL shall file semi-annual reports in Docket U-36190 concerning status of the construction of facilities comprising the 2021 Solar Portfolio, including updates on the schedule and other critical activities related to construction of the facilities.
13. The proposed Rider GGO, to the Stipulation aswith the modifications/conditions provided in this agreement, is in the public interest, complies with applicable Commission Orders, including the Tariff Filings General Order, and is therefore approved for implementation subject to conditions set forth in the Term Sheet.
14. Rider GGO shall be added as an excluded schedule in Attachment A to the Company’s FRP.
15. Subscription fee revenues from Rider GGO shall be recorded to FERC Acct. 456 as Other Electric Revenues and reflected for ratemaking purposes in part in the ACM of the FRP, as set forth in part (h) of paragraph (7), and in part as a reduction to the amount recovered through the Company’s FAC, allocated between these forms of recovery in accordance with the GGO Allocation Ratio methodology (defined in paragraph 11 herein).
16. The Company’s prudent and reasonable incremental costs incurred to administer Rider GGO shall be recovered through the Company’s FRP and included as a component in the costs used to calculate the GGO subscription fees as reflected in the Excel workbook supporting Exhibit ECI-2, as revised, in this proceeding.
17. No later than July 31, 2023, ELL shall publicly file a report in Docket U-36190 that provides updated information on the costs of each PPA facility and the revenue requirement for St. Jacques and which calculates updated amounts for Rider GGO subscription fees

based on this updated information. The report shall be served on all parties to Docket U-36190. Following the submittal of ELL's report, ELL shall submit a compliance filing for Rider GGO in accordance with the Tariffs General Order no later than September 30, 2023.

18. If, following the implementation of Rider GGO, any of the following events or conditions occur, the Company will provide notice to the Commission and the Parties to U-36190 to allow the Commission to consider whether the subscription fees for Rider GGO should be recalculated:
 - a. Company incurs additional, incremental capital costs on any resource in the 2021 Solar Portfolio in a single calendar year of more than five percent (5%) of the total approved cost of the resources, disclosed in the Company's supplemental discovery;
 - b. MISO adjusts or changes the capacity value of any of the resources in the 2021 Solar Portfolio;
 - c. MISO changes the methodology for assigning capacity value to solar resources;
 - d. The Commission approves the addition of new resources that are eligible to participate in Rider GGO.
19. In the event that the Commission opts to order a recalculation of the Rider GGO subscription fees, the Commission shall issue a final determination approving the fees no later than six (6) months prior to the date on which participating customers are required to determine whether to renew their participation in Rider GGO.
20. By February 28 of each year, ELL shall publicly report on certain information related to Rider GGO for the previous year ending December 31. While protecting commercially sensitive and/or confidential information of subscribers, reports shall include (i) the total number of customers subscribed for each of Option A, Option B, and Option C, (ii) the total number of megawatts ("MW") subscribed for each of Option A, Option B, and Option C, (iii) the total Rider GGO Revenues generated during the previous year, (iv) for each of the following customer classes defined in Rider GGO (residential, small general service, and other non-residential customers), (a) the number of subscribers, (b) the average subscription size, (c) the minimum subscription size, and (d) the maximum subscription size, and (v) for each commercial and industrial subscriber (excluding the small general service customers as defined in Rider GGO), (a) the size of each subscription, and (b) the subscriber's Standard Industry Classification ("SIC"). ELL shall submit this information in the report required under LPSC General Order (Corrected) R-28271-A Subdocket B, dated December 9, 2010, and, for five years following the implementation of Rider GGO, shall also serve this report on Parties in Docket No. U-36190. In this report, ELL shall also include data on the performance of and energy generated from each resource in the 2021 Solar Portfolio. To the extent there is confidential information included in the report required under LPSC General Order (Corrected) R-28271-A Subdocket B, the confidential version of that report shall be provided to appropriate Reviewing Representatives who have executed the Confidentiality Agreements in Dockets U-36190 and R-28271-A.
21. With regard to Rider GGO, no later than thirty (30) months after implementation, ELL shall publicly file a report in the record of this docket which includes complete, up-to-date information summarizing the revenues received and enrollment levels for Rider GGO. ELL shall also indicate whether the Company requests to modify Rider GGO. Staff and Parties to Docket U-36190 may consider the Company's request and make their own recommendation to the Commission as to whether Rider GGO should be modified. Until such time as the Commission issues an order terminating or modifying Rider GGO, Rider GGO shall remain in effect.
22. As to the contracts and amendments that were negotiated by ELL and provided to the LPSC Staff and Parties prior to the execution of this Term Sheet, the Commission acknowledges that the terms, conditions, rights, remedies, and limitations set forth in the PPAs and St. Jacques BOT agreement, and those set forth in other agreements, attached to or otherwise,

incorporated into the PPAs and BOT agreement, appear to be commercially reasonable and negotiated at arm's length and in compliance with the LPSC's Orders. The Commission confirms that, to the extent that ELL acts prudently in its decision-making in administering and enforcing the contracts, and in exercising its rights and remedies under the PPAs and the BOT agreement, ELL, and Entergy Corporation shareholders, shall not be responsible, beyond the remedies specified therein, absent imprudence on the part of ELL. Nothing in this agreement is intended to limit ELL's obligation to prudently manage and enforce the terms of the 2021 Solar Portfolio contracts, or to terminate the contracts, as necessary and allowed by their terms, to protect ratepayer interests. The Commission expressly reserves its rights to review whether ELL has prudently managed and enforced the terms, conditions, rights and remedies, and limitations of the 2021 Solar Portfolio contracts.

23. If any of the 2021 Solar Portfolio contracts are modified, amended, supplemented, or revised in any way that would impact the cost, economics, or delivery date of the resources in the 2021 Solar Portfolio, the Commission's approval does not extend to those modifications. If the terms of any of the 2021 Solar Portfolio contracts are renegotiated or otherwise changed subsequent to the execution of this Term Sheet, or if the BAR Premium Cap (as defined in the contracts) is exceeded, the Company agrees that it will inform the Commission, in a timely manner, not later than 30 days after any of these events, identify and describe those changes, and, to the extent that those changes increase the cost of the resources by more than five percent (5%) of what has been disclosed in the Company's supplemental discovery, or if the change makes the resources uneconomic, perform and provide an updated economic analysis demonstrating the economic effect of same. Nothing in the Term Sheet or the Commission's approval thereof shall be construed as constituting a pre-approval of such changes or as limiting the Commission's ability to institute a prudence review of such changes.
24. The Company acknowledges that all future operation and maintenance as well as capital expenditures associated with the 2021 Solar Portfolio, shall remain subject to annual FRP reviews and to FAC audits, to the extent applicable.
25. The Company shall have an ongoing duty to prudently manage and administer all of the agreements associated with 2021 Solar Portfolio through the term of those contracts.
26. As part of its application in this matter, ELL sought a determination that it is entitled to timely rate relief in the event it experiences adverse effects of debt imputation or lease accounting that includes the obligations under the Elizabeth PPA, the Sunlight Road PPA, or the Vacherie PPA. Commission Staff found this request premature. However, if and at such time as ELL experiences adverse financial implications resulting from debt imputation or the treatment of the PPAs as a long-term liability, ELL may seek rate relief. The Commission Staff, and any Intervenor in any proceeding in which ELL seeks such rate relief, reserves any rights to oppose or take any other position on such a rate relief request.
27. Except as otherwise expressly stated herein, the Term Sheet shall have no precedential effect in any other proceedings involving issues similar to those resolved therein and shall be without prejudice to the right of any party to take any position on any such similar issue in future proceedings, including FRP proceedings, base rate proceedings, rulemakings or in other regulatory proceedings or appeals therefrom. Other than in a proceeding to approve, implement, administer, or enforce a requirement of the Stipulation, the Stipulation shall not be admissible in evidence against either the Staff, ELL or the Parties, and the terms of the Stipulation may not be used as an admission of any sort in any proceeding whatsoever except to approve or enforce the terms of this Stipulation. Nothing stated herein is intended to prohibit parties from continuing to cite to final Orders of the Commission, which Orders are the best evidence of their meaning and evidentiary or precedential value (if any).

Commission Consideration

The Uncontested Stipulated Settlement was considered at the Commission’s September 21, 2022 Business and Executive Session. Chairman Boissiere made the following motion: I move to approve the uncontested settlement. I am pleased to finally see Entergy move forward with these renewable resources. I have been calling for years for our Utilities to focus on renewable options and today is a great example of a win-win for both the environment and customers as we approve resources that will be reliably integrated into ELL’s portfolio that provide both environmental and financial benefits. We are at a point where the costs of utility-sale renewables are competitive supply resources, and we need to expedite our transition. This has been a long time in the making. Too long. These resources are from a 2020 RFO. I appreciated that Entergy is in the process of seeking renewable resources from 2021 and 2022 RFPs and ask Entergy and Staff to explore opportunities to expedite those requests as quickly as possible.

After discussion, on motion of Chairman Boissiere, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record on August 29, 2022.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
October 14, 2022**



/S/ LAMBERT C. BOISSIERE, III
DISTRICT III
CHAIRMAN LAMBERT C. BOISSIERE, III

/S/ MIKE FRANCIS
DISTRICT IV
VICE CHAIRMAN MIKE FRANCIS

/S/ FOSTER L. CAMPBELL
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ ERIC F. SKRMETTA
DISTRICT I
COMMISSIONER ERIC F. SKRMETTA

/S/ CRAIG GREENE
DISTRICT II
COMMISSIONER CRAIG GREENE

A handwritten signature in blue ink that reads "Brandon M. Frey" followed by a stylized flourish.

**BRANDON M. FREY
SECRETARY**