

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER U-37882-B

ENTERGY LOUISIANA, LLC, EX PARTE.

Docket No. U-37882, In re: Application for certification of generation and transmission resources and for other relief.

(Decided at the September 16, 2026 Business and Executive Session.)

ORDER

I. BACKGROUND AND PROCEDURAL HISTORY

On March 25, 2026, Entergy Louisiana, LLC (“ELL”) filed its *Application of Entergy Louisiana, LLC for Certification of Generation and Transmission Resources and for other Relief Pursuant to the Commission’s Lightning Initiative* (“Application”) before the Louisiana Public Service Commission (“LPSC” or “Commission”). In its Application, ELL sought the Commission’s approval to add 5,278 megawatts (“MW”) of generation, in addition to battery storage and transmission, to serve Evest LLC, a wholly-owned subsidiary of Meta Platforms, Inc. (“Meta”). According to the Application, Evest LLC is locating a large hyperscale data center in Richland Parish, Louisiana, adjacent to the facility approved in Commission Order No. U-37425 for Meta subsidiary, Laidley, LLC.¹

The Application was published in the Commission’s Official Bulletin No. 1372 dated March 27, 2026, for a 15-day intervention period. The Alliance for Affordable Energy and the Union of Concerned Scientists (“collectively, “the NPOs”) intervened in the proceeding, along with the Louisiana Energy Users Group (“LEUG”), Southern Renewable Energy Association (“SREA”), Sierra Club, the Association of Louisiana Electric Cooperatives, Inc., 1803 Electric Cooperative, Inc., Walmart Inc., and Gulf States Renewable Energy Industries Association.

On July 15, 2026, the NPOs filed its *Motion of the Alliance for Affordable Energy and Union of Concerned Scientists for Access to "Attorney’s Eyes Only" Information* (“AEO Motion”), wherein the NPOs sought access to Attorney’s Eyes Only (“AEO”) information for certain representatives (the “HSPM Designees”).

¹ See Order No. U-37425 - Entergy Louisiana, LLC, ex parte. In re: *Application for approval of generation and transmission resources in connection with service to a single customer for a project in North Louisiana*, issued August 29, 2025. In Order No. U-37425 the Commission accepted the settlement entered into by ELL, LPSC Staff, Sierra Club, Walmart, and Southern Renewable Energy Association, approving the generation and transmission resources proposed in connection with service to a customer project in North Louisiana, subject to certain conditions.

In the AEO Motion, the NPOs asserted, amongst other things, that they cannot fully participate in the case when the HSPM Designees are not allowed to review large portions of the filing, or to review the entirety of their own experts' testimony. Further, the NPOs argued that restricting their access interferes with their attorney-client relationship, as counsel are unable to fully advise their clients. The NPOs argued that there is no legitimate basis for restricting access, given that the client representatives have signed the *Confidentiality Agreement* and are bound by it. Finally, the NPOs argued that the Commission has never approved the AEO designation.

On July 17, 2026, ELL filed *Entergy Louisiana, LLC's Memorandum in Opposition to Motion of the Alliance for Affordable Energy and Union of Concerned Scientists for Access to "Attorney's Eyes Only" Information* ("ELL Opposition") and SREA filed *Southern Renewable Energy Association's Response to the NPOs' Motion for Access to "Attorney's Eyes Only" Information* ("SREA Response").

The ELL Opposition noted that the AEO Motion challenges long-held Commission policy of prohibiting the disclosure of customer-specific information. ELL argued that the AEO Motion seeks to undo reasonable, commonsense restrictions placed upon its customer's most private and commercially and competitively sensitive information at the risk of allowing intervenors, who may include competitors, access to this information. Further, ELL argued that it is unnecessary to even consider the NPOs' request, since by signing the Confidentiality Agreement, an unambiguous, enforceable contract, they are bound by its terms, and have waived any argument to the contrary. Specifically, ELL asserted that the Confidentiality Agreement defines AEO information, which is a subset of HSPM information, and limits access to "Authorized Persons," who are also defined therein. Because the NPOs agreed to the terms of the CA, and that same CA limits their ability to access AEO information, ELL contended that the NPO's AEO Motion should be denied under the plain language of the CA.

In the SREA Response, SREA supported the position of the NPOs in the AEO Motion, but clarified that the NPO client representatives were not the only individuals precluded from reviewing the information; specifically, the material designated AEO was withheld from certain SREA representatives. In the SREA Response, it supported and adopted the position of the NPOs, but objected to the exclusion of the aforementioned SREA representatives, who had likewise signed the Confidentiality Agreement and Non-Disclosure Certificate.

On July 23, 2026, the NPOs filed *The Alliance for Affordable Energy and Union of Concerned Scientists’ Motion for Leave to File Reply to Entergy Louisiana’s Memorandum in Opposition to Motion of the Alliance for Affordable Energy and Union of Concerned Scientists for Access to “Attorney’s Eyes Only” Information* (“NPO Reply”), which was granted, allowing for consideration of the NPO Reply.²

After receiving briefs from certain parties and hearing oral argument on July 29, 2026,³ the Administrative Law Judge (“ALJ”) issued the *Ruling on NPO’s Motion for Access to “Attorney’s Eyes Only” Information* (“AEO Ruling”) on August 6, 2026, wherein the ALJ found that ELL failed to meet its burden to show that the HSPM Designees’ signatures on the Confidentiality Agreement are insufficient to receive the requested information and that an additional layer of protection is required.

ELL timely filed its motion entitled *Entergy Louisiana, LLC’s Motion for Immediate Review of Interlocutory Ruling and Incorporated Memorandum in Support* (“Motion for Immediate Review”) on August 11, 2026.⁴ ELL also filed its motion entitled *Entergy Louisiana, LLC’s Motion for Stay Pending Immediate Review by Commission Pursuant to Rule 57* (“Motion for Stay”) that same day. The Motion for Stay was granted on August 12, 2026, and remained in place pending Commission review of the AEO Ruling.

The NPOs timely filed *The Alliance for Affordable Energy and Union of Concerned Scientists’ Opposition to Entergy Louisiana, LLC’s Motion for Immediate Review of Interlocutory Ruling* (the “Opposition to Motion for Immediate Review”) on August 21, 2026.⁵

On August 26, 2026, after considering the memoranda and argument of the parties, and in accordance with the procedures set forth in Commission Rule 57, the ALJ issued its *Referral of Interlocutory Ruling to Commissioners for Review*, wherein the ALJ declined to reconsider the interlocutory ruling and referred the AEO Ruling to the Commissioners for immediate review.

On September 4, 2026, ELL and the NPOs (“Stipulating Parties”) filed a *Joint Motion to Vacate August 6, 2026 Ruling Pursuant to Rule 57* (“Motion to Vacate”). The Motion to Vacate stated that the Stipulating Parties have reached an agreement which resolves the issues raised in

² See *Ruling on Motion for Leave to File Reply and Notice of Modifications to Procedural Schedule*, issued on July 22, 2026.

³ Commission Staff did not file a brief and did not take a position on the AEO Motion.

⁴ Rule 57 of the Commission’s Rules of Practice and Procedure allows any party to apply for immediate review of an interlocutory ruling, which may be obtained upon a showing of irreparable injury, if a motion and memorandum is filed within ten days of the interlocutory ruling.

⁵ Commission Rule 57(2) provides that any party opposing a motion for immediate review may file an opposition within ten days.

the NPO's AEO Motion, as well as ELL's Motion for Immediate Review. A copy of the Stipulation between the Stipulating Parties was attached to the Motion to Vacate. Therefore, the Stipulating Parties requested that the Commission vacate the ALJ's August 6, 2026 Ruling, which would moot ELL's Motion for Immediate Review.

II. COMMISSION JURISDICTION

The jurisdiction of the Commission is set forth by constitutional and statutory provisions.

The Louisiana Constitution, Article IV, Section 21, provides:

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. COMMISSION CONSIDERATION

This matter was considered at the Commission's September 16, 2026 Business and Executive Session. On motion of Chairman Skrmetta, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction pursuant to Rule 57.

Chairman Skrmetta made the following motion: Because ELL, the Alliance for Affordable Energy, and the Union for Concerned Scientists have filed a Stipulation into the record on September 4, 2026, attached to the Motion to Vacate, that resolves all issues raised in the NPO's AEO motion, as well as ELL's Motion for Immediate Review, I move that we: (1) Grant the Motion and accept the Stipulation filed into the record on September 4, 2026; (2) Vacate the August 6, 2026 Ruling from the ALJ; and (3) Deem ELL's pending Motion for Immediate Review moot.

After discussion, on motion of Chairman Skrmetta, seconded by Commissioner Lewis, and unanimously adopted, the Commission voted to accept Chairman Skrmetta's motion.

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THEREFORE, IT IS ORDERED:

1. The *Joint Motion to Vacate August 6, 2026 Ruling Pursuant to Rule 57* filed on September 4, 2026 is granted;
2. The Stipulation filed into the record on September 4, 2026 is accepted;
3. The *Ruling on NPO's Motion for Access to "Attorney's Eyes Only" Information* issued by the ALJ on August 6, 2026 is vacated; and,
4. *Entergy Louisiana, LLC's Motion for Immediate Review of Interlocutory Ruling and Incorporated Memorandum in Support* filed into the record on August 11 is deemed moot.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
October 16, 2026



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

BRANDON M. FREY
SECRETARY

/S/ ERIC F. SKRMETTA

DISTRICT I

CHAIRMAN ERIC F. SKRMETTA

/S/ JEAN-PAUL P. COUSSAN

DISTRICT II

VICE CHAIRMAN JEAN-PAUL P. COUSSAN

/S/ FOSTER L. CAMPBELL

DISTRICT V

COMMISSIONER FOSTER L. CAMPBELL

/S/ MIKE FRANCIS

DISTRICT IV

COMMISSIONER MIKE FRANCIS

/S/ DAVANTE LEWIS

DISTRICT III

COMMISSIONER DAVANTE LEWIS