LOUISIANA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE HEARINGS DIVISION

DOCKET NUMBER U-37882

ENTERGY LOUISIANA, LLC, EX PARTE

In re: Application for certification of generation and transmission resources and for other relief.

REFERRAL OF INTERLOCUTORY RULING TO COMMISSIONERS FOR REVIEW

(On *Motion for Subpoena for the Production of Documents*)

Entergy Louisiana, LLC ("ELL") initiated this proceeding before the Louisiana Public Service Commission ("LPSC" or "Commission") on or about March 26, 2026, by filing the *Application of Entergy Louisiana, LLC for Certification of Generation and Transmission Resources and for other Relief Pursuant to the Commission's Lightning Initiative* ("Application"). ELL seeks 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]

On June 29, 2026, intervenors, the Alliance for Affordable Energy, and the Union of Concerned Scientists (collectively, "NPOs"), filed a *Motion for Subpoena for the Production of Documents* ("Motion for Subpoena") directed to Meta, which is not a party to the proceeding.

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[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.

The Motion for Subpoena was opposed by ELL and Commission Staff. After receiving briefs from the parties and hearing oral argument on July 8, 2026, the administrative law judge ("ALJ") issued the *Ruling on Motion for Subpoena for the Production of Documents* ("Subpoena Ruling") and the accompanying *Subpoena for Production of Documents* ("Subpoena") on July 10, 2026.

The Subpoena Ruling denied in part, and granted in part, the Motion for Subpoena. Specifically, the following document requests were granted:

(1) Analyses, data, reports, calculations, and/or evidence which demonstrate the level of investment and permanent job creation expected to be entailed by the Richland Data Center.

(2) Analyses, data, reports, calculations, and/or evidence which substantiate the amount of electricity load the Richland Data Center will need.

And the following document requests were denied:

(3) Analyses, data, reports, calculations, and/or evidence providing the Richland Data Center's load factor and expected load variability over time; including daily, weekly and monthly load variability.

(4) A copy or records of any communications between Meta and ELL discussing the Sustainability Agreement as a relevant factor for the Customer in deciding to move forward with building a data center in Louisiana.

(5) Information on the location, amount, and nature of assets held by Meta Platforms, Inc., sufficient to fulfill its obligations under the Guaranty; and information on other guaranties Meta has made to other electric utilities.

On July 14, 2026, Meta made a limited appearance in the docket to challenge the Subpoena. Notably, Meta filed the following motions: *Non-Party Meta Platforms, Inc.'s Motion for Stay Pending Immediate Review of Interlocutory Ruling* ("Motion for Stay"), *Non-Party Meta Platforms, Inc.'s Motion for Immediate Review of Interlocutory Ruling and Memorandum of Law in Support Thereof* ("Motion for Immediate Review"), and *Motion to Quash Subpoena Issued by the Tribunal to Non-Party Meta Platforms, Inc.* ("Motion to Quash").

Rule 57 of the Commission's *Rules of Practice and Procedure* ("Commission Rules") allows any party to apply for immediate review 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. Meta's Motion for Immediate Review was filed just four days after the Subpoena Ruling and is therefore timely.[2] In addition, Meta's Motion for Stay pending Commission Review was granted pursuant to Commission Rule 57(4). The stay remains in place.

Upon the filing of a motion for immediate review Pursuant to Commission Rule 57, any party opposing the motion for immediate review may file an opposition memorandum within ten days.[3] The NPOs timely filed an opposition on July 24, 2026. Because Meta filed the Motion to Quash simultaneously with the Motion for Immediate Review, and because it requested that the ALJ reconsider the Subpoena Ruling as an alternative to Commission review, the ALJ issued notice of a procedural schedule for the parties to file memoranda and argue their positions at an oral argument held on July 29, 2026.[4] Commission Staff filed the *Memorandum of the Louisiana Public Service Commission Staff in Response to Procedural Issues Raised in the Notice of Procedural Schedule on Motion for Immediate Review and Motion to Quash and Notice of Oral* Argument, and Meta filed a reply in support of its motion on July 27, 2026. At the oral argument, Commission Staff and ELL re-urged their arguments made on the Motion for Subpoena.

After considering the memoranda and argument of the parties, and in accordance with the procedures set forth in Commission Rule 57, the ALJ hereby:

(1) Declines to reconsider the interlocutory ruling; and

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[2] Rule 57 specifically refers to a "party." While Meta is not a party, it made a limited appearance to challenge the Subpoena, and while the ALJ was concerned about allowing non-parties to challenge interlocutory rulings, the ALJ was persuaded by the arguments of Meta and Commission Staff that a motion for review of an interlocutory ruling is Meta's only recourse before the Commission if the Motion to Quash is denied.

[3] Commission Rule 57(2).

[4] A third motion, related to access to confidential information, was also heard at the oral argument, but is not addressed herein.

(2) Refers to the Commissioners for immediate review the Subpoena Ruling.

Pursuant to Commission Rule 57, the ALJ attaches for the Commissioners' review copies of the following filings:

(1) The *Ruling on Motion for Subpoena for the Production of Documents* ("Subpoena Ruling"), and accompanying *Subpoena for the Production of Documents* ("Subpoena");

(2) *Non-Party Meta Platforms, Inc.'s Motion for Immediate Review of Interlocutory Ruling and Memorandum of Law in Support Thereof* ("Motion for Immediate Review");

(3) *The Alliance for Affordable Energy and Union of Concerned Scientists' Opposition to Meta Platforms, Inc.'s Motion for Immediate Review of Interlocutory Ruling and Response to the Tribunal's Questions Raised in the July 16, 2026 Notice*;

(4) *Memorandum of the Louisiana Public Service Commission Staff in Response to Procedural Issues Raised in the Notice of Procedural Schedule on Motion for Immediate Review and Motion to Quash, and Notice of Oral Argumen*t; and

(5) *Reply in Support of Non-Party Meta Platforms, Inc.'s Motion for Immediate Review of Interlocutory Ruling.*

Baton Rouge, Louisiana, this 31st day of July, 2026.

Melanie Verzwyvelt
Chief Administrative Law Judge

cc: Official Service List

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LOUISIANA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE HEARINGS DIVISION

DOCKET NUMBER U-37882

ENTERGY LOUISIANA, LLC, EX PARTE

In re: Application for certification of generation and transmission resources and for other relief.

RULING ON MOTION FOR SUBPOENA FOR THE PRODUCTION OF DOCUMENTS

On June 29, 2026, the Alliance for Affordable Energy and the Union of Concerned Scientists ("NPOs"), filed with the Louisiana Public Service Commission ("LPSC" or "Commission") a Motion for Subpoena for the Production of Documents ("Motion") directed to Meta Platforms, Inc. ("Meta"), compelling the production of documents and other evidence on or before July 10, 2026. Entergy Louisiana, LLC ("ELL"), immediately provided notice that it opposes the Motion. Thereafter, a procedural schedule was set to allow parties to present their arguments on the Motion.

On July 2, 2026, ELL filed its Opposition to Alliance for Affordable Energy and Union of Concerned Scientists' Motion for Subpoena for the Production of Documents ("Opposition"). Also, on July 2, 2026, the Staff of the Louisiana Public Service Commission ("Staff") submitted Comments on the Motion, refraining from taking a position until the July 7, 2026 deadline provided by the Notice of Opportunity to File Response to Subpoena for the Production of Documents and Notice of Oral Argument. On July 7, 2026, NPOs filed the Reply of the Alliance for Affordable Energy and Union of Concerned Scientists to Comments of the Louisiana Public Service Commission Staff and Opposition of Entergy Louisiana, LLC to the Motion for Subpoena for the Production of Documents ("NPO Reply Brief") and Commission Staff filed the Reply

Comments of the Louisiana Public Service Commission Staff on the NPO Motion for Subpoena for Production of Documents ("Staff Reply Brief"). Oral argument was convened before the undersigned administrative law judge on July 8, 2026.

HAVING CONSIDERED the Motion and all arguments in support and opposition thereto;

IT IS HEREBY ORDERED that the Motion is **denied in part** and **granted in part.**

Background

This proceeding was initiated upon ELL's filing of the Application of Entergy Louisiana, LLC for Certification of Generation and Transmission Resources and for other Relief Pursuant to the Commission's *Lightning Initiative* ("Application"). In the Application, ELL seeks the Commission's approval of 5,278 megawatts ("MW") of generation, in addition to battery storage and a transmission line, to serve Evest LLC, a customer locating a large hyperscale data center in Richland Parish, Louisiana, adjacent to the facility previously approved in Commission Order No. U-37425 ("Customer").[1] Similar to the previous certification proceeding, ELL points to significant economic investment as justification for an exemption from the Commission's market-based mechanisms ("MBM") General Order. The NPOs intervened in the proceeding, along with the Louisiana Energy Users Group, Southern Renewable Energy Association, Sierra Club, the Association of Louisiana Electric Cooperatives, Inc., 1803 Electric Cooperative, Inc., Walmart Inc., and Gulf States Renewable Energy Industries Association.

[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.* In Order No. U-37425 the Commission accepted the settlement entered into by Entergy Louisiana, 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 its Application, ELL claims that it worked extensively to arrive at an agreeable Electric Service Agreement ("ESA") that: "protects ELL's other customers from undue rate impacts, delivers unprecedented benefits for other customers, and provides never before seen protections from ELL's other customers."[2] As part of their negotiations, ELL and the Customer agreed upon a Contribution in Aid of Construction Agreement ("CIAC Agreement") wherein the Customer agrees to make significant contributions toward construction costs. ELL quantifies the savings and other benefits at $2.67 billion during the 20-year term of the ESA.

In Paragraph IV of its Application, ELL discusses the specific investments to be funded by the Customer. These include 2,500 MW of renewable resources, $120 million to Entergy's "The Power to Care" program, $140 million associated with energy-efficiency and/or weatherization programs for low-income residential customers, and a commitment to work in good faith with ELL to identify low-carbon generation technologies and advanced nuclear investments.

ELL submitted the testimony of fifteen witnesses in support of its Application. The Motion focuses mainly on five of those witnesses (Beauchamp, May, Ingram, Owens, and Jones), citing testimony from the aforementioned witnesses concerning the economic benefits of the project, the anticipated electric load of the data center, the sustainability agreement, and the parental guaranty.

The following documents are specified in the Motion and attached Subpoena for Production of Documents to Meta, a non-party to the proceeding:

1. *Analyses data, reports, calculations, and/or evidence which demonstrate the level of investment and permanent job creation expected to be entailed by the Richland Data Center.*

2. *Analyses, data, reports, calculations, and/or evidence which substantiate the amount of electricity load the Richland Data Center will need.*

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[2] Application, at p. 6.

3. *Analyses, data, reports, calculations, and/or evidence providing the Richland Data Center's load factor and expected load variability over time; including daily, weekly and monthly load variability.*

4. *A copy or records of any communications between Meta and ELL discussing the Sustainability Agreement as a relevant factor for the Customer in deciding to move forward with building a data center in Louisiana.*

5. *Information on the location, amount, and nature of assets held by Meta Platforms, Inc., sufficient to fulfill its obligations under the Guaranty; and information on other guaranties Meta has made to other electric utilities.*

Applicable Law

The Commission exercises jurisdiction in this proceeding pursuant to Article IV, Section 21 of the Louisiana Constitution of 1974, which provides in pertinent part:

> 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 perform other duties as provided by law.

Pursuant to the above authority, the Commission enacted Rules of Practice and Procedure of the Louisiana Public Service Commission ("Commission Rules") to assist the Commission in protecting the public interest through procedures that are "simple, orderly, and efficient."[3] The Commission's administrative law judges ("ALJs") are delegated the authority to issue and enforce subpoenas for the production of documents and other evidence at depositions and hearings, and otherwise compel or limit discovery pursuant to Commission Rules 55(c)(d)(h) and Rule 63. When exercising this discretion, Commission ALJs examine Louisiana Code of Civil Procedure articles 1420, *et seq.*, within the context of Commission Rule 32, which provides for a liberal approach to the inclusion of evidence in Commission proceedings, wherein "all needful and proper evidence

[3] Rule 1: Object of Rules.

shall be conveniently, inexpensively and speedily heard while preserving the substantive rights of the parties to the proceeding."

Concerning the Motion herein, Commission Rule 40(B) specifically provides for the issuance of subpoenas to compel the production of books, papers, accounts or documents, as long as they are relevant and necessary and the production will not result in unnecessary harassment, imposition, or undue inconvenience or expense to the party compelled to respond. Likewise, Louisiana Code of Civil Procedure Articles 1354 and 1463(B) provide for the use of a subpoena duces tecum to a non-party as long as a reasonably accurate description of the documents and reasonable notice are provided. Commission Rule 40 prohibits subpoenas for material of a trade secret or confidential nature if the interests of the parties and the public cannot be protected through a protective order or other means.

Louisiana Code of Civil Procedure Article 1422 allows parties to obtain information that "appears reasonably calculated to lead to the discovery of admissible evidence" as long as it is relevant to the subject matter of the proceeding and not privileged. Louisiana Code of Evidence Article 401 defines relevant evidence as any evidence that has any tendency to make the existence of any fact that is of consequence to the determination of an action more probable or less probable that it would be without the evidence.

Party Positions

NPOs

The NPOs argue that ELL makes claims that it cannot substantiate and for which it has identified Meta as the source of the information. The NPOs argue that this information is necessary and relevant to a Commission determination of whether approval of ELL's Application is in the public interest. The NPOs argue that ELL's reliance on agreements with Meta as the justification for a Commission finding that Project Evest is in the public interest and its reliance on those agreements as evidence of the steps taken by ELL to ensure that existing customers will not be unduly burdened by the project supports NPOs' position that the information sought from Meta is necessary and relevant. The NPOs also rely on the Louisiana Rules of Evidence and argue that without Meta sponsoring its own declarations, ELL's assertions are inadmissible hearsay. Further, while the NPOs admit that this Motion is similar to one made in Docket No. U-37425, in which the requested subpoena was quashed for being untimely, this request was lodged over one month before the discovery deadline.

In the NPO Reply Brief, they argue first that both ELL and Commission Staff lack standing to object to a subpoena directed to Meta; that they cannot and did not plausibly assert any privilege or proprietary interest in the subpoenaed documents. The NPOs cite *Arnauld v. Scottsdale Ins. Co.*, 182 So. 2d 97, for the proposition that only the recipient of a subpoena has standing to move to quash it. Second, the NPO Reply Brief asserts that ELL misstates the standards applicable to the issuance of a subpoena by confusing the sufficiency of the evidence it has provided and the additional information that may lead to the discovery of admissible evidence. The NPOs argue that ELL is asking the Commission to weigh only its inadmissible hearsay evidence, and that no further information is necessary, including where the record is devoid of information such as Meta's other guaranties or intended job creation. The NPOs argue that the Commission should consider Executive Order JML 26-058 (Louisiana Ratepayer and Community Protection Initiative Criteria for LED Certifications for Data Center and Large-Load Investment) ("EO 26-058") wherein Governor Landry expresses the state policy to ensure that transformational investment benefits Louisiana citizens and communities, and is not realized at their expense. And third, the NPO Reply Brief asserts that the Commission Staff is attempting to add an exception to Rule 40 where one does not exist when asserting that the Tribunal should create an exception to the Commission's subpoena rules for a non-party utility customer who is the subject of a pending application.

At the oral argument, the NPOs "strenuously" objected to the Commission Staff's July 7 Reply, stating that the briefing schedule on the Motion clearly stated that opposition was meant to be filed by July 2, and the Staff's delay in filing was prejudicial to the NPOs. The NPOs also reiterated their argument that neither ELL nor Commission Staff had standing to object to the issuance of the subpoena. The NPOs cite Louisiana Code of Civil Procedure Article 1354 and Federal Rule of Civil Procedure Rule 45 for the proposition that only the recipient of a subpoena can object to it. The NPOs take issue with the Staff's strict interpretation in Rule 40 and point to EO 26-058 as an obligation to shine a light on the project. Further, the NPOs argue that they are merely asking basic questions.

The NPOs addressed each of the Staff's arguments with regard to the enumerated subpoena requests by stating that the information provided to Commission Staff regarding economic investments and job creation consist solely of press releases and public disclosures. For load data, the Commission Staff's reliance on the ESA is misplaced. For the financial data that Staff argues is sufficient because it is in the public record, the NPOs argue that the publicly available financial data is not sufficient as it is not segregated for the Customer.

And finally, the NPOs requested that their subsequently filed verification inadvertently omitted from the Motion be deemed sufficient.

ELL

ELL argues that aside from failing to meet the requirements of Commission Rule 40, the granting of the Motion would send negative signals to prospective business interests in Louisiana. ELL also asserts that the NPOs' claims are misleading and superficial and intended to confuse and distract from the actual issues in this matter. ELL contends that Commission rules on the issuance of a subpoena from an intervenor to non-party should bar the NPOs from embroiling Meta in litigation.

ELL argues that the Motion fails to satisfy the strict requirements of Commission Rule 40 in several ways. First, ELL asserts that because NPOs have not verified their Motion, the request is facially and fatally flawed, requiring denial. Second, ELL asserts that the requests are overbroad and do not satisfy Commission Rule 40's requirement that requests for subpoena specify "as nearly as possible" the information and documents desired. ELL argues that the language providing the information sought would potentially result in large amounts of documents, and seeks more information and documents than could possibly be needed for resolution of any issue in this matter. Third, ELL argues that the Motion fails to show that the information is necessary. ELL contends that contrary to NPOs' claim, it has provided specific factual support for its assertions related to intended investment, load needed for the project, Evest, LLC's sustainability goals, and Meta's ability to fulfill the Guaranty.

ELL also argues that the NPOs' hearsay argument ignores the plain language of Commission Rule 32 and precedent from the Louisiana Supreme Court. ELL argues that the language of Commission Rule 32 expressly contemplates that evidence beyond that which is admissible under the rules of evidence can be admissible in proceedings before the Commission. ELL further argues that based on Commission Rule 32 and case law precedent, the evidence offered by ELL is competent evidence that can be admitted for consideration by the Commission.

ELL states that it is worth noting that the Commission has historically made public interest determinations on new-build or acquired capacity without needing to issue subpoenas to utility customers. ELL also argues that the information sought in NPOs' Motion is beyond what is required by the Commission in the 1983 General Order. Lastly, ELL argues that, other than the timeliness issue, the same reasons provided in the ruling quashing the subpoena in Docket No. U-37425 apply here. At the oral argument, ELL reiterated its position that in order for a subpoena duces tecum to be issued to a non-party pursuant to Commission Rule 40 it must be shown to be necessary and the NPOs have failed to make such a showing. ELL argued that the NPOs are attempting to shift the burden when they have not made a prima-facie showing.

Commission Staff

In its initial comments, the Commission Staff emphasizes that while the Commission has the authority to issue the requested subpoena, it should exercise caution in doing so. Further, the Commission Staff declined to take a position on the merits of the subpoena, but advised that it would file an additional brief on or before the reply deadline after reviewing any opposition filed by any other party. After reviewing ELL's Opposition, Commission Staff advised against the issuance of the subpoena, stating that the NPOs failed to meet the requirements of Commission Rule 40 for each of the five categories of document requests.

Specifically, with regard to Request No. 1, the Commission Staff finds the request to be facially deficient because it includes a request regarding economic investment that was not previously sought through written discovery to ELL. Staff further argues that information regarding economic investment is not necessary to resolve the issues before the Commission, because the Commission is not required to consider economic development in its public interest determination. The Commission Staff nevertheless goes on to implore ELL to produce any such data that it has as soon as possible.

With regard to Request No. 2, Commission Staff agrees that information about the electric load required is important; however, it does not agree with the NPOs that ELL provided insufficient information in this regard. With regard to Request No. 3, Commission Staff says this information was already provided by ELL. When confronted at oral argument with the NPOs' argument that the load factor data did not address everything sought in the request, Commission Staff Counsel stated that maybe that request could be more narrowly tailored, but it was not and therefore should be denied.

With regard to Request No. 4, Commission Staff says ELL would have possession of the same communications that Meta would have, but the same request was not made to ELL. And while information regarding the sustainability agreement is relevant, the NPOs didn't ask about specific provisions but rather information discussing the agreement as a deciding factor which is not necessary to the decision. Further, Commission Staff agrees with ELL that the Sustainability Agreement itself proves the commitment. Commission Staff points out that ELL also provides citation to a 73-page report that is publicly available.

With regard to Request No. 5, Commission Staff argues that while the financial viability of Meta is a relevant and important issue, the requested subpoena is unnecessary. Rather, Commission Staff avers that the requested subpoena will more likely harass and inconvenience the Customer than lead to usable and probative data in this proceeding. Further, according to Commission Staff, information regarding Meta's financial metrics are already in the public domain in filings with the U.S. Securities and Exchange Commission ("SEC"), and in Meta's credit ratings assigned by credit rating agencies. Commission Staff argues that the NPOs fail to explain how they will use the information in a more reliable or accurate way than has been done by the rating agencies and in the pre-filed testimonies of ELL witnesses Kidd and Hinkson. In addition, Commission Staff argues, the ESA has protection mechanisms to ensure that any financial concerns are met with requirements for additional collateral.

At the oral argument, the Commission Staff advised against the issuance of the subpoena in order to protect the integrity of the process, arguing that the Commission Staff has standing to weigh in on the threshold determination of whether the Commission Rule 40 standards have been met, and that the NPOs failed to provide sufficient justification for the information sought in the subpoena. Commission Staff was also not persuaded by the NPOs' arguments that some of the information in the record is incomplete and would be served by the issuance of the subpoena. Like ELL, Commission Staff acknowledged that the NPOs cured the defect in the original filing insofar as the verification was filed; however, Commission Staff continued to oppose the issuance of the subpoena on the merits of the requests.

Discussion

ELL's Application was filed pursuant to the Commission's Lightning Initiative approved at the December 17, 2025 Business and Executive Session. The Minute Entry provides as follows:

> ***LPSC Lightning Amendment to the General Order***
>
> *To support the Governor's initiative and ensure utilities can meet the power needs of new and expanding load, I request that the Louisiana Public Service Commission adopt the following regulatory pathway:*
>
> *1. The requirements of General Order 10-14-2024 (R-34247) are considered waived for a proposed capacity addition where the following factors are demonstrated and proven in the certification proceeding:*
>
> *a. A signed electric service agreement ("ESA") with a new or expanding load with a requested initial in-service date within five years of the certification application;*
>
> *b. Without the proposed capacity, the utility is projected to be short of the energy or capacity needed to meet the customer's electric requirements on the requested in- service dates;*
>
> *c. A letter from the Secretary of Louisiana Economic Development confirming the customer's interest and the importance of power availability within the five-year initial in-service date;*

d. The ESA has a term of at least 15 years, with an option to renew; and

e. The ESA ensures a level of fixed revenue over the term of the ESA that will cover at least one-half of the fixed revenue requirement associated with the requested capacity during the term of the customer ESA.

2. Further, for any certification proceeding that is filed consistent with the requirements of this directive, I direct Staff to take reasonable steps to ensure that those applications are reviewed and processed on a timely basis, including retention of counsel and consultants as necessary, and handling any matters that arise with interventions, with the objective of the Commission being able to vote within 8 months of an application. Any utility seeking to take advantage of this regulatory pathway shall communicate with the Executive Counsel at least 60 days prior to any filing made at the Commission.

3. Nothing herein shall be construed to relinquish the Commission's authority over the proposed capacity additions, including, but not limited to the determination of whether the capacity addition serves the public interest and the prudence of the utility's management of the procurement, construction, or contract administration associated with such capacity additions. Further, nothing herein shall be construed as restricting or limiting any party's participation in a certification proceeding that is filed pursuant to this directive.

At a status conference held on April 29, 2026, a procedural schedule was established in accordance with the Lightning Initiative and Commission Order No. U-37882,[4] whereby a hearing will commence on October 7, 2026, and a complete evidentiary record will be compiled for *de novo* consideration by the Commissioners at its December Business and Executive Session.

The Lightning Initiative and Commission Order No. U-37882 require a careful weighing of the interests of the NPOs, as intervenors in the proceeding, and Meta, parent and guarantor of the Customer, as a non-party to this proceeding, but an active participant in Project Evest. ELL and Commission Staff emphasized Meta's status as a non-party in their argument on the Motion, concerned that a precedent could be set where not only will parties attempt to obtain utility

[4] Order No. U-37882 was issued in this proceeding and directs the ALJ to serve as a hearing examiner without the issuance of a formal recommendation.

customer information but will discourage business investments in the State. While this may be a valid concern, the Commission considers each case on its own merits and in this instance, Meta has created the need for the additional resources at issue, which are larger in scale than any previous request before this Commission. The Commission has an interest in ensuring that Project Evest is in the public interest and that ratepayers are protected, without concern that it may create a window for parties to harass ordinary utility customers with requests for information that are unnecessary.

As a preliminary matter, this ruling will address the NPOs' challenge to the standing of ELL and Commission Staff to oppose the issuance of the subpoena. Initially, it should be noted that the state court case cited by the NPOs did not reach the issue of whether there was standing to move to quash the subpoenas at issue.[5] Even if we were to find *Arnauld* or any of the federal cases cited in the Motion applicable, however, this ruling is not on a motion to quash, but rather, a motion to issue a subpoena in the first instance. This Tribunal requested comments and opposition from the parties, and ELL and Commission Staff responded to that request. Therefore, we find this argument without merit.

Both ELL and Commission Staff argue that the requested subpoena fails to meet the requirements of Commission Rule 40(B). Commission Rule 40(B) requires that the requested subpoena seek "relevant material and necessary and that the production of such books, papers, accounts or documents will not result in unnecessary harassment, imposition, or undue

[5] In *Arnauld*, the plaintiff in a motor vehicle accident case sought to subpoena a broad swatch of financial and employment records of the defendant, after a defense verdict, on a motion for a judgment notwithstanding the verdict, to show juror misconduct. The trial judge in that matter determined that there was no juror misconduct, that the evidence in the record, consisting of affidavits and communications evidencing that there was no relationship between the defendant and the juror was sufficient, and that it would be unnecessary to obtain such information "to prove what had already been proven". *Arnauld* at 105.

inconvenience or expense to the party to be required to produce the same". After considering all of the arguments of the parties, we find that the requested subpoena meets Rule 40(B) and in some respects, and fails in others. It is important to note, however, that this ruling is, as the Commission Staff characterized it, a threshold determination in whether to issue a subpoena. It does not consider all of the arguments of Meta, as they are not a party, have not made an appearance in this case, and have not been served with the subpoena. As such, they maintain any objection that they may have as to any burden that these requests may impose, consistent with Louisiana Code of Civil Procedure, and will bear the burden of proof on a motion to quash or motion for protective order, should they object to providing the requested information, as modified by this ruling.

<u>Request No. 1</u>

Analyses data, reports, calculations, and/or evidence which demonstrate the level of investment and permanent job creation expected to be entailed by the Richland Data Center.

With regard to Request No. 1, the Motion is **granted.** While it is generally true that the Commission often performs only a limited review of societal economic benefits associated with utility investments, Project Evest is not a typical utility investment. Special procedures have been specifically implemented for this and similar projects due to the economic benefits and job creation they bring to Louisiana, as is evidenced by EO 26-058 and the Commission's Lightning Initiative. Neither ELL nor Commission Staff have offered any convincing argument as to why this information will be burdensome for Meta to produce. ELL makes a cursory allegation that the request is overly broad and would potentially require "large volumes of documents", but if this is true, it begs the question why these documents should not be provided. This data is relevant to the Commission's public interest determination in this matter, and to the extent that there is responsive data that has not previously been provided, it should be provided in order to complete the evidentiary record in this matter.

Request No. 2

Analyses, data, reports, calculations, and/or evidence which substantiate the amount of electricity load the Richland Data Center will need.

With regard to Request No. 2, the Motion is **granted.** ELL and Commission Staff argue that the ESA guarantees are sufficient evidence of Project Evest's electric load. And while they may have an argument for why the Commission should find that to be the case, a full evidentiary record requires substantiation of the data upon which ELL has relied, and allowing the Commission to make a determination based on all needful and proper evidence, taking the parties' arguments regarding the sufficiency of the evidence into consideration at the appropriate time. For a project of this magnitude, the Tribunal would be remiss to advise the Commission to skip over the first step in its two-fold analysis when considering the addition of electric resources. That is, the Commission considers first whether there is a need for the additional resources. If there is a need, the Commission then determines whether the process used to meet that need is reasonable and in the public interest.[6]

Further, NPOs are entitled to present their own case and are entitled to obtain information reasonably calculated to lead to the discovery of admissible evidence in accordance with Louisiana Code of Civil Procedure article 1422 and the Commission's Lightning Initiative. The need for capacity is a specific requirement of paragraph 1(b) of the Commission's Lightning Initiative, as stated above, as well as a preliminary consideration in Commission proceedings requesting

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[6] See Commission Order No. U-35927, citing Entergy Louisiana, LLC, Entergy Gulf States Louisiana, L.L.C. & Entergy Louisiana Power, LLC, No. U-33770, 2016 WL 7337362, at *13 (Dec. 14, 2016).

approval of electric resources. Therefore, the request for any document substantiating the amount of the electricity load underlying the Application is relevant and necessary to a full evidentiary record.

Request No. 3

Analyses, data, reports, calculations, and/or evidence providing the Richland Data Center's load factor and expected load variability over time: including daily, weekly and monthly load variability.

This request and the information thus far provided was argued at length during the oral argument. After hearing the arguments of Counsel and reviewing the discovery responses attached to ELL's Opposition, The Tribunal finds that sufficient data has been provided with respect to this request, and to the extent that additional assumptions are sought by the NPOs, they have the ability to manipulate the data and reach their own conclusions. Therefore, this request is **denied.**

Request No. 4

A copy or records of any communications between Meta and ELL discussing the Sustainability Agreement as a relevant factor for the Customer in deciding to move forward with building a data center in Louisiana.

Having considered the arguments of the parties and finding no probative value in this request, this request is **denied.**

Request No. 5

Information on the location, amount, and nature of assets held by Meta Platforms, Inc., sufficient to fulfill its obligations under the Guaranty; and information on other guaranties Meta has made to other electric utilities.

This Tribunal agrees with arguments of the Commission Staff and ELL that it is reasonable to rely on Meta's public disclosures before the SEC and credit rating agencies and therefore, this request is unnecessary and is therefore, **denied.**

Conclusion

The Motion is granted with respect to Requests 1 and 2, above, and denied with respect to requests 3-5. A Subpoena will be issued in accordance with the ruling and will have a return date of July 20, 2026.

Baton Rouge, Louisiana, this 10th day of July, 2026.

Melanie Verzwyvelt
Chief Administrative Law Judge

cc: Official Service List

Louisiana Public Service Commission
Administrative Hearings Division
11th Floor, Galvez Building
602 North Fifth Street
Post Office Box 91154
Baton Rouge, Louisiana 70821-9154
Telephone (225) 219-9417

LOUISIANA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE HEARINGS DIVISION

DOCKET NUMBER U-37882

ENTERGY LOUISIANA, LLC, EX PARTE

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

SUBPOENA FOR PRODUCTION OF DOCUMENTS

To: Meta Platforms, Inc.,
through its agent for service of process:
Corporation Service Company
450 Laurel Street, 8th Floor
Baton Rouge, Louisiana 70801

GREETINGS:

YOU ARE HEREBY COMMANDED TO PRODUCE, as requested by Susan Stevens Miller, attorney for the Alliance for Affordable Energy and the Union of Concerned Scientists, at the place set forth below, on or before

Monday, July 20, 2026

The following documents and evidence:

1. Analyses, data, reports, calculations, and/or evidence which demonstrate the level of investment and permanent job creation expected to be entailed by the Richland Data Center.

2. Analyses, data, reports, calculations, and/or evidence which substantiate the amount of electricity load the Richland Data Center will need.

Place: Susan Stevens Miller, 1250 Eye Street NW, Floor 4, Washington, DC 20005 (no appearance is necessary)

AND HEREIN YOU ARE NOT TO FAIL UNDER PENALTY OF LAW.

**BY ORDER OF
THE LOUISIANA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE HEARINGS DIVISION**

Baton Rouge, Louisiana, this 10th day of July, 2026.

Melanie Verzwyvelt
Chief Administrative Law Judge

$25 Check #1136479 Recvd EMB 7/15/26

NELSON MULLINS

Weston Adams, III
Attorney
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CC: MV/LE

LA PUBLIC SERVICE COMM
JUL 15 2025 AM 11:06

July 14, 2026

Via Facsimile 225-342-0877 and FedEx Overnight Delivery

Ms. Krys Abel
Business Technology Supervisor
Louisiana Public Service Commission
Galvez Building, 12th Floor, 602 North Fifth Street
Baton Rouge, Louisiana 70802

RE: Application for Certification of Generation and Transmission Resources and for Other Relief
LPSC Docket No. U-37882

Dear Ms. Abel:

Enclosed please find an original and three copies of the **Non-Party Meta Platforms, Inc.'s Motion for Immediate Review of Interlocutory Ruling and Memorandum of Law in Support Thereof**. A check for $25.00 is also enclosed to cover the fax filing fee. Please retain the original and two copies for your file and return a stamped copy to me in the enclosed, self-addressed envelope.

Very truly yours,

Weston Adams, III

Weston Adams, III

WA: kkh
Enclosure

cc: Official Service List U-37882 (via electronic mail)

BEFORE THE LOUISIANA PUBLIC SERVICE COMMISSION

ENTERGY LOUISIANA LLC, ex parte ***IN RE*: APPLICATION FOR CERTIFICATION OF GENERATION AND TRANSMISSION RESOURCES AND FOR OTHER RELIEF**	**DOCKET NO. U-37882**

NON-PARTY META PLATFORMS, INC.'S MOTION FOR IMMEDIATE REVIEW OF INTERLOCUTORY RULING AND MEMORANDUM OF LAW IN SUPPORT THEREOF

NOW BEFORE THE COMMISSION, through its undersigned counsel, comes Meta Platforms, Inc. ("Meta"), a non-party to the above-captioned proceeding appearing in a limited capacity, which seeks a Motion for Immediate Review of Interlocutory Ruling pursuant to Commission Rule 57. Specifically, Meta requests immediate review of the Tribunal's *Ruling on Motion for Subpoena for the Production of Documents* ("Subpoena Ruling") dated July 10, 2026. The Subpoena Ruling is in response to the *Motion for Subpoena for the Production of Documents* ("Subpoena Motion") filed by Intervenor Alliance for Affordable Energy and Intervenor Union of Concerned Scientists (together, the "NPOs"). The Tribunal erred in its ruling by failing to follow the procedure outlined in Commission Rule 40, concluding the Subpoena Requests 1 and 2 were relevant and necessary and not unreasonable, oppressive, or unduly burdensome. Further, disclosure of the trade secrets and commercially sensitive information requested in the Subpoena will cause irreparable injury to Meta and necessitate this Motion given the highly competitive and rapidly growing artificial intelligence ("AI") economic sector. Meta respectfully requests the Commission immediately review and reverse this Subpoena Ruling and vacate the Subpoena or, in the alternative, requests the Tribunal exercise its power to reconsider the ruling under Rule 57(5) and withdraw the Subpoena.

WHEREFORE, for the reasons set forth in this Motion and the accompanying Memorandum of Law, Meta respectfully requests that:

1. the Tribunal forward this Motion and Memorandum of Law to the Commission for immediate review in accordance with Rule 57;
2. the Commission immediately review the Tribunal's *Ruling on Motion for Subpoena for the Production of Documents* dated July 10, 2026;
3. the Commission reverse the Tribunal's ruling and vacate the Subpoena;
4. in the alternative, the Tribunal treat this motion as a motion for reconsideration of its ruling and withdraw the Subpoena.

Respectfully Submitted,

BY: Weston Adams, III

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Attorneys for Non-Party Meta Platforms, Inc.

BEFORE THE LOUISIANA PUBLIC SERVICE COMMISSION

ENTERGY LOUISIANA LLC, ex parte ***IN RE*: APPLICATION FOR CERTIFICATION OF GENERATION AND TRANSMISSION RESOURCES AND FOR OTHER RELIEF**	**DOCKET NO. U-37882**

MEMORANDUM OF LAW IN SUPPORT OF THE MOTION FOR IMMEDIATE REVIEW OF INTERLOCUTORY RULING

I. INTRODUCTION

In accordance with Rule 57(1) of the Commission's Rules of Practice and Procedure, Meta Platforms, Inc. ("Meta"), a non-party to the above-captioned proceeding ("Proceeding") appearing in a limited capacity, hereby submits the following Memorandum of Law in support of its *Motion for Immediate Review of Interlocutory Ruling*.

Meta seeks immediate review of the Tribunal's *Ruling on Motion for Subpoena for the Production of Documents* ("Subpoena Ruling") issued on July 10, 2026. The Subpoena Ruling is in response to the *Motion for Subpoena for the Production of Documents* ("Subpoena Motion") filed by Intervenor Alliance for Affordable Energy and Intervenor Union of Concerned Scientists (together, the "NPOs") on June 30, 2026. This Subpoena Ruling commands Meta, a non-party to this Proceeding, to produce documents to counsel responsive to the NPOs' Requests 1 and 2 by July 20, 2026:

1. Analyses, data, reports, calculations, and/or evidence which demonstrate the level of investment and permanent job creation expected to be entailed by the Richland Data Center.

2. Analyses, data, reports, calculations, and/or evidence which substantiate the amount of electricity load the Richland Data Center will need.[1]

[1] The Tribunal's Subpoena Ruling granted the NPOs' Subpoena Motion with respect to Requests 1 and 2 and denied with respect to Requests 3-5.

The Subpoena Ruling does not demonstrate compliance with the requirements governing third-party discovery under Rule 40. Most significantly, the Ruling compels disclosure of commercially sensitive and trade secret information that, once produced, cannot be reclaimed. The requested documents concern highly sensitive commercial, operational, and financial information belonging to Meta and its affiliates and would require substantial effort to identify, collect, review, and evaluate for production. Immediate review is therefore warranted.

As discussed below, the NPOs failed to establish good cause for the requested discovery, the Subpoena is unreasonable, oppressive, and unduly burdensome, and the compelled disclosure of Meta's confidential business information would cause irreparable injury. Accordingly, the Commission should immediately review and reverse the Subpoena Ruling and vacate the Subpoena.

II. LAW AND ARGUMENT

a. Standard of Review

Rule 57 of the Commission's Rules of Practice and Procedure allows a party[2] to file a motion for immediate review of the Tribunal's ruling within ten days of the issuance of the ruling. The motion must include a legal memorandum that "specifies the alleged errors in the ruling" and demonstrates the interlocutory ruling will result in "irreparable injury" to the moving party. Any party opposing the motion then has ten days from the date of filing to file an opposition. Thereafter, the Administrative Law Judge ("ALJ") must forward the motion to the LPSC for placement on its agenda for review, together with the memoranda in support and opposition, and any written comment offered by the ALJ. Alternatively, the ALJ may treat the motion for immediate review as

[2] Meta reiterates that it is not a "party" to this Proceeding and responds to this Ruling only to the extent it relates to the Subpoena it received as a non-party.

a motion for reconsideration and may withdraw or modify the interlocutory ruling in response to the motion. Rule 57 further provides that "the mere filing of a motion for immediate review shall not stay the interlocutory ruling and shall not interrupt, delay or interfere" with the proceeding, provided however that "pending a ruling by the Commissioners on the motion for immediate review, the [ALJ] may, upon motion, grant a stay of the interlocutory ruling upon a finding of good cause." Meta has concurrently filed a *Motion for Stay Pending Immediate Review of Interlocutory Ruling.*

b. The Tribunal Did Not Comply with Commission Rule 40.

i. Determination of Secretary of the Commission

The Tribunal did not comply with the requirements for a subpoena outlined in Rule 40 of the Commission's Rules of Practice and Procedure. Rule 40 allows the Commission to subpoena "the production of books, papers, accounts or documents at a hearing in a pending proceeding . . . upon the written motion of a party showing that there is good cause for the issuance of same." When a party requests a subpoena for the "production of books, papers, accounts or documents[,]" the Secretary of the Commission "shall determine that the matter sought is relevant material and necessary and that the production of such books, papers, accounts or documents will not result in unnecessary harassment, imposition, or undue inconvenience or expense to the party to be required to produce the same."

Here, the Tribunal's Ruling granting the subpoena does not provide any determination by the Secretary of the Commission explaining 1.) why the material is relevant and necessary and 2.) why the production will not result in unnecessary harassment, imposition, or undue inconvenience or expense to Meta. The Ruling's lack of explanation from the Secretary does not comply with the requirements of Rule 40.

ii. Material Alleged to be of a Trade Secret or Confidential Nature

Rule 40 further provides that "[n]o subpoena shall issue for material alleged to be of a trade secret or confidential nature unless it be shown after hearing of arguments on the same that no other alternative, such as a protective order, will accomplish a result consistent with the interests of all parties and the public." (emphasis added). Louisiana's Uniform Trade Secrets Act defines a "trade secret" as "information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (a) derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use, and (b) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."[3]

Here, the information requested in the NPOs' subpoena constitutes trade secrets or is otherwise confidential. The AI industry continues to be the fastest growing economic sector globally and is subject to extremely high-stakes, resource-intensive competition between industry players. As a result, the "analyses, data, reports, calculations, and/or evidence" underlying Meta's AI strategy have significant "economic value," including information regarding its data center processes, procedures, and power procurement strategy. Meta would suffer immense harm if this data were made public and Meta's competitors were able to use it for their advantage.

Although Meta's efforts to "maintain its secrecy" are stringent, they are "reasonable under the circumstances" given the economic landscape for AI expansion. For example, Request No. 1 seeks analyses, data, reports, and calculations regarding the anticipated investment and job creation associated with the Richland Data Center. Potentially responsive materials would include proprietary economic modeling, workforce-planning analyses, investment projections, and

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[3] La.R.S. 51:1431(4).

operational assumptions that reveal Meta's strategic business plans, anticipated operations, and competitive strategy. Disclosure would provide competitors with valuable insight into Meta's investment planning and cause competitive harm. Request No. 2 seeks analyses, data, reports, and calculations substantiating the Richland Data Center's electricity-load requirements. Potentially responsive materials would reflect proprietary engineering analyses, technical specifications, and operational models that reveal confidential information regarding the facility's design, capacity, configuration, and operation. Disclosure would provide insight into Meta's data center infrastructure and operational capabilities, resulting in competitive injury and disclosure of trade-secret information Given the importance of power supply to AI data centers and the active scouting other AI companies are undertaking in various states for generation resources, any insight into Meta's commercially sensitive materials regarding level of investment and ability to secure electrical load from ELL would create irreparable hardship if disclosed to the public. The materials requested in Request Nos. 1 and 2 should therefore be treated as trade secret and withheld from disclosure.

c. Good Cause Does Not Exist Because the Information Requested in the Subpoena is Not Necessary to Adjudicate the Proceeding.

The Louisiana courts provide additional parameters regarding the issuance and service of a subpoena on a non-party to the pending action. "The Louisiana Supreme Court has noted that a showing of relevancy and good cause has been required where a party seeks production of records from a non-party."[4] To determine good cause, the party requesting issuance of a subpoena must demonstrate that the information is "necessary to determine the issues in dispute."[5]

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[4] *St. Bernard Port, Harbor & Terminal Dist. v. Violet Dock Port, Inc., L.L.C.*, 2014-0286 (La.App. 4 Cir. 8/27/14), 147 So.3d 1266, 1268, *writ denied*, 2014-2019 (La. 10/31/14), 152 So.3d 160.

[5] *Hendricks v. Wells Fargo Ins.*, 2021-0109 (La.App. 4 Cir. 10/27/21), 366 So.3d 376, 379, *writ denied*, 2021-01916 (La. 3/15/22), 333 So.3d 1234.

The information sought in the subpoena is not vital to the Commission's task of determining whether ELL has successfully met its burden to prove the need of the generation requested. Rather, any alleged absence of evidence concerning projected investment, job creation, and anticipated load goes only to the sufficiency and weight of ELL's evidence. The NPOs have the opportunity to test that evidence through cross-examination and briefing. A subpoena compelling production of a utility customer's proprietary is thus not necessary for the Commission to evaluate ELL's Application.

The Tribunal reached this exact conclusion when presented with a substantially similar subpoena directed toward Meta from the NPOs in Docket No. U-37425. In quashing the subpoena in that proceeding, the Tribunal recognized that "ELL has the burden of proving the elements of its Application" and that, "[t]o the extent that it cannot do so, the Tribunal can recommend denial of the Application, or enhanced conditions to protect ELL's ratepayers."[6] The Tribunal further found that the NPOs would "have the opportunity to cross-examine ELL's witnesses and argue their respective positions at the hearing and in post-hearing briefs."[7] Most importantly, the Tribunal concluded that, "[g]iven that ELL has the evidentiary burden, any benefit that may be derived from enforcing this eleventh-hour subpoena is outweighed by the potential harm to Meta, a non-party, as well as to the orderly hearing process."[8]

Those same considerations apply here. If ELL has failed to satisfy its burden, the consequence is that ELL may fail to obtain the relief it seeks—not that a non-party utility customer should be compelled to disclose confidential commercial, operational, and financial information. The Tribunal's Subpoena Ruling does not explain why a different result is warranted despite the

[6] *See* July 10, 2025, *Ruling on Meta Platforms, Inc.'s Motion to Quash Subpoena*, LPSC Docket No. U-37425, at p. 2.
[7] *Id.*
[8] *Id.*

materially similar circumstances presented here. The same concerns identified by the Tribunal in Docket No. U-37425—the availability of cross-examination and other traditional methods of testing ELL's case, the absence of necessity, the burden imposed on a non-party, and the disruption to the orderly hearing process—remain present here and compel the same result.

d. The Subpoena is Unreasonable, Oppressive, and Unduly Burdensome.

Rule 40 allows the Commission to subpoena "the production of books, papers, accounts or documents at a hearing in a pending proceeding . . . upon the written motion of a party showing that there is good cause for the issuance of same." When a party requests a subpoena for the "production of books, papers, accounts or documents[,]" the Secretary of the Commission "shall determine that the matter sought is relevant material and necessary and that the production of such books, papers, accounts or documents will not result in unnecessary harassment, imposition, or undue inconvenience or expense to the party to be required to produce the same."

Separately, Article 1354 of the Louisiana Code of Civil Procedure sets forth procedure regarding the issuance of a *subpoena duces tecum* and requires the "party or attorney requesting the issuance and service of the subpoena . . . take reasonable steps to avoid imposing undue burden or cost on a person subject to that subpoena." Further, the court in which the action is pending may exercise its discretion and "vacate or modify the subpoena if it is unreasonable or oppressive" to the individual subject to the subpoena.[9]

The NPOs seek broad categories of documents from Meta, a non-party, concerning its investment plans and electricity demand. Compelling a non-party to produce proprietary business information is unduly burdensome when discovery among the parties remains ongoing, expert testimony will be offered regarding ELL's Application, and the NPOs retain ample opportunity to

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[9] La.Code Civ.P. art. 1354(A); *Lee v. USAA Cas. Ins. Co.*, 540 So.2d 1083, 1087 (La.App. 1 Cir. 1989), *writ denied*, 542 So.2d 514 (La.1989).

test the reliability and sufficiency of ELL's evidence through cross-examination and briefing. The Tribunal reached the same conclusion in Docket No. U-37425 when it quashed the NPOs' substantially similar subpoena directed to Meta. There, the Tribunal found that any benefit from enforcing the subpoena was outweighed by the potential harm to Meta, a non-party, and to the orderly hearing process.[10] The NPOs again seek broad, sensitive information from Meta, and any potential benefit from the requested discovery is outweighed by the substantial burden imposed on Meta.

e. Meta Will Suffer Irreparable Injury if the Interlocutory Motion is Not Granted Because the Subpoena Requires Disclosure of Trade Secret and Commercially Sensitive Information that Will Likely Reach the Public Domain.

Meta will suffer irreparable injury if it is forced to comply with the Subpoena and produce trade secret and commercially sensitive information to the NPOs. "Irreparable injury occurs in those cases where the error in the ruling cannot, as a practical matter, be corrected on appeal after a trial on the merits."[11] As discussed above in Section II.b.ii, the extremely competitive nature of the AI industry and its exponential growth instill significant "economic value" in Meta's information regarding its data center processes, procedures, and power procurement strategy. Meta would suffer immense harm if this data were disclosed to the public and Meta's competitors were able to use it for their advantage.

Further, there is particular concern in providing this information to the NPOs, even under the scope of a protective order or otherwise in a limited capacity. The NPOs participate in utility dockets across the United States and actively intervene in other proceedings involving projects that supply power to Meta's projects. The NPOs are also active in the press, social media, and

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[10] *See* July 10, 2025, *Ruling on Meta Platforms, Inc.'s Motion to Quash Subpoena*, LPSC Docket No. U-37425, at pp. 2-3.
[11] *Eastin v. Entergy Corp.*, 97-1094 (La.App. 5 Cir. 4/15/98), 710 So.2d 835, 837.

other public forums.[12] While Meta does not seek to impede the NPOs right to express their thoughts and concerns regarding this project or other projects, it believes that releasing the requested information in the Subpoena may very well lead to disclosure of some or all of this information to the public or used against it in other state utility proceedings. The resulting economic implications and competitive disadvantage "cannot, as a practical matter, be corrected on appeal after a trial on the merits[,]" and is in essence irreversible.[13]

III. CONCLUSION

WHEREFORE, for the reasons set forth in this Motion and Memorandum, Meta respectfully requests that:

1. the Tribunal forward this Motion and Memorandum of Law to the Commission for immediate review in accordance with Rule 57;
2. the Commission immediately review the Tribunal's *Ruling on Motion for Subpoena for the Production of Documents* dated July 10, 2026;
3. the Commission reverse the Tribunal's ruling and vacate the Subpoena;
4. in the alternative, the Tribunal treat this motion as a motion for reconsideration of its ruling and withdraw the Subpoena.

Respectfully Submitted,

BY: Weston Adams, III

Weston Adams, III (S.C. Bar No. 64291)

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[12] *See, e.g.*, Alliance for Affordable Energy, "Meta Demands More Energy & Entergy Plans for More Gas-Fired Power" (April 7, 2026), https://www.all4energy.org/watchdog/meta-demands-more-energy/ (last accessed July 6, 2026); Union of Concerned Scientists, "Louisiana Regulators Fast-Track Proposal Tripling Number of Gas Plants to Power Massive Meta Data Center" (April 15, 2026), https://www.ucs.org/about/news/louisiana-regulators-fast-track-7-gas-plant-proposal-meta-data-center (last accessed July 6, 2026).

[13] *Eastin*, 710 So.2d at 837.

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Attorneys for Non-Party Meta Platforms, Inc.

CERTIFICATE OF SERVICE
LPSC Docket No. U-37882

I hereby certify that I have certified copies of the foregoing pleading upon all other known parties of this proceeding, by electronic mail and/or overnight delivery.

Columbia, South Carolina, this 14th day of July, 2026.

Weston Adams, III

Weston Adams, III

BEFORE THE LOUISIANA PUBLIC SERVICE COMMISSION

ENTERGY LOUISIANA LLC, ex parte	
IN RE*: APPLICATION FOR APPROVAL OF GENERATION AND TRANSMISSION RESOURCES AND FOR OTHER RELIEF PURSUANT TO THE COMMISSION'S *LIGHTNING INITIATIVE	**DOCKET NO. U-37882**

THE ALLIANCE FOR AFFORDABLE ENERGY AND UNION OF CONCERNED SCIENTISTS' OPPOSITION TO META PLATFORMS, INC'S MOTION FOR IMMEDIATE REVIEW OF INTERLOCUTORY RULING AND RESPONSE TO THE TRIBUNAL'S QUESTIONS RAISED IN THE JULY 16, 2026 NOTICE

Pursuant to the July 16, 2026 Notice issued by Chief Judge Melanie Verzwyvelt, the Alliance for Affordable Energy and the Union of Concerned Scientists ("Non-profit Organizations" or "NPOs") respectfully submit this Opposition to the Motion for Immediate Interlocutory Review filed by Meta Platforms, Inc. ("Meta").[1] The NPOs strongly oppose the motion because 1) as a non-party, Meta lacks standing to move for immediate review pursuant to Rule 57 or request rehearing; 2) action by the Commission Secretary is not necessary in this instance; 3) Meta cannot establish the irreparable harm necessary to support the Motion; 4) the request for information that may be a trade secret or confidential does not render the subpoena invalid; 5) the NPOs have demonstrated good cause to obtain the information; and 6) Meta has

[1] Non-Party Meta Platforms, Inc. Motion for Immediate Review of Interlocutory Ruling ("Motion"). In the alternative, Meta also requests that the Tribunal reconsider the ruling under Rule 57(5). Motion at 1. The NPOs also will address this request in this Opposition.

failed to establish that responding to the subpoena is unreasonable, oppressive, and unduly burdensome.

I. BACKGROUND

The above-captioned matter involves an application by Entergy Louisiana, LLC ("ELL" or "Entergy" or "Company") wherein ELL seeks approval of new generation and transmission resources to serve new load from a data center that Evest LLC[2] (the "Customer") is planning to develop in Richland Parish, Louisiana (hereinafter, the "Richland Data Center").[3] Specifically, ELL proposes to construct four combined-cycle combustion turbine ("CCCT") electric generating units near the Customer's Richland Data Center and three additional CCCTs in the Pointe Coupee area (collectively, the "Proposed Generators").[4] ELL asks the Commission to approve treatment of the Proposed Generators as system resources for the benefit of all customers, rather than resources constructed for the benefit and use of a specific customer.[5] ELL's prayer for relief also includes a number of requests, including findings related to transmission facilities, approval of a sustainability agreement with the Customer, and certain rate-making requests.[6]

Thus, in this Application, ELL is proposing well over $14 billion of generation and transmission resources that would ultimately be a part of ELL's rate base. ELL estimates that

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[2] Evest LLC is a subsidiary of Meta Platforms, Inc. (Direct Testimony of Thomas Kidd at 17:5). Evest LLC is the only entity listed as the "Customer."

[3] Application at 1. This newly proposed data center is separate from the other Richland Parish data center also being developed by Meta, which was the subject of last year's Docket No. U-37425.

[4] Application at 4, 15.

[5] Application at 27-28.

[6] *Id.* 3, 4, 5, 6.

the four CCCTs near the Richland Data Center would cost over $7 billion combined[7]; the CCCTs near Pointe Coupee would cost nearly $6 billion; and the new transmission assets would cost well over $1 billion.[8] Ratepayers will also be expected to pay operations and maintenance expenses for the generation resources. As stated by Commission Staff, "ELL's application seeks an unprecedented increase in ELL's load-serving resources and new investment of more than $14 billion dollars.[9]"

Throughout the Application and accompanying testimony, ELL makes assertions that various aspects of the proposal demonstrate that approval of the Application would be in the public interest. ELL's argument relies upon the following assertions:

1. "While the Company is not privy to the Customer's ultimate investment expectations, the Project is expected to bring billions of dollars in additional investment to Richland Parish and Northeast Louisiana";[10]
2. "Based on Meta's public disclosures concerning its plans, Richland Parish and its surrounding region—as well as the State of Louisiana as a whole—can expect to see significant, long-term economic benefits and investment from both the Laidley [data center] project [the subject of last year's Docket No. U-37425] and Project Evest.";[11] and
3. The Richland Data Center is anticipated to require a substantial amount of reliable power.[12] ELL will require 5,278 megawatts of new baseload generation[13] to serve the Richland Data Center's demand at a certain (confidential) megawatt level;[14]

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[7] Direct Testimony of Laura Beauchamp at 90:1-2.

[8] *Id.* at 91:7-8.

[9] Comments of the Louisiana Public Service Commission Staff on the NPO Motion for Subpoena for the Production of Documents at 2.

[10] Direct Testimony of Phillip R. May at 55:17-19.

[11] Direct Testimony of Laura K. Beauchamp at 8:11-14.

[12] Application at 6.

[13] Application at 15.

[14] Direct Testimony of Phillip R. May at 25:21.

ELL also relies upon a variety of "commitments" from the Customer to support its Application, but when asked for details about each of those commitments, ELL's response is not only invariably that the Company doesn't know, but that the information was obtained from Meta. Similarly, ELL also makes assertions regarding the Customer's energy needs. However, when asked for information regarding how those needs were developed, ELL once again cannot provide any information and asserts that the information was obtained from Meta. The Company's testimony simply parrots unsubstantiated assertions from the Customer.

The assertions which ELL cannot substantiate include:

1. ELL's claim that the new Customer Project "is expected to bring billions of dollars in additional investment to Richland Parish and Northeast Louisiana"[15] appears based only on the Company's guesswork: ELL admits that it "is not privy to the Customer's ultimate investment expectations" and draws inferences about the Customer's plans only insofar as "it stands to reason" that such hunches must be right.[16] Although ELL "does not have a job estimate specific to Project Evest,"[17] its assertions of "economic benefits resulting from the Project itself"[18] are concededly "based on Meta's public disclosures."[19]

2. With regard to the Customer's requested maximum demand in megawatts, ELL declined to provide any documentation, analyses, or studies that support the Customer's need for a specific amount of power, instead pointing to the demand level that the Customer has contracted for.[20]

3. Regarding the Customer's expected load factor, Entergy claimed in testimony that the Customer will have an "around-the-clock" energy usage profile, apparently relying on bare assertions from the Customer of its intended or

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[15] Direct Testimony of Phillip R. May at 55:18-19.

[16] Application at 5.

[17] ELL Response to AAE DR 1-5. Data request responses cited in this Motion are contained in **Attachment A**.

[18] Direct Testimony of Phillip R. May at 56:3.

[19] Direct Testimony of Laura K. Beauchamp at 8:11-12.

[20] Direct Testimony of Phillip R. May at 25:21-22; Direct Testimony of Troy R. Heytens at 6:7-9; ELL Responses to AAE DR 1-7, AAE DR 2-7, NPO DR 3-5.

> expected power factor and load factor.[21] Entergy stated that "this Customer's load is so large, and its load factor is so high, that, even if Project Evest were proposed to be built in another part of ELL's electrical system, ELL would still need to build all seven CCCTs and Battery Storage Facilities to cover the Customer's capacity and energy requirement." Asked for studies and analyses to support this statement, Entergy referred back to an Excel workpaper accompanying its direct testimony but provided no documentation from the Customer.[22]

Thus, ELL lacks information on these issues and through discovery has identified Meta as the entity which has the information on the intended economic investment and benefits and the load needed for the Richland Data Center. ELL's reliance on Meta's public statements in response to discovery requests demonstrates that ELL believes that responses to questions regarding investment and jobs and necessary load reside with Meta.

On June 30, 2026, the NPOs filed a Motion for Subpoena, seeking production of documents from Meta. Specifically, the NPOs requested that the ALJ issue a subpoena ordering Meta to produce documents concerning 1) the level of investment and permanent job creation expected to be entailed by the proposed Richland Data Center; 2) the amount of electricity load the Richland Data Center will need; 3) the data center's load factor and expected load variability over time; 4) communications between Meta and ELL discussing the Sustainability Agreement as a relevant factor for the Customer in deciding to move forward with building a data center in Louisiana; and 5) information on the assets held by Meta sufficient to fulfill its obligations under the Guaranty; and information on other guaranties Meta has made to other electric utilities.

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[21] Direct Testimony of Nicholas W. Owens at 4:16; ELL Response to NPO DR 3-15.

[22] ELL Response to NPO DR 3-9.

Also on June 30, 2026, ELL filed a letter "noticing" its opposition and requesting briefing and hearing. Chief Administrative Law Judge Melanie Verzwyvelt issued a notice of opportunity to file response to the Subpoena and set a date for oral argument. Commission Staff and ELL filed in opposition to the Motion and the NPOs filed a reply. Subsequent to the hearing on the Motion, Chief Administrative Law Judge Melanie Verzwyvelt ("ALJ") issued a ruling granting in part the Motion for Subpoena. The ALJ granted the motion with regard to the following requests:

1. Analyses, data, reports, calculations, and/or evidence which demonstrate the level of investment and permanent job creation expected to be entailed by the Richland Data Center; and
2. Analyses, data, reports, calculations, and/or evidence which substantiate the amount of electricity load the Richland Data Center will need.

On July 14, 2026, Meta filed a Motion for Immediate Review of Interlocutory Ruling, a Motion to Quash Subpoena, and Motion for Stay Pending Immediate Review of Interlocutory Ruling. Also on July 14, 2026, the ALJ granted the Motion for Stay until the motions can be considered. On July 16, 2026, the ALJ issued a notice of procedural schedule setting dates for responsive filings as well as a hearing date. In addition, the ALJ directed any memoranda filed also should address the following issues:

1. Meta's standing to move for immediate review pursuant to Rule 57;

2. Whether the Subpoena Motion should have been denied due to a lack of action by the Commission Secretary;

3. The effect of a ruling denying the Motion to Quash on the Motion for Immediate Review;
4. The effect of a ruling granting the Motion to Quash on the Motion for Immediate Review; and

5. Whether the Motion to Quash and Motion for Immediate Review should remain distinct for the purposes of the record on appeal.

II. ARGUMENT

A. Meta Lacks Standing to Move for Immediate Review Pursuant to Rule 57 or Request Rehearing

A request for review of an interlocutory ruling is governed by the Commission's Rules of Practice and Procedure Rule 57 ("Rule 57"). Rule 57 provides in pertinent part:

> Any *party* may apply for immediate review of an interlocutory ruling, which may be obtained only upon a showing of irreparable injury, as defined in Louisiana jurisprudence. The procedure for such a request is as follows:
>
> (1) Within ten (10) days of the issuance of the interlocutory ruling, a *party* may file with the Administrative Hearings Division a motion for immediate review of the ruling. The motion must be accompanied by a legal memorandum which specifies the alleged errors in the ruling, with supporting legal authority, and sets out the grounds and authority for the moving party's claim that the interlocutory ruling will result in irreparable injury.

(emphasis added)

The statutory and jurisprudential rules for statutory construction and interpretation apply equally as well to rules and regulations. *LaMartina v. Louisiana Patient's Compensation Fund*, 2007-2281, p.8 n.5 (La. App. 1st Cir. 7/21/08), 993 So.2d 249, 253 n. 5. Thus, the Tribunal should consider the following statutory interpretation rules to determine whether Rule 57 provides Meta standing to move for immediate review.

The starting point for the interpretation of any statute is the language of the statute itself. *Id.*, 2007-2281 at p. 7, 993 So.2d at 253. When a statute is clear and unambiguous and its application does not lead to absurd consequences, the statute must be applied as written and no further interpretation may be made in search of the intent of the legislature. La. Civ. Code art. 9. *See also*, La. R. S. 1:3: "When the wording of a Section is clear and free of ambiguity, the letter of it shall not be disregarded under the pretext of pursuing its spirit." The words of a rule must be given their generally prevailing meaning. La. Civ. Code. art. 11.

Applying these interpretation principles to Rule 57, the Tribunal must reach the conclusion that *only a party* has standing to move for immediate review of an interlocutory ruling. Rule 57 is clear and free of ambiguity; thus, the Rule must be given effect as written. *See, e.g., Hebbler v. New Orleans Fire Dept.*, 310 So.2d 113, 115 (La SCT. 1975). Only by violating the rules of statutory interpretation and choosing to give the word "party" a meaning beyond its generally prevailing meaning can the Tribunal determine that Rule 57 applies to Meta.

These same principles and discussion set forth above should be applied to find that Meta lacks standing to request rehearing. Rule 43 governs rehearings and states "[the Commission] may also order a rehearing on motion of any *party* provided said motion is received within ten (10) days of the mailing of the order, rule, or other action complained of." (emphasis added). Once again, the Commission rule by its very terms only authorizes a party to seek rehearing.

The Tribunal should find that Meta lacks standing to move for interlocutory review and also lacks standing to request rehearing. Based upon this clear lack of standing, the Tribunal should deny Meta's Motion for Immediate Review and lift the stay.

B. Commission Secretary Action Is Not Required for the Tribunal to Grant a Motion for Subpoena

Commission Rule 40(B) provides in pertinent part

> No such subpoena shall be issued unless the Secretary of the Commission shall determine that the matter sought is relevant material and necessary and that the production of such books, papers, accounts or documents will not result in unnecessary harassment, imposition, or undue inconvenience or expense to the party to be required to produce the same.

Apparently, this has raised a concern regarding whether a Tribunal must await Commission Secretary action before acting on a motion for subpoena. It is important to bear in mind the rule of statutory construction addressing the need to harmonize provisions. Ordinarily, related statutes should be construed to give full force and effect to each of them. *Epic Systems Corp. v. Lewis*, 584 U.S. 497, 510, 138 S. Ct. 1612, 1624, 200 L.Ed. 2d 889 (2018).

In addition to different statutes, the various provisions of a single act should be read so that all may, if possible, have effect without repugnancy or inconsistency so as to render the statute a consistent and harmonious whole. *Food and Drug Admin. v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 132-133, 120 S.Ct. 1291, 1300-1301, 146 L. Ed. 2d 121 (2000). As the Louisiana Supreme Court has stated "in interpreting a statute, courts have a duty to, where possible, adopt a construction which harmonizes and reconciles it with other provisions in the applicable statutory scheme." *ABL Mgmt., Inc. v. Bd. Of Sup'rs of S. Univ.*, 00-0798, p.5-6 (La. SCT. 11/28/00), 773 So.2d 131, 135 (2000). *See, also,* La. Civ. Code art. 12. ("When the words of a law are ambiguous, their meaning must be sought by examining the context in which they occur and the text of the law as a whole."). Applying this interpretation standard to Commission rules means that the rules must be interpreted to render those rules a consistent and harmonious whole. Thus, when interpreting the Commission's rules, isolated parts are not considered alone, but all relevant parts are interpreted together.

The Tribunal should find that Rule 40 is inapplicable to proceedings before an Administrative Law Judge. Rule 55(c) specifically provides that administrative law judges have the authority to issue subpoenas for the production of documents and other evidence. Moreover, if Rule 55(c) is viewed as being in conflict with Rule 40, the Preamble to PART XI - Administrative Hearings Division provides that "to the extent any Rule within this section conflicts with provisions elsewhere in the Rules of Practice and Procedure or in previously issued Orders of the Commission addressing procedural matters, the Rule within this Part shall govern." To harmonize these two provisions, the Tribunal should find that the determination by the Commission Secretary required by Rule 40 is inapplicable once a proceeding is delegated to the Administrative Hearings Division. It is only necessary for the Commission Secretary to make the determinations regarding a motion for subpoena in those instances where an administrative law judge, who is also qualified to make the determinations, has not been assigned to the proceeding or issue.

C. *Meta's Argument that the Subpoena was Wrongly Issued Because the Requested Information is a Trade Secret or Confidential Assumes that Rule 40(B) is Self-Executing*

Meta baldly asserts that the information requested in the subpoena constitutes trade secrets or is otherwise confidential and that –based on this unsupported contention alone – the subpoena should have been denied. Meta ignores the Commission's rules and the protections afforded confidential information. Specifically, Rule 40(B) provides in pertinent part:

> No subpoena shall issue for material alleged to be of a trade secret or confidential nature unless it be shown after hearing of arguments on the same that no other alternative, such as a protective order, will accomplish a result consistent with the interests of all parties and the public.

Thus, the individual or entity required to produce the documents must affirmatively allege that the information is of a trade secret or confidential nature in order to get a hearing. Meta did not allege the nature of the information until it filed the motion for interlocutory ruling. The Tribunal was not required to hold a hearing prior to the issuance of the subpoena in order to determine whether the information requested is confidential.[23] The onus is on the recipient of the

[23] Rule 40 establishes that a subpoena can be issued if the matter sought is relevant material and necessary and that the production of such books, papers, accounts or documents will not result in

subpoena to allege that the information is a trade secret or is confidential. Meta's argument to the contrary is an incorrect reading of the rule.

If the recipient of a subpoena wants to contend that the information requested is a trade secret or confidential, the appropriate vehicle to bring this issue to the Tribunal's attention is a motion to quash, which Meta filed concurrently with the Motion for Immediate Review. Traditionally, a motion to quash will result in the information not being disseminated until the issues raised in that motion are resolved.

The Tribunal should note that Meta's argument assumes that if the information is a trade secret or is otherwise confidential, the only remedy is that the requesting party cannot obtain the information. To the contrary, the rules expressly provide that the Commission (in this instance the Tribunal) may issue a protective order, which are often employed in cases involving trade secrets. Rule 12.1 also obliges the Commission to keep from public disclosure any records it receives that it finds to be trade secret or otherwise confidential. Meta fails to even acknowledge this option in its argument.

Finally, the Tribunal should deny Meta's motion for failure to meet the requirements of Rule 15. This rule provides that if a motion is "based upon matters which do not appear of record, it shall be supported by affidavit." Meta's argument clearly involves facts which do not appear in the record, *i.e.* whether the information sought is a trade secret or otherwise confidential. Meta failed to include an affidavit supporting its factual claims and as such the motion for interlocutory review should be dismissed.

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unnecessary harassment, imposition, or undue inconvenience or expense to the party to be required to produce the same.

D. The NPOs Demonstrated Good Cause for Obtaining the Information

Meta argues that the NPOs have failed to demonstrate good cause because the information sought in the subpoena is not *vital* to the Commission's task of determining whether ELL has successfully met its burden to prove the need of the generation requested. Meta's argument that the NPOs have failed to establish good cause to obtain the requested documents rests on a standard of its own making. Meta actually contradicts its own erroneous standard, having previously stated in the preceding paragraph that to determine good cause, the party requesting issuance of a subpoena must demonstrate that the information is necessary to determine the issues in dispute. Motion at 5. (citation omitted). No court nor this Commission has adopted the absolutely unsupported "vital" standard put forward by Meta.

Commission Rule 40 (B) provides in pertinent part:

> No such subpoena shall be issued unless the Secretary of the Commission shall determine that the matter sought is *relevant* material and *necessary* and that the production of such books, papers, accounts or documents will not result in unnecessary harassment, imposition, or undue inconvenience or expense to the party to be required to produce the same. No subpoena shall issue for material alleged to be of a trade secret or confidential nature unless it be shown after hearing of arguments on the same that no other alternative, such as a protective order, will accomplish a result consistent with the interests of all parties and the public. (emphasis added).

Thus, the applicable standards are relevant and necessary, not whether the information is deemed vital.

Remarkably, even though the purpose of Meta's motion is to challenge the July 10, 2026 Ruling of the Tribunal, Meta fails to discuss or even mention the findings contained in that ruling. Thus, Meta has violated Rule 57(1), which requires that a movant specify the alleged errors in the ruling. Meta's motion fails to discuss the July 10, 2026 Ruling and fails to demonstrate that the Tribunal's analysis was incorrect. The motion should be dismissed for this reason alone.

More important, Meta's contention that the information is not "vital" to determining whether ELL has successfully met its burden ignores the right of other parties, including the NPOs, to present their own case; NPOs are entitled to obtain information reasonably calculated to lead to the discovery of admissible evidence in accordance with Louisiana Code of Civil Procedure article 1422. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party. Thus, discovery is not limited solely to determining whether ELL has met its burden. For example, parties may intend to present alternatives to aspects of the utility proposal and have the right to seek information which would support the Commission's adoption of an alternative.

The NPOs have established that the information requested is not available through any other avenues and that the information goes directly to the issues raised by the Application at issue in this proceeding. Thus, the NPOs have established good cause for the issuance of the subpoena.

E. *Meta has Failed to Establish Irreparable Harm*

Pursuant to Rule 57, a party may obtain immediate review of an interlocutory ruling only upon a showing of irreparable injury. Meta's only argument in support of its contention that Meta will suffer irreparable injury if required to respond to the subpoena is the offensive and unsupported argument that the NPOs are untrustworthy and therefore should not be permitted to receive any of the information. (Motion at 8-9). Meta asserts that because of the NPOs' participation in other proceedings and public forums Meta "*believes* that releasing the requested information in the Subpoena may very well lead to disclosure of some or all of this information to the public or used against it in other state utility proceedings." (emphasis added) (Motion at 8-9)

Meta's argument is that the NPOs are somehow incapable of adhering to a confidentiality agreement because they chose to speak publicly about non-confidential information is offensive, inaccurate, and deeply troubling. Despite noting that the NPOs participate in proceedings in other jurisdictions, Meta cannot cite to a single instance in which either NPO publicly released confidential information in any jurisdiction. Contrary to Meta's innuendo, the fact that the NPOs have never publicly released confidential information demonstrates that they scrupulously adhere to confidential restrictions, not that they cannot be trusted. Meta ignores the fact that the NPOs currently have access to HSPM material in the instant proceeding, and Meta has presented no information suggesting that the representatives' public statements resulted in the release of confidential information. The NPOs have scrupulously avoided the use of any HSPM in their statements or publications, and they are fully capable of protecting confidential information.

Meta's statement that it doesn't wish to impede the NPOs' right to "express its thoughts" (Motion at 9) is cold comfort and ignores the fact that accepting their irreparable injury argument will have a chilling effect on the NPOs' First Amendment rights. Essentially, Meta presents the NPOs with the proverbial Hobson's choice. The NPOs can stop discussing Entergy's Application and fail in their mission to keep Louisiana residents informed, or they can forgo seeing information vital to their case.

The NPOs take the confidentiality agreements very seriously and have no intention of misusing any confidential information regardless of the source of that information. Since Meta's claims of irreparable harm consist of baseless accusations and innuendo, the Tribunal should find that Meta has failed to meet the irreparable harm standard and as such deny its motion for interlocutory ruling.

F. Meta has Failed to Establish that Responding to the Subpoena is Unreasonable, Oppressive, and Unduly Burdensome

Meta presents only one irrelevant argument in support of its contention that responding to the subpoena is unreasonable, oppressive and unduly burdensome. Meta vaguely asserts that "Compelling a non-party to produce proprietary business information is unduly burdensome when discovery among the parties remains ongoing, expert testimony will be offered regarding ELL's Application, and the NPOS retain ample opportunity to test the reliability and sufficiency of ELL's evidence through cross-examination and briefing." (Motion at 7-8).[24]

Of course, Meta fails to directly state why the above statement, even if it were true (which it is not) places an undue burden on Meta. Moreover, Meta's contention is irrelevant. As demonstrated in the NPOs' Motion for Subpoena and previous Reply, the NPOs sought the information from ELL and ELL has no responsive documents. Thus, no additional discovery, testimony, cross-examination or briefing will produce the information needed by the NPOs to make their arguments to the Commission.

The Tribunal should note that Meta wants to have it both ways. In Docket No. U-37425, Meta argued that the NPOs subpoena request should not be granted because the discovery period had ended. Now, Meta asserts that the subpoena should be denied because discovery is still on-going. The Tribunal should reject this catch-22.

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[24] The Tribunal should note that Meta fails to present any argument that the Subpoena request is unreasonable or oppressive.

G. Remaining Questions Raised in the July 16,2026 Notice

The July 16, 2026 Notice raised five questions and asked that any memorandum filed respond to those questions. The five questions are:

1. Meta's standing to move for immediate review pursuant to Rule 57;

2. Whether the Subpoena Motion should have been denied due to a lack of action by the Commission Secretary;

3. The effect of a ruling denying the Motion to Quash on the Motion for Immediate Review;

4. The effect of a ruling granting the Motion to Quash on the Motion for Immediate Review; and

5. Whether the Motion to Quash and Motion for Immediate Review should remain distinct for the purposes of the record on appeal.

Questions 1 and 2 are addressed in subsections A and B of this Opposition. With regard to the remaining questions, the NPOs state as follows.

Questions 3 and 4 direct the parties to address the effect of the Tribunal's decision to either grant or deny the Motion to Quash on the Motion for Immediate Review. The question goes to whether either action by the Tribunal would moot the Immediate Review motion.

According to Louisiana jurisprudence, an issue is moot when a judgment or decree on that issue has been "deprived of practical significance" or "made abstract or purely academic." *Perschall v. State,* 96-0322 (La. SCT. 7/1/97) at p. 18, 697 So. 2d 240, 253 (La. SCT. 1997). A case is moot when a rendered judgment or decree can serve no useful purpose and give no practical relief or effect. *Cat's Meow, Inc. v. City of New Orleans Through Dept. of Finance*, 98-0601 (La. 10/20/98) at p. 8, 720 So.2d 1186, 1194 (1998). (citation omitted).

As the Tribunal noted in the July 10, 2026 Ruling, that ruling was a threshold determination on whether to issue the subpoena. (July 10, 2026 Ruling at 14). Thus, the issue is at what point does the July 10, 2026 Ruling have no practical significance.

The effect of a ruling denying the Motion to Quash appears to render the Motion for Immediate Review moot. A second ruling on the merits of the subpoena request (that is, a ruling on the Motion to Quash) will consider the Rule 40 standards such as relevant and necessary but will now also consider Meta's contentions regarding those standards. Thus, the Tribunal's preliminary determination would give way to the more specific determination in the second ruling. The July 10, 2026 Ruling would no longer have any practical effect: it will be the second ruling that will more definitively establish Meta's obligations under the subpoena. Thus, the need for a immediate review of the July 10, 2026 Ruling becomes moot.

Similarly, a ruling granting the Motion to Quash should also moot the Motion for Immediate Review.[25] The Motion to Quash "steps into the shoes" of the Motion for Immediate Review. The result of granting the Motion to Quash is that the subpoena no longer has any force or effect. Once again, the July 10, 2026 Ruling would have no practical effect.

Finally, the Motion to Quash and the Motion for Immediate Review should remain distinct for the purposes of any record on appeal. While there is some overlap between the two motions, Meta does raise some specific contentions in the Motion to Quash that are not included in the Motion for Immediate Review. Moreover, there are issues in the Motion for Immediate Review that do not appear in the Motion to Quash (such as the standing issue).

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[25] The NPO's note that the Tribunal reached this conclusion when granting Meta's Motion to Quash in U-37425. (Ruling at 1)

III. CONCLUSION

It is a basic principle of law that a Tribunal cannot act on an individual or entity's motion where that movant lacks standing. Under the Commission's rules Meta lacks standing to seek immediate review or rehearing under the express terms of Rule 57 and Rule 43 respectively. Thus, the Motion should be denied.

In the alternative, the Tribunal should find that Meta failed to establish the irreparable harm necessary to support the Motion and also failed to establish that the subpoena is unreasonable, oppressive, and unduly burdensome.

Finally, the NPOs have demonstrated good cause to obtain the information. The NPOs have established that the information requested is not available through any other avenues and that the information goes directly to the issues raised by the Application at issue in this proceeding.

WHEREFORE, for the reasons set forth above and in the NPOs' Motion for Subpoena for the Production of Documents, the NPOs respectfully request that the Tribunal deny Meta's Motion for Immediate Review.

Date: July 24, 2026

Respectfully submitted,

Susan Stevens Miller -FD

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CERTIFICATE OF SERVICE

I, Susan Stevens Miller, hereby certify that I have 24th day of July, 2026, served copies of the foregoing on all other known parties on the Official Service List for Docket No. U-37882 via electronic mail. Additionally, the following individuals also were served by electronic mail:

Mr. Weston Adams – weston.adams@nelsonmullins.com

Mr. Craig Dillard – craig.dillard@nelsonmullins.com

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Louisiana Public Service Commission

Docket No. U-37882

Alliance for Affordable Energy and Union of Concerned Scientists' Motion for Subpoena for the Production of Documents

Attachment A

Response of: Entergy Louisiana, LLC
to the First Set of Data Requests
of Requesting Party: Alliance for Affordable Energy

Question No.: AAE 1-3 Part No.: Addendum:

Question:

Re: Meta Guaranty discussed in Direct Testimony of Hinkson and Direct Testimony of Kidd.

a. Please provide a copy of the Meta Guaranty.

b. Are the "ESA Guaranty" and "Meta Guaranty" as discussed by Mr. Kidd the same instrument?

c. Please provide all information, records, correspondence, or documents that the Company has obtained regarding the location, amount, and/or nature of financial, physical, and intangible assets held by Meta Platforms, Inc.

d. Please provide plans the Company has developed to pursue legal action to enforce the Meta Guaranty if necessary. In addition to providing such plans, please answer:

   i. In which jurisdiction would ELL first seek to enforce the Meta Guaranty?

   ii. In which jurisdiction would ELL next seek to enforce the Meta Guaranty after the first jurisdiction referenced in part (d)(i)?

e. Please provide all information, records, correspondence, or documents that the Company has obtained regarding other guaranties that Meta Platforms, Inc. has made to other electric utilities.

f. Please provide any comparison of the Meta Guaranty in this proceeding to the Meta Guaranty in Docket No. U-37425.

g. Please provide any legal opinions which discuss the enforceability of the Meta Guaranty at issue in this proceeding.

Response:

ELL incorporates in full the General Objections served with these Requests. Subject to and without waiving the objections, the Company responds as follows.

a. See HSPM-AEO Exhibit LKB-2 at pages 119 through 123.

b. See the Company's response to Staff 1-90.

c. The Company has relied upon the public filings of Meta Platforms, Inc. that are equally accessible to the requestor. See, among other things, Meta Platforms, Inc.'s public filings with the Securities and Exchange Commission.

d. The Company objects to this request as it improperly seeks the disclosure of the Company's privileged legal strategy. Furthermore, the Company objects to this request as it presents an incomplete hypothetical and requires speculation regarding an event that has not and may never happen.

e. No responsive documents.

f. The Company objects to this request to the extent it seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The Company further objects to this request to the extent it seeks documents protected from disclosure as attorney work product or attorney client communication. The Company also objects to the request as vague and ambiguous.

g. The Company objects to this request to the extent it seeks production of documents which are protected from discovery pursuant to Louisiana Code of Civil Procedure article 1425(D)(2). The Company further objects to this request to the extent it seeks information or documentation that is protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Subject to and without waiving these objections, the Company has no such document in its possession, custody, or control.

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: Alliance for Affordable
Energy

Question No.: AAE 1-5 Part No.: Addendum:

Question:

Re: Direct Testimony of May, Q13 (page 13):

Mr. May refers to the approximately 500 permanent jobs in Richland Parish created by "Project Laidley", Please provide:

a. The number of permanent, non-construction, additional jobs which will be created by the new Evest data center.

b. Any studies, analyses or other documentation which supports that this number of permanent employees will be working at the data center.

Response:

ELL incorporates in full the General Objections served with these Requests. Subject to and without waiving the objections, the Company responds as follows.

a. The Company does not have a job estimate specific to Project Evest. As explained in the Direct Testimony of both Phillip R. May and Laura K. Beauchamp, however, the Company anticipates based on Meta's public disclosures that there will be significant, long-term economic benefits and investment from Project Laidley and Project Evest that will inure to the benefit of the immediately surrounding community (in Richland Parish and Northeast Louisiana more generally) as well as for the State of Louisiana as a whole. See Direct Testimony of Phillip R. May at p. 55, and Direct Testimony of Laura K. Beauchamp, at p. 8.

b. See the Company's response to subpart (a).

ENTERGY LOUISIANA, LLC
LOUISIANA PUBLIC SERVICE COMMISSION
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Response of: Entergy Louisiana, LLC
to the First Set of Data Requests
of Requesting Party: Alliance for Affordable Energy

Question No.: AAE 1-7 Part No.: Addendum:

Question:

Application at 15

Please provide any load forecasts, documentation, analyses or studies supporting the Customer's need for 5,278 MW of generation.

Response:

ELL incorporates in full the General Objections served with these Requests. The Company also objects to this request as vague and ambiguous. The Company further objects to this request as it misstates or misrepresents filed testimony. Subject to and without waiving the objections, the Company responds as follows.

The Company has developed its supply plan to ensure it can provide safe and reliable service to all of its customers and to ensure that the long-term capacity and energy needs associated with the Customer's project are fully covered, including with respect to estimated transmission line losses and the planning reserve margin requirements established by Midcontinent Independent System Operator (MISO) for Entergy Louisiana. See generally the Direct Testimony of Laura Beauchamp for a detailed discussion of the Company's development of supply plan to facilitate service to the Customer's anticipated load. See also HSPM attachments from Staff 1-1 "Staff 1-1 BP26 and Evest L&Cs_HSPM.xlsx" and from Staff 1-72 "Staff 1-72 BP26 ELL PART_AB_HSPM.xlsx".

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

Response of: Entergy Louisiana, LLC
to the Second Set of Data Requests
of Requesting Party: Alliance for Affordable
Energy

Question No.: AAE 2-7 Part No.: Addendum:

Question:

Please provide any documentation, analyses or studies supporting the Customer's need for the specific amount of MW set forth in Mr. May's Direct Testimony at page 25, line 25.

Response:

ELL incorporates in full the General Objections served with these Requests. The Company also objects to this request as vague and ambiguous. Subject to and without waiving the objections, the Company responds as follows.

The specific amount of megawatts identified by Mr. May at page 25:25 was provided by the Customer who executed an Electric Service Agreement for electric power and energy of a maximum capacity of that amount. See HSPM-AEO Exhibit LKB-2.

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

Response of: Entergy Louisiana, LLC
to the Second Set of Data Requests
of Requesting Party: Alliance for Affordable Energy

Question No.: AAE 2-13 Part No.: Addendum:

Question:

Please provide the sustainability goals of the Customer (or its corporate affiliates).

Response:

ELL incorporates in full the General Objections served with these Requests. The Company also objects to this request as it seeks information which is not in the custody and control of the Company. Subject to and without waiving the objections, the Company responds as follows.

See HSPM-AEO Exhibit ECI-2. Further responding Meta Platforms, Inc. has publicly available information regarding its sustainability commitments here: https://sustainability.atmeta.com

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

Response of: Entergy Louisiana, LLC
to the Third Set of Data Requests
of Requesting Party: Alliance for Affordable Energy

Question No.: AAE 3-5 Part No.: Addendum:

Question:

Ms. Beauchamp refers throughout her direct testimony to the Customer's "anticipated load" or "anticipated demand" or "expected load." For example, please refer to pages 7, 24, 38, 62, 67, 68, 70, 73, 78, 79, 82, or 91.

What is the Company's basis to "anticipate" or "expect" a certain level of load from the Customer? Please provide all supporting documents and analyses in relation to your response.

Response:

ELL incorporates in full the General Objections served with these Requests. Subject to and without waiving the objections, the Company responds as follows.

See the Transmission Business Project Questionnaire on page 84 of HSPM-AEO Exhibit LKB-3. Additionally, Customer has executed Electric Service Agreement for a specified maximum demand and energy usage. See HSPM-AEO Exhibit LKB-2. Importantly, the Electric Service Agreement contains provisions that require minimum monthly charges that protect other customers regardless of the Customer's actual demand and energy usage. See, for example, the response to Question 26 in the Direct Testimony of Ryan D. Jones.

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

Response of: Entergy Louisiana, LLC
to the Third Set of Data Requests
of Requesting Party: Alliance for Affordable Energy

Question No.: AAE 3-9 Part No.: Addendum:

Question:

Referring to Direct Testimony of Ms. Beauchamp at page 75, footnote 57 where Ms. Beauchamp states "this Customer's load is so large, and its load factor is so high, that, even if Project Evest were proposed to be built in another part of ELL's electrical system, ELL would still need to build all seven CCCTs and Battery Storage Facilities to cover the Customer's capacity and energy requirements":

Please provide the studies and analyses that support this statement.

Response:

ELL incorporates in full the General Objections served with these Requests. Subject to and without waiving the objections, the Company responds as follows.

See the HSPM file "Staff 1-1 BP26 and Evest L&Cs_HSPM.xlsx" produced in the Company's response to Staff 1-1.

Response of: Entergy Louisiana, LLC
to the Third Set of Data Requests
of Requesting Party: Alliance for Affordable Energy

Question No.: AAE 3-15 Part No.: Addendum:

Question:

Referring to Direct Testimony of Mr. Owens 2:17-23, where Mr. Owens states:

"Solar and wind are also not viable stand-alone options to provide around-the-clock energy because they are intermittent resources, and while it is technically possible to use energy storage to, for example, shift some solar production from midday until early evening, the amount of storage that would be required to create an around-the-clock energy profile comparable to that provided by a CCCT makes the 'renewables plus storage' option a non-viable substitute for the CCCTs that ELL has proposed to meet its incremental around-the-clock energy needs."

a. Please provide any studies and analyses ELL relied upon to determine that "the 'renewables plus storage' option [is] a non-viable substitute" for the proposed combined-cycle gas generating plants.

b. Please define what is meant by the term "viable" in this context.

c. Please provide any studies, analyses or documentation which demonstrate that the Evest LLC data center load is "around the clock".

Response:

ELL incorporates in full the General Objections served with these Requests. Subject to and without waiving the objections, the Company responds as follows.

a. The Company objects to subpart (a) as vague to the extent the request seeks "any studies and analyses ELL relied upon" in reference to the independent expert testimony of Mr. Owens. ELL understands the request to seek studies and analyses on which Mr. Owens relied in reaching his conclusions as set forth in the passage quoted from his testimony. In reaching the conclusions in his testimony, Mr. Owens relied on his experience, professional judgment, and training, and the analysis set forth in his testimony. Mr. Owens provided additional analysis in connection with the Company's response to Sierra 1-23 and in the response to subpart (b) below.

b. The Company objects to the request as vague. The referenced testimony uses the term "viable" in two instances. With respect to the statement that "[s]olar and wind are also not viable stand-alone options to provide around-the-clock energy because they are intermittent resources," the term "not viable" refers to the fact that stand-alone solar and wind are technically incapable of producing energy around the clock. With respect to the statement that "while it is technically possible to use energy storage to, for example, shift some solar production from midday until early evening, the amount of storage that would be required to create an around-the-clock energy profile comparable to that provided by a CCCT makes the 'renewables plus storage' option a non-viable substitute for the CCCTs that ELL has proposed to meet its incremental around-the-clock energy needs," the term "non-viable" refers to the fact that the renewables plus storage option would be prohibitively costly. See also the Company's response to Sierra 1-23.

a. The Customer provided its load requirements, power factor, and load factor as part of their Transmission Questionnaire. The data provided by the Customer in its Transmission Questionnaire is indicative of an "around the clock" load. The Transmission Questionnaire is incorporated in the Company's application as Exhibit H in the CIAC Agreement, included in - HSPM-AEO Exhibit LKB-3. For additional responsive information, see also the Company's response and AEO attachment to Staff 1-66.

CC: MV

LA PUBLIC SERVICE COMM
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BEFORE THE

LOUISIANA PUBLIC SERVICE COMMISSION

DOCKET NUMBER U-37882

ENTERGY LOUISIANA, LLC, EX PARTE

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

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MEMORANDUM OF THE LOUISIANA PUBLIC SERVICE COMMISSION STAFF IN RESPONSE TO PROCEDURAL ISSUES RAISED IN THE NOTICE OF PROCEDURAL SCHEDULE ON MOTION FOR IMMEDIATE REVIEW AND MOTION TO QUASH, AND NOTICE OF ORAL ARGUMENT

Pursuant to the Notice of Procedural Schedule on Motion for Immediate Review and Motion to Quash, and Notice of Oral Argument issued on July 16, 2026, the Louisiana Public Service Commission ("LPSC" or "Louisiana Commission") Staff ("Staff" or "Commission Staff") respectfully submits this memorandum, through undersigned counsel, addressing the five procedural issues identified by the presiding administrative law judge ("presiding ALJ").[1] Staff previously explained its position that the standards for the issuance of a subpoena under Rule 40 of the Louisiana Commission's Rules of Practice and Procedure were not satisfied by the NPO's Subpoena Motion and will not reiterate its position here.[2] Because they bear upon the proper application of the

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1 Notice of Procedural Schedule on Motion for Immediate Review and Motion to Quash, and Notice of Oral Argument, Docket No. U-37882 (July 16, 2026).

2 *See* Reply Comments of the Louisiana Public Service Commission Staff on the NPO Motion for Subpoena for Production of Documents, Docket No. U-37882 (July 7, 2026).

Commission's Rules of Practice and Procedure, the Staff submits this brief to address each of the five procedural issues identified by the presiding ALJ.

ISSUES

1. Meta's standing to move for immediate review pursuant to Rule 57.

Rule 57 of the Commission's Rules of Practice and Procedure allows "any *party*" to seek immediate review of interlocutory rulings.[3] Meta Platforms, Inc. ("Meta") is not a party in this docket but was served with a Subpoena for Production of Documents issued by the presiding ALJ on July 10, 2026.[4] Meta then filed a Motion to Enroll Counsel of Record for Limited Appearance for the limited purpose of its Motion to Quash.[5] Meta is thus a party with respect to the subpoena and the Motion to Quash, although it is not a party for the other purposes of the docket. Meta should be recognized as a "party" for a Rule 57 review of the subpoena directed to it and should be allowed to request immediate interlocutory review of the presiding ALJ's ruling granting the subpoena.

As the recipient of the subpoena, non-party Meta is materially impacted by the subpoena ruling. It has appeared in the case for the limited purpose of contesting the subpoena. If its standing is not recognized under Rule 57, it will have no practical recourse to challenge a ruling requiring it to produce documents that it is opposed to producing. Denying Meta standing would effectively insulate subpoenas issued to non-parties from

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[3] LPSC Rules of Practice and Procedure, Rule 57 (emphasis added).

[4] Ruling on Motion for Subpoena for the Production of Documents and accompanying Subpoena for Production of Documents to Meta, Docket No. U-37882 (July 10, 2026).

[5] Motion to Enroll Counsel of Record for Limited Appearance of Non-Party Meta Platforms, Inc., Docket No. U-37882 (July 14, 2026).

Commission review absent another party or the Commission itself raising the issue. Rule 57 standing should be extended to Meta for the limited purpose of challenging the subpoena directed to it.

2. **Whether the Subpoena Motion should have been denied due to a lack of action by the Commission Secretary.**

Rule 40 of the Commission's Rules of Practice and Procedure provides that the Commission can issue "[s]ubpoenas for the . . . production of books, papers or documents at a hearing in a pending proceeding . . . upon the written motion of a party showing that there is good cause for the issuance of same." Rule 40 states that "[n]o such subpoena shall be issued unless the *Secretary of the Commission* shall determine that the matter sought is relevant material and necessary and that the production of such books, papers, accounts or documents will not result in unnecessary harassment, imposition, or undue convenience or expense to the party to be required to produce the same."[6] At the same time, Rule 55 of the Commission's Rules of Practice and Procedure delegates the authority to "[i]ssue subpoenas for the production of documents and other evidence at depositions and hearings" to administrative law judges.[7]

Taken together, these two rules establish that the Commission's administrative law judges have delegated subpoena authority in the docketed proceedings that are before them. In all other cases, the Commission Secretary has that authority. Both the Commission Secretary and the administrative law judges are subject to the subpoena

6 LPSC Rules of Practice and Procedure, Rule 40(B) (emphasis added).

7 LPSC Rules of Practice and Procedure, Rule 55(b).

standards set forth in Rule 40. While Rule 40 contemplates that subpoenas may be issued by the Commission Secretary, there is no requirement that the Commission Secretary take separate action under Rule 40 as a prerequisite to an administrative law judge's exercise of delegated subpoena authority.[8]

The preamble to Part XI of the Commission's Rules of Practice and Procedure, which includes Rule 55, further supports the Staff's interpretation. That preamble explains that "[t]o the extent any Rule within this section conflicts with provisions elsewhere in the Rules of Practice and Procedure or in previously issued Orders of the Commission addressing procedural matters, the Rule within this Part shall govern."[9] The Staff does not believe that Rules 40 and 55 are inconsistent, but if they were found to be in conflict, Rule 55 must govern and it does not require separate action by the Commission Secretary. Accordingly, the Subpoena Motion should not have been denied based on any lack of action by the Commission Secretary. Rather, the presiding ALJ acted within her delegated authority in ruling on the Subpoena Motion.

3. The effect of a ruling denying the Motion to Quash on the Motion for Immediate Review.

If Meta's Motion to Quash is denied, the subpoena ruling and accompanying subpoena would remain in effect. Thus, the action that is the subject of Meta's Motion for Immediate Review would remain in effect and the Motion would remain germane. Meta's

[8] LPSC Rules of Practice and Procedure, Rule 40.

[9] LPSC Rules of Practice and Procedure, Part XI preamble.

Motion for Immediate Review would continue under the LPSC's interlocutory "irreparable injury" standard required for immediate review.[10]

A denial of the Motion to Quash would not affect the Motion for Immediate Review because the two motions present distinct questions: the Motion to Quash challenges the substantive validity of the subpoena, while the Motion for Immediate Review presents the additional threshold question of whether there is irreparable injury warranting interlocutory review. Moreover, while both address whether a subpoena is substantively appropriate and necessary under Rule 40's standards, the Commission is not bound by the presiding ALJ's ruling on either the Motion for Subpoena or the Motion to Quash. Rather, the Commission would be *reviewing* the ruling on the Motion for Subpoena and that review would not be affected by a ruling denying the Motion to Quash. Thus, a ruling denying the Motion to Quash should have no impact on the Motion for Immediate Review.

4. The effect of a ruling granting the Motion to Quash on the Motion for Immediate Review.

If Meta's Motion to Quash is granted, the subpoena would be withdrawn and Meta would have no obligation to produce documents in response to the subpoena. With no subpoena in effect, Meta would lack any "irreparably injury" requiring immediate review under Rule 57 and, more generally, there would no longer be any purpose to the Motion. Accordingly, if the Motion to Quash is granted, the Motion for Immediate Review is rendered moot.

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[10] LPSC Rules of Practice and Procedure, Rule 57.

5. Whether the Motion to Quash and Motion for Immediate Review should remain distinct for the purposes of the record on appeal.

As explained, the Motion to Quash and the Motion for Immediate Review serve different procedural functions and are governed by different standards. The Motion to Quash and Motion for Immediate Review should remain distinct unless a party, including special-purpose party Meta, specifically requests that they be combined for purposes of appellate review. If a party believes that consolidating the matters is necessary or beneficial for appellate review, they should move for consolidation.

CONCLUSION

Staff respectfully submits the foregoing to address the procedural issues identified in the presiding ALJ's Notice of Procedural Schedule on Motion for Immediate Review and Motion to Quash, and Notice of Oral Argument. With respect to the merits of the underlying subpoena, Staff has previously briefed its position that the Rule 40 standards were not satisfied. Nothing in the presiding ALJ's subpoena ruling or in Meta's subsequent filings alters Staff's position on the merits. To the extent necessary, Staff is prepared to address these matters further at the oral argument scheduled for July 29, 2026.

[*Signature block on following page*]

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing "Memorandum of the Louisiana Public Service Commission Staff in Response to Procedural Issues Raised in the Notice of Procedural Schedule on Motion for Immediate Review and Motion to Quash, and Notice of Oral Argument" has been served upon all counsel of record by e-mail this 24th day of July, 2026.

Lauren T. Evans

LAUREN T. EVANS

LA PUBLIC SERVICE COMM
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BEFORE THE LOUISIANA PUBLIC SERVICE COMMISSION

ENTERGY LOUISIANA LLC, ex parte ***IN RE*: APPLICATION FOR CERTIFICATION OF GENERATION AND TRANSMISSION RESOURCES AND FOR OTHER RELIEF**	**DOCKET NO. U-37882**

REPLY IN SUPPORT OF NON-PARTY META PLATFORMS, INC.'S MOTION FOR IMMEDIATE REVIEW OF INTERLOCUTORY RULING

NOW BEFORE THE COMMISSION, through its undersigned counsel, comes Meta Platforms, Inc. ("Meta"), a non-party to the above-captioned proceeding appearing in a limited capacity, and submits this Reply in Support of its Motion for Immediate Review of Interlocutory Ruling ("Motion") in accordance with the Tribunal's Notice of Procedural Schedule dated July 16, 2026 ("July 16, 2026 Notice").

I. Meta Has Standing to Challenge the Issuance of a Subpoena through a Motion for Immediate Review

A. The NPOs' Interpretation of Rules 43 and 57 Produces an Absurd Result by Depriving Meta of the Opportunity to Challenge an Adverse Adjudicatory Ruling

The Alliance for Affordable Energy and the Union of Concerned Scientists ("Non-profit Organizations" or "NPOs") assert that Meta lacks standing to seek immediate review from the Commission under Louisiana Public Service Commission ("LPSC") Rule[1] 57 because only a "party" may move for immediate review of an interlocutory ruling, citing Louisiana Civil Code

[1] References to "Rule" herein refer to the LPSC Rules of Practice and Procedure unless otherwise noted.

Article 9 in support of this position.[2] Similarly, the NPOs construe Article 9 to mean that Meta may not seek rehearing of a ruling issuing a subpoena to it as a non-party under LPSC Rule 43.[3]

However, Article 9 states that a law shall be applied as written when "its application ***does not lead to absurd consequences*** . . . ."[4] As noted in the Memorandum of the LPSC Staff[5] ("Staff Memorandum"), the "plain language" interpretation of Rules 43 and 57 endorsed by the NPOs that would deny Meta standing "would effectively insulate subpoenas issued to non-parties from Commission review absent another party or the Commission itself raising the issue."[6] The NPOs' interpretation of Rules 43 and 57 produces an absurd result that denies Meta the fundamental due process right to challenge an unfavorable ruling of the Tribunal and deprives the Commission itself from the ability to review a Tribunal decision simply because it involved a non-party. Under this interpretation, Meta has no "practical resource to challenge a ruling requiring it to produce documents that it is opposed to producing."[7] Instead, Meta's only recourse would be to file a motion to quash before the same Tribunal that issued the subpoena. If the Tribunal denies that Motion to Quash, Meta is then left without any recourse to challenge the ruling, and the Commission is left without the ability to review the Tribunal's decision.

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[2] July 24, 2026, *NPOs' Opposition to Meta Platform Inc.'s Motion for Immediate Review of Interlocutory Ruling and Response to the Tribunal's Questions Raised in the July 16, 2026 Notice* ("Opp'n"), LPSC Docket No. U-37882, at p. 8.
[3] *Id.*
[4] La.Code Civ.P. art. 9 (emphasis added).
[5] *See* July 24, 2026, *Memorandum of the LPSC Staff in Response to Procedural Issues Raised in the Notice of Procedural Schedule on Motion for Immediate Review and Motion to Quash, and Notice of Oral Argument* ("Staff Memorandum"), LPSC Docket No. U-37882.
[6] *Id.* at pp. 2-3.
[7] *Id.* at p. 2.

B. Meta's Has a Due Process Right to the Protection of its Trade Secrets

The NPOs' interpretation of standing also deprives Meta of its right to due process. "A violation of procedural due process occurs when someone does not receive 'notice and an opportunity to be heard' prior to the deprivation of a property or liberty interest."[8] Trade secrets and confidential commercial information constitute property rights.[9] The value of a trade secret derives from its secrecy; disclosure of confidential information compromises the property interest and results in irreparable harm.

Under the NPOs' interpretation of Rules 43 and 57, Meta may appear before the Tribunal and object to the subpoena through a motion to quash, but if the Tribunal denies that motion, Meta is left without any mechanism to seek review by the Commission of an order that deprives it of its property rights. Such a result is incompatible with fundamental principles of procedural due process because it permits the deprivation of a property right without providing a meaningful opportunity for review of the decision ordering the trade secret disclosure.

C. Rule 57 Must be Read to Provide Recourse to Non-Parties Whose Rights are Affected by an Interlocutory Ruling of the Tribunal

"When the law is not clear and unambiguous or its application leads to absurd consequences, [Louisiana courts] must rely on the secondary rules of statutory interpretation to discern the meaning of the statutes at issue.[10] Particularly, the law "must, therefore, be applied and interpreted in a manner, which is consistent with logic and the presumed fair purpose and intention of the [Commission] in passing it."[11]

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[8] *Cunningham v. City of New Orleans*, 2021-0532 (La. App. 4 Cir. 3/30/22), 336 So. 3d 977, 988, *writ denied*, 2022-00716 (La. 6/22/22), 339 So. 3d 1185 (citation omitted).
[9] *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 987 (1984).
[10] *McLane S., Inc. v. Bridges*, 2011-1141 (La. 1/24/12), 84 So. 3d 479, 483.
[11] *Id.*

Here, the "fair purpose and intention" of Rule 57 is to provide persons a right to appeal an adverse interlocutory ruling by the Tribunal to the Commission to prevent irreparable injury. Rule 57 is found within Part XI of the LPSC Rules, which exists to govern the Administrative Hearings Division's task of "assist[ing] the Commission in fulfilling its adjudicatory functions" and "provid[ing] for a fair and orderly procedure for the docketing and hearing of cases before the Commission . . . ." As a part of this "fair and orderly procedure[,]" any individual or entity (whether or not they are a "party") who is aggrieved by an interlocutory ruling of the Tribunal may appeal the ruling to the Commission. A reasonable interpretation of Rule 57 would therefore extend to non-parties whose rights are directly impacted by a ruling of the Tribunal. This approach is "consistent with logic" given the Tribunal has the power to enforce subpoenas against non-parties pursuant to the LPSC Rules. Further, given the Tribunal is exercising a subpoena power delegated to it by the Commission, it logically follows that the aggrieved party should have the ability to obtain Commission review of the Tribunal's decision. Any other reading would not result in a "fair purpose and intention" and instead deprive a non-party of any recourse in the face of irreparable injury and deprive the Commission of the ability to review a decision of its own Tribunal. The Tribunal should therefore find that Meta has the right to seek immediate review of the Tribunal's issuance of the subpoena and, if the Motion to Quash is denied, seek immediate review of that denial.

II. Rule 40 Requires the Tribunal to Obtain Commission Secretary Approval of a Subpoena

The NPOs state the Commission Secretary is not required to review the merits of the Tribunal's subpoena prior to its issuance because "Rule 40 is inapplicable to proceedings before an Administrative Law Judge."[12] Three pages later, the NPOs state the "applicable standards" governing a subpoena from the Tribunal are "relevant and necessary" as set forth in Rule 40(B).[13] The Parties agree the standards set forth in Rule 40(B) govern a subpoena issued by the Tribunal. It is therefore unclear why the NPOs nonetheless assert the Tribunal is not required to first seek approval from the Secretary of the Commission as the second sentence of Rule 40(B) requires.

The Tribunal cannot selectively comply with Rule 40(B). Rather, the Tribunal must "give effect to all parts of a [Rule] and should not give a [Rule] an interpretation that makes any part superfluous or meaningless, if that result can be avoided."[14] As the delegee of the Commission's adjudicatory function under Part XI of the LPSC Rules, the Tribunal must adhere to all requirements of Rule 40(B), including the requirement that the Secretary of the Commission first review the subpoena. Under the NPOs' interpretation of Rule 40, the Tribunal would have a lower threshold to meet to issue a subpoena than the Commission itself because it would have the power to bypass the Secretary.

Further, the NPOs reading of Rule 40 and Rule 55 does not "harmonize" the language of the two rules but instead fails to give effect to the second sentence of Rule 40(B).[15] Part XI of the LPSC Rules is silent on the substantive requirements to justify a subpoena but instead simply states the Tribunal can carry out the Commission's subpoena power. Rule 40 therefore serves as the substantive procedure for the issuance of a subpoena. A harmonized reading of the Rules finds that the Tribunal has the ability to exercise the Commission's subpoena power delegated to it under

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[12] Opp'n at p. 9.
[13] *Id.* at p. 12.
[14] *Pumphrey v. City of New Orleans*, 05–979 (La. 4/4/06), 925 So.2d 1202, 1210.
[15] *See Barrilleaux v. NPC, Inc.*, 98-0728, p. 4 (La.App. 1st Cir. 4/1/99), 730 So.2d 1062, 1064-1065, *writ denied*, 99-1002 (La. 5/28/99), 743 So.2d 672, ("Where it is possible to do so, it is the duty of the courts in the interpretation of laws to adopt a construction of the provision in question which harmonizes and reconciles it with other provisions.")

Rule 55, subject to the procedural and substantive requirements outlined in Rule 40, which include ensuring the Commission of the Secretary has made a prerequisite finding that the subpoena is relevant and necessary, and will not result in unnecessary harassment, imposition, or undue inconvenience or expense.

III. The Tribunal and The Commission Each Have the Right to Fully Withhold Meta's Trade Secrets from Disclosure

The NPOs state that Meta "assumes that if the information is a trade secret or is otherwise confidential, the only remedy is that the requesting party cannot obtain the information."[16] As the owner of its trade secrets, Meta is within its right to "refuse to disclose, and to prevent another person from disclosing" its trade secret information and determine that no other alternative will suffice.[17] Further, the Tribunal is well within its right to "protect [Meta] from annoyance, embarrassment, oppression, or undue burden or expense" by determining "[t]hat a trade secret or other confidential research, development, or commercial information not be disclosed . . . ."[18] The NPOs' claim that Meta "fails to acknowledge th[e] option [for a protective order]" instead reflects Meta's determination that the trade secret and commercially sensitive information sought in the NPOs' subpoena requests is not capable of any sort of disclosure. This conclusion is why Meta sought immediate interlocutory review of the Tribunal's July 10, 2026 ruling and a stay of the ruling under Rule 57. Meta will suffer irreparable injury if it is compelled to disclose its trade

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[16] Opp'n at p. 11.

[17] *See* La.Code Evid. art. 513 ("A person has a privilege, which may be claimed by him or his agent or employee, to refuse to disclose, and to prevent another person from disclosing, a trade secret owned by him, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."); *see also* La. R.S. 51:1431(4) ("'Trade secret' means information . . . that derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use, and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.").

[18] La.Code Civ.P art. 1426(A)(7).

secret information while it waits to challenge the subpoena, and the only affirmative means to prevent that injury in the LPSC Rules is to file a motion to stay alongside a motion for immediate review under Rule 57.

IV. Meta's Motion for Immediate Review is an Assertion of Statutorily Protected Rights and Does not Require an Affidavit

The NPOs claim that Meta's lack of an affidavit pursuant to Rule 15 warrants dismissal because the Motion "involves facts which do not appear in the record" concerning the trade secret and confidential nature of the subpoena requests.[19] Meta's motion for immediate interlocutory review, along with its motion to quash, each assert a statutorily recognized privilege to "refuse to disclose, and to prevent another person from disclosing, a trade secret owned by him, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."[20] Here, the NPOs' subpoena requests:

1. Analyses, data, reports, calculations, and/or evidence which demonstrate the level of investment and permanent job creation expected to be entailed by the Richland Data Center; and

2. Analyses, data, reports, calculations, and/or evidence which substantiate the amount of electricity load the Richland Data Center will need.

These blanket requests for information on internal "analyses, data, reports, calculations, and/or evidence" regarding investment, permanent job creation, and electricity load invoke trade secret and commercially sensitive information on their face as they seek information that contains "independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use . . . ."[21] Meta's motions therefore assert a legal privilege expressly recognized

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[19] Opp'n at p. 11.
[20] La.Code Evid. art. 513.
[21] La.R.S. 51:1431(4).

under Louisiana law, rather than relying upon disputed facts outside the record requiring affidavit support. Louisiana law provides that a party claiming privileged information must expressly assert the privilege and identify the nature of the protected information so that the claim may be evaluated; it does not require that the privilege be asserted through affidavit testimony in the first instance.[22] Accordingly, the objection to compelled disclosure based on the trade secret privilege presents a legal basis for withholding production and protecting proprietary information without the need for an affidavit.

To the extent Meta's motions discuss the competitive nature of the AI industry or the commercial sensitivity of the requested materials, those statements provide context for the applicability of the privilege and the nature of the information sought. They do not transform the assertion of a statutory privilege into a motion dependent upon disputed factual matters requiring affidavit support under Rule 15. Requiring a non-party to submit affidavit testimony merely to invoke a privilege recognized by Louisiana law would improperly condition the exercise of that privilege on the creation of additional testimonial evidence and expose the privilege holder to further discovery concerning the very information it seeks to protect. Nothing in Rule 15, Article 513, or Louisiana discovery law imposes such a requirement.

V. <u>Good Cause Does Not Exist to Compel Discovery from a Non-Party.</u>

The NPOs incorrectly contend that Meta seeks to impose a heightened "vital" standard in place of Rule 40's requirement that subpoenaed information be relevant material and necessary.[23] That contention elevates semantics over substance. Meta's Motion expressly relies on the established requirement that the information sought be "necessary to determine the issues in

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[22] La.Code Civ.Proc. art. 1424(C).
[23] Opp'n at p. 12.

dispute."[24] Meta's reference to information being "vital" is simply another way of expressing that the requested information must be sufficiently necessary/essential/critical to justify compelling a non-party to produce information. Regardless of the terminology used, the central point remains unchanged: the information sought by the NPOs is not necessary to adjudicate ELL's Application because the Commission can evaluate ELL's evidence, determine whether ELL has satisfied its burden of proof, and grant or deny relief without requiring Meta to disclose trade secret information.

The NPOs' focus on semantics also avoids the more fundamental issue: they fail to address the Tribunal's prior analysis in Docket No. U-37425 in quashing the NPOs' substantially similar subpoena directed to Meta. There, the Tribunal recognized that ELL bears the burden of proof, that opposing parties may test ELL's evidence through cross-examination and briefing, and that any potential benefit derived from enforcing the subpoena was outweighed by the burden imposed on a non-party and the disruption to the orderly hearing process.[25] Those same considerations are present here, yet the NPOs' Opposition identifies no material distinction that would warrant departing from the Tribunal's prior reasoning in the U-37425 docket on this same issue. Nor do the NPOs explain why information that was rendered unnecessary to successfully adjudicate ELL's Application in Docket No. U-37425 is now necessary in this proceeding.

The NPOs' assertion that Meta failed to identify errors in the July 10, 2026 Ruling is likewise incorrect. Rule 57 requires a movant to identify the alleged errors in the ruling being challenged, and Meta's Motion does precisely that. Meta expressly argued that "[t]he Tribunal erred in its ruling by failing to follow the procedure outlined in Commission Rule 40, concluding

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[24] Motion at p. 5.

[25] July 10, 2025, *Ruling on Meta Platforms, Inc.'s Motion to Quash Subpoena*, LPSC Docket No. U-37425, at p. 2.

the Subpoena Requests 1 and 2 were relevant and necessary and not unreasonable, oppressive, or unduly burdensome."[26] Meta further explained that "[t]he Subpoena Ruling does not demonstrate compliance with the requirements governing third-party discovery under Rule 40."[27] In its discussion of Docket No. U-37425, Meta maintained that "[t]he Tribunal's Subpoena Ruling does not explain why a different result is warranted despite the materially similar circumstances presented here."[28] These are direct challenges to the Tribunal's reasoning and conclusions. Meta identified the Tribunal's alleged errors and set forth the reasons immediate review is warranted, fully satisfying Rule 57's requirements.

The NPOs' Opposition also overlooks an important aspect of the July 10, 2026 Ruling. The Tribunal expressly stated that the Ruling represented only a "threshold determination" regarding whether to issue the subpoena and that it "does not consider all of the arguments of Meta, as they are not a party, have not made an appearance in this case, and have not been served with the subpoena."[29] Thus, the Tribunal itself recognized that some objections to the Subpoena had not been considered in its issuance of the Ruling. Meta's Motion does not ignore the July 10, 2026 Ruling; rather, it explains why the Subpoena fails to satisfy Rule 40 and why the Tribunal's threshold determination should be reviewed by the Commission in light of Meta's arguments.

VI. <u>Meta Will Suffer Irreparable Injury</u>

The NPOs' Opposition misconstrues Meta's irreparable injury argument.[30] Meta did not argue that the NPOs are incapable of complying with confidentiality obligations or that they intend

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[26] Motion at p. 1.
[27] *Id.* at p. 2.
[28] *Id.* at pp. 6-7.
[29] July 10, 2026, *Ruling on Motion for Subpoena for the Production of Documents*, LPSC Docket No. U-37882, at pp. 13-14.
[30] Opp'n at pp. 13-15.

to violate a protective order. Rather, Meta explained that the Subpoena seeks highly sensitive trade secret and commercially valuable information, and that disclosure of such information presents unique risks that cannot be fully mitigated through a protective order alone.[31] As discussed in Meta's Motion, the NPOs are active participants in utility proceedings across the country and regularly engage in public advocacy concerning projects involving Meta.[32] The NPOs are therefore the sort of entity that can "obtain economic value from [the] disclosure or use" of Meta's trade secrets.[33] Given the nature of the information sought (underlying analyses, data, reports, calculations, and/or evidence regarding Meta's power needs and economic development data) and the risk of losing the privilege of trade secret information, Meta has legitimate concerns regarding the potential dissemination or use of that information beyond this proceeding.

Moreover, the Subpoena seeks categories of information that Meta would not disclose to third parties in the ordinary course, including competitors, market participants, customers, suppliers, or even ELL. As explained in its Motion, Meta closely guards this information because it concerns proprietary business strategies and operational decisions in the rapidly evolving and intensely competitive AI industry.[34] The resulting harm is not limited to the risk of public disclosure. Once trade secret and proprietary information is disclosed, the loss of exclusivity associated with that information cannot be undone. Even if a reviewing tribunal later determines that the disclosure should never have occurred, the confidentiality of the information and the competitive advantage cannot be fully restored.

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[31] Motion at p. 8.
[32] *Id.* at pp. 8-9.
[33] *See* La.R.S. 51:1431(4) (a "[t]rade secret . . . derives independent economic value . . . from not being generally known to and not being readily ascertainable by proper means ***by persons who can obtain economic value from its disclosure or use*** . . . .") (emphasis added).
[34] *Id.* at 8.

VII. The Subpoena is Unreasonable, Oppressive, and Imposes an Undue Burden on Non-Party Meta[35]

The NPOs contend that Meta has failed to explain how the Subpoena imposes an undue burden.[36] The burden is apparent – the NPOs seek broad categories of documents from Meta, a non-party, concerning its investment plans, job creation, and electricity demand, and request all internal underlying analyses, data, reports, calculations, and "other evidence" regarding these subjects. Compliance would require Meta to identify, collect, review, and produce broad categories of proprietary business information, imposing a substantial burden on an entity that is neither a party to this proceeding nor responsible for proving ELL's Application. The burden on Meta outweighs any marginal benefit to the NPOs given they already have multiple avenues to test ELL's Application, including party discovery, expert testimony, cross-examination, and briefing, without dragging a non-party into discovery. Indeed, the Tribunal recognized precisely that point in Docket No. U-37425 – that any potential benefit derived from enforcing a substantially similar subpoena directed to Meta was outweighed by the burden imposed on a non-party and the disruption to the orderly hearing process.[37]

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[35] The NPOs' suggestion that Meta failed to argue the Subpoena is unreasonable or oppressive is difficult to reconcile with the Motion itself. The heading of Section II.b.i of Meta's Motion is titled "The Subpoena is Unreasonable, Oppressive, and Unduly Burdensome," and the accompanying discussion explains why compelling Meta, a non-party, non-regulated entity, to discovery is unreasonable and how collecting, reviewing, and producing broad categories of proprietary business information is oppressive and burdensome under the circumstances presented here.
[36] Opp'n at p. 15.
[37] July 10, 2025, *Ruling on Meta Platforms, Inc.'s Motion to Quash Subpoena*, LPSC Docket No. U-37425, at p. 2.

VIII. Remaining Questions Raised in the Tribunal's July 16, 2026 Notice

The July 16, 2026 Notice raised five questions and asked that any memorandum filed respond to those questions.[38] Questions 1 and 2 are addressed above in sections I and II of this Reply. Meta addresses the Tribunal's additional three questions below.

A. The Effect of a Ruling Denying the Motion to Quash on the Motion for Immediate Review

Meta disagrees with the NPOs' assertion that a Motion to Quash renders the Motion for Immediate Review moot.[39] As the LPSC Staff noted, "the two motions present distinct questions: the Motion to Quash challenges the substantive validity of the subpoena, while the Motion for Immediate Review presents the additional threshold question of whether there is irreparable injury warranting interlocutory review."[40] If the Tribunal denies the Motion to Quash, the stay should remain in place, and the Motion for Immediate Review should be placed on the Commission's agenda for its August 12, 2026 Business Meeting unless the Tribunal treats it as a motion for reconsideration and vacates or modifies the subpoena. Meta's "contentions regarding the Rule 40 standards"[41] are discussed in the briefings for the Motion for Immediate Review and provide the Commission with Meta's arguments explaining why the Tribunal should not have issued the subpoena in the July 10, 2026 Ruling.

B. The Effect of a Ruling Granting the Motion to Quash on the Motion for Immediate Review

Meta, the LPSC Staff, and the NPOs all appear to agree that a ruling granting the Motion to Quash moots the Motion for Immediate Review. If the Tribunal quashes the subpoena, there is

[38] July 16, 2026 Notice, at pp. 2-3.
[39] Opp'n at p. 17.
[40] LPSC Staff Memorandum at pp. 5.
[41] Opp'n at p. 17.

no "irreparable injury requiring immediate review under Rule 57 and, more generally, there would no longer be any purpose to the Motion" given that Meta would no longer be "obligat[ed] to produce documents in response to the subpoena."[42]

C. Whether the Motion to Quash and Motion for Immediate Review Should Remain Distinct for the Purposes of the Record on Appeal

The two Motions should remain distinct for purposes of the record on appeal because they are two procedurally distinct motions. The Tribunal hears the Motion to Quash pursuant to Code of Civil Procedure Article 1354 and "may vacate or modify the subpoena if it is unreasonable or oppressive."[43] If the Tribunal denies the Motion to Quash, then that ruling becomes appealable to the Commission for its own immediate review pursuant to Rule 57. The Motion for Immediate Review of the July 10, 2026 Ruling is already subject to Commission review and follows a distinct procedural process set forth in Rule 57. As part of this procedure, the Tribunal must "forward the motion for immediate review to the Secretary for placement on the Commission meeting agenda" unless it chooses to otherwise treat it as a motion for reconsideration and either withdraw or modify the subpoena. The discussion of legal issues between the two Motions overlap, but the Motion to Quash asks the Tribunal to evaluate the subpoena and vacate it, and the Motion for Immediate Review requests the Commission evaluate the Tribunal's decision to issue a subpoena under Rule 40, reverse it, and vacate the subpoena.[44]

WHEREFORE, for the reasons set forth in this Reply and its Motion for Immediate Review, Meta respectfully requests:

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[42] *Id.*
[43] La.Code Civ.P art. 1354(A).
[44] LPSC Rule 57(3)-(5).

1. the Tribunal forward this Motion and Memorandum of Law to the Commission for immediate review in accordance with Rule 57;
2. the Commission immediately review the Tribunal's *Ruling on Motion for Subpoena for the Production of Documents* dated July 10, 2026;
3. the Commission reverse the Tribunal's ruling and vacate the Subpoena;
4. in the alternative, the Tribunal treat this motion as a motion for reconsideration of its ruling and withdraw the Subpoena.

Respectfully Submitted,

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CERTIFICATE OF SERVICE
LPSC Docket No. U-37882

I hereby certify that I have certified copies of the foregoing pleading upon all other known parties of this proceeding, by electronic mail and/or overnight delivery.

Columbia, South Carolina, this 27th day of July, 2026.

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