

**LOUISIANA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE HEARINGS DIVISION**

DOCKET NUMBER U-37764

ENTERGY LOUISIANA, LLC, EX PARTE

***In re: 2025 Request to initiate Integrated Resource Planning process
pursuant to the General Order (Corrected) dated August 24, 2024 (R-36262).***

PARTIAL RULING ON JOINT MOTION TO COMPEL

On April 17, 2026, the Alliance for Affordable Energy (“Alliance”), Sierra Club, the Union of Concerned Scientists (“UCS”) and the Southern Renewable Energy Association (“SREA”) (collectively, the “Movants”) filed with the Louisiana Public Service Commission (“Commission”) a Joint Motion to Compel Entergy Louisiana, LLC to Engage in a Mandatory Discovery Process (“Joint Motion”) in Docket No. S-37764.¹ Pursuant to Section 10(e) of Attachment A² to the Commission’s Corrected General Order dated August 28, 2024 (R-36262) (“IRP Order”),³ the proceeding was converted to a “U” docket, assigned to an administrative law judge (“ALJ”), and a status conference was scheduled. On April 20, 2026, a Partial Ruling on the Joint Motion was issued, in which any current procedural dates and/or schedule were suspended. At an April 30, 2026 status conference, a procedural schedule was established to address the question of whether discovery is allowed in Integrated Resource Planning (“IRP”) proceedings. On May 15, 2026, the Movants filed a Brief in Support of the Joint Motion. On June 5, 2026, the

¹ Docket No. S-37764, Entergy Louisiana, LLC, ex parte, *In re: 2025 Request to initiate Integrated Resource Planning process pursuant to the General Order (Corrected) dated August 24, 2024 (R-36262)*.

² Attachment A of the Corrected General Order issued April 28, 2024 contains the Rules that govern Integrated Resource Planning for Electric Utilities in Louisiana (“IRP Rules”).

³ Commission Corrected General Order issued April 28, 2024, Docket No. R-36262, Louisiana Public Service Commission, ex parte, *In re: Possible Modification of the Commission’s Integrated Resource Planning Rules to Remove the Exemption for Electric Cooperatives*.

Commission Staff filed a Reply Brief, the Louisiana Energy Users Group (“LEUG”) filed a Reply Brief and Exhibits, and Entergy Louisiana, LLC (“ELL”) filed a Brief in Opposition.

HAVING CONSIDERED the Joint Motion to Compel Entergy Louisiana, LLC to Engage in a Mandatory Discovery Process, the Brief in Support, Commission Staff’s Reply, the Reply and Exhibits of LEUG, and the Opposition Brief of ELL;

IT IS HEREBY ORDERED that the Joint Motion is granted, in part, and deferred, in part. Accordingly, discovery is permitted in Commission IRP proceedings. The parties are to conduct discovery in this matter in accordance with the Commission Rules of Practice and Procedure and the Louisiana Code of Civil Procedure. The parties are to re-issue any discovery previously propounded in this matter so that ELL can respond (or provide specific written objections with reasons) to any such discovery requests. Please note that this ruling does not evaluate the merits of any discovery requests, only confirms the ability to conduct discovery in Commission IRP proceedings.

IT IS HEREBY FURTHER ORDERED that the schedule for the IRP process, as outlined in Section 10(f) of the IRP Order and Rules, is to recommence with Event 4 (the filing of stakeholder written comments), with Event 4 scheduled for Monday, August 17, 2026.

REASONING

In the IRP Order, the Commission adopted the latest set of Rules that govern Integrated Resource Planning for Electric Utilities in Louisiana (“IRP Rules”)⁴. IRP is a utility planning process that develops long range resource plans by seeking the optimal combination of resources

⁴ Attachment A to the IRP Order.

to meet forecasted load requirements at the lowest reasonable cost, subject to certain objectives and constraints.⁵ A utility seeking approval of an IRP must partake in a collaborative working process, defined as a process in which utility and non-utility stakeholders have an opportunity to provide input into the development of the Integrated Resource Plans developed under the IRP Rules.⁶

Pursuant to the IRP Order, ELL filed its first set of data assumptions into the record on January 21, 2026. In response to ELL's refusal to respond to discovery requests following a March 6, 2026 Stakeholder Meeting the Movants filed the Joint Motion. The Movants requested that: 1) the Commission order ELL to provide time-bound (i.e., within 10 days), written responses to written questions; 2) the Commission direct ELL to make a supplemental IRP Data Filing; 3) the Commission extend certain deadlines; and 4) that an administrative law judge be assigned for disposition of the Joint Motion. Section 10(e) of the IRP Rules provides that "[e]ach IRP Process, as contemplated by this section will be docketed as a Staff-level proceeding beginning with the letter "I". An Administrative Law Judge will only be assigned in the event of a discovery or procedural dispute, or if so ordered by the Commission, at which time the docket would convert to a "U" docket." Accordingly, the matter was converted to a "U" docket, assigned to an ALJ, and a status conference was scheduled. Further, a Partial Ruling was issued suspending any current procedural schedule. On April 27, 2026, ELL filed Updated IRP Data Assumptions. At the April 30, 2026 status conference, the ALJ determined that in order to compel discovery the initial issue to be determined is whether discovery is allowed in IRP proceedings. Thereafter, a schedule was established to allow the parties to brief the question.

⁵ Section 2(i) of IRP Rules.

⁶ Section 2(d) of IRP Rules.

Joint Movants' argue that the plain text of the Commission's rules contemplate discovery in IRP proceedings, in that Section 10(e) of the IRP Rules explicitly provides a mechanism for the resolution of discovery disputes. Joint Movants point out that there cannot be a discovery dispute without opportunity to engage in discovery as any other interpretation would render Section 10(e) meaningless. Commission Staff agrees that a plain reading of Section 10(e) makes clear that the Commission intended to authorize discovery in IRP dockets. LEUG further agrees that there could not be a discovery dispute if discovery were not allowed.

ELL contends that formal written discovery is not, and never has been, a component of the IRP process at the Commission. ELL asserts that discovery is not required or appropriate because the IRP is a collaborative process, which is different from a litigation proceeding. Further, ELL argues that the schedule detailed in Section 10 of the IRP Rules does not afford a reasonable timeframe for discovery. ELL contends that the IRP process is collaborative in that there is a review of, and comments on, ELL's resource plan, without a Commission adjudication.

The basic objectives of the Louisiana discovery process are (1) to afford all parties a fair opportunity to obtain facts pertinent to the litigation, (2) to discover the true facts and compel disclosure of these facts wherever they may be found, (3) to assist litigants in preparing their cases for trial, (4) to narrow and clarify the basic issues between the parties, and (5) to facilitate and expediate the legal process by encouraging settlement or abandonment of less than meritorious claims.⁷ Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.⁸ The Louisiana Supreme Court explained that

⁷ *Hodges v. S. Farm Bureau Cas. Ins. Co.*, 433 So.2d 125, 129 (La.1983).

⁸ La. C.C.P. art. 1422.

the discovery rules are not ends in themselves, but are meant to aid in the search for the truth.⁹ The Court further explained that the purpose of discovery is to afford all parties a fair opportunity to obtain facts pertinent to litigation, to discover the true facts, and compel disclosure of these facts wherever they may be found.¹⁰

In Commission proceedings the parties conduct themselves pursuant to the Commission's Rules of Practice and Procedure and relevant Commission Orders. Rule 63 of the Rules of Practice and Procedure provides that "formal discovery shall be conducted in adjudicatory proceedings in accordance with the Louisiana Code of Civil Procedure but may be limited at the discretion of the administrative law judge." Rule 32 of the Rules of Practice and Procedure directs that the "rules of evidence shall be applied liberally in any proceeding to the end that all needful and proper evidence shall be conveniently, inexpensively and speedily heard while preserving the substantive rights of the parties to the proceeding." These mandates can be interpreted to understand that the Commission expects discovery as it relates to Commission proceedings to be given the same broad treatment established under Louisiana law.

The IRP Rules provide that an ALJ will only be assigned in the event of a *discovery* or procedural dispute.¹¹ By providing a mechanism for how to handle a dispute about discovery, the language of the IRP Rules presupposes that discovery is occurring in the proceeding. Under La. Civ. Code Ann. art. 9, "where a law is clear and unambiguous and its application does not lead to absurd consequences, the law shall be applied as written and no further interpretation may be made

⁹ *Hicks v. USAA Gen. Indem. Co.*, 2021-00840, p. 7 (La. 3/25/22); 339 So.3d 1106, 1112.

¹⁰ *Id.*

¹¹ Section 10(e) of IRP Rules.

in search of the intent of the legislature.” Therefore, the plain language of this provision indicates that the Commission intended for IRP proceedings to include discovery.

While this dispute arises out of a non-adversarial proceeding, the IRP Rules expressly provide that the rules are intended to encourage a collaborative working process with stakeholders¹², and that the purpose of stakeholder meetings and advance filings is so that stakeholders can be part of the collaborative process that will provide valuable insight into the utility’s IRP.¹³ It is difficult to provide valuable insight on incomplete information. Therefore, for stakeholders to contribute to the IRP process in a manner contemplated by the IRP Rules, stakeholders must have accurate and complete information provided by the utility. Further, the Commission has been explicit in its limitation of discovery in other matters, such as utility generation deactivation and retirement decisions¹⁴, and in the St. Charles power station quarterly progress reports¹⁵. The Commission Staff has stated in Comments filed in a previous IRP proceeding, that that no formal discovery is allowed in IRP proceedings;¹⁶ however, the issue was not litigated, nor did the Commission adopt any such determination in their Order. Consequently, the Commission Staff Comments are not binding or persuasive in this matter.

Based upon the arguments of the parties and the language of the IRP Order and Rules, it is determined that discovery is permitted in Commission IRP proceedings. The parties should

¹² Section 1 of the IRP Rules.

¹³ Section 10(f)(iv) of the IRP Rules.

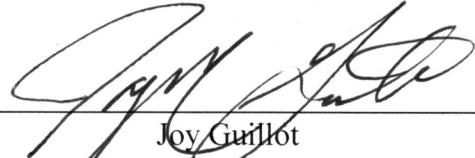
¹⁴ General Order dated October 19, 2018 at 10, Docket No. U-34407, Louisiana Public Service Commission, ex parte, *In re: Rulemaking docket to consider whether or not the Commission should exercise its authority over future utility generation deactivation and retirement decisions and the rules and procedures that could apply to any such exercise of authority.*

¹⁵ Order No. U-37700 at 51, Docket No. U-37700, Entergy Louisiana, LLC, Entergy Gulf States Louisiana, L.L.C and Entergy Louisiana Power, LLC, *In re: Joint Application for Approval to Construct St. Charles Power Station, and for Cost Recovery.*

¹⁶ Commission Staff Revised Comments of the Louisiana Public Service Commission Staff on Draft IRP Report filed August 23, 2019, Docket No. U-34694, Entergy Louisiana, LLC, ex parte, *In re: Request to Initiate 2017 Integrated Resource Planning (“IRP”) Process Pursuant to the General Order No. R-30021 (Corrected) dated April 20, 2012.*

conduct discovery in IRP proceedings in accordance with the Commission Rules of Practice and Procedure and the Louisiana Code of Civil Procedure.

Baton Rouge, Louisiana, this 15th day of June 2026.


Joy Guillot
Administrative Law Judge

cc: Official Service List

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