LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER U-37882-A

ENTERGY LOUISIANA, LLC, EX PARTE.

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

(Decided at the August 12, 2026 Business and Executive Session.)

ORDER

I. BACKGROUND AND PROCEDURAL HISTORY

On March 26, 2026, Entergy Louisiana, LLC ("ELL") filed its *Application of Entergy Louisiana, LLC for Certification of Generation and Transmission Resources and for other Relief Pursuant to the Commission's Lightning Initiative* ("Application") before the Louisiana Public Service Commission ("LPSC" or "Commission"). In its Application, ELL sought the Commission's approval to add 5,278 megawatts ("MW") of generation, in addition to battery storage and transmission, to serve Evest LLC, a wholly-owned subsidiary of Meta Platforms, Inc. ("Meta"). According to the Application, Evest LLC is locating a large hyperscale data center in Richland Parish, Louisiana, adjacent to the facility approved in Commission Order No. U-37425 for Meta subsidiary, Laidley, LLC.[1]

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. 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.

[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.

(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[2] 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;[3] 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 of an interlocutory ruling, which may be obtained upon a showing of irreparable injury, if a motion and memorandum is filed within ten days of the interlocutory ruling. Meta's Motion for Immediate Review was filed just four days after the Subpoena Ruling and was therefore timely.[4] In addition, Meta's Motion for Stay pending Commission Review was granted pursuant to Commission Rule 57(4).[5]

Upon the filing of a motion for immediate review pursuant to Commission Rule 57, any party opposing the motion may file an opposition memorandum within ten days.[6] 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 a notice of a procedural schedule for the parties to file memoranda and argue their positions at an oral argument held on

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[2] *See* the Direct Testimony of Elizabeth C. Ingram for an explanation of the Sustainability Agreement.
[3] *See* the Direct Testimony of Thomas Kidd for an explanation of the Guaranty.
[4] 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.
[5] Pending a ruling by the Commissioners on the motion for immediate review, the administrative law judge, may, upon motion, grant a stay of the interlocutory ruling upon a finding of good cause.
[6] Commission Rule 57(2).

July 29, 2026.[7] On July 24, 2026, 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 to Quash Subpoena on July 27, 2026. At the oral argument, Commission Staff and ELL re-urged their arguments made on the NPO's 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:

(1) Declined to reconsider the interlocutory ruling; and

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

II. COMMISSION JURISDICTION

The jurisdiction of the Commission is set forth by constitutional and statutory provisions. The Louisiana Constitution, Article IV, Section 21, provides:

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

Further, Commission Rule 40(B) provides the following:

> Motions for subpoenas to compel the production of books, papers, accounts or documents shall be verified and shall specify as nearly as may be possible, the books, papers, accounts or documents desired and the material and relevant facts to be proved by them. 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.

III. SUMMARY OF THE PARTIES' POSITIONS

A. The NPOs

[7] A third motion, related to access to confidential information, was also heard at the oral argument, but was addressed in a separate ruling.

The NPOs argued that ELL made claims that it cannot substantiate and for which it has identified Meta as the source of the information. The NPOs argued 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 argued 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 the NPOs' position that the information sought from Meta is necessary and relevant.

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 consisted solely of press releases and public disclosures. For load data, the NPOs stated that the Commission Staff's reliance on the Customer's Electric Service Agreement was misplaced. For the financial data that Staff argued is sufficient, because it is in the public record, the NPOs argued that the publicly available financial data was not sufficient as it is not segregated for the Customer.

B. ELL

ELL argued 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 asserted that the NPOs' claims are misleading and superficial and intended to confuse and distract from the actual issues in this matter.

ELL argued that the Motion for Subpoena failed to satisfy the strict requirements of Commission Rule 40 in several ways. ELL asserted 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 argued that the language providing the information sought would potentially result in large amounts of documents, and sought more information and documents than could possibly be needed for resolution of any issue in this matter. ELL argued that the Motion for Subpoena failed to show that the information is necessary. ELL contended that contrary to the 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 noted 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 argued that the information sought in NPOs' Motion for Subpoena is beyond what is required by the Commission in the 1983 General Order.

A. Staff

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.

For Request No. 1, Staff found 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 argued 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.

For Request No. 2, Commission Staff agreed that information about the electric load required is important; however, it did not agree with the NPOs that ELL provided insufficient information in this regard.

For Request No. 3, Commission Staff noted that this information was already provided by ELL.

For Request No. 4, Commission Staff said ELL would have possession of the same communications that Meta would have, but noted that the request was not made to ELL. Staff also noted that while information regarding the Sustainability Agreement may be relevant, the NPOs did not ask about specific provisions of the agreement. Further, Commission Staff agreed with ELL that the Sustainability Agreement itself proves the commitment. Commission Staff pointed out that ELL also provided a citation to a 73-page report that is publicly available.

For Request No. 5, Commission Staff argued that while the financial viability of Meta is a relevant and important issue, the requested subpoena is unnecessary and would not lead to usable and probative data in this proceeding. Further, 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. Additionally, Commission Staff argued that the ESA has protection mechanisms to ensure that any financial concerns are met with requirements for additional collateral.

IV. COMMISSION CONSIDERATION

This matter was considered at the Commission's August 12, 2026 Business and Executive Session. Chairman Skrmetta moved to defer this item to the September Business and Executive Session, with Commissioner Lewis objecting. After discussion, Chairman Skrmetta withdrew his motion to defer.

After discussion, on motion of Vice Chairman Coussan, seconded by Chairman Skrmetta, with Commissioner Francis concurring, Commissioner Lewis opposing, and Commissioner Campbell absent, the Commission voted to reverse the Tribunal's ruling and vacate the subpoena, rendering the motion to quash moot. The motion passed 3:1.

THEREFORE, IT IS ORDERED:

1. The *Ruling on Motion for Subpoena for the Production of Documents* issued by the Administrative Law Judge on July 10, 2026 is reversed, denying the Motion for Subpoena in full;
2. The *Subpoena for Production of Documents* issued on July 10, 2026 is vacated; and
3. The *Motion to Quash Subpoena Issued by the Tribunal to Non-Party Meta Platforms, Inc.* filed on July 14, 2026 is rendered moot.

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

DISTRICT I
CHAIRMAN ERIC F. SKRMETTA

DISTRICT II
VICE CHAIRMAN JEAN-PAUL P. COUSSAN

ABSENT
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

DISTRICT IV
COMMISSIONER MIKE FRANCIS

OPPOSED
DISTRICT III
COMMISSIONER DAVANTE LEWIS

BRANDON M. FREY
SECRETARY