

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER U-37882

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 April 15, 2026 Business and Executive Session.)

ORDER

I. OVERVIEW AND PROCEDURAL HISTORY

On March 25, 2026, Entergy Louisiana LLC (“ELL” or the “Company”) filed its application seeking certification of generation and transmission resources needed to serve a substantial new load proposed for Evest LLC, a customer seeking to locate a large hyperscale data center in Richland Parish, adjacent to the facility currently being developed by Laidley, LLC (“Application”). The Application was filed pursuant to the Louisiana Public Service Commission’s (“Commission” or “LPSC”) Lightning Directive, adopted at the December 17, 2025 Business and Executive Session.¹ The Lightning Directive provided for certain waivers of the Commission’s Market Based Mechanism Order (“MBM Order”)² for a proposed capacity addition where certain factors are demonstrated. The Lightning Directive also directed Staff to take reasonable steps to ensure that the applications filed under the directive are reviewed and processed on a timely basis, with the objective of the Commission being able to vote within 8 months of an application. In its Application, ELL requested timely treatment in order to meet the in-service dates specified by the customer, and requested that the Commission direct the Administrative Hearings Division (“AHD”) to adopt a procedural schedule and procedures necessary to facilitate a decision consistent with the Lightning Directive.

Consistent with this request for timely treatment, the Company filed its *Motion for Procedural Directive* (“Motion”) into the record on April 2, 2026, wherein ELL requested that the Commission take the Motion up under Rule 57 of the Commission’s Rules of Practice and Procedure. In its Motion, ELL claimed that it met the five factors contained in the Lightning Directive and requested that the Commission direct the AHD to serve as a hearing examiner and compile a record of this

¹ Alternatively, the Company requested an exemption from the MBM Order, if it was found that the Lightning Directive did not apply.

² General Order dated October 14, 2024 (R-34247). In re: Rulemaking to consider changes to Commission General Order dated October 29, 2008 (Docket No. R-26172 Subdocket C) (“Market Based Mechanisms Order”) to incorporate formal complaint procedures. This Order combines, amends, and supersedes previous General Orders in dockets: R-36172-C, R-34003, R-35462, and R-34247. This Order also amends and supersedes General Order dated October 29, 2008.

proceeding, without a recommendation, for the Commission's consideration at the November 18, 2026 Business and Executive Session.

Staff made no formal recommendation on the agenda item; however, Staff did recommend that should the Commission take the matter up under Rule 57 and grant the Company's Motion, that the Commission consider the Company's Application at the December Business and Executive Session, to ensure the Commission had the entire eight months to make its determination, consistent with the intent of the Lightning Directive.

II. COMMISSION JURISDICTION

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

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

III. COMMISSION CONSIDERATION

The matter was considered at the Commission's April 15, 2026 Business and Executive Session. On motion of Chairman Skrmetta, seconded by Commissioner Francis, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction pursuant to Rule 57.

Commissioner Campbell made the following motion: Entergy filed its request for certification of generation and transmission in this docket on March 26 pursuant to the Commission's Lightning Directive. In its filing, Entergy requested that the Commission establish a procedural schedule that would allow for a vote at the November 2026 Business and Executive Session. The Lightning Directive contemplates Commission consideration approximately 8 months after the filing of an application, and consideration at the November meeting will be just shy of 8 months. To better align with the 8 months provided in the Lightning Directive, and given that Entergy must still demonstrate its eligibility under the Lightning Directive as part of this proceeding, I make the following motion. I move that the Commission direct the Administrative Hearings Division to establish a procedural schedule in LPSC Docket No. U-37882 that provides for Commission consideration of the requested relief at the December 16, 2026 Business and Executive Session. I further move that the Administrative Hearings Division serve as hearing examiner and compile a

complete evidentiary record for the Commission's *de novo* consideration, without the issuance of a formal recommendation from the presiding administrative law judge.

Commissioner Campbell's motion was seconded by Commissioner Francis. With Chairman Skrmetta and Vice Chairman Coussan concurring, and Commissioner Lewis opposing, the Commission voted to grant Entergy's motion. The motion passed 4:1.

THEREFORE, IT IS ORDERED:

1. The Administrative Hearings Division shall establish a procedural schedule in LPSC Docket No. U-37882 that provides for Commission consideration of the Application at the December 16, 2026 Business and Executive Session.
2. The Administrative Hearings Division shall serve as hearing examiner and compile a complete evidentiary record for the Commission's *de novo* consideration, without the issuance of a formal recommendation from the presiding Administrative Law Judge.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
May 14, 2026



A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

BRANDON M. FREY
SECRETARY

/S/ ERIC F. SKRMETTA

DISTRICT I

CHAIRMAN ERIC F. SKRMETTA

/S/ JEAN-PAUL P. COUSSAN

DISTRICT II

VICE CHAIRMAN JEAN-PAUL P. COUSSAN

/S/ FOSTER L. CAMPBELL

DISTRICT V

COMMISSIONER FOSTER L. CAMPBELL

/S/ MIKE FRANCIS

DISTRICT IV

COMMISSIONER MIKE FRANCIS

/S/ OPPOSED

DISTRICT III

COMMISSIONER DAVANTE LEWIS