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cc: MV/LE
LA PUBLIC SERVICE COMM
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June 26, 2025

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 of Entergy Louisiana, LLC for Approval of Generation and Transmission
Resources in connection with Service to a Single Customer for a Project in North
Louisiana
LPSC Docket No. U-37425

Dear Ms. Abel:

Enclosed please find an original and three copies of the **Motion to Quash Subpoena Issued by the Tribunal to Non-Party Meta Platforms, Inc.** 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

WA: kkh
Enclosure

cc: Official Service List U-37425 (via electronic mail)

Fedex

BEFORE THE LOUISIANA PUBLIC SERVICE COMMISSION

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***

DOCKET NO. U-37425

**MOTION TO QUASH SUBPOENA ISSUED BY THE TRIBUNAL
TO NON-PARTY META PLATFORMS, INC.**

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, who seeks a Motion to Quash the Subpoena issued by the Tribunal in its *Ruling on Motion for Subpoena for the Production of Documents* (“Subpoena Ruling”) dated June 18, 2025. 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”). This eleventh-hour Subpoena is unreasonable, oppressive, and lacks a showing of good cause. Meta therefore requests the Tribunal quash this Subpoena, and avers as follows:

I. BACKGROUND AND PROCEDURAL HISTORY

Meta is not a party to the above-captioned Proceeding. Meta is appearing on a limited basis in this Proceeding only in so far as it relates to the Subpoena. Meta reserves all rights related to this Proceeding.

Based on Meta’s review of the docket in the above-captioned Proceeding, the NPOs’ Subpoena Request follows their unsuccessful Peremptory Exception to join Meta and Laidley LLC as a mandatory party for adjudication of this Proceeding and demand the same information sought

in the Subpoena.¹ Notably, the NPOs argued in this Peremptory Exception that joinder of Meta was necessary because the Tribunal lacked jurisdiction to subpoena Meta and obtain the desired information.² The Tribunal denied the Peremptory Exception on April 4, 2025³ and concluded the NPOs arguments were “speculative and insufficient to require the extreme remedy of compulsory joinder.”⁴ Particularly, the Tribunal and Commission Staff both noted the NPOs did not even attempt to subpoena Meta, informally request the information from Meta, or otherwise seek a motion to compel from Entergy Louisiana, LLC (“ELL”).⁵

Rather than heed the Tribunal and Staff discovery advice, the NPOs instead filed a *Motion for Immediate Review of Interlocutory Order* dated April 14, 2025 that is pending before the Commission.⁶ A central argument of the NPOs’ *Motion for Immediate Review* is that Meta is “not subject to the Commission’s subpoena jurisdiction” and “seeking a subpoena to obtain documents or depose Meta . . . employees would have been a fruitless endeavor.”⁷ Over two months have now passed since this filing, and the NPOs failed to pursue any other form of discovery against Meta to obtain the requested information during that time. NPOs presumably relied on the hope that the Commission would entertain their *Motion for Immediate Review* and evaluate their mandatory joinder arguments.

¹ See *Joint Peremptory Exception and Motion to Declare Laidley, LLC and Meta Platforms, Inc. as Parties Necessary for Just Adjudication and Supporting Memorandum* (Mar. 5, 2025), at pp. 6–12 (discussing evidence the NPOs believe justify mandatory joinder of Meta).

² *Id.* at p. 5.

³ See *Ruling on Peremptory Exception of Nonjoinder Issued by Chief ALJ Melanie Verzwylvelt* (April 4, 2025), at pp. 14–15 (determining Meta is not a necessary party for this Proceeding and denying request for mandatory joinder).

⁴ *Id.* at p. 15.

⁵ *Id.*

⁶ See generally *Original Motion for Immediate Review of Interlocutory Order for Alliance for Affordable Energy and Union of Concerned Scientists* (Apr. 14, 2025).

⁷ *Memorandum in Support Filed Pursuant to Rule 57 for Alliance for Affordable Energy and Union of Concerned Scientists* (Apr. 14, 2025), at p. 15 (citing Commission Rule 40(a), LSA-CCP Art. 1352, and LSA-R.S. 13:3661(A)) (emphasis added).

On June 18, 2025, the Commission held its final Business and Executive Session before the Proceeding's July 14 hearing. The Commission did not take up the NPOs' *Motion for Immediate Review*. That same day, the NPOs filed their *Motion for Issuance of Subpoena for Production of Documents* on Meta and effectively abandoned a principal argument in their *Motion for Immediate Review*. The Tribunal granted the Motion on the same day in its Subpoena Ruling.

This Subpoena Ruling commands Meta, a non-party to this Proceeding, to produce documents to the NPOs counsel related to the following subjects by June 27, 2025:

1. Analyses, data, reports, calculations, and/or evidence which demonstrates that the Richland data center will create and provide 300-500 permanent operational jobs.
2. Analyses, data, reports, calculations, and/or evidence describing how many of the Richland data center operational jobs will be on-site positions and how many will be remote positions.
3. Analyses, data, reports, calculations, and/or evidence which substantiate the amount of electricity load the Richland data center will need.
4. Analyses, data, reports, calculations, and/or evidence providing the Richland data center's high load factor and expected load variability over time; including daily, weekly and monthly load variability.
5. Analyses, data, reports, calculations, and/or evidence regarding the Richland data center's load characteristics and behavior that support the conclusion that renewables, renewables with battery storage, or advanced geothermal are not feasible alternatives to the Planned Generators.
6. A copy of any communications or records of communications between Meta and ELL discussing the Corporate Sustainability Rider ("CSR") as relevant factor for the Customer in deciding to move forward with building a data center in Louisiana.
7. Analyses, data, reports, calculations, and/or evidence that demonstrate that the commitments from the Customer in either the ESA or CSR provide a path to offset approximately sixty percent (60%) of the gas megawatt-hours from the Planned Generators by 2031.

Although the NPOs were aware of this subpoena option for nearly three months given the recommendations provided by both the Tribunal and LPSC Staff in the Peremptory Exception's

March 25, 2025 oral argument,⁸ the NPOs instead chose to pursue it less than two weeks before discovery closes in this Proceeding on June 30, 2025, less than thirty days before the hearing on July 14, 2025, and presumably after realizing their *Motion for Immediate Review* would not reach the Commission before the hearing started. Meta received service of this Subpoena on June 24, 2025, leaving it with an unreasonably short timeframe of three days to respond by the deadline of June 27, 2025.

The NPOs' decision to ignore the Staff and Tribunal's discovery guidance received in the March 25, 2025 oral argument and April 4, 2025 Ruling, file a *Motion for Immediate Review* based on their belief that Meta is not subject to the Commission's subpoena jurisdiction, and then abandon this argument to file an eleventh-hour subpoena against Meta is unreasonable and untimely. Despite the NPOs failure to first informally seek this information or file a Motion to Compel against ELL, the Tribunal nonetheless granted the NPOs' Subpoena Request to a non-party the same day it was filed without any explanation for the ruling.

II. LAW AND ARGUMENT

a. The Motion for Subpoena is Unreasonable Because the NPOs filed it Less than Two Weeks Before the Close of Discovery.

The NPOs' Subpoena is unreasonable given their failure to act on the advice of the LPSC Staff and Tribunal for nearly three months. The NPOs waited until June 18, 2025 to request issuance of the Subpoena despite receiving a clear-cut recommendation from LPSC Staff and the Tribunal at oral argument on March 25, 2025 informing them it was a potentially viable discovery vehicle. Rather than heed the advice of two sources familiar with Commission practice and procedure, the NPOs instead maintained the Commission lacked jurisdiction to issue the subpoena

⁸ See *Transcript for Oral Argument Held March 25, 2025*, at pp. 15, 23 (discussing other means to obtain discovery sought from Meta).

and wasted Commission resources pursuing the drastic remedy of mandatory joinder. Importantly, had the NPOs taken the Staff and Tribunal advice, they could have requested issuance of the Subpoena over two weeks prior to the first Direct Testimony cut-off on April 11, 2025.

b. The Subpoena is Unreasonable, Oppressive, and Unduly Burdensome Because the NPOs Waited Until the Last Minute to Burden Meta with a Request They Were Capable of Seeking Nearly Three Months Ago.

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

Short timeframes for response to a subpoena justify a finding of oppression. In *Whitt v. McBride*, the plaintiff issued a *subpoena duces tecum* against a non-party on June 8, 1994 and sought production of documents at a hearing on June 13, 1994.¹⁰ The trial court granted the non-

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

¹⁰ *Whitt v. McBride*, 94-896 (La. App. 3 Cir. 3/1/95), 651 So. 2d 427, 428.

party's motion to quash because the documents requested were privileged medical records and the scope of the request was unreasonable and unduly burdensome.¹¹ The Court of Appeal affirmed the trial court's granting of the motion to quash and concluded that "the subpoena was oppressive because the [non-party] was only given a few days to comply with the subpoena which not only called for the production of documents, but which also called for a compilation of information from those documents."¹²

Meta's current situation is similarly "oppressive" given the Tribunal issued the Subpoena on June 18, 2025 and provided Meta nine days to comply with it by June 27, 2025 (the last day before discovery cut-off in this Proceeding). This nine-day period is shorter than the ten days allotted to Staff and Intervenors for discovery responses on their Direct Testimonies.¹³ Meta did not even receive service of this Subpoena until June 24, 2025, leaving it with timeframe of only three days to respond by the deadline of June 27, 2025.

It appears the NPOs chose to request this eleventh-hour Subpoena once they realized the Commission would not entertain its Motion for Immediate Review of Interlocutory Ruling regarding mandatory joinder at the June 18, 2025 business meeting (the last meeting before the hearing in this Proceeding commences). This dilatory strategy should not be rewarded with the granting of a Subpoena compelling documents the day before the discovery cut-off and instead warrants quashing of the subpoena.

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 a pending action. "The Louisiana Supreme Court has noted that a

¹¹ *Id.*

¹² *Id.* at 429.

¹³ *See Report of Status Conference and Procedural Schedule* (Dec. 3, 2024), at p. 2 n.2.

showing of relevancy and good cause has been required where a party seeks production of records from a non-party.”¹⁴ To determine good cause, the party requesting issuance of a subpoena must demonstrate that the information is “necessary to determine the issues in dispute.”¹⁵

Here, the NPOs have not shown good cause to substantiate the issuance of this Subpoena. Good cause requires a showing that the documents requested are necessary to resolve the disputed issues in a Proceeding. 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. Any information or lack thereof in the Proceeding goes to the weight of ELL’s burden, and a subpoena of proprietary analyses regarding Meta’s job creation, load needs, and sustainability goals is not “necessary” information that is otherwise prohibiting the Commission from making its determination. Rather, the Subpoena appears to be a last-ditch alternative to the NPOs’ mandatory joinder motions.

III. CONCLUSION

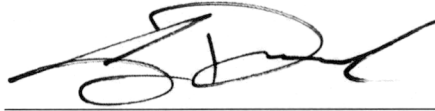
WHEREFORE, for the reasons set forth in this Motion, Meta respectfully requests the Tribunal grant its Motion to Quash the Subpoena issued on June 18, 2025.

¹⁴ *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.

¹⁵ *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.

Respectfully Submitted,

BY:



Weston Adams, III (*pro hac vice* forthcoming)

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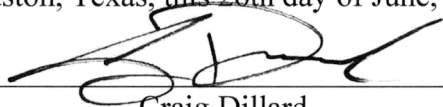
Houston, TX 77002

Attorneys for Non-Party Meta Platforms, Inc.

CERTIFICATE OF SERVICE
LPSC Docket No. U-37425

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.

Houston, Texas, this 26th day of June, 2025.



Craig Dillard