



September 4, 2025

VIA ELECTRONIC MAIL

New Orleans City Council
1300 Perdido Street,
New Orleans, LA 70112

**Re: Rulemaking Proceeding to Establish Rules for Community
Solar Projects, Docket No. UD-18-03**

Dear Councilmembers:

On behalf of Entergy New Orleans (“ENO” or “the Company”), I write in response to the September 2, 2025, letter to the Council from various intervenors regarding the issues of discovery and consolidated billing in the above-referenced docket. While it would not be productive to address every particular attack in the intervenors’ letter, the Company is compelled to briefly respond in order to set the record straight.

In Resolution No. R-25-352 issued on June 26, 2025, the Council established a procedural schedule that consisted of a period for discovery, two rounds of comments, a technical conference, and an Advisors’ report regarding the issue of consolidated billing. In late July, ENO timely propounded Requests for Information (“RFIs”) to various intervenors seeking information and an improved understanding on various aspects of consolidated billing. In August 2025, certain intervenors submitted responses.

The intervenors’ responses to the RFIs were general in nature and largely non-responsive. Several intervenors refused to provide substantive responses to almost half of the RFIs, including requests seeking information regarding their investment proposals and business plans in connection with community solar participation.¹ In fact, one intervenor directed ENO to use “a Google search and/or AI” for information about consolidated billing programs in other states that intervenors repeatedly have claimed (without evidence) are a model for success in New Orleans.²

Considering that intervenors failed to respond substantively to the RFIs, in late August 2025, the Company sent letters to the intervenors seeking to schedule conference calls to discuss

¹ E.g., TNO Response to ENO 1-19; SunConnect Response to ENO 1-19; Carpe Diem Response to ENO 1-19; Green Coast Enterprises Response to ENO 1-19; Algiers Solar Response to ENO 1-19; 127 Energy Response to ENO 1-19.

² SunConnect Response to ENO 1-26.

the specific responses that the Company identified as incomplete or otherwise deficient. The letters, along with the discovery conferences requested therein, are consistent with regulatory and evidentiary practices in Louisiana. Indeed, as the Council knows, it is customary for a party to send a letter to another party regarding discovery issues in an effort to collaborate and amicably resolve such issues – *before* involving the Hearing Officer or the Council itself.

Rather than first attempting amicable resolution with ENO, in accordance with prescribed procedural standards, the intervenors sent their letter to the Council. The letter was filled with unsupported and conclusory statements and wrongly accused the Company of improper motives by simply issuing RFIs and seeking amicable resolution. It also urged the Council to shut down the entire discovery process that was authorized in Resolution No. R-25-352. Once again, the intervenors have made clear that they have no intention of collaborating in this docket.

Putting aside the discovery issues, the intervenors made two other comments that must be noted: “consolidated billing is not up for debate; it is the will of the Council,” and “the Council’s adoption of consolidated billing as the framework for New Orleans’ community solar program.”

The issue of consolidated billing, however, has never been debated at a hearing before the Council. Cost recovery of incremental costs associated with any potential implementation of consolidated billing also has not been addressed, nor have the significant risks to ENO and its customers that the Company has repeatedly previously identified. In fact, to date, the intervenors have not presented any evidence – and the Council has not determined in a resolution or otherwise – that modifying the Council’s community solar rules to require consolidated billing (and thereby accelerate the shifting of an estimated \$212 million in future costs to all customers) is in the public interest.

Accordingly, much remains to be done in this docket. The procedural schedule runs through October 24, 2025, with the issuance of an Advisors’ report. Intervenors, however, seem intent on shutting down the entire procedural process. The Council should not allow the process to be circumvented. ENO stands ready to work with the Council and other stakeholders on the community solar program pursuant to approved Council rules.

Should you have any questions or require additional information, please do not hesitate to reach out.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lerby Nix', with a large, sweeping flourish at the end.

Lerby Nix

cc: Official Service List Council Docket No. UD-18-03