

Jan 10, 2026

Via Electronic Mail

Aisha Collier
Assistant Clerk of Council
Room 1E09, City Hall
1300 Perdido St
New Orleans, LA 70112

Re: Scheduling Order & Memorandum for Consolidated Billing Evidentiary Hearing

Dear Ms. Collier,

Together New Orleans respectfully submits the attached motion in docket **UD-18-03** pertaining to the City's Community Solar Program.

Please do not hesitate to reach out with any questions related to this filing.

Sincerely,

Nathalie Jordi
Together New Orleans

BEFORE THE COUNCIL OF THE CITY OF NEW ORLEANS

In re: A Rulemaking Proceeding to Establish Rules for Community Solar Projects

Docket No. UD-18-03

MOTION TO ESTABLISH PROCEDURAL GUARDRAILS FOR ANY SUPPLEMENTAL EVIDENTIARY PROCESS

Together New Orleans and the undersigned intervenors (collectively, “Intervenors”), respectfully move that the Hearing Officer should clarify and supplement the December 19, 2025 Scheduling Order by establishing firm procedural guardrails governing any supplemental evidentiary process in this docket. This Motion is necessary to prevent misuse of the evidentiary process to re-litigate settled Council determinations, to protect the integrity of the Council’s prior rulings, and to avoid unnecessary delay and burden on the Council, stakeholders, and the public.

In support of this Motion, Intervenors state as follows:

I. PROCEDURAL BACKGROUND

1. This docket concerns the implementation of the City of New Orleans’ community solar program, including the consolidated billing mechanism adopted by the Council through multiple resolutions, most recently Resolution R-24-310 (July 2024) and Resolution R-25-352 (June 2025).
2. On November 25, 2025, Entergy New Orleans, LLC (“ENO”) filed a motion seeking to amend the completed consolidated billing procedural schedule and to require a full evidentiary hearing.
3. On December 8, 2025, Intervenors submitted a letter opposing ENO’s request and explaining that ENO had already received extensive procedural due process through a multi-year rulemaking, discovery, a technical conference, multiple rounds of briefing, and a comprehensive Advisors’ Report. Intervenors further warned that, should any evidentiary process be ordered, it must be strictly limited in scope and duration to prevent ENO from re-litigating settled policy questions.
4. In the December 19, 2025 Scheduling Order and Memorandum, the Hearing Officer expressly recognized that ENO waited until the end of the consolidated billing process to raise due process claims, after “keeping its powder dry” and seemingly seeking “two bites of the apple.” The Hearing Officer also acknowledged that a full-blown live hearing would impose substantial costs and burdens. Nevertheless, “out of an abundance of

caution,” the Hearing Officer established a 161-day-long supplemental evidentiary process.

5. While the Scheduling Order includes certain limitations, it does not directly address Intervenor’s request that affirmative guardrails be imposed to prevent ENO from using the evidentiary process as a vehicle to reopen or undermine established Council decisions.
6. This Motion seeks targeted clarification and supplemental directives to ensure the evidentiary process remains narrowly focused, efficient, and faithful to the Council’s prior determinations.

The purpose of this Motion is not to expand the scope of the proceeding, delay implementation, or revisit matters already decided by the Council. Rather, Intervenor respectfully seek clarification to ensure that the supplemental evidentiary process established by the Hearing Officer operates as a narrowly tailored, efficient mechanism focused specifically on consolidated billing.

Clear procedural guardrails at the outset will promote administrative efficiency, reduce discovery disputes, conserve the resources of the Council and the parties, and provide certainty to stakeholders relying on the Council’s prior determinations. Intervenor therefore request the following limited, rules-based directives:

III. REQUESTED LIMITATIONS

Intervenor respectfully request that the Hearing Officer issue a supplemental order providing that:

1. **Scope Limitation.** The supplemental evidentiary process is strictly limited to discrete, factual implementation issues related to consolidated billing mechanics. Evidence or testimony challenging the fundamental viability or desirability of the community solar program is outside the scope of this proceeding and shall not be admitted.
2. **Evidentiary Proffers and Objections.** Parties shall be required, upon objection, to make a brief proffer explaining how any disputed testimony or discovery request is directly relevant to an open implementation issue. Irrelevant or duplicative material shall be excluded.
3. **Discovery Proportionality.** Discovery shall be narrowly tailored, proportional, and limited to information not already available in the existing record. Fishing expeditions or

discovery aimed at delaying implementation should be disallowed.

4. **Adverse Inferences for Delay.** To the extent ENO advances arguments or factual claims that rely on information it failed to provide earlier despite ample opportunity, the Hearing Officer may give such evidence reduced weight.
5. **Firm Adherence to Schedule.** Extensions of deadlines should be granted only upon a showing of extraordinary good cause, not routine disagreement or litigation strategy.

IV. CONCLUSION

Intervenors do not seek to deny ENO reasonable procedural protections. Rather, they seek to ensure that the supplemental evidentiary process ordered “out of an abundance of caution” does not become an instrument to destabilize settled Council policy, derail a duly adopted program, or squander limited public resources beyond the additional 161 days dedicated to this evidentiary hearing.

Clear procedural guardrails will protect the integrity of the Council’s rulemaking, respect the Hearing Officer’s own concerns about cost and delay, and allow this docket to move efficiently toward implementation—where it has been headed for years.

For these reasons, Intervenors respectfully move that the Hearing Officer grant this Motion and issue a supplemental order establishing the guardrails described above.

Respectfully submitted,

Nathalie Jordi, Together New Orleans

Scott Oman, South Coast Solar

Gary Kassem, SunConnect Corporation (on behalf of NOLA Solar Holding Company LLC)

Logan Burke, Alliance for Affordable Energy

Ian Fischer, Working Power

Ryan Gregory, Stay Ready NOLA, Inc.

Alex Pasanen, Solstice Power Technologies LLC

Pierre Moses, 127 Energy

Monika Gerhart, Gulf States Renewable Energy Industries Association

Gary Skulnik, Neighborhood Sun

Thomas Guinan Jr., Algiers Solar LLC

David Denny, Carpe Diem Developers

Jeff Cantin, Solar Alternatives Inc

Jackie Dadakis, Green Coast Enterprises

**Before
The Council of the City of New Orleans**

**Re: Scheduling Order & Memorandum about Consolidated Billing Evidentiary Hearing
(Docket No. UD-18-03)**

CERTIFICATE OF SERVICE

I do hereby certify that I have, this Jan 10, 2026 , served the foregoing correspondence upon all other known parties of this proceeding by electronic mail.



Nathalie Jordi
Together New Orleans