



Courtney R. Nicholson
Assistant General Counsel
Entergy Services, LLC
504-576-6523 | cnicho2@entergy.com
639 Loyola Avenue, New Orleans, LA 70113

December 18, 2025

VIA ELECTRONIC MAIL

Clerk of Council
Clerkofcouncil@la.gov
City Hall - Room 1E09
1300 Perdido Street
New Orleans, LA 70112

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

Dear Clerk of Council:

Attached please find Entergy Orleans, LLC's ("ENO") Reply Memorandum in the above-referenced docket. ENO submits this filing electronically and will submit the requisite original and number of hard copies once the Council resumes normal operations or as you direct.

Thank you for your assistance in this matter, and please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Courtney R. Nicholson".

Courtney R. Nicholson

CRN/jlc
Enclosures
cc: Official Service List UD-18-03 (*via electronic mail*)

**BEFORE THE
COUNCIL OF THE CITY OF NEW ORLEANS**

**IN RE: A RULEMAKING)
PROCEEDING TO ESTABLISH RULES) DOCKET NO. UD-18-03
FOR COMMUNITY SOLAR PROJECTS)**

**REPLY MEMORANDUM REGARDING MOTION AND INCORPORATED
MEMORANDUM TO AMEND THE PROCEDURAL SCHEDULE AND
REQUEST FOR AN EVIDENTIARY HEARING REGARDING CONSOLIDATED
BILLING ON BEHALF OF ENTERGY NEW ORLEANS**

Entergy New Orleans, LLC (“ENO” or “Company”) submits this Reply Memorandum regarding the December 9, 2025 letter submitted by certain intervenors in response to the Company’s Motion and Incorporated Memorandum to Amend the Procedural Schedule and Request for an Evidentiary Hearing Regarding Consolidated Billing (“Motion”).

INTRODUCTION

ENO filed the Motion to ensure that proper procedures are in place to allow stakeholders to present evidence on consolidated billing and for the Council of the City of New Orleans (“Council”) to address the public interest and other threshold issues. These important issues must be resolved through an evidentiary hearing – not based on argument alone. The Council’s careful and deliberate review of consolidated billing, as required by law, is particularly critical now that PosiGen, a residential solar installer and intervenor in this docket, has filed for bankruptcy.¹

The intervenors’ letter, however, consists of unsupported and inaccurate assertions and entirely fails to address the merits of the Motion. It fails to rebut any of the factual or legal bases for the Motion and cites no jurisprudential authorities in support of their claims. As the rulemaking

¹ [https://pv-magazine-usa.com/2025/12/08/residential-solar-installer-posigen-files-for-bankruptcy/?utm_source=USA+%7C+Newsletter&utm_campaign=8eaadc2eae-dailynl_us&utm_medium=email&utm_term=0_80e0d17bb8-8eaadc2eae-160679148&ct=t\(dailynl_us\)](https://pv-magazine-usa.com/2025/12/08/residential-solar-installer-posigen-files-for-bankruptcy/?utm_source=USA+%7C+Newsletter&utm_campaign=8eaadc2eae-dailynl_us&utm_medium=email&utm_term=0_80e0d17bb8-8eaadc2eae-160679148&ct=t(dailynl_us))

proceeding currently stands, there is no evidence in the record on consolidated billing and certainly none supporting the intervenors' position. Accordingly, the intervenors do not – and cannot – point to any record evidence that would satisfy their burden of proof or to support a Council determination on consolidated billing that would withstand judicial scrutiny. The Motion should therefore be granted.

ARGUMENT

A. There Has Never Been an Evidentiary Hearing.

The intervenors' statement that an "additional evidentiary hearing is [not] warranted" is a misrepresentation. Throughout the entirety of this docket, there has never been an evidentiary hearing. That is the reason why ENO filed its Motion – so that the Council can hold an evidentiary hearing to determine the public interest and other threshold issues regarding consolidated billing.

An evidentiary hearing is a formal proceeding, typically held before a judge or an administrative body, where parties present *evidence* to establish facts relevant to a specific legal issue.² In *Gulf States*, a case that ENO cites in its Motion and is not questioned by the intervenors, the Louisiana Supreme Court stated an evidentiary hearing provides a party an opportunity to conduct discovery, to present witnesses, to introduce exhibits, and to cross-examine opposing witnesses.³ That has not occurred in this docket. No party has presented to the Council or the hearing officer sworn written or live witness testimony, live cross-examination testimony, or

² <https://lsd.law/define/evidentiary-hearing> (emphasis added).

³ *Gulf States Utils. Co. v. Louisiana Pub. Serv. Comm'n*, 578 So. 2d 71, 81 (La. 1991) ("In this case, Gulf States clearly was provided an evidentiary hearing in which it had a full opportunity to learn the extent of the case against it and the basis for that case, to present witnesses and introduce documents in support of its position, and to cross-examine Commission witnesses."). See also *Morgan v. United States*, 304 U.S. 1, 19-20 (1938) ("Congress, in requiring a 'full hearing,' had regard to judicial standards . . . with respect to those fundamental requirements of fairness which are of the essence of due process in a proceeding of a judicial nature. . . . The requirements of fairness are not exhausted in the taking or consideration of evidence, but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps.").

documentary or other types of exhibits for the Council’s consideration. Instead, the docket is replete with arguments presented during comment periods and a technical conference, as the intervenors themselves discuss in their letter. But arguments and technical conference discussions do not satisfy the requirements for an evidentiary hearing and the due process concerns raised in the Motion. As a matter of law, ENO is entitled to an evidentiary hearing on the issue of consolidated billing.

B. The Council Has Previously Rejected Consolidated Billing for Lack of Evidence.

On two prior occasions, the Council has rejected consolidated billing due, in part, to the lack of evidence demonstrating the feasibility of ENO implementing consolidated billing.⁴ These resolutions indicate that the consolidated billing issue remains unsettled – not only from ENO’s perspective, but from the Council’s own perspective as well. Despite this acknowledged lack of evidence, no procedural steps were taken to develop a record sufficient to determine whether consolidated billing is in the public interest. Instead, the Council issued Resolution No. R-24-310, in part, to solicit a consolidated billing proposal from ENO, and the Council admittedly did so based solely on an “argument” advanced by certain intervenors, rather than on any new evidence.⁵

In their letter, the intervenors claim, without support, that the Motion is “an attempt to obstruct the Council’s implementation of consolidated billing,” and that the Council already “formally adopted the program framework and billing mechanism [for consolidated billing] through Resolution No. R-24-310.” These claims are factually wrong and reflect a broader pattern identified by the Advisors in which the intervenors “have misinterpreted...what the Council’s own

⁴ Resolution No. R-23-130, pp. 6-7; Resolution No. R-23-507, Ordering Par. 2.

⁵ Resolution No. R-24-310, p. 6.

Resolutions have said.”⁶ Contrary to the intervenors’ claims, Resolution No. R-24-310 did *not* require the implementation of consolidated billing, nor did it adopt a consolidated billing framework or billing mechanism. Resolution No. R-24-310 contains no such findings or directives. In fact, the Council could not have made those determinations in the absence of evidence in the record, an absence the Council itself cited when it previously declined to approve consolidated billing.

The intervenors further claim that “ENO’s implementation efforts are already behind schedule due to [ENO’s] repeated failure to meet procedural deadlines.” This assertion is nonsensical. The Council has not ordered the implementation of consolidated billing, and therefore no implementation schedule exists. The Company cannot be behind schedule when no implementation obligation has been imposed. Moreover, it is notable that the intervenors advance this claim despite the Advisors’ observation that the intervenors “have repeatedly ignored the Council’s procedural rules and orders in the community solar proceeding.”⁷

Against this backdrop, ENO filed the Motion to allow for an evidentiary hearing to ensure that, if the Council is now inclined to revisit the implementation of consolidated billing after twice rejecting it for lack of evidence, it does so through an evidentiary hearing and a procedurally sound process. To that end, the Company proposed a detailed schedule spanning approximately five (5) months from the date of issuance. By contrast, the intervenors proposed a period of three (3) months, without a detailed schedule. Should it assist the Hearing Officer and the Council, ENO is willing to engage with the intervenors to negotiate an appropriate schedule.

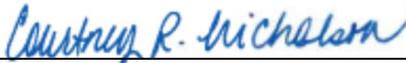
⁶ October 24, 2025 Advisors Report, pp. 3-4.

⁷ October 24, 2025 Advisors Report, pp. 3-4.

CONCLUSION

ENO filed the Motion to ensure proper procedures are put in place to allow stakeholders to present evidence on consolidated billing and for the Council to address the public interest and other threshold issues. These important issues must be decided based on evidence – not unsupported argument. That is what the law requires. ENO respectfully requests that its Motion be granted and a revised procedural schedule be issued that affords the parties a discovery period, an opportunity to present testimony, and an evidentiary hearing, consistent with the schedule proposed by the Company and as contemplated by the principles of due process.

Respectfully submitted,

By: 
Courtney R. Nicholson, La. Bar No. 32618
Edward R. Wicker, Jr. La. Bar No. 27138
Leslie M. LaCoste, La. Bar No. 38307
639 Loyola Avenue
Mail Unit L-ENT-26E
New Orleans, Louisiana 70113
Telephone: (504) 576-4102
Facsimile: (504) 576-5579
cnicho2@entergy.com
ewicker@entergy.com
llacost@entergy.com

-and-

Stephen Perrien, La. Bar No. 22590
PERRIEN, LLC
111 Veterans Memorial Boulevard
Suite 1520
Metairie, Louisiana 70005-3012
Telephone: (504) 381-0815
sperrien@perrienllc.com
tcragin@entergy.com

-and-

W. Raley Alford, La. Bar No. 27354
STANLEY, REUTER, ALFORD, OWEN, MUNSON
& PAUL, LLC
909 Poydras Street
Suite 2500
New Orleans, Louisiana 70112
Telephone: (504) 523-1580
Facsimile: (504) 524-0069
wra@stanleyreuter.com

**ATTORNEYS FOR
ENERGY NEW ORLEANS, LLC**

CERTIFICATE OF SERVICE

Docket No. UD-18-03

I hereby certify that I have served the required number of copies of the foregoing pleading upon all other known parties of this proceeding individually and/or through their attorney of record or other duly designated individual, by: electronic mail, facsimile, hand delivery, and/or by depositing same with overnight mail carrier, or the United States Postal Service, postage prepaid.

Clerk of Council
Council of the City of New Orleans
City Hall, Room 1E09
1300 Perdido Street
New Orleans, LA 70112

Erin Spears, Chief of Staff
Bobbie Mason
Christopher Roberts
Byron Minor
Candace Carmouche
Jared Reese
Tyrienne Varnado
Council Utilities Regulatory Office
City of New Orleans
City Hall, Room 6E07
1300 Perdido Street
New Orleans, LA 70112

Krystal D. Hendon
CM Moreno Chief of Staff
1300 Perdido Street, Room 2W50
New Orleans, LA 70112

Sayde Finkel
CM Moreno Chief of Staff
1300 Perdido Street, Room 2W40
New Orleans, LA 70112

Justyn Hawkins
Chief of Staff
New Orleans City Council
City Hall, Room 1E06
1300 Perdido Street
New Orleans, LA 70112

Donesia D. Turner
Tanya L. Irvin
Chief Deputy City Attorney
City Attorney Office
City Hall, Room 5th Floor
1300 Perdido Street
New Orleans, LA 70112

Norman White
Department of Finance
City Hall, Room 3E06
1300 Perdido Street
New Orleans, LA 70112

Greg Nichols
Deputy Chief Resilience Officer
Office of Resilience & Sustainability
1300 Perdido Street, Ste. 8E08
New Orleans, LA 70112

Sophia Winston
Energy Policy & Program Manager
Office of Resilience & Sustainability
1300 Perdido Street, Ste. 8E08
New Orleans, LA 70112

Hon. Jeffery S. Gulin
3203 Bridle Ridge Lane
Lutherville, MD 21093

Clinton A. Vince, Esq.
Presley R. Reed, Jr., Esq.
Emma F. Hand, Esq.
Dee McGill
Dentons US LLP
1900 K Street NW
Washington, DC 20006

Joseph W. Rogers
Victor M. Prep
Legend Consulting Group
6041 South Syracuse Way, Suite 105
Greenwood Village, CO 80111

Deanna Rodriguez
President and Chief Executive Officer
Entergy New Orleans, LLC
Mail Unit L-MAG-505B
1600 Perdido Street
New Orleans, LA 70112

Vincent Avocato
Entergy New Orleans, LLC
2107 Research Forest Drive, T-LFN-4
The Woodlands, TX 77380

Joseph J. Romano, III
Tim Rapier
Erin Farrell
Entergy Services, LLC
Mail Unit L-ENT-3K
639 Loyola Avenue
New Orleans, LA 70113

Basile J. Uddo, Esq.
J.A. "Jay" Beatmann, Jr.
c/o Dentons US LLP
The Poydras Center
650 Poydras Street, Suite 2850
New Orleans, LA 70130-6132

Leroy Nix
VP, Regulatory Affairs
Entergy New Orleans, LLC
Mail Unit L-MAG-505B
1600 Perdido Street
New Orleans, LA 70112

Polly Rosemond
Kevin T. Boleware
D'Angela Savoi
Keith Wood
Derek Mills
Ross Thevenot
Tamika Robinson
Greg Crisler
Entergy New Orleans, LLC
Mail Unit L-MAG-505B
1600 Perdido Street
New Orleans, LA 70112

Courtney Nicholson
Heather Silbernagel
Leslie M. LaCoste
Regina Bartholomew-Woods
Edward R. Wicker, Jr.
Linda Prisuta
Jessica Coolidge
Entergy Services, LLC
Mail Unit L-ENT-26E
639 Loyola Avenue
New Orleans, LA 70113

Andy Kowalczyk
350 New Orleans
1115 Congress St.
New Orleans, LA 70117

Benjamin Quimby
350 New Orleans
1621 S. Rampart St.
New Orleans, LA 70113

Katherine W. King
Randy Young
Kean Miller LLP
Air Products and Chemicals, Inc.
400 Convention Street, Suite 700
Post Office Box 3513
Baton Rouge, LA 70821

Maurice Brubaker
Michael Weizman
Air Products and Chemicals, Inc.
16690 Swingly Ridge Road, Suite 140
Chesterfield, MO 63017

Jeffery D. Cantin
Stephen Wright
Gulf States Renewable Energy Industries
Assoc.
400 Poydras Street, Suite 900
New Orleans, LA 70130

Myron Katz, PhD
ProRate Energy, Inc.
302 Walnut Street
New Orleans, LA 70118

Broderick Bagert
Abel Thompson
Nathalie Jordi
Together New Orleans
2721 S. Broad St.
New Orleans, LA 70125

Tom Guinan Jr.
Algiers Solar
3401 General DeGaulle Dr. Ste. 105
New Orleans, LA 70114

Renate Heurich
350 New Orleans
1407 Napoleon Avenue, Suite #C
New Orleans, LA 70115

Carrie Tournillon
Kean Miller LLP
Air Products and Chemicals, Inc.
900 Poydras Street, Suite 3600
New Orleans, LA 70112

Jesse George
Logan Atkinson Burke
Sophie Zaken
Alliance for Affordable Energy
4505 S. Claiborne Avenue
New Orleans, LA 70125

Juliana Harless
Associate, Southeast Market
Madison Energy Investments
110 Green Street, Suite 901
New York, New York 10012

Laurel Passera
Senior Director
Policy and Regulatory Affairs
Coalition For Community Solar Access
1380 Monroe Street, NW #721
Washington, DC 20010

Pierre D. Moses
127 Energy
952 School St. #127
Napa, CA 94559

Andreanecia M. Morris
Greater New Orleans Housing Alliance
President
Brandon Hawkins
Deputy Director, Policy & Advocacy
4640 S. Carrollton Avenue, Ste. 160
New Orleans, LA 70119

Jackie Dadakis
Green Coast Enterprises
CEO
Regina LaMacchia
Director of Development
636 N. Carrollton Avenue
New Orleans, LA 70119

Gary Skulnik
Neighborhood Sun
CEO
636 N. Carrollton Avenue
New Orleans, LA 70119

Georgina Arreola
Perch Energy
Vice President of Policy
P.O. Box 170718
Boston MA, 02117

Jeff Cantin
Solar Alternatives
President
5804 River Oaks Road S.
New Orleans, LA 70123

Alex Pasanen
Solstice Power Technologies
Senior Policy Coordinator
186 Alewife Brook Pkwy
Cambridge, MA 02138-1121

Scott Oman
South Coast Solar
2605 Ridgelake Drive
Metairie, LA 70002

Maryem Gad
Working Power
No Address

Gary Kassem
Manager
Erica Buster
Vice President
SunConnect
3021 Airport Pulling Road,
N. Suite 201
Naples, FL 34105

Julian Thomas
Carpe Diem Developers PR, LLC
151 Calle San Francisco
Suite #200 PMB 5014
San Juanm PR 0091-1607

New Orleans, Louisiana, this 18th day of December 2025.



Courtney R. Nicholson

Clinton A. Vince, Esq.
Presley R. Reed, Jr., Esq.
Emma F. Hand, Esq.
Dee McGill
Dentons US LLP
1900 K Street NW
Washington, DC 20006

Joseph W. Rogers
Victor M. Prep
Legend Consulting Group
6041 South Syracuse Way, Suite 105
Greenwood Village, CO 80111

Deanna Rodriguez
President and Chief Executive Officer
Entergy New Orleans, LLC
Mail Unit L-MAG-505B
1600 Perdido Street
New Orleans, LA 70112

Vincent Avocato
Entergy New Orleans, LLC
2107 Research Forest Drive, T-LFN-4
The Woodlands, TX 77380

Joseph J. Romano, III
Tim Rapier
Erin Farrell
Entergy Services, LLC
Mail Unit L-ENT-3K
639 Loyola Avenue
New Orleans, LA 70113

Basile J. Uddo, Esq.
J.A. "Jay" Beatmann, Jr.
c/o Dentons US LLP
The Poydras Center
650 Poydras Street, Suite 2850
New Orleans, LA 70130-6132

Leroy Nix
VP, Regulatory Affairs
Entergy New Orleans, LLC
Mail Unit L-MAG-505B
1600 Perdido Street
New Orleans, LA 70112

Polly Rosemond
Kevin T. Boleware
D'Angela Savoi
Keith Wood
Derek Mills
Ross Thevenot
Tamika Robinson
Greg Crisler
Entergy New Orleans, LLC
Mail Unit L-MAG-505B
1600 Perdido Street
New Orleans, LA 70112

Courtney Nicholson
Heather Silbernagel
Leslie M. LaCoste
Lacresha Wilkerson
Edward R. Wicker, Jr.
Linda Prisuta
Jessica Coolidge
Entergy Services, LLC
Mail Unit L-ENT-26E
639 Loyola Avenue
New Orleans, LA 70113

Andy Kowalczyk
350 New Orleans
1115 Congress St.
New Orleans, LA 70117

Benjamin Quimby
350 New Orleans
1621 S. Rampart St.
New Orleans, LA 70113

Katherine W. King
Randy Young
Kean Miller LLP
Air Products and Chemicals, Inc.
400 Convention Street, Suite 700
Post Office Box 3513
Baton Rouge, LA 70821

Maurice Brubaker
Michael Weizman
Air Products and Chemicals, Inc.
16690 Swingly Ridge Road, Suite 140
Chesterfield, MO 63017

Jeffery D. Cantin
Stephen Wright
Gulf States Renewable Energy Industries
Assoc.
400 Poydras Street, Suite 900
New Orleans, LA 70130

Myron Katz, PhD
ProRate Energy, Inc.
302 Walnut Street
New Orleans, LA 70118

Broderick Bagert
Abel Thompson
Nathalie Jordi
Together New Orleans
2721 S. Broad St.
New Orleans, LA 70125

Tom Guinan Jr.
Algiers Solar
3401 General DeGaulle Dr. Ste. 105
New Orleans, LA 70114

Renate Heurich
350 New Orleans
1407 Napoleon Avenue, Suite #C
New Orleans, LA 70115

Carrie Tournillon
Kean Miller LLP
Air Products and Chemicals, Inc.
900 Poydras Street, Suite 3600
New Orleans, LA 70112

Jesse George
Logan Atkinson Burke
Sophie Zaken
Alliance for Affordable Energy
4505 S. Claiborne Avenue
New Orleans, LA 70125

Juliana Harless
Associate, Southeast Market
Madison Energy Investments
110 Green Street, Suite 901
New York, New York 10012

Laurel Passera
Senior Director
Policy and Regulatory Affairs
Coalition For Community Solar Access
1380 Monroe Street, NW #721
Washington, DC 20010

Pierre D. Moses
127 Energy
952 School St. #127
Napa, CA 94559

Andreanecia M. Morris
Greater New Orleans Housing Alliance
President
Brandon Hawkins
Deputy Director, Policy & Advocacy
4640 S. Carrollton Avenue, Ste. 160
New Orleans, LA 70119

Jackie Dadakis
Green Coast Enterprises
CEO
Regina LaMacchia
Director of Development
636 N. Carrollton Avenue
New Orleans, LA 70119

Gary Skulnik
Neighborhood Sun
CEO
636 N. Carrollton Avenue
New Orleans, LA 70119

Georgina Arreola
Perch Energy
Vice President of Policy
P.O. Box 170718
Boston MA, 02117

Jeff Cantin
Solar Alternatives
President
5804 River Oaks Road S.
New Orleans, LA 70123

Alex Pasanen
Solstice Power Technologies
Senior Policy Coordinator
186 Alewife Brook Pkwy
Cambridge, MA 02138-1121

Scott Oman
South Coast Solar
2605 Ridgelake Drive
Metairie, LA 70002

Maryem Gad
Working Power
No Address

Gary Kassem
Manager
Erica Buster
Vice President
SunConnect
3021 Airport Pulling Road,
N. Suite 201
Naples, FL 34105

Julian Thomas
Carpe Diem Developers PR, LLC
151 Calle San Francisco
Suite #200 PMB 5014
San Juanm PR 0091-1607

New Orleans, Louisiana, this 18th day of December 2025.



Courtney R. Nicholson