



Entergy Services, Inc.
639 Loyola Avenue
P. O. Box 61000
New Orleans, LA 70161-1000
Tel 504 576 6523
Fax 504 576 5579
amauric@entergy.com

Alyssa Maurice-Anderson
Assistant General Counsel
Legal Department -- Regulatory

November 6, 2018

Lora W. Johnson, CMC, LMMC
Clerk of Council
Room 1E09, City Hall
1300 Perdido Street
New Orleans, LA 70112

Re: *Revised Application of Entergy New Orleans, LLC for a Change in Electric and Gas Rates Pursuant to Council Resolutions R-15-194 and R-17-504 and for Related Relief*
Council Docket No. UD-18-07

Dear Ms. Johnson:

On behalf of Entergy New Orleans, LLC ("ENO" or the Company), please find enclosed for your further handling an original and three copies of Opposition to the Crescent City Power Users' Group Motion for Intervention and Motion to Strike, which I would appreciate your filing into the record of this proceeding. Please file an original and two copies into the record in the above referenced matter, and return a date-stamped copy to our courier.

Should you have any questions regarding the above/attached, please do not hesitate to contact me.

With kindest regards, I am

Sincerely,

Alyssa Maurice-Anderson

/ama
Enclosures

cc: Official Service List via email
Mr. Luke F. Piontek



Nov 6 3 24

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

APPLICATION OF ENTERGY NEW)	
ORLEANS, LLC FOR A CHANGE IN)	
ELECTRIC AND GAS RATES)	
PURSUANT TO COUNCIL)	DOCKET NO. UD-18-07
RESOLUTIONS R-15-194 AND R-17-504)	
FORMULA RATE PLAN AND FOR)	
AND FOR RELATED RELIEF)	

**ENTERGY NEW ORLEANS, LLC’S OPPOSITION TO THE
CRESCENT CITY POWER USERS’ GROUP MOTION FOR INTERVENTION AND
ENTERGY NEW ORLEANS, LLC’S MOTION TO STRIKE**

NOW BEFORE THE COUNCIL OF THE CITY OF NEW ORLEANS comes Entergy New Orleans, LLC (“ENO” or the “Company”), through undersigned counsel, and submits its opposition to the motion for intervention filed by the Crescent City Power Users’ Group (“CCPUG”) and ENO’s motion to strike the same.¹ ENO opposes the CCPUG’s intervention because CCPUG, an alleged unincorporated association, has not provided sufficient proof of a justiciable or administratively cognizable interest to support intervention in this proceeding.

CCPUG served a three-page motion for intervention with scant factual information concerning CCPUG. The motion alleges that (1) CCPUG is an unincorporated association comprised of “large ratepayers,” (2) a change in electric and gas rates “will directly affect the business and economic interests of CCPUG,” and (3) no other intervenor or party will adequately protect CCPUG’s interests.

¹ Section 158-287 of the Code of the City of New Orleans indicates that the method for challenging an intervention is a motion to strike. Therefore, in an abundance of caution, ENO has referred to its pleading as both an opposition to motion for intervention and a motion to strike.

This scant factual information is insufficient to determine whether CCPUG should be an intervenor in this proceeding. Section 507 of Title 12 of the Louisiana Revised Statutes, which CCPUG cites in its motion, provides that an unincorporated association may intervene in a proceeding on its own behalf only if (a) one or more members of the unincorporated association have standing to assert an interest in their own right, (b) the interests the unincorporated association seeks to protect are germane to its purposes, and (c) neither the interest asserted nor the relief requested requires the participation of a member.

CCPUG has not made a genuine, serious effort to comply with La. R.S. 12:507, and the Hearing Officer should deny CCPUG's intervention. First, CCPUG has not identified its members so that one can determine whether its members have an interest in this proceeding in their own right. Although the statute refers to "one or more members," CCPUG should have identified all of its members as it has alleged that its members are "large ratepayers" and that an unincorporated association must have multiple members.² Second, CCPUG has not identified its purpose and explained how CCPUG's purpose is germane to its members' interests. An unincorporated association must have a common, nonprofit purpose,³ and CCPUG does not state its purpose or explain the relationship between its purpose and members' interests to be asserted in this proceeding. Third, CCPUG has not explained why its intervention will not require the participation of any of its members. Accordingly, the Hearing Officer cannot determine whether CCPUG has complied with the very statute it cites in its motion, that is, La. R.S. 12:507, and, therefore, should deny CCPUG's intervention.

² La. R.S. 12:501(5).

³ *Id.*

Furthermore, CCPUG has not demonstrated that indeed it is even a valid unincorporated association or has authority to intervene in this proceeding. An unincorporated association is not an entity that can be created through pleadings without any formalities so that a group of individuals or businesses can participate in a legal or administrative proceeding under a separate collective name. An unincorporated association must have a governing document setting forth the mutual consent of its members in a common, nonprofit purpose.⁴ An unincorporated association's members must elect officers or directors at least once per year; otherwise, the association can be involuntarily dissolved.⁵ And, these officers or directors have to manage the association's affairs.⁶ Most importantly, an unincorporated association must appear through its president or an officer authorized by its members.⁷ Nothing in CCPUG's motion indicates that CCPUG is a valid unincorporated association or has the authority to intervene in this proceeding.

In summary, CCPUG has failed to show that it is entitled to intervene in this proceeding in its own name under the applicable statute, is a valid unincorporated association, or has the authority to intervene in this proceeding. Accordingly, the Hearing Officer should deny CCPUG's motion for intervention.


⁴ La. R.S. 12:501(5); see La. R.S. 12:505(C)(6).

⁵ La. R.S. 12:501(2); La. R.S. 12:514(2).

⁶ See La. R.S. 12:514(4).

⁷ La. Code Civ. P. art. 689.

Respectfully submitted,

By: 
Timothy S. Cragin, La. Bar No. 22313
Alyssa Maurice-Anderson, La. Bar No. 28388
Harry M. Barton, La. Bar No. 29751
Brian L. Guillot, La. Bar No. 31759
ENTERGY SERVICES, INC.
639 Loyola Avenue, Mail Unit L-ENT-26E
New Orleans, Louisiana 70113
Telephone: (504) 576-6523
Facsimile: (504) 576-5579

-and-

John F. Williams, Texas Bar No. 21554100
James F. McNally, Jr., Texas Bar No. 13815680
Scott Olson, Texas Bar No. 24013266
DUGGINS WREN MANN & ROMERO, LLP
One American Center
600 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 744-9300
Facsimile: (512) 744-9399

-and-

Stephen T. Perrien, La. Bar No. 22590
TAGGART MORTON, L.L.C.
1100 Poydras Street, Suite 2100
New Orleans, Louisiana 70113
Telephone: (504) 599-8500
Facsimile: (504) 599-8501

ATTORNEYS FOR ENTERGY NEW ORLEANS, LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of November, 2018, 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.

Lora W. Johnson, CMC, LMMC
Clerk of Council
City Hall – Room 1E09
1300 Perdido Street
New Orleans, LA 70112

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

Erin Spears
Bobbie Mason
Connolly F. A. Reed
City Hall – Room 6E07
1300 Perdido Street
New Orleans, LA 70112

David Gavlinski
Council Chief of Staff
City Hall – Room 1E06
1300 Perdido Street
New Orleans, LA 70112

Sunni LeBeouf
Law Department
City Hall - 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

Clinton A. Vince
Presley Reed
Emma F. Hand
1900 K Street NW
Washington, DC 20006

Basile J. Uddo
J.A. “Jay” Beatmann, Jr.
c/o Dentons US LLP
650 Poydras Street, Suite 2850
New Orleans, LA 70130

Errol Smith
Bruno and Tervalon
4298 Elysian Fields Avenue
New Orleans, LA 70122

Philip J. Movish
Joseph W. Rogers
Victor M. Prep
Legend Consulting Group
8055 East Tufts Ave., Suite 1250
Denver, CO 80237-2835

Gary E. Huntley
Polly S. Rosemond
Derek Mills
Seth Cureington
Entergy New Orleans, LLC
1600 Perdido Street, L-MAG-505B
New Orleans, LA 70112

Timothy S. Cragin
Alyssa Maurice-Anderson
Brian L. Guillot
Harry Barton
Entergy Services, LLC
639 Loyola Ave., Mail Unit L-ENT-26E
New Orleans, LA 70113

Joe Romano, III
Suzanne Fontan
Therese Perrault
Entergy Services
639 Loyola Ave.
Mail Unit L-ENT-4C
New Orleans, LA 70113

Michael J. Laughlin
Mary Katherine Kaufman
Churita H. Hansell
Cherrell Simms Taplin
City Hall – Room 5E03
1300 Perdido Street
New Orleans, LA 70112

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

Katherine W. King
Randy Young
KEAN MILLER LLP
400 Convention Street, Suite 700 (70802)
Post Office Box 3513
Baton Rouge, LA 70821-3513

Carrie R. Tournillon
KEAN MILLER LLP
900 Poydras Street, Suite 3600
New Orleans, LA 70112

Mark Zimmerman
Air Products & Chemicals, Inc.
720 I. Hamilton Blvd.
Allentown, PA 18195-1501

Myron Katz, PhD
302 Walnut Street
New Orleans, LA 70118

Andy Kowalczyk
1115 Congress St.
New Orleans, LA 70117

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

Renate Heurich
1407 Napoleon Ave, #C
New Orleans, LA 70115

Maurice Brubaker
Brubaker & Associates, Inc.
P.O. Box 412000 (63141-2000)
16690 Swingly Ridge Road, Suite 140
Chesterfield, MO 63017


Alyssa Maurice-Anderson