

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

FILED
2020 FEB -5 PM 2:13
CIVIL
DISTRICT COURT
DIVISION "C-10"

NO. 2019-12656

ENTERGY NEW ORLEANS, LLC
Plaintiff
VERSUS

THE COUNCIL OF THE CITY OF NEW ORLEANS,
HELENA MORENO, JASON ROGERS WILLIAMS, JOSEPH I.
GIARRUSSO, III, JAY H. BANKS, KRISTIN GISLESON
PALMER, JARED C. BROSSETT, AND CYNDI NGUYEN
Defendants

FILED: _____
DEPUTY CLERK

**NOTICE OF INTENTION TO NARROW SCOPE
OF APPLICATION FOR PRELIMINARY INJUNCTION**

Petitioner, Entergy New Orleans, LLC (“ENO” or the “Company”), through undersigned counsel, respectfully provides notice to the parties and to the Court of its intent to narrow the scope of its requested preliminary injunction to address only the tax-related directives of Council Resolution R-19-457 dated November 7, 2019 (“Rate Case Resolution”) that are described in ¶ 26 of ENO’s Verified Petition for Appeal and Judicial Review of, and for Stay of or Injunctive Relief from, Resolution R-19-457 of the Council of the City of New Orleans (the “Verified Petition”).

When it filed its Verified Petition that commenced this matter, ENO requested a preliminary injunction that would prohibit implementation or enforcement of the full Rate Case Resolution pending judicial review. Since that time, ENO has decided to narrow the scope of its preliminary-injunction request.¹


Accordingly, at this time, and solely for the purpose of the preliminary injunction hearing scheduled on February 12, 2020, ENO now seeks preliminary injunctive relief prohibiting the

¹ Narrowing the scope of the requested preliminary injunctive relief at this time does not prejudice ENO’s right to seek and obtain reversal of the Rate Case Resolution through its action for judicial review. ENO maintains that the Rate Case Resolution should be set aside, reversed, and vacated for all of the reasons noted in its Verified Petition, and other grounds to be established in accordance with the Court’s procedural schedule. The narrowing of ENO’s request for preliminary injunctive relief at this time should not be construed as a waiver of ENO’s arguments on the merits of any issue set forth in its Verified Petition. ENO also reserves all rights to seek preliminary injunctive relief at a later time, if necessary, in accordance with ¶ 37 and ¶ 38 of ENO’s Verified Petition.

Council from implementing or otherwise enforcing the effect of certain rulings contained in the Rate Case Resolution associated with the ratemaking treatment of two accumulated deferred income tax amounts that violates the Internal Revenue Service normalization rules, namely, Ordering Paragraphs 5 and 7 of the Rate Case Resolution.²

ENO will submit its affidavits and memorandum supporting its narrowed request for preliminary injunctive relief in accordance with the deadlines set forth in the Court's order of January 14, 2020.

Respectfully submitted,



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**ATTORNEYS FOR ENTERGY
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² See ENO's Verified Petition, at ¶ 26.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served on all counsel of record by hand, facsimile, electronic mail, overnight courier, and/or by placing same in the United States mail, postage prepaid and properly addressed, this 5th day of February, 2020.

Alison Fullen