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2020 FEB 12 AM 8:36

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS DISTRICT COURT

STATE OF LOUISIANA

NO. 2019-12656

DIVISION "C"

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

UNOPPOSED JOINT MOTION AND ORDER
TO CONTINUE PRELIMINARY INJUNCTION
HEARING AND FOR LIMITED REMAND TO COUNCIL

Entergy New Orleans, LLC's ("ENO") application for preliminary injunction in this matter
currently is set for hearing on February 12, 2020, at 9:00 a.m. On February 5, 2020, ENO advised
the Court and the parties of its intention to narrow the scope of its requested preliminary injunction
to address only the tax-related directives of Ordering Paragraphs 5 and 7 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").
Accordingly, the only issue before the Court on ENO's pending application for preliminary
injunction is whether the Court should stay and enjoin the implementation and enforcement of the
provisions of Ordering Paragraphs 5 and 7 of the Rate Case Resolution during the pendency of
ENO's appeal of that resolution.

ENO, the Council of the City of New Orleans, and the Council Members now respectfully
represent that another brief continuance of the preliminary-injunction hearing will allow the parties
to continue their efforts to narrow the issues on the application for preliminary injunction, and they

hereby request that the hearing be re-set for March 2, 2020. They further request that the Court
order a limited remand that would allow the Council to consider potential modifications to

CHELSEY RICHARD NAPOLEON
CLERK, CIVIL DISTRICT COURT
402 CIVIL COURTS BUILDING
NEW ORLEANS, LA 70112
Case Number 2019-12656
Receipt Number 801447
Register CDC Cash Register 4
Case Number 2019-12656
Amount Received \$47.00
Balance Due \$0.00
Over Payment \$0.00
Payment Transaction Log
Check # 08953 \$47.00

Table with 4 columns: Item, Charged, Paid, Bal. Row 1: Item, Charged, Paid, Bal. Row 2: \$47.00, \$47.00, \$0.00

2-12-2020
VERIFIED
[Signature]

Ordering Paragraphs 5 and 7 of the Rate Case Resolution.¹ In support of these requests, the movants respectfully represent the following:

- ENO and the Council's Utility Advisors have identified steps that can be recommended to the Council to address the concerns that ENO has raised about Ordering Paragraphs 5 and 7 of the Rate Case Resolution and how those paragraphs can be modified in a manner that serves the public interest.
- ENO and the Council's Utility Advisors intend to memorialize those steps and modifications through a formal Agreement in Principle/Stipulation that can be considered by the Council at its meeting of February 20, 2020.
- If Ordering Paragraphs 5 and 7 are modified in a manner that sufficiently addresses the concerns raised by ENO concerning the adverse effects that those paragraphs would have on ENO and its customers, ENO will be in a position to withdraw its request for preliminary injunctive relief concerning those paragraphs, thus narrowing the issues before the Court.
- The movants propose a streamlined process in which the Council can consider and the Court can quickly implement potential modifications to Ordering Paragraphs 5 and 7 of the Rate Case Resolution without impairing the Court's jurisdiction over the remainder of the Rate Case Resolution. This serves the interests of judicial efficiency and of utility customers in the City of New Orleans.

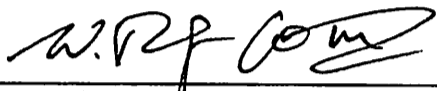
Counsel for the intervenors, the Alliance for Affordable Energy and Sierra Club, has been contacted and does not oppose the relief requested in this motion.

¹ Narrowing the scope of the requested preliminary injunctive relief and joining in this request for a limited remand 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. This motion is not and 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.

WHEREFORE, ENO, the Council of the City of New Orleans, and the Council Members respectfully request that the Court continue the preliminary-injunction hearing and order a limited remand as prayed for herein and set forth in the proposed order attached hereto.

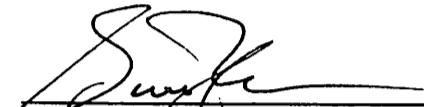
Respectfully submitted,

**ATTORNEYS FOR PLAINTIFF,
ENTERGY NEW ORLEANS, LLC**



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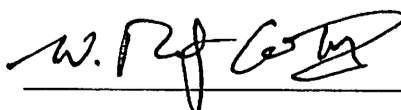
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing 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 12th day of February, 2020.



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THE COUNCIL OF THE CITY OF NEW ORLEANS, HELENA MORENO,
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Defendants

FILED: _____
DEPUTY CLERK

ORDER

Considering the foregoing Unopposed Joint Motion and Order to Continue Preliminary Injunction Hearing and for Limited Remand to Council;

IT IS ORDERED that the motion is **GRANTED**.

IT IS FURTHER ORDERED that the application for preliminary injunction in this matter that is set for hearing on February 12, 2020, at 9:00 a.m. is hereby **CONTINUED** to March 2, 2020, at 9:00 a.m. The application for preliminary injunction shall be heard upon the verified pleadings and/or supporting affidavits. No testimony shall be taken at the hearing.

IT IS FURTHER ORDERED that this matter is **REMANDED IN PART** to allow the Council to consider potential modifications to Ordering Paragraphs 5 and 7 of Council Resolution R-19-457 at its meeting of February 20, 2020. The remand is and shall be limited to Ordering Paragraphs 5 and 7 and the associated inclusions and exclusions of accumulated deferred income taxes ("ADIT") amounts in/from ENO's gas and electric rate bases. The Court retains jurisdiction over all other provisions of Council Resolution R-19-457. Not later than forty-eight (48) hours prior to the March 2, 2020 hearing in this matter, the parties shall provide a status update to the Court and file of record any Council resolution that modifies Ordering Paragraphs 5 and 7.

New Orleans, Louisiana, this 12 day of February, 2020.

A TRUE COPY
[Signature]
DEPUTY CLERK

[Signature]
HON. SIDNEY H. CATES, IV
Civil District Court Judge

VERIFIED