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June 5, 2024

**Via Electronic Delivery**

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

**Re: Delta States Utilities NO, LLC and Entergy New Orleans, LLC, Ex Parte.  
In Re: Application for Authority to Operate as Local Distribution Company  
and Incur Indebtedness and Joint Application for Approval of Transfer and  
Acquisition of Local Distribution Company Assets and Related Relief  
Council Docket No. UD-24-01**

Dear Clerk of Council

Attached please find the of Entergy New Orleans, LLC's ("ENO") Opposition to the Alliance for Affordable Energy's Motion to Compel Production of HSPM-CS Materials and for Leave to File Supplemental Direct Testimony for filing in the above-referenced docket. ENO makes this filing pursuant to the Order dated June 3, 2024, issued by the Honorable Judge Gulin. 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 "Leslie LaCoste".

Leslie M. LaCoste

LML/jlc

cc: Official Service List (UD-24-01)

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

**DELTA STATES UTILITIES NO, LLC AND )  
ENERGY LOUISIANA, LLC, EX PARTE. )  
)  
IN RE: APPLICATION FOR AUTHORITY TO )  
OPERATE AS LOCAL DISTRIBUTION )  
COMPANY AND INCUR INDEBTEDNESS )  
AND JOINT APPLICATION FOR APPROVAL )  
OF TRANSFER AND ACQUISITION OF )  
LOCAL DISTRIBUTION COMPANY ASSETS )  
AND RELATED RELIEF. )**

**DOCKET NO UD-24-01**

**ENERGY NEW ORLEANS, LLC’S OPPOSITION TO THE ALLIANCE FOR  
AFFORDABLE ENERGY’S MOTION TO COMPEL PRODUCTION OF HSPM-CS  
MATERIALS AND FOR LEAVE TO FILE SUPPLEMENTAL DIRECT TESTIMONY**

Energy New Orleans, LLC (“ENO”) submits this Opposition to the Alliance for Affordable Energy’s (“the Alliance”) Motion to Compel Production of HSPM-CS Materials and for Leave to File Supplemental Direct Testimony (“Motion”).

This Motion regards HSPM-CS materials. While ENO has not produced any HSPM-CS materials in the course of discovery and the Alliance’s Motion seemingly should not have included ENO, it should be noted that ENO was not aware of any discovery-related issues until the Alliance filed its Motion on May 31, 2024. The Alliance never contacted ENO or any other party regarding the issues in its Motion. The Alliance intervened on February 29, 2024,<sup>1</sup> and could have raised the issues to ENO and/or in motion practice at any time. The issues would have been addressed and resolved long ago. Instead, the Alliance waited until its testimony deadline to file the Motion, and now has put the procedural schedule at risk.

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<sup>1</sup> See the Alliance’s Petition for Intervention and Inclusion on Service List.

This strategy demonstrates a lack of cooperation in the discovery process and a violation of the general practice to resolve discovery issues without the Hearing Officer's involvement, as contemplated in La. R. Dist. Ct. 10.1 (before filing motion to compel, parties must meet and confer for amicable resolution). The Alliance therefore should not be allowed to file supplemental direct testimony. Indeed, the Alliance should not be allowed to benefit from its own delay and failure to cooperate. It would be highly prejudicial to ENO if the Alliance were to file supplemental direct testimony a mere two weeks (June 14, 2024, as requested) before ENO's rebuttal testimony deadline (June 28, 2024); and it would be even more prejudicial if the current procedural schedule is disturbed. The Motion should be denied.

Respectfully submitted,

By:  \_\_\_\_\_

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**ATTORNEYS FOR  
ENERGY NEW ORLEANS, LLC**

**CERTIFICATE OF SERVICE**  
**UD-24-01**

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.

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New Orleans, Louisiana, this 5<sup>th</sup> day of June 2024



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Leslie M. LaCoste