

BEFORE THE
COUNCIL OF THE CITY OF NEW ORLEANS

In re: RESOLUTION AND ORDER
REGARDING ENTERGY NEW ORLEANS,
LLC'S COMPLIANCE FILING

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Docket No. UD-18-03

ORDER RESPECTING DISCOVERY

On September 2, 2025, Intervenors in the instant proceeding sent a letter to members of the New Orleans City Council alleging that Entergy New Orleans, LLC (ENO) has engaged in "...continued attempts to obstruct and delay implementation of utility-consolidated billing for community solar through repeated and unnecessary Requests for Information ("RFIs"), follow-up "deficiency" letters and phone conferences." Said Intervenors further assert that "ENO's latest demand letter to each intervenor ... is not a good-faith effort to resolve outstanding issues."¹

Initially, the Hearing Officer notes that litigants are always free to contact Council members, and, of course, the Council is always free to intervene in any proceeding. **However, all parties to the instant proceeding are reminded that prior resolutions under this docket delegated authority to resolve all discovery disputes to the Hearing Officer.** *See* Resolutions R-18-223 and R-22-370, (Ordering Paragraph 2 of each).

¹ Signatories to the letter along with the Intervening party they represent are as follow:

Nathalie Jordi, Together New Orleans
Jesse George, Alliance for Affordable Energy
Julian Thomas, Carpe Diem Developers
Monika Gerhart, Gulf States Renewable Energy Industries Association
Laurel Passera, Coalition for Community Solar Access
Gary Skulnik, Neighborhood Sun
Jackie Dadakis, Green Coast Enterprises
Gary Kassem & Erica Buster, SunConnect
Scott Oman, South Coast Solar
Tom Guinan, Algiers Solar
Alex Pasanen, Solstice
Pierre Moses, 127 Energy
Jeff Cantin, Solar Alternatives

Merely because an intervenor elects to contact council members, **they are not relieved of their obligations to file appropriate discovery pleadings** including *objections* to “requests for information,” “data requests,” “interrogatories”, “requests for production of documents” or any other discovery requests permitted by applicable authority or by the Hearing Officer, and including **motions to compel discovery, and motions for protective orders, and to do so in a timely manner. Contacting Council members does NOT extend any applicable time limits for Intervenors or any party hereto.**

The Hearing Officer can appreciate some confusion by all parties respecting discovery rules pertaining to the instant proceeding. The Council Resolution², which established the current discovery period (which ended on August 29, 2025, does not explicitly state that the Hearing Officer shall resolve all discovery disputes. However, this delegation is explicitly set forth in the prior resolutions under this docket, as cited *supra*. The mere fact that the Council did not reiterate that explicit language does not reflect an alternate intent by the Council. Similarly, the Resolution, *supra*, does not set forth time limits by which parties must respond to discovery requests. Nor does it provide for the filing of objections, motions to compel, or motions for protective orders. But, in the absence of such explicit language, discovery is governed by New Orleans, La., Code of Ordinances § 158-392, which provides that “[s]ubject to section 158-233 (authorizing the Council or designated hearing officer to modify discovery procedures), any party of record may avail himself of any discovery method authorized by the Louisiana Code of Civil Procedure and/or recognized by the Federal Energy Regulatory Commission. *Id* at § 158-392 (b). Accordingly, those rules apply to the instant proceeding. *See e.g.*, La C.C.P. art.1426 (protective orders) and art. 1469 (motions for order to compel discovery).

² *See* Council Resolution R-25-352, adopted on June 26, 2025.

Finally, in accordance with language that has often been set forth in Council resolutions,³ the Hearing Officer urges, though does not require, all parties to attempt to resolve all discovery disputes amicably prior to seeking Hearing Officer intervention.

September 5, 2025

SO ORDERED



JEFFREY S. GULIN
Hearing Officer

³ See e.g., Council Resolution R-22-482, adopted on November 3, 2022 (“The parties are encouraged to attempt to resolve their discovery disputes amicably prior to seeking the intervention of the Hearing Officer...”)