

BEFORE THE
COUNCIL OF THE CITY OF NEW ORLEANS

In re: A RULEMAKING PROCEEDING
TO ESTABLISH RULES FOR
COMMUNITY SOLAR PROJECTS

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Docket No. UD-18-03

ORDER

On November 25, 2025, Entergy New Orleans, LLC (“ENO”) moved to amend the procedural schedule as set forth in Resolution No. 25-352, issued on June 26, 2025 (“the Resolution”), by the Council of the City of New Orleans (“the Council”) and requested the provision of a full evidentiary hearing on the merits.¹ In support of its motion, and while reiterating its substantive opposition to consolidated billing as proposed, ENO primarily advances two legal arguments.

Citing *Gulf States Utils. Co. v. Louisiana Pub. Serv. Comm'n*, 578 So. 2d 71 (La. 1991), ENO essentially argues that procedural due process legally *entitles* ENO to a full and robust evidentiary hearing (with all its *accoutrements* including discovery and pre-hearing practice), which was not contemplated by the original procedural schedule established by the Council. *See* ENO Motion of November 25, 2025 (“Motion”). ENO observes that in accordance with the manner in which the procedural schedule was structured, “the record is replete with argument – *not evidence.*” *Id.* at 19 (emphasis in original).

¹ The Resolution did not provide for an evidentiary hearing, nor the filing of written testimony. The procedural schedule set forth therein called for the Council Advisors to file a final Report by October 24, 2025, and, indeed, the Council Advisors filed their comprehensive 58-page Report on October 24, 2025. At this juncture, this matter is ripe for consideration by the Council should it so choose.

ENO secondarily argues that *only* a full evidentiary hearing could allow the Council to adequately and fairly assess whether consolidated billing is in the public interest. And ENO apparently further contends that a *more* comprehensive assessment of public interest is required before the Council may lawfully order ENO to institute consolidated billing. *Id.*

Before the Hearing Officer is prepared to essentially establish an entirely new procedural schedule, *see* n.1, a full briefing is appropriate. To that end, the Hearing Officer also wishes to render some guidance to the parties respecting the potential “amending” (more accurately, “supplementation”) of the procedural schedule. The Supreme Court of the United States has repeatedly stated that procedural due process “is flexible and calls for such procedural protections as the particular situation demands,” *Morrissey v. Brewer*, 408 U. S. 471, at 481 (1972). An issue to be resolved here, *inter alia*, is whether ENO has been provided all the process that is constitutionally due. And if not, what further manner of process is due, be it a full evidentiary hearing, or something less that perhaps entails the submission of testimonial and other evidence, with some opportunity to conduct discovery.

The other issue to be addressed is whether “the public interest” has been adequately addressed within the context of the original schedule – both from a legal and substantive perspective.

Accordingly, the following briefing schedule is hereby established:

1. Any party opposed to the Motion may file an opposition response by December 11, 2025, and ENO (and any other party in support of the Motion) may file a reply to the opposition response by December 18, 2025;
2. Whether in support or opposed to the granting of the Motion in full, or in part, all parties are invited to address the issues set forth *supra*, and, *assuming arguendo*, that procedural supplementation is ultimately ordered, to propose same with specificity as to procedures and timeframes, as did ENO in its Motion. *See* Motion at 26.

SO ORDERED this 4th day of December, 2025.



Jeffrey S. Gulin
Hearing Officer