

**LOUISIANA PUBLIC SERVICE COMMISSION  
ADMINISTRATIVE HEARINGS DIVISION**

**DOCKET NUMBER U-37882**

**ENTERGY LOUISIANA, LLC, EX PARTE**

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*In re: Application for certification of generation and transmission resources  
and for other relief.*

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**RULING ON MOTION TO QUASH SUBPOENA**

**HAVING CONSIDERED** the *Motion to Quash Subpoena Issued by the Tribunal to Non-Party Meta Platforms, Inc.* (“Motion to Quash”) filed by Meta Platforms, Inc. (“Meta”) on July 15, 2026, the memoranda in opposition and support thereof, and the oral arguments of the parties,

**IT IS HEREBY ORDERED** that the Motion to Quash is **denied**.

**REASONS**

This proceeding was initiated by Entergy Louisiana, LLC (“ELL”) on or about March 26, 2026, with the filing of its *Application of Entergy Louisiana, LLC for Certification of Generation and Transmission Resources and for other Relief Pursuant to the Commission’s Lightning Initiative* (“Application”). The Application seeks the Commission’s approval to add over five gigawatts (“GW”) of generation, battery storage, and transmission improvements, to serve Meta’s wholly-owned subsidiary, Evest LLC (“Evest” or “Customer”), and its large hyperscale data center that will be located in Richland Parish, Louisiana, adjacent to the facility previously approved in Commission Order No. U-37425 for Meta subsidiary, Laidley LLC.<sup>1</sup> ELL seeks approval pursuant

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<sup>1</sup> See Order No. U-37425 - Entergy Louisiana, LLC, ex parte. In re: *Application for approval of generation and transmission resources in connection with service to a single customer for a project in North Louisiana* (“Laidley Proceeding”). In Order No. U-37425 the Commission accepted the settlement entered into by Entergy Louisiana, LPSC Staff, Sierra Club, Walmart, and Southern Renewable Energy Association, approving the generation and transmission resources proposed in connection with service to a customer project in North Louisiana, subject to certain conditions.

to the Commission's *Lightning Initiative* adopted at its December 2025 Business and Executive Session ("B&E"), wherein the Commission waived the requirements of General Order 10-14-2024 (R-34247) (the "Commission's market-based mechanisms or "MBM" General Order") if certain factors are demonstrated and proven in a certification proceeding.<sup>2</sup>

The Application was published in the Commission's Official Bulletin No. 1372 dated March 27, 2026, for a 15-day intervention period. The Alliance for Affordable Energy and the Union of Concerned Scientists ("collectively, "the NPOs") intervened in the proceeding, along with the Louisiana Energy Users Group, Southern Renewable Energy Association ("SREA"), Sierra Club, the Association of Louisiana Electric Cooperatives, Inc., 1803 Electric Cooperative, Inc., Walmart Inc., and Gulf States Renewable Energy Industries Association.

On June 30, 2026, the NPOs filed *The Alliance for Affordable Energy and Union of Concerned Scientists' Motion for Subpoena for the Production of Documents* ("Motion for Subpoena"), to Meta, a non-party to the proceeding, for the following documents:

1. *Analyses data, reports, calculations, and/or evidence which demonstrate the level of investment and permanent job creation expected to be entailed by the Richland Data Center.*
2. *Analyses, data, reports, calculations, and/or evidence which substantiate the amount of electricity load the Richland Data Center will need.*
3. *Analyses, data, reports, calculations, and/or evidence providing the Richland Data Center's load factor and expected load variability over time; including daily, weekly and monthly load variability.*
4. *A copy or records of any communications between Meta and ELL discussing the Sustainability Agreement as a relevant factor for the Customer in deciding to move forward with building a data center in Louisiana.*

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<sup>2</sup> See Minutes of December 17, 2025 B&E.

5. *Information on the location, amount, and nature of assets held by Meta Platforms, Inc., sufficient to fulfill its obligations under the Guaranty; and information on other guaranties Meta has made to other electric utilities.*

ELL immediately provided notice that it would oppose the Motion for Subpoena and a procedural schedule was set to allow the parties to present their arguments on the Motion for Subpoena. On July 2, 2026, Commission Staff filed comments reserving its right to take a position on the Motion for Subpoena once other parties had weighed in, SREA filed a brief in support of the Motion for Subpoena and ELL filed a brief in opposition to the Motion for Subpoena. On July 7, 2026, the NPOs filed a reply in support of the Motion for Subpoena and the Commission Staff filed a brief in opposition to the Motion for Subpoena. Oral argument was convened on July 8, 2026, and the NPOs, ELL, and the Commission Staff appeared and argued their respective positions.

On July 10, 2026, the Tribunal issued the *Ruling on Motion for Subpoena for the Production of Documents* (“Subpoena Ruling”) granting the Motion for Subpoena with regard to requests number 1 and 2, and denying the Motion for Subpoena with regard to requests number 3-5. Meta, a non-party, made a limited appearance in the proceeding, and filed five pleadings, including *Non-Party Meta Platforms, Inc.’s Motion for Immediate Review of Interlocutory Ruling and Memorandum of Law in Support Thereof* (“Motion for Immediate Review”) and the Motion to Quash, on July 14, 2026. In addition to the Motion for Immediate Review and the Motion to Quash, Meta filed a motion requesting a stay of the subpoena, which was granted in the *Ruling on Motion for Stay* issued that same day. Meta also filed a *Motion to Enroll Counsel of Record for Limited Appearance of Non-Party Meta Platforms, Inc.*, and a *Request for Protection from Hearing Dates by Counsel for Meta Platforms, Inc.*, both of which were effectively granted.

With regard to the remaining Motion for Immediate Review and Motion to Quash, the *Notice of Procedural Schedule on Motion for Immediate Review and Motion to Quash and Notice of Oral Argument* (“July 16 Notice”) set a procedural schedule to allow the parties to brief their arguments, and sought specific comments on the following procedural issues:

1. Meta’s standing to move for immediate review pursuant to Rule 57;
2. Whether the Subpoena Motion should have been denied due to a lack of action by the Commission Secretary;
3. The effect of a ruling denying the Motion to Quash on the Motion for Immediate Review;
4. The effect of a ruling granting the Motion to Quash on the Motion for Immediate Review;  
and
5. Whether the Motion to Quash and Motion for Immediate Review should remain distinct for the purposes of the record on appeal.

Pursuant to the deadlines set forth in the July 16 Notice, Commission Staff filed the *Memorandum of the Louisiana Public Service Commission Staff in Response to Procedural Issues Raised in the Notice of Procedural Schedule on Motion for Immediate Review and Motion to Quash, and Notice of Oral Argument* (“Staff Response”), and the NPOs filed *The Alliance for Affordable Energy and Union of Concerned Scientists’ Opposition to Meta Platforms, Inc.’s Motion for Immediate Review of Interlocutory Ruling and Response to the Tribunal’s Questions Raised in the July 16, 2026 Notice* (“NPO Opposition to Motion for Immediate Review”) and *The Alliance for Affordable Energy and Union of Concerned Scientists’ Opposition to Meta Platforms, Inc.’s Motion to Quash Subpoena Issued by the Tribunal to Non-Party Meta Platforms, Inc.* (“NPO Opposition to Motion to Quash”). Oral argument was convened on July 29, 2026. Counsel for

Meta, ELL, the NPOs, and Commission Staff appeared and provided oral argument.<sup>3</sup> On July 31, 2026, the ALJ declined to reconsider the Subpoena Ruling and the Motion for Immediate Review was forwarded to the Commission for consideration, leaving only Meta's Motion to Quash to be decided herein, although there is substantial overlap between the Motion for Immediate Review and the Motion to Quash.

In the Motion to Quash, Meta argues that the NPOs failed to meet the requirements of Commission Rule 40, because the information sought by the NPOs is not "relevant and necessary" to adjudicate the Application. Meta argues that the Tribunal granted a motion to quash a subpoena for the same information in Commission Docket No. U-34725, and that the current Motion to Quash is indistinguishable, and should likewise be granted. Meta quotes excerpts of the prior decision wherein the Tribunal acknowledged that ELL has the evidentiary burden of proving its case.

Meta states that the type of documents that might be responsive to the subpoena with regard to investment and job creation include proprietary economic modeling, workforce-planning analyses, investment projections, and operational assumptions. Meta asserts that requiring it to turn over these documents would reveal its strategic business plans, anticipated operations, and business strategy. With regard to the load data, Meta argues that potentially responsive materials would reflect proprietary engineering analyses, technical specifications, and operational models that reveal confidential information regarding facility design, capacity, configuration, and operation.<sup>4</sup>

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<sup>3</sup> The *Motion of the Alliance for Affordable Energy and Union of Concerned Scientists for Access to "Attorney's Eyes Only Information"* ("AEO Motion") was also heard on July 29, 2026, and SREA and LEUG provided argument/comments thereon. A ruling on the AEO Motion will be issued separately.

<sup>4</sup> See Motion to Quash at p. 7.

The NPOs strongly oppose the Motion to Quash, arguing that Meta cannot establish irreparable harm, that trade secret or confidential information does not render the subpoena invalid, that there is good cause for the subpoena, and Meta has failed to establish that responding to the subpoena is unreasonable, oppressive, or unduly burdensome. The NPOs cite the Subpoena Ruling wherein it states that the Commission's consideration of load when determining whether additional electric resources are in the public interest is a threshold determination. And further, the NPOs argue that the Commission has tools at its disposal to protect confidential or trade secret information. Finally, the NPOs argue that Meta cannot cite to one instance in which an NPO publicly released confidential information.

Meta's assertion that its data is not necessary because, similar to the subpoena quashed in U-37425, ELL bears the burden of proof in its Application, fails to acknowledge that the timing of that subpoena was a significant issue in the granting of that motion to quash. The ruling in Docket No. U-37425 is distinguishable insofar as it was considered a mere five days prior to the start of the hearing, and after the close of discovery and the filing of testimony. In that case, ELL and Commission Staff argued that the request was untimely and the following reasons for granting the motion to quash were stated on the record at the oral argument:

...I think the timeliness of if for all of the arguments that were made regarding the mention of the subpoena months ago and the fact that we do have a hearing staring on Tuesday. I will say, you know, part of my ruling on the motion for joinder, I didn't anticipate the discovery issue being such a big fight. But since it is and because we are at this late date, and as Mr. Rosenbloom indicated, there's really not another opportunity to file testimony. It is Entergy's burden to prove something that needs to be proved, and that can be cross-examined on the record, that can be argued in the proceedings that follow next week.<sup>5</sup>

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<sup>5</sup> See Tr. Oral Arg., Docket No. U-37425, July 10, 2025.

The written ruling that followed that same day reiterated the proximity of the hearing as well as the short timeframe during which Meta was expected to respond to the subpoena.<sup>6</sup> The subpoena in the instant proceeding was requested approximately three months prior to the start of the scheduled hearing and provided a longer time for Meta to respond.

Further, despite Meta's urging that the subpoena violates Commission Rule 40 because the requests have no meaningful time or document-type limitation, it is clear from Meta's arguments that there are no modifications, either in timing or scope, for which Meta would be willing to provide responsive data. That is, when asked what limitations should be imposed, Meta argues that the only way to limit the requests is not to allow them. Meta argues that while it could theoretically propose limits to the requests, no such limitation would make the requests more palatable, and it should not have to respond to the intervenors because Meta is not a party to the proceeding, and does not have the burden of proving the Application.

The NPOs respond to these arguments by stating that Meta fails to acknowledge the findings in the Subpoena Ruling wherein the Tribunal found the requested data to be relevant and necessary for a full evidentiary record. The NPOs assert that they are entitled to obtain information reasonable calculated to lead to the discovery of admissible evidence in accordance with Louisiana Code of Civil Procedure article 1422, that it is well-established that discovery statutes are to be liberally construed to afford all parties the opportunity to discover pertinent facts, and that there are no other means for the NPOs to obtain the information.

When asked what information regarding the load was provided to ELL by Meta, the only evidence that was offered was a questionnaire with limited information. Meta posits that the

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<sup>6</sup> See *Ruling on Meta Platforms, Inc.'s Motion to Quash Subpoena* issued in Commission Docket No. U-34725, on July 10, 2025.

questionnaire is “standard operating procedure,” but nothing about the Application herein can be considered standard operating procedure. The Application seeks approval of resources on an order of magnitude not previously seen by the Commission. Meta’s position is that it should not have to provide documentation substantiating load needed by the data center, and ELL has indicated that it lacks the data underlying the assertions in its testimony. This is troubling, given that the capacity need is a threshold issue in the Commission’s determination regarding whether or not the Application is in the public interest.

At the oral argument, Meta argued that the NPOs were less entitled to the requested information than ELL or the Commission itself. But the role of the ALJ in this proceeding is to assist the Commission in obtaining all needful and proper evidence, subject to the duty to protect the substantive rights of the parties. While the Commission will make the ultimate determination as to the weight that should be given to the evidence, that does not, and should not, prevent the parties from fully participating in the proceeding, including conducting discovery and preparing testimony and arguments.

Next, Meta argues that the material is trade secret, subject to an evidentiary privilege in Louisiana Code of Evidence Article 513, and cannot be protected through a protective order, confidentiality agreement, or otherwise. Meta argues that there are risks associated with other technology companies obtaining the data, other utilities obtaining the data, and other intervenors obtaining the information and undermining the agreements negotiated herein. The Commission has enacted rules to protect such data, however. Commission Rule 12.1 provides as follows:

Upon request of a regulated entity or other person, any records received by the Commission are shown by the company or other person and found by the Commission to be trade secret, proprietary, or confidential information, and not necessary to be disclosed to the public, shall be kept confidential and shall be exempt from public disclosure.

In addition, ELL has a confidentiality agreement in place, drafted by ELL, in addition to the protections afforded by Commission Rule 12.1.

The Subpoena Ruling, which is currently pending immediate review by the Commission, advised that Meta has the burden of proof on a motion for protective order or motion to quash in accordance with Louisiana Code of Civil Procedure Articles 1426 or 1354. Meta’s conclusory statements regarding trade secrets are insufficient to meet that burden. Meta has not provided any testimony or documentation upon which the Tribunal could conclude that responsive documentation contains trade secrets. Meta argues that the sought after information meets the definition of “trade secret” found in Louisiana’s Uniform Trade Secrets Act (“LUTSA”), which provides that a “trade secret” is *information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (a) derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use, and (b) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.*<sup>7</sup> Meta asks this Tribunal to make this determination without the benefit of the responsive documentation, a privilege log, or an evidentiary affidavit, arguing that the trade secret nature of the documentation is self-evident. But that determination is a factual determination, and there is insufficient information in the record upon which to make this finding.<sup>8</sup>

Finally, Meta’s warning that it is not advisable as a matter of public policy to require customers to produce the type of data requested in the subpoena and that doing so will have a

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<sup>7</sup> La. Rev. Stat. 51:1431(4).

<sup>8</sup> See *Johnson v. Vincent*, 359 So. 3d 896, 911 (2023).

chilling effect on new business in Louisiana, rings hollow when Meta refuses to provide any evidentiary support for its claims. In fact, the NPOs point out that Commission Rule 15 requires that a motion based upon matters which do not appear of record, shall be supported by affidavit. At the oral argument, Commission Staff noted that this may be a procedural deficiency in the Motion to Quash. When Meta was invited to file an affidavit to cure any such deficiency, however, it responded that it was not in favor of filing an affidavit because that might subject it to a deposition. Nevertheless, on July 30, 2026, Meta filed the affidavit by its attorney following the oral argument. While the Tribunal was not inclined to deny the Motion to Quash based solely on the procedural deficiency, it does so based on the lack of evidence to support Meta's position. Mr. Adams' affidavit did not contain any extra-record evidence, and carries no more weight than the attorney's signature on the pleading, as an officer of the court. Accordingly, the Motion to Quash is denied.

Baton Rouge, Louisiana, this 4<sup>th</sup> day of August, 2026.



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