

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

**APPLICATION OF DELTA)
STATES UTILITIES LA, LLCC)
AND ENTERGY LOUISIANA, LLC,)
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

Prehearing Order

Pursuant to Council Resolution R-24-49, adopted on February 1, 2024, the evidentiary hearing is scheduled for September 9 through September 11, 2024. Accordingly, to foster an efficient hearing that may be concluded within the established timeframe, the Hearing Officer hereby orders each party (hereinafter the term “party” shall include each intervenor) as follows¹:

By August 19, 2024, each party shall file a list of the witnesses each party wishes to cross-examine and the anticipated length of said cross-examination. In light of the number of

¹ While maintaining the original hearing date as requested, the Hearing Officer granted an unopposed motion to extend the deadline for filing of both Surrebuttal Testimony and Rejoinder Testimony. This has resulted in a compressed schedule leaving little time between the filing of Rejoinder testimony by Joint Applicants due September 3, and the hearing commencing on September 9. Accordingly, it is necessary to issue the instant Prehearing Order prior to the filing of Rejoinder Testimony. Hopefully, the parties shall be able to comply with the terms of this Order. However, should the filing of Rejoinder Testimony create a necessity to modify the parties’ filings, the Hearing Officer shall entertain proposed remedies including filing of modified joint filings and/or a brief postponement of the hearing.

parties that share identical or similar interests, the Hearing Officer would expect that certain parties would align themselves into “groups” and agree to share the limited time available for cross-examining witnesses. The parties are expected to negotiate in good faith, and avoid unreasonable demands, which would be viewed unfavorably by the Hearing Officer. Should the parties fail to reach agreement respecting the allocation of time for cross-examination of witnesses, the Hearing Officer shall impose limits based upon the alignment of parties’ interests and other pertinent factors.

By August 26, 2024, the parties shall *jointly* file a Table setting forth the order of party presentations, and the order of witnesses to be produced by each party for cross-examination, identifying the parties that shall be cross-examining that witness, and the duration of that cross-examination, along with the dates for same. Because (1) all Testimony has been pre-filed; and (2) the procedural schedule contemplates the filing of post-hearing briefs and reply briefs directly before the Council, the Hearing Officer perceives no need for a second round of cross-examination, any redirect examination, nor any rebuttal testimony. However, if the parties stipulate to same, *and have agreed to an allocation of time for same in the Table*, the Hearing Officer shall allow same as set forth in the agreed Table.

By September 4, 2024, the parties shall *jointly* file the initial Administrative Record Chart (which shall be supplemented throughout the hearing) setting forth each document that shall constitute the official administrative record. **This Chart shall be patterned after the Administrative Record Chart that was filed under Docket UD-18-07, and is attached hereto as a template.** The parties are advised to consult each day of the hearing for the purpose of maintaining said Chart. The final agreed version shall be submitted after the hearing.

At the hearing commencing on September 9, each party, regardless of group alignment, shall be allowed *15 minutes for an opening statement*. Because the procedural schedule contemplates filing of briefs *after* the Hearing Officer certifies the record to the Council, no closing oral argument, nor additional post-hearing briefs, shall be permitted.

The parties are hereby directed to *designate a team of timekeepers* to keep track of time consumed by each party or group of parties for opening statements and during examination, and to be prepared to identify these teams at the hearing commencing on September 9, 2024.

SO ORDERED, this 6th day of August, 2024



JEFFREY S. GULIN
Hearing Office