

146 FERC ¶ 61,153
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Cheryl A. LaFleur, Acting Chairman;
Philip D. Moeller, John R. Norris,
and Tony Clark.

Louisiana Public Service Commission

Docket No. EL01-88-010

v.

Entergy Services, Inc.

ORDER REJECTING COMPLIANCE FILING

(Issued February 28, 2014)

1. On December 19, 2011, Entergy Services, Inc. (Entergy), on behalf of the Entergy Operating Companies (Operating Companies),¹ submitted a compliance filing pursuant to the Commission's order on remand² issued in this proceeding. The compliance filing calculates bandwidth payments and receipts for the seven-month period of June 1, 2005 through December 31, 2005. In this order, we reject Entergy's compliance filing and order Entergy to file a subsequent compliance filing as directed below.

¹ The five Operating Companies involved in this proceeding are, at the relevant times for filing pursuant to the first bandwidth calculation: Entergy Arkansas, Inc. (Entergy Arkansas), Entergy Gulf States, Inc. (Entergy Gulf States), Entergy Louisiana LLC (Entergy Louisiana), Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (Entergy New Orleans). On December 31, 2007, Entergy Gulf States was split into Entergy Texas, Inc. (Entergy Texas) and Entergy Gulf States Louisiana, LLC, (Entergy Gulf States Louisiana) which subsequently serve load in their respective states.

² *Louisiana Pub. Serv. Comm'n v. Entergy Servs., Inc.*, 137 FERC ¶ 61,047 (2011) (Order on Remand).

I. Background

2. The Commission has held that the System Agreement requires that production costs be “roughly equal” among the Operating Companies.³ In Opinion Nos. 480 and 480-A, the Commission held that the Entergy System was no longer in rough production cost equalization and adopted a numerical bandwidth remedy. This remedy achieves rough production cost equalization on Entergy’s System by not allowing any Operating Company to have production costs that are more than 11 percent above or below the system average production costs. Under the bandwidth remedy, each calendar year, the production costs of each Operating Company are calculated, with payments made by the low cost Operating Company(ies) to the high cost Operating Company(ies) such that, after reflecting the payments and receipts, no Operating Company would have production costs more than 11 percent above the Entergy System average or more than 11 percent below the Entergy System average. The Commission determined that a +/- 11 percent bandwidth would apply if the Entergy System exceeded historical cost disparities, but would otherwise allow the Entergy System to maintain the flexibility that it had traditionally enjoyed.⁴

3. In Opinion No. 480, issued June 1, 2005, the Commission found that the bandwidth remedy should apply prospectively in calendar year 2006, with the first payments, based on calendar-year 2006 production costs, occurring in 2007.

4. In its remand⁵ of Opinion Nos. 480 and 480-A from the United States Court of Appeals for the District of Columbia Circuit, the court held that the Commission had not provided a reasonable explanation for the Commission’s decision to delay implementation of the bandwidth remedy until a full year of data had become available for the 2006 test year. The court held that the Commission’s argument that use of the first calendar year of data is “the most appropriate and equitable way” to implement the

³ *Louisiana Pub. Serv. Comm’n v. Entergy Servs., Inc.*, Opinion No. 480, 111 FERC ¶ 61,311, at P 136, *order on reh’g*, Opinion No. 480-A, 113 FERC ¶ 61,282 (2005), *order on compliance*, 117 FERC ¶ 61,203 (2006) (November 2006 Compliance Order), *order on reh’g and compliance*, 119 FERC ¶ 61,095 (2007), *aff’d in part and remanded in part*, *Louisiana Pub. Serv. Comm’n v. FERC*, 522 F.3d 378 (D.C. Cir. 2008), *order on remand*, 137 FERC ¶ 61,047 (2011) (Order on Remand), *order dismissing reh’g*, 137 FERC ¶ 61,048 (2011).

⁴ *Id.* P 144.

⁵ *Louisiana Pub. Serv. Comm’n v. FERC*, 522 F.3d 378 (D.C. Cir. 2008).

bandwidth remedy was a conclusion rather than a reason, and that the Commission had failed to explain why it believes that the first calendar year is the most equitable time.⁶

II. Order on Remand

5. In the Order on Remand, the Commission held that it would implement the bandwidth remedy on June 1, 2005, the date the Commission's order in Opinion No. 480 determined that the rates were unjust and unreasonable. The Commission stated that allowing the bandwidth remedy to be implemented on June 1, 2005 is consistent with the court's direction that, absent a reasonable explanation for a delay to implement the bandwidth remedy, it would be arbitrary and capricious for the Commission to delay implementation of a just and reasonable rate.⁷

III. Entergy's Compliance Filing

6. Entergy states that, unlike all previous annual bandwidth filings that covered an entire calendar year, the instant compliance filing covers only the seven-month period of June 1, 2005 through December 31, 2005. Entergy contends that this fact creates new challenges since bandwidth formula inputs have previously been populated with annual FERC Form No. 1 data. It states that it calculated the payments/receipts under the Service Schedule MSS-3 bandwidth formula, accepted for filing in Docket Nos. EL01-88-004 and EL01-88-006, using data as reported in the Operating Companies' 2005 FERC Form No. 1 or other such supporting data as provided for in Service Schedule MSS-3. Entergy states that the actual production cost for each Operating Company for the six months ended December 31, 2005 was determined by adding (1) the product of the December 31, 2005 balance, as reported in FERC Form No. 1, of the Rate Base items includable per Service Schedule MSS-3 times the corresponding weighted average cost of capital divided by two; and (2) the revenue and expense amounts as reported in FERC Form No. 1 for the year ended December 31, 2005 less the corresponding amounts for the six months ended June 30, 2005, as reported in the FERC Form No. 1.⁸ The resulting percentage disparities for each Operating Company are as follows:

⁶ *Louisiana Pub. Serv. Comm'n v. FERC*, 522 F.3d at 400.

⁷ Order on Remand, 137 FERC ¶ 61,047 at P 34.

⁸ Entergy Compliance Filing at 3.

Company	Initial Disparity	Final Disparity
Entergy Arkansas	-24.11%	-11.00%
Entergy Gulf States Louisiana	14.98%	6.60%
Entergy Louisiana	-2.94%	-2.94%
Entergy Mississippi	11.38%	6.60%
Entergy New Orleans	9.44%	6.60%
Entergy Texas	12.30%	6.60%

7. Entergy notes that, because the revenue and expense data for the twelve months ended December 31, 2005 as reported in FERC Form No. 1 is an annual report of data, FERC Form No. 1 data will not accurately account for fluctuations of costs throughout the year. Therefore, Entergy contends, that using a straight 7/12 ratio of FERC Form No. 1 data to account for the seven-month period at issue will not reflect the actual costs incurred by the Operating Companies by month for the year at issue. Entergy adds that 2005 was a particularly challenging year on the Entergy system, with two of the most devastating hurricanes in history making landfall on the Entergy system in the third quarter of that year, and, thus, using a simple average to allocate costs in this year would create inaccurate results. Entergy states that, because of these concerns, it decided to calculate the bandwidth payments/receipts for the seven months ended December 31, 2005 by dividing the six month bandwidth payments/receipts by six and then multiplying the result by seven.⁹ Entergy states that this calculation resulted in bandwidth payments and receipts as follows:

⁹ *Id.* at 4.

Company	(Payment)/Receipt in Millions of Dollars
Entergy Arkansas	(156.0)
Entergy Gulf States Louisiana	75.0
Entergy Louisiana	0.0
Entergy Mississippi	33.0
Entergy New Orleans	4.8
Entergy Texas	43.3

8. Also, Entergy states that its understanding is that the Commission has ruled that subsequent revisions to the bandwidth formula pursuant to sections 205 or 206 of the FPA are not to be reflected in the calculation performed for June 1, 2005 through December 31, 2005. Entergy requests that the Commission confirm that this approach is consistent with the Order on Remand. Entergy also requests that the Commission prohibit the parties from re-litigating in this proceeding the issues previously litigated in other bandwidth proceedings.

9. Entergy notes that the jurisdictional separation of Entergy Gulf States into two jurisdictional public utilities under the Entergy System Agreement, Entergy Gulf States Louisiana and Entergy Texas, occurred in 2007. It notes that this separation created two new entities in the Entergy intra-system bill, and eliminated Entergy Gulf States from that bill. Entergy thus intends to handle payments and receipts in this compliance filing through the currently existing Operating Companies, i.e., Entergy Gulf States Louisiana and Entergy Texas, rather than the no-longer-existing Entergy Gulf States. Entergy states that it will provide the updated bandwidth payments/receipt amounts to the current wholesale customers on their next monthly bill. Regarding wholesale customers, Entergy states that Entergy and/or the Operating Companies have a contractual basis to make additional payments to, or require payments from, only then-current wholesale customers. Entergy states that this prospective treatment of the updated bandwidth amounts is consistent with the manner in which payments and

receipts are administered to the current Operating Companies and their retail jurisdictions.¹⁰

IV. Notice of Filing and Responsive Pleadings

10. Notice of Entergy's filing was published in the *Federal Register*, 76 Fed. Reg. 80,924 (2011), with protests or interventions due on or before December 27, 2011. The Louisiana Public Service Commission (Louisiana Commission) and Arkansas Public Service Commission (Arkansas Commission) filed protests. East Texas Electric Cooperative, Inc., Sam Rayburn G&T Electric Cooperative, Inc., and Tex-La Electric Cooperative of Texas, Inc. (collectively, East Texas Cooperatives) filed a motion to intervene and comments. Texas Industrial Energy Consumers and Union Electric Company filed motions to intervene. The Public Utility Commission of Texas filed a motion to intervene out of time. Entergy and the Louisiana Commission filed answers. The Louisiana Commission filed a motion to lodge; the Arkansas Commission filed a motion to reject the Louisiana Commission's pleading.

A. Protests and Comments

11. The Arkansas Commission argues that failure to correct for Hurricanes Katrina and Rita will result in distorting the bandwidth calculation for June – December 2005. It notes that, due to power outages caused by Hurricanes Katrina and Rita, Entergy Louisiana and Entergy New Orleans' sales volumes were approximately 20 percent lower from September through December 2005.¹¹ To prevent what it contends would be unjust and unreasonable results, the Arkansas Commission proposes to adjust the bandwidth calculation by use of September-December actual energy and coincident peak (CP) data for 2006 as a proxy for the energy and CP data for September-December 2005. The Arkansas Commission explains that use of proxy data from 2006 would prevent an unacceptable rate shock. The Arkansas Commission notes that, in Opinion Nos. 480 and 480-A, the Commission broadened the narrower bandwidth remedy proposed by the Presiding Judge in part to "mitigate the magnitude of cost shifts [among the Operating Companies] that otherwise might occur."¹² The Arkansas Commission contends that requiring Entergy Arkansas to pay for the Hurricanes Katrina and Rita-induced load reductions of Entergy New Orleans, Entergy Louisiana and Entergy Gulf States would, in

¹⁰ *Id.* at 5.

¹¹ Arkansas Commission Protest at 3.

¹² Opinion No. 480-A, 113 FERC ¶ 61,282 at P 40. *See also* Opinion No. 480, 111 FERC ¶ 61,311 at PP 136-139.

effect, “socialize” the effects of Hurricanes Katrina and Rita by transferring their impacts to ratepayers in Arkansas.¹³

12. The Louisiana Commission argues that Entergy’s use of six months of data averaged over seven months would not reflect the actual costs incurred by the Operating Companies, by month, for the year at issue. The Louisiana Commission notes that the Commission has previously required the use of “actual” data when performing bandwidth calculations. It contends that such monthly data is readily available in Entergy’s accounting records, which provide the basis for quarterly and annual reports to the Commission.¹⁴ The Louisiana Commission argues that Entergy’s use of six months of data will understate bandwidth payments to Entergy Louisiana by reducing Entergy Louisiana’s production costs; that Entergy’s methodology will overestimate Entergy Louisiana’s non-requirements sales, while also not capturing the appropriate fuel costs and variable production costs. The Louisiana Commission asserts that Entergy’s methodology with regard to non-requirements sales alone will arbitrarily reduce Entergy Louisiana’s production costs by \$27.967 million.¹⁵

13. The Louisiana Commission also argues that Entergy is required to use the methodology contained in Exhibits ETR-26 and ETR-28. It notes that the Order on Remand requires that Entergy must provide a remedy based on the bandwidth formula accepted in the compliance filings in Docket Nos. EL01-88-004 and EL01-88-006.¹⁶ The Louisiana Commission argues, however, that this methodology cannot be applied for 2005 because it was not made effective until June 9, 2006.¹⁷ It contends that the Order on Remand’s methodology, used in the instant compliance filing, could only be applicable subsequent to June 9, 2006, which would have been after Entergy would have submitted its 2006 filing to determine payments and receipts covering 2005. It argues that, accordingly, the appropriate methodology for measuring production costs is Exhibit ETR-26, the details of which are specified in Exhibit ETR-28, which it contends was adopted by Opinion No. 480.¹⁸ The Louisiana Commission adds that changes to the

¹³ Arkansas Commission Protest at 5.

¹⁴ Louisiana Commission Protest at 3.

¹⁵ *Id.* at 4-5.

¹⁶ Louisiana Commission Protest at 6 (citing Order on Remand, 137 FERC ¶ 61,047 at P 35, n.41).

¹⁷ *Id.* (citing *Louisiana Pub. Serv. Comm’n v. Entergy Services, Inc.*, 117 FERC ¶ 61,203, at Ordering Paragraph A (2006)).

¹⁸ *Id.* at 7 (citing Opinion No. 480, 111 FERC ¶ 61,311 at P 31).

Exhibit ETR-26/ETR-28 methodology accepted in the compliance filings in Docket Nos. EL01-88-004 and EL01-88-006 should not be applied to the relevant June – December 2005 period in the instant compliance filing because that would violate the rule against retroactive ratemaking. The Louisiana Commission further adds that failure to use Exhibits ETR-26 and ETR-28 results in a miscalculation of remedy payments.

14. The Louisiana Commission contends that the compliance filing should provide interest for the delayed remedy payments for the seven-month period. The Louisiana Commission explains that Commission policy for many years has required the payment of interest on refunds. It contends that the Commission’s regulations codify this policy for refunds made under suspended section 205 filings.¹⁹ The Louisiana Commission explains that the Commission’s policy requiring payment of interest recognizes the harm that would be caused if consumers did not receive the time value of funds paid to Entergy but now required to be refunded in order to make their rates just and reasonable for the applicable period. The Louisiana Commission adds that in this case the remedy that should have resulted from the initial bandwidth filing (which would have been a section 205 filing) was postponed by six years and that the delay in achieving just and reasonable rates is similar to that experienced when rates are suspended. East Texas Cooperatives agree with the Louisiana Commission, commenting that including interest is consistent with standard Commission practice.²⁰

15. The Louisiana Commission further argues that the compliance filing fails to remedy what the Louisiana Commission characterizes as the entire period of delay, from June 1, 2005 through May 31, 2007. The Louisiana Commission argues that the Commission should require a remedy “for the full 24-month delay.”²¹ The Louisiana Commission argues that the Commission cannot delay a remedy for rates it has found unjust and unreasonable.

16. The East Texas Cooperatives contend that an issue arises from separation of Entergy Gulf States into two separate public utilities (Entergy Gulf States Louisiana and Entergy Texas) several years after the seven-month period at issue here. East Texas Cooperatives state that it is unclear as to how Entergy Gulf States’ restructuring will affect refunds due to (or payments by) wholesale customers. They state that, in particular, they have been unable to determine from the compliance filing whether their refunds would be based on payments allocated to Entergy Texas, or to the East Texas Cooperatives’ share of the total payment to the former Entergy Gulf States companies,

¹⁹ *Id.* at 8 (citing 18 C.F.R. § 35.19a (2013)).

²⁰ East Texas Cooperatives Comments at 4.

²¹ Louisiana Commission Protest at 13.

i.e., the combined Entergy Texas and Entergy Gulf States Louisiana receipts. East Texas Cooperatives contend that, in terms of refunds to customers, the latter approach is more appropriate as their power purchase agreement was with Entergy Gulf States in 2005, and the costs of service at that time were spread across the entire Entergy Gulf States' customer base.²² East Texas Cooperatives comment that it is also unclear what will happen to refund amounts due to wholesale customers existing in 2005 that no longer exist.

B. Answers

17. Entergy contends that its use of six months of data averaged over June 1, 2005 through December 31, 2005 presents a reasonable approximation of the bandwidth calculation for the seven-month period. Entergy explains that, in preparing the compliance filing, Entergy was instructed to follow the tariff which requires the use of annual FERC Form No. 1 data. Entergy explains that, consequently, the alternatives were to use data for the twelve months ending December 31, 2005 and multiply by seven-twelfths, or use data for the six months ending December 31, 2005 and multiply by seven-sixths. Entergy argues that to use actual data for each Operating Company from non-FERC Form No. 1 sources would be a major undertaking. Entergy explains that additional source documents and computations would add another level of complication to an already challenging compliance computation.²³

18. Entergy argues that the Louisiana Commission's protests concerning whether Entergy should have calculated interest for the bandwidth payments and whether Entergy should have used the methodology contained in Exhibits ETR-26 and ETR-28 are essentially requests for rehearing and should not be addressed in a compliance order.

19. With regard to East Texas Cooperatives' request for clarification, Entergy states that it will provide updated bandwidth payment/receipt amounts to the current wholesale customers on the monthly bill that follows the adjustment to the Entergy intra-system bill. It states that previous wholesale customers will not be included in the allocation of payments and receipts. Entergy states that this allocation will be based on the amounts allocated to the currently-existing Operating Companies (now Entergy Texas and Entergy Gulf States Louisiana, not Entergy Gulf States).²⁴

²² East Texas Cooperatives Comments at 4.

²³ Entergy Answer at 4.

²⁴ *Id.* at 10.

20. The Louisiana Commission answers that the Commission should reject the Arkansas Commission's request to use proxy data to remove the effects of Hurricanes Katrina and Rita from calculations of bandwidth payments and receipts. The Louisiana Commission argues that the Commission has consistently required the use of actual data in the bandwidth calculations. It contends that no basis exists to remove impacts associated with abnormal weather events. The Louisiana Commission argues that the use of 2006 allocators for 2005 costs would result in an under-allocation of bandwidth remedy refunds to Entergy Louisiana and Entergy Gulf States Louisiana.

C. Motion to Lodge

21. The Louisiana Commission filed a motion to lodge three Commission orders²⁵ regarding, in part, the issue of refunds in Entergy cost allocation cases. The Louisiana Commission argues that these cases are relevant because they establish that the Commission has no policy against refunds in Entergy cost allocation cases, particularly cases involving the Entergy System Agreement.

22. The Arkansas Commission filed a motion to reject the Louisiana Commission's motion to lodge, arguing that the pleading is nothing more than a belated effort by the Louisiana Commission to supplement its request for rehearing of the Order on Remand.

V. Discussion

A. Procedural Matters

23. Pursuant to Rule 214(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214(d) (2013), the timely, unopposed motions to intervene serve to make the entities that filed them parties to Docket No. EL01-88-010. We will similarly grant the Public Utility Commission of Texas' motion to intervene out of time, given its interest in this proceeding, the early stage of this proceeding and the absence of undue prejudice or delay. However, the interventions granted in this order are limited to this compliance subdocket and all future subdockets, and do not grant party status with respect to prior subdockets.²⁶

24. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2013), prohibits an answer to a protest unless otherwise ordered by the

²⁵ The three orders cited by the Louisiana Commission are *Entergy Servs., Inc.*, 139 FERC ¶ 61,106 (2012), *Louisiana Pub. Serv. Comm'n v. Entergy Corp.*, 139 FERC ¶ 61,100 (2012), and *Entergy Serv., Inc.*, 139 FERC ¶ 61,104 (2012). Louisiana Commission Motion to Lodge at 2.

²⁶ See, e.g., *PJM Interconnection, L.L.C.*, 134 FERC ¶ 61,048, at P 6 (2011).

decisional authority. We will accept the answers filed in this proceeding because they have provided information that assisted us in our decision-making process.

25. With regard to the Louisiana Commission's motion to lodge, we note that the Louisiana Commission has filed the same motion in Docket No. EL01-88-009. Because the issue of refunds is being addressed there, we will consider the Louisiana Commission's motion there and accordingly reject the motion before us here.

B. Commission Determination

26. The Commission rejects Entergy's compliance filing due to Entergy's use of six months of data as a basis for calculating the bandwidth payments/receipts for the seven-month period at issue, June through December 2005, rather than actual data for all seven months. We agree with the Louisiana Commission that in implementing the bandwidth formula for a seven-month partial year, Entergy must use data that accurately reflects the Operating Companies' production costs during that seven-month period. We realize that performing a bandwidth calculation for a seven-month period was not heretofore contemplated by the bandwidth formula or our prior orders. However, Entergy's methodology of taking the data for the final six months of 2005 and multiplying it by seven-sixths to obtain the seven-month remedy would be unnecessarily inaccurate and would not reflect the intent of the bandwidth formula rate calculations and proceedings, i.e., to roughly equalize production costs among the Entergy Operating Companies for the period that it is in effect.

27. Accordingly, Entergy must perform bandwidth calculations for the seven-month period of June 1, 2005 through December 31, 2005 using monthly data for the seven individual months where possible. For components of the bandwidth formula where month-by-month variations in costs are not meant to be captured, end-of-year amounts should be used.²⁷

28. Entergy presents several reasons why we should accept their proposed methodology, including (1) the bandwidth remedy contained in Service Schedule MSS-3 is an annual remedy that uses FERC Form No. 1 end-of-year data; (2) that obtaining monthly data will be a major undertaking, and (3) using actual data will bring an extra layer of complexity to an already difficult process. Nevertheless, the court's remand requires the Commission to implement what was heretofore an annual remedy on a

²⁷ End-of-year balances for rate base items for the fixed components can be used because the bandwidth formula is not meant to capture month-by-month variations. However, for expense items, actual expenses for the seven months should be used since the bandwidth formula, in its reliance principally on FERC Form No. 1, requires expense data for the entire period for which equalization payments are being calculated.

partial-year basis. We find that implementing the bandwidth remedy on a partial-year basis using monthly data for the seven-month period at issue is the most reasonable means to implement the bandwidth remedy in a manner that accommodates the directives in the court's remand yet does so in a manner that is also consistent with the more typical annual bandwidth remedy.

29. Regarding the Arkansas Commission's request that Entergy use proxy data from 2006 for the seven-month period in 2005 and the Louisiana Commission's assertions that (1) the Commission is required to use the methodology contained in Exhibits ETR-26 and ETR-28 and (2) the Commission has failed to provide a remedy for what the Louisiana Commission characterizes as "the full 24-month delay," we note that these issues are more appropriately raised on rehearing. The instant proceeding is a compliance proceeding, and the only issue that properly may be raised in a compliance proceeding is whether the compliance filing complies with the directives in the Commission's underlying order.²⁸ We add that the Arkansas Commission and the Louisiana Commission have, in fact raised these issues on rehearing in Docket No. EL01-88-009, and are addressed, to the extent necessary, in that docket.

30. With regard to interest, we agree with the Louisiana Commission that bandwidth payments associated with the seven-month period must also include interest. Although the Commission stated in a prior order in this proceeding that interest would not be required on bandwidth payments,²⁹ in that order the Commission held that there was no need to require that interest be paid in that instance because settlements were being made in a reasonable time period once the calculations were completed. In the instant case, due to the length of time that has passed, we find that it is appropriate to follow our general policy and allow interest to be paid to ensure that customers are appropriately made whole for any over-charges refunded.³⁰ This ruling is consistent with our order on compliance pertaining to the first annual bandwidth proceeding, which requires Entergy to include interest payments on the bandwidth payments/receipts associated with Opinion No. 505.³¹

²⁸ *Great Lakes Gas Transmission, LP*, 108 FERC ¶ 61,308, at P 11 (2004).

²⁹ *Louisiana Pub. Serv. Comm'n v. Entergy Servs., Inc.*, 119 FERC ¶ 61,095, at P 32 (2007).

³⁰ *See, e.g., Anadarko Petroleum Corp. v. FERC*, 196 F.3d 1264, 1267 (D.C. Cir. 1999) ("[t]he Commission's general policy, in effect for many years, requires interest to be paid on various kinds of overcharges.").

³¹ *Entergy Services, Inc.*, 139 FERC ¶ 61,104, at Ordering Paragraph (C) (2012).

31. Lastly, with regard to East Texas Cooperatives' request for clarification, as we are rejecting Entergy's compliance filing, we need not address its arguments here and at this time.

The Commission orders:

Entergy's compliance filing is hereby rejected and Entergy is hereby directed to file a new compliance filing within 60 days of the date of this order, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.