

165 FERC ¶ 61,274  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

December 28, 2018

In Reply Refer To:  
Entergy Services, LLC  
Docket No. ER19-227-000

Entergy Services, LLC  
101 Constitution Avenue NW  
Suite 200 East  
Washington, DC 20001

Attention: Michael C. Griffen

Dear Mr. Griffen:

1. On October 30, 2018, pursuant to section 35.16 of the Commission's regulations<sup>1</sup> and section 205 of the Federal Power Act (FPA),<sup>2</sup> you filed on behalf of Entergy Services, LLC (Entergy Services) a notice of succession (Filing) notifying the Commission that Entergy Services changed its name from Entergy Services, Inc. and converted from a Delaware corporation to a Delaware limited liability company effective September 30, 2018.<sup>3</sup>
2. Entergy Services states that it is an Entergy Corporation (Entergy) subsidiary and centralized service company that provides support services to associate companies that are also Entergy subsidiaries. Entergy Services states that its rate schedules on file with the Commission in the Commission's eTariff system are under its previous name. Entergy Services states that it is submitting revised versions of its rate schedules to reflect its name change in eTariff. Specifically, Entergy Services submits revised versions of Rate Schedule 435-A, Rate Schedule 435-C, Rate Schedule 435-D, Rate Schedule 435-E,

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<sup>1</sup> 18 C.F.R. § 35.16 (2018).

<sup>2</sup> 16 U.S.C. § 824d (2012).

<sup>3</sup> Filing at 1.

Rate Schedule 435-F, Rate Schedule 435-G, Rate Schedule 435-H, Rate Schedule 435-I, Rate Schedule 435-J, Rate Schedule 435-K, Rate Schedule 435-L, and Rate Schedule 435-M (collectively, Rate Schedules). Entergy Services states that it has not changed the Rate Schedules in any material way other than to reflect its name change.<sup>4</sup>

3. Entergy Services asks the Commission to accept the revised Rate Schedules effective September 30, 2018, the date its name change became effective. It states that the metadata for the Rate Schedules identifies October 30, 2018 in the “proposed effective date” data field and that this identification is “ministerial in nature and signifies the date on which [Entergy Services] has filed those documents in its eTariff database and is without prejudice to its request that the Commission accept [Entergy Services’] notice of succession as of September 30, 2018.”<sup>5</sup>

4. Notice of the Filing was published in the *Federal Register*, 83 Fed. Reg. 55,526 (2018), with interventions and protests due on or before November 20, 2018. The Council of the City of New Orleans, Louisiana filed a timely notice of intervention. The Mississippi Public Service Commission and Mississippi Public Utilities Staff (Mississippi Intervenors) filed a notice of intervention and protest. The Mississippi Intervenors also filed a motion to consolidate this proceeding with proceedings in Docket Nos. EC19-18-000 and ER19-211-000.<sup>6</sup> Entergy Services filed a response to the Mississippi Intervenors’ motion to consolidate and an answer to the Mississippi Intervenors’ protest. On December 11, 2018, the Louisiana Public Service Commission (Louisiana Commission) filed an untimely motion to intervene. On December 19, 2018, the Mississippi Intervenors filed an answer to Entergy Services’ answer and response to the motion to consolidate.

5. Pursuant to Rule 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2018), the notices of intervention serve to make the entities that filed them parties to this proceeding. In addition, pursuant to Rule 214(d) of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.214(d), the Commission grants the Louisiana Commission’s late-filed motion to intervene, given its interest in the proceeding, the early stage of the proceeding, and the absence of undue prejudice or delay.

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

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<sup>4</sup> *Id.* at 2.

<sup>5</sup> *Id.*

<sup>6</sup> These proceedings are described below.

the decisional authority. We will accept Entergy Services' and the Mississippi Intervenors' answers because it has provided information that assisted us in our decision-making process.

7. In their protest, the Mississippi Intervenors state that, on October 29, 2018, Entergy Services filed in Docket No. EC19-18-000 an application pursuant to FPA section 203<sup>7</sup> to transfer, but retain operational responsibility for, undivided ownership interests in two transmission control centers (TCC) to the Entergy Operating Companies. The Mississippi Intervenors also state that Entergy Services concurrently filed in Docket No. ER19-211-000 a new Joint Ownership and Operating Agreement (JOOA) governing how the Entergy Operating Companies will jointly own these undivided interests and that Entergy Services will continue to provide TCC operations and maintenance services to the Entergy Operating Companies.<sup>8</sup> The Mississippi Intervenors argue that the Filing, "viewed in concert with [the] TCC 203 Filing and JOOA Filing" raises the question of whether the modified Rate Schedules will continue to be just and reasonable.<sup>9</sup> The Mississippi Intervenors further contend that neither the proposed JOOA nor the Rate Schedules demonstrates how the TCCs' allocated costs will pass from Entergy Services to the Entergy Operating Companies or how the Entergy Operating Companies will collect these costs from their customers.<sup>10</sup> The Mississippi Intervenors also cite examples of the Commission instituting investigations where a notice of succession effectuated a transfer of name involving reactive power rate schedules.<sup>11</sup> The Mississippi Intervenors ask the Commission to investigate pursuant to FPA section 206<sup>12</sup> whether the Rate Schedules' rates, terms, and conditions are no longer just and reasonable.<sup>13</sup>

8. The Mississippi Intervenors also move to consolidate this proceeding with Docket Nos. EC19-18-000 and ER19-211-000, arguing that the three filings involve the same

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<sup>7</sup> 16 U.S.C. § 824b (2012).

<sup>8</sup> Mississippi Intervenors Nov. 19, 2018 Protest at 4-5 (Mississippi Intervenors Protest).

<sup>9</sup> *Id.* at 6.

<sup>10</sup> *Id.* at 7.

<sup>11</sup> *Id.* at 8 (citing, e.g., *Dynegy Fayette II, LLC*, 163 FERC ¶ 61,014 (2018); *Hunlock Energy, LLC*, 162 FERC ¶ 61,212 (2018)).

<sup>12</sup> 16 U.S.C. § 824e (2012).

<sup>13</sup> Mississippi Intervenors Protest at 8.

facilities, the same centralized services company, and the same operating companies, and the three filings are intended to facilitate the transfer of the same ownership of the same facilities and recovery of the same operating and maintenance costs for the same facilities.<sup>14</sup>

9. In response to the protest, Entergy Services argues that the Filing is wholly unrelated to the proceedings in Docket Nos. EC19-18-000 and ER19-211-000 and that the Mississippi Intervenors fail to establish any basis to suggest that the Rate Schedules may be unjust and unreasonable.<sup>15</sup> Entergy Services also argues that the Commission's investigations involving the transfer of reactive power rate schedules, cited by the Mississippi Intervenors, may be justified when the succeeding public utility's characteristics differ from the granting public utility, and therefore may affect the reactive power schedule. Entergy Services argues that this is not the scenario in this proceeding because the Filing's purpose is only to account for a change of name and corporate form, not a change of entity, and that nothing in connection with the Filing "cause[s] a change in the rates, terms, and conditions under Entergy Services' rate schedules."<sup>16</sup> For these reasons, it argues that the Filing is "ministerial in nature and did not change the rates, terms, and conditions of the [Rate Schedules] to which [Entergy Services] succeeded" and that the issues raised by the Mississippi Intervenors are beyond the scope of this proceeding.<sup>17</sup> Finally, in response to the motion to consolidate, Entergy Services argues that, because the Filing is unrelated to the proceedings in Docket Nos. EC19-18-000 and ER19-211-000, consolidation of Docket No. ER19-227-000 is unwarranted and will cause delay.<sup>18</sup>

10. In their response, the Mississippi Intervenors assert that the Filing is not merely administrative when viewed in context with the filings in Docket Nos. EC19-18-000 and

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<sup>14</sup> Mississippi Intervenors Motion at 3. Mississippi Intervenors ask the Commission not to consolidate the three dockets with the complaint proceeding in Docket No. EL18-201-000. *Id.* at 3-4.

<sup>15</sup> Entergy Services Dec. 4, 2018 Answer at 3.

<sup>16</sup> *Id.* at 4.

<sup>17</sup> *Id.* at 4-5.

<sup>18</sup> Entergy Services Dec. 4, 2018 Response to Motion at 4.

ER19-211-000. They also argue that Entergy Services' arguments against consolidation of the three proceedings are meritless.<sup>19</sup>

11. We accept the filing to become effective September 30, 2018, as requested.<sup>20</sup> In response to Mississippi Intervenors, we agree with Entergy Services that the Filing is ministerial in nature and only reflects Entergy Services' change of name and corporate form in preexisting rate schedules. It does not result in a change in rates, terms, and conditions. We also find that the filings in Docket Nos. EC19-18-000 and ER19-211-000 do not affect the reasonableness of the name change in this proceeding.

12. We deny the Mississippi Intervenors' motion to consolidate this proceeding with the proceedings in Docket Nos. EC19-18-000 and ER19-211-000. In general, the Commission consolidates proceedings only if a trial-type evidentiary hearing is required and there are common issues of law and fact.<sup>21</sup> Here, we are not setting the Filing for hearing and the ministerial nature of this proceeding raises no common issues with those dockets.

By direction of the Commission. Commissioner McIntyre is not voting on this letter order.  
Commissioner McNamee is not participating.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>19</sup> Mississippi Intervenors Dec. 19, 2018 Answer at 10.

<sup>20</sup> As noted above, the eTariff metadata for the Rate Schedules reflects an October 30, 2018 effective date. Commission staff will revise the effective date in eTariff, so no further filing by Entergy Services is necessary.

<sup>21</sup> See, e.g., *Duke Energy Corp.*, 136 FERC ¶ 61,245, at P 33 (2011); *Terra-Gen Dixie Valley, LLC*, 132 FERC ¶ 61,215, at P 44, n.74 (2010); *Startrans IO, L.L.C.*, 122 FERC ¶ 61,253, at P 25 (2008).