

COMISIÓN DE ENERGÍA DE PUERTO RICO	
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COMMONWEALTH OF PUERTO RICO  
PUERTO RICO ENERGY COMMISSION

IN RE:

PUERTO RICO ELECTRIC POWER  
AUTHORITY REVITALIZATION  
CORPORATION,

Petitioner.

NO. CEPR-AP-2016-0001

**SUBJECT:** Compliance with  
Resolution and Order of April 12,  
2016

**MOTION REGARDING PROCEDURAL FRAMEWORK AND SCHEDULE**

TO THE HONORABLE PUERTO RICO ENERGY COMMISSION:

Comes now the Puerto Rico Electric Power Authority Revitalization Corporation (the "Corporation"), a special purpose public corporation and instrumentality of the Government of the Commonwealth of Puerto Rico (the "Commonwealth"), by the undersigned legal counsel, and very respectfully states and prays:

**I. Introduction and Background**

1. The honorable Puerto Rico Energy Commission (the "Commission") in this proceeding has the essential duty of reviewing the Corporation's Petition as provided in Article 6.25A of Act 57-2014 ("Article 6.25A"), as added by Article 20 of the PREPA Revitalization Act, Act 4-2016 ("Revitalization Act"). The Legislature indicated the need for an efficient process when, in Article 6.25A, it provided for a decision on the Corporation's Petition within 75 days.

2. The Corporation appreciates the Commission's prompt action in its April 12, 2016 Resolution and Order ("April 12 Order") in ruling that the Corporation's Petition is complete for purposes of Article 6.25A(c) thus commencing the 75-day timeframe for this proceeding. The April 12 Order provides guidance on the standards for intervention and

provides that the Commission will issue an additional order “setting forth strict rules which shall govern intervenor participation during the technical hearing.” Order at 4.

3. This filing proposes concepts for the Commission to consider for such a Procedural Order along with a schedule and framework that allows the Parties and Commission to address the issues before the Commission in this proceeding within the allotted timeframe.

4. The Corporation wishes to make clear that it does not oppose intervention within the guidelines of the Commission’s directives in the April 12 Resolution and Order. Along with the need for an expeditious process, the Corporation also recognizes, however, that Act 57-2014, as amended, and the Revitalization Act, and other rulings of the Commission reflect that the Petition review process is one that must be conducted in a proper manner, one that allows other stakeholders to participate and be heard, and to be asked questions as well. In particular, the Revitalization Act provides that “[t]he evaluation process to be conducted by the Commission shall be a transparent, agile and flexible process, so that the citizens may express their opinions in writing during a specific period of time to be determined by the Commission within the process established herein.” Article 6.25A(f)(3). The parties should strive to meet the Revitalization Act’s directive to the extent practicable given the short timeframe for the proceeding.

5. Accordingly, the Corporation proposes a set of suggestions to the Commission regarding the procedural framework and schedule of this case. The Corporation prepared a suggested timeline that would lead to a Commission decision by June 21, 2016, as set forth in the Commission’s April 12 Resolution and Order. The Corporation respectfully submits its proposal in the hope that it will assist the Commission in that task.

## II. Intervention and Hearings

6. The Commission's April 12 Resolution and Order provides that "any person or entity wishing to intervene in the current proceeding must file a written petition to the Commission on or before April 19, 2016 at 4:00 p.m." and parties seeking to intervene must address certain subject matter as specified by the Commission. The Commission also set forth standards for the acceptance or rejection any petition to intervene.

7. The Corporation respectfully requests that, along the criteria set forth on pages 3 and 4 of the April 12 Resolution and Order to allow the participation of intervenors, the Commission also take into consideration the requirements established by the Puerto Rico Supreme Court to determine whether a person or entity has standing to participate as intervenor in administrative proceedings. *See* Lozada Sánchez v. PR Environmental Quality Board et als, 184 D.P.R. 898 (2012); Fund. Surfrider Inc. v. ARPE, 178 D.P.R. 563 (2010); Borschow Hospital & Medical Supplies, Inc. v. PR Planning Board, 177 D.P.R. 545 (2009); Mun. Caguas v. AT&T Wireless, 154 D.P.R. 401 (2001); San Antonio Maritime v. Puerto Rican Cement Co., 153 D.P.R. 374 (2001); Mun. San Juan v. PR Environmental Quality Board, 152 D.P.R. 673 (2000).

8. To this date, the Corporation has been notified of the following petitions for intervention: State Office of Energy Public Policy, Independent Consumer Protection Office, Gas Natural Puerto Rico, Inc., Decentricity, Inc., and Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico.

9. With respect to State Office of Energy Public Policy and Independent Consumer Protection Office, the Corporation agrees they have a statutory right to participate in this matter. The Corporation cursorily reviewed the other three above mentioned petitions. Although

currently the Corporation is not opposed to these requests, the petitioners do not appear to be in compliance with the requirements set forth by the Commission on its April 12th Resolution and Order, or with the requirements established by the Puerto Rico Supreme Court, as stated on the previous paragraphs. For that reason, the Corporation respectfully invites this Commission to carefully evaluate these petitions and enforce the applicable criteria. It is important to emphasize, as expressed by the Commission on its April 12th Resolution and Order, that “[a] denial of a petition to intervene shall not hinder the petitioner’s right to attend and express his/her opinion during any public hearing.” Order at 4.

10. To the extent the Commission interprets the Revitalization Act to allow intervention in this matter, the Corporation suggests that the Procedural Order make clear that intervenor participation and questioning at the hearing, to the extent practicable, must be within the scope of the Commission’s review of the Petition as set forth on page 2 of the April 12 Resolution and Order. To the degree that intervenors provide testimony, the Corporation requests that the schedule in this proceeding allow for the filing of additional testimony responding to intervenor testimony. The Corporation’s proposed schedule allows time for this additional round of testimony, if needed.

11. The Commission’s April 12 Order provides that Corporation witnesses shall be “questioned by the Commission and any other party.” Order at 5. This appears to go beyond that the Article 6.25A(f) requirement that “[t]he witnesses submitting testimony shall be available for interrogation by the Commission under oath on the subject matter of their testimony.” The Corporation at this time does not object to the additional questioning given the importance of an open and transparent process. However, the Corporation respectfully requests

that the Procedural Order also allow the Corporation the opportunity to question witnesses of the intervenors participating in the hearing.

12. The Corporation believes that the hearings can be concluded in three days as set forth in the schedule proposed herein. The Corporation suggests that a date be set for pre-hearing motions along with a pre-hearing conference date. This will allow the parties to address issues prior to the hearing so that the actual hearings can proceed as smoothly as possible.

13. The Corporation also proposes that parties file Legal Memoranda concurrently after the hearings close. This is important in order to allow parties to incorporate evidence admitted at the hearing(s). The proposed schedule does not allow for reply briefing in the interests of time.

**III. Proposed Procedural Framework and Schedule**

14. The Corporation proposes the following procedural framework to move this case through a fair process to a prompt decision.

**PROPOSED SCHEDULE**

Description	Date	No. of Days	Cumulative
Filing Date and Corporation Petition Date	Thursday, April 07, 2016		
Commission and Corporation publication of Summary	Friday, April 08, 2016	1	1
Commission Resolution & Order re Sufficiency of Filing and Nature of Proceeding	Tuesday, April 12, 2016	4	5
Deadline for Petitions for Intervention	Tuesday, April 19, 2016	7	12
Corporation Response / Objection, if any, to Petitions for Intervention	Thursday, April 21, 2016	2	14
Commission Order Ruling on Interventions	Tuesday, April 26, 2016	5	19
Intervenor Testimony Due	Monday, May 09, 2016	13	32
Last Date for Formal Notice of Public Hearings	Monday, May 16, 2016	7	39
Corporation Response Testimony Due	Tuesday, May 17, 2016	1	40
Corporation Response Testimony Due	Thursday, May 19, 2016	2	42
Commission Advisors Report	Thursday, May 26, 2016	7	49
Pre-Hearing Motions Due	Thursday, May 26, 2016	0	49
Pre-Hearing Conference	Friday, May 27, 2016	1	50
Public Comments Hearing	Tuesday, May 31, 2016	4	54
Hearing Continues - Day 2	Wednesday, June 01, 2016	1	55
Hearing Continues - Day 3	Thursday, June 02, 2016	1	56
Hearing Concludes - Day 4	Friday, June 03, 2016	1	57
Parties Legal Memoranda Due	Friday, June 10, 2016	7	64
Commission Deliberations Begin	Monday, June 13, 2016	3	67
Commission Final Order	Tuesday, June 21, 2016	8	75
	Total		
Total days - Filing to Order, check		75	

9. The Corporation has submitted this Motion on an expedited basis, in the hope that it will assist the Commission is setting the procedural framework and schedule.

WHEREFORE, the Puerto Rico Electric Power Authority Revitalization Corporation respectfully requests that its motion be granted, so that the Commission's review of the Corporation's Petition for Restructuring Order may be conducted in a fair and expedited manner.

WE HEREBY CERTIFY that the foregoing was sent via email to: José Pérez-Velez, Esq., [jperez@oipc.pr.gov](mailto:jperez@oipc.pr.gov); Coral M. Odiot-Rivera, Esq., [codiot@oipc.pr.gov](mailto:codiot@oipc.pr.gov); Edwin Quiñones, Esq., [edwin.quinones@aac.pr.gov](mailto:edwin.quinones@aac.pr.gov); Fernando Agrait, Esq., [agraitfe@agrailawpr.com](mailto:agraitfe@agrailawpr.com); Alicia Pérez Caballero Esq., [aperez@fgrlaw.com](mailto:aperez@fgrlaw.com); Melissa Hernández Carrasquillo, [mehernandez@fgrlaw.com](mailto:mehernandez@fgrlaw.com).

RESPECTFULLY SUBMITTED,

IN SAN JUAN, PUERTO RICO, THIS 20<sup>th</sup> DAY OF APRIL, 2016

**PUERTO RICO ELECTRIC POWER  
AUTHORITY REVITALIZATION CORPORATION**

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By: \_\_\_\_\_

By: \_\_\_\_\_