



COMMONWEALTH OF PUERTO RICO
PUERTO RICO ENERGY COMMISSION

IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY RATE REVIEW

CASE NO.: CEPR-AP-2015-0001

SUBJECT: Attorney Agrait's joint
representation of ICSE-PR and MIDA.

ORDER TO SHOW CAUSE

On August 2, 2016, the *Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico* ("ICSE-PR"), through its undersigning attorney, Mr. Fernando E. Agrait, filed a motion requesting intervention in the instant proceeding. On August 15, 2016, the Puerto Rico Energy Commission ("Commission") issued a Resolution and Order granting ICSE-PR's request for intervention. Furthermore, given the unquestionable similarities among the arguments in support of its request for intervention set forth by ICSE-PR and by a group of professional, commercial and industrial organizations, the Commission ordered ICSE-PR and such organizations to coordinate their joint appearance in the instant proceeding.¹ On that occasion, the Commission established that, given the complexity of the subject matter and the limited time frame afforded by Act 83² and Act 57-2014³, the Commission would adopt all necessary measures to avoid repetitive or cumulative testimony and evidence and ensure an orderly and timely conclusion to the proceeding.⁴

On August 16, 2016, ICSE-PR, through its undersigning attorney, Mr. Agrait, filed a motion requesting the Commission to reconsider its determination of requiring the joint appearance of ICSE-PR and several organizations, as provided on its August 15, 2016 Resolution and Order. ICSE-PR argued, in essence, the existence of a possible conflict of interest which prevented the aforementioned organizations from jointly appearing before the Commission, and that ICSE-PR's interests were not aligned with any particular professional, commercial or industrial organization. On September 6, 2016, the Commission issued a Resolution whereby it granted ICSE-PR's request for reconsideration and allowed ICSE-PR and the organizations to appear individually in the instant proceeding. Nonetheless, the Commission reserved the power to adopt any measures necessary to protect the integrity of the process and ensure the orderly conclusion of the proceedings.

On October 27, 2016, ICSE-PR, through its undersigning attorney, Mr. Agrait, filed its written testimony. ICSE-PR's filing contained the testimony of four witnesses, including

¹ Resolution and Order of August 15, 2016.

² Act No. 83 of May 2, 1941, as amended, known as the Puerto Rico Electric Power Authority Act.

³ The Puerto Rico Energy Transformation and RELIEF Act, as amended.

⁴ For in-depth discussion, see the Commission's Resolution and Order of August 15, 2016 and September 6, 2016.

a testimony from Mr. Agrait. On that same date, Mr. Agrait also appeared on behalf of the *Cámara de Mercadeo, Industria y Distribución* ("MIDA"), to file its written testimony. Prior to such appearance, Mr. Agrait did not notify the Commission he would also be representing MIDA, nor did MIDA's attorney of record, Mr. Manuel R. Reyes Alfonso, notify the Commission that Mr. Agrait would join MIDA's legal representation.

Mr. Agrait's ability to simultaneously represent ICSE-PR and MIDA suggest that both parties have similar, if not, identical, interests. As such, the Commission hereby **ORDERS** ICSE-PR and MIDA to show cause why the Commission should not require them to jointly appear in the instant proceeding. ICSE-PR and MIDA's shall file their responses no later than November 4, 2016 at 4:30 pm.

For the benefit of all the parties involved, the Commission publishes this Order in both English and Spanish. Should any discrepancy arise between each version, the Spanish version shall prevail.

Be it notified and published.



Ángel R. Rivera de la Cruz
Associate Commissioner



José H. Román Morales
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Commission has so agreed on November 2, 2016. The President Agustín Carbó Lugo did not intervene. On this date a copy of this Order was notified by electronic mail to the following: n-ayala@aeep.com, c-aquino@aeep.com, glenn.rippie@r3law.com, michael.guerra@r3law.com, john.ratnaswamy@r3Law.com, codiot@opic.pr.gov, jperez@oipc.pr.gov, mmuntanerlaw@gmail.com, jfeliciano@constructorespr.net, abogados@fuerteslaw.com, jose.maeso@aae.pr.gov, edwin.quinones@aae.pr.gov, nydinmarie.watlington@cemex.com, aconer.pr@gmail.com, epenergypr@gmail.com, jorgehernandez@escopr.net, ecandelaria@camarapr.net, pga@caribe.net, manuelgabrielfernandez@gmail.com, mreyes@midapr.com, agraitfe@agraitlawpr.com, mgrpcorp@gmail.com, attystgo@yahoo.com, maribel.cruz@acueductospr.com, eirizarry@ccdlawpr.com and pnieves@vnblegal.com. I also certify that today, November 2, 2016, I have proceeded with the filing of the Order issued by the Puerto Rico Energy Commission and I have sent a true and exact copy to the following:

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For the record, I sign this in San Juan, Puerto Rico, today, November 2, 2016.



María del Mar Cintrón Alvarado
Clerk