



**COMMONWEALTH OF PUERTO RICO
PUERTO RICO ENERGY COMMISSION**

**IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY RATE REVIEW**

CASE NO.: CEPR-AP-2015-0001

SUBJECT: Order to show cause

ORDER

On January 10, 2017, the Puerto Rico Energy Commission (“Commission”) issued a Final Resolution and Order regarding the Petition for Rate Review (“Petition”) filed by the Puerto Rico Electric Power Authority (“PREPA”). On January 30, 2017, PREPA, the *Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico* (“ICSE-PR”), the Puerto Rico Aqueduct and Sewer Authority (“PRASA”), Windmar Group (“Windmar”)¹ and Sunnova Energy Corporation (“Sunnova”) each filed a Motion for Reconsideration of the Commission’s Final Resolution and Order.

On February 8, 2017, PREPA filed a motion requesting leave to file a reply brief to the Motions for Reconsideration filed by Windmar and Sunnova. The Commission granted PREPA’s request and accepted PREPA’s reply brief into the record through its Resolution of February 13, 2017.² On February 14, 2017, Sunnova filed a motion requesting the Commission strike from the record PREPA’s reply brief. Sunnova argued that PREPA failed to notify both the motion for leave to file a reply brief and the corresponding reply brief to Sunnova.³

In both the motion for leave and the corresponding reply brief, PREPA certified having notified a copy of such motions to all parties in the instant case. Given Sunnova’s motion, the Commission hereby **ORDERS** PREPA to show cause why the Commission should

¹ Windmar Group is composed of the following commercial entities: PVP Properties, Inc., Coto Laurel Solar Farm, Inc., Windmar PV Energy, Inc., and Windmar Renewable Energy, Inc.

² Through said Resolution the Commission also notified that it would consider the Motions for Reconsideration filed by PREPA, ICSE-PR, PRASA, Windmar and Sunnova.

³ Sunnova also argued that neither the Commission’s Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures, Regulation No. 8543, nor the applicable provisions of the Uniform Administrative Procedure Act, Act No. 170 of August 12, 1988, as amended (“LPAU” for its Spanish acronym) provide for the filing of a reply brief to a Motion for Reconsideration. The Commission is not persuaded by this argument. The fact that neither Regulation 8543 nor the LPAU have a specific provision allowing a reply brief to a Motion for Reconsideration, does not prevent the Commission from adopting the measures it deems necessary to ensure a full and complete record in the exercise of its broad regulatory powers. Granting the opportunity to file reply briefs to a Motion for Reconsideration is not unprecedented for the Commission. In the context of the review and approval of PREPA’s Integrated Resource Plan, Docket No. CEPR-AP-2015-0002, the Commission allowed intervenors to file reply briefs to PREPA’s Motion for Reconsideration.



not strike from the record PREPA's motion for leave and the corresponding reply brief. PREPA shall provide evidence of having notified copy of such filing to all parties, including Sunnova, **on or before Friday, February 17, 2017.**

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

Be it notified and published.

Agustín F. Carbó Lugo
Chairman

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 February 15, 2017 and on this date a copy of this Order regarding Case No. CEPR-AP-2015-0001 was notified by electronic mail to the following: n-ayala@aepr.com, c-aquino@aepr.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, info@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, agraitfe@agraitlawpr.com, maribel.cruz@acueductospr.com, mgrpcorp@gmail.com, eirizarry@ccdlawpr.com and pnieves@vnblegal.com, attystgo@yahoo.com. I also certify that today, February 15, 2017, 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, February 15, 2017.



María del Mar Cintrón Alvarado
Clerk