



GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU

IN RE: THE UNBUNDLING OF THE ASSETS
OF THE PUERTO RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-AP-2018-0004

SUBJECT: Discovery Process

RESOLUTION AND ORDER

On February 8, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("February 8 Resolution and Order") through which it determined that the Energy Bureau would hire a consultant to perform a series of cost studies—including an *embedded cost of service study*, a *marginal cost of service study*, and a *Total System Long-Run Incremental Cost ("TSLRIC") study* ("Unbundling Studies"). The development of the aforementioned Unbundling Studies is crucial to inform the proceeding on unbundling for the establishment of wheeling, as required by Act 57-2014.¹

The instant Resolution and Order shall serve to inform the Puerto Rico Electric Power Authority ("PREPA") that the Energy Bureau has hired the consultant that will be in charge of performing the Unbundling Studies. As stated on the February 8 Resolution and Order, the Energy Bureau **ORDERS** PREPA to provide its full cooperation with the identified consultant.


In order to obtain the required information to support the consultant's work regarding the Unbundling Studies, the Energy Bureau **INFORMS** PREPA that it will begin a discovery process, pursuant to the provisions of Article VIII of Regulation 8543.² The discovery period will begin on the date of notification of the instant Resolution and Order, and shall be conducted by the Energy Bureau's Staff. PREPA shall file its answer to each Request of Information ("ROI") on or before fifteen (15) days from the notification of the ROI. All answers and/or documents corresponding to an ROI shall be notified by email to the Energy Bureau.

Furthermore, the following shall apply to all discovery requests and corresponding responses:

- 1) Any information requirement, request for production of documents or any other discovery requirement must be sent in a **searchable** portable document format (*i.e.*, PDF) via email to PREPA.

¹ *The Puerto Rico Energy Transformation and RELIEF Act*, as amended.

² *Regulation on Adjudicative Proceedings, Notice on Noncompliance, Rate Review and Investigation Proceedings*, December 18, 2014.

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- 2) When answering any ROI, PREPA shall notify its responses to the Energy Bureau via email. Responses to any ROI must be filed in a **searchable** PDF, unless the filed document native nature does not support a PDF filing (*e.g.* Excel files). All answers may only be notified by PREPA's authorized representative. All Excel files or files with similar format, shall be submitted in native form with formulae intact.
 - 3) If, due to its size, a document cannot be sent via email, PREPA shall deliver it to the Energy Bureau, using a portable drive (*e.g.* USB memory stick) or a cloud-based storage service (*e.g.*, Dropbox, OneDrive, Google Drive, etc.).
 - 4) With the purpose of easing the discovery process, PREPA is exempted from the requirement that all answers to a discovery request be physically signed and notarized.
 - 5) Each response to an ROI must clearly identify the person providing the answer to each question or requirement and include a certification compliant with Section 2.02(F) of Regulation 8543 (*i.e.*, has read the document and to the best of his or her knowledge, understanding and belief, formed after reasonable examination, the information is true and accurate.)
 - 6) Hard copies of responses to an ROI need not be filed with the Energy Bureau's Clerk.
 - 7) Should PREPA claim confidential treatment of information provided in response to an ROI, or a portion thereof, it shall follow the guidelines set forth by the Energy Bureau in its August 31, 2016 Resolution, CEPR-MI-2016-0009, as amended.
 - 8) All emails shall be sent to the following addresses: secretaria@energia.pr.gov, legal@energia.pr.gov and viacaron@energia.pr.gov.

In order to ensure that the Energy Bureau is correctly informed through the process of discovery, it may, at its discretion, schedule technical conference calls, public hearings or any similar procedure to gather the required information to support the development of the Unbundling Studies.

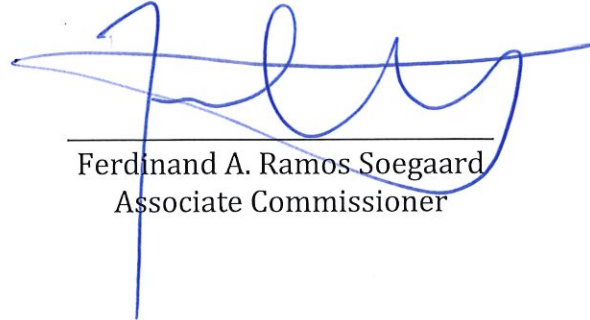
Be it notified and published.




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Associate Commissioner


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Associate Commissioner


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Associate Commissioner

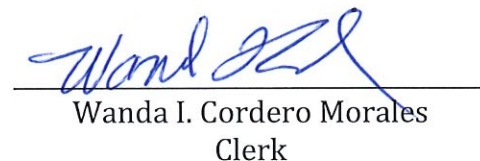
CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on July 3, 2019 and on this date a copy of this Resolution and Order was notified by electronic mail to the following: astrid.rodriguez@prepa.com, n-vazquez@aeep.com and jorge.ruiz@prepa.com. I also certify that today, July 3, 2019, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau and I have sent a true and exact copy to the following:

Puerto Rico Electric Power Authority

Attn.: Nitza D. Vázquez Rodríguez
Astrid I. Rodríguez Cruz
Jorge R. Ruíz Pabón
P.O. Box 363928
San Juan, PR 00936-3928

For the record, I sign this in San Juan, Puerto Rico, today, July 3, 2019.


Wanda I. Cordero Morales
Clerk