

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



IN RE: REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY
INTEGRATED RESOURCE PLAN

CASE NO.: CEPR-AP-2018-0001

SUBJECT: PREPA's Motion Regarding Initial
Technical Hearing and Procedural Calendar.

RESOLUTION AND ORDER

On August 1, 2019, the Puerto Rico Electric Power Authority ("PREPA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *PREPA's Motion Regarding Initial Technical Hearing and Procedural Calendar* ("Motion"). Through its Motion, PREPA stated it has some concerns regarding the Procedural Calendar in the instant case,¹ as well as with the Initial Technical Hearing scheduled for August 13 - 14, 2019.²

I. Initial Technical Hearing

Regarding the Initial Technical Hearing, PREPA argues that the July 26, 2019 Resolution in the instant case permits the questioning of PREPA by intervenors, without setting specific limits on the scope or subject matters of such questions. PREPA states that neither it nor Siemens, will have a real chance to prepare for such questions. Furthermore, PREPA states that it is unclear whether the Energy Bureau intended for a narrower scope, since the July 26 Resolution did not include express language specifying that the questions should be focused on the content of the Integrated Resource Plan ("IRP") filing.

PREPA also stated it has a practical concern regarding the dates for the Initial Technical Hearing. PREPA informed that certain individuals from PREPA and Siemens will not be available on August 14, 2019. Therefore, PREPA requested for the Energy Bureau to change the dates for the Initial Technical Hearing for August 13, 2019 and August 22, 2019 and proposed the topics to be discussed in each date.

On the July 3, 2019 Resolution and Order, which established the Procedural Calendar for the instant case, the Energy Bureau specified that PREPA shall be prepared to present its

¹ See Resolution and Order, Completeness Determination of PREPA's IRP Filing and Procedural Calendar, Case No. CEPR-AP-2018-0001, *In Re: Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*, July 3, 2019 ("July 3 Resolution and Order").

² See Resolution, Appointment of Hearing Examiner; Initial Technical Hearing Format, Case No. CEPR-AP-2018-0001, *In Re: Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*, July 26, 2019 ("July 26 Resolution").

Revised IRP Filing at the Initial Technical Hearing. Moreover, the Energy Bureau stated that PREPA shall be prepared to answer questions from the Energy Bureau, its staff, consultants and Intervenors **regarding its presentation and the contents of the Revised IRP Filing.**

Through the July 26, 2019 Resolution, the Energy Bureau organized the issues to be discussed at the Initial Technical Hearing to allow for a more useful dialogue and organized hearing record. It is important to note that Intervenors are not incidental participants in this case. Intervenors, like PREPA, are parties to this case. As such, Intervenors have the right to ask pertinent questions regarding the scheduled topics.

PREPA's proposal for the Energy Bureau to limit Intervenors participation by selecting which questions they can ask or by not allowing Intervenors to ask questions and rather have the Energy Bureau ask them, is not only baseless but goes against the Intervenor's right to due process. PREPA must understand that the restrictions the Energy Bureau placed on outside participation during the Phase I of the IRP approval process do not apply to this stage. With the July 3, 2019 Resolution and Order the Energy Bureau commenced the adjudicative phase of the IRP approval process. Therefore, it must safeguard the due process to which all parties are entitled.

Based on the above, the Energy Bureau will allow Intervenors to ask all **pertinent** questions related to the issues specified on the Initial Technical Hearing agenda and related to PREPA's IRP Filing. Furthermore, the Energy Bureau **DETERMINES** that it will not make changes to the Initial Technical Hearing schedule. Therefore, as stated in the July 26 Resolution, the Initial Technical Hearing will be held on August 13 - 14, 2019. The Energy Bureau **ORDERS** PREPA to make available at the Technical Hearing the personnel that can answer questions regarding the topics detailed in the July 26, 2019 Resolution, at the time and dates specified therein. PREPA's request to reschedule the Initial Technical Hearing and the request to limit Intervenor's participation is **DENIED**. The initial Technical Hearing will be conducted as detailed in the July 26, 2019 Resolution and consistent with this Resolution and Order.

II. Procedural Calendar

PREPA also stated concerns regarding the Procedural Calendar in the instant case. As part of its Motion, PREPA argued that there should be "(a) a real opportunity for PREPA to obtain discovery from intervenors after intervenors file their written testimony; and, (b) an opportunity for PREPA to file rebuttal after it has had sufficient time to review the intervenor testimony, to obtain discovery from intervenors, and to perform its own analyses as needed for rebuttal."³

The Energy Bureau is evaluating PREPA's arguments regarding the Procedural Calendar. Upon completing this evaluation, the Energy Bureau will, in due time, notify the modifications to the Procedural Calendar, if any.

³ See Motion, p. 10.



Be it published and notified.

Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner

Ángel R. Rivera de la Cruz
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Ferdinand A. Ramos Soegaard
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CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 6, 2019. I also certify that on August 6, 2019 a copy of this Resolution and Order was notified by electronic mail to the following: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aepr.com, c-aquino@prepa.com, acarbo@edf.org, javier.ruajovet@sunrun.com, pedrosaade5@gmail.com, rstgo2@gmail.com, rmurthy@earthjustice.org, larroyo@earthjustice.org, jluebkmann@earthjustice.org, carlos.reyes@ecoelectrica.com, ccf@tcmrslaw.com, rtorbert@rmi.org, victorluisgonzalez@yahoo.com, mgrpcorp@gmail.com, hriviera@oipc.pr.gov, jrivera@cnspr.com, manuelgabrielfernandez@gmail.com, axel.colon@aes.com, acasellas@amgprlaw.com, loliver@amgprlaw.com, epo@amgprlaw.com, rob.berezin@weil.com, marcia.goldstein@weil.com, jonathan.polkes@weil.com, gregory.silbert@weil.com, maortiz@lvprlaw.com, rnegrón@dnlawpr.com, paul.demoudt@shell.com, escott@ferraiuoli.com, aconer.pr@gmail.com, agraitfe@agraitlawpr.com. I also certify that today, August 7, 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:

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I sign this in San Juan, Puerto Rico, today August 6, 2019.

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Clerk