



**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: Initial Technical Hearing,
Procedural Calendar and Parties
Notification Mailing List.

RESOLUTION AND ORDER

I. Initial Technical Hearing

On August 9, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("August 9 Order")¹ through which it determined that the second part of the Initial Technical Hearing in the instant case will be held on September 4, 2019. The Energy Bureau also stated that, at its discretion, said Hearing may be extended to September 5, 2019, if necessary. Furthermore, through the August 9 Order, the Energy Bureau ordered the Puerto Rico Electric Power Authority ("PREPA") to notify, on or before August 12, 2019, if there was any conflict which made it impossible for any Siemens personnel to attend. PREPA did not notify the Energy Bureau of any possible conflict.

Due to the technical nature of the hearing, it will be conducted in the English language, with simultaneous translation to the Spanish language. This shall not inhibit any deponent from making their presentation and/or answering questions in the Spanish language. All participants must conduct themselves efficiently and in full compliance with the procedures set forth herein or previously established by the Energy Bureau. The second part of the Initial Technical Hearing will be organized as detailed below.

Discussion of Issues	Date	Time
Resource Portfolio Results Across Scenarios	September 4, 2019	8:30 a.m. – 12:00 p.m.
Lunch	September 4, 2019	12:00 p.m. – 1:00 p.m.
Limitations of Resource Options Representations in the IRP	September 4, 2019	1:00 p.m. – 3:00 p.m.

¹ See Resolution and Order, PREPA's Motion for Reconsideration Regarding Initial Technical Hearing Second Day Schedule, Case No. CEPR-AP-2018-0001, *In Re: Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*.

Discussion of Issues	Date	Time
Natural Gas – Commodity, Transport, Infrastructure	September 4, 2019	3:00 p.m. – 5:00 p.m.
Questions on other matters not specified above	September 5, 2019	8:30 a.m. – 4:30 p.m.

As noted above, the Energy Bureau organized the questioning of PREPA's representatives by subject-matter. This approach allows for a more useful dialogue, a more organized hearing record, provides for better time management and allows for a more detailed and efficient examination of the presented information.

The second part of the Initial Technical Hearing will consist of questions directed at specific persons. Such persons will not read their testimonies nor make opening statements. The discussion of the major topic areas specified above will begin with questions by the Energy Bureau to PREPA representatives, followed by questions from intervenors.

With respect to questions asked by intervenors, **only one attorney** from each party may question a particular person. However, different attorneys from a party may ask questions provided they address different subjects. Once an attorney asks questions regarding a subject, no changes will be allowed (*e.g.*, if attorney "A" of party "1" asks questions regarding the topic "Resource Portfolio Results Across Scenarios", attorney "B" of party "1" cannot ask questions regarding this topic, however attorney "B" of party "1" can ask questions regarding the topic "Natural Gas – Commodity, Transport, Infrastructure", from which attorney "A" will be excluded).² Intervenors must refrain from asking repetitive questions which were already asked during the proceeding; however, they may reference such questions if the latter question is related to their line of questioning and will not elicit a repetitive answer.

In answering questions, all persons must refrain from repeating answers previously given. Their response must be succinct but sufficient to adequately answer each question. Only the person to whom a question is addressed may answer that question.

II. Procedural Calendar

On August 1, 2019, PREPA filed before the Energy Bureau a document titled *PREPA's Motion Regarding Initial Technical Hearing and Procedural Calendar* ("Motion"). Through its Motion, PREPA stated it had several concerns regarding the Procedural Calendar in the instant case.³

² To avoid any confusions, note that only one (1) attorney per party per subject will be present at the Intervenor's table.

³ 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*.


On August 6, 2019, the Energy Bureau issued a Resolution and Order ("August 6 Order")⁴ through which it informed that, upon completing the evaluation of PREPA's argument regarding the Procedural Calendar, it would notify any modifications. Upon a thorough review of PREPA's arguments, the Energy Bureau **AMENDS** the Procedural Calendar⁵ in the instant case as follows:

A. Discovery

Every intervenor will have the right to issue discovery requests with regards to the IRP Filing, pursuant to the provisions of Regulation No. 8543. In addition, pursuant to Section 8.01(H) and (I) of Regulation No. 8543,⁶ the Energy Bureau may participate in the discovery process, which shall be conducted by the Energy Bureau's Staff.

The discovery period **began on July 3, 2019 and will end on October 1, 2019**. There will be a ten (10) day period for parties to answer all Requests of Information. As per the discovery instructions previously issued by the Energy Bureau in the instant case, every Request of Information or documents, and the corresponding answers, shall be notified by email (not the online filing platform) to the address on record of every intervenor and to the Energy Bureau (*i.e.*, through the email addresses specifically provided for such purposes). Any motion requesting a determination from the Energy Bureau (*i.e.*, the resolution of a discovery dispute, an extension of time, the designation of confidentiality, etc.) shall be filed by the party via the online filing platform of the Energy Bureau.⁷

The following shall apply to all discovery requests and corresponding responses:

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- 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 the party to whom the request is made. Parties need not file a physical copy of the discovery request with the Energy Bureau's Clerk.
 - 2) All discovery request shall be sent via email by the requesting party's authorized representative to the Energy Bureau and to the email in record of each intervenor. It will not be necessary for a discovery request to include the


⁴ See Resolution and Order, PREPA's Motion Regarding Initial Technical Hearing and Procedural Calendar, Case No. CEPR-AP-2018-0001, *In Re: Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*.

⁵ Attachment A to the instant Resolution and Order includes a summary of the Procedural Calendar set forth herein.

⁶ *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures*, Regulation No. 8543, December 18, 2014.

⁷ *Id.* Note that any motion filed in contravention with this requirement will be deemed as not filed.

signature of the requesting party's authorized representative. Parties may use electronic signatures when sending such documents.

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- 3) When answering any discovery request, the responding party shall notify its responses to the requesting party, all other intervenors and to the Energy Bureau via email. Responses to any discovery request 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 must be notified by the responding party's authorized representative. All Excel files or files with similar format, shall be submitted in native form with formulae intact.
 - 4) If, due to its size, a document cannot be sent via email, the responding party shall deliver it to the requesting party, all other intervenors, and 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.).
 - 5) With the purpose of easing the discovery process, the Energy Bureau has determined to exempt all parties in the instant proceeding from the requirement that all answers to a discovery request be physically signed and notarized.
 - 6) Each discovery response must clearly identify the person providing the answer to each question or requirement and include a certification regarding that, to the best of his/her knowledge, all answers provided are true and correct and none of the information provided is willingly misleading.
 - 7) Physical copies of responses to discovery request need not be filed with the Energy Bureau's Clerk.
 - 8) Should any party claim confidential treatment of the information provided in response to a discovery request, or a portion thereof, said party shall follow the guidelines set forth by the Energy Bureau in its August 31, 2016 Resolution, Case No. CEPR-MI-2016-0009, as amended.
 - 9) All emails sent to the Energy Bureau shall be sent to all three (3) of the following addresses: secretaria@energia.pr.gov, legal@energia.pr.gov and viacaron@energia.pr.gov.

B. Initial Technical Hearing

The Energy Bureau held the first part of the Initial Technical Hearing on August 13, 2019. The second part of the Initial Technical Hearing **will begin on September 4, 2019 at 8:30 a.m. and will end on September 5, 2019**, subject to the agenda set forth in Part I of this Resolution and Order. The second part of the Initial Technical Hearing will be held at the Energy Bureau's Hearing Room, located at the World Plaza Building, 268 Muñoz Rivera Ave., 8th Floor, San Juan, PR.

C. Intervenor's Written Testimony

Intervenors will have until **October 8, 2019**, to file their written testimony ("Pre-Filed Testimony"). Through such testimony, the intervenors, along with their witnesses, shall present their position and arguments with regards to PREPA's IRP Filing. Since they are the equivalent of direct testimony, all Pre-Filed Testimony shall use a question and answer format. The person appearing as witness must be clearly identified, must provide his/her credentials and must specify the issue or subject on which he/she is testifying. Furthermore, all testimonies must be sworn and verified before notary public.

D. Discovery on Intervenor's Written Testimony

The parties will have the opportunity to conduct discovery with regards to the Intervenor's Pre-Filed Testimony, pursuant to the provisions of Regulation No. 8543. The discovery period with regards to Intervenor's Pre-Filed Testimony **will begin on October 8, 2019 and will end on October 29, 2019**. The intervenors will have no more than ten (10) days to answer each Request of Information. Every Request of Information or documents, and the corresponding answers, shall be notified by email to the address on record of every intervenor and to the Energy Bureau, and subject to the norms on discovery set forth above.

E. Rebuttal Testimony

The parties shall have until **November 12, 2019** to file written rebuttal testimony to any Intervenor's Pre-filed Testimony.

F. Evidentiary Hearing

The Energy Bureau will hold an Evidentiary Hearing in which parties and the Energy Bureau will have the opportunity to cross-examine the witnesses that provided Pre-Filed and Rebuttal Testimonies. All parties will also have the opportunity to present their own evidence, in accordance with applicable statutory and regulatory procedures. The Energy Bureau will provide, at a later date, more information with regards to the format of the Evidentiary Hearing, the applicable rules of behavior, and the order of the proceedings. The Evidentiary Hearing is **scheduled for December 2 - 6, 2019**, at the Energy Bureau's Hearing Room, located at the World Plaza Building, 268 Muñoz Rivera Ave., 8th Floor, San Juan, PR. The Energy Bureau may modify the duration of the Evidentiary Hearing at its discretion.

G. Final Substantive and Legal Briefs

After the Evidentiary Hearing, PREPA and the Intervenor's will have the opportunity to submit Final Substantive and Legal Briefs ("Final Briefs"). The Final Briefs shall be limited to the information presented during discovery and the Evidentiary Hearings. Therefore, the Final Briefs cannot introduce information and/or evidence that has not been previously filed before the Energy Bureau. Final Briefs shall be filed **on or before December 20, 2019**.

H. Reply to Final Briefs

PREPA and the Intervenors will have the opportunity to submit replies to the Final Briefs ("Reply Briefs"). All Reply Briefs shall be limited to the information presented in the Final Briefs. Therefore, the Reply Briefs cannot introduce information and/or evidence that has not been previously filed before the Energy Bureau nor can they address any issues that were not part of the Final Briefs. Reply Briefs shall be filed **on or before January 10, 2020**.

I. Public Hearing

The Energy Bureau will hold a public hearing with the purpose of providing additional opportunity for citizen participation. The hearing will be held on **January 10, 2020** at the Energy Bureau's Hearing Room, located at the World Plaza Building, 268 Muñoz Rivera Ave., 8th Floor, San Juan, PR. During the public hearing, the general public will have the opportunity to present their views and opinions about the IRP filing. During the course of the proceeding the Energy Bureau may determine to celebrate additional hearings, including hearings in other places along the Island. The public hearings are designed to obtain comments from the general public. As such, the Intervenors, PREPA, its employees, associates, witnesses or legal representation, and any other party to this proceeding will not be allowed to participate in the public hearings.

J. Written Public Comments

Any person interested in presenting their comments to the Energy Bureau regarding this proceeding may file their written comments **on or before January 17, 2020**. Public comments may be presented using the Energy Bureau's electronic filing tool at: <https://radicacion.energia.pr.gov/>; by postal mail addressed to the Puerto Rico Energy Bureau's Clerk's Office at World Plaza Building, 268 Muñoz Rivera Ave., Plaza Level Suite 202, San Juan, PR 00918; or in person at the Energy Bureau's Clerk's Office, located at the aforementioned address. All written comments filed according to the instructions herein shall include in its title the following: "Public Comments on PREPA's IRP Filing – Case No. CEPR-AP-2018-0001" and shall be addressed to the Energy Bureau's Chairman, Edison Avilés Deliz.

III. Parties Notification Mailing List

To ensure transparency and to promote ample public participation, the Energy Bureau invited any interested person to file a petition to intervene or a petition to appear as *Amicus Curiae* in the instant proceeding. The Energy Bureau has granted intervention in the instant case to seventeen (17) entities. Furthermore, the Energy Bureau has granted participation as *Amicus Curiae* to four (4) entities.

The Energy Bureau **ORDERS** all the parties in the instant case to use the following contact information to issue their respective notifications:

A. PREPA

Contact Person	E-mail address	Postal Address
Nitza D. Vázquez Rodríguez	n-vazquez@aepr.com	PO Box 363928 San Juan, PR 00936-3928
Astrid I. Rodríguez Cruz	astrid.rodriguez@prepa.com	
Jorge R. Ruiz Pabón	jorge.ruiz@prepa.com	
Carlos M. Aquino Ramos	c-aquino@prepa.com	
Maralíz Vázquez	mvazquez@diazvaz.law	664 Ave. Fernández Juncos District View Plaza, Suite 301 San Juan, PR 00907-3122
Katuska Bolaños	kbolanos@diazvaz.law	

B. Intervenors


Entity	Contact Person	E-mail address	Postal Address
Environmental Defense Fund	Agustín F. Carbó Lugo	acarbo@edf.org	257 Park Avenue South New York, NY 10010
Sunrun, Inc.	Javier Rúa-Jovet	javier.ruajovet@sunrun.com	Centro de Seguros Bld. Suite 406 701 Ponce de León Ave. San Juan, PR 00907
Local Environmental Organizations	Pedro Saadé Lloréns	pedrosaade5@gmail.com	Condado 605 – Office 616 San Juan, PR 00907
	Raghu Murthy	rmurthy@earthjustice.org	48 Wall Street 19th Floor New York, NY 10005
EcoEléctrica, L.P.	Carlos A. Reyes, P.E.	carlos.reyes@ecoelectrica.com	Carretera 337 Km. 3.7 Barrio Tallaboa Poniente Peñuelas, PR 00624
	Carlos E. Colón Franceschi Toro, Colón, Mullet, Rivera & Sifre, P.S.C.	ccf@tcmrslaw.com	PO Box 195383 San Juan, PR 00919-5383
Grupo WindMar	Víctor L. González	victorluisgonzalez@yahoo.com	#206 Calle San Francisco San Juan, PR 00901
	Marc G. Roumain Prieto Roumain & Associates, P.S.C.	mgrpcorp@gmail.com	#1702 Avenida Ponce de León 2do Piso San Juan, PR 00909
Oficina Independiente de Protección al Consumidor	Hannia B. Rivera Díaz Jessica Rivera Pacheco	hrivera@oipc.pr.gov jrivera@cnslpr.com	268 Hato Rey Center Suite 524 San Juan, PR 00918
Empire Gas Company, Inc.	Manuel Fernández Mejías	manuelgabrielfernandez@gmail.com	1404 Ave. Paz Granela Suite 2, PMB 246 San Juan, PR 00921
	Alexandra Casellas Cabrera	acasellas@amgprlaw.com	PO Box 70294 San Juan, PR 00936

Entity	Contact Person	E-mail address	Postal Address
National Public Finance Guarantee Corp.	Corey Brady	corey.brady@weil.com	767 Fifth Avenue New York, NY 10153
Progression Energy	Mariana Ortiz Colón	maortiz@lvprlaw.com	PO Box 194089 San Juan, PR 00919
	Raúl-Negrón Casanovas	rnegron@dnlawpr.com	PO Box 363004 San Juan, PR 00936-3004
Shell NA LNG LLC	Paul De Moudt	paul.demoudt@shell.com	1000 Main Street Level 12 Houston, TX 77002
Wartsila	Eugene Scott Amy	escott@ferraiuoli.com	221 Ponce de León Avenue, Suite 500 San Juan, PR 00917
Non Profit Intervenors	Fernando Agrait	agraitfe@agraitlawpr.com	701 Avenida Ponce de León Oficina 414 San Juan, PR 00907
Renew Puerto Rico	Irma E. Castro Dieppa	castrodieppalaw@gmail.com	PO Box 195034 San Juan, PR 00919-5034
	Gilbert López Delgado	voxpathulix@gmail.com	
Caribe GE International Energy Services, Corp.	Carlos Fernández Lugo	cfl@mcvpr.com	PO Box 364225 San Juan, PR 00936-4225
Solar and Energy Storage Association of Puerto Rico	Carlos Fernández Lugo	cfl@mcvpr.com	PO Box 364225 San Juan, PR 00936-4225
League of Cooperatives of Puerto Rico and AMANESER 2025, Inc	Mildred Santiago Ortiz	info@liga.coop	PO Box 360707 San Juan, PR 00936-0707
	Juan E. Rosario	amaneser2020@gmail.com	405 Ave. Américo Miranda 706 A San Juan, PR 00927
Arctas Capital Group, LP	Rick Sierra	sierra@arctas.com	1980 Post Oak Blvd, Suite 1500 Houston, Tx 77056
	Antonio Torres Miranda	tonytorres2366@gmail.com	PO Box 9024271 San Juan, PR 00902-4271

The Energy Bureau **REMINDS** all parties in the instant case of the importance of complying with the provisions of Regulation 8543 and **WARNS** all parties that noncompliance with the provisions of this Resolution and Order may result in the imposition of administrative fines up to twenty-five thousand dollars (\$25,000) per day, per violation, as well as any other administrative sanctions the Energy Bureau deems necessary, in accordance with the applicable statutes and regulations.

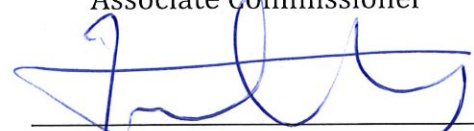


Be it published and notified.


Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner



Ángel R. Rivera de la Cruz
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 21, 2019. I also certify that on August 21, 2019 a copy of this Resolution and Order was notified by electronic mail to: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aepr.com, mvazquez@diazvaz.law, kbolanos@diazvaz.law, c-aquino@prepa.com, acarbo@edf.org, javier.ruajovet@sunrun.com, pedrosaade5@gmail.com, rmurthy@earthjustice.org, carlos.reyes@ecoelectrica.com, ccf@tcmrslaw.com, victorluisgonzalez@yahoo.com, mgrpcorp@gmail.com, hriviera@oipc.pr.gov, jriviera@cnspr.com, manuelgabrielfernandez@gmail.com, acasellas@amgprlaw.com, corey.brady@weil.com, maortiz@lvprlaw.com, rnegron@dnlawpr.com, paul.demoudt@shell.com, escott@ferraiuoli.com, agraitfe@agraitlawpr.com, castrodiéppalaw@gmail.com, voxpopolix@gmail.com, cfl@mcvpr.com, sierra@arctas.com, tonytorres2366@gmail.com, info@liga.coop, amaneser2020@gmail.com.

I sign this in San Juan, Puerto Rico, today August 21, 2019.


Wanda I. Cordero Morales
Clerk

Attachment A

Summary of Procedural Calendar

Date	Phase
July 3, 2019 – October 1, 2019	Discovery Process
August 2, 2019	Requests for Intervention and <i>Amicus Curiae</i> Due
August 13, 2019	Initial Technical Hearing (1 st part)
September 4-5, 2019	Initial Technical Hearing (2 nd part)
September 20, 2019	<i>Amicus Curiae</i> Brief Due
October 8, 2019	Intervenor's Written Testimony Due
October 9, 2019 – October 29, 2019	Discovery on Intervenor's Written Testimony
November 12, 2019	Rebuttal Testimony Due
December 2, 2019 – December 6, 2019	Evidentiary Hearing <i>(The Energy Bureau may modify the duration at its discretion)</i>
December 20, 2019	Final Substantive and Legal Briefs Due
January 10, 2020	Reply to Final Briefs Due
January 10, 2020	Public Hearing
January 17, 2020	Public Comments Due