



**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: Noncompliance with Discovery
Process and Instructions.

RESOLUTION AND ORDER

On August 21, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("August 21 Resolution and Order") through which, among other things, established that the discovery period in the instant case will be from July 3, 2019 until October 1, 2019.¹ In the August 21 Resolution and Order, the Energy Bureau clearly expressed that "[t]here will be a ten (10) day period for parties to answer all Requests of Information."²

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 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.³

On September 16, 2019, the Environmental Defense Fund ("EDF") filed before the Energy Bureau a document titled "Motion to Compel PREPA to Respond to Discovery Requests" ("Motion"). In the Motion, EDF stated that: (i) on August 26, 2019 EDF served its First Set of Interrogatories and Request for Production of Documents and Information ("ROI") to the Puerto Rico Electric Power Authority ("PREPA"); (ii) on September 6, 2019, in a good faith attempt to resolve the discovery dispute, EDF granted five (5) additional days to PREPA to respond to EDF's ROI; and (iii) to this date, PREPA has not responded to EDF's discovery petition, nor has requested to the Energy Bureau an extension of time to respond.

¹ See Resolution and Order, August 21, 2019, In Re: Review of the Puerto Rico Electric Power Authority Integrated Resource Plan, Case No.: CEPR-AP-2018-0001 ("August 21 Resolution and Order").

² *Id.* at p. 3, ¶3.

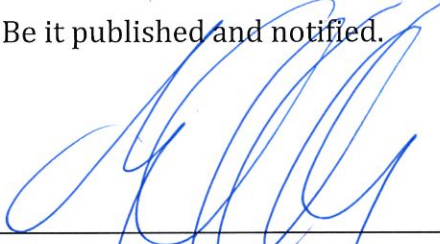
³ *Id.*

EDF alleged that the fact that PREPA has not responded to its ROI jeopardizes the purpose of intervening in this process, and that it shuts down the possibility of an informed participation in the process.


Upon review of EDF's arguments, the Energy Bureau **ORDERS** PREPA to serve its response to EDF's ROI on or before September 18, 2019, at 3:00 pm. Due to PREPA's noncompliance with the August 21 Resolution and Order, pursuant to Act 57-2014⁴ and applicable regulations, the Energy Bureau **IMPOSES** an administrative fine of five thousand dollars (\$5,000). PREPA **SHALL PAY** such fine **on or before September 19, 2019, at 12:00 p.m.**⁵ The Energy Bureau **WARNS** PREPA 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.

Finally, EDF requested the Energy Bureau to extend the discovery period in the instant case. Upon review of EDF's request, the Energy Bureau **DETERMINES** that such extension is not warranted at this time. The provisions of this Resolution and Order are sufficient to guarantee a fair and expedient process, given the fact that there are still two weeks remaining in the discovery process.

Be it published and notified.



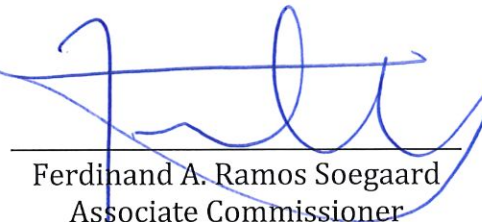
Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ángel R. Rivera de la Cruz
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner

⁴ See Act 57-2014, known as the Puerto Rico Energy Transformation and RELIEF Act.

⁵ At this moment, the Energy Bureau does not deem necessary to change the procedural calendar as modified in the August 21 Resolution and Order.



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on September 17, 2019. I also certify that on September 17, 2019 a copy of this Resolution and Order was notified by electronic mail to: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aeep.com, c-aquino@prepa.com, mvazquez@diazvaz.law, kbolanos@diazvaz.law, 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, jrivers@cnspr.com, manuelgabrielfernandez@gmail.com, acasellas@amgprlaw.com, corey.brady@weil.com, maortiz@lvprlaw.com, rnegrón@dnlawpr.com, paul.demoudt@shell.com, escott@ferraiuoli.com, agraitfe@agraitlawpr.com, castrodieppalaw@gmail.com, voxpopulix@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 September 17, 2019.

Wanda I. Cordero Morales
Clerk