



**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 Energy Bureau's online filing platform.³

On September 10, 2019, the Local Environmental Organizations filed before the Energy Bureau a document titled *Motion By Local Environmental Organizations To Compel PREPA To Respond to Discovery Requests* ("Motion"). In the Motion, the Local Environmental Organizations stated that: (i) on August 4, 2019 it served to PREPA its First ROI and that as of September 10, 2019, PREPA had not provided its response to ROI 1.03⁴; (ii) on August 26,

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.*

⁴ According to the Local Environmental Organizations, in its August 15, 2019 response PREPA indicated that the response to ROI 1.03 would be provided through a SharePoint website and requested an extension of time until August 19, 2019 to provide the link to the mentioned site. See Motion at p. 2, ¶ No.2.

2019 it served to PREPA its Second ROI⁵, which response was due on September 5, 2019 and that as of September 10, 2019 PREPA had not provided any response. The Local Environmental Organizations, in general terms, alleged that PREPA's failure to respond to the discovery requests adversely affects the intervenor's effective participation in the instant case.

Upon review of Local Environmental Organizations' arguments, the Energy Bureau **ORDERS** PREPA to (i) serve its response to the Local Environmental Organization's First ROI (*i.e.*, ROI 1.03) **on or before September 17, 2018, at 5:00 p.m.** via two (2) link(s)⁶ to the SharePoint site created by PREPA for such purposes; and (ii) serve its response to the Local Environmental Organizations' Second ROI **on or before September 18, 2018, at 3:00 p.m.**

Due to PREPA's noncompliance with the August 21 Resolution and Order, pursuant to Act 57-2014⁷ 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.**⁸ 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, the Local Environmental Organizations requested the Energy Bureau to extend the discovery period in the instant case. Moreover, the Local Environmental Organizations also requested the Energy Bureau to clarify that the deadline for Pre-Filed Testimony is October 15, 2019.

Upon review of the Local Environmental Organizations' request to extend the discovery period, 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.

Regarding the Local Environmental Organizations request for clarification, through the August 21 Resolution and Order, the Energy Bureau modified the procedural calendar in the instant case to provide for discovery on Pre-Filed Testimony and to file rebuttal

⁵ *Id.* at p. 2, ¶ No. 3.

⁶ A link for each of the two (2) Local Environmental Organizations legal representatives recognized by the Energy Bureau in the record of the instant case.


⁷ See Act 57-2014, known as the Puerto Rico Energy Transformation and RELIEF Act.

⁸ At this moment, the Energy Bureau does not deem necessary to change the procedural calendar as modified in the August 21 Resolution and Order.



testimony. On such modification, the Energy Bureau established October 8, 2019 as the deadline to submit Pre-Filed Testimony. Such date remains unaltered.

Be it published and notified.



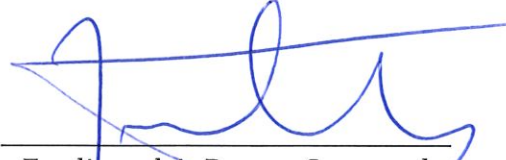
Edison Avilés Deliz
Chairman



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 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@aeepr.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, jriviera@cnslpr.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, 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