

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

NEPR

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IN RE:

**REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY
INTEGRATED RESOURCE PLAN**

CASE NO.:

CEPR-AP-2018-0001

SUBJECT:

Urgent Motion to Amend Procedural Calendar

URGENT MOTION TO AMEND PROCEDURAL CALENDAR

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority through the undersigned legal representation and respectfully sets forth and pray:

1. On September 19, 2019, the Puerto Rico Electric Power Authority (PREPA) filed a document titled *The Puerto Rico Electric Power Authority Urgent Omnibus Motion for Reconsideration and/or Request for Extension of Time to Comply with Orders* (the “Omnibus Motion”). Through the Omnibus Motion, PREPA requested the Energy Bureau of the Puerto Rico Public Service Regulatory Board (the “Energy Bureau”) to grant an extension of time to respond to several requirements of information that the Energy Bureau and several intervenors had served on PREPA.

2. On September 23, 2019, the Energy Bureau entered a Resolution and Order granting PREPA different extensions of times to respond to the pending requirements for information (the “Extension Order”). The deadlines established in the Order are divided in several groups. Pursuant to the Order, the last due date for PREPA to submit responses to the requirements for information for which an extension was sought is October 16, 2019.

3. Pursuant to the Order, PREPA was granted an extension of time to respond to seven requirement for information (“ROI”) from intervenors, which amounted to one-hundred and fifty interrogatories, request for production of documents and also, requests for new, revised or additional model runs. In addition to these intervenor’s ROIs, the Energy Bureau granted PREPA an extension of time to respond to its sixth and seventh ROIs that it had previously served on PREPA. The Energy Bureau’s sixth and seventh ROI have twelve questions, most of which required Siemens Industry, Inc. (“Siemens”), PREPA’s main Integrated Resource Plan (IRP) consultant and expert, to perform simulations for additional scenarios as a result of the technical hearings held on August and September 2019.

4. PREPA has been served with one hundred and seventy-one requests of ROIs from intervenors and one of the Energy Bureau after September 20 2019, when PREPA filed the Omnibus Motion. Some of these ROIs deadline to respond is before the last deadline granted by the Energy Bureau on the Order. For example, one day *after* the Omnibus Motion was filed, on September 20, 2019, the Local Environmental Organizations (“LEO”) served PREPA with its third ROI. Pursuant to the discovery regulations, PREPA had to respond to LEO’s third ROI on September 30, while the Energy Bureau had granted several extensions of time until October 16, 2019, to respond to ROIs that were presented before LEO’s. Therefore, PREPA was granted extensions of time to respond to all the ROIs that were presented up to the day of the filing of the Omnibus Motion because the Energy Bureau had found cause for the extension but then, PREPA begun receiving other ROIs that were going to become due before the deadlines established to respond to the ROIs included in the Extension Order. This, together with the ten-day deadline to respond to the intervenors and the Energy Bureau’s ROIs¹, has made impossible for PREPA to

¹ *Resolution and Order* dated July 3, 2019, ¶ B. Discovery

comply with the response deadlines. PREPA requests the Energy Bureau to enter an order granting an extension of time to respond to several ROIs that are pending and to amend the procedural calendar. PREPA understands this request made to the Energy Bureau herein is more than justified and reasonable.

5. The process of putting together the IRP is complex. The process of responding to questions related to the creation, development, scenarios contemplated in- and scenarios contemplated in the IRP with assumptions, is as equally or even more complex. Also, the process of responding to an ROI is not centralized in one individual, division or directorate. The process expands through several components of the corporation and also, expertise of retained consultants.

6. In order to respond the questions of the ROIs, the first step that the PREPA team takes when it is served with an ROI is to carefully examine all the interrogatories and request for documents. PREPA then determines who should be able to answer each question or produce the documents requested. The party with the information can be PREPA staff members or Siemens and there might also be a case in which one answer requires a joint effort from both PREPA and Siemens.

7. The questions that PREPA answers, require input and expertise from different areas. Once the Planning Directorate identifies the area with the expertise to respond to the question or that should have the information sought available, Planning refers them to the appropriate staff members and also, establishes the deadline for the responsible personnel to produce the response to the Planning Directorate. As the Planning Directorate begins to receive the responses, it begins the process of incorporating the responses in one document and compile them with responses to the same ROI that have been submitted by other PREPA personnel. Often, responses may need to be revised and referred to other PREPA areas for additional information.

8. Areas that are typically involved in answering questions and producing documents include: Planning, Environmental, Electric System Operations, Transmission & Distribution, Project Management Office and also, external consultants.

9. From the expert consultant, Siemens, there are usually five consultants involved. The amount of resources that they assign is based in their area of expertise. Some of the questions received in each ROI require straightforward answer other questions require more detailed explanations, while others may even require Siemens to perform additional simulations.

10. After the Energy Bureau entered the Extension Order, PREPA has been served with eight additional ROIs; seven from intervenors and one from the Energy Bureau. As of today, 14 ROIs are pending partial or full responses. These include some of the ROIs addressed in the Energy Bureau’s Extension Order, and the ROIs received after September 23, 2019. Of these, only ROI #2 from Wärtsilä and ROI #1 from AES-PR received extensions of time to October 16, 2019. This has resulted in all pending ROIs being due between the 10th and 16th of October. In total, the pending ROIs amount to two hundred sixty-three questions as further detailed below.

A. ROIs covered in the September 23, 2019 Extension Order:

PREB

ROI No.	Received	Due Date	# of Requests
6	9/6/2019	10/11/2019	1
7	9/12/2019	10/11/2019	2

Total
Requests: 3

Intervenors

Intervenor	ROI No.	Date Received	Due Date	# of Requests
Local Environmental Organizations	2	8/26/2019	10/4/2019	36
Environmental Defense Fund	1	8/26/2019	10/4/2019	42
Progression Energy	1	9/9/2019	10/11/2019	21
Renew (Robust Power)	1	9/15/2019	10/11/2019	9
Not For Profit Intervenors	2	9/15/2019	10/4/2019	2
Environmental Defense Fund	2	9/19/2019	10/16/2019	55
Empire Gas	1	8/27/2019	10/10/2019	6

Total Requests: 171

Total ROI requests due: 174

B. ROIs not Covered in the September 23, 2019 Extension Order but extended by mutual accord

Intervenors

Intervenor	ROI No.	Date Received	Due Date	# of Requests
Wärtsilä	2	9/24/2019	10/16/2019	9
AES	1	10/2/2019	10/16/2019	4

Total
Requests: 13

ROIs not Covered in the September 23, 2019 Extension Order

PREB

ROI No.	Date Received	Due Date	# of Requests
8	10/5/2019	10/15/2019	1

Total Requests: 1

Intervenors

Intervenor	ROI No.	Date Received	Due Date	# of Requests
Local Environmental Organizations	3	9/20/2019	9/30/2019	87
Environmental Defense Fund	3	9/30/2019	10/10/2019	2
ARCTAS	2	9/30/2019	10/10/2019	7
Local Environmental Organizations	4	10/6/2019	10/16/2019	41
Not For Profit Intervenors	2	10/7/2019	10/16/2019	21

Total Requests: 158

Total ROI Requests: 159

11. PREPA and Siemens have worked diligently to meet the deadlines for responses throughout the Discovery Process of the IRP. However, we are concerned that due to the considerable volume of responses required per the pending ROIs, especially considering the ROIs received after the Extension Order PREPA will not be able to provide adequate responses by the due dates established.

12. Siemens has provided PREPA the following list for which their ROIs responses will be completed:

TITLE	RESPONSE DATE
PREB-06-03	10/16/19
PREB-08	10/30/19
EDF-02	10/18/19
EDF-03	10/18/19
Wärtsilä-02	10/16/19
LOCAL ENV. ORG (LEO) -03	10/25/19
AES-01 – ROI Very complex, Siemens needs to run additional simulations	10/31/19
LOCAL ENV. ORG LEO-04	10/31/19
Not for Profit Intervenors	10/31/19

13. PREPA is working diligently and will comply with the Orders issued in the Extension Order by the October 16th deadline. PREPA will also fulfil the agreements with Wärtsilä and AES-PR by the discussed due date.
14. However, PREPA moves to request from the Energy Bureau an extension of time for all other ROIs until October 31st 2019, to submit to the responses.
15. PREPA also respectfully requests all dates in the procedural calendar be extended for thirty (30)days.

WHEREFORE, the Puerto Rico Electric Power Authority requests that the Honorable Puerto Rico Energy Bureau grant this Motion and provides until October 31st to submit responses to all ROIs not mentioned in number thirteen (13), and to amend Procedural Calendar by extending all deadlines by thirty (30) days.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 11th day of October 2019.

/s Katuska Bolaños
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TSPR 18888

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CERTIFICATE OF SERVICE

It is hereby certified that, on this same date I have filed the above motion using the Energy Bureau's Electronic Filing System, at the following address: <http://radicacion.energia.pr.gov> and that a courtesy copy of the filing was sent via e-mail to: sierra@arctas.com; tonytorres2366@gmail.com; cfl@mcvpr.com; gnr@mcvpr.com; info@liga.coop; amaneser2020@gmail.com; hriviera@oipc.pr.gov; jriviera@cnslpr.com; carlos.reyes@ecoelectrica.com; ccf@tcmrslaw.com; manuelgabrielfernandez@gmail.com; acarbo@edf.org; pedrosaade5@gmail.com; rmurthy@earthjustice.org; rstgo2@gmail.com; larroyo@earthjustice.org; jluebkekmann@earthjustice.org; acasellas@amgprlaw.com; loliver@amgprlaw.com; epo@amgprlaw.com; robert.berezin@weil.com; marcia.goldstein@weil.com; jonathan.polkes@weil.com; gregory.silbert@weil.com; agraitfe@agraitlawpr.com; maortiz@lvprlaw.com; rnegron@dnlawpr.com; castrodiappalaw@gmail.com; voxpopulix@gmail.com; paul.demoudt@shell.com; javier.ruajovet@sunrun.com; escott@ferraiuoli.com; SProctor@huntonak.com; GiaCribbs@huntonak.com; mgrpcorp@gmail.com; aconer.pr@gmail.com; axel.colon@aes.com; rtorbert@rmi.org; apagan@mpmlawpr.com; mpietrantoni@mpmlawpr.com.

In San Juan, Puerto Rico, this 11th day of October 2019.

s/ Katuska Bolaños _____

Katuska Bolaños