



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 Urgent Motion to
Amend Procedural Calendar.

RESOLUTION AND ORDER

I. Introduction

On October 15, 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 *Urgent Motion to Amend Procedural Calendar* ("Motion"). We must point out that PREPA's Motion was received through the Energy Bureau's Online Filing system at 10:07 p.m. on October 15, 2019, the day before the discovery period was scheduled to conclude. Given the fact that this is PREPA's second IRP process, PREPA should be cognizant of the its complexities and of the need for an adequate management of its resources (*i.e.*, personnel, legal representatives and technical consultants) in order to ensure timely compliance with the established procedural calendar.

The Energy Bureau, on several occasions and different proceedings, has expressly warned PREPA that filing request for extensions of time on the deadline date hinders the Energy Bureau's discretion, particularly when it is fairly clear that PREPA could and should have anticipated any potential compliance challenges long before it filed such request for extension. PREPA continues to do so in complete disregard to Energy Bureau's orders. As such, PREPA is **WARNED** that the Energy Bureau will no longer tolerate this practice.

Through its Motion, PREPA states that, after the Energy Bureau granted extensions of time to respond to several Requirements of Information ("ROI") issued by the Energy Bureau and intervenors,¹ it has received multiple additional ROIs from intervenors, which has made it impossible for PREPA to comply with response deadlines.² Moreover, PREPA states that there are responses pending to be delivered regarding the extensions of time provided through the September 23 Order. Furthermore, PREPA expresses that it has received eight

¹ See Resolution and Order, PREPA's Urgent Omnibus Motion for Reconsideration and/or Request for Extension of time to Comply with Orders; PREPA's Omnibus Motion for Extension of Time to submit Responses to Several Requirements for Information; and Modification to Procedural Calendar, Case No. CEPR-AP-2018-0001, September 23, 2019, pp. 6-7. ("September 23 Order").

² PREPA's Motion, ¶ 4.

additional ROIs from intervenors and the Energy Bureau that are not covered by the September 23 Order. The ROIs are listed as follows:

Party	ROI No.	Date ROI served
LEO	3	September 20, 2019
Wartsila	2	September 24, 2019
EDF	3	September 30, 2019
Arctas	2	September 30, 2019
AES-Puerto Rico	1	October 2, 2019
Energy Bureau	8	October 5, 2019
LEO	4	October 6, 2019
Not for Profit Intervenors	2	October 7, 2019

PREPA argues that, while PREPA and Siemens have worked diligently to meet the deadline for responses throughout the discovery process, based on the volume of responses required in the pending ROIs, PREPA will not be able to provide adequate responses by the due dates established for each ROI. PREPA requests an extension of time to provide responses to the pending ROIs. Additionally, PREPA requests the Energy Bureau to extend all remaining dates of the procedural calendar by a term of thirty (30) days.

II. Analysis and Determinations

Through the September 23 Order, the Energy Bureau amended the procedural calendar in the instant case to balance the amount of work PREPA has, and the requirement of allowing ample participation in the Integrated Resource Plan ("IRP") review process. Moreover, the Energy Bureau warned PREPA that the procedural calendar would not be further modified and required PREPA to inform any circumstance that might have affected the timely response to ROIs on or before October 1, 2019.

In its Motion, PREPA proposes new due dates to provide responses to the pending ROIs from intervenors and the Energy Bureau.³ Most of the proposed dates surpass the procedural calendar established by the September 23 Order, which may affect intervenors' ability to file their written testimonies and prepare for the evidentiary hearing.

Notwithstanding the above, the Energy Bureau must ensure that intervenors rights to discovery are not hindered by PREPA's inability to respond to ROIs in time. Similarly, based on the importance of the IRP and its effect on the Puerto Rico's energy system transformation process, the Energy Bureau must ensure this process is completed in a timely manner. As such, PREPA's request to extend all remaining dates of the procedural calendar by a term of thirty (30) days is **DENIED**.

³ *Id.*, p. 6.

However, based on the volume of ROIs for which responses are pending, the Energy Bureau **GRANTS** PREPA's request to extend the term to respond to the pending ROIs as follows:

Party	ROI No.	Due Date for PREPA's Response
Energy Bureau	06-03	October 16, 2019
Energy Bureau	8	October 30, 2019
EDF	2	October 18, 2019
EDF	3	October 18, 2019
Wartsila	2	October 16, 2019
LEO	3	October 25, 2019
AES-PR	1	October 31, 2019
LEO	4	October 31, 2019
Not for Profit Intervenors	2	October 31, 2019

It is important to note that PREPA did not request additional time to provide pending responses to the second ROI served by Arctas on September 30, 2019. Therefore, the October 16, 2019 due date to provide pending responses to Arctas' second ROI **REMAINS UNALTERED**.⁴

On the other hand, in its Motion, PREPA states that the ROI served by AES-PR is very complex and Siemens needs to run additional simulations to provide its responses.⁵ It is important to note that while the Energy Bureau granted a late intervention to AES-PR in the instant case, the Energy Bureau **forewarned** AES that the procedural calendar would not be altered or modified due to said late intervention. Therefore, the Energy Bureau will not extend the October 31, 2019 deadline for submission of the answers for AES-PR ROI. PREPA **must, on or before October 25, 2019**, inform the Energy Bureau if it will be unable to submit its answers to AES-PR's ROI by the October 31, 2019 deadline.

Due to the previous determination, and the fact that Intervenor's Written Testimony is due on October 23, 2019, the Energy Bureau deems necessary to allow parties to provide Supplemental Written Testimony based on PREPA's response to the pending ROIs. Therefore, all parties can submit Supplemental Written Testimony **on or before November 11, 2019**. All Supplemental Written Testimony shall **only** be based on the responses provided to the pending ROIs, as described above. Any Supplemental Testimony, or part thereof, that is not based on the responses provided to the pending ROIs as described above, shall be deemed not filed. Discovery will not be allowed on Intervenors' Supplemental Written Testimony.

⁴ On PREPA's response to Arctas' second ROI, PREPA stated that it will provide the answer to several requests on October 16, 2019. See The Puerto Rico Electric Power Authority Responses to Arctas Capital Group, LP Second Requirement of Information, p. 3.

⁵ *Id.*

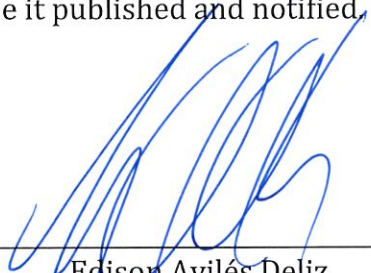


It is important to note that the time extensions granted herein have the purpose of allowing PREPA to provide answers to the pending ROIs, therefore, **all pending responses to ROIs shall be provided on or before October 31, 2019; the Energy Bureau will not allow additional rounds of discovery (i.e. parties are not allowed to serve ROIs after October 16, 2019).** All other provisions of the procedural calendar, as established by the September 23 Order, remain unaltered. Attachment A to this Resolution and Order contains a complete and up to date procedural calendar.

III. Conclusion

For all of the above, the Energy Bureau **GRANTS** PREPA a time extension to answer the pending ROIs, as set forth in Part II of this Resolution and Order. The Energy Bureau **MODIFIES** the procedural calendar in the instant case, as set forth in Attachment A of this Resolution and Order. The Energy Bureau **DENIES** PREPA's request to extend by thirty (30) additional days all remaining dates of the procedural calendar.


Be it published and notified,



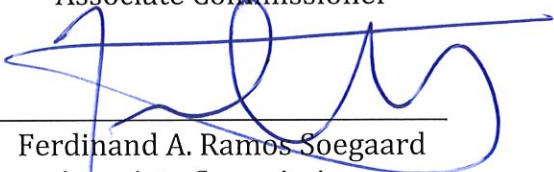
Edison Avilés Deliz
Chairman



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 October 16, 2019. I also certify that on October 16, 2019 a copy of this Resolution 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, jriversa@cnslpr.com, manuelgabrielfernandez@gmail.com, acasellas@amgprlaw.com, corey.brady@weil.com, maortiz@lvprlaw.com, rnegrn@dnlawpr.com, paul.demoudt@shell.com, escott@ferraiuoli.com, sproctor@huntonak.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, mpietrantoni@mpmlawpr.com, apagan@mpmlawpr.com.

I sign this in San Juan, Puerto Rico, today October 16, 2019.

Wanda I. Cordero Morales
Clerk

Attachment A

Summary of Procedural Calendar

Date	Phase
July 3, 2019 – October 31, 2019 ⁶	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)
October 23, 2019	Intervenors' Written Testimony Due
October 24 – November 13, 2019	Discovery on Intervenors' Written Testimony
November 1, 2019	<i>Amicus Curiae</i> Brief Due
November 11, 2019	Intervenors' Supplemental Written Testimony
November 20, 2019	Rebuttal Testimony Due
December 2-6, 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 Legal Briefs Due
January 10, 2020	Public Hearing
January 17, 2020	Public Comments Due

⁶ All pending responses to ROIs shall be provided on or before October 31, 2019. The Energy Bureau will not allow additional rounds of discovery.