



**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: Energy Efficiency Assessment,
Procedural Calendar and AES-PR
Requirement of Information.

RESOLUTION AND ORDER

I. IRP Energy Efficiency Assessment and Procedural Calendar

Act 17-2019¹ establishes Puerto Rico's energy public policy and requires, among other things, to "establish demand response, demand-side management, and energy efficiency programs and strategies that take into account short, medium and long-term goals and incentivize customers to become more energy efficient, with a focus that results in a reduction in costs and energy consumption, as well as greater stability and reliability."² One of the initial objectives of Act 17-2019 is to attain thirty percent (30%) energy efficiency by 2040.³ To that effect, Section 6.29B of Act 57-2014⁴ establishes a mandate for the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") to ensure the thirty percent (30%) Energy Efficiency goal is reached by 2040.

On October 24, 2019, the Senate of Puerto Rico approved Senate Bill 1427 ("SB 1427"). SB 1427 has the purpose of removing from Act 17-2019 and Act 57-2014 the requirement to attain thirty percent (30%) of energy efficiency by 2040. Therefore, if SB 1427 becomes law, it could substantially change the statutory and legal constraints used as a basis for determining the assumptions of the Integrated Resource Plan ("IRP"), currently under evaluation by the Energy Bureau. Specifically, energy efficiency programs are a critical element assumed in all scenarios of the proposed IRP.

Based on the possibility of a substantial change regarding the energy efficiency statutory requirements, the Energy Bureau determines necessary to evaluate additional scenarios that reflect a range of energy efficiency deployment in Puerto Rico. This will provide a more complete and robust record, in order for the Energy Bureau to be in a position to make the necessary determinations in the instant case.

¹ Known as *The Puerto Rico Energy Public Policy Act*.

² Act 17-2019, Section 1.5(5)(f).

³ *Id.*, Section 1.6(11).

⁴ Known as *The Puerto Rico Energy Transformation and RELIEF Act*, as amended.

In order to assess the implications of energy efficiency, the Energy Bureau will issue today a ninth Requirement of Information ("ROI 9") to the Puerto Rico Electric Power Authority ("PREPA"). Responses to the Energy Bureau's ROI 9 shall be provided **on or before November 27, 2019**. Furthermore, to provide an opportunity to all parties in the instant case to review PREPA's answers to ROI 9, the Energy Bureau **MODIFIES** the procedural calendar⁵ in the instant case as follows:

Date	Phase
November 27, 2019	PREPA's answers to ROI 9 Due
December 11, 2019	Intervenors' Supplemental Written Testimony
December 20, 2019	<i>Amicus Curiae</i> Brief Due
December 20, 2019	Rebuttal Testimony Due
January 13-17, 2020	Evidentiary Hearing (<i>The Energy Bureau may modify the duration at its discretion</i>)
January 31, 2020	Final Substantive and Legal Briefs Due
February 10, 2020	Reply to Legal Briefs Due
February 11, 2020	Public Hearing
February 18, 2020	Public Comments Due

Through the October 16, 2019 Resolution and Order ("October 16 Order"), the Energy Bureau allowed parties to provide Supplemental Written Testimony regarding the Requests for Information that were still pending on that date.⁶ Such Supplemental Written Testimony may also cover the responses to ROI 9. Therefore, all parties can submit Supplemental Written Testimony **on or before December 11, 2019**. All Supplemental Written Testimony shall **only** be based on the responses provided to the pending ROIs received until October 31, 2019⁷ and the responses to the Energy Bureau's ROI 9. Any Supplemental Testimony, or part thereof, that is not based on the above, shall be deemed not filed. Discovery will not be allowed on Intervenors' Supplemental Written Testimony nor on ROI 9.

To ensure PREPA has all the resources needed to provide the answers to ROI 9, the Energy Bureau **ORDERS** PREPA to, **on or before November 1, 2019**, submit any additional petitions for a Contract Release that may be necessary to fulfill the additional work required by ROI 9. Furthermore, PREPA **must, on or before November 1, 2019**, inform the Energy

⁵ The complete modified calendar is included as Attachment A to this Resolution and Order.

⁶ See Resolution and Order, PREPA's Urgent Motion to Amend Procedural Calendar, Case No. CEPR-AP-2018-0001, October 16, 2019.

⁷ *Id.*, p. 3.

Bureau of any constraints it may have to comply with the requirements of ROI 9 and the procedural calendar established herein.

II. AES Puerto Rico's Requirement of Information

On October 2, 2019, AES Puerto Rico ("AES-PR") issued its first ROI in the instant case ("AES' ROI"). AES' ROI contained four (4) technical questions that required PREPA to re-run several scenarios. On October 15, 2019, PREPA filed before the Energy Bureau a document titled *Urgent Motion to Amend Procedural Calendar* ("Motion") through which, among other things, requested the Energy Bureau to extend the deadline to respond to AES-PR's ROI. Through the October 16 Order, the Energy Bureau granted PREPA until October 31, 2019 to respond to AES' ROI. Furthermore, the Energy Bureau required PREPA to inform, on or before October 25, 2019, if it would be unable to respond to AES' ROI by the established deadline.

On October 25, 2019, PREPA filed before the Energy Bureau a document titled *Informative Motion and Request to Strike AES ROI* ("Informative Motion"). Through its Informative Motion, PREPA stated that, due to the complexity of AES' ROI, combined with PREPA's schedule to respond to pending ROIs from other intervenors, it will not be able to produce responses to AES' ROI.⁸ Therefore, PREPA requested the Energy Bureau to strike AES' ROI from the record.⁹

On October 28, 2019, AES-PR filed before the Energy Bureau a document titled *AES-PR's Response to PREPA's Informative Motion and Request to Strike AES ROI* ("Response Motion"). Through its Response Motion, AES-PR stated that since serving its ROI, it has had constructive conversations with PREPA regarding the specific information it seeks and has narrowed the number of scenarios to run.¹⁰ Furthermore, AES-PR notes that it has discussed the priority levels of its ROI and PREPA proposed alternative production dates that would permit the information to be analyzed by AES-PR to be used in its supplemental testimony.¹¹

Upon review of PREPA's Informative Motion and AES-PR's Response Motion, and based on the procedural calendar modification established in Part I of this Resolution and Order, the Energy Bureau **ORDERS** PREPA and AES-PR to file, **by 3:00 p.m. on November 1, 2019**, a Joint Motion specifying the scenario runs from AES' ROI that PREPA will be able to complete within the November 27, 2019 deadline, in conjunction with ROI 9.

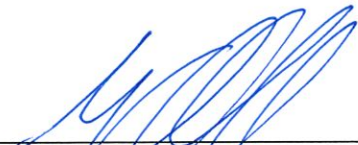
⁸ Informative Motion, p. 2.

⁹ *Id.*

¹⁰ Response Motion, p. 1.

¹¹ *Id.*

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 29, 2019. I also certify that on October 29, 2019 a copy of this Resolution 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, jrivera@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, 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, mpietranтони@mpmlawpr.com, apagan@mpmlawpr.com.

I sign this in San Juan, Puerto Rico, today October 29, 2019.



Wanda I. Cordero Morales
Clerk

Attachment A

Summary of Procedural Calendar

Date	Phase
July 3, 2019 – October 31, 2019 ¹²	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
December 11, 2019	Intervenors' Supplemental Written Testimony
December 20, 2019	<i>Amicus Curiae</i> Brief Due
December 20, 2019	Rebuttal Testimony Due
January 13-17, 2020	Evidentiary Hearing (<i>The Energy Bureau may modify the duration at its discretion</i>)
January 31, 2020	Final Substantive and Legal Briefs Due
February 10, 2020	Reply to Legal Briefs Due
February 11, 2020	Public Hearing
February 18, 2020	Public Comments Due

¹² See Resolution and Order, PREPA's Urgent Motion to Amend Procedural Calendar, Case No. CEPR-AP-2018-0001, October 16, 2019. All pending responses to ROIs shall be provided on or before October 31, 2019. The Energy Bureau will not allow additional rounds of discovery.