

**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:

Intervenors Grid Mod Plan Motions

**SUR-REPLY IN SUPPORT OF OPPOSITION TO THE INTERVENORS' MOTIONS
RELATED TO GRID MOD PLAN AND FOR CONSOLIDATION OF THE MATTER**

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. The NFP¹ filed a motion seeking for the Energy Bureau to order PREPA to submit the Grid Mod Plan as an amendment to the draft IRP or, in the alternative, to have PREPA explain why it has not included the Grid Mod Plan's proposals in the draft IRP for further consideration.² On December 6, 2019, the Energy Bureau addressed the NFP Motion and ordered PREPA to "show cause as to why the Energy Bureau should not order PREPA to submit the Grid Mod Plan proposal as an amendment to the IRP." *See* December 6 Order. In compliance with the December 6 Order, on December 16, 2019, PREPA filed a motion in which it explained that the IRP is the official resource plan for PREPA and Puerto Rico and that the Grid Mod Plan recommendations will be adjusted based on the final IRP approved by the Energy Bureau, not the other way around.³

¹ Capitalized terms used but not defined herein shall have the meaning given them in the December 20, 2019 Opposition.

² Not-for-Profit Entities *Motion Requesting Order to PREPA Concerning Alleged Grid Modernization Plan* filed on November 26, 2019 (the "NFP Motion").

³ PREPA's *Motion to Show Cause and in Compliance with Order entered on December 6, 2019* (the "December 16 Motion").

2. LEO filed a similar motion echoing the NFP's arguments and also requesting the Energy Bureau to allow discovery to be served on the Grid Mod Plan.⁴

3. On December 20, 2019, PREPA filed an opposition to the LEO Motion in which it adopted by reference all the arguments set forth on PREPA's December 16 Motion and also argued that allowing further discovery would cause changes in this case's operative procedural calendar.⁵ The matter is *sub judice* and pending resolution.

4. On December 19, 2019, the Energy Bureau ordered the NFP to reply to PREPA's arguments made in the December 16 Motion⁶. On December 23, 2019, the Instituto de Competividad y Sostenibilidad Económica de Puerto Rico (ICSE-PR)⁷ filed a *Reply to PREPA's Motion to Show Cause and in Compliance with Order Entered on December 6, 2019*, requesting the Energy Bureau to order PREPA to submit an amended IRP incorporating the Grid Mod Plan resting on the argument that PREPA did not comply with the Energy Bureau's December 6 Order.

5. PREPA hereby adopts all the arguments made in the December 20 Opposition and requests the Energy Bureau to consider the arguments as a sur-reply in support to the December 16 Motion. Also, PREPA moves the Energy Bureau to consider the opposition and arguments in response of the LEO and NFP motions together as they both relate to the Grid Mod Plan and its relation to the IRP.

WHEREFORE, the Puerto Rico Electric Power Authority requests the Energy Bureau to deny LEO, NFP and ICSE-PR's request to include the Grid Mod Plan as part of the draft IRP.

⁴ Local Environmental Organizations *Motion Requesting that the Puerto Rico Energy Board take Judicial Notice of the Grid Modernization Plan* filed on December 17, 2019 (the "LEO Motion").

⁵ PREPA's *Motion in Opposition to the Local Environmental Organizations' Request for Additional Discovery* filed on December 20, 2019 (the "December 20 Opposition").

⁶ Energy Bureau's December 19, 2019 Resolution and Order.

⁷ It should be noted that the reply was submitted by ICSE-PR. ICSE-PR is only *one* of the named not-for-profit intervenors, therefore, the rest of the not-for-profit intervenors have yet to comply with the December 19 Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 26th day of December 2019.

/s Katuska Bolaños
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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; jluebkmann@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 26th day of December, 2019.

s/ Katuska Bolaños
Katuska Bolaños