

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: Resolution on Urgent Motion to
Excuse Witness.

RESOLUTION AND ORDER

On January 31, 2020, the Puerto Rico Electric Power Authority ("PREPA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board a document titled *Urgent Motion to Excuse Witness* ("Motion"). In its Motion, PREPA requested the Energy Bureau to excuse PREPA Chief Executive Officer ("CEO") José F. Ortiz from appearing to testify in Panel A, of the upcoming Evidentiary Hearing in the instant case, scheduled for 8:00 a.m. on February 3, 2020.¹

In support to its Motion, PREPA argued that Panel A has all PERPA's department heads and directors that could provide comprehensive responses to the issues listed for discussion.² In addition, PREPA made reference to Case No. NEPR-MI-2020-0003, *In Re: Impacto de los Recientes Eventos Sísmicos en el Sistema Eléctrico de Puerto Rico*. According to PREPA, the issues discussed during the Technical Hearing held on January 30, 2020 on Case No. NEPR-MI-2020-0003 are similar to the ones to be discussed during Panel A.³ To that effect, PREPA argued that on Case No. NEPR-MI-2020-0003, the Energy Bureau provided that Mr. Ortiz could designate authorized representatives to appear on his behalf at the January 30, 2020 Technical Conference in the referenced case. PREPA further argues that the Energy Bureau was satisfied with the responses provided by the personnel designated by Mr. Ortiz to appear at the January 30, 2020 Technical Hearing, which are the same ones appearing at Panel A.⁴ For these reasons, PREPA requested to excuse Mr. Ortiz from appearing as witness in Panel A.⁵

It is important to note that there is a substantial difference between Case No. NEPR-MI-2020-0003 and the instant case. Case No. NEPR-MI-2020-0003 is informative in nature,

¹ Motion, p. 2, ¶ 5.

² *Id.*, ¶ 4.

³ *Id.*, ¶ 3.

⁴ *Id.*

⁵ *Id.*, p. 3.

therefore its procedural guidelines and scope is somewhat flexible. On the other hand, the instant case is an adjudicative process in which the Energy Bureau is tasked with the review and approval of the Integrated Resources Plan, which is the planning tool and roadmap for the transformation of the electric system for the next twenty (20) years.

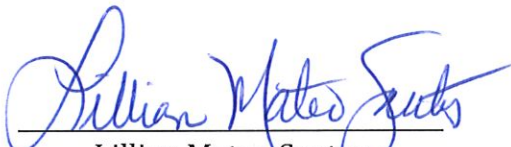
Notwithstanding PREPA's unilateral characterization that the Energy Bureau was satisfied with the answers provided at the January 30, 2020 Technical Hearing on Case No. NEPR-MI-2020-0003, based on the adjudicative nature of the instant proceeding, one that has more than seventeen intervenors, and due to the fact that, as PREPA's CEO, Mr. Ortiz is the person responsible to execute the policy established by PREPA's Governing Board⁶, with all the decision-making powers his position entails, his appearance at Panel A is warranted and necessary to ensure due process to all the parties involved.

For all of the above the Energy Bureau **DENIES** PREPA's Motion and **ORDERS** PREPA to produce Mr. Ortiz as a witness during Panel A of the Evidentiary Hearing in the instant case, scheduled at 8:00 a.m., February 3, 2020.


Be it published and notified.

not available for signature

Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner


Angel R. Rivera de la Cruz
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner

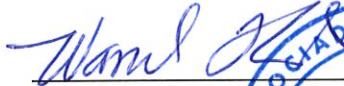


⁶ See Act 83 of May 2, 1941, as amended, known as *The Puerto Rico Electric Power Authority Act*, Section 4(b).

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on January 31, 2020. I also certify that on January 31, 2020 a copy of this Resolution was notified by electronic mail to: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aepr.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, apagan@mpmlawpr.com, sboxerman@sidley.com, bmundel@sidley.com.

I sign this in San Juan, Puerto Rico, today January 31, 2020.


Wanda I. Cordero Morales
Clerk
