

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 the Puerto Rico
Electric Power Authority Request to Include
Additional Witnesses for Evidentiary
Hearing Panels.

RESOLUTION

On January 17, 2020, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution through which it established the format and guidelines that will govern the Evidentiary Hearing in the instant case, scheduled for February 3 – 7, 2020. The Energy Bureau divided the topics and issues to be discussed at the hearing, into ten (10) panels labeled Panel A through Panel J. The Energy Bureau assigned witnesses to each panel based on their pre-filed testimony and/or their answers to discovery questions.

On January 29, 2020, the Puerto Rico Electric Power Authority ("PREPA") filed a document titled *Request to Include Additional Witnesses for Evidentiary Hearing Panels* ("Request"). In its Request, PREPA stated that "[a]fter a careful evaluation of the issues listed and the PREPA officers and consultants that have been summoned, PREPA understand that there is a true need to add certain PREPA officers and consultants as witnesses to address some of the panels' listed issues."¹

PREPA argued that Dr. Marcelo Saenz and attorney James Bowe should be included as witnesses in certain panels. According to PREPA, Dr. Saenz was a key consultant in the development of the draft Integrated Resource Plan ("IRP"), in preparing model runs and in providing responses to the discovery requests.² PREPA argued that it is necessary for Mr. Bowe to appear in additional panels since he is the ideal witness to address some of the issues listed for such panels.³ PREPA requested the Energy Bureau to include Dr. Saenz as a witness on Panels A, B, D, E, F and G.⁴ PREPA also requested to include Mr. Bowe as a witness

¹ Request, pp. 1 – 2, ¶ 3.

² *Id.*, p. 2, ¶ 4. Dr. Saenz is currently scheduled to appear in Panel H: Resource Plan Documentation and Development.

³ *Id.* Mr. Bowe is currently scheduled to appear in Panel C: Fuel Prices and Fuel Infrastructure and New Gas Resources.

⁴ *Id.*, pp. 3 - 5, ¶ 6.

on Panel B.⁵ After reviewing PREPA's arguments, the Energy Bureau **GRANTS** PREPA's request regarding the inclusion of Dr. Saenz and Mr. Bowe as a witness in the abovementioned panels.

PREPA also argued that "[t]he appearance of additional PREPA officers and consultants is necessary to correctly and responsibly address the list of issues to be discussed and for which PREPA's testimony will be elicited."⁶ According to PREPA, "[t]he addition of these witnesses will assist PREPA to better inform and educate the Energy Bureau to achieve the ultimate purpose of the Evidentiary Hearing, put the Energy Bureau in a position to make a determination on the matter at hand."⁷ PREPA requested the Energy Bureau to include the following personnel as witnesses in the referenced panels:

Witness	Title	Panel
Eng. Daniel Hernandez Morales	Director of Generation, PREPA	A, B
Eng. José Sepúlveda	Director of Transmission and Generation (T&D), PREPA	A, B
Mr. Fernando M. Padilla	Director of Project Management Office (PMO), PREPA	B
Eng. Luisette Ríos Castañer	Head Environmental Protection and Quality Assurance Division, PREPA	B
Eng. José Vázquez	Technical Advisor for Generation, PREPA	C
Eng. Edwin Barbosa	Fuel Office Administrator, PREPA	C
Arturo Deliz, Esq.	Director of Disaster Funds Management Office (DFMO), PREPA	F

The main purpose of the Evidentiary Hearing is to provide an opportunity for PREPA, intervenors and the Energy Bureau to **cross-examine the witnesses that provided pre-filed direct testimony and/or provided answers to discovery questions**. Moreover, during Panel A, PREPA will first provide the information related to the topics listed and then the Energy Bureau and the intervenors will proceed with their cross-examination. As such, and based on its nature, Panel A: January 2020 Earthquakes' Effect on Existing Resources and Core IRP Elements, is the only panel that allows for new witnesses or testimony.

⁵ *Id.*, p. 3, ¶ 6.

⁶ *Id.*, ¶ 5.

⁷ *Id.*



None of the witnesses listed above provided pre-filed direct testimony. However, Eng. Daniel Hernandez Morales, Eng. Luisette Ríos Castañer, Eng. José Vázquez, Eng. Edwin Barbosa and Arturo Deliz, *Esq.* provided answers to certain discovery questions. Therefore, the Energy Bureau **GRANTS** PREPA's request regarding the inclusion of these witnesses in the abovementioned panels.

After a thorough search of the documents contained in the instant case's docket, the Energy Bureau could not find pre-filed direct testimony nor answers to discovery questions provided by Eng. José Sepúlveda and Mr. Fernando M. Padilla. Therefore, the Energy Bureau **DENIES** PREPA's request with respect to these witnesses.

On January 30, 2020, PREPA filed a document titled *Request to Include Eng. Gary F. Soto Fernández as Witness in Panel A of Evidentiary Hearing* ("January 30 Request"). Through the January 30 Request, PREPA stated that during a Technical Hearing held in Case No. NEPR-MI-2020-0003, Eng. Gary F. Soto Fernández "was instrumental in providing information and discussing and detailing the technical reasons that led to the January 6 load shed and the January 7 total blackout, the effects of the recent seismic events on PREPA's generation assets and operations and also, the steps taken towards the restoration of the service."⁸ It is PREPA's understanding that Eng. Soto is an essential PREPA officer for the discussion of the topics to be addressed during Panel A of the Evidentiary Hearing. Therefore, PREPA requests the Energy Bureau to allow Eng. Soto as a witness in Panel A of the Evidentiary Hearing.

Upon review of the January 30 Request, the Energy Bureau **GRANTS** PREPA's request regarding the inclusion of Eng. Soto to Panel A of the Evidentiary Hearing.

A complete witness list is included in Attachment A of this Resolution.⁹

Be it notified and published.



⁸ January 30 Request, p. 2.

⁹ On January 27, 2020, the Energy Bureau issued a Resolution in the instant case in which it determined that all questions addressed to Dr. Elizabeth A. Stanton during Panel I, shall be made at the beginning of the Panel. On January 30, the Energy Bureau issued a Resolution through which it excused Mr. Ramón González Simounet from appearing at Panel C, scheduled for 3:00 p.m. on February 3, 2020. The Energy Bureau determined that all questions addressed to Mr. Ramón González Simounet regarding the topics of Panel C, shall be made at the beginning of Panel J, scheduled for 4:00 p.m. on February 7, 2020.


Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner



Angel 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 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, jriviera@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



ATTACHMENT A

Witness Distribution – Evidentiary Hearing, February 3 – 7, 2020

PANEL A		
Witness	Organization	Notes
José F. Ortiz Vázquez	PREPA	
Efran Paredes Maisonet		
Alfonso Baretty-Huertas		
Nelson Bacalao		
Daniel Hernández Morales		
José Sepúlveda		
Marcelo Saenz		
Gary F. Soto Fernández		
PANEL B		
Witness	Organization	Notes
Efran Paredes Maisonet	PREPA	
Alfonso Baretty-Huertas		
Nelson Bacalao		
Todd Filsinger		
Matthew Lee		
James Bowe		
Marcelo Saenz		
Luisette Ríos		Provided answers to Energy Bureau's ROI #1
Daniel Hernández Morales		Provided answers to Energy Bureau's ROI #9
Daniel Gutman	Local Environmental Organization	
Ronald Moe	AES-PR	
Kristina Lund	AES-PR	
PANEL C		
Witness	Organization	Notes
Efran Paredes Maisonet	PREPA	
Nelson Bacalao		
Peter Hubbard		
James Bowe		
José Vázquez		



Edwin Barbosa		
Brian T. Fladger	Wartsila	
Ramón González Simounet	Empire Gas	Will be cross-examined on Panel J
PANEL D		
Witness	Organization	Notes
Efran Paredes Maisonet	PREPA	
Nelson Bacalao		
Marcelo Saenz		
Elizabeth Stanton	Environmental Defense Fund	
Ronny Sandoval	Local Environmental Organization	
Eric Ackerman	Not for Profit Intervenors	
Patrick J. Wilson	SESA-PR	
Gerardo Cosme Muñiz	Independent Consumer Protection Office	
PANEL E		
Witness	Organization	Notes
Efran Paredes Maisonet	PREPA	
Nelson Bacalao		
Marcelo Saenz		
Todd Filsinger		
Matthew Lee		
Elizabeth Stanton	Environmental Defense Fund	
Anna Sommer	Local Environmental Organization	
Ronny Sandoval		
Agustín Irizarry-Rivera		
Christopher Rauscher	SunRun	
Víctor González	Windmar	
Patrick J. Wilson	SESA-PR	
Eric Ackerman	Not for Profit Intervenors	
PANEL F		
Witness	Organization	Notes
Efran Paredes Maisonet	PREPA	
Alfonso Baretty-Huertas		



Nelson Bacalao		
Todd Filsinger		
Matthew Lee		
Arturo Deliz		Provided answers to Energy Bureau's ROI #6
Marcelo Saenz		
Ronny Sandoval	Local Environmental Organization	
Agustín Irizarry-Rivera		
Eric Ackerman	Not for Profit Intervenors	
Eric C. Woychik		
PANEL G		
Witness	Organization	Notes
Efran Paredes Maisonet	PREPA	
Nelson Bacalao		
Marcelo Saenz		
Kevin Banister	Progression Energy	
José O. Alemán	Not for Profit Intervenors	
PANEL H		
Witness	Organization	Notes
Efran Paredes Maisonet	PREPA	
Nelson Bacalao		
Marcelo Saenz		
Elizabeth Stanton	Environmental Defense Fund	
Anna Sommer	Local Environmental Organization	
Brian T. Fladger	Wartsila	
Eric C. Woychik	Not for Profit Intervenors	
Christopher Rauscher	SunRun	
PANEL I		
Witness	Organization	Notes
José F. Ortiz Vázquez	PREPA	Mr. Ortiz will be cross-examined at 8:00 a.m. on February 7, 2020.
Efran Paredes Maisonet		
Nelson Bacalao		
Todd Filsinger		
Matthew Lee		



Elizabeth Stanton	Environmental Defense Fund	Dr. Stanton will be cross-examined at 4:00 p.m. on February 6, 2020
Anna Sommer	Local Environmental Organization	
Ronny Sandoval		
Agustín Irizarry-Rivera		
Eric Ackerman	Not for Profit Intervenors	
Christopher Rauscher	SunRun	
PANEL J		
Witness	Organization	Notes
Efran Paredes Maisonet	PREPA	
Nelson Bacalao		
Todd Filsinger		
Matthew Lee		
Anna Sommer	Local Environmental Organization	
Ronny Sandoval		
Agustín Irizarry-Rivera		
Eric Ackerman	Not for Profit Intervenors	
Ramón González Simounet	Empire Gas	Mr. González will be cross-examined first on Panel C topics.
Christopher Rauscher	SunRun	

