

**COMMONWEALTH OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU**

NEPR Received: Mar 12, 2020 5:15 PM
--

IN RE:

**REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY
INTEGRATED RESOURCE PLAN**

CASE NO.:

CEPR-AP-2018-0001

SUBJECT:

Reply to Legal Briefs

**REPLY IN SUPPORT TO REQUEST FOR EXTENSION OF TIME
TO FILE REPLY TO LEGAL BRIEFS**

TO THE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority through the undersigned legal representation and respectfully sets forth and pray:

1. Just a few minutes ago, the Local Environmental Organizations (LEO) filed a motion responding to PREPA’s *Request for Extension of Time to File Reply to Legal Briefs* (the “Request for Extension”).¹

2. The LEO Response is surprising, and its arguments are unfortunate and can easily be misconstrued.

3. First, if LEO understands that PREPA is *unfair*² because it should have not sought an extension only for itself, PREPA herein informs the Energy Bureau that, if LEO files a joinder to the Request for Extension, it can be deemed unopposed by PREPA. What is fair is fair and PREPA understands that other parties to the case of caption can seek any remedy that they deem necessary and that is why PREPA sought from the Energy Bureau a remedy that it needed. The Energy

¹ *Local Environmental Organization’s Motion Responding to PREPA’s Request for Reply Brief Extension* filed on March 12, 2020 (the “LEO Response”).

² “This demonstrates the inherent unfairness of the relief that PREPA seeks.” *See* LEO Response at pag. 2

Bureau should note that in the Request for Extension PREPA did not mention that would oppose to any other party's request to be granted an extension as well.

4. Second, what is the missing information that PREPA has failed to provided "as laid out in the [LEO]'s February 9, 2020 motion."?"³ PREPA has not been served with a motion filed by LEO on February 9, other than a motion directed for AES to untimely compel a production of documents. As the Energy Bureau and all other parties present during the Evidentiary Hearings may remember, the only requests that, pursuant to the Energy Bureau's bench orders, were granted, did not include any LEO requests. The only requests that LEO constantly made during the hearing were on the San Juan 5 & 6 project "fixed decision", and it was denied. However, the requests that were pending have already been addressed by PREPA.⁴ Therefore, it is correct that PREPA did not "address or respond to the missing information" because there is none. As a matter of fact, this argument is a smoke bomb and completely irrelevant to the Request for Extension. The procedural track of this case shows that LEO is knowledgeable of the correct process to request the Energy Bureau to compel a party to produce something.⁵

5. Third, why wouldn't PREPA make a "comprehensive rebuttal or every opposing point made by every other party"⁶? It is PREPA's responsibility and right, as provided by the Energy Bureau, to respond to every *correctly-argued* statement or fact made by any party in its substantive and legal brief. PREPA will not ignore *e.g.* a party's incorrect interpretation of an exhibit, challenge a incorrect technical interpretation, sustain with evidence why another party's support to another plan is incorrect, or loose the opportunity to move the Energy Bureau to strike arguments

³ See LEO Response at pag. 4.

⁴ See *Production of Documents in Response to Information Requests Made During IRP Evidentiary Hearings* filed today, March 12, 2020.

⁵ Also, pursuant to rule 8.4 of the Puerto Rico's Rule of Civil Procedure, any request made by a party must be made in a motion, not in an opposition to another motion.

⁶ See LEO Response at pag. 3.

that have already been ruled as irrelevant, like a party's argument regarding the permitting for the already-approved San Juan 5 & 6 conversion. It is PREPA's right to challenge anything that was argued by another party and it can not be restrained by another parties, specially a party that filed a seventy-three (73) pages brief, convenient request that the Energy Bureau's rules that PREPA may only address discrete points of opposing parties' briefs.

6. LEO also argues that PREPA is reviewing the entire case file (evidence, testimonies, and other evidence and documents) to make its case. This is incorrect. PREPA is reviewing all the information because, per the Energy Bureau's orders, the parties may use the evidence that has already been submitted in the record to make its arguments in the legal briefs and oppositions thereto. Also, even though LEO understands that "PREPA has long known the position of all intervenors", PREPA is only able to review another party's argument in a brief once it is filed. Opposing written arguments and briefs cannot be predicted.

WHEREFORE, PREPA respectfully requests the Energy Bureau to deny the LEO Response and grant PREPA an extension of time until March 25, 2020 to file its reply to the intervenors' legal briefs.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 12th day of March 2020.

[Remainder of the page has been intentionally left blank.]

/s Katuska Bolaños
Katuska Bolaños
kbolanos@diazvaz.law
TSPR 18888

DÍAZ & VÁZQUEZ LAW FIRM, P.S.C.
290 Jesús T. Piñero Ave.
Oriental Tower, Suite 1105
San Juan, PR 00918
PO Box 11689
San Juan, PR 00922-1689
Tel. (787) 395-7133
Fax. (787) 497-9664

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; jluebkekmann@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; castrodieppalaw@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; sboxerman@sidley.com; bmundel@sidley.com.

/s Katuska Bolaños
Katuska Bolaños