

GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU



IN RE: INTEGRATED RESOURCE PLAN
FOR THE PUERTO RICO ELECTRIC POWER
AUTHORITY

CASE NO.: CEPR-AP-2018-0001

SUBJECT: PREPA's Request for Extension of
Time to File Reply to Legal Briefs.

RESOLUTION AND ORDER

On March 11, 2020, the Puerto Rico Electric Power Authority ("PREPA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Request for Extension of Time to File Reply to Legal Briefs* ("Motion"). Through its Motion, PREPA argues that it will reply and oppose all of the intervenors' arguments made through their respective final briefs in opposition to the Proposed IRP.¹ Furthermore, PREPA argues that it is impossible to cover all the arguments presented by the intervenors in their briefs and identify the evidence needed to make arguments in opposition, within the current deadline.² Additionally, PREPA states that it needs additional time to identify any unsupported arguments to move the Energy Bureau to strike them from the record.³ Therefore, PREPA requests the Energy Bureau to extend the deadline to file its reply to the final briefs until March 25, 2020.

On March 12, 2020, the Local Environmental Organizations filed a document titled *Local Environmental Organizations' Motion Responding to PREPA's Request for Reply Brief Extension* ("Motion in Opposition"). Through its Motion in Opposition, the Local Environmental Organizations argue that PREPA failed to show cause for the extension of the deadline for the replies to final briefs.⁴ The Local Environmental Organizations also argue that PREPA requests an inherent unfair relief when requesting an extension to file its reply to the intervenors' final briefs and any replies filed by intervenors.⁵ Furthermore, the Local Environmental Organizations allege that PREPA has had ample opportunity to meet its burden of proof in the instant case, and that PREPA misinterpreted the purpose for the reply

¹ Motion, pp. 1-2.

² *Id.* p. 2.

³ *Id.*

⁴ Motion in Opposition, p. 1.

⁵ *Id.* p. 2

to final briefs.⁶ The Local Environmental Organizations argue that the Energy Bureau did not intend for the reply to final briefs to be a comprehensive rebuttal of every opposing point made by every other party.⁷

The Local Environmental Organizations also argue that PREPA has not addressed or responded to missing information requested as part of the Evidentiary Hearing in the instant case. The Local Environmental Organizations referenced a request of information filed by them on February 9, 2020.⁸ Therefore, the Local Environmental Organizations request the Energy Bureau to deny PREPA's Motion and to maintain the March 16, 2020 deadline for all parties to submit replies to final briefs.

On March 12, 2020, PREPA filed a document titled *Reply in Support to Request for Extension of Time to File Reply to Legal Briefs* ("Reply in Support"). Through its Reply in Support, PREPA argues that it sought from the Energy Bureau a remedy it needed by requesting an extension to the deadline for the filing of replies to final briefs; a remedy which any other party could request if deemed necessary.⁹ Additionally, PREPA questions the Local Environmental Organizations' argument regarding the missing information in response to the February 9, 2020 motion, alleging that PREPA has not been served with such request.¹⁰ Furthermore, PREPA states that it is PREPA's responsibility, and right, to respond to every correctly-argued statement or fact made as part of the final briefs, and to challenge anything argued by another party.¹¹

The Local Environmental Organizations' argued that PREPA has not responded to its February 9 Request. Even though PREPA alleged that it had not been served said document by the Local Environmental Organization, there's evidence that the Local Environmental Organizations' counsel served the February 9 Request to PREPA's counsel. As part of the February 9 Request, the Local Environmental Organizations provided PREPA until February 19, 2020 to respond to several questions.¹² To this date, PREPA has not provided its responses to the February 9 Request.

⁶ *Id.* pp. 2-3.

⁷ *Id.*

⁸ See Request of Information to Puerto Rico Electric Power Authority from Local Environmental Organizations, In Accordance with the Bureau's Order, Case No. CEPR-AP-2018-0001, February 10, 2020. The aforementioned document was also filed through email by the Local Environmental Organizations' counsel on February 9, 2020 ("February 9 Request").

⁹ Reply in Support, p. 1.

¹⁰ *Id.* p. 2.

¹¹ *Id.* pp. 2-3.


¹² February 9 Request, pp. 1-2.



It is also important to note that, on February 7, 2020, the Environmental Defense Fund ("EDF") filed a document titled *Motion Requesting PREPA Additional Information as Agreed in Evidentiary Hearing* ("EDF Motion"). The EDF Motion required PREPA to provide its responses on or before February 14, 2020. Upon review of the administrative record in the instant case, there is no evidence that PREPA has responded to the EDF Motion.

After reviewing PREPA's and the Local Environmental Organizations' arguments, the Energy Bureau **EXTENDS** the deadline **for all parties** to submit their replies to the final briefs **until 3:00 p.m., Friday, March 20, 2020**. Furthermore, and in order to have a complete record, the Energy Bureau **ORDERS** PREPA to, on or before Friday, March 20, 2020, provide responses to the Local Environmental Organizations' February 9 Request, and to the EDF Motion.

Be it hereby notified and published.



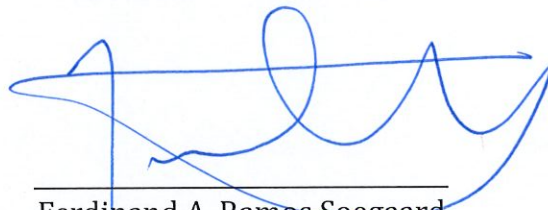
Edison Avilés Deliz
Chairman



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 March 13, 2020. I also certify that on March 13, 2020 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@cnspr.com, manuelgabrielfernandez@gmail.com, acasellas@amgprlaw.com, corey.brady@weil.com, paul.demoudt@shell.com, escott@ferraiuoli.com, sproctor@huntonak.com, agraitfe@agraitlawpr.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, jfranklin@progression-energy.com.

I sign this in San Juan, Puerto Rico, today March 13, 2020.


Wanda I. Cordero Morales
Clerk

