

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

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IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY INTEGRATED RESOURCE PLAN

CASE NO. CEPR-AP-2018-0001

SUBJECT: MOTION
RESPONDING TO PREPA'S
REQUEST FOR REPLY BRIEF
EXTENSION

**LOCAL ENVIRONMENTAL ORGANIZATIONS' MOTION RESPONDING TO
PREPA'S REQUEST FOR REPLY BRIEF EXTENSION**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW, Local Environmental Organizations,¹ request that the Bureau deny PREPA's February 11, 2020 Request For Extension of Time To File Reply To Legal Briefs.

PREPA has failed to show cause for extension of the Reply Brief deadline, and misinterpreted the intended purpose and scope of the Reply Brief. We note that PREPA seeks an extension of its own deadline but nobody else's, allowing PREPA to respond to issues covered at the evidentiary hearing after reading all parties' Final

¹ Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc. -Enlace Latino de Acción Climática, Comité Yabucoeño Pro-Calidad de Vida, Inc., Alianza Comunitaria Ambientalista del Sureste, Inc., Sierra Club and its Puerto Rico chapter, Mayagüezanos por la Salud y el Ambiente, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., Campamento Contra las Cenizas en Peñuelas, Inc., and CAMBIO Puerto Rico, Inc., ("Local Environmental Organizations").

Substantive and Legal Briefs and all parties' Reply Briefs. This demonstrates the inherent unfairness of the relief that PREPA seeks.²

PREPA suggests that only after seeing the Final Substantive and Legal Briefs from all parties, did PREPA realize that intervenors would challenge the Proposed Integrated Resource Plan.³ That is incorrect. The testimony filed by Intervenors months ago challenged the Proposed IRP, and the oral testimony provided by Intervenors' witnesses at the evidentiary hearing continued to challenge the Proposed IRP. PREPA has long known the position of all intervenors.

PREPA now seeks more time in order to review "the Proposed IRP, its attachments, all testimonies (PREPA's and the intervenors'), the responses to request for information, the Technical Conferences and Evidentiary Hearings' audio, and other production" to make its case for the Proposed IRP.⁴ PREPA has had months to do that, and PREPA has had ample opportunity to meet its burden of proof in the IRP itself, in its witnesses' testimony and rebuttal testimony, in testimony at the evidentiary hearing, and in PREPA's Final Substantive and Legal Brief. PREPA acknowledges that it has had sufficient time to "more carefully examine the matters and arguments it wanted to present the Energy Bureau in its final substantive and legal brief."⁵

² PREPA Motion para 5 ("PREPA understands that, considering the above-stated, there is cause to extend the deadline to file its reply to the legal briefs. PREPA requests the Energy Bureau to grant PREPA until March 5, 2020 to file its reply to the intervenors' legal briefs." (emphasis added).

³ PREPA Motion para. 2.

⁴ PREPA Motion para. 4.

⁵ PREPA Motion para. 2.

PREPA is misinterpreting the purpose of the Reply Brief. PREB never intended for this brief to be a comprehensive rebuttal of every opposing point made by every other party, or a rehash of every argument regarding the Proposed IRP. PREB's Scheduling Orders have consistently given the parties 7-10 days between briefs, to read the other parties' Final Substantive and Legal Briefs and then, if they wish, to submit a limited Reply Brief specifically responding to discrete points—if any—a party feels must be addressed. PREPA has never objected to that ten-day period, until now:

- PREB's October 29, 2019 Order set a deadline of January 31, 2020 for the Final Substantive & Legal Brief, and allowed ten days for parties to read each others' briefs and submit a Reply Brief.⁶
- PREB's December 13, 2019 Order set a deadline of February 21, 2020 for the Final Substantive & Legal Brief, and allowed ten days for parties to read each others' briefs and submit a Reply Brief.⁷
- Local Environmental Organizations' February 10, 2020 Motion sought to change the deadline for the Final Substantive & Legal Brief, but did not ask to change the time period between that brief and the Reply Brief.
- PREB's February 11, 2020 Order changed the deadline for the Final Substantive & Legal Brief, and allowed seven days between that brief and the Reply Brief.⁸
- PREB's February 28, 2020 Order changed the deadline for the Final Substantive & Legal Brief, and allowed ten days for Parties to submit a Reply Brief.⁹

With that ten-day time period, PREB has consistently made known its intentions for the purpose and scope of the Reply Brief. PREPA has known the timeframe for the Reply Brief for months, and further known for months that the

⁶ <http://energia.pr.gov/wp-content/uploads/2019/10/Resolution-and-Order-NEPR-AP-2018-0001-EE-Assessment-and-AES-PR-Requirement-of-Information-Calendad-and-AES-.pdf>.

⁷ <http://energia.pr.gov/wp-content/uploads/2019/12/Resolution-and-Order-CEPR-AP-2018-0001.pdf>.

⁸ <http://energia.pr.gov/wp-content/uploads/2020/02/Resolution-CEPR-AP-2018-0001-LEO-Seeking-One-Week-Extension.pdf>.

⁹ <http://energia.pr.gov/wp-content/uploads/2020/02/Resolution-CEPR-AP-2018-0001-Extension-of-Final-Substantive-and-Legal-Briefs-and-Reply-to-Legal-Briefs.pdf>.

intervenors' Final Legal and Substantive Briefs would challenge the Proposed IRP. If PREPA wished to request that PREB change the nature of the Reply Brief, or increase the time for that brief, PREPA should have done that months ago, not days before the deadline.

We also note that PREPA, while seeking more time to refine its legal arguments, does not address or respond to the missing information that the Bureau and intervenors requested at the hearing, which PREPA agreed to provide, as laid out in the Local Environmental Organizations' February 9, 2020 motion.

For the reasons detailed above, Local Environmental Organizations request that the Energy Bureau deny PREPA's Request For Extension of Time To File Reply To Legal Briefs, and maintain the current deadline of March 16, 2020 for all parties to submit Reply Briefs.

CERTIFICATE OF SERVICE

We hereby certify that, on March 12, 2020, we have filed this Motion via the Energy Bureau's online filing system, and sent to the Puerto Rico Energy Bureau Clerk and legal counsel to: secretaria@energia.pr.gov; astrid.rodriguez@prepa.com; jorge.ruiz@prepa.com; n-vazquez@aeopr.com; c-aquino@prepa.com and to the following persons:

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Respectfully submitted on this day March 12, 2020

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