

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

NEER

Received:

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IN RE: THE UNBUNDLING OF THE
ASSETS OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY

CASE NO.:
NEPR-AP-2018-0004

SUBJECT:
Requests for Extension of Time

**REQUEST FOR *NUNC PRO TUNC* ORDER
GRANTING EXTENSION OF TIME**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW, the Puerto Rico Electric Power Authority, through its counsel of record and respectfully sets forth and prays:

1. On September 4, 2020, the Puerto Rico Energy Bureau of the Public Service Regulatory Board (the “Energy Bureau”) issued an *Order* directing the Puerto Rico Electric Power Authority (the “Authority”) to, on or before three (3) weeks after notice of the same, respond to several requests for information and also, to provide comments to the Unbundling Report (the “September 4 Order”).¹ The three (3) weeks-term expired on September 25, 2020.

2. On September 25, 2020, the Authority filed a *Motion in Compliance with Request for Information and Production of Documents* (the “September 25 Motion”). The September 25 Motion purpose was two-part: (i) to submit information to more than half of the information requests notified by the Energy Bureau and also, (2) to request an extension of time until Friday, October 2, 2020, to supplement the submittal and file responses to the outstanding requests.

3. The Energy Bureau did not rule on the request for extension of time made by the Authority in the September 25 Motion.

¹ *Resolution and Order* entered by the Energy Bureau on September 4, 2020 (the “September 4 Order”).

4. On October 2, 2020, the Authority filed a *Motion to Submit Documents* (the “October 2 Motion”). With the October 2 Motion, the Authority submitted responses to two (2) of the outstanding request and informed that the officers in charge of responding to the requests are simultaneously working with producing information to respond other requests made by the Energy Bureau in parallel dockets, as well as requests made by other entities, such as LUMA. Therefore, the Authority submitted that it hadn’t been possible to respond to the totality of the information and that it needed an additional fifteen (15) days, that is until October 19, 2020, to respond to the six (6) outstanding requests.

5. Fourteen days after the Authority’s first request for extension of time to comply with the September 4 Order, on October 9, 2020, the Energy Bureau entered a *Resolution and Order* denying the Authority’s request for extension of time made in the October 2 Motion, granting the Authority until October 14, 2020 to respond to the September 4 Order outstanding requests and directing the Authority to respond to the Second Set of Information Requests (the “Second IR”) on or before October 14, 2020 before noon.²

6. It should be noted that the Energy Bureau claims that PREPA didn’t request a timely extension of time of the September 25 Order’s deadline. Such statement is incorrect. First, the Authority did comply partially with the September 4 Order and, in the September 25 Motion, timely requested an extension of time to comply with the September 4 Order. In the September 25 Motion the Authority stated: “PREPA respectfully requests the Energy Bureau to note the compliance with the Order and grant a brief extension of time until Friday, October 2, 2020, to file a supplemental motion with responses to the outstanding Appendix C requirements for information.”

² *Resolution and Order* entered by the Energy Bureau on October 9, 2020 (the “October 9 Order”)

7. However, even though the Authority is usually paying close attention to all matters pending before the Energy Bureau, because of the undersigned confusion, the October 9 Order was not addressed until last Friday, October 16, 2020. Counsel admits that she got confused with other three (3) emails she received from the Clerk of the Energy Bureau that same day and marked the email as read when she hadn't had the opportunity to review it.

8. Because of what is stated above, the Authority was not informed timely of the deadlines included in the October 9 Order. However, since last Friday, the Authority has been working diligently to gather all the information necessary to comply with the Order. The Authority herein requests the Energy Bureau to:

- i. enter an order *nunc pro tunc* granting an extension of time until October 23, 2020 to complete the response to the September 4 Order outstanding requests; and
- ii. enter an order granting an extension of time until October 23, 2020 to file response to the Second IDR.

9. The Authority affirms that the extension of deadlines herein requested is made in good faith and not caused by disregard of the Energy Bureau's orders. PREPA requests that the extension until October 23, 2020 be granted to respond all outstanding requirements of information to avoid fragmented responses and to keep a uniform deadline for general public reply comments.

10. The Authority has been working diligently to meet all the September 4 and October 9 deadlines but, the undersigned's mistake and, the employee attrition and requests made by other stakeholders, it has not been possible. Even though these reasons may seem overused, they are real and the true reason for the delay and the requests made herein.

WHEREFORE, PREPA respectfully requests the Energy Bureau to (i) enter an *order nunc pro tunc* granting an extension of time until October 23, 2020 to complete the responses to the September 4 Order outstanding requests and to (ii) enter an order granting an extension of time until October 23, 2020 to file response to the Second IDR.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 19th day of October 2020.

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