

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

NEPR Received: Feb 3, 2022 1:31 PM

IN RE: PUERTO RICO TEST FOR DEMAND RESPONSE AND ENERGY EFFICIENCY

CASE NO.: NEPR-MI-2021-0009

SUBJECT: Request For Extension Of Time To Comply With Order That Was Not Notified To PREPA And For Continuance Of The February 8 Technical Conference

REQUEST FOR EXTENSION OF TIME TO COMPLY WITH ORDER THAT WAS NOT NOTIFIED TO PREPA AND FOR CONTINUANCE OF THE FEBRUARY 8 TECHNICAL CONFERENCE

COMES NOW the Puerto Rico Electric Power Authority (“PREPA”), through its counsel of record, and respectfully submits and requests as follows:

1. On May 14, 2021, the Honorable Energy Bureau of the Public Service Regulatory Board (the “Energy Bureau”) entered a *Resolution and Order* initiating the captioned proceeding (the “May 14 Resolution”). In the May 14 Resolution, the Energy Bureau announced that the purpose of the captioned proceeding was to define the PR Benefit Cost Test (“PR Test”), which is applicable to the demand response and energy efficiency programs.¹

2. After several procedural events, on December 14, 2021, the Energy Bureau entered a *Resolution and Order* (the “December 14 Order”) by which it, *inter alia*, directed PREPA to submit, on or before January 5, 2022, the responses to the data requests included in Appendix B of the order and to attend a Virtual Technical Conference on February 8, 2022, at 10:00 am to discuss the initial results of the Avoided Cost Study.

¹ The PR Cost Test is required by *Regulation for Energy Efficiency and Demand Response*, no. 9246 (January 19, 2021) and by the proposed energy efficiency regulation which is being considered in case no. NEPR-MI-2021-0005, *In Re: Regulation for Energy Efficiency*.

3. Even though PREPA had been served with initial orders of this captioned matter², this was not the case for the December 14 Order, which *wasn't* served on PREPA.

4. Promptly after PREPA became aware of the December 14 Order, it assigned its legal representation to the undersigned. A *Notice of Appearance and Request for Notice* has been filed today by the undersigned.

5. Failing to serve PREPA with the December 14 Order has had the effect of not affording PREPA the opportunity to respond to the requests for information included in the December 14 Order (“RFI”) which were due on January 5, 2022. As a result, PREPA is not prepared to appear at the February 8 Technical Conference to discuss the results of the Avoided Cost Study.

6. Given the lack of notification, PREPA hereby requests twenty-two (22) days, or until February 25, 2022, to respond to the December 14 Order RFI. Such a time frame is reasonable given that it is the same timeframe granted by PREB to other notified parties for compliance with the December 14 Order. Further, and given the time needed to submit the information requested, PREPA respectfully requests that the February 8 Technical Conference be continued to allow PREPA reasonable time to prepare. Not affording PREPA additional time to comply with the December 14 Order RFI or to properly prepare for a hearing for which PREPA was not put on notice would be unjust and a clear violation of PREPA’s due process rights.

7. PREPA respectfully asserts that the foregoing request for extension of time to submit the responses to the December 14 RFI and for continuance of the February 8 Technical Conference is made in good faith and that it has carefully examined the matter and has concluded that there is a true need for an extension and a continuance; PREPA has not created the need for the extension and continuance through any lack of due diligence; and that the lack of notice of the December 14

² Some orders were served on PREPA’s General Counsel, while others were served on the undersigned, who, at the time, had not entered an appearance as counsel for PREPA.

Order did not afford an opportunity to make a bona fide effort to comply without the requested extension or continuance.

WHEREFORE, PREPA respectfully requests the Honorable Energy Bureau to grant PREPA until February 25, 2022 to submit responses to the December 14 Order RFI and to continue the February 8 Technical Conference.

RESPECTFULLY SUBMITTED.

In San Juan Puerto Rico, this 3rd day of February 2022.

s/ Katuska Bolaños-Lugo
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CERTIFICATE OF SERVICE

It is hereby certified that, on this same date, I have filed the above motion with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>; and also, that I have served a copy on LUMA Energy, LLC and LUMA Energy ServCo, LLC through their counsel of record at laura.rozas@us.dlapiper.com and margarita.mercado@us.dlapiper.com and to the Independent Consumer Protection Office through its counsel of record hrivera@oipc.pr.gov and contratistas@jrsp.pr.gov.

In San Juan Puerto Rico, this 3rd day of February 2022.

s/ Katuska Bolaños-Lugo
Katuska Bolaños-Lugo