

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

**IN RE:** PUERTO RICO'S ELECTRIC SYSTEM  
CASH FLOW AND CASH POSITION  
CONCERNS

**CASE NO.:** NEPR-IN-2024-0004

**SUBJECT:** Hearing Examiner's Public Statement Addressing False Reporting by El Vocero and Warning Participants about Treatment of Confidential Material

**Hearing Examiner's Public Statement Addressing False Reporting by *El Vocero* and Warning Participants about Treatment of Confidential Material**

On November 17, 2024, LUMA filed its "Urgent Request for Protective Order." LUMA requested that I restate the confidential nature of this investigative proceeding.

The impetus for LUMA's request was the publication by the periodical *El Vocero*, on November 15, 2024, of an article entitled, "*LUMA insiste en que urge un aumento de emergencia*," translated by LUMA as "LUMA insists that an emergency increase is urgently needed." As its basis for this headline, the article cited, and purported to summarize, LUMA's submission of November 13, 2024, entitled "LUMA's Motion in Compliance with Order of November 8, 2024." In that Motion LUMA provided, as I requested, comments on my tentative list of criteria that might justify an emergency rate increase. To support its comments, LUMA cited a Puerto Rico Supreme Court opinion, *Meléndez Ortiz v. Valdejully*, 20 P.R. Offic. Trans. 1 (1987), along with language from Act 21 that appeared in the Court's opinion.

This proceeding is an investigation conducted under Article XV of Regulation 8543. Section 15.10 of the Regulation states: "The Commission's record shall remain confidential while the investigation is in process." LUMA's November 13 Motion, having been submitted in this docket, is therefore a confidential document. Someone made it available to *El Vocero*. Whoever did so acted unlawfully.

This breach of confidentiality was not the only problem. The other problem was that *El Vocero*'s headline was false. LUMA did not "insist that an emergency increase is urgently needed." Nor did LUMA request any increase, as the article also falsely stated. LUMA's November 13 Motion did no more than what I requested. The Motion commented on, and offered a modification to, my tentative list of criteria for determining whether an emergency rate is necessary. LUMA's response neither implied a position on the necessity of an emergency rate nor stated that there was an emergency—because those were not the questions that I asked. On what LUMA said, no objective reader could possibly have come to a different conclusion.

While *El Vocero* violated no Energy Bureau regulation, its source did. I regret having to state the obvious: Those who violate a regulation of the Energy Bureau expose themselves to sanctions by the Energy Bureau.

Be notified and publicly published.



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Scott Hempling  
Hearing Examiner



**CERTIFICATION**

I certify that the Hearing Examiner, Scott Hempling, has so established on November 26, 2024. I also certify that on November 26, 2024 a copy of this Public Statement was notified by electronic mail to the following: jmartinez@gmlex.net; jgonzalez@gmlex.net; arivera@gmlex.net; julian.angladapagan@us.dlapiper.com; yahaira.delarosa@us.dlapiper.com; margarita.mercado@us.dlapiper.com, hrivera@jrsp.pr.gov; pvazquez.oipc@avlawpr.com; legal@genera-pr.com; regulatory@genera-pr.com; lrn@roman-negron.com; agraitfe@agraitlawpr.com. I also certify that on November 26, 2024, I proceeded with the filing of the Public Statement issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, on November 26, 2024.



  
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Sonia Seda Gaztambide  
Clerk