

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

IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY RATE REVIEW

CASE NO.: NEPR-AP-2023-0003

SUBJECT: Hearing Examiner's Order
Establishing Agenda for Prehearing
Conference of February 21, 2025

**Hearing Examiner's Order Establishing Agenda for
Prehearing Conference of February 21, 2025**

By Order of February 18, 2025, I scheduled a prehearing conference for February 21, 2025, at 10.00am AST. Please see below the agenda for the conference. Accompanying this Order is an Excel file displaying a draft procedural schedule for this rate case.

I. Questions about the Energy Bureau's Feb. 12 Order on Filing Requirements

- A. Time period covered by proposed rates: FY26, FY27, FY28
- B. Filing Requirements
- C. Budgets
 - 1. Two budgets: Optimal and Constrained
 - 2. Budget Outline: Schedules A-1 and A-2 had a typo: Part I.A.1.b should be two separate items: (b) Power demand studies, (c) Distributed generation support studies. So reletter the next item: (d) Cogeneration project evaluation and oversight. The current item I.A.1.d (Renewable Energy Certificate Compliance) is not necessary because that cost is covered in Part IV.K (RPS Compliance)
- D. 180-day period for final order starts with the companies' rebuttal.
- E. Two separate proceedings: Revenue requirement and rate design
 - 1. Revenue requirement proceeding includes billing determinants and cost allocation; also riders.
 - 2. Rate design proceeding will likely overlap, but won't start immediately. But: Our consultants might want to have soon some preliminary conversations on the subject, via public technical conferences. For rate design, whom should we contact?
- F. Energy Bureau consultants will submit public expert reports. The submitters will be subject to questioning.

II. Rate application

- A. The application should be a single consolidated application.
- B. The rate application has to include a separate request for provisional rates, effective July 1, 2025. Provisional rates are rates that are subject to retroactive reconciliation with the later-set permanent rates.



III. Draft procedural schedule: Questions and comments

IV. Interventions: Previously I shared my understanding that the Energy Bureau's practice is not to entertain requests for intervention before it receives the rate application. To clarify the situation: *It is better to submit requests for intervention now.* The Energy Bureau won't act on them until it receives the rate application. But if the Energy Bureau has all the requests in advance, it can address them all in an order immediately after receiving the rate application. That way, participants can start issuing their information requests right after the rate application is filed. (Only entities with intervenor status can issue information requests.)

V. Discovery

- A. To avoid duplicative IRs, I hope allied parties can coordinate.
- B. Access to discovery: Can LUMA store all IRs to LUMA, Genera, and PREPA, and the responses, in a common secure location, with notices going out each time there is an addition?
- C. Rule 8.03(C) provides for a response time of 20 days, but gives the Commission discretion to extend or reduce that period. There is insufficient time in the schedule to allow 20 days; I suggest 10 calendar days.

VI. Clarification of Hearing Examiner status:

- A. In this proceeding, I am a Hearing Examiner, for the limited purposes stated in the Energy Bureau's February 12 Order. All my decisions are appealable. In this same proceeding, I am also an internal advisor. Please note that unlike the cash flow Investigation, there is in this rate proceeding no ex parte wall between me and the Commissioners. Any questions or concerns?
- B. For limited purposes, I would like to operate informally—meaning, off the official record. Examples are setting up dates for technical conferences involving consultants. Any concerns?

VII. Evidentiary hearing: I anticipate having witness panels arranged by major subject area. Panels allow for more efficient and more informative back-and-forth among experts who offer different views. Besides cross-examination by individual counsel of individual witnesses on the panel, there will be questioning of the panel by Energy Bureau consultants.

VIII. Other subjects?

Be notified and published.



Scott Hempling
Hearing Examiner



CERTIFICATION

I certify that the Hearing Examiner, Scott Hempling, has so established on February 20, 2025. I also certify that on February 20, 2025, a copy of this Order was notified by electronic mail to epo@amgprlaw.com; loliver@amgprlaw.com; acasellas@amgprlaw.com; matt.barr@weil.com; Robert.berezin@weil.com; Gabriel.morgan@weil.com; corey.brady@weil.com; lramos@ramoscruzlegal.com; tlauria@whitecase.com; gkurtz@whitecase.com; ccolumbres@whitecase.com; isaac.glassman@whitecase.com; tmacwright@whitecase.com; jcunningham@whitecase.com; mshepherd@whitecase.com; jgreen@whitecase.com; hburgos@cabprlaw.com; dperez@cabprlaw.com; howard.hawkins@cwt.com; mark.ellenberg@cwt.com; casey.servais@cwt.com; bill.natbony@cwt.com; thomas.curtin@cwt.com; escalera@reichardescalera.com; arizmendis@reichardescalera.com; riverac@reichardescalera.com; susheelkirpalani@quinnemanuel.com; erickay@quinnemanuel.com; dmonserrate@msglawpr.com; fgierbolini@msglawpr.com; rschell@msglawpr.com; eric.brunstad@dechert.com; Stephen.zide@dechert.com; David.herman@dechert.com; mvalle@gmlex.net; arivera@gmlex.net; jmartinez@gmlex.net; jgonzalez@gmlex.net; Yahaira.delarosa@us.dlapiper.com; margarita.mercado@us.dlapiper.com; andrea.chambers@us.dlapiper.com; julian.angladapagan@us.dlapiper.com; jfr@sbglaw.com; alopez@sbglaw.com; regulatory@genera-pr.com; legal@genera-pr.com; hrivera@jrsp.pr.gov; contratistas@jrsp.pr.gov; victorluisgonzalez@yahoo.com; agraitfe@agraitlawpr.com; Cfl@mcvpr.com; nancy@emmanuelli.law; jrinconlopez@guidhouse.com; Josh.Llamas@fticonsulting.com; Anu.Sen@fticonsulting.com; Ellen.Smith@fticonsulting.com; Intisarul.Islam@weil.com; Josef.Trachtenberg@weil.com; rafael.ortiz.mendoza@gmail.com; rolando@emmanuelli.law; jan.albinolopez@us.dlapiper.com; varoon.sachdev@whitecase.com. I also certify that on February 20, 2025, I have proceeded with the filing of the Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, on February 20, 2025.




Sonia Seda Gaztambide
Clerk