

**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 Response to
Procedural Questions about Rate Design; and
Order Granting Interventions

**Hearing Examiner’s Response to Procedural Questions
about Rate Design and Requests to Intervene; and Order Granting
Interventions**

This morning, May 21, 2025, I received by email a counsel’s questions, bolded below. My answers appear indented in nonbolded print. I remind all counsel to copy everyone when communicating with me, unless the communication is 100% ministerial and seeks information not useful to anyone else.

The first part of this issuance answers the questions I received from counsel. The second part addresses requests for intervention that I have received.

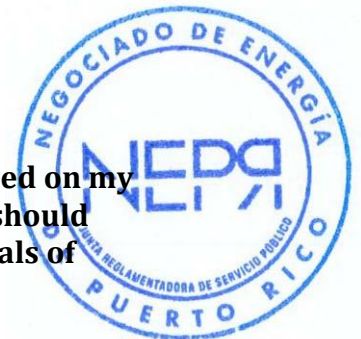
Answers to counsel’s questions

1. Is July 3rd the deadline to submit interventions in the rate case? Based on my understanding, approvals for intervention began on May 1, 2025 and should continue through July 3rd, when the PREB will ratify you prior approvals of interventions.

Prospective parties may file requests to intervene at any time, including after July 3. But requests that arrive deep into the procedural schedule risk opposition on grounds of disruption.

A party has no right to discovery, and no access to the discovery platform, until the party’s intervention has received PREB approval. The PREB’s practice is to approve interventions only after the application has arrived.

Based on those facts, the approach that is best for the party, and that produces the least amount of work for me and for the PREB, is to submit the requests before July 3 when possible. Then the PREB can approve them immediately after receiving the application—thereby allowing the party to begin discovery immediately. But it is



both permissible and traditional for entities to request intervention after the PREB has received the rate application.

If an entity has already submitted a request to intervene, it need *not* do so again.

2. On what day would detailed rate design proposals be due? July 3rd? I understand draft rate design filing requirements were included in the May 16 Order, and official rate design filing requirements will be established via Order on May 30, 2025.

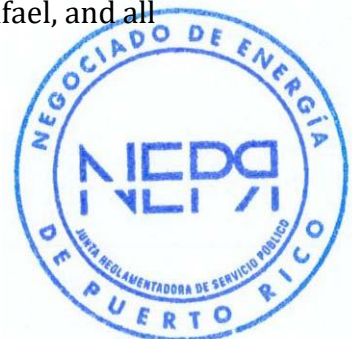
The filing requirements that the PREB will issue by May 30 apply solely to the Application due by July 3. Intervenors are free to propose their own rate designs when they submit their testimony on September 1, per the official schedule. At this point, the PREB has not imposed specific filing requirements on intervenors' proposed rate designs. But the more detail in intervenors' proposals, the more useful those proposals will be to the evidentiary record.

Do the revenue requirement materials, rate design materials, permanent rates, provisional rates, amendment to the FY 2025 budget, FY2026 Constrained Budget, FY 2026 Optimal Budget, and all associated prefiled testimony requirements apply to the rate design proposals?

I hope that the immediately preceding answer addresses this question. Intervenors will propose rate designs in whatever level of detail they choose. One purpose of the filing requirements—again, applicable only to the Application due July 3—will be to provide everyone with information that they can use to show how their proposed rate designs affect actual rates charged within actual customer categories.

The above comments do not preclude the Hearing Examiner or the PREB from later creating some kind of requirements for intervenors' rate design proposals. But there are no such requirements as of today. If participants have views on whether there should be specific requirements for intervenors' rate design proposals, they are welcome to discuss their thoughts among themselves, raise them during the May 27 conference (if we have one), or submit them officially to me for consideration.

I remind all that the deadline for comments on the rate design filing requirements is **this Friday, May 23, at noon**. By close of business that day, you will receive by email a notice from either Zach Ming or Rafael Sosa stating whether we will have a conference on Tuesday, May 27. Be sure to copy me, Zach, Rafael, and all participants.



3. On what day would LUMA provide all of the extremely detailed information needed for anyone do any sort of proposal for changing rate designs? Is it on the same date, July 3, 2025?

As of today, the only requirements imposed on LUMA on rate design will be those requirements issued by the PREB by May 30. The requirements for revenue requirement appears as an appendix to the PREB's Resolution and Order dated February 12, 2025. LUMA will comply with both sets of requirements via its July 3 application. If a party needs more information, they can seek it via discovery. They can also submit a motion to me identifying new categories of information for me to order LUMA to make available to all parties.

Requests to intervene

My understanding is that the Energy Bureau has received requests to be a party, either as an applicant or as an intervenor, from the following entities: LUMA, PREPA, Genera, OIPC, Bondholders (specifically, National Public Finance Guarantee Corporation, GoldenTree Asset Management LP, Syncora Guarantee, Inc., Assured Guaranty, Inc., PREPA Ad Hoc Group), Sistema de Retiro de AEE, Institute of Competitiveness and Economic Sustainability (ICSE), Windmar, and Official Committee of Unsecured Creditors of PREPA.

Two things: First, if I have missed any entity, please inform me immediately, by emailing me your previously filed request to intervene without any commentary. Second, by this Order I am **granting** the requests of each of the above-listed entities. Again, no intervention is officially granted, for purposes of beginning discovery, until the Energy Bureau does so after receiving the application on July 3 at noon.

Be notified and published.



Scott Hempling
Hearing Examiner



CERTIFICATION

I certify that the Hearing Examiner, Scott Hempling, has so established on May 21, 2025. I also certify that on May 16, 2025, a copy of this Order was notified by electronic mail to Yahaira.delarosa@us.dlapiper.com; margarita.mercado@us.dlapiper.com; andrea.chambers@us.dlapiper.com; carolyn.clarkin@us.dlapiper.com; jan.albinolopez@us.dlapiper.com; Rachel.Albanese@us.dlapiper.com; mvalle@gmlex.net; arivera@gmlex.net; jmartinez@gmlex.net; jgonzalez@gmlex.net; regulatory@genera-pr.com; legal@genera-pr.com; gcastrodad@sbgblaw.com; jennalvarez@sbgblaw.com; hrivera@jrsp.pr.gov; contratistas@jrsp.pr.gov; 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; Intisarul.Islam@weil.com; kara.smith@weil.com; lramos@ramoscruzlegal.com; tlauria@whitecase.com; gkurtz@whitecase.com; ccolumbres@whitecase.com; isaac.glassman@whitecase.com; varoon.sachdev@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; 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; rolando@emmanuelli.law; nancy@emmanuelli.law; rafael.ortiz.mendoza@gmail.com; jpouroman@outlook.com; jcasillas@cstlawpr.com; jnieves@cstlawpr.com; Julia@londoneconomics.com; Brian@londoneconomics.com; luke@londoneconomics.com; juan@londoneconomics.com; mmc Gill@gibsondunn.com; LShelfer@gibsondunn.com; jnieves@cstlawpr.com; arrivera@nuenergypr.com; victorluisgonzalez@yahoo.com; Cfl@mcvpr.com; jrinconlopez@guidehouse.com; Josh.Llamas@fticonsulting.com; Anu.Sen@fticonsulting.com; Ellen.Smith@fticonsulting.com. I also certify that on May 21, 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 May 21, 2025.





Sonia Seda Gaztambide
Clerk