

**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
Scheduling Immediate Conference to Ensure
Compliance with the Energy Bureau's Order
of April 21, 2025

**Hearing Examiner's Order Scheduling Immediate Conference to Ensure Compliance
with the Energy Bureau's Order of April 21, 2025**

This Order schedules an immediate conference for **today, June 18, 2025 at 6.00pm Atlantic Time**. The purpose is to get clarification of the "Joint Motion in Compliance with Directive issued During June 9th Virtual Conference," filed by counsel for LUMA and PREPA yesterday evening, June 17, 2025.

I called the June 9 conference because of a concern, expressed in a letter from LUMA to PREPA, that LUMA might not receive PREPA's proposed revenue requirement in time to include it in the consolidated revenue requirement due, per the Energy Bureau's Order of April 21, 2025, on July 3, 2025. In that June 9 conference, it became unclear whether the Energy Bureau would receive on July 3 what it required on April 21:

LUMA shall file its formal, complete rate review petition on or about July 3, 2025, including both the revenue requirement and rate design components, so that the petition is, from LUMA's perspective, compliant with the applicable filing requirements.

And it is still unclear. The Joint Motion, which for unexplained reasons took eight days to prepare, states (*italics in original*):

- i. *LUMA will incorporate PREPA's revenue requirement financial data into the consolidated revenue requirement and supporting rate schedules in the Rate Petition to be filed on July 3, 2025, provided that PREPA submits its revenue requirement information and supporting workpapers to LUMA by the close of business on June 25, 2025. LUMA understands that PREPA will also provide testimony in support of its revenue requirement on June 25, 2025 to be submitted by LUMA as part of the filing.*
- ii. *LUMA in good faith understands that PREPA's transmittal of its proposed revenue requirement data on June 25, 2025, should not affect LUMA's ability*



to submit any request for provisional rates on July 3, 2025 reflecting the consolidated revenue requirement; and

- iii. *LUMA will draft and file a Rate Application fully integrating PREPA's revenue requirement financial data into the Revenue Allocation and Rate Design schedules, by August 4, 2025. With the information currently available, LUMA in good faith understands that by August 4, 2025, it may integrate PREPA's revenue requirement financial data into the Revenue Allocation and Rate Design schedules.*

This language has gaps and ambiguities. In today's conference we will close the gaps, eliminate the ambiguities, and prevent repetition of this regrettable, time-wasting situation. We will cover these topics:

- Will there be full compliance on July 3 with the Energy Bureau's Order of April 21? What form will that compliance take? Why does the Joint Motion's language lack a PREPA commitment? What will LUMA file if PREPA does not submit its revenue requirement to LUMA on June 25?
- How did we get into this situation—a departure from commonsense, ordinary cooperation between two public-serving, statutorily obligated companies whose leadership knew, at least since December 2024, that a revenue requirement filing would have to occur sometime in 2025 before July 1? What are the implications for PREPA's performance of its statutory and contractual functions if "its limited human and financial resources" (Joint Motion's words—presumably PREPA's) were insufficient to complete a long-known task, covering only 5 percent of the total system nonfederal costs, until a mere one week before LUMA's deadline?
- What steps do I, the Energy Bureau, LUMA's leadership, and PREPA's leadership need to take to prevent any repetition of this situation during the intense seven-month period that begins July 3?

Be notified and published.



Scott Hempling
Hearing Examiner



CERTIFICATION

I certify that the Hearing Examiner, Scott Hempling, has so established on June 18, 2025. I also certify that on June 18, 2025, a copy of this Order was notified by electronic mail to javrua@sesapr.org; mvalle@gmlex.net; arivera@gmlex.net; jmartinez@gmlex.net; jgonzalez@gmlex.net; katuska.bolanos-lugo@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; margarita.mercado@us.dlapiper.com; carolyn.clarkin@us.dlapiper.com; andrea.chambers@us.dlapiper.com; sromero@sbgblaw.com; gcastro@sbglaw.com; jennalvarez@sbglaw.com; jfr@sbglaw.com; regulatory@genera-pr.com; legal@genera-pr.com; hriviera@jrsp.pr.gov; contratistas@jrsp.pr.gov; victorluisgonzalez@yahoo.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; kara.smith@weil.com; rafael.ortiz.mendoza@gmail.com; rolando@emmanuelli.law; jan.albinolopez@us.dlapiper.com; Rachel.Albanese@us.dlapiper.com; varoon.sachdev@whitecase.com; epo@amgprlaw.com; loliver@amgprlaw.com; acasellas@amgprlaw.com; matt.barr@weil.com; Robert.berezin@weil.com; Gabriel.morgan@weil.com; corey.bradley@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; 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; Julia@londoneconomics.com; Brian@londoneconomics.com; luke@londoneconomics.com; juan@londoneconomics.com; mmcgill@gibsondunn.com; LShelfer@gibsondunn.com; jnieves@cstlawpr.com; arrivera@nuenergypr.com; apc@mcvpr.com. I also certify that on June 18, 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 June 18, 2025.




Sonia Seda Gaztambide
Clerk