

**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 on
LUMA's Request for Partial Reconsideration,
and on LUMA's Motion about Spanish
Summaries

**Hearing Examiner's Order on LUMA's Request for Partial
Reconsideration, and on LUMA's Motion about Spanish Summaries**

**LUMA's July 9 Request for Partial Reconsideration of Hearing Examiner's July 7
Order**

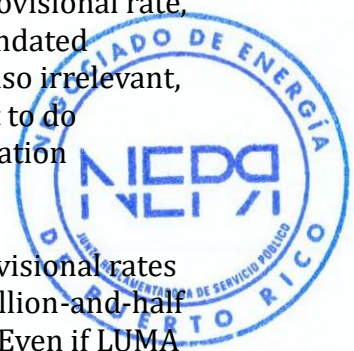
I address here the three main components of LUMA's request.

Conference July 14: LUMA asks to postpone this conference until at least July 20. The conference will occur as scheduled: July 14, 2025. The Energy Bureau intends to expedite its deliberations and decision on the application for provisional rates. To do so, it must ensure that it understands the application. That is one reason for the conference. And I have other business to conduct, particularly with Genera and PREPA's counsel and their CEO or CFO, as noted in my Order of July 8, 2025.

From LUMA I would like attendance from Mr. Figueroa; and from someone, if it is not him, who can explain the structure of the main revenue requirement schedules and Ex. 1.06 (working papers for the provisional rate requirement). Unless I let parties know by email, I do not need attendance from anyone with operational responsibilities.

As support for its proposed postponement, LUMA argues that for a provisional rate, discovery is "not mandated." That is a non sequitur. That discovery is not mandated doesn't make the Energy Bureau's questions unnecessary. The argument is also irrelevant, because my July 7 Order made clear that the purpose of the conference is not to do discovery; it is to ensure that the Energy Bureau knows where to find information necessary to its decision.

LUMA then says that while permanent rates require adjudication, provisional rates don't—as if it were okay for the Energy Bureau to raise electric rates for a million-and-half citizens without taking the factual and legal care that those citizens deserve. Even if LUMA



had promised not to appeal the Energy Bureau's decision on provisional rates—and the LUMA's motion makes no such promise—the Energy Bureau views its duty as bringing to this difficult but expedited decision the maximum possible preparation and thoughtfulness. To that preparation and thoughtfulness, the conference is a necessary input.

Again: The LUMA portion of the conference will be to address questions that the Energy Bureau's consultants, and parties, have about the organization of the many Application items submitted. There will be no backup-type discovery questions. That discovery will occur on the Accion platform. So LUMA's citation to the formal discovery procedures established by my April 25 Order is another non sequitur.

Contacts between Energy Bureau consultants and applicant witnesses: LUMA asks that my Energy Bureau colleagues and I ask our questions through the lawyers. When I tried that approach last Saturday morning, to ask a few straightforward questions about some data relationships between two tables, the meeting didn't occur until three days later—and it needed then only 15 minutes. That three-day delay set me and my colleagues back dangerously, in a week when it was crucial that we brief our Commissioners to prepare them for their decisions.

I choose not to repeat that experience. The questioner, whether it is me or some other Energy Bureau consultant, will email the witness and counsel simultaneously. The response must occur, by email or by phone, on the same day unless there is good reason. A good reason is the unavailability of the witness—not the unavailability of a particular counsel, given that LUMA has access to multiple attorneys. This way, if counsel wants to check the witness's emailed answer first, they can. Remember we are talking only about where material exists and how it is organized. No one will be asking about the witness's reasoning or strategy or legal understandings. There is no possible legal objection to this approach, which is necessitated by the Energy Bureau's obligation to determine just-and-reasonable base rates, after eight years of no change, as expeditiously as is professionally possible.

I therefore ask all counsel for **LUMA, PREPA, and Genera** to supply me and the entire list (which includes the Bureau's consultants) with the email addresses of their witnesses, and of the witnesses' counsel who want to be copied on these email requests, by **Friday July 11 at 5pm**. You can put the information in the email message. No attached document is necessary, but if you attach one use Word and avoid extra verbiage.

Finally, I cannot guarantee that on July 14, no PREB consultant question will inadvertently veer into traditional discovery territory, or that everyone will always agree on the boundaries of that territory. We will do our best. I also am not expecting perfection in LUMA's responses that morning. I ask LUMA merely to share what it can share under the circumstances.

Discovery questions: LUMA asks that I direct parties to make clear, in their Accion discovery requests, whether they are asking about the provisional rate or the permanent



rate. I so direct. And yes—discovery questions about Genera's or PREPA's positions go to those companies, not to LUMA. As to for Genera's and PREPA's materials, LUMA is the compiler, not the proponent.

LUMA's Motion on Spanish summaries

I grant this Motion, filed July 9, 2025, submitting Spanish summaries of LUMA's Motion submitting rate review application.

Be notified and published.



Scott Hempling
Hearing Examiner



CERTIFICATION

I certify that the Hearing Examiner, Scott Hempling, has so established on July 10, 2025. I also certify that on July 10, 2025, a copy of this Order was notified by electronic mail to 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; gcastrodad@sbgblaw.com; jennalvarez@sbgblaw.com; jfr@sbgblaw.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; jdiaz@sbgblaw.com; javrua@sesapr.org; Brett.ingerman@us.dlapiper.com; agraitfe@agraitlawpr.com; jpouroman@outlook.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;

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apc@mcvpr.com. I also certify that on July 10, 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 July 10, 2025.



Sonia Seda Gaztambide
Clerk