

**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
Denying PREPA's Motion for Reconsideration

Hearing Examiner's Order Denying PREPA's Motion for Reconsideration

In a prior discovery dispute, LUMA presented a "threshold objection": that PREPA's questioning of LUMA conflicted with PREPA's T&D OMA duty to cooperate with LUMA. My Order of July 18, 2025, rejected LUMA's objection, explaining that asking questions is not "inherently adversarial." On July 25, 2025, I clarified that PREPA's right to ask LUMA questions in discovery did not extend to cross-examining LUMA at the evidentiary hearing. Unlike discovery, I explained, cross-examination is inherently adversarial; but Act 120-2018 and the T&D OMA made the LUMA-PREPA relationship nonadversarial.

On August 11, 2025, PREPA moved for reconsideration of the July 25 Order. I deny reconsideration. It is true that Puerto Rico's Uniform Administrative Procedure Act "guarantees all parties in a formal adjudicatory proceeding the right to cross-examination." Motion at 6 (emphasis omitted). It is also true that the Energy Bureau cannot diminish a party's administrative-law rights. But PREPA omits the legal point that matters: a party can diminish its own administrative-law rights. When it signed the T&D OMA, PREPA did exactly that. Cross-examination, by definition, is adversarial. In signing the T&D OMA, PREPA formed with LUMA a relationship that is expressly nonadversarial. If PREPA wishes to cross-examine LUMA, they must amend their contract.

Without that OMA amendment, LUMA and PREPA remain nonadversaries. Under administrative law as I have always practiced it—PREPA having cited no contrary holding—cross-examination is confined to adversaries.

Be notified and published.



Scott Hempling
Hearing Examiner

CERTIFICATION

I certify that the Hearing Examiner, Scott Hempling, has so established on August 12, 2025. I also certify that on August 12, 2025, , I have proceeded with the filing of the Order , and a copy was notified by electronic mail to: mvalle@gmlex.net; arivera@gmlex.net; jmartinez@gmlex.net; jgonzalez@gmlex.net; nzayas@gmlex.net; katiuska.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; jfr@sbgblaw.com; regulatory@genera-pr.com; legal@genera-pr.com; mvazquez@vvlawpr.com; gvilanova@vvlawpr.com; ratecase@genera-pr.com; hriviera@jrsp.pr.gov; gerardo_cosme@solartekpr.net; contratistas@jrsp.pr.gov; victorluisgonzalez@yahoo.com; Cfl@mcvpr.com; nancy@emmanuelli.law; jrinconlopez@guidehouse.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; monica@emmanuelli.law; cristian@emmanuelli.law; lgnq2021@gmail.com; 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.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; zack.schrieber@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; Isaac.Stevens@dechert.com; James.Moser@dechert.com; Kayla.Yoon@dechert.com; Julia@londoneconomics.com; Brian@londoneconomics.com; luke@londoneconomics.com; juan@londoneconomics.com; mmcgill@gibsondunn.com; LShelfer@gibsondunn.com; jnieves@cstlawpr.com; arrivera@nuenergyp.com; apc@mcvpr.com.

I sign this in San Juan, Puerto Rico, on August 12, 2025.




Sonia Seda Gaztambide
Clerk