

**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
Requiring Production of LUMA's "Long Term
Investment Plan" and of Exhibit 5.01

**Hearing Examiner's Order Requiring Production of LUMA's
"Long Term Investment Plan" and of Exhibit 5.01**

This Order directs LUMA to produce, by **5 pm on Monday, August 18, 2025**, all documents constituting any Long Term Investment Plan, along with Exhibit 5.01.

References in the Application to "Long Term Investment Plan"

Within LUMA's July 3, 2025, Application is Exhibit 5.0, Direct Testimony of Pedro A. Meléndez-Meléndez. At page 46, within a table, there is a line item labeled PBUT39, Distribution Grid Reliability. In the explanation of this item are multiple references to a "Long Term Investment Plan."

In the same testimony, at p.47, is this sentence: "The increase of NFC funds is driven by the need to reduce the number and duration of unplanned system outages by countering the effects of a "brittle" electric infrastructure, which will continue to be an issue until the results of the Long Term Investment Plan (LTIP) take hold in a meaningful way."

In the same testimony, at p.51, is this sentence: "The following Table 8, summarizing information presented in LUMA Exhibit 5.01, presents SAIFI and SAIDI, showing the cumulative three-year and 10-year improvement resulting from Capital Programs' LTIP."

Mr. Meléndez also refers to an LTIP in response to the Pre-Application question (PREB-02).

Efforts to obtain the Long Term Investment Plan

On July 29 a PREB Consultant asked for the LTIPs via ROI #PC-of-LUMA-PROV-55. LUMA's response was:

LUMA Ex. 5.01: NFC Long Term Investment Plan (LTIP) FY2026-FY2035 Unconstrained and LUMA Ex. 5.02: NFC LTIP FY2026-FY2035 Constrained were not included in the July 3rd filing but were mistakenly still referred to as part of the RFI responses. As such, they are not available.

The combination of two uses of the passive voice (both omitting the subjects of the verb), plus the phrase "as such" (unconnected from any other phrase), plus the phrase "not available" (which could mean "doesn't exist," "we can't find it," or "whoever knows about the document no longer works for LUMA") makes this sentence incomprehensible.

By email dated August 14, 2025, at 2.07pm, counsel for National informed parties of its posting of multiple ROIs, including this one:

18. LUMA Response ROI-LUMA-AP-2023-0003-20250324-PREB-002 cites to "LUMA Ex. 501: NFC Long Term Investment Plan ('LTIP') FY2026-FY2035 Unconstrained (Breakout of NFC funding and Consolidated Units by Program," as well as "LUMA Ex. 5.02: NFC LTIP FY2026-FY2035 Constrained (Breakout of NFC funding and Consolidated Units by Program." On July 9th, in response to a query from counsel for National, counsel for LUMA represented via e-mail that these citations were "inadvertently included in error." However, given that both citations identify highly specific documents by their lengthy, descriptive names, it is implausible that these citations were typos. Please produce these relevant and available documents, which LUMA cited but did not provide.

It is my understanding also that Energy Bureau consultants have contacted LUMA's counsel informally to request the LTIP but that these efforts have failed, for reasons unclear.

The Energy Bureau's consultants have no record of receiving an Exhibit 5.01, which Mr. Meléndez also references in his Direct Testimony at p.21, and as a cover page (unaccompanied by an exhibit) at the back of his Direct Testimony.

Order to produce

All the above represents way too much effort to get what looks like two very important documents. I therefore order LUMA to produce (a) all Long Term Investment Plans (labeling them Ex. 5.15) and (b) Exhibit 5.01, by **5pm Monday August 18, 2025**. If these documents have never existed, inform me formally by that same deadline. I reserve my power, and all parties reserve their rights, to follow up as necessary.

Be notified and published.



Scott Hempling
Hearing Examiner

CERTIFICATION

I certify that the Hearing Examiner, Scott Hempling, has so established on August 15, 2025. I also certify that on August 15, 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; 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; jfr@sbglaw.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@sbglaw.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; zack.schrieber@cwt.com; thomas.curtin@cwt.com; escalera@reichardescalera.com; riverac@reichardescalera.com; susheelkirpalani@quinnemanuel.com; erickay@quinnemanuel.com;

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I sign this in San Juan, Puerto Rico, on August 15, 2025.




Sonia Seda Gaztambide