

**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  
Extending Time for Answering Testimony

### **Hearing Examiner's Order Extending Time for Answering Testimony**

Subject to the next paragraph, all intervenor answering testimony, currently due September 1, 2025, will be due September 8, 2025. The same goes for any testimony from PREPA, LUMA, or Genera responding to one or both of the other two utilities.

This extension is available only to those committing to use it in good faith. Meaning: The party may take the extension only if, and to the extent, the extension is necessitated by the lag in receiving information essential to the answering testimony. If there are subjects unaffected by the lag, and if the testimony can address those subjects separately without causing confusion, the party must submit that unaffected testimony on September 2, 2025. For parties in that situation, label the September 2 submissions Answering Testimony and the September 8 submissions Supplemental Answering Testimony.

Two points about good faith: First, given my expectation that all will act in good faith, I will not entertain challenges to parties' decisions to take the extension. All please apply the Golden Rule. Also recognize that these extensions will affect the remaining schedule, including possibly how we all spend the last two weeks of 2025 and the first week of 2026. Second, no party submitting testimony on September 8 may, in that document, address matters addressed by another party on September 2.

For all ROIs relating to the Long Term Investment Plans: If submitted by August 27, LUMA shall respond within five days; if submitted after August 27, LUMA shall respond within ten days.

Attached to this Order is a list of outstanding items, included as justification for this extension.

As stated above, this extension necessarily will affect the rest of the schedule. I don't want to squeeze any of the remaining steps: the Energy Bureau consultants' expert reports (currently due September 29), the intervenors' rebuttals to the September 29 submissions (currently due October 17), the Applicants' surrebuttals to all the preceding submissions (currently due October 27), or the parties' preparation for the evidentiary

hearing (currently scheduled to start November 10). Most importantly, I don't want to squeeze the Commissioners' deliberations toward a final order that is statutorily due no later than 240 days after the order on completeness issued August 19, 2025. I ask, therefore, that all remain flexible, including avoiding unavoidable commitments for weekends during the evidentiary hearing, as well as in late December and early January. On the final schedule, I will confer with the Commissioners at a scheduled internal session next week and aim to produce a revised schedule by the end of next week.

Be notified and published.



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Scott Hempling  
Hearing Examiner

## **CERTIFICATION**

I certify that the Hearing Examiner, Scott Hempling, has so established on August 21, 2025. I also certify that on August 21, 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; gcastro@sbgbllaw.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@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; 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; brett.solberg@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;

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I sign this in San Juan, Puerto Rico, on August 21, 2025.



  
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Sonia Seda Gaztambide  
Clerk

## **Outstanding Items as of August 21, 2025**

### **Confidential attachments to July 3 filing waiting on Confidentiality Order**

1. LUMA Ex. 5.03 OT Telecom Systems and Networks Program Brief
2. LUMA Ex. 11.02 IT OT Cybersecurity Program Brief
3. LUMA Ex. 13.01 Substation Physical Security Program Brief
4. LUMA Ex. 13.02 Regional Operations Facilities Physical Security Program Brief
5. LUMA Ex. 13.03 Response to November 8, 2024 Requests, Exhibit 1
6. LUMA Ex. 13.04 Response to November 8, 2024 Requests, Exhibit 1<sup>1</sup>
7. Related witness testimony, such as the direct testimony of Crystal Allen (LUMA Ex. 11.00)

### **ROIs requesting information required by Provisional Rate Order**

The July 31 provisional-rate order directed LUMA and Genera to provide certain additional information. That information, due August 25 per the associated ROIs, includes the following (paraphrased from the ROIs):

NPFGC-of-LUMA-CAPEX-5: Projects that LUMA thinks it could defer without material disadvantages until external financing is available. (Provisional RO: “For each of these projects, the proposing company shall be prepared to explain during the permanent-rate phase whether there is any disadvantage to deferring it to a point in time when external financing is available.”)

NPFGC-of-Genera-CAPEX-20 Detailed list of \$28MM of Necessary Maintenance and Expense projects approved in Provisional Rates. (Provisional RO: “Genera shall file a detail list that represents this \$28MM and its FY2026 justification.”)

NPFGC-of-Genera- CAPEX-22 Projects that Genera thinks it could defer without material disadvantages until external financing is available. (Provisional RO: “For each of these projects, the proposing company shall be prepared to explain during

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<sup>1</sup> The rate application refers to a confidential Exhibit 13.03 and a confidential Exhibit 13.04 with similar titles. It is unclear whether this was an error or whether LUMA provided separate exhibits to the Energy Bureau under seal.

the permanent-rate phase whether there is any disadvantage to deferring it to a point in time when external financing is available.”)

NPFGC-of-LUMA-SURCHGS-1 Provide support for 2.97 percent factor for bad debt (Provisional RO required it be provided promptly).

### **Other**

As of August 21, 2025, there are 150 outstanding ROIs, many with extension request pending. (Majority due August 25).

Parties may need time to ask discovery on the Long Term Investment Plan received August 20, 2025.