

**GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU**

NEPR

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IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY RATE REVIEW

CASE NO.: NEPR-AP-2023-0003

SUBJECT: Motion in Compliance with
Hearing Examiner's Directive on Witnesses
Panel Composition for Rate Case

**MOTION IN COMPLIANCE WITH HEARING EXAMINER'S DIRECTIVE ON
WITNESSES PANEL COMPOSITION FOR RATE CASE**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the undersigned counsels, representatives of Genera PR LLC ("Genera"), as agent of the Puerto Rico Electric Power Authority ("PREPA"), and respectfully states and prays as follows:

1. On September 19, 2025, the Hearing Examiner sent communication to the Rate Case participants related to concerns on the amounts of persons intended to be called as witnesses for the different panels during the Rate Case hearings. The Hearing Examiner expressed concerns regarding the size and composition of the proposed panels, the strain that overly large panels would place on both Commissioners and panelists, and the importance of structuring these proceedings in a way that avoids undue burden while protecting the integrity of the record.
2. Genera agrees that it is important to design a process that enables Commissioners to receive the information they need in an efficient, orderly, and fair manner while safeguarding parties' due process. In this regard Genera has evaluated its proposed witness list and is able to propose two or three witnesses for all panels except the Generation Cost Panel. At this time, it is difficult to limit the witnesses provided in that

panel without more information on the scope, topics and questions to be covered. For example, in preparing its witness list, Genera acknowledged that questions could cover any of the budget allocations and accompanying testimony presented in its constrained and optimal budget proposals. Accordingly, it understood it wise to have specific department heads available to respond to any question that may be brought forth by the panelists for both the technical specialties and departments including Operations, Engineering, Construction, IT, Human Resources, Finance, Legal, Regulatory etc. Without more detail on the specific topics or questions to be covered by the panelists it is difficult to choose two or three witnesses for this panel without affecting Genera's due process rights.

3. For Genera to have a better sense of how it could limit the amount of people for the Generation Costs panel Genera respectfully proposes the following:
 - a. **Identification of Topics/Questions:** The panelist circulate, in advance, a list of specific questions or subject areas it wishes witnesses to address. Doing so will allow parties to tailor their proposed witnesses list to the expertise most responsive to the Commissioners' and panelists' needs, thereby reducing duplication and excess.
 - b. **Phased Witnessing:** To avoid more than two or three witnesses at the same time, testimony could be divided into phases by days. For example, in the matter of the Generation Costs panel, one (1) or two (2) days could be dedicated to Operations, Engineering, Construction and IT and another one (1) or two (2) days to Human Resources, Finance, Legal and Regulatory, depending on what the panelists deem necessary. Specific witnesses appear only in the relevant

phase which reduces overload, and ensures the right expertise is present when needed.

c. **Witness Alignment:** Once topics or questions are identified, each party would propose 2–3 primary witnesses best suited to respond to those matters. The cross examination would be limited to information those primary witnesses possess.

d. **Flexibility for Special Circumstances.** In situations where a topic requires specialized knowledge not otherwise covered by the 2–3 primary witnesses, parties may request leave to add additional witnesses, with justification. Likewise, there should be a mechanism to substitute witnesses in case of sickness, emergencies or other unforeseen circumstances.

4. This proposal balances efficiency with fairness and completeness of the record. By tying witness participation to clearly identified questions and topics, parties will not be disadvantaged by numerical limits that are not proportional to the scope of the required testimonies. Also, Commissioners and panelists will receive testimony that is directly responsive to their informational needs.

WHEREFORE, Genera respectfully requests that the Puerto Rico Energy Bureau consider the above-described approach, ask panelists to identify the questions or topics they seek to explore through each panel, so that parties may then propose a focused list of witnesses tailored to those questions and/or consider phased witnessing by topic for appropriate final witness designation and preparation.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 24th day of September 2025.

WE HEREBY CERTIFY that this Motion was filed using the electronic filing system of this Energy Bureau and that electronic copies of this motion will be notified to the Hearing Examiner, Scott Hempling, shempling@scotthemplinglaw.com; and to the attorneys of the parties of record.

A courtesy copy of the present Motion will also be notified to the following:

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