

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

NEPR

Received:

Nov 4, 2025

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IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY RATE REVIEW

CASE NO.: NEPR-AP-2023-0003

SUBJECT: Motion Requesting Additional
Time to Submit Comments to Proposed
Documents for Administrative Notice

**MOTION REQUESTING ADDITIONAL TIME TO SUBMIT COMMENTS TO
PROPOSED DOCUMENTS FOR ADMINISTRATIVE NOTICE**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as “LUMA”) and respectfully state and request the following:

1. On October 1, 2025, the Hearing Examiner issued an Order on Rate Case Procedures in this instant proceeding. Therein, the Hearing Examiner directed counsel for Genera PR, LLC (“Genera”) to coordinate and compile a list of all documents for which the parties want administrative notice taken. The list identifying any items to which a party objects, with the name of the party, should be submitted to the Hearing Examiner by November 3, 2025.

2. On October 12, 2025, counsel for Genera shared an electronic link that provided access to a shared folder in which the documents should be uploaded. A master Excel spreadsheet was uploaded to the shared folder with the intention for each party to complete it with the document title and source, brief description and relevance, type of use, statement of purpose, and disclaimer (if needed).

3. Yesterday, November 3, 2025, in the afternoon, some of the parties uploaded proposed documents to Genera’s shared folder for consideration for administrative notice. Given

that LUMA was working on the eleven (11) surrebuttal testimonies that it filed yesterday, it was impossible for LUMA to state its comments on the proposed documents by yesterday's deadline.

4. Courts and administrative agencies in Puerto Rico may take judicial or administrative notice of an adjudicative fact without the need to present formal evidence to establish the fact's truthfulness. *See UPR v. Laborde*, 180 DPR 253, 276-277 (2010); *Cofán Hernández v. Oficina de Ética Gubernamental*, KLRA201300268, 2015 WL 4075907, at *46 (May 26, 2015); *Jordi v. San Gerónimo Caribe Project, Inc.*, KLRA201000101, 2010 WL 4628914 at *12-13 (July 16, 2010).

5. The Puerto Rico Administrative Procedure Act ("LPAU," by its Spanish acronym) regulates this mechanism in Puerto Rico agencies. Specifically, the LPAU allows an administrative law judge to take official notice of all the facts that can be admitted by judicial notice in the Puerto Rico Courts. Section 3.13 of the LPAU, 3 LPRA § 9653(d). The LPAU subordinates its official notice disposition to that of the Puerto Rico Rules of Evidence. *Irizarry Caraballo v. Departamento de Salud del Estado Libre Asociado de Puerto Rico*, KLRA201600139, 2016 EL 3040139, at *8 (Apr. 27, 2016), *Comisionado de Seguros de Puerto Rico v. Integrand Assurance Co.*, KLRA0300307, 2003 WL 23317682 at *2 (Oct. 8, 2003). This subordination means that for an agency to take administrative notice of a fact, it must consider Rules 201 and 202 of the Puerto Rico Rules of Evidence, along with their interpretative jurisprudence. 32 LPRA Ap. VI, R. 201 & R. 202.

6. Importantly, Rule 201 of Evidence entitles the parties to be heard on the propriety of taking judicial notice. 32 LPRA Ap. VI, R. 201; *see UPR*, 180 DPR at 277 (stating that an affected party may offer evidence to oppose judicial notice). Rule 201 also entitles the affected party to be heard after taking judicial notice. 32 LPRA Ap. VI, R. 201.

7. Considering the entitlement provided by Rule 201 of Evidence, that the parties should be heard even after taking judicial or administrative notice, LUMA respectfully requests the Energy Bureau to grant an extension until Monday, November 10, 2025, to submit its comments to the proposed documents for administrative notice.

8. This extension request is not intended to cause unnecessary delays and should not cause inconvenience to the parties. LUMA remains committed to complying with the orders issued by the Energy Bureau.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **grant** an extension until Monday, November 10, 2025, for LUMA to submit its comments to the proposed documents for administrative notice.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 4th day of November 2025.

WE HEREBY CERTIFY that this Motion was filed using the electronic filing system of this Energy Bureau and that electronic copies of this Notice will be notified to Hearing Examiner, Scott Hempling, shempling@scotthemplinglaw.com; and to the attorneys of the parties of record. To wit, to the *Puerto Rico Electric Power Authority*, through: Mirelis Valle-Cancel, mvalle@gmlex.net; Juan González, jgonzalez@gmlex.net; Alexis G. Rivera Medina, arivera@gmlex.net; Juan Martínez, jmartinez@gmlex.net; and Natalia Zayas Godoy, nzayas@gmlex.net; and to *Genera PR, LLC*, through: Jorge Fernández-Reboredo, jfr@sbglaw.com; Giuliano Vilanova-Feliberti, gvilanova@vvlawpr.com; Maraliz Vázquez-Marrero, mvazquez@vvlawpr.com; ratecase@genera-pr.com; regulatory@genera-pr.com; and legal@genera-pr.com; *Co-counsel for Oficina Independiente de Protección al Consumidor*, hrivera@jrsp.pr.gov; contratistas@jrsp.pr.gov; pvazquez.oipc@avlawpr.com; *Co-counsel for Instituto de Competitividad y Sustentabilidad Económica*, jpouroman@outlook.com; agraitfe@agraitlawpr.com; *Co-counsel for National Public Finance Guarantee Corporation*, 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; alexis.ramsey@weil.com; *Co-counsel for GoldenTree Asset Management LP*, lramos@ramoscruzlegal.com; tlauria@whitecase.com; gkurtz@whitecase.com; ccolumbres@whitecase.com; iglassman@whitecase.com; tmacwright@whitecase.com; jcunningham@whitecase.com; mshepherd@whitecase.com; jgreen@whitecase.com; *Co-counsel for Assured Guaranty, Inc.*, hburgos@cabprlaw.com; dperez@cabprlaw.com; mmcgill@gibsondunn.com; lshelfer@gibsondunn.com; howard.hawkins@cwt.com; mark.ellenberg@cwt.com; casey.servais@cwt.com; bill.natbony@cwt.com;

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