

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

NEPR

Received:

Nov 10, 2025

6:36 PM

**IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY RATE REVIEW**

CASE NO.: NEPR-AP-2023-0003

**SUBJECT: Motion to Strike Testimony of
Mr. Victor L. González**

MOTION TO STRIKE TESTIMONY OF MR. VICTOR L. GONZÁLEZ

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

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

1. On November 3, 2025, Mr. Victor L. González filed what is effectively late answering testimony to the testimony of LUMA in this proceeding. Answering testimony in this case was due on September 8, 2025, but our understanding is that Mr. González’s testimony was filed in order to secure a spot on the one of the panels at the upcoming evidentiary hearing in the captioned proceeding. Additionally, Mr. González’s testimony includes many topics that the Hearing Examiner has ruled are outside the scope of this proceeding, as described below.

2. As to renewable resources, in response to a question on generation cost in Question 10 of his testimony in this case, Mr. González indicates that LUMA did not address his contention that renewable resources at the transmission and distribution level is a better solution to current fossil fuel generation. Mr. González did not file any timely answering testimony previously in this case, so LUMA did not respond. More importantly, the Hearing Examiner in this case previously ruled that the Integrated Resources Plan (“IRP”) treats projected Distributed Generation (“DG”)

solar adoption as a given, and that the issue of what additional resources are needed is more appropriately addressed in the IRP. Specifically, in an order dated September 29, 2025, in Appendix D, the Hearing Examiner indicated that:

the current IRP focuses on what resources are necessary to meet that portion of the load not met by distributed-generation solar. That is, as I understand it, the IRP treats projected DG solar adoption as a given, then focuses on what additional infrastructure is necessary to meet projected demand. The IRP focuses on the longer term—out to twenty years. This rate case focuses on the next two to three years. Given that difference in time spans, it is not necessary for this rate proceeding to address the effect of rate design on the future of solar. The focus needs to be on getting the correct billing determinants, so that we set rates that produce the necessary revenues.¹

3. Regarding Qualifying Facilities (“QF”) pricing, at the end of his response to Question 10, Mr. González indicates that he would also like to address QF and avoided cost determination. Again, the Hearing Examiner previously ruled matters regarding QF determinations to be outside the scope of this proceeding.²

4. Mr. González also raises the issue of energy theft, in response to Question 11. Mr. González indicates his position on distributions costs. He indicates that his position regarding distribution costs is that the failure to tackle energy theft represents an additional cost of hundreds

¹ See “Hearing Examiner’s Order Establishing (a) Agenda for the September 29 Conference, and (b) Certain Procedures for the Evidentiary Hearing”, issued on September 29, 2025 (“September 29th Order”), Appendix D (“Solar’s Role in Rate Case”), at pp. 1-2. Available at <https://energia.pr.gov/wp-content/uploads/sites/7/2025/09/20250929-AP20230003-HE-Order-on-Agenda-and-Procedures.pdf>

² See “Hearing Examiner’s Order Setting Agenda for Conference of November 16, 2025”, issued on October 16, 2025, at p. 2 (providing that “QFs and avoided cost: Not relevant to a proceeding on base rates”). Available at <https://energia.pr.gov/wp-content/uploads/sites/7/2025/10/Appendix-A-revised-FINAL-15-Oct-6-files-merged.pdf>.

See also discussion regarding same during the October 16th Virtual Technical Conference. Available at https://www.youtube.com/watch?v=keSYC_3or-4, starting at 24:25. Therein, the Hearing Examiner provided as follows [informal transcription]:

Okay, Mr. González, we’re not doing QF. We’re not doing avoided costs in a base rate proceeding. That’s, of course, a wholesale transaction whose price is established under the FERC rules under the Public Utility Regulatory Policies Act. It’s not a base rate issue. So, as far as I’m concerned, it’s not in this case. Does anybody disagree with me? All right.

of millions of dollars to the consumers. Mr. González does not appear to provide any support for this assertion.

5. On the topic of net metering, in his response to Question 11, Mr. González also acknowledges that this is not the forum to address the costs and benefits of distributed energy (net-metering), yet he contends that the record is full of statements against net metering. LUMA notes that Mr. González appears to be unaware that the Hearing Examiner also ruled that this is not the proper forum for questions about net metering customers' responsibility for systemwide fixed costs, and that is an issue for the legislature, as stated below:

The correct forum for discussing net-metering customers' responsibility for systemwide fixed costs normally recovered by kWh charges, is the Legislature, not the Energy Bureau.³

6. Additionally, on the net-metering topic, in response to Question 12, Mr. González states that he just wants to make sure net metering is off the table. The record of the captioned proceeding reflects that LUMA has consistently stated that it is not proposing any changes to the current net metering policies.

7. As to rate design, in his response to Questions 13 and 14, when asked about his position on rate design, he indicates that his main issue is the proposed increase to residential and small customer fixed rate and its impact on renewable energy, energy efficiency, energy conservation, prosumers and rate payers out of pocket expense. LUMA only objects to the portion of this response that deals with the impact of the rate design on renewable energy, which has been ruled out of scope, as discussed above. In response to Question 15, the question about how he will frame his arguments against the increase in fixed costs, he answers that if one multiplies the number of residential, commercial, and industrial customers by the proposed fixed rate increase;

³ See September 29th Order, Appendix D ("Solar's Role in Rate Case"), at p. 2.

the residential customers will end up paying 66% of the fixed rate collected, yet these customers represent only 42% of consumption. LUMA notes that his testimony has no support. Furthermore, Mr. González indicates that the data he will be relying upon is “PREPA (LUMA) published excel data labeled- ‘Generacion, consumo, costo, ingreso y clients del sistema electrico’ from 1999 to September 2025”. *See* Mr. González’s Testimony, at p. 2.

8. However, the data proffered by way of the exhibits attached to González’s Testimony is **incomplete** in nature, does not appear to relate to LUMA data and is marked as **preliminary**. Accordingly, LUMA respectfully moves to strike Mr. González’s references to, and reliance upon, abstract portions of Energy Information Administration (“EIA”) data purporting to show how Puerto Rico’s residential electricity costs compare to the states and to electric power enterprises. As a lay witness, Mr. González cannot properly sponsor third-party datasets. This, considering, he offered no authentication, methodology, or foundation establishing the accuracy, completeness, or applicability of the EIA tables to this proceeding, nor did he demonstrate expertise in EIA data collection or benchmarking sufficient to cure those foundational defects. Furthermore, Mr. González did not follow the procedure that has been established in the captioned proceeding for the taking of administrative (official) notice. Absent a sponsoring expert and compliance with the Energy Bureau’s official-notice protocol, the EIA references are unauthenticated hearsay, not subject to cross-examination, and unfairly prejudicial. They should be excluded and stricken from the record.

9. Finally, Mr. González makes the unfounded accusation that LUMA has claimed that they are not capable of implementing Time-of-Use (“TOU”) and he did not see any revenue request to make it happen. This statement is contrary to the testimony of LUMA witness Sam

Shannon who testified that LUMA is in favor of TOU rates but that they cannot be implemented until Advanced Meters are installed.⁴

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the above; and **strike** Mr. Victor L. González's testimony from the record.

RESPECTFULLY SUBMITTED.⁵

In San Juan, Puerto Rico, this 10th day of November, 2025.

WE HEREBY CERTIFY that this Motion was filed using 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@sbgblaw.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; thomas.curtin@cwt.com; *Co-counsel for Syncora Guarantee, Inc.*, escalera@reichardescalera.com; arizmendis@reichardescalera.com; riverac@reichardescalera.com; susheelkirpalani@quinnemanuel.com; erickay@quinnemanuel.com; *Co-Counsel for the PREPA Ad Hoc Group*, dmonserrate@msglawpr.com; fgierbolini@msglawpr.com; rschell@msglawpr.com; eric.brunstad@dechert.com; Stephen.zide@dechert.com; david.herman@dechert.com; michael.doluisio@dechert.com; stuart.steinberg@dechert.com; *Sistema de Retiro de los Empleados de la Autoridad de Energía Eléctrica*, nancy@emmanuelli.law; rafael.ortiz.mendoza@gmail.com; rolando@emmanuelli.law; monica@emmanuelli.law; cristian@emmanuelli.law; lgnq2021@gmail.com; *Official Committee of Unsecured Creditors of PREPA*, jcasillas@cstlawpr.com; jnieves@cstlawpr.com; *Solar and Energy*

⁴ See LUMA Ex. 20, at p. 23.

⁵ On May 9, 2025, this Energy Bureau issued a Resolution and Order, requiring that all substantive English-language filings be accompanied by concise Spanish summaries to enhance public accessibility and participation. See also Energy Bureau Resolution and Order of June 4, 2025 (clarifying that full translations are optional but summaries are mandatory). In compliance with the Energy Bureau's standing directives regarding accessibility and ensuring citizen participation, LUMA is hereby submitting the corresponding Spanish-language summary of this Motion. See Exhibit 1.

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Exhibit 1

Moción para que se rechace el Testimonio del Sr. Victor L. González, presentada por LUMA Energy, LLC, and LUMA Energy ServCo, LLC

En su Moción, LUMA le solicita al Negociado de Energía que suprima del expediente el testimonio del Sr. Victor L. González presentado el 3 de noviembre de 2025 en el Caso Núm. NEPR-AP-2023-0003, *In Re: Revisión de Tarifas de la Autoridad de Energía Eléctrica de Puerto Rico*, por ser tardío, fuera del alcance del proceso tarifario y sustentado en datos de terceros no autenticados.

El testimonio del Sr. Victor L. González fue radicado dos meses después de la fecha límite del 8 de septiembre de 2025. Además, trata sobre temas previamente excluidos por el Oficial Examinador, ajenos a esta revisión de tarifas.

Las aseveraciones sobre superioridad de generación distribuida, hurto de energía y *net metering* carecen de relevancia en este foro y de respaldo probatorio.

El testimonio cita data de la Administración de Información Energética (“EIA”, por sus siglas en inglés) y materiales preliminares no autenticados. Como testigo lego, el Sr. González no puede patrocinar datos de terceros sin cumplir los protocolos de conocimiento oficial, por lo que tales referencias constituyen prueba de referencia y deben excluirse.

La crítica de que LUMA no puede implementar tarifas tiempo-de-uso (“TOU”, por sus siglas en inglés) es infundada, pues su implementación depende de la instalación de medidores avanzados.

Por todo lo antes, LUMA solicita que el Negociado tome nota y ordene eliminar del récord el testimonio de Victor L. González en su totalidad.