

**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: Request for Public
Participation Measures

REQUEST FOR PUBLIC PARTICIPATION MEASURES

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW, Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc., Frente Unido Pro Defensa del Valle de Lajas, Inc., CAMBIO PR, Inc., and Comité Yabucoeño Pro-Calidad de Vida, Inc¹. and respectfully request that meaningful public participation be ensured in the development of the Puerto Rico Electric Power Authority Rate Review. To guarantee such participation the subscribing organizations request that the deadline for public comments and multi-site public hearings schedule be set and announced at least 60 days in advance. Taking into account the current procedural schedule, the holiday period, and the time the public needs to review the filings and evidentiary hearings and prepare meaningful input, we recommend holding the public hearings between February 2 and 13, with a

¹ These groups are local environmental and community non-profit organizations with a long history of engaging in energy issues in Puerto Rico by promoting the development of renewable energy in Puerto Rico. Their member are customers of LUMA, and thus subject to LUMA and Genera's proposed rate increases. The following are some of the dockets in which they have participated: CEPR-AP-2018-001; NEPR-AP-2018-0004; NEPR-AP-2020-0001; NEPR-AP-2020-0025; NEPR-MI-2020-0001; NEPR-MI-2020-0012; NEPR-MI-2020-0016; NEPR-MI-2021-0002; NEPR-MI-2021-0003.

February 13 deadline for written public comments. The organizations also request that the Puerto Rico Energy Bureau (PREB) provide clear guidelines for the filing of amicus curiae briefs and establish a submission deadline, to facilitate meaningful participation by stakeholders who wish to contribute to the record in that manner.

On February 12, 2024, PREB issued a *Resolution and Order* where it established the scope and procedures for the Rate Case. In this Order PREB designated Scott Hempling as the Hearing Examiner and granted him the authority to establish and modify procedural schedules, among other items². Additionally, PREB stated that they would:

[...]separately issue a scheduling order for the public hearings. Once the hearing dates and venues are set by the Energy Bureau, PREPA must further publicize the hearing details. This action shall include additional notices in newspapers at least 15 days before each hearing session, indicating the date, time, and place and inviting public attendance. PREPA shall also use other outreach methods (such as press releases, social media, and customer bill inserts or email notifications) to disseminate the hearing information widely to encourage maximum participation. These supplemental notices ensure that even those who may have missed the initial filing announcement learn of the opportunity to be heard.³

Later, the Hearing Examiner published on May 2, 2025, his *Order on Procedure and Rate Design Conference*, in which he provided the rate case schedule and set dates for various filings as well as the start and end of evidentiary hearings

² *Puerto Rico Electric Power Authority Rate Review*, Case No. NEPR-AP-2023-0003, Resolution and Order Establishing Scope and Procedures for Rate Case, at 8, (February 12, 2025), <https://energia.pr.gov/wp-content/uploads/sites/7/2025/02/20250212-AP20230003-Resolution-and-Order.pdf>.

³ *Id.* at 11.

on revenue requirement and rate designs, however the dates for public hearings and the deadline for public comments were left as “TBD” (to be determined).⁴

On July 3, 2025, LUMA Energy ServCo, LLC, and LUMA Energy, LLC (“LUMA”) as an agent of PREPA filed their formal petition for new rates for the electric service.⁵ Consequently, PREB published a public notice which stated:

Upon receiving the formal application and the requests for intervention, the Energy Bureau will issue an order granting or denying the petitions to intervene and determining who may intervene. Such order will also establish a schedule for (i) public technical hearings at which expert witnesses shall testify before the Energy Bureau and (ii) public citizen hearings at which members of the public may state their views to the Energy Bureau.⁶

Thereafter, on September 9, 2025, the Hearing Examiner issued a revised procedural schedule, establishing deadlines for intervention requests, evidentiary hearings on revenue requirement and rate design, and the filing of initial and reply briefs on those matters, among other procedural steps. However, the scheduled maintained the dates for the public hearing and the public comment deadline as “TBD” (to be determined).⁷

⁴ *Puerto Rico Electric Power Authority Rate Review*, Case No. NEPR-AP-2023-0003, Hearing Examiner’s Order on Procedure and Rate Design Conference, (May 2, 2025), <https://energia.pr.gov/wp-content/uploads/sites/7/2025/05/20250502-AP20230003-HE-Order-on-Procedure-and-Rate-Design-Conference.pdf>

⁵ *Puerto Rico Electric Power Authority Rate Review*, Case No. NEPR-AP-2023-0003, Motion Submitting Rate Review Petition, (July 3, 2025), <https://energia.pr.gov/wp-content/uploads/sites/7/2025/07/20250703-AP20230003-Motion-Submitting-Rate-Review-Petition-2-1.pdf>.

⁶ Puerto Rico Energy Bureau, Public Notice, *In Re: Puerto Rico Electric Power Authority Rate Review*, <https://energia.pr.gov/aviso-publico-en-re-revision-de-tarifas-de-la-autoridad-de-energia-electrica-de-puerto-rico/>

⁷ *Puerto Rico Electric Power Authority Rate Review*, Case No. NEPR-AP-2023-0003, Hearing Examiner’s Order Revising Procedural Schedule, Ordering Cost Information, and Ordering CEO Testimony on Conflicts of Interest, (September 9, 2025), <https://energia.pr.gov/wp-content/uploads/sites/7/2025/09/20250909-AP20230003-HE-Order-Procedural-Schedule.pdf>.

Establishing an ample framework for public comments and setting public hearing dates is critical to ensuring meaningful participation, particularly given the substantial effects of the rate review on consumers, community members, businesses, institutions, industry, and the economy in general. PREB recognized the impact of rate review on the public in its *Determination on Request for Accessibility to Processes to Ensure Citizen Participation Resolution and Order* from May 9, 2025.⁸ In that Resolution and Order PREB also affirmed its commitment to enhancing language accessibility to “ensure that all citizens can meaningfully participate it and understand the rate review process.”⁹

In this case, public participation is not only essential to strengthening the legitimacy and transparency of the proceeding, but also a statutory principle established in Puerto Rico’s Energy Public Policy Act, which declares as a central policy the promotion of “[...]transparency and citizen participation in every process related to electric power service in Puerto Rico.”¹⁰ In line with this statutory directive, PREB possesses the authority to “[h]old public hearings, require and gather any pertinent or necessary information to properly carry out its power and duties.”¹¹ Moreover, the Puerto Rico Energy Transformation and RELIEF Act, establishes that PREB shall be responsible for following the process set forth in said statute to “review

⁸ *Puerto Rico Electric Power Authority Rate Review*, Case No. NEPR-AP-2023-0003, Resolution and Order: Determination on Request for Accessibility to Processes to Ensure Citizen Participation, (May 9, 2025), <https://energia.pr.gov/wp-content/uploads/sites/7/2025/05/20250509-AP20230003-Resolution-and-Order.pdf>

⁹ *Id.*

¹⁰ Puerto Rico Energy Public Policy Act, Act. 17-2019, as amended, 22 L.P.R.A § 1141d.

¹¹ Puerto Rico Energy Transformation and Relief Act, Act 57-2014, as amended, 22 L.P.R.A § 1054b (2014).

and approve the electric power service companies' proposed rate reviews.”¹². In accordance with the law, prior to issuing a final determination regarding the rate review request and establishment of electricity rates, PREB must conclude the corresponding public hearing process.¹³ Therefore, Act 57-2014 sets forth a framework that legally recognizes and protects citizen participation as part of the decision-making process. In that direction, the law expressly states that citizen participation “[s]hall mean the various mechanisms that allow customers of PREPA and electric power generation companies certified in Puerto Rico to have a forum to express their concerns, make suggestions, and be included in the decision-making processes [...]” ¹⁴ This language underscores the Legislature’s intent to provide customers inclusivity in the rate making process.

It is essential that these dates be duly announced to ensure that the public is afforded sufficient time to prepare and submit well informed comments. Doing so not only facilitates meaningful citizen participation but also enables PREB to issue a final determination that fully and fairly reflects the perspectives, concerns and needs of the customers. As noted above, this is not a mere procedural formality, but rather a fundamental requirement of transparency and accountability which are integral components of the frameworks envisioned under acts 57-2014 and 17-2019. Ensuring timely notice and meaningful opportunities for input is thus indispensable to

¹² *Id.* § 1054x

¹³ *Id.*

¹⁴ *Id.* §1051a.

achieving the law’s broader objectives of a “resilient, reliable, and robust energy system with just and reasonable rates for all class of customers [...]”¹⁵

As PREB recognized in the Review of Rates of the Puerto Rico Electric Power Authority that initiated in 2015, “the review and establishment of PREPA’s rates is a matter of profound public interest because of the direct and indirect effects that energy costs have on the economic development and competitiveness of Puerto Rico.”¹⁶ In that previous case, PREB underscored the importance of public participation, specifically PREB wrote:

[...] the public interest would be best served if the rate case includes an active, central, and informed role on behalf of the citizenry, in order to present the Commission with a more fully developed record of facts and different perspectives that will be of assistance in approving and establishing just and reasonable electricity rates.¹⁷

Given the importance of public engagement in allowing consumers to voice their concerns on affordability and other critical issues pertaining this proceeding—and considering that evidentiary hearings for the revenue requirement are already underway— it is crucial that PREB clearly specify the time, format and detailed instructions for public participation in the hearings, especially in Spanish.

To ensure compliance with the statutory directive for meaningful citizen participation—given the complexity of the issues under review, the holiday period,

¹⁵ Act. 17-2019 (preamble).

¹⁶ *Puerto Rico Electric Power Authority Rate Review*, Case No. CEPR-AP-2015-0001, Policy Statement: Public Participation, Discovery and Access to Confidential Information, at 4, (Dec. 4, 2015), <https://energia.pr.gov/wp-content/uploads/sites/7/2015/12/3-dic-2015-Policy-Statement-Review-Rate-CEPR-AP-2015-00011.pdf>

¹⁷ *Id.*

and the potential impact on consumers— the dates for public hearings should be announced with at least 60 days’ advance notice, rather than 15 days. This timeframe will allow consumers to review the extensive materials in this case and prepare informed comments. For these reasons, we request that public hearings and the deadline for public comments be scheduled for February, rather than December or January. These months are major holiday periods during which many Puerto Ricans, including members in the diaspora, dedicate their limited time to family gatherings, which would significantly hinder public participation or impose an unreasonable burden on concerned citizens or unduly constrain individuals who should not be required to spend their limited holiday period navigating complex regulatory proceedings.

We further urge PREB to hold public hearings in-person throughout the archipelago, including Vieques and Culebra, and to also offer virtual hearing options to allow participation from consumers who may face geographic, transportation, work-related, or caregiving barriers to attending in person. During the previous rate review process, hearings were held in the North, South, East, and West regions of Puerto Rico.¹⁸ Expanding this approach to include Vieques and Culebra will guarantee that consumers from these regions and island municipalities have a fair opportunity to express their views and participate meaningfully.

¹⁸ Negociado de Energía de Puerto Rico, *Vistas de Comentarios Públicos Petición Revisión Tarifaria*, YouTube (Sept. 13, 2016), https://www.youtube.com/playlist?list=PLl4A91hDNyJBfsrYtVZwiXwOtIYp_087Q.

Because only 26.4% of Puerto Rico’s population speaks English exclusively or “very well”,¹⁹ it is essential that all information regarding public hearings and opportunities for public comments be provided in Spanish and widely disseminated to ensure meaningful access for all consumers. Public hearings themselves should also be conducted primarily in Spanish, with simultaneous interpretation into English for the benefit of the Hearing Examiner and PREB consultants.

Additionally, we note that the ongoing evidentiary hearings are being conducted mostly in English and that the live-streamed sessions do not include automatic Spanish subtitles or closed captioning. While PREB has provided translated versions of the Evidentiary Hearings in the docket, enabling this feature during the live transmission of said hearings would significantly **improve real-time comprehension for the 73.6% of the population that does not speak/know English very well and would advance PREB’s statutory directive to facilitate meaningful citizen participation.**

Beyond this, we request that PREB establish a clear deadline for the filing of an *amicus curiae* for the benefit of any interested parties who may wish to participate in that manner. Unlike the previous Rate Review—where PREB issued a Policy Statement outlining amicus requirements²⁰—this proceeding has not provided

¹⁹ U.S. Census Bureau, *S1601: Language Spoken at Home, 2024 American Community Survey One-Year Estimates*, Puerto Rico (table), <https://data.census.gov/chart/ACSST1Y2024.S1601?q=Puerto+Rico&t=Language+Spoken+at+Home> (last visited Nov. 18, 2025).

²⁰ *Puerto Rico Electric Power Authority Rate Review*, Case No. CEPR-AP-2015-0001, Policy Statement: Public Participation, Discovery and Access to Confidential Information, at 6-7, (Dec. 4, 2015), <https://energia.pr.gov/wp-content/uploads/sites/7/2015/12/3-dic-2015-Policy-Statement-Review-Rate-CEPR-AP-2015-00011.pdf>

guidelines to the public regarding amicus submissions. Although *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings* (Regulation 8543) permits petitions to participate as Amicus Curiae to be filed at least 30 days in advance, it also provides PREB with discretion to set different deadlines for both the petition and the accompanying brief.²¹ Given the significance of this proceeding, we request that amicus submissions be allowed after the completion of the evidentiary hearings, so that such filings can be fully informed by the evidentiary record.

In closing, we respectfully request that PREB: 1) announce the public hearings and public comments dates with 60 days' advance notice, recommending that if it is announced soon, they could be scheduled for February 2 through 13, and February 13 respectively; 2) hold public hearings in person throughout the archipelago, including Vieques and Culebra, while also providing virtual participation options; 3) ensure that all information regarding participation in the hearings and submission of public comments is provided in Spanish and widely disseminated, and that the hearings are conducted in Spanish with simultaneous interpretation into English; 4) provide live Spanish subtitles or closed captions during evidentiary and public

²¹ Section 7.01 states “any person that is not party to a case may present before the Commission a petition to participate in the capacity of friend of the court or amicus curiae. **Unless the Commission decides otherwise by order**, every petition to participate as amicus curiae shall be accompanied by a brief and be presented at least thirty (30) days before the date on which the administrative hearing shall be held.” (emphasis added) PREB, Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings, Num. 8543, Sec. 7.01, (Dec. 18, 2014), <https://energia.pr.gov/wp-content/uploads/sites/7/2015/09/RE-8543-EN1.pdf>.

hearing; 5) publish clear guidelines for the filing of an *amicus curiae* and allow amicus briefs to be submitted after the evidentiary hearings have concluded.

Respectfully submitted. In San Juan Puerto Rico, November 21, 2025.

/s/ Laura Arroyo

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5. Coalición de Organizaciones Anti-Incineración, Inc.
6. Organización Boricuá de Agricultura Ecológica, Inc.
7. Hermanas Dominicanas de Amityville en Puerto Rico, Inc.
8. Red Continental Cristiana Por La Paz Inc.
9. Ayuda Legal Puerto Rico, Inc.
10. Casa Tallaboeña de Formación Comunitaria y Resiliencia, Inc.
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CERTIFICATE OF SERVICE

I certify that on November 21, 2025, I have proceeded with the filing of this document and a copy was notified by electronic mail to the Hearing Examiner, Scott Hempling, shempling@scotthemplinglaw.com, and to the attorneys of the parties of record:

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