

ASGOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU

IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY RATE REVIEW

CASE NO.: NEPR-AP-2023-003

SUBJECT: Guidance for Phase 2 Rate
Review Filing and Scheduling of Technical
Conference

NEPR

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**RESPONSE OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF PREPA
TO CERTAIN DOCUMENTS PROPOSED FOR ADMINISTRATIVE NOTICE¹**

To the Honorable Puerto Rico Energy Bureau:

In accordance with the direction to submit any objections to documents proposed for administrative notice by November 21, 2025, Intervenor the Official Committee of Unsecured Creditors of PREPA (the “Committee”)² respectfully submits this response and reservation of rights (the “Response”) to those documents listed in the table below.

No.	Document Title in Accion Platform
27	Dr. Susan Tierney testimony - 2024-03-13 - Transcript of Confirmation Hearing
28	Dr. Susan Tierney testimony - 2024-03-12 - Transcript of Confirmation Hearing
29	Dr. Maureen Chakraborty testimony - 2024-03-13 - Transcript of Confirmation Hearing
30	11. William Zarakas Testimony - 2024-03-07 - Transcript of Confirmation Hearing
31	DECLARATION OF WILLIAM P. ZARAKAS IN RESPECT OF CONFIRMATION OF CORRECTED FOURTH AMENDED TITLE III PLAN OF ADJUSTMENT FOR THE PUERTO RICO ELECTRIC POWER AUTHORITY FEBRUARY 12 , 2024 (CORRECTED MARCH 7, 2024)
32	09. Jurgен Weiss Cross Testimony - 2024-03-15 - Transcript of Confirmation Hearing
33	EXPERT REBUTTAL REPORT OF JURGEN WEISS, PHD
34	DECLARATION OF JÜRGEN WEISS IN RESPECT OF CONFIRMATION OF CORRECTED FOURTH AMENDED TITLE III PLAN OF ADJUSTMENT FOR THE PUERTO RICO ELECTRIC POWER AUTHORITY
35	06. Glenn George Cross (Rebuttal) Testimony - 2024-03-15 - Transcript of Confirmation Hearing
36	05. Glenn George Cross Testimony continued - 2024-03-11 - Transcript of Confirmation Hearing
37	04. Glenn George Cross Testimony - 2024-03-08 - Transcript of Confirmation Hearing
38	EXPERT REPORT OF GLENN R. GEORGE, MBA, PE, PHD
39	EXPERT REPORT OF GLENN R. GEORGE, MBA, PE, PHD
40	DECLARATION OF GLENN R. GEORGE, MBA, PE, PHD, IN RESPECT OF CONFIRMATION OF CORRECTED FOURTH AMENDED TITLE III PLAN OF ADJUSTMENT FOR THE PUERTO RICO ELECTRIC POWER AUTHORITY
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In support of its Response, the Committee respectfully represents, as follows:

1. Given PREB’s Resolution and Order dated November 13, 2025, Document Nos. 27-40 go to issues, and provide testimony concerning, subjects that are no longer permitted in this proceeding, e.g., “principle or method for determining” “legacy debt” and “role of legacy debt in

¹ Pursuant to the Bureau’s orders, a Spanish translation of this filing is attached hereto as Appendix A.
² The Committee was granted Intervenor status by order dated May 21, 2025.

practicability analysis.” *Id.* at 1. Further, Document Nos. 27-40 are all premised on an *earlier* Certified Fiscal Plan for PREPA (e.g., dated June 23, 2023), which has since been superseded. Whether and how these documents will be used, relied upon, or relevant in this rate case remain to be seen, so the Committee must, respectfully, reserve all rights to make further and/or more detailed objections at a later date.

2. Document Nos. 29-40 are objectionable on the basis they contain the analysis, opinions, and conclusions of individuals who have not submitted testimony in this proceeding (in compliance with the Hearing Examiner’s procedural orders, or otherwise); are not participating in any panel or otherwise providing testimony in this proceeding; and will not be subject to cross examination by any participants in this proceeding.³

[Signatures and certificate to appear on the following page.]

³ The Committee includes Document No. 41 within this submission for consistency as to its position with respect to the other documents that are the subject of this Response. Mr. Datta’s testimony should not be elevated, as compared to the testimony of any other witness who provided testimony *within and for this proceeding*, by taking administrative notice of it.

Respectfully submitted on November 21, 2025.

Certificate of Service: We hereby certify that, on this date, we have filed this motion through the online filing system of the PREB and sent a copy to the **PREB Clerk:** secretaria@energia.pr.gov, secretaria@jrsp.pr.gov, legal@jrsp.pr.gov, sseda@jrsp.pr.gov; to the **Hearing Examiner** Scott Hempling: shempling@scotthemplinglaw.com; and to **Puerto Rico Electric Power Authority:** Mirelis Valle Cancel, mvalle@gmlex.net; Juan R. González Galarza, jgonzalez@gmlex.net; Alexis G. Rivera Medina, arivera@gmlex.net, agriveramedina@outlook.com; Juan M. Martínez Nevárez, jmartinez@gmlex.net; Natalia Zayas Godoy, nzayas@gmlex.net; Maria J. DiConza, mdiconza@omm.com; Mohammad S. Yassin, msyassin@omm.com; Gabriel L. Olivera, golivera@omm.com; pfriedman@omm.com; **LUMA Energy LLC and LUMA Energy ServCo LLC:** Margarita Mercado Echegaray, margarita.mercado@us.dlapiper.com; Jan M. Albino López, jan.albinolopez@us.dlapiper.com; Yahaira de la Rosa Algarín, yahaira.delarosa@us.dlapiper.com; Carolyn Clarkin, Carolyn.Clarkin@us.dlapiper.com; Brett Ingerman, brett.ingerman@us.dlapiper.com; Brett Solberg, brett.solberg@us.dlapiper.com; katuska.bolanos-lugo@us.dlapiper.com; andrea.chambers@us.dlapiper.com; **Genera PR LLC:** Giuliano Vilanova Feliberti, gvilanova@vvlawpr.com; Maraliz Vázquez Marrero, mvazquez@vvlawpr.com; dbilloch@vvlawpr.com; ratecase@genera-pr.com; regulatory@genera-pr.com; legal@genera-pr.com; **Oficina Independiente de Protección al Consumidor:** Hannia B. Rivera Díaz, hrivera@jrsp.pr.gov, lcda.hanniarivera@gmail.com; contratistas@jrsp.pr.gov; Pedro E. Vázquez Meléndez, pvazquez.oipc@avlawpr.com; **Instituto de Competitividad y Sustentabilidad Económica:** José Pou Román, jpouroman@outlook.com; Fernando E. Agrait Betancourt, agraitfe@agraitlawpr.com; **National Public Finance Guarantee Corporation:** Eric Pérez Ochoa, epo@amgprlaw.com; Luis A. Oliver Fraticelli, loliver@amgprlaw.com; Alexandra C. Casellas Cabrera, acasellas@amgprlaw.com; Matthew S. Barr, matt.barr@weil.com; Robert Berezin, Robert.berezin@weil.com; Gabriel A. Morgan, Gabriel.morgan@weil.com; Corey Brady, corey.brady@weil.com; **Goldentree Asset Management LP:** Lydia M. Ramos Cruz, lramos@ramoscruzlegal.com; Thomas E Lauria, tlauria@whitecase.com; Glenn M. Kurtz, gkurtz@whitecase.com; Claudine Columbres ccolumbres@whitecase.com; Isaac Glassman, isaac.glassman@whitecase.com; Thomas E. MacWright, tmacwright@whitecase.com; John K. Cunningham, jcunningham@whitecase.com; Michael C. Shepherd, mshepherd@whitecase.com; Jesse L. Green, jgreen@whitecase.com; **Assured Guaranty Inc.:** Heriberto J. Burgos Pérez, hburgos@cabprlaw.com; Diana Pérez Seda, dperez@cabprlaw.com; Casey J. Servais, casey.servais@cwt.com; William J. Natbony, bill.natbony@cwt.com; Thomas J. Curtin, thomas.curtin@cwt.com; Howard R. Hawkins, Jr., howard.hawkins@cwt.com; Mark C. Ellenberg, mark.ellenberg@cwt.com; Miguel A. Estrada, mestrada@gibsondunn.com; Lochlan F. Shelfer, lshelfer@gibsondunn.com; **Syncora Guarantee Inc.:** Rafael Escalera Rodríguez, escalera@reichardescalera.com; Carlos R. Rivera Ortiz, riverac@reichardescalera.com; Susheel Kirpalani, susheelkirpalani@quinnemanuel.com; Eric Kay, erickay@quinnemanuel.com; **PREPA Ad Hoc Group:** Dora L. Monserrate Peñagaricano, dmonserrate@msglawpr.com; Fernando J. Gierbolini González, fgierbolini@msglawpr.com; Richard J. Schell González, rschell@msglawpr.com; G. Eric Brunstad, Jr., eric.brunstad@dechert.com; Stephen D. Zide, Stephen.zide@dechert.com; David A. Herman, David.herman@dechert.com; Michael S. Doluisio, michael.doluisio@dechert.com; Stuart T. Steinberg, stuart.steinberg@dechert.com; **Sistema de Retiro de los Empleados de la Autoridad de Energía Eléctrica:** Rafael A. Ortiz Mendoza, rafael.ortiz.mendoza@gmail.com; Rolando Emmanuelli Jiménez, rolando@emmanuelli.law; Mónica Camuy Natal, monica@emmanuelli.law; Cristian Pozo Torres, cristian@emmanuelli.law; Luis G. Nieves Quiñones, lgnq2021@gmail.com; nancy@emmanuelli.law; **Solar and Energy Storage Association of Puerto Rico:** Carlos J. Fernández Lugo, cfl@mcvpr.com; André J. Palerm Colón, apc@mcvpr.com; Javier Rúa Jovet, javrua@sesapr.org; Moraima S. Ríos Robles, mrrios@arroyorioslaw.com; Carelyn C. Cordero Lugo, ccordero@arroyorioslaw.com; **Wal-Mart Puerto Rico Inc.:** Carlos J. Fernández Lugo, cfl@mcvpr.com; André J. Palerm Colón, apc@mcvpr.com; **Solar United Neighbors:** Ramon L. Nieves Pérez, ramonluisnieves@rlnlegal.com; **Víctor L. González, pro se:** victorluisgonzalez@yahoo.com; and the **Energy Bureau's Consultants,** Josh.Llamas@fticonsulting.com; Anu.Sen@fticonsulting.com; Ellen.Smith@fticonsulting.com; Intisarul.Islam@weil.com; jorge@maxetaenergy.com; rafael@maxetaenergy.com; RSmithLA@aol.com; msdady@gmail.com; mcranston29@gmail.com; dawn.bisdorf@gmail.com; ahopkins@synapse-energy.com; clane@synapse-energy.com; guy@maxetaenergy.com; Julia@londoneconomics.com; Brian@londoneconomics.com; luke@londoneconomics.com;

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GOBIERNO DE PUERTO RICO
JUNTA REGULADORA DEL SERVICIO PÚBLICO
NEGOCIADO DE ENERGÍA DE PUERTO RICO

IN RE: REVISIÓN DE TARIFAS DE LA AUTORIDAD DE ENERGÍA ELÉCTRICA DE PUERTO RICO	NÚMERO DE CASO: NEPR-AP-2023-003 ASUNTO: Orientación para la Fase 2 de Presentación de la Revisión de Tarifas y Programación de la Conferencia Técnica
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**RESPUESTA DEL COMITÉ OFICIAL DE ACREEDORES NO ASEGURADO DE LA
AEE A CIERTOS DOCUMENTOS PROPUESTOS PARA CONOCIMIENTO
ADMINISTRATIVO¹**

A la Honorable Oficina de Energía de Puerto Rico:

De conformidad con la instrucción de presentar cualquier objeción a los documentos propuestos para conocimiento administrativo al 21 de noviembre de 2025, el Interventor, el Comité Oficial de Acreedores No Asegurado de la AEE (el “Comité”)² respetuosamente presenta esta respuesta y reserva de derechos (la “Respuesta”) a los documentos enumerados en la tabla a continuación.

No.	Título del documento en la plataforma Accion
27	Dr. Susan Tierney testimony - 2024-03-13 - Transcript of Confirmation Hearing
28	Dr. Susan Tierney testimony - 2024-03-12 - Transcript of Confirmation Hearing
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41	SESA’s Motion to Submit Rebuttal Testimony of E. Kyle Datta MOTION TO CORRECT OCTOBER 27 FILING

En apoyo a su respuesta, el Comité manifiesta respetuosamente lo siguiente:

¹ De conformidad con las órdenes del Negociado, se adjunta al presente documento una traducción al español como Appendix A.
² El Comité obtuvo la condición de Interventor mediante orden de fecha 21 de mayo de 2025.

1. Dado la Resolución y Orden del NEPR de fecha 13 de noviembre de 2025, los Documentos Nos. 27-40 abordan cuestiones y proporcionan testimonios sobre temas que ya no están permitidos en este procedimiento, *e.g.*, el “principio o método para determinar” la “deuda heredada” y el “rol de la deuda heredada en el análisis de viabilidad”. *Id.*, p. 1. Además, los Documentos Nos. 27-40 se basan en un Plan Fiscal Certificado *anterior* de la AEE (*e.g.* de fecha 23 de junio de 2023), que ha sido sustituido. Queda por ver si estos documentos se utilizarán, se tendrán en cuenta o serán relevantes en este caso de tarifas, y de qué manera, por lo que el Comité debe, respetuosamente, reservarse todos los derechos para formular objeciones adicionales y/o más detalladas en una fecha posterior.

2. Los documentos números 29 a 40 son objetables porque contienen análisis, opiniones y conclusiones de personas que no han presentado testimonio en este procedimiento (de conformidad con las órdenes procesales del Oficial Examinador o de otro modo); no participan en ningún panel ni prestan testimonio de otro modo en este procedimiento; y no estarán sujetos a contrainterrogatorio por parte de ningún participante en este procedimiento.³

[Las firmas y el certificado aparecerán en la página siguiente.]

³El Comité incluye el Documento No. 41 en esta presentación para mantener la coherencia de su postura con respecto a los demás documentos objeto de esta Respuesta. El testimonio del Sr. Datta no debe tener mayor relevancia que el de cualquier otro testigo que haya declarado *en este y para este procedimiento*, mediante la toma de conocimiento administrativo del mismo.

Respetuosamente sometido el 21 de noviembre de 2025.

Certificado de Notificación: Por la presente certificamos que, en esta fecha, hemos presentado esta moción a través del sistema de presentación electrónica del NEPR y hemos enviado una copia a la **Secretaría del NEPR:** secretaria@energia.pr.gov, secretaria@jrsp.pr.gov, legal@jrsp.pr.gov, sseda@jrsp.pr.gov; al **Oficial Examinador** Scott Hempling: shempling@scotthemplinglaw.com; y a la **Autoridad de Energía Eléctrica:** Mirelis Valle Cancel, mvalle@gmlex.net; Juan R. González Galarza, jgonzalez@gmlex.net; Alexis G. Rivera Medina, arivera@gmlex.net, agriveramedina@outlook.com; Juan M. Martínez Nevárez, jmartinez@gmlex.net; Natalia Zayas Godoy, nzayas@gmlex.net; Maria J. DiConza, mdiconza@omm.com; Mohammad S. Yassin, msyassin@omm.com; Gabriel L. Olivera, golivera@omm.com; pfriedman@omm.com; **LUMA Energy LLC y LUMA Energy ServCo LLC:** Margarita Mercado Echegaray, margarita.mercado@us.dlapiper.com; Jan M. 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