

**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: LUMA's Opposition to the
Parties' Request for the Energy Bureau to
Take Administrative Notice

**LUMA'S OPPOSITION TO THE PARTIES' REQUEST FOR THE ENERGY BUREAU
TO TAKE ADMINISTRATIVE NOTICE**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU, AND ITS HEARING
EXAMINER, SCOTT HEMPLING:**

COME NOW LUMA Energy, LLC ("ManagementCo"), and **LUMA Energy ServCo, LLC** ("ServCo") (jointly, "LUMA"), and respectfully state and request the following:

I. Introduction and Procedural Background

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.

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

On the afternoon of November 3, 2025, the Official Committee of Unsecured Creditors of the Puerto Rico Electric Power Authority (“OCUC”) and National Public Finance Guarantee Corporation (“NPFGC”) uploaded their proposed documents to Genera’s shared folder for consideration for administrative notice. Specifically, OCUC requested the Energy Bureau to take administrative notice of two (2) documents, comprising a *Disclosure Statement for Fifth Amended Title III Plan of Adjustment of the Puerto Rico Electric Power Authority* filed on March 28, 2025, and a *Corrected Declaration of Jessica G. Berman of Kroll Restructuring Administration LLC regarding Certain Categories of Claims filed against the Debtor in Connection with Corrected Fourth Amended Title III Plan of Adjustment of the Puerto Rico Electric Power Authority* filed on February 13, 2024, both filed in Cases Nos. 17-BK-3283-LTS and 17-BK-4780-LTS before the United States District Court for the District of Puerto Rico (“Title III Case”).

Meanwhile, NPFGC requested that the Energy Bureau take administrative notice of five (5) documents, including a letter issued by the Federal Oversight and Management Board (“FOMB”) on October 20, 2025, *re: Liquidity Situation, Stabilization and Restoration of Puerto Rico’s Energy Grid*; a letter issued by the Federal Emergency Management Agency (“FEMA”) on December 27, 2024, *re: Puerto Rico Electric Power Authority LUMA Energy, LLC Performance of Federally Funded Work Procurement Non-compliance and Remedy Action Notification*; a letter issued by the Puerto Rico Public-Private Partnerships Authority (“P3A”) on October 23, 2025, *re: Response to LUMA’s October 22, 2025 Letter; AAFAF’s Informative Motion to Clarify Misrepresentations of Footnote in AAFAF May 2 Joinder* filed on October 27, 2025, in the Title III Case; and a *Motion of LUMA for Allowance of and Authorization to Transfer Funds to Pay Administrative Expense Claims* filed on October 23, 2025, filed as well in the Title III Case.

On November 4, 2025, LUMA filed a *Motion Requesting Additional Time to Submit Comments to Proposed Documents for Administrative Notice*. Therein, LUMA argued that, given its work on eleven (11) surrebuttal testimonies it filed on November 3, 2025, it was impossible for LUMA to submit its comments on the proposed documents by the deadline on that same date. Thus, LUMA requested an extension until November 10, 2025, to submit its comments on the proposed documents for administrative notice.

On November 5, 2025, the Hearing Examiner issued a directive via email extending the deadline to submit comments on the proposed documents by November 8, 2025. That same day, Energy Bureau Consultants requested that the Energy Bureau take administrative notice of four (4) documents, including a *Resolution Certifying the Second Revised Fiscal Year 2026 Budget for Puerto Rico Electric Power Authority* dated October 17, 2025; *Resolution Certifying Revised Fiscal Year 2026 Budget for Puerto Rico Electric Power Authority* dated July 25, 2025; *Resolution Certifying the Fiscal Year 2026 Budget for Puerto Rico Electric Power Authority* dated June 30, 2025; and *February 2025 Fiscal Plan for the Puerto Rico Electric Power Authority* dated February 6, 2025.¹

On November 8, 2025, Ms. Kate Bailey from Acccion Group informed the parties via email that they must upload documents for which they wish the Energy Bureau to take administrative notice on the Acccion platform by November 14, 2025. Any objections shall be submitted by November 21, 2025.

Subsequently, on November 9, 2025, the Energy Bureau Consultants requested that the Energy Bureau take administrative notice of nine (9) additional documents filed in the Title III

¹ Considering that the Puerto Rico Electric Power Authority's Fiscal Plan was a filing requirement for this instant proceeding, the Energy Bureau may determine that subsequent iterations of the *February 2025 Fiscal Plan for the Puerto Rico Electric Power Authority*, dated February 6, 2025, are relevant for this case and should be admitted via administrative notice.

Case, which comprised the *Declaration of Glenn R. George in Respect of Confirmation of Corrected Fourth Amended Title III Plan of Adjustment for the Puerto Rico Electric Power Authority* filed on February 12, 2024; *Expert Report of Glenn R. George* dated December 18, 2023; *Expert Report of Glenn R. George* dated January 12, 2024; *Testimony of Glenn R. George* dated March 8, 11 and 15, 2024; *Declaration of Jurgen Weiss in Respect of Confirmation of Corrected Fourth Amended Title III Plan of Adjustment for the Puerto Rico Electric Power Authority* filed on February 12, 2024; *Expert Rebuttal Report of Jurgen Weiss* dated January 12, 2024; *Testimony of Jurgen Weiss* dated March 15, 2024; *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* filed on March 7, 2024; *Testimony of William P. Zarakas* dated March 7, 2024; and *Testimony of Dr. Maureen Chakraborty* dated March 13, 2024. They also requested that the Energy Bureau take administrative notice of an *Investor Update Presentation* dated August 4, 2020, issued by the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”).

The requests made by the OCUC, the NPFGC, and the Energy Bureau Consultants do not comply with the requirements for taking administrative notice under Section 9.03 of the Puerto Rico Energy Bureau Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Procedures that govern the administrative notice mechanism in the Energy Bureau, Regulation No. 8543 (“Regulation 8543”), Section 3.13 of the Puerto Rico Administrative Procedure Act (“LPAU,” by its Spanish acronym), Sections 201 and 202 of the Puerto Rico Rules of Evidence and its interpretative case law. The fact that the Energy Bureau can exercise its discretion under the Rules of Evidence in taking administrative notice does not render the OCUC, the NPFGC, and the Energy Bureau Consultants’ requests correct as a matter of law, nor reasonable in the context of this proceeding. LUMA hereby respectfully raises its objections to the

OCUC, the NPFGC, and the Energy Bureau Consultants' requests to take administrative notice of certain documents and information in this instant proceeding.

II. The parties have not met the Requirements to Take Administrative Notice under the Puerto Rico Rules of Evidence and its Interpretative Case Law.

Under Puerto Rico law, administrative adjudicative proceedings shall observe the guarantees of due process, according to the nature of the proceeding, which must ultimately be fair and equal. *Báez Díaz, ELA*, 179 DPR 605, 623 (2010). Administrative adjudicative proceedings must observe the following minimum guarantees: (1) adequate notice of the proceeding; (2) proceedings before an impartial judge; (3) opportunity to be heard; (4) right to cross-examine witnesses and **examine the evidence presented**; (5) have the assistance of counsel; and (6) **a decision based on the record**. *Román Ortiz v. Oficina de Gerencia de Permisos*, 203 DPR 947, 954 (2020).

Due process in the administrative sphere requires a fair and equitable process that guarantees and respects the dignity of the individuals concerned. *López y otros v. Asoc. de Taxis de Cayey*, 142 DPR 109, 113 (1996) (citation omitted). The requirements of due process protect regulated parties from administrative arbitrariness. *Henríquez v. Consejo Educación Superior*, 120 DPR 194, 202 (1987). To ensure due process guarantees, parties must not only have a pro forma opportunity to present and rebut evidence but also be able to do so effectively. *Rentas Nieves v. Betancourt Figueroa*, 201 DPR 416, 429 (2018).

Judicial or administrative notice is a means of proof. It establishes a fact as true without the formal need to present evidence. *UPR v. Laborde*, 180 DPR 253, 276 (2010). Taking judicial or administrative notice of an adjudicative fact means that the fact is accepted as true without the need to present evidence of its truthfulness. *Id.*, at 276-77. Notwithstanding, the opposing party is not precluded from offering evidence to the contrary. *Id.*, at p. 277.

In Puerto Rico, the LPAU regulates the mechanism by which agencies take administrative notice of an adjudicative fact. Specifically, the LPAU allows an administrative law judge to take official notice of all facts that can be admitted by judicial notice in the Puerto Rico Courts. Section 3.13 of the LPAU, 3 LPRA § 9653(d). Notably, the LPAU subordinates its official notice provision to that of the Puerto Rico Rules of Evidence. *Irizarry Caraballo v. Departamento de Salud del Estado Libre Asociado de Puerto Rico*, KLRA201600139, 2016 WL 3040139, at p. *8 (Apr. 27, 2016). This subordination means that, for an agency to take administrative notice of a fact, it shall 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.

Rule 201 of the Puerto Rico Rules of Evidence allows courts to take judicial notice of an adjudicative fact. The Supreme Court has defined an adjudicative fact as a disputed fact by the parties and the applicable law of the case. *Pérez v. Mun. de Lares*, 155 DPR 697, 704 (2001). Rule 201 establishes two criteria that must be met for a court to take judicial notice of an adjudicative fact not subject to reasonable dispute. 32 LPRA Ap. VI, R. 201. The first is that the fact shall be generally known within the court's territorial jurisdiction. *Id.* The second criterion requires that the fact can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned. *Id.* This means that a judge cannot take judicial notice of an adjudicative fact through personal knowledge. *Laborde*, 180 DPR, at p. 278.

Additionally, an adjudicative fact must be pertinent and admissible evidence. *Laborde*, 180 DPR at p. 278. **The court and parties cannot use the judicial notice mechanism to admit into evidence a fact that otherwise would be subject to a rule of exclusion or a fact that could not have been proven with admissible evidence.** *Id.* This is so because when judicial or

administrative notice is proper, the moving party is relieved of presenting evidence on the adjudicative fact, and it is presumed that the fact will not be disputed. *Id.*, at pp. 277-78.

The Puerto Rico Supreme Court has held that an agency may take administrative notice of its own official records, so long as they relate to prior litigation between the same parties. *Asoc. de Taxis de Cayey*, 142 DPR 109, 114 (citing *J.R.T. v. Club Náutico*, 97 DPR 386, 391 (1969)).

The mechanism of taking administrative **does not substitute the evidence presentation process in an evidentiary hearing; thus, its use is not unrestricted.** The authority to take administrative notice is limited. Agencies: (1) cannot rely on their expertise and must specify the fact and provide the source from which they obtained the information, and (2) must provide an affected party an opportunity to oppose or provide additional information about the fact admitted by judicial notice. *Sabol v. Departamento de Desarrollo Económico y Comercio*, KLRA201900583, 2020 WL 5411593 at page *7 (June 29, 2020) (quoting Demetrio Fernández Quiñónez, *Derecho Administrativo y Ley de Procedimiento Administrativo Uniforme*, at pages 170-71).

Furthermore, Rule 202 of the Puerto Rico Rules of Evidence allows the court to take judicial notice of matters of law. Rule 202 specifies what matters of law the courts will take judicial notice of: (1) the Puerto Rico Constitution and laws; and (2) the United States Constitution and its laws. The courts may take judicial notice of: (1) the Rules and Regulations of Puerto Rico and the United States of America; (2) the Rules and Regulations of the states and territories of the United States of America; (3) the ordinances of the municipalities of Puerto Rico; and (4) treaties to which the United States is a party and applies to Puerto Rico. 32 LPRA Ap. VI, R. 202.

Finally, Section 9.03 of Regulation 8543 allows the Energy Bureau to *sua sponte* or, upon a party's request, take administrative notice of "those facts and circumstances of public interest

that are generally known, or can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” *Id.*

The documents proposed by the OCUC, the NPFGC, and the Energy Bureau Consultants do not include the Puerto Rico Constitution, laws, regulations, municipal ordinances, the United States Constitution, its laws, regulations, or treaties to which the United States is a party. Thus, LUMA understands that the requests made by the OCUC, the NPFGC, and the Energy Bureau Consultants do not fall under the purview of Rule 202 of the Puerto Rico Rules of Evidence. Thus, it is fair to conclude that the only applicable standard available for taking administrative notice of these documents is under Rule 201. As will be explained, however, the OCUC, the NPFGC, and the Energy Bureau Consultants have not met that standard.

A. Documents Pertaining to Other Proceedings in the United States District Court for the District of Puerto Rico.

A court may take judicial notice of proceedings held and judgments or decisions issued in any case heard before the same court or any other court within the same jurisdiction, as these are facts that can be verified or determined accurately and immediately by simply examining the court file. *Asoc. de Periodistas*, 127 DPR 715. In doing so, it can be understood that judicial notice is taken of all the incidents that occurred in said proceedings, which are generally recorded in the court records. *Id.*

OCUC requested the Energy Bureau to take administrative notice of two (2) documents, comprising a *Disclosure Statement for Fifth Amended Title III Plan of Adjustment of the Puerto Rico Electric Power Authority* filed on March 28, 2025, and a *Corrected Declaration of Jessica G. Berman of Kroll Restructuring Administration LLC regarding Certain Categories of Claims filed against the Debtor in Connection with Corrected Fourth Amended Title III Plan of Adjustment of the Puerto Rico Electric Power Authority* filed on February 13, 2024, both filed in

the Title III Case. OCUC did not establish the relevance of the documents, nor the relationship of the same in this instant proceeding. It merely provided, on the Accion platform, a description of some of the statements contained in those documents.

NPFGC requested that the Energy Bureau take administrative notice of *AAFAF's Informative Motion to Clarify Misrepresentations of Footnote in AAFAF May 2 Joinder* filed on October 27, 2025, in the Title III Case; and a *Motion of LUMA for Allowance of and Authorization to Transfer Funds to Pay Administrative Expense Claims* of October 23, 2025 (“LUMA’s October 23rd Motion”), filed as well in the Title III Case. As to AAFAF’s motion, NPFGC stated in the Accion platform that it was relevant “because it is an official and public filing by AAFAF before the Puerto Rico District Court in PREPA’s Title III case, regarding AAFAF’s recent statements on matters of account funding, liquidity, federal funds, and collections”. NPFGC stated that “is not sought to be admitted for the truth of AAFAF’s statements, but rather as to the existence and nature of disputes on such matters with LUMA as grid operator.” As to LUMA’s motion, NPFGC stated that “is not sought to be admitted for the truth of LUMA’s statements, but rather as to the existence and nature of disputes on such matters with the P3 Authority as OMA administrator.”

As a threshold matter, the documents listed above do not qualify under Rule 201, as they are not facts generally known within the court’s territorial jurisdiction and cannot be accurately and readily determined from sources whose accuracy cannot be reasonably questioned. Second, the *Disclosure Statement for Fifth Amended Title III Plan of Adjustment of the Puerto Rico Electric Power Authority* filed on March 28, 2025, and a *Corrected Declaration of Jessica G. Berman of Kroll Restructuring Administration LLC regarding Certain Categories of Claims filed against the Debtor in Connection with Corrected Fourth Amended Title III Plan of Adjustment of the Puerto Rico Electric Power Authority* filed on February 13, 2024; and *AAFAF’s Informative Motion to*

Clarify Misrepresentations of Footnote in AAFAF May 2 Joinder filed on October 27, 2025, all filed in the Title III Case are inadmissible as evidence in this instant proceeding because they constitute hearsay. None of the individuals or entities that filed those submissions is a party to this instant proceeding, nor are they appearing as third-party witnesses.

Although the Puerto Rico Supreme Court has recognized that a court may take judicial notice of proceedings held and judgments or decisions issued by any other court within the same jurisdiction, it has not extended said notice as a mechanism to allow the admission of evidence that otherwise would not be admissible under the Puerto Rico Rules of Evidence. *See Laborde*, 180 DPR 278. The fact must be pertinent and admissible evidence. *Id.* Moreover, as is generally known, Rule 804 of the Puerto Rico Rules of Evidence provides that hearsay shall not be admitted as evidence. 32 PR Laws Ann. Ap. VI, R. 804. Hearsay is a statement other than one made by the declarant at the trial or hearing, which is offered in evidence to prove the truth of the assertion. 32 PR Laws Ann. Ap. VI, R. 801(a).

It is important to note that the documents referenced above constitute allegations, opinions, and/or statements made by the parties appearing in those documents. They do not constitute judgments or decisions issued by a court within the same jurisdiction. Certainly, the Energy Bureau could take administrative notice of the fact that on a specific date, a third party filed the document referenced in the Title III Case, but that does not extend to taking administrative notice of the contents of the documents. The contents of these types of documents issued by third parties not present in this instant proceeding constitute hearsay under Rule 801 of the Puerto Rico Rules of Evidence and, as a result, are inadmissible in evidence under Rule 804.

Moreover, neither the OCUC nor the NPFGC established the relevance of said documents in this instant proceeding. OCUC omitted entirely to provide an explanation that could demonstrate

its relevance, while NPFGC merely stated that it sought, with AAFAF's motion, to demonstrate "the existence and nature of disputes on such matters with LUMA as grid operator." Regarding LUMA's October 23rd Motion, NPFGC asserted it was looking to evidence "the existence and nature of disputes on such matters with the P3 Authority as OMA administrator." LUMA and PREPA are both parties to this instant proceeding and have dozens of witnesses who can testify with personal knowledge of any disputes they may have and their nature, provided that the court rules the information is relevant.

The Title III Case documents proposed by the OCUC and the NPFGC seek to circumvent the recognized process under Puerto Rico law to admit evidence in an administrative proceeding. LUMA sees no purpose in taking administrative notice of these documents, especially when they reflect only a portion of the Title III Case controversy between the concerned parties. Taking administrative notice of the documents themselves poses a risk that statements and allegations may be taken out of context. If any discrete facts are relevant and admissible, as LUMA denies at this time, the moving parties must establish them by proposing discrete facts based on administrative knowledge or by questioning witnesses.

Furthermore, the Energy Bureau Consultants propose that the Energy Bureau take administrative notice of expert witness reports, declarations, and the expert witnesses' testimonies filed and generated in the Title III Case. Those documents are: *Declaration of Glenn R. George in Respect of Confirmation of Corrected Fourth Amended Title III Plan of Adjustment for the Puerto Rico Electric Power Authority* filed on February 12, 2024; *Expert Report of Glenn R. George* dated December 18, 2023; *Expert Report of Glenn R. George* dated January 12, 2024; *Testimony of Glenn R. George* dated March 8, 11 and 15, 2024; *Declaration of Jurgen Weiss in Respect of Confirmation of Corrected Fourth Amended Title III Plan of Adjustment for the Puerto Rico*

Electric Power Authority filed on February 12, 2024; *Expert Rebuttal Report of Jurgen Weiss* dated January 12, 2024; *Testimony of Jurgen Weiss* dated March 15, 2024; *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* filed on March 7, 2024; *Testimony of William P. Zarakas* dated March 7, 2024; and *Testimony of Dr. Maureen Chakraborty* dated March 13, 2024. However, the Energy Bureau Consultants have not disclosed the relevance of said documents. It is merely stated in the Accion platform created for this instant proceeding that they are “Documents in support of the Rate Review.” The reports are inadmissible hearsay and cannot be admitted through administrative notice.

The Puerto Rico Court of Appeals has determined that expert reports are not admissible in another legal proceeding because they constitute hearsay whose certainty and accuracy cannot be immediately and accurately determined through a source whose accuracy cannot be questioned. For that reason, they cannot be taken into account by the court in accordance with the law. *See Caribbean Airport Facilities v. Ivyport Logistical Servs.*, KLAN2010-0404, 2010 PR App. LEXIS 808 *8-12 (P.R. Court of Appeals, April 29, 2010). This is consistent with Rule 201 of the Puerto Rico Rules of Evidence, which requires that the fact shall be generally known within the court’s territorial jurisdiction and that it can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned. Third-party expert reports, declarations, and testimonies of third-party expert witnesses in other judicial proceedings do not qualify under Rule 201. The reports and opinions are not facts generally known within the court’s territorial jurisdiction, and cannot be accurately and readily determined from sources whose accuracy cannot be reasonably questioned. Furthermore, they do not meet the Rule 201 standard, since no probative value can be given where other evidence was also presented in that other proceeding.

Also, Rule 807 of the Puerto Rico Rules of Evidence strictly prohibits “hearsay within hearsay” unless each layer qualifies under an established exception. 32 PR Laws Ann. Ap. VI, R. 807. The Hearing Examiner has already ruled in this instant proceeding that studies produced by third parties and relied upon by an Energy Bureau consultant in its expert report should not be relied upon by any party or panelist “for the truth of their contents. Nothing in any of these documents is an independent source of evidence”. *See Hearing Examiner’s Order Following Prehearing Conference* dated November 10, 2025. If these documents are being proposed by the Energy Bureau Consultants to be incorporated into any of their expert witnesses’ testimonies, it is contrary to the Rule 807 prohibition, as third-party reports themselves cannot be admitted as independent exhibits to prove the truth of their contents unless they meet a recognized hearsay exception. They would also run afoul of the Hearing Examiner’s previous ruling on this same matter.

For the reasons stated above, LUMA strongly objects to OCUC, NPFGC, and the Energy Bureau Consultants’ petition for the Energy Bureau to take administrative notice of filings in the Title III Case. OCUC, NPFGC, and the Energy Bureau Consultants specifically seek that the Energy Bureau take administrative notice of the content of filings in Title III that are inadmissible hearsay in this proceeding, such as third-party expert reports, declarations, and testimonies of third-party expert witnesses, filings by third parties, and a motion filed by AAFAF. Moreover, OCUC, NPFGC, and the Energy Bureau Consultants have not established the accuracy of the information contained in the filings in the Title III Case. The information on these documents is inadmissible and, at best, unreliable to support the Energy Bureau’s final decision in this proceeding. Taking administrative notice would only circumvent the rule that hearsay is inadmissible evidence.

Moreover, the OCUC, NPFGC, and the Energy Bureau Consultants have not established the relevance of the filings in the Title III Case, nor have they established a relationship between those filings in the Title III Case in this proceeding. The issues discussed in the filings in the Title III Case go beyond the topics of controversy in this instant proceeding. OCUC, NPFGC, and the Energy Bureau Consultants' request to take administrative notice is barred by applicable law and should be denied.

B. Extrinsic documents whose relevance has not been established by the parties.

NPFGC's request to take administrative notice includes: (1) a letter issued by the FOMB on October 20, 2025, *re: Liquidity Situation, Stabilization and Restoration of Puerto Rico's Energy Grid*; (2) a letter issued by FEMA on December 27, 2024, *re: Puerto Rico Electric Power Authority LUMA Energy, LLC Performance of Federally Funded Work Procurement Non-compliance and Remedy Action Notification*; and (3) a letter issued by the P3A on October 23, 2025, *re: Response to LUMA's October 22, 2025 Letter*. For each of these documents, NPFGC states that their relevance is because they demonstrate "the existence and nature of disputes on such matters with LUMA as grid operator," "the existence and nature of this dispute between LUMA and FEMA," and "the existence and nature of disputes between LUMA and P3 and other entities." As mentioned previously, LUMA is a party to this instant proceeding and has dozens of witnesses who can testify with personal knowledge of any disputes it may have with other entities and their nature, if those are deemed relevant in this proceeding.

The letters from the FOMB, FEMA, and the P3A proposed by the NPFGC include allegations by parties adverse to LUMA, which allegations have not been proven and, thus, are not facts that can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned, as required by the Rules of Evidence and Section 9.03 of Regulation 8543.

Thus, these allegations cannot be reasonably considered admissible in this proceeding for any discernable purpose. The information on these documents is not proper for the Energy Bureau to make a final decision in this instant proceeding.

Conversely, the Energy Bureau Consultants' request for the Energy Bureau to take administrative notice also includes an *Investor Update Presentation* dated August 4, 2020, issued by AAFAF. For this document, the Energy Bureau Consultants did not disclose its relevance. They simply stated that they are "Documents in support of the Rate Review." The *Investor Update Presentation* dated August 4, 2020, issued by AAFAF, and proposed by the Energy Bureau Consultants, includes a disclaimer that states that:

AAFAF, the Government of Puerto Rico, its instrumentalities and agencies (the "Government"), and each of their respective officers, directors, employees, agents, attorneys, advisors, members, partners or affiliates (collectively, with AAFAF and the Government, the "Parties") make no representation or warranty, express or implied, to any third party with respect to the information contained herein and all Parties expressly disclaim any such representations or warranties. The Government has had to rely upon preliminary information and unaudited financials. As such, AAFAF and the Government have made certain assumptions that may materially change once those financial statements are fully audited.

See Investor Update Presentation dated August 4, 2020, issued by AAFAF, p. 2.

The *Investor Update Presentation* dated August 4, 2020, issued by AAFAF, does not contain facts that can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned, as required by the Rules of Evidence and Section 9.03 of Regulation 8543. As such, it cannot be considered admissible as evidence in this instant proceeding.

NPFGC and the Energy Bureau Consultants omitted an explanation of how, or in what manner, the aforementioned documents may include information relevant to this rate review proceeding. NPFGC and the Energy Bureau Consultants' petitions that the Energy Bureau take administrative notice of these documents have no purpose or relevance in this proceeding. These

documents do not constitute adjudicative facts admissible as evidence in this proceeding. LUMA is concerned about how the information contained in these documents will be applied to this proceeding's controversy. Their accuracy is definitely questionable and bears no relationship to the evidence submitted by LUMA and any of the other parties.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **grant** LUMA's Opposition to the Parties' Request for the Energy Bureau to Take Administrative Notice on Certain Documents.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 25th 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 Motion 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, m vazquez@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@agrailawpr.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 Storage Association of Puerto Rico**, Cfl@mcvpr.com; apc@mcvpr.com; javrua@sesapr.org; mrios@arroyorioslaw.com; ccordero@arroyorioslaw.com; **Wal-Mart Puerto Rico, Inc.**, Cfl@mcvpr.com;

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