

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

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

CASE NO.: NEPR-AP-2023-0003

**SUBJECT: Hearing Examiner's Order on
Exhibits, Miscellaneous Post-Hearing
Matters, and Legal Issues**

**Hearing Examiner's Order on Exhibits, Miscellaneous
Post-Hearing Matters, and Legal Issues**

This order covers the following topics:

- Drafts of the FTI report and related emails
- Exhibits
- Draft procedural history
- Transcripts
- Legal and policy issues for parties to brief

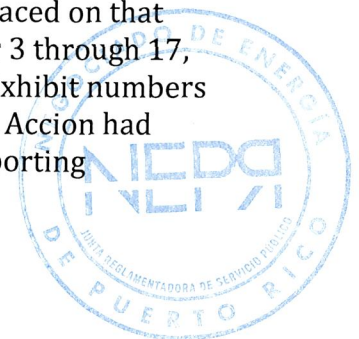
Drafts of the FTI report and related emails

On Thursday, December 11, 2025, the Chairman required PREPA to provide any drafts, and associated emails, of the FTI report already submitted. The five days for petition for reconsideration, provided by the Energy Bureau's rules, have passed. PREPA shall provide this information no later than **5pm on Wednesday, December 24, 2025**, to the Accion platform per any instructions from Kate Bailey.

Exhibits

This section addresses multiple outstanding exhibit matters. Any questions, contact Kate Bailey informally, but expect delays during this holiday period.

PREPA's recent documents: On December 2, 2025, I admitted into evidence materials marked for identification through 873, subject to conditions previously placed on that material. Starting on December 3, 2025, a problem arose. From December 3 through 17, PREPA uploaded 109 new documents. In doing so, they incorrectly used Exhibit numbers 86.01-86.39, 87.01-87.03, 88.01-88.05, and 89.01-89.69 and 90.01-90.02. Accion had reserved exhibits numbered below 100 for testimony and testimony-supporting



documents. ROI responses that PREPA marked as Ex 86, 87, 89 and 90 are not testimony-supporting documents. PREPA therefore should have uploaded them by checking, on the platform, the box “No document number previously assigned.”

I have not yet admitted the PREPA-identified documents, which I describe and address next.

- PREPA identified as Exhibit 88.01-88.05 the testimony of Brenda Rivera Rodríguez, which replaces the previously admitted testimony of Vilmarie Soto Maldonado, originally numbered as Exhibit 85. Because Rivera’s testimony adopts and replaces Soto’s testimony, Accion is marking Rivera’s testimony as Exhibit 85. I direct Accion to delete the duplicative testimony marked as Exhibit 88.
- PREPA marked for identification material numbered 89.01-89.31 and 89.40-89.69.¹ This material is PREPA’s response to PC-of-PREPA-NONPHYS_OPS-127 regarding contracts for legal services, professional and technical outsourced services, security and external audit services. The response to NONPHYS_OPS-127 included 69 attached documents. PREPA must review materials uploaded as Ex 89 to ensure inclusion of all attachments to the response to NONPHYS_OPS-127.

On Friday December 19, 2025, PREPA filed a motion to admit late-filed exhibits relating to PREPA’s Title III Costs and Legal Services. PREPA marked that material as 86, 87, and 90. Specifically:

- PREPA marked for identification material numbered 86.01-86.39. This material consists of PREPA’s response to PC-of-PREPA-FIN-96, a multi-part ROI regarding Title III advisor costs, which involves 39 attached documents.
- PREPA marked for identification material numbered 87.01-87.03. This material consists of PREPA’s response to LUMA-of-PREPA-RR-52 concerning Title III expenses. PREPA’s complete response to RR-52 included 3 attachments.
- PREPA marked for identification material numbered 90.01 and 90.02. This material is PREPA’s response to NPFGE-of PREPA-FIN-8 regarding PREPA Restructuring & Title III, and FOMB Advisor Costs allocated to PREPA.

The deadline to object to materials marked by PREPA as Ex 86, 87, 89, and 90, is **December 29, 2025**.

¹ PREPA did not use numbers 89.32-89.39.



Admission of documents 874-925: My December 2 Order required submission of objections to documents 874 through 925 by December 12. Having received no objections, I admit them all.

Admission of documents beginning with number 926: I am admitting all of them, **if used during cross-examination**, because there were no objections during the hearing.

Documents above 925: Since my December 2 Order, parties have uploaded and marked for identification more than 100 additional documents above number 925. Some of those are late-filed exhibits. Excluding late-filed exhibits, parties must email Kate Bailey, no later than **January 5, 2026**, their list of materials marked for ID as 926 or above (if used at the hearing), and the hearing date on which the party used the material.

Late-Filed Exhibits: Questions asked during the hearing by me, the Commissioners, PC consultants, or parties, and pending a response, are listed in the Appendix relating to Late-Filed Exhibits. Parties must upload responses to all pending questions as Late-Filed Exhibits. Begin the description section of the exhibit upload form with "LFE." End the description with the date when the question was asked. For an example, see Exhibit 1013. Respondents must upload responses to all pending LFE questions no later than **January 5, 2026**. LUMA, PREPA, and Genera must enter the exhibit number associated with the answer to each question in a Word version of the Appendix. Once they have entered all exhibit numbers, they should e-mail that Word document back to Kate Bailey, no later than close of business on **January 6, 2026**. Objections to LFE responses are due **January 9, 2026**.

Unless I explicitly make an exception, I direct Accion to remove materials uploaded and marked for identification after December 18, 2025, other than responses to pending questions identified as Late-Filed Exhibits.

Confidential Documents: Parties must provide a Memo of Law and a redacted copy of all confidential material provided as an exhibit or response to an ROI.

I cannot locate **Memoranda of Law** for the following information marked confidential and uploaded on the Accion platform on the dates below:

- PC-of-LUMA-DST-28; 17 September
- PREPA-of-LUMA-PROV-8, response to Q 8; 26 July. (Memo of law filed on 4 August addresses Prov-8 Attachment 1).
- PC-of-LUMA-OTH_OPEX-27; 26 August
- PC-of-LUMA-DST-91; 28 October
- PC-of-LUMA-NONPHYS_OPS-106; 25 November



- PC-of-LUMA-NONPHYS_OPS-97; 25 November
- PC-of-LUMA-TRS-5; 20 August
- NPFGC-of-LUMA-LOAD_FOR-23; 18 November
- LUMA-of-PREPA-SUPPORT-9; 2 December

I require LUMA and PREPA to email Kate Bailey copies of their Memoranda of Law on the above responses.

Redacted material: Parties must provide redacted copies of confidential documents. Redacted versions must include all nonconfidential information included in the confidential document. Genera materials numbered 907, 908, 909, 918, 924, and Assured Guaranty material numbered 938 did not include sufficient redacted copies. I instruct Genera and Assured Guaranty to determine which portions of those exhibits must remain confidential, and produce a redacted version of the document if possible (at minimum, column headings on a spreadsheet, or the cover of a confidential report). Email the redacted version to Kate Bailey no later than **December 29, 2025**. I direct Accion to replace the insufficient redacted files on the platform with documents provided to Ms. Bailey.

Briefing

Schedule: Here is the briefing schedule:

- Tuesday, January 20, 2026: Initial briefs on revenue requirement
- Monday, February 2, 2026: Reply briefs on revenue requirement
- Monday, February 9, 2026: Initial briefs on rate design
- Monday, February 23, 2026: Reply briefs on rate design
- Friday, March 6: Initial briefs on legal and policy issues
- Friday, March 20, 2026: Reply briefs on legal and policy issues

I adjusted the tentative schedule, as requested, to avoid overlaps.

Word limits: must self-certify compliance with the following word limits (increased from those discussed on December 19 to reflect additional legal questions):

- *Affirmative briefs:* Maximum 52,000 words, divided among the three briefs as each party prefers. LUMA may have an additional 1000 words, solely to provide an objective description of the combined revenue requirement officially proposed by the three applicants.



- *Reply briefs:* Maximum 31,000 words, divided among the three briefs as each party prefers. For each reply brief on revenue requirement, rate design, and legal issues, each party gets one brief in which the party responds to all parties. I reject the proposal by which a party files multiple reply briefs, each against a different opponent. That proposal invites too much confusion for the Energy Bureau. Reply briefs must reply, not add.
- Briefs on legal issues need not consume words quoting the issues. Just refer to the issue number.

The word limits do not include caption, table of contents (which should be detailed, logical, and clear), signature blocks, and service information. I reject the request to exclude appendices from the word count. Citing to exhibits makes appendices less necessary. No fonts below 12 point. Otherwise, choose preferred format.

SESA and SUN: Consistent with my order allowing their interventions, SESA and SUN must file joint briefs. These two parties need not agree on every issue; each may identify itself as taking a distinct position in their joint briefs.

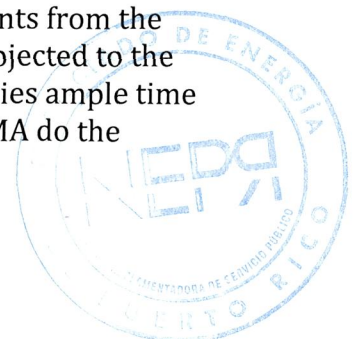
Organization: Organize the briefs according to the 13-14 main panel topics. (Federal funds need not have a separate place if you prefer to address that topic within the other substantive areas.) Within those main panel topics, organize as you wish, but where possible and logical, try to follow the subtopic organization.

Cites to exhibits: Parties should cite all exhibits using the Accion exhibit number.

Successful briefs: Successful briefs reflect the party's effort to put itself into the Energy Bureau's position. Despite the centuries-old habit of titling a brief "Argument," successful briefs don't argue; they reason. The Energy Bureau's decisions need lawful bases. Under Act 57, lawful bases include facts about, and reasonable, expertise-based predictions about, cost, adequacy, and the tradeoffs between cost and adequacy, all linked by logical reasoning. Lawful bases do not include emotional or manipulative rhetoric, ad hominem attacks, vague aspirations, hackneyed phrases like "patently absurd" or "chilling effect," or factless versions of "we are doing the best we can."

Draft procedural history

No later than March 27, 2025, LUMA shall submit a draft procedural history for the Energy Bureau to include in its final order. Accompanying that submission must be either (a) a LUMA statement that no party objects to the document; or (b) attachments from the parties stating their objections. I have never seen a situation where a party objected to the applicant's draft procedural history. If LUMA drafts objectively, and gives parties ample time to review drafts, there should be no problem. Parties should offer to help LUMA do the drafting.



Transcripts

Distribution: The parties are responsible for distributing transcripts prepared by the transcription company. My only involvement is to require that all parties receive transcripts at roughly the same time. I assume that the funding entities have appointed one person to handle that distribution.

Corrections: Transcript corrections are due the same day as the joint procedural history: **March 27, 2026**. LUMA's counsel shall organize a process by which parties exchange and discuss proposed corrections. That process must culminate in joint submission of transcript corrections. If there is disagreement over any corrections, the submission should state the disagreements in a single appendix that shows the page, line number and specific substance of the disagreement. I do not want multiple motions objecting to corrections.

Parties must confine their corrections to transcriber error. Using this process to clarify or change what someone said is impermissible. Parties also should avoid fixing transcriber errors that make no substantive difference. The shorter this document, the better.

Citations: Though the briefs must cite the transcripts, those citations will not likely be correct, because the transcribing company's "final" versions will not be ready before some of the briefs are due. Given that situation, Energy Bureau consultants might need to contact individual parties for help in making citations accurate in the Energy Bureau's final order. In our discussion of this topic late Friday afternoon, December 19, 2025, there was objection to this possibility.

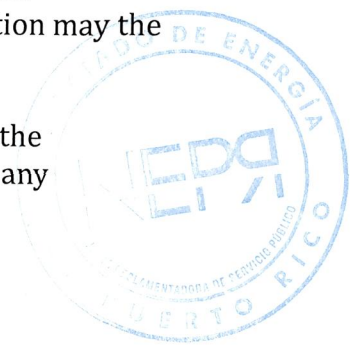
Legal and policy issues for parties to brief

The legal and policy briefs due on March 6 (initial) and March 20 (reply) shall address the questions discussed here.

1. Energy Bureau fines applied to Genera or LUMA

a. What is the extent of the Energy Bureau's statutory authority to fine the operators? What areas of performance are within the Energy Bureau's jurisdiction to fine? What advance notice is necessary—about triggers of fines, amounts of fines, and procedures for determining fines? If an operator refuses to pay a fine, what action may the Energy Bureau take?

b. If an operator pays the fine, from what source would the fine come—the operator's owners; or instead, an OMA account? Does the Energy Bureau have any



jurisdiction over the operator's owners? If not, how does the Energy Bureau make the operator pay the penalty? Does the Energy Bureau say to the operator, "Operator: You must pay the fine, and you cannot pay it from ratepayer-funded accounts"—in which case the operator's only option is to get the funds from its owners?

c. Does the operator then have some right under the OMA to have customers cover the cost of the fine? If that right exists, by what procedures would the operator seek that result? If the P3A, applying the OMA, declares a fine to be a "passthrough cost" (therefore recoverable from customers), does that declaration bind the Energy Bureau?

2. Annual updates of billing determinants

Energy Bureau consultant Zachary Ming has proposed that the Energy Bureau approve revenue requirements and rate design methodologies, but not specific rates. To calculate rates, LUMA each year would submit for Energy Bureau approval its latest billing determinant forecast. Once approved, LUMA would calculate new rates each year by applying each year's new billing determinants to the already-approved revenue requirement. Do the statutes permit this approach? (The desirability of this approach is an issue for the rate design brief.)

3. Affordability and practicability

Under the statutes, what is the extent of the Energy Bureau's duty, and the extent of its discretion, to use affordability as a criterion in determining (a) the revenue requirement, (b) revenue allocation, and (c) rate design? What, if anything, do the statutes tell us about the distinction between, and the relationship between, affordability (the amount that customers are able to pay) and practicability (whether they will pay what is necessary to produce the revenues required by the approved revenue requirement)?

4. Legacy debt and unsecured debt

Does PROMESA preempt the Energy Bureau from creating a placeholder rider with a zero amount? Does the answer differ depending on whether the debt is bondholder debt or unsecured debt?

5. Pension cost

a. Does the just-and-reasonable standard authorize, or require, the Energy Bureau to include any pension costs in rates (either in base rates or in a rider)?

b. Does PROMESA preempt the Energy Bureau from including any pension costs in rates (either in base rates or in a rider)?



6. Pension rider rate design

The provisional-rate order established the pension rider amount as a per-kWh charge, but required LUMA to convert that charge to a fixed per-customer charge as soon as possible. Is a fixed per-customer charge lawful, given Section 4 of Act 114-2007? If the pension costs were included in base rates, rather than recovered through a rider, would that same statutory provision then require the pension to be recovered via a kWh charge? If the answer to that question is yes, why would the answer be different for a rider?

7. Negligence liability

Taking into account the just-and-reasonable standard and the OMAs: What legal obligation, and what legal discretion, does the Energy Bureau have in determining how to treat, in the revenue requirement, the following cost items related to negligence liability:

- actual or possible compensation owed to victims of utility negligence, whether ordinary negligence or gross negligence
- costs incurred to assess and process, or defend against, alleged victims' claims
- insurance associated with negligence liability
- other costs

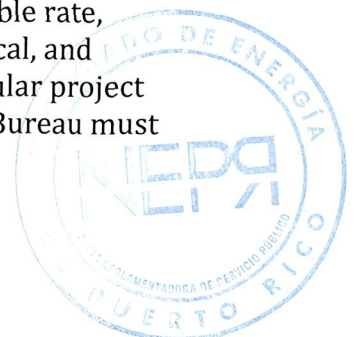
8. "Burden of proof"

a. Section 6.25(b) of Act 57 provides, in relevant part:

During any rate review process, the burden of proof shall lie on the requesting electric power service company to show that the proposed rate is just and reasonable, consistent with sound fiscal and operational practices that provide for a safe and adequate service at the lowest reasonable cost.

In the administrative-agency context, and specifically in Puerto Rico utility regulation, what practical meaning does "burden of proof" have? How if at all does that meaning differ from the meaning in a court proceeding? If, for example, the applicants fail to prove that their proposed revenue requirement is just and reasonable, what happens? The status quo—the existing rate—doesn't change? Or must the Energy Bureau still set a just-and-reasonable rate? Does the statute impose on the Energy Bureau a duty to set a just-and-reasonable rate, regardless of whether the applicant meets its statutory burden?

b. Assume that the Energy Bureau has a duty to set a just-and-reasonable rate, regardless of whether the applicant meets its statutory burden. If so, is it logical, and consistent with the just-and-reasonable standard, to argue that if for a particular project LUMA or Genera fails to prove the unavailability of federal funds, the Energy Bureau must



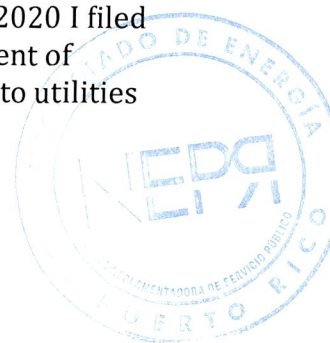
assign to that project an NFC value of zero? Does that argument ignore the Energy Bureau's indefeasible duty to set a just and reasonable rate, and to ensure that service is "adequate" and "reliable"?

c. Relevant to the burden of proof is the instruction from courts, and the practice of mainland commissions, to apply to each utility a rebuttal presumption of prudence.² Does that presumption apply in Puerto Rico?. If so, what effect does the presumption have on the utility's burden of proof? Does the presumption lighten that burden by relieving the utility

² See, e.g., the following cases:

- *Missouri ex rel. Southwestern Bell Tel. Co. v. Pub. Serv. Comm'n of Missouri*, 262 U.S. 276, 289 n.1 (1923) (Brandeis, J., concurring) ("Every investment may be assumed to have been made in the exercise of reasonable judgment, unless the contrary is shown."); *West Ohio Gas Co. v. Pub. Utils. Comm'n of Ohio*, 294 U.S. 63, 72 (1935) ("Good faith is to be presumed on the part of the managers of a business. In the absence of a showing of inefficiency or improvidence, a court will not substitute its judgment for theirs as to the measure of a prudent outlay.");
- *Nat'l Fuel Gas Distrib. Corp. v. Pub. Serv. Comm'n of N.Y.*, 947 N.E.2d 115, 120 (N.Y. 2011) ("A utility company seeking a rate change has the burden of proving that the requested regulatory action is "just and reasonable." However, a utility's decision to expend monetary resources is presumed to have been made in the exercise of reasonable managerial judgment. [The Department of Public Service, an intervenor] carries the initial burden of providing a rational basis to infer that the utility may have acted imprudently before the burden shifts to the utility to demonstrate that its decision was prudent when made."); and
- *State ex rel. Pub. Counsel v. Pub. Serv. Comm'n*, 274 S.W.3d 569, 577–78 (Mo. Ct. App. 2009) (quoting Commission's reasoning that while the utility has "the overall burden of prov[ing] that the rates it is proposing are just and reasonable, . . . [the] commission properly presumed that [Union Electric] was prudent in its purchase of the [combustion turbine generators], until the State or Public Counsel presented evidence that raised a 'serious doubt' concerning the prudence of its expenditure").

Full disclosure: I discuss the presumption of prudence in my book *Regulating Public Utility Performance: The Law of Market Structure, Pricing and Jurisdiction* (Amer. Bar Assoc. 2d ed. 2021) at chapter 6.C.5. The case law cited in this discussion comes from that subchapter. More disclosure: While that subchapter does not take a position on whether the presumption is appropriate (the ABA requires its books to be nonpositional), in 2020 I filed testimony in a South Carolina rate case, on behalf of the South Carolina Department of Consumer Affairs, questioning the appropriateness of applying the presumption to utilities universally.



of having to affirmatively prove prudence—while placing on the intervenor the burden to show imprudence?³ What facts must the intervenor provide to rebut the presumption of prudence—thus shifting to the utility the burden of producing evidence on its prudence?

c. Put another way: We know that the statute places on the utility the burden of proving that its rate is just and reasonable. But is there a difference between that burden, and a burden to show prudence? If there is a presumption of prudence, and if that presumption of prudence means that the burden of showing imprudence is on the intervenor, then—absent any other problematic facts—does the utility necessarily carry its burden of proving its proposed rate’s justness and reasonableness if the intervenor doesn’t prove, or at least doesn’t create serious doubt about, the utility’s imprudence?

9. Decoupling adjustments

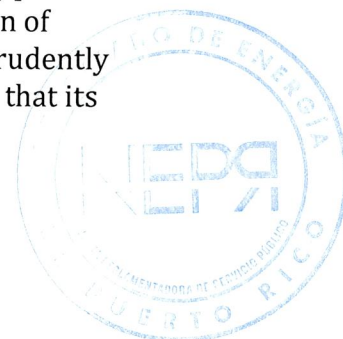
Concerning decoupling-related surcharges and surcredits necessitated by actual revenue differing from the state revenue requirement: Do the statutes allow an annual adjustment outside of a rider and outside of a new rate case—that is, an adjustment to the existing per-kWh rate? As long as a description of, and explanation for, this treatment appears in the order creating the decoupling measure, is there any statutory problem—including but not limited to the prohibition against retroactive ratemaking?

10. Emergency rate

Under section 6.25(d) of Act 57, the Energy Bureau “may authorize an electric power service rate adjustment due to emergency or temporary events.” Does the phrase “emergency or temporary events” include a situation that is neither a reliability emergency (outage risk) nor a liquidity emergency (inability to pay incur essential costs); but rather a situation where if the utility does not spend funds now, a particular project or activity will cost more later?

³ See, e.g., the following cases:

- *State ex rel. GS Techs. Operating Co. v. Pub. Serv. Comm’n of Missouri*, 116 S.W.3d 680, 694 (Mo. Ct. App. 2003) (explaining that if the intervenor creates “serious doubt,” the utility has “the burden of dispelling these doubts and proving the questioned expenditure to have been prudent”); and
- *Nat’l Fuel Gas Distrib. Corp. v. Pub. Serv. Comm’n of N.Y.*, 947 N.E.2d 115, 120 (N.Y. 2011) (Because “a utility’s decision to expend monetary resources is presumed to have been made in the exercise of reasonable managerial judgment[,] [the Department of Public Service, an intervenor] carries the initial burden of providing a rational basis to infer that the utility may have acted imprudently before the burden [or production] shifts to the utility to demonstrate that its decision was prudent when made.”).



11. Refunds of ratepayer payments for nonfederal capital expenditures

Assume a situation where (i) the authorized revenue requirement includes a nonfederal capital (NFC) cost for a particular activity, (ii) that activity and associated cost later receives federal funds or Commonwealth funds, and (iii) the Energy Bureau then chooses to reimburse customers for the cost. Two questions:

- a. *If the reimbursement occurs during the provisional-rate period (in the current situation, between July 1, 2025, and the date on which permanent rates go into effect):* Is there no violation of the prohibition against retroactivity, because the Energy Bureau would achieve the reimbursement by reflecting the amount in the permanent revenue requirement and then reconcile that permanent revenue requirement against the provisional revenue requirement?
- b. *If the reimbursement occurs after the provisional rate period (such as, in the current situation, during FY2027):* Is there a retroactivity problem, because the Energy Bureau would be changing a rate that it approved for a past period? If there is a retroactivity problem, does it go away if the Energy Bureau gives notice, in the order approving the revenue requirement that includes that specific cost, that its approval of that cost is subject to reimbursement should federal or Commonwealth funds become available to defray that cost?

Be notified and published.



Scott Hempling
Hearing Examiner

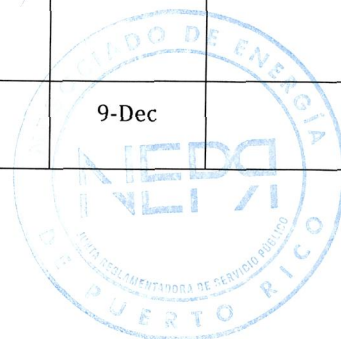


APPENDIX to 22 December HE Order LATE-FILED EXHIBITS

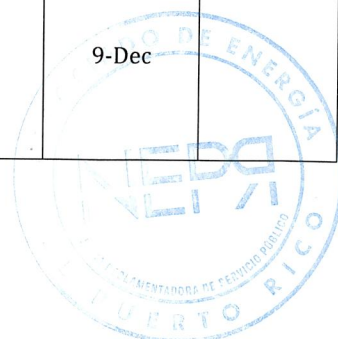
Producer	Pending Question	Who requested	Date Requested	Exhibit No.
LUMA/PREPA/Genera	Between now and the recordkeeping panel (12/10) and cooperation panel (12/8), financial heads of three organizations should prepare and present plan for completing this accounting remediation with accountable dates for achieving compliance with USOA, including readiness of balance sheet info	Hearing Examiner	24-Nov	
LUMA/PREPA/Genera	Three CFOs to create jointly, and submit jointly, a proposal to periodically replenish OMA Accounts along the lines described in the Appendix to Dec 9 HE Order—or some better idea. The proposal would take the form of a late-filed exhibit.	HE Order 9 Dec	9-Dec	
LUMA	Provide a clear definition of what Vegetation Management completion would entail, i.e., at what point would LUMA be caught up with vegetation management? A clear goal is important	Commissioner Torres	12-Nov	
LUMA	Provide an estimate of the cost to produce a Renewable Integration Transmission Plan specified in the Bailey Judd report (Ex 63) that supplements the transmission plan due in April 2026. Assume the RITP would be produced during FY27 and or FY 28.	Hearing Examiner	14-Nov	
LUMA	Do the design plans for relocation of the Jobos substation specify a ring bus or breaker-and-a-half configuration? And once the work on Jobos substation is complete, what additional work would be required for two IPPs, each to interconnect a 100 MW solar facility? (specify what additional elements would be required)	Hearing Examiner	14-Nov	
LUMA	Provide any contract for emergency restoration work / Contracts LUMA has given to affiliates	Hearing Examiner	17-Nov	
LUMA	File the updated Balbis testimony with a motion clarifying what LUMA is still asking for (i.e., the 5% budget reallocation flexibility)	Hearing Examiner	24-Nov	



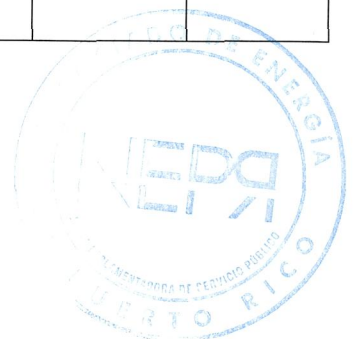
Producer	Pending Question	Who requested	Date Requested	Exhibit No.
LUMA	How much it costs LUMA to make the Q4 reports filed with PREB	Commissioner Torres	24-Nov	
LUMA	Where is LUMA in the current JD Power ranking?	PC Mazza	1-Dec	
LUMA	Provide a breakdown of the current Residential accounts receivable number, including what portion is owed to PREPA (from pre-LUMA takeover) and what owed to LUMA	Bondholders	1-Dec	
LUMA	Explanation of how the calculation for technical losses in line 244 of the then-showing exhibit (2025-1120-MI2019007, Exhibit 1, "Submission and Monthly Report" - not marked as an exhibit) actually works, because methodology in that tab does not add up	Commissioner Ramos	1-Dec	
LUMA	How funds obtained by collection agency can be returned to ratepayers	Hearing Examiner	1-Dec	
LUMA	Provide information on when the last tests for penetration of the telecom network were done and when they will next be performed (this is deferred in the constrained budget)	PC Camacho	2-Dec	
LUMA	Produce the DLA Piper contract with the correct engagement letter with the correct scope.	PC Mazza	2-Dec	
LUMA	Assure that all updates, for all three utilities, are in the legally relevant revenue requirement document	Hearing Examiner	4-Dec	
LUMA	LUMA conflicts policy - 9 pg. document Saca referenced	Hearing Examiner	8-Dec	
LUMA	Re: Billing utilities' own facilities: Instruction that LUMA and Genera and PREPA propose a clear directive in terms of information to produce and agree on deadline	Hearing Examiner	9-Dec	
LUMA	Whether LUMA bills New Fortress for San Juan area facility for electricity use	Commissioner Santos	9-Dec	



Producer	Pending Question	Who requested	Date Requested	Exhibit No.
LUMA	Outside legal services: Info described in Hearing Examiner Order Dec 9	Hearing Examiner	9-Dec	
LUMA	All past drafts of FTI report - including draft from December 2024	Chairman	10-Dec	
LUMA	Cumulative amount (kWh and \$) of unbilled CILT excess consumption	Bondholders	10-Dec	
LUMA	Questions about negligence liability costs	Hearing Examiner Order	10-Dec	
LUMA	PR Supreme Court decision on negligence liability	HE Order 10 Dec	10-Dec	
LUMA	Hopefulness Ranking from LUMA (equivalent to Genera Ex. 910)	Hearing Examiner	11-Dec	
PREPA	How much is PREPA requesting from ratepayers on reservoir system projects?	Commissioner Torres	20-Nov	
PREPA	What is the allocation of hydro facilities in terms of fraction associated with electric service and the portion that is not?	Hearing Examiner	20-Nov	
PREPA	How much total funding was available under the HMGP program?	NPFGC	20-Nov	1031
PREPA	Dept. of Energy grant document that PREPA signed	Commissioner Torres	21-Nov	
PREPA	Plan for completing this accounting remediation with accountable dates for achieving compliance with USOA, including readiness of balance sheet info	Hearing Examiner	24-Nov	
PREPA	What is the cost amount for insurance that was in the 2017 rate order.	Chairman	2-Dec	
PREPA	Regarding Mr. Burgemeister's testimony that the hydro capacity is about 50MW: What are the costs associated with maintaining that capacity in full operation? Information to be provided in cost per MW, with labor costs and all O&M costs.	Commissioners Ugarte and Ramos	4-Dec	
PREPA	Verify that there are no irrigation costs in the base rate proposal	Hearing Examiner	8-Dec	
PREPA	Re: Billing utilities' own facilities: Instruction that LUMA and Genera and PREPA propose a clear directive in terms of information to produce and agree on deadline	Hearing Examiner	9-Dec	



Producer	Pending Question	Who requested	Date Requested	Exhibit No.
PREPA	Outside legal services: Info described in Hearing Examiner Order Dec 9	Hearing Examiner	9-Dec	
PREPA	Information on energy usage by PREPA networks/hub and buildings that PREPA rents out or leases	Commissioner Ramos	9-Dec	
PREPA	All prior versions of, and amendments and supplements to, the CW loan for pensions	Commissioners	10-Dec	
PREPA	The FOMB directive ordering pensions be included in rates	Bondholders	10-Dec	
PREPA	Questions relating to PREPA's request for 67 new HydroCo employees	HE Order 10 Dec	10-Dec	
PREPA	What is the number of employees who work on both electricity and for the irrigation district--and what is their allocation of time between the two functions?	Hearing Examiner Order	10-Dec	
PREPA	PR Supreme Court decision on negligence liability	HE Order 10 Dec	10-Dec	1060
PREPA	Actual employer contributions from government agencies with mobilized former PREPA employees, and the amount they should be contributing (apparently over \$20m)	Commissioner Ramos	11-Dec	
PREPA	Filing stating how PREPA is proposing to amend the requested pension rider amount in the 7/3 filing, due to collection of amounts through the provisional pension rider for months that were already covered by the Commonwealth loan for pensions	Hearing Examiner	11-Dec	
PREPA	Information on energy usage by PREPA networks/hub and buildings that PREPA rents out or leases	Commissioner Ramos		
PREPA	All past drafts of FTI report - including draft from December 2024	Chairman	10-Dec	



Producer	Pending Question	Who requested	Date Requested	Exhibit No.
Genera	Plan for completing this accounting remediation with accountable dates for achieving compliance with USOA, including readiness of balance sheet info	Hearing Examiner	24-Nov	
Genera	Late-filed exhibit with more details about how bonuses are calculated and an example offer letter that includes a bonus.	Hearing Examiner	4-Dec	
Genera	Number of dollars that Genera has spent from the GMR since its inception	Hearing Examiner	6-Dec	
Genera	The excess fuel nominations dollar amount during time Genera has been operating	OIPC	8-Dec	
Genera	Re: Billing utilities' own facilities: Instruction that LUMA and Genera and PREPA propose a clear directive in terms of information to produce and agree on deadline	Hearing Examiner	9-Dec	
Genera	Outside legal services: Info described in Hearing Examiner Order Dec 9	Hearing Examiner	9-Dec	
Genera	How many employees are required to operate and maintain one TM2500 generation unit?. What is the capacity of that unit?	Hearing Examiner Order	10-Dec	1013
Genera	PR Supreme Court decision on negligence liability	HE Order 10 Dec	10-Dec	1061

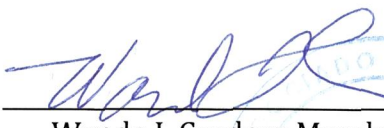
CERTIFICATION

I certify that the Hearing Examiner, Scott Hempling, has so established on December 22, 2025. I also certify that on December 22, 2025, I have proceeded with the filing of the Order, and a copy was notified by electronic mail to: mvalle@gmlex.net; arivera@gmlex.net; jmartinez@gmlex.net; jgonzalez@gmlex.net; nzayas@gmlex.net; Gerard.Gil@ankura.com; Jorge.SanMiguel@ankura.com; Lucas.Porter@ankura.com; mdiconza@omm.com; golivera@omm.com; pfriedman@omm.com; msyassin@omm.com; katiuska.bolanos-lugo@us.dlapiper.com; Yahaira.delarosa@us.dlapiper.com; margarita.mercado@us.dlapiper.com; carolyn.clarkin@us.dlapiper.com; andrea.chambers@us.dlapiper.com; regulatory@genera-pr.com; legal@genera-pr.com; mvazquez@vvlawpr.com; gvilanova@vvlawpr.com; ratecase@genera-pr.com; jfr@sbgblaw.com; hrivera@jrsp.pr.gov; gerardo_cosme@solartekpr.net; contratistas@jrsp.pr.gov; victorluisgonzalez@yahoo.com; Cfl@mcvpr.com;



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I sign this in San Juan, Puerto Rico, on December 22, 2025.


Wanda I. Cordero Morales
Interim Clerk
