

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

NEPR

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In re:
PUERTO RICO ELECTRIC POWER
AUTHORITY RATE REVIEW

Case. No.: NEPR-AP-2023-0003

MOTION FOR EXTENSION OF TIME

TO THE HEARING EXAMINER,

COMES NOW, the Puerto Rico Electric Power Authority ("PREPA"), through its undersigned legal counsel, and, very respectfully, states and prays as follows:

1. On December 22, 2025, the "Hearing Examiner's Order on Exhibits, Miscellaneous Post-Hearing Matters, and Legal Issues" was issued and served on the parties. In that Order, the Hearing Examiner stated as follows:

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.

(hereinafter, the "December 22nd Order").

2. The December 22nd Order affords PREPA **less than forty-eight (48) hours** to comply with its mandate or to state its position. This abbreviated timeframe, compounded by the multiple legal holidays and non-working days during the week, renders it impossible for PREPA to meaningfully address the December 22nd Order within the period afforded.

3. While PREPA will elaborate this argument in further detail in its motion on the merits, it is important to note that there are no “Energy Bureau’s rules” establishing a five day period “for petition for reconsideration” as the December 22nd Order incorrectly notes. Moreover, **any** Energy Bureau resolution and order or Hearing Examiner order that attempts to create procedural rules constitutes an **improper regulation**, in violation of Chapter II of the Act No. 38 of June 30, 2017, as amended, known as the “Government of Puerto Rico Uniform Administrative Procedure Act”, and is as such **null and void**. See Liberty Communications of Puerto Rico LLC v. El Negociado de Telecomunicaciones de la Junta Reglamentadora de Servicio Público, KLRA202400413 (Sentencia de 30 de septiembre de 2024).

4. The statutory period for seeking reconsideration is governed by Section 3.15 of the Puerto Rico Uniform Administrative Procedure Act, which provides that “[t]he party aggrieved by a **partial** or final **order** or decision may file a motion for reconsideration within twenty (20) days after the date of entry of the order or decision.” (Emphasis added).

5. On its part, Section 3.14 of the PR UAPA provides, in relevant part, as follows:

The **order or decision** shall notify the right to request reconsideration by the agency or to file a petition for review as a matter of law before the Court of Appeals, as well as the parties to be served with notice of said petition for review, and the pertinent time limits therefor. The aforementioned time limits shall start to run once these requirements have been met.

(Emphasis added).

6. Section 1.3(g) of the PR UAPA defines “**Order or Decision**” as “any agency statement or action of particular applicability that determines the rights or duties of a specific person or persons, or that impose administrative penalties or sanctions, except for executive orders issued by the Governor.”

7. The Bench Order and the Hearing Examiner’s subsequent orders compelling the production of drafts of the FTI Report have effectively adjudicated PREPA’s assertion of the **deliberative-process privilege**, a **substantive claim** and a “**right**” for purposes of the PR UAPA. Accordingly, those directives constitute “partial orders” for purposes of Section 3.15 of the PR UAPA and “orders or decisions” within the meaning of Section 3.14 of the PR UAPA. As such, PREPA is entitled to seek reconsideration of those determinations, once they are notified in writing in compliance with Sections 3.14 and 3.15 of the PR UAPA.

8. Under Puerto Rico law, a verbal notification in open court of an interlocutory determination by the Court of First Instance in a civil case does not constitute the notification required to trigger the statutory period for filing a motion to reconsider or a petition for certiorari before the court of appeals. Sánchez Torres v. Hosp. Dr. Pila, 158 D.P.R. 255 (2002). The notification that triggers these deadlines must be in writing, and such written notice must be served on all the parties. Id.

9. The holding in Sánchez Torres is extensive to the instant Rate Case, which is a formal adjudicatory procedure. Because the Bench Order was never reduced to writing, the deadline for PREPA to seek reconsideration was never triggered. It is important to note that the notice requirement of Section 3.14 of the PR UAPA applies to **all** “order[s] or decision[s]”; not only final ones.

10. Neither the Bench Order nor any of the Hearing Examiner's orders directing the production or disclosure of draft versions of the FTI Report included the notice required by Section 3.14 of the PR UAPA informing PREPA of its right to seek reconsideration. Consequently, the deadlines for PREPA to move for reconsideration were never triggered.

11. In light of the foregoing, PREPA requests an extension of time until **December 31, 2025**, to address the December 22nd Order and all prior orders regarding the draft(s) of the FTI Report.

12. **WHEREFORE**, PREPA respectfully requests an extension of time until **December 31, 2025**, to address the December 22nd Order and all prior orders regarding the draft(s) of the FTI Report.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 24th day of December 2025.

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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>, and notified via e-mail to the Hearing Examiner, Scott Hempling, shempling@scotthemplinglaw.com; and to the attorneys of the parties of record, attorneys of the intervenors of record, and others: LUMA Energy, LLC and LUMA Energy ServCo, LLC; Margarita Mercado margarita.mercado@us.dlapiper.com; Jan Albino, Jan.AlbinoLopez@us.dlapiper.com; Andrea Chambers, andrea.chambers@us.dlapiper.com; Carlyn Clarkin, carolyn.clarkin@us.dlapiper.com; Katiushka Bolanos, katiushka.bolanos-lugo@us.dlapiper.com; Yahaira De La Rosa, Yahaira.delarosa@us.dlapiper.com; Genera PR, LLC, through: Jorge Fernández-Reboredo, jfr@sbgblaw.com; Gabriela Castrodad, gcastrodad@sbgblaw.com; José J. Díaz Alonso, jdiaz@sbgblaw.com; Stephen Romero Valle, sromero@sbgblaw.com; Giuliano Vilanova-Feliberti, gvilanova@vvlawpr.com; Maraliz Vázquez-Marrero, mvazquez@vvlawpr.com; ratecase@genera-pr.com; regulatory@genera-pr.com; and legal@genera-pr.com; Oficina Independiente de Protección al Consumidor, hrivera@jrsp.pr.gov; contratistas@jrsp.pr.gov; pvazquez.oipc@avlawpr.com; Instituto de Competitividad y Sustentabilidad Económica, jpouroman@outlook.com; agraitfe@agraitlawpr.com; 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; 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; 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; Syncora Guarantee, Inc., escalera@reichardescalera.com; arizmendis@reichardescalera.com; riverac@reichardescalera.com; susheelkirpalani@quinnemanuel.com; erickay@quinnemanuel.com; 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; lgna2021@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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