

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

NEPR

Received:

Jan 21, 2026

11:15 PM

In re:
PUERTO RICO ELECTRIC POWER
AUTHORITY RATE REVIEW

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

**PREPA'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF ON
REVENUE REQUIREMENT**

TO THE HONORABLE ENERGY BUREAU,

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

1. This Rate Case has been conducted under an extraordinarily accelerated and demanding procedural schedule, imposing an exceptional burden on the parties --particularly PREPA, a public corporation with limited human and financial resources and ongoing statutory and governmental obligations.

2. The cumulative effect of extended evidentiary hearings, ongoing discovery obligations prior to and during the administrative hearings, post-hearing evidentiary orders, and multiple overlapping briefing requirements has rendered PREPA unable to complete its Revenue Requirement Brief within the currently established deadline, despite diligent and good-faith efforts.

3. As a matter of background, PREPA participated in evidentiary hearings in this Rate Case from November 12, 2025 through December 19, 2025, a period exceeding one month.

4. The hearings routinely began between 8:30 a.m. and 9:00 a.m. and concluded between 5:00 p.m. and 7:00 p.m., requiring continuous, full-day participation by PREPA personnel, witnesses, and counsel of record. Despite the pendency of the evidentiary hearings, and notwithstanding PREPA's need to prepare for daily testimony and to review the numerous exhibits uploaded by the parties during the course of the hearings, the Hearing Examiner required PREPA and other parties to continue responding to discovery requests, further taxing PREPA's limited internal and legal resources.

5. On December 22, 2025, following the conclusion of the evidentiary hearings, the Energy Bureau issued the *Hearing Examiner's Order on Exhibits, Miscellaneous Post-Hearing Matters, and Legal Issues* ("December 22 Order"). Through that Order, the Hearing Examiner required PREPA to file seventeen (17) Late-Filed Exhibits ("LFEs"), and initially set January 5, 2026 as the deadline for submission.

6. The December 22 Order also established an extensive post-hearing briefing schedule, including deadlines for memoranda and replies on:

- a. January 20, 2026: deadline to file the brief on the revenue requirement.
- b. February 2, 2026: deadline to file reply briefs on the revenue requirement.
- c. February 9, 2026: deadline to file the brief on rate design.
- d. February 23, 2026: deadline to file reply briefs on rate design.
- e. March 6, 2026: deadline to file the brief on legal and public policy issues.
- f. March 20, 2026: deadline to file reply briefs on legal and public policy issues.

9. The December 22 Order also incorrectly compelled the production of all prior drafts of the draft FTI Report admitted into evidence during the evidentiary hearings, as well as all related communications, thereby implicating PREPA's deliberative-process privilege.

10. As a result, on January 1, 2026, PREPA filed a well-supported Motion for Reconsideration, totaling forty-two (42) pages, in which it explained that the requested drafts were protected by the deliberative-process privilege, lacked probative value, and that, accordingly, the Energy Bureau's request for such materials was not only improper as a matter of law but also arbitrary and capricious.

11. The filing of this Motion for Reconsideration was neither optional nor discretionary. PREPA has a legal duty to assert and preserve its rights and privileges and cannot be compelled to waive them by virtue of an unduly compressed procedural calendar.

12. The December 22 Order was issued during the Christmas and New Year holiday period.

13. Following more than a month of evidentiary hearings, both PREPA personnel and counsel of record had previously scheduled holiday recesses and vacations between December 24, 2025 and January 6, 2026.

14. In light of these circumstances, PREPA requested an extension to file its LFEs until January 12, 2026.

15. PREPA and its counsel worked diligently and filed all required LFEs on January 12, 2026, within the extended deadline.

16. On January 8, 2026, the Energy Bureau issued the *Hearing Examiner's Order on Miscellaneous Procedural and Evidentiary Matters*, whereby the Hearing Examiner modified the briefing schedule as follows, as a result of PREPA's request to file the LFE by January 12, 2026:

- a. January 23, 2026 – Revenue Requirement Brief;
- b. February 5, 2026 – Replies on Revenue Requirement.

17. As such, PREPA is currently required to file its Revenue Requirement Brief on January 23, 2026.

18. As explained above, following the conclusion of the evidentiary hearings, PREPA has been required to devote its limited human and legal resources to preparing and filing seventeen (17) Late-Filed Exhibits; preparing and filing a comprehensive Motion for Reconsideration regarding prior drafts of the draft FTI Report admitted into evidence; reviewing all exhibits and Late-Filed Exhibits submitted by other parties to determine whether objections were warranted; and complying with its numerous other statutory and regulatory obligations before the Energy Bureau and other governmental entities. As a result, PREPA has been unable to complete its Revenue Requirement Brief within the allotted timeframe, despite diligent efforts.

19. In adjudicative proceedings before courts and administrative agencies, the conclusion of evidentiary hearings generally marks the end of evidentiary submissions and related demands, thereby allowing the parties to devote their time and resources to the preparation of post-hearing briefs.

20. In this case, however, the Hearing Examiner continued to issue post-hearing evidentiary and procedural requests, consuming time and effort that PREPA would otherwise have dedicated to the preparation of its Revenue Requirement Brief.

21. PREPA should not be penalized for dedicating its limited time and resources to complying with mandatory post-hearing orders. Imposing any adverse consequence on PREPA under these circumstances would be inconsistent with principles of due process and fundamental fairness and would unjustly punish diligent compliance with the Hearing Examiner's directives.

22. This is not a matter of improper planning or lack of diligence by PREPA. Rather, the way this Rate Case has been managed has been exceptionally demanding and highly expedited, imposing burdens well beyond those typically associated with adjudicative proceedings. Most notably, the Hearing Examiner required the parties to prepare and submit dozens of evidentiary materials after the evidentiary hearings had already concluded, significantly increasing the workload during a period that is ordinarily reserved for the preparation of post-hearing briefs.

23. For the foregoing reasons, PREPA respectfully requests a brief extension of five (5) business days, until January 30, 2026, to file its Revenue Requirement Brief. PREPA further advises that it would not object to any request by intervenors for a corresponding extension until February 12, 2026, to file reply briefs addressing PREPA's Revenue Requirement Brief.

24. The requested extension will not materially affect the established briefing schedule or the timely resolution of this proceeding. LUMA Energy, LLC ("LUMA") and Genera PR, LLC ("Genera") would continue to file their respective Revenue Requirement Briefs on January 23, 2026, and the deadline for reply briefs thereto would remain February 5, 2026. Moreover, the requested extension would not alter any subsequent procedural deadlines, including: (i) February 9, 2026, for filing briefs on rate design; (ii) February 23, 2026, for filing reply briefs on rate design; (iii) March 6, 2026, for filing briefs on legal and public policy issues; or (iv) March 20, 2026, for filing reply briefs on legal and public policy issues.

25. PREPA respectfully submits that good cause exists for the brief extension requested and that granting it will not prejudice any party. To the contrary, denial of this request would result in **grave prejudice to PREPA**, as the Revenue Requirement Brief is the procedural vehicle through which PREPA contextualizes the evidentiary record, explains and justifies the revenue requirement amounts requested, and addresses the legal and factual bases underlying its statutory and operational obligations. Depriving PREPA of a meaningful opportunity to submit this brief would materially impair its ability to fully present its case and would undermine the fairness and integrity of this adjudicative proceeding. By contrast, the brief extension requested will advance the interests of due process, fundamental fairness, and the development of a complete and well-supported administrative record.

WHEREFORE, PREPA respectfully requests that the Energy Bureau to **GRANT** the instant motion and allow PREPA an extension of time until January 30, 2026, to submit its Revenue Requirement Brief.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of January 2026.

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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; Carolyn 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, m vazquez@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; lgnq2021@gmail.com; Official Committee of Unsecured Creditors of PREPA, jcasillas@cstlawpr.com; jnieves@cstlawpr.com; Solar and Energy Storage Association of Puerto Rico,

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