

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 Denying
PREPA's Request for Single-Party Extension
of Briefing Schedule

Hearing Examiner's Order Denying PREPA's Request for Single-Party Extension of Briefing Schedule

On January 21, 2026, counsel for PREPA asked that I extend the time for its initial brief on annual revenue requirement and related topics, currently due January 23, 2026, to January 30, 2026. I deny this request.

Throughout Fall 2025, all parties have known of the constraints that we all face: a statutory deadline of April 19, 2026, for the Energy Bureau's Order; and a hearing schedule that would consume most of November and December 2025. Parties have known about the precise briefing schedule since the third week in December, a full month before the first briefing deadline.

Fully resourced parties plan ahead by writing what they can in advance and, where possible, during the hearing. That is how the Energy Bureau has been managing its decision-writing responsibilities—by drafting in advance as much of the nondecisional material as possible. All parties could have been doing the same. That this work squeeze would overlap with holidays in late November and late December was another fact that everyone knew about, and could plan for.

As to PREPA's resource constraints: I made clear in prior rulings, necessitated by PREPA's prior lateness, that it is the responsibility of every participant to have the resources sufficient to play the role that the participant wishes to play. Every party has discretion over the extent of its participation. Every party has the ability to shape its participation to match its resources. And I have specifically said to PREPA that if it lacks the resources to participate as it wishes, it should ask for more resources. What a party cannot do is fail to gather the resources necessary for the participation level that it chooses, then ask the Energy Bureau to grant, and all other parties to accommodate, extensions made necessary by that party's chosen level of resources.

There is no statutory right and no constitutional right to a single-party briefing extension necessitated by a failure to plan and a failure to gather resources. PREPA's decisions about what resources to seek from the Energy Bureau, and how to allocate those resources among various law firms and proceedings, are PREPA's decisions. PREPA now must live with those decisions.



Finally, granting the requested extension would not be not cost-free. It would either squeeze the other parties or set back the reply briefs on the ARR issues—thus causing overlaps with other briefs and delaying the Commissioners' internal deliberations schedule.

My denial will likely produce this result: PREPA will file what it can on 23 January. What it cannot file on 23 January, it will file late and seek permission to have that late filing accepted. Then other parties will file pleadings asking for extra time to respond to that late filing—all complexities that no one wants. The better approach, for that late request, is for PREPA to get the other parties' consent, perhaps to a date for replies to the late-filed supplement. Perhaps no one will need or want to file replies to the supplement, in which case the problem goes away.

Whatever happens next will happen. But as stated in the opening paragraph, PREPA's request to extend to January 30 is denied.

Be notified and published.



Scott Hempling
Hearing Examiner

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on January 22, 2026. I also certify that on January 22 2026 a copy of this Resolution and Order was notified by electronic mail to the following:

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kbailey@acciongroup.com. I also certify that today, January 22, 2026, I have proceeded with
the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today January 22, 2026.


Wanda I Cordero Morales
Interim Clerk