

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

In re:

Energy Answers Arecibo, LLC  
(Areicbo Puerto rico Renewable Energy Project)

PSD Appeals Nos 13-05 through 13-09  
and PSD 14-04

CONSOLIDATED MOTION FOR LEAVE TO FILE VIA EMAIL

TO THE HONORABLE BOARD MEMBERS:

COMES NOW, Leonardo Ramos-Hernandez, filing PRO SE, respectfully ALLEGE, EXPOUND AND PRAY:

This is a consolidated motion for the closed cases In Re Energy Answers LLC Arecibo PSD 13-05 thru 09 and PSD 14-04, solely for efilng difficulties, for this is a matter that applies equally to both cases and in the interest of preservation of judicial resources. This is not a petition for consolidation of the cases.

I have previously described a persistent design problem with the eFiling system that prevents parties from filing repeat Motions for Reconsideration or Clarification beyond the first on a closed case. The efilng system simply removes the closed case off the display at the filing screen. (see attached screen print notice that on the drop down list the case In re Energy Answers LLC PSD 13-05 thru 09 is absent, only shows the case In re Energy Answers LLC PSD 14-04)

The filing of repeat Motions for Reconsideration or Clarification is a jurisdictional threshold for preservation of issues for Judicial Review. Issues not raised to the Board are presumed waived on Judicial Review. Thus as long as a party sees an error of law or fact on the final orders of the Board, the party must timely raise such error before the Board on motions of Reconsideration or Clarification or waive them.

The efilng system has a design flaw that prevents more than one such motion being filed. This creates a technical difficulty, that I am hereby documenting, that prevents me from filing future motions electronically through no fault of my own and within the "fail safe" exception for filing via email.

On Thursday June 12 2014 at about 11:30pm I attempted to file a Motion to Quash on the Consolidated Appeal PSD 13-05 thru 09 but the case was not listed on the display (see attached screen print). Instead I was able to file it as an attachment to the Motion For Reconsideration on the case PSD 14-04. I also emailed the Motion to Quash to the clerk at the posted email address

Since this is a persistent design flaw and it is reasonably expected to prevent me from filing such motions in the future within the exhaustion of administrative review remedies on this cycle I respectfully request Leave to file via the "fail safe" email filing exception until the end of this exhaustion of administrative review remedies in the above captioned cases.

WHEREFORE I respectfully request Leave to file via email to the clerk under the "fail safe" exception on both the closed In Re Energy answers LLC Arecibo PSD 13-05 thru 09 and PSD 14-04 until the exhaustion of administrative review remedies.

In Barranquitas PR this 13 of June 2014

/s/ Leonardo Ramos-Hernandez  
Leonardo Ramos-Hernandez  
HC 4 Box 2925  
Barranquitas PR 00794

CERTIFICATE OF SERVICE

I CERTIFY that on this date I have notified this CONSOLIDATED MOTION FOR LEAVE TO  
FILE VIA EMAIL

Via email as follows:

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And US Mail to Waldemar Natalio Flores Flores at Calle 4 B-20 Forrest Hills Urb Bayamon PR 00959.

In Barranquitas Puerto Rico this 13th of June 2014

/s/ Leonardo Ramos-Hernandez  
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## Environmental Appeals Board eFiling

### New submission from leo marinero

Filing Type: Motion for Reconsideration of EAB Final Decision

Welcome: leo marinero  
*\* Required fields are marked with an asterisk*

#### \* Please identify yourself

- Petitioner/Appellant
- Respondent/Appellee

\* Case Name: <choose one of the following>

<choose one of the following>

- PSD 13-11 ~ ExxonMobil Chemical Company Baytown Olefins Plant
- PSD 14-03 ~ Sierra Pacific Industries
- PSD 14-04 ~ Energy Answers LLC
- RCRA 13-01 ~ E.I. Dupont De Nemours and Company
- TSCA 14-01 ~ James Ikegwu and Martha Ikegwu
- UIC 14-01 ~ Seneca Resources
- UIC 14-04 ~ Windfall Oil & Gas, Inc.

#### \* Upload file (\*.pdf)

Tips on File size

Click the "Browse" button to select and upload your PDF file. (10 Mb max per file)

Once submitted, you can return to this document and add additional attachments.

I have included a certificate of service with this filing. ([more information](#))

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