

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of :

Puerto Rico Electric Power Authority,

Respondent

MOTION

Index No. CAA-02-2010-1235

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2011 FEB 22 P 12:01
REGIONAL HEARING
CLERK

**Motion Informing Agreement in Principle Reached by the Parties and
Request for Extension of Time to File Executed Consent Agreement
and Final Order**

COMES NOW Complainant, the U.S. Environmental Protection Agency (EPA) through the undersigned attorney, and respectfully alleges, prays and requests as follows:

On February 16, 2011, the Puerto Rico Electric Power Authority (Respondent) and the Environmental Protection Agency ("EPA" or "Complainant") (together, "the Parties") reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a penalty.

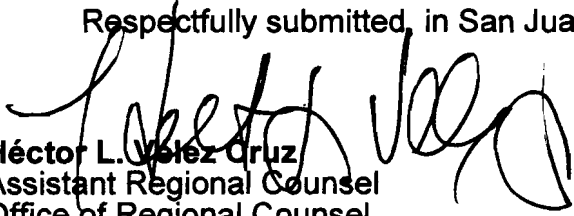
The Parties are engaged in settlement discussions in order to reach an agreement as to the final language and terms of the Consent Agreement and Final Order (CA/FO). Once the CA/FO is finalized it will be placed into concurrence within several EPA officers located in Region 2's San Juan and New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Respondent and the

signature of the Regional Administrator are required. Once this process concludes, the fully executed CA/FO will immediately be filed.

This Motion has been filed today in order to have the Chief Administrative Law Judge, Honorable Susan L. Biro, take notice of the agreement reached by the Parties and of the progress made in formalizing this agreement in a fully executed CA/FO. Due to the complexity of the review and concurrence process within the Agency and between the Parties in order to finalize a fully executed CA/FO, the Parties request the Honorable Presiding Officer extend the February 18, 2011 deadline established in the January 10, 2011 Prehearing Order until April 18, 2011, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, February 16, 2011, with María V. Mercado Rondón, Esq., attorney for Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 16th day of February, 2011.



Héctor L. Velez Cruz
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

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Motion

DOCKET NUMBER CAA-02-2010-1235

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *Motion Informing Agreement in Principle Reached by the Parties and Request for Extension of Time to File Executed Consent Agreement and Final Order*, dated February 16, 2011, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

Karen Maples
Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

Copy by facsimile, **Certified Mail** and return receipt to:

Attorney for Respondent:
María Mercado, Esq.
P.O. Box 364267
San Juan, P.R. 00936-4267
Tel: (787) 521-4195
Fax: (787) 521-4660.

Copy by facsimile, **Overnight Mail** to:

Chief Administrative Law Judge
Honorable Susan L. Biro
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044.

2/17/2011
Date

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Name