

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the Matter of** )  
 )  
**PUERTO RICO ELECTRIC** ) **Docket No. CAA-02-2010-1235**  
**POWER AUTHORITY,** )  
 )  
**Respondent.** )

**ORDER ON MOTION FOR EXTENSION OF TIME TO FILE CAFO**  
**ORDER STAYING PREHEARING ORDER DEADLINES**

This action was initiated on September 24, 2010, by the United States Environmental Protection Agency, Region 2, Caribbean Environmental Protection Division (“Complainant” or “EPA”), filing a Complaint and Notice of Opportunity to Request a Hearing (“Complaint”) against Respondent, Puerto Rico Electric Power Authority, under Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d). On November 2, 2010, Respondent filed its Answer & Request for Hearing. By Order dated December 1, 2010, the undersigned was designated to preside over this proceeding. By Prehearing Order dated January 10, 2011, Complainant was ordered to file a Consent Agreement and Final Order (CAFO) or its Initial Prehearing Exchange no later than February 18, 2011.

On February 17, 2011, Complainant submitted a Motion Informing Agreement in Principle Reached by the Parties and Request for Extension of Time to File Executed Consent Agreement and Final Order (“Motion”). The Motion states that the parties have “reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a penalty . . . and are engaged in settlement discussions in order to reach an agreement as to the final language and terms of the [CAFO].” The Motion indicates that the finalized CAFO must be reviewed by several EPA officers located in Region 2’s San Juan and New York offices and signed by the Regional Administrator and the Respondent. The Motion states that due to the complexity of the review and concurrence process within the Agency and between the parties, the parties are requesting a two month extension of the deadline to file a duly executed CAFO. Complainant further indicates that the Respondent concurred with the request.

Therefore, the Complainant is hereby **ORDERED** to file the fully executed Consent Agreement and Final Order memorializing the settlement no later than **April 18, 2011**, **with a copy contemporaneously sent to the undersigned by facsimile and mail.**

**FAILURE TO SUBMIT THE CONSENT AGREEMENT IN A TIMELY MANNER MAY RESULT IN ENTRY OF AN ORDER OF DISMISSAL WITH PREJUDICE OR DEFAULT, AS APPROPRIATE, WITHOUT FURTHER NOTICE.**

All deadlines in the undersigned's January 10, 2011 Prehearing Order are hereby **STAYED** until further order of this tribunal.




\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: February 17, 2011  
Washington, D.C.

In the Matter of Puerto Rico Electric Power Authority, Respondent  
Docket No. CAA-02-2010-1235

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Motion For Extension Of Time To File CAFO Order Staying Prehearing Order Deadlines**, dated February 17, 2011, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: February 17, 2011

Original And One Copy By Pouch Mail To:

Karen Maples  
Regional Hearing Clerk  
U.S. EPA  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy By Regular Mail And Facsimile To:

Hector L. Velez Cruz, Esquire  
Office of Regional Counsel  
U.S. EPA  
Centro Europa Building, Suite 417  
1492 Ponce de Leon Avenue  
San Juan, PR 00907-4217

Maria V. Mercado Rondon, Esquire  
Puerto Rico Electric Power Authority  
PO Box 364267  
San Juan, PR 00936-4267