

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i></p> <p>Debtors.¹</p>	<p>PROMESA Title III</p> <p>Case No. 17 BK 3283-LTS (Jointly Administered)</p>
<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO</p> <p>as representative of</p> <p>PUERTO RICO ELECTRIC POWER AUTHORITY,</p> <p>Debtor.</p>	<p>PROMESA Title III</p> <p>Case No. 17 BK 4780-LTS</p>
<p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of PUERTO RICO ELECTRIC POWER AUTHORITY, and PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY,</p> <p>Movants,</p> <p>v.</p> <p>OFFICIAL COMMITTEE OF UNSECURED CREDITORS, <i>et al.</i></p> <p>Respondents.</p>	

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.)

**REQUEST FOR LEAVE TO PARTICIPATE
IN THIS CASE AS AMICI CURIAE “PLUS”**

TO THE HONORABLE COURT:

COMES NOW movant, REP. RAÚL M. GRIJALVA, in his official capacity as CHAIRMAN OF THE U.S. HOUSE NATURAL RESOURCES COMMITTEE, REP. NYDIA M. VELÁZQUEZ, in her official capacity as MEMBER OF THE U.S. HOUSE NATURAL RESOURCES COMMITTEE, and REP. DARREN SOTO, in his official capacity as MEMBER OF THE U.S. HOUSE NATURAL RESOURCES COMMITTEE, represented by the undersigned attorney, and respectfully move this Court for leave to participate as *amici curiae* “plus” and to file a brief in opposition to the Joint Motion of the Movants Pursuant to Bankruptcy Code Sections 362, 502, 922, and 928, and Bankruptcy Rules 3012(A)(1) and 9019 for Order Approving Settlements Embodied in the Restructuring Support Agreement and Tolling Certain Limitation Periods. In support thereof, Rep. Grijalva, Rep. Velázquez, and Rep. Soto state and allege as follows:

1. An *amicus* is not a party and “does not represent the parties but participates only for the benefit of the court.” *Resort Timeshare Resales, Inc. v. Stuart*, 764 F.Supp. 1495, 1500 (S.D.Fla.1991) (quoting *News and Sun–Sentinel Co. v. Cox*, 700 F.Supp. 30, 31 (S.D.Fla.1988)).

2. Federal Rule of Appellate Procedure 29 and Supreme Court Rule 37 expressly regulate the filing of *amicus curiae* briefs. However, the Federal Rules of Civil Procedure are silent as to the conditions under which a trial court should permit *amicus* appearances and the restrictions, if any, that should attend its appearance. *Resort Timeshare*, 764 F.Supp. at 1500–01.

3. The district court retains “the inherent authority” to appoint *amicus curiae* “to assist it in a proceeding.” *Id.* at 1500; *Alliance of Auto. Mfrs. v. Gwadowsky*, 297 F.Supp.2d 305, 308 (D.Me.2003); *United States v. Michigan*, 116 F.R.D. 655, 660 (W.D.Mich.1987); *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir.1982). Furthermore, the Court has discretion to determine “the fact, extent, and the manner of participation by the *amicus*.” *Alliance of Auto. Mfrs.*, 297

F.Supp.2d at 307.

4. Commonly, *amicus* status is granted only when there is an issue of general public interest, the *amicus* provides supplemental assistance to existing counsel, or the *amicus* insures a “complete and plenary presentation of difficult issues so that the court may reach a proper decision.” *Alexander v. Hall*, 64 F.R.D. 152, 155 (D.S.C. 1974).

5. The appearing parties are the Chairman and Members of the U.S. House Natural Resources Committee and, as such, Representatives of the United States Congress.

6. The U.S. House Natural Resources Committee has jurisdiction over “[i]nsular areas of the United States,” which jurisdiction includes the Commonwealth of Puerto Rico.² Rep. Grijalva and Rep. Velázquez participated in the drafting of and supported the enactment of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”).

7. The U.S. House Natural Resources Committee has other responsibilities such as “[e]stablishing renewable energy sources,” and “[e]nsuring a fair return for the American people for energy and mineral development.”³ Also, it oversees valuable public resources such as oil and gas, ensuring they are developed in a safe and equitable manner.⁴ In addition, the U.S. House Natural Resources Committee has an Oversight and Investigations Subcommittee that has jurisdiction over each agency and program overseen by the full Committee.

8. In light thereof, Rep. Grijalva, Rep. Velázquez, and Rep. Soto move this Court for leave to appear in this case as amici curiae, with “plus” status.⁵

² See Rule X of the Rules of the House of Representatives (116th Cong).

³ About the Natural Resources Committee. Available at: <https://naturalresources.house.gov/about/the-committee> (Last visit: Oct. 20, 2019).

⁴ Subcommittee on Energy and Mineral Resources. Available at: <https://naturalresources.house.gov/subcommittees/energy-and-mineral-resources> (last visit: Oct. 20, 2019).

⁵ See *Alliance of Automobile Manufacturers v. Gwadowsky*, 297 F. Supp. 2d 305 (D. Maine 2003).

WHEREFORE, REP. RAÚL M. GRIJALVA, in his official capacity as CHAIRMAN OF THE U.S. HOUSE NATURAL RESOURCES COMMITTEE, REP. NYDIA M. VELÁZQUEZ, in her official capacity as MEMBER OF THE U.S. HOUSE NATURAL RESOURCES COMMITTEE, and REP. DARREN SOTO, in his official capacity as MEMBER OF THE U.S. HOUSE NATURAL RESOURCES COMMITTEE, respectfully pray from this Honorable Court to GRANT movant's petition and, accordingly, order that the Chairman and Members be accorded *amici curiae* "plus" status in this matter. As such, that they be allowed to file memoranda and briefs on motions before the court, participate in oral arguments on dispositive motions, and in accordance with *Daggett v. Commission on Governmental Ethics and Election Practices*, 172 F.3d 104, 112 (1st Cir.1999), present those facts within their preview to aid the Court in its determination.

RESPECTFULLY SUBMITTED.

It is hereby certified that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties who have made an electronic appearance.

In San Juan, Puerto Rico, on this 30th day of October, 2019.

WE HEREBY CERTIFY that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all participants and Standard Parties. Paper copies have been mailed pursuant to Section II of the *Tenth Amended Notice, Case Management and Administrative Procedures*:

- (i) Chambers of the Honorable Laura Taylor Swain (two copies shall be delivered to the chambers):
United States District Court for the Southern District of New York
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