

**GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU**

<p>NEPR</p> <p>Received:</p> <p>Jan 31, 2021</p> <p>3:14 PM</p>

IN RE: THE PERFORMANCE OF THE
PUERTO RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: PREPA’s Revised Performance
Baseline and Compliance Benchmarks
Comments

**REQUEST FOR ORDER REGARDING PREPA’S COMMENTS ON PERFORMANCE
BASELINE AND COMPLIANCE BENCHMARKS FILED ON JANUARY 29, 2021**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU

COMES NOW the Puerto Rico Electric Power Authority, through the undersigned legal representation, and respectfully sets forth and prays:

1. On December 23, 2020, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (the “Energy Bureau”) ordered the Puerto Rico Electric Power Authority (PREPA), LUMA Energy, LLC as ManagemenCo, LUMA Energy ServeCo, LLC as ServCo (collectively, LUMA) to provide their comments and inputs regarding performance baseline, compliance benchmarks and which specific performance metrics, in their opinion, should be targeted as performance metrics to be applied to electric service companies (the “December 23 Order”). The Energy Bureau also invited the general public to submit comments. Comments from PREPA, LUMA and the public were due on January 29, 2021.

2. In compliance with the December 23 Order, on January 29, 2021, PREPA filed *Comments of the Puerto Rico Electric Power Authority on the Establishment of Performance Baseline and Compliance Benchmarks for Electric Service Companies* (“PREPA’s Original Comments”). PREPA served the document on LUMA. However, after filing, PREPA noted that, because of a clerical mistake, the document was filed with sidebar comments that contain attorney-client

privileged communications that are protected from disclosure to third parties. On January 30, 2021, PREPA contacted Counsel for LUMA, notified her of the situation and asked her to delete all copies of the PREPA's Original Comments that she had and also, to ask her clients to delete any copies of the document that they may have received. Atty. Mercado answered promptly and acknowledged the undersigned's communication.

3. Yesterday, January 30, 2021, PREPA filed and served on LUMA a revised version of the comments ("PREPA's Revised Comments") with the Clerk of the Energy Bureau. PREPA's Revised Comments were also served on LUMA.

4. There are only two differences between the PREPA's Original Comments and PREPA's Revised Comments. First, all privileged communications that were included in the right sidebar of the original document were removed and second, the Table of Contents, located in the second page of the document, reflects two changes that the Microsoft Word processor automatically made to Section III. The undersigned hereby certifies that those are the only differences between PREPA's Original Comments and PREPA's Revised Comments.

5. In light of the above, PREPA respectfully requests the Energy Bureau to order LUMA to refrain from forwarding or producing copies and delete and destroy all copies of PREPA Original Comments forthwith. Further, PREPA requests the Energy Bureau to find that PREPA's Original Comments and PREPA's Revised Comments have not material or substantive differences. Further, it is requested that the Energy Bureau directs the Clerk of the Energy Bureau to delete PREPA's Original Comments from the public docket of the captioned case (if they have been published already), because they contain attorney-client privileged communications that, pursuant to Puerto Rico's applicable laws and regulations, are protected from disclosure beyond the attorney-client relationship. Also, PREPA requests the Energy Bureau to order that PREPA's Revised Comments

be deemed as timely filed, considered for all purposes of the above-caption proceedings as timely filed and also, deemed filed in compliance with the December 23 Order.

WHEREFORE, it is hereby requested that the Energy Bureau grants the remedies requested by PREPA in paragraph 5.

In San Juan, Puerto Rico, this 31st day of January 2021.

s/ Katuska Bolaños-Lugo
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CERTIFICATE OF SERVICE

It is hereby certified that, on this same date, I have filed the above motion with the Clerk of the Energy Bureau using the Energy Bureau's Electronic Filing System, at the following address: <http://radicacion.energia.pr.gov> It is further certified that I have sent a copy to margarita.mercado@us.dlapiper.com and mmercado@mercado-echegaray-law.com.

In San Juan, Puerto Rico, this 31st day of January 2021.

s/ Katuska Bolaños-Lugo

Katuska Bolaños-Lugo