

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

NEPR Received: Jun 16, 2021 11:18 PM

IN RE:

IN RE: THE UNBUNDLING OF THE
ASSETS OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY

CASE NO. NEPR-AP-2018-0004

**SUBJECT: Request for Additional Time to Answer
Second Request for Information Served on June 11, 2021.**

**REQUEST FOR ADDITIONAL TIME TO ANSWER SECOND REQUEST FOR
INFORMATION SERVED ON JUNE 11, 2021**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** (“ManagementCo”), and **LUMA Energy ServCo, LLC** (“ServCo”), (jointly referred to as the “Operator” or “LUMA”), and respectfully state and request the following:

1. Pursuant to a Resolution and Order issued by this honorable Puerto Rico Energy Bureau (“Energy Bureau”) on February 5, 2021, the discovery processes in this proceeding is set to be conducted between May 10, 2021 and June 30, 2021 (“February 5th Order”). At page 4 of the February 5th Order, the Energy Bureau stated that the period to conduct discovery would end on June 10, 2021.¹
2. On June 10, 2021, LUMA received a first Request for Information from the Energy Bureau, that includes sixteen (16) requests (“Energy Bureau’s June 10th Request for Information”). The response to the June 10th Request for Information is due on June 20th, 2021. LUMA and its consultant Guidehouse, are working diligently on the responses to be filed on or before June 20th.

¹ LUMA respectfully understands that the June 10th deadline applies to issuance of discovery requests to be answered within ten days.

3. At 11:23 p.m. on June 10, 2021, LUMA received a *First Requirement of Information* from the Independent Consumer Protection Office that includes thirteen (13) requests (“ICPO’s Request for Information”). LUMA and its consultant Guidehouse are also working diligently on the responses to be filed on or before June 20th.
4. Finally, on June 11, 2021, one day after the period to conduct discovery expired, LUMA received a second request for information from the Energy Bureau, which is the third request for information that was issued in this proceeding to LUMA (“Energy Bureau’s Second Request for Information”). The Energy Bureau’s Second Request for Information includes thirty-three (33) questions; several of which are subdivided and thus include compound questions or requests. Responses to the Energy Bureau’s Second Request for Information are due on or before June 21, 2021.
5. Prior to the deadline of June 21, 2021, as required in the text of the Energy Bureau’s Second Request for Information, LUMA respectfully requests an additional three (3) days, until end of day June 24, 2021, to issue its responses to the Energy Bureau’s Second Request for Information.
6. This brief extension of time is necessary given that LUMA received concurrently, three requests for information at the very end of the discovery period. Although the Energy Bureau provided thirty days for issuance of discovery requests, all of the requests were issued essentially concurrently and thus, two of the responses are due on the same day and LUMA does not have the benefit of one business day to issue its response to the third request.
7. Upon receiving the three requests for information, LUMA and Guidehouse have met on at least two occasions to identify responsive documents and data, draft initial responses and discuss

the need to conduct additional diligences to answer several of the requests. Since June 11, 2021, LUMA and Guidehouse have also exchanged correspondence to discuss the responses to be filed. To better allocate resources, priority was given to answer in full the Energy Bureau's June 10th Request for Information and ICPO's Request for Information which are due June 20th. These efforts have been productive and LUMA is on track to file its responses to the total of twenty-nine questions or requests for information by June 20th, 2021.

8. It is important to note that the three requests for information demand individualized consideration and require providing narrative answers and explanations to important and complex questions. The majority of the requests included in the Energy Bureau's June 10th Request for Information and in ICPO's Request for Information, require explanations and elaboration by Guidehouse and LUMA, rather than calling for production of specific data or documentation. *See* Energy Bureau's June 10th Request for Information Requests Numbers 1 through 6, 8 through 11, and 14 through 16; and ICPO's Requests for Information Numbers 2 through 13. Thus, preparation of the responses due June 20th has and will continue to require considerable time and resources to provide complete, thorough and properly reviewed explanations.
9. The Energy Bureau's Second Request for Information also predominantly calls for explanations and clarifications that demand either filing narrative explanations or submitting clarifications. *See* Energy Bureau's Second Request for Information Numbers 1 through 14, 16 through 17, 19 through 30 and 32 through 33. It is also important to note that the Energy Bureau's Second Request for Information includes some questions that are very specific and technical and require review of models and hypothetical scenarios. While others are broad and

require interpretation. In addition to the voluminous nature of the Energy Bureau's Second Request for Information, responses to the same require analysis and consideration by LUMA and Guidehouse that is not duplicative of the work that has been conducted in connection with the Energy Bureau's June 10th Request for Information and ICPO's Request for Information.

10. Further, given that the questions all pertain to the same subject, the same subject matter experts who are responding to the Energy Bureau's June 10th Request for Information and ICPO's Request for Information, are also responding to the Energy Bureau's Second Request for Information and therefore this work must be performed in sequence, not in parallel.

11. As such, at this time, LUMA and Guidehouse have not been able to draft answers to the Energy Bureau's Second Request for Information that could be in final shape for a partial filing on June 21st. Also, given the interrelation between the questions and topics addressed in the Energy Bureau's Second Request for Information, LUMA and Guidehouse understand that they are not in a reasonable position to produce answers to some of the questions and requests. It is respectfully submitted that to responsibly answer the Energy Bureau's Second Request for Information, LUMA and Guidehouse need to draft and finalize their answers as a whole and present a unified filing.

12. Despite their best efforts and planning, LUMA and Guidehouse understand that it is not feasible to answer the Energy Bureau's Second Request for Information by Monday, June 21st, 2021. LUMA requests three business day, until end of day June 24, 2021, to file the responses. The extension herein requested has been tailored to allow LUMA and Guidehouse to complete the responses to the Energy Bureau's Second Request for Information.

13. This brief request extension of time until end of day June 24th is within the discovery window set forth in Attachment A to the February 5th Resolution and Order, pursuant to which discovery will conclude on June 30, 2021.

14. This request is filed in good faith, four days in advance of the relevant deadline and without intent to delay proceedings.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **grant** this request for extension of time until end of day June 24, 2021, to file responses to the Energy Bureau's Second Request for Information.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 16th day of June 2021.

I hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau. I certify that I will serve notice of this motion to counsel for the Puerto Electric Power Authority, Katuska Bolaños, kbolanos@diazvaz.law.



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