

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

**IN RE: PERFORMANCE TARGETS FOR
LUMA ENERGY SERVCO, LLC**

CASE NO.: NEPR-AP-2020-0025

SUBJECT: Procedural Calendar Modification.

RESOLUTION AND ORDER

On February 25, 2021, LUMA filed a document titled *Submittal and Request for Approval of Revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (OMA)*, pursuant to Section 4.2(f) of the OMA (“LUMA’s February 25 Request”).¹ LUMA’s February 25 Request includes a high-level description of the proposed performance incentive framework along with an argument for the consistency of the proposal with the OMA, applicable laws, regulations and orders of the Energy Bureau. Exhibit 1 of LUMA’s February 25 Request provides the details of the proposal while Exhibit 2 of LUMA’s February 25 Request provides a comparison of the proposal with the framework that had been included in the OMA.

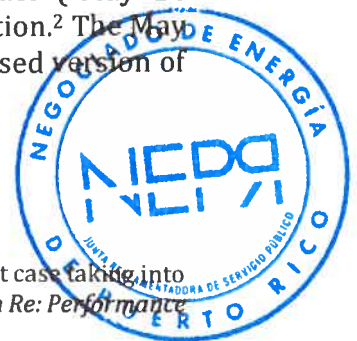
On April 8, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“April 8 Resolution”) through which it established the procedural calendar for the instant case in order to evaluate the request filed by LUMA¹ on February 25, 2021.² As part of the procedural calendar, the Energy Bureau established May 14, 2021 as the deadline for LUMA to file a revised version of the February 25 Request. The Energy Bureau noted that such filing shall be consistent with the Energy Bureau’s final determination under Case No. NEPR-MI-2019-0007.³

On May 14, 2021 the Energy Bureau issued a Resolution and Order (“May 14 Resolution”) amending procedural calendar established in the April 8 Resolution.² The May 14 Resolution, established June 4, 2021 as the deadline for the filing of a revised version of the February 25 Request.³

¹ Note that the Energy Bureau had expressly directed LUMA to make its filing under the instant case taking into consideration the final outcome of Case No. NEPR-MI-2019-0007. See Resolution and Order, *In Re: Performance Targets for Luma Energy Servco, LLC* Case No. NEPR-AP-2020-0025, December 23, 2020.

² The Energy Bureau determined that all other provisions of the April 8 Resolution that are compatible with this Resolution and Order remain unaltered.

³ The amendment was caused by a delay in the Energy Bureau’s final determination under Case No. NEPR-MI-2019-0007, which is necessary for LUMA’s revision of the February 25 Request.



On May 21, 2021, after an extensive and thorough process, which included ample opportunity for stakeholders and the general public to participate, the Energy Bureau issued a Resolution and Order establishing baselines and benchmarks for a series of baselines and/or benchmarks for certain performance metrics.⁴

On June 3, 2021, at 3:54 pm, Luma Energy, LLC as Management Co., and Luma Energy Servco, LLC (collectively, "LUMA") filed a motion titled *Request to Re-Schedule Proceedings* ("Request"). In the Request, LUMA states that it will be filing a request for clarifications and/or partial reconsideration of the Resolution and Order issued by the Energy Bureau on May 21, 2021 in Case No. NEPR-MI-2019-0007 and asked the Energy Bureau to modify the procedural calendar established⁵ in the instant case.

On June 4, 2021, the Energy Bureau issued a Resolution and Order ("June 4 Resolution") in which it reminded LUMA that, in the future, the Energy Bureau will only entertain requests that are filed in a timely manner in this or any other procedure, unless there is just cause. Notwithstanding the foregoing, the Energy Bureau amended the procedural calendar established in the May 14 Resolution as follows⁶:

Date	Phase
July 15, 2021	Filing of requests for intervention or <i>Amicus Curiae</i>
August 11, 2021	Filing of a revised version of the February 25 Request ("LUMA's Revised Request")
August 20, 2021	Determination on the completeness of LUMA's Revised Request
August 20 – September 20, 2021	Discovery
October 4, 2021	Filing of Written Testimony by the Parties
October 18-19, 2021	Virtual Evidentiary Hearing
October 22-23, 2021	Virtual Public Hearings
October 29, 2021	Filing of Comments by General Public
November 3, 2021	Filing of Final Substantive and Legal Briefs by the Parties
	Filing of Final Brief by <i>Amicus Curiae</i>
November 12, 2021	Filing of Replies to Final Briefs by the Parties

On June 30, 2021, Comité Dialogo Ambiental, Inc. and El Puente: Enlace Latino de Acción Climática (El Puente de Williamsburg) ("Environmental Entities"), filed a document titled *Motion Requesting Access to Information and Opportunity to Informed Participation*,

⁴ See Resolution and Order, In re: The Performance of the Puerto Rico Electric Power Authority, Case No. NEPR-MI-2019-0007, May 21, 2021 ("May 21 Resolution").

⁵ See Resolution and Order, In re: The Performance Targets for Luma Energy Servco, LLC, Case No. NEPR-AP-2020-002, April 8, 2021.

⁶ For the requirements applicable to the different events included in the procedural calendar, see the May 14 resolution and the June 4 Resolution.



Commencement of Investigations, Scheduling of Public Hearings and Other Remedies (“June 30 Motion”). The June 30 Motion, in relevant part, briefly discusses some of the performance metrics proposed by LUMA in its filings under the instant case.

It is important to note that the Environmental Entities can, and have the opportunity to, file a request for intervention in the instant case, in accordance with applicable requirements.

For the reasons discussed above, the Energy Bureau **CONSTRUES** the June 30 Motion as a general comment to be included in the administrative record. Furthermore, the Energy Bureau invites the Environmental Entities to further provide meaningful contributions in the instant case, in accordance with the corresponding procedural calendar, may it be as intervenors or as part of the general public comments process.

Be it notified and published.



Edison Avilés Deliz
Chairman



Ángel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on July 2, 2021. I also certify that on July 2, 2021 a copy of this Resolution and Order was notified by electronic mail to the following: margarita.mercado@us.dlapiper.com, jmarrero@diazvaz.law, kbolanos@diazvaz.law hrivera@jrsp.pr.gov, contratistas@jrsp.pr.gov and agraitfe@agraitlaw.com. I also certify that today, July 2, 2021, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today July 2, 2021.



Sonia Seda Gaztambide
Clerk

