

**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: LUMA's Request to Amend
Procedural Calendar to Allow Discovery on
Intervenor Testimonies and Filing of
Rebuttal Testimonies**

RESOLUTION

On July 2, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order in the instant case ("July 2 Resolution"). Through the July 2 Resolution, the Energy Bureau restated the procedural calendar established in the June 4, 2021 Resolution and Order.

On July 13, 2021, the Energy Bureau issued a Resolution *Nunc Pro Tunc* ("July 13 Resolution"), through which it stated that the procedural calendar in the July 2 Resolution included a typographical error related to the scheduled date for the Virtual Public Hearings. The Energy Bureau issued a revised calendar clarifying the error.

On July 22, 2021, LUMA Energy, LLC and LUMA Energy ServCo, LLC (collectively, "LUMA") filed before the Energy Bureau a document titled *Request to Amend Procedural Calendar to Allow Discovery on Intervenor Testimonies and Filing of Rebuttal Testimonies* ("Motion"). Through its Motion, LUMA requests the Energy Bureau to clarify the due date for LUMA to submit pre-filed testimonies of LUMA's witnesses. Also, LUMA requests the Energy Bureau to amend the procedural calendar to: (i) allow LUMA to conduct discovery on the written testimonies to be filed by intervenors; and (ii) authorize LUMA to file rebuttal written testimony.

LUMA states that, based on the current procedural calendar, it does not have the opportunity to conduct discovery on the testimonies to be filed by intervenors.¹ LUMA argues that, without an opportunity to conduct discovery on intervenor's testimonies, whereby intervenors will inform their positions, opinions, and recommendations, its ability to present and defend its position supporting its revised request would be materially limited.² LUMA further alleges that it would be in a procedural disadvantage since its ability

¹ Motion, p. 3.

² *Id.*



to conduct cross-examination would be limited as LUMA would not have the opportunity to inquire about the basis of intervenor's testimonies.³

LUMA also requests the Energy Bureau to authorize the submission of rebuttal testimonies by LUMA. LUMA states this will benefit the proceedings since all parties would have equal opportunity to file evidence and testimonies regarding the complete set of evidence to be presented.⁴

On August 6, 2021, LUMA filed before the Energy Bureau a document titled *Urgent Request to Reschedule the August 11th Deadline* ("Urgent Request"). Through its Urgent Request, LUMA states that the development of a revised request has required time-intensive analysis additional to the efforts LUMA had been undertaking in prior months.⁵ LUMA states that this analysis has required corroboration of the proposed targets to ensure that the revised filing to be submitted is complete and accurate considering the limitations on data, data collection processes and the current state of the utility.⁶ LUMA argues that upon commencement of operations it has encountered additional challenges regarding data collection relevant to the analysis to file a revised request.⁷

Additionally, LUMA alleges that additional time is needed based in the considerable number of witnesses it has identified so far that shall submit pre-filed testimonies.⁸ LUMA argues that preparing and filing written testimonies requires substantial work by LUMA in consultation with different operational components. LUMA also alleges that its participation in several dockets before the Energy Bureau not only demands substantial care and attention from LUMA but provides an important context on the reasons why it is reasonable to grant LUMA additional time to comply with the August 11th deadline.⁹ Therefore, LUMA requests the Energy Bureau to grant an extension of seven additional business days to submit its Revised Request.

The Energy Bureau issued the original procedural calendar in the instant case through the April 8, 2021 Resolution and Order.¹⁰ The Energy Bureau established that, as

³ *Id.*

⁴ *Id.*, p. 4.

⁵ Urgent Request, p. 2.

⁶ *Id.*, pp. 2-3.

⁷ *Id.*, p. 3.

⁸ *Id.*, p. 4.

⁹ *Id.*, p. 6.

¹⁰ See *In Re: Performance Targets for LUMA Energy ServCo, LLC*, Case No. NEPR-AP-2020-0025, Resolution and Order, April 8, 2021, pp. 2-3 ("April 8 Resolution").



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part of LUMA's Revised Request, as defined in the procedural calendar, LUMA shall also include LUMA's witnesses Pre-Filed Testimony, which shall address all aspects of LUMA's petition.¹¹ Even though the Energy Bureau has amended the procedural calendar on several occasions, the Energy Bureau has not amended LUMA's Pre-Filed Testimony requirement. Therefore, the Energy Bureau **CLARIFIES** that LUMA shall include its witnesses Pre-Filed Testimony as part of LUMA's Revised Request.

Moreover, upon review of LUMA's arguments supporting its Motion, the Energy Bureau **DETERMINES** that it is prudent to include as part of the procedural calendar the opportunity to (i) conduct discovery on written testimony filed by intervenors and (ii) file rebuttal testimony to any intervenor pre-filed testimony.

However, upon review of LUMA's arguments, the Energy Bureau **PARTIALLY GRANTS** the Urgent Request. The Energy Bureau is aware of recent events that may have disrupted LUMA's personnel in preparing the required filing under this case. Notwithstanding the foregoing, the Energy Bureau has emphasized in numerous occasions the importance of timely compliance with the Energy Bureau's orders.

Based on the above, the Energy Bureau **AMENDS** the procedural calendar for the instant case as follows:

Date	Phase
August 18, 2021	Filing of a revised version of the February 25 Request ("LUMA's Revised Request")
August 27, 2021	Determination on the completeness of LUMA's Revised Request
August 27, 2021 - September 27, 2021	Discovery
October 11, 2021	Filing of Written Testimony by Intervenors
October 12, 2021 - November 1, 2021	Discovery on Intervenors' Written Testimony
November 8, 2021	Rebuttal on Intervenors' Written Testimony Due
November 16 - 17, 2021	Virtual Evidentiary Hearing ¹²
November 22 - 23, 2021	Virtual Public Hearings ¹³
November 30, 2021	Filing of Comments by General Public
December 6, 2021	Filing of Final Substantive and Legal Briefs by the Parties; Filing of Final Brief by <i>Amicus Curiae</i>
December 16, 2021	Filing of Replies to Final Briefs by the Parties

¹¹ *Id.*, n. 7.

¹² Note that in order to prevent the spread of Covid-19, the Virtual Evidentiary Hearing will be held remotely via the *Microsoft Teams* platform from 9:00 a.m. to 5:30 p.m.

¹³ Note that in order to prevent the spread of Covid-19, the Virtual Public Hearings will be held remotely via the *Microsoft Teams* platform from 9:00 a.m. to 5:30 p.m.



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All other provisions of the April 8 Resolution, the May 14 Resolution,¹⁴ the June 4 Resolution¹⁵ and the July 2 Resolution compatible with this Resolution and Order remain unaltered.

The participation of the general public in this proceeding, through the submission of public comments or the appearance at public hearings, shall be governed by the June 18, 2021 Resolution and Order issued under Case No. NEPR-MI-2021-0010.¹⁶

Be it notified and published.



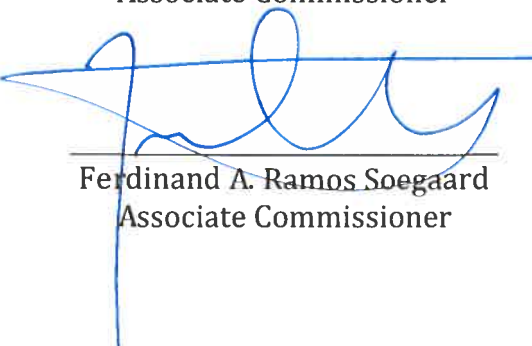
Edison Avilés Deliz
Chairman



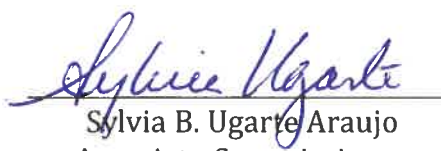
Angel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner



¹⁴ See *In Re: Performance Targets for LUMA Energy ServCo, LLC*, Case No. NEPR-AP-2020-0025, Resolution and Order, May 14, 2021 (“May 14 Resolution”).

¹⁵ See *In Re: Performance Targets for LUMA Energy ServCo, LLC*, Case No. NEPR-AP-2020-0025, Resolution and Order, June 4, 2021 (“June 4 Resolution”).

¹⁶ See *In Re: Política Pública Sobre Recibo y Manejo de Comentarios y Comparecencia en Vistas Públicas*, Caso Núm.: NEPR-MI-2021-0010, Resolución y Orden.

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 9, 2021. I also certify that on August 9, 2021 a copy of this Resolution 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; agraitfe@agraitlawpr.com; rstgo2@gmail.com, pedrosaade5@gmail.com, rolando@bufete-emmanuelli.com; notificaciones@bufete-emmanuelli.com; jessica@bufete-emmanuelli.com. A copy was also sent to: Elias.sostre@aes.com; jesus.bolinaga@aes.com; cfl@mcvpr.com; ivc@mcvpr.com; notices@sonnedix.com; leslie@sonnedix.com; victorluisgonzalez@yahoo.com; tax@sunnova.com; jcmendez@reichardescalera.com; r.martinez@fonroche.fr; gonzalo.rodriguez@gestampren.com; kevin.devlin@patternenergy.com; fortiz@reichardescalera.com; jeff.lewis@terraform.com; mperez@prrenewables.com; coterol@landfillpr.com; geoff.biddick@radiangen.com; hjcruz@urielrenewables.com; carlos.reyes@ecoelectrica.com; megan.semiao@longroadenergy.com; tracy.deguise@everstreamcapital.com; agraitfe@agraitlawpr.com; h.bobea@fonrochepr.com; ramonluisnieves@rlnlegal.com; hrivera@jrsp.pr.gov; info@sesapr.org; yan.oquendo@ddec.pr.gov; acarbo@edf.org; pjcleanenergy@gmail.com; nicolas@dexgrid.io; javrua@gmail.com; JavRua@sesapr.org; lmartinez@nrdc.org; thomas.quasius@aptim.com; rtorbert@rmi.org; lionel.orama@upr.edu; noloseus@gmail.com; aconer.pr@gmail.com; dortiz@elpuente.us; wilma.lopez@ddec.pr.gov; gary.holtzer@weil.com; ingridmvila@gmail.com; rstgo2@gmail.com; agc@agcpr.com; presidente@ciapr.org; cpsmith@unidosporutuado.org; jmenen6666@gmail.com; cpares@maximosolar.com; CESA@cleanegroup.org; acasepr@gmail.com; secretario@ddec.pr.gov; julia.mignuccisanchez@gmail.com; professoraviles@gmail.com; gmch24@gmail.com; ausubopr88@gmail.com; carlos.rodriguez@valairlines.com; amaneser2020@gmail.com; acasellas@amgprlaw.com; presidente@camarapr.net; jmarvel@marvelarchitects.com; amassol@gmail.com; jmartin@arcainc.com; eduardo.rivera@afi.pr.gov; leonardo.torres@afi.pr.gov; carsantini@gmail.com; directoralcaldes@gmail.com; imolina@fedalcaldes.com; LCSchwartz@lbl.gov; thomas@fundacionborincana.org; cathykunkel@gmail.com; joseph.paladino@hq.doe.gov; adam.hasz@ee.doe.gov; Sergio.Gonsales@patternenergy.com; Eric.Britton@hq.doe.gov; energiaverdepr@gmail.com; Arnaldo.serrano@aes.com; gustavo.giraldo@aes.com; accounting@everstreamcapital.com; mgrpcorp@gmail.com; jczayas@landfillpr.com; Jeanna.steele@sunrun.com; mildred@liga.coop; rodrigomasses@gmail.com; presidencia-secretarias@seguros multiples.com; cpsmith@cooperativahidroelectrica.coop; maribel@cooperativahidroelectrica.coop; apoyo@cooperativahidroelectrica.coop; Marisol.Bonnet@hq.doe.gov; ernesto.rivera-umpierre@hq.doe.gov; elizabeth.arnold@hq.doe.gov; info@icsepr.org; john.jordan@nationalpfg.com; info@marinsacaribbean.com; aconer.pr@gmail.com; pathart@ge.com; contratistas@jrsp.pr.gov; Laura.rozas@us.dlapiper.com; ckunkel@ieefa.org; renewableenergy@me.com; mario.hurtado@lumamc.com; wayne.stensby@lumamc.com; Ashley.engbloom@lumamc.com; Legal@lumamc.com; jorge.flores@lumapr.com; energia@ddec.pr.gov; Francisco.Berrios@ddec.pr.gov;



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I also certify that today, August 9, 2021, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today August 9, 2021.



Sonia Seda Gaztambide
Clerk

