

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

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

CASE NO. NEPR-AP-2020-0025

**SUBJECT: LUMA's Request for
Authorization to Answer and/or object to
LECO's First Discovery Request in 20 Days**

**MOTION REQUESTING THE ENERGY BUREAU TO ALLOW LUMA TO
ANSWER AND/OR OBJECT TO LECO'S FIRST DISCOVERY REQUEST IN 20 DAYS
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. On April 8, 2021, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order ("April 8 Resolution") through which it established the procedural calendar setting dates for filings in the instant case to evaluate the *Request for Approval of Revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (OMA)* (hereinafter, "LUMA's February 25 Request").

2. As part of the procedural calendar of the April 8 Resolution, this Energy Bureau established a discovery deadline. It also set forth that every intervenor would have the right to issue Requests for Information ("ROIs") with regards to LUMA's February 25 Request, pursuant to the provisions of Regulation No. 8543. LUMA would have a ten-day term to answer information requests. The April 8 Resolution, however, did not address the time frame to respond to

interrogatories, requests for production of documents and requests for admission, all of which are regulated by Section 8.0 of Regulation No. 8543.

3. On May 14, 2021 the Energy Bureau issued a Resolution and Order amending the procedural calendar established in the April 8 Resolution. Subsequent orders amending the procedural calendar were issued by this Energy Bureau on June 4 and July 2, 2021.

4. On July 15, 2021, the Puerto Rico Local Environmental and Civil Organizations (“LECO”) filed before this Energy Bureau a *Joint Petition for Intervention*. Their request for intervention was granted in a Resolution issued by this Energy Bureau on August 5, 2021.

5. On August 9, 2021, this Energy Bureau issued a Resolution (“August 9 Resolution”) in which it amended the procedural calendar. It set the discovery period from August 27 to September 27, 2021.

6. On August 27, 2021, LECO served a *First Discovery Request* on LUMA. It requested LUMA to forward its responses within the next twenty (20) days in accordance with Section 8.03(C) of Regulation No. 8545 of this Energy Bureau.

7. LECO’s *First Discovery Request* is comprised of thirteen interrogatories and one request for production of documents. *See First Discovery Request* (eleven interrogatories (questions 3 through 13); two interrogatories that also request supporting documentation (questions 4 and 13 (a); and one request for production of documents (question 2)). It is a discovery requests issued pursuant to Article VIII of Regulation No. 8543.

8. Pursuant to Section 8.03(C) of Regulation No. 8543, the party served with an interrogatory shall provide a copy of the answers and objections, to the party seeking the

interrogatory withing twenty (20) days of service. This Energy Bureau may, at its discretion, extend or reduce this term. However, Section 8.04(C) of Regulation No. 8543 provides that any party served with a request for production of documents shall respond to the serving party within (10) days.

9. As we have seen, under Regulation No. 8543 LUMA would have two different terms to provide its responses to the *First Discovery Request*; one term of twenty (20) days to answer thirteen interrogatories and another of ten days to answer three requests for production of documents; two of which were issued within two interrogatories. Since the *First Discovery Request* includes interrogatories and a few requests for production of documents, LUMA respectfully requests that the Energy Bureau apply the 20-day term set forth in Section 8.03(C) of Regulation No. 8543 to LUMA's answer to all of LECO's *First Discovery Request*.

10. In view of the above, LUMA respectfully requests this Energy Bureau to clarify and allow the submittal of its responses to the *First Discovery Request*, within twenty (20) days from the date it was served, that is, on or before September 16, 2021. LUMA understands this will assist in eliminating all discrepancy and avoid any confusion as to the applicable term to respond to LECO's written discovery request that, as stated, includes both interrogatories and requests for production of documents.

11. This request is not intended to cause unnecessary delay and should not cause any inconvenience to the other parties, as LECO expressly requested LUMA to forward its responses within twenty (20) days of service and LUMA's answer would be issued eleven days prior to the close of discovery by intervenors which is set to end on September 27, 2021.

WHEREFORE, LUMA respectfully requests that the Energy Bureau to clarify and allow the submittal of its responses or objections, if any, to the *First Discovery Request*, within twenty (20) days from the date it was served, this is, on or before September 16, 2021.

RESPECTFULLY SUBMITTED.

We hereby certify that we filed this motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this motion to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law; and Katuska Bolaños-Lugo, kbolanos@diazvaz.law, the Office of the Independent Consumer Protection Office, Hannia Rivera Diaz, hrivera@jrsp.pr.gov, and counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy (“ICSE”), Fernando Agrait, agraitfe@agraitlawpr.com, counsel for the Colegio de Ingenieros y Agrimensores de Puerto Rico (“CIAPR”), Rhonda Castillo, rhoncat@netscape.net, and counsels for Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc., Enlace Latino de Acción Climática, Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., CAMBIO, Sierra Club and its Puerto Rico Chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (jointly, Puerto Rico Local and Environmental Organizations), larroyo@earthjustice.org, rstgo2@gmail.com, notificaciones@bufete-emmanueli.com, pedrosaade5@gmail.com., jessica@bufete-emmanueli.com; rolando@bufete-emmanueli.com.

In San Juan, Puerto Rico, this 30th day of August 2021.



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