

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

NEPR Received: Aug 18, 2021 11:58 PM

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

CASE NO. NEPR-AP-2020-0025

SUBJECT:

**LUMA'S WITNESSES
PRE-FILED TESTIMONIES**

MOTION SUBMITTING PRE-FILED TESTIMONIES

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 July 2, 2021, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order that included a procedural calendar to consider LUMA's petition for approval of the revised Annex IX to the OMA, which includes LUMA's proposed Performance Metrics Targets ("Request for Approval of the Revised Annex IX to the OMA"). As part of the procedural calendar, the deadline for LUMA to file a revised Request for Approval of the Revised Annex IX to the OMA and LUMA's Performance Metrics Targets was set for August 11, 2021.

2. On July 22, 2021, LUMA filed a *Request to Amend Procedural Calendar to Allow Discovery on Intervenor Testimonies and Filing of Rebuttal Testimonies*. LUMA requested this Energy Bureau to clarify the due date to submit the pre-filed testimonies of the witnesses it intended to present at the evidentiary hearing. Also, LUMA solicited this 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.

3. On August 6, 2021, LUMA filed an *Urgent Request to Reschedule the August 11th Deadline* whereas it requested the Energy Bureau to grant an extension of seven additional business days to submit its revised Request for Approval of the Revised Annex IX to the OMA, as well as the pre-filed witnesses' testimonies.

4. On August 9, 2021, this Honorable Energy Bureau issued a Resolution and Order partially granting LUMA's *Urgent Request to Reschedule the August 11th Deadline*. This Energy Bureau determined that it was prudent to include as part of the procedural calendar the opportunity to conduct discovery on written testimony filed by intervenors and file rebuttal testimony to any intervenor pre-filed testimony. It also clarified that LUMA shall include its witnesses pre-filed testimonies as part of the revised Request for Approval of the Revised Annex IX to the OMA. Finally, it amended the procedural calendar to set August 18th as the deadline to submit the revised Request for Approval of the Revised Annex IX to the OMA ("Revised P and the pre-filed witnesses' testimonies, as well as establishing a schedule for discovery upon the intervenors' testimonies and a target date for the filing of LUMA's rebuttal written testimonies.

5. In compliance with the August 9th Resolution and Order, LUMA respectfully submits with this motion as **Exhibit 1**, the following pre-filed witnesses' testimonies with their respective exhibits.¹ All of these witnesses are employees of LUMA and are presenting their testimony on behalf of LUMA:

- a. Mr. Kalen Kostyk- Manager of Accounting
- b. Ms. Esther C. González- Vice President of Health, Safety and Environmental Quality

¹ Several of the Exhibits are Excel spreadsheets to be submitted via e-mail.

- c. Mr. Abner Gómez Cortés- Crisis Management Leader
- d. Mr. Juan Fonseca Rodríguez- Manager, Revenue Protection Department
- e. Mr. Don Cortez- Vice President – Utility Transformation
- f. Mr. Terry Tonsi- Director Lines East
- g. Mrs. Jessica Laird- Vice President of Customer Experience
- h. Ms. Melanie J. Jeppesen- Director of Billing Services
- i. Mr. Mario Hurtado- Chief Regulatory Officer

6. As required, all of the above-described pre-filed witnesses' testimonies have been duly notarized by public notaries in Puerto Rico, with the exception of the pre-filed testimony of Mr. Kalen Kostyk, which has been notarized in Canada.

7. Canada is not signatory of the 1961 Hague Convention Abolishing the Requirement for Legalization for Foreign Public Documents. Therefore, any document notarized in Canada has to undergo authentication and legalization from the corresponding consular authority from the United States to be recognized in Puerto Rico. *See* 4 LPRR App. XXIV, R. 41(A)(3). The authentication and legalization process in Canada can take several weeks, as documents need to be authenticated by the federal government of Canada and then legalized by the United States embassy or consulate. Due to time constraints and the complexity of the process in Canada, LUMA will not be able to complete the authentication and legalization of the pre-filed testimony of Mr. Kostyk in time for the deadline imposed by this Energy Bureau. In order to comply with the cutoff date to submit LUMA's witnesses pre-filed testimonies, LUMA hereby submits the pre-filed testimony of Mr. Kalen Kostyk notarized in Canada.

8. In view of the foregoing, LUMA respectfully requests that this Energy Bureau receive and accept the above-described pre-filed witnesses' testimonies with their respective exhibits. It also petitions this forum to receive and accept the pre-filed witness testimony of Mr. Kostyk notarized in Canada and allow to LUMA to supplement the filing by submitting forthwith the evidence of authentication and legalization once the processes have been completed.

9. LUMA also informs that it will submit today the revised Request for Approval of the Revised Annex IX to the OMA through a separate filing.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **receive and accept** the pre-filed witnesses' testimonies with their respective exhibits; **receive and accept** the pre-filed witness testimonies of Mr. Kalen Kostyk notarized in Canada, allow to LUMA to supplement the filing by submitting forthwith the evidence of authentication and legalization once the processes have been completed; and **deem** that LUMA complied with the requirements of this Energy Bureau's Resolution and Order dated August 9, 2021, with regards to the pre-filed witnesses testimonies.

RESPECTFULLY SUBMITTED.

I hereby certify that I 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, Lcda. Hannia Rivera Diaz, hrivera@jrsp.pr.gov, and counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy ("ICSE"), Fernando Agrait, agraitfe@agrailawpr.com, 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), rstgo2@gmail.com, [4](mailto:notificaciones@bufete-</p></div><div data-bbox=)

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In San Juan, Puerto Rico, this 18th day of August 2021.



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Exhibit 1

Pre-Filed Testimonies and Exhibits