

**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:** Motion in Compliance with  
Resolution and Order of August 25, 2021.

**RESOLUTION AND ORDER**

On August 25, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“August 25 Resolution”), through which, among other things, determined that the information filed by LUMA<sup>1</sup> as part of its Revised Filing<sup>2</sup> complied with the minimum requirements established by the Energy Bureau to continue its evaluation as part of the instant case.

The Energy Bureau also directed LUMA to (i) clarify the exhibits included as part of Mr. Juan Fonseca’s direct testimony, and, if necessary, file any additional documents not previously submitted, on or before August 27, 2021; and (ii) supplement Mr. Kalen Kostyk’s pre-filed testimony with the appropriate authentication and legalization, on or before September 7, 2021.

On August 27, 2021, LUMA filed before the Energy Bureau a document titled *Motion in Compliance with Resolution and Order of August 25, 2021* (“Motion”). Through its Motion, LUMA explained that, due to an involuntary omission, Exhibit B to Mr. Fonseca’s testimony was not included in the filing and was not referenced as part of the direct testimony.<sup>3</sup> LUMA submitted Exhibit B: Billed Sales Vs Collections M-8 2019-2020 to Mr. Fonseca’s testimony and included a sworn statement, executed by Mr. Fonseca, stating that the referenced exhibit is part of his testimony and should have been disclosed as such therein.<sup>4</sup>

<sup>1</sup> LUMA Energy, LLC (“ManagementCo”) and LUMA Energy ServCo, LLC (“ServCo”) (collectively “LUMA”).

<sup>2</sup> See, collectively, LUMA’s Submittal of Request for Approval of Revised Annex IX to the OMA, *In Re: Performance Targets for LUMA Energy Servco, LLC*, Case No. NEPR-AP-2020-0025, August 18, 2021; Motion Submitting Pre-Filed Testimonies, *In Re: Performance Targets for LUMA Energy Servco, LLC*, Case No. NEPR-AP-2020-0025, August 18, 2021; Motion Submitting Redline Version of the Revised Request for Approval of the Revised Annex IX to the OMA, *In Re: Performance Targets for LUMA Energy Servco, LLC*, Case No. NEPR-AP-2020-0025, August 20, 2021; and Motion Submitting Amended Exhibit to the Revised Request for Approval of the Revised Annex IX to the OMA, *In Re: Performance Targets for LUMA Energy Servco, LLC*, Case No. NEPR-AP-2020-0025, August 23, 2021.

<sup>3</sup> Motion, p. 1.

<sup>4</sup> *Id.*, pp. 1-2.




Regarding Mr. Kostyk's testimony, LUMA stated that the authentication and legalization in Canada of the testimony would take a much longer timeframe than the timeframe provided by the Energy Bureau.<sup>5</sup> Therefore, to offer a workable solution, LUMA submitted a sworn statement executed by Mr. Kostyk before notary public in Puerto Rico, whereby he reaffirmed the statements made in this direct testimony. LUMA requested for the Energy Bureau to accept in substitution of the Attestation notarized in Canada.<sup>6</sup>

Upon review of LUMA's Motion, the Energy Bureau **DETERMINES** that LUMA **COMPLIED** with the August 25 Resolution.

Be it notified and published.

  
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



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<sup>5</sup> *Id.*, p. 2.

<sup>6</sup> *Id.*

## CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on September 1, 2021. President Edison Avilés Deliz did not intervene. I also certify that on September 1, 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; hriviera@jrsp.pr.gov, contratistas@jrsp.pr.gov; agraitfe@agraitlawpr.com; rstgo2@gmail.com, pedrosaade5@gmail.com, larroyo@earthjustice.org; flcaseupdates@earthjustice.org; rolando@bufete-emmanuelli.com; notificaciones@bufete-emmanuelli.com; jessica@bufete-emmanuelli.com; rhoncat@netscape.net. I also certify that today, September 1, 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 September 1, 2021.



Sonia Seda Gaztambide  
Clerk

