

**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: Request for Remedies on Written  
Discovery; Request for Brief Extension of  
Time.**

**RESOLUTION AND ORDER**

On September 9, 2021, LUMA<sup>1</sup> filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Request for Remedies on Written Discovery* ("Request for Remedies"). LUMA states that as of the date it filed the Request for Remedies, it has received six (6) discovery requests; two issued by the Puerto Rico Local Environmental and Civil Organizations ("LECO") and four issued by the Energy Bureau.<sup>2</sup>

LUMA argues that the procedural calendar does not establish a deadline for the parties and the Energy Bureau to issue discovery requests, nor dispositions on the number of requests that may be issued.<sup>3</sup> LUMA further argues that, based on the terms established to answer discovery requests, it does not have the opportunity to evaluate all requests together to provide concurrently for those requests that involve similar subject-matters or request the same data or documentation.<sup>4</sup> LUMA alleges that, to promote quality and consistent responses, and to ensure efficiency, all responses should be provided on the same filing date, since it will be unable to provide responses efficiently across multiple dates.<sup>5</sup> LUMA states it is attending to the requests for information issued by the Energy Bureau while also attempting to meet other deadlines in multiple Energy Bureau proceedings.<sup>6</sup>

Through its Requests for Remedies, LUMA asks the Energy Bureau to establish a cut-off date, within the discovery deadline, for issuing discovery requests to LUMA. Further, LUMA requests for the Energy Bureau to set a uniform deadline for LUMA to answer the discovery requests received and pending to be answered, and any additional discovery

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

<sup>2</sup> Request for Remedies, p. 1.

<sup>3</sup> *Id.*, p. 3.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*, pp. 3-4.

<sup>6</sup> *Id.*, p. 4.



request to be issued. LUMA suggests the Energy Bureau to provide a term of ten business days after the cut-off date to provide its answers.<sup>7</sup>

On September 10, 2021, LUMA filed before the Energy Bureau a document titled *Motion Requesting a Brief Extension of Time for LUMA to Answer the Energy Bureau's Second and Third Requirements of Information* ("Request for Extension"). LUMA requests that, without abandoning its Request for Remedies, and as a reasonably necessary remedy to allow LUMA to responsibly provide answers to discovery requests, the Energy Bureau grant additional time to respond to the Energy Bureau's second and third Requirements for Information.<sup>8</sup> LUMA argues that the ten-day term to provide responses has proven insufficient to complete the tasks to responsibly finalize responses in a consistent and fulsome manner.<sup>9</sup> LUMA argues, as it did in its Request for Remedies, that it has been working on several other submissions from other Energy Bureau proceedings. Therefore, LUMA requested at least four additional business days from the September 13, 2021 deadline to respond to the Energy Bureau's second and third Requirements for Information.

Upon review of LUMA's arguments, the Energy Bureau **DENIES** its Request for Remedies. The Energy Bureau **CLARIFIES** that the last date to issue discovery requests to LUMA is **September 27, 2021**. As established in the April 8, 2021 Resolution<sup>10</sup> in the instant case, and clarified as part of the August 31, 2021 Resolution<sup>11</sup>, LUMA shall provide its answers to all discovery requests within ten (10) days from the issuance of each discovery request.<sup>12</sup>

Notwithstanding the foregoing, the Energy Bureau **PARTIALLY GRANTS** LUMA's Request for Extension. The Energy Bureau **ORDERS** LUMA to respond to the Energy Bureau's second and third Requirements for Information as follows:

Party	ROI No.	Date Issued	Due Date for LUMA's Response
Energy Bureau	2	September 1, 2021	September 16, 2021
Energy Bureau	3	September 3, 2021	September 16, 2021

<sup>7</sup> *Id.*, p. 5.

<sup>8</sup> Request for Extension, p. 3.

<sup>9</sup> *Id.*

<sup>10</sup> See Resolution and Order, *In Re: Performance Targets for Luma Energy Servco, LLC*, Case No. NEPRAP-2020-0025, April 8, 2021.

<sup>11</sup> See Resolution and Order, *In Re: Performance Targets for Luma Energy Servco, LLC*, Case No. NEPR-AP-2020-0025, August 31, 2021.

<sup>12</sup> As an example, any discovery request issued to LUMA on September 27, 2021, shall be answered on or before October 7, 2021.



It is important to note that LUMA indicates that it foresees that it will be able to respond to LECO's second discovery request by September 13, 2021.<sup>13</sup> Also, LUMA did not request additional time to provide responses to the Energy Bureau's first and fourth Requirements for Information. Therefore, LUMA must submit its answers to said Requirements for Information within the 10-day term established in the April 8, 2021 Resolution.

Further, the Energy Bureau is aware of LUMA's workload. However, this is not considered just cause to delay the proceedings held by the Energy Bureau. It is LUMA's responsibility to ensure that it acquires the necessary resources to comply with the Energy Bureau's orders in this and every other proceeding.

Finally, the Energy Bureau **REMINDS** all parties in the instant case that, based on the instructions for the discovery process established in the April 8, 2021 Resolution, all discovery requests and its corresponding responses shall be sent to the address of record of every intervenor and to the Energy Bureau, **at all three (3) of the following email addresses:** [secretaria@jrsp.pr.gov](mailto:secretaria@jrsp.pr.gov), [legal@jrsp.pr.gov](mailto:legal@jrsp.pr.gov) and [viacaron@jrsp.pr.gov](mailto:viacaron@jrsp.pr.gov).

The Energy Bureau **WARNS** that noncompliance with the Energy Bureau Resolutions and Orders may carry the imposition of administrative fines up to twenty-five thousand dollars (\$25,000.00) per day, per violation and/or other any other sanctions that the Energy Bureau may deem appropriate.

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

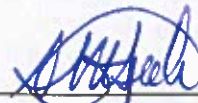
<sup>13</sup> Request for Extension, p. 4.



**CERTIFICATION**

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on September 10, 2021. I also certify that on September 10, 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-emmanueli.com; notificaciones@bufete-emmanueli.com; jessica@bufete-emmanueli.com; rhoncat@netscape.net. I also certify that today, September 10, 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 September 10, 2021.



Sonia Seda Gaztambide  
Clerk

