

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

NEPR

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**IN RE: REVIEW OF LUMA’S TERMS OF
SERVICE (LIABILITY WAIVER)**

CASE NO. NEPR-MI-2021-0007

**SUBJECT: Request for Audio Recording
of Technical Conference held on May 18,
2021**

**MOTION REQUESTING AUDIO RECORDING OF
TECHNICAL CONFERENCE**

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 May 18, 2021, this Honorable Puerto Rico Energy Bureau (“Energy Bureau”), held a Technical Conference in the instant proceeding (“May 18th Technical Conference”). During the Technical Conference, personnel from LUMA testified and answered the Energy Bureau’s questions.

2. On May 31, 2021, this Energy Bureau issued a Resolution and Order (“May 31st Resolution and Order”), in which it approved Modified Terms of Service.

3. On June 9, 2021, the Instituto de Competitividad y Sostenibilidad Económica, Inc. (“ICSE”), filed a *Motion for Reconsideration* of the May 31st Resolution and Order.

4. On July 28, 2021, ICSE filed a Writ to Review Administrative Decision before the Puerto Rico Court of Appeals. ICSE challenged the May 31st Resolution and Order, based on, among other allegations, that the Energy Bureau’s determination was not supported by substantial

evidence in the administrative record. However, ICSE did not submit the audio, nor the transcript of the May 18th Technical Conference to the Court of Appeals, even though it was questioning the evidence taken into account by this Energy Bureau to issue the May 31st Resolution and Order.

5. In disagreement, LUMA filed an Opposition Brief to the Writ to Review Administrative Decision.

6. The Puerto Rico Court of Appeals ordered this Energy Bureau to submit the administrative record of the instant proceeding on or before September 7, 2021. The record includes the audio of the May 18th Technical Conference. Considering this, LUMA requested the Puerto Rico Court of Appeals permission to submit a transcript of the May 18th Technical Conference. The Puerto Rico Court of Appeals granted LUMA's request and ordered LUMA to submit the transcript on or before October 1, 2021.

7. LUMA respectfully requests this Energy Bureau to provide an official audio recording of the May 18th Technical Conference.¹ LUMA respectfully informs that it intends to obtain a certified transcript using the official audio of the proceeding.

8. As explained before, the transcript of the proceeding will be submitted to the Puerto Rico Court of Appeals in order to assist the appellate court in evaluating the merits of the Writ to Review Administrative Decision filed by ICSE and the counterarguments raised by LUMA in its Opposition Brief.

¹ LUMA is aware that the Energy Bureau has posted the video recording of the proceeding in its YouTube channel. However, because LUMA endeavors to commission a transcript of the proceeding, LUMA respectfully requests the Energy Bureau to confirm if that is the official audio recording of the proceeding.

9. LUMA respectfully requests that the Energy Bureau inform the applicable fees to be paid for obtaining a copy of the official audio recording of the proceeding.

WHEREFORE, LUMA respectfully requests that the Energy Bureau issue and order authorizing release to the undersigned, prior payment of applicable fees, of the official audio recording of the Technical Conference held on May 18, 2021 in this proceeding.

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.

In San Juan, Puerto Rico, this 3rd day of September 2021.



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