

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

NEPR

Received:

Sep 10, 2021

8:23 AM

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

CASE NO. NEPR-AP-2020-0025

**SUBJECT: LUMA's Request for Brief
Extension to Answer the Energy Bureau's
First and Second Requirements of
Information.**

**MOTION REQUESTING A BRIEF EXTENSION OF TIME FOR LUMA TO
ANSWER THE ENERGY BUREAU'S SECOND AND THIRD REQUIREMENTS OF
INFORMATION**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC**, and **LUMA Energy ServCo, LLC**, (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)*. Subsequent Resolutions and Orders amending the procedural calendar established in the April 8 Resolution were issued by this Energy Bureau on May 14, June 4, and July 2, 2021.

2. On August 9, 2021, this Energy Bureau issued a Resolution ("August 9 Resolution") in which it further amended the procedural calendar, setting the discovery period from August 27 to September 27, 2021.

3. On August 31, 2021, the Energy Bureau issued a Resolution and Order (“August 31 Order”) clarifying that, pursuant to the April 8 Resolution, the time frame to respond to all information requests in the instant proceeding is ten (10) natural days. *See* August 31 Resolution at page 2.

4. As of the filing of this Motion, LUMA has received six discovery requests; two issued by the Puerto Rico Local Environmental and Civil Organizations (“LECO”) and four issued by the Energy Bureau. To wit, this Energy Bureau issued the following four requirements for information to LUMA: (1) First Requirement of Information of August 31, 2021 with fifty-four (54) interrogatories or requests for documents, which response LUMA will file on September 10, 2021; (2) Second Requirement of Information of September 1, 2021 with forty-nine (49) interrogatories or requests for documents, due September 13, 2021; (3) Third Requirement of Information of September 3, 2021 with fifty-three (53) interrogatories or requests for documents, due September 13, 2021; and (4) Fourth Requirement of Information of September 7, 2021 with sixteen (16) interrogatories or requests for documents, due September 17, 2021.

5. Based on the August 31 Order, LUMA’s responses to LECO’s First Discovery Request and the Energy Bureau’s First Requirement for Information, spanning sixty-seven (67) individual interrogatories or requests for documents, are due Friday, September 10, 2021, while LUMA’s responses to LECO’s Second Discovery Request and to the Second and Third Requirements for Information issued by this Energy Bureau, spanning one hundred and sixty-eight (168) individual interrogatories or requests for documents, are due Monday, September 13, 2021.

6. On September 9, 2021, LUMA filed a *Request for Remedies on Written Discovery*, whereby it requested that the Energy Bureau set a uniform deadline within the current discovery period, for issuance of discovery requests to LUMA and grant LUMA ten business days after said deadline, to answer the Requirements of Information issued by the Energy Bureau, as well as to answer any additional discovery requests that may be issued by the Energy Bureau or intervenors within the uniform deadline for issuance of discovery requests. Finally, LUMA requested that the Energy Bureau amend the procedural calendar in its discretion and issue any order that it deems proper to conduct discovery proceedings.

7. Without abandoning the *Request for Remedies on Written Discovery* filed on September 9, 2021, and as a reasonably necessary remedy to allow LUMA to responsibly answer all the discovery requests within reasonable and workable timeframes, LUMA respectfully requests that the Energy Bureau grant it additional time to respond to the Energy Bureau's Second and Third Requirements for Information. This request for extension will also afford the Energy Bureau opportunity to consider LUMA's *Request for Remedies on Written Discovery* and avoid rendering said request moot.

8. LUMA has working drafts of its responses to the Energy Bureau's Second and Third Requirements for Information. However, the ten-day time frame has proven insufficient to complete necessary tasks to responsibly finalize responses in a consistent and fulsome manner. The subject matters covered by the Energy Bureau's Second and Third Requirements for Information are technical and require review and consideration by at least the nine witnesses that submitted pre-filed testimonies in support of LUMA's Request for Approval of Revised Annex IX

to the OMA, as filed on August 18, 2021, in addition to final approval by LUMA officers. Importantly, LUMA officers involved in the preparation of the required responses have been simultaneously engaged in operating the Transmission and Distribution System and preparing responses to LECO's First Discovery Request and the Energy Bureau's First Requirement of Information which responses are due on September 10, 2021.

9. Given that LUMA's responses to LECO's First Discovery Request and the Energy Bureau's First Discovery Request are due on Friday, September 10, 2021, LUMA officers would only have the weekend to complete responses to the three additional requests that are due September 13, 2021. LUMA foresees that it will be able to respond to LECO's Second Discovery Request by September 13, 2021, but it will not be reasonably possible to submit responses to the Energy Bureau's Second and Third Requirements of Information by September 13, 2021.

10. It bears noting that at the same time that LUMA has been preparing responses to discovery requests in this proceeding, it has also been working on several other submissions in compliance with orders issued by the Energy Bureau that are due between September 10th and September 17th, 2021, *see e.g.*, NEPR-MI-2021-00021 (comments on August 25th Technical Workshop, due September 10, 2021); NEPR-IN-2021-0002 (Investigation on June 10th Incident) (updated report and summary of July 30th report due September 15, 2021); NEPR-MI-2021-0001 (System Operation Principles) (updated Gantt Chart filed September 3, 2021 and updated load forecasting procedures, amendments to System Operation Principles due September 13, 2021, compliance hearing scheduled for September 17, 2021 and filing of presentation for compliance hearing due on September 15, 2021); NEPR-MI-2019-0016 (filing of plan to manage

interconnections and of information requested by the Energy Bureau, due September 13, 2021 and compliance hearing set for September 20, 2021); NEPR-MI-2020-0001 (quarterly reconciliations of FCA and PPCA rider factors); NEPR-MI-2020-0012 (filing of timeline for completion of Wind Study due September 15, 2021, technical conference scheduled for September 21, 2021 and presentation for technical conference due September 17, 2021); NEPR-MI-2019-0006 (answers to requests for information issued by PREB after September 2nd Compliance Hearing, due September 17, 2021). In sum, LUMA has spent considerable time and resources simultaneously, to prepare at least ten filings due before this Energy Bureau. Those filings, in turn, are technical in nature, including the quarterly reconciliations for the Fuel Charge Adjustment (“FCA”) and Purchased Power Charge Adjustment (“PPCA”) riders that require compilation and analysis of extensive data and considerable efforts in calculations, and other filings that require active participation by LUMA officers who also have tasks associated with answering the discovery requests that were issued in this proceeding.

11. This week, LUMA allocated all knowledgeable resources to answer the discovery requests within 10 days of receiving each of them. Despite LUMA’s best efforts, it will not be feasible to answer the Energy Bureau’s Second and Third Requirements of Information by September 13, 2021.

12. Considering the foregoing, and preserving LUMA’s *Request for Remedies on Written Discovery*, LUMA respectfully submits that it will need at least four additional business days from the deadline of September 13, 2021, to submit its responses to the Energy Bureau’s Second and Third Requirements of Information.

13. This extension request is not intended to cause unnecessary delay and should not cause any inconvenience to the parties as LUMA would provide its response on September 17, 2021, before the end of discovery which is currently set for September 27, 2021.

WHEREFORE, LUMA respectfully requests that the Energy Bureau, in its discretion grant LUMA an extension of four business days to submit its responses or objections, if any, to the Energy Bureau's Second and Third Requirements of Information, that is, on or before September 17, 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 Katiuska 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@agrailawpr.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 Climatica, Alianza Comunitaria Ambientalista del Sureste, Inc., Coalicion 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-emmanuelli.com, pedrosaade5@gmail.com, jessica@bufete-emmanuelli.com; rolando@bufete-emmanuelli.com.

In San Juan, Puerto Rico, this 10th day of September 2021.



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