

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

**NEPR**

**Received:**

**Oct 8, 2021**

**4:33 PM**

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 ICPO's First  
Requirement of Information**

**MOTION REQUESTING A BRIEF EXTENSION FOR LUMA TO ANSWER  
ICPO'S FIRST REQUIREMENT OF INFORMATION**

**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 April 8, 2021, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order ("April 8 Resolution") establishing the procedural calendar and 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)* (hereinafter, "LUMA's February 25 Request").

2. As part of the procedural calendar, this Energy Bureau established a discovery deadline. It also set forth that every intervenor would have the right to issue Requests for Information ("ROIs") regarding LUMA's February 25 Request, according to the provisions of Regulation No. 8543. LUMA would have a ten (10) day term to answer each of the information requests.

3. On April 23, 2021, the Independent Consumer Protection Office (“ICPO”) filed a Petition for Intervention before this Energy Bureau. Their request for intervention was granted in a Resolution and Order issued by this Energy Bureau on May 7, 2021.

4. On May 14, 2021, the Energy Bureau issued a Resolution and Order amending the procedural calendar established in the April 8 Resolution. This Energy Bureau issued subsequent orders amending the procedural calendar on June 4, July 2, and August 9, 2021.

5. On August 31, 2021, the Energy Bureau issued a Resolution and Order (“August 31 Resolution”) clarifying that, according to the April 8 Resolution, the time frame to respond to information requests in the instant proceeding is ten (10) days.

6. On September 27, 2021, this Energy Bureau issued a Resolution and Order to amend the procedural calendar. It extended the discovery period to October 7, 2021.

7. On September 30, 2021, ICPO served the *First Requirement of Information* on LUMA. According to the time frame set forth by this Energy Bureau to respond to information requests, the deadline for LUMA to submit its answers to ICPO’s written discovery is October 12, 2021.

8. LUMA respectfully submits that additional time is required for LUMA to respond to ICPO’s *First Requirement of Information*. The subject matter covered by said request is technical and requires review and consideration by at least three witnesses who submitted pre-filed testimonies supporting LUMA’s Request for Approval of Revised Annex IX to the OMA filed on August 18, 2021, as subsequently amended. It is time-consuming to collect, organize, and prepare the necessary documents or information comprehensively and comprehensibly. The LUMA staff

involved in preparing these responses/production of documents is simultaneously engaged in operating the Transmission and Distribution System and is also involved in other proceedings before this Energy Bureau during the period established to submit the required responses.

9. It bears noting that on October 4, 2021, LUMA submitted its responses to the Fifth and Sixth Requests for Information issued by this Energy Bureau and to the Third Discovery Request issued by an intervenor, the Puerto Rico Local Environmental and Civil Organizations (“LECO”). Also, on October 7, 2021, LUMA submitted its responses to the Seventh Request for Information issued by this Energy Bureau and the Fourth Discovery Request issued by LECO. Today, LUMA supplemented its responses to LECO’s Fourth Discovery Request.

10. Also, LUMA is actively participating in several dockets, including Case No. NEPR-MI-2019-0011 (October 7, 2021, filed presentation for October 12<sup>th</sup> Compliance Hearing); Case No. NEPR-MI-2021-0002 (October 7, 2021, appeared at a technical conference); and Case No. NEPR 2021-0001 (October 5, 2021, filed updated Gantt Chart on Phase II operational procedures). These pending dockets involve important components of LUMA’s operations and thus demand attention and consideration by LUMA and several officers called upon to address and approve discovery requests in this proceeding.

11. LUMA remains committed to complying with the orders issued by the Energy Bureau. The intensity of the simultaneous orders and requests for compliance that LUMA is receiving raises the question of the reasonableness of requiring a regulated party to comply with several orders and tasks simultaneously and with overlapping timeframes.

12. LUMA received ICPO's *First Requirement of Information* on Thursday, September 30, 2021. Thus, the ten-day period to answer ICPO's *First Requirement of Information* effectively affords LUMA only six business days to prepare its answer, as the period spans two weekends and the October 11<sup>th</sup> Columbus Day Holiday. In these circumstances, LUMA faces considerable time constraints to address ICPO's *First Requirement of Information* responsibly. The allotted six business days to answer ICPO's *First Requirement of Information* places LUMA in an unfair position detrimental to its interests in this proceeding and deprives LUMA of a fair process. Considering the foregoing, LUMA respectfully submits that it will need at least one additional business day from the deadline of October 12, 2021, to submit its answers to ICPO's *First Requirement of Information*.

13. Today, LUMA informed the ICPO that it would seek the brief extension of time herein requested. The ICPO replied that it does not oppose the request for an extension of time.

14. This extension request is not intended to cause unnecessary delay and should not cause any inconvenience to the parties.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau, in its discretion, grant LUMA an extension of one business day to submit its responses or objections, if any, to ICPO's *First Requirement of Information* - that is on or before October 13, 2021, at 5:00 pm.

**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](mailto:jmarrero@diazvaz.law); and Katuska Bolaños-Lugo, [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law), the Office of the Independent Consumer Protection Office, Hannia Rivera Diaz, [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov), and counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy ("ICSE"), Fernando Agrait, [agraitfe@agraitlawpr.com](mailto:agraitfe@agraitlawpr.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 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), larroyo@earthjustice.org, [rstgo2@gmail.com](mailto:rstgo2@gmail.com), [notificaciones@bufete-emmanuelli.com](mailto:notificaciones@bufete-emmanuelli.com), [pedrosaade5@gmail.com](mailto:pedrosaade5@gmail.com), [jessica@bufete-emmanuelli.com](mailto:jessica@bufete-emmanuelli.com); [rolando@bufete-emmanuelli.com](mailto:rolando@bufete-emmanuelli.com).

In San Juan, Puerto Rico, this 8th day of October 2021.



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