

**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 to Compel LUMA to
Respond to LECO's Requests; LUMA's Notice
of Intent.**

RESOLUTION AND ORDER

On October 7, 2021, the Puerto Rico Local Environmental and Civil Organizations ("LECO") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion to Compel LUMA to Respond to LECO's Requests of Information* ("Motion to Compel"). LECO states that it served its first and second requests of information ("ROI") to LUMA¹ on August 27, 2021, and September 3, 2021, respectively. After an extension of time requested by LUMA, and granted by the Energy Bureau, LUMA served the responses to LECO's first and second ROIs on September 10, 2021, and September 13, 2021, respectively. LECO states that after the submission of several clarifications and responses to objections made by LUMA, LUMA provided answers to a few questions but the majority of LECO's questions remain unanswered.²

LECO argues that LUMA's objections to answer questions concerning the LUMA Emergency Response Plan is not a valid reason for refusal to answer questions, since the Emergency Response Plan is one of the documents included as part of the Direct Testimony of Abner Gómez Cortés.³ LECO argues that LUMA must answer questions on the referred document since it was entered by LUMA into the record in this proceeding and LUMA's witness relied upon it to prepare its testimony.⁴

Further, LECO alleges that LUMA must answer questions of LECO's first ROI, where it requires information on the LUMA's current performance.⁵ LECO argues that LUMA is incorrect when it states that this proceeding does not involve performance or data after the

¹ LUMA Energy, LLC ("ManagementCo") and LUMA Energy ServCo, LLC ("ServCo") (collectively "LUMA").

² Motion to Compel, p. 2.

³ *Id.*, pp. 2-3.

⁴ *Id.*, p. 4.

⁵ *Id.*, p. 5.



Energy Bureau set the applicable baselines in Case No. NEPR-MI-2019-0007.⁶ LECO states that the orders issued by the Energy Bureau in Case No. NEPR-MI-2019-0007 do not state that the instant case must be limited to the data used to establish the current baselines and benchmarks. LECO argues that LUMA has not limited its proposed metrics to the baselines and benchmarks set forth by the Energy Bureau, by proposing different baselines and benchmarks on several proposed metrics.⁷

LECO also argues that LUMA must answer questions to all performance areas within its reasonable control, including its performance on the interconnection of distributed generation.⁸ LECO states that Act 17-2019⁹ and Regulation 9137¹⁰ set the scope of performance-based penalties and incentives to be considered in this proceeding, and not LUMA's Proposed Annex IX to the T&D OMA¹¹. Therefore, LECO requested the Energy Bureau to compel responses from LUMA to questions 5 and 6 from LECO's first ROI, questions 1-8 and 16-61 in LECO's second ROI and any other remedy the Energy Bureau deems appropriate according to Section 8.03(F) of Regulation 8543^{12,13}

On October 11, 2021, LUMA filed a document titled *LUMA's Notice of Intent to File Response and Opposition to LECO's Motion to Compel* ("Notice of Intent"). LUMA requested the Energy Bureau to concede ten (10) days, expiring on October 18, 2021, to submit its opposition to LECO's Motion to Compel.¹⁴ LUMA argues that such term is reasonable, not intended to cause unnecessary delay and not cause any inconvenience to the parties.¹⁵

The Energy Bureau **GRANTS** LUMA until October 18, 2021 to file its opposition to LECO's Motion to Compel.

⁶ *Id.*

⁷ *Id.*, pp. 6-7.

⁸ *Id.*, p. 7.

⁹ Known as the *Puerto Rico Energy Public Policy Act*.

¹⁰ *Regulation for Performance Incentive Mechanisms*, December 13, 2019.

¹¹ Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA").

¹² *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings*, December 18, 2014.

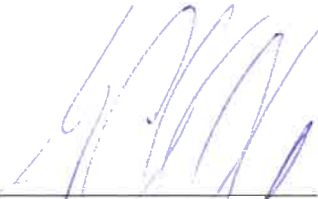
¹³ Motion to Compel, p. 10.

¹⁴ Notice of Intent, p. 5.

¹⁵ *Id.*



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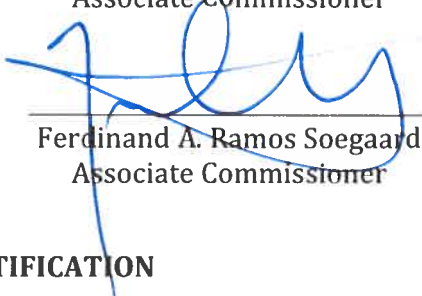
Edison Avilés Deliz
Chairman



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

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on October 14, 2021. I also certify that on October 14, 2021 a copy of this Resolution was notified by electronic mail to the following: margarita.mercado@us.dlapiper.com, jmarrero@diazvaz.law, kbolanos@diazvaz.law; hrivera@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, October 14, 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 October 14, 2021.



Sonia Seda Gaztambide
Clerk

