

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

NEPR Received: Nov 15, 2021 4:05 PM
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IN RE: PERFORMANCE METRICS
TARGETS FOR LUMA ENERGY SERVCO,
LLC

CASE NO. NEPR-AP-2020-0025

**SUBJECT: Motion Informing Compliance
with Resolution and Order of November 4,
2021**

**MOTION INFORMING COMPLIANCE WITH
RESOLUTION AND ORDER OF NOVEMBER 4, 2021**

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 September 3, 2021, the Local Environmental and Civil Organizations (“LECO”) issued its Second Discovery Request (“ROI 2”) to LUMA, which included sixty-six (66) questions to be answered on or before September 13, 2021. On September 27, LECO issued a Fourth Discovery Request (“ROI 4”) to LUMA, comprised of twenty-two (22) questions to be answered on or before October 7, 2021.

2. On September 13, 2021, LUMA served its Responses and Objections to LECO’s Second Discovery Request (“ROI 2 Responses”). LUMA posed objections to requests related to interconnections procedures and LUMA’s Emergency Response Plan because those requests sought information that fell beyond the scope of this proceeding and were irrelevant to the controversy at issue on LUMA’s Revised Performance Metrics Targets Submission and Proposed Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance

Agreement filed on September 24, 2021. Moreover, this Energy Bureau specifically initiated other proceedings (including NEPR-MI-2019-0016 and NEPR-MI-2019-0006) to consider these matters.

3. Thereafter, on October 7, 2021, LUMA served its Responses and Objections to LECO's Fourth Discovery Request ("ROI 4 Responses"). LUMA objected to a request seeking a certain period of raw outage data as it fell well beyond the scope of this proceeding and was irrelevant to the controversy at issue.

4. On that same day, October 7, 2021, LECO filed a *Motion to Compel LUMA to Respond to LECO's Requests of Information*, whereas it alleged the majority of the requests included in the ROI 2 remained unanswered. Then, on October 22, 2021, LECO filed a *Motion to Compel LUMA to Respond to LECO's Fourth Request of Information*, arguing that LUMA failed to answer some of the requests in ROI 4. Shortly after, LUMA filed motions in opposition to both of LECO's motions to compel. LUMA contended that most of the requests were already answered, and the others merited the above-described objections.

5. On November 4, 2021, this Energy Bureau issued a Resolution and Order, wherein it determined that some of the questions issued in ROIs 2 and 4 were warranted and discoverable in the instant proceeding and require suitable responses by LUMA. Therefore, this Energy Bureau ordered LUMA to provide suitable responses that adequately answer questions 1 through 8 (interconnections procedures) and 16 through 61 (Emergency Response Plan) of ROI 2, and question 20 of ROI 4 (raw outage data) on or before November 10, 2021.

6. In compliance with the Resolution and Order, LUMA hereby informs that on November 10, 2021, it submitted supplemental responses and documents to LECO's ROIs 2 and 4 with certain reservations of rights. LUMA understands that the supplemental responses and documents adequately answer the questions posed by LECO as ordered by this Energy Bureau.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take** notice of the above and **deem** that LUMA complied with the Resolution and Order of November 4, 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 Katuska 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@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, notificaciones@bufete-emmanuelli.com, pedrosaade5@gmail.com, jessica@bufete-emmanuelli.com; rolando@bufete-emmanuelli.com.

In San Juan, Puerto Rico, this 15th day of November 2021.



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