



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

IN RE: PERFORMANCE TARGETS FOR LUMA
ENERGY SERVO, LLC

CASE NO.: NEPR-AP-2020-0025

SUBJECT: Urgent Request for Extension of
Time To File December Quarterly
Performance Metrics Report

RESOLUTION AND ORDER

On October 20, 2021, the Energy Bureau of the Puerto Rico Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“October 20 Resolution”) through which, among other things, it amended the procedural calendar previously established through the April 8 Resolution¹ in the instant case. In the October 20 Resolution, the Energy Bureau set the deadline for filing Intervenor's written testimony as November 17, 2021 and the time period for discovery on Intervenor's written testimony as November 18, 2021 to December 28, 2021.

On November 17, 2021, Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc.-Enlace Latino de Acción Climática, Inc., Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., CAMBIO, and Sierra Club and its Puerto Rico chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (collectively, “LECO”) filed a document titled *Motion to Submit Expert Testimony*, from Dr. José Alameda Lozada and Dr. Agustín Irizarry Rivera.

On December 9, 2021, the Energy Bureau issued its First Requirement of Information (“1st ROI”) to LECO. Under the ten-day timeframe for responses to discovery in this matter, **LECO has until December 20, 2021 to submit an answer the Energy Bureau 1st ROI.**

On December 16, 2021, LECO filed a document titled *Urgent Motion Requesting Extensions of Time for LECO to Answer Requirements of Information* (“December 16 Request”), where LECO seeks an extension of time of the December 20, 2021 deadline.

In the December 16 Request, LECO states, that expert Dr. Alameda was involved in an accident on December 14, 2021 for which he required emergency medical attention as well as a cast on his leg and is recuperating at this point. Consequently, LECO sustains that this accident has taken away valuable time that is necessary to adequately respond to the Energy Bureau 1st ROI and that Dr. Alameda's attention is critical to provide comprehensive answers.²

Therefore, on the December 16 Request, LECO sustains that considering the complexity of LECO's written testimonies, the comprehensive nature of the Energy Bureau 1st ROIs, and the accident suffered by Dr Alameda they seek a brief extension of time of three (3) days to submit the responds to the Energy Bureau 1st ROIs.³

Also, LECO's requested an extension of ten (10) days after January 3, 2022, to file any further ROIs submitted to LECO in December, 2021.⁴

On December 20, 2021, LECO filed a document titled *Informative Motion and Urgent Request for Extension of Time to the Puerto Rico Energy Bureau* (“December 20 Request”). In the

¹ Resolution and Order, *In Re: Performance Targets for LUMA Energy ServCo, LLC*, Case No. NEPR-AP-2020-0025, April 8, 2021.

² See December 16 Request, p. 2, ¶ 6.

³ See December 16 Request, p 4.

⁴ *Id.*

December 20 Request LECO reiterates that Dr. Alameda is still recuperating from the surgery and is in no condition to work on the responses to PREB's questions.⁵

Upon review of LECO's arguments, the Energy Bureau **GRANTS** LECO's request and **ORDERS** LECO's to file the Energy Bureau Dr. José Alameda's responses to the Energy Bureau's 1st ROI, no later than **January 14, 2022**. The Energy Bureau **GRANTS** LECO's request of extension of ten (10) days after January 3, 2022, to file any further responses to ROI's submitted to LECO in December, 2021.

The Energy Bureau **WARNS** LECO's that, noncompliance with any provision of this Resolution and Order, may result in the imposition of fines pursuant to Act 57-2014⁶ and applicable Energy Bureau's regulations and any other appropriate administrative sanctions, as deemed appropriate by the Energy Bureau.

Be it hereby notified and published.



Edison Avilés Deliz
Chairman



Ángel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner

Not Available for Signature
Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia Ugarte Araujo
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on December 22, 2021. I also certify that on December 22, 2021 a copy of this Resolution and Order was notified by electronic mail to the following: margarita.mercado@us.dlapiper.com, yahaira.delarosa@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@bufeteemmanuelli.com, rhoncat@netscape.net. I also certify that today, December 22, 2021, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today December 22, 2021.


Wanda Cordero Morales
Interim Clerk


⁵ December 20 Request, p. 2.

⁶ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.