

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

NEPR Received: Dec 29, 2021 5:50 PM
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IN RE: PERFORMANCE METRICS
TARGETS FOR LUMA ENERGY SERVCO,
LLC

CASE NO. NEPR-AP-2020-0025

**SUBJECT: Informative Motion on
Issuance of Discovery on Intervenors'
Written Testimonies**

**INFORMATIVE MOTION ON ISSUANCE OF DISCOVERY ON
INTERVENORS' WRITTEN TESTIMONIES**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES now **LUMA Energy, LLC** (“ManagementCo”), and **LUMA Energy ServCo, LLC** (“ServCo”) (jointly “LUMA”), and respectfully states and request the following:

1. On April 8, 2021, this Honorable Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order allowing LUMA to conduct discovery on the testimonies filed by intervenors (“April 8 Resolution”). This Energy Bureau established a discovery deadline as part of the procedural calendar. This Energy Bureau issued subsequent orders amending the procedural calendar on May 14, June 4, and July 2, 2021.

2. On August 9, 2021, this Energy Bureau issued a Resolution amending the procedural calendar. In response to a request filed by LUMA, this Energy Bureau also determined that it was prudent to include as part of the procedural calendar the opportunity for LUMA to (i) conduct discovery on written testimony filed by intervenors; and (ii) file rebuttal testimony to any intervenor pre-filed testimony. Thus, this Energy Bureau set the period from October 12 to November 1, 2021, to conduct discovery on the intervenors’ written testimonies, and November 8, 2021, as the deadline to file any rebuttal on the intervenors’ written testimonies. This Energy Bureau amended the

procedural calendar, further extending the set deadlines in a Resolution and Order issued on September 27, 2021.

3. On October 20, 2021, the Energy Bureau issued a Resolution amending the procedural calendar in this case (“October 20th Resolution”). The October 20th Resolution established new deadlines for several procedural phases, including that during the period of November 18, 2021, to December 28, 2021, LUMA was required to conduct discovery on the testimonies filed by the intervenors.

4. On December 20, 2021, LUMA issued the *First Set of Interrogatories and Request for Production of Documents* to witness Eng. Gerardo Cosme Núñez from the Independent Consumer Protection Office (“ICPO”). As established in the Energy Bureau’s April 8th Resolution, ICPO must answer LUMA’s request within ten (10) days.

5. On December 22, 2021, LUMA issued the *First Set of Interrogatories and Request for Production of Documents* to expert witness Dr. José Alameda Lozada from the Local Environmental and Civil Organizations (“LECO”). Pursuant to the April 8th Resolution, LECO must answer LUMA’s request within ten (10) days.

6. On December 27, 2021, LUMA issued three sets of interrogatories and requests to produce documents. LUMA specifically issued a: (1) *Second Set of Interrogatories and Request for Production of Documents* to witness Eng. Gerardo Cosme Núñez from ICPO; (2) *First Set of Interrogatories and Request for Production of Documents* to expert witness Eng. Agustín A. Irizarry Rivera from LECO; and (3) *Second Set of Interrogatories and Request for Production of Documents* also to Eng. Irizarry Rivera. ICPO and LECO must answer LUMA’s request within ten (10) days per the Energy Bureau’s April 8th Resolution.

7. Finally, on December 28, 2021, LUMA issued the *Second Set of Interrogatories and Request for Production of Documents* to witness Attorney Beatriz P. González Álvarez from ICPO. As established in the Energy Bureau’s April 8th Resolution, ICPO must answer LUMA’s request within ten (10) days.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take** notice of the above.

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 29th day of December 2021.



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