

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

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IN RE: PERFORMANCE METRICS
TARGETS FOR LUMA ENERGY SERVCO,
LLC

CASE NO. NEPR-AP-2020-0025

SUBJECT: Response to Intervenors' Motion
to Translate.

**LUMA'S RESPONSE IN OPPOSITION TO INTERVENORS' MOTION REQUESTING
A TRANSLATION, ADAPTATION, AND SUMMARY OF LUMA'S PROPOSED
PERFORMANCE METRICS TARGETS FILING AND PRE-FILED TESTIMONIES**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now LUMA Energy, LLC, and LUMA Energy ServCo, LLC (jointly "LUMA"), and respectfully state and request the following:

Intervenor, the Local Environmental and Civil Organizations ("LECO") requested the Puerto Rico Energy Bureau ("Energy Bureau") to issue an order requiring LUMA to translate to Spanish in simplified language the Revised Annex IX attached to the Revised Request for Approval of the Revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("OMA") submitted by LUMA in this proceeding,¹ and nine (9) pre-filed witnesses' testimonies that LUMA submitted for the record ("LECO's December 17th Request for Translations"). Additionally, LECO requests that LUMA summarize each of the documents in simplified Spanish.

¹ On September 24, 2021, LUMA filed a further revised version of the Amended Revised Annex IX to the OMA in substitution of the one filed previously filed on August 23rd. This Energy Bureau accepted the September 24th version through its September 27, 2021, Resolution and Order. The September 24th version is the document pending before the consideration of this Energy Bureau.

The Energy Bureau should deny LECO's motion. First, as will be shown, LECO's request is unduly late and runs counter to the course of proceedings in this docket. Second, the Energy Bureau's Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures, Regulation No. 8543 ("Regulation 8543"), in its Section 1.10, provides that "pleadings, motions, and documents shall be completed in Spanish or English, according to the appearing party's preference." Thus, there is no requirement to translate submissions to Spanish. Second, LECO lacks standing to pursue remedies on behalf of third parties and citizens in general and has not shown that they may proceed with requests lodged on behalf of third parties. Third, the legal norms cited by LECO do not support its request that only LUMA translate its filings using simplified language while not extending that requirement to LECO and other parties. Finally, translating the documents to Spanish has practical complications such as the delay of the instant proceeding, further costs to customers, especially when considering LECO is requesting them in such a short amount of time. Particularly, regarding pre-filed testimonies by LUMA's witnesses who submitted testimonies in their vernacular, English, and who will testify in English in the evidentiary hearings scheduled in this proceeding.

Notwithstanding the above, LUMA is committed to transparency, effective communication, and providing reliable information to customers and stakeholders. Consequently, LUMA is amenable to presenting for public information a summary of LUMA's Second Revised Performance Metrics Targets in Spanish. Considering the length of the documents involved, LUMA requests to submit the above-described summary by February 4, 2022. LUMA believes the summary in Spanish is a reasonable measure that would benefit the general public without imposing any undue burdens on the parties in this proceeding, the procedural calendar, or the costs that customers would ultimately have to bear.

I. Background

On February 25, 2021, LUMA filed a motion requesting that the Energy Bureau approve the Revised Annex IX to the OMA. Such motion included as an exhibit LUMA's proposed Performance Metrics Targets ("Request for Approval of the Revised Annex IX to the OMA"). On August 18, 2021, LUMA filed a revised version of the Request for Approval of the Revised Annex IX to the OMA ("Revised Request for Approval of the Revised Annex IX to the OMA"). In the revised version, LUMA petitioned this Energy Bureau: (1) to accept and approve the Revised Annex IX to the OMA, and the Revised Performance Metrics Targets, (2) set the Performance Metrics and targets to apply for an initial period of three years of operations, (3) and allow periodic review of the performance baselines, metrics, and targets. On that same day, LUMA filed a *Motion Submitting Pre-Filed Testimonies*, in which it pre-filed the testimonies of the nine (9) witnesses it intended to present at the evidentiary hearing in this instant proceeding.

Five days later, LUMA filed a *Motion Submitting Amended Exhibit to the Revised Request for Approval of the Revised Annex IX to the OMA*. Through this motion, LUMA submitted an amended version of the Revised Annex IX attached to the Revised Request for Approval of the Revised Annex IX to the OMA. This motion was filed to correct the number of associated exhibits for each of LUMA's primary witnesses ("Amended Revised Annex IX to the OMA"). The Energy Bureau issued a Resolution and Order on August 25, 2021, stating that the information filed by LUMA complied with the minimum requirements established to continue the evaluation as part of the instant proceeding.

On September 24, 2021, LUMA filed a further revised version of the Amended Revised Annex IX to the OMA ("Second Amended Revised Annex IX to the OMA"). The Second Amended Revised Annex IX to the OMA reflected revisions to the calculations for the customer

complaint rate and the proposed targets in the Customer Complaint Rate metric. As part of this filing, LUMA also submitted a revised pre-filed testimony of Ms. Melanie Jeppesen, substituting the one filed on August 18, 2021. Ms. Jeppesen is LUMA's witness for the Customer Complaint Rate metric. The Energy Bureau granted LUMA's September 24th Motion and accepted the exhibits submitted with the motion on September 27, 2021.

Discovery on LUMA's Second Amended Revised Annex IX to the OMA and pre-filed testimonies was conducted from August 27, 2021, through October 7, 2021. On November 17, 2021, intervenors submitted pre-filed testimonies. Thereafter, discovery on intervenors' testimony was conducted and is set to conclude on December 28, 2021. Near the end of the discovery phase and close to four (4) months after LUMA submitted the Revised Request for Approval of the Revised Annex IX to the OMA, on December 17, 2021, LECO filed a motion requesting that the Energy Bureau order LUMA to provide three documents in Spanish using simplified language and publish them on its webpage free of charge by January 10, 2022. Specifically, LECO requests that LUMA submit: (1) a Spanish translation of LUMA's Second Revised Performance Metrics Targets filing and the nine pre-filed direct testimonies submitted by LUMA on August 18, 2021; (2) a translation of the nine pre-filed direct testimonies; and (3) a summary in Spanish of the Amended Revised Annex IX to the OMA and of the pre-filed testimonies. LECO demands that the three documents must be drafted in simplified Spanish.

II. Argument.

LUMA has a commitment to transparency and enabling consideration by the people of Puerto Rico of its filings and data on performance metrics standards. To that end, LUMA filed publicly since February 25, 2021, its Request for Approval of the Revised Annex IX to the OMA and filed for the public records its subsequent petitions, including the Second Amended Revised

Annex IX to the OMA that was submitted publicly on September 24, 2021. LUMA has also shared with the public in Case No. NEPR-MI-2019-0007, *The Performance of the Puerto Rico Electric Power Authority*, data since assuming metric reporting in June 2021 on performance, its progress, where LUMA has improved, and where it needs to improve. LUMA is determined to continue providing accurate information on its proposed performance metrics targets and operational metrics and will be clear about the areas of success and areas needing improvement.

LUMA recognizes and indeed embraces thoughtful and genuine public stakeholder input on key planning processes and other matters before the PREB. Such stakeholder participation enhances and supports the effective workings of the regulation of the electric sector and especially the policy-making process inherent in regulatory proceedings. At the same time, LUMA respectfully opposes LECO's December 17th Request for Translations as requested. As a threshold matter, the request is late. The docket of this proceeding evinces that LUMA's revised Annex IX with key performance metrics information was submitted more than three months ago. Thus, LECO has waited until the end of the discovery stage to request that LUMA translate its filing and pre-filed testimonies to Spanish and prepare summaries employing simplified language in Spanish.

LECO's December 17th Request for Translations runs counter to the course of proceedings chartered by this Energy Bureau pursuant to Regulation 8543, whereby proceedings have been conducted in English, including the issuance of Resolutions and Orders. LECO is also proceeding against its own actions, as it has filed motions, issued discovery requests, and submitted pre-filed testimonies on technical subject matters in the English Language. Furthermore, LECO mistakenly argues that legal norms require a party to file translations of its filings, including pre-filed testimonies.

As a matter of procedural fairness to all parties, this Energy Bureau should deny LECO's December 17th Request for Translations that belatedly would require the deployment of considerable resources and concomitant costs to translate filings and testimonies and transmute them to simplified terms that are not used in standard utility practices nor were used by LUMA's witnesses in preparing their sworn pre-filed testimonies.

LECO's request is not narrowly tailored to further the objectives of this proceeding, nor has LECO established that it is indispensable that LUMA —and not LECO itself— translate its filings and testimonies and prepare summaries of the same for the proper adjudication of this proceeding. The Energy Bureau should weigh in favor of denying LECO's December 17th Request for Translations if applying consistent rules on language for filings in this proceeding since it began over a year ago. Primarily, an interest in avoiding inaccuracies in the record regarding the nine pre-filed testimonies executed in English four months ago weighs in favor of denying LECO's December 17th Request for Translations.

A. LECO's request should be denied because LUMA's filings comply with Section 1.10 of Regulation 8543.

Section 1.10 of Regulation 8543 governs language to be used in proceedings and filings before this Energy Bureau. It bears noting that LECO has not challenged the validity of this Regulation nor shown that it may impinge on any constitutional or statutory rights that LECO may have standing to pursue.

Section 1.10(C) of Regulation 8543 provides in relevant part that “[a]ll pleadings, motions, and documents shall be completed in Spanish or English, according to the appearing party's preference.” In this same vein, Section 1.10(D) states that an appearing party does not need to submit a Spanish translation of the document if it chooses to file a document in English. The only exception to Section 1.10(D) is those cases where justice requires it, or the documents submitted

are indispensable for the fair adjudication of the case. Furthermore, per Section 1.10(B) of Regulation 8543, this Energy Bureau “may order the proceedings to be conducted in the English language, provided it is not incompatible with the fair adjudication of the case.”

LUMA respectfully submits that Section 1.10(D)’s exception clause, which gives this Energy Bureau discretion to require that documents be translated to Spanish where justice so requires or the translation is indispensable for the just adjudication of the case, does not apply in this case to require the broad and costly measure of translating of LUMA’s Second Revised Performance Metrics Targets filing and testimonies. LECO has not shown that the requested translations and simplified summaries are indispensable for the fair adjudication of this case.

The aforementioned provisions of Regulation 8543 that do not require that a party translate its English-Language filings to Spanish, in turn, are supported by law. To wit, Puerto Rico’s Official Languages Act allows for both English and Spanish to be used in governmental proceedings. 1 LPRA § 59 (“Both languages may be used, indistinctively, in all departments, municipalities or other political subdivisions, agencies, public corporations, offices and government dependencies of the Executive, Legislative and Judiciary Branches of the Commonwealth of Puerto Rico, pursuant to the provisions of §§ 59-59f of this title, or by that which is provided by a special law”). Thus, contrary to LECO’s suggestions, there is no statutory requirement in Puerto Rico that proceedings be conducted in Spanish nor that filings before administrative agencies should be translated to Spanish or filed with simplified language when the controversies to be adjudicated involve technical matters.

LUMA —and both LECO and this Energy Bureau— have complied with Section 1.10’s requirements that clearly allow parties to choose between the Spanish and English languages when filing motions or submissions and permit the Energy Bureau to conduct proceedings in the English-

Language. LUMA submitted the Second Revised Performance Metrics Targets filing and the nine testimonies in English as permitted by Section 1.10(C). The English language was employed following the nature of the subject matter, which arises under the OMA that is drafted in English and considering that per standard utility practices, the proposed performance metrics targets were designed and developed using technical terms in English, some of which do not have proper translations to Spanish. Also, LUMA's witnesses are native English speakers, save for two witnesses. Thus, a Spanish-language testimony would not be accurate nor proper to serve the purposes of submitting pre-filed testimonies under oath that may further the interests of a proper and just resolution of an adjudicative proceeding.

In sum, the English language was chosen for accuracy and to conform to the native and preferred language of the bulk of the witnesses who will support LUMA's Second Revised Performance Metrics Targets filing. Thus, for LUMA, it is a matter of procedural due process rights to file and maintain for the record the Second Revised Performance Metrics Targets filing and pre-filed testimonies in the English language and not to be required to create alternative versions of those filings in the form of translations that cannot employ technical terms that are essential to the submissions and proper adjudication of LUMA's request that arises under LUMA's duties per the OMA. The English language filings serve important public interests to avoid misconception or inaccuracies in a subject matter that is technical in nature. The translations requested by LECO would impinge on LUMA's procedural rights and lead to confusion as the public may misconstrue that the translations using simplified language and terms will be subject to adjudication by this Energy Bureau.

Granting LECO's request without more consideration would be contrary to the clear language of Section 1.10(C) of Regulation 8543. This Energy Bureau would impose additional

requirements on parties who trust that Section 1.10(C) will be enforced. A party would be subject to unplanned additional belated requirements such as an additional filing in Spanish or even an unwritten requirement that a technical filing is transmuted and oversimplified in another language.

B. LECO lacks standing to invoke the right to access public information or public participation on behalf of unnamed citizens. In the alternative, LECO's request is not supported by law.

LECO lacks standing to pursue remedies on behalf of unnamed persons or the people of Puerto Rico. Under Puerto Rico law, a plaintiff or petitioner must have standing to bring a suit or a claim. The Supreme Court of Puerto Rico has established that to meet standing requirements, a party must “(1) have suffered clear and concrete injury; (2) the injury referred to is real, immediate and specific, and not abstract or hypothetical; (3) there is a connection between the injury suffered and the cause of action exercised, and (4) the cause of action must arise under the Constitution or a statute.” *Cedeño Aponte v. ELA*, 203 DPR 753, 760 (2019) (citation omitted). Associations have similar standing requirements when bringing suit to vindicate their interest. In *Fund. Surfrider v. A.R.Pe.*, the Supreme Court of Puerto Rico held that the association must show “a clear, concrete, real, immediate, specific, non-abstract or hypothetical injury to its collectivity.” 178 DPR 563, 573 (2010) (translation provided). In that case, the court clarified that an association may bring suit on behalf of one of its members but must demonstrate: “(1) the member has standing to sue in his or her own name; (2) the interests that are intended to be protected are related to the objectives of the organization, and (3) the claim and the remedy requested do not require individual participation.” *Id.* (translation provided); *see also Muns. Aguada y Aguadilla v. JCA*, 190 DPR 122,132-134 (2014) (stating that the standing requirements set forth in *Fund. Surfrider* apply to proceedings before administrative agencies). Parties seeking to raise constitutional claims on behalf of absent parties must also comply with standings requirements. *See ELA v. P.R. Tel. Co.*, 114 DPR 394,

400-401 (1983) (considering factors such as a party's interest in the suit, the right claimed, the relationship between the party and the absent party in the suit, and the possibility of the missing party to defend its rights in the suit).

LECO has not shown that its members have suffered clear and individual harm inured by application by this Energy Bureau, LUMA, and even LECO, of the language provisions of Regulation 8543 nor that participation by LECO, who has at least six (6) counsels of record, and has filed motions, discovery requests, and testimonies in English, has been hindered or limited in this proceeding or that LECO and its members cannot understand LUMA's filings or testimonies. It would be surprising that LECO argues harm at this stage after actively participating in discovery and filing testimonies in English.

The December 17th Request for Translations based on the right of citizens to access public information, democratic processes, and the right to participate in proceedings conducted by public entities does not bear a causal nexus with any harm suffered by LECO or its members. Moreover, LECO has not shown that it has standing to vindicate any right held by individual citizens —third parties— to access public information or to gain access to translations or simplified versions of technical documents that have been publicly filed and are readily accessible in the Energy Bureau's website. LECO has not shown that it is in a position to defend those third parties whose rights LECO invoked in the December 17th Request for Translations nor that those third parties are unable to defend their rights before this Energy Bureau.

Even if this Energy Bureau considers LECO's December 17th Request for Translations, it must conclude that the request is not supported by the legal norms that LECO invokes.

On pages 4 through 7 of the December 17th Request for Translations, LECO invokes constitutional and statutory provisions that protect the rights of individuals in a tripartite

government created by the People of Puerto Rico, where the Legislative Assembly has enacted laws to guarantee access to public information. The citations to constitutional and legal provisions are correct in the sense that they are legal norms adopted in our legal system for specified circumstances. LECO's summary of legal norms, however, is misplaced and devoid of proper legal argumentation to show their applicability to this proceeding.

First, the cited provisions of Puerto Rico's Constitution do not require that legal and administrative proceedings be conducted in Spanish nor the use of the English language to file Spanish-language translations of all documents and pre-filed testimonies thereof as a precondition to compliance with the principle of public participation in collective decisions. In fact, LECO does not provide any support or legal and judicial precedents to support its suggestion that the preamble to Puerto Rico's Constitution reasonably supports or even counsels in favor of the broad remedy pursued in the December 17th Request for Translations.

Secondly, none of the statutes cited by LECO require or even promote the rule proposed by LECO, which, although poorly articulated, seems to be that in Puerto Rico, citizens have a right to demand that filings in administrative agencies or entities be translated to Spanish in simplified parlance. Puerto Rico's Public Documents Administration Act, 3 LPRA §§1001-1023 (2021) does not require that all filings before public entities be translated into Spanish. Similarly, the statutory provisions on public participation, requiring that the Puerto Rico Electric Power Authority and electric power services companies meet transparency requirements, and norms on access to public information,² do not spell out any criteria or requirements to bind this Energy

² LECO references PREPA's enabling act, Section 6 of Act No. 83 of May 2, 1941, as amended 22 LPRA §196 (2021); the Public-Private Partnership Act, Act 29-2009, Sections 3 and 10 (2021); and the Puerto Rico Energy Transformation and Relief Act, Act 57-2014, Sections 1.2, 1.3, 1.4, 22 LPRA §§1051 and Section 1051 (a) and (b) and Section 6.1, 22 LPRA §1054(b); and the Puerto Rico Energy Public Policy Act, Act 17-2019.

Bureau to require Spanish-language translations of documents that have been made public and are accessible to customers and citizens.

LECO fails to propose any material, existing or accepted standard by which this Energy Bureau and LUMA may gauge what exactly LECO is requesting when it proposes that LUMA's filing be submitted in Spanish in a form that is "asequible." Per the Dictionary of the Royal Spanish Academy, "asequible" means that "may be obtained or reached" ("que puede conseguirse o alcanzarse"), available at <https://dle.rae.es/asequible> (last visited December 28, 2021). The term "asequible" is thus improperly used by LECO. It does not provide any criteria or normative guidance to support a determination by this Energy Bureau that LUMA should translate and prepare summaries of its filings and pre-filed testimonies using non-technical or simplified terms.

It is crucial to stress that LECO submitted its discovery requests in English. Moreover, it submitted written testimonies of its experts' witnesses in English, which include highly technical discussion on electric utilities' performance metrics and economic theories. Thus, since the beginning of this proceeding, LECO acquiesced to this Energy Bureau's use of English as the language in which this proceeding would be conducted, thereby omitting timely argumentation to show that the proceedings should be conducted in Spanish or that all English-Language filings should be translated to Spanish, simplified and summarized. Thus, LECO has not established why LUMA's filings must be treated differently at this stage of the proceedings where discovery on LUMA's filing and pre-filed testimonies concluded.

C. This Energy Bureau has conducted proceedings English without requiring translations to Spanish nor summaries thereof or that technical language be simplified.

To the extent that this Energy Bureau may entertain LECO's arguments, it is important to stress that the Energy Bureau has conducted and is currently conducting several proceedings on technical matters in English. This Energy Bureau has not issued Spanish-language translations of

its Resolutions and Orders or presentations by consultants nor required that LUMA and stakeholders who elect to submit comments, motions, and proposals in the English Language, translate the same to Spanish. *See for example e.g., NEPR-MI-2019-007, In re the Performance of the Puerto Rico Electric Power Authority, see e.g., Presentation for Technical Hearing of November 4, 2021, filed by the Energy Bureau on November 4, 2021, see also resolutions and orders issued by the Energy Bureau since May 14, 2019 in English; NEPR-MI-2021-0009, In re Puerto Rico Test for Demand Response and Energy Efficiency, see e.g., PowerPoint Presentation for Technical Conference on Avoided Costs Study for Energy Efficiency and Data Request submitted on November 18, 2021 by the Energy Bureau, see also presentations for technical workshops resolutions and orders issued by the Energy Bureau since May 14, 2021 in English; NEPR-MI-2021-00013, In re Deployment of Electric Vehicle Charging Infrastructure, see Electric Vehicle Presentation filed by the Energy Bureau on September 23, 2021 and Resolutions and Orders of November 18, 2021 and December 17, 2021; NEPR-MI-2021-0015, In Re Development of Wind Study, see Resolutions and Orders of July 23, 2021 and September 17, 2021.*

It is also important to consider that in the proceeding NEPR-MI-2021-0007, *In re LUMA's Terms of Service*, this Energy Bureau conducted the proceedings in English by issuing Resolution and Orders and conducting a Technical Conference in English. LUMA also submitted pre-filed testimonies in English that were considered by this Energy Bureau and by members of the public who filed comments to LUMA's filings. Another example of a proceeding where this Energy Bureau conducted proceedings and admitted testimonies in the English Language is NEPR-AP-2018-0004, *In re the Unbundling of the Assets of the Puerto Rico Electric Power Authority*, where this Energy Bureau admitted English-Language pre-filed testimonies on highly technical matters, including avoided costs, held an evidentiary hearing in English and did not require translations, to

simplify filings and testimonies or the submission of summaries thereof. Notably, the Independent Consumer Protection Office and the Puerto Rico Manufacturer's Association filed direct testimonies of their witness in English and were not required to submit translations or summaries of their testimonies.

Finally, in Case NEPR-AP-2018-0001, *In re Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*, this Energy Bureau declined to order PREPA to file a translation of the full text of the IRP and instead ordered that PREPA submit an executive summary of the IRP in Spanish. Also, the Energy Bureau's final Resolution and Order of August 24, 2020, was issued in the English Language.

LUMA has relied on the aforementioned precedents and course of proceedings by this Energy Bureau to submit its filings and pre-filed testimonies in the English Language and respectfully submits that the experience in said proceeding refutes LECO's generalized contention that employing the English Language in technical filings and proceedings before this Energy Bureau somehow affects public participation.³

D. LECO's request should be denied because it would delay the proceedings, constitute an undue burden, and could mislead.

Additionally, LECO's requests to translate LUMA's Second Revised Performance Metrics Targets filing and the nine (9) pre-filed testimonies present several pragmatical concerns. First, translating the testimonies in simplified Spanish would inevitably delay this case's procedural calendar as LUMA will have to reexamine the testimony of its witnesses and would need guidance from this Energy Bureau on what are acceptable simplified terms in Spanish for the translations.

³ To the extent that LECO relies on an Order issued by the Federal Energy Regulatory Commission ("FERC") in Docket No. CP13-193-000, *Aguirre Offshore Gas Port, LLC* it bears noting that FERC decisions on procedural matters do not bind this Energy Bureau nor even serve as persuasive authority as they do not construe nor apply Puerto Rico law or Energy Bureau regulations.

An order requiring LUMA to translate the documents would potentially open back and forth litigation regarding LUMA's compliance with providing the documents in a language that most people understand.

Second, translations are costly, particularly given that LECO's request for LUMA to translate and/or summarize over four-hundred pages.⁴ The translation would ultimately be paid by ratepayers constituting an undue expense on them. LUMA is responsible to the ratepayers to ensure that regulatory costs are prudently incurred.

Furthermore, translating LUMA's Second Revised Performance Metrics Targets and the nine pre-filed testimonies could mislead the public as translation problems might arise. Most of LUMA's witnesses first language is English. It is important to note that the original, accurate meaning of the witness' words could be lost in translation and cannot be simplified in another language as this will distort their testimonies. In an adjudicative proceeding such as this, where the record must support a decision and where rights to judicial review apply, it is unreasonable to have a party translate *a posteriori* testimony with a requirement to use simplified terms that the witnesses did not employ. Effectively, this Energy Bureau would be admitting two versions of testimonies, one of which several of the witnesses would not be able to approve, given that they do not speak or understand Spanish and are not legally required to be fluent in Spanish to provide testimony before this Energy Bureau. To avoid confusion and protect LUMA's right to submit accurate testimonies by its witnesses, testimonies should be kept in their original language, and LUMA should not be required to submit translations using simplified language.

As a final note, LUMA has significant due process concerns with issuing a decree to translate documents late into an adjudicative process and after discovery on those testimonies

⁴ See LUMA's *Motion Submitting Pre-Filed Testimonies Exhibit 1* filed on August 18, 2021.

concluded. Importantly, witnesses provided their testimonies in English in alignment with the Energy Bureau has conducted proceedings in English.

E. LECO's proposed compliance date is unreasonably short

If this Energy Bureau decides to order the translation of LUMA's Second Revised Performance Metrics Targets and the nine pre-filed testimonies, it should fix the deadline for at least February 22, 2022. It is impossible for LUMA to file the translation by January 10, 2021, which is the date unilaterally proposed by LECO. To wit, LUMA needs time to engage a translator and review the translations to ensure accuracy. Many private businesses are closed during the current holiday season, and finding an appropriate and available translator would inevitably take time. Even if LUMA finds an appropriate translator in this difficult season, it would be unreasonable for LUMA to request a translator to comply with the deadline that LECO requests.

It is respectfully submitted that LUMA may need at least four weeks to prepare an initial summary in Spanish for public information and at least another two weeks to have the document properly reviewed and finalized. This summary would present a condensed but meaningful summary of the revised Annex IX. The process could begin on January 10, 2022, after the holiday season ends. Thus, LUMA currently estimates in good faith and dependent on contingencies that any translations as requested by LECO would not be available until at least February 22, 2022. It should be noted that a submittal of this kind could result in a delay from the new procedural calendar recently set by this Energy Bureau.

Notwithstanding the above, LUMA is amenable to presenting a summary of LUMA's Second Revised Performance Metrics Targets in Spanish for public information. Considering the length of the documents involved, LUMA requests until February 4, 2022, to submit the above-described summary. LUMA believes the summary in Spanish is a reasonable compromise that

would benefit the general public without imposing any undue burdens on LUMA, the procedural calendar of this proceeding, or the costs the ratepayers will have to bear ultimately.

WHEREFORE, LUMA respectfully requests that the Honorable Energy Bureau **deny** LECO's Motion Requesting a Translation, Adaptation, and Summary of the Performance Metrics filed by LUMA.

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 Katiuska 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 30th day of December 2021.



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