

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: LECO's request for additional
discovery.

RESOLUTION AND ORDER

On January 14, 2022, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("January 14 Resolution") through which it amended the Procedural Calendar established through the December 22, 2021, Resolution¹ ("December 22 Resolution").

On January 27, 2022, 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, Sierra Club and its Puerto Rico chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (collectively, "LECO") filed a document titled *Request to Amend the Procedural Calendar to Authorize Discovery on LUMA Rebuttal Testimonies*, where LECO seeks to modify the Procedural Calendar to allow LECO a period of two to three weeks to conduct discovery on LUMA's rebuttal on Intervenors' written testimony and LUMA's rebuttal on intervenors' supplemental testimony. LECO alleges that its capacity to collect information via discovery on LUMA's rebuttal testimonies coincides with obtaining valuable information for the Energy Bureau's own investigations. According to LECO, LUMA's rebuttal testimonies are certain to include information germane to the proceedings in this instant case due to the issues presented by Intervenor's testimonies. LECO also Argued that the requested discovery can be conducted simultaneously to the rest of the events contemplated. LECO believes that their request will not require a change in the rest of the Procedural Calendar and that all existing calendar dates can remain unchanged.

On January 28, 2022, LUMA Energy, LLC ManagementCo (as ManagementCo), and LUMA Energy ServCo, LLC² (as ServCo) (collectively, "LUMA"), filed a document titled *LUMA's request for an extension of time to file rebuttal testimonies*, asking the Energy Bureau to extend the timeframe to file the rebuttal testimonies until February 17, 2022.

On February 7, 2022, LUMA filed a document titled *Response in Opposition to LECO's Request to Amend Procedural Calendar to Authorize Discovery on LUMA Rebuttal Testimonies*. LUMA alleges that LECO's request for additional discovery is not contemplated in the procedural calendar. LUMA also argued LECO's request is unduly belated and did not include a concrete or principled justification on the need to conduct discovery. According to LUMA, LECO's participation as an Intervenor cannot be equated to or go beyond LUMA's as the regulated party to define the extension of its capacity to conduct a second and additional round of discovery, related to the rebuttal testimonies to be submitted by LUMA.

On February 9, 2022, the Energy Bureau issued a Resolution and Order ("February 9 Resolution") through which, it amended the Procedural Calendar and extended the timeframe to file the rebuttal testimonies to February 17, 2022.

Upon review of LECO's request and LUMA's opposition, the Energy Bureau **GRANTS** all parties a period of **ten (10) days**, from LUMA's filing of Rebuttal on Intervenors Written Testimony, which is due February 17, 2022, to conduct discovery on LUMA's rebuttal on

¹ See Resolution, *In re: Performance Targets for LUMA Energy ServCo, LLC* Case No. NEPR-AP-2020-0025, December 22, 2021.

Intervenors' written testimony. LUMA shall respond to the discoveries within **ten (10) days** of receiving them. The Energy Bureau **GRANTS** all parties a period of **five (5) days**, from LUMA's filing of Rebuttal on Intervenor's Supplemental Written Testimony, which is due April 27, 2022, to conduct discovery on LUMA's rebuttal on Intervenor's supplemental testimony. LUMA shall respond to such discoveries within **seven (7) days** of receiving them. All other provisions of the Procedural Calendar established in the January 14 Resolution remains unaltered.

Be it notified and published.



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 February 15, 2022. I also certify that on February 15, 2022 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-emmanueli.com, notificaciones@bufete-emmanueli.com, jessica@bufete-emmanueli.com, rhoncat@netscape.net. I also certify that today, February 15 2022, 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 February 15, 2022.



Wanda I. Cordero Morales
Interim Clerk