

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

**IN RE:** THE UNBUNDLING OF THE ASSETS  
OF THE PUERTO RICO ELECTRIC POWER  
AUTHORITY

**CASE NO.:** NEPR-AP-2018-0004

**SUBJECT:** Evidentiary Hearing  
Transcripts

**RESOLUTION AND ORDER**

**I. Relevant Background**

On December 23, 2020, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("December 23 Order") commencing a formal adjudicative process in this proceeding. The Energy Bureau also required the Puerto Rico Electric Power Authority ("PREPA") to file certain analysis and one or more proposed wheeling tariffs that met high-level requirements.<sup>1</sup> After several procedural instances, LUMA<sup>2</sup> was recognized as a party in this proceeding and was ordered to coordinate with PREPA all items required to complete the case.<sup>3</sup> Moreover, various entities have been recognized as intervenors in this proceeding.<sup>4</sup> The parties conducted discovery and evidentiary hearings were held on July 19 and 20, 2021. The parties submitted briefs on August 10, 2021. LUMA filed a reply brief on August 20, 2021.

After discovery was completed, evidentiary hearings were held on July 19 and 20, 2021. On July 19, 2021, Margot Everett, Director for Guidehouse Inc., as consultant to PREPA, provided her testimony. Counsel for intervenor CHP participated in the cross-examination. On July 20, 2021, Gerardo Cosme testified for the ICPO. On that same date, Yandia Pérez testified for the PRMA.

On July 21, 2021, LUMA filed a document titled *Request for Audio Recording of Evidentiary Hearing* ("July 21 Request"), through which it requested the Energy Bureau to authorize release of the official audio recording of the evidentiary hearing held on July 19 and July 20, 2021.

On July 23, 2021, the Energy Bureau issued a Certification and a USB to LUMA containing four (4) files, in MP4 format, containing the complete audio of the Evidentiary Hearing, as requested in the July 21 Request.

On August 10, 2021, LUMA filed a document titled *Motion Submitting Transcripts of Evidentiary Hearing* ("August 10 Motion"), through which it asserts that, upon receiving the audio recording of the proceedings, it commissioned a private reporter to produce a

<sup>1</sup> December 23 Resolution, pp 4-8.

<sup>2</sup> LUMA Energy, LLC as Management Co. and LUMA Energy ServCo, LLC as ServCo (collectively, "LUMA").

<sup>3</sup> *Resolution and Order* issued by the Energy Bureau on June 10, 2021. Note that on June 22, 2020, PREPA, the Puerto Rico Public-Private Partnerships Authority, and LUMA entered into an Operation and Maintenance Agreement and a Transmission and Distribution System Supplemental Terms Agreement ("OMA") pursuant to which PREPA transferred operational control of its transmission and distribution system to LUMA. On June 1, 2021, LUMA commenced operations pursuant to the OMA.

<sup>4</sup> Intervention was granted to the Independent Consumer Protection Office ("ICPO"), the Puerto Rico Manufacturer's Association Inc. ("PRMA"), EcoEléctrica L.P. and Cooperativa Hidroeléctrica de la Montaña ("CHM", for its Spanish acronym) (collectively, "Intervenors"). See Resolution dated January 21, 2021 (ICPO Intervention), Resolution and Order dated February 25, 2021 (PRMA & EcoEléctrica Intervention), and Resolution and Order dated February 25, 2021 (CHM Intervention).



transcript of the hearings.<sup>5</sup> Attached to the August 10 Motion were two (2) documents identified as (i) Exhibit 1, *Transcript of July 19, 2021*; and (ii) Exhibit 2, *Transcript of July 20, 2021*. LUMA requests the Energy Bureau to accept Exhibits 1 and 2 of the August 10 Motion and issue the orders it deems proper to: (i) set a deadline to submit comments, changes and/or revisions to the transcripts of the proceedings held on July 19 and 20, 2021; and (ii) rule that the aforementioned documents are a correct and faithful transcription of the evidentiary hearings.<sup>6</sup>

## II. Analysis and Conclusion

The Energy Bureau is not in a position to determine that Exhibits 1 and 2 of the August 10 Motion are a correct and faithful transcription of the aforementioned evidentiary hearings. The Energy Bureau **GRANTS** the parties to this proceeding seven (7) days, from the notification date of this Resolution and Order, to comment or object Exhibits 1 and/or 2 of the August 10 Motion. After reviewing the parties' comments and/or objections, the Energy Bureau will issue a ruling regarding if it accepts Exhibits 1 and/or 2 of the August 10 Motion as a correct and faithful transcription of the July 19 and July 20, 2021, evidentiary hearings.

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 25, 2022. I also certify that on February 25, 2022 a copy of this Resolution and Order was notified by electronic mail to: margarita.mercado@us.dlapiper.com; kbolanos@diazvaz.law, jmarrero@diazvaz.law, contratistas@jrsp.pr.gov, hrivera@jrsp.pr.gov, manuelgabrielfernandez@gmail.com, ramonluisnieves@rlnlegal.com; ccf@tcm.law and agraitfe@agraitlawpr.com. I also certify that today, February 25, 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 25, 2022.

  
Sonia Seda Gaztambide  
Clerk

<sup>5</sup> See August 10 Motion, p. 2.

<sup>6</sup> *Id.*

