

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

NEPR

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IN RE: PERFORMANCE TARGETS FOR
LUMA ENERGY SERVCO, LLC

CASE NO.: NEPR-AP-2020-0025

SUBJECT: INFORMATIVE
MOTION REGARDING LECO'S
RESPONSES TO OBJECTIONS
RAISED BY LUMA TO
DISCOVERY RESPONSES OF
AGUSTIN IRIZARRY AND JOSÉ
ALAMEDA

**INFORMATIVE MOTION REGARDING LECO'S RESPONSES TO
OBJECTIONS RAISED BY LUMA TO DISCOVERY RESPONSES OF
AGUSTIN IRIZARRY AND JOSÉ ALAMEDA**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW, 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"), respectfully
states and requests the following:

1. On April 8, 2021, the Puerto Rico Energy Bureau ("PREB") issued a
Resolution and Order allowing LUMA to conduct discovery on the
testimonies provided by intervenors. PREB set forth a discovery
deadline along with the procedural calendar. Subsequent orders were
made by PREB to amend the procedural calendar on the following dates:
May 14, June 4, and July 2, 2021.

2. On October 20, 2021, PREB issued a Resolution and Order amending the procedural calendar established by its April 8, 2021 Resolution and Order. In this Resolution and Order, PREB set the deadline for filing Intervenor's written testimony as November 17th, 2021, and the time period for discovery on Intervenor's written testimony as November 18th, 2021 to December 28th, 2021.
3. Subsequently, LECO filed a timely Motion to Submit Expert Testimony on November 17, 2021. LECO's Motion included expert testimony from Dr. José Alameda Lozada and Dr. Agustín Irizarry Rivera.
4. On December 10, 2021, PREB issued its 1st Requirement of Information to LECO.
5. On December 16, 2021, LECO filed an urgent motion requesting a brief extension of time of three (3) days to answer PREB's 1st Requests of Information, from Dec. 20, 2021 to Dec. 23, 2021. Additionally, LECO requested an extension of time of at least ten (10) days after the 3rd of January 2022 to respond to future ROIs submitted to LECO in December 2021.
6. On December 20, 2021, LECO filed an informative motion giving notice of Dr. Agustín Irizarry's responses submitted to PREB's 1st ROI. Additionally, LECO also submitted an urgent request for an extension of time, until January 14, 2022 to submit responses to PREB's 1st ROI concerning Dr. José Alameda's questions, and an extension of time of at

least ten (10) days after the 3rd of January 2022 to respond to future ROIs submitted to LECO in December 2021.

7. On December 22, 2021, PREB granted LECO's request for an extension of time and ordered LECO to file Dr. Jose Alameda's responses to the Energy Bureau's 1st ROI no later than January 14, 2022. PREB also granted LECO's request for an extension of ten (10) days after January 3, 2022, to issue any other response to ROIs submitted to LECO in December 2021.
8. On December 22, 2021, LUMA, Energy, LLC, and LUMA Energy ServCo, LLC (jointly "LUMA") issued the 1st Set of Interrogatories and Request for Production of Documents to the expert witness for LECO, Dr. José Alameda Lozada. Under the extension granted by PREB, the due date for this request was January 14, 2022.
9. On December 27, 2021, LUMA issued three sets of interrogatories and requests to produce documents – two of which were specifically addressed to LECO. The first issued request titled *First Set of Interrogatories and Request for Production of Documents* was addressed to LECO's expert witness Dr. Agustín Irizarry Rivera. The second issued request titled *Second Set of Interrogatories and Request for Production of Documents* was also addressed to Dr. Agustín Irizarry Rivera. Under the extension granted by PREB, the due date for these requests was January 13, 2022.

10. On January 13, 2022, LECO complied and served the discovery responses of Dr. Agustin Irizarry from LUMA to all parties. Additionally, on January 14, 2022, LECO complied and served the discovery responses of Dr. José Alameda from PREB to all parties.
11. On January 24, 2022, LUMA submitted a letter to LECO objecting to specific responses provided by Dr. José Alameda. LECO, in good faith, requested an extension to LUMA until February 7, 2022 to provide a response to the objections. LUMA agreed to the extension for LECO to answer until February 7, 2022.
12. On January 26, 2022, LUMA submitted a letter to LECO objecting to specific interrogatory response, provided by Dr. Agustin Irizarry. LECO, in good faith, requested an extension to LUMA until February 4, 2022 to provide a response to the objections. LUMA agreed to the extension for LECO to answer until February 4, 2022.

WHEREFORE, LECO respectfully informs PREB of the submittal Dr. Agustín Irizarry’s responses on February 4, 2022 to LUMA’s Objections addressed to him, and the submittal of answers of Dr. José Alameda’s responses on February 7, 2022 to LUMA’s Objections addressed to him.

Respectfully submitted. In San Juan Puerto Rico, February 7, 2022.

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CERTIFICATION OF SERVICE

I hereby certify that on February 7, 2022, I caused this Informative Motion to be served to the following parties:

- Puerto Rico Energy Bureau: secretaria@energia.pr.gov; secretaria@jrsp.pr.gov; legal@jrsp.pr.gov and atorres@jrsp.pr.gov
- LUMA Energy LLC and LUMA Energy ServCo LLC: mmercado@mercado-echegaray-law.com; margarita.mercado@us.dlapiper.com; yahaira.delarosa@us.dlapiper.com
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