

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

NEPR Received: Feb 23, 2022 7:15 PM
--

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

CASE NO. NEPR-AP-2020-0025

**SUBJECT: LUMA's Urgent Request for
an Additional Extension of Time to File
Rebuttal Testimony of Witness Mario
Hurtado**

**LUMA'S URGENT REQUEST FOR AN ADDITIONAL EXTENSION OF TIME
TO FILE REBUTTAL TESTIMONY OF WITNESS MARIO HURTADO**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

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

1. On February 1, 2022, LUMA filed with this Puerto Rico Energy Bureau ("Energy Bureau") a *Motion Submitting Rebuttal Testimonies*. LUMA submitted the rebuttal testimonies of five of its witnesses and reiterated that the remaining testimonies would be filed by the set date of February 17, 2022.

2. On February 16, 2022, LUMA filed an *Urgent Request for Extension of Time to File Rebuttal Testimony of Witness Mario Hurtado* (the "Urgent Request") wherein LUMA informed that Mr. Mario Hurtado, Chief Regulatory Officer for LUMA, had an unexpected family emergency outside the jurisdiction of Puerto Rico that made it unattainable for him to finalize his testimony by the due date. Consequently, LUMA requested an extension up to February 25, 2022, to file Mr. Hurtado's rebuttal testimony.

3. On February 17, 2022, LUMA filed *LUMA's Motion Submitting Additional Rebuttal Testimonies*, whereby it submitted the rebuttal testimonies of six witnesses on the

intervenors' pre-filed direct testimonies. The testimonies included those of four LUMA employees and two rendered by LUMA's expert witnesses. *See*, Exhibits 1 and 2 of *LUMA's Motion Submitting Additional Rebuttal Testimonies*.

4. Today, this Energy Bureau entered a Resolution and Order whereby it granted LUMA's Urgent Request and, therefore, extended the deadline for LUMA to file Mr. Hurtado's rebuttal testimony until February 25, 2022. This Energy Bureau granted the parties and intervenors in this proceeding ten (10) days from LUMA's filing of that testimony, to submit any additional discovery related solely to such rebuttal written testimony of witness Mario Hurtado.

5. It is respectfully informed that Mr. Hurtado continues to attend to the family emergency informed through the Urgent Request, which requires his presence outside of the jurisdiction of Puerto Rico. Although Mr. Hurtado partially reincorporated remotely to his professional duties today, he has done so in order to be able to appear at tomorrow's compliance hearing in Case Number NEPR-MI-2019-007. As a result of the aforementioned unexpected circumstances, Mr. Hurtado has been genuinely impeded from completing his rebuttal testimony in order for LUMA to be in position to file it by February 25th.

6. In light of the foregoing, LUMA respectfully requests an additional brief extension of time, until March 3, 2022, to file Mr. Hurtado's rebuttal testimony. The extension request is made in good faith and does not intend to cause undue delay in the proceeding. LUMA reiterates its belief that Mr. Hurtado's delicate situation is sufficient just cause for this Energy Bureau to grant the extension requested.

WHEREFORE, LUMA respectfully requests that this Energy Bureau **take** notice of the above and **extend** the deadline for LUMA to submit the rebuttal testimony of witness Mario Hurtado until March 3, 2022.

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@agrailawpr.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 23rd day of February 2022.



DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9107
Fax 939-697-6147

/s/ Margarita Mercado Echegaray
Margarita Mercado Echegaray
RUA NÚM. 16,266
margarita.mercado@us.dlapiper.com

/s/ Yahaira De la Rosa Algarín
Yahaira De la Rosa Algarín
RUA NÚM. 18,061
yahaira.delarosa@us.dlapiper.com