

**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: LUMA's Request for Brief
Extension of Time to Respond to Discovery
on Rebuttal Testimonies.

RESOLUTION AND ORDER

On January 27, 2021, 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") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Request to Amend the Procedural Calendar to Authorize Discovery on LUMA Rebuttal Testimonies*, where it sought two or three weeks to conduct discovery on LUMA's¹ pre-filed rebuttal testimonies

On February 1, 2022, LUMA filed before the Energy Bureau a document titled *LUMA's Motion Submitting Rebuttal Testimonies* ("February 1 Motion"), whereby it submitted the rebuttal testimonies of five of its witnesses.²

On February 7, 2022, LUMA filed before the Energy Bureau a *Response in Opposition to LECO's Request to Amend the Procedural Calendar to Authorize Discovery on LUMA Rebuttal Testimonies*. LUMA argued that LECO's request was unduly belated and did not include a concrete or principled justification on the need to conduct discovery, among other arguments.

On February 15, 2022, the Energy Bureau issued a Resolution and Order granting the parties ten (10) days from LUMA's filing of the remaining rebuttal testimonies, that is, February 17, 2022, to conduct discovery on those testimonies ("February 15 Order"). As per the February 15 Order, LUMA should respond to the discovery requests within ten (10) days of receiving them.

On February 17, 2022, LUMA filed before the Energy Bureau a document titled *LUMA's Motion Submitting Additional Rebuttal Testimonies* ("February 17 Motion"), whereby it submitted the rebuttal testimonies of six witnesses on the intervenors' pre-filed direct testimonies.³

On March 1, 2022, the Energy Bureau issued a Resolution and Order granting LUMA until March 3, 2022, to file Mr. Hurtado's rebuttal testimony ("March 1 Order"). The parties will then have ten (10) days to conduct discovery solely related to Mr. Hurtado's rebuttal written testimony, and LUMA filed Mr. Hurtado's rebuttal testimony on March 3, 2022. Therefore, the intervenors have until March 14, 2022, to conduct discovery on such testimony.

On March 10, 2022, LUMA filed before the Energy Bureau a document titled *Motion Requesting Brief Extension of Time for LUMA to Respond to Discovery on Rebuttal Testimonies* ("March 10 Request"), where LUMA seeks an extension of time of four business days, until

¹ LUMA Energy, LLC ("ManagementCO"), and LUMA Energy ServCo, LLC ("ServCO"), (collectively, "LUMA").

² See February 1 Motion, Exhibit 1.

³ See, February 17 Motion, exhibits 1 and 2. The testimonies included four LUMA employees and two rendered by LUMA's expert witnesses.



March 16, 2022, to submit its responses to LECO's Fifth and Sixth Requests for Production of Documents and the ICPO's *Requirement of Information to LUMA's Rebuttal Testimonies*.

In the March 10 Request, LUMA states, that on February 28, 2022, LECO notified its Fifth and Sixth Discovery Requests regarding the rebuttal testimonies filed on February 1 and 17, 2022. That the discovery requests issued by LECO include eighty-seven interrogatories addressed to LUMA's eleven rebuttal witnesses and that the Independent Consumer Protection Office ("ICPO"), notified a *Requirement of Information to LUMA's Rebuttal Testimonies* consisting of nineteen requests (excluding sub-items). As per the February 15 order, LUMA has until March 10, 2022, to respond to LECO's and the ICPO's discovery requests.

On the March 10 Request, LUMA sustain they have been diligently working on its responses to the afore-mentioned discovery requests but that the ten-day time frame, has proven insufficient to complete the necessary tasks to responsibly finalize responses in a consistent and fulsome manner. Therefore, LUMA seek a brief extension of time of four (4) business days, until March 16, 2022, to respond to LECO's Fifth and Sixth Requests for Production and to the ICPO's Requirement of Information.

Upon review of LUMA's arguments, the Energy Bureau **GRANTS** LUMA's request for an extension of time to file, on **March 16, 2021**, LECO's Fifth and Sixth Requests for Production of Documents and the ICPO's Requirement of Information.

The Energy Bureau **WARNS** LUMA's that, noncompliance with any provision of this Resolution and Order, may result in the imposition of fines pursuant to Act 57-2014⁴ and applicable Energy Bureau's regulations and any other appropriate administrative sanctions, as deemed appropriate by the Energy Bureau.

Be it hereby 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 Ugarte Araujo
Associate Commissioner



⁴ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on March 16, 2022. I also certify that on March 16, 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-emmanuelli.com, notificaciones@bufete-emmanuelli.com, jessica@bufete-emmanuelli.com, rhoncat@netscape.net, and lvez@earthjustice.org. I also certify that today, March 16, 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 March 16, 2022.



Sonia Seda Gaztambide
Clerk

