

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

<b>NEPR</b>
<b>Received:</b>
<b>Mar 4, 2022</b>
<b>5:54 PM</b>

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

**CASE NO.: NEPR-AP-2020-0025**

**SUBJECT: Informative Motion  
Regarding LECO's Fifth and Sixth  
Discovery Requests to LUMA**

**INFORMATIVE MOTION REGARDING LECO'S FIFTH AND SIXTH  
DISCOVERY REQUESTS TO LUMA**

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 January 14, 2022, the Energy Bureau issued a Resolution and Order amending the procedural calendar ("January 14th Resolution and Order"). The Energy Bureau ordered LUMA to submit its witnesses' rebuttal testimonies on or before February 1, 2022.
2. On January 28, 2022, LUMA filed LUMA's Request for an Extension of Time to File Rebuttal Testimonies due to needed outstanding supplemental responses to the discovery requests issued by the Local Environmental and Civil Organizations ("LECO") and the Independent Consumer Protection Office ("ICPO"). LUMA requested that the Energy Bureau extend the timeframe to submit rebuttal testimonies to February 17, 2022.

3. On January 27, 2022, LECO filed a document titled Request to Amend the Procedural Calendar to Authorize Discovery on LUMA's Rebuttal Testimonies, 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.
4. On January 31, 2022, the Energy Bureau issued a Resolution and Order ("January 31st Resolution and Order") granting LUMA until February 17, 2022, to file rebuttal testimonies on the intervenor's pre-filed direct testimonies.
5. On February 1, 2022, LUMA submitted the pre-filed witnesses' rebuttal testimonies of Mr. Kalen Kostyk; Mr. Jorge Meléndez; Mr. Terry Tonsi; Ms. Melanie J. Jeppesen; and Mr. Brent Bolzenius.
6. On February 15, after reviewing LECO's request and LUMA's opposition, the Energy Bureau granted all parties a period of (10) ten days, starting February 17, to conduct discovery on LUMA's rebuttal on Intervenors' written testimony. The end of the discovery deadline, February 27<sup>th</sup>, fell on a Sunday. Regulation 8543 Section 1.09 allows LECO to file discovery on Monday, February 28<sup>th</sup>.<sup>1</sup>
7. On February 17, LUMA submitted the pre-filed witnesses' rebuttal testimonies of Mr. Donald Hall (Senior Director – Engineering & Asset

---

<sup>1</sup> ""In computing any period conceded by .... order of the Commission, the period shall begin accruing the day after the act... that triggers the period takes place. If the period ends on a Saturday, Sunday, or a legal holiday, said period shall be extended until the next day that is not a Saturday, Sunday or legal holiday."

Management); Mr. Don Cortez (Vice President – Utility Transformation); Ms. Jessica Laird (Vice President of Customer Experience); Mr. Lee Wood (Director, Business Transformation); Mr. Branko Terzic; and Mr. Juan Lara.

8. On February 28, 2022, LECO submitted to LUMA the following requests: *Fifth Set of Discovery Requests to LUMA* and *Sixth Set of Discovery Requests to LUMA*. True and accurate copies of both sets are attached.

**WHEREFORE**, LECO respectfully informs the Energy Bureau of the timely submittal of a fifth and a sixth set of discovery requests to LUMA.

Respectfully submitted. In San Juan Puerto Rico, March 4, 2022.

/s/ Laura Arroyo

Laura Arroyo  
RUA No. 16653  
Earthjustice  
4500 Biscayne Blvd.  
Suite 201  
Miami, FL 33137  
T: 305-440-5436  
E: larroyo@earthjustice.org;  
flcaseupdates@earthjustice.org

/s/ Rolando Emmanuelli Jiménez

Rolando Emmanuelli-Jiménez  
RUA No. 8509  
E: rolando@bufete-  
emmanuelli.com;  
notificaciones@bufete-  
emmanuelli.com

/s/ Jessica Méndez-Colberg

Jessica Méndez-Colberg  
RUA No. 19853  
E: jessica@bufete-  
emmanuelli.com  
472 Tito Castro Ave.  
Marvesa Building, Suite 106  
Ponce, Puerto Rico 00716  
Tel: (787) 848-0666  
Fax: (787) 841-1435

/s/ Ruth Santiago

Ruth Santiago  
RUA No. 8589  
Apartado 518  
Salinas, Puerto Rico 00751  
T: (787) 312-2223  
E: rstgo2@gmail.com

/s/ Pedro Saadé Lloréns

Pedro Saadé Lloréns  
RUA No. 4182  
Clínica Asistencia Legal,  
Sección Ambiental  
Escuela de Derecho  
Universidad de Puerto Rico  
Condado 605 – Office 616  
San Juan, PR 00907  
T: 787-397-9993  
E: pedrosaade5@gmail.com

/s/ Lorena Velez

Lorena I. Vélez Miranda  
RUA No. 22720  
Earthjustice  
151 Calle de San Francisco  
Ste 200 PMB 0528  
San Juan, PR 00901-1607  
E: lvelez@earthjustice.org

## CERTIFICATION OF SERVICE

I hereby certify that on March 4, 2022, I served this Informative Motion 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; and ana.rodriguezrivera@us.dlapiper.com
- PREPA: jmarrero@diazvaz.law; kbolanos@diazvaz.law
- Oficina Independiente de Protección al Consumidor (OIPC): contratistas@oipc.pr.gov; hrivera@oipc.pr.gov
- Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico (ICSE): agraitfe@agraitlawpr.com
- Colegio de Ingenieros y Agrimensores de Puerto Rico (CIAPR): rhoncat@netscape.net

/s/ Laura B. Arroyo

Laura B. Arroyo  
RUA No. 16653  
Earthjustice  
4500 Biscayne Blvd.  
Suite 201  
Miami, FL 33137  
T: 305-440-5436  
E: larroyo@earthjustice.org

**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: FIFTH DISCOVERY  
REQUEST TO LUMA FROM LECO**

**FIFTH DISCOVERY REQUEST TO LUMA FROM LOCAL ENVIRONMENTAL  
AND CIVIL ORGANIZATIONS ON REBUTTAL TESTIMONIES**

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 (Local Environmental and Civil Organizations, or “LECO”), by and through their legal counsel, hereby submit this Set of Discovery Requests to LUMA Energy LLC and LUMA Energy ServCo LLC (collectively, LUMA). Please forward responses to the discovery requests below to all attorneys of record within ten (10) days.<sup>1</sup> The General Instructions for these Requests are enclosed as well.

If any document is being withheld or redacted based on a claim of privilege, please also provide a privilege log identifying and justifying with specificity such withholding or redacting.

---

<sup>1</sup>*In Re* LUMA Performance Targets for LUMA Energy Servco LLC, Resolution and Order, NEPR-AP-2020-0025 February 15, 2022, at 2, <https://energia.pr.gov/wp-content/uploads/sites/7/2022/02/20220215-Resolution-and-Order.pdf>.

Responses are to be provided in electronic format please (e.g., text documents should be in the original word processor file format or searchable PDF, data files should be in Excel format in original, electronic, unlocked, format, where possible, with formulas intact).

Questions on Jorge Menendez's Testimony:

1. Does OSHA prohibit an independent Bureau to use and impose OSHA metrics?
2. On pp. 7-8 you state that you do not agree with Mr. Irizarry's proposal that the Energy Bureau consider and approve a public safety metric on *Incidents, Injuries, and Fatalities*, can you explain the risks associated with electric lines?
3. How does LUMA propose to create an incentive program for employees without creating a perverse mechanism that will cause incidents to go unreported.

Questions to Terry Tonsi:

1. P.6: Do you believe emergencies outside the scope of hurricanes or floods, specifically emergencies where live wires are present in public places, warrant a response that exceeds 60 minutes?

Questions to Melanie Jeppesen:

1. P.12: Please describe the process for a Puerto Rican residential electrical customer to file a formal complaint against LUMA.

- a. Is the process to file a formal complaint accessible to residential customers without internet access
- b. Is the process accessible to residential customers that do not often use computers or access the Internet?

Questions to Brent Bolzenius:

1. L.55: Can you explain the importance of vegetation management and the importance of having someone in charge of vegetation management?
2. L.55: Do you believe vegetation management is essential to public safety?
3. L.55: Was the LUMA Vegetation Plan adapted to the natural conditions of Puerto Rico, such as the existence of the Bejuco?
4. L.55: Are you aware of the different microclimates in Puerto Rico and the specificities needed to address and manage each one of them? Please provide a description of each microclimate, and LUMA's plan to tailor the vegetation management plan to each microclimate.
5. L.82-101: Are you proposing that metrics should be changed according to voltage level, region, line location (rural or urban)? In that direction, is it true that you argue metrics should be more specific, for example separating metrics according to urban or rural areas to fit the factors that shape those two different categories?
6. L.111: What is the percentage of failures tied to vegetation management and what is the percentage tied to others like debris etc.? Can you compare both?
7. Please refer to the statement on p. 9 of your testimony, quoting from the Vegetation Management Plan, that "LUMA's Vegetation Management Plan for PREPA's 230 kV and 115 kV system will generally be aligned with the NERC standard."
  - a. Why did LUMA choose to align the Vegetation Management Plan with the NERC standard?



- b. Please describe the benefits of aligning the Vegetation Management Plan with the NERC standard.
- c. Please list and describe each aspect of the Vegetation Management Plan which is **not** aligned with the NERC standard.

Questions to Donald Hall:

1. On page 12 you argue that “...current rates do not support improving everything at once.” Does LUMA believe that current rates would not support transformation of the system to a reliable 21st century system? If not, what rate increases does LUMA believe are necessary to achieve a reliable 21st century system?
2. Please refer to the statement on p. 7 of your testimony where you state that “[t]he current PREPA T& D system is fragile and unreliable.”
  - a. Did LUMA have an opportunity to inspect the T & D system before signing the OMA?
  - b. Did LUMA have an opportunity to inspect the T & D system in the “transition period”?
  - c. If answered in the affirmative, what were LUMA’s findings?
  - d. If (a) and (b) were answered in the affirmative, please provide copies of all inspection documents.
3. L.126: Can you specify and describe the exogenous factors that you argue are out of LUMA’s control and don’t allow for metrics?

Questions to Don Cortez:

1. On p. 3 of your rebuttal testimony, you refer to your experience working with utilities and energy companies.

- a. Please list each utility you have worked for or advised during your career.
  - b. Please list each energy company you have worked for or advised during your career.
  - c. For each of the entities you listed in response to (a) and (b) above, please provide a description of the Performance Incentive Mechanisms, metrics, or any similar tools used by the entity during your time working for or advising that entity. Please also state whether you were involved in the design or implementation of each described Performance Incentive Mechanisms, metrics, or tool.
2. Please refer to your discussion of advanced meters, Energy Management Systems, Advanced Distribution Management System, and automated distribution switches on p. 8 of your testimony.
    - a. Does LUMA have a plan to implement these technologies?
    - b. Do you believe these are necessary to create a safe and reliable 21st century electric system in Puerto Rico?
  3. Puerto Rico currently relies on long-distance transmission lines that carry power from large, centralized fossil fuel plants.
    - a. Do you believe that rebuilding these lines is part of the "significant investment to get to the point of a 20th century system" that you refer to on p. 7 of your testimony?
    - b. Do you believe that rebuilding these lines is necessary for a safe and reliable 21st century system?
  4. On pp. 6-7 of your testimony, you state that Puerto Rico's T&D system requires "significant investment to get to the point of a 20<sup>th</sup> century system..." How long do you believe it will take LUMA to get Puerto Rico's T&D system "to the point of a 20<sup>th</sup> century system"?
  5. How long will it take LUMA to "transform [Puerto Rico's grid] to a safe and reliable 21<sup>st</sup> century system"?
  6. On p. 10 of your testimony, you describe LUMA's near-term task as "remediating and rebuilding the existing T&D System"

- a. Have you examined the performance of the existing system through Hurricane Maria and the seismic events starting in late 2018?
  - b. If so, do you believe the system performed well through those challenges?
  - c. Please describe your predictions of the performance of the existing T&D system, after being remediated and rebuilt, when the next earthquakes and hurricanes impact Puerto Rico.
7. Please refer to your statement on p. 19 of your testimony, that “LUMA’s operations are aligned to meet the energy goals and policies of Puerto Rico...”
  - a. Are LUMA's operations aligned with the Renewable Portfolio Standard requiring 40% renewables by 2025? Please provide a detailed description of LUMA's plan to allow for integration of renewables into the grid to meet that requirement.
  - b. How would 40% distributed renewables coupled with batteries vary from utility scale renewables?
  - c. Would utility scale require more transmission and distribution infrastructure?
  - d. Are distributed renewables offsets to the T & D system?
  - e. Are LUMA's operations aligned with the Renewable Portfolio Standard requiring 60% renewables by 2040? Please provide a detailed description of LUMA's plan to allow for integration of renewables into the grid to meet that requirement.
  - f. How would 60% distributed renewables coupled with batteries vary from utility scale renewables?
8. Please refer to your discussion of Reduction in Network Line Losses on pp. 19-20 of your testimony. Provide all data and information that Mr. Cortez or LUMA has reviewed from PREPA regarding Reduction in Network Line Losses.
9. Please refer to your statement on p. 22 of your testimony that "LUMA examined the approximate number of appliance damage claims filed by customers under PREPA's operation of the T&D System from 2017 through May 2021 and under

LUMA's operation of the T&D System since June 1, 2021, whether proven to be valid or not."

- a. Provide all information in LUMA's possession regarding the claims examined.
- b. Who at LUMA conducted this examination?
- c. Please provide a detailed description of that person's or those persons' conclusions and findings from the examination.
- d. If a customer files an appliance damage claim, how would that person prove its validity?
- e. How would LUMA examine the validity of an appliance damage claim?

10. Please refer to your statement on p. 22 of your testimony that: "Based on records kept by PREPA and LUMA, the approximate total number of appliance claims have not varied greatly from FY 2017 through FY 2021."

- a. Please provide those records.
- b. Provide the exact number of claims in each month from FY 2017 through the present and provide the source for those numbers. If the month-by-month numbers are not available, please provide annual figures.

11. On p. 25 of your testimony, you refer to the LUMA proposed SAIDI targets of 1,119; 932, and 746. Would LUMA earn incentives for reporting SAIDI under these targets?

12. Please refer to your statement on pp. 26-27 of your testimony that: "I should add that LUMA understands that this proceeding does not involve consideration of requirements to publish supporting data on the reliability indices that PREB tracks in Case NEPR-MI-2019-0007." Please provide the basis for that understanding.

13. On p. 30 of your testimony, you state that "Demarcation metering must be implemented before a precise measurement of energy losses can be calculated."

- a. Please provide a detailed description of "demarcation metering."
- b. Does LUMA have a plan to implement this technology?

14. On p. 31 of your testimony, you state that "System losses cannot be accurately calculated due to the lack of accurate metering at the legacy PREPA generation plants and for DG customers."
- a. Do you believe that accurate calculation of system losses is necessary for a safe and reliable 20th century system?
  - b. Do you believe that accurate calculation of system losses is necessary for a safe and reliable 21st century system?
15. On pp. 33-34, you list several "activities and investments pursuant on T&D System infrastructure pursuant to Investment Programs approved by the Energy Bureau and the approved SRP."
- a. Please state which of these activities and investments relate to integration of distributed solar. For each listed activity and investment, please explain how this activity or investment would improve integration of distributed solar into Puerto Rico's grid.
  - b. Please state which of these activities and investments relate to integration of distributed storage. For each listed activity and investment, please explain how this activity or investment would improve integration of distributed storage into Puerto Rico's grid.
16. On p. 11 of your testimony, you state that Witness Irizarry's comments on "service deterioration as a justification for imposition of additional penalties does not consider the current state of the T&D System."
- a. Did LUMA inspect the T & D system before signing the OMA?
  - b. Were they aware of the circumstances the T & D system was in before signing?
  - c. Did LUMA evaluate the conditions of the electric system during the transition year?
- 17.L.305: You state that "the hosting capacity dashboard includes rudimentary interconnection capacity by distribution feeder with a dropdown menu that shows the following information [...]", by definition rudimentary implies an approximation, can you provide the raw data and how it was calculated to

achieve the results you provide? Are you opposed to a disclosure of not only the data but the calculations of how the information provided on MiLuma is calculated? Please disclose the date and the calculations of how the information provided on MiLuma is calculated.

18. Pp.19-20: Does LUMA have meters to measure the energy needed to (1) arrive at substations, (2) be injected and, (3) be consumed?
19. Ll.468-483: Can PREB not adopt a metric used by NERC? Is PREB prohibited from doing so, if so, who prohibits it?
20. Pp.26-27: Would customers that wish to access to their personal outage data have to enter MiLuma hourly to download the information? Is there any other way for customers to access personal outage data? Please provide separate answers for residential, commercial, and industrial customers.
21. Ll.611-629: When do you suggest it is adequate to propose load factor metrics? When do you think they should be considered?

#### Questions to Jessica Laird:

1. Please provide a description of the costs incurred by PREPA and LUMA to date to conduct the J.D. Power customer satisfaction survey, with a breakdown of costs.
2. Please also provide a description of the annual costs going forward to conduct this survey.
3. Please provide all data and information obtained to date through the survey
4. Are the surveys in English or Spanish?

Questions to Lee Wood:

1. P.19: Has LUMA conducted any analysis or study on how the grid will sustain an increase in load due to the use of more electric vehicles? If so, please provide those analyses and studies. If not, please explain why those analyses have not been conducted.
2. P.19: Has LUMA conducted any analysis or study on how to adapt Puerto Rico's infrastructure to handle an increased load due to electric vehicles, without impeding a change towards distributed energy, energy storage and electric vehicle meters? If so, please provide those analyses and studies. If not, please explain why those analyses have not been conducted.
3. Please refer to your statement on p. 20 of your testimony that "AMI is a valuable technology that represents up to a \$1 billion investment that will take multiple years to implement and is currently unfunded."
  - a. Please provide the basis for your estimation that AMI could cost up to \$1 billion to implement in Puerto Rico.
  - b. Please describe the value of this investment.
  - c. Please describe the efforts of LUMA or PREPA to seek federal funding towards this investment. If those efforts have not been made, please explain why not.
  - d. Does Puerto Rico currently have any smart meters or Advanced Metering Infrastructure?
4. L.388: Is LUMA willing or able to provide clients with smart meters? If not, why not?

Questions to Branko Terzic:

1. Please disclose if you have had any previous contracts or services with LUMA or parent or subsidiary and who paid for those services.

2. Please disclose your service fees for providing this expert testimony.
3. Please refer to your statement on line 28 of your testimony that “Neither is LUMA’s compensation tied to PREPA profit maximization.”
  - a. Does LUMA have a goal of maximizing profit under the Transmission & Distribution OMA?
  - b. Please state the profits that LUMA has obtained to date through the OMA.
  - c. Please state the profits LUMA expects to receive from the OMA.
  - d. Please state the profits LUMA expects to receive through the proposed incentives in the draft Annex IX.

Questions to Juan Lara:

1. Please disclose if you have had any previous contracts or services with LUMA or parent or subsidiary and who paid for those services.
2. Please disclose your service fees for providing this expert testimony.
3. Please specify all publications related to electric utilities authored or co-authored by you.
4. Please specify all publications related to the area of performance metrics and or penalty schemes in electric utilities authored or co-authored by you.
5. Please specify if you have ever designed or helped designed or implement performance metrics and penalty schemes.
6. Please refer to your statement on p. 3 of your testimony that “Witness Alameda ignores warnings in the same literature he cites, pointing out that penalties may produce perverse incentive effects.” Please describe the steps taken by utilities, as stated in the literature cited by Dr. Alameda, to correct and avoid those perverse incentive effects.
7. L.304: You argue that Witness Alameda’s statement “Reward and penalties are market-driven mechanisms, but within a regulator’s framework.” is confusing.



- a. Why is it confusing?
  - b. Do regulators in the USA not operate on market driven economies just like Puerto Rico, where there is no price cap on energy services?
8. LL.329-332: What is the difference between a “strong penalty component” and a “penalty component”?
9. L.358: Can you provide an explanation for the Coase Theorem?
- 10.L.460: You argue that the OMA includes penalties, but can you explain the penalties established in the OMA, aside from the termination of the contract under specific circumstances?

## GENERAL INSTRUCTIONS

1. Responses are to be provided in electronic format (e.g., text documents should be in the original word processor file format or searchable PDF, and data files should be in Excel).
2. If you contend that any response to any discovery request may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:
  - a. The privilege asserted and its basis;
  - b. The nature of the information withheld; and,
  - c. The subject matter of the document, except to the extent that you claim it is privileged.
3. For any document or set of documents you object to providing to on the grounds it is burdensome or voluminous, please identify the specific document.
4. These discovery requests are to be answered with reference to all information in your possession, custody, or control or reasonably available to you. These

discovery requests are intended to include requests for information, which is physically within your possession, custody, or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.

5. If any discovery request cannot be responded to or answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.
6. These discovery requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these discovery requests subsequently become known.
7. For each response, identify all persons that were involved in the preparation of the answers to the interrogatories below and/or are responsible for compiling and providing the information contained in each answer.
8. Identify which witness(es) at the hearing(s) is competent to adopt and/or discuss the response.
9. Please produce the requested documents in electronic format to all attorneys of record.
10. Wherever the response to an interrogatory or request consists of a statement that the requested information is already available to us, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart/table/figure number(s).
11. In the event that any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.
12. We reserve the right to serve supplemental, revised, or additional discovery requests as permitted in this proceeding.

**Definitions:** For the purposes of these data requests, the following definitions shall apply:

1. “Document” means all written, recorded or graphic matters, however produced or reproduced, pertaining in any manner to the subject of this proceeding, whether or not now in existence, without limiting the generality of the foregoing, all originals, copies and drafts of all writings, correspondence, telegrams, notes or sound recordings of any type of personal or telephone communication, or of meetings or conferences, minutes of directors or committee meetings, memoranda, inter-office communications, studies, analyses, reports, results of investigations, reviews, contracts, agreements, working papers, statistical records, ledgers, books of account, vouchers, bank checks, x-ray prints, photographs, films, videotapes, invoices, receipts, computer printouts or other products of computers, computer files, stenographer’s notebooks, desk calendars, appointment books, diaries, or other papers or objects similar to any of the foregoing, however denominated. If a document has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reasons of subsequent modification of a copy by the addition of notations, or other modifications, are no longer identical) each non-identical copy is a separate “document.”
2. “And” or “or” shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.
3. The term “you” and “your” refer to LUMA Energy LLC. and LUMA Energy ServCo, LLC.
4. The term “person” means any natural person, corporation, corporate division, partnership, limited liability company, other unincorporated association, trust, government agency, or entity.
5. The term “regarding” means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving,

dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

6. The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.
7. “Identify” or “identifying” or “identification” when used in reference to a person that is a natural person means to state: the full name of the person and any names under which he conducts business; the current employer of the person, the person’s job title and classification, the present or last known work address of the person; and, the present or last known telephone number of the person.
8. “Identify” or “identifying” or “identification” when used in reference to a person other than a natural person means to state: the full name of the person and any names under which it conducts business; the present or last known address of the person; and the present or last known telephone number of the person.
9. “Identify” or “identifying” or “identification” when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:
  - a. the type of document (e.g., letter, memorandum, etc.);
  - b. the date of the document;
  - c. the title or label of the document;
  - d. the Bates stamp number or other identifier used to number the document for use in litigation;
  - e. the identity of the originator;
  - f. the identity of each person to whom it was sent;
  - g. the identity of each person to whom a copy or copies were sent;
  - h. a summary of the contents of the document;
  - i. the name and last known address of each person who presently has possession, custody, or control of the document; and,

- j. if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.
10. “Identify” or “identifying” or “identification” when used in reference to communications means to state the date of the communication, whether the communication was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, identify the document(s) containing or referring to the communication.
  11. “Current” when used in reference to time means in the present time of this data request.
  12. “Customer” means a person who buys retail electricity on a regular and ongoing basis.
  13. “Workpapers” are defined as original, electronic, unlocked, Excel format (where possible) with formulas in-tact.

Respectfully submitted,

/s/ Ruth Santiago

Ruth Santiago  
RUA No. 8589  
Apartado 518  
Salinas, PR 00751  
T: 787-312-2223  
E: rstgo2@gmail.com

/s/ Rolando Emmanuelli Jiménez

Rolando Emmanuelli-Jiménez  
RUA No. 8509  
E: rolando@bufete-emmanuelli.com;  
notificaciones@bufete-  
emmanuelli.com

/s/ Jessica Méndez-Colberg

Jessica Méndez-Colberg  
RUA No. 19853  
E: jessica@bufete-emmanuelli.com  
472 Tito Castro Ave.  
Marvesa Building, Suite 106  
Ponce, Puerto Rico 00716  
Tel: (787) 848-0666  
Fax: (787) 841-1435

/s/ Pedro Saadé Lloréns

Pedro Saadé Lloréns  
RUA No. 4182  
Clínica Asistencia Legal,  
Sección Ambiental  
Escuela de Derecho  
Universidad de Puerto Rico  
Condado 605 – Office 616  
San Juan, PR 00907  
T: 787-397-9993  
E: pedrosaade5@gmail.com

/s/ Laura B. Arroyo

Laura B. Arroyo  
RUA No. 16653  
Earthjustice  
4500 Biscayne Blvd.  
Suite 201  
Miami, FL 33137  
T: 305-440-5436  
E: larroyo@earthjustice.org;  
flcaseupdates@earthjustice.org

/s/ Lorena Velez

Lorena I. Vélez Miranda

RUA No. 22720

Earthjustice

151 Calle de San Francisco

Ste 200 PMB 0528

San Juan, PR 00901-1607

## CERTIFICATION OF SERVICE

I hereby certify that on February 28, 2022, I have caused this Fifth Discovery Request to be sent 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; and ana.rodriguezrivera@us.dlapiper.com
- PREPA: jmarrero@diazvaz.law; kbolanos@diazvaz.law
- Oficina Independiente de Protección al Consumidor (OIPC): contratistas@oipc.pr.gov; hrivera@oipc.pr.gov
- Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico (ICSE): agraitfe@agraitlawpr.com
- Colegio de Ingenieros y Agrimensores de Puerto Rico (CIAPR): rhoncat@netscape.net

/s/ Laura B. Arroyo

Laura B. Arroyo

RUA No. 16653

Earthjustice

4500 Biscayne Blvd.

Suite 201

Miami, FL 33137

T: 305-440-5436

E: larroyo@earthjustice.org



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

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

**CASE NO.: NEPR-AP-2020-0025  
  
SUBJECT: SIXTH DISCOVERY  
REQUEST TO LUMA FROM LECO**

**Sixth Discovery Request to LUMA from Local Environmental and Civil  
Organizations**

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 (Local Environmental and Civil Organizations, or “LECO”), by and through their legal counsel, hereby submit this Set of Discovery Requests to LUMA Energy LLC and LUMA Energy ServCo LLC (collectively, LUMA). Please forward responses to the discovery requests below to all attorneys of record within ten days. The General Instructions for these Requests are enclosed as well.

If any document is being withheld or redacted based on a claim of privilege, please also provide a privilege log identifying and justifying with specificity such withholding or redacting.

Responses are to be provided in electronic format please (e.g., text documents should be in the original word processor file format or searchable PDF, data files

should be in Excel format in original, electronic, unlocked, format, where possible, with formulas intact).

Questions to Don Cortez:

1. How much is your annual salary for your vice president of Utility Transformation position?
2. Please state your compensation from LUMA for your services in this proceeding.
3. Please describe any services you have provided, other than those described in your testimony, to LUMA or any sister company or parent company of LUMA, specifically including Quanta and ATCO.
4. Please state the profits that LUMA has obtained to date through the OMA.
5. Please state the profits LUMA expects to receive from the OMA.
6. Please state the profits LUMA expects to receive through the proposed Performance Incentive Mechanisms in the draft Annex IX.
7. Please describe your role in the negotiations leading to the OMA. Were you consulted by LUMA on the OMA prior to its execution? Did you review the draft OMA prior to its execution? If so, please describe the specific sections you reviewed or were consulted on.

Questions to Melanie Jeppsen:

1. Please describe the information that has been obtained to date through the J.D. Power customer satisfaction survey, regarding Puerto Rican consumers' marginal evaluation of the quality of LUMA's service.

2. Please describe the information that LUMA expects to obtain going forward through the J.D. Power customer satisfaction survey, regarding Puerto Rican consumers' marginal evaluation of the quality of LUMA's service.
3. Please describe your role in the negotiations leading to the OMA. Were you consulted by LUMA on the OMA prior to its execution? Did you review the draft OMA prior to its execution? If so, please describe the specific sections you reviewed or were consulted on.

Questions to Branko Terzic:

1. Please refer to your statement on line 28 of your testimony that "Neither is LUMA's compensation tied to PREPA profit maximization."
  - a. Does LUMA have a goal of maximizing profit?
  - b. Please state the profits that LUMA has obtained to date through the OMA.
  - c. Please state the profits LUMA expects to receive from the OMA.
  - d. Please state the profits LUMA expects to receive through the proposed Performance Incentive Mechanisms in the draft Annex IX.
2. For each utility or energy company you have worked for, consulted for, or regulated: please list and describe each Performance Incentive Mechanism or similar mechanism employed by that utility. For each listed mechanism, please state whether you worked on designing or implementing the mechanism.
3. Please refer to your statement on p. 26: "...these are clearly 20<sup>th</sup> century issues corrected by most regulated electric utilities and municipal systems in the US during the 20<sup>th</sup> century." Please list any electric utility or municipal system you are aware of that has NOT corrected these issues.

4. Please refer to your statement on p. 27: “I agree that [Performance-Based Regulation] is appropriate for an Investor-Owned utility which has shareholders and therefore has profit maximization as a goal.”
  - a. Does LUMA have shareholders?
  - b. Is profit maximization a goal for LUMA?
5. Please refer to your statement on p. 29: “The application of [Performance Incentive Mechanisms] for LUMA is conceptually the same as an investor-owned utility would have in an executive compensation package.”
  - a. Are you referring to the package that an individual working as an executive at the utility, such as a CEO or COO, would receive?
  - b. Please list any utility or electric company you are aware of, which has obtained in the past or currently obtains, rewards based on a mechanism like an executive compensation package. For each listed utility or company, please describe the mechanism.
6. Please refer to your statements on pp. 14-15, concerning “113 transmission and distribution metrics from LUMA/PREPA.” Please explain why you consider metrics collected from PREPA relevant to this proceeding.
7. Please refer to your statement on pp. 15: “The question for the members of the PREB is whether the initial metrics are adequate to get PREPA moving in the direction first of a viable 20<sup>th</sup> century utility before it can move to 21<sup>st</sup> century standards.”
  - a. Why do you believe that it is impossible to invest directly in technology that will provide 21<sup>st</sup> century utility performance, bypassing 20<sup>th</sup> century standards?
  - b. Why is it necessary to restore an electric grid to 20<sup>th</sup> century standards, in the face of stronger hurricanes, when those standards do not offer the resiliency needed by the citizens of Puerto Rico?
  - c. How long do you believe it will take LUMA to create a viable 20<sup>th</sup> century Transmission & Distribution system in Puerto Rico?

- d. How long do you believe it will take LUMA to create a 21<sup>st</sup> century Transmission & Distribution system in Puerto Rico?
8. Please refer to your statement on p. 16: “An emphasis on policies that provide the tight incentives to efficiency, to moderate demand and decrease emissions all along the energy value chain.”
  - a. Please describe the LUMA proposed Performance Incentive Mechanisms that incentivize efficiency.
  - b. Please describe the LUMA proposed Performance Incentive Mechanisms that incentivize moderation of demand.
  - c. Please describe the LUMA proposed Performance Incentive Mechanisms that incentivize decreases in emissions.
9. Do you believe that the content of the draft Annex IX of the OMA is binding upon the Energy Bureau?
10. Please refer to your testimony from lines 384 to 396. In your career, have you seen previous examples where a company or utility was paid a bonus for staying within budget? If so, please provide a description of the structure of each bonus.
11. Please refer to your testimony from lines 451 to 480.
  - a. Is the "fixed fee" for LUMA, under the current OMA, affected by the number of employees LUMA has?
  - b. Can LUMA save money by not hiring enough employees and still get their fixed fee?
  - c. If the same amount of employees were to be "directly employed" by PREPA will that constitute savings or not?
  - d. Do you believe that LUMA needs less employees than PREPA to properly maintain the electric power system? If so, please provide the basis for your belief.
12. Please state your compensation from LUMA for your services in this proceeding.

13. Please describe your role in the negotiations leading to the OMA. Were you consulted by LUMA on the OMA prior to its execution? Did you review the draft OMA prior to its execution? If so, please describe the specific sections you reviewed or were consulted on.

Questions to Juan Lara:

1. p.6: regarding question 5 of the Alameda's testimony, you state that "both in theory and practice, it is quite possible for penalties to encourage undesirable behavior". On what literature does you base this conclusion?
2. Please refer to your statements on pp. 9-10 of your testimony regarding social well-being. Please provide a definition of social well-being that applies to the energy sector.
3. Please refer to your statements in your testimony that "ascertaining consumer's marginal evaluations of quality on the various areas of services may be formidable and too costly for society to bear."
  - a. Provide the basis for your conclusion.
  - b. Please also provide any literature or studies that support your conclusion.
  - c. Are you aware of any plan by LUMA to attempt to ascertain consumers' marginal evaluations of quality of LUMA's service?
4. Please refer to your discussion of the relationship between incentives, penalties, and "relative electricity prices" on pp. 10-13 of your testimony. Do you believe that the Performance Incentive Mechanisms ordered by PREB in this proceeding will have any effect on relative electricity prices for Puerto Rican customers? If so, please provide a description of the effects you believe Performance Incentive Mechanisms will have. If not, please state why not.
5. Please state your compensation from LUMA for your services in this proceeding.

6. Please describe any services you have provided, other than those described in your testimony, to LUMA or any sister company or parent company of LUMA, specifically including Quanta and ATCO.
7. Please describe your role in the negotiations leading to the OMA. Were you consulted by LUMA on the OMA prior to its execution? Did you review the draft OMA prior to its execution? If so, please describe the specific sections you reviewed or were consulted on.

## GENERAL INSTRUCTIONS

1. Responses are to be provided in electronic format (e.g., text documents should be in the original word processor file format or searchable PDF, and data files should be in Excel).
2. If you contend that any response to any discovery request may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:
  - a. The privilege asserted and its basis;
  - b. The nature of the information withheld; and,
  - c. The subject matter of the document, except to the extent that you claim it is privileged.
3. For any document or set of documents you object to providing to on the grounds it is burdensome or voluminous, please identify the specific document.
4. These discovery requests are to be answered with reference to all information in your possession, custody, or control or reasonably available to you. These discovery requests are intended to include requests for information, which is physically within your possession, custody, or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.
5. If any discovery request cannot be responded to or answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.
6. These discovery requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these discovery requests subsequently become known.



7. For each response, identify all persons that were involved in the preparation of the answers to the interrogatories below and/or are responsible for compiling and providing the information contained in each answer.
8. Identify which witness(es) at the hearing(s) is competent to adopt and/or discuss the response.
9. Please produce the requested documents in electronic format to all attorneys of record.
10. Wherever the response to an interrogatory or request consists of a statement that the requested information is already available to us, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart/table/figure number(s).
11. In the event that any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.
12. We reserve the right to serve supplemental, revised, or additional discovery requests as permitted in this proceeding.

**Definitions:** For the purposes of these data requests, the following definitions shall apply:

1. "Document" means all written, recorded or graphic matters, however produced or reproduced, pertaining in any manner to the subject of this proceeding, whether or not now in existence, without limiting the generality of the foregoing, all originals, copies and drafts of all writings, correspondence, telegrams, notes or sound recordings of any type of personal or telephone communication, or of meetings or conferences, minutes of directors or committee meetings, memoranda, inter-office communications, studies, analyses, reports, results of investigations, reviews, contracts, agreements, working papers, statistical

records, ledgers, books of account, vouchers, bank checks, x-ray prints, photographs, films, videotapes, invoices, receipts, computer printouts or other products of computers, computer files, stenographer's notebooks, desk calendars, appointment books, diaries, or other papers or objects similar to any of the foregoing, however denominated. If a document has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reasons of subsequent modification of a copy by the addition of notations, or other modifications, are no longer identical) each non-identical copy is a separate "document."

2. "And" or "or" shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.
3. The term "you" and "your" refer to LUMA Energy LLC. and LUMA Energy ServCo, LLC.
4. The term "person" means any natural person, corporation, corporate division, partnership, limited liability company, other unincorporated association, trust, government agency, or entity.
5. The term "regarding" means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.
6. The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.
7. "Identify" or "identifying" or "identification" when used in reference to a person that is a natural person means to state: the full name of the person and any names under which he conducts business; the current employer of the person, the person's job title and classification, the present or last known work address of the person; and the present or last known telephone number of the person.
8. "Identify" or "identifying" or "identification" when used in reference to a person other than a natural person means to state: the full name of the person and any

names under which it conducts business; the present or last known address of the person; and the present or last known telephone number of the person.

9. “Identify” or “identifying” or “identification” when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:
  - a. the type of document (e.g., letter, memorandum, etc.);
  - b. the date of the document;
  - c. the title or label of the document;
  - d. the Bates stamp number or other identifier used to number the document for use in litigation;
  - e. the identity of the originator;
  - f. the identity of each person to whom it was sent;
  - g. the identity of each person to whom a copy or copies were sent;
  - h. a summary of the contents of the document;
  - i. the name and last known address of each person who presently has possession, custody or control of the document; and,
  - j. if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.
10. “Identify” or “identifying” or “identification” when used in reference to communications means to state the date of the communication, whether the communication was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, identify the document(s) containing or referring to the communication.
11. “Current” when used in reference to time means in the present time of this data request.

12. "Customer" means a person who buys retail electricity on a regular and ongoing basis.
13. "Workpapers" are defined as original, electronic, unlocked, Excel format (where possible) with formulas in-tact.

Respectfully submitted,

/s/ Ruth Santiago

Ruth Santiago  
RUA No. 8589  
Apartado 518  
Salinas, PR 00751  
T: 787-312-2223  
E: rstgo2@gmail.com

/s/ Rolando Emmanuelli Jiménez

Rolando Emmanuelli-Jiménez  
RUA No. 8509  
E: rolando@bufete-emmanuelli.com;  
notificaciones@bufete-  
emmanuelli.com

/s/ Jessica Méndez-Colberg

Jessica Méndez-Colberg  
RUA No. 19853  
E: jessica@bufete-emmanuelli.com  
472 Tito Castro Ave.  
Marvesa Building, Suite 106  
Ponce, Puerto Rico 00716  
Tel: (787) 848-0666  
Fax: (787) 841-1435

/s/ Lorena Velez

Lorena I. Vélez Miranda  
RUA No. 22720  
Earthjustice  
151 Calle de San Francisco  
Ste 200 PMB 0528  
San Juan, PR 00901-1607

/s/ Pedro Saadé Lloréns

Pedro Saadé Lloréns  
RUA No. 4182  
Clínica Asistencia Legal,  
Sección Ambiental  
Escuela de Derecho  
Universidad de Puerto Rico  
Condado 605 – Office 616  
San Juan, PR 00907  
T: 787-397-9993  
E: pedrosaade5@gmail.com

/s/ Laura B. Arroyo

Laura B. Arroyo  
RUA No. 16653  
Earthjustice  
4500 Biscayne Blvd.  
Suite 201  
Miami, FL 33137  
T: 305-440-5436  
E: larroyo@earthjustice.org;  
flcaseupdates@earthjustice.org

## CERTIFICATION OF SERVICE

I hereby certify that on February 28, 2022, I have caused this Sixth Discovery Request to be sent to the following parties:

- Puerto Rico Energy Bureau: secretaria@energia.pr.gov; secretaria@jrsp.pr.gov; legal@jrsp.pr.gov and viacaron@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; and ana.rodriguezrivera@us.dlapiper.com
- PREPA: jmarrero@diazvaz.law; kbolanos@diazvaz.law
- Oficina Independiente de Protección al Consumidor (OIPC): contratistas@oipc.pr.gov; hrivera@oipc.pr.gov
- Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico (ICSE): agraitfe@agraitlawpr.com
- Colegio de Ingenieros y Agrimensores de Puerto Rico (CIAPR): rhoncat@netscape.net

/s/ Laura B. Arroyo

Laura B. Arroyo

RUA No. 16653

Earthjustice

4500 Biscayne Blvd.

Suite 201

Miami, FL 33137

T: 305-440-5436

E: larroyo@earthjustice.org