

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

NEPR

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

CASE NO. NEPR-AP-2020-0025

**SUBJECT: LUMA's Notice of Intent to File Replies to LECO's Response to LUMA's Motion to Strike Portions of Expert Testimony of José Alameda and the Reply to LUMA's Response in Opposition to the December 22, 2021, Resolution and Order on Additional Metrics**

**LUMA'S NOTICE OF INTENT TO FILE  
REPLIES TO LECO'S *RESPONSE TO LUMA'S MOTION TO STRIKE PORTIONS  
OF EXPERT TESTIMONY OF JOSÉ ALAMEDA AND TO THE  
REPLY TO LUMA'S RESPONSE IN OPPOSITION TO THE DECEMBER 22, 2021,  
RESOLUTION AND ORDER ON ADDITIONAL METRICS***

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU:**

COMES NOW LUMA Energy, LLC ("ManagementCo"), and LUMA Energy ServCo, LLC ("ServCo"), (jointly "LUMA"), and respectfully state and request the following:

1. On February 17, 2022, LUMA moved to strike portions of the testimony of Puerto Rico Local Environmental and Civil Organizations' ("LECO") expert witness, José Alameda-Lozada. LUMA argued that Mr. Alameda had rendered testimony clearly outside the scope of his analysis and expertise in connection with this instant proceeding. Those portions exceeding his expertise should be stricken from the record since they are unduly prejudicial and create confusion as to the subject matter of this proceeding.

2. On that same day, February 17, 2022, LUMA filed a *Response in Opposition and Objection to December 22, 2021, Resolution and Order and Request to Vacate or Grant LUMA*

*Relief from the December 22, 2021 Resolution and Order.* Therein, LUMA petitioned this Honorable Puerto Rico Energy Bureau (“Energy Bureau”) to vacate a Resolution and Order entered on December 22, 2021, which ordered LUMA to file a revised Annex IX including targets and metrics, as well as pre-filed testimonies on: (a) Vegetation Management; (b) Interconnection; and (c) Energy Efficiency/ Demand Response. The Resolution and Order ran contrary to LUMA’s due process rights since, for all practical purposes, the Energy Bureau adjudicated controversies without allowing LUMA to be heard as to whether the inclusion of additional metrics in the proceeding was proper.

3. Then, on March 9, 2022, LECO filed a *Response to LUMA’s Motion to Strike Portions of Expert Testimony of José Alameda*, averring that LUMA’s motion fails because Mr. Alameda is qualified to testify on the economic effects of LUMA’s contract provisions and it is based on the Puerto Rico Rules of Evidence, among other allegations.

4. On March 14, 2022, LECO filed a *Reply to LUMA’s Response in Opposition to the December 22, 2021, Resolution and Order on Additional Metrics*. It claims that LUMA’s request to vacate the December 22<sup>nd</sup> Resolution and Order undermines this Energy Bureau’s authority to establish metrics and the procedures provided in the Puerto Rico Uniform Administrative Procedure Act, Act No. 38-2017.

5. LUMA informs that it intends to rebut the allegations set forth by LECO in the aforementioned submissions. LUMA wishes to incorporate its arguments into the record by filing separate replies. LUMA’s arguments in response to LECO’s submissions would benefit the Energy Bureau as they would provide supplementary information that this Energy Bureau could consider

to decide whether to grant *LUMA's Motion to Strike Portions of Expert Testimony of José Alameda* and *LUMA's Response in Opposition to the December 22, 2021, Resolution and Order on Additional Metrics*.

6. LUMA requests that this Energy Bureau concede until March 24, 2022, to respond to LECO's *Response to LUMA's Motion to Strike Portions of Expert Testimony of José Alameda* and the *Reply to LUMA's Response in Opposition to the December 22, 2021, Resolution and Order on Additional Metrics*. This petition is not intended to cause unnecessary delay and should not cause any inconvenience to the parties.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau grant LUMA until March 24, 2022, to file replies in opposition to LECO's *Response to LUMA's Motion to Strike Portions of Expert Testimony of José Alameda* and the *Reply to LUMA's Response in Opposition to the December 22, 2021, Resolution and Order on Additional Metrics*.

**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](mailto:jmarrero@diazvaz.law); and Katuska Bolaños-Lugo, [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law), the Office of the Independent Consumer Protection Office, Hannia Rivera Diaz, [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov), and counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy ("ICSE"), Fernando Agrait, [agraitfe@agraitlawpr.com](mailto:agraitfe@agraitlawpr.com), counsel for the Colegio de Ingenieros y Agrimensores de Puerto Rico ("CIAPR"), Rhonda Castillo, [rhoncat@netscape.net](mailto: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](mailto:larroyo@earthjustice.org), [rstgo2@gmail.com](mailto:rstgo2@gmail.com), [notificaciones@bufete-emmanuelli.com](mailto:notificaciones@bufete-emmanuelli.com), [pedrosaade5@gmail.com](mailto:pedrosaade5@gmail.com), [jessica@bufete-emmanuelli.com](mailto:jessica@bufete-emmanuelli.com); [rolando@bufete-emmanuelli.com](mailto:rolando@bufete-emmanuelli.com).

In San Juan, Puerto Rico, this 16th day of March 2022.



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