

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

NEPR
Received:
Mar 10, 2022
10:50 AM

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

CASE NO. NEPR-AP-2020-0025

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

**MOTION REQUESTING BRIEF EXTENSION OF TIME FOR LUMA TO
RESPOND TO DISCOVERY ON REBUTTAL TESTIMONIES**

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 January 27, 2022, the Local Environmental and Civil Organizations ("LECO") filed a *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's pre-filed rebuttal testimonies.

2. On February 1, 2022, LUMA filed a *Motion Submitting Rebuttal Testimonies* with this Puerto Rico Energy Bureau ("Energy Bureau"), whereby it submitted the rebuttal testimonies of five of its witnesses.

3. On February 7, 2022, LUMA filed 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.

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

5. 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 four LUMA employees and two rendered by LUMA's expert witnesses. *See*, Exhibits 1 and 2 of *LUMA's Motion Submitting Additional Rebuttal Testimonies*.

6. On March 1, 2022, this Energy Bureau granted LUMA until March 3, 2022, to file Mr. Hurtado's rebuttal testimony (the "March 1st order"). The parties will then have ten days to conduct discovery solely related to Mr. Hurtado's rebuttal written testimony. LUMA filed Mr. Hurtado's rebuttal testimony on March 3, 2022. Therefore, as per the March 1st order, the intervenors have until March 14, 2022, to conduct discovery on such testimony.

7. Late in the afternoon and night of February 28, 2022, LECO notified its Fifth and Sixth Discovery Requests to LUMA regarding the rebuttal testimonies filed on February 1 and 17, 2022. The discovery requests issued by LECO include eighty-seven interrogatories addressed to LUMA's eleven rebuttal witnesses.

8. During the late-night hours of February 28, 2022, the Independent Consumer Protection Office ("ICPO"), notified a *Requirement of Information to LUMA's Rebuttal Testimonies* consisting of nineteen requests (excluding sub-items).

9. As per the February 15 order, LUMA has until March 10, 2022, to respond to LECO's and the ICPO's discovery requests.

10. As related above, LUMA received on the same date three separate discovery requests totaling one hundred and nine requests for production of documents and/or information. Those requests require LUMA to confer and gather responses from eleven different rebuttal witnesses.

11. LUMA has been diligently working on its responses to the afore-mentioned discovery requests. However, the ten-day time frame, which in reality granted LUMA eight business days to work on responses, has proven insufficient to complete the necessary tasks to responsibly finalize responses in a consistent and fulsome manner. Therefore, LUMA requires a brief extension of time of four 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.

12. It is respectfully submitted that the requested extension is reasonable and would not impact the procedural calendar set by this Energy Bureau, considering that the intervenors have until March 14, 2022, to conduct discovery on Mr. Hurtado's rebuttal testimony.¹ The extension, therefore, is not requested to cause undue delay and should not cause inconvenience to the parties in this proceeding.

13. On March 9, 2022, LUMA informed intervenors ICPO and LECO of the need to request this brief extension of time but no response has been received to date.

WHEREFORE, LUMA respectfully requests that the Energy Bureau, in its discretion, grant LUMA an extension of four business days, that is, until March 16, 2022, to submit its responses to LECO's Fifth and Sixth Requests for Production of Document and the ICPO's *Requirement of Information to LUMA's Rebuttal Testimonies.*

RESPECTFULLY SUBMITTED.

¹ Such discovery would be limited to Mr. Hurtado's rebuttal testimony as the deadline for the intervenors to conduct discovery has already elapsed, .

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, agrairfe@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 10th day of March 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/ Ana Margarita Rodríguez Rivera
Ana Margarita Rodríguez Rivera
RUA Núm. 16195
ana.rodriguezrivera@us.dlapiper.com