

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

NEPR

Received:

Apr 5, 2022

4:53 PM

IN RE: PERFORMANCE TARGETS FOR  
LUMA ENERGY SERVCO, LLC

CASE NO.: NEPR-AP-2020-0025

SUBJECT: MOTION  
REITERATING MOTION FOR  
RECONSIDERATION AND TO  
VACATE ORDER

**MOTION REITERATING MOTION FOR RECONSIDERATION AND TO VACATE  
ORDER OF THE DENIAL OF RAGHU MURTHY'S NOTICE OF APPEARANCE**

**TO THE PUERTO RICO ENERGY BUREAU:**

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"), and  
respectfully state and request the following:

1. On February 25, 2022, the Energy Bureau issued an Order denying the  
*Notice of Appearance and Request for Notice* filed on November 11, 2021,  
by Raghu Murthy stating that counsel was not admitted to practice law in  
Puerto Rico and that the administrative record did not contain  
documentation proving that counsel Murthy was granted leave by the  
Puerto Rico Supreme Court to appear *pro hac vice*.

2. On October 15, 2021, **prior to counsel Murthy's filing of the Notice of Appearance**, the Puerto Rico Supreme Court granted counsel Murthy's request for leave to appear *pro hac vice* in this case. That is, counsel Murthy went through every step required, and then submitted his Notice of Appearance to the instant case.
3. On February 25, 2022, counsel for LECO submitted a motion for reconsideration, where we explained that we inadvertently omitted the resolution of the Puerto Rico Supreme Court from counsel Murthy's original Notice of Appearance request. Thus, we requested that the Order be reconsidered in light of the resolution by the Puerto Rico Supreme Court, and we further requested that the Energy Bureau grant counsel Raghu Murthy leave to appear *pro hac vice*. No other parties objected Counsel's Notice of Appearance and LECO's February 25<sup>th</sup> Motion for Reconsideration.
4. During the Energy Bureau's Ordinary Plenary Session held on March 10<sup>th</sup>, 2022, both the Order and Motion for Reconsideration dated February 25<sup>th</sup> were mentioned. And despite the fact that two other ordinary plenary sessions were held on March 16<sup>th</sup> and 25<sup>th</sup>, we have yet to receive a decision from the Energy Bureau on our motion. We recognize that the Energy Bureau has hundreds of active proceedings with a high motion practice from the parties. We respectfully urge the Energy Bureau to emit a decision

- regarding Counsel Murthy’s admission. We apologize to the Energy Bureau for our omission of the Supreme Court resolution from the original motion.
5. We reinstate that the inadvertent omission was a clerical error. An outright denial to represent the intervenors was an extreme measure, considering there are alternatives that the Energy Bureau has previously used before making a decision. One example of these alternatives are orders to show cause to other parties,<sup>1</sup> before deciding. This is important, especially when we are dealing with the right of intervenors to choose counsels. The denial of counsel Murthy’s appearance three months after his motion to appear, without first ordering to show cause and now having to wait a long time to appear in the case again, undermines LECO’s trust in the process and adversely affects intervenors’ interest by not allowing Counsel Murthy’s full

---

<sup>1</sup> Examples where the Energy Bureau recently has provided the opportunity to parties to show cause and justify or explain themselves before deciding:

- To PREPA and Xzerta: “Mostrar causa por la cual el Negociado de Energía no deba imponerle una multa administrativa de cinco mil dólares (\$5,000) a cada parte por su incumplimiento con la Resolución Final de 11 de mayo de 2021”, In Re: Solicitud de aprobación de enmienda a contrato de compraventa de energía renovable, Xzerta-Tec Solar I, LLC, at 3, NEPR-AP-2021-0002, (Feb. 9, 2022), <https://energia.pr.gov/wp-content/uploads/sites/7/2022/02/Resolucio%CC%81n-y-Orden-NEPR-AP-2021-0002.pdf>.
- To CIRO: “[...]mostrar causa por la cual el Negociado de Energía no deba imponerle una multa administrativa de cinco mil dólares (\$5,000) por su incumplimiento con las disposiciones de la Resolución Final de 10 de junio. [...]... mostrar causa por la cual no presentaron oportunamente el informe de progreso al mes de octubre de 2021[...]”, , In Re: Solicitud de aprobación de enmienda a contrato de compraventa de energía renovable, Ciro One Salinas, LLC, Resolución y Orden, at 3, NEPR-AP-2021-0001,(Feb. 9, 2022), <https://energia.pr.gov/wp-content/uploads/sites/7/2022/02/20220209-NEPR-AP-2021-0001-RO-CUmplimineto-con-requisitos-de-RFO-10-junio-2021-2.pdf>.
- To LUMA: “[...] show cause why the Energy Bureau should not impose an administrative fine of five thousand dollars (\$5,000) for its failure to comply with Act 57-2014 and Regulation 8701. [...]” In Re: Request for Certification LUMA Energy, LLC, Order to Show Cause, at 3, NEPR-CT-2020-0008,(April 5, 2021), <https://energia.pr.gov/wp-content/uploads/sites/7/2021/04/20210331-CT20200008-OMC-Ingresos-2020-Luma.pdf>.

and active participation, which is important to ensure LECO's proper representation with the rest of the legal group.

6. Under the current procedural calendar, there is a pre-hearing conference on April 29, 2022, and a technical hearing from May 16 through May 20, 2022. We respectfully request that the Energy Bureau grant the relief requested, so that LECO counsel Raghu Murthy can begin planning in earnest for those appearances.

**WHEREFORE**, LECO respectfully requests for the Energy Bureau to grant counsel Raghu Murthy leave to appear *pro hac vice*.

Respectfully submitted. In San Juan Puerto Rico, April 5, 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/ Lorena I. Vélez Miranda

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;  
flcaseupdates@earthjustice.org

/s/ Ruth Santiago

Ruth Santiago  
RUA No. 8589  
Apartado 518  
Salinas, Puerto Rico 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/ Pedro Saadé*

Pedro J. Saadé Lloréns  
Colegiado Núm. 5452  
RUA No. 4182  
Calle Condado 605, Office 611  
San Juan, Puerto Rico 00907  
Tel. & Fax (787) 948-4142  
E: pedrosaade5@gmail.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

## CERTIFICATION OF SERVICE

I hereby certify that on April 5, 2022, I served this Motion for Reconsideration 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;

flcaseupdates@earthjustice.org