

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

NEPR

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IN RE: PERFORMANCE TARGETS FOR
LUMA ENERGY SERVCO, LLC

CASE NO.: NEPR-AP-2020-0025

SUBJECT: MOTION TO
AUTHORIZE DISCOVERY ON
LUMA SUPPLEMENTAL
TESTIMONY

**REQUEST TO AUTHORIZE DISCOVERY ON LUMA'S SUPPLEMENTAL
TESTIMONY**

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 the following:

1. On Dec. 22, 2021, the Energy Bureau issued a Resolution and Order ("December 22 Resolution") where it determined that the performance targets for Interconnection, Energy Efficiency/Demand Response, and Vegetation Management would encourage LUMA to implement and comply with the important goals of the Puerto Rico energy policy. Therefore, PREB ordered LUMA to file a revised Annex IX to the OMA, including these targets and supporting metrics for Interconnection, Energy Efficiency/Demand Response, and Vegetation Management no later than

- January 18, 2022, along with supplemental direct pre-filed testimony supporting the revised Annex IX.
2. On January 7, 2022, LUMA requested the Energy Bureau to modify the procedural calendar and extend the January 18, 2022, due date to February 17, 2022, to submit the revised IX Annex and supporting testimony.
 3. On January 14, 2022, the Energy Bureau issued a Resolution and Order in which it amended the procedural calendar and granted LUMA's request to submit the revised IX Annex and supporting testimony on February 17, 2022 and comply with the December 22 Resolution.
 4. On February 17, 2022, LUMA filed a document titled *LUMA's 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 on Additional Metrics* ("February 17 Motion"). In this motion, LUMA requested that the Energy Bureau vacate or grant LUMA relief from that portion of the December 22 Resolution where it is required that LUMA add three additional performance metrics to the revised Annex IX to the OMA.
 5. On August 1, 2022, the Energy Bureau issued a Resolution and Order ("August 1 Resolution") in which it denied LUMA's February 17 Motion, and ordered that LUMA, within 20 days of the notification of the Resolution and Order, file a revised Annex IX to the OMA, including targets and supporting metrics for Interconnection, Energy Efficiency/Demand

Response, and Vegetation Management; and provide a supplemental or revised direct pre-filed testimony for targets and supporting metrics for the performance metric targets described in the December 22 Resolution.

6. The Energy Bureau's December 22, 2021, and August 1, 2022, Orders require LUMA to submit supplemental testimony supporting the proposed metrics in the additional categories. LECO respectfully requests that the Energy Bureau allow a period of ten (10) days, from the date the testimony is filed, for other parties to conduct discovery on the testimony.
7. On January 27, 2022, LECO filed a Motion¹ requesting the opportunity for all parties to conduct discovery on each and every piece of testimony filed in this proceeding. The Motion explained that this would preserve all parties' ability to obtain relevant information and ensure that all parties have the ability to fully present and defend their position at the evidentiary hearing. On February 15, 2022, the Energy Bureau issued an Order granting LECO's request.²
8. The Energy Bureau could schedule this discovery period without undue delay to the procedural calendar. The additional discovery period would not

¹ LECO, *Request to Amend Procedural Calendar to Authorize Discovery on LUMA Rebuttal Testimonies*, In Re: Performance Targets for LUMA Energy SERVCO, LLC, NEPR- AP-2020-0025 (Jan. 27, 2022), <https://energia.pr.gov/wp-content/uploads/sites/7/2022/01/Request-to-Amend-Procedural-Calendar-to-Authorize-Discovery-on-LUMA-Rebutal-Testimonies-NEPR-AP-2020-0025.pdf>.

² PREB, Resolution and Order In Re: Performance Targets for LUMA Energy SERVCO, LLC, NEPR- AP-2020-0025 (Feb. 15, 2022), <https://energia.pr.gov/wp-content/uploads/sites/7/2022/02/20220215-Resolution-and-Order.pdf>.

unduly burden any party. The benefits of the discovery period far outweigh any incidental cost.

9. For the reasons detailed below, LECO respectfully requests that the Energy Bureau grant all parties a period of ten (10) days to conduct discovery on LUMA's revised submissions due on August 22, 2022.

Respectfully submitted. In San Juan Puerto Rico, August 15, 2022.

/s/ Raghu Murthy

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CERTIFICATION OF SERVICE

I hereby certify that on August 15, 2022, I served this 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
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