

**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: Amended LUMA Testimony,
Supplemental Discovery and Amended
Procedural Calendar.

RESOLUTION AND ORDER

I. Introduction

On December 22, 2021, the Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“December 22 Resolution”) through which, amended the Procedural Calendar previously established through the October 20, 2021, Resolution¹ (“October 20 Resolution”). In the December 22 Resolution, the Energy Bureau ordered LUMA to, no later than January 18, 2022, file a revised Annex IX to the OMA including targets and supporting metrics for the following: (i) Interconnection, (ii) Energy Efficiency/Demand Response, and (iii) Vegetation Management. The Energy Bureau also instructed LUMA to provide supplemental or revised direct pre-filed testimony for targets and supporting metrics for the new performance metric targets, on or before January 18, 2022.

On January 7, 2022, LUMA submitted a document titled *LUMA’s Request for this Energy Bureau to Modify the Procedural Calendar Set Forth in the Resolution and Order of December 22, 2021* (“January 7 Motion”). LUMA requested the Energy Bureau to extend the January 18, 2022, deadline to February 17, 2022.

On January 14, 2022, the Energy Bureau issued a resolution and order (“January 14 Resolution”) establishing an amended procedural schedule and granting LUMA’s request to submit the revised Annex IX and supporting written testimony on February 17, 2022.

February 17, 2022, LUMA submitted 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”). LUMA requested the Energy Bureau to vacate or grant LUMA relief from the December 22 Order requiring LUMA to submit the three additional performance metrics and revise Annex IX of the OMA.

On August 1, 2022, the Energy Bureau issued a Resolution and Order (“August 1 Resolution”) in which the Energy Bureau denied LUMA’s February 17 Motion. The August 1 Resolution also ordered LUMA to file a revised Annex IX to the OMA to include targets and supporting metrics for Interconnection, Energy Efficiency/Demand Response, and Vegetation Management by August 21, 2022. The August 1 Resolution also required LUMA to provide supplemental or revised direct pre-filed testimony for the targets and supporting metrics in response to the December 22 Resolution.

On August 15, 2022, LECO² filed a document titled *Request to Authorize Discovery on LUMA’s Supplemental Testimony* (“August 15 Motion”). In the August 15 Motion, LECO requested

¹ See Resolution, *In re: Performance Targets for LUMA Energy ServCo, LLC*, Case No. NEPR-AP-2020-0025, October 20, 2021.

² 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”)



that the Energy Bureau grant LECO the opportunity to conduct discovery on LUMA’s supplemental testimony for ten (10) days from the date that the testimony is filed.

On August 17, 2022, ICPO³ filed a document titled *Moción Uniéndonos a Solicitud de LECO Sobre Descubrimiento de Prueba de Nuevas Métricas* (“August 17 Motion”). In the August 17 Motion, ICPO requested that the Energy Bureau grant LECO the opportunity to conduct discovery on LUMA’s supplemental testimony for eighteen (18) days from the date that the testimony is filed.

On August 18, 2022, LUMA filed a document titled *Motion to Request Extension of Time to Submit a Revised Annex IX and Written Direct Testimony in Compliance with the Resolution and Order August 1, 2022* (“August 18 Motion”). In the August 18 Motion, LUMA requested that the Energy Bureau allow LUMA to submit supplemental testimony and a revised Annex IX in compliance with the August 1 Resolution on September 21, 2022.

On September 9, 2022, LUMA filed a document titled *Amended Request for Extension of Time to Submit a Revised Annex IX and Pre-filed Written Direct Testimony in Compliance with the Resolution and Order August 1, 2022* (“September 9 Motion”). In the September 9 Motion, LUMA requested that the Energy Bureau allow LUMA to submit supplemental testimony and a revised Annex IX in compliance with the August 1 Resolution on October 6, 2022.

II. Conclusion

Upon review of LECO’s August 15 Motion and ICPO’s August 17 Motion, the Energy Bureau **DETERMINES** that the ability for Intervenors to propound discovery on the additional metrics is a reasonable measure. The Energy Bureau notes that LECO requests 10 days and that OIPC requests 18 days. The Energy Bureau **GRANTS** LECO and OIPC’s request for time for additional discovery on LUMA supplemental written testimony and the amended portions of Annex IX. The Energy Bureau **DETERMINES** that the period for discovery on LUMA’s supplemental testimony shall be limited to a period of fourteen (14) days.

The Energy Bureau also **GRANTS** LUMA’s request to file supplemental testimony and a revised Annex IX in compliance with the August 1 Resolution on or before October 6, 2022. The Energy Bureau **ORDERS** LUMA to provide a blacklined version of the revised Annex IX in its filing to identify amended portions of Annex IX to the OMA. The Energy Bureau **warns** LUMA that delays in filing the amended petition will further impact the procedural calendar and may result in the imposition of fines for LUMA.

After evaluating LUMA’s arguments and the intervenor requests, the Energy Bureau **AMENDS** the procedural calendar for the instant case as follows:

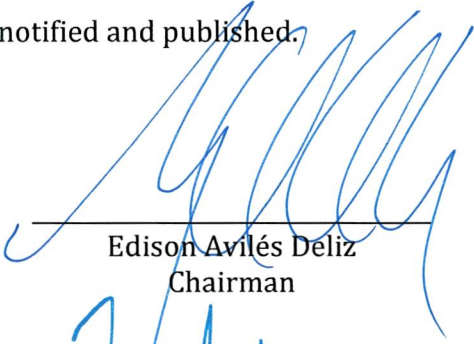
Date	Phase
October 6, 2022	LUMA’s submission on new targets metrics and revised Annex IX to the OMA
October 6, 2022	Filing Supplemental Written Testimony by LUMA (Limited to Additional Performance Targets)
October 7, 2022 - October 21, 2022	Discovery on LUMA’s Supplemental Written Testimony (Limited to Additional Performance Targets)
November 14, 2022	Filing of Supplemental Written Testimony by Intervenors (Limited to Additional Performance Targets)
November 14, 2022 – December 2, 2022	Discovery on Intervenors Supplemental Written Testimony (Limited to Additional Performance Targets)
January 5, 2023	Rebuttal on Intervenors’ Supplemental Written Testimony due

³ Independent Consumer Protection Office (“ICPO”)

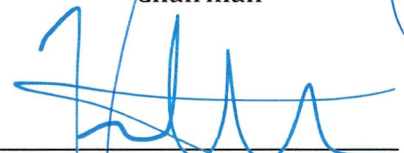


Date	Phase
January 10, 2023	Pre-Hearing Conference
January 24-27, 2023	Virtual Evidentiary Hearing
January 30-31, 2023	Virtual Public Hearings
February 22, 2023	Filing of Final Substantive and Legal Briefs by the Parties
March 8, 2023	Filing of Replies to Final Briefs by the Parties
March 22, 2023	Filing of Comments by General Public Due, Filing of Final Brief <i>by Amicus Curiae</i>

Be it notified and published.


Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia Ugarte Araujo
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on September 16, 2022. I also certify that on September 16, 2022 a copy of this Resolution and Order was notified by electronic mail to margarita.mercado@us.dlapiper.com, yahaira.delarosa@dlapiper.com, jmarrero@diazvaz.law, kbolanos@diazvaz.law, hrivera@jrsp.pr.gov, contratistas@jrsp.pr.gov, agraitfe@agraitlawpr.com, rstgo2@gmail.com, pedrosaade5@gmail.com, flcaseupdates@earthjustice.org, rolando@bufete-emmanuelli.com, notificaciones@bufete-emmanuelli.com, jessica@bufete-emmanuelli.com, rhoncat@netscape.net, lvelez@earthjustice.org; rmurthy@earthjustice.org and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today September 16, 2022.


Sonia Seda Gaztambide
Clerk

