

**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 Urgent Request for
an Additional Brief Extension to Answer
the Energy Bureau's 10th Requirement of
Information**

**URGENT MOTION REQUESTING AN ADDITIONAL BRIEF EXTENSION OF
A FEW HOURS FOR LUMA TO ANSWER THE
ENERGY BUREAU'S 10TH REQUIREMENT OF INFORMATION**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** ("ManagementCo"), and **LUMA Energy ServCo, LLC** ("ServCo"), (jointly referred to as the "Operator" or "LUMA"), and respectfully state and request the following:

1. On April 8, 2021, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order ("April 8 Resolution") establishing the procedural calendar and dates for filings in the instant proceeding to evaluate the *Request for Approval of Revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (OMA)*.

2. As part of the procedural calendar, this Energy Bureau established a discovery deadline. It also set forth that every intervenor would have the right to issue Requests for Information ("ROIs") according to the provisions of Regulation No. 8543, *Regulation on Adjudicative, Notice of Non Compliance, Rate Review and Investigation Proceedings*. LUMA would have a ten (10) day term to answer each of the information requests.

3. In what is relevant to this request, on August 31, 2021, the Energy Bureau issued a Resolution and Order (“August 31 Resolution”) clarifying that, according to the April 8 Resolution, the time frame to respond to information requests in the instant proceeding is ten (10) days.

4. On September 27, 2021, this Energy Bureau issued a Resolution and Order to amend the procedural calendar. The Energy Bureau issued a subsequent order amending the procedural calendar on October 20, 2021.

5. On December 22, 2021, the Energy Bureau entered a Resolution and Order, concluding that additional performance-based incentive metrics must be evaluated as part of this procedure (“December 22 Resolution and Order”). To that end, the Energy Bureau identified three additional categories of performance metrics: (i) Interconnection of Distributed Energy Resources; (ii) Energy Efficiency and Demand Response; and (iii) Vegetation Management. Thus, the Energy Bureau ordered LUMA to file a revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (“T&D OMA”), including targets and supporting metrics for (i) Interconnection; (ii) Energy Efficiency/Demand Response; and (iii) Vegetation Management. The Energy Bureau also ordered LUMA to provide supplemental or revised direct pre-filed testimonies for the new metrics and targets.¹

6. On February 17, 2022, LUMA filed *LUMA’s Response in Opposition and Objection to December 22, 2021 Resolution and Order and Request to Vacate or Grant LUMA*

¹ On January 14, 2022, this Energy Bureau entered a Resolution and Order to amend the procedural calendar.

Relief from the December 22, 2021 Resolution and Order (“LUMA’s Objection”).² In essence, LUMA contended that the December 22 Resolution and Order entry was arbitrary and in violation of LUMA’s due process rights and requested that this Energy Bureau vacate said order.³

7. On August 1, 2022, this Energy Bureau entered a Resolution and Order, whereby it denied LUMA’s Objection (“August 1st Order”). In turn, it ordered LUMA to file within twenty (20) days: (i) a revised Annex IX to the T&D OMA, including targets and supporting metrics for Interconnection, Energy Efficiency/Demand Response, and Vegetation Management; and (ii) a supplemental or revised direct pre-filed testimony for targets and supporting metrics for the performance metric targets described in the December 22 Resolution and Order.

8. On August 15, 2022, the intervenors, collectively known as LECO, filed a *Request to Authorize Discovery on LUMA’s Supplemental Testimony*. The Independent Consumer Protection Office (“ICPO”) joined said request through a motion filed on August 17, 2022.

9. On September 16, 2022, this Energy Bureau entered a Resolution and Order granting LUMA’s Amended Request for Extension of Time as well as LECO’s and the ICPO’s request for discovery limited to the additional metrics (“September 16th Order”). Through the September 16th Order, the Energy Bureau also issued an amended procedural calendar for the instant proceeding contemplating the celebration of the virtual evidentiary hearings from January 24 through 27, 2023.

² 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*. On March 24, 2022, LUMA filed *LUMA’s Response to LECO’s Reply to LUMA’s Response in Opposition to the December 22, 2021 Resolution and Order on Additional Metrics*.

³ This Energy Bureau issued a subsequent order amending the procedural calendar on April 22, 2022.

10. Subsequently, on October 14, 2022, this Energy Bureau issued a Resolution and Order amending the procedural calendar. It established that all discovery requests on LUMA's written testimonies on additional metrics must be submitted before November 14, 2022.

11. Within the deadline for issuance of discovery, LUMA received a Requirement of Information on Additional Metrics, sent by the OIPC on November 11, 2022, and, on November 14, 2022, the Ninth Set of Information Requests from LECO.

12. On November 16, 2022, this Energy Bureau served the *10th Requirement of Information* on LUMA, in excess of the allotted timeframe to issue discovery requests. According to the time frame set forth by this Energy Bureau to respond to information requests, the deadline for LUMA to submit its answers to the Energy Bureau's written discovery was November 28, 2022.

13. On November 18, 2022, LUMA filed a *Motion Requesting a Brief Extension to Answer the Energy Bureau's 10th Requirement of Information*. Therein, LUMA requested five additional business days to submit its responses and objections, if any, to the *10th Requirement of Information*.

14. On November 22, 2022, the Energy Bureau entered a Resolution and Order granting LUMA until December 5, 2022, at 5 p.m. to submit its responses to the *10th Requirement of Information*.

15. The *10th Requirement of Information* includes fifty-seven questions. Additionally, the matters covered by said request are technical. It requires review and consideration by at least four witnesses who submitted pre-filed testimonies and their support staff and review by LUMA

management personnel. The tasks of collecting, organizing, and preparing the necessary documents or information comprehensively and comprehensibly are time-consuming. Despite best efforts to complete the responses, the need arose today for LUMA's witnesses to have additional time beyond 5 p.m. to finalize their responses.

16. Considering the foregoing, LUMA respectfully submits that it will need an additional brief extension from today's deadline, at 5 p.m., to submit its responses to the Energy Bureau's *10th Requirement of Information* until today at the end of the day.

17. This request is not intended to cause unnecessary delay and was filed as soon as practicable after the need for the extension arose. The brief extension of time requested herein should not inconvenience the parties and is necessary to allow LUMA to finalize responses to the Energy Bureau's *10th Requirement of Information*.

WHEREFORE, LUMA respectfully requests that the Energy Bureau, in its discretion, grant LUMA an additional brief extension of a few hours to submit its responses to the Energy Bureau's *10th Requirement of Information* - that is, until today at the end of the natural day.

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; 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, agraitfe@agraitlawpr.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, lvez@earthjustice.org,

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In San Juan, Puerto Rico, this 5th day of December 2022.



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