

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

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IN RE: REVIEW OF LUMA'S INITIAL BUDGETS

CASE NO. NEPR-MI-2021-0004

SUBJECT: Motion Submitting First Set of Responses to Requests for Information Issued during the December 20, 2022 Closed Conference and Request for Confidential Treatment

MOTION SUBMITTING FIRST SET OF RESPONSES TO REQUESTS FOR INFORMATION ISSUED DURING DECEMBER 20, 2022 CLOSED CONFERENCE AND REQUEST FOR CONFIDENTIAL TREATMENT

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC (“ManagementCo”), and **LUMA Energy ServCo, LLC** (“ServCo”), (jointly referred to as “LUMA”), and respectfully state and request the following:

1. On April 2, 2022, LUMA submitted to this Energy Bureau its Annual Budgets for Fiscal Years 2023 through 2025 (“Annual Budgets”). LUMA also submitted supporting workpapers on April 8, 2022.
2. On May 19, 2022, this Energy Bureau issued a Resolution and Order with the subject “Fiscal Year 2023 Annual Budget Review: Requirement of Information and Establishing a Procedural Calendar” (“May 19th Order”). This Energy Bureau issued one hundred and sixteen (116) requests for information, stated in Attachments A through F of the May 19th Order. Additionally, in the May 19th Order, this Energy Bureau scheduled a Technical Conference for June 10, 2022, which conference convened and was canceled minutes after the record opened and witnesses were administered the oath or affirmation.

3. In compliance with the May 19th Order, through separate filings dated May 26, June 3 and June 7, 2022, LUMA and the Puerto Rico Electric Power Authority (“PREPA”) submitted their responses to the Energy Bureau’s Requirements for Information (“RFIs”).¹

4. On July 13, 2022, LUMA filed a *Motion Submitting Fiscal Year 2023 Annual Budget as Approved by the Financial Oversight and Management Board for Puerto Rico* (the “Informative Motion”) whereby it submitted to this Energy Bureau the Fiscal Year 2023 Budget as certified by the Financial Oversight Management Board for Puerto Rico (“FOMB”) (“Certified Budget”).

5. On July 16, 2022, the Energy Bureau entered a Resolution and Order (the “July 16th Order”) whereby it took notice of the Certified Budget. In what is pertinent here, the Energy Bureau further determined to open a review of the Certified Budget. As part of such process, the Energy Bureau ordered LUMA to submit further responses to 9 RFIs included in the July 16th Order. In compliance with the July 16th Order, on July 29, 2022, LUMA submitted the information requested.

6. After other procedural developments, on August 12, 2022, this Energy Bureau entered a Resolution and Order through which, in its pertinent part, it issued a third revision to the procedural calendar as per which the virtual technical conference was postponed for September 9, 2022 (“August 12th Order”). In the August 12th Order, this Energy Bureau also issued seven (7) additional requests for information due on August 29, 2022.

7. On August 18, 2022, PREPA filed a *Request for Continuance of Technical Conference* which was granted through Resolution and Order entered on August 19, 2022. Therefore, the virtual technical conference was postponed to September 13, 2022.

¹ LUMA responded to all of the Energy Bureau’s requirements, except for Requirements nos. A7, A8, A9, F1, F2, F3(A)-(C), F4, F5(A)-(E), F6(A)-(E), F7, F8, F9(A), F10(A)-(D) which were responded by PREPA.

8. On August 29, 2022, LUMA submitted its Responses in Compliance with the August 12th Order.

9. The first day of the Technical Conference on the Certified Budget was held on September 13, 2022 from 10:00 a.m. until past 5:00 p.m. (“September 13th Technical Conference”). Throughout the Technical Conference, this Energy Bureau and its consultants issued several additional RFIs. In total, the Energy Bureau issued eighteen (18) RFIs, some of which include several requests.

10. Close to 5:00 pm during the September 13th Technical Conference, this Energy Bureau determined that it was necessary to extend the Technical Conference for a second day and set the same for September 27, 2022.

11. Regarding the RFIs, at the close of the September 13th Technical Conference, this Energy Bureau indicated that it would issue a written order with the RFIs and granted LUMA until 5:00 pm on September 23, 2022 to submit its responses.

12. On September 20, 2022, this Energy Bureau issued a Resolution and Order whereby it issued an amended procedural calendar in this proceeding (“September 20th Order”). This Energy Bureau set the date for LUMA to file its responses to the RFIs for October 7, 2022. Further, this Energy Bureau scheduled the continuation of the Technical Conference for October 18, 2022.

13. On October 5, 2022, LUMA submitted a Motion styled *Urgent Request for Extension of Time to Submit Responses to Requests for Information and Request for an Agenda for the October 18th Technical Conference* (“October 5th Request for Extension”). In the October 5th Request for Extension, LUMA proposed to submit a first set of RFI responses by October 7th and requested that additional time beyond October 7th, until October 12, 2022, be granted to submit a second set of responses.

14. In compliance with the bench orders issued on September 13th and the September 20th Order, on October 7, 2022, LUMA submitted a first set of four (4) responses to the RFIs. In further compliance with the bench orders issued on September 13th and the September 20th Order, on October 12, 2022, LUMA submitted a second set of fourteen (14) responses to the RFIs as *Exhibit 1* to this motion. As part of its submission, LUMA requested that the redacted portions of responses to RFI number 13 of *Exhibit 1* be kept confidential by this honorable Energy Bureau pursuant to the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, and partially amended on September 16, 2016. In accordance with this policy, on October 24, 2022, LUMA submitted a Memorandum of Law in support of its request for confidentiality.

15. A second Technical Conference was held on October 18, 2022. LUMA's representatives appeared and answered questions posed by the Commissioners and consultants of this Energy Bureau. During the second Technical Conference, the Bureau issued bench orders with two (2) additional RFIs. In compliance therewith, on November 1, 2022 LUMA submitted its responses to those two (2) requests through a motion titled *Submission of Responses to Requests for Information in Compliance with Bench Orders Issued During Technical Conference of October 18, 2022*.

16. On November 14, 2022, LUMA filed a *Memorandum of Law in Support of Request for Confidentiality of Documents Submitted Under Seal with its November 1 Motion* in which it espoused the legal reasons for protecting the confidentiality of certain information.

17. On November 28, 2022, this Energy Bureau entered a Resolution and Order whereby it scheduled a confidential or closed Technical Conference for December 13, 2022 at 2:00 pm (AST) to facilitate its review of certain confidential information submitted by LUMA in

response to the Energy Bureau's multiple RFIs in this proceeding. At LUMA's request, the conference was re-scheduled and celebrated on December 20th.

18. During the closed Technical Conference, the Energy Bureau issued another round of RFIs directed to LUMA. The Energy Bureau instructed that the responses to those RFI's should be provided by January 4, 2023.

19. LUMA moved for reconsideration of the deadline to comply with the additional RFI's and requested that the same be set on or around January 10th to allow some components of its internal team more working days to identify and produce the requested information. The honorable Energy Bureau denied such request.

20. In light of the foregoing, LUMA diligently began to work on identifying and compiling the information responsive to the recent RFI's which it grouped by main topics into ten (10) requests, some of which have several sub-parts. As a result of such effort, attached herein as *Exhibit I*, LUMA includes its responses to 4 of the 10 RFIs issued by the Energy Bureau. The responses included herein as *Exhibit I* relate to the topics of (i) line workers headcount and their job description; (ii) fleet bucket and digger truck count; (iii) vice-president headcount; and (iv) specific details of the Generation Stabilization Plan.²

21. LUMA respectfully requests that *Exhibit I* be kept confidential by this honorable Energy Bureau pursuant to the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, and partially amended on September 16, 2016 and in accordance with the confidential nature of the December 20th closed

² The responses were drafted in accordance with the list of questions that were stated for the record by counsel for the Energy Bureau during the December 20th conference and the notes taken by the LUMA team and representatives throughout the closed Technical Conference. Given that LUMA has responded within five (5) business days after the closed Technical Conference, it was not possible to prepare a full transcript of the proceedings, which recording was received in the afternoon of December 21, 2022. LUMA will work on a transcript of the proceedings for the purposes of the responses to be filed in January 2023.

Technical Conference. In accordance with this policy, LUMA will submit a Memorandum of Law in support of its request for confidentiality within the next 10 days.

22. LUMA additionally respectfully requests until January 10, 2023 to submit its responses to the six (6) remaining requests, issued during the December 20th closed conference. It is respectfully informed that the LUMA employees in charge of providing and reviewing the responsive information are out of the office, on planned time off and some are outside of Puerto Rico on account of the holiday season. LUMA has in good faith identified and produced the information responsive to four (4) of the requests issued during the December 29th closed conference. The remaining information will be produced promptly once the key personnel in charge of the certain areas of LUMA's operations returns to work on January 11, 2023. Thus, LUMA requests and extension of four (4) business days.

23. This request for a brief extension is made in good faith with the only purpose of putting LUMA in position of fully complying with and responding to the totality of the additional ROI's recently issued by the Energy Bureau.

WHEREFORE, LUMA respectfully requests that the honorable Bureau **take notice** of the aforementioned for all purposes; **deem** that LUMA complied with the bench order issued during the December 20th closed technical conference as to four (4) of the requests which response is included with this motion and **grant** a brief extension of time, until January 11, 2023, for LUMA to file its responses to the remaining requests.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 28th day of December, 2022.

We hereby certify that this motion was filed using the electronic filing system of this Energy Bureau. We also certify that copy of this motion will be notified to the Puerto Rico Electric Power Authority, through its attorneys of record: jmarrero@diazvaz.law and kbolanos@diazvaz.law.



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