

**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:** Resolution pertaining *Supplemental Motion to Motion Requesting that PREB Address Outstanding Issues*, filed by 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 y su Capítulo de Puerto Rico y la Unión de Trabajadores de la Industria Eléctrica y Riego and *Moción Solicitando Modificación de Agenda de Vista Evidenciaria para incluir Testigo de la OIPC Omitido en la Cuarta Sesión y Otros Asuntos*, filed by the Independent Consumers Protection Office of the Puerto Rico Public Service Regulatory Board.

**RESOLUTION**

On January 31, 2023, 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 y su Capítulo de Puerto Rico y la Unión de Trabajadores de la Industria Eléctrica y Riego (jointly referred to as "LECO") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Supplemental Motion to Motion Requesting that PREB Address Outstanding Issues* ("LECO's January 31 Motion").

Through the January 31 Motion, LECO requested that Prof. Agustín Alexi Irizarry-Rivera be listed as a witness for cross-examination on metrics for major outages, on Friday, February 10, 2023, as well as regarding customer satisfaction on Wednesday, February 8, 2023.<sup>1</sup>

LECO further requested that each witness be given the opportunity for a short summary of their pre-filed testimonies and that the parties be given at least five minutes each for a closing statement.<sup>2</sup> Additionally, LECO proposed a breakdown of the hearing sessions by sub-topics and recommended that parties assign one attorney to question each witness, per session.<sup>3</sup>

LECO also reiterated various requests made through earlier motions, such as that the Evidentiary Hearing be held in Spanish; that LUMA's request to substitute witnesses be denied; the imposition of a penalty scheme within LUMA's performance-based mechanism; and multiple requests pertaining the Public Hearings.<sup>4</sup>

On January 31, 2023, the Independent Consumers Protection Office of the Puerto Rico Public Service Regulatory Board ("OIPC") filed before the Energy Bureau a document titled *Moción Solicitando Modificación de Agenda de Vista Evidenciaria para incluir Testigo de la OIPC*

<sup>1</sup> LECO January 31 Motion, p. 2.

<sup>2</sup> *Id.*, p. 4.

<sup>3</sup> *Id.*, pp. 3 – 4.

<sup>4</sup> *Id.*, pp. 4 – 10.



*Omitido en la Cuarta Sesión y Otros Asuntos* (“OIPC’s January 31 Motion”). Through the January 31 Motion, the OIPC requested that Eng. Gerardo Cosme Núñez be listed a witness for cross-examination on metrics for major outages, on Friday, February 10, 2023.<sup>5</sup> The OIPC also reiterated that it coincided with LECO’s January 31 Motion, including its request that the Evidentiary Hearing be held in Spanish in benefit of the public’s interest and due to the technical nature of the case.<sup>6</sup>

Upon review of LECO’s January 31 Motion, the Energy Bureau **GRANTS** its request that Prof. Agustín Alexi Irizarry-Rivera be listed as a witness for cross-examination on metrics for major outages, on Friday, February 10, 2023, as well as regarding customer satisfaction on Wednesday, February 8, 2023. The Energy Bureau will issue the Evidentiary Hearing Agenda in a separate Resolution.

The Energy Bureau **INFORMS** that case management issues, such as a potential breakdown of the hearing sessions by sub-topics will be addressed during the hearings. The Energy Bureau **CLARIFIES** that the parties will be allowed to utilize only one attorney per topic.

Th Energy Bureau **DENIES** the request for a short summary of pre-filed testimonies and closing statements.

Also, upon review of OIPC’s January 31 Motion, the Energy Bureau **GRANTS** its request that Eng. Gerardo Cosme Núñez be listed a witness for cross-examination on metrics for major outages, on Friday, February 10, 2023. The Energy Bureau will issue the Evidentiary Hearing Agenda in a separate Resolution.

The Energy Bureau **HIGHLIGHTS** that the remaining requests made by LECO and OIPC in their January 31 Motions, respectively, will be addressed through a separate Resolution.

Be it notified and published.

 _____ Edison Avilés Deliz Chairman	 _____ Ferdinand A. Ramos Soegaard Associate Commissioner
 _____ Lillian Mateo Santos Associate Commissioner	 _____ Sylvia B. Ugarte Araujo Associate Commissioner
	 _____ Antonio Torres Miranda Associate Commissioner



<sup>5</sup> OIPC January 31 Motion, pp. 1 – 2.

<sup>6</sup> *Id.*, p. 2.

## CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on February 1, 2023. I also certify that on February 1, 2023 a copy of this Resolution was notified by electronic mail to margarita.mercado@us.dlapiper.com, yahaira.delarosa@dlapiper.com, jmarrero@diazvaz.law, kbolanos@diazvaz.law, hriviera@jrsp.pr.gov, contratistas@jrsp.pr.gov, rstgo2@gmail.com, pedrosaade5@gmail.com, flcaseupdates@earthjustice.org, rolando@bufete-emmanuelli.com, notificaciones@bufete-emmanuelli.com, jessica@bufete-emmanuelli.com, rhoncat@netscape.net, larroyo@earthjustice.org; lvelez@earthjustice.org; rmurthy@earthjustice.org; jcassel@earthjustice.org. I also certify that today, February 1, 2023, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today, February 1, 2023.

  
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Sonia Seda Gaztambide  
Clerk

