

**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 *Motion Requesting Authorization to Substitute Pre-Filed Testimonies*.

RESOLUTION

On January 26, 2023, LUMA Energy, LLC and LUMA Energy ServCo, LLC (collectively, "LUMA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion Requesting Authorization to Substitute Pre-Filed Testimonies* ("January 26 Motion"). Through the January 26 Motion, LUMA informed that Mr. Jorge Meléndez, whose pre-filed testimony covers the performance metrics related to safety, was no longer employed by LUMA.¹ LUMA further indicated that Mr. Curtis Clark, Functional Lead, Emergency Preparedness for LUMA ServCo, LLC, had been designated as the witness to testify in support of, and in connection with, safety metrics.² LUMA stated that Mr. Clark had adopted the testimonies offered by Mr. Meléndez on September 9, 2021 and February 1, 2022, and had not altered the substance of the original testimonies.³ LUMA requested that the Energy Bureau receive and accept the Pre-Filed Testimonies of Mr. Clark in substitution of the testimonies filed on September 9, 2021 and February 1, 2022 by Mr. Meléndez.⁴

Second, LUMA informed that due to changes in the internal and management structure of LUMA's Vegetation Management Program, the person authorized to offer testimony on vegetation management was Diana Watkins, Vice President of Vegetation and Work Management.⁵ Thus, LUMA requested authorization to substitute its past witness, Mr. Brent Bolzenius, for Mrs. Watkins.⁶ Specifically, LUMA requested authorization to substitute the testimonies by Mr. Bolzenius of February 1, 2022; April 27, 2022; and October 28, 2022, for the testimonies executed by Mrs. Watkins.⁷ As per stated by LUMA, Mrs. Watkins adopted the testimonies submitted by Mr. Bolzenius and incorporated non-substantive revisions.⁸

On January 27, 2023, the Independent Consumers Protection Office of the Puerto Rico Public Service Regulatory Board ("OIPC") and el 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 jointly before the Energy Bureau a document titled *Moción en Oposición a Solicitud de Sustitución de Testimonios Radicada por LUMA* ("January 27 Motion"). Through the January 27 Motion, OIPC and LECO filed its opposition to the January 26 Motion. OIPC and LECO argued that LUMA's request pertaining the substitution of testimonies only a few days before the

¹ January 26 Motion, pp. 1 -2, ¶¶ 1, 3.

² *Id.*, ¶ 3.

³ *Id.*, p. 2, ¶ 4.

⁴ *Id.*, p. 3, ¶ 7.

⁵ *Id.*, pp. 2 - 3, ¶ 5.

⁶ *Id.*

⁷ *Id.*, pp. 2 - 3, ¶¶ 5, 7.

⁸ *Id.*, p. 3, ¶ 6.



Evidentiary Hearing was untimely.⁹ OIPC and LECO further asserted that given the lack of explanation or justification surrounding the proposed substitutions, LUMA's January 26 Motion should be denied.¹⁰

Upon review of the January 26 Motion, based on the red-line submitted by LUMA, and considering the modifications did not alter the substance of the original testimonies as stated, the Energy Bureau **RECEIVES AND ACCEPTS** the Pre-Filed Testimonies of Mr. Clark and Mrs. Watkins submitted as Exhibits to the January 26 Motion.

Be it notified and published.

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

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, 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, larroyo@earthjustice.org; lvelez@earthjustice.org; rmurthy@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.


Sonia Seda Gaztambide
Clerk



⁹ January 27 Motion, p. 2, ¶ 6.

¹⁰ Id., pp. 2 - 3, ¶¶ 7 - 9.