

**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 *Moción en Solicitud para que se Declare Inadmisible en Evidencia la Encuesta de J.D Power Sometida por LUMA y a los Fines de que Se Elimine de Manera Parcial el Testimonio de Jessica Laird*, filed by Independent Consumers Protection Office of the Puerto Rico Public Service Regulatory Board.

RESOLUTION

On February 1, 2023, the Independent Consumers Protection Office of the Puerto Rico Public Service Regulatory Board ("OIPC") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Moción en Solicitud para que se Declare Inadmisible en Evidencia la Encuesta de J.D Power Sometida por LUMA y a los Fines de que Se Elimine de Manera Parcial el Testimonio de Jessica Laird* ("February 1 Motion"). Through the February 1 Motion, the OIPC requested that the Energy Bureau deny the admissibility of J.D. Power Survey, which was attached as an Exhibit to Jessica Laird's Pre-filed Testimony¹. OIPC argued that Jessica Laird did not participate in the preparation of the referenced survey and her testimony is insufficient to authenticate said document under our Rules of Evidence.² OIPC further requested that Jessica Laird's testimony on the method, data, and analysis, among others, pertaining the J.D. Power Survey be considered inadmissible on the grounds that she has not been qualified to testify as an expert witness nor has she personal knowledge on matters related to said survey.³

Upon review, the Energy Bureau **DENIES** the February 1 Motion. The Energy Bureau **CLARIFIES** that, as a matter of law, the Rules of Evidence do not apply to administrative agency proceedings. Their application lies within the broad discretion of the administrative agency.

The Energy Bureau will further judge the probatory value of the J.D. Power Survey and Jessica Laird's testimony.

Be it notified and published.

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

¹ February 1 Motion, p. 3.

² *Id.*

³ *Id.*, pp. 4 – 6.



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on February 2, 2023. I also certify that on February 2, 2023 a copy of this Resolution was notified by electronic mail to margarita.mercado@us.dlapiper.com, yahaira.delarosa@dlapiper.com, jmarrero@diazvaz.law, jcassel@earthjustice.org; 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; lvez@earthjustice.org; rmurthy@earthjustice.org. I also certify that today, February 2, 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 2, 2023.



Sonia Seda Gaztambide
Clerk

