

**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 addressing several motions.

RESOLUTION

On February 2, 2023, LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as "LUMA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion Requesting Witness Jessica Laird to be Included as Witness for the Major Outage Events Category* ("LUMA February 2 Motion"). Through the February 2 Motion, LUMA requested that Jessica Laird be included as a witness for the Major Outage Events category set for discussion on Friday, February 10, 2023, as she offered direct testimony on the referenced topic on August 18, 2021.¹

On February 2, 2023 LUMA also filed a document titled *Motion for Reconsideration of the Resolution of February 1, 2023* ("LUMA's Second February 2 Motion"). In its Second February 2 Motion, LUMA requested that the Energy Bureau reconsider its determination to grant LECO's² request for Mr. Agustín Irizarry Rivera to be called as a witness for cross-examination on metrics for Major Outages on Friday, February 10, 2023.³ According to LUMA, Mr. Irizarry's only expression related to the Major Outage Events performance metric is to mention that LUMA included such a metric and a high-level description of what it comprises.⁴ LUMA argued that such a statement is not purporting to offer an opinion, objection, or a counter proposal on LUMA's proposed performance metric.⁵ Accordingly, LUMA requested that the Energy Bureau reconsider its February 1, 2023 Resolution and deny LECO's request to call Mr. Irizarry as witness in cross-examination for the Major Outage Events performance metrics.⁶

On February 2, 2023, LUMA filed a document titled *Notice of Intent to Oppose ICPO's Motion to Strike Evidence from the Record* ("LUMA's Third February 2 Motion"). Through its Third February 2 Motion, LUMA informed its intent to oppose the ICPO's⁷ Motion to Strike filed February 1, 2023.⁸ According to LUMA, ICPO's request is based on an incorrect interpretation of the objected testimony and the purpose served by the JD Power Study in this administrative proceeding.⁹

On February 2, 2023, the Independent Consumers Protection Office of the Puerto Rico Public Service Regulatory Board ("OIPC") filed before the Energy Bureau a document titled *Solicitud*

¹ LUMA February 2 Motion, p. 1 – 2.

² 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").

³ LUMA's Second February 2 Motion, p. 1 – 2.

⁴ *Id.*

⁵ *Id.*, p. 2.

⁶ *Id.*, pp. 2 – 3.

⁷ Independent Consumers Protection Office of the Puerto Rico Public Service Regulatory Board ("OIPC").

⁸ LUMA's Third February 2 Motion, p. 1 – 2.

⁹ *Id.*



de Extensión de Término para Someter Prueba Documental ("OIPC February 2 Motion"). Through the February 2 Motion, OIPC requested an extension of time until February 6, 2023 to submit the documentary evidence which it intends to introduce into the evidence in the instant proceeding.¹⁰

On February 2, 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 a document titled *Motion for Reconsideration of PREB's Order Allowing Only One Attorney per Topic* ("LECO February 2 Motion"). Through the February 2 Motion, LECO requested that the Energy Bureau reconsider its determination to allow only a single attorney to question all the witnesses about an entire topic, and instead limit questioning to one attorney, per witness, per topic – or, at a minimum, allow at least two attorneys to question witnesses addressing each topic.¹¹

Upon review of the LUMA February 2 Motion, the Energy Bureau **GRANTS** LUMA's request that Mrs. Laird be included as a witness for the Major Outage Events category set for discussion on Friday, February 10, 2023. The Energy Bureau will modify the Agenda.

The Energy Bureau **DENIES** LUMA's Second February 2 Motion. Mr. Irizarry will be allowed as a witness for the Major Outage Events category on Friday, February 10, 2023.

The issue raised by LUMA in its Third February 2 Motion was **ADDRESSED** through a Resolution issued on February 2, 2023. Specifically, the Energy Bureau denied OIPC's motion to strike parts of Jessica Laird's testimony and the J.D. Power Survey.

As for the OIPC February 2 Motion, the Energy Bureau **GRANTS** OIPC until **Monday, February 6, 2023**, as requested, to submit any documentation it intends to introduce into evidence.

Finally, the Energy Bureau **DENIES** LECO's February 2 Motion. The Energy Bureau **REITERATES** that the parties will be allowed to utilize only one attorney **per topic**.¹²

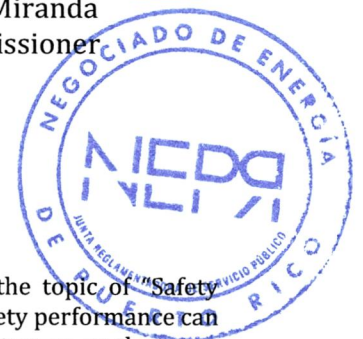
Be it notified and published.

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

¹⁰ OIPC February 2 Motion, p. 1 – 2.

¹¹ LECO February 2 Motion, p. 4.

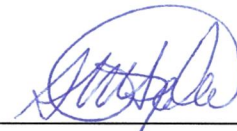
¹² Such as: One attorney for the topic of "Technical Performance", one attorney for the topic of Safety Performance and one attorney for topic of "Regulatory Performance". The attorney for Safety performance can be the same or a different attorney from the Technical Performance and a different attorney or the same attorney for Regulatory Performance.



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on February 3, 2023. I also certify that on February 3, 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; jcassel@earthjustice.org. I also certify that today, February 3, 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 3, 2023.



Sonia Seda Gaztambide
Clerk

