

**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 on LUMA's January 31  
Motion

**RESOLUTION AND ORDER**

On November 16, 2022, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued its Tenth Requirement of Information ("ROI 10") to LUMA,<sup>1</sup> which included fifty-seven (57) questions to be answered on or before November 28, 2022.

After certain procedural incidents, on December 5, 2022, LUMA filed a document titled *LUMA's Responses to PREB's 10th Requirement of Information* ("ROI 10 Responses"). As for two of the information requests, numbered 48 and 49 (respectively, "PREB-LUMA-10-48" and "PREB-LUMA-10-49"), LUMA objected to these requests and indicated that it had not prepared the requested formal analyses to file publicly. Concerning PREB-LUMA-10-48, LUMA further indicated that it would require approximately one to two months to provide the requested information, should it be required to do so in response to an order from the Energy Bureau.

On January 10, 2023, the Energy Bureau issued a Resolution and Order ("January 10 Resolution") through which it provided LUMA until January 31, 2023, to submit suitable responses for the information requests labeled PREB-LUMA-10-48 and PREB-LUMA-10-49.

On January 31, 2023, LUMA filed a document titled *Notice on Compliance with Resolution and Order of January 10, 2023, and Memorandum of Law in Support of Request for Confidential Treatment of Portions of Response to Request No. 48 Submitted as Part of the Second Set of Responses to Requests for Information Filed on January 31, 2023* ("January 31 Motion"), through which it states that it submitted via email its supplemental response to PREB-LUMA-10-48 and PREB-LUMA-10-49.<sup>2</sup> LUMA also asserted that it was submitting an unredacted version of Attachment A (*Performance FY 2022*) to its supplemental response to PREB-LUMA-10-48, under the seal of confidentiality as it contains confidential information under the Energy Bureau's Policy on Management of Confidential Information,<sup>3</sup> issued on August 31, 2016.<sup>4</sup>

Through the January 31 Motion, LUMA sets forth arguments for the Energy Bureau to protect portions of information of its supplemental response to PREB-LUMA-10-48 from public disclosure. Accordingly, LUMA requests confidential treatment to such portions of its supplemental response to PREB-LUMA-10-48.<sup>5</sup>

On February 3, 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 and its Puerto Rico Chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (collectively referred to as "LECO") filed a document titled *Motion to Deny LUMA's Claim of Confidentiality for its Response to PREB RFI 10*, through which they request the

<sup>1</sup> LUMA Energy, LLC and LUMA Energy ServCo, LLC (collectively "LUMA").

<sup>2</sup> January 10 Motion, p. 2.

<sup>3</sup> See, Resolution issued on August 31, 2016, *In Re: Política sobre Manejo de Información Confidencial en los Procedimientos Ante la Comisión*, CEPR-MI-2016-0009.

<sup>4</sup> January 10 Motion, p. 2.

<sup>5</sup> *Id.*, p. 8.



Energy Bureau to deny LUMA's request for confidential treatment, and require LUMA to immediately provide, in full, its responses to PREB-LUMA-10-48 and PREB-LUMA-10-49.<sup>6</sup>

Upon a careful evaluation of LUMA's supplemental response to PREB-LUMA-10-48, including Attachment A thereto (*Performance FY 2022*), the Energy Bureau **DETERMINES** that it is not responsive to ROI 10-48. Thus, the Energy Bureau will not use such response as part of the proceedings of the instant case. The Energy Bureau orders the Clerk to **STRIKE** from the administrative record LUMA's supplemental response to PREB-LUMA-10-48, including Attachment A thereto (*Performance FY 2022*) and return it to LUMA.

In light of the foregoing, the Energy Bureau **DETERMINES** that it is not necessary to rule on LUMA's request for confidential treatment, as set forth in the January 31 Motion. Moreover, it is **CLARIFIED** that this determination does not prevent the Energy Bureau and the parties to examine witnesses (to the extent pertinent and within the scope of the relevant witness testimony) regarding LUMA's performance based on the targets set forth in its proposed revised Annex IX to the T&D OMA for the fiscal year ending on June 30, 2022.<sup>7</sup>

Be it notified and published.

  
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Edison Avilés Deliz  
Chairman

  
\_\_\_\_\_  
Lillian Mateo Santos  
Associate Commissioner

  
\_\_\_\_\_  
Ferdinand A. Ramos Soegaard  
Associate Commissioner

  
\_\_\_\_\_  
Sylvia B. Ugarte Araujo  
Associate Commissioner

  
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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 7, 2023. I also certify that on February 7, 2023 a copy of this Resolution and Order 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; lvelez@earthjustice.org; rmurthy@earthjustice.org; jcassel@earthjustice.org. I also certify that today, February 7, 2023, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, today, February 7, 2023.

  
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Sonia Seda Gaztambide  
Clerk



<sup>6</sup> February 3 Motion, pp. 5-6.

<sup>7</sup> See, *Submission of Revised Annex IX to the T&D OMA*, Exhibit 1: *Revised Performance Metrics Targets*. In *Compliance with the PREB Resolution and Order of August 1, 2022*, filed on October 28, 2022 in this case.