

GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU

NEPR

Received:

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IN RE: PERFORMANCE TARGETS FOR
LUMA ENERGY SERVCO, LLC

CASE NO.: NEPR-AP-2020-0025

SUBJECT: MOTION REQUESTING
PREB'S OFFICIAL EVIDENTIARY
HEARING TRANSCRIPT

**MOTION REQUESTING PREB'S OFFICIAL EVIDENTIARY HEARING
TRANSCRIPT**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW, 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, and Sierra Club and its Puerto Rico chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (collectively, "LECO"), to respectfully request that the Puerto Rico Energy Bureau ("PREB" or "Energy Bureau") the oficial transcript of the Evidentiary Hearing.

On January 30, 2023, the Energy Bureau issued a Resolution through which it established a Hybrid Evidentiary Hearing Protocol.¹ Section VI of the Resolution specified the protocol regarding the recording of the hearing and the official record, and specifically said the following:

1. The proceeding conducted via Teams will be recorded by the Energy Bureau (i.e., video and audio) and none of the parties and/or participants is to record the proceeding without the Energy Bureau

¹ See Resolution, In re: Performance Targets for LUMA Energy ServCo, LLC, Case No. NEPR-AP-2020-0025, Jan. 30, 2023.

permission. However, a party or their counsel may keep an official court reporter to make an official record of the proceeding upon the Energy Bureau's permission.

The Teams' recording will be used by the Energy Bureau to produce an official transcript of the Hearing. The parties must file a joint motion with proposed transcript corrections no later than fifteen (15) days after the initial transcript of the Hearing is provided by the Energy Bureau.

2. **After taking into account the proposed corrections to the initial transcript of the Hearing, the Energy Bureau will issue a final official transcript of the Hearing which along with the Exhibits marked into evidence, shall be the official evidentiary record for the proceeding.**

(Emphasis added).

LECO has not received from the PREB the official transcript of the evidentiary hearing that took place on February 7-10, 2023, using the Microsoft Teams' recording, as the Protocol stipulates. The official transcript is essential to work on the legal brief. According to the latest Procedural Calendar², March 10, 2023, is the current deadline to file final substantive and legal brief by all the parties. If the PREB shares the official transcript on February 27th, the fifteen (15) days provided to the parties to make corrections would expire on March 14, 2024, four days *after* the legal brief deadline. This does not account for the time it would take PREB to review those proposed corrections and produce the final official transcript of the evidentiary hearing, with the Exhibits marked into evidence.

Given these circumstances, LECO urgently requests the official transcript of the evidentiary hearing from the PREB, as specified in the Hybrid Evidentiary

² See Resolution, In re: Performance Targets for LUMA Energy ServCo, LLC, Case No. NEPR-AP-2020-0025, October 14, 2022.

Hearing Protocol. If the official transcript is not provided next week, LECO respectfully requests to extend the deadline for the final substantive and legal brief, at least fifteen days after the initial transcript is provided.

Wherefore, it is respectfully requested that PREB take notice of the foregoing and grant the specified relief.

Respectfully submitted. In San Juan Puerto Rico, February 24, 2023.

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CERTIFICATION OF SERVICE

I hereby certify that on February 24, 2023, I served this Motion to the following parties:

- Puerto Rico Energy Bureau: secretaria@energia.pr.gov; secretaria@jrsp.pr.gov; legal@jrsp.pr.gov and atorres@jrsp.pr.gov
- LUMA Energy LLC and LUMA Energy ServCo LLC: mmercado@mercado-echegaray-law.com; margarita.mercado@us.dlapiper.com; yahaira.delarosa@us.dlapiper.com; and ana.rodriquezrivera@us.dlapiper.com
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