

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

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IN RE: PERFORMANCE METRICS
TARGETS FOR LUMA ENERGY SERVCO,
LLC

CASE NO. NEPR-AP-2020-0025

**SUBJECT: Joint Motion Requesting the
Energy Bureau to Set the Order of
Witnesses for the Evidentiary Hearing**

**JOINT MOTION REQUESTING THE ENERGY BUREAU
TO SET THE ORDER OF WITNESSES FOR THE EVIDENTIARY HEARING**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW **LUMA Energy, LLC** (“ManagementCo”), and **LUMA Energy Servco, LLC** (“ServCo”), (jointly referred to as the “Operator” or “LUMA”), the **Puerto Rico Electric Power Authority** (“PREPA”), and the **Independent Consumer Protection Office** (“ICPO”) (collectively, the “parties”), through their respective undersigned counsel, and respectfully state and request the following:

1. On October 14, 2022, the Puerto Rico Energy Bureau (“Energy Bureau”) entered a Resolution and Order that, in relevant part, amended the procedural calendar of this proceeding and set the virtual evidentiary hearing for February 7-10, 2023. Among other timeframes, the Energy Bureau set a Pre-Hearing Conference for January 30, 2023.

2. Section 9.01 Regulation No. 8543 on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings of December 18, 2014 (“Regulation 8543”), establishes that the Energy Bureau may schedule a pre-hearing conference to simplify the matters to be considered at the evidentiary hearing, stipulate the facts and documentary evidence, adopt any other

convenient measures to streamline the proceeding, and establish a plan for holding the evidentiary hearing.

3. Although Regulation 8543 provides for a pre-hearing conference to elucidate matters prior to the evidentiary hearing, the parties deem it appropriate for the Energy Bureau to clarify and rule on some aspects of the evidentiary hearing before the Pre-Hearing Conference that will be held five business days prior to the start of the evidentiary hearing.

4. It is expected that this Energy Bureau will hear at least the testimonies of eighteen (18) witnesses, including expert witnesses, during the course of four days. It is a considerable amount of testimonies, many of which will cover highly technical topics, in a short time span. As such, the parties deem it proper for this Energy Bureau to rule on the order in which each of the eighteen (18) witnesses will testify prior to the Pre-Hearing Conference.

5. The parties believe it is in the best interest of all participants involved in this proceeding to know beforehand the order in which the witnesses will testify. It will allow the parties to determine when each of the witnesses should appear or make themselves available to testify and to cross-examine witnesses on the full scope of their testimonies in an organized manner, making the most of the time allotted. Also, it would place all parties involved in a position to be fully prepared for the evidentiary hearing. Awaiting until the Pre-Hearing Conference to set such an order will provide the parties with merely five business days to plan and organize those testimonies.

6. The parties make this request in good faith to ensure fairness and transparency in presenting evidence and testimonies for all participants involved in this proceeding.

WHEREFORE, LUMA, PREPA, and the ICPO respectfully request that the Energy Bureau **take notice** of the aforementioned, and **establish** the order in which the witnesses will

testify during the evidentiary hearing.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on the 25th of January 2023.

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau. We will send an electronic copy of this motion to counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy (“ICSE”), Fernando Agrait, agraitfe@agraitlawpr.com, counsel for the Colegio de Ingenieros y Agrimensores de Puerto Rico (“CIAPR”), Rhonda Castillo, rhoncat@netscape.net, and counsels for Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc., Enlace Latino de Acción Climatica, Alianza Comunitaria Ambientalista del Sureste, Inc., Coalicion 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 (jointly, Puerto Rico Local and Environmental Organizations), larroyo@earthjustice.org, lvez@earthjustice.org, jcassel@earthjustice.org, rmurthy@earthjustice.org, rstgo2@gmail.com, notificaciones@bufete-emmanuelli.com, pedrosaade5@gmail.com., jessica@bufete-emmanuelli.com; rolando@bufete-emmanuelli.com.



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