

**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 and Order pertaining to LUMA's motion to further amend the procedural calendar and the informative motion on the parties' agreement on the evidentiary hearing transcript and renewed request to amend the procedural calendar

**RESOLUTION AND ORDER**

On March 9, 2023, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") in response to several motions, issued a Resolution and Order ("March 9 Resolution") to amend the procedural calendar of the instant proceeding. Through the March 9 Resolution, the Energy Bureau made the following calendar revisions: it set March 30, 2023, as the deadline to file final substantive and legal briefs by the parties, established April 20, 2023, as the deadline for filing of replies to final briefs by the parties, and set April 27, 2023, as the deadline for filing of comments from the general public and for filing of final briefs by *amicus curiae*. The Energy Bureau also determined that the Microsoft Teams recording of the Evidentiary Hearing would serve as the official record.

On March 17, 2023, LUMA<sup>1</sup> filed a document titled *LUMA's Request for the Energy Bureau to Further Amend the Procedural Calendar* ("March 17 Motion"). Through this motion, LUMA stated that it had commissioned a certified transcript of the Evidentiary Hearing, and it indicated that the complete transcript would be available not before March 30, 2023. LUMA further stated its willingness to share this transcript with the other parties to the instant proceeding "in order to reach a stipulation to adopt said transcript as the official transcript".<sup>2</sup> LUMA requested that the March 30, 2023, deadline for final substantive and legal briefs be extended at least two (2) weeks beyond the date at which the parties would stipulate the transcript.

On March 24, 2023, LUMA, LECO,<sup>3</sup> OIPC,<sup>4</sup> and PREPA<sup>5</sup> jointly filed a document titled *Informative Motion on Parties' Agreement on the Evidentiary Hearing Transcript and Renewed Request to Amend the Procedural Calendar* ("March 24 Motion"), wherein the parties provided an update on their discussion concerning achieving a stipulation of the certified Evidentiary Hearing transcript ("LUMA Transcript") that LUMA had earlier commissioned. LUMA reported that counsel for the parties had agreed "to examine the different volumes of the transcript commissioned by LUMA and compare them against the audio recording, in order to stipulate the transcript that all parties will be referring to in the instant proceeding".<sup>6</sup> The March 24 Motion indicated that the LUMA Transcript would be available not before March 30, 2023, and requested that the March 30, 2023, deadline for final

<sup>1</sup> LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred as, "LUMA").

<sup>2</sup> March 17 Motion, p. 5.

<sup>3</sup> 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 as "LECO").

<sup>4</sup> Independent Consumer Protection Office ("OIPC", for its Spanish name).

<sup>5</sup> Puerto Rico Electric Power Authority ("PREPA").

<sup>6</sup> March 24 Motion, pp. 5-6.



substantive and legal briefs be extended at least two (2) weeks beyond the date at which the parties would stipulate the transcript.

The Energy Bureau **REAFFIRMS** that, consistent with the March 9 Resolution, the Microsoft Teams recording will serve as the official record for the Evidentiary Hearing. While the Energy Bureau is supportive of the collaborative process outlined by LUMA and the other parties toward stipulating a shared written transcript of the Evidentiary Hearing, the Energy Bureau **REITERATES** that, for purposes of all future filings in this proceeding, and consistent with the March 9 Resolution, citations concerning the Evidentiary Hearing must be made exclusively to the Microsoft Team recording.<sup>7</sup>


In order to provide the required time for completion of the LUMA Transcript, and in support of any ongoing process between LUMA and the other parties to the instant proceeding in relation to finalization and sharing of LUMA’s Transcript of this proceeding, the Energy Bureau **GRANTS** the requests for modification to the procedural calendar with the following extensions:

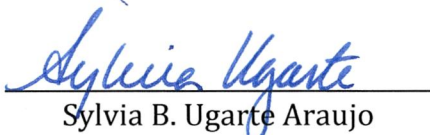
The Energy Bureau will provide an additional two (2) weeks for any ongoing process between LUMA and the other parties related to the LUMA Transcript, and it will provide a further two (2) weeks for completion of the final briefs. The resulting updated deadline for filing final substantive and legal briefs is April 27, 2023. The Energy Bureau has updated subsequent filing deadlines accordingly.

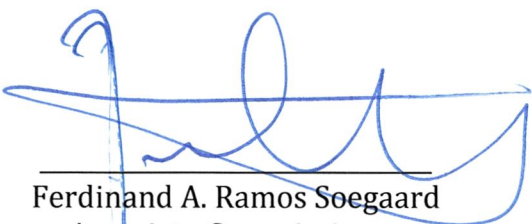
The Energy Bureau **GRANTS** LUMA’s request to amend the procedural calendar and **AMENDS** the procedural calendar of the instant case as follows:


Date	Phase
April 27, 2023	Filing of Final Substantive and Legal Briefs by the Parties
May 18, 2023	Filing of Replies to Final Briefs by the Parties
May 25, 2023	Filing of Comments by General Public Due, Filing of Final Brief by <i>Amicus Curiae</i>

Be it notified and published.

  
Edison Avilés Deliz  
Chairman

  
Sylvia B. Ugarte Araujo  
Associate Commissioner

  
Ferdinand A. Ramos Soegaard  
Associate Commissioner

  
Antonio Torres Miranda  
Associate Commissioner



<sup>7</sup> The parties may also include the reference in the LUMA transcript in addition to the Microsoft Teams recording. If any discrepancies are encountered, the Microsoft Team recording shall prevail.



**CERTIFICATION**

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on March 29, 2023. Associate Commissioner Lillian Mateo Santos did not intervene. I also certify that on March 29, 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; 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, zoe@emmanuelli.law; rhoncat@netscape.net, larroyo@earthjustice.org; lvez@earthjustice.org; rmurthy@earthjustice.org; jcassel@earthjustice.org. I also certify that today, March 29, 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, March 29, 2023.

  
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Sonia Seda Gaztambide  
Clerk

