

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

NEPR

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

CASE NO. NEPR-AP-2020-0025

SUBJECT:

**Informative Motion on the Evidentiary
Hearing Transcript and Request for Final
Amendment of the Procedural Calendar**

**INFORMATIVE MOTION ON THE EVIDENTIARY HEARING TRANSCRIPT
AND REQUEST FOR FINAL AMENDMENT OF THE PROCEDURAL CALENDAR**

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”), and respectfully states and request the following:

1. On October 14, 2022, this Honorable Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order establishing the final procedural calendar and dates for remaining filings in the instant proceeding to evaluate the *Request for Approval of Revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (OMA)*.

2. As part of the procedural calendar, this Energy Bureau determined the Evidentiary Hearing would take place during February 7-10, 2023. It also established March 10, 2023, as the deadline to file final substantive and legal briefs by the parties and March 31, 2023, as the timeframe to file replies to the final substantive and legal briefs. Finally, the Energy Bureau set

April 12, 2023, as the last day for the general public to file comments and for the *amicus curiae* to file its final brief.

3. On February 7-10, 2023, this Energy Bureau held the Evidentiary Hearing in the instant proceeding.

4. During the Evidentiary Hearing, the Energy Bureau issued two orders to LUMA for compliance on or before February 21, 2023 (the “Bench Orders”). The Energy Bureau also directed the intervenors to state their position on LUMA’s findings before February 28, 2023.

5. On February 14, 2023, LUMA filed a *Motion Requesting Audio Recording of Evidentiary Hearing*. LUMA petitioned the Energy Bureau to provide the full audio recording of the evidentiary hearing in order to prepare a certified transcript of the proceedings.

6. On February 22, 2023, the Energy Bureau entered a Resolution and Order granting the request for the audio recording of the Evidentiary Hearing and instructed the Secretary of the Energy Bureau to provide it as soon as possible.¹

7. On February 24, 2023, the Local Environmental and Civil Organizations (“LECO”) filed a *Motion Requesting PREB’s Official Evidentiary Hearing Transcript*. Therein, LECO stated that according to the Hybrid Evidentiary Hearing protocol, the Energy Bureau committed to providing the official transcript of the Evidentiary Hearing. According to LECO, the transcript is essential to work on the legal brief. Given the current deadline to file the final substantive and

¹ The Secretary of the Energy Bureau provided LUMA with the audio recording of the Evidentiary Hearing on February 17, 2023.

legal briefs for all parties, LECO requested an extension to file the legal briefs at least fifteen days after the initial transcript is provided.

8. On February 28, 2023, the Independent Consumer Protection Office (“ICPO”) filed a motion entitled *Comentarios a Moción en Cumplimiento de Orden Radicada por LUMA el 21 de Febrero de 2023*. ICPO alleged that LUMA did not provide the information requested on the totality of subsidies available in Louisiana, Mississippi, and Arkansas.

9. On March 3, 2023, LUMA filed a *Motion Requesting the Energy Bureau to Amend Procedural Calendar*. Therein, LUMA requested that the Energy Bureau take notice that at least one (1) month was required for LUMA to complete the proceeding transcript. Therefore, LUMA requested an amendment to the procedural calendar to extend the March 10, 2023, deadline to submit the final substantive and legal briefs until at least two (2) weeks after the official transcript is provided to the parties and the Energy Bureau has deemed that LUMA complied with its bench orders.

10. On March 9, 2023, the Energy Bureau issued a Resolution and Order whereas it ruled that LUMA complied with the Bench Orders issued during the Evidentiary Hearing, denying ICPO’s *Comentarios a Moción en Cumplimiento de Orden Radicada por LUMA el 21 de Febrero de 2023*. Further, the Energy Bureau determined that the Microsoft Teams recording would serve as the official record of the Evidentiary Hearing and clarified that it would not produce an official transcript to avoid further delays. The Energy Bureau ruled that the parties should cite the recording in their remaining filings in this proceeding, where applicable, referring to the hours,

minutes, and seconds of the testimonies. Finally, this Energy Bureau amended the procedural calendar and set March 30, 2023, as the deadline to file the final substantive and legal briefs.

11. On March 17, 2023, LUMA filed a *Motion to Further Amend Procedural Calendar*. LUMA informed the Energy Bureau it had already commissioned a transcript of the Evidentiary Hearing, as it was necessary for ease of reference and to have an orderly proceeding. The Energy Bureau's instruction to refer to hours, minutes, and seconds of the testimonies in the briefs can be problematic, not only because it makes it more time-consuming to draft briefs and for the Energy Bureau to review the same, but it does not necessarily provide the parties and the Energy Bureau with a precise and universal mechanism to identify the testimonies. LUMA further expressed it was amenable to sharing the transcript with the Energy Bureau and all parties in order to reach a stipulation to adopt said transcript as the official transcript. As such, LUMA requested that the March 30, 2023, deadline to submit the final substantive and legal briefs be extended until at least two (2) weeks after the parties stipulate the official transcript. All remaining deadlines be extended accordingly.

12. On March 24, 2023, LUMA and the intervenors jointly filed an *Informative Motion on Parties' Agreement on the Evidentiary Hearing Transcript and Renewed Request to Amend the Procedural Calendar*. 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. The parties requested that the March 30, 2023, deadline be extended at least two (2) weeks beyond the date the parties would stipulate the transcript.

13. On March 29, 2023, the Energy Bureau entered a Resolution and Order in which, in order to provide the required time for completion of the transcript, and in support of any ongoing process between LUMA and the other parties to the instant proceeding in relation to sharing and reviewing the transcript of this proceeding, the Energy Bureau extended the deadline to submit the final legal and substantive briefs to April 27, 2023. The other deadlines were extended as well. Notwithstanding, the Energy Bureau reiterated that citations concerning the Evidentiary Hearing should be made to the Microsoft Team recording.

14. LUMA respectfully informs that it currently has a full set of certified transcripts of the Evidentiary Hearing. The last transcript was received from the reporter on April 14, 2023. As stated in previous submissions, LUMA is committed to revising the transcripts in order to submit them to the Energy Bureau for ease of reference in connection with the final briefs. LUMA will also refer to the Microsoft Teams recording in the legal brief. However, LUMA understands that a certified transcript of the Evidentiary Hearing is necessary for an orderly proceeding.

15. Counsel for the Puerto Rico Electric Power Authority (“PREPA”) confirmed on April 17, 2023, that PREPA requires a period of two weeks to review the transcripts.

16. In view of the above, LUMA states that the April 27th, 2023, deadline to submit the final substantive and legal briefs should be extended until at least May 11, 2023, to allow LUMA and PREPA to review and stipulate the transcripts. Consequently, the remaining deadlines in the procedural calendar will have to be rescheduled accordingly.

17. This amendment request is not intended to cause unnecessary delay and should not cause inconvenience to the parties. LUMA remains committed to complying with the orders issued by the Energy Bureau.

WHEREFORE, LUMA respectfully requests that the Energy Bureau take notice of the fact that the last transcript of the proceeding was delivered on April 14, 2023. Thus, it requests the Energy Bureau to amend the remaining dates in the procedural calendar of this proceeding to extend the deadline to submit the final substantive and legal briefs until at least May 11, 2023.

RESPECTFULLY SUBMITTED.

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 PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law; the Office of the Independent Consumer Protection Office, Hannia Rivera Diaz, hrivera@jrsp.pr.gov, and counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy (“ICSE”), Fernando Agrait, agraitfe@agrailawpr.com, counsel for the Colegio de Ingenieros y a 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, rstgo2@gmail.com, notificaciones@bufete-emmanueli.com, pedrosaade5@gmail.com, jessica@bufete-emmanueli.com; rolando@bufete-emmanueli.com, lvelez@earthjustice.org, rmurthy@earthjustice.org, jcassel@earthjustice.org.

In San Juan, Puerto Rico, this 19th day of April 2023.



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