

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

<b>NEPR</b>  <b>Received:</b>  May 11, 2023  11:12 PM
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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 Transcripts and Request to Submit  
Draft Transcripts Under Seal**

**INFORMATIVE MOTION ON THE EVIDENTIARY HEARING DRAFT  
TRANSCRIPTS AND REQUEST TO SUBMIT THE SAME UNDER SEAL**

**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 state and request the following:

1. On February 7-10, 2023, this Honorable Puerto Rico Energy Bureau (“Energy Bureau”) held the Evidentiary Hearing to evaluate the *Request for Approval of Revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (OMA)*.

2. 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. The Energy Bureau granted the request on February 22, 2023.<sup>1</sup>

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

3. On March 3, 2023, LUMA filed a *Motion Requesting the Energy Bureau to Amend Procedural Calendar*, requesting to extend the calendar to complete the transcripts of the proceedings and to submit the final substantive and legal briefs after the official transcripts were provided to the parties and the Energy Bureau has deemed that LUMA complied with its bench orders. The Energy Bureau granted the request on March 9, 2023

4. LUMA commissioned a transcript of the Evidentiary Hearing, as it was necessary for ease of reference and to have an orderly proceeding. 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.

5. On March 29, 2023, the Energy Bureau entered a Resolution and Order in which, in order to provide the required time for completing the transcripts, 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. Notwithstanding, the Energy Bureau reiterated that citations concerning the Evidentiary Hearing should be made to the Microsoft Team recording.

6. On April 18, 2023, LUMA filed an *Informative Motion on the Evidentiary Hearing Transcript and Request for the Final Amendment of the Procedural Calendar*, requesting to extend the deadline to file legal briefs until May 11, 2023.

7. In due course, LUMA shared with all parties the certified transcripts of the Evidentiary Hearing for review and use in their final substantive and legal briefs.

8. Currently, the certified transcripts are under review by LUMA and the Puerto Rico Electric Power Authority (“PREPA”). To wit, on May 5, 2023, LUMA received PREPA’s comments on the transcripts of the proceedings. LUMA is reviewing PREPA’s comments and will then request that the reporters review the same to prepare the final version of the transcripts to be submitted to this Energy Bureau. LUMA estimates that the process for the court reporters to produce the final certified versions requires at least three (3) weeks.

9. Given that the transcripts of the proceedings are subject to review and, thus, are not yet final, it is respectfully requested that the Energy Bureau accepts and maintains the transcripts under seal of confidentiality until final versions are ready to file for the public record. This request is in the best public interest to allow LUMA, PREPA, and the court reporters to finalize the revisions and avoid causing confusion if draft transcripts are filed for the public record.

10. In view of the above, LUMA requests that the Energy Bureau grant LUMA until June 1, 2023, to work with PREPA and the reporters to review the final and certified versions of the transcripts of the proceedings.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the status of review by LUMA and PREPA of the transcripts of the proceedings and the need for additional time to submit the final certified versions with this Energy Bureau and for the public record; **grant** this request to submit under seal of confidentiality, the draft versions of the transcripts; and **grant** LUMA until June 1, 2023, to submit the certified transcripts.

**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](mailto:jmarrero@diazvaz.law); the Office of the Independent Consumer Protection Office, Hannia Rivera Diaz, [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov), and counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy (“ICSE”), Fernando Agrait, [agraitfe@agraitlawpr.com](mailto:agraitfe@agraitlawpr.com), counsel for the Colegio de Ingenieros y a de Puerto Rico (“CIAPR”), Rhonda Castillo, [rhoncat@netscape.net](mailto: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](mailto:larroyo@earthjustice.org), [rstgo2@gmail.com](mailto:rstgo2@gmail.com), [notificaciones@bufete-emmanuelli.com](mailto:notificaciones@bufete-emmanuelli.com), [pedrosaade5@gmail.com](mailto:pedrosaade5@gmail.com)., [jessica@bufete-emmanuelli.com](mailto:jessica@bufete-emmanuelli.com); [rolando@bufete-emmanuelli.com](mailto:rolando@bufete-emmanuelli.com), [lvelez@earthjustice.org](mailto:lvelez@earthjustice.org), [rmurthy@earthjustice.org](mailto:rmurthy@earthjustice.org), [jcassel@earthjustice.org](mailto:jcassel@earthjustice.org).

In San Juan, Puerto Rico, this 11<sup>th</sup> day of May 2023.



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