

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

NEPR Received: May 22, 2023 12:36 PM

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

CASE NO. NEPR-AP-2020-0025

SUBJECT:

**Request for Extension of Time to File
Replies to Final Briefs by the Parties**

**MOTION REQUESTING EXTENSION OF TIME TO FILE REPLIES TO
FINAL BRIEFS BY THE PARTIES**

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 Puerto Rico Energy Bureau (“Energy Bureau”) held the Evidentiary Hearing in the instant proceeding.
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.
3. 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

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

4. 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.

5. 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.

6. On March 17, 2023, LUMA filed a *Motion to Further Amend Procedural Calendar*. LUMA informed the Energy Bureau that it had already 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. 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.

7. 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 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.

8. On March 29, 2023, the Energy Bureau entered a Resolution and Order which provides the required time for completion of the transcript. 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.

9. On April 19, 2023, LUMA filed an *Informative Motion on the Evidentiary Hearing Transcript and Request for Final Amendment of the Procedural Calendar*. LUMA informed that it had a full set of certified transcripts of the Evidentiary Hearing and that the last transcript of the proceeding was received from the court reporter on April 14, 2023. LUMA requested that the April 27, 2023, deadline to file final substantive and legal briefs by the parties be extended until at least

May 11, 2023, to allow LUMA and PREPA to review and stipulate transcripts. LUMA also requested that the remaining deadlines in the procedural calendar be rescheduled accordingly.

10. On April 21, 2023, the Energy Bureau issued a Resolution and Order to amend the procedural calendar, extending the deadline to submit the final legal and substantive briefs to May 11, 2023. It also extended the timeframe to submit the replies to the final briefs to the parties to June 1, 2023.

11. On May 11, 2023, LUMA, LECO, and the OIPC filed their respective legal briefs before the Energy Bureau. LUMA also filed an *Informative Motion on the Evidentiary Hearing Draft Transcripts and Request to Submit the Same Under Seal*. Therein, LUMA requested the Energy Bureau accept and maintain the transcripts under seal of confidentiality until final versions are ready to file for the public record. Also, LUMA petitioned that the Energy Bureau grant until June 1, 2023, to work with PREPA and the court reporters to review the final and certified versions of the transcripts of the proceedings.

12. On May 16, 2023, the Energy Bureau entered a Resolution and Order directing LUMA to submit the final version of the transcripts of the proceedings no later than June 1, 2023.

13. LUMA is concurrently working on the replies to the briefs filed by LECO and ICPO and working with PREPA to stipulate the transcripts of the Evidentiary Hearing. As this Energy Bureau may be aware, such a process involves revising the transcripts against the audio to confirm any proposed corrections that need to be made, being a very time-consuming task. Moreover, unlike the other parties in this proceeding, LUMA must file replies to LECO and ICPO's final briefs. All these endeavors are highly challenging to complete in three weeks, considering that

LUMA needs to reply to two very extensive briefs. Additionally, this Energy Bureau has scheduled a hearing for June 9, 2023, in the proceeding *In Re: LUMA Initial Budgets and Related Terms of Service*, Case No. NEPR-MI-2021-0004, in which LUMA and the undersigned counsel participate and for which we are preparing at present.²

14. In view of the above, LUMA states that the June 1st, 2023, deadline to submit the replies to the final briefs by the parties should be extended until at least June 22, 2023. Consequently, the remaining deadline in the procedural calendar should be rescheduled accordingly.

15. This extension 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 extend the deadline to submit the replies to the final briefs by the parties until at least June 22, 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@agraitlawpr.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,

² It should also be noted that next Monday, May, 29, 2023, is a federal holiday, which LUMA and the undersigned counsel observe.

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In San Juan, Puerto Rico, this 22nd day of May 2023.



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