

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

NEPR Received: Jun 9, 2023 5:16 PM

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

CASE NO.: NEPR-AP-2020-0025

SUBJECT: OFFICIAL NOTICE

**LOCAL ENVIRONMENTAL AND CIVIC ORGANIZATION'S RESPONSE TO
RESOLUTION FOR OFFICIAL NOTICE AND REQUEST TO TAKE OFFICIAL
NOTICE ON ADDITIONAL INFORMATION**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW, 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, and Sierra Club and its Puerto Rico chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (collectively, "LECO"), and respectfully state the following:

1. Evidentiary hearings were held in San Juan, Puerto Rico and remotely in a hybrid format from February 7 through February 10, 2023. The PREB has made available via their YouTube channel the streaming. Final legal briefs were then filed on May 11, 2023.
2. On May 25, 2023, PREB informed that has taken official notice of the following:
 - a. Resolution and Order. June 2021-May 2022, 12-Month Metrics Summary, limited to data for these metrics:
 - Average speed to answer

- Percent of customer calls answered
 - SAIDI (System; Transmission and Distribution)
 - SAIFI (System; Transmission and Distribution)
 - OSHA DART Rate (Transmission and Distribution)
 - OSHA Severity Rate (Transmission and Distribution)
 - OSHA Fatality Rate (Transmission and Distribution)
 - OSHA Recordable Rate (Transmission and Distribution)
- b. Resumen Métricas Master April 2023*, limited to data on Sheet “T&D” for these metrics:
- Average speed to answer
 - Call abandonment rate
 - SAIDI (T&D) 12-month rolling average
 - SAIFI (T&D) 12-month rolling average
 - 12-month rolling OSHA DART Rate
 - 12-month rolling OSHA Severity Rate
 - 12-month rolling OSHA Fatality Rate
 - 12-month rolling Recordable Rate
 - Distribution line inspections
 - Transmission line inspections
 - T&D substation inspections
- c. *Informe de Progreso de interconexión de Sistemas de Generación Distribuida Trimestre enero a marzo 2023.* Official notice is limited to data on slide 9, which is titled "*Información sobre Tiempos Promedio para Interconexión y Medidores Bidireccionales.*"
- d. *Informe de Progreso de Interconexión de Sistemas de Generación Distribuida Trimestre Octubre a Diciembre 2022.* Official notice is limited to data on slide 9, which is titled "*Información sobre Tiempos Promedio para Interconexión y Medidores Bidireccionales.*"
- e. *Informe de Progreso de Interconexión de Sistemas de Generación Distribuida Trimestre Julio a Septiembre 2022.* Official notice is limited to data on slide 11, which is titled "*Información sobre Tiempos Promedio para Interconexión y Medidores Bidireccionales.*"
- f. *Informe de Progreso de Interconexión de Sistemas de Generación Distribuida Trimestre Mayo a Julio 2022.* Official notice is limited to data on slide 13, which is titled "*Información sobre Tiempos Promedio para Interconexión y Medidores Bidireccionales.*"
- g. Resolution and Order. Determination on LUMA's FY23 Annual Budgets and LUMA's FY24 Annual Budgets pre-filing requirements and later amendments.
- h. LUMA Annual Report for Fiscal Year 2022 Ending June 30, 2022.
- i. LUMA Annual Budgets for Fiscal Years 2024 to 2026.
- j. Order Approving the Scorecard for use by the Commission as a Guidance Document to Assess Electric Utility Response to Significant Outages.

- k. "Measuring Call Center Performance: Global Best Practices." Presentation from International Finance Corporation (IFC) of the World Bank Group.
 - l. "2021 Talkdesk Global Contact Center KPI Benchmarking Report." Report from Talkdesk
3. On that Resolution, PREB directed all parties to file their position on taking official notice or upon the certainty of the matters to be noticed, within fifteen (15) days of the notification of the Resolution.
4. Act 38-2017, *Uniform Administrative Procedure Act*, establishes that agencies may take official knowledge of everything that could be subject to judicial knowledge in the courts of justice. *See* Section 3.13(d). 3 L.P.R.A. § 9653. Rule 201(b) of the Rules of Evidence provides that “[t]he court may take judicial notice only of that adjudicative fact that is not subject to reasonable controversy because: (1) It is of general knowledge within the territorial jurisdiction of the court, or (2) it is susceptible to immediate and exact corroboration through sources whose accuracy cannot be reasonably questioned.” 32 L.P.R.A. Ap VI, R. 201. It is important to highlight that the court may take legal notice at any stage of the proceedings, including the appeal stage. *Id.*, R.201(e). Further, the court can take judicial notice on matters of law like rules and regulations. 32 L.P.R.A. Ap VI, R. 202(b). However, even though the Rules of Evidence are not applicable to administrative procedures, the principles of those rules can be used as long as they are not incompatible with achieving a quick, fair, and economic solution in the proceeding. *See* Section 3.13(e), *supra*.

5. Regulation No. 8543, *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings*, states that PREB “may take judicial notice, motu proprio or upon request, on those facts and circumstances that are generally known, or can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” See Section 9.03(A).
6. One of the purposes of taking official notice is to overcome the deficiencies in the record of a formal proceeding on material facts. Demetrio Fernández Quiñones, *Derecho Administrativo y Ley de Procedimiento Uniforme*, Forum, Colombia, 2nd. Ed., 2001, page 169. It constitutes an important exception to the principle of the exclusivity of the record to issue a decision. *Id.* The administrative forums can take official notice of everything that could have been subject to judicial knowledge in the courts, above all, "of their own records related to previous litigation, interrelated between the same parties". J.R.T. v. Club Náutico, 97 DPR 386, 391 (1969). The adjudicator must ensure that all parties have an opportunity to contest the evidence. López v. Asoc. de Taxis de Cayey, 142 DPR 109, 114-115 (1996).
7. The Supreme Court has recognized that Judges do not live in a vacuum. P.P.D. v. Gobernador I, 139 DPR 643, 739 (1995), citing Gierbolini Rodríguez v. Gobernador, 129 DPR 402, 438 (1991). Further explains that adjudicators know what the rest of the community knows and that “when the facts are overwhelming enough, even courts can take judicial notice of

- them, thus partly avoiding Bentham's expressed censure that the art of jurisprudence consists in methodically ignoring what everyone knows.” *Id.*
8. The Supreme Court also has stated that the goal of the rules of evidence in every adjudicative proceeding is the discovery of the truth and justice to the parties. J.R.T. v. Autoridad de Comunicaciones de Puerto Rico, 110 DPR 879, 884 (1987). Flexibility and informality are paramount when it comes to interpretation of the rules of evidence in administrative processes, since there is greater liberality than in a judicial scenario. *Id.*
 9. LECO has no objection to PREB taking official knowledge of the information described in its Resolution.¹ Wherein the documents PREB seeks to take official notice of constitute documents related to interrelated cases that offer a broader view of LUMA’s performance up to date and reports that are easily verifiable, LECO agrees with PREB’s decision.
 10. On the other hand, LECO’s Legal Brief contains references to news and media articles, reports, PREB docket entries, Superior Court cases entries, and information provided by LUMA that are relevant to provide PREB with context and information to make the best decision for the People of Puerto Rico. Official notice is a mechanism that can be used, especially in administrative proceedings where there is limited time during the hearing

¹ LECO flags that footnote 19 of item 8 in PREB’s Resolution should say October 29, 2022, as the filing date by LUMA in the Initial Budgets docket No. NEPR-MI-2021-0004. LECO also flags that the links provided in footnotes 22 and 23 for items 11 and 12 in PREB’s resolution are broken. However, we found those items at <https://www.ifc.org/wps/wcm/connect/3a656e01-ad18-459a-b1ed-87784c1f1616/Tool+9.4.+Measuring+Call+Center+Performance.pdf?MOD=AJPERES&CVID=jENLHxM> and <https://www.talkdesk.com/resources/reports/talkdesk-contact-center-kpi-benchmarking-report/>.

to present all the information. Respectfully, LECO requests that the PREB also take official notice of the following:

Reference	Request to take official notice	Official Notice Applicability
<p>Footnotes 5, page 2 of LECO’s Legal Brief – PREB, Notice of Investigation to Identify Opportunities to Improve Performance of the Puerto Rico Electric Power Authority, In Re: The Performance of the Puerto Rico Electric Power Authority Dkt, No. CEPR-IN-2016-0002 (Nov. 15, 2016) https://energia.pr.gov/wp-content/uploads/sites/7/2016/11/15-nov-2016-Notice-of-Investigation-AEE-CEPR-IN-2016-0002.pdf</p>	<p>Take official notice of PREB’s own guidelines regarding the significance of performance metrics in the transformation of the electricity grid. Recognizing these metrics are essential for making the grid more efficient, reliable, and transparent. Official notice should also be taken to emphasize the specific metrics that need attention in order for the electric service company to comply with PREB’s Regulation 8594 and enhance its performance.</p>	<p>It is susceptible to immediate and exact corroboration through sources whose accuracy cannot be reasonably questioned.</p>

Reference	Request to take official notice	Official Notice Applicability
<p>Footnote 35, page 11 of LECO’s Legal Brief – LUMA, <i>Disc. Resp. to PREB’s 11th Req. of Information</i> - RFI-LUMA-AP-2020-0025-R11-PREB-05JAN23-018(c) and RFI-LUMA-AP-2020-0025-R11-PREB-05JAN23-033(f) (Jan. 19, 2023).</p>	<p>Take official notice of LUMA’s responses to PREB’s 11th Request for Information regarding LUMA’s ability to earn the total incentive fee applicable during the contract year if (1) it does not meet the minimum performance level of an MOE Scorecard, and (2) if it performs under the minimum performance level in a contract year for the SAIFI metrics.</p>	<p>It is susceptible to exact corroboration and it is information provided by LUMA.</p>
<p>Footnote 60, page 19 of LECO’s Legal Brief – PREB’s January 12, 2023, Order in Docket NEPR-MI-2019-0007.</p>	<p>Take official notice of PREB’s findings regarding LUMA’s failure to provide properly reported data on certain metrics. Official notice should also be taken of PREB’s own reminder to LUMA which sets forth that timely and precise data is instrumental to gaining a comprehensive understanding of LUMA’s operation.</p>	<p>It is susceptible to exact corroboration through sources whose accuracy cannot be reasonably questioned.</p>

Reference	Request to take official notice	Official Notice Applicability
<p>Footnote 100, page 29 of LECO’s Legal Brief – Fallece trabajador de empresa subcontratada por LUMA Energy, TELEMUNDO (March 21, 2023, 5:59 p.m.), https://www.telemundopr.com/noticias/puerto-rico/fallece-trabajador-arrollado-por-camion-de-luma-energy-en-gurabo/2463903/;</p> <p>Muere empleado de LUMA tras recibir descarga eléctrica en Barranquitas TELEMUNDO (Feb. 22, 2023, 7:03 p.m.), https://www.telemundopr.com/noticias/puerto-rico/muere-empleado-de-luma-tras-recibir-descarga-electrica-en-barranquitas/2453980/</p>	<p>Take official notice of the fact that several deaths have been reported in the past several months relating to LUMA’s workforce.</p>	<p>General knowledge, notoriety of the fact, fact of easy verification.</p>
<p>Footnote 104, page 31 of LECO’s Legal Brief – PREB, <i>Resolution and Order</i> at 4, PREB Dkt. NEPR-MI-2019-0007 (May 21, 2021).</p>	<p>Take official notice of PREB’s own principles and methods for setting benchmark or baselines for performance metrics.</p>	<p>It is susceptible to exact corroboration through sources whose accuracy cannot be reasonably questioned.</p>
<p>Footnote 147, page 41 of LECO’s Legal Brief - Puerto Rico Energy Efficiency Scenario Analysis Tool (PREESAT), where using a uniform adoption of all potential energy efficiency measures presented in the study could lead up to 62% of total energy savings by 2040. National Renewable Energy Laboratory at 28 (Sept. 2021). Available at https://www.nrel.gov/docs/fy21osti/79977.pdf (last visit on May 8, 2023).</p>	<p>Take official notice of this public report, freely available online, specifically the section about the Uniform Percentage Adoption.</p>	<p>Public report, freely available online, easily verifiable, and produced by credible third party.</p>

Reference	Request to take official notice	Official Notice Applicability
<p>Footnote 167, page 45 of LECO’s Legal Brief – PREB, <i>Resolution and Order</i>, PREB Dkt. NEPR-MI-2022-001 (Feb. 16, 2023). See https://energia.pr.gov/wp-content/uploads/sites/7/2023/02/20230216-MI20220001-Resolution-and-Order.pdf. Subsequently, PREB vacated its decision related to the activity-based metrics and incentives established in the previous order. PREB. <i>Resolution and Order</i>, PREB Dkt. NEPR-MI-2022-001 (April 3, 2023). See https://energia.pr.gov/wp-content/uploads/sites/7/2023/04/20230403-MI20220001-Resolution-and-Order.pdf</p>	<p>Take official notice of PREB’s own decisions regarding Energy Efficiency and Demand Response in the Transition Period.</p>	<p>It is susceptible to exact corroboration through sources whose accuracy cannot be reasonably questioned.</p>
<p>Footnote 215, page 59 of LECO’s Legal Brief – LUMA, Submission of Corrected Spreadsheets on Performance Metrics Quarterly Report for October through December 2022, and Corrected Data on Reliability Metrics for July through August 2022, PREB Dkt. NEPR-MI-2019-0007 (March 3, 2023). See Submission of Corrected Spreadsheets on Performance Metrics Quarterly Report for October through December 2022, and Corrected Data on Reliability Metrics for July through August 2022</p>	<p>Take official notice of data submitted by LUMA which establishes a significant drop in SAIDA since LUMA’s takeover.</p>	<p>It is susceptible to exact corroboration through sources whose accuracy cannot be reasonably questioned.</p>
<p>Footnote 219, page 61 of LECO’s Legal Brief – Patricia Mazzei, <i>Why Don’t We Have Electricity?: Outages Plague Puerto Rico</i>, N.Y. TIMES (Oct. 19, 2021), https://www.nytimes.com/2021/10/19/us/puerto-rico-electricity-protest.html.</p>	<p>Take official notice of the fact of a news article reporting appliance damages.</p>	<p>General knowledge, notoriety of the fact, fact of easy verification.</p>

Reference	Request to take official notice	Official Notice Applicability
Footnote 220, page 61 of LECO's Legal Brief – Nina Lakhani, <i>We want sun: the battle for the solar power in Puerto Rico</i> , THE GUARDIAN (Oct. 18, 2021) available at https://www.theguardian.com/environment/2021/oct/18/puerto-rico-solar-power-climate-resilience .	Take official notice of the fact of a news article reporting appliance damages.	General knowledge, notoriety of the fact, fact of easy verification.
Footnote 222, page 61 of LECO's Legal Brief – <i>Massive power outage in Puerto Rico affects hundreds of thousands amid growing outrage</i> , CBS NEWS (June 16, 2021) available at https://www.cbsnews.com/news/puerto-rico-power-outage-latest-2021-06-16/ .	Take official notice of the fact of a news article reporting appliance damages.	General knowledge, notoriety of the fact, fact of easy verification.
Footnote 223, page 61 of LECO's Legal Brief – María Luisa Paúl, <i>Two major power outages in a week fuel fear in Puerto Rico – and memories of Hurricane María</i> , THE WASHINGTON POST (June 18, 2021) available at https://www.washingtonpost.com/nation/2021/06/18/puerto-rico-power-outages/ .	Take official notice of the fact of a news article reporting appliance damages.	General knowledge, notoriety of the fact, fact of easy verification.
Footnote 224, page 61 of LECO's Legal Brief – <i>Puerto Ricans March to Protest Ongoing Power Outages After Privatization of Electric Grid</i> , DEMOCRACY NOW! (Oct. 18, 2021) available at https://www.democracynow.org/2021/10/18/headlines/puerto-ricans-march-to-protest-ongoing-power-outages-after-privatization-of-electric-grid .	Take official notice of the fact of a news article reporting appliance damages.	General knowledge, notoriety of the fact, fact of easy verification.

Reference	Request to take official notice	Official Notice Applicability
<p>Footnote 225, page 62 of LECO’s Legal Brief – Johnny Irizarry Rojas, <i>Four years after María, Puerto Rico’s power grid still in shambles / Commentary</i>, orlando sentinel (Sept. 22, 2021) available at https://www.orlandosentinel.com/opinion/guest-commentary/os-op-puerto-rico-power-grid-in-shambles-20210922-w6cwdrregwffzrb25ruylhigsmystory.html</p>	<p>Take official notice of the fact of a news article reporting appliance damages.</p>	<p>General knowledge, notoriety of the fact, fact of easy verification.</p>
<p>Footnote 240, page 65 of LECO’s Legal Brief – LUMA, Motion for Partial Reconsideration of Resolution and Order of April 8, 2021, Motion Submitting Information in Support Thereof, and Requests for Clarifications, PREB Dkt. NEPR-MI-2019-0007 (April 28, 2021) [hereinafter Motion for Partial Reconsideration].</p>	<p>Take official notice of LUMA’s request to for PREB to set a performance baseline based on J.D. Power’s Customer Satisfaction Survey for both resident and business customers.</p>	<p>It is susceptible to exact corroboration through sources whose accuracy cannot be reasonably questioned.</p>
<p>Footnote 241, page 65 of LECO’s Legal Brief – PREB’s rejection stated “...there are still many questions about the process and outcome of the survey that remain. Therefore, the Energy Bureau will not consider this matter at this time in the process of establishing the baseline for PREPA’s performance.”. PREB, Resolution and Order at 17, PREB Dkt. NEPR-MI-2019-0007 (April 8, 2021).</p>	<p>Take official notice of PREB’s rejection of LUMA’s request to have the baseline for a Customer Service Metrics be based on J.D. Power’s Customer Satisfaction Survey for both residential and business customers.</p>	<p>It is susceptible to exact corroboration through sources whose accuracy cannot be reasonably questioned.</p>

Reference	Request to take official notice	Official Notice Applicability
<p>Footnote 253, page 68 of LECO’s Legal Brief – Frances Rosario, <i>Crece a ritmo acelerado la población envejeciente en la Isla</i>, PRIMERA HORA (Dec. 8, 2022, 10:45 p.m.) available at https://www.primerahora.com/noticias/puerto-rico/notas/crece-a-ritmo-acelerado-la-poblacion-envejeciente-en-la-isla/</p>	<p>Take official notice of the fact of a news article reporting on an increase of elder population in Puerto Rico.</p>	<p>General knowledge, notoriety of the fact, fact of easy verification.</p>
<p>Footnote 254, page 68 of LECO’s Legal Brief – “La crisis económica y la histórica emigración que vive Puerto Rico han agravado la situación que sufren decenas de ancianos en la isla, quienes viven en hospitales abandonados por familiares incapaces de hacerse a cargo de ellos.” <i>Decenas de ancianos abandonados en hospitales en Puerto Rico por la crisis</i>, univision (July 14, 2016, 4:09 p.m.) available at https://www.univision.com/local/puerto-rico-wlii/decenas-de-ancianos-abandonados-en-hospitales-en-puerto-rico-por-la-crisis.</p>	<p>Take official notice of the fact of a news article reporting on abandoned elderly people in Puerto Rico.</p>	<p>General knowledge, notoriety of the fact, fact of easy verification.</p>
<p>Footnote 259, page 69 of LECO’s Legal Brief – <i>Demographers identify the causes, challenges of a rapidly aging Puerto Rico</i>, PennState Social Science Research Institute, (Feb. 8, 2023) available at https://ssri.psu.edu/news/demographers-identify-causes-challenges-rapidly-aging-puerto-rico</p>	<p>Take official notice of the fact of a news article reporting on Puerto Rico doubling its percentage of older adults due to the outmigration.</p>	<p>General knowledge, notoriety of the fact, fact of easy verification.</p>

Reference	Request to take official notice	Official Notice Applicability
<p>Footnote 273, page 72 of LECO’s Legal Brief – See Cooperativa de Agricultores del Suroeste – CASO Coop v. LUMA Energy Company et al, Civil No. MZ2023CV00024 (Court of First Instance, Mayagüez Superior Court, filed Jan 9, 2023); Herrero Domenech et al v. LUMA Energy, LLC et al. and Wendco of Puerto Rico Inc. et al, v. LUMA Energy, LLC et al., Civil Nos. SJ2022CV02868 and SJ2022CV03169, respectively filed in the Court of First Instance, San Juan Superior Court, and consolidated by Order entered by the San Juan Superior Court on May 17, 2022.</p>	<p>Take official notice of cases filed against LUMA to reclaim damages allegedly caused to property by voltage fluctuations under LUMA’s operation of the transmission and distribution system.</p>	<p>These are judicial proceedings whose documents are susceptible to exact corroboration through sources whose accuracy cannot be reasonably questioned.</p>
<p>Footnote 290, page 78 of LECO’s Legal Brief – FEMA, Programmatic Environmental Assessment for Public Facilities Infrastructure Recovery and Resiliency, Puerto Rico, FEMA-DR-4336-PR, FEMA-DR-4339-PR, FEMA-DR-4473-PR, (2022). More concretely: www.fema.gov/sites/default/files/documents/fema_dr-4336-4339-4473-public-facilities-pea_08182022.pdf</p>	<p>Take official notice of the Programmatic Environmental Assessment for Public Facilities Infrastructure Recovery and Resiliency, Puerto Rico created by FEMA, specifically about the planning to implement public facilities microgrids.</p>	<p>It is susceptible to immediate and exact corroboration through sources whose accuracy cannot be reasonably questioned.</p>

Reference	Request to take official notice	Official Notice Applicability
<p>Footnote 304, page 82 of LECO’s Legal Brief – <i>See, e.g.</i>, Daniella Silva and Nicole Acevedo, NBC News, “Lack of power in Puerto Rico creates life-or-death situations for those with medical needs: In the aftermath of Hurricane Fiona and in the fifth day without power and water, families of sick patients need generators as islanders worry about the availability of fuel and other supplies,” (Sept. 23, 2022) <i>available at</i> https://www.nbcnews.com/news/latino/lack-power-puerto-rico-creates-life-death-situations-medical-needs-rcna49151; Molly Hennessy-Fiske, Los Angeles Times, “Amid power outages, hospitals pushed to their limits in Puerto Rico,” (Sept. 26, 2017) <i>available at</i> https://www.latimes.com/nation/latina-puerto-rico-hospital-20170926-story.html.</p>	<p>Take official notice of the fact of news articles reporting on power outages and its risks for sick people and patients dependent on equipment or medicines.</p>	<p>General knowledge, notoriety of the fact, fact of easy verification.</p>
<p>Footnote 305, page 82 of LECO’s Legal Brief – <i>See</i> Arelis Hernandez, WASH. POST, <i>Puerto Rico was promised billions for safe water. Taps and still running dry: A fragile power grid and haphazard backup system leave the island’s water system prone to collapse</i>, (Dec. 8, 2022), <i>available at</i> https://www.washingtonpost.com/nation/2022/12/08/puerto-rico-maria-fiona-water-crisis/.</p>	<p>Take official notice of the fact of a news article reporting on the effects of power outages to the water system and access to water.</p>	<p>General knowledge, notoriety of the fact, fact of easy verification.</p>

Reference	Request to take official notice	Official Notice Applicability
<p>Fn. 306, page 82 of LECO’s Legal Brief – <i>See, e.g.</i>, Kevin Crowe, USA Today, “In Comerio, Puerto Rico, Hurricane Fiona has left people without water, food and medicine: ‘we are not OK,’” (Sept. 21, 2022) <i>available at</i> https://www.msn.com/en-us/news/us/in-comer%C3%ADo-puerto-rico-hurricane-fiona-has-left-people-without-water-food-and-medicine-we-are-not-ok/ar-AA126EW2; Ben Fox, A.P. News, “Puerto Rico emerges from storm; water and some food scare,” (Sept. 26, 2017) <i>available at</i> https://apnews.com/article/puerto-rico-us-news-ap-top-news-international-news-hurricanes-26175c2cb7154af3bbc909b3571d59fd</p>	<p>Take official notice of the fact of news articles reporting on food and medicines spoiling in people’s homes due to power outages.</p>	<p>General knowledge, notoriety of the fact, fact of easy verification.</p>
<p>Footnote 307, page 82 of LECO’s Legal Brief – <i>See</i> Arelis Hernandez, Washington Post, <i>In graying Puerto Rico, the elderly face climate disasters alone</i>, (Jan. 13, 2023) <i>available at</i> https://www.washingtonpost.com/nation/2023/01/13/puerto-rico-hurricanes-climate-elderly/</p>	<p>Take official notice of the fact of a news article reporting on the effects of power outages to elderly residents in Puerto Rico.</p>	<p>General knowledge, notoriety of the fact, fact of easy verification.</p>

WHEREFORE, it is respectfully requested that the Energy Bureau include it its administrative notice the above sources, which were originally included in LECO’s legal brief.

Respectfully submitted. In San Juan Puerto Rico, June 9th, 2023.

/s/ Laura Arroyo

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CERTIFICATION OF SERVICE

I hereby certify that on June 9, 2023, I served this Response to the following parties:

- Puerto Rico Energy Bureau: secretaria@energia.pr.gov; secretaria@jrsp.pr.gov; legal@jrsp.pr.gov and atorres@jrsp.pr.gov
- LUMA Energy LLC and LUMA Energy ServCo LLC: mmercado@mercado-echegaray-law.com; margarita.mercado@us.dlapiper.com; yahaira.delarosa@us.dlapiper.com; and ana.rodriguezrivera@us.dlapiper.com
- PREPA: jmarrero@diazvaz.law
- Oficina Independiente de Protección al Consumidor (OIPC): contratistas@oipc.pr.gov; hriviera@oipc.pr.gov
- Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico (ICSE): agraitfe@agraitlawpr.com
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