

**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 pertaining to *Urgent Request to Stay the Deadline to Submit Reply Briefs*, filed by LUMA Energy, LLC and LUMA Energy ServCo, LLC.

RESOLUTION

On May 23, 2023, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order through which it granted LUMA's¹ request to extend the deadline to submit the replies to the final briefs by the parties until June 22, 2023.

On May 25, 2023, the Energy Bureau issued a Resolution ("May 25 Resolution") informing that it had taken official notice of certain adjudicative facts as per identified in Part III of the May 25 Resolution. The Energy Bureau granted all parties fifteen (15) days to file their position on taking official notice of the referenced facts.

On June 9, 2023, LUMA filed a document titled *LUMA's Response and Opposition to the Resolution and Order of May 25, 2023, on Taking of Administrative Notice* whereby it objected to the Energy Bureau's decision on various grounds.

On June 9, 2023, LECO² filed a document titled *Local Environmental and Civic Organization's Response to Resolution for Official Notice and Request to Take Official Notice on Additional Information*. In its motion, LECO expressed that it had no objection to the Energy Bureau taking official knowledge of the information described in its May 25 Resolution. It further requested that the Energy Bureau also take official notice of additional facts from documents referenced in its Legal Brief.

On June 9, 2023, OIPC³ filed a document titled *Motion in Compliance with the May 25, 2023 Order*. In the referenced motion, OIPC stated it had no objection to the May 25 Resolution.

On June 15, 2023, LUMA filed a document titled *Urgent Request to Stay the Deadline to Submit Reply Briefs* ("June 15 Motion"). LUMA argued that because the Energy Bureau had not yet issued a ruling on its June 9 Motion, it was reasonable and equitable to stay the pending deadlines on reply briefs until the matter is settled and, thus, provide LUMA the final opportunity to address the evidence in the administrative record.⁴ LUMA also stated that the need to stay the deadline for final briefs was heightened by the LECO June 9 request that the Energy Bureau take official knowledge of at least thirty (30) documents.⁵ LUMA advanced that it will file an opposition to such petition and requested that it be granted until June 29, 2022 to file it.⁶

¹ LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as "LUMA").

² 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 to as "LECO").

³ Independent Consumers Protection Office of the Puerto Rico Public Service Regulatory Board ("OIPC").

⁴ June 15 Motion, pp. 4 - 5, ¶ 14.

⁵ *Id.*, p. 5, ¶ 16.

⁶ *Id.*, p. 6, ¶ 18.




In light of the above, LUMA indicated it was not in a position to file a rebuttal brief by the current deadline of June 22, 2023.⁷ LUMA further argued that before submitting its final brief it was crucial for it to receive a ruling from the Energy Bureau on its opposition to the May 25 Resolution and in connection with LECO's June 9 Motion.⁸ According to LUMA, prior to submitting a final substantive brief, it must know which evidence is considered admitted for the record.⁹ Therefore, LUMA requested that the Energy Bureau stay the deadline to file final briefs until at least twenty (20) days after a ruling is issued on what information and documents, if any, will be admitted to the administrative record through the mechanism of taking official notice.¹⁰

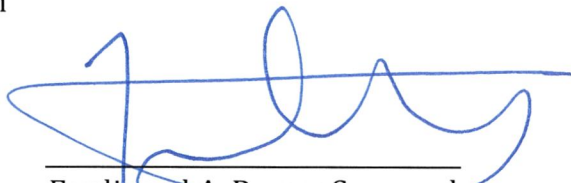
Upon review of the June 15 Motion, the Energy Bureau **GRANTS** LUMA until **Thursday, June 29, 2023** to file its response to LECO's June 9 Motion, as requested.

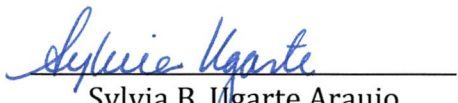
The Energy Bureau **STAYS** the deadline to submit the replies to the final briefs until further notice. The Energy Bureau will issue a ruling on the June 9 pending motions and set a new deadline to submit reply briefs in a separate Resolution.

Be it notified and published.


Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner


Antonio Torres Miranda
Associate Commissioner



⁷ *Id.*

⁸ *Id.*

⁹ *Id.*, p. 6, ¶ 19.

¹⁰ *Id.*, pp. 6 - 7, ¶ 19.

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on June 14, 2023. I also certify that on June 14, 2023, a copy of this Resolution 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; lvelez@earthjustice.org; rmurthy@earthjustice.org; and I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, on June 14, 2023.



Sonia Seda Gaztambide
Clerk

