

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

NEPR Received: Jun 22, 2023 6:01 PM
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IN RE: PERFORMANCE METRICS
TARGETS FOR LUMA ENERGY SERVCO,
LLC

CASE NO. NEPR-AP-2020-0025

SUBJECT:

**Request to Stay Time to Submit Final
Evidentiary Hearing Transcripts**

**REQUEST TO STAY TIME TO SUBMIT FINAL
EVIDENTIARY HEARING TRANSCRIPTS**

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, 2023.¹

¹ 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. On May 11, 2023, LUMA filed an *Informative Motion on the Evidentiary Hearing Draft Transcripts and Request to Submit the Same Under Seal*. Therein, LUMA informed the Energy Bureau that the certified transcripts were under review by LUMA and the Puerto Rico Electric Power Authority (“PREPA”). Further, LUMA estimated that the process for the reporters to produce the final certified versions required at least three (3) weeks.

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

10. On June 1, 2023, LUMA filed a *Request for Extension of Time to Submit Final Evidentiary Hearing Transcripts*, wherein it requested that the Energy Bureau grant until June 22, 2023, to submit the certified transcripts, considering that the revision process will take a couple of weeks to complete, given the interchangeable use of English and Spanish during the Evidentiary Hearing, which ultimately requires producing two sets of transcripts and extends the labor of the court reporters.

11. On June 6, 2023, the Energy Bureau issued a Resolution and Order granting LUMA until June 22, 2023, to submit the final version of the Evidentiary Hearing transcripts.

12. On June 15, 2023, LUMA filed an *Urgent Request to Stay the Deadline to Submit Reply Briefs*. Therein, LUMA requested the Energy Bureau to stay the pending deadlines on reply briefs until a request to take administrative notice submitted by the Local and Environmental Civil Organizations (“LECO”) has been addressed, and the Energy Bureau issued a ruling.

13. On June 16, 2023, the Energy Bureau entered a Resolution staying the deadline to submit the replies to the final briefs until further notice.

14. LUMA and PREPA have reviewed the transcripts and provided the court reporters with their proposed revisions. Currently, the court reporters are going through the process of rehearing those portions of the audio in which LUMA and PREPA raised revisions. It is estimated that said process will take a couple of weeks, considering the interchangeable use of English and Spanish during the Evidentiary Hearing, which ultimately requires producing two sets of transcripts and extends the labor of the court reporters.

15. In view of the above, LUMA requests that the Energy Bureau stay the deadline to submit the final version of the transcripts of the proceedings. The request for an extension should not cause prejudice to any party, given that the deadline to file the replies to the legal briefs is currently stayed.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the status of review by the court reporters 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; and **stay** the deadline to submit the final version of the transcripts of the proceedings.

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, rstgo2@gmail.com, notificaciones@bufete-emmanueli.com, pedrosaade5@gmail.com,

jessica@bufete-emmanuelli.com; rolando@bufete-emmanuelli.com, lvez@earthjustice.org,
rmurthy@earthjustice.org, jcassel@earthjustice.org.

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



DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9107
Fax 939-697-6147

/s/ Yahaira De la Rosa Algarín
Yahaira De la Rosa Algarín
RUA NÚM. 18,061
yahaira.delarosa@us.dlapiper.com