

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

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

CASE NO.: NEPR-AP-2020-0025

SUBJECT: Official Notice

RESOLUTION

I. Relevant Background

On May 25, 2023, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution ("May 25 Resolution") informing its intention to take official notice of certain facts identified in Part III of the May 25 Resolution. Also, the Energy Bureau granted all the parties fifteen (15) days to file their position on taking official notice of the referenced facts.

On June 9, 2023, LUMA¹ filed a document titled *LUMA's Response and Opposition to Resolution and Order of May 25, 2023 Taking of Administrative Notice* ("LUMA June 9 Motion") objecting to the decision of the Energy Bureau to take official notice. LUMA alleges that the May 25 Resolution was entered in violation of LUMA's due process rights and that it does not meet the requirements under the Puerto Rico Rules of Evidence and its interpretative case law to take official notice of the purported facts.

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* ("LECO June 9 Motion"). LECO expressed that it had no objection to the Energy Bureau taking official notice of the facts in the May 25 Resolution. LECO requests the Energy Bureau to take official notice of additional facts from certain documents referenced in LECO June 9 Motion.

On June 29, 2023, LUMA filed a document titled *LUMA's Response and Opposition to LECO's Request on Taking of Administrative Notice* ("June 29 Motion"). Through the June 29 Motion, LUMA opposes to LECO June 9 Motion alleging that LECO's request infringes on LUMA's rights to due process, non-compliance with the discovery process, and non-compliance with the requirements for taking administrative notice under Puerto Rico Rules of Evidence and its interpretative case law.

On August 9, 2023, LECO filed a document titled *Local Environmental and Civic Organization's Reply to LUMA'S Response to Administrative Notice Order* ("LECO August 9 Motion"). LECO August 9 Motion purports to reply LUMA June 29 Motion. LECO reiterates its request to the Energy Bureau to take official notice of the facts mentioned in the LECO June 9 Motion and asks the Energy Bureau to confirm that it will take official notice of the facts mentioned in the May 25 Resolution.



¹ LUMA Energy, LLC as Management Co. and LUMA Energy ServCo, LLC as ServCo (collectively, "LUMA").

² Comité Diálogo Ambiental, Inc., EL Puente de Williamsburg, Inc.-Enlace Latino de Accion Climática, Inc., Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos de Río Guaynabo, Inc., CAMBIO, and Sierra Club and its Puerto Rico chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (collectively, "LECO").

II. Analysis and Discussion

A. Relevant Legal Standard

Act 57-2014³ states that the adjudicative proceedings conducted before the Energy Bureau are subject to the applicable provisions of Act 38-2017⁴, unless otherwise stated in Act 57-2014.⁵ Pursuant to Act 38-2017, adjudicative cases are not governed by the rules of evidence.⁶ However, the fundamental principles of evidence may achieve a speedy, fair, and economical solution of the procedure.⁷

Act 38-2017 states that the official presiding over a hearing may take official notice of everything that could be the subject of judicial notice in the courts of justice.⁸ Likewise, Regulation 8543⁹ provides that the Energy Bureau may take official notice, *motu proprio* or upon request, on those facts and circumstances of public interest generally known or can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

Rule 201 of Evidence shows that a court may take judicial notice of adjudicative facts that are not subject to reasonable dispute, and which can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned.¹⁰ Rule 201 also provides that the court may take judicial notice at any stage of the proceeding, including on appeal.¹¹ On timely request, a party has the right to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed.¹²

Section 9.03(A) of Regulation 8543 establishes that the Energy Bureau “may take judicial notice, *motu proprio* or upon request, on those facts and circumstances of public interest that are generally known or can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.”

Conversely, Section 2.01 of Regulation 8543 states that “[t]he Rules of Civil Procedure and the Rules of Evidence may apply, in a supplemental manner to this Regulation, in any judicial proceeding before the [Bureau] when, in the exercise of its discretion to handle cases before it, the [Bureau] determines it by way of an order.”

On that matter, Rule 201(C) of the Rules of Evidence for the General Court of Justice¹³ states that “[t]he court may take judicial notice on its own or if a party requests it. If it’s at the request of a party and said party provides sufficient information to do so, the Court will take judicial notice.” In accordance with the above, Section 3.13(d) of Act No. 38-2017 states that

³ Known as *The Puerto Rico Energy Transformation and RELIEF Act*, as amended (“Act 57-2014”).

⁴ Known as the Administrative Procedure Act of the Government of Puerto Rico, as amended (“Act 38-2017”).

⁵ Article 6.5(c) of Act 57-2014 provides that the Energy Bureau shall make its determinations by the majority of the commissioners, in according to the provisions of Law 38-2017. In turn, Article 6.20 of Act 57-2014 provides that all processes for which the act does not provide particular provisions, shall be governed by Act 38-2017, including the adjudicative procedures.

⁶ Section 3.13(e) of Act 38-2017.

⁷ *Id.*

⁸ Section 3.13(d) of Act 38-2017.

⁹ Section 9.03(A) of *Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings*, Regulation No. 8543 of December 18, 2014 (“Regulation 8543”).

¹⁰ 32 LPRA Ap. VI, R. 201

¹¹ Rule of Evidence 201(e), 32 LPRA Ap. VI, R. 201(e).

¹² Rule of Evidence 201(d), 32 LPRA Ap. VI, R. 201(d).

¹³ 32 LPRA Ap. IV, R. 201.



the official presiding over the hearing may take official knowledge of everything that could be the subject of judicial knowledge in the courts of justice.

Mainly taking judicial knowledge saves time, labor, and expense in securing and introducing evidence on matters which are not ordinarily capable of being disputed and are actually not bona fide disputed, and the tenor of which safely be assumed from the tribunal's general knowledge or from slight research. It thus becomes a useful expedient for speeding trials and curing informalities.¹⁴

In accordance with the legal regulations, the Energy Bureau may take official knowledge of any adjudicative fact that is not subject to controversy and is susceptible to immediate and exact corroboration through sources whose accuracy cannot be reasonably questioned. However, when a party requests that official knowledge be taken, it must provide enough information for it. If the promoting party does not provide the information, the adjudicatory forum will reject the request and the party must then present evidence to prove the fact.

B. Evaluation and Determination

(1) LECO's June 9 and August 9 Motions

LECO is a party in this administrative process since August 5, 2021.¹⁵ It actively participated in all phases, notably, (i) the discovery of evidence and, (ii) the evidentiary hearing. The parties, including LECO, had the opportunity to inform the Energy Bureau of the evidence they would use during the evidentiary hearing.

As known, the evidentiary and public hearings closed on February 10, 2023, and February 17, 2023, respectively. The parties engaged in the phase of filing their final legal briefs and respective replies. This phase is argumentative. The Energy Bureau expects to receive the final arguments of the parties based on the evidence in the administrative record. It does not contemplate that the parties indiscriminately and substantially introduce evidence they should have presented during the previous phases of the administrative process.

LECO's request to take notice of the facts in the June 9 Motion attempts to avoid the process already established for all the parties. Therefore, the Energy Bureau **DENIES** LECO's June 9 Motion.

The Energy Bureau is compelled to mention that in some instances, there is a lack of details in LECO's references the fact proposed for official notice. Likewise, in other instances, LECO is not seeking official notice of adjudicative facts but expressions of public policy or regulatory guidance in documents issued by the Energy Bureau, which the Energy Bureau can consider, without the need to take official notice.

The Energy Bureau clarifies that to the extent that certain facts proposed by LECO (or any other party) are derived from, (i) the process of discovery of evidence (*e.g.*, parties' responses to Requests for Information) and, (ii) documents filed or issued in other dockets of the Energy Bureau, it will consider such facts using the fundamental principles of evidence to fairly solve this procedure.¹⁶ After all, in making its final determination in this case, the Energy Bureau cannot be bound by strict and inflexible rules that thwart the public interest that it is called to protect.

¹⁴ See Pérez v. Mun. de Lares, 155 DPR 697, 705 (2001).

¹⁵ See Resolution dated August 5, 2021, issued in the instant case.

¹⁶ The Energy Bureau emphasizes that although this case is not governed by the Rules of Evidence, to the fullest extent possible it will guide its determinations in fundamental principles of evidence to achieve a fair solution of the procedure and guaranty the due process of law to all the parties.



(2) **Energy Bureau's May 25 Resolution**

Through the May 25 Resolution the Energy Bureau informed the parties its intention to take official notice of certain facts and provided the opportunity to present their corresponding position. LECO expressed no objection to the Energy Bureau's proposal. LUMA, still, objected to the Energy Bureau's proposal.¹⁷

LUMA argues that the Energy Bureau's determination of taking official notice is belated, since it was issued after the evidentiary record in this proceeding closed, upon conclusion of the evidentiary hearing. LUMA's argument counters against its own predicaments. Particularly those related to the applicability of Rule 201 of Evidence. The court (and the administrative agencies) may take judicial notice at any stage of the proceeding, including on appeal.¹⁸ Therefore, the stage at which the Energy Bureau proposes to take official notice is appropriate.

LUMA also argues that the May 25 Resolution is a procedurally inequitable ruling, since the Energy Bureau has introduced new evidence, but the parties were not provided proper notice that the Energy Bureau understood that additional evidence was needed to issue a final determination. It also argues that the parties were not afforded a timely opportunity to be heard on the need of the evidence proposed by the Energy Bureau.

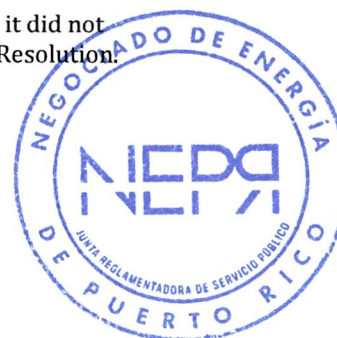
Rule 201(D) of Evidence states that the parties shall have the right to be heard on whether it is appropriate to take judicial notice. Rule 201(D) further states that if a party has not been timely notified by the court or by the party interested, the affected party may request the opportunity to be heard after judicial notice has been taken. The May 25 Resolution specifically afforded LUMA (and all the parties) the opportunity to be heard on whether it is appropriate to take judicial notice of the facts proposed by the Energy Bureau. Through LUMA June 9 Motion, LUMA articulated its position regarding the appropriateness of the Energy Bureau's proposal to take official notice of the facts in the May 25 Resolution. Therefore, the Energy Bureau acted within the principles established in Rule 201 of Evidence, LUMA's argument of lack notice is unavailing.

LUMA further argues that the Energy Bureau does not meet the Puerto Rico Rules of Evidence to take official notice of the proposed facts. Notably, LUMA objects to the Energy Bureau proposal to take official notice of documents pertaining to other proceedings conducted (or being conducted) before the Energy Bureau, to wit:

- (1) two (2) resolutions and orders issued by the Energy Bureau in Case No.: NEPR-MI-2019-0007, *In Re: The Performance of the Puerto Rico Electric Power Authority* (**Items #1 and #2, May 25 Resolution**);
- (2) four (4) progress reports submitted by LUMA in Case No. NEPR-MI-2019-0016, *In Re: Informes de Progreso de Interconexión de la Autoridad de Energía Eléctrica de Puerto Rico* (**Items #3 to #6, May 25 Resolution**);
- (3) one (1) Resolution and Order issued by the Energy Bureau in Case No. NEPR-MI-2021-0004, *In Re: Review of LUMA's Initial Budgets* (**Item #7, May 25 Resolution**);
- (4) one (1) report submitted by LUMA in Case No. NEPR-MI-2021-0004, *In Re: Review of LUMA's Initial Budgets and Related Terms of Service* (**Item #8, May 25 Resolution**); and
- (5) the Annual Budget Petition filed by LUMA in Case No. NEPR-MI-2021-0004, *In Re: Review of LUMA's Initial Budgets and Related Terms of Service* (**Item #9, May 25 Resolution**).

¹⁷ The Energy Bureau notes that although LUMA objected all the facts proposed by Energy Bureau it did not advance any argument against the Energy Bureau taking official notice of Item #10 of the May 25 Resolution.

¹⁸ Rule of Evidence 201(e), 32 LPRA Ap. VI, R. 201(e).



LUMA argues that the Energy Bureau did not explain which parts of the foregoing documents would be used and for what purposes. Contrary to LUMA's assertion, regarding most items included in the May 25 Resolution, the Energy Bureau identified the specific information it purports to take official notice. However, for clarity in this Resolution the Energy Bureau further clarifies and limits the specific facts subject to official notice.

LUMA also argues that the information proposed by the Energy Bureau from other proceedings is not relevant to the issues at stake. LUMA based its assertion on the individual subject matter of each proceeding (e.g., PREPA's Budgets Approval, DG Interconnection Progress, and PREPA's Performance). However, LUMA misses the point because the Energy Bureau is focused on specific data, admissions, and representations of LUMA in such cases rather than in the final determinations that the Energy Bureau must reach. Note for example, that most facts included in Items #1 to #9 included of the May 25 Resolution are admissions and representations of LUMA itself that cannot be reasonably questioned. Therefore, the Energy Bureau is not persuaded by LUMA's general argument of lack of relevance in connection with Items #1 to #9 in the May 25 Resolution.

Regarding Items #11 and #12 of the May 25 Resolution, at this time the Energy Bureau considers that is not necessary to take official notice of facts included in the referenced documents.




After a thorough review of the parties' filings, considering the applicable legal standard, the Energy Bureau **DETERMINES** to take official notice of the following, consistent with the May 25 Resolution:

1. Data described below, included in Attachment A (*Metrics with Baselines and Benchmarks*) of Resolution and Order issued on August 18, 2022, in Case No.: NEPR-MI-2019-0007, *In Re: The Performance of the Puerto Rico Electric Power Authority*:
 - a. Average speed to answer (Row 81)
 - b. Percent of customer calls answered (Row 85)
 - c. SAIDI – Transmission and Distribution: System (Row 76)
 - d. SAIFI – Transmission and Distribution: System (Row 77)
 - e. OSHA DART Rate – Transmission and Distribution (Row 93)
 - f. OSHA Severity Rate – Transmission and Distribution (Row 92)
 - g. OSHA Fatality Rate – Transmission and Distribution (Row 91)
 - h. OSHA Recordable Rate – Transmission and Distribution (Row 90)
2. Data described below, which is part of an Excel file identified as *Resumen Métricas Master April 2023*, included in the *Submission of Performance Metrics Report for January through March 2023 and in compliance with Orders of January 12, 2023, and April 3, 2023*, filed by LUMA on April 20, 2023, in Case No.: NEPR-MI-2019-0007, *In Re: The Performance of the Puerto Rico Electric Power Authority*.

Official notice is limited to the following data on sheet identified as "T&D" for the following metrics:


- a. Average speed to answer (Sheet "T&D," cells G311:AA311)
- b. Call abandonment rate (Sheet "T&D," cells G310:AA310)



- 
- 
- 
- c. SAIDI (T&D) 12-month rolling average (Sheet "T&D," cells R135, AA135)
- d. SAIFI (T&D) 12-month rolling average (Sheet "T&D," cells R139, AA135)
- e. 12-Month Rolling OSHA DART Rate (Sheet "T&D," cells R6, AA6)
- f. 12-Month Rolling OSHA Severity Rate (Sheet "T&D," cells R7, AA6)
- g. 12-Month Rolling OSHA Fatality Rate (Sheet "T&D," cells R8, AA8)
- h. 12-Month Rolling OSHA Recordable Rate (Sheet "T&D," cell R9, AA9)
- i. Distribution line inspections (Sheet "T&D," cells G129:AA129)
- j. Transmission line inspections (Sheet "T&D," cells G130:AA130)
- k. T&D substation inspections (Sheet "T&D," cells G131:AA131)
3. Data described below, included in file identified as *Informe de Progreso de Interconexión de Sistemas de Generación Distribuida Trimestre enero a marzo 2023* attached to the *Motion Submitting Interconnections Progress Report for January to March 2023 and Presentation for Next Compliance Hearing* filed by LUMA on April 13, 2023, in Case No.: NEPR-MI-2019-0016, *In Re: Informes de Progreso de Interconexión de la Autoridad de Energía Eléctrica de Puerto Rico*.

Official notice is limited to slide 9, which is titled "Información sobre Tiempos Promedio para Interconexión y Medidores Bidireccionales," and, specifically, to the following data:

- a. Promedio para autorización de interconexión de los sistemas menores de 25 kW (expeditos).
- b. Promedio transcurrido que cliente notifica a LUMA la interconexión de su sistema menor de 25 kW y que se refleja el acuerdo en la factura.
4. Data described below, included in a file identified as *Informe de Progreso de Interconexión de Sistemas de Generación Distribuida Trimestre Octubre a Diciembre 2022* attached to the *Motion Submitting Interconnections Progress Report for October to December 2022 and Presentation for Next Compliance Hearing* filed by LUMA on January 13, 2023, in Case No.: NEPR-MI-2019-0016, *In Re: Informes de Progreso de Interconexión de la Autoridad de Energía Eléctrica de Puerto Rico*.



Official notice is limited to slide 9, which is titled "Información sobre Tiempos Promedio para Interconexión y Medidores Bidireccionales," and, specifically, to the following data:

- a. Promedio para autorización de interconexión de los sistemas menores de 25 kW (expeditos).
- b. Promedio transcurrido que cliente notifica a LUMA la interconexión de su sistema menor de 25 kW y que se refleja el acuerdo en la factura.
5. Data described below, included in file identified as *Informe de Progreso de Interconexión de Sistemas de Generación Distribuida Trimestre Julio a Septiembre 2022* attached to the *Motion Submitting Interconnections Progress Report for July to September 2022 and Presentation for Next Compliance Hearing* filed by LUMA on October 26, 2022, in Case No.: NEPR-MI-2019-0016,



In Re: Informes de Progreso de Interconexión de la Autoridad de Energía Eléctrica de Puerto Rico.

Official notice is limited to slide 11, which is titled "Información sobre Tiempos Promedio para Interconexión y Medidores Bidireccionales," and, specifically, to the following data:

- a. Promedio para autorización de interconexión de los sistemas menores de 25 kW (expeditos).
- b. Promedio transcurrido que cliente notifica a LUMA la interconexión de su sistema menor de 25 kW y que se refleja el acuerdo en la factura.

6. Data described below, included in the file identified as *Informe de Progreso de Interconexión de Sistemas de Generación Distribuida Trimestre Mayo a Julio 2022* attached to the *Motion Submitting Interconnections Progress Report for May to July 2022 and Presentation for Next Compliance Hearing* filed by LUMA on August 15, 2022, in Case No.: NEPR-MI-2019-0016, *In Re: Informes de Progreso de Interconexión de la Autoridad de Energía Eléctrica de Puerto Rico.*

Official notice is limited to slide 13, which is titled "Información sobre Tiempos Promedio para Interconexión y Medidores Bidireccionales," and, specifically, to the following data:

- a. Promedio para autorización de interconexión de los sistemas menores de 25 kW (expeditos).
- b. Promedio transcurrido que cliente notifica a LUMA la interconexión de su Sistema menor de 25 kW y que se refleja el acuerdo en la factura.

7. Data described below, included in Resolution and Order issued by the Energy Bureau on February 27, 2023, in Case No.: NEPR-MI-2021-0004, *In Re: Review of LUMA's Initial Budgets*:

- a. Page 28, Section G
- b. Attachment A (*Reporting Requirements*)

8. Data described below, included in the file identified as *LUMA Annual Report for Fiscal Year 2022 Ending June 30, 2022* attached to the *Motion Submitting LUMA's Annual Report for Fiscal Year 2022 and Report on Efficiencies* filed by LUMA on February 27, 2023 in Case No.: NEPR-MI-2021-0004, *In Re: Review of LUMA's Initial Budgets*.

Official notice is limited to the following:

- a. Operating budget and actuals on page 10
- b. Capital budget (federally funded) and actuals on page 10
- c. Capital budget (non-federally funded) on page 10

9. Data described below, included in the *Annual Budget Fiscal Year 2024 to 2026* filed by LUMA on May 16, 2023, in Case No.: NEPR-MI-2021-0004, *In Re: Review of LUMA's Initial Budgets*:

- a. Operating budget on page 17
- b. Capital budget (federally funded) on page 17
- c. Capital budget (non-federally funded) on page 17



- d. Table A-8, row 1, "Vegetation Management and Capital Clearing Implementation".
10. Data included in Appendix A (Scorecard) of the *Order Approving the Scorecard for use by the Commission as a Guidance Document to Assess Electric Utility Response to Significant Outages* issued by the New York Public Service Commission on December 23, 2013, in Case 13-E-0140.¹⁹
11. Intentionally Omitted.
12. Intentionally Omitted.
13. Data described below, which is part of an Excel file identified as *Resumen Métricas Master July 2023*, included in the *Submission of Performance Metrics Report for April through June 2023*, filed by LUMA on July 20, 2023, in Case No.: NEPR-MI-2019-0007, *In Re: The Performance of the Puerto Rico Electric Power Authority*.²⁰

Official notice is limited to the following data on sheet identified as "T&D" for the following metrics:

- a. Average speed to answer (Sheet "T&D," cells G245:AD245)
- b. Call abandonment rate (Sheet "T&D," cells G244:AD244)
- c. SAIDI (T&D) 12-month rolling average (Sheet "T&D," cells R135, AD135)
- d. SAIFI (T&D) 12-month rolling average (Sheet "T&D," cells R139, AD135)
- e. 12-Month Rolling OSHA DART Rate (Sheet "T&D," cells R6, AD6)
- f. 12-Month Rolling OSHA Severity Rate (Sheet "T&D," cells R7, AD7)
- g. 12-Month Rolling OSHA Fatality Rate (Sheet "T&D," cells R8, AD8)
- h. 12-Month Rolling OSHA Recordable Rate (Sheet "T&D," cell R9, AD9)
- i. Distribution line inspections (Sheet "T&D," cells G129:AD129)
- j. Transmission line inspections (Sheet "T&D," cells G130:AD130)
- k. T&D substation inspections (Sheet "T&D," cells G131:AD131)
14. Data described below, included in file identified as *Informe de Progreso de Interconexión de Sistemas de Generación Distribuida Trimestre abril a junio 2023* attached to the *Motion Submitting Interconnections Progress Report for April to June 2023 and Revised Report Presentation*, filed by LUMA on July 26,

¹⁹ As stated elsewhere, LUMA did not present arguments against Energy Bureau's proposal to take official notice of Item #10.

²⁰ The Energy Bureau recognizes that the facts in Item #13 are not in the May 25 Resolution. However, these facts are like those included in Item #2 of the May 25 Resolution, except that they were updated by LUMA. In Part II(B)(2) of this Resolution and Order the Energy Bureau rejected LUMA's objection to taking official notice of Item #2. That rationale would be equally applicable to any similar objection regarding Item #13. Thus, in the interest of account for the most recent available data the Energy Bureau determines it is reasonable and fair to take official notice of the admissions and/or representations of LUMA in Item #13.



2023, in Case No.: NEPR-MI-2019-0016, *In Re: Informes de Progreso de Interconexión de la Autoridad de Energía Eléctrica de Puerto Rico*.²¹

Official notice is limited to slide 13, which is titled “Información sobre Tiempos Promedio para Interconexión y Medidores Bidireccionales,” and, specifically, to the following data:

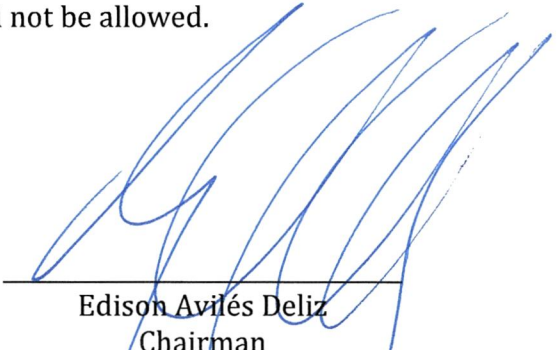
- a. Promedio para autorización de interconexión de los sistemas menores de 25 kW (expeditos).
- b. Promedio transcurrido que cliente notifica a LUMA la interconexión de su sistema menor de 25 kW y que se refleja el acuerdo en la factura.

III. Conclusion

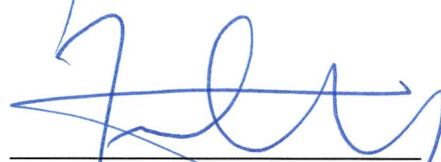
For all of the above, the Energy Bureau:

- (A) **DETERMINES** it is appropriate to take official notice of the facts in Section (II)(B) of this Resolution;
- (B) **DENIES** LECO's request to take official notice of the facts in LECO's June 9 Motion;
- (C) **ORDERS** the parties to file the Reply Briefs not later than 21 days from the notification of this Resolution and Order. In their Reply Briefs the parties may include any clarification they consider proper based on the facts subject to official notice in this Resolution. It is clarified, however, that sur-replies to the Reply Briefs will not be allowed.

Be it notified and published.


Edison Avilés Deliz
Chairman

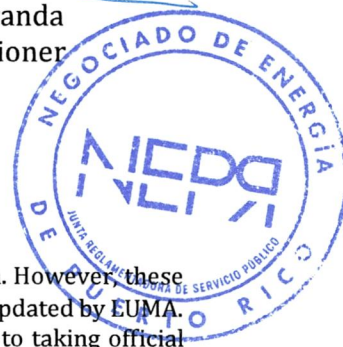

Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner


Antonio Torres Miranda
Associate Commissioner

²¹ The Energy Bureau recognizes that the facts in Item #14 are not in the May 25 Resolution. However, these facts are like those included in Item #3 to #6 of the May 25 Resolution, except that they were updated by EUMA. In Part II(B)(2) of this Resolution and Order the Energy Bureau rejected LUMA's objection to taking official notice of Item #3 to Item #6. That rationale would be equally applicable to any similar objection regarding Item #14. Thus, in the interest of account for the most recent available data the Energy Bureau determines it is reasonable and fair to take official notice of the admissions and/or representations of LUMA in Item #14.



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 17, 2023. I also certify that on August 17, 2023, a copy of this Resolution was notified by electronic mail to margarita.mercado@us.dlapiper.com, yahaira.delarosa@us.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 August 17, 2023.



Sonia Seda Gaztambide
Clerk

