

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

NEPR

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IN RE: PERFORMANCE TARGETS FOR
LUMA ENERGY SERVCO, LLC

CASE NO.: NEPR-AP-2020-0025

SUBJECT: REPLY BRIEF

**LOCAL ENVIRONMENTAL AND CIVIC ORGANIZATION'S URGENT MOTION
FOR CLARIFICATION OF REPLY BRIEF DEADLINE**

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. On August 17, 2023, the Puerto Rico Energy Bureau ("PREB"), issued an Order and Resolution addressing administrative notice of specific information presented by the Parties to be included in the proceeding's Record. This Resolution also instructed the Parties to file the respective reply briefs no later than twenty-one (21) days after notification of the Resolution. The due date became September 7, 2023.¹

¹ PREB, [Resolution and Order](#), Dkt. No. NEPR-AP-2020-0025 (Aug. 17, 2023).

2. On August 25, 2023, LUMA Energy, LLC (“ManagementCo”), and LUMA Energy ServCo, LLC (“ServeCo”), (jointly, “LUMA”), filed a document titled *Motion Requesting Further Extension of Time to File Replies to Final briefs by the Parties*. In this request, LUMA asked that the deadline for all parties to submit reply briefs be extended to September 21, 2023: "In view of the above, LUMA stated that the September 7, 2023, deadline to submit the replies to final briefs by the parties should be extended until September 21, 2023." LUMA requested an extension of the deadline for “the replies to final briefs,” not just LUMA’s reply.
3. On September 1, 2023, PREB issued a Resolution and Order regarding LUMA's request. PREB acknowledged the request: "Therefore, LUMA sustains that the September 7, 2023, deadline to submit the replies to the final briefs to the parties should be extended until September 21, 2023."
4. PREB fully granted LUMA's request. Accordingly, our understanding is that, as LUMA requested, the deadline for all parties to submit reply briefs is extended to September 21, 2023.
5. It would be deeply prejudicial to LECO and OIPC if LUMA were able to review both our Initial Brief **and** our Reply Brief before submitting its own reply brief. LUMA’s request highlighted that “extension request is not intended to cause unnecessary delay and should not cause inconvenience to the parties.”² Surely LUMA would concede that giving them an additional

² LUMA, [*Request for Further Extension of Time to File Replies to Final Briefs by the Parties*](#) at para. 17 (Aug. 25, 2023).

two weeks to review and respond to our briefs would not just inconvenience, but deeply prejudice, LECO and OIPC. Additionally, LECO has not opposed LUMA's requests for extension of time.

6. For LECO, the language in the order is not clear on this point, stating that PREB "ORDERS LUMA to submit the replies to the final briefs in this proceeding no later than September 21, 2023."

WHEREFORE: We respectfully request clarification of the September 1 Resolution and Order, that all parties have until September 21, 2023, to submit their reply briefs. If PREB is only providing an extension of time to LUMA, we request that the deadline for reply briefs be extended for all parties.

Respectfully submitted. In San Juan Puerto Rico, September 7, 2023.

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CERTIFICATION OF SERVICE

I hereby certify that on September 7, 2023, I served this Motion 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
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