

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

NEPR Received: Jun 25, 2024 2:52 PM
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IN RE: PERFORMANCE OF METRICS TARGETS FOR LUMA ENERGY SERVCO, LLC

CASE NO.: NEPR-AP-2020-0025

SUBJECT: Urgent Motion Requesting Copy of Exhibits Marked During February 7-10 Evidentiary Hearing

URGENT MOTION REQUESTING COPY OF EXHIBITS MARKED DURING FEBRUARY 7-10 EVIDENTIARY HEARING

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC (“ManagementCo”), and **LUMA Energy ServCo, LLC** (“ServCo”), (jointly referred to as “LUMA”), and respectfully state and submit the following:

I. Introduction

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)*. During said Evidentiary Hearing, a number of exhibits were marked and admitted into evidence.

2. After a series of procedural events, on January 26, 2024, this Energy Bureau issued a *Final Resolution and Order on Performance Targets for LUMA Energy LLC and LUMA Energy ServCo, LLC* (“Final Resolution”), whereby it approved LUMA’s proposed Performance Metrics with various modifications.

3. On February 15, 2024, LUMA filed *LUMA's Motion for Reconsideration of Final Resolution and Order*, whereby it requested this Energy Bureau reconsider several determinations made in the Final Resolution.

4. On June 14, 2024, this Energy Bureau issued a Resolution and Order ruling on LUMA's request for reconsideration of the Final Resolution (June 14th Resolution and Order). This Energy Bureau found that seven out of the eight determinations submitted for reconsideration by LUMA were without merit.

5. Considering that the Final Resolution and the June 14th Resolution and Order introduce amendments to LUMA's submitted Revised Annex IX of the T&D OMA that constitute an arbitrary and capricious action that materially affects LUMA's ability to earn the contractual incentive fee, are unsupported by the record, and result in clear violations of due process requirements, LUMA respectfully informs it intends to seek judicial review of said determinations.

6. In furtherance of the above, LUMA respectfully requests that this Energy Bureau provide LUMA with a copy of all the exhibits marked and admitted into evidence during the Evidentiary Hearing held on February 7-10, 2023.

WHEREFORE, LUMA respectfully requests that this Energy Bureau issue an order authorizing the release to the undersigned, prior to payment of applicable fees, of the exhibits marked and admitted into evidence during the Evidentiary Hearing held on February 7-10, 2023.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 25th day of June, 2024

We hereby certify that this motion was filed using the electronic filing system of this Energy Bureau. We also certify that a copy of this motion will be notified to counsel for the Puerto Rico Electric Power Authority, lionel.santa@prepa.pr.gov; counsel for the Independent Consumer Protection Office, Hannia Rivera Díaz, hrivera@jrsp.pr.gov; counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy ("ICSE"), Fernando Agrait, agraitfe@agraitlawpr.com; counsel for the Colegio de Ingenieros y Agrimensores 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 Climática, Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición 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-emmanuelli.com, pedrosaade5@gmail.com, jessica@bufete-emmanuelli.com, rolando@bufete-emmanuelli.com, lvez@earthjustice.org, rmurthy@earthjustice.org, jcassel@earthjustice.org.



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