

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

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

CASE NO: NEPR-AP-2020-0025

SUBJECT: Resolution on Request for
Amendment of June 14, 2024 Resolution and
Order

RESOLUTION

Following a thorough adjudicative proceeding, on January 26, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a final resolution on LUMA's¹ proposed performance targets ("Final Resolution").² On February 15, 2024, LUMA filed a motion titled *LUMA's Motion for Reconsideration of Final Resolution and Order* ("LUMA's Reconsideration"), requesting the Energy Bureau to reconsider several determinations made in the Final Resolution. On the same day, a group of Local Environmental and Civil Organizations ("LECO")³ filed a motion titled *Motion for Reconsideration of The Final Resolution and Order on Performance Targets for Luma Energy, LLC and Luma Energy Servco, LLC* ("LECO's Reconsideration"), also requesting the Energy Bureau to reconsider several determinations in the Final Resolution. On June 14, 2024, the Energy Bureau issued a Resolution and Order that denied LECO's Reconsideration and granted, in part, LUMA's Reconsideration ("June 14 Resolution").

On June 28, 2024, LUMA filed a motion titled *Request for Amendment of Resolution and Order dated June 14, 2024, and to Re-Issue Same* ("June 28 Motion"). In this motion, LUMA requests that the Energy Bureau amend and re-issue the June 14 Resolution to include additional legal notice regarding LUMA's right to judicial review and the corresponding terms.⁴ Specifically, LUMA asserts the need to be informed of its right to seek judicial review and the corresponding term.⁵

The Final Resolution included the applicable legal notice outlining LUMA's right to reconsideration and judicial review, along with the corresponding terms.⁶ This notice is deemed sufficient, and contrary to LUMA's assertion, it was unnecessary to include additional notice in the Energy Bureau's reconsideration determination. LUMA is aware of its right to seek judicial review of the Energy Bureau's determination within thirty (30) days after its reconsideration is "definitively resolved", which occurred and was notified on June 14, 2024. Any attempt by LUMA to further delay this process is baseless. The Energy Bureau **DENIES** the June 28 Motion.

Be it notified and published.

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

² See *Final Resolution an Order on Performance Targets for LUMA Energy ServCo LLC* dated January 26, 2024.

³ 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").

⁴ See June 28 Motion, p. 3 and p. 7.

⁵ *Id.*, p. 7.

⁶ See Final Resolution, pp. 116-117. It should be noted that LUMA did not challenge the sufficiency or adequacy of this notice in its request for reconsideration.



Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner

Ferdinand A. Ramos Sogaard
Associate Commissioner

Sylvia B. Ugarte Araujo
Associate Commissioner

Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on July 10, 2024. I also certify that on July 10, 2024, a copy of this Reissued Resolution and Order was notified by electronic mail to margarita.mercado@us.dlapiper.com, yahaira.delarosa@us.dlapiper.com, lionel.santa@prepa.pr.gov; jcasel@earthjustice.org; hrivera@jrsp.pr.gov, contratistas@jrsp.pr.gov, agraitfe@agraitlawpr.com, rstgo2@gmail.com, pedrosaade5@gmail.com, flcaseupdates@earthjustice.org, rolando@bufete-emmanueli.com, notificaciones@bufete-emmanueli.com, jessica@bufete-emmanueli.com, zoe@emmanueli.law; rhoncat@netscape.net, larroyo@earthjustice.org; lvez@earthjustice.org; rmurthy@earthjustice.org; and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, on July 10, 2024.

Sonia Seda Gaztambide
Clerk