

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

NEPR

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IN RE: PUERTO RICO ELECTRIC
POWER AUTHORITY RATE REVIEW

CASE NO.: NEPR-AP-2023-0003

SUBJECT: LUMA's Response to Hearing
Examiner's May 8th Order

**LUMA'S RESPONSE TO HEARING EXAMINER'S MAY 8TH ORDER AND REQUEST
TO AMEND ORDER**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU AND HEARING
EXAMINER, SCOTT HEMPLING:**

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

1. On May 7, 2025, a Technical Conference, led by consultants for the Honorable Puerto Rico Energy Bureau ("Energy Bureau"), was held in the captioned proceeding. Therein, LUMA's representatives addressed questions regarding key objectives and limitations for the rate design phase of this proceeding.

2. One day later, on May 8, 2025, the Energy Bureau's Hearing Examiner, Scott Hempling, issued a *Request that Participants Accommodate Limited Off-Line Meetings Between LUMA's and the Energy Bureau's Consultants* ("May 8th Order"). In what is relevant to the present response, in his May 8th Order, the Hearing Examiner stated that "it is necessary for the Energy Bureau's consultants on rate design to communicate informally with LUMA's consultants about the availability of data, and about the feasibility in this tight procedural schedule of preparing various types of alternative rate designs. I ask the participants to accommodate these discussions."

3. With regards to the limits on the subjects to be discussed during these informal meetings, the Hearing Examiner specified the following:

I require the consultants to limit the subjects to the following: data availability, granularity of data, level of effort required to perform specific analysis, limitations on performing specific analyses, and ability to produce specific technical metrics to evaluate rate design options. I prohibit the consultants from negotiating filing requirements; and from discussing or debating policy, law, or strategy.

May 8th Order, p. 1.

4. Moreover, in furtherance of “transparency”, the Hearing Examiner required LUMA to: i) file a brief summary of the topics discussed, within 24 hours of each substantive exchange; and ii) file any materials exchanged, such as spreadsheets, data sets, or other technical materials, also within twenty-four (24) hours of said meeting.

5. Lastly, the May 8th Order provides that any party opposing the above-described procedure should submit its reservations to the Energy Bureau on or before today, May 9, 2025, at 5:00 pm.

6. LUMA appreciates the Hearing Examiner’s efforts to facilitate productive and efficient informal discussions on rate design, particularly given the tight procedural schedule. LUMA respectfully proposes that, in the interest of transparency and to ensure an accurate record of the proceedings, the audio of the informal conferences be recorded by the Energy Bureau. Having a recording of these meetings would provide a clear and objective account of the topics discussed. LUMA proposes that the recordings be made available to the public and requests that the Hearing Examiner vacate the requirement of the May 8th Order that LUMA file summaries of the exchanges.

7. If the requirement that LUMA submit summaries is maintained, LUMA requests to be granted forty-eight (48) hours to produce such summaries. The period of twenty-four (24) hours

will prove challenging given that LUMA and its consultants are managing several tasks simultaneously to meet the procedural calendar in this proceeding.

8. LUMA's consultants are available and willing to participate in the proposed conferences. LUMA respectfully requests that the scheduling of these meetings take into account the significant workload currently being managed by its team, particularly in relation to the preparation of the filing due on July 3, 2025. It is important that sufficient time and resources remain dedicated to this critical filing to ensure its completeness and quality.

9. Finally, LUMA requests that the current limitations of LUMA's billing system be explicitly included within the "*limits on the subjects discussed*" during these informal meetings. Addressing these system limitations as part of the technical discussions will help set realistic expectations regarding the feasibility of certain analyses, thereby supporting a more effective and focused dialogue.

WHEREFORE, LUMA respectfully requests the Hearing Examiner **take notice** of the above; and **amend** the May 8th Order accordingly.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 9th day of May, 2025.

WE HEREBY CERTIFY that this Motion was filed using the electronic filing system of this Energy Bureau and that electronic copies of this Motion will be notified to Hearing Examiner, Scott Hempling, shempling@scotthemplinglaw.com; and to the attorneys of the parties of record. To wit, to the Puerto Rico Electric Power Authority, through: Mirelis Valle-Cancel, mvalle@gmlex.net; Juan González, jgonzalez@gmlex.net; and Alexis G. Rivera Medina, arivera@gmlex.net; and to Genera PR, LLC, through: Jorge Fernández-Reboredo, jfr@sbgbllaw.com; regulatory@genera-pr.com; and legal@genera-pr.com.

A courtesy copy of the present Motion will also be notified to the following: jmartinez@gmlex.net; hrivera@jrsp.pr.gov; contratistas@jrsp.pr.gov; victorluisgonzalez@yahoo.com; agraitfe@agraitlawpr.com; Cfl@mcvpr.com; nancy@emmanuelli.law; jrinconlopez@guidehouse.com; Josh.Llamas@fticonsulting.com; Anu.Sen@fticonsulting.com; Ellen.Smith@fticonsulting.com; Corey.Brady@weil.com; Intisarul.Islam@weil.com; Josef.Trachtenberg@weil.com; rafael.ortiz.mendoza@gmail.com;

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