

**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 Request for Partial
Reconsideration of May 9th Order

**REQUEST FOR PARTIAL RECONSIDERATION
OF MAY 9TH ORDER**

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 request the following:

I. Introduction

1. On April 11, 2025, the Office of the Independent Consumer Protection Office (“OIPC”) filed a document titled *Solicitud de Accesibilidad a los Procesos a los Fines de Garantizar la Participacion Ciudadana* (“OIPC Motion”) requesting that the Puerto Rico Energy Bureau (“Energy Bureau”) adopt a formal, comprehensive protocol to ensure that consumers whose dominant language is Spanish can fully understand and participate in the proceeding, which to date has been conducted exclusively in English. Citing its statutory mandate under Act 57-2014 to facilitate citizen participation and the U.S. Census finding that 94.9 percent of the Island’s population speaks only Spanish, the OIPC alleged that an English language process would impede transparency, equity, and informed public engagement.

2. To remedy this, the OIPC requested that the Energy Bureau (1) require systematic Spanish translations—not merely summaries—of all key filings and orders—orders, including

LUMA’s entire rate-review petition—petition, (2) continue providing simultaneous Spanish interpretation at every public and technical hearing, (3) conduct all public hearings in Spanish, and (4) establish a binding protocol guaranteeing that exclusively Spanish-speaking participants will not be placed at a linguistic disadvantage. The OIPC asserted that the requested relief is essential to assuring that any ultimate rate determination is perceived as just, reasonable, and consistent with sound fiscal and operational practices.

3. On May 9, 2025, the Energy Bureau issued a *Resolution and Order* with the subject *Determination on Request for Accessibility to Process to Ensure Citizen Participation*, addressing the OIPC Motion and affirming its commitment to language accessibility in the rate review proceedings (hereinafter the “May 9th Order”). The Energy Bureau detailed the bilingual measures already in place, including the provision of live, simultaneous interpretation services between Spanish and English at all public hearings, the ability for participants to file documents and speak in either language without disadvantage, and the requirement that all public notices be issued in both Spanish and English.

4. In response to the OIPC’s request for greater accessibility, it established a new requirement: all parties submitting documents containing substantive content in English must include a concise summary in Spanish *as part of the same filing*. See May 9th Order at p. 2, Section II.B. This Spanish-language summary must clearly present the main points, conclusions, and any specific requests of the English-language submission, ensuring that Spanish-speaking participants can understand the essential elements. The Energy Bureau found that requiring Spanish summaries, combined with existing bilingual practices, strikes an appropriate balance between technical precision and public accessibility, and ordered all participants to comply with these language accessibility measures going forward. The order did not require full translations of all

filings or mandate that all hearings be conducted exclusively in Spanish. Instead, it reaffirmed the use of simultaneous interpretation and bilingual filings, with the new obligation for Spanish summaries of substantive English submissions.

II. Discussion

5. LUMA respectfully reiterates its commitment to identifying reasonable and effective means of enhancing public participation in these proceedings. To that end, LUMA agrees with the positions of the OIPC and the Energy Bureau, particularly as they relate to promoting transparency and seeking alternatives that facilitate meaningful public engagement. This is especially critical in proceedings such as the captioned one, where it is essential that stakeholders fully understand, among other matters, the significant investments that the Puerto Rico Transmission and Distribution System (“T&D System”) requires. However, LUMA understands that a reasonableness analysis weighs in favor of amending certain determinations made by the Energy Bureau in the May 9th Order. LUMA herein provides its analysis and why it considers these reasonable and practicable under the circumstances.

6. In its motion, the OIPC requested that the Energy Bureau provide for “systematic translations to Spanish of those key documents that are issued and/or submitted in the process, including, but not limited to, orders, resolutions of the [Energy Bureau], and the request for rate review submitted by LUMA in its entirety, amongst others.” *See* OIPC Motion at ¶ 7(a). (translation provided). However, the May 9th Order requires “[a]ll parties submitting documents containing substantive content in English must include a concise summary in Spanish as part of the same filing[.]”

7. LUMA understands the OIPC’s request for systematic translations of key documents to mean literal, complete translations of such documents, submitted on a defined

schedule following their original filing. LUMA respectfully requests that the Energy Bureau adopt said proposal. Translations would streamline compliance, as the parties would not be required to make subjective determinations regarding the content of summaries—a task that would fall to subject-matter experts who are already fully engaged with their regular responsibilities.

8. Moreover, providing full translations would allow the public to review the precise content of each submission and focus on the aspects most relevant to their interests and participation. The requirement to produce summaries places an unreasonable burden on the preparer, as it introduces ambiguity and the risk of inadvertently omitting critical information that could arguably be relevant. Accordingly, LUMA respectfully submits that granting the OIPC’s request for simple translations of “substantive filings” (as defined by the Energy Bureau in the May 9th Order), rather than summaries, is a reasonable course of action to serve the interests of efficiency, transparency, and public participation in this proceeding.

9. Furthermore, LUMA requests that the Energy Bureau provide a reasonable period to submit simple (non-certified) translations for substantive filings. Given the compressed timelines and the need for LUMA officers and legal representatives to review and revise submissions prior to filing, working simultaneously on translations -or summaries- to submit concurrently is not feasible. LUMA submits that a period of five (5) business days would provide a reasonable and workable timeframe for compliance without imposing undue administrative burdens. Anything less would be unreasonable and risk errors in the translations or delayed filings, both of which would undermine the integrity of the process.

10. LUMA respectfully proposes that the Energy Bureau reconsider the requirement to file Spanish summaries of substantive filings and rule that simple (non-certified) translations of all

substantive documents be filed within five (5) business days after the corresponding English version is submitted.

11. Furthermore, the May 9th Order directs “all participants in this proceeding to take notice of and adopt these requirements without exceptions.” It states that “compliance with these language accessibility requirements is mandatory for all parties going forward.” LUMA notes that, in preparing its submissions—particularly those related to budgets and rates—it must compile information from other components and operators of the system, including PREPA, HydroCo, and Genera PR LLC. These submissions often include documents and files produced by those entities, which LUMA transmits to the Energy Bureau as part of its own filings. LUMA’s role in these instances is limited to compiling and transmitting the documents; it does not author or control their content. It would be unreasonable to require LUMA to translate documents it did not author and over which it has no editorial control.

12. LUMA acknowledges that the May 9th Order does not place on LUMA the responsibility to translate and summarize documents in English submitted by other parties. However, LUMA respectfully submits that additional clarification regarding the relevant processes and responsibilities would help ensure the appropriate procedures are followed. Accordingly, LUMA respectfully submits that it is reasonable for the Energy Bureau to enter an order clarifying that each participant is responsible for translating *and* submitting Spanish versions of its own documents, regardless of whether another party had transmitted English versions of those documents to the Energy Bureau. Such an order would clarify that the responsibility for translation is appropriately allocated and would avoid imposing unnecessary administrative burdens on LUMA or any other participant.

13. The requests set forth herein are intended to maximize public participation and streamline the proceedings, without imposing undue burdens on any participant, including LUMA. LUMA believes these requests are reasonable, will not interfere with the orderly conduct of the proceedings, will not prejudice any party, and will enhance both transparency and public engagement.

WHEREFORE, LUMA respectfully requests that the Honorable Energy Bureau grant this motion and enter an order: (a) directing all parties to submit simple (non-certified) Spanish-language translations -rather than summaries- of all substantive documents submitted in English; (b) establishing a period of five (5) business days following the submission of the English version, to file simple (non-certified) Spanish-Language translation; and (c) confirming that each party is responsible for translating and submitting its own documents, regardless of whether another party transmits those documents to the Energy Bureau.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of May, 2025.

I 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@sbgblaw.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;

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