

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

NEPR Received: Mar 1, 2021 11:59 AM
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IN RE: THE PERFORMANCE OF THE
PUERTO RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: PREPA'S Withdrawal of
Comments

**THE PUERTO RICO ELECTRIC POWER AUTHORITY'S MOTION TO
WITHDRAW JANUARY 30 AND FEBRUARY 19 AND 22 COMMENTS**

COMES NOW, the Puerto Rico Electric Power Authority (PREPA), through the undersigned legal representation, and respectfully states and prays as follows:

Upon further review of the docket, the other comments submitted in this proceeding, and further consideration, PREPA hereby withdraws its January 30, 2021 *Comments of the Puerto Rico Electric Power Authority on the Establishment of Performance Baseline and Compliance Benchmarks for Electric Service Companies*, February 19, 2021 *Reply Comments of the Puerto Rico Electric Power Authority on the Establishment of Performance Baseline and Compliance Benchmarks for Electric Service Companies*, and also the comments and statements made during the Technical Conference held on February 22, 2021. It is also requested that these comments be removed from the public docket and not considered for any adjudication or decision. Instead, PREPA respectfully requests that the Energy Bureau of the Public Service Regulatory Board (the "Energy Bureau") and other stakeholders take notice of the brief, but pertinent comments submitted herein.

The proceeding to establish performance baseline and compliance benchmarks is the result of Puerto Rico's energy public policy, which seeks to regulate independent electric service companies that are to become more common as the decentralization of electric services progresses.

This historic undertaking by the Energy Bureau in the end is intended to be for the benefit, and in the best interest, of electric system customers and Puerto Rico generally, as electric infrastructure and services are improved, reconstructed, hardened, and modernized.

Following this public policy, PREPA is in transition from a regulated public utility to a regulated asset owner with private third-party operators responsible for planning, managing, and operating the transmission and distribution system, and ultimately its generation assets. PREPA continues to be fully supportive of the energy public policy to transfer the operation and maintenance of the T&D System¹ and various functions.

PREPA reiterates its compromise to work towards a successful transition in compliance with the *Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement* executed by PREPA, LUMA Energy, LLC as ManagementCo, LUMA Energy ServeCo, LLC as ServCo (collectively, LUMA) and the Puerto Rico Public-Private Partnerships Authority (“P3A”) (the “O&M Agreement”). The O&M Agreement terms ensure that customers will have sustainable, affordable, and reliable power services.

Accordingly, PREPA is committed to completing this transition and complying with all responsibilities under law, ensuring that the electrical system assets are adequately maintained, reconstructed, and stewarded while remaining the asset owner and financial backstop. Further, the transition of the T&D System and certain functions and services of PREPA to LUMA will facilitate and advance the improvement and recovery of the transmission and distribution system with the goal of transforming it into one that over time will have performance comparable to industry standards. Processes like the captioned proceeding will aid in the adequate implementation of the energy public policy. Receiving comments and input from entities with industry expertise and

¹ As defined in the O&M Agreement.

customer representatives is key to accomplish this endeavor and make the transformation of the energy sector successful.

In this sense, the most important aspect of this proceeding is that it must be customer centric. PREPA agrees with LUMA and other stakeholders' position that the consumer is a key part of the transition process. Working towards achieving better service for costumers should be the focus of the energy sector transformation. Establishing reliable, measurable and effective metrics may only be achieved with a cooperative approach, and willingness to change and develop the current, and proposed metrics by all the participants. The metrics process, just as the customer experience, is an organic process that develops and changes over time. PREPA is up to the task and looks forward to a synergic, punctual and honest collaboration between all the participants.

Pursuant to the above, PREPA hereby withdraws its previous comments of January 29, 2021 and February 19 and 22, 2021 and submits the instant comments and trusts that the collective actions of all stakeholders in this proceeding will be collaborative and transparent, to provide all parties - and specially the general public - the ability to know and understand the challenges and objectives for measurable progress over time.

WHEREFORE, PREPA respectfully submits this Motion to Withdraw and Substitute Comments in the Captioned Matter.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 1st day of March 2021.

/s Katuska Bolaños-Lugo
Katuska Bolaños-Lugo
kbolanos@diazvaz.law
TSPR 18,888

DÍAZ & VÁZQUEZ LAW FIRM, P.S.C.
290 Jesús T. Piñero Ave.
Oriental Tower, Suite 1105
San Juan, PR 00918
Tel.: (787) 395-7133
Fax. (787) 497-9664

CERTIFICATE OF SERVICE

It is hereby certified that, on this same date, I have filed the above motion with the Clerk of the Energy Bureau using the Energy Bureau's Electronic Filing System, at the following address: <http://radicacion.energia.pr.gov>. It is further certified that I have sent a copy to margarita.mercado@us.dlapiper.com and mmercado@mercado-echegaray-law.com.

In San Juan, Puerto Rico, this 1st day of March 2021.

s/ Katuska Bolaños-Lugo
Katuska Bolaños-Lugo