

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

<p><b>NEPR</b></p> <p><b>Received:</b></p> <p><b>Apr 22, 2021</b></p> <p><b>4:46 PM</b></p>
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IN RE: REVIEW OF LUMA'S  
INITIAL BUDGETS

**CASE NO. CEPR-MI-2021-0004**

**SUBJECT: Informative Motion and Request for  
Issuance of Procedural Calendar.**

**INFORMATIVE MOTION AND REQUEST FOR ISSUANCE OF PROCEDURAL  
CALENDAR**

**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:

1. On February 24, 2021, LUMA filed before this Honorable Puerto Rico Energy Bureau (“Bureau”), a Petition for Approval of the Initial Budgets and Related Terms of Service (“Initial Budgets Petition”), pursuant to Section 6.22 of Act 57-2014, as amended, the “Puerto Rico Energy Transformation and Relief Act” (Act 57-2014), to Final Rate Order issued by the Bureau in Case No. CEPR-AP-2015-0001 (“2017 Rate Order”), and per LUMA’s obligations under Section 4.2 (e) of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement dated as of June 22, 2020, by and among the Puerto Rico Electric Power Authority (“PREPA”), the Puerto Rico Public-Private Partnerships Authority (“P3 Authority”) (“OMA”).

2. The Initial Budgets Petition includes LUMA’s proposed Initial Budgets as Exhibit 1 (“Initial Budgets”). Exhibit 2 to the Initial Budgets Petition is LUMA’s “Petition for Approval of Terms of Service and Memorandum in Support Thereof” (“Terms of Service Petition”) pursuant to Section 4.1(g) of the OMA.

3. On April 5, 2021, this honorable Energy Bureau issued a Resolution and Order on “Completeness of LUMA’s Initial Budgets Filing.” (“April 5<sup>th</sup> Order”). *See* April 5<sup>th</sup> Order at page 3. Among others, in the April 5<sup>th</sup> Order this Bureau directed LUMA to, within five days, provide information and responses to requests included in Attachment A (“Requests for Information”). The Bureau further stated that it would issue a procedural calendar on Initial Budgets once LUMA complied with the April 5<sup>th</sup> Order and after the Bureau issues a determination on completeness of the Initial Budgets. *See* April 5<sup>th</sup> Order at page 3.

4. On April 6, 2021, LUMA submitted clarifications to the proposed Initial Budgets. Then, on April 12, 2021, in compliance with the April 5<sup>th</sup> Order, LUMA filed before this honorable Bureau, its responses to the Requests for Information.

5. On April 20, 2021, this Bureau issued a procedural calendar to discuss LUMA’s proposed Initial Budgets.

6. Regarding the Terms of Service Petition, at footnote 6 of the April 5<sup>th</sup> Order, this honorable Bureau indicated that it “has determined it is more appropriate to evaluate the Liability Waiver request in a separate proceeding. Consequently, the Energy Bureau shall issue a Resolution and Order to that effect.” *Id.* at page 2.

7. As of the date of the filing of this Motion, this honorable Energy Bureau has not issued a Resolution and Order to initiate proceedings on LUMA’s Terms of Service Petition nor a procedural calendar.

8. It is respectfully informed that in support of the Terms of Service Petition that seeks approval of the revised Terms of Service pursuant to OMA Section 4.1(g) and is a condition

precedent to commencement, *see* OMA Section 4.5 (p)<sup>1</sup>, LUMA is prepared to offer the testimony of an expert witness to aid the Bureau in considering said request.

9. Consideration and approval by this honorable Bureau of the Terms of Service Petition is a key component of LUMA's ability to commence operations on June 1, 2021, and will enable LUMA to comply with its obligations under the OMA and applicable law, and to meet public policy goals to the benefit of all Puerto Ricans and in furtherance of the public interest.

10. LUMA respectfully requests and suggests that the Bureau open the separate proceeding on LUMA's Terms of Service Petition and issue a procedural calendar to allow for presentation of testimonies and other supporting evidence, as well as filings of public comments, within the next thirty (30) calendar days.

11. LUMA respectfully informs that it is willing and prepared to conduct proceedings related to the commencement of O&M Services expediently to allow for service commencement on June 1, 2021.

12. LUMA is also available to participate in a technical conference in the coming days at a date set by the Bureau in its discretion. Should the Bureau find it useful in its evaluation of a procedural calendar, and with its authorization, LUMA is available to present a proposed procedural calendar for the Bureau's evaluation, offering a reasonable and expedient agenda.

**WHEREFORE**, LUMA respectfully requests that the Bureau **take notice** of aforementioned and **issue a procedural calendar** to allow LUMA to present testimonial, expert and/or other evidence, in support of its Terms of Service Petition, with any other orders and

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<sup>1</sup> OMA Section 4.5, titled "Conditions Precedent to Service Commencement Date," includes approval of a Liability Waiver consistent with OMA Section 4.1(g), among the conditions for "Service Commencement Date [to] . . . occur, and [for commencement of the] obligations of the Parties to proceed with their respective obligations hereunder on, and after, the Service Commencement Date . . . ."). *See* OMA Section 4.5 (p).

dispositions that the Bureau deems fit to issue to conduct proceedings within the next thirty (30) calendar days, including allowing participation by interested stakeholders and the public.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 22<sup>nd</sup> day of April 2021.

I hereby certify that I filed this motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this motion to the attorneys for PREPA, Joannely Marrero-Cruz, [jmarrero@diazvaz.law](mailto:jmarrero@diazvaz.law); and Katuska Bolaños-Lugo, [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law).



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