

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

**IN RE: REVIEW OF LUMA'S TERMS OF
SERVICE**

CASE NO.: NEPR-MI-2021-0007

SUBJECT: Puerto Rico Institute of
Competitiveness and Economic
Sustainability's Request for Extension of Time
to File Comments.

RESOLUTION

I. Introduction

On February 24, 2021, LUMA ENERGY, LLC as ManagementCo, and LUMA ENERGY SERVCO, LLC as ServCo (collectively, "LUMA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Petition for Approval of Initial Budgets and Related Terms of Service* ("February 24 Petition")¹. As part of the February 24 Petition, LUMA filed, for the Energy Bureau's review and approval, (i) a document titled *Initial Budgets: First 3 Year of Recovery & Transformation, February 23, 2021* and identified as Exhibit 1 ("Initial Budgets"), and (ii) a document titled *Request for Approval of Terms of Service and Memorandum of Law in Support Thereof*, identified as Exhibit 2 ("*Liability Waiver*").² In the February 24 Petition, LUMA requested the Energy Bureau to approve the Initial Budgets and the Liability Waiver.³

On May 4, 2021, the Energy Bureau issued Resolution and Order ("May 4 Resolution") determining that the Liability Waiver Petition is incomplete. The Energy Bureau ordered LUMA to, (i) provide the information identified in Attachment A of the May 4 Resolution and if necessary, (ii) modify the Liability Waiver Petition. The May 4 Resolution also established the Procedural Calendar for the instant case. Through the procedural calendar, the Energy Bureau scheduled a public hearing to be held on May 25, 2021. The Energy Bureau established May 26, 2021, as the deadline for the general public to file comments regarding the Liability Waiver Petition.

On May 25, 2021, the Puerto Rico Institute of Competitiveness and Economic Sustainability ("ICSE") filed before the Energy Bureau a document titled *Motion Requesting Extension of Time to File Comments* ("May 25 Request"), in which ICSE states that they acknowledge the integrated nature of the planning, the budgeting, the metrics of immediate

¹ See *In Re: Review of LUMA's Initial Budgets*, Case No. NEPR-2021-MI-0004.

² *Id.*

³ *Id.*, February 24 Petition, p. 18.




remediation and long-term grid re-building and modernization progress inherent to various intertwined proceedings. ICSE sustains that the instant proceeding requires a holistic analysis, more complex and time consuming than totally separated proceedings and that to be able to responsible comment of this matter, they are consulting with experts based in the United States, in order to make a judicious analysis of the legal implications of these issues. Therefore, ICSE requests an additional term of fourteen (14) days to file their position on these issues.

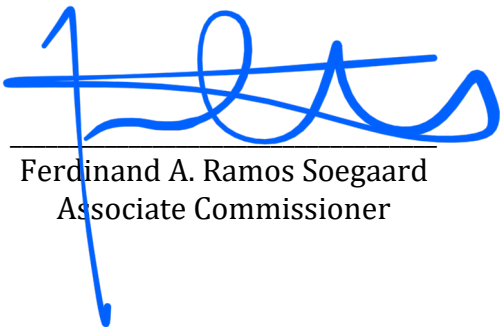
On May 27, 2021, LUMA filed before the Energy Bureau a document titled *Response in Opposition to ICSE's Motion Requesting an Extension of time to File Comments* ("May 27 Motion"). LUMA states, *inter alia*, that ICSE's two-week extension to file comments in the instant case is untimely and fails to provide a reasonable justification or just cause for not filing timely comments within the deadline set forth in the procedural calendar issued by the Energy Bureau. LUMA indicates that the Energy Bureau granted time for stakeholders and the public to participate in a virtual public hearing on May 25, 2021, and file written comments both prior to the virtual public hearing and on or before May 26, 2021. LUMA states that the Liability Waiver Petition and supporting information were available to the public since its filing on February 24, 2021. LUMA states that ICSE did not timely appear for the virtual public hearing, nor did it file written comments. LUMA argues that ICSE failed to provide an explanation about why the procedural calendar established by the Energy Bureau was insufficient for ICSE to file its comments.

The Energy Bureau **DETERMINES** that the May 25 Request is untimely since ICSE was provided ample time to review the public documents, prepare and timely file its comments. ICSE also had the opportunity to participate in the public hearing to submit its comments directly to the Energy Bureau, although it failed to do so. Therefore, the Energy Bureau **DENIES** the May 25 Request.


Be it notified and published.



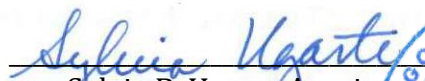
Ángel R. Rivera de la Cruz
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner


Edison Avilés Deliz
Chairman

Lillian Mateo Santos
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on May 31, 2021. I also certify that on May 31, 2021 a copy of this Resolution was notified by electronic mail to the following: agraitfe@agraitlawpr.com, hrivera@jrsp.pr.gov, kbolanos@diazvaz.law, jmarrero@diazvaz.law and margarita.mercado@us.dlapiper.com. I also certify that today, May 31, 2021, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today May 31, 2021.



Sonia Seda Gaztambide
Clerk

