

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

IN RE: PERFORMANCE TARGETS FOR LUMA
ENERGY SERVCO, LLC

CASE NO.: NEPR-AP-2020-0025

SUBJECT: Request for Information.

RESOLUTION AND ORDER

On June 22, 2020, the Puerto Rico Electric Power of Puerto Rico ("PREPA"), the Puerto Rico Public-Private Partnerships Authority ("P3 Authority"), LUMA ENERGY, LLC¹ as ManagementCo, and LUMA ENERGY SERVCO, LLC² as ServCo (collectively, "LUMA") entered into an Operation and Maintenance Agreement ("OMA") under which LUMA will manage PREPA's transmission and distribution system ("T&D System").

On December 23, 2020, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("December 23 Order") through which it commenced this adjudicative proceeding to establish performance-based incentive mechanisms for LUMA Energy ServCo, LLC ("LUMA ServCo"). The December 23 Order laid out the Energy Bureau's authority over performance incentive mechanisms for LUMA ServCo, key criteria for review provided by Act 17-2019³, and additional public interest principles that must be considered by LUMA in its filing for performance incentives.

On January 14, 2021, the Energy Bureau held a Pre-filing Technical Conference which included a presentation by LUMA representatives.

On February 25, 2021, LUMA filed a document titled *Submittal and Request for Approval of Revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (OMA)*, pursuant to Section 4.2(f) of the OMA.

On April 8, 2021, the Energy Bureau issued a Resolution and Order through which it established the procedural calendar in the instant case. On May 14, 2021, the Energy Bureau issued a Resolution and Order modifying and extending the procedural calendar until September 3, 2021.

According to the OMA, the Energy Bureau's approval of the Performance Metrics is a condition precedent to the commencement of operations, unless otherwise mutually agreed

¹ See In re: Request for Certification LUMA ENERGY, LLC, Case No. NEPR-CT-2020-0008.

² See In re: Request for Certification LUMA ENERGY SERVCO, LLC, Case No. NEPR-CT-2020-0007.

³ Known as *Puerto Rico Energy Public Policy Act*.



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between the Parties in writing by PREPA, the P3 Authority and LUMA, either satisfied as determined, or waived in writing.⁴

The Energy Bureau **ORDERS** LUMA to, **on or before June 4, 2021, at 12:00 pm**, file a copy of the waiver signed by the parties to the OMA regarding the Performance Metrics.

Be it notified and published.



Edison Aviles Deliz
Chairman



Angel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
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 June 2, 2021. I also certify that on June 2, 2021 a copy of this Resolution and Order was notified by electronic mail to the following: margarita.mercado@us.dlapiper.com, jmarrero@diazvaz.law, kbolanos@diazvaz.law, hrivera@jrsp.pr.gov, contratistas@jrsp.pr.gov and agraitfe@agraitlawpr.com. I also certify that today, June 2, 2021, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today June 2, 2021.



Sonia Seda Gaztambide
Clerk

⁴ See Sections 4.2(f), 4.5 of the OMA.

