

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

IN RE: REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S 10- YEAR
INFRASTRUCTURE PLAN

CASE NO.: NEPR-MI-2021-0002

SUBJECT: PREPA Request for Extension to
Comply with the April 22, 2021 Order.

RESOLUTION AND ORDER

On March 26, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("March 26 Resolution") in the instant case, through which it ordered the Puerto Rico Electric Power Authority ("PREPA") to, among other things, provide certain information related to the different projects under the categories of Transmission Line Projects, Transmission Substation Projects, and Distribution Substation Projects included in the PREPA 10-Year Infrastructure Plan.¹

Through the March 26 Resolution, the Energy Bureau ordered PREPA to submit each specific capital investment project for approval to avoid potential noncompliance with the Approved Integrated Resource Plan ("IRP") and Modified Action Plan.² To streamline the process, the Energy Bureau requested PREPA to submit the specific projects to the Energy Bureau at least thirty (30) calendar days before their submittal to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency ("COR3") and the Federal Emergency Management Agency ("FEMA").³

On April 14, 2021, PREPA filed before the Energy Bureau a document titled *Motion in Compliance with Resolution and Order Entered on March 26, 2021* ("April 14 Motion in Compliance"). Through the April 14 Motion in Compliance, PREPA included a list of projects under the categories of transmission, distribution, and substations.

On April 22, 2021, the Energy Bureau issued a Resolution and Order ("April 22 Order"), through which it determined that the information presented by PREPA through the April 14 Motion in Compliance lacked in-depth information, data, cost estimates, and assessments necessary for the Energy Bureau to make an adequate evaluation. Therefore,

¹ PREPA's Revised 10 - Year Plan Evaluation, Case No. NEPR-MI-2021-0002, Resolution and Order, March 26, 2021 ("March26 Resolution").

² See In Re: Review of the Integrated Resource Plan of the Puerto Rico Electric Power Authority, Case No. CEPR-AP-2018-0001, Final Resolution and Order, August 24, 2020 ("August 24 Resolution").

³ March 26 Resolution, pp. 14-15.



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the Energy Bureau ordered PREPA to provide certain information⁴, on or before May 21, 2021, for each project included in the April 14 Motion in Compliance, that will be submitted to COR3 and/or FEMA under the different project categories.

On May 20, 2021, PREPA, filed before the Energy Bureau a document titled *Request for Extension of Time to Submit Information in Compliance with the April 22, 2021 Order* ("May 20 Request"), where PREPA seeks an extension of time of the May 21, 2021 deadline.

In the May 20 Request, PREPA states that they are not prepared to meet the established deadline. Therefore, PREPA requests an extension of forty-five (45) days to provide the requested detailed information on 185 projects, in compliance with the April 22 Order. PREPA argued that they put together a team from multiple directorates to gather the information needed to identify, address, and provide the required information but "PREPA's outside expert consultant, who leads the efforts on FEMA-funded projects has not been providing professional services during the past month due to awaiting approval to an amendment of their contract."⁵ PREPA sustains that the proposed amendment to the contract is submitted for the approval of the Financial Oversight and Management Board for Puerto Rico ("FOMB"). Considering that once said contract is approved, PREPA's expert consultant will need time to gather and evaluate the required information, PREPA requests an extension, until July 6, 2021, to submit the detailed information on the 185 projects in compliance with the April 22 Order.

Upon review of PREPA's arguments, the Energy Bureau **GRANTS** PREPA's request for an extension of time. The Energy Bureau **ORDERS** PREPA to file the required detailed information in compliance with the April 22 Order **on or before July 6, 2021**. The Energy Bureau is prepared to evaluate aforementioned detailed information on the specific projects to be submitted to COR3 and/or FEMA. As established in the May 26 Resolution, for projects to be funded with FEMA funds and/or any other federal funds, PREPA **MUST SUBMIT** the specific projects to the Energy Bureau at least thirty (30) calendar days before their submittal to COR3 and/or FEMA.

The Energy Bureau **WARNS** PREPA that, noncompliance with any provision of this Resolution and Order, may result in the imposition of fines pursuant to Act 57-2014⁶ and applicable Energy Bureau's regulations and any other appropriate administrative sanctions, as deemed appropriate by the Energy Bureau.

Be it hereby notified and published.

⁴ April 22 Order, p. 3.

⁵ May 20 Request, p. 2.

⁶ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.



Edison Avilés Deliz
Chairman

Ángel 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 8, 2021. I also certify that on June 8, 2021 a copy of this Resolution and Order was notified by electronic mail to the following: mvazquez@diazvaz.law, kbolanos@diazvaz.law, mario.hurtado@lumamc.com; wayne.stensby@lumamc.com; Ashley.engbloom@lumamc.com; Legal@lumamc.com. I also certify that today, June 8, 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 8, 2021.

Sonia Seda Gaztambide
Clerk

