

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

NEPR

Received:

Jun 15, 2021

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IN RE:

IN RE: REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S 10
YEAR INFRASTRUCTURE PLAN-
DECEMBER 2020

CASE NO. NEPR-MI-2021-0002

SUBJECT:

Motion in Compliance with June 8th Resolution and
Order and Request for Technical Workshop.

**MOTION IN COMPLIANCE WITH JUNE 8TH RESOLUTION AND ORDER AND
REQUEST FOR TECHNICAL WORKSHOP**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC (“ManagementCo”)¹, and **LUMA Energy ServCo, LLC** (“ServCo”)², (jointly referred to as “LUMA”), through the undersigned legal counsel and respectfully submit the following:

1. On April 14, 2021, the Puerto Rico Electric Power Authority (“PREPA”), filed a *Motion in Compliance with the Resolution and Order Entered on March 26, 2021* (“PREPA’s March 26th Submission”), submitting one-hundred and eighty-five (185) projects that PREPA would in turn submit to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency (“COR-3”) and the Federal Emergency Management Agency (“FEMA”) for approval (“April 14th PREPA Submission”).

2. On April 22, 2021, this honorable Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order directing PREPA to provide additional information on the projects included in the April 14th PREPA Submission (“April 22nd Order”), that had already been

¹ Register No. 439372.

² Register No. 439373.

submitted to FEMA or COR-3. In compliance with the April 22nd Order, PREPA filed with this Energy Bureau the project files that had been submitted to FEMA and COR-3.

3. The Energy Bureau's April 22nd Order also required PREPA to file on or before May 21, 2021, detailed information and Scopes of Work ("SoW") for each of the one hundred and eighty five (185) projects listed in the April 14th PREPA Submission, including but not limited to, Transmission Line Projects, Transmission and Distribution Substation Projects and Distribution System Projects³. *See* April 22nd Order at page 3.

4. On May 20, 2021, PREPA requested an additional forty-five (45) days to provide the details on the one-hundred and eighty-five (185) projects that were included in the April 14th PREPA Submission. On June 8, 2021, the Energy Bureau granted PREPA until July 6, 2021 to provide the detailed information on the projects ("June 8th Order").

5. On June 8, 2021, this Energy Bureau issued a separate Resolution and Order in this proceeding whereby it approved sixty-five (65) projects that PREPA had submitted for consideration by the Energy Bureau in connection with the Revised 10-Year Infrastructure Plan and that have been submitted to FEMA and COR-3 for approval ("June 8th Approval Resolution and Order").

³ The Energy Bureau requested the following information:

- a. Project Description (i.e., name, location, line number, voltage level, customer count, critical load);
- b. Justification;
- c. Detailed Scope of Work;
- d. Detailed Class 5 Cost Estimate, broken down on the different cost items;
- e. Assessment (include all details of the existing conditions, violations to codes and standards, photos, etc.);
- f. Any Drawing, Schematic, Layout or Design;
- g. Schedule or Timeline of completion; and
- h. Any additional information PREPA may have available that may serve for an adequate evaluation.

6. At page 3 of the June 8th Approval Resolution and Order, this honorable Energy Bureau directed LUMA to provide within five days, a list of remaining projects that require approval by the Energy Bureau that will be submitted to FEMA or COR-3.

7. In compliance with the June 8th Approval Resolution and Order, LUMA respectfully informs that, as PREPA stated in paragraph 5 of the April 14th PREPA Submission, with respect to transmission and distribution projects, the list of projects that were submitted by PREPA to the Energy Bureau “were identified and prioritized through a collaborative effort between PREPA and LUMA” *See* PREPA’s April 14th Submission at page 2. LUMA hereby reiterates that during the Front-End Transition Period, it worked extensively with PREPA on the list of projects included in the April 14th PREPA Submission. LUMA and PREPA aligned efforts with regards to these projects.

8. Furthermore, as explained by LUMA in Response 9 to the Requests for Information issued by the Energy Bureau in the technical conference held in Case No. NEPR-MI-2021-0004 on LUMA’s proposed Initial Budgets, “[w]ith respect to Transmission and Distribution [“T&D”, PREPA’s short term list outlined in its 10-year plan . . . contains [one hundred and thirty two] 132 projects.” *See* TC-RFI-LUMA-MI-21-0004-210503-PREB-009, filed on May 7, 2021, Case No. NEPR-MI-2021-0004. Of the projects for which PREPA filed SoW, LUMA has assumed the Transmission and Distribution projects as Operator of the Transmission and Distribution System.

9. Attachment 1 to TC-RFI-LUMA-MI-21-0004-210503-PREB-009, filed in Case No. NEPR-MI-2021-0004, includes the list of the one-hundred and thirty-two (132) T&D projects in PREPA’s short list of projects outlined in its 10-year plan FEMA and COR-3, of which 51 have

been advanced through the initial FEMA phase. This is the information currently being used by LUMA in connection with the short-term projects being progressed with FEMA and COR-3.

10. Regarding future processes on projects to be submitted to FEMA and COR-3, LUMA respectfully requests that the Energy Bureau convene a technical workshop. LUMA respectfully submits that it will be beneficial to engage in further dialogue and collaborative discussions with the Energy Bureau on the intricacies, logistics and applicable timelines for submissions and approvals of projects by FEMA and COR-3. This will allow for implementation of efficient and streamlined processes to obtain timely approvals from FEMA and COR-3 and this Energy Bureau.

11. In the technical workshop LUMA may explain its methodology for requesting approvals from FEMA and discuss the different phases of approvals by FEMA and COR-3, particularly the procedures to prepare and file SoW. It is respectfully submitted that it is in the public interest to discuss options for the efficient approval by the Energy Bureau of projects that also require approval by FEMA and COR-3. Collaborative discussions will ensure that in the short, medium, and long terms, LUMA is able to progress work to meet its goals to “to maximize the potential realization of the Federal Funding anticipated or received and ensure such funding is administered in accordance with all such requirements,” (Section 5.9 (a) of the Puerto Rico Transmission and Distribution System Operation and Management Agreement), to carry out the Recovery and Transformation of the electric system and to achieve compliance with energy public policy.

12. In advance of the technical workshop LUMA may, with leave from this Energy Bureau, file a presentation on LUMA’s proposed process to organize and sequence the work that

will use federal funds, including FEMA public assistance and additional funds for hazard mitigation available under Section 406 of the Stafford Act, as well as projects that may utilize funding available from the US Department of Housing and Urban Development through Community Development Block Grant disaster recovery, and to effectively and efficiently enable approvals by this Energy Bureau within the FEMA, COR-3 process.

13. Regarding the June 8th Order directing that the additional information and SoW for the one-hundred and eighty-five (185) projects included in the April 14th PREPA Submission be filed by July 6, 2021, LUMA respectfully informs that the efficient sequencing of work will not result in all of the projects having an SoW by July 6th. LUMA respectfully proposes to discuss this matter in the technical workshop where LUMA's personnel may provide updates on work being performed, the sequencing of SoW development and explain the workflow to be performed and the strategy to finalize SoW, among others.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **deem** that LUMA complied with that portion of the June 8th Approval Resolution and Order that required submission of a list of projects submitted to FEMA and COR-3, and **schedule** a technical workshop in this proceeding.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 15th day of June 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 and Katuska Bolaños-Lugo, kbolanos@diazvaz.law.



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