

**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 – DECEMBER 2020

**CASE NO.:** NEPR-MI-2021-0002

**SUBJECT:** Technical Conference.

**RESOLUTION AND ORDER**

On March 19, 2021, the Puerto Rico Electric Power Authority (“PREPA”) filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) a document titled *Motion Submitting March 2021 Revised 10-Year Infrastructure Plan* (“March 19 Motion”). Through the March 19 Motion, PREPA included an updated version of its 10-year plan (“March 2021 Revised 10-Year Plan”).

On March 26, 2021, the Energy Bureau issued a Resolution and Order (“March 26 Resolution”) ordering PREPA to provide certain information related to the different projects under the categories of Transmission Lines, Substations, and Distribution System projects in the PREPA 10-Year Infrastructure Plan.<sup>1</sup> To avoid potential noncompliance with the Approved Integrated Resource Plan (“IRP”) and Modified Action Plan, the Energy Bureau ordered PREPA to submit each specific capital investment project for approval.<sup>2</sup> 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”).**<sup>3</sup> The Energy Bureau ordered PREPA to submit, within five (5) days from the notification of the March 26 Resolution, any specific transmission line, transmission substation, and distribution substation projects it had submitted to FEMA for its evaluation and approval.<sup>4</sup>

On April 14, 2021, PREPA filed a document titled *Motion in Compliance with the Resolution and Order Entered on March 26, 2021* (“April 14 Motion”), which included a list of projects under the categories of transmission, distribution, and substations. PREPA stated that, as Exhibit A of the April 14 Motion, it submitted the list of projects to the Energy Bureau at least thirty (30) calendar days before their submittal to COR3 and/or FEMA, in alignment

<sup>1</sup> PREPA’s Revised 10 - Year Plan Evaluation, Case No. NEPR-MI-2021-0002, Resolution and Order, March 26, 2021 (“March 26 Resolution”).

<sup>2</sup> See In Re: Review of the Integrated Resources Plan of the Puerto Rico Electric Power Authority, Case. No. CEPR-AP-2018-0001, Final Resolution and Order, August 24, 2020 (“August 24 Resolution”).

<sup>3</sup> March 26 Resolution, pp. 14-15.

<sup>4</sup> *Id.*



with the March 26 Resolution.<sup>5</sup> Furthermore, PREPA stated that the list of projects are a subset of near-term projects further prioritized to represent the most critical set of transmission, distribution, and substation projects required to address asset deficiencies, improve system reliability and resiliency, and lay the foundation for expanded renewable integration.<sup>6</sup>

On April 22, 2021, the Energy Bureau issued a Resolution and Order (“April 22 Resolution”) through which it determined that additional information was required for the Energy Bureau to make a thorough evaluation of the projects submitted as part of the April 14 Motion and to evaluate PREPA’s compliance with the March 26 Resolution. The Energy Bureau ordered PREPA to provide detailed information: (i) on or before April 28, 2021, for each project already submitted to COR3 and/or FEMA; and (ii) on or before May 21, 2021, for each project in the April 14 Motion that will be submitted to COR3 and/or FEMA under the different project categories. The Energy Bureau also ordered PREPA to include a list of all the substations to be relocated to mitigate possible future flooding damages.

On April 28, 2021, PREPA filed before the Energy Bureau a document titled *Motion in Compliance with the Resolution and Order entered on April 22, 2021* (“April 28 Motion”). Through the April 28 Motion, PREPA states it submitted, as Exhibit A, the documents provided to COR3 and FEMA, which contain the information requested by the Energy Bureau.

On May 20, 2021, PREPA filed a document titled *Request for Extension of Time to Submit Information in Compliance with the April 22, 2021 Order* and requested the Energy Bureau to grant an extension of an additional forty-five (45) days to provide the details on the one-hundred and eighty-five (185) projects included in the April 14th Motion.

On June 8, 2021, the Energy Bureau granted PREPA until July 6, 2021, to provide the detailed information on the projects (“June 8 Order”). That same day, the 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 COR3 for approval (“June 8 Approval Resolution”). As part of the June 8 Approval Resolution, the Energy Bureau ordered LUMA<sup>7</sup> to provide within five (5) days, a list of the remaining projects that require approval by the Energy Bureau that will be submitted to FEMA or COR3.

On June 15, 2021, LUMA filed before the Energy Bureau a document titled *Motion in Compliance with June 8<sup>th</sup> Resolution and Order and Request for Technical Workshop* (“June 15 Motion”). LUMA did not submit the list of projects required by the Energy Bureau. Instead, LUMA referenced to (i) a list of projects submitted by PREPA on April 14, 2021, in the instant

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<sup>5</sup> April 14 Motion, pp. 1-2.

<sup>6</sup> *Id.*, p. 2.

<sup>7</sup> LUMA Energy, LLC and LUMA Energy ServCo, LLC (collectively, “LUMA”).



case; and (ii) a response filed by LUMA in Case No. NEPR-MI-2021-0004.<sup>8</sup> In the June 15 Motion, LUMA requested the Energy Bureau to take notice of the aforementioned, deem that LUMA complied with the information request portion of the June 8 Approval Resolution, and schedule a Technical Workshop in this proceeding. Regarding compliance with June 8 Approval Resolution, LUMA informed that the efficient sequencing of work will not result in all of the projects having an SOW by July 6, 2021.<sup>9</sup> LUMA proposes to discuss this matter in a Technical Workshop during which LUMA's personnel may provide updates on work being performed, the sequencing of SOWs development and explain the workflow to be performed and the strategy to finalize SOW, among other things.<sup>10</sup>

After reviewing the June 15 Motion, the Energy Bureau **ORDERS** LUMA and PREPA representatives to attend a Technical Conference **on July 12, 2021, at 9:30 am** to discuss the streamlining of the work involved in the submittal of the SOWs and other information requested by the Energy Bureau for its evaluation. The Energy Bureau **ORDERS** that all LUMA and PREPA relevant representatives shall have available all pertinent documents and to be ready to answer, under oath, any questions that the Energy Bureau staff and/or Commissioners may have.

The Energy Bureau **ORDERS** LUMA to, **within five (5) days of the notification of this Resolution and Order**, file in the instant case (i) a list of the remaining projects requiring Energy Bureau approval, that will be submitted to FEMA and/or COR3; and (ii) any updates or revisions to the March 2021 Revised 10-Year Plan. Also, the Energy Bureau **ORDERS** LUMA to submit the presentation proposed in the June 15 Motion, **on or before July 9, 2021, at 12:00 pm**.

The Energy Bureau **REMINDS** LUMA and PREPA the sense of urgency with which this matter should be handled to expedite the much awaited and needed reconstruction of the Puerto Rico electric system.

The directive instated in the March 26 Resolution related to the submission of projects before the Energy Bureau at least thirty (30) calendar days before submitting such projects to FEMA and/or COR3, remains unaltered.

The Energy Bureau **WARNS** LUMA and PREPA that noncompliance with the Energy Bureau's orders or applicable legal requirements may carry the imposition of administrative fines of up to twenty-five thousand dollars (\$25,000.00) per day, per violation and/or other sanctions that the Energy Bureau may deem appropriate.

Be it notified and published.

<sup>8</sup> See June 15 Motion, p. 3, ¶¶ 8 and 9.

<sup>9</sup> *Id.*, p. 5.

<sup>10</sup> *Id.*



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 July 2, 2021. I also certify that on July 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 and kbolanos@diazvaz.law. I also certify that today, July 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 July 2, 2021.

Sonia Seda Gaztambide  
Clerk

