

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

NEPR

Received:

Jul 6, 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: Request for Relief from July 6th
Deadline for Filing Detailed Scopes of Work.

**REQUEST FOR RELIEF FROM THE JULY 6TH DEADLINE FOR FILING DETAILED
SCOPES OF WORK**

TO THE PUERTO RICO ENERGY BUREAU:

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

1. On December 30, 2021, the Puerto Rico Electric Power Authority (“PREPA”) filed with this Puerto Rico Energy Bureau (“Energy Bureau”) the 10-Year Infrastructure Plan that had been submitted with the Federal Emergency Management Agency (“FEMA”). *See* Case No. NEPR-MI-2020-0016,

2. On February 16, 2021, PREPA filed a Revised 10-Year Infrastructure Plan outlining proposed investments in infrastructure for the next decade. *See* PREPA’s Response to Resolution and Order Entered on January 25, 2021 and Request for Approval of Revised 10-Year Infrastructure Plan, filed on February 16, 2021.

3. On March 26, 2021, this honorable Energy Bureau issued a Resolution and Order holding that the 10-Year Infrastructure Plan must be aligned with the Approved Integrated Resource Plan Order and Modified Action Plan (“Approved IRP and Modified Action Plan”)

issued in Case No. CEPR-AP-2018-0001, identifying the projects that are aligned with the Approved IRP and Modified Action Plan, and issuing specific directives to PREPA. (“March 26th Order”).

4. On March 19, 2021, PREPA submitted a Revised 10-Year Infrastructure Plan (“March 2021 Update”), requested that the Energy Bureau find that the March 2021 Update is aligned with the Approved IRP and Modified Action Plan, and moved the Energy Bureau to allow PREPA to “make capital investments to complete the projects including requesting federal funds for eligible projects.” *See* Motion Submitting Revised 10-Year Infrastructure Plan filed on March 19, 2021, at page 6.

5. On April 14, 2021, PREPA filed with this Energy Bureau a list of projects that were a subset of projects included in the 10-Year Infrastructure Plan and that would be submitted for approval by FEMA and the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency (“COR-3”).

6. On April 22, 2021, this honorable 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 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. *See* Motion in Compliance with Resolution and Order issued on April 22, 2021, filed by PREPA on April 28, 2021 and May 4, 2021.

7. The Energy Bureau’s April 22nd Order also required PREPA to file on or before May 21, 2021, detailed information and Scoped of Works (“SOWs”) 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 Projects¹. See April 22nd Order at page 3.

8. 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”).

9. On June 15, 2021, LUMA filed Motion in Compliance with June 8th Resolution and Order and Request for Technical Workshop (“LUMA’s June 15th Motion”). Among others, LUMA requested that a technical workshop be convened to discuss future processes on projects to be submitted to FEMA and COR-3 and timing and review for filing updates including timeline for approvals by this Energy Bureau. LUMA’s June 15th Motion, ¶¶10-13. LUMA also informed that it would not be possible to file on or before July 6, 2021, the detailed information and SOWs for each of the one hundred and eighty-five (185) projects listed in the April 14th PREPA Submission as the Energy Bureau required in a Resolution and Order of June 8, 2021.

10. On July 2, 2021, the Energy Bureau issued a Resolution and Order granting LUMA’s June 15th Motion and convening a technical conference to be held on July 12, 2021 at

¹ 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.

9:30 a.m. “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.” (“July 2nd Order”). *See* July 2nd Order at page 2.

11. LUMA understands in good faith that in convening the technical conference for July 12th, the Energy Bureau implicitly granted LUMA relief from compliance with the July 6th deadline to file detailed SOWs. However, because in the July 2nd Order the honorable Energy Bureau did not specifically cancel the July 6th deadline for submission of SOWs, LUMA respectfully requests that the Energy Bureau grant relief from the July 6th deadline.

12. It is respectfully informed that under separate cover, LUMA and PREPA will jointly file with this Energy Bureau, an updated 10 Year infrastructure workplan (“June 2021 Update”) and the PREPA-LUMA Supplemental 90-Day workplan submission which provides a summary of key next steps for the upcoming 90 days. *See* Joint Motion Submitting Updated 10-Year Infrastructure Work Plan and Exhibits 1 and 2 to same (“Joint Motion Submitting Updated Work Plan”). The PREPA-LUMA Supplemental 90-Day workplan submission includes estimated schedules for submission of SOWs to this Energy Bureau for approval prior to submission to COR-3 and FEMA. *See id.* Exhibit 2.

13. The PREPA-LUMA Supplemental 90-Day work plan submission that will be filed with the Energy Bureau provides the timeline for submission during the Fourth Quarter of calendar year 2021, of SOWs to the Energy Bureau, FEMA and COR-3. *See* Exhibit 2 to Joint Motion Submitting Updated Work Plan. In alignment with PREPA, LUMA is prioritizing work on the projects that were approved by the Energy Bureau and is advancing work into the Architecture and

Engineering (A&E) stage of the projects. This work is key to begin the procurement and construction phases.

14. LUMA respectfully submits that it has developed a considered and workable timeline for submission to this Energy Bureau of additional SOWs for the fourth quarter of calendar year 2021. LUMA representatives will be available to discuss this timeline with the Energy Bureau on July 12th and remain committed to achieve the stated goals for the recovery and transformation of the electric power system in Puerto Rico.

15. LUMA respectfully requests that the Energy Bureau grant LUMA relief from the June 8th Order fixing the July 6th deadline for filing detailed SOWs and/or cancel or stay the July 6th deadline.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **cancel or stay** the July 6th deadline for submission of detailed SOWs on the one hundred and eighty-five (185) projects listed in the April 14th PREPA Submission.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 6th day of July 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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