

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

NEPR Received: Oct 21, 2021 9:41 PM
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IN RE:

IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY PERMANENT RATE

CASE NO. NEPR-MI-2020-0001

**SUBJECT: Motion in Compliance with October 5th
Resolution and Order**

MOTION IN COMPLIANCE WITH OCTOBER 5th RESOLUTION AND ORDER

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** (“ManagementCo”), and **LUMA Energy ServCo, LLC** (“ServCo”), (jointly referred to as the “Operator” or “LUMA”), and respectfully state and request the following:

1. On September 30, 2021, this Energy Bureau issued a Resolution and Order setting the factors for the FCA, PPCA and the Fuel Oil Subsidy (“FOS”) rider factors that will apply from October 1st, 2021 until December 31, 2021 (“September 30th Resolution and Order”). At page 6 of the September 30th Resolution and Order, this Energy Bureau indicated that the analysis on the viability of filing insurance claims to cover the incremental costs of fuel was preliminary. The Energy Bureau directed that LUMA should keep it continually informed of developments in its analysis on insurance coverage and of any claims filed with insurers.

2. On October 5, 2021, this Energy Bureau issued a Resolution and Order, setting a public hearing to discuss the following topics:

- (i) The causes of the critical situation of generation availability that caused the significant deviation from the previously projected economic dispatch;

- (ii) The measures taken, if any, to try to avoid the load shifts experienced in the past few days; and
- (iii) The course of action or specific corrective measures taken, or to be taken, to try to prevent or avoid the situation of insufficient available generation from happening again.

See October 5th Resolution and Order at page 1.

3. Furthermore, the Energy Bureau ordered the Puerto Rico Electric Power Authority (“PREPA”) to produce on or before October 14, 2021 the following information:

- (i) A detailed report of the approved budget and expenses incurred in maintenance work (specific work and repairs) for the past five (5) years, by generating unit, including rapid response units;
- (ii) A report detailing the status of the Authority’s generating units and independent power producers for the past five (5) years, including, but not limited to the periods during which the units were out of service, the reason for the unit’s removal from service (e.g., scheduled, unscheduled, nature of failure, etc.), estimated date the unit was removed from service, the actual date the unit was returned to service; and
- (iii) A report including an actual and final response on the solutions that the Authority has identified and will implement to prevent the unscheduled use of diesel instead of natural gas (i.e., lack of natural gas supply) in San Juan Units 5 and 6, and the actions that the Authority has taken, or plans to take, with respect to the aforementioned situation, taking into consideration the provisions of the Contract between the Authority and New Fortress, particularly Clause 9.1 of the contract. The Authority shall accompany such report with a detail of the occasions on which such situation has occurred, as well as any technical information relating to the cause thereof, including, but not limited to, reports issued by New Fortress in connection with such events.

Id. at page 3.

4. On October 13, 2021, LUMA requested an extension until October 21, 2021 to comply with that portion of the October 5th Resolution and Order that required LUMA’s analysis on potential insurance coverage for the incremental costs of fuel due to recent load shed events and outages (“October 13th Motion”).

5. In the October 13th Motion, LUMA also requested clarification that it was the proper party to submit to the Energy Bureau the data on the status of independent power producers for the past five (5) years, which per the October 5th Resolution and Order, PREPA was required to file by October 14, 2021. LUMA requested an extension of time, until October 21, 2021, to submit said information.

6. On October 15, 2021, this honorable Energy Bureau issued a Resolution and Order granting LUMA until October 21, 2021, to file the information on potential insurance claims and clarified that LUMA should produce the historical on independent power producers. The Energy Bureau also rescheduled the public hearing for October 25, 2021.

7. In compliance with the October 5th Resolution and Order, LUMA hereby submits a Power Point presentation in pdf format, *see* Exhibit 1, and an excel spreadsheet, *see* Exhibit 2 (submitted via email), with the data of the last five (5) years on the availability and capacity factor of the generation units operated by independent power producers. It is clarified that the information on “periods during which the units were out of service, the reason for the unit’s removal from service (e.g., scheduled, unscheduled, nature of failure, etc.), estimated date the unit was removed from service, the actual date the unit was returned to service” – has not been provided by the IPPs, nor has it been recorded on a regular basis.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **deem** that LUMA complied with that portion of the October 5th Resolution and Order that required information on historical data on the status of the generating units operated by independent power producers for the past five (5) years

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of October 2021.

I hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau.

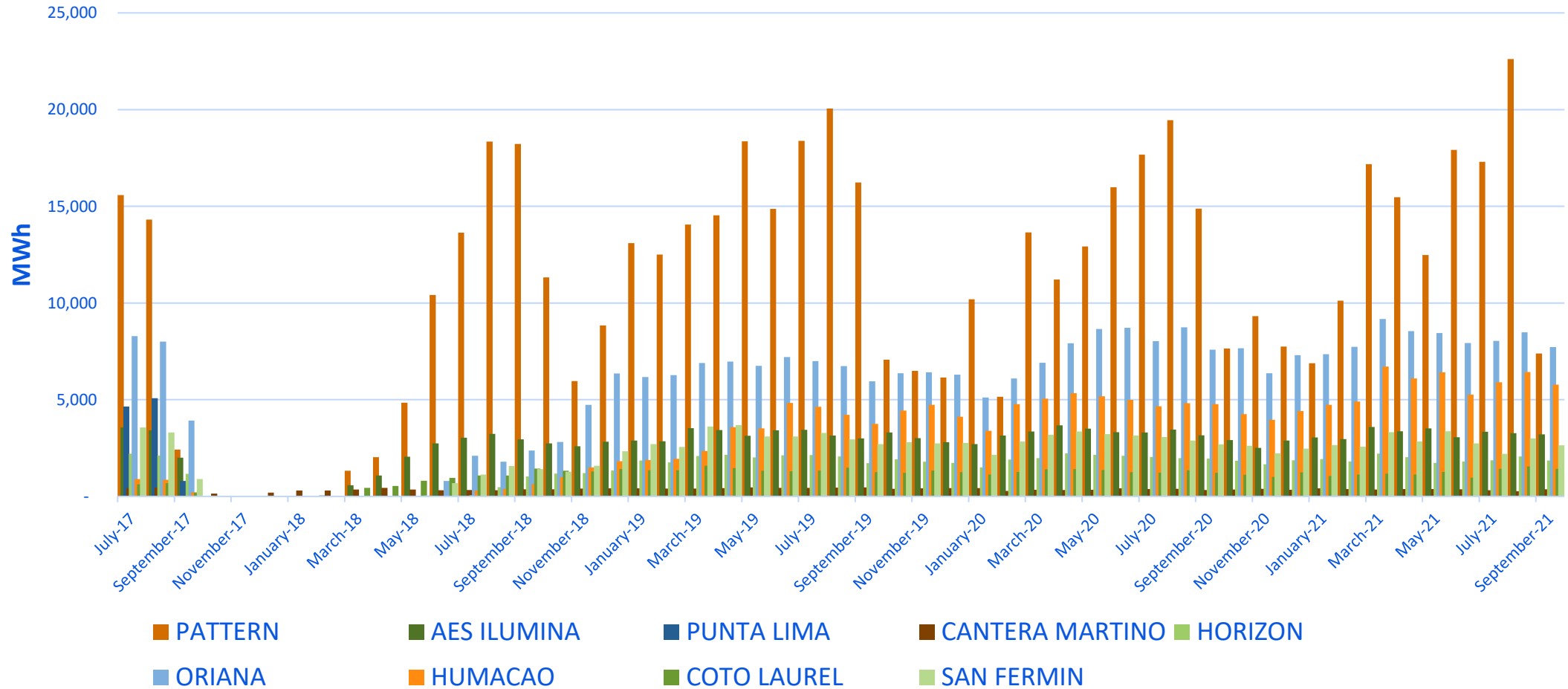


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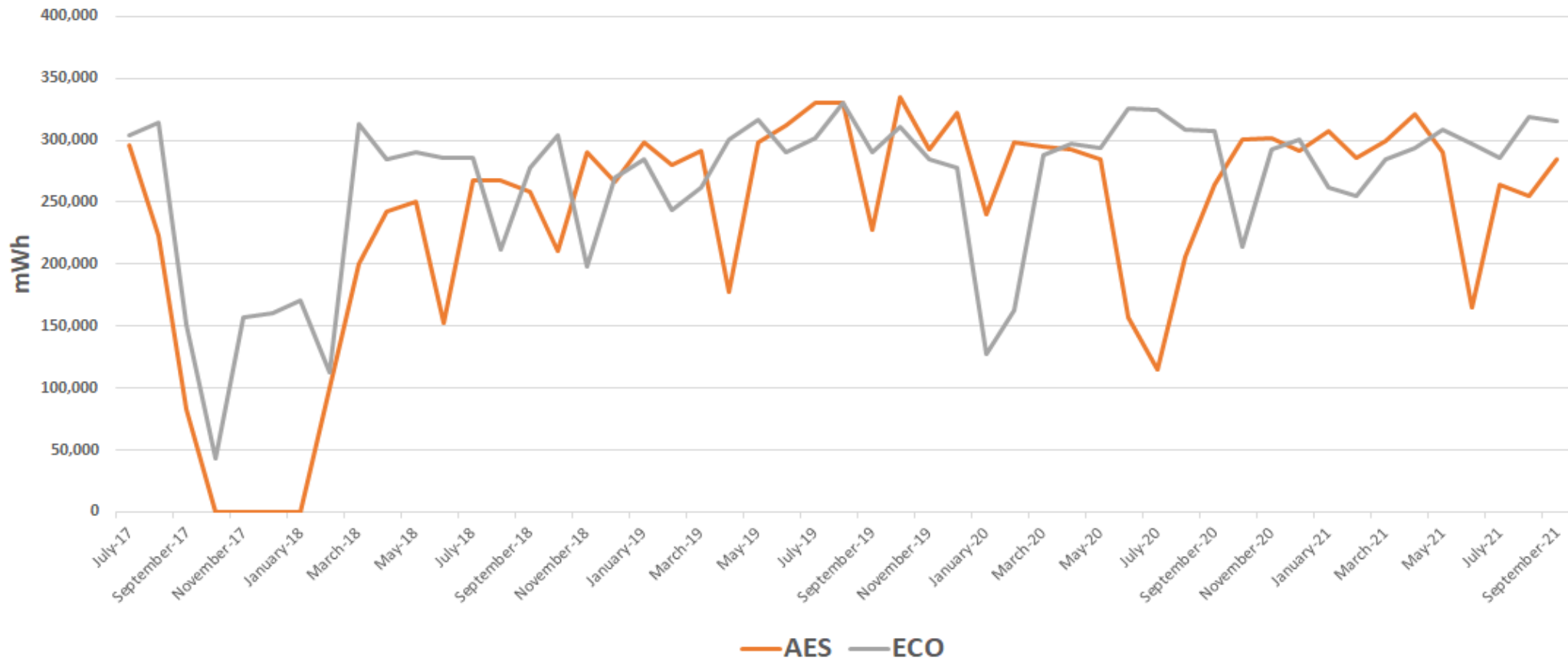
/s/ Margarita Mercado Echegaray
Margarita Mercado Echegaray
RUA NÚM. 16,266
margarita.mercado@us.dlapiper.com

Exhibit 1

MWh per Month for Renewables

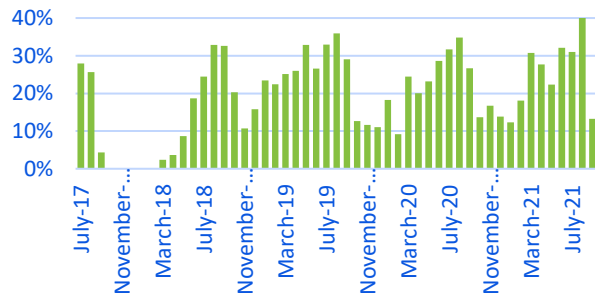


MWh per Month for AES and ECO

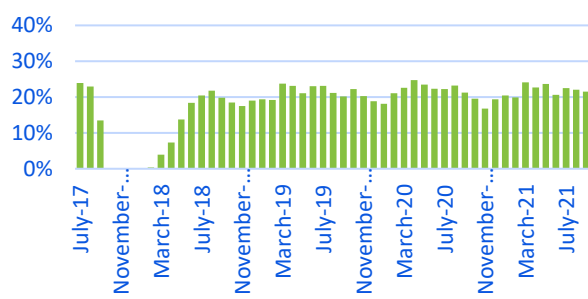


Capacity Factor Renewables (Excluding LFG)

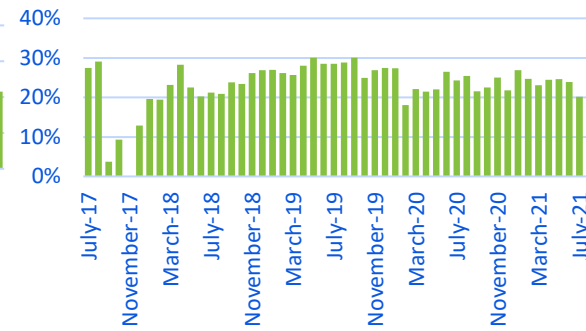
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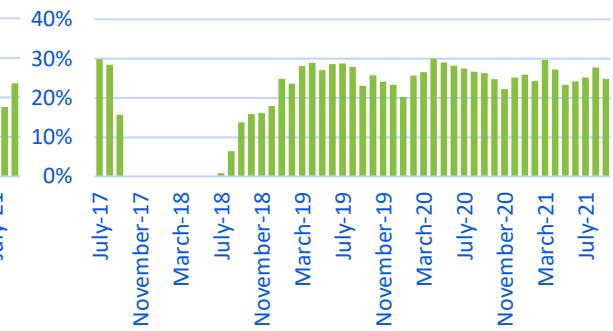
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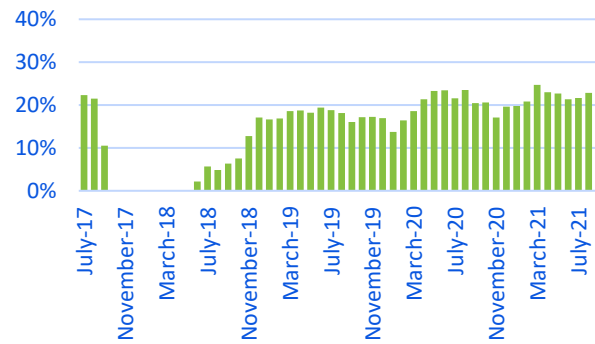
CANTERINA MARINO



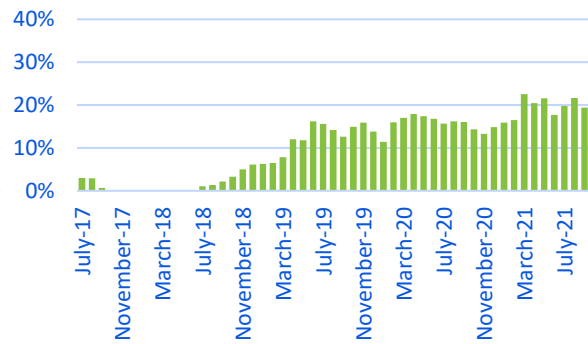
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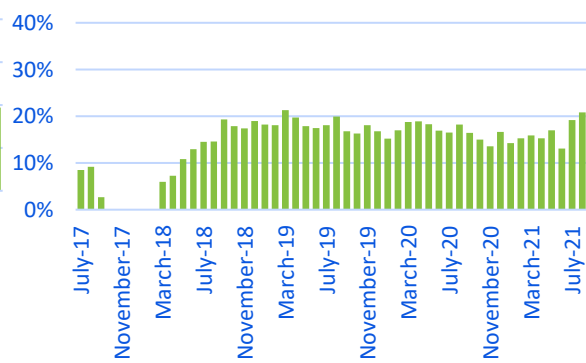
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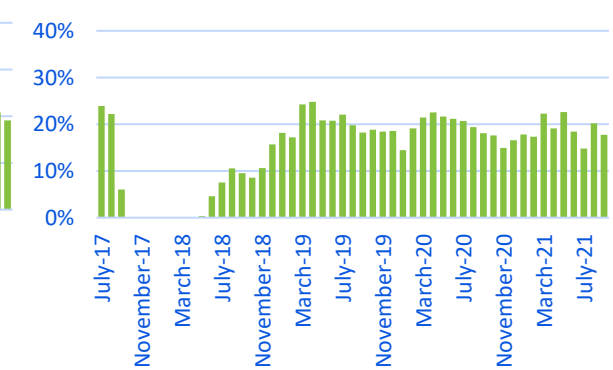
HUMACAO



COTO LAUREL



SAN FERMIN



Capacity Factor for ECO and AES

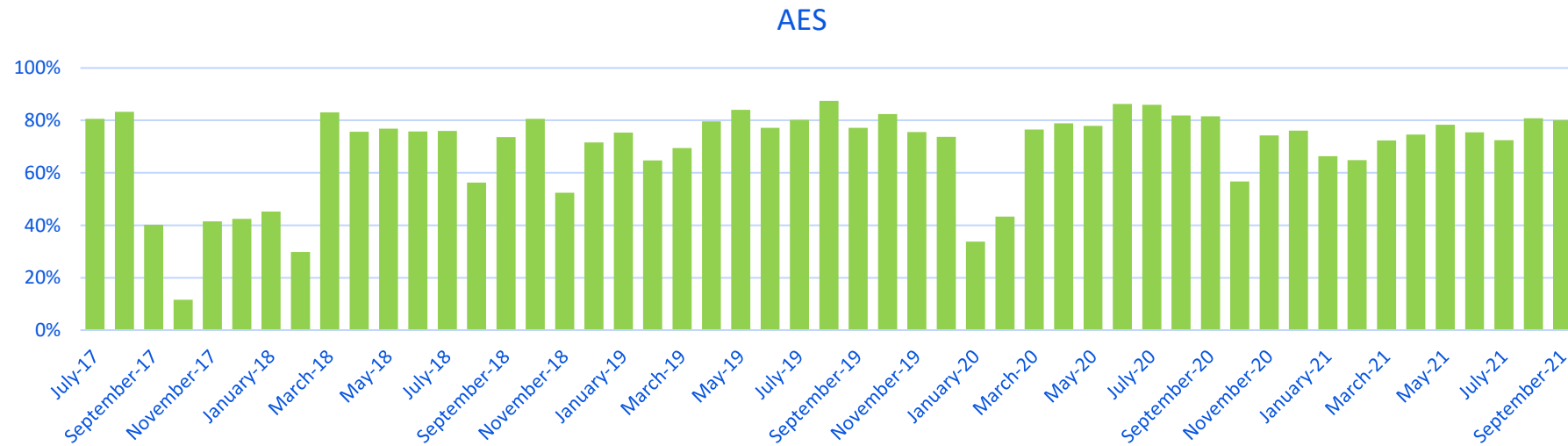
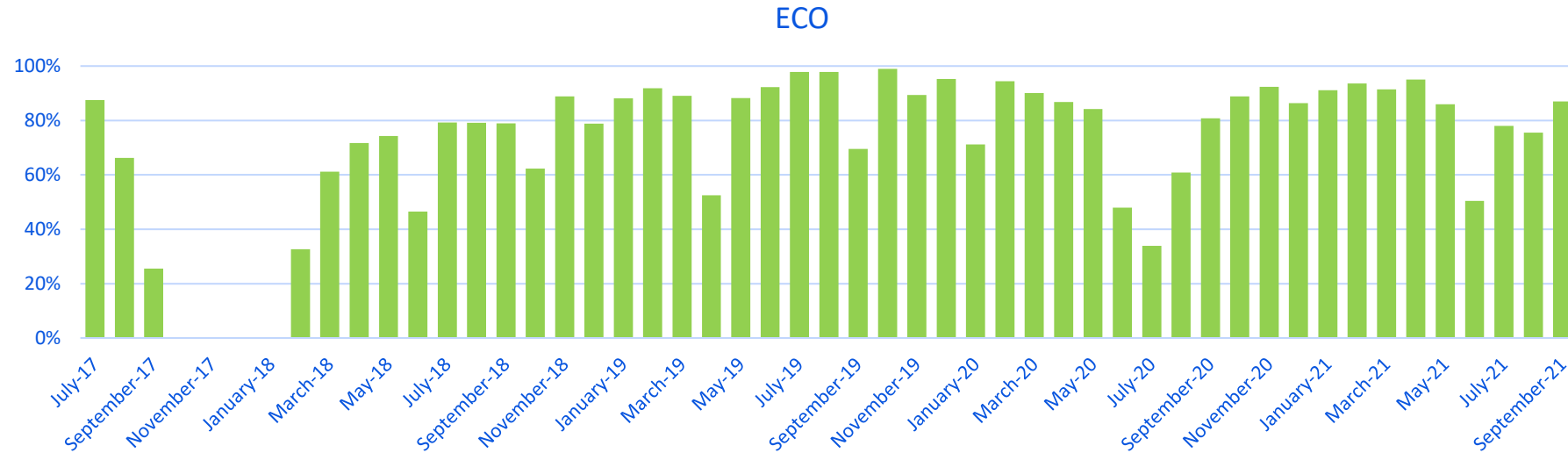


Exhibit 2 (submitted via email)