

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

IN RE: THE IMPLEMENTATION OF THE
PUERTO RICO ELECTRIC POWER
AUTHORITY INTEGRATED RESOURCE
PLAN AND MODIFIED ACTION PLAN

CASE NO.: NEPR-MI-2020-0012

SUBJECT: Request for Additional Time to
Submit the Report on Resource Planning for
the Next IRP Cycle and the Draft RFQ and
RFP Consultant and Request to Schedule
Technical Conference.

RESOLUTION AND ORDER

On August 24, 2020, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued its Final Resolution and Order on the Puerto Rico Electric Power Authority Integrated Resource Plan ("Approved IRP")¹. Through the Approved IRP, the Energy Bureau approved in part and rejected in part the Puerto Rico Electric Power Authority ("PREPA") proposed IRP. The Approved IRP orders the adoption and implementation of a modified Action Plan as set forth in the Approved IRP ("Modified Action Plan").²

The Approved IRP included a Section titled "Preparing for the Next IRP Cycle", containing action items and internal process improvements to be implemented by PREPA for the next IRP.³

On October 6, 2020, the Energy Bureau issued a Resolution and Order ("October 6 Resolution") opening the instant docket with the purpose of managing the implementation phase of the Approved IRP and Modified Action Plan.⁴

On June 22, 2020, PREPA, the Puerto Rico Public-Private Partnerships Authority, LUMA ENERGY, LLC as ManagementCo, and LUMA ENERGY SERVCO, LLC as ServCo (collectively, "LUMA") entered into an Operation and Maintenance Agreement ("OMA") under which LUMA will manage PREPA's transmission and distribution system ("T&D System"). As part of the OMA services, LUMA, as agent of PREPA is responsible for "[f]rom time to time, or as otherwise required by [applicable law as defined in the OMA] or ordered by [the Energy Bureau], [...] prepare a proposed [IRP] for review and approval by [the Energy Bureau]."⁵

On November 5, 2021, LUMA submitted a document titled *Informative Motion on Status of Activities Related to Next IRP Cycle, Request for Extension to File Documents and Request to Schedule Technical Conference* ("November 5 Request"), informing the Energy Bureau of the status of LUMA's efforts regarding the process to prepare for the next IRP cycle **and requesting until November 30, 2021 to submit:** (a) the Internal IRP Process Review Report required under Section V(B)(1); and (b) the first submittal required under the IRP Consultant Contracting Process under Section V(B)(2).⁶ LUMA also **requested the Energy Bureau to schedule a Technical Conference** with the purpose of: (a) providing the Energy

¹ Final Resolution and Order on the Puerto Rico Electric Power Authority Integrated Resource Plan, *In Re: Review of the Puerto Rico Electric Power Authority Integrated Resource Plan*, Case No. CEPR-AP-2018-0001, August 24, 2020.

² See Approved IRP, Parts I to IV, VI and VII.

³ *Id.*, Part V.

⁴ See October 6 Resolution, p. 1.

⁵ Section I(G) of Annex I of the OMA also provides, in pertinent part, that the O&M Services include Operator being responsible for "preparing, presenting, [and] defending current or future [IRPs], [...], as [PREPA's] representative before the [Energy Bureau] and any other local, state or federal government agencies".

⁶ See November 5 Request, pp. 7-8.



Bureau more detailed information on the status of LUMA's efforts with its preparation for the next IRP cycle, including the matters discussed in the November 5 Request; (b) discussing LUMA's request for streamlining the IRP Consultant Contracting Process; (c) discussing pending questions LUMA has regarding the next IRP cycle requirements; (d) and answering questions from the Energy Bureau regarding these subjects.⁷

On November 30, 2021, LUMA filed a document titled *Informative Motion on Timeline to Submit the Report on Resource Planning for the Next IRP Cycle and the Draft RFQ and RFP for IRP Consultant and Request for Additional Time* ("November 30 Request").

In the November 30 Request, LUMA states they prepared preliminary drafts of the Internal IRP Process Review Report required under Section V(B)(1) of the Approved IRP and a draft document to meet the Request for Qualifications ("RFQ") and Request for Proposal ("RFP") requirements under Section V(B)(2) of the Approved IRP. However, LUMA expressed that these documents are not yet ready for the Energy Bureau's review and approval.

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Regarding the Internal IRP Process Review Report, LUMA states that due to the requirements related to the preparation of next IRP included in the Approved IRP and the complexities created by the interaction with other regulatory proceedings and the divided or shared responsibilities with other parties regarding certain aspects of the Approved IRP, including the U.S. Department of Energy, LUMA is still reviewing and revising this report to ensure that it addresses the relevant action items and considers issues related to the implementation of LUMA's action items. As for the draft RFQ and RFP document, LUMA states they need to revise the same to ensure it is thorough.⁸

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Through the November 30 Request, LUMA asked the Energy Bureau to grant additional time until December 17, 2021 to submit the Internal IRP Process Review Report and the RFQ and RFP document required under Sections V(B)(1) and V(B)(2) of the Approved IRP, respectively.⁹

Upon review of LUMA's arguments, the Energy Bureau **GRANTS** the November 5 Request and the November 30 Request and **ORDERS** LUMA to file the Internal IRP Process Review Report and the RFQ and RFP document required under Sections V(B)(1) and V(B)(2) of the Approved IRP, **on or before December 17, 2021**, and **GRANTS** LUMA's request to schedule a Technical Conference in the instant proceeding. The Technical Conference will be held remotely on **January 25, 2022 at 2:00 p.m.**¹⁰ The Energy Bureau **ORDERS** LUMA to ensure that all its relevant representatives shall be ready to answer questions that the Energy Bureau staff, consultants and/or Commissioners may have.

The Energy Bureau **WARNS** LUMA that, noncompliance with any provision of this Resolution and Order, may result in the imposition of fines pursuant to Act 57-2014¹¹ 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.

⁷ November 5 Request, p. 7.

⁸ November 30 Request, p. 6.

⁹ *Id.*

¹⁰ The Energy Bureau will hold the Technical Conferences via the *Microsoft Teams* platform. The login information will be provided through a separate communication.

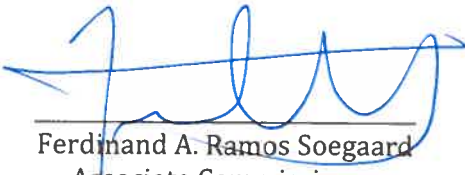
¹¹ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.





Edison Avilés Deliz
Chairman

Ángel R. Rivera de la Cruz
Associate Commissioner

Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner

Sylvia Ugarte Araujo
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on December 15, 2021. I also certify that on December 15, 2021 a copy of this Resolution and Order was notified by electronic mail to the following: laura.rozas@us.dlapiper.com; margarita.mercado@us.dlapiper.com; kbolanos@diazvaz.law; mvazquez@diazvaz.law. I also certify that today, December 15, 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 December 15, 2021.



Sonia Seda Gaztambide
Clerk