

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

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| NEPR Received: Jan 18, 2022 9:36 PM |
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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 Extension of Time to
Submit Responses to RFI Included in the
January 4 Order

**REQUEST FOR EXTENSION OF TIME TO SUBMIT RESPONSES
TO RFI INCLUDED IN THE JANUARY 4 ORDER**

COMES NOW the Authority¹, through its counsel of record, and respectfully submits and requests as follows:

I. PROCEDURAL BACKGROUND

On November 15, 2021, PREPA filed a *Motion to Submit Fourth Group of Generation Projects* (the “November 15 Motion”). Along with the November 15 Motion, PREPA submitted a comprehensive list of Generation Projects which consist of repair work projects of generation assets and for which PREPA will seek reimbursement under several FEMA programs. *See*, November 15 Motion at Attachment A.

On November 22, 2021, the Energy Bureau entered a *Resolution and Order Nunc Pro Tunc*² partially addressing the November 15 Motion (the “November 22 Order”). Further, the Energy Bureau stated that it would “promptly issue a resolution evaluating the Proposed Generation Projects. However, as a preliminary matter, the Energy Bureau stated that it considered that most of the Proposed Generation Projects entail capital and/or maintenance-related investments inconsistent with the Approved IRP and Modified Action Plan as well as PREPA’s approved budget.” *See*, November 22 Order at pp. 1-2, ¶ 3. The Energy Bureau added that it would

¹ Capitalized terms not defined herein shall be considered with the meaning provided to them in the January 13 Motion.

² This *Resolution and Order* amended the *Resolution and Order* entered by the Energy Bureau on November 18, 2021.

evaluate the Generation Projects with the urgency that circumstances require. *Id.* at p. 2, ¶ 4.

On November 29, 2021, PREPA filed a *Motion to Clarify and Request for Technical Conference* (the “November 29 Motion”) to address and explain that the November 15 Motion did not have the intention of changing or amending the Approved IRP and Modified Action Plan, nor to be inconsistent with these plans. Ultimately, the motion intended to provide additional information in an effort to aid the Energy Bureau in its evaluation of the Generation Projects previously submitted. PREPA’s November 29 Motion reiterated its objective to pursue projects that comply and follow both plans and therefore, PREPA requested the Energy Bureau to schedule a technical conference to further discuss the concerns and questions the latter may have relating to those projects.

Unfortunately, PREPA did not receive a response to the request for relief made in the November 29 Motion and resorted to file another motion reiterating its request for a prompt decision regarding the Generation Projects included in Attachment A of the November 15 Motion, for the scheduling of a technical conference to discuss the projects proposed and to answer any concerns or questions the Energy Bureau may have. *See, Motion to Reiterate Request for Approval of Generation Projects and/or Technical Conference* filed on January 4, 2022 (the “January 4 Motion”).

Later that day, January 4, 2022, PREPA was served with a *Resolution and Order* (“January 4 Order”) by which the Energy Bureau conditionally approved the projects described in Attachments A to H of the referenced Order, pending the submittal by PREPA of the Statement of Work (“SOW”) of each project. The approval includes permanent repairs for the San Juan, Aguirre, Aguirre Combined Cycle, Costa Sur, Palo Seco, Cambalache, Mayaguez Hydro-gas power plants and the Hydro-gas turbine peakers. Other works approved are common to all power

plants (*i.e.* item no. 96, interior dry cleaning) (all the approved works included in Attachments A to H hereinafter referred to as “Conditionally Approved Projects”). Nonetheless, the Energy Bureau determined to defer for further evaluation several of the Generation Projects. The deferred projects are listed in Attachment I of the January 4 Order (the “Deferred Projects”).

The January 4 Order additionally provides directives regarding the Conditionally Approved Projects and the Deferred Projects for which PREPA was ordered to submit on January 14, 2022, the SOW for each Conditionally Approved Projects and also for the Deferred Projects for the Energy Bureau’s evaluation. *See*, January 4 Order, page. 3, Sec. III. Additionally, the Energy Bureau also directed PREPA to answer, on or before January 19, 2022, a set of six (6) questions listed in page 4 of the January 4 Order (the “RFI”). These questions relate to the status, future plans and repairs of *all* the units for which PREPA has planned a Proposed Generation Project. This request comprises s basically the entire generation fleet of PREPA.

On January 13, 2022, PREPA submitted a motion titled *Partial Compliance with the January 4 Order and Request for Extension of Time* (the “January 13 Motion”) together with a total of 25 “Generation Projects SOWs”) for the review and approval of the Energy Bureau. *See*, January 13 Motion at Attachment A. Further, PREPA requested an extension of time until February 14, 2022, to submit the remainder of the SOWs (the “Outstanding SOWs”) requested by the Energy Bureau. In support of this petition PREPA asserted that:

[t]he continuous operation of the generation fleet is PREPA’s top priority. Hence, gathering and organizing the information needed for the SOWs has been done while the power plants’ personnel has been executing their regular operational functions. In fact, compiling this information has been a challenge considering the regular breakages suffered by the generating units during the past months and that the power plants do not have the minimum personnel for running the operations. For example, it is normal that the operations works during a regular day in any of PREPA’s power plants are conducted by shifts of sixteen or even more hours each, as there are not enough employees for completing three 8-hour shifts per day.

Consequently, compiling all the information necessary to complete the SOWs has taken more time than originally envisioned.

Therefore, by [January 13, 2022] PREPA [had] only been able to complete 25 Generation Projects SOWs of the 104 work descriptions submitted in the November 15 Motion. Nevertheless, the work to complete the SOWs has not stopped and its currently ongoing with the priority that it has. PREPA understands that it can complete the [Outstanding] SOWs during the next month, and it is coordinating to submit the [O]utstanding Generation Projects SOWs on a “rolling basis”. Taking into consideration the above-stated, the time needed to finish the compilation of the information, and additional time to review and sign-off, PREPA will complete the submission of the [Outstanding] SOWs on or before February 14, 2022.

Id. at pp. 4-5, Sec. III.

II. REQUEST FOR EXTENSION OF TIME TO SUBMIT RESPONSES TO RFI

PREPA submits that it has diligently worked to complete the answers to the RFI but has not been able to complete it in time to allotted, within the January 19 deadline and therefore, needs an extension of time to comply and present the responses to the January 4 Order RFI. PREPA hereby incorporates by reference the arguments made in support for the extension of time requested in the January 13 Motion to submit the Outstanding SOWs, as they are applicable to the request for extension made herein. *Id.* In essence, even though PREPA’s officers (specifically the power plant personnel), have been working diligently to gather the information necessary to answer the RFI, it is a fact that during the pasts months PREPA’s has operated the power plants with a minimum amount of personnel, while performing other functions such as identifying and producing the information to submit the Generation Projects SOWs, the Outstanding Generation SOWs and the responses to the RFI. Even though PREPA’s officers began working to produce the information requested in the RFI since the day the order was entered and is currently working to produce the information with the priority it entails, PREPA has been unable to finalize the task at hand.

It is respectfully asserted that PREPA understands that it can complete the responses to the RFI during the next month. Therefore, considering the month needed to finish the compilation of the information, additional time to review and sign-off, PREPA will complete and submit to the Energy Bureau the responses to the RFI on or before February 14, 2022.

PREPA respectfully asserts that the foregoing request for extension of time to submit the responses to the RFI is made in good faith and that it has carefully examined the matter and has concluded that there is a true need for an extension; has not created the need for the extension through any lack of due diligence; and has made a bona fide effort to comply with the January 4 Order without the requested extension.

III. CONCLUSION

WHEREFORE, PREPA respectfully requests the Honorable Energy Bureau to grant an extension of time until February 14, 2022 to submit the responses to the January 4 Order RFI.

RESPECTFULLY SUBMITTED.

In San Juan Puerto Rico, this 18th day of January 2022.

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CERTIFICATE OF SERVICE

It is hereby certified that I have filed the foregoing with the Clerk of the Energy Bureau using the electronic filing system using <https://radicacion.energia.pr.gov/login> and also, that I have served a copy on LUMA Energy, LLC and LUMA Energy ServCo, LLC through their counsel of record at laura.rozas@us.dlapiper.com and margarita.mercado@us.dlapiper.com.

In San Juan Puerto Rico, this 18th day of January 2022.

s/ Katuska Bolaños-Lugo
Katuska Bolaños-Lugo