

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

IN RE: THE UNBUNDLING OF THE ASSETS
OF THE PUERTO RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-AP-2018-0004

SUBJECT: LUMA's Urgent Request for
Extension of Time to Submit Wheeling
Customer Rider and Proposed Changes to
Same.

RESOLUTION

I. Introduction and Procedural Background

On December 28, 2020, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued an Order through which it opened the docket pertaining to the present adjudicative proceeding.¹ Evidentiary hearings were held on July 19 and 20, 2021. Thereafter, on August 20, 2021, final briefs were filed by LUMA² and the Independent Consumer Protection Office.³ LUMA filed a reply brief on August 20, 2021.⁴

After several procedural incidents, on March 24, 2022, the Energy Bureau issued a Final Resolution and Order regarding the instant case ("Final Resolution"). Among other things, through the Final Resolution, the Energy Bureau established the formula for the wheeling credit. The Energy Bureau stated that such formula would be the sum of the full Fuel Charge Adjustment and full Purchased Power Charge Adjustment.⁵ Moreover, as a compliance item for the implementation of the Final Resolution, the Energy Bureau ordered LUMA to file a formal version of the wheeling customer rider within seven (7) days after the notification of the Final Resolution, with a description of and rationale for any changes proposed from the draft version provided as Attachment A to the Final Resolution.⁶

On March 30, 2022, LUMA filed a document titled *Urgent Request for Extension of Time to Submit Wheeling Customer Rider and Proposed Changes to Same* ("March 30 Motion"). Through the March 30 Motion, LUMA requests the Energy Bureau to grant until April 21, 2022, for LUMA to file a formal version of the wheeling customer rider with a description of and rationale for any changes proposed for the draft version.⁷

In the March 30 Motion, LUMA argues that, since the Final Resolution was issued during late evening hours, the Energy Bureau granted five (5) business days for LUMA to: (i) analyze the Final Resolution, along with the draft customer rider; and (ii) to file the rider, including a description and rationale of proposed changes to it.⁸

LUMA recognizes that the Energy Bureau stated in the Final Resolution that any party adversely affected by the Final Resolution may file a motion for reconsideration before the

¹ Order, *In re: The Unbundling of the Assets of the Puerto Rico Electric Power Authority*, Case No.: NEPR-AP-2018-0004, December 28, 2018.

² LUMA Energy, LLC as ManagementCo., and LUMA Energy ServCo, LLC as ServCo. (collectively, "LUMA").

³ *In re: The Unbundling of the Assets of the Puerto Rico Electric Power Authority*, Case No.: NEPR-AP-2018-0004, LUMA's Final Brief; Independent Consumer Protection Office's Legal Brief, filed on August 10, 2021.

⁴ *Id.*, LUMA's Reply Brief, filed on August 20, 2021.

⁵ Final Resolution, p. 16.

⁶ *Id.*, p. 18.

⁷ March 30 Motion, p. 3.

⁸ *Id.*, p. 2.



Energy Bureau, pursuant to Section 11.01 of Regulation 8543⁹ and the pertinent provisions of Act 38-2017.^{10,11} However, LUMA asserts that, even though the deadline for filing a motion for reconsideration is April 13, 2022, it requires until April 21, 2022 to review the Final Resolution and the draft customer rider to determine if it will propose changes to the draft rider and to draft an explanation and rationale for any proposed changes.¹²

II. Analysis and Conclusion

After considering LUMA's arguments, the Energy Bureau **GRANTS** LUMA until April 21, 2022, to file a formal version of the wheeling customer rider with a description of and rationale for any changes proposed from the draft version included as Attachment A to the Final Resolution.

In the March 30 Motion, LUMA did not expressly ask for an extension of time to file a motion for reconsideration, nevertheless, LUMA states that:

*[t]he extension requested herein will also protect the rights of the intervenors and LUMA, to determine to file a motion for reconsideration that could potentially involve substantive aspects of the draft wheeling customer rider. It is sought in good faith, without intent to delay proceedings, and to accommodate the interests of the parties. (Emphasis Supplied).*¹³

The preceding assertion may imply that LUMA is also requesting a time extension to file a reconsideration regarding the Final Resolution. Should that be case, the request is **DENIED**. In addition, for the avoidance of doubt, we clarify that the time extension granted herein should not be construed as an extension for the filing of a motion for reconsideration in connection to the Final Resolution. All the parties continue to be bound by the term specified in the Final Resolution for filing a motion for reconsideration.¹⁴

Be it notified and published.



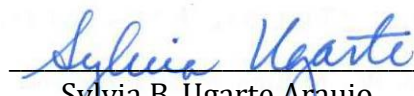
Edison Avilés Deliz
Chairman



Ángel R. Rivera de la Cruz
Associate Commissioner



Lillian Mateo Santos
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner

⁹ Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Procedures.

¹⁰ Known as the Government of Puerto Rico Administrative Procedures Act.

¹¹ March 30 Motion, p. 2 and Final Resolution, pp. 22-23.

¹² *Id.*, pp. 2-3.

¹³ March 30 Motion, p. 3.

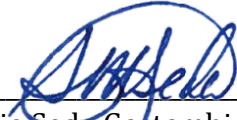
¹⁴ Final Resolution, pp. 22-23.



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on April 8, 2022. Associate Commissioner Ferdinand A. Ramos Soegaard did not intervene. I also certify that on April 8, 2022 a copy of this Resolution and Order was notified by electronic mail to: Yahaira.delarosa@us.dlapiper.com; margarita.mercado@us.dlapiper.com; kbolanos@diazvaz.law, jmarrero@diazvaz.law, contratistas@jrsp.pr.gov, hriviera@jrsp.pr.gov, manuelgabrielfernandez@gmail.com, ramonluisnieves@rlnlegal.com; ccf@tcm.law and agraitfe@agraitlawpr.com. I also certify that today, April 8, 2022, 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 April 8, 2022.



Sonia Seda Gaztambide
Clerk

