

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

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| <b>NEPR</b><br><br><b>Received:</b><br><br><b>Mar 30, 2022</b><br><br><b>2:35 PM</b> |
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**IN RE:**

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

**CASE NO. NEPR-AP-2018-0004**

**SUBJECT: Urgent Request for Extension of Time**

**URGENT REQUEST FOR EXTENSION OF TIME TO SUBMIT WHEELING  
CUSTOMER RIDER AND PROPOSED CHANGES TO SAME**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU:**

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

1. An evidentiary hearing was held in this proceeding from July 19<sup>th</sup> to July 20<sup>th</sup>, 2021. Final briefs were filed on August 10, 2021 and replies on August 20, 2021. Thereafter, since August, 2021, a Cost of Service Study (“COSS”), a proposed framework to unbundle tariffs and a proposed Uniform Services Agreement, were submitted for adjudication by this Puerto Rico Energy Bureau (“Energy Bureau”).

2. During the late evening hours of Thursday, March 24, 2022, this Energy Bureau sent notice of the *Final Resolution and Order Establishing Wheeling Tariffs and Further Process* (“Final Resolution and Order”). The Final Resolution and Order spans twenty-seven pages and includes several factual and legal conclusions throughout those pages, including references to testimony offered during the evidentiary hearing as well as documentation.

3. Among others, the Energy Bureau established the formula for the wheeling credit, as the sum of the full Fuel Charge Adjustment (“FCA”) and Purchased Power Charge Adjustment (“PPCA”). *See* Final Resolution and Order at pages 14, 16, and 22. The Energy Bureau also provided a draft wheeling customer rider as Attachment A of the Final Resolution and Order.

4. On page 18 of the Final Resolution and Order, this Energy Bureau directed that within "seven (7) days, LUMA shall to “file a formal version of the wheeling customer rider as a compliance item . . . **with a description of and rationale for any changes proposed from this draft version.**” *See* Final Resolution and order at page 18 (emphasis added). Said term expires on March 31, 2022. Given that the Final Resolution and Order was issued during the late evening hours of March 24, 2022, the Energy Bureau granted LUMA five (5) business days to analyze the Final Resolution and Order, including the draft customer rider and to file the rider, along with a description and rationale of proposed changes to the same.

5. On page 22 of the Final Resolution and Order, this Energy Bureau also apprised LUMA and all of the intervenors of their rights to request reconsideration within twenty (20) days, per Section 11.01 of the Energy Bureau Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings (“Regulation 8543”), and the applicable provisions of the Uniform Administrative Procedures Act of the Government of Puerto Rico, Act 38-217 (Section 3.15, 3 LPRA §9655). A motion for reconsideration would be due on April 13, 2022.

6. LUMA respectfully informs that it requires additional time, until April 21, 2022, to review and analyze the Final Resolution and Order and the draft customer rider to determine if it

will propose changes to the draft rider as instructed by the Energy Bureau and to draft an explanation and rationale for any proposed changes.<sup>1</sup>

7. The 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.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **grant** LUMA until April 21, 2022, to address that portion of the Final Resolution and Order that requires LUMA to file a formal version of the wheeling customer rider as a compliance item with a description of and rationale for any changes proposed from this draft version.

**RESPECTFULLY SUBMITTED**

In San Juan, Puerto Rico, this 30<sup>th</sup> day of March 2022.

I hereby certify that I filed this Motion using the electronic filing system of this Puerto Rico Energy Bureau. I hereby certify that I will send notice of this filing to intervenors: Cooperativa Hidroeléctrica de la Montaña, via Ramón Luis Nieves Esq, [ramonluisnieves@rlnlegal.com](mailto:ramonluisnieves@rlnlegal.com); Office of the Independent Consumer Protection Office, [hrivera@opic.pr.gov](mailto:hrivera@opic.pr.gov) and [contratistas@oipc.pr.gov](mailto:contratistas@oipc.pr.gov); Puerto Rico Manufacturer's Association via Manuel Fernández Mejías Esq., [manuelgabrielfernandez@gmail.com](mailto:manuelgabrielfernandez@gmail.com); and Ecoeléctrica via Carlos Colón, Esq., [ccf@tcm.law](mailto:ccf@tcm.law). It is also certified that I will serve notice of this motion to counsel for the Puerto Electric Power Authority, Katuska Bolaños, [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law).

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<sup>1</sup> It bears noting that during the past week and this week, LUMA is working on the proposed FY 2023 Budget that is due to be filed with this Energy Bureau on April 1, 2022. Thus, LUMA is not in a position to, at the same time, reasonably complete a thorough analysis of the Final Resolution and Order and of the draft wheeling customer rider to submit proposed changes to the rider on or before March 31, 2022.



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