

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

NEPR
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IN RE:
IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY PERMANENT RATE

CASE NO. NEPR-MI-2020-0001

**SUBJECT: Opposition to Urgente Solicitud
Para Posposición de Conferencia Técnica**

***OPPOSITION TO URGENTE SOLICITUD PARA
POSPOSICIÓN DE CONFERENCIA TÉCNICA***

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”), through the undersigned counsel, and respectfully state and request the following:

1. On June 17, 2022, the Puerto Rico Energy Bureau entered a Resolution and Order in which it requested LUMA and the Puerto Rico Electric Power Authority (“PREPA”), to provide or clarify certain information concerning the submissions filed in the past weeks, on or before June 22, 2022, at 10 a.m. (“June 17th Order”).

2. Additionally, in the June 17th Order, the Energy Bureau scheduled a Technical Conference on June 24, 2022, at 10 a.m. to discuss the above-mentioned submissions. It instructed LUMA and PREPA that any employees who worked on the underlying data for those submissions should appear as witnesses and be able to testify. Among the topics to be discussed at the Technical Conference, the Energy Bureau listed the following:

- a. The status of the contractual claim against New Fortress related to the timely supply of natural gas to units 5 and 6 of the San Juan Power Plant, as well as the potential amount of such claim and any similar claims for March and April 2022. Likewise, the status of the claims for the periods before these months;

- b. The estimated incremental cost of using diesel fuel in San Juan units 5 and 6 is relative to the cost of natural gas used during March and April 2022. Likewise, they shall provide a detailed update of the facts that prevented the use of natural gas in these units during the aforementioned period;
- c. The status of the contractual claim against Naturgy related to the timely supply of natural gas to units 5 and 6 of the Costa Sur Power Plant, as well as the potential amount of such claim and any similar claim for March, April, and May 2022. Likewise, update the status of the claims with respect to the periods prior to these months.
- d. The incremental cost estimate for the use of residual fuel in the Costa Sur units 5 and 6, relative to the cost if natural gas had been used during March, April, and May 2022. Likewise, provide a detailed update of the facts that prevented the use of natural gas in these units during the referred period;
- e. The reasons why it is projected to use mostly residual fuel in the Costa Sur units 5 and 6 during July, August, and September 2022, as shown in the PROMOD run contained in the "Attachment 3" tab of the "JULY-SEPT 2022 Factors.xlsx" file submitted as part of the June 15 Informative Motion; and
- f. Any action taken by LUMA or the Authority to mitigate the impact of the reconciliation of the FCA and PPCA clauses for March, April, and May of 2022, as well as the projected costs related to such clauses for July, August, and September 2022.
- g. Report on the natural gas nominations made for the San Juan and Costa Sur power plants for June, July, August, and September 2022.

4. Today, on June 22, 2022, PREPA filed an *Urgente Solicitud de Posposición de Conferencia Técnica*, whereby it petitioned the Energy Bureau for the continuance of the Technical Conference for next week. PREPA alleges that the reasons to sustain their request are included in an exhibit to that Motion. However, PREPA filed the exhibit under seal of confidentiality; therefore, the reasons for such a request were not disclosed.

5. LUMA hereby opposes PREPA's petition for the continuance of the Technical Conference for next week. First, two of LUMA's personnel that worked on the underlying technical data for the submissions filed with this Energy Bureau in the past weeks are unavailable next week due to prior commitments outside the jurisdiction of Puerto Rico, and internet access will not be readily available. Those commitments cannot be canceled at this juncture, and those

individuals have the specialized knowledge and experience with the data, and their testimony cannot be replaced. Second, LUMA's relevant personnel has been preparing for the Technical Conference as scheduled and are ready to testify on the matters required by the Energy Bureau. Third, considering the tight timeframe, the Energy Bureau has to enter a determination on the matters at issue, a request to hold the Technical Conference next week is somewhat unreasonable.

6. Although LUMA understands that PREPA may have reasons to request the continuance of the Technical Conference, those reasons were not disclosed to determine whether other alternatives could be proposed. As such, LUMA opposes the continuance of the Technical Conference for next week. The Technical Conference should be held as scheduled for the reasons stated above. However, if the Energy Bureau determines to grant PREPA's petition for continuance, LUMA requests that the Technical Conference be held on June 24, 2022, for LUMA only. This request will not cause any undue prejudice to PREPA, and it is made in the interest of not causing further delay in this proceeding.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **deny** PREPA's *Urgente Solicitud de Posposición de Conferencia Técnica*. In the alternative, if PREPA's petition is granted, LUMA requests the Energy Bureau continues to hold the Technical Conference as scheduled for LUMA only on June 24, 2022.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 22nd day of June 2022.

I hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau. I will send an electronic copy of this Motion to counsel for PREPA Katuska Bolaños-Lugo, kbolanos@diazvaz.law, and to the Independent Consumer Protection Office, through Director Hannia Rivera, hrivera@oipc.pr.com.



500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9132
Fax 939-697-6102

/s/ Yahaira De la Rosa Algarín
Yahaira De la Rosa Algarín
RUA NÚM. 18,061
yahaira.delarosa@us.dlapiper.com