

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

IN RE: THE PERFORMANCE OF THE
PUERTO RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Resolution and Order regarding
*Request for Extension of Time to Comply with
Resolution and Order of August 18, 2022,*
filed by LUMA Energy, LLC and LUMA
Energy ServCo.

RESOLUTION AND ORDER

On August 18, 2022, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("August 18 Resolution") through which it evaluated LUMA's performance for the first 12 months of its operation contract, as well as the performance metrics provided by LUMA¹ and the Puerto Rico Electric Power Authority ("PREPA") for the period starting June 1, 2021 through May 31, 2022. Attachment A of the August 18 Resolution provides metric data pertaining LUMA's performance over the last 12 months detailed in graphs. Further, Attachment B summarizes all 583 metrics reported by LUMA and PREPA.

As noted in the August 18 Resolution, LUMA's and PREPA's performance regarding certain metrics has not improved when compared to the baseline previously determined by the Energy Bureau with PREPA's and LUMA's input. Through the August 18 Resolution, the Energy Bureau ordered LUMA and PREPA to each file, on or before September 1, 2022, a motion explaining, to the extent possible, the causes of their non-positive negative performance and the corrective measures they will implement to improve their performance.

On August 26, 2022, LUMA filed before the Energy Bureau a document titled *Request for Extension of Time to Comply with Resolution and Order of August 18, 2022* ("August 26 Motion"). Through the August 26 Motion, LUMA expressed that recent orders issued by the Energy Bureau in several active proceedings, including the August 18 Resolution, establish concurrent deadlines and events that require participation by LUMA at complex and time-sensitive technical conferences, as well as technical filings that coincide in the last days of the months of August and during September 2022.²

According to LUMA, when overlapping submission and events are scheduled, the need for the procedural calendars and due dates to change on or close to a deadline increases, because the parties to proceedings are not able to fully deploy their time and efforts to fulfill their duties, and processes become less efficient.³ Further, LUMA proposed a planning and scheduling approach that involves parties and stakeholders in setting short, medium, and long term agendas on the regulatory topics that will be addressed by the Energy Bureau each quarter, semester, or year.⁴ LUMA maintained that a scheduling proceeding would further the common goal of adopting reasonable timeframes to secure compliance with the energy public policy goals and related legal mandates.⁵ To that end, LUMA indicated it would submit before the Energy Bureau a proposal to open a scheduling docket where stakeholders and those entities that the Energy Bureau supervises and regulates, are able to engage in

¹ LUMA Energy, LLC and LUMA Energy ServCo, LLC (collectively, "LUMA").

² August 26 Motion, p. 2, ¶ 4.

³ *Id.*, p. 5, ¶ 6.

⁴ *Id.*

⁵ *Id.*



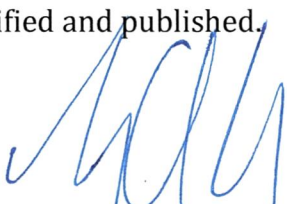
collaborative discussions with the Energy Bureau regarding schedules for active proceedings.⁶

Additionally, LUMA submitted that the time provided by the Energy Bureau to comply with the August 18 Resolution was unduly short.⁷ Given the aforementioned, LUMA requested until October 3, 2022, to file its submission in compliance with the portion of the August 18 Resolution that requires explanations on LUMA's performance and actions taken or to be taken to address specified performance areas that the Energy Bureau concluded were below the baselines set in this proceeding.⁸

Upon review of LUMA's arguments, the Energy Bureau is not convinced that this requires an extension of over a month to comply with the orders of the Energy Bureau. Therefore, the Energy Bureau **DENIES** LUMA's request for an extension of time until October 3, 2022 to comply with the August 18 Resolution. Nevertheless, the Energy Bureau **GRANTS** LUMA until **September 20, 2022** to comply with the request of information ordered through the August 18 Resolution.

The Energy Bureau **WARNS** LUMA that, noncompliance with the provisions of this Resolution and Order, may result in the imposition of fines pursuant to Article 6.36 of Act 57-2014.⁹

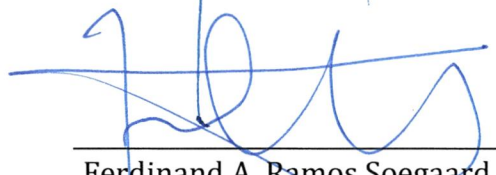
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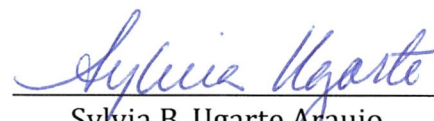
Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on August 31, 2022. I also certify that on August 31, 2022, a copy of this Resolution and Order was notified by electronic mail to margarita.mercado@us.dlapiper.com, jmarrero@diazvaz.law, kbolanos@diazvaz.law, hrivera@jrsp.pr.gov. I also certify that today, August 31, 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 August 31, 2022.



Sonia Seda Gaztambide
Clerk



⁶ *Id.* pp. 5 – 6, ¶ 6.

⁷ *Id.*, p. 7, ¶ 9.

⁸ *Id.*, p. 9, ¶ 13.

⁹ *Puerto Rico Energy Transformation and RELIEF Act*, as amended, (Act 57-2014”).