

COMMONWEALTH OF PUERTO RICO  
PUBLIC SERVICE REGULATORY BOARD  
PUERTO RICO ENERGY BUREAU

NEPR

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IN RE: REVIEW OF LUMA'S  
INITIAL BUDGETS

CASE NO. NEPR-MI-2021-0004

**SUBJECT: Motion Requesting Modification  
of Procedural Calendar**

**MOTION REQUESTING MODIFICATION OF PROCEDURAL CALENDAR**

**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. On July 13, 2022, LUMA filed a *Motion Submitting Fiscal Year 2023 Annual Budget as Approved by the Financial Oversight and Management Board for Puerto Rico* (the “Informative Motion”) whereby it submitted to this Energy Bureau the Fiscal Year 2023 Budget as certified by the Financial Oversight and Management Board for Puerto Rico (“FOMB”) including projections for FY2023 to FY2025 and its accompanying updated schedules (“Certified Budget”).
2. Through the Informative Motion, LUMA requested for this Energy Bureau to take notice of the Certified Annual Budget and maintain under seal of confidentiality specific portions identified in the Informative Motion.
3. On July 16, 2022, the Energy Bureau entered a Resolution and Order (the “July 16<sup>th</sup> Order”) through which, in its pertinent part, it took notice of the Certified Budget and determined *sua sponte* to open a review of the same. As part of such process, the Energy Bureau ordered LUMA to submit responses to certain requests included in the July 16<sup>th</sup> Order before July 29, 2022 at noon.

The Energy Bureau also ordered PREPA to provide LUMA with any additional information necessary to comply with the Resolution and Order.

4. In compliance with the July 16<sup>th</sup> Order, and without it being construed as a waiver of any arguments in connection with future budgets submissions, on July 19<sup>th</sup>, 2022, LUMA submitted the information requested.

5. On July 29, 2022, this Energy Bureau entered a Resolution and Order whereby it established the second Procedural Calendar in this proceeding. As per the Procedural Calendar, LUMA's presentation for the Virtual Technical Conference was due on August 12, 2022; a Virtual Technical Conference was scheduled for August 17, 2022; the filing of any revised or additional information required by the Energy Bureau during the Virtual Technical Conference would be due on August 22, 2022 and the Virtual Public Hearing and filing of comments by the General Public was scheduled for August 24, 2022.

6. On August 8<sup>th</sup>, 2022, LUMA filed a *Motion Requesting Modification to Procedural Calendar and Issuance of Agenda for Virtual Technical Conference* whereby LUMA confirmed the availability of its personnel to attend the Virtual Technical Conference ("Request of Modification to Procedural Calendar"). In addition, LUMA submitted a Proposed Agenda for the Virtual Technical Conference and requested that the Energy Bureau modify the Procedural Calendar to allow at least 14 days between any additional or modified information requested during the same. LUMA also requested that the dates for the Virtual Public Hearing and Filing of Public Comments be concomitantly modified as a result of the adjustment of the deadline to submit any additional or modified information.

7. On August 12<sup>th</sup>, 2022, this Energy Bureau issued a Resolution and Order whereby it issued a third revision to the Procedural Calendar as per which the Virtual Technical Conference was

postponed for September 9, 2022, the filing of revised or additional information required by the Energy Bureau during the conference was scheduled for September 23, 2022 and the Virtual Public Hearing and filing of comments by the public was set for October 7, 2022. LUMA's filing of its presentation for the Virtual Technical Conference was consequently set for September 6, 2022.

8. In what is pertinent here, through the August 12 Order, the Energy Bureau incorporated LUMA's proposal for a 14-day term between the Virtual Technical Conference and the deadline to submit additional or revised information requested during the same.

9. On August 18, 2022, the Puerto Rico Electric Power Authority ("PREPA") filed a *Request for Continuance of the Technical Conference Scheduled for September 9, 2022* through which it requested the re-scheduling of the Virtual Technical Conference set for September 9, 2022 due to one of its witnesses' unavailability ("Request for Continuance").

10. On August 19, 2022, this Energy Bureau entered a Resolution and Order granting PREPA's Request for Continuance. As a result, the Virtual Technical Conference was re-scheduled for September 13, 2022. The Energy Bureau nonetheless kept the rest of the Procedural Calendar unchanged.

11. Consequently, the deadline for submitting any additional or modified information following the technical conference is set for September 23, 2022, that is, only 10 days following the technical conference.

12. Therefore, LUMA respectfully restates its request for the Energy Bureau to afford the parties in this proceeding at least 14 days from the date of the Virtual Technical Conference to gather and submit any additional or modified information requested by the Energy Bureau during the Virtual Technical Conference.

13. As set forth initially through LUMA's August 8<sup>th</sup> Request for Modification of Procedural Calendar and previously accepted by the Energy Bureau, 14 days is a reasonable timeframe considering the nature of the matters object of this proceeding and the technical nature of the information relevant to the same in addition to the fact that there are no time constraints applicable to the proceeding at this juncture.<sup>1</sup> To that end, LUMA also proposes that the honorable Energy Bureau postpones by a concomitant term, the Public Hearing and the Filing of Comments by the General Public in the event that LUMA's additional information is needed prior to such events.

**WHEREFORE**, LUMA respectfully requests that the honorable Bureau **modify** the Procedural Calendar to afford the parties at least 14 days to submit any additional or modified information requested during the Virtual Technical Conference and consequently modify the dates for the Virtual Public Hearing and Filing of Public Comments.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 22<sup>th</sup> day of August, 2022.

We hereby certify that this motion was filed using the electronic filing system of this Energy Bureau. We also certify that copy of this motion will be notified to the Puerto Rico Electric Power Authority, through its attorneys of record: [jmarrero@diazvaz.law](mailto:jmarrero@diazvaz.law) and [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law).

*[signature in the page that follows]*

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<sup>1</sup> The proposed term is similar to that afforded by the Energy Bureau for the submission of information in other dockets following a technical conference. *See, for example, In Re: Planes de Autoridad de Energía Eléctrica de Puerto Rico para Atender Emergencias*, Case No. NEPR-MI-2019-0006.



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