

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

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

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

**SUBJECT: Request for Extension of Time to  
Submit Changes to the Draft Wheeling Customer  
Rider**

**REQUEST FOR EXTENSION OF TIME TO SUBMIT CHANGES TO THE  
DRAFT WHEELING CUSTOMER RIDER**

**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 April 13, 2022, pursuant to Section 11.01 of Regulation 8543, Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings (“Regulation 8543”) and Section 3.15 of the Uniform Administrative Procedure Act for the Government of Puerto Rico, Act 38-2017 (“LPAU” for its Spanish acronym) and within twenty (20) days after this Puerto Rico Energy Bureau (“Energy Bureau”) issued a Final Resolution and Order in this proceeding dated March 24, 2022 (“Final Resolution and Order”), LUMA submitted a *Motion for Reconsideration of Final Resolution and Order of March 24, 2022* (“Motion for Reconsideration”).<sup>1</sup>

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<sup>1</sup> Then, on April 20, 2022, LUMA filed a *Request for Stay of Portions of Final Resolution and Order of March 24, 2022, Pending Final Adjudication and Request for Additional Remedies*. LUMA requested this Energy Bureau stay several of the orders included in the Final Resolution and Order until the Motion for Reconsideration is adjudicated (“Request for a Stay”). Specifically, LUMA petitioned that the Energy Bureau stay the portion of the Final Resolution and Order that required LUMA to “file a formal version of the wheeling customer rider as a compliance item . . .

2. On April 22, 2022, the Energy Bureau entered a Resolution and Order that accepted LUMA's Motion for Reconsideration. Thereafter, on July 11, 2022, the Energy Bureau issued a Resolution and Order stating that it would extend thirty (30) days more than the initially allotted timeframe to rule upon LUMA's Motion for Reconsideration, as allowed under Section 3.15 of the LPAU.

3. On August 10, 2022, the Energy Bureau entered a Resolution and Order, whereas it denied LUMA's Motion for Reconsideration. Further, the Energy Bureau ordered LUMA to submit a formal version of the wheeling customer rider along with a description and rationale for any proposed changes from the draft version provided as Attachment A to the Final Resolution and Order within seven days. The deadline to file said submittal is August 17, 2022.

4. LUMA respectfully informs that it requires additional time, until August 24, 2022, to determine if it will propose any changes to the draft wheeling customer rider as instructed by the Energy Bureau, as well as to draft the description and rationale for any changes it may have to the proposed version.

5. The extension requested herein is sought in good faith, without the intention to delay the proceeding. As advanced in the Request for a Stay, LUMA understands that the short timeframe ordered is contrary to achieving the purposes that benefit ratepayers and are not conducive to the technical and specialized analysis requested. LUMA's rights as a party to evaluate

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with a description of and rationale for any changes proposed from this draft version." See Final Resolution and Order on page 18. Therein, LUMA contended that there were important and weighty considerations that this Energy Bureau should ponder before implementing the Final Resolution and Order and prior to requiring that LUMA file a formal version of the wheeling customer rider. As such, it was in the public interest to conclude the process of addressing LUMA's Motion for Reconsideration before LUMA is called upon to file the rider. Thus, LUMA requested that the Energy Bureau stay the order to file a formal version of the wheeling customer rider for at least thirty days after it issues a determination on LUMA's Motion for Reconsideration. However, the Energy Bureau did not rule on the Request for a Stay.

the final decision and protect its procedural rights in compliance with the order and further procedural remedies that the resolution recognizes are also affected. As LUMA has established in this proceeding, to protect customers and avoid gaming, the market rules for retail wheeling services and the wheeling services agreement should be adopted before the wheeling customer rider is implemented. Thus, LUMA's submittal will be an illustrative proposal of what a wheeling customer rider can be. Therefore, the extension requested herein does not affect this Energy Bureau's pending and future processes regarding retail energy wheeling services and the wheeling services agreement. *See* Section V entitled "Further Processes to Establish Wheeling Services Agreement and Retail Supply Agreements, of the Final Resolution and Order.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **grant** this Motion and **extend** the deadline to file a formal version of the wheeling customer rider to August 24, 2022.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 15<sup>th</sup> day of August 2022.

I hereby certify that this Motion was filed in person with the Puerto Rico Energy Bureau and that a stamped copy of this Motion will be served via electronic mail to intervenors: Cooperativa Hidroeléctrica de la Montaña, via Ramón Luis Nieves, [ramonluisnieves@rlnlegal.com](mailto:ramonluisnieves@rlnlegal.com); Office of the Independent Consumer Protection Office, Hannia Rivera, [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov), and Pedro E. Vázquez Méendez, [contratistas@jrsp.pr.gov](mailto:contratistas@jrsp.pr.gov); Puerto Rico Manufacturer's Association via Manuel Fernández Mejías, [manuelgabrielfernandez@gmail.com](mailto:manuelgabrielfernandez@gmail.com); and Ecoeléctricas via Carlos Colón, [ccf@tcm.law](mailto:ccf@tcm.law). It is also certified that I will serve notice of this motion to counsel for the Puerto Rico Electric Power Authority, Katuska Bolaños, [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law), and Joannely Marrero Cruz, [jmarrero@diazvaz.com](mailto:jmarrero@diazvaz.com).

I will also send a copy of this Motion to the following individuals or entities that the Energy Bureau included in its email, serving notice of the Final Resolution and Order. Several of those entities and persons **were not intervenors in this proceeding**:

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