

**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
the August 18 and 24 Orders*, filed by the
Puerto Rico Electric Power Authority.

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. Appendix A of the August 18 Resolution provides metric data pertaining LUMA's performance over the last 12 months detailed in graphs. Further, Attachment A and 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 24, 2022, the Energy Bureau issued a Resolution ("August 24 Resolution") through which it extended the August 18 Resolution analysis to include PREPA's performance since June 19 for comparison purposes of reliability trends over a 36-month period and thus, directing PREPA to file on or before September 1, 2022, a motion explaining the causes of their non-positive negative performance for the period from June 2019 to May 31, 2022.

On August 31, 2022, PREPA filed before the Energy Bureau a document titled *Request for Extension of Time to Comply with the August 18 and 24 Orders* ("August 31 Motion"). Through the August 31 Motion, PREPA indicated that the majority of its employees that reported and accounted for the metrics for the referenced period are not the officers that report metrics currently.² Wherefore, PREPA expressed that, for some metrics, its officers must identify those prior metrics, analyze them, and try to gather data to make an effort to comply with the August 18 and 24 Resolutions.³ PREPA further stated that the time allotted by the Energy Bureau through said Resolutions was insufficient to analyze the magnitude of what must be met to present its responses.⁴ Additionally, PREPA submitted that the human resources constraint situation at PREPA was significant.⁵ Given the aforementioned, PREPA requested an extension of time until October 6, 2022, to comply with the August 18 and 24 Resolutions.⁶ Upon review of the August 31 Motion, the Energy Bureau is not convinced that PREPA requires an extension of over a month to comply with its orders. Therefore, the Energy Bureau **DENIES** PREPA's request for an extension of time until October 6, 2022 to comply

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

² August 31 Motion, p. 2, ¶ 5.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*, p. 3, ¶ 5.



with the August 18 and 24 Resolutions. Nevertheless, the Energy Bureau **GRANTS** PREPA until **September 20, 2022** to comply with the request of information ordered through the August 18 and 24 Resolutions.

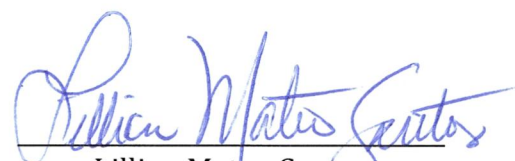
The Energy Bureau **ORDERS** LUMA to provide to PREPA, within a reasonable time, but no later than September 8, 2022, all documents in LUMA's possession required by PREPA to comply with this Order.

The Energy Bureau **WARNS** PREPA and 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 57-2014.⁷

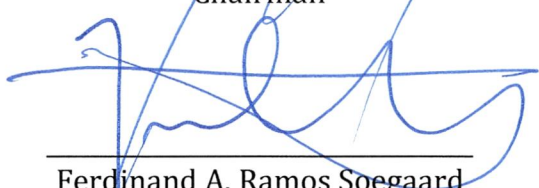
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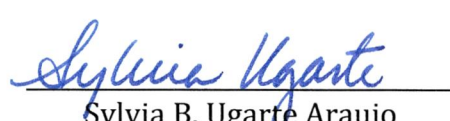
Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner

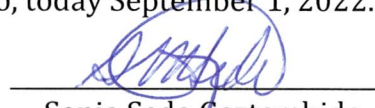


Sylvia B. Ugarte Araujo
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on September 1, 2022. I also certify that on September 1, 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 September 1, 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 September 1, 2022.



Sonia Seda Gaztambide
Clerk



⁷ Puerto Rico Energy Transformation and RELIEF Act, as amended, (Act 57-2014”).