

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

NEPR Received: Sep 16, 2022 5:50 PM
--

IN RE:

THE PERFORMANCE OF THE PUERTO
RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Urgent Request for Additional Extension of Time to Comply with Resolution and Order of August 18, 2022 due to Change in Circumstances

**URGENT REQUEST FOR ADDITIONAL EXTENSION OF TIME TO COMPLY WITH
RESOLUTION AND ORDER OF AUGUST 18, 2022 DUE TO CHANGE IN
CIRCUMSTANCES**

1. On August 18, 2022, this Energy Bureau issued a Resolution and Order in this proceeding with the subject “June 2021-May 2022, 12-Month Metric Summary” (“August 18th Order”). Attachments A and B of the August 18th Order include a summary and analysis by this Energy Bureau of the system data that LUMA and PREPA reported from June 1, 2021 through May 31, 2022.

2. On page 7 of the August 18th Order, this Energy Bureau stated that for certain performance metrics, LUMA’s and PREPA’s performance had not improved when compared to the baseline that was previously set by this Energy Bureau. This Energy Bureau then directed LUMA and PREPA to file by September 1, 2022, “a motion explaining, to the extent possible, the causes of th[e] non-positive negative performance and the corrective measures that [LUMA and PREPA] will implement” This Energy Bureau also directed that by August 31, 2022, LUMA shall inform the name of a LUMA representative to meet with the Energy Bureau to discuss reporting on customer monthly peak data metrics and that by September 30, 2022, LUMA must file a timeline to report on non-technical losses as well as submit the first bi-monthly report on the

status of LUMA’s reporting on non-technical losses. Subsequently, on August 24, 2022, this Energy Bureau issued a Resolution and Order where it determined that from June 2021 through May 2022 “the performance of LUMA remained within the expected baseline target for approximately eighty four percent (84%) of the metrics evaluated”

3. On August 26, 2022, LUMA appeared through a *Request for Extension of Time to Comply with Resolution and Order of August 18, 2022* (“Request for Extension of Time”), whereby it requested that this Energy Bureau grant LUMA a brief extension, until October 3, 2022, to file its submission in compliance with that portion of the August 18th Order that requires explanations on LUMA’s performance in response to the Energy Bureau’s summary of specified metrics included in Attachments A and B of the August 18th Order.

4. As explained through the Request for Extension of Time, the multiple overlapping events and submissions scheduled in different proceedings before the Energy Bureau for the current month of September and which were detailed in the request, required considerable time and resources across various dedicated components of LUMA’s operations whose input is also necessary in connection with the compliance with the August 18th Order.

5. To that end, LUMA proposed that a planning and scheduling approach that involves parties and stakeholders in setting short, medium term and long term agendas on the regulatory topics that will be addressed by this Energy Bureau each quarter, semester or year, will serve to streamline processes, enable the parties to comply timely with the orders of this Energy Bureau, ensure that the parties and stakeholders have sufficient time to work on topics and matters that have been prioritized, and further efficiencies. As also expressed at the time, there is a material benefit for all of those concerned to prioritize proceedings and deadlines for the Annual Budgets,

the filing of FCA, PPCA and FOS quarterly reconciliations and calculated factors, the revised Annex IX to the T&D OMA, and the filing of the investigation reports outlined above.

6. On September 2, 2022, this honorable Energy Bureau entered a Resolution and Order (“September 2nd Order”) whereby it denied LUMA’s Request for Extension of Time until October 3, 2022 but granted the appearing party until September 20, 2022 to comply with the August 18th Order.

7. LUMA respectfully informs that since the entry of the August 18th Order, it has been working diligently to gather, analyze and conduct the assessments necessary to comply with the same. Despite its efforts, certain changes in circumstances have delayed such process.

8. Specifically, on August 19, 2022, this Energy Bureau entered a Resolution and Order in Case No. NEPR-MI-2021-0004, *In re: Review of LUMA’s Initial Budgets*, through which, in its pertinent part, it issued a fourth revision to the procedural calendar as per which the virtual technical conference was rescheduled for September 13, 2022. LUMA was therefore, required to prepare for the appearance of the technical conference which, as known to the Energy Bureau, involves the participation of representatives of all of the company’s components and their appearance at the conference.

9. As a result of the developments of the technical conference, LUMA was also required to file additional information due on September 23, 2022, that is, within 10 days after the close of the first day of the conference which is scheduled to continue on September 27th.

10. Crucially, and as the Energy Bureau is aware, the announcement of the imminent passage of Tropical Storm Fiona through Puerto Rico by the United States National Weather Services has caused the activation of LUMA’s Emergency Operations Center (LEOC) on Thursday, September 15, 2022 at 0800, in compliance with the Emergency Response Plan. The

preparation for and response to Tropical Storm Fiona requires the engagement of many key personnel and components of the company in the response to the atmospheric phenomenon. Many of the LUMA personnel involved in addressing the response and designing the corrective measures in compliance with the August 18th Order have been activated in the LEOC, which requires their full attention, and this encumbers LUMA's ability to finalize tasks associated with complying with said Order. Since LUMA's personnel that was working on the responses to the August 18th Order, has been urgently required to delay those tasks to participate in LEOC activities, they will not be able to timely complete the necessary analyses for the responses that are currently due on September 20, 2022. At this time, it is not possible to ascertain when the deployment of personnel to the LEOC will conclude after the storm passes. Thus, additional time beyond the week of September 19th is needed for LUMA's personnel to finalize their duties in LEOC operations and return to their non-emergency duties to work on the responses to the August 18th Order.

11. It is respectfully set forth that the aforementioned, unforeseen circumstances that were not present when LUMA moved for its initial Request for Extension of Time, constitute just cause for an additional extension of time for LUMA to submit the information required through the August 18th Order.

12. As stated in the Request for Extension of Time, such compliance requires input from LUMA personnel and experts in different aspects of LUMA's operations, as well as LUMA management personnel. Given that said personnel is also involved in important aspects of LUMA's operations and day-to-day activities, including the response to the emergency represented by the atmospheric conditions and considering deliverables in other regulatory dockets, it is currently estimated that LUMA will need ten (10) days to comply with the August 18th Order, that is, until September 30, 2022.

13. This request is made in good faith and with the only purpose of putting LUMA in position to responsibly and adequately complying with this Energy Bureau's order.

WHEREFORE, LUMA respectfully requests this Honorable Bureau **take notice of the** aforementioned; and **grant** LUMA until September 30, 2022 to file its submission in compliance with that portion of the August 18th Order that requires explanations on LUMA's performance in response to the Energy Bureau's summary of specified metrics included in Attachments A and B of the August 18th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 16th day of September, 2022.

We hereby certify that we filed this motion using the electronic filing system of this Energy Bureau and that we will send an electronic copy of this motion to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law; and Katiuska Bolaños-Lugo, kbolanos@diazvaz.law.



DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9107
Fax 939-697-6147

/s/ Margarita Mercado Echegaray
Margarita Mercado Echegaray
RUA NÚM. 16,266
margarita.mercado@us.dlapiper.com

/s/ Ana Margarita Rodríguez Rivera
Ana Margarita Rodríguez Rivera
RUA Núm. 16,195
ana.rodriguezrivera@us.dlapiper.com