

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

NEPR

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

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Urgent Request for Extension
of Time to Submit the Performance Metrics
Report

**URGENT REQUEST FOR EXTENSION OF TIME
TO SUBMIT THE PERFORMANCE METRICS REPORT**

COMES NOW, the Puerto Rico Electric Power Authority (PREPA), through the undersigned legal representation and respectfully submits and prays as follows:

1. On May 14, 2019, the Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) issued a *Resolution and Order* initiating the case of caption and, in compliance with the orders entered, PREPA submits quarterly metric data regarding its performance.
2. On August 18, 2022, the Energy Bureau issued a *Resolution and Order* (“August 18 Order”). In the August 18 Order, the Energy Bureau briefly expressed that PREPA and LUMA Energy Servco, LLC (“LUMA”) performance regarding specific metrics had not improved compared with the previous baseline that the Energy Bureau established. The Energy Bureau directed PREPA and LUMA to 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.” August 18 Order at p. 7, ¶ 2. At that time, PREPA and LUMA were granted thirteen (13) days to report one (1) year of performance metrics and explain how each party planned to address non-performing metrics.

3. Soon after, on August 24, 2022, the Energy Bureau issued a *Resolution and Order* (“August 24 Order”) by which it determined to extend the August 18 Order analysis to include PREPA’s performance **since June 2019** for comparison purposes of reliability trends over three (3) years and thus, directing PREPA to file on or before September 1, 2022, the same deadline that had been granted to report one (1) year of metrics, the causes of the non-positive negative performance for the period from June 2019 to May 31, 2021. August 24 Order at pp. 1-2, ¶ 4. Wherefore, PREPA was directed to submit, within the original thirteen (13) days deadline, which, at the time the August 24 Order was entered, there were only seven (7) days remaining to meet the deadline, an explanation of approximately two (2) **additional** years of metrics.

4. On August 30, 2022, PREPA filed a *Request for Extension of Time to Comply with the August 18 and 24 Orders* (“PREPA’s Request for Extension”). Among other things, PREPA’s Request for Extension argued that most of the employees that reported and accounted for the metrics for the entire period are not the officers that report metrics currently and that the endeavor ordered by the Energy Bureau would take longer than the time allotted in the August 18 and 24 orders. Wherefore, PREPA requested the Energy Bureau to grant an extension of five (5) weeks to identify the information that must be analyzed to comply with the orders and prepare the report.

5. On September 1, 2022, the Energy Bureau denied PREPA’s request for additional time as made in the Request for Extension and amended the August 18 and 24 orders only to extend the deadline until September 20, 2022.

6. PREPA’s employees from the Generation Office have been working diligently gathering the data that dates back from 2019 to 2021, and also analyzing the 2021-2022 data reported, to comply with the August 18 and 24 orders and provide a comprehensive report including the

causes of nonperformance and the corrective measures to improve the performance that PREPA has identified.

7. However, the week's current events, including appearances before the Energy Bureau and the U.S. Congress, as well as emergency preparedness efforts in light of the imminent strike of Tropical Storm Fiona,¹ have forced PREPA to pause the efforts that had been undertaken to prepare the report and have the final version to be submitted on or before the September 20, 2022, deadline. As PREPA has previously explained to the Energy Bureau, due to the undeniable employee attrition, the officers tasked with gathering the generation information for the Metrics Report are the same officers that work with other reports and with the operation of the generation fleet.

8. In summary, due to the unforeseen circumstances caused by the imminent passing of Tropical Storm Fiona over Puerto Rico, which threatens to leave up to 20 inches of rain in some areas of the island, PREPA will not be able to finalize and submit the Metrics Report by September 20, 2022. PREPA estimates that if no major disaster is declared and the following week is a *regular* work week, a ten-day extension, until September 30, 2022, is warranted. PREPA respectfully requests the Energy Bureau to grant such an extension of time to comply.

9. The request is made in good faith and is not the result of a lack of effort. Moreover, the request for additional time will not affect any other party because this docket is not adjudicative. Further, it is hereby stated that the only reason that this request is made is by the delay caused by a *force majeure* event and that the officers that were preparing the report must set aside administrative and reporting tasks to perform their public duty and service to Puerto Rico of maintaining the electrical system working in the best state possible given the circumstances.

¹ https://www.nhc.noaa.gov/refresh/graphics_at2+shtml/090101.shtml?

WHEREFORE, PREPA respectfully requests that the Energy Bureau grant an extension of time until September 30, 2022, to comply with the August 18 and 24 orders.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 17th day of September 2022.

/s Joannely Marrero Cruz

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CERTIFICATE OF SERVICE

It is hereby certified that, on this same date, I have filed the above motion with the Clerk of the Energy Bureau using the Energy Bureau's Electronic Filing System at the following address: <http://radicacion.energia.pr.gov>. It is further certified that I have sent a copy to margarita.mercado@us.dlapiper.com and ana.rodriquezrivera@us.dlapiper.com.

In San Juan, Puerto Rico, this 17th day of September 2022.

/s Joannely Marrero Cruz
Joannely Marrero Cruz