

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

NEPR

Received:

Sep 2, 2022

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IN RE: REVIEW OF LUMA'S INITIAL
BUDGETS

CASE NO. NEPR-MI-2021-0004

**SUBJECT: Motion in Compliance with Order to
Show Cause**

MOTION IN COMPLIANCE WITH ORDER TO SHOW CAUSE

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:

I. Introduction

On August 26, 2022, this honorable Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") entered a Resolution and Order by which, in its pertinent part, it ordered LUMA to show cause as to why this Energy Bureau should not impose an administrative fine pursuant to Act 57-204 upon LUMA, for filing a certain *Request to Align the Filing of Quarterly Report for Fourth Quarter of Each Fiscal Year ("Q4 Report") with Year-End Reporting under the T&D OMA* ("Request for Alignment")¹ on August 12, 2022, the same day that the submittal of its Q4 Report was due to be filed as per a Resolution and Order entered by the Energy Bureau in this proceeding on May 31, 2021 ("August 26th Order").

¹ In the Request for Alignment LUMA requested to align the filing of the Quarterly Report for the Fourth Quarter of Each Fiscal Year ("Q4 Report") with year-end reporting under the Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA").

As will be explained in detail below, prior to the entry of the August 26th Order, LUMA was not in a position to interpret that the submission of a Q4 Report was required for this Energy Bureau's evaluation of LUMA's Annual Budgets for Fiscal Year ("FY") 2022 which budgets were certified by the Financial Oversight and Management Board for Puerto Rico ("FOMB") on June 30, 2022 ("Certified Budget"). LUMA's Request for Alignment was meant to conform reporting requirements set forth by the Energy Bureau in connection with its approval on May 31, 2021 of LUMA's Initial Budgets, with those contemplated in the T&D OMA. The Request for Alignment was not intended to disobey the directives of this honorable Energy Bureau nor submitted in bad faith. To the contrary, as will be explained, it was based on LUMA's understanding of the procedural developments, prior orders in this proceeding, experience reporting financials as a regulated utility, and persuasive regulations pursuant to which Q4 reports are not mandated where annual reports are submitted. Moreover, LUMA was not in a position to interpret that where the Energy Bureau has required the filing of an annual report to explain the differences between expenses and the approved budgets, LUMA would also be required to submit a Q4 Report. Finally, the record of this proceeding shows LUMA's compliance with the orders of this Energy Bureau which provides important and relevant context to weigh considerations in the context of the order to show cause issued on August 26, 2022. As such, the imposition of an administrative fine in this context and considering the circumstances of this proceeding, is not only unwarranted but would be arbitrary and unreasonable.

II. Factual and Procedural Background

On May 31, 2021, this honorable Energy Bureau issued and published a Resolution and Order approving LUMA's Initial Budgets ("May 31st Resolution and Order"). In the May 31st Resolution and Order, the Energy Bureau listed certain "requirements for LUMA to fulfill during

the Interim Period and going forward” including, among others, annual explanations of the differences between account expenses and approved budgets and efficiencies, quarterly reports on Initial Budgets spending amounts, and reporting on federal funding activity. *See* May 31st Resolution and Order at page 36, paragraphs 1 through 4; *see also* Resolution and Order of July 16, 2021 at page 6 (modifying the federal funding reporting requirements stated in the May 31st Resolution and Order) (“July 16th Order”). Per the May 31st Resolution and Order, as amended by the July 16th Order, on April 2, 2022, LUMA submitted to this Energy Bureau its Annual Budgets for Fiscal Years 2023 through 2025 (“Annual Budgets”). LUMA also submitted supporting workpapers on April 8, 2022.

On May 19, 2022, this Energy Bureau issued a Resolution and Order with the subject “Fiscal Year 2023 Annual Budget Review: Requirement of Information and Establishing a Procedural Calendar” (“May 19th Order”). On page 5 of said May 19th Order, this Energy Bureau outlined the applicable filing requirements that were adopted in the May 31st Order. To wit, this Energy Bureau identified as relevant two annual filing requirements: the annual explanation of the differences between account expenses and approved budgets and the annual report on efficiencies. Regarding the former, this Energy Bureau recognized that as of the filing of the Annual Budgets on April 2, 2022, LUMA did not have the information that corresponded to the end of FY2022 on expenses. Consequently, this Energy Bureau ordered that LUMA shall file the information on the differences between expenses and approved budgets “to the extent available based on the first nine months of operations.” *See* May 19th Order at page 5²; *see also* Attachment B to the May 19th Order (requesting information for the first nine months of operations). The Energy Bureau also issued one hundred and sixteen (116) requests for information, stated in Attachments A through F of the

² The Energy Bureau further stated that this “does not modify the full requirement following FY 2022 and FY 2023.”

May 19th Order. Additionally, in the May 19th Order, this Energy Bureau scheduled a Technical Conference for June 10, 2022, which conference convened and was cancelled minutes after the record opened and witnesses were sworn in.

On July 16, 2022, the Energy Bureau entered a Resolution and Order (the “July 16th Order”) whereby it took notice of the FY2023 Annual Budget, as certified by the FOMB which LUMA presented to the Energy Bureau on July 13, 2022 (“Certified Budget”). The Energy Bureau further determined to review the Certified Budget. As part of such process, the Energy Bureau ordered LUMA to submit responses to nine (9) requests included in the July 16th Order, before July 29, 2022 at noon. The requests called for a detailed explanation and side by side comparison of the Certified Budget and the Annual Budgets “with the budget requested for each individual portfolio, entity, division, program or project, contrasted with the approved FY2022 budgets.” The Energy Bureau required that such comparison include *at a minimum* eight (8) categories of information items. The Energy Bureau also required the filing of an executive summary in the Spanish language of the Certified Budget. Finally, the Energy Bureau ordered PREPA to provide LUMA with any additional information necessary to comply with the Resolution and Order. In compliance with the July 16th Order, on July 29, 2022, LUMA submitted the information requested.

On August 12, 2022, LUMA filed its Request for Alignment requesting that this Energy Bureau align reporting with LUMA’s year-end report. In what is pertinent, LUMA proposed to align a Q4 Report with a year-end report to be filed 120 days after the end of the fiscal year consistent with the reporting requirement for financial information under the T&D OMA, Annex I, Section VI(B), paragraph 4, which requires that LUMA submit interim and unaudited financial statements within one hundred and twenty days after the end of each fiscal year. On that same

date, this Energy Bureau entered a Resolution and Order through which, in its pertinent part, it issued seven (7) additional requests for information in this proceeding due by noon, August 29, 2022. Through these additional requests, this Energy Bureau for the first time, requested information on the comparison between the Budgets approved for Fiscal Year 2022 (“FY 2022 Approved Budgets”) and the Certified Budget, required *actual* expenditures, and that LUMA identify any movement or reallocation of funds between portfolios, services, divisions, programs or projects to and from which the monies were reallocated with a detailed explanation of each reallocation. *See* August 12th Order at pages 3 through 4. In the August 12th Order, the Energy Bureau also adjusted the procedural calendar and postponed the Technical Conference to accommodate the aforementioned requests for additional information.

On August 19, 2022, LUMA filed a *Request for Modification of Procedural Calendar in Response to Resolution and Order dated August 12, 2022*, whereby it requested that the Energy Bureau proceed with the procedural calendar, without the year-end financial information which, as had been anticipated through the Request for Alignment, would not be available until 120 days after the financial year-end. In the August 26th Order, this Energy Bureau denied LUMA’s Request for Alignment as well as LUMA’s *Request for Modification of Procedural Calendar in Response to Resolution and Order dated August 12, 2022* (the “August 26th Order”). Consequently, the Energy Bureau reaffirmed its August 12th Resolution and Order as it pertains to the requests for information on the year-end financial information.³ In relevant part, this Energy Bureau determined that the most recent actual budget data is a critical component of the process to evaluate

³ Additionally, the Energy Bureau ordered PREPA to immediately deliver to LUMA all the 2022 year-end unaudited financial information, so that “LUMA also using its unaudited financial information can present it to the Energy Bureau on or before Friday, September 2, 2022 at 12:00 p.m., in accordance with the August 12 Resolution and with the requirements included in th[e] Resolution and Order.” *See* August 26th Order at page 5.

the Certified Budget and directed LUMA to file on or before September 2, 2022, the Q4 with financial actuals for said quarter of FY 2022. *See* August 26th Order at pages 4 and 5.

On August 29, 2022, LUMA submitted its Responses in Compliance with the August 12th Order. With its Responses, LUMA submitted a comparison between the FY2023 Certified Budgets and the FY2022 Budget as approved by the Energy Bureau on August 2, 2021. As part of its Responses, LUMA also referenced the information that it had filed on June 3, 2022 which Attachment A-10 includes financial information on three quarters of Fiscal Year 2022 and one quarter of forecasted data for Improvement Programs. *See* ROI-LUMA-MI-2021-0004-20220519-PREB-A10_Attachment.xlsx.

Moreover, on August 31st, 2022, LUMA filed a *Motion for Partial Reconsideration of the August 26th, 2022 Resolution and Order and to Alter Schedule for Submission and Consideration of Financial Actuals* through which LUMA set forth in detail the circumstances and procedural developments in this proceeding which demonstrate that the Energy Bureau's requirement for the submission of the Q4 financial actuals as crucial for the evaluation of the Certified Budget is unreasonable. LUMA further proposed an alternate schedule for the consideration of the Certified Budget which would afford LUMA the time to close its financial records and prepare a year-end report including Q4 actuals. Specifically, LUMA proposed a schedule by which this Energy Bureau proceeds with the Technical Conference to consider the Certified Budget and affords LUMA the time needed to close its financial records and prepare a year-end report that will include the Q4 financial actuals on or close to October 28, 2022. As Exhibit 1 of its August 31st submission, LUMA nonetheless included FY2022 numbers in line with what was provided to the FOMB and explained the reasons why affording LUMA one week to submit Q4 financial information is not feasible.

For the reasons set forth in LUMA's Motion for Partial Reconsideration which are incorporated as if fully stated herein by reference, as well as those discussed below, it is respectfully alleged that the imposition of a fine in this case is unwarranted and would constitute an abuse of discretion by the Honorable Energy Bureau.

III. Applicable Standard

Article 6.36 of Act 57-2014, as amended by Act 17-2019, endows the Energy Bureau with authority to "impose administrative fines for violations of this Act, or the regulations and orders issued thereunder, committed by any person or electric power company subject to its jurisdiction, of up to a maximum of twenty-five thousand dollars (\$25,000) per day." 22 LPRA §154jj (2022, Spanish-Language Codification); *see also* Article 6.3 (oo) of Act 57-2014, 22 LPRA §154b.

Decisions by administrative agencies to impose fines shall not exceed statutory authorization nor amount to a clear abuse of discretion. *See Comisionado de Seguros v. Antillas Ins. Co.*, 145 DPR 226, 233-34 (1998); *Assoc. Ins. Agencies, Inc. v. Com. Seg. PR*, 144 DPR 425, 439-41 (1997). The determination to impose a fine entails an exercise of discretion and a concomitant avoidance of arbitrary actions. In the administrative law context, the Puerto Rico Supreme Court has held that the exercise of discretion by an administrative agency must be rooted in reasonableness and in accordance with applicable law. *See e.g., Ramírez v. Policía de PR*, 158 DPR 320, 339 (2003); *see also e.g. ECP v. OCS*, 2020 TSPR 112 (stating the general rule that decisions by administrative agencies should be reasonable and based on the administrative record); *Graciani Rodríguez v. Garage Isla Verde*, 202 DPR 117, 126-27 (2019) (same on the applicability of a standard of reasonableness to review actions by administrative agencies). Discretion, in turn, has been defined as a form of reasonableness applied to judicial discernment to reach a just

conclusion. *See e.g., Banco Popular de PR v. Mun. de Aguadilla*, 144 DPR 651 657-58 (1997); *Pueblo v. Ortega Santiago*, 125 DPR 203, 211 (1990).

IV. Discussion

The August 26th Order linked *for the first time at this stage of the proceedings*, the budget review process with the filing of financial actuals for Q4. Said determination was issued more than four (4) months after LUMA submitted the Annual Budgets and more than one month after the FOMB issued the Certified Budget on June 30, 2022. Furthermore, such directive is contrary to the May 19th Order whereby for the purposes of considering LUMA's Annual Budgets, this Energy Bureau determined that LUMA was required to file financial actuals for the first nine (9) months of its operation. As such, up to the August 26th Order, LUMA could reasonably conclude that this Energy Bureau would be amenable to the proposal of filing a year-end inclusive of Q4 results and that the Energy Bureau may expect this from LUMA, as is it standard practice, especially considering the persuasive practice pursuant to the Federal Energy Regulatory Commission's current Regulations that requires the submission of only three quarterly reports. *See*, 18 CFR §141.400(b)(1)-(2) (2022) (establishing due dates for filings that require the filing of three quarterly financial reports).⁴

⁴ Section 141.400 provides in its pertinent part:

§141.400 FERC Form No. 3-Q, Quarterly financial report of electric utilities, licensees, and natural gas companies.

(a) Prescription. The quarterly report of electric utilities, licensees, and natural gas companies, designated as FERC Form No. 3-Q, is prescribed for the reporting quarter ending March 31, 2004, and each quarter thereafter.

(b) Filing requirements -

(1) Who must file -

(i) Generally. Each electric utility and each Nonoperating (formerly designated as Major or Nonmajor) electric utility (as defined in part 101 of [subchapter C](#) of this chapter) and other entity, *i.e.*, each corporation, person, or licensee as defined in section 3 of the [Federal Power Act](#) (16 U.S.C. 792 *et seq.*), including any agency or instrumentality engaged in generation, [transmission](#), distribution, or sale of electric energy, however produced, throughout the United States

It is respectfully submitted that LUMA's Request for Alignment is grounded on a reasonable interpretation of the procedural developments in this case pursuant to which this Energy Bureau set the filing of the Annual Budgets and the technical conference to review the same, for dates prior to the close of FY 2022 and had ruled that LUMA shall submit financial actuals for the first nine months of operations. Given the fact that by August 12th the record supported the interpretation that financial actuals for FY 2022 were not needed to proceed with the ongoing processes to review the Certified Budget, LUMA reasonably understood that Q4 results were not required for this Energy Bureau to consider the Certified Budget. Notwithstanding, to avoid questions, concerns, or misunderstanding on LUMA's compliance with that portion of the May 31st Order that set forth LUMA's reporting obligations in connection with the Initial Budgets,

and its possessions, having sales or [transmission service](#) must prepare and file with the [Commission](#) FERC Form No. 3-Q pursuant to the General Instructions set out in that form.

(ii) Exceptions. This report form is not prescribed for any agency, authority or instrumentality of the United States, nor is it prescribed for municipalities as defined in section 3 of the [Federal Power Act](#); (*i.e.* a city, county, irrigation district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power).

(2) Each Major and Nonoperating (formerly designated as Major) (as defined in part 101 of [subchapter C](#) of this chapter) public utility and licensee must file the quarterly financial report form as follows:

(i) The quarterly financial report for the period January 1 through March 31, 2004, must be filed on or before July 9, 2004.

(ii) The quarterly financial report for the period April 1 through June 30, 2004, must be filed on or before September 8, 2004.

(iii) The quarterly financial report for the period July 1 through September 30, 2004, must be filed on or before December 9, 2004.

(iv) The quarterly financial report for the period January 1 through March 31, 2005, must be filed on or before May 31, 2005.

(v) The quarterly financial report for the period April 1 through June 30, 2005, must be filed on or before August 29, 2005.

(vi) The quarterly financial report for the period July 1 through September 30, 2005 must be filed on or before November 29, 2005.

(vii) Subsequent quarterly financial reports must be filed within 60 days from the end of the reporting quarter.

LUMA filed the Request for Alignment stating a proposed timeline to submit for review by this Energy Bureau, the information on financial actuals for FY 2022.

It is respectfully requested that this Energy Bureau construe LUMA's Request for Alignment as a reasonable request for remedies regarding a matter open to reasonable interpretation that had not been previously settled: the timing of the filing of LUMA's data on expenses for the last quarter of FY 2022 in light of the fact that LUMA will prepare and file a year-end report. It bears noting that the May 31st Order does not address the intricacies and realities of the end of a fiscal year nor the interrelation between a quarterly financial report and an annual or year-end report. Importantly, from the perspective of a regulated entity that is called upon to comply with orders and rulings in the context of operational realities, it was not self-evident that this honorable Energy Bureau would require that Q4 results be filed by August 15th or in the month of September and deny LUMA's Request for Alignment.

In filing the Request for Alignment, it was not LUMA's intent to disobey an order nor obstruct proceedings. Rather, LUMA in good faith sought to show that it was not neglecting the requirement to submit a report on its financial performance and spending in the last quarter of the fiscal year. LUMA also sought to propose a schedule that honors this Energy Bureau's May 31st Order and the exercise of its regulatory authority while at the same time LUMA is able to finalize internal accounting processes to prepare a year-end report that will include financial actuals for the last quarter of FY 2022.

Furthermore, LUMA requests that this honorable Energy Bureau consider the information included in LUMA's "Motion for Partial Reconsideration of Resolution and Order of August 26, 2022 and Proposing Alternative Schedule for Submission and Consideration of Financial Actuals," that was filed on August 31, 2022, whereby LUMA laid out the operational realities and

circumstances that underlie its Request for Alignment and petition to align the Q4 Report with the year-end report. To wit, preparation of a year-to-date (“YTD”) Q4 Report requires that LUMA compile information from multiple financial systems, conduct requisite internal administrative review of financial information, prepare any variance explanations, and compile the quarterly report which encompasses the totality of LUMA’s operation and includes reporting on the budget, both operational and capital expenditures included in the FY2022 Approved Budgets, as well as programs included in LUMA’s System Remediation Plan. Also, the same technical teams that contribute to reporting information regarding LUMA’s operational and capital activities on a quarterly and annual basis, are the same teams that are endeavoring to improve LUMA’s outage response performance, report on performance metrics, and are witnesses for the FY2023 Annual Budgets technical conference scheduled for September 13, 2022.

LUMA also requests that this Energy Bureau consider that the process to make all the necessary adjustments at fiscal year-end takes substantially longer than the process to make adjustments at the end of the first, second, or third quarters of a fiscal year. Year-end activities must formally close out the adjustments and estimates made throughout the year. This includes items such as: reconciliation of all subledger and general ledger accounts, clearing and justification of all accruals; ensuring that all completed work that has not been billed by vendors has been reflected in the financials; reconciling and clearing accounts; validating asset and depreciation schedules; and conducting additional checks and verification. LUMA is endeavoring to complete these activities in a timely manner to ensure accurate reporting. This highly involved process prevents LUMA from being able to provide fourth quarter results prior to producing full year financials. This is why producing an annual report inclusive of fourth quarter results is an accepted practice even without consideration of the numerous challenges that LUMA is experiencing due

to the state of the inherited financial systems, as outlined in LUMA's Improvement Programs submitted in this proceeding, and the highly manual processes that are required as a result of financial information being housed across multiple antiquated systems. LUMA will continue to work to submit said report as early as possible in the month of October 2022 and on or before October 28, 2022.

LUMA appreciates the importance of filing requests for relief in advance of the date when the Energy Bureau may expect to receive a recurring submission or in advance of a set deadline. That is why, contrary to what is stated in the August 26th Order, LUMA filed its Request for Alignment on August 12th, that is, in advance of what the Energy Bureau considers the deadline for the submission of the Q4 Report. While trying to submit its Request for Alignment through the Energy Bureau's electronic filings portal, LUMA encountered a technical error notified by the Energy Bureau's webpage. Consequently, LUMA submitted its Request for Alignment through email describing the technical complications encountered. *See*, Electronic mail sent by LUMA's representatives to the Energy Bureau on August 12th, 2022, copy of which is included as *Exhibit 1*. On August 15th, LUMA's representatives discussed the issue with an Energy Bureau employee, who requested that LUMA submit the Request for Alignment through the portal on that date. Following such instructions, LUMA filed the Request for Alignment through the portal on that date. Nonetheless, the Request for Alignment had been delivered to the Energy Bureau on August 12th, that is, in advance of the deadline. *See id.*, Electronic mail sent by LUMA's representatives to the Energy Bureau on August 15th, 2022.

It is evident from the foregoing that the filing of the Request for Alignment on August 12th was not meant to disobey or neglect orders by this Energy Bureau on the timing of filings. To the contrary, the timing of LUMA's request for Alignment is explained by the aforementioned

circumstances and the operational realities outlined above. In good faith, LUMA did not foresee that the Request for Alignment could be construed as untimely or derogatory of prior orders by this Energy Bureau. LUMA is mindful that it should continue the practice of expediently filing requests that seek to clarify orders, relief from orders or additional time to comply with an order.

Furthermore, LUMA respectfully requests that this Energy Bureau consider the record of this proceeding as a whole, whereby LUMA sought clarifications and reconsideration of the May 31st Order, *see* “Request for Clarification or Amendment of May 31st Resolution and Order Approving LUMA’s Initial Budgets, filed on June 8, 2021; “Requests for Clarifications and/or Reconsideration of May 31st Resolution and Order Approving LUMA’s Initial Budgets,” filed on June 21, 2021. Those timely requests lead to orders that aided LUMA in complying with the reporting requirements set forth in said order. Additionally, LUMA requests that the Energy Bureau consider that LUMA timely filed quarterly reports for FY 2022 on November 15, 2021 (“Q1 Report”); February 15, 2022 (“Q2 Report”), and May 16, 2022 (“Q3 Report”) (jointly, “the Quarterly Reports”), that cover the information regarding the T&D System Initial Budget spending amounts and the information on federal funding activity and take notice of LUMA’s timely filings from February 2021 through May 24, 2021, submitted in connection with the submission of the Initial Budgets. Respectfully, the record in this proceeding supports the conclusion that LUMA has timely complied with the orders issued by this Energy Bureau and with the May 31st Order. These circumstances should be weighed by this Energy Bureau to decline to impose sanctions in connection with the timing of the Request for Alignment.

In sum, it would be unjust to penalize LUMA in circumstances in which it submitted a Request for Alignment ahead of the deadline and an alternate schedule for filing YTD financial information that was based on persuasive reasoning behind FERC rules and practices familiar to

LUMA pursuant to which, Q4 reports are not required where, as here, an annual report on financial actuals will be filed. Given the circumstances, imposing a fine upon LUMA would be arbitrary and unreasonable. *Ramírez v. Policía de P.R.*, 158 DPR 320, 339 (2002) (stating that the exercise of discretion by an administrative agency must be rooted in reasonableness and in accordance with applicable law).

WHEREFORE, LUMA respectfully requests that the Bureau **take notice of the aforementioned, hold** that no penalties will be imposed on LUMA in connection with the filing of the Q4 results and **find** that LUMA timely complied with the August 26th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 2nd day of September 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 and 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

Exhibit 1

Rodriguez Rivera, Ana Margarita

From: Rodriguez Rivera, Ana Margarita
Sent: Monday, August 15, 2022 11:55 AM
To: Antonio Torres Miranda; secretaria; legal@jrsp.pr.gov; Amariliz Bonilla
Cc: Rozas, Laura
Subject: RE: NEPR-MI-2021-0004-Request to Align the Filing of the Quarterly Report for the Fourth Quarter of Each Fiscal Year ("Q4 Report") with Year-End Reporting under the T&D OMA and File the Q4 Report on October 28, 2022
Attachments: Image.jpeg; IB Request to Align filing of Q4 Report with Year-End Reporting under TD OMA stamped.pdf

Tracking:	Recipient	Delivery	Read
	Antonio Torres Miranda		
	secretaria		
	legal@jrsp.pr.gov		
	Amariliz Bonilla		
	Rozas, Laura	Delivered: 8/15/2022 11:55 AM	Read: 8/24/2022 11:43 AM

Dear Ms. Bonilla,

As explained in our email below, on the night of Friday August 12, 2022, we attempted several times to file the attached motion titled *Request to Align the Filing of the Quarterly Report for the Fourth Quarter of Each Fiscal Year ("Q4 Report") with Year-End Reporting under the T&D OMA and File the Q4 Report on October 28, 2022* in the referenced docket through the Energy Bureau's electronic filing system but were unable to complete the filing. More specifically we received an error notice indicating: "radicacion.energia.pr.gov says Server error:500". (See attached picture of the screen.) For that reason we proceeded that night to submit the motion by means of the email below.

We would like to confirm our discussion by phone today in which you indicated that this motion needed to be filed through the electronic portal to be included in the docket. Accordingly, we proceeded to file the document through the electronic system today. (See attached copy with the electronic stamp of receipt.)

We would request that given the circumstances beyond our control that prevented us from filing this document on Friday night and in light of the email evidencing that the attempts were made on Friday night, that the Energy Bureau take note of this document as filed on Friday August 12th.

Thank you for your attention and please let us know if you need any information from us regarding this matter.

Cordially,

Ana Margarita Rodriguez Rivera
 Of Counsel

T +1 787 945 9125
 F +1 939 697 6085
 ana.rodriguezrivera@us.dlapiper.com



From: Rodriguez Rivera, Ana Margarita
Sent: Friday, August 12, 2022 11:22 PM
To: Antonio Torres Miranda <atorres@jrsp.pr.gov>; secretaria <secretaria@oig.pr.gov>; legal@jrsp.pr.gov
Cc: Rozas, Laura <Laura.Rozas@us.dlapiper.com>
Subject: NEPR-MI-2021-0004-Request to Align the Filing of the Quarterly Report for the Fourth Quarter of Each Fiscal Year ("Q4 Report") with Year-End Reporting under the T&D OMA and File the Q4 Report on October 28, 2022

To the Honorable Energy Bureau:

On behalf of LUMA, we hereby submit the *Request to Align the Filing of the Quarterly Report for the Fourth Quarter of Each Fiscal Year ("Q4 Report") with Year-End Reporting under the T&D OMA and File the Q4 Report on October 28, 2022*, for filing in Case NEPR-MI-2021-0004.

Due to a server error, the filing docket did not allow LUMA to upload the motion. We hereby submit the motion and request that the Energy Bureau accepts the same and upload the document to the docket.

Cordially,

Ana Margarita Rodriguez Rivera
Of Counsel

T +1 787 945 9125
F +1 939 697 6085
ana.rodriguezrivera@us.dlapiper.com

DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969



dlapiper.com