

**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: Request for Extension of Time to
Comply with the August 18 and 24 Orders

**REQUEST FOR EXTENSION OF TIME TO COMPLY WITH THE
AUGUST 18 AND 24 ORDERS**

COMES NOW, the Puerto Rico Electric Power Authority (PREPA), through its 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 captioned case. Since then, PREPA has complied with providing quarterly metric data regarding its performance.

2. On August 18, 2022, the Energy Bureau issued a *Resolution and Order* (“August 18 Order”). The August 18 Order briefly expressed that PREPA and Luma Energy Servco, LLC (“LUMA”)’s performance regarding certain metrics had not improved when compared to the baseline previously determined by the Energy Bureau.

3. Among other things, the August 18 Order directs 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. Wherefore, 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.

4. Then, 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 causes of their non-positive negative performance for the period from June 2019 to May 31, 2021. August 24 Order at p. 1-2 ¶ 4. Wherefore, PREPA must submit, within the original thirteen (13) days deadline (which, at the time of the August 24 Order, there were only seven (7) days left to meet the deadline), an explanation of approximately three (3) additional years of metrics. PREPA respectfully submits that even with the original thirteen (13) days given by the Energy Bureau to complete the report, the time granted by the Energy Bureau to achieve such a task is not a time that allows PREPA to comply.

5. Upon receiving and analyzing the August 18 and 24 orders, PREPA began the process of identifying the metric's information requested in these orders. It is noteworthy that the majority of the employees that reported and accounted for the metrics for the entire period are not the officers that report metrics currently, and the metrics reported since June 2021 are mostly related to the Generation Directorate. Wherefore, for some metrics, the officers must identify those prior metrics, analyze them, and try to gather data to make an effort to prepare the analyses that the Energy Bureau has requested. However, even though PREPA has been working diligently on this project, the time allotted by the Energy Bureau to submit the requested report is insufficient to analyze the magnitude of what must be met to present the responses in compliance with the orders mentioned above. PREPA respectfully submits, and as mentioned on multiple occasions to the Energy Bureau, that the human resources constraint situation at PREPA is significant. Since the fiscal situation of PREPA worsened, the recruiting process has been challenging, and the extreme budgetary constraints exacerbated the already challenging condition. For example, the PREPA employees that work gathering the generation information for the metrics that are analyzed and

reported to the Energy Bureau are the same that collect and report the entire fleet generation report, fuel consumption report, planned outage analysis and scheduling and reporting to management, like the PREPA Governing Board, which, in turn, report to other stakeholders. In summary, PREPA is doing its best to comply with the August 18 and 24 orders, but the September 1, 2022, deadline is insufficient. PREPA estimates that it needs five (5) weeks to identify the information that must be analyzed to comply with the orders and prepare the report. PREPA respectfully requests the Energy Bureau to grant such an extension of time to comply.

6. The request herein made 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.

WHEREFORE, PREPA respectfully requests that the Energy Bureau grant an extension of time until October 6, 2022, to comply with the August 18 and 24 orders.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 31st day of August 2022.

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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 31st day of August 2022.

/s Joannely Marrero Cruz
Joannely Marrero Cruz