

**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: Second Urgent Request for an
Extension of Time to Submit the Performance
Metrics Report

**SECOND URGENT REQUEST FOR AN 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. On September 17, 2022, PREPA filed an *Urgent Request for Extension of Time to Submit the Performance Metrics Report* (“Urgent Request for Extension”). In the Urgent Request for Extension, PREPA informed the Energy Bureau that employees from the Generation Directorate were working diligently gathering data that dates back to 2019 to prepare the report that the

Energy Bureau required with the August 24 Order. PREPA also explained that due to the past week's 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 PREPA had to pause the steps that had been undertaken to prepare the report and have the final version ready to be filed on or before the September 20, 2022 deadline.

7. In the Urgent Request for Extension, PREPA requested a ten-day extension until September 30, 2022, to comply with the August 18 and 24 orders. However, the requested time was an estimate pending that no major disaster was declared following Tropical Storm Fiona and this week was a regular work week.

8. To date, The Energy Bureau has not issued a ruling on PREPA's Urgent Request for Extension.

9. As the Energy Bureau is aware, Tropical Storm Fiona became Hurricane Fiona as it struck Puerto Rico's south and southwest coast on Sunday, September 18, 2022. The hurricane unleashed historic levels of rain with up to 30 inches which caused massive flooding and landslides, knocked the power grid out, causing a complete blackout on the island, and hundreds of people were evacuated or rescued across the island. The damages caused by Hurricane Fiona were seen as catastrophic, and a state of emergency was issued for Puerto Rico.²

10. As a result, due to the damages caused by Hurricane Fiona over Puerto Rico, the employees from the Generation Directorate have been working tirelessly to restore the electric power supply to energize the island.

¹ National Oceanic and Atmospheric Administration, *Hurricane Fiona*, https://www.nhc.noaa.gov/refresh/graphics_at2+shtml/090101.shtml

² *Presidente Joseph R. Biden, Jr. aprueba declaración de emergencia para Puerto Rico*, September 18, 2022, <https://www.fema.gov/es/press-release/20220918/president-joseph-r-biden-jr-approves-emergency-declaration-puerto-rico>

11. PREPA is aware that the Energy Bureau acknowledges the emergency state and the efforts that are PREPA's current priority. In other case dockets, the Energy Bureau has rescheduled conferences and amended procedural calendar deadlines after taking notice that PREPA's efforts are focused on restoring the electric system due to the impact of Hurricane Fiona.³ Accordingly, even though PREPA has the utmost respect for the Energy Bureau and its orders, power restoration efforts take priority over administrative and reporting efforts at times like this. Thus, PREPA has identified it needs more time to complete the report ordered by the Energy Bureau in the August 18 Order and, in light of how the situation is today, it is PREPA that request an extension until October 14, 2022, to file the report.

12. PREPA reiterates that the present request for extension is made in good faith. Moreover, the request for additional time will not affect any other party because this docket is not adjudicative. Further, it is stated that the only reason this request is made is the results of the direct impact and aftermath of Hurricane Fiona and the recovery efforts that PREPA is undertaking.

WHEREFORE, PREPA respectfully requests that the Energy Bureau grant an extension of time until October 14, 2022, to comply with the August 18 and 24 orders.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 21st day of September 2022.

³ *Resolution and Order* entered on September 20, 2022, in case NEPR-MI-2021-0004, *In re: Review of LUMA's Initial Budgets*; *Resolution and Order* entered on September 20, 2022, in case NEPR-AP-2018-0004, *In re: The Unbundling of the Assets of the Puerto Rico Electric Power Authority*.

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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.rodriquerivera@us.dlapiper.com.

In San Juan, Puerto Rico, this 21st day of September 2022.

/s Joannely Marrero-Cruz
Joannely Marrero-Cruz