

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

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

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Resolution and Order regarding *Motion to Inform Regarding the October 7, 2022 Order and Third Urgent Request for Extension of Time to Submit the Performance Metrics Report*, filed by the Puerto Rico Electric Power Authority; *Request for Extension of Time to Comply with Resolution and Order dated October 7, 2022*, filed by LUMA Energy, LLC and LUMA Energy ServCo, LLC.

RESOLUTION AND ORDER

On August 18, 2022, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("August 18 Resolution") through which it evaluated the performance metrics provided by LUMA¹ and the Puerto Rico Electric Power Authority ("PREPA") for the period starting June 1, 2021 through May 31, 2022. Appendix A of the August 18 Resolution provides metric data, in graph form, pertaining to LUMA's performance over the first 12 months of its operation. Further, Attachment A and B summarize all 583 metrics reported by LUMA and PREPA.

As noted in the August 18 Resolution, LUMA's and PREPA's performance regarding certain metrics has not improved when compared to the baseline previously determined by the Energy Bureau with PREPA's and LUMA's input. Through the August 18 Resolution, the Energy Bureau ordered LUMA and PREPA to each file, on or before September 1, 2022, a motion explaining, to the extent possible, the causes of their non-positive or negative performance and the corrective measures they will implement to improve their performance.

On August 24, 2022, the Energy Bureau issued a Resolution ("August 24 Resolution") through which it extended the August 18 Resolution analysis to include PREPA's performance since June 2019 for comparison purposes of reliability trends over a 36-month period and thus, directing PREPA to file on or before September 1, 2022, a motion explaining the causes of their non-positive or negative performance for the period from June 2019 to May 31, 2022.

Shortly thereafter, LUMA and PREPA requested additional time to comply with the August 18 and 24 Resolutions. The Energy Bureau granted LUMA and PREPA until October 14, 2022 to comply with said Resolutions. Moreover, on October 7, 2022, the Energy Bureau ordered LUMA and PREPA to file, on or before October 17, 2022, the underlying raw data for SAIDI and SAIFI performance metrics ("October 7 Resolution").

On October 12, 2022, PREPA filed before the Energy Bureau a document titled *Motion to Inform Regarding the October 7, 2022 Order* ("October 12 Motion"). Through the October 12 Motion, PREPA informed that SAIDI and SAIFI metrics were not recorded by PREPA, as they correspond to the transmission and distribution system operated by LUMA.²

Additionally, on October 12, 2022, PREPA filed before the Energy Bureau a document titled *Third Urgent Request for Extension of Time to Submit the Performance Metrics Report* ("Request for Extension"). Through the Request for Extension, PREPA indicated that it needed additional time to complete the report ordered by the Energy Bureau through the

¹ LUMA Energy, LLC and LUMA Energy ServCo, LLC (collectively, "LUMA").

² October 12 Motion, p. 2, ¶ 3.



August 18 and 24 Resolutions.³ Wherefore, PREPA requested an extension of five (5) days, until October 21, 2022, to comply with the referenced orders.⁴

On October 14, 2022, LUMA filed before the Energy Bureau a document titled *Request for Extension of Time to Comply with Resolution and Order dated October 7, 2022* (“October 14 Motion”). Through the October 14 Motion, LUMA requested an extension until November 7, 2022, to produce the raw data for SAIDI and SAIFI in compliance with the October 7 Resolution.⁵

It should be noted that both LUMA and PREPA requested an extension because its personnel working on the responses to the above referenced Resolutions had also been tasked with attending to the emergency caused by Hurricane Fiona.⁶ PREPA further asserted that its personnel responsible for producing performance metrics had also been tasked to appear before and comply with various information requests before the Puerto Rico Legislature and work with the U.S. Corp. of Engineers and the U.S. Department of Energy to analyze options available for alternate generation resources.⁷

The Energy Bureau **TAKES NOTICE** of PREPA’s October 12 Motion and Request for Extension and **GRANTS** PREPA until **October 21, 2022**, to comply with the August 18 and 24 Resolutions. Additionally, the Energy Bureau **GRANTS** LUMA’s request in its October 14 Motion to provide supporting data and calculations for SAIDI and SAIFI on or before **November 7, 2022**.

In addition to the data and calculations to be provided by LUMA, the Energy Bureau **ORDERS** LUMA and PREPA to each file, on or before **November 7, 2022**, the underlying data, definitions, and supporting calculations with all formulae intact for the performance metrics identified below for the first and last month of each quarter the period starting June 1, 2021 through May 31, 2022 for the purposes of auditing LUMA’s and PREPA’s reported metrics.

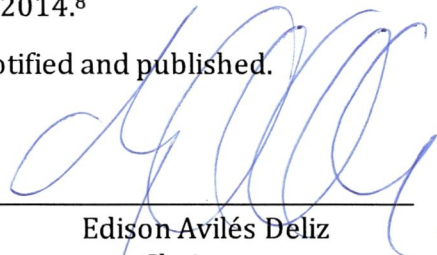
The supporting data and/or definitions to be provided include:

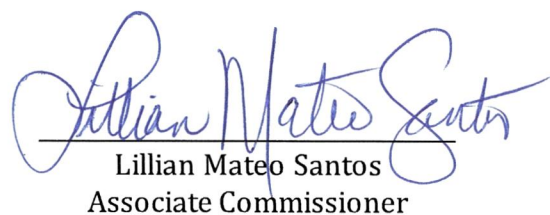
- Estimated vs. Read Bills (LUMA);
- Available vehicles (LUMA and PREPA); and
- Total Workforce: Definition and/or Exclusion (LUMA and PREPA).

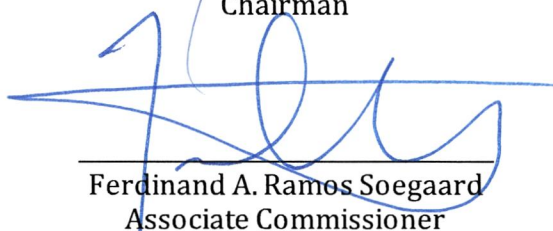
The Energy Bureau also **ORDERS** LUMA and PREPA to attest to the veracity and accuracy of the required underlying data, definitions, and calculations.

The Energy Bureau **WARNS** PREPA and LUMA that, noncompliance with the provisions of this Resolution and Order, may result in the imposition of fines pursuant to Article 6.36 of Act 57-2014.⁸

Be it notified and published.


Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner

³ Request for Extension, p. 4, ¶ 12.

⁴ *Id.*

⁵ October 14 Motion, p. 4, ¶ 11.

⁶ Request for Extension, p. 3 - 4, ¶¶ 8, 11; October 14 Motion, p. 4, ¶ 11.

⁷ Request for Extension, p. 4, ¶ 11.

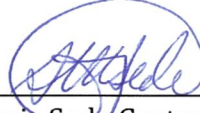
⁸ *Puerto Rico Energy Transformation and RELIEF Act*, as amended, (Act 57-2014”).



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on October 19, 2022. I also certify that on October 19, 2022, a copy of this Resolution and Order was notified by electronic mail to margarita.mercado@us.dlapiper.com, jmarrero@diazvaz.law, kbolanos@diazvaz.law, hriviera@jrsp.pr.gov. I also certify that today, October 19, 2022, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today October 19, 2022.



Sonia Seda Gaztambide
Clerk

