

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

NEPR

Received:

Oct 21, 2022

9:06 AM

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

CASE NO.: NEPR-MI-2019-0007

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

**FOURTH 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 makes quarterly submittals of metric data regarding its performance.

2. On August 18, 2022, the Energy Bureau issued a *Resolution and Order* (“August 18 Order”) in which it briefly expressed that PREPA and LUMA Energy Servco, LLC (“LUMA”) performance regarding specific metrics had not improved when 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.

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, the causes of the non-positive negative performance for the period from June 2019 to May 31, 2021 (“Performance Metrics Report”). August 24 Order at pp. 1-2, ¶ 4.

4. PREPA has a vested interest in providing the Energy Bureau the information requested in the August 18 and August 24 Orders. However, due to various serious operational issues including the passing of Hurricane Fiona and its aftermath and more importantly the employee attrition at PREPA the efforts to conclude the analysis required for the Performance Metrics Report has been put on hold on multiple instances. Hence, PREPA has been obliged to file various opportune requests for extensions.

5. On October 12, 2022, PREPA filed its most recent request for extension titled *Third Urgent Request for Extension of Time to Submit the Performance Metrics Report* stating that the efforts undertaken to attend to the emergency caused by Hurricane Fiona had been ongoing, and the generation personnel tasked with producing the Performance Metrics Report is the same staff that was assigned to the Center of Emergency Operations (COE, for its Spanish acronym) which ceased operation on October 7, 2022. PREPA also informed that the officials that had been detailed at the COE had also been tasked with appearing before- and providing information to- multiple requests for information for the Puerto Rico Legislature and were currently working with the U.S. Corp of Engineers and the U.S. Department of Energy to analyze options available for alternate generation resources that are needed to provide reliability to the generation system in the upcoming months. Failure to identify these additional resources could lead to load-shedding events (“October 12 Request for Extension”).

6. In the October 12 Request for Extension PREPA asked the Energy Bureau to grant PREPA until October 21, 2022, to submit the Performance Metrics Report.

7. On October 19, 2022, the Energy Bureau issued a *Resolution and Order* through which, among other things, it granted PREPA's October 12 Request for Extension. The Energy Bureau also directed PREPA to file underlying data, definitions and supporting calculations for the vehicles and workforce metrics during the period from June 1, 2021, to May 31, 2022 ("October 19 Order").

8. PREPA respectfully informs the Energy Bureau that even though PREPA has tried to return the managerial and operational team to normal day-to-day operations, the on-going emergency has not allowed for this to happen and one of the tasks that has not been completed is the completion of the Performance Metrics Report. Thus, PREPA will not be able to comply with the deadline set forth in the October 19 Order. PREPA's generation team is leading and collaborating with the U.S. Corp of Engineers and the U.S. Department of Energy to analyze options available for alternate generation resources that are needed to provide reliability to the generation system is ongoing. For example, the team tasked with analyzing the performance metrics data and provide the Energy Bureau with the plan to address the underperforming metrics has been detailed the entire week at power plant sites leading site visits that have been requested by the U.S. Corp of Engineers and the U.S. Department of Energy with the purpose of identifying the needs of the system and possible remediation alternatives.

9. Considering the aforementioned, PREPA has identified it needs more time to complete the report ordered by the Energy Bureau in the August 18 and 24 orders and respectfully requests the Energy Bureau to grant until the November 7, 2022, deadline to submit the Performance Metric Report together with the response to the October 19 Order.

10. PREPA hereby 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 and has not been caused by PREPA's lack of attention to the matter.

WHEREFORE, PREPA respectfully requests that the Energy Bureau grant an extension of time until November 7, 2022 to comply with the August 18 and 24 orders.

RESPECTFULLY SUBMITTED.

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

/s Joannely Marrero-Cruz
Joannely Marrero-Cruz