

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

**NEPR**

**Received:**

**Oct 14, 2022**

**11:00 PM**

**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 Resolution and Order dated October 7, 2022**

**REQUEST FOR EXTENSION OF TIME TO COMPLY WITH RESOLUTION  
AND ORDER DATED OCTOBER 7, 2022**

**TO THE PUERTO RICO ENERGY BUREAU:**

**COMES NOW, LUMA ENERGY SERVCO, LLC (“LUMA”)**, through the undersigned legal counsel and respectfully states and requests the following:

1. Since June 2021, LUMA has complied with the orders issued by this honorable Puerto Rico Energy Bureau (“Energy Bureau”) on May 14, 2019 and December 30, 2020 in this proceeding, that require submission of quarterly reports on specified system data of the Puerto Rico Electric Power Authority (“PREPA”). LUMA has submitted such quarterly reports in accordance with a Resolution and Order of May 21<sup>st</sup>, 2021, that itemizes in Attachments A, B and D, the statistics to be included in the quarterly reports.

2. On August 18, 2022, this Energy Bureau issued a Resolution and Order with the subject “June 2021-May 2022, 12-Month Metric Summary” (“August 18<sup>th</sup> Order”). Attachments A and B of the August 18<sup>th</sup> Order include a summary and analysis by this Energy Bureau of the system data that LUMA and PREPA reported from June 1, 2021, through May 31, 2022.

3. On page 7 of the August 18<sup>th</sup> Order, this Energy Bureau stated succinctly that for certain performance metrics, LUMA's and PREPA's performance had not improved when compared to the baseline that was previously set by this Energy Bureau. This Energy Bureau then directed LUMA and PREPA to file by September 1, 2022, "a motion explaining, to the extent possible, the causes of th[e] non-positive negative performance and the corrective measures that [LUMA and PREPA] will implement . . . ." To wit, the Energy Bureau granted eleven (11) business day to comply with this order.

4. On August 26, 2022, LUMA filed a motion entitled *Request for Extension of Time to Comply with Resolution and Order of August 18, 2022*, requesting additional time, until October 3, 2022, to submit explanations on system data and performance that spans twelve (12) months of operations and to outline corrective actions, as requested by this Energy Bureau. In an Order dated August 30, 2022, this Energy Bureau granted LUMA an extension until September 20, 2022, to file its submission in compliance with the August 18<sup>th</sup> Order.

5. On August 31, 2022, PREPA requested an extension up to and including October 6, 2022, to comply with the August 18<sup>th</sup> and August 24<sup>th</sup> Orders. In an order dated August 31, 2022, this Energy Bureau granted PREPA an extension until September 20, 2022, to file its submission in compliance with the August 18<sup>th</sup> and August 24<sup>th</sup> Orders.

6. In attention to the threatened passage of Hurricane Fiona through Puerto Rico, on September 16, 2022, LUMA urgently requested that this Energy Bureau extend the time to comply with the August 18<sup>th</sup> Order up to and including September 30, 2022. On September 17, 2022, PREPA also requested that the time to comply with the August 18<sup>th</sup> and August 24<sup>th</sup> Orders be extended up to an including September 30, 2022. Then, on September 21, 2022, PREPA filed a

second urgent request for extension of the deadline to comply with the August 18<sup>th</sup> and August 24<sup>th</sup> Orders and moved this Energy Bureau to set the new deadline for October 14, 2022.

7. On September 23, 2022, this Energy Bureau ruled that LUMA and PREPA should file their respective submissions in compliance with the August 18<sup>th</sup> Order by October 14, 2022. By October 14, 2022, PREPA shall also comply with the August 24<sup>th</sup> Order.

8. Shortly thereafter, on October 7, 2022, the Energy Bureau entered a Resolution and Order directing LUMA to file on or before October 17, 2022, “the underlying data and supporting calculations with all formulae intact for the SAIDI and SAIFI performance metrics 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 “October 7<sup>th</sup> Order”). The Energy Bureau further ordered PREPA to “provide such information for its generation fleet to LUMA on or before October 12, 2022, in order for LUMA to include in the October 17, 2022, filing deadline.”

9. On October 12, 2022, PREPA filed a *Motion to Inform Regarding the October 7[,]* 2022 Order whereby it informed the Energy Bureau that the SAIFI and SAIDI metrics are not recorded by PREPA but by LUMA as the administrator of the T&D System and dispatch center. As such, PREPA reported not having any SAIDI and SAIFI information responsive to the October 7<sup>th</sup> Order.

10. On this same date, LUMA has filed its *Submission in Response to Resolution and Order of August 18, 2022, on LUMA’s Performance, LUMA’s Objection and Requests for Corrections or Clarifications* submitting explanations and responses to the Energy Bureau’s summary of specified metrics included in Attachments A and B of the August 18<sup>th</sup> Order. As explained therein, LUMA further requests certain amendments, corrections, and clarifications to the Bureau’s findings as to certain metrics.

11. LUMA has simultaneously been working on gathering the information needed to comply with the October 7<sup>th</sup> Order. Nonetheless, due to the passage of Hurricane Fiona which compromised its human resources as well as the efforts invested in preparing the Submission filed on this same date, LUMA will need a brief extension of time of 15 business days, that is, until November 7, 2022, to comply with the October 7<sup>th</sup> Order.

12. It is respectfully informed that this request is done in good faith, considering the delay in proceedings resulting from Hurricane Fiona. LUMA has timely complied with other orders as described in the August 18<sup>th</sup> Order. Specifically, LUMA timely provided the information regarding the timeline on reporting the non-technical losses metric, informing the name of the designated representative to meet with the Energy Bureau staff or consultants to discuss processes to collect data and file reports with system data on customer monthly peak metrics.

13. The extension of time requested herein will enable LUMA to submit information that will place this Energy Bureau in a position to better gauge the conditions of the T&D System and of the resources available to LUMA to provide services to customers, that are relevant to LUMA's performance in the months of June 2021 through May 2022.

**WHEREFORE**, LUMA respectfully requests this Honorable Bureau **take notice of the** aforementioned; and **grant** LUMA until November 7, 2022 to file its submission in compliance with that portion of the August 18<sup>th</sup> Order that requires explanations on LUMA's performance in response to the Energy Bureau's October 7<sup>th</sup> Order.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 14<sup>th</sup> day of October 2022.

We hereby certify that we filed this motion using the electronic filing system of this Energy Bureau and that we will send an electronic copy of this motion to the attorneys for PREPA,

Joannely Marrero-Cruz, [jmarrero@diazvaz.law](mailto:jmarrero@diazvaz.law); and Katiuska Bolaños-Lugo, [kbolanos@diazvaz.law](mailto: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](mailto:margarita.mercado@us.dlapiper.com)

*/s/ Ana Margarita Rodríguez Rivera*  
Ana Margarita Rodríguez Rivera  
RUA Núm. 16,195  
[ana.rodriguezrivera@us.dlapiper.com](mailto:ana.rodriguezrivera@us.dlapiper.com)