

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

**THIRD URGENT 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. At that time, there were only seven (7) days left to meet the deadline established through the August 24 Order, which required the explanation of approximately two (2) additional metrics years. In response, 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 allow PREPA additional time 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 the request for an additional time made in the Request for Extension but modified the August 18 and 24 orders 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 which it 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 several events that occurred during the first weeks of September, including preparation and 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 deadline.

7. In the Urgent Request for Extension, PREPA requested until September 30, 2022, to comply with the August 18 and 24 orders. However, the requested time was estimated based on the assumption that no major disaster was declared after Hurricane Fiona, which was still a tropical storm then, and the following week was a regular work week.

8. However, on September 18, 2022, Tropical Storm Fiona became Hurricane Fiona as it struck the south and southwest coast of Puerto Rico. 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, 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 As a result, the employees from the Generation Directorate were tasked with responding to the emergency, and the efforts to comply with the August 18 and 24 orders had to be temporarily paused.

9. For the reasons mentioned above, on September 21, 2022, PREPA filed a *Second Urgent Request for Extension of Time to Submit the Performance Metrics Report* requesting the Energy Bureau an extension until October 14, 2022, to produce the Performance Metrics Report.

10. On September 23, 2022, the Energy Bureau entered a *Resolution and Order* (“September 23 Order”) through which it determined to amend the procedural calendar and directed PREPA to comply with the August 18 and 24 orders on or before October 14, 2022.

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 responsibly provides notice to the Energy Bureau that the efforts undertaken to attend to the emergency caused by Hurricane Fiona have 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). The COE operations ceased last Friday, October 7, 2022. However, the PREPA personnel that had been detailed at the COE have also been tasked with appearing before- and providing information to- multiple requests for information for the Puerto Rico Legislature and are 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.

12. 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 an extension of five (5) business days, until October 21, 2022, to produce the Performance Metric Report.

13. PREPA restates 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 October 21, 2022, to comply with the August 18 and 24 orders.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 12th day of October 2022.

/s Katuska Bolaños Lugo
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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 12th day of October 2022.

/s Joannely Marrero-Cruz
Joannely Marrero-Cruz