

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

**FIFTH 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. Additionally, 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. Thereafter, 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. However, PREPA has been compelled to file various requests for an extension of time to submit the Performance Metrics Report, first for the limited time allotted in the August 18 and 24 orders and then for circumstances outside of PREPA’s control.

5. On October 12, 2022, PREPA filed a motion titled *Third Urgent Request for Extension of Time to Submit the Performance Metrics Report* (“October 12 Request for Extension”) describing the ongoing efforts to attend to the emergency caused by Hurricane Fiona. These efforts included that PREPA generation personnel tasked with completing the Performance Metrics Report is the same staff assigned to the Center of Emergency Operations (COE, for its Spanish acronym), which ceased operations on October 7, 2022. PREPA further stated that those same officials had also been tasked with appearing before- and providing information to- multiple requests for information for the Puerto Rico Legislature and were at that time working with the U.S. Army Corps of Engineers (USACE) and the U.S. Department of Energy (DOE) to identify options available for alternate generation resources needed to provide reliability to the generation system in the upcoming months. Failure to identify these additional resources could lead to load-shedding events.

6. On October 19, 2022, the Energy Bureau issued a *Resolution and Order* (“October 19 Order”) through which, among other things, it directed PREPA to file underlying data, definitions and supporting calculations with all formulae intact for available vehicles and total workforce metrics during the first and last month of each quarter for the period from June 1, 2021, to May

31, 2022 (the “Vehicles and Workforce Metrics”). October 19 Order at p. 2, ¶ 4. Further, the Energy Bureau ordered PREPA to attest to the veracity and accuracy of the responses.

7. Then, on October 21, 2022, PREPA filed a renewed request for extension titled *Fourth Request for Extension of Time to Submit the Performance Metrics Report* (“October 21 Request for Extension”), stating that even though PREPA has tried to return the managerial and operational team to normal day-to-day operations, the effects of Hurricane Fiona in the generation facilities, and constant meetings with the state and federal officials aimed to identify resources to mitigate the resulting damages, had not allowed the officials tasked with producing the Performance Metrics Report to complete it. For example, as explained in the October 12 Request for Extension, the team tasked with analyzing the performance metrics data to provide the Energy Bureau with the plan to address the underperforming metrics had been leading site visits at the generation plants as requested by USACE and the DOE. These visits were part of efforts aimed to complete the process of identifying the needs of the generation system and possible short-term remediation alternatives.

8. In the October 21 Request for Extension, PREPA requested an extension of time until November 7, 2022, to submit the Performance Metric Report. The Energy Bureau has not ruled on the October 21 Request for Extension.

9. PREPA generation officials have resumed their administrative and reporting duties and have been diligently working on producing the Performance Metrics Report. However, even though the Performance Metrics report is close to being finalized, PREPA needs additional time to produce the final version. PREPA understands that a final extension of three (3) days to submit the Performance Metrics Report in compliance with the August 18 and 24 orders is sufficient.

10. Further, PREPA has been working to comply with the October 19 Order and produce the Vehicles and Workforce Metrics information. However, the PREPA representatives tasked with the responsibility of completing this report need more time to analyze and produce the information required and submit the attestation. PREPA understands that an extension of three (3) days is sufficient to comply with the October 19 Order.

11. PREPA reiterates it is committed to provide the Energy Bureau the information requested in the August 18, August 24 and October 19 orders, and the request for extension is made in good faith with no ill intention of delaying the case of caption proceedings. Further, it is restated 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 of three (3) workdays -until Thursday, November 10, 2022, to comply with the August 18, 24 and October 19 orders.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 7th day of November 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.rodriquerivera@us.dlapiper.com.

In San Juan, Puerto Rico, this 7th day of November 2022.

/s Joannely Marrero-Cruz
Joannely Marrero-Cruz