

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

NEPR
Received:
Nov 11, 2022
12:11 AM

IN RE:

REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S 10-
YEAR INFRASTRUCTURE PLAN-
DECEMBER 2020

CASE NO. NEPR-MI-2021-0002

**SUBJECT: Motion to Inform Status of Federally
Funded Projects**

MOTION TO INFORM STATUS OF FEDERALLY FUNDED PROJECTS

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC¹, and LUMA Energy ServCo, LLC², (jointly referred to as "LUMA"), through the undersigned legal counsel and respectfully submit the following:

1. On March 26, 2021, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order in the instant proceeding, ordering, in pertinent part, that the Puerto Rico Electric Power Authority ("PREPA") submit to the Energy Bureau the specific projects to be funded with Federal Emergency Management Agency ("FEMA") funds or any other federal funds at least thirty (30) calendar days prior to submitting these projects to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency ("COR-3"), FEMA or any other federal agency ("March 26th Order"). It also directed PREPA to continue reporting to the Energy Bureau and FEMA within the next five years, the progress of all ongoing efforts related to the approval of the submitted projects not yet approved by the Energy Bureau. This Energy Bureau thereafter

¹ Register No. 439372.

² Register No. 439373.

determined this directive applied to PREPA and LUMA. *See* Resolution and Order of August 20, 2021.

2. On July 8, 2021, LUMA filed a *Motion Submitting List of Projects and Twenty-Eight Scopes of Work* (“July 8th Motion”). In the July 8th Motion, LUMA submitted twenty-eight (28) Scopes of Work (“SOWs”) for federally funded transmission and distribution projects (“T&D Projects”) for the Energy Bureau’s review and approval prior to submitting them to COR3 and FEMA. The SOWs submitted by LUMA included the “FAASt [Distribution Feeders - Caguas Short Term Group 8] (Distribution)” T&D Project.

3. On August 20, 2021, the Energy Bureau issued a Resolution and Order. It determined that most of the SOWs for T&D projects submitted by LUMA (“August 20th Order”) wherein the Energy Bureau approved projects presented in the July 8th Motion and determined that these projects were necessary to improve the system’s reliability, including the “FAASt [Distribution Feeders - Caguas Short Term Group 8] (Distribution)” T&D Project SOW. The Energy Bureau also ordered LUMA to submit a copy of the approval by COR3 and/or FEMA of the projects, which shall contain the costs obligated for each project within ten (10) days of receiving such approval, and inform the Energy Bureau once the projects are completed.

4. On August 30, 2021, LUMA filed a *Request for Clarification of a Portion of the Energy Bureau’s Resolution and Order entered on August 20, 2021, and Submission of Updated List of Projects and Twenty-Nine Scopes of Work*. Therein, LUMA submitted twenty-nine (29) SOWs for T&D Projects for its review and approval before submitting them to COR3 and FEMA (“August 30th Submission”). Among the SOWs submitted to this Energy Bureau were the “FAASt [Distribution Feeders – Arecibo Short Term Group 2] (Distribution)”, the “FAASt [Distribution

Pole and Conductor Repair – Bayamón Group 2] (Distribution)”, and the “230kV Transmission Priority Poles Replacements - Mora 50500.”

5. Then, on September 22, 2021, the Energy Bureau entered a Resolution and Order in which it approved the “FAASt [Distribution Feeders – Arecibo Short Term Group 2] (Distribution)”, the “FAASt [Distribution Pole and Conductor Repair – Bayamón Group 2] (Distribution)”, and the “230kV Transmission Priority Poles Replacements - Mora 50500” T&D Projects SOWs and determined that these projects were necessary to improve the system’s reliability. Further, the Energy Bureau ordered LUMA to submit a copy of the approval by COR3 and/or FEMA of the approved projects and the costs obligated for each project within ten (10) days of receiving such approval and inform the Energy Bureau once the projects are completed.

6. In compliance with the August 20th Order, on June 18, 2022, LUMA submitted to the Energy Bureau a copy of approval by FEMA of the “FAASt [Distribution Feeders - Caguas Short Term Group 8] (Distribution) T&D Project.” Thereafter, in compliance with the September 22nd Order, on June 9 and July 19, 2022, LUMA filed copies of the approval by FEMA of the “FAASt [Distribution Feeders – Arecibo Short Term Group 2] (Distribution)” and the “FAASt [Distribution Pole and Conductor Repair – Bayamón Group 2] (Distribution)” T&D Projects, respectively. The documents state FEMA’s approval and include the cost obligated for each project.

7. It should be noted that, due to the urgent and critical nature of the project for the stability of Puerto Rico’s transmission and distribution system, LUMA commenced the “230kV Transmission Priority Poles Replacements - Mora 50500” T&D Project SOW on an expedited

basis. This project was submitted to FEMA after its approval by this Energy Bureau. LUMA is currently awaiting FEMA's project cost obligation.

8. In view of the above and in further compliance with the August 20th and September 22nd Orders, LUMA hereby informs that the aforementioned projects have been executed by LUMA's internal workforce and resources. The projects were energized on the dates specified below:

230kV Transmission Priority Poles Replacements - Mora 50500- **February 18, 2022**

FAASt [Distribution Feeders - Caguas Short Term Group 8] (Distribution)- **April 16, 2022**

FAASt [Distribution Pole and Conductor Repair-Bayamon Group 2] (Distribution)- **May 26, 2022**

FAASt [Distribution Feeders - Arecibo Short Term Group 2] (Distribution)- **August 30, 2022**

9. Considering that the above-mentioned assets are now operating as part of the T&D System, LUMA deems it appropriate to notify the Energy Bureau of the dates these assets were energized.³

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **deem** LUMA complied with the August 20th and September 22nd Orders.

RESPECTFULLY SUBMITTED.

We hereby certify that we filed this motion using the electronic filing system of this Energy Bureau. We will send an electronic copy of this motion to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law, and Katiuska Bolaños-Lugo, kbolanos@diazvaz.law.

In San Juan, Puerto Rico, on this 11th day of November 2022.

³ The term "energized", in this context, is to be considered as such time from which the asset is operating as part of the T&D System.



DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, PR 00901-1969
Tel. 787-945-9132
Fax 939-697-6102

/s/ Yahaira De la Rosa Algarín
Yahaira De la Rosa Algarín
RUA NÚM. 18,061
yahaira.delarosa@us.dlapiper.com