

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

NEPR

Received:

Nov 30, 2022

10:22 PM

IN RE:

REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S
SYSTEM REMEDIATION PLAN

CASE NO. NEPR-MI-2020-0019

SUBJECT: Submission of Quarterly Report

MOTION TO SUBMIT QUARTERLY REPORT

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC ("ManagementCo"), and **LUMA Energy ServCo, LLC** ("ServCo"), (jointly referred to as "LUMA"), and respectfully state and request the following:

1. On June 23, 2021, this honorable Puerto Rico Energy Bureau of the Public Service Regulatory Board ("Energy Bureau") issued and published a Resolution and Order approving LUMA's System Remediation Plan ("June 23rd Order"). In Section IV, paragraphs 1 through 3 of the June 23rd Order, this honorable Energy Bureau directed that, starting on September 15, 2021, LUMA shall file reports every two months on the implementation of the approved System Remediation Plan ("SRP") that shall include:

- i. Actual spending amounts, broken down by spending initiative/portfolio, and reflecting in detail any variances from the [SRP];
- ii. A detail[ed] timeline per portfolio with sufficient detail to allow the Energy Bureau to assess project status for [SRP] capital expenditures and operational initiatives; and
- iii. Any capital expenditure or operational initiatives that are behind schedule, compared to the initial [SRP] timeframe and a detail[ed] explanation as to the cause of the delay and the corrective actions implemented to prevent further delays, as applicable.

June 23rd Order at pp. 37-38.

2. On August 25, 2021, this Energy Bureau issued a Resolution and Order (“August 25th Order”) modifying the bimonthly reporting requirement to a quarterly basis and establishing a filing due date for these reports of thirty (30) days following the close of the reported quarter. *See* August 25th Resolution at p. 3. Thereafter, on November 4, 2021, this Energy Bureau issued a Resolution and Order (the “November 4th Order”) establishing a filing date for these reports of forty-five (45) days after each quarter closes. *See* November 4th Order at p. 2.

3. Realizing that, due to delays caused by the unforeseen event of Hurricane Fiona, it would not be able to file the report for the First Quarter of Fiscal Year 2023 by its due date of November 14, 2022, on November 10, 2022, LUMA requested this honorable Energy Bureau a brief extension until November 30, 2022 to submit this report. *See* LUMA’s *Request for Extension of Time to File FY2023 Q1 Report* filed on November 10, 2022 (the “Extension Request”).

4. In compliance with the June 23rd Order, as modified by the August 25th Order and the November 4th Order, and in accordance with the Extension Request, LUMA hereby submits to the Energy Bureau, attached as *Exhibit 1*, its first Comprehensive Quarterly Report of Fiscal Year 2023, for the First Quarter ending September 30, 2022 (“Q1 Report”). The Q1 Report contains the information required in Section IV, paragraphs 1 through 3 of the June 23rd Order (“Q1 Report”). This Q1 Report also addresses the quarterly reporting requirement set in case No. NEPR-MI-2021-0004, *In Re: LUMA’s Initial Budgets* (“Initial Budgets Proceeding”) and will be submitted in the docket of that proceeding.

5. Finally, the Q1 Report meets LUMA’s quarterly reporting obligations under the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement executed among the Puerto Rico Electric Power Authority, LUMA and the Puerto Rico Public Private Partnerships Authority (“P3 Authority”) dated as of June 22, 2020 (“T&D OMA”) and will be

submitted to the P3 Authority to comply with such requirements. *See* T&D OMA, Annex I, Section VI(B), paragraphs (4) and (5).

WHEREFORE, LUMA respectfully requests that the honorable Energy Bureau **take notice** of the aforementioned on the filing of the Q1 Report; **accept** the attached *Exhibit 1* in compliance with the quarterly reporting requirements in the June 23rd Order, as modified by the August 25th Resolution and the November 4th Resolution, in the instant proceeding; and **deem** LUMA in compliance with such reporting requirements.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 30th day of November 2022.

I hereby certify that this motion was filed using the electronic filing system of this Energy Bureau. I also certify that copy of this motion will be notified to the Puerto Rico Electric Power Authority, through its attorneys of record: jmarrero@diazvaz.law and 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

/s/ Laura T. Rozas
Laura T. Rozas
RUA Núm. 10,398
laura.rozas@us.dlapiper.com