

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

NEPR Received: Oct 13, 2022 12:22 PM

IN RE: THE UNBUNDLING OF THE
ASSETS OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY

CASE NO. NEPR-AP-2018-0004

**SUBJECT: Request to Postpone the Technical
Conference of October 21, 2022.**

**REQUEST TO POSTPONE THE TECHNICAL CONFERENCE OF
OCTOBER 21, 2022**

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 March 24, 2022, and pursuant to Section 11.01 of Regulation 8543, Regulation on Adjudicative, Notice of Noncompliance, Rate Review, and Investigation Proceedings (“Regulation 8543”) and Section 3.15 of the Uniform Administrative Procedure Act for the Government of Puerto Rico, Act 38-2017 (“LPAU” for its Spanish acronym) this Puerto Rico Energy Bureau (“Energy Bureau”) issued a Final Resolution and Order in this proceeding (“Final Resolution and Order”). In what is relevant to this Motion, on page 21 of the Final Resolution and Order, this Energy Bureau determined that “further processes” were needed to adopt a standard wheeling services agreement. For this, the Energy Bureau requested stakeholder comments by April 25, 2022, and scheduled a technical conference for May 17, 2022. *See* Final Resolution and Order at page 21.

2. LUMA timely submitted a *Motion for Reconsideration of Final Resolution and Order of March 24, 2022*, submitted on April 13, 2022 (“Motion for Reconsideration”).¹ On April 22, 2022, the Energy Bureau entered a Resolution and Order that accepted LUMA’s Motion for Reconsideration. Thereafter, on July 11, 2022, the Energy Bureau issued a Resolution and Order stating that it would extend for thirty (30) additional days, the timeframe to rule on LUMA’s Motion for Reconsideration.

3. On August 10, 2022, the Energy Bureau entered a Resolution and Order, whereas it denied LUMA’s Motion for Reconsideration (“August 10th Order”). The Energy Bureau ordered that LUMA submit a formal version of the wheeling customer rider along with a description and rationale for any proposed changes from the draft version provided as Attachment A to the Final Resolution and Order within seven days.² Further, the Energy Bureau granted twenty (20) days for stakeholders to submit comments on relevant issues for wheeling services agreements outlined in Attachment B to the Final Resolution and Order³. Finally, this Energy Bureau scheduled a

¹ Then, on April 20, 2022, LUMA filed a *Request for Stay of Portions of Final Resolution and Order of March 24, 2022, Pending Final Adjudication and Request for Additional Remedies*. LUMA requested this Energy Bureau stay several of the orders included in the Final Resolution and Order until the Motion for Reconsideration is adjudicated (“Request for a Stay”). Specifically, LUMA petitioned that the Energy Bureau stay the portion of the Final Resolution and Order that required LUMA to “file a formal version of the wheeling customer rider as a compliance item. . .with a description of and rationale for any changes proposed from this draft version.” See Final Resolution and Order on page 18. Therein, LUMA contended that there were important and weighty considerations that this Energy Bureau should ponder before implementing the Final Resolution and Order and prior to requiring that LUMA file a formal version of the wheeling customer rider. As such, it was in the public interest to conclude the process of addressing LUMA’s Motion for Reconsideration before LUMA is called upon to file the rider. Thus, LUMA requested that the Energy Bureau stay the order to file a formal version of the wheeling customer rider for at least thirty days after it issues a determination on LUMA’s Motion for Reconsideration.

²² On August 15, 2022, LUMA requested an extension until August 24, 2022, to submit the rider.

³ On August 24, 2022, LUMA submitted its proposed changes to the wheeling rider with this Energy Bureau. See *Motion Submitting Proposed Changes to the Draft Wheeling Customer Rider* (“Submission of Proposed Changes to the Wheeling Rider”). Then, on August 30, 2022, LUMA submitted its responses to

Technical Conference for September 23, 2022, to discuss the relevant issues for a wheeling services agreement (“September 23rd Technical Conference”).

4. On August 26, 2022, LUMA submitted a *Requests Regarding the “Further Processes” Scheduled on the Wheeling Services Agreement, Request for an Agenda for the Technical Conference of September 23rd, and Submission of a Proposed Agenda* (“August 26th Motion”). LUMA requested that this Energy Bureau initiate a new non-adjudicative or “MI” proceeding to discuss the “further processes” required to implement wheeling, including the stakeholder comments on the wheeling services agreement due on August 30, 2022. LUMA also requested that this Energy Bureau issue an agenda of the topics to be discussed in the September 23rd Technical Conference and submit a proposed agenda for the technical conference.

5. On September 15, 2022, LUMA filed a *Request to Postpone the Technical Conference of September 23, 2022*. LUMA requested the Energy Bureau to continue or reschedule the September 23rd Technical Conference for the week of November 7, 2022, due to pending parallel technical conferences and filing deadlines in multiple proceedings. LUMA further stated that no agenda had been issued on the topics to be discussed during the Technical Conference.

6. On September 20, 2022, the Energy Bureau entered a Resolution and Order, rescheduling the Technical Conference for October 21, 2022. It also included therein the agenda for the Technical Conference.

7. LUMA hereby respectfully requests that this Energy Bureau continue or reschedule the September 23rd Technical Conference for the week of November 14-18, 2022.

the questions for comments included in Attachment B to the Final Resolution and Order. *See Motion Submitting LUMA’s Responses to Questions for Comments By Stakeholders Included in Attachment B to the Resolution and Order of March 24, 2022*, filed on August 30, 2022.

8. First, a substantial portion of LUMA's Regulatory and System Operations teams that support this proceeding have been temporarily reassigned to support emergency operations related to Hurricane Fiona. Their support of those emergency efforts will likely continue through the first half of October, even longer for the System Operations team.

9. Second, the generation insufficiency and fuel shortages are placing additional strain on LUMA's System Operations team, who would participate in the Technical Conference. The System Operations team is currently focused on restoration and stabilization efforts, which will likely extend over the coming weeks. As the Energy Bureau is aware, LUMA has expressed grave concern over generation capacity and foresees a significantly increased risk of generation shortfalls in the upcoming months. The reduced generation capacity poses a high risk of resource insufficiency affecting service reliability and restoration. This compromises the time that LUMA's System Operations team could devote to preparing for the Technical Conference, particularly the presentation on dispatch, as currently scheduled.

10. In fact, just on Monday, personnel from LUMA's specialized System Operations team appeared before this Energy Bureau in the proceeding *In re LUMA's Response to Hurricane Fiona*, Case No. NEPR-MI-2022-0003 to discuss concerns with Generation resource inadequacies in the aftermath of Hurricane Fiona. As a result of the matters discussed during that Technical Conference, the Energy Bureau ordered LUMA to develop a stabilization plan, as a direct response to the effects of Hurricane Fiona, in coordination with the Federal Emergency Management Agency ("FEMA") and the Puerto Rico Electric Power Authority ("PREPA"). It further instructed LUMA to submit a bi-weekly updated report addressing the efforts to ensure the completion of such a stabilization plan. Considering that the key personnel from LUMA's System Operations

need to devote their efforts to developing the stabilization plan to address the generation issues, it seems wholly justified to reschedule the Technical Conference set for this instant proceeding. Moreover, it is sensible to resolve all critical generation issues before discussing wheeling matters and before LUMA is required to submit a presentation on dispatch processes

11. Finally, a continuance of the Technical Conference will allow this Energy Bureau to consider the requests stated in LUMA's August 26th Motion to open a new non-adjudicative proceeding to evaluate the wheeling services agreement.

12. In view of the above, LUMA respectfully requests that the Energy Bureau postpone the October 21st Technical Conference for the week of November 14-18, 2022. Furthermore, LUMA proposes that the Technical Conference be convened in November 2022 to discuss matters related to the wheeling services agreement, and that a separate Technical Conference be scheduled early next year on dispatch processes and hourly marginal costs. As discussed above, LUMA's System Operations team is currently addressing pressing issues on generation availability. It lacks the time and resources to prepare a fulsome presentation to offer to this Energy Bureau on dispatch processes and hourly marginal costs.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of this Motion, **grant** LUMA's request to postpone the September 23rd Technical Conference to the week of November 14-18, 2022, and **remove** from the Agenda LUMA's presentation on dispatch processes and hourly marginal costs.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 13th day of October 2022.

I hereby certify that this Motion was filed in the electronic docket of the Puerto Rico Energy Bureau and that a stamped copy of this Motion will be served via electronic mail to intervenors: Cooperativa Hidroeléctrica de la Montaña, via Ramón Luis Nieves, ramonluisnieves@rlnlegal.com; Office of the Independent Consumer Protection Office, Hannia Rivera, hrivera@jrsp.pr.gov, and Pedro E. Vázquez Mélenlez, contratistas@jrsp.pr.gov; Puerto Rico Manufacturer's Association via Manuel Fernández Mejías, manuelgabrielfernandez@gmail.com; and Ecoeléctricas via Carlos Colón, ccf@tcm.law. It is also certified that I will serve notice of this Motion to counsel for the Puerto Rico Electric Power Authority, Katuska Bolaños, kbolanos@diazvaz.law, and Joannely Marrero Cruz, jmarrero@diazvaz.com.

I will also send a copy of this Motion to the following individuals or entities that the Energy Bureau included in its email:

astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, margarita.mercado@us.dlapiper.com,
Elias.sostre@aes.com; jesus.bolinaga@aes.com; cfl@mcvpr.com; ivc@mcvpr.com;
notices@sonnedix.com; leslie@sonnedix.com; victorluisgonzalez@yahoo.com;
tax@sunnova.com; jcmendez@reichardescalera.com; r.martinez@fonroche.fr;
gonzalo.rodriguez@gestampren.com; kevin.devlin@patternenergy.com;
fortiz@reichardescalera.com; jeff.lewis@terraform.com; mperez@prrenewables.com;
cotero@landfillpr.com; geoff.biddick@radiangen.com; hjcruez@urielrenewables.com;
carlos.reyes@ecoelctrica.com; meghan.semiao@longroadenergy.com;
tracy.deguise@everstreamcapital.com; agraitfe@agraitlawpr.com; h.bobea@fonrochepr.com;
ramonluisnieves@rlnlegal.com; hrivera@jrsp.pr.gov; info@sesapr.org;
yan.oquendo@ddec.pr.gov; acarbo@edf.org; pjcleanenergy@gmail.com; nicolas@dexgrid.io;
javrua@gmail.com; JavRua@sesapr.org; lmartinez@nrdc.org; thomas.quasius@aptim.com;
rtorbert@rmi.org; lionel.orama@upr.edu; noloseus@gmail.com; aconer.pr@gmail.com;
dortiz@elpuente.us; wilma.lopez@ddec.pr.gov; gary.holtzer@weil.com; ingridmvila@gmail.com;
rstgo2@gmail.com; agc@agcpr.com; presidente@ciapr.org; cpsmith@unidosporutuado.org;

jmenen6666@gmail.com; CESA@cleanegroup.org; acasepr@gmail.com;
secretario@ddec.pr.gov; julia.mignuccisanchez@gmail.com; professoraviles@gmail.com;

gmch24@gmail.com; ausubopr88@gmail.com; carlos.rodriguez@valairlines.com;

amaneser2020@gmail.com; acasellas@amgprlaw.com; presidente@camarapr.net;

jmarvel@marvelarchitects.com; amassol@gmail.com; jmartin@arcainc.com;

eduardo.rivera@afi.pr.gov; leonardo.torres@afi.pr.gov; carsantini@gmail.com;

directoralcaldes@gmail.com; imolina@fedalcaldes.com; LCSchwartz@lbl.gov;
thomas@fundacionborincana.org; cathykunkel@gmail.com; joseph.paladino@hq.doe.gov;
adam.hasz@ee.doe.gov; Sergio.Gonsales@patternenergy.com; Eric.Britton@hq.doe.gov;
energiaverdepr@gmail.com; Arnaldo.serrano@aes.com; gustavo.giraldo@aes.com;
accounting@everstreamcapital.com; mgrpcorp@gmail.com; jczayas@landfillpr.com;
Jeanna.steele@sunrun.com; mildred@liga.coop; rodrigomasses@gmail.com;
presidencia-secretarias@seguros multiples.com; cpsmith@cooperativahidroelectrica.coop;
maribel@cooperativahidroelectrica.coop; apoyo@cooperativahidroelectrica.coop;
larroyo@earthjustice.org; flcaseupdates@earthjustice.org; gguevara@prsciencetrust.org;
hrivera@jrsp.pr.gov; contratistas@jrsp.pr.gov; agraitfe@agraitlawpr.com;
rstgo2@gmail.com; pedrosaade5@gmail.com; rolando@bufete-emmanuelli.com;
notificaciones@bufete-emmanuelli.com; rhoncat@netscape.net;
Marisol.Bonnet@hq.doe.gov; ernesto.rivera-umpierre@hq.doe.gov;
elizabeth.arnold@hq.doe.gov; info@icsepr.org; john.jordan@nationalpfg.com;
info@marinsacaribbean.com; aconer.pr@gmail.com; pathart@ge.com;
contratistas@jrsp.pr.gov; Laura.rozas@us.dlapiper.com; renewableenergy@me.com;
rcorrea@prfaa.pr.gov; JGOB@prepa.com; israel.martinezsantiago@fema.dhs.gov;
jcintron@cor3.pr.gov; gsgalado@cor3.pr.gov; mario.hurtado@lumamc.com;
wayne.stensby@lumamc.com; Ashley.engbloom@lumamc.com; Legal@lumamc.com;
jorge.flores@lumapr.com; breanna.wise@lumapr.com; energia@ddec.pr.gov;
Francisco.Berrios@ddec.pr.gov; Laura.Diaz@ddec.pr.gov; isabel.medina@ddec.pr.gov;
ialicea@sanjuanciudadpatria.com; alescudero@sanjuanciudadpatria.com;
oabayamon@yahoo.com; quinonesporrata@qaclaw.com; equinones@qaclaw.com;
vcandelario@qaclaw.com .



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