

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

NEPR Received: May 12, 2023 12:17 AM

IN RE:

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 Project**

MOTION TO INFORM STATUS OF FEDERALLY FUNDED PROJECT

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 submits the following:

1. On March 26, 2021, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order in the instant proceeding ("March 26th Order"), ordering, in pertinent part, that the Puerto Rico Electric Power Authority ("PREPA") submit to the Energy Bureau the 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 ("COR3"), FEMA or any other federal agency. *See* March 26th Order on pages 18-19.³ It also directed PREPA to continue reporting to the Energy Bureau and FEMA within the next five years, the progress of all ongoing

¹ Register No. 439372.

² Register No. 439373.

³ The Energy Bureau thereafter determined that this directive applied to PREPA and LUMA. *See* Resolution and Order of August 20, 2021, on page 3 in the instant case.

efforts related to the approval of the submitted projects not yet approved by the Energy Bureau. *See id.* at page 19.

2. On August 30, 2021, LUMA filed a *Motion Requesting Clarification of a Portion of the Energy Bureau’s Resolution and Order Entered on August 20, 2021 and Submitting Updated List of Transmission and Distribution Projects and Twenty-Nine Scope of Work* (“August 30th Motion”). In the August 30th Motion, LUMA submitted twenty-nine (29) SOWs for 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 Distribution Pole & Conductor Replacement SOW⁴. *See* August 30th Motion, Exhibit 2.

3. On September 22, 2021, the Energy Bureau issued a Resolution and Order (“September 22nd Order”) in which it determined that most of the SOWs for T&D projects submitted by LUMA with the August 30th Motion were necessary to improve the system’s reliability and approved such SOWs, which included the Distribution Streetlighting and Distribution Pole & Conductor Replacement SOWs. *See* September 22nd Order, pages 2 and 3 and Attachment A. The Energy Bureau also ordered LUMA to submit to the Energy Bureau copy of the approval by COR3 and/or FEMA of these projects containing the information specified in the September 22nd Order, within ten (10) days of receipt of such approval; provide the Energy Bureau the actual contracted cost to construct each such project, within ten (10) days from the execution of the contract; and inform the Energy Bureau once the projects are completed. *See id.* at page 3.

⁴ The Distribution Pole & Conductor Replacement SOW encompassed distribution pole and conductor replacement projects throughout Puerto Rico which were later divided during the FEMA process into regions and groups and included the Distribution Pole and Conductor Repair - Caguas Group 7, assigned FAAS^t number 674098. *See* LUMA’s *Motion Submitting Scope of Work and Updated List of Projects and Request for Confidentiality and Supporting Memorandum of Law* filed on November 16, 2022, Exhibit 2.

4. On August 11, 2022, LUMA submitted to the Energy Bureau the approvals from FEMA for several projects, including for the FAASSt - 674098 [Distribution Pole and Conductor Repair - Caguas Group 7] project under the Distribution Pole & Conductor Replacement SOW. *See Motion Submitting Nine FEMA Approvals of Project, Request for Confidential Treatment and Supporting Memorandum of Law* of that date.

5. On November 23, 2022, LUMA informed the Energy Bureau of the contracted costs for several projects under the Distribution Pole and Conductor Replacement SOW, including the FAASSt - 674098 [Distribution Pole and Conductor Repair - Caguas Group 7], and the construction contracts executed thus far for these projects. *See Informative Motion on Contracted Costs for Federally Funded Projects* of that date.

6. In compliance with the September 22nd Order, LUMA hereby informs that the aforementioned project was executed, and it was energized on February 14, 2023.

7. Considering that the above-mentioned asset is now operating as part of the T&D System, LUMA deems it appropriate to notify the Energy Bureau of the date this asset was energized.

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

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 attorney for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law.

In San Juan, Puerto Rico, on this 12th day of May 2023.



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