

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

NEPR Received: May 22, 2023 4:28 PM
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IN RE: REVIEW OF LUMA’S INITIAL BUDGETS

CASE NO.: NEPR-MI-2021-0004

SUBJECT: Puerto Rico Electric Power Authority’s Request for Additional Extension of Time to File FY2023 Q3 Report

**PUERTO RICO ELECTRIC POWER AUTHORITY’S REQUEST FOR
ADDITIONAL EXTENSION OF TIME TO FILE FY2023 Q3 REPORT**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority (“PREPA”), through its counsel of record, and respectfully submits and prays as follows:

1. On February 27, 2023, the Energy Bureau for the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a *Resolution and Order* (“February 27 Order”) through which the Energy Bureau made a determination on the FY2023 annual budget and also included the pre-filing requirements for the FY2024 Annual Budgets.

2. The February 27 Order also included the following directive for Genera-PR, LLC (“Genera”) :

- (i) file quarterly reports, beginning in Q3 FY 2023, detailing actual vs. budgeted Generation expenditures, including a breakout of NME expenditures, and to explain any variances between planned and actual; iii) describe and explain the cause of the variances, and to describe the impact on the expenditure programs listed in the approved budget, to the extent there are variances or in cases where NME funds are diverted to address maintenance and repair initiatives not listed in the approved budget.

February 27 Order at p. 28

3. On May 10, 2023, LUMA Energy, LLC as Management Co. and LUMA Energy Servco, LLC (collectively, LUMA), filed a document titled *Request for Brief Extension of Time to File FY2023 Q3 Report* (“LUMA’s Motion”). Through its Motion, LUMA detailed how LUMA, Genera and PREPA had been working on submitting the FY2024 Proposed Annual Budget, by May 15, 2023, and requested an extension of time to submit the Third Quarter of Fiscal Year Report (“Q3 report”).

4. Thereafter on May 15, 2023, PREPA filed a document titled *Puerto Rico Electric Power Authority's Joinder to LUMA's Request for Brief Extension of Time to File FY23 Q3 Report* (“May 15 Request”), whereby PREPA informed that in good faith discussions with Genera it was determined that since their commencement date had not elapsed, PREPA was the responsible party to submit the Q3 Report before the Energy Bureau. Further, PREPA stated it had “reviewed LUMA's Motion and agreed with the statements and request for relief made therein”. Therefore, PREPA requested the same relief as LUMA, an extension of time until May 22, 2023, to submit the FY23 Q3 Report.

5. In response, on May 16, 2023, the Energy Bureau, issued a *Resolution and Order* (“May 16 Order”), stating that since Genera's Commencement Date was extended to July 1, 2023, PREPA is the responsible party for filing the Q3 Report for Generation. Additionally, the Energy Bureau granted the request for extension of time and ordered LUMA and PREPA to submit the Q3 Report no later than today May 22, 2023.

6. In tandem, on May 16, 2023, LUMA filed a document titled *Submission of Consolidated Annual Budget for Fiscal Year 2024 and Annual T&D Projections through Fiscal Year 2026* (“May 16 Motion”). The May 16 Motion included the FY2024 Budget Proposal for the Puerto Rico Energy System.

7. On May 18, 2023, the Energy Bureau issued another *Resolution and Order* in the case of caption titled *Request for supporting documentation reflecting the Submission of Consolidated Annual Budgets for Fiscal Year 2024* ("May 18 Order"). The May 18 Order determined the Energy Bureau needed further information and supporting documentation to evaluate the FY2024 Budget Proposal. In what is pertinent to PREPA, the Energy Bureau directed PREPA to provide an Operating and Capital Expenditures Budget that reflected LUMA's "Annual Budget Summary" for the proposed HydroCo¹ and HoldCo² budgets.

8. PREPA's limited officials from the Operations and Finance offices, who provide the data and information in the case of caption have been working tirelessly to comply with the Energy Bureau's orders, as well as fulfill their ordinary work commitments, while also participating in numerous internal conferences and this week's Governing Board meetings.

9. In light of the above and seeing as PREPA has focused its efforts to comply with the May 18 Order, by the time period requested by PREPA in the May 22 Motion³ (i.e. until May 24, 2023), PREPA respectfully requests the Honorable Energy Bureau to grant an additional four (4) days to comply with the May 16 Order, until Friday, May 26, 2024.

WHEREFORE, PREPA respectfully requests the Energy Bureau to **NOTE** the above; and **GRANT** an additional extension of time, until May 26, 2023, to submit the Q3 Report in compliance with the February 27 Order.

RESPECTFULLY SUBMITTED.

¹ The budget proposal for the hydroelectric generating units and the public irrigation facilities (the "Proposed HydroCo Budget")

² The budget proposal for PREPA and its subsidiaries other than GenCo and HydroCo (the, "Proposed HoldCo Budget")

³PREPA's *Urgent Request for a Brief Extension of Time to Comply with the May 18 Resolution and Order and Request for Remedy* ("May 22 Motion")

In San Juan, Puerto Rico, this 22nd day of May 2023.

/s Maralíz Vázquez-Marrero

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CERTIFICATE OF SERVICE

It is hereby certified that, on this same date, I have filed the above motion with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>, and a courtesy copy of the filing was sent to LUMA through its legal representatives at margarita.mercado@us.dlapiper.com and laura.rozas@us.dlapiper.com.

In San Juan, Puerto Rico, this 22nd day of May 2023.

/s Joannely Marrero-Cruz

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