

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

<b>NEPR</b>  <b>Received:</b>  <b>Sep 12, 2023</b>  <b>6:06 PM</b>
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**IN RE:**

IN RE: PUERTO RICO ELECTRIC POWER  
AUTHORITY PERMANENT RATE

**CASE NO. NEPR-MI-2020-0001**

**SUBJECT: Urgent Request for Extension of Time to  
Submit Quarterly Reconciliations and FCA, PPCA, and  
FOS Calculated Factors**

**URGENT REQUEST FOR EXTENSION OF TIME TO SUBMIT QUARTERLY  
RECONCILIATIONS AND FCA, PPCA, AND FOS CALCULATED FACTORS**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU:**

COMES now LUMA Energy ServCo, LLC (“ServCo”), (“LUMA”), and respectfully states and requests the following:

1. LUMA’s duties over system regulatory matters pursuant to Section 5.6 of the Puerto Rico Transmission and Distribution Operation and Maintenance Agreement (“T&D OMA”) as supplemented by the Puerto Rico Transmission and Distribution System Supplemental Terms Agreement, include preparation of the required reconciliations for the Fuel Clause Adjustment (“FCA”), Purchased Power Clause Adjustment (“PPCA”), and Fuel Oil Subsidy (“FOS”) riders.

2. Pursuant to a Resolution and Order dated January 17, 2020, issued by this Honorable Puerto Rico Energy Bureau (“Energy Bureau”), in this proceeding, the reconciliations and FCA, PPCA, and FOS calculated factors are filed quarterly. *See also* Final Rate Order issued on January 10, 2017, Case CEPR-AP-2015-0001, as amended (“Final Rate Order”).

3. On July 31, 2023, this Energy Bureau issued a Resolution and Order whereby, among other determinations, it ordered LUMA to file on or before September 15, 2023, at noon, the proposed FCA, PPCA and FOS calculated factors to enter in effect as of October 1, 2023, including the proposed reconciliations for the months of July and August 2023. See July 31<sup>st</sup> Order, page 10.

4. On August 14, 2023, LUMA filed a *Motion Submitting Accelerated Reconciliation, Submission of FCA and PPCA Calculated Factors, and Request for Confidential Treatment*, whereby LUMA informed the Energy Bureau of the potential accelerated adjustment of the FCA and PPCA riders because the reconciliation for July 2023 yielded a revenue insufficiency of \$92,774,258.42 and excess revenues of \$23,542,299.96 for PPCA (the August 14<sup>th</sup> Motion).<sup>1</sup> In the August 14<sup>th</sup> Motion, LUMA suggested that the Energy Bureau defer the reconciliation until the September Quarterly Reconciliation which would allow recovery over a longer timeframe.

5. On August 17, 2023, this Energy Bureau issued a Resolution and Order whereby it took notice of LUMA's August 14<sup>th</sup> Motion and ruled that it had nothing to provide at the time.<sup>2</sup>

6. As this Honorable Energy Bureau knows, LUMA does not purchase or manage fuel for power generation, and thus, to meet its contractual and regulatory obligations LUMA requires information from Genera PR LLC ("Genera"), as the Operator of GenCo. Specifically, LUMA requires monthly generation and consumption data and fuel costs from Genera, to prepare the quarterly reconciliations. Particularly, to prepare the reconciliations and calculated factors and file them timely with this Energy Bureau, LUMA needs to receive certified data from Genera at a

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<sup>1</sup> LUMA also requested confidential treatment for certain spreadsheets submitted in Excel format and with formulae as part of a Confidential file included with the Motion.

<sup>2</sup> The Energy Bureau also granted LUMA's request for confidential treatment of the Excel spreadsheets included with its August 14<sup>th</sup> Motion and took notice that LUMA presented a public version of those files which contained all the information and data included in the confidential version of the documents, excluding formulae and references.

minimum, seven (7) business days before the deadline set by this Energy Bureau for a submission, which is currently September 15, 2023, at noon. *See* Sections 3.5 (c) and 5.12 (d) of the Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement of January 24, 2023.

7. LUMA received a first set of the fuel purchases, inventory, consumption and generation reports from Genera on September 8, 2023. Several of those reports, however, have been the object of various revisions since that date, the more recent of which were transmitted to LUMA today. At this time, LUMA is pending receipt of the final Generation report.

8. In addition, LUMA confronted technical difficulties with the CC&B system (PREPA's Billing System) which delayed the preparation and completion of the internal billing report. LUMA expects to receive the finalized reports tomorrow, September 13, 2023.

9. These circumstances and delays in receiving data and reports needed to conduct the calculations for the quarterly reconciliations and calculated factors have impacted the timeline for the preparation of such calculations and reconciliation. Thus, LUMA hereby respectfully requests a brief extension of time of one business day, that is, until September 18, 2023, to file the quarterly reconciliation and proposed FCA, PPCA and FOS calculated factors to be in effect from October 1, 2023 through December 31, 2023.

10. This request for extension of time is filed in good faith and with the only purpose of putting LUMA in position of completing the analysis and preparation of the calculated factors and the quarterly reconciliation. This brief extension should not delay the Energy Bureau's processes related to quarterly reconciliations and calculated factors.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **grant** LUMA until Monday, September 18, 2023, to inform this Energy Bureau of the quarterly reconciliations and proposed FCA, PPCA, and FOS calculated factors.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 12<sup>th</sup> day of September 2023.

I hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau. I will send an electronic copy of this Motion to counsel for PREPA Joannely Marrero, [jmarrero@diazvaz.law](mailto:jmarrero@diazvaz.law), counsels for Genera, [alopez@sbgblaw.com](mailto:alopez@sbgblaw.com) and [jfr@sbgblaw.com](mailto:jfr@sbgblaw.com), and the Independent Consumer Protection Office, through Director Hannia Rivera, [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov).



**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](mailto:margarita.mercado@us.dlapiper.com)