

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

NEPR Received: Sep 15, 2023 4:10 PM
--

IN RE:

IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY PERMANENT RATE

CASE NO. NEPR-MI-2020-0001

SUBJECT: Informative Motion and Urgent Request for Brief Additional Extension of Time to Submit Quarterly Reconciliations and FCA, PPCA, and FOS Calculated Factors

**INFORMATIVE MOTION AND URGENT REQUEST FOR BRIEF ADDITIONAL
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 July and August 2023. *See* July 31st 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 14th Motion).¹ In the August 14th Motion, LUMA suggested that the Energy Bureau defer the reconciliation until the September Quarterly Reconciliation, allowing 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 14th Motion and ruled that it had nothing to provide at the time.²

6. On September 12, 2024, LUMA filed an *Urgent Request for Extension of Time to Submit Quarterly Reconciliations and FCA, PPCA, and FOS Calculated Factors* whereby it requested a brief extension of time, until September 18, 2023, to inform the Energy Bureau of the quarterly reconciliations and proposed FCA, PPCA and FOS calculated factors to be in effect from October 1, 2023, through December 31, 2023 (the "Urgent Request").

7. As explained in the Urgent Request, as of September 12th, LUMA had yet to receive the final Generation report from General PR LLC ("Genera"). LUMA also informed that it had

¹ 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.

² The Energy Bureau also granted LUMA's request for confidential treatment of the Excel spreadsheets included with its August 14th 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.

confronted technical difficulties with the CC&B system (PREPA's Billing System), which delayed the preparation and completion of the internal billing report, and that it expected to receive the finalized reports by September 13, 2023.

8. This Energy Bureau granted LUMA's Urgent Request through Resolution and Order issued on September 13, 2023.

9. By way of an update of the information included in the Urgent Request, LUMA respectfully informs that it received the Generation report from Genera on September 13, 2023. As a result of the situation with the CC&B system described in the Urgent Request, however, the billing reports need to be run again with certain specific scheduling criteria. Due to the amount of billing data involved, the process to obtain and verify the data within the billing reports will extend more than originally anticipated.

10. As a result of these circumstances, LUMA requires and hereby respectfully requests a brief additional extension of time, until September 20, 2023, to inform the Energy Bureau of the quarterly reconciliations and proposed FCA, PPCA, and FOS calculated factors for the period of October 1, 2023, through December 31, 2023.

11. This request for an extension of time is filed in good faith and with the only purpose of putting LUMA in a position of responsibly 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 Wednesday, September 20, 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 15th 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, counsels for Genera, alopez@sbgblaw.com, and jfr@sbgblaw.com, and the Independent Consumer Protection Office, through Director Hannia Rivera, hrivera@jrsp.pr.gov.



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/ Margarita Mercado Echegaray
Margarita Mercado Echegaray
RUA NÚM. 16, 266
margarita.mercado@us.dlapiper.com