

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

**IN RE:** PUERTO RICO ELECTRIC POWER  
AUTHORITY'S PERMANENT RATE

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

**SUBJECT:** Requirement of Information;  
Virtual Technical Conference

**RESOLUTION AND ORDER**

On July 31, 2023, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order through which it established the factors for the FCA,<sup>1</sup> PPCA,<sup>2</sup> and FOS<sup>3</sup> Riders, that will be in effect until September 30, 2023. Through the same resolution the Energy Bureau ordered LUMA Energy, LLC and LUMA Energy ServCo, LLC (referred to jointly as "LUMA") to submit, on or before September 15, 2023, at noon, the proposed factors for the FCA, PPCA, and FOS Riders to be implemented from October 1, 2023 to December 31, 2023, including the proposed reconciliations for July and August 2023.

*M* On September 21, 2023, LUMA filed a document titled *Motion Submitting FCA and PPCA Reconciliations for July and August 2023, Submission of FCA, PPCA, FOS, and EE Calculated Factors, Request for Confidential Treatment and Request for Additional Time to Comply with Portion of the September 20<sup>th</sup> Order* ("September 21 Motion"), whereby it submitted its proposed FCA, PPCA, and FOS Riders to be implemented from October 1, 2023 to December 31, 2023, including the proposed reconciliations for July and August 2023.

*Jim* On September 22, 2023, LUMA filed a document titled *Motion Submitting Forecast of Savings and Coste per kWh Savings Regarding Temporary Generation, in Compliance with the September 20<sup>th</sup> Order* ("September 22 Motion").

*JAB* After a thorough analysis of the documents filed with the September 21 Motion, the Energy Bureau **ORDERS** LUMA to file, **on or before Wednesday, September 27, 2023, before 3:00 p.m.**, a response to the Requirement of Information set forth in Attachments A to this Resolution and Order. Additionally, the Energy Bureau **ORDERS** Genera PR, LLC ("Genera") to provide LUMA any information, about Genera's operations, set forth in Attachment A to this Resolution and Order in an expeditious manner so that LUMA can comply with the filing deadline.<sup>4</sup>

*AMN* The Energy Bureau **SCHEDULES** a Virtual Technical Conference to be held remotely on **Thursday, September 28, 2023 at 1:00 p.m.** LUMA and Genera relevant personnel and consultants shall appear before the Energy Bureau and be fully prepared to answer under oath the questions that the Energy Bureau may have during the Technical Conference.

*AMN* Through the September 22 Motion, LUMA submitted a filing whereby it complied with a requirement of information issued by the Energy Bureau. The Energy Bureau **ORDERS** LUMA to correct a typo in Table 1-1 titled Estimated Savings Attributable to FEMA Temporary Generation. Particularly, in Column D corresponding to the month of August 2023. The Energy Bureau **ORDERS** LUMA to submit the corrected version of the table on or before **Wednesday, September 27, 2023, before 3:00 p.m.**

<sup>1</sup> Fuel Charge Adjustment Rider ("FCA").

<sup>2</sup> Purchased Power Charge Adjustment Rider ("PPCA").


<sup>3</sup> Fuel Oil Subsidy Rider ("FOS").

<sup>4</sup> Genera, as PREPA's representative, shall obtain from PREPA any responses that pertain to the period before Genera commenced its operations.




The Energy Bureau **WARNS** LUMA and Genera that, noncompliance with this Resolution and Order, may result in the imposition of fines pursuant to Article 6.36 of Act 57-2014.<sup>5</sup>

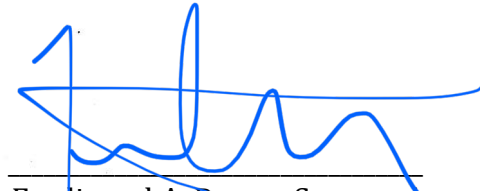
Be it notified and published.



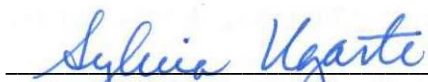
Edison Avilés Deliz  
Chairman



Lillian Mateo Santos  
Associate Commissioner



Ferdinand A. Ramos Soegaard  
Associate Commissioner



Sylvia B. Ugarte Araujo  
Associate Commissioner



Antonio Torres Miranda  
Associate Commissioner

**CERTIFICATION**

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on September 25, 2023. Also certify that on September 25, 2023, I have proceeded with the filing of this Resolution and Order, and was notified by email to yahaira.delarosa@us.dlapiper.com; margarita.mercado@us.dlapiper.com, julian.angladapagan@us.dlapiper.com; jmarrero@diazvaz.law; hrivera@jrsp.pr.gov; legal@genera-pr.com; regulatory@genera-pr.com; jfr@sbgblaw.com; alopez@sbgblaw.com.

For the record, I sign in San Juan, Puerto Rico, today, September 25, 2023.



Sonia Seda Gaztambide  
Clerk

<sup>5</sup> Puerto Rico Energy Transformation and RELIEF Act, as amended (Act 57-2014”).



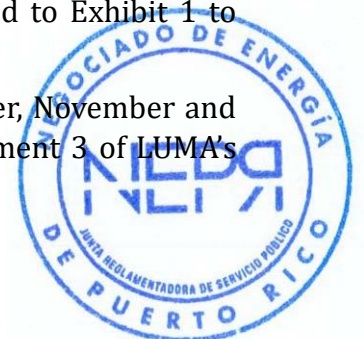
## ATTACHMENT A

### **Information Requirements for LUMA**

1. Refer to [October-December 2023 Proposed Factors\_Values.xlsx] tab “Palo Seco Temp Gen”.
  - a) Why is six months being used in cell B12?
  - b) Show in detail how the Total Funding amount in cell B9 was derived.
  - c) Is there an actual amount for August 2023? If so, please provide it. If not, when is the actual August 2023 amount expected to be available?
  - d) Have any invoices been received for the Palo Seco Temp Gen? If so, please identify and provide them.
2. How much fuel cost has LUMA included for the Palo Seco Temp Gen in developing the factors for October 1, 2023? Where are those amounts shown?
3. Refer to Attachment 3. Refer to the section showing FEMA GENERATORS, Natural Gas. Show in detail how the figures on each these lines were derived:
  - a) MCF
  - b) MBTUX1000
  - c) BBLX1000Equivalent
  - d) GWHR
4. Refer to Attachment 3. Refer to the section showing FEMA GENERATORS, Natural Gas. Why are no costs shown on any of these lines:
  - a) \$000 TOTAL
  - b) \$/BBL
  - c) \$/MBTU
5. Refer to Attachment 3.
  - a) Why are the costs for the AES Purchased Energy so high?
  - b) What information is provided by AES for support for the projected AES Purchased Energy Costs?
6. Refer to Attachment 4, Excel line 16. Identify and provide the support for the amounts listed for the Fuel Transferred to Ecoeléctrica - net of credit.
7. Refer to Attachment 4, Excel line 21. Identify and provide support for the amounts listed for the Other Adjustments.
8. Refer to the file, [October-December 2023 Proposed Factors\_Values.xlsx], tab “BEDRP Cost Estimates.”
  - a) How many customers are currently enrolled?
  - b) Provide the definition of “event.”
  - c) Explain the basis for the number of events listed for each month October – December 2023.
9. Refer to the file, [October-December 2023 Proposed Factors\_Values.xlsx], tab “BEDRP Cost Estimates.” Show in detail how each quantify for the following items was derived and provide the supporting calculations:
  - a) Estimated Capacity per Event (kW)
  - b) Estimated Energy per Event (kWh)



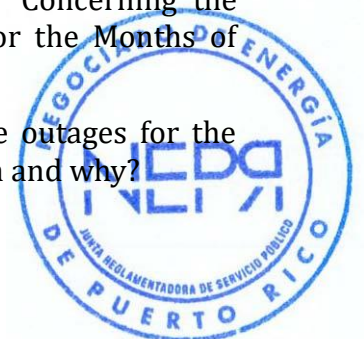
- c) Estimated Total Energy Delivered (kWh)
  - d) Estimated Incentive Payments (\$/yr)
  - e) Estimated Administrative Costs (\$/yr)
  - f) Which entity is administering the program?
10. Refer to pages 3 and 8 of LUMA's September 21, 2023 Motion.
- a) At page 8, LUMA states that it received Genera's Fuel Optimization Plan on September 18, 2023 and states that: "the calculated factors do not consider Genera's Fuel Optimization Plan."
  - b) Has LUMA reflected any impacts from Genera's Fuel Optimization Plan in LUMA's projections for October through December 2023?
    - i) If not, explain fully why not.
    - ii) If so, identify, quantify, and explain specifically and in detail where those impacts from Genera's Fuel Savings Plan have been reflected.
  - c) What is LUMA's current understanding of fuel savings that have been identified in Genera's Fuel Optimization Plan?
  - d) How much time after September 18 does LUMA need in order to reflect impacts from Genera's Fuel Optimization Plan in LUMA's projections for October through December 2023?
11. Refer to page 7 of LUMA's September 21, 2023 Motion. It states that: "The projections used for the calculated factors consider all generation that is currently projected to be available for the period from October 1st through December 31, 2023, including temporary emergency generation at the Palo Seco and San Juan power plants.
- a) Show in detail how LUMA included in its development of the factors for October through December 2023 the temporary emergency generation at the Palo Seco power plant.
  - b) Show in detail how LUMA included in its development of the factors for October through December 2023 the temporary emergency generation at the San Juan power plant.
12. Refer to Exhibit 1 to LUMA's September 22, 2023 Motion. Have the fuel cost savings identified for the month of June 2023 been reflected in the actual or reconciled costs that LUMA has submitted? If not, explain fully why not. If so, where have those June 2023 savings been reflected?
13. Refer to Attachment 4 of LUMA's September 21, 2023 Motion and to Exhibit 1 to LUMA's September 22, 2023 Motion.
- a) Have the fuel cost savings identified for the month of July and August 2023 been reflected in the actual or reconciled costs that LUMA has submitted? If not, explain fully why not. If so, where have those July and August 2023 savings been reflected?
  - b) Are any of the savings for July and August 2023 that are identified on Exhibit 1 to LUMA's September 22, 2023 Motion reflected on Attachment 4 of LUMA's September 21, 2023 Motion? If not, explain fully why not.
  - c) Should the savings for July and August 2023 that are identified on Exhibit 1 to LUMA's September 22, 2023 Motion be reflected on an updated version of Attachment 4 of LUMA's September 21, 2023 Motion? If not, explain fully why not.
14. Refer to Attachment 3 of LUMA's September 21, 2023 Motion and to Exhibit 1 to LUMA's September 22, 2023 Motion.
- a) Are the fuel cost savings identified for the month of October, November and December 2023 reflected in the projected costs on Attachment 3 of LUMA's



- September 21 Motion? If not, explain fully why not. If so, where have those savings been reflected?
- b) Should the savings for October through December 2023 that are identified on Exhibit 1 to LUMA's September 22, 2023 Motion be reflected on an updated version of Attachment 3 of LUMA's September 21, 2023 Motion? If not, explain fully why not.
15. Are any reimbursements from FEMA or insurance for hurricanes or earthquakes reflected in the July and August 2023 reconciliations on Attachment 4 to LUMA's September 21, 2023 Motion. If not, explain fully why not. If so, specifically where is that reflected and in what amounts?
16. Are any additional reimbursements from FEMA or insurance for hurricanes or earthquakes expected after August 2023? If not, explain fully why not. If so, how much is expected and approximately when is it expected to be received?
17. Naturgy shortfall credits.
- a) Were there any Naturgy Seller Shortfall Credits in July or August 2023? If so, how much?
- b) Are there any current disputes with Naturgy concerning LNG deliveries or LNG BTU content? If so, explain and provide an estimate of the magnitude of the disputed items.
- c) Are there any Naturgy Seller Shortfall Credits in September 2023? If so, how much?
- d) Are any Naturgy shortfall credits expected for October, November, or December 2023?
- e) Are there any current disputes with fuel suppliers other than Naturgy concerning LNG deliveries or LNG BTU content? If so, explain and provide an estimate of the magnitude of the disputed items.
18. Have any reimbursements from FEMA or insurance for hurricanes or earthquakes been received during the period July through September 2023? If so, how much?
19. Are any further reimbursements from either FEMA or from Insurance expected related to Hurricane Fiona or other extreme weather events after September 2023? If so, how much and approximately when are additional reimbursements expected?

**Information Requirements for Genera**

20. Refer to LUMA's September 21, 2023 Motion and related documents. Specifically refer to Attachment 3, in the "FEMA GENERATORS" section.
- a) Explain what specific generation FEMA is projected to provide in October, November, and December 2023.
- b) Explain how the expected generation (MWh) from FEMA generators for October, November and December 2023 and the related cost amounts were determined.
21. Have any reimbursements from FEMA or insurance for hurricanes or earthquakes been received during the period July through September 2023? If so, how much?
22. Are any further reimbursements from either FEMA or from Insurance expected related to Hurricane Fiona or other extreme weather events after September 2023? If so, how much and approximately when are additional reimbursements expected?
23. Refer to Attachment 3 to LUMA's September 21, 2023 Motion. Concerning the Projected Fuel and Purchased Power Expenses for the Month for the Months of October through December 2023:
- a) Do any of the generating units have planned maintenance outages for the October through December 2023 period? Which ones, when and why?



- b) Are there any anticipated issues with fuel deliveries (such as not receiving the full quantities of fuel purchased or anticipated to be purchased, or with shipping delays, etc.) that are impacting the forecasted amount for the October through December 2023 period? If so, explain.
  - c) In terms of other purchased power, it appears that EcoEléctrica power is now at a lower per MWH cost than power purchased from the AES coal-fueled generating plant. What has caused the cost of power from the AES coal-fueled generating plant to increase and now be over \$90 per MWH?
  - d) Has Genera (or LUMA on behalf of Genera) done any investigation into why the cost of the power from the AES coal-fueled generating plant is now over \$90 per MWH? What analysis was done?
  - e) Does Genera continue to have the ability or right to examine fuel or power costs that it is being charged by AES under that purchased power agreement?
  - f) Have there been revisions to the AES purchased power agreement in fiscal year 2023? What revisions were made?
  - g) Is Genera/LUMA dispatching the EcoEléctrica power (which is now at a lower projected cost per MWH than the AES provided power)?
  - h) Is Genera obligated to take a minimum amount of power from the AES coal-fueled generating facility on a monthly or annual basis? If so, explain what the monthly and annual minimum takes are and what is the basis for those.
  - i) When does Genera's purchase power agreement with AES for the power from the AES coal-fueled plant expire?
  - j) Is there a mandatory retirement date for the AES coal-fueled plant? When?
  - k) Does Genera have a plan for replacement capacity once the AES coal-fueled plant is retired? Is that plan part of an integrated resource plan? Explain.
24. Naturgy shortfall credits.
- a) Were there any Naturgy Seller Shortfall Credits in July or August 2023? If so, how much?
  - b) Are there any current disputes with Naturgy concerning LNG deliveries or LNG BTU content? If so, explain and provide an estimate of the magnitude of the disputed items.
  - c) Are there any Naturgy Seller Shortfall Credits in September 2023? If so, how much?
  - d) Are any Naturgy shortfall credits expected for October, November, or December 2023?
  - e) Are there any current disputes with fuel suppliers other than Naturgy concerning LNG deliveries or LNG BTU content? If so, explain and provide an estimate of the magnitude of the disputed items.

