

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

NEPR Received: Oct 19, 2023 7:02 PM

IN RE: REVIEW OF LUMA'S INITIAL
BUDGETS

CASE NO.: NEPR-MI-2021-0004

**MOTION TO CLARIFY DEADLINE TO COMPLY WITH THE
SEPTEMBER 27 RESOLUTION AND ORDER OR REQUEST FOR EXTENSION OF TIME**

TO THE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority ("PREPA"), through its undersigned legal representation, and respectfully informs and requests as follows:

1. On June 25, 2023, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a *Resolution and Order* whereby it modified the Proposed Consolidated Fiscal Year 2024 Budget submitted by LUMA Energy, LLC and LUMA Energy ServCo, LLC and approved the adjusted budgets subject to compliance with various orders contained therein. The Energy Bureau further ordered the Puerto Rico Electric Power Authority ("PREPA") to submit for review and approval any new contract or amendment to an existing contract before executing or making any award to such contract or amendment.

2. On September 27, 2023, the Energy Bureau issued another *Resolution and Order* whereby it ordered PREPA to file "the totality of the contracts PREPA plans to execute for FY24," admonishing that failure to comply within five (5)

business days would carry the imposition of a daily fine of \$25,000.00, until compliance is met ("September 27 Resolution").

3. On October 3, 2023, PREPA filed a *Request for Extension of Time to Comply with the September 27 Order* whereby it requested an extension of twenty (20) business days to comply with the September 27 Resolution ("Motion for Extension of Time").

4. On October 11, 2023, the Energy Bureau issued another *Resolution and Order* ("October 11 Resolution") whereby it granted PREPA's Motion for Extension of Time stating, in pertinent part, the following:

Upon review, the Energy Bureau GRANTS PREPA **ten (10) business days** to file the totality of the contracts... **Therefore, the Energy Bureau extends the deadline to October 19, 2023.** If PREPA fails to comply with the Energy Bureau's order, by this new deadline, the fine will be set accordingly, as stated in the September 27 Order.

5. On that same date, that is, October 11, 2023, the Díaz & Vazquez law firm ("Díaz & Vázquez") withdrew as PREPA's counsel of record in the above-captioned case. Also, on that same date, the undersigned attorneys from González & Martínez Law Offices, P.S.C. ("GM Law"), filed their *Notice of Appearance and Substitution of Counsel* in the above-captioned case.

6. As of October 11, 2023, GM Law has been arduously working to fulfill the requirements of the Energy Bureau. However, after carefully reviewing the October 11 Resolution, clarification regarding its terms is respectfully requested. Alternatively, PREPA moves for an extension of time, for the reasons explained in the ensuing paragraphs.

7. The October 11 Resolution grants PREPA **ten (10) business days** to file the totality of the contracts and, thus, comply with the September 27 Resolution. Counting from the date of notification, the ten (10) business days are due on **October 25, 2023**. Notwithstanding, the October 11 Resolution subsequently states that the deadline to comply is October 19, 2023.

8. PREPA respectfully submits that the most reasonable deadline would be October 25, 2023. As the record reflects, Díaz & Vázquez withdrew as PREPA's attorneys of record the same date the September 27 Resolution was notified. The undersigned are working diligently and tirelessly with PREPA to comply with the September 27 Resolution. In light of the foregoing, PREPA requests the Energy Bureau to clarify that the deadline to comply with the September 27 Resolution is **October 25, 2023**.

9. To avoid having to seek another extension of time, PREPA very respectfully requests an extension of an additional eight (8) business days, until **November 6, 2023**, to comply with the September 27 Resolution. This extension would provide PREPA and the undersigned enough time to comply with the September 27 Resolution in a responsible fashion. More so, when considering that it was just until a little over a week ago that the GM Law filed their *Notice of Appearance and Substitution of Counsel* before this Energy Bureau.

10. The instant motion is filed in good faith, for cause, and not with the intent to cause undue delay.

WHEREFORE, it is respectfully requested for the Energy Bureau to GRANT this motion and clarify that the deadline to comply with the September 27 Resolution

is October 25, 2023 and not October 19, 2023. Alternatively, and to avoid having to seek an additional extension of time, PREPA very respectfully requests an extension of eight (8) business days, until **November 6, 2023**, to comply with the September 27 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 19th day of October 2023.

CERTIFICATE OF SERVICE: We hereby certify that this document was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System at <https://radicacion.energia.pr.gov/login>, and courtesy copies were sent via e-mail to LUMA Energy, LLC through its counsels of record at margarita.mercado@us.dlapiper.com, laura.rozas@us.dlapiper.com, and to Genera-PR, LLC through its counsels of record at jfr@sbgblaw.com, alopez@sbgblaw.com, legal@genera-pr.com and regulatory@genera-pr.com.

GONZÁLEZ & MARTÍNEZ

1509 López Landrón
Seventh Floor
San Juan, PR 00911-1933
Tel.: (787) 274-7404

s/ Mirelis Valle Cancel

Mirelis Valle-Cancel

TSPR No.: 21,115
E-mail: mvalle@gmlex.net

s/ Alexis G. Rivera Medina

Alexis G. Rivera-Medina

TSPR No.: 18,747
E-mail: arivera@gmlex.net