

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

NEPR Received: Nov 2, 2023 4:07 PM

IN RE:

REVIEW OF LUMA’S INITIAL BUDGET

CASE NO.: NEPR-MI-2021-0004

SUBJECT: Motion for Extension of Time to Comply with the October 26th Order

**MOTION FOR EXTENSION OF TIME TO
COMPLY WITH THE OCTOBER 26TH ORDER**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW GENERA PR LLC (“Genera”), as agent of the Puerto Rico Electric Power Authority (“PREPA”),¹ through its counsels of record, and respectfully state and request the following:

1. On May 16, 2023, LUMA² filed a document with the Energy Bureau of the Puerto Rico Service Regulatory Board (“Energy Bureau”) titled *Submission of Consolidated Annual Budgets for Fiscal Year 2024 and Proposed Annual T&D Projections Through Fiscal Year 2026* (“May 16th Motion”), in which LUMA submitted the Proposed Consolidated FY24 Budget, composed of the proposed T&D Budgets developed by LUMA, the proposed GenCo Budgets revised by Genera on behalf of PREPA for the PREPA subsidiary GenCo LLC, and the proposed budget developed by PREPA for its holding company, HoldCo, and its subsidiaries PREPA HydroCo LLC and PREPA PropertyCo LLC.

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* (“LGA OMA”), dated January 24, 2023, executed by and among PREPA, Genera, and the Puerto Rico Public-Private Partnerships Authority (“P3 Authority”), Genera is the sole operator and administrator of the Legacy Generation Assets (as defined in the LGA OMA) and the sole entity authorized to represent PREPA before PREB with respect to any matter related to the performance of any of the O&M Services provided by Genera under the LGA OMA.

² LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as “LUMA”).

2. On June 25, 2023, the Energy Bureau issued a Resolution and Order titled *Determination on the FY24 Annual Budgets for the Electric Utility System – LUMA, Genera, and PREPA* (“June 25th Order”). Pertinent to this motion, the Energy Bureau modified Genera’s Necessary Maintenance Expenditures (“NME”) for the Legacy Generation Assets and increased the NME budgets to \$134.075MM.

3. On June 30, 2023, LUMA submitted a document titled, *Submission of Motions for Reconsideration by PREPA and Genera and Notice of Intent to Request Reconsideration of Resolution and Order of June 25, 2023* (“June 30th Motion”). Included with the June 30th Motion, LUMA submitted, on behalf of Genera, a document titled *Urgent Motion in Compliance with Resolution and Order of June 25, 2023 and for Partial Reconsideration* (“Genera’s Request for Partial Reconsideration”).

4. On July 14, 2023, the Energy Bureau issued a Resolution and Order titled *Requirement of Information (“ROI”) to Genera – Review of LUMA’s Proposed Consolidated FY 2024 Budgets* (“July 14th Order”), whereby it determined that based on the new information provided in Genera’s Request for Partial Reconsideration, supporting material is required for its review. The Energy Bureau contended that the new information provided lacked the support needed to allow the Energy Bureau to fully assess Genera’s Request for Reconsideration.

5. In the July 14th Order, the Energy Bureau ordered Genera to respond to the Requirements of Information (“ROI”) set forth in Attachment A to the July 14th Order.

6. On July 25, 2023, Genera submitted a Motion titled *Motion Submitting Information in Compliance with Resolution and Orders dated June 25, 2023, and July 14, 2023* (“July 25th Motion”). Therein, Genera submitted its responses to the ROI from the July 14th Order.³

³ See July 25th Motion, Exhibit A.

Additionally, Genera informed that it would supplement its responses to ROI Number 10(b) and ROI Number 10(e)(i) of the July 14th Order.⁴

7. On August 2, 2023, Genera submitted a document titled *Motion in Response to the Resolution and Order Dated July 14, 2023* (“August 2nd Motion”), whereby Genera submitted the supplemental information to ROI Number 10(b) and Number 10(e)(i) of the July 14th Order, thus supplementing Exhibit A of the July 25th Motion.

8. On September 20, 2023, Genera submitted a document titled *Motion to Submit Reports on Grid Modernization and Emergency Work-Related Federal Funding in Compliance with Resolution and Order dated June 25, 2023* (“September 20th Motion”). In the September 20th Motion, Genera submitted a series of reports as exhibits, providing information and status as of August 31, 2023, on the major investment categories and projects that Genera is implementing to deliver reliable and resilient power. Genera further contended, and still contends, that the information provided fulfills the reporting requirements set forth by the June 25th Order, as detailed in Attachment I.

9. On October 20, 2023, Genera filed a document titled *Motion to Submit Reports on Grid Modernization and Emergency Work-Related Federal Funding in Compliance with Resolution and Order dated June 25, 2023* (“October 20th Motion”). In the October 20th Motion, Genera submitted a series of reports as exhibits, providing information and status up to September 30, 2023, on the major investment categories and projects that Genera is implementing to deliver reliable and resilient power. Genera further contends that the information provided fulfills the reporting requirements set forth in the June 25th Order, as detailed in Attachment I.

⁴ *Id.*, ¶ 10.

10. On October 26, 2023, the Energy Bureau issued an Order titled *Issuance of Requirement of Information (“ROI”) To Genera Regarding Budget Reports (“October 26th Order”)*. To obtain clarity regarding the tracking of the NME Budget line item, the Energy Bureau ordered Genera to file a detailed response to the ROI set forth in Attachment A of the October 26th Order within five (5) business days from receiving the Order’s notification, with the deadline set for November 2, 2023.

11. Genera has been diligently reviewing the budget lines outlined in Attachment A of the October 26th Order to provide a response to the Energy Bureau. However, Genera respectfully informs the Energy Bureau that it will require an extension of time to thoroughly and comprehensively provide the requested information. Genera aims to use this additional time to compile all the required information and present it in a manner that is more comprehensible, thereby avoiding future confusion or uncertainty regarding the tracking of the NME Budget line items.

12. Given the above, Genera respectfully requests an additional five (5) business days, until November 9th, 2023, to respond to the ROI included in the October 26th Order.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the above for all purposes and **grant** Genera a **five (5) business days extension of time** to comply with the October 26th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 2nd day of November 2023.

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CERTIFICATE OF SERVICE

We hereby certify that a true and accurate copy of this motion was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System and that we will send an electronic copy of this motion to PREPA, through Lionel Santa, at lionel.senta@prepa.com; and to LUMA, through Margarita Mercado Echegaray, at margarita.mercado@us.dlapiper.com; and Ana Margarita Rodríguez Rivera, at ana.rodriguezrivera@us.dlapiper.com.

In San Juan, Puerto Rico, this 2nd day of November 2023

/s/ Alejandro López Rodríguez
Alejandro López Rodríguez