

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

IN RE: REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S 10-YEAR
INFRASTRUCTURE PLAN – DECEMBER 2020

CASE NO.: NEPR-MI-2021-0002

SUBJECT: LUMA's approved SOWs Request of
Information ("ROI")

RESOLUTION AND ORDER

I. Introduction

On March 26, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("March 26 Resolution") in the instant case, through which it ordered the Puerto Rico Electric Power Authority ("PREPA") to provide certain information related to the different projects under the categories of Transmission Line Projects, Transmission Substation Projects, and Distribution Substation Projects in the PREPA 10 -Year Infrastructure Plan. The Energy Bureau ordered PREPA to submit each specific capital investment project for approval to avoid potential noncompliance with the Approved Integrated Resource Plan ("IRP") and Modified Action Plan.¹ To streamline the process, the Energy Bureau requested PREPA to submit the specific projects to the Energy Bureau at least thirty (30) calendar days before their submittal to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency ("COR3") and the Federal Emergency Management Agency ("FEMA").²

On August 20, 2021, the Energy Bureau issued a Resolution and Order ("August 20 Resolution"), through which it determined that the March 26 Resolution applies equally to LUMA^{3,4}

On January 24, 2023, GENERA PR LLC ("GENERA"), PREPA and the Puerto Rico Public-Private Partnership Authority ("P3A") executed the Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement ("LGA OMA"). According to the LGA OMA, GENERA is the sole operator and administrator of the Legacy Generation Assets⁵, and the exclusive entity authorized to represent PREPA before the Energy Bureau about any matter related to the performance of the Operation and Maintenance ("O&M") services provided by GENERA under the LGA OMA. Further, GENERA is the sole entity responsible for procuring and administering federal funds for projects to repair or replace the LGA⁶.

In the approvals by the Energy Bureau of the SOWs filed by PREPA, GENERA and LUMA, the Energy Bureau has instructed the parties to: (i) submit to the Energy Bureau copy of the approval by COR3 and/or FEMA of the projects, which shall contain the costs obligated for each project, within ten (10) days of receipt of the approval; (ii) provide the Energy Bureau the actual contracted cost to construct each project, within ten (10) days from the execution of the contract; and (iii) inform the Energy Bureau once the projects are completed.

LUMA and PREPA has filed with the Energy Bureau the projects that have been approved by FEMA, which includes the cost obligated for each Project ("LUMA and PREPA Projects -FEMA Approval").⁷

¹ Final Resolution and Order on the Puerto Rico Electric Power Authority's Integrated Resource Plan, *In re: Review of the Integrated Resource Plan of the Puerto Rico Electric Power Authority*, Case No. CEPR-AP-2018-0001, August 24, 2020 ("IRP Order").

² March 26 Resolution, pp. 14-15.

³ LUMA Energy, LLC, and LUMA Energy ServCo, LLC (collectively, "LUMA")

⁴ August 20 Resolution, p. 3.

⁵ As defined in the LGA OMA.

⁶ LGA OMA, Section 5.8 (c).

⁷ LUMA Motions indicating FEMA approval where filed in the instant proceeding on the following dates: May 9, 2022; May 20, 2022, May 27, 2022, June 1, 2022, June 5, 2022, June 9, 2022, June 18, 2022, July 19, 2022, August 11, 2022, September 2, 2022, September 22, 2022, October 5, 2022, October 24, 2022, October 31, 2022, November 18, 2022,



II. Energy Bureau Determination

The LUMA and PREPA Projects-FEMA Approval entails a cost estimate of approximately \$1.41 Billion for 136 projects under the generation, transmission, and distribution categories.

The Energy Bureau **ORDERS** LUMA and GENERA to within fifteen (15) days from the date of the notification of this Resolution and Order to submit to the Energy Bureau:

A list with the status of **all the projects approved by FEMA and/or COR3** that includes:

- 1. Projects under design and engineering phase.
- 2. Projects in procurement process (RFPs ongoing).
- 3. Projects awarded for construction.
- 4. Projects construction completed.
- 5. Percentage of completion and estimated dates of completion for the items #1, #2, #3 and #4 above.
- 6. Final Cost (\$) for each of the projects.

The Energy Bureau **WARNS** LUMA that, noncompliance with any provision of this Resolution and Order, may result in the imposition of fines pursuant to Act 57-2014⁸ and applicable Energy Bureau’s regulations and any other appropriate administrative sanctions, as considered appropriate by the Energy Bureau.

Be it hereby 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 hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on November 8 , 2023. I also certify that in November 8 , 2023 a copy of this Resolution and Order was notified by electronic mail to the following kbolanos@genera-pr.com; lionel.santa@prepa.com; laura.rozas@us.dlapiper.com; margarita.mercado@us.dlapiper.com. I also certify that today, November 8 , 2023, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

December 29, 2022, January 3, 2023, January 17, 2023, February 1, 2023, February, 9, 2023, February 23, 2023, March 7, 2023, March 15, 2023, March 28, 2023, April 11, 2023, May 9, 2023, May 24, 2023, June 22, 2023, July 11, 2023, July 14, 2023, August 4, 2023, August 8, 2023, August 28, 2023 and October 27, 2023.

⁸ Known as the Puerto Rico Energy Transformation and RELIEF Act, as amended.



I sign this in San Juan, Puerto Rico, today November 8 2023.



Wanda I. Cordero Morales
Interim Clerk

