

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

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IN RE:

THE PERFORMANCE OF THE PUERTO
RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Motion to Request Extension of Time to
Comply with Resolution and Order of December 21, 2023

**MOTION TO REQUEST EXTENSION OF TIME TO COMPLY WITH
RESOLUTION AND ORDER OF DECEMBER 21, 2023**

TO THE PUERTO RICO ENERGY BUREAU:

COMES NOW, LUMA ENERGY SERVCO, LLC (“LUMA”), through the undersigned legal counsel and respectfully states and requests the following:

1. The requirement to submit quarterly reports on specified system data of the Puerto Rico Electric Power Authority (“PREPA”) arises under a Resolution and Order issued by the Puerto Rico Energy Bureau (“Energy Bureau”) on May 14, 2019, in this proceeding.

2. Pursuant to a Resolution and Order issued on December 30, 2020, the quarterly system data is due on the 20th day of the month after each quarter closes. Pursuant to Section 5.6 of the Puerto Transmission and Distribution System Operation and Maintenance Agreement (“T&D OMA”), LUMA, as an agent of PREPA, submits systems data regarding the Transmission and Distribution System (“T&D System”) (“System Data”) and as instructed by the Energy Bureau, submit PREPA’s system data regarding generation.

3. On April 20, 2023, LUMA filed before the Energy Bureau its *Submission of Performance Metrics Report for January through March 2023 and In Compliance with Orders of*

January 12, 2023 and April 3, 2023 ("April 20th Motion"). LUMA submitted its Report on System Data, covering data from January through March 2023. Further, LUMA requested leave from the Energy Bureau to report reliability metrics (SAIDI and SAIFI metrics) using LUMA's districts and not the T&D System's previous operator's districts for the July 2023 quarterly performance metrics report filing.

4. Then, on July 20, 2023, LUMA filed its *Submission of Performance Metrics Report for April through June 2023* ("July 20th Motion"). LUMA submitted its Report on System Data covering April through June 2023.

5. On August 16, 2023, the Energy Bureau entered a Resolution and Order in which it determined that additional information was required to evaluate LUMA's request to report the reliability metrics (SAIDI and SAIFI metrics) according to LUMA's operational districts instead of using PREPA's districts ("August 16th Order"). Therefore, the Energy Bureau instructed LUMA to respond to various requests for information in Attachment A of the August 16th Order within fifteen (15) days.

6. On August 31, 2023, LUMA filed a *Motion Requesting Extension of Time to Comply with Resolution and Order of August 16, 2023*. LUMA requested until September 6, 2023, to comply with the August 16th Order.

7. On September 6, 2023, LUMA filed a *Motion in Compliance with Resolution and Order of August 16, 2023, and Request for Confidential Treatment*. LUMA included its responses to the requests for information in Attachment A of the August 16th Order.

8. On October 16, 2023, the Energy Bureau issued a Resolution and Order determining that additional information was required to properly evaluate LUMA's Fiscal Year

2023 performance (“October 16th Order”). Thus, it included thirteen requests for information for LUMA to respond on or before October 31, 2023.

9. On October 20, 2023, LUMA filed its *Submission of Performance Metrics Report for July through September 2023* before the Energy Bureau (“October 20th Motion”). LUMA submitted its Report on System Data, covering July through September 2023 data. Further, LUMA submitted corrected data entry errors for several customer service metrics for April 2023.

10. Then, on October 31, 2023, LUMA filed a *Motion Submitting Restated Values for the SAIDI and SAIFI Reliability Performance Metrics for Fiscal Year 2023*. LUMA also included responses to the requests for information that the Energy Bureau had requested in the October 16th Order, except for the request for information 5(c), for which LUMA requested an extension until November 14, 2023.

11. On November 8, 2023, the Energy Bureau entered a Resolution and Order granting LUMA’s request for an extension of time to respond to the request for information 5(c) of the October 16th Order.

12. On November 9, 2023, LUMA filed a *Submission of Response to Requirement of Information 5(c) Issued in Order of October 16, 2023*. LUMA submitted the outstanding information in response to the October 16th Order.

13. On December 21, 2023, the Energy Bureau entered a Resolution and Order in which, in relevant part, it determined that additional information was required to evaluate whether performance should be designated as improved or not improved (“December 21st Order”) for certain performance metrics. Therefore, the Energy Bureau instructed LUMA to respond to various requests for information contained in Attachment D of the December 21st Order. The Energy Bureau also directed that LUMA provide explanations for each metric labeled in Tables 1 through

5 of the December 21st Order as “not improved,” including any plans for improvement. The Energy Bureau granted LUMA thirty (30) days to comply with the directive in the referenced portions of the December 21st Order.

14. On January 19 2024, the Energy Bureau entered a Resolution and Order issuing, among others, a revised data template to reflect certain changes and directed LUMA, Genera PR LLC, and PREPA to use the revised data template for all future quarterly report submissions, starting with the October, November, and December 2023 data (“January 19th Order”). The Energy Bureau granted LUMA, Genera PR LLC, and PREPA an extension of ten (10) days to submit the quarterly report for October, November, and December 2023 data using the revised data template.

15. LUMA is concurrently working on obtaining the necessary information to respond to the requests for information contained in Attachment D of the December 21st Order and explanations on performance regarding the performance metrics identified in Tables 1 through 5 in the December 21st Order as “not improved,” for the period between July 2022 through June 2023, and preparing the quarterly report for October, November, and December 2023 data using the revised data template. However, considering this new development, LUMA will require additional time to complete the responses requested in the December 21st Order. As such, LUMA would need an extension until January 29, 2024, the date the quarterly report for October, November, and December 2023 data is due, to provide the response requested by the Energy Bureau in the December 21st Order.

16. This extension request is in good faith and is not intended to cause unnecessary delay. LUMA remains committed to complying with the orders issued by the Energy Bureau. LUMA understands presenting both submissions on the same date would be more efficient.

WHEREFORE, LUMA respectfully requests this Honorable Bureau **take notice of the** aforementioned; and **grant** the extension until January 29, 2024, to respond to the requests for information contained in Attachment D of the December 21st Order and explanations on performance regarding the performance metrics identified in Tables 1 through 5 in the December 21st Order as “not improved,” for the period between July 2022 through June 2023.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 22nd day of January 2024.

I hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this Motion to counsel for PREPA, Lionel Santa, Esq., lionel.santa@prepa.pr.gov, to Genera PR LLC, through its counsel of record, Jorge Fernández-Reboredo, jfr@sbgblaw.com and Alejandro López Rodríguez, alopez@sbgblaw.com, and the Independent Consumer Protection Office, Hannia Rivera Díaz, hrivera@jrsp.pr.gov.



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