

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

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

CASE NO. NEPR-MI-2021-0002

**SUBJECT: Informative Motion on LUMA's
Compliance with Resolution and Order dated
January 19th, 2024**

**INFORMATIVE MOTION ON LUMA'S COMPLIANCE WITH
RESOLUTION AND ORDER DATED JANUARY 19, 2024**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC ("ManagementCo"), and **LUMA Energy ServCo, LLC** ("ServCo"), (jointly referred to as "LUMA"), and respectfully state the following:

1. On January 14, 2024, the Puerto Rico Electric Power Authority ("PREPA") filed with this Puerto Rico Energy Bureau ("Energy Bureau") a document titled *Urgent Motion Submitting for Review and Approval the Scope of Work for the Transfer/Ownership to PREPA of the Temporary Generation Unit* ("January 14th PREPA Motion"). Through the January 14th PREPA Motion, PREPA informed that on January 5, 2024, the Federal Emergency Management Agency ("FEMA") sent a letter to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency ("COR3") approving the negotiation of the acquisition of the temporary generation units installed in the Palo Seco Steam Plant and the San Juan Plant ("Temporary Units"). PREPA also indicated that FEMA would provide funding for the acquisition of the Temporary Units.

2. Further, in the January 14th PREPA Motion, PREPA requested the Energy Bureau's approval of the initial Scope of Work for the acquisition and ownership of the Temporary Units by PREPA. Particularly, PREPA requested that the Energy Bureau (1) evaluate and grant leave to conduct all tasks necessary to transfer ownership of the Temporary Units to PREPA; (2) grant

leave to continue working with all of the associated permitting activities to continue dispatching the Temporary Unit until the Integrated Resource Plan revision process makes a different determination; and (3) grant leave to continue supporting COR3 with the federal processes available to have the cost of the Temporary Units reimbursed with federal funds.

3. On January 19, 2024, this Energy Bureau entered a Resolution and Order in this proceeding (“January 19th Order”), whereby it ordered LUMA, PREPA, and GENERA PR, LLC (“GENERA”), within ten (10) business days, to “identify and inform the specific sources of fundings for the acquisition of such equipment and/or outline potential funding scenarios.” Further, the Energy Bureau ordered LUMA to inform “how the acquisition of the Temporary Units alters the federally funded projects previously approved by the Energy Bureau.”

4. LUMA has had conversations regarding this matter with PREPA and GENERA, and neither of the parties has information on the specific funding sources to acquire the Temporary Units.

5. On February 1, 2024, LUMA submitted in Case No. NEPR-MI-2022-0003, the *Third Demobilization Report*, in compliance with the Resolution and Order from November 14th, 2023, where LUMA states that at the moment, the funding sources for a potential transition of the FEMA generation has not been decided. *See Motion Submitting Third Report on Demobilization of FEMA Generation*, filed in Case No. NEPR-MI-2022-0003.

6. In compliance with the January 19th Order, LUMA hereby informs that as of today, FEMA has not issued a formal notification regarding the specific funding sources to acquire the Temporary Units. As a result, neither LUMA, PREPA, nor GENERA have been able to move forward with the analysis of how using the funds for the Temporary Units would impact other planned federally funded projects already approved by the Energy Bureau.

WHEREFORE, LUMA respectfully requests that this Energy Bureau **take notice** of the aforementioned and **deem** that LUMA complied with the January 19th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 2nd day of February 2024.

We hereby certify that this motion was filed using the electronic filing system of this Energy Bureau. We also certify that a copy of this motion will be notified to the Puerto Rico Electric Power Authority through attorney Lionel Santa, Lionel.santa@prepa.pr.gov and Alexis G. Rivera Medina, arivera@gmlex.net, and to Genera PR LLC, through its counsel of record, Jorge Fernández-Reboredo, jfr@sbgblaw.com and Alejandro López Rodríguez, alopez@sbgblaw.com.



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