

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

NEPR

Received:

Mar 18, 2024

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IN RE: REVIEW OF LUMA'S INITIAL
BUDGETS

CASE NO.: NEPR-MI-2021-0004

MOTION TO RECONSIDER MARCH 11th RESOLUTION AND ORDER

TO THE HONORABLE ENERGY BUREAU:

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

1. On March 7th, 2024, PREPA requested an extension of time, until March 22nd, 2024, to submit its *Motion in Compliance* with the Energy Bureau of the Puerto Rico Public Service Regulatory Board's ("Energy Bureau") December 8th, 2023 Resolution and Order ("December 8th Order").

2. On March 11th, 2024, the Energy Bureau issued a *Resolution and Order* ("March 11th Order") whereby it granted PREPA a peremptory extension of eleven (11) days to comply with its December 8th, 2023 Resolution and Order ("December 8th Order").

3. As this Energy Bureau is well aware, PREPA was intricately involved in the acquisition of the fourteen (14) Temporary Generation Units throughout all of last week, including the weekend. PREPA's counsel and personnel kept extremely long hours attempting to comply with orders and requests for information from not

only this Energy Bureau, but the Financial Oversight and Management Board (“FOMB”), the Federal Emergency Management Agency (FEMA), and the U.S. Army Corps of Engineers (“USACE”). This, in addition to reviewing the amended versions of the Asset Purchase Agreement (“APA”) with New Fortress Energy (“NFE”). The acquisition of the Temporary Generation Units was so demanding that both of the undersigned attorneys were required to work full time on the matter.

4. The acquisition of the Temporary Energy Units took precedence over all matters, considering the vital importance the continuity of service posed to the stability of the energy grid of Puerto Rico. This was emphasized, not only by the Executive Director of PREPA, but by the Honorable Pedro Pierluisi, Governor of Puerto Rico. As such, and precisely due to limited amount of personnel, it was impossible for both counsel and PREPA to meet and discuss the merits of this Energy Bureau’s December 8th Order.

5. While the corresponding draft of the *Motion in Compliance* with the December 8th Order is in its advanced stages, counsel is set to meet with PREPA’s Human Resources Department, Finance Department and Executive Director this upcoming Wednesday, March 20th to review the relevant data and to reach final determinations on the matter at hand. Considering the foregoing, PREPA originally requested an extension of time until March 22nd, 2024, to submit its *Motion in Compliance* with the December 8th Order.

6. PREPA has made all reasonable efforts to comply within the allotted time. Unfortunately, it has been impossible. Between the auditing process of the 2022 financial statements, the drafting of its submissions for the Rate Case, the preparation of the FY 2025 budget, the acquisition of the Temporary Energy Units, other requests by the Energy Bureau, regular operational legal requests, and its limited human resources, PREPA's management has been unable to make the final determinations needed to finish the *Motion in Compliance* with the December 8th Order. Said decisions are crucial to PREPA's proper operation and not taken lightly.

7. It is finally worth noting that PREPA is cognizant of the Bureau's mandate that extensions of time be requested prior to the due date. Since the Energy Bureau imposed this requirement, PREPA has strived to comply with it. Unfortunately, unforeseen emergency situations do arise from time to time making it impossible to comply with the Honorable Bureau's mandate. This is such an occasion, considering the amount of work that developed throughout the entire past week and weekend in order to guarantee the uninterrupted service of the Temporary Generation Units.

8. In light of the foregoing, PREPA very respectfully requests the Energy Bureau to reconsider its March 11th Order and grant a **final** extension until this Friday, **March 22nd, 2024**, to comply with the December 8th Order.

9. The instant request for extension of time is made in good faith and for cause.

WHEREFORE, PREPA respectfully requests the Energy Bureau to RECONSIDER its March 11th Order and grant PREPA until this Friday, **March 22nd, 2024**, to comply with the December 8th Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 18th day of March 2024.

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>, which automatically notifies all attorneys of record with copy of the filed motion.

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