

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

NEPR Received: May 15, 2024 8:12 PM
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IN RE:

REGISTRO ACTUALIZADO DE
PROYECTOS APROBADOS POR EL
NEGOCIADO DE ENERGÍA DE LA
JUNTA REGLAMENTADORA DE
SERVICIO PÚBLICO DE PUERTO RICO

CASE NO. NEPR-MI-2024-0001

**SUBJECT: Motion Submitting Status Report for
the Third Quarter of Fiscal Year 2024**

**MOTION SUBMITTING STATUS REPORT
FOR THE THIRD QUARTER OF FISCAL YEAR 2024**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC, and LUMA Energy ServCo, LLC, (jointly referred to as “LUMA”), through the undersigned legal counsel and respectfully submit the following:

1. On February 8, 2024, this Honorable Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order opening the instant proceeding and instructing each of LUMA, the Puerto Rico Electric Power Authority (“PREPA”), and Genera PR, LLC (“Genera”) to file an initial report on all the projects approved by the Energy Bureau, regardless of whether they are financed with state, federal, or ratepayer funds, on or before February 23, 2024 (“February 8th Order”).

2. In the February 8th Order, the Energy Bureau also directed each of LUMA, PREPA, and Genera to update the above-referenced reports on a quarterly basis, and for such updates to be submitted on March 31, June 30, September 30, and December 31 of each year, including the current year.

3. On February 20, 2024, LUMA filed a *Motion Requesting Extension of Time to Submit First Status Report and Request to Align the Filing of the Status Reports with the Filing of the Quarterly Reports* (“February 20th Motion”). LUMA requested the Energy Bureau to align the

first status report and subsequent reporting requirements in this instant proceeding with the quarterly reporting requirements in Case No. NEPR-MI-2021-0004 and, thus, concede an extension until April 15, 2024, to file the first status report on all the projects.

4. On February 28, 2024, the Energy Bureau issued a Resolution and Order granting LUMA's request for extension and ordered it to file the first status report on or before April 15, 2024 ("February 28th Order"). Further, it determined that the subsequent reports would be submitted quarterly on the following dates: October 15, 2024, and January 15, 2025.

5. On April 19, 2024, LUMA filed the *Motion Submitting First Status Report and Reiterate Request to Align the Filing of the Status Reports with the Filing of the Quarterly Reports* whereby it submitted as Exhibit 1 its report on all the projects approved by the Energy Bureau and financed with state, federal, or ratepayer funds (from October through December 2023), as requested by the Energy Bureau in the February 8th and 28th Orders ("April 19th Motion"). Therein, LUMA also provided an assessment of the information contained in the report, including explanations and clarifications regarding certain modifications to the structure originally proposed by the Energy Bureau, to enhance the quality of the report and ensure alignment in terms of content, methodology, and structure with reports submitted throughout other dockets.

6. Notably, for the "Project Stage" category, LUMA proposed to use *Initiation, Plan, Design, Execution, and Close Out* as its "Phases," which aligns with the way FEMA projects are tracked. LUMA noted that, for Federally Funded projects, "the 'Completion Date' reflects the date energization is achieved or expected to be achieved, consistent with the information provided in Case No. NEPR-MI-2021-0002." For Non-Federally Funded projects, "the 'Completion Date'

reflects the date the *Close-Out* phase is achieved or is expected to be achieved.” See April 19th Motion at 4.

7. LUMA further explained that “[t]he ‘% Complete’ column reflects 0% for projects in *Initiation*, *Plan*, or *Design* stages. For those in the *Execution* or *Close-Out* stages, it will reflect an estimated numeric value for the percentage completed,” and it was noted that the “percentages may be subject to revision to reflect the latest information and judgment regarding the phase of that project.” *Id.*

8. Additionally, LUMA reiterated its request to align the filing of the Status Reports with the Quarterly Federal Funding Report that is submitted in Case NEPR-MI-2021-0004, so that both may be filed concurrently on May 15, 2024 (Third Quarter of Fiscal Year 2024) August 14, 2024 (Fourth Quarter of Fiscal Year 2024) and November 14, 2024 (First Quarter of Fiscal Year 2025). *Id.* at 4-5.

9. On May 7, 2023, the Energy Bureau issued a Resolution and Order, whereby it approved LUMA’s request to align the filings from the present case and the Quarterly Federal Funding Reports submitted in the NEPR-MI-2021-0004 case, and ordered the parties to file on May 15, 2024 (Third Quarter of Fiscal Year 2024), August 14, 2024 (Fourth Quarter of Fiscal Year 2024), and November 14, 2024 (First Quarter of Fiscal Year 2025) (“May 7th Order”).

10. As a threshold matter, since the April 19th Motion, LUMA developed a new methodology that modifies the “Completion Date” and the “% Complete” columns for federally-funded projects as a result of LUMA’s ongoing efforts to enhance and standardize how it tracks the project execution phases. This modification will now reflect all field activities that must be completed before a project can enter the “Close Out” phase. Consequently, LUMA hereby informs

the Energy Bureau that the data reported in the April 19th Motion under the “Completion Date” and the “% Complete” columns for Federally Funded projects has been revised to reflect the best and most accurate information.

11. In the interest of keeping the public informed on our commitment to progress, while prioritizing operational efficiency and transparency, LUMA added a column for energization status. Additionally, LUMA reiterates that the Energy Bureau will continue to be informed of the energization of projects via Case No. NEPR-MI-2021-0002.

12. Therefore, LUMA requests the Energy Bureau to revise the definition provided in the April 19th Motion for “Completion Date,” so that it now reads “completion date reflects the date in which all field activities (included in the execution phase) were achieved or are expected to be achieved.” Notwithstanding, the definition provided in the April 19th Motion for the “% Complete” column remains unaltered.

13. Further, in compliance with the May 7th Order, LUMA hereby submits its second report on all the projects approved by the Energy Bureau and financed with state, federal, or ratepayer funds as Exhibit 1 to this Motion. The information included therein encompasses up to March 31, 2024 (end of LUMA’s Third Quarter of Fiscal Year 2024).

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** the Status Report for the Third Quarter of Fiscal Year 2024, **revise** the definition of “Completion Date” as previously informed in the April 19th Motion, and **deem** LUMA in compliance with the February 8th and May 7th Orders.

RESPECTFULLY SUBMITTED.

We hereby certify that we filed this motion using the electronic filing system of this Energy Bureau. We will send an electronic copy of this motion to counsels for PREPA, Mirelis Valle-Cancel, mvalle@gmlex.net; 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.

In San Juan, Puerto Rico, on the May 15th, 2024.



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Exhibit 1
(to be submitted via email)