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

IN RE: WORKPLACE FATALITY OCCURRED ON FEBRUARY 22, 2023.	**CASE NUM.:** NEPR-IN-2023-0001 **SUBJECT:** INFORMATION REQUEST

RESOLUTION

On February 22, 2023, Mr. Roger Duane Smith tragically passed away while performing duties at a substation located in the municipality of Barranquitas as an employee of LUMA ENERGY, LLC, and LUMA ENERGY ServCo., LLC (LUMA).

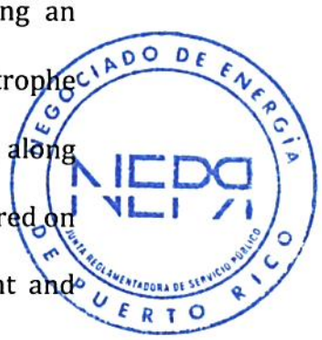
Pursuant to its investigative powers, on March 13, 2023, the Energy Bureau of the Public Service Regulatory Board (Energy Bureau) initiated an investigation into this incident. Through the NEPR-IN-2023-0001 investigation, the Energy Bureau has been examining the causes of the workplace incident, as well as the investigative and corrective actions taken by LUMA. To fulfill this task, the Energy Bureau has issued several requests for information and document production to LUMA.

In their initial response, LUMA reported that the Puerto Rico Occupational Safety and Health Administration (PROSHA) had initiated an investigation, and the company was actively collaborating with that inquiry. In response to a request for information, LUMA stated that the PROSHA investigation had concluded without sanctions being imposed or a determination that the company had deviated from its legal responsibilities. Subsequently, LUMA requested the Energy Bureau to take note of this and proceed to conclude our investigation.

On December 28, 2023, the Energy Bureau issued an *Order* for LUMA to provide specific information about the PROSHA investigation. However, LUMA informed that PROSHA did not issue a final report on this investigation or any other related documentation. Specifically, they insisted that the PROSHA decision was communicated to LUMA only verbally during a Closing Conference held on June 15, 2023.

Given the assertions made by LUMA and with the aim of conducting a complete investigation, the Energy Bureau needs accurate information about the procedures at PROSHA related to this workplace incident. Therefore, in accordance with Chapter V, Sec. 15.03 of Regulation No. 8543 of December 18, 2014, the Energy Bureau requests PROSHA's cooperation in this investigation and respectfully asks that, within fifteen (15) days from the notification of this *Resolution*, the following information and documents be provided:

- Name and identification number of PROSHA's investigation regarding the workplace fatality that occurred on February 22, 2023, involving an employee of LUMA.
- Provide the Energy Bureau with the PROSHA Fatality and Catastrophe Investigation.
- Specify whether PROSHA's investigation has formally concluded, along with any supporting documents.
- Provide PROSHA's Final Report on the workplace fatality that occurred on February 22, 2023.
- Submit any documentation produced by PROSHA that is relevant and pertinent to the Energy Bureau investigation.



The Secretary of the Puerto Rico Energy Bureau is directed to notify this *Resolution* to Hon. Eric C. Vega, Director of the Puerto Rico Occupational Safety and Health Administration, at the following email address: evega@trabajo.pr.gov.

Today, February 5, 2024, in San Juan, Puerto Rico.

Notify and publish.

Gerardo A. Flores García
Examining Officer

CERTIFICATION

I hereby certify that this was agreed by the Examining Officer, Gerardo A. Flores García, Esq., on February 5, 2024. I also certify that on February 5, 2024, a copy of this Resolution was notified by email to: evega@trabajo.pr.gov; Yahaira.delarosa@us.dlapiper.com. I also certify that today, February 5, 2024, I have proceeded with the filing of the Resolution.

For the record, I sign this in San Juan, Puerto Rico, today, February 5, 2024.

Sonia Seda Gaztambide
Clerk

NEGOCIADO DE ENERGÍA DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO