

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

NEPR

Received:

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IN RE:
IN RE: REVISIÓN DEL PROGRAMA
COMPRESIVO DE MANEJO DE
VEGETACIÓN DE LA AUTORIDAD DE
ENERGÍA ELÉCTRICA

CASE NO. NEPR-MI-2019-0005

**SUBJECT: Urgent Motion Requesting Extension
of Time to Submit Vegetation Management
Progress Report for the Fourth Quarter of Fiscal
Year 2024**

**URGENT MOTION REQUESTING EXTENSION OF TIME TO SUBMIT
VEGETATION MANAGEMENT PROGRESS REPORT FOR THE FOURTH
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, respectfully submits the following:

1. On May 24, 2024, LUMA submitted to the Puerto Rico Energy Bureau (“Energy Bureau”) the proposed budget for the Transmission and Distribution System (“T&D Budget”), developed by LUMA. *See Request for Approval of T&D Budgets and Submission of GenCo Budgets for FY2025 and Budget Allocations for the Electric Power System*, filed by LUMA (“FY2025 Budget Submission”) in Case No. NEPR-MI-2021-0004, *In Re: Review of LUMA’s Initial Budgets*.

2. On June 26, 2024, this Energy Bureau issued a Resolution and Order regarding the FY2025 Budget Submission filed by LUMA on May 24, 2024, in Case No. NEPR-MI-2021-0004 (“June 26th Order”). After evaluating the individual budgetary expenditures proposed by LUMA, Genera PR, LLC (“Genera”), and the Puerto Rico Electric Power Authority (“PREPA”), the Energy Bureau modified the respective proposed FY2025 System Budgets, as established in

Attachments A through F of the June 26th Order. Among the modifications, this Energy Bureau directed “an increase in the non-federally funded budget allocation for Vegetation Management from \$50 million to \$63.507 million,”¹ including an increase of \$1.9 million for the Fire Mitigation Program, and fully de-prioritized the Billing Accuracy and Back Office program for FY2025. The Energy Bureau approved the modified budgets subject to additional reporting requirements established in Attachments G and H of the June 26th Order. In what is pertinent to the present motion, this Energy Bureau ordered LUMA to provide “comprehensive monthly updates on vegetation management activities, beginning August 1, 2024, using the Reporting Templates of Attachment G” to the June 26th Order. *See* June 26th Order, p. 7.

3. Thereafter, on July 16, 2024, LUMA filed its *Motion for Partial Reconsideration of Resolution and Order of June 26, 2024 on FY2025 System Budget*, whereby it requested the Energy Bureau maintain the \$50 million budget allocation for Vegetation Management and re-prioritize the Billing Accuracy and Back Office Program (“July 16th Motion for Partial Reconsideration”). In its July 16th Motion for Partial Reconsideration, LUMA also requested that this Energy Bureau reconsider its requirement to submit monthly reports on Vegetation Management activities using the Reporting Template of Attachment G of the June 26th Order. LUMA noted that this Energy Bureau had previously required, that “LUMA . . . report monthly during FY24, and thereafter, on the status of obtaining and utilizing federal funds and on implementation of the Federally Funded and Operation and Maintenance Funded Vegetation Management program, using the DRAFT Templates form provided as Attachment H.” *See* Resolution and Order of June 25, 2023, issued in Case No. NEPR-MI-2021-0004, p. 9.² LUMA

¹ *See* June 26th Order, p. 6.

² Available at <https://energia.pr.gov/wp-content/uploads/sites/7/2023/06/20230625-MI20210004-Resolution-and-Order.pdf>

also noted that in said order, this Energy Bureau required LUMA to provide comments on the referenced attachment within thirty (30) days, and that LUMA's comments in compliance with said order, together with a revised Reporting Template, were still pending consideration by this Energy Bureau.

4. In the July 16th Motion for Reconsideration, LUMA also renewed a request made in the July 26th Motion Submitting Comments on Attachment H, that the cadence of the Vegetation Management reporting requirements be changed to quarterly cadence. As stated in the July 26th Motion, gathering all the invoicing information from each of its contractors to consistently comply with a monthly cadence is not possible given the circumstances. Additionally, LUMA explained that the monthly reporting would require hiring additional resources to conduct this reporting or reassign existing resources from other departments or work assignments, which would entail increased operational costs or delays in LUMA's operations as a result of resource constraints. According to LUMA's estimates, satisfying the reporting requirements every month would require an additional Full Time Equivalent (FTE) instead of 0.5 FTE if a quarterly cadence were to be adopted.

5. Furthermore, in *Exhibit 1* of the July 26th Motion, LUMA respectfully requested that this Energy Bureau issue clarifications on several requirements contained in Attachment H, singled out the reporting requirements irrelevant to vegetation management work being done, and proposed alternative reporting practices. LUMA also explained that various reporting requirements direct the production of information and data not currently tracked by LUMA, requiring additional resources and funding not contemplated in the T&D Budget.

6. On August 1, 2024, LUMA filed an *Urgent Request Regarding Time to File Vegetation Management Progress Report, Renewed Request to File Vegetation Management*

Progress Report Quarterly, and Request for Extension of Time to File First Vegetation Management Progress Report. Therein, the request was renewed that this Energy Bureau align the Vegetation Management Progress Report (“VM Progress Report”) filing with the quarterly reports on financial activities currently filed in Case No. NEPR-MI-2021-0004 and the vegetation management report that is filed in this instant proceeding. LUMA also informed that it proposed to file the VM Progress Report utilizing the revised Reporting Template submitted to the Energy Bureau’s with the *Motion Submitting Comments on Attachment H of Resolution and Order dated June 25, 2023 in Docket No. NEPR-MI-2021-0004*, filed in this instant proceeding. In addition, LUMA requested an extension of time, up to and including August 14, 2024, to file the VM Progress Report.

7. On August 8, 2024, the Energy Bureau issued a Resolution and Order in Case No. NEPR-MI-2021-0004, whereby ordered LUMA to utilize the template in Attachment A for the quarterly VM Progress Report (“August 8th Order”). The reports would be due within 45 days after the end of each quarter, beginning with Q4 of FY2024 (August 15, 2024). The Energy Bureau also determined that the reports would be filed in this instant proceeding, and LUMA would be relieved of filing the Vegetation Clearing Report.

8. On Monday, August 12, 2024, LUMA activated its Emergency Operations Center (LEOC) in accordance with LUMA’s Emergency Response Plan, to prepare for the imminent passage of Tropical Storm Ernesto. Tropical Storm Ernesto is expected to bring potential heavy rains, strong winds, and flash flooding across Puerto Rico starting on the night of Tuesday, August 13th, and into Wednesday, August 14th. Preparing for Tropical Storm Ernesto requires the engagement of many key personnel and components of LUMA’s organization, including LUMA’s personnel in charge of gathering data, preparing, reviewing, and approving the VM Progress

Report for the Fourth Quarter of Fiscal Year 2024 (“Q4 VM Progress Report”) for submission to this Energy Bureau. LUMA expects that response efforts for Tropical Storm Ernesto will continue this week and in the coming weeks, depending on the magnitude of the impact of Tropical Storm Ernesto in Puerto Rico and the electric power grid.

9. Given the aforementioned urgent and unforeseeable circumstances, it is not possible to submit the Q4 VM Progress Report by August 15, 2024. At this time, LUMA expects to be in a position to file the Q4 VM Progress Report on or before August 21, 2024. This proposed timeline is based on LUMA’s good faith estimation of the time that operationally and reasonably will be needed, after the passage of Tropical Storm Ernesto, for all report-related tasks to be completed. If additional time is needed, LUMA will advise this Energy Bureau in a timely manner.

10. This additional time will allow LUMA personnel to finalize their duties in LEOC operations, return to their non-emergency duties, and be in a position to finalize the Q4 VM Progress Report for submission with this Energy Bureau.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **and grant** until Wednesday, August 21, 2024, to submit the Q4 VM Progress Report.

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, grivera@gmlex.net.

In San Juan, Puerto Rico, this 13th day of August, 2024.



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