

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

**NEPR**

**Received:**

**Aug 21, 2024**

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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: Motion Submitting Vegetation  
Management Progress Report for the Fourth  
Quarter of Fiscal Year 2024**

**MOTION SUBMITTING 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 26<sup>th</sup> 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 26<sup>th</sup> 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,”<sup>1</sup> 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 26<sup>th</sup> 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 26<sup>th</sup> Order. *See* June 26<sup>th</sup> 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 16<sup>th</sup> Motion for Partial Reconsideration”). In its July 16<sup>th</sup> Motion for Partial Reconsideration, LUMA 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 26<sup>th</sup> 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.<sup>2</sup> LUMA also noted that in said order, this Energy Bureau required LUMA to provide comments on the referenced attachment within thirty

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<sup>1</sup> *See* June 26<sup>th</sup> Order, p. 6.

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

(30) days, and that LUMA's comments in compliance with said order, together with a revised Reporting Template, are still pending consideration by this Energy Bureau.

4. In the July 16<sup>th</sup> Motion for Reconsideration, LUMA also renewed a request made in the July 26<sup>th</sup> Motion Submitting Comments on Attachment H, that the cadence of the Vegetation Management reporting requirements be changed to quarterly. As stated in the July 26<sup>th</sup> Motion, gathering all the invoicing information from each of its contractors to consistently comply with a monthly cadence is impossible. LUMA also 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 additional costs or delays in LUMA's operations. 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. Additionally, in *Exhibit 1* of the July 26<sup>th</sup> 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 command 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 8<sup>th</sup> 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 August 13, 2024, LUMA filed an *Urgent Motion Requesting Extension of Time to Submit Vegetation Management Progress Report for the Fourth Quarter of Fiscal Year 2024*, requesting an extension of time until August 21, 2024, to file the VM Progress Report for the Fourth Quarter of Fiscal Year 2024 ("Q4 Vegetation Progress Report").

9. On August 16, 2024, the Energy Bureau issued a Resolution and Order granting LUMA until August 21, 2024, to submit the Q4 Vegetation Progress Report ("August 16<sup>th</sup> Order").

10. In compliance with the August 8 and 16th Orders, LUMA hereby submits its Q4 Vegetation Progress Report. *See Exhibit 1* to this Motion. The Q4 VM Progress Report includes substantially all the data requested based on the four templates provided by the Energy Bureau. However, the Energy Bureau has requested specific data for which clarification is required from

the Energy Bureau or because the information is not available, as explained more in detail in the forthcoming paragraphs.

11. For example, as to the “Urban/Rural Site” column in all tables, LUMA does not currently track this information and does not have the procedures and policies in place to do so. However, LUMA is presently exploring mechanisms that would allow for the tracking, compiling, and reporting of information consistent with the Energy Bureau’s request. As such, LUMA requests the Energy Bureau grant until the following quarter for LUMA to present such methodology to the Energy Bureau.

12. Regarding the “Resources Assigned & Their Classifications” column in all tables, since the vegetation management work has been contracted with third parties, LUMA cannot capture any information provided by the contractors within its internal systems in any other way that is not done manually. To be able to report this specific information in the template provided, LUMA would have to transfer the information from the contractors’ records into a tracking system for reporting purposes only. The completion of this task would require additional resources that are not contemplated in the current budget. LUMA possesses the raw data provided by the contractors and can submit it to the Energy Bureau in that format. Thus, LUMA respectfully requests clarification on whether it should submit the information required in the above-described column in raw data format.

13. In terms of the “Recommendations for Future VM” column in all tables except for the “Substations” table, LUMA seeks clarification on the specific information requested. In general, LUMA follows American National Standards Institute (“ANSI”) specifications and Best Management Practice (“BMP”), standards for cycle trimming, including herbicide applications after removals, to delay or prevent subsequent growth. Additional vegetation management work is

based on various factors, including reliability objectives and priorities, type of work, species composition, effectiveness of treatment applied, and funding availability.

14. With regards to the “LUMA Labor Required” column in the “Distribution Lines” table, LUMA is unclear on what information the Energy Bureau is requesting. For example, it is unclear if the information requested relates strictly to vegetation work or includes information on indirect or administrative work pertaining to vegetation work, such as field assessments, safety observations, invoice processing and payment, project management, and development of projects. LUMA respectfully seeks clarification on the extent of the information requested under the aforementioned column.

15. Concerning the “Federal PA Obligation Funds,” “Nonfederal Funds,” and “Operation Exp” columns in all tables, LUMA proposes to merge such columns into one column. As such, LUMA provides information in the column on whether the line item referenced was funded with federal funds, non-federal funds, or operational expenses funds. LUMA understands that providing the information in this manner will be more effective.

16. As for the “Photos Before/After” column in all tables, LUMA is in possession of photos taken by the contractors of the work performed, depicting the before and after of the clearing performed. However, the Energy Bureau has not clarified whether it is requesting copies of the photos, the number of photos that will suffice the request, and the format in which the photos need to be submitted, if any. LUMA respectfully requests the Energy Bureau clarification on this matter.

17. Finally, regarding the “Low Voltage Distribution Lines” table, LUMA cannot provide the requested information as it does not currently track mileage for low voltage lines. To date, the vegetation clearing work performed by LUMA’s contractors has focused on clearing the

lines that have the most significant impact on reliability, such as the primary distribution lines. Low-voltage secondary distribution lines, typically including street light service lines and pole-to-house service drops, have a small overall impact on the system's reliability. Also, the maintenance miles data associated with secondary distribution lines are challenging to identify and track, particularly given that PREPA did not maintain a complete mapping of low-voltage lines. Therefore, LUMA is unable to submit information on “Low Voltage Distribution Lines” as requested by the Energy Bureau.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** the Q4 VM Progress Report submitted as *Exhibit 1* to this Motion; **clarify** certain portions of the template VM Progress Report as discussed above; and **deem** that LUMA complied with the August 8<sup>th</sup> Order regarding reporting on vegetation progress for Q4 FY2024.

**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](mailto:mvalle@gmlex.net); and Alexis G. Rivera Medina, [grivera@gmlex.net](mailto:grivera@gmlex.net).

In San Juan, Puerto Rico, this 21<sup>st</sup> day of August, 2024.



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*Exhibit 1*  
*Vegetation Management Progress Report for the Fourth Quarter of FY2024*