

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

NEPR

Received:

Aug 23, 2024

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IN RE:

THE PERFORMANCE OF THE PUERTO
RICO ELECTRIC POWER AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Urgent Request for Extension to
Submit Response to Request for Information in
Compliance with Resolution and Order Dated
August 9, 2024

**URGENT REQUEST FOR EXTENSION TO SUBMIT RESPONSE TO REQUEST FOR
INFORMATION IN COMPLIANCE WITH RESOLUTION AND ORDER DATED
AUGUST 9, 2024**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW GENERA PR LLC ("Genera"), as agent of the Puerto Rico Electric Power Authority ("PREPA"),¹ through its counsels of record, and respectfully submits and prays as follows:

1. On May 14, 2019, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order titled *PREPA Performance Reporting Requirements* ("May 14th Resolution") through which it determined that it would be in the public interest to begin as soon as possible PREPA's data gathering process to help the Energy Bureau and the stakeholders in developing measures, metrics, and targets, and to provide useful information for developing incentive and penalty mechanisms. The May 14th Resolution required PREPA to provide quarterly reports of key performance metrics/indicators, beginning September

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* ("LGA OMA"), dated January 24, 2023, executed by and among PREPA, Genera, and the Puerto Rico Public-Private Partnerships Authority ("P3 Authority"), Genera is the sole operator and administrator of the Legacy Generation Assets (as defined in the LGA OMA) and the sole entity authorized to represent PREPA before the Energy Bureau with respect to any matter related to the performance of any of the O&M Services provided by Genera under the LGA OMA.

15, 2019.² Pursuant to Section 5.6 of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement, LUMA Energy LLC and LUMA Energy ServCo LLC (jointly referred as, "LUMA") is now responsible for submitting data regarding the Transmission and Distribution System in the referenced docket.

2. On July 22, 2024, LUMA filed a document titled *Submission of Performance Metrics Report on System Data for April through June 2024* ("LUMA's July 22nd Motion"). A file titled "Resumen Metricas Master_July2024.xlsx" along with supporting data spreadsheets was submitted along with LUMA's July 22nd Motion. This submission includes data through the fourth quarter of Fiscal Year 2024 for metrics reported by both LUMA and Genera. LUMA stated this file also restated historical values for certain metrics. This included corrections to OSHA Fatality and 12-month Rolling OSHA Fatality Rate metrics, as well as the Number of Customer Complaints Closed by Class metric for certain sub-groups.

3. On August 9, 2024, the Energy Bureau issued a Resolution and Order titled *Response to LUMA's Submission of Performance Metrics Report for April through June 2024* ("August 9th Resolution") in which the Energy Bureau indicated that it had reviewed LUMA's July 22nd Submission and, consequently, determined that additional information was required for it to properly evaluate LUMA's and Genera's Fiscal Year 2024 performance as provided in the July 22nd Submission. Consequently, and in relevant part to this Motion, the Energy Bureau ordered Genera to respond, within fourteen (14) calendar days from the notification of the August 9th Resolution to the Requirement of Information ("ROI") set forth in Attachment B to the August 9th Resolution.

4. In light of the information required and the need to ensure accuracy and completeness in its response, Genera respectfully requests an extension until Friday, August 30,

² See Resolution and Order, In Re: The Performance of the Puerto Rico Electric Power Authority, Case No. NEPRMI-2019-0007, May 14th Resolution.

2024, to submit its response to the ROI outlined in Attachment B of the August 9th Resolution. The declaration of Tropical Storm Ernesto as an emergency on August 13, 2024, significantly altered Genera's operational priorities. The redeployment of essential personnel across various departments to the Emergency Operations Center in accordance with Genera's Emergency Response Plan for vital preparation, response, and recovery activities has prevented Genera from finalizing the response by the originally scheduled deadline. This extension will allow Genera to gather the necessary data and provide a more thorough and detailed response, thereby supporting the Energy Bureau's evaluation of the Fiscal Year 2024 performance metrics.

5. This request for an extension is made in good faith, reflecting Genera's commitment to thoroughness and compliance with regulatory expectations. Genera acknowledges the importance of timely and accurate reporting and seeks this extension as a necessary measure to ensure the quality and completeness of the information provided, especially in light of the recent emergency conditions.

WHEREFORE, Genera respectfully requests that this Energy Bureau **take notice** of the above for all purposes and **grant** Genera's urgent request for an extension of time until Friday, August 30, 2024, to comply with the August 9th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 23rd day of August 2024.

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CERTIFICATE OF SERVICE

I hereby certify that I filed this Motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this Motion to counsel for PREPA, through its counsel of record: Alexis G. Rivera Medina, arivera@gmlex.net; and Mirelis Valle Cancel, mvalle@gmlex.net; and to LUMA Energy Serv Co, LLC, through its counsel of record, Yahaira De la Rosa Algarín, yahaira.delarosa@us.dlapiper.com; Margarita Mercado, margarita.mercado@us.dlapiper.com; and Valeria Belvis, valeria.belvis@us.dlapiper.com; and the Independent Consumer Protection Office, Hannia Rivera Díaz, hrivera@jsrp.pr.gov.

In San Juan, Puerto Rico, this 23rd day of August 2024.

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez