

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

NEPR Received: Aug 30, 2024 5:37 PM
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IN RE:

IN RE: REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S 10-
YEAR INFRASTRUCTURE PLAN-
DECEMBER 2020

CASE NO. NEPR-MI-2021-0002

SUBJECT: Submittal of LUMA's Amendment to
LUMA's June 2024 Update to PREPA-LUMA 90-
Day Plan for T&D Projects

**MOTION SUBMITTING LUMA'S AMENDMENT TO THE JUNE 2024 UPDATE TO
PREPA-LUMA 90-DAY PLAN FOR T&D PROJECTS**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC ("ManagementCo"), and **LUMA Energy ServCo, LLC** ("ServCo"), (jointly referred to as "LUMA"), through the undersigned legal counsel and respectfully submits the following:

1. Pursuant to the continued reporting requirements set forth in this Puerto Rico Energy Bureau's ("Energy Bureau") Resolution and Order of March 26, 2021,¹ and in accordance with LUMA's Motion of July 15, 2021,² and PREPA's and LUMA's Motion of September 21, 2021³, LUMA submitted the June 2024 Update to LUMA 90-Day Plan. *See Motion Submitting*

¹ In this Resolution and Order ("March 26th Resolution"), the Energy Bureau required, among others, that the Puerto Rico Electric Power Authority ("PREPA") "continue reporting to the Energy Bureau and [the Federal Emergency Management Agency ("FEMA")], within the next five (5) years, the progress of all ongoing efforts related to the final approval of the submitted projects not yet approved by the Energy Bureau". March 26th Resolution on page 19.

² This refers to the *Motion Submitting the Corrected LUMA Presentation at the Technical Conference of July 11, 2021, and Requesting Approvals of Matters Presented and Proposed during the Technical Conference* filed by LUMA on July 15, 2021 ("July 15th Motion") wherein LUMA proposed, among others, that reporting in this docket be done quarterly and that updates to the 90-Day Plan in relation to the 10-Year Infrastructure Plan be provided to the Energy Bureau during the last month of every quarter as it is provided to FEMA. *See* the July 15th Motion on pages 8-9.

⁵ This refers to the *Motion Submitting September 2021 Update to PREPA-LUMA 90-Day Plan* jointly filed by LUMA and PREPA on September 21, 2021 ("LUMA September 21 Motion") wherein LUMA and PREPA informed that going forward; they would continue to file the PREPA-LUMA 90-Day Plans, instead of 90-Day updates of the 10-Year Infrastructure Plan given that FEMA only required the 90-Day Plans. *See* September 21 Motion on page 4.

LUMA's June 2024 Update to PREPA-LUMA 90-Day Plan for T&D Projects, filed on June 11, 2024.

2. On July 23, 2024, a Major Declaration of Disaster was issued for several municipalities, including Adjuntas, Guanica, Lajas, Las Marías, Luquillo, Maricao, Naranjito, Orocovis, Sabana Grande, San Sebastián, Toa Alta, Utuado, and Yauco (“July 2023 Major Disaster Declaration, FEMA 4805-DP-PR”). The incident period ranged from April 29, 2024, to May 10, 2024, due to severe storms, flooding, landslides, and mudslides. LUMA performed emergency repairs and response activities to restore electrical service to critical facilities and customers and protect against threats to human life and property, preventing further damages and impacts in an estimated 34 affected municipalities.

3. The July 2024 Major Disaster Declaration, FEMA 4805-DP-PR, for the Severe Storms, Flooding, Landslides, and Mudslides that occurred between April 29 and May 10, 2024, along with the recent passage of Tropical Storm Ernesto on August 14, 2024, will require emergency restoration and reconstruction self-performed work by LUMA.

4. To comply with FEMA reporting requirements, LUMA hereby submits, as *Exhibit I* to this Motion, LUMA’s Amendment to LUMA’s June 2024 Update to PREPA-LUMA 90-Day Plan for T&D Projects, as to include LUMA’s emergency works related to the July 2024 Major Disaster Declaration FEMA 4805-DP-PR and Tropical Storm Ernesto.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **of** LUMA’s Amendment to the June 2024 Update to PREPA-LUMA 90-Day Plan for T&D Projects submitted herein as **Exhibit 1** to this Motion in compliance with LUMA’s reporting obligations.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 30th day of August 2024.

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 counsel for PREPA, Alexis Rivera, 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



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Exhibit 1

Amendment to June 2024 T&D 90-Day Plan



FEMA

OFICINA CENTRAL DE RECUPERACIÓN,
RECONSTRUCCIÓN Y RESILIENCIA
COR3



90-Day Plan

June 2024

Amendment I – August 2024



I. Introduction

This is an amendment to LUMA's 90 Day Plan issued June 2024, providing updated information regarding LUMA's Self-Performed work related to:

- The July 23 Major Disaster Declaration, FEMA 4805-DR-PR for the Severe Storms, Flooding, Landslides, and Mudslides that occurred between Apr 29 - May 10.
- Ernesto Storm Restoration Emergency work.

LUMA is providing this amendment to the current 90 Day Plan to notify and comply with the request of P3A and also notify COR3 of LUMA's self-performed work to provide FEMA the required opportunity for EHP review pursuant to PAPPG v.4 page 98, cited below:

Environmental and Historic Preservation Considerations

The Applicant should make every effort to inform the Recipient and FEMA of necessary Emergency Work prior to performing the work, when appropriate, to afford FEMA the opportunity to perform EHP reviews and consultations. The Applicant is responsible for obtaining all required EHP permits from the appropriate agencies before proceeding with Emergency Work. FEMA EHP staff is available to assist the Applicant with ensuring the work is compliant with EHP laws, regulations, and EOs.

II. Emergency Self-Performed Work

For both the Severe Storms, Flooding, Landslides, and Mudslides that occurred between Apr 29 - May 10, 2024 and for the Ernesto Storm that occurred on Aug 14, 2024, LUMA has and will continue self-performed emergency restoration and reconstruction work.

Through this notification process, LUMA seeks to establish clear lines of communication, ensuring that all stakeholders are informed of our self-performed work activities in a timely and comprehensive manner. By adhering to the notification requirements, we aim to facilitate seamless coordination and collaboration, ultimately enhancing the effectiveness and success of FEMA-funded restoration and reconstruction efforts across Puerto Rico.

Self-performed work

LUMA has and will continue to execute self-performing work in an emergency as necessary to restore power.

Self-performed work includes work performed by LUMA internal labor and contractors. Self-performed work is designated as mostly contracted work (MCW), a mixture of contracted work and LUMA self-performed work (CW/SPW), or mostly self-performed work (MSPW).

- **Mostly contracted work (MCW)** = more than 65% of the work is procured/contracted (excluding management and oversight).
- **Mostly self-performed work (MSPW)** = more than 65% of the work is performed by LUMA (excluding management and oversight).
- **A mixture of contracted work and LUMA self-performed work (CW/SPW)** = between 50/50% and 65/35% (excluding management and oversight).

The emergency self-performed work that is the subject of this Amendment I is expected to be MSPW.