

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

<b>NEPR</b>  <b>Received:</b>  <b>Sep 12, 2024</b>  <b>9:44 PM</b>
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**IN RE:**

PRIORITY PLAN FOR THE  
STABILIZATION OF THE ELECTRIC  
GRID

**CASE NO. NEPR-MI-2024-0005**

**SUBJECT: Motion in Compliance with Resolution  
and Order Issued on August 23, 2024**

**MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER ISSUED ON  
AUGUST 23, 2024**

**TO THE PUERTO RICO ENERGY BUREAU:**

COME NOW LUMA Energy ServCo, LLC and LUMA Energy, LLC (collectively “LUMA”) through their undersigned legal representatives and respectfully submit and request the following:

1. On June 13, 2024, the Puerto Rico Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“June 13<sup>th</sup> Order”) ordering LUMA, Genera PR, LLC (“Genera”) and the Puerto Rico Electric Power Authority (“PREPA”) to each develop and submit to the Energy Bureau within twenty (20) days an “aggressive preliminary plan of improvements to the electric system” (“Preliminary Plan”) with the information specified in the June 13<sup>th</sup> Order and having a maximum implementation period of two (2) years. *See id.* at pages 1-2.

2. On June 28, 2024, LUMA filed a *Request for Extension of Time to Submit Preliminary Plan Required by the Resolution and Order of June 13, 2024* (“June 28<sup>th</sup> Motion”). In this motion, LUMA explained that: it had been diligently working on the preparation of the Preliminary Plan and as of that date it had developed a preliminary working draft; that “given the extensive scope of the plan and required details in a variety of subjects (including system analyses,

validation of identified needs for repairs and upgrades, estimated costs, implementation timelines, and funding sources), the preparation of the plan require[d] significant coordination across several LUMA departments”; that “LUMA [was then] reassessing [this plan] to incorporate details about current events, ensuring that it ha[d] the most current and comprehensive critical points of the T&D System”; and that given “the need to evaluate contingency elements that may affect the implementation of the plan [...] further cross-departmental reviews” were required “that were anticipated to extend beyond the originally anticipated date to have a complete, internally verified, version acceptable to LUMA”. *See* June 28<sup>th</sup> Motion on pages 2-3. For these reasons, LUMA indicated that it needed additional time to allow LUMA to “achieve a more thorough, clear, verified, and implementable Preliminary Plan that will more effectively address the requirements of the June 13<sup>th</sup> Order and be better positioned for the ensuing Energy Bureau review and public comment”. *See id.* at page 3. Accordingly, LUMA respectfully requested until July 19, 2024, to submit the Preliminary Plan. *See id.*

3. On July 1, 2024, Genera filed a request for extension of time to submit its Preliminary Plan until July 19, 2024. *See Solicitud de Extensión de Término para Presentar Plan Preliminar.*

4. On July 2, 2024, PREPA filed a request for extension of time to submit its Preliminary Plan until July 26, 2024. *See Moción para Solicitar Término Adicional Para Cumplir con Resolución y Orden del 13 de Junio de 2024.*

5. On July 5, 2024, the Energy Bureau issued a Resolution and Order (“July 5<sup>th</sup> Order”) in which it denied the extension requests submitted by LUMA, PREPA and Genera and ordered each to show cause, on or before July 10, 2024, why the Energy Bureau should not impose

an administrative fine of twenty-five thousand dollars (\$25,000) for each day of delay in submitting their respective Preliminary Plan. *See* July 5<sup>th</sup> Order on pages 2-3.

6. On July 8, 2024, Genera submitted its Preliminary Plan and requested the Energy Bureau to vacate the determination to impose fines. *See Moción en Cumplimiento de Orden y Sometiendo Plan Preliminar de Estabilización del Sistema Eléctrico.*

7. On July 10, 2024, LUMA filed a *Motion in Compliance with Order to Show Cause of July 5, 2024 and Submitting Preliminary Plan Draft Required by the Resolution and Order of June 13, 2024* (“July 10<sup>th</sup> Motion”) in which LUMA submitted, as an *Exhibit 1*, the Preliminary Plan in the form of a draft (“Preliminary Plan Draft”) in attention to the July 5<sup>th</sup> Order and explained that LUMA would continue its rigorous review of the Preliminary Plan Draft and would submit a more refined version on or before July 19, 2024. *See* July 10<sup>th</sup> Motion on page 12. In addition, LUMA provided reasons as to why the proposed administrative fine in the July 5<sup>th</sup> Order should not be imposed on LUMA and asked the Energy Bureau to vacate the order proposing such fine, explaining that: producing a quality Preliminary Plan within the twenty (20)-day timeframe provided was not reasonably feasible given the necessary tasks to gather, assess and review the relevant information as well as coordinate and conduct the required interdepartmental consultations and reviews in an iterative fashion, needed to develop a cohesive, complete plan fully validated and implementable plan; some of the LUMA personnel involved in the Preliminary Plan preparation were also involved in simultaneous efforts in connection two other ongoing Energy Bureau proceedings<sup>1</sup> and LUMA’s proposed timeline reflected an appropriate and reasonable allocation of resources; given the foregoing and that LUMA’s extension was requested

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<sup>1</sup> Referring to the NEPR-IN-2024-0002, *In Re: Santa Isabel Substation Major Outage Affecting Coamo, Aibonito, and Santa Isabel*, initiated by the Energy Bureau by Resolution and Order of June 14, 2024, and Case No. NEPR-IN-2024-0003, *In Re: June 12, 2024 Large Scale Bluesky Customer Interruptions*, initiated by the Energy Bureau by Resolution and Order of the same date.

five days prior to the deadline, LUMA’s request for an extension was reasonable, timely filed, and made in good faith; and the Energy Bureau’s action of denying the extension after the deadline had elapsed denied LUMA the opportunity to take any action to at least submit a minimally compliant draft so as to avoid being penalized. *See id.* at pages 2, 3, 10, 11 and 12.

8. On July 11, 2024, the Energy Bureau issued a Resolution and Order (the “July 11<sup>th</sup> Order”) in which, among others, it emphasized that LUMA and Genera had met with the basic expectations relating to their respective Priority Plan. *See id.* at page 2.

9. On July 19, 2024, LUMA filed a *Motion Submitting Updated Preliminary Plan* in which it submitted an updated Preliminary Plan and requested the Energy Bureau to use it as the Preliminary Plan to be subject to evaluation in this proceeding, instead of the Preliminary Plan Draft.

10. On August 23, 2024, the Energy Bureau issued a Resolution and Order (“August 23<sup>rd</sup> Order”) imposing an administrative fine to each LUMA, Genera and PREPA for filing their Preliminary Plans late.<sup>2</sup> Specifically, LUMA was required to pay \$3,500, and all the parties were ordered to pay their respective fines within twenty (20) days of the notification of the August 23<sup>rd</sup> Order. *See id.* at pages 2-3.

11. It is respectfully informed that on September 10, 2024, LUMA issued an electronic payment to this Energy Bureau of \$3,500 to pay the fine assessed in the August 23<sup>rd</sup> Order. A screenshot of the confirmation information that LUMA has in its system regarding said payment, is included with this Motion as *Exhibit 1*. LUMA reserves its applicable rights in connection with any other determinations of the August 23<sup>rd</sup> Order.

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<sup>2</sup> The Energy Bureau’s analysis in support of its determination was that they had “emphasized that LUMA, Genera and PREPA utilize their expertise and organize their resource[s] in an[...] efficient and effective manner to address the urgency required to benefit the consumers”. *See* August 23<sup>rd</sup> Order on page 2.

12. LUMA respectfully request that this Energy Bureau issue a receipt or confirmation of payment by LUMA of the administrative fine.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and **issue** a receipt to LUMA regarding payment of the administrative fine.

**RESPECTFULLY SUBMITTED.**

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau and we will send an electronic copy of this Motion to counsel for PREPA Alexis G. Rivera Medina, arivera@gmlex.net and mvalle@gmlex.net; counsel for Genera PR LLC, lrn@roman-negron.com, as well as regulatory@genera-pr.com and legal@genera-pr.com.

In San Juan, Puerto Rico, this 12<sup>th</sup> day of September 2024.



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*Exhibit 1*

[Evidence of Payment]

Batch Summary Report by ID Number

Company Name: LUMA ENERGY MANAGECO LLC Effective Date: 09/10/24  
 Template ID: ACH240910 Release Date and Time: 09/09/24 18:17:50  
 Template Name: ACH240910 Extract File Name: M011517638.ACH  
 Batch Status : Extracted Entry Class: VendorPayments

Transaction Details:

Name	ID Number	Amount	D/C	Bank ID	Account#	Acct Type	Trace #	Addenda
LUMA ENERGY	██████████	\$3,500.00	D	██████████	██████████	CHK	██████████	
NEGOCIADO DE ENERGIA D	██████████	\$3,500.00	C	██████████	██████████	Checking	██████████	

Total # Credits: 1 Total Credit Amt: \$3,500.00  
 Total # Debits: 0 Total Debit Amt: \$0.00  
 Total \$ Offset Credit: 0.00 Total \$ Offset Debit: 3,500.00

Subtotals for Effective Date: 2024-09-10  
 Subtotal # Credits: 1 Subtotal Credit Amt: \$3,500.00  
 Subtotal # Debits: 0 Subtotal Debit Amt: \$3,500.00

Grand Totals: 1  
 Grand Total # Credits: 1 Grand Total Credit Amt: \$3,500.00  
 Grand Total # Debits: 0 Grand Total Debit Amt: \$3,500.00