

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

NEPR

Received:

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IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY RATE REVIEW

CASE NO. NEPR-AP-2023-0003

**SUBJECT: Motion in Compliance with August 11th
Order**

**MOTION IN COMPLIANCE WITH AUGUST 11TH ORDER AND SUBMITTING
REVISED COMPLIANCE FILING**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC (“ManagementCo”), and **LUMA Energy ServCo, LLC** (“ServCo”), (jointly referred to as “LUMA”), and respectfully state and request the following:

1. On July 31, 2025, this Puerto Rico Energy Bureau (“Energy Bureau”) issued an order with the subject *Establishment of Fiscal Year 2026 Provisional Rate and Fiscal Year 2026 Provisional Budget* (“July 31st Provisional Rate Order”).

2. Amongst other things, the July 31st Provisional Rate Order directed LUMA to, on or before August 6, 2025, submit a compliance filing “containing a clear calculation of the proposed provisional rate riders that align with the decisions in [the July 31st Provisional Rate Order], accompanied by any workpapers ... that support the calculation.” *See* July 31st Provisional Rate Order, p. 38.

3. In light thereof, on August 6, 2025, LUMA filed a *Motion Submitting Compliance Filing in Attention to Section VI(W) of the July 31st Provisional Rate Order* (“August 6th Motion”).

4. On August 11, 2025, the Energy Bureau issued a Resolution and Order (“August 11th Order”) whereby it rejected the non-pension provisional rate rider of \$0.015511/kWh,

affirmed that the correct amount is \$0.014931/kWh, and explained that it is based on the FY 2026 PREPA Budget Certified by the Financial Oversight Management Board for Puerto Rico. Consequently, the August 11th Order directed LUMA as follows:

1. Use the non-pension provisional-rate rider amount of \$0.014931/kWh, as ordered on the July 31 Provisional Rate Order.
2. LUMA shall prepare updated tariff sheets showing the resulting provisional-rate rider and the pension rider, consistent with the structure and class applicability established in the July 31 Provisional Rate Order.
3. LUMA shall file these updated tariff sheets with the Energy Bureau within two (2) business days of the issuance of this Resolution and Order, together with all supporting workpapers in native format.

August 11th Order, p. 2.

5. In compliance with the Energy Bureau's August 11th Order, LUMA hereby files updated tariff sheets using the non-pension provisional-rate rider amount of \$0.014931/kWh, together with all supporting workpapers in native format. *See* Exhibits 1-3.

6. LUMA is also refileing Tariff Sheets. *See* Exhibits 4 and 5, respectively. Both Exhibits 4 and 5 remain unchanged from the versions filed with LUMA's August 6th Motion.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the above; **accept** the attached tariff sheets; and **deem** LUMA in compliance with the August 11th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 13th day of August, 2025.

WE HEREBY CERTIFY that this Notice was filed using the electronic filing system of this Energy Bureau and that electronic copies of this Notice will be notified to Hearing Examiner, Scott Hempling, shempling@scotthemplinglaw.com; and to the attorneys of the parties of record. To wit, to the **Puerto Rico Electric Power Authority**, through: Mirelis Valle-Cancel, mvalle@gmlex.net; Juan González, jgonzalez@gmlex.net; Alexis G. Rivera Medina, arivera@gmlex.net; Juan Martínez, jmartinez@gmlex.net; and Natalia Zayas Godoy, nzayas@gmlex.net; and to **Genera PR, LLC**, through: Jorge Fernández-Reboredo, jfr@sbgbllaw.com; Gabriela Castrodad, gcastrodad@sbgbllaw.com; José J. Díaz Alonso, jdiaz@sbgbllaw.com; Stephen Romero Valle, sromero@sbgbllaw.com; Giuliano Vilanova-

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Exhibit 1

Provisional Rate Compliance Filing

NEPR-AP-2023-0003

Provisional Rate

As described in LUMA's response to PC-of-LUMA-PROV-38, the numerator for the provisional rate calculation is the deficiency between revenues at present rates and the total approved provisional revenue requirement

The **deficiency**, which serves as the numerator in the provisional rate calculation, was determined by subtracting the revenues at present rates from the total approved provisional revenue requirement. Table 1-1 below outlines the components of this calculation, referencing the July 31st Order and FY 2026 PREPA budget certified by FOMB.

Table 1-1 – Calculation of Deficiency

Component	Provisional	Source
Revenue Requirement – Total	\$1,779,626	July 31 st Order – Attachment A, Line 16
Less: Revenue Requirement - Pension	\$(307,475)	PREPA's July 11 th Motion, July 31 st Order Attachment A, Line 15
Less: Revenue at Present Rates	\$(1,160,149)	FY 2026 PREPA budget approved by FOMB
Less: Other Income	\$(84,404)	FY 2026 PREPA budget approved by FOMB
Deficiency	\$(227,598)	

The **billing determinants** referenced in Footnote 8 of the July 31st Order amount to 15,243,558 MWh. This figure accounts for the removal of the rate schedules LRS, RFR, RH3 to comply with the directives outlined in the July 31st Order.

Consequently, the **Provisional Rate**, as shown on the *Provisional Rate* tab of the workbook attached as Exhibit 2 - Provisional Rate Calculation_R&O_20250811_compliance, is \$0.014931/kWh.

Initial Proposal

LUMA's initial proposal for the provisional rate rider, filed on August 5, 2025, incorporated revenue forecasts as filed within LUMA's rate petition, rather than those from PREPA's budget as certified by the FOMB. Absent explicit identification of the source of these inputs in the July 31st Order, and working on abbreviated timelines, LUMA, in good faith, assumed that the calculation should refer to forecasts contained within its rate petition. This updated proposal has been updated to be in alignment with PREB's calculation in the July 31st Order.

Provisional Rate Pension Fund Rider

The **deficiency**, which serves as the numerator in the pension rider calculation, is equal to the approved provisional pension revenue requirement of \$307,475,422.

The **billing determinants** referenced in Footnote 9 of the July 31st Order amount to 16,022,250 MWh. This figure accounts for all customers taking service on the base service tariffs, to comply with the directives outlined in the July 31st Order.

Consequently, the **Provisional Rate Pension Fund Rider**, as shown on the *Provisional Rate* tab of the workbook attached as 01_Provisional Rate Calculation, is \$0.019191/kWh.

Exhibit 2
[Provisional Rate Calculation – Excel file to be submitted via email]

Exhibit 3
[Provisional Rate Tariff Sheet]



PROVISIONAL RATE RIDER

DESIGNATION:

PROV

AVAILABLE:

Everywhere in Puerto Rico.

APPLICABLE:

The PROV charge shall apply to all energy delivered to customers taking service on the base service tariffs, except for customers taking service under the LRS, RH3, and RFR schedules. Lighting service customers shall be charged the PROV for unmetered energy in accordance with the estimates in the PLG schedule. The Provisional Rate Rider is a temporary rate that reflects the provisional collection of a revenue requirement currently under consideration by the Puerto Rico Energy Bureau in a general rate case.

CHARGES:

These rates will be charged for all kilowatt-hours.

Provisional Rate:

\$0.014931 per kWh

Exhibit 4
[Pension Rate Tariff Sheet]



PENSION FUNDING RIDER

DESIGNATION:

PFR

AVAILABLE:

Everywhere in Puerto Rico.

APPLICABLE:

The PRF charge shall apply to all energy delivered to customers taking service on the base service tariffs. The Pension Fund Rider is a temporary rate that reflects the PREPA pension fund collection of a revenue requirement currently under consideration by the Puerto Rico Energy Bureau in a general rate case.

CHARGES:

These rates will be charged for all kilowatt-hours.

Provisional Rate:

\$0.019191 per kWh

Exhibit 5
[Net Energy Metering Tariff Sheet]



NET METERING RIDER**DESIGNATION:**

NM

AVAILABLE:

Everywhere in Puerto Rico.

APPLICABLE:

To all tariffs with metered output.

The Net Metering credit is calculated from the customer's bills as per the provisions of Act 114-2007, as amended. Customers with a Net Metering Agreement with PREPA will receive a monthly credit from the energy produced by their system and exported into PREPA's electrical system, up to a customer's monthly consumption in kWh, subject to other limits as detailed in Act 114-2007, as amended, and the corresponding Regulations. The monthly credit for customers with a Net Metering Agreement will be effective at the beginning of the billing period after the installation or configuration of the appropriate meter. For each billing period, PREPA will meter the energy consumed by the customer (inflow) and the energy exported by the customer's system to PREPA's system (outflow).

Each Net-Metering customer shall pay for the net energy supplied by PREPA the full rate for its class including, but not limited to, the base rates, fuel charge, purchased power charge, CILT charge, SUBA-HH charge, SUBA-NHH charge, and EE charge, subject to the following:

1. Each billing period, in which the energy exported by the customer is lower than the energy supplied by PREPA, the credit for the energy exported shall be the sum of: customer's base rate energy charge, fuel charge, purchased power charge, SUBA-HH charge, SUBA-NHH charge, CILT, Energy Efficiency Charge, Provisional Rate charge, and Pension Recovery charge.
2. If during a billing period, the energy exported by the customer is equal or higher than the energy supplied by PREPA, the credit will be limited to the energy supplied by PREPA in that billing period. The excess exported energy will be accumulated to be used in the next billing period.
3. If any excess energy accumulated remains after the end of the current fiscal year, it will be credited as provided by the law, and to the corresponding Regulations, currently as explained below.
 - a. Seventy-five percent (75%) of the excess energy accumulated shall be purchased by PREPA at a rate of 10 cents per kilowatt-hour (¢/kWh) or the resulting quantity in ¢/kWh, once the fuel and purchased power charges are subtracted from the total ¢/kWh, whichever is the highest; and
 - b. The remaining twenty-five percent (25%) shall be granted to PREPA to be distributed in credit or reductions in the electricity bills of public schools.