

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

NEPR

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IN RE: PUERTO RICO ELECTRIC POWER
AUTHORITY RATE REVIEW

CASE NO. NEPR-AP-2023-0003

SUBJECT: Motion Submitting Revised ROI-
LUMA-AP-2023-0003-20250324-PREB-002
and LUMA'S Long Term Investment Plans in
Compliance with the August 15th Order

**MOTION SUBMITTING REVISED ROI-LUMA-AP-2023-0003-20250324-PREB-002
AND LUMA'S LONG TERM INVESTMENT PLANS IN COMPLIANCE WITH
AUGUST 15th ORDER**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU AND ITS HEARING
EXAMINER, SCOTT HEMPLING:**

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 3, 2025, LUMA filed its *Motion Submitting Rate Review Petition* ("Rate Review Petition") with this Honorable Puerto Rico Energy Bureau ("Energy Bureau"), pursuant to the filing requirements outlined by the Energy Bureau, as modified by the Hearing Examiner, Mr. Scott Hempling. In what is pertinent to the present Motion, a portion of LUMA's Rate Review Petition was comprised of comprehensive and detailed responses to a set of Requests for Information ("ROI") developed by the Energy Bureau's consultants, issued on March 24, 2025, by way of the Hearing Examiner's *Order Requiring Certain Information in the Rate Case Application or Accompanying Prefiled Testimony*.

2. LUMA's Rate Review Petition included, as requested by the Energy Bureau, a response to ROI No. 2 regarding planned activities and associated costs for system improvements,

restoration, and modernization for Fiscal Years 2026 through 2025. *See* ROI-LUMA-AP-2023-0003-20250324-PREB-002. The above-referenced response identified the “*NFC Long Term Investment Plan (‘LTIP’) FY2026-FY2035 Unconstrained*” and the “*NFC LTIP FY2026-FY2035 Constrained*” as Exhibits 5.01 and 5.02 to LUMA’s Rate Review Petition, respectively. Furthermore, Pedro A. Meléndez-Meléndez’s testimony in support of LUMA’s Rate Review Petition, references the LTIP (Exhibit 5.0).

3. The LTIP documents were not filed together with Mr. Meléndez’s testimony. Thus, the references to Exhibit 5.01 and Exhibit 5.02 in response to ROI No. 2, were erroneous.

4. On August 15, 2025, the Hearing Examiner issued an *Order Requiring Production of LUMA’s “Long Term Investment Plan” and of Exhibit 5.01* (“August 15th Order”), directing LUMA to produce on August 18, 2025, “all documents constituting any Long Term Investment Plan.” Moreover, the Hearing Examiner stated that “the Energy Bureau’s consultants have no record of receiving an Exhibit 5.01”, and ordered that LUMA produce the same.

5. LUMA hereby submits the “*NFC Long Term Investment Plan (‘LTIP’) FY2026-FY2035 Unconstrained*” and the “*NFC LTIP FY2026-FY2035 Constrained*.” These documents labeled and offered as exhibits (identified henceforth as LUMA Ex. 2.05 and LUMA Ex. 2.06) to the direct testimony of LUMA’s witness, Andrew Smith, in order to facilitate their incorporation into the record and to allow for their proper consideration by the Honorable Energy Bureau and the other parties.¹ *See* Attachment B (supporting narrative on the LTIP).

¹ The LTIPs that were referenced in Pedro A. Meléndez-Meléndez’s testimony in support of LUMA’s Rate Review and the ROI-LUMA-AP-2023-0003-20250324-PREB-002 filed on July 3, 2025, solely regarded Capital Programs and Grid Transformation. *See* revised Attachment A. The LTIPs that are being filed herewith identify company-wide investment plans, at program brief and project-based levels. *See* Attachment B.

6. The LTIP documents, LUMA's Exhibits 2.05 and 2.06, include sensitive data related to LUMA's Information Technology ("IT"), Operational Technology ("OT"), and Cybersecurity programs and their implementation. LUMA is submitting unredacted versions of the LTIPs under seal of confidentiality and will submit forthwith public unredacted versions. LUMA respectfully requests three (3) additional days, until August 21, 2025 to submit unredacted public versions of LUMA's Exhibits 2.05 and 2.06. In compliance with the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended on September 21, 2016 ("Policy on Confidential Information"), under separate cover and expediently, within the next ten (10) days, LUMA will submit a memorandum of law in support of its request to file and maintain certain portions of LUMA's Exhibits 2.05 and 2.06 under seal of confidentiality.

7. LUMA is also submitting herewith, a revised version of ROI-LUMA-AP-2023-0003-20250324-PREB-002, that eliminates the prior references to the LTIP documents as Exhibit 5.01 or Exhibit 5.02. *See Attachment A.*

8. Lastly, for clarity, LUMA's July 3rd Rate Review Petition was, in fact, accompanied by an Exhibit 5.01, entitled *Range of Reliability Improvements*. Contrary to what is posited in the August 15th Order, LUMA notes that said document was filed with the Energy Bureau and is available for public review on the case docket.²

WHEREFORE, LUMA respectfully requests that the Hearing Examiner **take notice** of the above; **accept** the revised version of ROI-LUMA-AP-2023-0003-20250324-PREB-002, as

In the near future, LUMA may file revised versions of its prefiled testimonies, so that the corresponding witnesses formally sponsor and adopt the relevant portions of LTIPs as exhibits to their testimonies. This forthcoming filing would ensure that the relevant portions of the LTIPs are properly incorporated into the record and clearly identified as supporting documentation for LUMA's Rate Review Petition.

² See [LUMA Ex. 5.01 \(7.03.25\) Range of Reliability Improvements \(Powerpoint\) - OneDrive](#).

well as the confidential versions of “*NFC Long Term Investment Plan (‘LTIP’) FY2026-FY2035 Unconstrained*,” LUMA’s Exhibit 2.05 and “*NFC LTIP FY2026-FY2035 Constrained*,” LUMA’s Exhibit 2.06 all filed herewith; **accept** LUMA’s Exhibits 2.05 and 2.06 under seal of confidentiality and grant LUMA until August 21, 2025 to file public unredacted versions of the same; and **deem** LUMA in compliance with the August 15th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 15th 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-Feliberti, gvilanova@vvlawpr.com; Maraliz Vázquez-Marrero, mvazquez@vvlawpr.com; ratecase@genera-pr.com; regulatory@genera-pr.com; and legal@genera-pr.com; *Co-counsel for Oficina Independiente de Protección al Consumidor*, hrivera@jrsp.pr.gov; contratistas@jrsp.pr.gov; pvazquez.oipc@avlawpr.com; *Co-counsel for Instituto de Competitividad y Sustentabilidad Económica*, jpouroman@outlook.com; agraitfe@agraitlawpr.com; *Co-counsel for National Public Finance Guarantee Corporation*, epo@amgprlaw.com; loliver@amgprlaw.com; acasellas@amgprlaw.com; matt.barr@weil.com; robert.berezin@weil.com; Gabriel.morgan@weil.com; Corey.Brady@weil.com; *Co-counsel for GoldenTree Asset Management LP*, lramos@ramoscruzlegal.com; tlauria@whitecase.com; gkurtz@whitecase.com; ccolumbres@whitecase.com; iglassman@whitecase.com; tmacwright@whitecase.com; jcunningham@whitecase.com; mshepherd@whitecase.com; jgreen@whitecase.com; *Co-counsel for Assured Guaranty, Inc.*, hburgos@cabprlaw.com; dperez@cabprlaw.com; mmcgill@gibsondunn.com; lshelfer@gibsondunn.com; howard.hawkins@cwt.com; mark.ellenberg@cwt.com; casey.servais@cwt.com; bill.natbony@cwt.com; thomas.curtin@cwt.com; *Co-counsel for Syncora Guarantee, Inc.*, escalera@reichardescalera.com; arizmendis@reichardescalera.com; riverac@reichardescalera.com; susheelkirpalani@quinnemanuel.com; erickay@quinnemanuel.com; *Co-Counsel for the PREPA Ad Hoc Group*, dmonserrate@msglawpr.com; fgierbolini@msglawpr.com; rschell@msglawpr.com; eric.brunstad@dechert.com; Stephen.zide@dechert.com; david.herman@dechert.com; michael.doluisio@dechert.com; stuart.steinberg@dechert.com; *Sistema de Retiro de los*

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LUMA CONFIDENTIAL Exhibits 2.05 and 2.06 Excel files to be submitted via email

Attachment A

revised version of ROI-LUMA-AP-2023-0003-20250324-PREB-002

Rate Review

Pre-Application Questions from PREB Consultants NEPR-AP-2023-0003

REVISED Response: ROI-LUMA-AP-2023-0003-20250324-PREB-002

SUBJECT

Transmission, Distribution, and Storage

REQUEST

What activities and associated costs does LUMA plan to make in FY 26, FY 27, and FY 28 related to improvement, restoration, and modernization of the transmission and distribution systems? Provide any supporting planning documents including but not limited to, Capital Investment Plans, Long-Term Investment Plans, LUMA's System Remediation Plan, the Department of Energy's 2018 Energy Resilience Solutions for the Puerto Rico Grid, and any other planning documents intended to outline the roadmap for T&D system upgrades.

RESPONSE

LUMA files this response without in any way implying that it considers this response could be admissible as evidence in this rate review proceeding. LUMA expressly reserves the right to supplement, clarify, revise, or correct this response.

The items requested above are generally available in the testimony of Pedro Meléndez respecting the departmental budget for Capital Programs and Grid Transformation, *Exhibit 5.00*. The testimony provides an overall supporting narrative. Additional information regarding Capital Programs and Grid Transformation is found in *NFC Long Term Investment Plan ("LTIP") FY2026-FY2035 Unconstrained*, and *NFC LTIP FY2026-FY2035 Constrained*, submitted as attachments to this revised response. See *LUMA Exhibits 2.05 and 2.06*.

Attestation

I, Pedro Meléndez, state that the information contained in this response is complete, true, and accurate to the best of my knowledge and belief.

/s/ Pedro Meléndez

Attachment B

LUMA's Long Term Investment Plan (LTIP)

NEPR-AP-2023-0003

LTIP

For clarity, LUMA's rate petition, as filed July 3, 2025, already encompasses the information from the section of our Long-Term Investment Plans ("LTIP") that pertains to the rate period. This data is embedded in the rate petition as filed - in the testimonies of the LUMA witnesses. The portion of the LTIP that is relevant to the rate period is summarized into program level detail, described and supported by their testimony. Consolidated program level detail for the portion of the LTIP that is covered by the rate period was filed as the tab 5.4.1 *Imp Prog Summary*, in *LUMA Exhibit 2.03 (7.03.25) Optimal Budget Workpapers*, and *LUMA Exhibit 2.04 (7.03.25) Constrained Budget Workpapers*.

LUMA understands that the Energy Bureau desires to see the operational level detail behind its filing, and is thus providing the financial working papers associated with the LTIP plans as provided in in *LUMA Exhibit 2.03 (7.03.25) Optimal Budget Workpapers*, and *LUMA Exhibit 2.04 (7.03.25) Constrained Budget Workpapers*. The only additional information LUMA is supplementing today, is the database level whereby LUMA's program brief planning occurs at a project based level. "Project" is defined here on how we see the Program Brief plan being established in our Oracle Financial System for project(s) financial tracking and reporting. LUMA notes, however, that this project level view is an operational view and therefore is not a fixed view throughout the operational period. **The Program Brief level budgets and reporting do not change.** LUMA wants to highlight this, as this supplemental project level view is our operational plan, however, this can and will change upon project development and through execution.

The LTIP functions as an operational tool rather than a static plan, meaning it evolves as projects are executed and milestones are achieved. The allocations shown therefore represent a living framework that allows us to demonstrate discipline in aligning resources with long-term objectives, while also adapting to the practical realities of project execution and timing. The LTIP is an internal tool that captures the comprehensive project-level portfolio at a point in time. As an internal tool, LUMA notes that project names may differ from what has been reported externally in some instances. However, any collection of projects that LUMA has reported on at a portfolio or programmatic level is a subset of the LTIP and is not incremental.