

**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 in Compliance with August
28th Order

MOTION IN COMPLIANCE WITH AUGUST 28TH ORDER

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, the Puerto Rico Energy Bureau (“Energy Bureau”) issued an order establishing the Provisional Rate and Provisional Budget Fiscal Year 2026.¹ Pursuant to this order, LUMA was directed to submit a compliance filing with updated tariff sheets detailing the calculation of the proposed provisional rate riders, supported by all relevant workpapers.

2. LUMA submitted its initial compliance filing on August 6, 2025.² Upon review, the Energy Bureau identified a discrepancy in the calculation of the non-pension provisional rate rider and, on August 11, 2025, issued a Resolution and Order rejecting LUMA’s proposed rate of \$0.015511/kWh and affirming the correct rate of \$0.014931/kWh. LUMA was, thus, ordered to file updated tariff sheets reflecting the corrected rate within two (2) business days.

¹ See Resolution and Order issued on July 31, 2025, with the subject *Establishment of Fiscal Year 2026 Provisional Rate and Fiscal Year 2026 Provisional Budget*.

² See Motion Submitting Compliance Filing in Attention to Section VI(W) of the July 31st Provisional Rate Order.

3. In compliance therewith, on August 13, 2025, LUMA filed a *Motion in Compliance with the August 11th Order* (“August 13th Motion”), submitting revised tariff sheets and supporting workpapers.

4. On August 28, 2025, the Energy Bureau issued a new Resolution and Order conditionally granting LUMA’s August 13th Motion (“August 28th Order”). The Energy Bureau found that LUMA had satisfied the primary numerical directive but required further revisions to ensure consistency with the nomenclature and transparency standards established in the Resolution and Order, issued on August 13, 2025, in Case No. NEPR-MI-2021-0008, *In re: Review of LUMA’s Model Bill*. The Energy Bureau also identified “ambiguities in the current Net Metering Rider language that require clarification to ensure transparent and accurate billing practices”. *See* August 28th Order, p. 2.

5. Accordingly, the August 28th Order directed LUMA to submit updated tariff sheets adopting the revised language contained in Attachments A, B and C of the August 28th Order, within three (3) business days, as a condition for final approval and implementation of the provisional rates. Specifically, the Energy Bureau stated that, following LUMA’s compliance with the August 28th Order, “the revised tariffs shall be deemed approved” and LUMA may then proceed to “implement the amended tariffs and begin collecting the provisional rates, effective for all billing cycles commencing on or after September 1, 2025.” *See* August 28th Order, p. 2.

6. In compliance with the Energy Bureau’s August 28th Order, LUMA hereby files updated tariff sheets, which conform to the revised language contained in Attachments A, B and C of the August 28th Order. *See Exhibits 1-3*.

7. Furthermore, LUMA emphasizes the critical importance of the Energy Bureau’s prompt approval of the revised tariff sheets prior to September 1, 2025. As has been stressed

throughout the captioned proceeding, LUMA's billing system has already been programmed to begin applying the amended tariffs to all billing cycles commencing on or after that date. Any further delay in approval could result in operational complications and customer confusion. Accordingly, LUMA respectfully urges the Energy Bureau to grant final approval of the attached tariff sheets expeditiously.³

WHEREFORE, LUMA respectfully requests that the Hearing Examiner **take notice** of the above; **deem** LUMA in compliance with the August 28th Order; **accept** and **approve** the attached tariff sheets; and **allow** LUMA to implement the amended tariffs and begin collecting the provisional rates, effective for all billing cycles commencing on or after September 1, 2025.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29th 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@sbgblaw.com; Gabriela Castrodad, gcastrodad@sbgblaw.com; José J. Díaz Alonso, jdiaz@sbgblaw.com; Stephen Romero Valle, sromero@sbgblaw.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;

³ In addition to the present filing, LUMA respectfully informs the Energy Bureau that, on this same date, LUMA is also filing a *Motion in Compliance with Order Entered on August 13, 2025 and Amending Model Bill Proposal* in Case No. NEPR-MI-2021-0008, *In re: Review of LUMA's Model Bill*, submitting the changes to be made to LUMA's Model Bill to incorporate the provisional rate riders. LUMA is also respectfully requesting in that case that the proposed Model Bill text be approved prior to September 1, 2025, so that the provisional riders can start to be collected commencing on that date.

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Exhibit 1
(Revised Provisional Rider Tariff Sheet)



PROVISIONAL RIDER

DESIGNATION:

PROVISIONAL

AVAILABLE:

Everywhere in Puerto Rico.

APPLICABLE:

The PROVISIONAL 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 PROVISIONAL 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 2
(Revised Pension Payments Rider Tariff Sheet)



PENSION PAYMENTS RIDER

DESIGNATION:

PENSION PAYMENTS

AVAILABLE:

Everywhere in Puerto Rico.

APPLICABLE:

The PENSION PAYMENTS 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 3
(Revised Net Metering Rider 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, EE charge, PROVISIONAL charge, and PENSION PAYMENTS 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 customer will be charged for Net kWh = Inflow - Outflow at the full per-kWh rate applicable to the customer's class, which 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 charge, and Pension Payments charge.
2. If during a billing period, the energy exported by the customer is equal or higher than the energy supplied by PREPA, the applicable credit is first applied to offset all per-kWh energy charges on Inflow kWh using the same components listed above in 1, resulting in no per-kWh energy charge billed for that 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



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- 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.