

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

IN RE: LUMA’S ACCELERATED STORAGE
ADDITION PROGRAM (“ASAP”)

CASE NO.: NEPR-MI-2024-0002

SUBJECT: Resolution and Order pertaining to status of two Phase 1 projects and *Motion to Submit Additional Information in Support of Motion Filed by LUMA on October 10, 2025, Request for Modification of October 3, 2025, Order, and Request for Confidential Treatment*, filed by LUMA Energy, LLC and LUMA Energy ServCo, LLC.

RESOLUTION AND ORDER

On September 30, 2025, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) granted the proponents of two Phase 1 projects five (5) days to file with the Puerto Rico Electric Power Authority (“PREPA”) all outstanding documentation needed to execute the agreements (“September 30 Resolution”). The Energy Bureau further ordered PREPA to, within five (5) days of receiving all the required documentation pertaining to these two projects and approval from the Financial Oversight and Management Board (“FOMB”), file the executed contracts before the Energy Bureau.

Shortly thereafter, on October 3, 2025, the Energy Bureau ordered LUMA¹ to offer the Phase 1 Standard Offer Agreements to Phase 2 proponents that were interested and agreed without reservations to accept the terms established thereby (“October 3 Resolution”).

On October 10, 2025, LUMA filed a document titled *Informative Motion and Request for Modification of October 3, 2025, Order* (“October 10 Motion”). In its October 10 Motion, LUMA informed that it had identified several issues with the Phase 1 Standard Offer Agreement template that needed to be addressed and resolved before its distribution to Phase 2 proponents, including issues related to interconnection costs, conditions precedent to agreement effectiveness, and cost recovery mechanisms. LUMA indicated that it was identifying and analyzing all implications of the October 3 Resolution and would submit them before the Energy Bureau on or before October 17, 2025, along with its recommendations.

On October 17, 2025, LUMA filed a document titled *Motion to Submit Additional Information in Support of Motion Filed by LUMA on October 10, 2025, Request for Modification of October 3, 2025, Order, and Request for Confidential Treatment* (“October 17 Motion”). Through the October 17 Motion, LUMA identified the issues to be addressed and clarified before distribution of the agreement to Phase 2 proponents. LUMA requested the Energy Bureau’s approval of the Confirmation Statements addressing these issues (Exhibit 1) and a draft of the updated Phase 1 Standard Offer Agreement (Exhibit 2). LUMA submitted that following the Energy Bureau’s approvals, it would submit the Confirmation Statements addressing these issues and the draft agreement to proponents and grant them thirty (30) days to agree with the terms established thereby. LUMA further interpreted that the Phase 2 Standard Offer Agreement will be deemed withdrawn and no longer in effect. LUMA also requested that the Energy Bureau maintain Exhibits 1 and 2 confidential as containing trade secret information.

¹ LUMA Energy, LLC and LUMA Energy ServCo, LLC (referred to jointly as “LUMA”).



September 30 Resolution:

The terms granted to PREPA and two Phase 1 proponents through the September 30 Resolution have **lapsed** without PREPA filing before the Energy Bureau the executed contracts. Accordingly, the Energy Bureau **ORDERS** PREPA to submit, within **five (5) days** from the notification of this Resolution and Order, a detailed report outlining the current status of these agreements and explaining the reasons for their non-execution.

October 3 Resolution:

LUMA's interpretation in the October 17 Motion appears to diverge from the Energy Bureau's intent. Hence, the Energy Bureau **CLARIFIES** that its October 3 Resolution did not seek to withdraw or invalidate the Phase 2 Standard Offer Agreement. Rather, it directed LUMA to offer Phase 1 Standard Offer Agreements to Phase 2 proponents who would accept those terms **without reservation**.

This was intended as an additional contracting pathway, not a replacement. The Energy Bureau's intent was to expedite ASAP by allowing Phase 2 proponents to opt into Phase 1 terms if they so choose, not to eliminate the Phase 2 framework.

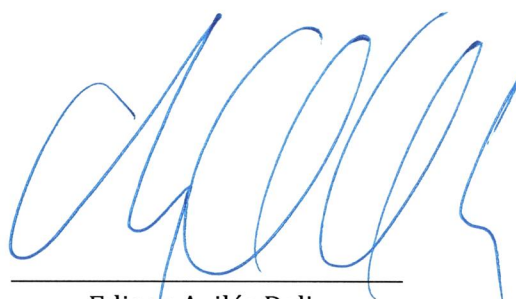
The Energy Bureau **REITERATES** its October 3 Resolution. LUMA shall identify and notify potential candidates within **five (5) days** from the notification of this Resolution and Order, and within **five (5) days** thereafter shall proceed with the submittal such contracts before the Energy Bureau for its review and approval.

The Energy Bureau **HIGHLIGHTS** that both Phase 1 and Phase 2 pathways remains available to proponents, as originally intended.

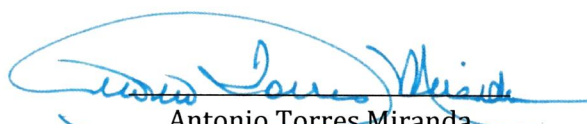
The Energy Bureau **GRANTS** confidential treatment to Exhibits 1 and 2 to the October 17 Motion, as requested and argued by LUMA.

The Energy Bureau **WARNS** LUMA and PREPA that non-compliance with this Resolution and Order may result in the imposition of a **daily twenty-five thousand dollar (\$25,000) fine** until compliance is achieved, under Art. 6.36 of Act 57-2014.²

Be it notified and published.



Edison Avilés Deliz
Chairman

Sylvia B. Ugarte Araujo
Associate Commissioner

Antonio Torres Miranda
Associate Commissioner

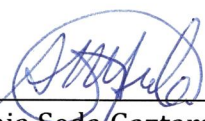
² Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended ("Act 57-2014").

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on October 21, 2025. Associate Commissioners Lillian Mateo Santos and Ferdinand A. Ramos Soegaard dissented without a written opinion. I also certify that on October 21, 2025, I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau and notified a copy of it by electronic mail to
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apc@mcvpr.com; cfl@mcvpr.com.

For the record, I sign this in San Juan, Puerto Rico, on October 21, 2025.





Sonia Seda Gaztambide
Clerk