

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

IN RE:

REVIEW OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY'S 10-
YEAR INFRASTRUCTURE PLAN-
DECEMBER 2020

CASE NO. NEPR-MI-2021-0002

NEPR

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SUBJECT: Motion to Supplement *LUMA's Motion in Compliance with Resolution and Order of November 7, 2025*

MOTION TO SUPPLEMENT *LUMA'S MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER OF NOVEMBER 7, 2025*

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC, and LUMA Energy ServCo, LLC, (jointly referred to as "LUMA"), through the undersigned legal counsel and respectfully submit the following:

1. On August 14, 2025, the Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order instructing LUMA to submit a detailed report, in both PDF and Excel formats, using the Excel template included as Attachment A, that includes information for all projects associated with the specific indicated pending reimbursements. Furthermore, the Energy Bureau instructed the Puerto Rico Electric Power Authority ("PREPA"), LUMA, and Genera PR, LLC ("Genera") to submit updated information regarding their use of the Energy Grid Rehabilitation and Reconstruction Cost Share Program ("ER1 Program") funds, which are administered by the Puerto Rico Department of Housing ("PRDOH"), in Attachment B.

2. In addition, the Energy Bureau ordered a description of any challenges currently impacting the disbursement of the non-federal cost share or the timely execution of the ER1 Program, particularly those related to Global Project Worksheets, including Architecture & Engineering ("A&E") work and Long-Lead Materials & Equipment and identify any other delays

or issues with PRDOH that may be affecting the ability to advance program implementation (“August 14th Order”).

3. On September 12, 2025, LUMA filed a *Motion in Compliance with Resolution and Order of August 14, 2025*. Therein, LUMA presented information on all projects associated with pending reimbursements and on its updated use of ER1 Program funds. In addition, LUMA also submitted the description of any challenges currently impacting the disbursement of the non-federal cost share or the timely execution of the ER1 Program, particularly those related to Global Project Worksheets, including A&E work and Long-Lead Materials & Equipment, and identified any other delays or issues with PRDOH that may be affecting the ability to advance program implementation.

4. On October 3, 2025, the Energy Bureau entered a Resolution and Order directing LUMA to resubmit the information required in Attachment A of the August 14th Order, using the required Excel template, and all the information required in Attachment B of the August 14th Order, using the required Excel template, within the next ten (10) calendar days (“October 3rd Order”). Moreover, it ordered LUMA, Genera, and PREPA to file, separately, a Comprehensive Consolidated List in the provided Excel format.

5. On October 14, 2025, LUMA filed a *Motion in Compliance with Resolution and Order of October 3, 2025* (“October 14th Motion”), wherein it submitted Attachments A and B in the Excel format template with all the information required by the Energy Bureau as Exhibit 1 to the October 14th Motion. LUMA also included, as Exhibit 2 to the October 14th Motion, the Comprehensive Consolidated List in the provided Excel format.¹

¹ On October 15, 2025, LUMA filed a *Motion Resubmitting Corrected Exhibit 2 of the October 14, 2025, Motion in Compliance with Resolution and Order of October 3, 2025* (“October 15th Motion”), wherein it submitted a corrected version of the Comprehensive Consolidated List and requested the Energy Bureau to substitute the Exhibit 2 of the October 14th Motion with the Corrected Exhibit 2 attached to the October 15th Motion.

6. On October 24, 2025, LUMA personnel met informally with a consultant for the Energy Bureau to discuss the Exhibits submitted with the October 14th Motion. LUMA personnel and the Energy Bureau’s consultant agreed that LUMA should resubmit its Comprehensive Consolidated List, including the costs incurred for each obligated project, by Monday, October 27, 2025.

7. On October 27, 2025, LUMA filed a *Motion Submitting Consolidated Projects List*. Pursuant to the mutual understanding between LUMA personnel and the Energy Bureau’s consultant, LUMA submitted its updated Comprehensive Consolidated List, which now includes additional columns on the “LUMA Consolidated List” tab detailing A&E, E&M, Construction, and Total Estimate costs incurred.

8. On November 7, 2025, as part of the Energy Bureau’s evaluation of the Consolidated List and the responses of LUMA, PREPA, and Genera to its request for information, the Energy Bureau issued a Resolution and Order directing the aforementioned to provide, on or before November 27, 2025, the actions that will be taken to address the costs of projects excluded from the Consolidated List or that are otherwise not covered by federal funds (“November 7th Order”). Specifically, the entities shall:

- a. Explain the rationale for excluding projects with previously identified damages or incurred costs, including whether those exclusions were based on FEMA determinations, duplication of scope, or strategic prioritization decisions made during consolidation.
- b. Identify how the costs incurred, associated with the 289 inactive projects, will be funded, whether through reallocation of federal funds or other Commonwealth funding mechanisms.
- c. Assess potential impacts on project execution and ratepayer exposure, particularly if incurred expenses are determined to be non-reimbursable under current FEMA programs.

9. Moreover, the Energy Bureau directed PREPA, LUMA, and Genera to provide detailed asset-level validation of the damages included and excluded in the Consolidated List. Specifically, the Energy Bureau seeks confirmation of coverage for the damages identified in the FEMA Allocation. PREPA, LUMA, and Genera should provide the specific damages that will be repaired under the Consolidated List, and the damages that will not be repaired or addressed under the Consolidated List, as identified in the FEMA Allocation.

10. For those damages identified as unrepairs, the entities shall provide:

- a. A comprehensive strategy to address the unrepairs damages, or other viable funding mechanisms;
- b. The identification and reconciliation of costs associated with Section 406 mitigation projects and duplicative costs within global project worksheets (PWs), to ensure that all overlapping or unused allocations are properly accounted for and that available funds can be effectively reprogrammed toward eligible recovery activities; and
- c. A list of projects included in the Consolidated List that do not correspond to any of the damages identified in the FEMA Allocation, such as Advanced Metering Infrastructure (AMI), new substations, Battery Energy Storage Systems (BESS), peaking generation units, black-start units, automation programs, and Emergency Management Systems, among others.

11. On November 20, 2025, LUMA filed a *Motion Requesting Extension of Time to Comply with Resolution and Order of November 7, 2025* (November 20th Motion), whereby it informed that, due to the extensive validation of project-level data that required manual reconciliation, the ongoing demands and internal resources associated with Case No. NEPR-AP-2023-0003, and the limited team viability due to the holiday period, it was impossible for LUMA to comply with the reporting requirements of the November 7th Order by the given due date of

November 27, 2025. Therefore, LUMA respectfully requested the Energy Bureau grant an extension until December 12, 2025, to file the report required by the November 7th Order.²

12. On December 1, 2025, the Energy Bureau entered a Resolution and Order (“December 1st Order”), granting LUMA’s request for extension until Friday, December 12, 2025, to submit the information requested through the November 7th Order.

13. On December 12, 2025, LUMA filed a *Motion in Compliance with Resolution and Order of November 7, 2025* (“LUMA’s December 12th Submission”). Therein, LUMA submitted its responses to the information requested by the November 7th Order. LUMA also submitted as *Exhibit 2*, the FEMA Recovery Policy FP-104-009-5; as *Exhibit 3*, LUMA’s final Consolidated Project list; and as *Exhibit 4*, LUMA’s Prioritization List.

14. LUMA hereby supplements LUMA’s December 12th Submission to include an updated Exhibit 4- LUMA’s Prioritization List, now expanded to include three additional columns. The first two columns show the Section 428 and Section 406 cost estimates for the 289 inactive projects under the Stafford Act. LUMA believes that including cost estimates for Section 406 of the Stafford Act will provide helpful context for the allocation splits. The cost estimates are based on the Initial or Detailed Scopes of Work available in the FEMA Grants Portal. The third column shows the Project CMI Index. The Project CMI Index shows the total customer minutes interrupted for the assets that are part of the projects.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; and **accept** an updated *Exhibit 4*- LUMA’s Prioritization List to supplement LUMA’s December 12th Submission.

² On December 1, 2025, LUMA filed an *Urgent Motion Reaffirming the Request for Extension of Time to comply with Resolution and Order of November 7, 2025*, whereby it reaffirmed its request for the Energy Bureau to grant LUMA an extension of time, until December 12, 2025, to comply with the November 7th Order.

RESPECTFULLY SUBMITTED.

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau. We will send an electronic copy of this Motion to PREPA via Alexis Rivera, alexis.rivera@prepa.pr.gov, and through its counsel of record, Natalia Zayas Godoy, nzayas@gmlex.net, Richard Cruz Franqui, rcruzfranqui@gmlex.net, and Mirelis Valle Cancel, mvalle@gmlex.net, to Genera PR LLC, through its counsel of record, Jorge Fernández-Reboreda, jfr@sbgbaw.com, José J. Díaz Alonso, jdiaz@sbgbaw.com, and Francisco Santos, francisco-santos@genera-pr.com.

In San Juan, Puerto Rico, on the 23rd of December 2025.



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Exhibit 4- Updated LUMA's Prioritization List

(Excel spreadsheet, to be submitted via email)