

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

NEPR

Received:

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IN RE:

ENERGY EFFICIENCY AND DEMAND
RESPONSE TRANSITION PERIOD PLAN

CASE NO.: NEPR-MI-2022-0001

SUBJECT: Responses to Requirements of
Information in Compliance with Resolution and
Order of January 23, 2026

**MOTION TO SUBMIT LUMA’S RESPONSES TO REQUIREMENTS OF
INFORMATION IN COMPLIANCE WITH RESOLUTION AND ORDER OF
JANUARY 23, 2026**

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:

I. Relevant Procedural History

1. On January 23, 2026, the Energy Bureau issued a Resolution and Order (“January 23rd Order”) ordering LUMA and PREPA to respond to Requirements of Information, relating to the collections of the Energy Efficiency (“EE”) Rider, included in Attachment A of the January 23rd Order (“January 23rd ROIs”) within ten (10) business days of the notification of the January 23rd Order.¹ In addition, the Energy Bureau ordered PREPA to transfer to LUMA the EE Rider funds for the second quarter (Q2) of Fiscal Year (“FY”) 2026 within five (5) calendar days of the January 23rd Order, followed by the transfer of the expected EE rider funds for FY 2026 Q3 and

¹ See *id.*, p. 4.

Q4, in regular monthly payments on or before the 15th of each month, commencing on February 15, 2025.² The Energy Bureau also ordered LUMA to immediately open a separate account for all EE rider funds transferred from PREPA, seed it with the Q2 amount transferred by PREPA, and use the funds to fund and re-open EE programs.³ The Energy Bureau further directed both LUMA and PREPA to submit letters to the Energy Bureau confirming the success of the transfer of the EE Rider Q2 amount and directed LUMA to report specified information in certain quarterly reports.⁴

2. On January 30, 2026, LUMA informed the Energy Bureau that, in compliance with the January 23rd Order, on January 28, 2026, LUMA had sent a letter to the Energy Bureau informing of the opening of the separate account for EE rider funds to be transferred by PREPA and the transfer of the FY 2026 Q2 funds from PREPA.⁵ LUMA also informed about the timing considerations relating to the relaunching of the affected EE programs.⁶

II. Submittal of LUMA’s Responses to January 23rd ROIs

3. In compliance with the January 23rd Order, LUMA hereby submits, as *Exhibit 1*, its responses to the January 23rd ROIs. *See Exhibit 1*.

III. Request for Confidential Treatment

4. *Exhibit 1* contains and references two attachments: *Attachment 1 to ROI-LUMA-MI-2022-0001-20260123-PREB-#001-A* (“Attachment 1”) and *Attachment 2 to ROI-LUMA-MI-2022-0001-20260123-PREB-#001-B* (“Attachment 2”). Portions of Attachment 1 and 2 of *Exhibit*

² See January 23rd Order, p. 4.

³ See *id.*, p. 5.

⁴ See *id.*

⁵ See *Informative Motion Regarding Compliance with Resolution and Order of January 23, 2026*.

⁶ See *id.*, p. 3-4.

I contain the names, contact information, and other confidential information that warrants confidential treatment under applicable laws and regulations.

5. In accordance with the above, LUMA is submitting Attachments 1 and 2 under seal of confidentiality and respectfully requests that the Energy Bureau keep Attachments 1 and 2 in confidence until redacted/public versions are submitted. In compliance with the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009 issued on August 31, 2016, as amended by the Resolution dated September 16, 2016 ("Policy on Management of Confidential Information"), LUMA will be submitting within the next ten (10) days a Memorandum of Law in support of this request, which will include redacted/public versions of Attachments 1 and 2 protecting the information deemed to be confidential.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** *Exhibit I* in compliance with the order to LUMA to respond to the January 23rd ROIs in the January 23rd Order; and **grant** LUMA's request to maintain in confidence Attachments 1 and 2 of *Exhibit I* until redacted/public versions of these documents are filed.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 6th day of February 2026.

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau and that we will send an electronic copy of this Motion to hrivera@jrsp.pr.gov; alexis.rivera@prepa.pr.gov; nzayas@gmlex.net; mvalle@gmlex.net; rcruzfranqui@gmlex.net; javrua@sesapr.org; mrrios@arroyorioslaw.com; jordgraham@tesla.com; forest@cleanenergy.org; customerservice@sunnova.com; pjcleanenergy@gmail.com; agraitfe@agraitlawpr.com; info@sesapr.org; cfl@mcvpr.com; mqs@mcvpr.com.



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Exhibit 1

LUMA's Responses to January 23rd ROIs

Responses to January 23, 2026, ROIs regarding Energy Efficiency and Demand Response Programs

NEPR-MI-2022-0001

February 6, 2026

List of Responses and Attachments

Response ID	Document Type	Response Subject
ROI-LUMA-MI-2022-0001-20260123-PREB-#001	Response in PDF	Fund requests.
	Excel	
ROI-LUMA-MI-2022-0001-20260123-PREB-#002	Response in PDF	Transfer of funds.
ROI-LUMA-MI-2022-0001-20260123-PREB-#003	Response in PDF	EE Rider amounts billed and spent.
ROI-LUMA-MI-2022-0001-20260123-PREB-#004	Response in PDF	Received Funds.
ROI-LUMA-MI-2022-0001-20260123-PREB-#005	Response in PDF	EE Rider Billed Amounts.
ROI-LUMA-MI-2022-0001-20260123-PREB-#006	Response in PDF	Total Billed vs. Collected .

Evaluation Demand Response Energy Efficiency TPP

NEPR-MI-2022-0001

Response: ROI-LUMA-MI-2022-0001-20260123-PREB-#001

REQUEST

Refer to ROI-LUMA-MI-2022-0001-20251211-PREB-#003. LUMA states that "The transfers to the Energy Efficiency program have been made through specific requests to Puerto Rico Electric Power Authority (PREPA)."

- a. Indicate every request that LUMA has made to PREPA for EE program funds since the EE programs began. For each request in the response include:
 - i. the date LUMA requested the funds from PREPA,
 - ii. the amount LUMA requested from PREPA,
 - iii. the amount LUMA requested from PREPA specifically for EE programs,
 - iv. the date LUMA received the funds from PREPA,
 - v. the amount LUMA received from PREPA,
 - vi. the amount LUMA received from PREPA specifically for EE programs,
 - vii. the account to which the funds were transferred, and
 - viii. the fiscal year LUMA is attributing the funds to.
- b. For each request, provide all communication between LUMA and PREPA for the request, including any emails, supporting documentation, and confirmation by the parties.

RESPONSE

- a. Prior to issuing formal notices, LUMA engaged in multiple good-faith communications with PREPA—via email, phone calls, and Teams meetings—seeking cooperation to authorize and execute the necessary transfers for the Service Account. These efforts were intended to ensure timely funding for the implementation of Energy Efficiency programs in accordance with their design and the mandates of the Puerto Rico Energy Bureau. Despite these efforts, PREPA failed to comply with its contractual obligations under the Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA"), which require maintaining sufficient funds to meet operational and regulatory standards¹. This failure

¹ See Section 6.1(a)(ii) of the T&D OMA.

resulted in significant delays in program implementation, jeopardizing customer rebates, vendor payments, and compliance with Energy Bureau directives.

When good-faith communications did not render results, as early as May 9, 2025, LUMA issued a formal Notice to PREPA² of Non-Compliance with Energy Efficiency funding obligations. Subsequent similar Energy Efficiency funding communications were sent on May, July and November 2025³. Notwithstanding the issuance of these letters, email communications continued in parallel and in between the formal notices. During this period, LUMA continued to raise funding needs and submitted funding requests via email. Despite both formal notices and informal communications, PREPA failed to comply with its contractual obligation under the T&D OMA to fund the Service Account, including Energy Efficiency funding requests.

As funding challenges persisted, LUMA began incorporating in its formal monthly Service Account replenishment request process in November 2025 to PREPA, Energy Efficiency funding requests. If PREPA did not properly fund accounts based on those formal requests, LUMA would send Service Account Funding Non-Compliance notices to PREPA⁴ to formally document PREPA's failure to comply. The purpose of these notices was to highlight that the lack of timely transfers jeopardized the execution of LUMA responsibilities, including Energy Efficiency programs approved by the Energy Bureau and to request corrective action to avoid further delays.

Refer to Attachment 1 for the responses to Request 001-A (items i–viii).

- b. All related correspondence, including e-mails, letters and Notices of Non-Compliance, are provided as Attachment 2 to this submittal.

² LUMA Transmittal #LUMA-PREP-T-00901 sent on May 9, 2025, re: Funding Request for the Energy Efficiency ("EE") Budget for Fiscal Years ("FY") 2024-2025.

³ LUMA Transmittal #LUMA-PREP-T-00939 sent on May 19, 2025, re: Funding Request for the Energy Efficiency ("EE") Budget for Fiscal Years ("FY") 2024-2025

LUMA Transmittal #LUMA-PREP-T-00986 sent on July 8, 2025, re: Funding Request for the Energy Efficiency ("EE") Budget for Fiscal Years ("FY") 2024-2025

LUMA Transmittal #LUMA-PREP-T-01035 sent on November 21, 2025, re: Energy Efficiency ("EE") Funding Request

⁴ LUMA Transmittal #LUMA-PREP-T-01104 sent on November 20, 2025, re: Notice of PREPA Non-Compliance with Service Account Funding – October 2025

LUMA Transmittal #LUMA-PREP-T01128 sent on December 30, 2025, Notice of PREPA Non-Compliance with Service Account Funding – December 2025 - Restated

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NEPR-MI-2022-0001

Response: ROI-LUMA-MI-2022-0001-20260123-PREB-#002

REQUEST

Refer to PREPA's Motion in Compliance with December 11, 2025, Resolution and Order, response to ROI 4, Table 2 and to LUMA's response ROI-LUMA-MI-2022 -0001-20251211-PREB-#003.

- a. PREPA indicates it transferred \$1,196,000 to LUMA on 7/23/2025, which is consistent with the amount LUMA shows it received of \$1,196,312 on 7/28/2025. PREPA attributes this amount to FY26 while LUMA attributes it to FY25. Explain why LUMA is including this amount in FY25.
- b. Explain why LUMA is attributing \$500,000 on 9/26/2025 to FY25 and not FY26. Explain whether LUMA requested this amount from PREPA.
- c. PREPA indicates it transferred to LUMA \$1,139,000 on 11/17/2025 and again on 12/15/2025. Confirm whether LUMA received these amounts on these dates. If so, state to which fiscal year LUMA is attributing these amounts.

RESPONSE

- a. LUMA is attributing the \$1,196,312 received on 7/28/2025 to FY2025 as the transfer corresponds to a funding request made on 7/14/2025 for the same amount, which was intended to pay invoices incurred in FY2025. Accordingly, the funds were applied to the fiscal year in which the underlying obligations were generated.

At the time of this transfer, PREPA had not yet provided the full FY2025 Energy Efficiency budget, so this amount represents a partial fulfillment of the approved FY2025 funding.

- b. LUMA is attributing the \$500,000 received on 9/26/2025 to FY2025 because these funds were used to pay invoices incurred in FY2025. While the timing of the transfer does not exactly correspond to a single, specific funding request, LUMA submitted several formal letters in the preceding month requesting Energy Efficiency funding from PREPA. These letters serve as the formal documentation of LUMA's request, and the subsequent transfer is treated as fulfilling FY2025 obligations.

At the time of this transfer, PREPA had not yet provided the full FY2025 Energy Efficiency budget, so this amount represents a partial fulfillment of the approved FY2025 funding.

- c. LUMA cannot confirm receipt of the amounts indicated by PREPA (\$1,139,000 on November 17, 2025, and December 15, 2025), as the amounts were not stated in the replenishment as for EE.

It is important to emphasize that the funding request template utilized by LUMA is explicit and clearly identifies the concepts and fiscal year attribution for each request. PREPA did not specify or clarify any alternative allocation for the transferred funds beyond what was requested. Therefore, LUMA applied the transferred amounts strictly in accordance with the original request and the fiscal year designation outlined in the template.

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NEPR-MI-2022-0001

Response: ROI-LUMA-MI-2022-0001-20260123-PREB-#003

REQUEST

Provide a table showing, for each month since the EE Rider began on July 1, 2024, through now, the amount LUMA billed through the EE Rider and the amount LUMA spent on EE programs in each month.

RESPONSE

The amount billed for the EE rider from July 2024 to December 2025 totaled \$21.5 million.

Fiscal Year - Month	Amount Billed through EE Rider	Amount spent on EE programs
FY2025 – July	\$855,854.05	\$1,401,580
FY2025 – August	\$1,319,210.96	\$1,303,290
FY2025 – September	\$1,320,859.13	\$1,583,485
FY2025 – October	\$1,245,423.58	\$1,132,589
FY2025 – November	\$1,092,496.98	\$934,534
FY2025 – December	\$1,144,257.99	\$101,840
FY2025 – January	\$1,025,726.83	\$456,683
FY2025 – February	\$1,039,277.66	\$1,560,162
FY2025 – March	\$1,040,898.19	\$1,151,939
FY2025 – April	\$1,081,970.98	\$3,303,606
FY2025 – May	\$1,019,666.48	\$1,629,775
FY2025 – June	\$1,162,676.67	\$1,211,487
FY2026 - July	\$1,197,224.02	\$269,843
FY2026 - August	\$1,184,929.10	\$151,693
FY2026 - September	\$1,258,781.42	\$1,412,576
FY2026 - October	\$2,100,000.00	\$834,463
FY2026 - November	\$1,325,278.08	-\$8,457
FY2026 - December	\$1,084,936.64	\$375,497
Total	21,499,468.76	\$18,806,585

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NEPR-MI-2022-0001

Response: ROI-LUMA-MI-2022-0001-20260123-PREB-#004

REQUEST

Refer to PREPA's Motion in Compliance with December 11, 2025 Resolution and Order, response to ROI 4, Table 1 and Table 2. Did LUMA receive the amounts indicated by PREPA for FY2024 (\$1,218,889,000), FY2025 (\$878,167,000), and FY2026 (\$3,474,000)? If not, explain any differences and provide the amounts LUMA received from PREPA, including the amount and dates of payment.

RESPONSE

PREPA's Motion in Compliance with December 11, 2025, Resolution and Order misrepresent the amounts transferred for FY24 and FY25, as they reflect aggregate transfers to LUMA's Operating and Non-Federally Funded Capital (NFC) accounts that are not specific to Energy Efficiency (EE) program funding. Similarly, the amounts referenced in their answer also misrepresent the amounts transferred for FY26.

For FY2024 PREPA transferred funds above LUMA's PREB-approved operating budget for that year. However, the amount transferred still fell short of PREPA's contractual obligation under the Transmission and Distribution Operations and Maintenance Agreement (T&D OMA), which requires maintaining a balance equivalent to approximately 4.5 months of the operating budget in the Service Accounts. The difference between the PREB approved budget and the amounts received were not specifically allocated by PREPA to Energy Efficiency funds for program implementation.

Note that LUMA used the operating account to fund the implementation of the energy efficiency programs in compliance with the Energy Bureau's mandate to allocate the necessary funds for energy efficiency programs directly from the available funds in the FY2024 budget. Importantly, and for purposes of this response, LUMA is reporting amounts based on the fiscal year in which funds were received from PREPA, rather than allocating those amounts to the fiscal year in which the related expenses were incurred.

(\$ in thousands)

Fiscal Year	Amount Received
FY2024	\$11,531
FY2025	\$9,634
FY2026	\$7,596

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NEPR-MI-2022-0001

Response: ROI-LUMA-MI-2022-0001-20260123-PREB-#005

REQUEST

Refer to ROI-LUMA-MI-2022-0001-20251211-PREB-#003.

- a. How did LUMA determine each amount in both tables?
- b. Are these amounts that LUMA collected through the EE Rider?
- c. Are these amounts that PREPA transferred to LUMA for EE programs?

RESPONSE

- a. The requested transfers were specific and corresponded to invoicing related to the EE program implementation contractor.
- b. No, these amounts were not specific to rider collection. The requested transfers were specific and corresponded to invoicing related to the implementation contractor.
- c. All amounts transferred by PREPA and amounts allocated by LUMA from its operating accounts were used for the implementation of energy efficiency programs.

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NEPR-MI-2022-0001

Response: ROI-LUMA-MI-2022-0001-20260123-PREB-#006

REQUEST

Refer to ROI-LUMA-MI-2022-0001-20251211-PREB-#001. Provide the amount billed to customers and the amount collected from customers in FY2024, FY2025, and year to date for FY2026. The response should be for bills in total, not specific to the EE Rider.

RESPONSE

The following table provides a summary of the amounts billed for fiscal year 2024, 2025 and for 2026 through December 2025, along with estimated collections.

Fiscal Year	Total Amount Billed to Customers	Total Amount Collected from Customers (Estimation) ⁵
FY2024	\$3,924,385,187.88	\$3,460,542,624.45
FY2025	\$4,179,950,542.63	\$3,774,160,372.55
Year-to-Date FY2026	\$2,223,526,635.10	\$1,623,568,541.16
	\$10,327,862,365.61	\$8,858,271,511.16

⁵ Note that a trend has been observed over the past three fiscal years whereby approximately 66% of the billed amount each month is paid by customers within 60 days. Likewise, customers have paid about 90% of the monthly billed amount within 180 days.

Attachment 1 of *Exhibit 1*

[To be filed under seal of confidentiality]

Attachment 2 of *Exhibit 1*

[To be filed under seal of confidentiality]