

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

NEPR
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IN RE: PROCESO PARA LA ADOPCIÓN DEL REGLAMENTO PARA LA AUTORIZACIÓN, SUPERVISIÓN Y REGULACIÓN DE LA PARTICIPACIÓN MUNICIPAL EN EL ALUMBRADO PÚBLICO CONECTADO AL SISTEMA ELÉCTRICO

CASE NO.: NEPR-MI-2026-0003

SUBJECT: Motion to Submit Preliminary Comments and Reiterate Request for Extension To Submit Detailed Comments on Draft Regulation

MOTION TO SUBMIT PRELIMINARY COMMENTS AND REITERATE REQUEST FOR EXTENSION TO SUBMIT DETAILED COMMENTS ON DRAFT REGULATION

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 March 26, 2026, the Puerto Rico Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“March 26th Order”) informing that it had completed a draft of a “Regulation for the Authorization, Oversight, and Regulation of Municipal Participation in Public Lighting Connected to the Electric Grid” (“Draft Regulation”) and attached both Spanish and English versions of the Draft Regulation to the March 26th Order. In addition, the Energy Bureau ordered LUMA to submit its observations and/or comments, if any, to the Draft Regulation within ten (10) days, which would occur prior to the Energy Bureau’s adoption of the final text of the proposed regulation that would be subject to the

rulemaking process under Act 38-2017, known as the “Uniform Administrative Procedure Act of the Government of Puerto Rico”.

2. On April 1, 2026, LUMA filed a motion with the Energy Bureau informing that LUMA was reviewing the Draft Regulation and intended to submit comments on it, but due to the number and interdisciplinary nature of the subjects covered by the Draft Regulation, LUMA needed additional time to complete these comments. Specifically, LUMA explained that the preparation of these comments requires the involvement of different LUMA departments (such as, Capital Programs and Engineering, Regulatory, Legal, Finance (Federal Funds Office and Risk Management), among others), and that the legal/contractual aspect of the Draft Regulation in and of itself requires an in-depth and time-consuming analysis. LUMA further explained that this additional time was needed to effectively conduct the necessary internal coordination and analysis within LUMA to yield the thorough and thoughtful comments that the Draft Regulation merits. In addition, LUMA highlighted that the interceding holiday week limited the available time to complete this process. Accordingly, LUMA respectfully requested that the Energy Bureau extend the deadline for LUMA to submit comments to the Draft Regulation by an additional twenty (20) days, for a total of thirty (30) days from the March 26th Order- that is, by April 25, 2025.

3. As of the time of this writing, LUMA has not received a written response from this Honorable Energy Bureau on the request for extension. Therefore, LUMA submits herein some preliminary general comments on the Draft Regulation, to give the Energy Bureau an idea of potential areas that may benefit from revisions, and respectfully reiterates the request for an

extension to allow LUMA to submit the complete and more detailed comments on which LUMA is still working.

4. As LUMA mentioned in its April 1st Motion, the Draft Regulation covers multiple subjects and covers important and varied legal, contractual and technical subjects affecting street lighting systems and the Puerto Rico Transmission and Distribution System (“T&D System”).¹ However, LUMA notes that the Draft Regulation appears to address some of these subjects in a general manner and would benefit from more clarity or detail, while in other respects it may be too broad in scope.

5. For example, the Draft Regulation contains one section (Section 4.7) which addresses compliance with federal funding requirements, providing basically that the municipalities and the system operator are responsible for ensuring all activities are structured or implemented in a manner consistent with federal funding requirements. However, LUMA understands that this section is too general and does not address some of the complexities relating to federal funding that may impact whether a party may or not conduct the activities that are to be federally funded and the nature of their obligations. To address these complexities, LUMA is analyzing proposed specific revisions to this Section.

6. In addition, the Draft Regulation does not address the recently enacted Act 32-2026 (“Act 32”), which amended Act No. 107-2020, known as the “Puerto Rico Municipal Code” to address, among others, Municipal interventions in the electric system under certain emergency situations and contains a separate set of requirements for repairs of the electric system by

¹ The subjects covered by the Draft Regulation include: regulatory authority and institutional coordination, including matters arising under the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (“T&D OMA”); the minimum contractual provisions to be included in agreements with Municipalities; compliance with Federal Funding requirements; types of municipal interventions affecting street lighting systems; the classification of and technical requirements and standards applicable to street lighting systems; personnel certification and training requirements; and liability, insurance and indemnification provisions, among others.

Municipalities or their contractors in those situations, including provisions on FEMA funding and collaborative agreements between public corporations and the Municipalities. Preliminary, LUMA understands that the Draft Regulation should make clear that it is inapplicable in the cases covered by Act 32 or include separate provisions with necessary clarifications or distinctions. This being a complex subject also affecting federal funding, LUMA requires additional time to fully analyze the interplay between the Draft Regulation and Act 32 and provide specific comments or concerns that would need to be addressed in the Draft Regulation.

7. Three Chapters of the Draft Regulation discuss technical standards and certifications. *See* Chapters 4-7. LUMA is still in the process of verifying the requirements in these Chapters and will likely have comments seeking more clarity or specificity on the applicability or scope of the standards or certifications. Given the multiplicity of technical standards and the age and obsolescence of some of these, this subject is a critical item in the Draft Regulation that requires detailed input from LUMA.

8. The Draft Regulation contains provisions relating to insurance, indemnification and other contractual matters to be addressed in agreements with Municipalities that are currently under the review of LUMA's Risk Management. LUMA's input on this subject is important to ensure the requirements are not contrary to the T&D OMA provisions.

9. Finally, LUMA has broader concerns regarding the need and scope of the Draft Regulation in light of the current legal/regulatory framework, which LUMA is currently analyzing. LUMA respectfully submits that given LUMA's principal role in the implementation of any

regulation that may be issued relating to the repairs of public streetlighting, LUMA's comments and experience on the legal/regulatory aspects are essential to the rulemaking.

10. The foregoing comments are preliminary and by no means cover all areas or concerns LUMA is analyzing or wishes to comment upon. Therefore, LUMA respectfully reiterates its request to the Energy Bureau to allow LUMA to submit more complete and detailed comments to the Draft Regulation by extending the deadline for LUMA to submit these comments by an additional twenty (20) days, for a total of thirty (30) days from the March 26th Order- that is, by April 25, 2025.

11. In case the Energy Bureau does not grant the extension requested hereby, LUMA will submit its comments during the rulemaking process established under Act 38-2017, *supra*.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the foregoing and **grant** LUMA's request to extend the deadline for LUMA to submit more complete and detailed comments on the Draft Regulation set forth in the Energy Bureau's March 26th Order by twenty (20) days, for a total of thirty (30) days from the March 26th Order, that is, by April 25, 2025.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, this 6th day of April 2026.

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau.



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