

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

NEPR

Received:

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IN RE:

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

CASE NO. NEPR-MI-2021-0002

**SUBJECT: Motion in Compliance with the
September 18, 2026, Resolution and Order**

**MOTION IN COMPLIANCE WITH THE SEPTEMBER 18, 2026,
RESOLUTION AND ORDER**

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:

I. Relevant Procedural Background

1. On March 26, 2021, this Honorable Puerto Rico Energy Bureau ("Energy Bureau") issued a Resolution and Order in the instant proceeding, ordering, in pertinent part, that the Puerto Rico Electric Power Authority ("PREPA") submit to the Energy Bureau the specific transmission and distribution projects ("T&D Projects" or "Projects") to be funded with Federal Emergency Management Agency ("FEMA") funds or any other federal funds at least thirty (30) calendar days prior to submitting these Projects to the Puerto Rico Central Office for Recovery, Reconstruction and Resiliency ("COR3"), FEMA or any other federal agency ("March 26th Order"). It also directed PREPA to continue reporting to the Energy Bureau and FEMA, within the next five years, on the progress of all ongoing efforts related to the approval of the submitted Projects that have

not yet been approved by the Energy Bureau.¹ The Energy Bureau thereafter determined that this directive should be applied to PREPA and LUMA. *See* Resolution and Order of August 20, 2021.

2. On August 30, 2021, LUMA filed a *Motion Requesting Clarification of a Portion of the Energy Bureau's Resolution and Order Entered on August 20, 2021, and Submitting Updated List of Transmission and Distribution Projects and Twenty-Nine Scopes of Work* ("August 30th Motion"), submitting, among others, the "Distribution Pole and Conductor Replacement" SOW for the Energy Bureau's review and approval prior to submitting them to COR3 and FEMA.

3. On September 22, 2021, the Energy Bureau issued a Resolution and Order ("September 22nd Order") approving the T&D Projects submitted through the August 30th Motion and directing LUMA to submit the copy of the approvals by COR3 and/or FEMA of the Project, including obligated costs for each Project, within ten (10) days of receiving such approval.

4. The Distribution Pole and Conductor Replacement SOW was subsequently divided into individual regional projects, which include the "FAAST [Pole and Conductor Repair -Caguas Group 3 Phase 2] (Distribution)" and "FAAST [Pole and Conductor Repair – Mayagüez Group 3 – Phase 2] (Distribution)" T&D Projects.

5. Thereafter, in compliance with the September 22nd Order, LUMA submitted copies of the initial project approvals for the two aforementioned projects. Specifically, on September 26, 2025, LUMA filed the initial FEMA approval for the "FAAST [Pole and Conductor Repair -Caguas Group 3 Phase 2] (Distribution)" T&D Project;² and on October 3, 2025, LUMA filed the initial

¹ On April 22, 2026, the Energy Bureau issued a Resolution and Order ("April 22nd Order"), in which it extended the March 26th Order's reporting period for an additional five (5) years. *See* April 22nd Order, p.2. The Energy Bureau stated that all the other provisions of the March 26th Order would remain in full force and effect. *Id.*

² *See Motion Submitting Eighteen FEMA Approvals of Projects, Request for Confidential Treatment and Supporting Memorandum of Law*, filed by LUMA on September 26, 2025, in the present docket.

FEMA approval for the “FAAST [Pole and Conductor Repair – Mayagüez Group 3 – Phase 2] (Distribution)” T&D Project.³

6. On September 1, 2026, LUMA filed a *Motion Submitting Two (3) Amended FEMA Approvals of Project, Statement on New FEMA Guidance, Request for Confidential Treatment, and Supporting Memorandum of Law* (“September 1st Motion”), wherein it submitted the two amended approvals, which state they were re-obligated on August 24, 2026: “FAAST [Pole and Conductor Repair -Caguas Group 3 Phase 2] (Distribution)” and “FAAST [Pole and Conductor Repair – Mayagüez Group 3 – Phase 2] (Distribution)” T&D Projects.

7. LUMA explained that both amended versions of the “FAAST [Pole and Conductor Repair -Caguas Group 3 Phase 2] (Distribution)” and the “FAAST [Pole and Conductor Repair – Mayagüez Group 3 – Phase 2] (Distribution)” approved T&D projects were created to capture the change in scope and cost as per LUMA-provided documentation. LUMA requested the alignment of the scope and cost of these projects with the mitigation proposal. Version 0 of both projects would be fully de-obligated to reclassify 428 (Public Assistance) costs from the previous versions in connection with the Section 406 Hazard Mitigation costs reflected in Version 1 of both projects.

8. LUMA further noted that FEMA had recently clarified that certain projects will require multiple versions of obligations due to system limitations within Sub-FAAST transactions. Specifically, when a project includes both 406 Hazard Mitigation Proposal (HMP) and 428 Public Assistance (PA) cost modifications—one positive and one negative—FEMA cannot process both changes in a single version. Thus, FEMA processes the positive adjustment in the current version and the corresponding negative adjustment in a subsequent version. LUMA noted that this process applies to Sub-FAAST transactions and is intended to explain temporary differences that may arise

³ See *Motion Submitting Seven FEMA Approvals of Projects, Request for Confidential Treatment and Supporting Memorandum of Law*, filed by LUMA on October 3, 2025, in the present docket.

between project costs reflected in the Consolidated Project List and amounts reflected in individual FEMA versions.

II. Energy Bureau's September 18th Order

9. On September 18, 2026, the Energy Bureau issued a Resolution and Order ("September 18th Order"). Therein, the Energy Bureau took notice of and accepted the amended FEMA approvals submitted by LUMA in the September 1st Motion, as well as LUMA's statement regarding FEMA's processing of positive and negative Section 428 and Section 406 adjustments through a separate Sub-FAASt project version. However, it determined that "the aggregate expected Section 428 and total project costs reflected in the Version 1 FEMA cost estimates for the two Projects are lower than the amount approved in the Adjusted Consolidated List", and as such, the pending FEMA versioning process required additional clarification and reconciliation. Accordingly, the Energy Bureau ordered LUMA to provide, within 15 calendar days from notification of the September 18th Order, the following information for each project:

1. Project No. 735474 - Caguas Group 3 Phase 2.

- a. Reconcile the previously approved Section 406 costs in the subsequent FEMA project amendment to reconcile the total project cost with the Adjusted Consolidated List.
- b. Confirm that the \$2,650,664.76 reduction in Section 428 costs will be released and become available as additional funding reserve upon completion of the project cost reconciliation.

2. Project No. 750692 - Mayagüez Group 3 Phase 2.

- a. Reconcile the previously approved Section 406 costs in the subsequent FEMA project amendment to reconcile the total project cost with the Adjusted Consolidated List.
- b. Confirm that the \$2,437,919.42 reduction in Section 428 costs will be released and become available as additional funding reserve upon completion of the project cost reconciliation.
- c. Clarify the reference to Project No. 752540 (page 47) in the amended FEMA documentation and confirm that the scope, costs, and mitigation measures included in the amended approval correspond to Project No. 750692.

III. Submittal of LUMA's responses to the September 18th Order's Requests for Information

10. In compliance with the September 18th Order, LUMA hereby submits, as *Exhibit 1*, LUMA's responses to the requirements for information on the "FAAST [Pole and Conductor Repair -Caguas Group 3 Phase 2] (Distribution)" and the "FAAST [Pole and Conductor Repair – Mayagüez Group 3 – Phase 2] (Distribution)" T&D Projects.

11. LUMA recognizes that the September 18th Order requires LUMA to submit "within the same fifteen (15) calendar days from the notification of this Resolution and Order receipt, copies of any subsequent FEMA versions issued for Project Nos. 735474 and 750692 that process the negative adjustments or other cost modifications described in the September 1 Motion". LUMA has not yet received the versions that process the negative adjustments from FEMA. Once LUMA receives them, LUMA will promptly notify the Energy Bureau and provide the adjusted versions.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **accept** LUMA's responses to the Energy Bureau's requirements for information, attached herein as *Exhibit 1*; and **deem** LUMA in compliance with the September 18th 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-Reboredo, jfernandez@ecija.com, José J. Díaz Alonso, jdiaz@ecija.com, and Ernesto R. Ramos Maldonado, eramos@ecija.com.

In Guaynabo, Puerto Rico, on this 2nd day of October 2026.



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Exhibit 1

LUMA's responses to the September 18th Order's Requests for Information

Federal Funding Project Obligations

Response to September 18, 2026, Request

NEPR-MI-2021-0002

October 02, 2026



List of Responses and Attachments

Response ID	Document Type	Response Subject
RFI-LUMA-MI-2021-0002-20260918-PREB-#01	Response in PDF	Project No. 735474- Caguas Group 3 Phase 2
RFI-LUMA-MI-2021-0002-20260918-PREB-#02	Response in PDF	Project No. 750692 - Mayagüez Group 3 Phase 2

Federal Funding Project Obligations

NEPR-MI-2021-0002

Response: RFI-LUMA-MI-2021-0002-20260918-PREB-#01

SUBJECT

Project No. 735474- Caguas Group 3 Phase 2

REQUEST

- a. Reconcile the previously approved Section 406 costs in the subsequent FEMA project amendment to reconcile the total project cost with the Adjusted Consolidated List.
- b. Confirm that the \$2,650,664.76 reduction in Section 428 costs will be released and become available as additional funding reserve upon completion of the project cost reconciliation.

RESPONSE

- a. LUMA is coordinating with FEMA to incorporate the Section 406 costs into the next version of the project obligation, consistent with the costs reflected in the Consolidated Project List.
- b. LUMA will confirm whether the \$2,650,664.76 reduction in Section 428 costs will be released as additional funding reserve once the final project obligation is issued and all project costs have been fully reconciled.

Federal Funding Project Obligations

NEPR-MI-2021-0002

Response: RFI-LUMA-MI-2021-0002-20260918-PREB-#02

SUBJECT

Project No. 750692 - Mayagüez Group 3 Phase 2

REQUEST

- a. Reconcile the previously approved Section 406 costs in the subsequent FEMA project amendment to reconcile the total project cost with the Adjusted Consolidated List.
- b. Confirm that the \$2,437,919.42 reduction in Section 428 costs will be released and become available as additional funding reserve upon completion of the project cost reconciliation.
- c. Clarify the reference to Project No. 752540 (page 47) in the amended FEMA documentation and confirm that the scope, costs, and mitigation measures included in the amended approval correspond to Project No. 750692.

RESPONSE

- a. LUMA is coordinating with FEMA to incorporate the Section 406 costs into the next version of the project obligation, consistent with the costs reflected in the Consolidated Project List.
- b. LUMA will confirm whether the \$2,437,919.42 reduction in Section 428 costs will be released as additional funding reserve once the final project obligation is issued and all project costs have been fully reconciled.
- c. LUMA believes this reference is a typographical error and is working with FEMA to correct it in the next version of the obligation.