

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

**NEPR**

**Received:**

**Oct 13, 2026**

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**IN RE:** IMPLEMENTATION OF 2026'S  
APPROVED PERMANENT RATE

**CASE NO.:** NEPR-MI-2026-0005

**SUBJECT:** Motion in Compliance with  
Final Rate Order Directive Regarding  
Comprehensive TPA Collection Plan

**MOTION IN COMPLIANCE WITH FINAL RATE ORDER DIRECTIVE REGARDING  
COMPREHENSIVE TPA COLLECTION PLAN**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU:**

**COME NOW LUMA Energy, LLC and LUMA Energy ServCo, LLC** (jointly referred to as "LUMA") and respectfully state and request the following:

1. On April 15, 2026, the honorable Puerto Rico Energy Bureau ("Energy Bureau") issued and notified the *Final Order on Electricity Rates* (the "Final Rate Order"),<sup>1</sup> in Case No. NEPR-AP-2023-0003, *In Re: Puerto Rico Electric Power Authority Rate Review*.<sup>2</sup> In what is here relevant, the Final Rate Order included specific determinations concerning LUMA's administration of Third Party Attachments ("TPA") to PREPA-owned poles and towers.

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<sup>1</sup> Available at <https://energia.pr.gov/wp-content/uploads/sites/7/2026/04/20260415-AP20230003-Final-Resolution-and-Order.pdf>.

<sup>2</sup> On June 4, 2026, the Energy Bureau issued a Resolution and Order in Case No. NEPR-MI-2026-0005, whereby it stated the following:

Implementing the Final Rate Order will require multiple subsequent actions and administrative measures. Considering the foregoing, the Energy Bureau DEEMS it appropriate and necessary to open the instant docket for such purposes, including, but not limited to, the periodic reconciliation filings required after July 1, 2026.

*See* June 4<sup>th</sup> Order, p. 1.

The present motion is being filed in the captioned proceeding pursuant to the above.

2. Specifically, the Energy Bureau directed LUMA “to quantify all past-due TPA amounts and unpaid fees dating back to Hurricane María in September 2017” and to, within 180 days of the Final Rate Order, develop and file a comprehensive collection plan aimed at collecting all unpaid TPA fees since Hurricane María. *See* Final Rate Order, Chapter Three, p. 314.<sup>3</sup>

3. The Energy Bureau further directed LUMA that the referenced plan shall include:

- (a) a method for calculating past-due amounts by telecommunications company,
- (b) a timeline for issuing invoices and collecting payments,
- (c) proposed actions or noncompliant attachers, including penalties and potential removal of unauthorized attachments, and
- (d) a reconciliation of historical TPA invoices and income from 2013 to the present, incorporating the information requested in ROI #PC-of-PREPA-DST-73.<sup>4</sup>

*Id.*, pp. 314-315.

4. Pursuant to the Energy Bureau’s Final Rate Order, LUMA hereby submits, as ***Exhibit 1***, its Comprehensive Plan to Collect Unpaid TPA Fees, which addresses LUMA’s methodology for calculating past-due amounts by telecommunications company, its invoicing and

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<sup>3</sup> The Final Rate Order also included a related TPA directive, which ordered LUMA to file, within 120 days of the Final Rate Order, an updated TPA program framework using the “Grupo de Trabajo Uso Mancomunado Seguro” (GTUMS)’s recommendations as guidance. *See* Final Rate Order, Chapter Three, p. 315. LUMA filed a motion in compliance with said directive on August 13, 2026. *See* LUMA’s *Motion in Compliance with Final Rate Order Directive Regarding Updated TPA Program Framework*, available at <https://energia.pr.gov/wp-content/uploads/sites/7/2026/08/20260813-MI20260005-Motion-in-Compliance-with-Final-Rate-Order-Anejo-1.pdf>

<sup>4</sup> To wit, on September 27, 2025, in Case No. NEPR-AP-2023-0003, *In Re: Puerto Rico Electric Power Authority Rate Review*, Consultants for the Energy Bureau issued the Request of Information No. PC-of-PREPA-DST-73, which read as follows:

P[r]ovide a complete list of invoices and income generated by Telecommunication TPA agreements between 2013 and 2021. Prepare a table containing the Telecommunication Company, amount invoiced, and amount received, for each year.

collection timeline, its proposed enforcement actions against noncompliant attachers, and a reconciliation of TPA amounts invoiced and received for Fiscal Years 2022 through 2025.<sup>5</sup>

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the above; and **grant** any related relief that the Energy Bureau deems just and proper.

**RESPECTFULLY SUBMITTED.**

In Guaynabo, Puerto Rico, on the 13<sup>th</sup> day of October, 2026.



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<sup>5</sup> As further expounded upon in Exhibit 1, quantifying past-due amounts for September 2017 through May 2021, and completing the 2013-2021 reconciliation requested in ROI #PC-of-PREPA-DST-73, depend on historical TPA agreements and financial records that LUMA does not have access to.

## **CERTIFICATE OF SERVICE**

**WE HEREBY CERTIFY** that this motion was filed using the Energy Bureau's electronic filing system. Moreover, we further certify that electronic copies of this motion will be notified to the Independent Consumer Protection Office, [contratistas@jrsp.pr.gov](mailto:contratistas@jrsp.pr.gov); Genera PR, LLC, [legal@genera-pr.com](mailto:legal@genera-pr.com); [regulatory@genera-pr.com](mailto:regulatory@genera-pr.com); and [lrn@roman-negron.com](mailto:lrn@roman-negron.com).

In Guaynabo, Puerto Rico, on the 13<sup>th</sup> day of October, 2026.

*/s/ Jan M. Albino López*  
Jan M. Albino López

**Exhibit 1**

***Comprehensive TPA Collection Plan***

# Comprehensive Plan to Collect Unpaid TPA Fees

October 13, 2026





## Executive Summary

This document summarizes LUMA's regulatory, operational, and compliance activities related to Third-Party Attachments (TPAs) on the Transmission and Distribution (T&D) System. Since June 1, 2021, and consistent with the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (T&D OMA), LUMA has assumed responsibility for administering joint-use agreements, issuing annual invoices, overseeing collections, and ensuring compliance with applicable engineering and safety standards.

LUMA has implemented a standardized billing and collection framework and continues oversight activities to address unauthorized or non-compliant attachments. These efforts are complemented by the Department of Energy-funded Utility Pole Abatement Program, which enhances the identification and remediation of abandoned or non-standard equipment.

To reconstruct historical attachment data, LUMA utilized the materials made available to date, including (i) a partial set of active legacy TPA agreements and (ii) a past-due billing breakdown for FY2016-FY2017 from PREPA Networks LLC. These documents were used to align inventory information with telecommunications companies and to support invoicing for FY2022-FY2025. However, establishing a complete historical baseline has been challenging due to the limited availability of legacy TPA documentation and inventories prior to LUMA's commencement. As a result, LUMA's ability to independently validate, quantify, reconcile, and pursue legacy TPA balances is hindered.

LUMA respectfully notes that, although the Energy Bureau has directed LUMA to prepare a comprehensive plan to collect all unpaid TPA fees dating back to Hurricane María (September 2017), including a reconciliation of historical TPA invoices and income from 2013 to the present, LUMA does not have access to the historical TPA agreements, invoices, or financial records necessary to complete this reconciliation.

# Comprehensive Plan to Collect Unpaid TPA Fees

## Contents

**Executive Summary ..... 2**

**1.0 Foreword ..... 4**

1.1 Method for Calculating Past-due Amounts by Telecommunications Company ..... 4

1.2 Timeline for issuing invoices and collecting payments ..... 5

1.3 Proposed actions for noncompliant attachers, including penalties and potential removal of  
unauthorized attachments ..... 5

1.4 Reconciliation of historical TPA invoices and income from 2013 to the present, incorporating the  
information requested in ROI #PC-of-PREPA-DST-73 ..... 6

# Comprehensive Plan to Collect Unpaid TPA Fees

## 1.0 Foreword

This plan has been prepared to document LUMA's regulatory, operational, and compliance activities related to pole attachments on the PREPA system. Inheriting incomplete inventories and historical records created significant challenges in establishing accurate baselines and enforcing joint-use obligations. LUMA has taken formal steps to reconstruct historical data, update rates pursuant to applicable law, and implement a structured billing and compliance framework. The plan further describes actions taken to identify unauthorized attachments, ensure adherence to engineering and safety standards, and apply corrective and enforcement measures where required. Through these efforts, LUMA aims to support a consistent regulatory posture, improve system safety, and ensure proper recovery of pole attachment fees.

Additionally, LUMA has been executing the Update to Third-Party Use, Audit, Contract, and Billing Procedures Improvement Program from FY2022 to the present, achieving significant milestones in modernizing the management of third-party attachments and establishing industry-aligned practices. Beginning in FY2022, LUMA completed a review of available data including the processes historically followed by PREPA, benchmarked industry practices, developed engineering standards for third-party attachments on PREPA distribution poles, initiated pole-loading modeling, and began staffing the resources necessary to support this work. These actions set the foundation for improved oversight and supported alignment with milestones approved in LUMA's SRP Improvement Program.

In FY2023, LUMA processed more than 1,550 third-party applications, representing over 40,000 individual pole attachments, advanced negotiations with telecommunications companies for a joint pole-use agreement, and deployed a pole repository system to track attachments by entity.

During FY2024, LUMA processed 425 applications for attachments to 21,136 poles, implemented a third-party attachment application fee in November 2023, and collected \$378,560 in application-fee revenue. LUMA also issued over \$9 million in billings to telecommunications companies for annual attachment debt from FY2022 and FY2023.

In FY2025, LUMA processed 109 applications for attachment to 8,315 poles and collected \$61,400 in application fees, which offset operations and maintenance costs incurred in processing application packages. Despite these challenges, the program continues to advance toward establishing a robust and transparent framework governing third-party use of PREPA infrastructure.

### 1.1 Method for Calculating Past-due Amounts by Telecommunications Company

Establishing past-due pole attachment amounts first required LUMA to rebuild a reliable historical baseline, as PREPA did not provide an inventory of existing attachments. To address this gap, LUMA turned to historical records from PrepaNetworks, the entity that previously managed third-party attachments for PREPA and used the FY2017 billing note as the starting point for reconstructing attachment counts.

This foundational dataset is now being validated against equipment inventories requested to the telecommunications companies. New attachment information has been incorporated using PREPA's records for additions made after 2017, along with new approvals issued since LUMA began operations.

# Comprehensive Plan to Collect Unpaid TPA Fees

For companies no longer active in Puerto Rico, ownership of previously installed equipment was reassigned to the current asset holders, as identified by the telecom companies, ensuring the correct entities are responsible for outstanding balances.

PREPA provided partial information on executed pole attachment agreements, which, together with the 2017 billing note, confirmed historic rates ranging from \$8.65 to \$12.10 per pole. Because PREPA retained responsibility for collections prior to LUMA's Service Commencement Date, LUMA formally requested PREPA's active joint-use agreements on January 12, 2024. PREPA declined to support LUMA's proposal to delineate responsibility for billing and collecting pole-attachment fees pre and post commencement, affirming that LUMA alone is contractually obligated to perform this work. Additionally, on May 21, 2024, PREPA issued a letter assigning Hub Advanced Networks LLC to pursue recovery of amounts owed for the period July 2018 through June 2021.

Using the pole attachment rates historically applied by PrepaNetworks and reflected in PREPA's agreements, LUMA issued invoices for FY2022 and FY2023 on June 10, 2024, followed by FY2024 invoices on December 19, 2024. Telecommunications companies disputed these amounts, citing Chapter III, article 9 of Act 213-1996.

In response, and after discussion with telecommunication companies, in compliance with Article 9 of Act 213-1996 as amended by Act 80-2017, LUMA established a new pole attachment rate of \$7.08 per attachment on April 6, 2026. LUMA then issued invoice adjustments for Fiscal Years 2022–2024 and issued the FY2025 invoice using this updated rate.

## 1.2 Timeline for issuing invoices and collecting payments

To convert past-due calculations into collected revenue, LUMA relies on a structured, auditable billing cycle. Charges are validated by the Billing team and generated in CC&B for each telecommunication company account.

Notification letters incorporating these invoices undergo legal review, approval, and —when needed— revision. Under regular circumstances and agreement provisions, invoices for the annual pole attachment fees are issued within 120 days of the end of the fiscal year.

Once finalized, letters are mailed by certified mail, sent through email, and filed in the Legal TPA archive, and the Billing TPA repository. Billing then confirms payment to Legal, TPA, and leadership. Telecommunications companies have 60 days after receiving the invoice to pay or dispute it. Past due charges may be collected as per terms included in current agreements.

## 1.3 Proposed actions for noncompliant Third-Party Users (including penalties and potential removal of unauthorized attachments)

Beyond the billing of annual and past due charges, LUMA must address attachment practices that contribute to safety hazards, pole overloading, non-compliance with applicable standards and unmonitored equipment proliferation—issues identified repeatedly in oversight proceedings.

LUMA continues post construction inspections to identify unauthorized use of poles and document illegal attachments. Faced with the challenges of not having a complete inventory of existing attachments pre-

# Comprehensive Plan to Collect Unpaid TPA Fees

commencement, LUMA focuses mainly on identifying violations to standards and post-construction inspections of non-validated new requests. Companies will receive formal notices detailing required corrective actions. When an attachment violates existing agreements, LUMA will require legalization and impose applicable penalties. Payment for the use of PREPA infrastructure without a valid permit will be included on annual attachment rate invoices, without being construed as authorizing, legalizing, ratifying, validating or condoning any unauthorized attachment, or actions, nor shall it be interpreted as granting any permit, right, privilege, waiver, or consideration other than the resolution of the outstanding payment obligation for the use of the PREPA poles.

If a company does not comply, LUMA will take applicable legal actions depending on the current pole agreement or applicable regulation. Legal action may include, without limitation, filing a case in court or before a regulatory agency and may include removal of unauthorized attachments consistent with contractual provisions and public safety standards.

Since February 2026 and until December 31, 2026, LUMA is implementing a Utility Pole Abatement Program with \$11.9 million in funding provided by the Department of Energy. Under the Utility Pole Abatement Program, telecommunication companies are notified of any non-compliance with applicable standards and are required to take corrective actions and remove abandoned infrastructure on PREPA poles. This program represents another effort implemented for the compliance of Third-Party Attachments.

## **1.4 Reconciliation of historical TPA invoices and income from 2013 to the present, incorporating the information requested in ROI #PC-of-PREPA-DST-73**

LUMA's authority to act as PREPA's agent in matters related to TPAs is established in Annex I (Scope of Services) of the T&D OMA between LUMA, PREPA, and the Puerto Rico Public-Private Partnerships Authority (P3A)<sup>1</sup>. Since the commencement of the T&D OMA on June 1, 2021, LUMA has managed the relationships, agreements, billing, and evaluation of TPA issues and requests with carriers as shown in the table included below, as reported in the existing quarterly reports submitted under docket NEPR-MI-2021-0004, in compliance with the Energy Bureau's directives.

PREPA previously asserted that all pole attachment agreements and related administrative, billing, and collection functions were transferred to LUMA under the 2020 T&D OMA, and that it does not retain possession, custody, or control of these historical agreements or associated financial data. On May 21, 2024, PREPA issued a letter of assignment of pole attachment billing and collection of past due amounts related to joint pole attachment fees for private companies of fiscal years 2018 to 2021 to Hub Advanced Networks LLC. To date, the only documentation LUMA has received consists of: (i) a partial reproduction of active legacy TPA agreements, and (ii) a past due billing breakdown for Fiscal Year 2016–17 provided by PREPA Networks LLC (PREPA Net).

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<sup>1</sup> Annex I provides that "Operator shall be responsible for managing and maintaining all assets of the T&D System, ... including the following: ... real estate management, easements, leases and agreements, pole attachments (including billing and collection for pole attachment fees, as well as maintaining a complete inventory of type and location of each attachment and plans for revenue optimization), joint use agreements, and telecommunications for the provision of electric service."

## Comprehensive Plan to Collect Unpaid TPA Fees

Pursuant to Sections 5.3(a) and 5.3(c) of the OMA, LUMA is responsible for performing billing and collection services for the T&D System, while PREPA, as Owner, and P3A, as Administrator, are required to cooperate with LUMA in collection matters and exercise any statutory collection authorities that may not be delegated to LUMA. Effective implementation of any collection plan for historical TPA receivables therefore depends on the availability of underlying records and supporting billing data, which remain incomplete for periods predating the Service Commencement Date. As a result, LUMA's ability to independently validate, quantify, and reconcile legacy TPA balances is dependent upon PREPA's provision of the historical information necessary to substantiate those amounts.

**Table:** Annual Invoicing and Collections Summary by Telecommunications Company<sup>2</sup>

| Company                            | Invoiced FY2022    | Received FY2022  | Invoiced FY2023    | Received FY2023  | Invoiced FY2024    | Received FY2024    | Invoiced FY2025    | Received FY2025    |
|------------------------------------|--------------------|------------------|--------------------|------------------|--------------------|--------------------|--------------------|--------------------|
| Liberty Mobile                     | \$272,757          | \$-              | \$285,885          | \$-              | \$285,895          | \$-                | \$286,062          | \$-                |
| Liberty Communications             | \$1,047,313        | \$-              | \$1,107,344        | \$-              | \$1,107,354        | \$-                | \$1,107,389        | \$-                |
| CLARO                              | \$690,555          | \$690,555        | \$701,181          | \$701,181        | \$708,264          | \$708,264          | \$588,329          | \$588,329          |
| Aeronet                            | \$9,735            | \$9,735          | \$10,755           | \$10,755         | \$10,755           | \$10,755           | \$10,755           | \$10,755           |
| Cosonet                            | \$8,857            | \$8,857          | \$30,628           | \$30,628         | \$30,628           | \$30,628           | \$30,628           | \$30,628           |
| Critical Hub Networks              | \$145,154          | \$71,757         | \$145,168          | \$71,764         | \$145,168          | \$71,764           | \$145,168          | \$71,764           |
| Data@ccess/Net wave Equipment Corp | \$7,080            | \$7,080          | \$7,080            | \$7,080          | \$7,080            | \$7,080            | \$7,080            | \$7,080            |
| DM Wireless                        | \$13,679           | \$-              | \$14,847           | \$-              | \$15,116           | \$-                | \$15,116           | \$-                |
| Hub Advanced Networks              |                    |                  |                    |                  | \$91,346           | \$91,346           | \$91,452           | \$91,452           |
| Neptuno                            | \$28               | \$28             | \$78               | \$78             | \$963              | \$963              | \$1,027            | \$1,027            |
| Osnet Corp.                        | \$90,143           | \$90,143         | \$124,070          | \$124,070        | \$191,500          | \$191,500          | \$231,006          | \$231,006          |
| Worldnet                           | \$49,829           | \$35,000         | \$63,543           | \$31,413         | \$63,557           | \$21,557           | \$63,557           | \$33,908           |
| <b>TOTAL</b>                       | <b>\$2,335,130</b> | <b>\$913,155</b> | <b>\$2,490,579</b> | <b>\$976,969</b> | <b>\$2,657,626</b> | <b>\$1,133,857</b> | <b>\$2,577,569</b> | <b>\$1,065,949</b> |

<sup>2</sup> Numbers on the table reflect amount invoiced and received for annual pole attachments fees until June 30, 2026. Amounts received per fiscal year included on the table do not represent that they were paid in that fiscal year. Due to invoice adjustments sent on April 2026, companies may have credit available to pay for prospective fiscal years.