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

IN RE:	**CASE NO. NEPR-MI-2021-0002**
IN RE: REVIEW OF THE PUERTO RICO ELECTRIC POWER AUTHORITY'S 10-YEAR INFRASTRUCTURE PLAN-DECEMBER 2020	**SUBJECT: Motion in Compliance with October 23, 2026, Resolution and Order**

MOTION IN COMPLIANCE WITH OCTOBER 23, 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 July 8, 2021, LUMA filed a *Motion Submitting List of Projects and Twenty-Eight Scopes of Work* ("July 8th Motion"). In the July 8th Motion, LUMA submitted twenty-eight (28) scopes of work ("SOWs") for T&D Projects for the Energy Bureau's review and approval prior to submitting them to COR3 and FEMA. Among the twenty-eight SOWs, LUMA submitted the "Distribution Feeders – San Juan Short Term Group 2" SOW.

3. On August 20, 2021, the Energy Bureau issued a Resolution and Order ("August 20th Order") that determined that all of the SOWs for the T&D projects submitted by LUMA in the July 8th Motion were necessary to improve the system's reliability. Therefore, it approved all of the projects presented in the July 8th Motion, including the "Distribution Feeders – San Juan Short Term Group 2" SOW. The Energy Bureau also ordered LUMA to submit a copy of the approval by COR3 and/or FEMA of the Project, which shall contain the costs obligated for each project within ten (10) days of receiving such approval.

4. 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"). In the August 30th Motion, LUMA submitted twenty-nine (29) SOWs for T&D Projects for the Energy Bureau's review and approval prior to submitting them to COR3 and FEMA. Among the twenty-nine (29) SOWs, LUMA submitted the "38 kV Transmission Priority

[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*.

Poles and Structures Replacements", the "Distribution Feeders – San Juan Short Term Group 3", the "Distribution Pole and Conductor Replacement", and the "Distribution Streetlighting" SOWs.

5. On September 22, 2021, the Energy Bureau issued a Resolution and Order ("September 22nd Order") that determined that most of the SOWs for T&D projects submitted by LUMA in the August 30th Motion were necessary to improve the system's reliability. Therefore, it approved most of the projects presented in the August 30th Motion, including the "38 kV Transmission Priority Poles and Structures Replacements", the "Distribution Feeders – San Juan Short Term Group 3", the "Distribution Pole and Conductor Replacement", and the "Distribution Streetlighting" SOWs. The Energy Bureau also ordered LUMA to submit a copy of the approval by COR3 and/or FEMA of the Project, which shall contain the costs obligated for each project within ten (10) days of receiving such approval.

6. On July 19, 2022, LUMA filed a *Motion Submitting FEMA Approval of Four Projects, Request for Confidential Treatment and Memorandum of Law in Support of this Request* ("July 19th Motion"), whereby, in compliance with the August 20th Order, LUMA submitted a copy of the project approval issued by FEMA on July 11, 2022, for the "FAASt [Priority Pole Replacement Program (Line 2200)] (Transmission)"[2] T&D Project.

7. On July 29, 2022, LUMA filed a *Motion Submitting Four Scopes of Work and Updated List of Projects and Request for Confidentiality and Supporting Memorandum* ("July 29th Motion") whereby it submitted four (4) scopes of work ("SOWs") for the Energy Bureau's review and approval prior to submitting them to COR3 and FEMA ("July 29th Motion"). The SOWs LUMA submitted included the "Transmission and Distribution Automation Program Installation of Intelligent Reclosers, Single Phase Reclosers and Fault Current Indicators" T&D Project.

[2] Described as the "FAASt [Line 2200 Dos Bocas HP to Dorado TC] (Transmission) T&D Project in the July 19th Motion.

8. On August 25, 2022, the Energy Bureau issued a Resolution and Order that determined that the SOWs for T&D projects submitted by LUMA in the July 29th Motion were necessary to improve the system's reliability ("August 25th Order"). Therefore, it approved all of the projects presented in the July 29th Motion, including the "Transmission and Distribution Automation Program Installation of Intelligent Reclosers, Single Phase Reclosers and Fault Current Indicators" T&D Project. The Energy Bureau also ordered LUMA to submit a copy of the approval by COR3 and/or FEMA of the Project, which shall contain the costs obligated for each project, within ten (10) days of receipt of such approval.

9. On April 24, 2023, LUMA submitted a *Motion Submitting Scope of Work and Request for Confidentiality and Supporting Memorandum of Law* ("April 24th Motion"), whereby it submitted one (1) SOW for the Energy Bureau's review and approval prior to submitting it to COR3 and FEMA ("April 24th Motion"). LUMA submitted the SOW for the "Island-Wide Vegetation Clearing" T&D Project.

10. On May 5, 2023, the Energy Bureau issued a Resolution and Order in which it approved the "Island-Wide Vegetation Clearing" SOW and determined it necessary to improve the system's reliability ("May 5th Order"). Further, the Energy Bureau ordered LUMA to submit a copy of the approval by COR3 and/or FEMA of the projects, which shall contain the costs obligated for each project within ten (10) days of receiving such approval.

11. Then, on November 7, 2023, LUMA filed the *Motion Submitting One Scope of Work, Request for Confidentiality and Supporting Memorandum of Law* ("November 7th Motion"), whereby LUMA submitted the "Transmission and Distribution Automation Program Installation of Three Phase Reclosers, Single Phase Reclosers and Fault Circuit Indicators and Feeder Headend Protection Devices" SOW for the Energy Bureau's approval.

12. On November 27, 2023, the Energy Bureau issued a Resolution and Order ("November 27th Order"), whereby it approved the "Transmission and Distribution Automation Program Installation of Three Phase Reclosers, Single Phase Reclosers and Fault Circuit Indicators and Feeder Headend Protection Devices" SOW and ordered LUMA to submit a copy of the approval by COR3 and/or FEMA of the Project, which shall contain the costs obligated for each project within ten (10) days of receiving such approval.

13. The "38 kV Transmission Priority Poles and Structures Replacements" SOW is divided into individual projects per region, which include the "FAASt [Transmission Priority Pole Replacements – Line 2200] (Transmission)" T&D Project.

14. The "Transmission and Distribution Automation Program Installation of Reclosers, Single Phase Reclosers and Fault Current Indicators" and the "Transmission and Distribution Automation Program Installation of Three Phase Reclosers, Single Phase Reclosers and Fault Circuit Indicators and Feeder Headend Protection Devices" SOWs were also divided into separate groups, which include the "FAASt [Automation Program Group 12: DAR – ARECIBO 7402, 7403, 7702 FY24] (Distribution)", the "FAASt [Automation Program Group 20: Caguas] (Distribution)", the "FAASt [Automation Program Group 15] (Distribution)", and the "FAASt [Automation Program Group 31] (Distribution)" T&D Projects.

15. The "Distribution Feeders – San Juan Short Term Group 3" and the "Distribution Feeders – San Juan Short Term Group 2" SOWs were also subdivided, which include the "FAASt [Distribution Feeder Rebuild # 1620-02] (Distribution)" and "FAAST [Distribution Feeder Rebuild # 1529-15] (Distribution)" T&D Projects, respectively.

16. The "Distribution Streetlighting" SOW was further divided into individual projects, among them, the "FAASt [Rincón Streetlighting] (Distribution)", the "FAASt [Moca

Streetlighting] (Distribution)", the "FAASt [Aguas Buenas Streetlighting] (Distribution)", and the "FAASt [Lares Streetlighting] (Distribution)" T&D Projects.

17. The "Island-Wide Vegetation Clearing" SOW was also divided into separate projects, by group, which include the "FAASt [Region 5 Mayaguez Transmission 38kV – Non-Sensitive] (Vegetation)- Group B" T&D Project.

18. Finally, the "Distribution Pole & Conductor Replacement" SOW was also divided into separate projects, including the "FAASt [Pole and Conductor Repair - Caguas Group 6 - Phase 2]" T&D Project.

19. On February 11, 2025, LUMA filed a *Motion Submitting Seven FEMA Approvals of Projects, Request for Confidential Treatment and Supporting Memorandum of Law* ("February 11th Motion"), whereby, in compliance with the August 25th and November 27th Orders, LUMA submitted copies of the project approvals issued by FEMA on February 6, 2025, for the "FAASt [Automation Program Group 12: DAR – ARECIBO 7402, 7403, 7702 FY24] (Distribution)",[3] "FAASt [Automation Program Group 20: Caguas] (Distribution)",[4] and "FAASt [Automation Program Group 15] (Distribution)"[5] T&D Projects.

20. On September 26, 2025, LUMA filed a *Motion Submitting Eighteen FEMA Approvals of Projects, Request for Confidential Treatment and Supporting Memorandum of Law* ("September 26th Motion"), whereby, in compliance with the August 20th, September 22nd, August 25th and November 27th Orders, LUMA submitted a copy of the project approval issued by FEMA on September 17, 2025, for the "FAASt [Automation Program Group 31] (Distribution)", "FAASt

[3] Described as the "FAASt [Automation Program Group 12] (TL/Distribution)" in the February 11th Motion.
[4] Described as the "FAASt [Automation Program Group 20] (TL/Distribution)" in the February 11th Motion.
[5] Described as the "FAASt [Automation Program Group 15] (TL/Distribution)" in the February 11th Motion.

[Distribution Feeder Rebuild # 1620-02] (Distribution)",[6] and the "FAASt [Distribution Feeder Rebuild #1529-15] (Distribution)"[7] T&D Projects.

21. Finally, on March 5, 2026, LUMA filed a *Motion Submitting Seventeen (17) FEMA Approvals of Project, Request for Confidential Treatment and Supporting Memorandum of Law* ("March 5th Motion"), whereby, in compliance with the September 22nd Order, LUMA submitted a copy of the project approval issued by FEMA on March 1, 2026, for the "FAASt [Rincón Streetlighting] (Distribution)" T&D Project.

22. On October 5, 2026, LUMA filed a *Motion Submitting Eight (8) Amended FEMA Approval of Project and Five (5) Federal Emergency Management Agency ("FEMA") Approvals of Project, Request for Confidential Treatment, and Supporting Memorandum of Law* ("October 5th Motion"), wherein it submitted eight (8) amended approvals, which state they were re-obligated on September 25, 2026: "FAASt [Rincón Streetlighting] (Distribution)", "FAASt [Automation Program Group 12: DAR - ARECIBO 7402, 7403, 7702 FY24] (Distribution) 4", "FAASt [Automation Program Group 20: Caguas] (Distribution)", "FAASt [Automation Program Group 151 (Distribution)", "FAASt [Automation Program Group 31] (Distribution)", "FAASt [Distribution Feeder Rebuild # 162 0-02] (Distribution)", "FAASt [Distribution Feeder Rebuild #1529-15] (Distribution)", and "FAASt [Priority Pole Replacement Program (Line 2200)] (Transmission)" T&D Projects. LUMA also submitted five (5) FEMA approvals in the "FAASt [Pole and Conductor Repair - Caguas Group 6 - Phase 2] (Distribution)", "FAASt [Region 5 Mayagüez Transmission 38kV - Non-Sensitive, (Vegetation) - Group B", "FAASt [Aguas Buenas Streetlighting] (Distribution)", "FAASt [Lares Streetlighting (Distribution)", and "FAASt [Moca Streetlighting] (Distribution)" T&D Projects.

[6] Described as the "FAASt [Feeder Rebuild # 1620-02] (Distribution)" in the September 26th Motion.
[7] Described as the "FAASt [Feeder Rebuild # 1529-15] (Distribution)" in the September 26th Motion.

23. LUMA explained that both amended versions of the approved T&D projects were created to capture the change in scope and cost as per LUMA-provided documentation. LUMA requested aligning 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.

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

II. Energy Bureau's October 23rd Order

25. On October 23, 2026, the Energy Bureau issued a Resolution and Order ("October 23rd Order"). Therein, the Energy Bureau took notice of and accepted the amended FEMA approvals submitted by LUMA in the October 5th Motion, as well as LUMA's statement that FEMA processed positive and negative Section 428 and Section 406 adjustments through a separate Sub-FAASt project version. It also accepted the new FEMA approvals LUMA submitted.

26. However, it determined that LUMA must reconcile the FEMA-approved amounts with the Consolidated Project List at both the project and funding-category levels and identify how

any available balances resulting from such reconciliation will be applied, including whether such balances may offset identified project-level funding increases, subject to the Energy Bureau's applicable review and approval requirements.

27. Accordingly, the Energy Bureau ordered LUMA to provide, within 15 calendar days from notification of the October 23rd Order, confirmation of whether the FEMA-approved amounts currently reflected under each applicable funding category Section 428 construction, Global A&E, and Global E&M represent LUMA's revised estimated project costs for purposes of the Consolidated Project List. LUMA shall further identify and explain the resulting differences by funding category, including the $4,225,155.23 in potential additional reserve capacity identified through the Energy Bureau's review under Section 428 construction, Global A&E, and Global E&M.

III. Submittal of LUMA's responses to the October 23rd Order's Requests for Information

28. In compliance with the October 23rd Order, LUMA hereby submits, as *Exhibit 1*, LUMA's responses to the requirements for information on the "FAASt [Rincón Streetlighting] (Distribution)", "FAASt [Automation Program Group 12: DAR - ARECIBO 7402, 7403, 7702 FY24] (Distribution) 4", "FAASt [Automation Program Group 20: Caguas] (Distribution)", "FAASt [Automation Program Group 151 (Distribution)", "FAASt [Automation Program Group 31] (Distribution)", "FAASt [Distribution Feeder Rebuild # 162 0-02] (Distribution)", "FAASt [Distribution Feeder Rebuild #1529-15] (Distribution)", "FAASt [Priority Pole Replacement Program (Line 2200)] (Transmission)", "FAASt [Pole and Conductor Repair - Caguas Group 6 - Phase 2] (Distribution)", "FAASt [Region 5 Mayagüez Transmission 38kV - Non-Sensitive, (Vegetation) - Group B", "FAASt [Aguas Buenas Streetlighting] (Distribution)", "FAASt [Lares Streetlighting (Distribution)", and "FAASt [Moca Streetlighting] (Distribution)" T&D Projects.

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 October 23rd 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 9th day of November 2026.

DLA Piper (Puerto Rico) LLC
B-7 Tabonuco St.
Suite 1501
Guaynabo, PR 00968
Tel. 787-945-9132
Fax 939-697-6102

/s/ Yahaira De la Rosa Algarín
Yahaira De la Rosa Algarín
RUA NÚM. 18,061
yahaira.delarosa@us.dlapiper.com

/s/ Emmanuel Porro González
Emmanuel Porro González
RUA NÚM. 23,704
emmanuel.porrogonzalez@us.dlapiper.com

Exhibit 1

LUMA's responses to the October 23rd Order's Requests for Information

LUMA's Response to the Energy Bureau's October 23, 2026, Resolution and Order

NEPR-MI-2021-0002

Federal Funding

November 9, 2026

List of Responses and Attachments

Response ID	Document Type	Response Subject
ROI-LUMA-MI-2021-0002-20261023-PREB-#01	PDF	FEMA-approved Amounts

*Note: *Denotes attachments that have been provided in Microsoft Excel format.*

LUMA's Response to the Energy Bureau's October 23, 2026, Resolution & Order

NEPR-MI-2021-0002

Response: ROI-LUMA-MI-2021-0002-20261023-PREB-#01

SUBJECT

FEMA-approved Amounts

REQUEST

a. Confirm whether the FEMA-app roved amounts reflected under Section 428 construction, Global A&E, and Global E&M represent LUMA's revised estimated project costs for purposes of the Consolidated Project List.

b. Identify and explain all differences by funding category, including the $4,225,155.23 in potential additional reserve capacity identified by the Energy Bureau across Section 428 construction, Global A&E, and Global E&M.

RESPONSE

a. LUMA cannot confirm at this time that the project costs are final. The underlying obligations are still under review and may be amended, so the associated project costs may change. LUMA is reviewing the projects and their obligations to determine whether amendments are required and will rebaseline project costs as needed once all data has been confirmed.

   To date, LUMA has identified three projects for which an amendment is expected:

   1. [801172] FAASt [Distribution Feeder Rebuild #1529-15] (Distribution)
   2. [334468] FAASt [Priority Pole Replacement Program (Line 2200)] (Transmission)
   3. [1068648] FAASt [Region 5 Mayagüez Transmission 38kV – Nm-Sensitive] (Vegetation) – Group B (formerly Project No. 740411)

   LUMA will report any rebaseline in the Project Cost Report it submits each quarter.

b. The differences result from refinements to project formulation, versioning, and cost-reasonableness reviews. They also reflect that some obligations are not yet final and are expected to be amended.

The $4,225,155.23 in potential savings consists of:

Funding Source	Amount
Section 428 child projects (excluding A&E and E&M)	$3,447,020.28
Global A&E	$43,217.48
Global E&M	$734,917.47
Total	**$4,225,155.23**

The $4,225,155.23 in potential savings is not final. It depends on the amendments pending and on LUMA's continuing review, and it may change. Section 428 A&E and E&M reductions of $43,217.48 and $734,917.47, respectively, do not create reserve capacity for other child projects, because they are not released from the global FAASt obligations, which remain unchanged. The remaining $3,447,020.28 in Section 428 child-project savings could create reserve capacity. If these savings materialize, LUMA intends to use them to cover overruns on other projects in the Consolidated Project List. This would keep LUMA within the aggregate amount approved by the Energy Bureau in its Resolution of August 12, 2026.