

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

IN RE: TEMPORARY REVIEW OF THE
PERMANENT RATES OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY

CASE NO.: NEPR-AP-2025-0002

SUBJECT: Resolution and Order addressing
*Urgent Request for Reconsideration of Denial
of Request for a Temporary Rate Adjustment
and Renewed Request for Approval of a
Temporary Rate Adjustment.*

RESOLUTION AND ORDER

On May 22, 2025, LUMA¹ filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion Submitting Temporary Rate Adjustment Petition* ("May 22 Petition").

On May 29, 2025, the Energy Bureau issued a Resolution denying, without prejudice, the May 22 Petition ("May 29 Resolution").

On June 6, 2025, LUMA filed a document titled *Urgent Request for Reconsideration of Denial of Request for a Temporary Rate Adjustment and Renewed Request for Approval of a Temporary Rate Adjustment* ("June 6 Motion"). LUMA's June 6 Motion is largely repetitive, substantially reproducing the testimonies and content of Exhibit 2.01 to the May 22 Petition within the body of its June 6 Motion.

After careful evaluation of the June 6 Motion the Energy Bureau **DENIES** the request for reconsideration. LUMA has characterized its June 6 Motion both as a motion for reconsideration and a *renewed request*. To the extent the filing is construed by LUMA as a new petition, it is likewise **DENIED**. In such case, the Energy Bureau **REITERATES** its reasoning in the May 29 Resolution and is herein incorporated by reference.

Judicial Review: This process does not constitute an adjudicative proceeding. Rather, the determination falls within the discretionary authority of the Energy Bureau, as provided under the applicable legal and regulatory framework. Nevertheless, IF LUMA CONSIDERS THAT THIS RESOLUTION IS SUBJECT TO JUDICIAL REVIEW, IT MAY SEEK SUCH REVIEW BEFORE THE COURT OF APPEALS IN ACCORDANCE WITH THE GENERAL PROVISIONS OF ACT 38-2017 AND ACT 57-2014², AND IT SHALL HAVE THIRTY (30) DAYS FROM THE DATE OF NOTIFICATION OF THIS RESOLUTION TO FILE A PETITION FOR JUDICIAL REVIEW.

The issuance of this cautionary notice does not imply that the Energy Bureau considers this Resolution to be subject to review at this time before the Court of Appeals, nor does it constitute a waiver of its right to challenge the Court of Appeals' jurisdiction should the situation arise. This cautionary notice is provided to inform LUMA of the appropriate forum in which determinations of the Energy Bureau are generally subject to review, as well as the applicable term within which such review may be sought, where appropriate.

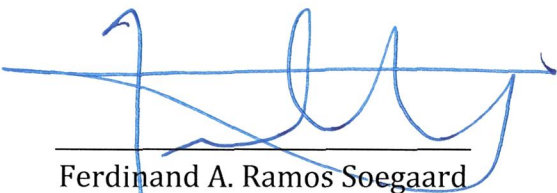
Be it notified and published.

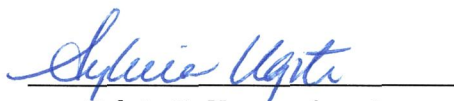



¹ LUMA Energy, LLC ("ManagementCo"), and LUMA Energy ServCo, LLC ("ServCo"), jointly referred to as ("LUMA").

² Article 6.5(c) of Act 54-2014 provides that, in accordance with the provisions of Act 38-2017, the final decisions or resolutions of commissions in adjudicative proceedings shall be subject to review by the Court of Appeals of Puerto Rico. See also Article 6.20 of Act 57-2014.


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner


Antonio Torres Miranda
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on June 13, 2025. Chairman Edison Avilés Deliz dissented with a Written Opinion. I also certify that on June 13, 2025 a copy of this Resolution and Order was notified by electronic mail to jan.albinolopez@us.dlapiper.com; margarita.mercado@us.dlapiper.com. I also certify that on June 13, 2025, I proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

I sign this in San Juan, Puerto Rico, on June 13, 2025.




Sonia Seda Gaztambide
Clerk

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DISSENTING OPINION

I respectfully **DISSENT** from the majority's determination, as I believe the Energy Bureau should have granted LUMA's request for a temporary rate adjustment under the applicable regulatory framework to ensure access to funds for the Outage Event Reserve Account.

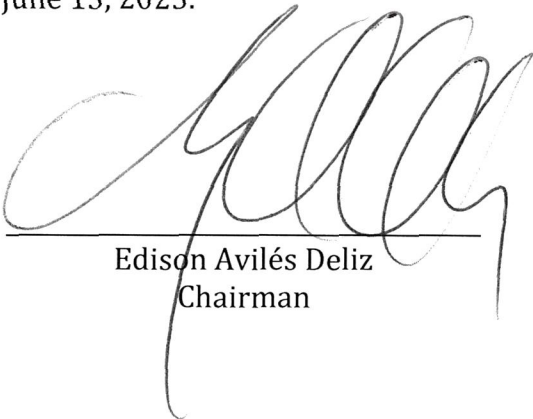
The Outage Event Reserve Account is required to maintain a balance of \$30 million and is meant to cover costs associated with outage events. The current balance of this account is \$0.

It was asserted that replenishing the Outage Event Reserve Account is urgently necessary to allow it to respond effectively to outage events, including those arising from emergencies such as storms and hurricanes. It further emphasized that having this reserve in place is essential to optimize the deployment of resources, restore service promptly, and safeguard lives, public health, safety, and property.

Unlike the majority, I consider that not having the required balance of \$30 million, especially during the hurricane season, constitutes an emergency. In such context, it is unacceptable for the Outage Event Reserve Account to remain unfunded.

Moreover, granting access to the \$30 million does not mean releasing funds without oversight. The use of these emergency funds must be subject to appropriate monitoring and control. The P3 Authority,¹ as the contract's administrator, has the responsibility to oversee the disbursement and ensure that funds are used properly and in accordance with the terms of the OMA.²

In San Juan, Puerto Rico, on June 13, 2025.



Edison Avilés Deliz
Chairman



¹ Puerto Rico Public-Private Partnerships Authority ("P3 Authority").

² Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (OMA).