

January 21, 2025

To: Puerto Rico Public-Private Partnerships Authority ("P3A")

Attention: Josué A. Colón Ortiz
Executive Director
Roberto Sánchez Vilella (Minillas) Government Center
De Diego Ave. Stop 22,
San Juan, PR 00907

To: Puerto Rico Electric Power Authority ("PREPA")

Attention: Mary C. Zapata Acosta
Executive Director
PO BOX 364267
San Juan, Puerto Rico 00936-4267

Re: Notice of PREPA Non-Compliance with Service Accounts Funding – December 2024

LUMA is providing written notice of PREPA's failure to fully fund the Service Accounts, as required under Section 7.5 of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA")¹, which states the Owner shall replenish the Service Accounts no later than the tenth (10th) Business Day of each month in accordance with the funding requirements for each Service Account. Attached is the End of December Service Accounts Funding notification (LUMA-PREP-T-00861), which was sent on January 10, 2025.

On January 17, 2025, the tenth (10th) Business Day of the month, PREPA failed to fund all Service Accounts as required by Section 7.5 of the T&D OMA, including the GenCo Fuel Account as per Section 3.3 of the Puerto Rico PREPA-GenCo-HydroCo Operating Agreement ("PGHOA")², in an amount equal to the requisite funding amount established therein. PREPA also failed to fund the Outage Event Reserve Account (Section 7.5 (d)(ii) of the T&D OMA), which has remained unfunded since January 2024.

Furthermore, on September 27, 2024, LUMA withdrew \$30 million from the Contingency Reserve Account, following P3A's encouragement to utilize these funds. Under Section 7.5(f)(iv) of the T&D OMA, PREPA is required to replenish the Contingency Reserve Account by the tenth (10th) Business Day of the following month in accordance with the formula established therein. As of the date of this notice, PREPA has not replenished the Contingency Reserve Account in compliance with the T&D OMA for the fourth (4th) consecutive month.

¹ The Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA") executed on June 22, 2020, amongst the Puerto Rico Electric Power Authority ("PREPA"), the Puerto Rico Public-Private Partnerships Authority ("P3A") and LUMA Energy, LLC and LUMA Energy ServCo, LLC (collectively, "LUMA")


² The Puerto Rico PREPA-GenCo-HydroCo Operating Agreement ("PGHOA") executed on June 19, 2023, by and among the Puerto Rico Electric Power Authority ("PREPA"), PREPA GenCo LLC ("GenCo"), PREPA HydroCo LLC ("HydroCo"), LUMA Energy ServCo, LLC ("LUMA"), and the Puerto Rico Public-Private Partnerships Authority ("P3A")



PREPA's obligation to timely and fully fund the Service Accounts is a Material Obligation under the T&D OMA and necessary to enable LUMA to comply with its responsibilities as Operator of the T&D System in a manner consistent with Contract Standards and Prudent Utility Practice. To ensure continuity of service and avoid any impediment to LUMA's ability to respond to an Emergency event, LUMA strongly urges PREPA to provide the remaining funding for the Service Accounts required by Section 7.5 of the T&D OMA, Section 3.3 of the PGHOA, and Section 7.6 of the Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement ("LGA OMA")³ immediately.

Nothing contained in this Notice shall constitute a waiver or relinquishment by LUMA of any rights and remedies provided by the T&D OMA, the PGHOA, and Applicable Law. LUMA reserves all rights and remedies under the T&D OMA, the PGHOA, and Applicable Law and equity, including but not limited to, pursuing legal action related to the subject of this notice. This shall not be construed as a Notice of an Event of Default. LUMA reserves the right to issue such Notice of an Event of Default.

Sincerely,



Kazi Hasan (Jan 21, 2025 16:16 AST)

Kazi Hasan
Chief Financial Officer

C: Lionel Santa Crispin, Counsel, PREPA; lionel.santa@prepa.pr.gov
 Nelson Morales, Chief Financial Officer, PREPA; nelson.morales@prepa.pr.gov
 Winnie Irizarry, Chief Executive Officer, Genera; winnie.irizarry@genera-services.com
 Gerardo Lorán Butrón, Deputy Executive Director, P3A; Gerardo.loran@p3.pr.gov
 Rubén Lugo, Contract Compliance and Control Manager, P3A; ruben.lugo@p3.pr.gov
 Robert Mujica, Executive Director, Financial Oversight and Management Board, FOMB; robert.mujica@promesa.gov
 Edison Avilés Deliz, President, PREB; edavilesdeliz@energia.pr.gov
 Juan Saca, Chief Executive Officer, LUMA; juan.saca@lumamc.com
 Mario Hurtado, Special Advisor to the CEO, LUMA; mario.hurtado@lumapr.com
 Alejandro J. Figueroa Ramírez, Chief Regulatory Officer, LUMA; alejandro.figueroara@lumapr.com
 Francisco Prego, Vice President, T&D OMA Contracts Management, LUMA; francisco.prego@lumapr.com
 Angel E Rotger Sabat, Chief Legal Officer, LUMA; angel.rotger@lumapr.com
Ceo@prepa.pr.gov

³ The Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement ("LGA OMA") executed on January 24, 2023, by and among the Puerto Rico Electric Power Authority ("PREPA"), the Puerto Rico Public-Private Partnerships Authority ("P3A"), and Genera PR LLC ("Genera").