

July 1, 2021

Puerto Rico Public-Private Partnerships Authority
PO BOX 42001
San Juan, Puerto Rico 00940-2001
Attention: Executive Director – Fermín E. Fontanés Gómez
Email: Fermin.Fontanes@p3.pr.gov and
Administrator@p3.pr.gov

Re: Urgent Request for Information Regarding FAA Permits

Mr. Fontanés,

Reference is made to your letter and my phone conversation with Sheila Torres from your team yesterday June 30, 2021 regarding your request that LUMA state its position in connection with an article by Ms. Yennifer Alvarez reported in www.jayfonseca.com which alleged (quoting from your letter) that “LUMA’s helicopter certification #133 was revoked by the Federal Aviation Administration (“FAA”)” [a]llegedly “because LUMA does not have any pilots with the experience and the required flight hours.” The article allegedly also claims that “both of the qualified former PREPA employees rejected LUMA’s employment offer.” Your letter also requests LUMA to clarify the veracity of the allegations in the article, and if it does not have the mentioned certificate to inform the P3 Authority and indicate the measures LUMA will take to assure that the helicopters can be operated when necessary.

LUMA herein clarifies that the information provided in the above-mentioned article with respect to the allegations made about the Part 133 Operating Certificate is incorrect. PREPA holds a Part 133 Operating Certificate issued by the FAA for the operation of its helicopters for external load operations and this certificate has not been revoked by the FAA. Furthermore, it is LUMA’s and PREPA’s position that the helicopters should be able to continue to be operated under PREPA’s Part 133 Operating Certificate and we are in consultation with FAA on the matter. Consistent with this position, prior to LUMA commencing operations on June 1, 2021, PREPA notified the FAA of the change in the pilots that would be operating under its Part 133 Operating Certificate for the purpose of adding the new LUMA pilots to the Operations Specifications of PREPA’s Part 133 Operating Certificate (OSPC). This roster includes three former PREPA employees who were hired by LUMA to continue in their flight functions. Two other former PREPA pilots (one of whom LUMA understands went on to retirement) were not hired by LUMA. In any case, all of the pilots added to the roster are highly qualified pilots with the required experience and flight hours to be able to operate the helicopters under a Part 133 Operating Certificate.

During the Front-End Transition PREPA, P3 Authority and LUMA in good faith cooperated on validating and confirming over one hundred government permits, including this one. The three parties all moved forward with the understanding that LUMA's activities as operator and agent of PREPA would not require a change in most existing permits, and this understanding governed the position that PREPA assumed in connection with the Part 133 Operating Certificate.

The foregoing notwithstanding, the relationship between PREPA and LUMA under the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement is the subject of on-going dialogue with FAA San Juan FSDO-63. On June 24, 2021 PREPA sent a letter to the FAA clarifying the agency relationship between PREPA and LUMA and its understanding that LUMA may operate under PREPA's Part 133 Operating Certificate. A copy of this letter is attached. FAA has communicated that it is carrying out an internal evaluation and PREPA is awaiting a response.

In the event that the FAA San Juan FSDO-63 disagrees with PREPA's understanding that the agency relationship between PREPA and LUMA does not require an amendment or additional Part 133 Operating Certificate, LUMA has contingency plans to continue operating the helicopters under other possible arrangements and, to the extent necessary, transition to obtaining a direct Part 133 Operating Certificate. The affiliates of Quanta Services, one of LUMA's owners, own and operate a fleet over 50 helicopters that are used for the full range of utility construction and maintenance (including external load activities under Part 133). That world class expertise is at our disposal to support our efforts in Puerto Rico and is also available in the event of urgent need or an emergency.

We trust the foregoing addresses your questions. We will continue to coordinate our efforts with you and PREPA in concluding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mario Hurtado". The signature is fluid and cursive, written in a professional style.

Mario Hurtado
Vice President, Regulatory



Government of Puerto Rico
Puerto Rico Electric Power Authority

June 24, 2021

By Email

william.melendez@faa.gov

Mr. William Meléndez
FAA/San Juan FSDO-63
525 Ave. FD Roosevelt, Ofc. 901
San Juan, Puerto Rico 00918-8059

Dear Mr. Meléndez:

**Re: Operating Certificate No. JLOL616S
Puerto Rico Electric Power Authority
Air Operations Department
650 José A. Tony Santana Ave., Carolina, PR 00979
Rotorcraft External Load Operations**

The Puerto Rico Electric Power Authority (“PREPA”) hereby confirms to the Federal Aviation Administration (“FAA”) that pursuant to that certain Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement dated as of June 22, 2020, by and among PREPA, the Puerto Rico Public-Private Partnerships Authority, LUMA Energy ServCo, LLC (“LUMA”) and LUMA Energy, LLC jointly refers to LUMA or the Operator (the “OMA”)¹, on June 1, 2021, LUMA commenced operating and maintaining the electric transmission and distribution system and associated assets (“T&D System”) on behalf of PREPA, as its agent (these services, the “T&D Operations”).

PREPA’s T&D System includes the referenced facility (the “Hangar”), which PREPA leases, the helicopters maintained at and operated from this Hangar (the “Helicopters”) and the referenced Operating Certificate. PREPA hereby confirms that LUMA is authorized to conduct operations at the Hangar including the operation of the Helicopters solely for purposes of conducting the T&D Operations, actin as agent for PREPA.

¹ Executed by virtue of Act 29-2009, as amended, known as the Puerto Rico Public-Private Partnerships Act, Act 120-2018, as amended, known as the Act to Transform the Puerto Rico Electric System and Act 17-2019, known as the Puerto Rico Energy Public Policy Act. The OMA is available at the following link: <https://aafaf.pr.gov/p3/wp-content/uploads/2020/06/executed-consolidated-om-agreement-td.pdf>.

Executive Director
G.P.O. Box 364267
San Juan, Puerto Rico 00936-4267

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📠 787.521.4665



Mr. William Meléndez
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Under the terms of the OMA, LUMA provides the T&D Operations during the fifteen (15)-year term of the OMA, unless earlier terminated for the reasons specified thereunder; and the T&D System will remain under PREPA's ownership and not be leased to LUMA. Therefore, the Hangar and Helicopters will remain PREPA assets and LUMA will not own or lease them.

Under the OMA, LUMA operates under the existing PREPA permits related to the T&D System, to the extent possible. In addition, LUMA is designated as agent of PREPA for T&D System operational purposes, including in connection with permits and regulatory matters, including 14 CFR § 133 Air Operator.

Based on the above, it is PREPA's understanding that LUMA is able to operate under the Operating Certificate as PREPA's agent. Therefore, PREPA hereby also confirms that LUMA is authorized to represent PREPA before the FAA, as its agent and representative, in connection with any matters related to the Operating Certificate, the Hangar and the Helicopters, including the filing, on behalf of PREPA, of any renewals and amendments of the Operating Certificate and the Operations Specifications (OSPC) and responding to any related correspondence from FAA. Therefore, PREPA hereby ratifies and confirms the changes to the OSPC notified by LUMA, as agent of PREPA, to FAA in a communication dated June 8, 2021, copy of which is attached to this letter. PREPA also hereby requests that that the OSPC include under item 4 the following PREPA person:

Name	Title Part	Parts Authorized
Efran Paredes Maisonet	PREPA Directional Control Representative	-----

As documented in the mentioned June 8, 2021 communication, all pilots are certified by FAA and have the applicable rotorcraft rating, and the Chief Pilot meets applicable requirements under FAA regulations.

We hereby request confirmation from the FAA that PREPA's understanding with respect to LUMA's role as PREPA's agent to perform its T&D Operations, including operating the Hangar and the Helicopters under the Operating Certificate as described in this letter is correct, and advise of any other applicable requirements, if any.

In your response to this letter, please send copy to LUMA, as our agent, to the following person: Christopher B Saunders and Heriberto Garcia. LUMA, as agent of PREPA, is also authorized to respond on behalf of PREPA to any communications related to this matter. PREPA and LUMA are also available to meet and discuss the above, should you prefer an in-person or virtual discussion.

Cordially,



Efran Paredes Maisonet
Executive Director

June, 8,2021

Attn: Mr. William Melendez
FAA/San Juan FSDO-63
525 Ave. FD Roosevelt Office 901
San Juan, PR 00918-8059

Re: Change in the Operations Specifications (OSPC)
To inform that effective of June 8, PREPA will request change of the OSPC.

1. OSPC. A006 Management Personnel (Removing)
Hjalmar Rivera, Chief Pilot and Jose M. Delpín, Responsible Person
2. Adding,

Name	Current Position Title	Company Equivalent Position
Santiago Gines	Aviation Manager	Administrator
Christopher B Saunders	Chief Pilot	Chief Pilot
Heriberto García	Assistant Chief Pilot	Director of Operation
Jose L. Campos	Safety Officer and Training	Safety Officer and Training
José L. Lopez	DOM	DOM

3. In the OSPC, A007 Other Designated Personal (Removing)
Hjalmar Rivera, Chief Pilot, José M. Delpín, Responsible Person and Luis Irizarry, Agent for Service
4. Adding,

Name	Title Part	Parts Authorized
Santiago Gines	Aviation Manager	A, D
Christopher B Saunders	Chief Pilot	A, D
Heriberto García	Assistant Chief Pilot	A, D
Jose L. Campos	Safety Officer and Training	A, D
José L. Lopez	DOM	A, D
Warren Graham	Senior VP, Quanta Aviation	A, D

Attached are requiring documents, qualification, and experience

Santiago Gines

Aviation Manager LUMA
Mail. santiago.gines@prepa.com

[Type here]

LUMAPR.COM