

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

CASE NO.: NEPR-MI-2021-0008

IN RE: REVIEW OF LUMA'S MODEL BILL

SUBJECT: Request to Set Aside Procedural Calendar for Approval of LUMA's Model Customer Bill and Schedule a Technical Workshop.

RESOLUTION AND ORDER

On June 22, 2020, the Puerto Rico Electric Power of Puerto Rico ("PREPA"), the Puerto Rico Public-Private Partnerships Authority ("P3A"), LUMA Energy, LLC and LUMA Energy ServCo, LLC (collectively, "LUMA") entered into the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("OMA") under which LUMA will manage PREPA's transmission and distribution system ("T&D System"). As part of the O&M Services¹ and upon Commencement Date², LUMA shall perform customer services, including "all billing and collection services for the T&D System in accordance with the Contract Standards."³

On March 30, 2021, LUMA filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Petition for Approval of LUMA's Customer Bill and Submitting Model Bill and Supporting Information* ("March 30 Petition").⁴ As part of the March 30 Petition, LUMA included the following, (i) a document titled LUMA Model Bill in Spanish and English, identified as Exhibit 1 ("LUMA's Model Bill"); (ii) an Excel spreadsheet that details the charges that will be included in the customer bills per class based on the different rates as approved by the Energy Bureau and following PREPA's Book of Tariffs, identified as Exhibit 2, and (iii) a document titled Bill Statement Comparison PREPA Bill-LUMA Bill, March 2021, identified as Exhibit 3 ("Bill Statement Comparison").⁵ In the March 30 Petition, LUMA seeks the Energy Bureau's approval of LUMA's Model Bill, to enable LUMA to comply with its obligations under the OMA and to

¹ As defined in Section 1.1 of the OMA.

² *Id.*

³ See Section 5.3(a) of the OMA.

⁴ See In Re: New Transparent Bill: §6b(c) of Law No.83, as amended, Case No.: CEPR-AP-2018-0002, March 30 Petition.

⁵ *Id.*



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satisfy the requirements of a “transparent bill” set forth in Act 83 of May 2, 1941, Act 57-2014⁶ and Act 17-2019⁷.⁸

On May 5, 2021, the Energy Bureau issued a Resolution and Order through which it determined that the March 30 Petition was complete, commenced the instant proceeding and established a procedural calendar.

On May 7, 2021, LUMA filed a document titled *Request to Re-Schedule Procedures for Approval of LUMA’s Model Bill* (“May 7 Request”). In the May 7 Request, LUMA indicates that, as per section 13.1(g) of the OMA, there is a period of one hundred and eighty (180) days after Service Commencement, to replace PREPA’s marks, including the marks used in the customer bills.⁹ LUMA states it may provisionally use PREPA’s bill and/or a revised version of the PREPA bill and requests that the Energy Bureau modify the approved procedural calendar to provide LUMA, interested stakeholders, and the public additional time to participate in the discussions and analysis of the proposed Model Bill.¹⁰ LUMA requests that the Energy Bureau re-schedule the due date to submit the presentation and the Technical Conference during the first weeks of June 2021.¹¹

Upon reviewing LUMA’s arguments, that same day, the Energy Bureau issued a Resolution and Order partially granting LUMA’s May 7 Request and amending the procedural calendar.

On June 17, 2021, LUMA filed a document titled *Request to Set Aside Procedural Calendar for Approval of LUMA’s Model Customer Bill and Schedule a Technical Workshop* (“June 17 Request”). According to LUMA, since June 1, 2021, when it commenced operating the T&D System, new intricacies in the Information Technology (“IT”) systems of the T&D System have been discovered by LUMA not previously communicated to LUMA and which LUMA anticipates will cause significant delays in LUMA’s ability to implement LUMA’s Proposed Model Bill.¹²

In the June 17 Request, LUMA states it reasonably anticipates that it may not be able to implement the Proposed Model Bill, as may be approved by the Energy Bureau, within the OMA’s 180-Day Rebranding Period. LUMA expresses that, notwithstanding the foregoing, it

⁶ Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

⁷ Known as the *Puerto Rico Energy Public Policy Act*, as amended.

⁸ March 30 Petition, at p. 4.

⁹ May 7 Request, ¶ 6.

¹⁰ *Id.*, ¶ 7.

¹¹ *Id.*, ¶ 9.

¹² See June 17 Request, ¶ 7.

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has continued working on the necessary preparations to be able to implement the Proposed Model Bill as promptly as possible after it is approved, and as approved, by the Energy Bureau.¹³ LUMA states that it has determined that it will need to implement an interim version of the Proposed Model Bill that includes slight modifications to the Proposed Model Bill (the “Proposed Interim Model Bill”) and can be implemented within the 180-Day Rebranding Period.¹⁴ According to LUMA, it is currently working on finalizing the necessary components to present to the Energy Bureau the mentioned Proposed Interim Model Bill, including costs and timeline required to implement the interim proposal, to minimize costs while ensuring that LUMA can timely implement a rebranded model bill that is fully compliant with applicable laws, regulations and the Energy Bureau requirements. This process requires additional IT design work that LUMA is currently undertaking.¹⁵

Finally, LUMA requests that the Energy Bureau take notice of the foregoing, and issue an order setting aside the current procedural calendar in this proceeding and schedule a technical workshop for the week of June 28, 2021, to consider LUMA’s proposal of implementing an Interim Model Bill prior to its final proposed Model Bill and associated costs and schedule, as proposed in the June 17 Request and within the Energy Bureau’s discretion.¹⁶

Upon review of LUMA’s arguments, the Energy Bureau **DETERMINES** that it is not in the public interest to evaluate and approve an Interim Model Bill, since it may result in additional costs and undue potential confusion to consumers. Notwithstanding the foregoing, the Energy Bureau **AMENDS** the procedural calendar as follows:

Date	Phase
July 15, 2021	Filing of LUMA’s Presentation for the Virtual Technical Conference.
July 20, 2021	Virtual Technical Conference ¹⁷
July 28, 2021	Filing of Any Revised and/or Additional Information Required by the Energy Bureau.
August 6, 2021	Independent Consumer Protection Office (“ICPO”) Written Comments Due
August 17, 2021	Virtual Public Hearing ¹⁸
August 30, 2021	Filing of Comments by General Public Due

¹³ *Id.*, at ¶ 8.

¹⁴ *Id.* at ¶ 9.

¹⁵ *Id.*

¹⁶ See June 17 Request, p. 5.

¹⁷ Note that in order to prevent the spread of Covid-19, the foregoing Virtual Technical Conference will be held remotely via the *Microsoft Teams* platform from 8:30 am to 12:00 pm.

¹⁸ Note that in order to prevent the spread of Covid-19, the foregoing Virtual Technical Conference will be held remotely via the *Microsoft Teams* platform from 9:00 am to 5:30 pm.



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During the Virtual Technical Conference, LUMA shall present and discuss its Model Bill Petition. LUMA representatives and their consultants must be prepared to answer questions from the Energy Bureau, its staff, and consultants, regarding its presentation and all aspects of the proposed LUMA's Model Bill. The Energy Bureau will timely provide additional information, via its website, regarding the Virtual Technical Conference format, the rules of conduct, and the order of the proceedings.

The ICPO will have the opportunity to present their comments and suggestions about LUMA's Model Bill during the Virtual Technical Conference. The ICPO may also submit written comments and suggestions to the Energy Bureau regarding the proposed Model Bill.

In accordance with the provisions of the Resolution issued by the Energy Bureau in Case No.: NEPR-MI-2021-0010¹⁹, the public will have the opportunity to present their comments and suggestions about the proposed Model Bill during the Virtual Public Hearing. Since the Virtual Public Hearing is designed to obtain comments from the public, LUMA or its employees, associates, witnesses or legal representation, and any other party to this proceeding will not be allowed to participate in the Virtual Public Hearing. Any person interested in presenting oral comments during the Virtual Public Hearing shall, on or before **Monday, August 16, 2021 at 3:00 p.m.**, contact the Energy Bureau's Clerk at (787) 523-6262 or via email to secretaria@jrsp.pr.gov to request a turn and to obtain instructions and a link to access the Virtual Public Hearing. The Virtual Public Hearing will be streamed live via the Energy Bureau's YouTube Channel.²⁰ The Energy Bureau will timely provide additional information, via its website, regarding the Virtual Public Hearing format, the rules of conduct, and the order of the proceedings.

The public may also submit written comments and suggestions to the Energy Bureau regarding the proposed LUMA's Model Bill ("Written Public Comments"). The Written Public Comments to be filed with the Energy Bureau shall: (i) include in their title: "Public Comments on LUMA's Model Bill – Case No. NEPR-MI-2021-0008"; (ii) be addressed to the attention of Edison Avilés Deliz, Chairman; and (iii) be filed by electronic mail at: comentarios@jrsp.pr.gov; through the Energy Bureau's electronic filing tool at: <https://radicacion.energia.pr.gov/>; by postal mail addressed to the Puerto Rico Energy Bureau's Clerk's Office at World Plaza Building, 268 Muñoz Rivera Ave., Plaza Level Suite 202, San Juan, PR 00918-1925; or in person at the Energy Bureau's Clerk's Office, at the referenced address. The hours of operations of the Clerk's Office are Monday through Friday from 8:30 a.m. to 5:30 p.m., excluding holidays.

The Energy Bureau may modify the foregoing Procedural Calendar at its discretion.

¹⁹ See Resolution, In re: Policy on Receipt and Management of Comments and Appearances in Public Hearings, June 18, 2021.

²⁰ The Energy Bureau's YouTube channel may be accessed through the following link: <https://www.youtube.com/channel/UCxZYn-qt1k0Lu9TX37-11oA>.



The Energy Bureau **REMINDS** LUMA that it cannot change or modify the current customer bill without the express approval of the Energy Bureau. The Energy Bureau **WARNS** LUMA that noncompliance with the Energy Bureau's orders or applicable legal requirements may carry the imposition on administrative fines of up to twenty thousand dollars (\$25,000.00) per day, per violation and/or other sanction that the Energy Bureau may deem appropriate.

Be it notified and published.

Edison Avilés Deliz
Chairman

Ángel R. Rivera de la Cruz
Associate Commissioner

Lillian Mateo Santos
Associate Commissioner

Ferdinand A. Ramos Soegaard
Associate Commissioner

Sylvia B. Ugarte Araujo
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on June 24, 2021. I also certify that June 24, 2021 a copy of this Resolution was notified by electronic mail to the following: margarita.mercado@us.dlapiper.com. I also certify that today, June 24, 2021, I have proceeded with the filing of the Resolution issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today June 24, 2021.

Sonia Seda Gaztambide
Clerk

