

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

NEPR Received: Jun 17, 2021 9:24 PM
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IN RE: REVIEW OF LUMA’S MODEL BILL

CASE NO. NEPR-MI-2021-0008

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

**REQUEST TO SET ASIDE PROCEDURAL CALENDAR FOR APPROVAL OF
LUMA’S MODEL CUSTOMER BILL AND SCHEDULE A TECHNICAL WORKSHOP**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC (“ManagementCo”)¹, and LUMA Energy ServCo, LLC (“ServCo”)², (jointly referred to as “LUMA”), through the undersigned counsel, and respectfully submit and request the following:

1. On March 30, 2021, LUMA filed before this honorable Puerto Rico Energy Bureau (“Bureau”), a “Petition for Approval of LUMA’s Model Bill” (“Model Bill Petition”). The Model Bill Petition was accompanied by Model Bills in the English and Spanish languages, *Exhibit 1* (“Proposed Model Bill”); 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 Bureau and following PREPA’s Book of Tariffs, *Exhibit 2*; and a document that illustrates the design changes made to PREPA’s current bill. *Exhibit 3*.

2. On May 5, 2021, this Bureau issued a Resolution and Order initiating the captioned proceeding and setting a procedural calendar.

¹ Register No. 439372.

² Register No. 439373.

3. On May 7, 2021, LUMA requested this Energy Bureau to re-schedule proceedings in this case to consider LUMA’s Model Bill Petition during the first weeks of June 2021.

4. In its motion, LUMA explained, among other things, that pursuant to Section 13.1 (g) of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement dated as of June 22, 2020 (the “OMA”), there is a period of one hundred and eighty (180) days after LUMA commences operating the Puerto Rico Electric Power Authority’s (“PREPA”) transmission and distribution system (“T&D System”) (for purposes of this motion, “Service Commencement”) for LUMA to replace PREPA’s marks, including the marks used in the customer bills (the “180-Day Rebranding Period”). (“[N]o later than the Service Commencement Date, the Operator and its management shall become publicly associated with the T&D System for the Term^[3]. To that end, the Operator Marks^[4] shall within one hundred and eighty (180) days of the Service Commencement Date, and for the duration of the Term, replace the Owner Marks^[5], including on . . . customer bills . . .”). Therefore, starting on Commencement Date, LUMA would be able to provisionally use PREPA’s bill and/or a revised version of the PREPA bill until such time LUMA’s Proposed Model Bill is approved and implemented.

5. At the time LUMA presented the aforementioned request, LUMA reasonably anticipated that LUMA’s Proposed Model Bill could be approved and implemented within the 180-Day Rebranding Period.

³ Section 2.3 of the OMA defines the “Term” as an Initial Term in which the OMA will be in effect “from the Effective Date through the fifteenth (15th) anniversary of the Service Commencement Date (such period of time, the “Initial Term”), unless extended or earlier terminated in accordance with the terms hereof.”

⁴ This term refers to LUMA’s trademarks listed in Annex XIV of the OMA, as may be revised by LUMA from time to time. OMA, Section 1.1 at page 22.

⁵ This term refers to PREPA’s trademarks listed in Annex XV of the OMA, as may be revised by PREPA from time to time. *Id.*, Section 1.1 at page 23.

6. By Resolution of May 7, 2021, this Energy Bureau approved LUMA's request to re-schedule proceedings and approved an amended procedural calendar scheduling a virtual Technical Conference for July 12, 2021 and requiring LUMA to file its presentation for the virtual Technical Conference by June 21, 2021.

7. On June 1, 2021, LUMA commenced operating PREPA's T&D System. Since LUMA has taken over the operations of the T&D System new intricacies in the Information Technology ("IT") systems of the T&D System have been discovered by LUMA that had not been previously communicated to LUMA and which LUMA anticipates will cause significant delays in LUMA's ability to implement LUMA's Proposed Model Bill.

8. LUMA reasonably anticipates that it may not be able to implement LUMA's Proposed Model Bill (as may be approved by this Energy Bureau) within the OMA's 180-Day Rebranding Period. Notwithstanding, LUMA has continued working on the necessary preparations to be able to implement LUMA's Proposed Model Bill as promptly as possible after it is approved, and as approved, by this honorable Energy Bureau.

9. In light of these changed circumstances, LUMA 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. LUMA is currently working on finalizing the necessary components to present to this honorable Energy Bureau this 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 Energy Bureau requirements. This process requires additional IT design work that LUMA is currently undertaking.

10. LUMA respectfully submits that it would be productive and cost-effective for this Energy Bureau to evaluate LUMA's proposal regarding the Proposed Interim Model Bill at the same as the Proposed Model Bill, along with an explanation of the proposed timeline and costs. While LUMA is diligently working on developing and finalizing all the necessary information for this proposal, LUMA has not completed this process and anticipates it will not be ready to file a Petition regarding the Proposed Interim Model Bill with this Energy Bureau in sufficient time for this Energy Bureau to evaluate it prior to the virtual Technical Conference scheduled for July 21, 2021. For the same reasons, LUMA would also not be ready to include the details associated with the Proposed Interim Model Bill in the presentation for such Technical Conference that is due for filing before this Energy Bureau on June 21, 2021.

11. In order to avoid duplication of efforts or untimely or premature actions in this proceeding, as well as to ensure it is more cost-effective and productive, LUMA respectfully submits that it needs additional time in this proceeding to allow for LUMA to present its Proposed Interim Model Bill for the Energy Bureau's consideration so that it is considered contemporaneously with the Proposed Model Bill, including presenting both at the same initial Technical Conference. Accordingly, LUMA respectfully submits that the procedural calendar for this proceeding should be amended to allow for sufficient time for consideration of both proposals, as proposed in this Motion.

12. In order for LUMA to provide more information and context regarding the Proposed Interim Model Bill and to obtain input from this honorable Energy Bureau to more effectively formally submit this proposal to the Energy Bureau and implement it, LUMA respectfully proposes that the Energy Bureau schedule a technical workshop in this proceeding.

The technical workshop will also aid this honorable Energy Bureau in its consideration of a revised procedural calendar for this proceeding.

13. LUMA appreciates the Bureau's diligences in setting a procedural calendar in this case. Consideration and approval by the Bureau of LUMA's Proposed Model Bill is an important step in LUMA's path towards transforming Puerto Rico's electricity system and providing excellent services to customers, including equipping customers with easy to understand information in their electricity bills and empowering them with knowledge on energy consumption patterns. However, as mentioned, in order to ensure that the LUMA Model Bill can be more cost-effectively and promptly implemented, to the benefit of all customers, and that the process to achieve this is more productive, cost-effective and timely, LUMA respectfully submits that it is important that this honorable Energy Bureau consider adjusting the procedural calendar of this proceeding as indicated in this Motion.

14. Based on the above, it is respectfully requested that this honorable Energy Bureau set aside the current procedural calendar established for this proceeding and schedule a technical workshop for LUMA to present more details on its proposal of having this Energy Bureau evaluate the Proposed Interim Model Bill alongside the Proposed Model Bill and the associated costs and implementation schedule, as well as obtaining input from this honorable Energy Bureau. LUMA respectfully proposes that the technical workshop be scheduled for the week of June 28th within the discretion of the Energy Bureau.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned, **issue** an order setting aside the current procedural calendar in this proceeding and **schedule** a technical workshop for the week of June 28th 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 this Motion and within the Bureau's discretion.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 17th day of June 2021.

I hereby certify that I filed this Petition using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this Motion to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law; and Katuska Bolaños-Lugo, kbolanos@diazvaz.law. Notice will also be sent to the **Office of the Independent Consumer Protection Office**, Lcda. Hannia Rivera Diaz, hrivera@jrsp.pr.gov.



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