

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

<b>NEPR</b>  <b>Received:</b>  <b>Aug 13, 2021</b>  <b>10:50 PM</b>
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**IN RE:**

THE PERFORMANCE OF THE PUERTO  
RICO ELECTRIC POWER  
AUTHORITY

**CASE NO.:** NEPR-MI-2019-0007

**SUBJECT:** Motion in Compliance with Order.

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**MOTION IN COMPLIANCE WITH ORDER SUBMITTING UPDATED QUARTERLY  
PERFORMANCE METRICS REPORT**

**TO THE PUERTO RICO ENERGY BUREAU:**

**COME NOW, LUMA ENERGY, LLC** as Management Co., and **LUMA ENERGY SERVCO, LLC** (collectively, **LUMA**), through the undersigned legal counsel and respectfully state and request the following:

1. On August 6, 2021, this honorable Puerto Rico Energy Bureau issued a Resolution and Order directing LUMA to update the Quarterly Performance Metrics Report for the months of March through May 2021 (“May 2021 PM Quarterly Report”), which LUMA filed on June 22, 2021 and supplemented on July 6, 2021 (“August 6<sup>th</sup> Order”). Specifically, the Energy Bureau directed LUMA to incorporate in the updated May 2021 PM Quarterly Report, the template that the Energy Bureau issued as part of the Resolution and Order of May 21, 2021 (“May 21<sup>st</sup> Order”) that added several performance metrics.
2. LUMA hereby submits an updated Quarterly Performance Metrics Report for the months of March through May 2021 (“Updated May 2021 PM Quarterly Report”). *See* Exhibit 1.

3. The Updated May 2021 PM Quarterly Report removes the performance metrics that the Energy Bureau deemed are not required for quarterly reporting, *see* Attachment C to May 21<sup>st</sup> Resolution and Order.
4. Regarding the new performance metrics enumerated in Attachment D to the May 21<sup>st</sup> Resolution and Order, the Updated May 2021 PM Quarterly Report includes data on technical losses as % of net generation, technical loss reduction as a % of net generation, and total number of calls received. However, several clarifications are necessary regarding the reliability of the data that LUMA had at its disposal to report on these performance metrics.
5. First, regarding technical losses as % of net generation and technical loss reduction as a % of net generation, LUMA respectfully submits the computed values using Puerto Rico Electric Power Authority's ("PREPA") methodology used to calculate the non-technical losses requested on the Quarterly Report. In LUMA's view the data is not wholly reliable because the methodology employed is based on a study conducted in the 1980's. In the year 2008, efforts were undertaken to update the methodology through a study, but the study was not completed. Additional studies are necessary to review the methodology currently used for these metrics and to apply industry standards in order to provide the Energy Bureau with accurate and reliable data as part of the quarterly reports. LUMA is available to participate in collaborative discussions with the Energy Bureau on the methodology to be developed to track and report performance on technical losses as % of net generation and technical loss reduction as a % of net generation.
6. Secondly, regarding total of number of calls received, LUMA respectfully notes that the data submitted with the Updated May 2021 PM Quarterly Report and that the Energy Bureau used

to set baselines in this proceeding, will not be comparable to the data that will be available for the next quarterly report. As LUMA has indicated in prior filings in this docket, *see Request for Clarifications and/or Partial Reconsideration of Resolution and Order of May 21, 2021*, Exhibit 1 at page 5, after commencing operations LUMA discovered that the call centers had trunks that limited how many lines were available for customers to call the Puerto Rico Electric Power Authority (“PREPA”). LUMA’s new call center system which has an unlimited number of trunks available to inbound customers, has seen call volumes eight times higher than what was forecasted based on PREPA’s historical data. These findings impact multiple Customer Service metrics, including the new performance metric on total calls received. Therefore, the data relevant to this performance metric is expected to change significantly.

7. LUMA respectfully submits that for the quarter of March through May 2021, at this time it cannot file a report on the new metrics on average length of time to resolve customer complaint appeals and number of curtailed hours from RPS-eligible capacity (12 metrics). For average length of time to resolve customer complaint appeals, LUMA respectfully requests from PREB clarification on what is defined as a “customer complaint.” In NEPR-MI-2019-0007, PREB set a baseline of 155 for the customer service metric titled number of customer complaints appealed by customer class; however, upon LUMA’s investigation, LUMA could not confirm nor define how the reported value of 155 number of customer complaints appealed was determined. LUMA has been unable to locate any raw data to corroborate the value of 155. Furthermore, the value of this metric, as reported by PREPA, has remained unchanged in every quarterly report since June 2019.

8. Finally, reporting on curtailments requires an investigation into previous invoices produced by PREPA before service commencement on June 1, 2021. There have not been any curtailments ordered by LUMA. LUMA does not yet have access to invoices generated under Purchase Power Agreements (“PPOAs”) prior to June 1<sup>st</sup>, 2021 but is working to obtain the necessary information. It bears noting that per the information that LUMA has obtained, tracking curtailments has never been done systematically in the past, although anecdotally LUMA has been advised that few curtailments have occurred. LUMA acknowledges that tracking curtailments is a significant issue and will become more important in the future as new PPOAs are signed. LUMA is developing a process to regularly monitor and report curtailments to the Energy Bureau and respectfully submits that it currently foresees it shall be able to report on this metric in the next quarterly report to be issued in September 2021.

**WHEREFORE**, LUMA respectfully requests this Honorable Bureau **take notice of the aforementioned; accept** the updated quarterly filing of performance metrics that is submitted as Exhibit 1; and **grant** LUMA leave to defer for the next quarter, the filing of the May 2021 quarterly report on number of curtailed hours from RPS-eligible capacity.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 13<sup>th</sup> day of August 2021.

I hereby certify that I filed this motion ng 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](mailto:jmarrero@diazvaz.law); and Katuska Bolaños-Lugo, [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law).



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*Exhibit 1*

Updated Quarterly Report (Excel spreadsheets submitted via email).