

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

**IN RE: PERFORMANCE TARGETS FOR
LUMA ENERGY SERVCO, LLC**


CASE NO.: NEPR-AP-2020-0025

**SUBJECT: Order to Compel Responses to
Requirements of Information.**

RESOLUTION AND ORDER

On September 27, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("September 27 Resolution") through which, among other things, it amended the procedural calendar previously established through the August 9 Resolution¹ in the instant case. The Energy Bureau determined that all the provisions of the April 8 Resolution², the May 14 Resolution,³ the June 4 Resolution⁴ and the July 2 Resolution⁵ that are compatible with the August 9 Resolution remained unaltered. As part of the procedural calendar established in the September 27 Resolution, the Energy Bureau established the period to conduct discovery from August 27, 2021, to October 7, 2021.

On September 24, 2021, the Energy Bureau issued its Fifth Requirement of Information ("ROI 5") to LUMA,⁶ which included thirty-nine (39) questions to be answered on or before October 4, 2021. On the same date, the Energy Bureau issued the Sixth Requirement of Information ("ROI 6") to LUMA, comprised of fourteen (14) questions to be answered on or before October 4, 2021.



¹ Resolution and Order, *In Re: Performance Targets for LUMA Energy ServCo, LLC*, Case No. NEPR-AP-2020-0025, August 9, 2021.

² Resolution and Order, *In Re: Performance Targets for LUMA Energy ServCo, LLC*, Case No. NEPR-AP-2020-0025, April 8, 2021, pp. 2-3 ("April 8 Resolution").

³ Resolution and Order, *In Re: Performance Targets for LUMA Energy ServCo, LLC*, Case No. NEPR-AP-2020-0025, May 14, 2021 ("May 14 Resolution").

⁴ Resolution and Order, *In Re: Performance Targets for LUMA Energy ServCo, LLC*, Case No. NEPR-AP-2020-0025, June 4, 2021 ("June 4 Resolution").

⁵ Resolution and Order, *In Re: Performance Targets for LUMA Energy ServCo, LLC*, Case No. NEPR-AP-2020-0025, July 2, 2021 ("July 2 Resolution").

⁶ LUMA Energy, LLC ("ManagementCo") and LUMA Energy ServCo, LLC ("ServCo") (collectively "LUMA").



On October 4, 2021, LUMA served *LUMA's Responses and Objections to Fifth Requirement of Information by PREB* ("ROI 5 Responses") and *LUMA's Responses and Objections to Sixth Requirement of Information by PREB* ("ROI 6 Responses") (together "Responses"). Through its Responses, LUMA objected several questions issued by the Energy Bureau as part of ROI 5 and ROI 6.⁷ LUMA objected the Energy Bureau's requests claiming "as it seeks information that falls beyond the scope of the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence."⁸ LUMA also alleged that "the information sought is irrelevant to the controversy at issue on LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA") filed on September 24, 2021 ("LUMA's Revised Performance Metrics Targets filing")."⁹

Upon review of the objections made by LUMA in its Responses, the Energy Bureau **DETERMINES** that the questions issued by the Energy Bureau are warranted and discoverable to the instant proceeding and require suitable responses by LUMA. Further, as established throughout this proceeding,¹⁰ with regards to regulatory matters, the Energy Bureau is not bound or limited by the provisions of the T&D OMA, as established in its Section 20.17. Therefore, the Energy Bureau **ORDERS** LUMA to, on or before **October 14, 2021**, provide suitable responses that adequately answers the questions listed as part of Appendix 1 of this Resolution and Order.

Be it notified and published.


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner

⁷ See Appendix 1 of this Resolution and Order.

⁸ ROI 5 Responses, RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001, p. 2.

⁹ ROI 6 Responses, RFI-LUMA-AP-2020-0025-PREB-R6-04OCT21-011, p. 15.

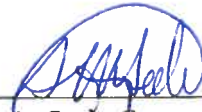
¹⁰ Resolution and Order, *In Re: Performance Targets for LUMA Energy ServCo, LLC*, Case No. NEPR-AP-2020-0025, December 23, 2020, p. 5.



CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on October 7, 2021. Chairman Edison Avilés Deliz and Associate Commissioner Ángel R. Rivera de la Cruz did not intervene. I also certify that on October 7, 2021 a copy of this Resolution and Order was notified by electronic mail to the following: margarita.mercado@us.dlapiper.com, jmarrero@diazvaz.law, kbolanos@diazvaz.law; hriviera@jrsp.pr.gov, contratistas@jrsp.pr.gov; agraitfe@agraitlawpr.com; rstgo2@gmail.com, pedrosaade5@gmail.com, larroyo@earthjustice.org; flcaseupdates@earthjustice.org; rolando@bufete-emmanueli.com; notificaciones@bufete-emmanueli.com; jessica@bufete-emmanueli.com; rhoncat@netscape.net. I also certify that today, October 7, 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 October 7, 2021.



Sonia Seda Gaztambide
Clerk



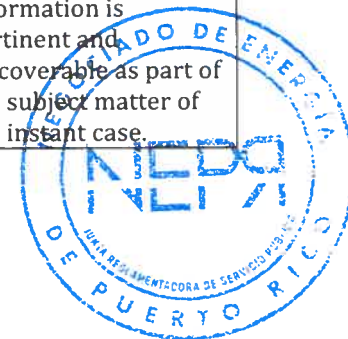
Appendix 1

Questions to be answered by LUMA

ROI No.	Requirements of Information	LUMA Response	Reason for Compelling Answer																
PREB-LUMA-05-01	Referring to slide 17 where the forecast for backlog reduction is provided, for both the June 1, 2021 historical backlog total and the September 10, 2021 historical backlog total, please provide the number of pending requests for each customer class (residential, commercial, industrial, etc.).	LUMA objects to this request as it seeks information that falls beyond the scope of the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Further, LUMA objects to this request as the information sought is irrelevant to the controversy at issue on LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA") filed on September 24, 2021 ("LUMA's Revised Performance Metrics Targets filing"). The progress of the interconnection procedures is the subject matter of Case No. NEPR-MI-2019-0016 (Informes de Progreso de Interconexión), already before the consideration of the Energy Bureau.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.																
PREB-LUMA-05-02	<p>Referring to slide 17 where the forecast for backlog reduction is provided, for both the June 1, 2021 historical backlog total and the September 10, 2021 historical backlog total, for each customer class, please provide a breakdown of the respective backlog by system size and time in pendency by completing the table that is provided below:</p> <table border="1" data-bbox="422 1219 1052 1416"> <thead> <tr> <th data-bbox="422 1219 793 1317"></th> <th data-bbox="793 1219 873 1317">31-60 days</th> <th data-bbox="873 1219 953 1317">61-90 days</th> <th data-bbox="953 1219 1052 1317">90+ days</th> </tr> </thead> <tbody> <tr> <td data-bbox="422 1317 793 1349">Less than 10 kW</td> <td data-bbox="793 1317 873 1349"></td> <td data-bbox="873 1317 953 1349"></td> <td data-bbox="953 1317 1052 1349"></td> </tr> <tr> <td data-bbox="422 1349 793 1382">10 kW - 25 kW</td> <td data-bbox="793 1349 873 1382"></td> <td data-bbox="873 1349 953 1382"></td> <td data-bbox="953 1349 1052 1382"></td> </tr> <tr> <td data-bbox="422 1382 793 1416">Greater than 25 kW</td> <td data-bbox="793 1382 873 1416"></td> <td data-bbox="873 1382 953 1416"></td> <td data-bbox="953 1382 1052 1416"></td> </tr> </tbody> </table>		31-60 days	61-90 days	90+ days	Less than 10 kW				10 kW - 25 kW				Greater than 25 kW				Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.
	31-60 days	61-90 days	90+ days																
Less than 10 kW																			
10 kW - 25 kW																			
Greater than 25 kW																			



ROI No.	Requirements of Information	LUMA Response	Reason for Compelling Answer
PREB-LUMA-05-03	Referring to slide 17 where the forecast for backlog reduction is provided, for the September 10, 2021 historical backlog of 5,696 cases that is provided, please clarify whether any of these systems had completed the validation stage as of September 10, 2021.	Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.
PREB-LUMA-05-04	Referring to slide 17 where the forecast for backlog reduction is provided, for the September 10, 2021 historical backlog of 5,696 cases that is provided, please clarify whether the total that is shown consists only of already installed systems.	Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.
PREB-LUMA-05-05	Referring to slide 17 where the forecast for backlog reduction is provided, for the September 10, 2021 historical backlog of 5,696 cases that is provided, please confirm that none of these systems had been interconnected as of September 10, 2021. If not, please explain.	Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.
PREB-LUMA-05-06	Referring to slide 17 where the forecast for backlog reduction is provided, for the September 10, 2021 historical backlog of 5,696 cases that is provided, please confirm that none of these systems were capable of exporting energy to the grid as of September 10, 2021. If not, please explain.	Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.



ROI No.	Requirements of Information	LUMA Response	Reason for Compelling Answer
PREB-LUMA-05-07	Referring to slide 14, please explain how the “new process for expedited cases” will help to “resolve the large number of cases in backlog.” Please provide supporting documentation.	Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.
PREB-LUMA-05-08	Referring to slide 15, please indicate if the interconnection queue is currently accessible online? If not, please indicate when does LUMA expect it to make the information accessible?	Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.
PREB-LUMA-05-09	Referring to slide 19, please indicate when LUMA anticipates receiving the results of the referenced hosting capacity studies. Please indicate if the results of the studies will be publicly accessible? If yes, when will these studies be accessible to the public? If not, please explain why not.	Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.
PREB-LUMA-05-10	Referring to slide 9, and specifically to the reference to the “steady state where the organization can process incoming applications at a sufficient rate to prevent further accumulation of a backlog,” please indicate how long on average does LUMA anticipate that it would require to provide NEM access to customers under this “steady state?” Please explain in detail.	Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.



ROI No.	Requirements of Information	LUMA Response	Reason for Compelling Answer
PREB-LUMA-05-11	Referring to slide 9, and specifically to the reference to the “steady state where the organization can process incoming applications at a sufficient rate to prevent further accumulation of a backlog,” please indicate if LUMA anticipates that any future applications would require more than 30 days for provision of NEM access. If yes, please explain in detail the circumstances under which more than 30 days might be required for provision of NEM access, and please also note any steps that LUMA might take to reduce the time needed to grant NEM access to such systems.	Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.
PREB-LUMA-05-12	Referring to slide 20 where long-term goals are provided, did LUMA consider proposing a performance incentive for improvements in the interconnection process? If yes, please explain in detail. If not, please explain why not.	Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.
PREB-LUMA-05-13	Referring to slide 20 where long-term goals are provided, please indicate if LUMA agrees that an Interconnection performance target could align with the Act 17-2019 requirements to accelerate the integration of renewable energy in the Commonwealth. If not, please explain.	Please refer to the response provided to RFI-LUMA-AP-2020-0025-PREB-R5-04OCT21-001.	The Energy Bureau is not bound or limited by the provisions of the T&D OMA. The information is pertinent and discoverable as part of the subject matter of the instant case.
PREB-LUMA-06-11	Referring to Exhibit A - <i>LUMA SAIFI and SAIDI Targets 7-26-2021- NEPR AP 2020-0025.xlsx</i> and Table 14-2 Portion of Distribution System Requiring Vegetation Management from LUMA’s Vegetation Management Plan dated April 11, 2021, please indicate the planned trim miles for FY 2022, FY 2023, and FY2024.	LUMA objects to this request as it seeks information that falls beyond the scope of the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The particulars of vegetation management activities are not at issue in the instant proceeding. Vegetation management processes are the subject matter	The information is pertinent and discoverable as part of the subject matter of the instant case.



ROI No.	Requirements of Information	LUMA Response	Reason for Compelling Answer
		of Case No. NEPR-MI-2019-005, where LUMA filed its Vegetation Management Plan. Further, LUMA objects to this request as the information sought is irrelevant to the controversy at issue on LUMA's Revised Performance Metrics Targets.	
PREB-LUMA-06-12	Referring to Exhibit A - <i>LUMA SAIFI and SAIDI Targets 7-26-2021- NEPR AP 2020-0025.xlsx</i> and Table 14-3 Portion of Transmission System Requiring Vegetation Management from LUMA's Vegetation Management Plan dated April 11, 2021, please indicate the planned trim acreage for FY 2022, FY 2023, and FY2024.	Please refer to RFI-LUMA-AP-2020-0025-PREB-R6-04OCT21-011.	The information is pertinent and discoverable as part of the subject matter of the instant case.
PREB-LUMA-06-13	Referring to Exhibit A - <i>LUMA SAIFI and SAIDI Targets 7-26-2021- NEPR AP 2020-0025.xlsx</i> and Table 14-4 Portion of Transmission ROW Widening Requirements from LUMA's Vegetation Management Plan dated April 11, 2021, please indicate the planned widening miles for FY 2022, FY 2023, and FY2024.	Please refer to RFI-LUMA-AP-2020-0025-PREB-R6-04OCT21-011.	The information is pertinent and discoverable as part of the subject matter of the instant case.
PREB-LUMA-06-14	Referring to Exhibit A - <i>LUMA SAIFI and SAIDI Targets 7-26-2021- NEPR AP 2020-0025.xlsx</i> , and Sections 9.2 and 14.3 from LUMA's Vegetation Management Plan dated April 11, 2021, please provide LUMA's steady-state preventative vegetation maintenance plan in terms of trimmed and inspected miles for both the transmission and distribution system. Please provide supporting documentation and calculations. If LUMA has not conducted this assessment, please explain why not.	Please refer to RFI-LUMA-AP-2020-0025-PREB-R6-04OCT21-011.	The information is pertinent and discoverable as part of the subject matter of the instant case.

