

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

NEPR

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

CASE NO.: NEPR-AP-2020-0025

**SUBJECT: MOTION TO COMPEL
LUMA TO RESPOND TO LECO'S
REQUESTS OF INFORMATION**

**MOTION TO COMPEL LUMA TO RESPOND TO LECO'S REQUESTS OF
INFORMATION**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW, Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc. - Enlace Latino de Acción Climática, Inc., Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., CAMBIO, and Sierra Club and its Puerto Rico chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (collectively, "LECO"), to respectfully request that the Energy Bureau compel responses from LUMA to Questions 5 & 6 from LECO's First Discovery Request, Questions 1-8 and 16-61 in LECO's Second Set of Information Requests pursuant to Article VIII, Regulation No. 8543.¹

LECO served to LUMA the first request of information (ROI) on August 27, 2021, and the second ROI on September 3rd.² On September 2, 2021, LUMA

¹ Regulation on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings, Regulation No. 8543, December 18, 2014, <https://energia.pr.gov/wp-content/uploads/sites/7/2015/09/RE-8543-ES.pdf>. Pursuant to Section 8.03(F) of Regulation No. 8543, LECO's questions and LUMA's responses and objections at issue are contained within the Attachments to this Motion.

² See Attachments 1 and 2.

requested an extension until September 10 to provide responses to the First ROI.³ On September 3, 2021, the Energy Bureau granted the requested extension.⁴ LUMA provided responses to the First and Second ROI's on September 10 and 13, respectively.⁵ In these responses, LUMA requested clarifications to several questions and refused to answer other questions based on objections detailed below. On September 27, 2021, LECO submitted the requested clarifications to LUMA and responded to objections and requested once again that LUMA answer the questions and submit supporting documents.⁶ On October 1st, LUMA provided answers to just a few questions after the clarifications, but the majority of LECO's questions remain unanswered.⁷

LUMA Must Answer Questions On Its Own Testimony And Exhibits.

LUMA refuses to answer Questions 16 through 61 in our Second ROI.⁸ These questions concern the LUMA Emergency Response Plan, which is Exhibit A to the Direct Testimony of Abner Gómez Cortés.⁹ LUMA objects to these questions on the

³ LUMA Energy LLC, *Motion Requesting a Brief Extension for LUMA to Answer LECO's First Discovery Request*, In RE: Performance Targets for LUMA Energy Servco, LLC, PREB Dkt. No. NEPR-AP-2020-0025, (September 2, 2021), <https://energia.pr.gov/wp-content/uploads/sites/7/2021/09/Motion-Requesting-a-Brief-Extension-for-Luma-to-Answer-Lecos-First-Discovery-Request-NEPR-AP-2020-0025.pdf>.

⁴ Puerto Rico Energy Bureau, *Resolution*, In RE: Performance Targets for LUMA Energy Servco, LLC, PREB Dkt. No. NEPR-AP-2020-0025, (September 3, 2021), <https://energia.pr.gov/wp-content/uploads/sites/7/2021/09/20210903-AP20200025-Resolution.pdf>.

⁵ See Attachments 3 and 4.

⁶ See Attachment 5.

⁷ See Attachment 6.

⁸ See Attachment 2, Second Set of Information Requests from LECO to LUMA, at 4-6, In RE: Performance Targets for LUMA Energy Servco, LLC, PREB Dkt. No. NEPR-AP-2020-0025 (September 3, 2021).

⁹ LUMA Energy LLC, *Motion Submitting Pre-Filled Testimonies*, at 43, In RE: Performance Targets for LUMA Energy Servco, LLC, PREB Dkt. No. NEPR-AP-2020-0025, (August 18, 2021) <https://energia.pr.gov/wp-content/uploads/sites/7/2021/08/Exhibit-1-Pre-Filed-Testimonies-on-LUMAs-Performance-Metrics-Targets.pdf> [Hereinafter Direct Testimony of Abner Gómez Cortés].

grounds that “[t]he Emergency Response Plan is not at issue in the instant proceeding.”¹⁰ That is not a valid reason for refusal to answer questions – the Emergency Response Plan is one of the documents Mr. Gomez Cortés consulted before preparing his testimony.¹¹ The purpose of Mr. Gomez Cortés' testimony is to support

¹⁰ See Attachment 4, LUMA's Responses and Objections to Second Discovery Request by LECO, at 20-65, In RE: Performance Targets for LUMA Energy Servco, LLC, NEPR-APR-2020-0025 (September 13, 2021), where LUMA responded question 16 as follows: “LUMA objects to this request as it seeks information and documents that fall beyond the scope of the subject matter of this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Further, LUMA objects this request as the information sought is irrelevant to the matters at issue on LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to T&D OMA. The Emergency Response Plan is not at issue in the instant proceeding. Additionally, LUMA objects to this request inasmuch as it seeks to undermine an already established public regulatory proceeding. The Emergency Response Plan is under consideration by the Puerto Rico Energy Bureau in Case No. NEPR-MI-2019-0006 (Planes de Autoridad de Energía Eléctrica de Puerto Rico para Atender Emergencias). The docket of that case is a matter of public record readily available to the public. A procedural calendar has been issued in said proceeding with dates already scheduled for a public virtual hearing and a deadline for the filing of comments from the general public.”

Questions 17-25, 27-56, and 58-61, LUMA responded as follows: “LUMA's response: “Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.”

For question 26, LUMA added the following: “Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016. Furthermore, LUMA objects to that portion of the request that seeks information related to performance since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on training programs and exercises provided by LUMA after June 1st, 2021, is not relevant to this proceeding.”

Lastly, for question 57, LUMA responded as follows: “Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016. Additionally, as drafted, this request is unintelligible and vague and precludes LUMA from raising additional objections or a response.”

In Attachment 6, LUMA's Responses to LECO's Meet and Confer letter, at 6, In RE: Performance Targets for LUMA Energy Servco, LLC, NEPR-APR-2020-0025 (October 1, 2021), LUMA sustained its objection: “LUMA reiterates its objection to RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016 to 061. In this proceeding, the Energy Bureau is not called upon to evaluate or approve LUMA's Emergency Response Plan. The Emergency Response Plan is under consideration by the Puerto Rico Energy Bureau in Case No. NEPR-MI-2019-0006 (Planes de Autoridad de Energía Eléctrica de Puerto Rico para Atender Emergencias) where LUMA personnel provided testimony for the public record and filed additional information requested by the Energy Bureau that is also available in the public record. At issue in this proceeding is LUMA's Performance Metrics Targets on Major Outage Event: Preparation Phase and whether the proposed metric target presented and supported by Mr. Abner Gómez's testimony warrants approval from the Energy Bureau. A collateral discovery that sidesteps procedures in Case No. NEPR-MI-2019-0006 is improper and imposes an undue burden on LUMA. Considering the limited scope of this proceeding in connection with LUMA's ERP, the requests issued by LECO are unduly burdensome and harassing.”

¹¹ Direct Testimony of Abner Gomez Cortes, line 41, lines 171-178.

metrics directly related to that Emergency Response Plan. Mr. Gomez Cortés' testimony repeatedly refers to that Plan. Since LUMA entered that document into the record in this proceeding and LUMA's witness relied upon it to prepare his testimony and the proposed metrics, LUMA must answer discovery questions on that document. LUMA cannot rely on documents in this proceeding and then refuse to answer questions about those documents.

The Puerto Rico Supreme Court has ruled that relevant documents and information must be made available through discovery to eliminate surprises, simplify issues, improve the efficiency of hearings and trials and facilitates the search of the truth. García Rivera et al. v. Enriquez, 153 D.P.R. 323 (2001).¹² In this case, information related to LUMA's metrics for carrying out the Emergency Response Plan is clearly within the broad scope of discovery spelled out by the Supreme Court. Ades v. Zalman, 115 D.P.R. 514, 518 (1984); Rivera Alejandro v. Algarín, 112 DPR 830 (1982). *See also* García Rivera et al. v. Enriquez, 153 D.P.R. 323, 334 (2001) (Discovery rules must be interpreted liberally and require the cooperation and good faith of both parties).

The Emergency Response Plan is being evaluated in a different proceeding, but the public has not been given permission to intervene or submit discovery in that proceeding. LECO is not asking the Energy Bureau to evaluate or approve the Emergency Response Plan in this proceeding - rather, LECO seeks the information

¹² The high court has established that the purposes of the rules for discovery of evidence are to: (1) specify the issues in dispute; (2) obtain evidence to be used in the trial; (3) facilitate the search for the truth, and (4) perpetuate evidence. Rivera v. Bco. Popular, 152 D.P.R. 140 (2000).

necessary for PREB and all parties to evaluate the metrics, baselines, and benchmarks related to that Plan. LECO needs answers on the documents that witness Gomez Cortés used, to prepare for the hearing and properly cross examine Mr. Gomez at the hearing.

LUMA Must Provide Information Related To The Company's Current Performance

LUMA refused to answer Questions 5(b) and 6 from LECO's First ROI,¹³ on the basis of the following objection: "This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021, and July 2, 2021, issued in Case No. NEPR-MI-2019-0007."¹⁴

¹³ See Attachment 1, First Discovery Request to LUMA from LECO, at 1-2, In RE: Performance Targets for LUMA Energy Servco, LLC, NEPR-APR-2020-0025 (August 27, 2021).

¹⁴ See Attachment 3, LUMA's Responses and Objections to First Discovery Request by LECO, where LUMA responded question 5(b) as follows: "LUMA objects this request as it seeks information that falls beyond the scope of the subject matter of this proceeding inasmuch as it references performance on outages. As explained at page 8 of LUMA's Revised Performance Metrics Targets filing of August 18, 2021, LUMA's proposed Major Outage Event Performance Metrics only apply during Major Outage Events that are defined as:

an event as a result of which (i) at least two hundred and five thousand (205,000) T&D Customers are interrupted for more than 15 minutes or (ii) at any point in time during the event, there are one thousand five hundred or more ($\geq 1,500$) active outage events for the T&D System, which are tracked in the Outage Management System (OMS). The major outage event is deemed ongoing so long as the interruptions/outages continue to remain above the stated cumulative amounts, in each case for a period of twenty-four hours or longer (≥ 24) and are caused by an act of God. If such an act of God is a storm, the storm must be designated as a named storm by the U.S. National Weather Service or a State of Emergency declared by the Government of Puerto Rico. The major outage event shall be deemed to have ended when the cumulative number of T&D customers remaining interrupted falls below ten thousand (10,000) for a continuous period of eight (8) hours.

LUMA objects to that portion of the request that seeks information related to outages that have occurred since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on outages that have occurred after June 1, 2021, is not relevant to this proceeding. Without waiving the foregoing objections, LUMA responds that there have been no Major Outage Events that meet the specified criteria since June 2021."

The answer to question 6 is similar as the above answer.

In Attachment 6, LUMA's Responses to LECO's Meet and Confer letter, at 6, In RE: Performance Targets for LUMA Energy Servco, LLC, NEPR-APR-2020-0025 (October 1, 2021), LUMA sustained its

LUMA is incorrect. The May and June orders do not state that this proceeding must be limited to the data used to establish those baselines and benchmarks. To the contrary, those orders explicitly envision that baselines and benchmarks will evolve and be informed by the ongoing collection of data on LUMA's performance. PREB specifically ordered LUMA to provide quarterly reports with an ongoing collection of data on LUMA's performance and explains that "the establishment of performance compliance metrics and benchmarks", informed with this new data, "shall be an ongoing process."¹⁵

Moreover, the baselines and benchmarks to be considered in this proceeding are not limited to those set forth in PREB's May Order in Docket NEPR-MI-2019-0007. In fact, LUMA itself has not limited its proposed metrics to those figures: the company has proposed different baselines and benchmarks than those in PREB's May order for several metrics, including: Operating Budget, System Average Interruption

objection: "LECO's clarification and response concerning what appears to be LUMA's answer to Request No. 6 is confusing. The clarification and response refer to the applicable baselines set forth by the Energy Bureau in Case No. NEPR-MI-2019-0007. The instant proceeding is limited to the proposed performance-based incentives by LUMA. The Energy Bureau has not expanded the scope of this proceeding to include matters decided or that the Energy Bureau may consider in other proceedings or the future. Please note that the docket where the Energy Bureau continually collects data on performance metrics is Case No. NEPR-MI-2019-007, where LUMA files quarterly reports required by the Energy Bureau. A collateral discovery that sidesteps procedures in Case No. NEPR-MI-2019-0007 is improper and imposes an undue burden on LUMA. Considering the limited scope of this proceeding, the request issued by LECO is unduly burdensome and harassing.

Notwithstanding the above, in RFI-LUMA-AP-2020-0025-LECO-10SEPT21-006, LECO referred to the Major Outage Event Performance Metrics and requested "a detailed description of LUMA's performance, according to each of these metrics, for all outages that have occurred since LUMA took over the transmission and distribution system, in June 2021." As already stated in RFI-LUMA-AP-2020-0025-LECO-10SEPT21-006, LUMA's proposed Major Outage Event Performance Metrics only apply during Major Outage Events as those events are defined in LUMA's Revised Performance Metrics targets filing of August 18, 2021, and September 24, 2021."

¹⁵ Puerto Rico Energy Bureau, *Resolution and Order on Final Performance Baseline data and Benchmarks*, at 15, In RE: Performance Targets for LUMA Energy Servco, LLC, PREB Dkt. No. NEPR-MI-2019-0007, (May 21, 2021) <https://energia.pr.gov/wp-content/uploads/sites/7/2021/05/Resolution-and-Order-NEPR-MI-2019-0007.pdf>

Frequency Index, System Average Interruption Duration Index, Average Speed of Answer, Customer Complaint Rate, OSHA Recordable Incident Rate, OSHA Severity Rate, and OSHA DART Rate. It bears noting that for each metric, LUMA proposes a less ambitious baseline and more timid benchmarks than those set forth in PREB's May Order.

LUMA's overly narrow interpretation of the information and data relevant to this proceeding does not comport with PREB's orders concerning performance-based penalties and incentives, which make it clear that data gathering is an essential part of developing metrics, targets, incentives, and penalties for electric companies.¹⁶ LUMA itself has stated the need for up-to-date information: "Using data from the previous fiscal year to set targets for the next fiscal year results in baselines that are two years out of date from the period for which the baselines apply and for which the targets will be set. LUMA recommends the Energy Bureau consider more recent data, such as up to the more recent quarter, in future baseline-setting proceedings."¹⁷ Current data is critically important due to the constant and widespread outages that have occurred since LUMA's takeover. Act 57-2014, Article 1.2(l) requires all electric companies to provide stable and adequate service – if LUMA is failing to achieve that

¹⁶ Puerto Rico Energy Bureau, *Resolution and Order on PREPA Performance Reporting Requirements* at 2-3, In RE: Performance Targets for LUMA Energy Servco, LLC, PREB Dkt. No. NEPR-MI-2019-0007, (May 14, 2019), <https://energia.pr.gov/wp-content/uploads/sites/7/2019/06/MI20190007-Resolution-and-Order.pdf>.

¹⁷ LUMA Energy LLC, *Motion for Partial Reconsideration of Solutions and Order of April 8, 2021, Motions Submitting Information in Support Thereof, and Requests for Clarifications*, In RE: Performance Targets for LUMA Energy Servco, LLC, PREB Dkt. No. NEPR-MI-2019-0007, April 28, 2021, <https://energia.pr.gov/wp-content/uploads/sites/7/2021/04/Motion-for-Partial-Reconsideration-of-Resolution-and-Order-of-April-8-2021-Motion-Submitting-Information-in-Support-Thereof-and-Request-for-Clarifications-NEPR-MI-2019-0007.pdf>.

fundamental obligation, then the performance-based penalties should reflect that.¹⁸ Data and information on LUMA's performance are necessary for PREB and all parties to evaluate the metrics, baselines, and benchmarks related to LUMA's performance, to prepare for the hearing, and properly cross examine LUMA's witnesses at the hearing.

LUMA Must Answer Questions Related To All Performance Areas Within Its Reasonable Control: Including The Quality Of Interconnection Of Resources Located In Consumers' Properties

LUMA refused to answer Questions 1-8 in LECO's Second ROI on the following objection: "[t]he interconnection procedures are not at issue in the instant proceeding."¹⁹ This is incorrect: interconnections are relevant due to the requirement

¹⁸ *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

¹⁹ See Attachment 4, LUMA's Responses and Objections to Second Discovery Request by LECO, at 2-10, In RE: Performance Targets for LUMA Energy Servco, LLC, NEPR-APR-2020-0025 (September 13, 2021), where LUMA answered question 1 as follows: "LUMA objects to this request as it seeks information that falls beyond the scope of the subject matter of this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Further, LUMA objects this request as the information sought is irrelevant to the matters 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"). The interconnection procedures are not at issue in the instant proceeding. The progress of the interconnection procedures is the subject matter of Case No. NEPR-MI-2019-0016 (Informes de Progreso de Interconexión), which is a regulatory proceeding that provides for public participation. The docket of that case is a matter of public record readily available to the public. LUMA objects to that portion of the request that seeks information related to performance since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on management of interconnections by LUMA after June 1st, 2021, is not relevant to this proceeding."

Questions 2-8, LUMA responded as follows: "Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001."

In Attachment 6, LUMA's Responses to LECO's Meet and Confer letter, at 6, In RE: Performance Targets for LUMA Energy Servco, LLC, NEPR-APR-2020-0025 (October 1, 2021), LUMA sustained its objection: LUMA reiterates its objections to RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001 thru RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-008. The proposed performance-based incentives to be considered in this proceeding can be found in LUMA's Second Revised Performance Metrics Targets

in both Law 17-2019 and Regulation 9137 that when establishing performance-based penalties and incentives, PREB consider "compliance with the Renewable portfolio standard and rapid integration of renewable energy sources, including the quality of the interconnection of resources located in consumers' properties."²⁰ The Energy Bureau has made it clear that LUMA must make measurable progress towards improving its performance on interconnections.²¹ This proceeding is the ideal place to set metrics, baselines, and benchmarks for that progress - indeed, Law 17-2019 Section 5.21(e) requires it.

LUMA's proposed Annex IX includes no metrics on Renewable Portfolio Standard, integration of renewables or storage, or interconnections, but the Energy Bureau has already stated that its authority in this proceeding is not limited to the content of the proposed Annex IX: "It is important to clarify that... neither the time limitations in [the Operation & Maintenance Agreement] nor the content of Annex

filing submitted on September 24, 2021, before the Energy Bureau. That is the relevant scope of the matters at issue in this proceeding.

Further, none of the proposed Performance Metrics Targets submitted by LUMA for the consideration of the Energy Bureau relate to "compliance with the Renewable portfolio standard and rapid integration of renewable energy sources, including the quality of the interconnection of resources located in consumers' properties." The T&D OMA did not include any performance-based incentives on interconnections. Interconnections are irrelevant to LUMA's petition and, as a consequence, are irrelevant in this proceeding. It was pursuant to LUMA's petition filed on February 25, 2021, that the Energy Bureau authorized discovery in this proceeding. LECO has not established the relevance of the requested information to LUMA's Revised Performance Metrics Targets filing."

²⁰ *Puerto Rico Energy Policy Act*, Law 17-2019 Section 5.21(e), Amended Law 57-2014, Section 6.25B(e).

²¹ Puerto Rico Energy Bureau, *Resolution and Order*, at 1, In RE: Informes de Progreso de Interconexión de la Autoridad de Energía Eléctrica de Puerto Rico Dkt. No. NEPR-MI-2019-0016, (Aug. 27, 2021) <https://energia.pr.gov/wp-content/uploads/sites/7/2021/08/20210827-MI20190016-Resolucion-y-Orden.pdf>

IX are binding to the Energy Bureau.”²² Law 17-2019 and Regulation 9137 set the scope of performance-based penalties and incentives to be considered in this proceeding: not LUMA’s proposed Annex IX. Those laws make it clear that the Energy Bureau may set performance-based penalties and incentives on any “performance areas within reasonable control of” LUMA.²³ Therefore, LUMA must provide information that allows the parties and PREB to propose penalties and incentives in those areas – including interconnections.

Wherefore, LECO respectfully requests that the Energy Bureau compel responses from LUMA to Questions 5 and 6 from LECO’s First ROI, Questions 1-8 and 16-61 in LECO’s Second ROI and any other remedy that deems appropriate according to Section 8.03(F) of Regulation No. 8543.

Respectfully submitted. In San Juan Puerto Rico, October 7, 2021.

/s/ Laura Arroyo

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²² Puerto Rico Energy Bureau, *Resolution and Order*, at 5, In RE: Performance Targets for LUMA Energy Servco, LLC, PREB Dkt. No. NEPR-AP-2020-0025 (Dec. 23, 2020) <https://energia.pr.gov/wp-content/uploads/sites/7/2020/12/20201223-AP20200025-Resolution-and-Order.pdf>

²³ Regulation 9137 Section 7.1(D)

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CERTIFICATION OF SERVICE

I hereby certify that on October 7, 2021, I caused this Motion to Compel to be served upon the following parties:

- Puerto Rico Energy Bureau: secretaria@energia.pr.gov; secretaria@jrsp.pr.gov; legal@jrsp.pr.gov and viacaron@jrsp.pr.gov
- LUMA Energy LLC and LUMA Energy ServCo LLC: mmercado@mercado-echegaray-law.com; margarita.mercado@us.dlapiper.com; yahaira.delarosa@us.dlapiper.com
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ATTACHMENT 1

*First Discovery Request to LUMA from LECO
In RE: Performance Targets for LUMA Energy Servco, LLC,
NEPR-APR-2020-0025 (August 27, 2021)*

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

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

CASE NO. NEPR-AP-2020-0025

SUBJECT: FIRST DISCOVERY
REQUEST

**First Discovery Request to LUMA from Local Environmental and Civil
Organizations**

Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc. - Enlace Latino de Acción Climática, Inc., Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., CAMBIO, Sierra Club and its Puerto Rico chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (Local Environmental and Civil Organizations, or “LECO”), by and through their legal counsel, hereby submit this First Set of Discovery Requests to LUMA Energy LLC and LUMA Energy ServCo LLC (collectively, LUMA). Please forward responses to the discovery requests below to all attorneys of record within twenty days.¹ The General Instructions for these Requests are enclosed as well.

If any document is being withheld or redacted based on a claim of privilege, please also provide a privilege log identifying and justifying with specificity such withholding or redacting.

Responses are to be provided in electronic format please (e.g., text documents should be in the original word processor file format or searchable PDF, data files should be in Excel format in original, electronic, unlocked, format, where possible, with formulas intact).

1. Please produce all discovery responses to any other party in this proceeding. This is a continuing request.
2. Please produce the information, data, studies, reports, evaluations, studies, workpapers and modeling files (including both input and output files) within your possession that support the proposed Annex IX submitted by LUMA, including all workpapers and modeling files created, used, or relied on in developing each of the figures, tables, and exhibits presented in the proposal. Please specifically include the information and documents supporting or justifying the proposed metrics contained in Tables 2-1 through 2-25 of the proposed Annex IX.

¹ Regulation 8543, Section 8.03(C).

3. Refer to the PREB January 21, 2021 Order's requirement that incentives cannot be awarded for "easy-to-fix" problems. Please identify any such easy-to-fix problems in the following categories:
 - electric rate volatility and affordability
 - economic incentives and investment payback
 - electric service reliability
 - customer service and commitment - including options to manage costs
 - customer access to electric power company information - specifically including information on electric power consumption
 - public access to electric power company information - specifically including information on aggregated customer energy
 - compliance with the RPS
 - rapid integration of renewables, including the quality of interconnection of distributed renewables
 - compliance with energy efficiency metrics of Law 17-2019
 - infrastructure maintenance
 - occupational safety and health incidents (specifically including fatalities and severity of incidents)
4. Refer to the following statement on p. 10 of the proposed Annex IX: "Based on analysis of data over the last 36 months and consideration of impact of external factors such as Hurricane Maria and the COVID cut-off moratorium, the timeframe of May 2019 - February 2020 represents the most current stable and unimpaired period of collections activity for general customers." Provide the basis for this statement, along with any supporting documents. Please specifically include the "analysis" and "consideration" referenced in this statement.
5. Refer to the definition of Major Outage Event on p. 37.
 - a. Does this definition differ in any way from the definition of Major Outage Event contained within LUMA's Emergency Response Plan?
 - b. Have any of the outages that occurred since LUMA took over the transmission and distribution system, in June 2021, met the listed criteria?
6. Refer to the Summary of Major Outage Event Performance Metrics in Table 24, p. 38. Please provide a detailed description of LUMA's performance, according to each of these metrics, for all outages that have occurred since LUMA took over the transmission and distribution system, in June 2021.
7. LUMA provided testimony from four witnesses. Please provide a detailed description of these witnesses' level of expertise in the following areas:
 - customer access to electric power company information - specifically including information on electric power consumption
 - public access to electric power company information - specifically including information on aggregated customer energy

- compliance with the RPS
 - rapid integration of renewables, including the quality of interconnection of distributed renewables
 - compliance with energy efficiency metrics of Law 17-2019
8. Has LUMA made any changes to the form of the invoices and bills sent to electricity customers, or any changes to the information provided in those documents? If so, please provide a detailed description of all changes made by LUMA.
 9. Refer to the following statement on Table 2-2 Summary of Performance Metrics on p. 8 of the Revised Annex IX: "[Average speed of answers is] [b]ased on past PREPA performance and LUMA experience." Does LUMA intend to use its experience since it took over the transmission and distribution system in June 2021 as a baseline performance level for the average speed of answers? If so, please provide a detailed description of the information from LUMA's experience, specifically including the number of answers provided by LUMA, the average speed of answer, and the median speed of answers.
 10. Refer to table 2-2 Summary of Performance Metrics on p.8 of the Revised Annex IX "Customer Complaint Rate" referring to LUMA's baseline performance level derivation which is "[b]ased on the total number of complaints received by the PREB (NEPR-QR) from May 2019 to February 2020, annualized, as the baseline as it is the most normal period of operations for PREPA in the last 4 years."
 - a. Why are current LUMA calls and LUMA experience not factored in, as they are for Average Speed of Answers?
 - b. What is the decisive factor when using LUMA's experience (since it took over the transmission and distribution system, in June 2021) in some of these baseline performance level derivations (see question above) and not in others?
 11. Refer to the following statement on p.17 and p.19 of the Revised Annex IX: "[t]here is a lack of visibility into three separate call routing systems and overflow which prevents LUMA from accurately calculating [Average Speed of Answer]." Please provide a detailed description of the "lack of visibility"
 - a. Has LUMA conducted any analysis on the causes of the lack of visibility?
 - b. Has LUMA identified any way to improve visibility?
 - c. How does the lack of visibility directly affect your ability to calculate the Average Speed of Answer?
 - d. Has LUMA considered any alternative method of calculating Average Speed of Answer?

12. Refer to p.33 "Special Considerations". Please provide a comprehensive list of possible situations that merit special considerations, aside from the three included.
13. Refer to the following statement provided in table 2-4 Summary of Major Outage Event Performance Metrics on p.39 "Crewing": "three (3) days prior to a forecasted event occurring (when the event allows that much warning time), LUMA will complete a "damage prediction" to determine crew requirements. Based on this damage prediction, the number of mutual assistance crew will be determined."
 - a. Please provide the guidelines that will be used to assess and create these "damage predictions."
 - b. Please explain whether LUMA plans to keep track of areas that are more susceptible to damage, to be used in case of lack of time to complete the aforementioned "damage prediction" or in the case of an unpredicted event (i.e. earthquake).

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 - a. The privilege asserted and its basis;
 - b. The nature of the information withheld; and,
 - c. The subject matter of the document, except to the extent that you claim it is privileged.
3. For any document or set of documents you object to providing to on the grounds it is burdensome or voluminous, please identify the specific document.
4. These discovery requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These discovery requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.
5. If any discovery request cannot be responded to or answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.
6. These discovery requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these discovery requests subsequently become known.
7. For each response, identify all persons that were involved in the preparation of the answers to the interrogatories below and/or are responsible for compiling and providing the information contained in each answer.
8. Identify which witness(es) at the hearing(s) is competent to adopt and/or discuss the response.
9. Please produce the requested documents in electronic format to all attorneys of record.
10. Wherever the response to an interrogatory or request consists of a statement that the requested information is already available to us, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart/table/figure number(s).
11. In the event that any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.
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1. "Document" means all written, recorded or graphic matters, however produced or reproduced, pertaining in any manner to the subject of this proceeding, whether or not now in existence, without limiting the generality of the foregoing, all originals, copies and drafts of all writings, correspondence, telegrams, notes or sound recordings of any type of personal or telephone communication, or of meetings or conferences, minutes of directors or committee meetings, memoranda, inter-office communications, studies, analyses, reports, results of investigations, reviews, contracts, agreements, working papers, statistical records, ledgers, books of account, vouchers, bank checks, x-ray prints, photographs, films, videotapes, invoices, receipts, computer printouts or other products of computers, computer files, stenographer's notebooks, desk calendars, appointment books, diaries, or other papers or objects similar to any of the foregoing, however denominated. If a document has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reasons of subsequent modification of a copy by the addition of notations, or other modifications, are no longer identical) each non-identical copy is a separate "document."
2. "And" or "or" shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.
3. The term "you" and "your" refer to LUMA Energy LLC. and LUMA Energy ServCo, LLC.
4. The term "person" means any natural person, corporation, corporate division, partnership, limited liability company, other unincorporated association, trust, government agency, or entity.
5. The term "regarding" means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.
6. The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.
7. "Identify" or "identifying" or "identification" when used in reference to a person that is a natural person means to state: the full name of the person and any names under which he conducts business; the current employer of the person, the person's job title and classification, the present or last known work address of the person; and, the present or last known telephone number of the person.
8. "Identify" or "identifying" or "identification" when used in reference to a person other than a natural person means to state: the full name of the person and any names under which it conducts business; the present or last known address of the person; and, the present or last known telephone number of the person.
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 - a. the type of document (e.g., letter, memorandum, etc.);
 - b. the date of the document;

- c. the title or label of the document;
 - d. the Bates stamp number or other identifier used to number the document for use in litigation;
 - e. the identity of the originator;
 - f. the identity of each person to whom it was sent;
 - g. the identity of each person to whom a copy or copies were sent;
 - h. a summary of the contents of the document;
 - i. the name and last known address of each person who presently has possession, custody or control of the document; and,
 - j. if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.
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Respectfully submitted,

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CERTIFICATION OF SERVICE

I hereby certify that on August 27, 2021, I have caused this First Discovery Request to be sent to the following parties:

- Puerto Rico Energy Bureau: secretaria@energia.pr.gov
- LUMA Energy LLC and LUMA Energy ServCo LLC: mmercado@mercado-echegaray-law.com; margarita.mercado@us.dlapiper.com; yahaira.delarosa@us.dlapiper.com
- PREPA: jmarrero@diazvaz.law; kbolanos@diazvaz.law
- Oficina Independiente de Protección al Consumidor (OIPC): contratistas@oipc.pr.gov; hriviera@oipc.pr.gov
- Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico (ICSE): agraitfe@agraitlawpr.com
- Colegio de Ingenieros de Puerto Rico (CIAPR): rhoncat@netscape.net

/s/ Pedro Saadé Lloréns

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ATTACHMENT 2

*Second Set of Information Requests from LECO to LUMA,
In RE: Performance Targets for LUMA Energy Servco, LLC,
PREB Dkt. No. NEPR-APR-2020-0025 (September 3, 2021)*

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

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

CASE NO. NEPR-AP-2020-0025

SUBJECT: SECOND SET OF
INFORMATION REQUESTS

**SECOND SET OF INFORMATION REQUESTS FROM LOCAL
ENVIRONMENTAL AND CIVIL ORGANIZATIONS TO LUMA ENERGY
SERVCO LLC**

Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc. - Enlace Latino de Acción Climática, Inc., Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., CAMBIO, Sierra Club and its Puerto Rico chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (Local Environmental and Civil Organizations, or “LECO”), by and through their legal counsel, hereby submit this Second Set of Information Requests to LUMA Energy LLC and LUMA Energy ServCo LLC (collectively, LUMA). Please forward responses to the discovery requests below to all attorneys of record within ten days.¹ The General Instructions for these Requests are enclosed as well.

If any document is being withheld or redacted based on a claim of privilege, please also provide a privilege log identifying and justifying with specificity such withholding or redacting.

¹ As required by the Puerto Rico Energy Bureau’s April 8th Resolution and Order and August 30th Resolution and Order.

Responses are to be provided in electronic format please (e.g., text documents should be in the original word processor file format or searchable PDF, data files should be in Excel format in original, electronic, unlocked, format, where possible, with formulas in-tact).

For each question, please provide all relevant reports, documents, or supporting information and data.

Questions on Rapid Integration of Renewables, including the Quality of Interconnection of Distributed Renewables:

1. Please refer to LUMA's August 13, 2021 Motion to Show Cause in Docket NEPR-MI-2019-0016. Provide a detailed description of each of the "modifications to expedite [interconnection] procedures" described in that document:
 - a. LUMA has transitioned from a regionalized structure to a centralized structure with standardized procedures.
 - b. LUMA has also accelerated the studies stage of the interconnection procedure by eliminating sequential revisions in cases that do not require additional technical review.
 - c. The net metering procedures and necessary changes of meters are being handled outside of the Portal simultaneously with the validation and studies processes of the interconnection procedure.
 - d. These modifications are being accompanied by employee training and transparent communications with clients.
2. Refer to this statement in LUMA's August 13th filing: "LUMA has also accelerated the studies stage of the interconnection procedure by eliminating sequential revisions in cases that do not require additional technical review." Please provide a detailed description of the "technical review" referred to here.
3. Refer to this statement in LUMA's August 13th filing: "LUMA plans to methodically reduce the number of cases in sequential order, in order to be reasonable with those clients who have had [sic] waited the longest since they submitted their requests to PREPA." Please provide a detailed description of the plan referenced in this sentence.
4. According to LUMA's August 13th filings in PREB Docket NEPR-MI-2019-0016, as of May 1, 2021, PREPA had 7,208 pending requests for interconnection of distributed generation systems to the grid. As of July 31, 2021, LUMA had 6,978 pending requests.

- a. Please specify the number of pending requests, as of May 1st, and as of July 31st, from each customer class (e.g. residential, commercial, industrial, etc.)
 - b. Please provide the number of requests that are over:
 - i. 30 days old
 - ii. 180 days old
 - iii. 1 year old
5. Please list each day since June 1, 2021 where the Net Metering Portal has been nonfunctional for any part of the day.
6. Please provide a detailed description of LUMA's plan to improve the performance of the Net Metering Portal.
7. For customers that submitted a Net Metering Request since June 1st: provide the number of customers who had Net Metering on their bill within thirty days of submission.
8. Please provide the number of net metering-capable meters available to LUMA to be dedicated to new Net Metering customers. Does LUMA anticipate any delay in processing applications, due to a meter shortage?

Questions on LUMA's Process to Handle Complaints:

9. Please provide the documents and a detailed process on how the complaints from customers are collected, accounted for, and processed.
10. Are all the complaints available and visible to the public at LUMA's website? Is it just the electronic ones or the ones that are assigned a number, or both?

Questions on the Direct Testimony of Abner Gomez Cortés, LUMA Crisis Management Leader:

11. Please refer to p. 3 of Mr. Gomez' testimony. Describe the relationship between the LUMA Emergency Response Plan, Performance Metrics Target on Major Outage Event (MOE) Metrics and the force majeure provisions and clauses in the LUMA OMA.
12. P.4: Describe the specific events that trigger the Preparation Phase of MOE Metrics.
13. P.7: Provide documentation on the training program offered to the LUMA Emergency Operations Center personnel and documentation on proposed training programs.
14. P.8: Provide documentation on the \$140M in stockpile material in Puerto Rico to respond to an event and how the calculation of two-month duration of materials was determined.
15. P.9: Explain how the point weighting for each Performance Metric Major Outage Event: Preparation Phase works.

Questions on the LUMA Emergency Response Plan (ERP):

16. Please refer to p. 7 of the Emergency Response Plan. What is the status of LUMA's scenario specific plans? Produce copies of the scenario specific plans or any drafts of these plans.
17. P. 7: Specify what parts of the ERP adopted guidance from the National Response Framework and/or the Comprehensive Preparedness Guide.
18. Explain why the ERP does not discuss the Local Emergency Planning Committees.
19. P. 8: Specify what risk assessments LUMA has performed. Produce copies of the risk assessments prepared by or at the behest of LUMA.
20. P.8: Indicate what prevention or risk mitigation strategies LUMA has developed and/or adopted. Produce documentation on LUMA's prevention or risk mitigation strategies.
21. P.19: List and describe the key elements of LUMA's Incident Command System.
22. P.19: What emergency preparedness planning has LUMA performed?
23. P.20: Specify what aspects of the National Incident Management System LUMA has adopted.
24. P.21: Specify whether LUMA has conducted Damage Prediction Modeling. Produce all relevant documents.
25. P.21: What Field Labor Resource Predictions and Material Requirement Predictions has LUMA prepared?
26. P.21: Specify what training programs and exercises LUMA has conducted.
27. P. 21: Explain the elements of an After-Action Report.
28. P. 22: Provide copies of the Mutual Aid Assistance Agreements that LUMA has entered into or is currently negotiating.
29. P.22: Explain the meaning of the following sentence: "In organizational, geographical and jurisdictional terms events are attended to at the lowest possible level."
30. P.27: Explain the specific actions and resources required in mountainous terrain to provide workers access to lines and other infrastructure.
31. P.39: Define "small outage." Please quantify this outage, in terms of customers affected and the duration of the outage.?
32. P. 39 Define "severe event." Please quantify this outage, in terms of customers affected and the duration of the outage.
33. P. 42: Explain how outages are prioritized. How does the priority matrix system work?
34. P. 49: Explain the reference to "limits on information releases".
35. P. 71: Explain the following statement: "To some extent electric utility mutual aid will be limited to those partners who are present in Puerto Rico."
36. Provide copies of all mutual aid documents, including but not limited to agreements, memoranda of understanding, correspondence and other relevant documentation.

37. P. 72: Provide a detailed explanation of how LUMA will “minimize the need for specialized training or work practices”. Please provide a detailed description of the “specialized training.”
38. P.81: Explain the terms, limits and conditions of the proposed noncompetitive emergency procurement. Specify any amount and time limits for noncompetitive procurement.
39. P.111: How did LUMA calculate the number of customers at 2,956,102?

Questions on Annex A Major Outage Restoration:

40. P.13: Provide the Employee Staffing Roster with a full list of all relevant positions.
41. P. 27: Explain how LUMA determined the levels of critical facilities.
42. P. 35: Provide the documentation that forms the basis for the statement that a Type 1, catastrophic event , historically results in significant damage to the electrical transmission and distribution system, typically involves >50% (700,000) customer interruptions, >50,000 outage events and is anticipated to occur between one and four times in ten years.
43. P. 36: Provide the documentation that provides the basis for the statement that a Type 2, severe event , historically results in significant damage to the electrical transmission and distribution system in a region or moderate damage across the entire territory, typically 25-50% (350,000-700,000) customer interruptions, >25,000 outage events and is anticipated to occur between two and four times in five years.
44. P. 37: Provide the documentation that provides the basis for the statement that a Type 3 event (tropical depression/storm), historically results in significant damage to the electrical transmission and distribution system in districts or moderate damage to regions, typically involves 10-25% (70,000-350,000) customer interruptions, >25,000 outage events and is anticipated to occur between one and five times per year.
45. P. 37: Explain the meaning of decentralized dispatching in this context.
46. Specify how the outside assistance from contractors and mutual assistance would work.
47. P. 37: Provide the documentation that provides the basis for the statement that a Type 4 event which includes thunderstorms, high winds, frequent and/or severe lightning, small to moderate winter storms or unanticipated events, historically results in significant damage to the electrical transmission and distribution system in districts or moderate damage to regions, typically 1-5% (14,000-70,000) customer interruptions, > outage events and is anticipated to occur between five and ten times per year.
48. P. 39: Provide the documentation that explains the basis for the statement that a Type 5 event constitutes normal operations, typically involves <1% (14,000) customer interruptions and <2500 outage events.
49. P. 41: Explain the frequency, duration and causes of downed wires, including but not limited to incidents of burning, arcing and sparking.

50. Explain the methodology LUMA used to determine critical facilities and produce the relevant documentation. State LUMA's definition of critical facilities. Explain whether water treatment plants include water purification/filtration plants.
51. P. 44: Specify what Level 2 critical facilities "support other critical government functions besides prisons.
52. P. 44: Define "other large customers" in Level 3.
53. P. 45: Define Minimum Restoration Time, Larger Area Outages, and Smaller Area Outages.
54. P. 46: Explain the following allegation: "Estimated Time of Outages will establish the baseline of projections".
55. P.63: Explain the methodology and produce the documentation for the calculation of downed wires restoration times.

Questions on Appendix B Area Restoration Prioritization:

56. How did LUMA determine area restoration prioritization?
57. Are all critical facilities included?

Questions on Annex B Fire Response:

58. List the different types of fire hazards and LUMA's plan to respond to each.

Questions on Annex C Earthquake Response:

59. P. 10 Explain how the major, medium and minor geographical faults potentially impact and relate to the T&D infrastructure.

Questions on Annex C Hazards Assessment:

60. P. 26 What are the potential impacts of tsunamis to T&D infrastructure?
61. What are the potential impacts of flooding/sea level rise/fires in subtropical dry areas/climate change to T&D infrastructure?

Questions on the Monacillos substation fire event:

62. Describe the LUMA emergency response to the Monacillos substation fire event.
63. Provide all relevant documents Monacillos substation fire event.
64. Has LUMA prepared an After Action Report Monacillos substation fire event?

Questions on emergency events since LUMA took over operation of the T&D system:

65. List and describe all the emergency events since LUMA took over/assumed operation and management of the T&D system and other areas of the Puerto Rico electric system.

66. Provide documentation of all the emergency events since LUMA took over/assumed operation and management of the T&D system and other areas of the Puerto Rico electric system.

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 - c. the title or label of the document;

- d. the Bates stamp number or other identifier used to number the document for use in litigation;
 - e. the identity of the originator;
 - f. the identity of each person to whom it was sent;
 - g. the identity of each person to whom a copy or copies were sent;
 - h. a summary of the contents of the document;
 - i. the name and last known address of each person who presently has possession, custody or control of the document; and,
 - j. if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.
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Respectfully submitted,

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CERTIFICATION OF SERVICE

I hereby certify that on September 3, 2021, I caused this Information Request to be served upon the following parties:

- Puerto Rico Energy Bureau: secretaria@energia.pr.gov; secretaria@jrsp.pr.gov; legal@jrsp.pr.gov and viacaron@jrsp.pr.gov
- LUMA Energy LLC and LUMA Energy ServCo LLC: mmercado@mercado-echegaray-law.com; margarita.mercado@us.dlapiper.com; yahaira.delarosa@us.dlapiper.com
- PREPA: jmarrero@diazvaz.law; kbolanos@diazvaz.law
- Oficina Independiente de Protección al Consumidor (OIPC): contratistas@oipc.pr.gov; hriviera@oipc.pr.gov
- Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico (ICSE): agraitfe@agraitlawpr.com
- Colegio de Ingenieros y Agrimensores de Puerto Rico (CIAPR): rhoncat@netscape.net

/s/ Pedro Saadé Lloréns

Pedro Saadé Lloréns

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ATTACHMENT 3

*LUMA's Responses and Objections to First Discovery
Request by LECO In RE: Performance Targets for LUMA
Energy Servco, LLC, NEPR-APR-2020-0025 (Sept. 10, 2021)*

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

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

CASE NO. NEPR-AP-2020-0025

**SUBJECT: Response to First
Discovery Request by the Puerto Rico
Local Environmental and Civil
Organizations ("LECO")**

**LUMA'S RESPONSES AND OBJECTIONS TO
FIRST DISCOVERY REQUEST BY LECO**

TO: Puerto Rico Local Environmental and Civil Organizations ("LECO")

Through counsels:

Ruth Santiago, rstgo2@gmail.com, Rolando Emmanuelli, notificaciones@bufete-emmanuelli.com, rolando@bufete-emmanuelli.com, Jessica Méndez, jessica@bufete-emmanuelli.com, Pedro Saadé pedrosaade5@gmail.com, jessica@bufete-emmanuelli.com, and Laura Arroyo, larroyo@earthjustice.org.

FROM: LUMA Energy, LLC, and LUMA Energy ServCo, LLC ("LUMA"),

Through counsels:

Margarita Mercado Echegaray, margarita.mercado@us.dlapiper.com and Yahaira De la Rosa, yahaira.delarosa@us.dlapiper.com.

LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as "LUMA"), by and through its attorneys, and pursuant to Regulation No. 8543 of the Puerto Rico Energy Bureau, responds and objects to the Local Environmental and Civil Organizations ("LECO") First Discovery Request as follows:

PRELIMINARY STATEMENT

1. By making the accompanying responses and objections to LECO's requests, LUMA does not waive, and hereby expressly reserves, its right to assert any and all objections as to the admissibility of such responses into evidence in this proceeding, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, LUMA makes the responses and objections herein without in any way implying that it considers the requests, and responses to the requests, to be relevant or material to the subject matter of this proceeding.

2. LUMA will produce responsive documents only to the extent that such documents are in its possession, custody, or control.
3. LUMA expressly reserves the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections, in one or more subsequent supplemental response(s).
4. Publicly available documents including, but not limited to, documents matter of public record that are available electronically, will not be produced, but sufficient information will be provided to easily identify and access the electronic public records in which they are located.

GENERAL OBJECTIONS

LUMA makes the following general objections, which are incorporated into each of its responses below as if stated in full therein:

1. LUMA objects to LECO's requests which call for information and the production of documents not relevant to the subject matter of the proceeding.
2. LUMA expressly limits its responses to LECO's requests to the information that could be located by each of the responders after a reasonable search of its records believed most likely to contain the responsive information.
3. LUMA's decision to provide information notwithstanding the objectionable nature of some of LECO's discovery requests are not to be construed as an admission that the information is relevant, as a waiver of the general or specific objections, or as an agreement that future requests for similar discovery will be treated in a similar manner.
4. LUMA reserves its right to supplement, modify or amend these responses as discovery progresses in this proceeding.

LUMA'S OBJECTIONS AND RESPONSES TO LECO'S REQUESTS

Performance Metrics

Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-001

REQUEST:

Please produce all discovery responses to any other party in this proceeding. This is a continuing request.

RESPONDER:

All

RESPONSE:

This request does not warrant a response at this time. LUMA will comply with the directives issued by the Energy Bureau in the Resolution and Order of April 8, 2021 and Attachment A to the same, regarding requirements for answering discovery requests.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-002

REQUEST:

Please produce the information, data, studies, reports, evaluations, studies, workpapers and modeling files (including both input and output files) within your possession that support the proposed Annex IX submitted by LUMA, including all workpapers and modeling files created, used, or relied on in developing each of the figures, tables, and exhibits presented in the proposal. Please specifically include the information and documents supporting or justifying the proposed metrics contained in Tables 2-1 through 2-25 of the proposed Annex IX.

RESPONDER:

N/A

RESPONSE:

This request is vague, uncertain and overly broad and does not place LUMA in position to provide a fulsome answer. LUMA's proposed Revised Annex IX to the Puerto Rico Transmission and Distribution Operation and Maintenance Agreement ("T&D OMA") is found at Section 2.5 of LUMA's Revised Performance Metrics filing of August 18, 2021 and includes Tables 2-1 through 2-25. Thus, LUMA understands that the first and second sentences of this request, call for the same type of information. LUMA requests clarification on the scope of this request as LUMA cannot determine the nature of the information sought.

Without waving the aforementioned objections and requests for clarifications and to the extent that LECO has requested workpapers and documentation to support LUMA's proposed Revised Annex IX to the T&D OMA, please see the supporting workpapers that were submitted on August 18, 2021 as exhibits to the written testimonies, and as part of Appendix B:

- Exhibits A, B, C and D to written testimony of Mr. Kalen Kostyk.
- Exhibit A to written testimony of Mrs. Jorge Meléndez.¹
- Exhibit A to written testimony of Mr. Abner Gómez.
- Exhibit A to written testimony of Mr. Juan Fonseca, filed on August 18, 2021 and Exhibit B to written testimony of Juan Fonseca, filed on August 27, 2021.
- Exhibits A and B to written testimony of Mr. Don Cortez.

¹ Replaces the testimony of Ms. Esther González.

- Exhibits A through D to written testimony of Mrs. Jessica Laird.
- Exhibits A and B to written testimony of Ms. Melanie Jeppesen.

Please refer to the following documents that are produced with this response RFI-LUMA-ap-2020-0025-LECO-10SEPT21-002-Attachment 1, RFI-LUMA—AP-2020-0025-LECO-10SEPT21-004 Attachments 1-4.

Performance Metrics**Docket ID: NEPR-AP-2020-0025****Information Response Round 1: LECO Requests**

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-003**REQUEST:**

Refer to the PREB January 21, 2021 Order's requirement that incentives cannot be awarded for "easy-to-fix" problems. Please identify any such easy-to-fix problems in the following categories:

- electric rate volatility and affordability
- economic incentives and investment payback
- electric service reliability
- customer service and commitment - including options to manage costs
- customer access to electric power company information - specifically including information on electric power consumption
- public access to electric power company information - specifically including information on aggregated customer energy
- compliance with the RPS
- rapid integration of renewables, including the quality of interconnection of distributed renewables
- compliance with energy efficiency metrics of Law 17-2019
- infrastructure maintenance
- occupational safety and health incidents (specifically including fatalities and severity of incidents)

RESPONDER:

Mario Hurtado

RESPONSE:

LUMA is not in position to answer this request that is grounded on a Resolution and Order of January 21, 2021. LUMA has not been able to locate an order by this Energy Bureau in this proceeding dated January 21, 2021. Thus, LUMA requests clarification on what order LECO is referencing in this request. LUMA also objects this request as it is vague and ambiguous, since it lacks a definition on what may be considered "easy to fix problems." Without waving this objection, it is clarified that operating the Transmission and Distribution of an electric power utility is not easy. Operating and revitalizing the Transmission and Distribution System of the Puerto Rico Electric Power Authority, a bankrupt utility whose operations and infrastructure do not meet industry standards in several respects, cannot be considered as involving "easy to fix" problems. LUMA does

not consider any of the categories outlined in this request as involving “easy to fix” problems.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-004

REQUEST:

Refer to the following statement on p. 10 of the proposed Annex IX: "Based on analysis of data over the last 36 months and consideration of impact of external factors such as Hurricane Maria and the COVID cut-off moratorium, the timeframe of May 2019 - February 2020 represents the most current stable and unimpaired period of collections activity for general customers." Provide the basis for this statement, along with any supporting documents. Please specifically include the "analysis" and "consideration" referenced in this statement.

RESPONDER:

Juan Fonseca

RESPONSE:

The basis for the statement above was determined by governmental executive orders OE-2020-0020 and OE-2020-023, and Act No. 39-2020 enacted on April 9, 2020. Please refer to the following documents RFI-LUMA-AP-2020-0025-LECO-10SEPT21-004-Attachments 1-4.

The considerations made as a result of the executive orders are related to the inability to disconnect customers. When a utility does not have the ability to disconnect customers for non-payment, there is less incentive for a customer to pay their bill as there is no consequence for non-payment. PREPA ceased all disconnects for non-payment after Hurricane Maria and did not resume disconnects for non-payment until May 2019. In March 2020, the Puerto Rico Governor Hon. Wanda Vazquez Garced issued executive orders OE-2020-020 and OE-2020-023, declaring a state of emergency due to the COVID-19 pandemic and a total lockdown. Act No. 39-2020 prohibited PREPA from disconnecting customers for non-payment for the duration of the state of emergency. The declaration of state of emergency due to the COVID-19 pandemic is still ongoing, as per OE-2021-054 of July 1, 2021. In Case No. NEPR-MI-2019-0007, in a Resolution and Order dated May 21, 2021, PREB ordered LUMA use FY2020 data to calculate baseline performance. Due to the extraneous circumstances caused by the pandemic, LUMA attempted to use the period closest to the order from May of 2019 to March of 2020, demonstrates a period of time where the utility was able to perform normal collection processes as PREPA had the ability to disconnect for non-payment.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-005

REQUEST:

Refer to the definition of Major Outage Event on p. 37.

- a. Does this definition differ in any way from the definition of Major Outage Event contained within LUMA's Emergency Response Plan?
- b. Have any of the outages that occurred since LUMA took over the transmission and distribution system, in June 2021, met the listed criteria?

RESPONDER:

Terry Tonsi

RESPONSE:

- a. The Emergency Response Plan ("ERP") does not define a Major Outage Event. The ERP references a Major Outage Event as defined in Annex IX (Performance Metrics) of the T&D OMA.
- b. LUMA objects this request as it seeks information that falls beyond the scope of the subject matter of this proceeding inasmuch as it references performance on outages. As explained at page 8 of LUMA's Revised Performance Metrics Targets filing of August 18, 2021, LUMA's proposed Major Outage Event Performance Metrics only apply during Major Outage Events that are defined as:

an event as a result of which (i) at least two hundred and five thousand (205,000) T&D Customers are interrupted for more than 15 minutes or (ii) at any point in time during the event, there are one thousand five hundred or more ($\geq 1,500$) active outage events for the T&D System, which are tracked in the Outage Management System (OMS). The major outage event is deemed ongoing so long as the interruptions/outages continue to remain above the stated cumulative amounts, in each case for a period of twenty-four hours or longer (≥ 24) and are caused by an act of God. If such an act of God is a storm, the storm must be designated as a named storm by the U.S. National Weather Service or a State of Emergency declared by the Government of Puerto Rico. The major outage event shall be deemed to have ended when the cumulative number of T&D customers remaining interrupted falls below ten thousand (10,000) for a continuous period of eight (8) hours.

LUMA objects to that portion of the request that seeks information related to outages that have occurred since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on outages that have occurred after June 1, 2021, is not relevant to this proceeding.

Without waiving the foregoing objections, LUMA responds that there have been no Major Outage Events that meet the specified criteria since June 2021.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-006

REQUEST:

Refer to the Summary of Major Outage Event Performance Metrics in Table 24, p. 38. Please provide a detailed description of LUMA's performance, according to each of these metrics, for all outages that have occurred since LUMA took over the transmission and distribution system, in June 2021.

RESPONDER:

N/A

RESPONSE:

As explained at page 8 of LUMA's Revised Performance Metrics Targets filing of August 18, 2021, LUMA's proposed Major Outage Event Performance Metrics only apply during Major Outage Events that are defined as:

an event as a result of which (i) at least two hundred and five thousand (205,000) T&D Customers are interrupted for more than 15 minutes or (ii) at any point in time during the event, there are one thousand five hundred or more ($\geq 1,500$) active outage events for the T&D System, which are tracked in the Outage Management System (OMS). The major outage event is deemed ongoing so long as the interruptions/outages continue to remain above the stated cumulative amounts, in each case for a period of twenty-four hours or longer (≥ 24) and are caused by an act of God. If such an act of God is a storm, the storm must be designated as a named storm by the U.S. National Weather Service or a State of Emergency declared by the Government of Puerto Rico. The major outage event shall be deemed to have ended when the cumulative number of T&D customers remaining interrupted falls below ten thousand (10,000) for a continuous period of eight (8) hours.

LUMA objects to that portion of the request that seeks information related to LUMA's performance for all outages that have occurred since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on outages that have occurred after June 1, 2021, is not relevant to this proceeding.

Without waiving the foregoing objections, LUMA responds that the Major Outage Event Scorecard (MOE Scorecard) proposed by LUMA, will be used as a tool to specifically measure utility performance during each MOE. Since June 1, 2021, no MOE have taken place. Thus, currently there is no available data on performance during an MOE.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-007

REQUEST:

LUMA provided testimony from four witnesses. Please provide a detailed description of these witnesses' level of expertise in the following areas:

- customer access to electric power company information - specifically including information on electric power consumption
- public access to electric power company information - specifically including information on aggregated customer energy
- compliance with the RPS
- rapid integration of renewables, including the quality of interconnection of distributed renewables
- compliance with energy efficiency metrics of Law 17-2019

RESPONDER:

N/A

RESPONSE:

This request is vague, ambiguous, uncertain, confusing, and does not place LUMA in position to ascertain its relevance or provide a fulsome and correct answer. This request calls for pure conjecture and speculation. Thus, LUMA cannot determine the nature of the information sought. On August 18, 2021, LUMA submitted the written testimonies of nine witnesses. Each of the testimonies include background information on each of the witnesses. This request, however, references the testimonies of four witnesses, but fails to identify the names of those four witnesses. Also, the request does not identify how the list of "expertise areas" that are enumerated in the request are relevant to any of the pre-filed testimonies or what connection there may be between those "expertise areas" and the proposed Performance Metrics Targets included in the Revised Annex IX to the T&D OMA. Thus, LUMA cannot answer this request. Also, as drafted the request does not elicit information relevant to this proceeding. LUMA reserves the right to raise additional objections to this request if and when LECO clarifies the same.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-008

REQUEST:

Has LUMA made any changes to the form of the invoices and bills sent to electricity customers, or any changes to the information provided in those documents? If so, please provide a detailed description of all changes made by LUMA.

RESPONDER:

Jessica Laird

RESPONSE:

LUMA objects this request as it seeks information that falls beyond the scope of the subject matter of this proceeding. The form of the electricity invoices and bills sent to customers is not at issue in the instant proceeding. Thus, this request is not relevant to the controversy at issue. Without waiving the foregoing objections, LUMA responds that no changes to invoices or bills have been made as of September 10th, 2021. The form of the electricity invoices and bills is currently pending approval by the Puerto Rico Energy Bureau in Case No. NEPR-MI-2021-0008 (Review of LUMA Model Bill). The docket of that case is a matter of public record readily available to the public.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-009

REQUEST:

Refer to the following statement on Table 2-2 Summary of Performance Metrics on p. 8 of the Revised Annex IX: "[Average speed of answers is] [b]ased on past PREPA performance and LUMA experience." Does LUMA intend to use its experience since it took over the transmission and distribution system in June 2021 as a baseline performance level for the average speed of answers? If so, please provide a detailed description of the information from LUMA's experience, specifically including the number of answers provided by LUMA, the average speed of answer, and the median speed of answers

RESPONDER:

Jessica Laird

RESPONSE:

The baseline was set based on a careful review of PREPA's performance data and the professional experience of the LUMA subject matter expert. Since the baseline represents the starting point from which LUMA needs make improvements, it would be inappropriate to include data from post June 1st, 2021. The current metrics are proposed for three years and over time LUMA's performance will become part of the data which will be used to set subsequent baselines and targets.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-010

REQUEST:

Refer to table 2-2 Summary of Performance Metrics on p.8 of the Revised Annex IX "Customer Complaint Rate" referring to LUMA's baseline performance level derivation which is "[b]ased on the total number of complaints received by the PREB (NEPR-QR) from May 2019 to February 2020, annualized, as the baseline as it is the most normal period of operations for PREPA in the last 4 years."

- a. Why are current LUMA calls and LUMA experience not factored in, as they are for Average Speed of Answers?
- b. What is the decisive factor when using LUMA's experience (since it took over the transmission and distribution system, in June 2021) in some of these baseline performance level derivations (see question above) and not in others?

RESPONDER:

Melanie Jeppesen

RESPONSE:

- a. See response to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-009.
- b. The context of LUMA's experience in the written testimony is that LUMA's subject matter experts used their professional experience in standard utility metrics reporting to gauge the accuracy of data and set plausible baselines and targets based on PREPA's historical data.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-011

REQUEST:

Refer to the following statement on p.17 and p.19 of the Revised Annex IX: "[t]here is a lack of visibility into three separate call routing systems and overflow which prevents LUMA from accurately calculating [Average Speed of Answer]." Please provide a detailed description of the "lack of visibility"

- a. Has LUMA conducted any analysis on the causes of the lack of visibility?
- b. Has LUMA identified any way to improve visibility?
- c. How does the lack of visibility directly affect your ability to calculate the Average Speed of Answer?
- d. Has LUMA considered any alternative method of calculating Average Speed of Answer?

RESPONDER:

Jessica Laird

RESPONSE:

- a. The lack of visibility was caused by the utilization of three separate contact center platforms that did not enable a fulsome and integrated view of PREPA's call center performance. Further detail is included in Exhibit D of my testimony – *Performance Metric Workpapers – Contact Center Metric Baselines*.
- b. Yes, LUMA identified that all contact centers should operate on a unified platform. A cloud-based contact center platform has been implemented that allows the calculation of an integrated Average Speed of Answer across all contact centers.
- c. A lack of visibility exists due to the three separate platforms being used. Software tracking these platforms was not consolidated / made cohesive which consequently affects the ability to calculate a consolidated Average Speed of Answer. Further detail on the inability to consolidate data from three platforms is included in Exhibit D of my testimony – *Performance Metric Workpapers – Contact Center Metric Baselines*.
- d. No, Average Speed of Answer is an industry standard calculation.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-012

REQUEST:

Refer to p.33 "Special Considerations". Please provide a comprehensive list of possible situations that merit special considerations, aside from the three included.

RESPONDER:

Juan Fonseca

RESPONSE:

It is impossible to develop a comprehensive list of situations that would merit special consideration for Days Sales Outstanding. However, special consideration should be given during events that LUMA is not able to perform normal collection processes for reasons outside their control (for example, Executive Order referenced in RFI-LUMA-AP-2020-0025-LECO-10SEPT21-004) or should new/different information come about due to previously unaudited financials.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 1: LECO Requests

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-10SEPT21-013

REQUEST:

Refer to the following statement provided in table 2-4 Summary of Major Outage Event Performance Metrics on p.39 "Crewing": "three (3) days prior to a forecasted event occurring (when the event allows that much warning time), LUMA will complete a "damage prediction" to determine crew requirements. Based on this damage prediction, the number of mutual assistance crew will be determined."

- a. Please provide the guidelines that will be used to assess and create these "damage predictions."
- b. Please explain whether LUMA plans to keep track of areas that are more susceptible to damage, to be used in case of lack of time to complete the aforementioned "damage prediction" or in the case of an unpredicted event (i.e., earthquake).

RESPONDER:

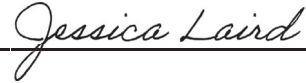
Terry Tonsi

RESPONSE:

- a. Annex A to the LUMA Emergency Response Plan states that LUMA will draw upon its institutional knowledge and experience from past events to develop rudimentary preliminary damage estimates. Items that will factor into these estimates will include weather, its projected intensity, and the overall health and condition of the system.
- b. LUMA plans to keep track of key areas if there are incidents occur for the reasons implied in the request. As addressed in the System Remediation Plan, Initial Budgets and Performance Metrics submittals, LUMA is currently carrying out inspection and evaluation of facilities which will allow us to identify any obvious safety and reliability-related issues, representing areas with a higher likelihood of damage.

CERTIFICATION

It is hereby certified that the answers provided to this First Discovery Request, by each responder are true to the best of his/her knowledge, information and belief.



Jessica Laird

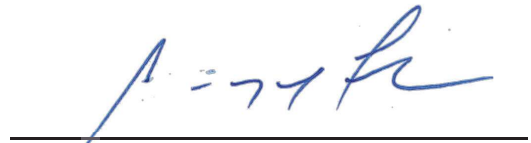


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Terry Tonsi
Date: 2021.09.10
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Terry Tonsi



Melanie Jeppesen



Juan Fonseca



Mario Hurtado

RESPECTFULLY SUBMITTED.

We hereby certify that, as required by the Energy Bureau in the April 8th Resolution and Order, Attachment A, and by Section 8.01(K) of Energy Bureau Regulation 8543, we will send an electronic copy of this response and exhibits to same to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law; and Katiuska Bolaños-Lugo, kbolanos@diazvaz.law, the Office of the Independent Consumer Protection Office,

Hannia Rivera Diaz, hrivera@jrsp.pr.gov, and counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy ("ICSE"), Fernando Agrait, agraitfe@agraitlawpr.com, counsel for the Colegio de Ingenieros y a de Puerto Rico ("CIAPR"), Rhonda Castillo, rhoncat@netscape.net, and counsels for Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc., Enlace Latino de Acción Climática, Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., CAMBIO, Sierra Club and its Puerto Rico Chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (jointly, Puerto Rico Local and Environmental Organizations), larroyo@earthjustice.org, rstgo2@gmail.com, notificaciones@bufete-emmanuelli.com, pedrosaade5@gmail.com, jessica@bufete-emmanuelli.com; rolando@bufete-emmanuelli.com.

An electronic copy of this response and exhibits will also be sent to: viacaron@jrsp.pr.gov; secretaria@jrsp.pr.gov; and legal@jrsp.pr.gov.

In San Juan, Puerto Rico, this 10th day of September 2021.

DLA Piper  **(Puerto Rico)**
LLC

500 Calle de la Tanca, Suite 401
 San Juan, PR 00901-1969
 Tel. 787-945-9107
 Fax 939-697-6147

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ATTACHMENT 4

*LUMA's Responses and Objections to Second Discovery
Request by LECO, In RE: Performance Targets for LUMA
Energy Servco, LLC, NEPR-APR-2020-0025
(September 13, 2021)*

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

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

CASE NO. NEPR-AP-2020-0025

**SUBJECT: Response to Second
Discovery Request by the Puerto Rico
Local Environmental and Civil
Organizations ("LECO")**

**LUMA'S RESPONSES AND OBJECTIONS TO
SECOND DISCOVERY REQUEST BY LECO**

TO: Puerto Rico Local Environmental and Civil Organizations ("LECO")

Through counsels:

Ruth Santiago, rstgo2@gmail.com, Rolando Emmanuelli, notificaciones@bufete-emmanuelli.com, rolando@bufete-emmanuelli.com, Jessica Méndez, jessica@bufete-emmanuelli.com, Pedro Saadé pedrosaade5@gmail.com, jessica@bufete-emmanuelli.com, and Laura Arroyo, larroyo@earthjustice.org.

FROM: LUMA Energy, LLC, and LUMA Energy ServCo, LLC ("LUMA"),

Through counsels:

Margarita Mercado Echegaray, margarita.mercado@us.dlapiper.com and Yahaira De la Rosa, yahaira.delarosa@us.dlapiper.com.

LUMA Energy, LLC and LUMA Energy ServCo, LLC (jointly referred to as "LUMA"), by and through its attorneys, and pursuant to Regulation No. 8543 of the Puerto Rico Energy Bureau, responds and objects to the Local Environmental and Civil Organizations ("LECO") Second Discovery Request as follows:

PRELIMINARY STATEMENT

1. By making the accompanying responses and objections to LECO's requests, LUMA does not waive, and hereby expressly reserves, its right to assert any and all objections as to the admissibility of such responses into evidence in this proceeding, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, LUMA makes the responses and objections herein without in any way implying that it considers the requests, and responses to the requests, to be relevant or material to the subject matter of this proceeding.

2. LUMA will produce responsive documents only to the extent that such documents are in its possession, custody, or control.
3. LUMA expressly reserves the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections, in one or more subsequent supplemental response(s).
4. Publicly available documents including, but not limited to, documents matter of public record that are available electronically, will not be produced, but sufficient information will be provided to easily identify and access the electronic public records in which they are located.

GENERAL OBJECTIONS

LUMA makes the following general objections, which are incorporated into each of its responses below as if stated in full therein:

1. LUMA objects to LECO's requests which call for information and the production of documents not relevant to the subject matter of the proceeding.
2. LUMA expressly limits its responses to LECO's requests to the information that could be located by each of the responders after a reasonable search of its records believed most likely to contain the responsive information.
3. LUMA's decision to provide information notwithstanding the objectionable nature of some of LECO's discovery requests are not to be construed as an admission that the information is relevant, as a waiver of the general or specific objections, or as an agreement that future requests for similar discovery will be treated in a similar manner.
4. LUMA reserves its right to supplement, modify or amend these responses as discovery progresses in this proceeding.

LUMA'S OBJECTIONS AND RESPONSES TO LECO'S REQUESTS

Performance Metrics

Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001

REQUEST:

Please refer to LUMA's August 13, 2021 Motion to Show Cause in Docket NEPR-MI-2019-0016. Provide a detailed description of each of the "modifications to expedite [interconnection] procedures" described in that document:

- a. LUMA has transitioned from a regionalized structure to a centralized structure with standardized procedures.
- b. LUMA has also accelerated the studies stage of the interconnection procedure by eliminating sequential revisions in cases that do not require additional technical review.
- c. The net metering procedures and necessary changes of meters are being handled outside of the Portal simultaneously with the validation and studies processes of the interconnection procedure.
- d. These modifications are being accompanied by employee training and transparent communications with clients.

RESPONDER:

N/A

RESPONSE:

LUMA objects to this request as it seeks information that falls beyond the scope of the subject matter of this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Further, LUMA objects this request as the information sought is irrelevant to the matters 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"). The interconnection procedures are not at issue in the instant proceeding. The progress of the interconnection procedures is the subject matter of Case No. NEPR-MI-2019-0016 (Informes de Progreso de Interconexión), which is a regulatory proceeding that provides for public participation. The docket of that case is a matter of public record readily available to the public.

LUMA objects to that portion of the request that seeks information related to performance since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on management of interconnections by LUMA after June 1st, 2021, is not relevant to this proceeding.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-002

REQUEST:

Refer to this statement in LUMA's August 13th filing: "LUMA has also accelerated the studies stage of the interconnection procedure by eliminating sequential revisions in cases that do not require additional technical review." Please provide a detailed description of the "technical review" referred to here.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001.

Performance Metrics**Docket ID: NEPR-AP-2020-0025****Information Response Round 2: LECO Requests 2**

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-003**REQUEST:**

Refer to this statement in LUMA's August 13th filing: "LUMA plans to methodically reduce the number of cases in sequential order, in order to be reasonable with those clients who have had [sic] waited the longest since they submitted their requests to PREPA." Please provide a detailed description of the plan referenced in this sentence.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-004

REQUEST:

According to LUMA's August 13th filings in PREB Docket NEPR-MI-2019-0016, as of May 1, 2021, PREPA had 7,208 pending requests for interconnection of distributed generation systems to the grid. As of July 31, 2021, LUMA had 6,978 pending requests.

- a. Please specify the number of pending requests, as of May 1st, and as of July 31st, from each customer class (e.g. residential, commercial, industrial, etc.)
- b. Please provide the number of requests that are over:
 - i. 30 days old
 - ii. 180 days old
 - iii. 1 year old

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-005

REQUEST:

Please list each day since June 1, 2021 where the Net Metering Portal has been non-functional for any part of the day.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-006

REQUEST:

Please provide a detailed description of LUMA's plan to improve the performance of the Net Metering Portal.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-007

REQUEST:

For customers that submitted a Net Metering Request since June 1st: provide the number of customers who had Net Metering on their bill within thirty days of submission.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-008

REQUEST:

Please provide the number of net metering-capable meters available to LUMA to be dedicated to new Net Metering customers. Does LUMA anticipate any delay in processing applications, due to a meter shortage?

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-009

REQUEST:

Please provide the documents and a detailed process on how the complaints from customers are collected, accounted for, and processed.

RESPONDER:

Melanie Jeppesen

RESPONSE:

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 this request as the information sought is irrelevant to the matters at issue on LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to the T&D OMA. The scope of the instant proceeding is limited to the approval of the proposed Performance Metric and Targets on Customer Complaint Rate. Additionally, LUMA objects to this request as it is vague, uncertain and overly broad. The term "complaints" is undefined and does not place LUMA in a position to provide a precise response.

LUMA objects to the request inasmuch as it that seeks information related to performance since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on management of complaints by LUMA after June 1st, 2021, is not relevant to this proceeding.

Without waiving the foregoing objections, the complaints measurement as proposed by LUMA measures complaints filed with the PREB under docket type NEPR-QR for which a justified complaint has been made. These complaints are publicly listed on the website of the Energy Bureau.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-010

REQUEST:

Are all the complaints available and visible to the public at LUMA's website? Is it just the electronic ones or the ones that are assigned a number, or both?

RESPONDER:

Melanie Jeppesen

RESPONSE:

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 this request as the information sought is irrelevant to the matters at issue on LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to the T&D OMA. The scope of the instant proceeding is limited to the approval of the proposed Performance Metric and Targets on Customer Complaint Rate. Additionally, LUMA objects to this request as it is vague, uncertain and overly broad. The term "complaints" is undefined and does not place LUMA in a position to provide a precise response.

LUMA objects to that portion of the request that seeks information related to performance since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on complaints after June 1st, 2021, is not relevant to this proceeding.

Without waiving the foregoing objections, the complaints LUMA proposes for this metric are listed on the Energy Bureau website under NEPR-QR dockets. LUMA Energy will not post or disclose customer specific information on its website to protect the confidentiality of its customer information.

Performance Metrics**Docket ID: NEPR-AP-2020-0025****Information Response Round 2: LECO Requests 2**

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-011**REQUEST:**

Please refer to p. 3 of Mr. Gómez' testimony. Describe the relationship between the LUMA Emergency Response Plan, Performance Metrics Target on Major Outage Event (MOE) Metrics and the force majeure provisions and clauses in the LUMA OMA.

RESPONDER:

Mario Hurtado

RESPONSE:

LUMA objects to this request as it seeks information that falls beyond the scope of the subject matter of this proceeding and 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 matters at issue on LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to the T&D OMA. The force majeure provisions of the OMA are not relevant to this proceeding. There is no reference to Force Majeure in the ERP. Classification of events as Force Majeure Events or whether emergency events may be considered Force Majeure Events are irrelevant to the scope of the ERP.

Without waiving the foregoing objections, LUMA's Emergency Response Plan ("ERP") is required by law and the purpose of the ERP is to outline operational concepts and organizational arrangements to be implemented during an emergency. Use of an ERP is standard practice for electric utilities. The ERP is not directly related to the Force Majeure provisions in the T&D OMA or to Major Outage Event ("MOE") Performance Metrics as discussed in LUMA's proposed Revised Annex IX to the T&D OMA (See the Revised Performance Metric Filing filed in Case No. NEPR-AP-2020-0025 on August 18, 2021). ("Revised Annex IX").

There is no reference to Force Majeure in the ERP. Classification of events as Force Majeure Events or whether emergency events may be considered Force Majeure Events are irrelevant to the scope of the ERP.

In the ERP, there are several references to generic events that include a major outage. When referring to the defined term Major Outage Event ("MOE") the ERP references the term as defined in LUMA's proposed Revised Annex IX to the T&D OMA.

The MOE Performance Metrics, organized in the Major Outage Event Scorecard, are meant to specifically measure utility performance (including preparation and communication activities) during each MOE.

An MOE in LUMA's proposed Revised Annex IX is defined as follows:

an event as a result of which (i) at least two hundred and five thousand (205,000) T&D Customers are interrupted for more than 15 minutes or (ii) at any point in time during the event, there are one thousand five hundred or more ($\geq 1,500$) active outage events for the T&D System, which are tracked in the Outage Management System (OMS). The major outage event is deemed ongoing so long as the interruptions/outages continue to remain above the stated cumulative amounts, in each case for a period of twenty-four hours or longer (≥ 24) and are caused by an act of God. If such an act of God is a storm, the storm must be designated as a named storm by the U.S. National Weather Service or a State of Emergency declared by the Government of Puerto Rico. The major outage event shall be deemed to have ended when the cumulative number of T&D customers remaining interrupted falls below ten thousand (10,000) for a continuous period of eight (8) hours. (Exhibit 1, Section 1.3.4)

Simply put the MOE Performance Metrics are to be applied during an MOE, which under the T&D OMA is considered to take place under abnormal conditions. During normal conditions, the Performance Metrics, listed in Table 2-2 of Exhibit 1 of the Revised Annex IX.

The T&D OMA contains the following definition for a Force Majeure Event.

"Force Majeure Event" means any act, event, circumstance or condition (other than lack of finances) whether affecting the T&D System, the System Power Supply, Owner, Operator or any of Owner's Contractors or subcontractors or Operator's Subcontractors that (i) is beyond the reasonable control of and unforeseeable by, or which, if foreseeable, could not be avoided in whole or in part by the exercise of due diligence by, the Party relying on such act, event or condition as justification for not performing an obligation or complying with any condition required of such Party under this Agreement, and (ii) materially interferes with or materially increases the cost of performing such Party's obligations hereunder, to the extent that such act, event, circumstance or condition is not the result of the willful or negligent act, error or omission or breach of this Agreement by such Party; provided, however, that the contesting in good faith or the failure in good faith to contest such action or inaction shall not be construed as a willful or negligent act, error or omission or breach of this Agreement by such Party. Notwithstanding anything to the contrary in the foregoing, the imposition of a Tax or an increase in Taxes that is the result of a revocation of the Tax Assurance or an amendment or other modification of the Tax Assurance that is materially averse to Operator or its Equity Participants shall be deemed a Force Majeure Event.

Force Majeure Events are generally considered in Article 17 of the T&D OMA. Section 17.2 of the T&D OMA refers to how LUMA's achievement of a Performance Metric could be affected by a Force Majeure Event.

- (a) Generally. If and to the extent a Force Majeure Event interferes with, delays or increases the cost of, a Party's performance of its obligations under this Agreement, and such Party has given timely notice and description as required by Section 17.1 (Notice; Mitigation), such Party shall be excused from performance and any associated Events of Default except to the extent contemplated in Section 17.2(c) (Relief – Extended Event). In the event Operator is the party claiming the Force Majeure Event, Operator shall be (i) excused with respect to the achievement of any Performance Metrics affected by the Force Majeure Event and (ii) entitled to request appropriate adjustments to the Budgets or the Performance Metrics in accordance with Section 7.4 (Budget Policy).

Therefore, when there is an occurrence of a Force Majeure Event that impedes the Operator's ability to achieve one or more of the metrics, LUMA may still be compliant with the terms of the T&D OMA and LUMA's performance may be excused under specific circumstances and with reference to specific affected Performance Metrics.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-012

REQUEST:

P.4: Describe the specific events that trigger the Preparation Phase of MOE Metrics.

RESPONDER:

Abner Gómez Cortés

RESPONSE:

Events that can trigger the Preparation Phase of an MOE include:

- Receiving an alert from the US national weather service, or the company's private weather service,
- The government of Puerto Rico has declared a state of emergency,
- When an event is known to be imminent or has occurred in accordance with the ERP,
- The occurrence of the conditions in the definition of an MOE in the Revised Annex IX.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-013

REQUEST:

P.7: Provide documentation on the training program offered to the LUMA Emergency Operations Center personnel and documentation on proposed training programs.

RESPONDER:

Abner Gómez Cortés

RESPONSE:

LUMA objects to this request the documents sought are irrelevant to LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to the T&D OMA. The documentation on the training program offered to LUMA Emergency Operations Center personnel is not a matter to be evaluated by the Energy Bureau in assessing the proposed preparation phase Major Outage Event Performance Metric.

LUMA objects to that portion of the request that seeks information related to trainings offered since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021, and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on trainings offered after June 1st, 2021, is not relevant to this proceeding.

Without waiving the foregoing objections, it should be noted that the witness provided information on training in the Preparation Phase in the witness testimony on lines 141-147 to provide context around activities that LUMA will undertake that will ensure that employees are well equipped to manage emergency events. For more information, please refer to the ERP.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-014

REQUEST:

P.8: Provide documentation on the \$140M in stockpile material in Puerto Rico to respond to an event and how the calculation of two-month duration of materials was determined.

RESPONDER:

Abner Gómez Cortez and Terry Tonsi

RESPONSE:

LUMA objects to this request as the documents sought are irrelevant to LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to the T&D OMA. The documentation on stockpile material in Puerto Rico to respond to an event and how the calculation of two-month duration of materials was determined is not a matter to be evaluated by the Energy Bureau in assessing the proposed preparation phase Major Outage Event Performance Metric.

Without waiving the foregoing objections, it should be noted that the witness mentioned the stockpiles of materials to provide context around activities that LUMA will undertake that will ensure LUMA is prepared to manage emergency events. For more information, please refer to the ERP.

Performance Metrics**Docket ID: NEPR-AP-2020-0025****Information Response Round 2: LECO Requests 2**

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-015**REQUEST:**

P.9: Explain how the point weighting for each Performance Metric Major Outage Event: Preparation Phase works.

RESPONDER:

Don Cortez

RESPONSE:

Please refer to Table 2-24 of Exhibit 1 to the Revised Performance Metric Filing filed in Case No. NEPR-AP-2020-0025 on August 18, 2021.

The Preparation Phase is the first of 16 sections in the Major Outage Events Performance Metrics. The Preparation Phase section is also one of the three categories making up the Major Outage Event Performance Metrics Scorecard and consists of 8 steps. Each step is assigned Base Point values based on relative importance of each step to every other step in the Preparation Phase such that the sum of the Base Point values for all 8 steps is 250.

As stated in RFI-LUMA-AP-2020-0025-PREB-R1-10SEPT21-041, this section was directly modeled after the one in the NYPSC Order (Case 13-E-0140) related to a Scorecard for New York State utilities. The Puerto Rico Public-Private Partnerships Authority ("P3A") provided the NYPSC Performance Metrics Scorecard as a basis for development of the Major Outage Events Performance Metrics in addition to a perspective on the weightings assigned. The weightings reflect a qualitative assessment of the relative importance of the different metrics as to the performance of the utility during an MOE.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016

REQUEST:

Please refer to p. 7 of the Emergency Response Plan. What is the status of LUMA's scenario specific plans? Produce copies of the scenario specific plans or any drafts of these plans.

RESPONDER:

N/A

RESPONSE:

LUMA objects to this request as it seeks information and documents that fall beyond the scope of the subject matter of this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Further, LUMA objects this request as the information sought is irrelevant to the matters at issue on LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to T&D OMA. The Emergency Response Plan is not at issue in the instant proceeding. Additionally, LUMA objects to this request inasmuch as it seeks to undermine an already established public regulatory proceeding. The Emergency Response Plan is under consideration by the Puerto Rico Energy Bureau in Case No. NEPR-MI-2019-0006 (Planes de Autoridad de Energía Eléctrica de Puerto Rico para Atender Emergencias). The docket of that case is a matter of public record readily available to the public. A procedural calendar has been issued in said proceeding with dates already scheduled for a public virtual hearing and a deadline for the filing of comments from the general public.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-017

REQUEST:

P. 7: Specify what parts of the ERP adopted guidance from the National Response Framework and/or the Comprehensive Preparedness Guide.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-018

REQUEST:

Explain why the ERP does not discuss the Local Emergency Planning Committees.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-019

REQUEST:

P.8: Specify what risk assessments LUMA has performed. Produce copies of the risk assessments prepared by or at the behest of LUMA.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-020

REQUEST:

P.8: Indicate what prevention or risk mitigation strategies LUMA has developed and/or adopted. Produce documentation on LUMA's prevention or risk mitigation strategies.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-021

REQUEST:

P.19: List and describe the key elements of LUMA's Incident Command System.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-022

REQUEST:

P.19: What emergency preparedness planning has LUMA performed?

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-023

REQUEST:

P.20: Specify what aspects of the National Incident Management System LUMA has adopted.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-024

REQUEST:

P.21: Specify whether LUMA has conducted Damage Prediction Modeling. Produce all relevant documents.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-025

REQUEST:

P.21: What Field Labor Resource Predictions and Material Requirement Predictions has LUMA prepared?

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-026

REQUEST:

P.21: Specify what training programs and exercises LUMA has conducted.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Furthermore, LUMA objects to that portion of the request that seeks information related to performance since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on training programs and exercises provided by LUMA after June 1st, 2021, is not relevant to this proceeding.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-027

REQUEST:

P. 21: Explain the elements of an After-Action Report.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-028

REQUEST:

P. 22: Provide copies of the Mutual Aid Assistance Agreements that LUMA has entered into or is currently negotiating.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-029

REQUEST:

P.22: Explain the meaning of the following sentence: "In organizational, geographical and jurisdictional terms events are attended to at the lowest possible level."

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-030

REQUEST:

P.27: Explain the specific actions and resources required in mountainous terrain to provide workers access to lines and other infrastructure.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-031

REQUEST:

P.39: Define “small outage.” Please quantify this outage, in terms of customers affected and the duration of the outage.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-032

REQUEST:

P. 39 Define “severe event.” Please quantify this outage, in terms of customers affected and the duration of the outage.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-033

REQUEST:

P. 42: Explain how outages are prioritized. How does the priority matrix system work?

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-034

REQUEST:

P. 49: Explain the reference to “limits on information releases”.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-035

REQUEST:

P. 71: Explain the following statement: "To some extent electric utility mutual aid will be limited to those partners who are present in Puerto Rico."

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-036

REQUEST:

Provide copies of all mutual aid documents, including but not limited to agreements, memoranda of understanding, correspondence, and other relevant documentation.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-037

REQUEST:

P. 72: Provide a detailed explanation of how LUMA will “minimize the need for specialized training or work practices”. Please provide a detailed description of the “specialized training.”

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-038

REQUEST:

P.81: Explain the terms, limits and conditions of the proposed noncompetitive emergency procurement. Specify any amount and time limits for noncompetitive procurement.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-039

REQUEST:

How did LUMA calculate the number of customers at 2,956,102?

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-040

REQUEST:

P.13: Provide the Employee Staffing Roster with a full list of all relevant positions.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-041

REQUEST:

P. 27: Explain how LUMA determined the levels of critical facilities.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-042

REQUEST:

P. 35: Provide the documentation that forms the basis for the statement that a Type 1, catastrophic event, historically results in significant damage to the electrical transmission and distribution system, typically involves >50% (700,000) customer interruptions, >50,000 outage events and is anticipated to occur between one and four times in ten years.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-043

REQUEST:

P. 36: Provide the documentation that provides the basis for the statement that a Type 2, severe event, historically results in significant damage to the electrical transmission and distribution system in a region or moderate damage across the entire territory, typically 25-50% (350,000-700,000) customer interruptions, >25,000 outage events and is anticipated to occur between two and four times in five years.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-044

REQUEST:

P. 37: Provide the documentation that provides the basis for the statement that a Type 3 event (tropical depression/storm), historically results in significant damage to the electrical transmission and distribution system in districts or moderate damage to regions, typically involves 10-25% (70,000-350,000) customer interruptions, >25,000 outage events and is anticipated to occur between one and five times per year.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-045

REQUEST:

P. 37: Explain the meaning of decentralized dispatching in this context.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-046

REQUEST:

Specify how the outside assistance from contractors and mutual assistance would work.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-047

REQUEST:

P. 37: Provide the documentation that provides the basis for the statement that a Type 4 event which includes thunderstorms, high winds, frequent and/or severe lightning, small to moderate winter storms or unanticipated events, historically results in significant damage to the electrical transmission and distribution system in districts or moderate damage to regions, typically 1-5% (14,000-70,000) customer interruptions, > outage events and is anticipated to occur between five and ten times per year.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-048

REQUEST:

P. 39: Provide the documentation that explains the basis for the statement that a Type 5 event constitutes normal operations, typically involves <1% (14,000) customer interruptions and <2500 outage events.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-049

REQUEST:

P. 41: Explain the frequency, duration and causes of downed wires, including but not limited to incidents of burning, arcing and sparking.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-050

REQUEST:

Explain the methodology LUMA used to determine critical facilities and produce the relevant documentation. State LUMA's definition of critical facilities. Explain whether water treatment plants include water purification/filtration plants.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-051

REQUEST:

P. 44: Specify what Level 2 critical facilities “support other critical government functions besides prisons.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-052

REQUEST:

P. 44: Define “other large customers” in Level 3.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-053

REQUEST:

P. 45: Define Minimum Restoration Time, Larger Area Outages, and Smaller Area Outages.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-054

REQUEST:

P. 46: Explain the following allegation: "Estimated Time of Outages will establish the baseline of projections".

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-055

REQUEST:

P.63: Explain the methodology and produce the documentation for the calculation of downed wires restoration times.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-056

REQUEST:

How did LUMA determine area restoration prioritization?

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-057

REQUEST:

Are all critical facilities included?

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016. Additionally, as drafted, this request is unintelligible and vague and precludes LUMA from raising additional objections or a response.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-058

REQUEST:

List the different types of fire hazards and LUMA's plan to respond to each.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-059

REQUEST:

P. 10 Explain how the major, medium and minor geographical faults potentially impact and relate to the T&D infrastructure.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-060

REQUEST:

P. 26 What are the potential impacts of tsunamis to T&D infrastructure?

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-061

REQUEST:

What are the potential impacts of flooding/sea level rise/fires in subtropical dry areas/climate change to T&D infrastructure?

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-062

REQUEST:

Describe the LUMA emergency response to the Monacillos substation fire event.

RESPONDER:

N/A

RESPONSE:

LUMA objects to this request as it seeks information and documents that fall 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 this request as the information sought is irrelevant to the matters at issue on LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to T&D OMA. The Monacillos substation fire event is not at issue in the instant proceeding. Moreover, LUMA objects to this request as overly broad and unduly burdensome. It imposes on LUMA an additional burden by requesting information that is not connected to LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to T&D OMA and confidential information that is in the possession of third parties in whole or in part. Additionally, LUMA objects to this request as it seeks to undermine an ongoing investigation by the Puerto Rico Energy Bureau. This event is part of an ongoing investigation of the Puerto Rico Energy Bureau in Case No. NEPR-IN-2021-0002 (Interrupción de Servicio Eléctrico de 10 de junio de 2021).

Furthermore, LUMA objects to the request in as much as it seeks information related to performance or an incident that occurred since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 as confirmed on July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on the Monacillos fire is not relevant to this proceeding.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-063

REQUEST:

Provide all relevant documents Monacillos substation fire event.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-062.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-064

REQUEST:

Has LUMA prepared an After Action Report Monacillos substation fire event?

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-062.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-065

REQUEST:

List and describe all the emergency events since LUMA took over/assumed operation and management of the T&D system and other areas of the Puerto Rico electric system.

RESPONDER:

N/A

RESPONSE:

LUMA objects to this request as it seeks information and documents that fall 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 this request as the information sought is irrelevant to the matters at issue on LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to T&D OMA.

LUMA objects to that portion of the request that seeks information related to emergency that have occurred since LUMA took over the transmission and distribution system, in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on emergency events that have occurred after June 1, 2021, is not relevant to this proceeding.

Moreover, LUMA objects to this request as being overly broad and unduly burdensome. The term "emergency events" is undefined and does not place LUMA in a position to provide a precise response. Also, it imposes on LUMA an undue burden by requesting information that is not connected to LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to T&D OMA.

Performance Metrics
Docket ID: NEPR-AP-2020-0025

Information Response Round 2: LECO Requests 2

REFERENCE: RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-066

REQUEST:

Provide documentation of all the emergency events since LUMA took over/assumed operation and management of the T&D system and other areas of the Puerto Rico electric system.

RESPONDER:

N/A

RESPONSE:

Please refer to the response provided in RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-065.

CERTIFICATION

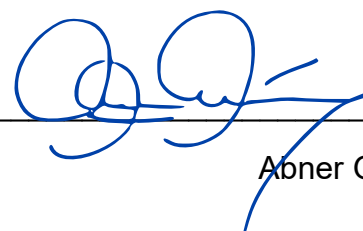
It is hereby certified that the answers provided to this Second Discovery Request, by each responder are true to the best of his/her knowledge, information and belief.



Mario Hurtado



Melanie Jeppesen



Abner Gómez



Don Cortez



Terry Tonsi

RESPECTFULLY SUBMITTED.

We hereby certify that, as required by the Energy Bureau in the April 8th Resolution and Order, Attachment A, and by Section 8.01(K) of Energy Bureau Regulation 8543, we will send an electronic copy of this response and exhibits to same to the attorneys for

PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law; and Katiuska Bolaños-Lugo, kbolanos@diazvaz.law, the Office of the Independent Consumer Protection Office, Hannia Rivera Diaz, hrivera@jrsp.pr.gov, and counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy ("ICSE"), Fernando Agrait, agraitfe@agraitlawpr.com, counsel for the Colegio de Ingenieros y a de Puerto Rico ("CIAPR"), Rhonda Castillo, rhoncat@netscape.net, and counsels for Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc., Enlace Latino de Acción Climática, Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., CAMBIO, Sierra Club and its Puerto Rico Chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (jointly, Puerto Rico Local and Environmental Organizations), larroyo@earthjustice.org, rstgo2@gmail.com, notificaciones@bufete-emmanuelli.com, pedrosaade5@gmail.com, jessica@bufete-emmanuelli.com; rolando@bufete-emmanuelli.com.

An electronic copy of this response and exhibits will also be sent to: viacaron@jrsp.pr.gov; secretaria@jrsp.pr.gov; and legal@jrsp.pr.gov.

In San Juan, Puerto Rico, this 13th day of September 2021.



DLA Piper (Puerto Rico) LLC

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/s/ Margarita Mercado Echegaray

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Yahaira De la Rosa Algarín

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ATTACHMENT 5

LECO Clarifications to LUMA on Requests for Information 1 and 2

(Sept. 27, 2021)

Raghu Murthy

From: Laura Arroyo
Sent: Monday, September 27, 2021 3:04 PM
To: Mercado, Margarita; yahaira.delarosa@dlapiper.com
Cc: Ruth Santiago; Pedro Saade Llorens; Rolando Emmanuelli Jiménez; rolando@bufete-emmanuelli.com; jessica@bufete-emmanuelli.com; Raghu Murthy; Ana Correa; Lorena Velez
Subject: [NEPR-AP-2020-0025] Clarifications on First and Second Information Requests.
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsels,

Thank you for your September 10th responses to our First Information Request and your September 13th responses to our Second Information Request. You requested clarification on several questions and provided objections to some questions. We are writing to provide clarifications and responses to certain objections. We reserve our right to provide further clarifications or respond to other objections, and to take any necessary action to obtain full answers to our discovery questions.

First Information Request and LUMA's responses and objections:

- Clarification of Questions 1-2: We request any document or information within your possession that supports your proposed Annex IX and the metrics contained within, and any document or information you intend to rely on in this proceeding.
- Clarification of Questions 1-3: We were referring to the Order dated December 23, 2020. See, <https://energia.pr.gov/wp-content/uploads/sites/7/2020/12/20201223-AP20200025-Resolution-and-Order.pdf>. Page 6 states "Incentives Reward Difficult Tasks – Targets of Levels for which an incentive may be proposed, shall be tied to difficult tasks, and not easy to fix areas." Has LUMA identified any easy-to-fix problems or easy-to-fix areas in any of the listed categories?
- In response to Questions 1-6, you objected as follows: "This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007." We disagree with your interpretation of those orders. The May and June orders do not state that this proceeding must be limited to the data used to establish those baselines and benchmarks. To the contrary, those orders explicitly envision that baselines and benchmarks will evolve, and that the evolution will be informed by ongoing collection of data on LUMA's performance. PREB specifically ordered LUMA to provide quarterly reports with ongoing collection of data on LUMA's performance, and explains that "the establishment of performance compliance metrics and benchmarks", informed with this new data, "shall be an ongoing process." May 21st Order, p. 15. A few more examples:
 - PREB notes that some metrics may have benchmarks set in the future, based on further information.
 - PREB notes that on disconnections, "The Energy Bureau will update the metrics and baseline table with updated reliability metrics when that data is available." PREB also

explained that certain metrics need revision and will be reported in the future. Again, these revised metrics would be informed by LUMA's ongoing performance.

- PREB notes that identification and discussion of peer group utilities "is an evolving process as comparable metric information becomes available."
- On plant availability and forced outage percentages, PREB notes that "this metric may have a future benchmark determined by the outcome of the IRP procurement proceeding and the implementation of the IRP Modified Action Plan." LUMA is significantly involved in both of those, and therefore LUMA's ongoing performance in both IRP procurement and IRP implementation is relevant to this proceeding.

For these reasons, we believe that LUMA is required to respond to Question 1-6 in our first Information Request. We kindly ask LUMA to adequately answer these questions.

- Clarification of Questions 1-7: Please answer the question for all nine LUMA witnesses. The question is relevant to this proceeding because these items are criteria which the Energy Bureau must consider when developing performance-based incentives and penalties, under Law 17-2019, Section 5.21 (and amended Law 57-2014, Section 6.25B).

Second Information Request and LUMA's responses and objections:

- Response to LUMA's objections to Questions 1-8 in our Second Information Request. You objected to these questions on the grounds that "[t]he interconnection procedures are not at issue in the instant proceeding." Interconnections are relevant due to Law 17-2019's requirement that PREB consider the following criteria when establishing performance-based penalties and incentives: "compliance with the Renewable portfolio standard and rapid integration of renewable energy sources, including the quality of the interconnection of resources located in consumers' properties;" We kindly ask LUMA to adequately answer these questions.
- Response to LUMA's objections to Questions 16 through 61 in our Second Information Request. These questions refer to the LUMA Emergency Response Plan, which is Exhibit A to the Direct Testimony of Abner Cortes. You objected to these questions on the grounds that "[t]he Emergency Response Plan is not at issue in the instant proceeding." That is incorrect – the Emergency Response Plan is one of the documents Mr. Cortez consulted before preparing his testimony. Testimony line 41, lines 171-178. The purpose of Mr. Cortes' testimony is to support metrics directly related to that Emergency Response Plan. Mr. Cortes' testimony repeatedly refers to that Plan. Since LUMA entered that document into the record in this proceeding and LUMA's witness relied upon it to prepare his testimony and the proposed metrics, the Emergency Response Plan is a document relevant to this proceeding, and LUMA must answer discovery questions on that document. We kindly ask LUMA to adequately answer these questions.

Please, provide adequate responses to the aforementioned questions of our First and Second Information Request by October 1st. In the meantime, if you have questions we can schedule a quick call.

Thank you,

Laura Arroyo
Pronouns: she/her/hers/ella
Puerto Rico Senior Attorney
Earthjustice

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Because the earth needs a good lawyer

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ATTACHMENT 6

LUMA Responses to LECO's Meet and Confer letter

(Oct. 1, 2021)



DLA Piper (Puerto Rico) LLC
500 Calle de la Tanca, Suite 401
San Juan, Puerto Rico 00901-1969
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October 1, 2021

VIA EMAIL

Laura Arroyo, Esq.
Earthjustice
4500 Biscayne Blvd., Suite 201
Miami, FL 33137

Re: In re: Performance Targets for LUMA Energy Servco, LLC, Case No. NEPR-AP-2020-0025

Dear Counsel:

On September 27, 2021, the Local Environmental and Civil Organizations' ("LECO") notified certain clarifications and responses to specific objections posed by LUMA Energy, LLC, and LUMA Energy ServCo, LLC (jointly "LUMA") to LECO's First and Second Discovery Requests. Herein, LUMA writes in a good-faith effort to address LECO's clarifications and responses.

A. First Discovery Request

On August 27, 2021, LECO served on LUMA a First Discovery Request. The Puerto Rico Energy Bureau ("Energy Bureau") granted LUMA an extension until September 10, 2021, to provide its responses to LECO's First Discovery Request. On September 10, 2021, LUMA submitted its responses and objections to LECO's First Discovery Request and produced a series of documents.

On September 27, LECO notified clarifications to certain objections raised by LUMA to LECO's First Discovery Request. LUMA hereby responds to those clarifications:

LECO's Clarification to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-002

Clarification of Questions 1-2: We request any document or information within your possession that supports your proposed Annex IX and the metrics contained within, and any document or information you intend to rely on in this proceeding.



LUMA's Response to Clarification to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-002

As already stated in response to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-002, the documents, and information that support LUMA's proposed Revised Annex IX to the Puerto Rico Transmission and Distribution System Operating and Maintenance Agreement ("T&D OMA") and the performance metrics targets contained therein, and which at present LUMA intends to rely on in this proceeding are: (1) the pre-filed testimonies and exhibits submitted on August 18, September 9 and September 24, 2021, as revised and amended; and (2) the documents already produced during discovery in response to six discovery requests that LUMA answered and served on September 10, 13, 16 and 17, 2021.

At this stage of the proceeding, LUMA reserves its right to supplement the proposed Revised Annex IX to the T&D OMA and the performance metrics targets with any other documents and information produced or obtained through the discovery phase. Further, LUMA reserves its right to promptly inform the parties and the Energy Bureau of any other documents and information it intends to rely on in this proceeding.

LECO's Clarification to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-003

Clarification of Questions 1-3: We were referring to the Order dated December 23, 2020. See, <https://energia.pr.gov/wp-content/uploads/sites/7/2020/12/20201223-AP20200025-Resolution-and-Order.pdf>. Page 6 states "Incentives Reward Difficult Tasks – Targets of Levels for which an incentive may be proposed, shall be tied to difficult tasks, and not easy to fix areas." Has LUMA identified any easy-to-fix problems or easy-to-fix areas in any of the listed categories?

LUMA's Response to Clarification to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-003

As already stated in response to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-003, operating the Transmission and Distribution of an electric power utility is not easy. Moreover, operating and revitalizing the Transmission and Distribution System of the Puerto Rico Electric Power Authority, a bankrupt utility whose operations and infrastructure do not meet industry standards in several respects, cannot be assumed as involving "easy to fix" problems. LUMA does not consider any of the categories outlined by LECO in RFI-LUMA-AP-2020-0025-LECO-10SEPT21-003 as involving "easy to fix" problems.

Furthermore, LUMA is cognizant of the Energy Bureau's principles as set forth on page 6 of the Resolution and Order of December 23, 2020. The proposed performance targets are set out in 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").

LECO's Clarification to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-006

In response to Questions 1-6, you objected as follows: "This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021 and July 2, 2021, issued in Case No. NEPR-MI-2019-0007." We disagree with your interpretation of those orders. The May and June orders do not state that this proceeding must be limited to the data used to establish those baselines and benchmarks. To the contrary, those orders explicitly envision that baselines and benchmarks will evolve, and that the evolution will be informed by ongoing collection of data on LUMA's performance. PREB specifically ordered LUMA to provide quarterly reports with ongoing collection of data on LUMA's performance, and explains that "the establishment of performance compliance metrics and benchmarks", informed with this new data, "shall be an ongoing process." May 21st Order, p. 15. A few more examples:

- *PREB notes that some metrics may have benchmarks set in the future, based on further information.*
- *PREB notes that on disconnections, "The Energy Bureau will update the metrics and baseline table with updated reliability metrics when that data is available." PREB also explained that certain metrics need revision and will be reported in the future. Again, these revised metrics would be informed by LUMA's ongoing performance.*
- *PREB notes that identification and discussion of peer group utilities "is an evolving process as comparable metric information becomes available."*
- *On plant availability and forced outage percentages, PREB notes that "this metric may have a future benchmark determined by the outcome of the IRP procurement proceeding and the implementation of the IRP Modified Action Plan." LUMA is significantly involved in both of those, and therefore LUMA's ongoing performance in both IRP procurement and IRP implementation is relevant to this proceeding.*

For these reasons, we believe that LUMA is required to respond to Question 1-6 in our first Information Request. We kindly ask LUMA to adequately answer these questions.

LUMA's Response to Clarification to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-006

LECO's clarification and response concerning what appears to be LUMA's answer to Request No. 6 is confusing. The clarification and response refer to the applicable baselines set forth by the Energy Bureau in Case No. NEPR-MI-2019-0007. The instant proceeding is limited to the



proposed performance-based incentives by LUMA. The Energy Bureau has not expanded the scope of this proceeding to include matters decided or that the Energy Bureau may consider in other proceedings or the future. Please note that the docket where the Energy Bureau continually collects data on performance metrics is Case No. NEPR-MI-2019-007, where LUMA files quarterly reports required by the Energy Bureau. A collateral discovery that sidesteps procedures in Case No. NEPR-MI-2019-0007 is improper and imposes an undue burden on LUMA. Considering the limited scope of this proceeding, the request issued by LECO is unduly burdensome and harassing.

Notwithstanding the above, in RFI-LUMA-AP-2020-0025-LECO-10SEPT21-006, LECO referred to the Major Outage Event Performance Metrics and requested “a detailed description of LUMA’s performance, according to each of these metrics, for all outages that have occurred since LUMA took over the transmission and distribution system, in June 2021.” As already stated in RFI-LUMA-AP-2020-0025-LECO-10SEPT21-006, LUMA’s proposed Major Outage Event Performance Metrics only apply during Major Outage Events as those events are defined in LUMA’s Revised Performance Metrics targets filing of August 18, 2021, and September 24, 2021.

LECO’s Clarification to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-007

Clarification of Questions 1-7: Please answer the question for all nine LUMA witnesses. The question is relevant to this proceeding because these items are criteria which the Energy Bureau must consider when developing performance-based incentives and penalties, under Law 17-2019, Section 5.21 (and amended Law 57-2014, Section 6.25B).

LUMA’s Response to Clarification to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-007

LECO’s clarification and response concerning what appears to be LUMA’s answer to Request No. 7 is confusing. Notwithstanding, Section 5.21 of Act No. 17-2019 provides that “[i]n developing such performance-based incentives and penalties, the Energy Bureau shall take into account the following criteria, among others...” The criteria included is a non-exhaustive list of factors that the Energy Bureau may consider when developing performance-based incentives. The statute does not establish if those factors have to be measured equally or if some can be given more weight than others, especially if none of the proposed performance-based incentives relate to one or more of those criteria.

LUMA objects to this burdensome request that seeks information that is not directly relevant to this proceeding. In any event, each of the testimonies submitted for LUMA’s witnesses provides information on their academic and professional backgrounds. None of LUMA’s witnesses claim to be experts on any of those “expertise areas” listed in the request but can provide testimony



supporting the specific performance metrics already disclosed. Moreover, for the Energy Bureau to develop the performance-based incentive, it is not required that the witness giving testimony for a particular metric be an expert but the proposed metric.

B. Second Discovery Request

On September 3, 2021, LECO served on LUMA a Second Discovery Request. On September 13, 2021, LUMA submitted its responses and objections to LECO's Second Discovery Request.

On September 27, LECO also notified clarifications to certain objections raised by LUMA to LECO's Second Discovery Request. LUMA hereby responds to those clarifications:

LECO's Clarification to RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001 to 008

Response to LUMA's objections to Questions 1-8 in our Second Information Request. You objected to these questions on the grounds that "[t]he interconnection procedures are not at issue in the instant proceeding." Interconnections are relevant due to Law 17-2019's requirement that PREB consider the following criteria when establishing performance-based penalties and incentives: "compliance with the Renewable portfolio standard and rapid integration of renewable energy sources, including the quality of the interconnection of resources located in consumers' properties;" We kindly ask LUMA to adequately answer these questions.

LUMA's Response to Clarification to RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001 to 008

LUMA reiterates its objections to RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-001 thru RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-008. The proposed performance-based incentives to be considered in this proceeding can be found in LUMA's Second Revised Performance Metrics Targets filing submitted on September 24, 2021, before the Energy Bureau. That is the relevant scope of the matters at issue in this proceeding.

Further, none of the proposed Performance Metrics Targets submitted by LUMA for the consideration of the Energy Bureau relate to "compliance with the Renewable portfolio standard and rapid integration of renewable energy sources, including the quality of the interconnection of resources located in consumers' properties." The T&D OMA did not include any performance-based incentives on interconnections. Interconnections are irrelevant to LUMA's petition and, as a consequence, are irrelevant in this proceeding. It was pursuant to LUMA's petition filed on February 25, 2021, that the Energy Bureau authorized discovery in this proceeding. LECO has not established the relevance of the requested information to LUMA's Revised Performance Metrics Targets filing.



LECO's Clarification to RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016 to 061

Response to LUMA's objections to Questions 16 through 61 in our Second Information Request. These questions refer to the LUMA Emergency Response Plan, which is Exhibit A to the Direct Testimony of Abner Cortes. You objected to these questions on the grounds that "[t]he Emergency Response Plan is not at issue in the instant proceeding." That is incorrect – the Emergency Response Plan is one of the documents Mr. Cortez consulted before preparing his testimony. Testimony line 41, lines 171-178. The purpose of Mr. Cortes' testimony is to support metrics directly related to that Emergency Response Plan. Mr. Cortes' testimony repeatedly refers to that Plan. Since LUMA entered that document into the record in this proceeding and LUMA's witness relied upon it to prepare his testimony and the proposed metrics, the Emergency Response Plan is a document relevant to this proceeding, and LUMA must answer discovery questions on that document. We kindly ask LUMA to adequately answer these questions.

LUMA's Response to Clarification to RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016 to 061

LUMA reiterates its objection to RFI-LUMA-AP-2020-0025-LECO-R2-13SEPT21-016 to 061. In this proceeding, the Energy Bureau is not called upon to evaluate or approve LUMA's Emergency Response Plan. The Emergency Response Plan is under consideration by the Puerto Rico Energy Bureau in Case No. NEPR-MI-2019-0006 (Planes de Autoridad de Energía Eléctrica de Puerto Rico para Atender Emergencias) where LUMA personnel provided testimony for the public record and filed additional information requested by the Energy Bureau that is also available in the public record. At issue in this proceeding is LUMA's Performance Metrics Targets on Major Outage Event: Preparation Phase and whether the proposed metric target presented and supported by Mr. Abner Gómez's testimony warrants approval from the Energy Bureau. A collateral discovery that sidesteps procedures in Case No. NEPR-MI-2019-0006 is improper and imposes an undue burden on LUMA. Considering the limited scope of this proceeding in connection with LUMA's ERP, the requests issued by LECO are unduly burdensome and harassing.

We are available for further discussions.

Sincerely,

/s/ Margarita Mercado Echegaray
Margarita Mercado Echegaray

/s/ Yahaira De la Rosa Algarín
Yahaira De la Rosa Algarín