

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

NEPR

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IN RE:

THE PERFORMANCE OF THE PUERTO
RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Request to Stay Portions of Resolution and Order of December 14, 2021 to Identify Additional Information and Submit Plan to Produce Information on Specified Performance Metrics, and Request for Extension of Time.

**REQUEST TO STAY PORTION OF RESOLUTION AND ORDER OF DECEMBER 14,
2021 TO IDENTIFY ADDITIONAL INFORMATION AND SUBMIT PLAN TO
PRODUCE INFORMATION ON SPECIFIED METRICS, AND REQUEST FOR
EXTENSION OF TIME**

TO THE PUERTO RICO ENERGY BUREAU:

COMES NOW, LUMA ENERGY SERVCO, LLC (“LUMA”), through the undersigned legal counsel and respectfully states and requests the following:

1. On September 20, 2021, LUMA submitted the first Quarterly Performance Metrics Report that involves data collected by LUMA after Interim Service Commencement (“June through August Quarterly PM Report”). In what is relevant to this Motion, in the June through August Quarterly PM Report, LUMA requested to exclude from future Quarterly Reports several metrics as to which data was reported as "Non-Applicable" for 6 months or more, or the data remained unaltered for 6 months or more (Monthly Peak by Customer Class ; Monthly Peak by District; Number of Customer Complaints appealed by Customer Class; Average Time to Resolve Billing Disputes; Average Time to Respond to Service and Outage Complaints;

Incremental Installed Distribution Generation Capacity per Year - Wind -; and Incremental Number of Distributed Generation Installations per Year -Wind-).

2. On December 14, 2021, this Energy Bureau issued a Resolution and Order on the Subject Matter of *Analysis of Performance Metrics for the Quarter of June through August 2021* (“December 14th Order”). In the December 14th Order, this Energy Bureau issued rulings on several of LUMA’s prior requests regarding quarterly reporting duties and directed that the rulings shall apply for the next quarterly filing -due March 20, 2022-. Regarding those metrics that LUMA requested should be excluded from future quarterly filings, this Energy Bureau determined that it requires reporting on the metrics and indicated it is interested to know if LUMA has information that will supplement the metrics identified by the Energy Bureau. *See* December 14th Order at pages 3-4. However, this Energy Bureau acknowledged the request to exclude metrics on incremental capacity and quantity of what the Energy described as “wind type distributed generation systems.”
3. In the December 14th Order, this Energy Bureau directed that by January 7, 2022, LUMA shall identify what alternate information LUMA may provide on the metrics that it proposed to exclude and file a plan and timeline to report on the information.
4. On December 22, 2021, LUMA submitted a Motion entitled *Motion Submitting Quarterly Performance Metrics, Request for Amendment to Reporting Schedule on Certain Financial Metrics, Requests for Clarifications, and Requests to Substitute a Metric, Exclude Certain Metrics and Rename Several Metrics* (“December Quarterly Performance Metrics Report and Request for Remedies”).

5. In the December Quarterly Performance Metrics Report and Request for Remedies LUMA requested reconsideration of the Energy Bureau's determination to deny LUMA's request to exclude the performance metrics on monthly peak by customer class, monthly peak by district, and average time to resolve billing complaints, from the quarterly performance metrics reports. LUMA respectfully submits that said motion for reconsideration that is pending consideration by this Energy Bureau should be construed to stay that portion of the December 14th Order that directed LUMA to identify by January 7, 2022, if it has alternate information to supplement the Energy Bureau's order to report on these three metrics and a plan to report on the information that this Energy Bureau requested. In the alternative, LUMA respectfully requests that this Energy Bureau stay compliance with the referenced portion of the December 14th Order until the Energy Bureau addresses the motion for reconsideration that LUMA submitted on December 22, 2021 with the December Quarterly Performance Metrics Report and Request for Remedies on the following performance metrics: monthly peak by customer class, monthly peak by district, and average time to resolve billing complaints, from the quarterly performance metrics reports.
6. Secondly, in the December Quarterly Performance Metrics Report and Request for Remedies LUMA requested clarifications on two (2) performance metrics that LUMA had requested to exclude from the quarterly performance metrics reports: (1) Number of Customer Complaints appealed by Customer Class, and (2) Average Time to Respond to Service and Outage Complaints. Regarding the metric on Number of Customer Complaints appealed by Customer Class, LUMA provided additional information on the reports that Puerto Rico Electric Power Authority ("PREPA") had submitted on this metric and requested that until the Energy Bureau

issued a clarification, this metric be excluded from the quarterly reports. Furthermore, regarding the metric on Average Time to Respond to Service and Outage Complaints, LUMA requested clarification on what constitutes a “Service and Outage Complaint.” Given that those requests are currently pending adjudication by this Energy Bureau, LUMA respectfully requests that this Energy Bureau stay that portion of the December 14th Order that requires LUMA to identify additional information and a plan to provide the same to this Energy Bureau in connection with these two metrics. It is respectfully submitted that absent clarifications from this Energy Bureau, LUMA cannot identify the additional information that the Energy Bureau has required nor formulate the plan that the Energy Bureau requested in the December 14th Order in connection with the performance metrics on Number of Customer Complaints appealed by Customer Class, and Average Time to Respond to Service and Outage Complaints.

7. Finally, LUMA respectfully submits that the time granted by this Energy Bureau to identify alternate information that LUMA may have to report on the metrics regarding Incremental Installed Distribution Generation Capacity per Year - Wind -, and Incremental Number of Distributed Generation Installations per Year -Wind-, is not reasonably sufficient for LUMA to comply with the December 14th Order. The December 14th Order setting the deadline of January 7, 2022, was received days before LUMA was set to file its December Quarterly Report which was submitted on December 22, 2021. Thus, up until December 22, 2021, the LUMA team in charge of data relevant to performance metrics was working on the quarterly filing. Thereafter, several LUMA team members enjoyed holiday vacations that had been scheduled prior to receiving the December 14th Order. Given these circumstances, LUMA has not been able to finalize the necessary diligences to identify which information, if any, may be

produced to this Energy Bureau on these two metrics and design a plan for producing reports on the data requested by this Energy Bureau. Respectfully, LUMA requests an extension until January 21, 2022, to comply with that portion of the December 14th Order that directs that LUMA shall identify data that it may produce and submit a plan for producing available data on the metrics regarding Incremental Installed Distribution Generation Capacity per Year - Wind -, and Incremental Number of Distributed Generation Installations per Year -Wind-. This extension of time is requested in good faith.

WHEREFORE it is respectfully requested that the Energy Bureau **stay** that portion of the December 14th Order that requires LUMA to identify additional information and submit a plan to provide the same to this Energy Bureau in connection with the following performance metrics: monthly peak by customer class, monthly peak by district, average time to resolve billing complaints, Number of Customer Complaints appealed by Customer Class, and Average Time to Respond to Service and Outage Complaints; and **grant** LUMA until January 21, 2022, to comply with that portion of the December 14th Order to identify data that may be produced to this Energy Bureau and submit a plan for producing available data on the metrics regarding Incremental Installed Distribution Generation Capacity per Year - Wind -, and Incremental Number of Distributed Generation Installations per Year -Wind-.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 5th day of January 2022.

I hereby certify that I filed this motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this motion to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law; and Katiuska Bolaños-Lugo, kbolanos@diazvaz.law.



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