

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

NEPR

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**IN RE: DESPLIEGUE DE
INFRAESTRUCTURA DE CARGADORES
PARA VEHICULOS ELECTRICOS**

CASE NO. NEPR-MI-2021-0013

**SUBJECT: Motion in Compliance with Resolution and
Order of March 11, 2022**

**MOTION IN COMPLIANCE WITH RESOLUTION AND ORDER
OF MARCH 11, 2022**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES now **LUMA Energy ServCo, LLC** (“LUMA”), through the undersigned legal counsel, and respectfully states and requests the following:

I. Background:

1. On November 18, 2021, this Energy Bureau entered a Resolution and Order (the “November 18th Order”) setting forth directives for initiating the electric vehicle (“EV”) infrastructure deployment, including principles to guide the adoption of plans, regulations and procedures related to the electric vehicle energy sector in Puerto Rico.

2. Among others and in pertinent part, in the November 18th Order, the Energy Bureau ordered LUMA to: (a) file with the Energy Bureau on or before September 1, 2022, a First Phase of an EV Charging Infrastructure Deployment Plan (“Phase I EV Plan”) reflecting the mentioned principles and in compliance with a list of requirements set forth therein (*see* November 18th Order at p. 4); and (b) attend Compliance Technical Hearings every three months in connection with the Phase I EV Plan preparation, the first of which was scheduled for February 25, 2022 (the “First

Compliance Hearing”) (*see id.* at p. 5). This First Compliance Hearing was thereafter postponed to March 4, 2022. *See* Energy Bureau’s Resolution and Order entered on February 22, 2022.

3. On March 4, 2022, this Energy Bureau held the First Compliance Hearing which LUMA representatives attended.

4. During the First Compliance Hearing, LUMA indicated that it had included ten questions on EV adoption in the quarterly survey to customers conducted by J.D. Power & Associates (the “J.D. Power Survey”). Subsequently, during the hearing, Commissioner Ferdinand Ramos-Soegaard requested LUMA to explore the possibility of using web-based platforms to conduct direct surveys to its customers on EV and provide feedback thereof to the Energy Bureau in two weeks.¹

5. On March 11, 2022, this Energy Bureau issued a Resolution and Order (the “March 11 Order”) regarding the bench order issued by Commissioner Ramos-Soegaard during the First Compliance Hearing. In the March 11 Order, this Energy Bureau “further instructs LUMA concerning the possible use of its electronic platforms and social media accounts to conduct[...] direct surveys to its customers” (March 11 Order at page 1) and requires LUMA to “explore the feasibility and costs of designing and conducting said surveys using existing platforms” (*id.*).

6. In the March 11 Order, the Energy Bureau further indicates that the direct customer surveys “should be designed in a way that LUMA will be able to use the acquired information, tied to specific customers and/or accounts, to start building a database to assist in the formulation of the Phase I EV Plan” (*id.*) and that the survey, at a minimum, shall serve to collect information

¹ Commissioner Ramos expressed during the hearing: “So, if you could, yeah explore that possibility and maybe give us some feedback in two weeks, with that other information that Commissioner Mateo requested.” Later in the hearing, Commissioner Ramos clarified that LUMA should consider “the possibility and the, and the effectiveness of using the Mi LUMA App for something like this and the information that it could bring. ...I would definitely prefer for that to, to be pursued and I would very much like for LUMA to, to come up in two weeks with the, the information I suggested. You know, the possibility of, of, integrating a survey into the Mi LUMA App.”

regarding: “(i) current and future quantity of EVs in the system, (ii) the type of EVs (e.g., full electric or hybrid), (iii) the car battery capacity (in kwh), (iv) the means and location by which the EV owners charge their vehicles, and (v) the availability or feasibility of onsite distributed generation installations” (*id.*).

7. Furthermore, in the March 11 Order, this Energy Bureau orders LUMA to, on or before March 24, 2022, “file a detailed plan to conduct customer surveys using the available electronic platforms and social media accounts and incorporate the compiled information into formulation of the Phase I EV Plan.” (*Id.*)

8. Prior to receiving the March 11 Order, LUMA understood that it was required to preliminarily explore the possibilities of using the web-based platforms to conduct a survey as indicated by Commissioner Ramos-Soegaard during the First Compliance Hearing and thereafter inform the Energy Bureau of this preliminary exploration. The March 11 Order, however, considerably expands the scope of this request to the preparation of a plan considering a specific design for the customer surveys, which was to be submitted within 13 days after the March 11 Order.

II. Discussion:

9. A key component of LUMA’s mission for Puerto Rico is to transform utility operations to deliver a positive customer experience. In fostering a customer-centric environment, LUMA believes that all customers should have a voice to share their experience, opinions, and changing needs. As a result, LUMA has developed the Voice of the Customer Program. The J.D. Power Survey is a foundational piece of the Voice of the Customer program. Through the survey, LUMA is able to review current data on our customers’ needs and expectations and align and prioritize improvements based on their feedback.

10. LUMA fully supports conducting surveys among its customers in order to monitor their concerns and opinions with regards to the services offered. LUMA also agrees that the best and most cost-effective methods of surveying customers that align with the electric utility industry standards should be used to that end.

11. Market research is a specialized field of a highly technical nature that has evolved into a \$29 billion industry in the United States and is used by a wide variety of businesses and sectors. The Market research industry in the United States consists of companies that gather, analyze and present data on public opinion, consumer behavior and attitudes.² Due to the complexities inherent in the discipline and to ensure reliability in the results of the surveys conducted, companies often elect to outsource market research to third-party specialized firms.

12. As the Energy Bureau is aware, LUMA has engaged J.D. Power and Associates, one of the leading market research firms,³ to conduct customer satisfaction surveys and market research, including the collection of data related to electric vehicles among its customers.

13. A direct survey using LUMA's existing web-based platforms as suggested by the Energy Bureau in its March 11 Order, involves the implementation of a market research study for which LUMA does not currently have the capabilities or employees with the relevant training to manage internally.

14. LUMA respectfully proposes the use of the existing J.D. Power Survey, under the existing contract LUMA has with J.D. Power & Associates to survey customers.

15. J.D. Power & Associates is already surveying LUMA customers about electric vehicles as part of LUMA's existing customer satisfaction surveys. As confirmed by Lee Wood

² William Curtis. (February 2022). *NAICS Report 54191, Market Research in the US*. See, <https://www.ibisworld.com/united-states/market-research-reports/market-research-industry/>

³ As per a 2020 ranking published by the American Marketing Association, JD Power ranked twelfth among the top 50 marketing research firms in the United States. See, <https://www.ama.org/marketing-news/2020-top-50/>.

during the hearing on March 4, 2022, LUMA added ten electric vehicle focused questions to the survey distributed to customers. The EV questions were included in the January-February 2022 electric utility residential survey. The results of this survey are expected to be received by March 25, 2022. The JD Power Survey provides actionable information by developing insights about the needs of consumers.

16. If LUMA were to expand the scope of market research beyond the collection of the relevant EV questions already included in the J.D. Power Survey, it is possible that LUMA would have to initiate a procurement process to contract a market research firm capable of working within LUMA's existing platforms which could take approximately 6 months to complete. It should be noted that expanding the scope of market research is not currently included in the budget. While it may seem simple to use the technology in place, the design, testing and integration of market research software with LUMA's current software is anticipated to be significant, and could entail a considerable cost and require extensive lead time.

17. A concern regarding the statistical significance of the sample used by the J.D. Power Survey was raised during the First Compliance Hearing. LUMA would like to affirm that this survey does provide statistically significant information and to describe how this survey process is managed. For purposes of this survey, LUMA shares the current customer database with J.D. Power & Associates every quarter. As of the end of 2021, LUMA had approximately 543,682 email addresses (Residential – 415,349, Commercial – 128,333). It is expected that this customer database will expand as LUMA aligns the CC&B system and the MiLUMA application.

18. J.D. Power & Associates then runs the current customer database provided by LUMA through a query system that selects approximately 100,000 unique residential emails and approximately 10,000 to 11,000 unique business emails. This process occurs each time a survey

is conducted. To date, the response rate for LUMA's survey is above industry average and has rendered reliable survey results. A significant benefit of using a third-party company such as J.D. Power & Associates is that there are added data integrity controls for the collection of customer data which ensures that each response is unique and that customers cannot skew survey results with multiple responses.

19. In sum, the use of the J.D. Power Survey to obtain the additional information requested by the Energy Bureau regarding EV adoption and implementation of EV charging infrastructure is currently the most cost-effective manner to gather this information and is a mechanism that can be implemented more quickly than implementing survey technology within LUMA's existing platforms such as MiLUMA or social media channels.

20. Again, LUMA supports surveying customers using the most reliable and efficient means available in alignment with industry standards. In light of the foregoing, LUMA hereby respectfully submits and requests this Energy Bureau to accept the information and proposal included herein as the plan required under the March 11 Order.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and accept LUMA's plan and proposal described herein and deem LUMA in compliance with the March 11 Order.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, this 24th day of March, 2022.

We hereby certify that we filed this motion using the electronic filing system of this Energy Bureau and that we will send an electronic courtesy copy of this motion to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law and Katuska Bolaños-Lugo, kbolanos@diazvaz.law. LUMA understands that other participants or stakeholders in this proceeding will be notified as a result of the publicity of the filings in this process. Notwithstanding, LUMA will send a courtesy copy of the filing to the following stakeholders: agalloza@aggpr.com; alberto.cortes@warrenecm.com; aldo@skootel.com; angel.d.rodriguez@outlook.com; antonio@velocicharge.com; azayas@azeng.net;

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