

**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: Request for Confirmation on Matters
Addressed in Compliance Technical Hearing No. 2
Held on June 15, 2022, and for Stay of Order Establishing
Deadline to Submit Revised EV Rate Design Proposal**

**MOTION REQUESTING CONFIRMATION ON MATTERS ADDRESSED IN
COMPLIANCE TECHNICAL HEARING HELD ON JUNE 15, 2022, AND STAY OF
ORDER ESTBLISHING DEADLINE TO SUBMIT REVISED EV RATE DESIGN
PROPOSAL**

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:

1. On November 18, 2021, this Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (the “November 18th Order”) setting forth directives for initiating 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 (the “Principles”).

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”) in accordance with the specified requirements set forth in the November 18th Order (*see* November 18th Order at p. 4); (b) file on or before May 31, 2022 a proposal for one or more rate designs targeting the customer segments set forth in the Principles and envisioned in the Phase I EV Plan and addressing the

requirements in the November 18th Order (“Rate Design Proposal”) (*see id.* at pp. 5-9); and (c) attend Compliance Technical Hearings (referred to as Compliance Technical Hearings No. 1, No. 2 and No. 3) every three months in connection with the Phase I EV Plan preparation, scheduled for February 25, 2022,¹ May 31, 2022, and August 31, 2022, respectively (*see id.* at p. 5).

3. After other procedural events, on May 19, 2022, this Energy Bureau issued a Resolution and Order (the “May 19th Order”) amending the dates and certain associated tasks established in the November 18th Order, providing for: (i) the filing of a draft of the Rate Design Proposal by May 31, 2022; (ii) the rescheduling of the Compliance Technical Hearing No. 2 to June 15, 2022 at 1:00 pm; (iii) the filing of a final Rate Design Proposal on June 30, 2022; (iv) the filing of a draft of the Phase I EV Plan for September 1, 2022; (v) the rescheduling of the Compliance Technical Hearing No. 3 to September 15, 2022, at 1:00 pm; and (vi) the filing of the final Phase I EV Plan on September 30, 2022. *See* May 19th Order at p. 1.

4. On May 31, 2022, LUMA submitted to the Energy Bureau the draft of the Rate Design Proposal in compliance with the November 18th Order, as amended by the May 19th Order. *See* LUMA’s *Motion Submitting Draft of EV Rate Design Proposal* filed on May 31, 2022, at Exhibit 1 (the “Draft EV Rate Design Proposal”). The Draft EV Rate Design Proposal contains a proposal to undertake three EV rate pilots which LUMA believes are the most suitable and viable for Puerto Rico in the near- to medium-term. These pilots include a Residential EV Separate Meter Time of Use (“TOU”) Rate Pilot, a Residential EV Subscription Rate with Managed Charging Pilot, and a Public EV Charging Rate Pilot. The Rate Design Proposal Draft discussed the context of the rate design proposal, including the principles, requirements and stakeholder feedback considered, the objectives of the rate design proposal and additional considerations for Puerto

¹ This First Compliance Technical Hearing was thereafter postponed to and held on March 4, 2022. *See* Energy Bureau’s Resolution and Order entered on February 22, 2022.

Rico; the residential EV rate alternatives considered, including consideration of the rate structures, program characteristics and enabling infrastructure; the approach taken by LUMA to identify the most viable rate structures for Puerto Rico; and the roadmap to introduce the proposed EV charging rate(s), including the proposed pilot rate suite, the interim rate design process, pilot design and evaluation, and the outline for the rate pilot document.

5. On June 15, 2022, the Energy Bureau held the Compliance Technical Hearing No. 2 which LUMA attended.

6. During the Compliance Technical Hearing No. 2, the Energy Bureau's consultants commented and asked LUMA questions on the Draft EV Rate Design Proposal submitted by LUMA. The Energy Bureau's consultants commented, among other things, that the Draft EV Rate Design Proposal only included proposed pilot rates but not the actual "rate designs" and that specific data is needed to be included to support a rate design, such as cost allocation data (including supplemental costs) and load forecasting. The Energy Bureau's consultants also addressed the length of time to reach final implementation of a rate as described in the Draft EV Rate Design Proposal.

7. In attention to these comments, LUMA representatives expressed concerns regarding the current lack of data to appropriately develop a final permanent rate design and the time frame to conduct the necessary modeling and due-diligence, as well as the need for enabling technology (i.e. AMI or alternative) required to implement time-varying EV rates. As explained during the conference, the submission filed by LUMA was a proposal for rate design(s), which would need to be fully developed and finalized in a timeframe reasonable for the data analysis, modeling and due diligence typically required for producing a final rate design. LUMA representatives explained that the rates were proposed for near-term implementation on a pilot

basis, to allow for the development and refinement of all the necessary enabling technologies and billing systems to effectively implement an EV rate.

8. The Energy Bureau's consultants then made helpful suggestions on the approach and information that could be included in the revised Draft EV Rate Design Proposal to be submitted on June 30, 2022. Specifically, they suggested the proposal could maintain the pilot approach, while also providing more data to support further rate design, and that the rate design component should focus on the Residential TOU rate for behind the meter charging. Recognizing the data limitations, they also suggested that the rate design proposal would be a first iteration of a residential TOU rate with a supporting analysis that would be more detailed than that provided in LUMA's draft rate proposal, but less than a final rate design.

9. Near the conclusion of the Compliance Technical Hearing No. 2, the Energy Bureau issued a bench order determining that the Draft EV Rate Design Proposal did not meet the requirements of the November 18th Order and directing LUMA to submit a compliant rate design proposal by June 30, 2022.

10. Before embarking on the implementation of the approach helpfully suggested by the Energy Bureau's consultants during the Technical Hearing as one that will be sufficient for this honorable Energy Bureau to deem the EV Rate Design Proposal compliant with the November 18th Order, LUMA respectfully requests confirmation via resolution from this Energy Bureau that the rate design to be included in this proposal should focus on the Residential TOU rate for behind the meter charging; that this would be a first iteration, based on existing data, to be fully developed as more detailed data is obtained or developed; and that the selected rate be implemented initially through a pilot program.

11. While confirmation is obtained from this honorable Energy Bureau, LUMA respectfully requests that the Energy Bureau stay the Energy Bureau's order establishing the deadline for submittal of the revised rate design proposal of June 30, 2022 (i.e., included in the May 19th Order and the bench order issued on June 15, 2022, during the Compliance Technical Hearing No. 2) and set a new deadline at the time it issues the resolution confirming the scope of the revised rate design proposal to a date no earlier than July 21, 2022. LUMA does not anticipate this change will affect its ability to meet the existing deadline for submittal of the Phase I EV Plan or other deadlines in this proceeding.

12. LUMA respectfully submits that this course of action will ensure LUMA can devote, in an efficient and targeted manner, the necessary internal and external resources to develop the selected rate design proposal with the available information and ensure that the proposal will be favorably received by this honorable Energy Bureau and deemed compliant with the November 18th Order. Attempting to implement an EV rate before effective systems are in place could be counterproductive to the Bureau's objectives. Data collected in these pilots will also help to refine the pilot EV rate design and associated terms and conditions, prior to implementation as a permanent rate. The time frame suggested by LUMA to complete the revised EV Rate Design Proposal is of a duration strictly necessary to complete this revised document and is not anticipated to affect other deadlines in this proceeding.

13. The time frame additionally takes into account the workload of the LUMA personnel who will be involved in its preparation and review in light of the requirements of other ongoing proceedings before this honorable Energy Bureau, including, but not limited to: preparing for and attending a Technical Workshop scheduled by the Energy Bureau for June 29, 2022, on the EE/DR Transition Period Plan prepared by LUMA, in case number NEPR-MI-2021-0006;

preparing by June 29, 2022 and July 8, 2022, submittals related to the presentation on the Avoided Cost Study given by the Energy Bureau consultants in the workshop held on June 22, 2022, as ordered by the Energy Bureau in case number NEPR-MI-2021-0009; preparing by July 28, 2022, a plan related to funding and implementation of transmission system network upgrades as ordered by the Energy Bureau by Resolution and Order of June 13, 2022 entered in case NEPR-MI-2020-0012; preparing a status report on the IRP contracting and preparation efforts by July 1, 2022 as ordered by the Energy Bureau in Resolution and Order entered in case NEPR-MI-2020-0012; and preparing and submitting to the Energy Bureau by July 29, 2022², a detailed implementation plan regarding the updating of voltage level and interconnection capacity maps to meet the requirements in the Energy Bureau's Resolution and Order of May 26, 2022 in case NEPR-MI-2019-0011 and a progress report by June 30, 2022 in that same case, among others.³

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; **issue a Resolution confirming** that the revised version of the Draft EV Rate Design Proposal to be submitted by LUMA as the next step in this proceeding may focus on the Residential TOU rate for behind the meter charging and follow the approach set forth in this Motion; and **stay** the Energy Bureau's order establishing the deadline for submittal of the revised rate design proposal of June 30, 2022 (i.e., included in the May 19th Order and the bench order issued on June 15, 2022, during the Compliance Technical Hearing No. 2) and set a new deadline at the time it issues the resolution confirming the scope of the revised rate design proposal to a date no earlier than July 21, 2022.

RESPECTFULLY SUBMITTED

² The deadline set by the Energy Bureau is June 30, 2022. However, LUMA requested an extension to comply with this requirement, until July 29, 2022, which has not been granted to this date.

³ These are in addition to the nine filings and two appearances completed by LUMA during the last week as well as the ongoing efforts to negotiate a budget.

In San Juan, Puerto Rico, this 27th day of June 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;
bigwheelcorp@gmail.com; blazquezmalu@gmail.com; carlosoxcedeno@gmail.com;
clrivera@caguasexpressway.com; flota@caguasexpressway.com; cnegrette@solrenew.com;
CR.Tejera@ddec.pr.gov; dacosta@aggpr.com; daniel.perez@totalenergies.pr; dcordero@group-em.com;
divine.energy@hotmail.com; eduardo.pinera@toyota.com;
Edwin.Acevedo@ddec.pr.gov; emelyies.torres@toyota.com; epenergypr@gmail.com;
erica.cosme@gsonnell.com; Fberrios@peritoselectricistas.org; francisco.berrios@hotmail.com;
franciscojrullan@yahoo.com; gerard.berlinski@toyota.com; gerardo_cosme@solartekpr.net;
gperez@solrenew.com; hamely@motorambar.net; ialsina@plazalasalasamericas.com;
idadiaz@glenninternational.com; info@carlosmatta.com; ismael.diaz@warren-ecm.com;
jack@pantekpartners.com; jameauxi@aim.com; jan.rodriguez@toyota.com; javrua@sesapr.org;
jbouza@caguasexpressway.com; jcardona@aggpr.com; jorrodriguez@motorambar.net;
jortiz@caguasexpressway.com; jose.maeso@crowley.com; jpibernus@motorambar.com;
JSantana@motorambar.com; jtosado@motorambar.net; juan.diaz.galarza@guidehouse.com;
jvazquez905@gmail.com; jwilliams@solrenew.com; kenan.d.davila@sargentlundy.com;
kkoch@tesla.com; l.marcano@aconer.org; lsundeen@tesla.com; luisgmoreno@gmail.com;
Marangelly.Cruz@toyota.com; Maria.rivera@lumapr.com; marilyn.maldonado@toyota.com;
Melvin.Ayala@lumapr.com; mlandron@plazaad.com; nannette.berrios@solpetroleum.com;
nmontes@ccmpr.com; nrodriguez@senado.pr.gov; nsantos@glenninternational.com;
Ochavez@Padigm.com; odette@grupofernandezpr.com; omundo@plazalasalasamericas.com;
pablo.rivera@hitachipowergrids.com; patlopez00@gmail.com; dany.oliva@toyota.com;
pjcleanenergy@gmail.com; rdiaz@glenninternational.com; repagan@burnsmcd.com;
rry@tcm.law; Ruben.Gonzalez@pumaenergy.com; rvega@guidehouse.com;
shehaly.rosado@ddec.pr.gov; Veronica@pantekpartners.com; Victor.Aponte@toyota.com;
victor.martinez@totalenergies.pr; wilfredsonllc@gmail.com; zlopez@efonalledas.com;
dany.oliva@toyota.com; damaris.quinones@toyota.com; heriberto.gines@toyota.com;
nancy.navales@toyota.com.



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

/s/Laura T. Rozas
Laura T. Rozas
RUA Núm. 10,398
laura.rozas@us.dlapiper.com

/s/Ana Margarita Rodríguez Rivera
Ana Margarita Rodríguez Rivera
RUA Núm. 16195
ana.rodriguezrivera@us.dlapiper.com