

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

NEPR Received: Jun 20, 2022 10:21 PM

IN RE:

THE PERFORMANCE OF THE PUERTO
RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Quarterly Performance Metrics.

MOTION SUBMITTING QUARTERLY PERFORMANCE METRICS

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:

I. Introduction

The requirement to submit quarterly reports on specified system data of the Puerto Rico Electric Power Authority (“PREPA”), arises under the Resolution and Order issued by the Puerto Rico Energy Bureau (“Energy Bureau”) on May 14, 2019, in this proceeding. Pursuant to a Resolution and Order issued on December 30, 2020, the quarterly system data is due on the 20th day of the month after each quarter closes. LUMA hereby submits the quarterly report for March through May 2022.

LUMA is committed to transparency and providing this Energy Bureau with reliable data on the electric system in Puerto Rico. LUMA continues to review, refine and improve data collection processes to give the Energy Bureau the data points requested.

II. Current Measures of Performance

Based on currently available information, the quarterly data shows that LUMA continues to make steady and positive progress in key areas like customer service and distributed generation capacity.

Regarding Customer Service, the average time to resolve billing disputes has been reduced by 50% (from an average of 86 days from December 2021 through February 2022 to an average of 43 days from March through May 2022). The wait time in customer service centers has continued steadily decreasing (from an average of 7 minutes and 49 seconds from December 2021 through February 2022 to an average of 7 minutes and 01 seconds from March through May 2022).

As for renewables, there was an increase from March through May 2022 compared to December 2021 through February 2022. For example, an 8% increase was reported in Total installed distributed generation capacity- Photovoltaic and a 13% increase in Total number of distributed generation installations- Photovoltaic. Since LUMA began operations in June 2021, distributed generation has increased by nearly 54%, with LUMA connecting more than 23,500 customers with rooftop solar and adding more than 120 MW of renewable energy to the grid.

LUMA is committed to transparency and believes that all parties benefit from accurate system data.

III. Background

On May 21st, 2021, this Energy Bureau issued a Resolution and Order establishing four categories of system data applicable to PREPA, among others (“May 21st Resolution and Order”). See May 21st Resolution and Order on pages 3-14. According to the May 21st Resolution and

Order, LUMA and PREPA are to file quarterly reports on the statistics detailed in Attachments A, B, and D of said Resolution and Order.

On June 22, 2021, LUMA submitted the quarterly performance metrics for March, April, and May 2021, with performance data prior to Interim Service Commencement, which occurred on June 1, 2021. LUMA supplemented said filing on July 6, 2021, in a *Motion Supplementing Quarterly Performance Metrics Report and Requesting Leave to Defer Reporting of Specified Metrics* (“July 6th Supplemental Submission”). In the July 6th Supplemental Submission, LUMA requested that the Energy Bureau defer data filing on several financial metrics for May 2021. LUMA also informed that due to circumstances beyond its control, it could not gather and review relevant data on fleet operations and that the data was unreliable as PREPA did not keep maintenance records. Also, the work order system was not functioning.

On August 6, 2021, LUMA filed a *Motion in Compliance with Order Submitting Updated Quarterly Performance Metrics Report* (“August 13th Updated Submission”). In the August 13th Updated Submission, LUMA included clarifications on several new performance metrics that the Energy Bureau directed should be included in future quarterly reports enumerated in Attachment D to the May 21st Resolution and Order. First, LUMA explained that regarding technical losses as % of net generation and technical loss reduction as a % of net generation, it computed values using PREPA’s methodology but that in LUMA’s view, the data and methodology are not wholly reliable. LUMA offered to participate in collaborative discussions with the Energy Bureau on the method to be developed to track and report performance on technical losses as a percent of net generation and technical loss reduction as a percent of the net generation. Second, regarding the total number of calls received, LUMA explained in the August 13th Updated Submission that it

expected that the data used by the Energy Bureau to set baselines would change significantly. After commencing operations, LUMA discovered that the call centers had trunks that limited how many lines were available for customers to call. Furthermore, LUMA requested clarification on the metric on the average length of time to resolve customer complaint appeals.

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 the June through August quarterly data submission, LUMA added a tab in the summary worksheet to distinguish the metrics that pertain to Transmission & Distribution (which is operated and managed by LUMA) from those that involve Generation (which is operated and managed by PREPA). For the performance metric on the number of formal customer complaints, LUMA clarified that the data submitted in Exhibit 1 reflects Act 57-2014 billing claims. LUMA explained that it would continue to follow PREPA’s methodology for reporting on these metrics for consistency in the data. LUMA requested that the Energy Bureau re-name this Performance Metric to the number of Act 57 claims. LUMA proposed to eliminate that historical data as it is available on past submissions and to include in future reports solely the data since LUMA’s commencement, June 2021 through the Fiscal Year 2022.

LUMA also restated the request made in the August 13th Updated Submission for the Energy Bureau to clarify the data expected to be included in the new data request on the average length of time to resolve customer complaint appeals. Furthermore, LUMA requested leave to file the data on financial metrics for July and August in the subsequent quarterly filing due December 2021.

Finally, LUMA requested to exclude from future quarterly submission 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-.)

On November 4, 2021, this Energy Bureau held a Technical Conference to discuss aspects of LUMA's Quarterly Performance Metrics Submission of September 20, 2021, on several reliability metrics involving the Transmission, Distribution System, and Generation Systems. On November 9, 2021, LUMA submitted additional information that the Energy Bureau requested during the Technical Conference.

On December 14, 2021, the 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. It directed that the rulings shall apply for the subsequent quarterly filing -due March 21, 2022-.

First, regarding those metrics that LUMA requested should be excluded from future quarterly filings, the Energy Bureau determined that it requires reporting on the metrics.¹ It also

¹ As mentioned previously, those metrics were: 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.

decided that it was interested to know if LUMA has information that will supplement the metrics identified by the Energy Bureau. *See* December 14th Order on pages 3-4. However, this Energy Bureau acknowledged the request to exclude metrics on incremental capacity and quantity of what the Energy Bureau described as “wind type distributed generation systems.” Also, this Energy Bureau directed LUMA to identify what alternate information LUMA may provide on the metrics that it proposed to exclude and to file a plan and timeline by January 7, 2022, to report on the information.

Second, this Energy Bureau accepted LUMA’s methodology for calculating absenteeism. Third, this Energy Bureau accepted LUMA’s restated SAIDI and SAIFI values that include outages that had been historically excluded. This Energy Bureau directed that for the quarterly filing due March 2022, LUMA should clarify if the reported distribution metric is limited to distribution-related outages and the reported transmission metric is limited to transmission-related outages. *Id.* at page 5.

Fourth, this Energy Bureau accepted LUMA’s restated work order balance calculations.

Fifth, regarding financial data, this Energy Bureau acknowledged that LUMA is making progress in closing financial books timely and apprised those delays could result in investigation or sanctions. *Id.* at page 6.

Finally, regarding fleet metrics, this Energy Bureau ordered that PREPA provide LUMA the fleet vehicle data on time and that LUMA include numbers for PREPA and LUMA vehicles in the metrics filings. *Id.* In the December 14th Order, however, this Energy Bureau did not provide responses or clarifications to the following requests that LUMA submitted.

On December 22, 2021, LUMA submitted a *Motion Submitting Quarterly Performance Metrics, Requests for Amendments to Reporting Schedule on Certain Financial Metrics, Requests for Clarifications, and Requests to Substitute a Metric, Exclude Certain Metrics, and Rename Several Metrics* (“December 22nd Submission”).

On January 5, 2022, LUMA filed a *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*. Among other requests, LUMA moved the Energy Bureau to stay those portions of a Resolution and Order issued on December 14, 2021, that require LUMA to submit additional information and a plan to file reports on the following performance metrics: monthly peak by customer class, monthly peak by district, the average time to resolve billing complaints, Number of Customer Complaints appealed by Customer Class and Average Time to Respond to Service and Outage Complaints.

On January 21, 2022, LUMA submitted a plan to report on two metrics: Incremental Installed Distribution Generation Capacity per Year - Wind -, and Incremental Number of Distributed Generation Installations per Year -Wind-, commonly referred to as the wind metrics.

On January 31, 2022, the Energy Bureau issued a Resolution and Order, whereas it scheduled a Technical Conference for February 24, 2022, at 10:00 a.m. (“January 31st Order”). In the January 31st Order, the Energy Bureau expressed that it had identified a list of comments from the December 22nd Submission as to which it sought clarification from LUMA. The comments were included as Attachment A to the January 31st Order.

The Technical Conference was held on February 24, 2022 (“February 24th Technical Conference”). LUMA representatives appeared and answered questions by Commissioners and

also by Energy Bureau consultants. Performance statistics in the following areas were discussed: finance, customer service, transmission and distribution, operations, human resources, and renewable energy, and demand-side management.

On March 11, 2022, LUMA filed a *Motion in Compliance with Requests Issued in Technical Conference of February 24, 2022* (“March 11th Motion”), whereby it submitted additional information that this Energy Bureau requested during the February 24th Technical Conference on the following metrics: finance; customer service; monthly peak by customer class and monthly peak by district; inventory turn; turnover; and renewable energy.

On March 21, 2022, LUMA submitted a *Motion Submitting Quarterly Performance Metrics* (“March 21st Submission”). LUMA submitted the Quarterly Performance Metrics Report for December 2021, January 2022, and February 2022. Moreover, LUMA renewed its requests for clarification, delay, exclusion, and substitution of certain metrics.

On that same day, LUMA filed a *Request for Clarification or Amendment of Energy Bureau Resolution and Order of December 14, 2021*. LUMA requested the Energy Bureau to amend and clarify the Resolution and Order of December 14, 2021, to reflect that LUMA reported SAIFI values for June through August 2021 were below the baseline. Also, the SAIFI values do not support the conclusion that reliability performance was worse during that period.

As of the filing of this Motion and Quarterly Report, this Energy Bureau has not issued final rulings on LUMA’s requests detailed in the December 22nd Submission and presented during the Technical Conference of February 24th. Nor has it ruled upon LUMA’s proposal on financial metrics or the requests for clarification, delay, exclusion, and substitution of certain metrics, as petitioned in the March 21st Submission.

IV. Important Elements of the Quarterly Submission

Alongside this Motion, LUMA is submitting the quarterly system data for March 2022, April 2022, and May 2022.

As explained during the February 24th Technical Conference, LUMA has begun to report the Average Time to Respond to Service & Outage Complaints metric from March 2022 forward. This metric only considers completed orders, measuring the time to complete a service order. It does not measure any outage tickets. Reliability metrics are reported in other metrics. Further, LUMA would like to state that March 2022 data denotes a greater length of time to address these complaints due to the issues regarding the January 2022 launch of a mobile application for operations employees to record the complete information for service orders. There was an extended period related to the troubleshooting process with the new application. Thus, the March 2022 period data does not represent a current average operating period. LUMA anticipates the downward trend for April and May 2022 to continue.

V. Request for Deferral

Concerning the Renewable Energy and Demand Side Management metrics, the data set used to compile the RPS-eligible projects for the following four metrics is undergoing an evaluation to determine whether any of the items currently listed should be made dormant or actively be used for this calculation:

1. Operational RPS-eligible capacity
2. Contracted but not operational RPS-eligible capacity
3. Average delay in the anticipated online date of RPS-eligible projects

4. Mean time to interconnect utility-scale RPS-eligible projects – historically reported as N/A

While this investigation is underway, LUMA requests a one-month deferral on the reporting of these metrics and will submit either these values or an alternative calculation where the system capabilities are explored in July 2022. The names of the metrics were adjusted to reflect monthly calculation instead of a year, and no changes to methodology or calculation were made.

This applies to the following metrics:

1. Incremental installed distributed generation capacity per month by type (system and per district)
2. Incremental installed distributed generation capacity per month- Wind
3. Incremental number of distributed generation installations per month by type (system and per district)
4. Incremental number of distributed generation installations per Month- Wind

Further, LUMA has calculated the Operation-Fuel metrics listed below based on preliminary data provided by PREPA.

1. Fuel Expenditure vs. Forecast
2. Inventory Control
3. MMBTU consumed vs. forecast

On June 9, 15, and 20, 2022, LUMA sent follow-ups to PREPA requesting the necessary information. However, PREPA's response did not include supporting documentation for these metrics. Consequently, these metrics are subject to change, and LUMA will confirm (or modify) based on the supporting work papers after receiving these from PREPA.

VI. Renewed Request for Delay

Regarding the metric on Percent of Automatically-Generated NTL leads found to be theft occurrences, LUMA respectfully renews the request stated in the December 22nd Submission and reiterated in the March 21st Submission, to delay reporting. LUMA expects that it will be able to report this metric as more field operations team complete training on technical investigations of energy irregularities and will keep the Energy Bureau informed of when it is in a position to report on this performance metric.

VII. Renewed Request to Exclude Metrics on Monthly Peak by Customer Class and Monthly Peak by District and Average Time to Resolve Billing Complaints and Renewed Request for Reconsideration

LUMA respectfully renews its prior requests, including the request made in the December 22nd Submission, and reiterated in the March 21st Submission, to exclude the performance metrics on the monthly peak by customer class and monthly peak by the district. As explained in Exhibit 1 to the March 11th Motion, TC-RFI-LUMA-MI-19-0007-220224-PREB-003, “LUMA Energy cannot determine a Monthly Peak either by customer class or by the district for its entire customer base. This is due to the limitations of the metering infrastructure and the lack of a data warehouse to store data from meters.”

VIII. Renewed Request for Adoption of Substitute Metrics

During the November 4th Technical Conference, this Energy Bureau requested that LUMA submit data on two metrics related to Human Resources: total budgeted head counts by employee type and total actual head counts by employee type. In the December 22nd Submission, LUMA proposed the following alternative metrics: total workforce and total open positions. LUMA renewed this request in the March 21st Submission and reiterates it once again in this filing. These

two metrics will provide transparency by detailing LUMA's current headcount while at the same time sharing the positions that LUMA has active for recruitment.

WHEREFORE, LUMA respectfully requests this Honorable Bureau **take notice of the** aforementioned; **accept** the March 2022 through May 2022 Performance Metrics Report submitted via email; **accept** LUMA's proposal for reporting on financial metrics; **issue** the clarifications requested in Section VI of this Motion; **grant** the delay requested in Section V of this Motion; **grant** the request for exclusion of metrics stated in Section VI of this Motion; and **grant** the request to substitute metrics stated in Section VII of this Motion.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 20th day of June 2022.

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



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/ Yahaira De la Rosa Algarín
Yahaira De la Rosa Algarín
RUA NÚM. 18,061
yahaira.delarosa@us.dlapiper.com

*Quarterly Performance Metrics Data and Supporting Files
to be submitted via email in Excel format*