

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

<b>NEPR</b>
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**IN RE:**

THE PERFORMANCE OF THE PUERTO  
RICO ELECTRIC POWER  
AUTHORITY

**CASE NO.:** NEPR-MI-2019-0007

**SUBJECT:** Request for Modification of Schedule for Filing System Data and Submission of Performance Metrics Report for June 2022.

**REQUEST FOR MODIFICATION OF SCHEDULE FOR FILING SYSTEM DATA AND SUBMISSION OF PERFORMANCE METRICS REPORT FOR JUNE 2022**

**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. Request to Modify the Schedule for Filing Data on Performance Metrics**

The requirement to submit quarterly reports on specified system data of the Puerto Rico Electric Power Authority (“PREPA”) arises under a 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 20<sup>th</sup> day of the month after each quarter closes. Per the current schedule to file the quarterly system data, LUMA makes submissions in the months of September (with data for the months of June through August), December (with data for the months of September through November), March

(with data for the months of December through February), and June (with data for the months of March through May). *See* Exhibit 1 (Proposed Filing Schedule).<sup>1</sup>

LUMA hereby respectfully requests to align the quarterly filings of system data in this proceeding with the quarters within the Fiscal Year and other associated reporting. To wit, LUMA proposes to submit quarterly reports on system data in the month following the end of each fiscal quarter, that is, in the months of October (with data for the months of July through September), January (with data for the months of October through December), April (with data for the months of January through March), and July (with data for the months of April through June). Exhibit 1. This change is designed to align the schedule with the Puerto Rico fiscal year and, therefore, with other reporting schedules in other dockets before this Energy Bureau. The main reason for the suggested change is to improve consistency in the data and statistics that are submitted to this Energy Bureau as LUMA will use data for the same periods in both the quarterly performance metrics report and other quarterly reporting that is submitted to this Energy Bureau. This, in turn, will facilitate analyses of the data and comparisons of data on system performance. Importantly, this change will further LUMA's commitment to transparency and provide this Energy Bureau and the public reliable data on the electric system in Puerto Rico.

## **II. Submission of Interim Report on System Data for June 2022**

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<sup>1</sup> As this honorable Energy Bureau is aware, LUMA also currently files a quarterly report related to the Puerto Rico transmission and distribution system ("T&D System") that includes information on financial performance with data for each quarter of the relevant fiscal year (filed in the following proceedings: Case No. NEPR-MI-2021-0004, *In Re: LUMA's Initial Budgets*; Case No. NEPR-MI-2021-0002, *In Re: Review of Puerto Rico Electric Power Authority's 10 Year Infrastructure Plan*; and Case No. NEPR-MI-2020-0019, *In Re Review of the Puerto Rico Electric Power Authority's System Remediation Plan*).

To facilitate the transition to the proposed new schedule to submit quarterly reports on system data, LUMA hereby submits an interim report with system data for June 2022. As detailed herein, LUMA continues to make steady progress in key areas such as customer service, sustainable energy transformation, emergency preparedness and system reliability.

With regards to dedicated customer service, LUMA answered over 2,500,000 calls during FY 2022 while reducing the average call wait time by 77%, when compared to the year's first quarter, even when the number of calls answered increased by 20% for the same period. A 36% reduction in customer service center wait time was also recorded in comparison to FY 2022 first quarter. Customer complaints were also reduced by 48% in FY 2022, when compared to the first fiscal quarter, with an 8% reduction in the average time it takes to resolve billing disputes for the same period. In addition, as part of LUMA's commitment to our customers experiencing difficulty paying their bills, LUMA has worked to connect eligible customers with flexible LUMA payment plans during FY 2022.

With regards to System Reliability, there was an 18% reduction in T&D System Average Interruption Duration Index (SAIDI) for FY 2022, when compared to the first fiscal quarter. As for Sustainable Energy Transformation, approximately 22,046 new Net Energy Metering installations were connected which represent an additional 111 MW of clean solar energy to the grid. Finally, there was an increase in the total number of available utility vehicles in service by 50% for FY 2022 with 1,813 available utility vehicles in June 2022, which will support day-to-day operations as well as emergency response efforts. The addition of fleet available vehicles has

supported LUMA's work throughout the Island and will continue to prove valuable in addressing emergency, restoration, and maintenance of the T&D System.

### **III. Background and Summary of Requests Pending Adjudication**

On May 21<sup>st</sup>, 2021, this Energy Bureau issued a Resolution and Order establishing four categories of system data applicable to PREPA, among others ("May 21<sup>st</sup> Resolution and Order"). See May 21<sup>st</sup> Resolution and Order at pages 3-14. Per the May 21<sup>st</sup> Resolution and Order, LUMA and PREPA are to file quarterly reports on the statistics that are detailed in Attachments A, B, and D of said Resolution and Order.

On June 22, 2021, LUMA submitted the quarterly performance metrics for the months of 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 entitled *Motion Supplementing Quarterly Performance Metrics Report and Requesting Leave to Defer Reporting of Specified Metrics* ("July 6<sup>th</sup> Supplemental Submission"). In the July 6<sup>th</sup> Supplemental Submission, LUMA requested that the Energy Bureau defer the filing of data on several financial metrics for the month of May 2021. LUMA also informed that due to circumstances beyond its control, it had not been able to gather and review relevant data on fleet operations and that the data is not reliable as maintenance records were not kept by PREPA and the work order system was not functioning.

On August 6, 2021, LUMA filed a motion entitled *Motion in Compliance with Order Submitting Updated Quarterly Performance Metrics Report* ("August 13<sup>th</sup> Updated Submission"). In the August 13<sup>th</sup> Updated Submission, LUMA included clarifications on several new

performance metrics that the Energy Bureau directed should be included in future quarterly reports and that are enumerated in Attachment D to the May 21<sup>st</sup> 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 is not wholly reliable. LUMA offered to participate in collaborative discussions with the Energy Bureau on the methodology 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 net generation. Second, regarding total of number of calls received, LUMA explained in the August 13<sup>th</sup> Updated Submission, that it expected that the data used by the Energy Bureau to set baselines would change significantly given that 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 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 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 this metric for consistency in the data. LUMA requested, however, that the Energy Bureau re-name this Performance Metric to 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 Fiscal Year 2022.

LUMA also restated the request made in the August 13<sup>th</sup> Updated Submission for the Energy Bureau to clarify the data that is 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 the months of July and August in the next 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 both the Transmission, Distribution System and Generation Systems. On November 9, 2021, LUMA submitted additional information that was requested by the Energy Bureau 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 14<sup>th</sup> Order”). In the December 14<sup>th</sup> 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 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 and indicated it is interested to know if LUMA has information that will supplement the metrics identified by the Energy Bureau. *See* December 14<sup>th</sup> Order at 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 to close financial books timely and apprised that 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 in a timely manner and that LUMA include numbers for PREPA and LUMA vehicles in the metrics filings. *Id.*

In the December 14<sup>th</sup> Order, however, this Energy Bureau did not provide responses or clarifications to the following requests that were submitted by LUMA.

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 22<sup>nd</sup> 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 compliance with 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, 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 31<sup>st</sup> Order”). In the January 31<sup>st</sup> Order, the Energy Bureau expressed that it had identified a list of comments from the December 22<sup>nd</sup> Submission as to which it sought clarification from LUMA. The comments were included as Attachment A to the January 31<sup>st</sup> Order.

The Technical Conference was held as scheduled on February 24, 2022 (“February 24<sup>th</sup> Technical Conference”). LUMA representatives appeared and answered questions by Commissioners and also by Energy Bureau consultants. Performance statistics on 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 11<sup>th</sup> Motion”), whereby it submitted additional information that was requested by this Energy Bureau during the February 24<sup>th</sup> 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 11, 2022, LUMA filed a *Motion in Compliance with Requests Issued in Technical Conference of February 24, 2022* (“March 11<sup>th</sup> Motion”), whereby it submitted additional information that this Energy Bureau requested during the February 24<sup>th</sup> 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 21<sup>st</sup> Submission”). LUMA submitted the Quarterly Performance Metrics Report for December 2021, January 2022, and February 2022. Moreover, LUMA renewed the aforementioned 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.

On June 20, 2022, LUMA submitted a *Motion Submitting Quarterly Performance Metrics* (“June 20<sup>th</sup> Submission”). LUMA submitted the Quarterly Performance Metrics Report for March, April, and May 2022. LUMA renewed the aforementioned requests for clarification, delay, exclusion, and substitution of certain metrics. Furthermore, concerning the Renewable Energy and Demand Side Management metrics, LUMA requested a one-month deferral on the requirement to file the system data on four metrics while LUMA evaluated the data set used to compile the RPS-eligible projects (deferral applicable to the following four metrics: Operational RPS-eligible capacity; Contracted but not operational RPS-eligible capacity; Average delay in the anticipated online date of RPS-eligible projects; and mean time to interconnect utility-scale RPS-eligible

projects). LUMA explained that in July 2022, it would submit either the values that had been submitted in the past or an alternative calculation.

This Energy Bureau has not issued final rulings on LUMA's requests detailed in the December 22<sup>nd</sup> Submission and presented during the Technical Conference of February 24<sup>th</sup>. 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 21<sup>st</sup> Submission. Finally, the Energy Bureau has not ruled on LUMA's request to defer for one month, reporting on Renewable Energy and Demand Side Management metrics.

#### **IV. Important Elements of the Interim Submission**

Alongside this Motion, LUMA is submitting the quarterly system data for June 2022. Below is a summary of important elements of the submission.

##### ***a. Safety Metrics***

LUMA requests to adopt a 12-month rolling average for the reporting of safety metrics to eliminate short-term variability and facilitate better identification of trends over time. This request includes the following metrics: (1) OSHA DART Rate; (2) OSHA Severity Rate; (3) OSHA Fatality Rate; and (4) OSHA Recordable Rate.

Additionally, the 12-month rolling averages can be used to compare LUMA's performance to other industry participants, which generally report on an annualized basis. In addition, regulatory reporting to OSHA is based on a calendar year, which aligns with the 12-month rolling average at the end of December of every year.

##### ***b. Human Resources***

LUMA identified that in previous reports, inadvertently, contractors were included as part of LUMA's headcount. LUMA has removed contractors from the headcount. For the metrics entitled "Total Workforce-Exempt" and "Total Workforce Non-Exempt" LUMA restated the values from September 2021 onwards upon removing contractors from the calculation. The value for the metric on "Turnover Rate" was restated from December 2021 onwards due to the aforementioned restatement of the Total Workforce headcount.

***c. Overall System and Finance***

As requested in the December 22<sup>nd</sup> Submission, LUMA continues to mirror the quarterly reporting schedule for finance metrics that is used in the quarterly reports on performance of the T&D System. Currently, March 2022 is the last period publicly available for financial data.

***d. Renewable Energy and Demand Side Management***

As stated in the June 20<sup>th</sup> Submission, the data set used to compile the RPS-eligible projects for four metrics underwent an evaluation to determine if changes were needed for the calculation of four metrics: Operational RPS-eligible capacity; Contracted but not operational RPS-eligible capacity; Average delay in the anticipated online date of RPS-eligible projects; and mean time to interconnect utility-scale RPS-eligible projects. The metric entitled "Mean time to interconnect utility-scale RPS-eligible projects" has been historically reported as N/A and LUMA continues to report the metric as N/A.

For the metrics entitled "Operational RPS-eligible capacity", "Contracted but not operational RPS-eligible capacity" and "Average delay in anticipated online date of RPS-eligible projects," LUMA has restated the values from June 2021 to February 2022 due to corrections in

the calculations. The previously reported totals were 272.9 MW, and the total installed operational capacity is now reported as 226.9 MW. This difference represents a reduction of 46 MW which is explained as follows:

- (i) Punta Lima has not operated since Hurricane Maria. The PPOA was renegotiated but has still not been executed. The 26 MW of Punta Lima capacity was removed from reported operational capacity since it is currently not a dispatchable resource.
- (ii) The PPOA for Pattern Santa Isabel was signed as 95 MW of capacity. 75 MW of capacity have been built and comply with MTRs and are currently dispatched as a 75 MW facility. An additional 20 MW of capacity has never had the MTRs approved and thus should not count as operational capacity. There is a LUMA-Pattern team working together to resolve the issues with this additional 20 MW of capacity and it is expected to be commercially operating in the next few months.

The metric on “Operational RPS-eligible capacity”, is defined as the sum of the total nameplate capacity of all generation projects that have achieved their commercial operation date and qualify under Puerto Rico’s RPS requirements. The metric on “Contracted but not operational RPS-eligible capacity,” is defined as the sum of the total nameplate capacity of all generation projects in megawatts that will qualify under Puerto Rico’s Renewable Portfolio Standards, once operational. It will include all projects with a signed Power Purchase and Operating Agreement (“PPOA”) which have not yet achieved commercial operation, as confirmed by an executed

Commercial Operation Date (“COD”) certificate. Projects that fail to achieve commercial operation by the Long-Stop Date will not be included in this measure.<sup>2</sup>

Finally, the metric entitled “Average delay in anticipated online date of RPS-eligible projects,” is defined as the average of the delay in days between the Guaranteed Commercial Operation Date<sup>3</sup> and the actual Commercial Operation Date achieved. This metric will be measured on a one-year rolling basis. One year after a project has achieved its COD, it will no longer be included in this metric.

**WHEREFORE**, LUMA respectfully requests this Honorable Bureau **take notice of the** aforementioned; **accept** the Interim Performance Metrics Report for the month of June 2022 that is submitted via email; **grant** LUMA’s request to alter the schedule for submission of system data; and **accept** the new proposed schedule for filing system data that is submitted as Exhibit 1 to this Motion.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 29th day of July, 2022.

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<sup>2</sup> “Long-Stop Date” means the earlier to occur of (i) the first date on which accrued Resource Provider Delay Liquidated Damages exceed the Security Amount, and (ii) the one hundred eightieth (180th) Day after the Guaranteed Commercial Operation Date. “Security Amount” means (i) prior to the Commercial Operation Date, fifty United States Dollars (\$50) per kW multiplied by the Nameplate Capacity, or such higher amount as agreed in accordance with paragraph (c) of Section 3.5 (Delay Liquidated Damages) of the signed Power Purchase and Operating Agreement; and (ii) on or after the Commercial Operation Date, seventy United States Dollars (\$70) per kW multiplied by the Nameplate Capacity. Note that for the Long-Stop Date, part (i) of the Security Amount would be applicable. If a project fails to achieve commercial operation by the Long-Stop Date the PPOA is terminated.

<sup>3</sup> “Guaranteed Commercial Operation Date” means the second (2nd) anniversary of the Closing Date, as adjusted in accordance with Section 3.4 (Extensions of Time) of the signed Power Purchase and Operating Agreement (PPOA). Certain provisions of the signed PPOA are effective on the Agreement Date. the remaining provisions of the PPOA shall become effective on the date (the “Closing Date”) as of which the Parties jointly sign a certificate, in the form set forth in Appendix T (Form of Conditions Precedent Certificate), confirming the satisfaction or waiver of each of the conditions precedent set out in Appendix C (Conditions Precedent) (the “Conditions Precedent”).

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](mailto:jmarrero@diazvaz.law); and Katuska Bolaños-Lugo, [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law).



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*Performance Metrics Data for June 2022 and Supporting Files to be submitted via email in excel format*



*Exhibit 1*

# Filing Schedule<sup>1</sup>

Quarter Report Due to PREB	Months Covered
✓ September 20, 2021	June – August 2021 ( <i>LUMA's First Reporting Period</i> )
✓ December 20, 2021	September – November 2021
✓ March 20, 2022	December 2021, January & February 2023
✓ June 20, 2022	March – May 2022
July 29, 2022 <sup>2</sup>	June 2022
October 20, 2022	July – September 2022
January 20, 2023	October – December 2022
April 20, 2023	January – March 2023
July 20, 2023	April – June 2023

<sup>1</sup>Revised reporting calendar subject to PREB approval.

<sup>2</sup>Represents supplementary filing required to align with fiscal year reporting.

