

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

NEPR Received: Oct 20, 2022 9:00 PM
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IN RE:

THE PERFORMANCE OF THE PUERTO
RICO ELECTRIC POWER
AUTHORITY

CASE NO.: NEPR-MI-2019-0007

SUBJECT: Submission of Performance Metrics Report
for July through September 2022

SUBMISSION OF PERFORMANCE METRICS REPORT FOR JULY THROUGH SEPTEMBER 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. Introduction

The requirement to submit quarterly reports on specified system data of the 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 20th day of the month after each quarter closes.

On July 29, 2022, LUMA requested to align the quarterly filings of system data in this proceeding with the filing of the quarterly operation report that is submitted after each quarter of the fiscal year closes. To wit, LUMA proposed to submit quarterly reports on system data on 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). *See Request for Modification of Schedule to File System Data and Submission of Quarterly Performance Metrics Report for June 2022* (“Request to Modify Schedule”) and Exhibit 1 (Schedule of proposed changes) and Exhibit 2 (Proposed Filing Schedule). In a Resolution and Order of August 18, 2022, this Energy Bureau granted LUMA’s Request to Modify Schedule (“August 18th Order”).

As authorized by this Energy Bureau in the August 17th Order, LUMA submits its Report on System Data covering data from the months of July through September 2022.

II. Background

On May 21st, 2021, this Energy Bureau issued a Resolution and Order establishing four categories of system data applicable to the Puerto Rico Electric Power Authority (“PREPA”), among others (“May 21st Resolution and Order”). *See* May 21st Resolution and Order at pages 3-14. Per the May 21st 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 6th Supplemental Submission”). In the July 6th 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 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 and that are 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 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 13th 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 metrics 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 13th 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. 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 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 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 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.” 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 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.*

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 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 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 as scheduled on February 24, 2022 (“February 24th 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 11th Motion”), whereby it submitted additional information that was requested by this Energy Bureau 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 prior 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 20th Submission”). LUMA submitted the Quarterly Performance Metrics Report for March, April and May 2022 and renewed prior 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).

On July 29, 2022, LUMA submitted the Request to Modify Schedule and system data for June 2022. The August 18th Order included Attachments A and B with a summary and analysis by this Energy Bureau of the system data that LUMA and PREPA reported from June 1, 2021, through May 31, 2022. On page 6 of the August 18th Order, this Energy Bureau took notice of LUMA’s prior requests to exclude from the quarterly system data reports, system data on monthly peak by customer class and monthly peak by district performance metrics (jointly,

“monthly peak metrics”). This Energy Bureau indicated that LUMA shall continue to report on the monthly peak metrics but accepted that the data is not currently available. *See* August 18th Order at page 6. Furthermore, per the August 18th Order, LUMA shall work with this Energy Bureau to develop a process to collect system data and file reports on monthly peak metrics. *See id.* To that end, the Energy Bureau directed LUMA to designate a LUMA representative by August 31, 2022, who shall meet with the Energy Bureau’s staff or consultants to discuss processes to collect data and file reports with system data on customer monthly peak metrics. On August 30, 2022, LUMA submitted the name of its representative.

Furthermore, in the August 18th Order, this Energy Bureau denied LUMA’s request to report data on performance metrics on total workforce and total open positions, instead of total budgeted headcounts by employee type and total actual head counts by employee type and directed that LUMA continue to submit data on the latter metrics. Further, this Energy Bureau granted LUMA’s request to defer reporting on RPS related metrics.

On page 7 of the August 18th Order, this Energy Bureau stated succinctly that for certain performance metrics, LUMA’s and PREPA’s performance had not improved when compared to the baseline that was previously set by this Energy Bureau. This Energy Bureau then directed LUMA and PREPA to file by September 1, 2022, “a motion explaining, to the extent possible, the causes of th[e] non-positive negative performance and the corrective measures that [LUMA and PREPA] will implement”. Subsequently, on August 24, 2022, this Energy Bureau issued a Resolution and Order **where it determined that from June 2021 through May 2022,**

“the performance of LUMA remained within the expected baseline target for approximately eighty four percent (84%) of the metrics evaluated”.

On August 24, 2022, this Energy Bureau issued a Resolution and Order whereby it determined to extend its analysis on performance to PREPA’s performance since June 2019 for comparison purposes on reliability (“August 24th Order”). Thus, this Energy Bureau directed that on or before September 1, 2022, PREPA should submit an analysis on its non-positive performance from June 19, 2019, through May 31, 2021. *See* August 24th Order at pages 1-2.

On September 28, 2022, and in compliance with the August 18th Order, LUMA informed that beginning in its quarterly report to be filed on October 20, 2022, it would be reporting on the non-technical losses performance metric (“September 28th Submission”).\

On October 7, 2022, the Energy Bureau entered a Resolution and Order directing LUMA to file on or before October 17, 2022, “the underlying data and supporting calculations with all formulae intact for the SAIDI and SAIFI performance metrics for the first and last month of each quarter the period starting June 1, 2021, through May 31, 2022, for the purposes of auditing LUMA’s and PREPA’s reported metrics.” (the “October 7th Order”). The Energy Bureau further ordered PREPA to “provide such information for its generation fleet to LUMA on or before October 12, 2022, in order for LUMA to include in the October 17, 2022, filing deadline.”¹ On

¹ On October 12, 2022, PREPA filed a Motion to Inform Regarding the October 7[,] 2022 Order whereby it informed the Energy Bureau that the SAIFI and SAIDI metrics are not recorded by PREPA but by LUMA as the administrator of the T&D System and dispatch center. As such, PREPA reported not having any SAIDI and SAIFI information responsive to the October 7th Order.

October 14, 2022, LUMA requested an extension until November 7, 2022, to comply with the October 7th Order.²

On October 14, 2022, and in compliance with the August 18th Order, LUMA submitted explanations on performance data from June through May 2021 and proposed corrective actions for several performance metrics. Further, LUMA requested that this Energy Bureau correct or clarify several portions of Appendix A and Attachment A of the August 18th Order, particularly, its analyses and determinations on the data submitted by LUMA on several performance metrics. Finally, LUMA requested that this Energy Bureau reconsider or correct several portions of Attachments A and B of the August 18th Order, particularly, its analyses and determinations on the data submitted by LUMA on several performance metrics that involve areas that are not within LUMA's purview or control and thus, the performance data cannot be attributable to LUMA's performance.

III. Important Elements of the Current Quarterly Submission

Alongside this Motion, LUMA is submitting the quarterly system data for July through September 2022. The data is being submitted in excel spreadsheets that will be sent to the Energy Bureau via email. Below is a summary of important elements of the submission.

a. Safety Metrics

² In a Resolution and Order of October 19, 2022, this Energy Bureau granted LUMA's request for extension of time to comply with the October 7th Order and also directed that by November 7, 2022, LUMA and PREPA shall file the underlying data, definitions and supporting calculations (with formulae intact) for the first and last month of each quarter starting June 1, 2021 through May 31, 2022, for certain performance metrics, to wit: Estimated v. read bills (LUMA); Available vehicles (LUMA and PREPA); and Total workforce: Definition and/or Exclusion (LUMA and PREPA).

As stated in the June 20th Submission, whereby LUMA requested that the following metrics to be reported on a cumulative basis: (1) OSHA DART Rate; (2) OSHA Severity Rate; (3) OSHA Fatality Rate; and (4) OSHA Recordable Rate, LUMA is submitting data on the aforementioned safety metrics as a 12-month rolling average to improve on the identification of trends over time and eliminate short-term variability.

b. Human Resources

In compliance with the August 18th Order, LUMA is reporting on the “Total Budgeted Head Counts by Employee Type” and “Total Actual Head Counts by Employee Type” metrics, for the period starting on July, 2022, and will continue to report on those performance metrics in an on-going basis.

c. Overall System and Finance

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

Of note, on page 5 of the August 18th Order, this Energy Bureau stated that data was missing for the “Operational Expenses vs. Budget – A13 Responsabilidades Misceláneas” metric. LUMA respectfully submits that this data is available for all periods since July 2021, reported under “Operational Expenses vs. Budget – A14 Responsabilidades Corporativas” metric.

d. System Reliability Data

As this Energy Bureau is aware, on September 18, 2022, the Category 1 Hurricane by the name of Fiona, affected Puerto Rico. Hurricane Fiona was classified in accordance with the LUMA Emergency Response Plan (“ERP”) Event Classification Type, as a Type 1 Emergency Event that represents catastrophic emergency conditions. *See* LUMA’s ERP of May 27, 2022, Section 6.3, page 25 and Major Outage Restoration-Annex A (“Annex A”), Section 7.2, page 19, filed in *In re Planes de la Autoridad de Energía Eléctrica de Puerto Rico para Atender Emergencias*, Case No. NEPR-MI-2019-0006. A Type 1 Event “is a catastrophic event, historically resulting in significant damage to the electrical transmission and distribution system or a widespread outage.” *See* ERP, Section 6.3.5, page 27. Hurricane Fiona affected the entire Transmission and Distribution System (“T&D System”). At this time, LUMA can attest that Hurricane Fiona impacted reliability and affected LUMA’s ability to review data on interruptions. Also, as this Honorable Energy Bureau is aware, per LUMA’s presentation and explanations offered in the Technical Conference of October 11, 2022, Case *In re LUMA’s Response to Hurricane Fiona*, NEPR-MI-2022-0003, there are concerns with Resource Adequacy and Generation Resource deficiencies that were exacerbated by the impact of Hurricane Fiona. LUMA continues to assess the effects on the T&D System of Hurricane Fiona and will keep this Energy Bureau informed of the impacts of this recent catastrophic event on system reliability and Resource Adequacy.

LUMA is submitting today, data for “Customer Average Interruption Data Index” (“CAIDI”), “System Average Interruption Index” (“SAIDI”) (Distribution, Transmission

Substation and T&D) and “System Average Interruption Frequency Index” (“SAIFI”) (Distribution, Transmission Substation and T&D) for the months of July and August, 2022. However, given the occurrence of Hurricane Fiona on September 18, 2022, LUMA cannot currently produce and submit data for these three metrics for the month of September 2022. LUMA requests to file September’s data on the next quarterly report due on January 20, 2023. The passage of hurricane Fiona and the response to restore service, affected LUMA’s ability to compile and review data on these reliability metrics for the month of September. Thus, due to just cause related to the Hurricane Fiona emergency, LUMA needs additional time to prepare for submissions, the data for the month of September, 2022.

e. Customer Service

In compliance with the August 18th Order, and as informed in the September 28th Submission, LUMA is reporting system data on the “non-technical losses” performance metric entitled “Percent of Automatically-Generated NTL leads found to be occurrences of theft,” with data from July through September 2022. LUMA will continue to report data on this performance metric.

On page 5 of the August 18th Order, this Energy Bureau stated that the name for the performance metric on “Number of Customers Enrolled in Extended Payment Plans by Class – Residential,” was changed to “Number of Customers Enrolled in Extended Payment Plans by Class – General” in LUMA’s June 20th Submission. LUMA clarifies that all of its submissions on quarterly system data, with the exception of the December 20, 2021, have used the name “Customers Enrolled in Extended Payment Plans by Class – Residential.”

f. Operations-Fuel

The values previously reported by LUMA for the performance metrics “Fuel Expenditure vs. Forecast”, “Inventory Control”, and “MMBTU consumed vs forecast,” which involve the performance of the PREPA Legacy generation units, were based on data issued directly by the PREPA generation department. In order to ensure accuracy and consistency, LUMA analyzed the historical data and also compared this data to the data included in the finance fuel report. LUMA thus concluded that the generation data had some differences when compared to the fuel report and that it also does not account for some variables (such as propane) which were historically reported by PREPA in these metrics.

Based on the aforementioned analysis, LUMA modified the metrics as listed below and the values since June 2021 have been recalculated and are thus restated by LUMA:

- Fuel Expenditure vs. Forecast: Used data from finance fuel report and includes handling cost.
- Inventory control: Includes inventory adjustment in calculations and adds propane to Inventory control - #6.
- MMBTU consumed vs forecast (3): Used data from finance fuel report, and includes consumption from EcoEléctrica to MMBTU consumed vs. forecast – NG.

In addition, the corresponding workpaper FY23 Performance Metric by Area-Operation-Fuel has been updated to reflect these changes. *See Excel Spreadsheet submitted via email.*

g. Renewable Energy and Demand Side Management

In the August 18th Order, this Energy Bureau directed LUMA to file on or before March 1, 2023, a report with the findings on whether the following metrics should be dormant or actively used: “Operation 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.” It is informed that with the July 29th Request to Modify Schedule, LUMA submitted data on these metrics. In this submission, LUMA is including data for the months of July through September, 2022 on the following performance metrics: “Operation RPS-eligible capacity,” “Contracted but not operational RPS-eligible capacity,” and “Average delay in the anticipated online date of RPS-eligible projects.” The performance metric on “Mean time to interconnect utility scale RPS eligible projects,” is stated as “N/A.”

WHEREFORE, LUMA respectfully requests this Honorable Bureau **take notice of the** aforementioned; **accept** the Quarterly Performance Metrics Report for the months of July through September, 2022 that is submitted via email to this Energy Bureau; and **grant** LUMA leave to submit data for the month of September regarding system reliability, in the quarterly report due on January 20, 2023.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 20th day of October, 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 Katuska Bolaños-Lugo, kbolanos@diazvaz.law.



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Performance Metrics Data for July Through September, 2022, and Supporting Files to be submitted via email in excel format