

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

NEPR

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IN RE: INVESTIGACIÓN SOBRE
CAMBIO DE PROCESO PARA
OBJETAR FACTURAS DURANTE Y
DESPUÉS DEL HURACÁN FIONA

CASE NO. NEPR-IN-2022-0005

SUBJECT:

Second Motion in Compliance with the Resolution and
Order of October 27, 2022

**SECOND MOTION IN COMPLIANCE WITH
RESOLUTION AND ORDER OF OCTOBER 27, 2022**

TO THE PUERTO RICO ENERGY BUREAU:

COME NOW, **LUMA ENERGY, LLC** as Management Co. and **LUMA ENERGY
SERVCO, LLC** (collectively, “LUMA”), through the respective undersigned legal counsel and
respectfully state and submit the following:

1. On October 5, 2022, the Independent Customer Protection Office (“ICPO”) filed a
Request for Investigation with the Puerto Rico Energy Bureau (“Energy Bureau”). The ICPO
requested the Energy Bureau to investigate LUMA’s handling of customer objections by telephone
during the emergency caused by hurricane Fiona.

2. Subsequently, on October 8, 2022, the ICPO filed an *Urgent Request for
Investigation*. The ICPO requested that the Energy Bureau investigate the bill objection process
through LUMA’s online portal. It alleged that customers were unable to file an objection to the
bill through LUMA’s online portal since the system appeared only to allow customers to make a
bill consultation. In addition, the ICPO argued that said website does not provide customers with
the reference number corresponding to such an objection.

3. On October 13, 2022, the Energy Bureau issued a Resolution and Order initiating an investigation on LUMA's practices for handling objections to invoices during the Hurricane Fiona emergency recovery period ("October 13th Order"). Mr. Gerardo A. Flores, Esq., is in charge of the investigation. In addition, the Energy Bureau ordered LUMA the following:

- i. immediately cease and desist from any practice that prevents customers from submitting their objections to invoices through a telephone call or LUMA's online portal;
- ii. extend the deadline for customers to submit objections for the same period of days in which LUMA was not receiving objections through telephone calls and/or through the online portal;
- iii. immediately notify customers of the extension of the aforementioned deadlines; and
- iv. submit detailed evidence of compliance with the foregoing, on or before ten (10) days from the notification of this Resolution and Order.

4. On October 17, 2022, ICPO filed an *Informative Motion* requesting that the Energy Bureau take notice that the practice of submitting bill objections through LUMA's online portal was independent of the bill objections related to the emergency caused by hurricane Fiona.

5. On October 24, 2022, LUMA filed a *Motion for Compliance with the Resolution and Order of October 13, 2022*, which included evidence of compliance with what was instructed by the Energy Bureau in the October 13th Order. LUMA also requested that ICPO provide, confidentially, the account information for all customer complaints received, as this information would allow LUMA to conduct internal investigations related to both compliance and customer satisfaction.

6. On October 27, 2022, the Energy Bureau issued a Resolution and Order in which it instructed LUMA to immediately notify customers about the extended period to submit objections to the bills through social networks and a press release, which was to be done on or before November 1, 2022, and to notify the Energy Bureau of compliance with the order within the same timeframe (“October 27th Order”).

7. Likewise, through the October 27th Order, the Energy Bureau ordered LUMA to state its position on the ICPO’s second investigation request regarding customers’ ability to file a bill objection through LUMA’s online portal on or before November 7, 2022. Furthermore, through the October 27th Order, the Energy Bureau determined that LUMA complied with the requirement to extend the timeframe for customers to file bill objections by a number of days equal to the period that LUMA was not receiving bill objections through all methods due to the emergency of Hurricane Fiona.

8. On November 1, 2022, the ICPO filed a *Motion in Compliance with the October 27, 2022 Resolution and Order*, in which it declined to provide the account information requested by LUMA, stating that this information is no longer relevant as the objection period has been extended. LUMA respectfully disagrees with the ICPO’s statement that the information is no longer relevant because this information is essential for LUMA to provide the best possible customer experience. In order to do so, LUMA needs to understand the specific customer experiences. LUMA takes ICPO’s allegations seriously. LUMA requests that such information be provided to conduct an internal review. Such review will 1) allow LUMA to confirm whether and which complaints were missed and 2) implement any necessary corrections.

9. On November 1, 2022, LUMA filed a *Motion in Compliance with the October 27, 2022 Resolution and Order*, in which LUMA provided screenshots of its social media postings

and a press release informing customers of the extension to the deadline for filing bill objections until November 24, 2022, for bills received between September 21st and October 7th, 2022.

10. In further compliance with the October 27th Order, LUMA first states that it is and has been in compliance with the mandate of the Energy Transformation and Relief Act, Act No. 57-2014, as amended, and Regulation No. 8863 of December 1, 2016, by providing customers with various methods to submit a bill objection. Section 6.27(2) of Act No. 57-2014 provides that the customer may notify an objection and request for an investigation of its bill to the certified energy company by certified mail, telephone, fax, or e-mail, provided that such objection is submitted through the specific contacts provided for such purposes by the certified energy company. 22 LPRA § 1054z(2). Furthermore, Section 4.04 of Regulation No. 8863, Regulation on the Procedure for the Review of Bills and Suspension of Electric Service, provides that at least three (3) different means shall be established through which customers may notify their objections and/or requests for investigation of their bills. These means may include, but shall not be limited to, customer service offices, certified mail, fax, telephone, e-mail, or internet portal.

11. LUMA is committed to customer service. It works continuously to improve the customer experience through, amongst other efforts, its first contact resolution approach to customer concerns, its Voice of the Customer Program, and its ongoing collaboration with the ICPO on various customer-focused issues.

12. As can be seen in LUMA's bill that this Energy Bureau approved in the proceeding *In Re: Review of LUMA Model Bill*, Case No. NEPR-MI-2021-0008, LUMA provides customers with four (4) different channels to object to their bills. These are customer service offices, telephone, an online portal, and certified mail. Consequently, LUMA regularly offers multiple

ways for customers to object to their bill, offering alternative channels in excess of what is required by Section 4.04 of Regulation No. 8863.

13. Additionally, the ICPO argues that LUMA's online portal does not allow customers to make an invoice objection. Instead, it only allows them to submit a billing inquiry. However, ICPO's claim is inaccurate, as LUMA's online portal allows customers to initiate a bill objection. Since June 1, 2021, LUMA has successfully received a total of 1,019 bill objections through the MiLUMA online portal¹.

14. In LUMA's online portal, customers enter the page through the account registered in the portal using their username and password. Once logged in, they click on the "Help" section on the left margin of their screen and then on the "Applications" section. The "Requests" section provides several options, including "Invoice Inquiry." By way of illustration, LUMA includes with this Motion a diagram with screenshots of the online portal showing the steps described above. *See Exhibit 1.*

15. By clicking on the "Invoice Consultation" section, the system informs the customer about what it means to file an invoice objection under Act No. 57-2014, with a brief explanation. This includes informing customers that filing a bill objection does not exempt them from payment obligations. The system also allows the customer to choose the property associated with the bill they wish to object to and the reason for objecting based on a series of options. It includes a box for the customer to explain such an objection. Once the customer submits the form, the Billing Services team receives the inquiry via e-mail and initiates an investigation. If the application form is confirmed to meet the requirements of a bill objection, an objection is filed with LUMA, and the customer is provided with a claim reference number.

¹ Bill objections count is as of October 4, 2022

15. In view of the above, it is clear that when the customer presses the “Invoice Consultation” section, the system informs the customer of what is involved in submitting an invoice objection under the corresponding statute. From that moment on, the customer is informed that the action they will take by filling in the fields provided in the online portal is to submit an objection to their invoice. In addition, the system expressly informs the customer of the requirements that must be complied with in order for the bill to be understood as submitted under the provisions of Article 6.27(1) of Act No. 57-2014, i.e., to pay the amount corresponding to the average of the undisputed bills during the last six (6) months. *See*, 22 LPRA § 1054z(1). Customers may comply with said provision by paying through the online portal, telephone, or at a customer service office. Contrary to what ICPO argues, neither Act No. 57-2014 nor Regulation No. 8863 require that the online portal system process the payment to allow customers to submit their bill objection. If a customer does not comply with the mandate of law, their bill objection may not be processed by LUMA’s personnel for resolution.

16. Without waiving the arguments outlined above, LUMA welcomes the concerns its customers expressed through the ICPO, and encourages the ICPO to raise concerns directly with LUMA for discussion at any time. To this end, LUMA will arrange a meeting with the corresponding ICPO staff to address the concerns raised on behalf of customers and discuss ways to improve the customer service experience, including using LUMA’s online portal, issuing confirmation that the customer submitted a bill objection, and ensuring that simple, efficient, clear, and easy-to-understand processes are outlined.

WHEREFORE, LUMA respectfully requests the Energy Bureau to **take notice** of the above and **deem** that LUMA complied with the October 27th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on November 7, 2022.

We hereby certify that we have filed this Motion using the Energy Bureau's electronic filing system. We will send an electronic copy of this Motion to the ICPO, through its Director, Hannia Rivera Díaz, hrivera@jrsp.pr.gov.



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Exhibit 1

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In order for a customer to object to a bill on LUMA's web portal, the following steps must be followed:

1. In the MiLUMA Web portal, go to the "Help" tab on the left side of the screen.



2. From the "Help" tab, go to the "Requests" tab.



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The "Requests" tab provides several options, choose the "Invoice Inquiry" selection



3. The "Invoice Inquiry" tab presents the customer with the requirements to successfully initiate a bill objection. The customer is informed of the requirements file an invoice objection, including that filing a bill objection does not exempt them from their payment obligations.

The system prompts the consumer to choose the property for which they wish to file an objection, the reason for the objection based on a series of options provided, and leaves space for the consumer to explain such objection.

