

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

NEPR Received: Oct 27, 2022 10:52 PM

IN RE:
ENERGY EFFICIENCY AND DEMAND
RESPONSE TRANSITION PERIOD PLAN

CASE NO.: NEPR-MI-2022-0001

SUBJECT: Request for Extension to Submit Responses to Requests for Information in Resolution and Order of October 12, 2022, Rescheduling of Related Technical Conference and Extension of Attendant Reply Comment Period

MOTION REQUESTING EXTENSION TO SUBMIT RESPONSES TO REQUESTS FOR INFORMATION IN RESOLUTION AND ORDER OF OCTOBER 12, 2022, RESCHEDULING OF RELATED TECHNICAL CONFERENCE AND EXTENSION OF ATTENDANT REPLY COMMENT PERIOD

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now LUMA Energy, LLC (“ManagementCo”), and LUMA Energy ServCo, LLC (“ServCo”), (jointly referred to as “LUMA”), and respectfully state and request the following:

1. On December 10, 2020, the honorable Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) adopted the Regulation for Demand Response (“Regulation for DR”)¹ requiring, among others, that the Puerto Rico Electric Power Authority (“PREPA”) or its successor, LUMA, file with the Energy Bureau a Three-Year Demand Response Plan (“Three-Year DR Plan”) by a specified date. *See* Regulation on DR, Section 3.02(C)(1)(a).

2. On April 21, 2021, the Energy Bureau issued a Resolution and Order commencing the proceeding in docket NEPR-MI-2021-0006, *In Re: Demand Response Plan Review, Implementation and Monitoring* and ordering PREPA and LUMA to attend a Technical

¹ Regulation for DR, December 21, 2020, Regulation 9246.

Conference and to provide responses to certain questions to begin the discussion related to the Three-Year DR Plan.²

3. On June 15, 2021, the Energy Bureau held a Technical Conference at which LUMA proposed a phased and integrated Energy Efficiency (“EE”) and Demand Response (“DR”) program development approach.

4. On January 21, 2022, the Energy Bureau published the final version of the Regulation for Energy Efficiency (“EE Regulation”)³, requiring, among others, that PREPA or its successor, LUMA, file with the Energy Bureau a plan to implement “quick start” EE programs during a two-year transition period (“Transition Period Plan”) by a specified date. *See* Regulation for EE, Section 2.01.

5. On February 1, 2022, this Energy Bureau issued a Resolution and Order in which it expanded the scope of the NEPR-MI-2021-0006 proceeding to include EE alongside DR, established a new deadline to submit both the Three-Year DR Plan and the EE Transition Period Plan of June 6, 2022, and scheduled a Technical Workshop to discuss, among others, LUMA’s plans for the development and launch of quick-start EE and DR programs and other types of activities to undertake during the Transition Period.

6. On March 9, 2022, the Energy Bureau held a Workshop at which LUMA proposed filing a proposed integrated EE and DR Transition Period Plan (“EE and DR TPP”) by the June 2022 deadline.

² On April 30, 2021, PREPA and LUMA submitted their responses to the April 21st Attachment A in compliance with the April 21st Order. *See Joint Motion in Compliance with Resolution and Order Entered on April 21, 2021*, filed by PREPA and LUMA of that date.

³ The EE Regulation was at the time assigned the number 9354 by the Puerto Rico State Department. Regulation number 9354 was subsequently annulled, and the EE Regulation was resubmitted to the State Department and approved by the Puerto Rico Department of State on March 25, 2022, being assigned number 9367.

7. On June 8, 2022, the Energy Bureau issued a Resolution and Order granting a request from LUMA to extend the filing deadline for the proposed EE and DR TPP until June 21, 2022 and scheduling a Workshop on the proposed EE and DR TPP to be held on June 29, 2022.

8. On June 21, 2022, LUMA filed with Energy Bureau its proposed EE and DR TPP (“Proposed EE and DR TPP”).

9. On June 28, 2022, the Energy Bureau issued a Resolution and Order initiating the instant proceeding for the review of LUMA’s Proposed EE and DR TPP, reaffirming that a Workshop would be held on June 29, 2022, and providing until July 13, 2022 for the public to provide comments to the Proposed EE and DR TPP.

10. On June 29, 2022, the Energy Bureau held a Workshop at which LUMA presented a summary of the Proposed EE and DR TPP.

11. On September 29, 2022, the Energy Bureau issued a Resolution and Order (“September 29th Order”) scheduling a Technical Conference regarding the Proposed EE and DR TPP for November 4, 2022, informing that it would be issuing “[d]uring the week of October 3” questions to the public and LUMA regarding the Proposed EE and DR TPP to be addressed before the Technical Conference, and establishing a deadline of November 14, 2022 to submit reply comments following the Technical Conference.

12. On October 12, 2022, the Energy Bureau issued a Resolution and Order (“October 12th Order”) requesting responses by October 28, 2022 to two sets of requests for information- one directed to all stakeholders and LUMA, included in Appendix A to the October 12th Order, and the other directed only to LUMA, included in Appendix B to the October 12th Order.⁴

⁴ LUMA observed a discrepancy between the deadline for providing responses to Appendices A and B in the body of the October 12th Order (i.e., October 28, 2022) and the deadline provided in each Appendix (i.e., October 26, 2022) and has interpreted that the governing deadline should be the one established in the body of the October 12th Order- that is, October 28, 2022.

13. LUMA has reviewed the requests for information and has commenced the preparation of its responses. However, LUMA respectfully submits that, given the limited timeframe provided to respond to these requests (i.e., sixteen (16) calendar days or twelve (12) working days in this case) coupled with the numerous various other exigencies faced by LUMA during this time period, LUMA has confronted significant time constraints on its ability to adequately prepare the responses with the quality and thoroughness required to address the multiple matters put forward in the requests for information. LUMA respectfully notes that these requests were issued about one week later than contemplated in the September 29th Order thereby reducing the time frame for LUMA, stakeholders, and other interested persons to address these questions by at least one week.

14. The impact of this reduced timeframe was exacerbated by the demands placed by LUMA due to the emergency situation resulting from the passage of Hurricane Fiona through Puerto Rico extending well into October, as well as the various numerous requirements LUMA was and is required to address in other proceedings before this honorable Energy Bureau.

15. There are concurrent deadlines and events from mid-October and early November 2022 under different Energy Bureau dockets that have required or will require participation by LUMA at complex and time-sensitive technical conferences, as well as technical filings:

- i. Case NEPR-MI-2021-004, *In re Review of LUMA's Initial Budgets*. The first of two days of Technical Conferences was held on September 13, 2022. Per the Energy Bureau's Resolution and Order of September 20, 2022, LUMA was ordered to file by October 7, 2022, revised or additional information required by the Energy Bureau during this first Technical Conference. LUMA filed a first set of these responses on October 7, 2022, and a second set on October 12, 2022, as well as filed supplemental information to the first set of responses on October 14, 2022. In addition, the second of two Technical Conferences was held on October 18, 2022. Several members of LUMA's work force in charge of different aspects of LUMA's operations and organization, appeared and were sworn in to answer questions from this Energy Bureau. LUMA now has until November 1, 2022 to file the additional information required by the Energy Bureau during such Technical Conference. Furthermore, by

- October 28, 2022, LUMA will submit its annual report on financial response and the annual report on efficiencies and savings in compliance with the Resolution and Order of May 31, 2021 approving LUMA's Initial Budgets.
- ii. Case No. NEPR-MI-2019-0007, *In re the Performance of the Puerto Rico Electric Power Authority*. Pursuant to the Energy Bureau's Resolution and Order of August 31, 2022, the Energy Bureau ordered LUMA to submit, by October 14, 2022, explanations on system data and performance spanning 12 months of operations and outline corrective actions as per an order issued on August 18, 2022. Then, in a Resolution and Order issued October 7, 2022, the Energy Bureau also ordered LUMA to file, on or before October 17, 2022, underlying data and calculations for certain performance metrics. After requests for brief extensions, LUMA filed the information in compliance with the August 18th Order on October 15, 2022, and was granted until November 7, 2022 to submit the data requested in the October 7th Order.
 - iii. Case No. NEPR-AP-2020-0025, *In re Performance Targets for LUMA Energy ServCo, LLC*. According to the calendar established by this honorable Energy Bureau in the Resolution and Order of October 14, 2022, LUMA must, by October 28, 2022, file with this Energy Bureau certain additional performance metrics and a revised Annex IX, as well as supplemental written testimony from LUMA. In addition, LUMA must address discovery on LUMA's supplemental written testimony scheduled for the period from October 28, 2022 until November 14, 2022.
 - iv. Case No. NEPR-MI-2020-0001, *In re Tarifa Permanente de la Autoridad de Energía Eléctrica*. On or before October 31, 2022, LUMA shall submit information in response to an Energy Bureau Resolution and Order of October 14, 2022 on management of insurance claims.
 - v. Case No. NEPR-MI-2019-0009, *In re Interconnection Regulations*. By Resolution and Order of October 18, 2022, the Energy Bureau ordered LUMA to submit, on or before November 1, 2022, additional comments to the Interconnection Regulation (in response to an extension requested by LUMA for such purposes), which LUMA is currently working on.
 - vi. Case No. NEPR-MI-2019-0016, *In re Informes de Progreso de Interconexión de la Autoridad de Energía Eléctrica*. By Resolution and Order issued on September 15, 2022, the Energy Bureau ordered LUMA to attend a Technical Conference on October 28, 2022, to discuss a LUMA request regarding the submittal of Progress Reports and other information requested by the Energy Bureau for its evaluation and to submit the presentation for the Technical Conference on or before October 26, 2022, at 12:00 p.m. LUMA submitted the requested presentation on October 26, 2022 and is preparing for the Technical Conference tomorrow. LUMA also filed on October 26, 2022, the Interconnections Progress Report for the quarter of July through September 2022, as required by Resolution and Order of July 21, 2020.
 - vii. Case NEPR-MI-2022-0003, *In re LUMA's Response to Hurricane Fiona*. By November 1, 2022, LUMA shall file a first report on the Generation Stabilization Plan required by the Energy Bureau in a Resolution and Order of October 12, 2022 and has been summoned for a Technical Conference on November 1, 2022.

- viii. Case NEPR-IN-2022-0005 *In re Investigación sobre cambio de proceso para objetar facturas durante o luego del Huracán Fiona*. By November 1, 2022, LUMA shall comply with an order issued on October 27, 2022 to state that LUMA informed clients of the extended time to file bill objections for the period of Hurricane Fiona and up until November 24, 2022.

16. Per the aforementioned outline of the current filings and hearings calendar in several proceedings before this Energy Bureau, during a four (4)-week span from mid-October until early November, there are three scheduled Technical Conferences (one held nine days ago and two yet to be held) **and at least fourteen (14) filings** that have occurred or are upcoming. It is respectfully submitted that these overlapping submissions and events have placed significant constraints on LUMA's ability to fully deploy the time and efforts of its staff to fulfill their duties. LUMA respectfully requests that this Energy Bureau consider the aforementioned summary of the current schedule and timeline of filings across several active dockets, to ascertain that even with several dedicated teams spanning regulatory, operations, and other components of LUMA's operations and workforce, it is not feasible to comply simultaneously with the overlapping deadlines and appear for the technical conferences that are scheduled in the aforementioned active and parallel proceedings.

17. LUMA respectfully informs that it has been engaging with stakeholders on relevant matters related to the requests for information in Appendices A and B and is still in the process of conducting meetings to review the input gathered so as to align its responses with the relevant input given by those stakeholders with whom LUMA has had a collaborative relationship and who have provided valuable feedback to LUMA in the past. However, given the above overlapping regulatory events and the limited time frame available to prepare the responses, LUMA would not have sufficient time to appropriately address the input obtained by these stakeholders in the draft responses it is preparing, or of conducting the necessary internal review thereof. This stakeholder

input is especially important given the subject matters included in the requests for information in Appendix B as they relate to the Proposed EE and DR TPP.

18. In light of the foregoing situation, LUMA would need an additional seven (7) days following October 28, 2022 to be able to thoroughly complete the preparation of its responses to Exhibits A and B. Therefore, LUMA respectfully requests this Energy Bureau to extend the deadline for LUMA, other stakeholders and the public to provide their responses to Appendix A and for LUMA to provide its responses to Appendix B until November 4, 2022. LUMA respectfully submits that this extension is limited to the minimum number of days it needs to complete the responses and would place LUMA and other stakeholders in a similar position as they would have been if the October 12th Order had been issued during the week of October 3.

19. This extension will also benefit other stakeholders and the public given the limited time that they have also been provided to submit their responses, one of those stakeholders has, through motion, expressed their concern regarding the limited stakeholder involvement in this proceeding and the need for a broader stakeholder involvement⁵. Broad stakeholder involvement is important given the ground-breaking nature of the programs included in the Proposed EE and DR TPP for the Puerto Rico energy market, reason for which it is important to generate greater awareness of their purpose and beneficial impact on energy costs to customers.

20. As a result of the requested extension, LUMA also respectfully requests this honorable Energy Bureau to reschedule the November 4th Technical Conference for a date not earlier than ten (10) days thereafter, to allow LUMA sufficient time to prepare to discuss its responses during the Technical Conference- that is, by no earlier than November 14, 2022- and the concomitant reply comment period for a date not earlier than ten (10) days thereafter. LUMA

⁵ See Comments by SESA on proposed EE and DR Transition Period Plan, Docket No. NEPR-MI-2022-0001, dated July 13, 2022, pp. 3-4.

respectfully submits that the proposed extension and rescheduling proposed herein will not cause undue delay in this proceeding, as the overall delay on the completion of the mentioned procedural events would only be ten (10) days when compared with the schedule established in the September 29th Order.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and grant LUMA's request to extend the deadline for LUMA, stakeholders and the public to respond to Appendix A of the October 12th Order and for LUMA to respond to Appendix B of the October 12th Order by seven (7) days- that is, until November 4, 2022, reschedule the November 4th Technical Conference for a date not earlier than ten (10) days thereafter- that is, no earlier than November 14, 2022- and the concomitant reply comment period for a date not earlier than ten (10) days thereafter.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 27th day of October 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 copy of this Motion to info@sesapr.org; elevin@veic.org; jmarrero@diazvaz.law; kbolanos@diazvaz.law and hriviera@jrsp.pr.gov.



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