

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

**IN RE: THE UNBUNDLING OF THE ASSETS  
OF THE PUERTO RICO ELECTRIC POWER  
AUTHORITY**

**CASE NO.: NEPR-AP-2018-0004**

**SUBJECT:** Determination on LUMA's Motion  
Submitting Proposed Changes to the  
Proposed Rider.

**RESOLUTION AND ORDER**

**I. Introduction**

On March 24, 2022, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Final Resolution and Order in the instant case ("Final Resolution") through which it established the formula for the wheeling credit. The Energy Bureau stated that such formula would be the sum of the full Fuel Charge Adjustment ("FCA") and full Purchased Power Charge Adjustment ("PPCA").<sup>1</sup> The Energy Bureau ordered LUMA<sup>2</sup> to file a formal version of the wheeling customer rider within seven (7) days after the notification of the Final Resolution, including a description of and reasoning for any changes proposed from the draft version provided as Attachment A to the Final Resolution.<sup>3</sup>

After several procedural matters, on August 24, 2022, LUMA filed a document titled *Motion Submitting Proposed Changes to the Draft Wheeling Customer Rider* ("August 24 Motion") in which LUMA proposed changes to the Proposed Rider. The August 24 Motion included Exhibit 1, containing revisions to the Proposed Rider, rationales for those proposed revisions, and three pages of additional material.

The Energy Bureau **APPROVES** some of the revisions proposed by LUMA and **DENIES** the remainder, as described in further detail below. Attachment A to this order is the text of a final Wheeling Credit Rider ("WCR") that should be included in LUMA's tariff books. As noted by LUMA, implementation and adoption of this rider by customers is contingent on several subsequent regulatory steps and requirements for independent power producers and retail electricity suppliers. However, the Energy Bureau does not endorse the specific arguments made by LUMA in Exhibit 1 regarding those next steps. The additional regulatory decisions and other requirements to begin wheeling will be the subject of further process.

**II. Review of LUMA Proposed Revisions to Draft Wheeling Customer Rider**

First, LUMA proposes to strike "both" from the first sentence of the customer eligibility section of the WCR. The Energy Bureau agrees this edit is reasonable.

Second, LUMA proposed revisions regarding a customer's election to receive supply from a retail service provider. The Energy Bureau agrees it is reasonable to specify that a customer must have entered into a retail supply agreement to qualify for the WCR. Eligible retail electricity suppliers must have a proper wheeling services agreement and meet other requirements, but that need not be specified in the WCR. The Energy Bureau has made a different revision to that language and also specified that a customer must follow the proper notification procedures, which will be determined in a subsequent proceeding.

Third, LUMA proposes to add an additional sentence to the section of the WCR on wheeling customer rates, specifying that a wheeling customer is not eligible for other riders. The Energy Bureau finds this sentence is overly broad. If other specific riders conflict with

<sup>1</sup> See Final Resolution, pp. 16-18.

<sup>2</sup> LUMA Energy, LLC as ManagementCo., and LUMA Energy ServCo, LLC (collectively, "LUMA").

<sup>3</sup> See, Final Resolution, p. 18. LUMA's proposed rider along with the explanation and rationale for any proposed changes is hereinafter collectively referred to as the "Proposed Rider".





wheeling in a manner that harms the public interest, LUMA may suggest a more targeted approach to discuss any issues in a subsequent proceeding.


Last, LUMA proposed several revisions to the section on provisions for return to the provider of last resort, primarily for clarity and consistency. The Energy Bureau agrees that it is reasonable to clarify that a customer may only transfer to an eligible retail electricity supplier, but otherwise finds that the previous language is sufficient. Further clarification of terms and detailed application in practice may be considered in a subsequent proceeding.

### III. Conclusion

The Energy Bureau **ORDERS** LUMA to include the Wheeling Customer Rider as specified in Attachment A to this Resolution and Order in its Tariff Book and, as appropriate, post online within 14 days of the issuance of this Resolution and Order and present a motion within 5 days after compliance describing such compliance to the Energy Bureau.

The Energy Bureau **DETERMINES** that the availability of the Wheeling Customer Rider for customer adoption will wait until the proper regulatory steps as determined by the Energy Bureau in a subsequent proceeding.

Be it notified and published.

  
Edison Aviles Deliz  
Chairman

  
Ferdinand A. Ramos Soegaard  
Associate Commissioner

  
Sylvia Ugarte Araujo  
Associate Commissioner

### CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on November 22, 2022. Associate Commissioner Lillian Mateo Santos did not intervene. I also certify that on November 22, 2022 a copy of this Resolution and Order was notified by electronic mail to Yahaira.delarosa@us.dlapiper.com; margarita.mercado@us.dlapiper.com; kbolanos@diazvaz.law, jmarrero@diazvaz.law, contratistas@jrsp.pr.gov, hriviera@jrsp.pr.gov, manuelgabrielfernandez@gmail.com, ramonluisnieves@rlnlegal.com; ccf@tcm.law and agraitfe@agraitlawpr.com and I have proceeded with the filing of the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign this in San Juan, Puerto Rico, today November 22, 2022.

  
Sonia Seda Gaztambide  
Clerk



**Attachment A**  
**WHEELING CUSTOMER RIDER**

**DESIGNATION:**

WCR

**AVAILABLE:**

Everywhere in Puerto Rico

**CUSTOMER ELIGIBILITY:**

Large commercial and industrial customers (250 kVA and over) with interval metering registering usage on an hourly basis at a minimum who have entered into a retail supply agreement with an eligible retail electricity supplier and have followed the proper notice procedures. If an otherwise eligible customer does not currently satisfy the metering requirement, that customer may pay to purchase and install such metering equipment or petition the Energy Bureau for specific approval of an estimated customer load shape as an alternative means of satisfying the metering requirement.

**WHEELING CUSTOMER RATES:**

The rates for an eligible wheeling customer pursuant to this rider are the same as the otherwise applicable rates for that customer with the exception that the FCA and PPCA shall no longer be charged to that customer. All other charges will continue to apply and the wheeling customer will be billed normally for those charges.

**PROVISIONS FOR RETURN TO THE PROVIDER OF LAST RESORT:**

When a wheeling customer returns to the provider of last resort, the change of service date shall be the end of the customer's current billing period, except in case of a default by the retail electricity supplier. In the case of such a default, the change of service date shall be the day of default.

A wheeling customer electing to return to the provider of last resort shall not be eligible to elect a new retail electricity supplier for a 12-month period after the change of service date. A wheeling customer shall be eligible to transfer from one retail electricity supplier to another eligible retail electricity supplier without penalty provided there is no interim period where the wheeling customer has no supplier.

A wheeling customer that returns to the provider of last resort due to the action of the retail electricity supplier, either the choice of the supplier or default, shall not be eligible to elect a new retail electricity supplier for 30 days after the change of service date. However, at the end of the 30-day restriction, that wheeling customer may not return to the same retail electricity supplier or any affiliate of that same supplier.

