

**GOBIERNO DE PUERTO RICO**  
**JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO**  
**NEGOCIADO DE ENERGÍA DE PUERTO RICO**

**NEPR**

**Received:**

**Dec 13, 2022**

**8:39 PM**

**IN RE: PERFORMANCE TARGETS FOR  
LUMA ENERGY SERVCO, LLC**

**CASO NÚM.: NEPR-AP-2020-0025**

**ASUNTO: MOCIÓN INFORMATIVA**

**MOCIÓN INFORMATIVA**

**AL HONORABLE NEGOCIADO:**

Comparece la Oficina Independiente de Protección al Consumidor de la Junta Reglamentadora de Servicio Público (en adelante, "OIPC") por conducto de los abogados que suscriben y respetuosamente **EXPONEN, ALEGAN y SOLICITAN:**

1. El pasado 9 de diciembre de 2022 se radicó ante este Honorable Negociado el testimonio directo del ingeniero Gerardo Cosme Núñez relacionado a las nuevas métricas de Interconexión, Eficiencia Energética y Respuesta a la Demanda y Manejo de Vegetación.

2. Dicho testimonio fue radicado con una certificación electrónica por parte del ingeniero Cosme sobre su testimonio.

3. Juntamente con la presente moción se incluye el mismo testimonio del ingeniero Cosme antes indicado con su debido juramento.

**POR TODO LO CUAL,** se solicita muy respetuosamente de este Honorable Negociado, que tome conocimiento de lo aquí expresado.

**RESPETUOSAMENTE SOMETIDO**, en San Juan, Puerto Rico a 13 de diciembre de 2022.

**CERTIFICO**, haber enviado mediante correo electrónico copia fiel y exacta de la anterior moción a o margarita.mercado@us.dlapiper.com, yahaira.delarosa@dlapiper.com, jmarrero@diazvaz.law, kbolanos@diazvaz.law, agraitfe@agraitlawpr.com, rstgo2@gmail.com. pedrosaade5@gmail.com, flcaseupdates@earthjustice.org. rolando@bufete-emmanuelli.com, notificaciones@bufete-emmanuelli.com, jessica@bufete-emmanuelli.com, rhoncat@inetscape.net, lvelez@earthjustice.org, [rmurthy@earthjustice.org](mailto:rmurthy@earthjustice.org), atorres@jrsp.pr.gov.

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

**IN RE:** PERFORMANCE METRICS TARGETS  
FOR LUMA ENERGY SERVCO, LLC

**CASE NO.:** NEPR-AP-2020-0025

**SUBJECT:** INDEPENDENT  
CONSUMER PROTECTION  
OFFICE'S WRITTEN TESTIMONY

Direct Testimony of

**GERARDO COSME NÚÑEZ, PE, CPI**

Independent Consumer Protection Office ("ICPO")  
December 8, 2022

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1       **I. WITNESS IDENTIFICATION**

2  
3       **Q. Please state your name, title, employer and business address.**

4  
5       A. My name is Gerardo Cosme Núñez, professional engineer, and engineering  
6 consultant with business address in Dorado, Puerto Rico.

7  
8       **Q. For the record, could you mention some of your educational and professional**  
9 **qualifications, experience, and certifications?**

10  
11       A. I am a professional engineer with 30 years of experience in the energy industry. I  
12 have provided services in regulatory, technical, and practical matters, both locally  
13 and internationally. I have also worked as a consultant on energy matters for the  
14 Energy Affairs Administration, currently known as the Puerto Rico Energy Public  
15 Policy Program (PPPO). I am an active member of various associations such as the  
16 Puerto Rico Chamber of Commerce and the Puerto Rico Association of Engineers  
17 and Land Surveyors. Currently, I offer technical consultation services on such  
18 matters to the Independent Consumer Protection Office ("ICPO").

19  
20       **Q. On whose behalf are you testifying before the Puerto Rico Energy Bureau**  
21 **("PREB")?**

22  
23       A. I appear and testify on behalf of the ICPO.

24  
25       **Q. Have you previously provided testimony before the Energy Bureau?**

26  
27       A. Yes.

28  
29       **II. DIRECT TESTIMONY**

30  
31       **Q. What is the objective of your testimony?**

32  
33       A. As established in Act 57-2014, known as *Puerto Rico Energy Transformation and*  
34 *RELIEF Act*, as amended, the ICPO has the duty, among others, to defend and  
35 advocate for the interests of customers in all matters brought before the Energy  
36 Bureau, regarding the quality of the electric power service, resource planning,  
37 public policy, and any other matter of interest for customers.

38  
39       **Q. What documents or references were used to prepare your testimony?**

40  
41       A. LUMA's *Submission of Revised Annex IX to the Puerto Rico T&D OMA*, dated October  
42 28, 2022; Direct Testimonies of Brent Bolzenius and Lee Wood included in LUMA's  
43 *Submission of Testimonies on Additional Metrics* dated October 28, 2022; LUMA's  
44 *Initial and Partial Responses to LECO's Ninth Set of Information Request*; LUMA's



45 *Second Partial Response to LECO's Ninth Set of Information Request; LUMA's Responses*  
46 *to ICPO's Requirement of Information on Additional Metrics; Petition Submitting*  
47 *LUMA's Vegetation Management Plan, Case Number NEPR-MI-2019-0005; Docket*  
48 *in Case NEPR-MI-2019-0016/ In Re: Informes de Progreso de Interconexión de la*  
49 *Autoridad de Energía Eléctrica de Puerto Rico, Docket in Case NEPR-MI-2019-0011/*  
50 *In Re: Proceso para Adopción de Reglamentación para la Planificación de Recursos de*  
51 *Distribución; and, Docket in Case NEPR-MI-2019-0007/ In Re: The Performance of the*  
52 *Puerto Rico Electric Power Authority.*

53  
54 **Q. On what issue or subject would you be testifying?**

55  
56 A. On new proposed metrics by LUMA regarding (i) Interconnection, (ii) Energy  
57 Efficiency and Demand Response and (iii) Vegetation Management as ordered by  
58 the Puerto Rico Energy Bureau (PREB) on its Resolution and Order dated  
59 December 22, 2021.

60  
61 **Q. What is the ICPO's position regarding the Interconnection Performance Metric**  
62 **proposed by LUMA?**

63  
64 A. It is the ICPO's position that the proposed metric is about Net Metering rather than  
65 Interconnection *per se*. Taking this into consideration, the ICPO partially agrees  
66 with said metric if the validation needed to activate the NEM consists only of a  
67 basic review of the application to the extent that all documentation received in the  
68 Distributed Generation Application Web Portal is completed, as stated by Mr.  
69 Wood on his testimony. Is our position that no further validation process should  
70 be required by LUMA for the NEM to be activated, as established in Act 17-2019,  
71 "Puerto Rico Energy Public Policy Act", as amended. Therefore, the thirty (30) days  
72 period required by law should not be contingent to any other requirement, as the  
73 installation of a new bi-directional meter.

74  
75 Regarding the performance metric target threshold of twenty-eight (28) days  
76 proposed in the revised Annex IX of the T&D OMA, is our position that the same  
77 is not that much of an improvement from the thirty (30) days mandated by law.  
78 No incentive should be given to the utility for complying with the law, therefore  
79 the target threshold should be set to a number that will reflect an outstanding  
80 performance by the utility, in this case LUMA, as it could be fifteen (15) days.

81  
82 Furthermore, we also recommend that a performance metric should be considered  
83 for the completion of Interconnection Projects. The ICPO propose a new metric,  
84 that could be named "Average Duration for Interconnection Process Completion".  
85 LUMA's performance not only should be evaluated on the Average Duration for  
86 Net Metering Tariff Activation but also on the Average Duration for  
87 Interconnection Process Completion. Clients who seek Net Energy Metering  
88 should have assurance that, once granted, the utility will not revoke it, nor further

requirements will be requested. Said assurance is obtained once the whole project is completed by LUMA. The completion of interconnection projects should be approved by LUMA in a timely manner. If the minimum performance level, as required by Act 17-2019, for completion of "regular" or "non-expedited" projects is 90 days, we recommend a target threshold of 60 days for completion of expedite projects.

**Q. What is the ICPO's position regarding the Energy Efficiency and Demand Response (EE&DR) Performance Metric proposed by LUMA?**

**A.** In general terms, the ICPO agrees with the metric proposed by LUMA. However, an important aspect to measure progress in energy efficiency, as well as demand response programs, is to have visibility of the energy sector to which the specific measures of either program is directed. Therefore, we recommend that the metric should be segmented by each consumer class impacted by the EE&DR program. LUMA metrics effective weight however can be keep as proposed in the amended OMA for overall savings in energy and peak demand of 2.08% and 2.5 Base Points for each respective performance metric. We suggest this metric be recorded as soon as the Transition Period of the EE&DR program proposed by LUMA commence in Puerto Rico. However, its effectiveness as a performance metric can be deferred during the Transition Period.

**Q. What is your opinion regarding the Vegetation Management Performance Metric proposed by LUMA?**

**A.** What LUMA proposes as a new metric for Vegetation Management is simple and straightforward. However, we think it should be included in the metric determination the ratio between Reactive and Corrective vs. Preventive, to measure progress on the reduction of related Vegetation Management backlog. As the ratio of Reactive and Corrective work to Preventive work is lowered, progress is attained in the Vegetation Management backlog. There will be special conditions that may cause Vegetation Management backlog changes, such as hurricanes and storms, so the amount of backlog may change, as well as the Preventive work plan to cope with the event aftermath.

**Q. Is there any other comment you may want to cover regarding your testimony?**

**A.** No.

**Q. Is this testimony firm and final?**

**A.** This testimony is neither firm nor final. We reserve the right to complement this testimony through a supplemental written testimony as merit or opportunity arises and the deliberative process allows it.

## II. CERTIFICATION

I GERALDO COSME NÚÑEZ, also known as GERARDO COSME NÚÑEZ, of legal age, married and resident of Dorado, PR, affirm that the information here transcribed represents my direct testimony as deponent in the subject case. I affirm that I will provide the responses described in the direct testimony if the questions are posed at the time of submission, and, that to my best knowledge and belief, theses expressions are true and correct.

  
 Gerardo Cosme Núñez, PE, CPI

Affidavit Number: 2984

SWORN AND SUBSCRIBED before me by Gerardo Cosme Núñez, of the aforementioned personal circumstances, identified by drivers license with number 1417 908. In San Juan, Puerto Rico, this 13 of December 2022.






#### IV. CERTIFICATION OF FILING AND SERVICE

I CERTIFY that this 8<sup>th</sup> day of December 2022, a copy of this Written Testimony was notified by electronic mail to: [margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com), [yahaira.delarosa@dlapiper.com](mailto:yahaira.delarosa@dlapiper.com), [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law), [jmarrero@diazvaz.law](mailto:jmarrero@diazvaz.law), [agraitfe@agraitlawpr.com](mailto:agraitfe@agraitlawpr.com), [rstgo2@gmail.com](mailto:rstgo2@gmail.com), [pedrosaade5@gmail.com](mailto:pedrosaade5@gmail.com), [flcaseupdates@earthjustice.org](mailto:flcaseupdates@earthjustice.org), [rolando@bufete-emmanuelli.com](mailto:rolando@bufete-emmanuelli.com), [notificaciones@bufete-emmanuelli.com](mailto:notificaciones@bufete-emmanuelli.com), [jessica@bufete-emmanuelli.com](mailto:jessica@bufete-emmanuelli.com), [rhoncat@inetscape.net](mailto:rhoncat@inetscape.net), [lvelez@earthjustice.org](mailto:lvelez@earthjustice.org), [larroyo@earthjustice.org](mailto:larroyo@earthjustice.org), [rmurthy@earthjustice.org](mailto:rmurthy@earthjustice.org).

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