

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

<b>NEPR</b>
<b>Received:</b>
<b>Jan 20, 2023</b>
<b>8:39 PM</b>

**IN RE:**

THE PERFORMANCE OF THE PUERTO  
RICO ELECTRIC POWER  
AUTHORITY

**CASE NO.:** NEPR-MI-2019-0007

**SUBJECT:** Submission of Performance Metrics Report for October through December 2022, and September 2022 Reliability Metrics, and in partial compliance with order of January 12, 2023

**SUBMISSION OF PERFORMANCE METRICS REPORT FOR OCTOBER THROUGH DECEMBER 2023  
AND SEPTEMBER 2022 RELIABILITY METRICS, AND IN PARTIAL COMPLIANCE WITH ORDER OF  
JANUARY 12, 2023**

**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 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 20<sup>th</sup> 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 18<sup>th</sup> Order”).

On October 20, 2022, LUMA filed the Quarterly Performance Metrics Report for the months of July through September 2022 (“October Quarterly Report”). In the motion submitting the October Quarterly Report, LUMA requested to defer the submission of quarterly System Data on the reliability metrics (“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 month of September 2022, because the occurrence of Hurricane Fiona on September 18, 2022, and the response to restore service, affected LUMA’s ability to compile, review and report data on the reliability metrics for the month of September. In a Resolution and Order of January 12, 2023, this Energy Bureau granted said request for deferral (“January 12<sup>th</sup> Order”).

As authorized by this Energy Bureau, LUMA is filing today the system data on the reliability metrics for the month of September 2022. LUMA is also submitting its Report on System Data covering data for the months of October through December 2022.

## II. Background

On May 21<sup>st</sup>, 2021, this Energy Bureau issued a Resolution and Order establishing four categories of system data applicable to PREPA, among others (“May 21<sup>st</sup> Resolution and Order”). *See* May 21<sup>st</sup> Resolution and Order at pages 3-14. Per the May 21<sup>st</sup> 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 6<sup>th</sup> Supplemental Submission”). Since then, LUMA has complied with the submission of quarterly reports on system data and updates requested by this Energy Bureau. *See filings* of August 6, 2021; August 13, 2021; September 20, 2021; December 22, 2021; March 21, 2022; June 20, 2022; and October 20, 2022.

In several filings since August 13, 2021, LUMA submitted clarifications on methodologies employed for metrics such as technical losses as % of net generation, technical loss reduction as a % of net generation, and total of number of calls received, as well as requested clarification on the metric on average length of time to resolve customer complaint appeals. *See Motion in Compliance with Order Submitting Updated Quarterly Performance Metrics Report*, filed on August 13, 2021. LUMA also requested that the Energy Bureau rename the performance metric on number of formal customer complaints. *See Quarterly Performance*

Metric Report Submission of September 21, 2021. Furthermore, LUMA requested to exclude from future quarterly submissions 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-.) *Id.*

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 14<sup>th</sup> Order"). In the December 14<sup>th</sup> 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. 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 14<sup>th</sup> Order at pages 3-4. 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.

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 22<sup>nd</sup> Submission”).

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 June 20, 2022, LUMA submitted a *Motion Submitting Quarterly Performance Metrics* (“June 20<sup>th</sup> 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 a Request to Modify Schedule and system data for June 2022. On August 18, 2022, this Energy Bureau issued a Resolution and Order that 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, (“August 18<sup>th</sup> Order”). On page 6 of the August 18<sup>th</sup> 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 18<sup>th</sup> Order at page 6. Per the August 18<sup>th</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> 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 . . . .”** See August 24<sup>th</sup> Order at page 2.

In the August 24<sup>th</sup> Order, this Energy Bureau also determined to extend its analysis on performance to PREPA’s performance since June 2019 for comparison purposes on reliability (“August 24<sup>th</sup> 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 24<sup>th</sup> Order at pages 1-2.

On September 28, 2022, and in compliance with the August 18<sup>th</sup> 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 28<sup>th</sup> 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 7<sup>th</sup> 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.”<sup>1</sup> On

---

<sup>1</sup> 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 7<sup>th</sup> Order.<sup>2</sup>

On October 14, 2022, in compliance with the August 18<sup>th</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> 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.

In the January 12<sup>th</sup> Order entitled "Resolution and Order regarding underlying data for metrics filed by LUMA and PREPA," the Energy Bureau included directives for future quarterly metrics filing, starting on April, 2023.

---

<sup>2</sup> 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 7<sup>th</sup> 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).



### **III. Important Elements of the Current Quarterly Submission**

Alongside this Motion, LUMA is submitting the quarterly system data for October through December 2022 as well as the system data for CAIDI, SAIFI and SAIDI for the month of 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***

In compliance with the January 12<sup>th</sup> Order, LUMA is submitting data on OSHA DART Rate; OSHA Severity Rate; OSHA Fatality Rate; and OSHA Recordable Rate, as a 12-month rolling average, in addition to the monthly values.

#### ***b. Finance***

As requested in the December 22<sup>nd</sup> 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, September 2022 is the last period publicly available for financial data.

LUMA respectfully submits that data on “Operational Expenses vs. Budget – A13 Responsabilidades Misceláneas” metric is available for all periods since July 2021. Said line was a duplicate to Operational Expenses vs. Budget – A14 Responsabilidades Corporativas. Since both of those items refer to the same metric calculation and therefore the same value, only Operational Expenses vs. Budget – A14 Responsabilidades Corporativas is included in the report.

***c. System Reliability Data***

As stated above, and per the January 12<sup>th</sup> Order, LUMA is submitting the system data on reliability metrics, for the months of September, October, November and December 2022.

***d. Customer Service***

In compliance with the January 12<sup>th</sup> Order, regarding the metrics on Average Speed to Answer and Wait Time in Customer Service Centers, LUMA is reporting these metrics as a rational number instead of using time format.

***e. Renewable Energy and Demand Side Management***

As Exhibit 1 to this Motion, LUMA is hereby submitting an update on the LUMA-Pattern team working to resolve the 20 MW of pending additional capacity at Pattern Santa Isabel and how the procurement proceeding has impacted this metric, as requested in the January 12<sup>th</sup> Order. In a future filing, LUMA will provide an update on how LUMA and PREPA plan to improve on the Operation RPS-eligible capacity performance metric, going forward.

***f. Compliance with the January 12<sup>th</sup> Order***

On page 6 of the January 12<sup>th</sup> Order, this Energy Bureau granted LUMA ten days, until January 23, 2023, to correct what it considered an error in cells AP26 and AQ26, Generation tab, of the spreadsheet entitled 10.20.2022 Resumen Métricas. This Energy Bureau stated that said cells presented a value as "DIV/O!;" an error indication. In compliance with the January 12<sup>th</sup> Order, LUMA clarifies that the data reported in the Generation Tab was the data that PREPA provided. The result reported reflects the data as reported by PREPA.

**WHEREFORE**, LUMA respectfully requests this Honorable Bureau **take notice of the** aforementioned; **accept** the Quarterly Performance Metrics Report for the months of October through December, 2022 and the system data for the reliability metrics for September 2022, submitted via email to this Energy Bureau; **and deem** that LUMA complied with those portions of the January 12<sup>th</sup> Order that required LUMA to clarify cells AP26 and AQ26, Generation tab, of the spreadsheet entitled 10.20.2022 Resumen Métricas and to provide an update on the Operational RPS-Eligible Capacity metric.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 20<sup>th</sup> day of January 2023.

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](mailto:jmarrero@diazvaz.law); and Katuska Bolaños-Lugo, [kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law).



**DLA Piper (Puerto Rico) LLC**  
500 Calle de la Tanca, Suite 401  
San Juan, PR 00901-1969  
Tel. 787-945-9107  
Fax 939-697-6147

/s/ Margarita Mercado Echegaray  
Margarita Mercado Echegaray  
RUA NÚM. 16,266  
[margarita.mercado@us.dlapiper.com](mailto:margarita.mercado@us.dlapiper.com)

*Exhibit 1*

NEPR-MI-2019-0007

## **Renewable Energy and Demand Side Management**

**Operation RPS- eligible capacity:** On the January 12, 2022, Resolution an Order the Energy Bureau ordered LUMA to provide an update on:

1. LUMA-Pattern team working to resolve the 20 MW of pending additional capacity at Pattern Santa Isabel,
2. how the procurement proceeding has impacted this metric, and
3. how LUMA and PREPA plan to improve on this metric going forward. This explanation shall be included in the next quarterly report.

The metric “Operational RPS-eligible capacity” is the sum of the total nameplate capacity of all operational generation projects that qualify under Puerto Rico Renewable Portfolio Standard requirements. The metric “Contractual but not operational RPS eligible capacity” is the sum of generation projects that will qualify under the Puerto Rico Renewable Portfolio Standards but are not yet operational.

1. LUMA has been working collaboratively with Pattern to provide a solution for the completion of the 20MW capacity increase. The Pattern PPOA as amended establishes a nameplate capacity of 95MW; however, due to technical limitations this project is currently operated at 75MW. With LUMA's support, Pattern has Installed new equipment that provides for more accurate data and MTR compliance and modified relay logic. These changes will enhance reliability, efficiency, and responsiveness of the facility. A testing protocol to fulfill operational technical requirements was submitted, reviewed, and will start implementation in a first phase of tests during January 2023. Testing should be completed by summer 2023 to certify the facility as able to produce 95MW at rated capacity.

2. The Operational RPS-Eligible Capacity is impacted by the procurement process since each RFP must be approved by the Energy Bureau, each selected project's compliance with the Puerto Rico Renewable Portfolio Standard must be confirmed, a Power Purchase and Operating Agreement must be executed and approved, and each project's achievement of commercial operation must be confirmed.

3. Plans to improve this metric will result from the integration into the grid of three (3) new renewable energy projects during 2023 (Banco Santander - Punta Lima, Ciro-One Salinas, and Xzerta Hatillo), the forthcoming development and integration of the Tranche 1 projects (21 projects totaling 1,064 MW), and the future Tranches 2-6 procurements that are either underway or scheduled over the next couple of years.

*Performance Metrics Data for October Through December, 2022 and reliability metrics for September 2022, and Supporting Files to be submitted via email in excel format*