GOVERNMENT OF PUERTO RICO
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:** **LUMA Witnesses' Rebuttal on Supplemental Testimony**

LUMA'S MOTION SUBMITTTING REBUTTAL TESTIMONIES ON SUPPLEMENTAL TESTIMONY ON ADDITIONAL METRICS

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now **LUMA Energy, LLC** ("ManagementCo"), and **LUMA Energy ServCo, LLC** ("ServCo"), (jointly referred to as the "Operator" or "LUMA"), and respectfully state and request the following:

1. On October 14, 2022, the Puerto Rico Energy Bureau ("Energy Bureau") entered a Resolution and Order that, in relevant part, amended the procedural calendar of this proceeding and set the virtual evidentiary hearing for February 7-10, 2023 ("October 14th Order"). Among other timeframes, the Energy Bureau required that, by October 28, 2022, LUMA shall file a Revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA") to include the additional metrics requested by the Energy Bureau and to file supporting testimonies.

2. In what is relevant to this Motion, in the October 14th Order, this Energy Bureau granted intervenors until December 8, 2022, to submit supplemental written testimonies. This

Energy Bureau also determined that LUMA's rebuttal testimonies on the supplemental written testimonies, would be due on January 23, 2023.

3. On December 9, 2022, the Independent Consumer Protection Office submitted the supplemental testimony of Mr. Gerardo Cosme Nuñez ("Mr. Cosme").

4. In compliance with the October 14th Order, LUMA submits with this motion as **Exhibit 1**, the following pre-filed witnesses' rebuttal testimonies that address the supplemental testimony of Mr. Cosme. All of the witnesses are employees of LUMA and are presenting their rebuttal testimony on behalf of LUMA:

a. Mrs. Diane Watkins- Vice President of Vegetation & Work Management

e. Mr. Don Cortez- Vice President, Special Projects.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **receive and accept** LUMA's witnesses' rebuttal testimonies; and **deem** that LUMA complied with the October 14th Order regarding filing of rebuttal testimonies.

RESPECTFULLY SUBMITTED.

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; and Katiuska Bolaños-Lugo, kbolanos@diazvaz.law, the Office of the Independent Consumer Protection Office, Hannia Rivera Diaz, hrivera@jrsp.pr.gov, and counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy ("ICSE"), Fernando Agrait, agraitfe@agraitlawpr.com, counsel for the Colegio de Ingenieros y Agrimensores de Puerto Rico ("CIAPR"), Rhonda Castillo, rhoncat@netscape.net, and counsels for Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc., Enlace Latino de Acción Climatica, Alianza Comunitaria Ambientalista del Sureste, Inc., Coalicion de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., CAMBIO, Sierra Club and its Puerto Rico Chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (jointly, Puerto Rico Local and Environmental Organizations), larroyo@earthjustice.org, lvelez@earthjustice.org, rmurthy@earthjustice.org, rstgo2@gmail.com, notificaciones@bufete-emmanuelli.com, pedrosaade5@gmail.com., jessica@bufete-emmanuelli.com; rolando@bufete-emmanuelli.com.

In San Juan, Puerto Rico, this 23rd day of January 2023.

DLA Piper (Puerto Rico) LLC
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/s/ Margarita Mercado Echegaray
Margarita Mercado Echegaray
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Exhibit 1

Pre-Filed Rebuttal Testimonies

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

IN RE:	**CASE NO.:** NEPR-AP-2020-0025
PERFORMANCE TARGETS FOR LUMA ENERGY SERVCO, LLC	

Rebuttal Testimony of
Ms. Diane Watkins
Vice President of Vegetation & Work Management, LUMA Energy ServCo, LLC
January 23, 2023

Q. Please state your name.

A. My name is Diane Watkins.

Q. Please state your business mailing address, title, and employer.

A. My business postal address is LUMA Energy, PO Box 363508, San Juan, Puerto Rico 00936-3508. I am the Vice President of Vegetation and Work Management for LUMA Energy ServCo, LLC.

Q. Please state your educational background.

A. I graduated from Arizona State University in December 1999 with a Bachelor of Science in Engineering (B.S.E.) degree in Electrical Engineering. I graduated again from Arizona State University in August 2007 with a Master of Business Administration (M.B.A.) degree.

Q. Please state your professional experience.

A. I have over 20 years of professional experience in the utility industry. In October 2022, I joined LUMA Energy as Vice President of Vegetation and Work Management.

Q. Please describe your work experience prior to joining LUMA.

A. Prior to joining Luma, I was the Director of Wildfire Mitigation at Xcel Energy in Denver, Colorado. In that role, I led the company's strategic development and execution of the wildfire mitigation plan. The plan included enhanced vegetation management practices, system hardening, and conservative operations in high-risk threat areas, among other activities. I also held a previous role at Xcel Energy in Federal Regulatory Affairs, where I prepared tariff compliance and position documents submitted to the Federal Energy Regulatory Commission (FERC), represented the company's positions on distributed energy resource issues at the Midcontinent Independent System Operator (MISO), and

served as Chief Compliance Officer for FERC Standards of Conduct. Prior to my work in Federal Regulatory Affairs, I was the Manager of Substation Field Engineering, where I led a team of over 20 engineers who provided field support for the maintenance of over 1200 substations in eight (8) states. Before Xcel Energy, I held a variety of electric utility engineering and leadership roles at David Evans and Associates and Salt River Project, both in Phoenix, Arizona.

I am a Senior Member of the Institute of Electrical and Electronics Engineers (IEEE) and the current Vice Chair of the IEEE Power and Energy Society (PES) Technical Council. In 2016, I served as Editor of the Substations Chapter of the 17th Edition of the McGraw-Hill *Standard Handbook for Electrical Engineers*.

Q. Do you hold any professional licenses?

A. Yes, I am registered as a Professional Engineer (P.E.) in Electrical Engineering by the State of Arizona.

Q. Have you previously testified and appeared before the Puerto Rico Energy Bureau?

A. No.

Q. On whose behalf are you testifying before the Puerto Rico Energy Bureau?

A. My testimony is on behalf of LUMA as part of the Puerto Rico Energy Bureau ("Energy Bureau"), Commonwealth of Puerto Rico Public Service Regulatory Board proceeding Case No. NEPR-AP-2020-0025, the Performance Targets for LUMA Energy ServCo, LLC.

Q. What is the purpose of your rebuttal testimony?

A. To respond to those portions of the pre-filed supplemental testimony of Mr. Gerardo Cosme Nunez ("Mr. Cosme") on behalf of the Independent Consumer Protection Office

("IPCO"), filed on December 9, 2022, in this proceeding, regarding his recommendations on the Vegetation Management Performance Metric: Vegetation Maintenance Miles Completed.

Q. Did you consider any documents for your rebuttal testimony?

A. Yes, I did.

Q. Which documents did you consider for your rebuttal testimony?

a. Direct Testimony of Mr. Cosme Nuñez in response to LUMA's proposed additional metrics filed in this proceeding, NEPR-AP-2020-0025, notified on December 9, 2022.

b. Direct Testimony of Mr. Brent Bolzenius, dated October 28, 2022, filed in this proceeding, NEPR-AP-2020-0025.

Q. Did you rely on any other information for your testimony?

A. My professional experience, including my experience in connection with the Transmission and Distribution System ("T&D System") of the Puerto Rico Electric Power Authority ("PREPA") and its operations.

Q. Do you agree with Mr. Cosme's recommendation on page 3, lines 114-122, of his pre-filed testimony that the ratio between Reactive and Corrective vs. Preventative work should be included in the metric to measure progress on the reduction of related Vegetation Management backlog?

A. No.

Q. Please explain your response.

A. First, while LUMA expects the amount of Reactive and Corrective work compared to Preventive work to decrease, the ratio of Reactive and Corrective work to Preventive work is not an accurate measure of Vegetation Maintenance Miles Completed, and tracking this

ratio will not result in the completion of more vegetation maintenance work. A ratio measures the relationship between two things. In this case, the ratio suggested by Mr. Cosme would measure the relationship between the sum of the Reactive and Corrective work compared to the Preventive work. Such a ratio would not provide any information about the total amount of work actually completed. As an example, if LUMA completes 800 miles of Reactive/Corrective work and 800 miles of Preventive work, the ratio would be one (800/800=1). If LUMA completes 200 miles of Reactive/Corrective work and 200 miles of Preventive work, the ratio would also be one (200/200=1). So the ratio does not provide any indication of the amount of Vegetation Maintenance Miles Completed and will not drive the completion of more vegetation maintenance miles. The metric proposed by LUMA measures all Vegetation Maintenance Miles Completed and therefore tracks the total amount of work completed regardless of the specific category of the work. Tracking all the work completed is a better measure of overall work completion than tracking the ratio of specific classifications of the work.

Second, it is unclear what Mr. Cosme means when he refers to a "related Vegetation Management backlog." As explained in Mr. Bolzenius's pre-filed testimony of October 28, 2022, lines 69-78, LUMA's vegetation maintenance work falls into three classifications: Reactive, Corrective, and Preventive. LUMA has not proposed the tracking of a backlog as part of the metric of Vegetation Maintenance Miles Completed. If Mr. Cosme's intent is to use the word "backlog" to refer to vegetation maintenance work that has been planned, but not yet completed, the proposed ratio will not measure such work. Reactive and Corrective work is work that cannot be easily planned for, while Preventive work can be planned, prioritized, and scheduled. As an example, assume LUMA plans to

complete 1200 miles of preventive work over a 12-month period. Half-way through this example year, assume LUMA has completed 700 miles of Preventive work and 100 miles of Reactive/Corrective work (recall that Reactive/Corrective work is unplanned and therefore LUMA would not know at the beginning of the year how much Reactive/Corrective work would be completed). In this example, the ratio of the Reactive/Corrective work to the Preventive work would be 100/700 or 1/7. This number provides no indication of the total Vegetation Maintenance Miles Completed and no insight into the remaining "backlog" of planned Preventive work.

LUMA may track the percentage of total work that is Reactive, Corrective, and Preventive, but using the ratio of these classifications as a performance metric is not reasonable for the purposes of setting targets; and doing so will not result in the completion of more vegetation maintenance miles.

Q. Does this complete your testimony?

A. Yes.

ATTESTATION

Affiant, Ms. Diane Watkins, being first duly sworn, states the following:

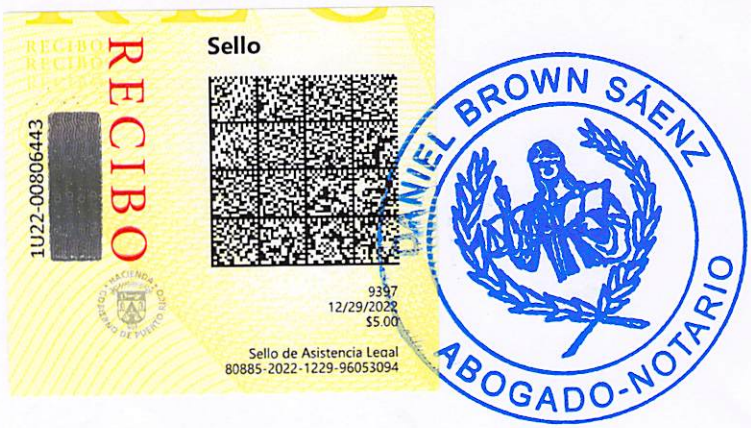
The prepared Rebuttal Testimony constitutes my Rebuttal in the above-styled case before the Puerto Rico Energy Bureau. I would give the answers set forth in the Rebuttal Testimony if asked the questions included in the Rebuttal Testimony. The facts and statements provided herein are my Rebuttal Testimony and are true and correct to the best of my knowledge.

Diane Watkins

Acknowledged and subscribed before me by Mrs. Diane Watkins in her capacity as Vice President, Vegetation and Work Management of LUMA Energy ServCo, LLC, of legal age, married, and resident of San Juan, Puerto Rico, who I have identified through her Driver's License issued by the State Colorado, No. 14-212-1265.

In San Juan, Puerto Rico, this 23th day of January 2023.

Public Notary



GOVERNMENT OF PUERTO RICO
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IN RE:	**CASE NO.:** NEPR-AP-2020-0025
PERFORMANCE TARGETS FOR LUMA ENERGY SERVCO, LLC	

Rebuttal Testimony of
Mr. Don Cortez
Vice President, Special Projects, LUMA Energy ServCo, LLC
January 23, 2023

Q. Please state your name.

A. My name is Don Cortez.

Q. Please state your business mailing address, title, and employer.

A. My business postal address is LUMA Energy, PO Box 363508, San Juan, Puerto Rico 00936-3508. I am the Vice President, Special Projects, for LUMA Energy ServCo, LLC.

Q. Please state your educational background.

A. I graduated from Texas A&M University in 1976 with a Bachelor of Science Degree in Electrical Engineering.

Q. Please state your professional experience.

A. I have approximately 40 years of professional experience in the utility industry. In 2020, I joined LUMA Energy as Vice President of Utility Transformation. In December 2022, I was designated as Vice President, Special Projects.

Q. Please describe your work experience prior to joining LUMA.

A. I have approximately 33 years of experience with CenterPoint Energy and its predecessor companies. Ten of the 33 years, I spent turning around companies bought from governments in Argentina, Colombia, and Brazil. In my last turnaround assignment, I was the Director of Operations in Eletropaulo (now Enel Distribuição São Paulo), responsible for all Transmission and Distribution (T&D) operations. The company served the Sao Paulo, Brazil metropolitan area and had (at that time) approximately 4.4 million customers. In my last assignment with CenterPoint Energy, I was the Vice President of Operations Technology and was responsible for designing the smart grid and Advanced Metering Infrastructure. I also worked for approximately 4 years with IBM in a Global Utilities Executive Business Development role. My last assignment prior to LUMA was working

for Quanta Services in an Executive Business Development role.

Q. Have you previously testified and appeared before the Puerto Rico Energy Bureau?

A. Yes. I have presented and/or testified before the Energy Bureau in several proceedings as follows:

a) Distribution Planning Resources Compliance Hearing, NEPR-MI-2019-0011 – February 10, 2021

b) Initial Budgets Technical Conference, Case NEPR-MI-2021-0004 – May 3 - May 5, 2021, and October 18, 2022

c) System Operation Principles Technical Conference, NEPR-MI-2021-0001 – May 10 - May 11, 2021

d) System Remediation Plan Technical Conference NEPR-MI-2020-0019 – May 14 and May 17, 2021

e) Final Resolution and Order issued by the Energy Bureau in Case No. NEPR-QR-2020-0019 and NEPR-QR-2020-061, on March 29, 2022

Q. On whose behalf are you testifying before the Puerto Rico Energy Bureau?

A. My testimony is on behalf of LUMA as part of the Puerto Rico Energy Bureau ("Energy Bureau"), Commonwealth of Puerto Rico Public Service Regulatory Board proceeding Case No. NEPR-AP-2020-0025, the Performance Targets for LUMA Energy ServCo, LLC.

Q. What is the purpose of your rebuttal testimony?

A. To respond to those portions of the pre-filed supplemental testimony of Mr. Gerardo Cosme Nuñez ("Mr. Cosme") on behalf of the Independent Consumer Protection Office ("IPCO"), filed on December 9, 2022, in this proceeding, regarding his recommendations

on the NEM Project Activation Duration Metric, the Energy Savings as a Percent of Total Energy Sales, and Peak Demand Savings as a Percentage of Total Peak Demand metrics, proposed by LUMA in compliance with the order issued by this Energy Bureau in this proceeding.

Q. Did you consider any documents for your rebuttal testimony?

A. Yes, I did.

Q. Which documents did you consider for your rebuttal testimony?

a. The pre-filed supplemental testimony of Mr. Gerardo Cosme Nuñez ("Mr. Cosme") on behalf of the Independent Consumer Protection Office ("IPCO"), filed on December 9, 2022, in this proceeding

b. RFI-LUMA-AP-2020-0025-ICPO-R1-11NOV22-008

c. RFI-LUMA-AP-2020-0025-PREB-R10-16NOV22-050

d. Direct Testimony of Mr. Lee Wood, dated October 28, 2022

e. Final Resolution and Order issued by the Energy Bureau in Case No. NEPR-QR-2020-0019 and Case No. NEPR-QR-2020-061, on March 29, 2022

Q. Did you rely on any other information for your testimony?

A. My professional experience, including my experience in connection with the Transmission and Distribution System of the Puerto Rico Electric Power Authority ("PREPA") ("T&D System") and its operations.

Q. Do you have a response to Mr. Cosme's statement that the proposed metric on interconnection is about Net Metering rather than Interconnection *per se,* as stated on page 2, lines 64-65, of his pre-filed testimony?

A. Yes, I do.

Q. Please explain your response.

A. All generating capacity less than 5 MW connected to the LUMA grid behind the meter is and requires an interconnection and qualifies for net metering per Act 114-2007, as amended. The customer then has the option to participate in the Net Energy Metering (NEM) program.

The expedited NEM program covers the distributed generation cases 25 kW and below interconnected to the grid behind the meter. LUMA chose these generating capacity cases (25 kW or less) for this interconnection metric because they make up approximately 99% of the volume of incoming NEM applications and therefore represent the greatest number of clients that interconnect to the grid.

Q. Do you agree with Mr. Cosme's recommendation on page 2, lines 75-80, of his pre-filed testimony, that the target threshold of (28) days for the Interconnection Performance Metric is not that much of an improvement from the (30) days, that it should be set to a number that will reflect an outstanding performance by the utility and that the target could be (15) days?

A. No.

Q. Please state and explain your response.

A. LUMA OMA Annex IX target of 28 days is the target performance level to be reached by the Third Contract Year and the requirement for LUMA to earn 100% of the base points in a Contract Year where the Minimum Performance Level is exceeded. It is considered aggressive, considering that circumstances beyond LUMA's control influence the average number of days to activate NEM projects. For example, the number of NEM cases is increasing on a monthly basis, and that increase is dictated by the customers and other

reasons that LUMA does not control. These reasons are (1) customer actions that are pending, (2) the customer service accounts are not active or do not coincide with the request, and (3) LUMA cannot complete the process that depends on the customer in order to change the meter to a bi-directional meter.

The proposed target threshold of 28 days is less than the 30-day requirement under Act 114-2007. Mr. Cosme does not support his opinion that the proposed target threshold of 28 days does not constitute an improvement when compared with the 30-day requirement under Act 114-2007. Because this Energy Bureau ruled in Case No. NEPR-QR-2020-0019 and NEPR-QR-2020-061, that the 30-day term under Act 114-2007 is subject to enlargement for just cause, the target threshold of 28 days is aggressive.[1] Also, Mr. Cosme does not consider that the Revised Annex IX includes more aggressive targets than the target threshold of 28 days, such as 27 days for LUMA to earn 125% of the base points and 26 days for LUMA to earn 150% of the base points.

Mr. Cosme's proposal to set the target for year 1 at 15 days is not feasible. The NEM cases that arrived and were completed in FY22 had an average of 12 days for the validation of the customer's NEM application due to information still required from the customer. That time is completely out of the control of LUMA. If the target was set to 15 days, that would only leave 3 days to complete the remaining portion of the process, including changing the meter to a bi-directional meter when needed. Three (3) days to complete the remainder of the process is not enough time, especially when the number of NEM cases per month depend on the customers. Currently, approximately 40% of the NEM cases require a meter

[1] See Final Resolution and Order of March 31, 2022, available at https://energia.pr.gov/wp-content/uploads/sites/7/2022/04/20220329-QR20200029-0061-Resolucion-final-y-Orden-con-opinion.pdf.

changeout.

Q. Do you agree with Mr. Cosme's recommendation on page 2, lines 82-94, of his pre-filed testimony that a performance metric should be considered for the completion of Interconnection Projects, including the Average Duration for Interconnection Process Completion (and not only the Average Duration for Net Metering Tariff Activation) and that this target threshold should be 60 days?

A. No.

Q. Please explain your response.

A. I construe Mr. Cosme's suggestion to apply to "regular" (i.e., non-expedited) projects with generating capacity greater than 25kW. Those cases should not be added to LUMA's proposed Performance Metrics Targets. These types of DG Interconnection Projects are more technically complex and individualized. Therefore, these projects require a more iterative process with greater input from customers and developers, which is more challenging to measure and track. Furthermore, there is no penalty for developers' delayed responses to LUMA's inquiries, so projects mostly depend on the developer's interest in completing the case. Furthermore, these non-expedited cases comprise less than 1% of the overall NEM project application volume.

The steps for processing Distributed Generating (DG) cases above 25 kW capacity are specified as a function of the voltage level they propose to interconnect. The process for voltage level cases at the Distribution voltage level (i.e., 13.2 kV or below) is described in Regulation 8915 – Section IV, Article C, and for cases at the Transmission voltage level (i.e., 38 kV and 115 kV), they are specified in Regulation 8916 – Section IV.

Irrespective of their voltage level, they have a similar process, as they are not expedited

projects and require constant interaction between the customer and the utility. The main steps for these cases are the following:

1. Evaluation- This phase consists of revising all technical documentation and interconnection strategies submitted by the developer. Also, proposed equipment and regulatory compliance are reviewed, including an engineering analysis of the circuit to determine the impact of the proposed generation. The culmination of this phase ends with an evaluation letter (this letter has a term of one year) submitted by the Business Transformation office. This letter will include information on all the requirements the project needs to comply with, including any additional technical requirements outside of the ones specified in the Regulation. To the extent there is missing information or a need for clarification of submitted documents, there could be interaction with the developer to provide such information.
2. Blueprint Endorsement- This phase consists of a review of the submitted blueprint, protection diagrams (if applicable), and compliance with the evaluation letter. Depending on the level of complexity of the proposed projects, revisions to the blueprint and regulatory compliance strategies might be needed and, as such, the interaction between developer and utility. This phase concludes with the issuance of endorsed blueprints (these have a term of two years).
3. Electrical Construction - This phase consists of the physical construction of the distributed generator. At the same time, and if necessary, LUMA will make network upgrades to interconnect the project reliably. Once the developer completes the construction of DG, it will notify LUMA of the completion of labor to proceed with the Inspection Phase.

4. Inspection phase- Once construction is complete and notified by the developer, relay settings, testing, and commissioning of the system are performed in close coordination with the different LUMA teams. To the extent these commissioning tests do not yield the expected results, they must be repeated in coordination with the utility. Once this phase is completed, the distributed generator can operate in the customers' facility.

5. Approval phase- This phase culminates the project. The agreement documents are signed by both parties (the customer and LUMA), and all the documentation is reviewed.

Setting any target for completion of the process for Interconnection Projects, whether it is 60 days or some other target time is not feasible. Each one of the five steps listed above requires interaction with the customer and / or his contractor. That interaction is heavily dependent on the time the customer (or his contractor) takes to complete their part of the process, whether it is an information request from LUMA or completion of a construction step by the customer and unrealistic to predict average times for such few projects. Mr. Cosme's proposed threshold target for Interconnection Projects of 60 days would not accommodate all the variables that the customer may input into the process. These variables are outside of LUMA's control and measuring their influence on the process and the time it would take to interconnect would not reasonably result in measuring LUMA's performance on Interconnection Projects. These Interconnection Projects are much more technically complex than the NEM projects that are 25Kw or less.

Q. Do you agree with Mr. Cosme's recommendation on page 3, lines 99-103, of his pre-filed testimony, that the Energy Efficiency and Demand Response (EE&DR) metrics should be segmented by each consumer class impacted by the EE&DR program?

A. No.

Q. Please state and explain your response.

A. PREPA has never implemented Energy Efficiency and Demand Response (EE & DR) programs; therefore, a baseline metric by customer class does not exist. As a result, there is a high degree of uncertainty about the market readiness for these types of programs. LUMA has no data on how customers from Puerto Rico as a whole or in the different consumer classes will react to energy efficiency offers, rebate price points, or the price of energy-efficient goods. The Transition Period Program ("TPP") for Energy Efficiency and Demand Side Response programs is meant to understand market readiness. At this time, segmenting the target by customer class does not make sense and would hamper the ability to assess the market. In the TPP, LUMA has proposed quick-start programs that provide opportunities for customers to participate across the different classes and have the potential to be scaled up and enhanced as funding is increased. The TPP quick-start programs will provide a greater understanding of the Puerto Rico market, customer needs and preferences, and how to best address barriers to adoption across LUMA's customer classes. It is important to note that EE/DR programs are not fully funded since an Energy Efficiency Rider has not been implemented.

Q. Do you agree with Mr. Cosme's recommendation on page 3, lines 106-109, of his pre-filed testimony, that the recommended EE&DR metric be recorded as soon as the Transition Period of the EE&DR program commences in Puerto Rico but its effectiveness deferred during the Transition Period?

A. Yes, the EE&DR metric should be recorded (documented & tracked) as soon as the TPP program commences. LUMA agrees that the EE&DR metrics, as incentive performance metrics, should be deferred during the transition period and not be effective until after the

TPP program ends. It is premature to track performance for the proposed metrics. Energy Efficiency and Demand Response programs have not been utilized in Puerto Rico before by PREPA or LUMA. The Transition Period Program for EE & DR (dated June 21, 2002, filed under NEPR-MI-2021-0006) is a pilot meant to overcome the start-up challenges outlined in the report under section 1.1. In addition, the TPP program, as outlined, cannot be fully deployed until a funding mechanism (such as an EE rider) is approved and implemented. Other funding sources (federal or otherwise) will be pursued; however, they are not guaranteed or consistent.

Q. Does this complete your testimony?

A. Yes.

ATTESTATION

Affiant, Mr. Don Cortez, being first duly sworn, states the following:

The prepared Rebuttal Testimony constitutes my Rebuttal in the above-styled case before the Puerto Rico Energy Bureau. I he would give the answers set forth in the Rebuttal Testimony if asked the questions included in the Rebuttal Testimony. The facts and statements provided herein are my Rebuttal Testimony and are true and correct to the best of my knowledge.

Don Cortez

Acknowledged and subscribed before me by Mr. Don Cortez in his capacity as VP of Utility Transformation of LUMA Energy, of legal age, married, and resident of San Juan, Puerto Rico, who I have identified through his Passport issued by the United States No. 565976915.

In San Juan, Puerto Rico, this 23rd day of January 2023.

Public Notary