

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

NEPR

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**IN RE: DESPLIEGUE DE
INFRAESTRUCTURA DE CARGADORES
PARA VEHICULOS ELECTRICOS**

CASE NO. NEPR-MI-2021-0013

SUBJECT: Request for Brief Extension to File Project Schedule Required by Resolution and Order of January 13, 2023 and Submittal of Progress Report due by February 13, 2022 and Information on Status of RFP due by February 15, 2023 under Such Resolution and Order

**MOTION REQUESTING BRIEF EXTENSION TO FILE PROJECT SCHEDULE
REQUIRED BY RESOLUTION AND ORDER OF JANUARY 13, 2023 AND
SUBMITTING PROGRESS REPORT DUE BY FEBRUARY 13, 2022 AND
INFORMATION ON STATUS OF RFP DUE BY FEBRUARY 15, 2023,
RESPECTIVELY, UNDER SUCH RESOLUTION AND ORDER**

TO THE HONORABLE 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

1. On January 13, 2023, this Puerto Rico Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (the “January 13th Order”) making various findings and determinations regarding the Draft Phase I Electric Vehicle Plan (“Phase I EV Plan”) filed by LUMA on September 1, 2022¹ and the Revised Draft Electric Vehicle

¹ See LUMA’s *Motion Submitting Draft Phase I EV Plan and Request to Postpone Compliance Technical Hearing No. 3 and Concomitant Deadline to Submit Revised Phase I EV Plan* of that date (“September 1 Motion”) and its Exhibit 1. On September 2, 2022, LUMA resubmitted the Phase I EV Plan document with certain technical repairs and requested this Energy Bureau to accept this corrected version in substitution of the version submitted on September 1, 2022 (see LUMA’s *Motion Re-Submitting Exhibit 1 Filed on September 1, 2022 with Technical Repairs and Requesting Substitution of Original Exhibit* of that date) which substitution was accepted by this Energy Bureau by Resolution and Order of September 7, 2022. The term “Phase I EV Plan” as used in this Motion refers to this corrected version.

Rate Design Proposal (“Interim EV TOU Rate”) filed by LUMA on July 21, 2022², as well as issuing associated orders.³

2. In the January 13th Order, this Energy Bureau orders LUMA to file by April 30, 2023 a revised Phase I EV Plan incorporating the guidance in the January 13th Order and containing plans for future updates (*see* January 13th Order at page 14) as well as addressing various subjects and requirements discussed in this order (*see id.* at pages 2-9). In addition, the Energy Bureau approves the Interim EV TOU Rate subject to modifications set forth in the January 13th Order and orders LUMA to finish development of and launch the Interim EV TOU Rate by September 30, 2023. *See id.* at pages 9, 10 and 14.

3. In the January 13th Order, the Energy Bureau also orders LUMA to take several actions associated with the Phase I EV Plan and the Interim EV TOU Rate, by specified dates or within specified timeframes, including, among others, to: (a) submit a Project Schedule for implementation of the Interim EV TOU Rate (the “Project Schedule”) (*see id.* at pages 11 and 14); (b) issue certain requests for proposals (“RFP”) for services related to the implementation of the Interim EV TOU Rate (“Rate Implementation Support RFP”) (*see id.* at page 11) and for the necessary data collection and integration into the billing system (*see id.* at page 10); (c) report every thirty (30) days on the progress with the data collection and billing to integrate the Interim EV Rate (“Billing Integration Reports”) (*see id.*); (d) conduct research and analyses related to public outreach and public access policies and practices and submit a related memorandum to the Energy Bureau (*id.* at pages 3 and 14), as well as engage in identified outreach activities (*id.* at

² *See* LUMA’s *Motion Submitting Revised EV Rate Design Proposal* of that date and its Exhibit 1.

³ On that same date, the Energy Bureau also issued a *Resolution Nunc Pro Tunc* correcting *motu proprio* a clerical error related to two deadlines set forth in the January 13th Order. The discussion of the January 13th Order takes into account these corrections.

pages 4 and 14); and (e) update data collection and analysis methods related to the planning and design of its successor EV TOU Rate (*id.* at page 14; *see also id.* at pages 10 and 12).

4. With respect to the Project Schedule, the January 13th Order requires that it be submitted to the Energy Bureau by February 10, 2023 and that its contents:

[...] (i) detail[...] each task that LUMA has identified as being important to align with the rollout of the EV TOU Rate, (ii) articulate[...] precisely what other partners, programs, initiatives, etc. must be engaged to proceed with the EV Plan, and when it expects to engage with them, (iii) specif[y] how LUMA will conduct the RFP for data collection and billing integration methods and costs, and (iv) specif[y] a timeline for LUMA's cost-benefit analysis as it decides how to implement the requisite enhancements to its IT and billing systems.

See id. at page 11.

5. As for the Billing Integration Reports, these are required to commence thirty (30) days after the January 13th Order. *See id.* at p. 11. Accordingly, the first such report is due on February 13, 2023.

6. Regarding the Rate Implementation Support RFP, the January 13th Order required that it be issued by February 15, 2023 “to the extent necessary to implement the Interim EV TOU Rate in full”. *See id.*

II. Request for Extension to Submit Project Schedule

7. LUMA has been diligently working in the preparation of the Project Schedule with the involvement of internal resources of different departments, as well as external consultants, in order to complete it within the expedited timeframe provided in the January 13th Order. This effort has required considerable analysis and coordination with these different resources given the multiple requirements and deadlines included in the January 13th Order, as well as the degree of detail required to be included in the Project Schedule under such order. In this process, questions

of a technical nature have arisen with respect to which LUMA technical staff and consultants have reached out to Energy Bureau technical consultants for clarification.

8. LUMA respectfully submits that these technical clarifications would help achieve a Project Schedule that reflects the required tasks and deadlines as accurately as reasonably possible, as well as better informs the Energy Bureau regarding the interrelation and progression of the different required and associated tasks and their impact on the various deadlines under the January 13th Order. Unfortunately, given the currently loaded agenda at the Energy Bureau, which affects the availability of its technical consultants, this informal technical discussion was not able to occur this week, as LUMA anticipated. LUMA understands, however, that it may be able to have these technical discussions in the coming week. In light of the mentioned needs and timeline, LUMA respectfully requests this honorable Energy Bureau to provide LUMA seven (7) additional days to complete and submit the Project Schedule. LUMA respectfully submits that this is the strictly necessary time frame to complete the Project Schedule given the timing for the anticipated additional input and subsequent internal revisions, coordination and approvals to finalize it. LUMA also respectfully submits that, given the short nature of this extension, it should not cause undue delay in these proceedings.

III. Billing Integration Report

9. LUMA hereby provides the following update on the billing integration efforts. Given that, for the reasons stated above, the Project Schedule has not been finalized, the billing integration efforts are still in the planning stage and the details on the associated necessary tasks have not been defined with the needed precision or finality yet. Consequently, the implementation of the billing integration efforts has not commenced and there are no concrete steps to be reported at this time. LUMA anticipates that it will be able to report more concrete progress on this task

once it has finalized and commenced to implement the Project Schedule. LUMA anticipates providing additional comments and requests related to the frequency of this reporting requirement when it submits the Project Schedule.

IV. Rate Implementation Support RFP

10. LUMA respectfully informs that it has determined it is not necessary for LUMA to issue the Rate Implementation Support RFP (which, as mentioned, the January 13th Order only requires it be issued “to the extent necessary to implement the Interim EV TOU Rate in full”). Instead, LUMA anticipates that implementation of the Interim EV TOU Rate will primarily involve expansion of the scope of its continuous system improvements, including the development of internal codes and procedures and training of personnel to execute these. These other tasks will be set forth in the final Project Schedule.

WHEREFORE, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned and: (i) **grant** LUMA’s request to extend the deadline to submit the Project Schedule by seven (7) calendar days from the original deadline- that is, by February 17, 2023; (ii) **deem** LUMA in compliance with the order to submit progress reports on the billing integration efforts in the January 13th Order, with respect to the report due by February 13, 2023; and (iii) **take particular notice** that the RFP required under the January 13th Order “to the extent necessary to implement the Interim EV TOU Rate in full” was determined by LUMA to be unnecessary for such purposes and will therefore will not be issued.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, this 9th day of February 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 courtesy copy of this motion to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law and Katuska Bolaños-Lugo, kbolanos@diazvaz.law. LUMA understands that other participants or stakeholders in this

proceeding will be notified as a result of the publicity of the filings in this process. Notwithstanding, LUMA will send a courtesy copy of the filing to the following stakeholders:

agalloza@aggpr.com; alberto.cortes@warrendelcaribe.com; aldo@skootel.com;
 angel.d.rodriguez@outlook.com; antonio@velocicharge.com; apietrantoni@pmalaw.com;
 azayas@azeng.net; bigwheelcorp@gmail.com; blazquezmalu@grnail.com;
 brightsunpr@gmail.com; carlosxcdeno@gmail.com; clrivera@caguasexpressway.com;
 flota@caguasexpressway.com; cnegrette@solrenew.com; CR.Tejera@ddec.pr.gov;
 dacosta@aggpr.com; daniel.perez@totalenergies.pr; dcordero@group-em.com;
 direxec@ciapr.org; divine.energy@hotmail.com; ecruz@pmalaw.com;
 eduardo.pinera@toyota.com; Edwin.Acevedo@ddec.pr.gov; emelyies.torres@toyota.com;
 epenenergypr@gmail.com; erica.cosme@gsonnell.com; Fberrios@peritoselectricistas.org;
 francisco.berrios@hotmail.com; franciscojrullan@yahoo.com; gerard.berlinski@toyota.com;
 gerardo_cosme@solartekpr.net; gperez@solrenew.com; hamely@motorambar.net;
 ialsina@plazalasamericas.com; idiaz@glenninternational.com; info@carlosrnatta.com;
 ismael.diaz@warren-ecrn.com; jack@pantekpartners.com; jameauxl@aim.com;
 jan.rodriguez@toyota.com; javrua@sesapr.org; jbouza@caguasexpressway.com;
 jcardona@aggpr.com; jrnartinez@pmalaw.com; jorrodriguez@motorambar.net;
 jortiz@caguasexpressway.com; jose.maeso@crowley.com; jpibernus@motorambar.com;
 JSantana@motorambar.com; jtosado@motorambar.net; juan.diaz.galarza@guidehouse.com;
 jvazquez905@grnail.com; jwilliams@solrenew.com; kenan.d.davila@sargentlundy.com;
 kkoch@tesla.com; l.marcano@aconer.org; lsundeen@tesla.com; luisgrnoren@gmail.com;
 Marangelly.Cruz@toyota.com; Maria.rivera@lumapr.com; marilyn.maldonado@toyota.com;
 Melvin.Ayala@lumapr.com; mlandron@plazaad.com; mpietrantoni@pmalaw.com;
 nannette.berrios@solpetroleum.com; nmontes@ccmpr.com; nrodriguez@senado.pr.gov;
 Ochavez@Padigm.com; odette@grupofernandezpr.com; omundo@plazalasamericas.com;
 pablo.rivera@hitachi-powergrids.com; patlopez0ü@gmail.com; dany.oliva@toyota.com;
 pjcleanenergy@gmail.com; rdiaz@glenninternational.com; repagan@burnsmcd.com;
 rry@tcm.law; Ruben.Gonzalez@pumaenergy.com; rvega@guidehouse.com;
 salvadorlopez5@hotmail.com; shehaly.rosado@ddec.pr.gov; Veronica@pantekpartners.com;
 Victor.Aponte@toyota.com; victor.martinez@totalenergies.pr; wilfredsonllc@gmail.com;
 zlopez@efonalledas.com; mara.cruz@toyota.com; lizette.cotto@toyota.com.



DLA Piper (Puerto Rico) LLC

500 Calle de la Tanca, Suite 401

San Juan, PR 00901-1969

Tel. 787-945-9147

Fax 939-697-6147

/s/ Laura T. Rozas

Laura T. Rozas

RUA Núm. 10,398

laura.rozas@us.dlapiper.com