

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

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**IN RE:** THE DEPLOYMENT OF  
ELECTRIC VEHICLE INFRASTRUCTURE

**CASE NO. NEPR-MI-2021-0013**

**SUBJECT: Motion to Request Clarification of  
Resolution and Order of June 6, 2023**

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**MOTION TO REQUEST CLARIFICATION OF  
RESOLUTION AND ORDER OF JUNE 6, 2023**

**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**

On June 6, 2023, the Energy Bureau issued a Resolution and Order (“June 6<sup>th</sup> Resolution and Order”) in this proceeding wherein it took notice of the filing of Puerto Rico’s Electric Vehicle Adoption Plan (“PR-EVAP”) filed by LUMA on January 13, 2023 and found that it “does not adequately address the requirements ordered in the January 13 Resolution”. Through the June 6<sup>th</sup> Resolution and Order, the Energy Bureau made certain findings in relation to the PR-EVAP, specifically in the areas of Provisions for Low-Income Customers, Estimating Federal Funding, Reporting Metrics and Cost Recovery. The Energy Bureau further established certain deadlines in this proceeding. Specifically, in what is pertinent, the Energy Bureau ordered LUMA to file a Community Outreach Memorandum (as the term is defined below) by July 13, 2023 and “[p]repare for a Virtual Technical Conference which shall be scheduled by the Energy Bureau within 30 days of LUMA filing its July 13 Memorandum to discuss the feedback LUMA collects from its low-income customers, and to articulate the next steps LUMA will take to address barriers to low-income EV adoption”.

As will be discussed in more detail below, the deadline established in the June 6<sup>th</sup> Resolution and Order for the filing of the Community Outreach Memorandum and, consequently, the concomitant timeline for the Virtual Technical Conference are inconsistent with the schedule previously approved by the Energy Bureau through a Resolution and Order entered on March 29, 2023 and pursuant to which LUMA has undertaken the directives issued in this proceeding (the “March 29<sup>th</sup> Resolution and Order”). Through the March 29<sup>th</sup> Resolution and Order, the Energy Bureau granted LUMA’s request to extend the deadline to file the Community Outreach Memorandum until December 31, 2023.

Further, LUMA respectfully understands that there are other aspects of the June 6<sup>th</sup> Resolution and Order that necessitate clarification as they appear not to take into account information previously submitted by LUMA. LUMA, therefore, requests clarification of the June 6<sup>th</sup> Resolution and Order.

## **II. Procedural Background**

1. On September 23, 2021, this honorable Puerto Rico Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) held a Workshop of Interested Parties regarding the deployment on EV infrastructure in which LUMA and other stakeholders participated.

2. On November 5, 2021, LUMA filed a *Motion to Submit LUMA’s Written Comments on Electric Vehicles Charging Infrastructure Topics* (“November 5<sup>th</sup> Motion”).

3. On November 18, 2021, this Energy Bureau issued a Resolution and Order (the “November 18<sup>th</sup> Order”) setting forth directives for initiating electric vehicle (“EV”) infrastructure deployment, including principles to guide the adoption of plans, regulations and procedures related to the electric vehicle energy sector in Puerto Rico (“Principles”).

4. Among others and in pertinent part, in the November 18<sup>th</sup> Order, the Energy Bureau ordered LUMA to: (a) file with the Energy Bureau, on or before September 1, 2022, a First Phase of an EV Charging Infrastructure Deployment Plan (“Phase I EV Plan”) in accordance with the specified requirements set forth in the November 18<sup>th</sup> Order (*see* November 18<sup>th</sup> Order on p. 4); (b) file on or before May 31, 2022, a proposal for one or more rate designs targeting the customer segments set forth in the Principles and envisioned in the Phase I EV Plan and addressing the requirements in the November 18<sup>th</sup> Order (“Rate Design Proposal”) (*see id.* at pp. 5-9); and (c) attend Compliance Technical Hearings (referred to as Compliance Technical Hearings No. 1, No. 2, and No. 3) every three months in connection with the Phase I EV Plan preparation (*see id.* at p. 5). The Energy Bureau also scheduled two additional Technical Workshops.

5. In what is pertinent to this Motion, the November 18<sup>th</sup> Order required that the Phase I EV Plan, among other things: “identify near-term transportation electrification actions LUMA can take to address barriers to the adoption of EVs in Puerto Rico”; “identify a portfolio of actions, which may include investments and infrastructure to support electric vehicles, rate design, programs, and services, reasonably expected to contribute to the objectives of Act 17-2019 and Act 33-2019”; “seek to first address barriers to the adoption of transportation electrification in the residential and low-income sectors”; “address disadvantaged communities” and this “may include programs to enable vehicle charging access to multifamily buildings and renters, low-income customers, and public transit” and “[a]ny proposal to serve low-income customers should include documentation of LUMA’s outreach to community organizations within the areas LUMA seeks to serve”; and “seek to minimize electric system impacts resulting from increased electrification of the transportation sector”. *See id.* at page 4. The November 18<sup>th</sup> Order further provided that the Energy Bureau would take into consideration as part of the evaluation and approval of the Phase I

EV Plan: “[h]ow the Phase I EV Plan will accelerate transportation electrification, address barriers to adoption, and extend access to traditionally underserved communities”; and “[c]urrent and anticipated electric system impacts resulting from increased transportation electrification and LUMA’s proposed EV portfolio, and how the Phase I EV Plan is designed to address these system impacts”. *See id.* at pages 4-5.

6. On December 17, 2021, the Energy Bureau issued a Resolution and Order (“December 17<sup>th</sup> Resolution and Order”) revising the topics for the remaining Technical Workshops and addressing LUMA’s comments in the November 5<sup>th</sup> Motion, among others.

7. On January 27, 2022, the Energy Bureau held a Second Technical Workshop. In it, Energy Bureau consultants gave two presentations.<sup>1</sup> LUMA also provided a presentation titled *Electric Vehicles Charging Infrastructure Technical Workshop 2*.<sup>2</sup>

8. On March 4, 2022, LUMA held Compliance Technical Hearing No. 1 in which LUMA provided a presentation.<sup>3</sup>

9. On May 11, 2022, the Energy Bureau held the Third Technical Workshop in which Energy Bureau consultants provided a presentation and led a discussion.<sup>4</sup> In their presentation, Energy Bureau consultants discussed an “outline for segmenting and sequencing the deployment of EV charging infrastructure” and proposed that “EV infrastructure deployment start with the

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<sup>1</sup> See Energy Bureau’s presentation titled “Load Variability, Resources, EV Implications Discussion slides, January 27, 2022, filed in the docket on that date and the presentation titled “Managed Charging and Beneficial Vehicle-Grid Integration” by Chris Nelder, Energy Transition Show, also filed in the docket on that date.

<sup>2</sup> See Motion to Submit Presentation Given by LUMA During Technical Workshop held on January 27, 2022, Exhibit 1.

<sup>3</sup> See Motion to Submit Presentation for First Compliance Hearing in Compliance with Resolution and Order filed by LUMA on February 24, 2022.

<sup>4</sup> See EV Infrastructure Deployment, 3<sup>rd</sup> Technical Workshop: May 11, 2022, 1:00 p.m., NEPR-MI-201-0012, Agenda, filed in the docket of this proceeding on April 26, 2022 and presentation titled “EV Charging Infrastructure Pilot Projects, A Straw Proposal” filed on that same date (“Straw Proposal”).

lowest-cost charging infrastructure that will be easiest to implement, and then gradually work up to more challenging installations”. *See* Straw Proposal on page 2. The outline lists a series of EV charging scenarios from the simplest to the most complex. *See id.* at pages 2-5. The most complex and expensive installations were identified to be transit bus barns, fleet vehicle yards and semi-tractor truck stops. *See id.* at page 5.

10. On May 19, 2022, this Energy Bureau issued a Resolution and Order (the “May 19<sup>th</sup> Order”) amending the dates and certain associated tasks established in the November 18<sup>th</sup> Order, providing for, among others: (i) the filing of a draft of the Rate Design Proposal by May 31, 2022; (ii) the filing of a final Rate Design Proposal on June 30, 2022; (iii) the filing of a draft of the Phase I EV Plan for September 1, 2022; (iv) a Compliance Technical Hearing No. 3 scheduled for September 15, 2022, at 1:00 pm; and (v) the filing of the final Phase I EV Plan on September 30, 2022. *See* May 19<sup>th</sup> Order on p. 1.

11. On May 31, 2022, LUMA submitted to the Energy Bureau the draft of the EV Rate Design Proposal 1 (the “Draft EV Rate Design Proposal”). *See* LUMA’s *Motion Submitting Draft of EV Rate Design Proposal* of that date.

12. On June 15, 2022, the Energy Bureau held the Compliance Technical Hearing No. 2 regarding the Draft EV Rate Design Proposal. During this hearing, Energy Bureau consultants suggested that the rate design component should focus on the residential TOU rate for behind the meter charging. The Energy Bureau issued a bench order directing LUMA to submit a revised rate design proposal by June 30, 2022 (the “June 15<sup>th</sup> Bench Order”).

13. On July 21, 2022, LUMA submitted to the Energy Bureau a revised EV Rate Design Proposal. *See Motion Submitting Revised EV Rate Design Proposal of that date.*<sup>5</sup>

14. On September 1, 2022, LUMA filed before the Energy Bureau the Draft Phase I EV Plan and requested the postponement of the Technical Hearing No. 3 and the concomitant deadline to submit the Phase I EV Plan. *See 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<sup>st</sup> Motion").*<sup>6</sup>

15. On September 7, 2022, the Energy Bureau issued a Resolution to reschedule the Compliance Technical Hearing No. 3 for October 12, 2022, and ordering LUMA to submit the revised Phase I EV Plan on or before October 28, 2022. The Energy Bureau also granted LUMA's request in the September 2<sup>nd</sup> Motion.

16. On October 7, 2022, the Energy Bureau issued a Resolution cancelling until further notice the Compliance Technical Hearing No 3 and the filing of the revised Phase I EV Plan.

17. On January 13, 2023, the Energy Bureau issued a Resolution and Order (the "January 13<sup>th</sup> Resolution and Order") making various findings and determinations regarding the Draft Phase I EV Plan filed by LUMA on September 1, 2022<sup>7</sup> and the Revised EV Rate Design

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<sup>5</sup> LUMA had requested this honorable Energy Bureau to grant LUMA until July 1, 2022, to submit the Revised EV Rate Design Proposal. *See Motion Requesting Confirmation on Matters Addressed in Compliance Technical Hearing Held on June 15, 2022, and Stay of Order Establishing Deadline to Submit Revised EV Rate Design Proposal* filed on June 27, 2022.

<sup>6</sup> On September 2, 2022, LUMA resubmitted the Draft 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 ("September 2<sup>nd</sup> Motion").

<sup>7</sup> As corrected by the September 2<sup>nd</sup> Motion. The term "Draft Phase I EV Plan" as used in this Motion refers to this corrected version.

Proposal (“Interim EV TOU Rate”) filed by LUMA on July 21, 2022<sup>8</sup>, as well as issuing associated orders.<sup>9</sup>

18. In the January 13<sup>th</sup> Resolution and Order, the Energy Bureau ordered LUMA to file by April 30, 2023 a Final Phase I EV Plan incorporating the guidance in the January 13<sup>th</sup> Resolution and Order and containing plans for future updates (*see* January 13<sup>th</sup> Resolution and Order on page 14), including addressing various subjects and requirements in the areas of low-income customers, estimating federal funding, reporting metrics and cost recovery (*see id.* at pages 2-9). On the subject of low-income customers, the Energy Bureau indicated that there was a need to focus on low-income customers and develop a plan that, “considers the unique mobility challenges of low/moderate income households, ensuring that the benefits of clean transportation are broadly shared” (*see id.* at page 2); that LUMA should demonstrate it prioritizes low-income accessibility and affordability, in addition to market transformation (*see id.*); and that public meetings would be useful to low-income customers’ understanding of LUMA’s plans and proposed programs and for LUMA to engage the communities (*see id.*). The Energy Bureau also indicated that LUMA “first should develop a better understanding of what its low-income customers want and need from transportation electrification before developing customer offerings. With that understanding, it is reasonable to expect that LUMA will be better equipped to develop a plan to meet low-income customer needs”. *Id.* at page 3.

19. The Energy Bureau then ordered LUMA to consider undertaking efforts to “[a]dopt new practices to promote greater access and meaningful public engagement; engage in community

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<sup>8</sup> *See* LUMA’s *Motion Submitting Revised EV Rate Design Proposal* of that date and its Exhibit 1.

<sup>9</sup> 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 13<sup>th</sup> Resolution and Order. The discussion herein of the January 13<sup>th</sup> Resolution and Order takes into account these corrections.

outreach to inform and improve its understanding of low-income customer needs; and [a]dopt the goal of ongoing improvement in its public access practices and use of public participation to help inform its policies and the development of its programs”. *Id.* In addition, the Energy Bureau ordered LUMA to “[o]ver the next six months, review and propose improvements to its outreach and public access policies and practices [...] and submit a memorandum to the Energy Bureau setting out the actions it plans to adopt” (*id.* at pages 3 and 14) (the latter, the “Customer Outreach Memorandum”); and “[o]ver the next nine months, engage in outreach with low-income and disadvantaged communities to determine what they consider their transportation electrification priorities to be” (“Customer Outreach Implementation”) (*id.* at pages 4 and 14).

20. With respect to estimating federal funding, the Energy Bureau indicated that there “is significant potential for federal investment in Puerto Rico and the Energy Bureau does not consider LUMA to have sufficiently planned for the impact of these funds on Puerto Rico’s transportation sector” (*see id.* at page 4) and provides as examples on types of funding sources, the Inflation Reduction Act, the Infrastructure Investment and Jobs Act, the Upgrading Our Electric Grid and Ensuring Reliability and Resiliency program, and The Justice40 Initiative. *See id.* at page 5. The Energy Bureau also indicated that the Phase I EV Plan should reflect specific steps it can take to help its ratepayers and others in securing LUMA’s support in their efforts to secure needed funding. *See id.* The Energy Bureau then ordered LUMA to “[c]onsider and analyze federal funding that can reasonably be expected to benefit Puerto Ricans and Puerto Rico’s transportation and utility systems; ... [p]rovide specific characterization of steps that the company can take to assist in securing this funding, including parties with whom LUMA could partner; and ... [p]roduce an analysis that reflects the likely effects of federal funding on (a) EV load and (b) charging infrastructure buildout on the company’s distribution system”. *Id.*

21. Regarding reporting metrics, the Energy Bureau ordered LUMA to file semi-annual reports reporting on various metrics and information requests listed in the January 13<sup>th</sup> Resolution and Order. *See id.* at page 6.

22. As for cost recovery, and with respect to LUMA's proposal for a new single rider for energy efficiency, demand response and Phase I EV Plan funding known as a Clean Energy Program ("CEP") rider, the Energy Bureau indicated that it agreed that a proposal for a rider or modification of the EE/DR Rider "should be carefully considered in coordination with Case No. NEPR-MI-2022-0001 relating to LUMA's Energy Efficiency and Demand Response Transition Period Plan". *See id.* at page 8. The Energy Bureau also ordered LUMA to include in the Final Phase I EV Plan the following information: "[f]unding for Fiscal Year 1 of the Phase I EV Plan"; "[a]n explanation of how LUMA will fund any budget shortfall for Fiscal Year 1 of the EV Plan, including options without a new rider"; "[i]dentification of the program or programs from which LUMA proposes to shift funds to support the Phase I EV Plan, and the total funds shifted from each program"; and "[t]he remaining budget for the program or programs from which LUMA is shifting funds and a description regarding the expected impacts from the reduced budget". *Id.*

23. In the January 13<sup>th</sup> Resolution and Order, the Energy Bureau also ordered 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 submit by February 10, 2023 a Project Schedule for implementation of the Interim EV TOU Rate (the "Project Schedule"). *See id.* at pages 11 and 14. In addition, the Energy Bureau approved the Interim EV TOU Rate subject to modifications set forth in the January 13<sup>th</sup> Resolution and Order and ordered LUMA to finish development of and launch the Interim EV TOU Rate by September 30, 2023. *See id.* at pages 9, 10 and 14.

24. After other procedural events and an extension granted by the Energy Bureau<sup>10</sup>, on February 17, 2023, LUMA submitted the Project Schedule addressing the tasks to meet the various requirements relating to the Phase I EV Plan and the development and launch of the Interim EV TOU Rate. *See Motion Submitting Project Schedule in Compliance with Resolution and Order of January 13, 2023 and Requesting Modification of Certain Deadlines Thereunder* of that date (“February 17<sup>th</sup> motion”) and its Exhibit 1.

25. In addition, LUMA requested the Energy Bureau to modify certain deadlines or timeframes established in the January 13<sup>th</sup> Resolution and Order in accordance with the deadlines and timeframes included in the Project Schedule. Specifically, among others, LUMA requested the Energy Bureau to modify the timeframe to conduct the customer outreach research and analysis and submit the Customer Outreach Memorandum to the Energy Bureau to the next nine (9) months (instead of the next six (6) months); and the timeframe for the implementation of the Customer Outreach initiative to provide that it will commence by the end of September 2023 (rather than completion within the next nine (9) months). *See id.* at page 9.

26. On March 29, 2023, the Energy Bureau issued a Resolution and Order (the “March 29<sup>th</sup> Resolution and Order”) determining, among others, to accept and approve the Project Schedule submitted by LUMA in its February 17<sup>th</sup> Motion (the “Approved Project Schedule”) and granting LUMA’s request in the February 17<sup>th</sup> Motion to modify certain deadlines and timeframes subject to maintaining the deadlines for filing the Final Phase I EV Plan and Interim TOU EV Rate Launch. **As pertinent to this Motion, the Energy Bureau granted LUMA an extension until**

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<sup>10</sup> On February 9, 2023, LUMA requested an extension to file the Project Schedule by February 17, 2023 (*see Motion Requesting Brief Extension to File Project Schedule Required by Resolution and Order of January 31, 2023 and Submitting Progress Report Due By February 13, 2022 and Information on Status of RFP Due by February 15, 2023 under Such Resolution and Order* of that date, which was approved by the Energy Bureau by Resolution and Order of February 14, 2023).

**December 31, 2023 to submit the Customer Outreach Memorandum and until September 30, 2023 to begin Customer Outreach Implementation.**

27. On May 1, 2023, LUMA submitted to the Energy Bureau the Final Phase I EV Plan in compliance with the January 13<sup>th</sup> Resolution and Order in the form of the document attached as *Exhibit 1* titled Puerto Rico’s Electric Vehicle Adoption Plan (“PR-EVAP”). *See Motion to Submit Final Phase I EV Plan in Compliance with Resolution and Order of January 13, 2023* filed on that date. The PR-EVAP was prepared to address the guidance and requirements set forth in the January 13<sup>th</sup> Resolution and Order taking into consideration the various required activities under the January 13<sup>th</sup> Resolution and Order as modified by the March 29<sup>th</sup> Resolution and Order, which includes the Approved Project Schedule. *See id.* at page 4.

28. On June 6, 2023, the Energy Bureau issued the June 6<sup>th</sup> Resolution and Order taking notice of the filing of the PR-EVAP (*see* June 6<sup>th</sup> Resolution and Order on page 3”) and finding that it “does not adequately address the requirements ordered in the [January 13<sup>th</sup> Resolution and Order]” (*see id.* at page 2). The Energy Bureau also made the following findings or statements, in pertinent part, on the subjects of low-income customers, estimating federal funding, reporting metrics, and cost recovery:

(a) On the subject of low-income customers, with respect to LUMA’s mention that it will submit a memorandum to the Energy Bureau describing the actions LUMA plans to adopt to engage in more outreach, the Energy Bureau indicates that “LUMA does not provide a date for the memorandum, while the [January 13<sup>th</sup> Resolution and Order] **requires submittal by July 13, 2023**”. *See id.* (emphasis in original).

(b) On the subject of federal funding, the Energy Bureau indicated that: (a) “LUMA does not provide specific actions or plans to help procure federal funds nor indicates how it will

notify and report on its process. Given the significant opportunity to bring in federal funds to support the electrification of Puerto Rico's transportation sector. LUMA needs to show more commitment to supporting procurement” (*see id.* at page 3); “LUMA did not update its EV load and charging infrastructure buildout analysis to reflect the potential effects of federal funding”; and LUMA “does not provide dates for [the study with DDEC] to be completed, or which entity will fund it.” *See id.*

(c) On the subject of reporting metrics, the Energy Bureau indicates that “LUMA in its PR-EVAP, acknowledges and commits to include a set of the reporting metrics related to spending and progress on each of the six (6) actions in the semi-annual reports that LUMA must file with the Energy Bureau, in accordance with the January 13 Resolution [and Order].” *See id.* (footnotes omitted).

(d) On the subject of cost recovery, the Energy Bureau indicates, with respect to LUMA’s proposal to include the PR-EVAP’s Year 1 cost in the Fiscal Year (“FY”) 2024 Annual Budget that “LUMA does not show if the request will be an incremental amount for the budget or if LUMA plans to reduce the budget in other areas to accommodate this funding need” (*see id.*); and, regarding LUMA’s proposal to expand the EE/DR Rider to include funding for the PR-EVAP in the form of a Clean Energy Program Rider (“CEP Rider”), that “LUMA provides no details regarding how it plans to propose this rider or how it would track and account for the allocation of funds between EE/DR and its EV initiatives within the PR-EVAP” (*see id.*).

29. The Energy Bureau then ordered LUMA to (i) continue implementing the Interim EV TOU rate, (ii) “[r]eview and propose improvements to its outreach and public access policies and practices, and file a memorandum setting out the actions LUMA plans to adopt, based on that review by July 13, 2023 (“July 13 Memorandum”) in accordance with the [January 13<sup>th</sup> Resolution

and Order]”]; (iii) “[p]repare for a Virtual Technical Conference which shall be scheduled by the Energy Bureau within 30 days of LUMA filing its July 13 Memorandum to discuss the feedback LUMA collects from its low-income customers, and to articulate the next steps LUMA will take to address barriers to low-income EV adoption”; (iv) “[c]onsider targeting public transportation, school buses, and fleets as a means to provide low-income customers with access to the benefits created by transportation electrification”; and (v) “[f]ile a report, within three (3) months of the notification of [the June 6<sup>th</sup> Resolution and Order], that articulates the specific actions LUMA will take regarding each of the federal funding opportunities that LUMA identified in the PR-EVAP” (which must include the “names of entities and contacts with whom LUMA will work, a time schedule for this work, including the funding application due dates and completion dates”); and (vi) “[r]eport on the semi-annual reports the specific actions that LUMA is taking to assist entities in procuring and implementing federal funds, as part of its semi-annual reports, including specific timelines.” *See id.* at pages 3-4.

### **III. Request for Clarification of the June 6<sup>th</sup> Order**

#### **A. Provisions for Low-Income Customers**

30. On this subject, this Energy Bureau essentially raises issues in the June 6<sup>th</sup> Resolution and Order on two subjects: the requirements relating to a customer outreach memorandum and the need to consider targeting specific types of public transportation.

31. Regarding the latter, the Energy Bureau finds that LUMA does not provide in the PR-EVAP a date for submittal of this memorandum (which the Energy Bureau states is July 13, 2023 in accordance with the January 13<sup>th</sup> Resolution and Order) and orders LUMA to review and propose improvements to its outreach and public access policies and practices, to file the memorandum based on that review by July 13, 2023, and prepare Virtual Technical Conference to

be scheduled within thirty (30) days of LUMA filing this memorandum to discuss feedback collected by LUMA and to articulate the next steps LUMA will take to address barriers to low-income EV adoption.

32. These orders (except for the scheduling of the Virtual Technical Conference) essentially refer to the requirements in the January 13<sup>th</sup> Resolution and Order regarding the submittal of the Customer Outreach Memorandum and the Customer Outreach Implementation activities. However, these orders do not take into account the Approved Project Schedule submitted by LUMA and approved by the Energy Bureau in its March 29<sup>th</sup> Resolution and Order. Through the March 29<sup>th</sup> Resolution and Order the Energy Bureau extended the deadlines for LUMA to file the Customer Outreach Memorandum until December 31, 2023 and to commence Customer Outreach Implementation until September 30, 2023. In the PR-EVAP, LUMA indicated that it will conduct these activities. *See* PR-EVAP on page 69.<sup>11</sup> Therefore, LUMA respectfully informs herein that it has scheduled these activities, in accordance with the dates established in the March 29<sup>th</sup> Resolution and Order, as shown in the Approved Project Schedule. LUMA respectfully submits that given that LUMA proposed the deadlines for the filing of the Customer Outreach Program and the Customer Outreach Implementation in the Approved Project Schedule, and this schedule was approved by the Energy Bureau, not including the specific deadlines for the Customer Outreach program and the Customer Outreach Implementation in the main body of the PR-EVAP should not be deemed a deficiency of the PR-EVAP.

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<sup>11</sup> Specifically, LUMA indicates that, in accordance with the January 13<sup>th</sup> Resolution and Order, LUMA “aims to review and propose improvements to its outreach and public policies and practices [...] and will submit a memorandum to the PREB setting out the actions LUMA plans to adopt” and that “LUMA will also engage in outreach with low-income and disadvantaged communities to gather input on their priorities through direct outreach, surveys and public meetings”. *See id.*

33. For purposes of clarity of the record, LUMA respectfully requests this honorable Energy Bureau to clarify that the deadlines for the Customer Outreach Memorandum and the Customer Outreach Implementation are those set forth in the March 29<sup>th</sup> Resolution and Order. In addition, LUMA respectfully requests that, in view of the foregoing, this Energy Bureau leave without effect the July 13, 2023 deadline in the June 6<sup>th</sup> Resolution and Order and change the date for the Virtual Technical Conference ordered in the June 6<sup>th</sup> Resolution and Order to no less than thirty (30) days after December 31, 2023, which is the deadline to file the Customer Outreach Memorandum.

**B. Public Transportation**

34. With respect to public transportation, as mentioned in the June 6<sup>th</sup> Resolution and Order, the Energy Bureau orders LUMA to “[c]onsider targeting public transportation, school buses, and fleets as a means to provide low-income customers with access to the benefits created by transportation electrification”. LUMA respectfully submits that, while the November 18<sup>th</sup> Resolution and Order and the January 13<sup>th</sup> Resolution and Order discuss transportation electrification and exploring the needs of low-income customers with respect to this type of transportation option, these Resolutions and Orders do not require targeting public transportation, school buses, and fleets.

35. The January 13<sup>th</sup> Resolution and Order emphasizes the need to “first [...] develop a better understanding of what its low-income customers want and need from transportation electrification before developing customer offerings. With that understanding, it is reasonable to expect that LUMA will be better equipped to develop a plan to meet low-income customer needs”.

*See PR-EVAP on page 3.*

36. In addition, in the December 17<sup>th</sup> Resolution and Order, the Energy Bureau mentioned the need for phased-in implementation of EV charging infrastructure, proposing that residential, behind-the-meter charging implementation be addressed in the Phase 1 EV Plan with continued phased-in implementation of other options. *See* December 17<sup>th</sup> Resolution and Order on page 4. Moreover, Energy Bureau consultants also recommended a stepwise fashion “climb the ladder” approach to EV technology implementation. The consultants recommended accommodating each use-case from simpler to more complex cases so that LUMA can gather operational information and experience, and recognized that transit bus barns, fleet vehicle yards and semi-tractor truck stops are the most complex cases. *See* Straw Proposal on pages 5-6.

37. Therefore, LUMA views the consideration of target electrified transportation options as a requirement to be addressed with the benefit of additional analysis to be conducted after the necessary outreach to develop a better understanding of low-income customer needs. The consideration of target electrified transportation options will also benefit from a better understanding of other technical considerations related to the associated infrastructure needs based on information obtained through time from low-income customers and market actors engaged in the public transportation industry, including fleet operators, as these persons or entities move towards electrification. Given that the analysis in question is initially tied to the Customer Outreach Implementation, the PR-EVAP could not reasonably be required to contain a meaningful analysis on the subject. LUMA will further elaborate on this topic following Customer Outreach Implementation, focusing on customer needs, but recognizing that a more complete analysis regarding the infrastructure aspects will take additional time and experience in Puerto Rico.

### C. Estimating and Reporting Federal Funding

38. Regarding estimating federal funding, as mentioned, the Energy Bureau indicates in the June 6<sup>th</sup> Resolution and Order that LUMA needs to show more commitment to support procurement and that LUMA did not update the EV load and charging infrastructure buildout analysis to reflect the potential effects of federal funding and did not provide a date for the study to be conducted with DDEC on the subject or who will fund it. In addition, the Energy Bureau orders LUMA to file by September 6, 2023 a report with the specific actions LUMA will take regarding each of the federal funding opportunities that LUMA identified in the PR-EVAP including details on names of entities, contacts, a time schedule for this work, funding application due dates and completion dates.

39. On this subject, LUMA provides in the PR-EVAP a list of the funding opportunities available to Puerto Rico, identified by LUMA, and the potential impact on customers. *See id.* at pages 34-38. LUMA also indicates that reviewing funding opportunities is helpful to ensure that LUMA is aware of and prepared to support the EV charging infrastructure deployments and other market developments supported by these funding opportunities. *See id.* at page 28. However, LUMA respectfully submits that only one of the four funding opportunities listed in the PR-EVAP is directly available to LUMA. Instead, these funding opportunities will be mostly available to other market actors to access. *See id.* at page 28. In fact, as indicated in the PR-EVAP, most of these opportunities are for state energy offices, the Department of Transportation, and other entities. *See id.* at page 29. Given these limitations, LUMA respectfully submits that its role with respect to securing federal funding is limited. Recognizing this, LUMA commits in the PR-EVAP to support and advise eligible entities on the EV charging and infrastructure deployment. *See id.*

40. LUMA respectfully submits that the more extensive role of procuring federal funding imposed upon LUMA in the June 6<sup>th</sup> Resolution and Order is not reflective of the realities described in the PR-EVAP nor LUMA's role as a utility. For most of the funding opportunities identified, LUMA does not have control of the application process and submittal timeframe and, therefore, cannot establish a relevant work schedule. At most, and as indicated in the PR-EVAP, LUMA can have a supportive or advisory role, and this role also depends on the eligible entity's needs or requests. LUMA may provide more concrete information to this Energy Bureau on those funding opportunities for which LUMA is the eligible recipient.

41. Given the foregoing, LUMA respectfully requests this Energy Bureau to consider the above and determine that LUMA would only have an advisory or supportive role with respect to the funding opportunities to other eligible entities. LUMA will keep the Energy Bureau informed of the progress of the federal funding initiatives through the September 6, 2023 report.

42. Regarding the update to the EV load and charging infrastructure buildout analysis to reflect the potential effects of federal funding, in the PR-EVAP LUMA raises issues on data availability and complexity as significant challenges in producing this analysis. *See id.* at page 33. LUMA also indicates that it will work closely with DDEC to commission an accurate analysis, with respect to which it requested the DDEC to carry out a market research study of the sale and demand of electric vehicles and plug-in hybrid electric vehicles in Puerto Rico. Such analysis will provide data on electric load and will serve as input for LUMA to make accurate forecasts. *See id.* See. In essence, the mentioned data limitations and complexities have placed constraints on LUMA's ability to conduct a meaningful buildout analysis until such time the mentioned DDEC-commissioned study and analysis are completed. It must be noted that LUMA does not have control over the study/analysis but has provided the necessary information needed from LUMA

and will continue to diligently do so. *See Exhibit 1.* Therefore, LUMA respectfully requests this honorable Energy Bureau to take notice of the foregoing and grant LUMA a term to be proposed to this Energy Bureau by LUMA after the DDEC completes this study to complete the requested update to the EV load and charging infrastructure buildout analysis to reflect the potential effects of federal funding. Specifically, LUMA proposes that, when the DDEC completes this study, LUMA will inform the Energy Bureau of this event and indicate the timeframe needed by LUMA to complete the EV load and charging infrastructure buildout analysis based on the information in DDEC's study. LUMA informs herein that the study/analysis to be conducted by DDEC will be funded by DDEC.

**D. Reporting of Metrics**

43. In the June 6<sup>th</sup> Resolution and Order, the Energy Bureau reminds LUMA about the semi-annual reporting requirements under the PR-EVAP and orders LUMA to include in these reports the specific actions that LUMA is taking to assist entities in procuring and implementing federal funds and specific timelines. With respect to this additional requirement, LUMA reasserts its statements above that its role with respect to most federal funding opportunities is limited to a supportive and advisory role and that, in those instances, LUMA does not have control over the application process or timelines. Therefore, LUMA's ability to provide detailed information in those cases is limited. LUMA can only provide the requested detailed information for federal funding for which LUMA is eligible. With respect to funding for other eligible entities, LUMA can generally describe efforts to support and advise these other eligible entities (such as it is doing with DTOP and its NEVI program, as described in the PR-EVAP filing). Therefore, LUMA respectfully requests the Energy Bureau to clarify, with respect to this new information

requirement for the semi-annual reports, that LUMA is to report only on LUMA's activities in support of recipients to the particular federal funding.

**E. Cost Recovery**

44. On the subject of cost recovery, in the June 6<sup>th</sup> Resolution and Order, the Energy Bureau indicates that LUMA's proposal to include the PR-EVAP's Year 1 cost in FY 2024 does not show if the request will be an incremental amount for the budget or if LUMA plans to reduce the budget in other areas to accommodate this funding need, and that LUMA provides no details regarding how it plans to propose a CEP rider and other details of this rider.

45. As mentioned in the PR-EVAP, LUMA has included in the FY 2024 Annual Budget a budget for the cost of Year 1 of the PR-EVAP, that is for FY 2024, of \$0.6 million. *See id.* at page 90. This budget is included in the Phase 1 EV Program Implementation program and is part of the FY 2024 Annual Budget. *See id.* at page 90. LUMA also explains in the PR-EVAP that, in the event of EV program cost overages, LUMA had initially proposed to shift funds from its internal EE/DR program budget to support the Phase I EV Plan. This is no longer possible because there is no current funding for the EE/DR programs. These programs were to receive full funding from the EE Rider. *See id.* at pages 90-91. LUMA further clarifies in the PR-EVAP that funds from the EE Rider are to be dedicated exclusively to EE and DR programs. Therefore, LUMA will not shift any EE/DR funds to EV programs. Rather, LUMA will manage the EV program to the established budget and will look for low-cost opportunities to cross-promote EV initiatives in EE and DR program marketing. *See id.* at page 91. LUMA clarifies that the budgeting was conducted with a holistic approach and not focused on shifting of funding. Any federal or state funding obligated and disbursed to LUMA for the programs could reduce the funding required from the EE Rider.

46. LUMA respectfully informs herein that the CEP rider initiative is not an active initiative of LUMA at this time and it was presented instead as an idea to consider for further analysis. In the January 13<sup>th</sup> Resolution and Order, the Energy Bureau appears to recognize this when it stated that this is an initiative to be carefully considered in coordination with Case No. NEPR-MI-2022-0001 relating to LUMA's Energy Efficiency and Demand Response Transition Period Plan". *See* January 13<sup>th</sup> Resolution and Order on page 8.

**F. LUMA's Overall Role**

47. LUMA has made several clarifications in this proceeding regarding LUMA's role in the electrification of transportation. LUMA respectfully underscores that in the Approved Project Schedule, LUMA indicated that the transportation electrification goals require "other stakeholders to work alongside and in coordination with LUMA as well as to pursue other work streams for which LUMA is not responsible", that "electrification of transportation is not the responsibility of the electric utility, but it is a government policy with multiple private actors that have to undertake actions towards the massive change entailed" and that "LUMA continues to work collaboratively with the regulator, government, private, and civil society stakeholders to develop sound policies and strategies while building a more reliable and resilient energy system." *See* Approved Project Schedule, February 17<sup>th</sup> *Motion, Exhibit 1*, on page 3.

48. In addition, in the PR-EVAP, LUMA states that the PR-EVAP is a "roadmap that will take important actions in support of greater EV adoption in Puerto Rico", but that its successful implementation "is critically dependent on other actors taking coordinated action under effective public policies implemented by the Government of Puerto Rico". *See* PR-EVAP on page 6. LUMA also notes that "LUMA's role is not to purchase, own and/or operate charging infrastructure in the near term", that "[t]his role "is better suited to private sector actors" and that "LUMA's role is to

support and facilitate these market actors in ongoing infrastructure deployment projects”. See *id.* at page 7. LUMA also defines its near-term roles in the EV market as encompassing: “[b]egin preparing the utility organization and the grid for increased EV adoption”; “[s]erve as a trusted source and advisor to provide relevant information on EV’s and charging technology”; “[w]ork with organizations and companies to facilitate the integration and interconnection of EV infrastructure”; and [p]rovide and maintain critical infrastructure needed to support the growth of EV adoption while ensuring grid resiliency and reliability”. See *id.*, Figure 1-1. Moreover, as discussed above, in most cases LUMA is not the leading actor with respect to federal funding for transportation electrification initiatives and, in those cases, LUMA’s role is limited to an advisory or supportive role.

49. Given the above, LUMA respectfully requests this honorable Energy Bureau to clarify its understanding of LUMA’s role with respect to the broader goals of transportation electrification and infrastructure deployment, taking into account the mentioned limitations in LUMA’s role and the need for the involvement of other private and public actors. LUMA should not be held responsible for broader initiatives that are not under LUMA’s control. Furthermore, LUMA’s responsibility should not go beyond typical utility scope. LUMA would request this honorable Energy Bureau to take this into account in its evaluation of the PR-EVAP and the implementation of the various initiatives in it and any other initiatives contemplated in the future by the Energy Bureau.

**G. Whether PR-EVAP is approved.**

50. The June 6<sup>th</sup> Resolution and Order does not address whether the PR-EVAP has been approved in whole or in part by this honorable Energy Bureau, while it does not require re-submittal or revision of this document. Given this uncertainty, LUMA respectfully requests this

honorable Energy Bureau to issue a determination on the approval of the PR-EVAP. LUMA needs this determination to understand whether the initiatives under LUMA's control under the PR-EVAP are approved before LUMA begins to implement the actions or initiatives in the PR-EVAP. The only exception that LUMA is aware of is the Interim EV TOU Rate which the Energy Bureau already ordered to commence.

## **VI. Conclusion**

51. LUMA respectfully submits that the June 6<sup>th</sup> Resolution and Order does not appear to raise significant deficiencies, if any, with respect to the PR-EVAP. The statements made in the June 6<sup>th</sup> Resolution and Order regarding the Customer Outreach Memorandum, Customer Outreach Implementation, and semi-annual reporting were in essence observations of requirements that LUMA had taken into account in the PR-EVAP, as revised by the March 29<sup>th</sup> Resolution and Order.

52. Some of the additional issues raised in the June 6<sup>th</sup> Resolution and Order cover information anticipated to be provided at a later date following the filing of the PR-EVAP (i.e., low-income customers transportation preferences and charging infrastructure buildout analysis). Other requirements, such as the additional details on activities seeking federal funding and additional federal funding information to be included in the semi-annual reports, raised in the June 6<sup>th</sup> Resolution and Order, are new or additional requirements not contemplated in previous Resolutions and Order. For the reasons explained above, LUMA has practical limitations in fulfilling such additional requirements.

53. Further, additional information or clarification has been provided with respect to the DDEC Study and cost recovery. Therefore, LUMA respectfully submits that this honorable Energy Bureau is in the position to approve the PR-EVAP, subject, as necessary, to meeting the

pending requirements as discussed in this Motion, to wit: (i) conducting an analysis of low-income customer transportation electrification preferences, completing and submitting the charging infrastructure buildout analysis by the deadline requested by LUMA; (ii) meeting the new federal funding report requirement due September 6, 2023; and (iii) meeting the new content requirement for semi-annual reports pertaining to federal funding (with the qualification that the type of information to be provided may vary depending on LUMA's role with respect to the funding).<sup>12</sup>

**WHEREFORE**, LUMA respectfully requests the Energy Bureau to **take notice** of the aforementioned; **clarify** that the deadlines for the Customer Outreach Memorandum and the Customer Outreach Implementation are those set forth in the March 29<sup>th</sup> Resolution and Order and these revised deadlines superseded those indicated in the January 13<sup>th</sup> Resolution and Order and **reschedule** the Virtual Technical Conference ordered in the June 6<sup>th</sup> Resolution and Order to no less than thirty (30) days after December 31, 2023.

LUMA further respectfully requests that the Energy Bureau **clarify** the June 6<sup>th</sup> Resolution and Order to establish the following:

- i. that consideration on transportation electrification options for low-income customers can be made following and taking into account the feedback obtained during the Customer Outreach Implementation;
- ii. acknowledge LUMA's limited advisory role with respect to federal funding;
- iii. grant LUMA a term, to be proposed to this Energy Bureau by LUMA after the DDEC completes its market research study of the sale and demand of electric vehicles and plug-in hybrid electric vehicles in Puerto Rico, for LUMA to then complete the requested update to the EV load and charging infrastructure buildout analysis to reflect the potential effects of federal funding.

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<sup>12</sup> The Customer Outreach Memorandum and the Customer Outreach Implementation are already contemplated in the PR-EVAP and the docket of this proceeding and therefore are not included in this list of potential conditions.

Finally, LUMA requests that the Energy Bureau **accept** the information provided by LUMA herein on cost recovery in compliance with the requirement on the subject in the June 6<sup>th</sup> Resolution and Order; and **approve** the PR-EVAP, subject, as necessary, to meeting the pending requirements as discussed in this Motion.

### **RESPECTFULLY SUBMITTED**

In San Juan, Puerto Rico, this 13 day of July, 2023.

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 attorney for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law and to the Independent Office of Consumer Protection by submittal to Hannia Rivera, hrivera@jrsp.pr.gov. 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@gmail.com; brightsunpr@gmail.com; carlosxcedeno@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; epenergypr@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@carlosmatta.com; jack@pantekpartners.com; jameauxl@aim.com; jan.rodriguez@toyota.com; javrua@sesapr.org; jbouza@caguasexpressway.com; jcardona@aggpr.com; jmartinez@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@gmail.com; kenan.d.davila@sargentlundy.com; kkoch@tesla.com; l.marcano@aconer.org; lsundeen@tesla.com; luisgmoreno@gmail.com; Marangelly.Cruz@toyota.com; marilyn.maldonado@toyota.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; patlopez00@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.



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*Exhibit 1*

# Electric Vehicle Market Study

June 14, 2023

**To: Department of Economic Development and Commerce**  
Attention: Carlos R. Tejera  
Energy Policy Program Director

## **RE: Electric Vehicle Market Study Topics**

Dear Mr. Carlos Tejera

In alignment with PREB's orders and based on LUMA's and the Department of Economic Development and Commerce (DEDC) recurrent conversations on areas of Energy Efficiency, Demand Response, and Electric Vehicles, please find below some key suggested topics for research related to the Puerto Rico Electric vehicles market which focuses on the retail, municipalities, as well as low-income community's segments. As stated in Puerto Rico's Electric Vehicle Adoption Plan<sup>1</sup>, an Electric Vehicle market study will shed light on the availability of vehicles in the coming years, affordability of the vehicles, and provide data on the electrical load caused by charging for each vehicle model and performance. The data will serve as input to make accurate forecasts of energy consumption and costs, among other types of projects, that are critical for proper planning of capital investments in the electric grid to support EV growth.

The study should at least address the following topics:

1. Assess the supply and demand of Electric Vehicles (EVs) and plug-in hybrid EVs in Puerto Rico covering a period of a minimum of five (5) years to identify impacts on EV load and charging infrastructure buildout in the distribution system.
2. Identify any challenges that local dealerships are facing with EVs.
3. Identify supply chain constraints in the Puerto Rico EV retail market.
4. Assess any present or future tax impact on EV sales.
5. Assess the mobility needs that EVs could support in low-income communities, for example:
  - a. Identify the highest vehicle usage.
  - b. How far and how often is their daily commute to work?
  - c. What is their most frequent mode of transportation method (e.g., walk, driving in their vehicle, carpooling, bus, taxi, "Uber", etc.?)
  - d. How often do they use public transportation?
  - e. Would they use public transportation more if it were more convenient?
  - f. How well are transportation needs met?
6. Assess interest in an electric car-sharing program for low-income communities.

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<sup>1</sup> Puerto Rico's Electric Vehicle Adoption Plan <https://energia.pr.gov/wp-content/uploads/sites/7/2023/05/20230501-Motion-to-Submit-Final-Phase-I-EV-Plan-in-Compliance-with-Resolution-and-Order-of-January-132023.pdf>



# Electric Vehicle Market Study

7. Assess affordability of shared mobility options from community-scale up to large scale, region wide focus.
8. Assess existing policy recommendations that enhance the utilization of EV's on a large scale for low and middle-income communities. (e.g., expanded bus routes, addition of smaller vehicles (e.g., vans) to expand bus routes and stops, building codes and EV chargers at multifamily units).
9. Interview municipalities and organizations with large fleets to understand their electrification plans, needs, priorities, concerns, and timelines.

Sincerely,



**María Hilda Rivera**  
Grid Modernization Director