

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

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

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

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

**RESOLUTION AND ORDER**

**I. Introduction and Background**

On November 18, 2021, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution and Order ("November 18 Resolution") setting forth directives for initiating electric vehicle ("EV") infrastructure deployment, including principles to guide the adoption of plans, regulations, and procedures related to the EV sector in Puerto Rico.

On September 1, 2022, LUMA Energy ServCo, LLC, and LUMA Energy, LLC (collectively, "LUMA") filed a document titled *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* ("September 1 Motion"). Through the September 1 Motion, LUMA includes the draft Phase I EV Plan as Exhibit 1 ("Draft Phase I EV Plan").

On January 13, 2023, the Energy Bureau issued a Resolution and Order ("January 13 Resolution") on the Draft Phase I EV Plan ordering LUMA to address several issues for the Final Phase I EV Plan.

On February 17, 2023, LUMA filed a document titled *Motion Submitting Project Schedule in Compliance with Resolution and Order of January 13, 2023, and Requesting Modification for Certain Deadlines Thereunder* ("February 17 Motion"). Through the February 17 Motion LUMA submitted as Exhibit 1, the Project Schedule, and requested a modification of several deadlines set out in the January 13 Motion.

On March 29, 2023, the Energy Bureau issued a Resolution and Order ("March 29 Resolution") accepting and approving the Project Schedule as included in the February 17 Motion and granting LUMA's request to modify certain deadlines and timeframes.

On May 1, 2023, LUMA filed its Final Phase I EV Plan in the form of the document attached as Exhibit 1 titled *Puerto Rico's Electric Vehicle Adoption Plan* ("PR-EVAP").

On June 6, 2023, the Energy Bureau issued a Resolution and Order ("June 6 Resolution") taking notice of LUMA's filing of the PR-EVAP and discovered that it did not adequately address the requirement of the Energy Bureau's January 13 Resolution.<sup>1</sup> Specifically, the Energy Bureau ordered LUMA to:<sup>2</sup>

1. Continue with the implementation of the Interim EV TOU rate.
2. Review 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 Resolution.
3. Prepare 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

<sup>1</sup> June 6 Resolution, page 2.

<sup>2</sup> *Id.*, pages 3-4.



LUMA collects from its low-income customers, and to articulate the next steps LUMA will take to address barriers to low-income EV adoption.

4. Consider targeting public transportation, school buses, and fleets as a means to provide low-income customers with access to the benefits created by transportation electrification.
5. File a report, within three (3) months of the notification of this 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. As part of its report, LUMA shall 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.
6. Report 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.

On July 13, 2023, LUMA filed a document titled *Motion to Request Clarification of Resolution and Order of June 6, 2023* ("July 13 Motion"). Through the July 13 Motion, LUMA requests that the Energy Bureau take notice of the information it provides regarding limitations related to i) federal funding, ii) the Department of Economic Development and Commerce ("DDEC") market research study, and (iii) cost recovery.

LUMA also requests that the Energy Bureau clarify the June 6 Resolution to establish the following:

1. That the deadlines for the Customer Outreach Memorandum and the Customer Outreach Implementation are those set forth in the March 29 Resolution and Order and these revised deadlines superseded those indicated in the January 13 Resolution and reschedule the Virtual Technical Conference ordered in the June 6 Resolution to no less than thirty (30) days after December 31, 2023
2. 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
3. Acknowledge LUMA's limited advisory role with respect to federal funding
4. Grant LUMA a term, to be proposed to the 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

LUMA also requests that the Energy Bureau accept the information provided in its July 13 Motion on cost recovery and approve the PR-EVAP, subject, as necessary, to meeting the pending requirements as discussed in its July 13 Motion.

In this Resolution and Order the Energy Bureau provides clarification on its June 6 Resolution.

## II. Discussion and Analysis

### A. Customer Outreach Memorandum

LUMA states that its Project Schedule includes proposed deadlines for filing the Customer Outreach Program Memorandum and Customer Outreach Implementation that are in accordance with the schedule approved by the Energy Bureau in its March 29 Resolution. LUMA requests that the Energy Bureau should therefore not deem this a deficiency of its PR-EVAP and clarify the deadlines for the Customer Outreach Memorandum and the Customer Outreach Implementation are those set forth in the March 29 Resolution.



LUMA also request that the Energy Bureau change the date for the Virtual Technical Conference to no less than thirty (30) days after December 31, 2023, which is the deadline to file the Customer Outreach Memorandum as set forth in the March 29 Resolution.

The Energy Bureau **CLARIFIES** that the deadlines for the Customer Outreach Memorandum and the Customer Outreach Implementation are those set forth in the March 29 Resolution.

### B. Public Transportation

LUMA states that the Energy Bureau's November 18 Resolution and January 13 Resolution do not require LUMA to target public transportation of school buses and fleets. LUMA states that it needs to first conduct additional analysis and outreach to develop a better understanding of low-income customer needs, and that this analysis is initially tied to the Customer Outreach Implementation task. Therefore, LUMA determines that the PR-EVAP could not reasonably be required to contain a meaningful analysis on the subject. LUMA states it will further elaborate on this topic following Customer Outreach Implementation.

The Energy Bureau reminds LUMA that its November 18 Resolution ordered LUMA to file a Phase I EV Plan that was reflective of the principles contained therein and that complied with a list of requirements, one of which was "[t]he Phase I EV Plan should also address disadvantaged communities. This may include programs to enable vehicle charging access to multifamily buildings and renters, low-income customers, and public transit. Any proposal to serve low-income customers should include documentation of LUMA's outreach to community organizations within the areas LUMA seeks to serve".<sup>3</sup> The Energy Bureau considers public transit to refer to public transportation of school buses and public fleets. The November 18 Resolution also stated that "LUMA shall discuss in detail" "how the Phase I EV Plan will accelerate transportation electrification, address barriers to adoption, and extend access to traditionally underserved communities".<sup>4</sup> The Energy Bureau also finds that there is nothing within the provisions for low-income customers as contained in its January 13 Resolution that negates or contradicts the importance of considering the electrification of public transit as a means of addressing electrification in disadvantaged communities.

For these reasons, the Energy Bureau will not modify its June 6 Resolution and **ORDERS** LUMA to consider 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 to provide a discussion of its findings related to this topic in its December 31<sup>st</sup> Customer Outreach Memorandum.

### C. Estimating and Reporting Federal Funding

LUMA states that only one of the four federal funding opportunities listed in the PR-EVAP is directly available to LUMA and the other funding opportunities will mostly be available to other market actors. LUMA therefore submits that its role with respect to securing federal funding is limited.

LUMA commits in the PR-EVAP to support and advise eligible entities on the EV charging and infrastructure deployment and states it will keep the Energy Bureau informed of the progress of the federal funding initiatives in its September 6, 2023 report.

LUMA requests that the Energy Bureau consider its limited role in securing federal funding and determine that LUMA will only have an advisory or supportive role with respect to the funding opportunities to other eligible entities.

The Energy Bureau acknowledges that LUMA is not able to secure all forms of federal funding. This does not excuse LUMA from providing details on the specific actions it will take to obtain federal funding that it is eligible to procure. In addition, the Energy Bureau finds that any initiative by market actors to secure federal funding will require close coordination

<sup>3</sup> November 18 Resolution, page 4.

<sup>4</sup> *Id.*, pages 4-5.



with an electric utility. While LUMA may not have control of a market actor's application process and submittal timeframe, LUMA can propose a time schedule for when it plans to meet with these market actors to discuss whether they are aware of federal funding opportunities and to identify how LUMA can support applications. The Energy Bureau also finds that information regarding federal funding application due dates is public and that LUMA can use this information in its development of a time schedule for when it plans to meet with the various entities that are eligible to apply for federal funding.

For these reasons, the Energy Bureau will not modify its June 6 Resolution and **ORDERS** LUMA to file a report, within three (3) months of the notification of this 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. As part of its report, LUMA shall 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.

The Energy Bureau **CLARIFIES** that "a time schedule for this work" does not pertain to when an entity will apply for federal funding, it refers to LUMA's schedule for meeting with entities.

#### D. EV Load and Charging Infrastructure Buildout Analysis

LUMA states there are issues related to data availability and complexity that present challenges to the analysis and is therefore relying on the DDEC to commission a study.

LUMA informs the Energy Bureau that the study/analysis will be conducted by DDEC and funded by DDEC.

LUMA requests that the Energy Bureau take notice of this and grant LUMA time to update the EV load and charging infrastructure buildout analysis after DDEC completes this study.

The Energy Bureau **ACCEPTS** LUMA's request to update the EV load and charging infrastructure buildout analysis after DDEC completes this study. The Energy Bureau **ORDERS** LUMA to: (i) inform the Energy Bureau every two (2) weeks, commencing on August 31, 2023 of the progress of the DDEC study, (ii) file a copy of the DDEC study with the Energy Bureau within five (5) days after its completion, and (iii) complete the update to the EV load and charging infrastructure buildout analysis to reflect the potential effects of federal funding, within forty-five (45) days after the DDEC study completion.

#### E. Reporting of Metrics

LUMA reasserts that its role with respect to most federal funding opportunities is limited to a supportive and advisory role and therefore LUMA's ability to provide detailed information is limited. LUMA states it can only provide detailed information in its semi-annual reports for federal funding for which LUMA is eligible but can generally describe efforts to support and advise other eligible entities.

LUMA requests that the Energy Bureau clarify that LUMA is required to report only on LUMA's activities in support of recipients to federal funding.

The Energy Bureau **ACCEPTS** LUMA's proposal to report on its efforts related to supporting and advising eligible entities in procuring and implementing federal funds.

#### F. Cost Recovery

LUMA states it will not shift any energy efficiency ("EE") or demand response ("DR") funds to EV programs. Instead, 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 marketing.

LUMA also states that the Clean Energy Programs ("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.



The Energy Bureau **TAKES NOTICE** of this information.

G. Approval of the PR-EVAP

LUMA requests that the Energy Bureau issue a determination on the approval of the PR-EVAP. LUMA states it needs this determination to understand whether the initiatives under LUMA's control are approved before it can implement these actions.

The Energy Bureau finds that there are improvements needed to the PR-EVAP as discussed in the above sections. For these reasons, the Energy Bureau will not modify its June 6 Resolution. However, the Energy Bureau **ORDERS** LUMA to implement the PR-EVAP along with the additional requirement set forth in this Resolution and Order.

**III. Conclusion**

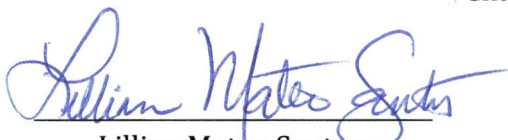
The Energy Bureau **ORDERS** LUMA to:

1. Implement the PR-EVAP
2. Begin Customer Outreach Implementation by September 30, 2023
3. Submit the Customer Outreach Memorandum by December 31, 2023
4. Prepare for a Virtual Technical Conference within 30 days of LUMA filing its December 31st Customer Outreach Memorandum.
5. Consider targeting public transportation, school buses, and fleets as a means to provide low-income customers with access to the benefits created by transportation electrification as part of its engagement with low-income and disadvantaged communities and provide a discussion of its findings related to this topic in its December 31st Customer Outreach Memorandum.
6. File a report, within three (3) months of the notification of this 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. As part of its report, LUMA shall 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.
7. Inform the Energy Bureau every two (2) weeks of the progress of the DDEC study, file a copy of the DDEC study with the Energy Bureau, within five (5) days of its completion and file the update to the EV load and charging infrastructure buildout analysis to reflect the potential effects of federal funding, within forty-five (45) days after the DDEC study completion.

Be notified and published.



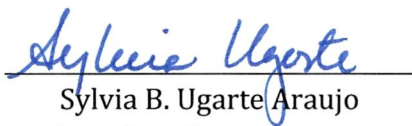
Edison Avilés Deliz  
Chairman



Lillian Mateo Santos  
Associate Commissioner



Ferdinand A. Ramos Soegaard  
Associate Commissioner



Sylvia B. Ugarte Araujo  
Associate Commissioner



Antonio Torres Miranda  
Associate Commissioner



**CERTIFICATION**

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on August 11, 2023. Also certify that on August 11, 2023, I have proceeded with the filing of this Resolution and Order and was notified by email to [laura.rozas@us.dlapiper.com](mailto:laura.rozas@us.dlapiper.com); [ana.rodriguerivera@us.dlapiper.com](mailto:ana.rodriguerivera@us.dlapiper.com); [julian.angladapagan@us.dlapiper.com](mailto:julian.angladapagan@us.dlapiper.com). I also certify that on August 11, 2023, I have moved forward with filing the Resolution and Order issued by the Puerto Rico Energy Bureau.

For the record, I sign in San Juan, Puerto Rico, today, August 11, 2023.



Sonia Seda Gaztambide  
Clerk

